



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 10 AUGUST 2011

AT 5.30 PM

IN COUNCIL CHAMBERS
McGREGOR STREET, PORT HEDLAND

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*Paul Martin
Chief Executive Officer*

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	5
1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE.....	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
3.1	QUESTIONS FROM PUBLIC AT SPECIAL COUNCIL MEETING HELD ON FRIDAY 22 JULY 2011.....	6
3.1.1	<i>Mr Camilo Blanco</i>	6
3.2	QUESTIONS FROM ELECTED MEMBERS AT SPECIAL COUNCIL MEETING HELD ON FRIDAY 22 JULY 2011	8
3.3	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 27 JULY 2011	8
3.4	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 27 JULY 2011.....	9
ITEM 4	PUBLIC TIME	9
4.1	PUBLIC QUESTION TIME	9
4.1.1	<i>Mr Camilo Blanco</i>	9
4.2	PUBLIC STATEMENT TIME	11
4.2.1	<i>Mr Chris Whalley</i>	11
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	11
5.1.1	<i>Councillor S R Martin</i>	11
5.1.2	<i>Councillor S J Coates</i>	12
5.1.3	<i>Councillor G J Daccache</i>	12
5.1.4	<i>Councillor J M Gillingham</i>	12
5.1.5	<i>Councillor M B Dziombak</i>	13
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	13
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	14
7.1	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON FRIDAY 22 JULY 2011	14
7.2	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 27 JULY 2011.....	14
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	14
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	16
9.1	<i>Councillor A A Carter</i>	16
9.2	<i>Councillor S J Coates</i>	16
9.3	<i>Councillor G J Daccache</i>	17
9.4	<i>Councillor J M Gillingham</i>	17
9.5	<i>Councillor D W Hooper</i>	19
9.6	<i>Councillor M B Dziombak</i>	20
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	20
ITEM 11	REPORTS OF OFFICERS	21
11.1	PLANNING AND DEVELOPMENT SERVICES	21
11.1.1	PLANNING SERVICES.....	21
11.1.1.1	<i>Proposed Transient Workforce Accommodation –Mining/Rail Camp for Roy Hill Infrastructure Pty Ltd (File No.: 155670G)</i>	21
11.1.1.2	<i>Proposed Section 70A Notification for Lot 368 Morgans Street, Port Hedland (File No.:</i>	

12230G).....	34
11.1.1.3 Proposed Scheme Amendment No.40 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lots 100-105, 3173-3177, 3185 & 6159 Barrow Place, South Hedland from "Residential R20" to "Residential R30" (File No.:18/09/0054).....	37
11.1.1.4 Proposed Scheme Amendment No.41 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lots 2008, 2009 and 2011 Hedditch Street and Lots 2013 & 2019 Somerset Crescent and Part Lot 8 Hedditch Street and Part Lots 1- 6 & 9 Somerset Crescent from "Residential R20" to "Residential R30" (File No.: 401780G).....	46
11.1.1.5 Proposed Five Shop Redevelopment in Addition to Existing Service Station on Lot 3241 (2-8) Throssell Road (File No.: 117460G)	54
11.1.1.6 Proposed Change of Use – Radio Station to Temporary Office on Lot 5 (88) Anderson Street, Port Hedland (File No.: 117065G).....	67
11.1.1.7 Proposed Permanent Partial Closure of Kangaroo Place, South Hedland (File No.: 28/01/0017).....	76
11.1.1.8 Proposed Section 70A Notification for 247 Morgans Street, Port Hedland (File No.:127840G).....	83
11.1.1.9 Proposed Partial Closure of Reserve 31895 Lot 5530 Hamilton Road, South Hedland and the Change in Vesting form "Recreation" to Transient Workforce Accommodation" (File No.: 130669G).....	86
11.1.1.10 Proposed Street Modifications for Wedgefield Industrial Estate, Wedgefield (File No.: 28/17/0001).....	90
11.1.1.11 Proposed Permanent Closure of Portion of Jibson Court Road Reserve and Brown Place Road Reserve, South Hedland (File No.: 28/01/0017).....	95
11.1.1.12 Change of Use from "Office" to "Community Use" – Pindan College on Lot 202 Byass Street, South Hedland (File No.: 801984G).....	100
11.1.1.13 Proposed Ammonium Nitrate Storage Facility on Lot 503 and Lot 504 (Reserve 30985) Great Northern Highway.(File No.: 802303G).....	113
11.1.1.14 Proposed Transient Workforce Accommodation – Additional 52 rooms on Lot 5871 and 5872 Schillaman Street, Wedgefield (File No.: 803553G & 119511G)	128
11.1.1.15 Proposed Office – Office and Caretakers dwelling on Lot 122 (12) Kingsmill Street, Port Hedland (File No.: 126090G)	139
11.2 ENGINEERING SERVICES	150
11.2.1 Reconsideration of Agenda Item: 11.5.1.3 'Lease Renewal – Rose Nowers Child Centre' presented to Council's Ordinary Meeting held on 24 March 2010 (File No.: 05/05/0018)	150
11.2.2 Reconsideration of 'School of The Air' Lease, presented to Council's Ordinary Meeting held 24 April 2007 (File No.: 05/05/0049).....	159
11.2.3 Expressions of Interest for Transient Workers Accommodation – Precinct Two Airport (File No.: yet to be created).....	164
11.3 COMMUNITY DEVELOPMENT	175
11.4 GOVERNANCE AND ADMINISTRATION	175
ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	175
ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	175
13.1 Submission by Councillor S R Martin.....	175
ITEM 14 CONFIDENTIAL ITEMS	177
ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE.....	178
ITEM 16 CLOSURE.....	178
16.1 DATE OF NEXT MEETING.....	178
16.2 CLOSURE.....	178

ITEM 1 OPENING OF MEETING

1.1 Opening

The Mayor declared the meeting open at 5:38 pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES

2.1 Attendance

Mayor Kelly A Howlett
 Councillor Arnold A Carter
 Councillor Stan R Martin
 Councillor George J Daccache
 Councillor Jan M Gillingham
 Councillor Steve J Coates
 Councillor David W Hooper
 Councillor Michael (Bill) Dziombak

Mr Russell Dyer	Acting Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Eber Butron	Director Planning Development
Mr Gordon MacMile	Director Community Development
Ms Josephine Bianchi	Coordinator Governance
Mr Ayden Férdeline	Administration Officer Governance

Members of the Public	12
Members of the Media	1
Members of Staff	2

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 Questions from Public at Special Council Meeting held on Friday 22 July 2011

3.1.1 Mr Camilo Blanco

Can Council please clarify several entries in the Town of Port Hedland's Monthly Statement of Business Activity for the period ending 31 May 2011. I downloaded this document from the Town of Port Hedland's website.

1. *With regard to page 35 of this document, can Council please clarify how many houses the Town of Port Hedland owns? And how much rent does the Town of Port Hedland receive from these houses?*

Manager Finance advised that the Town of Port Hedland owns 36 houses. The rental income that the Town received from July 2010 to May 2011 amounts to \$245,078.

2. *On page 46 of this same document, Council budgeted \$2,529,877 on swimming areas and beaches, and up to date has spent \$2,166,744. Please breakdown this figure.*

Manager Finance provided a breakdown of the actual expenditure in Table 1.

Account Description	Original Annual Budget	Amended Annual Budget	YTD Amended Budget	YTD Actuals
Foreshore Parks Planning	100,000	(0)	8,333	0
Beach & Foreshore Maintenance	10,000	19,485	15,490	25,453
Town Boat Ramp Maintenance	6,200	0	1,550	162
Depreciation on Assets	1,259	1,259	1,154	856
Loan Interest	31,469	31,469	28,898	29,165
Admin Costs Distributed	315,609	297,603	279,796	279,796
Gratwick Maintenance	10,000	10,000	9,167	6,510
Gym Maintenance	6,900	6,900	6,325	2,531
Gratwick -YMCA Operations	472,395	472,395	433,029	446,670
Gratwick Aquatic Centre Utilities	55,000	88,722	78,518	68,643
Building - Insurance	11,250	17,895	17,895	17,895
Ground Maint	2,000	4,500	3,945	2,754

Depreciation On Assets	80,798	80,798	80,798	71,138
Loan Interest Repayments	50,439	50,439	25,947	25,948
SHAC Maintenance	10,000	20,000	15,833	13,090
SHAC - YMCA Operations	537,861	537,861	493,039	498,887
SHAC Aquatic Centre Utilities	100,620	100,620	92,235	80,367
PH Yacht Club Contribution	500,000	500,000	500,000	500,000
Coastal Access and Managed Camping	150,000	6,200	30,522	6,200
Building - Insurance	20,490	32,980	32,980	32,980
Ground Maint	4,400	4,900	4,478	11,946
Depreciation On Assets	53,187	53,187	48,755	45,752
Total Operating Expenditure	2,529,877	2,337,213	2,208,687	2,166,744

3. *On page 50, why has Council budgeted \$5,877,792 on sports grounds, but year to date has only spent \$2,698,477?*

Manager Finance advised that the main reason for this difference relates to the South Hedland Tennis & Bowling Club project. The project was budgeted for \$3,000,000, however only \$25,087 was spent to May 2011. These funds will be carried forward into 2011/12 as part of the budget review process.

4. *On page 47, year to date Council has spent \$400,230 on the Turtle Boardwalk. Hasn't this project been completed? What was this money spent on?*

Manager Finance advised that in 2010/11 Council completed this part of the project with the installation of an interpretive Pavilion at Cemetery Beach Park and interpretive nodes along the walkway from Gratwick Aquatic Centre to Cemetery Beach.

5. *On page 56, why has Council budgeted \$21,657,131 on the Wallwork Road Bridge, and only spent \$1,700,489 year to date?*

Manager Finance advised that, in this financial year, only the side track (road) has been built. The budget was amended to \$1,700,000 to reflect this. The construction of the Wallwork Road Bridge will commence during 2011/12 and funds have been carried forward as part of the adopted budget to reflect this.

6. *Also on page 56, Council budgeted \$621,265 on the South Hedland footpath construction, and only spent \$220,940. Why has this occurred? My understanding was that this project was covered by Royalties for Regions, is this correct?*

Manager Finance advised that the project was funded by both Royalties for Regions (RFR) and the Town's funds. The RFR money allocated to this project was \$106,838 and this was spent in its entirety. The Town's funds were reduced to \$103,358.

7. *On page 67, under Private Works Council has an amended budget of \$2,000, and yet \$94,430 has been spent year to date. Can Council please break this down.*

Manager Finance advised that the \$94,430 is associated with water charges for standpipe used for the Wallwork Road Bridge. These costs will be reallocated as part of the year end process.

8. *On page 67, Council budgeted \$138,330 on Public Works Overheads, and year to date has spent \$525,693. Can Council please explain the discrepancy in cost?*

Manager Finance advised that all public works overhead costs are captured in this account, however at year end reallocations occur to the specific projects they relate to.

9. *Also on page 67, Council budgeted \$30,000 on Plant Operating Costs. Year to date, Council has spent \$1,400,205, a variance of 5092%. Can Council please explain this discrepancy in cost?*

Manager Finance advised that all plant overhead costs are captured in this account, however at year end reallocations occur to the specific projects they relate to, similar to the Public Works Overhead.

10. *On page 35, Council originally budgeted \$4,500 on "85 Sutherland Street, Sch 4", but amended this to \$19,500. Why has this occurred?"*

Manager Finance advised that this amendment occurred during the third quarter budget review. The reason for the amendment as provided in the Council Agenda for 25 May 2011 was "Increase associated with painting given the property was vacated."

NOTE: Mayor asked whether Mr Blanco was satisfied with these responses and Mr Blanco advised that he wasn't.

- 3.2 Questions from Elected Members at Special Council Meeting held on Friday 22 July 2011

Nil

- 3.3 Questions from Public at Ordinary Council Meeting held on Wednesday 27 July 2011

Nil

- 3.4 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 27 July 2011

Nil

ITEM 4 PUBLIC TIME

5:37pm Mayor opened Public Question Time

4.1 Public Question Time

4.1.1 *Mr Camilo Blanco*

Can the Planning department advise why the Town of Port Hedland is threatening to close down the dental surgery on Wedge Street?

Mayor advised that the Town of Port Hedland is not closing the dental surgery.

Has the Manager of Planning done the same for all business owners on Wedge Street?

Mayor advised that this question is no longer applicable as the Town of Port Hedland is not closing the dental surgery on Wedge Street.

Mr Blanco stated that his question is applicable if taken in consideration with the letter the Town of Port Hedland sent to the Port Hedland Dental Surgery on 3 August 2011 which reads as follows:

“Dear Mr Dawson,

PLANNING APPROVAL FOR LOT 15, 10 WEDGE STREET PORT HEDLAND

In regard to the above matter and our previous correspondence dated 14/07/2011 (copy attached for ease of reference).

A follow up inspection of the site by the Town Compliance Officer, Ben Mackay on Wednesday 03/08/2011 has indicated that the conditions specified in the Planning Approval granted under delegated authority by Council, on 9th October 2006 for CONSULTING ROOMS – Dental Surgery, has not yet been satisfied.

Failure to rectify the situation within a period of 14 day, being 18/08/2011 may result in legal action being taken against the owner and/or occupiers of the lot.

Should you have any queries or require further information please do not hesitate to contact the Planning Department on 9158 9331.

*Regards,
Manager Planning”*

Mr Blanco asked how the course of action outlined in this letter could be of any benefit to the Town of Port Hedland?

Mayor advised that there has been no direction by Council to close the dental surgery, but that the dental surgery does need to satisfy the conditions under which its planning permit was issued, as clearly stated in the correspondence.

Has this happened to all businesses on Wedge Street or is Council only targeting the dental surgery?

Director Planning advised that Council approved the opening of the dental surgery subject to conditions, one of which was to provide adequate car park facilities, and that the operator of this business has not complied with these conditions. The action taken by the Planning department is consistent with the standards applied to all planning applications.

Can Manager Finance advise on costs associated with the Pool Installation on account number 901286? Can Manager Finance explain where these costs are located in monthly statements? Can Manager Finance explain why these costs are not seen in account number 901286?

Can the Town of Port Hedland also supply a detailed report on account numbers:

1109234	401220	1004274
1111275	401275	1004277
1111283	401280	1004287
1111289	402244	1004441
1111439	404287	1005278
1117285	406262	812285
1117412	406272	1102290
1118280	503496	1105426
1201402	503498	1105497
1201475	901234	1111435
1207476	901286	1403275
1201417	901324	1403286
1204294	1004225	1403282

including final balances to date for the last 24 months.

Mayor advised that these questions are taken on notice.

5:42pm Mayor closed Public Question Time

5:42pm Mayor opened Public Statement Time

4.2 Public Statement Time

4.2.1 Mr Chris Whalley

I am a member of the South Hedland CBD Stakeholder Committee. During the course of the meeting on Monday, the Committee discussed what would be happening to the Civic Centre. The Committee wants to know if the Civic Centre will remain in Port Hedland, or if it will be moved to South Hedland. To my knowledge, there has been no debate amongst Council about this issue this year, but I believe a decision needs to be made about the move within the next 12 months. This urgency is simply because of the amount of construction work that is going on in South Hedland at the moment, and its increase over the next 2 to 5 years.

Mayor advised that Council has chosen Lot 309 in South Hedland for the new location of the Civic Centre and is currently negotiating with the State in terms of payment and ownership of this parcel of land. The Town's long-term vision is the majority of the Town's population will live in South Hedland.

5:44 Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1.1 Councillor S R Martin

How did the Town get the Census so wrong? There are so many people that have not received their forms and out in Wedgefield, I had a collector deliver my form at 8pm at night. On the Town Planning Scheme there are some 200 names and addresses out at Wedgfield, and by talking to contractors today many of them have not yet been approached by collectors. Once again we do not have a true population count.

Mayor advised that she believes the Town will have an accurate population count, and reminded members of the public and elected members that they still have one more month to return their Census forms.

Mayor also advised that the Census was not conducted by the Town, but by the Australian Bureau of Statistics, a Federal Government agency. Mayor Howlett said that a number of citizens, including herself, have endeavoured to get the count done correctly and will continue to engage with the public over the coming month to get forms completed. Mayor said that Collectors are still distributing forms and will continue to do so until every person living in Hedland has been counted.

Mayor believes that this year's count will be more successful, this is why she personally invested in getting an accurate Census count by personally distributing forms to 525 residences.

5.1.2 Councillor S J Coates

In regards to the wharf at Marapikurrinya Park at the end of Wedge Street, a number of families have mentioned that their children are being increasingly denied access to the wharf for fishing and general leisure. Often, there are commercial fishing type vessels tied up for extended periods of time. Is this wharf controlled by the Port Authority? My constituents and I understand that this is a working wharf and from time to time it may be necessary for vessels of a commercial nature to tie up there. For how long can this happen? Also, how can we get our children to access the wharf again? Can the Town get a report and/or additional information about this matter?

Mayor asked Acting Chief Executive Officer to follow this matter up with the Port Hedland Port Authority.

5.1.3 Councillor G J Daccache

With the introduction of paid parking at airport, what happens to employees who work at the airport? Where will they park?

Acting Chief Executive Officer advised that beside the current private parking arrangements at the airport there will be a separate parking area allocated to staff who are working at the airport. These employees will be issued with swipe cards or a notice to put on their windscreens that will allow them to park in this designated parking space.

5.1.4 Councillor J M Gillingham

Councillor Gillingham received a call from a distressed resident today whose husband died in a tragic BHP Billiton accident three years ago. On the day of the anniversary of his death, she received a letter from Council addressed to her late husband asking why he wasn't he at the last Local Government Election. Councillor Gillingham believes this was one of 75 letters that were sent in error to local residents. Although Councillor Gillingham has been advised that Town's administration staff has already dealt with this matter, she would like to know what procedures have been taken to ensure this does not happen again?

Mayor advised that she was aware of the incident, and that this is a regrettable occurrence. The Town of Port Hedland was in the process of updating its 'Owners and Occupiers Roll' for the October 2011 election when these letters were sent out in error. Some 75 people were affected, including Cr G J Daccache, and these people have since been mailed apology letters.

Councillor Gillingham said that the Town of Port Hedland needs to look into building a bridge to link Pretty Pool with Cooke Point. What can the Town do to secure funding for this project? The Town wants its residents to live healthy lifestyles and this would be a good first step.

Mayor advised that this project is included in the City Growth Plan and will make sure Councillor Gillingham's comments are passed on the team that is dealing with this plan.

5.1.5 *Councillor M B Dziombak*

Councillor Dziombak advised that he questions the accuracy of the Census. At the recent Local Government Convention in Perth, one of the major presenters did put some statistical information up about what he said were the largest mining towns in Western Australia. Unfortunately Port Hedland was absent from those statistics. At Public Question Time, someone did ask for the source of this information, and the answer was specific in that it was from the last Census. The question thus is: Can the Town of Port Hedland follow-up with this well-known presenter of international status, Mr Bernard Salt, and give him an update on what type of place Port Hedland really is? It was very concerning to hear a notable presenter omit Port Hedland from a major presentation at a major conference.

Acting Chief Executive Officer advised that the Town will write to Mr Salt with more information regarding Port Hedland.

Mayor reminded Cr M B Dziombak that there is still one month to get the Census count right, and to advise anyone who did not receive a Census form to call the Census Enquiry Line. Mayor said it is everyone's responsibility to try and ensure that the Town's population is counted correctly.

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

Mayor K A Howlett	Cr A A Carter
Cr S R Martin	Cr G J Daccache
Cr M (Bill) Dziombak	Cr D W Hooper
Cr J M Gillingham	Cr S J Coates

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Special Meeting of Council held on Friday 22 July 2011

201112/044 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That the Minutes of the Special Meeting of Council held on Friday 22 July 2011 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 27 July 2011

201112/045 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That the Minutes of the Ordinary Meeting of Council held on Wednesday 27 July 2011 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the August 2011 period to date as follows:

July 2011

Friday, 22nd July

- Special Council Meeting – Adoption 2011/2012 Budget
- Opened 2011 Spinifex Spree Event
- Attended 2011 Great Gardens Competition Sundowner
- Attended Rovers vs Swans Football Game

Saturday, 23rd July

- MC 2011 Spinifex Spree

Monday, 25th July

- Meeting With C3 Church Re: Community Centre
- Weekly Meeting CEO, Deputy Mayor & Mayor

Tuesday, 26th July

- Weekly Mayor Chat Spirit Radio 1026am
- Weekly Catchup Deputy Mayor & Mayor
- Meeting Re National Census + MOD

Wednesday, 27th July

- Attended Opening New Bureau Meteorology Building + Deputy Mayor
- Attended Informal Council Briefing + Deputy Mayor + Cr Dziombak + Cr Hooper
- Met Min Crean At Airport + Deputy Mayor + CEO
- Chair OCM

Thursday, 28th July

- Meeting Min Crean & TOPH + Deputy Mayor + Cr Gillingham + Cr Hooper + Cr Dziombak + CEO
- Hosted Civic Reception Honouring Nth Australian Ministerial Taskforce Meeting in Port Hedland + Deputy Mayor + Cr Dziombak + CEO
- Attended Official Re-Opening Port Hedland Yacht Club + Cr Daccache + CEO
- Attended Soil Turning Event K/M JV

Friday, 29th July

- Presentation At Port Hedland Primary School Re National Census
- Census Collector Duties

Saturday, 30th July

- Census Collector Duties
- MC Tour Around Town For 40th Year HSHS Reunion
- Attended Sundowner Drinks For 40th Year HSHS Reunion

Sunday, 31st July

- Attended HSHS 40th Anniversary Celebrations
- Census Collector Duties

August 2011

Monday, 1st August

- Census Collector Duties
- Attended Hedland Cup

Tuesday, 2nd August

- Weekly Mayor Chat Spirit Radio 102.6AM
- 2011 Hedland Carer of Year Afternoon Tea Event
- Census Collector Duties

Mayor advised that last Friday was an exciting time for the Town of Port Hedland as Tidy Town judges visited Port Hedland. The judges were impressed with what the town has done, both over the past 12 months,

because they understand how difficult it is for towns transitioning into cities to get people to participate. The announcement for the Regional Finals will be in October and the State finals in November.

Mayor said it was an honour for the Town to last night host a Civic Sundowner for her Excellency Governor General Quentin Bryce before a crowd of 100 guests. Her Excellency was touched by meeting Hedland's future leaders, as school captains were present, dressed proudly in their school uniforms. Mayor passed a special thanks to all staff and, especially, Nur Halik for their efforts in showcasing Hedland at its very best.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor A A Carter

Councillor Carter advised that the Port Hedland Cup was a great success. History was created, as the race was televised for the first time ever. The event was aired internationally on Sky Channel. One race horse owner said that his father was watching the event in England. One of the most exciting moments of the day was when an enormous train drove by in the background, as many people in the eastern states were not aware of our close proximity to heavy industry and also that our race track is one of dust and dirt..

Councillor Carter also advised that, when in Perth attending the Local Government Convention & Trade Exhibition, he was very proud to see the South Hedland primary school win first place in the 'Banners in the Terrace' contest.

5:58pm Councillor Carter presented an award to Mr Wikum U Pathirage a 8 year old Baler Primary School student whose banner design won first place and a trophy for the Town.

Mayor, Councillors, Town of Port Hedland staff and public gallery applauded Mr Wikum U Pathirage for his achievement.

9.2 Councillor S J Coates

Councillor Coates advised that the Governor General's Chief of Staff, Mr Mark Fraser, gave the Town of Port Hedland a huge accolade for the Civic Sundowner. Mr Fraser was impressed with the quality, variety of style and international nature of the cuisine that the Town had arranged.

During the WA Local Government conference Councillor Coates said that he liaised with the Campervans and Caravans Association of Australia. Councillor Coates advised that he will be putting a report through to Council with the view of creating opportunities to make Port Hedland a more attractive destination for those travellers who visit in campervans, trailers or caravans.

Councillor Coates also advised that he saw the winning banner created by Mr Pathirage in front the Old Perth Boys School in Perth. This is a heritage-listed gothic revival building on St George's Terrace. Councillor Coates congratulated Mr Pathirage on his achievement.

9.3 *Councillor G J Daccache*

Councillor Daccache said he found the Local Government Convention & Trade Exhibition conference, in Perth last week very informative. He particularly enjoyed the first speaker, Sir Ranulph Fiennes, an explorer who has led expeditions to remote parts of the world and the last speaker, Professor Lister Staveley-Smith, who discussed Australia's involvement in the Square Kilometre Array project.

NOTE: Councillor Coates advised that this project, which will build the world's sharpest radio telescope, could be constructed in Geraldton and would see \$2 billion invested in the region from next year. At the moment, the telescope will either be built in Western Australia or South Africa, and a decision will be made in October.

9.4 *Councillor J M Gillingham*

Councilor Gillingham congratulated the organizers of last night's event held for the Governor General on doing a great job.

Councilor Gillingham also advised the following with regards to the WALGA's Conference in Perth, where 'Localism...Leading the Way' was this year's heading:

An amazing opening was presented with the welcome to country and a display of the WA Aboriginal Contemporary Dance Group.

Sir Ranulph Fiennes OBE gave an incredible insight into his achievements and his determinations of reaching the ends of the earth at the icy North and South Poles. A truly incredible account of what man can achieve when the next day could very well be your last. A very humorous account too of Sir Ranulph's life to the present day. We were very privileged to listen to a renowned opening guest speaker.

The Trade Exhibitions in the Pavillion showed us all what one would like to have for a council, as we spied Acting CEO Russell Dyer drool many times over the machinery on display. I was personally interested in the small Span bridges...one to connect Cooke point to Pretty Pool, something that I have had a passion to achieve for that end of our town, so that the growing number of families in Pretty Pool can eventually walk to school, and residents of Cooke Point can walk safely to enjoy the Pretty Pool facilities, and everyone can enjoy the healthy life style of walking and cycling between suburbs, thus eventually bringing these two suburbs closer together.

Session 2 at the conference after a networking morning tea, and more drooling, this time over the new Toyotas on display, gave us the chance to listen to Professor George Williams AO of the University of NSW, regarding the impacts, locally on global issues. The professor trio'd with Mayor Tim Shadbolt from NZ and also educator Ngahihi-o-te-ra Bidos, also from NZ.

After lunch, the "Banners in the Terrace" announcements were made, and it was with pride to learn that Port Hedland Primary school had taken out the Primary school banner award.

The final sessions for the first day were on population for the future, and challenges in our changing demography.

Early evening, Deputy Mayor Arnold Carter and I were invited to attend the Lord Mayors' reception at council house in the city, overlooking the Narrows Bridge from the 11th floor, an amazing view, and a great networking opportunity. A very relaxed sundowner was enjoyed with thanks to the Rt Hon The Lord Mayor Lisa Scafidi, of the City of Perth.

Friday mornings' breakfast (yes up early not to miss anything) gave us an insight into the life of AFL Eagles legend Glen Jakovich, who spoke for almost an hour during breakfast, and gave us an amazing insight into his footy life, and the many humorous times through the thick and thin of the highs and the lows of the Eagles during his time with his team.

The sessions on Friday offered leading the way to sustainability and developing solutions, while after lunch there were breakup sessions to attend on workforces of the future, through to shared services, managing risk, local planning and the changing role of local governments in creating Healthy Communities (just proves our bridge over the Pretty Pool Creek will help us to become a more healthy community).

The Friday afternoon allowed us to go out into the field and look at Best Practices. I chose to visit Australia Post, main sorting centre which is located at the Perth Domestic Airport. This was a rare opportunity to see not only how the postal letters and packages are processed, but how all the workforce there have their teams, and how they have a lot of fun and camaraderie in achieving goals as well as putting safety first, together with smiles on their faces that showed they have a community spirit within their work place. All very impressive.

Saturday another early start to the conference with a 7 am breakfast at the Australian Local Government Women's Association AGM and breakfast with a guest speaker. Another chance to network with women in Local Government.

The main conference day sessions started with Local Government awards and certificates, and Long and Loyal service awards. It is interesting to note that the Town of Port Hedland, while not represented at these awards, could be, in the future, with several present Councillors and past Councillors and staff who I feel sure are due, recognition for their years of service. I do hope Town of Port Hedland and we as a council will look further into this chance to celebrate the work and devotion that has helped Town of Port Hedland achieve today's status in WA in Local Gov.

The Annual General meeting was held in the afternoon and followed by the Gala evening Dinner in the Ballroom, which again allowed us to meet with other Councillors and their partners, and enjoy a very fine evening of entertainment.

However, the Keynote speaker of the conference on the Saturday was an address by Dr Jung Chang, who was born in 1952 into Chinese communism, and the account of her life was just amazing. It will be worth reading her published books on the sadness that the Chinese people have endured during the 1950's 60's and 70's, and it made one feel very privileged to be in Australia, and have the life we all sometimes take for granted. We really do live in a lucky, and at present a safer country here in Australia.

Thank you to the Town of Port Hedland for organising for Councillors and staff to attend a very informative Local Government conference, and I will encourage new Councillors in 2012 to attend next year's conference to gain a good insight into meeting present and new Councillors to help expand their knowledge of local government.

9.5 *Councillor D W Hooper*

Councillor Hooper advised that he attended the opening of the Yacht Club, and enjoyed participating in the children's face painting.

9.6 *Councillor M B Dziombak*

Councillor Dziombak advised that he too attended the Local Government Convention & Trade Exhibition in Perth, and walked away with a greater appreciation for how the three tiers of government operate and work together. The Town of Port Hedland has an excellent relationship with Royalties for Regions. This was recognized through several of the sessions, but the point made throughout the conference was that Local Governments could do a lot more here – in the Pilbara – with their relationship, promotion and recognition of the Federal Government.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

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

11.1.1 Planning Services

11.1.1.1 Proposed Transient Workforce Accommodation – Mining/Rail Camp for Roy Hill Infrastructure Pty Ltd (File No.: 155670G)

Officer	Michael Pound Planning Officer
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Date of Report	21 June 2011
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Application Number	2011/154
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Disclosure of Interest by Officer	Nil
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Summary

Council has received an application from The Crown, for the development of Transient Workforce Accommodation (TWA) camps on mining leases held by Roy Hill Infrastructure Pty Ltd.

The report is presented to Council for determination as Transient Workforce Accommodation is a 'SA' use on "Rural" zoned land.

Council is requested to approve the application subject to conditions.

Background*Site Description*

This camp will cover an area of approximately 7.5ha being part of Lot 347 Great Northern Highway and within an area commonly known as Abydos-Woodstock Aboriginal Reserve. The camp will be approximately 160km south of Port Hedland.

Proposal

The proposed TWA will consist of 75 temporary units able to accommodate 300 people with expansion capabilities to accommodate an addition 200 people (500 total). Each unit will consist of 4 bedrooms each with an en-suite. In addition to the units, the development will include communal facilities such as a kitchen, wet mess, beer garden, gym, recreation room and administration building.

The camps will accommodate Roy Hill employees and are expected to be in operation for 3 years.

Consultation

The application has been referred internally and externally with the following comments being received.

Building Services:

No objection, must comply with BCA

Environmental Health Services:

No objection subject to conditions

Engineering Services:

No objection subject to conditions. Need to obtain consent from Main Roads.

Statutory Implications

In accordance with the Planning and Development Act 2005 the proposed development is subject to the provisions of the TPS5.

Policy Implications

Although Council does not have a policy in regard to Transient Workforce Accommodation, it has endorsed a "guidance note for potential developers of Transient Workforce Accommodation (TWA) – August 2008".

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$31,350.00 was paid on lodgement as per Council's approved fees and charges.

Options

Council has the following options of dealing with the application:

1. Approve the application with or without conditions

The proposal is generally consistent with the Town's guidance note for Transient Workforce Accommodation.

2. Refuse the application

This would likely impact the mining project that the camp is required for as it would not be feasible to commute workers to and from site daily.

Option 1 is recommended.

Attachments

1. Locality Plan
2. Site / Layout Plan
3. Elevation and Floor Plans

201112/046 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council approves the planning application (2011/154), for the development of a transient workforce camp (Rail Camp) on Lot 347 Great Northern Highway – Abydos Woodstock Aboriginal Reserve, subject to the following conditions:

- a. This approval relates only to the proposed 300 person Transient Workforce Accommodation (Rail Camp) and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- b. This approval to develop will remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
- c. This approval is only valid for a period of 3 years (calculated from the date of this approval) or such further time as agreed by Council's Manager Planning.
- d. The development area shall only be used for purposes, which are related to the operation of "Transient Workforce Accommodation". Under the Town of Port Hedland's Town Planning Scheme No. 5 "Transient Workforce Accommodation" is defined as:

"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."

- e. In accordance with Roy Hill Iron Ore's (RHIO's) submissions to the State Government all access points off the Highway will be via existing roads. MRWA requires the details of each existing point proposed for use by RHIO in relation to this Planning application
- f. Provisions of traffic data using these access points from condition 5 will be required to confirm the appropriate intersection configuration for the intended use and duration of this usage. There may be a requirement for the proponent to improve the existing intersections on Great Northern Highway as a result of substantial increase in traffic.
- g. MRWA seeks RHIO's confirmation that no new access points will be required in respect of this Planning Application.
- h. At the conclusion of the use, all development is to be removed and the area made good to the satisfaction of Council's Manager Planning.
- i. Prior to the commencement of any new clearing or earthworks, the consultant shall ensure that there are no sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation that will be affected by the proposed works to the satisfaction of Council's Manager Planning.
- j. Any sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation identified under Condition 9, including any vegetation identified by the Town for retention shall be protected during the work and assessed by a suitably qualified professional (arboriculturalist for vegetation) for status and management to the satisfaction of Council's Manager Planning.
- k. Within 60 days of the date of this approval the applicant/operator of the camp is to submit an emergency evacuation plan approved by the relevant authority to the Town.
- l. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
- m. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005 and Main Roads requirements.

- n. At all times, all vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the development area and all to the satisfaction of Council's Manager Planning.
- o. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council's Manager Planning.
- p. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of Council's Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health
- q. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of Council's Manager Planning.
- r. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
- s. All dust and sand to be contained on site with use of appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction of Council's Manager Planning.

FOOTNOTES:

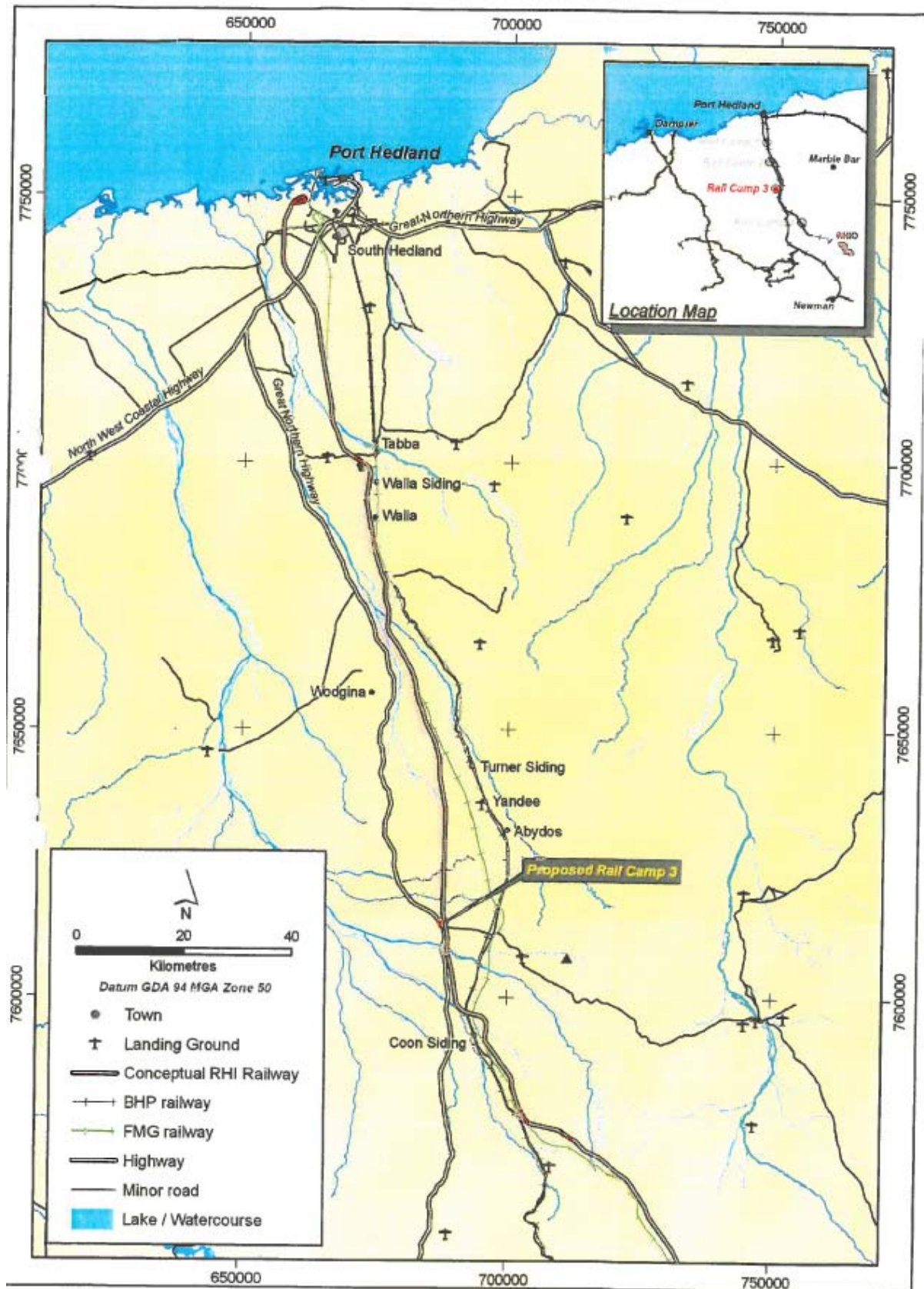
- 1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- 2. A Building Licence to be issued prior to the commencement of any on site works.
- 3. Drainage plans are to be submitted to and approved by Council's Manager Infrastructure Development.

4. A demolition licence will be required when temporary buildings are to be removed.
5. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of Council's Health Local Laws 1999. For further advice please contact Town's Environmental Health Services on 9158 9325.
6. Be advised that the Town's Environmental Health Services Department has raised the following matters. If any of these matters require clarification please contact the Department on 9158 9325
 - a. **It is a requirement under the Food Act 2008 that all food premises be registered prior to beginning operations,**
 - b. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Food Regulations 2009 and the Food Safety Standards,**
 - c. **Prior to the issue of a building licence, a fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of Town's Environmental Health Services, and**
 - d. **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system,**
 - e. **All lodging houses are required to be registered under the *Health Act 1911* and operate in accordance with that Act and the *Town of Port Hedland Health Local Laws 1999,***
 - f. **At the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999.***

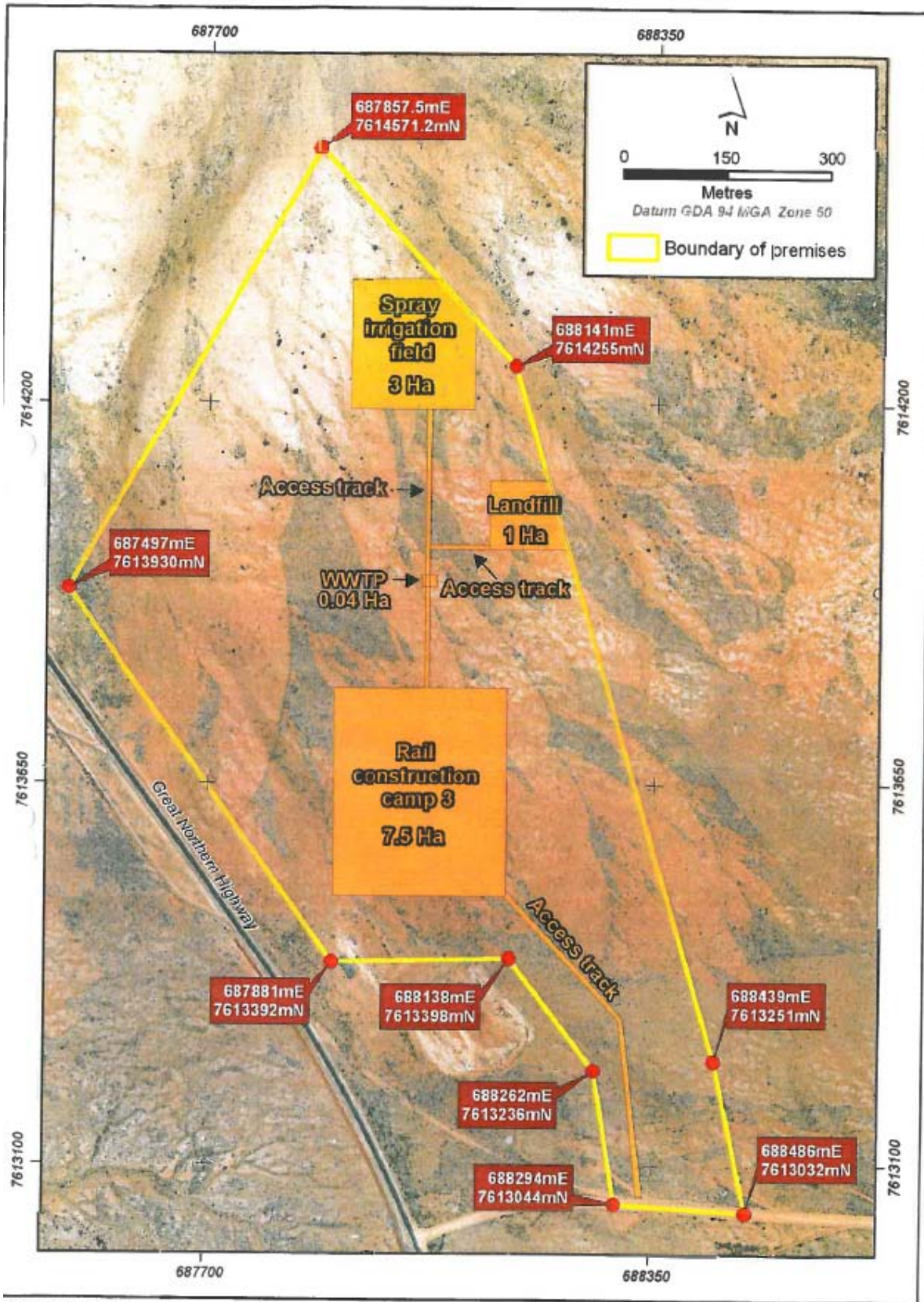
7. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
8. Applicant is to 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 AGENDA ITEM 11.1.1.1



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.1



30006 1 External.mxd

ATTACHMENT 3 TO AGENDA ITEM 11.1.1.1

FLOOR PLAN

FRAMING & WALL TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

DOOR ELEVATION TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

CEILING TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

FLOOR TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

WALLS TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

INTERNAL JOIN TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

CEILING LIGHTS TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

WALL INSULATION TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

INSULATION TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

MECHANICAL INSULATION TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

GLASS CURTAIN WALL INSULATION TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

PAINT COLOURS TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

GENERAL TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

ELECTRICAL TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

PLUMBING TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

LEGEND TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

NOTES TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

ELECTRICAL LEGEND TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

MECHANICAL LEGEND TO SUPERSEDE & REPLACE REPRESENTATIVE APPROVAL

INFORMATION ONLY

File copy.

ATTACHMENT 4 TO AGENDA ITEM 11.1.1.1

**GUIDANCE NOTE FOR POTENTIAL DEVELOPERS
OF TRANSIENT WORKFORCE ACCOMMODATION (TWA)
– August 2008**

*Background*

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

Key Principals

While traditional statutory planning and building approval issues need to be addressed, key issues that Council would like addressed by proponents when preparing development applications are:

- **Town Centre Development Focus**
The Town is focused on continually increasing the vibrancy and sustainability of the Town's Central Business Districts. Proponents are encouraged to demonstrate how their proposed development(s) will assist in improving the Town Centre.
- **Community benefit**
The Town is interested in ensuring that the community as a whole benefits from the development of temporary accommodation. Proponents are encouraged to demonstrate how the community will benefit from the development proposals, in the construction, operational and post operational phases. The proponent is required to demonstrate that service and infrastructure demands are sufficiently self contained so as not to detract from the Town's existing provisions.
- **Integration**
Where possible, efforts should be made to integrate the facilities, infrastructure and services offered at temporary facilities into the Town environment. The Council is not supportive of developing camps/ that are not closely linked with the existing community. The integration should also involve the residents of the camp into the Town's This issue is closely linked with the Community Benefit and should be addressed over the similar phases of the development.
- **Quality**
Whilst acknowledging that timely provision of accommodation is critical, the Town is eager to ensure that quality of urban design and visual amenity are not compromised in the haste to build the necessary accommodation.
- **Safety**

Council is committed to ensuring that facilities that are constructed are safe for both the occupants and the general community.

TWA Styles

The nature and type of TWA's is evolving rapidly. TWA facilities are no longer simply 'donga camps'. While Council is supportive of a range of temporary accommodation styles, it has a preference for certain types of facilities to be located in specific locations for Town planning reasons. The Town does not support the proliferation of TWA's on the fringes and outskirts of the Township.

Listed below is a summary of the types of TWA's styles along with the locations that Council considers these facilities may be most appropriate.

1. Mining/Rail Camps:

Characteristics

Short term construction camps for infrastructure such as rail and/or mining operations that are being built outside of the Township

Possible/Preferred locations

Greater than 50kms from Port Hedland otherwise other 'in-town' accommodation should be sought.

2. Student Education Accommodation Facilities

Characteristics

Facilities for students undertaking training or further education.

Possible/Preferred locations

Pundulmurra College
South Hedland TAFE

3. Traditional Donga Camps:

Characteristics

Short term accommodation to address 'spikes' in construction workforce numbers.

Facilities are removed at the end of construction spike.

Possible/Preferred locations

Port Hedland International Airport

Or where it can be demonstrated that the issues of this Guidance Note can be appropriately addressed with particular reference to streetscape, landscaping and setbacks.

4. Higher quality, more permanent accommodation facilities (inc hotels/motels)

Characteristics

Facilities designed and built for permanent purpose.

High quality self-contained units
TWA is a transitional use of the land and facilities with other residential or tourism uses planned for the developments after construction period ends.

Possible/Preferred locations

Port and South Hedland CBD areas. –
Port Hedland Golf Course (resort style)

5. Building Construction Camp

Characteristics

Short term construction camp for builders who are building major facilities (civic buildings, hotels, hospitals, etc.)

Possible/Preferred locations

Not the Town's preferred option. All other alternates should be explored/exhausted prior to implementation.

Potentially allowable on specific larger scale building construction projects with a construction period of no longer than 18 months.

For further information or advice on transient workforce accommodation within the Town of Port Hedland please contact the Town's Planning Department on 9158 9300

11.1.1.2 Proposed Section 70A Notification for Lot 368 Morgans Street, Port Hedland (File No.: 12230G)

Officer Caris Vuckovic
Lands Officer

Date of Report 19 July 2011

Application No. 2011/330

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the owner of 368 Morgans Street, Port Hedland, to affix the Town's Common Seal to a section 70A notification form, which will enable lodgement of the form with the Registrar of Titles. Council is requested to approve the affixing of the Town's Common Seal.

Background

A Development Application approval (2011/7) for 3 x Grouped Dwellings was granted on 16 March 2011, on Lot 368 (59) Morgans Street, Port Hedland.

The following conditions were imposed as part of the approval:

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

The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;

Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts;

Should additional information be required in regard to part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health."

In order to finalise the section 70A form and obtain the Town's Common Seal, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The required section 70A notification is an important mechanism to ensure that any prospective owner / buyers of the lot / unit are alluded to the restrictions / conditions pertaining to the lot / unit.

The use of the Town's Common Seal will only enable the lodgment of the application with the Registrar of Titles and will not complete the land owner / developer's obligations under the condition. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above Council is requested to grant approval for the use of the Town's Common Seal.

Attachments

Nil

201112/047 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. APPROVES the request from the owner of Lot 368 Morgans Street, Port Hedland to affix the Town's Common Seal to a section 70A notification form;
2. APPROVES the use of the Towns Common Seal for the purposes associated with the registering of a section 70A notification on Lot 368 Morgans Street, Port Hedland;
3. ADVISES the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that Condition 2 of the Development Application approval has been satisfactorily complied with.

CARRIED 8/0

11.1.1.3 Proposed Scheme Amendment No.40 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lots 100-105, 3173-3177, 3185 & 6159 Barrow Place, South Hedland from "Residential R20" to "Residential R30" (File No.:18/09/0054)

Officer Michael Pound
Planning Officer

Date of Report 1 July 2011

Disclosure of Interest by Officer Nil

Summary

Council have received a request from RPS on behalf of Pindan Constructions Pty Ltd to amend the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)* to recode Lots 100-105, 3173-3177, 3185 & 6159 Barrow Place, South Hedland (subject site) from "Residential R20" to "Residential R30"

Council is requested to adopt the Scheme Amendment with no modifications.

Background

The proponent for the Scheme Amendment acquired Lots 6159 Barrow Place (included in amendment) and 6160 Cottier Drive through the Town of Port Hedland / Department of Regional Development & Lands Expression of Interest land release. As part of the EOI the candidate was required to submit a proposal for development of the land.

To enable the proponent to develop the land in accordance with the EOI proposal, a density coding of R30 is required.

In order to promote orderly and proper planning, the Officer requested the applicant include Lots 100-105, 3173-3177 and 3185 Barrow Place into the scheme amendment. Subsequently, Council at the Ordinary Meeting of 9 March 2011, resolved to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5, through Scheme Amendment 40, by the recoding Lots 100-105, 3173-3177, 3185 & 6159 Barrow Place, South Hedland from "Residential R20" to "Residential R30".

The application was forwarded to the Environmental Protection Authority (EPA), and has also been advertised in accordance with the relevant legislation.

The amendment scheme is now submitted to Council to consider and to submit the amendment to the Western Australian Planning Commission (WAPC) for final approval.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

In accordance with the Town Planning Regulation 1967, the proposed scheme amendment has been advertised and circulated as follows:

North West Telegraph –	18/05/2011 8/06/2011 22/06/2011
Written notification to -	Water Corporation Telstra Horizon Power

Two (2) site notices were placed on the subject site for the duration of the advertising period, being 42 days.

Submissions

As a result of the above consultation the following submission has been received:

Water Corporation:

“With respect to the proposed Town Planning Scheme Amendment above, the Water Corporation has no objection to the above amendment in principle.”

Statutory Implications

- Council is able to amend the Town Planning Scheme pursuant to part 5 of the Planning and Development Act 2005 (as amended)
- The Town Planning Regulations 1967 establish the procedure required to amend a Town Planning Scheme.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 4: Land development projects

Strategy 1:

Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- Pretty Pool developments
- **South Hedland New Living developments**
- Landcorp's Various Industrial land release programs
- Moore St development and West End developments
- South Hedland CBD developments
- Redevelopment of the Port Hedland Telstra / Water Corporation Site.

Budget Implications

The applicant has paid \$2,648.80 for the initiation of the scheme amendment.

Officer's Comment

In order to facilitate proper and orderly planning it is important to ensure that densification is achieved in an orderly manner. Accordingly, Officers have identified criteria that should be met before supporting increased density. This criteria is based on the accessibility to infrastructure and facilities (eg transportation infrastructure, park and recreation facilities, education and health facilities and commercial facilities such as supermarkets). Spot rezonings (individual sites) are generally discouraged as they often result in conflict with adjoining property zonings and associated planning controls and development opportunities.

The adoption of the amendment scheme will lead to a more structured and logical approach to development of the lots.

The proposed recoding will provide consistency in the development of residential land located along the southern side of Barrow Place. Furthermore, it will facilitate the maximum potential utilization of undeveloped land for residential purposes, consistent with the strategic planning framework and objectives for the area.

The proposed recoding from R 20 to R 30 is recommended by the Officers. The Code R20 is identified as a 'Low Density Code' whereas R30 is identified as a 'Medium Density Code'.

Attachments

1. Proposed Scheme Amendment Documents.

Options

Council has the following options when considering the request:

1. Adopt the Scheme Amendment without any modifications.

Council supports the higher density of all the lots within the amendment area.

2. Adopt the Scheme Amendment with modifications.

Council does not support the proposed density of all the lots within the amendment area.

3. Abandon the Scheme Amendment.

Council does not support the recoding of any of the lots within the amendment area.

Option 1, is recommended.

201112/048 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

1. **ADOPTS** Scheme Amendment 40, to the Town of Port Hedland Town Planning Scheme No. 5, without modification.
2. **FORWARDS** all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended)
3. **AUTHORISES** the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's Seal in the event that the Minister for Planning approves the Amendment.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.3

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 40**

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

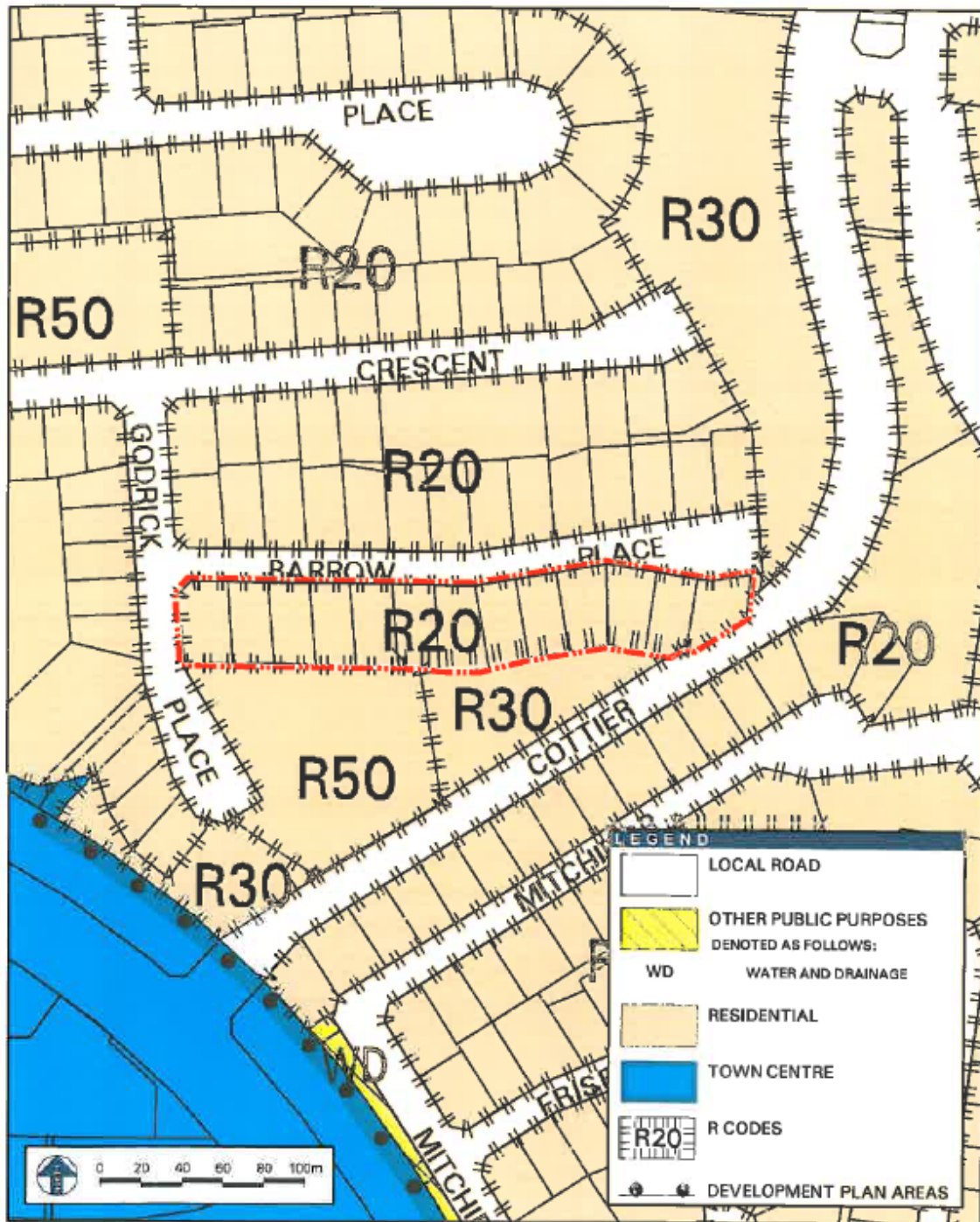
1. Applying a residential density coding of 'R30' to Lots 3173, 3174, 3175, 3176, 3177, 100, 101, 102, 103, 104, 6159, 105 and 3185 Barrow Place, South Hedland; and
2. Amending the Scheme Map accordingly.

Dated this day of 20

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

- | | | | |
|-----------|--|---|---|
| 1. | LOCAL AUTHORITY | : | Town of Port Hedland |
| 2. | DESCRIPTION OF TOWN PLANNING SCHEME | : | Town Planning Scheme No. 5 |
| 3. | TYPE OF SCHEME | : | Town Planning Scheme |
| 4. | SERIAL NUMBER OF AMENDMENT | : | Amendment No. 40 |
| 5. | PROPOSAL | : | Apply a residential density coding of 'R30' to Lots 3173-3177, 100-105, 6159 and 3185 Barrow Place, South Hedland |



--- Subject Site

T.P.S. No. 5 ZONING PLAN

Property Description
 Lots 3173-3177, 100-105, 6159 & 3185 Barrow Place, SOUTH HEDLAND

Base data supplied by Landgate. Aerial Photography dated Nov 2009. Accuracy +/- 4m. Projection MGA Zone 50. Areas and dimensions shown are subject to final survey calculations. All cartlegways are shown for illustrative purposes only and are subject to detailed engineering design.

Pindin Construction : CLIENT
 1:2.500@A4 : SCALE
 1 February 2011 : DATE
 40054-5-003.dgn : PLAN No
 - : REVISION
 T.K. : PLANNER
 L.W. : DRAWN
 N.T. : CHECKED



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RPS Environment and Planning Pty Ltd
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 ABN 45 108 890 977
 PO Box 485 Subiaco WA 6904
 38 Station Street
 Subiaco WA 6008
 T+61 8 9211 1111
 F+61 8 9211 1122
 W rpegroup.com.au

FIGURE 3

SCHEME AMENDMENT MAP

Town of Port Hedland
 Town Planning Scheme No. 5
 Amendment No. 40



ADOPTION

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

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

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

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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

DATE.....

Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....

11.1.1.4 Proposed Scheme Amendment No.41 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lots 2008, 2009 and 2011 Hedditch Street and Lots 2013 & 2019 Somerset Crescent and Part Lot 8 Hedditch Street and Part Lots 1- 6 & 9 Somerset Crescent from "Residential R20" to "Residential R30" (File No.: 401780G)

Officer Michael Pound
Planning Officer

Date of Report 1 July 2011

Disclosure of Interest by Officer Nil

Summary

Council have received a request to amend the *Town of Port Hedland Town Planning Scheme No. 5* (TPS5) to recode Lots 2008, 2009 and 2011 Hedditch Street and Lots 2013 & 2019 Somerset Crescent and Part Lot 8 Hedditch Street and Part Lots 1- 6 & 9 Somerset Crescent from "Residential R20" to "Residential R30"

Council is requested to adopt the Scheme Amendment without any modifications.

Background

The land proposed to be recoded consists of all the land that was previously identified as Lot 3268 Hedditch Street, South Hedland. This was Crown Land that has since been subdivided and amalgamated with adjoining properties. The proposal will result in the land having a consistent coding with the landholdings they have been amalgamated with.

The Ordinary Council Meeting of 9 March 2011, resolved to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*, through Scheme Amendment 41, by the recoding Lots 2008, 2009 and 2011 Hedditch Street and Lots 2013 & 2019 Somerset Crescent and Part Lot 8 Hedditch Street and Part Lots 1- 6 & 9 Somerset Crescent from "Residential R20" to "Residential R30"

The application was forwarded to the Environmental Protection Authority (EPA), and has also been advertised in accordance with the relevant legislation.

The scheme amendment is now before Council to consider for adoption.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

In accordance with the Town Planning Regulation 1967, the proposed scheme amendment has been advertised and circulated as follows:

North West Telegraph –	18/05/2011 8/06/2011 22/06/2011
Written notification to -	Water Corporation Telstra Horizon Power

Two (2) site notices were placed on the subject site for the duration of the advertising period, being 42 days.

Submissions

As a result of the above consultation the following submission has been received:

Water Corporation

“With respect to the proposed Town Planning Scheme Amendment above, the Water Corporation has no objection to the above amendment in principle.”

Statutory Implications

- Council is able to amend the Town Planning Scheme pursuant to part 5 of the Planning and Development Act 2005 (as amended)
- The Town Planning Regulations 1967 establish the procedure required to amend a Town Planning Scheme.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 4: Land development projects

Strategy 1:

Fast-track the release and development of commercial, industrial and residential land in a sustainable manner including:

- Pretty Pool developments
- **South Hedland New Living developments**
- Landcorp's Various Industrial land release programs
- Moore St development and West End developments
- South Hedland CBD developments
- Redevelopment of the Port Hedland Telstra / Water Corporation Site.

Budget Implications

The applicant has paid \$2,648.80 for the initiation of the scheme amendment.

Officer's Comment

In order to facilitate proper and orderly planning it is important to ensure that densification is achieved in an orderly manner. In this regard criteria has been identified that should be met before supporting increased density. This criteria is based on the accessibility to infrastructure and facilities (eg transportation infrastructure, park and recreation facilities, education and health facilities and commercial facilities such as supermarkets). Spot rezonings (individual sites) are generally discouraged as they often result in conflict with adjoining property zonings and associated planning controls and development opportunities.

In this instance the proposed recoding will result in a consistent density coding of R30 for all land generally bound by Hedditch, Somerset & Lawson Streets and the drainage reserve linking Lawson Street and Somerset Crescent. The land is located within 200m of the Town Centre which provides numerous facilities to support the increased density.

Attachments

1. Proposed Scheme Amendment Documents

Options

Council has the following options when considering the request:

1. Adopt the Scheme Amendment without any modifications.

Council supports the higher density of all the lots within the amendment area.

2. Adopt the Scheme Amendment with modifications.

Council does not support the proposed density of all the lots within the amendment area.

3. Abandon the Scheme Amendment.

Council does not support the recoding of any of the lots within the amendment area.

Option 1 is recommended.

201112/049 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. **ADOPTS** Scheme Amendment 41, to the Town of Port Hedland Town Planning Scheme No. 5, to Recode Lots 2008, 2009 and 2011 Hedditch Street and Lots 2013 & 2019 Somerset Crescent and Part Lot 8 Hedditch Street and Part Lots 1- 6 & 9 Somerset Crescent from "Residential R20" to "Residential R30", without any modifications.
2. **FORWARDS** all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended)
3. **AUTHORISES** the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.4

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO. 5
AMENDMENT NO. 41**

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

1. Applying a residential density coding of 'R30' to Lots 1- 6, 9, 2013 and 2019 Somerset Crescent and Lots 8, 2008, 2009 and 2011 Hedditch Street, South Hedland; and
2. Amending the Scheme Map accordingly.

Dated this day of 20

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1.	LOCAL AUTHORITY	:	Town of Port Hedland
2.	DESCRIPTION OF TOWN PLANNING SCHEME	:	Town Planning Scheme No. 5
3.	TYPE OF SCHEME	:	Town Planning Scheme
4.	SERIAL NUMBER OF AMENDMENT	:	Amendment No. 41
5.	PROPOSAL	:	Apply a residential density coding of 'R30' to Lots 1- 6, 9, 2013 and 2019 Somerset Crescent and Lots 8, 2008, 2009 and 2011 Hedditch Street, South Hedland

ADOPTION

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

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

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

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

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

DATE.....

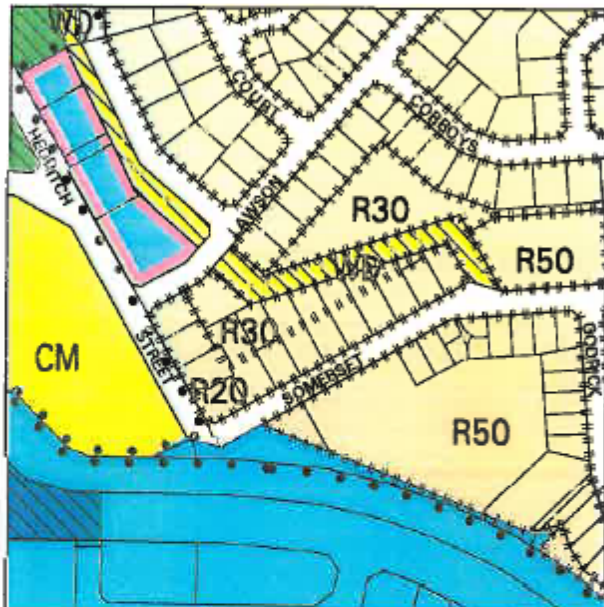
Final Approval Granted

.....
MINISTER FOR PLANNING

DATE.....

SCHEME AMENDMENT MAP

TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No.5
AMENDMENT No. 41



EXISTING ZONING



PROPOSED ZONING

LEGEND

LOCAL SCHEME RESERVES

- DISTRICT ROAD
- LOCAL ROAD
- OTHER PUBLIC PURPOSES DENOTED AS FOLLOWS:
 - WATER AND DRAINAGE
 - PARKS AND RECREATION

ZONES

- RESIDENTIAL
- COMMUNITY DENOTED AS FOLLOWS:
 - COMMUNITY
 - MIXED BUSINESS
 - TOWN CENTRE

OTHER

- R CODES
- DEVELOPMENT PLAN AREAS



0 50 100 150 200 250m
Scale 1:5,000
7/12/2010
40083-5-004.dgn
CHECKED : R.S.

11.1.1.5 Proposed Five Shop Redevelopment in Addition to Existing Service Station on Lot 3241 (2-8) Throssell Road (File No.: 117460G)

Officer	Ryan Djanegara Planning Officer
Date of Report	27 July 2011
Application No.	2011/166
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from John Kaminski on behalf of Mohamed Ahmed Badat to in addition to the existing service station develop 5 shops on Lot 3241 (2-8) Throssell Road, South Hedland.

Council is requested to approve the application subject to conditions.

Background

Site Description

The subject site comprises of approximately 3263m² with vehicular access from Throssell Road and Forrest Circle. The site is currently developed with a BP service station. In terms of the Port Hedland Town Planning Scheme No 5, and the lot is zoned 'Town Centre'.

Previous Planning Permits

A planning permit was issued on 19 February 2003 for the redevelopment of the BP service station on Lot 3421 Throssell Road including additional store rooms and expansions to the convenience store.

Proposal

The applicant is proposing to construct 5 shops, ranging from 148m² to 170m², fronting Throssell Road and to add a storeroom to the existing BP service station. It is proposed to provide 46 car parking bays on site, including a disabled car parking bay.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

Public consultation has taken place with the adjoining property owners in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5. A newspaper advertisement was placed in the North West Telegraph for two weeks, 3 signs were erected on the property and letters sent to neighbouring businesses advising them of the details of the proposal. No objections were received.

All the comments made during the internal and external advertising period have been captured in the report.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 4: Economic Development

Goal 4: Land Development Projects

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

Budget Implications

An application fee of \$1 472.50 has been received as per the prescribed fees approved by Council.

Officer's Comment

Need

It is recognized that there is a shortage of commercial floor space throughout the Town. The proposed development will help alleviate this need by providing 5 shops along Throssell Road.

Desirability

The proposed location for the development is considered to be desirable given that it is Council's strategic direction to revitalize the South Hedland Town Centre.

Streetscape

In order to achieve an aesthetically pleasing outcome, officers have negotiated with the applicant to enhance the streetscape. As a result the applicant has articulated the building to break the façade and has created awnings of 3m widths providing well shaded areas and an attractive walkway between the shops. Further the applicant has indicated extensive landscaping which will contribute positively to the existing Throssell Street landscaping.

Planning Controls

In accordance with Appendix 7 of the Scheme, the proposal is required to provide a minimum of 43 car parking bays on-site. The applicant has provided the 46 bays including 1 disabled bay that has a width of 4.8m. In light of the above, the proposed 5 shops and extension to the service station are consistent with the Scheme requirements.

Options

Council has the following options when considering the application:

1. Approve the extensions to the existing BP Station.

The approval of the application would result in the provision of much sort after commercial space and will be in line with Council's strategic direction to revitalise the South Hedland Town Centre.

2. Refuse the extensions to the existing BP Station.

The refusal of the development would result in the land remaining vacant at present and will not contribute to the revitalisation of the South Hedland Town Centre.

Option 1 is recommended for approval.

Attachments

1. Locality Plan
2. Site plans
3. Floor plans and Elevations
4. Artist impressions.

201112/050 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S J Coates

That Council approves the application for Shop and Motor Vehicle and/or Marine Service Station on Lot 3241 (2-8) Throssell Road, South Hedland, subject to the following conditions:

1. This approval relates only to Shop and Motor Vehicle and/or Marine Service Station – consisting of five (5) shops and additional storeroom to the existing service station and other incidental development, as shown on plan number 2011/166/drg/1, 2011/166/drg/2 and 2011/166/drg/3. It does not relate to any other development on this lot.
2. The development must only be used for purposes, which are related to the operation of a 'Shop' and 'Motor Vehicle and/or Marine Service Station'. Under the Town of Port Hedland's Town Planning Scheme No. 5 the following uses are defined as follows:

'Shop':

"any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale."

'Motor Vehicle and/or Marine Service Station':

"land or buildings used for the retail sale of fuel and lubricants and motor vehicle or marine vessel accessories and may include minor repairs, motor vehicle wash facilities, cafe/restaurant or sale of convenience items with a nett lettable retail floorspace not exceeding 300m², but does not include a transport depot, spray painting, major repairs and wrecking."

3. Any change to the approved Shop and Motor Vehicle and/or Marine Service Station uses will be subject to further planning approval.
4. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.

5. A minimum of 43 car parking bays are to be provided on-site to the satisfaction of Council's Manager Planning.
6. Accessways, parking areas, turning areas to be designed and constructed in accordance with Town Planning Scheme No. 5 (including kerbed, formed, drained & finished with a sealed or paved surface).
7. Lighting shall be installed along all driveways, car parking and pedestrian ways to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning.
8. The parking areas and / or associated accessways shall not be used for storage (temporary or permanent) without the prior approval of the Town of Port Hedland.
9. The landowner/applicant to make arrangements for the submission of a Transport Statement complied by an independent qualified and experienced engineer. The Transport Statement is to be in accordance with 'WAPC Transport Assessment Guidelines for development.' The document is to be prepared and submitted at the landowner/applicant's expense together with the installation of necessary traffic management measures to the satisfaction of Council's Manager Planning.
10. Deliveries to the proposed shops are to be restricted to vehicles less than 6m & within approved out of business hours of 9:00am to 4:00pm.
11. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of Council's Manager Planning.

12. Within 30 days of this approval, or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the Throssell Road and Forrest Circle street verges, must be submitted to Council for approval by Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
13. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Council's Manager Planning, landscaping and reticulation to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.
14. An overall signage strategy for the Shop shall be submitted for approval to the satisfaction Council's Manager Planning.
15. The driveways and crossovers shall be upgraded, designed and constructed in accordance with Council's Crossover Policy 9/005 to the specifications of Council's Manager Infrastructure Development, and to the satisfaction of Council's Manager Planning, prior to the occupation of the buildings.
16. Stormwater disposal is to be contained onsite and designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
17. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
18. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the specification of the Manager Environmental Health Services and to the satisfaction of Council's Manager Planning.
19. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
20. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and / or screened so as not to be visible from beyond the boundaries of the development site, to the satisfaction of Council's Manager Planning.

21. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Town of Port Hedland's Engineering Services Department at the developer's expense.
22. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a. **The delivery of materials and equipment to the site;**
 - b. **The storage of materials and equipment on the site;**
 - c. **The parking arrangements for the contractors and subcontractors;**
 - d. **Impact on traffic movement;**
 - e. **Operation times including delivery of materials; and**
 - f. **Other matters likely to impact on the surrounding residents;****to the satisfaction of Council's Manager Planning.**

FOOTNOTES:

1. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Council's Manager Planning.
3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

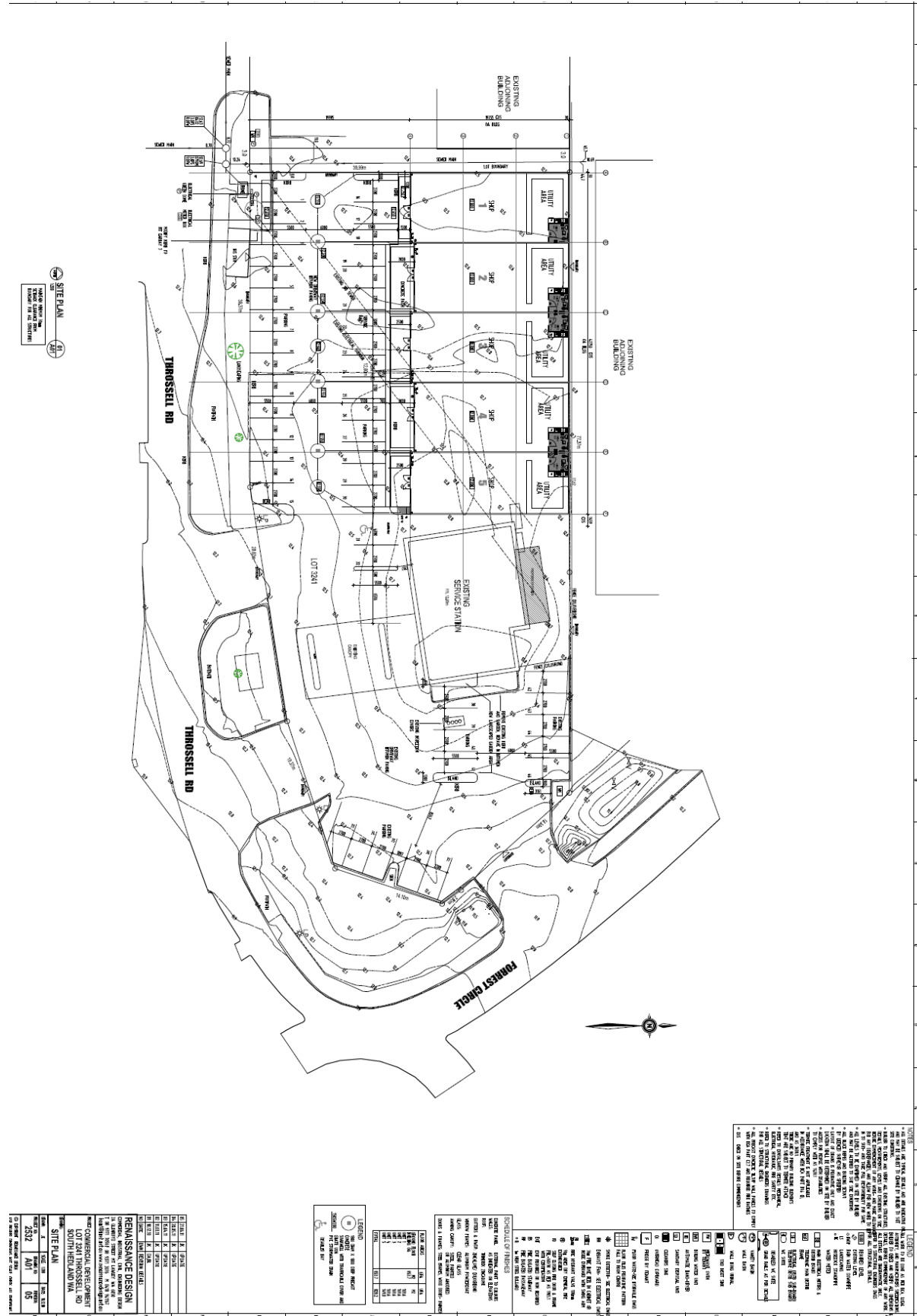
CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.5



Attachment 1

ATTACHMENT 2 TO AGENDA ITEM 11.1.1.5



ATTACHMENT 3 TO AGENDA ITEM 11.1.1.5





ATTACHMENT 4 TO AGENDA ITEM 11.1.1.5



RENAISSANCE DESIGN
 124 GERRARD STREET, W. SUITE 101, TORONTO, ONTARIO M5H 2E1
 TEL: 416 593 9200 FAX: 416 593 9201
 WWW.RENAISSANCEDSIGN.COM

COMMERCIAL DEVELOPMENT
 LOT 3041 THROSSSETT RD
 SOUTH HEDLAND WA

ELEVATIONS

DATE: 08/01/11	SCALE: 1/8" = 1'-0"
PROJECT NO: 20532	ADP: 01

NO OTHER DIMENSIONS ARE TO BE TAKEN UNLESS SPECIFIED TO THE CONTRARY.
 DIMENSIONS & STYLES SHALL PREVAIL OVER GRAPHICAL REPRESENTATION.

4/20/11



11.1.1.6 Proposed Change of Use – Radio Station to Temporary Office on Lot 5 (88) Anderson Street, Port Hedland (File No.: 117065G)

Officer	Leonard Long Manager Planning
Date of Report	29 July 2011
Application No.	2011/206
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Jan Ford for Change of Use – Radio Station to temporary “Office” on Lot 5 (88) Anderson Street, Port Hedland.

The application is being referred to Council for determination as the proposed development of an “Office” is required to be incidental to a predominant use.

Whilst the proposed use cannot be considered incidental to another use, Council is requested to support the proposal given that the application is temporary during a period of constructing a permanent office space.

Background

Site Description

The subject land has frontage to Anderson Street and Wilson Street, Port Hedland and is approximately 2988m². It is proposed that vehicular access will be achieved via Wilson Street and Anderson Street through existing crossovers.

The site is currently zoned “Industry”, and contains five (5) industrial units. Four (4) of the units are currently occupied with a Surveyor’s Office, Avanti’s Windscreen and the Pilbara Paint Place (which occupies 2 industrial tenancies).

Previous Development History

The buildings predate any current Council records on file. The earliest approval issued was made on 10 June 1971 for the extension of the existing building.

In October 1995, a planning approval was issued for the development of five (5) service industry units. The required car parking bay dimensions were identified as being 2.5m x 5.5m. 20 car parking bays were provided between the 5 units.

On 15 September 1995, a planning permit was issued for a car showroom and service industry at Tenancy five (5) (88) Anderson Street. In accordance with the Scheme, 8 bays have been provided for this development.

On 3 December 1996, WAPC approved the amalgamation of Lot 382 Anderson Street with Lot 1 Anderson Street. The land was strata titled to create Lots 1-5 (88) Anderson Street on 18th November 1996.

On the 14 May 1998, a planning permit was issued for a Surveyor's office at Tenancy 1 and was approved under delegated authority. The office was approved as a Showroom and has been allocated 4 bays for this development.

On the 18 June 1998, a planning permit was issued for a windscreen installation, repair and tinting business at Tenancy 2 and was approved under delegated authority. In accordance with the Scheme 4 bays have been provided for this development.

On 28 May 2002, a planning permit was issued to use the existing structure as a community radio station. The permit was never acted upon and therefore expired on 28th May 2003.

Proposal

The applicant is proposing to change the use of Unit 5 (88) Anderson Street, Port Hedland from a community radio station to temporary office for a real estate agency.

The relocation of the applicant's existing office is required to facilitate the construction of an approved "Mixed Use" development at their current location. The applicant has indicated that the use will be required for a period of two (2) years.

It is proposed to change the internal layout of the existing building creating 260m² of office space. There are currently 20 approved bays on site (16 of those bays are dedicated to the existing showroom tenancies), whilst the applicant is proposing to construct an additional 9 bays within the unit.

Consultation

The application has been circulated internally with the comments captured in the report.

Council's Building and Environmental Health Departments have raised some concerns with regards to the proposed internal car parking area. These concerns will need to be addressed in accordance with the Building Codes of Australia and ventilation to be installed in accordance with the Australian Standards AS 1668.2-1991.

Statutory Implications

The land must be developed in accordance with the Town of Port Hedland Town Planning Scheme No. 5, and the "*Planning and Development Act, 2005*".

Policy Implications

Nil

Strategic Planning Implications

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

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

Budget Implications

An application fee of \$270.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

Proposed Use

The proposal is to change an approved radio station into an office (Real Estate Agency) temporarily for a period of two years. An office is defined as:

"a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking."

In light of the above definition, it is clearly identified that an estate agency is an "Office".

The Zoning Table

The subject site is zoned Industry, whereby an Office use is permitted as an "IP" use, being:

"The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council."

As the proposal is to utilise the existing premises solely for the purposes of an "Office - Real Estate" it is considered that the use cannot be supported as a permanent use as it is not incidental to another permissible use.

Applicant's justification

The applicant has justified the proposed location for an "Office" stating that the intention is to use the site temporarily for two years until the development on 17-19 Kingsmill Street Port Hedland (Planning Approval 2011/1) has been completed.

Further the applicant has investigated alternative "Office" locations and found that the limited "Office" space available is too small or not available for the timeframe required.

Planning Department's response

The Town Planning Scheme outlines appropriate uses that should be located within each zone. With regards to Council's statutory requirements, the zoning table in the Scheme clearly states that an "Office" needs to be an "incidental use" that is to support a predominant use within the Industry zone. In this instance the proposed Office use is the sole use.

Although the proposal is inconsistent with the use table for the zoning, the applicant has identified exceptional circumstances that are considered relevant.

Lack of available Office space

There is a general acceptance that there is currently a shortage of "Office" space. This is readily visible by the lack of vacant office space and further evident by the volume of planning applications being received seeking approval for office floor space. Given that the applicant is involved in real estate, it is expected that they would have advanced warning of potential "Office" availability.

Temporary Use

The proposed use will only be for a temporary period of time. In this instance the applicant has a legitimate exit strategy as they have already obtained planning approval to develop their new office (Planning Permit 2011/1) at their existing site.

Having regard to the above, it is considered that the proposed temporary location of the "Office" is acceptable and will not have a detrimental effect on the surrounding land uses.

To ensure proper and orderly planning the use approved by Council should be for the minimal period necessary. In this regard the following condition is proposed:

This permit will remain valid for a period of 24 months from the date of the approval; or 3 months from the date of issue of a certificate of classification for planning permit 2011/1, whichever comes first.

This will ensure that the building is only used as an office for the minimum period of time and then revert back to a use that is more in keeping with the Industry zoning of the land.

Options

Council has the following options for considering the application:

1. Approve the application

This option will enable the temporary use of the site for an office and will not detrimentally impact on the long term proper and orderly planning of the locality.

2. Refuse the application

This option will result in the applicant having to explore other alternatives for the temporary relocation of the site or potentially temporary closure of the business.

Given the exceptional circumstances, the application has been recommended for approval.

Attachments

1. Locality Plan
2. Site and Floor Plan.

201112/051 Officer's Recommendation/Council Decision**Moved:** Cr G J Daccache**Seconded:** Cr A A Carter

That Council APPROVES the planning application submitted by Jan Ford for Change of Use – Radio Station to temporary "Office" on Lot 5 (88) Anderson Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed temporary "Office" and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. This permit will remain valid for a period of 24 months from the date of the approval; or 3 months from the date of issue of a certificate of classification for planning permit 2011/1, whichever comes first.
3. The subject area must only be used for purposes, which are related to the operation of an "Office". Under the Town of Port Hedland's Town Planning Scheme No. 5 an "Office" is defined as:

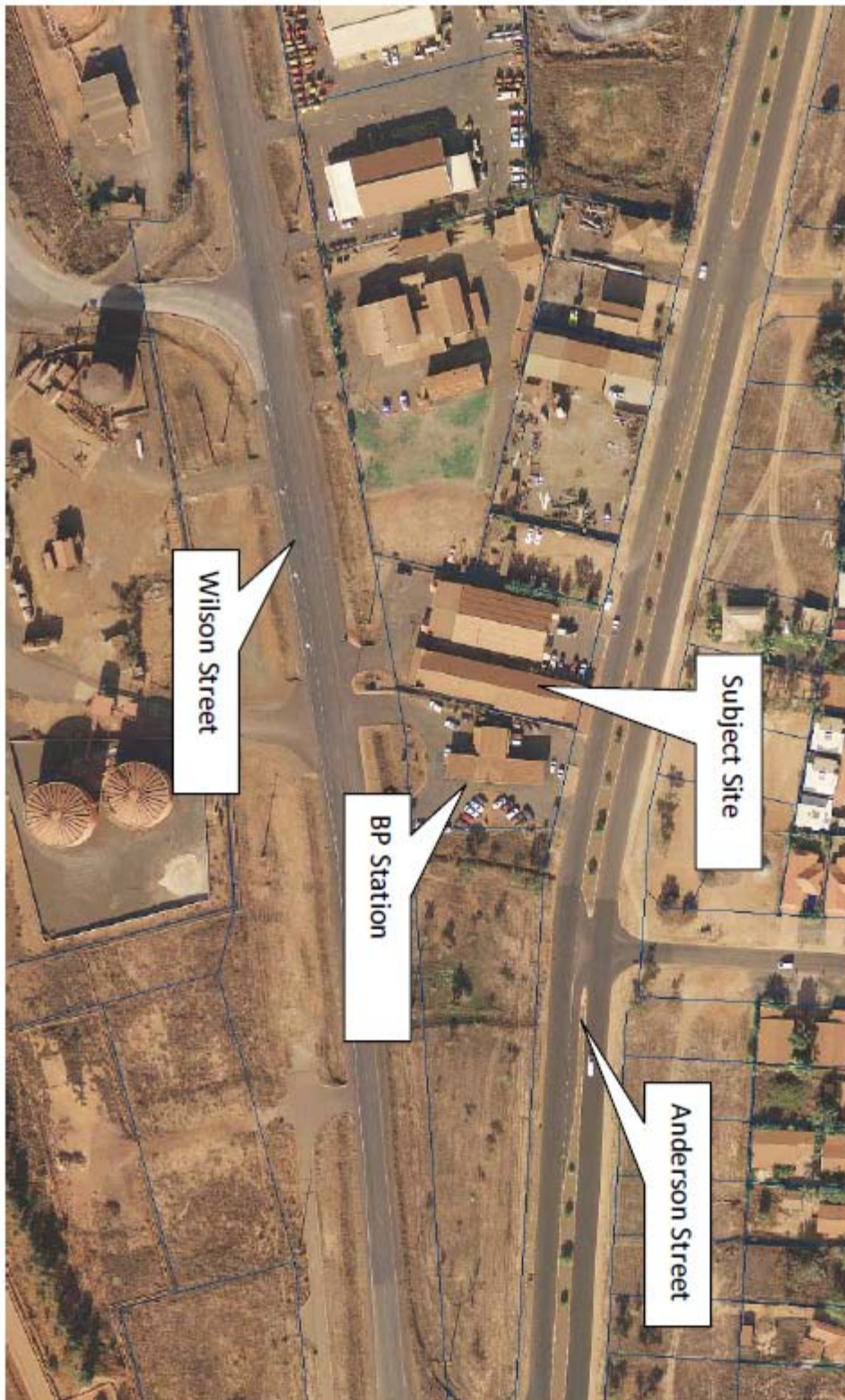
"a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking."
4. A minimum of 29 car bays are to be provided on-site to the satisfaction of Council's Manager Planning.
5. The car parking bays and access way shall be designed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of Council's Manager Planning prior to the development first being occupied.
6. No parking bays shall be obstructed in any way or used for the purposes of storage.
7. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.

FOOTNOTES:

1. This approval is for a temporary period of time only. Any further applications to use the land for "Office" purposes are unlikely to be supported by Council without amendment to the Scheme.
2. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to 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 AGENDA ITEM 11.1.1.6



Attachment 1

ATTACHMENT 2 TO AGENDA ITEM 11.1.1.6

LOT 5, 88 ANDERSON ST SITE PLAN - PARKING + OFFICE AREA

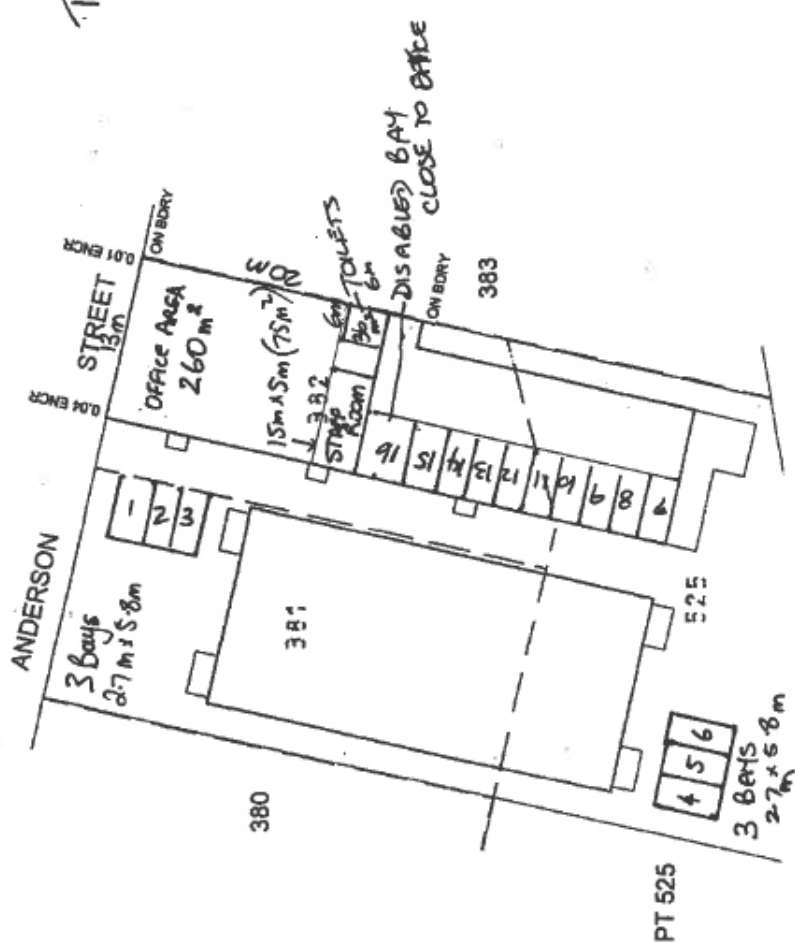
KORT HEDLAND

LOCATION PLAN

LIMITED IN DEPTH TO 12.19 METRES AS TO PORTION OF LOC 525 ONLY : SUBJECT TO CERTAIN MINERAL AND OTHER RESERVATIONS AS SET OUT IN TRANSFER 78185/167

OFFICE AREA 159 m²
STAFF ROOM 75 m²
TOILETS 36 m²

TOTAL OFFICE AREA 260 m²
TOTAL CAR BAYS 16



Attachment 2

11.1.1.7 Proposed Permanent Partial Closure of Kangaroo Place, South Hedland (File No.: 28/01/0017)

Officer	Caris Vuckovic Lands Officer
Date of Report	25 May 2011
Application No.	2011/223
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners of behalf of South Hedland New Living to permanently close a portion of the Kangaroo Place Road Reserve, directly adjoining Lot 3697 Kangaroo Place and Lot 6041 Masters Way, South Hedland.

The closure of the subject portion of Kangaroo Place is required to facilitate the overall subdivision of Lot 6041 and 6042 Masters Way, South Hedland.

Council is request to support the closure of a portion of Kangaroo Place Road Reserve, South Hedland.

Background

The Ordinary Council Meeting of Wednesday 13 October 2010, Council resolved to approve the subdivision of Lot 6041 and 6042 Masters Way.

The proposal is to close a 371m² portion of the western end of Kangaroo Place. In place of the existing cul de sac, a new road connection will link Kangaroo Place northwards, with new local roads created from the approved subdivision of Lots 6041 and 6042.

South Hedland New Living has been developing in the South Hedland Area for approximately 7 years. The program which is endorsed by both Council and the Department of Housing has been developed to uplift the housing standard in South Hedland.

To continue with the program of providing housing and uplifting residential areas in South Hedland, the applicant (South Hedland New Living) has requested that an unused portion of Kangaroo Place be closed and amalgamate with the adjoining Lot 3697 Kangaroo Place and Lot 6041 Masters Way. The amalgamation of the lots will enable South Hedland New Living to develop the land.

Consultation

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

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

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

This proposal has been referred to Council's Engineering Services with no objections received.

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

Statutory Implications

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

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

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

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

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

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

Officer's Comment

The section of Kangaroo Place Road Reserve (approximately 371m²) which is being sought to be closed will facilitate the amalgamation and subdivision of the surrounding land, ensuring the land is developed to its optimum potential.

Options

Council has the following options for responding to the request:

- 1) Support the request for closure of a portion of the Kangaroo Place Road Reserve, South Hedland.

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

- 2) Reject the request for closure of a portion of the Kangaroo Place Road Reserve, South Hedland.

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

It is recommended that Council support the closure of part of the Kangaroo Place Road Reserve.

Attachments

1. Locality Plan
2. Proposed Road Closure Plan
3. Approved Subdivision Plan

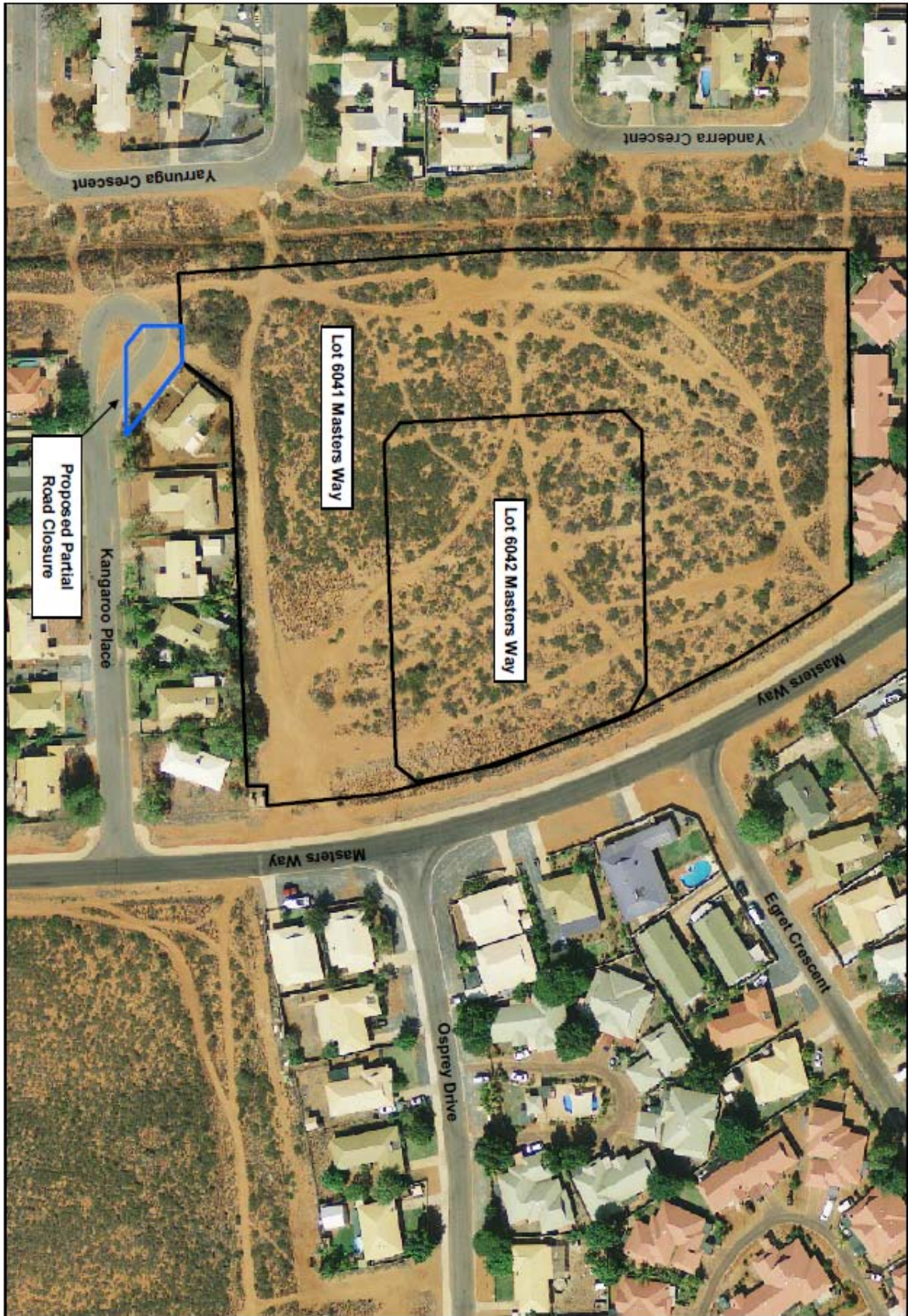
201112/052 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Council:

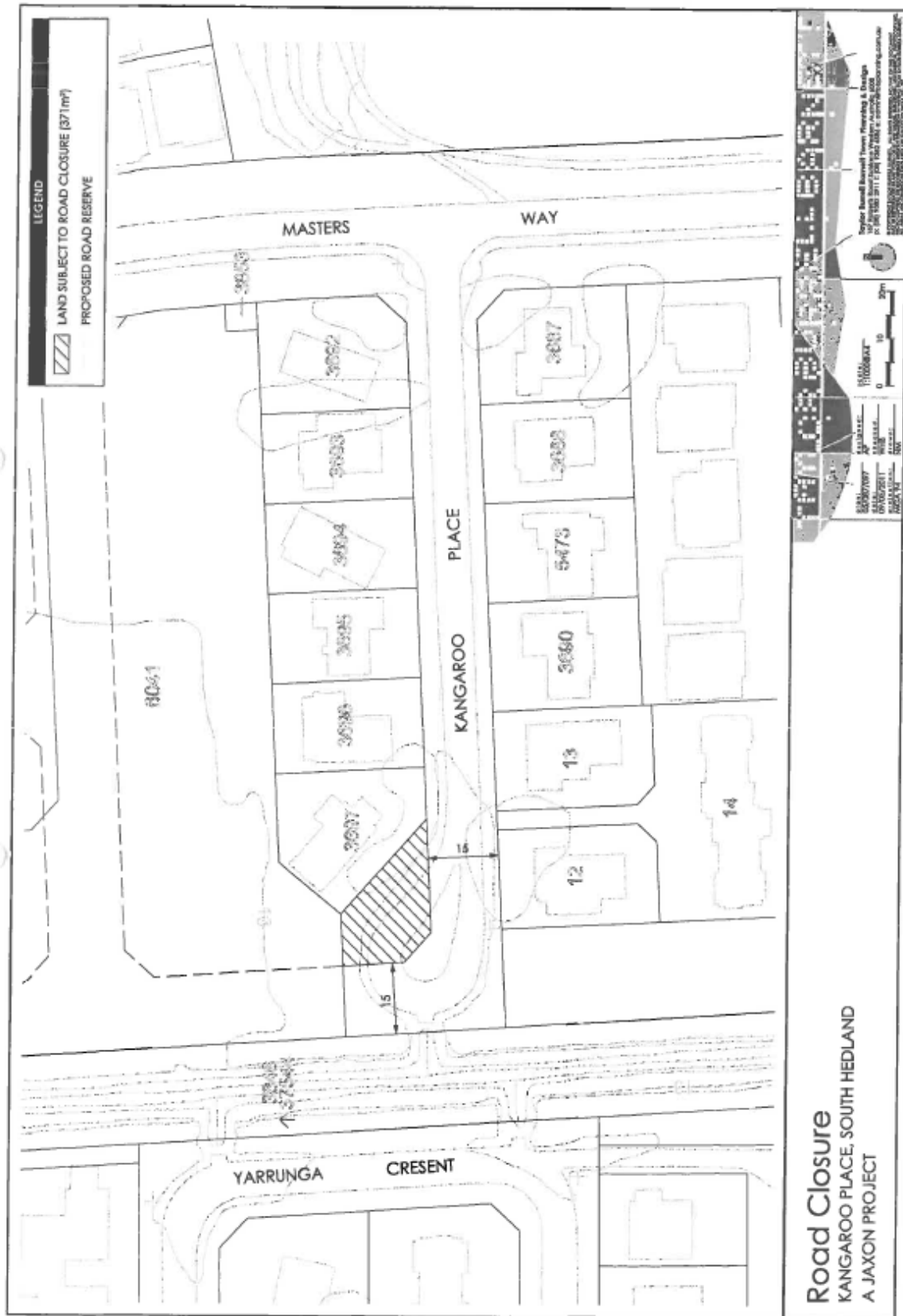
1. Supports the request from the applicant to permanently close a 371m² portion of Kangaroo Place Road Reserve, South Hedland. Subject to the following conditions:-
 - a. **The proposed Road Closures being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**
 - b. **No objections being received during the advertising period.**
2. Delegates the Director Planning & Development Services or the Manager Planning under Delegation 40(12) to submit the road closure request to the Department of Regional Development and Lands (State land Services), subject to no adverse submissions being received during the statutory advertising period;
3. Requests the Department of Regional Development and Lands to amalgamate the closed portion of road with Lot 6041 Masters Way, South Hedland;
4. Notifies the applicant that any costs incurred as a result of the proposed closure will be for the applicants account.

CARRIED 8/0

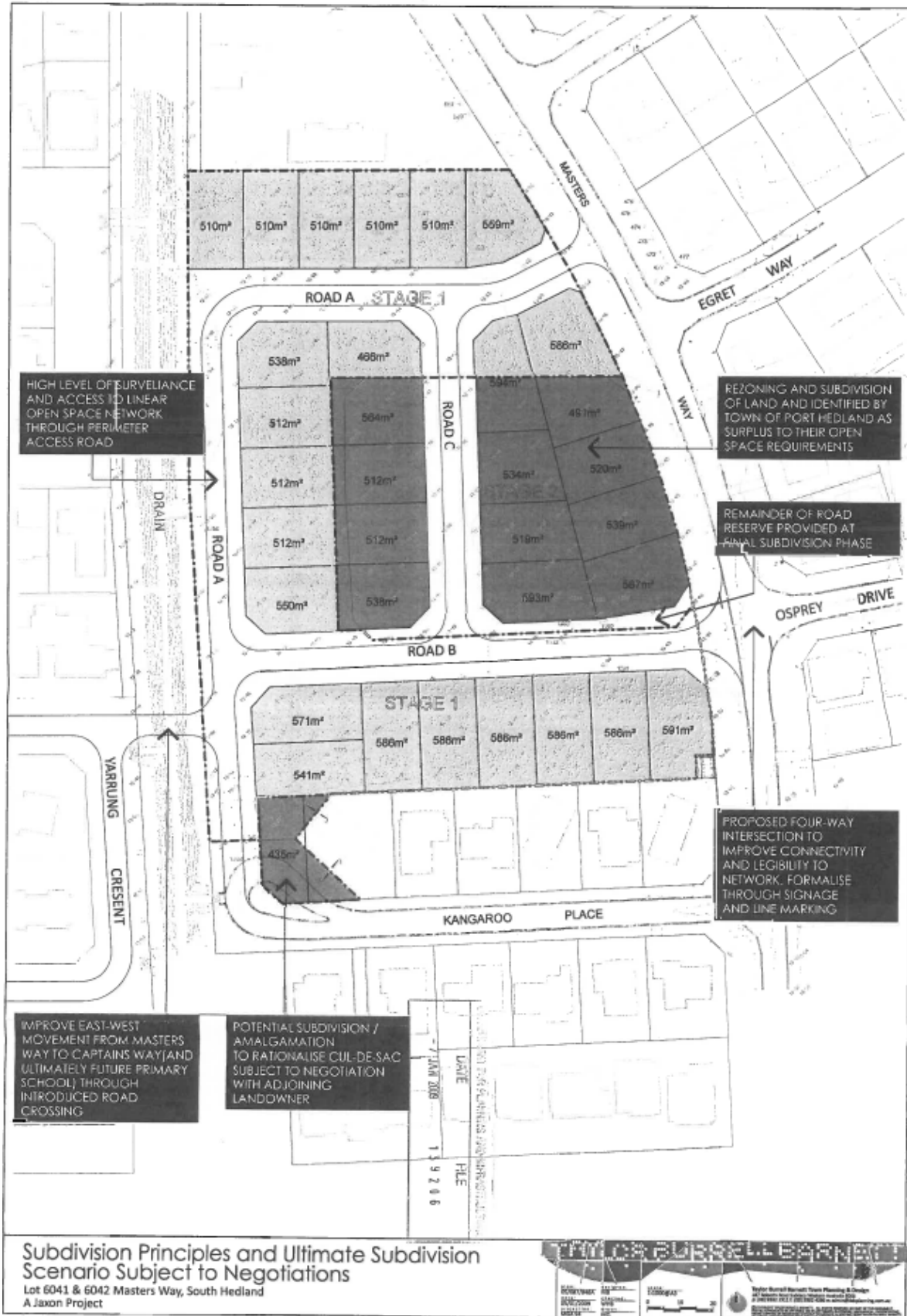
ATTACHMENT 1 TO AGENDA ITEM 11.1.1.7



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.7



ATTACHMENT 3 TO AGENDA ITEM 11.1.1.7



11.1.1.8 Proposed Section 70A Notification for 247 Morgans Street, Port Hedland (File No.:127840G)

Officer Caris Vuckovic
Lands Officer

Date of Report 29 July 2011

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the owners of Lot 247 Morgans Street, Port Hedland, to affix the Town's Common Seal to a section 70A notification form, which will enable to lodgement of the form with the Registrar of Titles.

Background

A Development Application approval (2010/158) for 3 Grouped Dwellings was granted on 8 October 2010, on Lot 247 Morgans Street, Port Hedland.

The following conditions were imposed as part of the approval:

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

- a. The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts;*
- b. Seniors, children and persons with existing heart of lung disease appear to be at an elevated risk of dust-related health impacts:*

Should additional information be require in regards part 'a' or 'b', the prospective landowners should contact the Western Australian Department of Health."

In order to finalise the section 70A form and obtain the Town's Common Seal, a Council resolution is required.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The required section 70A notification is an important mechanism to ensure that any prospective owner / buyers of the lot / unit are alluded to the restrictions / conditions pertaining to the lot / unit.

The use of the Town's Common Seal will only enable the lodgment of the application with the Registrar of Titles and will not complete the land owner / developers obligations under the condition. To complete their obligation, a copy of the documentation confirming the registration of the notification must be supplied to the Town.

In light of the above Council is requested to grant approval for the use of the Town's Common Seal.

Attachments

Nil

201112/053 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. APPROVES the request from the owners of Lot 247 Morgans Street, Port Hedland, to affix the Town's Common Seal to a section 70A notification form;
2. APPROVES the use of the Towns common seal for the purposes associated with the registering of a section 70A notification on Lot 247 Morgans Street, Port Hedland;
3. ADVISES the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that condition 2 of the Development Application approval has been satisfactorily complied with.

CARRIED 8/0

11.1.1.9 Proposed Partial Closure of Reserve 31895 Lot 5530 Hamilton Road, South Hedland and the Change in Vesting form "Recreation" to Transient Workforce Accommodation" (File No.: 130669G)

Officer	Caris Vuckovic Lands Officer
Date of Report	27 July 2011
Disclosure of Interest by Officer	Nil

Summary

The Town of Port Hedland is currently advertising an Expression of Interest (11/03) for the development of a temporary Transient Workers Accommodation (TWA) located on Reserve 31895, Lot 5530 Hamilton Road, South Hedland, for a period of five (5) years.

This report is before Council to approve the closure of a portion of Reserve 31895 and approve the recommended vesting to accommodate for the proposed TWA development.

Background

Through consultation with the Department of Regional Development and Lands, the current use of Reserve 31895, "Recreation", is not suitable for the proposed development. As a result it is proposed that a portion of the reserve be closed and the use of that closed portion be vested to the Town of Port Hedland for "Transient Workers Accommodation" with the power to sub-lease.

The partial closure of the reserve will not adversely affect the Towns Parks Improvement Program.

Consultation

- Department of Regional Development and Lands
- Recreation Unit
- Investment & Business Development Unit.

Statutory Implications

Department of Regional Development and Lands Government Land Policy Manual.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The development of the closed reserve for transient workers accommodation purposes will provide much needed accommodation within the Town. The portion of the reserve proposed to be closed is vacant, by closing and changing the vesting the Council will generate an income from the land for the lifetime of the proposed TWA development.

Options

Council has the following options for responding to the request:

1. Support the request for partial closure of Reserve 31895 and the change of vesting from its current "Recreation" to "Transient Workforce Accommodation" located at Lot 5530 Hamilton Road, South Hedland.

The partial closure of the vacant area of the reserve and re-vesting will result in the ability to develop a Transient Workers Accommodation facility as well as generate an income to Council for the lifetime of the TWA.

2. Reject the Reserve 31895 and the change of vesting from its current "Recreation" to "Transient Workforce Accommodation" located at Lot 5530 Hamilton Road, South Hedland..

Should Council choose not to support the closure, the portion of the reserve will remain vacant and undeveloped. This would have a negative impact on the ability for the Town to grow into a city.

It is recommended that Council support the partial closure of Reserve 31895 located at Lot 5530 Hamilton Road, South Hedland.

Attachments

1. Locality Plan

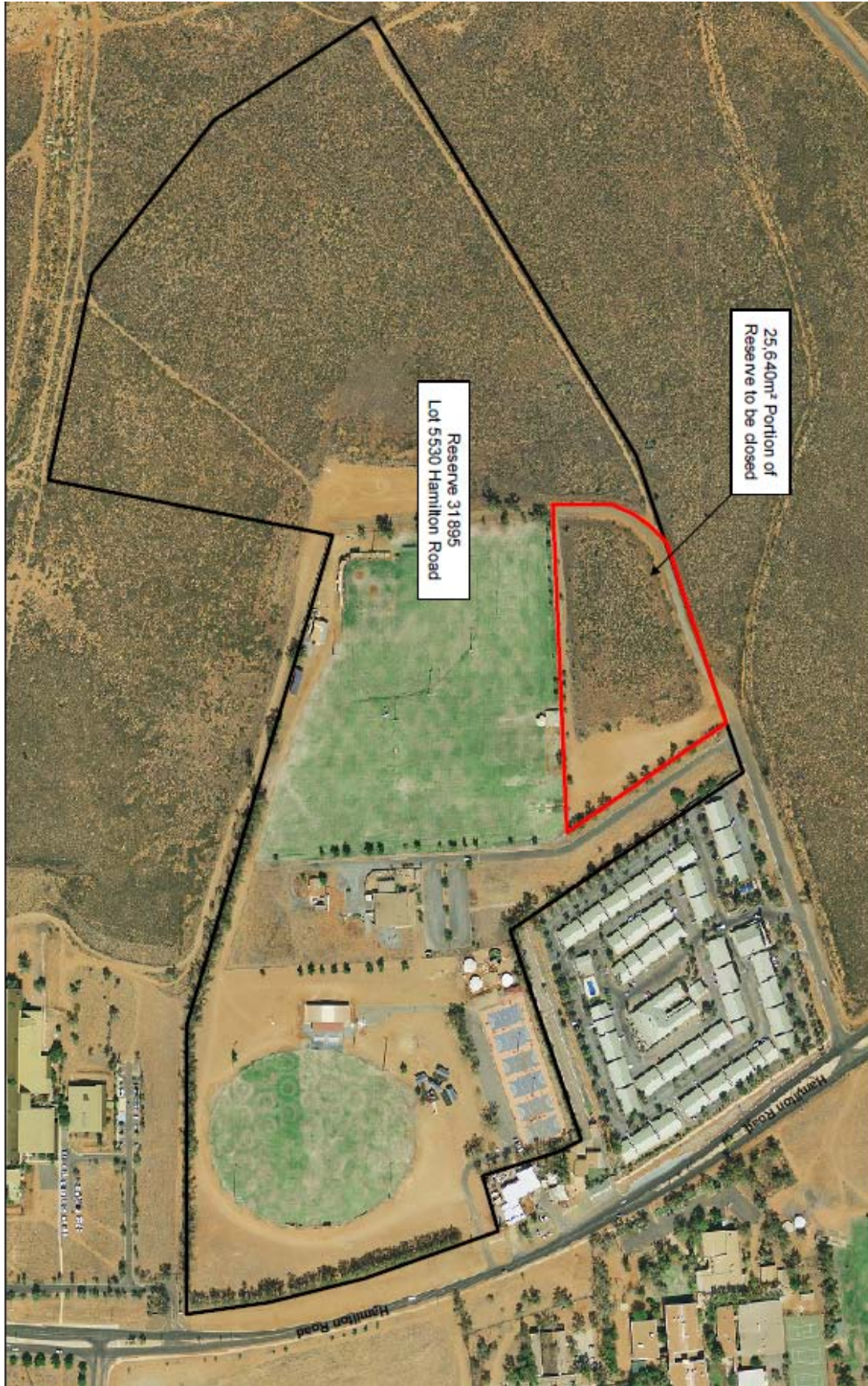
201112/054 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. REQUESTS the Department of Regional Development & Lands to close a portion of Reserve 31895 located at Lot 5530 Hamilton Road, South Hedland, as indicated on Attachment 1;
2. REQUESTS the Department of Regional Development and Lands that the management order for the newly created reserve be vested to the Town of Port Hedland for the purpose of "Transient Workers Accommodation" with the power to sub-lease;

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.9



11.1.1.10 Proposed Street Modifications for Wedgefield Industrial Estate, Wedgefield (File No.: 28/17/0001)

Officer	Caris Vuckovic Lands Officer
Date of Report	4 August 2011
Application No.	2011/222
Disclosure of Interest by Officer	Nil

Summary

Council approved (22 June 2011) a request from RPS Group to endorse a number of street names for the new roads that have been created as a result of the Wedgefield Industrial Estate subdivision.

Planning Services has since received additional requests as part of the subdivision.

This report is before Council to consider as the Director Planning and Development Services has no delegation to consider such matters.

Background

The subdivision of the Wedgefield Industrial Estate resulted in the creation of the new roads. The applicant has proposed the following additional road names:

1. Steel Loop

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

1. Sinter
2. Ore
3. Mill
4. Miner(s)
5. Geology
6. Mining
7. Industry
8. Blast
9. Extraction

The applicant has requested an extension of the following streets:

1. Finucane Road
2. Moorambine Street
1. Great Northern Highway

The applicant has also requested to rename the following:

2. A portion of Great Northern Highway to Wallwork Road

Consultation

Council's Engineering Services have advised that they have no objection to the proposal.

Landgates Geographic Names Committee have advised that they are supportive of the proposal.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

The road name provided by the applicant is in keeping with the general theme of the area, being mainly industrial, and is well associated with the local industry.

As the name has not been utilised within the Town, Steel Loop is recommended for approval.

It is recommended that the extension of Finucane Road, Moorambine Street and Great Northern Highway be approved to assist in the facilitation of the approved Wedgefield Industrial Estate.

It is recommended that a portion of Great Northern Highway be renamed to Wallwork Road as recommended by Landgate's Geographic Names Committee.

Options

Council has the following options for responding to the request:

1. Support the request from the applicant.

The approval of the applicants request will result in the street modifications being altered as per Part 2, Division 3, Section 26A of the *Land Administration Act 1997*.

2. Reject the request from the applicant.

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

Attachments

1. Street Name Plan

201112/055 Officer's Recommendation/Council Decision**Moved:** Cr M B Dziomak**Seconded:** Cr D W Hooper

That Council:

1. SUPPORTS the use of Steel Loop for the newly created road as indicated on Attachment 1;
2. SUPPORTS the extensions of Finucane Road, Moorambine Street, and Great Northern Highway for the approved Wedgefield Industrial Estate as indicated on Attachment 1;
3. SUPPORTS the renaming of a portion of Great Northern Highway to Wallwork Road for the approved Wedgefield Industrial Estate as indicated on Attachment 1;
4. DELEGATES the Manager Planning Services to forward the approved road name to the Geographic Names Committee for final approval;
5. DELEGATES the Manager Planning Services to forward the approved extensions of Finucane Road, Quarry Road, Moorambine Street, Pinga Street and Great Northern Highway for the approved Wedgefield Industrial Estate;
6. DELEGATES the Manager Planning Services to forward the approved road renaming of a portion of Great Northern highway to Wallwork Road for the approved Wedgefield Industrial Estate;
7. ADVISES the applicant that any cost associated with the required road signage will be at the cost of the applicant;
8. ADVISES the applicant that the proposed street signs are to be to the specifications of Council's Manager Engineering and to the satisfaction of Council's Manager Planning;

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.10



11.1.1.11 Proposed Permanent Closure of Portion of Jibson Court Road Reserve and Brown Place Road Reserve, South Hedland (File No.: 28/01/0017)

Officer	Caris Vuckovic Lands Officer
Date of Report	14 July 2011
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners on behalf of the South Hedland New Living Project (SHNL) to permanently close a portion of Jibson Court Road Reserve and Brown Place Road Reserve, South Hedland.

The closed portions of reserve will ultimately form part of a larger subdivision.

Council is requested to approve the permanent partial closure of Jibson Court and Brown Place Road Reserves.

Background

The purpose of the proposed road closures is to excise unused portions of the existing road reserves and amalgamate the closed reserve into adjacent proposed residential lots.

None of the proposed reserve closures will adversely affect traffic, pedestrian or cycle networks. For each reserve closure, appropriate applications for rezoning will be lodged to facilitate the Scheme Amendments where necessary to be consistent with the adjoining lots.

Consultation

Section 58(3) of the *Land Administration Act 1997* states that 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.

Consultation with internal departments as well as all interested parties, including public service providers, has been undertaken and no objections were raised.

Statutory Implications

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

The subsequent sale of the Crown Land is undertaken by State land Services on behalf of the Minister in accordance with Part 6 of the *Land Administration Act 1997*.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

The application fee of \$230.00 has been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The proposed road closures are associated with adjacent future residential developments that are to be submitted to the Council for comment as well as the Western Australian Planning Commission.

None of the proposed partial road closures will affect traffic permeability or adversely impact pedestrian or cycle networks in any way as the land is currently not used for that purpose.

Attachments

1. Locality Plan
2. Proposed Road Reserve Closure Plan

201112/056 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That Council:

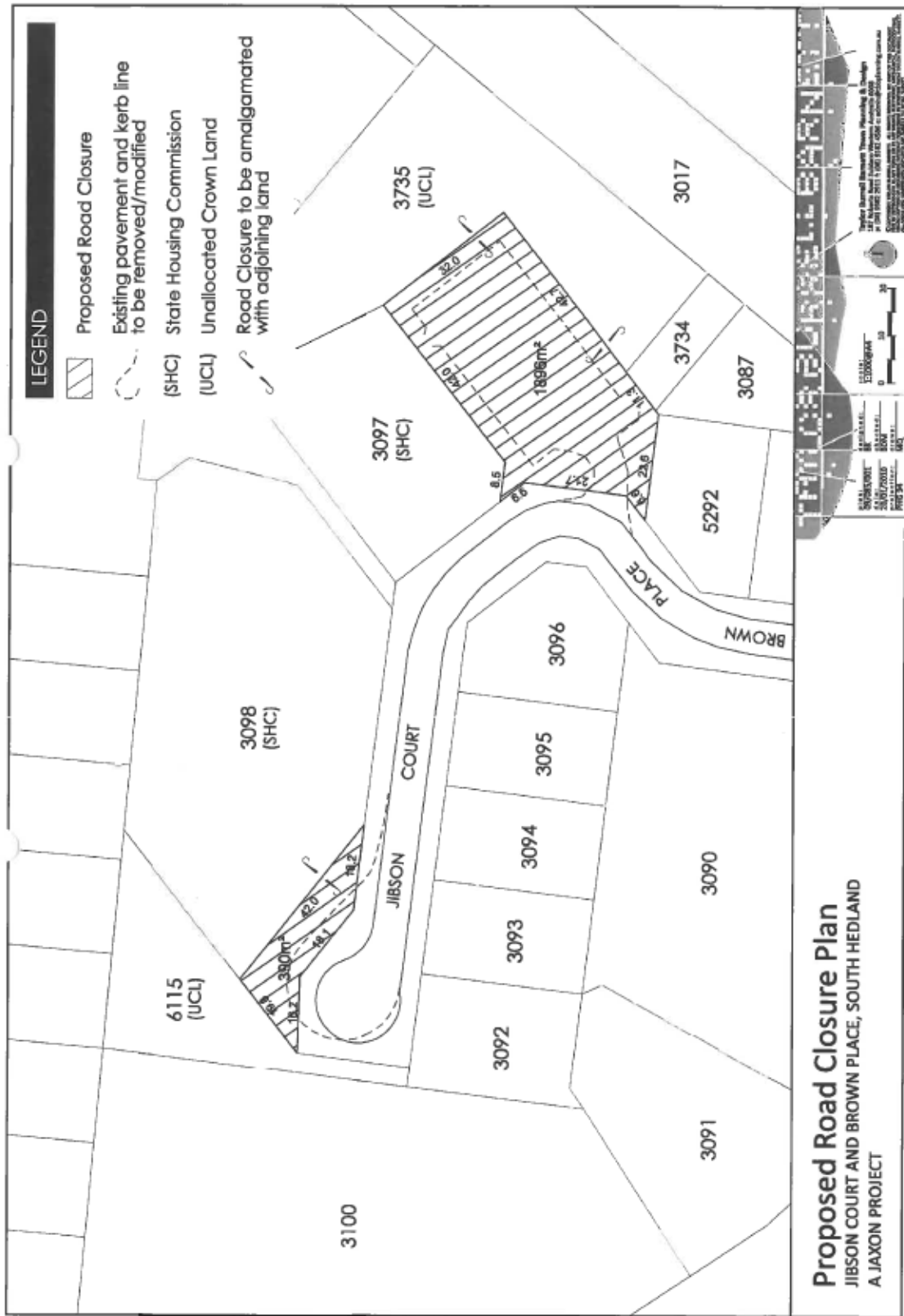
1. SUPPORTS the request to permanently close a portion of Jibson Court Road Reserve and Brown Place Road Reserve, South Hedland;
2. DELEGATES the Director Planning & Developments Services under Delegation 40(12) to submit the roads closure request to the Department of Regional Development and Lands (State Lands Services);
3. NOTIFIES the applicant that any expenses incurred as a result of the proposed closure will be as the applicants cost.

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.11



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.11



11.1.1.12 Change of Use from "Office" to "Community Use" – Pindan College on Lot 202 Byass Street, South Hedland (File No.: 801984G)

Officer	Ryan Djanegara Planning Officer
Application No	2011/146
Date of Report	8 February 2011
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application submitted by Pindan College on behalf of Ian Bright and Richard Spencer for the proposed change of use from "Office" to "Community Use" on Lot 202 Byass Street, South Hedland.

The definition of the proposal as "Community Use" is not considered appropriate with Council requested to support that the proposal be approved as an "Education Establishment".

Background

Site Description

The subject land is located along Byass Street, South Hedland and has a total area of 6 207m². The site is currently zoned "Mixed Business", which consists of 5 warehouses and 1 office building.

Previous Development History

Council refused (OCM 23 December 1999) an application to use the site for short stay accommodation on the basis that it was inconsistent with (now superseded) "Service Trades Zone" in accordance with Shire of Port Hedland Town Planning Scheme No. 4.

On 21 December 2001, an application to use the site for automotive sales, service and repairs was approved under delegated authority.

On 10 October 2002, an application to use the site as a storage facility/depot/lay down area for industrial materials was approved under delegated authority.

On 11 November 2002, an application to use building E for a sporting and recreational sales good shop was approved under delegated authority.

On 25 June 2007, an application to use the site as an office was approved under delegated authority.

Proposal

Pindan College is currently co-locating with the Pundulmurra TAFE Campus at 1 Parker Street, South Hedland. The College wants to expand their training operations in Port Hedland.

The applicant is proposing to change the internal layout and floor plan of the existing building and to re-establish Pindan College and their educational facilities.

Some of the courses that will be offered include:

- Computer labs and classroom facilities
- Basic forklift and bobcat driver training
- Hand tool use (drills, sanders and saws)
- Small engine assembly (lawn mowers, mini bikes)
- Basic engine assembly
- Indoor sports
- Basic electrical skills
- Storage areas
- Traditional cultural skills (didgeridoos, shields)
- OH&S Training.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

Public consultation has not occurred and will be undertaken should Council approve the advertising.

Statutory Implications

The land must be developed in accordance with the Town of Port Hedland Town Planning Scheme No. 5.

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 3: Community Development
Goal Number 1: Youth and Children
Other Actions: Pursue improved education facilities and additional education choice within the Town.

Budget Implications

An application fee of \$270.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

Definition under the scheme

The proposal has been described as a "Community Use – Pindan College". A "Community Use" is defined as a:

"land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit"

A "Community Use" is an AA use in the "Mixed Business" zone that can be considered subject to Council discretion. Although the development has been described by the applicant as a "Community Use", it is considered that the proposal is more accurately defined as an "Education Establishment". An "Education Establishment" is defined as:

"A kindergarten, school, college, university, technical institute, academy or other education centre including a residential school, but not including a juvenile detention centre."

An "Education Establishment" is currently a not permitted use in the "Mixed Business" zone.

Justification for the proposal on this site

Pindan College have insisted that they are not an "Education Establishment" and have provided the following reasons to justify the proposed use on this site:

- Pindan College is a non-for-profit organisation that provides training and employment services focusing on ensuring that their clients have the necessary skills that will improve their employment prospects;

- The courses provided by the organisation consist of social and recreational elements that are of community benefit and therefore it is more consistent to define the organisation as a “Community Use”;
- The organisation differs from a school in that it offers people transitional services from a high school to an office and industry environment; and
- The organisation considers themselves more associated with recruitment services similar to other employment agencies.

Officer’s Response

The proposed use is considered to be more reasonably defined as an “Education Establishment” which includes a technical institute or other education centre.

The educational component of a “Community Use” is more appropriately related to providing information and educational services such as family planning or well being centre. The educational facilities and services offered by the applicant are more closely associated with a technical institute or other education centre.

An “Education Establishment” is currently a not permitted use within the “Mixed Business” zone.

Alternative Sites

In preliminary discussions with regards to the proposed development, the applicant has explored other alternative sites.

These sites include:

- 9 Byass Street, South Hedland
- 4 Munda Way Wedgefield.

The selection of the site was based upon the availability of commercial space in Port and South Hedland. These sites were not considered reasonable according to the applicant as they did not meet their size requirements.

Planning Merit

Notwithstanding the current land use restrictions, the proposal has both planning and economic merits to supporting the proposed use in this location. The subject site is within close proximity to the South Hedland Town Centre.

The proposed development could assist in the rejuvenation of the South Hedland Town Centre by attracting more people into the area. Local business would therefore experience greater exposure due to the increased daytime population.

Possible impacts on the surrounding properties

One of the concerns about the proposed use of the site is the omission of noise. In addition to the classroom activities, Pindan College will also be offering trade and skill based courses that are related to the mining and construction industry. These courses will include basic forklift and bobcat driver training, learning to use hand tool use (drills, sanders and saws) and small engine assembly (lawn mowers, mini bikes). It is proposed by the applicant that the industry related courses will be conducted within the warehouses, reducing any noise submissions that may occur.

Scheme Amendment No. 43

At the Ordinary Council meeting dated 8 June 2011, Council initiated Scheme Amendment No. 43 to review the uses under the "Mixed Business" zone in the zoning table. The Scheme Amendment is also considering reviewing "Education Establishment" as an "SA" use within the zone as opposed to the current "~"(Prohibited) use.

Clause 4.5(b) of the Town Planning Scheme, states that Council in considering an application for planning approval shall have due regard to:

"any relevant proposed new town planning scheme of the Council or any amendment to an existing scheme operating within the district".

In light of the above Clause in the Scheme, there is merit to support the proposed use. The scheme amendment is currently being assessed by the Environmental Protection Authority.

At this point in time the amendment has not been given a level of assessment from the EPA enabling Council to formally advertise the amendment for public comment. Given the current status of the application, there is some chance that the amendment may not be supported by the community or possibly State Government Agencies. However, the likelihood of this is considered low. The proposed use is considered to be consistent with proper and orderly planning and has been recognised as such by Council through the initiation of Scheme Amendment 43.

Options

The Council has the following options when considering the application:

1. Approve the proposal as an "Education Establishment" subject to advertising.

An "Education Establishment" is currently not permitted within the "Mixed Business" zone but would be a "SA" use upon finalisation of Scheme Amendment 43. If Council chooses this option it is recommended that the application be advertised for public comment prior to issuing an approval.

Should the application be approved, Pindan College will continue to provide education services and facilities within close proximity to the South Hedland Town Centre.

2. Refuse the advertising.

This option should be chosen if Council is of the opinion that Amendment 43 has not advanced significantly enough to consider the proposal under the provisions of the Amendment.

Should the proposal be refused, Pindan College will need to await finalisation of Amendment 43 or find an alternative site with appropriate zoning for their purposes. This option may result in the closure.

It is recommended that Council approve the application as it is generally consistent with the proper and orderly planning of the area having regard to the implications of proposed Scheme Amendment 43 which has been initiated.

Attachments

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

201112/057 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council:

- i. ADVERTISES the planning application in accordance with the Town Planning Scheme No.5 for public comment and subject to no significant objections;

- ii. Subject to (i) above APPROVES the planning application submitted by Pindan College on behalf of Ian Bright and Richard Spencer for the proposed change of use from Office to Education Establishment on Lot 202 Byass Street, South Hedland subject to the following conditions:
1. **This approval relates only to the proposed Education Establishment – Pindan College Administration Centre and other incidental development, as indicated on the approved plans (Plan No. 2011/146/drg/1, 2011/146/drg/2 & 2011/146/drg/3). It does not relate to any other development on this lot.**
 2. **The development must only be used for purposes, which are related to the operation of an “Education Establishment”. Under the Town of Port Hedland’s Town Planning Scheme No. 5 an “Education Establishment” is defined as:**

“a kindergarten, school, college, university, technical institute, academy or other education centre including a residential school, but not including a juvenile detention centre.”
 3. **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
 4. **A minimum of 38 car parking spaces are to be provided on-site in accordance with Appendix 7 of Council's Town Planning Scheme No. 5 to the satisfaction of Council’s Manager Planning.**
 5. **Installation of lighting in car parking areas, parking bay dimensions and turning circles are to be upgraded to comply with Appendix 8 of the Port Hedland Town Planning Scheme No. 5 to the satisfaction of Council’s Manager Planning.**
 6. **The driveways and crossover shall be upgraded, designed and constructed in accordance with Council’s Crossover Policy 9/005, prior to the occupation of the building.**

- 7. Within 30 days of this approval, or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001. The landscaping plan is to include the use of mature trees along the Byass Street frontage to the satisfaction of Council's Manager Planning.**
- 8. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Council's Manager Planning, landscaping and reticulation is to be established in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.**
- 9. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
- 10. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
- 11. The development is to comply with the Health (Public Buildings) Regulations 1992.**

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.

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

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

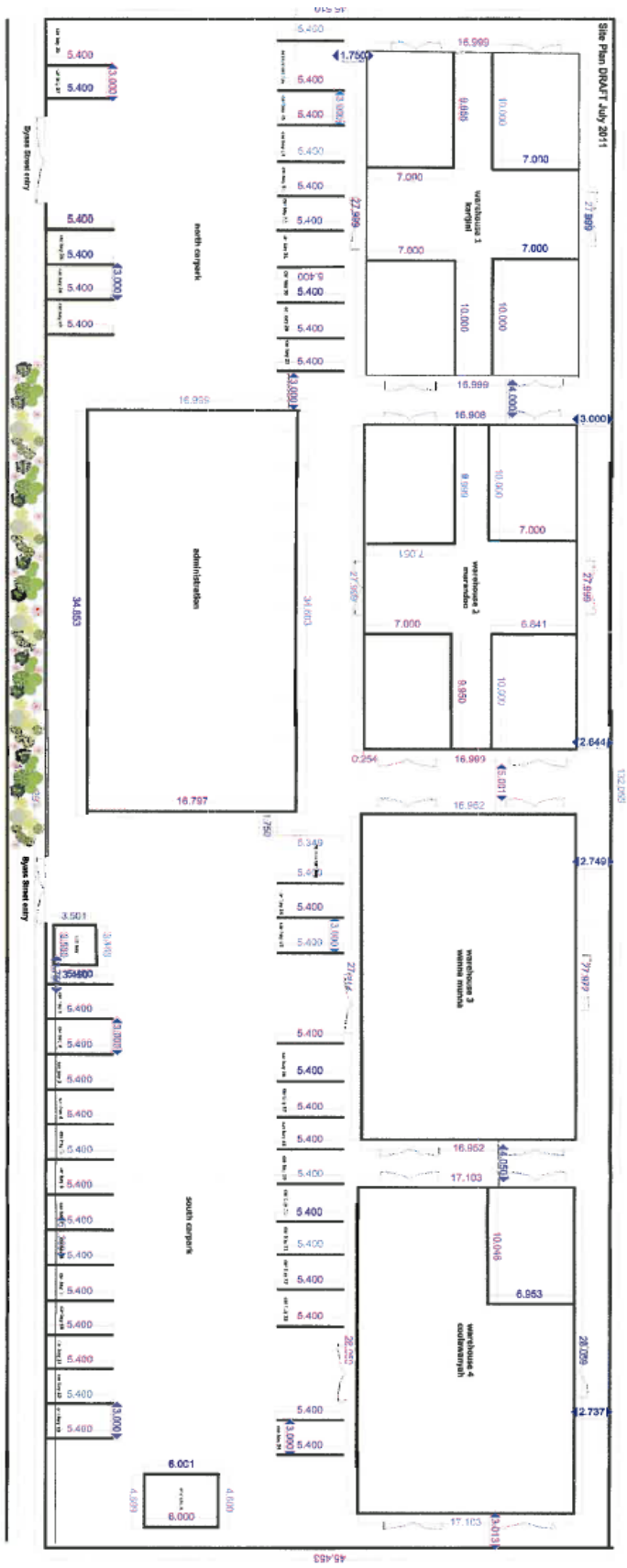
CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.12

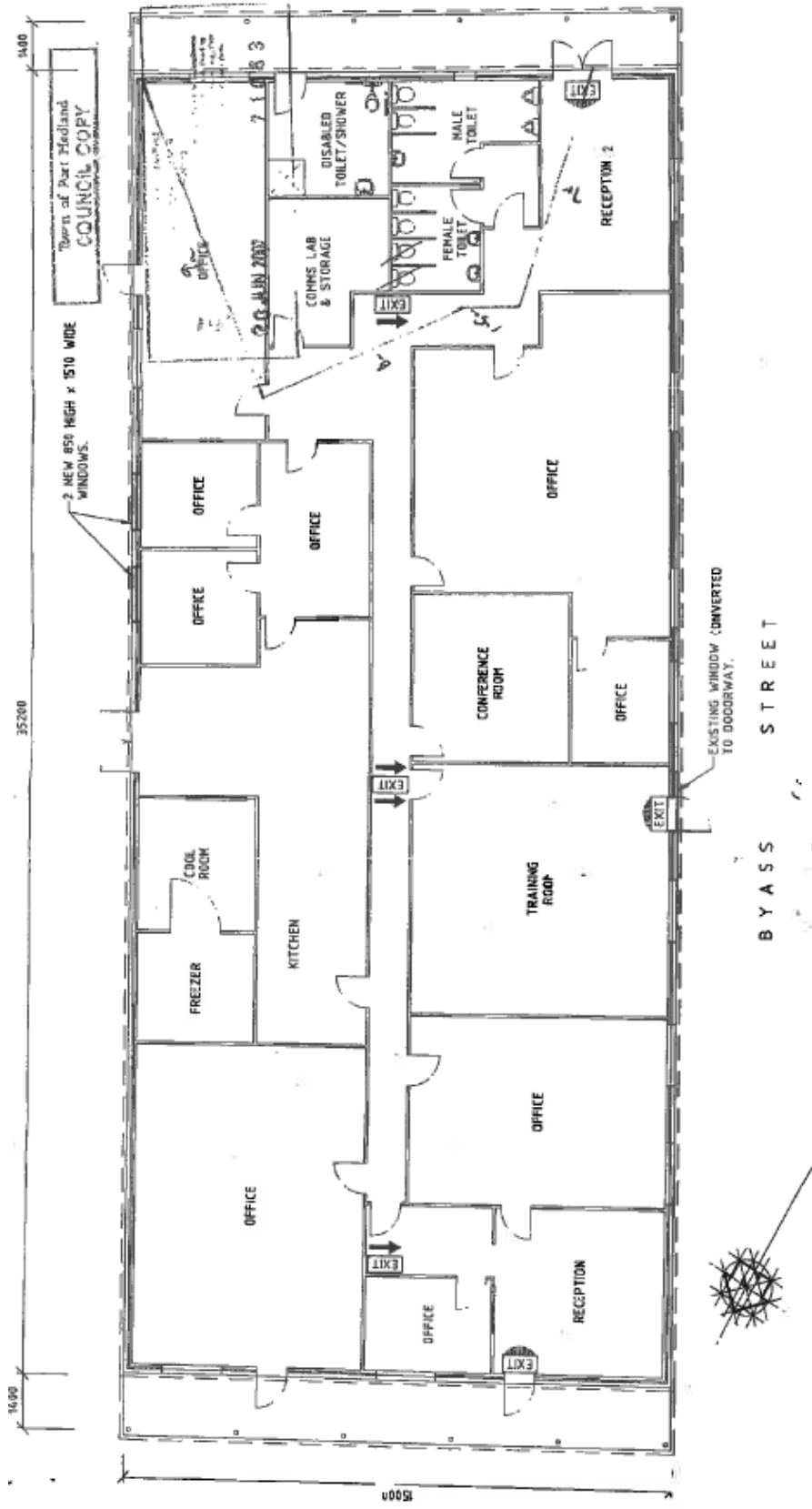


Attachment 1

ATTACHMENT 2 TO AGENDA ITEM 11.1.1.12



ATTACHMENT 3 TO AGENDA ITEM 11.1.1.12

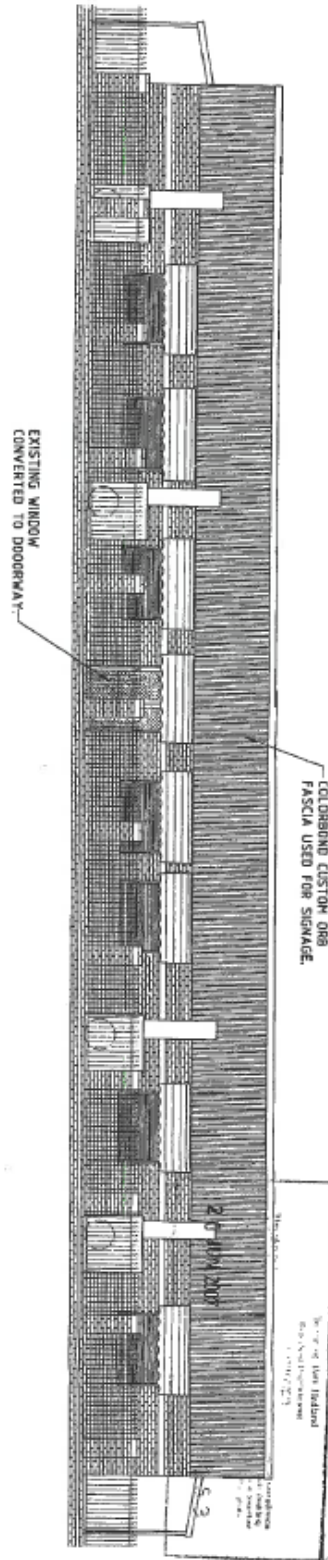


EXISTING FLOOR PLAN 1:100

REV. NO.	DATE	DESCRIPTION	BY	CHK. BY	DATE

Attachment 3
 Drawing Title: OFFICE - FLOOR PLAN
 PINDAN COLLEGE LTD

Attachment 3
Town of Port Hedland
COUNCIL COPY



BYASS STREET ELEVATION
1:100

DRAWING TITLE: BYASS STREET ELEVATION		DRAWING NO.:		DATE:		REV. NO.:		REVISED DATE:		REV. NO.:	
DRAWING ISSUES:		DRAWING REVISIONS:		REV. NO.:		REV. NO.:		REV. NO.:		REV. NO.:	
USER: Vatjunker Contractors Pty Ltd Richard Painter - Drafting Services 800/TH-REDLAND, 10/4 STRE PHONE / FAX: 1472 0320 email: r.painter@vatjunker.com		DRAWING TITLE: BYASS STREET ELEVATION		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:	
PROJECT: ALTERATIONS TO FMG OFFICES FMG OFFICES BYASS STREET SOUTH HEDLAND		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:		REV. NO.:	
A.M.N.: 20 498 706 01		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:		REV. NO.:	
email: r.painter@vatjunker.com		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:		REV. NO.:	
704-18		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:		REV. NO.:	
3/3		DRAWING NO.:		DATE: APR-07		REV. NO.:		REV. NO.:		REV. NO.:	

11.1.1.13 Proposed Ammonium Nitrate Storage Facility on Lot 503 and Lot 504 (Reserve 30985) Great Northern Highway.(File No.: 802303G)

Officer Michael Pound
Planning Officer

Date of Report 2 August 2011

Disclosure of Interest by Officer Nil

Summary

The Town has received an application from Whelans on behalf of Coleman Brothers Pty Ltd, to develop two (2) storage sheds on Lot 503 and Lot 504 Great Northern Highway (subject site) for the storage of ammonium nitrate.

The lots form part of a reserve, which in terms of the Port Hedland Town Planning Scheme No.5 is reserved as an "Explosive Safety Area".

In terms of Clause 2.2 *Development and Use of Reserves*, any development taking place within a reserve must be considered by Council.

Council is requested to approve the application subject to conditions.

Background

Locality (ATTACHMENT 1)

The subject site located on the northern side of Great Northern Highway, approximately 5km east of its T-junction with Wilson Street.

The lots have a combined frontage of 300m onto the Great Northern Highway, and together measure 8ha.

The subject site contains two (2) existing sheds which are of the same dimension and height as the proposed.

Current Zoning:

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5), the lots are located on "Reserve 30985" for the purpose of an "Explosive Safety Area."

In this regard the proposed use, storage of ammonium nitrate is permitted, subject to the approval of Council.

Proposal (ATTACHMENT 2)

The proposed development includes the construction of one (1) storage shed of approximately 5,000m² on each lot.

The development will include an administration office and two amenities building which will consist of a kitchen, bathroom, laundry, dining and recreation area.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

As access to the proposed development is off the Great Northern Highway, comments have been requested from Main Roads WA.

All comments / conditions have been included in the Officer's recommendation.

Statutory Implications

In accordance with the Planning and Development Act 2005 the proposed development is subject to the provisions of the TPS5.

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 4: Land Development Projects

Strategy 2:

Promote and support initiatives that attract new developers, builders and / or trades people to the Town.

Budget Implications

An application fee of \$8,936.36 was paid on lodgment.

Officer's Comment

Need:

Ammonium nitrate is essential to the operation of the resource sector. With unprecedented growth within the resource sector the demand for ammonium nitrate is increasing.

Currently ammonium nitrate is being transferred over land by truck and occasionally by sea on a regular basis as there is no facility within Port Hedland to store the material.

With the high demand for ammonium nitrate and the lengthy delivery times experienced due to the transportation methods, it has become imperative to have a storage facility that can supply the resource sector in a short timeframe.

The development of a storage facility will make it possible to bring in bulk loads of ammonium nitrate via sea, which is currently not possible.

Desirability:

Proposal

The proposed development will improve services to the resource sector and bring another permanent industry to the Town.

In addition, the facility will allow for large shipments of ammonium nitrate to be brought through the port, resulting in the reliance of long distance road travel being reduced, which in its own has a positive impact on road safety and road maintenance and reinforces the Port's value for imports as well as export trade.

Locality

The location of the site being adjacent to a national highway provides good access without the need for heavy vehicles to utilize the greater Port Hedland road network.

In addition, the proposed development is located within a Reserve for "Explosive Safety Area", located well away from any sensitive uses or non-compatible uses.

Amenity

Whilst the location of the proposed development along the national highway has advantages, care must be taken to ensure that the development does not detract from the "streetscape".

In this regard it will be required that a bund be constructed to suitably “screen” the development from the Great Northern Highway.

Development Controls

The proposed development is able to comply with all the development controls applicable to the type of use.

Attachments

1. Locality Plan
2. Site Plan and Elevations

Officer’s Recommendation

That Council

1. Approves the application, to develop two (2) storage sheds on Lot 503 and Lot 504 Great Northern Highway as a “Storage facility / Depot/Laydown Area” for the storage of ammonium nitrate, subject to the following conditions:
 - a. This approval relates only to the proposed “Shed” on Lot 503 and Lot 504 and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 - b. The Town of Port Hedland Town Planning Scheme No. 5 defines ‘Storage Facility/Depot/Laydown Area’ as

‘any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots and salvage yards’.
 - c. Notwithstanding the definition in condition 2, Lot 503 and Lot 504 may only be used for the purpose of storing ammonium nitrate and directly related materials.
 - d. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
 - e. Prior to occupation of the Storage Facility/Depot/Laydown Area – ammonium nitrate storage facility, the applicant is to apply for and obtain approval for access to the lots from Main Roads Western Australia, to the satisfaction of Council’s Manager Planning.

- f. All activities on Lot 503 and Lot 504 are to be carried out in accordance with the requirements of the Department of Mines and Petroleum and Department of Consumer and Employment Protection – Dangerous Goods Branch.
- g. An approved effluent disposal system is to be installed to the specification of Environmental Health Services and/or the Health Department of Western Australia to the satisfaction Council's Manager Planning.
- h. Any effluent disposal system installed to service the Storage Facility/Depot/Laydown Area is to be a separate system from any other effluent disposal system servicing any other development on this lot.
- i. Where petrol, benzene or other inflammable or explosive matter, grease, oil or greasy/oily matter is likely to be discharged, a sealed wash down area and a petrol and oil trap are to be installed and connected to an approved leach drain to the specification of the Health Department of Western Australia to the satisfaction of Council's Manager Planning.
- j. Prior to the submission of a Building Licence Application, written advice is to be submitted to Council demonstrating that the developer has liaised with Main Roads Western Australia (MRWA) with regard to the construction and location of the crossover from Great Northern Highway.
- k. The driveways and crossover shall be designed and constructed to specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning, prior to the occupation of the Building(s).
- l. A minimum of 50 car parking spaces are to be provided in conjunction with the proposed building on each lot (total of 100 car parking bays) to the satisfaction of Council's Manager Planning.
- m. Car parking bays are to be constructed in accordance with Appendix 8 of Council's Town Planning Scheme No.5, to the satisfaction of Council's Manager Planning.
- n. In regard to condition (j) and (k), any requirements regarding the crossover design or location requested by the Main Roads Western Australia shall be implemented to their specifications, prior to the use of the subject building and to the satisfaction of Council's Manager Planning.

- o. Within 30 days of this approval, a detailed landscaping and reticulation plan must be submitted to and approved by Council's Manager Planning. The plan to include a suitably landscaped bund to screen the proposed development from the Great Northern Highway. The plan is to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
- p. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.
- q. Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to the specification of Engineering Services and Environmental Health Services and the satisfaction of Council's Manager Planning.
- r. No accommodation or habitation is permitted in the buildings approved as part of this application.
- s. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
- t. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
- u. Prior to the commencement of any new clearing or earthworks, the applicant / owner shall ensure that there is no sites of aboriginal significance or protected vegetation that will be affected by the proposed works to the satisfaction of Council's Manager Planning

FOOTNOTES

- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- b. In regard to condition (o), the bund is to be constructed in such a way that it screens the development from the Great Northern Highway; this may require the bund to be constructed along the side boundaries as well as the road frontage boundary.

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

201112/058 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- 1. Approves the application, to develop two (2) storage sheds on Lot 503 and Lot 504 Great Northern Highway as a "Storage facility / Depot/Laydown Area" for the storage of ammonium nitrate, subject to the following conditions:
 - a. **This approval relates only to the proposed "Shed" on Lot 503 and Lot 504 and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
 - b. **The Town of Port Hedland Town Planning Scheme No. 5 defines 'Storage Facility/Depot/Laydown Area' as**

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

- c. Notwithstanding the definition in condition 2, Lot 503 and Lot 504 may only be used for the purpose of storing ammonium nitrate and directly related materials.**
- d. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
- e. Within 30 days of the approval and prior to the occupation of the Storage Facility/Depot/Laydown Area – ammonium nitrate storage facility, the applicant is to apply for and obtain approval for access to the lots from Main Roads Western Australia, to the satisfaction of Council’s Manager Planning.**
- f. All activities on Lot 503 and Lot 504 are to be carried out in accordance with the requirements of the Department of Mines and Petroleum and Department of Consumer and Employment Protection – Dangerous Goods Branch.**
- g. An approved effluent disposal system is to be installed to the specification of Environmental Health Services and/or the Health Department of Western Australia to the satisfaction Council’s Manager Planning.**
- h. Any effluent disposal system installed to service the Storage Facility/Depot/Laydown Area is to be a separate system from any other effluent disposal system servicing any other development on this lot.**
- i. Where petrol, benzene or other inflammable or explosive matter, grease, oil or greasy/oily matter is likely to be discharged, a sealed wash down area and a petrol and oil trap are to be installed and connected to an approved leach drain to the specification of the Health Department of Western Australia to the satisfaction of Council’s Manager Planning.**
- j. Prior to the submission of a Building Licence Application, written advice is to be submitted to Council demonstrating that the developer has liaised with Main Roads Western Australia (MRWA) with regard to the construction and location of the crossover from Great Northern Highway.**

- k. The driveways and crossover shall be designed and constructed to specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning, prior to the occupation of the Building(s).**
- l. A minimum of 50 car parking spaces are to be provided in conjunction with the proposed building on each lot (total of 100 car parking bays) to the satisfaction of Council's Manager Planning.**
- m. Car parking bays are to be constructed in accordance with Appendix 8 of Council's Town Planning Scheme No.5, to the satisfaction of Council's Manager Planning.**
- n. In regard to condition (j) and (k), any requirements regarding the crossover design or location requested by the Main Roads Western Australia shall be implemented to their specifications, prior to the use of the subject building and to the satisfaction of Council's Manager Planning.**
- o. Within 30 days of this approval, a detailed landscaping and reticulation plan must be submitted to and approved by Council's Manager Planning. The plan to include a suitably landscaped bund to screen the proposed development from the Great Northern Highway. The plan is to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- p. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.**
- q. Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to the specification of Engineering Services and Environmental Health Services and the satisfaction of Council's Manager Planning.**
- r. No accommodation or habitation is permitted in the buildings approved as part of this application.**

- s. **Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
- t. **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.**
- u. **Prior to the commencement of any new clearing or earthworks, the applicant / owner shall ensure that there is no sites of aboriginal significance or protected vegetation that will be affected by the proposed works to the satisfaction of Council's Manager Planning**

FOOTNOTES

- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- b. In regard to condition (o), the bund is to be constructed in such a way that it screens the development from the Great Northern Highway; this may require the bund to be constructed along the side boundaries as well as the road frontage boundary.
- c. The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town of Port Hedland before commencing any works whatsoever
- d. Applicant is to comply with any DEC requirements.
- e. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD.

- f. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
- g. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

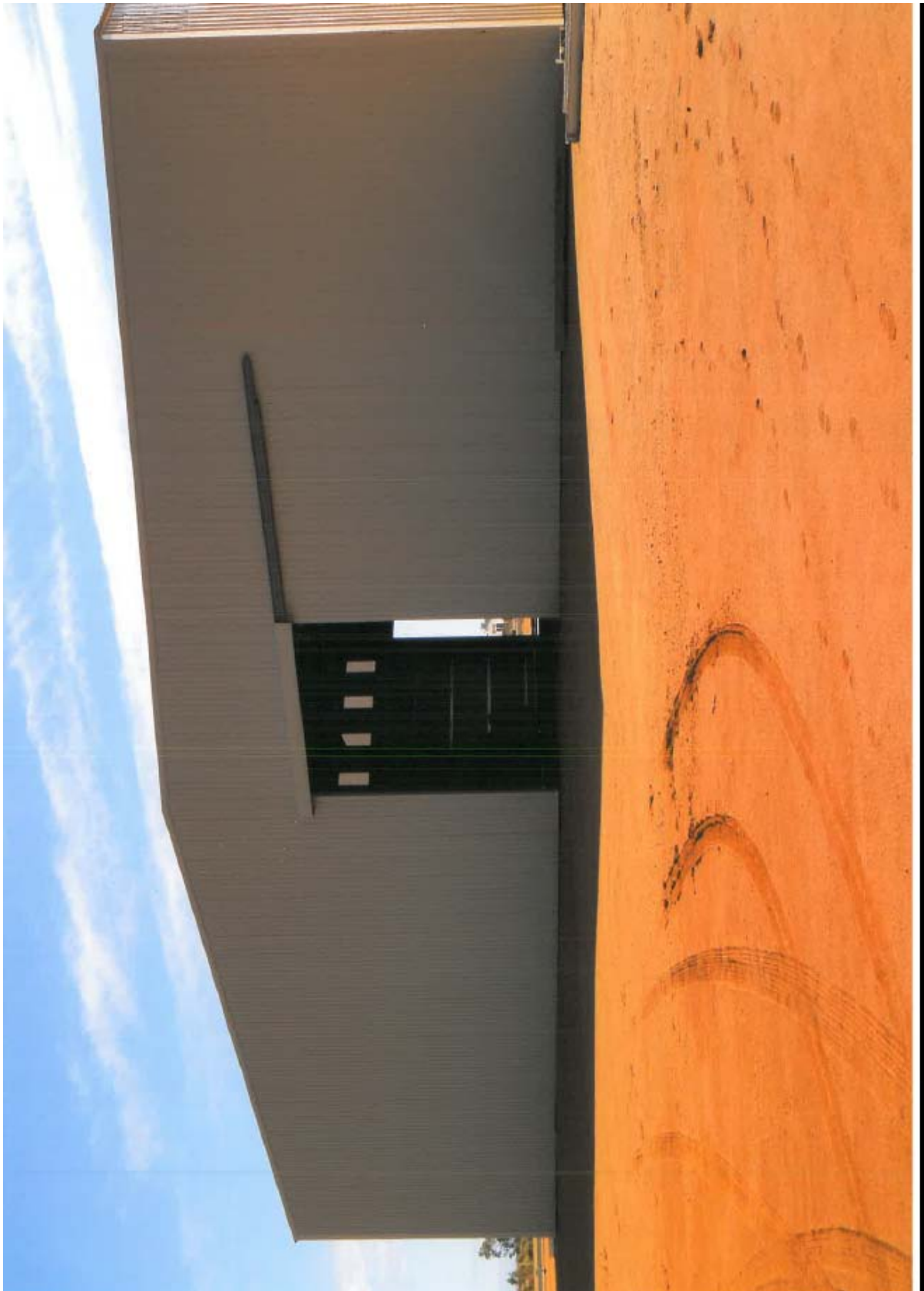
CARRIED 8/0

REASON: Council believes that it needs to specify under condition 'e' that the applicant needs to obtain access to the lots form Main Roads Western Australia within 30 days of approval.

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.13



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.13







11.1.1.14 Proposed Transient Workforce Accommodation – Additional 52 rooms on Lot 5871 and 5872 Schillaman Street, Wedgefield (File No.: 803553G & 119511G)

Officer Michael Pound
Planning Officer

Date of Report 4 July 2011

Disclosure of Interest by Officer Nil

Summary

Council received an application to construct an additional 52 Transient Workforce Accommodation (TWA) rooms on Lot 5871 and 5872 Schillaman Street, Wedgefield (subject site).

As a result of the gazettal of Scheme Amendment 24 on 8 February 2011, the existing TWA is classified as a “Non-conforming” use. In terms of Clause 8.2 of the Town Planning Scheme No.5 “*Extension of non-confirming use*”, a non-conforming use may not be extended or altered without first having applied for and obtained Council approval.

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

Council is requested to support the application subject to conditions.

Background

Location and Site Details

The subject site is located along Schillaman Street, and measures approximately 4.078 hectares (ATTACHMENT 1).

Prior to the gazettal of Scheme Amendment 24, the lots were zoned “Transient Workforce Accommodation R 20” and approvals granted by Council for the existing TWA development. In terms of TPS5 the subject site is zoned ‘Industry’. The site is currently being used for Transient Workforce Accommodation.

Scheme Amendment 24

The subject site was rezoned from ‘Transient Workforce Accommodation R20’ to ‘Industry’ on 8 February 2011. The amendment process was undertaken with regard to statutory obligations. No objections were received during the amendment process in relation to the rezoning of the subject site.

The Proposal (ATTACHMENT 2)

The village currently comprises of 711 rooms and central facilities. The proposed development includes the installment of an additional 52 rooms which will be located on site and within lease boundaries.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Co-ordinator Environmental Health Services
- Building Coordinator.

No objections were received.

Statutory Implications

The development of the land must be done in accordance with the Town of Port Hedland Town Planning Scheme No. 5.

Policy Implications

Although Council does not have a policy in regard to Transient Workforce Accommodation, it has endorsed a "Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008".

Strategic Planning Implications

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

Key Result Area 4: Economic Development
Goal 2: Mining/Roads

That the Town has strong working relationships with the mining industry that are achieving sustainable outcomes for the local community, while minimizing negative impacts.

Budget Implications

An application fee of \$3475.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

From a planning perspective there are a number of aspects that need to be taken into consideration to ensure that a development of this nature is conducive to its surrounds, these aspects are all addressed below.

Town Planning Scheme No. 5

In accordance with Clause 3.2 of TPS5, the proposed development 'Transient Workforce Accommodation' is a '~' use, meaning it is a development that is not permitted by the Scheme.

Need

It is acknowledged that there is a severe lack of housing options available in the Town. According to the applicant, the additional development within the TWA is necessary in order to ensure future mining projects are completed.

The applicant is aware that the existing TWA will have to be dismantled by no later than 30 June 2014, when the existing lease agreement expires. While the location is not considered to be desirable, the extension of the TWA with an additional 52 rooms is considered acceptable subject to the dismantling of the TWA by 30 June 2014.

Supporting the construction of TWA developments without first exhausting other in-town options will undermine the Town's strategic direction to increase its permanent residential population.

The Council has the following options when considering the application:

1. Approve the proposal subject to conditions.

Should Council approve the development, the applicant will be able to suitably accommodate for the additional workers needed, until 30 January 2014.

2. Refuse the proposal.

Should Council refuse the development, the expansion projects planned by the resource sectors may be hampered.

It is recommended that Council approve the application subject to conditions.

Attachments

1. Locality Map
2. Site Plan, Floor Plans and Elevations

201112/059 Officer's Recommendation/Council Decision**Moved:** Cr S R Martin**Seconded:** Cr A A Carter

That Council:

- i. APPROVE the application submitted by Jeff Freeman Architects on behalf of Compass Australia Pty Ltd to construct a Transient Workforce Accommodation – additional 52 rooms and common facilities on Lot 5871 and 5872 Schillaman Street Wedgefield, subject to the following conditions:
 1. **This approval relates only to the proposed Transient Workforce Accommodation - addition of 52 rooms and common facilities and other incidental development, as indicated on the approved plans DWG2011/171d01 – DWG2011/171d03. It does not relate to any other development on this lot.**
 2. **The development area must only be used for purposes, which are related to the operation of a “*Transient Workforce Accommodation*” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 “*Transient Workforce Accommodation*” is defined as:

“dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas”**
 3. **Notwithstanding the definition in condition 2 above, this approval excludes the use of the lot or any buildings located on the lot as a temporary accommodation camp for contractors during the construction period.**
 4. **This approval is to remain valid until the 30th June 2014, after which date the use is to cease and all buildings that cannot be converted to a suitably approved use to be removed.**

5. **The applicant shall within a period of 6 months of this approval provide Council with a plan regarding the post lease options for buildings / infrastructure on the lot. Such plan is to include annual maintenance costs.**
6. **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
7. **The additional 52 bed facility shall include residents and support staff requirements.**
8. **All vehicle parking (both small - cars etc and heavy - trucks etc) associated (resident and visitor) with the Transient Workforce Accommodation shall be contained within the lease area (i.e. no verge parking is permitted) and within designated vehicle parking locations/areas all to the satisfaction of Council's Manager Planning.**
9. **The effluent system to be maintained to ensure no nuisance is caused, especially with regard to odours & mosquitoes, to the specifications of the Council's Environmental Health Services and to the satisfaction of Council's Manager Planning.**
10. **The developer is advised that any grey water or effluent re-use system to be employed in the proposed development is to be of a type specified for use by the Health Department of Western Australia and installed to the specification of Council's Environmental Health Services to the satisfaction of Council's Manager Planning.**
11. **Applicant is to submit amendment to lodging house licensing application.**
12. **Appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Council's Manager Planning.**

- 13. All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, and to the satisfaction of Council's Manager Planning. For applications regarding site stormwater overflow into Council's existing drainage network, please contact Engineering Technical Officer on 9158 9608**
- 14. Within 30 days of this approval, a detailed landscaping and reticulation plan including the Schillaman and Anthill street verges, must be submitted to Council for approval by the Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**
- 15. Within 60 days, or such further period as may be agreed by Council's Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.**
- 16. The premises to be kept in a neat and tidy condition at all times by the occupier to the satisfaction of Council's Manager Planning.**

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. A Building Licence to be issued prior to the commencement of any on site works.
3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

- i. Delegates the Chief Executive Officer or the Director Planning & Development to negotiate a community contribution with the applicant.**

CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.14



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.14







11.1.1.15 Proposed Office – Office and Caretakers dwelling on Lot 122 (12) Kingsmill Street, Port Hedland (File No.: 126090G)

Officer	Ryan Djanegara Planning Officer
Date of Report	14 June 2011
Application No.	2011/189
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Custom Construction WA P/L on behalf of the Clark Butson for development of an Office and Caretakers dwelling on Lot 122 Kingsmill Street, Port Hedland.

The proposal is being referred to Council for determination as the proposed development requires a variation to the scheme.

Council is requested to approve the application subject to conditions.

Background

Site Description

The subject site is approximately 326m², fronting Anderson Street and Withnell Street, Port Hedland. The site is currently vacant and zoned "Mixed Business" in accordance with the Port Hedland Town Planning Scheme No.5.

Previous Planning Permits

A planning permit was issued under (23 August 2010) delegated authority for the approval an "Office" development on Lot 122 (12) Kingsmill Street Port Hedland.

Proposal

The applicant is proposing to construct an "Office" with a floor area of 47m² and caretakers dwelling with a floor area of 47m². The applicant is proposing to have 3 bays constructed onsite with access being achieved via Anderson Street.

Consultation

The application has been referred internally to the following internal agencies for comment:

- Manager Infrastructure Development
- Building Coordinator.

Statutory Implications

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

Policy Implications

Council's Draft Local Planning Policy 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking

Strategic Planning Implications

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

Key Result Area 4: Economic Development

Goal 4: Land Development Projects

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

Budget Implications

An application fee of \$1, 085.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

Front setbacks

In accordance with Clause 6.6.3 of the Scheme, the minimum setback from the street is 6m. The applicant is proposing a reduced street setback from Anderson Street and is seeking a variation to this scheme requirement.

It is considered that the proposed variation should be supported as the design of the office would support greater passive surveillance onto Anderson Street and improve the streetscape.

Caretakers Dwelling

The applicant is proposing to develop a caretakers dwelling of 47.21m². A caretaker's dwelling is an IP use and in this instance is incidental to the Office Use. The proposed dwelling is considered consistent with the definition of a Caretaker's Dwelling.

Car Parking requirements

In accordance with Appendix 7 of the Port Hedland Town Planning Scheme and Clause 7.3.3 of the R-Codes the proposal is required to provide a minimum of 5 parking bays on-site. The applicant has provided 3 bays on-site.

Reciprocal Car parking uses

Council's Draft Local Planning Policy 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking, initiated by Council at its Ordinary Meeting on 9th February 2011, allows for car parking requirements to be waived in light of potential reciprocal uses on-site or with neighbouring properties, and/or cash-in-lieu alternatives.

As such, in accordance with Clause 6.13.7 of TPS5 Council may consider reciprocal car parking for a development in order to reduce the shortfall of car parking bays.

Council approved (11 May 2011) the office, backpackers and caretakers dwelling development on Lot 14 and 16 Kingsmill Street, Port Hedland (2010/301). As part of that application, Council approved a reciprocal parking arrangement between the caretakers dwelling and the offices. The rationale was that the caretakers dwelling is incidental to the office development and therefore the person using the office would also be the resident.

This current application requires 3 car bays for the office and 2 car bay for the caretakers dwelling. It is appropriate that the caretakers dwelling bay be reciprocated with an office bay as the occupant of the caretakers dwelling will be an employee of the office.

Options

Council has the following options when considering the application:

1. Approve the setback and parking variation.

The approval would support the development and better address the streetscape along Anderson Street.

2. Refuse the application.

Refusal of the application would require the applicant to reposition the building creating an undesirable streetscape that does not address Anderson Street

It is recommended that Council approve the development as submitted.

Attachments

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

201112/060 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council APPROVES the application including the setback and parking variation for development of an Office and Caretakers dwelling on Lot 122 Kingsmill Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed "OFFICE" – Office and Caretakers dwelling and other incidental development, as shown on plan number 2011/189/drg/1 to 2011/189/drg/3. It does not relate to any other development on this lot.
2. The development must only be used for purposes which are related to the operation of an "Office" and "Caretakers Dwelling" as indicated on the approved plans. Under TPS5, the above approved uses are defined as follows:

"Office

a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking."

"Caretakers Dwelling

a building used as a dwelling by a person, and an associated household, having the care of buildings, plant, equipment or land used for any development category in the zoning table carried out on or existing on the same site, with a maximum floor space of 50m²."

3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. The proposed development shall have a minimum setback of 0.8m from Anderson Street.
5. Only one caretakers dwelling is permitted on the lot; for the purpose of this condition 'lot' excludes a strata lot or survey strata lot created under the Strata Title Act 1985.
6. Prior to commencing works, the landowner is to prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:

"The primary occupant of the caretakers residence must be a full time employee of the business occupying the office and be primarily based at the office during opening hours."
7. A minimum of 3 parking bays are to be provided on-site to the satisfaction of the Manager Planning.
8. The carparking bays and accessway shall be designed and constructed in accordance with the requirements of Town Planning Scheme No. 5 – Appendix 8.
9. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
10. Within 30 days of this approval, or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.

11. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Council's Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.
12. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s).
13. All stormwater is to be retained onsite. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The imposition of Condition 6 is required in order to support the car parking variation from 5 bays to 3 bays. Failure to comply with this condition will require the applicant to adequately demonstrate that 5 car parking bays can be provided on-site.
3. In relation to Condition 9 and 10 please contact Council's Manager Infrastructure Development 9158 9650 for further details.
4. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

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

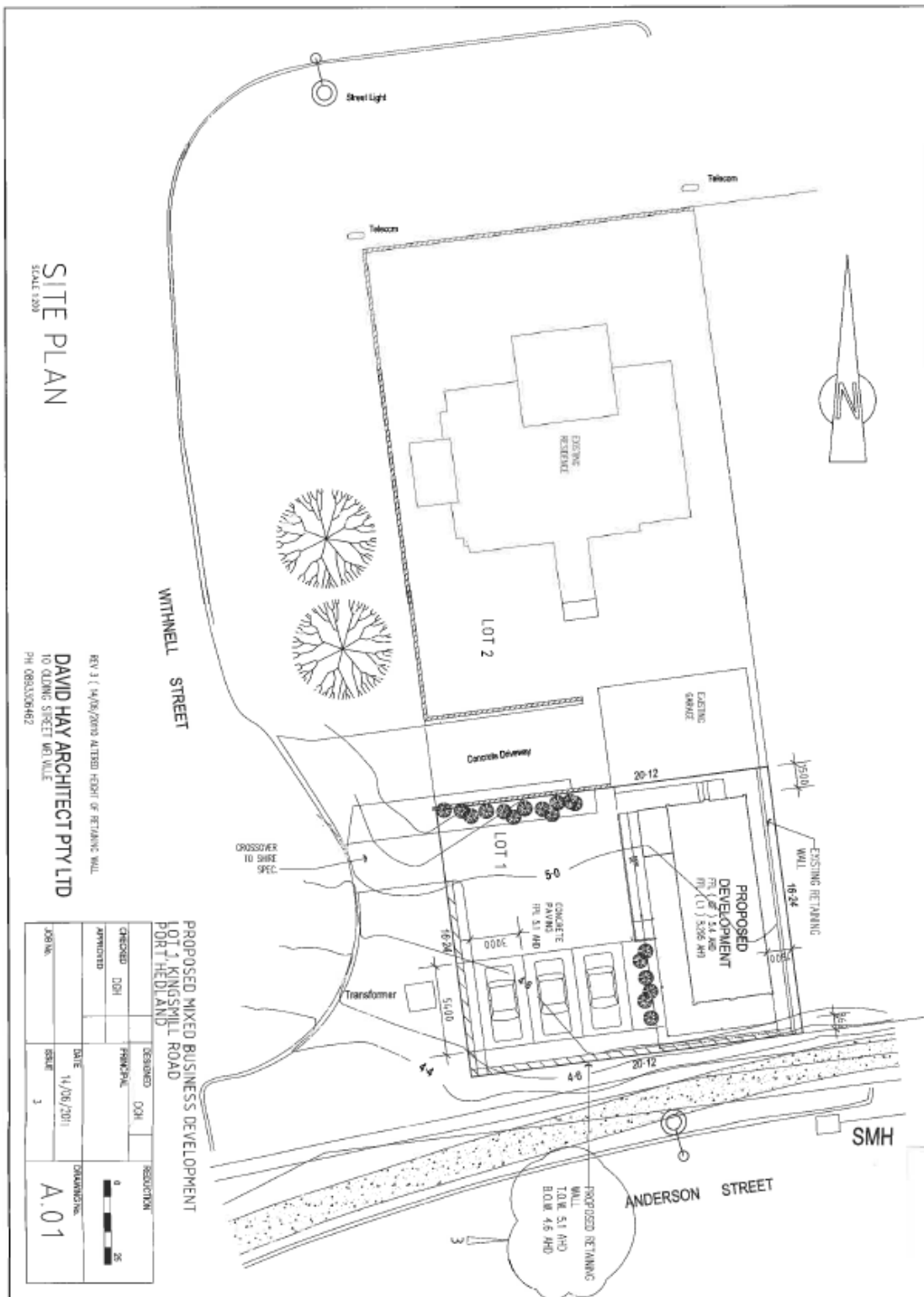
CARRIED 8/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.15



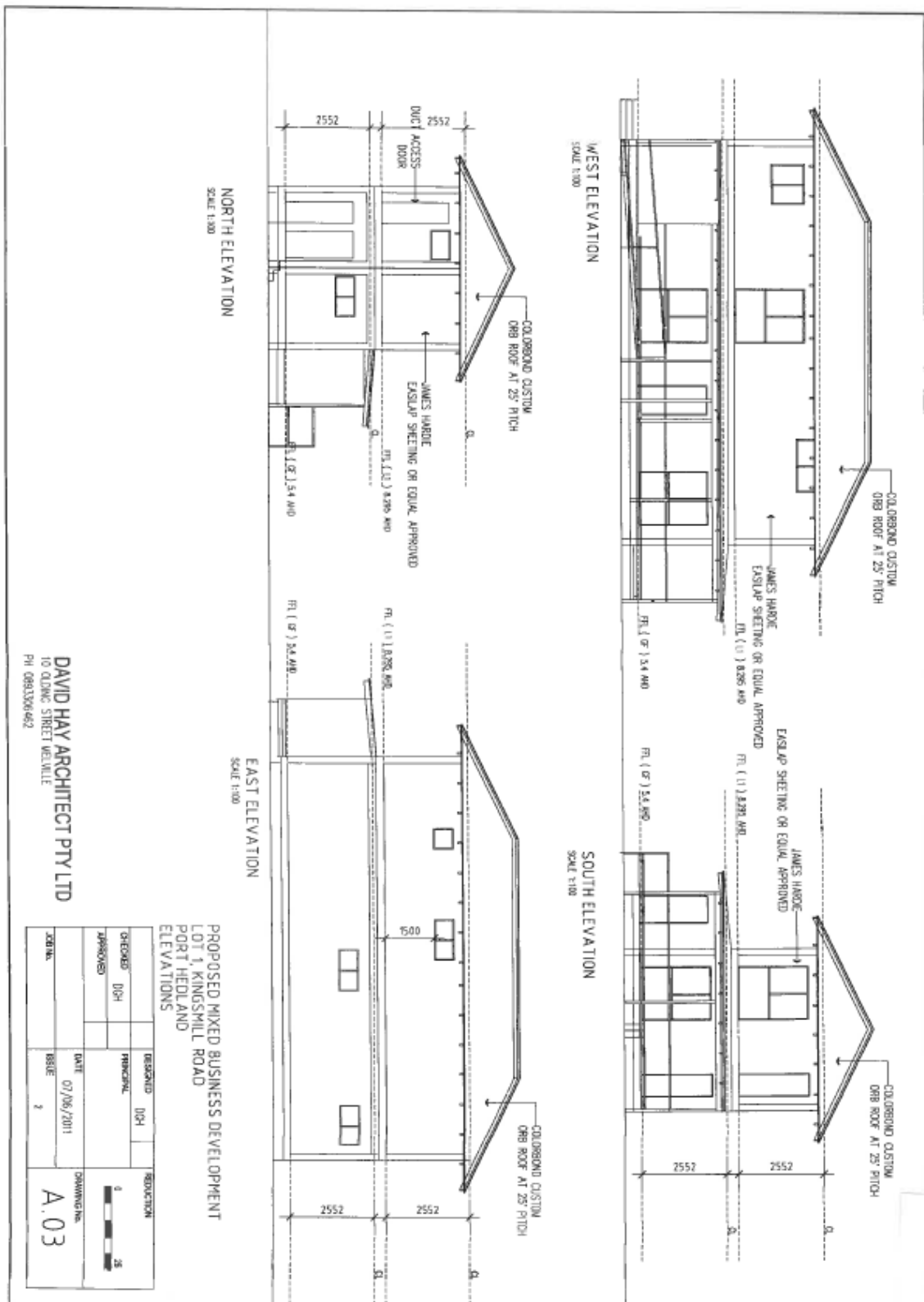
Attachment 1

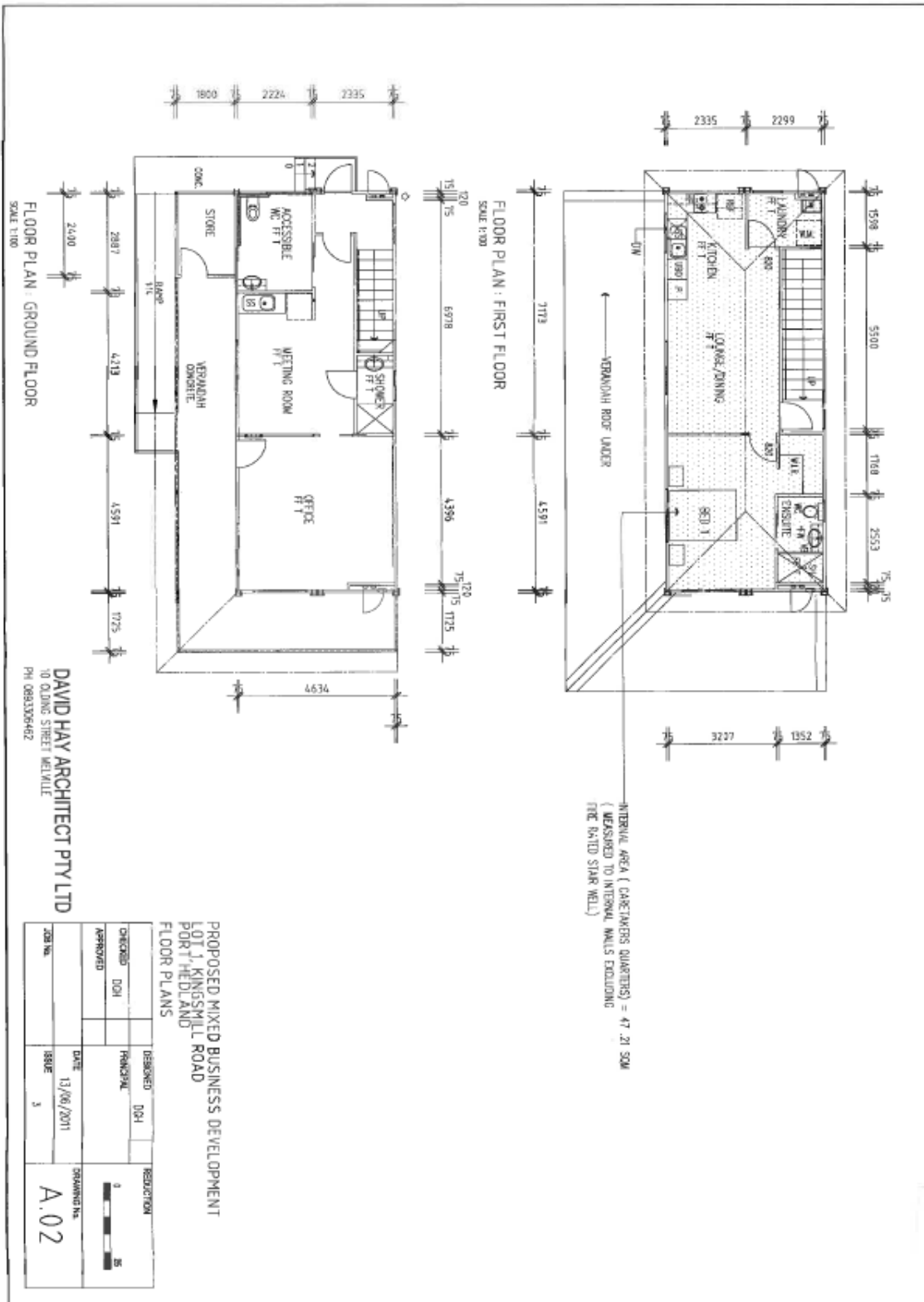
ATTACHMENT 2 TO AGENDA ITEM 11.1.1.15



Attachment 2

ATTACHMENT 3 TO AGENDA ITEM 11.1.1.15





Attachment 3

11.2 Engineering Services**11.2.1 *Reconsideration of Agenda Item: 11.5.1.3 'Lease Renewal – Rose Nowers Child Centre' presented to Council's Ordinary Meeting held on 24 March 2010 (File No.: 05/05/0018)***

Officer Jasmine Person
Manager Investment and
Business Development

Date of Report 2 August 2011

Disclosure of Interest by Officer Nil

Summary

This agenda item requests Council to re-consider the decision to renew the lease between the Town of Port Hedland and Rose Nowers Child Care Centre utilising a 'Peppercorn' lease rental. Council is further requested to grant a lease to Rose Nowers Child Care Centre Incorporated, which includes an annual lease fee reflective of the costs associated with management of the asset.

Background

The Ordinary Council Meeting of 24 March 2010, renewed the lease between the Town of Port Hedland and Rose Nowers Child Care Inc, the decision was as follows:

"200910/342 Council Decision

Moved: Cr S R Martin

Seconded: Cr A A Carter

That Council:

- i) Agrees to dispose, by way of lease, of the land and buildings, on Port Hedland Lot 2791, commonly known as the Rose Nower Child Care Centre to the Rose Nowers Child Care Services Incorporated, as per section 3.58 (3), by private treaty; and*
- ii) Authorises the Chief Executive Officer (or his delegate), subject to meeting Section 3.58(3) requirements, negotiate and enter into a lease arrangement with Rose Nowers Child Care Services Incorporated, of the land and building of Port Hedland Lot 2791, with the following minimum conditions:*
 - a) Term: 5 years + 5 years;*
 - b) Rental: \$1.00 per annum;*

c) *Permitted Use: Day Care Centre*
CARRIED 8/0"

Consultation

- Director Engineering Services – Town of Port Hedland
- Director of Community Development – Town of Port Hedland
- Manager Organisational Development – Town of Port Hedland
- Building Co-ordinator – Town of Port Hedland
- Chief Executive Officer – Town of Port Hedland
- Executive of the Board of Directors – Rose Nowers
- Managing Director – Rose Nowers

Statutory Implications

The Local Government Act 1995

"3.58. Disposing of property

- (1) *In this section —*
"dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not;
"property" includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition describing the property concerned; and giving details of the proposed disposition; and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) *the names of all other parties concerned; and*

- (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”

“5.25. Regulations about council and committee meetings and committees

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

The Local Government (Administration) Regulations 1996

“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)

1. *If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*

- (a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
 - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
 - (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
 - (b) *In any other case, by an absolute majority.*
3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Policy Implications

8/001

Strategic Planning Implications

Nil

Budget Implications

An increase in the base rental will ensure that the Town reduces the out of pocket expenditure on Council assets, operating in a financially sustainable environment for the long term benefit of the community.

In arriving at an 'out of pocket' figure, the costs of insurance, maintenance, administration and legal fees have been considered.

The insurance cost for this asset last financial year was \$3,921.44. This amount will rise annually, consequently a CPI increase on the base rental is recommended.

The likely maintenance costs, for which the Town is responsible, should be minimal for the reasons as stated in the 'Officers Comments'.

Legal fees associated with the preparation of such a lease would be in the order of \$1,650.00, which the Lessee is ordinarily required to pay. This lease will also need to be registered with Landgate which will incur a small lodgment fee.

Utilising the current Administration charge for 'public services' of \$99 per hour, as adopted in this year's budget, it is not unreasonable to charge 5 hours on an annual basis for ongoing management of the lease. That would effectively be a charge of \$495 in the first year.

Officer's Comment

Revocation of Earlier Decision

Pursuant to Regulation 10(3) of the *Local Government (Administration) Regulations 1996* it is recommended that Council now revoke the Council Resolution on 24 March 2010, on the basis that a change to the rental amount as an essential term of the lease, would result in a "substantially different" decision of Council. The regulation states:

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

Absolute Majority Decision

Regulation 10(2)(b) of the *Local Government (Administration) Regulations 1996* requires that any revocation or change to a decision is to be made by absolute majority.

Lease History

The lease with Rose Nowers Child Care Centre Inc, expired on 31 March 2010 and pursuant to clause 6.4 they are now 'holding over' on a month to month basis on the same terms and conditions as the expired lease, as no new lease was ever prepared and executed by the parties.

Clause 6.5 of the existing lease states that "the Lessee shall not be liable to effect any structural alterations or repairs of the premises unless necessitated or occasioned by reason of any act or default of the Lessee." Consequently, the Town is liable for any repairs or alterations required of a structural nature.

This building, currently utilized as a child care facility, is an aging Council asset and ordinarily ongoing maintenance would be required. In support of this, upon perusal of the lease file it was noted that in 2006, the lessee contacted the Town and requested repair to a number of structural defects.

In 2007, the Lessee wrote to the Town expressing a desire to replace six air conditioners, shade sails, kitchen cupboards and sinks. Whilst the funding for these repairs was obtained through the State Government by way of a grant, it is clear that this building is aged and in need of maintenance from time to time.

Later in 2007, the Lessee again wrote to the Town *"The building of our child care centre is aged and there seems to be requiring maintenance on the building itself"*.

Recent Council Decision

On 8 June 2011, Council considered an item for proposed alterations and extension to the existing building. A summary of the proposed development is taken from page 14-15 of item 11.1.1.2:

"Proposed Development

The applicant is proposing changes to the internal layout of the existing building, and the following extensions:

*Two new cot rooms;
3 additional store rooms;
2 offices;
A staffroom;
An additional bathroom; and
A disabled toilet.*

The Rose Nowers Child Care Centre Inc is able to fund these additions and internal alterations after receiving State Government funding via the Royalties for Regions Scheme."

The decision to allow this proposed development was carried 7/0.

It should be noted that the renovations or alterations to the existing building are not structural they are rather cosmetic or functional, thus there is no mitigation toward any structural repairs that may be required in the future. However, it would not be unreasonable to presume that a builder would perform that level of renovation and extension to a building that was not structurally sound. The Officer requested that Rose Nowers provide a letter containing details on the 'structural soundness' of the building from the contractor who is performing the works to the building, unfortunately this has not been forthcoming in time for the preparation of this agenda item.

Parity of Leases

Currently, a number of other Lessee's with a similar use of Council assets are charged a higher base rental:

Childrens Support Services (Len Taplin) \$2,400 per annum
Youth Involvement Council - \$500 per annum
Andrew McLaughlin Community Centre \$200 per annum

Arguably, the last two mentioned above are also not invoiced an amount that is financially sustainable, however it is clear that there needs to be some parity between leases. The Officer is currently preparing a 'Leasing Policy' to ensure transparency and parity amongst all Lessee with rental amounts determined with reference to a number of considerations.

Summary

Whilst the Officer is supportive of the lease renewal, the term and permitted use, it is recommended that Council reconsider the annual rental figure to ensure that the Town's asset is financially sustainable. The current lease rental represents an annual income of \$1.00 which is clearly inadequate to meet the 'out of pocket' expenses that are required on the Council asset.

There is an increasing trend for Local Authorities to move away from peppercorn leases as they attempt to achieve a financial sustainable position in respect of their assets. To continue with a peppercorn lease on these premises would see the Town manage the asset at a loss which is not financially sustainable, nor representative of items of reasonable cost.

In light of the nature of the operation, it is recommended that the rental should be an amount that reasonably covers the costs of managing this asset to ensure the Town does not operate at a loss.

Discussions have taken place with Rose Nowers staff in relation to this agenda item with an explanation on an increasing trend of Local Authorities to move away from peppercorn leases. Further the costs associated with the management of this asset have also been detailed.

Waiver and deferral of fees

Rose Nowers have informed Council that they have not made any allocation for lease fees in their budget for this current financial year. Consequently, it is recommended that Council waiver the first years lease fee, by way of 'donation'.

It is also recommended that payment of legal fees be deferred to the 2012/2013 financial year, allowing them time to make application for this amount in their future funding applications.

Attachments

Nil

NOTE: Mayor called for a show of hands in favour of considering the revocation of Resolution 200910/342 – Item 11.5.1.3, “Lease Renewal – Rose Nowers Child Centre”, Presented to Council’s Ordinary Meeting Held on 24 March 2010, and recorded on page 292 of those Minutes. The following Councillors indicated their intent to do so:

*Cr AA Carter
Cr M Dziombak
Cr G J Daccahce*

201112/061 Officer’s Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council

1. REVOKE decision 200910/342 from Ordinary Meeting held on 24 March 2010 and recorded on page 292 of those Minutes, on the grounds that the effect of the change to an essential term, namely the base rent, would render the decision substantially different.

CARRIED BY ABSOLUTE MAJORITY 8/0

201112/062 Officer’s Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M B Dziombak

That Council

1. Agrees to dispose of Lot 2791, Port Hedland, in accordance with section 3.58 of the Local Government Act 1995, by way of a lease, to Rose Nowers Child Care Services Incorporated, by private treaty, on the following terms;
 - (a) **Term: 5 + 5 years;**
 - (b) **Rental: \$4,500 per annum;**
 - (c) **Rental Increase: Annually by CPI;**
 - (d) **Permitted Use: Day Care Centre**

subject to any submissions that may be received in accordance with section 3.58 (3) of the Local Government Act 1995.

2. Waiver the first years lease fee in the amount of \$4,500 by way of donation, with costs to be allocated to the Donations Expenditure Account GL 813274; and
3. Defer payment of the legal costs associated with the preparation, drafting, negotiation, execution and registration of the lease to July 2012.

CARRIED 8/0

6:27pm Councillor J M Gillingham declared a Financial Interest in Agenda Item 11.2.2 'Reconsideration of 'School of the Air' Lease, presented to Council's Ordinary Meeting held 24 April 2007 (File No.: 05/05/0049)' as she is employed by School of the Air.

Councillor J M Gillingham left the room.

11.2.2 Reconsideration of 'School of The Air' Lease, presented to Council's Ordinary Meeting held 24 April 2007 (File No.: 05/05/0049)

Officer Sara Bryan
Leasing Officer

Date of Report 25 July 2011

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council to revoke the decision made at the Ordinary Council Meeting on 24 April 2007, in relation to the formalisation of a lease for use of the Old Rangers Hut on Lot 2444, Port Hedland International Airport, between the Town of Port Hedland (TOPH) and the School of The Air (SOTA). It further seeks a resolution from Council to enable the building to be re-established for use as a Ranger Office to accommodate Town of Port Hedland staff required at Port Hedland International Airport for the implementation and management of the paid car parking system.

Background

At Council's Ordinary Meeting of 24 April 2007, Council resolved the following:

"200607/271 Council Decision

Moved: Cr S F Sear Seconded: Cr A A Carter

That Council:

- ii) Allow the School of the Air the use of the Old Rangers Hut as "Tenant at Will" for the next three (3) months; and*
- iii) dispose of the old rangers hut at the Port Hedland International Airport to the School of the Air, by way of Lease, as per section 3.58(3), with the following requirements:-*

- a) *the annual rental be \$2,090.91 (ex GST) per annum, indexed annually by CPI; and*
 - b) *term be five (5) years, with an option of another five (5) years at Council's discretion*
- iv) *authorise the Mayor and Chief Executive Officer to affix the seal and sign the lease documentation, should there be no submissions received after advertising.*

CARRIED 6/0"

Consultation

- Engineering Project Officer
- Manager Investment and Business Development
- Manager Airport Operations
- Principal School of The Air
- Building Management Officer

Statutory Implications

The Local Government Act 1995

"5.25. Regulations about council and committee meetings and committees

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

The Local Government (Administration) Regulations 1996:

"10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)

1. *If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*

- (a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
 - (b) *in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover*
2. *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
 - (a) *In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
 - (b) *In any other case, by an absolute majority.*
3. *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 1 – Infrastructure

Goal 2 - Airport

Other Action - Undertake upgrades to the terminal and surrounds to improve the functionality of the facility including:

Review parking options and implement an agreed Airport Parking Plan

Key Result Area 4 – Economic Development

Goal 3 – Business Development

Immediate Priority - Investigate new business/revenue stream for the Town.

Budget Implications

The proposed occupation of the Rangers Hut is part of an initiative which will ultimately establish a beneficial revenue stream for the Town.

There will be an initial estimated cost of approximately \$25,000 which is already included in the Airport Development budget, for the refurbishment of the Rangers Hut which is inclusive of all required works, furnishings and labour as detailed below:

- Supply and install a new Air conditioner
- Paint interior exterior

- Upgrade switch Board
- Electrical lights exhaust fan
- Replace electrical hot water system
- Kitchen sink and bench
- Plumbing
- Blinds
- Alarm
- 2 desks
- 2 office chairs
- 1 book case/shelving
- 1 fridge
- 1 microwave
- 1 kettle
- 1 small kitchen table and chairs

Given that a lease was never executed by the parties, SOTA have never been invoiced for the duration of the occupancy.

Officer's Comment

Subsequent to Council decision 200607/271 a lease was never executed between the parties.

To date the SOTA remain in occupation of the 'Old Rangers Hut' for the use of equipment storage as a 'Tenant at Will'. On consultation with the Principal of the school it has been recognised that there is no longer a need by the SOTA to enter into a lease agreement and they are in the process of constructing a facility at Hedland Senior High School in order to accommodate the items that are currently stored in the said building. This facility at the Hedland Senior High School is estimated to be operational by December 2011.

Following consultation with the Principal, it was determined that there would be a short period of time where the SOTA would need to obtain storage space elsewhere, until their new facility is constructed. In an attempt to assist the SOTA in this situation, all reasonable attempts were made to find a short term alternate location, to no avail. Unfortunately, the Rangers Hut must be re-occupied by the Town of Port Hedland by 31 August 2011, to assist in the implementation of the paid parking system at the Airport without further delay.

Should the Officer's Recommendation be adopted, the Principal has agreed to find alternative storage arrangements for the equipment in the interim period.

The Officer is seeking that the decision 200607/21 be revoked on the basis that the effect of the change would render the decision 'substantially different'.

Attachments

Nil

NOTE: Mayor called for a show of hands in favour of considering the revocation of Resolution 200607/271 of Item 11.4.1.2, "School of The Air", presented to Council's Ordinary Meeting held on 24 April 2007, and recorded on page 92 of those minutes. The following Councillors indicated their intent to do so

*Cr A A Carter
Cr S R Martin
Cr M Dziombak*

201112/063 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council revokes Council Decision 200607/271 on the grounds that the terms indicated in the resolution were not acted upon at the time or in the subsequent period and the effect of the change would render the decision 'substantially different'.

CARRIED BY ABSOLUTE MAJORITY 7/0

201112/064 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr D W Hooper

That Council:

1. Agree to the use of the old Rangers hut by the Town of Port Hedland as required to implement and manage the paid car parking system at Port Hedland International Airport.
2. Authorise the Chief Executive Officer or his authorised delegate to give the School of The Air a notice to vacate the premises by 31 August 2011.

CARRIED 7/0

6:29 Councillor J M Gillingham re-entered the room and resumed her chair.

Mayor advised Councillor J M Gillingham of Council's decision.

6:29pm Councillor G J Daccache declared a Financial Interest in Agenda Item 11.2.3 'Expressions of Interest for Transient Workers Accommodation – Precinct Two Airport (File No.: yet to be created)' as he is a Mineral Resources shareholder with shares above the statutory limit.

Councillor G J Daccache left the room.

11.2.3 Expressions of Interest for Transient Workers Accommodation – Precinct Two Airport (File No.: yet to be created)

Officer Jasmine Person
Manager Investment and
Business Development

Date of Report 2 August 2011

Disclosure of Interest by Officer Nil

Summary

Council resolved (27 October 2010) to call for Expressions of Interest from small business or locally based contractors seeking to establish Transient Workers Accommodation development for not more than 50 persons on the land described as Precinct Two at the Airport, Great Northern Highway. This items will revisit that agenda item in light of recent interest from the public, seeking Council to change the decision, more specifically the process by which this disposal occurs and the permitted size of the developments.

Background

Council resolved (27 October 2010) the following:

"201011/146 Council Decision/ Airport Committee Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

- 1. authorise the Acting CEO and the Chairman of the Airport Committee to negotiate with Mineral Resources Pty Ltd, the terms of a draft lease of a suitable parcel of land adjacent, to existing Transient Workforce developments on Lot 2444, Great Northern Highway, and any related agreements within the following parameters:*

- a. *The lease will be for a period not exceeding 10 years*
 - b. *The rental shall be in accordance with Council's most recent valuation.*
 - c. *There will be a clearly measurable community benefit equal to, or greater in value than the community benefits proportionally provided by other TWA's developments on nearby land.*
 - d. *Any costs associated with re-survey to modify the design or size of the lease area must be at the lessee's expense, and any such variation must not restrict access to other potential sites in the future; and*
2. *report the proposed terms of an agreed draft lease and any associated agreement back to the Committee as soon as possible, and;*
 3. *calls for expressions of interest from small business or locally based contractors seeking to establish Transient Workforce Accommodation developments for not more than 50 persons.*
 4. *notes the marked area of the attached site description.*

Carried 7/0"

Paragraphs one and two of the resolution have been progressed with a negotiation and subsequent advertising of a 'Business Plan' in accordance with 3.59 of the Local Government Act 1995.

The subject of this agenda item is limited to paragraphs three and four of this resolution.

Consultation

- Chief Executive Officer – Town of Port Hedland
- Director of Engineering Services – Town of Port Hedland
- Airport Manager - Town of Port Hedland.

Statutory Implications

The Local Government Act 1995

"3.58. Disposing of property

(1) In this section —

"dispose" includes to sell, lease, or otherwise dispose of, whether absolutely or not;

"property" includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition describing the property concerned; and giving details of the proposed disposition; and inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]”

“5.25. Regulations about council and committee meetings and committees

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

The Local Government (Administration) Regulations 1996

“10. Revoking or changing decisions made at Council or Committee meetings – s5.25(e)

- 1. If a decision has been made at a council or committee meeting then any motion to revoke or change the decision must be supported –*
 - (a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- 2. If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made –*
 - (a) In the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
 - (b) In any other case, by an absolute majority.*
- 3. This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

Policy Implications

Policy Manual 2010/2011 – Procurement Policy 2/007

Policy Manual 2010/2011 – FIFO Policy 15/0002

“General:

1. The Town of Port Hedland’s strong preference is for residentially based workforces as opposed to FIFO workforces. The Town’s preference is due to fact that, in its opinion, FIFO:
 - Is damaging to the provision of community services and facilities.
 - Is detrimental to the establishment and continued operation of small businesses.
 - Is more likely to promote an unsustainable demographic framework for the Town.
 - Provides a drain on the Town’s financial resources.
2. While the Town does not support FIFO, it recognizes that the practice is:
 - An appropriate manner of delivering large construction projects.
 - A valid and preferred work choice of some individuals.
 - Likely to become substantially more prevalent in the Town of Port Hedland unless combined efforts are made by all parties (industry and government) to provide affordable accommodation and better quality services and facilities for the community.

What the Town Council Will Do:

To ensure that the Town of Port Hedland is able to achieve its vision of becoming a significant regional centre where people enjoy the lifestyle and natural environment and are proud to call home, the Council will:

- Take a Pilbara-wide leadership position against FIFO in conjunction with other relevant stakeholders
- Actively discourage industry, government and businesses from using FIFO workforces in, particularly for operational workforces.
- Lobby for increased leadership by other levels of government and industry on the issue of building a stronger, more sustainable Town of Port Hedland. This includes seeking commitments to reduce the level of FIFO for operational workforces.
- Object to the construction of FIFO facilities that take infrastructure development/enhancement opportunities away from the Town such as plane landing strips and elaborate recreational and entertainment facilities in FIFO facilities.

- Actively lobby government to undertake legislative action that makes FIFO less attractive or available to industry, government and business. This includes, but is not limited to modifications to State Agreement Acts and Zone Tax Allowance provisions)
- Ensure that any accommodation facilities that are built for FIFO workforces clearly demonstrate:
 - Town centre focus
 - Whole of community benefit
 - Community integration
 - Quality development
 - Safety
- Continue to closely partner with industry and government to build the community infrastructure and community services that are needed to help the Town achieve its vision.”

Strategic Planning Implications

Key Result area 4

Goal Number 2 – Mining/Roads

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

Other Actions - Ensure that integrated accommodation options are available for resource related projects that do not artificially inflate the local real estate market

Key Result area 4

Goal Number 3 – Business Development

Immediate Priorities - Investigate new business/revenue streams for the Town.

Budget Implications

With the 117,800 square metres of land that is available, (excluding the area the subject of the Mineral Resources proposal) it is expected that it will generate revenue in excess of \$1,767,000 in the first year utilizing the \$15.00 per square metre market rate.

In addition to the lease revenue, the Town will also be seeking ‘community contributions’ in light of that currently being made by other transient workers accommodation camps in Precinct Two – Airport Land. This will also generate additional revenue for community organisations/amenity.

Officer's Comment

It is requested that Council reconsider two matters in relation to the 27 October 2010 decision, namely the process for the disposal of land and the size of permitted developments on the larger land parcel in light of overwhelming recent public feedback and the 'Airport Land Use Plan'.

Process of Disposal

Section 3.58 of the Local Government Act 1995 contains the options which Council may utilise to dispose of land. Subsection (2)(b) states that it can be disposed of through a 'tender' process.

The original Council decision resolved to call for Expressions of Interest. An Expression of Interest is the first step in a two stage tender process and it is ordinarily called in the following circumstances:

- To obtain non price information from suppliers, such as capability and capacity;
- To test the market where there are potentially a large number or unknown number of bidders; or
- Narrow the field of potential bidders.

The Officer is recommending that a 'Request for Proposal' be advertised rather than an 'Expression of Interest' on the following grounds:

- the recent interest by the market clearly demonstrates that there is a demand for TWA camps;
- the market has clearly demonstrated capability and capacity during discussions with Officers;
- there is an urgent need to house construction workers in the Town, clearly supported by the current unavailability of accommodation options; and
- to call for an Expression of Interest as the first step in the procurement process would lengthen the time in which this disposal would be completed.

Size of Permitted Development

The original Council decision was to call for small business or locally based camps of no more than 50 persons. After discussions with the market, a 50 person camp may not be financially feasible for some small business and will prevent them from entering into commercial arrangements with other small business to achieve financial efficiencies that would be achieved with an increase in the size of the development. Further by limiting the size of each camp, it will actually reduce the overall number of rooms in the overall area, when landscaping, roads and fencing is put in place.

The 'Airport Land Use Plan' supports three lots in this larger area, namely lots 6 (24,500m²), 7 (36,100m²) & 8 (57,200m²) as contained in Attachment one. These are an illustrative guide and do not represent a sub-division. Note that Mineral Resources are currently proposing to take lots 1, 2, 3, 9, 10 and 11. Lots 4 and 5 are not able to be occupied at this point in time given the location of the sewer pond for the Mia Mia camp.

Change of Decision

Whilst the changes as proposed in this agenda item are twofold, the change be made to the original decision is not considered to be 'substantial', thus section 10 of the *Local Government (Administration) Regulations 1996* is not enlivened. It is still recommending a disposal by way of a tender process, rather just removing the first step in the process, which is discretionary in any event. It also recommends that no size restriction be placed on the developments the subject of the disposal.

Attachments

1. Image of proposed land development as illustrated in the Airport Land Use Plan – Attachment One

201112/065 Officer's Recommendation/Council Decision

Moved: Cr M B Dziombak

Seconded: Cr A A Carter

That Council:

1. Change the disposal of land process by removing the need for an Expression of Interest and proceed directly to a Request for Proposal;
2. Authorise the Chief Executive Officer to advertise a 'Request for Proposal' for a period of not less than 6 weeks, for the disposal of the land by way of a lease or leases, the parcel of land situated on Lots 2443 and 2444, Great Northern Highway as illustrated in attachment one, utilising the following criteria against which the proposals will be assessed:

Criteria	Weighting
<p>Demonstrated Understanding of the Desired outcomes, including but not limited to:</p> <p>a lease of no more than 10 years; rental equivalent to or greater than market value; annual CPI increases with a market review every three years; annual community contributions; other community benefits, such as public use of facilities, support for local business, monetary donation to community projects, reduced room rates for particular identified community groups; a donation of at least 20% of the rooms to the Town of Port Hedland for exclusive use; the permitted purpose of the development to house non-industry, essential small business and city growth construction workforce; no interference or impact to airport operations; and rehabilitation of site at expiration of lease period, including benefits or gifts to the Town of Port Hedland.</p>	50%

<p>Relevant Experience</p> <p>details of similar work; scope of the involvement including details of outcomes; details of issues that arose during a project and how these were managed; demonstrated sound judgment and discretion; and demonstrated competency and proven track record of achieving outcomes.</p>	<p>20%</p>
<p>Key Personnel Skills and Experience</p> <p>their role in the performance of the Contract; curriculum vitae/s; membership to any professional or business association; qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and additional relevant information.</p>	<p>15%</p>
<p>Respondent's Resources</p> <p>respondent's should demonstrate their ability to design, construct, finance and operate the development and further deconstruct the development at the expiration of the lease.</p>	<p>15%</p>

CARRIED 7/0

6:30pm Councillor G J Daccache re-entered the room and resumed his chair.

Mayor advised Councillor G J Daccache of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.3



11.3 Community Development

Nil

11.4 Governance and Administration

Nil

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**13.1 *Submission by Councillor S R Martin***

Having spoken to a number of Councillors recently, I believe there is a majority desire to return to one Council meeting per month. Therefore I give notice of a Motion that I would like included at the next Council meeting, being:

Councillor S R Martin Recommendation

That the Town of Port Hedland return to its previous position of holding one Council meeting each month on the third Wednesday evening at 5.30pm.

I appreciate there may be urgent business on occasions, but this is easily accommodated by the Mayor calling a special meeting. This worked successfully during my term as Mayor 2005 -2009 with very few special meetings needed to be called.

Administration Comment

Council resolved (Ordinary Council Meeting 28 April 2010) to increase number of Ordinary Meetings from once per month to twice per month.

This decision was undertaken following Council's careful consideration of the advantages and disadvantages that this change would bring.

Holding two Ordinary Council Meetings per month has ensured a more effective and timely turnaround of many items. Increasing the number of ordinary meetings has assisted Council to manage the growing demand for Council decisions. However, this faster turnover of Council decisions could still be maintained provided that Council continues to meet and attend informal briefings twice a month.

Furthermore, in view of the Local Government Elections fast approaching, it is recommended that Council defers consideration of the frequency of the Ordinary Meetings until after 15 October 2011.

Advice recently received from Western Australia Local Government Association (WALGA) supports this recommendation.

Additionally, should Council proceed in line with the Notice of Motion, then the requirement will be for Council to rescind the decision of 28 April 2010 and adopt a new resolution.

Alternative Officer's Recommendation

That Council defers consideration regarding the frequency of the Ordinary Meetings until after the October 2011 Local Government Elections.

NOTE: Mayor called for a show of hands by one third of members to consider revoking a past resolution. Cr S J Coates, Cr S R Martin and Cr A A Carter raised their hands to revoke Council Decision 200910/385 of 28 April 2010 and recorded on page 330 of those Minutes:

*Cr S J Coates
Cr S R Martin
Cr A A Carter*

201112/066 Officer's Recommendation/Council Decision

Moved: Cr S J Coates

Seconded: Cr S R Martin

That Council revoke decision 200910/385 from Ordinary Meeting held on 28 April 2010 and recorded on page 330 of those Minutes, that states:

That Council:

- 1. Increase the frequency of Ordinary Council Meetings from once per month (fourth Wednesday of the month) to twice per month (second and fourth Wednesday of the month), except for the Months of December and January; and*
- 2. Adopt and advertise the following Ordinary Meeting of Council dates and times for the 2010/11 Financial Year:*

<i>Wednesday, 12 May 2010, 5:30 pm</i>
<i>Wednesday, 26 May 2010, 5:30 pm</i>
<i>Wednesday 9 June 2010, 5:30 pm</i>
<i>Wednesday, 23 June 2010, 5:30 pm</i>
<i>Wednesday, 14 July 2010, 5:30pm</i>
<i>Wednesday, 28 July 2010, 5:30pm</i>
<i>Wednesday, 11 August 2010, 5:30pm</i>

Wednesday, 25 August 2010, 5:30pm
Wednesday, 8 September 2010, 5:30pm
Wednesday, 22 September 2010, 5:00pm
Wednesday, 13 October 2010, 5:30pm
Wednesday, 27 October 2010, 5:30pm
Wednesday, 10 November 2010, 5:30pm
Wednesday, 24 November 2010, 5:30pm
Wednesday, 8 December 2010, 5:30pm
Thursday, 26 January 2011, 5:30pm
Wednesday, 9 February 2011, 5:30pm
Wednesday, 23 February 2011, 5:30pm
Wednesday, 9 March 2011, 5:30pm
Wednesday, 23 March 2011, 5:30pm
Wednesday, 13 April 2011, 5:30pm
Wednesday, 27 April 2011, 5:30pm
Wednesday, 11 May 2011, 5:30pm
Wednesday, 25 May 2011, 5:30pm
Wednesday, 8 June 2011, 5:30pm
Wednesday, 22 June 2011, 5:30pm

CARRIED BY ABSOLUTE MAJORITY 8/0

201112/067 Council Decision

Moved: Cr S R Martin

Seconded: Cr S J Coates

That the Town of Port Hedland return to its previous position of holding one Council meeting each month on the third Wednesday evening at 5.30pm.

CARRIED 5/3

Record of Vote:

FOR	AGAINST
Cr A A Carter	Mayor K Howlett
Cr S J Coates	Cr G J Daccache
Cr M Dziombak	Cr D W Hooper
Cr J M Gillingham	
Cr S R Martin	

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**201112/068 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr S J Coates

That the following applications for leave of absence:

- Cr S J Coates from 11 to 23 August 2011
- Cr G J Daccache from 4 to 11 September 2011
- Cr D W Hooper from 18 to 30 August 2011

be approved.

*CARRIED 8/0***ITEM 16 CLOSURE**

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 August 2011, commencing at 5.30 pm.

16.2 Closure

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

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____

CONFIRMATION:

MAYOR_____
DATE