



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 22 MAY 2013

AT 5.30 PM

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

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

OUR COMMITMENT

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

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ITEM 1 OPENING OF MEETING**1.1 Opening**

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

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

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

Officers

Mal Osborne

Russell Dyer

Natalie Octoman

Eber Butron

Gordon MacMile

Josephine Bianchi

Grace Waugh

Chief Executive Officer

Director Engineering Services

Director Corporate Services

Director Planning & Development

Director Community Development

Governance Coordinator

Administration Officer Governance

Mayor welcomed John Burke from Hedland Senior High School, and Bruce Lorimer and Jon Bettink from Core Business Australia.

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Nil

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 24 April 2013**

Nil

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 24 April 2013

Nil

3.3 Questions from Public at Special Council Meeting held on Wednesday 8 May 2013 at 4:50pm

Nil

3.4 Questions from Elected Members at Special Council Meeting held on Wednesday 8 May 2013 at 4:50pm

Nil

3.5 Questions from Public at Special Council Meeting held on Wednesday 8 May 2013 at 5:00pm

Nil

3.6 Questions from Elected Members at Special Council Meeting held on Wednesday 8 May 2013 at 5:00pm

Nil

3.7 Questions from Public at Special Council Meeting held on Thursday 9 May 2013

Nil

3.8 Questions from Elected Members at Special Council Meeting held on Thursday 9 May 2013

Nil

ITEM 4 PUBLIC TIME*IMPORTANT NOTE:*

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

Mayor opened Public Question Time at 5:35pm.

4.1 Public Question Time

4.1.1 *Mr Chris Whalley*

Can I have an update on the damaged metal sign posts in Port and South Hedland?

Director Planning and Development advised that the Manager Planning and the Compliance team are currently looking into the matter and will work with the businesses to replace or remove the signs.

4.1.2 *Mr Camilo Blanco*

In tonight's reconciliation bank statements of financial activity, page 9 shows \$71,172,309 in reserve funds. The bank reconciliation on page 17 shows \$23,103,773.27 in the NAB reserve account as at 30 April 2013. If the closing balance of \$64,758,747.92 is true, explain how \$7,606,000 highlighted in red brackets on page 9, is missing from the reserves?

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

Can you provide a copy of the NAB bank statement which shows the \$16 million and the ANZ statement which shows the \$22.5 million of the marina reserves? Also what does WATC stand for?

Chief Executive Officer advised that WATC stands for Western Australian Treasury Corporation.

As the \$3,482,566.78 is listed in the reserves the Town must have a statement for that amount as well. Is this correct?

Director Corporate Services advised that this amount refers to Royalty for Region funding that is required to be held by WATC in an overnight cash deposit facility.

Is the \$3,482,566.78 an amount the Town has in a bank account?

Chief Executive Officer advised that is an amount owing to the Town of Port Hedland based on a financial funding agreement with the State of Western Australia.

Is this separate to the reserve account?

Chief Executive Officer advised in the affirmative.

Why is it added in the reserve accounts?

Director Corporate Services advised that NAB holds most of the Town's reserve accounts. Part of the funding agreement with WATC states that the Royalty for Regions money cannot be held in a normal NAB reserve Town account. This is why it sits separate as shown on page 17 of the Town's financial statement.

Can you prove that the Town has the \$3,482,566.78 in a reserve account? Can I have the statement?

Chief Executive Officer advised in the affirmative.

Director Corporate Services advised that NAB and ANZ are term deposits copies of which can be provided. The WATC is not a loan, it is an overnight cash deposit facility and the Town can source the transactions to provide to Mr Blanco.

The report into the Wanangkura Stadium said that the investigation team had to communicate with stakeholders through the Town's Project Manager 'who then undertook the engagement with the key stakeholder'; can someone explain how the report can be classed as independent when the Town has a direct influence with the report's outcome?

Chief Executive Officer advised that the report was not influenced and neither were the stakeholders. The Town ensured that there was only one contact within the Town of Port Hedland so that there were no mixed messages or incorrect information provided.

The auditors stated that their scope was that they were not allowed to talk to major stakeholders and that information had to be via the Town's Project Manager. Is that correct?

Chief Executive Officer advised that the scope did not say they were not permitted to talk to stakeholders, it said that they were to go through the Town's Project Manager first.

Would you consider this to be an independent report if the auditors had to talk to the Town's Project Manager instead of speaking directly to the stakeholders?

Mayor invited Mr Lorimer from Core Business Australia to answer Mr Blanco's question.

Mr Lorimer advised that the note was included in the report for future studies of this nature that the Council may decide to undertake. It was simply a matter of process. It was specifically noted in the report that nothing untoward occurred with the Town taking this approach. Mr Lorimer also advised that he understood why Council made this decision as there were a number of staff members and external stakeholders involved who have now left the organisation and couldn't be part of the investigation. The Town had no influence over Core Business Australia. The report was definitely independent.

Mayor closed Public Question Time at 5:46pm.

Mayor opened Public Statement Time at 5:46pm.

4.2 Public Statement Time

4.2.1 *Mr Chris Whalley*

Mr Whalley made a statement in regards to the redevelopment of the inner harbour of Port Hedland. Mr Whalley quoted from an article in the West Australian newspaper from the Department of Transport of WA where it was mentioned that a further 11 berths for the Port Hedland inner harbour are being considered to increase export capacity. Mr Whalley advised that he is opposed to this as he believes the inner harbour is already at full capacity and that the outer harbour should be developed instead.

4.2.2 *Ms Joan Foley*

Ms Foley was representing the Hedland Community Living Association and advised that local families who have family members with disabilities are disappointed with the Town as they watch the Town for a number of reasons. The Town builds facilities and parks with no thought to people with disabilities. The Town has enlisted an external consultant who doesn't live in the area and has no knowledge of the community or what has previously happened to assist with the Disability Access and Inclusion Plan (DAIP). Council had agreed to have bi-monthly meetings to discuss the DAIP with community members; this has not occurred. Ms Foley would like to see the Council make some changes to better include people with disabilities in the community.

4.2.3 *Ms Zabia Chmielewski*

Ms Chmielewski made a statement referencing Item 11.1.1.7 'Proposed Final Adoption of Scheme Amendment 58 to the Town of Port Hedland Town Planning Scheme No.5 to Rezone Land Bound by Athol Street (North-east), Cooke Point Road (West) and Pretty Pool (South) to Urban Development' (File No.: 18/09/0070).

Ms Chmielewski asked that Council reconsider or defer their vote this evening. If Council goes ahead with the officer's recommendation, it's decision will change the nature of this area from 'parks and recreational reserve' to 'urban development'. The Department of Water and Department of Environment and Conservation has raised issues with the rezoning and development of the area. Once it has been rezoned it will be hard to go back to what it is now; a tidal flood zone which is home to many animal species and with a dynamic mangrove system. There are many other sites that can be utilised before this site which is a natural asset to Port Hedland.

Mayor closed Public Statement Time at 5:53pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Carter*

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

Director Engineering Services advised that it is in accordance with the Verge Policy but is not aware of the type of vegetation that will be planted there.

Mayor advised that this question is taken on notice.

For the past 20 years I have been associated with all tender openings at the Town of Port Hedland. For the last few tender openings I have not been notified or invited to attend. Can I please be notified of the opening of tenders?

Chief Executive Officer advised that the opening of tenders is conducted immediately after the close of tenders and anyone is entitled to attend. There is no requirement that an Elected Member has to be present at tender openings. Any Elected Member that attends is a witness to the opening and is not involved in the process. An email will be sent out advising Elected Members of tender openings.

5.2 *Councillor Gillingham*

There is a green belt between Anderson street and Wilson street and I would like to know what the process is in continuing the green belt to where the BHP gates are?

Chief Executive Officer advised that he has met with BHP in relation to this matter. BHP has said that the landscaping was carried out by a third party and there are now issues with the reticulation and plant species. The land between the kangaroo statues and the BHP gates is meant to be bush land and not accessible to the public. Chief Executive Officer also advised that he is not aware of plans to extend the green belt at the moment.

What is happening with the reticulation heading towards the West End of town?

Chief Executive Officer advised that constructed drawings were only received last week after the Town had been requesting them from the contractor for the past 12 months. The operation staff will now be looking into the areas requiring reticulation rectification.

Can the Town advise the community on what is happening with the bulldozing along Athol street and Cooke Point drive?

Director Planning and Development advised that WaterCorp are installing a sewerage pump station on that site. The Town's Compliance Officer went out to the site today and advised the contractors not to bulldoze any trees in the area.

5.3 Councillor Dziombak

Two weeks ago the Council and Town of Port Hedland held a Community Conversation evening and I would like to know whether any more will be held?

Mayor advised that they will be held bi-monthly and will occur on the second Wednesday of that month.

5.4 Councillor Taylor

Can I please have an update on the Mother's Day fundraising event including how many people attended and how much money was raised?

Director Community Development advised that it was a very successful event, which saw 398 official registrations 100 more than 2012 and in excess of \$40,000 was raised.

How was the news of the North West Festival line-up received?

Director Community Development advised that there had been three times the amount of media hits in the first 24-48 hours after the announcement compared to the same period last year.

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

Mayor Howlett	Councillor Dziombak
Councillor Daccache	Councillor Jacob
Councillor Carter	Councillor Hunt
Councillor Gillingham	Councillor Taylor
Councillor Hooper	

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 April 2013

201213/375 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That the Minutes of the Special Meeting of Council held on Wednesday 24 April 2013 be confirmed as a true and correct record.

CARRIED 9/0

7.2 Confirmation of Minutes of Special Meeting of Council held at 4.50pm on Wednesday 8 May 2013

201213/376 Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That the Minutes of the Special Council Meeting of Council held at 4:50pm on Wednesday 8 May 2013 be laid on the table.

CARRIED 9/0

7.3 Confirmation of Minutes of Special Meeting of Council held at 5.00pm on Wednesday 8 May 2013

201213/377 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That the Minutes of the Special Meeting of Council held at 5.00pm on Wednesday 8 May 2013 be confirmed as a true and correct record.

CARRIED 9/0

7.4 Confirmation of Minutes of Special Meeting of Council held on Thursday 9 May 2013

201213/378 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Gillingham

That the Minutes of the Special Meeting of Council held on Thursday 9 May 2013 be confirmed as a true and correct record.

CARRIED 9/0

ITEM 8 ANNOUNCEMENTS BY CHAIRPERSON WITHOUT DISCUSSION

Director Planning and Development advised that he had attended WaterCorp's breakfast in Perth where the Town of Port Hedland was awarded a Gold Award for the water efficiency at the Port Hedland International Airport.

Director Planning and Development presented the Mayor with the award.

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

April 2013**Wednesday, 17th April**

- Attended South Hedland Business Association Breakfast Event
- Meeting With Resident (Liz Brown) & MPL Re Planning Application
- Meeting Big Sky Building Society – Richard Irving
- Out Of Session Meeting – HSHS Board With Principal John Burke
- Weekly CEO & Elected Member Catch Up
- Budget Preparation Workshop – Rates
- Attended Delivering The Strategic Community Plan – Consultation Workshop @ JD Hardie Centre

Thursday, 18th April

- Attended 2013 Baler Primary School ANZAC Day Commemorative Assembly
- Attended RDA – Pilbara Board Meeting (South Hedland)
- Attended LEMC Meeting

Friday, 19th April

- Attended HSHS ANZAC Service Assembly Event

Sunday, 21st April

- Attended Auzcorp Shane Warne Charity Fundraiser Event (Perth)

Monday, 22nd April

- Attended PRC Meeting (Perth)

Tuesday, 23rd April

- Weekly Spirit Radio Mayor Chat
- Attended Renewal Of The National Strategic Framework For Aboriginal & Torres Strait Islander People Mental Health and Social Emotional Wellbeing Consultation Workshop

- Meeting With Resident Kim Gentle Re Equestrian Therapy
- Attended TOPH South Hedland CBD Stakeholder Working Group Meeting
- Meeting With Resident Lena O'Brien Re Housing
- Attended SHAC Technical Tour

Wednesday, 24th April

- Attended Pilbara JDAP Meeting
- Weekly CEO & Elected Member Catch Up
- Confidential Planning Briefing
- Confidential Concept Forum
- Agenda Briefing Session – Open To Public
- Chair OCM
- Chair Annual General Meeting Of Electors

Thursday, 25th April

- Attended 2013 ANZAC Day Dawn Service (Port Hedland)
- Attended 2013 ANZAC Day Gunfire Breakfast At Pilbara Regiment
- Participated 2013 PHNA BloodySlow Cup Game – Australia vs New Zealand

Tuesday, 30th April

- Attended Move It Hedland Carol Cook Breakfast Event
- Weekly Spirit Radio Mayor Chat

Wednesday, 1st May

- Executive Coaching Session – Kerry Neill
- Attended Dust & Noise Taskforce Briefing of TOPH Mayor/Councillors
- Weekly CEO & Elected Member Catch Up

Thursday, 2nd May

- Attended WALGA State Council Forum (Karratha)
- Attended TOPH "Thank You" Dinner With Tom Stephens

Friday, 3rd May

- Volunteered At The Hedland Well Womens Centre Assisting In Putting Together WOW Week Show Bags

Saturday, 4th May

- ABC NW Radio (603am) Interview
- Mayor Coffee Session – Port Hedland
- Mayor Coffee Session – South Hedland

Monday, 6th May

- Fortnightly Teleconference RDA – Pilbara Chair & CEO
- Hosted ADF Visit With PDC (Council Chambers)
- Attended Port Hedland Netball Association Monthly Meeting

Tuesday, 7th May

- Weekly Spirit Radio Mayor Chat
- Attended Rose Nowers Early Learning Centre Board Meeting
- Attended Soroptimist International – Port Hedland Monthly Meeting

Wednesday, 8th May

- Interview ABC NW Radio (603am) Re Rates & Advertising Rates In The Dollar
- Meeting With Representatives From LandCorp Board
- Weekly CEO & Elected Member Catch Up
- Confidential Planning Briefing
- Confidential Concept Forum
- Chair Special Council Meeting
- Chair Special Council Meeting
- Participated In TOPH Community Conversations Event - Rates

Mayor Howlett attended the ANZAC Day dawn service and congratulated the RSL Port Hedland branch on the event.

On 6 May 2013 the Town of Port Hedland hosted the Australian Defence Force visit with PDC. The Town has been presented a plaque as a thank you from the Australian Defence Force for hosting the visit.

Mayor Howlett attended the National Tidy Town Awards in Caloundra where the Town of Port Hedland won the Environmental Innovation and Protection Award and was highly commended for Community Action and Partnerships. The awards will be presented at the next Ordinary Council Meeting.

On the 1 May 2013 the Mayor attended the second Dust and Noise Taskforce Briefing session. At the session it was stressed that there needs to be more attendance by the community. Item 11.1.1.8 highlights the difference in opinion with the EPA highlighting the dust pollution in West End. The Dust and Noise Taskforce questioned whether the Town was implementing Scheme Amendment 22 to its true intent. The Health Study will be released in 2015 which will determine the dust impacts. The community need to support the Town with the development in the West End and the Spoilbank Marina Precinct.

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

15 May 2013 – Attended FMG's 5 year production birthday.
16 May 2013 – Attended the Ronald McDonald presentation.
17 May 2013 – Opened the Welcome to Hedland Night

9.2 *Councillor Carter*

Councillor Carter attended the Australian Defence Force function on 6 May 2013.

9.3 *Councillor Gillingham*

Councillor Gillingham attended the opening of the refurbished Esplanade Hotel and would like to congratulate the owners on its 4.5 star rating. She also attended the Welcome to Hedland Night which was great. The white gravel stone was difficult to push prams through and would suggest using something different.

9.4 *Councillor Hooper*

Councillor Hooper along with other Elected Members attended a thank you dinner held to farewell Tom Stephens.

9.5 *Councillor Dziombak*

The Port Hedland Chamber of Commerce held its business after hours meeting which is a great opportunity for businesses to network. Next week the Chamber of Commerce will be supporting the sundowner at the South Hedland Shopping Centre to celebrate Charter Hall's expansion.

9.6 *Councillor Jacob*

The South Hedland Business Association will be encouraging its members to attend the franchisee event that Charter Hall is holding on the 28 May 2013 and would like to congratulate the people involved in the Welcome to Hedland Night.

9.7 *Councillor Hunt*

Councillor Hunt congratulated everyone involved with the Welcome to Hedland Night.

9.8 *Councillor Taylor*

Councillor Taylor attended the Spinifex Hill Artist funding announcement on Monday 20 May 2013 with BHP, Form and the Federal Minister.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**10.1 *Mr John Burke, Principal, Hedland Senior High School***

Mr Burke gave a presentation on Hedland Senior High School's recent tests results and informed Elected Members and the Community of students' progress and achievements compared to like schools. Mr Burke also spoke about the schools programs and retention rates compared to previous years which are very positive.

Disclaimer*IMPORTANT NOTE:*

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

The site also abuts a local listed heritage municipality building, the former “Clark’s East End Store” to the south of the site. The proposed development will not affect the local heritage listed building.

Proposal (Attachment 2)

The applicant is proposing to construct ten (10) single bedroom “Multiple Dwellings”.

Consultation

The application was circulated to the following units / organisations:

Internally:

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

Externally:

- Department of Environment and Conservation (DEC)
- Department of State Development – Dust Taskforce (DSD)
- Environmental Protection Authority (EPA)
- Department of Health
- Department of Water
- Heritage Council of Western Australia
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

Department of State Development:

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

Department of Environment & Conservation:

1. DEC notes that the dust mitigation measures for the proposed development have been assessed by a suitably qualified mechanical engineer and determined to be in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5.

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

No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

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

5.6.1 Precinct 1 – West End

Summary of Influences

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

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

6.3 Environment

6.3.1 Housing

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

Budget Implications

Immediate:

An application fee of \$7,152.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

Nil

Officer's Comment

Dust Mitigation requirements in the West End Residential Zone

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

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

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

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

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from the Town's Solicitors and further advice requested from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified mechanical engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent of the provisions within Clause 6.3.9 of TPS5.

The applicant has submitted a report by C.A. & M.J. Lommers who has confirmed the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

Attachments

1. Locality Plan
2. Development Plans
3. Dust mitigation report

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

Should Council approve the application, the development will provide a much needed housing resource and help alleviate the housing affordability issues experienced in Port Hedland.

2. Refuse the application.

Refusal of the proposal will require the applicant to reconsider the development proposal. If Council resolves to refuse the application it must give clear reasoning as to its decision.

It is recommended Council supports the application subject to conditions.

201213/379 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak**

That Council approves the application submitted by Hightower Planning and Development on behalf of the registered landowner Macro Lakes Road Pty Ltd to construct ten (10) Multiple Dwellings on Lot 1 (1/65) Kingsmill Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed Ten (10) Multiple Dwellings, as indicated on the approved plans (DRG2013/101/1 - DRG2013/101/9). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**

- 3. A minimum of 13 car bays shall be provided as indicated on the approved site plan (DRG2013/101/1);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**
- 6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;**
- 7. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/101/9);**
- 8. Roof mounted or freestanding plant or equipment such as air conditioning units shall be located and / or screened to the satisfaction of the Manager Planning Services;**
- 9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;**
- 10. The proposed development shall be connected to reticulated mains sewer;**
- 11. All dust and sand to be contained on site with the use of suitable dust suppression techniques to the satisfaction of the Manager Planning Services;**
- 12. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;**

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

- 13. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the three (3) off site car parking bays within the adjacent road reserves, to be constructed to the satisfaction of the Manager Technical Services at the expense of the landowner;**

- 14. Prior to the commencement of works, the developer shall indemnify the Town for any works in the Road Reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 23 (nineteen) below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;**
- 15. Prior to the commencement of any works, the landowner shall prepare a “Coastal Hazard Risk Management and Adaptation Management Plan” in accordance with Section 5.5 of Draft State Planning Policy 2.6 – State Coastal Planning, to the satisfaction of the Manager Planning Services;**
- 16. The landowner shall ensure development and occupation of the site is in accordance with the approved “Coastal Hazard Risk Management and Adaptation Management Plan”. Any deviation of the approved “Coastal Hazard Risk Management and Adaptation Management Plan” shall require approval from the Manager Planning Services;**
- 17. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:**
 - a. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years;**
 - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health;**

- 18. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001;**
- 19. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;**
- 20. Prior to the commencement of any works, an "Erosion and Sediment Control Plan" shall be submitted and approved by the Manager Planning Services;**
- 21. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:**
 - a. The delivery of materials and equipment to the site;**
 - b. The storage of materials and equipment on the site;**
 - c. The parking arrangements for the contractors and subcontractors;**
 - d. Impact on traffic movement;**
 - e. Operation times including delivery of materials;**
 - f. Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and**
 - g. Other matters likely to impact on the surrounding residents / businesses;**

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

- 22. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified mechanical engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by C.A. & M.J. Lommers Pty Ltd;**
- 23. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Crowe Street verges for two years to the satisfaction of the Manager Planning Services;**

24. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 3);
25. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
26. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
27. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

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

"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
4. The Town's Building Services wishes to advise the landowner the following:
 - a. fire resistance to comply with the National Construction Code series of the Building Codes of Australia Volume 1.

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

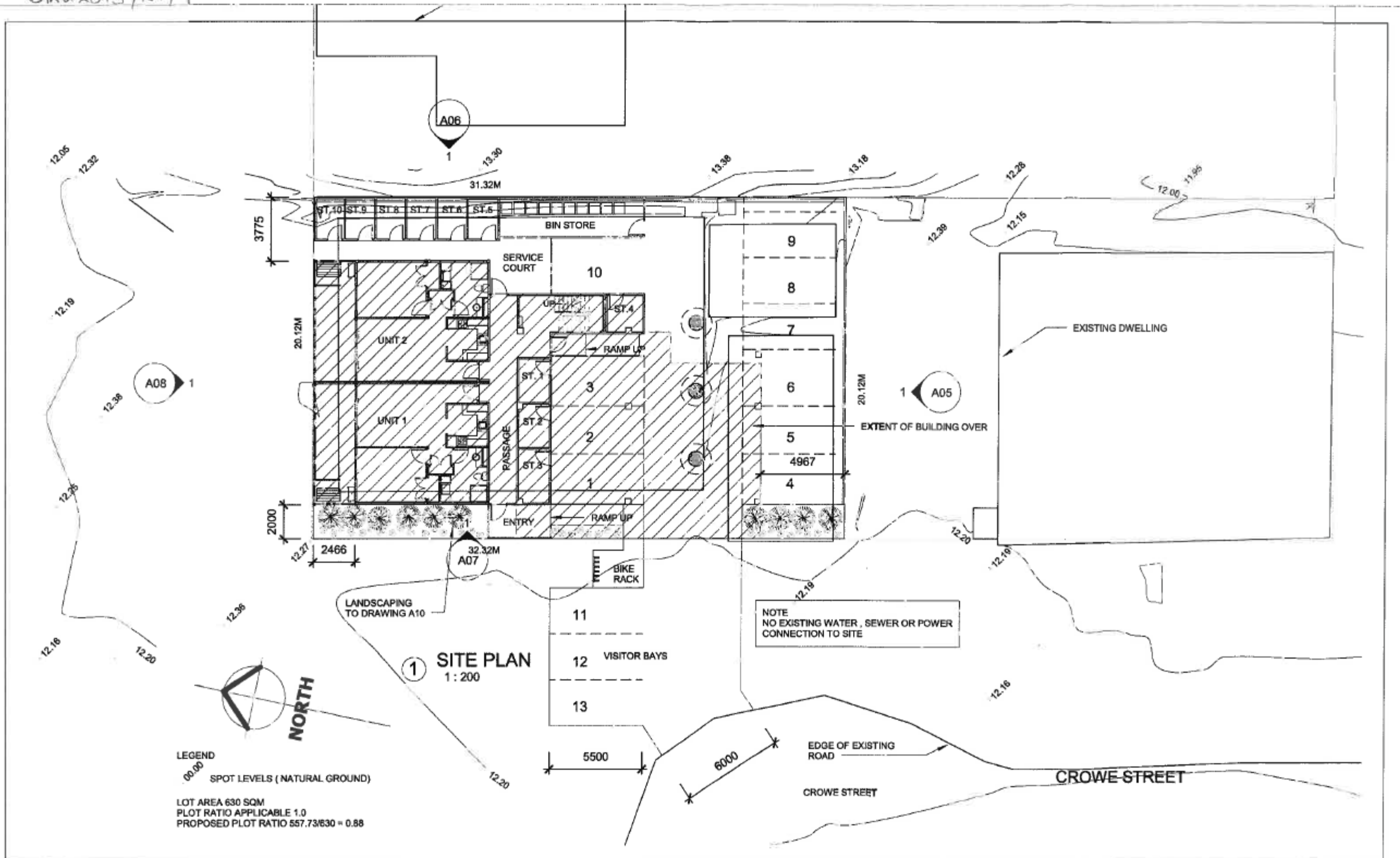
CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.1



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DRG 2013/1017 1



DAVID HAY ARCHITECT PTY LTD
 10 OLDING STREET MELVILLE WA 6156
 0893306462
 davidhayarch@bigpond.com

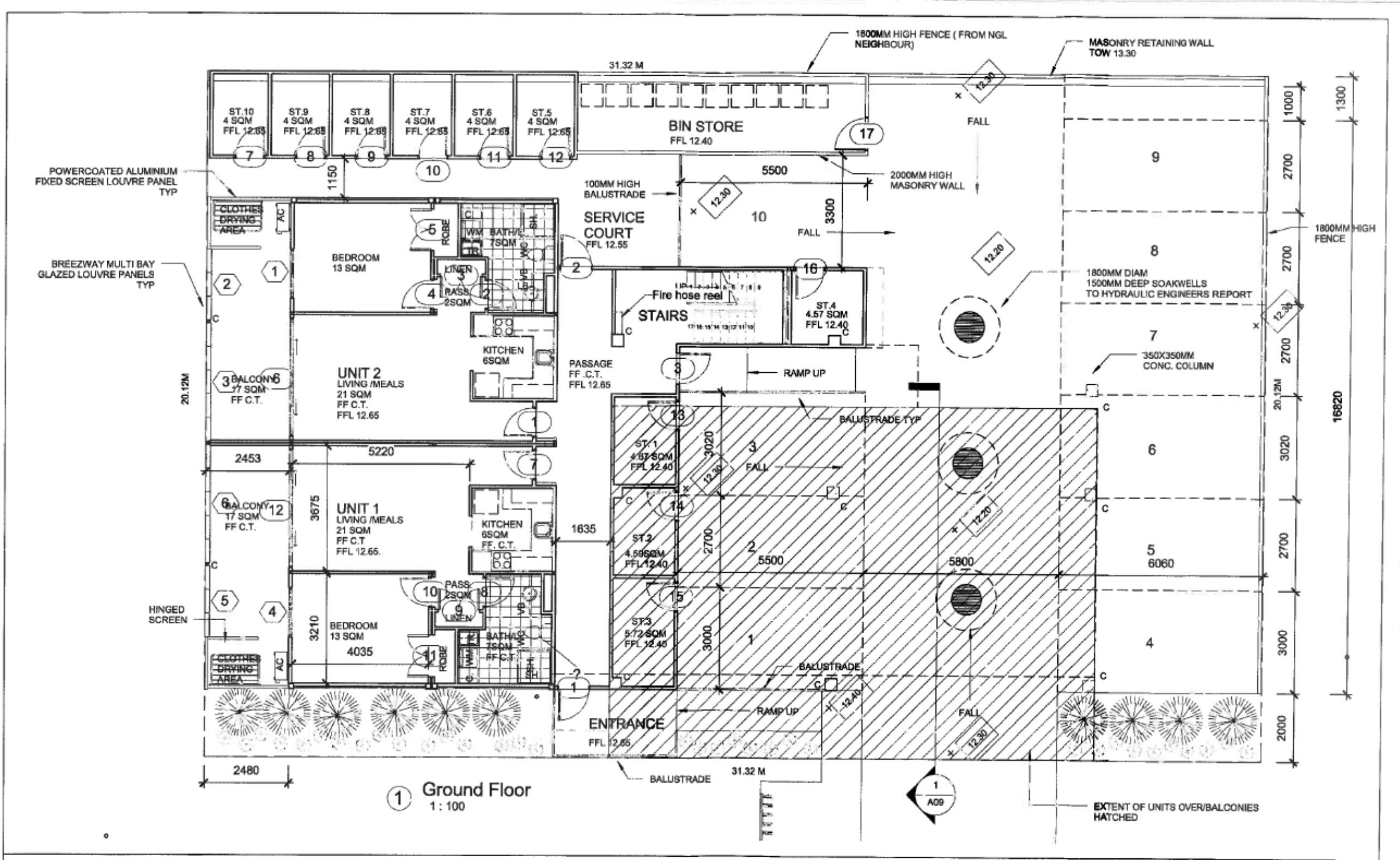
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
 10 X 1 BEDROOM
 MULTIPLE DWELLINGS
 LOT 1,
 CROWE STREET
 PORT HEDLAND

SITE PLAN		A01
Project number	01/13	
Date	22/01/13	
Drawn by	DGH	
Checked by	DGH	
Scale	1:200	

22/01/2013 1:45:50 PM

DR2013/101/2



DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

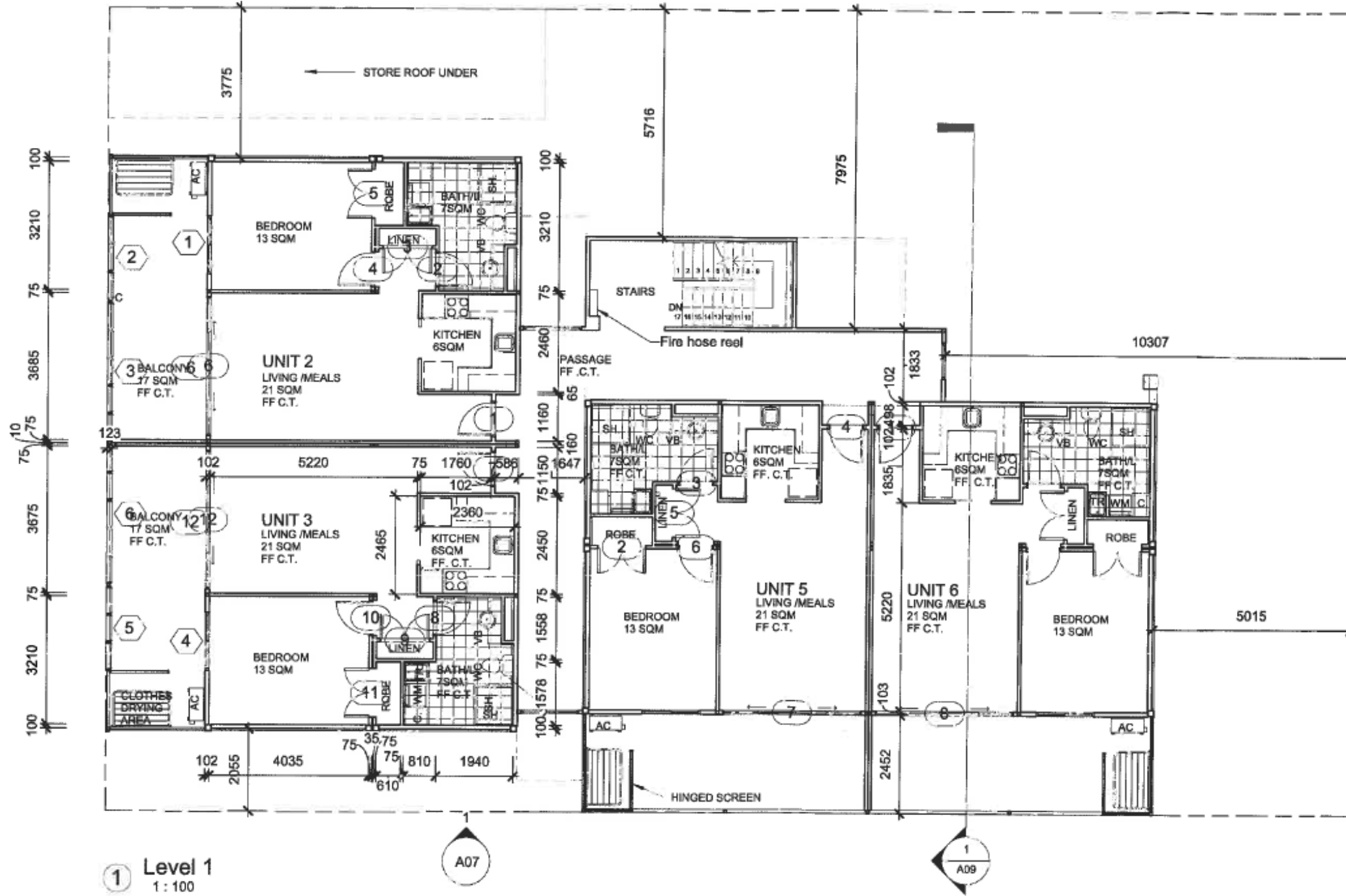
PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

GROUND FLOOR PLAN

Project number	01/13	A02
Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale	1:100	

22/01/2013 1:45:53 PM

DRG 2013/101/3



1 Level 1
1:100

DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

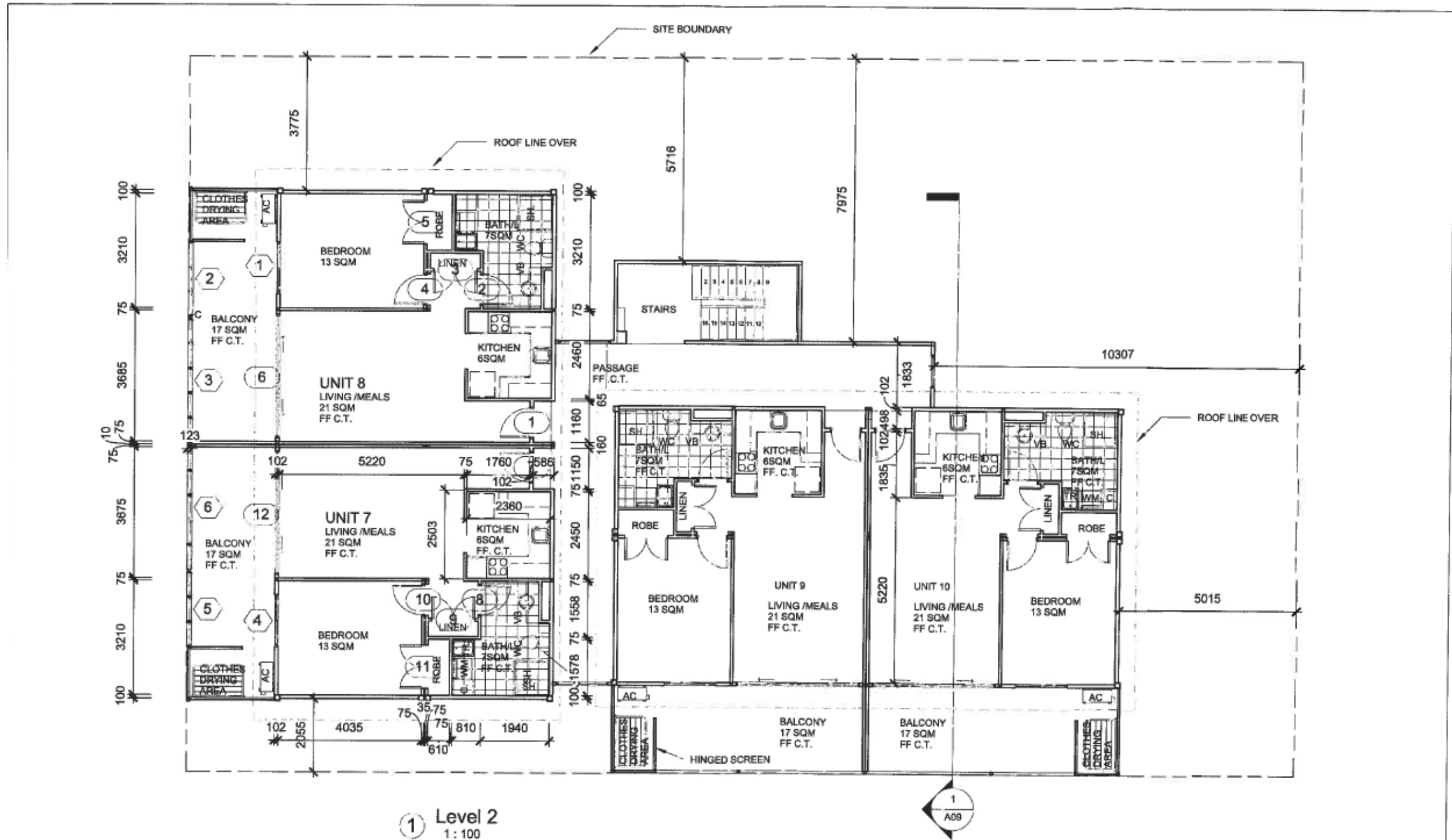
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

FLOOR 1 PLAN

Project number	01/13	A03
Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale		1:100

DRG 2013/101/4



① Level 2
1:100

DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

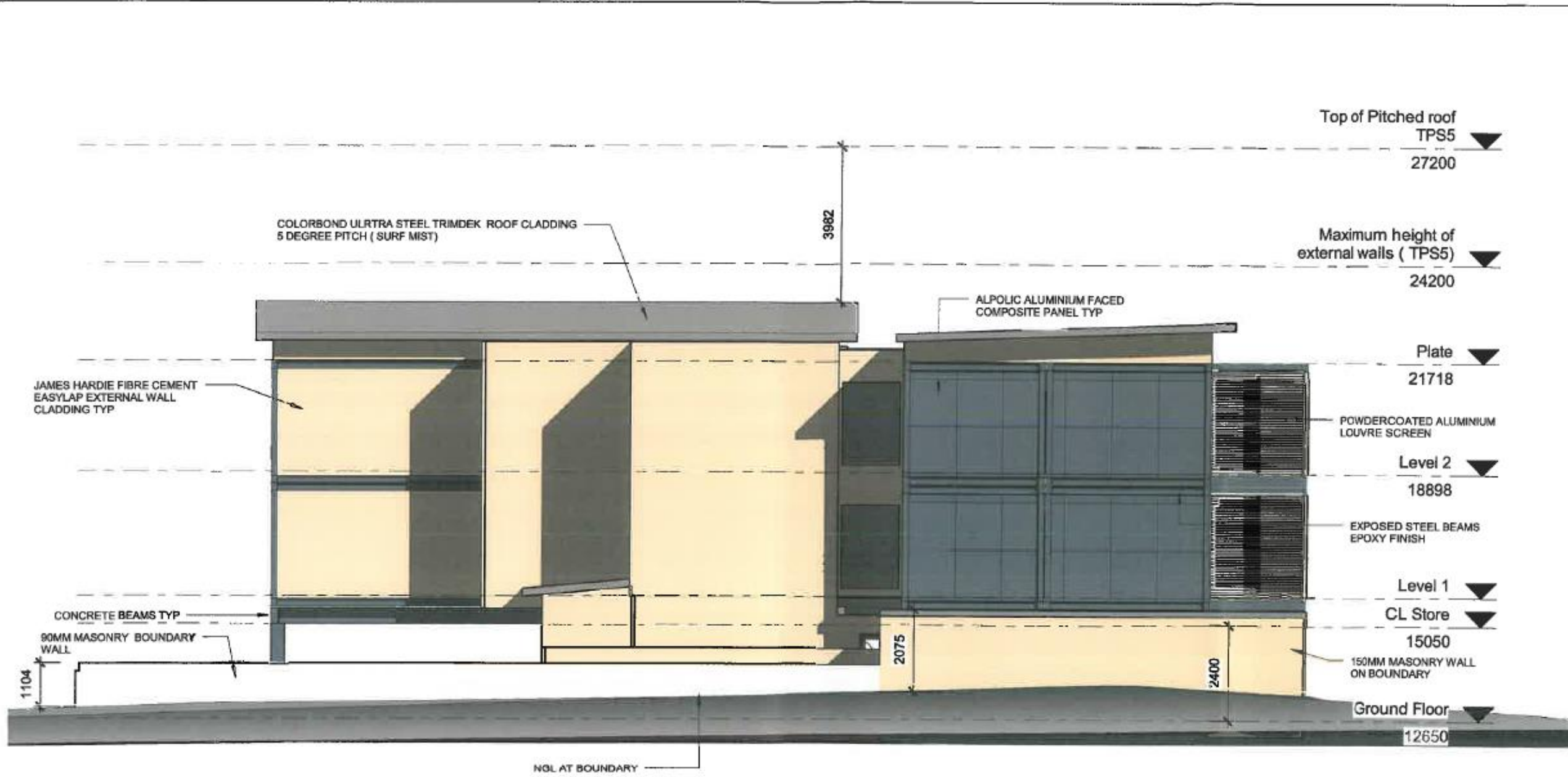
PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

FLOOR 2 PLAN	
Project number	01/13
Date	22/01/13
Drawn by	Author
Checked by	Checker
Scale	1:100

A04

20/1/2013 1:45:57 PM

DR 2013/101/5



① EAST ELEVATION
1 : 100

DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

EAST ELEVATION	
Project number	01/13
Date	22/01/13
Drawn by	Author
Checked by	Checker
Scale	1 : 100

A06

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DRU2013/101/6



DAVID HAY ARCHITECT PTY LTD
 10 OLDING STREET MELVILLE WA 6156
 0893306462
 davidhayarch@bigpond.com

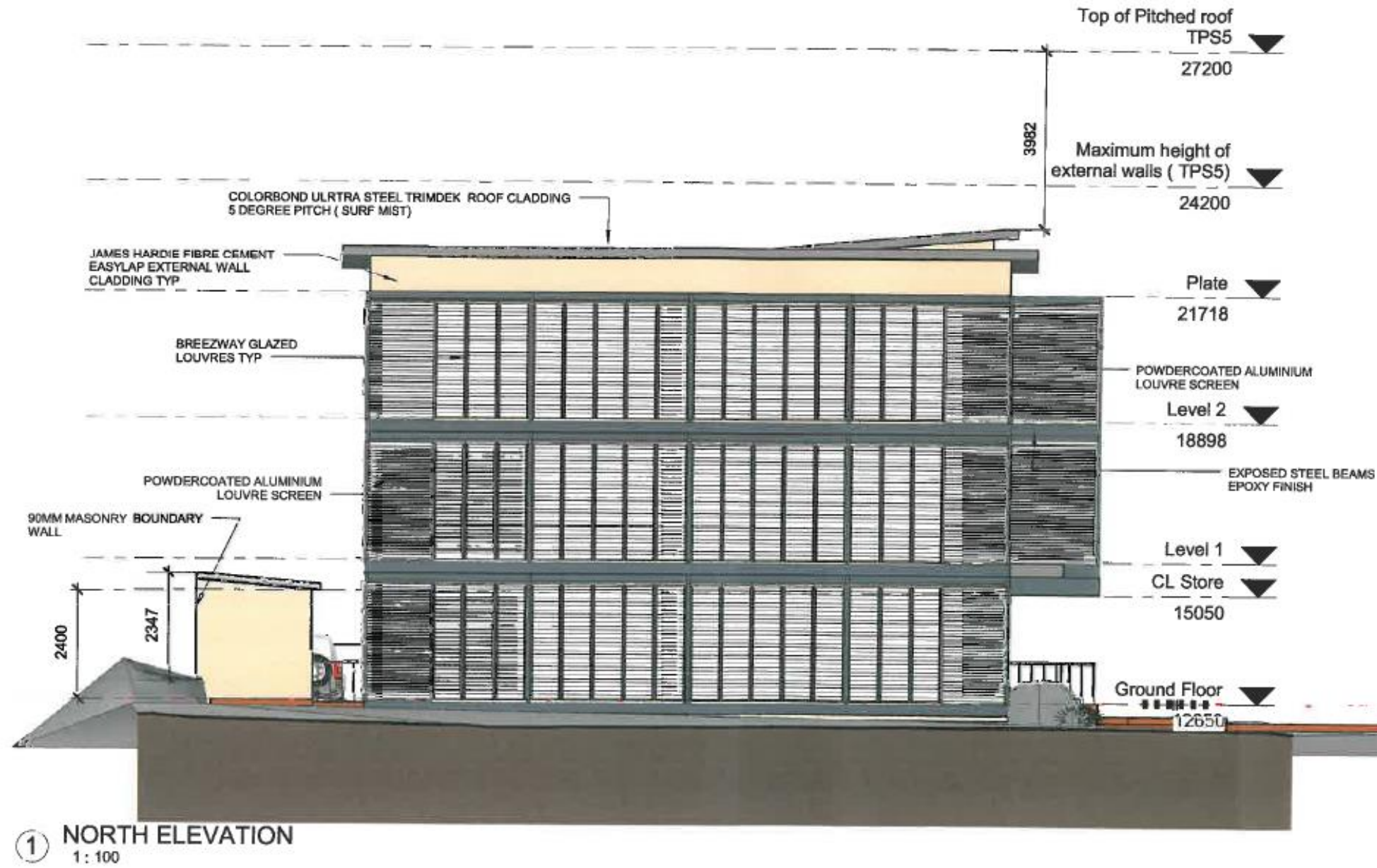
No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
 10 X 1 BEDROOM
 MULTIPLE DWELLINGS
 LOT 1,
 CROWE STREET
 PORT HEDLAND

SOUTH ELEVATION	
Project number	01/13
Date	22/01/13
Drawn by	Author
Checked by	Checker
Scale	1:100

A05

DR 2013 / 101 / 7



DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

NORTH ELEVATION		
Project number	01/13	A08
Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale	1:100	

DR 2013/101/8



1 WEST ELEVATION
1:100

DAVID HAY ARCHITECT PTY LTD
10 OLDING STREET MELVILLE WA 6156
0893306462
davidhayarch@bigpond.com

No.	Description	Date
1	PLANNING APP	22/01/13

PETER DURWARD
10 X 1 BEDROOM
MULTIPLE DWELLINGS
LOT 1,
CROWE STREET
PORT HEDLAND

WEST ELEVATION

Project number	01/13	A07
Date	22/01/13	
Drawn by	Author	
Checked by	Checker	
Scale	1:100	

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ATTACHMENT 3 TO ITEM 11.1.1.1

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

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

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

Date: 14 January 2013

DAVID HAY ARCHITECT PTY LTD

10 Olding Street
MELVILLE WA 6156

Attention Mr. D. Hay,

Dear Sir,

**PROJECT: PROPOSED APARTMENT DEVELOPMENT
LOT 1 CROWE STREET, PORT HEDLAND
RE: DUST MANAGEMENT ASSESSMENT REPORT**

Further to your instructions we have prepared an assessment of the dust mitigation features present in the proposed building design and subsequent dust management assessment report for the proposed apartment development located at Lot 1 Crowe Street in Port Hedland.

The report has been prepared for and on behalf of the project's architect, David Hay Architect Pty Ltd.

1. DEVELOPMENT LOCATION:

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

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



Figure 1 – Development Location Plan

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

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

Building Openings Orientation

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

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

The proposed development has been designed with features and openings either significantly weather-protected or limited to the walls on the leeward side of the building, and generally achieves the performance objective.

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

- Openings to the northern façade for units 1, 2, 3, 4, 7 and 8 have been limited to the sliding access doors only. These sliding doors are documented to have an open-able portion of approximately 20% of the total façade area (per floor). This open-able area is required for amenity, and is considered only a small part of the northern building façade.

Protection to these opening is via external screening is be provided by the roof above, aluminium louvres and a glazed louvre system shown on the project drawings thus providing an enclosed space outside each sliding door.

As the louvre system encloses the entire balcony area, and includes a roof above, it is therefore be considered to provide adequate protection from direct wind impingement and associated ingress of duct.

- No window openings have been documented in the eastern or southern facades of the building.
- Sliding doors to the western façade would be provided with reveals in the form of balcony walls or adjacent louvres to protect them from the direct impact of northern winds (a prevailing direction for the area) and associated ingress of duct.

The louvres are considered to achieve the deflection-screen requirements to the northern edge of the openings in accordance with the legislative requirement.

Entrances to Sole Occupancy Units and the Building

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

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

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

- Entrances to all apartments are via fully enclosed landing/passage leading from the common stairway.

This achieves the legislative requirement of this clause.

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

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

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

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

- The building has been documented with no exposed corridors or the likes to ensure no wind tunnelling effects are created.

This achieves the legislative requirement of this clause.

Pitch of Roofs

Legislative Requirement – *use of eaves.*

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

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

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

- The roof has been designed with separate main roof and balcony overhangs.
These balcony overhangs provide increased separation between significant openings such as sliding doors from the dust-laden wind, by the balcony itself, and as such are not expected to influence the dust stagnation levels below, and will reduce dust deposit by reducing direct wind impact.

Therefore no eaves requiring treatment have been documented for the development.

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

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

Filtered Air Conditioning System

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

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

The proposed development has not been documented with air-conditioning systems of any type.

It is therefore considered that should only "wall split type" air-conditioning (and similar non-ducted packaged type air-conditioning units) be installed in the building, the building will not require treatment in accordance with the requirements of this clause.

2. COMPLIANCE WITH TOWN PLANNING SCHEME No. 5 AMENDMENT 22: (Cont.)Filtered Air Conditioning System (Cont.)

Should fully ducted air-conditioning be provided to the development, fresh air provisions serving the equipment shall be provided with filtration systems in accordance with the requirements of the this clause.

Ancillary Features

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

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

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

- Covered outdoor areas, in the form of balconies, have been provided to all units to enable clothes drying in acceptable areas.
- Outdoor living spaces have been provided with extensive screening and louvres to ensure protection of these spaces from the direct impact of dust deposition.

3. CONCLUSION:

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

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

4. ASSUMPTIONS AND LIMITATIONS:

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

Assumptions

The following assumptions have been made in the report:

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

4. ASSUMPTIONS AND LIMITATIONS: {Cont.}Limitations

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

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

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

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

- | | | |
|-------|-------------------|---------------------------|
| • A01 | Site Plan | {Dated: 10 December 2012} |
| • A02 | Ground Floor Plan | {Dated: 10 December 2012} |
| • A03 | Floor 1 Plan | {Dated: 10 December 2012} |
| • A04 | Floor 2 Plan | {Dated: 10 December 2012} |
| • A05 | South Elevation | {Dated: 10 December 2012} |
| • A06 | East Elevation | {Dated: 10 December 2012} |
| • A07 | West Elevation | {Dated: 10 December 2012} |
| • A08 | North Elevation | {Dated: 10 December 2012} |
| • A09 | Section | {Dated: 10 December 2012} |
| • A15 | Roof Plan | {Dated: 17 January 2013} |

We trust the information provided meets your approval.

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

Yours faithfully,

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



M.D. Lommers
Mechanical & Fire Safety Engineer

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

11.1.1.2 Proposed Amalgamation of Unallocated Crown Land into Reserve 46652 being Lot 581 on Deposited Plan 67090, South Hedland (File No.: 18/07/0009G)

Officer	Julie MacMile Lands and Technical Officer
Date of Report	7 May 2013
Disclosure of Interest by Officer	Nil

Summary

The Town is in receipt of a request from the Department of Regional Development and Lands seeking the Town's interest in the proposed amalgamation of three (3) Unallocated Crown Lots (UCL) into Reserve 46652. Reserve 46652, being Lot 581 on Deposited Plan 67090, is currently vested to the Town and used for drainage purposes.

The portions of UCL are currently used for drainage purposes, the amalgamation will serve to formalise the current situation.

Council is requested to consider the request favourably.

Background

The Town currently holds a Management Order over Reserve 46652 (being Lot 581 on Deposited Plan 67090) for the purpose of "Drainage".

Consultation

Technical Services have advised, Lot 3747 is currently being used for drainage purposes and have no objection to the amalgamation.

Statutory Implications

The following sections of the *Land Administration Act 1997* are relevant to the proposal:

- 41. Minister may reserve Crown land
- 46. Placing of care, control and management of reserves.

Policy Implications

Nil

Strategic Planning Implications

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

If the UCL is amalgamated into Reserve 46652, the Town will be responsible for its control and maintenance.

Officer’s Comment

The following Unallocated Crown Lots are proposed to be amalgamated into Reserve 46652 (being Lot 581 on Deposited Plan 67090):

1	Lot 510 on Deposited Plan 71580
2	Lot 595 on Deposited Plan 75336
3	Lot 3747 on Deposited Plan 213762

Lot 595 is encumbered by an easement to the Water Corporation (Sewer Main). Telstra also has infrastructure within the subject lot and will require an easement at a later stage.

Although highly constrained, the UCL is suitable for drainage and the amalgamation into the existing drainage Reserve will ensure that the land remains available for this purpose in the future.

It is recommended Council support the proposal to extend the boundaries of Reserve 46652 by the amalgamation of the UCL into the Reserve.

Council has the following options for responding to the request:

1. Supports the amalgamation of UCL located at Lots 510 on Deposited Plan 71580, Lot 595 on Deposited Plan 75336 and Lot 3747 on Deposited Plan 213762 into Reserve 46652, being Lot 581 on Deposited Plan 67090.

This will see the Town obtain control and responsibility for the additional portions of land for “Drainage” purposes.

2. Object to the amalgamation of the UCL located at Lots 510 on Deposited Plan 71580, Lot 595 on Deposited Plan 75336 and Lot 3747 on Deposited Plan 213762 into Reserve 46652, being Lot 581 on Deposited Plan 67090.

This option will impact drainage in the area as Lot 3747 is currently being used for drainage purposes.

Option 1 is recommended.

Attachments

1. Locality Plan

201213/380 Officer's Recommendation / Council Decision

Moved: Cr Carter

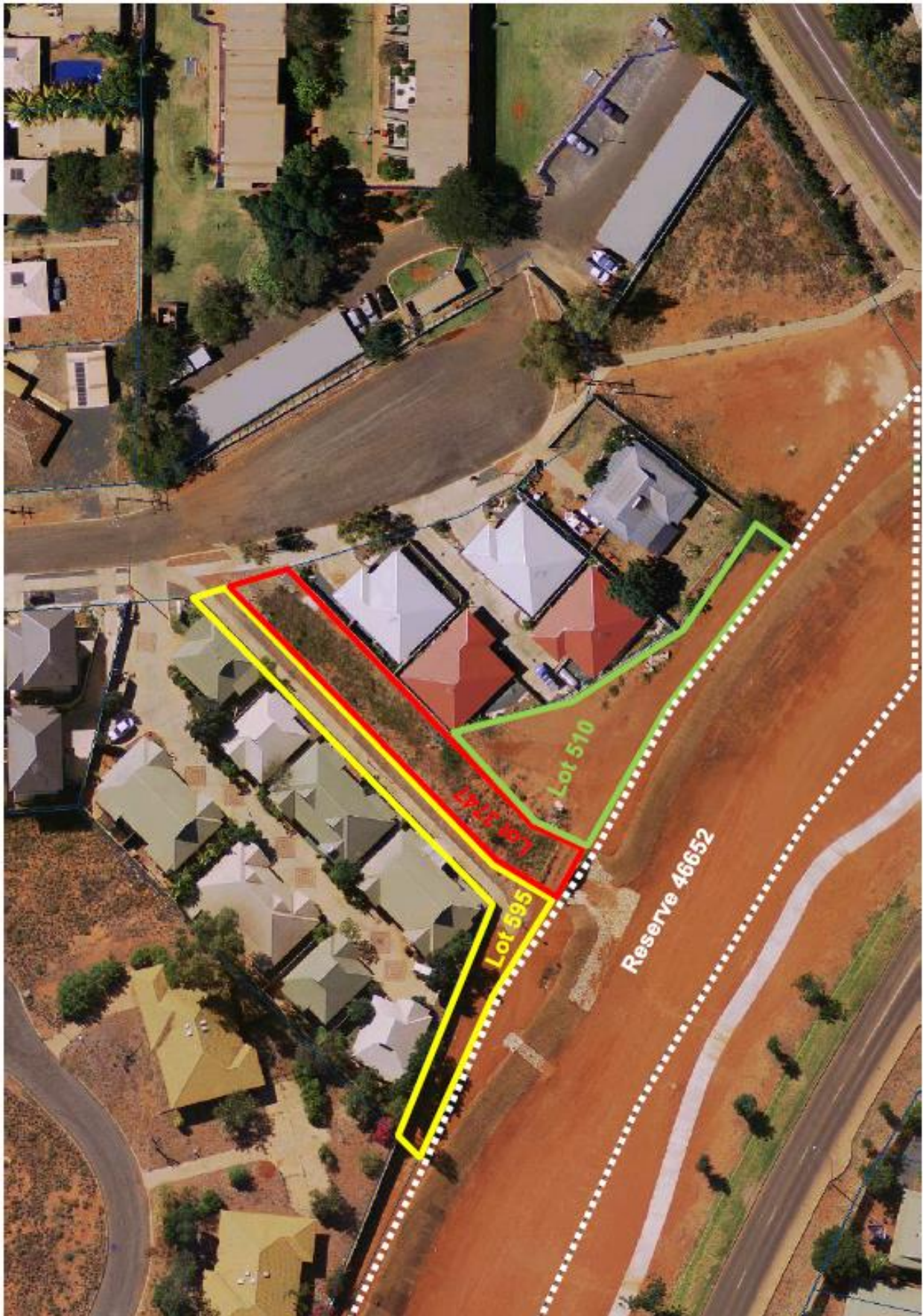
Seconded: Cr Jacob

That Council:

1. Supports the amalgamation of UCL located at Lots 510 on Deposited Plan 71580, Lot 595 on Deposited Plan 75336 and Lot 3747 on Deposited Plan 213762 into Reserve 46652, being Lot 581 on Deposited Plan 67090; and
2. Request the Chief Executive Officer, or his delegate, to advise the Department of Regional Development and Lands of point 1 above.

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.2



6:37pm Councillor Carter declared an impartiality interest in Item 11.1.1.3 'Proposed Thirteen (13) Multiple Dwellings on Lot 733 (60) Moore Street, Port Hedland (File No.: 109210G)' as he lives on the same road as the subject site.

Councillor Carter did not leave the room.

6:37pm Councillor Taylor declared a financial interest in Item 11.1.1.3 'Proposed Thirteen (13) Multiple Dwellings on Lot 733 (60) Moore Street, Port Hedland (File No.: 109210G)' as she owns property in proximity to the subject site.

Councillor Taylor left the room.

11.1.1.3 Proposed Thirteen (13) Multiple Dwellings on Lot 733 (60) Moore Street, Port Hedland (File No.: 109210G)

Officer Ryan Djanegara
Senior Statutory Planner

Date of Report 6 May 2013

Application No. 2013/170

Disclosure of Interest by Officer Nil

Summary

The Town received an application from Megara Five Pty Ltd being the registered landowner, to construct thirteen (13) "Multiple Dwellings" on Lot 733 (60) Moore Street, Port Hedland (subject site).

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

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

Background

Site Description (Attachment 1)

The subject site is generally rectangular in shape, achieves vehicular access via Moore Street and covers an area of approximately 1104m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential". The permissibility of the proposed "Multiple Dwellings" is an "AA" use.

Proposal (Attachment 2)

The applicant is proposing to construct thirteen (13) two bedroom "Multiple Dwellings" units.

Consultation

The application was circulated to the following units / organisations:

Internally:

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

Externally:

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

The following noteworthy comments were received:

Department of State Development:

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

Department of Environment & Conservation:

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

Adjoining landowners advertising

The application was advertised for a period of 21 days to adjoining landowners. No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

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

5.6.1 Precinct 1 – West End

Summary of Influences

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

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

6.3 Environment

6.3.1 Housing

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

Budget Implications

Immediate:

An application fee of \$9,432.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil.

Whole of Life:

Nil.

Officer's Comment

Dust Mitigation requirements in the "West End Residential" zone

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

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

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

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

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from Council's Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent of the provisions within Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman Disney & Young confirming the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

Attachments

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

Options

Council has the following options when considering the application:

1. Approve the application subject to conditions.

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

2. Refuse the application.

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

Council is requested to consider the application favourably.

201213/381 Officer's Recommendation / Council Decision

Moved: Cr Daccache

Seconded: Cr Carter

That Council approves the application submitted by Megara Five Pty Ltd the registered landowner, to construct thirteen (13) "Multiple Dwellings" on Lot 733 (60) Moore Street, Port Hedland, subject to the following conditions:

1. **This approval relates only to the proposed Thirteen (13) "Multiple Dwellings", as indicated on the approved plans (DRG2013/170/1 - DRG2013/170/6). It does not relate to any other development on this lot;**
2. **If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**

3. A minimum of 16 car bays (13 bays on site for residents, 2 bays on site for visitors and 1 bay within the Moore Street road reserve for visitors) and 7 bicycle bays shall be provided as indicated on the approved site plan (DRG2013/170/1);
4. No parking bays shall be obstructed in any way or used for any other purpose than parking;
5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;
6. Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;
7. All stormwater disposal shall be accordance with the approved stormwater management plan (DRG2013/170/6);
8. Roof mounted or freestanding plant or equipment such as air conditioning units or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;
9. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;
10. The proposed development shall be connected to reticulated mains sewer;
11. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;

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

12. Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the one (1) off-site car parking bay within the Moore Street road reserve, to be constructed at the landowners cost, to the satisfaction of the Manager Technical Services;

- 13. Prior to the commencement of works, the landowner shall indemnify the Town for any works in the Moore Street road reserve, against any damage that may occur as a result of construction or ongoing maintenance. The developer shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 21 below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services prior to the commencement of works;**
- 14. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:**
 - a. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health.**
- 15. Prior to the commencement of any works a detailed landscaping and reticulation plan including any street verge, shall be submitted and approved by the Manager Planning Services. The plan shall include:**
 - a. location, species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001; and**
 - b. shade trees provided at a ratio of 1 tree per six (6) consecutive external parking spaces**
- 16. Prior to the commencement of any works, a "Refuse Collection Strategy / Management Plan" shall be submitted and approved by the Manager Planning Services. The approved "Refuse Collection Strategy / Management Plan" shall be implemented to the satisfaction of the Manager Planning Services;**

17. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town;
18. The landowner shall ensure erosion and sediment control is in accordance with the approved "Erosion Prevention and Sediment Control Plan" (DRG2013/170/6);
19. Prior to the commencement of any works, a "Construction Site Management Plan" shall be submitted and approved by the Manager Planning Services. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents / businesses.

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

20. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney & Young Pty Ltd;
21. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bay and proposed landscaping in the Moore Street road reserve for a two (2) year period to the satisfaction of the Manager Planning Services;
22. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 5);
23. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;

24. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;
25. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services; and
26. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services.

ADVICE NOTES:

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

"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other"
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 10, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. The Town's Environmental Health Services advises the development must comply with the Town's Health Local Laws, Section 2.2.2;
5. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;

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

CARRIED 8/0

6:39pm Councillor Taylor reentered the room and resumed her chair. Mayor Howlett advised Councillor Taylor of Council's decision.

DRG 2013/170/1

GROUND FLOOR ROOM TYPE LEGEND

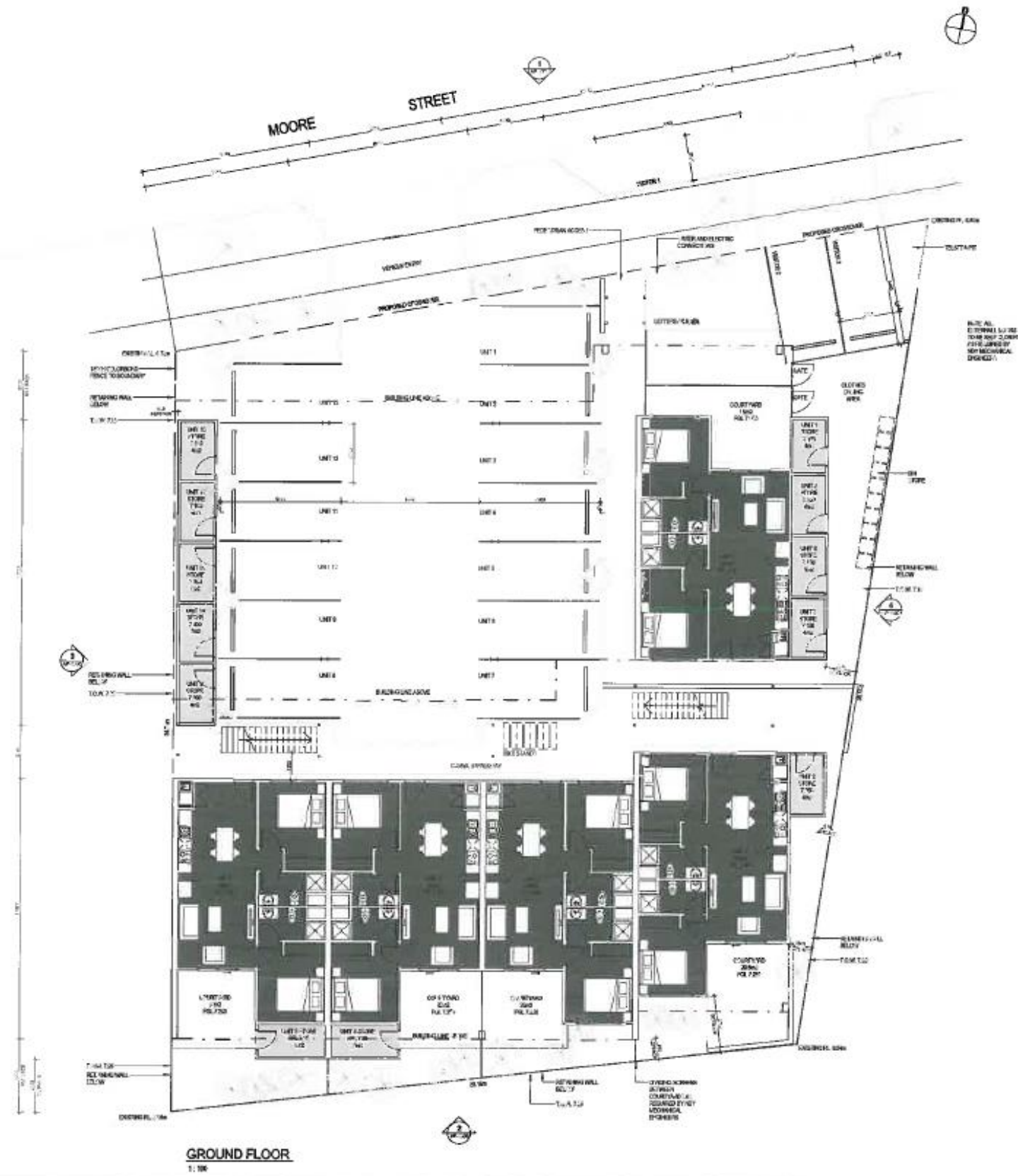
- 1 2d UNIT 6m² 30m²
- 2 STORE ROOM 4m² 4m²

OVERALL ROOM TYPE LEGEND

- 11 2d UNIT 6m² 62m²
- 12 STORE ROOM 4m² 52m²

NOTE:
ALL UNITS TO BE PROVIDED WITH GARAGE
TO BE PROVIDED WITH GARAGE
IF CAPACITY AREA IS 15m²

DEVELOPMENT INFORMATION	
SITE ZONING	R10
SITE AREA	1142.21m ²
PLAT RATIO	1
MAX PLAT RATIO AREA	1142.21m ²
MIN OPEN SPACE REQ.	0m ²
PROPOSAL	(17) 2d RES UNITS
PROPOSED PLAT RATIO AREA	
(17) 2d UNITS	Each 6m ² 62m ²
TOTAL PROPOSED PLAT RATIO AREA	62m ²
PROPOSED AREA	
(17) 2d UNITS	Each 6m ² 62m ²
(5) 2d UNIT COURTYARD	Verand 121.25m ²
(1) 2d UNIT BALCONY	Verand 120.35m ²
Sub Total	1142.95m ²
FRONT FLOOR STAIR LANDING	14.07m ²
(10) GROUND FLOOR 4m ² STORE ROOMS	40m ²
(7) FRONT FLOOR 4m ² STORE ROOMS	4m ²
TOTAL BUILDING AREA (Excludes Verandahs/Balconies)	1036.97m ²
TOTAL COURTYARD	121.25m ²
TOTAL BALCONY	120.35m ²
PROPOSED NET COVERAGE	
(17) 2d UNITS	220m ²
(5) GROUND FLOOR COURTYARDS	121.25m ²
(1) GROUND FLOOR 4m ² STORE ROOMS	4m ²
UNCOVER COMMON WALKWAY AREAS	181.20m ²
SUB TOTAL PROPOSED NET COVERAGE AREA	526.70m ²
TOTAL PROPOSED OPEN SPACE	616.25m ²
PROPOSED OPEN SPACE %	53.59%
CARPARKING	
13 CARBAYS PROVIDED FOR DWELLINGS	
3 VISITORS CARBAYS PROVIDED	



GROUND FLOOR
1:50

<p>As shown on 1:50 Scale E1</p>	<p>1. MEGARA 2. MEGARA 3. MEGARA</p>	<p>MEGARA MEGARA MEGARA</p>
------------------------------------------	----------------------------------------------	-------------------------------------

DR62013/170/2

FIRST FLOOR ROOM TYPE LEGEND

- 6 2nd UNIT 6th/2 5th/2
- 1 STORE ROOM 4th/2

OVERALL ROOM TYPE LEGEND

- 11 2nd UNIT 6th/2 5th/2
- 18 STORE ROOM 4th/2

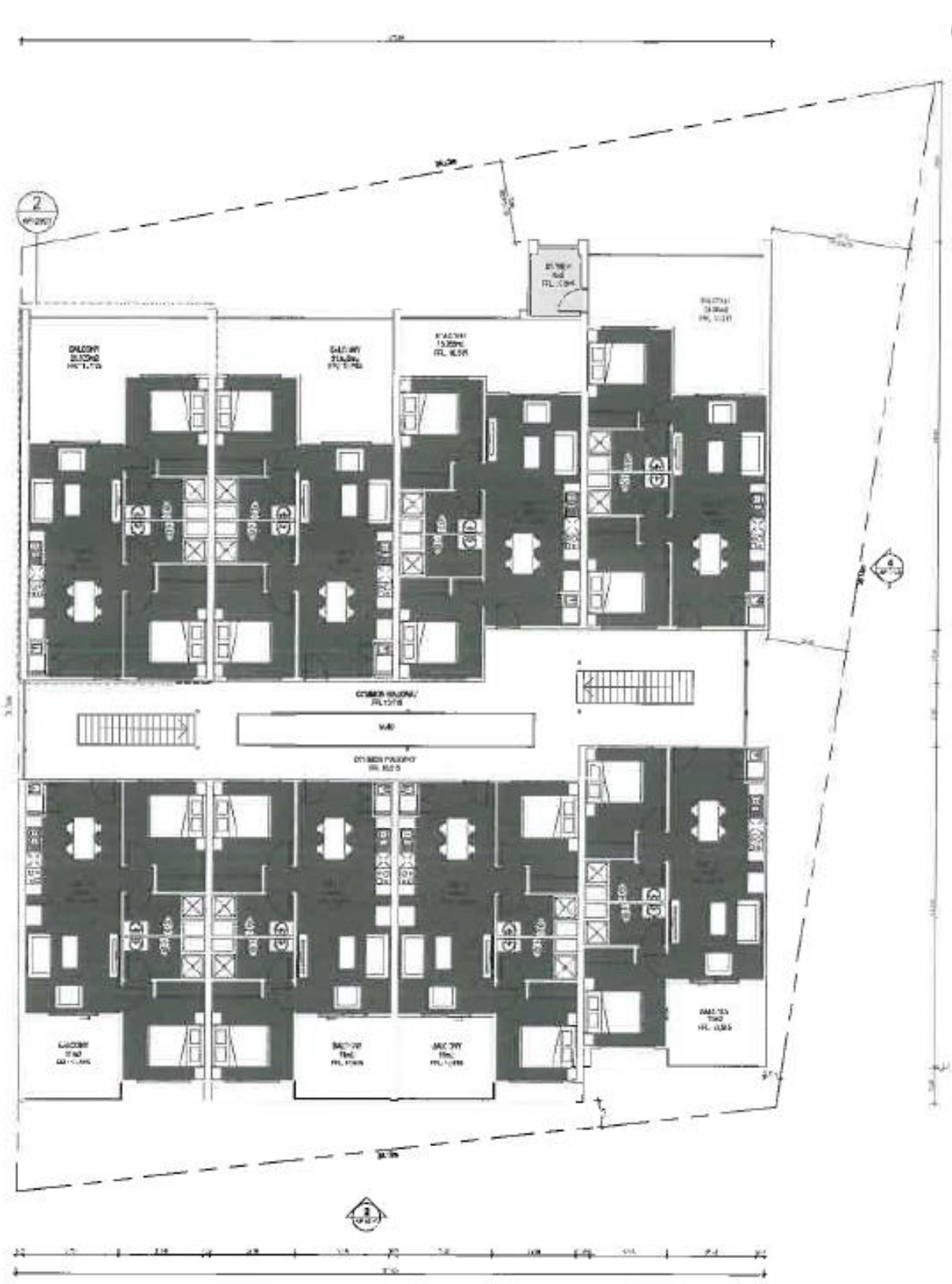
ALL LIFT TO BE PROVIDED BY RETAILER

Legend

- WB Floor/Wall
- WB Floor/Bulk
- WB Top
- WB Glass
- WB Trough
- WB Working Window
- WB Roof/Slope
- WB Corridor/Door Frame
- WB Floor Linings/Flooring
- WB Floor
- WB Liner
- WB Top
- WB Floor/Under Floor
- WB Vertical Liner/Board
- WB Access Liner/Board
- WB Floor Liner/Board
- WB Stair
- WB Staircase



TYPICAL FLOOR PLAN 1:80

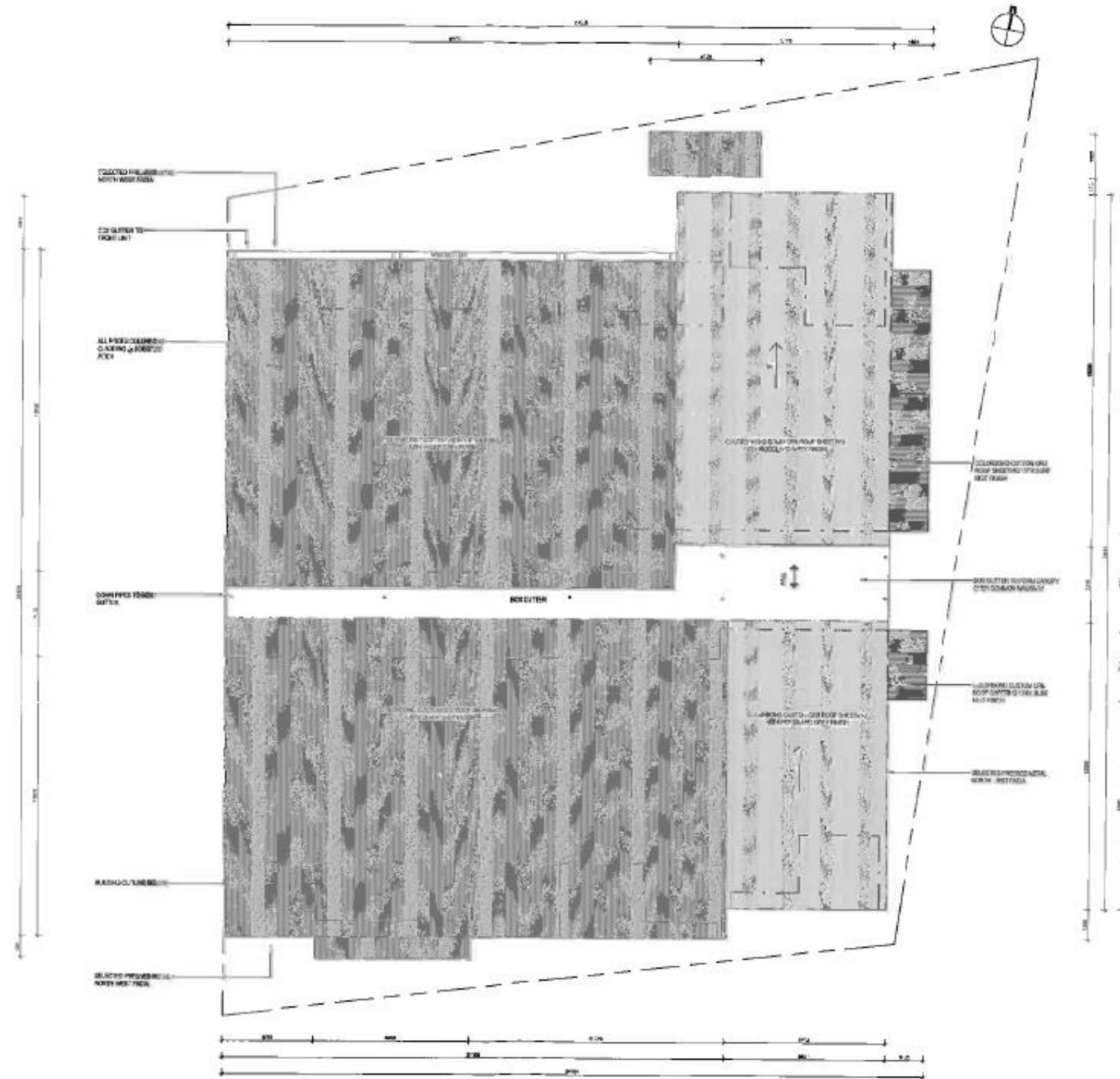


LEVEL 1 1:100



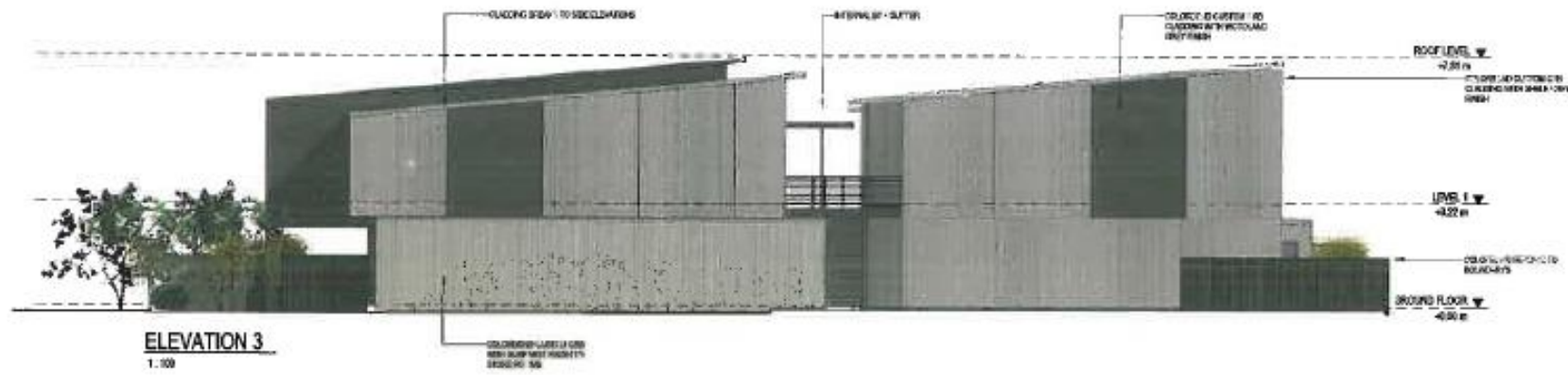
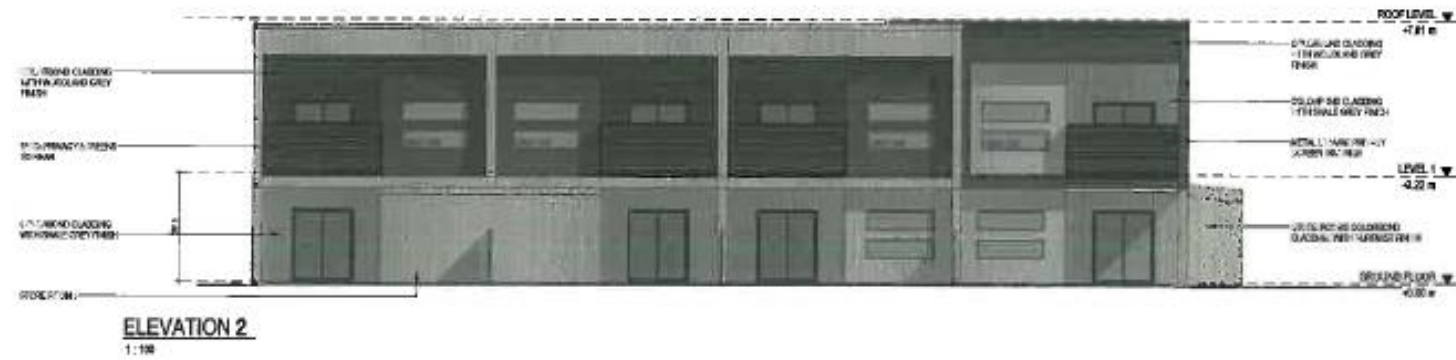
NOTE: ALL COMMON AREAS TO BE PROVIDED BY RETAILER

DR62013/170/3

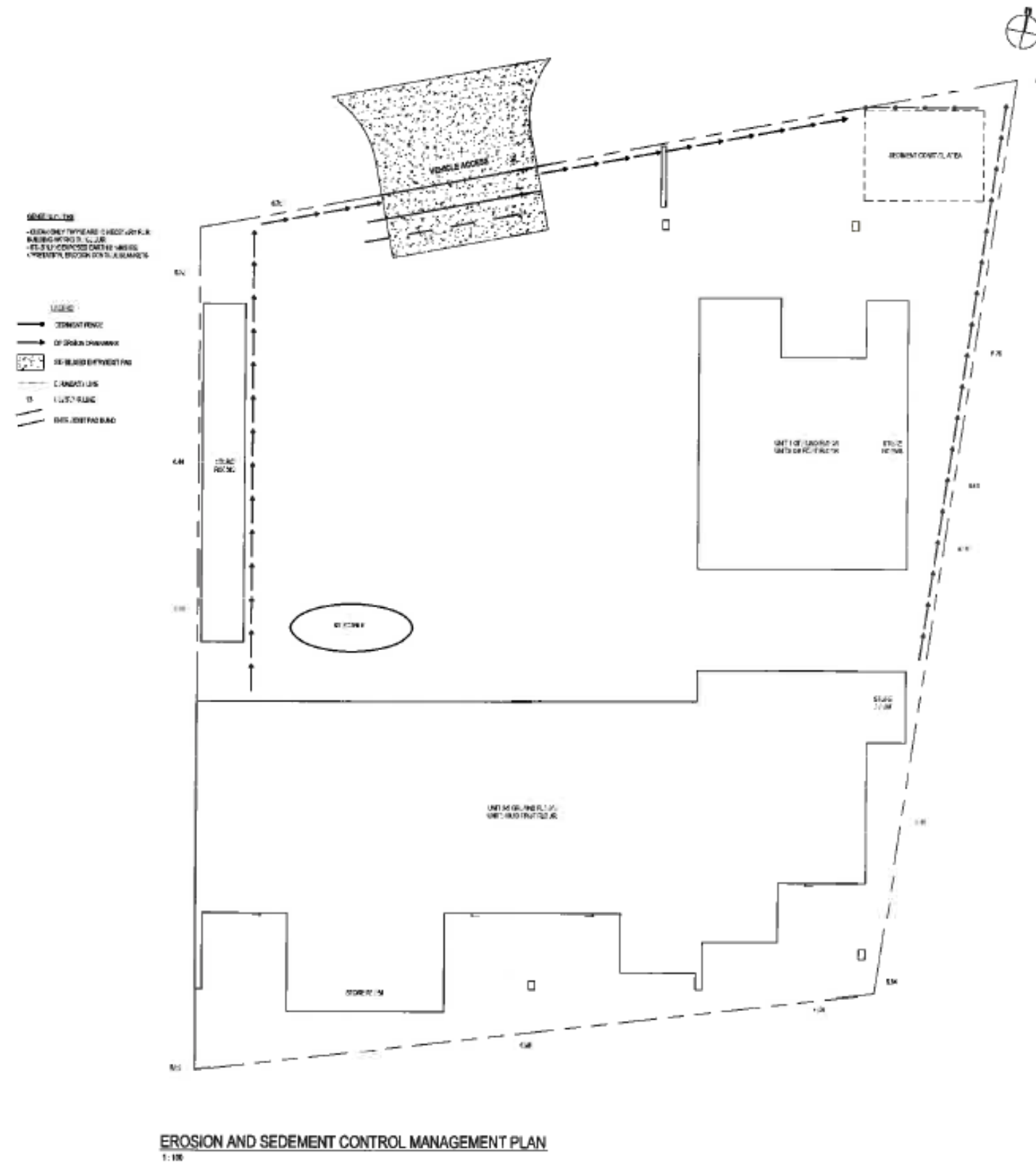


ROOF PLAN
1:100

DR 2013/170/4



DLW 2013/170/6



Report



BUILDING SERVICES

60 Moore Street - Dust Ingress Control Megara

CONFIDENTIAL

Revision: 2.0 - FINAL
Issued: 8 March 2013



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NDY QA SYSTEM

Revision No: 2.0
Revision Date: 8 March 2013
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Client Contact: Trent Durward

Project Co-ordinator: Robert Horn
Editor: Robert Horn

Authorisation By: Robert Horn

Verification By: Marc Atherden



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TOWN OF PORT HEDLAND REQUIREMENTS

We understand that the residential development on Moore Street is near the corner of Taplin Street intersection, the eastern periphery of the "West End Residential" zone and stated dust affected areas. This development is within the residential zone which is subject to the plan/design guideline adopted by the council for performance based reduction for exposure to dust. The guidelines are supposed to address:

- Filtration of incoming air into the building
- Location of operable windows and doors
- Use of eaves
- Use of deflection screens on the northern and eastern edges of operable windows
- Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening

As per Councils legal advice, Clause 6.3.9 of the Scheme (TPS5) is prescriptive and does not allow innovative design solutions and therefore all applications are to be accompanied by a report prepared by a certified Mechanical Engineer, certifying that the design will mitigate dust exposure and achieves the same intent as the prescriptive provisions of clause 6.3.9 of TPS5. This report has examined the design and certifies that it will mitigate against dust impacts and achieves the same intent as TPS5, as per our assessment below.

Review of the Lot and Position

In reviewing the development we considered that this lot is correctly orientated to take advantage of energy efficient construction in keeping with the BCA 'J' section requirements. The major aspect of the building is north and south. The Balcony and Courtyard windows/self closing doors of the units have been oriented to the North with the side balcony walls acting as wind shields and to the South, West and East within balcony recesses. In reviewing the wind rose in relationship to this development we consider that the wind from the North through to the NWN is predominately across the sea and unlikely to entrain ore dust from stock piles from the Finucane Island (see Appended 'B' Map).

Action Taken to Reduce Dust Ingress

To maintain an energy efficient design to meet BCA Section 'J' requirements and to mitigate whilst minimising the dust issue and comply with the intent of TPS 5 Clause 6.3.9, the following has been incorporated into the design:

1. The north facing aspect is considered to be unaffected by the entrainment of dust. The location of the development from the north through to the NWN aspect receives air directly from the ocean making it suitable for self closing opening doors to this aspect.
2. There are no windows to the bathrooms and the bedroom windows and sliding doors on the south facades are generally within alcoves/balconies. Thus providing protective screens sheltering windows from prevailing winds in all aspects except from the south.
3. The front entry doors are all located in a covered walkway, the entry to which is from the North and South.
4. The internal and outside air will be filtered to the standards required by the Town development standards. Outside air shall be filter by a course pre-filter and higher grade filter of G3, 4 and F5 type filters respectively. The internal air mixed with the filtered outside air will be filtered by a high grade F5 filter.



5. An outside air fan will supply filtered air to the space to ensure a positive pressure is maintained in the unit. This fan shall run in conjunction with the toilet exhaust (see item 11). The outside air filter shall be as specified by the Town development standards.
6. The air conditioning units in this development would generally be wall hung split units with standard filters.
7. Entry doors will be fitted with dust seals and be self closing.
8. The toilet and bathroom would be mechanically ventilated. It is understood that BCA references AS1668.2-2012 which requires a ventilation rate of 25^{l/s} per bathroom for private dwellings (refer to Appendix C). The outside air quantity will exceed the exhaust air quantity by at least 50% to provide a positive pressure within the units. The Air Conditioning systems would be adequately sized to deal with the outside air provision.
9. It is recommended that dividing screens be installed on the ground floor South face between each unit.

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

Filtration Ratings

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

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

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

It is recommended that dividing screen be installed on the ground floor South face between each unit

Outside Air Unit

The outside air unit will provide approximately 75 litres or greater a second of filtered, outside air to pressurise the space. The outside air unit would generally be located at the entry and has a depth of 400mm.

BCA F4 Ventilation Requirements

Below is an extract from the 2012 Building Codes of Australia (BCA).

F4.5 Ventilation of rooms

A habitable room, office, shop, factory, workroom, sanitary compartment, bathroom, shower room, laundry and any other room occupied by a person for any purpose must have—

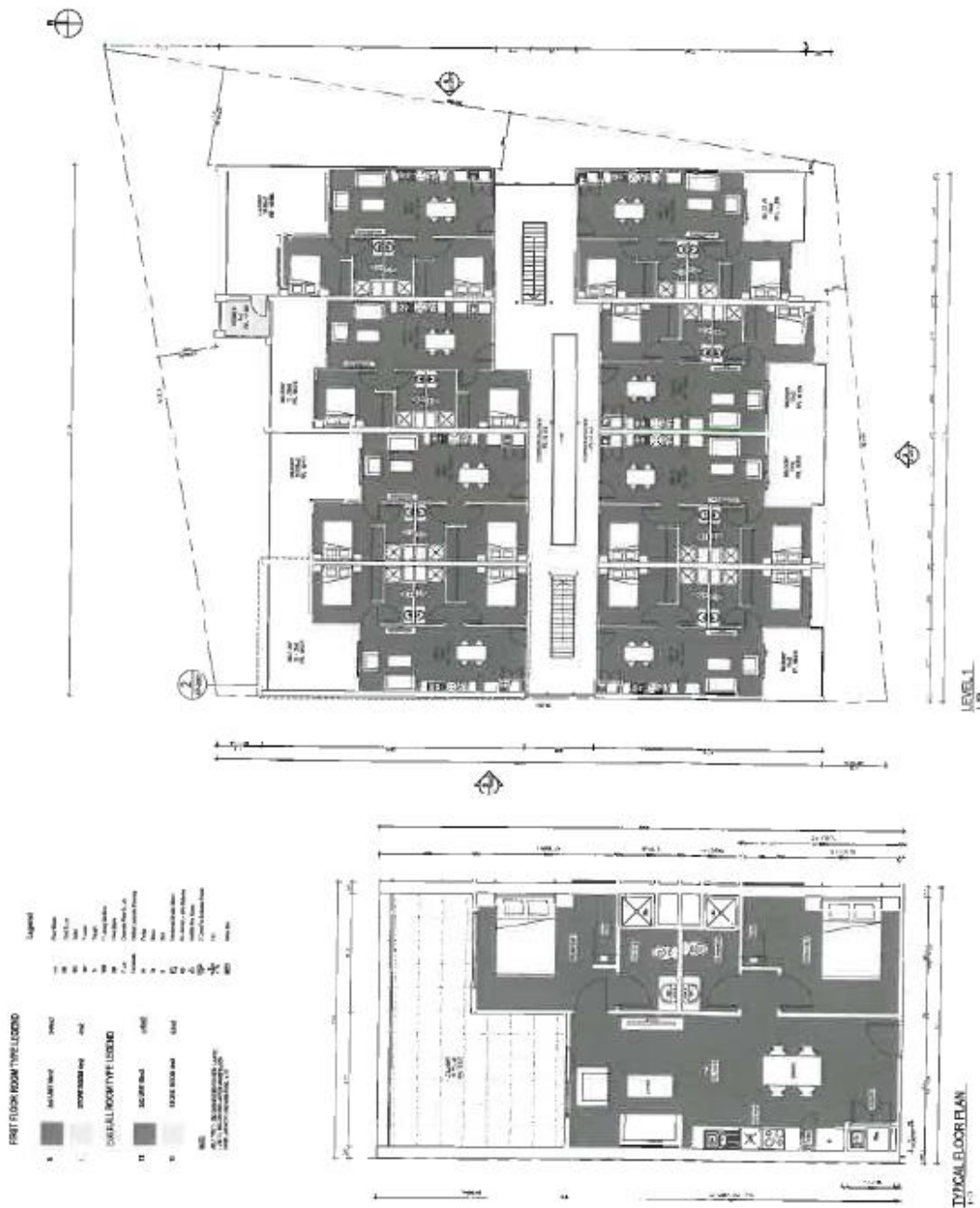
- (a) Natural ventilation complying with F4.6; or
- (b) A mechanical ventilation or air-conditioning system complying with AS 1668.2 and AS/NZS 3666.1.

As there are limited operable windows and the issue of dust ingress is paramount we advise that the provision of mechanical ventilation and pressurisation be applied to all spaces in the unit.

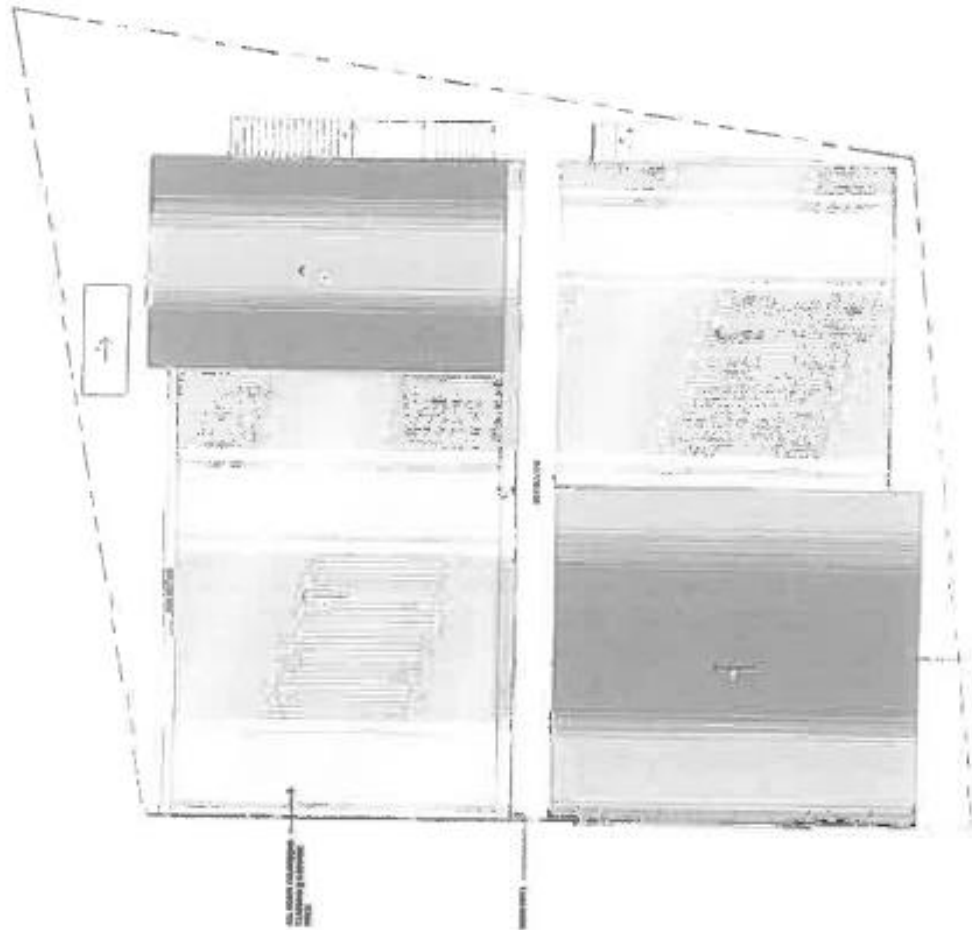


APPENDIX A

Building Plans



44 MERRIDAY
 12/10/12
 12/10/12







APPENDIX B

Finucane Island Map



APPENDIX C

AS 1668.2-2012 Extract

TABLE B1 (continued)

Enclosure type	Quantity	Unit	Comments
Laundry Residential			Rate is independent of enclosure size. Operation of the system may be intermittent Where a laundry is located within a bathroom, the greater quantity of either space shall apply
No dryer	20	L/s.room	
Condensing dryer	20	L/s.room	The greater of 110% of the dryer airflow (where this is known) or 20 L/s room.
Non-condensing dryer	40	L/s.room	The greater of 110% of the dryer airflow (where this is known) or 40 L/s room.
Sanitary compartment Bath Shower Urinal Water closet	10 or 25	L/s.m ² floor L/s per listed fixture	Greater value shall be taken. For calculation purposes, floor area per fixture shall be no greater than 2.5 m ² ; 0.6 m length of urinal shall be equivalent to one fixture Sanitary compartments subject to high level of use (e.g. airports, entertainment venues, and similar venues may require an increased ventilation rate) Where privacy locks or airlocks are included, provision should be made for their ventilation at 5 L/s.m ² of floor area (e.g. via make-up air) (Handbasins are not considered as a 'listed fixture')
Bathroom/Toilet Private dwellings and attached to bedroom of hotels, motels, resorts, private hospital rooms and the like	25	L/s/room	May include bath, shower and water closet in one compartment. Rate is independent of room size (see Note 2) Higher air quantities may be required for vapour control or removal (Handbasins are not considered as a 'listed fixture') Operation of the system may be intermittent
Sewage ejection	100	L/s	Minimum

(continued)

ATTACHMENT 4 TO ITEM 11.1.1.3



11.1.1.4 Proposed Fourteen (14) Multiple Dwellings on Lot 507 (28) Sutherland Street, Port Hedland (File No.: 405430G)

Officer	Ryan Djanegara Senior Statutory Planner
Date of Report	6 May 2013
Application No.	2013/187
Disclosure of Interest by Officer	Nil

Summary

The Town received an application from Sustainable Property Developments Pty Ltd on behalf of the registered landowner Hedland First National Real Estate, to construct fourteen (14) "Multiple Dwellings" on Lot 507 (28) Sutherland Street, Port Hedland (subject site).

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

The application is supported by the Towns' Officers. Council is requested to consider the application favourably.

Background*Site Description (Attachment 1)*

The subject site is generally rectangular in shape, achieves vehicular access via Sutherland Street and covers an area of approximately 919m².

In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned "West End Residential". The permissibility of the proposed "Multiple Dwellings" is an "AA" use.

Proposal (Attachment 2)

The applicant is proposing to construct fourteen (14) "Multiple Dwellings" comprising of 5 single bedroom units and 9 two bedroom units

Consultation

The application was circulated to the following units / organisations:

Internally:

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

Externally:

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

The following noteworthy comments were received:

Department of State Development:

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

Department of Environment & Conservation:

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

Adjoining advertising

The application was advertised for a period of 21 days to adjoining landowners. No submissions were received.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Nil

Strategic Planning Implications

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

5.6.1 Precinct 1 – West End

Summary of Influences

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

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

6.3	Environment
-----	-------------

6.3.1	Housing
-------	---------

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

Budget Implications

Immediate:

An application fee of \$9,432.00 has been received as per the prescribed fees approved by Council.

Long Term:

Nil

Whole of Life:

Nil

Officer's Comment

Dust Mitigation requirements in the West End Residential Zone

The site is located in the West End Residential zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels experienced within the locality.

Section 6.3.9 of TPS5 states:

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

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

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

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from Council’s solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified mechanical engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent of the provisions within Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman Disney & Young confirming the proposal will mitigate dust and addresses the requirements under the TPS5. This report was forwarded to the relevant stakeholders for comment with no comments being received

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

Attachments

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

Options

Council has the following options when considering the application.

1. Approve the application subject to conditions.

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

2. Refuse the application.

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

Council is requested to consider the application favourably.

201213/382 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Jacob

That Council approves the application submitted by Sustainable Property Developments Pty Ltd on behalf of the registered landowner Hedland First National Real Estate, to construct fourteen (14) "Multiple Dwellings" on Lot 507 (28) Sutherland Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed Fourteen (14) "Multiple Dwellings", as indicated on the approved plans (DRG2013/187/1 - DRG2013/187/9). It does not relate to any other development on this lot;**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect;**
- 3. A minimum of 18 car bays (16 bays on site and 2 bays within the Sutherland Street road reserve for visitors) and 7 bicycle bays shall be provided as indicated on the approved site plans (DRG2013/187/1 and DRG2013/187/2);**
- 4. No parking bays shall be obstructed in any way or used for any other purpose than parking;**

5. **Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m;**
6. **Fences shall be reduced to no higher than 0.75m from the natural ground level when within 1.5m of where the Vehicle Access Point (driveway) meets a street and where two (2) streets intersect;**
7. **Roof mounted or freestanding plant or equipment such as air conditioning units or hot water systems shall be located and / or screened to the satisfaction of the Manager Planning Services;**
8. **Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Manager Technical Services;**
9. **The proposed development shall be connected to reticulated mains sewer;**
10. **Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Manager Planning Services;**

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

11. **Prior to the commencement of any works, the landowner shall submit civil engineering drawings for approval by the Manager Planning Services for the two (2) off site car parking bays within the Sutherland Street road reserve, to be constructed at the landowners cost to the satisfaction of the Manager Technical Services;**
12. **Prior to the commencement of works, the landowner shall indemnify the Town for any works in the Sutherland Street road reserve, against any damage that may occur as a result of construction or ongoing maintenance. The landowner shall take out Public Liability Insurance in the amount of \$20 million for all works within the Road Reserve area for the construction phase and the maintenance period referred to in Condition 20 below. Evidence of the Public Liability Insurance Policy from a reputable insurer shall be provided to the Manager Planning Services;**

- 13. Prior to the commencement of any works, the landowner shall prepare a “Coastal Hazard Risk Management and Adaptation Management Plan” in accordance with Section 5.5 of Draft State Planning Policy 2.6 – State Coastal Planning, to the satisfaction of the Manager Planning Services;**
- 14. The landowner shall ensure development and occupation of the site is in accordance with the approved “Coastal Hazard Risk Management and Adaptation Management Plan”. Any deviation of the approved “Coastal Hazard Risk Management and Adaptation Management Plan” shall require approval from the Manager Planning Services;**
- 15. Prior to the commencement of any works, the landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification shall be sufficient to alert prospective landowners or occupiers of the following:**
 - a. Vulnerable Coastal Area - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years;**
 - b. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises that children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions. Further information can be obtained from the Department of Health;**
- 14. The approved “Refuse Collection Strategy / Management Plan” shall be implemented to the satisfaction of the Manager Planning Services (DRG2013/187/8 & DRG2013/187/9);**
- 15. Prior to the commencement of any works, a “Stormwater management plan” shall be submitted and approved by the Manager Planning Services. All stormwater disposal shall be accordance with the approved stormwater management plan;**
- 16. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town;**

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

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

19. Prior to the occupation of the development the landowner shall provide a certificate prepared by a suitably qualified Mechanical Engineer confirming the development has been built in accordance with the Dust Management Assessment Report, prepared by Norman, Disney & Young Pty Ltd;
20. Prior to the occupation of the development the landowner shall enter into a binding agreement with Council to maintain the proposed car parking bays and proposed landscaping in the Sutherland Street road reserve for a two (2) year period to the satisfaction of the Manager Planning Services;
21. Prior to the occupation of the development landscaping and reticulation shall be established with the use of mature trees and shrubs in accordance with the approved plan (DRG2013/187/7) and thereafter maintained to the satisfaction of the Manager Planning Services (Refer to advice note 5);
22. Prior to the occupation of the development, lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with relevant Australian Standards to the satisfaction of the Manager Planning Services;
23. Prior to the occupation of the development, the landowner shall provide aged/disabled access to the existing Council path network in accordance with Austroads Part 13 – Pedestrians, to the satisfaction of the Manager Planning Services;

24. Prior to the occupation of the development, access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Town Planning Scheme No. 5 and Australian Standards, to the satisfaction of the Manager Planning Services;
25. Prior to the occupation of the development the driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, and approved by the Manager Planning Services;

ADVICE NOTES:

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

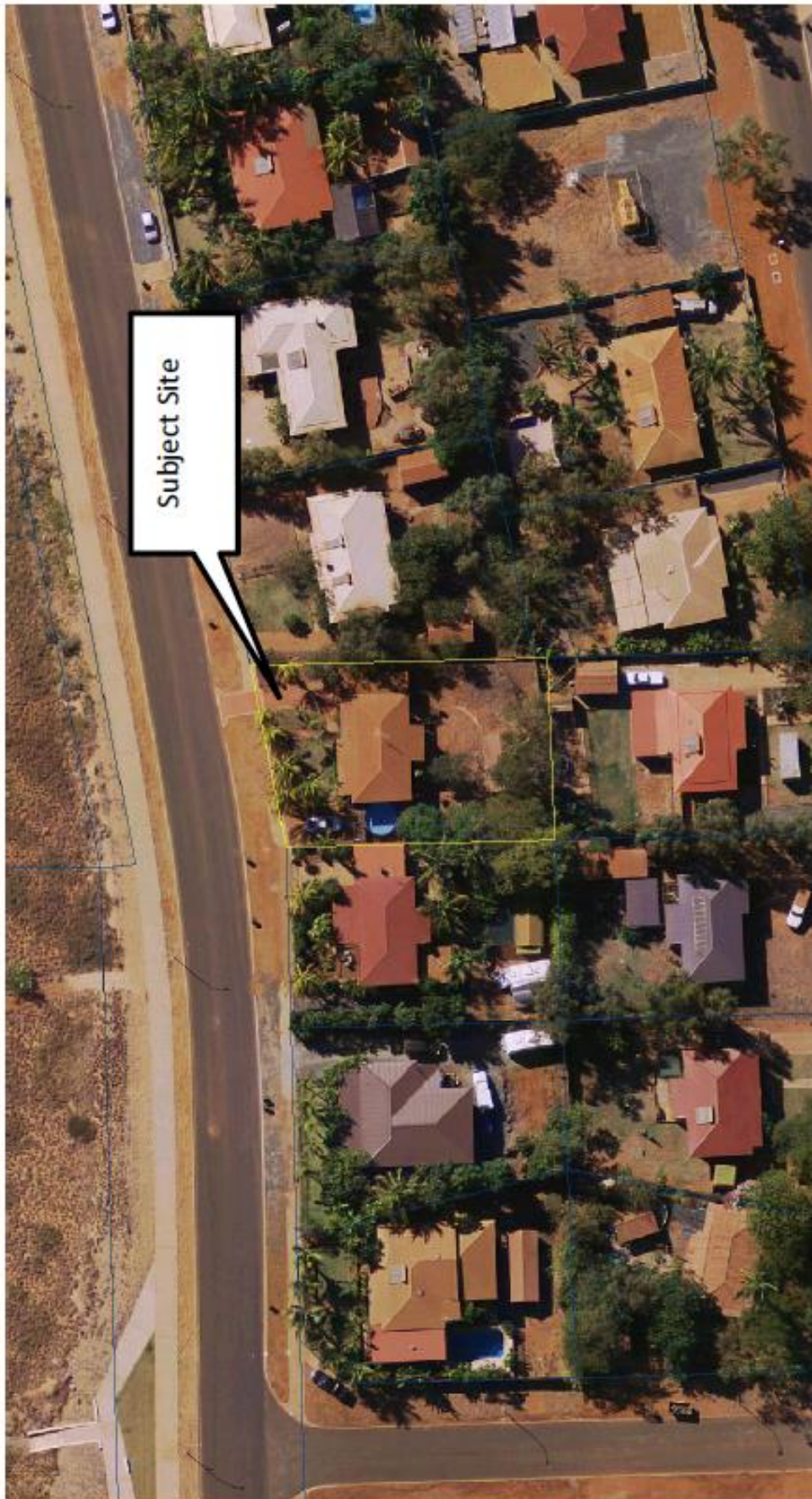
"Multiple Dwelling,

a dwelling in a group of more than one where any part of a dwelling is vertically above part of any other."
2. You are reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements;
3. With regards to Condition 9, insitu effluent disposal systems are to be decommissioned in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
4. The Town's Building Services advises the landowner should consider the following issues prior to submitting a building application:
 - a. the proposed stairs may conflict with less abled persons access ramps;
 - b. hydrant pressure and flow should be checked for fire fighting purposes.
5. In the absence of a clear definition of "mature trees and shrubs" within the Port Hedland Town Planning Scheme, No.5, for the purpose of this approval "mature trees and shrubs" shall mean trees of no less than 2m in height and shrubs of no less than 0.5m in height;
6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Manager Planning Services;

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

CARRIED 7/2

ATTACHMENT 1 TO ITEM 11.1.1.4



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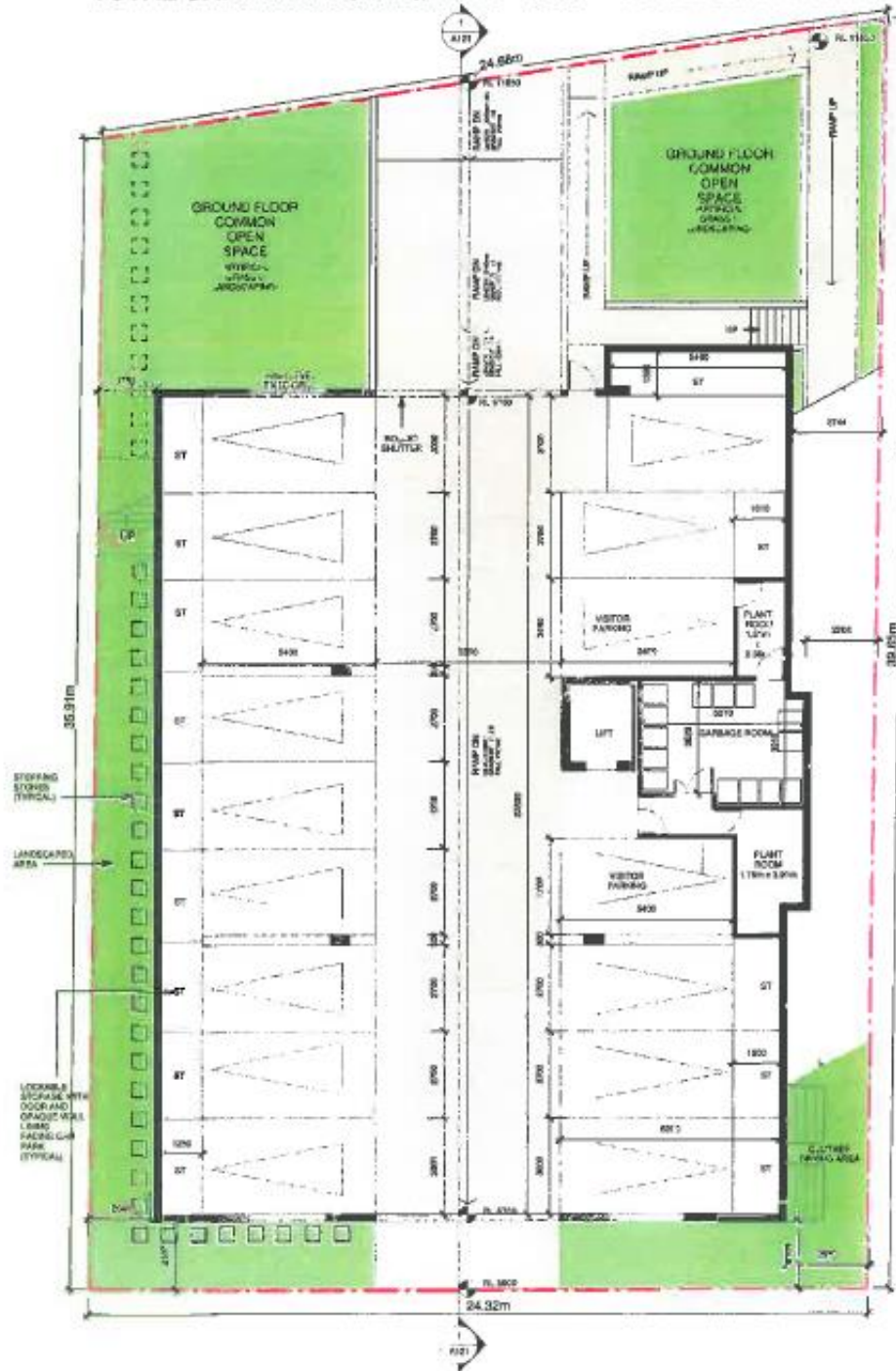
DA12013/187/2

CAR PARKING CALCULATION

- 1. NO OF APARTMENTS PROPOSED - 14.0
- LESS THAN 75M2
- 2. CAR PARKING REQUIRED FOR APARTMENTS @ 1 CAR PARKING PER APARTMENT - 14.0
- 3. CAR PARKING REQUIRED FOR VISITORS @ 0.25 CAR PARKING PER APARTMENT - 3.5

- RESIDENT CAR PARKING PROVIDED ON GROUND FLOOR - 14.0
- VISITOR CAR PARKING PROVIDED ON GROUND FLOOR - 2.0
- VISITOR CAR PARKING PROVIDED IN VERGE 2.0

TOTAL CAR PARKING REQUIRED - 18.0 TOTAL CAR PARKING PROVIDED - 18.0



GROUND FLOOR PLAN

SCALE 1:100



FIRST FLOOR PLAN

SCALE 1:100

NORTH



Notes:

Rev.	Date	Description

Rev. No.

Project:
Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

Drawing Title
**GROUND & FIRST
FLOOR PLANS**

Drg. No: DA02 - A

Date: 7th Mar 2013
Scale: As noted

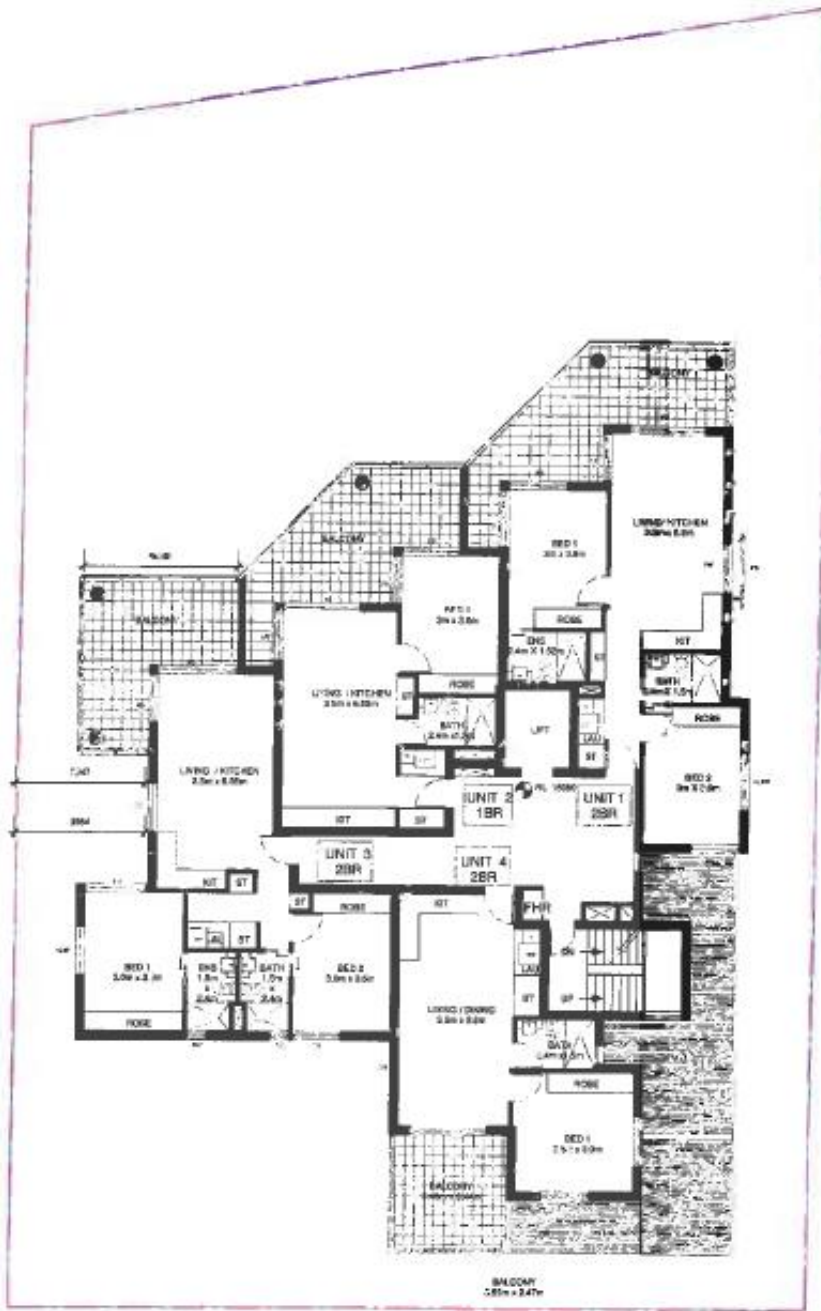
Sustainable
Property Developers
Pty. Ltd
ABN : 93 140 341 556

DR 2013 / 187 / 3

NORTH

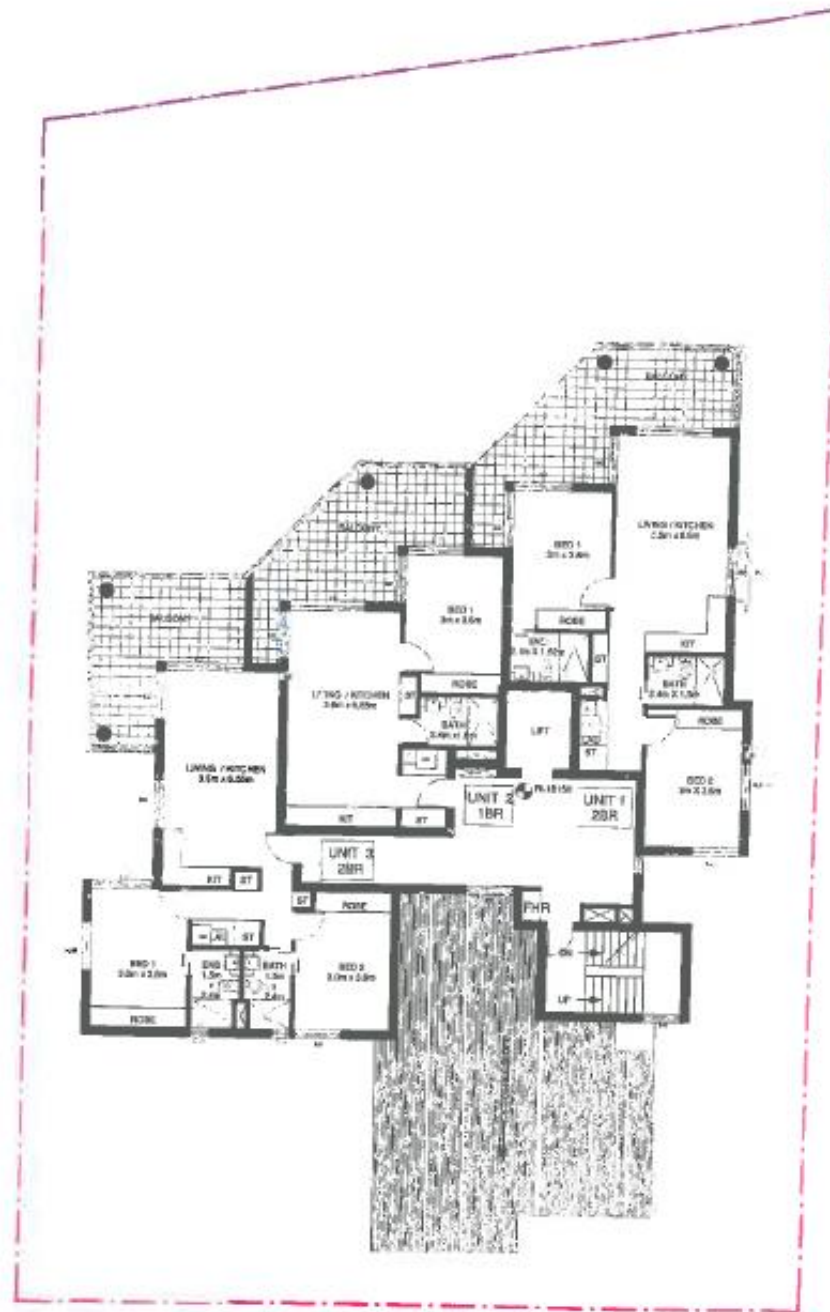


Notes:



SECOND FLOOR PLAN

SCALE 1:100



THIRD FLOOR PLAN

SCALE 1:100

Rev.	Date	Description

Rev. No.

Project:
Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

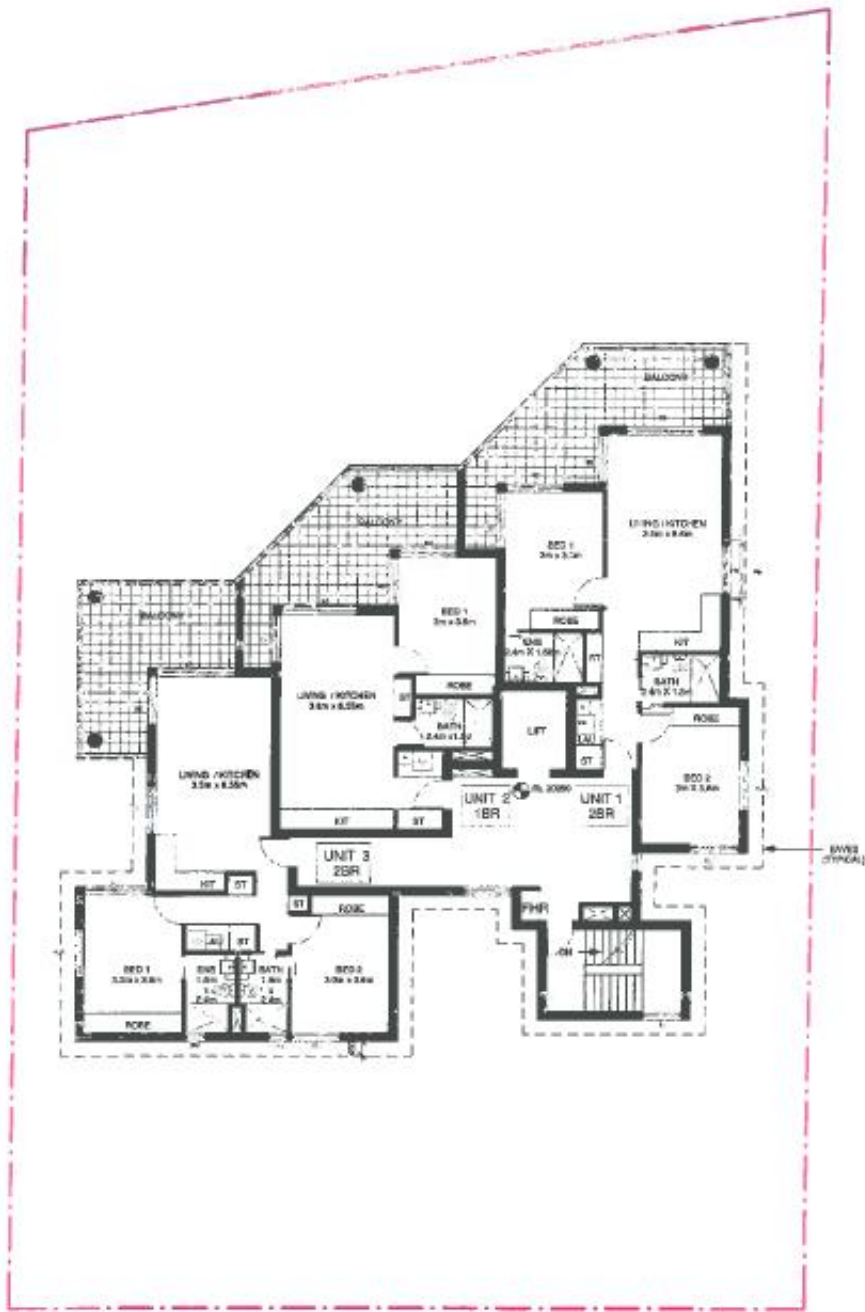
Drawing Title
**SECOND & THIRD
FLOOR PLANS**

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Date: 7th Mar 2013
Scale: As noted

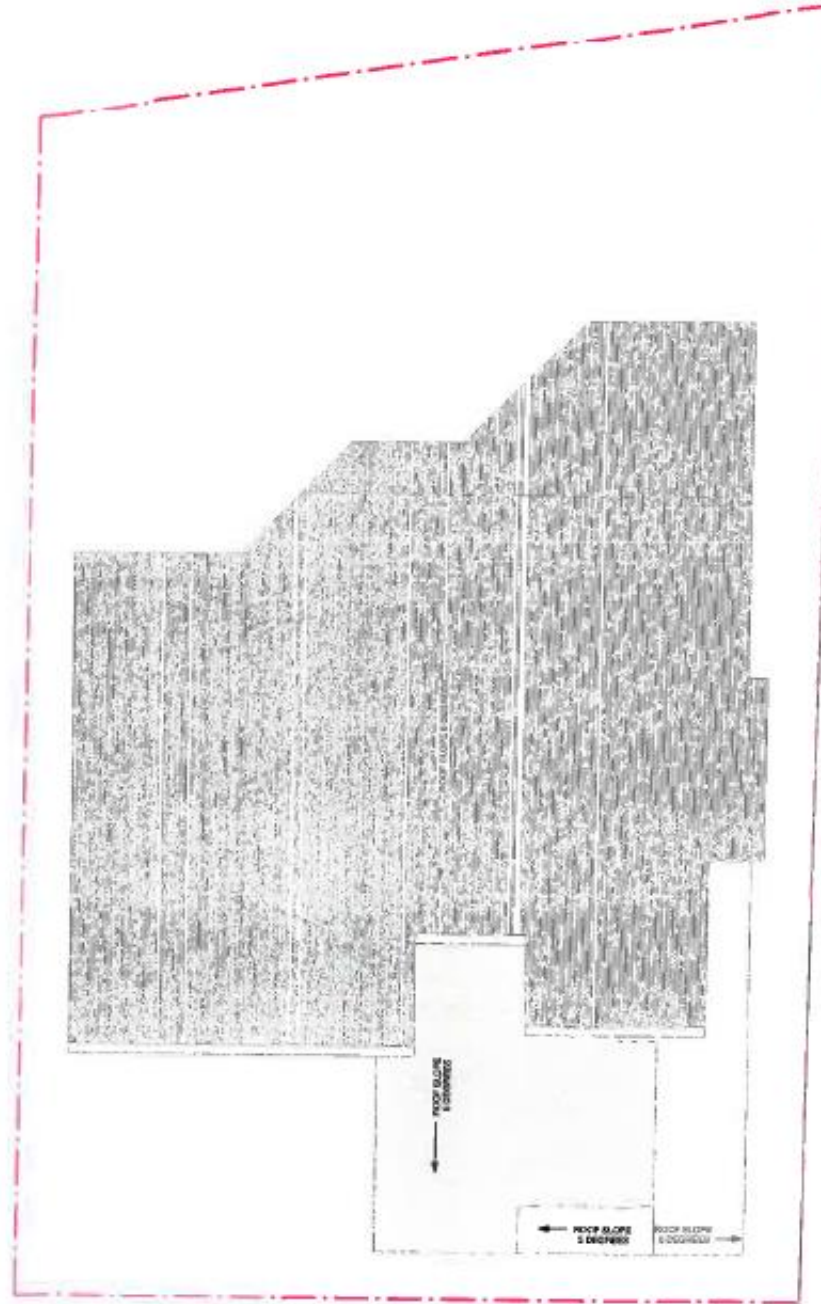
Sustainable
Property Developers
Pty. Ltd
ABN : 50 140 341 555

DR2013 / 187/4



FOURTH FLOOR PLAN

SCALE 1:100



ROOF PLAN

SCALE 1:100

NORTH



Notes:

Rev.	Date	Description
A	13/03	ISSUED FOR PERMIT

Rev. No.

Project:

Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

Drawing Title

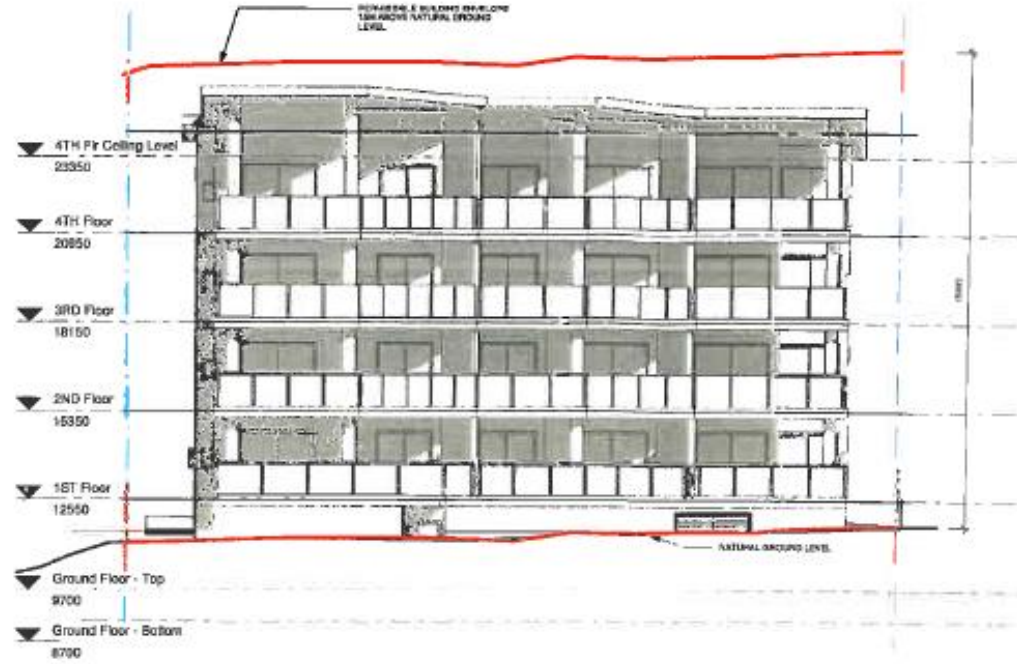
**FOURTH FLOOR
& ROOF PLAN**

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Date: 5th Mar 2013
Scale: As noted

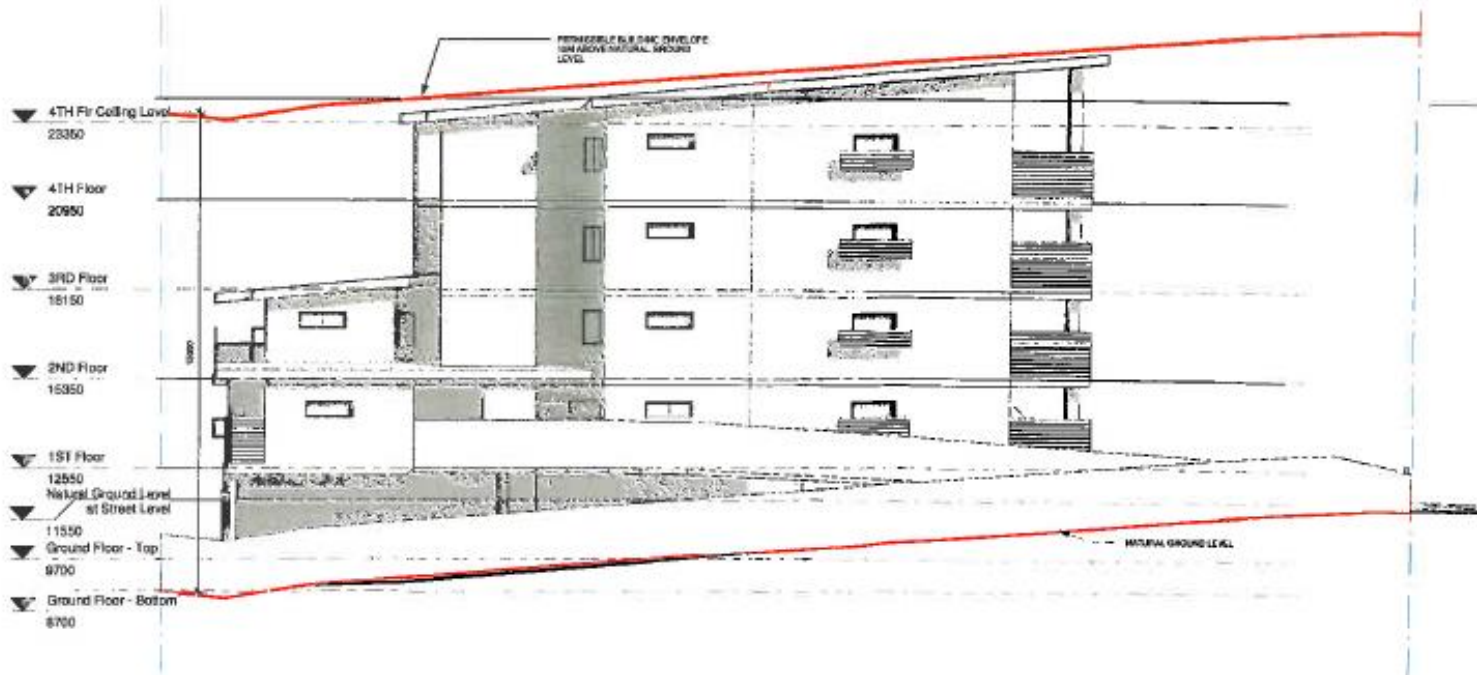
Sustainable
Property Developers
Pty. Ltd
ABN: 93 140 341 555

DR 2013 / 187 / S



NORTH ELEVATION

SCALE 1:100



EAST ELEVATION

SCALE 1:100

NORTH

Notes:

Rev.	Date	Description
A	03/13	Issue for SA Issue

Rev. No.

Project:

Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

Drawing Title

**NORTH & EAST
ELEVATIONS**

Drg. No: DA05 - A

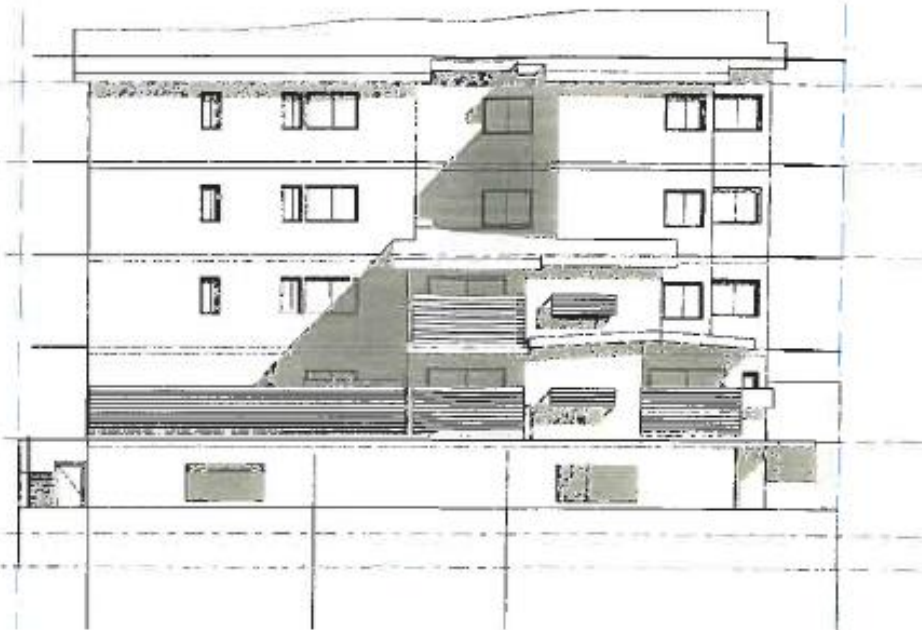
Date:
7th Mar 2013

Scale:
As noted

Sustainable
Property Developers
Pty. Ltd
ABN : 93 140 341 555

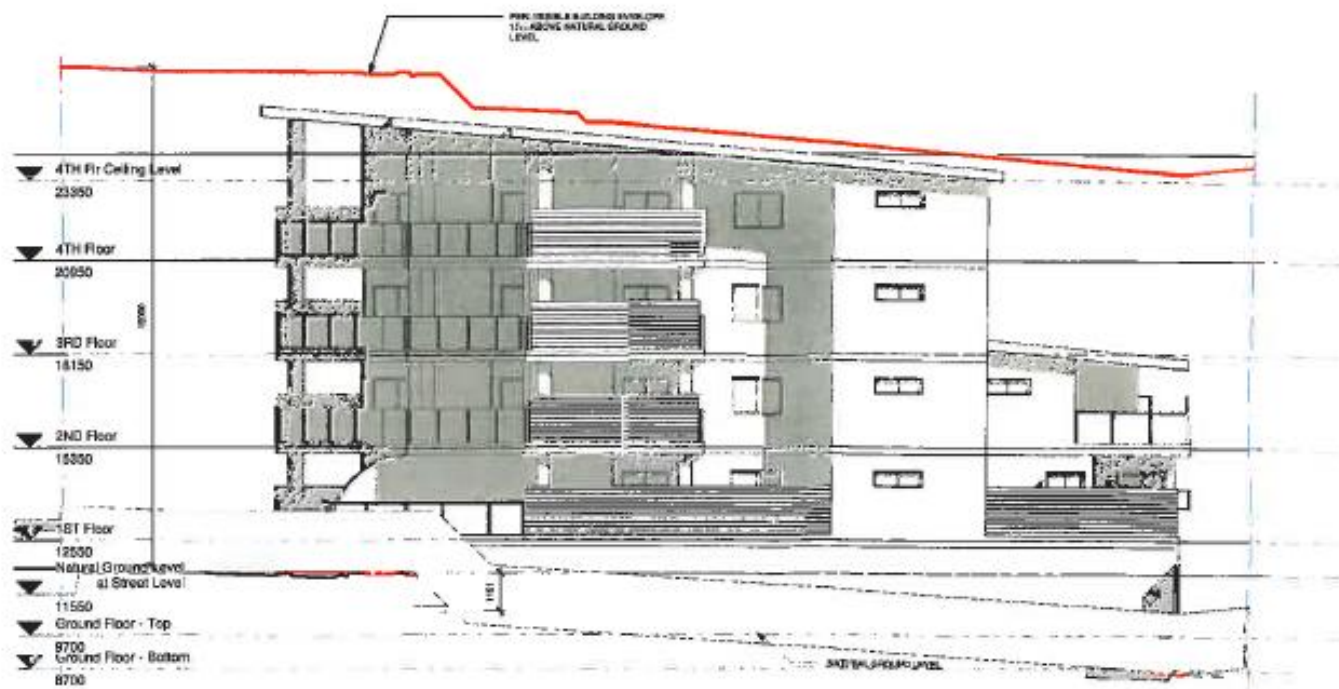
DR 2013 / 187 / 6

- ▼ 4TH Flr Ceiling Level
23350
- ▼ 4TH Floor
20950
- ▼ 3RD Floor
18150
- ▼ 2ND Floor
15350
- ▼ 1ST Floor
12550
- ▼ Ground Floor - Top
9700
- ▼ Ground Floor - Bottom
8700



SOUTH ELEVATION

SCALE 1:100



- ▼ 4TH Flr Ceiling Level
23350
- ▼ 4TH Floor
20950
- ▼ 3RD Floor
18150
- ▼ 2ND Floor
15350
- ▼ 1ST Floor
12550
- ▼ Natural Ground Level
at Street Level
11550
- ▼ Ground Floor - Top
9700
- ▼ Ground Floor - Bottom
8700

WEST ELEVATION

SCALE 1:100

Notes:

Rev.	Date	Description
A	13/13	Initial DA Issue

Rev. No.

Project:
Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

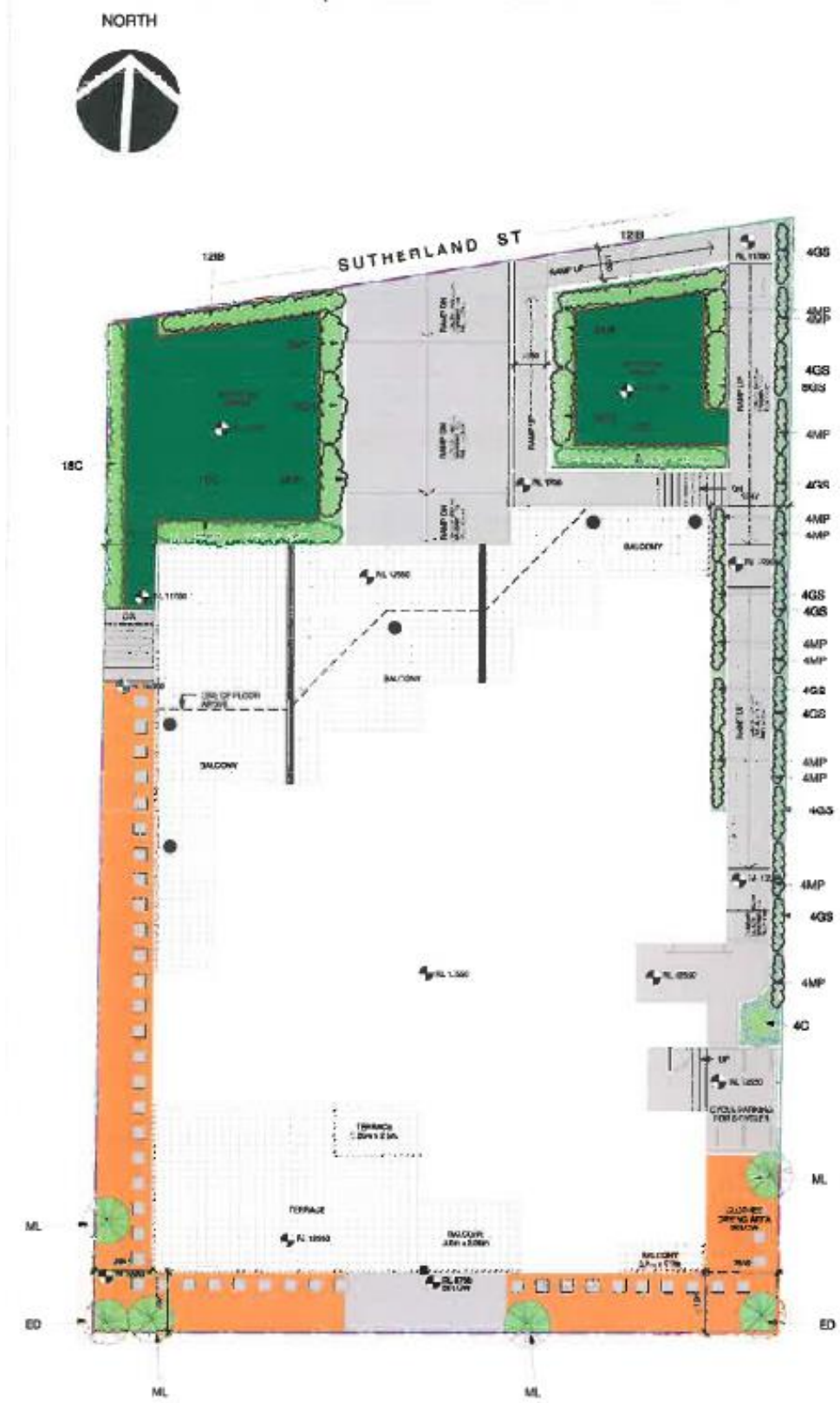
Drawing Title
**SOUTH & WEST
ELEVATIONS**

Drg. No: DA06 - A

Date: 7th Mar 2013
Scale: As noted

Sustainable
Property Developers
Pty. Ltd
ABN : 63 140 341 055

DR 2013/187/7

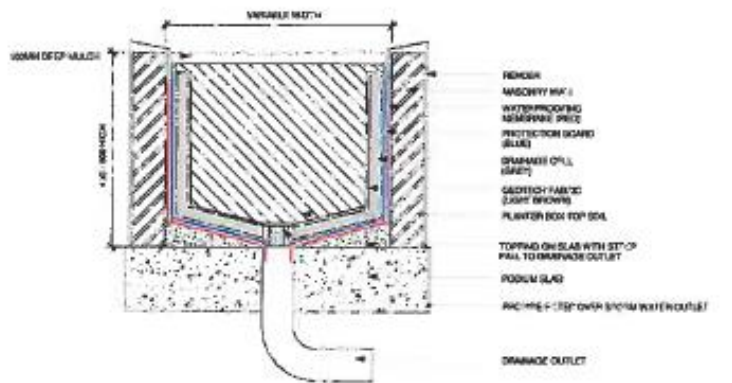


LANDSCAPING PLAN

SCALE: 1:100

LEGEND

- NATIVE TREES
- GROUND COVER
- SHRUBS
- CONCRETE
- PEBBLES
- ARTIFICIAL GRASS
- MULCH WITH PLANTS OR TREES
- STEPPING STONES (CONCRETE)
- GARDEN EDGING
- TOP OF RAMP OR PLANTER WALL



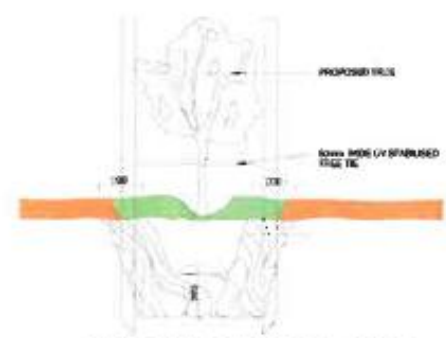
TYPICAL PLANTER BOX ON PODIUM SLAB

PLANT SCHEDULE

KEY	SPECIES NAME	COMMON NAME	TYPE	POT SIZE	QTY
MP	Myoporum Parvifolium	Creeping Boobiala	Ground Cover	150mm	82
GS	Grewia sp.		Ground Cover	150mm	80
IS	Ipomoea Brasiliensis	Beach Morning Glory	Shrub	200mm	14
C	Callistemon	Captain Cook	Shrub	200mm	42
ED	Eucalyptus Dichromopholis	Variable Barked Bloodwood	Native Tree	600mm	2
ML	Melaleuca Leucadendron	Gadjeput	Native Tree	600mm	4

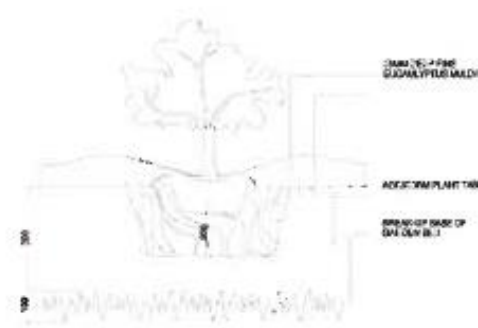
MAINTENANCE SCHEDULE

ACTIVITY	FREQUENCY
Litter removal	Every 3 months
Mulch	Monitor every 3 months and replace when necessary.
Prune & Discard	Monitor every 3 months/ at each inspection and treat when necessary.
Wood Control	Monitor every 2 weeks for first 3 months & thereafter quarterly. Remove wood from site and replace mulch.
Irrigation	Drip irrigation as required, to achieve optimum soil moisture for sustained growth & vigour.



TREE PLANTING DETAILS

NOT TO SCALE



SHRUB PLANTING DETAIL

NOT TO SCALE

Notes and Specifications:

GARDEN BED/WALL
The top soil to all planters shall be a premium grade garden soil.
At the completion of all planting operations apply 75mm layer mulch over entire planter taking care not to smother plants. Reduce depth of mulch around base of plants to form "watering disk."

GARDEN EDGING
All garden edging as detailed by the reference Table (Fig 2) on the plan is to be constructed using 100mm concrete.

PLANT MATERIAL
All plants are to be under 100% healthy and of a specified size to be planted. The plants are to be healthy nursery stock, free from disease, injury, insects, weed or roots of weeds. No plant is to be installed which has not been hardened off or otherwise inferior in quality. All plants are to be thoroughly watered 1 hour prior to planting.

IRRIGATION
Install a fully automatic drip irrigation system to all landscaped areas. Irrigation system shall be designed to ensure coverage of planted areas. Irrigation system to be designed and installed by suitably experienced contractor to meet the approval of all relevant approval authorities. All materials and workmanship to comply with Australian Standards and shall be guaranteed for a minimum period of 12 months. Upon completion of the work the Irrigation Contractor shall provide a certificate of compliance with his requirements set out above prior to handover.

PROPOSED TREES
All tree planting holes are to be excavated 200mm wider and at least 200mm deeper than the rootball size (container size). All trees are to be staked with 2 x 20 x 100 x 1800 HW staks. Secure tree to stake using 50mm jute webbing. Drive stakes into ground well clear of rootball.

MAINTENANCE
Maintenance of landscaped area is common property to ensure plants health and occupier safety for a period of 12 months (beginning from date of practical completion). Maintenance will include but is not limited to the following activities:
Fertilising of plant material, pruning, watering, treating for pests and diseases, topping up of mulch areas, and weeding garden beds.

DISCREPANCIES
Should there be any discrepancy on the drawings and on site, landscape contractor to notify the superintendent for resolution prior to the commencement of the works. Where the situation is not readily resolved on site, the superintendent is to notify the Landscape Designer immediately for correction.



**Leafscape Horticultural
And Irrigation Services**
Landscape Designers
28 Marshfield Rd, Mt Sherrin WA 2774
Phone: (08) 4739 2500 Mob: 0414 961 695
Fax: (08) 4739 2194

Client:
**Sustainable Property
Developers Pty Ltd**

Project:
**28 Sutherland St.
Port Hedland, WA 6721**

Drawing Title:
Landscaping Plan & Details

Scale	Drawn	Checked	Date
As noted	SD	DD	15.3.13

Project No: P56 - 2013
Drawing No: SK-01
Issue: A

Correct Scale @ All sheets

DR2013/187/8

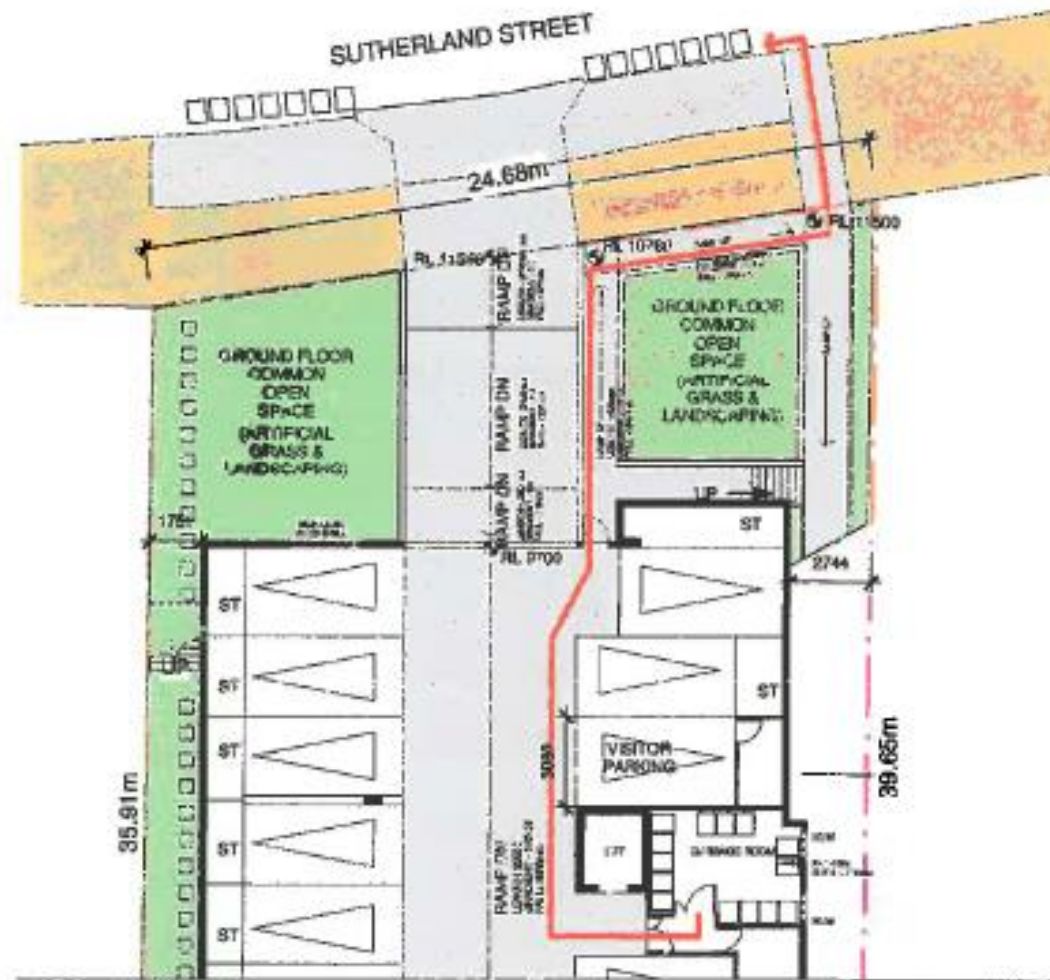


FIGURE 2
SCALE: 1:200

Note: the red line denotes the bin path

DR62013/187/9

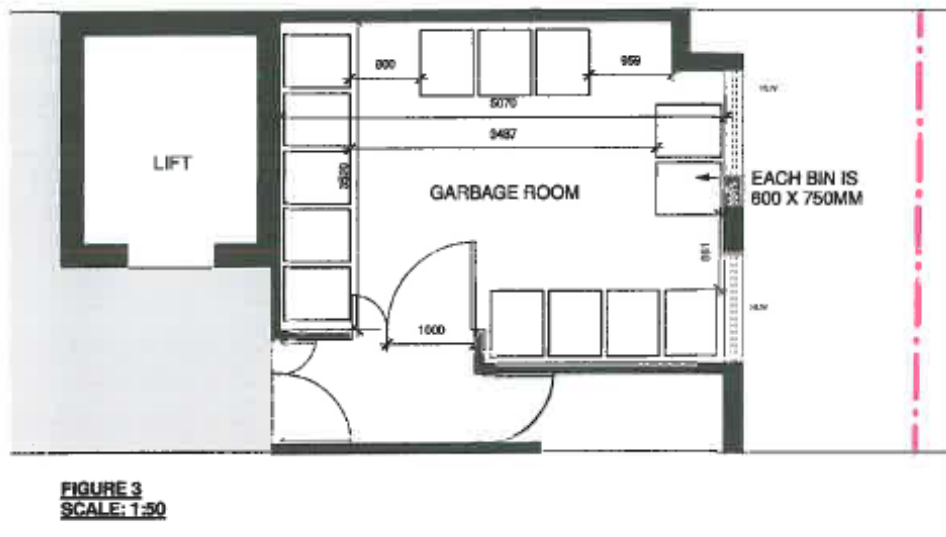


FIGURE 3
SCALE: 1:50

Report



BUILDING SERVICES

28 Sutherland Street - Dust Ingress Control Sustainable Property Developers Pty Ltd

CONFIDENTIAL

Revision: 2.0 – FINAL
Issued: 13 March 2013



NORMAN DISNEY & YOUNG

CONSULTING ENGINEERS

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NDY QA SYSTEM

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Client Name: Sustainable Property Developers Pty Ltd
Client Contact: Atul Kumar

Project Co-ordinator: Robert Horn
Editor: Robert Horn

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Filtration Ratings

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

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

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

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

Outside Air Unit

Each unit will be supplied with outside air at approximately 75-100 litres a second of filtered air. The entry lobby would be separately supplied with filtered outside air to pressure the space. The exhaust rates from the bathroom would be based on the AS 1668-2012 requirements of 25/l, per room.



TOWN OF PORT HEDLAND REQUIREMENTS

We understand that the residential development is within the West end residential zone and within the area bounded by Withnell, McKay and Anderson Streets and The Esplanade, Port Hedland. The development plan/design guideline adopted by the council detail the building design and performance standards to reduce exposure to dust and to include but not necessarily be limited to:

- Filtration of incoming air into the building
- Location of openable windows and doors on the western and southern building facades only
- Use of eaves
- Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening

Review of the Lot and Position

In reviewing the subdivision we considered that this lot is correctly orientated to take advantage of energy efficiency construction with major building aspect being north and south. The door and windows have been orientated in accordance with the councils requirements stated in clause 6.3.9 developed around the CA & MT Lommers Pty Ltd report in relationship to being openable or fixed.

Recommendations to Reduce Dust Ingress

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

1. Use of deflection screens to the west and south openable windows.
2. Pressurize the lift lobbies.
3. Provision of outside air will be provided at a sufficient quantity and to town development filtration standards to pressurise the space to reduce dust being drawn into the building due to wind pressure on the building and balance the exhaust rates from the bathroom and ensuites exhaust systems.
4. Lobby entry door will be fitted with dust seals.
5. Each lift lobby is fully enclosed and would be supplied with filtered outside air.

We trust these measures meet with the intent and approval to enable the development as document be constructed.



Filtration Ratings

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

BS EN 779 arrestance		Test type/application
G1	<65	Average value for collection of large particles using synthetic dust. Filters installed to prevent mechanical system fouling and as pre-filters to secondary and semi-HEPA range.
G2	65<80	
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BS EN 1822 minimum MPPS* %		
H10	85	EN 1822 – Oil mist aerosol MPPS. Filters for specific (high efficiency) air quality control
H11	95	
H12	99.5	
H13	99.95	
H14	99.995	

Outside Air Unit

Each unit will be supplied with outside air at approximately 75-100 litres a second of filtered air. The entry lobby would be separately supplied with filtered outside air to pressure the space. The exhaust rates from the bathroom would be based on the AS 1668-2012 requirements of 25 $\frac{1}{2}$ per room.



APPENDIX A

Set of Architectural Drawings

The drawings show which windows are fixed and which are openable and are designated as follows:

- Legend
 - SD – Sliding Door
 - SW – Sliding
 - FD – Fixed Door
 - FW – Fixed Window
 - PS – Privacy Screen
 - HLW – High Level Window
 - HLFW – High Level Fixed Window

Notes:

NORTH

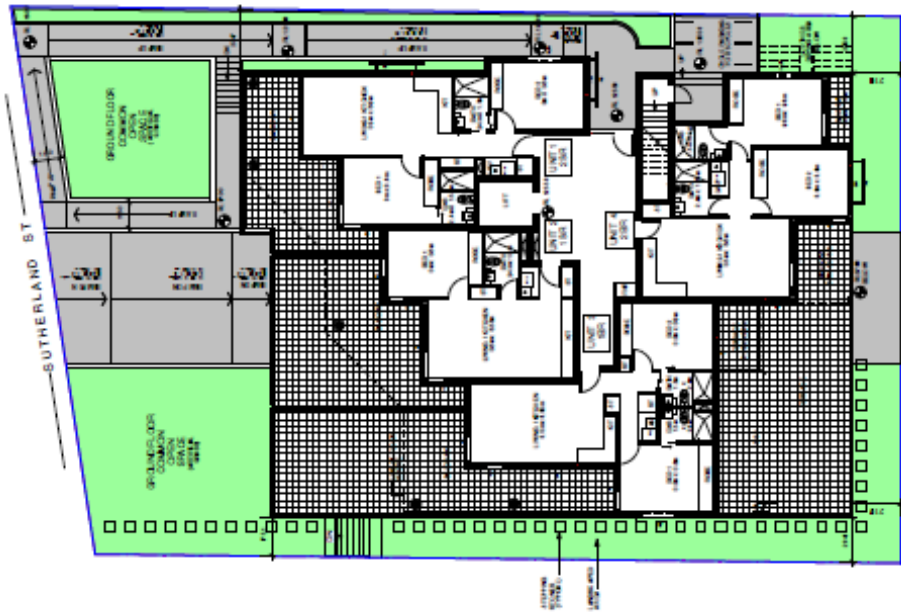
Rev. No.

Project:
Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

Drawing Title
**GROUND & FIRST
FLOOR PLANS**

Dr. No: DA02 - A
Date: 17/03/2013
Scale: As Indicated

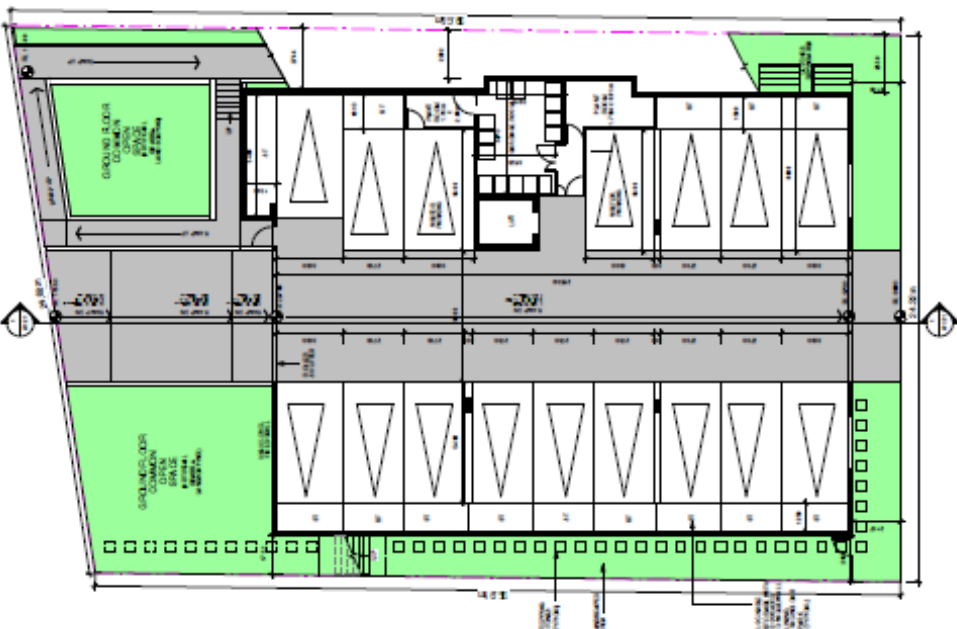
Sustainable
Property Developers
Pty. Ltd
ABN 55 540 94 155



FIRST FLOOR PLAN
SCALE 1:100

CAR PARKING CALCULATION

- 1. NO OF APARTMENTS PROVIDED - 14.0
 - LESS THAN 75M² - 14.0
 - 2. CAR PARKING REQUIRED FOR APARTMENTS - 14.0
 - 3. @ 1 CAR PARKING PER APARTMENT - 14.0
 - 4. CAR PARKING REQUIRED FOR VISITORS - 2.0
 - 5. @ 0.25 CAR PARKING PER APARTMENT - 3.5
- RESIDENT CAR PARKING PROVIDED ON GROUND FLOOR - 14.0
VISITOR CAR PARKING PROVIDED ON GROUND FLOOR - 2.0
VISITOR CAR PARKING PROVIDED IN VERGE 2.0
- TOTAL CAR PARKING PROVIDED - 18.0**
- TOTAL CAR PARKING REQUIRED - 18.0**



GROUND FLOOR PLAN
SCALE 1:100

NORTH



Notes:

Rev. No.	Date	Description

Rev. No.

Project

Apartments at
28 Sutherland St.
Port Hedland
W.A. 6721

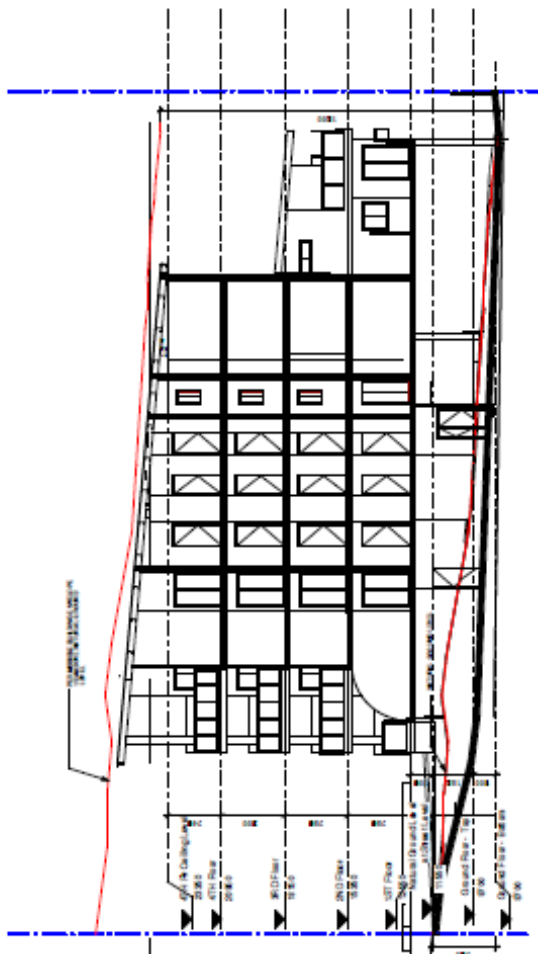
Drawing Title
**SECTION A - A' &
AREA
CALCULATIONS**

Drawn By: DAU7 - A

Date: 19 MAY 2013

Scale: As Shown

Sustainable
Property Developers
Pty. Ltd
ABN 40 140 94 1655



SECTION A-A'

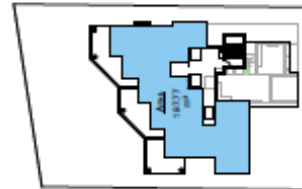
SCALE 1:100

PLOT RATIO CALCULATIONS

1. SITE AREA: 928m²
2. PERMISSIBLE GROSS FLOOR AREA: 11.0
3. GROSS FLOOR AREA PERMISSIBLE: 950m²
4. PROPOSED GROSS FLOOR AREA: 914.89m² BASED ON THE FOLLOWING DETAILS

GROUND FLOOR: NIL
FIRST FLOOR: 376.01m²
SECOND FLOOR: 243.26m²
THIRD FLOOR: 197.77m²
FOURTH FLOOR: 197.77m²
TOTAL: 914.89m²

5. PLOT RATIO PROPOSED 0.98 HENCE COMPLIES



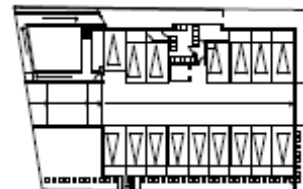
THIRD & FOURTH FLOOR



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR



APPENDIX B

Extract from CA&MJ Lommers Pty Ltd

Report Pages 56-57 Of A 62 Page Report.

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

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

Page: 4 of 8

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

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

3. WINDOW AND DOOR ORIENTATION (cont.)

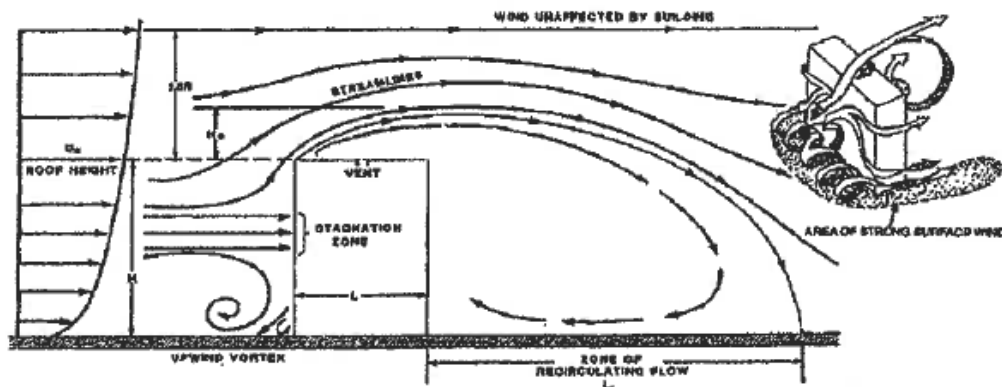


Figure 3 – Flow Patterns around a Rectangular Building (ASHRAE – Fundamentals 2001)

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

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

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

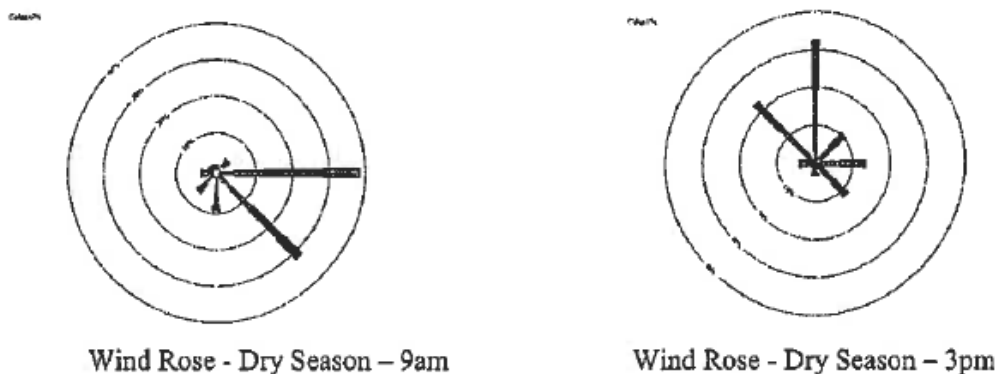


Figure 4a & 4b – Wind Rose Illustrations for Port Hedland (Bureau of Meteorology)

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

Page: 5 of 8

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

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

3. WINDOW AND DOOR ORIENTATION (cont.)

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

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

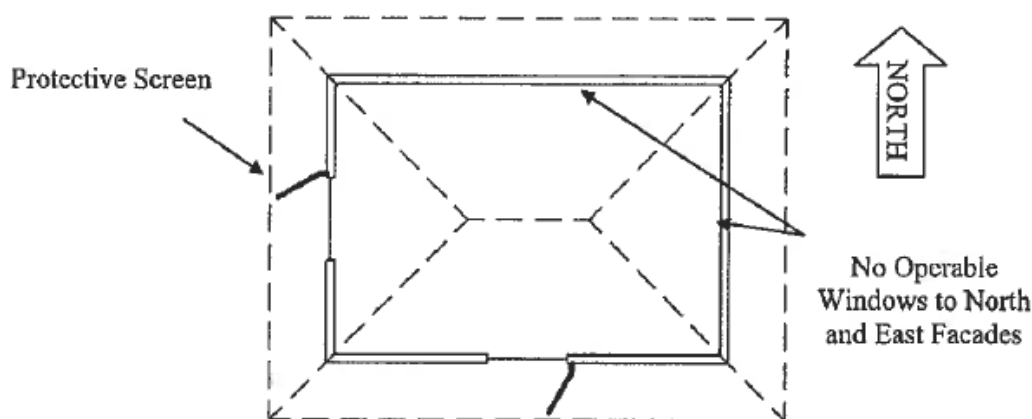


Figure 5 – Window and Deflection Screen Locations

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

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

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

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



APPENDIX C

Clause 6.3 Town of Port Hedland



APPENDIX C

Clause 6.3 Town of Port Hedland

- 6.3.9 Residential development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to—
- filtration of incoming air into the building designed to utilise coarse disposable ✓
✓ pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);
 - location of operable windows and doors on the western and southern building facades only;
 - ✗ use of deflection screens on the northern and eastern edges of operable windows;
 - use of eaves;
 - orienting buildings to avoid wind tunnelling effects; and
 - protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.
- 6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone shall comply with the following—
- (a) Residential development must be between a minimum yield equivalent to the R30 density and a maximum yield equivalent to the R80 density for all land and/or any individual lot included within an application for planning approval.
 - (b) The maximum internal floor area for all dwellings is 110 m2.
 - (c) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms.
- 6.3.11 When considering an application for planning approval within the West End Residential Zone, Council shall consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.
- 6.3.12 Notwithstanding Clause 6.1.1 of the Residential Design Codes of Western Australia 2008, Council shall not recommend approval for the creation of lots that are less than 600 m2 unless the lots are already developed or it is demonstrated that the lots may be developed for grouped or multiple dwellings.

6.4 URBAN DEVELOPMENT ZONE

- 6.4.1 The purpose of the Urban Development zone is to identify land where detailed planning and the provision of infrastructure is required prior to the further subdivision and development of land. This planning should be documented in the form of a Development Plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves.
- 6.4.2 Subject to the provisions of clause 5.2, the Council may require the preparation of a Development Plan for the whole or any part of the Urban Development zone.
- 6.4.3 The Development Plan shall address the matters outlined in Appendix 6.
- 6.4.4 A Development Plan may require additional conditions and these shall be outlined in Appendix 10. AMD 14 GG 22/8/08



APPENDIX D

AS 1668-2012 Bathroom Exhaust Requirements

TABLE B1 (continued)

Enclosure type	Quantity	Unit	Comments
Laundry			
Residential			Rate is independent of enclosure size. Operation of the system may be intermittent Where a laundry is located within a bathroom, the greater quantity of either space shall apply
No dryer	20	L/s.room	
Condensing dryer	20	L/s.room	The greater of 110% of the dryer airflow (where this is known) or 20 L/s room.
Non-condensing dryer	40	L/s.room	The greater of 110% of the dryer airflow (where this is known) or 40 L/s room.
Sanitary compartment			
Bath			Greater value shall be taken. For calculation purposes, floor area per fixture shall be no greater than 2.5 m ² ; 0.6 m length of urinal shall be equivalent to one fixture
Shower	10	L/s.m ² floor	
Urinal	or 25	L/s per listed fixture	Sanitary compartments subject to high level of use (e.g. airports, entertainment venues, and similar venues may require an increased ventilation rate) Where privacy locks or airlocks are included, provision should be made for their ventilation at 5 L/s.m ² of floor area (e.g. via make-up air) (Handbasins are not considered as a 'listed fixture')
Water closet			
Bathroom/Toilet	25	L/s/room	May include bath, shower and water closet in one compartment. Rate is independent of room size (see Note 2) Higher air quantities may be required for vapour control or removal (Handbasins are not considered as a 'listed fixture') Operation of the system may be intermittent
Private dwellings and attached to bedroom of hotels, motels, resorts, private hospital rooms and the like			
Sewage ejection	100	L/s	Minimum

ATTACHMENT 4 TO ITEM 11.1.1.4



11.1.1.5 Proposal to Initiate the Town of Port Hedland Local Housing Strategy and Seeking Expression of Interest for Project Steering Group Members

Officer Jorine Bothma
Senior Strategic Planner

Date of Report 22 May 2013

Disclosure of Interest by Officer Nil

Summary

The preparation of the Local Housing Strategy will be undertaken internally. As part of the initial stages of this strategic project, a Project Steering Group needs to be established. Council is requested to endorse the advertising for Project Steering Group members.

The formulation of a Local Housing Strategy is an important step for the Town of Port Hedland, Council is requested to support the initiative and advertising for members of the community to register their interest to be a member of the Project Steering Group.

A further report will be presented to Council once submissions are received for Council to nominate members to the Project Steering Group.

Background

The Western Australian Planning Commission (WAPC) requires each local government to prepare a Local Housing Strategy (LHS) to identify the main housing related issues for its area and formulate an appropriate response.

Except for a number of State Government initiatives, the Town currently has no localised plan on how to cater for the housing needs of existing and future residents of the Town of Port Hedland. Acknowledging the Town's demographics is changing rapidly, particularly in terms of the 'mining boom' and smaller household sizes it is important to prepare a Local Housing Strategy which is one of the documents required to guide densification within the Town. The LHS will provide a firm rationale for the provision of a range of housing types which will provide choice for Town of Port Hedland residents.

The principal recommendation of the draft strategy is the establishment of Housing Opportunity Areas where increased residential densities will be considered. Currently the Town is receiving ad-hoc applications for densification. The LHS will determine how the future housing needs can be met within the Town of Port Hedland through the identification of precincts.

The Local Housing Strategy, along with the Pilbara's Port City Growth Plan will inform the new Local Planning Scheme currently being prepared.

Consultation

Expressions of interest will be sought for members from the community and business organisations to serve on the Project Steering Group and to participate in the formulation of the Local Housing Strategy.

Public consultation will need to be undertaken to advertise the Local Housing Strategy in its draft form.

Statutory Implications

The Planning and Development Act 2005 and the Town Planning Regulations 1967 provide Council the authority to amend its Local Planning Scheme and establish the procedure required to make Scheme Amendments.

Policy Implications

Nil

Strategic Planning Implications

The following strategic documents apply to the report in general:

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

6.3	Environment
6,3,1	Housing
	Ensure future land bank available for future residential development through a detailed property strategy, which identifies the sufficient amount and location of future residential lands

The Pilbara's Port City Growth Plan and Implementation Plan.

The Port Hedland Regional Hot Spots Land Supply Update, April 2011.

Budget Implications

The preparation of the Local Housing Strategy will be at no cost to Council as the Strategy will be prepared in-house.

It is anticipated the Planning Unit's current budget allocation will be sufficient to cover any costs associated with community consultation and related administrative requirements.

Officer's Comment

The Local Housing Strategy will involve research, review, analysis and consultation on a range of housing issues, to enable strategic direction to be set on the residential development in the Town. The elements and issues that will be addressed include:

- a. the Town's direction/expectation on the right mix of densities to match the needs of the existing and intended future community;
- b. whether specific areas require controls on housing types, height, design and architecture details;
- c. issues of streetscape and amenity values;
- d. expectations on the existing and desired character of particular areas or precincts;
- e. the extent and scale of complementary residential uses to create vibrant communities;
- f. consideration of regional strategies for a range of densities and dwelling types;
- g. community socio-economic and demographic profiles both existing and likely in the future;
- h. physical or servicing constraints; and
- i. whether there are particular limitations posed by the local conditions or street system.

The main stages of the project will include:

- a. Establishment of a Project Steering Group and accompanying Terms of Reference;
- b. Project Scope and briefing to:
 - identify the objectives and scope of the study including urban character,
 - heritage and streetscape expectations; and
 - identify general issues and constraints.
- c. Audit /data collection existing conditions/densities and current development constraints or issues;
- d. Review documentation both from the Town and WAPC;
- e. Research and analysis project details;
- f. Undertake community consultations and evaluation; and
- g. Preparation of project report and recommendations.

The project is likely to take 12 - 18 months.

A Housing Project Steering Group needs to be established to highlight housing issues and needs, identify challenges, and determine innovative and sustainable approaches to address issues that are specific to each one of the housing precincts. This will involve:

- developing an understanding of the future housing needs within the precincts
- identifying particular housing needs emerging for different population groups and or geographic areas
- identifying opportunities to address regional needs

- developing and agreeing on approaches to implement housing policies at a regional level
- receiving guidance in relation to the development of local housing strategies and policies

The Steering Group will not have the authority to make decisions but will act in advisory capacity. Terms of Reference were formulated to designate the roles and responsibilities of the Steering Group members and is attached.

Attachments

1. Pro-forma letter inviting members to serve on the Local Housing Project Steering Group
2. Proposed Terms of Reference

Officer's Recommendation

That Council:

1. Endorses the initiation of a Local Housing Strategy;
2. Approves of the advertisement seeking expression of interest for members to serve on the Steering Group limiting the community membership to two;
3. Endorses the Project Steering Group membership as follows:
 - a. Two Councillors, being Cr_____ and Cr_____;
 - b. Director Planning and Development ;
 - c. Director Engineering;
 - d. Director Community Development;
 - e. One nominated member from the Port Hedland Chamber of Commerce and Industry;
 - f. One nominated member from the Wedgefield Small Business Association;
 - g. One nominated member of the South Hedland Small Business Association; and
 - h. Two Community Representatives.

201213/383 Council Decision

Moved: Cr Daccache

Seconded: Cr Jacob

That Council:

1. **Endorses the initiation of a Local Housing Strategy;**
2. **Approves of the advertisement seeking expression of interest for members to serve on the Steering Group limiting the community membership to two;**
3. **Endorses the Project Steering Group membership as follows:**

- a. **Four Elected Members, being Mayor Howlett, Cr Jacob, Cr Hunt and Cr Taylor;**
 - b. **Director Planning and Development ;**
 - c. **Director Engineering;**
 - d. **Director Community Development;**
 - e. **One nominated member and a proxy from the Port Hedland Chamber of Commerce and Industry;**
 - f. **One nominated member and a proxy from the Wedgefield Small Business Association;**
 - g. **One nominated member and a proxy from the South Hedland Small Business Association; and**
 - h. **Two Community Representatives.**
4. **Approves a quorum of six (6) and amends the terms of reference accordingly; and**
 5. **Agrees to add a 'community member' to the quorum of the committee and amends part 4.5 of the terms of reference accordingly.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.5



.....
.....
.....
.....
.....

Our Ref:
Your Ref:
Enquiries: Jorine Bothma

Direct Line: 9158 9656

Dear

SEEKING EXPRESSION OF INTEREST TO SERVE ON THE TOWN OF PORT HEDLAND LOCAL HOUSING STRATEGY PROJECT STEERING GROUP

Council has resolved to establish a steering group to oversee completion of the Local Housing Strategy.

The Local Housing Strategy is intended to set out a vision for the future of the Town of Port Hedland in terms of housing supply and demand and a plan for achieving that vision.

As such, the Strategy also needs to reflect community and business views and aspirations. Expressions of interest are sought from members of the local community and business enterprises who are interested in becoming a member of the project steering group. Nominations should be received on or before.....

If you have any queries with regard to the Town of Port Hedland Local Housing Strategy or need additional information, please contact Mrs Jorine Bothma, Senior Strategic Planner by telephone on 9158 9386 or via email at ssp1@porthedland.wa.gov.au.

Yours sincerely

Jorine Bothma
Senior Strategic Planning Officer

Date:

Civic Centre
McGregor Street

PO Box 41
Port Hedland, WA 6721

P (08) 9158 9300
F (08) 9158 9399

council@porthedland.wa.gov.au
www.porthedland.wa.gov.au



ATTACHMENT 2 TO ITEM 11.1.1.5



Town of Port Hedland Steering Group Terms of Reference

1. General Description

This document sets out the Terms of Reference for the Town of Port Hedland Local Housing Strategy.

2. Steering Group Structure

The Steering Group structure is endorsed by the Elected Members and consists of no more than twelve (12) members, being:

- Four Elected Members;
- Director Planning and Development;
- Director Engineering;
- Director Community Development;
- One nominated member and a proxy from the Port Hedland Chamber of Commerce and Industry;
- One nominated member and a proxy from the Wedgefield Small Business Association;
- One nominated member and a proxy from the South Hedland Small Business Association; and
- Two Community Representatives.

The Technical Working Group will be assisting in the preparation of the Local Housing Strategy and will consist of the following members:

- Manager Planning and Development;
- Senior Strategic Planning Officer;
- Senior Statutory Planning Officer;
- Manager Economic Development;
- Manager Technical Services; and
- Manager Community Development.

3. Steering Group's Role

The role of the Steering Group is to:

- Provide guidance to the Technical Working Group preparing the Town of Port Hedland Local Housing Strategy
- Monitor the progress of the Technical Working Group in relation to the timelines and deliverables of the project
- Facilitate consultation with the Community and other stakeholders in relation to the project.
- Ensure the progress reports are presented to the Elected Members on a quarterly basis.

4. Terms of Reference

4.1 Limits of Authority

The Steering Group does not have any delegated authority.

4.2 Membership and Decisions

- Membership is for the term of the project and has been endorsed by the Elected Members at an Ordinary meeting of Council.
- Decisions of the Steering Group will be via a majority consensus of six (6) members.
- Other persons may be invited to attend the meetings at the request of the Chairman, on behalf of the Steering Group, to provide advice and/or assistance where necessary. They have no voting rights and may be requested to leave the meeting at any time by the Chairman.

4.3 Leadership and Support

The Chairman shall be elected by the Steering Group at the first meeting. The Senior Strategic Planner will provide administrative support as required.

4.4 Frequency of Meetings

The Steering Group shall meet as and when required. If any meeting is cancelled or rescheduled the details and reasons shall be noted in the minutes of the next meeting.

4.5 Quorum

A quorum of members must be present before a meeting can proceed. The minimum quorum meeting shall be six (6), but must include the following:

- One (1) Elected Members;
- One (1) Staff Member;
- Representative from Port Hedland Chamber of Commerce and Industry;
- Representative of the Wedgefield Small Business Association;
- Representative of the South Hedland Small Business Association; and
- One (1) Community Member.

4.6 Order of Meetings

Discussion at the meetings shall be controlled through the agenda. Any individual wishing to include a specific item in the agenda should advise the Senior Strategic Planner prior to the meeting date. Items to be considered in the agenda are:

- Project Progress

- Task Timelines/ Deliverables
- Facilitating Consultation
- Progress Reports to Councillors

4.7 Administrative Support

The role of the Senior Strategic Planner is to:

- Schedule meetings and notify members;
- Prepare agendas and issuing notices for meetings and ensuring all necessary documents requiring discussion or comment are attached to the agenda;
- Distributing the Agenda on the week prior to the meeting;
- Taking notes of proceedings and preparing minutes of the meeting;
- Distributing the minutes to all the members one week after the meeting;
- Maintain all Steering Group records; and
- Prepare progress reports for Councillors.

11.1.1.6 Final Adoption of Proposed Local Planning Policy – Kingsford Business Park Design Guidelines (File No.: 18/01/0016)

Officer Steve de Meillon
Senior Strategic Planner

Date of Report 22 April 2013

Disclosure of Interest by Officer Nil

Summary

At the Ordinary Council Meeting of 6 March 2013, Council resolved to initiate the Precinct 3 (now known as Kingsford Business Park) Design Guidelines as a Local Planning Policy.

The Design Guidelines were advertised in accordance with section 5.1.4 of the Town Planning Scheme No. 5 (TPS5) with submissions received addressed in this report.

This report is before Council to consider final adoption of the 'Kingsford Business Park' Design Guidelines.

Background

The Site (Attachment 1)

The Kingsford Business Park Design Guidelines apply to a portion of "Precinct 3" as indicated within the Port Hedland International Airport Land Use Master Plan (the site).

The Guidelines (Attachment 2)

The Kingsford Business Park Design Guidelines (Guidelines) once adopted will guide future development within the site.

The Guidelines are divided into two distinct areas. Area A encourages the development of a mix of Showroom, Bulky Commercial and Light Industry uses on the northern portion of the site. Area B on the southern portion of the site is set aside for Transient Workforce Accommodation.

The Guidelines apply to all lots within the site and will ensure that a high standard of development is maintained. The Guidelines will also help future purchasers, developers and building designers appropriately design premises which assist in delivering high quality amenity.

Consultation

The Guidelines have been publicly advertised in accordance with Clause 5.1.4 of the Town of Port Hedland Town Planning Scheme No.5 (TPS5). The Guidelines were advertised from 20 March 2013 to 10 April 2013 (period of 21 days).

The following advertising has been undertaken:

- Northwest Telegraph: 20 March 2013 and 27 March 2013.
- Council Website: 20 March 2013 to 10 April 2013.

The Guidelines were also referred to the following external agencies:

- Water Corporation
- Main Roads
- Telstra
- Optus
- Horizon Power
- Air Services Australia
- CASA

A total of six (6) submissions were received with no objections.

All submissions are addressed with the attached Schedule of Submission contained under Attachment 3.

Statutory Implications

The Guidelines when adopted will become effective as a Local Planning Policy.

Part V – Development Objectives and Local Planning Policy of TPS5 sets out the procedure to prepare a local planning policy.

Policy Implications

The Guidelines will take effect as a local planning policy following public notification of Council's adoption.

Strategic Planning Implications

The Guidelines are a part of a consolidated approach to providing additional light industrial and transient workforce accommodation to Port Hedland.

The following sections of the Pilbara's Port City Growth Plan (Growth Plan) are considered relevant:

Section 5.7.7
Precinct 7 – Airport & Surrounds
Identified Land Use(s):

Light Industrial; and
Highway Commercial (Bulky Goods, Motor Vehicle/Boat
Sales, Showroom, Warehouse Commercial).

Precinct Highlight 2:
Short term workforce accommodation opportunity (ultimately
replaced by industrial use).

The following sections of the Port Hedland International Airport Land
Use Master Plan are considered relevant:

Section 6.1.3
Precinct 3 – South Western Precinct

Section 6.1.3.1
Land Uses – to extend and integrate industrial and transport uses.

Budget Implications

Council approved the allocation of funds for the preparation of the
Guidelines as part of the 2012/13 Budget.

Officer's Comment

The site is currently zoned "Airport" under the provisions of TPS5. The
"Airport" zoning allows a range of permissible land uses that are
consistent with the intended purpose for Precinct 3. The Guidelines
once adopted by Council will promote and guide development of the
area specifically for light industry / showroom and transient workforce
accommodation.

The Guidelines have been circulated to relevant internal and external
services, and publicly advertised. It is considered the objectives and
development controls proposed are appropriate, and will ensure a high
amenity built form is achieved.

Attachments

1. Locality Plan
2. Kingsford Business Park Design Guidelines (under separate
cover)
3. Schedule of Submissions.

Options

1. Resolve to adopt the Guidelines as a local planning policy without
modifications.

2. Resolve to adopt the Guidelines as a local planning policy with modifications.
3. Resolve not to proceed with the Guidelines as a local planning policy.

Option 1 is recommended.

201213/384 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Dziombak****That Council:**

1. **Adopt the Kingsford Business Park Design Guidelines as a local planning policy under Part V of the Town of Port Hedland Town Planning Scheme No. 5;**
2. **Publish a notice of the Policy once in a newspaper circulating in the Scheme area; and**
3. **Keep a copy of the local planning policy in the Town of Port Hedland Local Planning Policy Manual.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.6



ATTACHMENT 3 TO ITEM 11.1.1.6

Schedule of Submissions	
Issues	Comments
<p>Telstra</p> <p>1. A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. or the Telstra Smart Community website.</p>	<p>Noted.</p>
<p>CASA</p> <p>1. Clause 4.2 Building Height – there is comment that Airservices are to be contacted if planning to build above 8m in height. Any "high" buildings, mast, etc. must be assessed by the Aerodrome operator against the Port Hedland OLS and if there is a penetration or planned penetration CASA must be contacted as well to enable an assessment to be conducted.</p> <p>2. Clause 5.2 External Services, Wash-down bays, Rubbish Storage Areas – Comment wrt (sic) no waste that will provide an attractant to birds or animals. No open bins etc.</p> <p>3. Clause 5.7 External Lights – the document should reference Manual of Standards – Part 139 – Aerodromes Section 9.21 wrt Lighting in the vicinity of Aerodromes and that no light should be 3 degrees above the horizontal to cause glare to pilots. Section attached for your reference.</p>	<p>1. Include within introduction, before Objectives: <i>All applications will be referred internally to the Town's Airport Services for comment against the Port Hedland OLS.</i></p> <p>2. Include under Objectives: <i>To ensure rubbish, waste and washdown areas do not attract birds or animals.</i></p> <p>2. Include in addition to Point 4 under Development Controls: <i>No permanently open bins shall be permitted on site. Bins shall be closed and sealed at all times.</i></p> <p>3. Include within introduction, before Objectives: <i>Any developers/landowners proposing to install lighting in the vicinity of the aerodrome shall be aware of Section 9.21 – Lighting in the Vicinity of Aerodromes of the Manual of Standards Part 139 – Aerodromes.</i> <i>All applications will be referred internally to the Town's Airport Services for comment against Section 9.21 – Lighting in the Vicinity of Aerodromes of the Manual of Standards Part 139 – Aerodromes.</i> <i>Designers are advised to consult with CASA as there may be overriding</i></p>

		<p>factors which require more restrictive controls to avoid conflict.</p> <p>3. Include under Development Controls – External Lighting:</p> <p>To ensure no glare is caused to pilots, no lighting shall be installed 3 degrees above the horizontal.</p> <p>Coloured lights are likely to cause conflict irrespective of their intensity as coloured lights are used to identify different aerodrome facilities. Proposals for coloured lights should be referred to the Authority for detailed guidance.</p> <p>4. Include under Objectives:</p> <p>To ensure Stormwater and Drainage Management does not attract Bird or Animals.</p> <p>4. Include under Development Controls:</p> <p>Stormwater and Drainage Management shall be designed to ensure no there is no standing water on the site or within the aerodrome that will attract Birds or Animals.</p> <p>5. Include under Section 2.3 – Approval Process:</p> <p>All Development Applications received by the Town shall be referred to Airservices for assessment at a Federal Regulatory Level.</p>
	<p>4. Clause 6.1 – Stormwater Drainage – it was noted all drainage is via spoon drains to a settlement pond. There should not be any standing water on the site or near the aerodrome that will attract Bird or Animal Hazards.</p> <p>5. As you do not have any specific developments for us to assess we are not able to formally assess but as long as the developer provide adequate info/data for us to assess at our Federal Regulatory level, when they are at that stage, we are comfortable with your Guidelines.</p>	<p>6. Include under Section 2.3 – Approval Process:</p> <p>All Development Applications shall conform to the Civil Aviation Safety Authority Regulations and Air Services Australia Regulations</p>
<p>Air Services</p>	<p>6. Land Uses – all lots within the Precinct 3 development benefit from, but must also respond to their proximity to Port Hedland International Airport. All building heights and materials, lighting, towers and frequencies shall conform to the Civil Aviation Safety Authority Regulations and Air Services Australia Regulations.</p> <p>7. BHPBIO has purchased proposed Lot 434 for the purpose of constructing a Regional Hub Warehouse to service its operation in Port Hedland and its</p>	<p>7. Noted</p>
<p>BHPBIO</p>		

<p>immediate surrounds.</p>	<p>8. Submission is made in the interests of protecting the Company's ability to locate this facility at Precinct 3.</p>	<p>8. Noted</p>
<p>9. Requirement for a 10ha to accommodate an enclosed warehouse of up to 10,000m², with the remainder of the site (boundary to boundary) being a paved hardstand for storage of relevant goods.</p>	<p>9. Noted</p>	<p>9. Noted</p>
<p>10. Building Setbacks</p> <p>a. Section 4.1 that "... Buildings are required to be built to the nominated front setback line for a minimum of 60% of the building frontage..." Lot 434 has a frontage of 220m after consideration of the drainage easement. BHPBIO is unlikely to construct a warehouse building with a frontage to the road of more than 80m in its longest dimension which equates to less than 40% of the lot frontage.</p> <p>b. Figure 4.1a identifies that the building setback for Lot 434 should be 41m; and Section 4.3 explains that this dimension allows for 4 rows of car parking bays. BHPBIO is not prepared to see this extent to the site 'sterilised' from more productive uses. Parking provisions for the warehouse facility will not be significant, and can be readily met by a more modest setback – which would also not need to extend across the full extent of the lot frontage.</p>	<p>10. a. Clause 4.1 Development Control: <i>Buildings are required to be built to the nominated front setback line for a minimum of 60% of the building frontage.</i></p> <p>The above provision does not require 60% of the setback line to be built. Rather proposes where a building is proposed, that building shall be at least 60% built up to that line.</p> <p>10. b. Figure 4.1a and Clause 4.3: There is no streetscape importance to have a 41m setback and therefore the minimum setback has been reduced to 19m to align with the side setback of the lot to the north. The owner will be required to demonstrate sufficient parking has been provided to satisfy the Scheme at the time of Development Application. Consideration should be given to accommodate future parking on site to allow for future alternative uses.</p>	<p>10. a. Clause 4.1 Development Control: <i>Buildings are required to be built to the nominated front setback line for a minimum of 60% of the building frontage.</i></p> <p>The above provision does not require 60% of the setback line to be built. Rather proposes where a building is proposed, that building shall be at least 60% built up to that line.</p> <p>10. b. Figure 4.1a and Clause 4.3: There is no streetscape importance to have a 41m setback and therefore the minimum setback has been reduced to 19m to align with the side setback of the lot to the north. The owner will be required to demonstrate sufficient parking has been provided to satisfy the Scheme at the time of Development Application. Consideration should be given to accommodate future parking on site to allow for future alternative uses.</p>
<p>11. Storage Areas</p> <p>a. Section 5.2 states that "...No ...open storage of goods... shall be carried out within the front boundary setback..." – or more specifically in relation to Lot 434 (as proposed), within 41m of the front boundary. Again, BHPBIO is not prepared to see this area unnecessarily sterilized from more beneficial uses.</p> <p>b. Section 5.2 also states that "... All open storage areas shall be screened from the street and adjoining properties by landscaping, fencing and/or other means acceptable to the Town..." Whilst BHPBIO</p>	<p>11. a. Setbacks reduced to 19m and this area should still not be used for open storage of goods and materials, which are often unsightly.</p> <p>The Design Guidelines ensure developments have a higher amenity than an Industry – General area. Amenity relates not only to the built form of the area but also the operations and function of the site.</p> <p>11. b. The Design Guidelines require open storage areas to be screened from the street and not adjoining neighbours.</p>	<p>11. a. Setbacks reduced to 19m and this area should still not be used for open storage of goods and materials, which are often unsightly.</p> <p>The Design Guidelines ensure developments have a higher amenity than an Industry – General area. Amenity relates not only to the built form of the area but also the operations and function of the site.</p> <p>11. b. The Design Guidelines require open storage areas to be screened from the street and not adjoining neighbours.</p>

	<p>is prepared to consult with the Town on an appropriate form of solid and/or landscaped fencing along the roadside boundary to screen the storage hardstand, it is not prepared to screen the side and rear boundaries of the lot.</p>	<p>Clause 5.2 of the Design Guidelines outlines that security fencing will be permitted along side and rear fences (i.e. along boundaries without road frontage).</p>
	<p>12. Boundary Fencing a. Section 5.3 states that "...No fencing is permitted forward of the building line..." As already noted BHPBIO will need to extend the site fencing to the front boundary of Lot 434 (excluding as agreed landscaping strip) to ensure it has full utilization of the site and can properly secure the facility.</p>	<p>12. The front setback has been reduced to 19m and fencing can be incorporated from this point back. The Design Guidelines should ensure developments have a higher amenity than an Industry – General area. Amenity relates not only to the built form of the area but also the operations and function of the site. Ensure consistent street frontages across the KBP area.</p>
	<p>It is also noted that the indicative future subdivision plan identifies the possibility that a second road frontage to lot 434 might be created at a later date. BHPBIO is not prepared to install a higher standard of fencing along this rear boundary to guard against this future possibility. It can, however, give consideration to ensuring to future landscaping strip can be established alongside the security fencing if this boundary becomes directly visible from a public road.</p>	<p>Fencing is permitted along this rear boundary as per the Guidelines. If landscaping is to be delayed then there must be some mechanism (e.g. legal agreement / Development Application condition) for this to be installed as soon as the road is installed. Landscaping is encouraged to be installed in this area when front landscaping is established.</p>
<p>Mainroads</p>	<p>No objection but draws attention to the following: 13. MRWA have not yet approved any permanent access to the proposed development from Great Northern Highway. Please refer to our letter of 24 April 2012 to the Manager Planning Services, Town of Port Hedland, Viz; <i>The proponents were to prepare a submission for a three way priority intersection to provide access to the proposed subdivision at a location to be agreed but just north of the existing cemetery access. This access will require the submission of an application to undertake complex works within the Road Reserve with the detailed design to be approved by Main Roads".</i></p>	<p>13. Noted.</p>

	<p>14. We have only given conditional approval to Decmil Australia Pty for design and build of a "construction access for precinct 3".</p> <p>15. Any permanent access to the proposed development is to be located on Wallwork Road or North Circular Road at least until the completion of GNH Realignment Project currently under construction by MRWA and due for completion mid 2014 unless otherwise approved by MRWA.</p>	<p>14. Noted.</p> <p>15. Noted.</p>
Hightower Planning and Development	<p>ALL THE BELOW COMMENTS RELATE TO PART B OF THE GUIDELINES</p> <p>1. 7.1 Stormwater & Drainage Management</p> <p><i>Is it possible to clarify what the 1:100 year (+500mm) level is the developers must meet? This is particularly important as under Cl 7.3 no more than 1m of fill is permitted on each lot.</i></p> <p>2. 7.2 Building Setbacks</p> <p><i>Can you please clarify if the 25m setback is inclusive of the 5m landscape setback?</i></p> <p>3. 7.2 Building Setbacks</p> <p><i>Please clarify if the 10m setback to boundaries is 10m within each site (i.e. total setback 20m between buildings adjoining the boundary)?</i></p> <p>4. 7.3 Building Height & Site Coverage</p> <p><i>Please clarify what the following is intended to achieve:</i></p> <p><i>"A minimum of 20% of the primary street frontage should be built form."</i></p>	<p>1. This requirement is to ensure buildings are well below the heights permitted by Air Services and not excessively above finished ground level. Page amended to include explanatory text and guiding Q100 spot levels to rear of lot annotated on plan.</p> <p>2. Additional explanation included.</p> <p>3. Yes a 10m setback is required on both adjoining sites.</p> <p>4. The intention is to encourage at least some street (or arrival) presence, by way of a single admin / strata or communal building or similar (Section 7.4). The 20% number was not deemed to be too onerous and was certainly not meant to imply that 'dongas' would front the car park.</p> <p>It will be up to the proponent to demonstrate as part of any Development Application that the requirement or intent of this objective has been satisfied.</p>
	<p>5. 7.4 Building Entries & Address</p>	<p>5. Include the following provision into both Clause 4.3 and 7.4:</p>

	<p>Are multiple crossovers permitted to each site? This is important for internal circulation and efficient use of space.</p> <p>6. 7.5 Boundary Fencing <i>It appears the smaller lots are not permitted to have fencing forward of the building line:</i> <i>With the exception of Lot 435, no fencing is permitted forward of the building nearest the street.</i> <i>Fencing to the front boundary is important for the safety and security of residents and staff. It would be advisable fencing be permitted forward of the building line but must be permeable to ensure surveillance of the street is maintained.</i></p> <p>7. 7.8 Landscape Irrigation & Water Use <i>It is understood, the Town of Port Hedland has nominated an irrigation area for the disposal of treated water. Is further clarification on the location and size of this able to be provided.</i></p> <p>8. 7.8 Landscape Irrigation & Water Use <i>The following provision does not appear to make sense. Can this be clarified further.</i> <i>Provide a landscaped disposal area of no area than 150m² that is:</i> <i>Investigations with ATU providers will need to be undertaken to ensure compliance with the relevant health regulations</i></p>	<p>Construction and provision of crossovers shall be in accordance with the Town's Engineering Department Guidelines.</p> <p>6. It is recognized that some work vehicles located on site may contain expensive equipment that requires security overnight. The provisions have therefore been amended to allow for security of providing areas but at least 2m of the landscaping zone must be on the street side.</p> <p>7. This is outside the scope and/or requirement for developments within the Design Guideline area.</p> <p>8. Formatting error, and has been amended in the Design Guidelines.</p>
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11.1.1.7 Proposed Final Adoption of Scheme Amendment 58 to the Town of Port Hedland Town Planning Scheme No.5 to Rezone Land Bound by Athol Street (North-east), Cooke Point Drive (West) and Pretty Pool (South) to Urban Development” (File No.: 18/09/0070)

Officer Jorine Bothma
Senior Strategic Planner

Date of Report 10 May 2013

Disclosure of Interest by Officer Nil

Summary

Council at its Ordinary Meeting of 22 of August 2012 resolved to initiate Scheme Amendment No. 58. The amendment seeks to rezone land bound by Athol Street (north-east), Cooke Point Drive (west) and Pretty Pool Creek (south) (hereinafter referred to as the Site) from part “Parks and Recreation Reserve” and part “Rural” to “Urban Development” (refer to Attachment 1 - Locality Plan).

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

During the advertisement period, seven (7) submissions were received, two (2) objections, five (5) of advice and/or support. Having addressed the concerns and conditions raised in the written submissions, Council is requested to adopt the scheme amendment.

Background

At the Ordinary Council Meeting of 22 August 2012, the proposed scheme amendment was presented to Council recommending initiation. Council resolved to initiate the scheme amendment (refer to Attachment 2 – Scheme Amendment Report).

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

Consultation

The proposed amendment was advertised for 42 days, closing on 6 March 2013. This advertising was carried out by way of a sign on-site, notification to relevant Government agencies, advertisements in the North West Telegraph, the Town’s website and letters to affected and nearby landowners.

As a result of the above advertising, submissions were received from Department of Environment and Conservation (DEC), Department of Water (DoW), Pilbara Cities, Telstra and three members from the public.

A brief overview of the objections and comments received are provided in Table 2 below. Additional information on the submissions is provided within the Schedule of Submissions (refer to Attachment 3).

	Respondent	Position
1.	Department of Environment and Conservation (DEC)	Provided general comments
2.	Department of Water (DoW)	Provided general comments
3.	Pilbara Cities	Support
4.	Telstra	Support
5.	Merv Stanton	Provided general comments
6.	Zabia Chmielewski	Does not support
7.	Frances Maher	Does not support.

A District Water Management Strategy and Environmental Assessment Report was prepared and submitted with the scheme amendment.

Ms Chmielewski objected to the proposal and gave an extensive explanation why she is of the opinion the amendment should not be progressed further.

Planning response

Ms Chmielewski commented on a number of issues including the quantity of building allotments, access, development costs, site specific conditions, environmental and climatic conditions and water supply.

The site is earmarked in the Pilbara's Port City Growth Plan (Growth Plan) for medium and low density residential development.

Scheme Amendment 58 seeks to rezone the land under discussion to "Urban Development". Under the provisions of TPS5 the purpose of the "Urban Development" zone is to identify land where detailed planning and the provision of infrastructure are required prior to the future subdivision and development of land. For land zoned "Urban Development" a Development Plan may be required prior to any development occurring on the site. A Development Plan will address the concerns Ms Chmielewski raised on building allotments, access and site specific conditions.

An Environmental Assessment Report was submitted by the applicant and highlights what precautionary measures will be put in place for tidal flats, storm surge, cyclone impacts, fauna and flora conservation.

Mr Frances Maher objected to the proposal.

Planning response

No planning merit, as a result of no reasons provided.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

6.3 Environment

6,3,1 Housing

Ensure future land bank available for future residential development through a detailed property strategy, which identifies the sufficient amount and location of future residential lands

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

Section 5.7.2

Precinct 2-East End Village

Precinct Statement:

"The East End Village is Port Hedland's primary residential area. The area, encompassing Cooke Point and Pretty Pool, offers significant housing density and diversity together with sport and recreation opportunities, and school and community facilities. At its core is a retail and mixed use village offering a range of local convenience as well as dining and entertainment choices. Strong links to the coast and mangrove environs have been established offering residential and visitors alike a closer connection with the landscape".

Budget Implications

The applicant has paid the application fee to the amount of \$7,556.20.

Officer's Comment

Flooding

The most obvious constraint to the development of the Site is flooding. The applicants investigations have indicated the topography of the site varies from approximately RL(real level) 2m to 3m AHD (Australian Height Datum), extending up to the existing surrounding Roads which vary between 6m and 10m AHD. The Coastal Vulnerability Study, prepared by Cardno, has predicted within a 1:500 year ARI (average rainfall interval) storm surge levels for the year 2100 could be at RL6.6m AHD. To ensure any proposed development is not impacted upon by the predicted storm surge, it is proposed the site will be developed to this level through a combination of fill areas and elevated housing.

It must be noted, prior to any development taking place regardless of the zoning being adopted it is a requirement of the scheme that a Development Plan is approved by Council. Such development plan will clearly indicate what and where different housing densities and styles will be located.

Environmental Considerations

Investigations around the potential environmental constraints were focused on the following:

- Decreased tidal prism as a result of the filled development
- Changes to the current velocity through the mangrove area
- Change in mangrove inundation level and duration
- Change in flushing characteristics of the Pretty Pool Estuary.

The preliminary outcome of the study noted no direct losses or impacts to the existing mangroves will result from the development of the site.

Noise

The Site is located relatively close to Wilson Street being the main thoroughfare for Road trains to and from the Port. To determine if any acoustic buffers would be required to mitigate any potential noise, the applicant commissioned an acoustics impact study.

The result of the study determined the development area will comply with the "Target" noise levels, without the need for acoustic buffers.

Servicing

The applicant has addressed the servicing requirements for the Site (drainage, water, sewer, power and telecommunications), concluding all services can be provided to the Site.

Urban Development Zone

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

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

Attachments

1. Locality Plan
2. Scheme Amendment Report (Under Separate Cover)
3. Schedule of Modifications
4. Submissions Received

201213/385 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

1. Pursuant to Part 5 of the Planning and Development Act adopt, without modification, Scheme Amendment No.58 to Town Planning Scheme No. 5;
2. 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;
3. Forwards three (3) copies of the approved scheme amendment and associated documentation to the Western Australian Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended);
4. Endorses the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission; and
5. Notifies the applicant with regard to clause 6.4.2 of the Port Hedland Town Planning Scheme No. 5, Council requires a Development Plan to be submitted and approved prior to any development taking place.

CARRIED 7/2

Record of vote:

For	Against
Mayor Howlett	Councillor Gillingham
Councillor Daccache	Councillor Taylor
Councillor Carter	
Councillor Hooper	
Councillor Dziombak	
Councillor Jacob	
Councillor Hunt	

ATTACHMENT 1 TO ITEM 11.1.1.7



Schedule of Submissions	
Issues	Comments
<p>External Agencies</p> <p>DEC</p> <p>1. <u>Clearing</u></p> <p>a. Clearing of native vegetation in WA is prohibited unless the clearing is authorized by a clearing permit obtained from the DEC or is a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Reg 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</p> <p>Consistent with EPA advice:</p> <p>Issues and Advice include:</p> <p>2. <u>Heritage</u></p> <p>a. The DoIA should be consulted with respect to obligations under the AHA1972.</p>	<p>1. <u>Clearing</u></p> <p>a. Approval of the Scheme Amendment is not the catalyst for clearing of the site.</p> <p>Prior to any clearing of land within the site the owner/developer shall be required to obtain a clearing permit from the DEC.</p> <p>2. <u>Heritage</u></p> <p>a. A Section 18 Notice shall be required to be lodged with the Department of Aboriginal Affairs under the terms of the AHA1972. The Section 18 Notice is required prior to any excavation or development on the site.</p> <p>This matter shall be addressed in association in preparation of a Development Plan for the area and are not for consideration at the Scheme Amendment stage.</p> <p>The Development Plan ensures that prior to any subdivision or development within the site, existing places and features of Aboriginal and non-Aboriginal heritage and/or cultural significant are considered.</p>

<p>3. <u>Terrestrial Environmental Quality (Acid Sulphate Soil)</u></p> <p>a. Desktop investigation indicates the northern portion of the scheme amendment area is rated as Moderate to Low ASS Disturbance Risk and the southern portion is rated as High to Moderate ASS Disturbance Risk.</p> <p>The extent and severity of the risk should be determined in accordance with WAPC PB64 – Acid Sulphate Soils.</p> <p>A DSI and Management Plan should be prepared in accordance with the DEC Acid Sulphate Soils Guidelines Series and to the satisfaction of the DEC contamination sites branch.</p> <p>4. <u>Benthic Habit (Pretty Pool Creek Mangroves)</u></p> <p>a. Development in Port Hedland has resulted in the incremental loss of BPPH (Benthic Primary Producer Habits).</p> <p>b. EPA published an Environmental Protection Bulletin No.14 Guidance for the Assessment of Benthic Primary Producer Habit Loss in and around Port Hedland.</p> <p>c. The Pretty Pool Creek mangroves are within the Port Hedland LAU (Local Assessment Units).</p> <p>d. The scheme amendment area is set back from the Pretty Pool Creek mangroves by an average of 79m, with 32m at the closest point.</p> <p>e. The EPA acknowledges that development will be set back from the boundary closest to Pretty Pool Creek and separated by a bund and roadway.</p> <p>f. Therefore, development within the Amendment Area will not</p>	<p>3. <u>Terrestrial Environmental Quality (Acid Sulphate Soil)</u></p> <p>a. The proponent has identified that a Preliminary Site Investigation shall be undertaken at the Development Plan Stage.</p> <p>Subject to the findings of the site investigation, a Detailed Site Investigation and/or Acid Sulphate Soils Management Plan shall be prepared to the satisfaction of the Department of Environment and Conservation (DEC) at the Development Plan Stage.</p> <p>The Development Plan further ensures that prior to any subdivision or development within the site landform, topography, landscape, vegetation and soils of the area are considered.</p> <p>4. <u>Benthic Habit (Pretty Pool Creek Mangroves)</u></p> <p>a. All points addressed below:</p> <p>A Construction Management Plan shall be required, prior to any construction occurring on the site, to the approval of the Town of Port Hedland.</p> <p>The construction management plan shall ensure runoff during construction is adequately managed.</p>
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<p>directly impact the existing mangroves. Modelling indicates that changes to the hydrodynamics of the creek from infill development within the scheme amendment area will be minor. Therefore, significant indirect impacts to the Pretty Pool Creek mangroves are not considered to be likely, providing runoff during construction is adequately managed.</p>	<p>5. <u>Marina Fauna and Flora (Marine Turtles)</u> Implementation of a Turtle Management Plan at Development Plan stage (refer to response to point 6 below).</p>
<p>5. <u>Marina Fauna and Flora (Marine Turtles)</u></p> <p>a. Flatback turtle nesting and hatching behavior can be affected by light spill on to nesting beaches and the adjacent sea. b. Multi-storey development is anticipated at two locations within the scheme amendment area. c. Line of site modelling indicates that buildings are not visible from Pretty Pool Beach at heights of up to 18m AHD. d. Therefore, providing there is adequate control to ensure building heights are below these limits, there should be no direct line of site light impacts on Pretty Pool Beach. e. The scheme amendment area is also 1.5km from Cemetery Beach. There is a significant coastal dune and existing built form separating Cemetery Beach from the scheme amendment area. Line of site modelling indicates that buildings within the scheme amendment area are not visible from Cemetery Beach at heights of up to 36m AHD. f. Therefore, providing there are adequate controls to ensure building heights are below the limits specified for Pretty Pool Beach above, there should be no direct line of site impacts on Cemetery Beach. g. In addition to potential light spill impacts, an increased residential population also has the potential to impact</p>	

	<p>marine turtle nesting and hatching behavior, through the use of recreation vehicles, pets and interaction with nesting turtles.</p> <p>h. The EPA recommends a management plan be prepared and implemented to limit these potential impacts.</p> <p>6. Management of Environmental Issues</p> <p>a. The EPA recommends that provisions be included with in Appendix 10 – Urban Development Zone Additional Requirements of TPS5, specifically:</p> <p>b. Add the lots within the scheme amendment area to the 'Description of Land' column.</p> <p>c. Add specific conditions to the 'Conditions' column, along the following lines:</p> <ul style="list-style-type: none"> • A Development Plan shall be submitted and approved by the Town of Port Hedland and the Western Australian Planning Commission prior to development of the site. • Land identified in the Development Plan will be restricted to a built height limit that prevents light spill on to Cemetery Beach and Pretty Pool Beach and the adjacent sea. • Environmental management plans addressing the following shall be prepared, adopted and implemented to the satisfaction of the Town of Port Hedland on advice from the DEC: <ul style="list-style-type: none"> – Construction Management – Foreshore management – Mangrove management – Drainage and nutrient management – Marine turtle management – Acid sulphate soil management (if required).
<p>6. Management of Environmental Issues</p> <p>a. All points addressed below:</p> <p>The following Environmental Management Plans shall be prepared, adopted and implemented to the satisfaction of the Town of Port Hedland on advice from the relevant State Government agency (DEC):</p> <ul style="list-style-type: none"> • Foreshore Management Plan. • Turtle Management Plan to address: <ul style="list-style-type: none"> – Description of the environmental factors relating to marine turtle nesting habitat requirements; – Prediction of impacts on marine turtles from the development, including lighting and human disturbance of nesting females and hatchlings; – Design guidelines for reducing light emissions; – Protection of turtle populations and habitat areas through measures to restrict disturbance and access, including fox control; – Monitoring and reporting program for the Pretty Pool nesting population in cooperation with the Care for Hedland Environmental Association; – Establish a community education and awareness program; – Strategies to collaborate with relevant stakeholders in relation to turtles in the region; and – Any other matters deemed relevant. • Migratory Shorebird Management Plan – shall be prepared where specially protected migratory bird species have been 	

		<p>identified as using the site for foraging. To identify this multiple avifauna surveys are to be undertaken during the migration period (September to April).</p> <ul style="list-style-type: none"> • Mosquito and Midge Management Plan. • Drainage and Nutrient Management Plan. • Mangrove Management Plan. <p>The proponent has identified that a Preliminary Site Investigation shall be undertaken at the Development Plan Stage.</p> <p>Subject to the findings of the site investigation, a Detailed Site Investigation and/or Acid Sulphate Soils Management Plan shall be prepared to the satisfaction of the Department of Environment and Conservation (DEC) at the Development Plan Stage.</p> <p>The Environmental Management Plans shall be implemented in conjunction with an approved Development Plan. Certificates of Title shall not be issued until such time as the Environmental Management Plans have been prepared and adopted by the relevant agency.</p>
<p>DoW</p>	<p>District Water Management Strategy The Department of Water indicated that a District Water Management Strategy has been submitted and are currently being reviewed.</p> <p>Flooding The Port Hedland Coastal Vulnerability Study shows that the majority of the subject land is affected by flooding during storm surge events.</p> <p>DoW indicated that the majority of the land during the 100 ARI storm surge event at 2110 will be greater than 2m.</p> <p>DoW advised that further modeling may be required for the East</p>	<p>Furthermore, prior to any development taking place it is a requirement of the Scheme that a Development Plan is approved by Council.</p> <p>To ensure that any proposed development is not impacted upon by storm surge, it is proposed the site will be developed to appropriate levels through a combination of fill areas and elevated housing.</p>

	<p>Port Hedland Development with a more realistic final development filling scenario to better assess the impact on flood levels in the area.</p>	
<p>Pilbara Cities</p>	<p>1. Support</p> <p>a. Pilbara Development Commission is supportive of this development and associated scheme amendment and have no objection to the rezoning of this land to urban development.</p>	<p>No response required.</p>
<p>Teistra</p>	<p>1. No objection</p> <p>a. A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. or the Teistra Smart Community website.</p>	<p>It is noted that prior to any development of land within the site the owner/developer shall be required to submit an application for a network extension. Not for consideration at scheme amendment stage.</p>
<p>Public</p>	<p>1. Advice</p> <p>a. I wrote to the Council if I could grow trees (the site) there and they said yes as long as they are at least 9 feet, so I went ahead and dug up all the buffalo grass and planted trees incidentally I've grown two whopping big trees also from the historical tree in Athol Street I got them grown by seed of that Jamaican tree.</p> <p>I asked our Council would they help me abit, so they were kind enough to place our water tap there for me (1998).</p> <p>The Council also placed (or may be the historical party) a plaque of me in my military uniform.</p> <p>If the Council could consider what I've done (and still doing) and don't knock it down, it is well known as Merv's Lookout.</p>	<p>a. The historic elements of the site identified by Merv Stanton are noted.</p> <p>At the Ordinary Council Meeting dated 30 March 2011 the following, but not limited, action was resolved:</p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> 1. Supports the permanent closure of a portion of Athol Street Road reserve, Port Hedland, with the following conditions:- <ol style="list-style-type: none"> I. The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the Land Administration Act 1998. II. No objections being received during the advertising period.
<p>Merv Stanton</p>		

	<p>Naturally I won't be around forever so if the Council would be so kind and look after it for me and my Army Mates.</p> <p>I do remember our President of our RSL (Returned Services League) his name is Mark Postans having conversations with our Council and gave them the photo which I took of Merv's Look Out, and the Path to the Target Area, and at that time the Council told him not to worry about it, everything is OK.</p>	<p>As such a portion of the site, commonly referred to as Merv's Lookout, was created as its own reserve (Reserve 51172 on Plan 73210). The reserve is vested to the Town of Port Hedland for the purposes of Scenic Lookout.</p> <p>Any future Development Plan over the site shall be address the Merv's Lookout reserve and ensure it is retained in its full capacity. When preparing the layout of residential development through the Development Plan process, it is likely that the boundaries of the reserve will be refined to incorporate the look-out within the overall design.</p> <p>The Development Plan ensures that prior to any subdivision or development within the site, existing places and features of Aboriginal and non-Aboriginal heritage and/or cultural significant are considered.</p>
<p>Zabia Chmielewski</p>	<p>1. <u>Objection</u> <u>Quantity of building allotments</u></p> <p>a. 42.46 hectares to be developed but it doesn't indicate how many building allotments this may make available. 20 – 30 dwelling per hectare.</p>	<p><u>Quantity of building allotments</u></p> <p>a. Under the provisions of the Town Planning Scheme No.5 (TPS5) the purpose of the "Urban Development" zone is to identify land where detailed planning and the provision of infrastructure is required prior to the future subdivision and development of land. This planning should be documented in the form of a Development Plan.</p> <p>Prior to any development occurring on the site, a Development Plan shall be required and address at least the following:</p> <ul style="list-style-type: none"> • Location and density of housing areas, including lot and dwelling yield, population outcomes, net residential density and detailed subdivision standards relating to solar access, efficient use of water resources, design features and density rationale.

	<p><u>Cost of development</u></p> <p>a. Cost and amount of soil to infill to level of 3 – 10 metres over the site?</p> <p>b. Cost/availability – there are many other areas of Port Hedland and Cooke Point that are under utilised – given they already connected to town infrastructure such as power, water and sewerage – I would like to know the cost of developing the amendment area. ie what is the potential to increase block – dwelling ratios along Athol Street, and what of the vacant land on McGregor St (ie. telcom site).</p>	<p>Through the assessment of the future Development Plan, the Town will ensure that suitable public advertising occurs.</p> <p>Future development and growth of the Town is identified within the Town's Local Planning Strategy, the Pilbara's Port City Growth Plan (Growth Plan).</p> <p>The site is identified within the Growth Plan for medium to low density residential development.</p> <p><u>Cost of development</u></p> <p>a. All costs associated with developing the area, including the provision of infrastructure will be to the cost of the developer. The cost a developer is willing to invest into the development of land is not a valid planning consideration.</p> <p>The proposed Scheme Amendment effectively only changes the provisions that are applied to the land. The Scheme Amendment itself does not approve any built form or infrastructure provision over the site.</p> <p>b. Future development and growth of the Town is identified within the Town's Local Planning Strategy, the Pilbara's Port City Growth Plan (Growth Plan).</p> <p>The site is identified within the Growth Plan as medium and low density residential development.</p> <p>There are many other projects currently underway within the Town for future development. By way of example, the vacant sites along McGregor Street have been rezoned and suitable Development Plans approved to facilitate future development.</p>
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	<p><u>Specific site building conditions</u></p> <ul style="list-style-type: none"> a. Consequences of building on acidic clay soils. b. Consequences of building on tidal flood zones. 	<p>The site is under sole ownership of the state government, and allows a unified, large scale development to provide much needed housing within Port Hedland.</p> <p><u>Specific site building conditions</u></p> <ul style="list-style-type: none"> a. The Western Australian Planning Bulletin 64/2009 – Acid Sulfate Soils identifies that: <ul style="list-style-type: none"> – <i>Acid sulfate soils site investigations are now only required at the structure planning and the subdivision, strata and development application stages of the planning process.</i> <p>Subject to the findings of the site investigation, a Detailed Site Investigation and/or Acid Sulfate Soils Management Plan shall be prepared to the satisfaction of the Department of Environment and Conservation (DEC) at the Development Plan Stage.</p> <p>The Development Plan further ensures that prior to any subdivision or development within the site landform, topography, landscape, vegetation and soils of the area are considered. Further to this, subdivisional works require any soil remediation that may be required to be undertaken and development sites prepared to standards suitable for building works.</p> <p>In light of the above, the consequences of building on acidic clay soils in the area will be further investigated at the Development Plan stage.</p> <ul style="list-style-type: none"> b. The actual extent of the developable area will be determined through a Local Water Management Strategy to be prepared in association with the Development Plan. This strategy, taking account of surface stormwater as well as tidal flooding, is prepared having regard for the findings and recommendations of the District Water Management Strategy.
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	<p><u>Location to tidal flats, storm surge and cyclone impacts</u></p> <p>a. With a recent cyclone having crossed the coast in the last week Wed 27th Feb 2013 – numerous parts of Pretty Pool were evacuated in anticipation of storm surge – has this type of impact been modeled appropriately for this area?</p> <p>b. Also within the last week (Feb 25 – March 1 2013) – the council is veritably singing its praises and success of a recent sand dune stabilization program – this beach backs onto and is less than 1km from the tidal area outlined in the amendment. Given the proximity has this been considered in the application. No.</p> <p>c. The tidal flats near the corner of Athol and Keesing are also of historic significance – being the practice firing range for the coastal guard defense of the Pilbara Coast during the Second World War. See Mr Merv Stanton – local identity.</p> <p>d. There is no acknowledgement of seasonal high tides which are over 7 metres high in 6 out of 12 months and little consideration of this being subject to tidal surge. Has there been a calculation or understanding of how much water comes into the amendment area and what this impact will be when displaced? Or is the long term view that the inlet will eventually be silted over and no longer an issue?</p>	<p>The intensity of the built form on the site shall be investigated through the Development Plan stage. The Development Plan shall be consistent with the Western Australian Planning Commission (2003) Statement of Planning Policy 2.6 – State Coastal Planning Policy.</p> <p>Coastal modeling information was presented to the Environmental Protection Authority (EPA) as part of the environmental review.</p> <p><u>Location to tidal flats, storm surge and cyclone impacts</u></p> <p>a. An Environmental Assessment Report was submitted by the applicant and provides details on cyclone impact information.</p> <p>b. The land formation (including sand dunes) both within and surrounding the site has been considered.</p> <p>c. Prior to any subdivision or development within the site, existing places and features of Aboriginal and non-Aboriginal heritage and/or cultural significant shall be considered through a Development Plan.</p> <p>d. Acknowledgements of seasonal high tides and tidal surge have been addressed through both an Environmental Assessment Report and a District Water Management Strategy. Calculation of how much water comes into the area and impacts have been modeled.</p> <p>The District Water Management Strategy was referred to the Department of Water for comment and will guide the terms of the Local Water Management Strategy to be prepared in association with the Development Plan, and an Urban Water Management Plan to be prepared in association with land subdivision.</p>
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	<p><u>Access to the area</u></p> <p>a. Access to the area. With increasing pressure on the town and access to recreational areas on the coast – ie. De Gray station access closed I feel that this is another elimination of coastal amenity.</p> <p><u>Flora and Fauna (including Mangrove Environment)</u></p> <p>a. I feel the report does raise more concerns than answers and I would like more information on the area regarding the types of species that the area does support.</p> <p>b. While it is not a pristine habitat, it's still a habitat for numerous sea birds, birds of Prey, crustaceans and intertidal invertebrae. Many animals are dependent on mangrove and tidal areas for the first part of their lifecycle ie. shrimps, prawns etc, while others will find food sources as well as a safe refuge at different times.</p> <p>c. Sea eagles, hawks, sea birds, the red soldier crabs, and variety of mangrove species.</p> <p>d. It is also the habitat and spawning ground for many not so dynamic and showy species that sustain a long line of plants and animals in the food chain.</p> <p>e. I would like more information on the algae and microbes, ancient species of succulent plants, as well as grasses, rushes and sedges that are supported in the wider area.</p> <p>f. Is there a scientific audit of the habitat plants and animals in the amendment are to provide a better understanding of the area? If one has been done to support the amendment could it be made available?</p> <p>g. Why is it that other regions are rehabilitating wet land and therefore spending money on retaining and improving these areas? Swan River Catchment in WA and Smithfield Wetland area in Adelaide South Australia as a small example.</p>	<p><u>Access to Area</u></p> <p>a. As part of this Scheme Amendment, provisions will be placed into the Town Planning Scheme to require a Foreshore Management Plan to be submitted to the approval of the Town.</p> <p>The Foreshore Management Plan shall address coastal access, activities and conservation of creek foreshore vegetation.</p> <p><u>Flora and Fauna (including Mangrove Environment)</u></p> <p>a. The Environmental Assessment Report provides a list of significant fauna species.</p> <p>b. Points (b) to (f) are addressed below:</p> <p>The Scheme Amendment was referred to the Environmental Protection Authority for assessment. The Authority determined that any potential for impact on the environmental is capable of being adequately managed. In this regard, the Authority has recommended the range of management plans be prepared as part of the Development Plan and subsequent planning processes as referred to in the response to external agency submissions above.</p> <p>g. The rezoning to "Urban Development" ensures that the Town can request a Development Plan prior to any development occurring on the site. The Development Plan requires a number of environmental, social and economic issues are resolved prior to any development.</p> <p>Currently under a "Rural" zoning developments could occur without a coordinated approach.</p> <p>It is therefore reasonable to ensure suitable measures are taken to ensure this sensitive area is developed appropriately.</p>
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	<p>h. The reverse side is that the mangrove system could be destroyed by increased urban drainage that may also be contaminated by vehicle oils and an increased density of urban dwelling run off. Phosphates from gardens, detergents, chlorines etc.</p> <p>i. The report highlights no loss of mangrove and with setback of 90m and 40m? I would argue that the report authors don't understand / have not acknowledged? The footprint or dynamics of the mangrove system as the surrounding areas of small grasses and salt bushes also maintain the system that it sustains. That without this perimeter as a buffer and feeder the mangrove system and the wetlands will be further compromised and that in fact the mangroves will die or suffer a further diminution of habitat – not through direct bulldozing by building, but via contamination and degradation of the surrounding environment that acts as a feeder and wider footprint of the system.</p> <p>j. What / or is there any correlation between turtle nesting / hatchlings that are so unique to the area?</p> <p><u>Local Character</u></p> <p>a. At times the estuary looks spectacular, when in full tide is suddenly filled with water, at other times, yes it is soggy and muddy, but this is part of the function of the low lying tidal land as it acts as a filter.</p> <p>b. We should be providing for a diversity of land types in the region, which makes this even more precious as a 'rural' habitat than as an "Urban Development" as it remains in the centre of a residential area.</p> <p>c. We are lucky to have an area like this on our doorstep – I would love it to be celebrated in a suitable manner. It should act as a class room to be studied offering an opportunity to observe and document the diverse type of birdlife and for us to have a better understanding of the fragile but at the same resilient nature of areas such as this.</p>	<p>h. Storm water runoff created by development of the site shall be reviewed through the approval of a Local Water Management Strategy.</p> <p>i. The Environmental Assessment Report identifies the proposed development footprint as being a "fatal flaw" to the mangroves or hydrological functioning of Pretty Pool Creek.</p> <p>j. The Environmental Protection Authority reviewed the Environmental Assessment Report and determined suitable information was provided. The Department of Environment and Conservation also reviewed the Scheme Amendment documents through advertising. Both authorities requested a Marine Turtle Management Plan be submitted for approval to ensure no negative impacts are created from future development.</p> <p><u>Local Character</u></p> <p>Comments noted</p>
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	<p><u>Effect on water supply</u></p> <p>a. Does the said area act as a water feeder to the greater underground catchment areas that we rely on for our water supply?</p> <p><u>Connection to Pretty Pool inlet</u></p> <p>a. How does it work with the wider sea zone Pretty Pool inlet?</p>	<p><u>Effect of water supply</u></p> <p>Comments noted.</p> <p><u>Connection to Pretty Pool inlet</u></p> <p>a. Hydrological modeling undertaken in association with the District Water Management Strategy takes account of the tidal influences of the ocean and associated inlets. It is found that the impact of the proposed development area on the areas hydrology is minimal. Approval of the Scheme Amendment will require the applicant to submit both a Development Plan and Foreshore Management Plan to ensure the site suitably connects to the wider surrounds.</p>
<p>Frances Maier</p>	<p><u>1. Objection</u></p> <p>Not in favor of changing the zone from 'Rural' to 'Urban Development'.</p>	<p>No substantive arguments were presented to respond to. Proposal is consistent with the Growth Plan and will provide for residential development as required to achieve population growth targets for the town.</p>

ATTACHMENT 4 TO ITEM 11.1.1.7

ICR35853

It's our Birdie Bush flower
our emblem

20 FEB 2013

Merv Stanton
163 Ashol St - Cooke Point
Port Hedland, 6721
WA (Tel) (08) 9173-1032

30 Jan 2013

G'Day Steve

I received your letter about the proposed scheme amendment NO.58 to zone land bound by Ashol St, Cooke Point Drive + Pretty Pool creek.

I've lived in Port Hedland since the population was approx- 250 people. (65 years ^{and}) I built a house in 5 Haroldie St Port Hedland but due to being flooded out, our council knows all about that.

Now, the area we are talking about (Ashol St), well, we moved up here in 1969, and across the road from our house I remember from the War Days (1942), there was a rifle range, well our unit did

a lot of rifle training and firing.
Well Steve those days no one was doing any thing about that area, so I wrote to our Council if I could grow trees there, and they said yes as long as they are at least 9 feet (3 metres?), so I went a head and dug up all the buffle grass and planted trees, incidentally I've grown two whopping big trees all from the Historical tree in Acton St, I got them grown by seed of that Lemmon tree.

When I first started these trees etc it was about 1969, and I used to water them by a bucket from with the water from our washing machine also I used to drag our hose across the road to help in the watering, and of course

naturally I was starting to get a bit
ancient (oldie), so I asked our council
would they help me a bit, so they
were kind enough to place one
water tap there for me, that was in
the year 6th of Oct 1998, and later
on the council laid tarmac on
that helped alot. The council also
placed (or may be the Historical Party?)
a plaque of me in my military
uniform, and I appreciate that greatly.

So Steve if the Council could
consider what I've done (and still
doing it) and don't knock it down,
it is well known near an Mems Loch
Out, Naturally I won't be around for ever
so if the Council would be so kind and
look after it for me and my Army Mates

Thank You, + Port Hedland

Kind Regards

Steve Stanton

PTO.

Merv Stanton

163 Athol St - Crooke Point

Port Hedland, 6721

WA (Tel) (08) 9173 1032

30 Jan 2013

Steve, here I am again, I do
remember our President of our RSL
(Returned Services League) his name is
Mark Parton (he now lives in Queensland)
having conversations with our Council
and gave them the photo which I took
of Merv's Look Out, and the Path to the
Target Area, and at that time the
Council told him not to worry
about it, everything is OK.
So we had a piece of mind
So Galber I hope every
thing will turn out good.

Kind Regards Merv

I've enclosed a couple
of photos.

Merv

De Meillon Steve

From: Chmielewski, Zabia [Zabia.Chmielewski@health.wa.gov.au]
Sent: Tuesday, 5 March 2013 3:24 PM
To: De Meillon Steve
Subject: IPA36113 - Negative response to town Amendment 58
Attachments: Response to ammendment - 58 2013.doc

Categories: Red Category
SynergySoft: IPA36113

Dear Steve

please find enclosed my response and comments regarding the following :

Town Planning Scheme 5

Amendment Number 58

Athol street precinct from Rural to Urban Development

Not in Favour of changing the zone from ' Rural" to "Urban Development"

These are my personal comments from me and not the WA Country Health Department (yes - unfortunately using work email)

Regards

zabia

Zabia Chmielewski

Project Officer

9174 1079

0439 929 585

There is no acknowledgment of seasonal high tides which **are** over 7 meters high in 6 out of 12 months and little consideration of this being subject to tidal surge. Has there been a calculation or understanding of how much water comes into the amendment area and what this impact will be when displaced? Or is the long term view that the inlet will eventually be silted over and no longer an issue?

While it is not a pristine habitat, it's still a habitat for numerous sea birds, birds of Prey, crustaceans and intertidal invertebrae. Many animals are dependent on mangrove and tidal areas for the first part of their lifecycle ie shrimps, prawns etc, while others will find food sources as well as a safe refuge at different times.

Sea eagles, hawks, sea birds, the red soldier crabs, and variety of mangrove species

Cost / availability – there are many other areas of Port Hedland and Cooke Point that are under utilised – given they are already connected to town infrastructure such as power, water and sewerage – I would like to know the cost of developing the amendment area . ie what is the potential to increase block – dwelling ratios along Athol Street, and what of the vacant land on McGregor st (ie telcom site?)

Why is it that other regions are rehabilitating wet land and there fore *spending* money on retaining *and improving* these areas. ? ie Swan River Catchment in WA and Smithfield Wetlands area in Adelaide South Australia as a small example.

At times the estuary looks spectacular, when in full tide its suddenly filled with water, at other times, yes it is soggy and muddy, but this is part of the function of the low laying tidal land as it acts as a filter. It is also the habitat and spawning ground for many not so dynamic and showy species that sustain a long line of plants and animals in the food chain. I would like more information on the algae and microbes, ancient species of succulent plants, as well as grasses, rushes and sedges that are supported in the wider area. Is there a scientific audit of the habitat plants and animals in the amendment area to provide a better understanding of the **area**? If one has been done to support the amendment could it be made available?

The report / amendment notes that the estuary will act as a drain ? and there will be no loss of mangroves to the area. The EPA Environmental Protection of Wetlands report - position statement number 4 2005 highlights that wetlands act as a storage area for increase runoff during storms etc reducing flood waters and erosion and damage to infrastructure such as roads and drains as well as housing. The reverse side is that the mangrove system could be destroyed by increased urban drainage that may also be contaminated by vehicle oils and an increased density of urban dwelling run off. Phosphates from gardens, detergents, chlorines etc.

While the area may not conform to our standards of beauty, it adds to the diversity of types of landscapes that form part of our vision of land. We should be providing for a diversity of land types in the region, which makes this even more precious as a 'rural' habitat than as an "Urban Development" as it remains in the centre of a residential area. Progressive centres are now enhancing and reinvigorating their wetland environments for these reasons and more.

Tuesday 5th March 2013

Response to :

Town Planning Scheme 5

Amendment Number 58

Athol street precinct from Rural to Urban Development

I wish to have my response tabled as not to go ahead with the proposed change from Rural – to Urban Development.

I feel the report does raises more concerns than are answered and that I would like more information on the area regarding the types of species that the area does support.

Please find below a few dot points that support my case.

42.46 hectares to be developed but it doesn't indicate how many building allotments this may make available.

20 – 30 dwelling per hectare?

Cost and amount of soil to infill to level of 3 – 10 meters over the site ?

Consequences of building on acidic clay soils. \

Consequences of building on tidal flood zones

With a recent cyclone having crossed the coast in the last week Wed 27th Feb 2013 – numerous parts of Pretty Pool were evacuated in anticipation of storm surge – has this type of impact been modelled appropriately for this area?

Also with in the last week (Feb 25 – March 1 2013) – the council is veritably singing its praises and success of a recent sand dune stabilisation program – this beach backs onto and is less than 1km from the tidal area outlined in the amendment.

Given the proximity has this been considered in the application. No.

The tidal flats near the corner of Athol and Keesing street are also of historic significance – being the practice firing range for the coastal guard defence of the Pilbara Coast during the Second World War. See Mr Merv Stanton – local identity.

Access to the area. With increasing pressure on the town and access to recreational areas on the coast – ie DeGrey station access closed I feel that this is another elimination of coastal amenity.

The report highlights no loss of mangrove and with set back of 90 m and 40 m ? I would argue that the report authors don't understand / have not acknowledged? the footprint or dynamics of the mangrove system as the surrounding areas of small grasses and salt bushes also maintain the system that it sustains. That with out this perimeter as a buffer and feeder the mangrove system and the wetlands will be further compromised and that in fact the mangroves will die or suffer a further diminution of habitat – not through direct bulldozing by building, but via contamination and degradation of the surrounding environment that acts as a feeder and wider footprint of the system.

I feel many questions have been raised, as well as many not answered in the consideration to move ahead with the change of zoning that will pave the way for future development of this precious site.

Does the said area act as a water feeder to the greater underground catchment areas that we rely on for our water supply?

And how does it work with the wider sea zone and Pretty Pool inlet ?

Despite the atypical 'unattractive' badge this area may attract – it is a living part of a wider eco system – as recently as recently Thursday 29th Feb 2013 a small whale beached – either a baby Pilot or Melon Head drifted into the inlet – and was rescued by Care for Hedland volunteers.

What / or is there any correlation between turtle nesting / hatchlings that are so unique to the area?

FINALLY – we are so lucky to have an area like this on our doorstep – I would love it to be celebrated in a suitable manner. It should act as a class room to be studied offering an opportunity to observe and document the diverse type of bird life and for us to have a better understanding of the fragile but at the same resilient nature of areas such as this.

Your s Sincerely

Zabia chmielewski

Resident Sutherland street Port Hedland.

De Meillon Steve

From: frankym@inet.net.au
Sent: Tuesday, 5 March 2013 4:53 PM
To: De Meillon Steve
Subject: ICR36692 - FW: council rezoning NOT IN FAVOUR
SynergySoft: ICR36692

po3@porthedland.wa.gov.au

the amendment is reference:

Town Planning Scheme 5

Amendment Number 58

Athol street precinct from Rural to Urban Development

Not in Favour of changing the zone from ‘ Rural’ to “Urban Development”

[http://www.porthedland.wa.gov.au/services_facilities/town_planning/ProposedPlanningDocs/Scheme Am](http://www.porthedland.wa.gov.au/services_facilities/town_planning/ProposedPlanningDocs/Scheme_Am)

Frances Maher



Our Ref: A2897920
Your Ref: 2012/326/18/09/0070
Enquiries: Paul Trotman; 6552 4639

Steve de Meillon
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721


Document #: IPA36376
Date: 18.03.2013
Officer: LEONARD LONG
File: 18/09/0070

Dear Steve

APPLICATION 2012/326 FOR PROPOSED SCHEME AMENDMENT NO.58 TO ZONE LAND BOUND BY ATHOL STREET (NORTH-EAST), COOKE POINT ROAD (WEST) AND PRETTY POOL CREEK (SOUTH) TO "URBAN DEVELOPMENT"

Thank you for your letter of 21 January 2013 requesting Pilbara Development Commission comment on the above scheme amendment.

Please be advised that the Pilbara Development Commission are supportive of this development and associated scheme amendment and have no objection to the rezoning of this land to urban development.

Should you have any queries in relation to this matter, please contact the undersigned on 6552 4639.

Regards

Paul Trotman
Manager Land Development

19 February 2013



pdc@pdc.wa.gov.au | www.pdc.wa.gov.au

KARRATHA OFFICE | Suite 49, 5 Sharpe Avenue Karratha, WA 6714 | Tel: (08) 9185 0600
PORT HEDLAND OFFICE | Shop 2, 6 Wedge Street Port Hedland, WA 6721 | Tel: (08) 9173 8400
PERTH OFFICE | Level 2, 140 William St Perth, PO Box 1143 West Perth 6872 | Tel: 1300 722 255



Government of Western Australia
Department of Environment and Conservation

Your ref: 2012/326
Our ref: DEC7088
Enquiries: Libby Hoskin
Phone: 08 9182 2004
Fax: 08 9144 1118
Email: libby.hoskin@dec.wa.gov.au

Senior Strategic Planner
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Attn: Steve de Meillon



Document #: IPA36080
Date: 06.03.2013
Officer: LEONARD LONG
File: 18/09/0070

Referral of application for Scheme Amendment No. 58 for Land bound by Athol Street, Cooke Point Road and Pretty Pool Creek, Port Hedland - Application 2012/326.

Thank you for referring the above mentioned application to the Department of Environment and Conservation (DEC) for comment. The planning application refers to zone land at above location to 'Urban Development'.

DEC will not support Town Planning Scheme 5 Amendment 58, unless the advice issued by the Environmental Protection Authority (EPA) on 17 December 2012 is adopted in the current amendment.

The redevelopment site is 1km from Pretty Pool Beach and 1.5km from Cemetery Beach, which are known nesting beaches for Flatback turtles. Flatback turtles are listed as "Threatened" under the Wildlife Conservation Act 1950, and "Vulnerable" under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999. Artificial light is known to be particularly detrimental to turtles during nesting and hatching, as it has the potential to cause misorientation and disorientation of individuals, and is recognized in the EPA's Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts (November 2010). Multi-storey development may result an increase in the visibility of light, including light glow impacts to the nesting beaches. Building heights and lighting should be managed to ensure impacts to marine turtles are avoided. This issue has not been identified in the scheme amendment plans.

DEC recommends the Town of Port Hedland updates the current scheme amendment as specified in the EPA's advice. Incorporating additional requirements, including site specific conditions and environmental management plans into Appendix 10 will allow environmental concerns to be addressed at the development plan stage. All of the environmental management plans listed in the EPA's advice should be prepared, adopted and implemented to the satisfaction of the Town of Port Hedland, on the advice of DEC.

DEC notes remnant native vegetation is present on the site. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation or is of a kind that is



exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Regulation 5 Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

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

Yours sincerely

A handwritten signature in black ink, appearing to be 'AM', written in a cursive style.

Allisdair MacDonald
REGIONAL MANAGER - PILBARA

28 February 2013



Government of **Western Australia**
 Department of **Water**



Your ref: 2012/326
 Our ref: RF741-11/ SRS 33070



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

Document #: IPA37035
 Date: 15.04.2013
 Officer: LEONARD LONG
 File: 18/09/0070 *file with Steve*



Attn: Steve de Meillon

Dear Sir

Application 2012/326 – Scheme Amendment No. 58

Thank you for the opportunity to provide comment on the above application and I apologise for the delay in response.

District Water Management Strategy

The Department of Water has received the District Water Management Strategy (DWMS) for the Athol St precinct. There are a number of concerns with the document that need to be resolved before the document can be approved. The department is continuing to liaise with the consultants and will advise the Town of Port Hedland when the document has been approved.

Flood

The Port Hedland Coastal Vulnerability Study shows that the majority of the subject land is affected by flooding during storm surge events with the following flood levels estimated:

<u>ARI event</u>	<u>2010</u>	<u>2060</u>	<u>2110</u>
100 year	4.3 m AHD	4.7 m AHD	5.0 m AHD
500 year	4.7 m AHD	5.0 m AHD	5.9 m AHD

Based on the available contour information, the depth of flooding over the majority of the subject land (area with surface elevation less than 3 m AHD) during the 100 year ARI storm surge event at 2110 will be greater than 2 m. It is recommended that the Department of Planning be contacted for advice regarding the potential for rezoning and development of this land under the State Coastal Planning Policy.

The department considers that the general modelling approach of the hydrodynamic study undertaken for the DWMS is acceptable. This modelling conducted for the DWMS (Appendix 4) suggests that a maximum post-development afflux (increase in flood levels) of 0.1 m over the development site is expected during the 500 year ARI storm surge event.

In isolation this is considered to be within acceptable limits, however development of the Athol Street Precinct must be considered in the context of the overall East Port Hedland development area. Currently the only modelling of the entire East Port Hedland area which we are aware of is part of the Port Hedland Coastal Vulnerability Study (PHCVS).

This modelling was based on the conservative assumption that the entire East Port Hedland area is filled. The results of the PHCVS modelling indicate that complete development of East Port Hedland (shown in Figure 7 of the DWMS as Precinct 2.5a)

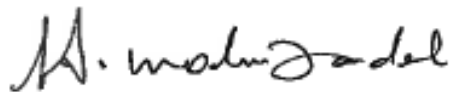
Pilbara Region
 Lot 4608 Cherratta Road KIE
 Karratha Western Australia 6714
 Telephone (08) 9144 2610
 www.water.wa.gov.au
 wa.gov.au

Village Development Boundary') would detrimentally impact upon the existing flooding regime of the area with an afflux of up to ~0.4 m AHD to the south-east of the development area. This modelling also showed an afflux of 1.1 m in the mouth of Pretty Pool Creek. These affluxes are greater than our normal recommended maximum allowable afflux.

Consequently, further modelling of the entire East Port Hedland Development with a more realistic final development filling scenario may be required to better assess its impact on flood levels in the area.

If you wish to discuss the above please, contact the Department of Water's Pilbara Office on 6364 6574.

Yours Sincerely



**Hamid Mohsenzadeh
Regional Manager
Department of Water
Pilbara Region**

8 April 2013

From: Walkerden, Norm F [Norman.F.Walkerden@team.telstra.com] on behalf of ! dev4perth [dev4perth@team.telstra.com]
Sent: Tuesday, 29 January 2013 11:21 AM
To: De Meillon Steve
Subject: ICR35556 - Application No. 2012/326 - Scheme Amendment No.58 - Athol Street to Pretty Pool Creek, Port Hedland

Categories: Red Category

Attn: Steve de Meillon

Ref: 2012/326 / 18/09/0070

APPLICATION NO. 2012/326 - SCHEME AMENDMENT NO.58 - ATHOL STREET TO PRETTY POOL CREEK, PORT HEDLAND

Thank you for the above advice. At present, Telstra Corporation Limited has no objection. I have recorded it and look forward to further documentation as the development progresses.

A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. or the Telstra Smart Community website: <http://www.telstra.com.au/smart-community/developers/>.

More information regarding NBN Co. can be found on their website <http://www.nbnco.com.au/>. I add this information about NBN Co. as it is not known when services will be available from NBNC Co. Telstra may provide services if NBN Co. cannot.

Please dial 1100 (Dial before You Dig) for location of existing services.

Regards,



Norm Walkerden - Strategic Forecaster

Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations

Postal: Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email:** Norman.F.Walkerden@team.telstra.com

11.1.1.8 Final Adoption of Proposed Scheme Amendment 62 to the Town of Port Hedland No. 5 to zone Lot 452 Morgans Street, Port Hedland from a “Community” (Health) Reserve to “West End Residential” (File No.: 18/09/0074)

Officer	Eber Butron Director Planning & Development
Date of Report	2 May 2013
Disclosure of Interest by Officer	Nil

Summary

At the Ordinary Council Meeting held on the 28 November 2012 Council resolved to initiate Scheme Amendment 62 to the Town of Port Hedland Town Planning Scheme No. 5.

Scheme Amendment 62 seeks to zone Lot 452 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential” including the following provisions:

- Residential Development shall be permissible to a yield equivalent to a residential density of R160.
- Includes ‘Shop’, ‘Showroom’ and ‘Take-away Food Outlet’ as additional developments and uses under Appendix 2 of the Town Planning Scheme No. 5.

The advertising period has concluded with a total of six (6) submissions received. Council is requested to consider adoption of the scheme amendment having addressed the concerns and conditions raised in the submissions received.

Background

The Site (Attachment 1)

Lot 452 Morgans Street, Port Hedland (the Site) comprises the now decommissioned Port Hedland hospital and associated buildings. Appendix 1 contains a Locality Plan.

The Site is located in the ‘West End’ area of Port Hedland, bound by Sutherland Street to the north, an undeveloped “Tourism” zoned property to the west, Morgans Street to the south and “West End Residential” zoned properties to the east.

The Site is currently zoned “Community” (Health) under the provisions of Town Planning Scheme No.5 (TPS5) and comprises an area approximately 3.5ha. The Site is located immediately south of the Spoilbank across Sutherland Street and approximately 1.3km west of the Port Hedland Town Centre.

The Amendment (Attachment 2)

Scheme Amendment 62 (the Amendment) seeks to amend TPS5 as follows:

- a. Rezone Lot 452 Morgans Street, Port Hedland from “Community” (Health) to “West End Residential”;
- b. Insert sub-clause 6.3.10 (b), “Residential Development on Lot 452 Morgans Street shall be permissible to a yield equivalent to the R160 density” and renumber existing sub-clause (b) and (c) as sub-clause (c) and (d), respectively;
- c. Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and
- d. Modifying Appendix 2 of TPS5 – “Additional Development and Uses” to include Lot 452 Morgans Street, Port Hedland into “Description of Land” with the additional uses of “Shop”, “Showroom” and “Take-away Food Outlet” and inserting “Development shall be in accordance with clause 6.3.10 (b)” under the conditions.

Consultation

The Amendment was publicly advertised in accordance with the provisions of the Planning and Development Act 2005.

Prior to commencing public advertising, the Amendment was sent to the Environmental Protection Authority (EPA) for environmental consideration. The EPA determined the scheme amendment should not be assessed under the *Environmental Protection Act 1986* but nevertheless provides the advice and recommendations addressed in Table 1 below.

Table 1 - EPA Advice and Recommendations

Advice/Recommendation	Response
<p data-bbox="392 271 544 300">Air Quality</p> <p data-bbox="392 342 820 595">The EPA recommends that the Town of Port Hedland consult the Department of Planning to ensure that this approach is acceptable within the land use planning legislation framework.</p> <p data-bbox="392 636 828 1066">With respect to the building design and performance standards, the EPA also suggests that it might be useful if the Town of Port Hedland report to the Port Hedland Dust Taskforce on the Town’s experience with implementing the standards to date and whether they are achieving the desired outcome.</p>	<p data-bbox="858 271 1010 300">Air Quality</p> <p data-bbox="858 342 1270 521">Developments within the “West End Residential” zone shall comply with dust mitigation requirements contained within TPS5.</p> <p data-bbox="858 562 1273 887">The amendment report identifies the requirements under Clause 6.3.9 of TPS5 may be varied, subject to a ‘dust mitigation’ report certifying the objectives of TPS5 will be achieved. The report shall be prepared by a suitably qualified engineer.</p> <p data-bbox="858 927 1278 1106">It was in consultation with the DoP that ‘dust mitigation’ certification was considered suitable to vary provisions under Clause 6.3.9 of TPS5.</p> <p data-bbox="858 1146 1297 1507">Town of Port Hedland and members of the Dust Task Force meet on a continual basis. The most recent meeting was held on 24 April 2013. Among other issues, the Town reported on its experience with applications within the “West End Residential” zone.</p>

<p>Mosquitoes</p> <p>The EPA recommends that the Town of Port Hedland ensure that it has sufficient resources to ensure the continued management of mosquitoes following the handover of responsibility from the developers and that new residents are warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on the property titles.</p>	<p>Mosquitoes</p> <p>The Town of Port Hedland currently undertakes a detailed mosquito management program that incorporates the areas in question. At this stage the Port Hedland West End Precinct is not considered a priority high risk area for mosquito prevalence as such Notifications on Title should not be required. When mosquito pressure increases throughout Port Hedland the Town undertakes comprehensive press releases to alert the community.</p>
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The Amendment was advertised and circulated as follows:

- North West Telegraph: 20 February – 3 April 2013
- Site signs: 20 February – 3 April 2013
- Council Website: 20 February – 3 April 2013

Written notification was sent to the following:

- All adjoining neighbours.
- Water Corporation.
- Department of Water.
- Department of Health.
- Department of Environment and Conservation.
- Department of State Development.
- Department of Transport.
- Horizon Power.
- Optus.
- Telstra.

A total of six (6) submissions were received during the advertising period. Three (3) submissions did not support the Amendment while three (3) provided advice but neither objected or supported the Amendment.

All submissions are addressed within the Schedule of Submissions contained under Attachment 3.

A brief summary of the submissions received is identified within Table 2 below:

	Respondent	Position
1.	Department of State Development (DSD)	Does not Support.
2.	Department of Health (DoH).	Does not Support.
3.	BHPBIO	Does not Support.
4.	Department of Environment and Conservation (DEC).	Neither objects nor supports.
5.	Horizon Power	Neither objects nor supports.
6.	Telstra	Neither objects nor supports.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

Section 5.7.1 | Precinct 1 – West End

Relevant Influences:

- Coastal foreshore environs and harbour.
- Primacy of the Port and its operations.
- Coastal parkland nodes / lookouts, landmark waterfront development.
- Noise and dust emissions particularly in proximity to existing developed urban areas.

Precinct Plan Summary:

- Short-stay accommodation limited residential development.

Implementation Indicators:

- Coastal hazard risk management and adaption planning for new development within areas identified as at risk of coastal erosion.
- Hazard risk management assessment and adaptation planning for all new developments identified as at risk of localised flooding and inundation.
- Ongoing dust & noise monitoring, and management of land use separation (including ongoing monitoring of dust and noise levels east of Acton Street and potential reviews of land use appropriateness).
- Precinct encapsulated in TPS5 as a ‘Development Plan’ area.
- Detailed investigations to identify and protect indigenous and non-indigenous heritage sites.
- Existing land use rights of residential landowners respected, whilst promoting increased awareness of future land use permissibility and development potential through consultation, development guidelines, local planning frameworks etc.
- Promotion of awareness of potential dust, noise and light impacts in the West End due to proximity of strategic port operations.
- A coordinated approach to transport planning through a strategic transport assessment for all major roads.

Proposed zoning:

- Short Stay Accommodation.

The following section of the Council’s Strategic Community Plan (SCP) 2012-2022 is considered relevant to the proposal.

6.2	Economic
6.2.1	Diverse Economy:
	Facilitate commercial, industry and town growth. Enhance supply of suitably located and supported industrial and retail land.
6.3	Environment
6.3.1	Housing
	Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013. Attract and retain new residents to increase the population to 40,000 by 2025.

Budget Implications

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

Officer's Comment

Location

The Site is located directly south of the Spoilbank across Sutherland Street and approximately 1.3km west of the Port Hedland Town Centre. The Site is identified as Precinct 1 – West End under the Growth Plan.

The Growth Plan outlines the desirability for Coastal parklands nodes / lookouts and landmark waterfront developments within the West End precinct. In addition the Growth Plan summarises the precinct shall be developed for short-stay accommodation and limited residential development.

At approximately 3.5ha, the site is the largest single landholding in the West End precinct. The size and location of the site adjacent to the Spoilbank and the proposed future Marina provides a unique residential development opportunity on the site.

Land Use(s) and Density

The Amendment seeks to zone the site to "West End Residential" with a density code of R160. In addition the Amendment will introduce "Shop", "Showroom" and "Take-away Food Outlet" land uses onto the site.

The "West End Residential" zone and proposed R160 density seeks to provide much needed availability and choice of residential land to achieve key strategic housing objectives. The proposed zoning and density responds to demand and affordability of housing in Port Hedland. The proposed R160 density is supported and justified due to the following:

- The site is a unique, landmark site positioned in a strategic location that warrants higher development.
- A higher residential density addresses the notion of the efficient use of land, which is a finite resource in Port Hedland.
- Is consistent with principles of sustainability and the Growth Plan vision of growing the population of Port Hedland to 50,000 by 2035.
- Providing diversity by achieving a balance so higher amenity locations can accommodate increased density, while land and housing supply continues to provide for families and those seeking traditional larger home sites.
- A density of R160 at the subject site is appropriate given the site's proximity to the proposed Spoilbank Marina (and associated commercial, residential and recreational development).
- The Council's approved Implementation Plan acknowledges the site as a land mark site suitable for a hotel and residential complex.
- The increased density is subject to building design and performance standards to mitigate dust.

The “Shop”, “Showroom” and “Take-away Food Outlet” land uses are supported due to the following:

- As the site is a unique, landmark/strategic site, development for mixed use purposes is appropriate.
- The site is located adjacent to the future Spoilbank Marina which is expected to include a range of commercial land uses.
- A mixed use development will provide street level commercial facilities (such as the proposed Additional Uses of ‘Shop’, ‘Showroom’ and ‘Take Away Food Outlet’) which will encourage/promote street level activation which would not be achieved with a residential only development.
- A variety of land uses at the subject site will ensure a redevelopment of the site will provide an interesting/attractive development that will enhance the urban fabric of the subject site and its surrounds.

Any proposed development on the site shall address but not be limited to, coastal hazards and risks, traffic impacts and dust mitigation.

In light of the above, the proposed land uses and residential density are supported.

Noise and Dust

The site is located on the northern boundary of the existing “West End Residential” zone. The “West End Residential” zone was created through Scheme Amendment 22 and updated into TPS5 on the 8 May 2012. The provisions implemented through Scheme Amendment 22, under Clause 6.3.9 of TPS5, included building design and performance standards for all residential developments. All applicants for residential development in the “West End Residential” zone are required to either achieve the design requirements under Clause 6.3.9 of TPS5, or provide ‘dust mitigation’ certification from a qualified engineer.

The proposed Amendment seeks to zone the site to “West End Residential” which includes the building design and performance standards under Clause 6.3.9 of TPS5.

In light of the above, the Amendment is consistent with the approved Scheme Amendment 22 provisions, proposing residential land uses in the West End precinct.

Contamination

The site is classified as “potentially contaminated – investigation required.” On advice from the Department of Environment and Conservation (DEC) the potential contamination issues at the site will be considered further at subdivision and/or development approval stage.

Attachments

1. Locality Plan.
2. Formal Amendment Document (Under Separate Cover)
3. Schedule of Submissions.
4. Copies of Submissions.

Options

1. Approve final adoption of Scheme Amendment 62 without modifications.

This option will allow the Amendment to be sent to the Western Australian Planning Commission for final endorsement.

2. Approve final adoption of Scheme Amendment 62 with modifications.

This option should be taken if Council considers the Amendment requires modifications. Any significant modifications may require additional advertising prior to final endorsement.

3. Refuse final adoption of Scheme Amendment 62.

This option should be taken if Council considers the Amendment is not consistent with the Town's statutory and strategic direction.

Option 1 is recommended.

201213/386 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

1. **Adopt for final approval Scheme Amendment 62 to the Town of Port Hedland Town Planning Scheme No. 5 without modifications as follows:**
 - a. **Rezone Lot 452 Morgans Street, Port Hedland from "Community" (Health) to "West End Residential";**
 - b. **Insert sub-clause 6.3.10 (b), "Residential Development on Lot 452 Morgans Street shall be permissible to a yield equivalent to the R160 density" and renumber existing sub-clause (b) and (c) as sub-clause (c) and (d), respectfully;**
 - c. **Amending the Scheme Maps accordingly to designate Lot 452 Morgans Street, Port Hedland as having a R160 residential density coding; and**

- d. **Modifying Appendix 2 of TPS5 – “Additional Development and Uses” to include Lot 452 Morgans Street, Port Hedland into “Description of Land” with the additional uses of “Shop”, “Showroom” and “Take-away Food Outlet” and inserting “Development shall be in accordance with clause 6.3.10 (b)” under the conditions.**
2. **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 Common seal; and**
3. **Forwards the three (3) signed and sealed copies of the Scheme Amendment 62 formal document, and associated documentation to the Western Australian Planning Commission for final approval.**

CARRIED 9/0

LOCALITY PLAN



Schedule of Submissions	
Issues	Comments
<p>External Agencies</p> <p>DSD</p> <p>1. The proposed R160 density is inconsistent with recommendations contained in the Port Hedland Air Quality and Noise Management Plan (Plan).</p> <p>The Plan recommends a residential density of R80 to prevent a "proliferation of very high density developments which could significantly increase the residential population of the area.</p> <p>Increasing the residential density to R160 would significantly increase population density in an area of elevated dust levels.</p> <p>An increase in density to R160 for the land subject to Amendment 62 could introduce a precedent allowing land currently zoned "West End Residential" to increase in density from R80 to R160, which would also be inconsistent with the recommendations in the Plan.</p> <p>The Department of State Development (DSD) recommends taking a precautionary approach to this issue, and does not support the increase in density from R80 to R160.</p> <p>2. DSD has a number of concerns regarding the Town of Port Hedland's interpretation and proposed implementation of the Scheme Amendment 22 design regulations.</p> <p>3. Page 10 of the Scheme Amendment Report outlines three</p>	<p>Chapter 6 of the Port Hedland Air Quality and Noise Management Plan (Air Quality Plan) provides recommendations. These recommendations are provided under the following headings:</p> <ul style="list-style-type: none"> 6.1.1 Health Risk Assessment and Analysis. 6.1.2 Environmental Management Controls. 6.1.3 Land Use Planning. 6.1.4 Industry Initiatives. 6.1.5 Governance. <p>The recommendations in regards to setting a R80 density are contained within Clause 6.1.3 of the Air Quality Plan. The recommendation reads:</p> <p><i>"improve land use planning outcome by finalising Amendment 22 and include the following modifications:</i></p> <ul style="list-style-type: none"> • <i>Building design and performance standards as identified in the CA & MJ Lommers.</i> • <i>A residential density cap of R80."</i> <p>In light of the above, it is considered that the R80 density cap was a specific recommendation to finalise Scheme Amendment 22. Scheme Amendment 62 addresses a different land area and should therefore be understood on its own merits.</p> <p>The R160 density proposed by Scheme Amendment 62 is supported due to the following:</p> <ul style="list-style-type: none"> • The Residential Design Codes (R-Codes) categorise both R80 and R160 codes as 'high density'. • Scheme Amendment 22 originally proposed no R-Code density

key objectives of Scheme Amendment 22, but contains no mention of protecting residents from exposure to dust, which DSD sees as the most important aspect of the building design restrictions contained in Amendment 22. DSD believes that the Scheme Amendment Report should recognize this objective.

for the "West End Residential". The recommendation from the Air Quality Plan with respect to capping density to R80 was to ensure very high density developments did not occur with the Scheme Amendment 22 area.

- Scheme Amendment 62 considers a significantly smaller and more focused land area than proposed through Scheme Amendment 22.
- Scheme Amendment 62 located adjacent to the future proposed marina, and is therefore suitably located for the increased density.

The same building design and performance standards implemented by Scheme Amendment 22 are proposed as part of Amendment No. 62. This means that, regardless of whether a development is constructed at a density of R80 or a density of R160, the same mitigation measures are required to be incorporated into the building's design to limit the impact of dust on a development. A lower residential density coding does not reduce the need for dust mitigation measures to be incorporated into developments within the "West End Residential" Zone.

Furthermore the EPA considered Scheme Amendment 62 including the proposed R160 density and decided not to require an environmental assessment, subject to advice.

The EPA advice regarding air quality was in regard to:

- The Town consulting with the Department of Planning in regards to approaches to addressing dust mitigation requirements under Clause 6.3.9 of TPS5, and
- The Town report to the Port Hedland Dust Taskforce on the Town's experience with implementing the standards to date and whether they are achieving the desired outcome.

Both of the EPA recommendations have been completed.

2. The interpretation and implementation of the Scheme Amendment 22

		<p>design regulations has been presented to the Dust Taskforce. The Dust Taskforce is generally supportive of the Town's current approach to implementing the Scheme Amendment 22 design regulations.</p> <p>3. Scheme Amendment 62 proposes the exact same building design restrictions as implemented through Scheme Amendment 22. The point of difference is that Scheme Amendment 62 allows a higher density.</p> <p>Clause 3.2.1.1 of the Scheme Amendment report suitably demonstrates that the building design restrictions contained in Amendment 22 will be applied through the proposed Scheme Amendment 62.</p>
<p>DEC</p>	<p>Air Quality Considerations</p> <ol style="list-style-type: none"> 1. Allowing R160 density coding in Amendment 62 could create a precedent, potentially leading to more people being exposed to high levels of dust as new developments are approved. 2. It is important that the Town of Port Hedland is aware of the area of land is the subject of a HRA and should in turn, be informing the developers and the community of this issue. <p>In the absence of a completed Health Risk Assessment (HRA) for Port Hedland, the Town of Port Hedland should consider the issue of increased housing density and the risks associated with exposing even more people to higher levels of dust.</p> <p>The results from the HRA, expected by the end of 2015, will enable the Dust Taskforce to make informed</p>	<p>Air Quality Considerations</p> <ol style="list-style-type: none"> 1. At approximately 3.5ha, the subject site is the largest individual landholding in the "West End Residential" Zone. As such, the rezoning of the subject site to a density of R160 will not set a precedent (or see the proliferation of R160 in the area) as each rezoning will be assessed on its own merits. The proposed R160 density at the subject site is appropriate and justified for the following reasons: <ul style="list-style-type: none"> • The subject site is a unique, landmark site positioned in a strategic location that warrants higher order development; • A density of R160 at the subject site is appropriate given the site's proximity to the proposed Spoil Bank Marina (and associated commercial, residential and recreational development). <p>Generally Scheme Amendment 62 takes advantage of its strategic location to address the following:</p>

<p>recommendations regarding the appropriateness of future residential developments in and around Port Hedland. In the interim, DEC advises that the Town of Port Hedland should seek further advice on this issue from DoH.</p> <p>Contaminated site management</p> <p>3. DEC advises that the potential contamination issues at this site will need to be considered further at subdivision and/or development approval stage.</p>	<ul style="list-style-type: none"> • A higher residential density addresses the notion of the efficient use of land, which is a finite resource in Port Hedland; • Maximising the development potential of the subject site (at R160) addresses the principles of sustainability; • A residential development at a density of R160 will provide much needed residential accommodation in Port Hedland; • A density of R160 at the subject site is consistent with the DRDL's 'Pilbara Cities' vision for Port Hedland – i.e. building the population of Port Hedland to 50,000 people by 2035 and growing Port Hedland into a more attractive, sustainable local community; and <p>2. The Town's Planning Unit is aware the Amendment area is the subject of a HRA. Clause 6.3.11 of TPS5 identifies that Council will consider any recommendations of any formal risk study undertaken by or endorsed by the Department of Health.</p> <p>The Town advises applicants on a case by case basis of the intent of the West End Residential provisions within TPS5.</p> <p>The same building design and performance standards implemented by Scheme Amendment 22 are proposed as part of Amendment No. 62. This means that, regardless of whether a development is constructed at a density of R80 or a density of R160, the same mitigation measures are required to be incorporated into the building's design to limit the impact of dust on a development. A lower residential density coding does not reduce the need for dust mitigation measures to be incorporated into developments within the 'West End Residential' Zone.</p> <p>In addition the EPA has considered Scheme Amendment 62 including the proposed R160 density and decided not to require an environmental assessment.</p> <p>Scheme Amendment 62 has been referred to the Department of</p>
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		<p>Health with comments provided separately with this Schedule of Submission.</p> <p>Contaminated site management</p> <p>3. Noted.</p>
<p>DoH</p>	<p>Wastewater Disposal</p> <p>1. Sewer and water connections are available to the subject lot and proposed developments are required to connect to these services in order to comply with the draft <i>Country Sewerage Policy</i>.</p> <p>Toxicological Assessment</p> <p>2. The DoH does not support application 2012/583 for Scheme Amendment 62 – the rezoning of Lot 452 Morgans Street Port Hedland with a R160 density.</p> <p>This is contrary to the decisions made by the Government's Port Hedland Dust Taskforce which recommended a density limit of R80. This limit was recommended specially to prevent the proliferation of very high density developments in the West End of Port Hedland where there is significant levels of that that have the potential to impact on public health.</p> <p>3. Until the HRA has been completed it is inappropriate to increase the density of the residential areas within the West End.</p> <p>Mosquito-borne Disease Control Programs and Services</p>	<p>Wastewater Disposal</p> <p>1. Noted.</p> <p>Toxicological Assessment</p> <p>2. The recommendations in regards to setting a R80 density are contained within Clause 6.1.3 of the Air Quality Plan. The recommendation reads:</p> <p><i>"Improve land use planning outcome by finalising Amendment 22 and include the following modifications:</i></p> <ul style="list-style-type: none"> • <i>Building design and performance standards as identified in the CA & MJ Lommers.</i> • <i>A residential density cap of R80."</i> <p>In light of the above, it is considered that the R80 density cap was a specific recommendation to finalise Scheme Amendment 22. Scheme Amendment 62 addresses a different land area and should therefore be understood on its own merits.</p> <p>The R160 density proposed by Scheme Amendment 62 is supported due to the following:</p> <ul style="list-style-type: none"> • The Residential Design Codes (R-Codes) categorise both R80 and R160 codes as 'high density'. • Scheme Amendment 22 originally proposed no R-Code density for the "West End Residential". The recommendation from the

	<p>4. The subject land is in a region that regularly experiences considerable problems with nuisance and disease carrying mosquitoes.</p> <p>The subject land is within 3km of mosquito dispersal distance from mosquito breeding sites. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions.</p> <p>There may also be seasonal freshwater mosquito breeding habitat within close proximity to the subject land.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> a. The Town of Port Hedland ensures they have sufficient resources to continue mosquito management for the future of the development following the handover of responsibility from developers; and b. New residents are warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on the property titles. <p>Health Impacts</p> <p>5. The Town of Port Hedland should use this opportunity to minimise potential negative impacts of increased density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.</p>	<p>Air Quality Plan with respect to capping density to R80 was to ensure very high density developments did not occur with the Scheme Amendment 22 area.</p> <ul style="list-style-type: none"> • Scheme Amendment 62 considers a significantly smaller and more focused land area than proposed through Scheme Amendment 22. • Scheme Amendment 62 located adjacent to the future proposed marina, and is therefore suitably located for the increased density. <p>At approximately 3.5ha, the subject site is the largest individual landholding in the 'West End Residential' Zone. As such, the rezoning of the subject site to a density of R160 will not set a precedent (or see the proliferation of R160 in the area) as each rezoning will be assessed on its own merits. The proposed R160 density at the subject site is appropriate and justified for the following reasons:</p> <ul style="list-style-type: none"> • The subject site is a unique, landmark site positioned in a strategic location that warrants higher order development; • A density of R160 at the subject site is appropriate given the site's proximity to the proposed Spoil Bank Marina (and associated commercial, residential and recreational development). <p>3. The EPA has reviewed Scheme Amendment 62, including the proposed R160 density and has determined that no environmental review is required.</p> <p>As outlined in the preceding point, Scheme Amendment 62 will implement the same dust mitigation requirements in TPS5 as established through Scheme Amendment 22.</p> <p style="text-align: right;">Mosquito-borne Disease Control Programs and Services</p>
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	<p>4. Scheme Amendment 62 has been referred internally to the Town's Environmental Health Services with the following comment provided:</p> <p>The Town of Port Hedland currently undertakes a detailed mosquito management program that incorporates the areas in question. At this stage the Port Hedland West End Precinct is not considered a priority high risk area for mosquito prevalence as such Notifications on Title should not be required. When mosquito pressure increases throughout Port Hedland the Town undertakes comprehensive press releases to alert the community.</p>
	<p style="text-align: center;">Health Impacts</p> <p>5. The assessment of potential negative impacts including noise, odour, light and other lifestyle activities need to consider design implications of any proposed development. The design and impact of the proposal shall be assessed through the Development Application assessment against all relevant statutory mechanisms.</p> <p>Any development proposed within the Amendment area will be subject to both Planning and Building assessment and approval.</p>
<p>Horizon Power</p>	<p>1. Horizon Power has no objection to the proposed Scheme Amendment change of Lot 452 Morgans Street, Port Hedland.</p>
<p>Telstra</p>	<p>1. A network extension will be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start.</p>
<p>Interested Landowners/businesses</p>	
<p>BHPBIO</p>	<p>1. Amendment 62 should not proceed. It is contrary to the objectives of TPS5, is inconsistent with orderly and proper town planning principles and will deliver an outcome that is not in the public interest.</p> <p>2. Dust and noise issues affecting Lot 452 are not sufficiently</p>

	<p>addressed in the Scheme Amendment Report in support of Amendment 22, and the Planning Officer's Report and Recommendations on Amendment 62.</p> <p>3. BHPBIO submits that public amenity issues associated with the combined dust and noise emissions from industry activity at Port Hedland have not been adequately considered in the Scheme amendment process to date.</p> <p>Planning Principles</p> <p>4. BHPBIO submits that Amendment 62 is inconsistent with relevant environmental, social and public policy considerations for the area (as outlined in the documents referred to in this submission) and should not proceed.</p> <p>Dust and Noise Management</p> <p><u>Air Quality</u></p> <p>5. BHPBIO submits that Amendment 62 should not apply residential density greater than TPS5 Amendment 22 allows.</p> <p>6. Planning scheme amendments to intensify residential development in the West End should not proceed until at a minimum the health studies are completed and considered.</p> <p><u>Noise</u></p> <p>7. Until such time as an integrated noise management program for all of industry has been prepared and implemented, BHPBIO submits that it would be against orderly and proper planning principles for Amendment 62 to proceed.</p> <p><u>Land Use Planning</u></p> <p>8. BHPBIO submits it would be contrary to the orderly and proper planning of the locality to progress Amendment 62 in the absence of the recommended development plan.</p> <p>Air Quality and Noise Modelling</p> <p><u>Air Quality</u></p> <p>9. BHPBIO undertook a review of the dust modelling in March 2012. This modelling confirms the 2009 modelling and</p>	<p>ultimately providing choice will be met particularly through improved housing diversity;</p> <ul style="list-style-type: none"> • provide diversity by achieving a balance so that higher amenity locations can accommodate increased density, while land and housing supply continues to provide for families and those seeking traditional larger home sites; and • meet the different needs of residents based on income, cultural background, family type or stages of life. <p>As outlined above, given the subject site is a unique, landmark site positioned in a strategic location that warrants higher order development, a density coding of R160 and the proposed additional land uses the subject of Amendment No. 62 are considered justified, appropriate and will achieve the high level strategic objectives of the Growth Plan (and its associated Implementation Framework). With respect to the additional uses proposed, we refer to the justification provided as part of the Scheme Amendment initiation reporting, being:</p> <ul style="list-style-type: none"> • As the site is a unique, landmark/strategic site, development for mixed use purposes is appropriate; • A mixed use development will provide street level commercial facilities (such as the proposed Additional Uses of 'Shop', 'Showroom' and 'Take Away Food Outlet') which will encourage/promote street level activation which would not be achieved with a residential only development; and • A variety of land uses at the subject site will ensure a redevelopment of the site will provide an interesting/attractive development that will enhance the urban fabric of the subject site and its surrounds. <p>2. Additional information to address dust and noise issues has been included within this schedule and the final adoption report.</p> <p>3. Additional information to address dust and noise issues has been</p>
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	<p>confirms Lot 452 is subject to significant dust levels. In the absence of completed studies on the health impact of dust, BHPBIO submits Amendment 62 should be considered on a precautionary basis.</p> <p>10. BHPBIO submits Amendment 62 is contrary to orderly and proper planning, and should not proceed until the studies on the health impact of dust is completed and considered in 2015.</p> <p><u>Noise Modeling</u></p> <p>11. BHPBIO preliminary noise modeling predicts that under normal conditions the combined noise levels from industrial activity at Port Hedland at Lot 452 would exceed the maximum noise levels permitted at a sensitive receptor. Accordingly, BHPBIO submits Amendment 62, which intensifies the adverse impacts associated with noise, should not proceed.</p> <p>12. Amendment 62 is also contrary to the principles of both the current and draft version of the State Planning Policy 4.1 – State Industrial Buffer Policy.</p> <p>13. Whilst it is acknowledged that there are existing residential premises within the buffer, Amendment 62 will only intensify sensitive land uses within the buffer.</p> <p>Pilbara's Port City Growth Plan</p> <p>14. Amendment 62 is contrary to the recommendations of the Growth Plan and BHPBIO submits should not proceed.</p> <p>Submission</p> <p>15. BHPBIO submits this proposal is contrary to the conclusions reached by various technical studies and reports, which are well researched and should be regarded.</p> <p>16. It is also contrary to the whole of government approach to management of potential land use conflict in Port Hedland.</p> <p>17. It is important to note the studies completed to date</p>	<p>included within this schedule and the final adoption report.</p> <p>Planning Principles</p> <p>4. Additional information to address the proposed amendment has been included within the final adoption report.</p> <p>Dust and Noise Management</p> <p><u>Air Quality</u></p> <p>5. The recommendations in regards to setting a R80 density are contained within Clause 6.1.3 of the Air Quality Plan. The recommendation reads:</p> <p><i>"Improve land use planning outcome by finalising Amendment 22 and include the following modifications:</i></p> <ul style="list-style-type: none"> • <i>Building design and performance standards as identified in the CA & MJ Lommers.</i> • <i>A residential density cap of R80."</i> <p>In light of the above, it is considered that the R80 density cap was a specific recommendation to finalise Scheme Amendment 22. Scheme Amendment 62 addresses a different land area and should therefore be understood on its own merits.</p> <p>The R160 density proposed by Scheme Amendment 62 is supported due to the following:</p> <ul style="list-style-type: none"> • The Residential Design Codes (R-Codes) categorise both R80 and R160 codes as 'high density'. • Scheme Amendment 22 originally proposed no R-Code density for the "West End Residential". The recommendation from the Air Quality Plan with respect to capping density to R80 was to ensure very high density developments did not occur with the
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	<p>represent interim findings.</p> <p>18. It is important to note the volume of ore exported through the port by all ports users is estimated to increase from current levels of 240 million tonnes per annum to an estimated 440 million tonnes per annum in 2017, thereby increasing the level of activity within close proximity to and adversely impacting Lot 452.</p> <p>19. BHPBIO submits it would be contrary to orderly and proper planning to approve an amendment to TPS5 that would promote residential development in areas that are likely to be subject to high levels of dust and noise.</p> <p>20. The Town's adopted Growth Plan, a Plan conceived to guide future planning decisions in Port Hedland, recommends no permanent residential accommodation in the West End of Port Hedland including Lot 452. Yet Amendment 62 proposes just that, and at one of the State's highest density codes.</p> <p>21. Amendment 62 should not proceed until the potential health impact of dust to the residents of Lot 452 is known.</p> <p>22. A decision on Amendment 62 should be applied based on the <i>precautionary principle</i>. The precautionary principle has been applied by local governments and the Western Australian Planning Commission in past decisions, and such decisions upheld by the State Administrative Tribunal on review where there is a threat of environmental damage and scientific uncertainty as to the extent of environmental damage.</p>	<p>Scheme Amendment 22 area.</p> <ul style="list-style-type: none"> • Scheme Amendment 62 considers a significantly smaller and more focused land area than proposed through Scheme Amendment 22. • Scheme Amendment 62 located adjacent to the future proposed marina, and is therefore suitably located for the increased density. <p>At approximately 3.5ha, the subject site is the largest individual landholding in the 'West End Residential' Zone. As such, the rezoning of the subject site to a density of R160 will not set a precedent (or see the proliferation of R160 in the area) as each rezoning will be assessed on its own merits. The proposed R160 density at the subject site is appropriate and justified for the following reasons:</p> <ul style="list-style-type: none"> • The subject site is a unique, landmark site positioned in a strategic location that warrants higher order development; • A density of R160 at the subject site is appropriate given the site's proximity to the proposed Spoil Bank Marina (and associated commercial, residential and recreational development). <p>6. The same building design and performance standards implemented by Scheme Amendment 22 are proposed as part of Amendment No. 62. This means that, regardless of whether a development is constructed at a density of R80 or a density of R160, the same mitigation measures are required to be incorporated into the building's design to limit the impact of dust on a development. A lower residential density coding does not reduce the need for dust mitigation measures to be incorporated into developments within the 'West End Residential' Zone.</p> <p>In addition the EPA has considered Scheme Amendment 62 including the proposed R160 density and decided not to require an</p>
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		<p>environmental assessment.</p> <p><u>Noise</u> 7. The amendment proposes a rezoning to "West End Residential". The provisions implemented through the amendment are consistent with the TPS5 provisions as proposed through the approved Scheme Amendment 22.</p> <p>In addition the amendment site is located further from the industry noise source than the "West End Residential" zone proposed through Scheme Amendment 22.</p> <p><u>Land Use Planning</u> 8. The "Community" (Health) zone is not listed under Clause 5.2.1 or contained with Appendix 5 of TPS5. Therefore the current TPS5 does not contain provisions to allow a Development Plan, as defined under TPS5, to be prepared over the site.</p> <p>The scheme amendment process involves further environmental considerations than required by a Development Plan. Namely, a scheme amendment is subject to an environmental review by the Environmental Protection Authority (EPA). The proposed Amendment was referral to the EPA with no requirement for an environmental review.</p> <p>Air Quality and Noise Modelling <u>Air Quality</u> 9. Addressed in Point 5 above. 10. Addressed in Point 5 above.</p> <p><u>Noise Modelling</u> 11. Addressed in Point 7 above. 12. In accordance with the State Planning Policy 4.1, the Amendment was sent to the EPA to determine if a formal assessment was required. The EPA did not require an environmental review.</p>
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<p>13. The Amendment is not within any defined buffer under the provisions of TPS5.</p>	
<p>Pilbara's Port City Growth Plan</p> <p>14. Additional information to address the proposed amendment in relation to the Growth Plan has been included within the final adoption report.</p>	
<p>Submission</p>	
<p>15. Addressed within the previous points above.</p>	
<p>16. No substantial measures provided. Specific issues have been addressed elsewhere in this schedule.</p>	
<p>17. Noted.</p>	
<p>18. Noted.</p>	
<p>19. Additional information to address dust and noise issues has been included within this schedule and the final adoption report.</p>	
<p>20. The Growth Plan is a high level strategic blueprint. The Growth Plan provides for short stay accommodation and limited residential development. The locational attributes and size of the Amendment site is considered suitable to provide residential development.</p>	
<p>The Implementation Plan is a supporting document which provides timeframes and accountability for projects within Port Hedland.</p>	
<p>The Implementation Plan identifies that the construction of a hotel and residential complex on the site in the next 2 years.</p>	
<p>21. Addressed in Point 5 above.</p>	
<p>22. Noted.</p>	

ATTACHMENT 4 TO ITEM 11.1.1.8



Government of **Western Australia**
Department of **Health**

Your Ref: 2012/583 / 18/09/0074
Our Ref: F-AA-19904 EHB13/434
Contact: Vic Andrich
Phone: 9388 4978



Document #: IPA37071
Date: 16.04.2013
Officer: LEONARD LONG
File: 18/09/0074 → Steve de Meillon

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

Attention: Steve De Meillon – Senior Strategic Planner

Dear Mr Osborne *Mal*

APPLICATION 2012/583 FOR SCHEME AMENDMENT 62 – REZONE LOT 452 MORGANS STREET PORT HEDLAND FROM 'COMMUNITY' (HEALTH) TO 'WEST END RESIDENTIAL' WITH AN R160 DENSITY

Thank you for your letter dated 21 February 2013 requesting comment from the Department of Health (DOH) on the above scheme amendment.

The DOH provides the following comment:

1. Wastewater Disposal

Sewer and water connections are available to the subject lot and proposed developments are required to connect to these services in order to comply with the draft *Country Sewerage Policy*.

2. Toxicological Assessment

The DOH does not support application 2012/583 for scheme amendment 62 - the rezoning of Lot 452 Morgans Street Port Hedland with a R160 density.

This is contrary to the decisions made by the Government's Port Hedland Dust Taskforce which recommended a density limit of R80. This limit was recommended specifically to prevent the proliferation of very high density developments in the West End of Port Hedland where there is significant levels of that that have the potential to impact on public health.

Currently the Government has commenced the process of undertaking a Health Risk Assessment (HRA) of the dust issues associated with the West End of Port Hedland.

Until the HRA has been completed it is inappropriate to increase the density of the residential areas within the West End.



Environmental Health
All Correspondence: PO Box 8172 Perth Business Centre Western Australia 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008
Telephone (08) 9388 4999 Fax (08) 9388 4955
wa.gov.au
ABN 28 684 750 332

3. Mosquito-borne Disease Control Programs and Services

The subject land is in a region that regularly experiences considerable problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases occur annually in this general locality. An additional risk in northern areas of WA is the rare, but potentially fatal Murray Valley encephalitis (MVE).

The subject land is within 3km of mosquito dispersal distance from mosquito breeding sites. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be seasonal freshwater mosquito breeding habitat within close proximity to the subject land. Additionally, there is the potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed.

Recommendation: The Town Planning Scheme amendment be approved based on the continued commitment of the Town of Port Hedland as follows:

- The Town of Port Hedland ensures they have sufficient resources to continue mosquito management for the future of the development following the handover of responsibility from developers; and
- New residents are warned of the risk of mosquito-borne disease and the potential for nuisance mosquitoes via an appropriately worded notification on the property titles.

4. Health Impact Issues

The Town of Port Hedland should use this opportunity to minimise potential negative impacts of increased density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues and they should be appropriately and adequately addressed at this stage.

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au.

Yours sincerely



Jim Dodds
DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

10 April 2013



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: 2012/583/18/08/0074
Our ref: DEC7088
Enquiries: Haley Wilson
Phone: 08 9182 2004
Fax: 08 9144 1118
Email: haley.wilson@dec.wa.gov.au



Mr Steve De Meillon
Senior Strategic Planner
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



Document #: IPA36918
Date: 10.04.2013
Officer: LEONARD LONG
File: 18/09/0074

SCHEME AMENDMENT 62 – REZONE LOT 452 MORGANS STREET, PORT HEDLAND FROM “COMMUNITY” (HEALTH) TO “WEST END RESIDENTIAL” WITH AN R160 DENSITY CODE

I refer to your correspondence dated 21 February 2013 in which you requested the Department of Environment and Conservation (DEC) provide comments on Scheme Amendment 62 to the Town of Port Hedland Town Planning Scheme No. 5. DEC has the following comments to make with respect to the proposed amendment:

Air quality considerations

As a member of the Dust Taskforce, DEC is generally supportive of any developments occurring in the Amendment 22 area, providing the relevant dust exposure design restrictions are complied with.

The proposal suggests that a housing density of R160 is appropriate given the site's proximity to the proposed Spoil Bank Marina. As the accommodation component of the marina is yet to be approved, allowing R160 density coding in Amendment 62 could create a precedent, potentially leading to more people being exposed to high levels of dust as new developments are approved.

This site is located within a part of Port Hedland that is exposed to higher than normal concentrations of dust. As such, in the absence of a completed Health Risk Assessment (HRA) for Port Hedland, the Town of Port Hedland should consider the issue of increased housing density and the risks associated with exposing even more people to higher levels of dust.

The Department of Health (DoH) has recently appointed a consultant to prepare the methodology for the Port Hedland HRA. Once complete, a further consultancy will be funded to undertake a comprehensive HRA for the area. It is important that the Town of Port Hedland is aware of the area of land that is the subject of a HRA and should in turn, be informing the developers and the community of this issue.

The results from the HRA, expected by the end of 2015, will enable the Dust Taskforce to make informed recommendations regarding the appropriateness of future residential developments in and around Port Hedland. In the interim, DEC advises that the Town of Port Hedland should seek further advice on this issue from DoH.

Pilbara Region
Lot 3 Cm Mardie & Anderson Roads, Karratha KIE WA 6714
Phone: (08) 9182 2000 Fax: (08) 9144 1118
PO Box 835, Karratha WA 6714
www.dec.wa.gov.au

Contaminated site management

Lot 452 Morgans Street, Port Hedland was classified as 'possibly contaminated – investigation required' under the *Contaminated Sites Act 2003* on 7 November 2011 and a memorial placed on the Certificate of Title. The classification is based on the findings from a soils and groundwater investigation that was reviewed by an Accredited Contaminated Sites Auditor and submitted to DEC on 22 September 2011.

The investigation detected hydrocarbons, heavy metals, pesticides and asbestos-containing materials in soils on the site at concentrations exceeding the Health-based Investigation Levels for residential properties with accessible soils and commercial and industrial sites, as published in 'Assessment Levels for Soil, Sediment and Water' (DEC, 2010). Groundwater investigations identified heavy metals and pesticides in groundwater at concentrations exceeding Australian Drinking Water Guidelines, as published in 'Assessment Levels for Soil, Sediment and Water' (DEC, 2010).

DEC advises that the potential contamination issues at this site will need to be considered further at subdivision and/or development approval stage. Under section 58 (6) of the *Contaminated Sites Act 2003*, the relevant planning authority (eg. the Western Australian Planning Commission or the relevant Local Government) is obliged to seek and take into consideration the DEC's advice on the suitability of the land for subdivision or development.

If you have any queries regarding this matter please call Haley Wilson at DEC Karratha Regional Office on 9182 2034.

Yours sincerely



Allisdair MacDonald
REGIONAL MANAGER - PILBARA

8 April 2013



Government of Western Australia
Department of State Development

Your ref: 2012/583
Our ref: S0478/201202
Enquiries: Nicky Cusworth - Ph 9222 0410
Email: nicky.cusworth@dcd.wa.gov.au

Steve De Meillon
Senior Strategic Planner
Town of Port Hedland
Civic Centre
McGregor Street
PO Box 41
Port Hedland, WA 6721

Attention: Mr Steve De Meillon

RE: APPLICATION 2012/583 FOR SCHEME AMENDMENT 62 - REZONE LOT 452 MORGANS STREET PORT HEDLAND FROM "COMMUNITY" (HEALTH) TO "WEST END RESIDENTIAL" WITH AN R160 DENSITY

Thank you for your letter dated 21 February 2013 requesting comments on Scheme Amendment 62.

The Port Hedland Air Quality and Noise Management Plan (the Plan) was developed through the coordinated efforts of relevant government agencies, including the Department of Planning and the Town of Port Hedland. The Plan recommended a number of restrictions on land use in the West End of Port Hedland, to mitigate the effects of high levels of dust in the area. The Town of Port Hedland then created the zoning 'West End Residential' through Town Planning Scheme Amendment 22 in April 2012 to facilitate these land use restrictions.

The area of land subject to Amendment 62 is located within the precinct of land zoned 'West End Residential', however Amendment 62 proposes a residential density of R160, whereas 'West End Residential' zoning has a maximum density of R80.

The proposed R160 density is inconsistent with recommendations contained in the Plan. The Plan recommends a residential density of R80 to prevent a "proliferation of very high density developments which could significantly increase the residential population of the area". Increasing the residential density to R160 would significantly increase population density in an area of elevated dust levels.

An increase in density to R160 for the land subject to Amendment 62 could introduce a precedent allowing land currently zoned 'West End Residential' to increase in density from R80 to R160, which would also be inconsistent with the recommendations in the Plan. The Department of State Development (DSD)

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wa.gov.au
ABN 90 199 516 954

recommends taking a precautionary approach to this issue, and does not support the increase in density from R80 to R160.

DSD also has a number of concerns regarding the Town of Port Hedland's interpretation and proposed implementation of the Scheme Amendment 22 design regulations. Page 10 of the Scheme Amendment Report outlines three key objectives of Scheme Amendment 22, but contains no mention of protecting residents from exposure to dust, which DSD sees as the most important aspect of the building design restrictions contained in Amendment 22. DSD believes that the Scheme Amendment Report should recognise this objective.

Because of these concerns, the Department of State Development does not support the proposed Amendment 62. If you require further information, please do not hesitate to contact me.



Joe Ostojich
A DEPUTY DIRECTOR GENERAL
STRATEGIC POLICY

9 April 2013

Iron Ore



BHP Billiton Iron Ore Pty Ltd
ABN 46 008 700 981
125 St Georges Terrace
Perth WA 6000 Australia
PO Box 7122 Cloisters Square
Perth WA 6850 Australia
Tel +61 8 6321 0000 Fax +61 8 6322 9678
bhpbilliton.com

3 April 2013

The Chief Executive Officer
Town of Port Hedland
By email: council@porthedland.wa.gov.au

Attention: Leonard Long, Manager Planning

Dear Sir,

**AMENDMENT 62 TO TOWN OF PORT HEDLAND TOWN PLANNING SCHEME NO.5
LOT 452 MORGANS STREET, PORT HEDLAND**

We refer to the Town of Port Hedland's (Town) letter dated 19 February 2013 inviting comment on proposed Amendment 62 (Amendment 62) to Town Planning Scheme No.5 (TPS5). This letter is notice of BHP Billiton Iron Ore's (BHPBIO) objection to Amendment 62.

We understand the purpose of Amendment 62 is to rezone Lot 452 Morgans Street, Port Hedland (Lot 452) from 'Community (Health)' to 'West End Residential' with a R160 density. Amendment 62 was initiated by the Town on 28 November 2012.

BHPBIO submits that Amendment 62 should not proceed. It is contrary to the objectives of TPS5, is inconsistent with orderly and proper town planning principles and will deliver an outcome that is not in the public interest.

Dust and noise issues affecting the Lot 452 are not sufficiently addressed in the Scheme Amendment Report in support of Amendment 62, and the Planning Officer's Report and Recommendations on Amendment 62 (in the Minutes from the Ordinary Council Meeting on 28 November 2012). The history of dust and noise issues in Port Hedland and the current Government position on these issues are relevant considerations for land use planning in the area.

If not handled correctly, land use conflicts in this area will raise significant issues for the Town from a management, compliance and potential civil liability perspective. BHPBIO submits that public amenity issues associated with the combined dust and noise emissions from industry activity at Port Hedland have not been adequately considered in the Scheme amendment process to date.

BHPBIO's submission is outlined in more detail below.



Document #: IPA36738
Date: 04.04.2013
Officer: LEONARD LONG
File: 18/09/0074

1 Introduction

BHPBIO is committed to supporting and working with the Town to achieve outcomes that benefit the community. In financial year 2012 BHPBIO invested more than AUD\$100M in accommodation facilities at Port Hedland and a significant portion of our more than A\$68M investment in community development programs was in Port Hedland.

BHPBIO has operated in Port Hedland for over 50 years and its Port operations are an integral component of our Western Australia Iron Ore business. The business has grown significantly in the last 10 years. The Company has approved investment of over US\$19B in its iron ore business since 2002 and has projects currently in execution of around US\$9B. BHPBIO shipped 172.8 million tonnes of Iron Ore from Port Hedland in financial year 2012. At the end of calendar year 2012 we commissioned car dumper 5 being the last major piece of infrastructure required to expand port capacity to 220 million tonnes per annum. We expect to match this capacity at our mines and broadly across our supply chain by financial year 2015. A significant proportion of BHPBIO's investment has been and will continue to be at Port Hedland, as we continue to investigate a range of options to expand port capacity well beyond 240 million tonnes per annum. It is critical to the long term success of BHP Billiton's Western Australia Iron Ore business that our port operations are not adversely impacted by competing land uses.

2 Planning principles

We refer you to Clause 9.7.4 of TPS5 which requires the Council to take into consideration any comments or submissions received in respect of a proposed amendment to TPS5 and only proceed with an amendment where it is satisfied that the amendment would be consistent with the objectives of TPS5 and would not be contrary to the public interest.

The objectives of TPS5 are contained in clause 1.5, and include to:

- encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity; and
- implement strategic planning for the municipality, including the recommendations of the State Planning Strategy and relevant regional planning strategies.

BHPBIO submits that Amendment 62 is inconsistent with relevant environmental, social and public policy considerations for the area (as outlined in the documents referred to in this submission) and should not proceed.

3 Dust and Noise Management

Dust and noise levels have historically been above currently accepted recommended levels. Over a number of years there have been coordinated attempts by the State Government and the Town to plan and act for long-term improvements to air quality and noise levels. In January 2009, the EPA in its *Environmental Protection Bulletin No.2 Port Hedland Noise and Dust* stated, in its opinion, the attempts to improve air quality and noise levels *"has not delivered integrated land use planning and management outcomes that will ensure acceptable air quality and noise levels are achieved in the future."*

"In addition to reducing dust emissions at source, better land zoning is required in order to more effectively manage the dust problem in Port Hedland in the long term. A land zoning system needs

to be developed based on dust contours and, in the zone most affected by dust, land use should be restricted to industrial only.” (EPA Bulletin 1427 page 8).

In response to the EPA's concerns, the State Government in May 2009 established the Port Hedland Dust Management Taskforce (Taskforce) comprising various regulatory bodies including the Town, the EPA, the Department of State Development, the Department of Health and various industry representatives including BHPBIO to review existing reports and develop an integrated dust and noise management plan. The Taskforce published its findings in the *Port Hedland Air Quality and Noise Management Plan* in March 2010, and included the following observations and recommendations in relation to air quality, noise and land use planning:

Air Quality

The national standard for the measurement of air quality is based on an urban environment and is not suited to the measurement of iron ore dust. There is currently insufficient data to undertake a quantitative risk assessment on the health effects of iron ore dust. The Taskforce recommends the adoption of an interim guideline measure for air quality of for PM₁₀ of 70µg/m³ (24 hour average) with 10 exceedences per year as the appropriate criteria for air quality management east of Taplin Street.

Dust modelling coupled with improvements in best practice dust management, show an overall reduction in areas affected by dust at Port Hedland, but much of the West End of Port Hedland including Lot 452 remains exposed to dust emissions.

BHPBIO is committed to improving dust management initiatives to reduce the impact of dust from BHPBIO operations to the air quality of the Town. BHPBIO operates under regulatory conditions that include a requirement to meet dust reduction targets set by the EPA and continues to focus efforts to ensure its operations are consistent with these requirements. Air quality is monitored regularly to measure progress in reducing dust levels over time.

The Taskforce recommended a precautionary approach to residential development in the West End while health studies led by the Department of Health are completed and considered. BHPBIO submits that Amendment 62 should not apply residential density greater than TPS5 Amendment 22 allows. Planning scheme amendments to intensify residential development in the West End should not proceed until at a minimum the health studies are completed and considered.

Noise

The Taskforce noted noise created by industrial activities has increased with the expansion by industry of port activities in Port Hedland. The Taskforce recommended the preparation of an integrated noise management program to provide:

- *Certainty and accountability for industries on what levels of noise emissions is acceptable into the future.*
- *Adequate protection for existing occupiers from the impacts of high environmental noise levels.*
- *A basis for land use planning zones, to allow new developments or redevelopments to be zoned appropriately.*

BHPBIO operates under regulatory conditions that require an approved noise reduction management plan in place. This noise reduction management plan ensures effective noise controls from BHPBIO but recognises that there is a cumulative effect of industry activity at Port Hedland. While noise management practices are generally effective, inadequate land-use zoning between the heavy industrial port and residences will continue to create conflict for industry, State and local Government. Until such time as an integrated noise management program for all of industry has been prepared and implemented, BHPBIO submits that it would be against orderly and proper planning principles for Amendment 62 to proceed.

Land Use Planning

In relation to the possible adverse health effects from iron-oxide crustal dust, the Department of Health has recommended two risk management strategies for managing exposure for people living in the West End of Port Hedland. In summary:

1. *'At risk' individuals should not reside permanently in the West End of Port Hedland.*
2. *As the potential health risk to permanent residents is unclear, and in order to prevent possible long-term health risks, reducing long-term dust exposure for all residents is a priority. Mitigation strategies may include short-term occupancies, such as fly-in-fly-out accommodation and commercial premises, or high-end developments such as hotel or holiday apartments.*

Having regard to the review of information available for air quality and noise levels in Port Hedland, the Taskforce recommended the preparation of a development plan for the entirety of the Port Hedland area, to:

- *identify sites for proposed new development within the entirety of Port Hedland;*
- *promote a predominance of future residential development opportunity in the more eastern areas of Port Hedland;*
- *identify appropriate locations in the West End of Port Hedland for the redevelopment of properties for the purpose of additional commercial premises, entertainment complexes and short stay accommodation facilities;*
- *provide greater detail regarding residential density, dwelling types and building design for all areas of Port Hedland; and*
- *prescribe additional planning controls that assist in addressing amenity issues associated with residing in those areas that have elevated noise and dust levels.*

The development plan has not been prepared. BHPBIO submits it would be contrary to the orderly and proper planning of the locality to progress Amendment 62 in the absence of the recommended development plan.

4 Air Quality and Noise Modelling

Using the results of the preliminary studies into the effects of dust and noise and the measurements of air quality and noise to date, preliminary modelling has been prepared to determine the extent of dust and noise levels.

Air Quality

Air quality modelling was undertaken in 2009 for the Port Hedland Port Authority's *Report for Outer Harbour Concept Fatal Flaw Analysis*. The modelling undertaken for this report indicated high levels of dust at Lot 452.

BHPBIO undertook a review of the dust modelling in March 2012. This modelling confirms the 2009 modelling and confirms Lot 452 is subject to significant dust levels. In the absence of completed studies on the health impact of dust, BHPBIO submits Amendment 62 should be considered on a precautionary basis. BHPBIO submits Amendment 62 is contrary to orderly and proper planning, and should not proceed until the studies on the health impact of dust is completed and considered in 2015.

Noise Modelling

A noise monitoring station has been recording noise levels at Lot 452 since 2004 and has been used by BHPBIO to develop preliminary noise modelling. The preliminary modelling predicts that under normal conditions the combined noise levels from industrial activity at Port Hedland at Lot 452 would exceed the maximum noise levels permitted at a sensitive receptor. Accordingly, BHPBIO submits Amendment 62, which intensifies the adverse impacts associated with noise, should not proceed.

Amendment 62 is also contrary to the principles of both the current and draft versions of the State Planning Policy 4.1 – State Industrial Buffer Policy. The EPA's Guidance for the Assessment of Environmental Factors June 2005 supports a Buffer Policy and clearly outlines the need to provide separation distances between industry and sensitive land uses. Amongst other buffers to specific industries, the document advocates a 1km to 2km buffer to "bulk material loading or unloading areas" which include "ore handling facilities". Lot 452 is located within the buffer. Whilst it is acknowledged that there are existing residential premises within the buffer, Amendment 62 will only intensify sensitive land uses within the buffer.

5 Pilbara's Port City Growth Plan

The Pilbara's Port City Growth Plan (Growth Plan) was prepared by the Town to provide a high-level strategic blueprint to facilitate the sustained growth of Port Hedland into Pilbara's Port City with a population of 50,000 people. The Growth Plan was adopted by the Western Australian Planning Commission as the Town's local planning strategy in July 2012.

Lot 452 is located within Precinct 1 of the Growth Plan, and is west of Acton Street. The Growth Plan provides the following scenario for growth of Precinct 1:

The Growth Plan advocates an ultimate/long term land use scenario retaining a 'West End Residential' land use east of Acton Street, with no permanent residential (short stay accommodation only) west of Acton Street. This results in a maximum dwelling capacity of 649 for Precinct 1, wholly contained in that area east of Acton Street.

The Scheme Amendment Report submits that Lot 452 should be zoned as 'West End Residential' and as such will be subject to strict criterion to achieve the objectives formulated to ensure 'new

residences are not developed in a manner that would attract residents at higher risk of respiratory issues associated with the dust issues characteristic of the West End (i.e. the young and elderly). However, the Growth Plan makes it clear that, in order to properly manage the impacts of dust, permanent residential accommodation is not to be permitted west of Acton Street.

As outlined in the WAPC's *Local Planning Manual*, an amendment to TPS5 must be in accord with the Growth Plan, as an adopted local planning strategy. The WAPC's *Local Planning Manual* provides the following:

The local planning strategy provides the strategic framework for the local planning scheme, and decision made under the scheme must generally conform with the local planning strategy.

Amendment 62 is contrary to the recommendations of the Growth Plan and BHPBIO submits should not proceed.

6 Submission

Amendment 62, if approved, would facilitate the development of approximately 70,000m² of additional permanent residential floorspace to the West End of Port Hedland, facilitating the development of at least 630 new dwellings and potentially as many as 1,000 new dwellings. BHPBIO submits this proposal is contrary to the conclusions reached by various technical studies and reports, which are well researched and should be regarded. It is also contrary to the whole of government approach to management of potential land use conflict in Port Hedland.

It is important to note the studies completed to date represent interim findings – a body of work is underway through the Taskforce and being led by the Department of Health to establish the health risks associated with exposure to dust, and to establish a management regime and improvements to reduce dust and noise emissions from port activities. It is important to note the volume of ore exported through the port by all port users is estimated to increase from current levels of 240 million tonnes per annum to an estimated 440 million tonnes per annum in 2017, thereby increasing the level of activity within close proximity to and adversely impacting Lot 452. Relevant approvals are in place for the majority of this increase.

In the context of high levels of dust and noise received at Lot 452, and with levels projected to remain at high levels for the foreseeable future, BHPBIO submits it would be contrary to orderly and proper planning to approve an amendment to TPS5 that would promote residential development in areas that are likely to be subject to high levels of dust and noise. The Town's adopted Growth Plan, a Plan conceived to guide future planning decisions in Port Hedland, recommends no permanent residential accommodation in the West End of Port Hedland including Lot 452. Yet Amendment 62 proposes just that, and at one of the State's highest density codes.

The study into the potential health impact of dust being led by the Department of Health is not scheduled to be completed until 2015. Amendment 62 should not proceed until the potential health impact of dust to the residents of Lot 452 is known.

A decision on Amendment 62 should be applied based on the *precautionary principle*. The precautionary principle has been applied by local governments and the Western Australian Planning Commission in past decisions, and such decisions upheld by the State Administrative Tribunal on review where there is a threat of environmental damage and scientific uncertainty as to the extent of environmental damage. See, for example, the matter between Wattleup Road Development

Company Pty Ltd and WAPC [2011] WASAT 160, where the precautionary principle was applied to the refusal of a subdivision potentially affected by dust emissions from a residue disposal area.

7 Summary

BHPBIO submits Amendment 62 should not proceed, for the reasons set out in this submission. In summary:

- Amendment 62 facilitates the development of permanent residential accommodation at Lot 452, at a far higher high density than currently permitted.
- Lot 452 is currently affected by elevated levels of dust and noise.
- Even with best practice measures being implemented, future anticipated growth in activity at Port Hedland has the potential to increase dust and noise levels at Lot 452.
- The potential health impacts of exposure to dust are not fully known. A health risk assessment study led by the Department of Health is due for completion in 2015. Amendment 62 should not proceed until the findings are known and properly considered.
- Rezoning the site to allow permanent residential accommodation is contrary to the recommendations of the Taskforce published in the *Port Hedland Air Quality and Noise Management Plan*, which states:

"As the potential health risk to permanent residents is unclear, and in order to prevent possible long-term health risks, reducing long-term dust exposure for all residents is a priority."

- Amendment 62 is inconsistent with the Growth Plan, which, as the Town's adopted local planning strategy, states:

"The Growth Plan advocates an ultimate/long term land use scenario retaining a 'West End Residential' land use east of Acton Street, with no permanent residential (short stay accommodation only) west of Acton Street."

- Amendment 62 is contrary to orderly and proper planning, and should not proceed.

BHPBIO would appreciate the opportunity to discuss its comments further with you and we also request the opportunity to make representations to any meeting at which this matter is considered. I would be pleased if you would contact me in order to organise a suitable time to discuss this important matter.

Yours sincerely



Mark Donovan
Head of External Affairs
BHP Billiton Iron Ore



Your Ref: 2012/583
Enquiries: Ray Deall
Telephone 9173 6201

PO Box 314
PORT HEDLAND WA 6721
ABN 57 955 011 697

8th March 2013

Steve DeMeillon
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Steve

RE: APPLICATION 2012/583 FOR SCHEME AMENDMENT 62 – REZONE LOT 452 MORGANS STREET PORT HEDLAND FROM "COMMUNITY" (HEALTH) TO "WEST END RESIDENTIAL" WITH AN R160 DENSITY.

Thank you for your enquiry concerning the above Scheme Amendment.

Horizon Power has no objection to the proposed Scheme amendment change of Lot 452 Morgans Street, Port Hedland.

If I can be of any further assistance or should you have any queries please call me direct on the details above.

Yours sincerely

Ray Deall
Network Asset Management Coordinator

De Meillon Steve

From: Walkerden, Norm F [Norman.F.Walkerden@team.telstra.com]
Sent: Monday, 11 March 2013 10:40 AM
To: De Meillon Steve
Subject: ICR36230 - Application No. 2012/583 - Scheme Amendment No.62 - Lot 452 Morgans Street, Port Hedland

Categories: Red Category
SynergySoft: ICR36230

Attn: Steve de Meillon

Ref: 2012/583 / 18/09/0074

APPLICATION NO. 2012/583 - SCHEME AMENDMENT NO.62 - LOT 452 MORGANS STREET, PORT HEDLAND

Thank you for the above advice. At present, Telstra Corporation Limited **has** no objection. I have recorded it and look forward to further documentation as the development progresses.

A network extension will be required for any development within the **area** concerned, the owner/developer will have to submit an application before construction is due to start to NBN Co. or the Telstra Smart Community website: <http://www.telstra.com.au/smart-community/developers/>.

More information regarding NBN Co. can be found on their website <http://www.nbnco.com.au/>. I add this information about NBN Co. as it is not known when services will be available from NBNC Co. Telstra may provide services if NBN Co. cannot.

Please dial 1100 (Dial before You Dig) for location of existing services.

Regards,



Norm Walkerden - Strategic Forecaster
Forecasting & Area Planning, Fixed and Access Engineering, Network and Access Technology, Telstra Operations
Postal: Locked Bag 2525 Perth WA 6001 **Phone:** 08 6224 6272 **Email:** Norman.F.Walkerden@team.telstra.com

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11.1.1.9 Proposed Initiation of Scheme Amendment No. 63 to the Town of Port Hedland Town Planning Scheme No. 5: Rezone Various Portions of Land Surrounding the South Hedland WWTP and Portion of Lot 510 Cooke Point Drive to 'Public Purpose – Waste Water Disposal and Treatment' (File No.: 18/09/0076)

Officer **Jorine Bothma**
Senior Strategic Planner

Date of Report **22 May 2013**

Disclosure of Interest by Officer **Nil**

Summary

Council received a request from TPG on behalf of the Water Corporation to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)* to rezone various portions of land surrounding the South Hedland WWTP and Portion of Lot 510 Cooke Point Drive to 'Public Purpose – Waste Water Disposal and Treatment'.

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

Background

The purpose of the rezoning application is to ensure that the WWTP and associated services are located on appropriately reserved land and to respond to updated odour modelling associated with the intended expansion of the South Hedland WWTP.

The WWTP located at Cooke Point will ultimately be decommissioned and all wastewater will be redirected to the expanded WWTP at South Hedland to allow for the development of approximately 2,500 new residential dwellings.

The lot details and title particulars are tabled below as follows:

Lot Number	Reserve Number	Primary Interest Holder
Portion of Lot 6067 Shoata Road	31687	Reserve under Management Order- Water Corporation
Lot 4508 Shoata Street	31687	Reserve under Management Order- Water Corporation
Portion of Lot 340 Shoata Road	n/a	Unallocated Crown Land-State of WA

Lot 300 Shoata Road	31687	Reserve under Management Order-Water Corporation
Lot 6086 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Lot 6066 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Lot 6035 Shoata Road	31687	Reserve under Management Order-Water Corporation
Lot 341 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Lot 342 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Portion of Lot 343 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Portion of Lot 356 Quartz Quarry Road	31687	Reserve under Management Order-Water Corporation
Portion of Lot 510 (Cooke Point Pumping Station)	30768	Town of Port Hedland

Consultation

RDA Pilbara

Scheme Amendment 63 also proposes the following amendment to TPS 5 as shown below:

“7.4 Waste Water Treatment Plant Special Control Area

7.4.1 When considering application for planning approval within the Waste Water Treatment Plant Special Control Area, Council shall have regard to the:

- a) Compatibility of the development within the operations of the treatment plant; and*
- b) Impact of the proposal on the operations of the treatment plant.*

7.4.2 When determining applications for planning approval within the Wastewater Treatment Plant Special Control Area, Council may approve, with or without conditions, or refuse a proposal for reasons relevant to the operations of the treatment plant.”

And replace it with the text as shown below:

“7.4 Waste Water Treatment Plant Odour Buffer Special Control Area

7.4.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid incompatible or odour sensitive land use or development being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town’s treated waste water.

7.4.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within a Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.

7.4.3 The Waste Water Treatment plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:

- a) Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from waste water treatment plant;*
- b) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;*
- c) Obtain and have regard to the advice and recommendations of the Water Corporation, Department of Environment and Conservation, Western Australian Planning Commission and any policies related thereto;*
- d) Impose conditions as appropriate on any planning approval to attenuate or minimize odour and noise impacts; and*
- e) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.”*

Consultation

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

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 5: Environment

Goal number 2: Natural Resources

Other Actions 2: Water Planning

This Scheme Amendment will facilitate residential development once the WWTP at Point Cooke is decommissioned.

Pilbara Port City Growth Plan, 2012

The following section of the "Pilbara Port City Growth Plan, 2012" is considered relevant to the proposal:

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

Pilbara Port City Implementation Plan

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

Section 8.1 Infrastructure Capacity

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

Pilbara Planning and Infrastructure Framework, 2012

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

Budget Implications

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

Officer's Comment

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

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

Odour Emission

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

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

Buffer Area

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

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment.

Council may initiate the Scheme Amendment as it is in line with the vision of the Pilbara Port City Growth Plan. The Scheme Amendment will bring the zoning of the land in conformity with the current land use as WWTP. Furthermore it will update the buffer around the South Hedland WWTP to accommodate for its expansion once the Cooke Point WWTP is decommissioned.

2. If it considers the proposed rezoning to be contrary to the orderly and proper planning of the area or for substantive reasons, Council may decline the initiation of the Scheme Amendment.

Refusal to initiate would inhibit further development of the Cooke Point WWTP for urban development and ability to ongoing housing demand.

Option 1 is recommended.

Attachments

1. Location Plan
2. Scheme Amendment Documentation (Under Separate Cover)
3. Locality map of WWTP on Cooke Point Drive

201213/387 Officer's Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Dziombak

That Council:

1. Pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No.63 to the Town of Port Hedland Town Planning Scheme No.5 to:

- a. Rezone various portions of land surrounding the South Hedland WWTP and Portion of Lot 510 Cooke Point Drive to 'Public Purpose – Waste Water Disposal and Treatment' various;
- b. Formalise the odour buffer associated with the proposed expansion of the South Hedland Waste Water Treatment Plant as a Special Control Area (SCA);
- c. Amend Section 7.4 of the Scheme-Waste Water Treatment Odour Buffer Special Control Area- to read as follows:

“7.4 Waste Water Treatment Plant Odour Buffer Special Control Area

7.4.1 The purpose of identifying the Waste Water Treatment Plant Odour Buffer is to avoid incompatible or odour sensitive land use or development being established within the odour buffer, and to protect the long term operation of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's treated waste water.

7.4.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed use or development within a Waste Water Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.

7.4.3 The Waste Water Treatment plant and its associated infrastructure may create odour and/or noise nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:

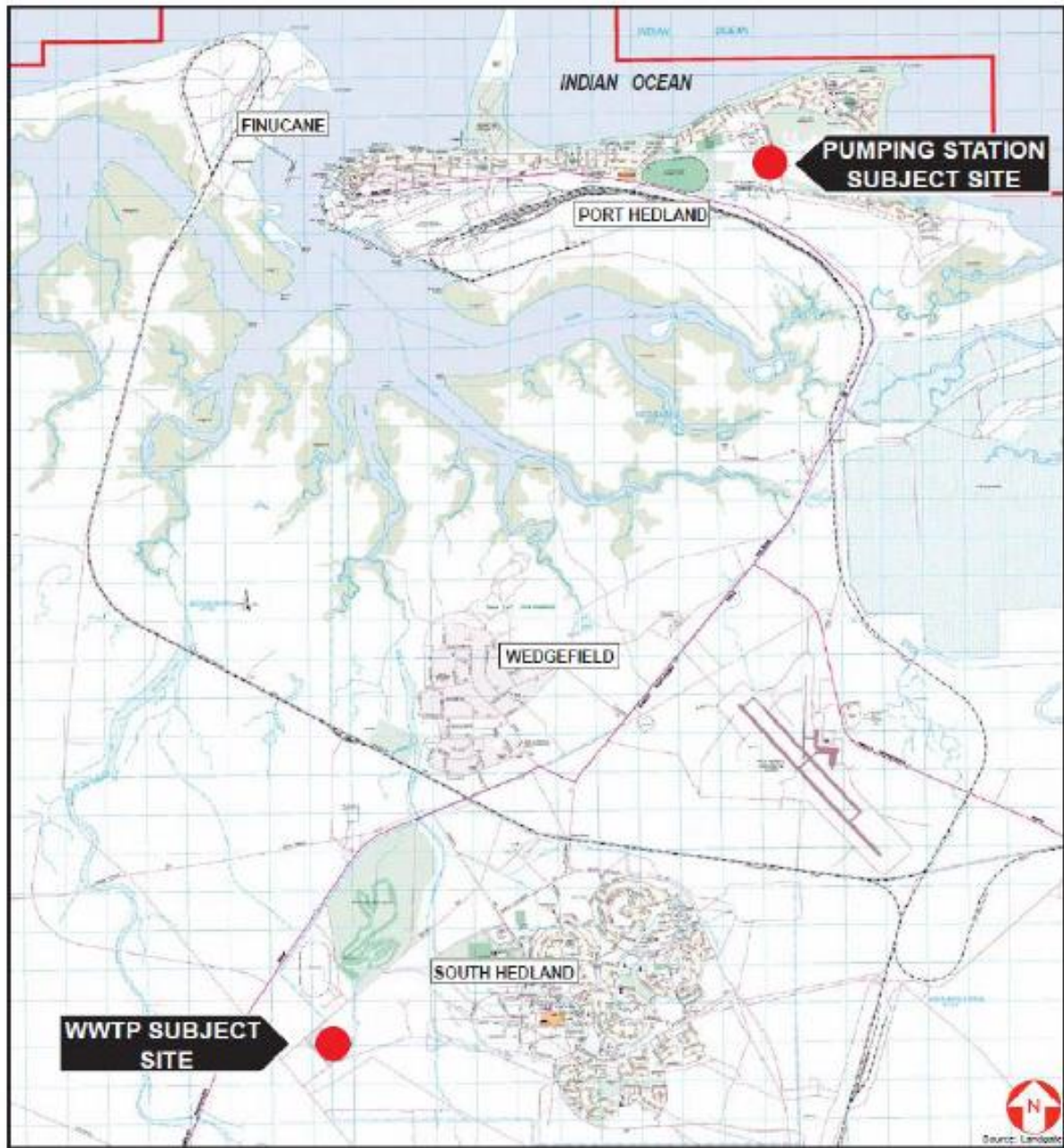
- i) Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from waste water treatment plant;
- ii) Consider whether the use or development would have a detrimental impact on the long term operation of the waste water treatment plant;
- iii) Obtain and have regard to the advice and recommendations of the Water Corporation, Department of Environment and Conservation, Western Australian Planning Commission and any policies related thereto.
- iv) Impose conditions as appropriate on any planning approval to attenuate or minimize odour and noise impacts; and
- v) Not approve any application for land use or development within the buffer that would suffer unacceptable impacts from odour or noise emissions, or which by its nature may adversely impact on the continued operation of the waste water treatment plant.”

d. Amend the Scheme map accordingly.

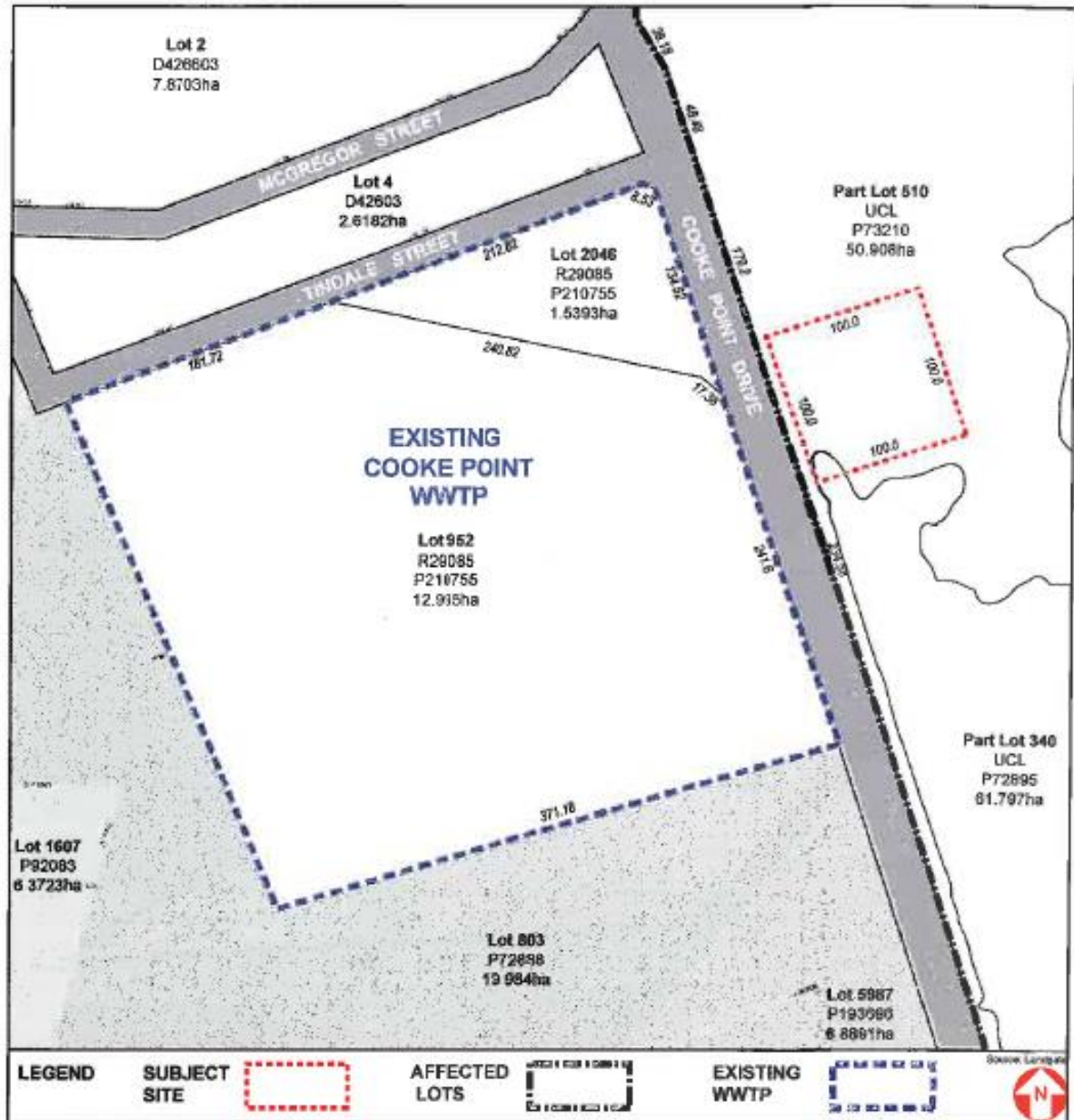
2. Forward Amendment No. 63 to the Town of Port Hedland Town Planning Scheme No.5 to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005; and
3. Should confirmation from the EPA indicate the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the *Town Planning Regulations 1967 (as amended)* for a period of 42 days.

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.9



ATTACHMENT 3 TO ITEM 11.1.1.9



11.1.1.10 Proposed Surrender of Easement – Lot 5162 on Deposited Plan 182506 Colebatch Way, South Hedland (File No.: 115841G)

Officer Julie MacMile
Lands and Technical
Officer

Date of Report 16 May 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Landcorp seeking the surrender of an Easement over Lot 5162 on Deposited Plan 182506 to facilitate a land exchange between Landcorp and Perpetual Limited (Charter Hall) (the owners of the South Hedland Shopping Centre). The portion of Lot 5162 subject to this easement now comprises the constructed road “Rason Link” (refer Attachment 1).

Council is requested to agree to surrender the easement as it is no longer required to facilitate the access and carparking over Lot 5162.

Background

The Town currently holds the benefit of the Easement (Right of Carriageway and Carparking) over the site as shown on attachment 2. As part of the South Hedland Town Centre redevelopment a road (Rason Link) has now been constructed over the site and the easement is no longer required for access or carparking.

Consultation

Nil

Statutory Implications

The *Transfer of Land Act 1893 (as amended)* facilitates the Surrender of Easements.

Policy Implications

Nil

Strategic Planning Implications

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

Budget Implications

Nil

Officer's Comment

The South Hedland Town Centre redevelopment has resulted in the construction of a new road, over portion of Lot 5162, allowing access into the shopping centre carpark.

A portion of the newly constructed road (over Lot 5162) is now the subject to a land exchange between Landcorp and Perpetual Limited (Charter Hall). The Easement (for access and carparking), currently burdening Lot 5162, is now redundant and must be formally surrendered.

Council has the following options in relation to this proposal

1. Approve the Surrender of Easement over Lot 5162 on Deposited Plan 182506 Colebatch Way, South Hedland

This will facilitate the land exchange between Land Corp and Perpetual Limited.

Or

2. Refuse to surrender the Easement over Lot 5162 on Deposited Plan 182506 Colebatch Way, South Hedland

The land exchange between Land Corp and Perpetual Limited will not occur if the property remains burdened by this easement and may compromise the redevelopment of the South Hedland Town Centre.

Attachments

1. Land Exchange Plan
2. Plan showing Easement for Right of Carriageway and Carparking

201213/388 Officer's Recommendation / Council Decision

Moved: Cr Carter

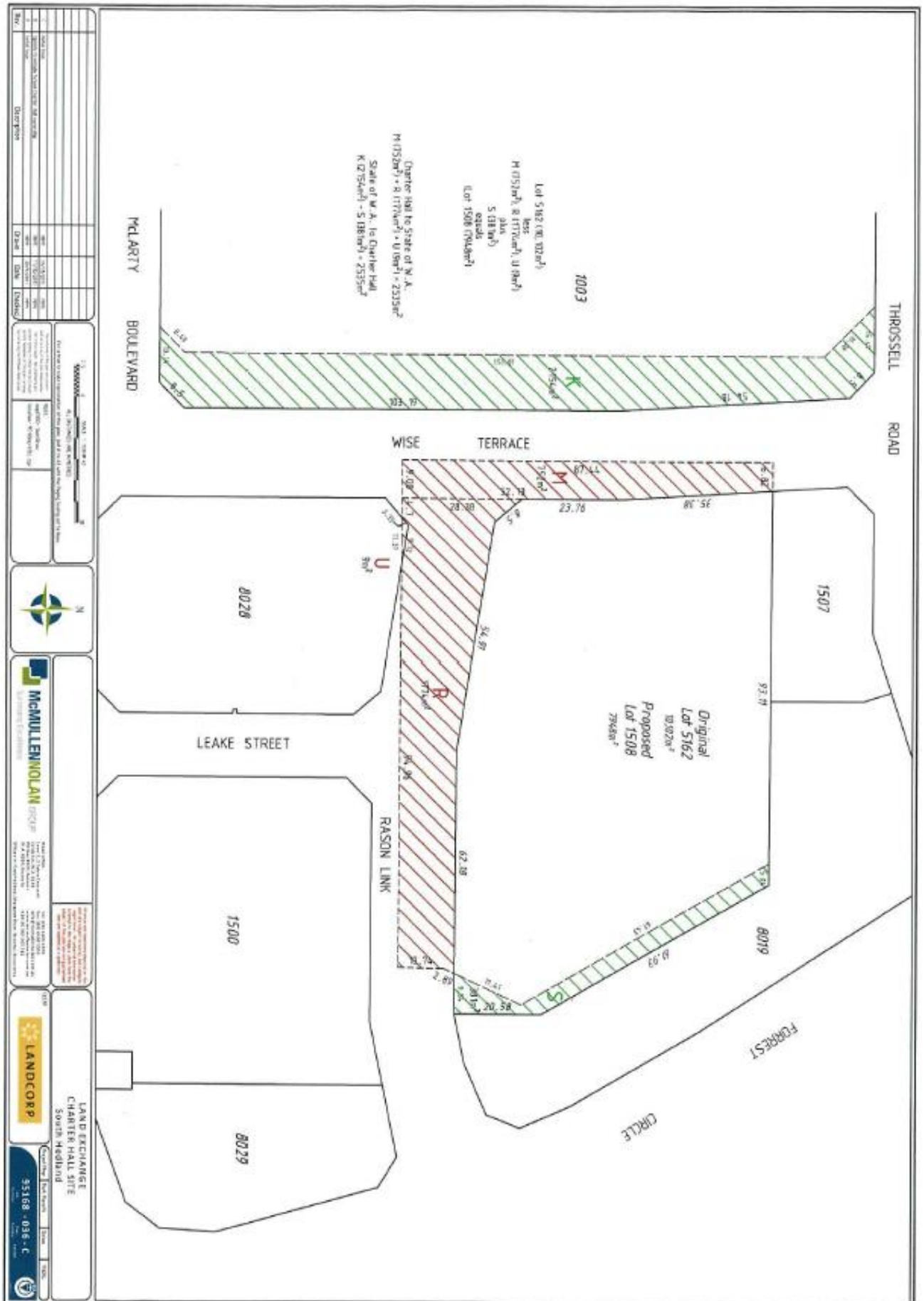
Seconded: Cr Daccache

That Council:

1. **Approve the Surrender of Easement of Lot 5162 on Deposited Plan 182506 Colebatch Way, South Hedland;**
2. **Authorise the Chief Executive Officer or his delegate to arrange for the signing and sealing of the Surrender of Easement document; and**
3. **Advise Landcorp of point 1.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.1.10



Lot	Area (m ²)	Area (acres)	Area (hectares)
1	10823	2.65	10.823
2	10823	2.65	10.823
3	10823	2.65	10.823
4	10823	2.65	10.823
5	10823	2.65	10.823
6	10823	2.65	10.823
7	10823	2.65	10.823
8	10823	2.65	10.823
9	10823	2.65	10.823
10	10823	2.65	10.823
11	10823	2.65	10.823
12	10823	2.65	10.823
13	10823	2.65	10.823
14	10823	2.65	10.823
15	10823	2.65	10.823
16	10823	2.65	10.823
17	10823	2.65	10.823
18	10823	2.65	10.823
19	10823	2.65	10.823
20	10823	2.65	10.823

Scale: 1:1000

North Arrow

McMILLENNOLAN GROUP

LANDCORP

LAND EXCHANGE
CHARTER HALL SITE
South Hobart

35166 - 036 - C

McMILLENNOLAN GROUP

LANDCORP

35166 - 036 - C

ATTACHMENT 2 TO ITEM 11.1.1.10

Easement Details



7:07pm Councillor Jacob declared a financial interest in item 11.1.1.11 'Request to Support Granting of a Right of Access Easement over Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512)' as she is the Director of the applicant.

7:08pm Mayor Howlett declared a financial interest in item 11.1.1.11 'Request to Support Granting of a Right of Access Easement over Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512)' as her partner works for Home Hardware.

Mayor Howlett and Councillor Jacob left the room.

Councillor Daccache resumed the chair.

11.1.1.11 Request to Support Granting of a Right of Access Easement over Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512)

Officer **Leonard Long
Manager Planning
Services**

Date of Report **16 May 2013**

Disclosure of Interest by Officer **Nil**

Summary

The Town received a request from Veruka Enterprises Pty Ltd for Council to support the creation of a "Right of Way Access" easement over Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512). The easement is linked to the proposed refurbishment of Lot 202 Byass Street, South Hedland into a new Home Hardware store, replacing the existing store on Byass Street.

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

Background

Veruka Enterprises Pty Ltd recently entered in an agreement to purchase Lot 202 Byass Street, South Hedland with the owners. The purchase of the land is intended to provide for the full refurbishment of the premises into a new Home Hardware store, replacing the existing store on Nairn Street.

Veruka Enterprises Pty Ltd has outlined the following in their proposal:

1. The new store will be substantially improved on the existing, including larger retail and trade areas and potentially a new café;

2. Existing buildings, parking and landscaping will also receive improvements. A preliminary site plan has been prepared and is attached;
3. For vehicular circulation of trade and service vehicles to work effectively, access to the rear of the premises is extremely important. It ensures the front area remain for retail users of the store, separating 'back door' deliveries and pick-ups by wholesalers and trades.

Lot 202 backs onto an existing drainage reserve restricting rear access. The drainage reserve (Crown Reserve 37447) was created for the purpose of drainage and is under management to the Town of Port Hedland.

It has been proposed to use a portion of the reserve to provide a trade/service access route to the rear of the store via a crossover from Mitchie Crescent.

Consultation

Should Council support the request, the Department of Lands will undertake consultation as part of their processes.

Statutory Implications

The creation of the easement is subject to the Land Administration Act 1997 which is the responsibility of the Department of Lands.

Policy Implications

Nil

Strategic Planning Implications

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth

Budget Implications

All costs will be borne by Veruka Enterprises Pty Ltd in relation to the on-going construction and maintenance of the access way.

Officer's Comment

A similar proposal was previously supported by the Town of Port Hedland in relation to the development of the land adjoining Lot 202 Byass Street, South Hedland. An approximate 10m area of the reserve was excised from the drainage reserve and amalgamated into the site to provide rear services areas and car parking. Excising land is a time consuming procedure and would delay the refurbishment of the proposed for Lot 202. It is however, anticipated that the area of the easement will be excised and be incorporated into Lot 201 and 202.

A detailed assessment of the impact on the operation of the drainage reserve has been provided in support of the request. The report, completed by Cardno who are the authors of the Port Hedland Coastal Vulnerability Study, shows that the construction of the access way will not have any impact on the functionality of the district drainage network.

Details of the design of the access way, including any culvert to cross the main drain can be addressed through the planning application which will be required to be obtained prior to any development occurring in the drainage reserve or on Lot 202.

The proposed use of the Lot 202 as a 'Showroom' is a use that may be permitted on the site and therefore the development may be approved by council subject to compliance with the Town Planning Scheme and detailed consideration of an application for planning approval. The application process will provide the opportunity to assess all potential impacts in much greater detail, including traffic movement and circulation.

Attachments

1. Location Plan
2. Draft Site Plan Lot 202 Byass Street
3. Preliminary Deposited Plan

201213/389 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Hunt

That Council:

1. **Supports the request from Veruka Entreprises Pty Ltd to creation of a "Right of Way Access" easement over Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512) in favour of Lot 201 and Lot 202 Hedditch Street, subject to the following conditions:**
 - a. **Any costs associated with the easement shall be at the cost of Veruka Entreprises Pty Ltd;**

- b. Prior to the commencement of any works, Veruka Entreprises Pty Ltd shall submit civil engineering drawings for approval by the Manager Planning Services;
 - c. Prior to the commencement of works Veruka Entreprises Pty Ltd shall indemnify the Town for any works in the Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512), against any damage that may occur as a result of construction or ongoing maintenance. Veruka Entreprises Pty Ltd shall take out Public Liability Insurance in the amount of \$20 million for all works within Crown Reserve 37447 (Lot 6075 on Deposited Plan 220512); and
 - d. Prior to the commencement of works Veruka Entreprises Pty Ltd shall enter into and conclude a maintenance agreement with the Town of Port Hedland.
2. Authorises the Chief Executive Officer or his delegate to forward all the necessary documents to the Department of Regional Development and Lands, requesting the registration of the easement as described in attachment 2.

CARRIED 7/0

7:08pm Mayor Howlett and Councillor Jacob reentered the room and resumed their chairs. Councillor Daccache advised them of Council's decision.

ATTACHMENT 1 TO ITEM 11.1.1.11

NO. _____ AMOUNT _____ APPROVED BY _____ DATE _____	FOR INTEREST PURPOSES ONLY	
--------------------------------------------------------------	----------------------------	--

PRELIMINARY

Boundary B

TYPE	..... EASEMENT AND/OR OTHER INTEREST OVER LOT 6075 ON DP 220512
PURPOSE	..... INTERESTS
PLAN OF	.....

DISTRICT	..... 1000000	SCALE	..... 1:1000
TOWNSHIP	..... PORT PHILAND	SCALE BAR	.....
LOCAL AUTHORITY	..... TOWN OF PORT PHILAND	INDEX	.....
LOCALITY	..... SOUTH HIGHLAND	FIELD BOOK	.....

DISTRICT: 1000000 TOWNSHIP: PORT PHILAND LOCAL AUTHORITY: TOWN OF PORT PHILAND LOCALITY: SOUTH HIGHLAND	SCALE: 1:1000 ALL DIMENSIONS ARE IN METERS SURVEYING CONVENTION - ANGLES SURVEYING CONVENTION - CURVES	DISTRICT: 1000000 TOWNSHIP: PORT PHILAND LOCAL AUTHORITY: TOWN OF PORT PHILAND LOCALITY: SOUTH HIGHLAND	SCALE BAR INDEX FIELD BOOK
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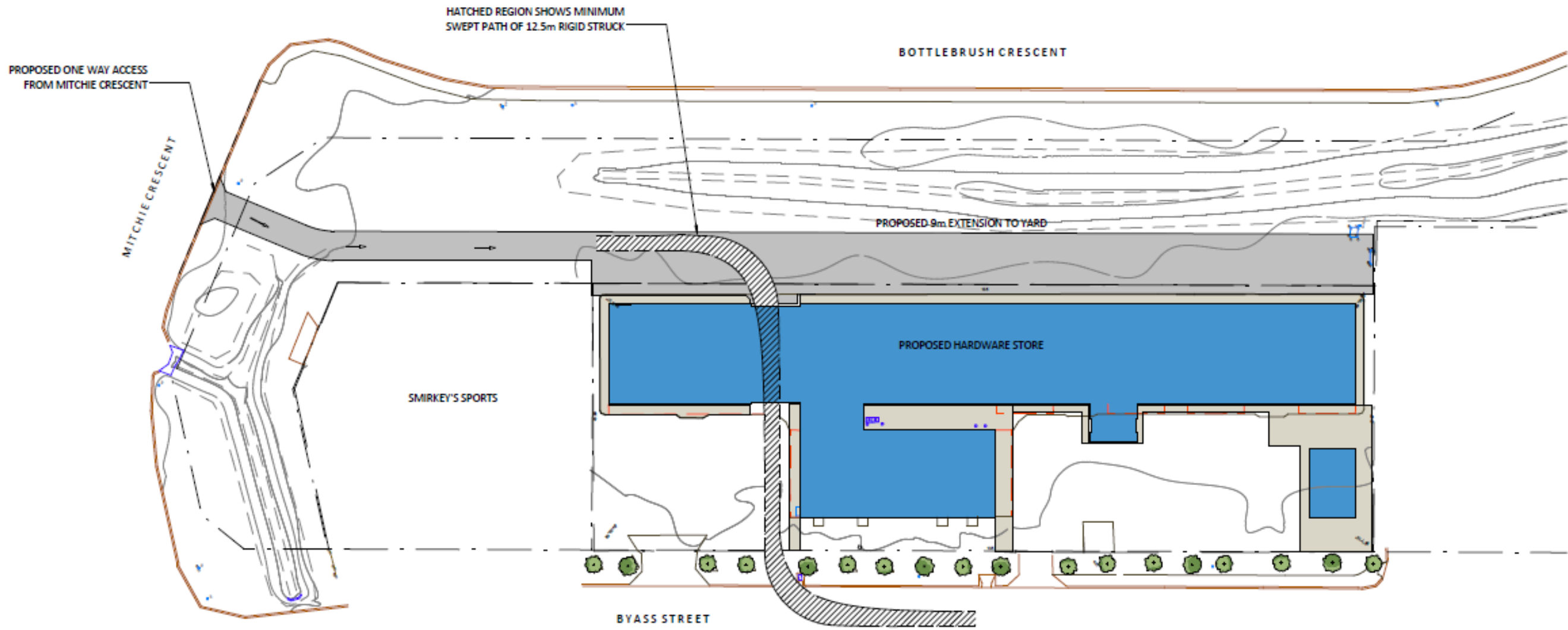
CLIENT
DATE
PROJECT
APPROVED

DEPOSITED PLAN	77335
SHEET

INITIAL INTERESTS			
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN
①	RIGHT OF CARAVANWAY		1986 PLAN
LAND SUBSISTED	BENEFIT TO	COMMENTS	
LOT 6075	LOTS 6075 & 602		

Land Surveys
 No Problems Just Solutions
 15566507

Landgate
 Western Australia
 Department of Planning, Lands and Heritage



1 Locality Plan
1 : 750



A: 11 Malvern St, West Perth 6005
P: 08 9226 2226 ADM: 08 210 358 428
E: admin@dcpm.com.au

REV	DATE	DESCRIPTION
A	16/05/13	For Approval

CLIENT Home Hardware
PROJECT ADDRESS Lot 202 Byass St, South Hedland

DRAWING TITLE
Locality Plan
PROJECT TITLE
Home Hardware South Hedland

DRAWN: CW	SCALE: 1 : 750	AT A3
CHECK:	PANEL MARK	REV
PROJECT No. 13020	SK01	A

11.1.2 Economic and Land Development Services**11.1.2.1 *Request for Proposals JD Hardie Centre (Part of Reserve 41675) Land Development Project (File No. 130019G)***

Officer David J. Westbury
Manager Economic Development and Strategy

Date of Report 10 May 2013

Disclosure of Interest by Officer Nil

Summary

This report makes the recommendation for Council to authorize a Request for Proposals (RFP) for an approximately 8,600 square metre (m²) property located adjacent to the JD Hardie Centre Part Lot 5991 on Cottier Deposited Plan 219898 within Recreational Reserve 41675.

Background

At the meeting on the 22 February 2012 the Town of Port Hedland Council approved the excision and acquisition of a section of Recreational Reserve 41675 for land development purposes. Subsequently, a business plan was prepared and submitted to the Department of Regional Development and Lands (RDL) identifying other recreational reserves in the immediate vicinity and identifying this property as surplus.

RDL appears likely to approve the acquisition via Clause 25 of the "Government Land Policy Manual-Policy No. 04.0105", colloquially known as the "5% policy" when a development plan is completed.

On the 18 February 2013 the parcel was appraised by the State of Western Australia at its unimproved value totaling \$2,970,000.00. This acquisition was approved by Council on 6 March 2013 for the price of \$135,000 which is 5% of the unimproved market value.

Consultation

- Concept Forum, Elected Members 24 April 2013
- Planning and Development
- Active Open Space Strategy, final report September 2011
- Government Land Policy Manual-Policy No. 04.0105

Statutory Implications

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

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

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

Policy Implications

Nil

Strategic Planning Implications

Council's Strategic Community Plan 2012-2022 identifies Strategic Themes and Performance Indicators relating to Workforce and Land Development Projects including the following:

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.

6.3 Environment

6.3.1 Housing

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

6.4 Local Leadership

6.4.3 Capable

Attract, develop and retain a productive and effective workforce to deliver the Strategic Community Plan.

Budget Implications

This specific item will only incur costs in relation to advertisement, administrative and legal advice.

Officer's Comments

Currently the Town of Port Hedland is experiencing a severe staff housing shortage and is paying high rental rates on the open market. As a result, the Town is attempting to develop properties to alleviate the need to privately rent properties. If Council approves, it is the intension of Town Officer's to seek to amend the Town's Planning Scheme to change the permitted land-use from a combination of Reserve "Parks and Recreation" and "Residential R20" to "Residential R40". This will allow a great deal of flexibility which will enable developers to be creative and provide a variety of housing types. The RFP will require quality design and also require that the site layout is to be compatible with other adjacent properties.

Several different development scenarios can be pursued in relation to the 8,600 square metre property adjacent to the JD Hardie Centre.

Build the Development as ToPH Staff Housing

The Town could and has recently designed and constructed developments for staff housing and retained ownership. This would require substantial capital and would create a Town of Port Hedland employee neighborhood which is not recommended in the Staff Housing Strategy.

Expression of Interest

An Expression of Interest is used to gauge the commercial interest in a property and gain an understanding of the potential uses for the property and provide feedback to the Town on the opportunities, expectations and costs to the Town, to enable the Council to make an informed decision as to the future of the property. Following the receipt of the Expression of Interest, one of three processes could follow, namely:

- A public tender;
- A select group tender from those who expressed an interest; and
- A private treaty negotiation, if the Town receives one expression of interest that meets the relevant criteria.

The potential outcome is undeterminable until the expression/s of interest have been received.

Request for Proposals

An RFP allows the Town to assess development proposals in a much timelier manner while still ensuring that the objectives of Council are achieved. By eliminating the Expression of Interest step, Council will still be able to assess the development proposals against the criteria that would normally be obtained in a two-step process and proceed with the development as soon as all of the statutory obligations are completed.

It is important to note, at this point that none of these options are mutually exclusive and staff should and will pursue any transaction which provides creative solutions to the staff housing issue.

A RFP allows Council to enter into any number of development scenarios having thoroughly tested the market with a full picture of the properties possibilities/potential.

Private Treaty

A Private Treaty is permissible under the Local Government Act 1995 and has been used by the Town recently for projects such as the development of the Kingsford Business Park. In this case, the Town was approached by Heaton Investments who were keen to enter into such an arrangement. The Town's Officers completed an analysis of the proposal and determined issues that were outstanding and may be undesirable. Should Council decide to go through a public process such as EOI or RFP it does not prevent Heaton Investments from submitting a proposal via those processes.

Attachments

1. Locality Map

201213/390 Officer's Recommendation / Council Decision**Moved: Cr Dziombak****Seconded: Cr Jacob****That Council:**

1. **Acknowledges Heaton Investments proposal and invites them to participate in the Request for Proposal process;**
2. **Direct the Chief Executive Officer, or his delegate, to prepare and advertise a "Request for Proposals" for the property in accordance with the provisions of the Local Government Act 1995 Section 3.5.7;**
3. **Pursuant to Part 5 of the Planning and Development Act 2005, initiate a Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5 to:**
 - a. **Rezone portion of Reserve 41675 (JD Youth Centre) located adjacent to Cottier Drive, South Hedland from Reserve "Parks and Recreation" and "Residential R20" to "Residential R40"**
 - b. **Forward the amendment as described at 3A above to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005; and**
 - c. **On confirmation from the EPA that indicates the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the Town Planning and Regulations 1967 (as amended) for a period of 42 days.**

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.1.2.1



11.1.2.2 Request for Proposal: Solar Farming on 100ha_ Precinct 4 and southeast corner of Kingsford Business Park (File no.: A800280 & A800290)

Officer Brie Holland
Economic Development &
Strategic Planning
Coordinator

Date of Report 8 May 2013

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council approval to issue a request for proposal (RFP) for solar farming on Port Hedland International Airport land.

The RFP is to lease two sites totalling 100 hectares for 25 years (ten years, plus three options of five years). The sites include 80 hectares at Precinct 4 northwest of the airport and 20 hectares on the southeast corner of Kingsford Business Park.

A solar farm on these sites would be Australia's largest solar farming project and have the capacity to produce more than 60 megawatts – supplementing some of of Port Hedland's current electricity requirements. Establishing a solar farm of this magnitude would establish Port Hedland as a renewable energy hub for Australia, exploiting its dry climate and latitude for clean energy production and diversifying the region's economy.

Background

In early 2013 the Town of Port Hedland received two separate requests from Lyons Capital and Sun Brilliance to lease a combined total of 69 hectares (ha) for the purpose of solar farms at its Airport via private treaty. Noting the interest for solar farms, internal discussions resolved that the best way to dispose of the land would be to issue a Request for Proposal which will enable the Town to offer other interested parties a chance to forward a proposal and increase the best outcome for the Town.

Two key sites for solar farming have been identified on Town- owned land at the Airport. Precinct 4; part lot 2443 on Plan 42443 North West (approximately 80ha) and part lot 2443 on Plan 212197 southeast (approximately 20ha) of the Airport have been identified as ideal areas for the land use of solar farming, noted as a light industry. Solar farming is noted light industry, both the PHIAMP and the Port Hedland City Growth Plan's supports solar farming within Precinct 4 and the southeast corner of the Kingsford Business Park.

Like water, electricity too is becoming a scarce and increasingly expensive resource in the Pilbara. Currently Port Hedland is provided its electricity from the North West Interconnected System (NWIS) electricity power station in Karratha. The Town of Port Hedland has the chance of securing access to a green renewable energy source in order to accommodate its increasing population's need for electricity via a RFP process on part of its airport land identify for solar farming.

Please see Attachment 1 and 2 for the indicative sites put out for the RFP.

Consultation

External

- Department of Finance

Internal

- Director of Planning and Development
- Manager of Airport Operations
- Manager of Investment and Business Development
- Manager of Economic Development and Strategic Planning
- Coordinator of Economic Development and Strategic Planning
- Officer of Planning
- Senior Officer of Strategic Planning

Statutory Implications

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

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

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

Policy Implications

Nil

Strategic Community Plan Implications

Council's Strategic Community Plans 2012 - 2022

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.
Create local employment and investment and diversity the economy.
Enhance supply of suitably located and supported industrial and retail land.
Work closely with businesses to achieve sustainable economic growth and a broad economic base.
Encourage entrepreneurship through local programs, including business incubation, business advisory, local investment funds, and other programs geared toward generating new products, services and businesses.

Budget Implications

The report seeks authorisation to issue an RFP. This specific item will only incur costs in relation to advertising expected to be less than \$1,500.

The Town received a valuation on potential solar farm use in April 2013. This indicated a value per square metre per annum for land within the southeast area. Based on this valuation it is anticipated that the proposed land disposal has the potential to generate a reasonable revenue per annum. In addition the Town may have the ability to purchase subsidized power for the Town's operations which could lead to significant savings over time.

If Council chooses any proponent after the RFP evaluation process, then the sites will be subject to a field survey and preparation of a plan of excision from the parent lots at a total cost estimated to be \$15,000 - \$20,000.

Officer's Comment

Port Hedland International Airport Master Plan

The master plan was endorsed by Council and provides a planning framework for future development of the airport. It recommends that solar farming is suitable for Precinct 4. As the area has hydrological and access issues, passive uses (such as solar farming) which require little traffic and access are suitable, as long as there is no impact to air traffic (i.e. no reflective glare).

The master plan also recommends that Precinct 3 (Kingsford Business Park) be utilised for industrial land use purposes. Solar farming is an example of a light industry use.

Pilbara's Port City Growth Plan

A key opportunity in the Pilbara Port City Growth Plan, endorsed by Council and the Western Australian Planning Commission, states the potential for more sustainable methods of power generation to be employed (e.g. solar). The plan also specifically highlights Precinct 4 and the southeast corner of the Kingsford Business Park being utilised for light industry and general industry purposes. Solar farming is an example of this recommendation.

The Town Planning Scheme 5

Both Precinct 4 and the southeast corner of the Kingsford Business Park are zoned 'Airport'. Solar farming is considered a passive light industrial use thus according to the TPS5 is labeled an 'IP' use which requires Council's permissibility for that particular land use.

20ha Southeast of the Kingsford Business Park

It will be ensured that that actual surveyed location of the 20ha of land proposed southeast of the Kingsford Business Park will be placed in a position between the proposed BHP TWA area and the area set aside for a Department of Defence base to ensure that both particular areas will not be impacted as a result of this proposal.

Port Hedland Growth Model and the Department of Finance comments

The AEC Group recommended in the Growth Model that one of the four keys to securing economic diversity beyond being labeled a 'resource boom town' was the development of unique capabilities. Solar farming may not be a unique industry as such but it is a unique energy industry to the Pilbara and 100ha of land put up for a RFP for solar farming would be Australia's largest solar farming project to date, according to the States' Department of Finance (responsible for programming the State's energy initiatives). Not only would it be Australia's largest solar farming project, on a world scale it would be considered a large solar farming project – labeled large on the basis of having the capacity to produce more than 50MW.

Solar farms in the North of Western Australia: scale of this proposal

The nearest solar farms in the North of Western Australia can be found in Exmouth, Onslow, Canarvon and Broome but on a much smaller scale. The Solex Caravan Solar/Wind Farm in Caravan, privately owned by Alexander Fullarton is the closet solar farm to the Pilbara and has won numerous energy efficient awards from the State Government and Horizon Power. The farm generates 61.5kW or 61,500 watts of electricity and is also considered a tourist attraction. It should be noted that the proposal to release 100ha via lease of land at the Airport has the potential to generate 60+MW of electricity or 60,000,000 watts of electricity calculated on previous expression of interest proposals.

Council should note that a wind farm as a part of the proposal has not been considered due to the height restrictions regulated by the Civil Aviation Safety Authority and Air Services Australia.

Horizon Power

In late 2012 Horizon Power announced that it would be installing a gas turbine to its power station, the NWIC in Karratha. The NWIC services all residents and businesses in both Karratha and Port Hedland and the addition of a gas turbine was fitted to increase the station's output by 20MW to 160MW, to cover the current demand of 122MW and the current forecasted short term demand. If Council approves the RFP for releasing 100ha via lease for solar farming and based on a previous expression of interest received; .6MW can be produced per ha: it has the potential of generating 60+MW of electricity – which has the potential of servicing all of Port Hedland's current electricity needs.

The Town can still be reliant on feeding from the NWIC to a degree however, it can be assured of its access to clean energy to accommodate its growing population electricity needs at a cost which will not be borne by the State or the Town. It should be noted that increasing the NWIC capacity by 20MW cost the State \$43.5 million dollars. This proposal will not cost the State any more nor the Town anywhere near a fraction of that amount. It is proposed that the Town will actually receive revenue via lease arrangements and have its own electricity requirements subsidised.

Qualitative Criteria and assumptions to be addressed; including not exclusive to the following:

- Demonstrated experience in operating a similar development in context of the setting;
- Delivery model: ensuring the timing and capacity of the entity making the proposal to complete the project;
- Methodology of financing the project;
- Base lease return to the Town for the lease period of a total of 25 years: 10 + 5 + 5 + 5 years;
- Additional power subsidies offered to the Town to offset against its current power usage; including but not limited to all of its assets including the airport for the lease period of 25 years;
- The Town is not willing to enter into any exclusive agreement with a single party;
- Memorandum of understanding that power generated is on sold under a long term agreement;

- Proposal to include details of the use of local industry goods and services;
- It is the respondent's responsibility to ensure that all regulatory requirements (operational parameters and land use controls) of the Federal Government mandated by the Civil Aviation Safety Authority and Airservices Australia are met in relation to their proposal;
- It is the respondent's responsibility to investigate all issues associated with developing the site for a solar farm including; cyclone prone area, cost of connection to the substation via transformer, access for construction and maintenance, flooding and other issues that may affect the site;
- The respondent will be encouraged to investigate the potential of cost sharing: regulatory fencing and connection to nearby electrical substation, with any neighboring potential proponents; and
- The respondent will be encouraged to investigate all possible State and Federal Government incentives available in the form of grants, rebates and feed-in-tariffs that may be applicable.

Conclusion

The broad objective of this development is to diversify the Town of Port Hedland's economy by developing a sustainable energy industry. Guaranteed access to utilities such as water and electricity cannot be taken for granted particularly in the Pilbara. As electricity prices rise and installation costs fall people in general are turning to installing solar panels on their homes to subsidise the increasingly expensive but essential energy source. Reliance on electricity won't change but the method of generating it can. Attitudes towards solar farming have come a long way.

People are more educated on the positives of solar farming as a means to generate electricity and the two main attributes are: clean energy generation and cost effectiveness. This project should be seen as necessary piece of the puzzle which needs to be fitted to ensure the energy requirements of the Town's current and future population will be met without having to worry about the 100's of millions of dollars required to build another traditional power station. Utilising land recommended for solar farming at the Airport is one of the main Town's due diligences in ensuring the best use of the land for its current and future community.

Council has the option of rejecting this scenario and following an alternative scenario using an Expression of Interest process to identify alternative uses for the two sites identified. This is not recommended.

Attachments

1. Southeast area of Kingsford Business Park;
2. Precinct 4, as described in the Port Hedland International Airport Master Plan (PHIAMP); and
3. Overview of both proposed parcels.

Officer's Recommendation

That Council requests the Chief Executive Officer or his delegate to prepare and advertise a Request for Proposal for an approximate total area of 100ha at the Town's freehold airport land; made up of part Lot 2443 on Plan 42443 and on part Lot 2444 on Plan 212197, subject to survey, in accordance with the provisions of section 3.58 of the *Local Government Act 1995*.

201213/391 Council Decision**Moved: Cr Dziombak****Seconded: Cr Carter**

That Council requests the Chief Executive Officer or his delegate to prepare and advertise a Request for Proposal for an approximate total area of 100ha at the Town's freehold airport land; made up of part Lot 2443 on Plan 42443 and on part Lot 2444 on Plan 212197, subject to survey, in accordance with the provisions of section 3.58 of the *Local Government Act 1995* for the purpose of energy production.

CARRIED 9/0

Kingsford Business Park

Bulky Goods, Light Industrial & Transient Worker Accommodation

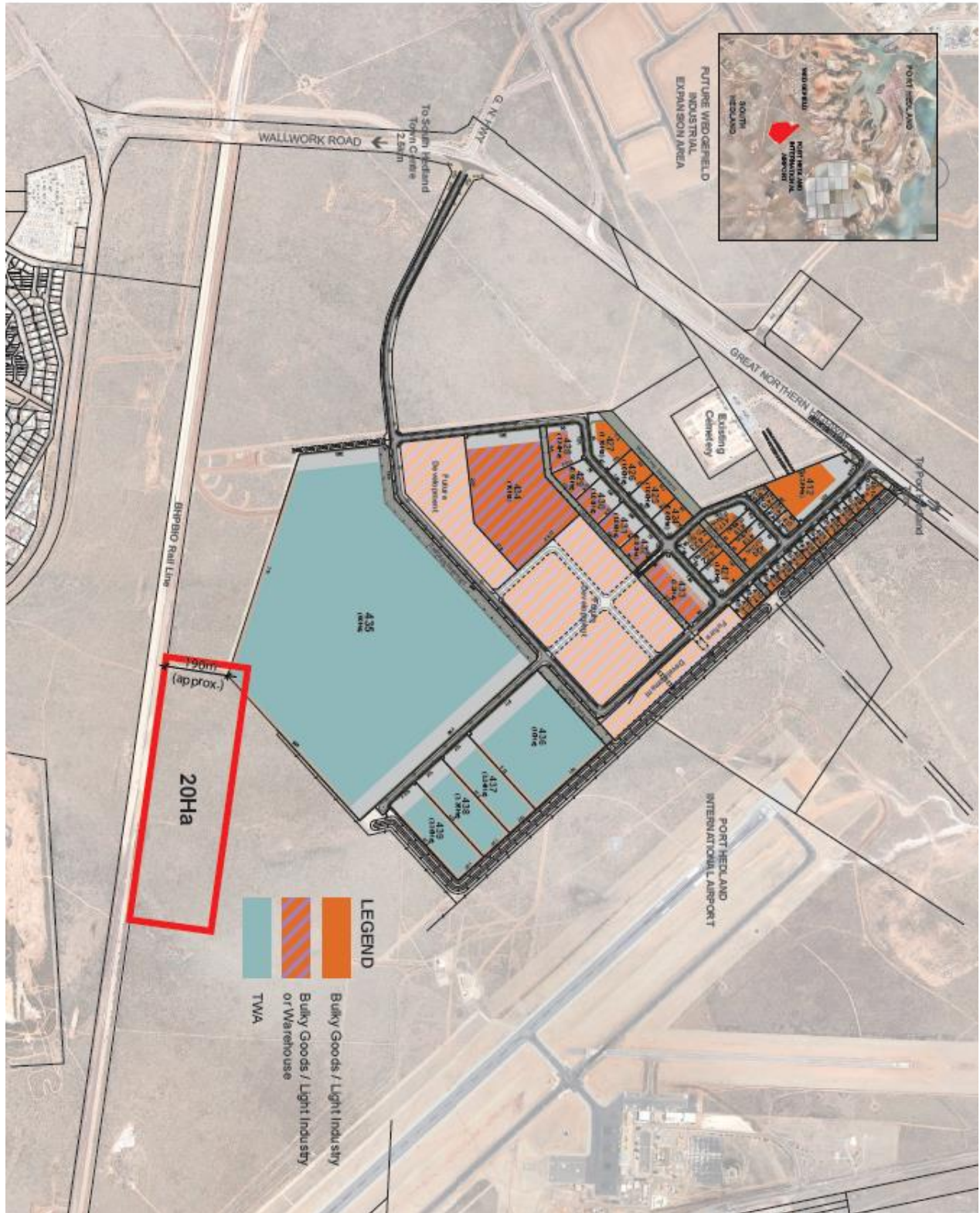
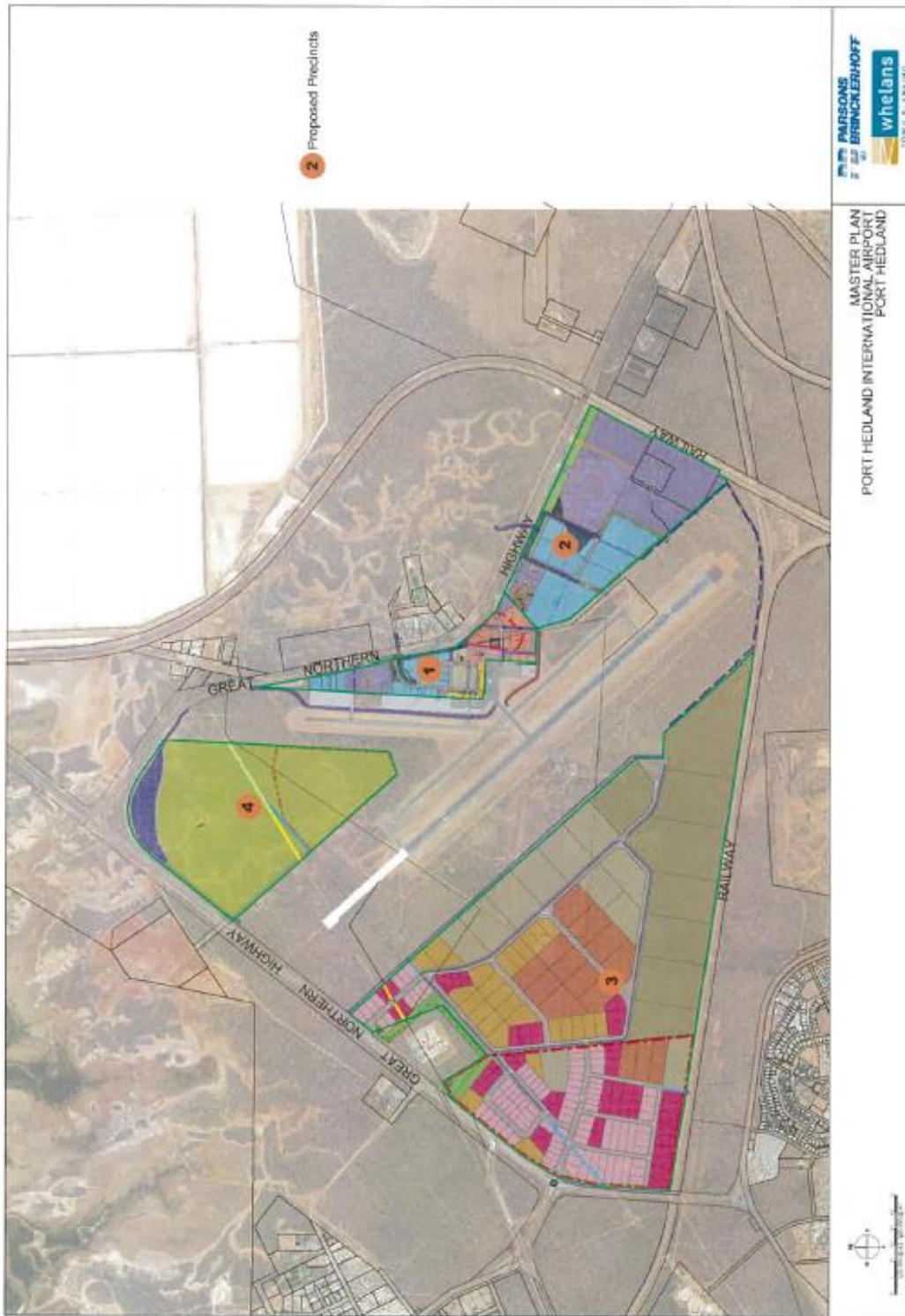
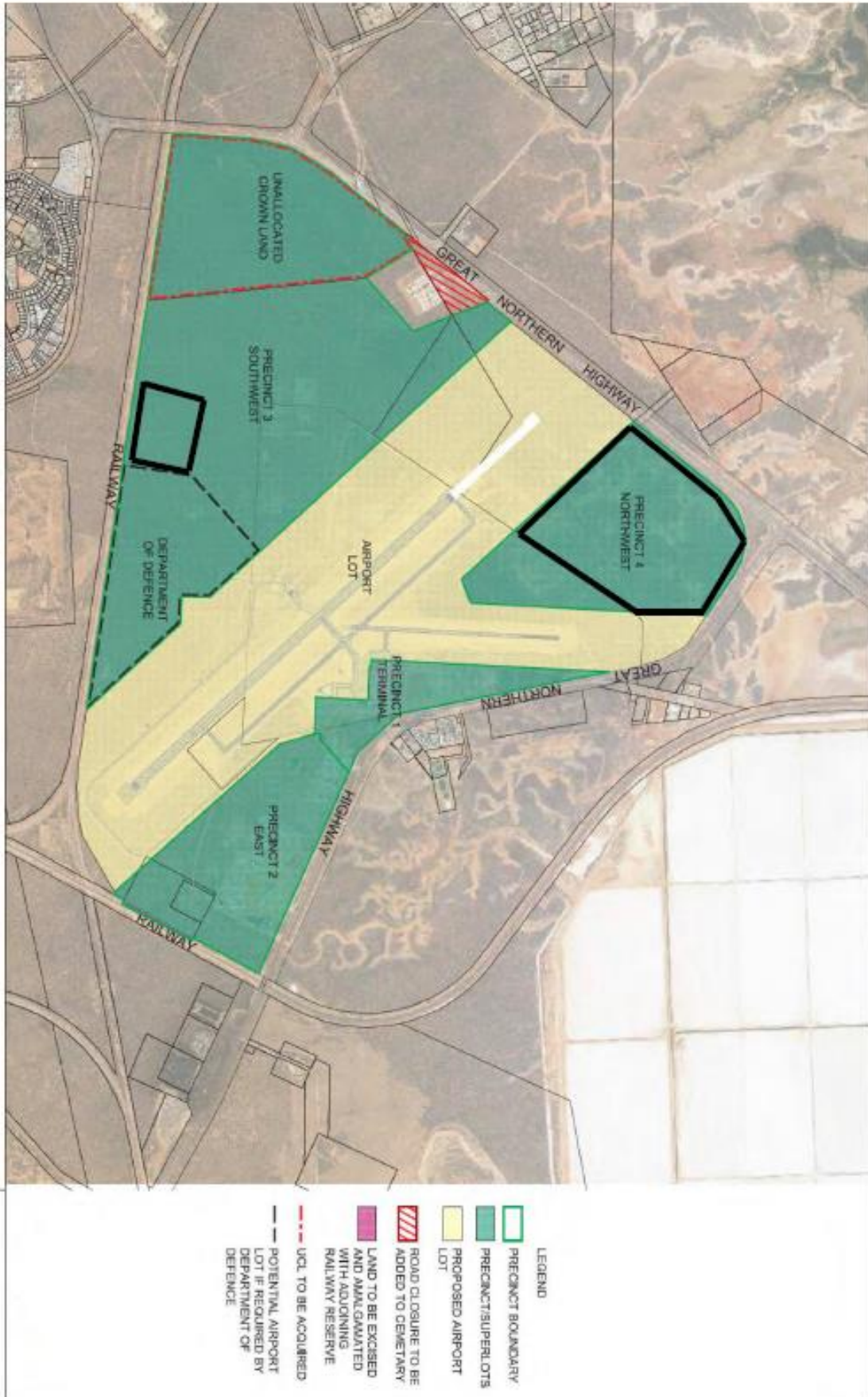


Figure 7: Port Hedland International Airport Master Plan



ATTACHMENT 3 TO ITEM 11.1.2.2



11.2 Engineering Services**11.2.1 Investment and Business Development**

7:11pm Councillor Dziombak declared a financial interest in item 11.2.1.1 'Request to Lease Portion of Port Hedland International Airport Terminal to Qantas Airways Limited for self-Check-in Kiosks (File No.: 05/05/0011)' as he has Qantas shares above the threshold.

Councillor Dziombak left the room.

11.2.1.1 *Request to Lease Portion of Port Hedland International Airport Terminal to Qantas Airways Limited for Self-Check-in Kiosks (File No.: 05/05/0011)*

Officer Anna Duffield
Airport Development Officer

Date of Report 9 May 2013

Disclosure of Interest by Officer Nil

Summary

This agenda item seeks Council approval to dispose of portion of Port Hedland International Airport terminal for self-check-in kiosks by way of lease with Qantas Airways Limited.

Background

Qantas Airways Limited (Qantas) currently occupy 176.2m² within the Port Hedland International Airport terminal for check-in, office, lounge and baggage handling services.

At its Ordinary Council Meeting on 12 December 2012 it was decided (decision number 201213/218) that Council:

1. *Agree to dispose 176.2m² portion of the Port Hedland International Airport terminal to Qantas by way of lease in accordance with section 3.58 (3) of the Local Government Act 1995 (private treaty) on the following terms and conditions:*
 - a. *Lease area of 176.2m²*
 - b. *A base rental of \$79,290 per annum, exclusive of GST*
 - c. *An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics*
 - d. *Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment*
 - e. *A term of five years commencing on 1 December 2012*

- f. *Option to extend for five years*
- g. *For the permitted use the operation of a domestic airline, including but not limited to check-in counter, lounge, offices and baggage make up area.*

should no adverse submissions be received during the requisite advertising period.

CARRIED 7/0"

Qantas have one self-check-in kiosk and one Q-card reader installed in the terminal. Lease negotiations had commenced between the Town and Qantas for the kiosks, however an agreement was never executed.

Qantas have subsequently discussed with the Town installing additional self-check-in kiosks in the terminal.

Consultation

External

- Qantas – Manager Airports Commercial Projects
- Qantas – Manager Infrastructure Assessment
- Qantas – Specialist Category Procurement & Supplier Relationship (Leasing)
- Australian Property Consultants
- Western Australian Local Government Association (WALGA)

Internal

- Manager Airport Operations
- Manager Investment and Business Development
- Director Engineering Services

Statutory Implications

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended) specifically in reference to giving local public notice of the proposed disposition for a period of fourteen (14) days.

Policy Implications

Nil

Strategic Planning Implications

6.1 Economic

6.2.12 Gateway City and an attractive destination

Develop the Port Hedland International Airport as a leading regional airport in the area of passenger and freight movements and customer satisfaction

6.4	Local leadership
6.4.1	Strategic
	Deliver responsible management of infrastructure, assets, resources and technology

Budget Implications

In November 2011, the Town obtained a market valuation report for the Q-card reader installed in the terminal. The report indicated a value of between \$1,500 and \$2,000 per metre per annum exclusive of GST. Based on the installation of four self-check-in kiosks and a Q-card reader the lease would be based on a footprint of five metres squared (one metre squared per kiosk).

Should Council resolve to dispose of the portion of terminal space to Qantas based on \$1,500 per kiosk, the lease agreement will generate \$7,500 exclusive of GST in annual revenue. This will be attributed to GL code 1210326.

The lease fee will be subject to annual increase by way of CPI, and a market valuation will be performed every three years as well as on the practical completion of the terminal redevelopment.

The lessee will be responsible for:

- any legal costs associated with the preparation of lease
- operational costs including but not limited to rates and utility consumption charges
- installation costs
- provision of the kiosk units

It is proposed that a lease is executed for five years with a commencement date of 1 July 2013 with a five year extension option. This term is in line with the new lease for the Qantas office and check-in area.

Officer's Comment

Kiosks

Qantas have noted that the installation of additional self-check-in kiosks will reduce congestion within the terminal and reduce queuing time for passengers.

The kiosks are small freestanding self-service passenger check-in kiosks with a physical footprint of less than one square metre. A buffer zone for passenger queuing and operational maintenance implies a footprint of three and a half metres squared per kiosk.

The new facilities are part of Qantas' Next Generation Check-In (NGCI) nationwide rollout and allow passengers to check-in at a kiosk or Q-Card Reader, obtain seat allocation and their boarding pass. If the passenger has luggage to check-in this would need to be taken to a bag drop counter.

The Q-Card Reader allows frequent flyers and Qantas Club members to touch their Qantas Card on the reader to automatically check in.

Self-service check-in kiosks and Q-Card Readers have been installed to all major domestic airport terminals and in other WA ports including Karratha, Broome, Newman, Paraburdoo and Kalgoorlie.

The facility is utilised exclusively by Qantas for passenger check-in purposes.

Proposed lease fee

The proposed lease fee has been determined by existing market valuations.

In November 2011, the Town obtained a market valuation report for the Q-card reader installed in the terminal. The report indicated a value of between \$1,500 and \$2,000 per metre per annum exclusive of GST. The rate was based on proposed rental agreements for Q-card readers (which have not been executed) and other retail kiosk rents. The only rental agreement in place for a Q-card reader is at Newman airport at a rate of \$585 per kiosk.

In October 2012, the Town obtained a market valuation report for terminal space currently occupied by Qantas. The report indicated a value of \$79,290 per annum exclusive of GST– equivalent to \$450 per square metre.

As a comparison to other similar tenancies, the Town obtained a market valuation report in February 2013 for the ATM installed in the terminal. The report indicated a value of \$12,000 per annum exclusive of GST – this equates to a value of \$2,824 per metre.

The below table summarises the calculations to determine an appropriate lease fee per kiosk.

Market evidence	Rate per kiosk (using 1m ² footprint)	Rate per kiosk (using 3.5m ² footprint)
Qantas office/ check-in lease	\$450	\$1575
Q-card valuation	\$1500-\$2000	\$5250-\$7000
ATM valuation (as per metre rate)	\$2824	\$9882
Newman airport lease rate (space under 20 metres)	\$635	\$2223

In accordance with section 3.58 of the *Local Government Act 1995*, dispositions are to be carried out in line with market valuation that is either less than 6 months old, or that the local government believes that an older valuation is a true indication of the current value.

Western Australian Local Government Association (WALGA) have advised that on the basis that the Town obtained a valuation in February 2013 consistent with the November 2011 valuation, the earlier valuation is a true indication of the current value and can be utilised for the property disposition.

Therefore based on the above information it is recommended that a lease fee of \$1,500 per kiosk exclusive of GST is implemented.

Lessee counter offer

During lease negotiations, Qantas have provided a counter offer of \$750 per kiosk exclusive of GST – equal to an annual rate of \$3750 exclusive of GST. This is based on the following received from Qantas:

“The only evidence to date in WA for a completed lease at an arm’s length transaction for Qantas next generation check-in and Qcard reader is at Newman Airport. The lease was completed in April 2011, the rent \$585 per annum for an area of 1 sq m, with a rent review of 1% fixed increase per annum and no market reviews. In Adelaide we have a completed lease dated March 2010 where Qantas pay a rate of \$1 per annum for the next generation check in kiosks. Qantas are currently not paying rent for any other next generation check in kiosks in WA. This is largely due to the benefits to airports and passengers that the next generation check in kiosks bring, with quicker check in and bag drop.

No rental rate has been discussed for next generation kiosks in Karratha to date. They are currently free of charge.

Qantas are proposing a rate of \$750 per sq m for the next generation check-in kiosks and Qcard reader in Port Hedland which represents a premium payable to the rent achieved in Newman. Qantas believes this represents a fair rate for Qantas’s provision of modern infrastructure to Port Hedland airport. Infrastructure that has been developed by Qantas and will be installed at its cost, that in turn benefits the customers of the airport and ratepayers at no cost.”

Airport redevelopment

As per the Port Hedland International Airport Master Plan, the terminal will be refurbished and expanded over the coming years. Council will invest \$70.5 million over the next five years on the precinct's redevelopment. As part of the redevelopment, the space that Qantas occupy may change, including relocation and expansion. If the kiosks are required to be moved during the redevelopment, this will be at the lessee's expense.

It is recommended that the lease includes a provision for market rental review at the practical completion of the redevelopment.

In addition, to allow flexibility for the number of kiosks that are installed, it is recommended that a clause is included to allow the space to be increased or decreased as operational requirements change.

Proposed lease

Should Council agree to dispose of portion of the Port Hedland International Airport terminal to Qantas by way of lease, the disposal would be locally advertised for public comment for a requisite period of two weeks.

Should no submissions be received within the requisite advertising period, a lease will be offered to Qantas on the following terms and conditions:

- a. Initial lease area of 5m², noting a reduction or increase in area may occur by mutual written consent
- b. A base rental of \$1,500 per square metre per annum, exclusive of GST. At the date of execution, the lessee will install five kiosks for \$7,500 per annum, exclusive of GST
- c. An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics
- d. Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment
- e. A term of five years commencing on 1 July 2013
- f. Option to extend for five years
- g. For the permitted use of the operation of check-in kiosks

Conclusion

Based on the above information, it is recommended that a lease is finalised based on the above terms of \$1,500 per kiosk per annum exclusive of GST. The Town is currently not receiving any income from the existing kiosks. Whilst Qantas have increased their offer from a peppercorn agreement (\$1) to \$750 per kiosk, it is noted that this is not in line with the Town's market valuation.

Attachments

Nil

201213/392 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Jacob****That Council:**

- 1. Agree to dispose a portion of the Port Hedland International Airport terminal to Qantas by way of lease in accordance with section 3.58 (3) of the *Local Government Act 1995* (private treaty) on the following terms and conditions:**
 - a. Initial lease area of 5m², noting a reduction or increase in area may occur by mutual written consent;**
 - b. A base rental of \$1,500 per square metre per annum, exclusive of GST. At the date of execution, the lessee will install five kiosks for \$7,500 per annum, exclusive of GST;**
 - c. An annual increase to the base rental by the Consumer Price Index, Perth as published by the Australian Bureau of Statistics;**
 - d. Market Valuation every three years during the term as well as Redevelopment Market Valuation on the practical completion of the terminal redevelopment;**
 - e. A term of five years commencing on 1 July 2013;**
 - f. Option to extend for five years; and**
 - g. For the permitted use of the operation of check-in kiosks.**

should no submissions be received during the requisite advertising period.

CARRIED 8/0

7:13pm Councillor Dziombak re-entered the room and resumed his chair. Mayor advised Councillor Dziombak of Council's decision.

11.2.2 Engineering Services

11.2.2.1 Award of Tenders 13/05 Apron Extension and Associated Works – (File No.: 30/12/0009), Tender 13/03 Port Hedland International Airport Electrical Upgrade Works – (File No.: 30/12/0008) and Approve Modifications to the Airport Re-development Program as Included in the 2012/13 Town of Port Hedland Annual Budget

Officer **Russell Dyer**
Director Engineering

Date of Report **3 May 2013**

Disclosure of Interest by Officer **Nil**

Summary

The purpose of this report is to request Council to award Tender 13/05 Apron Extension and Associated Works and Tender 13/03 Port Hedland International Airport Electrical Upgrade Works.

This report also seeks Council to approve proposed modifications to the Airport Re-development program as *included* in the 2012/2013 Annual Budget. The report also requests Council to allocate expenditure *not included* in the Annual Budget on Main Runway 14/32 for the runway cabling and lighting to Non-Operating Expenditure account number 1210437 Electrical upgrades.

Background

Council allocated in the 2012/13 Annual Budget as part of the Airport Re-development Program funds as outlined in the table below.

Apron Extension	1,150,000.00
Reseal Runway	7,000,000.00
Electrical Upgrade	2,500,000.00
Total	10,650,000.00

Tender 13/05 Apron Extension and Associated Works was advertised in the West Australian Newspaper on 30 January 2013 and closed 8 March 2013.

A total of thirteen (13) Contractors submitted Tenders for this contract.

One (1) Contractor submitted their Tender on a single page letter and, therefore, did not comply with the tender requirements.

Three (3) Contractors failed to provide Tender Schedule J, which shows the break-down of the costs of the three areas.

Three (3) Contractors failed to include in their lump sum tender the contingency and GST.

After making the necessary adjustment and ensuring that all Contractors were on an equal playing field the tenders were able to be assessed.

Confidential attachment 1 shows the price ranking schedules for the conforming tenders and alternative tenders along with the Tender assessment.

Re-sealing of runway 14/32 is covered in the Towns Spray Seal Tender 11/20 Supply & Delivery of Spray Bitumen Surfacing. Council awarded this tender to Fulton Hogan Industries Pty Ltd for a 3 year period commencing 22 September 2011.

Specifications including Principals Project requirements and General Contract requirements have been provided to Fulton Hogan Pty Ltd. Fulton Hogan have submitted a price of \$2,383,333.00 which is in accordance with the schedule of rates included in their successful tender submission.

The budget for Reseal Runway is \$7,000,000.00. The price submitted by Fulton Hogan provides a saving of \$4,616,667.00

Attachment 2 shows the Construction Contract for Re-Sealing of Runway 14/32.

Tender 13/03 Port Hedland International Airport Electrical Upgrade Works was advertised in the West Australian Newspaper on 30 March 2013 and the North West Telegraph on 3 April 2013 and closed on 26 April 2013.

Nineteen (19) tender packs were sent out and the Town received three (3) tenders in the tender box.

Performance criteria included price, experience, resources, demonstrated understanding of works and local industry development were used for the Tender evaluation in accordance with the Tender documentation.

Confidential attachment 3 shows price ranking schedules for the conforming tenders along with the Tender assessment.

The loss of lighting for Runway 14/32 occurred on Monday 18 February 2013. Electrical investigation established that the runway cable had a dead short to earth.

The runway transformer had a short between the windings across all tapping's on the secondary side causing a spike and blowing a fuse on the blue phase feed to the main contractor. This destroyed the mains transformer.

As a result of the above situation the main runway lights could not be illuminated resulting in the runway not being operational at night. To resolve the loss of lighting to runway 14/32 the entire circuit replacement was required.

The above loss of lighting did not affect runway 18/36 which is used by the Royal Flying Doctor Service.

The Airport immediately issued a NOTAM (Notice to Airmen) notifying loss of lighting HN (Hours of Night). The Airport also notified the Civil Aviation Safety Authority (CASA) and Regular Public Transport Airlines that all operations from last light to first light had ceased.

Advice from CASA was that the complete cabling was to be replaced. The spacing of the existing runway lights at 90 meters was now non-compliant and new lights would need to be reduced to 60 meters to comply with CASA standards.

Further advice from CASA was that the dispensation held by Air Services Australia allowing cable to be direct buried at 450mm had expired with all new cabling to be laid in conduit and sectionalised so that any damage caused by lightning strikes can be easily repaired. CASA also required transformers to be mounted in individual cable pits so that failed transformers can be easily replaced.

Consultation

External

- Enesar Pty Ltd
- Civil Aviation Safety Authority
- Air Services Australia
- Fulton Hogan Pty Ltd
- Sage Consulting Electrical Engineers
- Ralph Beattie Bosworth Pty Ltd
- Rawlinsons (WA)

Internal

- Town of Port Hedland Staff

Statutory Implications

Local Government Act 1995

Part 6

Division 4

6.8 Expenditure from municipal fund not included in annual budget

Local Government Act 1995

Part 3

Division 3

3.57 Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996
Part 4
Division 2 – Tenders for providing goods or services

Local Government Act 1995
Part 5
Division 2

5.23 Meetings generally open to public

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal —*
 - (i) a trade secret; or*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

Policy Implications

2/011 Tender Policy

Strategic Planning Implications

6.2 Economic

6.1.1 Gateway City & an attractive destination

Develop Port Hedland's sea, air and road transport infrastructure so that it becomes the main access hub for the Pilbara.

Budget Implications

The 2012/13 Town of Port Hedland Annual Budget has the following budget allocations:

GL Account Number	Account Description	Original Budget
1210454	Main Apron Extension	350,000.00
1210455	Main Apron Strengthening	800,000.00
1210463	Reseal - Runway	7,000,000.00
1210473	Electrical Upgrades	2,500,000.00
Total Funds		10,650,000.00

Officer's Comment

Tender 13/05 Apron Extensions and Associated Works include Main Apron Extension and Main Apron Strengthening with a total budget of \$1,150,000.00. Tenders received were above the budget allocation.

To complete Tender 13/05 Apron Extension and Associated Works Council will need to amend the budget by way of journaling of funds from GL 1210463 Reseal Runway to GL 1210454 Main Apron Extension.

The above Tender will require the Town to appoint a Superintendents Representative to oversee works on behalf of the Town. A Tender is currently being drafted and would be for a period of 3 years. The Tender would cover Civil Engineering and Aerodrome Consultancy.

Reseal – Runway budget allocation of \$7,000,000.00 was based on an asphalt overlay of the Main Runway 14/32. After strength tests were carried out on runway 14/32 a scope change was suggested that instead of asphalt, a two a coat seal would achieve the same result at half of the cost.

The loss of lighting to Main Runway 14/32 was unforeseen and no funds were allocated in the 2012/13 Annual Budget. As the works have now been completed the unallocated expenditure needs to be allocated.

Non-Operating Expenditure account number 1210437 Electrical Upgrades has sufficient funds for the unallocated expenditure on the runway lighting and Tender 13/03 Port Hedland International Airport Electrical Upgrade Works.

Attachments

1. **CONFIDENTIAL** Tender 13/05 Apron Extension and Associated Works Tender Assessment by Enesar Pty Ltd
2. Construction Contract Re-Sealing of Runway 14/32 (Under Separate Cover)
3. **CONFIDENTIAL** Tender 13/03 Port Hedland International Airport Electrical Upgrade Works Tender Evaluation
4. **CONFIDENTIAL** Ralph Beattie Bosworth Order of Magnitude
5. **CONFIDENTIAL** Tender 13/03 Port Hedland International Airport Electrical Upgrade Works Tender Assessment by Rawlinsons (WA)

201213/393 Officer’s Recommendation / Council Decision

Moved: Cr Jacob

Seconded: Cr Carter

That Council:

At the Ordinary Council Meeting held on Wednesday 26 June 2013 Council resolved to amend the resolution to include the tendered amount for tenders 13/05 and 13/03.

- 1. Award Tender 13/05 Apron Extension and Associated Works to WBHO Civil Pty Ltd [for the amount of \$3,292,283.90 including GST] without the contingency as per their submission;**
- 2. Award Tender 13/03 Port Hedland International Airport Electrical Upgrade Works to Total Electrical Communication Services Pty Ltd [for the amount of \$1,867,681.93 including GST] as per their tender submission;**
- 3. Authorise a budget amendment of \$4,500,000.00 to reflect from Runway Reseal Non Operating Account Number 1210463, be allocated to Non Operating Account Number 1210454 Main Apron Extension (Refer to table below);**
- 4. Authorise expenditure of \$432,664.00 which was not included in the annual budget for Main Runway 14/32 lighting upgrades be allocated to Non Operating Account Number 1210473 Electrical Upgrades (Refer to table below); and**

GL Account Number	Account Description	2012 – 2013 Original Budget	Amendment	2012 – 2013 Revised Budget
1210463	Reseal - Runway	7,000,000	(4,500,000)	2,500,000
1210454	Main Apron Extension	350,000	4,500,000	4,850,000
1210473	Electrical Upgrades	2,500,000	432,664	2,932,664

- 5. Approve a Superintendent’s Representative being appointed to oversee Tender 13/05 Apron Extension and Associated Works and Runway Reseal in accordance with the Towns Tender Policy 2/001.**

CARRIED BY ABSOLUTE MAJORITY 9/0

11.3 Community Development

Nil

11.4 Corporate Services**11.4.1 Organisational Development****11.4.1.1 *Performance Report for the Period of 1 January 2013 to 31 March 2013 (File No.: 03/01/002)***

Officer Debra Summers
Manager Organisational Development

Date of Report 3 May 2013

Disclosure of Interest by Officer Nil

Summary

This report is for Council to note the Performance Report for the period of 1 January 2013 to 31 March 2013 (Attachment 1) in relation to the Annual Corporate Plan.

Background

The Department of Local Government requires that by June 2013 each local government has developed an Integrated Strategic Planning and Reporting (IPR) Framework to ensure that they are planning sustainably for the future and to equip their organisations to deal with short, medium and long term priorities.

In May 2011 the Town of Port Hedland commenced a two stage process of implementing the required Integrated Strategic Planning and Reporting Framework.

Stage one of this process included the development of a Corporate Plan for 2011- 2012, aligned with the current Town of Port Hedland 2010-2015 Strategic Plan and incorporating all operational activities to support the implementation of key priorities and initiatives from the current Strategic Plan, informing strategies, capital works and partnership projects for the 12 month period.

Stage two involved the development of a 10 Year Strategic Community Plan (SCP) supported by a 4 Year Corporate Business Plan (CBP), a 4 year Workforce Plan (inclusive of a Housing and Office Accommodation Strategy) a 10 year Asset Management Plan, a 5 year Information Communication Technology (ICT) Strategic plan and 10 Year Financial Plan.

The Town of Port Hedland 10 Year SCP was endorsed by the Council at the 11 July 2012 Ordinary Council Meeting. The 4 Year CBP is a tool that the Town of Port Hedland will use to direct the local government's program of work that is focused on the achievement of the Town's SCP. The program of work details the timeframe, accountabilities, resources and indicative costs that will be allocated to ensure that the priorities of the community captured in the SCP are delivered. The CBP is required to be a dynamic, living document that is reviewed annually and amended according to the minor and major review cycles of the SCP, as well as a result of any performance and internal or external considerations that will have an impact in the near future.

When the 4 Year CBP was presented to the Council at the October 2012 Ordinary Council Meeting it was acknowledged it contained more actions and activities than are financially sustainable. However, as it was necessary to ensure an open and transparent planning process with the community and stakeholders of the Town, a fully costed CBP and the resulting required Workforce Plan needed to be included in a draft of the Long Term Financial Plan. Once this plan is presented to the Council, it will be in a position to engage with the community in informed consultation to make the joint decisions to deliver the required strategic priorities in a financially sustainable manner. This will then allow the resulting changes to be made to the CBP and Workforce Plan in a timely fashion to meet the deadlines of the Department of Local Government. The Chief Executive Officer and Executive Team will then have the direction from Council to structure the required workforce and ensure delivery of the outputs of the CBP.

To ensure the organisation has a plan of activity for this financial year against which the Council and community will receive performance reports, the first year of the CBP was endorsed by the Council (201213/149) as the 2012-2013 Town of Port Hedland Annual Corporate Plan. The Council will receive regular performance reports of activity against the 2012-2013 Annual Plan.

Consultation

Town of Port Hedland Executive
Relevant Town of Port Hedland Officers

Statutory Implications

The Local Government Act 1995 states that:

"5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district."*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan."*

Policy Implications

Nil

Strategic Planning Implications

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

The Corporate Planning Framework now integrates the Annual Corporate Plan with Council's current Strategic Community Plan, and this Quarterly Performance Report represents activity to achieve these strategic priorities and actions.

Budget Implications

The financial activity that reflects the actions reported on in this performance report were presented to the Council at the 24 April 2013 Ordinary Council Meeting.

Officer's Comment

In October 2012, Council endorsed in principle the 4 year Corporate Business Plan (201213/149) and adopted the first year of the 4 year Corporate Business Plan as the 2012-2013 Annual Corporate Plan.

The Annual Corporate Business Plan details the work to be undertaken by the organisation during 2012-2013. It represents activity to achieve initiatives identified in the Town of Port Hedland Strategic Community Plan 2012-2022 plus reflects projects and core activities, services and programs delivered by the Town of Port Hedland to its community and stakeholders.

This quarterly Performance Report provides an opportunity for the Council and the community to review the work undertaken in the January- March 2013 quarter by the organisation to be assured that the required services, programs and activities it agreed to in the Annual Corporate Plan and the Strategic Community Plan are delivered.

Attachments

1. TOPH Council Performance Report 1 January - 31 March 2013 (Under Separate Cover)

201213/394 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Dziombak****That Council receives the Performance Report for 1 January – 31 March 2013.*****CARRIED 9/0***

11.4.1.2 Repeal of Defunct and Obsolete Local Laws (File No.: 19/01/0001)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 2 May 2013

Disclosure of Interest Nil

Summary

To commence the local law making process to repeal defunct and obsolete by-laws and local laws relating to the Town of Port Hedland, in accordance with Section 3.12 of the *Local Government Act 1995*.

Background

Section 3.16 of the *Local Government Act 1995* requires that a periodic review of all local laws is undertaken within a period of 8 years from the date the local law commenced or was last reviewed.

The Town has engaged DL Consulting to assist with the local law review process.

As part of the review process a number of old by-laws and local laws, which are now superfluous or obsolete due to the introduction of the *Local Government Act 1995* and/or other legislation, were identified. It is proposed that these obsolete local laws be repealed in accordance with section 3.12 of the *Local Government Act 1995*, as they no longer serve any functional purpose.

Consultation*Internal*

All Managers
Executive Group
Elected Members

External

DL Consulting.

Public consultation will be undertaken as part of the advertising process required by section 3.12(3), for a period of not less than 42 days.

Statutory Implications

Section 3.12 of the *Local Government Act 1995* states:

“3.12. Procedure for making of local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give statewide public notice stating that-*
 - (i) *the local government proposes to make a local law the purpose of which is summarised in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administer the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law;*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.”*

Policy Implications

There are no policy implications associated with this item.

Strategic Planning Implications

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

Budget Implications

The placement of an advertisement in the West Australian Newspaper is required at an estimated cost of \$400-\$700, depending on structure and layout. These costs are included in the current budget. Budget for a review of Local Laws is incorporated in the 2012/13 Annual Budget.

Officer's Comment

The following table provides a list of the Town's current local laws, their date of gazettal and those local laws considered obsolete.

Local Law/Amendment	Gazettal/Amendment Date	Proposed Action
Control of Dogs	12 November 1954	Obsolete - Repeal
Prevention of Damage to Streets – Draft Model By-Law No. 1	15 May 1963	Obsolete - Repeal
Old Refrigerators and Cabinets – Draft Model By-Law No. 8	4 June 1970	Obsolete - Repeal
Safety, Decency, Convenience and Comfort in Respect of Bathing – Draft Model By-Law No.14	6 October 1970	Obsolete - Repeal
Clearing of Land and Removal of Refuse, Rubbish and Disused Material	12 February 1971	Obsolete - Repeal
Removal of Verandahs	12 February 1971	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre	23 January 1973	Obsolete - Repeal
Parking Facilities Amendment – Draft Model By-Law No. 19	24 October 1980	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre Amendment	16 July 1982	Obsolete - Repeal
Parking Facilities Amendment – Draft Model By-Law No. 19	15 April 1983	Obsolete - Repeal
Control and Management of the Port Hedland Civic Centre Amendment	31 October 1986	Obsolete - Repeal
Repeal Local Law	7 November 1986	Obsolete - Repeal
Caravan Parks and Camping Grounds – Draft Model By-Law No.2	7 November 1986	Obsolete - Repeal

Local Law/Amendment	Gazettal/Amendment Date	Proposed Action
Repeal Local Law	10 July 1987	Obsolete - Repeal
Dogs Amendment Local Law	4 March 1988	Obsolete - Repeal
Parks, Recreation Grounds and Public Reserves Amendment	2 September 1988	Obsolete - Repeal
Conduct of Proceedings and the Business of Council	17 November 1989	Obsolete - Repeal
Parks, Recreation Grounds and Public Reserves Amendment	9 July 1993	Obsolete - Repeal
Dogs Amendment Local Law	21 January 1994	Current - Review
Removal and Disposal of Obstructing Animals and Vehicles Amendment	9 December 1994	Current - Review
Standing Orders	25 March 1997	Current - Review
Parking	3 April 1998	Current - Review
Standing Orders Amendment	2 October 1998	Current - Review
Dogs Local Law	2 October 1998	Current - Review
Dogs Amendment Local Law	26 February 1999	Current - Review
Cat Control	14 May 1999	Current - Review
Reserves and Foreshores	8 June 1999	Current - Review
Aquatic & Recreation Centres	8 June 1999	Current - Review
Town of Port Hedland International Airport	17 September 1999	Current - Review
Town of Port Hedland International Airport Amendment	19 November 1999	Current - Review
Cemeteries	10 January 2000	Current - Review
Holiday Cabins and Chalets	28 January 2000	Current - Review
Health	22 March 2000	Current - Review
Signs, Hoardings and Bill Postings	3 August 2000	Current - Review
Trading in Public Places	1 September 2000	Current - Review
General Provisions	1 December 2000	Current - Review
Health Amendment	19 January 2001	Current - Review
Signs, Hoardings and Bill Postings Amendment	2 February 2001	Current - Review
Standing Orders Amendment	8 June 2001	Current - Review
Standing Orders Amendment	29 January 2002	Current - Review
Standing Orders Amendment	1 July 2005	Current - Review
Reserves and Foreshores Amendment	23 December 2008	Current - Review

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has an obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. The repeal of obsolete and defunct local laws will ensure efficient and effective governance by removing out-dated local laws from the public record.

An incomplete repeal process was undertaken previously, those local laws identified as obsolete must now be repealed in accordance with the Local Government Act 1995. A process of reviewing existing Local Laws is still underway.

To comply with the provisions of section 3.12 of the Act, when proposing to make a local law, the Presiding Person is required give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered. This is achieved by:

- a) ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- b) ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the proposed Repeal local law is –

Purpose – To repeal superfluous, defunct and obsolete local laws.

Effect - To be a more efficient and effective local government by removing outdated local laws from the public record.

Attachments

1. Proposed Town of Port Hedland Repeal Local Law 2013.

201213/395 Officer's Recommendation / Council Decision

Moved: Cr Daccache

Seconded: Cr Hooper

That Council, pursuant to section 3.12 of the *Local Government Act 1995*, give State-wide public notice that it intends to make the Town of Port Hedland Repeal Local Law 2013, as contained in Attachment 1.

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.4.1.2

LOCAL GOVERNMENT ACT 1995
Town of Port Hedland
REPEAL LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [insert adoption resolution date here] to make the following local law.

1 Citation

This local law is cited as the *Town of Port Hedland Repeal Local Law 2013*.

2 Operation

This local law will come into operation fourteen days after the day on which it is published in the *Government Gazette*.

3 Repeal

The following local laws are hereby repealed -

- (a) By-laws relating to Control of Dogs, as published in the *Government Gazette* on 12 November 1954;
- (b) Draft Model By-laws relating to Prevention of Damage to Streets No. 1, as published in the *Government Gazette* on 15 May 1963;
- (c) Draft Model By-laws relating to Old Refrigerators and Cabinets No. 8, as published in the *Government Gazette* on 4 June 1970;
- (d) By-laws relating to Safety, Decency, Convenience and Comfort in Respect of Bathing, as published in the *Government Gazette* on 6 October 1970;
- (e) By-law relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Materials, as published in the *Government Gazette* on 12 February 1971;
- (f) By-laws relating to the Removal of Verandahs, as published in the *Government Gazette* on 12 February 1971;
- (g) By-law relating to the Control and Management of the Port Hedland Civic Centre, as published in the *Government Gazette* on 23 January 1973, and amended in the *Government Gazette* on 23 January 1973 and 31 October 1986;
- (h) By-laws relating to Parking Facilities, as published in the *Government Gazette* on 24 October 1980, and amended in the *Government Gazette* on 15 April 1983;
- (i) By-laws relating to the Caravan Parks and Camping Grounds No.2, as published in the *Government Gazette* on 7 November 1986;
- (j) By-laws relating to Dogs, as published in the *Government Gazette* on 4 March 1988;
- (k) By-laws relating to Parks, Recreation Grounds and Public Reserves, as published in the *Government Gazette* on 2 September 1988, and amended in the *Government Gazette* on 9 July 1993;
- (l) By-laws relating to the Conduct of Proceedings and the Business of the Council, as published in the *Government Gazette* on 17 November 1989;
- (m) By-laws relating to Dogs, as published in the *Government Gazette* on 21 January 1994;
- (n) By-law relating to the removal and disposal of Obstructing Animals or Vehicles, as published in the *Government Gazette* on 9 December 1994;
- (o) Local laws relating to Holiday Cabins and Chalets, as published in the *Government Gazette* on 28 January 2000.

Dated: [date].

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

K HOWLETT, Mayor.
M OSBORNE, Chief Executive Officer.

11.4.2 Finance**11.4.2.1 *Town of Port Hedland Notice of Discontinuance (Rates and Debtors) Policy***

Officer Georgina Marciniak
Coordinator, Financial
Operations

Date of Report 6 May 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks Council's endorsement of the Town of Port Hedland's Notice of Discontinuance (Rates and Debtors) Policy.

Background

The Town has received an increased number of requests to issue Notice of Discontinuance's over the past 6 months.

Once The Town has issued a General Procedure Claim against a ratepayer or debtor for unpaid amounts this information becomes public record through the Courts.

Veda is a credit reference agency who periodically access public records and record these claims against the individuals or company's credit file. The Town of Port Hedland and its debt collection agency Dun & Bradstreet do not have a relationship with Veda and do not directly provide them with information of any nature until the debt is paid in full.

A Notice of Discontinuance provided to the courts and subsequently accessed by Veda results in the claim being totally removed from the person or company's credit file, as though the claim never existed and they had paid their debt when due.

The Town of Port Hedland currently issues letters confirming a ratepayer has paid in full, which when provided to Veda results in the claim being marked as closed, but still recorded on the file.

In order to address these requests consistently, the Notice of Discontinuance (Rates and Debtors) Policy has been developed for Council's consideration.

Consultation

Internal

- Director Corporate Services

External

- Dun & Bradstreet
- McLeods Barristers and Solicitors

Statutory Implications

Local Government Act 1995

6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

Policy Implications

Should Council endorse the Town of Port Hedland's Notice of Discontinuance (Rates) Policy, this will be incorporated in the current Town of Port Hedland Policy Manual.

Strategic Planning Implications

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

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance.
6.4	Local Leadership
6.4.2	Community Focused
	Local leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

Nil

Officer's Comment

The Town has a responsibility to the community to ensure monies owed to it are recovered in a timely and efficient manner to ensure effective cash flow management. Issuing a Notice of Discontinuance results in the General Procedure Claim being removed from the person or company's file effectively offering no incentive for them to pay their debts when due and payable in future years.

It should be noted that officers have received requests for Notices of Discontinuance from the same ratepayer on more than one occasion as it was affecting their credit rating.

Officers are of the opinion that it is everyone's responsibility to either pay their debts when due and payable, or contact the Town to make alternative arrangements. It should not be the Town's position to effectively hide a bad debtor by modifying their credit rating through issuing a Notice of Discontinuance.

With this in mind it is recommended that Council adopt the Notice of Discontinuance (Rates and Debtors) Policy, which will only see Notice of Discontinuance's issued in the event of an administrative error.

Attachments

1. Town of Port Hedland's Notice of Discontinuance (Rates and Debtors) Policy

201213/396 Officer's Recommendation / Council Decision**Moved: Cr Jacob****Seconded: Cr Carter**

That Council adopt the Town of Port Hedland's Notice of Discontinuance (Rates and Debtors) Policy to be effective immediately.

CARRIED 9/0

ATTACHMENT 1 TO ITEM 11.4.2.1

Town of
Port Hedland2/015 Notice of Discontinuance
(Rates and Debtors) Policy

2/015 Notice of Discontinuance (Rates and Debtors) Policy

Policy Objective

The objective of this Policy is to outline how Town of Port Hedland processes a request for a Notice of Discontinuance.

Policy Content

If rates or general debts remain unpaid after they become due and payable, the Town of Port Hedland will commence debt collection proceedings, in accordance with the Local Government Act 1995, which may result in the issuing of a General Procedure Claim.

If subsequently rates or general debts are paid in full the ratepayer or debtor, at their request, will be issued with a letter confirming that overdue amounts relating to this claim have now been paid, however a Notice of Discontinuance will not be issued.

In the event that a General Procedure Claim is issued in error, upon notification of the error, the Town will promptly issue a Notice of Discontinuance.

The Town of Port Hedland will not supply private credit agencies with information regarding legal action it has taken in the recovery of overdue amounts. The Town of Port Hedland does recognise that judgement details are accessed via public records through the Courts.

Definitions

Nil

Relevant Legislation	<i>Nil</i>
Delegated Authority	<i>13. Recovery of Debts</i>
Council Approval Date and Resolution No.	
Last Date of Review	<i>06/05/2013</i>
Review Frequency	<i>As required</i>
Responsible Officer/Directorate	<i>Finance, Corporate Services</i>

11.4.2.2 *Financial Reports to Council for Period Ended 30 April 2013 (File Nos: FIN-008, FIN-014 and RAT-009)*

Officer Laura Delaney
Lorraine Muzambwa
Finance Officer
Financial Management

Date of Report 30 April 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 30 April 2013, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2011/12.

Background**1. *Financial Statements***

Presented (see attachments) in this report for the financial period ended 30 April 2013, are the:

- Statement of Financial Activity – (Attachment 1- see Schedules 2 to 14);
- Notes (3 to 11) to and forming part of the Statement of Financial Activity for the period ending 30 April 2013;
- Review of Transaction Activity.

Note: Interest rates for investments are selected from those provided from the following financial institutions: National Australia Bank, Bankwest, Western Australian Treasury Corporation, Commonwealth Bank, Australian and New Zealand Bank and Westpac Bank.

2. *Utility and Fuel Costs*

Presented in graph form (see attached), is the 2012/13 monthly water, power and fuel costs compared with 2011/12.

3. *Schedule of Accounts Paid*

The Schedule of Accounts paid (see Attachment 2) under delegated authority as summarised below, and which is submitted to Council on 22 May 2013 for noting, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and delivery of services, and verification of prices, computations and costs.

Consultation

Nil

Statutory Implications

Financial Statements

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

“34. Financial activity statement report - s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) budget estimates to the end of the month to which the statement relates;*
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown:*
 - (a) according to nature and type classification;*
 - (b) by program; or*
 - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances.*

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

- “(1) Subject to subsection (2) and any other written law, a local government may –*
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) waive or grant concessions in relation to any amount of money; or*
 - (c) write off any amount of money,*
- which is owed to the local government.*

* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”*

Policy Implications

2/003 Financial Statements – Copies for Councillors

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

Monthly

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

Quarterly

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more
- Irregular Financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Fiscal accountability

Reporting is carried out as required on the Council's legislative and organisational performance.

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

Responsible and transparent management of financial resources.

Budget Implications

At the Special Meeting held on 30 August 2012, Council resolved to adopt item 6.1.1.1 '2012/2013 Budget Adoption' en block, which included Recommendation 16 as follows:

"Recommendation 16

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2012/13 as follows:

- i) 10% of the Function amended budget; or*
- ii) \$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

- iii) Operating Revenue*
- iv) Operating Expenditure*
- v) Non-Operating Revenue*
- vi) Non-Operating Expenditure"*

Officer's Comment

For the purpose of explaining Material Variance (see Attachment 1, Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely dollar impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments

1. Monthly Statement of Business Activity – under separate cover
 - 1.1 Schedule 2, a Statement of Financial Activity. Pages 2 to 4
 - 1.2 Notes 3 to 11 which form part of the Statement of Financial Activity. Pages 5 to 18
 - 1.3 Detailed Financial Activity by Program. Pages 19 to 65
 - 1.4 Comparison of Utility & Fuel Costs (2012/13 vs 2011/12). Pages 66 to 68
2. April 2013 Listings for Payment – under separate cover

201213/397 Officer's Recommendation / Council Decision**Moved: Cr Carter****Seconded: Cr Dziombak****That Council note the:**

- i) **Financial Statements as at 30 April 2013;**
- ii) **Graphic representation of the Town's energy, water and fuel use; and**
- iii) **List of Accounts paid during April 2013 under Delegated Authority.**

CARRIED 9/0

11.4.2.3 Wanangkura Stadium Process Review

Officer Natalie Octoman
Director Corporate Services

Date of Report 14 May 2013

Disclosure of Interest by Officer Nil

Summary

For Council to receive the final report on the Wanangkura Stadium Process Review and to consider the next actions that the Town should take in this regard.

Background

At the Ordinary Council Meeting on 8 August 2012 Council considered a report titled "Wanangkura Stadium – Temporary Closure, Compliance Limitations and Proposed Solutions" whereby it was outlined that the key focus of officers since realising the fire service capacity issue was aimed towards reopening the Stadium. Once this was achieved, the focus would shift towards a review of the situations and circumstances that led to the fire service capacity requirements not being met and to also determine if there are any other process implications for current and future Council projects. One of the recommendations of this report was part 3 whereby Council:

"3. Requests the CEO to arrange for an independent review of the project history, compliance, processes and responsibilities and present this report to Council."

Subsequent to the reopening, a brief was prepared for the independent review, which encompassed the following:

- Review of process commencing from conceptual plans through to the present status of Wanangkura Stadium;
- Review of all development approval processes;
- Review of project management processes for the stadium construction;
- Review of original plans/specifications (compliance);
- Review of plan/specification modifications;
- Review of decisions (Council, Officer's and Consultants) and decision making hierarchy;
- Review of key information milestones (when certain issues were raised and or advice was provided);
- Review of actions/reactions to information awareness/decision/advice;
- Review of compliance processes;
- Review of internal communications;
- Identification of data gaps in the overall process;

- Provision of a report in accordance with section 7 – Project Output;
- Presentation of finding to a confidential briefing to the Council of the Town of Port Hedland.

Quotes were subsequently sought and Core Business Australia Pty Ltd were appointed to undertake the review, with the assistance of the Managing Director of Accredited Building Surveying & Construction Services.

The review commenced with an onsite visit in October 2012, and the final report is now presented to Council for consideration.

Consultation

- Core Business Australia Pty Ltd
- Accredited Building Surveying & Construction Services
- Town of Port Hedland Executive Team and Officers
- Elected Members at a Confidential Briefing on 3 April 2012
- McLeods Barristers and Solicitors

Statutory Implications

Nil

Policy Implications

Nil

Strategic Planning Implications

6.4	Local Leadership
6.4.1	Strategic
	<p>Deliver high quality corporate governance, accountability and compliance.</p> <p>Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.</p> <p>Deliver responsible management of infrastructure, assets, resources and technology.</p> <p>Council resources and assets are properly maintained and managed.</p>

Budget Implications

The Town has an expenditure budget allocation of \$60,000 held within GL account number 1108257 (Multi-Purpose Recreation Centre Operational Costs) as endorsed during the first quarter budget review in 2012/13 to undertake this review. It is envisaged that the final costs associated with the review will come within this budget allocation based on actual costs incurred to date.

Officer's Comment

The independent review has been undertaken in order to essentially provide a debrief on the overall process relating to the planning and construction of the Wanangkura Stadium. The overarching intention is for the review to highlight any shortcomings and provide recommendations to the Town on process improvements that can be undertaken and applied to current and future projects.

The review was to incorporate every process/decision etc., since the project's inception, therefore essentially incorporating the year 2004 onwards.

During the period of 2004 to 2012, there were at least 27 Town of Port Hedland officers and 15 external stakeholders involved in the project. This is a significant number of people and companies, therefore adding to the complexities of the review particularly as not all of the staff are still with the Town or the other companies.

The review relied on the sourcing of emails, tenders, contracts, Council resolutions, minutes and many other documents which was an extremely time consuming process, particularly as it was to cover a period of 8 years.

The final report outlines 19 different recommendations for Council to consider. As the project commenced in 2006, some of the recommendations have since been addressed, some are currently being worked on, and there are some that still require consideration and/or development and therefore implementation.

Rather than going through each recommendation in detail within this agenda item, it is recommended to Council that it considers establishing a Town of Port Hedland project team who can examine the recommendations and determine which have value in implementing, with a further report to be provided to Council at a later stage.

The final report has been slightly modified by Core Business Australia Pty Ltd to ensure that people and companies are not specifically named, but to include a coding system to ensure that the principles of Natural Justice and Procedural Fairness are complied with. The coding system applied is not intended to modify or skew the facts, as the facts have been reported as they were discovered, and the review itself is intended to be a stand-alone document.

Attachments

1. Report on the Wanangkura Stadium Review

Officer's Recommendation

That Council:

1. Receives the final report on the Wanangkura Stadium Review undertaken by Core Business Australia Pty Ltd; and
2. Request the Chief Executive Officer to establish a Town of Port Hedland internal project team to review each recommendation contained within the report, and establish a process improvement program to ensure that the deficiencies identified during this project are mitigated for any future projects that the Town undertakes, and to report back to Council on this program.

201213/398 Council Decision

Moved: Cr Jacob

Seconded: Cr Dziombak

That Council:

1. **Receives the final report on the Wanangkura Stadium Review undertaken by Core Business Australia Pty Ltd; and**
2. **Request the Chief Executive Officer to establish a Town of Port Hedland internal project team, to include Elected Members Bill Dziombak and Gloria Jacob, to review each recommendation contained within the report and establish a process improvement program to ensure that the deficiencies identified during this project are mitigated for any future projects that the Town undertakes, and to report back to Council on this program.**

CARRIED 9/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1 Airport Committee Minutes – 1 May 2013

201213/399 Officer's Recommendation / Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on Wednesday, 1 May 2013 at 12:30pm.

CARRIED 9/0

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

201213/400 Council Decision

Moved: Cr Carter

Seconded: Cr Hooper

That the meeting be closed to members of the public as prescribed in Section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following item:

15.1 Review of the Public Submissions on the Business Plan in Relation to the Proposed Property Disposition from Bunnings Property Ltd to Purchase a Portion of Lot 12 in the Kingsford Business Park via Private Treaty and Accept the Offer to Purchase 1.54 Hectares Portion of Proposed Lot 12 (File No. 18/01/0016)

CARRIED 9/0

7.25pm Mayor Howlett advised that this meeting is now closed to members of the public.

7:25pm Councillors Taylor, Hooper and Gillingham left the room.

7:25pm Councillor Jacob declared a financial interest in item 15.1 'Review of Public Submissions on the Business Plan in Relation to the Proposed Property Disposition from Bunnings Property Ltd to Purchase a Portion of Lot 12 in the Kingsford Business Park via Private Treaty and Accept the Offer to Purchase 1.54 Hectares Portion of Proposed Lot 12 (File No. 18/01/0016)' as she is a Director of the company which owns Hedland Home Hardware and Garden.

Councillor Jacob left the room.

15.1 *Review of Public Submissions on the Business Plan in Relation to the Proposed Property Disposition from Bunnings Property Ltd to Purchase a Portion of Lot 12 in the Kingsford Business Park via Private Treaty and Accept the Offer to Purchase 1.54 Hectares Portion of Proposed Lot 12 (File No. 18/01/0016)*

7:26pm Councillors Taylor, Hooper and Gillingham re-entered the room.

201213/401 Council Decision

Moved: Cr Carter

Seconded: Cr Dziombak

That Council:

- 1. Notes the submissions that were received from the community and stakeholders regarding the Proposed Major Land Transaction with Bunnings Properties Pty Ltd for the Development of a Portion of Lot 12 Business Plan;**
- 2. Resolves to proceed with the proposal as outlined in the Business Plan in its current form based on feedback received from the public submission process;**
- 3. Formally accepts the offer to purchase 1.54 hectares portion of proposed Lot 12 (subject to survey) within the Kingsford Business Park for the amount of \$2,695,000 (exclusive to GST) to Bunnings Properties Pty Ltd in accordance with sections 3.58 and 3.59 of the *Local Government Act 1995* with the funds to be deposited into the Airport reserve; and**
- 4. Requests the Chief Executive Officer, or his delegate, to undertake the necessary land transaction procedures to implement point 3.**

CARRIED BY ABSOLUTE MAJORITY 8/0

201213/402 Council Decision**Moved: Cr Dziombak****Seconded: Cr Daccache****That the meeting be opened to members of the public.*****CARRIED 8/0***

- 7.28pm Mayor Howlett advised that the meeting is now open to the public.
- 7:28pm Councillor Jacob re-entered the room and resumed her chair.
- 7:28pm Mayor advised Councillor Jacob and members of the public of Council's decision whilst behind closed doors.

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE**201213/403 Council Decision****Moved: Cr Daccache****Seconded: Cr Hooper****That the following applications for leave of absence:**

- **Councillor Gillingham from 28 May 2013 to 31 May 2013 and 11 June 2013 to 14 June 2013**
- **Councillor Hooper from 19 July 2013 to 10 August 2013 and 28 August 2013 to 31 August 2013**
- **Councillor Jacob from 15 June 2013 to 28 June 2013**

be approved.***CARRIED 9/0*****ITEM 17 CLOSURE****17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 June 2013, commencing at 5.30 pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:33 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2013.

CONFIRMATION:

MAYOR

DATE