



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 8 JUNE 2011

AT 5.30 PM

IN COUNCIL CHAMBERS
MCGREGOR STREET, PORT HEDLAND

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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

*Paul Martin
Chief Executive Officer*

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	4
1.1	OPENING	4
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	4
2.1	ATTENDANCE.....	4
2.2	APOLOGIES	4
2.3	APPROVED LEAVE OF ABSENCE.....	4
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
3.1	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 25 MAY 2011.....	4
3.1.1	<i>Joan Foley</i>	4
3.2	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 25 MAY 2011	5
3.2.1	<i>Councillor G J Daccache</i>	5
ITEM 4	PUBLIC TIME	5
4.1	PUBLIC QUESTION TIME	5
4.1.1	<i>Mr Chris Whalley</i>	5
4.1.2	<i>Louise Horton– Managing Director Rose Nowers Early Learning Centre</i>	5
4.2	PUBLIC STATEMENT TIME	6
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	6
5.1	<i>Councillor A A Carter</i>	6
5.2	<i>Councillor J M Gillingham</i>	6
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	7
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 25 MAY 2011	7
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION	7
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	10
9.1	<i>Councillor M Dziombak</i>	10
9.2	<i>Councillor D W Hooper</i>	10
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	10
ITEM 11	REPORTS OF OFFICERS	11
11.1	PLANNING AND DEVELOPMENT SERVICES	11
11.1.1	PLANNING SERVICES.....	11
11.1.1.1	<i>Proposed Section 70A Notification for Lot 185 Kingsmill Street, Port Hedland (File No.:122020G)</i>	11
11.1.1.2	<i>Child Care Service – proposed alterations and extensions on Lot 2791 Boronia Close, South Hedland (File No.: 800200G)</i>	14
11.1.1.3	<i>Proposed Permanent Partial Closure of Limpet Crescent, South Hedland. (File No.:28/01/0017)</i>	28
11.1.1.4	<i>Draft Pilbara Planning & Infrastructure Framework (File No.: .../...)</i>	33
11.1.1.5	<i>Proposed Scheme Amendment No.42 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode various Lots, Reserves and closed Road Portions in South Hedland to “Urban Development” “R30” (File No.: 18/09/0056)</i>	39
11.1.1.6	<i>Proposed Scheme Amendment No.43 to the Town of Port Hedland Town Planning Scheme No.</i>	

	<i>5 to include residential uses as an "Additional Use" for lots zoned "Mixed Business". (File No.: 401780G)</i>	
	59	
11.1.1.7	<i>Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5. (File No.:.../...)</i>	66
11.1.2	RANGER SERVICES.....	87
11.1.2.1	<i>Authorisation of Trainee Ranger -Ranger Services (File No.:19/09/0001)</i>	87
11.2	ENGINEERING SERVICES	89
11.2.1	<i>Purchase of a Water Truck to Assist Boulevard Tree Planting Program (File No.: 21/05/0007)</i>	89
11.3	COMMUNITY DEVELOPMENT	93
11.3.1	<i>Endorsement of the Management Plan for Colin Matheson Clubhouse (File No.: 26.4.0008).</i>	93
11.4	GOVERNANCE AND ADMINISTRATION	101
11.4.1	ORGANISATIONAL DEVELOPMENT	101
11.4.1.1	<i>Tender Policy and Amendment of Procurement Policy 2/007 (File No.: .../...)</i>	101
11.4.2	GOVERNANCE	116
11.4.2.1	<i>Council Meeting Dates (File No.: ADM-015)</i>	116
11.4.2.2	<i>Western Australian Local Government Association AGM 2011 – Appointment of Delegates (File No: 13/01/0009)</i>	118
11.4.3	CHIEF EXECUTIVE OFFICER.....	120
11.4.3.1	<i>Strategic Marketing of Port Hedland and Agreement on Tag Line (File No.: .../...)</i>	120
ITEM 12	LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	124
12.1	<i>Proposed "Use Not Listed" – Pilbara Drug and Alcohol Rehabilitation Centre on Lot 257 Great Northern Highway, Port Hedland (File No: 804679G)</i>	124
ITEM 13	MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	139
ITEM 14	CONFIDENTIAL ITEMS	139
ITEM 15	APPLICATIONS FOR LEAVE OF ABSENCE	139
ITEM 16	CLOSURE	139
16.1	DATE OF NEXT MEETING.....	139
16.2	CLOSURE.....	139

ITEM 1 OPENING OF MEETING

1.1 Opening

The Mayor declared the meeting open at 5:36 pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES

2.1 Attendance

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

Mr Paul Martin	Chief Executive Officer
Mr Russell Dyer	Director Engineering Services
Mr Eber Butron	Director Planning and Development
Ms Jenella Voitkevich	Acting Director Community Development
Miss Josephine Bianchi	Governance Coordinator
Members of the Public	6
Media	1

2.2 Apologies

Councillor Stan R Martin

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 25 May 2011

3.1.1 Joan Foley

Ms Foley asked when disabled access will be made available to the new toilets at the Turf club race grounds?

Officers are investigating the purchase of a transportable disability access toilet for use at Turf Club race meetings and other events in the Town at venues where facilities aren't available.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 May 2011

3.2.1 Councillor G J Daccache

Councillor G J Daccache enquired as to when the Kevin Scott Oval's score board will be replaced?

Director Engineering Services advised that the Town has taken delivery of the new scoreboard and it will be installed next week.

ITEM 4 PUBLIC TIME

5:38pm Mayor opened Public Question Time

4.1 Public Question Time

4.1.1 Mr Chris Whalley

Does Council have a policy to remove dead and dying trees from public places and then replace them with new saplings?

Director Engineering advised Mr Whalley that Council does have a budget for removing and replacing dead trees around town and that this year's budget has already been spent.

Will the Green Streets Project along Wilson and Anderson Street be extended?

Director Engineering Services advised that the Parks and Gardens Co-ordinator has had a look at trees along Wilson Street and found that they have a bug, so they will be removed and replace in due course.

4.1.2 Louise Horton – Managing Director Rose Nowers Early Learning Centre

Louise Horton gave a brief description of the service that the Rose Nowers Early Learning Centre offers and outlined the issues that the centre has been experiencing with parking since 2005.

Following this, Louise Horton requested that Council reconsider points ii and iii of the officer's recommendation included in agenda item 11.1.1.2 'Child Care Service – proposed alterations and extensions on Lot 2791 Boronia Close, South Hedland' to be considered during tonight's meeting. These points being the Rose Nowers Centre's

request to waive the \$1,800 application fee and also the \$37,000 cash in lieu payment.

Mayor advised that Council will be considering Louise Horton's request as part of Agenda Item 11.1.1.2 'Child Care Service – proposed alterations and extensions on Lot 2791 Boronia Close, South Hedland' tonight.

Director Planning and Development advised that the Officers Recommendation included in Agenda Item 11.1.1.2 'Child Care Service – proposed alterations and extensions on Lot 2791 Boronia Close, South Hedland' is based on technical advice, however it is up to Council to make the final decision.

5:44pm Mayor closed Public Question Time

5:44pm Mayor opened Public Statement Time

4.2 Public Statement Time

Nil.

5:44pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor A A Carter

Councillor Carter advised that last Sunday afternoon a wake took place at Cemetery Beach Park. The lady who arranged the wake told Councillor Carter that she got charged \$750 from the Town for the use of the park for a very short service. Councillor Carter asked for a clarification around this matter as he believes that the amount the Town charged seems too high.

Mayor advised that this question is taken on notice.

5.2 Councillor J M Gillingham

Councillor Gillingham asked if the Town had heard any feedback regarding the advertising of employment at the South Hedland Health Campus. She is concerned that if the advertising is not done through local media channels such as the NW Telegraph then locals may miss out on employment opportunities.

Chief Executive Officer will pass this comment on to the Health Campus management.

Councillor Gillingham also enquired as to who's responsibility it is to

clean up the rubbish at the Boulevard Shopping Centre by the Caltex petrol station. She has noticed that lately the rubbish around this area seems to be piling up.

Director Engineering Services advised that as this is the Shopping Centre responsibility.

Chief Executive Officer will pass this feedback to the Shopping Centre's management.

NOTE: Councillor G J Daccache left room at 5:47pm. Councilor G J Daccache re-entered the room and resumed his chair at 5:48pm

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 May 2011

201011/404 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the Minutes of the Ordinary Meeting of Council held on Wednesday 25 May 2011 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the May/June 2011 period to date as follows:

May 2011

Friday, 20th May

- Attended 2011/2012 State Budget Breakfast PHCCI + Deputy Mayor + Cr Dziomabk + Cr Daccache
- Attended Department Housing/SHNL Land Auction & Ballot

- Attended YIC Strategic Planning Workshop
 - Attended Strong Families BBQ @ Wirraka Maya
- Saturday, 21st May
- Mayor Coffee Session, Port Hedland
 - Mayor Coffee Session, South Hedland
 - Attended Family Day @ Port Hedland Turf Club
 - Attended Arabian Nights – Hedland Playgroup Fundraiser
- Sunday, 22nd May
- Drove To Tom Price For PRC Meeting
 - Dinner Function PRC + Cr Martin
- Monday, 23rd May
- PRC Meeting + Cr Martin
 - Drove Back From Tom Price
 - Dinner 2011 WA Clean Beach Challenge Judging Visit
- Tuesday, 24th May
- Weekly Spirit Radio Interview
 - Interview ABC NW Radio Re: 2011 WA Clean Beach Challenge
 - 2011 WA Clean Beach Challenge – Judging Cemetery Beach & Pretty Pool Beach
 - TOPH Audit & Finance Committee Briefing + Deputy Mayor + Cr Dziombak + CEO + DCORP
 - TOPH Audit & Finance Committee Meeting + Deputy Mayor + Cr Dziombak + CEO + DCORP
 - Weekly CEO, Deputy Mayor & Mayor Catchup + Cr Dziombak
 - Informal Catchup FMG Re OCM Agenda Item
- Wednesday, 25th May
- Meeting With Resident (Delany Delaney) Re Public Art
 - VIP Tour JD Hardie Centre + Deputy Mayor + Cr Hooper + CEO + DCD
 - National Simultaneous Story Time Session – Feathers For Phoebe
 - Attended Airport Emergency & Terminal Evacuation Committee Meeting
 - Weekly Deputy Mayor & Mayor Catchup
 - Attended Informal Council Briefing Session + Deputy Mayor + Cr Martin + Cr Daccache + Cr Hooper + Cr Dziombak + CEO + DCORP + DCD + DPD + DENG
 - Chair OCM
- Thursday, 26th May
- Meeting John Pierce Postie Bike Fundraiser Run Today – Broome (RFDS)
 - Monthly Water Corporation Update + Deputy Mayor + CEO
 - Weekly Media Catchup With NWT
 - Flight To Perth

Friday, 27th May

- Attended SkillsPath – Conference For Women

Saturday, 28th May

- Flight Back To Port Hedland

Monday, 30th May

- PDC Strategic Directions Meeting
- Meeting With Outback Travel Writer (Sue)
- Meeting Rose Nowers Early Learning Centre + DPD
- Fortnightly FMG Update Meeting + CEO
- Tuesday, 31st May
- Weekly Spirit Radio Mayor Chat
- Year One Visit Port Hedland Primary School
- Weekly CEO, Deputy Mayor & Mayor Catchup
- Interplan Discussions + Deputy Mayor + CEO + MOD
- Conducted Bus Tour European Union Embassy Counsellors

Wednesday, 1st June

- Flight To Perth
- Port Hedland Projects Implementation Steering Group Meeting + CEO + DPD
- Meeting With Blaxland Property Group + DPD
- Port Hedland Marina Meeting (Perth) + Cr Martin + CEO + DPD
- Growth Plan Partnership Dinner + CEO + DPD

Thursday, 2nd June

- Fortnightly Shire President/Mayor Phone Linkup Meeting
- South Hedland CBD Meeting (Perth) + Brent Rudler + CEO + DPD
- Town of Port Hedland Marketing Meeting + CEO
- Meeting With Charter Hall (Re: South Hedland Shopping Centre) + CEO + DPD
- Meeting With Mayor City Fremantle

Mayor advised that last week, together with the Chief Executive Officer and the Director Planning and Development, she met with Charter Hall, the company that manages the South Hedland Shopping Centre. Topics of discussion were the shopping centre frontage, the car parking issues, the lighting issues and also the look of the centre. Charter Hall advised that they are planning an extension of the shopping centre and also an enhancement of its entrance by the Last Chance tavern side in. All these plans should hopefully be ready in the next 6 months. The Mayor also asked Charter Hall to come and present to Council shortly.

Mayor advised that the 2011 WA clean beach challenge award ceremony will take place next Thursday 16 June and hopefully the Town will receive another trophy.

On Wednesday 25 May the Mayor attended the National Simultaneous Story time session at the South Hedland library where she read and sang a story to kids.

Mayor also visited Year 1 of Port Hedland Primary School and relayed to them her role and the role of Council, which she compared to a soccer team working together for the betterment of the Town.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor M Dziombak

Councillor Dziombak advised that the Port Hedland Chamber of Commerce has secured sufficient sponsorship and funding for the inaugural Hedland Economic Development Summit that will take place at the Matt Dann on 6 October. The Chamber of Commerce will be formally announcing this at its monthly business afterhours session on Tuesday 14 June.

9.2 Councillor D W Hooper

Councillor Hooper advised that on Monday 30 May he attended a meeting with BHP Billiton and Country Arts in Perth as both organisations are looking at delivering something for South Hedland in the future. Councillor Hooper attended a workshop today at South Hedland primary school to help produce a banner for display in South called 'growing together'. Councillor Hooper also had meeting recently regarding the colour for the Port Hedland banner in Perth, which is coming along very well.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

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

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

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

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Strategic Planning Implications	Nil
Budget Implications	Nil

Officer's Comment

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

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

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

Attachments	Nil
--------------------	-----

201011/405 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

- a. Approves the request by McLeods Barristers and Solicitors on behalf of Dallas Robert Kemp, owner of Lot 185 Kingsmill Street, Port Hedland to affix the Town's common seal to a section 70A notification form;

- b. Approves the use of the Towns common seal for the purposes associated with the registering of a section 70A notification on Lot 185 Kingsmill Street, Port Hedland;
- c. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that Condition 2 of the Development Application approval has been satisfactorily complied with.

CARRIED 7/0

11.1.1.2 Child Care Service – proposed alterations and extensions on Lot 2791 Boronia Close, South Hedland (File No.: 800200G)

Officer	Ryan Djanegara Planning Officer
Application No	2011/172
Date of Report	6 May 2011
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application submitted by Saleeba Adams Architects on behalf of the Rose Nowers Child Care Centre Inc for proposed extensions to the existing Rose Nowers Early Learning Centre on Lot 2791 Boronia Close, South Hedland.

The Town of Port Hedland are the owners of the site and have consented to the proposed development. In terms of the Port Hedland Town Planning Scheme No. 5, the proposed use is classified as an “SA” use, requiring Council approval.

The application is supported by the Planning Department.

Background

Site Description

The subject land is located along Boronia Close, South Hedland and has a total area of 2510m². The land is being used and managed by the Rose Nowers Child Care Centre Inc via a lease agreement with the Town who have consented to the proposed extensions of the site.

Previous Approvals

On the 2nd July 2002, a planning permit was issued for some proposed additions and alterations to the existing child care centre. In addition to some internal alterations to the building, a transportable building was placed on-site. The transportable building was required to be used as an after school facility.

Proposed Development

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

- Two new cot rooms;
- 3 additional store rooms;
- 2 offices;

A staffroom;
An additional bathroom; and
A disabled toilet.

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

Consultation

The application has been circulated internally with any comments captured in the report. The proposal was sent to the adjoining property owners to obtain any comments, with no objections being received.

Statutory Implications

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

Policy Implications

- Draft Local Planning Policy 12 – Reciprocal car parking and cash in lieu of parking.

In April 2011, Council initiated the above policy. Subsequently the policy has been advertised for a period of 21 days calling for comments from public and / or developers. The Planning Unit is currently awaiting a response from the Port Hedland Chamber of Commerce, Pilbara Development Commission and the Western Australian Planning Commission. To date no comments / submissions have been received.

Strategic Planning Implications

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

Key Result Area 3: Community Development

Goal Number 1: Youth and Children

Other Actions: Pursue improved education facilities and additional education choice within the Town

Budget Implications

An application fee of \$1, 800 has been received as per the prescribed fees approved by Council.

The applicant has requested that Council refund the application fee. This request is not supported by the Planning Unit.

Officer's Comment

Need and Desirability

Child care services and facilities provide an essential community service, supporting many parents with young children. The proposed additions and internal alterations would help expand the existing child care centre to cater for a growing Town population.

The Rose Nowers Early Learning centre is an existing child care facility that is located in a predominately residential area and adjacent to Cassia Primary and Pre-primary Schools. The development of such a use adjacent to schools is ideal as the facility also provides for an aftercare centre.

Car parking requirements and variations

The Centre will cater for 42 children (12 aged 0 to 2, 15 aged 2 to 3 and 15 aged 3 to 6) with 12 permanent staff members on-site. In accordance with Appendix No. 7 of the Town Planning Scheme No. 5, the applicant is required to provide 17 bays onsite.

The applicant has provided 12 bays onsite, however there is an existing public car parking area (providing 42 car parking bays) within the Boronia Close road reserve.

As per *Council's Draft Local Planning Policy 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking*, the applicant is required to provide 50% of the number of bays onsite. The applicant is therefore required to provide at least 9 bays before reciprocal and cash-in-lieu options can be examined.

The applicant provided 12 on-site and has justified the 5 parking bay shortfall based on reciprocal use the site's proximity to the Boronia Close public car parking area can compensate for the additional traffic.

Boronia Close Public Car parking area

It has been identified that there is a 42 public car parking bay area adjacent to the site being utilised by the centre. The public car park is also used by the parents of the children who attend Cassia Primary School and other facilities.

The future expansion of the child care centre highlights the need to provide enough car parking onsite given its proximity to other community related uses. Prior to the extensions on the site, the Child Care Centre was reliant on 10 bays in the Boronia Close Public Car parking area as only 4 bays were provided on-site.

With the proposed expansion on site, the applicant will only need to use 5 bays of the 42 bays in the Boronia Close Public Car parking area. In light of the above it is considered that the reciprocal use of the bays can be considered reasonable because the applicant is now utilising 5 bays from the public car park instead of 10. A cash-in-lieu contribution however will still be required from the applicant.

Cash-in-lieu

The cash-in-lieu requirement to pay for additional bays is split into two components, land acquisition and construction cost. The construction cost is estimated at \$7,500.

Given that Council does not have an acquisition cost for the 5 car parking bays located within the road reserve. Council may consider providing the land at no cost. This will require the developer having to pay a cash in lieu payment of \$37,500.00.

The applicant has been advised of the cash in lieu payment, and has requested that Council waive this payment.

Given that the proposal is consistent with the provisions of the draft policy, it is considered that the requested parking arrangement can be supported subject to a cash-in-lieu payment for the 5 bay shortfall.

Options

The Council has the following options when considering the application:

1. Approve the proposal subject to conditions.

Should the proposal be approved, it will help support the current and future child care needs of residents within the locality.

2. Approve the application subject to providing all the required car parking on-site.

The applicant has demonstrated that they are able to only fit 12 parking bays on-site. Whilst there is a potential to provide the additional 5 parking bays, it will reduce the amount of play area available.

3. Refuse the proposal.

Should the proposal be refused, the centre will not be able to cater for the future child care needs of residents.

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

Attachments

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

Officer's Recommendation

That Council:

- i. REFUSES the applicants request to refund the application fee of \$1,800.
- ii. APPROVES the planning application submitted by Saleeba Adams Architects on behalf of the Rose Nowers Child Care Centre Inc on Lot 2791 Boronia Close, South Hedland subject to the following conditions:
 1. This approval relates only to the proposed CHILD CARE SERVICE - Proposed alterations and extensions and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 2. The development must only be used for purposes which are related to the operation of a "*Child Care Service*" business. Under the Town of Port Hedland's Town Planning Scheme No. 5 a "*Child Care Service*" is defined as:

"land or buildings used for the daily or occasional care of five or more unrelated children in either a centre or a private dwelling."
 3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
 4. A minimum of 12 car parking spaces are to be provided on-site in accordance with Appendix 7 of Council's Town Planning Scheme No. 5 to the satisfaction of Council's Manager Planning.
 5. Prior to the submission of a Building Licence the applicant/landowner is to have paid a cash in lieu contribution of \$37,500 for the 5 car parking spaces that cannot be provided on-site.

6. Pram ramp and kerbing to be designed and constructed as per Council and Australian Standards to the satisfaction of Council's Manager Planning.
7. Within 30 days of this approval, or such further period as agreed by Council's Manager Planning a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.
8. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by the Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.
9. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.
10. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
11. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Engineering Services at the developer's expense.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. Be advised that the Town's Environmental Health Services Department has raised the following matters:
 - a. The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;

If any of these matters require clarification please contact the Department on 9158 9325

3. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999*.
 4. The development is to comply with the *Health (Public Buildings) Regulations 1992*.
 5. Building services advises that the applicant that the proposed development will need to maintain adequate fire separation to the existing transportable building. Should you have any questions please contact Councils Manager Building on 9158 9329 for further details.
 6. In relation to Conditions 10 and 11 please contact Councils Manager Infrastructure Development on 9158 9650 for further details.
 7. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
 8. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
- iii. REFUSES the applicants request to waive the cash in lieu payment of \$37,500

201011/406 Council Decision

Moved: Cr S J Coates

Seconded: Cr M Dziombak

That Council:

- i) Approve the applicants request to refund the application fee of \$1,800.

- ii) Approves the planning application submitted by Saleeba Adams Architects on behalf of the Rose Nowers Child Care Centre Inc on Lot 2791 Boronia Close, South Hedland subject to the following conditions:
1. **This approval relates only to the proposed CHILD CARE SERVICE - Proposed alterations and extensions and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
 2. **The development must only be used for purposes which are related to the operation of a “Child Care Service” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 a “Child Care Service” is defined as:**

“land or buildings used for the daily or occasional care of five or more unrelated children in either a centre or a private dwelling.”
 3. **This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.**
 4. **A minimum of 12 car parking spaces are to be provided on-site in accordance with Appendix 7 of Council's Town Planning Scheme No. 5 to the satisfaction of Council’s Manager Planning.**
 5. **Prior to the submission of a Building Licence the applicant/landowner is to have paid a cash in lieu contribution of \$37,500 for the 5 car parking spaces that cannot be provided on-site.**
 6. **Pram ramp and kerbing to be designed and constructed as per Council and Australian Standards to the satisfaction of Council’s Manager Planning.**
 7. **Within 30 days of this approval, or such further period as agreed by Council’s Manager Planning a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to Council’s Manager Planning. The plan to include species and planting details with reference to Council’s list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.**

8. **Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by the Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.**
9. **Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.**
10. **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.**
11. **Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Engineering Services at the developer's expense.**

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. Be advised that the Town's Environmental Health Services Department has raised the following matters:
 - a. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;**
 - b. **If any of these matters require clarification please contact the Department on 9158 9325**
3. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the *Town of Port Hedland Health Local Laws 1999*.
4. The development is to comply with the *Health (Public Buildings) Regulations 1992*.

5. Building services advises that the applicant that the proposed development will need to maintain adequate fire separation to the existing transportable building. Should you have any questions please contact Councils Manager Building on 9158 9329 for further details.
 6. In relation to Conditions 10 and 11 please contact Councils Manager Infrastructure Development on 9158 9650 for further details.
 7. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval cycle of flooding could affect any property below the ten (10)-metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
 8. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
- iii. Approve the applicants request to waive the cash in lieu payment of \$37,500

CARRIED 7/0

REASON: Council believes it needs to support affordable and effective child care in town.

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.2



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.2

11.1.1.3 Proposed Permanent Partial Closure of Limpet Crescent, South Hedland. (File No.:28/01/0017)

Officer	Caris Vuckovic Lands Officer
Date of Report	25 May 2011
Application No.	2011/101
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from Taylor Burrell Barnett, Town Planners of behalf of South Hedland New Living to permanently close portions of the Limpet Crescent Road Reserve, directly adjoining Lot 5993 Cottier Drive and Lot 2 Limpet Crescent, South Hedland.

The closure of the subject portions of Limpet Crescent will not have any effect on the current use of the road reserve further south by the members of the mosque.

The proposal is supported by both the Towns Engineering and Planning Units.

Background

The proposed partial road closures are required to facilitate the overall subdivision of the surrounding land.

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

To continue with the program of providing housing and uplifting residential areas in South Hedland the applicant (South Hedland New Living) has requested that the unused portions of Limpet Crescent be closed and amalgamate with the adjoining Lots 5993 Cottier Drive and Lot 2 Limpet Crescent. The amalgamations of these lots will enable South Hedland New Living to develop the land.

Consultation

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

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

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

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

Statutory Implications

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

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

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

“The Director Planning and Development Services may forward Road Closure Applications direct to the Department of Regional Development and Lands in the event of:

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

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

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

Officer's Comment

The proposed closure has a number of positive outcomes. The re-alignment results in a far safer road network with the removal of the existing "S" bend. A new intersection will also be created, resulting in a safer intersection between Limpet Crescent and Cottier Drive.

The sections of Limpet Crescent Road Reserve (approximately 2781m²) which is being sought to be closed will facilitate the amalgamation and subdivision of the surrounding land, ensuring the land is developed to its optimum potential.

Options

Council has the following options for responding to the request:

- 1) Support the request for closure of parts of the Limpet Crescent Road Reserve, South Hedland.

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

- 2) Reject the request for closure of parts of the Limpet Crescent Road Reserve, South Hedland.

Should Council not support the closure, the portions of road reserve will remain as is.

It is recommended that Council support the closure of parts of the Limpet Crescent Road Reserve.

Attachments

Proposed Road Closure Plan

201011/407 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. Supports the request from Taylor Burrell Barnett to permanently close portions of Limpet Crescent Road Reserve, South Hedland. Subject to the following conditions:-
 - a. **The proposed Road Closures being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**

- b. No objections being received during the advertising period,**
 - c. The submission and approval of a subdivision plan by the Western Australian Planning Commission, making provision for the proposed new alignment of Limpet Crescent.**
- 2. Delegates the Director Planning & Development Services under Delegation 40(12) to submit the roads closure request to the Department of Regional Development and Lands (State land Services), subject to no adverse submissions being received during the statutory advertising period.
- 3. Requests the Department of Regional Development and Lands to amalgamate the closed portion of roads with Lot 5993 Cottier Drive and Lot 2 Limpet Crescent, South Hedland.
- 4. Notifies the applicant that any costs incurred as a result of the proposed closure will be for the applicant account.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.3

11.1.1.4 *Draft Pilbara Planning & Infrastructure Framework (File No.: .../...)*

Officer Eber Butron
Director Planning and
Development

Date of Report 01 June 2011

Disclosure of Interest by Officer Nil

Summary

The draft Pilbara Planning and Infrastructure Framework (PPIF) prepared by the Department of Planning establishes a strategic direction for the region over the next 25 years.

It is now recommended Council support the draft Plan on the condition that the draft document is reviewed periodically and the Department of Planning and WAPC incorporate the findings of the TOPH Growth Management Plan once this document is completed.

Background

Council last considered this item at its Ordinary Council Meeting of 11 May 2011 where it resolved:

'That Council formally requests an extension of time to comment on the draft Pilbara planning and infrastructure framework until the 30th June 2011.'

Councils Director of Planning and Development has since met with the Regional Manager of Planning, Phil Woodward, and the Chairperson of WAPC, Gary Pratley. Discussions at this meeting resolved the following:

- The Department of Planning and WAPC were required to deliver the PPIF in a timely manner;
- That an Implementation Plan to deliver the outcomes of the PPIF was the next stage of the project and would be prepared accordingly;
- The PPIF is a live document and is subject to review and update;
- That the findings of the TOPH Growth Management Plan would be incorporated in periodic reviews of the PPIF;
- That the State would acknowledge the findings of the Growth Plan and funding, infrastructure, and resourcing for Port Hedland would be considered accordingly.

Consultation

The draft plan was publicly advertised for a period of 60 days until the 9 May 2011

Statutory Implications

The draft plan has been endorsed as a regional strategy to be listed with in the State Planning Policy 1.

Policy Implications

Nil

Strategic Planning Implications

The draft plan identifies various key projects and actions identified within Councils Strategic Plan, it will enable Council to effectively review and amend future Strategic Plans accordingly.

Budget Implications

Projects identified within the draft Framework may have significant financial considerations in future budgets with regard to delivery of major infrastructure, facilities and projects.

Officer's Comment

The issues identified when Council last considered this item included:

1. Effective coordination & integration with other Pilbara regional and local Port Hedland planning, infrastructure , community and other documents/strategies prepared for the area
2. Some projects that have been identified within the draft PPIF have already commenced or nearing completion. The draft PPIF should be updated and amended to reflect this
3. The current PPIF identifies priority projects upto 2015. Given the framework is intended to guide development to 2035 it should identify key projects or actions beyond 2015
4. The Pilbara is a rapidly growing and changing region. Some detailed provided within the PPIF has progressed or changed. The draft plan needs to be amended to reflect changes in the region especially the economic and social environment.
5. Comparison to Townsville region on the North Coast of Queensland is not necessarily reflective of the Pilbara, currently or even the future vision of the Pilbara, there are differing economic, social and environmental attributes if one was to compare both towns.

6. To provide a more effective document it is considered the draft PPIF can provide more detailed with regards to commentary on the actions and delivery of future strategic infrastructure and programs, especially with regards to the type, scale and quantity of these items to ensure a sustainable 50,000 person city.
7. The draft PPIF should provide more detail with regards to future projects and infrastructure within the Town of Port Hedland
8. It is considered the implementation of the document is extremely critical to the effective and successful delivery of projects identified within the draft PPIF. This section within the document requires a lot more detail with regards to projects and actions, timing, delivery, review and responsible agencies to deliver these project/items.
9. Following on previous point it would be ideal if the draft plan was a whole of government endorsed document and all relevant stakeholders (state agencies, Council, Community and other stake holders) had ownership of the document and where involved and responsible for the delivery of the projects identified in the PPIF.

It is considered these issues remain valid. Most of these issues will be addressed through the development of the TOPH Growth Management Plan. In particular items 6 and 7 listed above would be addressed by the Growth Plan.

As discussed previously the Department of Planning and WAPC emphasised the need to prepare an Implementation Plan to appropriately deliver the findings of the PPIF. Items 8 and 9 listed above should be addressed by the Implementation Plan that is still to be prepared. Importantly Council should be integral in the preparation of this document.

The PPIF remains a reasonably broad visioning document. Specifically it is considered the PPIF should provide detailed guidance as exactly what infrastructure will be required by the time Port Hedland reaches a 50,000 person community. This would include: the demographic and social make up of the city, the number of schools, tafe/university, community facilities, recreational facilities, entertainment facilities, police stations/personnel, ambulance, fire services, hospital beds, road/water/sewer/power infrastructure, tourism facilities, airport infrastructure, retail/commercial floor space, strategic industry, employment and economic diversity etc

Options

Council has the following options with regards to the PPIF

1. Endorse and support the draft PPIF
2. Endorse and support the draft PPIF subject to further comments and amendments
3. Not endorse the PPIF

It is recommended that Council support Option 2 above.

Attachments

Pilbara Planning & Infrastructure Framework

201011/408 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i. Supports the draft PPIF subject to the following conditions:
 - a. **The Department of Planning incorporate the findings of the TOPH Growth Management Plan when this plan is completed;**
 - b. **The findings of the TOPH Growth Management Plan be considered and incorporated in future government infrastructure planning and funding for the Pilbara region;**
 - c. **The draft PPIF be amended to consider the following:**
 1. **Effective coordination & integration with other Pilbara regional and local Port Hedland planning, infrastructure, community and other documents/strategies prepared for the area**
 2. **Some projects that have been identified within the draft PPIF have already commenced or nearing completion. The draft PPIF should be updated and amended to reflect this**
 3. **The current PPIF identifies priority projects up to 2015. Given the framework is intended to guide development to 2035 it should identify key projects or actions beyond 2015**

4. **The Pilbara is a rapidly growing and changing region. Some detailed provided within the PPIF has progressed or changed. The draft plan needs to be amended to reflect changes in the region especially the economic and social environment.**
5. **Comparison to Townsville region on the North Coast of Queensland is not necessarily reflective of the Pilbara, currently or even the future vision of the Pilbara, there are differing economic, social and environmental attributes if one was to compare both towns.**
6. **To provide a more effective document it is considered the draft PPIF can provide more detailed with regards to commentary on the actions and delivery of future strategic infrastructure and programs, especially with regards to the type, scale and quantity of these items to ensure a sustainable 50,000 person city.**
7. **The draft PPIF should provide more detail with regards to future projects and infrastructure within the Town of Port Hedland**
8. **It is considered the implementation of the document is extremely critical to the effective and successful delivery of projects identified within the draft PPIF. This section within the document requires a lot more detail with regards to projects and actions, timing, delivery, review and responsible agencies to deliver these project/items.**
9. **Following on previous point it would be ideal if the draft plan was a whole of government endorsed document and all relevant stakeholders (state agencies, Council, Community and other stake holders) had ownership of the document and where involved and responsible for the delivery of the projects identified in the PPIF.**

- 10. The PPIF be amended to provide detailed guidance as to what infrastructure will be required by the Town of Port Hedland when it reaches a 50,000 person community. This would include: the demographic and social make up of the city, the number of schools, tafe/university, community facilities, recreational facilities, entertainment facilities, police stations/personnel, ambulance, fire services, hospital beds, road/water/sewer/power infrastructure, tourism facilities, airport infrastructure, retail/commercial floor space, strategic industry, employment and economic diversity etc**
- ii. Requests to be represented on the steering panel established to prepare the Implementation Plan that supports the Pilbara Planning and Infrastructure Framework.

CARRIED 7/0

5:57pm Councillor S J Coates declared a Financial interest in Agenda Item 11.1.1.5 'Proposed Scheme Amendment No.42 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode various Lots, Reserves and closed Road Portions in South Hedland to "Urban Development" "R30"' as he resides at 48 Trumpet Way, the residence is owned by BHP Billiton and he is a BHP Billiton employee and shareholder with shares over the statutory limit.

Councillor S J Coates left the room.

11.1.1.5 Proposed Scheme Amendment No.42 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode various Lots, Reserves and closed Road Portions in South Hedland to "Urban Development" "R30" (File No.: 18/09/0056)

Officer Leonard Long
Manager Planning

Date of Report 30 May 2011

Application Number 2011/197

Disclosure of Interest by Officer Nil

Summary

Council have received a request from Taylor Burrell Barnett (TBB) on behalf of the Department of Housing and South Hedland New Living to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the coding / zoning of Lot 5997 Limpet Crescent, Lot 6082 Lovell Place, Lot 5999 Limpet Crescent, Lot 6000 Trumpet Way, Lot 5981 Pepper Street, Portion of Trumpet Way road reserve, Portion of Limpet Crescent road reserve, Portion of Pepper Street road reserve, Portion of Lovell Place road reserve.

The applicant has included as part of this request a portion of Trumpet Way which is yet to be considered by Council for closure.

Due to potential implications the closure of this portion of Trumpet Way road reserve may have on the Mosque with regard to the loss in parking. Prior to any request being put forward to Council to consider a road closure, the applicant will have to provide the Planning Unit with a parking solution that will be acceptable to both the Town and the Mosque.

Should the applicant be able to provide a parking solution that is acceptable to both the Planning Unit and the Mosque, Council will be requested to consider the inclusion of this portion of the Trumpet Way road reserve as part of the adoption report for the subject scheme amendment.

This approach will not deprive the community of an opportunity to provide comments. As part of the road closure procedure the Town is required to advertise the proposed closure in the local newspaper, place a notice on site and notify any persons that may be affected by the proposed closure.

Background

The land included in the initiation request is currently vacant land or unused road reserves which are in the process of being closed.

The ultimate aim of the scheme amendment is to enable the subdivision and development thereof. The Department of Housing together with South Hedland New Living have been responsible for a number of infill developments and renovations throughout South Hedland. These infill developments and renovations have resulted in much improved streetscapes and passive surveillance over public areas.

Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

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 Nil

Budget Implications

The applicant has paid the prescribed application fee of \$1,769.20 for the initiation as prescribed.

Officer's Comment

The Planning unit has identified criteria that should be met before supporting increased density. This 'criteria' is based on the accessibility to infrastructure and facilities (eg Transportation infrastructure, Park and Recreation facilities, education and health facilities and commercial facilities such as supermarkets).

The subject land included in the request meets the above criteria. Being located within close proximity to Cottier Drive and Murdoch Drive, two main collector roads within South Hedland, provides good access to the South Hedland Town Centre, JD Youth Centre and the Marquee Park. The subject land is also in close proximity to two primary schools.

The increase in density in close proximity to the above facilities would result in a better utilisation of these facilities contributing to their success.

In addition to the recoding, the applicant is proposing to include the ability to request "Detailed Area Plans" (DAP) as part of Town Planning Scheme No. 5. The function of a DAP is somewhat similar to that of a "Development Plan" but deals with a far smaller area and in much higher detail.

The ability to request DAP enables the Town to ensure that initial development proposals are retained through time, i.e., the particular subdivision that is being considered by the applicant would include a number of "Cottage" type lots. The successful development of these lots depends heavily on building envelopes and specific development controls and guidelines. Currently the Town relies on Development Guidelines and in some instances these are sufficient to guide development, but guidelines are not statutorily enforceable. Through the ability to request DAP at the development plan / subdivision stage of a development, it provides certainty that the development will be done and maintained as initially approved by the Town, and provides the Town with the ability to take action against any developer / owner who does not comply with the DAP.

Subject to the exclusion of the Portion of Trumpet Way, the request is supported by the Planning Unit.

Options

Council has the following options when considering the matter:

Initiate the Scheme Amendment with the exclusion of portion of Trumpet Way.

By initiating the request in this manner the applicant will be able to continue with the overall development, whilst investigating alternative parking locations suitable to Council, members of the mosque and the applicant.

Initiate the Scheme Amendment as requested.

The initiation of the scheme as requested may result in objections being received from the members of the mosque, as the portion of Trumpet Way included in the request is currently constructed and used by the members of the mosque for parking purposes.

Refuse to Initiate the Scheme Amendment

Refusal of the proposed Scheme Amendment will reduce housing options within the region to respond to the ongoing demand for housing requirements and population pressures.

It is recommended that option 1 be considered.

Attachments

Scheme Amendment Report and Plans

Officer's Recommendation

That Council:

1. APPROVES the request from Taylor Burrell Barnett (TBB) on behalf of the Department of Housing and South Hedland New Living to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*, to amend the coding of Lot 5997 Limpet Crescent, Lot 6082 Lovell Place, Lot 5999 Limpet Crescent, Lot 6000 Trumpet Way, Lot 5981 Pepper Street, Portion of Limpet Crescent road reserve, Portion of Pepper Street road reserve and Portion of Lovell Place road reserve to "Urban Development – R30" and the inclusion of the proposed scheme text including "Detailed Area Plans", subject to the following:
 - a. Appendix 6 "Matters to be addressed by Development Plans" be included in addition to "Development Plan Area" as Appendix 5.
 - b. Applicants proposed Appendix 1 "Proposed Scheme Text Introducing Detailed Area Plans" be amended as follows:
 - i. Reference to Appendix 1 – Proposed Scheme Text Introducing Detailed Area Plans, to

Appendix 6 – Detailed Area Plans

- ii. Amend clause 3.3, Within 10 days of making a resolution under 3.2, Council shall advise the proponent in writing of its decision, to

Council shall advise the proponent in writing of its decision.

- iii. Deletion of clause 3.6 and 3.7,

- iv. Amend clause 4(a), Where a Detailed Area Plan is prepared under section 2 and the Detailed Area Plan is likely to affect landowners or occupiers of land other than the proponent, Council shall advise require the proponent to advertise the Detailed Area Plan by one or more of the following methods: to

Council shall advertise the Detailed Area Plan in accordance with clause 4.3 of the scheme.

- v. Deletion of clause 4(a)(1), 4(a)(2) and 4(a)(3),

- vi. Deletion of clause 4(b),

- vii. Amendment of clause 5, A Detailed Area Plan may address the following matters, to

A Detailed Area Plan shall address the following matters.

- viii. Amendment of clause 6(a), Where a Detailed Area Plan is prepared as the basis for supporting subdivision of land, or where the Detailed Area Plan proposes to modify any policy of the WAPC, Council shall submit the Detailed Area Plan to the WAPC within 14 days of adoption and request that the WAPC endorse the Detailed Area Plan, to

Where a Detailed Area Plan is prepared as the basis for supporting subdivision of land, or where the Detailed Area Plan proposes to modify any policy of the WAPC, Council shall submit the Detailed Area Plan to the WAPC within 42 days of adoption and request that the WAPC endorse the Detailed Area Plan.

- ix. Amend clause 8(b)(1), Where Council makes a resolution to revoke a Detailed Area Plan endorsed by the WAPC under clause 6(a) it shall advise the WAPC within 14 days of such resolution, to

Where Council makes a resolution to revoke a Detailed Area Plan endorsed by the WAPC under clause 6(a) it shall advise the WAPC within 42 days of such resolution.

2. ADVISES the applicant that the Portion of Trumpet Way road reserve has been excluded from the request until the applicant has provided parking to the satisfaction of Council Manager Planning.
3. ADVISES that subject to 2 above, the Portion of Trumpet Way may be considered for inclusion into this scheme amendment, when considering the adoption of the scheme amendment by Council.
4. REQUESTS that the applicant prepare the formal amendment documentation as per 1 above to enable referral to the Environmental Protection Authority.
5. SUBJECT to 4 above being received forward the scheme documents to the EPA to obtain the level of assessment and approval to advertise the amendment.
6. SUBJECT to 5 above and pursuant to section 83 of the Planning and Development Act, Council is to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the Planning and Development Act.

201011/409 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

1. Approves the request from Taylor Burrell Barnett (TBB) on behalf of the Department of Housing and South Hedland New Living to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5*, to amend the coding of Lot 5997 Limpet Crescent, Lot 6082 Lovell Place, Lot 5999 Limpet Crescent, Lot 6000 Trumpet Way, Lot 5981 Pepper Street, Portion of Limpet Crescent road reserve, Portion of Pepper Street road reserve and Portion of Lovell Place road reserve to "Urban Development – R30" and the inclusion of the proposed scheme text including "Detailed Area Plans", subject to the following:
 - a. **Appendix 6 "Matters to be addressed by Development Plans" be included in addition to "Development Plan Area" as Appendix 5.**

b. Applicants proposed Appendix 1 “Proposed Scheme Text Introducing Detailed Area Plans” be amended as follows:

i. Reference to Appendix 1 – Proposed Scheme Text Introducing Detailed Area Plans, to

Appendix 6 – Detailed Area Plans

ii. Amend clause 3.3, Within 10 days of making a resolution under 3.2, Council shall advise the proponent in writing of its decision, to

Council shall advise the proponent in writing of its decision.

iii. Deletion of clause 3.6 and 3.7,

iv. Amend clause 4(a), Where a Detailed Area Plan is prepared under section 2 and the Detailed Area Plan is likely to affect landowners or occupiers of land other than the proponent, Council shall advertise require the proponent to advertise the Detailed Area Plan by one or more of the following methods: to

Council shall advertise the Detailed Area Plan in accordance with clause 4.3 of the scheme.

v. Deletion of clause 4(a)(1), 4(a)(2) and 4(a)(3),

vi. Deletion of clause 4(b),

vii. Amendment of clause 5, A Detailed Area Plan may address the following matters, to

A Detailed Area Plan shall address the following matters.

viii. Amendment of clause 6(a), Where a Detailed Area Plan is prepared as the basis for supporting subdivision of land, or where the Detailed Area Plan proposes to modify any policy of the WAPC, Council shall submit the Detailed Area Plan to the WAPC within 14 days of adoption and request that the WAPC endorse the Detailed Area Plan, to

Where a Detailed Area Plan is prepared as the basis for supporting subdivision of land, or where

the Detailed Area Plan proposes to modify any policy of the WAPC, Council shall submit the Detailed Area Plan to the WAPC within 42 days of adoption and request that the WAPC endorse the Detailed Area Plan.

- ix. **Amend clause 8(b)(1), Where Council makes a resolution to revoke a Detailed Area Plan endorsed by the WAPC under clause 6(a) it shall advise the WAPC within 14 days of such resolution, to**

Where Council makes a resolution to revoke a Detailed Area Plan endorsed by the WAPC under clause 6(a) it shall advise the WAPC within 42 days of such resolution.

2. Advises the applicant that the Portion of Trumpet Way road reserve has been excluded from the request.
3. Requests that the applicant prepare the formal amendment documentation as per 1 above to enable referral to the Environmental Protection Authority.
4. Subject to 4 above being received forward the scheme documents to the EPA to obtain the level of assessment and approval to advertise the amendment.
5. Subject to 5 above and pursuant to section 83 of the Planning and Development Act, Council is to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the Planning and Development Act.

CARRIED 6/0

5:58pm Councilor S J Coates re-entered the room and resumed his chair.

Mayor advised Councilor S J Coates of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.5

17



Taylor Zupcoff (District Council)

Attachment 1

Our Ref: 05/087 AP:lv

6 April 2011

Attention: Leonard Long

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

Document #: IPA15274
Date: 02.05.2011
Officer: LEONARD LONG
File: 18/08/0056



Tidville Archway 3 Pty Ltd ABN 74 389 437 533

Dear Sir

REQUEST TO INITIATE SCHEME AMENDMENT TO TOWN OF PORT HEDLAND TOWN PLANNING SCHEME NO. 5

On behalf of the Department of Housing and the South Hedland New Living Project, Council is requested to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)* to:

1. Rezone the following lots in South Hedland to 'Urban Development' with an applied density code of 'R30'; and
2. Introduce provisions into the Scheme text to enable the preparation and adoption of Detailed Area Plans.

The land subject to the rezoning request are detailed below:

Lot No.	Plan No.	Current Scheme Reservation	Tenure	Area
✓ 5997 Limpet Crescent	219941	Other Public Purposes – Water and Drainage	UCL ^a	4,382 m ²
✓ 6082 Lovell Place	194553	Other Public Purposes – Water and Drainage	UCL ^a	2,441m ²
✓ 5999 Limpet Crescent	219941	Other Public Purposes – Water and Drainage	UCL ^a	1,951m ²
✓ 6000 Trumpet Way (portion)	219941	Other Public Purposes – Water and Drainage	Crown Reserve (46653) ^b	7,546m ²
✓ 5981 Pepper Street	219823	Parks and Recreation	Crown Reserve (44827) ^b	58,740m ²
✓ Portion Trumpet Way road reserve		Local Road	Road Reserve ^c	m ²
✓ Portion Limpet Crescent road reserve		Local Road	Road Reserve ^c	m ²
Portion Pepper Street road reserve		Local Road	Road Reserve ^e	m ²
Portion Lovell Place road reserve		Local Road	Road Reserve ^c	m ²

.../2

- a) Unallocated Crown Land to be purchased by Department of Housing
- b) Council to request relevant portions of reserves be cancelled
- c) Council to request partial road closure



Background

These lots form part of an overall project site to be developed as part of the South Hedland New Living Project (SHNL), an initiative of the Department of Housing with the cooperation of the Town of Port Hedland, the State Government, and the local community. The aims of the SHNL are to improve the physical and social capital in South Hedland through the subdivision and development of vacant Crown land, the renovation of existing public housing stock, and significant contribution to community organisations and events.

The development of the subject site comprises one of the most significant SHNL project sites, not only with respect to the overall size of the development, but also due to the central location of the site. Plan 05/087/091 identifies all the lots included in this rezoning request and also shows the whole of the development site that also includes the following land:

- Lots 5992, 5993 and 5996 Cottier Drive (currently zoned 'Urban Development – R30');
- Lot 2 Limpet Crescent (currently zoned 'Urban Development – R30');
- Lot 3091 Kennedy Street (currently being rezoned to 'Residential – R30');
- Lots 6115 and 3098 Jibson Court (currently being rezoned to 'Residential – R30');
- Lots 3087, 3734, 3735 (currently being rezoned to 'Residential – R30'); and
- Portions of Kennedy Street, Brown Place, and Jibson Court (in the process of being closed and rezoned to 'Residential – R30').

As each of these lots is already appropriately zoned, or in the final stage of being rezoned, these are not included in this amendment request.

Description

The lots subject to this rezoning request are generally flat, with no significant vegetation. Lot 5981 has previously been developed with a small neighbourhood playground; however this infrastructure has not been replaced since being destroyed by fire several years ago. In addition to this demolished playground, Lot 5981 is traversed by two dual-use paths linking Kennedy Street to Limpet Crescent. These connections will be preserved as part of the subdivision of Lot 5981 via dual use paths constructed in new road reserves linking Kennedy Street with Trumpet Way. While not technically part of the development site, it is intended that the established eucalypt trees in the Kennedy Street road reserve bordering Lot 5981 be incorporated in the final subdivision design as part of the new pedestrian green link from Marquee to Memorial Park.

Lots 5997, 6082, 5998, and 6000 are currently developed as open stormwater drains. These lots are included in this scheme amendment request to facilitate either the realigning of these drains to enable a more efficient development of the adjoining lots, or the absorbing of the drainage function into newly constructed roads. Detailed civil engineering investigation and subsequent design will determine the extent of any potential modifications to the stormwater drainage system. Subsequent subdivision of this development site will include the formalisation of any realigned stormwater reserves into Crown reserves to be ceded to the Town in accordance with standard practice.

While not part of this amendment request, it is noted that Lot 2 contains a treated effluent water tank that Council's engineering services has advised were previously part of a water reuse scheme irrigating public open space and local primary school sporting ovals. This tank is no longer in use and will be demolished in association with future subdivision works.

.../3



Also outside the rezoning area, but part of the overall project site, Lot 5993 also contains two buildings understood to previously been used by the Girl Guides Association, but now disused. These buildings are currently vacant and will be demolished in association with future subdivision works.

Location

Located centrally to the South Hedland town site, the lots subject to this request are bordered by Cottier Drive, Kennedy Street, Pepper Street, Trumpet Way, and Limpet Crescent. The site is therefore extremely well serviced by the existing road network. In addition, the overall site is adjacent to the Marquee Park and Memorial Park sites, and the JD Hardie Centre. The South Hedland, Cassia, and Baler primary schools are each located within 300 metres of the overall development site. Plan 05/087/091 identifies the amendment and development sites within the local area.

Proposed Subdivision

A proposed subdivision plan for the overall project area has been prepared that addresses the following general principles:

- New lots will be created to ensure roads, drainage reserves, and public open space are provided with passive surveillance either by orienting lot frontages to public spaces, or ensuring opportunities for grouped housing sites to address these spaces;
- The dual use path currently terminating at Marquee Park is to be continued through the site to link to Memorial Park;
 - Where possible, new road intersections will be located away from the dual use path to ensure limited road crossings are required for pedestrians and cyclists;
- New connections from Brown Place and Lovell Place will remove these existing cul-de-sacs, improving traffic permeability and legibility;
- Crossovers and new road intersections to Kennedy Street will be limited to ensure the preservation of mature eucalypt trees located within the road reserve;
- The Trumpet Way road pavement will be realigned to the eastern edge of the road reserve with the existing, underutilised carpark redeveloped as road pavement and verge, allowing the western edge of the current road reserve to be absorbed into the development site;
- The existing intersection of Cottier Drive with Dale Street will be replaced with a four-way roundabout to assist with slowing traffic in the vicinity of Marquee Park.
- The plan of subdivision will respect the location of existing public infrastructure, locating these in new road reserves where possible to eliminate the need to encumber land in freehold tenure.
- A variety of lot types are to be created to encourage housing diversity and options and make most efficient use of available land.
- New public open space to be located to create desirable and easily accessible destinations.
- The existing Catholic Church site to be provided with increased accessibility to capitalise on this community asset.

.../4



Site Constraints

In addition to the area constraints imposed by surrounding development, this overall site is significantly constrained by stormwater drains, above and underground infrastructure, mature eucalypt trees along Kennedy Street, and the dimensions and shape of the parent lots.

Stormwater drainage is a particularly significant site constraint as all overland flows will require directing into new road reserves and subsequently into the existing stormwater drainage system. The enclosed plan of subdivision has been designed to ensure existing stormwater flows and storage are either maintained or improved.

Servicing the development site will also impact the final design as sufficient fall will be required for sewerage infrastructure to connect to the existing system. Water mains also currently cross the site. Where possible, new road reserves will be created over existing infrastructure to avoid creating residential lots constrained by service easements.

St. Johns Catholic Church that is located at the end of Lovell Place is another significant development constraint that is respected in the subdivision design. The proposed subdivision design seeks to create new road links and access opportunities to the Church, while maintaining the existing lot boundaries and making best advantage of the building's contribution to streetscape.

These matters will be addressed with appropriate detail during the subdivision approval process.

Crown Reserves

Following an assessment of underutilised Crown reserves and unallocated Crown land by RPS Koltasz Smith, the Town of Port Hedland advised the Department of Regional Development and Lands (State Lands) of those reserves with management orders in favour of the Town of Port Hedland that were surplus to the Town's requirements. Accordingly, Reserve 39660 (Lot 5993) that currently has a Management Order in favour of the Town of Port Hedland has been identified as land to be offered to the Department of Housing for inclusion in the SHNL.

As noted earlier, any proposed modification to the stormwater drainage network will be supported by technical investigation demonstrating that the overall drainage function will not be compromised.

Should any stormwater drainage reserve be realigned during subdivision, the new drains will be created as new lots and ceded as Crown reserves with management by the Town of Port Hedland. Should the plan of subdivision be approved prior to the completion of this Scheme Amendment, these Crown reserves may be reserved under the Scheme as 'Other Public Purposes – Water and Drainage'. Otherwise, these lots shall remain zoned 'Urban Development'.

As a separate process to this Scheme Amendment, the Town of Port Hedland will be required to formally advise the Department of Regional Development and Lands that it wishes to wither cancel or modify the management orders for Reserves:

- 39660 (Lot 5993);
- 41675 (Lot 5992);
- 44827 (Lot 5981); and
- 46653 (Lot 6000)

This will enable the Department of Housing to purchase all or parts of these reserves as recommended in the *Port Hedland Public Land Rationalisation Plan* prepared by RPS Koltasz Smith.

.../5



Road Closures

Separate to this scheme amendment process, it is also proposed to close portions of the Trumpet Way, Limpet Crescent, Lovell Place, and Pepper Street road reserves. These applications will be submitted separate to this request, and the respective plans are included with this report for information only.

Environmental Considerations

Based on our previous experience with scheme amendments in South Hedland, we do not anticipate any significant environmental constraints that will impact this proposed rezoning and subsequent development. This assumption will be confirmed following referral of the scheme amendment to the Environmental Protection Authority.

Native Title

Each of the lots subject to this proposed amendment is currently subject to Native Title process. The Department of Regional Development and Lands (State Lands) has commenced the necessary actions in order to clear these lots of Native Title, and in accordance with the *Native Title Act 1993*, a Notice of Intent to Take (NOITT) was advertised on 15 December 2010. Any objections from Native Title claimants are due to be submitted by 15 February 2011.

While it is currently uncertain when Native Title is likely to be resolved, this process may run concurrently and completely independently to the scheme amendment process.

Proposed Zoning

As illustrated on the enclosed Scheme Amendment Plan, it is proposed to rezone the subject lots to 'Urban Development' zone. We proposed this zoning as it allows the greatest design flexibility for the subdivision and development of this land and is also consistent with the adjacent lots that are part of the overall development site.

Regarding the 'Urban Development' zone, TPS5, section 6.4 states:

- 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 future 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.

As the final subdivision design, including the location of public open space, is yet to be completed this zoning is considered the most appropriate as the 'Urban Development' zoning specifically provides the necessary subdivision design flexibility.

Further, as the proposed plan of subdivision for the overall development site is nearing completion and has been informally discussed with Council's planning staff, it is submitted that the preparation of a development plan is unnecessary and need not be a requirement of Council prior to development of the land.

.../6



Given the time required to amend a local planning scheme, it is not unlikely that the final subdivision design for the land subject to this amendment request is completed prior to Council considering final approval. Should this eventuate, when adopting the amendment for final approval, Council may recommend to the Western Australian Planning Commission that road reserves, public open space, drainage reserves, and any other land uses are appropriately zoned or reserved on the Scheme Amendment Map in accordance with the approved plan of subdivision.

Should the subdivision not be determined prior to Council considering final adoption of this Scheme Amendment, and therefore the final location of roads, drainage, public open space etc not be determined, the 'Urban Development' zone may be retained until such time as Council initiates a Scheme review to rezone the land in accordance with the final development.

Justification

This proposed scheme amendment is required to provide the statutory framework for the subject land to be subdivided and developed. As noted earlier, the overall development site includes three other lots that are already zoned 'Urban Development' with an 'R30' density coding, and a further six lots in the process of being rezoned to 'Residential' with an 'R30' density coding. Our proposed zoning and density is therefore entirely consistent with the existing zoning and residential density of other lots within the development site.

When completed, the pending scheme amendment (Amendment 30), in association with this amendment request, will rezone all land bounded by Cottier Drive, Kennedy Street, Pepper Street, Trumpet Way, and Limpet Crescent either 'Residential' or 'Urban Development' with a uniform density coding of 'R30'.

Detailed Area Plans

In addition to these rezonings, it is also proposed that Council introduce provisions in TP55 to allow for the preparation, adoption, and enforcement of detailed area plans.

Detailed area plans are prepared for a small number of lots, usually residential, that require a specific set of design criteria. These criteria include:

- a) Building envelopes and building setbacks;
- b) Permitted land uses;
- c) Private open space;
- d) Access and parking
- e) Building location, orientation and design;
- f) Fencing;
- g) Site works and landscaping;
- h) Any relevant special development controls and guidelines; and
- i) Any other information considered relevant by the Council.

Council has previously required the SHNL to prepare design guidelines for many of the subdivisions constructed by SHNL, however these design guidelines have no statutory authority and therefore difficult or impossible to enforce. The introduction of detailed area plans into TP55 would therefore give Council the ability to establish planning controls for individual lots that are currently difficult to implement and enforce.

The proposed text for inclusion in TP55 is attached as Appendix 1 to this correspondence.

.../7



Conclusion

We trust that this request contains sufficient information for Council to consider initiating an amendment to TPS5 to rezone Lots 5981, 5997, 5998, 6000, and 6082 to 'Urban Development' in order that these lots may be subsequently developed along with those adjoining lots currently owned by the Department of Housing for predominantly residential purposes.

Taylor Burrell Barnett and the SHNL consultant team will continue to liaise with Council staff regarding the preparation of the subdivision design for this overall development site, anticipating that this design will be agreed prior to the completion of this amendment process.

Should you have any queries regarding this request, or should any more detailed information be required prior to Council determining this request, please do not hesitate to contact the undersigned on 9382 2911.

Yours faithfully

TAYLOR BURRELL BARNETT



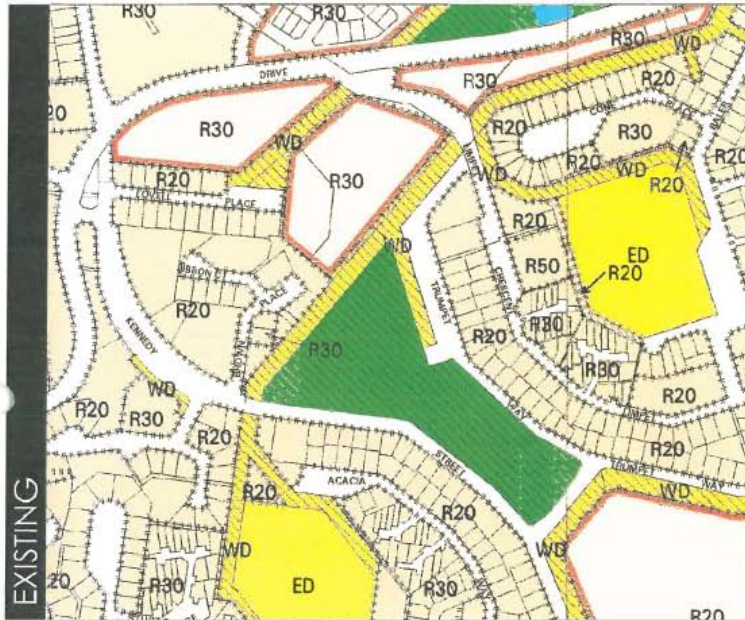
ANDREW PATTERSON
SENIOR PLANNER

CC: Jaxon (Kane Williamson)
Department of Housing (Brett Croker)

TOWN OF PORT HEDLAND

Town Planning Scheme No.5

Amendment No. XX



LEGEND

LOCAL SCHEME RESERVES

OTHER PURPOSES DENOTED AS FOLLOWS:

WD WATER AND DRAINAGE

ZONES

RESIDENTIAL

URBAN DEVELOPMENT

COMMUNITY DENOTED AS FOLLOWS:

ED EDUCATION

OTHER

R-CODE BOUNDARY



LEGEND

LOCAL SCHEME RESERVES

LOCAL ROAD

ZONES

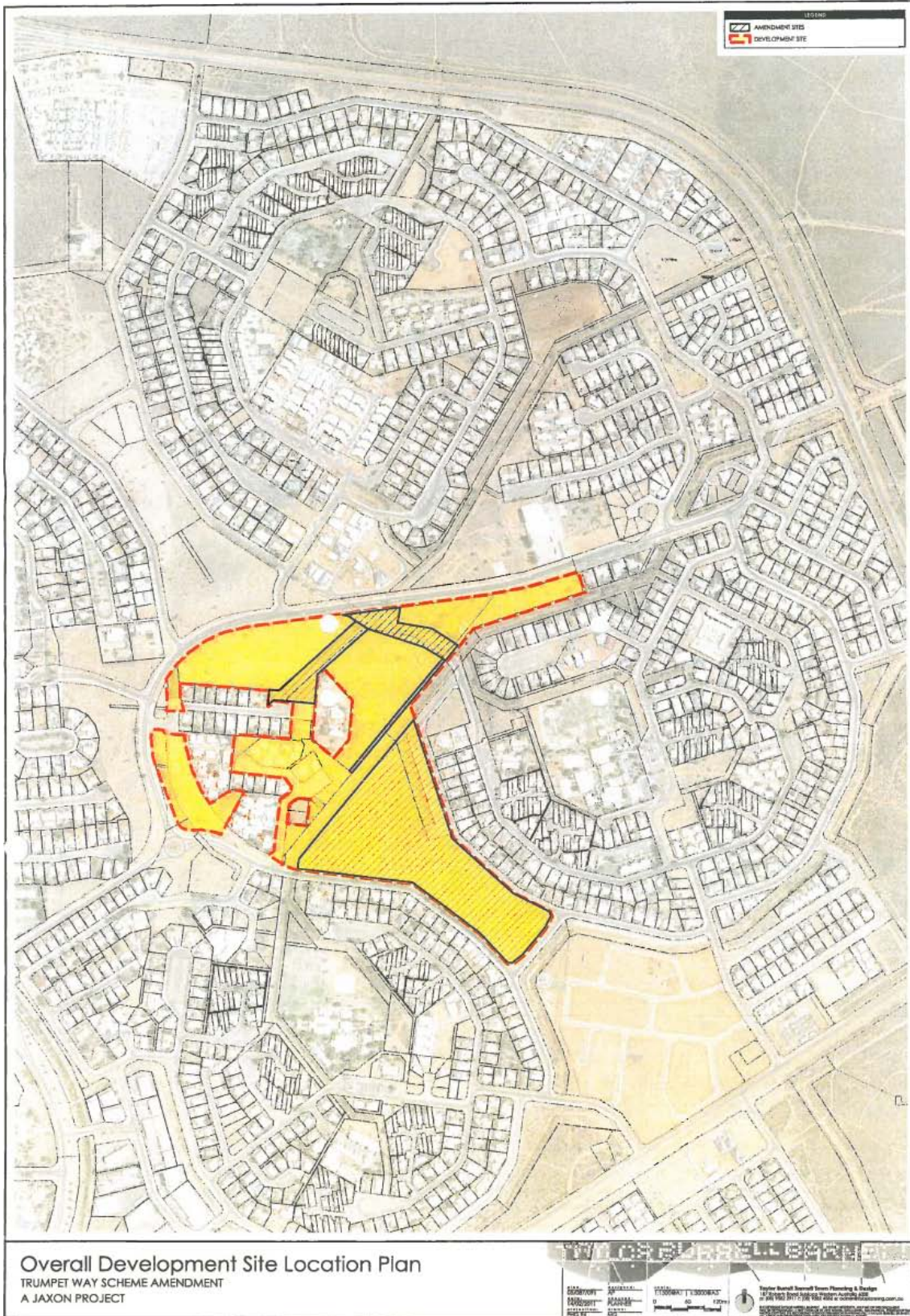
URBAN DEVELOPMENT

OTHER

R-CODE BOUNDARY

SCALE
1:6000@A4
DATE
05/08/2009
DLS
13/01/2011

© COPYRIGHT TOWN OF PORT HEDLAND. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, MICROFORMING OR RECORDING, WITHOUT PERMISSION IN WRITING FROM TOWN OF PORT HEDLAND. ALL RIGHTS AND RESERVATIONS RESERVED. ALL RIGHTS AND RESERVATIONS RESERVED.



**APPENDIX 1
PROPOSED SCHEME TEXT INTRODUCING DETAILED AREA PLANS**

- 1 Detailed Area Plans
 - (a) A Detailed Area Plan will relate to a particular lot or lots and may be prepared:
 - 1.a.1 To modify, elaborate, or enhance the provisions of the Scheme, an approved Structure Plan or Development Plan
 - 1.a.2 In the place of an application for Development Approval required to satisfy clause 6.3.2 – Buildings on boundary, of the *Residential Design Codes*; or
 - 1.a.3 For any other planning purpose.
- 2 Detailed Area Plan may be prepared
 - 2.1 Council or the Western Australian Planning Commission may by written notice require a landowner or developer to prepare and submit a Detailed Area Plan within a specified time:
 - 2.1.1 As a condition of subdivision approval; or
 - 2.1.2 In accordance with an approved Structure Plan or Development Plan;
 - 2.2 A landowner or developer may prepare and submit for approval a Detailed Area Plan for any land.
 - 2.2.1 Where land is subject to an approved Structure Plan or Development Plan, any proposed Detailed Area Plan shall be generally in accordance with the Structure Plan or Development Plan.
- 3 Approval process
 - 3.1 Where a Detailed Area Plan is prepared under clause 2, the proponent shall submit four (4) copies of each Detailed Area Plan to Council for assessment.
 - 3.2 Within 60 days of receipt of a Detailed Area Plan, or such time as agreed in writing between Council and the proponent, Council shall consider the Detailed Area Plan and:
 - 3.2.1 Approve the Detailed Area Plan with or without modifications; or
 - 3.2.2 Refuse to approve the Detailed Area Plan.
 - 3.3 Within 10 days of making a resolution under clause 3.2, Council shall advise the proponent in writing of its decision.
 - 3.4 Should Council require modifications to the Detailed Area Plan as a condition of approval the proponent shall modify the Detailed Area Plan in consultation with the Council and resubmit the Detailed Area Plan within an agreed timeframe.
 - 3.5 Following the approval of the Detailed Area Plan by Council including any modifications required under clause 3.2.1 the Detailed Area Plan shall be endorsed by an officer authorised by the Council.
 - 3.6 Should Council fail to make a resolution regarding the Detailed Area Plan within 60 days of receipt of the Detailed Area Plan, Council shall be deemed to have refused to approve the Detailed Area Plan.

- 3.7 If an applicant is aggrieved at by a decision by Council to refuse to approve the Detailed Area Plan under clause 3.2.2 or 3.5 or by any modification to the Detailed Area Plan required under clause 3.2.1 the proponent may appeal this decision to the State Administrative Tribunal under Part 14 of *The Planning and Development Act 2005*.
- 4 Advertising a proposed Detailed Area Plan
- (a) Where a Detailed Area Plan is prepared under section 2 and the Detailed Area Plan is likely to affect landowners or occupiers of land other than the proponent, Council shall advertise require the proponent to advertise the Detailed Area Plan by one or more of the following methods:
- 4.a.1 Placing a notice in a locally distributed newspaper
- 4.a.2 Erecting a sign in a prominent location on the subject land
- 4.a.3 Giving written notice to any persons, including public authorities, considered relevant to the proposed Detailed Area Plan
- (b) Any notice of a proposed Detailed Area Plan shall include sufficient detail to explain the content and intent of the Detailed Area Plan and include a nominated date for the closure of public comment on the Detailed Area Plan that is not less than 21 days from the commencement of advertising.
- 5 A Detailed Area Plan may address the following matters:
- (a) Building envelopes and setbacks;
- (b) Distribution of land uses within a lot;
- (c) Private open space;
- (d) Services;
- (e) Vehicular access, parking, loading and unloading areas, storage areas, and rubbish collection enclosures;
- (f) The location, orientation, and design of buildings and the space between buildings;
- (g) Advertising signs, lighting, and fencing;
- (h) Landscaping, earthworks, and stormwater drainage;
- (i) Finished building and ground levels;
- (j) Protection of significant heritage, conservation, or environmental sites;
- (k) Special development controls and guidelines; and
- (l) Any other matter deemed relevant by Council.
- 6 Submission of Detailed Area Plan to the WAPC
- (a) Where a Detailed Area Plan is prepared as the basis for supporting subdivision of land, or where the Detailed Area Plan proposes to modify any policy of the WAPC , Council shall submit the Detailed Area Plan to the WAPC within 14 days of adoption and request that the WAPC endorse the Detailed Area Plan
- 7 Operation of Detailed Area Plans
- (a) A Detailed Area Plan becomes effective when endorsed by a duly authorised officer of Council
- (b) Where a Detailed Area Plan is submitted to the WAPC pursuant to clause 6(a), it shall become effective on the date Council receives notification from the WAPC of its endorsement of the Detailed Area Plan
- 8 Amendment or Revocation of a Detailed Area Plan

- (a) A Detailed Area Plan may be amended by resolution of Council
 - 8.a.1 Where Council is of the opinion that a proposed modification to a Detailed Area Plan significantly affects the content or operation of a Detailed Area Plan, the proposed modification shall be advertised in accordance with section 4
 - 8.a.2 An amendment to a Detailed Area Plan shall come into effect in accordance with clause 7
- (b) Council may resolve to revoke a Detailed Area Plan.
 - 8.b.1 Where Council makes a resolution to revoke a Detailed Area Plan endorsed by the WAPC under clause 6(a) it shall advise the WAPC within 14 days of such resolution.

11.1.1.6 Proposed Scheme Amendment No.43 to the Town of Port Hedland Town Planning Scheme No. 5 to include residential uses as an "Additional Use" for lots zoned "Mixed Business". (File No.: 401780G)

Officer	Michael Pound Planning Officer
Date of Report	25 February 2011
Application Number	
Disclosure of Interest by Officer	Nil

Summary

Council have received a request from Michael Little Designs on behalf of the landowners PW & LG Hicks to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)*. The amendment seeks to allow residential uses within the "Mixed Business" Zone.

Background

Council received a planning application from Michael Little Designs on behalf of the landowners PW & LG Hicks for a Mixed Use development consisting of Offices and Multiple Dwellings. Residential uses are currently prohibited within a Mixed Business Zone. To enable the proposal to proceed, the applicant subsequently requested a Scheme Amendment to allow residential uses.

Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

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	Nil

Budget Implications

The applicant has paid the prescribed application fee of \$1,769.20 for the initiation request.

Officer's Comment

Council currently has two areas zoned Mixed Business. The Anderson Street Mixed Business precinct and Byass Street Mixed Business precinct.

TPS5 only makes the following reference to the Anderson Street precinct in clause 5.3.6(f):

“The Mixed Business zone, located between Morgans and Anderson Streets, to be developed as a precinct in which:

Businesses may be developed in conjunction with single residences,
An approach to design provides for dual frontage with residential development fronting Morgans Street and business operations fronting Anderson Street,
Uses are not permitted which are inconsistent with the residential component,
No site may be developed just for a residential function.”

To ensure that the development objectives of a “Mixed Business Zone” are met, it is recommended that clause 5.3.6(f) be deleted and a new clause, clause 5.3.7 “Mixed Business Zone” be included in the scheme text.

5.3.7 “Mixed Business”

Uses are not permitted which are inconsistent with the residential uses,
Residential uses shall not be developed on the ground floor,
No site may be developed solely for residential purposes,
Lots with dual frontage to take into consideration the predominant use of such frontage.

Mixed Business zoned lots are normally found along main arterials or within close proximity to retail developments. As such the development of these lots with additional residential uses often result in a better utilisation of the existing infrastructure and assists in activating an area.

Options

1. Amend the zoning table for the Mixed Business zone to allow residential uses (as per the attached amended zoning table) and incorporate Appendix 12 – Mixed Business Zone Non-Permitted Use and Development.

Pursuing this option would enable all lots zoned "Mixed Business" with the exception of the lots located within the "West End" as unsuitable for permanent residential uses.

This approach is consistent with advice received through amendment 22 relating to elevated dust levels in the West End.

2. Amend the zoning table for the Mixed Business zone to allow certain residential uses

This option would involve amending the zoning table to enable residential uses to be considered across all lots within the Mixed Business zone. It could also include prohibiting uses that may be incompatible with residential uses such as Industry – Light and Storage Facility/Depot/Laydown Area.

If this option is chosen it is expected that an Environmental Review will be required to address the issue of elevated dust levels in the Anderson Street Mixed Business precinct

3. Refuse to initiate a Scheme Amendment

This option should be utilised if Council is of the opinion that residential development particularly Multiple Dwellings is not appropriate within a Mixed Business zone.

It has been recommended that option 1 be supported as it is considered that residential uses should generally be acceptable in the Mixed Business zone.

Due to the unique circumstances currently relating to elevated dust levels in the West End this land is currently inappropriate for permanent residential use.

Attachments

1. Proposed zoning Table
2. Proposed Appendix 12

201011/410 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

1. Initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the Scheme Text by:

- a. **Amend the Mixed Business Column of the Zoning Table to allow residential uses and restrict uses incompatible with residential use.**
 - b. **Delete clause 5.3.6(f) and insert clause 5.3.7 “Mixed Business” zone.**
 - c. **Inserting Appendix 12 – Mixed Business zone Non-permitted Use and Development to restrict permanent residential uses within the Anderson Street Mixed Business Precinct.**
2. Prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.
 3. Following approval from the EPA to advertise the amendment, Council is required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.
 4. Advise the applicant of Council’s decision.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.6

ZONING TABLE		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education
Residential																	
1	Aged or Dependent Persons Dwelling							~									
2	Ancillary Accommodation							IP									
3	Cabin							~									
4	Caretakers Dwelling							IP									
5	Chalet							~									
6	Grouped Dwelling							~									
7	Guest House							~									
8	Holiday Accommodation							~									
9	Holiday Home							~									
10	Home Business							~									
11	Home Office							~									
12	Hotel							SA									
13	Lodge							~									
14	Motel							SA									
15	Movable Dwelling							~									
16	Multiple Dwelling							AA									
17	Residential Building							~									
18	Rural Settlement							~									
19	Serviced Apartment							SA									
20	Short Stay Accommodation							SA									
21	Single House							AA									
22	Transient Workforce Accommodation							~									
23	Tourism Development							~									
24	Tourist Resort							~									
Industry																	
25	Abattoir							~									
26	Agriculture							~									
27	Arts and Crafts Centre							AA									
28	Intensive Agriculture							~									
29	Harbour Installation							~									
30	Hire Service (Industrial)							~									
31	Industry - Cottage							P									
32	Industry - Extractive							~									
33	Industry - General							~									
34	Industry - Light							~									
35	Industry - Noxious							~									
36	Industry - Rural							~									
37	Industry - Service							SA									
38	Industry - Resource Processing							~									
39	Infrastructure							AA									
40	Stockyard							~									
41	Storage Facility/Depot/Laydown area							~									
Commerce																	
42	Aerodrome							~									
43	Display Home Centre							~									
44	Dry Cleaning							SA									
45	Market							SA									
46	Mobile Business							~									

ZONING TABLE		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education
Commerce Continued																	
47	Motor Vehicle and/or Marine Repair							~									
48	Motor Vehicle and/or Marine Sales or Hire							~									
49	Motor Vehicle and/or Marine Service Station							~									
50	Motor Vehicle and/or Marine Wrecking							~									
51	Motor Vehicle Wash							~									
52	Office							P									
53	On-site Canteen							~									
54	Outdoor Display							P									
55	Reception Centre							AA									
56	Restaurant (includes café)							AA									
57	Restricted Premises							SA									
58	Shop							P									
59	Showroom							AA									
60	Take-away Food Outlet							AA									
61	Warehouse							~									
Health, Welfare & Community Services																	
62	Carpark							AA									
63	Child Care Services							SA									
64	Community Use							AA									
65	Consulting Rooms							AA									
66	Education Establishment							SA									
67	Emergency Services							AA									
68	Funeral Parlour							~									
69	Hospital							~									
70	Juvenile Detention Centre							~									
71	Medical Centre							AA									
72	Nursing Home							~									
73	Place of Animal Care							SA									
74	Place of Public Meeting, Assembly or Worship							~									
75	Prison							~									
76	Public Mall							~									
77	Public Utility							AA									
Entertainment, Recreation and Culture																	
78	Equestrian Centre							~									
79	Entertainment Venue							SA									
80	Private Recreation							AA									
81	Public Recreation							AA									

The symbols used in the zoning table have the following meanings:

P the development is permitted by the Scheme

AA the development is not permitted unless the Council has granted planning approval

SA the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3

~ a development that is not permitted by the Scheme

ATTACHMENT 2 TO AGENDA ITEM 11.1.1.6

APPENDIX 12 – MIXED BUSINESS ZONE NON-PERMITTED USE AND DEVELOPMENT

No.	Description of Land	Conditions
1	Lot 122 Kingsmill Street, Port Hedland Lot 121 Kingsmill Street, Port Hedland Lot 120 Kingsmill Street, Port Hedland Lot 119 Kingsmill Street, Port Hedland Lot 118 Kingsmill Street, Port Hedland Lot 117 Kingsmill Street, Port Hedland Lot 116 Kingsmill Street, Port Hedland Lot 115 Kingsmill Street, Port Hedland Lot 2 Anderson Street, Port Hedland Lot 1 Anderson Street, Port Hedland Lot 317 Anderson Street, Port Hedland Lot 318 Anderson Street, Port Hedland Lot 319 Anderson Street, Port Hedland Lot 323 Anderson Street, Port Hedland Lot 338 Anderson Street, Port Hedland Lot 339 Anderson Street, Port Hedland Lot 340 Anderson Street, Port Hedland Lot 341 Anderson Street, Port Hedland Lot 342 Anderson Street, Port Hedland Lot 373 Anderson Street, Port Hedland Lot 374 Anderson Street, Port Hedland Lot 367 Anderson Street, Port Hedland Lot 394 Anderson Street, Port Hedland Lot 395 Anderson Street, Port Hedland Lot 396 Anderson Street, Port Hedland Lot 397 Anderson Street, Port Hedland Lot 398 Anderson Street, Port Hedland Lot 399 Anderson Street, Port Hedland Lot 400 Wilson Street, Port Hedland Lot 401 Wilson Street, Port Hedland Lot 402 Anderson Street, Port Hedland Lot 403 Anderson Street, Port Hedland Lot 479 Wilson Street, Port Hedland Lot 478 Wilson Street, Port Hedland Lot 477 Wilson Street, Port Hedland Lot 366 Howe Street, Port Hedland Lot 476 Wilson Street, Port Hedland Lot 475 Morgans street, Port Hedland Lot 474 Morgans street, Port Hedland Lot 349 Morgans street, Port Hedland Lot 348 Morgans street, Port Hedland Lot 347 Morgans street, Port Hedland Lot 253 Morgans street, Port Hedland Lot 252 Morgans street, Port Hedland	<ul style="list-style-type: none"> • Aged or Dependent Person Dwelling; • Caretakers Dwelling • Grouped Dwelling; • Home Occupation; • Multiple Dwelling; • Residential Building; and • Single House

5:59pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial Interest in Agenda Item 11.1.1.7 'Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors A A Carter, G J Daccache and M Dziombak left the room.

5:59pm Councillor S J Coates declared a Financial Interest in Agenda Item 11.1.1.7 'Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5' as he is a BHP Billiton employee and shareholder with shares over the statutory limit.

Councillor S J Coates left the room

11.1.1.7 Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5. (File No.:.../...)

Officer Luke Cervi
Senior Planning Officer

Date of Report 1 June 2011

Application Number 2009/251

Disclosure of Interest by Officer Nil

Summary

Council in May 2009, resolved to initiate a Scheme Amendment to rezone land and create a new residential zone in the West End. The amendment would rezone all "Residential" land west of Taplin Street to "West End Residential" and extend the Town Centre to the east from McKay to Withnell Street.

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

This report seeks Council's consent to adopt the Scheme Amendment.

Background

The Land Use Master Plan (LUMP) endorsed by the Western Australian Planning Committee (WAPC) in September, supported a three-tiered planning approach, comprising of:

Tier One – Land Use Master Plan (Completed)

Tier Two – Planning Scheme Control = adoption of Scheme Amendment 22.

Tier Three – Design Guidelines: Local Planning Policy = building design and maintenance

Council at its Ordinary Meeting on the 27th May 2009, resolved to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5, proposing* to rezone land and create a new residential zone in the West End. Further to Councils May resolution to initiate the scheme amendment Council in June 2009, resolved to amend the initiated scheme amendment through the following minor changes:

Relocation of the requirements of the new residential zone to another section of the scheme.

Minimum subdivision size to be incorporated into the West End Residential requirements.

Amendment to the 'Location and Site Description'.

Minor grammatical/terminology corrections

As a result of the referral to the EPA, Council was required to prepare an Environmental Review Report to confirm that the amendment would appropriately deal with environmental factors relating to the area affected by the amendment, primarily dust.

The Environmental Review Report was subsequently endorsed by Council in September 2010, and forwarded to the EPA. Both the Scheme Amendment and Environmental Review were simultaneously advertised seeking public comment.

In addition to the Environmental Review Report, the "*Port Hedland Air Quality and Noise Management Plan*" (PHAQaNMP) was developed to assist the EPA in assessing the proposed Scheme Amendment. The PHAQaNMP provides a number of recommendations that need to be taken into consideration and included into either the Scheme Amendment or a Local Planning Policy.

Consultation

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

- North West Telegraph: 22/12/10 – 2/2/2011.
- Written notification to: Telstra, Horizon Power and
- Water Corporation, Main Roads Western Australia & Port Hedland Port Authority.

As a result of the above advertising, submissions were received from Main Roads Western Australia, BHP Billiton, Dolphin Designs and KM Venn.

The Submission from Main Roads Western Australia requested further information from Council whereas the other submissions are summarised as follows:

- 'Permanent Residents' should be discouraged from residing in the amendment area.
- Design controls have not been clearly identified.
- Conflicting purposes/objectives between TPS5, R Codes, BCA and Energy Efficiency
- Need for outcome focus and flexibility in design

Planning Unit Comments:

BHP Billiton would like to see 'permanent residents' included in clause 6.6.1 which identifies the purpose of the zone. The wording is requested to be changed from:

"The purpose of the West End Development Zone is to establish a predominantly residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by families with children or by elderly persons."

To:

*"The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by **permanent residents** and families with children or by elderly persons."*

A key objective behind the amendment was to 'Discourage the long-term residency by families with children or elderly persons' being those considered 'at risk' by the Department of Health.

The submission would like to see this taken to another level with dwellings being designed so as to be unsuitable for permanent residents. This is considered to be a significant change to the intent of the amendment and would necessitate further changes and re-advertising. For example, uses which allow permanent occupation should then be 'prohibited' uses. To achieve the objective of discouraging families with children or elderly persons, the amendment has precluded uses from the amendment area that service these persons (for example, 'Child Care Service' and 'Nursing Home' are prohibited). 'Grouped Dwelling' and 'Multiple Dwelling' by definition allow permanent occupation, these would need to be prohibited uses to meet the amended objective for the zone as proposed through the submission.

- Design controls have not been clearly identified.

- Conflicting purposes/objectives between TPS5, R Codes, BCA and Energy Efficiency
- Need for outcome focus and flexibility in design

These matters were also identified within the Environmental Review Report and Port Hedland Dust Task Force report recommendations. It is proposed to address these matters by the development and adoption of a Local Planning Policy that will provide design and maintenance standards for buildings within the West End Residential Zone.

Statutory Implications

Any amendment to a Town Planning Scheme is to be in accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

Amendment 22 was prepared to support the recommendations of Council's Local Planning Strategy (Land Use Master Plan). Primarily, the objectives of the Amendment were to:

- Discourage the long-term residency by families with children or elderly persons;
- Add vibrancy to both the subject land and the nearby commercial area; and
- Maximize opportunities for workers in nearby employment nodes to reside close to work opportunities and commercial and entertainment facilities.

The amendment required a level of assessment be set by the EPA. Due to the elevated dust levels within the amendment area, the EPA determined that an Environmental Review was required. The scope of works for the Environmental Review were:

- Determine suitable land uses within the subject area of Amendment 22, to meet the dust levels recommended by the Taskforce.
- Determine which land uses could be permitted within the subject area of Amendment 22, that would not be adversely impacted by elevated dust levels.
- Provide an analysis of the potential total population permitted by the proposed amendment compared with the total population permitted by the current zoning.

This is required to determine if there is potential that the proposed amendment will lead to a greater number of residents being exposed to elevated dust levels.

- Determine the most appropriate residential density, dwelling type and design criteria that will enable future dwellings in the amendment area to meet the recommended air quality levels in the Port Hedland Dust Taskforce Management Report.
- Determine the most appropriate dwelling type (eg single residential, group dwelling or apartment) in the amendment area that can be designed to meet the recommended air quality criteria specified in the Port Hedland Dust Taskforce Management Report.
- Demonstrate that the proposed Residential Planning Code density (R Code), Building Codes of Australia and scheme provisions prescribed in Amendment No.22 will ensure that dwellings will be designed and developed to meet the air quality standards recommended in the Port Hedland Dust Management Report.
- Provide specific detail on proposed building and infrastructure design that will assist in effective mitigation of elevated dust levels on an on-going basis. It is recommended that dwellings are designed to minimize exposure to fugitive dust. These should include, but not be restricted to:
 - Dwelling type and design that would achieve air quality standards.
 - Filtering air conditioning plant that has the required filtering capability required to handle dust particles of fraction size PM10.
 - Air tight window seals (hermetically sealed).
 - Closed eaves.
 - High pitched roofs to encourage dust run-off.

The Environmental Review recommended some changes to the Scheme Amendment to ensure the environmental factor of dust was appropriately mitigated. As such the following changes are recommended to the scheme amendment:

1. R-Code density capped at R80 as opposed to unlimited cap identified during initiation of the scheme amendment.
 - a. To meet with the recommendation of the Dust Taskforce.
 - b. A cap of R80 also provides incentive for land to be developed for short stay accommodation as opposed to permanent accommodation and 'Multiple Dwellings' as opposed to 'Grouped Dwellings'. This will assist in discouraging the occupation of buildings by families with children and elderly persons considered most at risk.
2. Inclusion of a clause within the West End Residential Zone that states:

“When considering an application for planning approval, Council shall have regard to the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health.”

- a. To ensure that Land Use decisions remain consistent with the best available information on the impacts of iron-oxide rich dust on human health.

As noted above one of the recommendations that came out of the Environmental Review, was to meet the following Dust Task Force Recommendations:

Planning Control	Recommendation	Control Mechanism
Density	Minimum R30 Maximum R80	Scheme Amendment
Maximum Dwelling Size	110m ²	Scheme Amendment
Maximum No. of Bedrooms	2	Scheme Amendment
Single Dwellings	Prohibited Use Existing single dwellings to be listed as “Additional Uses”	Scheme Amendment
Grouped Dwellings	Any new subdivision / amalgamation to be designed to permit development of grouped dwellings	Scheme Amendment
Building Design Guidelines	CA and MJ Lommers Pty Ltd report recommendations	Local Planning Policy
Aged or Young Persons Facilities	Prohibited Use	Scheme Amendment
Notification of Potential Health Concerns on the Certificate of Title		Local Planning Policy

In regard to the notification of potential health concerns, the Department of Health has recommended the following wording:

“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 Town of Port Hedland.”

From a planning perspective the following amendments are recommended:

“.....basis as they are at increased risk of worsening”

The research that has been done on this matter isn't definitive enough to make this statement. The wording should be:

“.....basis as they may be at increased risk of worsening”

“Further information can be obtained from the Town of Port Hedland”

All studies into the possible impact dust may have on the area has been commissioned by the Department of Health and not the Town of Port Hedland. The Department is currently conducting further investigations into the dust and would be in a far better position than the Town to answer any queries. The wording should be:

“Further information can be obtained from the Department of Health.”

Due to the complexity of the recommendations associated with the building design and maintenance identified as the most effective way of reducing exposure to elevated dust levels by occupants of the West End, as well as the possibility that through ongoing studies / investigations both the memorial and the building design and maintenance as currently recommended may vary. It is considered appropriate to develop a Local Planning Policy which can respond to change in a shorter timeframe and provide flexibility by focusing on outcomes as opposed to a statutory rule.

The Environmental Review Report was clear in the need to incorporate Scheme Provision or develop a Local Planning Policy that incorporates building design and maintenance standards to limit exposure to elevated dust levels. The need for a Local Planning Policy was also identified by the LUMP, which requires the development of a Local Planning Policy as “*Tier Three – Design Guidelines: Local Planning Policy*”.

Options

When considering the application Council has the following options:

1. Adopt the Scheme Amendment subject to modifications as recommended by the Environmental Review Report and as initiated discourages the long term residency by families with young children or elderly persons.

This is the recommended option, and is consistent with the Environmental Review Report.

2. Adopt the Scheme Amendment subject to modifications as recommended by the Environmental Review Report, and as requested by BHP Billiton amend the proposed wording of the West End Residential Zone.

A key component to achieving the recommendations of the Environmental Review Report, which is to discourage long term residency within the West End, is to impose appropriate design and maintenance standards for buildings.

It is proposed that this be achieved through the development of a Local Planning Policy rather than inclusion into the scheme.

3. Adopt the Scheme Amendment as initiated.

Council can decide to adopt the Scheme Amendment as initiated which includes a minimum R30 density and no maximum density. This option is unlikely to gain Ministerial Approval.

4. Abandon the Scheme Amendment.

This option would see current planning controls remaining on the land. This enables single dwellings and dwellings suitable for children and the elderly to continue to be developed.

5. Modify the Scheme Amendment.

Council could decide to substantially modify the amendment. Whilst the objectives of the amendment are being met for the residential land in the West End, the proposed amendment fails to address the 'dust' issue and its impacts on other zones in the 'dust' impact area such as the "Town Centre" and "Mixed Business" zones. An example is that 'Child Care Centre' remains an "AA" use within the "Town Centre" and "Mixed Business" zones which due to proximity, are impacted more by the 'dust' issue than the "Residential" zone.

In hindsight a "Special Control Area" incorporating the area impacted by the 'dust' may have been better equipped to address the 'dust' issue in a holistic manner. Should Council wish to proceed with this option, significant time would be required to make the modifications and undertaken consultation with the community, government departments and other stakeholders.

Due to the considerable amount of time and resources as well as general community support for the amendment, option 1 is recommended.

Attachments

1. Initiated Scheme Amendment Documentation
2. Revised Scheme Amendment Documentation

Officer's Recommendation

That Council:

1. Adopts Scheme Amendment 22, to Town of Port Hedland Town Planning Scheme No. 5 subject to the modifications as identified in ATTACHMENT 2 (Option 1).
2. Forwards all required documentation to the Western Australia Planning Commission for Ministerial Consent in accordance with the Town Planning Regulations 1967 (as amended).
3. Authorises the Mayor and Chief Executive Officer to execute three (3) copies of the amendment documents in accordance with the *Town Planning Regulations 1967* (as amended), including the fixing of the Council's seal in the event that the Minister for Planning approves the Amendment.
4. Prepares a Local Planning Policy to provide building design and maintenance standards that limit exposure to elevated dust levels experienced in the West End. The Local Planning Policy is to include the relevant memorial wording to be standard with all new development notifying owners / tenants of potential health concerns.

NOTE: Mayor advised that with only 3 Councillors left in the room there is no quorum to consider Agenda Item 11.1.1.7 'Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5'.

6:01pm Councillors A A Carter, G J Daccache, S J Coates and M Dziombak re-entered the room and resumed their chairs.

NOTE: Mayor advised Councillors A A Carter, G J Daccache, S J Coates and M Dziombak that due to a lack of quorum Council was not able to consider Agenda Item 11.1.1.7 'Adoption of Scheme Amendment 22 to the Town of Port Hedland Town Planning Scheme No. 5'.

*ATTACHMENT 1 TO AGENDA ITEM 11.1.1.7***PLANNING AND DEVELOPMENT ACT 2005****RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME****Town of Port Hedland
Local Planning Scheme No. 5
Amendment No. 22**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Rezoning the land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade, Port Hedland currently zoned "Residential" to "West End Residential", with an applied density code of "Minimum R30" as depicted on the amendment map;
2. Rezoning the land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland from "Residential" to "Town Centre" as depicted on the amendment map;
3. Amending the Scheme text by:
 - i) Inserting section "3.1 (a) iv. West End Residential"
 - ii) Inserting in section 6.3:

6.3.8 The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to be unsuitable for occupation by families with children or by elderly persons.

6.3.9 Development within the West End Residential Zone shall be in accordance with any local planning policy, development plan or design guideline adopted by Council for this zone.

6.3.10 Notwithstanding anything contained within the Residential Design Codes, all residential development in the West End Residential Zone, other than the development identified in section 6.6.8, shall comply with the following:

- a) The maximum plot ratio area for all dwellings is 110 m²
- b) No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms

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

6.3.12 The West End Residential Zone has no prescribed maximum residential density. The R30 minimum density coding is prescribed to ensure efficient use of available land and prevent the development of additional single dwellings within this zone.

6.3.13 When considering an application for planning approval within the West End Residential Zone, Council shall consider impact on streetscape, building setbacks from the boundary, open space and outdoor living provision, car parking provision and any other matter it deems appropriate prior to determining the application.

6.3.14 Council shall require as a condition of any planning approval granted for land in the West End Residential Zone, and prior to the commencement of any associated works, that the landowner prepare a *notification, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:*

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

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

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

6.3.15 Where any lot is listed in Appendix 2 – Additional Development and Uses with the additional use of "Single Dwelling," clause 6.3.10 shall not apply.

iii) Inserting the following column in the Zoning Table:

**Town of Port Hedland TPS 5
Zoning Table**

ZONING TABLE		West End Residential																	
Residential																			
1	Aged or Dependent Persons Dwelling	~																	
2	Ancillary Accommodation	~																	
3	Caretaker's Dwelling	AA																	
4	Grouped Dwelling	AA																	
5	Holiday Accommodation	SA																	

ZONING TABLE		West End Residential																
31	Storage Facility/Depot/Laydown Area	~																
Commerce																		
32	Aerodrome	~																
33	Display Home Centre	SA																
34	Dry Cleaning	~																
35	Market	SA																
36	Motor Vehicle and/or Marine Repair	~																
37	Motor Vehicle and/or Marine Sales or Hire	~																
38	Motor Vehicle and/or Marine Service Station	~																
39	Motor Vehicle and/or Marine Wrecking	~																
40	Motor Vehicle Wash	~																
41	Office	SA																
42	On-site Canteen	~																
43	Outdoor Display	~																
44	Reception Centre	~																
45	Restaurant (includes café)	SA																
46	Restricted Premises	~																
47	Shop	~																
48	Showroom	~																
49	Take-away Food Outlet	~																
50	Warehouse	~																
Health, Welfare & Community Services																		
51	Carpark	SA																
52	Child Care Service	~																

- IP The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council
 - ~ A development that is not permitted by the Scheme
 - ¹ Notwithstanding anything contained in *Appendix 1 – Definitions*, no land use shall be approved within the West End Residential Zone that is intended for use either exclusively or primarily by children or elderly persons.
4. Amending the Scheme Map accordingly.

Dated this 27th day of May 2009..

.....
Chief Executive Officer

*ATTACHMENT 2 TO AGENDA ITEM 11.1.1.7***PLANNING AND DEVELOPMENT ACT 2005****Town of Port Hedland
Local Planning Scheme No. 5
Amendment No. 22**

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

1. Rezoning the land bounded by Anderson, Withnell, Sutherland and Taplin Streets, and The Esplanade, Port Hedland currently zoned "Residential" to "West End Residential", with an applied density code of "Minimum R30/R80" as depicted on the amendment map;
2. Rezoning the land bounded by Withnell, McKay and Anderson Streets, and The Esplanade, Port Hedland from "Residential" to "Town Centre" as depicted on the amendment map;
3. Amending the Scheme text by:
 - i) Inserting section "3.1 (a) iv. West End Residential"
 - ii) Inserting under section "6.3 Residential Zone," and above clause 6.3.1 the subheading "General Provisions"
 - iii) Following clause 6.3.7 inserting the subheading "West End Residential"
 - iv) Inserting the following clauses under the subheading "West End Residential"
 - 6.3.8 The purpose of the West End Residential Zone is to establish a residential zone in which dwellings are designed and constructed in such a way as to discourage occupation by families with children or by elderly persons.
 - 6.3.9 Development within the West End Residential Zone shall be in accordance with any local planning policy, development plan or design guideline adopted by Council for this zone.
 - 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) Permanent residential development must be at a minimum yield equivalent to R30 density for all land and any individual lot included within the development application.
 - b) The maximum plot ratio 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.

**Town of Port Hedland TPS 5
Zoning Table**

ZONING TABLE		West End Residential																		
Residential																				
1	Aged or Dependent Persons Dwelling	~																		
2	Ancillary Accommodation	~																		
3	Caretaker's Dwelling	AA																		
4	Grouped Dwelling	AA																		
5	Holiday Accommodation	SA																		
6	Home Occupation	AA																		
7	Hotel	SA																		
8	Motel	SA																		
9	Movable Dwelling	~																		
10	Multiple Dwelling	AA																		
11	Residential Building	AA																		
12	Rural Settlement	~																		
13	Single House	~																		
14	Transient Workforce Accommodation	SA																		
Industry																				
15	Abattoir	~																		
16	Agriculture	~																		
17	Arts and Crafts Centre	SA																		
18	Intensive Agriculture	~																		
19	Harbour Installation	~																		
20	Hire Service (Industrial)	~																		

ZONING TABLE		West End Residential																	
21	Industry – Cottage	SA																	
22	Industry – Extractive	~																	
23	Industry – General	~																	
24	Industry – Light	~																	
25	Industry – Noxious	~																	
26	Industry – Rural	~																	
27	Industry – Service	~																	
28	Industry – Resource Processing	~																	
29	Infrastructure	AA																	
30	Stockyard	~																	
31	Storage Facility/Depot/Laydown Area	~																	
Commerce																			
32	Aerodrome	~																	
33	Display Home Centre	SA																	
34	Dry Cleaning	~																	
35	Market	SA																	
36	Motor Vehicle and/or Marine Repair	~																	
37	Motor Vehicle and/or Marine Sales or Hire	~																	
38	Motor Vehicle and/or Marine Service Station	~																	
39	Motor Vehicle and/or Marine Wrecking	~																	
40	Motor Vehicle Wash	~																	
41	Office	SA																	
42	On-site Canteen	~																	
43	Outdoor Display	~																	

ZONING TABLE		West End Residential																	
44	Reception Centre	~																	
45	Restaurant (includes café)	SA																	
46	Restricted Premises	~																	
47	Shop	~																	
48	Showroom	~																	
49	Take-away Food Outlet	~																	
50	Warehouse	~																	
Health, Welfare & Community Services																			
51	Carpark	SA																	
52	Child Care Service	~																	
53	Community Use	SA ¹																	
54	Consulting Rooms	SA																	
55	Education Establishment	SA ¹																	
56	Emergency Services	~																	
57	Funeral Parlour	~																	
58	Hospital	~																	
59	Juvenile Detention Centre	~																	
60	Medical Centre	~																	
61	Nursing Home	~																	
62	Place of Animal Care	~																	
63	Place of Public Meeting, Assembly or Worship	~																	
64	Prison	~																	
65	Public Mall	~																	
66	Public Utility	AA																	
Entertainment, Recreation & Culture																			
67	Equestrian Centre	~																	

ZONING TABLE		West End Residential																	
68	Entertainment Venue	~																	
69	Private Recreation	SA ¹																	
70	Public Recreation	AA ¹																	

The symbols used in the zoning table have the following meanings:

- P The development is permitted by the Scheme
- AA The development is not permitted unless the Council has granted planning approval
- SA The development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3
- IP The development is not permitted unless the use to which it is put is incidental to the predominant use as decided by Council
- ~ A development that is not permitted by the Scheme
- ¹ Notwithstanding anything contained in *Appendix 1 – Definitions*, no land use shall be approved within the West End Residential Zone that is intended for use either exclusively or primarily by children or elderly persons.

4. Amending the Scheme Map accordingly.

Dated this day of 20.....

.....
Chief Executive Officer

11.1.2 Ranger Services

11.1.2.1 Authorisation of Trainee Ranger -Ranger Services (File No.:19/09/0001)

Officer Peter Wilden
Coordinator Rangers

Date of Report 16 May 2011

Disclosure of Interest by Officer Nil

Summary

Mr Chris Bail has been recruited as a Trainee Ranger within the Rangers Section of the Town of Port Hedland commencing on 18 May 2011.

Background

It is a requirement that Council authorise Rangers in various capabilities under a range of legislative requirements.

Authorisation allows Rangers to carry out their duties and have full protection of the various Acts and Regulations, to which they are required to enforce when acting in good faith.

Rangers are required to be authorised under the following Acts and Regulation to carry out their functions:

- Dog Act 1976 and Regulations (as amended) appointed as Authorised Persons for the purpose of the Act and authorised to effect the registration of dogs.
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Litter Act 1979 and Regulations appointed as Authorised Persons and to prosecute on behalf of Council for the purpose of the Act.
- Bush Fires Act and Regulations appointed as Bush Fire Control Officer and Authorised officer to prosecute on behalf of Council for the purpose of the Act.
- Local Government Act (Miscellaneous Provisions) 1960 Part XX as Poundkeeper and Ranger.
- Caravan Parks and Camping Grounds Act 1995

- Town of Port Hedland Local Laws

Statutory Implications

The Town of Port Hedland Rangers are required to enforce all of the above mentioned Acts and Regulations in the day-to-day duties of the Officers.

Policy	Nil
Strategic Planning	Nil
Budget Implications	Nil
Officer Comment	Nil

201011/411 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr J M Gillingham

That Council:

1. Authorise or appointed Mr Chris Bail as appropriate, pursuant to the following provisions:
 - i) **the Dog Act 1976 (as amended) and Regulations as an Authorised Person and prosecute on behalf of Council for the purpose of the Act;**
 - ii) **the Dog Act 1976 (as amended) as a Registration Officer to effect the registration of dogs;**
 - iii) **the Control of Vehicles (Off Road Areas) Act 1978 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;**
 - iv) **the Litter Act 1979 and Regulations as an Authorised Officer and to prosecute on behalf of Council for the purpose of the Act;**
 - v) **the Bush Fires Act 1954 (as amended) and Regulations as a Fire Control Officer for the purposes of Fire Prevention; the Local Government Act (Miscellaneous Provisions) 1960 Part XX as a Poundkeeper and Ranger;**
 - vi) **Local Government Act (Miscellaneous Provisions) 1960 Part XX as Poundkeeper and Ranger;**
 - vii) **Caravan Parks and Camping Grounds Act 1995 as an authorized person and**
 - viii) **Town of Port Hedland Local Laws**
2. Authorise the cancellation of Miss Francheska Gobel's and Ms Kym Bonney's appointment.

CARRIED 7/0

11.2 Engineering Services

6:02pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial Interest in Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program' as they are BHP Billiton shareholders with shares over the statutory limit.

Councillors A A Carter, G J Daccache and M Dziombak left the room.

6:02pm Councillor S J Coates declared a Financial Interest in Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program' as he is a BHP Billiton employee and shareholder with shares over the statutory limit.

Councillor S J Coates left the room

11.2.1 Purchase of a Water Truck to Assist Boulevard Tree Planting Program (File No.: 21/05/0007)

Officer **Anthony Williams**
Project Development Officer

Date of Report 23 May 2011

Disclosure of Interest by Officer Nil

Summary

This item is to obtain Council approval for the purchase of a truck to aid the watering of trees planted as part of the Boulevard Tree Planting project.

Background

Council currently has a Boulevard Tree Planting program that commenced in 2009. To date 650 trees have been planted and another 300 trees are due to be delivered during the next 3 months. The project scope does not include irrigation due to the cost implications for the irrigation system itself and the water connection. In some locations it is also difficult to connect to mains water. The establishment period for the trees is relatively short, therefore it was deemed unnecessary to install irrigation when it would only be required for approximately 2 years before the trees could sustain themselves on ground and rain water.

The trees planted as part of the Boulevard Tree Planting project are currently being watered by contractors. It is recommended to purchase a water truck so that these works can be undertaken internally.

Consultation

- Council Workshop staff
- Council Parks & Gardens staff

Statutory Implications

Nil

If the purchase of a water truck is approved by Council, it will be sourced from a WALGA preferred supplier in accordance with the Local Government (Functions and General) Regulations 1996, part 4, division 2:

Tenders for providing goods or services (s. 3.57)

11. Tenders to be invited for certain contracts

(2)Tenders do not have to be publicly invited according to the requirements of this Division if—

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;

(b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA

Policy Implications

The process for purchasing the water truck will be in accordance with the Councils Procurement Policy (2/007).

Strategic Planning Implications

Key Result Area 2 – Community Pride

- Goal 1 - Townscape: That Councils parks are recognized by the community as being well maintained, well utilized, safe and accessible
- Immediate Priorities 1 – Undertake projects that upgrade the appearance of verges and streetscapes along major thoroughfares within the District

Budget Implications

The current budget for the Boulevard Tree Planting project is \$508,697 (account 1201450). This has been funded by the Town of Port Hedland, South Hedland New Living and BHP Billiton Iron Ore. Current budget expenditure is \$241,926.80 plus \$96,516.14 in committed purchase orders, leaving a balance of \$170,254.06. The budget relating to external funding has been spent or is committed.

To date we have spent over \$90,000 (2010/11) on contractors for tree watering. The proposal is to allocate \$140,000 of the boulevard tree planting budget to purchase a watering truck, allowing the remaining budget to complete the planting program.

Officer's Comment

In consideration of the contractor expenditure on tree watering, investigations were carried out on an option for Council to purchase a water truck fit for purpose. Quotes have been sourced for a truck with the appropriate specifications and attachments. An allocation of \$140,000 will be sufficient to purchase a truck that achieves these objectives. The water truck would have a replacement timeframe of 10 years according to Council's vehicle replacement policy. With ongoing verge improvement programs and an approximate trade value of \$30,000 at the end of this period, it is clear that using Council's own resources to water the street trees has strong financial merit.

Although the proposed water truck would be dedicated to street tree watering, it also has the versatility to be used for road construction, vegetation spraying & dust suppression jobs, with a potential saving on current plant hire and contractor fees.

Additional costs associated with the purchase of a water truck include staff to operate the truck and water supply costs. New staff would not be required to operate the vehicle. This can be undertaken by current staff within the verge tree maintenance budget. Tests have been undertaken on the quality of recycled water in the Landfill's septage ponds and determined that with minimal treatment (chlorine dosing in the water truck tank) the water will be suitable for use on the street trees. The appropriate attachments and specifications to ensure compliance with the Department of Health requirements have been included in quotes received to date.

In consideration of the advantages of watering the street trees utilizing Council's own resources it is recommended that Council approve the purchase of a fit for purpose water truck from existing budgets.

Attachments

Nil

Officer's Recommendation

That Council:

1. Approve the purchase of a watering truck to assist with the boulevard tree planting program to a maximum value of \$140,000 from existing account 1201250 (Boulevard Tree Planting); and

2. Notes that the purchase of the watering truck would be sourced from a WALGA preferred supplier in accordance with the Local Government (Functions and General) Regulations 1996, part 4, division 2.

NOTE: Mayor advised that with only 3 Councillors left in the room there is no quorum to consider Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program'.

Chief Executive Officer pointed out that the Department of Local Government had granted Council the approval to consider Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program' with a reduced quorum of (4) Councillors. However, due to Councillor Martin's apology the number of Councillors left in the room is now (3) and therefore this item is not able to be considered.

6:03pm Councillors A A Carter, G J Daccache, S J Coates and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors A A Carter, G J Daccache, S J Coates and M Dziombak that due to a lack of quorum Council was not able to consider Agenda Item 11.2.1 'Purchase of a Water Truck to Assist Boulevard Tree Planting Program'

11.3 Community Development

6:04pm Councillor G J Daccache declared an Impartiality Interest in Agenda Item 11.3.1 'Endorsement of the Management Plan for Colin Matheson Clubhouse' as his wife is on the Colin Matheson Clubhouse committee and he is a member of the club.

Councillor G J Daccache did not leave the room.

11.3.1 *Endorsement of the Management Plan for Colin Matheson Clubhouse (File No.: 26.4.0008)*

Officer Nicole Roukens
Recreation Coordinator

Date of Report 31 May 2011

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland engaged Tredwell Management to develop a Management Plan for the management of the Colin Matheson Clubhouse. This report seeks Council's endorsement for the management structure for the facility.

Background

The Colin Matheson Clubhouse facility is nearing completion and the management structure and ongoing operations of the facility need to be determined. The Town engaged Tredwell Management in April 2011 to complete a Management Plan for the Clubhouse and provide recommendations for management options, financial management, asset management and fit-out requirements.

The new Colin Matheson Clubhouse facility includes the following elements:

- Function space
- Verandah
- Kitchen
- Bar area
- Cool room
- Canteen servery
- Disability lift
- Mobile stage
- Female, male and disabled unisex toilet.

Colin Matheson Oval is currently used by a number of sporting and community organisations. Regular users groups include:

- Rovers Football Club
- Port Hedland Cricket Club
- Hedland Touch Association

The new facility will provide a venue for these sporting groups to hold social functions and club related activities, as well provide a hireable space for community groups, businesses and private functions.

With the predicted population growth in Port Hedland there will be an increased demand for high quality indoor event and function spaces within the Town.

The report details three possible management options for the new facility. Please see the table below for an overview of the advantages and disadvantages of each:

Management Option	Benefits	Constraints
Direct Management	<p>The facility owner (Council) has complete control over centre operations. Council is able to more easily regulate equitable access to the facility.</p> <p>Opportunity for Council to generate significant revenue from the facility.</p> <p>Preferred option if there is a need to provide subsidised social services / programs that may need financial support.</p>	<p>Council resource limitations and procuring suitably skilled and experienced staff to manage the facility.</p> <p>Less incentive to have a commercial/entrepreneurial focus</p> <p>Council staff tend to have inflexible industrial agreements and higher overtime rates and the facility will need to be managed seven days a week during the day and night resulting in higher staffing costs.</p>
Indirect Management	<p>Council has less direct admin responsibility. Management 'freed up' to operate independently of the owner organisation. This may present opportunities to improve operational efficiency and adopt</p>	<p>Council has minimal control over day-to-day operations.</p> <p>Potential for reduced social benefit – the management may only offer profitable programs and activities and may disregard the social needs of the broader community.</p> <p>Increased governance requirements for Council</p>

	<p>a more commercial approach.</p> <p>The contract can be structured to increase the commercial performance of the facility.</p> <p>Where financial performance falls short of budget projections the contractor would normally be liable for the loss. Where an operational surplus is realised, the contractor normally retains the excess, or it may be reserved for capital purchases or improvements.</p> <p>Financial incentives are often built into the contract to encourage the operator to succeed.</p>	
Independent Management	<p>Council has no day-to-day administrative responsibility. Council can minimise its operational financial risk.</p> <p>Management organisation may invest funds in the facility if they have sufficient tenure to generate an acceptable return on their investment.</p>	<p>The degree of control that the facility owner has over centre operations is limited to the management agreement requirements. Broader community benefits sought by the facility owner will need to be specified in the management agreement. The management organisation retains operational profits.</p>

A full copy of the Management Report is attached, see Attachment 1.

Consultation

As part of the development of the Management Plan an extensive consultation was carried out by Tredwell Management with Town of Port Hedland staff and the following community and sporting groups:

Port Hedland Rovers Football Club
Port Hedland Cricket Club
Hedland Touch Association
Port Hedland Primary School
Local dance and martial arts groups

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Goal 2 - Sports and and Leisure

That the community has access to sports and leisure facilities at or above the quality that they would be able to access in the metropolitan area.

Immediate Priority 2 - Construction of the Colin Matheson Oval Clubhouse.

Budget Implications

If Council endorses the recommendations from the Management Report to lease Colin Matheson Clubhouse for a 5 year period the recommended rental rates are as follows:

- \$500/square metre for commercial groups
- \$250/metre square for not for profit groups (50% discount).

Assuming that a not for profit organisation manages this facility this will result in a rental income of \$45,000 per annum for the Town.

It is recommended that this income is placed into a reserve account and is used for future upgrades and maintenance of facilities at Colin Matheson Oval.

Officer's Comment

Tredwell Management has made a number of key recommendations as part of the Management Plan for Colin Matheson Clubhouse. Please see an overview of key recommendations below:

1.	The facility is managed independently by a not-for-profit organisation.
2.	The Town conducts an Expression of Interest process in which a number of not-for-profit groups, including the Port Hedland Rovers Football Club are encouraged to submit a proposal.
3.	Council enters a 5 year licence agreement with the successful management organisation which clearly stipulates responsibilities including: maintenance and requirements to ensure the facility is available to local community groups and other potential hirers.
4.	An annual \$45,000 licence fee is charged to the to the successful management organisation. These funds are placed into a reserve account which is used to for upgrades and maintenance of the facilities at Colin Matheson Oval.
5.	The successful management organization and Council enter a partnership where Council can refer and take bookings for the facility.
6.	Establish a Management Committee with representatives from major user groups and the Town that meets at least twice a year to discuss any issues relating to management. Information from these meetings is then reported back to Council.
7.	The Town develops a signage policy for the facility setting out the Town's position on existing signage and the installation of new signage.
8.	The Town develops a maintenance plan for the facility detailing timeframes for maintenance, and equipment. The managing organisation will be responsible for all day to day maintenance of the facility, while the Town will be responsible for all structural maintenance. The managing organisation will all be required to pay the amounts specified below over the five year agreement to cover any structural maintenance costs: Year 1 - \$1,000 Year 2 - \$5,000 Year 3 - \$12,500 Year 4 - \$15,000 Year 5 - \$25,000

All of the above recommendations made by Tredwell Management will ensure the facility is managed in a professional manner, Council's asset is maintained and the facility is available to the whole community.

Although it may be possible for the Town to manage bookings in partnership with the successful managing organization, this could also result in confusion for local groups and community members looking to hire the facility. Therefore it is recommended that all processes associated with booking the facility are carried out by the successful managing organisation.

The Rovers Football Club has demonstrated their ability to operate a successful club in a professional manner and maintain a year round liquor license. Discussions with the Rovers Football Club have indicated that they are interested in managing the new facility and working with the Council to promote use from a variety of local groups. To ensure the Town is open and transparent it is recommended that the Town conduct an Expression of Interest process and invite a number of not-for-profit organisations to apply.

Attachments

1. Colin Matheson Clubhouse Management Plan – attached under separate cover

Officer's Recommendation

That Council:

1. Conduct an Expression of Interest process for not-for-profit organizations, for a 5 year licence for the management of the Colin Matheson Clubhouse, with annual rental fee of \$45,000;
2. A report detailing all applications and a copy of the management agreement is presented to Council for endorsement;
3. All profits generated from the management license are placed into a reserve fund and are used for future upgrades of the buildings and facilities at the Colin Matheson Oval;
4. Notes that the Colin Matheson Oval Facilities reserve fund will be established as part of the 2011/12 budget process;
5. Establish a Management Committee with representatives from major user groups and the Town that meets at least twice a year to discuss any issues relating to management, with information reported back to Council;
6. Develop a maintenance plan for the facility detailing maintenance responsibilities of both parties. The successful managing organisation pay the following amounts over the 5 year agreement to cover structural maintenance costs:
 - Year 1 - \$1,000

- Year 2 - \$5,000
- Year 3 - \$12,500
- Year 4 - \$15,000
- Year 5 - \$25,000

Officer's Alternative Recommendation

That Council:

1. Conduct an Expression of Interest process for not-for-profit organizations, for a 5 year licence for the management of the Colin Matheson Clubhouse;
2. A report detailing all applications and a copy of the management agreement is presented to Council for endorsement;
3. All profits generated from the management license are placed into a reserve fund and are used for future upgrades of the buildings and facilities at the Colin Matheson Oval;
4. Establish a Management Committee with representatives from major user groups and the Town that meets at least twice a year to discuss any issues relating to management, with information reported back to Council;
5. Develop a maintenance plan including detailed costs responsibilities of both parties over the 5 year agreement.

201011/412 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

1. Conduct an Expression of Interest process for not-for-profit organizations, for a 5 year licence for the management of the Colin Matheson Clubhouse;
2. A report detailing all applications and a copy of the management agreement is presented to Council for endorsement;
3. All profits generated from the management license are placed into a reserve fund and are used for future upgrades of the buildings and facilities at the Colin Matheson Oval;

4. Establish a Management Committee with representatives from major user groups and the Town that meets at least twice a year to discuss any issues relating to management, with information reported back to Council;
5. Develop a maintenance plan including detailed costs responsibilities of both parties over the 5 year agreement.
6. Approves that the successful applicant takes the bookings for the facility.

CARRIED 7/0

11.4 Governance and Administration

11.4.1 Organisational Development

11.4.1.1 *Tender Policy and Amendment of Procurement Policy 2/007 (File No.: .../...)*

Officer Debra Summers
Manager Organisational
Development

Date of Report 2 June 2011

Disclosure of Interest by Officer Nil

Summary

This report presents to the Council a revised Procurement Policy (Council Policy 2/007) along with a Draft Tender Policy for its consideration. The Audit and Finance Committee has reviewed the documentation and recommends to the Council that the new policies be adopted.

Background

At the Audit and Finance Committee Meeting of 26 November 2010 the following was adopted:

'That the Audit and Finance Committee recommends to Council that:

1. *Council's Policy 2/007 'Procurement Policy' be changed to incorporate the proposed tender classifications being:*

- a. *Actions that should be taken prior to calling tenders;*
- b. *Actions to be taken post tenders closing;*
- c. *Actions to be taken once tenders awarded;*
- d. *Estimated tender assessment period;*
- e. *Composition of tender evaluation panel;*
- f. *Who gives approval to call tenders;*

for tenders valued at:

- i) *\$100,000 - \$1M;*
- ii) *\$1M - \$5M;*
- iii) *\$5M - \$10M;*
- iv) *\$10M plus; and*

2. *The revised Policy 2/007 'Procurement Policy' is presented to Council its consideration in January 2011.'*

The Town of Port Hedland's procurement process, particularly in respect to the calling of tenders, given the size and scale of projects now being undertaken by the Town, needed to be reviewed and amended.

In undertaking this review it was determined that a policy that specifically refers to tenders was warranted. This standalone policy would provide a framework which will ensure statutory compliance with all relevant legislation and encompasses best practice when procuring goods and services through the Tender process.

The existing Procurement Policy would therefore need to be amended to reflect this new policy but would remain reflecting the overall procurement process.

This resulting Draft Tender Policy and the suggested amendments to the existing Procurement Policy were presented to the Committee at the 10 May 2011 meeting for consideration with a recommendation to present them to Council for adoption. At this meeting, the Committee resolved:

"That the Audit and Finance Committee lay the item on the table subject to further advice received around the context and guidelines of the use of a preferred supplier."

The additional information required by the Committee was in relation to the proposed position on preferred suppliers which can be used without calling for tenders every time a good or service is required. Once this additional information was provided to the Committee (Attachment one) at the 25 May 2011 meeting, the Committee decided the following:

"That the Audit and Finance Committee recommends to Council that:

- 1. The amendments identified in Council Policy 2/007 'Procurement Policy' be incorporated into a revised policy; and*
- 2. That the revised draft Council policy 2/011 Tender Policy is adopted."*

Consultation

Councillors

Audit and Finance Committee

Executive team

Other local government authorities

Western Australian Local Government Association

UHY Haines Norton (Auditors)

Statutory Implications

Section 3.57 of the Local Government Act 1995 states:

“3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.”*

Local Government (Functions and General) Regulations (1996):

Division 1 – Purchasing Policies

11A. Purchasing policies

A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100 000 or less or worth \$100 000 or less.

Division 2 – Tenders for providing goods and services

11. Tenders to be invited for certain contracts

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
- (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA...

Policy Implications

This item proposes the adoption of 2/011 Tender Policy and an amendment of 2/007 ‘Procurement Policy’ in respect to tenders.

Strategic Planning Implications Nil

Budget Implications

Costs of actions required as a result of this policy change will be factored into future project budgets.

Officer's Comment

Background information provided to the Audit and Finance Committee, including the resulting recommended policies are included as attachments for Council information. For ease of reference, the additional proposed amended text in the existing policy and the draft Tender Policy has been included in italics.

Attachments

1. Minutes from Audit and Finance Committee 25 May 2011
2. Draft 2/011 Tender Policy
3. Draft amended 2/007 Procurement Policy

Officer's Recommendation

That Council

1. Incorporates the amendments identified in Council Policy 2/007 'Procurement Policy' into a revised policy; and
2. Adopts the revised draft Council policy 2/011 Tender Policy.

201011/413 Officer's Alternative Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

1. Incorporates the amendments identified in Council Policy 2/007 'Procurement Policy' into a revised policy including the amendment for staff housing; and
2. Adopts the revised draft Council policy 2/011 Tender Policy including the additional amendments relating to Western Australian Local Government Association (WALGA) preferred suppliers.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.1

MINUTES : AUDIT AND FINANCE COMMITTEE MEETING **24 MAY 2011****10.1.2 Organisational Development****10.1.2.1 Tender Policy and Amendment of Procurement Policy 2/007 (File No.: .../...)**

Officer **Debra Summers**
Manager Organisational
Development

Date of Report 19 May 2011

Disclosure of Interest by Officer Nil

Summary

At the 10 May 2011 meeting of the Audit and Finance Committee, the Committee requested more information to allow a review of Policy 2/007 Procurement Policy in respect to the calling of tenders.

This report presents to the Committee the additional information requested before considering a Draft Tender Policy and an amendment to the existing Procurement Policy.

Should the Committee approve these policies, they will be presented to Council for its consideration.

Background

At the Audit and Finance Committee Meeting of 26 November 2010 the following was adopted:

That the Audit and Finance Committee recommends to Council that:

1. *Council's Policy 2/007 'Procurement Policy' be changed to incorporate the proposed tender classifications being:*
 - a. *Actions that should be taken prior to calling tenders;*
 - b. *Actions to be taken post tenders closing;*
 - c. *Actions to be taken once tenders awarded;*
 - d. *Estimated tender assessment period;*
 - e. *Composition of tender evaluation panel;*
 - f. *Who gives approval to call tenders;*

for tenders valued at:

- i) *\$100,000 - \$1M;*
- ii) *\$1M - \$5M;*
- iii) *\$5M - \$10M;*
- iv) *\$10M plus; and*

MINUTES : AUDIT AND FINANCE COMMITTEE MEETING**24 MAY 2011**

2. *The revised Policy 2/007 'Procurement Policy' is presented to Council its consideration in January 2011.'*

The Town of Port Hedland's procurement process, particularly in respect to the calling of tenders, given the size and scale of projects now being undertaken by the Town, needed to be reviewed and amended.

In undertaking this review it was determined that a policy that specifically refers to tenders was warranted. This standalone policy would provide a framework which will ensure statutory compliance with all relevant legislation and encompasses best practice when procuring goods and services through the Tender process.

The existing Procurement Policy would therefore need to be amended to reflect this new policy but would remain reflecting the overall procurement process.

This resulting Draft Tender Policy and the suggested amendments to the existing Procurement Policy were presented to the Committee at the 10 May 2011 meeting for consideration with a recommendation to present them to Council for adoption. At this meeting, the Committee resolved:

"That the Audit and Finance Committee lay the item on the table subject to further advice received around the context and guidelines of the use of a preferred supplier."

Consultation

Councillors
Audit and Finance Committee
Executive team
Other local government authorities
Western Australian Local Government Association
UHY Haines Norton (Auditors)

Statutory Implications

Section 3.57 of the Local Government Act 1995 states:

- "3.57. Tenders for providing goods or services*
- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
 - (2) Regulations may make provision about tenders."*

MINUTES : AUDIT AND FINANCE COMMITTEE MEETING**24 MAY 2011**

The Town of Port Hedland calls for tenders in accordance with the Local Government Act 1996, and the relative Part 4. Division 2 – 'Tenders for providing goods and services' section of Local Government (Functions and General) Regulations 1996. This section of the Regulations provides the requirements for a Council's tendering process (attached).

Policy Implications

This item proposes the adoption of 2/011 Tender Policy and an amendment of 2/007 'Procurement Policy' in respect to tenders.

Strategic Planning Implications Nil

Budget Implications

Costs of actions required as a result of this policy change will be factored into future project budgets.

Officer's Comment

The additional information required by the Committee was in relation to the proposed position on preferred tenderers which can be used without calling for tenders everytime a good or service is required.

Under the Local Government Act, circumstances that this can occur are usually:

In an emergency circumstance which is defined very clearly within the Act

The purchase is from a supplier under a contract of the Western Australian Local Government Association (Preferred Supplier Contract or Business Service), the State or the Commonwealth or any of its agencies (Department of Treasury and Finance- permitted Common Use Arrangements), a Regional Council or another Local Government. Lists of who these suppliers are are published and available for public scrutiny. All suppliers on this list have to submit rigorous tender submissions to be included in these lists, which are reviewed regularly

The purchase is from a supplier awarded a ToPH Period Contract. Currently the Town has period contracts in place for :

1. Electrical services (automatic reticulation and pumps)
2. Construction concrete paths
3. Traffic management
4. Waste Consultancy
5. Turf Care and Vegetation Management

MINUTES : AUDIT AND FINANCE COMMITTEE MEETING**24 MAY 2011**

There is an intention to call for Tenders for the following goods and services on the same basis for;

1. Concrete supply
2. Reseals- asphalt and spray seal
3. Kerbing
4. Plant Hire

To ensure all contractors are given an equal opportunity to respond to these tenders, they are called in exactly the same way as for all tenders; the only difference is that respondents are committing a price via a dollar rate for a fixed period. Everytime the good or service is required during the contracted period, all listed suppliers who have submitted a tender are queried as to their availability to undertake the work. This is a common practice throughout all sectors of government. To ensure efficiency for the organisation, these period contracts will be called for just after the commencement of the new financial year.

Any other exclusion as defined in the Local Government (Functions and General) Regulations Part 4- Division 2 Regulation 11. The type of circumstances listed in this section include if the good or service is to be provided by another local government, or by someone who has been employed providing this service by a local government within six months, or if the supplier of the good or service is unique. There are other very specific circumstances when this section can be enacted but every time a contract is awarded to a supplier utilizing this section of the Act, the reason would have to be explained on the public record.

Furthermore the engagement of any purchasing activity despite having the quotation or tender process waived through using a preferred supplier must be undertaken in line with the officers delegated purchasing authority limit as detailed in all Position Descriptions, ensuring that sufficient funds have been provided for in the Town's annual budget.

Both of these further amended policies are included with this report as attachments for the Committees consideration with a recommendation to present them to Council for adoption. For ease of reference, the additional proposed amended text in the existing policy and the draft Tender Policy have been included in italics

Attachments

1. Draft 2/011 Tender Policy
2. Draft amended 2/007 Procurement Policy

MINUTES : AUDIT AND FINANCE COMMITTEE MEETING**24 MAY 2011****AFC201014/16 Officer's Recommendation /Audit and Finance Committee Decision****Moved: Cr K A Howlett****Seconded: Cr M Dziombak****That the Audit and Finance Committee recommends to Council that:**

- 1. The amendments identified in Council Policy 2/007 'Procurement Policy' be incorporated into a revised policy; and**
- 2. That the revised draft Council policy 2/011 Tender Policy is adopted.**

CARRIED 3/0

*ATTACHMENT 2 TO AGENDA ITEM 11.4.1.1*2/011Tender Policy (Draft)Purpose:

This policy provides a framework which will ensure statutory compliance with all relevant legislation and encompasses best practice when procuring goods and services through the Tender process.

Related documents which sit within this wider framework include:

- Local Government Act 1995 s3.57- Tenders for Providing Goods and Services
- Local Government (Functions and General) Regulations Part 4- Tenders for Providing Goods and Services.
- Town of Port Hedland Procurement Policy 2/007

Policy Content:

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be, over \$100,000 a public tender will be called as per s3.57 of the Local Government Act 1995 and Local Government (Functions and General Regulations Part 4- Tenders for Providing Goods and Services.

Furthermore, to ensure a best practice approach to purchasing for the Town of Port Hedland the following additional procedural threshold will apply:

Tender Value	Pre Tender Actions	Post Tender Closing Actions	Tender Assessment Periods	Evaluation Panel	Sign Off
\$100,000-1m	Optional site briefing Business Plan as per LG (Functions and General)Part 3 Commercial Enterprises by Local Govts. s.3.59		2 weeks	Area Manager and Director	Exec.
\$1m-\$5m	As above Bill of Quantities * Peer review of design/specification documentation including sign off * Pre tender estimate		4 weeks	Responsible Manager and Director Director Corp. Ser.	Exec.

\$5m- \$10m	As above Compulsory site briefing Business/Operational Plan Project Manager engaged(optional) Tender Evaluation Plan	Interviews with tenderers Quarterly QS approval of works	6 weeks	As above	Council
\$10m +	As above Legal advice on tender documentation prior to distribution Engagement of probity advisor Project Manager engaged	As above Legal advice on tender contract prior to execution Probity advisor Monthly QS approval of works	6-8 weeks	As above	Council

* Does not apply to Design and Construct Tenders

Supporting Local Industry

The Town of Port Hedland seeks to maximise the use of competitive local businesses in goods and services purchased or contracted on behalf of the Council through adopting a local industry development criteria in tender assessment documentation as follows:

Local Industry Development	
Volume of workforce from Port Hedland/Pilbara	3%
Volume of goods from Port Hedland/Pilbara	3%
Training and skills development for Port Hedland	2%
Benefits to TOPH	2%
Loaded Score - Local Industry Development	10%

Local Industry is defined as being a business operating continuously out of premises within the Town of Port Hedland and submits a conforming tender or response for the supply of goods and services.

Tender or Quotation Exemption (Use of Preferred Supplier)

The Town of Port Hedland may waive the requirement to call for public tenders or quotations (regardless of the value of expenditure) and engage, award or contract for goods and purchases *with preferred suppliers* in the following circumstances:

- In an emergency service as defined by the Local Government Act 1995
- The purchase is from a supplier under a contract of the Western Australian Local Government Association (Preferred Supplier Contract or Business Service), the State or the Commonwealth or any of its agencies (Department of Treasury and Finance- permitted Common Use Arrangements), a Regional Council or another Local Government.¹
- The purchase is from a supplier awarded a Town of Port Hedland Awarded Tender- Period Contract ²
- Any other exclusion as defined in the Local Government (Functions and General) Regulations Part 4- Division 2 Regulation 11.

¹ Prior to the purchase of goods or services, Councillors are notified of the intent to use a preferred supplier.

² Town of Port Hedland Awarded Tenders-Period Contracts are called for on an regular basis to select contractors that may be used during the contract period at the tendered dollar rate.

Furthermore the engagement of any purchasing activity despite having the quotation or tender process waived must be undertaken in line with the officers delegated purchasing authority limit as detailed in all Position Descriptions, ensuring that sufficient funds have been provided for in the Town's annual budget.

ATTACHMENT 3 TO AGENDA ITEM 1.4.2.1

2/007 PROCUREMENT POLICY**Local Purchasing**

After having due regard to, but not limited to, the quality of the product, availability of after sales service, supply date, freight costs, degree of urgency Officers of the Town of Port Hedland are encouraged to purchase locally.

Pre procurement Requirements

Where possible, unless by Council resolution, or by requirement of legislation, Officers will follow the following minimum guidelines for inviting quotes prior to purchasing any good or service.

Purchase Value	Quotes Required (minimum)
Less than \$2,000	1 Verbal Quote
\$2000 - \$4,999	1 Written Quote
\$5,000 to \$14,999	2 Written Quotes
\$15,000 to \$49,999	3 Written Quotes
\$50,000 to \$99,999	3 Detailed Quotes, Authorised by CEO
\$100,000 and over	<i>Tender Policy 2/011applies</i>

In instances of emergency or where procurement is urgently required, officers with delegated authority may procure the goods/services without seeking quotations on the proviso that:

1. A brief explanation of the emergency/urgency of the situation is provided by the officer *upon issue of purchase order and* prior to payment of the invoice for the service
2. The value of works being undertaken in the emergency is within the officer's delegated authority limit.
3. The value of the works being undertaken is within the limits of the Council's adopted Annual Plan and Budget.

It is the Officer's responsibility to provide evidence that a reasonable attempt has been made to meet the above guidelines.

If a selection criteria, other than price, is use to determine the successful supplier, the authorising officer will advise all potential suppliers of the selection criteria prior to receiving quotations.

All documentation received or internally generated, as evidence of meeting the above quoting requirements will be attached to Council's copy of the payment advice and retained as per either Council internal or legislated records requirements for financial documents, which ever is the longest.

Tenders

Tenders will be called for all procurement of Goods or Services from a single supplier as prescribed under Section 3.57 Local Government 1995 *and in accordance with 2/011 Tender Policy*.

Authorising Officer

An Authorising Officer is a Town of Port Hedland employee who is registered in the sub delegation register as authorised to incur expenditure and claims for payment, within a set monetary limit.

Purchase Orders

The Town of Port Hedland requires a purchase order to be raised and issued prior to the service or product being supplied. The authorising officer will ensure items purchased are made within budget parameters.

Purchase Orders Exemptions

The requirement to issue a purchase order is not required in the following instances:

1. Procurement of particular goods or services:
 - a) Utilities; including telephone, electricity, water and gas.
 - b) Annual Membership/subscriptions
 - c) Reimbursements to Staff
 - d) Freight
 - e) Department of Land Information on line transactions
 - f) Motor Vehicle Licensing and Registration
 - g) Custom Fleet Bill
 - h) Postage
2. Corporate Credit or Fleet Fuel Card purchases;
3. Petty Cash purchases - \$200 limit GST inclusive;
4. All emergencies as deemed in writing by the Mayor;
5. All procurement authorised by way of Tender and requiring three or less separate payments in one financial year.

Fleet Fuel and Corporate Credit Cards

Fleet Fuel Cards

All appropriate fleet vehicles will be issued with an appropriate fleet fuel card for fuel purchases only. If a vehicle is allocated to Council Officer, that Officer is responsible for the security and appropriate use of the Fleet Fuel Card. Fuel purchased using a fleet fuel card, must be of type required by the vehicle the card was initially issued for.

Corporate Credit Cards

The Chief Executive Officer and Directors have use of a Corporate Credit card, provided from the Town's current banking provider. Use of this credit card is strictly for authorised duties associated with the Town of Port Hedland and may not be used for personal expenses in any circumstances.

Limits placed on the Corporate Credit Cards will be as follows:

Officer	Credit Limit	Cash Advances
Chief Executive Officer	\$5,000	Nil
Directors	\$2,000	Nil

Each Corporate Credit Card Holder is responsible at all times for:

1. The security of the card;
2. Providing documentary evidence of all purchases (i.e. receipts) and attaching these to the monthly statement;

At the end of each month, each credit card statement is authorised by:

1. In the case of a Director, the Chief Executive Officer;
2. In the case of the Chief Executive Officer, the Mayor.

All purchases using the Corporate Credit Card shall be included in the monthly list of accounts paid by delegated authority presented to Council.

Breach of Procurement Policy

Officers found to have breached this policy may, at the discretion of the Chief Executive Officer:

1. Have their purchasing rights revoked; and
2. Be subject to disciplinary action, including possible termination without notice.
3. Be required to reimburse Council for the amount of the unauthorised expenditure.

11.4.2 Governance

11.4.2.1 Council Meeting Dates (File No.: ADM-015)

Officer Josephine Bianchi
Governance Co-ordinator

Date of Report 30 May 2011

Disclosure of Interest by Officer Nil

Background

The Local Government (Administration) Regulations require that at least once each year "...a local government is to give local public notice of the dates on which and the time and place at which the ordinary meetings and committee meetings are to be held in the next 12 months".

Council has determined its meeting dates up to and including the 22 June 2011 Ordinary Meeting, and will need to consider meeting dates for the next 12 months.

Statutory Implications

Council is required to determine at least once each year, its meeting program and this is to be set and advertised in local newspaper.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Budget allocation for advertising Council Meetings is included in Administration General Expenses, General Ledger Account Number 404287 'Advertising and Promotions'.

Officer's Comment

Council has previously determined that it will meet on the second and fourth Wednesday of each month.

It is recommended that in December 2011 only one meeting occurs on the second Wednesday, being 14 December 2011.

The Wednesday 25 April 2012 falls on Anzac Day, it is therefore recommended that this meeting date be changed to Tuesday 24 April 2012.

Attachments

Nil

201011/414 Officer's Recommendation/Council Decision**Moved:** Cr S J Coates**Seconded:** Cr A A Carter

That the Ordinary Council Meeting be held at 5:30 pm in Council Chambers on the following dates:

Wednesday 13 July 2011
Wednesday 27 July 2011
Wednesday 10 August 2011
Wednesday 24 August 2011
Wednesday 14 September 2011
Wednesday 28 September 2011
Wednesday 12 October 2011
Wednesday 26 October 2011
Wednesday 9 November 2011
Wednesday 23 November 2011
Wednesday 14 December 2011
Wednesday 11 January 2012
Wednesday 25 January 2012
Wednesday 8 February 2012
Wednesday 22 February 2012
Wednesday 14 March 2012
Wednesday 28 March 2012
Wednesday 11 April 2012
Tuesday 24 April 2012
Wednesday 9 May 2012
Wednesday 23 May 2012
Wednesday 13 June 2012
Wednesday 27 July 2012

and be advertised accordingly.

CARRIED 7/0

11.4.2.2 Western Australian Local Government Association AGM 2011 – Appointment of Delegates (File No: 13/01/0009)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 30 May 2011

Disclosure of Interest by Officer Nil

Summary

This report seeks to determine attendees to the Western Australian Local Government Association AGM 2011.

Background

At its ordinary meeting of 11 May 2011 Council resolved to appoint Councillors S R Martin and D W Hooper to represent Council as voting delegates at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 6 August 2011.

Following this decision, Councillors S R Martin and D W Hooper indicated that they are not able to attend this AGM.

Officer's Comment

The Western Australian Local Government Association (WALGA) AGM will take place as part of the Western Australian Local Government Convention on Saturday 6 August, at 1:00 pm. The Mayor plus one other attendee are voting delegates.

The Mayor and Deputy Mayor have already indicated that due to other commitments they will not be able to attend this meeting. Councillors S R Martin and D W Hooper have also advised that they will not be able to attend.

In order to fully represent the Town of Port Hedland at the WALGA AGM another two (2) Councillors are required to be nominated to attend this meeting.

Statutory Implications Nil

Policy Implications

Council Policy 4/005 'Members Professional Development and Associated Travel and Accommodation' adopted at its Ordinary Meeting held on 28 May 2008.

Strategic Planning Implications Nil

Budget Implications

The cost for the WALGA Breakfast/AGM is \$55 per person.

Attachments Nil

201011/415 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr A A Carter

That Council appoint Councillor S J Coates to represent Council as voting delegate at the Western Australian Local Government Association's Annual General Meeting, being held on Saturday 6 August 2011 during the Western Australian Local Government Convention.

CARRIED 7/0

11.4.3 Chief Executive Officer

11.4.3.1 Strategic Marketing of Port Hedland and Agreement on Tag Line (File No.: .../...)

Officer Paul Martin
Chief Executive Officer

Date of Report 3 June 2011

Disclosure of Interest by Officer Nil

Summary

This item outlines the work which has been undertaken to establish a partnership with government agencies to better market Port Hedland.

The report also seeks agreement from Council on a “tag” line to become the focus of marketing activity.

Background

In September last year Council agreed upon a new branding material which has been progressively rolled out across the Town. This has been well received.

In recent months Officers have been discussing with Landcorp and Pilbara Cities the more strategic marketing of Port Hedland.

Whilst the Town has successfully communicated to the local market more effort is needed to market Port Hedland to the State and also at a Federal level.

In preparation for this Officers sought feedback from the community on what should be the “tag” line for the town as the transformation occurs to become a city.

Consultation

The “tag” line campaign was undertaken over a two week period and was marketed through the following channels:

- Facebook
- Council News @ Your Fingertips
- Town Talk
- CEO News (internal newsletter)
- Mayor’s Mailbag
- Radio
- Articles in the North West Telegraph and Pilbara Echo

Local schools were invited to participate in a visioning workshop on Thursday 31 March 2011 in Council Chambers as part of the consultation process. Students from Cassia Primary School, Baler Primary School and Hedland Senior High School participated in the workshop.

Members of the public were encouraged to email their suggestions to the Town of Port Hedland and we received approximately 50 suggestions over the period.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result 6 – Governance
Goal Number 2 Marketing and Communication

Immediate Strategies

Undertake a comprehensive local, intrastate and interstate marketing campaign that details both the importance of the Port Hedland community and the positive achievements and attributes of the community.

Town of Port Hedland corporate style guidelines ensure that a consistent clear image of the Town is being delivered.

Budget Implications

Implementation of the new branding and consultation on development of a new brand for the City has been undertaken within existing resources.

It is proposed by working with key State Government agencies a brief is developed for a more comprehensive marketing strategy at a national level is developed. Any resources that are required to be committed to achieve this will be the subject of a separate report once a scoping brief is developed.

Officer's Comment

There are many agencies with an interest in seeing Port Hedland marketed better at a State and National level. It is proposed to bring these agencies together to develop a comprehensive coordinated strategy for the coming 6 and 12 months. The agencies would include Landcorp, Pilbara Cities and Department of Housing. The Town will lead and facilitate this working group.

To commence more strategic marketing a new “brand” or tag line is needed. A new branding statement would reposition the Town from being a small regional mining town, to a City which is a major regional hub and the lifeblood of the Pilbara.

The branding statement will strengthen the existing brand and differentiate the Town from other Council’s and Shires in the Pilbara and North-West.

After discussions with relevant stakeholders and advice from marketing professionals, the “tag” line “Pilbara’s Port City” was deemed the most appropriate. As a brand statement, “Pilbara’s Port City” reflects Council’s vision to grow into a Pilbara City, the town’s location in the North-West and the term “Port” detracts from the perception that Hedland is “just another mining town” by highlighting its other main industry and its harbour-side location.

Attachments

1. Options received from the community on possible tag lines

201011/416 Officer’s Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

1. Adopt the “tag” line for Port Hedland to be “Pilbara’s Port City”
2. Receive regular updates on the marketing of Port Hedland

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.3.1



Town of Port Hedland

“Brand Your City”

Community and staff suggestions

» City of the Sun-stained Gold
» Paradise City of the Pilbara
» Stairway to the Pilbara
» Network of the North
» City of Achievers
» Port Of Opportunity
» City of Potential
» City of Opportunities
» Town of Exciting Futures
» City of Families
» City of Difference
» The Unique City
» City of Golden Opportunities
» Beachside Ruby of the Pilbara
» City of Developments
» Your Port of Opportunities
» Pilbara’s Paradise
» Our Town, Our Future City
» Progressive City of the Future
» From Town to City with vision and commitment
» From the Pilbara to the World – we encourage you to explore our city
» A City to relax in and enjoy the wonders of the Pilbara
» Pilbara’s Port City to the World
» Pilbara’s Coastal Hub
» Pilbara’s Gateway City
» The Power of the Pilbara
» Transforming like nowhere else and there’s no other place I’d rather be

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1** *Proposed "Use Not Listed" – Pilbara Drug and Alcohol Rehabilitation Centre on Lot 257 Great Northern Highway, Port Hedland (File No: 804679G)*

Officer Ryan Djanegara
Planning Officer

Date of Report 10 May 2011

Application No. 2011/166

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Formworks Architecture on behalf of the Department of Regional Development and Lands for development of a "Use Not Listed" – Pilbara Drug and Alcohol Rehabilitation Centre on Lot 257 Great Northern Highway, Port Hedland.

The proposal is being referred to Council for determination as the Director Planning and Development does not have delegations to consider such uses.

The proposal is supported by the Planning Department.

Background*Site Description*

The subject site is approximately 39.56ha in size and achieves access from an unsealed road approximately 20km south of South Hedland Town Centre, via Great Northern Highway. The site is zoned "Rural" in accordance with the Port Hedland Town Planning Scheme No.5, and currently undeveloped.

Proposal

The applicant is proposing to construct a drug and alcohol rehabilitation centre on Lot 257 Great Northern Highway, Port Hedland approximately 20km from the South Hedland Town Centre.

The proposal does not include medical treatment and is designed to provide education and counselling services facilities for Aboriginal and Torres Strait Islander's recovering from drug and alcohol abuse.

This facility is considered a state first in the Pilbara providing an

essential community service for the region. The proposal is being funded by the Office of Aboriginal and Torres Strait Islander Health, and will be managed by the Yaandina Family Centre.

In addition to classrooms, workshops and offices, the facility will provide temporary accommodation for patients, their families and staff members. Of the 24 rooms provided, 18 beds will be dedicated for recovering patients, whilst the remaining 6 beds will be provided for their respective family members. The proposal also includes a "Caretakers Dwelling".

Consultation

The application has been referred internally and externally with any requirements captured in the report.

Public consultation has taken place with the adjoining property owners in accordance with section 4.3 of the Port Hedland Town Planning Scheme No. 5, 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 Port Hedland Town Planning Scheme No. 5.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

An application fee of \$10, 550.00 has been received as per the approved fees by Council.

Officer's Comment

Uses defined under the scheme

The proposal has been described as a "Use Not listed – Pilbara Drug and Alcohol Rehabilitation Centre". The centre will be providing accommodation for patients, their families and staff, and will run educational courses for patients recovering from drug abuse. The centre is government funded and will be managed by a non-for-profit aboriginal community organisation.

Although the development has been described as a "Use Not Listed", Council must ensure that the proposal cannot be adequately defined within the Town Planning Scheme. The following uses defined by the scheme have been examined:

“Nursing Home:

A building used for the long term medical treatment or care of sick persons, whether resident or not, but does not include consulting rooms”

The above does not accurately describe the proposed development. The development provides “short term” rehabilitation services rather than long term medical care for sick and/or elderly patients.

As the use cannot be reasonably included in the definition of one of the development categories Council can only consider the use as a use “Use Not Listed – Rehabilitation Facility.”

Justification for the location of the proposal:

The applicant has justified the proposed location by outlining the gap in essential rehabilitation services for (in particular) indigenous people living in the Pilbara. Those that need these services are often taken to Perth or Broome, where the process has claimed to have failed.

Furthermore the location of the site in relation to Town centres provide some remoteness to the facility and therefore less distractions from outside influences which may impede on the rehabilitation process for patients.

The applicant has investigated the following alternative sites.

- Lot 5241 Great Northern Highway – approximately 23km from the South Hedland Town Centre
- R413551 Great Northern Highway– approximately 23km from the South Hedland Town Centre
- Lot 2520 R3267 North Circular Road, South Hedland – edge of the South Hedland Town Centre

These sites were not considered reasonable as the future expansion of the Town would impact on the proposed development. The subject site was selected based upon the exclusivity of the area from the Port and South Hedland Town Centres. The distance from populated centres is considered necessary for the rehabilitation process.

Given the information above, it is considered that such a use is appropriate for the locality and “Rural” zone. It is the opinion of the Planning Department that the proposed development should be supported as a “Use Not listed – Rehabilitation Facility”.

Development Controls - Parking

For a “Use Not Listed”, Council has discretion to decide how many car parking bays may be required. In this regard the development has been

compared with that of a "Nursing Home". By applying this comparison the proposed development will be required to provide a minimum of 26 parking bays on site. The applicant has provided 37 parking bays on-site and is considered appropriate for the type of use.

Options

Council has the following options when considering the application:

Approve the application.

Should the application be approved, the proposal will provide a much needed community facility that will benefit indigenous community and their families suffering from drug and alcohol abuse.

Refuse the application.

Should the application be refused the Town will be without a much needed facility.

It is recommended that Council consider option 1.

Attachments

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

201011/417 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council approves the application submitted by Formworks Architecture on behalf of the Department of Regional Development and Lands for development of a "Use Not Listed" – Pilbara Drug and Alcohol Rehabilitation Centre on Lot 257 Great Northern Highway, Port Hedland, subject to the following conditions:

1. This approval relates only to the "USE NOT LISTED" – Pilbara Drug and Alcohol Rehabilitation Centre and other incidental development, as shown on plan number 2011/133/drg/1 to 2011/133/drg/9. It does not relate to any other development on this lot.
2. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.

3. Prior to the occupation of the centre the applicant is to develop the intersection design for sealed access to the specifications of Main Roads Western Australia and the satisfaction of Councils Manager Planning.
4. The access road, Road No. 16163, shall be constructed, drained and maintained at the applicants cost to the specifications of Councils Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
5. A minimum of 37 car parking bays are to be provided onsite to the satisfaction of Council's Manager Planning.
6. Accessways, parking areas, turning areas to be designed and constructed in accordance with Town Planning Scheme No. 5 (including kerbed, formed, drained & finished with a sealed or paved surface) to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning
7. The parking areas and / or associated accessways shall not be used for storage (temporary or permanent) without the prior approval of the Town of Port Hedland.
8. The driveways and crossovers shall be designed and constructed in accordance with Council's Crossover Policy 9/005 to the specifications of Council's Manager Infrastructure Development, and to the satisfaction of Council's Manager Planning, prior to the occupation of the building.
9. Lighting shall be installed along all driveways, car parking and pedestrian ways to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Council's Manager Planning.
10. Within 30 days of this approval, or such further period as may be agreed by Councils Manager Planning, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to Council's Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001.

11. Within 60 days of the approval of the landscaping plan, or such further period as may be agreed by Councils Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Council's Manager Planning.
12. An overall signage strategy for the site shall be submitted for approval to the satisfaction Manager Planning.
13. A Rubbish Collection Strategy / Management Plan shall be submitted to and approved by the Town prior to the commencement of works. The strategy / plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy / plan shall be incorporated into the building licence plans. The approved strategy / plan shall be implemented to the satisfaction of the Manager Planning.
14. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and / or screened so as not to be visible from beyond the boundaries of the development site, to the satisfaction of Council's Manager Planning.
15. Stormwater disposal is to be contained onsite and designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Council's Manager Planning.
16. The development is to comply with the Health (Public Buildings) Regulations 1992.
17. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
18. Prior to the commencement of any works whatsoever a Dust Management Plan shall be submitted to and approved by the Town.
19. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a. **The delivery of materials and equipment to the site;**
 - b. **The storage of materials and equipment on the site;**
 - c. **The parking arrangements for the contractors and subcontractors;**
 - d. **Impact on traffic movement;**
 - e. **Operation times including delivery of materials; and**

f. Other matters likely to impact on the surrounding residents;

to the satisfaction of Council's Manager Planning.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. In regard to condition 4, the applicant / owner may rather than maintain the access road, enter into a contract with the Town of Port Hedland to maintain the access road.
3. Prior to the de-proclamation of the land, the Department of Water advises that all activities conducted on the site must comply with the Department's advice and guidelines. Should you have any further enquires please contact the Department of Water (Pilbara Office) on 9144 2000.
4. If mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of Council's Health Local Laws 1999. For further advice please contact Town's Environmental Health Services on 9158 9325.
5. Be advised that the Town's Environmental Health Services Department has raised the following matters.
 - a. **It is a requirement under the Town of Port Hedland Eating House Local Laws that all food premises be licensed prior to beginning operations;**
 - b. **The applicant is advised that the construction and use of the proposed premises is required to comply with the Health (Food Hygiene) Regulations 1993;**
 - c. **Be advised that the food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.**

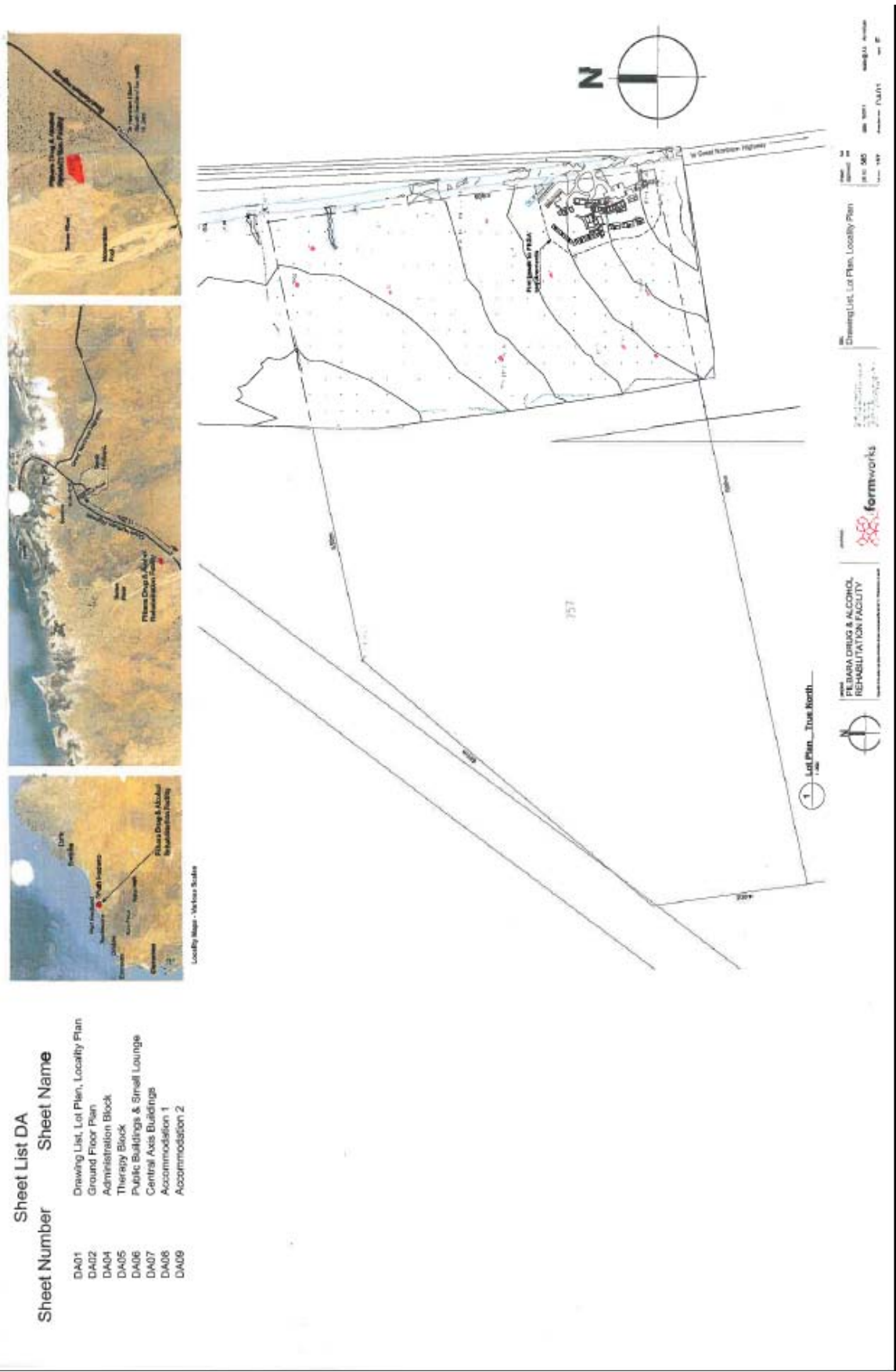
If any of these matters require clarification please contact the Environmental Health Department on 9158 9325.

6. Be advised that all lodging houses are required be registered under the Health Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Laws 1999.

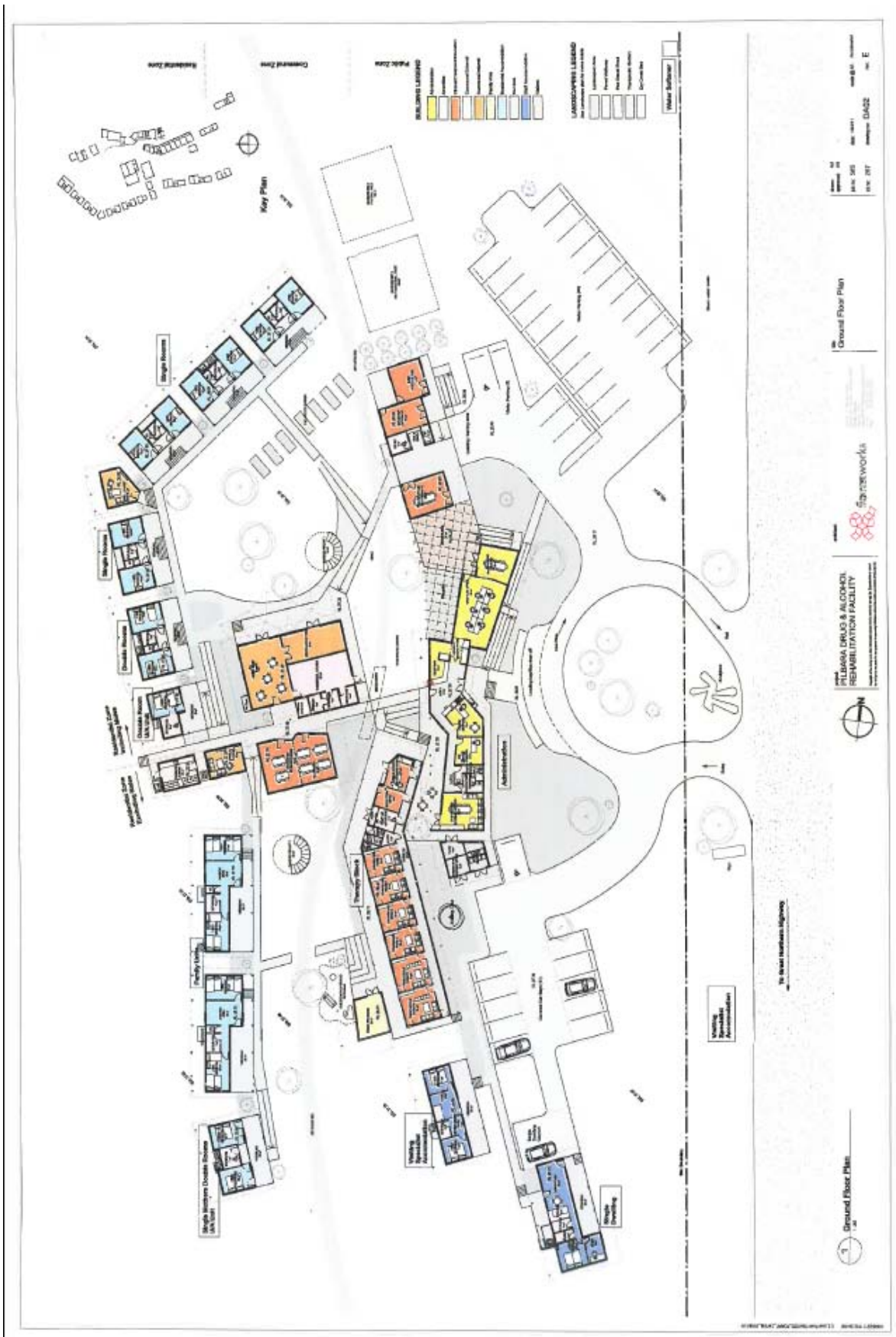
7. Be advised that at the building licence stage a detailed floor plan is required to be submitted in order for Town's Environmental Health Services to assess compliance to the Town of Port Hedland Health Local Laws 1999.
8. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
9. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED BY ABSOLUTE MAJORITY 7/0

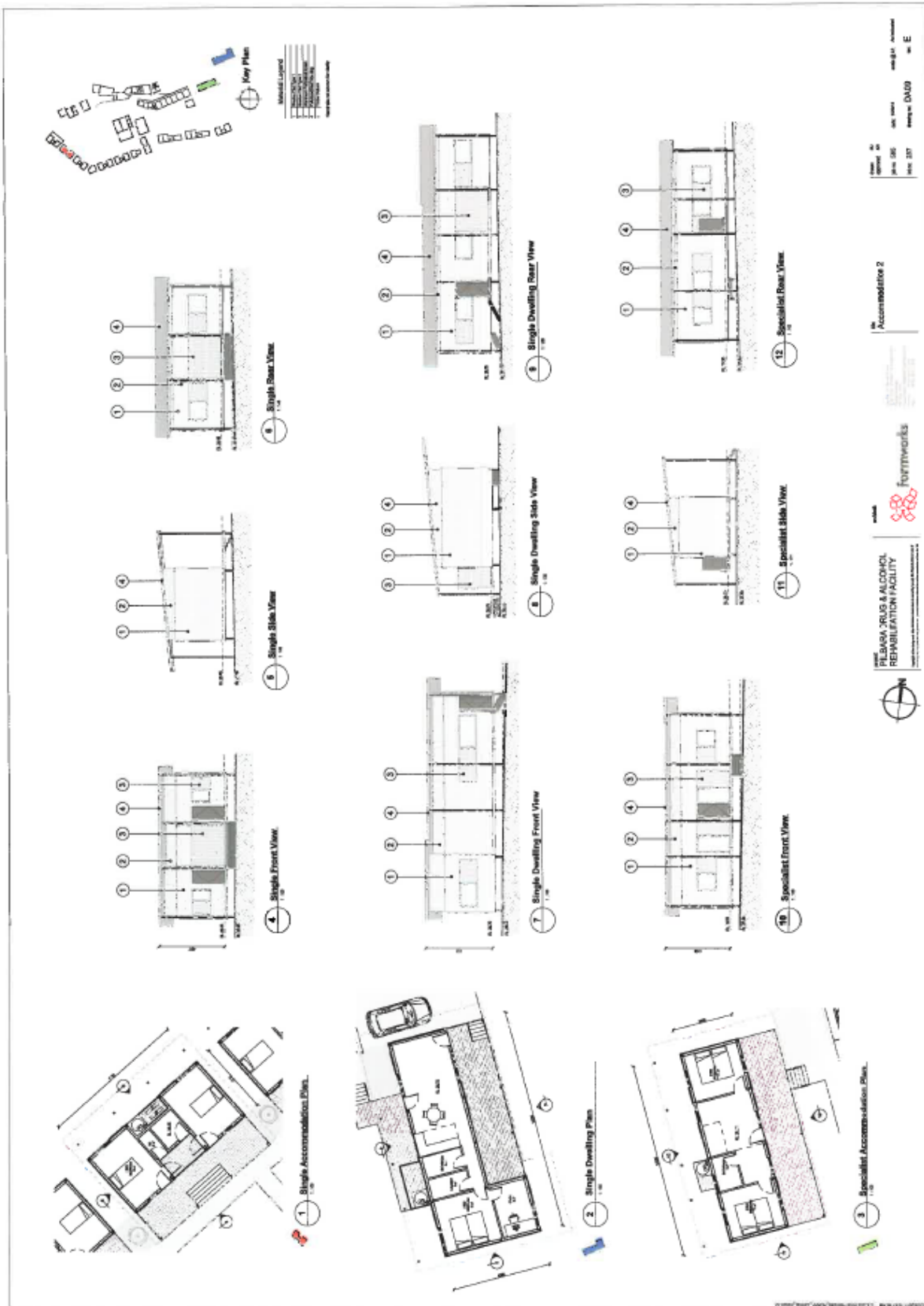
ATTACHMENT 1 TO AGENDA ITEM 12.1

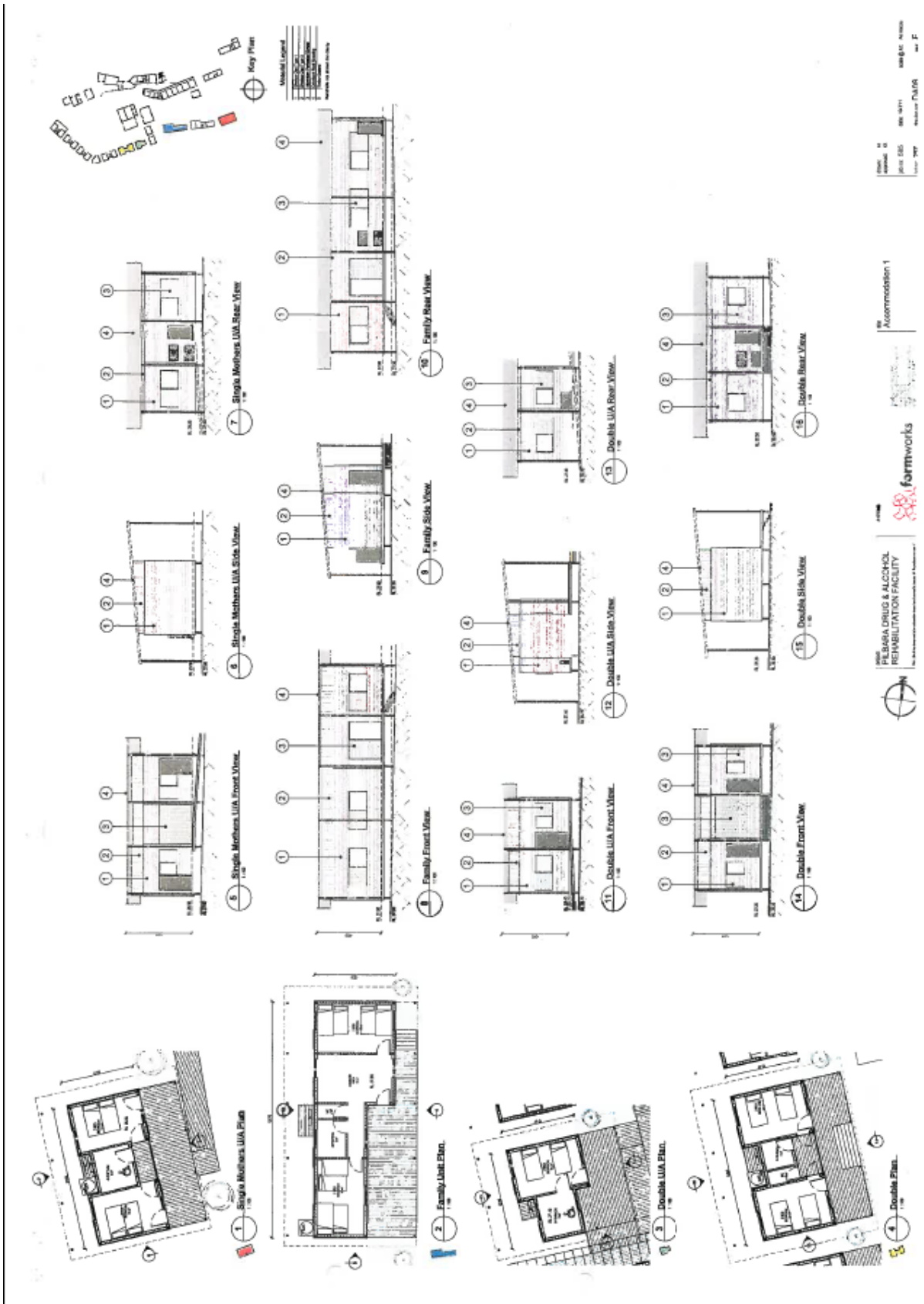


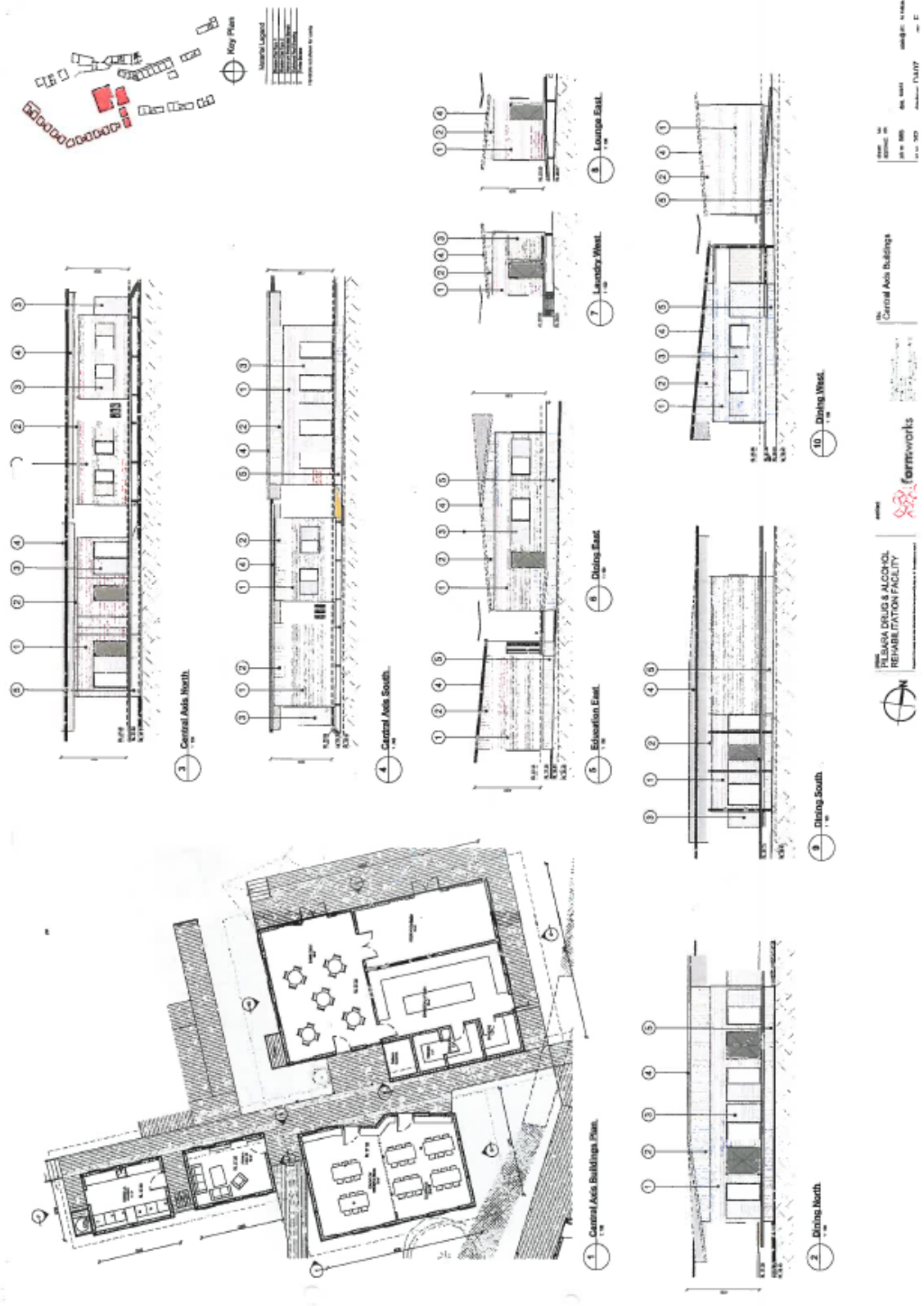
ATTACHMENT 2 TO AGENDA ITEM 12.1

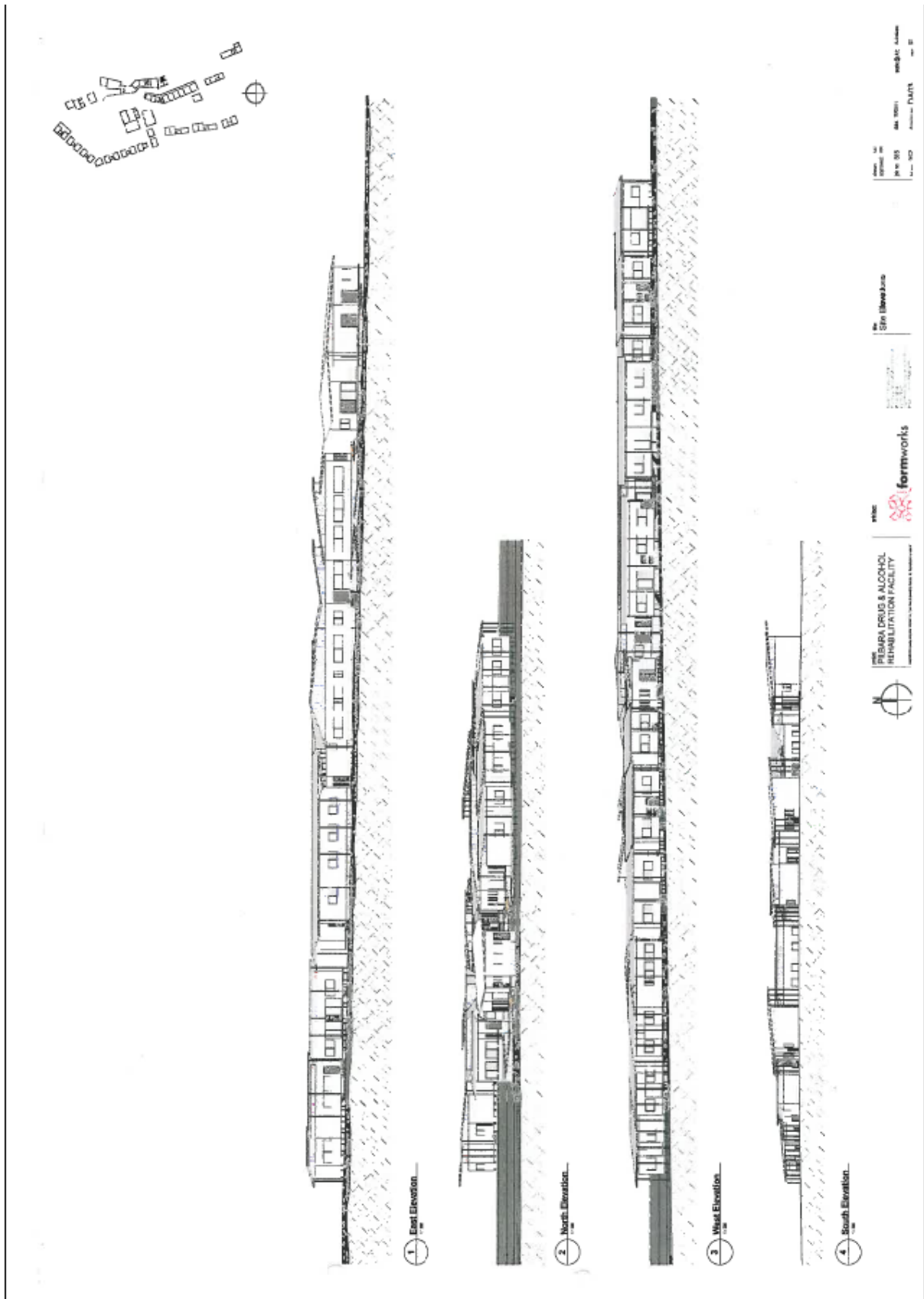


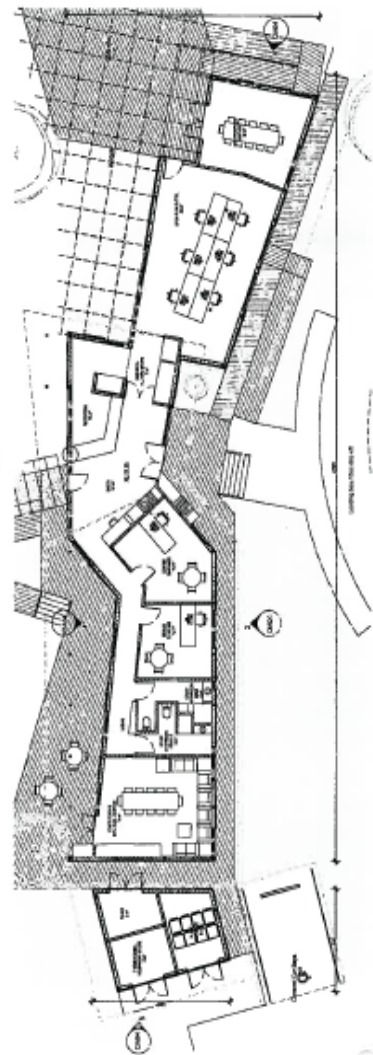
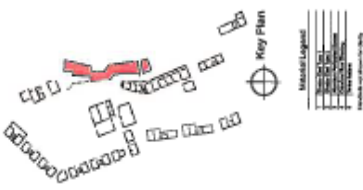
ATTACHMENT 3 TO AGENDA ITEM 12.1







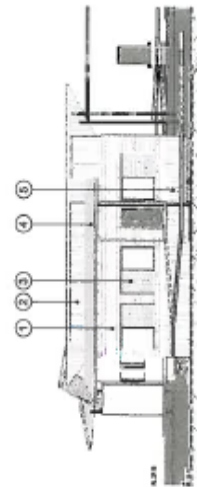




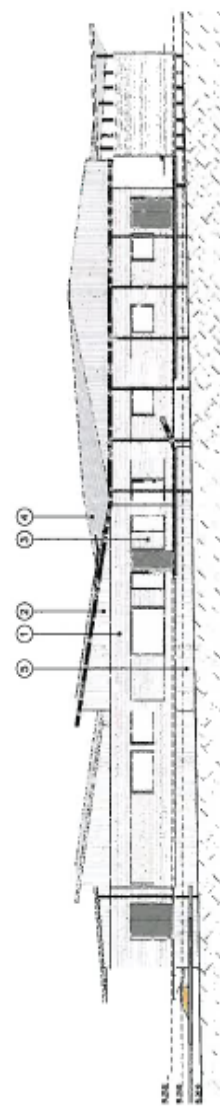
1 Administration Block Plan



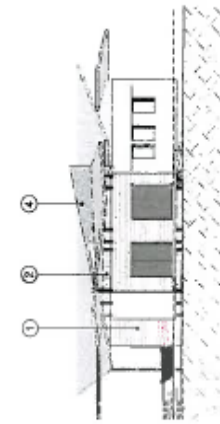
2 Elevation Admin East View



3 Elevation Admin North View



4 Elevation Admin West View



5 Elevation Admin South View

Scale: 1:100
Date: 2011/06/08
Author: [Name]
Reviewer: [Name]

Administration Block

forworks

PILBARA DRUG & ALCOHOL
REHABILITATION FACILITY



ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**201011/418 Officer's Recommendation/Council Decision**

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the following leave of absence;

- Councillor S J Coates on 22 June 2011
- Councillor D W Hooper from 15 June to 28 June 2011

be approved

CARRIED 7/0

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 22 June 2011, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:12 pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE