Attachment 1 to item 12.1

PSA Ref: 3000

22 August 2014

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

Attention: Leonard Long, Manager Planning

Dear Sir.

RECONSIDERATION OF DECISION AMENDED PLANS - PROPOSED GROUPED DWELLINGS LOT 2055 (67-71) HAMILTON ROAD, SOUTH HEDLAND

I refer to the orders made by the State Administrative Tribunal on 11 August 2014 formally inviting the Town to reconsider its original decision of 12 September 2013 to approve a caretakers' dwelling on Lot 2055 (67-71) Hamilton Road, South Hedland, subject to Condition 1 which limited the floor area to 50m².

In support of the Town's reconsideration of this matter, and following discussion between the parties through mediation, please find attached amended plans showing:

- Two demountable blocks, both in their as-constructed locations.
- Existing Block A (westernmost) being a single grouped dwelling comprising four single bedrooms each with attached bathroom and toilet.
- A proposed new separate building immediately south of the demountable blocks providing kitchen and dining facilities for the Block A grouped dwelling. The new building will be clad in the same Colourbond custom orb material as the existing demountable buildings.
- Existing Block B (easternmost) being a second grouped comprising three single bedrooms each with attached bathroom and toilet, plus kitchen and living space.
- Constructing a new 2.1m high Colourbond fence to create space for two outdoor living areas (OLAs) east of Block B. Each OLA will be provided with pot plants to provide greenery and shading, tables and chairs, and barbeques.
- Car parking as per the existing layout, including the proposed dedication of a car parking space for persons with a disability plus an associated shared space.

Refer to **Appendix 1** for the amended development plans.

We request the Council vary its original decision by reclassifying the proposed development as two grouped dwellings, modifying Condition 1 of the planning approval by removing the 50m² floor area limitation, and including a cessation date on the approval.

Various town planning considerations associated with the amended plans are addressed below.

LAND USE

At the final hearing held on 8 July 2014, the State Administrative Tribunal expressed its preliminary opinion confirming the development is classified as two 'grouped dwellings' under the Town of Port Hedland Town Planning Scheme No.5 (**TPS5**), and should be approved as such accordingly. Our proposed development comprises two grouped dwellings - one with four bedrooms and a detached kitchen/dining room, and the second dwelling comprising three bedrooms with an internal kitchen/dining room – consistent with the definition for a grouped dwelling.

The subject site is zoned 'Commercial' pursuant to TPS5. A 'Grouped Dwelling' is an 'AA' use within the 'Commercial' zone under the Zoning Table of TPS5, meaning the development is not permitted unless the Town has exercised its discretion and granted planning approval. It is therefore open for the Town to vary its original decision by reclassifying the proposed development as two grouped dwellings.

Grouped dwellings have no maximum floor area under TPS5. The 50m² floor area limitation can therefore be deleted.

DEVELOPMENT REQUIREMENTS

The proposed development achieves all requirements of TPS5 and State Planning Policy 3.1 Residential Design Codes (**R-Codes**) with the exception of street surveillance, outdoor living areas and storerooms. These issues are discussed below.

Surveillance of the street

The R-Codes requires buildings to be designed to provide for surveillance between individual dwellings and the street, to achieve the R-Codes objective to provide security for occupants and passers by.

The proposed grouped dwellings are located on the same site as a 24-hour service station. Provision of habitable room windows having a clear view of the street would be an unacceptable intrusion of the resident's privacy (some of whom sleep during the day after a night shift), and is also unnecessary given the surveillance and security provided by the service station. In the circumstance, not only is surveillance between the dwellings and the street not necessary, it would have a significant and serious impact on the amenity of the residents. For this reason, direct surveillance between the dwellings and the street is not supported, and instead the development as proposed ought to be approved.

Outdoor living areas

The R-Codes requires OLAs to be capable of use in conjunction with a habitable room of the dwelling, to achieve the R-Codes objective to optimise function, useability, and privacy and social opportunity.

The proposal includes the provision for two OLAs to the east of Block B, accessible and not more than 10m from all entries of the dwellings. The OLAs are private, spacious and have access to sunlight. Given the configuration of the demountable buildings, there is no significant benefit to be gained by locating the OLAs adjacent to the dwelling entrances (and windows), and in fact the use of the OLAs for noisy activities (talking, barbequing, playing games, etc) may disturb the amenity of residents, some of whom sleep during the day after a night shift. In the circumstances, the location of the OLAs is considered acceptable, and the development should be approved.

Essential facilities

The R-Codes requires externally-located storerooms to be convenient to residents, screened from view, and able to be secured and managed. There is no R-Code objective relating specifically to storerooms.

Space is available within the dwellings for the storage of a small number of items. Larger items (such as scooters, bicycles and the like) can be securely stored within the service station when necessary (such as during the cyclone season), or otherwise scooters and bicycles can be parked adjacent to the entrance of the dwelling, out of view of public areas. In light of the above, the development can accommodate the storage demands of its residents, and is suitable for approval.

TEMPORARY APPROVAL

At the final hearing held on 8 July 2014, the State Administrative Tribunal expressed its preliminary opinion that the development is capable of approval as two grouped dwellings on a temporary basis, at the expiry which the development must either be removed, or a fresh application made to continue using the development.

Caltex's lease with the owner of the site expires on 4 October 2018. We consider it appropriate for the Council to vary the original approval by including a new condition requiring the development to cease and the buildings be removed by this date. This is consistent with the direction provided by the State Administrative Tribunal.

BUILDING CODE REQUIREMENTS

The plans have been reviewed by a building certifier, and it has been confirmed the development is capable of achieving the requirements of the Building Code of Australia applicable to a Class 1b building, subject to a fire wall being constructed between the buildings and the existing service station.

CONCLUSION

In conclusion, the amended plans warrant the Council's reconsideration of the original approval for the reasons listed above, and we request the Council <u>vary</u> the original approval dated 12 September 2013 in accordance with the amended plans included at **Attachment 1** by:

- 1. reclassifying the development as two grouped dwellings, and changing all references of 'caretakers' dwellings' in the approval to 'grouped dwellings'.
- 2. modifying Condition 1 to delete the words "(reduced to 50m²)" and "marked in red".
- 3. inserting a new condition requiring the development to cease on or before 4 October 2014.

We respectfully request an opportunity to address the Council meeting scheduled for 24 September 2014, and any other meeting at which this matter is considered.

Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the writer.

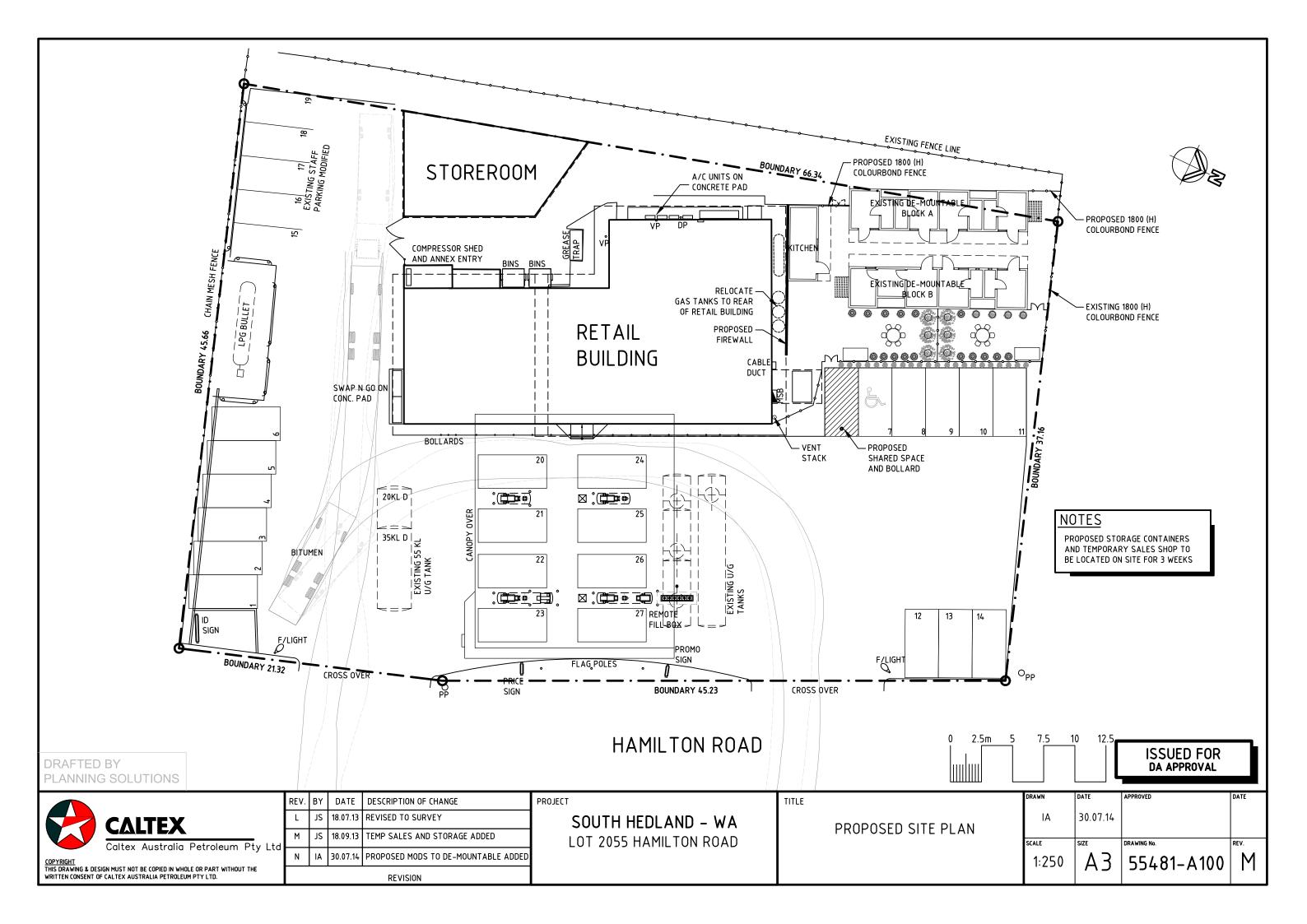
Yours sincerely,

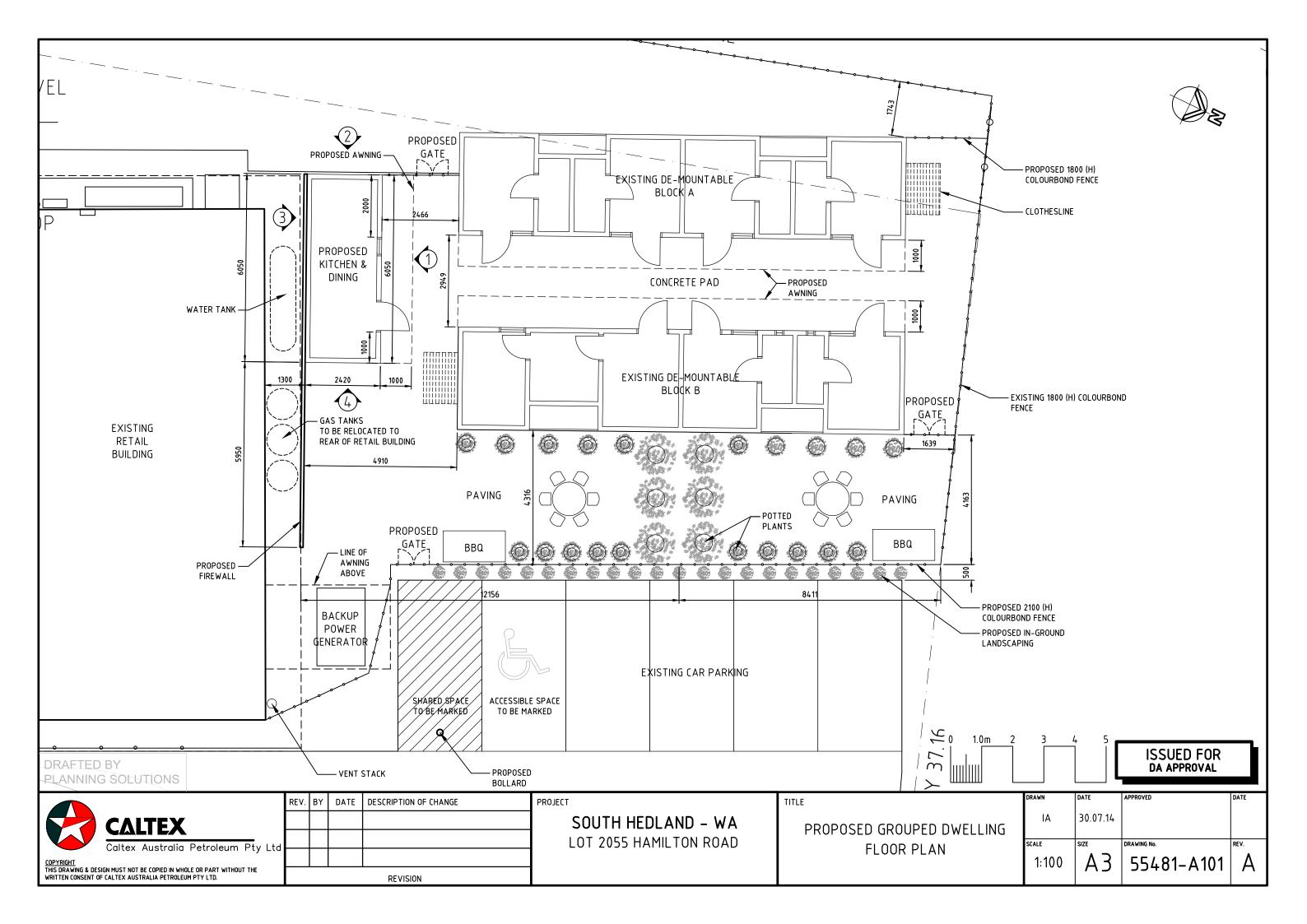
ROSS UNDERWOOD SENIOR PLANNER

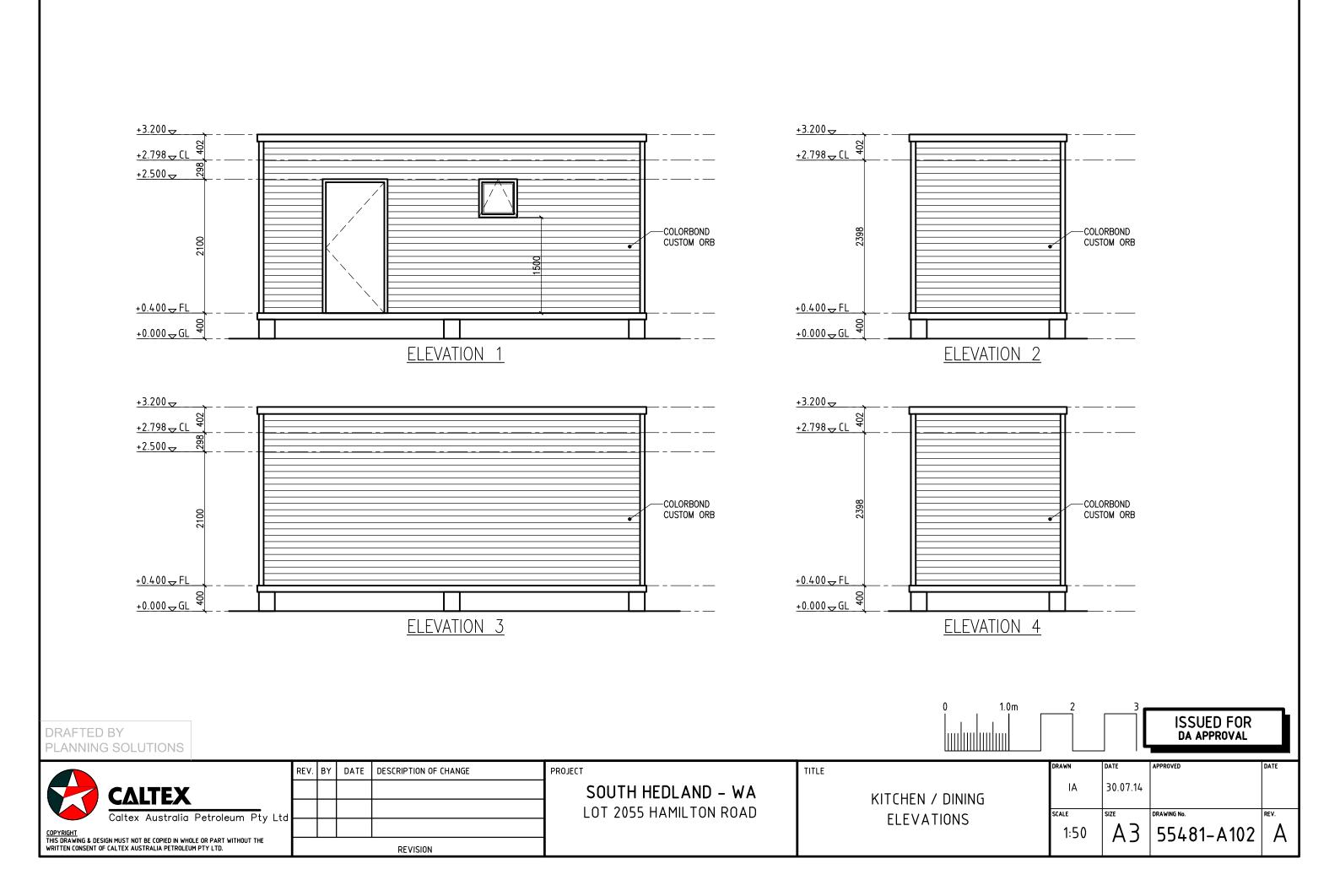
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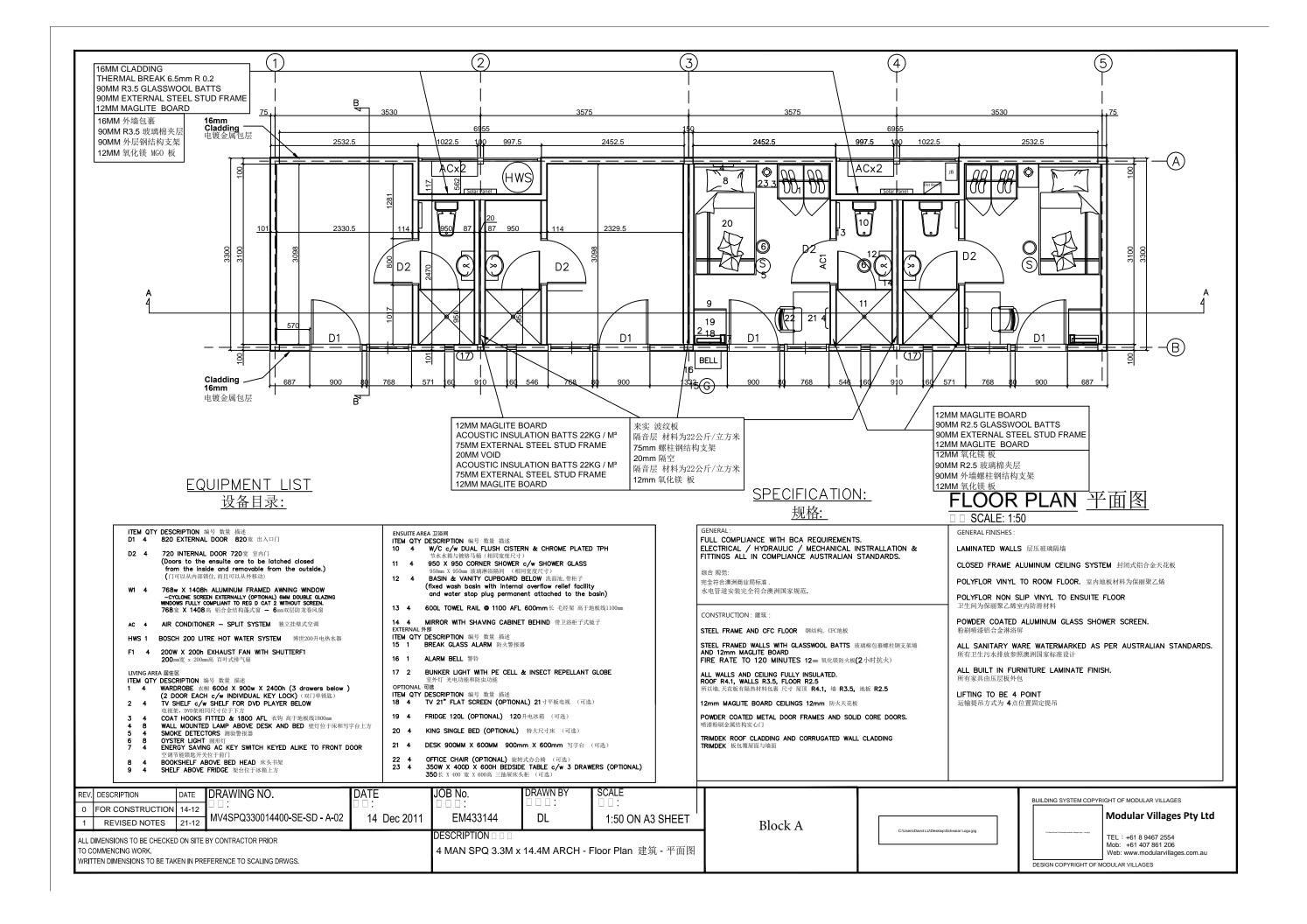
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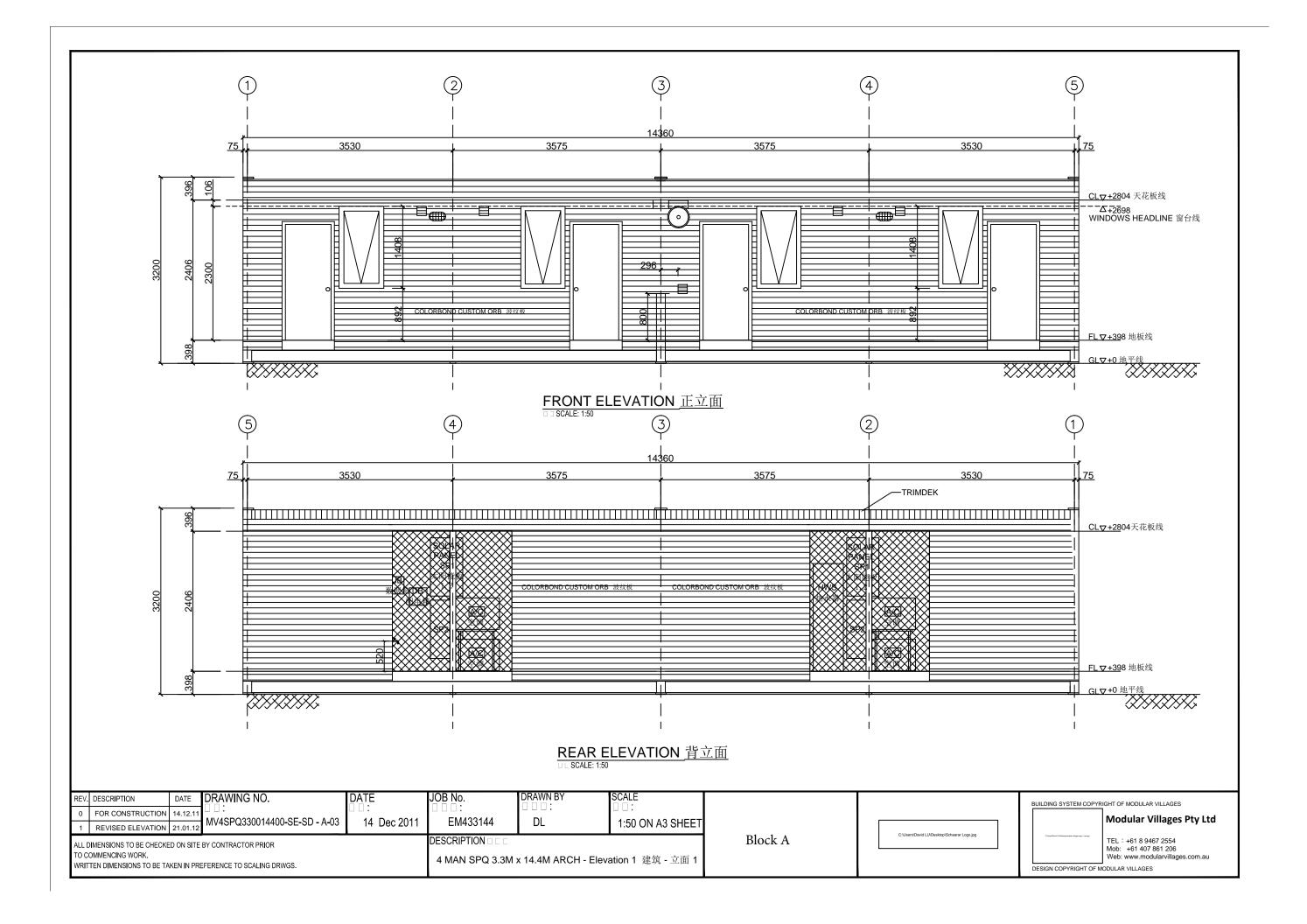
ATTACHMENT 1 AMENDED DEVELOPMENT PLANS

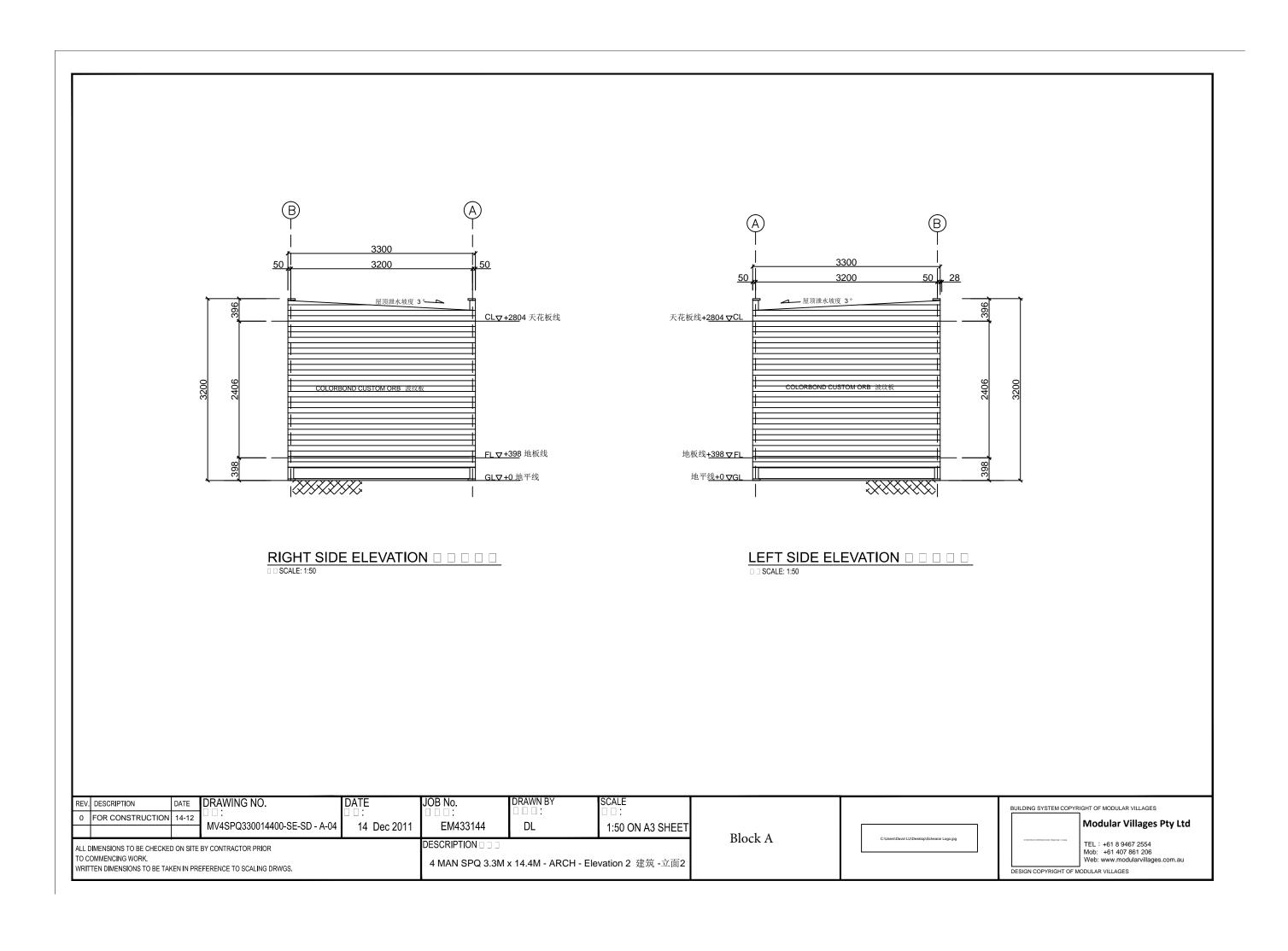


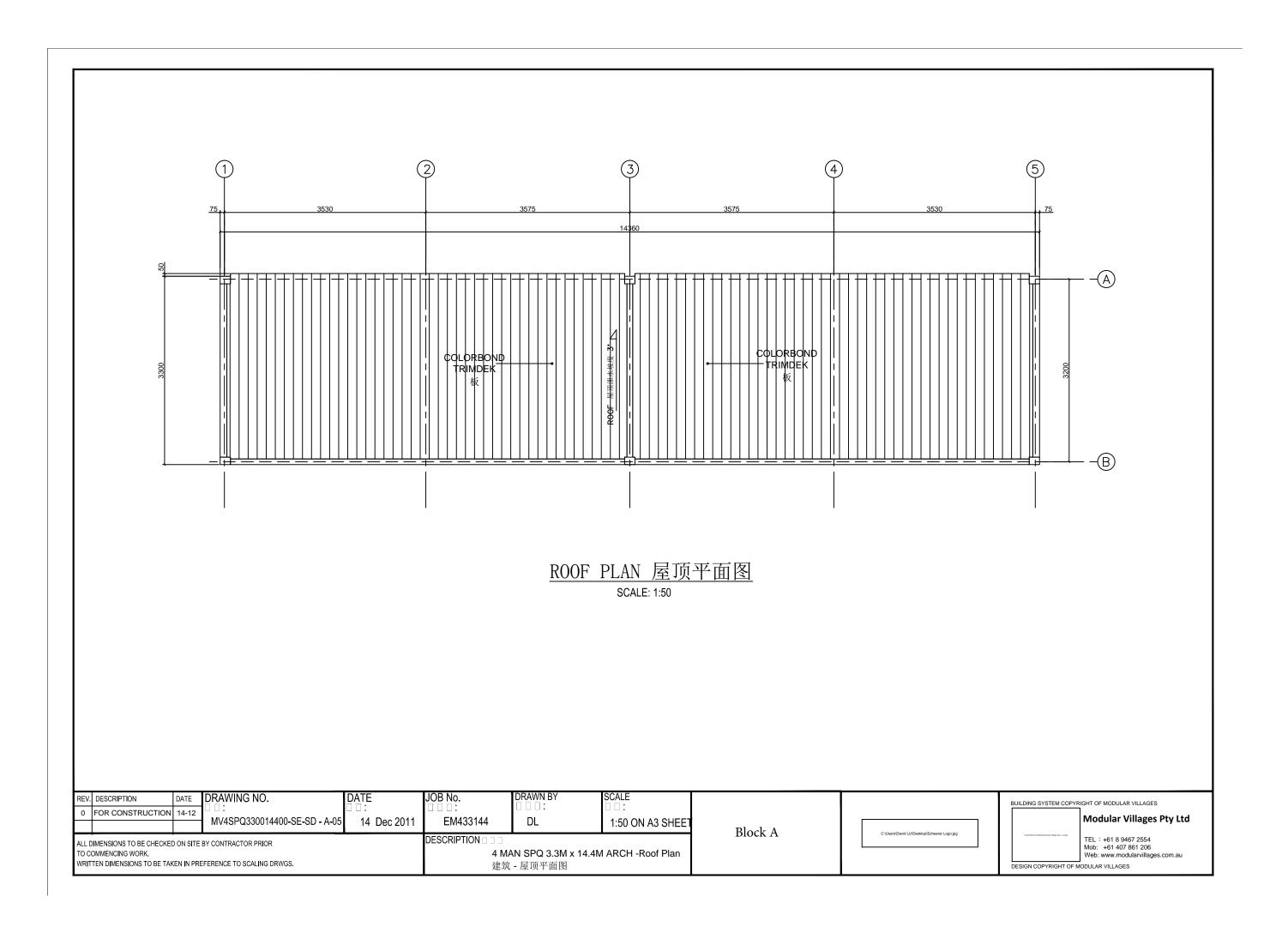


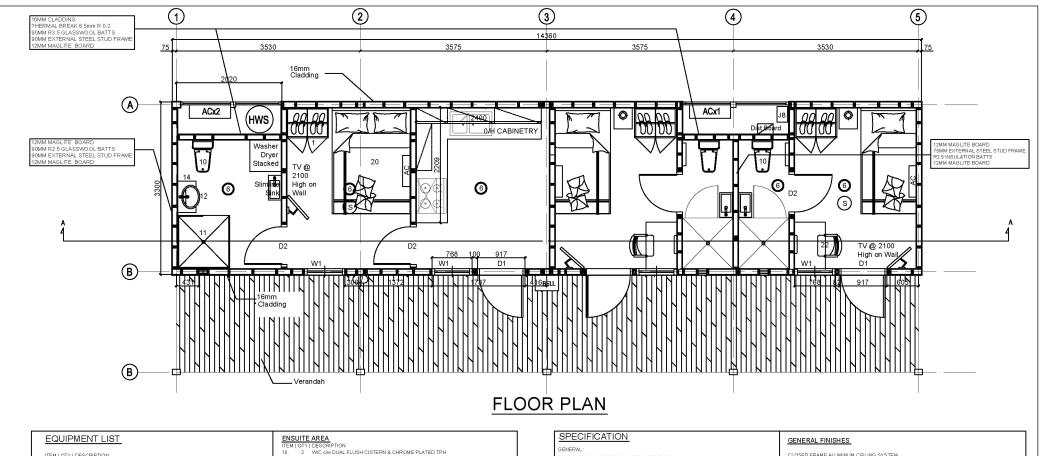








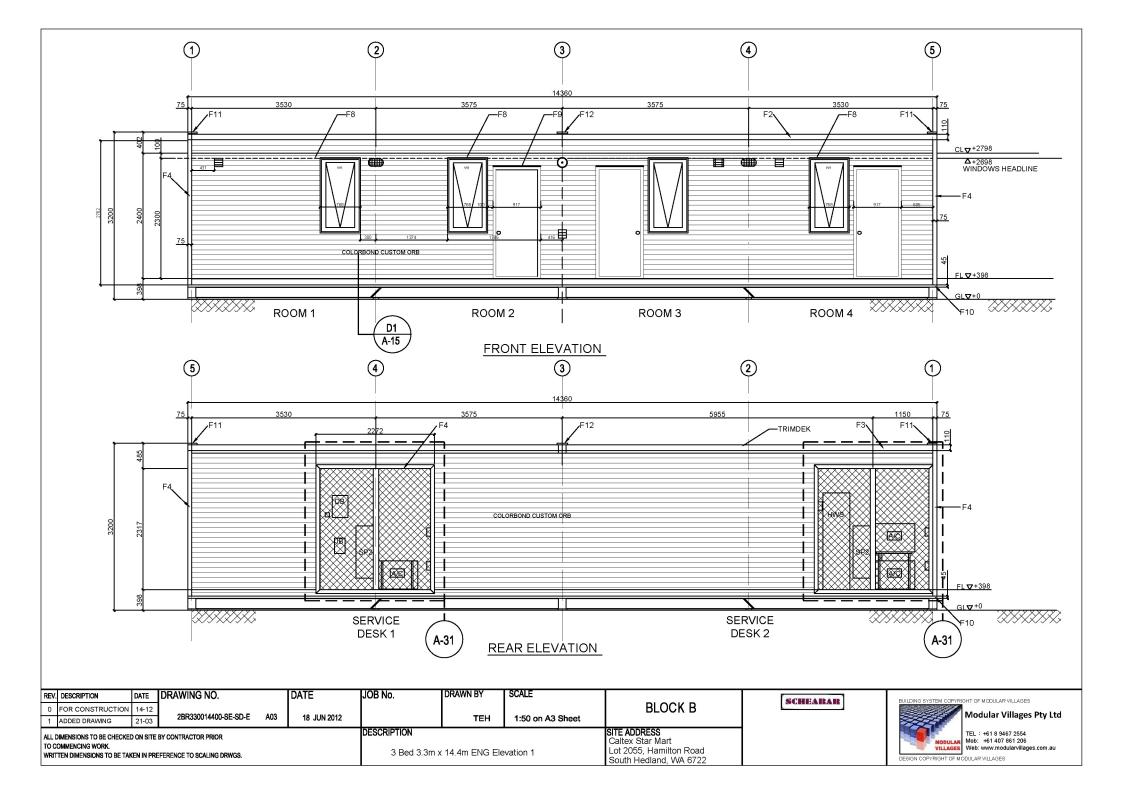


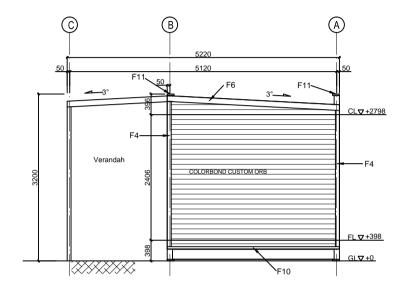


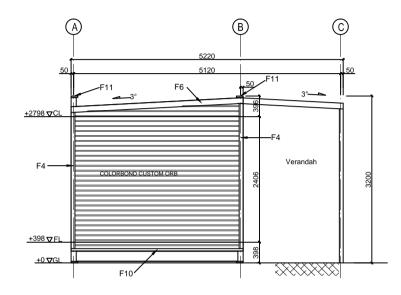
ITEM | QTY | DESCRIPTION 2 820 EXTERNAL DOOR 11 2 950 X 950 CORNER SHOWER GW SHOWER GLASS D2 3 720 INTERNAL DOOR (Doors to the ensuite are to be latched closed 12 2 BASIN & VANITY CUPBOARD BELOW from the inside and removable from the outside.) (fixed wash basin with internal overflow relief facility and water stop plug permanent attached to the basin) W1 4 768w X 1408h ALUMINUM FRAMED AWNING WINDOW 13 2 600L TOWEL RAIL @ 1100 AFL 600mm Cyclone screen externally (optional) 6mm double glazing windows fully compliant to regd cat 2 without screen 14 2 MIRROR WITH SHAVING CABINET BEHIND AC 3 AIR CONDITIONER - SPLIT SYSTEM EXTERNAL ITEM | QTY | DESCRIPTION HWS 1 BOSCH 200 LITRE HOT WATER SYSTEM 17 2 BUNKER LIGHT WITH PE CELL & INSECT REPELLANT GLOBE F1 3 160W X 160h EXHAUST FAN WITH SHUTTERF1 OPTIONAL ITEM | QTY | DESCRIPTION LIVING AREA 18 2 TV 21* FLAT SCREEN (OPTIONAL) 20 1 KING SINGLE BED (OPTIONAL) (2 DOOR EACH c/w INDIVIDUAL KEY LOCK) 2 TV SHELF dw SHELF FOR DVD PLAYER BELOW 21 1 DESK 900MM × 600MM 2 COAT HOOKS FITTED & 1800 AFL 4 WALL MOUNTED LAMP ABOVE DESK AND BED 22 1 OFFICE CHAIR (OPTIONAL) SMOKE DETECTORS 23 2 350W X 400D X 600H BEDSIDE TABLE c/w 3 DRAWERS (OPTIONAL) 4 OYSTER LIGHT I DD AMAL DV

GENERAL: FULL COMPLIANCE WITH BCA REQUIREMENTS.	CLOSED FRAME ALUMINUM CEILING SYSTEM.					
ELECTRICAL / HYDRAULIC / MECHANICAL INSTRALLATION & FITTINGS ALL IN COMPLIANCE AUSTRALIAN STANDARDS.	POLYFLOR VINYL TO ROOM FLOOR.					
	POLYFLOR NON SLIP VINYL TO ENSUITE FLOOR.					
	POWDER COATED ALUMINUM GLASS SHOWER SCREEN.					
CONSTRUCTION STEEL FRAME AND CFC FLOOR	ALL SANITARY WARE WATERMARKED AS PER AUSTRALIAN STANDARDS.					
STEEL FRAMED WALLS WITH GLASSWOOL BATTS AND 12mm MAGLITE BOARD FIRE RATE TO 120 MINUTES ALL WALLS AND CEILING FULLY INSULATED. ROOF R 1, WALLS R3 5, FLOOR R2 5	ALL BUILT IN FURNITURE LAMINATE FINISH.					
	LIFTING TO BE 4 POINT					
12mm MAGLITE BOARD CEILINGS						
POWDER COATED METAL DOOR FRAMES AND SOLID CORE DOORS						
TRIMDEK ROOF CLADDING AND CORRUGATED WALL CLADDING						

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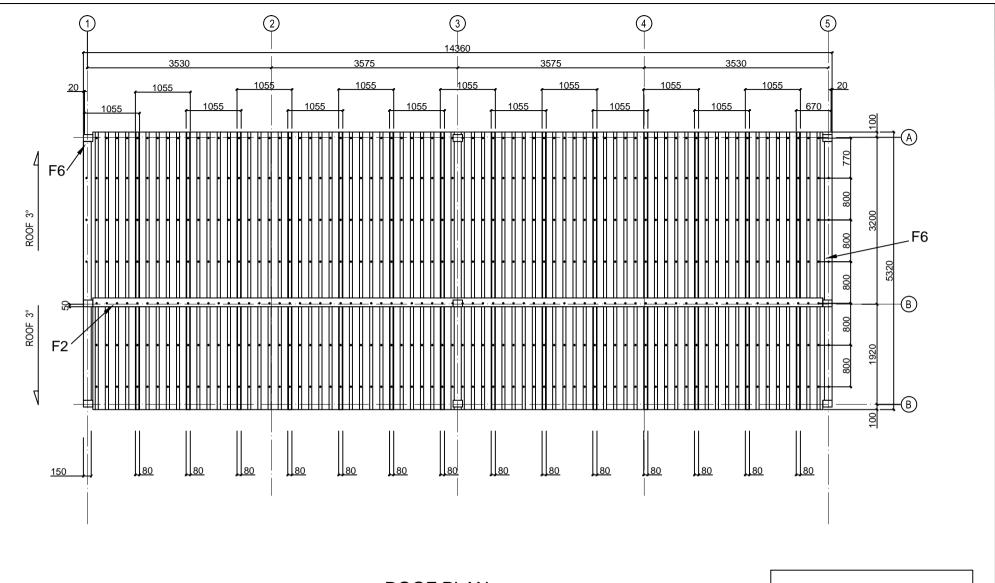




RIGHT SIDE ELEVATION

LEFT SIDE ELEVATION

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ROOF PLAN

ROOF SHEETING TRIMDEK REGULAR SIZE 1055mm X 3400mm

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TO COMMENCING WORK, WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALING DRWGS.	3 Bed 3.3m x 14.4m ENG Roof Plan	Lot 2055, Hamilton Road South Hedland, WA 6722	Web: www.modularvillages.com.au DESIGN COPYRIGHT OF MODULAR VILLAGES