



**Town of Port Hedland**

**MINUTES**

**OF THE**

**SPECIAL MEETING**

**OF THE TOWN OF PORT HEDLAND COUNCIL**

**HELD ON**

**THURSDAY 30 AUGUST 2012**

**AT 6:45 PM**

**IN COUNCIL CHAMBERS**

**McGREGOR STREET, PORT HEDLAND**

*Purpose of Meeting: To consider:*

- Proposed Change to Management Orders on Various Lots in the South Hedland Town Centre (File Nos.: 802465G, 130114G and 05/12/0095); and*
- Proposed Scheme Amendment No. 59 to the Town or Port Hedland Town Planning Scheme No. 5 to Rezone Various Lots in Port Hedland from "Industry" to "Mixed Business " (File No.: 18/09/0071)*

**DISCLAIMER**

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*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.*

*Ian Hill*  
*Acting Chief Executive Officer*



## OUR COMMITMENT

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

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**ITEM 1      OPENING OF MEETING****1.1          Opening**

The Mayor declared the Special Meeting open at 6:46 pm and acknowledged the traditional owners, the Kariyarra people.

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

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

*Officers*

Mr Ian Hill	Acting Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Gordon MacMile	Director Community Development
Mr Eber Butron	Director Planning and Development
Ms Jenella Voitkevich	Acting Director Engineering Services
Mr Ayden Férdeline	Acting Coordinator Governance
Ms Grace Waugh	Administration Officer, Governance

**2.2          Apologies**

Nil

**2.3          Approved Leave of Absence**

Councillor Gloria A Jacob  
Councillor Stan R Martin

**ITEM 3 PUBLIC TIME**

NOTE: Pursuant to section 7 (4)(b) of the Local Government (Administration) Regulations 1996, members of the public have the opportunity to ask questions pertaining only to relevant Council Business at Special Meetings.

7. *Question time for public, procedure for (Act s. 5.24(2))*

(4) *Nothing in subregulation (3) requires —*

(b) *a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*

Mayor opened Public Question Time at 6:47pm.

**3.1 Public Question Time**

Nil

Mayor closed Public Question Time at 6:47pm.

Mayor opened Public Statement Time at 6:48pm.

**3.2 Public Statement Time**

Nil

Mayor closed Public Statement Time at 6:48pm.

**ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE****ITEM 5 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING**

Mayor K A Howlett	Cr A A Carter
Cr D W Hooper	Cr J M Gillingham
Cr G J Daccache	Cr J E Hunt
Cr M Dziombak	

**Disclaimer**

*IMPORTANT NOTE:*

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

**ITEM 6      REPORTS OF OFFICERS****6.1            Planning and Development****6.1.1        *Proposed Change of Management Orders, on Various Lots within the South Hedland Town Centre (802465G, 130114G and 05/12/0095).***

<b>Officer</b>	<b>Steve de Meillon Planning Officer</b>
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<b>Date of Report</b>	<b>27 August 2012</b>
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<b>Disclosure of Interest by Officer</b>	<b>Nil</b>
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**Summary**

Council received a request from the McMullen Nolan Group on behalf of Landcorp to amend the existing management orders of Reserves 39012, and 41003 within the South Hedland Town Centre.

The alterations to the reserves are requested to facilitate the implementation of the Pilbara's Port City Growth Plan and the South Hedland Town Centre Development Plan both approved by Council.

The request is supported by the Council Officers.

**Background**

The implementation of the South Hedland Town Centre Development Plan (SHTCDP) is well advanced. The proposed vesting changes will enable further works to occur.

Attachment 1 illustrates the proposed management orders which include:

Lot 1601 on Deposited Plan 73475 for "Drainage".

Lot 8029 on Deposited Plan 73477 for "Drainage".

Lot 1500 on Deposited Plan 73477 for "Lotteries House" and "Hedland Well Women's Centre".

Lot 1503 on Deposited Plan 73477 for "Library" and "Hedland Well Women's Centre".

Lot 1504 on Deposited Plan 73477 for "Recreation".

Lot 1505 on Deposited Plan 73477 for "Recreation" and "Library".

**Consultation**

As part of the SHTCDP, comments were sort from internal departments, adjoining land owners and developers. Any requirements or concerns raised have been addressed prior to the development of the land.

Internal discussions have been undertaken with Community Development, Recreation and Infrastructure Development in preparing the various management orders.

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Strategic Planning Implications**

Nil

**Budget Implications**

Nil

**Officer's Comment**

Pilbara's Port City Growth Plan

The proposed vesting changes are consistent with current and planned projects identified for Precinct 11 within Pilbara's Port City Growth Plan (Growth Plan). Specifically, the vesting changes will facilitate the following key projects:

Library redevelopment.

Community facility building.

Relocation and redesign of the skate park.

Aquatic centre revitalization and expansion.

The proposed vesting changes will refine the existing SHTCDP in accordance with the Growth Plan.

**Feasibility Study**

At the Ordinary Council Meeting on the 25 July 2012, Council resolved to endorse the Feasibility Study into the library and community facilities in the South Hedland Town Centre.



As part of Council's resolution the following was endorsed:

- "2. Endorses the nominated sites for the proposed development of community facilities, being Hedland Well Women's Centre, South Hedland Library and Lotteries House as follows:
- Co-located Lotteries House and Hedland Well Women's Centre, with Lotteries House undergoing significant expansion and renovation to both increase its size, configuration and allow for Hedland Well Women's Centre to occupy a newly-added wing to the North-East; and
  - 
  - South Hedland Library to be relocated to a new facility constructed to the north of the existing South Hedland Aquatic Centre (SHAC), and co-located with the proposed youth space/skate park facilities."

The proposed vesting changes will facilitate the endorsed relocations mentioned above.

#### Options

Council has the following options when considering the requests;

- Support the changes of vesting as reported.

Supporting the vesting changes will assist in developing the South Hedland City Centre to its full potential.

- Reject the requested changes and retain the reserves exclusively for their current uses.

Should Council choose not to support the vesting changes, redevelopment of the South Hedland City Centre will be constrained.

The proposed vesting changes play a significant role in the revitalisation and activation of the South Hedland Town Centre, and therefore option 1 is recommended.

#### **Attachments**

1. Deposited Plans illustrating the proposed vestings.

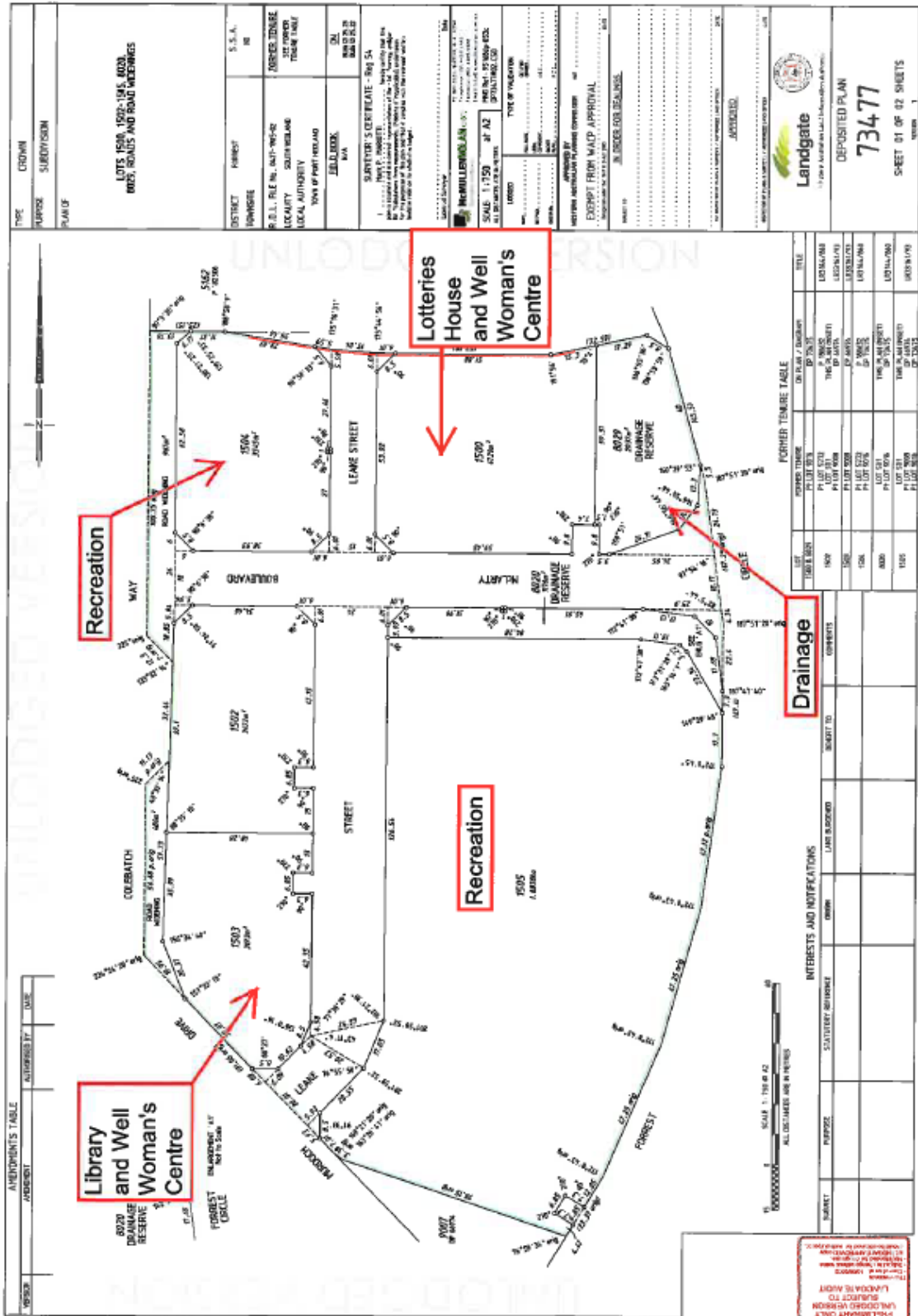
**201213/096 Council Decision/ Officer Recommendation****Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

- 1. Approves to amend the current management orders on Reserves 39012 and 41003 from “Civic Purposes” to the following:**
  - a. Lot 1601 on Deposited Plan 73475 for “Drainage”.**
  - b. Lot 8029 on Deposited Plan 73477 for “Drainage”.**
  - c. Lot 1500 on Deposited Plan 73477 for “Lotteries House” and “Hedland Well Women’s Centre”.**
  - d. Lot 1503 on Deposited Plan 73477 for “Library” and “Hedland Well Women’s Centre”.**
  - e. Lot 1504 on Deposited Plan 73477 for “Recreation”.**
  - f. Lot 1505 on Deposited Plan 73477 for “Recreation” and “Library”.**
- 2. Approves to include a power to lease within:**
  - a. Lot 1505 on Deposited Plan 73477 for “Recreation” and “Library”.**
  - b. Lot 1500 on Deposited Plan 73477 for “Lotteries House” and “Hedland Well Women’s Centre”.**
  - c. Lot 1503 on Deposited Plan 73477 for “Hedland Well Women’s Centre”.**
- 3. Notifies the Department of Regional Development and Lands, Council has no objection to amend the current management orders on Reserves 39012 and 41003 from “Civic Purposes” to the following:**
  - a. Lot 1601 on Deposited Plan 73475 for “Drainage”.**
  - b. Lot 8029 on Deposited Plan 73477 for “Drainage”.**
  - c. Lot 1500 on Deposited Plan 73477 for “Lotteries House and Well Women’s Centre”.**
  - d. Lot 1503 on Deposited Plan 73477 for “Library” and “Hedland Well Women’s Centre”.**
  - e. Lot 1504 on Deposited Plan 73477 for “Recreation”.**

- f. **Lot 1505 on Deposited Plan 73477 for “Recreation” and “Library”.**
- 4. Notify the Department of Regional Development and Lands, Council requests the power to lease included within:**
  - a. **Lot 1505 on Deposited Plan 73477 for “Recreation” and “Library”.**
  - b. **Lot 1500 on Deposited Plan 73477 for “Lotteries House” and “Hedland Well Women’s Centre”.**
  - c. **Lot 1503 on Deposited Plan 73477 for “Hedland Well Women’s Centre”.**
- 5. Delegates authority to the Manager Planning Services to prepare/undertake any actions necessary to facilitate points 3 and 4 above.**

***CARRIED 7/0***





TITLE: CROWN SUBDIVISION

PLAN: LOTS 1501, 1502-1505, 1508, 1509, 1510, ROADS AND ROAD RESERVES

DISTRICT: FOREST

REGION: S.E.A. 10

P.O.S. FILE NO.: 1501-1505, 1508, 1509, 1510

LOCALITY: SOUTH HIGHLAND

LOCAL AUTHORITY: TOWN OF PORT HEDLAND

DATE: 2012

PREPARED BY: SURVEYOR'S CERTIFICATE - REG 5A

SCALE: 1:1750 @ A2

DATE OF PLAN: 2012

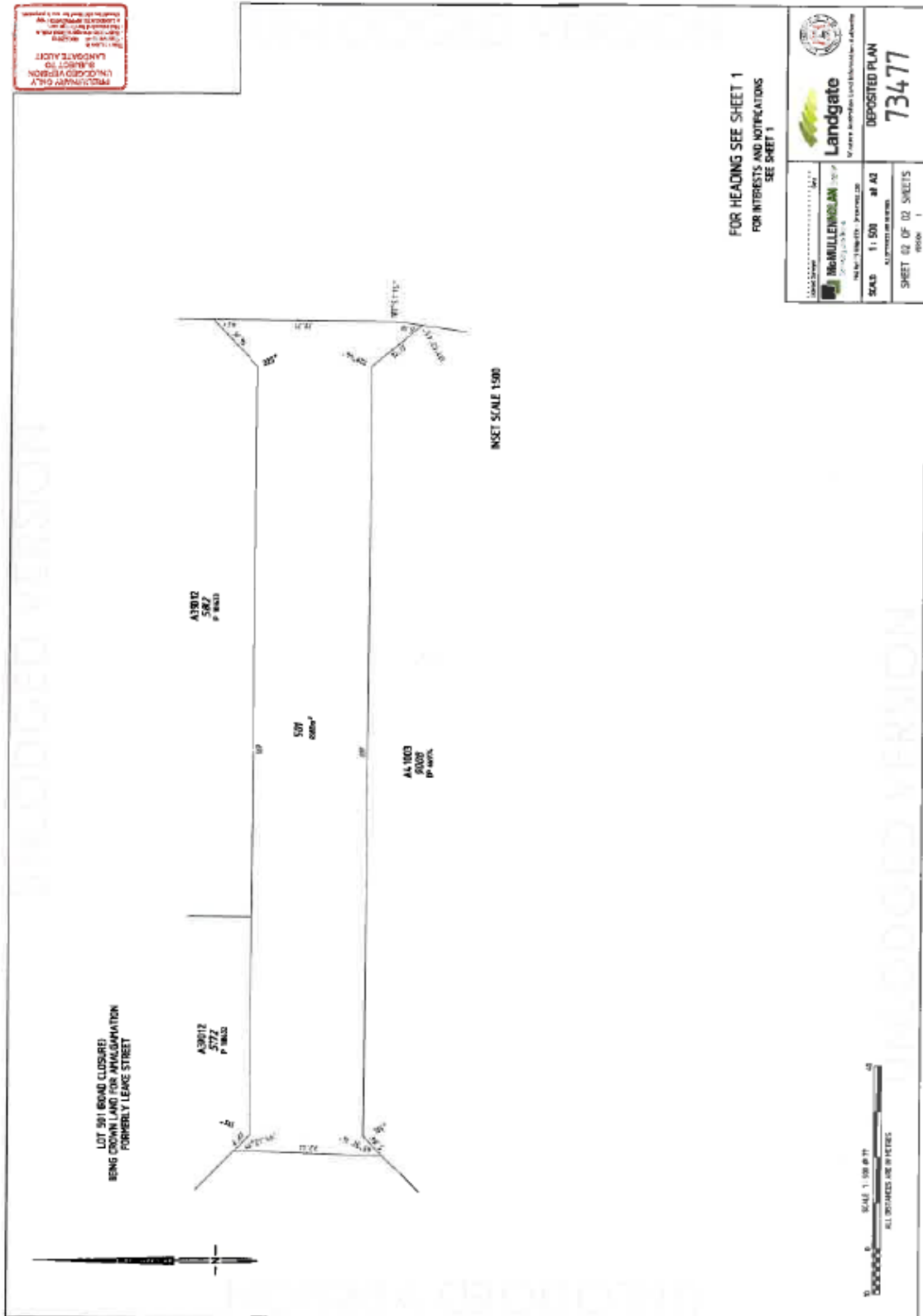
DATE OF APPROVAL: 2012

EXEMPT FROM MAP APPROVAL

LANDGATE

DEPOSITED PLAN 73477

SHEET 01 OF 02 SHEETS





The Amendment (Attachment 2)

The amendment proposes to rezone the site from “Industry” to “Mixed Business”. The applicant’s validation for the amendment is the result in the permissibility of a broader range of land uses within close proximity to the town centre.

The applicant details the proposed amendment will result in the following:

Encouragement of redevelopment of lots that are currently run down.

Encourage provision of Short Stay Accommodation – currently undersupplied in Port Hedland.

Redevelopment of streetscapes on a major access route into the town centre of Port Hedland.

Transition of industrial land uses that are inconsistent with Town Centre location to uses more compatible.

Improved interface with Residential and Mixed Business zoned land across Anderson Street.

### **Consultation**

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

Following the EPA assessment, the amendment shall then be advertised for public comment pursuant to section 84 of the Planning and Development Act 2005.

Should any objection(s) or contentious submission be received, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

### **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 \$7,556.20 for the initiation as prescribed.

**Officer's Comment***Town Planning Scheme No. 5*

The Town of Port Hedland Town Planning Scheme No. 5 (TPS5) does not contain a definition of "Mixed Business", or any objectives for a "Mixed Business" zone.

In light of the above, it is considered the merit of a "Mixed Business" zone is to move away from general industrial uses, towards more service industry, showrooms, wholesaling, trade and professional services.

A "Mixed Business" zone would be expected to include a strong aesthetic quality, including improved building design.

The proposed amendment creates a "Mixed Business" zone between the "West End Residential" zone to the north and the "Industry" zone to the south. The amendment creates a suitable transition of uses from industrial to residential.

Anderson Street, a District level road, provides the main access into the Port Area Town Centre (Town Centre). The amendment would be expected to improve the streetscape of Anderson Street and therefore the entry to the Town Centre.

The amendment is consistent with the provisions of TPS5.

*Scheme Amendment 43*

The Town is progressing Scheme Amendment 43, expected to be sent to the Western Australian Planning Commission for final endorsement within the next couple of months.

Scheme Amendment 43 fundamentally seeks to amend the "Mixed Business" provisions within TPS5. The amendment allows for increased residential uses in a "Mixed Business" zone, while restricting uses incompatible with residential uses.

Whelans in submitting this current amendment has indicated the intention to capitalise on the inclusion of Short Stay Accommodation within the “Mixed Business” zone introduced by Scheme Amendment 43.

It is anticipated approval of this amendment will provide more developments applications for short stay uses within the west end of Port Hedland.

#### *Scheme Amendment 22*

Scheme Amendment 22 was gazetted in the Government Gazette on the 27 April 2012. The amendment introduced the “West End Residential” zone into TPS 5. The intended purpose of the “West End Residential” zone was to create a zone that:

Discourages the long-term residency by families with children or elderly persons;

Adds vibrancy to both the Subject Land and the nearby commercial area; and

Maximises opportunities for workers in nearby employment nodes to reside close to work and entertainment opportunities.

Scheme Amendment 22 acknowledged the close proximity of the major facilities of the Port Hedland Port Authority and BHP Billiton. Clause 6.3.8 to 6.3.12 within TPS5 outlines the development requirements for the “West End Residential” zone. The West End Residential zone proposes strict requirements focused on mitigating dust impacts through design.

The site is directly south of the West End Residential zone. It is therefore expected that any residential proposal within the proposed “Mixed Business” zone will be subject to comparable design requirements.

#### *The Pilbara’s Port City Growth Plan*

The Pilbara’s Port City Growth Plan (Growth Plan) has recently been endorsed by the WAPC subject to minor modifications. The Growth Plan identifies the site within Precinct 1 – West End. Under the Growth Plan the site is proposed to retain its current “Industry” zoning.

Within Precinct 1 – West End the site and its immediate surroundings is identified for the following:

Light industrial uses to the south of Anderson Street including potential commercial land uses (particularly along Anderson Street).

West end mixed use area north of Anderson Street promoting forms of retail development as well as short stay accommodation.

The proposal is therefore not entirely consistent with the Growth Plan. The rezoning from “Industry” to “Mixed Business” removes the permissibility of the Industry – Light land on the site. The current “Industry” zone already caters for a range of commercial land uses.

The amendment fundamentally introduces a range of short stay uses onto the site, while making existing Industry – Light uses non-conforming.

The amendment is consistent with the direction of the Growth Plan in respect to providing the following within Precinct 1 – West End:

Mixed Use developments.

Short-stay accommodation and West End (Amendment 22) limited residential development.

Encouragement of high quality development along Anderson Street as primary entry road into the West End cultural/commercial core for non-industrial traffic.

The amendment provides the opportunity to revitalise the existing industrial amenity of Anderson Street through mixed use designs. The “Mixed Business” zone provides additional uses to the wider Town Centre area, bringing vitality and opening opportunities which can be readily accessed by more residents, workers and visitors.

With the current shortage of short stay and commercial land in Port Hedland, the amendment will provide increased short stay accommodation, employment, business and investment choice.

Industrial development is generally non-compatible with residential uses. Development Applications within the “Mixed Business” zone shall need to address the application of appropriate design in respect to adjoining industrial uses. The mixing and allocation of short stay land uses shall be based on the performance of each proposal.

Approval to initiate this amendment will provide public comments to be sort to determine the viability of the proposal. Furthermore approval to initiate this amendment in no way approves any development proposal.

It is recommended the amendment is initiated for advertising, subject to further consideration prior to final adoption.

### **Attachments**

1. Locality Plan.
2. Zoning Map.
3. Scheme Amendment Initiation Report (subject to inclusion of additional lots).

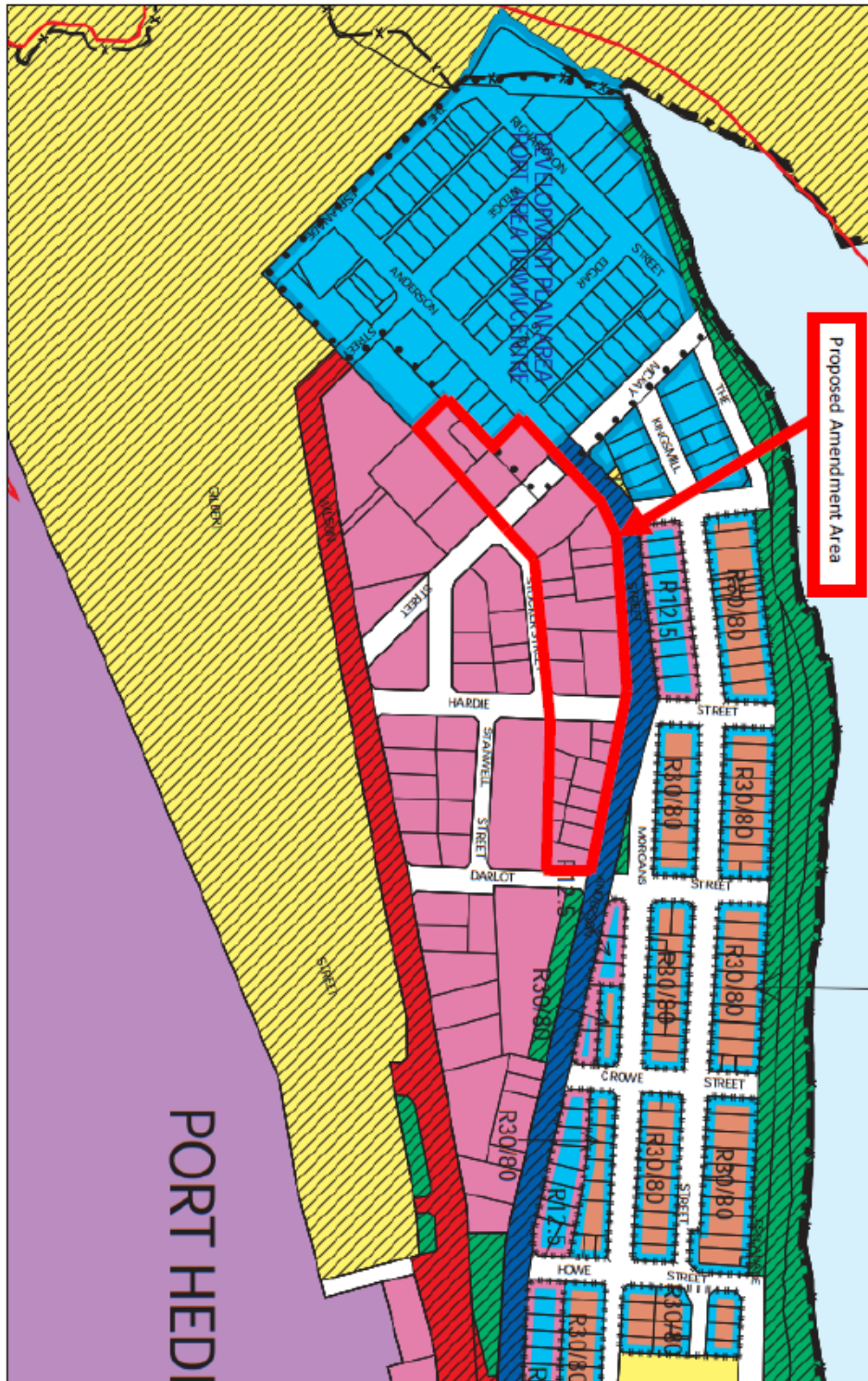
**201213/097 Council Decision/ Officer Recommendation****Moved: Cr Carter****Seconded: Cr Dziombak****That Council:**

- 1. Approves the request from Whelans Town Planning on behalf of the owners by Contact of Sale, Centurion Corporation to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5. The amendment seeks to rezone Lots 460, 461, 465 – 468, 470, 471, 1438, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, and Lots 1436 and 1437 Stocker Street, Port Hedland from “Industry” to “Mixed Business”, subject to the inclusion of Lots 362, 523, 555, 581, 834, 1441 and 1440 Anderson Street, Lots 8 and 9 McKay Street, and Lots 562 and 1442 Stocker Street.**
- 2. Advises the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.**
- 3. Following approval from the EPA to advertise the amendment, Council advertises the proposed amendment in accordance with 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. Should there be no objection received during the statutory advertising period, Council formally adopts Scheme Amendment 59.**

***CARRIED 7/0***



# Zoning Map



**ITEM 7 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**

Nil

**ITEM 8 CONFIDENTIAL ITEMS**

Nil

**ITEM 9 CLOSURE**

**9.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 September 2012, commencing at 5.30 pm.

**9.2 Closure**

*NOTE: Mayor Howlett thanked Mr Ian Hill, Acting Chief Executive Officer, for his contributions while with the Town of Port Hedland.*

There being no further business, the Mayor declared the Special Meeting closed at 6:50pm.

**Declaration of Confirmation of Minutes**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE