



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 27 NOVEMBER 2013

AT 5.30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

“A nationally significant, friendly city, where people want to live and are proud to call home”

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.

M.J. (Mal) Osborne
Chief Executive Officer

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	6
1.1	OPENING	6
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	6
2.1	ATTENDANCE.....	6
2.2	APOLOGIES	6
2.3	APPROVED LEAVE OF ABSENCE.....	6
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
3.1	QUESTIONS FROM PUBLIC AT SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 9 OCTOBER 2013	6
3.2	QUESTIONS FROM ELECTED MEMBERS AT SPECIAL COUNCIL MEETING HELD ON WEDNESDAY 9 OCTOBER 2013	6
3.3	QUESTIONS FROM PUBLIC AT SPECIAL COUNCIL MEETING HELD ON MONDAY 21 OCTOBER 2013.....	7
3.4	QUESTIONS FROM ELECTED MEMBERS AT SPECIAL COUNCIL MEETING HELD ON MONDAY 21 OCTOBER 2013	7
3.5	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 23 OCTOBER 2013.....	7
3.6	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 23 OCTOBER 2013	7
ITEM 4	PUBLIC TIME	7
4.1	PUBLIC QUESTION TIME	7
4.1.1	Mr Tom Keefe.....	7
4.2	PUBLIC STATEMENT TIME	8
4.2.1	Mr Ashley Butler, Stayover by Ausco, Business Development Manager.....	8
4.2.2	Councillor Taylor on behalf of Ms Renee Coles	8
4.2.3	Councillor Taylor on behalf of Ms Tricia Hebbard.....	9
4.2.4	Mr Andrew Zeims, General Manager, Esplanade Hotel.....	9
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	9
5.1	Councillor Gillingham.....	9
5.2	Councillor Taylor.....	10
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	13
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	14
7.1	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 9 OCTOBER 2013	14
7.2	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON MONDAY 21 OCTOBER 2013	14
7.3	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 23 OCTOBER 2013.....	14
ITEM 8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	14
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	18
9.1	Councillor Gillingham.....	18
9.2	Councillor Hooper	18
9.3	Councillor Taylor.....	18
9.4	Councillor Butson.....	19
9.5	Councillor Melville	19
9.6	Councillor Van Vugt	19
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	19
ITEM 11	REPORTS OF OFFICERS	20
11.1	PLANNING AND DEVELOPMENT SERVICES	20
11.1.1	PLANNING SERVICES.....	20
11.1.1.1	Delegated Planning, Building & Environmental Health Approvals and Orders for October 2013 (File No.: 18/07/0002 & 07/02/0003)	20
11.1.1.2	Proposed Permanent Partial Closure of Abydos Place, Wedgefield (File No.: 28/01/0017)....	31

11.1.1.3	Progress Report on Scheme Amendments 59 and 60 to the Town of Port Hedland Town Planning Scheme No.5 (File No.: 19/09/0072 and 18/09/0071).....	37
11.1.1.4	Request to Amend the Purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 (File No.: 05/12/0008)	58
11.1.1.5	Consideration of the Environmental Protection Authority Notice of Intent on Proposed Scheme Amendment 56 (File No.: 18/09/0074).....	63
11.1.1.6	Proposed Amendment No. 67 to the Town of Port Hedland Town Planning Scheme No.5: Rezoning of Lots 350, 500, 832, 843, 1629, 5408, 5959, 6047, 6048 and 6049 Bell Street and Lot 6040 Leslie Street, Port Hedland from “Industry”, “Other Purposes – Infrastructure” and “Local Road” to “Transport Development”. (File No.: 18/09/0081).....	73
11.1.1.7	Request to amend the Townsite Boundary to include Lots 450, 451 and 358 - Western Edge (File No.: 18/12/0031).....	80
11.1.2	BUILDING SERVICES.....	87
11.1.2.1	Additional Delegations under the Building Act 2011 (File No.: 13/02/0001).....	87
11.1.3	ENVIRONMENTAL HEALTH SERVICES	90
11.1.3.1	Authorisation of Powers under the Emergency Management Act 2005 (File No.: 09/06/0002)	90
11.1.4	ECONOMIC AND LAND DEVELOPMENT SERVICES	94
11.1.4.1	20 Hectare Solar farm at the Kingsford Business Park Request for Proposal Responses (File no.: RFP 13-22).....	94
11.1.4.2	JD Hardie Centre-Request for Proposals Response Part of Reserve # 41675 (File No. 130019G).	107
11.2	ENGINEERING SERVICES	113
11.3	COMMUNITY DEVELOPMENT.....	114
11.4	CORPORATE SERVICES.....	115
11.4.1	FINANCE	115
11.4.1.1	Interim Financial Reports to Council for the Period Ended 30 September 2013 (File Nos: FIN-008, FIN-014 and RAT-009)	115
11.4.1.2	Efficiency Dividends Achieved for October 2013	120
11.5	OFFICE OF THE CEO	127
11.5.1	ORGANISATIONAL DEVELOPMENT	127
11.5.1.1	Adoption of Policy: 4/007 Elected Member Representation-Pilbara Regional Council, Regional Roads Group and Local Emergency Management Committee	127
11.5.1.2	Elected Members Representation on External Committees (File No.: .../...).....	134
11.5.1.3	Performance Report for the period of 1 July 2013 to 30 September 2013 (File No.: 03/01/002)	143
11.5.2	OFFICE OF THE CEO	147
11.5.2.1	Town of Port Hedland Office Accommodation – Update on Proposed Short and Long Term Solutions (File No.: 03/01/002)	147
ITEM 12	LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL.....	159
12.1	Request to Prepare Business Plan for Proposed Disposal of Portion of Port Hedland International Airport Land by way of Lease to Compass Group Pty Ltd (File No: 05/05/0055).....	159
12.2	Consideration of Public Responses to the Advertised Business Plan between Ausco and Town of Port Hedland for part of Lot 436 at the Kingsford Business Park.....	160
ITEM 13	REPORTS OF COMMITTEES	167
13.1.1	AIRPORT COMMITTEE MINUTES – 30 OCTOBER 2013	167
13.1.2	AUDIT & FINANCE COMMITTEE MINUTES – 2 NOVEMBER 2013	168
ITEM 14	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	171
ITEM 15	CONFIDENTIAL ITEMS	171
15.1	Confidential Item: Acceptance of Offer from Desmond Moloney for the purchase of lots 403 and 404 within the Kingsford Business Park via a Private Treaty	172

ITEM 16	APPLICATIONS FOR LEAVE OF ABSENCE.....	172
ITEM 17	CLOSURE.....	173
17.1	DATE OF NEXT MEETING.....	173
17.2	CLOSURE.....	173

ITEM 1 OPENING OF MEETING**1.1 Opening**

The Deputy Mayor declared the meeting open at 5:30pm and acknowledged the traditional owners, the Kariyarra people.

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

Councillor Gloria A Jacob – Deputy Mayor

Councillor George J Daccache

Councillor Jan M Gillingham

Councillor David W Hooper

Councillor Penny Taylor

Councillor Lorraine Butson

Councillor Troy Melville

Councillor David Van Vugt

Officers

Malcolm Osborne

Russell Dyer

Gordon MacMile

Eber Butron

Clare Phelan

Grace Waugh

Chief Executive Officer

Director Engineering Services

Director Community Development

Director Planning & Development

Director Corporate Services

Governance Officer/Minute Taker

2.2 Apologies

Nil

2.3 Approved Leave of Absence

Mayor Kelly A Howlett

Councillor Julie E Hunt

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**3.1 Questions from Public at Special Council Meeting held on Wednesday 9 October 2013**

Nil

3.2 Questions from Elected Members at Special Council Meeting held on Wednesday 9 October 2013

Nil

3.3 Questions from Public at Special Council Meeting held on Monday 21 October 2013

Nil

3.4 Questions from Elected Members at Special Council Meeting held on Monday 21 October 2013

Nil

3.5 Questions from Public at Ordinary Council Meeting held on Wednesday 23 October 2013

Nil

3.6 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 23 October 2013

Nil

ITEM 4 PUBLIC TIME**IMPORTANT NOTE:**

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

Deputy Mayor opened Public Question Time at 5:36pm.

4.1 Public Question Time**4.1.1 *Mr Tom Keefe***

I have spoken to Elected Members and have attempted to speak with Town officers regarding the sprinklers at the Marie Marland oval. The sprinklers are on during Finucane Island Club hours and the smell from the sprinklers is affecting the business. What time are the sprinklers meant to be on and can the Town look into changing the times so that the sprinklers are not on when the club is open?

Chief Executive Officer advised that he has spoken to Mr Keefe in the past about this matter. The Chief Executive Officer also advised the water has an unpleasant odour as it is treated effluent water and this will not change until the new WaterCorp Waste Water Treatment Facility is opened, which is scheduled for July 2014.

The oval has 13 stations that require 40 minutes of watering each. The sprinklers need to start at 11pm to ensure there is enough time between the watering finishing and the oval being used. If the ovals are not watered consistently the end result will be that the community will no longer have access to green ovals.

Deputy Mayor advised that a meeting will be set up between the Chief Executive Officer, Director Engineering Services and the Finucane Island Club.

Deputy Mayor closed Public Question Time at 5:49pm.

Deputy Mayor opened Public Statement Time at 5:50pm.

4.2 Public Statement Time

4.2.1 *Mr Ashley Butler, Stayover by Ausco, Business Development Manager*

Mr Butler made a statement to support Item 12.2 'Consideration of Public Responses to the Advertised Business Plan between Ausco and Town of Port Hedland for part of Lot 436 at the Kingsford Business Park'.

Mr Butler believes that the proposed Stayover Ausco Transient Workforce Accommodation Village will be a benefit to the Town of Port Hedland and the community through ground rents, council rates and voluntary community contributions. This facility will offer accommodation for small to medium sized businesses that deliver 'city building' construction projects in Port Hedland and will not be in direct competition with local businesses. During the construction stage of the Stayover Village, Ausco will be using local businesses to build the infrastructure and when completed will create jobs for the local employment. Kingsford Business Park is available for 'city building' TWA operators and Ausco believes that the site is ideal as it is close to the town centres.

4.2.2 *Councillor Taylor on behalf of Ms Renee Coles*

Councillor Taylor read out a statement on behalf of Ms Renee Coles in relation to Item 11.5.2.1 'Town of Port Hedland Office Accommodation – Update on Proposed Short and Long Term Solutions (File No.: 03/01/002)'.

Ms Coles believes that using Gatwick Hall as office accommodation should not become permanent. The community hall should remain for the community as there are no other community halls in Port Hedland.

4.2.3 *Councillor Taylor on behalf of Ms Tricia Hebbard*

Councillor Taylor read out a statement on behalf of Ms Tricia Hebbard in relation to Item 11.5.2.1 'Town of Port Hedland Office Accommodation – Update on Proposed Short and Long Term Solutions (File No.: 03/01/002)'.

Ms Hebbard believes there are other options for office accommodation that have not been fully explored including using depot land, the airport building and a new site in South Hedland. Ms Hebbard asked the Elected Members consider voting against item 11.5.2.1 as the community would like their community hall back.

4.2.4 *Mr Andrew Zeims, General Manager, Esplanade Hotel*

Mr Andrew Zeims made a statement in relation to Item 12.2 'Consideration of Public Responses to the Advertised Business Plan between Ausco and Town of Port Hedland for part of Lot 436 at the Kingsford Business Park'.

Mr Zeims believes that TWA camps are a necessity to Port Hedland however they should not come at the expense of local businesses. Port Hedland hotels and motels have to compete with the rates TWA camps offer. Businesses and clients that would usually stay in hotels are being directed to TWAs because they are sitting empty. TWAs are for project only accommodation and should not be in direct competition with local businesses. Mr Zeims is asking that Elected Members defer the decision for late item 12.2, until a TWA strategy is implemented.

Deputy Mayor closed Public Statement Time at 6:00pm.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor Gillingham*

As the Town has employed a Senior Events Officer will a contractor no longer be required to run the Town's events?

Director Community Development advised in the affirmative. The contractor was sought until a suitable Senior Events Officer was appointed.

On page 40 of attachment two of the financial reports there is an amount of \$5,226.79 listed under McLeods Lawyers. Is that amount only for the Group Housing Development on Catamore Court?

Chief Executive Officer advised that the McLeods account for \$7,307 may be for a number of different invoices. When the reports are printed the system picks up the description of the first line item.

On page 34 of the same attachment there is an amount of \$156,944.70 to hire a dozer. When will the Town have its own dozer?

Chief Executive Officer advised that a dozer has been bought however there is an extensive delivery time which is why one is currently being hired.

Has seed collection of native plants been taken into account where there is clearing of bush land at the Wallwork Road bridge site?

Chief Executive Officer advised that if more than one hectare of bush land is being cleared then a 'clearing of native vegetation permit' needs to be sought. The permit would include a seed collection plan if there were species found that are hard to be propagated. This question is taken on notice to see whether this has been undertaken.

5.2

Councillor Taylor

Can a letter be written to the Department of Child Protection (DCP) outlining the Town's concerns with the recent Wanangkura Stadium damage allegedly caused by primary school aged children and that occurred in the early hours of the morning? Can the Town ask DCP to outline their staffing levels and service provisions? What can the Town of Port Hedland do to assist with the protection of children in the community?

Chief Executive Officer advised that a letter can be prepared.

Deputy Mayor advised that a meeting with DCP, Corrective Services, Department of Aboriginal Affairs, Youth Justice, Police and School Principals was recently held to discuss the damage at the Wanangkura Stadium where a commitment was made on the short and long term actions. There was also a meeting with the aboriginal elders and leaders and a commitment was made with the attendees about how we were going to move forward. The following tabled letter outlines the six key actions that were agreed to at these meetings.

Our Kids, Our Future

An interagency gathering at the Town of Port Hedland has discussed the complex issues surrounding the functioning of families, including the lack of parental care afforded to some of our children in our community, and the subsequent risks that these children face.

Some children, as young as 8 years of age, are roaming the streets at all times of the night with reported incidents of children being out and about at 2.00am and 3.00am.

Raising children is first and foremost the responsibility of the children's parents, with the extended family also being an important resource for families. We should also be reminded of the African proverb made famous by Hilary Rodham Clinton: "It takes a village to raise a child." We all, as community members, have a role to play, and a responsibility to do our part in ensuring children are safe, educated, healthy and are considered a valuable part of our community.

Ms Clinton went to say: "When I am talking about 'It Takes a Village,' I'm obviously not talking just about or even primarily about geographical villages any longer, but about the network of relationships and values that do connect us and binds us together. No government can love a child, and no policy can substitute for a family's care." The recent events at Wanangkura Stadium where significant damage to the building was caused by young children is a sorry reminder of children not being appropriately looked after.

The dangers of not addressing this issue are truly monumental and the long-term consequences to our youth and community are grave.

- The welfare and well-being of our youth is the responsibility of the community as a whole
- We are concerned for the children – their immediate physical and emotional health, safety and security, as well as the long-term question of their future as healthy and productive members of the community

- We have concerns for the families – families are the fabric of our community; when families are at risk, the community is at risk
- We are working together to address the issues – and will continue to do so
- We will not tolerate this pattern of destructive and unhealthy behaviour

Those gathered are committed to the following key actions:

- 1. Continue to work and enhance community engagement across all sectors of our community**
- 2. Review the Town of Port Hedland's Hedland Youth Plan and Hedland Youth Charter**
- 3. Immediately address later access to community facilities by our youth**
- 4. Continue to improve inter-agency coordination**
- 5. Seek immediate funding for the extension of community-based youth services, such as Mingle Mob programs**
- 6. Seek more community volunteers to work within these programs**

26 November 2013

Signatories: _____

Chief Executive Officer advised that the two meetings held were productive and both shared a great deal of concern for the children and families involved. All involved have expressed a desire to see the community look after our children. The Town needs to address the damage that has been made to the building and ensure that the building is safe for users. Cyclone proofing of the building may need to be undertaken if the replacement glass does not arrive and a cyclone is impending. A third meeting may be held in the next few weeks to outline a definitive action plan for the short term. A few options have been looked into including having the JD Hardie Centre open longer in the evenings to accommodate children.

A recent government report card has been circulated in regards to protecting children in Australian disasters and emergencies. During Cyclone Rusty there were problems with DCP volunteers at a South Hedland Cyclone Welfare Centre. What measures will the Town be putting in place to protect children in future welfare centres?

Chief Executive Officer advised that the Town has a very comprehensive Emergency Management Plan. The DCP and the Town of Port Hedland Community Development directorate manage the welfare centres. The Town will be reviewing the Emergency Management Plan to ensure there is enough care and control for children.

There were concerns with the volunteers that DCP had provided in a welfare centre during Cyclone Rusty. Will measures be put in place to ensure that volunteers and staff are well equipped and trained to run the centre?

Director Community Development advised that the South Hedland welfare centre was at the Wanangkura Stadium rather than the JD Hardie Centre. The layout of the Stadium made it more difficult to manage people compared to the JD Hardie Centre. The feedback that was given in regards to the welfare centre was that there were plenty of ways the welfare centre could have been improved and the volunteers provided did not behave in a way that the Town would have liked. The Town will ensure that there are better arrangements in place with DCP prior to the next cyclone.

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

Deputy Mayor Jacob	Councillor Taylor
Councillor Daccache	Councillor Butson
Councillor Gillingham	Councillor Melville
Councillor Hooper	Councillor Van Vugt

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Special Meeting of Council held on Wednesday 9 October 2013

201314/151 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Butson

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

CARRIED 8/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Monday 21 October 2013

201314/152 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Butson

That the Minutes of the Special Meeting of Council held on Monday 21 October 2013 be confirmed as a true and correct record.

CARRIED 8/0

7.3 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 23 October 2013

201314/153 Officer's Recommendation/ Council Decision

Moved: Cr Melville

Seconded: Cr Daccache

That the Minutes of the Ordinary Meeting of Council held on Wednesday 23 October 2013 be confirmed as a true and correct record.

CARRIED 8/0

ITEM 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Activity Report for the October/November 2013 period to date is as follows:

October 2013

Monday, 7th October

- Weekly CEO & Mayor Catch Up

Tuesday, 8th October

- Weekly Mayor Chat Spirit Radio (1026am)
- Meeting With NS Projects + CEO (Via Telephone)
- Attended PHCCI Business After Hours Event

Wednesday, 9th October

- Attended Atlas Iron Abydos Mine Opening
- Weekly CEO & Elected Member Catch Up
- Meeting With Minister Grylls + CEO

Thursday, 10th October

- Attended Pilbara Mental Health Week Community BBQ (SHAC)
- Attended Meeting Re: 32 Moorambine St, Wedgefield + Cr Carter + CEO
- Officiated Australian Citizenship Ceremony

Monday, 14th October

- Attended PRC Meeting (Perth)
- Meeting With Mr Badat + Deputy Mayor Daccache + CEO + DPD (Perth)
- Attended BOM & DFES Pre Cyclone Season Information Evening

Tuesday, 15th October

- Weekly Mayor Chat Spirit Radio (1026am)
- Attended 2013 Rates Incentive Prize Draw

Thursday, 17th October

- Attended Hedland Neighbourhood Watch BBQ (SHAC)

Friday, 18th October

- Attended FMG VTEC Graduation Ceremony
- Attended 2013 Carer's Week Luncheon
- Attended Launch Aboriginal Education Scholarship Program (St Cecillas)

Sunday, 20th October

- Attended 2013 Hedland Paws Walk

Monday, 21st October

- Weekly CEO & Mayor Catch Up
- Hosted BBQ For Indigenous Recognition Journey (Water Park)
- ABC NW Radio Interview (Re: Election)
- Attended & Chair TOPH Indigenous Taskforce Meeting
- Attended Elected Member "Swearing In" Ceremony

Tuesday, 22nd November

- Weekly Mayor Chat Spirit Radio (1026am)
- Attended Tourism WA Cruise Ready Workshop
- Attended Port Hedland Historical Society "Port Hedland Birthday" Celebration Event (Assisted Cut Cake)

Wednesday, 23rd October

- Attended South Hedland Business Association Breakfast Monthly Meeting Function
- Attended Meeting With Two Mile Residents, South Hedland
- Attended TOPH Local Housing Strategy Meeting
- Phone Meeting Re: Facilitator For Team Building Weekend + CEO
- Weekly CEO & Elected Member Catch Up
- Attended Confidential Planning Briefing
- Attended Confidential Concept Forum
- Chair OCM October 2013

Friday, 25th October

- Attended Hedland Well Womens Centre Pink Breast Cancer Fundraiser Breakfast

Saturday, 26th October

- Team Building Weekend Activity

Sunday, 27th October

- Team Building Weekend Activity

Monday, 28th October

- Attended TOPH Local Housing Strategy Meeting
- Attended Airport Placemaking Workshop

Tuesday, 29th October

- Attended Industry Stakeholder Airport Placemaking Workshop
- Weekly Mayor Chat Spirit Radio (1026am)
- Meeting (Jen Clarke) Re: Local Indigenous Basketball Team Fundraising Opportunities
- Hosted Town Ambassador Cruise Ship Information Event

Wednesday, 30th October

- Attended Airport Committee Meeting
- Attended Elected Member Airport Placemaking Workshop
- Participated In Pilbara JDAP Meeting (Via Telephone)
- Attended Confidential Concept Forum

Thursday, 31st October

- Attended PHCCI Breakfast Function Featuring Donna Cross
- Attended TOPH Community Integration Working Group – Impact Of Fly In/Fly Out Workforce Workshop
- Attended Aboriginal Family Legal Service “Picnic In The Park” Event (Water Park)
- Attended LEMC Meeting (SES Shed)

November 2013*Friday, 1st November*

- Participated In HSHS Internal Review Meeting

- Presentation To Baler Primary School Students Re: Town Ambassadors
- Attended Pilbara Regiment Friday Drinks Function

Monday, 4th November

- Weekly CEO, Deputy Mayor & Mayor Catch Up
- Meeting With “Stayover By Ausco”

Tuesday, 5th November

- Weekly Mayor Chat Spirit Radio (1026am)
- Attended Baler Primary School iPad Open Learning Day Event
- Meeting FORM/Port Hedland Visitor Centre Re Upcoming Cruise Ship Visits
- Attended HACC House Melbourne Cup Luncheon Event
- Attended Elected Member Briefing Re: TWAs
- Attended Director Corporate Service Natalie Octoman’s Farewell
- Attended Port Hedland Soroptimist International Monthly Meeting Event

Wednesday, 6th November

- Town Ambassador For Radiance of the Seas Visit
- Meeting With Minister Grylls and Hotelliers Re: TWAs in Port Hedland/Pilbara
- Meeting With Hon Liz Behjat MLC & Hon Jacqui Boydell MLC

Thursday, 7th November

- Meeting With Proponent Re: Potential Port Hedland Wine Bar Development Proposal
- Elected Members & Executive Workshop

Friday, 8th November

- Officiated Australian Citizenship Ceremony
- Officiated Special Australian Citizenship Ceremony (Mr Modi)
- Attended Local Indigenous Basketball Exhibition Match
- Attended PHPA Annual Sundowner Event

Saturday, 9th November

- Participated In McDonalds – South Hedland McHappy Day Fundraiser Event

Deputy Mayor attended the South Hedland Business Association meeting and the Pilbara Development Commission Community Forum in Marble Bar. Deputy Mayor attended the Pink Ribbon Breakfast which was very successful, a team building weekend with Elected Members and the Town of Port Hedland Executive team, the interagency meeting regarding the vandalism to the Wanangkura Stadium and a meeting with the aboriginal elders and leaders.

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

Councillor Gillingham attended the team building weekend with Elected Members and Executive team which was a great weekend. Councillor Gillingham attended Community Conversations at Marquee Park where not many members of the public in attendance.

9.2 *Councillor Hooper*

Councillor Hooper attended the same events as Councillor Gillingham.

9.3 *Councillor Taylor*

Port Hedland is a community that prides itself on its multiculturalism. In response to the directives from the TOPH that Christmas songs (usually known as carols) and Christmas scenes of Mary, Joseph and the baby Jesus are not to be depicted at the TOPH December Melodies and Markets in South Hedland, I would like to submit the following statement.

Port Hedland has a proud history of multiculturalism and loves to celebrate the diverse history and culture of its residents. We love to celebrate the diversity that many cultures can bring; not mono- culture, not no culture, but the multicultural celebrations of the people of Port Hedland.

Hedlanders love celebrations and cultural expressions and many who travel to places such as Bali deliberately go and watch cultural and religious events with interest.

Christmas time is a time with a rich history and culture of celebration and religious activity in Australia. The story of a baby born in a stable as there was no other accommodation available is one that is special, revered and currently celebrated today.

To deny the expressions of Christmas that include Mary and Joseph, the baby Jesus, singing angels and shepherds is to limit cultural freedoms of the community. It goes against the multicultural values of our community. Many Christians and non-Christians in our community and across the nation are asking for a return to the songs that celebrate Christ's birth which are usually called carols and that community members have described to me as "moving", "happy", and "joyous" and "celebrate the reason for the season".

Christmas is a time of celebrating love and family. The fact that Christmas celebrations contain elements of religion is not a reason to take a scalpel to the celebrations and cut out the very parts that made it so culturally and historically significant in the first place. This does a disservice to our culture and dictates how people are to celebrate Christmas. As history shows, we are quite good at celebrating Christmas without being told how we are allowed to do it.

Christmas is also about hope. In a season where grief can be felt more keenly and loneliness more acute amidst the celebrations, hope is what is needed. In a community that knows substance abuse and dysfunction, hope is what is needed. To believe in something bigger than oneself gives hope. To know that you are loved and have value provides hope.

"Love came down at Christmas". Family, hope and love are things that can't be sanctioned against.

Please let us celebrate Christmas in its entirety. We're quite good at it.

9.4 *Councillor Butson*

Councillor Butson attended the FMG Quarterly Strategic Forum last week. Councillor Butson attended the Jabbat Dance Concert along with Councillor Daccache.

9.5 *Councillor Melville*

Councillor Melville attended Community Conversations at Marquee Park, the team building weekend with Elected Members and Executive team and attended the meeting with the aboriginal elders and leaders.

9.6 *Councillor Van Vugt*

Councillor Van Vugt attended the FMG Quarterly Strategic Forum at Club Hamilton.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

Disclaimer

IMPORTANT NOTE:

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

ITEM 11 REPORTS OF OFFICERS

11.1 Planning and Development Services

11.1.1 Planning Services

11.1.1.1 Delegated Planning, Building & Environmental Health Approvals and Orders for October 2013 (File No.: 18/07/0002 & 07/02/0003)

Officer **Carly Thompson**
Executive Assistant
Planning & Development

Date of Report **7 November 2013**

Disclosure of Interest by Officer Nil

Summary

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of October 2013.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of October 2013 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

Consultation

Nil

Statutory Implications

Town of Port Hedland Delegation Register outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

Policy Implications

Nil

Strategic Planning Implications

Nil

Budget Implications

Nil

Officer's Comment

Nil

Attachments

1. Delegated Planning, Building & Environmental Health Approvals and Orders for October 2013

201314/154 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Gillingham

That the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of October be received.

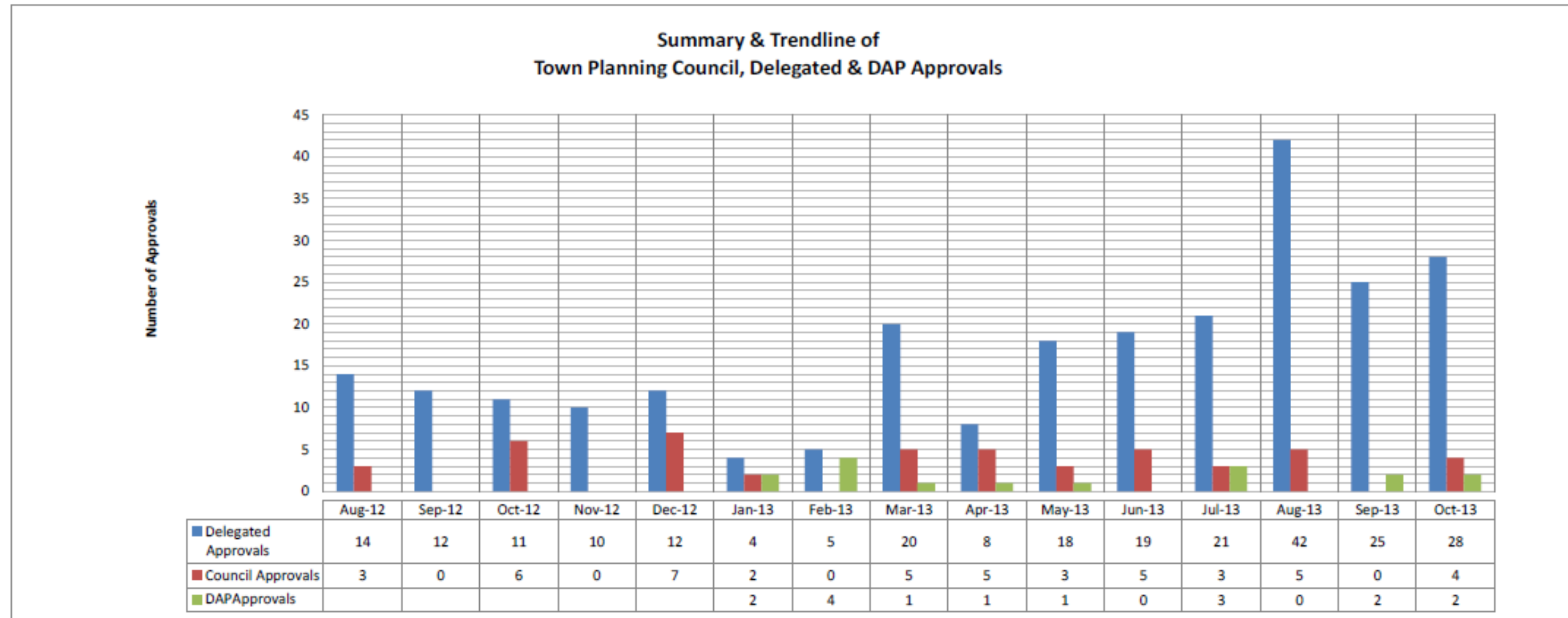
CARRIED 8/0

This page has been left blank intentionally.

DELEGATED PLANNING APPROVALS FOR OCTOBER 2013

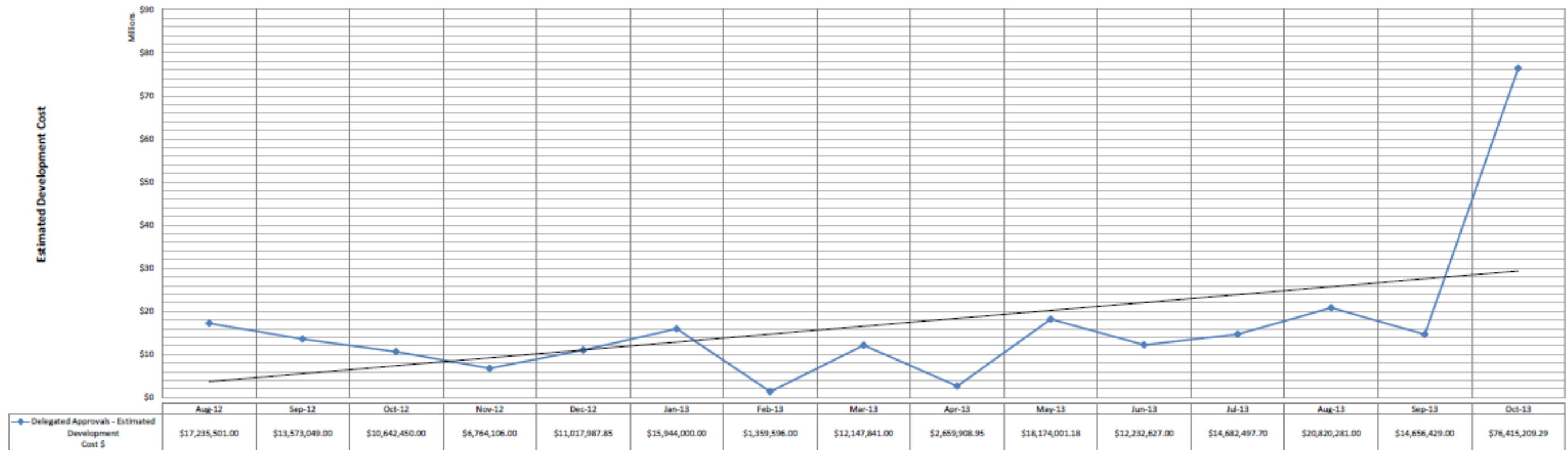
Application No.	Description	Lot	Property Address	Date Approved	Applicant	Development Value
2013/529	HOME BUSINESS - CATERING	704	80 DOWDING WAY PORT HEDLAND 6721	3/10/2013	LILLIANA BATTLE	\$ -
2013/561	"RECREATION - PRIVATE" - SHED FOR STORING SPORT EQUIPMENT	1	LOT 1 MCGREGOR STREET PORT HEDLAND 6721	3/10/2013	PORT HEDLAND HOCKEY ASSOC	\$ 16,280.00
2013/569	AERODROME - SHADE SHELTERS	11	LOT 11 AIRPORT PORT HEDLAND 6721	3/10/2013	TOWN OF PORT HEDLAND	\$ 20,000.00
2013/562	LAYDOWN AREA AND SITE OFFICE	4	25-27 BARRAMINE LOOP SOUTH HEDLAND 6722	4/10/2013	COLIN WILKINSON DEVELOPMENTS	\$ 10,585.00
2013/584	RESIDENTIAL R20 - TWO (2) GROUP DWELLINGS - GARAGE ADDITION (LOT 1)	2805	93 BOTTLEBRUSH CRESCENT SOUTH HEDLAND 6722	4/10/2013	CALEB IAN NELTHORPE	\$ 40,000.00
2013/573	SINGLE DWELLING	605	15 DEMARCHI ROAD SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 685,499.00
2013/574	SINGLE DWELLING	519	30 NIX AVENUE SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 715,102.00
2013/575	SINGLE DWELLING	531	24 NIX AVENUE SOUTH HEDLAND 6721	8/10/2013	FLEETWOOD PTY LTD	\$ 708,426.00
2013/576	SINGLE DWELLING	523	38 NIX AVENUE SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 712,236.00
2013/577	SINGLE DWELLING	561	15 NIX AVENUE SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 706,359.00
2013/579	SINGLE DWELLING	537	3 KEEL CLOSE SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 660,356.00
2013/580	SINGLE DWELLING	512	18 FAIRLEAD BEND SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 706,146.00
2013/581	SINGLE DWELLING	581	18 MOORING LOOP SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 718,998.00
2013/582	SINGLE DWELLING	576	21 MOORING LOOP SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 716,863.00
2013/583	SINGLE DWELLING	558	21 NIX AVENUE SOUTH HEDLAND 6722	8/10/2013	FLEETWOOD PTY LTD	\$ 697,188.00
2013/361.01	TWO (2) GROUPED DWELLINGS - RETAINING WALL ADDITION	1550	25 ROBINSON STREET PORT HEDLAND	9/10/2013	MCGRATH HOMES	\$ -
2013/464	COMMUNITY USE - REDEVELOPMENT OF EXISTING CENTRE AND CONSTRUCTION OF ADDITIONAL ACTIVITY AREAS	304	LOT 304 LAWSON STREET SOUTH HEDLAND	9/10/2013	RFF PTY LTD	\$ 6,500,000.00
2013/500	SEVEN (7) GROUPED DWELLINGS - AGED AND DEPENDANT CARE	2907	LOT 2907 LIMPET CRESCENT SOUTH HEDLAND	9/10/2013	INSIGHT PROJECT SERVICES	\$ 2,400,000.00
2013/550	TWELVE (12) MULTIPLE DWELLINGS	5	15 SOMERSET CRESCENT SOUTH HEDLAND 6722	10/10/2013	NW PROPERTY INVESTMENTS	\$ 2,454,550.00
2013/588	HOME BUSINESS - BEEF JERKY	10	UNIT 10 15 BECKER COURT SOUTH HEDLAND 6722	10/10/2013	FULLER FLAVOUR JERKY	\$ -
2013/589	TEMPORARY SPRAY PAINTING SHELTER - INDUSTRY GENERAL	5781	18 SCHILLAMAN STREET WEDGEFIELD 6721	10/10/2013	ORONTIDE ENGINEERING	\$ 18,000.00
2013/587	SINGLE DWELLING - R-CODE VARIATION (CROSSOVER LOCATION)	113	26 PORTREE LOOP SOUTH HEDLAND 6722	11/10/2013	HUTCHINSON BUILDERS	\$ 492,621.29
2013/541	'CHANGE OF USE - MEDICAL CENTRE' AND 'SIGNAGE'	3826	10 HEDDITCH STREET SOUTH HEDLAND 6722	15/10/2013	ALLERDING & ASSOCIATES	\$ -
2013/605	STORAGE SHED	50	2 DENMAN PLACE SOUTH HEDLAND 6722	22/10/2013	NORTH WEST SHED MASTERS	\$ 30,000.00
2013/606	INDUSTRY - LIGHT - CARPORT ADDITION	5894	18 MANGANESE STREET WEDGEFIELD 6721	22/10/2013	GOLDMAN CONSTRUCTIONS	\$ 16,000.00
2013/608	CARPORT	957	151 ANDERSON STREET PORT HEDLAND 6721	22/10/2013	MAXX ENGINEERING PTY LTD	\$ 20,000.00
2013/585	MOTOR VEHICLE AND/OR MARINE REPAIR - WORKSHOP AND INCIDENTAL OFFICE	313	47 PHOSPHORUS STREET WEDGEFIELD 6721	24/10/2013	RSA	\$ 870,000.00
2013/621	WORKSHOP, OFFICE AND WAREHOUSE	500	203 GREAT NORTHERN HIGHWAY BOODARIE 6722	31/10/2013	ROY HILL INFRASTRUCTURE PTY LTD	\$ 56,500,000.00

COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR OCTOBER 2013



DELEGATED PLANNING APPROVALS FOR OCTOBER 2013

Summary & Trendline of
Town Planning Delegated Approvals
Estimated Development Costs



DELEGATED BUILDING APPROVALS FOR OCTOBER 2013

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
13-173	03.10.2013	Unit A	14 HOLLINGS PLACE	TANGENT NOMINEES PTY LTD	COLORBOND DWELLING	\$ 498,122.00	131	1a and 10a
13-297	14.10.2013	7 RAVEN STREET	SOUTH HEDLAND 6722	NORDIC HOMES PTY LTD	Dwelling & Carport	\$ 326,133.00	120	1a and 10a
13-352	29.10.2013	47 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	PILBARA CONSTRUCTIONS	Dwelling Carport & Fence	\$ 541,618.00	180	1a and 10a
13-292	01.10.2013	18 PORTREE LOOP	SOUTH HEDLAND 6722	J HUTCHINSON PTY LTD	SINGLE DWELLING	\$ 541,883.00	230	Class 1a
13-295	03.10.2013	10 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON BUILDERS PTY LTD	Dwelling Carport & Fence	\$ 496,122.00	196	Class 1a
13-296	04.10.2013	8 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON PTY LTD	SINGLE DWELLING	\$ 541,883.00	230	Class 1a
13-298	04.10.2013	14 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	NEW DWELLING	\$ 547,931.00	234	Class 1a
13-307	04.10.2013	2 PORTREE LOOP	SOUTH HEDLAND 6722	J HUTCHINSON BUILDERS PTY LTD	Dwelling Carport & Fence	\$ 547,931.00	234	Class 1a
13-308	04.10.2013	20 LIMESTONE ROAD	SOUTH HEDLAND 6722	J HUTCHINSON PTY LTD	Dwelling Carport & Fence	\$ 547,931.00	230	Class 1a
13-290	04.10.2013	34 PORTREE LOOP	SOUTH HEDLAND 6722	J HUTCHINSON PTY LTD	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a
13-291	04.10.2013	30 PORTREE LOOP	SOUTH HEDLAND 6722	J HUTCHINSON PTY LTD	SINGLE DWELLING	\$ 547,931.00	234	Class 1a
13-293	04.10.2013	36 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON PTY LTD	Dwelling Carport & Fence	\$ 508,346.00	219	Class 1a
13-239	08.10.2013	91 BOTTLEBRUSH CRESCENT	SOUTH HEDLAND 6722	Leimac Building Pty Ltd	Dwelling & Carport	\$ 487,253.00	226	Class 1a
13-312	10.10.2013	16 LIMESTONE ROAD	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a
13-313	10.10.2013	24 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 508,347.00	230	Class 1a
13-314	10.10.2013	22 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a
13-301	14.10.2013	4 DARTER STREET	SOUTH HEDLAND 6722	NORDIC HOMES PTY LTD	NEW DWELLING	\$ 326,133.00	120	Class 1a
13-315	16.10.2013	26 PORTREE LOOP	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 496,122.00	230	Class 1a
13-309	18.10.2013	3 PEDLAR STREET	SOUTH HEDLAND 6722	Versaci Property Projects Pty Ltd	Demolition of Single Dwelling	\$ 15,000.00	120	Class 1a
13-316	22.10.2013	1 LOGUE COURT	SOUTH HEDLAND 6722	Joanne Herrick	Demolition of Single Dwelling	\$ 28,000.00	105	Class 1a
13-340	29.10.2013	4 TECOMA WAY	SOUTH HEDLAND 6722	ARB CAPRENTY & CONSTRUCTION	Re - Roof	\$ 25,000.00	0	Class 1a
13-286	31.10.2013	3 EMMA PLACE	SOUTH HEDLAND 6722	ROBERT PYLE	DWELLING	\$ 338,000.00	258	Class 1a
13-294	03.10.2013	28 PORTREE LOOP	SOUTH HEDLAND 6722	HUTCHINSON PTY LTD	Dwelling Carport & Fence	\$ 496,122.00	196	Class 1a 10a and 10b
13-306	04.10.2013	6 PORTREE LOOP	SOUTH HEDLAND 6722	J HUTCHINSON BUILDERS PTY LTD	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a 10a and 10b
13-305	07.10.2013	20 LIMESTONE ROAD	SOUTH HEDLAND 6722	Nathan Webber	Dwelling Carport & Fence	\$ 541,883.00	230	Class 1a 10a and 10b
13-302	15.10.2013	6 RAVEN STREET	SOUTH HEDLAND 6722	Nordic Homes Pty Ltd	Dwelling Carport & Fence	\$ 371,931.00	125	Class 1a 10a and 10b
13-257	16.10.2013	Lot 513 COTTIER DRIVE	SOUTH HEDLAND 6722	Justin Radici	15 x Dwellings Carports & Store Sheds;	\$ 3,750,000.00	1200	Class 1a 10a and 10b
13-318	16.10.2013	42 DOWDING WAY	PORT HEDLAND 6721	THOMAS BUILDING	Dwelling Carport & Fence	\$ 594,510.00	233	Class 1a 10a and 10b
13-317	17.10.2013	2 PANJYA PARADE	PORT HEDLAND 6721	THOMAS BUILDING	Dwelling Carport & Fence	\$ 613,786.00	276	Class 1a 10a and 10b
13-278	21.10.2013	12 DARTER STREET	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	123	Class 1a 10a and 10b
13-274	22.10.2013	6 SHRIKE WAY	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	124	Class 1a 10a and 10b
13-279	22.10.2013	7 CRAKE STREET	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	124	Class 1a 10a and 10b
13-281	22.10.2013	3 CRAKE STREET	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	123	Class 1a 10a and 10b
13-276	23.10.2013	3 RAVEN STREET	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	123	Class 1a 10a and 10b
13-277	23.10.2013	10 CRAKE STREET	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	124	Class 1a 10a and 10b
13-280	23.10.2013	3 SHRIKE WAY	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	124	Class 1a 10a and 10b
13-275	23.10.2013	36 MASTERS WAY	SOUTH HEDLAND 6722	BGC Modular Pty Ltd	Dwelling Carport Store Alfresco & Fence	\$ 412,777.00	124	Class 1a 10a and 10b

DELEGATED BUILDING APPROVALS FOR OCTOBER 2013

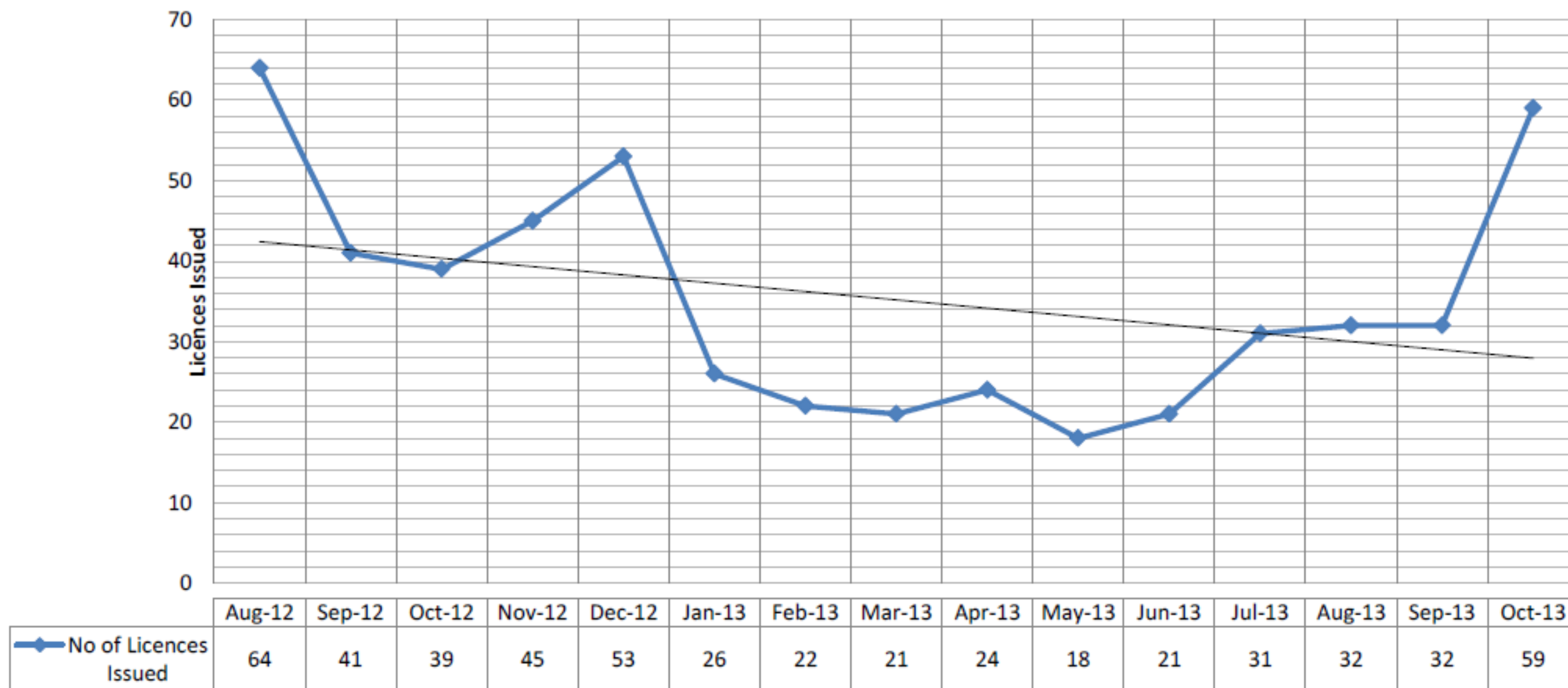
13-354	29.10.2013	3 LIMESTONE ROAD	SOUTH HEDLAND 6722	PILBARA CONSTRUCTIONS PTY LTD	Dwelling Carport & Fence	\$ 541,618.00	180	Class 1a 10a and 10b
13-351	29.10.2013	6 LIMESTONE ROAD	SOUTH HEDLAND 6722	PILBARA CONSTRUCTIONS	Dwelling Carport & Fence	\$ 541,618.00	180	Class 1a 10a and 10b
13-350	29.10.2013	20 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	PILBARA CONSTRUCTION PTY LTD	Dwelling Carport & Fence	\$ 541,618.00	180	Class 1a 10a and 10b
13-353	29.10.2013	44 ETTRICK CIRCUIT	SOUTH HEDLAND 6722	PILBARA CONSTRUCTIONS	Dwelling Carport & Fence	\$ 541,618.00	180	Class 1a 10a and 10b
13-142	10.10.2013	54 REDBANK ROAD	REDBANK 6721	SCOTT SMITH	UN-AUTHORISED CONCRETE SLAB	N/A	200	Class 10a
13-141	10.10.2013	54 REDBANK ROAD	REDBANK 6721	SCOTT SMITH	OUTBUILDING	\$ 80,000.00	200	Class 10a
13-320	23.10.2013	LOT 11 GREAT NORTHERN HWY	PORT HEDLAND 6721	Town of Port Hedland	Shade shelter	\$ 20,000.00	0	Class 10a
13-341	29.10.2013	3 STURT PLACE	SOUTH HEDLAND 6722	ARB CARPENTRY & CONSTRUCTION	Replacement of Carport	\$ 45,000.00	40	Class 10a
13-261	01.10.2013	L511 PEDLAR STREET	SOUTH HEDLAND	ERTECH PTY LTD	RETAINING WALLS	\$ 78,948.00	0	Class 10b
13-256	02.10.2013	16 CAJARINA ROAD	WEDGEFIELD 6724	Delmere Holdings Pty Ltd	Replacement of existing chain wire fence	\$ 15,000.00	0	Class 10b
13-260	03.10.2013	Lot 2332 TRAIANE CRESCENT	SOUTH HEDLAND 6722	ERTECH PTY LTD	RETAINING WALLS	\$ 217,260.00	0	Class 10b
13-240	10.10.2013	7 ARGO WAY	SOUTH HEDLAND 6722	AARON MATTHEW THOMAS	INGROUND SPA POOL	\$ 15,000.00	13	Class 10b
13-269	07.10.2013	2-6 SOMERSET CRESCENT	SOUTH HEDLAND 6722	PETER LATHAM	20 DWELLINGS	\$ 7,286,914.00	1632	Class 2 and 10a
13-265	01.10.2013	LOT 733 (60) MOORE STREET	PORT HEDLAND 6721	MEGARA CONSTRUCTIONS	13X RESIDENTIAL UNITS	\$ 4,000,000.00	884	Class 2
13-262	01.10.2013	3 HARWELL WAY	WEDGEFIELD 6721	McALEESE RESOURCES	OFFICE	\$ 70,000.00	96	Class 5
13-336	28.10.2013	13 STEEL LOOP	WEDGEFIELD 6721	PLUMB HOMES	4 x Workshops with Ancillary Offices	\$ 1,838,210.00	1780	Class 5 & 8
13-288	01.10.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	Westpac Banking Corporation	BANK FITOUT - WESTPAC	\$ 1,800,000.00	180	Class 6
13-321	17.10.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	N V CONTRACTING	Auto Pro fit out	\$ 18,880.00	0	Class 6
13-343	29.10.2013	9-31 THROSSELL ROAD	SOUTH HEDLAND 6722	RESOLVE GROUP PTY LTD	Fitout - Gentle Nails	\$ 19,000.00	0	Class 6
13-339	31.10.2013	13 TAILINGS ELBOW	WEDGEFIELD 6721	PERITAS CONSTRUCTION MANAGEMENT	Transport Depot - Stage 3	\$ 1,400,000.00	0	Class 7b
13-355	31.10.2013	8 MURRENA STREET	WEDGEFIELD 6724	Campbell Howard Building Company	Workshop and Truck Wash Facility - Stage	\$ 93,000.00	638	Class 8
13-224	10.10.2013	19 MUNDA WAY	WEDGEFIELD 6724	PROJECT SETTLEMENTS	UNAUTHORISED SWIMMING POOL	N/A	N/A	N/A
TOTAL 59						\$ 38,871,350.00		

DEMOLITION LICENCES FOR OCTOBER 2013

There were no demolition licences for the month of October.

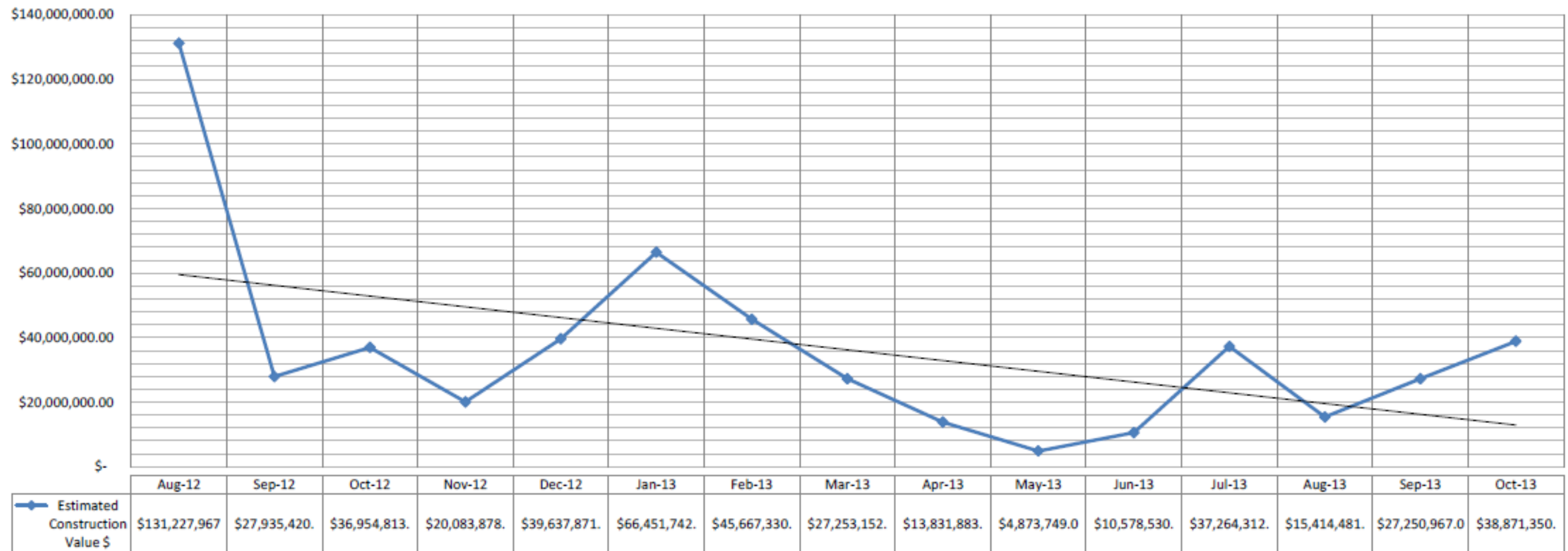
OVERVIEW SUMMARY FOR OCTOBER 2013

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
0	Demolitions	\$0	0	\$0.00
41	Dwellings	\$21,874,138	8,416	\$2,599.11
4	Class 10a	\$145,000	440	\$329.55
4	Class 10b	\$326,208	13	\$25,092.92
10	Commercial	\$16,526,004	5,210	\$3,171.98
2	Other	N/A	N/A	N/A
61		\$38,871,350	14,079	

BUILDING APPROVALS FOR OCTOBER 2013**Summary & Trendline for Building Licence Approvals**

BUILDING APPROVALS FOR OCTOBER 2013

Summary & Trendline of
Estimated Construction Value of Building Licences Issued



CURRENT LEGAL MATTERS FOR OCTOBER 2013

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Current Status	Officer
118711G	Lot 1675 (1690) Harwell Way, Wedgefield	Non-compliance with planning conditions	Case adjourned until 31/10/2013 to allow for sealing of the properties to occur. - Adjourned until March.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <i>Owner</i>	Unauthorised Concrete Batching Plant	Handed to attorneys - Court Hearing to be held on 24th June 2013 - Not Guilty Plea. Adjourned until 4/10/2013 - Trial date set for early next year.	BM
125910G	Lot 2445 # 32 Moorambine Street, Wedgefield - <i>Tenant</i>	Unauthorised Concrete Batching Plant	Court Hearing to be held on 4/10/2013. - Trial allocation date to be determined in November 2013.	BM
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Handed over to the attorney. - 1st Hearing set for Friday 2nd August 2013. - Adjourned until 30th August 2013. - Adjourned until 18th October 2013. - Sentencing scheduled for 22nd November 2013.	BM

CURRENT HEALTH ORDERS AS OF OCTOBER 2013

Current Health Orders under Delegated Authority by Environmental Health Services			
File No.	Address	Issue	Current Status
803367G	Lot 2052 McGregor St Port Hedland	Metal frame spectator/grand stand seating erected on a trailer chassis.	~ Health order placed on temporary spectator stand ~ No public building application received by Town of Port Hedland, as such no approval has been granted for use as a temporary spectator stand ~ Town has notified Turf Club of issue

11.1.1.2 Proposed Permanent Partial Closure of Abydos Place, Wedgefield (File No.: 28/01/0017)

Officer Julie MacMile
Lands and Technical Officer

Date of Report 24 October 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Bill Dziombak (owner of Lot 103 Abydos Place) to permanently close a portion of Abydos Place, Wedgefield (shown on Attachment 1).

The proposed closure was advertised for a period of 35 days in accordance with Section 58 of the *Land Administration Act 1997*.

Council is requested to approve the request for partial closure of Abydos Place.

Background

The applicant has requested to purchase the proposed closed portion of road reserve and amalgamate the land with Lot 103 Abydos Place, Wedgefield.

The portion of Abydos Place road reserve proposed to be closed is approximately 200m² (attachment 1) and only provides access to Lot 103 Abydos Place (owned by the applicant).

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.”

The 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.

External

Advertising in the North West Telegraph occurred on 11 and 18 September 2013. No submissions were received from the public.

All landowners and occupiers in Abydos Place were consulted. No submissions were received.

The following service providers were requested to provide comment:

- Horizon Power
- Water Corporation
- Telstra

Horizon Power has no objection to the proposed permanent closure of a portion of Abydos Place. They have also advised that underground assets are located in the area and the correct clearance must be maintained at all times.

The Water Corporation has raised no objection to the proposal provided that the water main remain situate no less than 1.5m from the new boundary. The Water Corporation has provided a plan delineating the area in which the closure is not objected to (refer Attachment 2). This plan reduces the area proposed to be closed by approximately 200m².

Telstra has advised that they have assets in the vicinity and subject to compliance with conditions, has no objection to the proposed closure.

Internal

The proposed partial road closure was circulated internally to Technical Services and no objections were received, provided the following condition was imposed:

1. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Manager Technical Services at the developer's cost.

Statutory Implications

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

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

Policy Implications

Nil

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver responsible management of infrastructure, assets, resources and technology.

Budget Implications

The application and advertising fees of \$1,261.50 have been received in accordance with Council's adopted Town Planning Fees and Charges.

Officer's Comment

The section of Abydos Place road reserve, being sought by the applicant, is not required for road purposes by any other landowner and provides access only to Lot 103 Abydos Place.

No objections were received during the advertising period. Submissions were received from Water Corporation, Horizon Power and Telstra. Their comments are outlined above.

Approval for the partial road reserve closure will not have a detrimental impact on the function of Abydos Place.

Options

Council has the following options for responding to the request:

1. Support the applicant's request for the permanent closure of a portion of Abydos Place Road Reserve, as per attachment 2.

The closure of the subject portion of road reserve will allow the applicant to apply to amalgamate the closed portion of road reserve into Lot 103 Abydos Place, creating a more regular shaped lot.

2. Reject the applicant's request to permanently close the portion of Abydos Place Road Reserve.

Should Council reject the applicant's request, the current road layout will remain.

Option 1 is recommended.

Attachments

1. Plan (as advertised)
2. Revised plan (provided by the Water Corp)

201314/155 Officer's Recommendation/ Council Decision

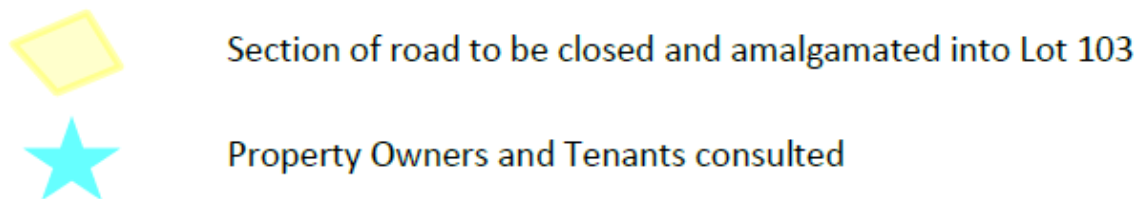
Moved: Cr Gillingham

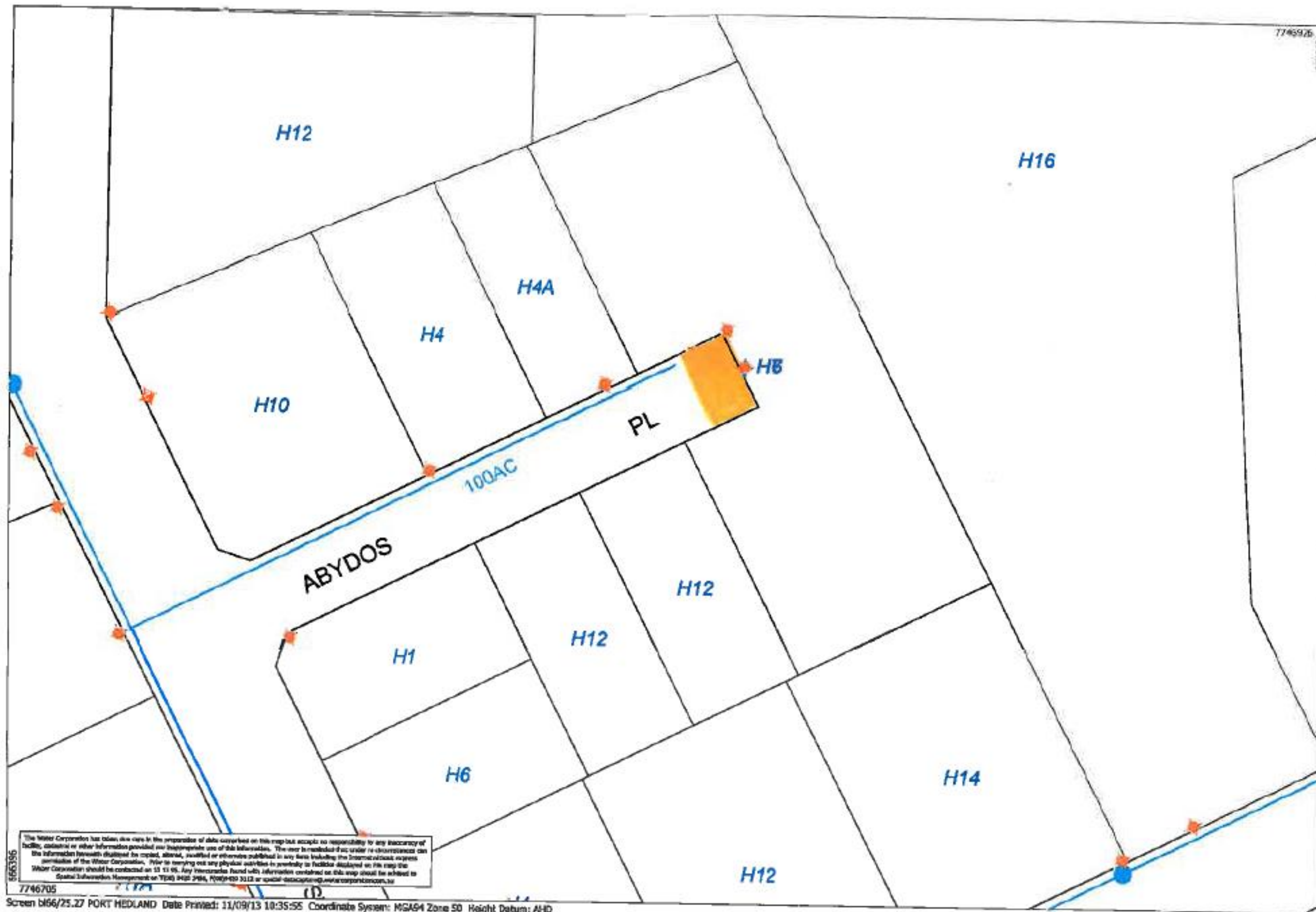
Seconded: Cr Hooper

That Council:

- 1. Approves the request from Bill Dziombak (owner of Lot 103 Abydos Place) to permanently close a portion of Abydos Place, Wedgefield, as per attachment 2 subject to the following conditions:**
 - a. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Manager Technical Services at the developer's cost.**
 - b. Compliance with Telstra requirements for infrastructure that is located within the area.**
 - c. The necessary clearance being maintained from Horizon Power assets.**
 - d. The Water Corporation water main to remain situated no less than 1.5m from the new boundary.**
- 2. Delegate the Chief Executive Officer, or his delegate(s), to submit the request for partial road closure to the Department of Lands.**

CARRIED 8/0





11.1.1.3 *Progress Report on Scheme Amendments 59 and 60 to the Town of Port Hedland Town Planning Scheme No.5 (File No.: 19/09/0072 and 18/09/0071)*

Officer Jorine Bothma
Senior Strategic Planner

Date of Report 31 October 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of the report is to update Council on the feedback received from the Environmental Protection Authority (EPA) on Amendments 59 and 60 and to determine a way forward.

Background

For the sake of clarity and good order, the two Amendments are discussed separately below as follows:

Amendment 60

Amendment 60 proposes to rezone Lot 1, Strata Plan 32561 (88) Anderson Street, Port Hedland from "Industry" to "Mixed Business" (Attachment 5a).

Even though Amendment 60 has been following a similar process to Amendment 59 to date, Amendment 60 has not progressed as far in the review process compared to Amendment 59.

The EPA has submitted its initial response to Amendment 60 in August 2013 advising that it believes that the environmental issues pertaining to the proposed Amendment cannot be resolved and have provided the Town with an opportunity to respond (Attachment 7). A response will be provided to the EPA once the outcomes of this report to Council are known.

The applicant expressed an appetite to revise his application in addition to the uses already excluded under TPS 5, Appendix 12 (Attachment 2), to also exclude a hotel/motel, short stay accommodation, serviced apartments and medical consulting rooms, from the Amendment application. The written request received by the applicant is attached to this report as Attachment 1.

The applicant's request was discussed with the EPA on officer level and the EPA has indicated that it is prepared to consider a revised application. It was however suggested that the modifications be made in the form of a newly initiated amendment application. Furthermore, the EPA could not guarantee that if the revised Amendment is forwarded to them, that it would be considered favourable.

It is recommended that the applicant be invited to consider resubmitting a Local Planning Scheme that is able to be considered by the EPA. It should be noted that a modified Scheme Amendment can only be accepted by Council for initiation once the Minister for Planning has formally abolished the current Amendment.

Amendment 59

Similar to the intent of Amendment 60, Amendment 59 proposes to rezone the following lots mentioned below from "Industry" to "Mixed Business":

- Lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438, 1440, 1441, 1791 and 1792 Anderson Street;
- Lot 50 Darlot Street;
- Lots 2 Hardie Street;
- Lots 8 and 9 McKay Street; and
- Lots 562, 1436, 1437 and 1442 Stocker Street (Attachment 5a)

The above sites are mainly surrounded by the "West End Residential" zone to the north, "Industry" zone to the south and directly borders the Port Hedland Town Centre to the west.

The applicant submitted Amendment 59 to the Town in August 2012 and Council initiated the Amendment at an Ordinary Council meeting of 30 August 2012.

On 16 October 2012, the Amendment was submitted to the EPA requesting permission to advertise. At the time of submission, the particular Amendment was subject to the finalisation of Amendment 43 which sought to modify the permissibility of land uses under the "Mixed Business" zone.

Subsequent to the final Gazettal of Amendment 43, Amendment 59 was modified by adding the following non-permitted uses in Appendix 12 - Mixed Business Zone Non- Permitted Use and Development:

- Aged or dependent person dwelling;
- Caretaker's dwelling;
- Grouped dwelling;
- Home occupation;
- Multiple dwelling;
- Residential building; and
- Single house.

The EPA responded on 8 November 2012 stating that Amendment 59 does not constitute a valid referral under section 81 of the *Planning and Development Act, 2005*.

The EPA referred the application to the Department of Planning, Department of State Development, Department of Health and the Department of Health and the Department of Environment and Conservation (now Department of Environmental Regulation).

On 22 January 2013 the EPA advised it is inclined to determine that Amendment 59 is incapable of being environmentally acceptable and gave the Town an opportunity to respond to the notification. At the Ordinary Council meeting held of 6 March 2013 the Town reaffirmed its intent to proceed with Amendment 59 in its current form.

After receiving notification of the Council's intent to progress with the Amendment application, the EPA referred the matter to the Director General of the Departments of State Development, Health, Planning and Environment and Conservation.

Subsequent to the above referral, a letter was received from the EPA on 15 August 2013 which informed the Town that the EPA has determined that the amendment by its nature is incapable of being made environmentally acceptable in the absence of the HRA and that no appeal rights exist against this determination (Attachment 6).

The EPA stated that the Amendment can be revisited upon completion of the Health Risk Assessment (HRA).

The applicant expressed an appetite to modify the Amendment by excluding land uses as contained in TPS 5, Appendix 12 (Attachment 2), and a hotel/motel, short stay accommodation, serviced apartments and medical consulting rooms.

Similar to Amendment 60, the Amendment 59 applicants request was also discussed with the EPA. The advice given to the Town was for Council to resolve not to proceed with the Amendment at this point in time. The EPA further indicated that if the applicant intends to modify the Amendment, it be done in the form of a newly initiated amendment application. Furthermore, the EPA could not guarantee that if the revised Amendment is forwarded to them, that it would be considered favourably either.

The applicant was informed accordingly and consented not to proceed with Amendment 59. It should be noted that a modified Amendment application can only be submitted to Council once the Minister for Planning resolved to abolish the current Amendment.

Consultation

Should Council resolve not to proceed with the current amendment and re-initiate a new modified amendment the amendment needs to be submitted to the EPA for consideration pursuant to section 81 of the *Planning and Development Act, 2005*.

Should the EPA determine the proposed amendment does not require formal assessment, the amendment shall be advertised pursuant to section 25 of the *Town Planning Regulations, 1967*.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth. Enhance supply of suitably located and supported industrial and retail land

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

Section 5.7.1 Precinct 1 - West End

Proposed land use:	Industry Light
Current or Planned Projects:	Mixed Use Developments

Precinct Highlight 11: Upgrade Wilson Street Port Access Road and Anderson Street and segregation of traffic from light vehicles.

Budget Implications

Both the applicants for Amendment 59 and 60 have paid the prescribed application fees for the initiation and advertising of the Amendments. This condition will prevail if new/modified amendments are lodged.

Officer's Comment*Town Planning Scheme 5*

Both Amendments are consistent with the provisions of TPS5 but inconsistent with the Pilbara's Port City Growth Plan which earmarks both amendment areas for future Light Industrial purposes.

It is considered there is merit to introduce a "Mixed Business" zone in this area considering the close proximity to the "Mixed Business" area to the north and to encourage more service industry, showrooms, wholesaling, trade and professional services to establish in the area. It was in this light that both the Scheme Amendments were recommended for initiation by Council at the time.

Investigation into alternative zonings to "Mixed Business"

With the proposed modifications the applicants of both Amendments 59 and 60, seek to limit the operation on the sites to business/retail uses. Options to rezone the sites from "Industry" to "Commercial" or "Town Centre" as well as reverting to the original "Industry" zoning were investigated and found to be suitable options.

Relevant Legislation

Section 48A of the *Environmental Protection Act, 1986* states inter alia the following:

- "(1) When a scheme is referred to the Authority under the relevant scheme Act, the Authority shall, if it considers that the scheme — ...
- (c) is by its nature incapable of being made environmentally acceptable, so inform in writing the responsible authority and the Minister within 28 days after that referral.

Upon receipt of advice from the EPA in accordance with Section 48A (1) (c) of the *EP Act, 1986* above the Minister for Environment may either instruct the EPA to assess the particular Amendment or confirm its advice and inform the Authority (in this instance the Town) accordingly.

With Respect to Amendment 59, the EPA has acted in accordance with section 48A (1)(c) of the *EP Act, 1986* by finding Amendment 59 incapable of being made environmentally acceptable. The Minister for Environment has not directed the EPA to formally assess Amendment 59 and is unlikely to do so and in the absence of the HRA.

It must also be noted that Section 48C of the *EP Act, 1986* states that if an authority (in this case the Town) wishes for an amendment to proceed in its current form, it may be required by the EPA to undertake an environmental review. This will have cost implications to the Town if it wishes to proceed. This option is not considered favourable.

The requests received from the applicants to revise the amendments and excluding high risk uses was discussed with the EPA. The EPA raised concerns with respect to the intent of the Amendment 59 to progress along the same lines than Amendment 60. The EPA is concerned that this approach will encourage ad hoc planning by omitting land uses from applications to ensure compliance to Part IV, Division 3 of the *Environmental Protection Act*, 1986. Part IV, Division 3 of the *Environmental Protection Act*, 1986.

It is recommended that applicants be invited to consider resubmitting a Local Planning Scheme that is able to be considered by the EPA. Both Amendments will need to be brought before Council to consider initiation and will be referred to the EPA for consideration.

Options

Council has the following options when considering the matter:

1. Resolve not to proceed with both Amendment 59 and 60 based on the comments received from EPA and inform the applicants accordingly.
2. Resolve to proceed with the amendments irrespective of the advice received
3. To hold both Amendments 59 and 60 in abeyance until the finalisation of the HRA in 2015 and advise the applicants accordingly.

Option 1 is preferred.

Both applications should be regarded in the same manner irrespective of which one of the three above options are followed as this will enable the properties to be redeveloped.

Attachments

1. Correspondence from Amendment 59 applicant
2. Appendix 12 of Town Planning Scheme No.5
3. Locality plan depicting Amendment 59 and 60 areas
4. Town Planning Scheme No. 5 Land Use Table
5. Scheme Amendment reports for Amendments 59 and 60 (Under Separate Cover)
6. Letter from EPA on Amendment 59
7. Letter from EPA on Amendment 60

201314/156 Officer's Recommendation/ Council Decision

Moved: Cr Van Vugt

Seconded: Cr Hooper

That Council:

- 1. Resolves not to proceed with Amendment 59;**
- 2. Resolves not to proceed with Amendment 60;**
- 3. Advise Whelans Town Planning, being the applicant of Amendment 59, and Property Development Solutions, being the applicant of Amendment 60, of its determination;**
- 4. Advise the Western Australian Planning Commission (WAPC) in accordance with the *Planning and Development Act, 2005*;**
- 5. Provides a response to the Environmental Protection Authority as requested by them with respect to Amendment 60; and**
- 6. Invite applicants to consider resubmitting a Local Planning Scheme that are able to be considered by the EPA.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.3

Attachment 1

Bothma Jorine

To: Geoff Loxton
Subject: RE: Latest response from EPA with respect to Scheme Amendment 60

From: Geoff Loxton [<mailto:geoff@pdsconsult.com.au>]
Sent: Friday, 23 August 2013 9:39 AM
To: Bothma Jorine
Subject: RE: Latest response from EPA with respect to Scheme Amendment 60

Jorine,

It is apparent from this correspondence that EPA will not support Amendment 60 while it allows for any form of short stay, hotel or motel accommodation. Furthermore they have raised concern about other permitted uses in the Mixed Business zone, such as medical consulting.

Can we proceed with Amendment 60, rezoning the subject land to Mixed Business, while excluding the above mentioned uses by including them in Schedule 12 or preparing an alternate Schedule for inclusion in the Scheme?

Regards

Geoff Loxton
Property Development Solutions
We Know Property Matters!
Unit 9, 69 Hay Street, Subiaco East WA 6008
Ph: 9380 9211 Fx 9380 9233 Mb 0421087577

ATTACHMENT 2 TO ITEM 11.1.1.3

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

AMD 43 GG 22/2/13

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 372 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.

Scheme Amendment 59 Area



ATTACHMENT 4 TO ITEM 11.1.1.3

ZONING TABLE AMD 24 GG 08/02/11 AMD 22 GG 27/04/12 AMD 43 GG 22/2/13 AMD 48 GG 12/7/13		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education	Transport Development	Light Industry	West End Residential
		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education	Transport Development	Light Industry	West End Residential
1	Aged or Dependent Persons Dwelling	AA	AA	-	AA	AA	AA	-	-	-	-	-	AA	SA	IP	IP	IP	-	-	-
2	Ancillary Accommodation	IP	IP	-	IP	-	-	-	-	-	-	-	IP	IP	IP	-	-	-	-	-
3	Cabin AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
4	Caretaker's Dwelling	IP	IP	IP	AA	AA	IP	IP	-	-	-	-	IP	-	IP	IP	IP	-	-	AA
5	Chalet AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Grouped Dwelling	P	P	-	AA	AA	-	-	-	-	-	-	AA	-	IP	IP	IP	-	-	AA
7	Guesthouse AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Holiday Accommodation	-	-	-	AA	-	AA	-	-	-	-	-	IP	-	-	-	-	-	-	SA
9	Holiday Home AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
10	Home Business AMD 13 GG 15/02/11	AA	AA	AA	AA	-	AA	-	-	-	-	-	AA	AA	-	-	-	-	-	-
11	Home Office AMD 13 GG 15/02/11	P	P	P	P	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-
	Home Occupation DELETED BY AMD 13 GG 15/02/11	AA	AA	AA	AA	-	AA	-	-	-	-	-	AA	AA	-	-	-	-	-	-
12	Hotel	-	-	-	AA	AA	AA	SA	AA	-	-	-	SA	-	-	-	-	-	-	SA
13	Lodge AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
14	Motel	-	-	-	AA	AA	AA	SA	SA	-	-	-	SA	SA	-	-	-	-	-	SA
15	Movable Dwelling	-	-	AA	-	-	AA	-	-	-	-	-	AA	-	-	-	-	-	-	-
16	Multiple Dwelling	SA	SA	-	SA	SA	SA	AA	-	-	-	-	-	-	-	-	-	-	-	AA
17	Residential Building	AA	AA	AA	AA	-	AA	-	-	-	-	-	AA	AA	IP	IP	IP	-	-	AA
18	Rural Settlement	-	-	-	-	-	-	-	-	-	-	-	AA	SA	-	-	-	-	-	-
19	Serviced Apartment AMD 15 GG 24/3/09	-	-	-	-	-	AA	SA	-	-	-	-	-	-	-	-	-	-	-	-
20	Short Stay Accommodation AMD 15 GG 24/3/09	-	-	-	-	-	AA	SA	-	-	-	-	-	-	-	-	-	-	-	-
21	Single House	P	P	-	AA	-	-	AA	-	-	-	-	AA	P	AA	IP	IP	-	-	-
22	Transient Workforce Accommodation	SA	AA	P	-	-	-	AA	SA	-	-	-	SA	-	-	-	-	-	-	SA
23	Tourism Development AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
24	Tourist Resort AMD 15 GG 24/3/09	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	-	-	-	-	-
Industry																				
25	Abattoir	-	-	-	-	-	-	-	-	-	SA	SA	SA	-	-	-	-	-	-	-
26	Agriculture	-	-	-	-	-	-	-	-	-	-	-	P	AA	-	-	-	-	-	-
27	Arts and Crafts Centre	SA	SA	-	AA	AA	AA	AA	IP	-	-	-	AA	AA	AA	IP	IP	-	-	SA
28	Container Park AMD 24 GG 08/02/11	-	-	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	P	-	-
29	Distribution Centre AMD 24 GG 08/02/11	-	-	-	-	-	-	-	AA	-	-	-	-	-	-	-	-	P	AA	-
30	Fuel Depot AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	AA	-	-
31	Intensive Agriculture	-	-	-	-	-	-	-	SA	-	SA	-	AA	AA	-	-	-	-	-	-
32	Harbour Installation AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	P	AA	-	-	-	-	-	-	AA	-	-
33	Hire Service (Industrial) AMD 24 GG 08/02/11	-	-	-	-	-	-	-	AA	-	P	AA	-	-	-	-	-	P	AA	-
34	Industry - Cottage	SA	SA	-	AA	AA	-	P	-	-	-	-	AA	AA	-	-	-	-	P	SA
35	Industry - Extractive	-	-	-	-	-	-	-	-	AA	AA	AA	AA	-	-	-	-	-	-	-
36	Industry - General	-	-	-	-	-	-	-	-	AA	AA	-	-	-	-	-	-	-	-	-
37	Industry - Light	-	-	SA	-	-	-	AA	-	P	AA	-	-	-	-	-	-	-	P	-
38	Industry - Noxious	-	-	-	-	-	-	-	-	SA	SA	SA	SA	-	-	-	-	-	-	-
39	Industry - Rural AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	-	AA	AA	P	SA	-	-	-	SA	-	-
40	Industry - Service	-	-	SA	-	-	-	SA	AA	-	P	AA	-	-	-	-	-	-	AA	-
41	Industry - Resource Processing	-	-	-	-	-	-	-	-	P	-	SA	SA	-	-	-	-	-	-	-
42	Industry - Transport AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	AA	-	-
43	Infrastructure	AA	P	AA	AA	AA	AA	AA	AA	P	AA	P	AA	AA	AA	AA	AA	AA	AA	AA
44	Stockyard	-	-	-	-	-	-	-	-	-	SA	AA	P	-	-	-	-	-	-	-
45	Storage facility/depot/laydown area AMD 24 GG 08/02/11	-	-	-	-	-	-	-	AA	IP	AA	AA	AA	-	-	-	-	SA	-	-
46	Transport Depot AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
47	Truck Stop AMD 24 GG 08/02/11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SA	-	-
Commerce																				

ZONING TABLE AMD 24 GG 08/02/11 AMD 22 GG 27/04/12 AMD 43 GG 22/2/13		Residential	Urban Development	Transient Workforce Accommodation	Town Centre	Commercial	Tourism	Mixed Business	Airport	Strategic Industry	Industry	Industrial Development	Rural	Rural Residential	Community	Health	Education	Transport Development	Light Industry	West End Residential
50	Aerodrome	-	-	-	-	-	-	-	P	-	-	-	AA	-	-	-	-	-	-	-
51	Display Home Centre AMD 24 GG 08/02/11	AA	AA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	AA	SA
52	Dry Cleaning AMD 24 GG 08/02/11	-	-	-	AA	AA	AA	SA	-	-	AA	-	-	-	-	IP	IP	-	P	-
53	Market AMD 24 GG 08/02/11	-	-	-	AA	AA	AA	SA	-	-	AA	AA	-	-	IP	-	-	-	AA	SA
54	Mobile Business AMD 13 GG 15/02/11	P	P	P	P	-	P	-	-	-	-	-	P	P	-	-	-	-	-	-
55	Motor Vehicle and/or Marine Repair AMD 24 GG 08/02/11	-	-	-	AA	-	-	-	AA	-	P	AA	-	-	-	-	IP	AA	AA	-
56	Motor Vehicle and/or Marine Sales or Hire AMD 24 GG 08/02/11	-	-	-	AA	-	-	-	AA	-	P	AA	-	-	-	-	-	SA	AA	-
57	Motor Vehicle and/or Marine Service Station AMD 24 GG 08/02/11	-	SA	-	SA	SA	SA	-	P	-	AA	SA	-	-	-	-	-	AA	SA	-
58	Motor Vehicle and/or Marine Wrecking	-	-	-	-	-	-	-	-	-	P	AA	-	-	-	-	-	-	-	-
59	Motor Vehicle Wash AMD 24 GG 08/02/11	-	-	IP	AA	AA	-	-	AA	IP	P	AA	-	-	-	-	-	AA	AA	-
60	Office AMD 13 GG 15/02/11	-	AA	IP	P	P	IP	P	IP	IP	IP	IP	IP	-	IP	IP	IP	IP	IP	SA
61	On-site Canteen AMD 24 GG 08/02/11	-	-	IP	-	-	-	-	-	IP	IP	IP	-	-	-	-	-	IP	IP	-
62	Outdoor Display AMD 24 GG 08/02/11	-	-	-	AA	AA	-	P	AA	-	P	AA	AA	-	-	-	-	IP	IP	-
63	Reception Centre	-	-	IP	AA	AA	IP	AA	-	-	-	-	-	-	IP	-	-	-	-	-
64	Restaurant (includes café)	SA	AA	IP	P	P	P	AA	AA	-	IP	-	IP	IP	IP	IP	IP	-	-	SA
65	Restricted Premises AMD 24 GG 08/02/11	-	-	-	SA	SA	-	SA	-	-	AA	AA	-	-	-	-	-	-	AA	-
66	Shop	-	SA	IP	P	P	IP	P	IP	-	AA	AA	-	-	IP	IP	IP	-	-	-
67	Showroom AMD 24 GG 08/02/11	-	-	-	AA	AA	-	AA	IP	-	P	P	-	-	-	-	-	-	AA	-
68	Take-away Food Outlet AMD 24 GG 08/02/11	-	AA	AA	P	P	AA	AA	IP	-	AA	AA	AA	-	-	-	-	-	SA	-
69	Warehouse AMD 24 GG 08/02/11	-	-	-	-	-	-	-	IP	IP	P	IP	-	-	-	-	-	AA	P	-
Health, Welfare & Community Services																				
70	Carpark AMD 24 GG 08/02/11	IP	IP	AA	AA	AA	AA	AA	IP	IP	-	IP	-	-	IP	IP	IP	P	AA	SA
71	Child Care Service	SA	SA	AA	AA	AA	IP	-	IP	-	-	-	IP	SA	P	IP	IP	-	-	-
72	Community Use	SA	AA	-	P	AA	AA	AA	-	-	-	-	-	IP	P	P	P	-	-	SA ¹
73	Consulting Rooms	SA	AA	IP	P	AA	-	AA	-	-	-	-	IP	-	AA	P	-	-	-	SA
74	Education Establishment AMD 24 GG 08/02/11	-	AA	IP	-	-	-	SA	IP	-	-	-	-	-	IP	IP	P	-	AA	SA ¹
75	Emergency Services AMD 24 GG 08/02/11	-	AA	-	AA	AA	-	AA	P	AA	AA	AA	-	-	AA	AA	-	-	AA	-
76	Funeral Parlour AMD 24 GG 08/02/11	-	AA	-	AA	AA	-	-	-	-	AA	AA	-	-	AA	-	-	-	AA	-
77	Hospital	-	-	-	AA	AA	-	-	-	-	-	-	-	-	-	-	P	-	-	-
78	Juvenile Detention Centre	-	-	-	-	-	-	-	SA	-	-	-	SA	-	SA	-	-	-	-	-
79	Medical Centre	-	SA	-	P	AA	-	AA	-	-	-	-	-	-	-	-	P	-	-	-
80	Nursing Home	SA	SA	-	AA	AA	-	-	-	-	-	-	-	-	AA	P	-	-	-	-
81	Place of Animal Care AMD 24 GG 08/02/11	-	SA	-	AA	AA	-	SA	-	-	AA	AA	AA	-	AA	-	-	-	SA	-
82	Place of Public Meeting, Assembly or Worship	SA	AA	IP	P	AA	IP	-	AA	-	-	-	AA	AA	P	IP	IP	-	-	-
83	Prison	-	-	-	-	-	-	-	SA	-	-	-	-	-	SA	-	-	-	-	-
84	Public Mall	-	-	-	AA	AA	-	-	-	-	-	-	-	-	AA	-	-	-	-	-
85	Public Utility AMD 24 GG 08/02/11	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	P	P	AA
Entertainment, Recreation and Culture																				
86	Equestrian Centre	-	-	-	-	-	-	-	-	-	-	-	AA	SA	-	-	-	-	-	-
87	Entertainment Venue AMD 24 GG 08/02/11	-	-	-	SA	SA	SA	SA	AA	-	SA	-	SA	-	SA	-	SA	-	SA	-
88	Private Recreation AMD 24 GG 08/02/11	SA	AA	IP	AA	AA	P	AA	AA	-	-	-	AA	-	AA	IP	IP	-	AA	SA ¹
89	Public Recreation AMD 24 GG 08/02/11	AA	AA	IP	P	P	P	AA	AA	-	-	-	AA	AA	AA	IP	IP	-	AA	AA ¹

ATTACHMENT 6 TO ITEM 11.1.1.3



Environmental Protection Authority

Mr Mal Osborne
Chief Executive Officer
Town Of Port Hedland
Po Box 41
PORT HEDLAND WA 6721

Your Ref: 18/09/0071
Our Ref: A558975
Enquiries: Anthony Sheehan, 6145 0844
Email: anthony.sheehan@epa.wa.gov.au

Dear Mr Osborne

**DECISION UNDER SECTION 48A(1)(c)
ENVIRONMENTAL PROTECTION ACT 1986**

SCHEME AMENDMENT:	Town of Port Hedland TPS 5 Amendment 59
LOCATION:	Various Lots Anderson Street, Darlot Street, Hardie Street and Stocker Street
RESPONSIBLE AUTHORITY:	Town of Port Hedland
DECISION:	Scheme Amendment Incapable of Being Made Environmentally Acceptable

Thank you for your letter of 16 October 2012 referring the above scheme amendment to the Environmental Protection Authority (EPA). The scheme amendment seeks to rezone industrial land in the far west end to mixed business which would provide for short term accommodation such as hotels as well as community and entertainment land uses. The land is in close proximity to port operations and is subject to high levels of dust. The Port Hedland Dust Taskforce, has recommended that a formal Health Risk Assessment (HRA) be undertaken on the potential impact of Port Hedland dust on public health. The HRA is expected to report in 2015.

The Department of State Development, which chairs the Taskforce, and the Departments of Health, Planning and Environment Regulation have all advised the EPA that they do not support the progression of the scheme amendment before the results of the HRA are known. The Department of Planning has also advised the EPA that the scheme amendment is inconsistent with the Port Hedland local planning strategy endorsed by the Western Australian Planning Commission in late 2012.

Therefore, under Part IV Division 3 of the *Environmental Protection Act 1986*, the EPA has determined that the scheme amendment is by its nature incapable of being made environmentally acceptable at this time. The scheme amendment can be revisited upon completion of the HRA and consideration of its findings by the Town of Port Hedland, Port Hedland Dust Taskforce and State Government.

The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800 | Facsimile: (08) 6145 0896 | Email: info@epa.wa.gov.au
Website: www.epa.wa.gov.au

The EPA's full reasons for its determination are set out in the enclosed Statement of Reasons.

Please note that there is no right of appeal against the EPA's determination that the scheme amendment is by its nature incapable of being made environmentally acceptable.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Vogel', with a long horizontal line extending from the end of the signature.

Dr Paul Vogel
CHAIRMAN

7 August 2013

Encl

cc Department of Planning, Department of State Development,
Department of Environment Regulation, Department of Health

**TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME 5
SCHEME AMENDMENT 59**

STATEMENT OF REASONS

Background

In January 2009, the Environmental Protection Authority (EPA) released *Environmental Protection Bulletin No. 2 Port Hedland Dust and Noise*. The Bulletin noted that dust and noise levels in Port Hedland were above state and national standards. The Bulletin also noted research that found that airborne dust comprised of PM10 sized fine particles, particles that are 10µm or less in aerodynamic diameter, significantly increased the risk of mortality for exposed populations. These results together with the findings contained in the National Environment Protection Council Review of the National Environment Protection (Ambient Air Quality) Measure that affirms the adverse health effects of exposure to fine particles, suggest that the health effects of iron ore dust at the levels experienced in Port Hedland may be greater than previously thought. The EPA recommended that urgent attention be given to the matter.

In response, the State Government established the Port Hedland Dust Management Taskforce, which is chaired by the Department of State Development. The Taskforce released the *Port Hedland Air Quality and Noise Management Plan* in March 2010.

The Management Plan reported:

- Dust is a common component of particulate matter in air. Two key features characterize particulate matter – particle size and composition. Size and composition vary with location and the process or activity releasing the particles.
- Port Hedland dust comprises iron-oxide (93%) with levels of sodium, magnesium, aluminium, calcium, manganese and copper that vary from day to day, depending on weather patterns and ship loading activities.
- Health professionals and scientists are most concerned with PM10 particles because they are small enough to penetrate into the lungs during inhalation.
- The *National Environment Protection (Ambient Air Quality) Measure* (Air NEPM) maximum concentration standard for PM10 is 50µg/m³ averaged over a 24 hour period with no more than 5 exceedences per annum.
- Air quality modeling shows dust levels in the western end of Port Hedland exceed the Air NEPM PM10 standard every third day. This elevates the health risk to vulnerable people in the community

(the elderly, very young and people with cardio-vascular or respiratory illnesses).

The Management Plan also acknowledged that the Air NEPM PM10 standard was designed for an urban environment and considered that a departure from the Air NEPM may be justified for Port Hedland on dust compositional grounds. The Management Plan recommended an interim guideline measure for PM10 in Port Hedland of $70\mu\text{g}/\text{m}^3$ averaged over a 24 hour period with 10 exceedences per annum.

The Management Plan noted, however, that the interim guideline measure sets the management base line for a five year period. That is, it not considered to be a permanent measure. Further, the Management Plan stated that the interim guideline measure was expected to be met east of Taplin Street but not in the west end, where air quality monitoring suggested the need for stricter land use controls to reduce community exposure to dust. Air quality in the extreme west end does not meet either the Air NEPM standard or the interim guideline measure for PM10.

The Management Plan also recommended that a formal health risk assessment (HRA) of Port Hedland dust be undertaken to inform a review of the interim guideline measure. The HRA report is expected by the end of 2015. In the meantime, it was anticipated that land use planning controls would be used to minimise the potential of adverse health outcomes.

With respect to noise, the Management Plan reported that cumulative noise impacts were also of concern. Cumulative noise modeling has been commissioned in response to recommendations in the Management Plan. The modeling is expected to be completed later this year, but the EPA understands that early results suggest that development of land in the far west end may be constrained or require extensive noise mitigation.

In addition to the above, the EPA published *Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses* in June 2005. The Guidance Statement provides advice to proponents, responsible authorities, stakeholders and the public about the minimum requirements for environmental management which the EPA would expect to be met when the EPA considers a proposal or scheme amendment during the environmental impact assessment process.

With respect to bulk material loading and unloading, including ore and ore concentrate loaded onto vessels, the Guidance Statement identifies noise, dust and risk as potential impacts. The Guidance Statement recommends a buffer distance of 1000 to 2000 metres between bulk material loading and sensitive land uses including residential development, hotels and motels.

Scheme Amendment 59

Scheme Amendment 59 concerns lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438, 1440, 1441, 1791 and 1792 Anderson Street,

Lot 50 Darlot Street, Lot 2 Hardie Street, Lots 562, 1436, 1437 and 1442 Stocker Street and Lots 8 and 9 McKay Street.

These lots are in close proximity to existing port operations, including iron ore stockpiling and ship loading, and are currently zoned "Industry". In effect, they form a buffer between the port and iron ore stockpile operations and the existing "Mixed Business" and "West End Residential" zones to the north of Anderson Street. Dust levels in this area are high, particularly west of McKay Street.

Scheme Amendment 59 seeks to rezone these lots to "Mixed Business" to provide for a broader range of land uses on land in close proximity to the Port Hedland Town Centre. The Scheme Amendment 59 report advises that redevelopment of the land subject to the amendment would:

- encourage redevelopment of lots that are currently run down;
- encourage provision of Short Stay Accommodation – currently undersupplied in Port Hedland;
- redevelop streetscapes on a major access route into the Town Centre;
- transition industrial land uses that are inconsistent with the Town Centre to uses that are more compatible; and
- improve the interface with "Residential" and "Mixed Business" zoned land to the north of Anderson Street.

The Town of Port Hedland Town Planning Scheme 5 establishes the development and permitted uses in "Mixed Business" zones. For example, Multiple Dwellings and Single Houses are permitted if the Council exercises its discretion and grants planning approval. Hotels, Motels, Serviced Apartments and Short Stay Accommodation are permitted if the Council exercises its discretion and grants planning approval after giving public notice. Caretaker Dwellings are permitted if they are incidental to the main use. These uses are not currently permitted in the existing "Industry" zone.

A range of industrial, commercial, health, community and entertainment uses are also allowed, with various approval provisions, in "Mixed Business" zones. For example, Consulting Rooms and Medical Centres are permitted uses and Education Establishments are permitted if the Council exercises its discretion and grants planning approval after giving public notice. As above, these uses are not currently permitted in the existing "Industry" zone.

In response to the concerns regarding dust set out in the Management Plan, Scheme Amendment 59 would also add the affected lots to the existing lots listed in Town of Port Hedland Town Planning Scheme 5 Appendix 12 – Mixed Business Zone Non-permitted Use and Development. This would establish conditions that would prevent development of the lots for Caretaker Dwelling, Home Occupation, Multiple Dwelling and Single House.

In January 2013, the EPA formed a preliminary view that it was unlikely to support the scheme amendment due to concerns about the potential

impact of dust and noise on occupants of the land. In the interests of providing an opportunity for natural justice the EPA wrote to the Town of Port Hedland setting out its concerns and inviting the Town of Port Hedland to respond to those concerns. The Town of Port Hedland provided a written response in June 2013 which the EPA considered in reaching the current decision.

Agency Advice

To inform its consideration of Scheme Amendment 59 the EPA sought advice from the Department of State Development, which chairs the Port Hedland Dust Taskforce, and the Departments of Health, Environment Regulation and Planning, which are all members of the Taskforce.

The agencies advised the EPA that they did not support the progression of Scheme Amendment 59 in advance of the completion of the HRA. Rather, a precautionary approach was preferred where no new measures are passed that increase the short or long term residential populations of these areas until the results of the HRA are known.

The Department of Planning also advised the EPA that the proposed rezoning is contrary to the Pilbara's Port City Growth Plan, the Town of Port Hedland's local planning strategy, which was endorsed by the Western Australian Planning Commission in late 2012.

EPA Determination

On the basis of the information before it, and with reference to the Management Plan and agency advice, the EPA considers that a precautionary approach should be taken with respect to rezoning industrial land in the west end to land uses that would potentially increase the short or long term residential footprint in the area. The EPA considers, therefore, that the HRA should be completed prior to progression of Scheme Amendment 59. The Town of Port Hedland in consultation with the Port Hedland Dust Taskforce could revisit the scheme amendment once the HRA has reported and, if appropriate, refer it or a revised version of it for consideration under section 48A(1) of the EP Act.

In the absence of the completed HRA, the EPA has determined that Scheme Amendment 59 is by its nature incapable of being made environmentally acceptable.

ATTACHMENT 7 TO ITEM 11.1.1.3



Environmental Protection Authority

Document #: ICR40146
 Date: 19.08.2013
 Officer: LEONARD LONG
 File: 1809/0070 — JCL

Your Ref: 2012/328/1809/0070
 Our Ref: A592194
 Enquiries: Anthony Sheehan, 6145 0844
 Email: anthony.sheehan@epa.wa.gov.au

Mr Mal Osborne
 Chief Executive Officer
 Town Of Port Hedland
 Po Box 41
 PORT HEDLAND WA 6721

Dear Mr Osborne

NOTICE OF INTENT

SCHEME AMENDMENT TITLE: TPS 5 AMENDMENT 60
LOCATION: 88 ANDERSON STREET
LOCALITY: PORT HEDLAND
RESPONSIBLE AUTHORITY: TOWN OF PORT HEDLAND



On 31 January 2013 the Environmental Protection Authority (EPA) wrote to the Town of Port Hedland to advise that the referral of Scheme Amendment 60 was not a valid referral as further information was required from the Department of State Development, Department of Environment and Conservation, Department of Planning and Department of Health. These agencies have now provided information and the EPA has considered the advice.

Under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act), the EPA is inclined to determine that the scheme amendment is by its nature incapable of being made environmentally acceptable for the following reasons:

- In January 2009, the EPA issued *Environmental Protection Bulletin No. 2: Port Hedland Noise and Dust* (the Bulletin). The Bulletin cited international research that found that airborne dust comprised of PM10 sized fine particles significantly increased the risk of mortality. The Bulletin noted that the health effects of iron ore dust at the levels experienced in Port Hedland may therefore be greater than previously thought. The EPA recommended that the health effects of PM10 arising from sources such as dust in the absence of other sources be given urgent attention via a coordinated government and industry response.
- The National Environment Protection Council Review of the National Environment Protection (Ambient Air Quality) Measure (July 2010) affirms the adverse health effects of exposure to fine particles.

The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
 Postal Address: Locked Bag 10, East Perth, Western Australia 6002.

Telephone: (08) 6145 0800 | Facsimile: (08) 6145 0808 | Email: info@epa.wa.gov.au
 Website: www.epa.wa.gov.au

- In May 2009, the Premier established the Port Hedland Dust Management Taskforce to develop an integrated dust management plan for Port Hedland. The EPA is advised that at no time did the Taskforce contemplate that the land affected by Scheme Amendment 60, which is located in that part of Port Hedland that is subject to high levels of dust, would be rezoned from 'Industry' to 'Mixed Business'.
- The *Port Hedland Air Quality and Noise Management Plan* (the Management Plan) was released in 2010. The Management Plan reported that at the time of its release dust levels in the western end of Port Hedland exceeded national standards every third day. The Management Plan noted that this elevates the health risk to vulnerable people in the community (the elderly, very young and people with cardio-vascular or respiratory illnesses). The Management Plan also noted that the close proximity of residential areas to port operations increases the impact of dust.
- In March 2012, the Town of Port Hedland published the *Pilbara Port City Growth Plan*. The EPA understands that the Growth Plan was endorsed by the Western Australian Planning Commission in late 2012. The Growth Plan established a number of precincts. The land affected by Scheme Amendment 60 is in Precinct 1. The EPA notes that the Growth Plan intends for the land to remain zoned 'Industry'.
- The EPA notes that Scheme Amendment 60 would add the affected lot to Appendix 12 of the Town of Port Hedland Town Planning Scheme 5. As a consequence, 'Aged or Dependent Person Dwelling', 'Caretakers Dwelling', 'Grouped Dwelling', 'Home Occupation', 'Multiple Dwelling', 'Residential Dwelling' and 'Single House' land uses would not be allowed on these lots. The EPA understands that the intention of this is to prevent long term residential occupation of the land. The EPA supports this intention, but nevertheless considers that 'Consulting Rooms' and 'Medical Centres' should also be prohibited land uses as these are used by groups potentially at greater risk to the effects of dust.
- While the EPA acknowledges that short stay residential occupation of the land may be of less concern than long term occupation, it also presents a potential public health risk that is not fully understood at this time. The lack of enforceable controls to ensure that short stay land uses are only occupied for short periods, as defined in the Town Planning Scheme 5, reinforces the EPA's concern.

- The Management Plan included a recommendation that a formal Health Risk Assessment (HRA) be undertaken to provide better advice about the health impacts of Port Hedland dust. The EPA is advised that the HRA report is expected by the end of 2015. At that time, the Town of Port Hedland, regulatory agencies and the Taskforce will be in a better position to determine the appropriateness of additional long stay and short stay residential accommodation in the far west end of Port Hedland. Until the results of the HRA are known, the EPA is of the view that a precautionary approach should be taken to rezoning industrial land in the western end of Port Hedland to land uses that would potentially increase the residential footprint in the area.
- With respect to noise, the Management Plan reported that cumulative noise impacts were also of concern. Cumulative noise modeling has been commissioned in response to recommendations in the Management Plan. The modeling is expected to be completed later this year, but the EPA understands that early results suggest that development of land in the far west end may be constrained or require extensive noise mitigation.
- The proposed rezoning is inconsistent with *EPA Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses*. The Guidance Statement recommends a buffer distance of 1000 to 2000 metres between bulk material loading including ore and ore concentrate and sensitive land uses including residential development, hotels and motels.

On the basis of the information before it, the EPA believes that the environmental issues pertaining to the proposed Amendment cannot be resolved. However, it is recognised that you may wish to respond to the matters raised in this correspondence, or provide additional information to the EPA. If the EPA has not received your response in writing by 31 August 2013, the EPA will proceed to place its decision, that Scheme Amendment 60 is incapable of being made environmentally acceptable, on the public record and inform the Minister for Environment.

Yours sincerely

Dr Paul Vogel
CHAIRMAN

13 12 August 2013

cc: Department of Planning, Department of Environment Regulation, Department of Health, Department of State Development

11.1.1.4 Request to Amend the Purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 (File No.: 05/12/0008)

Officer Katherine Press
Lands and Technical Officer

Date 26 September 2013

Disclosure of Interest by Officer Nil

Summary

This report is before Council to request the purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 be amended from “Caravan Park” to “Caravan Park, Holiday Accommodation and Tourism”.

The amendment of the purpose of Reserve 29044 is required in order for the Town to proceed with the development of the Mixed Use Tourist Park, proposed on a portion of Reserve 29044 being Lot 300 on Deposited Plan 53035.

It is recommended that Council support the amendment to the purpose of the whole of Reserve 29044.

Background

The Town of Port Hedland currently holds the management order over Reserve 29044 for the purpose of “Caravan Park”, with the power to lease for a period of twenty one (21) years. A portion of the Reserve is currently leased to Caravan Park Cooke Point Pty Ltd, with the remainder of the reserve being vacant land.

Council resolved at its Ordinary Council Meeting of 8 August 2012, to authorise the development and issuance of a Request for Proposal (RFP) seeking a high quality tourist oriented caravan park on a portion of Reserve 29044 being Lot 300 on Deposited Plan 53035.

In response to the RFP the Town received two proposals, one from Ausco and the other from The Mac.

The RFP proposals were presented to Council at its Ordinary Council Meeting of 23 January 2013. At the meeting Council resolved to:

- “1. Invite both respondents: Ausco and The Mac to submit a redesign of their original proposals within 30 days (or a reasonable amount of time as negotiated by the Manager of Economic Development and Strategy) or notify the Town in writing they no longer wish to proceed with the RFP. This redesign is predicated on the acceptance by Council of a portion of the property being used as a motel style development. The redesign would include motel rooms, but create a more holistic fully serviced tourist holiday park on the site. The redesign of both projects should be presented to Council after detailed consultation with Town of Port Hedland officers and the two respondents and may include:*

 - A smaller proportion of land area to be dedicated to the motel style development without necessarily decreasing the yield of motel rooms. This could be accomplished by increasing the height of the motel style buildings while paying particular attention to good design in the context of setting;*
 - Moving the motel style development away from existing residential to the Western portion of the property;*
 - Increasing the landscaping or buffer treatment to adjacent residential;*
 - Enhancing the area dedicated to services such as dining and reception to create more of a village feel as opposed to current institutional or campus look;*
 - Increasing (or allocating) more space to chalet style development particularly adjacent to the existing residential development;*
 - More attention to the street frontage to avoid “dead zones” while respecting existing residential;*
 - Enhancement associated with a tourist park such as picnic areas.*
- 2. The requested redesigns are to be presented to the April Ordinary Council Meeting for a resolution;*
- 3. If both respondents are unwilling to amend the proposals Council authorises the Manager Economic Development & Strategy to begin the process of attempting to present the opportunity to other caravan park operators and to negotiate a private treaty in accordance with all provisions of the Local Government Act 1995; and*
- 4. Request that State Land Services amend the vesting of Reserve 29044, Lot 300 on deposited Plan 53035 (Pretty Pool Caravan Park Site) to allow a maximum term of lease of 30 years.”*

At the Special Council Meeting held on 8 May 2013, Council resolved to select “The Mac” as the preferred proponent for the development of a Mixed Use Tourist Park.

Please see Attachment 1 for the Location Plan.

Consultation

Nil

Policy Implications

11/001 TOURISM POLICY
VISION

Port Hedland will be recognized as a tourism destination in its own right, and as the Pilbara gateway to Karijini National Park.

As a result of new tourist attractions and facilities, destination marketing and improved townscape and entries, the percentage increase in visitors and their length of stay will exceed the State average for regional Western Australia by 2013.

Statutory Implications

Section 46 of the *Land Administration Act 1997* establishes the procedure for amending a purpose of a reserve.

Strategic Planning Implications

6.2	Economic	
6.2.1	Diverse Economy	
		Facilitate commercial, industry and town growth.
6.1	Community	
6.1.2	Vibrant	
		Develop Port Hedland's tourism industry to broaden the tourist opportunities available.

Budget Implications

Nil

Officer's Comment

The Town of Port Hedland currently holds the management order over Reserve 29044 for the purpose of "Caravan Park", with the power to lease for a period of twenty one (21) years.

The current purpose of Reserve 29044 does not accommodate for the development of a Mixed Use Tourist Park. In order for development of the proposed Mixed Use Tourist Park to proceed on a portion of Reserve 29044, the purpose of the whole Reserve is required to be amended to "Caravan Park, Holiday Accommodation and Tourism".

Amending the purpose of Reserve 29044 from 'Caravan Park' to 'Caravan Park, Holiday Accommodation and Tourism', will have no effect on the current use and lease of the Cooke Point Caravan Park.

Options

1. Support the resolution to amend the purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 from "Caravan Park" to "Caravan Park, Holiday Accommodation and Tourism".

Amending the purpose of Reserve 29044, will allow for the Mixed Use Tourist Park development to progress.

2. Refuse the resolution to amend the purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 from "Caravan Park" to "Caravan Park, Holiday Accommodation and Tourism".

Should Council not support the proposal, the Mixed Use Tourist Park cannot be developed on Reserve 29044.

Attachments

1. Location plan.

201314/157 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Hooper

That Council:

1. Support amending the purpose of Reserve 29044 being Lot 300 on Deposited Plan 53035, Lot 5822 on Deposited Plan 189904, Lot 5747 on Deposited Plan 216729, Lot 5771 on Deposited Plan 216778 and Lot 1382 on Deposited Plan 29206 from "Caravan Park" to "Caravan Park, Holiday Accommodation and Tourism"; and
2. Requests the Chief Executive Officer, or his delegate(s), to submit the request to amend the purpose of Reserve 29044 to the Department of Lands (State Land Services).

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.4



11.1.1.5 *Consideration of the Environmental Protection Authority Notice of Intent on Proposed Scheme Amendment 56 (File No.: 18/09/0074)*

Officer	Eber Butron Director Planning and Development
Date of Report	5 November 2013
Disclosure of Interest by Officer	Nil

Summary

Council at the Ordinary Council Meeting on the 25 July 2012 resolved to initiate Scheme Amendment 56 (the amendment) to the Town of Port Hedland Scheme No. 5 (TPS5).

The amendment generally seeks to create a 'Marina Development' zone within the Town of Port Hedland Town Planning Scheme No. 5 (TPS5). The amendment is required to enable the future development of a joint local and state government funded marina development which includes residential, commercial, tourism and marine industry.

As required by the Planning and Development Act 2005, the amendment was referred to the Environmental Protection Authority (EPA) for review on the 31 July 2012.

The EPA has recently provided Council with a Notice of Intent outlining the position to determine the amendment as incapable of being made environmentally acceptable. Prior to taking a final position and informing the Minister for Environment, the EPA has provided Council an opportunity to respond to matters raised in the correspondence, or provide additional information.

This report is before Council to confirm the level of response and/or additional information to return to the EPA.

Background

Council at the Ordinary Council Meeting on the 25 July 2012 resolved to initiate Scheme Amendment 56 (the amendment) to the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) including, but not limited to:

Initiate an amendment to the Town of Port Hedland Town Planning Scheme No 5 to:

- a. Rezone land from:
 - i. 'Parks and Recreation' Reservation to 'Marina Development' Zone;

- b. Insert, as an additional Zone in the Zoning Table, the 'Marina Development' Zone and associated permissibility of any development determined by an approved Development Plan. This will be notated in the Zoning Table, "Development is to be in accordance with an approved Development Plan";
- c. Create 'Development Plan Area Marina Development';
- d. Insert 'Marina Development' as item (i) under Sub-clause 5.2.1 of TPS 5;
- e. Insert the following text after Sub-clause 5.2.1 of TPS 5;
 - i. The Council can support subdivision or approve development in the 'Marina Development' Zone in the absence of an approved Development Plan where it is satisfied such a proposal will not prejudice the orderly and proper future planning and development of the surrounding area;
- f. Amend the Scheme Map to reflect zone and reserve changes described in 'a' above; and
- g. Amend the Scheme Map, Zoning Table and Scheme Text Appendix 5 – Development Plan Areas map to reflect the Development Plan Area changes described in 'c', 'd' and 'e' above.

As required under the Planning and Development Act 2005, the amendment was forwarded to the Environmental Protection Authority (EPA) for consideration under section 48A of the EP Act 1986. After the amendment was received by the EPA, the proponent requested the amendment be withdrawn to allow for further information to be provided.

In response to this request, the EPA then advised the Town the information provided was insufficient to enable the EPA to consider the amendment under section 48A of the EP Act 1986.

The EPA advised that upon receipt of sufficient information it would comply with section 48A of the EP Act 1986 and review the amendment.

The Special Council Meeting held on the 12 June 2013, resolved to change the previous decision on the amendment to include additional information. Modifications to the amendment can be summarised as follows:

- 1. Amend the proposed zoning table to include permissibility for land uses within the 'Marina Development' zone. Within land uses not permitted with the 'Marina Development' zone include, but not limited to:

- a. Aged or Dependent Persons Dwelling;
 - b. Single House;
 - c. Child Care Service;
 - d. Education Establishment;
 - e. Hospital;
 - f. Juvenile Detention Centre;
 - g. Medical Centre;
 - h. Nursing Home;
 - i. Prison.
2. Include provisions to ensure permanent residential land uses are subject to the dust mitigation sub-clauses 6.3.8 – 6.3.11 (inclusive) within the current TPS5.
3. Provide a new definition for 'Industry – Marine' and include the land use within the 'Marina Development' zone.
4. Provide a new definition for 'Education – Tertiary' and include the land use within the 'Marina Development' zone.
5. List the 'Marina' land use within the 'Marina Development' zone and prohibited in all other zones.

The modifications provide more clarity to the EPA on what type of development will ultimately occur within the 'Marina Development' zone. The additional provisions restrict certain land uses not compatible with the location and ensure suitable provisions are implemented consistent with the 'West End Residential' zone. The modifications were supported as they do not fundamentally alter the purpose of the amendment.

Council provided additional information to the EPA on the 19 June 2013 to allow for formal assessment of the amendment.

The EPA wrote to Council on the 4 October 2013 and outlined a position to determine the amendment as incapable of being made environmentally acceptable. However, prior to taking a final position and informing the Minister for Environment, the EPA has provided Council an opportunity to respond to matters raised in the correspondence or to provide additional information.

Should no response be received, the EPA will proceed to place the decision that Scheme Amendment 56 is incapable of being made environmentally acceptable and inform the Minister for Environment accordingly.

Consultation

Further consultation is subject to the outcomes of the EPA review. Should the EPA determine no environmental review is required the amendment will then be advertised for public comment.

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 undertake amendments.

Policy Implications

Nil

Strategic Planning Implications

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

Section 5.6.1 | Precinct 1 – West End

Precinct Plan Summary:

- Short-stay accommodation limited residential development.
- Coastal parklands nodes/lookouts, landmark waterfront development.

Precinct Highlight:

- Spoilbank development opportunities (coastal access, marina and accommodation).
- Yatch Club/RSL facility.
- Potential Boating Facility Site.

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

6.1	Community
6.1.1	Unified
	Increase in the number of physical, cultural and social facilities in Port Hedland.
6.1.2	Vibrant
	Increased number of recreational facilities available. Increased accommodation options available for tourists. Increased number of tourist activities available and advertised in Port Hedland. Developed and implemented plan to upgrade coastal access, infrastructure and amenities.
6.2	Economic
6.2.1	Diverse Economy

Increased numbers of industrial and retail businesses operating in the Town.

Increase in economic investments into the Town.

Increase in the range and type of businesses investing and operating in the Town.

6.3 Environment

6.3.1 Housing

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

Budget Implications

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

Officer's Comment

The need for a Marina in Port Hedland has long been recognised by both the Town of Port Hedland and the State Government.

As a result of commitments by both local and state government, the current and previous Local Planning Strategies, the Growth Plan and the Land Use Master Plan (LUMP), respectively, support the location of a Marina development located in the 'West End' of Port Hedland on the Spoilbank.

While the Spoilbank has been considered as the recommended marina location, several other possible marina sites were also investigated. The conclusion from this investigation was that the Spoilbank presented the most suitable option for a marina in Port Hedland. Key benefits of this location are the relatively short distance to navigable waters and the reduced breakwater cost due to protection afforded by the Spoilbank itself and reduced environmental constraints when compared to other options.

LandCorp, at the request of the Town of Port Hedland is pursuing the delivery of the Spoilbank Marina (project). Several design options were investigated for the project with a final recommendation accepted (recommendation). The recommendation envisions delivering a vibrant mix of land uses including retail, commercial, permanent residential and short stay accommodation. The permissibility of these land uses requires a scheme amendment.

A Business Case to State Government's Royalties for the Region successfully secured funding for the recommendation. The successful first round of funding is not directly for preparation of residential development sites. However, the funding is in context and support of the ultimate need for permanent residential development within the project.

This proposed amendment constitutes part of the required statutory planning to enable development of the Marina consistent with the recommendation.

In light of the above, the proposed scheme amendment is consistent with Council's strategic planning to facilitate the Spoilbank Marina. The recommendation for the Spoilbank Marina, including the ultimate development of permanent residential and short stay accommodation has been supported by State Government.

The land use permissibility and development control provisions recommended through the proposed scheme amendment are consistent and recent scheme amendment approvals. Approval of the proposed scheme amendment will ensure that permanent residential development is consistent with standards imposed within TPS5 for the 'West End Residential' zone.

The recommendation and secured funding for the Spoilbank Marina requires suitably controlled permanent residential land uses. This will be achieved through the proposed amendment, and it is therefore recommended Council reaffirm to support the proposed amendment without modifications.

Attachments

1. Environmental Protection Authority – Notice of Intent.

Options

1. Reaffirm the position to support the Scheme Amendment in the current form, and request the CEO to respond back to the Environmental Protection Authority Notice of Intent.

This option supports the recommended option for the Spoilbank Marina which includes permanent residential land uses. The amendment is consistent with the strategic growth of Port Hedland; is consistent with the recommended marina development option supported by the State Government; and is consistent with land use permissibility and development control provisions contained within TPS5 for the adjoining 'West End Residential' zone.

2. Modify the Scheme Amendment to make all residential land uses listed within the Zoning Table under the Town Planning Scheme No.5 not permitted in the Marina Development Zone.

Modifying the amendment to remove all residential land uses will require the recommended option for the marina, and the secured State funding to be reconsidered.

3. Modify the Scheme Amendment to make all permanent residential uses listed within the Zoning Table under the Town Planning Scheme No.5 not permitted in the Marina Development Zone, while retaining short stay and tourism residential land uses.

Modifying the amendment to remove all residential land uses will require the recommended option for the marina, and the secured State funding to be reconsidered.

Option 1 is recommended.

201314/158 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Melville

That Council reaffirm the position to support the Scheme Amendment No 56 (Marina Development Zone) in its current form, and request the Chief Executive Officer to respond to the Environmental Protection Authority Notice of Intent.

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.5



Environmental Protection Authority

Mr Mal Osborne
Chief Executive Officer
Town Of Port Hedland
Po Box 41
PORT HEDLAND WA 6721

Your Ref: 2012/245/18/09/0075
Our Ref: 2013-0000239120
Enquiries: Anthony Sheehan, 6145 0844
Email: anthony.sheehan@epa.wa.gov.au

Dear Mr Osborne

NOTICE OF INTENT

SCHEME AMENDMENT TITLE: TPS 5 AMENDMENT 56
LOCATION: PART LOT 5751 ATHOL STREET AND PART
LOTS 5550 AND 5178 SUTHERLAND STREET
LOCALITY: PORT HEDLAND
RESPONSIBLE AUTHORITY: TOWN OF PORT HEDLAND

On 23 August 2013, I wrote to the Directors General of the Departments of State Development, Planning, Health and Environment Regulation to seek their advice to inform the decision that the Environmental Protection Authority (EPA) is required to make for the above scheme amendment under section 48A of the *Environmental Protection Act 1986*.

I have received and considered the departmental advice and now write to inform you that I am inclined to determine that the scheme amendment is by its nature incapable of being made environmentally acceptable for the following reasons:

- In January 2009 the EPA issued *Environmental Protection Bulletin No. 2: Port Hedland Noise and Dust*. The Bulletin cited international research that found that airborne dust comprised of PM10 sized fine particles significantly increased the risk of mortality for exposed populations. These results suggest that the health effects of iron ore dust at the levels experienced in Port Hedland may be greater than previously thought. The EPA recommended that urgent attention be given to the matter.



The Atrium Level 8, 168 St Georges Terrace, Perth, Western Australia 6000.
Postal Address: Locked Bag 10, East Perth, Western Australia 6892.

Telephone: (08) 6145 0800 | Facsimile: (08) 6145 0896 | Email: info@epa.wa.gov.au
Website: www.epa.wa.gov.au

- In May 2009 the State Government established the Port Hedland Dust Taskforce to develop an integrated dust management plan for Port Hedland. The *Port Hedland Air Quality and Noise Management Plan* was released in 2010. The Management Plan reported that dust levels in the western end of Port Hedland exceeded national standards. The Management Plan noted that this elevated the health risk to vulnerable people in the community (the elderly, very young and people with cardio-vascular or respiratory illnesses).
- The Management Plan included a recommendation that a formal Health Risk Assessment (HRA) be undertaken to provide better advice about the health impacts of Port Hedland dust. The EPA is advised that the HRA is underway and on track to report in 2015. At that time, the Town of Port Hedland, regulatory agencies and the Taskforce will be in a better position to determine the appropriateness of additional development in the West End. Until the results of the HRA are known, the EPA is of the view that a precautionary approach should be taken to rezoning that would potentially increase the development footprint in the area.
- The Port Hedland Industry Council has commissioned air quality modelling using contemporary modelling tools and up to date data. The results are expected to be available in 2014 and together with the HRA in 2015 will inform land use planning decisions in the West End. The EPA suggests that the Town of Port Hedland liaise with the Port Hedland Industry Council to ensure that the modelling provides information relevant to the spoil bank. As indicated above, until the HRA and new air quality modelling is available, the EPA considers that applying a precautionary approach to new development in the West End is sensible.
- The proposed rezoning is inconsistent with *EPA Guidance Statement No. 3: Separation Distances between Industrial and Sensitive Land Uses*. The Guidance Statement recommends a buffer distance of 1000 to 2000 metres between bulk material loading including ore and ore concentrate, and sensitive land uses. The Guidance Statement is advisory only and recommends that where a recommended buffer cannot be met, site specific studies be undertaken to determine if the proposed land use is appropriate. Site specific studies have not been submitted with the referral.
- While Appendix 3 of the referral document did include a dust monitoring report prepared by RPS, no actual dust monitoring was undertaken by RPS. The report relied on published dust modeling and air quality assessments commissioned by BHP Billiton for its outer harbor proposal. RPS acknowledges in the report that it did not have access to the underlying dust monitoring data and therefore did not feel it was appropriate to extend dust contours across the spoilbank, the subject site of the proposed marina. RPS also stated in the report that it is of the opinion that additional data points would be required in order to provide the information required for the proposed development.

On the basis of the information before it, the EPA believes that the environmental issues pertaining to the proposed scheme amendment cannot be resolved prior to the publication of the HRA report. However, it is recognised that you may wish to respond to the matters raised in this correspondence, or provide additional information to the EPA. If the EPA has not received your response in writing by 15 November 2013, the EPA will proceed to place its decision that Scheme Amendment 56 is incapable of being made environmentally acceptable on the public record and inform the Minister for Environment accordingly.

While the Departments consulted by the EPA did not support progression of the scheme amendment before the HRA report is available, several indicated that some land uses and associated development might be acceptable in the intervening period. While the EPA did not form a view on this, it must deal with the scheme amendment before it, the EPA encourages the Town of Port Hedland to liaise directly with these Departments to determine if a viable land use mix can be identified. Before submitting a revised scheme amendment, however, the EPA strongly encourages the Town to ensure that the scheme amendment would be supported by relevant departments to facilitate passage of it through the approvals process.

Yours sincerely



Dr Paul Vogel
CHAIRMAN

4 October 2013

cc: Department of Planning
Department of Environment Regulation
Department of Health
Department of State Development

11.1.1.6 Proposed Amendment No. 67 to the Town of Port Hedland Town Planning Scheme No.5: Rezoning of Lots 350, 500, 832, 843, 1629, 5408, 5959, 6047, 6048 and 6049 Bell Street and Lot 6040 Leslie Street, Port Hedland from “Industry”, “Other Purposes – Infrastructure” and “Local Road” to “Transport Development”. (File No.: 18/09/0081)

Officer Leonard Long
Manager Planning
Services

Date of Report 14 October 2013

Disclosure of Interest by Officer Nil

Summary

The Town has received a request from Whelans on behalf of Venn Group Pty Ltd, the leaseholder of Lot 500 Bell Street, Port Hedland to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) to the following lots

Table 1:

Lot Number	Current Zoning	Proposed Zoning
350 Bell Street	“Other Purposes”	“Transport Development”
500 Bell Street	“Industry”	
832 Bell Street	“Industry”	
843 Bell Street	“Industry”	
1629 Bell Street	“Local Road”	
5408 Bell Street	“Industry”	
5959 Bell Street	“Industry”	
6047 Bell Street	“Industry”	
6048 Bell Street	“Industry”	
6049 Bell Street	“Local Road”	
6040 Leslie Street	“Industry”	

The request is supported by the Town’s Officers subject to a number of supporting studies being received and supports the proposal.

Council is requested to support the application as recommended by the Town’s Officers.

Background

Locality:

The subject area is located approximately 1.5 kilometres north of the airport terminal building and adjoins the Dampier Salt Mines to the north, with vacant unallocated tidal flats to the east and west.

Access to the area is achieved via the Great Northern Highway (Broome Road).

Zoning History:

Prior to the amendment of the Port Hedland Town Planning Scheme No 5, (Scheme Amendment 24) in February 2011, with the introduction of the "Transport Development". Any land zoned "Industry" could, with the approval of Council be used for the purposes of a "Storage facility / depot / laydown area, permitting the use of the lot for heavy trucking purposes.

The inclusion of the "Transport Development" zone removed the ability to develop an "Industry" zoned lot for the purposes of heavy trucking / transport.

One of the driving forces behind this amendment was to separate the large heavy vehicles (road trains) from the lighter industrial type vehicles within the Wedgefield industrial area.

During the prescribed consultation period no objections were received. The existing heavy trucking / transport uses which had obtained Council approval to operate prior to the gazettal of amendment 24, have been able to continue to operate under the non-conforming use right provisions of the Port Hedland Town Planning Scheme No. 5.

With regard to the subject amendment area, no Council approvals permitting heavy trucking / transport uses have been applied for prior to the gazettal of Scheme Amendment 24 by the landowners / lessees as a result the lots contained within the subject area cannot operate as a "Non-conforming" use right nor can such a land use be considered under the current zoning.

Proposed Zoning:

The applicant is requesting the initiation of an amendment to the Port Hedland Town Planning Scheme No 5, by rezoning the subject lots from their existing zoning to "Transport Development".

The proposed zoning if adopted would permit the lots within the amendment area to be used for inter alia a "Transport Depot", which is defined as follows:

"Transport Depot,

means land and buildings used or intended to be used for the transfer of goods or persons from one motor vehicle to another motor vehicle for hire or reward, or for the storage of goods delivered by road transport, and includes the maintenance, repair and garaging, parking or storage of such vehicles."

Proposed Scheme Amendment

The purpose of the proposed Amendment is to rezone the subject area to "Transport Development" which will allow the Town to consider transport related uses within the amendment area.

Impact on Approved Uses:

A search of the Towns records has indicated the following land use approvals exist for the lots within the amendment area:

Table 2:

Lot Number	Approved Land Use	Actual Land Use	Proposed Zoning Impact
350 Bell Street	"Local Road"	Vacant	Nil
500 Bell Street	Nil	Unauthorised "Transport Depot"	Nil
832 Bell Street	"Motor Vehicle and or Marine Repair"	"Motor Vehicle and or Marine Repair"	Nil
843 Bell Street	"Light Industry" Shed, Office and Ablution	Unauthorised "Transport Depot" & "Storage facility / depot / laydown area"	Nil
1629 Bell Street	"Local Road"	Unsealed road	Nil
5408 Bell Street	Boarding Kennels and cattery	Unauthorised "Transport Depot" & "Storage facility / depot / laydown area"	Nil
5959 Bell Street	"Storage Facility/Depot / Laydown Area"	Unauthorised "Transport Depot" & "Storage facility / depot / laydown area"	Nil
6047 Bell Street	Nil	Vacant	Nil
6048 Bell Street	Nil	Vacant	Nil
6049 Bell Street	"Local Road"	Vacant	Nil
6040 Leslie Street	Nil	Unauthorised "Transport Depot"	Nil

Consultation*Existing Landowners*

The majority of the lots within the amendment area are Unallocated Crown Land owned by the Department of Lands and leased to various third parties.

Preliminary consultation with the Department of Lands has resulted in the Departments verbal support subject to being consulted further should the amendment be initiated by Council.

Further Consultation

Should Council resolve to initiate this amendment as recommended, once the required reports / studies have been received and considered the amendment documentation will be submitted to the Environmental Protection Authority (EPA) pursuant to Section 81 of the Planning and Development Act, 2005. Subject to the Environmental Protect Authority consent the amendment will be advertised for public comment.

Should any objections be received as a result of the advertising / consultation a report will be brought back to Council to consider the objections.

Statutory Implications

The Planning and Development Act 2005 and the Town Planning Regulations 1967, provides Council the authority to amend its Local Planning Scheme and prescribes the procedure required to be undertaken.

Policy Implications

Nil

Strategic Planning Implications

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

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth. Create local employment Enhance supply of suitably located and supported industrial and retail land.

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

5.6.5 Precinct 5 – Dampier Salt & Surrounds

Precinct Statement

“The Dampier Salt & Surrounds precinct will continue to service the growth of Dampier Salt operations. It is an area widely recognized with the salt ponds clearly visible by locals and visitors alike from across the landscape.”

Budget Implications

The applicant has paid the prescribed fee of \$9,758.60 for the initiation of the amendment.

Officer’s Comment*Applicant’s justification for the proposed rezoning*

The proposed Amendment No. 67 is seeking to rezone the subject area from “Industry”, “Other Public – Infrastructure” and “Public Road” to “Transport Development”. The applicant has sort to justify the proposed amendment for the following key reasons:

- “It facilitates the maximum potential utilisation of the land for industrial and transport purposes;
- It shall allow for the immediate development, and future redevelopment, thus contributing to the areas effective operational capabilities and prime access to a major arterial haulage road (GNH); and
- Maximise the development potential of the land with more suitable land uses permissible within the Bell Street Precinct.”

Need

It is evident from Table 2, the majority of lots located within the amendment area are, whilst unauthorised used for either a “Transport Depot” and / or “ Storage facility / depot / laydown area”.

The proposed zoning of “Transport Development” will provide the lessees with the ability to submit a Development Application for consideration. In terms of the current zoning “Industry” a “Transport Depot” is not a permissible use and unable to be considered.

Should Council resolve not to initiate the amendment it would result in the existing uses remaining unauthorised and require the Planning Unit to begin legal procedures to bring any unauthorised uses in line with the existing zoning. This may ultimately lead to the loss of business and subsequent employment opportunities within the Town.

Desirability

The location of the amendment area in relation to main arterials linking the Town with the rest of Western Australia, as well as the Port Hedland International Airport makes the location extremely favourable for the uses permitted within the “Transport Development” zone.

The type of uses permitted within the proposed zoning are mostly uses that should be separated from other industrial type uses due to the large oversized vehicles commonly associated with a “Transport Development” zone.

Existing “Transport Development” zone

The amendment of the existing zoning to “Transport Development” results in direct competition with the existing “Transport Development” zone in Wedgefield, which at this stage is mostly vacant.

However, a number of the existing, albeit unauthorised “Transport Depot’s” within the amendment area have been operating in this location for a number of years.

The existing “Transport Depot’s” have invested into the properties and are unlikely to purchase lots within the Wedgefield “Transport Development” area.

Infrastructure

Should Council resolve to initiate the amendment, prior to forwarding the amendment to the Environmental Protection Agency, it is recommended the applicant have the following studies prepared by a suitably qualified engineer to the Town for approval.

1. Infrastructure capabilities / requirements (power, water), and
2. Traffic Impact Study, potential upgrade requirements / cost to the existing road and intersection with the highway.

Options

Council has the following options when considering the matter:

1. Initiate the amendment.

The initiation of the amendment will allow consideration for the development of transport related industries in the area and the formal referral process to commence.

2. Refuse to initiate the amendment

The refusal to initiate the amendment would not allow any consideration of transport related industries to be developed or supported within the area. Refusal would also result in the Planning Unit beginning legal action to bring the uses in line with the existing zoning.

Option 1 is recommended subject to conditions.

Attachments

1. Scheme Amendment Documentation (Under Separate Cover)

201314/159 Officer's Recommendation/ Council Decision**Moved: Cr Taylor****Seconded: Cr Gillingham**

That Council approves the request from Whelans on behalf of Venn Group Pty Ltd, the leaseholder of Lot 500 Bell Street, Port Hedland to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) subject to the following:

- 1. A copy of the proposed amendment to be sent to all the landowners and lessees affected by the amendment, providing a minimum of 28 days to provide comment to the Town.**
- 2. Subject to the above, pursuant to Part 5 of the Planning and Development Act 2005, initiate Scheme Amendment No.67 to the Town of Port Hedland Town Planning Scheme No.5 to:**
 - a. Rezone lots 350, 500, 832, 843, 1629, 5408, 5959, 6047, 6048 and 6049 Bell Street and Lot 6040 Leslie Street, Port Hedland from "Industry", "Other Purposes – Infrastructure" and "Local Road" to "Transport Development";**
 - b. Amend the Scheme map accordingly.**
- 3. Prior to forwarding the documentation to the Environmental Protection Authority (EPA), the applicant shall submit and have approved the following studies to the satisfaction of the Manager Planning Services:**
 - a. A Traffic Impact study;**
 - b. An Infrastructure Capacity Study;**
- 4. Subject to the above, forward Amendment No. 67 to the Town of Port Hedland Town Planning Scheme No.5 to the Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act, 2005; and**
- 5. Subject to confirmation from the Environmental Protection Authority (EPA) confirmation that the amendment is not subject to formal environmental assessment, advertise the amendment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended) for a period of 42 days.**

CARRIED 8/0

11.1.1.7 Request to amend the Townsite Boundary to include Lots 450, 451 and 358 - Western Edge (File No.: 18/12/0031)

Officer Jorine Bothma
Senior Strategic Planner

Date of Report 11 November 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of the report is to authorise the Minister for Lands to modify the townsite boundary located over the Western Edge Development Area by the inclusion of Lots 450, 451 and 358.

Consultation

The modification to the townsite boundary is effected by the Minister for Lands and no advertising is required by the Town to execute this process.

The land is the subject of Native Title deliberations and it is understood that the State is in the process of issuing a Notice of Intention to Take (NOITT). Once the NOITT lapses, the whole process of restarting the NOITT will begin again, and given that the land is currently not within the Townsite boundary, the NOITT will need to be issued and dealt with under section 29 of the *Native Title Act, 1993* which implies a 3 month advertising period. If the land is located within a Townsite boundary the NOITT can be addressed under Section 24MD (6A) and (6B) of the *Native Title Act, 1993* which only requires a 2 month advertising period.

Statutory Implications

The Development Plan for the Western Edge area was approved by Council in November 2012.

Furthermore, Lot 358 needs to be subdivided to distinguish between the developable portion of Lot 358 and the undevelopable 'Rural' zoned portion located within the Boodarie Industrial Buffer Special Control Area.

Policy Implications

The Development Plan area needs to be included within the Town of Port Hedland Local Planning Policy Area as a policy statement. The endorsement of the Development Plan as a policy statement is pursuant to the provisions contained within Clause 5.2.2 of the Town of Port Hedland Town Planning Scheme No.5

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2012-2011 are considered relevant to this proposal:

6.3 Environment

6.3.1 Housing

Increased percentages of land release to meet the demands of housing growth

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

Section 5.7.11

Precinct 11-City Centre

Proposed land use Residential-Town Centre precinct
Highlight 9: High end medium density residential

Section 5.7.10

Proposed land uses: Precinct 10-South Hedland West

Residential-Medium density

Residential-High density

Community Local Open Space/Recreation

Precinct Highlight 6: Open space 'green links' to South Creek environs

Precinct Highlight 10 Tertiary Education Facility/Centre for Excellence precinct.

Budget Implications

The change in the Town site boundary has no cost implications to the Town of Port Hedland. The subdivision of Lot 358 will be undertaken by Landcorp at their cost.

Officer's Comment

The Town has received an urgent request from the Department Lands to authorize the Minister for Lands to modify the townsite boundary and to include Lots 450 and 451 on Deposited Plan 74371 into the Town site boundary. (Attachment 2-townsite boundary).

In terms of Section 26 (2) of the *Land Administration Act, 1997* the Minister may 'by order'-

“(a) define and redefine the boundaries of, name, rename and cancel the names of, and, subject to this section, abolish land districts and town sites.”

LandCorp is carrying out the Western Edge subdivision and addressing the Notice of Intention To Take (NOITT) in existence over the Western Edge development area.

When reviewing the area as per Attachment 1 it was noted that Lot 358 was excluded from the initial request received from Department Lands and need to be included, together with Lots 450 and 451, into the townsite boundary (Attachment 2).

The matter was discussed with both Landcorp and Department of Lands. Neither parties objected to the inclusion of Lots 450, 451 and 358. Effectively this modification will ensure that the townsite boundary is outlining the Western Edge development area.

Currently the zoned South Hedland West Development Plan Area traverses through Lot 358 (separating it into 'Part A' and 'Part B').

Department of Lands confirmed that townsite boundaries can't be established over part lots and by implication Lot 358 will need to be subdivided. LandCorp has confirmed that the Western Edge development area has been surveyed and that Deposited Plans were already available.

The subdivision of Lot 358 has not taken place at the time of writing this report. LandCorp has indicated that it is able to undertake the subdivision at their cost.

'Part B' is located within the Boodarie Industrial Buffer Special Control Area, it must remain zoned 'Rural' and can't be developed for any other purpose in future. The townsite buffer will need to be modified again once the subdivision of Lot 358 is finalised to exclude 'Part B'.

The urgency of dealing with this matter relates to difficulty of contacting the Traditional Owners between December to March because of cultural reasons. By implication it will cause a delay in the development of the Western Edge.

The project is a priority of the Department of Lands to have the new NOITT issued. These 2 lots are located within the Kariyarra agreement area.

Attachments

1. Locality Plan depicting townsite boundary with respect to Lots 358, 450 and 451.
2. Scheme Map depicting the current and proposed Townsite boundary.

201314/160 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

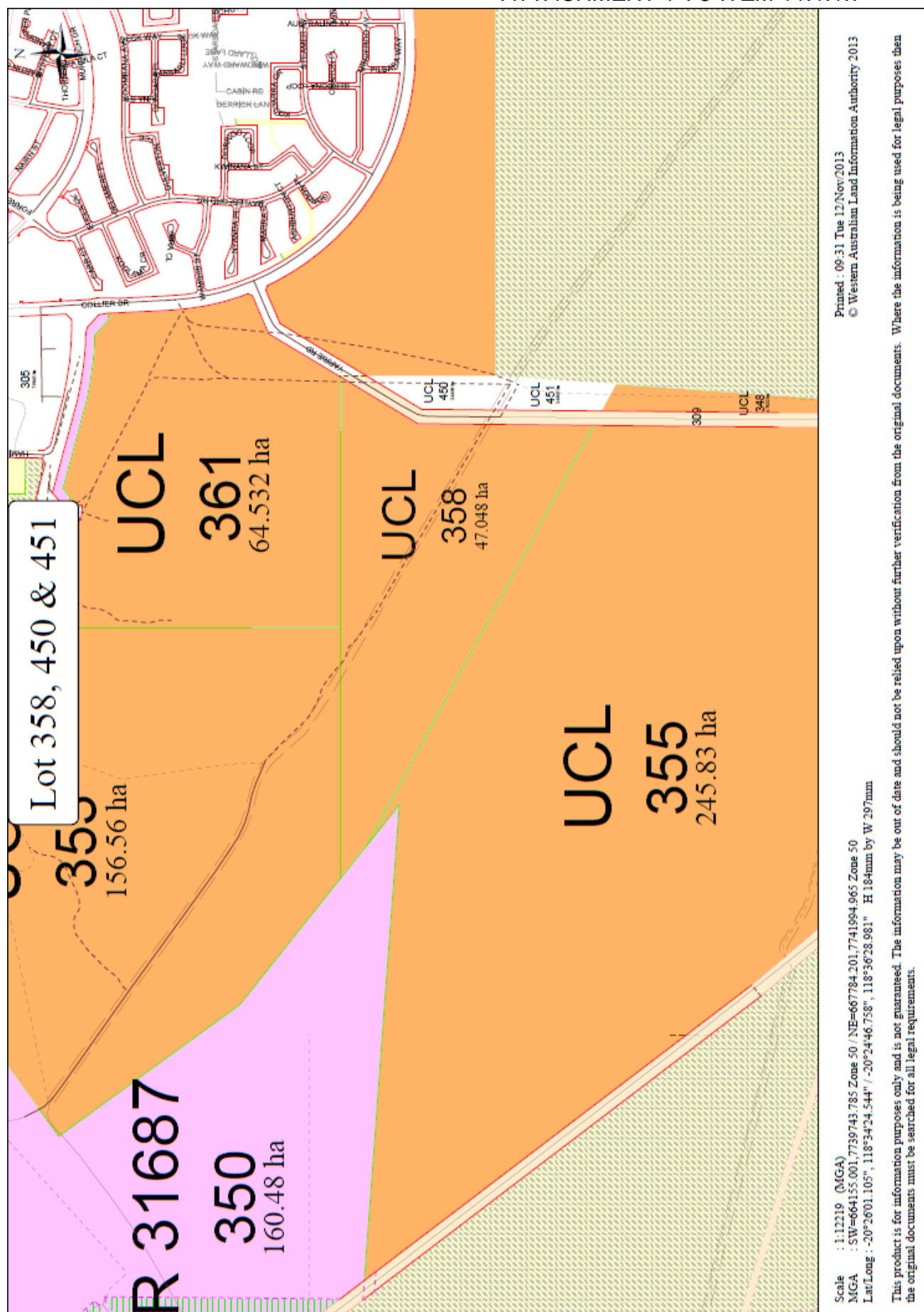
Seconded: Cr Hooper

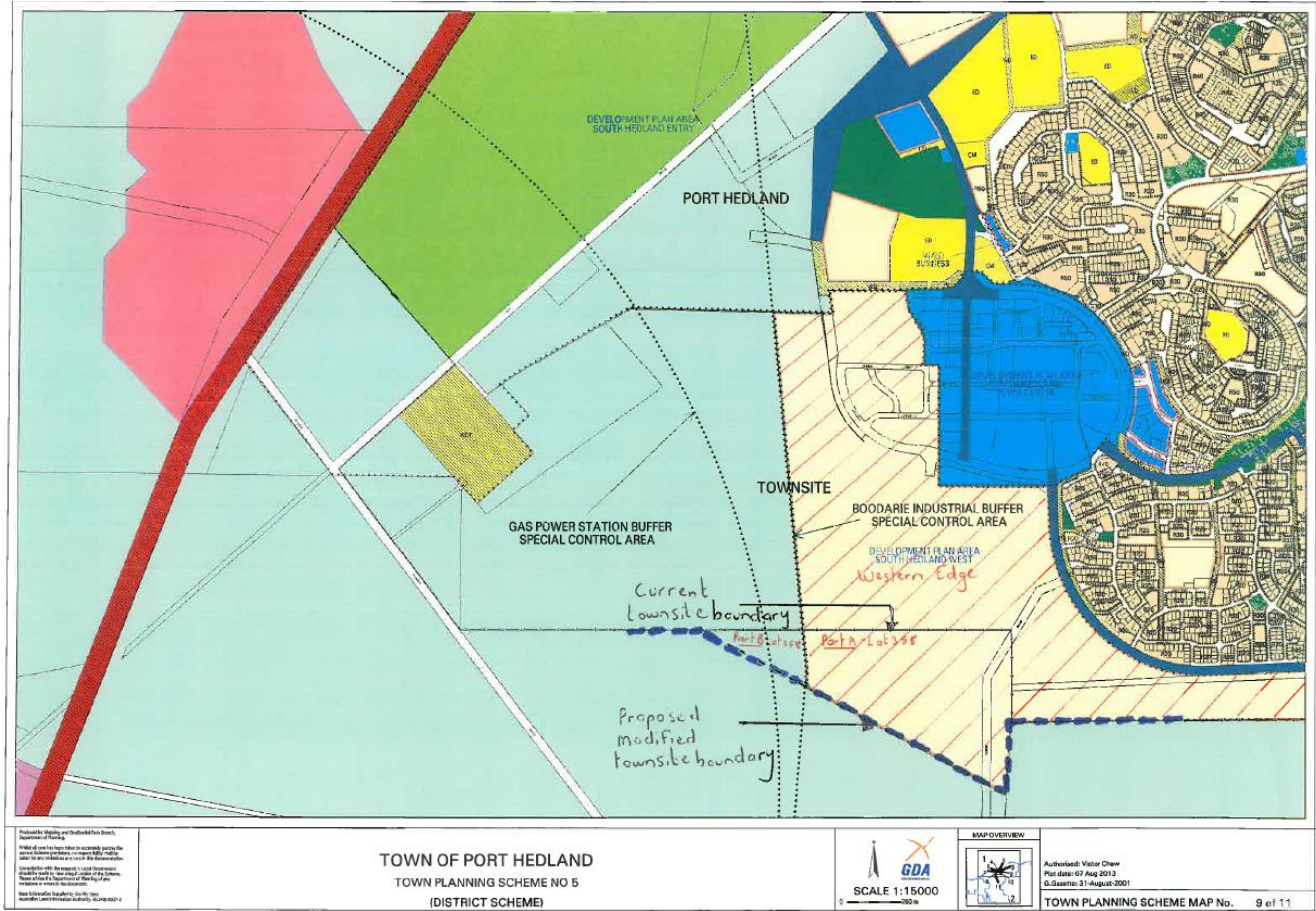
That Council:

- 1. Approves the modification of the townsite boundary to include Lots 450, 451 and 358;**
- 2. Requests the Minister for Lands to effect the modifications to the townsite boundary; and**
- 3. Advise LandCorp to subdivide 'Part B' of Lot 358 from 'Part A' of Lot 358 at their cost to align with the surveyed Western Edge development area.**

CARRIED 8/0

ATTACHMENT 1 TO ITEM 11.1.1.7





This page has been left blank intentionally.

11.1.2 Building Services**11.1.2.1 *Additional Delegations under the Building Act 2011 (File No.: 13/02/0001)***

Officer Rebecca Somerford
Compliance Officer Building Services

Date of Report 30 October 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks Council's adoption of an amendment to the Delegation Register, namely delegating the power to determine certified building and occupancy permits to the Director of Planning and Development, Development Assessment Facilitator, Compliance Officer(s) and the Lands and Technical Officer(s).

Background

Currently, the power to approve building and occupancy permits is only delegated to the Towns Manager of Building Services and Building Surveyors.

A recent review of the Building Act 2011, which came into force in April 2012, has confirmed that any local government employee can be delegated the ability to determine certified building and occupancy permits.

Consultation

Town of Port Hedland – Governance, Manager Building Services and Director Planning and Development.

Statutory Implications

Building Act 2011, sections 18, 20, 22, 23 and 24
Building Act 2011, sections 55, 58, 59, 60, 62 and 65
Building Act 2011, section 127

Policy Implications

Nil

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2012 - 2022 is considered relevant:

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

Budget Implications

Nil

Officer's Comment

The Building Act 2011 does not require officers with building surveying qualifications to determine certified applications. Certified applications are accompanied with a certificate prepared by a private building surveyor certifying that the building or structure is, or will be, compliant with the relevant building standards.

Relevantly, section 144 of the Building Act 2011 states that the Act does not create a duty for the local government to check the accuracy of fact or the soundness of opinion asserted by the private certifier in those certificates. The duty of the assessing officer is solely to determine the administrative requirements of the Act have been met.

The Director of Planning and Development, Development Assessment Facilitator, Compliance Officer(s) and Lands and Technical Officer(s) are the most appropriate officers at the Town, aside from the building surveyors, to assess building and occupancy permits.

Delegation of the power to determine building and occupancy permits to the above officers will increase the rate at which building and occupancy permits are determined by the Town and allow the building surveyors to focus their attention on determining uncertified applications and the enforcement of compliance issues.

Attachments

Nil

201314/161 Officer's Recommendation/ Council Decision**Moved: Cr Gillingham****Seconded: Cr Van Vugt****That Council:**

- 1. Adopts the proposed amendment to the Delegation Register 2013/14, namely:**
 - a. Director Planning and Development, Development Assessment Facilitator, Compliance Officer(s) and Lands and Technical Officer(s) be added as delegates to Part 3.2 (Building Permits and Certificates of Design Compliance) under sections 18, 20, 22, 23 and 24 of the Building Act 2011; and**
 - b. Director Planning and Development, Development Assessment Facilitator, Compliance Officer(s) and Lands and Technical Officer(s) be added as delegates to Part 3.3 (Occupancy Permit, Building Approval Certificate, Certificate of Building Compliance, Certificate of Construction compliance with or without conditions and extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate) under sections 55, 58, 59, 60, 62 and 65.**

CARRIED BY ABSOLUTE MAJORITY 8/0

11.1.3 Environmental Health Services**11.1.3.1 *Authorisation of Powers under the Emergency Management Act 2005 (File No.: 09/06/0002)***

Officer Neil Abernethy
Emergency Management Officer

Date of Report 5 November 2013

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to request Council to authorise by Council resolution their powers under the *Emergency Management Act 2005 (EM Act)* to the Chief Executive Officer (CEO), the Director of Planning and Development Services, Manager of Environmental Health, all Rangers and the Emergency Management Officer. These powers are restricted and only relate to Council taking action on specific matters relating to vegetation and premises (buildings) on land.

If authorised, it will allow the CEO, the Director of Planning and Development Services, Manager of Environmental Health, all Rangers and the Emergency Management Officer, to sign off on written directions to property owners or occupiers to take action if in his opinion any vegetation or premises (buildings) on land in our area, as a result of cyclonic activity may result in :-

- a. loss of life, prejudice to the safety, or harm to the health, of persons or animals; or
- b. destroy or damage property or any part of the environment.

At present, the power of Local Government to take action, give directions or undertake works under sections 46, 47 & 48 of the *EM Act* lies with Council which would require a report to Council for their consideration and resolution. This report is seeking to streamline the processes in those sections in a timely manner by authorising the CEO, the Director of Planning and Development Services, Manager of Environmental Health, all Rangers and the Emergency Management Officer to act on Councils behalf.

Background

The Town of Port Hedland is a designated cyclonic area under section 16 of the *EM Act* and as such can take specific action in relation to vegetation or premises (buildings) on land.

To date, the officer is not aware of Council utilising its powers under 46, 47 & 48 as officers normally achieve compliance by negotiation and this enforcement process will continue. A written direction will only be given as a last resort if the negotiated compliance process cannot achieve the desired outcome in a timely manner.

Consultation

Recently, the Manager of Environmental Health attended a professional legislation review workshop in Perth and recommended that a more graduated enforcement process be incorporated into the *EM Act*.

Currently, Council has a negotiated enforcement strategy followed by the service of a written direction for non-compliance. It was recommended to the workshop that a more graduated enforcement procedure be incorporated into the Act. This involves the ability to issue of an improvement order/request in the first instance, followed by a possible infringement notice for non-compliance with the improvement order and then the issue of a written direction as required. It is considered that this improved graduated process would allow Local Government to achieve greater coverage in a more timely manner.

Statutory Implications

Section 45 of the *EM Act* headed "Exercise of Powers under this Division" states:-

"The powers given to a local government by this Division can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers".

Sections 46, 47 & 48 allow Local Government to take action, give directions or undertake works in default with costs being recoverable in court. Currently, the power to issue written directions and undertake other actions lies with Council.

Policy Implications

Nil

Strategic Planning Implications

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

6.2 Environment

6.3.2 Community Facilities

Standard facilities and services available in Port Hedland are equal to Perth, with travel only required for specialist services.

Developed and implemented environmental protection and management plan.

6.4	Local Leadership
6.4.1	Strategic
	Governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.
6.4.2	Community Focused
	All statutory and other requirements are met to provide a safe working environment

Budget Implications

As outlined above, sections 46, 47 & 48 allow Local Government to take action, give directions or undertake works in default of required works not being completed.

If a written direction is issued by the Town they will have a responsibility to carry out the works in default which may necessitate the engagement of contractors (if possible) to complete the required works. The costs associated with these default works will need to be carried by the Town until such time as they are recovered in court and payment made.

Officer's Comment

As outlined above, Council has limited powers to issue written directions for vegetation and premises (buildings) on land under the *EM Act*. The officer cannot recall these powers being utilised by Council in the past however, this report seeks to streamline that process if required in the future.

Normally, the officers can achieve negotiated compliance and residents, commercial properties, builders and developers are normally quite prepared to have their properties cyclone ready. The issue of written directions is a timely process and the negotiated compliance process will continue to be utilised with written directions only being issued as a last resort.

If a written direction is issued by the Town they will have a responsibility to carry out the requirements of the direction in default which may necessitate the engagement of suitable contractors if available to complete the required works.

It will be recommended that Council authorise the CEO, the Director of Planning and Development Services, Manager of Environmental Health, all Rangers and the Emergency Management Officer to act on their behalf to streamline the process if further action is required under the Act to achieve a timely outcome.

Attachments

Nil

201314/162 Officer's Recommendation/ Council Decision**Moved: Cr Hooper****Seconded: Cr Gillingham**

That Council authorise the Chief Executive Officer, Director Planning and Development Services, Manager Environmental Health, all Rangers and Emergency Management Officer to act on their behalf in accordance with Part 3, Division 3:

- **section 46 - Power of local government to destroy dangerous vegetation or premises in cyclone area;**
- **section 47 - Local government may require owner or occupier of land to take action;**
- **section 48 - Additional powers when direction given of the Emergency Management Act 2005.**

CARRIED 8/0

11.1.4 Economic and Land Development Services**11.1.4.1 *20 Hectare Solar farm at the Kingsford Business Park Request for Proposal Responses (File no.: RFP 13-22)***

Officer **Brie Holland**
Economic
Development &
Strategy Coordinator

Date of Report **5 November 2013**

Disclosure of Interest by Officer **Nil**

Summary

A Request for Proposal (RFP) process was undertaken to seek a lease for the design, construction and operation of a 20 hectare (ha) solar farm in the Kingsford Business Park.

This item outlines the process undertaken, provides a summary of the shortlisted responses and recommends Council appoint BeauSol/First Solar as the preferred respondent for the design, construction and operation of a 20 hectare (ha) solar farm at the Kingsford Business Park.

Background

A Request for Proposal (RFP) process was undertaken to seek a lease for the design, construction and operation of a 20 ha solar farm on land identified as part Lot 2444 on Plan 212197 (subject to survey) positioned to the south east corner of the Kingsford Business Park, with proposed lease term to be no less than 20 years and no greater than 50 years which allows time for a return on investment.

Council resolved on 22 May 2012 to authorise the development and issuance of a RFP for 100ha of land. This RFP was seen as a pilot project which will initially focus on 20ha of the 100ha allocated land set aside for energy production. The RFP was advertised for 85 days from 17 June 2013 closing 9 September 2013.

Council has received five responses with four being compliant proposals from BeauSol/First Solar, Commsolar, Logsys Power Services and Sunseap Leasing Pte Ltd. The Town's assessment panel then shortlisted the responses according to their scores against the Qualitative Criteria to the top three in order of average scores being; BeauSol/First Solar (59%), Commsolar (55.8%) and Logsys Power Services (53.3%).

The shortlisted proposals were then forwarded to the President of the Australian Solar Council, Mr Steve Blume for a future expert review who concurred with the panel's decision and reasoning that BeauSol/First Solar proposal received the highest scoring. Mr Blume has made a list of recommendations that the Town needs to carry beforehand, in the event that a preferred respondent is recommended and before it enters into any contractual negotiations with the said respondent, which will be detailed further in this item.

100ha to a 20ha Solar farm RFP

The Ordinary Council Meeting (OCM) on 22 May 2012 resolved (201213/391) that Council:

1. *That Council requests the Chief Executive Officer or his delegate to prepare and advertise a Request for Proposal for an approximate total area of 100ha at the Town's freehold airport land; made up of part Lot 2443 on Plan 42443 and on part Lot 2444 on Plan 212197, subject to survey, in accordance with the provisions of section 3.58 of the Local Government Act 1995 for the purpose of energy production.*

After discussions with the Pilbara's energy provider Horizon Power, brokered by the Pilbara Development Commission, early in June 2013 who highlighted the concern over the current grids capacity to cope with energy produced from 100ha of land, it was agreed that the Town would carry out a pilot project on 20ha.

Request for Proposal Process

The RFP undertaken to seek the lease, design, construction and operation of a 20ha solar farm was advertised in the West Australian, on Monday 17 June and in the North West Telegraph on Wednesday 19 June 2013.

The Town held a Perth based pre-bid presentation on Monday 22 July 2013 at the Town of Bassendean Council Chambers to an attendance of 50 people; 32 different companies; majority from Perth however there were eight (8) interstate attendees from – Sydney six (6), Melbourne one (1) and Brisbane one (1). The presentation was carried out by the Economic Development team and the Program Director Airport Redevelopment sitting on the panel to assist in the question and answers section of the pre-bid.

The objective of the pre-bid presentation is to present the RFP formally and to take all questions relating to the RFP. A copy of the presentation was sent out to each of the 103 registrations for the RFP (whether they attended the briefing or not) on Thursday 25 July 2013 and two Addendums (once internally approved) were issued Thursday 1 August 2013.

The closing date for submissions was Monday 9 September 2013, after an 85 day advertising period. Council received five proposals in total which included those received from BeauSol/First Solar, Logsys Power Services, Sunseap Leasing Pte Ltd, Commsolar and Century Solar Energy. All proposals minus Century Solar Energy met the set of Compliance Criteria clearly stated in the RFP.

An evaluation committee of four key Council staff members discussed and confirmed the top three shortlisted proposals on 15 October 2013, based on scoring the proposals against the following six Qualitative Criteria;

No.	Qualitative Criteria	Weight
1	Demonstrated experience in operating a similar development	20%
2	Feasibility analysis	20%
3	a. Memorandum of Understanding of Power Purchase Agreement(s) with potential off-taker(s) b. Provide details or a commercial model for a bilateral subsidised energy agreement with the Town of Port Hedland for its energy costs associated with its Port Hedland International Airport.	5% 15%
4	Financial methodology	15%
5	Return to Council from the Lease	20%
6	Use of Local industry's goods and services	5%
	TOTAL	100%

Consultation

External

- Pilbara Development Commission
- Horizon Power
- Australian Solar Council

Internal

- Manager of Economic Development and Strategy
- Coordinator of Economic Development and Strategy
- Program Director Airport Redevelopment
- Airport Development Officer
- Manager of Investment and Business Development

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tenders for providing goods or services

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance to the *Local Government Act (1995)*:

...

- (e) *a matter that if disclosed, would reveal — ...*
 (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; ...*

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

Policy Implications

The RFP process outlined in this report is in accordance with Council's Procurement Policy and Tender Policy

Strategic Implications

Council's Strategic Community Plans 2012 - 2022

6.2 Economic

6.2.1 Diverse Economy

Facilitate commercial, industry and town growth.
 Create local employment and investment and diversity the economy.
 Enhance supply of suitably located and supported industrial and retail land.
 Work closely with businesses to achieve sustainable economic growth and a broad economic base.
 Encourage entrepreneurship through local programs, including business incubating, business advisory, local investment funds, and other programs geared toward generating new products, services and businesses.

Budget Implications

Current expenditure thus far from the Kingsford Business Park expenditure general ledger account 1210253:

No.	Cost description	Cost
1	Travel for Manager of Economic Development and Strategy to attend Pre-Bid meeting in Perth	\$ 971
2	APC Property Valuation	\$1,500
3	Outsourcing Solar farm expert for review of the assessment process: Mr Steve Blume	\$4,990
	TOTAL	\$7,461

Should Council choose a preferred Respondent from this RFP evaluation process then the project will be subject to the following costs, anticipated from the Kingsford Business Park expenditure general ledger account 1210253;

No.	Cost description	Estimated Cost
1	Outsourcing an expert consultant to carry out an energy audit and future energy needs assessment of the Airport; including a more comprehensive financial case as the basis for proceeding with the subsidised energy offer	\$5 - \$7,500
2	Outsourcing an expert consultant to negotiate better prices, terms and conditions for existing supply at the Airport and possibly other Council owned buildings	\$2,500
3	Credit Valuation report	\$ 500
4	Business Plan advertising in the State and Local Newspaper	\$1,500
	TOTAL	\$12,000 + TBA

Officer's Comment

Each of the six qualitative criteria are summarised in point form for each of the three shortlisted proposals received. These are detailed below;

Rank 1st - BeauSol/First Solar (Average Score 59 / 100)

1. Demonstrated experience in operating a similar development

- First-hand experience in designing, constructing and currently operating Australia's first utility-scale 10 megawatt (MW) solar plant in Geraldton Western Australia: the Greenough River Solar farm. First Solar provided turnkey engineering, procurement, construction and long term operations and maintenance for the site.
- Establishment of other solar farm projects in Broken Hill and Nyngan (New South Wales), Blythe (California, USA) and Cimarron (Colfax Country, New Mexico, USA).

2. Feasibility analysis

- Noted a long approval process required to finalise all statutory compliances, hence put forward an offer of developing the 20ha site in two phases; 3ha for exclusive use by the Airport and the remaining 17ha once other off-takers had been secured.

- Clearly stated that the development of the site depends upon network technical studies and subsequent cost estimates from Horizon Power for network augmentation and cost of carriage of the energy to customer sites that are remote from the airport site.
- Have a well-established relationship with Horizon Power and have commenced discussions previously in relation to their proposal.
- Technology proposed to be used is: created by First Solar called the Cadium Telluride Photovoltaic (PV).
- Timeframe to build first phase (3ha) after approval process: 3 months.

3a. Memorandum of Understanding of Power Purchase Agreement(s) with potential off-taker(s)

- To be noted, no Memorandum of Understanding was received by any of the Respondents. All stated that Power Purchase Agreements (signed contractual agreement to purchase the power generated from the proposed solar farm) cannot be negotiated until they have been chosen as the preferred Respondent.

3b. Provide details or a commercial model for a bilateral subsidised energy agreement with the Town of Port Hedland for its energy costs associated with its Port Hedland International Airport.

Confidential Attachment 1

4. Financial methodology

- Has confirmation from the Local Government Super (NSW) that they will provide investment support for BeauSol in this proposed 20ha solar farm.

5. Return to Council from the Lease

Confidential Attachment 1

6. Use of Local industry's goods and services

- Hire locally where possible. States that a vast majority of on-site jobs and a significant proportion of off-site jobs would be filled locally. States the Greenough solar farm created 100 jobs through the construction and maintenance of the project.

Rank 2nd CommSolar (Average Score 55.8 / 100)

1. Demonstrated experience in operating a similar development

- Has solid small scale roof solar panel experience, regionally at the Newman Airport and Leinster, however no experience in constructing and operating solar farms.

2. Feasibility analysis

- Carried out a comprehensive risk assessment.
- Technology proposed to be used is: Photovoltaic (PV).
- Timeframe to build all 20ha after approval process: 7 months (dependant on securing all off-takers purchasing the proposed energy).

3a. Memorandum of Understanding of Power Purchase Agreement(s) with potential off-taker(s)

- To be noted, no Memorandum of Understanding was received by any of the Respondents. All stated that Power Purchase Agreements (signed contractual agreement to purchase the power generated from the proposed solar farm) cannot be negotiated until they have been chosen as the preferred Respondent.

3b. Provide details or a commercial model for a bilateral subsidised energy agreement with the Town of Port Hedland for its energy costs associated with its Port Hedland International Airport.

Confidential Attachment 1

4. Financial methodology

- Not provided.

5. Return to Council from the Lease

Confidential Attachment 1

6. Use of Local industry's goods and services

- Comprehensive approach proposed.

Rank 3rd Logsys Power Services (Average Score 53.3 / 100)

1. Demonstrated experience in operating a similar development

- Local operator in Wedgefield, involved in the South Hedland and Wedgefield Underground project, however no experience in constructing and operating solar farms.

- The company is an approved Preferred Supplier to WALGA for the Concentrator Photovoltaic (CPV) technology designed and manufactured by Soitec.

2. Feasibility analysis

- Noted a long approval process required to finalise all statutory compliances and wanted to put forward the concept of Phase one (which they've been marked on) - connecting power to the Airport - comprehensive plan given including cables, excavation requirements and other very specific engineering tasks.
- Technology proposed to be used is: Concentrator Photovoltaic (CPV).
- Two phase development plan given. Phase one - 2ha/ 1MW (produce approximately 2,274,000 MWh per annum and Phase two - 18ha/ 8MW. Impressed with the additional of recycling analysis of the plant at the end of its life.
- Timeframe to build first phase after approval process: 9 months.

3a. Memorandum of Understanding of Power Purchase Agreement(s) with potential off-taker(s)

- To be noted, no Memorandum of Understanding was received by any of the Respondents. All stated that Power Purchase Agreements (signed contractual agreement to purchase the power generated from the proposed solar farm) cannot be negotiated until they have been chosen as the preferred Respondent.

3b. Provide details or a commercial model for a bilateral subsidised energy agreement with the Town of Port Hedland for its energy costs associated with its Port Hedland International Airport.

Confidential Attachment 1

4. Financial methodology

- Logsys, its shareholders and investors provide 30%, balanced provided by a Bank Loan and or Government incentives.

5. Return to Council from the Lease

Confidential Attachment 1

6. Use of Local industry's goods and services

- Locally based business, operating from Wedgefield.

**Confirmation of Assessment process by the Town –
Commissioning of Solar farm Expert: Australian Solar Council,
President Mr Steve Blume**

The panel decided to outsource an expert opinion on the assessment process and the scores allocated. The Australian Solar Council was contacted to see if they would like to give an unbiased opinion in relation to the findings. The President of the Council Mr Steve Blume was appointed as a consultant to carry out the assessment within two weeks. Mr Blume's prior capacity was the Senior Adviser of Environment and Sustainable Development to Hon Simon Corbell MLA, of the Australian Capital Territory. All three proponents gave permission for their proposals to be sent to Mr Blume for future assessment.

The Town received Mr Blume's formal response on Monday 4 November 2013, highlighted below are the most important key notes from his assessment paper;

'In my opinion the process and documentation and assessment have been first class. This is a novel project for a smaller local Government in Australia and although there are a few others underway already the Town of Port Hedland can accept credit for the leadership involved. Although there are local driver peculiar to your town, the project is indicative of a strategic approach to Future energy use that should be emulated by other LG players at all levels – Council should be congratulated. '

'...the comments in the qualitative assessments are thorough and have drawn correct inferences from the proposals. I can really not add no more to the Assessment Matrix and see little point in redoing or critiquing what is already excellent works by the Port Hedland team'

'...I concur with the resulting Scorecard Totals...with BeauSol/ First Solar (having the highest score)'

'Energy project at all scales demand one critical success factor: someone must purchase the power generated and at a price that delivers an acceptable internal rate of return to all parties over the required financing period'

(Recommendations before contract negotiations) - 'Your local issues add some complexity and risk to what has been proposed by the respondents...I recommend that the Town;...

- 1. Renew discussions with Horizon Power to determine the potential for a partnership or joint venture for a long term solar energy and storage supply augmentation for the Town;*
- 2. Carry out a more comprehensive financial case as the basis for proceeding (Airport and other off-takers);*

3. Carry out an energy audit and future energy needs (Airport);
and
4. Confirm an energy storage solution (Airport)

This item takes into consideration all comments made by Mr Blume and the recommendations have been written on his expert advice.

Summary

BeauSol/First Solar is recommended as the preferred respondent, as confirmed by the Towns assessment panel and the expert solar farm advisor, Mr. Blume based on; experience, financial security and the subsidised energy agreement scoring– compared to Commsolar and Logsys. BeauSol/ First Solar present a solid proposal to the Town being the most experienced in delivering and currently operating a solar farm based on their current experience with the 10WH solar farm in Greenough - Geraldton. They are also willing to build 3ha of the farm for the Town's immediate use, independent of securing other off-takers of energy for the remaining 17ha.

The most recent data reviewed shows that the Airport currently uses 3,090,090 kWh per annum or 8,466 kWh per day. Horizon Power charges the supply of electricity to the Airport at a commercial L4 tariff tabled below which equates to approximately \$1,088,717 per annum electricity bill for the Airport;

Supply charge Description	L4 Charge
Supply charge <i>Cents per day</i>	\$0.4999
Electricity charge <i>Cents per unit for first 1,650 units per day</i>	\$0.3522
Electricity charge <i>Cents per unit for more than 1,650 units per day</i>	\$0.3202

The Town has been formally advised in Tariff Bill notifications dated 5 July 2013 from Horizon Power that the;

'...State Government is currently reviewing the abovementioned L4 Tariffs and that the charges may result in a based increase.'

Confidential Attachment 1 Summary Paragraph 1

The assessment panel noted and Mr. Blume confirmed that, in order to utilise all of the energy generated from the proposed 3ha solar farm to the Airport as mentioned above, an energy storage solution should be investigated. Traditionally these storage solutions have not been cheap. However it is believed that the savings made will pay back the cost of the unit within a maximum timeframe of five years. This solution needs to be further investigated and confirmed prior to the Town entering into any contractual discussions with BeauSol/ First Solar. For the record none of the shortlisted Respondents offered an energy storage solution within their proposals, nor was it a requirement of the RFP.

Confidential Attachment 1 Summary Paragraph 2

In relation to the financial methodology of the proposal, on average Superfunds have investment profiles fitting the 30 – 40 year range which is ideal when looking at energy generation projects to finance. BeauSol have managed to secure the Local Government Super (NSW) as the providers of investment support in the area of renewable energy infrastructure for the proposed solar farm at the Town. This is a very secure financing mechanism which has been confirmed if BeauSol/ First Solar are the chosen preferred respondents.

The broad objective of this development is to diversify the Town of Port Hedland's economy by developing a sustainable energy industry. Guaranteed access to utilities such as water and electricity cannot be taken for granted particularly in the Pilbara. As electricity prices rise and installation costs fall people in general are turning to installing solar panels on their homes to subsidise the increasingly expensive but essential energy source. Reliance on electricity won't change but the method of generating it can. Attitudes towards solar farming have come a long way. If Council chooses to appoint BeauSol/ First Solar as the preferred respondent, it has a real opportunity in reducing its carbon footprint with real commercial and reputational benefits.

Credit valuation

This report will be recommending that if Council chooses to select a preferred respondent that it is subject to a satisfactory credit valuation assessment, from an independent auditor.

Alternative option

An alternative option for Council is to reject all proposals. This is not supported.

Attachments

1. **CONFIDENTIAL** Financial information for the Qualitative Criteria 3b and 5, including analytical information in the Officers Comment summary section; for the three shortlisted proposals for Request for Proposal 13/22 20 Ha. (Under Separate Cover)

201314/163 Officer's Recommendation/ Council Decision**Moved: Cr Hooper****Seconded: Cr Daccache****That Council:**

- 1. Selects BeauSol/First Solar as the preferred proponent for leasing 20ha (subject to survey) of land namely part Lot 2444 on Plan 212197 positioned to the south east corner of the Kingsford Business Park, for a time frame to be confirmed no less than 20 years, no greater than 50 years which allows time for a return on the investment:**
 - a. For the design, construction and operation of a solar farm acknowledged as a two-phase development; namely being the proposal's first phase on 3ha (estimate) for the Airport usage and the proposed second phase on the remaining 17ha (estimate) subject to confirmation of additional off-takers.**
- 2. Approve the preparation and advertisement of a business plan for six weeks in accordance with the provisions of sections 3.58 and 3.59 of the *Local Government Act 1995* outlining the proposed lease of a first phase of 3ha portion (airport usage) on part Lot 2444 on Plan 212197 to BeauSol/First Solar.**
 - a. Subject to the Town including a current energy audit and future energy needs assessment of its Airport;**
 - b. Subject to the Town confirming the cost of an energy storage solution for the proposed Airport energy usage; and**
 - c. Subject to a satisfactory Credit Valuation in the form of a Business Information Report request carried out by Dun & Bradstreet.**
- 3. Requests the Town of Port Hedland Staff report back to Council on the public submissions received as a result of that business plan and then recommend a course of action in relation to the proposed land leasehold between the Town of Port Hedland and BeauSol/First Solar for the 1st phase of the development;**
- 4. Requests that the Town of Port Hedland renew their dialogue (and if necessary appoint an industry expert to negotiate on the Town's behalf) with Horizon Power in relation to negotiation better prices, terms and conditions for existing supply at the Airport in light of the BeauSol/First Solar farm proposal;**

- 5. Request the BeauSol/First Solar continue their dialogue with potential off-takers and stakeholders (Town officers to assist when appropriate and necessary) in the energy field for the second 17ha phase of the solar farm; and**
- 6. Authorises the Chief Executive Officer to negotiate with initially the second ranked proponent, and finally the third ranked proponent, should the preferred proponent not advise of their willingness to proceed with the project by 30 June 2014.**

CARRIED 8/0

11.1.4.2 JD Hardie Centre-Request for Proposals Response Part of Reserve # 41675 (File No. 130019G)

Officer David J. Westbury
Manager Economic
Development and Strategy

Date of Report 9 October 2013

Disclosure of Interest by Officer Nil

Summary

The issuance of a Request for Proposals (RFP) was approved by Council on 22 May 2013 for an 8,600 square metre property adjacent to the JD Hardie Centre Part on Lot 5991 Deposited Plan 219898 within Recreational Reserve 41675 for residential land development purposes (Staff Housing). The Town subsequently issued the RFP with responses due back on 10 September 2013.

The Town has received one reply and this item provides a summary of the response and recommends Council resolve to appoint a preferred developer being Cottier JV Pty Ltd and authorise the preparation and advertising of a Business Plan in accordance with Section 3.58 and 3.59 of *Local Government Act 1995*.

Background

At the meeting on the 22 February 2012 the Town of Port Hedland Council approved the excision and acquisition of a section of Recreational Reserve #41675 for land development purposes. Subsequently, a business case was prepared and submitted to the Department of Regional Development and Lands (RDL) identifying other recreational reserves in the immediate vicinity while recognising this property as surplus.

On the 18 February 2013 the parcel was appraised by the Department of Lands at its unimproved value totalling \$2,970,000.00. This acquisition was approved by Council on 6 March 2013 for the price of \$135,000 which is 5% of the unimproved market value.

A RFP process was then resolved by Council on the 22nd May 2013 pertaining to the property for land development purposes including a component of staff housing. The Town subsequently issued that RFP with responses due back on 10 September 2013.

Request for Proposals Process

There were 4 Qualitative Criteria, all having equal weight of 25%;

- a. Demonstrated experience
- b. Quality of the proposed layout

- c. The timing and capacity of the entity making the proposal to complete the project
- d. Terms and amount for the purchase of the property from Council.

Consultation

Internal

- Concept Forum, Elected Members 24 April 2013
- Planning and Development

External

- Department of Lands – Pilbara Division

Endorsed documentation

- Active Open Space Strategy, final report September 2011
- Government Land Policy Manual-Policy No. 04.0105

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tenders for providing goods or services

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

Policy Implications

Nil

Strategic Planning Implications

Council's *Strategic Community Plan 2012-2022* identifies Strategic Themes and Performance Indicators relating to Workforce and Land Development Projects including the following:

6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth.
6.3	Environment
6.3.1	Housing
	Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013.

6.4	Local Leadership
6.4.3	Capable
	Attract, develop and retain a productive and effective workforce to deliver the Strategic Community Plan.

Budget Implications

This specific item will only incur costs in relation to advertising, administrative, the required re-zoning and legal advice. In addition, the project should deliver 9 units of housing which will need to be maintained over time.

Officer's Comments

Each of the four qualitative criteria of the RFP is summarized in below:

Cottier JV Pty Ltd

Demonstrated experience

The project as proposed is a joint venture between Heaton Investments Pty Ltd, Goldstar Consulting Pty Ltd and the Hickory Group. All three of these entities have extensive experience in property development. This experience includes several projects in the later stages of development planning or currently under construction in Port Hedland.

This experience includes:

- Concorde South-10 Forrest Circle South Hedland-which comprises 77 units and is in the advanced stages of preconstruction
- Port View Apartments-McKay Street Port Hedland-comprises 21 One Bedroom prefabricated units with the development nearing completion

Quality of the proposed site layout and design of the housing in relation to location and environment.

The site plans submitted complies with critical elements of the proposed R40 zoning. Some key elements of the plan are as follows:

- A mixture of group dwellings and multiple units in 1 bedroom, 2 bedroom and 3 bedrooms layouts
- 20% 1 Bedroom units which is consistent with Council's policy of not more than 25%
- Lower density located on those boundaries close to adjoining single family houses
- Car parking located away from street frontage
- More density located along Cottier Drive and near the JD Hardie Centre to provide increased passive surveillance.

Provision of Services analysis

Cottier JV Pty Ltd has extensively investigated the provision of services for the development in relation to power, water and sewer and has included the cost analysis of all connections into the developments capital expenditure.

The Timing and capacity of the entity making the proposal to complete the project.

A construction timing program was provided as part of the Cottier JV Pty Ltd proposal with the following key milestones

- Lodgement of Planning Application-30 Days from date that the TOPH have title to the land and gazettal of Zoning to R40
- Lodgement of Building License-42 Days from the Issuance of Planning Approval by TOPH
- Construction Timeframe-34 Weeks from issuance of Building Permit

It is important to note that the project financing will be dependent upon the Cottier JV Pty Ltd achieving presales of units. The JV has requested 180 days from planning approval of the development to achieve this benchmark. This is not an unreasonable request given that the Town will not allow finance to be raised against the security of the land as part of the proposal. The requirement could make the above timeline impossible to implement and thus the milestones should be considered indicative.

Summary

The Town received only one response to the RFP. Upon analysis the Cottier JV Pty Ltd proposal is a thoroughly researched well-crafted proposal advantageous to the Town. The mix of units will be very beneficial as the town endeavours to attract a mix of staff at all levels to implement the Community Strategic Plan. The proposed mechanisms of the development work well with the Town's acquisition method from the Department of Lands and never put the property at risk.

The objective of this development is to provide Staff Housing at little or no cost to the Town. Council recently adopted the *Staff Housing Strategy* at its OCM Wednesday 12 December 2012. A key outcome the strategy recommends that the Towns needs 37 houses built by 2013/2014 and a total of 58 dwellings are built by 2016 in order for the organization to grow as per Work Force Plan 2012 – 2016. The proposal by Cottier JV Pty Ltd will provide nine dwellings freehold to the Town. This is 20 percent of the total houses needed for the Town by 2013/2014, without the Town using its valuable resources being; neither staff nor money (besides the \$154,000 already approved and budgeted for the purchase of the land from the State) to project manage the development.

Currently the Town pays an estimated \$31,000 - \$38,000 per week for private rentals to house its staff. It could be argued that having staff so close together in the one complex isn't an ideal situation regarding privacy however the Town is in a staff housing crisis and this particular proposed development doesn't need to be viewed as a permanent solution. In a few years if Council finds itself in a position where staff housing isn't a crisis, Council may choose to retain a portion of the proposed development and sell the remaining or alternatively, once additional housing stock comes online staff can be asked to relocate, if specified upfront in future. It should be noted, that because of the acquisition method funds derived from the sale of these homes must be reinvested in recreational reserves in the vicinity of the JD Hardie Centre.

Credit valuation

This report will be recommending that if Council chooses to select Cottier JV Pty Ltd as preferred proponent that it is subject to a satisfactory credit valuation assessment, from an independent auditor.

Personal Property Securities Act

In an act to safeguard any default in the development of the land prior to pre sales, the Town will ensure protection of the land known as part reserve 41675 within the contractual arrangements by a means of registration under the Personal Property Securities Act.

Attachments

1. Confidential Cottier JV Pty Ltd Submittal (Under Separate Cover)
2. Confidential Price Schedule for RFP #13-18 JD Hardie Centre- Request for Proposals Response Part of Reserve # 41675 (Under Separate Cover)

201314/164 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Hooper

That Council:

1. **Selects Cottier JV Pty Ltd as the preferred proponent for the development of housing on 8,600 square meter property adjacent to the JD Hardie Centre Part on Lot 5991 Deposited Plan 219898 within Recreational Reserve 41675:**
 - a. **Subject to a satisfactory Credit Valuation in the form of a Business information report**
2. **Approve the preparation and advertising of a business plan for six weeks in accordance with the Section 3.58 and 3.59 of the *Local Government Act 1995*;**

3. Requests the Town of Port Hedland Staff report back to Council on the public submissions received as a result of that business plan and then recommend a course of action in relation to the proposed property disposition between the Town of Port Hedland and Cottier JV Pty Ltd; and
4. In an act to safeguard any default in the development of the land prior to pre sales, the Town will ensure protection of the part reserve 41675 within the contractual arrangements by a mean of registration under the Personal Property Securities Act.

CARRIED 8/0

11.2 Engineering Services

Nil

11.3 Community Development

Nil

11.4 Corporate Services**11.4.1 Finance****11.4.1.1 *Interim Financial Reports to Council for the Period Ended 30 September 2013 (File Nos: FIN-008, FIN-014 and RAT-009)***

Officer Kalwant Dhillon
Manager Financial Services

Date of Report 8 November 2013

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town for the period ended 30 September 2013, in comparison to the year-to-date budget. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2012/13.

Background**1. *Interim Financial Statements***

The following interim financial reports are attached for the period ended 30 September 2013:

- Statement of Interim Financial Activity (Attachment 1 – see Schedules 2 to 14);
- Statement of Interim Financial Activity (Attachment 1 – see Notes 3 to 11);

2. *Utility and Fuel Costs*

Presented in graph form is the 2013/14 monthly water, power and fuel costs compared with 2012/13.

3. *Schedule of Accounts Paid – Attachment 2*

The Schedule of Accounts paid under delegated authority which is submitted to Council on 27 November 2013 for noting, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and delivery of services, and verification of prices, computations and costs.

Consultation

Nil

Statutory Implications

Financial Statements

Regulation 34 of the Local Government (Financial Management Regulations), states as follows:

“34. Financial activity statement report - s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail:*
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) budget estimates to the end of the month to which the statement relates;*
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing:*
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*
- (3) The information in a statement of financial activity may be shown:*
 - (a) according to nature and type classification;*
 - (b) by program; or*
 - (c) by business unit.*
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be:*
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) recorded in the minutes of the meeting at which it is presented.*
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS, to be used in statements of financial activity for reporting material variances.*

Section 6.12 of the Local Government Act 1995 (Power to defer, grant discounts, waive or write off debts) states:

“(1) Subject to subsection (2) and any other written law, a local government may –

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money,*
which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power."*

Policy Implications

2/003 Financial Statements – Copies for Councillors

Apart from the financial reports presented to Council as required by way of legislation, the following reports will be presented to Council:

Monthly

- Bank Reconciliation of the Municipal, Reserve and Trust Fund
- +90 day outstanding Sundry Debtors Report
- List of Accounts paid under Delegated Authority
- Register of Investments
- Rate Summary Trial Balance
- Reserve Account Balances.

Quarterly

- Quarterly Budget Review
- Report on all Budgeted Grants of \$50,000 or more

Irregular Financial reports will be presented to Council as deemed necessary by the Director, Corporate Services or Manager, Financial Services or requested by Council by resolution.

Strategic Planning Implications

6.4 Local Leadership

6.4.1 Strategic

Deliver high quality corporate governance, accountability and compliance.

Fiscal accountability

Reporting is carried out as required on the Council's legislative and organisational performance.

Deliver responsible management of infrastructure, assets, resources and technology.

Responsible and transparent management of financial resources.

Budget Implications

The Special Meeting held on 31 July 2013, resolved to adopt item 6.3.1 'Adoption of the 2013/2014 Budget' en block with the exception of Recommendation 20, which included Recommendation 19 as follows:

"Recommendation 19

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, that Council adopts the following percentage or dollar value for determining and reporting material variances in 2013/14 as follows:

- i) 10% of the Function amended budget; or*
- ii) \$100,000 of the Function amended budget*

whichever is the lesser, for the following categories of revenue and expenditure:

- i) Operating Revenue*
- ii) Operating Expenditure*
- iii) Non-Operating Revenue*
- iv) Non-Operating Expenditure"*

Officer's Comment

For the purpose of explaining Material Variance (see Attachment 1, Schedule 2) a three-part approach was taken:

Period Variation

Relates specifically to the value of Variance between the Budget and Actual figures for the period of the report.

Primary Reason

Identifies the primary reasons for the period Variance. As the report is aimed at the higher level analysis, minor contributing factors are not reported.

Budget Impact

Forecasts the likely dollar impact on the Adopted Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments**1. Monthly Statement of Business Activity (Under Separate Cover)**

- | | | |
|-----|---|----------------|
| 1.1 | Schedule 2, an Statement of Interim Financial Activity. | Pages 2 |
| 1.2 | Notes 3 to 11 which form part of the Interim Statement of Financial Activity. | Pages 3 to 18 |
| 1.3 | Schedule 3 -14, Detailed Interim Financial Activity by Program. | Pages 19 to 73 |
| 1.4 | Comparison of Utility & Fuel Costs (2013/14 vs 2012/13). | Pages 74 to 76 |

2. September 2013 Listings for Payment (Under Separate Cover)**2013/14/165 Officer's Recommendation/ Council Decision****Moved: Cr Daccache****Seconded: Cr Van Vugt****That Council note the:**

- 1. Financial Statements as at 30 September 2013;**
- 2. Graphic representation of the Town's energy, water and fuel use;**
- 3. List of Accounts paid during September 2013 under Delegated Authority; and**
- 4. Financial Statements will remain interim until after all year end processes are undertaken and the audit of the Financial Statements for 2012/13 are adopted by the Council.**

CARRIED 8/0

201314/166 Council Decision**Moved: Cr Daccache****Seconded: Cr Gillingham**

That Council in accordance with section 8.11 'Suspension' of the Town of Port Hedland Standing Orders Local Law suspend section 8.3 and 8.9.

CARRIED 8/0

6:40pm Deputy Mayor advised that Standing Orders are suspended.

201314/167 Council Decision**Moved: Cr Hooper****Seconded: Cr Daccache**

That Council in accordance with section 8.11 'Suspension' of the Town of Port Hedland Standing Orders Local Law resume section 8.3 and 8.9.

CARRIED 8/0

6:45pm Deputy Mayor advised that Standing Orders are resumed.

11.4.1.2 Efficiency Dividends Achieved for October 2013**Officer****Kalwant Dhillon
Manager Financial Services****Date of Report****8 November 2013****Disclosure of Interest by Officer****Nil****Summary**

The objective of this paper is to report to Council the efficiency dividends achieved by the Town of Port Hedland for the month of October 2013 for its consideration and endorsement.

Background

An efficiency dividend of \$1.93 million was incorporated in the 2013/14 budget to provide a challenge to the organization to improve the efficiency and effectiveness of the facilities and services provided to the community.

The efficiency dividend is anticipated to be achieved through the following areas:

- Staff cost savings including vacancies
- Savings in other operating expenses including travel and energy savings

- Additional revenues arising from existing and new sources

Staff vacancies will be reviewed by the management team in order to ensure that the position is still required and paid at the appropriate salary level. Whilst this may cause delays in recruitment of staff this would allow the organisation to rationalize their staff resources and achieve the efficiency dividend where possible and appropriate. Similarly, higher duties allowances will be monitored closely by management and payments for these allowances in relation to short-term "Acting" opportunities will be restricted.

The Managers will be taking the efficiency dividend into consideration in their decision making process moving forward and a formal process has been established to monitor and report the efficiency dividends through the Managers' meetings on a monthly basis.

Previously the efficiency dividend report has been presented to Council on a monthly basis. It is proposed as a way forward that this report will now be presented in conjunction with quarterly budget reviews with any savings, additional revenue streams and any additional expenditure identified to Council within this process.

Consultation

- All Managers
- Executive Team

Statutory Implications

Local Government Act – Part 6 Financial Management

Local Government (Financial Management) Regulations 1996 – Part 3

Policy Implications

Nil

Strategic Planning Implications

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance
6.4.2	Community Focused
	Provide a community-oriented organization that delivers the high levels of service expected by our stakeholders

Budget Implications

If Council endorses the efficiency dividends for the month of October 2013, the net impact on the Budget would be nil, but the GL accounts identified in Attachment 1 would be modified.

Officer's Comment

The Management Team has worked through a formal process to identify the efficiency dividend on a monthly basis and for the month of October 2013 the efficiency dividends achieved is summarized below:

Summary of Efficiency Dividends Achieved for October 2013

	Municipal Fund \$	Airport Reserve \$	Accumulated Total to Date	
			Municipal Fund \$	Airport Reserve \$
Cost Savings	45,565	7,216	236,529	33,609
Transfer from Airport Reserve	0	7,216		
Total Impact on Efficiency Dividend	45,565	0		

Details of the efficiency dividends achieved for October 2013 are outlined in Attachment 1. Please note the figures above do not reflect the budgetary impact arising from the increase in elected member remuneration as resolved at 23 October 2013 Ordinary Council meeting. This negative budget variation is included as part of the September quarterly budget review.

It should be noted that the individual general ledger accounts listed in Attachment 1 include corporate areas which are recommended to be adjusted. The monthly review does not take into account any adjustments that are then required in relation to the administration costs to be distributed across all business units, which is a "flow on effect" of adjustments to corporate costs.

Any amendments required for the administration cost distribution and therefore other associated reserve transfers will be identified during each quarterly budget review and proposed for amendment at that stage in order to simplify the efficiency dividend review.

Attachments

1. Summary of Efficiency Dividends for October 2013

201314/168 Officer's Recommendation/ Council Decision**Moved: Cr Hooper****Seconded: Cr Daccache****That Council:**

- 1. Note the efficiency dividends achieved for the month of October 2013 being \$45,565 attributed to the Municipal Fund and \$7,216 attributed to the Airport Business Unit;**
- 2. Approve the budget adjustments reflected in the variation column of Attachment 1 as a result of efficiency dividends achieved for October 2013 recognizing that the adjustments will maintain a balanced budget position for the Town; and**
- 3. Note that the administration costs distributed and other subsequent adjustments will be identified in each budget review for consideration in order to simplify the monthly efficiency dividend review process.**

CARRIED 8/0

This page has been left blank intentionally.

ATTACHMENT 1 TO ITEM 11.4.1.2

SUMMARY OF EFFICIENCY DIVIDENDS - OCTOBER 2013								
Description	GL Account Description	G/L Reference	Original Budget \$	Amended Budget after September ED \$	Proposed Budget \$	Variance/ Efficiency Div \$	Funding Source	
							Municipal Fund	Airport Reserve
Expenditure Impacts Staff Cost Savings	Human Resources	Salaries	669,486	612,641	603,218	9,423	9,423	
		Super	72,519	66,604	65,732	872	872	
		Vehicle	3,500	2,671	1,683	988	988	
	Organisational Development	Salaries	922,610	892,039	885,434	6,605	6,605	
		Super	95,808	92,954	92,343	611	611	
	Environmental Health Services	Salaries	456,304	439,792	433,187	6,605	6,605	
		Super	51,919	50,404	49,793	611	611	
	Information Communication Technology	Salaries	461,164	428,107	418,223	9,884	9,884	
		Super	52,600	48,319	47,572	747	747	
	Building Control	Salaries	554,481	552,039	551,225	814	814	
	Super	58,157	55,007	53,957	1,050	1,050		
Planning	Salaries	1,184,785	1,177,832	1,178,053	6,732	6,732		
	Super	124,626	123,983	124,003	623	623		
Airport Administration	Salaries	2,168,827	2,144,657	2,138,052	6,605	6,605		
	Super	210,481	208,258	207,647	611	611		
Sub-Total (Staffing Cost)						52,781	45,565	7,216
Other Operating Cost Savings						-	-	-
Nil						-	-	-
Other Impacts						-	-	-
Council Decisions						-	-	-
TOTAL OPERATING COST SAVINGS						52,781	45,565	7,216
Revenue Impacts								
Airport Administration	T/F from Ap Capital Works Reserve	1210398	- 31,468,668	- 31,442,275	- 31,435,059	- 7,216	-	7,216
TOTAL NEW REVENUE STREAMS						-	-	7,216
Total Efficiency Dividend Impact for October		1407274	- 1,930,000	- 1,739,036	- 1,693,471	45,565	- 45,565	-
NET BUDGET IMPACT						-	-	-
Accumulative Efficiency Dividend Savings						-	236,529	33,609

This page has been left blank intentionally.

11.5 Office of the CEO

11.5.1 Organisational Development

11.5.1.1 Adoption of Policy: 4/007 Elected Member Representation-Pilbara Regional Council, Regional Roads Group and Local Emergency Management Committee

Officer Debra Summers
Manager Organisational Development

Date of Report 4 November 2013

Disclosure of Interest by Officer Nil

Summary

This report recommends to the Council that it adopts the draft policy, 4/007 Elected Member Representation- Pilbara Regional Council, Regional Roads Group and Local Emergency Management Committee. This policy designates the Mayor and Deputy Mayor as the Town of Port Hedland representatives on these external groups.

Background

Pilbara Regional Council (PRC)

The PRC was established, in accordance with Section 3.61.the Local Government Act 1995, in 2000, in concert with PRC Establishment Agreement, to represent the interests of the local governments in the region at a strategic level and to source funding to support these initiatives.

The four local governments (participants) are represented by the eight-member Pilbara Regional Council.

The appointment of a member to the PRC is also defined under point 6.1 of the Establishment Agreement as follows:

- (1) *A Participant is to appoint two members of the council of the Participant to be a member of the PRC.*
- (2) *A Participant may appoint other members of the council of the Participant who may act temporarily in place of the member of the PRC appointed by the Participant during any period in which the member of the PRC is unable by reason of illness, temporary absence from the State, conflict of interest or for any other cause to perform the functions of the office.*

Tenure of members of the PRC is defined in the Establishment Agreement which also references Section 2.32 and 2.33 of the Local Government Act with regard to extenuating circumstances under which tenure ceases other than defined in the Agreement. Accordingly, a member of the PRC is to hold office until:

- (a) *the member ceases to be a member of the council of the Participant; or*
- (b) *the member is removed by the Participant, whichever is the earlier.*

Regional Roads Group (RRG)

The Regional Road Group in the Pilbara is established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC).

In accordance with the State Roads Funds to Local Government Agreement, membership of Regional Roads Groups is to comprise elected local government representatives as appointed under the Local Government Act with all local governments being represented. The Regional Road Group is managed by the Department of Main Roads and makes recommendations to the State Road Funds to Local Government Advisory Committee in relation to the Annual Local Government Roads Program for its region and any other relevant strategic issues.

Local government Elected Member participation on the Regional Roads Groups is supported by a guideline titled 'Roles and Responsibilities of Regional Roads Group Members' and operates in accordance with the Agreement. However, there is no prescription in either document as to the number or tenure of the Town of Port Hedland Elected Member representation other than they must be currently elected to the Council of the Town of Port Hedland.

RRG meetings are historically held to coincide with meetings of the PRC so previously Town of Port Hedland representation on both these groups has been reflective of each other.

Local Emergency Management Committee (LEMC)

In accordance with the Emergency Management Act 2005, each District of Western Australia is required to form a District Emergency Management Committee (DEMC) to allow for various agencies and organisations to meet to discuss the prevention of , preparedness for, response to and recovery from emergency situations for the District. The DEMC sits in Karratha, and a sub district committee, the Local Emergency Management Committee (LEMC) has been established in accordance with the Act. The Town of Port Hedland chairs the LEMC for Port Hedland and has created the "Town of Port Hedland Local Emergency Management Arrangement" in conjunction with the other LEMC member agencies. This Arrangement designates the Mayor as the chair.

The LEMC's current membership involves stakeholders such as police, emergency services agencies in the district, major industry representatives, Port Authority representatives, water and electricity providers, Health Department representatives and Town of Port Hedland officers.

Consultation

- Pilbara Regional Council
- Relevant Town of Port Hedland Officers
- PRC
- Department of Main Roads

Statutory Implications

- Local Government Act
- Main Roads Act 1930
- Road Traffic Act 1974
- Emergency Management Act 2005
- PRC Establishment Agreement
- State Road Funds to Local Government Agreement
- Town of Port Hedland Local Emergency Arrangement

Policy Implications

Should the officers recommendation be adopted 4/007 Elected Member Representation-Pilbara Regional Council, Regional Roads Group and Local Emergency Management Committee will be created.

Strategic Planning Implications

6.2	Economic
6.2.2	Gateway City & an attractive destination
	Develop Port Hedland's sea, air and road transport infrastructure so that it becomes the main access hub for the Pilbara.
6.2.3	Nationally Recognised
	Port Hedland has a powerful voice and is an influential partner with Federal and State governments for the development of the Town.
6.4	Local Leadership
6.4.1	Strategic
	Local leaders in the community who provide transparent and accountable civic leadership

Budget Implications

The Town of Port Hedland 2013/2014 Annual Budget includes operating expenditure to support any required elected member participation on the RRG with the meeting fees paid to PRC members being paid by the Pilbara Regional Council.

Officer's Comment

The Mayor and the Deputy Mayor are elected by the community and the Elected Members respectively to play a leadership role and to set the strategic direction within the community and the Council itself.

When considering the strategic intent of the PRC and the RRG, plus the alignment of the two meetings historically, it is recommended to designate the Mayor and the Deputy Mayor as the Town of Port Hedland elected member representation on these two external groups.

The PRC Establishment Agreement only outlines the number of members the Town of Port Hedland may nominate to represent it on the PRC. The RRG head of power makes no determination as to the nomination process for the Town of Port Hedland Elected Member representation other than they must be currently elected to the Council of the Town of Port Hedland.

With respect to the Town of Port Hedland Elected Member representation on the LEMC, the agreed Arrangements associated with this committee already designate the Mayor as the chair. It would therefore be logical to have a policy document which formalises this and designates the Deputy Mayor as Deputy Chair.

The draft policy being recommended to the Council for adoption, prescribes that the Mayor and the Deputy Mayor will be the Town of Port Hedland representatives on the PRC and the RRG for their respective tenure in these two offices of the Council. This draft policy also formalises roles as Chair and deputy Chair on the LEMC for their respective tenure in these two offices of the Council.

Attachments

1. Policy 4/007 "Elected Member Representation - Pilbara Regional Council, Regional Roads Group and Local Emergency Management Group"

201314/169 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Gillingham

That Council adopts Policy 4/007 "Elected Member Representation - Pilbara Regional Council, Regional Roads Group and Local Emergency Management Group".

CARRIED 8/0



4/007 ELECTED MEMBER REPRESENTATION-PILBARA REGIONAL COUNCIL, REGIONAL ROADS GROUP AND LOCAL EMERGENCY MANAGEMENT COMMITTEE

Policy Objective

This policy determines that the Mayor and Deputy Mayor will be the Town of Port Hedland Elected Member representation on the Pilbara Regional Council (PRC), Regional Roads Group (RRG) and Local Emergency Management Committee (LEMC).

Policy Content

Pilbara Regional Council

The Pilbara Regional Council (PRC) was established through an Establishment Agreement, in accordance with Section 3.61 of the Local Government Act 1995, in 2000, to represent the local governments of the Pilbara at a strategic regional level.

The PRC Establishment Agreement, whilst determining the appointment and number of members allocated to the Town of Port Hedland as a participant in the PRC, and the tenure of members, the method of nomination of individual membership is not prescribed.

Given the strategic aspirations of the PRC, this policy designates the Mayor and the Deputy Mayor of the Town of Port Hedland Council, for their respective tenures, as the Town of Port Hedland representatives on the PRC.

Mayor: tenure on the PRC to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure on the PRC to coincide with election of the office of Deputy Mayor following every ordinary local government election

Deputy Elected Member: the nomination and election of the Town of Port Hedland deputy elected member on the PRC to support Mayor and Deputy Mayor will be considered at a Council Meeting as soon as practicable following every ordinary local government election

Regional Roads Group

The Regional Road Group in the Pilbara is established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRG comprises of elected member representatives from each Local Government within the Pilbara and makes recommendations to the State Road Funds to Local Government Advisory Committee in relation to the Annual Local Government Roads Program for its region and any other relevant strategic issues.



Given the strategic and financial responsibilities of the RRG and its historical alignment with PRC meetings in Perth, this policy designates the Mayor and the Deputy Mayor of the Town of Port Hedland Council, for their respective tenures, as the Town of Port Hedland representatives on the RRG.

Mayor: tenure on the RRG to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure on the RRG to coincide with election of the office of Deputy Mayor following every ordinary local government election.

Local Emergency Management Committee (LEMC)

The Local Emergency Management Committee is established under the Emergency Management Act 2005 to ensure communication flows and information is shared between member agencies and stakeholders involved in managing emergencies within the Town. Town of Port Hedland Local Emergency Arrangements designate the Mayor as the chair of the LEMC.

This policy designates, in accordance with the Town of Port Hedland Local Emergency Arrangements, the Mayor as the Chair of the LEMC and the Deputy Mayor as deputy Chair of the LEMAC for their respective tenures on Council.

Mayor: tenure as Chair of the LEMC to coincide with the election of the office of Mayor at the respective local government election.

Deputy Mayor: tenure as Deputy Chair of the LEMC to coincide with election of the office of Deputy Mayor following every ordinary local government election.

Definitions

Nil

Relevant Legislation	LG Act, PRC Establishment Agreement, State Road Funds to Local Government Agreement, Emergency Management Act 2005, Town of Port Hedland Local Emergency Arrangements
Delegated Authority	Nil
Council Approval Date and Resolution No.	TBA
Last Date of Review	4 November 2013
Review Frequency	Bi- annually
Responsible Officer/Directorate	Organisational Development

Document Control Statement – The electronic reference copy of this Policy is maintained by the Organisational Development Business Unit. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://intranet/> to ensure that you have the current version. Alternatively, you may contact the Organisational Development Business Unit.

11.5.1.2 Elected Members Representation on External Committees (File No.: .../...)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 4 November 2013

Disclosure of Interest by Officer Nil

Summary

This report seeks elected members nominations to represent the Town of Port Hedland Council on external boards and committees.

Background

Following each local government ordinary election, elected members' representation on internal and external committees is revised. This report focuses on external committees where membership has not been reviewed since the October 2011 ordinary election. Contact has been made with individual organisations to seek comprehensive information about the individual committees' constitutions, terms of references, decision making powers, delegations and membership. These have been summarized in the 'Officer's Comment' section of the report.

This report also wishes to highlight the distinction between groups elected members are part of in their capacity of community members and external committees where they are formally invited to participate in and therefore require a Council resolution.

Consultation

Internal

- Chief Executive Officer
- Manager Organisational Development
- Emergency Management Officer

External

- BHP Billiton
- Main Roads
- Department of Planning
- WALGA Roadwise Officer
- Councillor Julie Hunt
- Principal at Hedland Senior High School

Statutory Implications

- Local Government Act 1995 – Pilbara Regional Council (PRC) and Regional Roads Group

- Main Roads Act 1930 - Regional Roads Group
- Road Traffic Act 1974 - Regional Roads Group
- Planning and Development Act 2005 – Pilbara Regional Planning Committee
- Planning and Development (Development Assessment Panels) Regulations 2011 - Joint Development Assessment Panel (JDAP)
- Strata Titles Act 1985 – Pilbara Regional Planning Committee
- Associations Incorporation Act 1987 – Port Hedland Retirement Village Board
- Voluntary Code of Practice for Public Association Fundraising – Port Hedland Retirement Village Board
- Emergency Management Act 2005 - Local Emergency Management Committee
- School Education Act 1999 (WA) and associated Regulations 2000 – Hedland Senior High School Board

Policy Implications

4/005 Members Professional Development and Associated Travel and Accommodation.

Strategic Planning Implications

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance.
6.4	Local Leadership
6.4.2	Community Focused
	Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders.
6.4	Local Leadership
6.4.2	Community Focused
	Local leaders in the community who provide transparent and accountable civic leadership.

Budget Implications

The Pilbara Regional Council, the Development Assessment Panel and the Pilbara Development Commission pay attendance fees to their members.

The Town of Port Hedland does not pay attendance fees to elected members for attending external meetings, however it does cover other expenses (travel, accommodation, sundries) associated with attending these meetings in accordance with policy 4/005.

Officer's Comment

One of the many functions of an elected member is to represent their local government on external boards and committees. Depending on how these groups have been established their membership terms may vary but generally they are set after each local government election.

Currently, the Town is requesting that elected members consider nominating for the following groups:

Pilbara Regional Council

The Pilbara Regional Council (PRC) was created in May 2000, when the four Pilbara local governments came together to give a greater voice to the Pilbara region, and to attract increased investment opportunities for the benefit of Pilbara communities.

Their mission is to be an advocate for the Pilbara region, to improve efficiency and governance through regional service delivery and to partner with industry to ensure that its members receive equitable economic return. Its vision is to be an efficient, cooperative and sustainable local government across the Pilbara, contributing to a region of social and economic prosperity.

The four local governments are represented by the eight-member Pilbara Regional Council. Two councillors are nominated from each member local government, governing for the interests of their town or shire and for the broader Pilbara region. The Chairperson and seven Councillors establish the strategic context of the PRC and govern to ensure that key objectives are met.

In view of the strategic nature of the PRC it is recommended that Council appoint the Mayor and Deputy Mayor as the Town's representatives. Another Councillor is required to act as a deputy member should the Mayor or Deputy Mayor be unable to attend.

Regional Roads Group

There are ten Regional Road Groups (RRGs) in WA, established under the State Road Funds to Local Government Agreement which is overseen by a State Advisory Committee (SAC). The RRGs make recommendations to SAC in relation to the Annual Local Government Roads Program for their Region and any other relevant issues.

RRGs are important in providing Local Government with a voice in how the State Government's contribution to local roads is spent. The Regional Road Group makes recommendations to the State Road Funds to Local Government Advisory Committee in relation to the Annual Local Government Roads Program for its region and any other relevant issues. This may include advice in relation to State Black Spot Programs, amendments to Roads 2025 Strategy or its updated equivalent document, the Functional Road Hierarchy and five year works projections.

The RRGs are comprised of elected representatives from each Local Government within the road group. Most groups are supported by a technical committee comprised of Local Government staff. Administrative support is provided by Main Roads WA.

In view of the strategic nature of the Regional Roads Group and the fact that the meeting of this group coincides with PRC meeting it recommended that the Council appoint the Mayor and Deputy Mayor as the Town's representatives.

Local Emergency Management Committee (LEMC)

This committee has been established under the Emergency Management Act 2005 and it ensures communication flows and information is shared between agencies and stakeholders involved in managing emergencies within the Town. It makes decisions based on local needs however any decision that may affect a district or a State matter needs to be filtered to the appropriate levels.

The LEMC's current membership involves stakeholders from various government agencies and industries, such as police, emergency services agencies in the district, major industry representatives, Port Authority representatives, water and electricity providers, Health Department representatives and Town of Port Hedland officers.

From May to October the LEMC meets bi-monthly and from November to April it meets monthly.

In accordance with the Town of Port Hedland Local Emergency Management Arrangement and the strategic nature of the LEMC it is recommended that the Council appoint the Mayor and Deputy Mayor as the Town's representatives.

Pilbara Joint Development Assessment Panel (JDAP)

Development Assessment Panels (DAPs) in Western Australia have been established under the Planning and Development Act 2005 and associated Regulations. Their purpose is to meet and determine development applications within certain class and value thresholds set in the DAP regulations. There are three types of DAP applications:

- Mandatory DAP applications
- Optional "Opt-in" DAP applications
- Local government delegated applications.

All applications are first lodged with the local government as per standard practice.

There are two different types of DAPs, these being the Local Development Assessment Panels (LDAPs) and the Joint Development Assessment Panels (JDAPs).

An LDAP only has one local government within its boundary area. An LDAP is established to service a single local government. JDAPs are established to service two or more local governments and the Pilbara JDAP covers all four Pilbara regional local governments.

All Development Assessment Panel (DAP) members are appointed by the Minister for Planning and each Development Assessment Panel (DAP) comprises five members; three specialist members, one of which is the presiding member, and two local members, nominated by the local government.

All DAP members will be given training notes on planning frameworks, development controls and making decisions and will be required to abide by the DAP's Code of Conduct and Standing Orders.

These meetings usually take place on a monthly basis via teleconference.

BHP Billiton (BHP) Port Hedland Community Consultative Group (CCG)

The CCG is an opportunity for BHP Billiton Iron Ore to provide information to the community and receive feedback regarding its operating environment, growth programs, sustainable development, environmental and economic impacts. The CCG is a vehicle through which BHP Billiton Iron Ore is able to seek the appropriate level of input from the community regarding the above topics. The CCG is also an opportunity for the community to feed through issues, thoughts and ideas and receive information from BHP Billiton Iron Ore regarding all aspects and impacts of its operations in the Pilbara.

The CCG consists of 15 members of which nine are community members and six are made up of three BHP representatives, one local government representative, one state/federal representatives and one other industry representative. The CCG usually meets on a bi-monthly basis. It is recommended that alongside an elected member formally nominated by the Council, the Chief Executive Officer also nominates a relevant Town officer to participate in the group and offer technical advice and expertise where required.

Port Hedland Retirement Village Board

The Port Hedland Retirement Village Incorporated is an Association which has been established under the Associations Incorporation Act 1987. The constitution of the Port Hedland Retirement Village outlines the Associations' objectives, powers and membership. Its main objectives are related to the promotion and provision of housing and general good for all aged or disabled persons within the Town's district.

The management of the association is vested in the Board which currently comprises of a Chairperson, a Treasurer, a Vice Chair and another six community representatives.

The Board meets on a bi-monthly basis. Membership on this board is highly encouraged as the current local government representative is also the Chair of the Board and has advised how hard it is to engage parties that are interested in assisting the retirement village in ensuring that the facility is maintained at an appropriate standard for senior citizens of the town.

Hedland Roadwise Committee

RoadWise Committees are set up by the WA Local Government Association (WALGA) and are a partnership approach to addressing road safety issues at a community level. There are established RoadWise Committees throughout the State, both metropolitan and regional. The committees provide a forum where local issues can be discussed and a network of people can work to develop and deliver community based education campaigns. Through these committees local coordination of road safety education, engineering and enforcement efforts are enhanced.

After a period of inactivity the Hedland Roadwise Committee has been re-established to meet on a monthly basis. Its current membership comprises of various representatives from government agencies, emergency services, major industry and Town officers.

There are also other groups where the Town Council has appointed elected members as representatives. Although new membership is not sought at this time, the groups and a summary of their terms of reference have been listed below for all elected members to be aware of.

Pilbara Regional Planning Committee

This committee has been established under Schedule 2(8)(5) of the Planning and Development Act 2005. The schedule states that a regional planning committee is to:

- a) advise the Commission on planning for the regions, or part of the regions, for which the regional planning committee is established;
- b) make recommendations to the Commission on the need for, and the extend and content of, region planning schemes; and

- c) perform such of the functions of the Commission under this Act, the Strata Titles Act 1985 and any other written law as are delegated to the committee under section 16.

Recent communications between Town officers and the Department of Planning have highlighted that this committee has not met in over 12 months. The Department has advised that the Minister for Planning is in the process of reviewing all regional planning committees however the Town's current representative, Mayor Howlett has been appointed until 5 November 2014, so no new membership will be sought at this stage.

Pilbara Development Commission

The Pilbara Development Commission is a Statutory Authority of the State Government of Western Australia and was established along with eight other regional development commissions under the Regional Development Commissions Act (1993).

The PRC's vision is the Pilbara as Australia's global economic hub and its mission is to act as the catalyst for regional growth and development. Its objectives are to diversify the economy, community and social development of the region and to develop land supply, accommodation and key infrastructure within the region. The PDC is managed by a Board whose composition, is determined under the Act and comprises of three local government representatives, three community representatives, three Ministerial appointments and the Chief Executive Officer by virtue of the office. The Commission and its Board are responsible to the Minister for Regional Development. The Commission receives an annual appropriation from the State Government to carry out approved activities. The Town's current member is Cr Gloria Jacob whose term expires on 30 June 2015, so no new membership will be sought at this stage.

DeGrey Land Conservation District Committee

This committee was established under the Soil and Land Conservation Act (1945) which makes provision for the establishment of a land conservation district committee.

The Constitution of the committee allows for sixteen members being as follows:

- One Commissioner's nominee
- One Shire of East Pilbara representative
- One Town of Port Hedland representative
- One WA Farmers Federation Inc. representative
- Two Pastoralists and Graziers Association representatives
- Ten land owner representatives

After a period of some years of inactivity, the DeGrey Land Conservation District Committee's Secretary contacted the Town to re-establish its membership and as per Council's resolution of 26 June 2013, the Mayor was appointed as a member for a three year term, expiring on 26 June 2016.

Hedland Community Foundation Board and Port Hedland Visitors Centre Management

Both of these groups are no longer operational and membership is no longer required. With regard to the Port Hedland Visitors Centre, as well as with all the other Town's contract managed facilities, quarterly and annual reports are now presented to the Audit and Finance Committee for consideration and recommendation to Council.

Reporting requirements

Good governance standards require elected members that represent their local government on external committees to formally report back to their Council on all topics of discussion, recommendations and decisions taken.

Town officers are currently working on developing an internal operating procedure and associated template which will be discussed with and provided to elected members to ensure that all matters raised at these external committees are communicated consistently to other elected members, to the Town's administration and to the community at large.

Membership on external committees/groups which don't require a Council resolution

The Town acknowledges that elected members apart from engaging in formal civic duties are also very active community members who are involved with a number of community groups and organisations. Although it is certainly good practice to report back to Council on attendance at various community groups and associated events, it is not a requirement for the membership of these groups to be formally set via way of Council resolution.

Mayor Howlett was appointed to the Hedland Senior High School Board in November 2011, however, as the terms of reference of this Board do not include a local government representative but community members only, the formal appointment of the Mayor was not required as the Mayor is currently sitting on this Board as a community member and not as the Town's spokesperson.

Attachments

Nil

201314/170 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Van Vugt

That Council:

- 1. Nominates the following elected members to represent the Town of Port Hedland Council on the following external groups:**
 - Pilbara Regional Council – Mayor and Deputy Mayor and 2 deputies Cr Daccache and Cr Van Vugt**
 - Regional Roads Group – Mayor and Deputy Mayor and 2 deputies Cr Daccache and Cr Van Vugt**
 - Pilbara Joint Development Assessment Panel – 2 members Mayor Howlett and Cr Daccache and 2 deputies Cr Jacob and Cr Butson**
 - Local Emergency Management Committee – Mayor and Deputy Mayor**
 - BHP Billiton Consultative Committee – 1 member Cr Butson**
 - Port Hedland Retirement Village – 1 member Cr Hunt**
 - Hedland Roadwise Committee – 1 member Mayor Howlett**
- 2. Acknowledges that the Hedland Community Foundation Board and the Port Hedland Visitors Centre Management Committee are no longer operational; and**
- 3. Requests the Chief Executive Officer, or his delegate(s), to prepare an internal operating procedure and template enabling elected members to formally report back to the Council on their attendance at external committees.**

CARRIED 8/0

11.5.1.3 *Performance Report for the period of 1 July 2013 to 30 September 2013 (File No.: 03/01/002)*

Officer **Debra Summers**
Manager Organisational
Development

Date of Report **4 November 2013**

Disclosure of Interest by Officer **Nil**

Summary

This report is for Council to note the Performance Report for the period of 1 July to 30 September 2013 (Attachment 1) in relation to the 2012/2013 Annual Corporate Plan.

Background

The Annual Corporate Business Plan represents one of the key pillars required by the Department of Local Government as part of an Integrated Strategic Planning and Reporting (IPR) Framework to ensure that they are planning sustainably for the future and to equip their organisations to deal with short, medium and long term priorities.

The IPRF includes a 10 Year Strategic Community Plan (SCP) supported by a 4 Year Corporate Business Plan (CBP), a 4 year Workforce Plan (inclusive of a Housing and Office Accommodation Strategy) a 10 year Asset Management Plan, a 5 year Information Communication Technology (ICT) Strategic plan and 10 year Long Term Financial Plan.

The Town of Port Hedland 10 Year SCP was endorsed by the Council at the 11 July 2012 Ordinary Council Meeting. The 4 Year CBP is a tool that the Town of Port Hedland will use to direct the local government's program of work that is focused on the achievement of the Town's SCP. The program of work details the timeframe, accountabilities, resources and indicative costs that will be allocated to ensure that the priorities of the community captured in the SCP are delivered. The CBP is required to be a dynamic, living document that is reviewed annually and amended according to the minor and major review cycles of the SCP, as well as a result of any performance and internal or external considerations that will have an impact in the near future.

When the 4 Year CBP was presented to the Council at the October 2012 Ordinary Council Meeting it was acknowledged it contained more actions and activities than are financially sustainable. However, as it was necessary to ensure an open and transparent planning process with the community and stakeholders of the Town, a fully costed and revised CBP and the resulting required Workforce Plan needed to be included in a draft of the Long Term Financial Plan which was to be presented to the Council after a through revision.

Therefore to ensure the organisation had a plan of activity for the 2013/2014 financial year against which the Council and community will receive performance reports, the first year of the CBP was endorsed by the Council (201314/069).

Consultation

- Town of Port Hedland Executive
- Relevant Town of Port Hedland Officers

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

Policy Implications

Nil

Strategic Planning Implications

6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance

The Corporate Planning Framework now integrates the Annual Corporate Plan with Council's current Strategic Community Plan, and this Quarterly Performance Report represents activity to achieve these strategic priorities and actions.

Budget Implications

Given that this Performance Report is for the first three months of the 2013/2014 financial year, actions reported on in this Performance Report reflect financial activity undertaken in July and August that has previously been presented to the Council. Financial activity to support actions in the Annual Corporate Plan undertaken in September will be presented to the Council at the November Ordinary Council Meeting.

Officer's Comment

In October 2012, Council endorsed in principle the 4 year Corporate Business Plan (2012/13-14) and at the August 2013 Ordinary Council Meeting adopted the current year of the 4 year Corporate Business Plan as the 2013-2014 Annual Corporate Plan (2013/14-15).

The Annual Corporate Plan details the work to be undertaken by the organisation during 2013-2014. It represents activity to achieve initiatives identified in the Town of Port Hedland Strategic Community Plan 2012-2022 plus reflects projects and core activities, services and programs delivered by the Town of Port Hedland to its community and stakeholders.

This three month Performance Report provides an opportunity for the Council and the community to review the work undertaken in the first quarter of the financial year by the organisation to be assured that the required services programs and activities it agreed to in the Annual Corporate Plan and the Strategic Community Plan are delivered.

Attachments

1. ToPH Council Performance Report 1 July – 30 September 2013
(Under Separate Cover)

201314/171 Officer's Recommendation/ Council Decision

Moved: Cr Melville

Seconded: Cr Gillingham

That Council receives the Performance Report for 1 July – 30 September 2013.

CARRIED 8/0

11.5.2 Office of the CEO

11.5.2.1 Town of Port Hedland Office Accommodation – Update on Proposed Short and Long Term Solutions (File No.: 03/01/002)

Officer Gordon MacMile
Director Community Development

Date of Report 10 November 2013

Disclosure of Interest by Officer Nil

Summary

This report presents updated information regarding the Town's anticipated future staff facility requirements and potential solutions / development timeframes needed to accommodate that workforce. The report also considers further investigations into solutions to address the short term office needs, as well as an aligned, strategic long term accommodation approach.

Potentially a staged office accommodation solution summarised below could be implemented:

1. Approval for permanent use of Gratwick Hall (November 2013)
2. Permanent refurbishment of existing building for office accommodation (December 2013 to December 2014)
3. Commence planning for new Community Hall / Council Chambers – potentially 2015/16 or 2016/17 (based on FTE growth)
4. Construct new Community Hall / Chambers – potentially 2018/19 or 2019/20 (depending on preferred option)
5. Convert Council Chambers to office accommodation 2018/19 or 2019/20 (based on FTE growth).

Council is requested to (in part):

- Endorse the permanent use of Gratwick Hall for office accommodation
- Note the potential staged implementation of the Town's Civic, Chambers, Office and community meeting strategy as outlined in this report
- Note that design development, costing and potential funding for the Town's office accommodation, civic facilities and Council Chambers will progress as an urgent priority, with further internal consultation and Council reports to follow
- Reaffirm the preferred location of the McGregor Street, Port Hedland site as the permanent, long term location of the Town of Port Hedland's Council Chambers, Civic facilities, Administration building and associated community facilities

- Request the preparation of a masterplan and business cases for key elements for the overall McGregor Street site.

Background

Council has for some time and on a number of occasions, considered the future of the Civic Centre and Administration building, as well as strategies (including locations) for the accommodation of the future workforce.

A summary of previous considerations are in part as follows:

- OCM 25 November 2009 - noted the Civic Centre was overcrowded and that additional FTE (staff numbers) growth was anticipated. The interim strategy was to utilise space at the Airport Operations building.
- OCM 24 March 2010 - stated the preference for the development of a new civic building and office space in the South Hedland CBD to replace the existing Civic Centre, on the provision that the public open space at the rear of the Civic Centre is retained by the Town for public use and that any future redevelopment of Civic Centre must be required to include function spaces and must appropriately recognise the history of the site

The Ordinary Council Meeting of 22 August 2012 resolved in part to:

1. *Endorses in principle the strategy of utilising the Gratwick Hall for office accommodation for up to three years until a medium to long term strategy for the provision of office accommodation is developed and implemented*
2. *Notes that this endorsement is contingent on community consultation being undertaken with current users of the facility and a report on this consultation being presented back to the Council*
3. *Requests the CEO to investigate the potential of utilising transportable office accommodation placed in the front of the Civic Centre building as a parallel option to utilising Gratwick Hall as office accommodation*
4. *Requests the CEO to report back to the Council the findings of these investigations and recommendations of the preferred option to alleviate current office accommodation non-compliance in the Civic Centre*
5. *Endorses an upgrade in the office accommodation at the Airport Office and the Depot to appropriate industry standards*
6. *Notes the initial estimate of \$5 million incorporated into the 2012/13 draft Budget to be funded via a loan.*

Council considered a further report at the OCM on 24 October 2012 in relation to the initial investigation of the two preferred options that had been identified.

The outcomes of this investigation recommended that the option of utilising transportable office accommodation placed in front of the Civic Centre not be progressed further, with wider community consultation to be undertaken with respect to utilising Gratwick Hall as temporary office accommodation as part of a proposed consultation process about the future location of the Civic Centre and Administration building.

A discussion paper was developed to form the basis of the consultation strategy to seek wider community feedback and was presented with the report, with Council resolving to:

1. *Agrees that the option of utilising transportable office accommodation placed in the front of the Civic Centre be progressed further, including public consultation*
2. *Maintains in principle endorsement of the strategy of utilising the Gratwick Hall for office accommodation for up to three years as short term office accommodation*
3. *Notes that continuing consultation needs to occur with targeted existing users of the Gratwick Hall to develop an appropriate proposed transition strategy to relocate their activity/event to an alternative venue if required*
4. *Request the CEO, or their delegate, to use the Office Accommodation Discussion Paper as attached to this report to commence community consultation in accordance with the Town of Port Hedland Community Engagement Strategy on the proposal to utilise Gratwick Hall for temporary office accommodation as part of the wider consultation process to consider the future location of the Civic Centre and Administration Building.*

The next report was presented to the 12 December 2012 OCM, which further investigated a range of fully costed short term options for office accommodation at various locations and the associated linkages with long term development strategies.

Upgrades to the existing Depot buildings were also recommended in this report to be commenced immediately despite any plans to construct or locate further office accommodation on the site of the existing Depot.

The community consultation outcomes reported to Council at this meeting (December 2012) identified the following key findings:

- Retention of the existing Foreshore Gardens in Port Hedland is significant to the community

- The community supports Council administrative functions being located in South Hedland, marginally ahead of Port Hedland
- Civic functions are preferred by the community to be located in Port Hedland
- Administration and Civic functions are preferred to be located together.

Reinforcing the importance of aligning the short and long term solutions, reflecting the outcomes of the community consultation plus addressing the need to provide for an effective workforce to achieve the Strategic Community Plan via the associated Corporate Business Plan, led to the recommendation that the short and long term office accommodation would be best accommodated at the existing McGregor Street, Port Hedland site.

The short term solution recommended to Council was to convert Gratwick Hall and the Council Chambers to office accommodation plus hire space off-site to conduct community-based Council meetings. This solution was based on:

- Substantially advantageous cost and speed of achievement
- Funds expended contributing to the long term solution
- Community usage of Gratwick Hall can be accommodated at alternative facilities
- Historically important elements of the Hall and Chambers could be preserved and / or interpreted respectfully.

The preferred long term option presented was to construct new civic and associated community facilities at the McGregor Street, Port Hedland site. This would be achieved through renovations to the existing Administration building. The new facility would be built following the demolition of the two current residential units.

This option was recommended based on:

- Allowing for the retention of some existing historical elements and Foreshore Gardens
- Optimisation of the time and efficiencies of staff activities
- Links with the provision of short term office facilities by allowing for efficiency with respect to the construction of the new building, maximises the funds already expended on short term solutions
- Provision of value for money and ensures minimal disruption to operations and services
- Maximisation of existing civil infrastructure and construction on land already under the control of the Town
- Provision of a legacy and an inspirational feature to showcase the Town, community and local government functions.

Subsequent to the OCM decision (December 2012) and work undertaken in early 2013, the Town engaged the services of architectural consultant Cox Howlett and Bailey Woodland to consider concept designs for the potential (re) development of the Civic and Administration buildings on the McGregor Street site. The consultant considered the Town's Workforce Plan at the time, as well as examining the future staffing of each department and developed three (draft) masterplan concepts.

The OCM on 27 March 2013 revoked the previous decision of Council identifying the preference for the development of a new civic building and office space in the South Hedland CBD and resolved:

1. *Endorses the preferred location of the McGregor Street, Port Hedland site as the permanent, long term location of the Town of Port Hedland's Council Chambers, Civic facilities, Administration building and associated community facilities*
2. *Requests the Chief Executive Officer or delegate to commence the development of a detailed feasibility assessment and business case of Option 2b at the McGregor Street, Port Hedland site*
3. *Resolves to immediately convert the existing Gratwick Hall for temporary staff office accommodation. Subject to Council's approval of a business case for new office accommodation, the use of the Council Chambers for office accommodation will follow only as and when required*
4. *Requests the Chief Executive Officer or delegate to secure appropriate community meeting facilities for the hosting of Council meetings and other associated functions for the balance of 2013 as required and 2014*
5. *Notes that community based Council meetings will be held alternating between Port and South Hedland*
6. *Notes the detailed feasibility and business case for the Town's Depot, Wedgefield will be developed in late 2013*
7. *Notes that the long term office accommodation option and subsequent feasibility / business case information will be considered within the development of the Long Term Financial Plan*
8. *Requires the names "Gratwick Hall" and "Richardson Hall" be retained at all times*
9. *Requests that the provision of a Town of Port Hedland customer service shop front facility for South Hedland be included in the development of the business case for permanent office accommodation.*

Integrated Planning and Reporting Framework

The Integrated Planning and Reporting Framework has been undertaken to ensure compliance with the requirements of the Department of Local Government, including a 4 year Workforce Plan (supported by a housing and office accommodation strategy). This Plan outlines the required workforce numbers, capacity and capability to deliver the Strategic Community Plan and Corporate Business Plan.

Ultimately the Town's Workforce Plan detailing the organisation's growth in staffing resources will determine the future timing of key long-term accommodation initiatives.

Equine Industry Long Term Planning (including Port Hedland Turf Club)

The Town has also been progressing with long term masterplanning for the equine industry, including masterplanning the Turf Club / sporting precinct adjacent to the Administration building. Part of the key findings / recommendations from this study is the provision of significant community meeting / function facilities.

The operational sustainability of the new turf club / community facility recommended in this study has the expectation of some significant income from room hire. Ensuring that target markets for future community meeting facilities are complimentary and not competitive will be essential to ensure the sustainability of facilities proposed in this overall precinct. The complimentary nature of community meeting facilities will need to be business case tested throughout the planning of the overall precincts.

Consultation

Previous

- Town of Port Hedland Executive and relevant officers
- KPMG / Thinc Projects
- Elected Member – Concept Forums on 15 August 2012, 10 October 2012, 14 November 2012 and 28 November 2012
- Public information session on 21 November 2012
- 55 responses received from Community Consultation
- Existing users of the Gratwick Hall (Alliance Dance, Gumala Aboriginal Corporation, IBN Community Meeting, Pilbara Music Festival, Port Hedland School of the Air, Fortesque Metals Group, Hedland School of Dance, JJ's Taekwondo, Port Hedland Port Authority, Hedland Senior High School, YMCA, The Big Red Tour, Goolarri Media Enterprises, I Katcher Events, New Energy Corporation, Port Hedland Primary School, Swan Districts Football Club, Variety)
- Community working groups including the South Hedland CBD Stakeholder Working Group, Aboriginal Quarterly Forum, South Hedland Business Association, BHPB Partnership Working Group, Community Integration Working Group

Recent

- Elected Member – Concept Forum on 13 March 2013
- Elected Member – Concept Briefing on 7 November 2013.

Statutory Implications

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

Local Government (Administration) Regulations 1996 states that:

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) A corporate business plan for a district is to —*
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) A local government is to review the current corporate business plan for its district every year.*
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

The Town of Port Hedland Community Engagement Strategy provided the framework for the community consultation undertaken.

Strategic Planning Implications

6.1	Community
6.1.2	Vibrant
	Improve the quality of life for existing residents with a focus on families
6.3	Environment
6.3.2	Community Facilities
	Provide safe and accessible community facilities, libraries, services and public open space that connect people and neighbours
6.4	Local Leadership
6.4.1	Strategic
	Deliver high quality corporate governance, accountability and compliance
6.4.2	Community Facilities
	Provide a community-oriented organisation that delivers the high levels of service expected by our stakeholders
6.4.2	Community Focused
	Local leaders in the community who provide transparent and accountable civic leadership
6.4.3	Capable
	Attract, develop and retain a productive and effective workforce to deliver the SCP.

Budget Implications

A detailed cost assessment has previously been undertaken in relation to the potential short term office accommodation options. The recommendations of previous reports were based on the significant cost and delivery timeframe advantage provided in the preferred options considered by Council.

A \$5,000,000 allocation was contained within the 2012/13 budget as loan funds and carried forward into 2013/14. The loan taken to fund any works would result in principal and interest repayments totalling an estimated \$440,574 and has been incorporated in the 2013/14 annual budget.

Preliminary estimates to (re) develop the Administration building have been costed at \$9.5million. Should Council support the recommendations of this report, design development of the Administration building will further define cost estimates and potential funding strategies.

Subsequent planning for the future replacement of the Council Chambers and community meeting facilities will develop costing for these elements.

Officer's Comment

Staff Accommodation – Current Condition and Future Requirements

The Town engaged Wilkes Architects in June 2013 to continue the development of the organisation's short and long term workforce accommodation solutions.

Key activities undertaken by Wilkes Architects have included:

- Analysis of previous studies:
 - Town of Port Hedland Workforce Plan
 - Civic Centre and Administration Building discussion paper
 - Organisational structure
 - Capacity of the current building
 - Condition assessment of the current building
 - Current redevelopment program and budget
- Consultation:
 - Needs, vision and expectations of future workforce environments
 - Examination of how people work
 - Professional standards of future office accommodation.

Key findings to date by Wilkes Architects include:

- Condition assessment of current building:
 - Capacity inadequate without permanent use of Gratwick Hall
 - Building structurally sound however various compliance and condition issues need to be addressed
 - Unusual design – building below ground, quality of civic presence and accommodation split around entry
 - Deficiency areas – quality of work environment, health and safety standards, lack of flexibility, poor amenities and facilities do not support corporate or organisational goals
- Identified Future Needs:
 - Accommodate existing and forecast growth in staff numbers
 - Modern contemporary standards of accommodation
 - A better work place to support the workload
 - Ability to be together / reduce the staff travel
 - Improved staff amenities
 - Improved interdepartmental efficiency

- Support more collaboration and cooperation
- Appropriate quiet spaces
- Improved meeting capacity
- Target Outcomes:
 - A valued Civic Leadership piece
 - 'WOW!' we're at the Town of Port Hedland / showcase the Town's Civic presence
 - Professional environment
 - Community and business interface enhanced
 - Strategy for alternative community hall and/or Chambers.

Anticipated Workforce Plan / Staffing Growth

Contained within the preparation of the Town's IPRF were previous considerations of the organisation's Workforce Plan, which anticipated substantial and sustained growth in future staffing numbers.

This anticipated growth influenced the potential accommodation solutions supported and discounted previously (including redevelopment of existing Administration and new Chambers and Gratwick Hall), as well as affecting expected delivery timeframes.

Since that time, the anticipated growth in the Town's future workforce has been reviewed and reduced.

Based on current understanding, the anticipated workforce growth and accommodation expansion triggers are summarised as follows:

- Current staff numbers / full time employees (FTE) required to be accommodated at Administration Building / Civic Centre = 99
- Expected future growth = up to 5 FTE's per annum (includes growth at external sites)
- Redeveloped Administration Building capacity = 115 staff (allows for growth of 16 FTE's, approx. 3-5 year's growth) including:
 - Hot desks, meeting rooms and separate quiet work space
 - Council Chambers
 - Adequate storage space
 - Enhanced community and business interface (lobby)
 - Professional office environment.

Future expansion opportunities would include:

- Allocation of hot desks and quiet work space (2-3 years growth)
- 10-12 staff (2-3 years growth) by utilizing Council Chambers space.

Recommended Way Forward – Short and Long Term Office Accommodation

Considering the decisions previously made, the community consultation undertaken, the relocation of existing Gratwick Hall users, the significant investigation / costing / consideration of alternatives and a realistic understanding of workforce growth; the potential way forward / next steps are:

1. Approval for permanent use of Gratwick Hall (November 2013) for office accommodation
2. Permanent refurbishment of existing building for office accommodation including:
 - a. Development application submitted December 2013
 - b. Construction tender awarded March 2014
 - c. Staged construction April to December 2014
3. Commence planning for new Community Hall / Council Chambers –including the overall masterplanning of the McGregor Street site and business case development for key elements
4. Deliver new Community Hall / Chambers – potentially 2018/19 or 2019/20 (depending on preferred options and FTE growth)
5. Convert Council Chambers to office accommodation 2018/19 or 2019/20 (based on FTE growth)

Attachments

Nil

201314/172 Officer's Recommendation/ Council Decision

Moved: Cr Daccache

Seconded: Cr Gillingham

That Council:

1. **Endorses the permanent use of Gratwick Hall for office accommodation;**
2. **Notes the potential staged implementation of the Town's Civic, Chambers, Office and community meeting strategy as outlined in this report;**
3. **Notes that design development, costing and potential funding for the Town's office accommodation, civic facilities and Council Chambers will progress as an urgent priority, with further internal consultation and Council reports to follow;**

- 4. Reaffirms the preferred location of the McGregor Street, Port Hedland site as the permanent, long term location of the Town of Port Hedland's Council Chambers, Civic facilities, Administration building and associated community facilities;**
- 5. Requests the preparation of a masterplan and business cases for key elements for the overall McGregor Street site;**
- 6. Notes that the long term office accommodation / civic facilities / Council Chamber / community meeting facilities options and subsequent feasibility / business case information will be considered within the development of the Long Term Financial Plan;**
- 7. Requires the names "Gratwick Hall" and "Richardson Hall" be retained at all times; and**
- 8. Reaffirms the provision of a Town of Port Hedland customer service shop front facility for South Hedland be included in the development of the business case for permanent office accommodation.**

CARRIED 7/1

ITEM 12 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/COUNCIL

12.1 Request to Prepare Business Plan for Proposed Disposal of Port Hedland International Airport Land by way of Lease to Compass Group Pty Ltd (File No: 05/05/0055)

Chief Executive Officer advised this item has been withdrawn.

Director Planning & Development declared an impartiality interest in Item 12.2 'Consideration of Public Responses to the Advertised Business Plan between Ausco and Town of Port Hedland for Part of Lot 436 at the Kingsford Business Park' as he has an association with the consultant working on a proposal for the neighbouring site.

Director Planning & Development did not leave the room.

12.2 *Consideration of Public Responses to the Advertised Business Plan between Ausco and Town of Port Hedland for part of Lot 436 at the Kingsford Business Park*

Officer	David J. Westbury Manager of Economic Development and Strategy
----------------	---

Date of Report	21 October 2013
-----------------------	------------------------

Disclosure of Interest by Officer	Nil
--	------------

Summary

On the 24th July 2013 Council approved the preparation of a Business Plan outlining the proposed lease of 4.5 Hectares of lot 436 within the Kingsford Business Park via private treaty for the amount of \$540,000 annually for a period of 10-years with 2x five year extensions. A Business Plan was subsequently prepared and advertised for six weeks with responses due back to the Town on the 18th October 2013.

This item recommends that Council not proceed with the proposals as outlined in the Business Plan until such time that a comprehensive TWA strategy is developed.

Background

On the 12th November 2011 Council prepared a Business Plan which was subsequently amended on the 12th March 2012. The Business Plan was over land known as "Precinct 3" now named the Kingsford Business Park under the Port Hedland International Airport Land Use Master Plan. The plan outlined the proposal which included the development of 33 industrial bulky good lots and four TWA lots for the Town's exclusive use which then could be on-sold or leased to other parties. The parcels are to be serviced and made ready for development, at no expense to the Town, with all the work completed by BHP Billiton Iron Ore.

On the 16th July 2013 Town Officers received a formal request to lease a 4.5 Hectare portion of Lot 436 within the Kingsford Business Park from Ausco Modular. That offer was presented to Council on the 24th July 2013 and a Business Plan was advertised and made available for public comment for six weeks with responses due back on the 18th October 2013.

During the public comment period the Town received 25 submissions against a private treaty for the lease of property within the Kingsford Business Park. The Officer's Comment section of this report provides a summary and response to those public comments.

Consultation

- Concept Forum, Elected Members
 - 19 June 2013-13
 - November 2013
- Planning and Development
- Manager Business Attraction and Investment
- McLeods Barristers & Solicitors
- Western Australia Local Government Association (WALGA)

A public consultation process was carried out in accordance with section 3.59 of the *Local Government Act 1995* with a total of 25 submissions being received, objecting to the proposal, from the following individuals and organizations.

Name	Support/Object
1. Gary Wightman	Object
2. Latham Adamson	Object
3. Aoife Adamson	Object
4. Neville Veitch	Object
5. Peter Veitch	Object
6. Garry Madson	Object
7. Lynley Madson	Object
8. Wayne Hickey	Object
9. Nola Hickey	Object
10. Chris Veitch	Object
11. Kellie Veitch	Object
12. Wendy Henderson	Object
13. Peter Henderson	Object
14. Shelley Wightman	Object
15. Kerrie Veitch	Object
16. Sara Hands	Object
17. Troy Bauchop	Object
19. Miss V Baker	Object
20. Paul Reibel	Object
21. Dave McGowan	Object
22. Terry Washington	Object
23. Donna Washington	Object
24. Ross Holt (Landcorp)	Object
25. Ann Banks-McAllister(PDC)	Object
26. Craig Wallace (Lavan Legal)	Object

Copies of the submissions are attached.

A summary of the submissions is attached.

Statutory Implications

Local Government Act 1995 (WA) Section 3.57 – Tenders for providing goods or services

Local Government Act 1995 (WA) Section 3.58 – Disposing of Property

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

As the value of the proposed private treaty is over \$2,000,000 the transaction constitutes a “Major Land Transaction”. As such a Business Plan was prepared in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995. The public comment was received prior to any actual transaction for the sale of land. This means that (if approved) this transaction will be an exempt disposition under section 30(2a) (c) above.

Policy Implications

Nil

Strategic Planning Implications

Council’s Strategic Community Plan 2012-2022 identifies Strategic Themes and Performance Indicators relating to Land Development Projects including the following:

6.1	Community
6.1.2	Vibrant
	Develop Port Hedland’s tourism industry to broaden the tourist opportunities available.
6.2	Economic
6.2.1	Diverse Economy
	Facilitate commercial, industry and town growth. Create local employment and investment and diversify the economy. Work closely with businesses to achieve sustainable economic growth and broad economic base. Develop Port Hedland’s sea, air and road transport infrastructure so that it becomes the main access hub for the Pilbara.

Budget Implications

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current state all proceeds will be added to Town’s airport reserve, GL 1210398, from the lease of a 4.5 hectare portion of the proposed Lot 436

The Council has committed to make Port Hedland International Airport a premier gateway to Australia's Northwest. A portion of the funding needed for that significant upgrade will be derived from the proceeds of Kingsford Business Park land sales and leases. This proposal will generate \$540,000 annually over ten years or a total of \$5.4m over the ten year lease.

If Council chooses to proceed with the proposal as outlined in the Business Plan in its current form the proposed Lot 436 will be subject to a field survey and preparation of a plan of excision from the current proposed parent Lot 436 a total cost estimated to be \$7,500, from GL Account 1210253.

The project will generate rates estimated to be approximately \$440,000 per annum. This will be based on the development being built out to full capacity whereas the proponent is proposing a staged approach which could impact upon this rates estimate.

Officer's Comments

The advertising process provided an opportunity for the community to provide Council with feedback relating to the proposed transaction. The submissions are provided in Appendix 1 and 2 presented to Council for consideration.

After considering the degree of public submissions opposed to the proposed major land transaction, Town Officers have determined that the draft TWA Strategy needs to be finalized and endorsed by Council prior to the consideration of the proposals for TWAs within the Kingsford Business Park.

However, Council has 4 options to potentially pursue regarding the proposal. Council can:

1. Proceed with the Business Plan in its current form.
2. Elect to proceed with the Business Plan with amendments.
3. Elect not to proceed with the Business Plan and advise Ausco Modular that Council will not proceed with the development in any form.
4. Elect not to proceed with the current Business Plan, until a TWA Strategy has been developed which addresses many of the concerns of existing businesses, State partners and the community in relation to TWAs.

Option 1

This option provides and endorses the transaction to proceed in its current form.

This provides a financial return for the Town and provides a flow-on effect to the community and ratepayers. The financial return will not only facilitate the redevelopment of the airport, which is a critical asset for the town, but will assist in the long term financial sustainability for Council. While this option recognizes the financial benefits, presents a position contrary to the concerns raised through the public submission process.

Option 2

Council could elect to proceed with the Business Plan with amendments such as a higher lease rate or greater restrictions on who can stay at the facility.

Option 3

Council could determine not to proceed with this Business Plan, or any others of a similar nature for the development of the Kingsford Business Park in any form.

Option 4

Council could defer the decision in relation to the proposed Business Plan until such time that a TWA strategy has been developed and approved

Attachments

1. Public submissions (Under Separate Cover)
2. Public submissions collated with responses (Under Separate Cover)

Officer's Recommendation

That Council:

1. Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Council's decision;
2. Resolves to defer proceed with the proposal as outlined in the Business Plan for Lot 436 until such time that a TWA strategy is endorsed by Council; and
3. Formally acknowledge Ausco Modular's interest in investing within the Town of Port Hedland and invite the company to participate in the TWA strategy.

Motion

Moved: Cr Daccache

Seconded: Cr Gillingham

That Council formally accept the offer to lease a 4.5 hectares portion of lot 436 within the Kingsford Business Park to Stayover by Ausco Pty Ltd in accordance with Section 3.58 (3) and 3.59 of the *Local Government Act 1995* on the following amended terms:

- a. Lease area of 4.5 hectares (subject to survey);
- b. Lease term of ten (10) years;
- c. Option to extend by five years;
- d. Second option to extend by five years at the discretion of the Town of Port Hedland;
- e. Annual base rental \$598,500 exclusive of GST (\$13.30m2);
- f. Annual CPI increase, utilising the quarterly Perth CPI figure published in the immediately preceding quarter to the annual review date (anniversary of actual commencement date);
- g. Market Review every 3 years;
- h. Annual voluntary development contribution payment upon completion of the development of \$3.25 for each occupied room per night above a threshold level of 75% of total rooms (excluding site management personnel). (This voluntary contribution shall be utilised by council towards community benefits programs identified in consultation between the two parties and recognised by Council through public acknowledgements, naming rights or similar)

And subject to the following conditions:

- No individual person can stay within the accommodation for a period of less than five days.
- Accommodation cannot be leased to customers without an ABN.
- That Ausco submit a local content plan demonstrating the utilisation of local businesses in the construction and operational phase of the development.
- That Ausco demonstrate a commitment to hiring and up-skilling local residents for career advancement with particular emphasis upon indigenous youth.
- That no services be offered to the public that are widely available within the Town such as catering or restaurant (subject to review) without the prior authorization of Council.
- That the facility will not be advertised to the general traveling public market whom would normally stay at a traditional hotel.
- That a community integration strategy be submitted and approved by the Chief Executive Officer, or his delegate, with mandatory participation in the Community Integration Working Group.
- That space is made available in reception highlighting local attractions, local commercial business, local clubs, events opportunities etc.
- The accommodation will be used for City building projects and only accommodate non-residential workforce in Port Hedland.

MINUTES: ORDINARY COUNCIL MEETING

- Periodically submit a guest register so that conditions of lease can be verified by the town.

MOTION LOST TO AN ABSOLUTE MAJORITY VOTE 5/3

Record of vote

For	Against
Councillor Daccache	Deputy Mayor Jacob
Councillor Gillingham	Councillor Hooper
Councillor Taylor	Councillor Van Vugt
Councillor Butson	
Councillor Melville	

Motion

Moved: Cr Hooper

Seconded: Cr Van Vugt

That Council:

- Notes the submissions received from the community and stakeholders regarding the development of TWAs within the Kingsford Business Park and requests the Chief Executive Officer, or his delegate, to write to them advising of Councils decision;
- Defer the decision in relation to the proposed Business Plan until such time that a TWA strategy has been developed and approved by Council; and
- Formally acknowledge Ausco Modular's interest in investing within the Town of Port Hedland and invite the company to participate in the TWA strategy.

MOTION LOST 3/5

201314/173 Council Decision

Moved: Cr Taylor

Seconded: Cr Hooper

That Council lay this item on the table to be presented at the 11 December 2013 Ordinary Council Meeting.

CARRIED 5/4 BY PRESIDING MEMBER'S CASTING VOTE

ITEM 13 REPORTS OF COMMITTEES

NOTE: The Minutes of this Committee meeting are enclosed under separate cover.

13.1.1 Airport Committee Minutes – 30 October 2013

201314/174 Officer's Recommendation/ Council Decision

Moved: Cr Gillingham

Seconded: Cr Butson

That Council receives the Minutes of the Ordinary Meeting of the Airport Committee held on 30 October 2013 at 12:30pm inclusive of the following decisions:

7 Confirmation of Minutes of Previous Meeting

**10.1 Port Hedland International Airport – Projects Update
November 2013 (File No.: 08/02/0025)**

**10.2 Port Hedland International Airport Committee Meeting Dates
and Times (File No.: 13/05/0002)**

CARRIED 8/0

Councillor Daccache declared a financial interest in Item '13.1.2 Audit & Finance Committee Minutes – 2 November 2013' as he works for Treloar Child Care Centre.

Councillor Hooper declared a financial interest in Item '13.1.2 Audit & Finance Committee Minutes – 2 November 2013' as he is the Pastor of C3 Church.

8:26pm Councillors Daccache and Hooper left the room.

13.1.2 Audit & Finance Committee Minutes – 2 November 2013

201314/175 Officer's Recommendation 1/ Council Decision

Moved: Cr Van Vugt

Seconded: Cr Melville

That Council receives the Minutes of the Audit & Finance Committee held on 2 November 2013 at 12:00pm inclusive of the following decisions:

7 Confirmation of Minutes of Previous Meeting

10.1.2 SAFE Hedland Inc. – Request to reallocate Community Donation (File No.: 02/05/0003)

CARRIED 6/0

Additional Information provided by Officer

The Audit & Finance Committee at its meeting of 2 November 2013 resolved to:

"AFC201314/005 Officer's Recommendation/Audit and Finance Committee Decision

Moved: Cr Jacob

Seconded: Cr Butson

That the Audit and Finance Committee recommend that Council:

- 1. Allocates total funding of \$17,300.30 within the 2013/14 budget from GL Account 813285 (Community Funding and Donations) to donations requested from:*
 - a. C3 Church for the amount of \$3,000 (\$1,000 cash, up to \$1,500 in-kind and \$500 fee waiver of venue hire charges) for the Christmas Carols 2013 event;*
 - b. Hedland School of Dance for the amount of up to \$2,000 towards expenses (waiver of venue hire and production charges) for the group's end of year production;*

- c. *Hedland Canine Club for the amount of \$2,000 cash towards an upgrade and the purchase of additional dog training agility equipment;*
- d. *Hedland Family Violence Action Group for the amount of up to \$500 towards a waiver of venue hire fees at Wanangkura Stadium;*
- e. *Oztag for the amount of \$910 (waiver of sporting reserve hire fees \$760 – 1 year's field hire and \$150 lighting tokens);*
- f. *Hedland Tri Sports Association for the amount of \$1,000 towards St John Ambulance first aid attendance at triathlon events;*
- g. *Treloar Child Care Centre for the amount of \$977.50 towards waiver of venue hire fees for the end-of-year family and children Christmas party;*
- h. *Australian Sports Commission for the amount of \$912.80 towards the waiver of pool entry fees (SHAC) for the Active After School program;*
- i. *Port Hedland Motorcycle Club for the amount of \$2,000 (waiver of annual lease fee);*
- j. *Delany Delaney for the amount of \$2,000 cash towards aboriginal story recording using new digital technologies;*
- k. *Port Hedland Pony Club for the amount of \$1,000 cash towards annual ground's clean-up and maintenance; and*
- l. *Port Hedland Netball Association for the amount of \$1,000 (\$500 cash and \$500 waiver of venue hire fees) towards end of year presentations.*

CARRIED 3/0"

Since the meeting of the Audit and Finance Committee meeting of 11 November 2013, the Town has been advised of changes to the proposed C3 Church Christmas Carol event. These changes may affect the consideration of the recommended donation.

The C3 Church have advised that the proposed Christmas Carol event will be reduced in scale for the following reasons:

- Loss of 2 main performers recently
- Loss of master of ceremonies
- Loss of some in-kind support

- Unachieved sponsorship / funding.

The reduced Christmas Carol event by the C3 Church is proposed to proceed in partnership with the Town of Port Hedland.

Because of the reduced scale of the event, the Town recommends the donated support to the C3 Church be amended. The proposed amendment will allow officers to work with the C3 Church and other supporters to tailor the donation to match actual costs incurred to host the event.

An alternative Officer's Recommendation has therefore been submitted to Council for consideration.

2013/14/176 Alternative Officer's Recommendation 2/ Council Decision

Moved: Cr Van Vugt

Seconded: Cr Melville

That Council allocates total funding of \$17,300.30 within the 2013/14 budget from GL Account 813285 (Community Funding and Donations) to donations requested from:

- C3 Church for the amount of up to \$3,000 (up to \$1,000 cash, up to \$1,500 in-kind and up to \$500 fee waiver of venue hire charges) for the Christmas Carols 2013 event;**
- Hedland School of Dance for the amount of up to \$2,000 towards expenses (waiver of venue hire and production charges) for the group's end of year production;**
- Hedland Canine Club for the amount of \$2,000 cash towards an upgrade and the purchase of additional dog training agility equipment;**
- Hedland Family Violence Action Group for the amount of up to \$500 towards a waiver of venue hire fees at Wanangkura Stadium;**
- Oztag for the amount of \$910 (waiver of sporting reserve hire fees \$760 – 1 year's field hire and \$150 lighting tokens);**
- Hedland Tri Sports Association for the amount of \$1,000 towards St John Ambulance first aid attendance at triathlon events;**
- Treloar Child Care Centre for the amount of \$977.50 towards waiver of venue hire fees for the end-of-year family and children Christmas party;**

- h. **Australian Sports Commission for the amount of \$912.80 towards the waiver of pool entry fees (SHAC) for the Active After School program;**
- i. **Port Hedland Motorcycle Club for the amount of \$2,000 (waiver of annual lease fee);**
- j. **Delany Delaney for the amount of \$2,000 cash towards aboriginal story recording using new digital technologies;**
- k. **Port Hedland Pony Club for the amount of \$1,000 cash towards annual ground's clean-up and maintenance; and**
- l. **Port Hedland Netball Association for the amount of \$1,000 (\$500 cash and \$500 waiver of venue hire fees) towards end of year presentations.**

CARRIED 8/0

8:32pm Councillors Daccache and Hooper re-entered the room and resumed their chairs. Deputy Mayor advised them of Council's decision.

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 CONFIDENTIAL ITEMS

201314/178 Council Decision

Moved: Cr Taylor

Seconded: Cr Daccache

That the meeting be closed to members of the public as prescribed in Section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following item:

15.1 Confidential Item: Acceptance of Offer from Desmond Moloney for the purchase of lots 403 and 404 within the Kingsford Business Park via a Private Treaty

CARRIED 8/0

8.33pm Deputy Mayor advised that this meeting is now closed to members of the public.

15.1 *Confidential Item: Acceptance of Offer from Desmond Moloney for the purchase of lots 403 and 404 within the Kingsford Business Park via a Private Treaty*

201314/179 Officer's Recommendation/ Council Decision

Moved: Cr Taylor

Seconded: Cr Van Vugt

That Council:

- 1. Formally accept the offer to purchase lots 403 and 404 for the amount of \$1,500,000 (ex GST) within the Kingsford Business Park from Desmond Moloney in accordance with Section 3.58 of the Local Government Act 1995; and**
- 2. Request the Chief Executive Officer, or his delegate to finalize the legal documentation to formalize the disposition of lots 403 and 404 within the Kingsford Business Park in accordance of the Local Government Act 1995.**

CARRIED 8/0

201314/180 Council Decision

Moved: Cr Taylor

Seconded: Cr Daccache

That the meeting be opened to members of the public.

CARRIED 8/0

8.34pm Deputy Mayor advised that the meeting is now open to members of the public. Deputy Mayor advised members of the public of Council's decision whilst behind closed doors.

ITEM 16 APPLICATIONS FOR LEAVE OF ABSENCE

201314/181 Council Decision

Moved: Cr Daccache

Seconded: Cr Melville

The following applications for leave of absences:

- Councillor Gillingham from 1 January 2014 to 1 February 2014;**
 - Councillor Butson from 23 December 2013 to 11 January 2014;**
 - Councillor Van Vugt from 20 December 2013 to 20 January 2014;**
 - Councillor Jacob from 5 December 2013 to 7 December 2013 and 20 December 2013 to 10 January 2014;**
- be approved.**

CARRIED 8/0

ITEM 17 CLOSURE

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 11 December 2013, commencing at 5.30 pm, with the Agenda Briefing Session being held on Wednesday 4 December 2013, commencing at 3:30pm.

17.2 Closure

There being no further business, the Deputy Mayor declared the meeting closed at 8:40pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2014.

CONFIRMATION:

MAYOR

DATE