



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 27 APRIL 2011

AT 5.30 PM

IN COUNCIL CHAMBERS
McGREGOR STREET, PORT HEDLAND

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Paul Martin
Chief Executive Officer

OUR COMMITMENT

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

ITEM 1	OPENING OF MEETING	5
1.1	OPENING	5
ITEM 2	RECORDING OF ATTENDANCE AND APOLOGIES.....	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	5
2.3	APPROVED LEAVE OF ABSENCE.....	5
ITEM 3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
3.1	QUESTIONS FROM PUBLIC AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 13 APRIL 2011	5
3.2	QUESTIONS FROM ELECTED MEMBERS AT ORDINARY COUNCIL MEETING HELD ON WEDNESDAY 13 APRIL 2011	6
3.2.1	<i>Councillor J M Gillingham</i>	6
ITEM 4	PUBLIC TIME	6
4.1	PUBLIC QUESTION TIME	6
4.1.1	<i>Mr Chris Whalley</i>	6
4.2	PUBLIC STATEMENT TIME	7
4.2.1	<i>Mr Ford Murray, Manager Community Relations at Fortescue Metals Group</i>	7
ITEM 5	QUESTIONS FROM MEMBERS WITHOUT NOTICE.....	7
5.1	<i>Councillor S R Martin</i>	7
5.2	<i>Councillor S J Coates</i>	8
5.3	<i>Councillor G J Daccache</i>	8
5.4	<i>Councillor D W Hooper</i>	9
ITEM 6	DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING.....	9
ITEM 7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
7.1	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 13 APRIL 2011	9
ITEM 8	ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION.....	12
ITEM 9	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	14
ITEM 10	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	14
ITEM 11	REPORTS OF OFFICERS	15
11.1	PLANNING AND DEVELOPMENT SERVICES	15
11.1.2	PLANNING SERVICES.....	15
11.1.2.1	<i>Proposed Permanent Closure of Parkland Reserve 39660, Lot 5993 Cottier Drive, South Hedland, Parkland Reserve 41675, Lot 5992 Cottier Drive, South Hedland, Drainage Reserve 46653, Lot 6000 Trumpet Way, South Hedland (File No.:28/01/0017)</i>	15
11.1.2.2	<i>Proposed Installation Public Art Piece at Lot 5772 Colebatch Way, South Hedland Town Centre (File No.: 802465G)</i>	19
11.1.2.3	<i>Proposed Local Planning Policy 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking (File No.: 18/01/0012)</i>	25
11.1.2.4	<i>Proposed Partial Closure of Portions of Lovell Place Road Reserve. (File No.: 28/01/0017)</i>	35
11.1.2.5	<i>Proposed Temporary Site Office, Crib room, Caretakers Dwelling, Sheds and Storage Areas Partially on Lot 95 (27) Kingsmill Street and Partially within the Hardie Street road and Foreshore Reserve (File No.: 400030G)</i>	40
11.1.2.6	<i>Proposed Partial Closure of Portions of Pepper Street Road Reserve. (File No.: 28/01/0017)</i> . 50	
11.1.2.7	<i>Proposed Use Not Listed – Mixed Use Development at Lot 54 (8) McKay Street, Port Hedland</i>	

(File No.:128500G)	55
11.1.2.8 Delegated Planning, Building & Environmental Health Approvals and Orders for March 2011 (File No.: 18/07/0002 & 07/02/0003)	67
11.1.2.9 Cancellation of Stakeholder and Community Engagement Consultant Tender, Tender 11/04 associated with the preparation of the Port Hedland City Growth Plan.	79
11.1.2.10 Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon. (File No.: 127990G).....	83
11.2 ENGINEERING SERVICES	105
11.2.1 INFRASTRUCTURE DEVELOPMENT.....	105
11.2.1.1 Cemetery Beach Community Park Concept Design (File 21/05/0016)	105
11.2.1.4 Request for Lease by Telstra – Mobile Communications Facility, Cottier Drive, South Hedland (File No.:...) 111	
11.3 COMMUNITY DEVELOPMENT.....	132
11.3.1 Donations Working Group: Recommended Endorsements of Funding Sponsorship Requests Received (File No.: 02/05/0003)	132
11.4 GOVERNANCE AND ADMINISTRATION.....	136
11.4.1 FINANCE AND CORPORATE SERVICES.....	136
11.4.1.1 Microsoft Licensing Compliance (File No.: 20/01/0009)	136
STANDARD CORPORATE APPLICATIONS AND LICENCES.....	139
11.4.1.2 Financial Reports to Council for Period Ended 31 March 2011 (File Nos: FIN-008, FIN-014 and RAT-009) 150	
11.4.2 GOVERNANCE	157
11.4.2.1 Constitutional Recognition of Local Government (File No.: ...).....	157
11.4.2.2 Spoilbank Marina Public Forum Consultation (File No.: .../...).....	161
ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL	163
ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	163
13.1 Reduction in Number of Town of Port Hedland Councillors to (7) Seven. (File No.:...).....	163
ITEM 14 CONFIDENTIAL ITEMS	164
14.1 JD Hardie Centre Variation Request (File No.:...)	165
ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE.....	166
ITEM 16 CLOSURE.....	166
16.1 DATE OF NEXT MEETING.....	166
16.2 CLOSURE.....	166

ITEM 1 OPENING OF MEETING

1.1 Opening

The Mayor declared the meeting open at 5:33 pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES

2.1 Attendance

Mayor Kelly A Howlett
 Councillor Arnold A Carter
 Councillor Stan R Martin
 Councillor George J Daccache
 Councillor Steve J Coates
 Councillor David W Hooper
 Councillor Michael (Bill) Dziombak

Mr Paul Martin	Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Mr Eber Butron	Director Planning and Development
Mr Gordon MacMile	Director Community Development
Miss Josephine Bianchi	Governance Coordinator

Members of the Public	5
Media	1

2.2 Apologies

Nil.

2.3 Approved Leave of Absence

Councillor Jan M Gillingham

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

3.1 Questions from Public at Ordinary Council Meeting held on Wednesday 13 April 2011

Nil.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 13 April 2011

3.2.1 Councillor J M Gillingham

Councillor Gillingham enquired as to whether the 60km/h sign along Cooke Point Drive can be been put back in place?

Director Engineering Services advised that a new 60km/h replacement sign to be installed along Cooke Point Drive has been ordered.

ITEM 4 PUBLIC TIME

4.1 Public Question Time

5:33pm Mayor opened Public Question Time

4.1.1 Mr Chris Whalley

Mr Whalley thanked Council for planting trees around town and asked the following questions:

Could Council along with Parks and Gardens replant those trees saplings that have been ripped out of the ground at the top end of Anderson Street? This time could each one of these new trees have four steel rods or wooden posts surrounding each tree and a a wire mesh wrapped around the four posts? This way we have a better chance of protecting each young tree.

Mayor advised that Council is currently working in conjunction with BHP Billiton to try and solve the matter.

Mayor also advised that she will take this question on notice to get expert advice to find out the best possible solution for this problem.

5:35pm Mayor closed Public Question Time

5:35pm Mayor opened Public Statement Time

4.2 Public Statement Time

4.2.1 Mr Ford Murray, Manager Community Relations at Fortescue Metals Group

Mr Murray gave a presentation to Council which focused on the following points:

1. Fortescue Metals Group (FMG) credentials with respect to community work; and
2. Item 11.1.2.10 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon' included in tonight's agenda.

FMG's community work in and around Port Hedland up to today's date has included programs to assist the indigenous population, social investments for FMG's workforce such as housing, the cafe' construction at Marquee park (physical infrastructure and operation), the General Practitioners housing assistance and the work conducted with Variety WA.

With regard to FMG's request included in the Agenda for tonight's Council meeting to expand the existing Hamilton Development in South Hedland, Mr Murray advised that so far extensive discussions have taken place with Town of Port Hedland officers. With this respect Mr Murray gave a special mention to Leonard Long, Manager Planning, for all his work. Mr Murray also advised that there are a few points that he believes need to be clarified further. In view of this, Mr Murray suggested Council may want to delay the consideration of FMG's Club Hamilton item until appropriate and exhaustive discussions have taken place in the next few weeks.

5:52pm Mayor closed Public Statement Time

NOTE: Mayor commended FMG for their efforts and contributions to the Port Hedland community.

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 Councillor S R Martin

Councillor Martin followed on from Mr Whalley's previous question about the actions of vandals around town and enquired as to whether a CCTV camera can be installed on Anderson Street or if the Town can engage a ranger to patrol the area?

Chief Executive Officer advised that currently there is a CCTV camera in place on the corner of the Esplanade Hotel, however the Town of Port Hedland can explore other options of putting extra cameras in that space to rectify the issues.

Chief Executive Officer also advised that he is aware the City of Fremantle is looking into imposing penalties on night clubs following their patrons behaviour when leaving the clubs and causing damage. Chief Executive Officer suggested the Town could consider a similar sort of approach to see if night clubs can take part of the responsibility for what is happening and make sure their patrons exit in an orderly manner.

Another option the Town is considering is to employing a security guard or a ranger for a few months to patrol the areas most affected by damage after hours.

5.2 Councillor S J Coates

Councillor Coates enquired as to whether Council would consider installing a CCTV camera at the corner of Cottier and Murdoch Drives?

5.3 Councillor G J Daccache

Councillor Daccache is concerned about the rocks that fall from haul trucks entering the West End on Wilson Street. For this reason he asked whether Council can approach the Port Authority and request that they clean these vehicles before they enter and leave Port Hedland?

Mayor advised that this is a similar issue that the town has experienced with the salt trucks and that she is happy to bring it forward with the Port Authority but also with the Department of Conservation through their licensing and regulation system.

Councillor Daccache asked who's responsibility is it to clean this part of Wilson Street?

Director Engineering Services advised that this part of Wilson Street is Main Roads' road reserve and it is their responsibility to keep it clean.

Councillor Daccache also asked who's responsibility is it to clean end of Wallwork Road at the roundabout in South Hedland?

Director Engineering Services advised that the part of Wallwork Road that goes from the roundabout in South Hedland to the first turn off into Wedgefield belongs to Council and from this point forward to Main Roads. BCG Contracting is the company that Main Roads have contracted to clean this part of the road.

Chief Executive Officer and Mayor advised that Council will engage with Main Roads and explore all options to make sure the road is kept clean and hazard free.

5.4 *Councillor D W Hooper*

Councillor Hooper enquired as to whether there have been any good news stories since the roll out of CCTV cameras and also if they are being monitored?

Director Engineering Services advised that there are monitors at the South Police station, in the rangers' office at the Wedgefield depot and in the Manger of Environmental Services' office, however the footage is not monitored on a 24/7 basis. The footage recorded can go back to 30 hours.

Chief Executive Officer also advised that the Town of Port Hedland is currently implementing policies and procedures around the use of CCTV footage and will present them to Council for consideration shortly.

Councillor Hooper asked if Council could engage volunteers to work on footage monitoring?

Chief Executive Officer advised that engaging volunteers for this type of work would raise legal issues, especially in terms of privacy.

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 13 April 2011

201011/338 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That the Minutes of the Ordinary Meeting of Council held on Wednesday 13 April 2010 be confirmed as a true and correct record of proceedings, with the following amendments:

Item 11.1.1.3 'Proposed Final Adoption of Amendment 30 to the Town of Port Hedland Town Planning Scheme No. 5, for Rezoning and Re-Coding of Various Lots Within South Hedland', recorded on page 39:

That Council:

- adopts Scheme Amendment 30, to Town of Port Hedland Town Planning Scheme No.5 (with modifications) consisting of the following changes:

MAP	LAND	DETAILS OF ZONE/CODE CHANGES
1	Lot 253 Rutherford Rd	Rezone from "Residential R20" to "Residential" R30 as depicted on the amendment map.
2	Lot 100 Paton Rd	Rezone from "Residential R20" and "Residential R30" to "Local Road" and "Residential" R30 as depicted on the amendment map.
3	Lot 6041 & 6042 Masters Way and closed portion of Kangaroo Place	Rezone Lot 6041 from "Parks & Recreation", Lot 6042 from "Residential" R30 and Closed portion of Kangaroo Place from "Local Road" to "Residential" R20 as depicted on the amendment map
4	Lots 3091 & 3100 Jibson Close and closed portions of Kennedy Street and Cottier Drive closed roads (Roundabout)	Rezone Lots 3091 & 3100 from "Residential" R20 and closed portions of Kennedy Street and Cottier Drive closed roads from "Local Road" and "other purposes – Water & Drainage" to "Residential" R30 and "Local Road" as depicted on the amendment map.
5	Portion of closed road (Smith Street)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.
6	Portion of closed road (Baler Road)	Rezone from "Local Road" to "Residential" R30 as depicted on the amendment map.
7	Portion of closed Road (Huxtable Crescent) & portion of Lot 6128 Paton Rd	Rezone from "Residential" R20 and "Local Road" to "Residential" R20 and "Residential" R30 and "Local Road" as depicted on the amendment map.
8	Lots 2240 & 2241 Greene Place and portions of	Rezone Lot 2240 from "Parks & Recreation", Lot 2241 from "Residential" R20 and portions of Green Place & McDonald Street

	Greene Place and McDonald Street closed roads	Closed Roads from “Local Road” to “Residential” R30 as depicted on the amendment map.
9	Lot 5554 Cassia Place	Rezone from “Parks & Recreation” to “Residential R 20”
10	Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 & 6083 Lovell Place, Lots 7 , 3092, 3093, 3094, 3095, 3096, <u>3097</u> , <u>3098</u> , 3735 & 6115 Jibson Close, Lots <u>3087</u> , <u>3090</u> , <u>3734</u> & <u>3738</u> Brown Place and portion of Brown Place closed road	Rezone Lot 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 & 6083 Lovell Place and Lots 7 , 3092, 3093, 3094, 3095, 3096, <u>3097</u> , <u>3098</u> , 3735 & 6115 and Lots <u>3087</u> & <u>3090</u> Brown Place from “Residential” R20 to “Residential” R30, Lot 3734 & 3738 Brown Place from “Residential” R20 to “Other Public Purposes – Water and Drainage” and portion of Brown Place closed road from “Local Road” to “Residential” R30 as depicted on the amendment map.
11	Lots 5977 and 2939 Hamilton Rd	Rezone from “Parks & Recreation” , “Local Road” to “Urban Development” R50 as depicted on the amendment map
12	Lots 6177 & 6108 Stanley & Cottier	Rezone from “Residential” R30 to “Parks & Recreation” (reference to “Community” deleted) as depicted on the amendment map.
13	All lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop.	Rezone from “Urban Development” R20 to Part “Residential” R20, Part “Residential” R30 and Part “Parks & Recreation Reserve” as depicted on the amendment map

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the April 2011 period to date as follows:

Friday, 8th April

- Meeting At Port Hedland Seafarer Centre Re: Works & Expansion Plans
- Meeting With Morag Lowe
- Attended BHPBIO Richard O'Connell Farewell + Cr Martin + Cr Dziombak + Cr Daccache + Cr Gillingham

Saturday, 9th April

- Mayor Coffee Session, Port Hedland
- Mayor Coffee Session, South Hedland

Sunday, 10th April

- Attended Port Hedland Pony Club Open Day Event + Deputy Mayor

Monday, 11th April

- Facilitated Visit & Briefing Pilbara District Education Director Sue Cuneo + MELD
- Conducted Citizenship Ceremony + Cr Daccache

Tuesday, 12th April

- Weekly Mayor Chat On Spirit Radio 1026am
- TOPH & PHPA Catchup + Deputy Mayor
- Meeting To Discuss Outcomes Sth Hedland Town Centre Community Art Workshop
- BHPBIO & TOPH Amenities Project Tour + Deputy Mayor + Cr Daccache + Cr Dziombak + DENG
- Attended South Hedland CBD Stakeholder Committee Meeting + Cr Dziombak + Cr Coates + DCD + DPD
- Meeting Re: Plans Sth Hedland Bowls & Tennis Club + Cr Coates + DCD

Wednesday, 13th April

- Volunteered HSHS School Breakfast Program
- Fortnightly Pilbara Shire President/Mayor Phone Linkup
- Meeting At The Edge Health & Fitness Centre
- Weekly Mayor & Deputy Mayor Catchup
- Weekly A/CEO, Mayor & Deputy Mayor Catchup
- Attended Meeting TOPH Donations Working Group + Deputy Mayor + Cr Dziombak + Cr Coates + Cr Daccache +DCD
- Attended Informal Briefing + Deputy Mayor + Cr Dziombak + Cr Coates + Cr Daccache + A/CEO + DENG + DPD + DCD
- Chair OCM 13 April 2011

Thursday, 14th April

- Flight To Geraldton
- Weekly Media Catchup With NWT
- Attended WA Regional Cities Alliance Meeting + CEO
- Attended Launch Of Website & Dinner WA Regional Cities Alliance + CEO

Friday, 15th April

- Meeting With Barry Humfrey Land Developments + CEO
- Flight Back To Port Hedland
- Attended Gallery Opening "When It Rains It Pours"
- Attended HYLC 2011 Hedland Battle Of The Bands

Saturday, 16th April

- Attended DHW/SHNL Free Easter Family Picnic
- Attended West End Markets

Sunday, 17th April

- Attended ANZAC Service Recognising Lockyer Family @ Whim Creek

Monday, 18th April

- Meeting TOPH & FMG Regular Meeting + Deputy Mayor + CEO
- Meeting TOPH & BHPBIO Joint Projects Working Group + Deputy Mayor + Cr Daccache + Cr Dziombak + CEO + DCORP
- Meeting With Global Solutions Re Hospitality Training Program

Tuesday, 19th April

- Attended ANZAC Assembly at Port Hedland Primary School
- Weekly Mayor Chat With Spirit Radio 1026am
- Attended One Life Suicide Prevention Meeting
- Chair Special Council Meeting
- Judging Banner In Terrace Artwork Entries + Deputy Mayor + Cr Hooper + Cr Daccache
- Attended Make Hedland Home BBQ

Wednesday, 20th April

- Weekly NWT Media Catchup

Mayor also advised that she attended the WA Regional Cities Alliance launch with the Chief Executive Officer; the launch took place on 13 April in Geraldton. The cities forming the alliance are Geraldton-Greenough, Bunbury, Albany, Kalgoorlie-Boulder. The alliance has a website and its aim is to try and draw people from the city to regional areas. The Premier suggested the Shire of Broome, the Town of Port Hedland and the Shire of Roebourne attend this meeting; however the Shire of Roebourne did not participate. The Town of Port Hedland will consider formally where to go with this alliance but at this stage it proposes to take a social approach with emphasis on networking and the opportunities to share projects and ideas.

Mayor gave a special mention to the South Hedland fire brigade that won in the B grade division at the 2011 Easter Fire Brigade State Championships.

Mayor commended the Returned and Services League (RSL) for the Dawn Service on Anzac Day, it was the highest attended service the town had seen for a long time, with the Chief Executive Officer also being present. The service focused on the navy and the people serving in Afghanistan. Mayor and Deputy Mayor were also involved in the reef laying ceremony and the parade to the memorial; it was very good to see so many children participating.

Mayor will attend the North West expo in Broome on week-end of 7 and 8 May, where she has been invited to speak in the pink tent. Mayor is looking forward to flying the flag for Hedland.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

Nil.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

Consultation

As part of the Land Rationalisation Plan, comments were sort from the internal departments. Any requirements or concerns raised have been addressed prior to the release of the land.

The Planning Unit has been advised by Recreation & Youth Services that the Girl Guides on Lot 5993 are no longer operating and have returned the keys to the Council.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The reserves have been identified through the Land Rationalisation Plan, as land better suited for development other than for "Parklands" or "Drainage" purposes. The development of the closed reserves for residential purposes will begin to address although in a small manner the housing shortage while at the same time adding to the improvement of the streetscape in their locations.

From a planning perspective the closure of the reserves will result in infill development within the existing urban footprint, creating a more compact town and controlling the possibility of urban sprawl.

Options

Council has the following options for responding to the request:

- 1) Support the request for closure of parkland reserves located at Lot 5992 Cottier Drive, Lot 5993 Cottier Drive and Lot 6000 Trumpet Way, South Hedland

The closure of these vacant reserves will result in additional residential properties becoming available to the market and at the same time will enhance the streetscape of the area with new modern residential developments.

- 2) Reject the request for closure of parkland reserves located at Lot 5992 Cottier Drive, Lot 5993 Cottier Drive and Lot 6000 Trumpet Way, South Hedland

Should Council choose not to support the closures, the reserves will remain vacant and undeveloped.

In light of the Land Rationalisation Plan which has been approved by Council, it is recommended that Council support the closure of the parkland reserves 41675 at Lot 5992 Cottier Drive, 39660 at Lot 5993 Cottier Drive and 46653 at Lot 6000 Trumpet Way, South Hedland.

Attachments

1. Locality Plans

201011/339 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

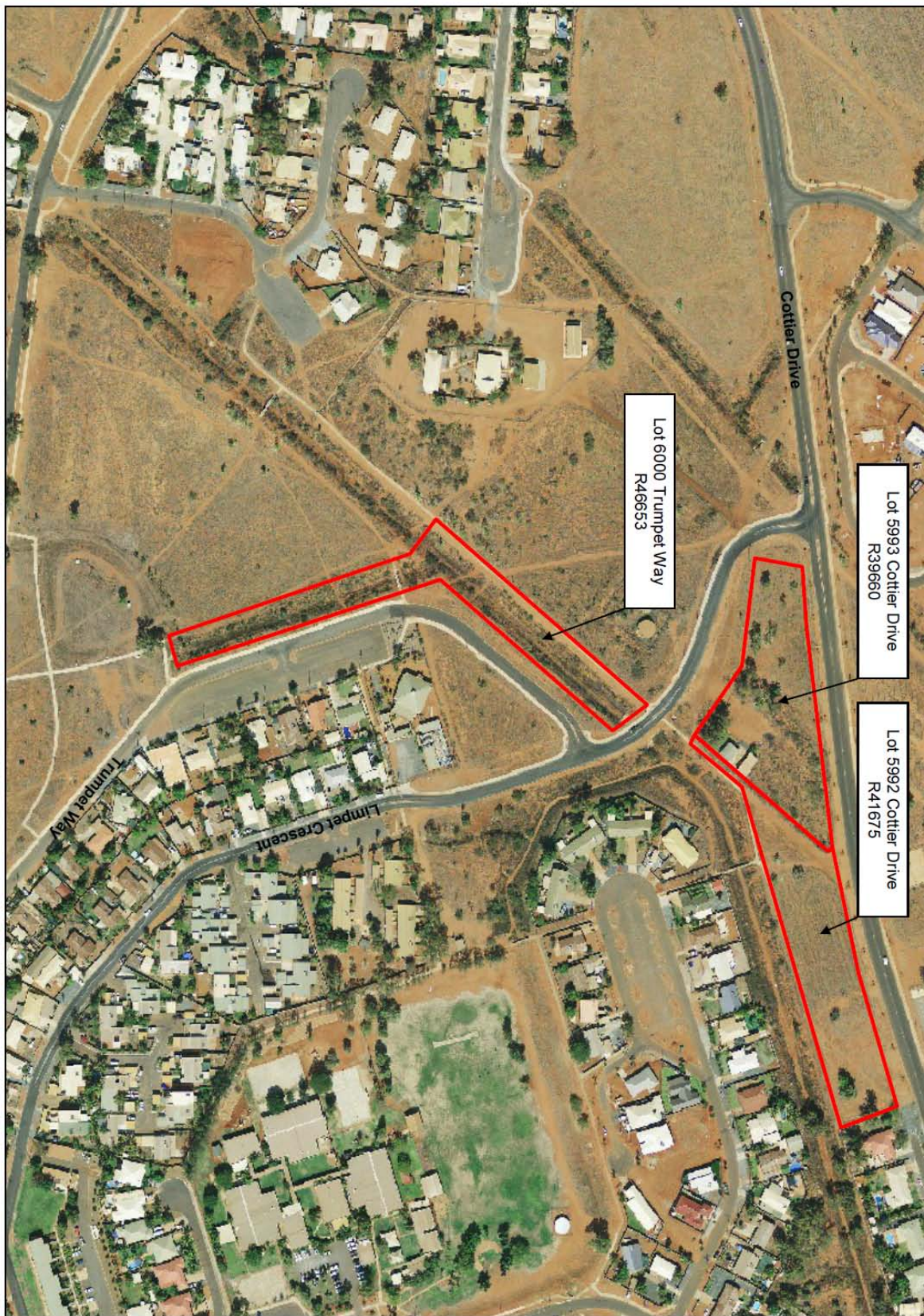
Seconded: Cr M Dziombak

That Council:

1. Notifies Department of Regional Development & Lands that Council has no objection to the cancellation of Reserves 35324 and 37546 "Parklands",
2. Rezones the closed reserves to the satisfaction of Council's Director Planning & Development Services.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.1



11.1.2.2 Proposed Installation Public Art Piece at Lot 5772 Colebatch Way, South Hedland Town Centre (File No.: 802465G)

Officer	Caris Vuckovic Lands Officer
Date of Report	8 April 2011
Application No.	2011/120
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Fred Beel for the installation of a public art piece at Lot 5772 Colebatch Way as part of the redevelopment of the South Hedland Town Centre. The art piece is proposed to be located at the south-east corner of the proposed South Hedland Town Square Development.

Council at its Ordinary Meeting on 25 March 2009, resolved that a planning permit for the installation of all future public art would be required.

The matter is therefore referred to Council as the current notice of delegation does not permit works on reserves to be dealt with under delegated authority.

Background

The art piece proposed for the South Hedland Town Square, will consist of 30 aluminum tapered poles. The poles will be of a minimum height of 3m and a maximum height of 4m. The poles are produced by spinning the aluminum to gain the tapered effect.

The poles will be arranged in an oval shape approximately 3m wide and 5m long, each pole will be approximately 800mm apart. The poles are intended to represent the spines as found on an echidna, so an organic look in both the surface finish is desirable.

Consultation

The application has been referred to Council's Engineering, Building and Community Services teams for comment. No objection to the art piece or location was received.

Statutory Implications	Nil
Policy Implications	Nil

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal No. 3 – Townscape

Strategy 1

In conjunction with industry, business and the community, develop improved verge and streetscape treatments throughout the Town.

Goal No. 5 – Arts and Culture

Strategy 2

Develop a public art policy / strategy and install public art in key locations within the town.

Budget Implications

Nil

Officer's Comment

Redevelopment of the South Hedland Town Centre has already begun and will transform the area into an area where people would like to meet and socialise.

The proposed art piece will contribute to the new modern look the redevelopment of the Town Centre will create.

Options

Council has the following options of dealing with the request:

1. Support the request for the installation of the art piece at Lot 21 Colebatch Way in the South Hedland Town Centre.
2. Reject the request for the installation of the art piece at Lot 21 Colebatch Way in the South Hedland Town Centre.

It is recommended that Council support the request for the installation of the art piece at Lot 21 Colebatch Way in the South Hedland Town Centre.

Attachments

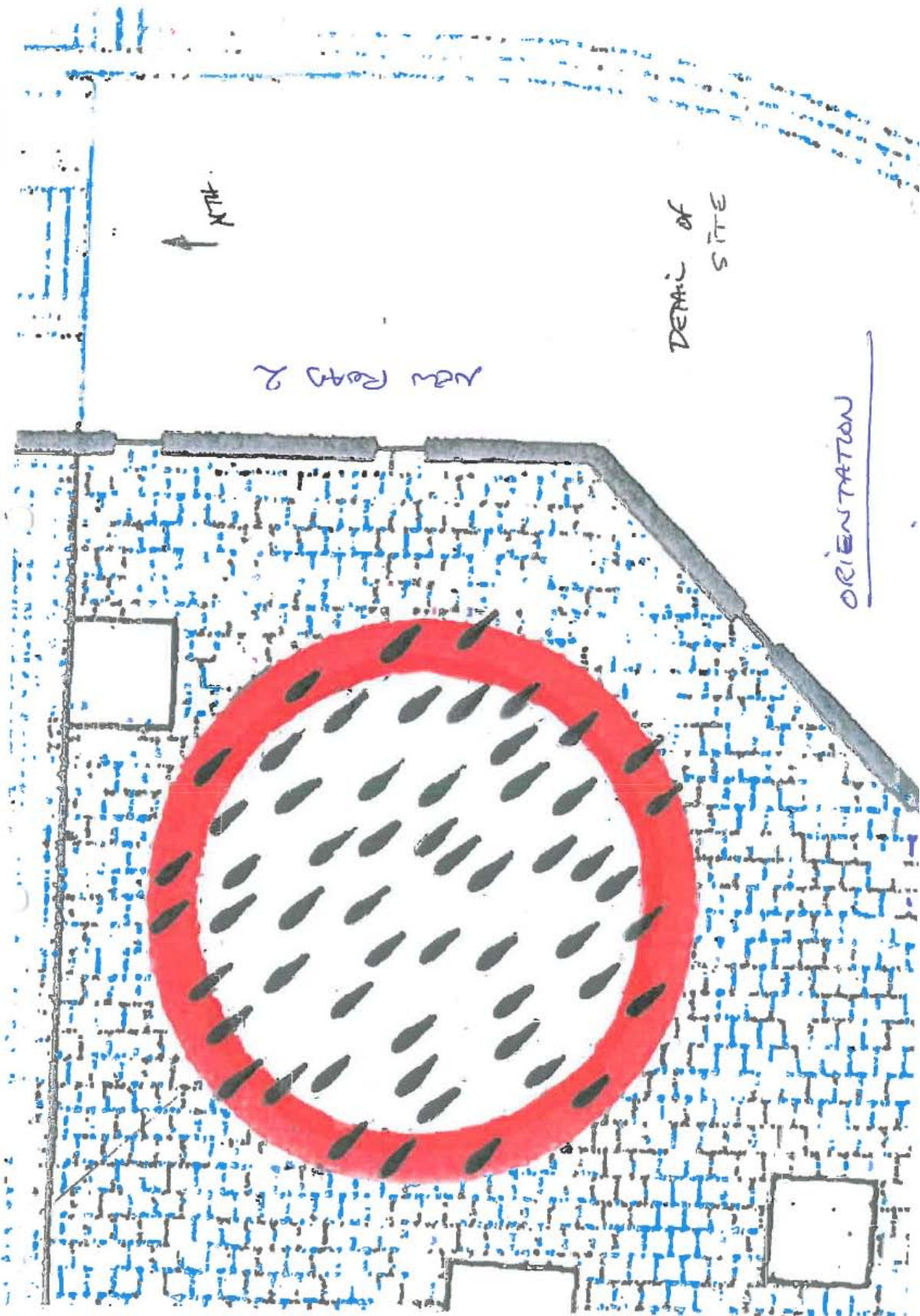
1. Site Plan
2. Art piece plan
3. Art piece plan

201011/340 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council approves the installation of the public art piece at Lot 21 Colebatch Way, South Hedland, in accordance with plans and specifications submitted to Council, subject to obtaining a building licence.

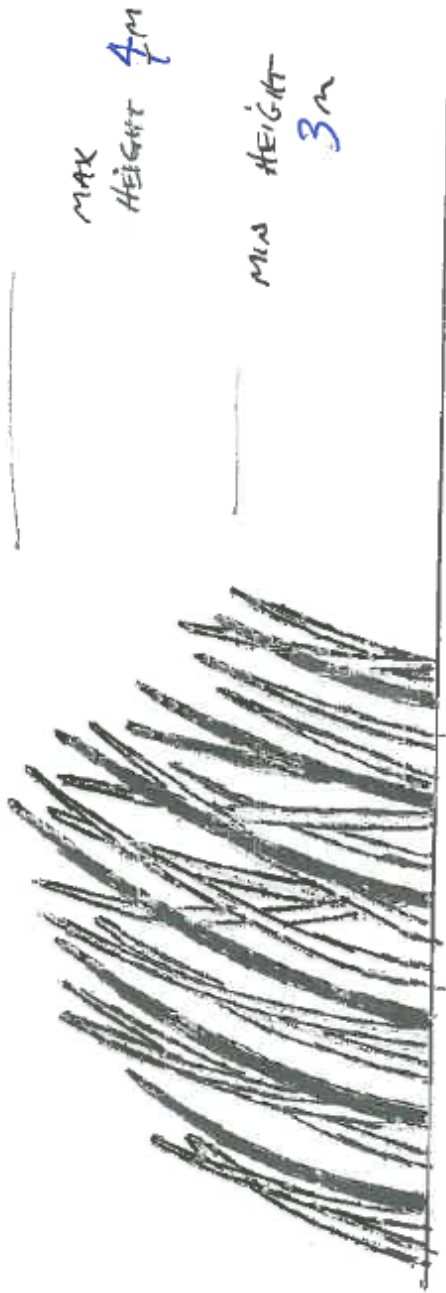
CARRIED 7/0

ATTACHMENT 2 TO AGENDA ITEM 11.1.2.2



ATTACHMENT 3 TO AGENDA ITEM 11.1.2.2

ALL SPINES A APPROXIMATELY 800 TO 900 mm APART.
 ANGLES AND HEIGHTS VARY IN AN ATTEMPT TO GAIN AN ORGANIC EFFECT.
 APPROXIMATELY ~~60~~ 30 SPINES IN AN AREA 6m DIAMETER.



SPINES LEAN AWAY FROM THE CENTRE OF THE PANE.

11.1.2.3 Proposed Local Planning Policy 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking (File No.: 18/01/0012)

Officer	Luke Cervi Senior Planning Officer
Date of Report	28 January 2011
Disclosure of Interest by Officer	Nil

Summary

This report recommends the amendment and re-advertising of a Local Planning Policy that identifies how and what will be considered in determining proposals for reciprocal car parking and cash in lieu of car parking.

Background

Council at its ordinary meeting on 24 November 2010 resolved to:

“Prepare a Local Planning Policy in accordance with clause 5.1 of Town Planning Scheme 5 that addresses Reciprocal Car Parking and Cash in Lieu of Car Parking.”

This was in response to the recommendations of the West End Car Parking Study that was prepared for Council. Reciprocal car parking and Cash in lieu of car parking is enabled through Section 6.13 of TPS5 however, the subsections provide limited guidance on how reciprocal car parking and cash in lieu of parking should be administered and managed. A policy would provide a consistent framework for determining when reciprocal car parking or accepting cash in lieu of car parking is appropriate.

At its ordinary meeting on 9 February 2011, Council resolved to:

“iv) Subject to no objections being received during the consultation process, adopts Local Planning Policy 12, and publishes the adoption of the Local Planning Policy in accordance with Section 5.1.6 of TPS 5, as follows:

- a. Publish notice of the Policy once in a newspaper circulating in the Scheme area.”*

Consultation

In preparing the proposed Local Planning Policy, consideration was given to the recommendations of the West End Parking Study prepared by Shawmac as well as policies implemented by neighbouring Council's (Shire of Ashburton and Shire of Broome).

The proposed Local Planning Policy 12 was advertised in accordance with TPS 5, Section 5.1.4 and included:

A Public Notice in the North West Telegraph on the 9th and 23rd March 2011.

No comments were received during the advertising period.

Statutory Implications

Section 5.1 of TPS5 enables the Council to make a Local Planning Policy and details the process to be followed.

Policy Implications

The proposed Local Planning Policy would be known as Local Planning Policy 12 – Reciprocal Car Parking and Cash in Lieu of Car Parking.

Strategic Planning Implications

The following sections of Council's Strategic Plan 2010 – 2015 are considered relevant to this proposal:

Key Result Area 4: Economic Development

Goal 5: Town Planning and Building

That Town Planning and Building control policy and practices within the Town are facilitating the rapid development of a sustainable community.

Budget Implications

In the event Council resolves to proceed with the proposed Local Planning Policy, some advertising and valuation costs will be involved.

The policy will also ensure that the true cost of providing off site car parking to facilitate private development is borne by the developer and not ratepayers.

Officer's Comment

The proposed Local Planning Policy was advertised without contribution figures for land acquisition costs as they were not available at the time of the report. It is considered that the high value of these figures may result in a number of persons wishing to lodge a submission.

The land value figures have been obtained from a local real estate agent and construction costs have been increased to reflect costs incurred by Landcorp on current projects and private developers. The land acquisition costs are by far the most onerous cost and are reflective of different areas. Port Hedland Town Centre is the most expensive and reflects the low availability of land and strong development activity in the precinct.

Whilst there may be some concerns that "Cash in lieu" of parking contribution of \$72,690 (Port Hedland Town Centre contribution) may stifle development, it becomes a simple case of servicing the needs of the development. If the developer does not appropriately service the needs of the development it can have negative impacts on the general community and often results in Council having to allocate time and resources to addressing the problems. Addressing car parking concerns can be difficult and costly.

To assist in maintaining flexibility, encouraging development and ensuring maximized use of public car parking, where public car parking is existing or land can be obtained at no cost to Council, it is proposed that "Cash in lieu" would only need to be provided for the 'construction cost' (\$7,500 per bay).

The amount of 'construction cost' bays that can be considered for any development should be limited to ensure adjoining properties also have opportunities to cash in lieu of parking at 'construction cost' only. The policy only allows for 1/3 of public parking within the vicinity of the development to be claimed for any individual site.

Council is regularly considering applications that include requests for a reduction to the amount of car parking provided on site as part of development. These reductions continue to be supported in an ad hoc manner.

The policy will provide clear criteria for both developers and decision makers for assessing these alternatives to the provision of onsite car parking, which will ensure consistent and fair determinations.

Key aspects of the policy are:

1. At least half (50%) of the parking required by TPS5 must be provided on site.

2. All residential (occupier) parking required by TPS5 must be provided on site.
3. Parking provided off site must be conveniently located to the development site.
4. No single development may claim more than 1/3 of all public parking within the vicinity (250m) of the development site.
5. A request for waiver of car parking must be supported by a traffic / parking study prior to being considered.

Options

Council has the following options for dealing with the matter.

1. Amend the Local Planning Policy and readvertise.

This option will give the community a further opportunity to comment on the proposal with contribution figures clearly identified.

2. Amend and adopt the Local Planning Policy.

This option allows Council to adopt the Local Planning Policy immediately having regard to the fact it has already been advertised in accordance with the TPS5 requirements and the policy in essence has not changed. The policy as previously advertised still identified a dual cost component being 'Land Acquisition Cost' and 'Construction Cost'. These figures would be incorporated appropriately.

3. Abandon the Local Planning Policy.

Decide to not proceed with a Local Planning Policy and instead consider each request for reciprocal, cash in lieu or waiver of car parking application independantly.

Attachments

1. Proposed Local Planning Policy

201011/341 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) Amends Draft Local Planning Policy 12 – Reciprocal Car Parking and Cash in Lieu of Car Parking;

- ii) Give notice of the amended Draft Local Planning Policy 12 in accordance with Section 5.1.4 of Town of Port Hedland Town Planning Scheme No. 5. as follows:
 - a. **Publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving the details of:**
 - 1. **Where the draft Policy may be inspected,**
 - 2. **The subject and nature of the draft Policy, and**
 - 3. **In what form and during what period (being no less than 21 days from the day the notice is published) submissions may be made, and**
 - b. **Publish a notice of the proposed policy in such other manner and carry out such other consultation as it considered appropriate.**
- iii) Further to ii) above, give notice to the Port Hedland Chamber of Commerce, Pilbara Development Commission and Western Australian Planning Commission.
- iv) Request the Chief Executive Officer or his delegate to provide a report to Council once the advertising period is concluded summarizing any submissions received.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.3

Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking



TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME NO.5
LOCAL PLANNING POLICY NO. 12 –
RECIPROCAL CAR PARKING & CASH IN
LIEU OF CAR PARKING

1. PRELIMINARY

1.1 Authority to prepare and adopt a Local Planning Policy

Clause 5.1 of the *Town of Port Hedland Town Planning Scheme No.5 (The Scheme)* allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Town.

This policy will be made effective once Council has completed the process provided by Clauses 5.1.4 – 5.1.7 inclusive of *The Scheme*.

1.2 Relationship of this Policy to *The Scheme*

Pursuant to section 5.1.2 of *The Scheme*, if a provision of this Policy is inconsistent with *The Scheme*, *The Scheme* prevails to the extent of the inconsistency.

This Policy is not part of *The Scheme* and does not bind Council in respect of any application for planning approval. However, Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. APPLICATION OF THE POLICY

This policy applies to all land within the municipal boundaries of the Town of Port Hedland.

3.0 POLICY OBJECTIVES

The objectives of this policy are to:

1. Facilitate development whilst ensuring the car parking needs of users are catered for within a reasonable proximity of the development.
2. Provide for the efficient use of land and public car parking.

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Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking

3. Provide a framework that guides developers and decision makers in considering car parking demand.
4. Ensure the policy is in plain English and is easily understood.

4.0 MINIMUM PROVISIONS OF ON SITE PARKING TO BE PROVIDED

No more than 50% of the car parking required by Appendix 7 (Car Parking Standards) of the Scheme can be provided for by reciprocal car parking and/or cash in lieu of car parking.

Example: An office complex requires 45 car parking bays to be provided in accordance with Appendix 7 of the Scheme. No more than 22 (rounded down from 22.5) bays can be provided for by reciprocal car parking and/or cash in lieu of car parking. Therefore a minimum of 23 car bays must be provided on the development site itself.

5.0 RECIPROCAL (SHARED) CAR PARKING

Town Planning Scheme No.5 provision

Clause 6.13.7:

Where there are two separate and different developments with different hours of peak operation, but being located on the same or adjoining lots, Council may permit some discounting of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety standards and there is agreement to the reciprocal use of all car parking bays.

When can reciprocal car parking be considered?

1. For employee and visitor car parking only (i.e reciprocal car parking will not be considered for any accommodation parking requirements whether related to permanent or temporary/tourism accommodation)
2. With the consent of all landowners providing car parking that is to be reciprocated; and
3. Where there is no overlap or only a partial overlap in operating times of the businesses reciprocating car parking; and
4. Where the peak demand for all businesses involved in the reciprocating of car parking can be met; and
5. When within 100m of the primary entrance of the development gaining benefit; and
6. Where there is a direct pedestrian link between the car parking which is to be reciprocated and the primary entrance of the development/s gaining benefit.

How much reciprocal car parking can be provided for a development?

- 100% Where there is no overlap in operating times

*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking*

Example: A shop with business hours of 8am – 4pm Monday – Friday is located next door to a proposed take away food outlet that will operate between 5.30pm – 9.30pm Monday – Friday and 11am – 9.30pm on weekends. The shop has 10 car parking bays and the proposed take away food outlet requires 30 car parking bays. With the consent of the landowner for the shop, the take away food outlet could claim reciprocal use of the 10 car parking bays provided on the shop site. This would result in 20 (30 – 10) car parking bays being required to be constructed on the site of the proposed take away outlet.

- 35% Where there is a partial overlap of operating times

Example: An office with business hours of 9am – 5pm Monday – Friday is located next door to a proposed Gymnasium that will operate between 6am - 9am and 3pm -9.00pm daily. The office has 20 car parking bays and the proposed Gymnasium requires 30 car parking bays. With the consent of the landowner for the office, the gymnasium could claim reciprocal use of 7 (35% of the 20 bays) of the car parking bays provided on the office site. This would result in 23 (30 – 7) car parking bays being required to be constructed on the site of the proposed gymnasium.

6.0 CASH IN LIEU OF CAR PARKING

Town Planning Scheme No.5 provision

Clause 6.13.3:

As an alternative to subclause 6.13.1, and subject to Council approval, a cash-in-lieu payment, to the equivalent cost of providing the required car parking spaces and proportion of aisles, plus the value of the area of land which would have been occupied by the spaces and proportion of aisles, may be paid to the Council. This payment is to contribute to a fund set aside by Council for the purposes of providing public car parking areas.

When can cash in lieu of car parking be considered?

1. For employee and visitor car parking only (i.e cash in lieu of car parking will not be considered for any accommodation parking requirements whether related to permanent or temporary/tourism accommodation)
2. Where public car parking is available within 250m of the development site.

How much cash in lieu of car parking can be provided for a development?

In addition to Clause 4.0 of this policy, the following limitation also applies:

Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking

- No more than 1/3 of all public car parking available within 250m of a development site will be available to be accessed via cash in lieu of car parking for that development site.

Example: 60 public car parking bays are available within 250m of a proposed mixed use development site. The mixed use development requires 100 car parking bays. A cash in lieu of car parking contribution may be provided for up to 20 car parking bays (being 1/3 of the 60 car parking bays available within 250m of the development site). The other 80 car parking bays must be provided on site or under the reciprocal use provisions of this policy.

What is the cash in lieu of parking contribution required per car parking bay?

The cash in lieu of parking contribution is split into two components being land acquisition and construction. Whilst the construction cost is fixed, the land acquisition cost is based on locality. The table below specifies total contributions:

Locality	Land Acquisition	Construction	Total Contribution
Port Hedland Town Centre	\$65,190	\$7500	\$72,690
South Hedland Town Centre	\$18,000	\$7500	\$25,500
Spinifex Hill Commercial Precinct	\$39,000	\$7500	\$46,500
Dempster Street Commercial Precinct	\$54,000	\$7500	\$61,500
Lawson Street Commercial Precinct	\$45,000	\$7500	\$52,500
Anderson street Mixed Business Precinct	\$30,000	\$7500	\$37,500
Byass Street Mixed Business Precinct	\$18,000	\$7500	\$25,500
Other	Subject to valuation	\$7500	Subject to valuation

7.0 WAIVERING OF CAR PARKING

Town Planning Scheme No.5 provision

Clause 6.13.5:

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*Town of Port Hedland Town Planning Scheme No.5
Local Planning Policy No. 12 – Reciprocal Car Parking & Cash in Lieu of Car Parking*

Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety standards, it may permit a reduction in the number of car parking spaces required by subclause 6.13.1.

When can waivering of car parking be considered?

1. Waivering of car parking will only be considered where accompanied with a parking study by a suitably qualified person supporting the request; and
2. The proposal has been advertised in accordance with clause 4.3.3 of the Scheme.

8.0 VARIATIONS TO THIS POLICY

Variations to this policy will only be considered where accompanied with a parking study by a suitably qualified person supporting the request and having advertised the request in accordance with clause 4.3.3 of the Scheme.

9.0 REQUIREMENT FOR A PLANNING PERMIT

In accordance with Clause 4.1.2 of the Scheme, any variation to the parking requirements of Appendix 7 requires a planning permit. This includes a proposed change of use regardless of whether the proposed use is a P use under the zoning table of the Scheme.

11.1.2.4 Proposed Partial Closure of Portions of Lovell Place Road Reserve. (File No.: 28/01/0017)

Officer **Caris Vuckovic**
Lands Officer

Date of Report 5 April 2011

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell and Barnett (TBB) Town Planners on behalf of the South Hedland New Living Project to permanently close a portion of the Lovell Place Road Reserve, South Hedland.

The road closure is required to facilitate the amalgamation thereof with the adjacent Lots 5997 and 6082 Unallocated Crown Land, South Hedland.

The proposed Partial closure is supported by the Planning Unit.

Background

The purpose of this proposed partial road closure is to excise unused portions of road reserve. This will facilitate the closed portion to be amalgamated with Lots 5997 and 6082 Unallocated Crown Land, which is earmarked for a residential development by South Hedland New Living.

The proposed partial road reserve closure will not adversely affect traffic, pedestrian or cycle networks in the area. Should the portion of road reserve be closed, appropriate applications for rezoning will be lodged to facilitate the amalgamation with the adjoining lot.

Consultation

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

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

Statutory 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 Nil

Budget Implications

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

Officer's Comment

The section of the Lovell Place Road Reserve which is being sought by the applicant is not required for road purposes.

The closure will result in the creation of a uniform size road reserve which will not pose any risk to traffic or pedestrians. With amalgamation of the closed portion of road reserve with the adjoining Lots 5997 and 6082, the development potential of the amalgamated lot is increased, and would result in a better overall outcome for both the community and the developer of the lot.

When considering the request for partial road closure the Council has the following options:

Options

- 1) Support the request for partial closure of Lovell Place Road Reserve, South Hedland.

The closure of the portion will improve the streetscape by allowing unused land to be incorporated into residential land and developed as such. This will result in the lot achieving maximum development potential.

- 2) Reject the request for partial closure of Lovell Place Road Reserve, South Hedland.

Should Council not support the closure, the portion of unused road will remain vacant and undevelopable, resulting in no benefit to the community.

It is recommended that Council support the partial closure of Lovell Place Road Reserve, South Hedland.

Attachments

1. Locality Plan
2. Proposed Road Closure Plan

201011/342 Officer's Recommendation/Council Decision

Moved: Cr D W Hooper

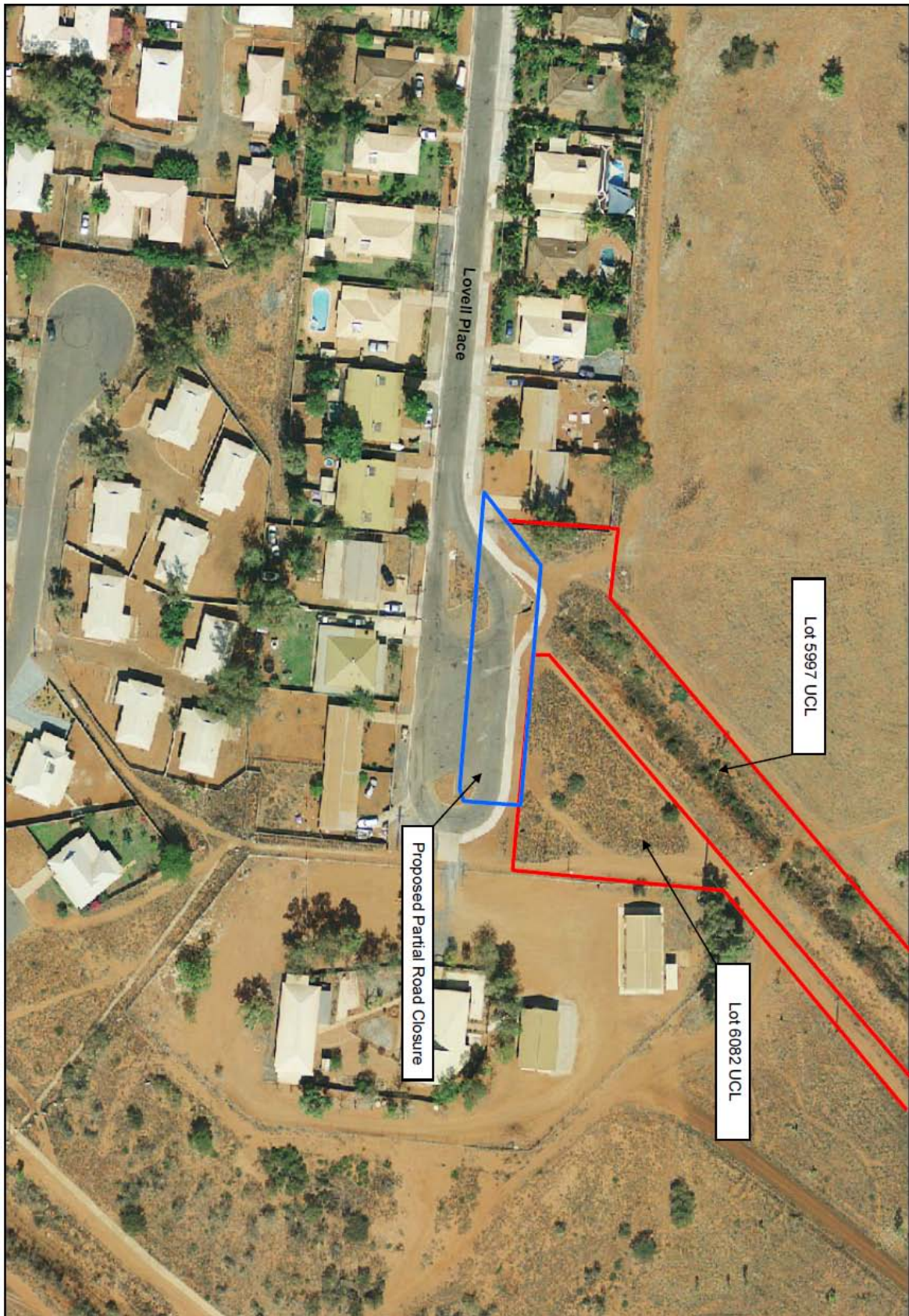
Seconded: Cr S R Martin

That Council:

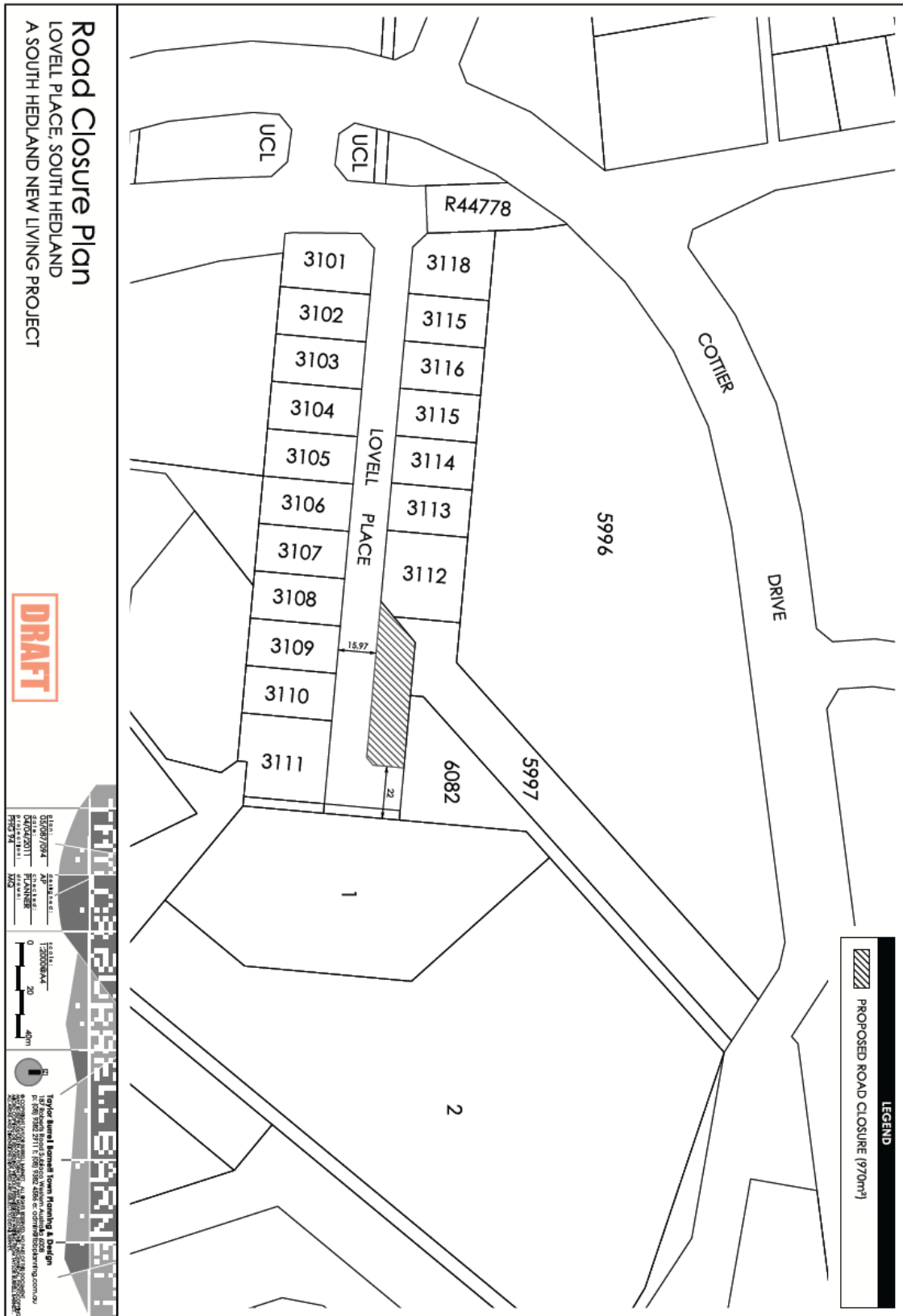
1. Supports the permanent closure of a portion of Lovell Place Road Reserve, South Hedland, with the following conditions;-
 - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**
 - b. **No objections being received during the advertising period,**
 - c. **Any relocation of existing infrastructure within the proposed portions shall be carried out and reinstated to the specification and satisfaction of the Manager Infrastructure and Development and at the developers/applicants expense**
 - d. **Minimum truncation and road reserve widths are required to the satisfaction of Engineering Services.**
2. Delegates the Director Planning & Development Services under Delegation 40(12) to submit the roads closure request to the Department of Regional Development and Lands (State land Services), subject to no adverse submissions being received during the statutory advertising period.
3. Advises the applicant that any cost associated with the proposed partial road closure will be at their cost.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.4



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.4



6:08pm Councillor M Dziombak declared a Financial Interest in Agenda Item 11.1.2.5 'Proposed Temporary Site Office, Crib room, Caretakers Dwelling, Sheds and Storage Areas Partially on Lot 95 (27) Kingsmill Street and Partially within the Hardie Street road and Foreshore Reserve' as he is the landowner and developer of the subject site.

Councillor M Dziombak left the room.

11.1.2.5 Proposed Temporary Site Office, Crib room, Caretakers Dwelling, Sheds and Storage Areas Partially on Lot 95 (27) Kingsmill Street and Partially within the Hardie Street road and Foreshore Reserve (File No.: 400030G)

Officer	Ryan Djanegara Planning Officer
Date of Report	12 April 2011
Application No.	2011/81
Disclosure of Interest by Officer	Nil

Summary

The Town has received an application from BDA Construction on behalf of the landowner, Michael Dzimobak, to construct a temporary site office, crib room, caretakers dwelling, sheds and storage areas partially on Lot 95 (27) Kingsmill Street and partially within the Hardie Street road reserve and foreshore reserve.

These buildings are required for a period of 10 months to facilitate the construction of an approved 6 "Grouped Dwelling" development on Lot 95 (27) Kingsmill Street, Port Hedland.

This item is referred to Council for determination as the proposed use is considered a "Use Not Listed" and is located within reserves. The Director Planning and Development Services does not have delegations to determine such applications.

The proposal is supported by the planning unit subject to conditions.

Background

Location and Area

Lot 95 (27) Kingsmill is located on the north eastern corner of Hardie and Kingsmill Streets. The area to be used as proposed is located on the northern most boundary. (ATTACHMENT 1)

Previous Approvals

On the 8th March 2010, the Council approved the proposed development of 6 "Grouped Dwellings".

Proposal

The applicant proposes to construct a temporary site office, crib room, caretakers dwelling, sheds and storage areas partially on Lot 95 (27) Kingsmill Street and partially within the Hardie Street road reserve and foreshore reserve. The proposal is necessary due to the construction method being used to construct the approved 6 "Grouped Dwellings", and is required for a period of 10 months.

Consultation

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

Public consultation has taken place with the adjoining property owners in accordance with section 4.3.1 of the Port Hedland Town Planning Scheme No. 5, no objections were received.

Statutory Implications

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

Policy Implications

Nil

Strategic Planning Implications

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

Key Result Area 4: Economic Development

Goal Number 1: Business Development

Fast-track the release and development of commercial, industrial and residential land.

Budget Implications

An application fee of \$135.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The proposed use and location is necessitated through the style of construction (tilt up slab) being used for the approved 6 "Grouped Dwellings". The style of construction requires that all 6 "Grouped Dwellings" are required simultaneously which does not provide

sufficient space on the lot for the uses being applied for.

From a planning perspective the main issues that need to be taken into consideration is:

- Possibility of the temporary use evolving into a compliance matter,
- Amenity,
- Pedestrian and Traffic Safety

Potential Compliance

The area identified for the proposed use would necessitate the developer to remove all the proposed uses. The proposed use would be located directly between the proposed development and the foreshore reserve. As a result it is likely that any potential purchases or residents would require the proposed use to be removed prior to taking occupation.

In addition to the likely pressure from the occupiers the approval is subject to a number of conditions, should the proposed use not be removed it does provide the Town with alternatives.

Amenity

The proposed development is located within a predominately residential area and may impact on the neighbouring properties during the construction phase. The time of construction and would be reduced through the approval of the subject application, in turn reducing the impact the development may have on the neighbouring properties and the amenity.

Traffic Safety

The area proposed for the subject use is located at the end of a cul-de-sac, traffic utilising this road is generally the adjoining residence. No footpath has been constructed along this portion of Hardie Street; a condition has been imposed to ensure that any fencing placed on the site does not impact on pedestrian or drivers sighting distance

Applicant Justification

The applicant has justified the location of these buildings for the following reasons:

- To ensure their removal at the end of the construction of the 6 "Grouped Dwellings";
- To reduce potential use of the Kingsmill Street Road reserve for the construction of the development and therefore limiting potential pedestrian and vehicle traffic implications; and

- To ensure a safe working environment for the building companies and surrounding residents during the construction of the 6 dwellings.

It is considered that the applicant's justification is reasonable as it will have a minimal impact on the surrounding amenity of the locality.

In light of the above, the applicant's justification is supported.

Option

The Council has the following options when considering the application:

1. Approve the application subject to conditions.

Should Council seek to approve the application subject to conditions, the applicant will be able to construct the 6 grouped dwellings and have a minimal impact on the surrounding area.

2. Refuse the application.

Should Council seek to refuse the application the development of the proposed 6 dwellings will be hampered, which may have a greater impact on the amenity of the locality.

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

Attachments

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

201011/343 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council approves the application submitted BDA Construction on behalf of the landowner, Michael Dzimobak, to construct a temporary site office, crib room, caretakers dwelling, sheds and storage areas partially on Lot 95 (27) Kingsmill Street and partially within the Hardie Street road reserve and foreshore reserve Port Hedland subject to the following conditions:

1. This approval relates only to the proposed "USE NOT LISTED" – Temporary site office, crib room, caretakers dwelling, sheds and storage areas only. It does not relate to any other development on this lot.

2. The approval is only valid for a period of 12 months or such further period as agreed by Council's Manager Planning.
3. The premises to be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.
4. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
5. All dust and sand to be contained on site with use of appropriate dust suppression measures being taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Engineering Services and Environmental Health Services and to the satisfaction Council's Manager Planning.
6. The proposed temporary fence is to be located a minimum 1.5 metres from the back of the kerb on Hardie Street.
7. The proposed temporary fence is to be truncated 6 metres at the corner of Haride and Kingsmill Street to provide pedestrians and drivers with adequate sight distances.
8. Prior to the submission of a building license the following information will need to be provided:
 - a. **A detailed construction management plan for the temporary buildings;**
 - b. **A detailed pedestrian management plan;**
 - c. **A dilapidation report (including photos) is to be submitted by the applicant highlighting all areas within the road reserve/verge being utilized, prior to any works commencing.**
9. Reinstatement and rehabilitation of reserve and verge to be carried out by the developer at the developers expense to the satisfaction of Council's Manager Planning.
10. Any damage or relocation of existing services or infrastructure to be at applicant's expense and reinstated by the applicant to the satisfaction of Council's Manager Planning.
11. No retail or wholesale trade to be permitted from the premises or site.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. Council's Building services advises that a special building license and deposit of materials verge license will need to be obtained
3. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
4. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 6/0

6:09pm Councillor M Dziombak re-entered the room and resumed his chair.

Mayor advised Councillor M Dziombak of Council decision.

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.5

Attachment 1 – Locality Plan





11.1.2.6 Proposed Partial Closure of Portions of Pepper Street Road Reserve. (File No.: 28/01/0017)

Officer **Caris Vuckovic**
Lands Officer

Date of Report 5 April 2011

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Taylor Burrell Barnett (TBB) Town Planners on behalf of the South Hedland New Living Project to permanently close a portion of the Pepper Street Road Reserve, South Hedland.

The road closure is required to facilitate the amalgamation thereof with Lot 5981 Kennedy Street, South Hedland.

The proposed Partial closure is supported by the Planning Unit

Background

The purpose of this proposed partial road closure is to excise unused portion of the existing Pepper Street reserve. This will facilitate the closed portion to be amalgamated with Lot 5981 Kennedy Street, which is earmarked for residential development by South Hedland New Living.

The proposed partial road reserve closures will not adversely affect traffic, pedestrian or cycle networks in the area. Should the portion of road reserve be closed, appropriate applications for rezoning will be lodged to facilitate the amalgamation with the adjoining lot.

Consultation

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

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

Statutory 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 Nil

Budget Implications

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

Officer's Comment

The section of the Pepper Street Road Reserve which is being sought by the applicant is not required for road purposes.

The closure will result in the creation of a uniform size truncation which will not pose any risk to traffic or pedestrians. By amalgamating the portion of closed road into Lot 5981 Kennedy Street, the development potential is increased. This will result in a better overall outcome for both the community and the developer of the lot.

When considering the request for partial road closure the Council has the following options:

Options

- 1) Support the request for partial closure of Pepper Street Road Reserve, South Hedland.

The closure of the portion will improve the streetscape by allowing unused land to be incorporated into residential land and developed as such. This will result in the lot achieving maximum development potential.

- 2) Reject the request for partial closure of Pepper Street Road Reserve, South Hedland.

Should Council not support the closure, the portion of unused road will remain vacant and undevelopable, resulting in no benefit to the community.

It is recommended that Council support the partial closure of Pepper Street Road Reserve, South Hedland.

Attachments

1. Locality Plan
2. Proposed Road Closure Plan

201011/344 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

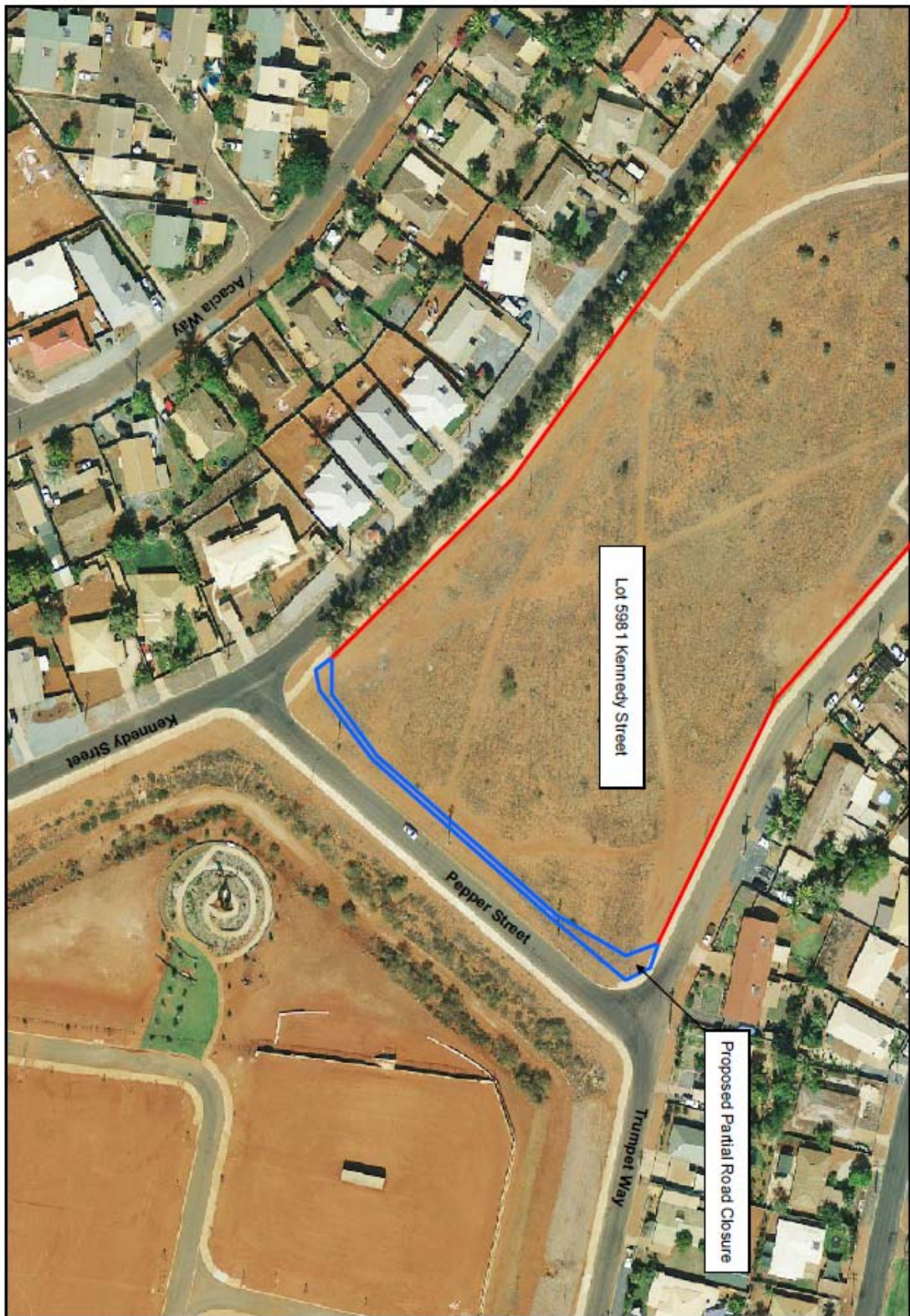
Seconded: Cr S R Martin

That Council:

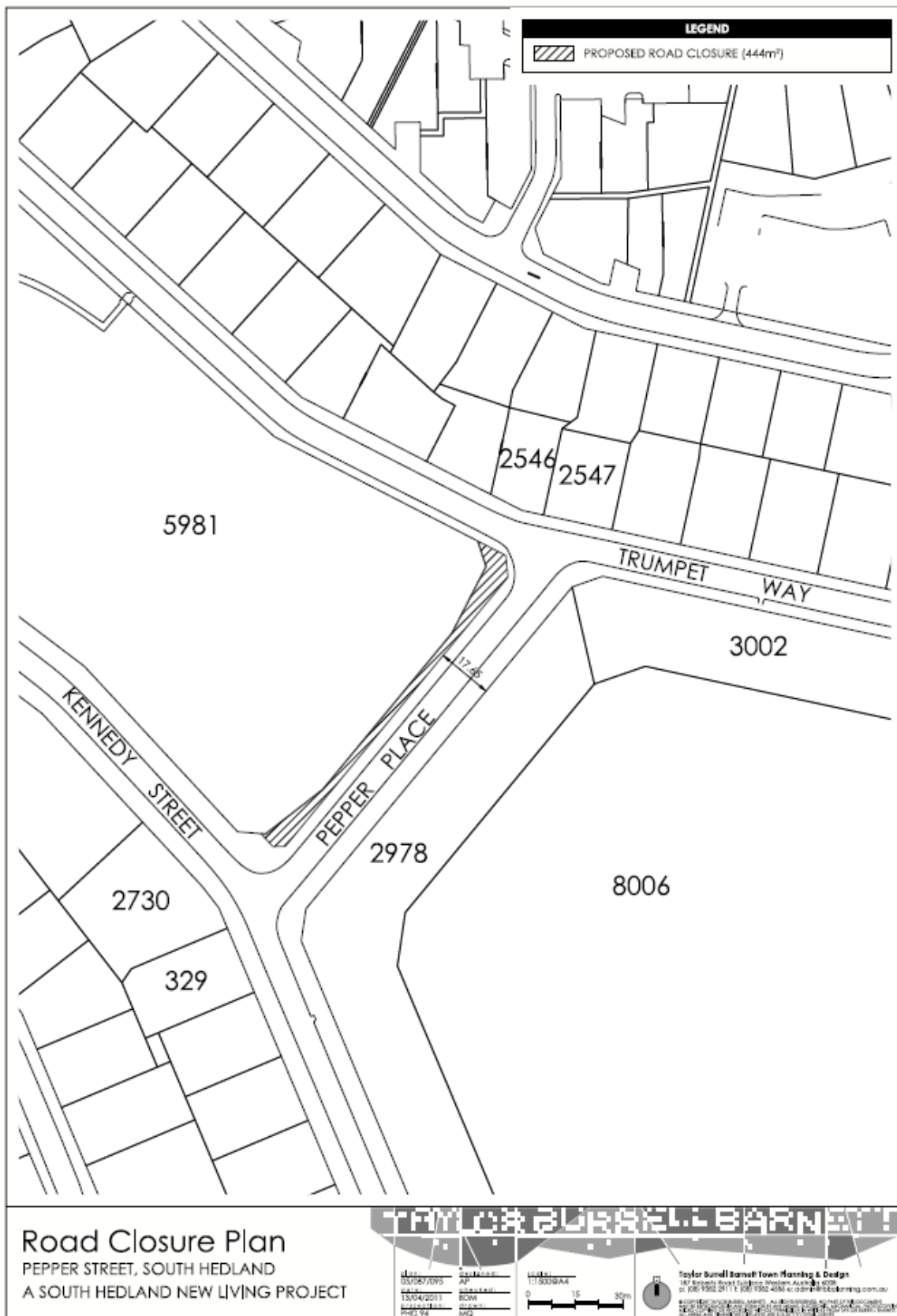
1. Supports the permanent closure of a portion of Pepper Street Road Reserve, South Hedland, with the following conditions;-
 - a. **The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,**
 - b. **No objections being received during the advertising period,**
 - c. **Any relocation of existing infrastructure within the proposed portions shall be carried out and reinstated to the specification and satisfaction of the Manager Infrastructure and Development and at the developers/applicants expense**
 - d. **Minimum truncation and road reserve widths are required to the satisfaction of Engineering Services.**
2. Delegates the Director Planning & Development Services under Delegation 40(12) to submit the roads closure request to the Department of Regional Development and Lands (State land Services), subject to no adverse submissions being received during the statutory advertising period.
3. Advises the applicant that any cost associated with the proposed partial road closure will be at their cost.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.6



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.6



11.1.2.7 Proposed Use Not Listed – Mixed Use Development at Lot 54 (8) McKay Street, Port Hedland (File No.:128500G)

Officer	Michael Pound Planning Officer
Application No	2011/68
Date of Report	19 April 2011
Disclosure of Interest by Officer	Nil

Summary

Council have received an application from Greg Rowe and Associates (**GRA**) on behalf of the current land owner Gary Wayne Madson, to construct a Mixed Use Development at Lot 54 (8) McKay Street Port Hedland (**subject site**),

The proposal is to develop a mixed use development consisting of Multiple Dwellings and Offices.

This item is referred to Council for determination as it is a 'Use not listed' within the Town of Port Hedland Town Planning Scheme No. 5 (**TPS5**).

The application is supported by the Planning unit.

Background

Property Location (ATTACHMENT 1)

The subject site has a total area of approximately 1,011m². It is wholly contained within the 'Town Centre' zone under the provisions of TPS5.

The subject site is currently undeveloped.

The Proposal

The proposal is to develop twelve (12) Multiple Dwellings and two (2) Office's. The Multiple Dwellings are proposed to range from 50.05m² to 52.01m². The subject site has frontage onto McKay Street.

The zoning permits the proposed land uses in the following manner:

Office : "P" (the development is permitted by the scheme)

Multiple Dwellings : “SA” (the development is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 4.3)

The Residential Design Codes allow for mixed use developments where dwellings can be combined with non-residential uses, provided that such development is compatible with “Multiple Dwelling” standards. Therefore, the proposed development complies with the definition of a “Mixed Use Development” as defined by the Residential Design Codes of Western Australia.

TPS5 does not make provision for “Mixed Use Developments”, so the development needs to be considered as a “Use Not Listed”.

The application has been assessed in accordance with both the Residential Design Codes and TPS5, and the assessment is further discussed under the officer’s comments.

Consultation

The application has been circulated to the internal departments and advertised externally in accordance with section 4.3.1 of TPS5.

No objections were received.

Statutory Implications

The development of the land must be done in accordance with TPS5.

Policy Implications Nil

Strategic Planning Implications

Goal Number 3 – Business Development
Strategy 2 (other actions) – Provide support and incentives for entrepreneurs who are interested in establishing tourism related businesses within the Town.
Key Result Area 4 – Economic Development
Goal Number 5 – Town Planning and Building
Strategy 1 – Work with key stakeholders to ensure that the Land Use Master Plan is implemented.

Budget Implications

An application fee of \$13,350.00 has been received as per the prescribed fees approved by Council.

Officer's Comment

The application is considered a catalyst for further development within the Town Centre which would assist in the realisation of the Town Centre as envisaged in the Land Use Master Plan.

Whilst the proposed development would have a distinct benefit to the Town Centre, due consideration must be given to the following:

- Streetscape
- Carparking Requirements
- Reciprocal Carparking Arrangement
- Cash-in-lieu Payment Calculation

Streetscape

The applicant has, through the design of the building, achieved an acceptable streetscape to McKay Street. The design allows for a commercial interface on the ground floor which is conducive to a town centre environment. Whilst the residential units also provide passive surveillance of McKay Street.

Access to the proposed development is via a rear gazette laneway. This allows for the commercial component of the development to have a 'Main Street' approach to McKay Street.

Car parking requirements

In accordance with Appendix 7 of TPS5 the landowner is required to provide a minimum of 29 car parking bays. Twelve (12) car parking bays have been provided on-site leaving a shortfall of seventeen (17) car parking bays.

**Reciprocal Car Parking Arrangement
(Draft Reciprocal Carparking Policy No. 12)**

In accordance with Clause 6.13.7 of the Scheme Council may consider reciprocal car parking for a development in order to reduce the shortfall of carparking bays.

The Draft Reciprocal Carparking Policy No. 12, recommends 100% reciprocal carparking for visitor carparking bays associated with the residential component of the development (3 bays). Thus reducing the shortfall to 14 bays.

Clause 6.13.3 of TPS5 allows for cash-in-lieu to compensate for reducing the number of bays to be provided on-site. Clause 6.13.5 requires that the provision of cash-in-lieu does not reduce the safety standards of the locality.

In terms of the provisions of the Scheme, Council's Draft Reciprocal Carparking Policy No. 12, provides further clarity and additional requirements for developers wishing to make cash-in-lieu contributions to compensate any parking shortfalls. In accordance with the Draft Reciprocal Carparking Policy No. 12, cash-in-lieu contributions can only be considered:

"For employee and visitor car parking only (i.e cash in lieu of car parking will not be considered for any residential parking requirements whether related to permanent or temporary/tourism accommodation")

Cash-in-lieu Payment Calculation (Draft Reciprocal Carparking Policy No. 12)

Given a public car park (boat ramp) is available for use within 250 meters a reciprocal cash in lieu payment arrangement can be considered for the 14 bay shortfall.

The cash-in-lieu requirement to pay for additional bays is split into two components, land acquisition and construction cost. The construction cost is estimated at \$7,500 and land acquisition cost based on locality being approximately \$2170.30/m² (30m² = \$68,109.00).

Given that Council does not have an acquisition cost for the 14 carparking bays located in the road reserve, Council may consider providing the land at no cost. This will require the developer having to either pay a cash in lieu payment of \$105,000. This has been discussed with the applicant who has provided the Town with confirmation that the developer agrees to the proposed cash in lieu payment.

Given that the proposal is consistent with the provisions of the draft policy, it is considered that the requested parking arrangement can be supported subject to a cash-in-lieu payment for the required 14 bays shortfall provided.

Options

The Council has the following options in response to the application:

1. Support the application as submitted with reciprocal car parking and the payment of Cash-in-lieu for the shortfall of 14 parking bays.

The approval of the application would result in revitalisation of the Port Hedland Town Centre by increasing the proposed mixed uses.

2. Refuse the proposal

The refusal would likely lead to a substandard development on the subject site resulting in a detrimental impact on the streetscape.

It is recommended that council supports the proposed development subject to conditions.

Attachments

1. Locality Map
2. Site Plan, Floor Plan and Elevations

201011/345 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council approves the application submitted by Greg Rowe and Associates on behalf of the current land owner Gary Wayne Madson, to construct a Mixed Use Development at 54 (8) McKay Street Port Hedland, subject to the following conditions:

1. This approval relates to a MIXED USE DEVELOPMENT incorporating twelve (12) Multiple Dwellings and two (2) Offices as shown on the approved plans. It does not relate to any other development on this lot.
2. The development must only be used for purposes which are related to the operation of an "Office" and "Multiple Dwellings" as indicated on the approved plans. Under TPS5, the above approved uses are defined as follows:

"Office:

A building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking"

"Multiple Dwelling:

A dwelling in a group of more than one where any part of a dwelling is vertically above part of any other"

3. This approval to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. Prior to commencing works, the land owner is to prepare a notification pursuant to section 70A of the Transfer of Land Act 1893, in a form acceptable to the Town, to be lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot. This notification is to be sufficient to alert prospective landowners or occupiers that:
 - a. **The Western Australian Department of Health has advised in a preliminary investigation that it does not support medium density residential development in this area due to a potential causal link between the dust generated by nearby ore mining processes and port facilities, and increased likelihood of respiratory health impacts,**
 - b. **Seniors, children, and persons with existing heart or lung disease appear to be at an elevated risk of dust-related health impacts.**

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

5. Prior to the submission of a Building Licence, amended plans being submitted to and approved by the Town incorporating the following amendment:
 - **Detailed plans indicating design of the proposed verge parking in Mckay Street, to the specifications of Councils Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.**
6. Prior to the submission of a Building Licence the applicant is to have paid a cash in lieu contribution of \$105,000 for the 14 car parking spaces that cannot be provided on-site.
7. A minimum of twelve (12) car parking spaces are to be provided on-site.
8. The parking areas and / or associated access ways shall not be used for storage (temporary or permanent) without the prior approval of the Town.
9. The parking applicable to the permanent residential units shall be reserved as such.

10. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the dwelling(s)
11. Within 30 days of this approval or such further period as may be agreed by Councils Manager Planning, a detailed landscaping and reticulation plan including the McKay Street verge, must be submitted for consideration by Councils Manager Planning. The plan is to take into consideration the existing landscaping along McKay Street
12. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established using mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning
13. All storage / service areas shall be suitably screened and access doors / gates closed other than when in use, to the satisfaction of Councils Manager Planning.
14. Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and / or screened so as not to be visible from beyond the boundaries of the development site, to the satisfaction of Councils Manager Planning.
15. Storm water disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of Councils Manager Planning.
16. The proposed development shall be connected to reticulated mains sewer.
17. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of Council's Health Local Laws 1999 and to the satisfaction of Councils Manager Planning.
18. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.
19. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
20. All dust and sand to be contained on site with the use of suitable dust suppression techniques to specification of Councils Manager Environmental Health Services and to the satisfaction of Councils Manager Planning.

21. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a. **The delivery of material and equipment to the site;**
 - b. **The storage of material and equipment on the site;**
 - c. **The parking arrangements for the contractors and subcontractors;**
 - d. **Impact on traffic movement;**
 - e. **Operation times including delivery of materials;**
 - f. **Other matters likely to impact on the surrounding uses;**
 - g. **Building waste management control;**
 - h. **Point of contact of personnel for control of enquiries and any complaints; and**

All to the satisfaction of Councils Manager Planning.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only, and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) meter level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and / or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
3. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval

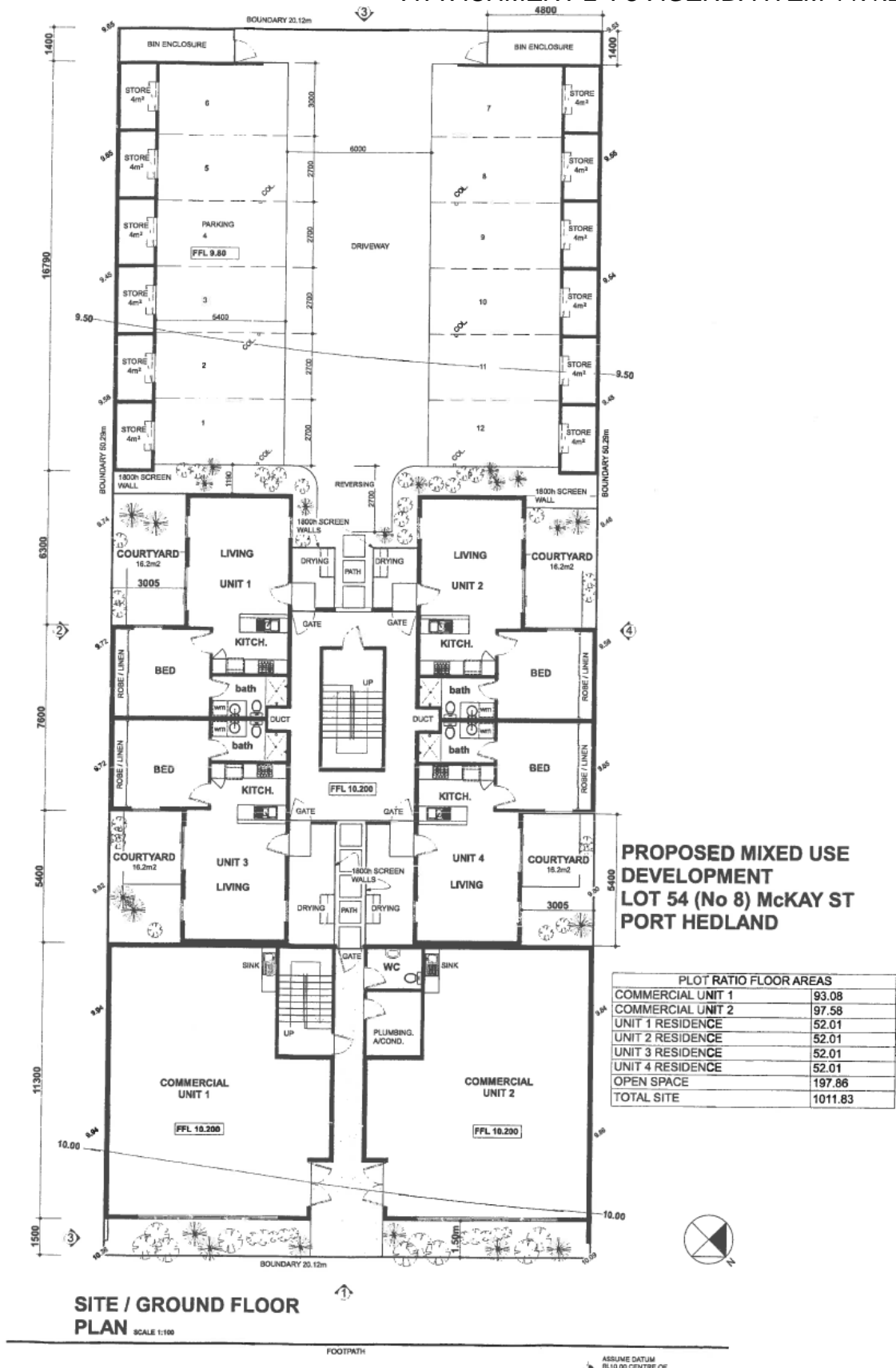
CARRIED 7/0

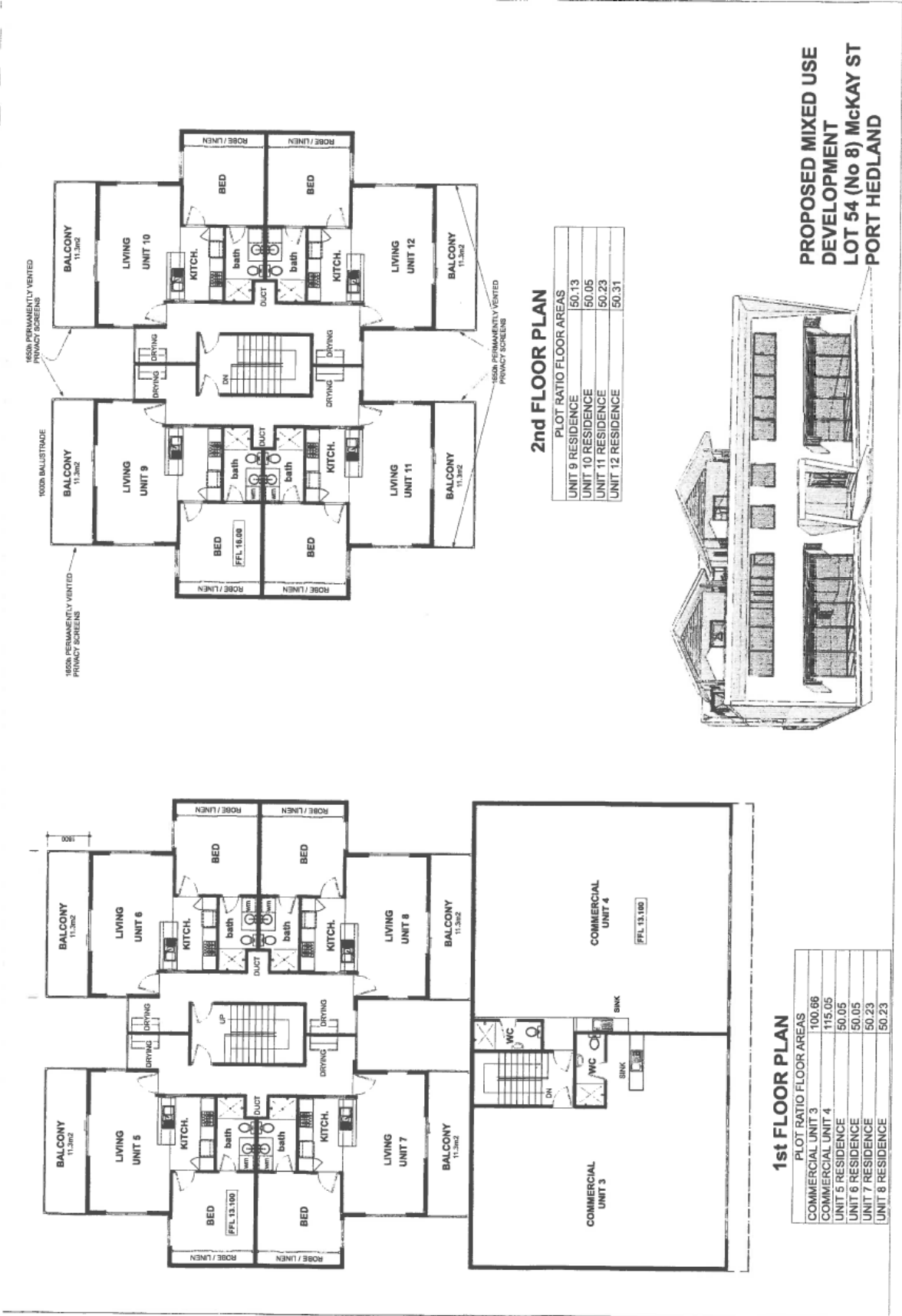
ATTACHMENT 1 TO AGENDA ITEM 11.1.2.7

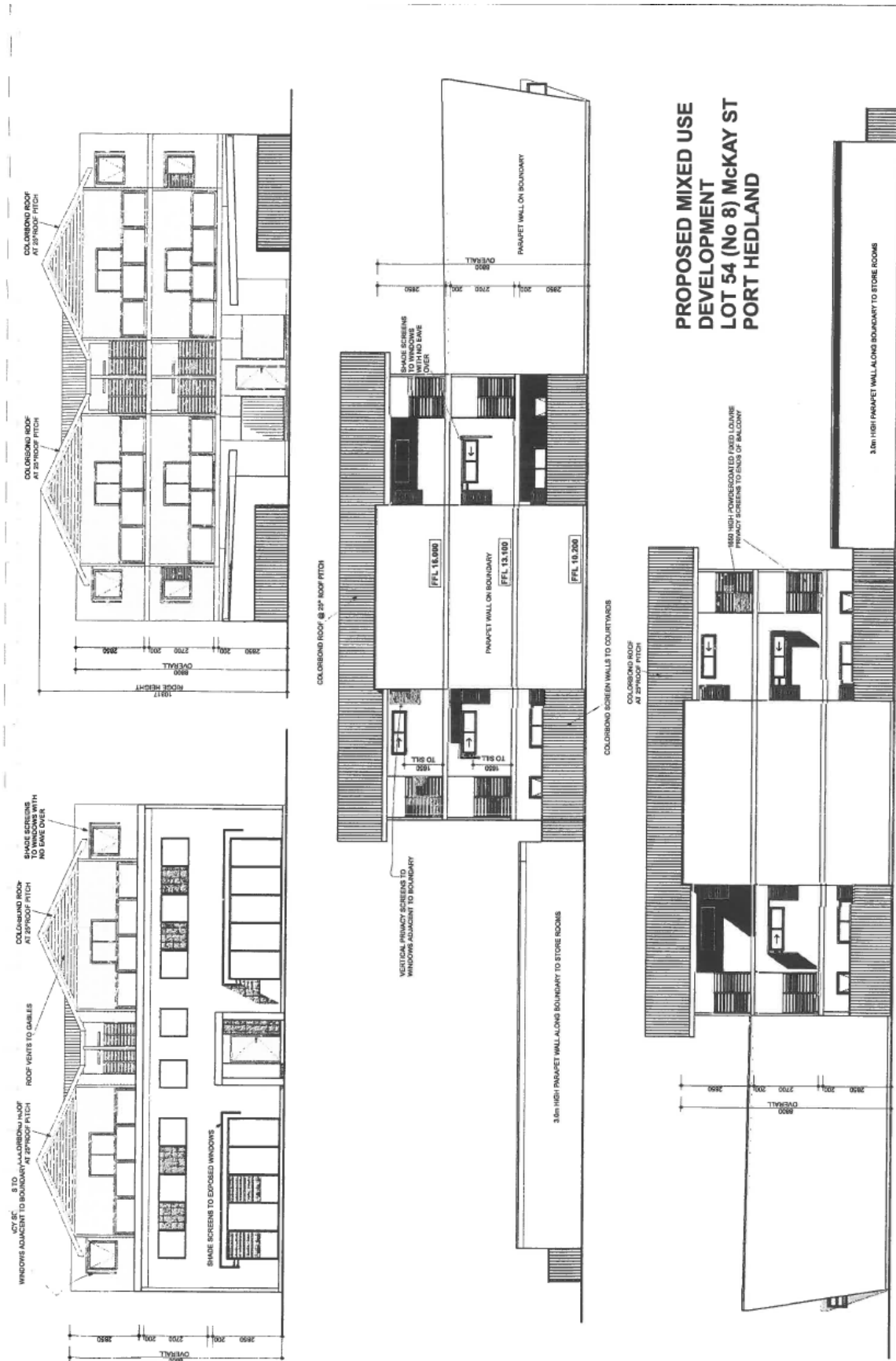


ATTACHMENT 1

ATTACHMENT 2 TO AGENDA ITEM 11.1.2.7







11.1.2.8 Delegated Planning, Building & Environmental Health Approvals and Orders for March 2011 (File No.: 18/07/0002 & 07/02/0003)

Officer **Cassandra Woodruff**
Executive Assistant
Planning & Development

Date of Report 20 April 2011

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 March 2011. A list of current legal actions is also incorporated.

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 March 2011 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.

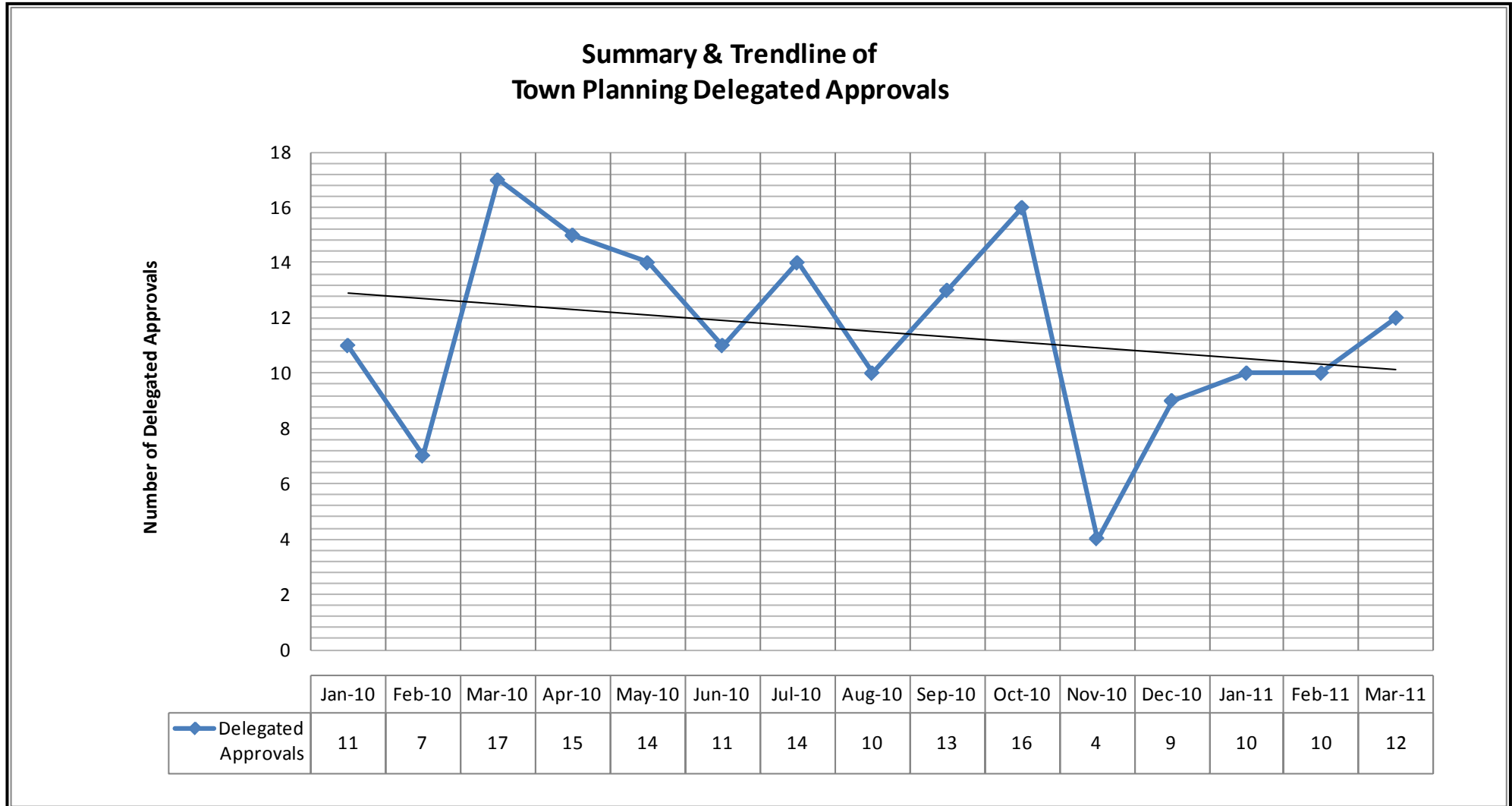
Budget Implications Nil.

Officer's Comment Nil.

DELEGATED PLANNING APPROVALS FOR MARCH 2011

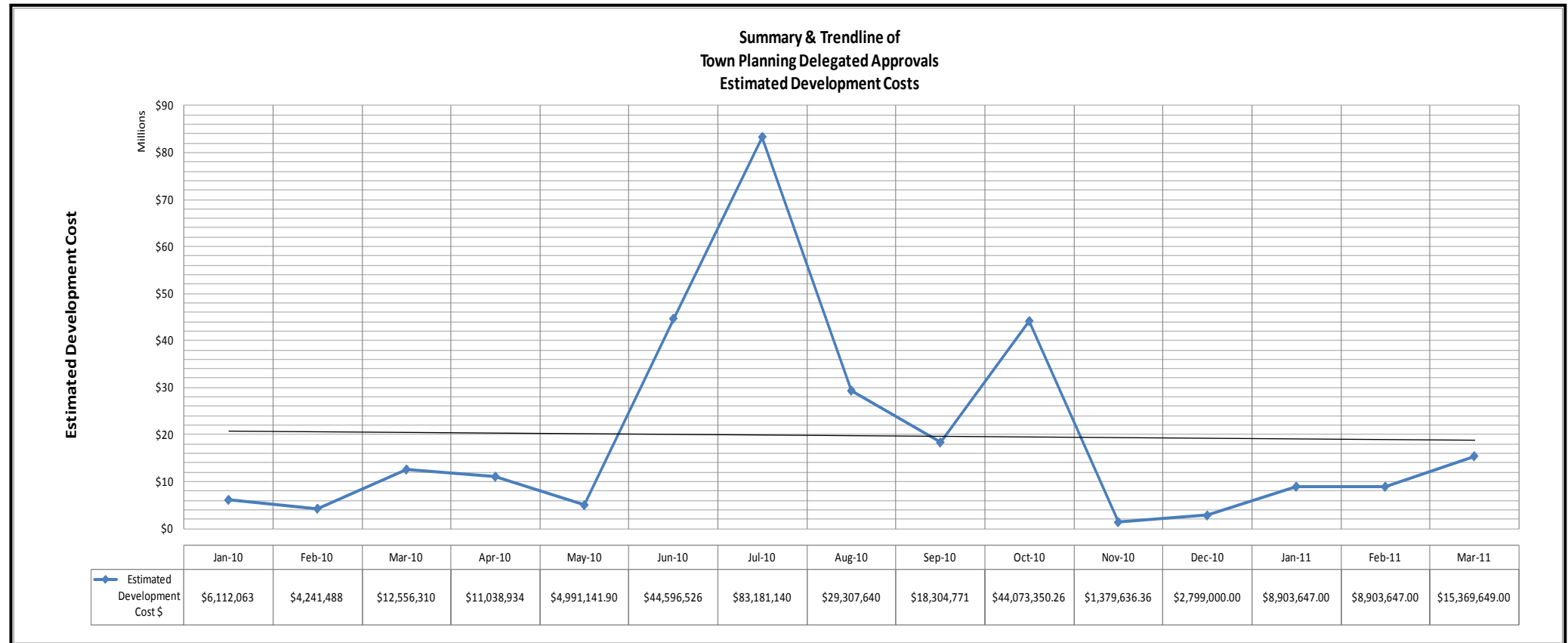
PLANNING APPROVALS - DELEGATED AUTHORITY - MARCH 2011					
Applic No	Applic date	Date Determined	Description	Locality	Development Value
2010/40.01	18/02/2011	21/03/2011	LANDSCAPING PLANS	SOUTH HEDLAND	\$ -
2010/244	27/10/2010	18/03/2011	SINGLE HOUSE - SEA CONTAINER	PORT HEDLAND	\$ 3,000.00
2010/287	26/11/2010	16/03/2011	PUBLIC RECREATION - BROADWALK	PORT HEDLAND	\$ 310,000.00
2010/294	06/12/2010	16/03/2011	Grouped Dwelling - Additional second dwelling	SOUTH HEDLAND	\$ 380,000.00
2011/2	07/01/2011	21/03/2011	SINGLE DWELLING	PORT HEDLAND	\$ 400,000.00
2011/3	07/01/2011	23/03/2011	RESIDENTIAL - GROUPED DWELLING	SOUTH HEDLAND	\$ 332,454.00
2011/7	10/01/2011	16/03/2011	GROUPED DWELLING - 3 x DWELLINGS - R CODE VARIATION - RETAINING WALL ON BOUNDARY	PORT HEDLAND	\$ 836,744.00
2011/21	20/12/2010	23/03/2011	SINGLE HOUSE - R-CODE VARIATION - OUTBUILDING	SOUTH HEDLAND	\$ 17,727.00
2011/31	11/01/2011	23/03/2011	PROPOSES TO DEVELOP (1) WAREHOUSE UNIT	WEDGEFIELD	\$ 1,100,000.00
2011/44	24/01/2011	23/03/2011	INDUSTRY - RESOURCE PROCESSING - Office expansion and car parking	WEDGEFIELD	\$ 11,970,000.00
2011/48	28/01/2011	25/03/2011	SINGLE DWELLING - PROPOSED SHED - R-CODE VARIATION (HEIGHT)	SOUTH HEDLAND	\$ 19,724.00
2011/117	11/03/2011	21/03/2011	HOME BUSINESS - WOMEN'S WAXING	PORT HEDLAND	\$ -

DELEGATED PLANNING APPROVALS FOR MARCH 2011



PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR

DELEGATED PLANNING APPROVALS FOR MARCH 2011



PLEASE NOTE THE ABOVE STATISTICS FOR 2010 HAVE BEEN UPDATED DUE TO A PLANNING ADMINISTRATION ERROR

DELEGATED BUILDING APPROVALS FOR MARCH 2011

BUILDING LICENCES MARCH 2011						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
100186	04.03.2011	SOUTH HEDLAND	Carport Extension	\$ 18,000.00	30	Class 10a
102018	15.03.2011	PORT HEDLAND	1 x Shed 1 x Toilet & 1 x Shed/Carport	\$ 50,000.00		Class 10a
102019	16.03.2011	SOUTH HEDLAND	Outbuilding	\$ 37,000.00	54	Class 10a
100202	16.03.2011	SOUTH HEDLAND	Relocation of 1 x Outbuilding	\$ 2,000.00	5	Class 10a
102021	30.03.2011	SOUTH HEDLAND	1 x Sea Container	\$ 8,000.00	288	Class 10a
100185	03.03.2011	SOUTH HEDLAND	Swimming Pool below ground	\$ 27,500.00	36	Class 10b
105035	15.03.2011	SOUTH HEDLAND	Below Ground Swimming Pool	\$ 33,500.00	26	Class 10b
105038	16.03.2011	SOUTH HEDLAND	1 x B.G. Swimming Pool	\$ 20,000.00		Class 10b
105039	29.03.2011	PORT HEDLAND	1 x Below Ground Swimming Pool	\$ 32,850.00	17	Class 10b
100205	30.03.2011	PORT HEDLAND	4 x Shade Structures	\$ 324,500.00	300	Class 10b
105040	30.03.2011	SOUTH HEDLAND	Below Ground Swimming Pool	\$ 35,500.00	31	Class 10b
100181	01.03.2011	SOUTH HEDLAND	1 x Single Dwelling	\$ 460,676.00	180	Class 1a
100180	01.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio & 1 x Fen	\$ 495,955.00	145	Class 1a
100179	01.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 495,955.00	145	Class 1a
100183	02.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 495,955.00	145	Class 1a
100187	04.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 495,955.00	145	Class 1a
100188	09.03.2011	PORT HEDLAND	1 x Single Dwelling	\$ 526,000.00	180	Class 1a
100191	09.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 495,955.00	145	Class 1a
100193	10.03.2011	SOUTH HEDLAND	Rectification of sagging house stumps an	\$ 52,800.00		Class 1a
100192	10.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	180	Class 1a
100197	14.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	183	Class 1a
100198	14.03.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Fence 1 x Carp	\$ 540,755.00	252	Class 1a
100196	14.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	180	Class 1a
100195	14.03.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fen	\$ 543,543.00	180	Class 1a
100200	16.03.2011	SOUTH HEDLAND	1 x Grouped Dwelling	\$ 404,000.00	172	Class 1a
100201	16.03.2011	SOUTH HEDLAND	4 x Grouped Dwelling 4 x Verandahs	\$ 1,800,000.00	700	Class 1a

DELEGATED BUILDING APPROVALS FOR MARCH 2011 Cont'd...

BUILDING LICENCES MARCH 2011 Cont..						
100204	25.03.2011	SOUTH HEDLAND	1 x Single Dwelling	\$ 450,000.00	187	Class 1a
102020	25.03.2011	SOUTH HEDLAND	Existing Single Dwelling	\$ 93,852.00	78	Class 1a
100184	02.03.2011	SOUTH HEDLAND	2 x Grouped Dwellings and Carports	\$ 798,684.00	242	Class 1a and 10a
100182	02.03.2011	PORT HEDLAND	Grouped Dwelling including Carports	\$ 1,120,648.00	425	Class 1a and 10a
100045B	24.03.2011	PORT HEDLAND	60 x Residential Sole Occupancy Units	\$ 38,000,000.00	8020	Class 2
100194	11.03.2011	PORT HEDLAND	1 x Additional Office Space/Showroom	\$ 25,000.00	108	Class 5
100199	15.03.2011	SOUTH HEDLAND	1 x Office for Training & Employment Cen	\$ 2,713,434.00	650	Class 5
100203	23.03.2011	SOUTH HEDLAND	Internal Modifications	\$ 12,000.00	200	Class 5
100190	09.03.2011	SOUTH HEDLAND	Shop Fitout	\$ 18,000.00	66	Class 6
100174	01.03.2011	WEDGEFIELD	17 x Workshops 17 x Offices	\$ 2,500,000.00	1488	Class 8
			36 Building Licences	\$ 54,758,646.00		

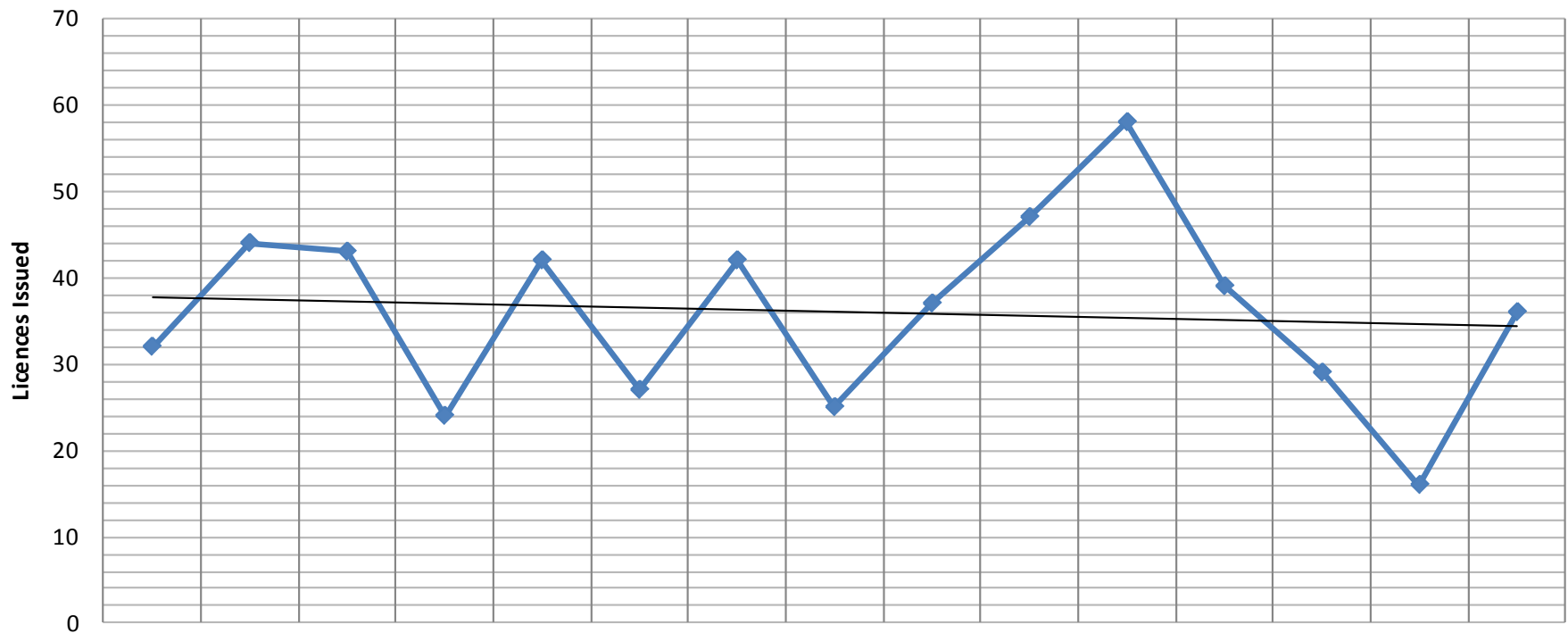
SUMMARY				
No of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
6	Demolitions	\$114,000		
19	Dwellings	\$10,901,362	3,864	\$2,821
5	Class 10a	\$115,000	377	\$305
6	Class 10b	\$473,850	410	
6	Commercial	\$43,268,434	10,532	\$4,108
	Other			
42		\$54,872,646	15,183	

DELEGATED BUILDING APPROVALS FOR MARCH 2011 Cont'd...

DEMOLITION LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification
103036	03.03.2011	PORT HEDLAND	Demolition of Single Dwelling	15000	Class 1a
103038	03.03.2011	PORT HEDLAND	Demolition of Single Dwelling	5000	Class 1a
103037	03.03.2011	PORT HEDLAND	Demolition of Single Dwelling	5500	Class 1a
103039	11.03.2011	SOUTH HEDLAND	Demolition of Single Dwelling	48500	Class 1a
103040	15.03.2011	PORT HEDLAND	Demolition of Single Dwelling	20000	Class 1a
103041	15.03.2011	PORT HEDLAND	Demolition of existing Yacht Club	20000	Class 9b
Total		Demolition Licences Issued		6 \$ 114,000	

DELEGATED BUILDING APPROVALS FOR MARCH 2011 Cont'd...

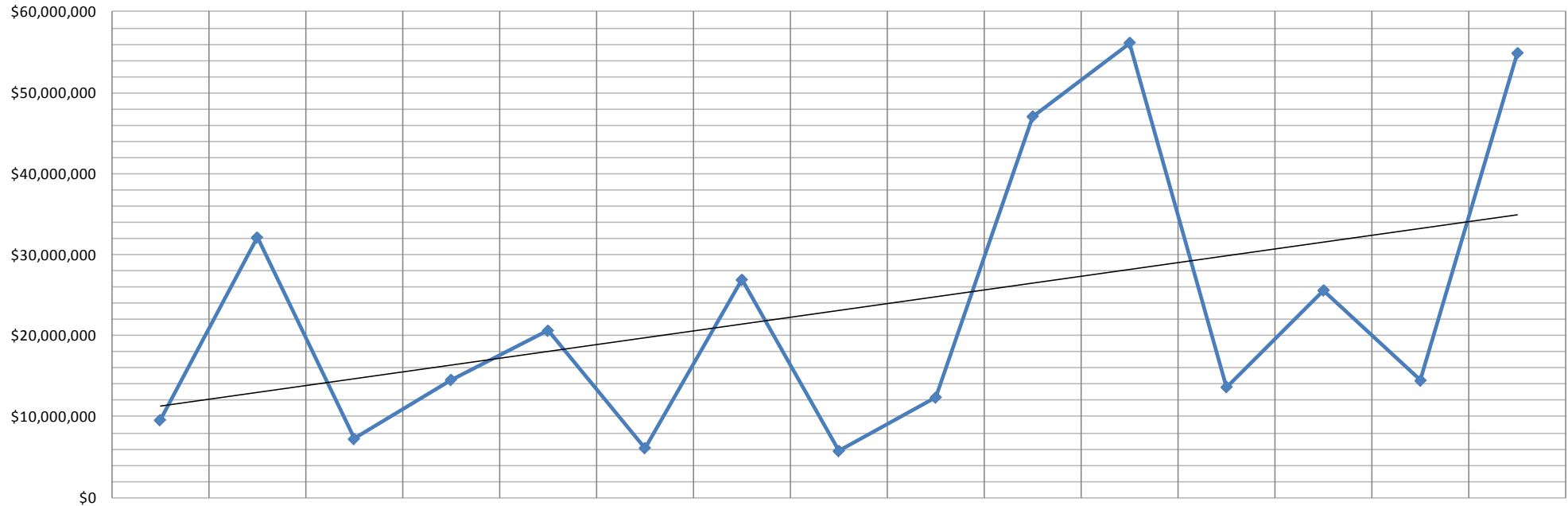
Summary & Trendline for Building Licence Approvals



	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11
◆ No of Licences Issued	32	44	43	24	42	27	42	25	37	47	58	39	29	16	36

DELEGATED BUILDING APPROVALS FOR MARCH 2011 Cont'd...

**Summary & Trendline of
Estimated Construction Value of Building Licences Issued**



	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11
Estimated Construction Value \$	\$9,595,165	\$32,119,507	\$7,270,113	\$14,556,866	\$20,627,998	\$6,148,261	\$26,906,773	\$5,788,656	\$12,388,683	\$47,059,201	\$56,141,035	\$13,670,432	\$25,604,162	\$14,473,282	\$54,872,646

CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT MARCH 2011

CURRENT LEGAL MATTERS					
File No.	Address	Issue	First Return Date	Current Status	Officer
WEDGEFIELD					
121670G	Lot 3 Trig Street (J Yujnovich)	Non-compliance with planning conditions	~ First return date 21/1/09	<ul style="list-style-type: none"> ~ Trial set down for 13 & 14 September 2010 in Perth. ToPH witnesses to attend. ~ Magistrate has found J Yujnovich guilty sentencing will be in +/- 3 weeks ~ Fine imposed of approx \$20,000 ~ Fine paid in full ~ Matter not resolved - on hold until appointment of Compliance Officer 	MP
124590G	Lot 1029 (4) Ridley Street (Carey Gardner Engineering)	Illegal Residential dongas		<ul style="list-style-type: none"> ~ Instruction & Docs sent to Solicitors 4 September 09 ~ With the appointment of of Compliance Officer, the matter will now progress ~ Matter has been listed and will be dealt with on appointment of Compliance Officer 	MP
REDBANK					
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area - Second Offence		<ul style="list-style-type: none"> ~ Referred to Council Solicitors ~ Notices have been issued ~ Extension granted to February ~ Magistrate has moved matter to be heard in Perth 28th March ~ Matter has been heard and found guilty, fined \$20,000 plus \$2500 in legal costs 	MP
SOUTH HEDLAND RURAL ESTATE					
SOUTH HEDLAND					
PORT HEDLAND					
400330G	83 Athol Street (P Oldenhuis)	Health - Asbestos removal	~ First Return date 25/2/09	<ul style="list-style-type: none"> ~ No appearance by Mr Oldenhuis ~ Court hearing date 28/4/09 adjourned until 29/5/09. ~ Plea hearing date 13/7/09 ~ Trial 16/11/09 heard to 7pm. ~ Decision handed down 23/11 - guilty and issued \$250 in fines and \$4250 in costs. ~ Fine registered with FER by Solicitors as not paid by due date. ~ Fine unpaid to date. Warrant of execution issued 19th June 2010, issued under S45 (2) & Part 7 of the Fines, Penalties and Infringement Notices Act 1994 ~ Waiting on report from FER from the South Hedland Magistrates Court 	MEH

Attachments

Nil.

201011/346 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

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 March 2011 be received.

CARRIED 7/0

11.1.2.9 Cancellation of Stakeholder and Community Engagement Consultant Tender, Tender 11/04 associated with the preparation of the Port Hedland City Growth Plan.

Officer	Leonard Long Manager Planning Services
Date of Report	11 April 2011
Disclosure of Interest by Officer	Nil

Summary

At the Ordinary Council meeting held on 23rd February 2011, Council resolved to award a number of tenders to consultants required to assist in the preparation of the Port Hedland City Growth Plan, with the exception of tender 11/04 Stakeholder & Community Engagement. The awarding of this consultancy was deferred.

This report is before Council to Cancel tender 11/04 Stakeholder and Community Engagement Consultant.

Background

In order to realise the vision of Council and Pilbara Cities to transform the Town into a City with a population of 40 000 to 50 000, it is necessary to prepare a City Growth Plan and an Implementation Plan. In November 2010, the Town awarded RPS the tender for the Lead Consultant (LC) who will be responsible for the ultimate preparation of the Growth Plan and the Implementation Plan.

As part of the first phase of the LC brief, it was required that tender briefs be prepared for the various consulting disciplines required to prepare a City Growth Plan. Briefs were prepared and tenders awarded for the following consultants:

- *Indigenous & Heritage Consultant – Tender 11/01*
- *Landscape Architectural Consultant – Tender 11/02*
- *Property Consultant – Tender 11/03*
- *Sustainability Consultant – Tender 11/05*
- *Traffic & Transport Consultant – Tender 11/06*
- *Civil Engineering Consultant – Tender 11/07*
- *Economic Development Consultant – Tender 11/08*
- *Environmental Consultant – Tender 11/09*

Stakeholder & Community Engagement Consultants

Tenders submissions were received from:

- CCS Strategic
- GHD, and
- Creating Communities

The tender for the Stakeholder & Community Engagement Consultants were assessed. The assessment panel decided that the tenders submitted would not provide the input necessary to achieve the goals and outcomes expected from the involvement of the consultancy with the preparation of the City Growth Plan.

Consultation

The tenders received for the Stakeholder & Community Engagement and the outcome thereof has been discussed with the Towns joint partners:

- Pilbara Cities: Chris Adams
- DPI Department of Planning: Phil Woodward, and
- LandCorp: Matt Read

Statutory Implications

Initially tenders were called in accordance to the Local Government Act (1995). The tenders submitted were assessed and determined as not being able to provide the necessary outcomes required.

In terms of Division 3, Section 3.57 of the Local Government Act 1995 read with Regulation 11 of the Local Government (Functions & General) Regulations 1996.

“Tenders do not have to be publicly invited according to the requirements of this Division if –

(c) within the last 6 months –

- (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications”*

Policy Implications

Quotations were called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications Nil

Budget Implications

Council during the 2010/11 budget allocated \$200,000 towards the appointment of all the consultants required to prepare the Port Hedland City Growth Plan. The Department of Planning and Infrastructure through the North West Planning Fund committed an additional \$850,000 to the project. Pilbara Cities committed a further \$200,000, providing this project with a total budget of \$1,250,000.

During the first quarter budget review Council removed its \$200,000 contribution given the tight fiscal position, therefore reducing the total budget allocation to \$1,050,000.

The funds from the North West Planning Fund and Pilbara Cities are to be made available as follows:

2010/11 Budget:

North West Planning Fund:	\$600,000
Pilbara Cities:	\$100,000

2011/12 Budget:

North West Planning Fund:	\$250,000
Pilbara Cities:	\$100,000

Due to the magnitude of the project, provision must be made for a 10% contingency for the overall cost of the project. As part of the overall project a Open Space Strategy is being prepared and will add an additional \$85,000 to the overall cost.

The total cost of the project is \$1,412,539.40 (excl GST), resulting in a deficit of \$362,539.40.

Officer's Comment

The preparation of the Growth Plan and Implementation Plan is one of the most important documents that will be prepared by the Town of Port Hedland. The Port Hedland City Growth Plan is required to ensure that the transition of Port Hedland from a Town to a City is sustainable, has the communities support and advocates proper and orderly planning.

To achieve this outcome it is important to engage consultants that have a clear understanding of the critical issues that face the development of the Town into a City and are able to engage with the community ensuring that the communities concerns are heard and appropriately addressed. The tenders received have not demonstrated that this can be achieved.

If Council rejects the tenders, officers will obtain quotes and engage suitably qualified companies to undertake these works.

Attachments

Nil

Officer's Recommendation

That Council

1. rejects Tender 11/04 – Stakeholder & Community Engagement and notifies tenderers accordingly; and
2. notes that the Chief Executive Officer will procure the services of a Stakeholder & Community Engagement Consultant through a quotation process; and
3. authorizes a budget amendment of \$100,000 for the procurement of a Stakeholder & Community Engagement Consultant for the Growth Plan.

201011/347 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council

1. rejects Tender 11/04 – Stakeholder & Community Engagement and notifies tenderers accordingly; and
2. notes that the Chief Executive Officer will procure the services of a Stakeholder & Community Engagement Consultant through a quotation process not exceeding \$100,000; and
3. authorizes a budget amendment of \$100,000 for the procurement of a Stakeholder & Community Engagement Consultant for the Growth Plan.

CARRIED BY ABSOLUTE MAJORITY 7/0

6:12pm Councillors G J Daccache and M Dziombak declared a Financial Interest in Agenda item 11.1.2.10 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development thereon' as they are FMG shareholders with shares over the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

11.1.2.10 Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon. (File No.: 127990G)

Officer	Leonard Long Manager Planning
Application No	2009/117.01
Date of Report	29 March 2011
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Greg Rowe and Associates ('GRA'), on behalf of Fortescue Metals Group Ltd ('FMG'), for a "Motel" development on a portion of "District Road" reserve to be closed.

The application submitted by Greg Rowe and Associates, does not include the partial closure of the "District Road" reserve, required prior to or simultaneously with the application for the "Motel" development.

Due to the urgency of the development the Planning Unit will as part of this report address the required partial road closure in conjunction with the proposed "Motel" development.

The proposed development requires the partial closure of a road reserve as well as the requirement of a community contribution both of which require the application to be considered by Council.

Background

Property Location (Attachment 1)

The site is located immediately north of the existing Hamilton Motel complex at the corner of Hamilton Road and Hudson Way, South Hedland, with an area of approximately 5ha

Ownership

The subject portion of land is currently vested with the Town of Port Hedland as a "District Road", and owned by the Crown.

The application form has been signed by the relevant authorised officer on behalf of the Crown for the development of the "Motel".

Prior to the development being able to commence Council needs to relinquish the vesting it currently holds over the land for a "District Road".

Proposal (Attachment 2)

The proposed "Motel" will consist of a total of 720 accommodation units, in the following configuration 10 two-storey modules containing 32 rooms each, 8 two-storey modules containing 48 rooms each and one module containing 8 universally accessible (disabled) units on the ground floor and 8 units on the first floor.

Each accommodation unit consists of a single bedroom and en-suite bathroom. It is also proposed that the development will include common areas consisting of a restaurant/café, gym, swimming pool and vehicle drop off area. A total of 9 laundry modules will be provided on-site.

The proposed development will accommodate FMG employees (initially working on the Port Expansion Project) in addition to the general public. FMG will have use of 80% of the units with the remaining 20% of units being made available to the general public.

Planning Unit Comment

The development is proposed on portion of a "District Road" reserve. This reserve needs to be closed prior to any development taking place. The applicant has in section "4.5 Road Closure" of their report, quoted the relevant section of the Land Administration Act 1997 pertaining to road closures, but has omitted a road closure request as part of the overall application.

Through discussions with the Project Managers Worley Parsons, it has been noted that the progress of this application is of utmost importance to ensure that expansions within the port is achieved. As a result the Planning Unit has facilitated the requirement of the partial road closure which will be circulated to the Crown to obtain their comment.

Consultation

The application has been discussed and circulated internally with the following units, with any requirements captured in the report:

- Engineering
- Environmental Health
- Community Development

The applicant has indicated that the proposal has been discussed with the following external agencies:

- Department of Regional Development and Lands
- Main Roads WA (via Department of Regional Development and Lands)
- Water Corporation WA
- Horizon Power

Statutory Implications

“Motel” development

The proposed development of a “Motel” is to be in accordance with the Planning and Development Act 2005 and the Port Hedland Town Planning Scheme No. 5.

Proposed Road Closure

The partial closure of the “District Road” reserve is to be in accordance with Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*, which establishes the procedure for closing a road.

Proposed Land Tenure

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

It must be noted that the sale of the land by the Crown can only take place after Council has relinquished the vesting it currently holds for the purpose of a “District Road”.

Community Contribution

During initial discussions with the developer (FMG) it was proposed by officers that Council would change the purpose of the reserve and obtain power to lease to FMG for a period of 21 years.

Through discussions with the Department of Regional Development and Land the Town has been informed that to achieve this outcome

would take an undetermined amount of time. As a result the Town has indicated to the Department of Regional Development and Land that Council may consider relinquishing the vesting of the land to the developer (FMG).

In light thereof a condition of the proposed partial road closure the developer is to pay a community contribution to Council prior to forwarding the required road closure documents to the Department of Regional Development and Lands, and formally relinquishing the vesting.

The community contribution is based on the usage of the Multi-purpose Recreation Centre by the residence of both the existing Club Hamilton and the proposed TWA.

Council has the following options when considering the amount of the community contribution payable by the developer:

Development Site	3 year option	5 year option
Existing Club Hamilton 480 residents x corporate membership fee \$725	\$1,044,000	\$1,740,000
Proposed TWA 720 residents x corporate membership fee \$725	\$1,566,000	\$2,610,000
Total	\$2,610,000	\$4,350,000

The anticipated that construction phase for projects associated with the proposed TWA as well as the existing Club Hamilton will be for a period of 2 to 5 years.

Whilst the above table includes the calculations for the existing Club Hamilton, the Planning Unit is of the opinion that a contribution cannot be sought for a use that is already approved. Further direction is sought from Council should Council wish to apply the contribution over the existing and proposed development.

As such it is recommended that Council approved the 5 year option calculated above for the proposed TWA as a community contribution to the value of \$2,610,000 payable prior to the closure of the road reserve and formal relinquishment of the vesting.

By approving the community contribution calculated over a 5 year period:

- It aligns with the anticipated construction phase, providing the ability for the Council and the developer to negotiate a possible further community contribution after the 5 year period, instead of the developer (FMG) having to construct their own gymnasium and fitness facilities.

- The use of the Multi-purpose Recreational Centre would have a social benefit to the residents of the TWA as they will have an opportunity to socialise with persons out of the working environment.
- It assists the Town by securing the use of the Multi-purpose Recreation Centre for a period of time,
- The developer will be able to provide its residence / employees with the use of a high standard recreation facility and would form part of their "Health & Wellbeing Program".

Officers have discussed the above proposal with the developer (FMG) who have indicated that in principle the proposal is supported. However, the developer (FMG) have requested a lesser term than 5 years. Direction is required from Council on the terms of this contribution.

Policy Implications

Although Council does not have a policy in regard to Transient Workforce Accommodation, it has endorsed a "Guidance Note for potential developers of Transient Workforce Accommodation (TWA) - August 2008".

Council currently does not have a community contribution policy in place, and relies on negotiations with developers to secure contributions. This could lead to Council not obtaining the contribution relevant to the scale / type of development.

The preparation of a community / developers contribution will be developed over the coming months in order to provide both developers and Council with a clear direction.

Strategic Planning Implications

Key Result Area 4: Economic Development

Goal 2: Mining

Strategy 3:

Actively pursue integration (rather than segregation) of FIFO workers into the local community.

Goal 4: Land Development Projects

Strategy 1:

Fast-track the release and development of commercial, industrial and residential land.

Budget Implications

An application fee of \$31,350.00 has been received as per the prescribed fees approved by Council.

Should Council resolve to support the partial closure of the "District Road" reserve, the applicant will be requested to pay the application fee of \$115.00.

Officer's Comment*Road Closure*

It is proposed to close the portion of the "District Road" reserve as per Attachment 3.

In order for the development to progress it is required that portion of the existing "District Road" reserve be closed. The closure of the portion of reserve will not have a negative impact on the construction of the extension of North Circular Road or impact on any pedestrian / cyclist movements.

Proposed Development

From a planning perspective there are a number of aspects that need to be taken into consideration to ensure that a development of this nature is conducive to its surrounds, these aspects are addressed below.

Need

It is well known that there is a shortage of accommodation within the Town Port Hedland both for industry and tourism, a shortage which is expected to increase in the future due to a number of large projects being undertaken by the mining and port sectors.

The proposed development will provide accommodation for 720 people of which 20% (144 rooms) will be retained for the general public / tourists. These rooms are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.

Desirability

There are a number of factors that make the proposed development desirable. The location of the proposed development being within close proximity of the existing Club Hamilton, Multipurpose Recreational Centre, Matt Dan Cultural Centre and South Hedland Town Centre will provide a higher population will enable guests to utilise these facilities.

This in turn may attract additional business development to the South Hedland Town Centre realising the goal of the South Hedland Town Centre Development Plan. The close proximity allows easy access via road and pedestrian access ways.

The proposed development will be located at the intersection of Hamilton Road and North Circular Road which may become one of the main entry statements to the Town. It is important to ensure that the design of the buildings and associated landscaping facing Hamilton Road and North Circular Road are of a high standard and does not impact negatively on the entry statement.

Entry Statement (Attachment 4).

Through negotiations with the applicant and FMG the Planning Unit has been able improve the original concept submitted.

The amended proposal will together with the proposed landscaping provide a much improved entry statement.

Landscaping and Streetscape (Attachment 5).

To improve the streetscape the applicant will be required to provide additional landscaping in the western corner of the development as well as providing landscaping within the Hamilton Road and North Circular Road reserves. To ensure ongoing maintenance of the landscaping within the above reserves the developer will be required to enter into a memorandum of understanding with the Town for the maintenance of the landscaping within the road reserves.

Passive Surveillance

Through the design of the development the developer has achieved an acceptable amount of passive surveillance of the public areas (Road Reserves). This will encourage the use of pedestrian access ways along the Hamilton Road and North Circular Road.

Development Controls

Car Parking

The applicant has requested a variation to the parking as required by the Town Planning Scheme No. 5. In terms of the proposed use "Motel" the development is required to provide a minimum of 869 parking bays on-site. The applicant is requesting a parking variation of 570 parking bays, and has provided a justification prepared by Porter Consulting Engineers for the variation.

The justification provided by Porter Consulting Engineers is summarised as follows:

- Personnel will be transported via buses to and from the airport and to and from their workplace.
- Only selected FMG personnel will be provided with a vehicle, in this regard FMG has confirmed that 105 parking bays will suffice for their normal operations and for the staff required on-site.

It is proposed that the development provide a minimum of 299 parking bays on-site, catering for heavy vehicles as well as light vehicles.

Planning Unit Response

The justification provided by Porter Consulting Engineers is acceptable but not for the use proposed. The justification clearly indicates that the proposed use is more aligned to a "Transient Workforce Accommodation" facility rather than a "Motel" use.

In the event that the use is transitioned to a "Motel" the amount of parking being provided on-site will not be sufficient. It is recommended that should the application be approved, it be approved as a "Transient Workforce Accommodation" (TWA) facility reflecting the justification provided by Porters Consulting Engineers, for the parking reduction

Definition

In terms of the Port Hedland Town Planning Scheme No 5, a "Motel" is defined as follows:

"any land or buildings provided accommodation in a manner similar to a hotel but in which special provision is made for patrons with motor vehicles and may include an entertainment venue, restaurant or sell liquor."

And "Transient Workforce Accommodation" as follows:

"dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."

Considering the justification provided by the applicants consulting engineers with regard to parking and the definition as per the Port Hedland Town Planning Scheme No 5, of a "Motel" and "Transient Workforce Accommodation", it is evident that the proposed use is aligned to a "Transient Workforce Accommodation" facility.

Zoning

In terms of the Port Hedland Town Planning Scheme No. 5, the subject portion of land to be developed is zoned "Rural" and reserved as a "District Road". A "Transient Workforce Accommodation" facility is permitted within this zone and is classified as an "SA" use.

Given that the recommendation would be to support the application in an amended form being a TWA, the development is to comply with the "Guidance note to developers of Transient Workforce Accommodation" adopted by Council. The proposed development will have to comply with the following key principles identified in the "Guidance note to developers of Transient Workforce Accommodation":

- Town Centre Development Focus
- Community Benefit
- Integration
- Quality
- Safety

These key principles have been addressed as follows:

Town Centre Focus

The site is located within South Hedland and is within walking distance to the South Hedland Town Centre (direct access via Hamilton Road). The increase in population in the immediate proximity of the South Hedland Town Centre would have a positive effect with the increase of disposable income.

Community/Economic Benefit

From economic perspective the developers will be required through a condition of approval to construct the portion of the North Circular Road extension which is adjacent to the proposed development site including its intersection with Hamilton Road.

Integration

The integration opportunities of the development is limited, the developers have indicated that of the 720 rooms being developed 20% (144 rooms) will be made available to the general public / tourist.

Further integration of the development in the short to medium term is not possible. In the long term should the need for TWA type accommodation decline the developers / owners would have the opportunity to submit an application to the Town to consider the change of use from TWA to "Motel" which would be subject to the ability to provide additional parking.

Quality

The quality of the proposed buildings, coupled with the proposed landscaping works, is considered of an appropriate standard and will enhance the streetscape and amenity of the area.

Safety

The development has been designed to address the CPTED principles "Crime Prevention Through Environmental Design" by providing high passive surveillance opportunities of the surrounding public areas.

Road Construction

Through discussions with the developer (FMG) it has been requested that the developer (FMG) pay a roads contribution towards the re-alignment of North Circular Road the Round-about on North Circular Road and Hamilton Road and the North Circulation extension which directly adjoins the proposed TWA development to the north.

The roads contribution of \$1,950,000 is required from the developer (FMG) prior to the submission of a building licence application. The figure has been calculated as follows:

- \$1,500,000 / km dual carriageway (the re-alignment and extension is approximately 1km),
- \$450,000 for the Round-about on North Circular Road and Hamilton Road.

In discussions with the Department of Regional Development and Lands it has been indicated that the roads contribution cost associated with the construction of the re-aligned portion of North Circular Road, the Round-About on North Circular and Hamilton Roads and the North Circular Road extension may be taken off of the purchase price of the land. The developer is supportive of this approach.

Attachments

1. Locality Plan
2. Site Plans
3. Proposed Road Closure Plan

4. Entry Statement (intersection Hamilton Road and North Circular Extension)
5. Elevations from Hamilton Road, Hudson Road and North Circular Road.

Officer Recommendations

That Council:

- A. Supports the proposed closure of portion of the "District Road" located in South Hedland as per drawing 2009/117.01RDCL, subject to the following conditions:-
 1. The final survey by a qualified Land Surveyor of the required North Circular Road Extension, to the satisfaction of Council Manager Planning.
 2. The proposed Road Closure being advertised for a period of 35 days pursuant to section 58(3) of the *Land Administration Act 1997*,
 3. Any costs associated with the proposed closure of the portion of "District Road" will be for the applicants account.
- B. Delegates the Chief Executive Officer to submit the road closure requests to the Department of Regional Development and Lands (State Land Services), subject to the following:
 1. The receipt of payment by the developer / owner of a Community Contribution of \$2,610,000.00;
 2. No adverse submissions being received during the statutory advertising period.
- C. Approves the Application submitted by Greg Rowe and Associates on behalf of FMG for the proposed development of a "Transient Workforce Accommodation" excluding the proposed Gymnasium, rather than a "Motel" development on a portion of "District Road" Reserve (extension of North Circular Road) adjacent to Hudson Way, South Hedland, as indicated on the approved plans and subject to the following conditions:
 1. No works being commenced on the land prior to the successful partial closure of the "District Road" reserve, to the satisfaction of Councils Manager Planning.
 2. This approval relates to the Transient Workforce Accommodation facility with a maximum of 720 rooms, and other associated buildings excluding a gymnasium, as

indicated on the approved plans DWG2009/117.01d01 up to and including DWG2009/117.01d04. It does not relate to any other development on the land.

3. Prior to the submission of a Building Licence application the developer / owner is to submit elevation drawings (Working Drawings) to Councils Manager Planning for approval.
4. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
5. The development shall only be used for the purposes, which are related to "Transient Workforce Accommodation". In terms of the Port Hedland Town Planning Scheme No. 5, "Transient Workforce Accommodation" is defined as:

"Dwellings intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers and includes a contractors camp and dongas."
6. Prior to the commencement of any new clearing or earthworks, the developer / owner shall ensure that there are no sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation that will be affected by the proposed works to the satisfaction of Councils Manager Planning.
7. Any sites of aboriginal significance, heritage-listed structures, monuments or protected vegetation identified under Condition 6, including any vegetation identified by the Town for retention shall be protected during the work and assessed by a suitably qualified professional (arboriculturalist for vegetation) for status and management to the satisfaction of Councils Manager Planning
8. The development shall make a minimum of 20% (144) of the rooms available to the general public and / or tourists and are to be allocated and managed by the Port Hedland Visitors Centre or the Port Hedland Chamber of Commerce.
9. Prior to the submission of a building licence application the developer (FMG) shall pay to the Council a roads contribution of \$1,950,000 for the construction of the required re-alignment of North Circular Road, Round-About on North Circular and Hamilton Road and the extension of North Circular Road adjacent to the development.

10. Within 12 months or such further time as agreed by Councils Manager Planning the developer / owner shall upgrade the existing accommodation units located on Lot 2053 Hamilton Road to a similar or better standard than the units proposed along Hamilton Road and North Circular Road extension to the satisfaction of Council Manager Planning
11. A minimum of 126 parking bays shall to be provided on-site, reserved and marked for the residents of the Transient Workforce Accommodation facility.
12. A minimum of 144 parking bays shall be provided on-site, reserved and marked for the use of the general public / tourist utilising the 20% allocation of rooms.
13. A minimum of 29 parking bays shall be provided on-site, reserved and marked for visitors.
14. At all times, all vehicle parking (both small – cars etc. and heavy – trucks etc.) associated (patron and visitor) with the Transient Workforce Accommodation shall be contained within the development area (i.e. no verge parking is permitted) to the satisfaction of Councils Manager Planning.
15. Access to the proposed development shall be restricted to Hudson Way to the specifications of Council's Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
16. Hudson Way shall remain a public access road for connection to Councils sports facilities and the Finucane Island Sports Club.
17. The driveways and crossovers shall be designed and constructed to specifications of Councils Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.
18. The minimum lot height shall be 10.8 AHD.
19. The development must be connected to the reticulated main sewer.
20. Prior to the submission of a building licence application the developer / owner is to submit for approval a stormwater disposal plan to be designed to the specifications of Council's Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.

21. Prior to the submission of a building licence application the developer / owner is to submit for approval a drainage connection under the proposed North Circular Road extension to the specifications of Councils manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
22. The existing stormwater culvert under Hudson Way is to be retained and integrated into the developer / owners drainage design.
23. The existing drainage swale to the eastern side of the development connecting to South Creek shall be upgraded to the specifications of Councils Manager Infrastructure Development and to the satisfaction of Councils Manager Planning.
24. Within 30 days of this approval or such further period as may be agreed by Council's Manager Planning, a detailed landscaping and reticulation plan including the Hudson Way, Hamilton Road and proposed North Circular Road Extension road verge(s) must be submitted to Councils Manager Planning. The plan to include species and planting details with reference to Council's list of Recommended Low-Maintenance Tree and Shrub Species for General Landscaping included in Council Policy 10/001. The landscaping plan is to include additional landscaping in the western corner of the proposed development as indicated in red on plan DWG2009/117.01d01 to the satisfaction of Council's Manager Planning
25. Within 60 days of the approval of the landscaping plan required in condition 24, or such further period as may be agreed by Councils Manager Planning, landscaping and reticulation is to be established with the use of mature shrubs and trees in accordance with the approved detailed plans to the satisfaction of Councils Manager Planning.
26. Within 60 days of the approval of the landscaping plan, the developer is to enter into a memorandum of understanding and or licence agreement with the Town for the maintenance of the landscaping on the Hudson Way, Hamilton Road and North Circular Road extension to the satisfaction of Councils Manager Planning.
27. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.

28. Appropriate dust suppression measures shall be taken at all times where any operation on the site is likely to generate a dust nuisance to nearby land uses to the specifications of Council's Manager Infrastructure Development and Councils Manager Environmental Health to the satisfaction Councils Manager Planning
29. A Rubbish Collection Strategy/Management Plan shall be submitted to, and approved by, the Town, prior to the approval of the building licence. The strategy/plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the strategy/plan shall be incorporated into the building licence plans. The approved strategy/plan shall be implemented to the satisfaction of the Manager Planning Services
30. In regard to condition 29, any garbage storage area shall be screened from public view to the satisfaction of Councils Manager Planning.
31. Waste receptacles are to be stored in a suitable enclosure to the specifications of Council's Health Local Laws 1999, and to the satisfaction of Councils Manager Planning.
32. Waste disposal and storage is to be carried out in accordance with Council's *Health Local Laws 1999*.
33. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
34. The submission of a construction management plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:
 - a. The delivery of materials and equipment to the site;
 - b. The storage of materials and equipment on the site;
 - c. The parking arrangements for the contractors and subcontractors;
 - d. Impact on traffic movement;
 - e. Operation times including delivery of materials; and
 - f. Other matters likely to impact on the surrounding residents;

to the satisfaction of Council's Manager Planning.

FOOTNOTES:

1. You are reminded that this is a Planning Approval and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.

2. It is a requirement under the *Food Act 2008* that all food premises be registered prior to beginning operations.
3. The Applicant is advised that the construction and use of the premises is required to comply with the *Food Regulations 2009* and the *Food Safety Standards*.
4. The developer to take note that the area of this Application may be subject to rising sea levels, tidal surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Planning Consent and/or Building Licence is not intended as, and must not be understood as, confirmation that the development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.
5. The Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

201011/348 Council Decision

Moved: Cr S J Coates

Seconded: Cr S R Martin

That Agenda Item 11.1.2.10 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon' lay on the table for further discussions with Fortescue Metal Group and in particular to clarify the style of buildings that FMG is proposing to utilise.

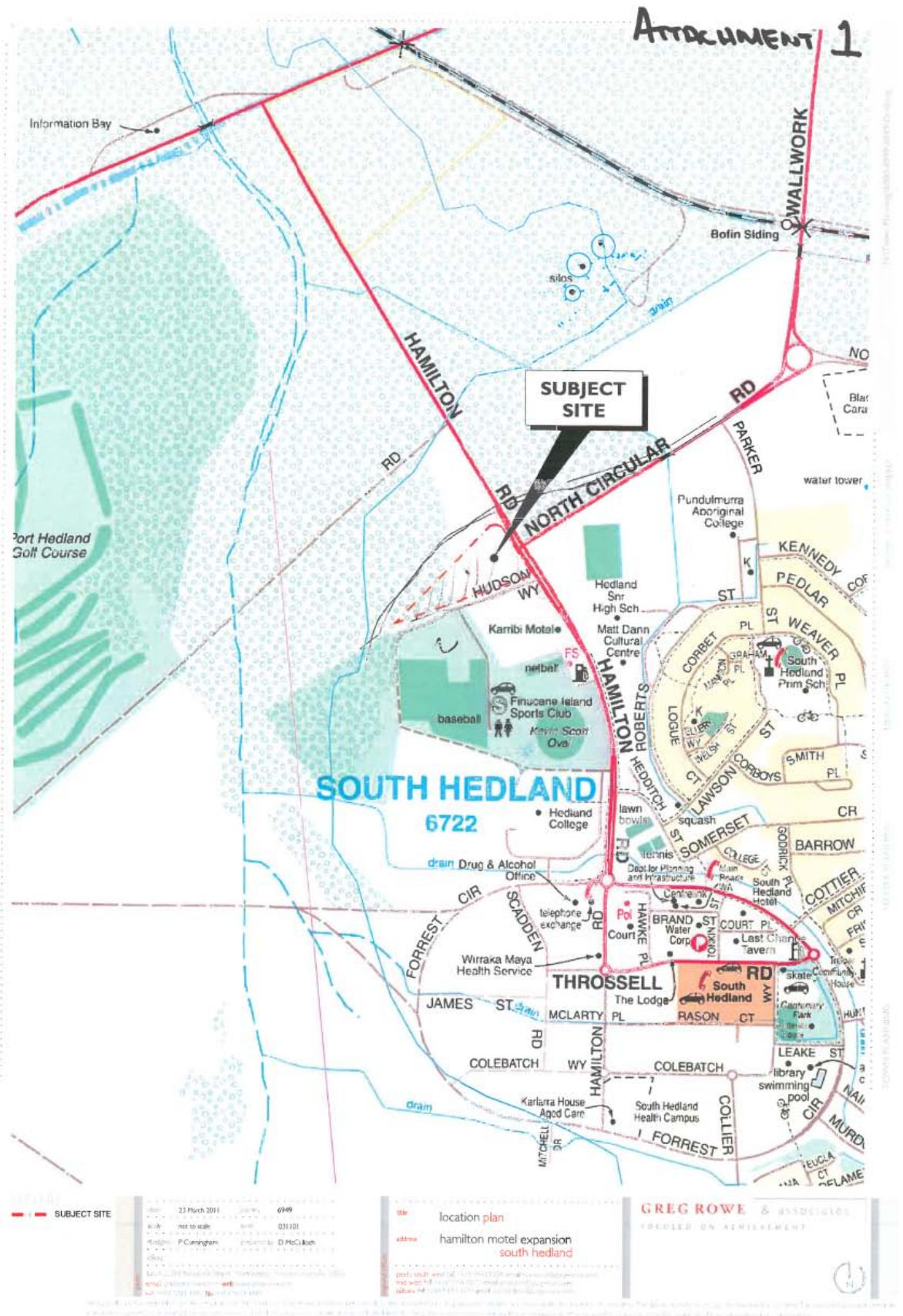
CARRIED 5/0

REASON: Council believes that prior to considering Agenda Item 11.1.2.10 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon' it needs to allow the opportunity for further discussion.

6:13pm Councillors G J Daccache and M Dziombak re-entered room and resumed their chairs.

Mayor advised Councillors G J Daccache and M Dziombak of Council's decision.

ATTACHMENT 1 TO AGENDA ITEM 11.1.2.10



ATTACHMENT 2 TO AGENDA ITEM 11.1.2.10



Legend

- 01 Village Entry
- 02 Drop Off / Pick Up
- 03 8 x Accessible Units Lower - 16 x Single Upper
- 04 Resident Laundry Blocks
- 05 Resident Kitchen
- 06 Outdoor Dining
- 07 Resident BBQ Area
- 08 Loading + Maintenance Compound
- 09 Maintenance
- 10 Lockers
- 11 2 x Storey Accommodation - 32 x Rooms
- 12 2 x Storey Accommodation - 48 x Rooms
- 13 Overflow Parking - 113 x Bays
- 14 Bus Parking - 7 x Bays
- 15 Services Compound
- 16 Swimming Pool
- 17 Gymnasium
- 18 Gymnasium
- 19 Emergency Staircase / Stairwell
- 20 Village Angle Parking - 179 Bays
- 21 Golf Buggy Temporary Parking - 5 x Bays
- 22 Fence - Pier + Permeable Metal Infill

APPEAL EXCLUDES THE GYMNASIUM

CONDITION 25

WorleyParsons
 DORIC
 Fortescue
 JEFF FREEMAN

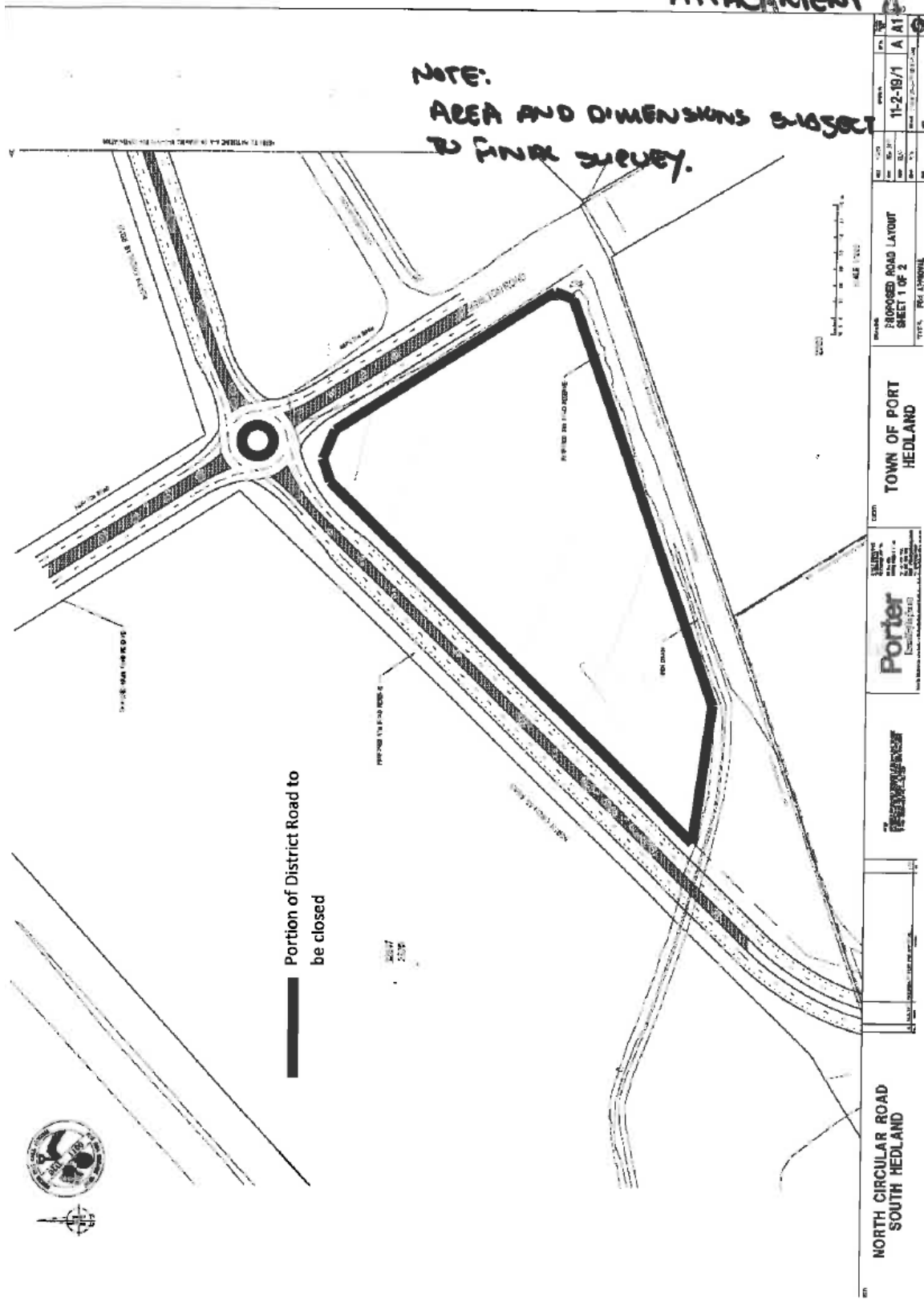
VIEW - HAMILTON RD
 CLUB HAMILTON MOTEL EXPANSION
 for FHG



ATTACHMENT 3 TO AGENDA ITEM 11.1.2.10

ATTACHMENT

NOTE:
AREA AND DIMENSIONS SUBJECT
TO FINAL SURVEY.



ATTACHMENT 4 TO AGENDA ITEM 11.1.2.10

view - corner hamilton + north circular road



Attachment 5
Drawing No:
Dwg 2009 117.sldwg

ATTACHMENT 5 TO AGENDA ITEM 11.1.2.10

Attachment 6
Drawing No:
DWG 20091117.01/803



VIEW - NORTH CIRCULAR RD



VIEW - HAMILTON RD



CLUB HAMILTON MOTEL EXPANSION
for FMG

STREET ELEVATIONS
SK-A16
REV 0
M13

11.2 Engineering Services

11.2.1 Infrastructure Development

6:14pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial Interest in Agenda Item 11.2.1.1 'Cemetery Beach Community Park Concept Design' as they are BHP Billiton shareholders with shares over the statutory limit.

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

6:14pm Councillor S J Coates declared a Financial Interest in Agenda Item 11.2.1.1 'Cemetery Beach Community Park Concept Design' as he is a BHP Billiton employee and shareholder with shares over the statutory limit.

Chief Executive Officer advised that Council has received approval from the Minister of Local Government to consider Agenda Item 11.2.1.1 'Cemetery Beach Community Park Concept Design' with a reduced quorum of three Councillors.

11.2.1.1 Cemetery Beach Community Park Concept Design (File 21/05/0016).

Officer **Rob Baily**
Senior Project Officer,
Infrastructure Development

Date of Report 13 April 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide the Council with an agreed Concept Plan for the duplication of Cemetery Beach Community Park following Council's acknowledgement and support of the Results of the Community Survey, Council Report (201011/231) on the 27 January 2011.

In reference to the Community Survey and the Council recommendations from the report, ToPH has engaged GHD to design the project in conjunction with relevant Council staff and in accordance with the outcomes of the Council's decision.

It is proposed for Council to agree to the attached Concept Plan (Attachment 1) to go out to the public as general information for a period ending on the 2/5/2011.

To ensure progress can be made towards detail design from the Concept Plan, members of the public will be able to contact the project officer to discuss the basic principles of the plan prior to the end of the public information period.

Background

The Cemetery Beach duplication project is being undertaken as a joint BHPB, Town of Port Hedland and Royalties for Regions initiative.

Since the reconstruction of the Park in 2006/07, the park has become very popular with local residents, community groups, tourists and for family / friends gatherings to the point there is often not enough space to accommodate everyone.

The proposed extension to the park will provide additional facilities, encouraging residents and tourists to take advantage of the popular foreshore location. The Council and BHPB have recognized the value in this park and approved the initial consultation and design works as a capital project in 2010/2011.

The first phase of the project has been completed through a rigorous consultation process and has been to Council on the 27/1/2011 to acknowledge the consultation process and Council decision 201011/231 Carried 8/0.

Council decision also supports nine (9) key elements from the consultation phase and has been a key ingredient in developing the Concept Plan surrounding the priority elements. Those being

- Shade shelters, pavilion, BBQ's and seating
- Lighting (turtle friendly)
- Extended lawn areas
- Parking and vehicle separation from play areas
- Improve existing playground for more toddler friendly activities, and parents space
- Adventure playground
- Linear boardwalk to coastal edge mainly west
- Artwork integration
- Trees, native fruit and palms

As the Concept Plan is indicative only, some elements may not be evident within the Concept ie lighting and additional facilities in the existing playground but will be progressed within the detailed design.

Consultation

A project brief was developed following the Council decision to acknowledge the consultation process and supporting the priority elements.

The project brief was sent out to five (5) landscape architects to provide a price, methodology and a process to take the project through to the tender contract stage at the end of this financial year 2010/2011 with GHD providing the best value for money and also showing a good understanding of the Town's requirements.

The Concept Plan has now been developed through a collaborative amendment and revision process with GHD and Council staff to ensure usability and management processes has been addressed.

The next phase of the consultation process is for Council decision of the project to progress through a public display of the Concept Plan until the end of May 2011.

It is proposed considering the previous depth of consultation, the Concept Plan will be for public information only with the project officer's contact details to be supplied if any members of the public require further information.

If there are concerns from the public as a majority feedback, the Concept Plan may need to have some amendments to accommodate any major changes or if minor issues these will be noted and progressed within the detail design.

Public information will be by displaying the design at the Civic Centre, libraries and main shopping centre's by static display and also in the media through the Town's Publicity Officer.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 1 – Townscape

Immediate Priority 3 – Develop plans for the upgrades of existing parks (Cemetery Beach, Rock of Ages and Marrapikurinya) plus the development of new parks. Install public art to improve sense of place.

Key Result Area 3 – Community Development

Goal 2 - Sports and Leisure

Immediate Priority 3 - Plan for the development of fishing wharfs/jetties within the Town and expand coastal recreational opportunities.

Budget Implications

The current budget for 2010/ 2011 is \$250,000 (GL account 1009482) to develop the consultation and design plans for Cemetery Beach.

The budget this year was entirely financed by BHPB. Additional funds for next financial year will be based on already committed funding from Royalties for Regions (\$1.5M), from BHPB (\$1.5M) and Council.

At this stage of the design process the total cost to build the project should be in the vicinity of \$3.0 – \$3.5M and has been designed from a budget perspective however final design costs won't be known until the project is in the detailed stage. It is anticipated that a staged approach may be considered for some miscellaneous items if funds do not cover all elements of the design.

Officer's Comment

The Cemetery Beach Community Park project is now at a stage where the public consultation period in regards to the design parameters is almost completed.

As part of the display information period up to the 2 May 2011, the Concept Plan will be based on sharing the plan with the public as information only and will not form another level of communication that requires formal public feedback and a subsequent Council Report.

Any communication received during the display period will be noted and directed into the detail design where considered part of the initial design objective and an overall improvement to the plan as a whole.

Additional features will be developed during the detailed design phase including artistic influences within the park and will form part of the intended infrastructure with the Council staff, landscape architects and artists wherever possible.

Attachments

Cemetery Beach Community Park Concept Plan

201011/349 Officer's Recommendation/Council Decision

Moved: Cr S R Martin

Seconded: Cr D W Hooper

That Council:

1. Acknowledge and recommend the Concept Plan shown as Attachment 1, to be shown as public information ending 31 May 2011 as the preferred Concept Plan for Cemetery Beach Community Park.
2. Approves the Concept Plan shown as Attachment 1 and request the Chief Executive Officer to progress to detail design and tender documentation.

CARRIED 3/0

6:14pm Councillors A A Carter, G J Daccache, S J Coates and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councillors A A Carter, G J Daccache, S J Coates and M Dziombak of Council decision.

ATTACHMENT 1 TO AGENDA ITEM 11.2.1.1



11.2.1.4 Request for Lease by Telstra – Mobile Communications Facility, Cottier Drive, South Hedland (File No.:...)

Officer	Jasmine Person Manager – Investment & Business Development
Date of Report	15 March 2011
Disclosure of Interest by Officer	Nil

Summary

This report will provide Council with details pertaining to the request by Telstra Corporation Limited for a lease for the location of an equipment shelter and two antenna pods (a mobile communications facility) at the JD Hardie Centre on Cottier Drive, South Hedland.

Background

In October 2010, Telstra contacted the Town and advised that they wished to install and operate a mobile telecommunications base station in South Hedland in order to enhance its existing mobile network coverage and services. The site identified by Telstra is Lot 5991 on Deposited Plan 219898. The land is also the subject of Reserve 41675 vested in the Town for the purposes of recreation.

On 8 October 2010, the Town received correspondence from Property Logistics, who sub-contract for Telstra Corporation Limited, containing a property proposal wherein Telstra sought the following:

1. A lease for a 'temporary' facility located just outside the construction site boundary. The proposed lease area is 39.1sqm being 8.5m x 4.6m in dimension and it will house a sea container with three pole mounted antennas at a height of 7.6 metres – see attachment A; and
2. A lease for:
 - a. a 'permanent' facility which will be an equipment shelter located at ground level on the Northern Wall of the JD Hardie Centre. A retaining wall will be extended to act as an enclosure for this shelter. The proposed lease area is 24sqm being 6m x 4m in dimension – see attachment B.
 - b. a 'permanent' facility, which will consist of two antenna pods at a height of 6 metres, mounted on the roof of the JD Hardie Centre, once construction is complete. The lease area for each pod is 1 square metre. – see attachment C.

The essential provisions of the lease are contained attachment D.

Consultation

Chief Executive Officer
Manager Planning
Principal Property Logistics on behalf of Telstra
Australian Property Valuers

Statutory Implications

In respect of the request for leases:

Local Government Act 1995

3.58. Disposing of property

- (1) *In this section:*
- 'dispose' includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - 'property' includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to:*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property:*
- (a) it gives local public notice of the proposed disposition;*
 - (i) describing the property concerned;*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Policy Implications

Nil

Strategic Planning Implications Nil

Budget Implications

Telstra have agreed to contribute \$1,000 toward the Town's negotiation and execution of Telstra's standard form lease agreement. This should adequately cover any advertising, disbursements and costs incurred by the Town.

Telstra are proposing an annual lease rental of \$7,000 with a 2.5% increase annually for the term and options periods. This proposed amount is below market value, consequently negotiations will continue with Telstra for the appropriate rental amount in the order of \$12,000 per annum.

Officer's Comment

Temporary Facility

As the roof is near completion on the JD Hardie Centre, Telstra now intend for the lease not to cover the Temporary Facility. A Land Access and Activity Notice was served on the Town which provides Telstra with legal rights to house the Temporary Facility in any event.

Town Planning Approval

Schedule 3 of the *Telecommunications Act 1997* authorises the erection of the facilities without development consent of the Town, however Telstra advise that consultation has been conducted and notification of both the Town and the public will be communicated in accordance with the Australian Communications Industry Forum Code of Practice. On 24 February 2011, the Town's Planning Department forwarded a letter of acknowledgment to Planning Solutions, who also act on behalf of Telstra, see attachment E.

Vesting – Reserve Purpose

The Department of Regional Development and Lands will need to extend the Reserve Purpose to include a 'Telecommunications Use', as the Minister's consent is required pursuant to the Vesting Order. A change to the vesting order is currently on foot, in light of the commercial opportunities available with the extensions to the JD Hardie Centre.

Surrender of Existing Lease

It has however, recently come to the Town's attention that there is a registered lease over this property to the Police Citizens Youth Club (PCYC). The Town's records indicate that the PCYC consented to a surrender of the lease however this now needs to be formalized by way of a Deed of Surrender, prior to the Town executing any leases with Telstra.

Terms of the Lease - Rental

Although Town planning consent is not required to enable Telstra to erect such a facility there is the potential to negotiate the terms of lease, which include the fair market value for the proposed site.

Australian Property Consultants were contacted regarding the proposed rental amount that Telstra were offering, namely \$7,000. On 25 March 2011, the Town received a property valuation for the proposed leased area – see attachment E - wherein the Property Valuer indicated that the market value for this lease was \$12,000 per annum. Consequently, this is the amount that is contained within the Officers recommendation.

Further, the Property Valuer suggested that a clause be inserted into the lease to cover the scenario were Telstra may sub-lease the pod to another carrier, effectively generating a revenue stream for themselves in excess of the rental they are paying to the Town. A clause to protect the Town interests will be negotiated with Telstra.

Commencement Date of Lease

Whilst Telstra are not seeking a lease of the temporary facility, they have indicated that they will commence paying rent from 17 November 2010, which is the date they commenced occupation of the temporary facility.

Attachment

Attachment A – Plan for temporary facility.
Attachment B - Plan for permanent facility.
Attachment C – Plan for roof mounted pods.
Attachment D – Proposed Lease Terms.
Attachment E - Valuation

201011/350 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr S R Martin

That Council:

1. authorizes the CEO or his delegate to:
 - a. **submit a request to the Department of Regional Development and Lands to amend the Reserve Purpose to include a Telecommunications Use; and**
 - b. **enter into negotiations with Telstra Corporation Limited for a lease agreement in relation to a Telecommunications Base Station situated on Lot 5991 on DP 219898 on Cottier Drive South Hedland, in accordance with section 3.58(3) of the *Local Government Act 1995*, on the following terms and conditions:**

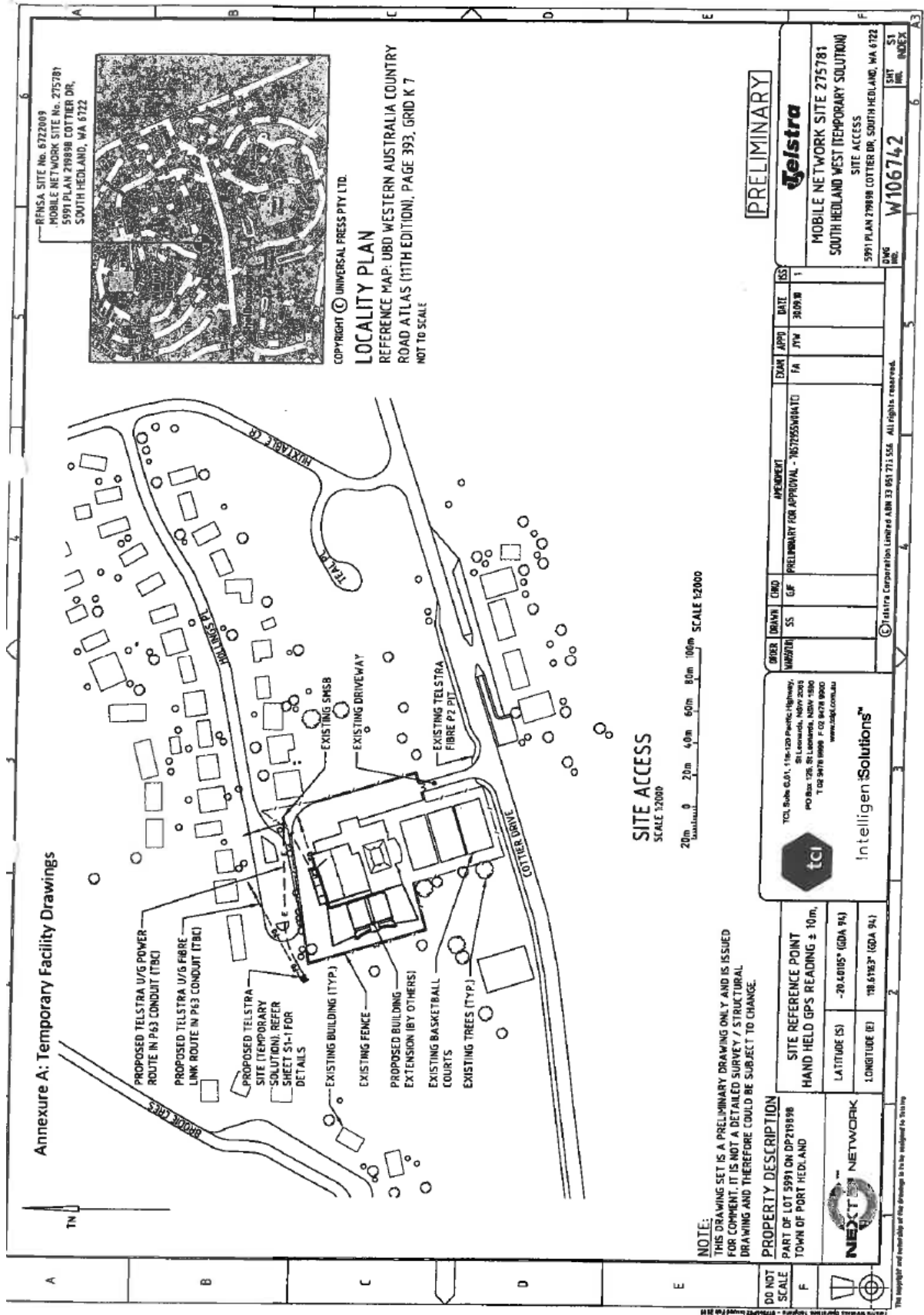
- i. the rental being \$12,000 per annum and increased annually by 4%;**
- ii. the rental amount being subject to a market review every five years;**
- iii. the commencement date being 17 November 2010;**
- iv. the period of the lease being for 10 years, with two five year options; and**
- v. the area being 26 square meters in total;**

subject to:

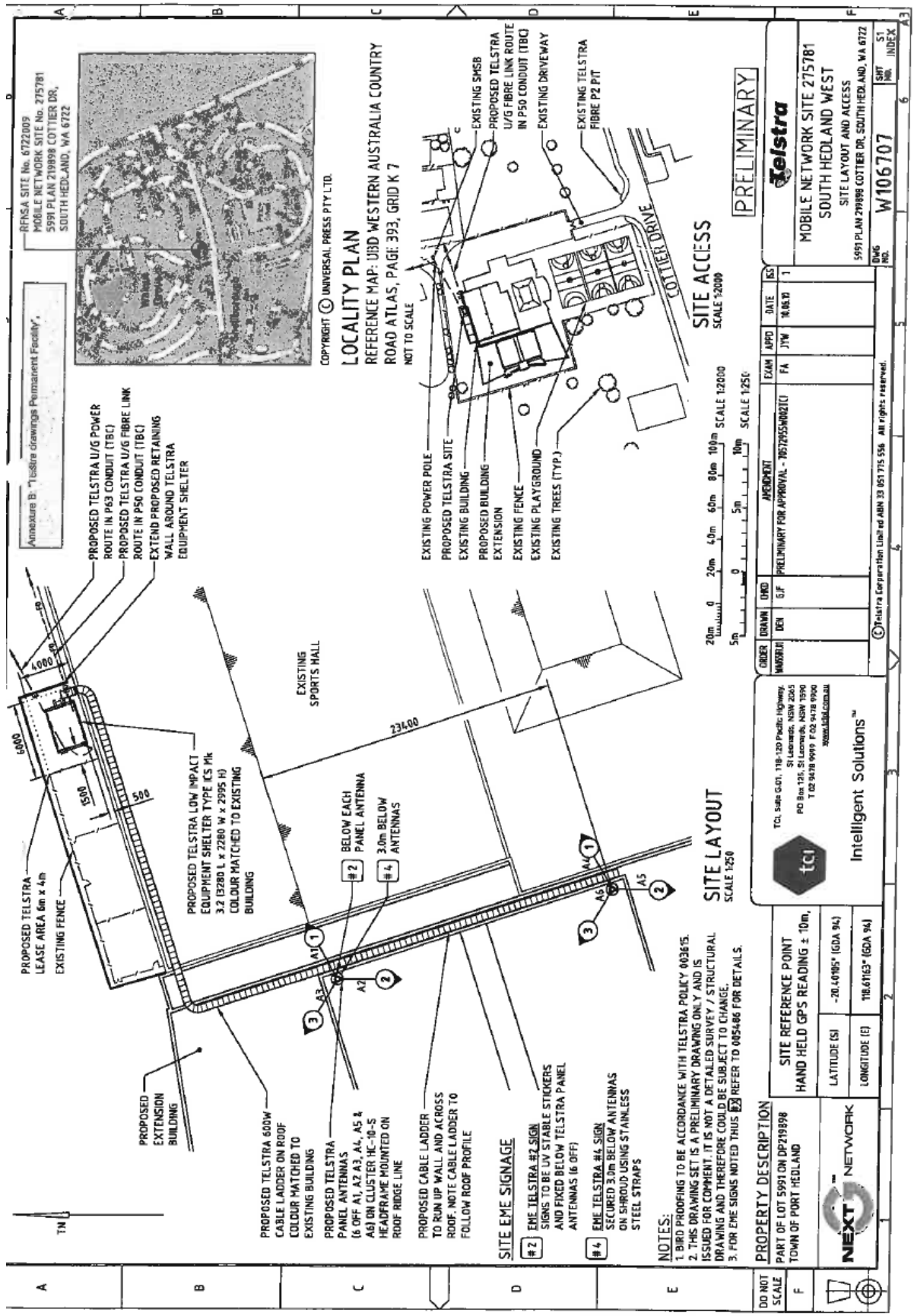
- a. any adverse submissions being received by Council following the requisite advertising period; and**
- b. a Town of Port Hedland building approval for the erection of the pods on the roof top.**

CARRIED 7/0

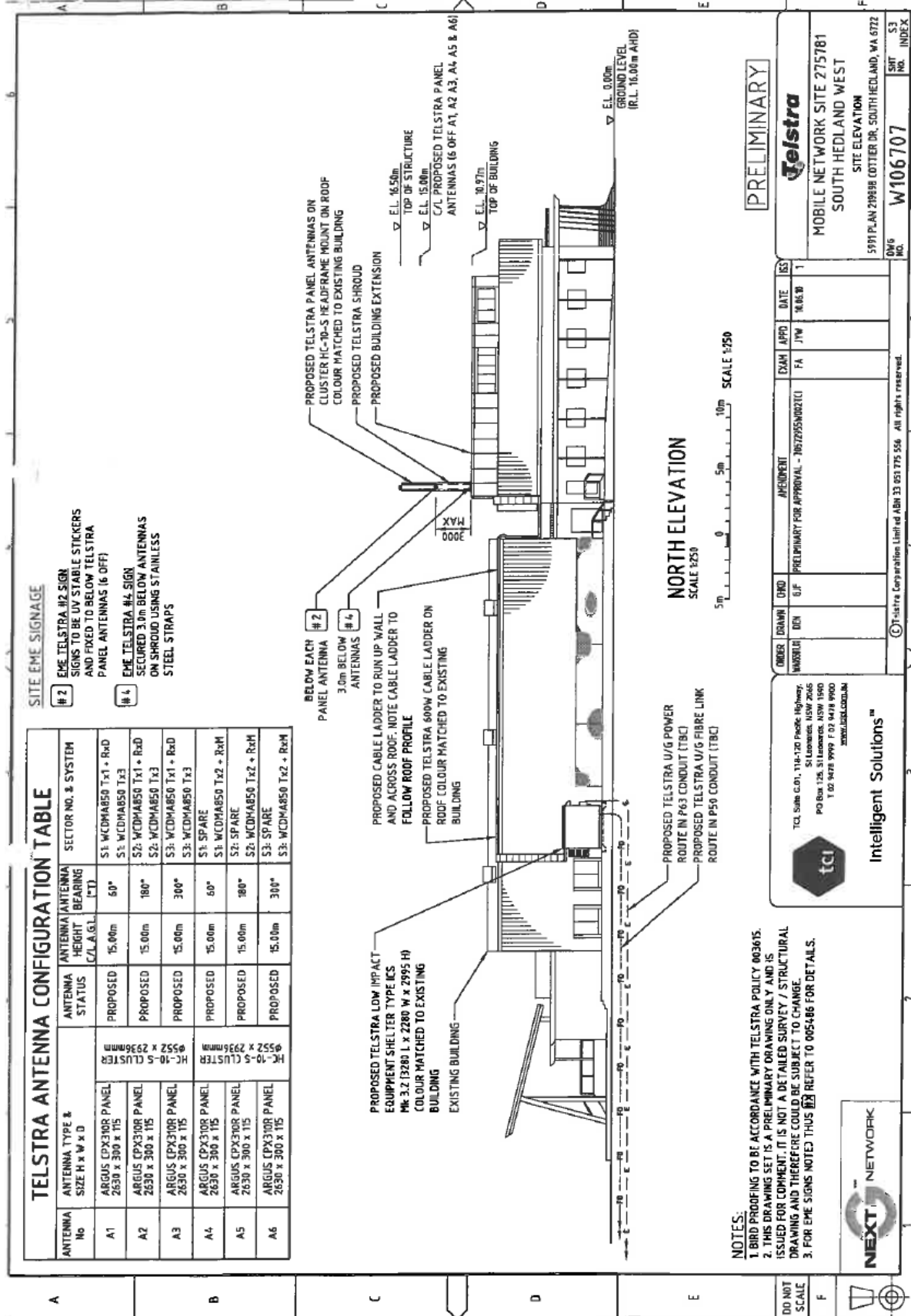
ATTACHMENT A TO AGENDA ITEM 11.2.1.4



ATTACHMENT B TO AGENDA ITEM 11.2.1.4



ATTACHMENT C TO AGENDA ITEM 11.2.1.4

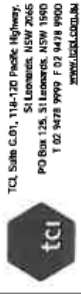


TELSTRA ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA STATUS	ANTENNA HEIGHT C/L A.G.L. (M)	ANTENNA BEARING (° T)	SECTOR NO. & SYSTEM
A1	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	60°	S1: WCDMA850 Tx1 + RxD S2: WCDMA850 Tx3
A2	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	180°	S2: WCDMA850 Tx1 + RxD S2: WCDMA850 Tx3
A3	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	300°	S3: WCDMA850 Tx1 + RxD S3: WCDMA850 Tx3
A4	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	60°	S1: SPARE S1: WCDMA850 Tx2 + RxH
A5	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	180°	S2: SPARE S2: WCDMA850 Tx2 + RxH
A6	ARGUS EPX310R PANEL 2630 x 300 x 115	PROPOSED	15.00m	300°	S3: SPARE S3: WCDMA850 Tx2 + RxH

NOTES:

- BIRD PROOFING TO BE ACCORDANCE WITH TELSTRA POLICY 003615.
- THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
- FOR EME SIGNS NOTED THIS REFER TO 005486 FOR DETAILS.



Telstra Corporation Limited ABN 33 651 975 556 All rights reserved.
 TCI, Suite C/61, 114-120 Pacific Highway,
 St Leonards, NSW 2060
 PO Box 129, St Leonards, NSW 1590
 1 80 047 7997 Fax 184 9900
 tci@telstra.com.au

Intelligent SolutionsSM

PRELIMINARY

Telstra

MOBILE NETWORK SITE 275781
 SOUTH HEDLAND WEST

SITE ELEVATION
 5991 P. AN 21989E COTTER DR. SOUTH HEDLAND, WA 6722

DWG NO: **W106707** SHEET NO: **6** INDEX

ORDER NO	DRAWN BY	CHKD BY	AMENDMENT	EXAM APD	DATE	ISS
1001	1001	1001	PRELIMINARY FOR APPROVAL - 70272955W02TCI	FA	10/06/10	1

NORTH ELEVATION
 SCALE 1:250

DO NOT SCALE

ATTACHMENT D TO AGENDA ITEM 11.2.1.4

Lessee	Telstra Corporation Limited ABN 33 051 775 556
Lessor	<p>Address: Town of Port Hedland PO Box 41 Port Hedland WA 6721</p> <p>ABN: 19 220 085 226</p> <p>Ph: (08) 9158 9300</p> <p>Fax: (08) 9158 9399</p>
Lessor's Solicitor	<p>Name of solicitor) Name of Firm) Address) TBC Ph:) Fax:)</p>
Land	Lot 5991 on Deposited Plan 219898 and being the subject of Crown Land Title Volume LR3111 Folio 325.
Type of Facility	Two roof mounted antenna pods and an equipment shelter
Premises	<p>There will be three lease areas shown on the lease plans as noted as follows:</p> <ul style="list-style-type: none"> i) 24 sqm on the ground (6m x 4m) ii) 1sqm around the first roof mounted antenna pod. iii) 1sqm around the second roof mounted antenna pod.
Access to Premises	<p>Telstra will seek the Town's approval to access the land until the commencement date of the lease, to undertake tests, surveys, inspections and construction, installation and operation of the Facility.</p> <p>Telstra will have unrestricted access to the Premises 24 hours a day, 7 days a week during the term of the lease and any holding over period.</p>
Permitted Use	Installation, inspection, maintenance, construction, excavation, replacement, repair, renewal, alteration, upgrade, cleaning, operation, access to and from and removal of the Facility on the Land in accordance with the Lease including the exercise of any rights as set out in the <i>Telecommunications Act 1997</i> .



Tenure	<p>The Department of Regional Development and Lands (RDL) has confirmed that the Town of Port Hedland can lease direct to Telstra with no excision required, <u>however the Town would need to request the RDL to amend the Reserve Purpose to include a Telecommunications use.</u></p> <p>Minister for Lands consent to the lease will be required.</p>
Term	10 years.
Options	Two, five year automatic options
Lease Commencement Date	July 1, 2011
Rent	\$7,000pa per annum
Rent Review	The rent will be increased by 2.5% per annum on each anniversary of the Lease Commencement date during the term and any option term.
Payment of Rent	Yearly in advance with the first year's rent to be paid from the Rent Commencement Date. Subsequent rent payments will be made by EFT deposit directly into your nominated account.
Rent Commencement Date	November 17, 2010
Legal & Other Costs	<p>Telstra agrees to pay your legal costs for the negotiation and execution of the lease and reasonable disbursements to an amount not exceeding \$1,000 plus GST. Fees are paid once the Lessor has signed the lease.</p> <p>Telstra will also pay stamp duty (if applicable) and registration fees</p>
Lease Documentation	A copy of Telstra's standard lease for this type of Facility and which will apply to this transaction is attached to this correspondence. Following the issue of the Town's approval, or prior to that date, Telstra's lawyers will issue to you a completed version of the lease which will incorporate the terms and conditions agreed.
Mortgage & Mortgagee Details	Not applicable



GST	Unless otherwise stated, all amounts quoted in this Heads of Agreement are exclusive of GST.
Australian Standards	Telstra will install and operate the Facility in accordance with the relevant Australian Standards and regulations.
Insurance	Telstra self insures for property damage and has a global insurance policy for public liability. The insurance arrangements applicable to this transaction are more fully set out in the attached lease.
Right of First Refusal	Not applicable
Existing Carrier (if any) Easement for Services	Not applicable
Telstra's Requirements	This offer is subject to: <ul style="list-style-type: none"> • Telstra's final approval and • Telstra obtaining approval from any statutory authority or other relevant authority to enter into the lease and construct and install its equipment
Advertising of lease	It is noted that the lease will be advertised in a local newspaper and include a 14 day submission period as required under the Local Government Act

If you have any questions in relation to this proposal please do not hesitate to contact Natalie Wilkie on 0407 380 669.

Yours faithfully
Property Logistics



Natalie Wilkie B.Bus AAPI
Principal



ATTACHMENT E TO AGENDA ITEM 11.2.1.4



25 March 2011

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Attention: Jasmine Person/Christie O'Hara
Email: admingov3@porthedland.wa.gov.au

To Whom It May Concern

**Proposed Telstra telecommunications rooftop tower
JD Hardie Centre ... South Hedland**

Further to your request to provide an indicative opinion of the market rent to apply to the proposed facility we comment as follows:

Market Rent is defined by the Australian Property Institute as:

"The estimated amount for which an asset should rent, as at the relevant date, between a willing lessor and a willing lessee in an arm's length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to the usual terms and conditions of the leases of similar assets."

The following comments are provided for your consideration.

DESCRIPTION OF LEASED PREMISES

The subject of this valuation comprises a permanent mobile telecommunications base station facility proposed to be erected by Telstra on the JD Hardie Centre.

Further details on the premises are provided below.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

LOCATION

The JD Hardie Centre is a single level multi-purpose community recreation centre which is currently undergoing major additions and refurbishment.

The development occupies an irregular shaped land parcel of approximately 3.77ha being Crown Reserve 41675 situated on the north side of Cottier Drive in South Hedland.

The approximate shape and position of the main building is depicted below.



NOTE: the above aerial photograph is dated and does not show the recent extensions.

Surrounding development is predominantly residential in nature with some tracts of vacant land in the immediate vicinity.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

THE PROPOSAL

Telstra is proposing to install a new telecommunications base station in order to enhance its existing mobile network coverage and services.

The facility will be permanent and comprise two roof mounted antenna pods together with a small associated equipment shelter and fenced service compound in accordance with drawings prepared by TCI (drawing no. W106707).

The transmission towers will be located on the northeast and southeast corners of the western extension of the JD Hardie Centre and the equipment shelter will be attached to the northern side of the original building.

There is currently a temporary base station facility onsite within a transportable sea crate however this will be removed following the permanent installation.

The proposed lease areas comprise 24m² on the ground (equipment shelter) and a further 1m² around each of the rooftop towers.

From the plans provided it appears the proposed development has been designed for (yet may not necessarily be limited to) a single carrier tower facility.

LEASE DETAILS

There is a proposed lease and the details are summarised as follows:

Lessor:	Town of Port Hedland
Lessee:	Telstra
Type of Facility:	Two roof mounted antenna pods and an equipment shelter
Lease Area:	24m ² on the ground and 1m ² around each of the two roof mounted antenna pods
Start date:	Installation date of permanent facility or 1 December 2011 whichever is the earlier
Term:	10 years
Options:	5 + 5
Commencing rent:	\$7,000 pa exclusive of GST
Rent reviews:	Annual fixed 2.5%
Outgoings:	Power consumption to be borne by Telstra

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

GENERAL COMMENTS

1. There are a myriad of commercial, technical, environmental and town planning issues associated with the telecommunication industry.
2. The competition between mobile phone carriers is strong particularly in areas where comprehensive quality mobile phone coverage is essential, such as central business districts and outlying regional locations.
3. The aim is to provide maximum geographical coverage for a minimum number of primary "umbrella" sites; more specific sites for "infill" coverage between umbrella sites and capacity sites in areas of high volume mobile telephone usage.
4. While the preference is generally for carriers to locate on existing infrastructure the availability at the required height to meet the carrier's coverage objectives is often lacking.
5. Co-location between the carriers provides a means to minimise visual impact and the number of base towers required.
6. Base station/tower developments have become less intrusive over time however are still a 'blight' on the landscape.
7. The subject proposal is for a "roof top" and not a "greenfield" base station.
8. Historically "roof top" sites are in more centralised locations and attract a higher rent.
9. In this instance it appears that the location of the proposed towers will not have a negative impact on the current use of the land (Public Recreation).
10. Carriers are often willing to pay a premium to obtain the head lease of a tower which can be subleased and return a profit. In this case it appears the Telstra proposal is for a single carrier facility.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

VALUATION RATIONALE

The best method of assessment of market rent is by direct comparison of rentals for similar properties.

Rent levels are established over a period of time based on the principles of supply and demand. In regard to telecommunications facilities the following points are noted as having an effect on rent:

- The location of the tower, the availability of alternative elevated sites and the ability to generate revenue from the location;
- The level of difficulty in organising planning approval;
- The level of difficulty in organising both land access and tower use agreements;
- The tenants' affordability and ability to pay. Commercial carriers have an increased ability to pay rent and as such various telecommunication tower pricing structures reflect the type of tenant;
- The position of the antennae on the tower;
- The ability of the licensor to negotiate commercially.

RENTAL EVIDENCE

Rental evidence varies between "Greenfield" and "Roof Top" sites and whether located in a central or more outlying/rural location.

There is limited recent directly comparable evidence to conclusively form an opinion of a market rent, only general parameters provided by a cross section of evidence from metropolitan and regional sites.

The rental evidence includes yet is not limited to the following:

Location:	Various Sites, Karratha
Lessor:	Shire of Roebourne
Lessee:	Telstra
Start date:	Late 2009
Term:	10 + 5 + 5 years
Commencing rent:	Within a negotiating range of \$15,000 to \$20,000 pa
Rent reviews:	Annual fixed 3%
Comment:	Comprises three monopole towers at Karratha Cemetery, Millars Well Oval and Bulgarra Oval (all on Reserves). The oval sites are in heavily developed residential areas and the cemetery site is on the way to the airport. Securing these three sites was important for Telstra given a limited number of options available. We are informed the rent was agreed toward the middle of the negotiating range.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

Location: **City Beach Oval, City Beach**
Lessor: Town of Cambridge
Lessee: Optus
Area: 7.5m²
Start date: Draft lease being prepared as at March 2011
Term: 20 years
Commencing rent: \$17,000 pa net
Comment: Roof mounted antenna on top of a proposed storage shed. Metropolitan location.

Location: **Council Office, South Terrace, South Perth**
Lessor: City of South Perth
Lessee: Vodafone
Area: 15m²
Start date: 1 April 2004
Term: 10 years
Rent reviews: Annual fixed 4%
Current rent: \$14,038 pa net
Date set: 31 March 2010
Comment: Roof top antenna in a metropolitan location. Dated lease which has only had fixed reviews.

Location: **Portion of Lot 3 Quin Road, Bullsbrook**
Lessor: City of Swan
Lessee: Vodafone
Area: 70m²
Start date: TBC in 2010
Term: 5 + 5 + 5 + 5 years
Rent reviews: Annually to CPI. Market at expiry of second 5 year option
Commencing rent: \$13,000 pa net
Comment: Rent negotiated for a new term to follow an existing 10 year lease which expired on 25 December 2006. Vodafone has the power to sublease to the Commonwealth for the purposes of utilising the tower for beacon lights used by pilots at the RAAF air base. Outlying rural locality.

Location: **Mills Park, Beckenham**
Lessor: City of Gosnells
Lessee: Vodafone
Area: Unknown
Start date: November 2008
Term: 10 + 10 years
Rent reviews: Annual fixed 5%
Current rent: \$13,230 pa net
Date set: November 2010
Comment: Base station tower within a parks and recreation reserve.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

Location: **Council Depot, Owen Road, Kelmscott**
Lessor: City of Armadale
Lessee: Crown Castle
Area: 120m²
Start date: 7 July 2010
Term: 10 years
Rent reviews: Annual fixed 5%
Commencing rent: \$22,128 pa net
Comment: New term negotiated for an existing 10 year lease which expired on 6 July 2010. Dual carrier base tower with two equipment rooms. 27m² was subleased to Optus on 15 December 2000 and this is reflected in a higher rent.

Location: **Council Depot, Bishop Road, Middle Swan**
Lessor: City of Swan
Lessee: Optus
Area: 40m²
Start date: October 2007
Term: 10 years
Rent reviews: Annual fixed 4%
Current rent: \$20,226 pa net
Date set: October 2010
Comment: Dual carrier base station tower with two equipment rooms co-leased to Telstra. Metropolitan location.

Location: **Gosnells Recreation Ground, Gosnells**
Head Lessor: City of Gosnells
Sub Lessee: Vivid Wireless
Area: 7.5m²
Start date: 27 February 2010
Term: 5 + 5 + 5 years
Rent reviews: Annual fixed 5%
Current rent: \$19,425 pa net
Date set: 27 February 2011
Comment: Sublease for a new equipment room co-locating a tower with Hutchison 3G (head lessee). There are three other 'cabins' of which two are subleased to Optus and Telstra. Rent was negotiated at around \$1,000 above what similar installations owned by City of Gosnells were achieving 12 months previous. Metro location.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

Location: **Wembley Golf Course, Wembley Downs**
Lessor: Town of Cambridge
Head Lessee: Hutchison 3G
Area: 57m²
Date set: 1 March 2010
Current rent: \$37,960 pa net
Comment: Head lease for a tri-carrier base tower with single adjacent equipment room. There is a separate agreement with Telstra and Vodafone for co-location of tower.

Location: **Wembley Golf Course, Wembley Downs**
Lessor: Town of Cambridge
Lessee: Telstra
Area: 23m²
Date set: 1 April 2010
Current rent: \$21,995 pa net
Comment: Lease for land which contains an equipment room. Co-located tower with Hutchison 3G (head lessee).

We are also aware of several telecommunication sites leased during the last few years in fringe metropolitan areas. Limited information was available and this is summarised below. These leases are now dated and rents have increased.

Chidlow

Optus \$9,000 pa net as at October 2008

Bedfordale

Optus \$6,767 pa net as at July 2007

Karragullen

Optus \$12,000 pa net as at September 2008
Telstra \$8,000 pa net as at September 2007

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

RENTAL SUMMARY

The evidence ranges considerably which reflects a variety of locations and also a mixture of single and multiple carrier facilities. Rental figures, lease terms and conditions are agreed on an individual basis and vary according to the negotiating ability of individual parties. More recently, some lease terms are as short as 5 years which is in contrast to the 10 or 20 year terms traditionally favoured in the past.

The lower end of the range typically reflects single carrier towers, often in outlying locations with rural type land uses.

The upper end mainly reflects larger facilities in central metropolitan locations, many of which have potential for co-location and subleasing.

In forming an opinion of annual rent applicable to the subject facility there are a number of pertinent matters to be considered including but not limited to:

1. The securing of the site is important for Telstra.
2. There would appear to be a limited number of suitable options available.
3. Telstra may potentially wish to sublease or share the site in the future.
4. Lessee will require unrestricted access.
5. Potential use of adjoining lands may be required.

Based on the above evidence, proposed rooftop position and given that South Hedland is an increasingly developing regional town we would expect the subject site to attract a net market rent of between \$11,000 and \$13,000 per annum net.

Proposed Telstra Telecommunications Tower
JD Hardie Centre
South Hedland

25 March 2011

CONCLUSION

Given limited directly comparable rental evidence any opinion is somewhat subjective and therefore the outcome is a matter of negotiation between the relevant parties.

Based on analysis of the typical lease structures for telecommunication tower sites we recommend the Town of Port Hedland negotiate a rent review provision with a minimum fixed annual increase of between 3% and 5%.

It is also suggested that the proposed lease terms provide for the rent to be reviewed to market levels at least every 5 years.

Taking into account the above comments we consider that a fair rent for the site lies between \$11,000 and \$13,000 pa and suggest this be the negotiating range.

We conclude a current market rent of \$12,000 per annum net.

This assumes the Lessee is responsible for payment of outgoings and GST.

Should you wish to discuss further please call the undersigned.

This rental valuation is current as at the date of valuation only. The rental value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in rental value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

In conclusion, this advice is for the use only of the party to whom it is addressed and for no other purpose. No responsibility or liability is accepted to any third party who may use or rely on the whole or any part of the content of this letter.

Yours faithfully

AUSTRALIAN PROPERTY CONSULTANTS



SHANE JAEGER AAPI
BCom (Property)
Certified Practising Valuer
LICENSED VALUER NO. 44367 (WA)

11.3 Community Development**11.3.1 Donations Working Group: Recommended Endorsements of Funding Sponsorship Requests Received (File No.: 02/05/0003)**

Officer **Debra Summers**
Manager: Libraries and Cultural Development

Date of Report 20 April 2011

Disclosure of Interest by Officer Nil

Summary

This report presents to Council the recommendations from the Town of Port Hedland Donations Working Group meeting of the 13 April.

Background

The Donations Working Group met on the 13 April 2011 to consider applications received. The following applications were recommended for approval:

- Creating Communities - \$320 in-kind support through the provision of two bins and waiving of Shay Gap Park hire fees for Easter Family Picnic.
- Office Road Safety(Rural Cinema) - \$320 in-kind support through waiving of Marrapikurinya Park hire fees for screening of educational safety message and film 'SALT' on the understanding that there is no alcohol at the event
- Port Hedland Pony Club- up to \$4,000 in-kind support through provision and cartage of sand required
- Hedland Senior High School Breakfast Program - \$400 cash support upon presentation of a receipt for purchases.
- Aboriginal Legal Services- \$2,000 cash support for two delegates to attend 2011 National Indigenous Domestic Violence Conference
- Hedland Playgroup Inc- \$553 cash support for entrances for the South Hedland Aquatic Centre

The Donations Working Group requested further clarification at the June meeting in respect to the following applications:

- Hedland Community Living Association (HCLA)
- Requested: Hire and staffing of the JD Hardie Centre for a roller disco; Use and set up / pack down of a stage in Marrapikurinya Park. Both applications for the Inclusion Festival in August 2011.
- Value of Request: \$2589.80 cash
- Working Group Recommendation: Provide to the June meeting more details and supporting evidence surrounding the financials of this event . Request that the Association give a presentation to Council.
- Hedland Playgroup Inc
- Requested: Cash towards provision of a sea container for storage; Subsidised entrances for the South Hedland Aquatic Centre
- Value of Request: \$2,000 cash; \$553.80 in-kind
- Working Group Recommendation: Provide to the June meeting financial statements to show that they have spent fully \$20,000 allocated by the ToPH previously.
- The Donations Working Group will then consider a further payment of \$2,000 towards the purchase of a sea container.

Consultation

Donations Working Group

Statutory Implications Nil

Policy Implications

Community Funding and Donations Policy applies

Strategic Planning Implications

Key result area 2: Community Pride

Goal 2 – Events

- c. Supporting Community groups who are operating community events, through training, support, advice and, where appropriate, financial support.

Budget Implications

Should the Officers recommendations be adopted \$7,593 will be allocated from GL Account 813274 and \$21,418 will then remain in the account.

Officer's Comment

The members of the Working Group were concerned that some applications came through post the deadline for submissions. Due to the recent change in the policy toward community sponsorship and donations, the group accepted and assessed the late applications. To avoid this in the future, Officers have been requested to ensure adequate advertising around closing dates occurs.

Minor changes are also being made to the application form to improve the process and insure accountability.

Attachments

Nil

Officer's Recommendation

That Council:

1. endorses the recommendations from the Donations Working Group meeting of 13 April 2011 being:
 - i. Creating Communities - \$320 in- kind support through the provision of two bins and waiving of Shay Gap Park hire fees for Easter Family Picnic.
 - ii. Office Road Safety(Rural Cinema) - \$320 in- kind support through waiving of Marrapikurinya Park hire fees for screening of educational safety message and film 'SALT' on the understanding that there is no alcohol at the event
 - iii. Port Hedland Pony Club- up to \$4,000 in- kind support through provision and cartage of sand required
 - iv. Hedland Senior High School Breakfast Program - \$400 cash support upon presentation of a receipt for purchases.
 - v. Aboriginal Legal Services- \$2,000 cash support for two delegates to attend 2011 National Indigenous Domestic Violence Conference
 - vi. Hedland Playgroup Inc- \$553 cash support for entrances for the South Hedland Aquatic Centre

201011/351 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

1. endorses the recommendations from the Donations Working Group meeting of 13 April 2011 being:
 - i. **Creating Communities - \$320 in-kind support through the provision of two bins and waiving of Shay Gap Park hire fees for Easter Family Picnic.**
 - ii. **Office Road Safety(Rural Cinema) - \$320 in-kind support through waiving of Marrapikurinya Park hire fees for screening of educational safety message and film 'SALT' on the understanding that there is no alcohol at the event**
 - iii. **Port Hedland Pony Club- up to \$4,000 in-kind support through provision and cartage of sand required**
 - iv. **Hedland Senior High School Breakfast Program - \$400 cash support upon presentation of a receipt for purchases.**
 - v. **Aboriginal Legal Services- \$2,000 cash support for two delegates to attend 2011 National Indigenous Domestic Violence Conference**
 - vi. **Hedland Playgroup Inc- \$553 cash support for entrances for the South Hedland Aquatic Centre**
2. sends out signed letters of confirmation to each of the applicants

CARRIED 7/0

11.4 Governance and Administration

11.4.1 Finance and Corporate Services

11.4.1.1 Microsoft Licensing Compliance (File No.: 20/01/0009)

Officer	Kate Reid Manager, Information Services
Date of Report	6 April 2011
Disclosure of Interest by Officer	Nil

Summary

For Council to note the outcomes of a Microsoft licensing audit undertaken in relation to the Town's compliance with licensing requirements and to approve the recommendations as to how the issue may be resolved.

Background

The Town of Port Hedland operates using Microsoft software which is supported by corporate licenses. When the Town purchases new equipment (PC's and servers) each piece of equipment requires software and therefore a license that must be recorded with Microsoft for compliance purposes. The costing for corporate licenses and personal licenses are quite different. When you purchase a Microsoft product for use in the home, you pay a once off payment for the use of the license. Corporate licensing costing is applied per bundle and is purchased from a third party, not directly from Microsoft. The Town currently purchases its Microsoft Licensing through Data#3 and JH Computers who are both WALGA preferred suppliers. Generally the licenses are for a 3 year period.

Microsoft contacted the Town of Port Hedland on 21st September 2010 to advise that an account manager had been allocated to assist with discussions pertaining to the current compliance issues related to inadequate license numbers held by the Town. The formal discussions outlined Microsoft's concerns surrounding the amount of equipment that was being operated by the Town compared to the number of licenses that were actively being invoiced for.

Attachment 1 is an email sent to the Town of Port Hedland from Microsoft on the 28th February 2011 that provides a summary of the findings of the audit. This communication clearly outlines the current non-compliance with licensing requirements.

After consultation with Microsoft and Dell, the Town has been provided with 2 options (and quotes for each option) in order to assist with the compliance issue. These quotes expire on the 26th April 2011 and are included in Attachment 2 (A & B). While the quotes expire on the 26th of April, Microsoft has been advised that a decision could not be made until the 27th of April with notification forwarded on the 28th of April.

In relation to the options provided, option 1 is a transactional outcome where once the invoice is paid, ensures compliance for the day of payment only. As the existing needs of the organisation are changing on a weekly basis with the hiring of staff, PC Replacement Program and proposed server upgrade, the license requirements would need to be monitored and maintained on a weekly basis as any change would see an additional upfront cost payable immediately. This is how the pay structure is currently set up. This method has a couple of additional disadvantages in that it is resource intensive; and will not receive the same software assurance benefits as under Option 2.

Option 2 is a strategic option that when paid ensures compliance for the next financial year. Any additional equipment or changes that involve licensing are provided to Microsoft prior to the budget review and an amended account is prepared for the new financial year. This method does not require extra staffing or in house management of the licenses; this is completed by Microsoft with an annual invoice provided to the Town for payment. This option also provides all licences with software assurance benefits. A couple of the key benefits include the right to the current version of the software and online training for employees on all Microsoft applications that could be incorporated into the Corporate Training Program. The complete listing of benefits is outlined in Attachment 3.

In summary, the associated costs with the options are outlined below:

OPTIONS	AMOUNT (GST Excl)	3 Year Comparison
Option 1		
Option 1 – transactional Option (only valid for the day paid)	\$75,041.04	\$75,041.04
Associated FTE costs (average 0.4 FTE) applicable to manage Option 1	\$28,421.60	\$85,264.80
TOTAL OPTION 1	\$103,462.64	\$160,305.84
Option 2		
Open value 3 year Term (annual fee adjusted to reflect changes)	\$75,084.24	\$225,252.72
Associated FTE costs applicable to manage	Nil	Nil
TOTAL OPTION 2	\$75,084.24	\$225,252.72

While Option 2 is an additional \$64,946.88 over the three year period, this option has additional merit, over and above the software assurance benefits as the IT team are currently investigating the required replacement of the Town's existing network at the beginning of the new financial year. This replacement is crucial as a number of the servers that are utilised are currently out of warranty, are redundant and cannot be maintained as parts are no longer available. Servers of particular concern are the one backup server and the exchange server. Option 2 will allow an upgrade or migration of the existing network to be controlled as the licensing needs will be met. This will negate the need to purchase a high number of separate licenses throughout the upgrade as compliance will already be met. Adjustments to the annual cost will then be presented in the new financial year.

Consultation

- Manager, Information Services
- IT staff
- Director Corporate Services
- Officers at Microsoft
- Officers at Dell

Statutory Implications

Local Government Act 1995

*“6.8. Expenditure from municipal fund not included in annual Budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-
(a) is incurred in a financial year before the adoption of the annual budget by the local government;
(b) is authorised in advance by resolution*; or
(c) is authorised in advance by the mayor or president in an emergency.”*

** Absolute majority required.*

Local Government (Functions and General) Regulations 1996

*“11. Tenders to be invited for certain contracts
(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100,000 unless subregulation (2) states otherwise.
(2) Tenders do not have to be publicly invited according to the requirements of this Division if—
(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 6: Governance

Goal 3 - Systems Development

That the Towns internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

*Information and Communication Technology Strategic Plan 2009-2105***Standard Corporate Applications and licences**

With each application item, a cost is attributed for either a license or application support (\$) dollar amount. The list has been compiled and included into the ICT budget to manage which will allow the updates and service support to be coordinated through the IT staff. Having one location for the costs will also allow better tracking and purchase of software which at present is communicated after the purchase of a product.

Budget Implications

The 2010/2011 Budget has allowed for all costs that were historically in accordance with Microsoft Licensing requirements based on the past number of users and applications. Funds were not identified as part of the Budget process to ensure that all equipment that is in use and configured with Microsoft software has the correct licensing requirements in place.

The recommendations from the Microsoft audit indicate that there are two options. The first, which is purely to become compliant as at a particular point in time, is \$75,041.04 and ongoing costs thereafter for each licence required. Option 1 is transactional in nature and requires significant resources to maintain and manage going forward, equivalent to 0.4 FTE with a salary of \$28,421.60.

Option 2 allows the Town to become compliant and is more strategic in nature. There is a fee that is adjusted annually to reflect all the licensing changes that have occurred throughout the year. It requires a once off reporting of licences annually therefore significantly reducing resource requirements and minimises the risk of non-compliance. This option is \$75,084.24 with annual adjustments to reflect any changes.

Officer's Comment

The shortfall of licenses needs to be rectified immediately in order to

avoid legal action from Microsoft and to ensure that licensing requirements are correctly managed on an annual basis.

In relation to this matter Council has 3 alternatives to consider:

Approve Option 1

Option 1 is highly transactional, requires significant internal resources to manage and maintain, and does not allow for the continued growth across the Town. Although it will achieve compliance in the immediate and short-term, it is not a long term solution and comes with significant risk of future licensing issues.

Approve Option 2

Option 2 is a strategic solution that minimises the resource requirements and easily allows for growth. It also achieves compliance both immediately, and also on a long-term basis. While it locks the Town into a 3 year contract, it is not expected that the Town will move from using Microsoft products any time in the future, and is the option with the least risk to the Town.

Do nothing

Microsoft will pursue legal action against the Town should this matter remain unresolved.

It is recommended that Option 2 be approved given the significant benefits that have been outlined in this report and the attachments. It is believed that the investment of \$21,648.96 per annum (total of \$64,946.88 over three years) is worthwhile given the risks to the Town will also be mitigated.

It should be noted that while the ICT Strategy is yet to be developed, the issue of licensing and remaining compliant would be incorporated into the ICT Strategy in any case. It would be preferable to incorporate Option 2 as the preferred outcome given its efficiencies and effectiveness for the organisation.

Attachments

1. Email correspondence from Microsoft outlining findings of audit
2. Quotes for Options
 - a. Option 1 – Transactional
 - b. Option 2 – Strategic
3. Software Assurance Benefits

201011/352 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

1. approves Option 2 at a cost of \$75,084.24 (GST Exclusive) per annum for three years;
2. notes that this amount would be adjusted on an annual basis as part of a Budget Process for any new license requirements that have occurred throughout the previous year;
3. approves the CEO to pay these funds to Microsoft immediately given the current non-compliance, but acknowledges that the funds will be sourced in the third quarter budget review for this financial year, and future years will be sourced through the annual budget process.

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.1

ATTACHMENT 1

Octoman Natalie

From: Reid Kate
Sent: Wednesday, 20 April 2011 12:07 PM
To: Octoman Natalie
Subject: FW: ICR13458 - ToPH Quotes (draft email)
Attachments: TOPH Reference Materials.zip

SynergySoft: ICR13458

Hi Natalie,

The document as discussed

**Kate Reid**

Manager Information Services | Town of Port Hedland | PO Box 41 Port Hedland WA 6721
 Ph: (08) 9158 9314 Fax: (08) 9158 9399 Mob: 0419 914 129
 Email: mgris@porthedland.wa.gov.au
 Web: www.porthedland.wa.gov.au

From: Liam Ridgeway [mailto:liamridg@microsoft.com]
Sent: Monday, 28 February 2011 6:04 AM
To: Reid Kate; Maciuba Seb
Cc: Gary_Kirwan@Dell.com; Arash Babayan (CXC Consulting PTY LTD)
Subject: ICR13458 - ToPH Quotes (draft email)

Hi Kate & Seb,

Hope you are both doing well.

Gary, Arash and I wanted to follow up with you regarding your Microsoft licensing options and quotes as it stand following the Software Asset Management review that was performed by Arash.

Please note that this email will detail briefly the findings that were established through your review process. Following this we will be highlighting details around your quotes and the corresponding licensing options. With the licensing options, we will provide information on the pro's and con's of each option based on covering your current Microsoft licensing gap versus a future proofing option that will enable a more strategic outlook on the way you deliver IT projects within the council.

SOFTWARE ASSET MANAGEMENT REVIEW FINDINGS:

We've determined some significant unintentional under-licensing at Town of Port Hedland (ToPH). Historically ToPH have predominantly acquired licenses under Open Licensing program. The Open licensing program is a highly transactional program and typically aligned to smaller mid-size business. The challenge with the Microsoft Open licensing program in being specific to ToPH's case was the ability to manage Microsoft software assets. The duration of the Software Asset Management review did consume a large number of hours and it was evident that there were some challenges identifying all software assets associate with this review.

As a result of the Software Asset Management review, the below shortfalls were identified:

License Product Family	Apparent	Comment

		Shortfall	
Desktop Applications:	Office Professional Plus	80	Proposed to consider acquiring new licenses on a company-wide basis to a) remedy compliance, b) upgrade/standardize all devices.
	Project Standard	5	Remedy as an Additional Product.
CALs	Exchange Enterprise CAL	0 ¹	See footnote below table.
	Exchange Standard CAL	61 ²	Included as part of the Core CAL Suite as an alternative to continuing to purchase stand-alone CALs. Consider acquiring on a company-wide basis.
	Windows Server CAL	161 ³	
	SQL CAL	139 ⁴	Consider acquiring new SQL Per Processor licenses as zero SQL CALs will be required for accessing users/devices.
	SharePoint CAL	n/a	Plans to deploy in the future.
Server OS	Windows Server Standard	5 ⁵	Opportunity to discuss plans for server virtualization and a remedy

¹ We should re-confirm that only 20 people have access to the 'Enterprise features' of Exchange Server 2007 Standard...
² 161x Devices/Users – 100x Exchange 2007 Std CALs evidenced. Actual number may need to be slightly adjusted to account for library users/devices.
³ Assumed shortfall based on version matching rules.
⁴ 151x PCs – (7x SQL 2005 CALs + 5x SQL 2008 CALs evidenced).
⁵ Offset a shortfall of 7x Windows Server 2003 R2 Standard with 2x unused Windows Server 2008 Enterprise licenses. Windows Server 2008 Enterprise does permit additional virtualization rights for each license acquired however it is understood that Council do not currently virtualize their servers.

LICENSING OPTIONS AVAILABLE TO ToPH:

With regards to your licensing options listed below, our goal is to ensure that you are equipped with all the necessary information to enable you to make an informed decision which considers your total cost of ownership. With TCO in mind, your options (listed below) cater to addressing your immediate and, conversely, longer term interests.

Option 1. Transactional: Retrospective Compliance Remedy for Today – No Future Vision
 Recommended License Program: Open Government
 License Purchase Type: License Only (NO Software Assurance)

Description: This is a short term solution that will address licensing shortfalls that ToPH currently have. This option can also be utilised to address additional purchases on an as needs basis. The requirements for this are based on an upfront payment and requires the establishment of a new, separate, Open Agreement on each occasion ToPH require. The result being a number of disaggregated licensing agreements. Please see attached documentation which details the Open licensing option in greater detail.

Option 2. Strategic: Best Fit Licensing Solution Aligned with Compliance Remedy – Future Value Add
 Recommended License Program: Open Value Government (Company-Wide Option)
 License Purchase Type: License & Software Assurance

Description: This is a longer term solution aimed at addressing your current licensing shortfalls whilst addressing future growth of ToPH and IT strategy. This agreement is typically targeted at organisations at a size of between 5-250 seats.
 Some of the benefits of the Open Value Government agreement include, spread payments across the term of the agreement, the ability to move onto the latest software released to market during the life of your agreement and

training resources (in person and online). These are only a few of the benefits associated with the Open Value Government agreement. I have attached a spread sheet which details all of the benefits that you will be privy to under this agreement, I highly recommend that you review this in detail.

Option 3. Roadmap: Future Alignment Strategy - Scalable

Recommended License Program: Enterprise Agreement (Company-Wide)

License Purchase Type: License and Software Assurance

Description: Very similar to Option 2, this is a longer term solution aimed at addressing your current licensing shortfalls whilst addressing future growth of ToPH and IT strategy. This agreement is typically targeted at organisations at a size of between 250 > seats.

Some of the benefits of the Enterprise Agreement include, spread payments across the term of the agreement, the ability to move onto the latest software released to market during the life of your agreement, packaged services days to assist you with planning as well as deployment and training resources (in person and online). These are only a few of the benefits associated with the Enterprise Agreement. I have attached a spread sheet which details all of the benefits that you will be privy to under this agreement, I highly recommend that you review this in detail.

RECOMMENDATIONS:

Based on prior strategy to acquire and utilise Microsoft software, ToPH have been acquiring Microsoft licensing via option 1 (Open Government), listed above. Whilst option 1 will assist in enabling ToPH to get into a state of compliance, it certainly will require management of licenses to a great extent and will have a significant impact on your ability to manage your Microsoft software assets and may derive a similar situation that you are experiencing currently with your review.

To enable ToPH to reduce complexity in the management of Microsoft software assets, option 2 (Open Value Government) would drastically improve the ability to achieve this. Option 2 will provide you the ability to migrate to Option 3 (Enterprise Agreement) and factor in the growth and scalability that you may be experiencing within the next several years.

In essence, option 2, whilst assisting you here and now, will put you into a far more advantageous position to leverage your software assets in the short term, and simultaneously improve your position for future investment and total cost of ownership.

Based on the email above, Arash, Gary and I would be interested in trying to set up a conference call with you on Monday or Thursday next week. Can you please let me know if and when you are available for this conference call?

Kind regards,

Liam Ridgeway

Corporate Territory Manager - National

☎ +61 (02) 9870 2496 | ☎ +61 (0)420 360 990 | ✉ liamridg@microsoft.com

Microsoft Australia, 1 Epping Rd, North Ryde, NSW, Australia

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ATTACHMENT 2 TO AGENDA ITEM 11.4.1.1
 ATTACHMENT 2 A
 TRANSACTIONAL



QUOTATION

A.B.N. 46 003 855 561
 Dell Australia Pty.Ltd.
 P.O Box 91
 Frenchs Forest, NSW, Australia 2086

Customer Name: Town of Port Hedland	
Customer Code:	
ABN Number:	
Billing Address:	Delivery Address:
Quote Number: GK19-36436	Customer Contact: Kate Reid
Sales Person: Gary Kirwan	Customer Tel: (08) 9158 9314
Quote Date: 24-FEB-2011	Payment Terms:
Valid Till: 25-MAR-2011	Remarks:

Part No.	Description	Qty	Unit Price	Total Price
79P-03571	OfficeProPlus 2010 ENG OLP NL LclGov	80	\$516.37	\$41,309.60
076-04699	Prjct 2010 ENG OLP NL LclGov	5	\$545.03	\$2,725.15
381-04209	ExchgStdCAL 2010 ENG OLP NL LclGov UsrCAL	61	\$68.52	\$4,179.72
359-05384	SQLCAL 2008R2 ENG OLP NL LclGov UsrCAL	139	\$166.48	\$23,140.72
P73-04996	WinSvrStd 2008R2 ENG OLP NL LclGov	5	\$737.17	\$3,685.85
Third Party Products are not covered under Dell's Terms and Conditions. Manufacturer's warranty applies.			Adjusted	AUD \$75,041.04
			GST -AUST (10.0%)	AUD \$7,504.11
			Total Including GST	AUD \$82,545.15



Visit us online at
www.dell.com.au

Sales: 1800 803 385
 Facsimile:
 Delivery Inquiry: 1800 819 339

Authorising Signature:

Purchase Order Number:

THANKS FOR CALLING DELL!

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ATTACHMENT 2B
STRATEGIC
QUOTATION

A.B.N. 46 003 855 561
Dell Australia Pty.Ltd.
P.O Box 91
Frenchs Forest, NSW, Australia 2086

Customer Name: Town of Port Hedland	
Customer Code:	
ABN Number:	
Billing Address:	Delivery Address:
Quote Number: GK19-36437	Customer Contact: Kate Reid
Sales Person: Gary Kirwan	Customer Tel: (08) 9158 9314
Quote Date: 24-FEB-2011	Payment Terms:
Valid Till: 25-MAR-2011	Remarks:

Part No.	Description	Qty	Unit Price	Total Price
Open Value, 3 year term. Per year pricing				
79P-01714	OfficeProPlus ALNG LicSAPk OLV D 1Y AqY1 Ent	141	\$297.30	\$41,919.30
W06-01138	CoreCAL ALNG LicSAPk OLV D 1Y AqY1 Ent UsrCAL	141	\$109.03	\$15,373.23
359-04615	SQLCAL LicSAPk OLV D 1Y AqY1 AP UsrCAL	139	\$99.59	\$13,843.01
076-04345	Print LicSAPk OLV D 1Y AqY1 AP	5	\$348.57	\$1,742.85
P73-02822	WinSvrStd LicSAPk OLV D 1Y AqY1 AP	5	\$441.17	\$2,205.85
Third Party Products are not covered under Dell's Terms and Conditions. Manufacturer's warranty applies.			Adjusted	AUD \$75,084.24
			GST -AUST (10.0%)	AUD \$7,508.43
			Total Including GST	AUD \$82,592.67

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SOFTWARE ASSURANCE BENEFITS: ENTITLEMENT SUMMARY COMMERCIAL AND GOVERNMENT OFFERINGS

NEW PRODUCTS	BENEFIT SUMMARY	ELIGIBILITY SUMMARY
New Product Feature	You use new software support features, so you have access to the latest technology.	Every license covered under Software Assurance may be upgraded to the newest version.
Desktop Licensing at a Low Value	Smaller per-user software licenses are available for a higher-level software, such as Office Professional Plus, at a low cost.	To get a Step-up license, you need a license for the qualifying, lower-level product. For program details, refer to the Microsoft Product List at http://www.microsoft.com/licensing/product/
Microsoft Desktop Optimization Pack (MDOP)	Provides a way to help manage help training, PCs, and improve workstation environments. Includes configuration, virtualization, asset and patch management, and diagnostic tools.	You may purchase MDOP as an add-on subscription license when you buy Software Assurance coverage on Windows.
Windows 7 Enterprise	Helping to secure business desktop, gradually, by enabling standardization, improved security features, and multilingual support.	For every Windows license covered under Software Assurance, you are eligible for one Windows 7 Enterprise license.
Planning Service	Provides structured planning services from Microsoft partners to enable efficient deployments, covering desktop (Office and/or Windows), SharePoint, Exchange, and Business Value Planning Services.	You receive a number of Packaged Services Days based on the number of qualifying Office Application Licenses, Core CAL suites and Enterprise CAL suites with Software Assurance coverage. (1)
Windows Virtual Desktop Services	Also a licensed device to access virtual desktop infrastructure and allows the single primary user to remotely access their desktop from their portable devices such as home or contractor-owned PCs.	You may utilize Windows Virtual Access Use Rights when you carry Software Assurance for Windows on qualified devices.
Office Roaming User Service	Allows the primary user of a licensed device to remotely access Office, Project, and/or Visio via a virtual environment from a third-party device such as a home or contractor-owned PC.	You may utilize roaming use rights when you carry Software Assurance for Office, Project, and/or Visio on qualified devices.
Technical Benefits through Software Assurance	Give IT staff access to experts, technical information, plus beta and final versions of products for testing and evaluation.	For each eligible server product, with Software Assurance one person within your organization gains access to TechNet's Online Concierge and Managed Network services; you also receive a single complimentary subscription to TechNet Plus Direct.
Microsoft Office Multi-Language Pack	Enables IT to deploy a single Office 2010 image with support for 37 languages.	You may use the latest version of the Office Multi-Language Pack for the Office system products you have with Software Assurance.
Training Services	Provides in-depth technical classroom training for IT professionals and developers.	You receive a number of Training Days based on the number of qualifying Office and/or Windows licenses covered with Software Assurance.
E-Learning	Offers self-paced, on-demand training designed for end-users and IT professionals, delivered via Internet or Intranet.	For every qualified license (such as Office Work or Windows 7) covered by Software Assurance, one person in your organization may access E-Learning courses for that product.
Home Use Program	Provides employees with one additional person of Microsoft Office for their home computer, at low cost download.	For each Office Application you have covered with Software Assurance, a user on the licensed PC or device may require a low-cost one-time copy of that product for use at home.
24x7 Premium Resolution Support	Provides 24x7 phone and Web in-depth support for Microsoft server and desktop products.	The number of phone incidents available depends on your Software Assurance investment. When you have at least one server license covered with Software Assurance you get a complimentary phone support incident, plus unlimited Web support for all the servers covered with SA. You are also eligible for an additional phone support incident for every US\$200K spent on server and application SA (2), and for every US\$50K spent on server and Client Access License (CAL) SA (3). Premier customers may transfer their SA incidents into their Premier Support Contract. (4)
Standard Data Support	Provides standard product data for customer incident base, beyond the standard product support team and release.	You must have SA for systems products to qualify for Microsoft Standard Data Support, and have SA for applications product pool for Extended Help support for older versions of Office. You must have SA for one server product to qualify for Extended Help Support for older server versions. While annual fees normally changed as part of an Extended Support agreement are waived during your SA coverage, you must have a Premier or Essential Support Agreement in place to receive this benefit.
Cold Backups for Critical Recovery	Provides training for server users to utilize Cloud Backups for disaster recovery purposes.	For each qualifying server license you have with Software Assurance and related CALs, you may run one instance of the software on a "cold" server for disaster recovery purposes.
Windows Fundamentals for Legacy PCs	Allows subscribers of all legacy PCs, while improving their management and growth by providing a total no-pain, no-guilt, lowest operating system option designed to work with the Microsoft Product Checkup, Connect Client, or third-party clients for applications access.	To receive this benefit, you must have SA coverage for all of your purchases under the systems product pool – also referred to as Software Assurance Membership (or SA-M) – and have at least 1500 desktops covered with SA.
Enterprise Source Licensing Program	Supports a cost-effective Windows license model to meet development and support.	Available on all Volume Licensing programs, except Open License.
Special Payments	Payment by license and volume maintenance may be spread across three years, annual sums.	



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Key Benefit Comparison:	Option 1: Open Government (License Only)	Option 2: Open Value Government, Company Wide (License & SA)
SharePoint Standard CALs included; <i>Licenses secured with single CAL Suite order</i>	✘	✔
SCCM Client Management Licenses included; <i>Licenses secured with single CAL Suite order</i>	✘	✔
Annual True-Up for Office Suite and CAL Suite; <i>Save time by easily adjusting license quantities at your yearly anniversary as opposed to paying as you grow with less invoicing</i>	✘	✔
Easily consolidate SA and MSDN coverage under a single agreement; <i>Maintain a single renewal date and benefit from annual pro-ration with Open Value</i>	✘	✔
New Version Rights; <i>Always have the rights to the latest version of the Software</i>	✘	✔
Packaged Services: SharePoint Deployment Planning Services; <i>Lower the cost of deployment through this SA benefit.</i>	✘	✔
E-Learning; <i>Free online training for employees</i>	✘	✔
IT Training Vouchers; <i>Classroom technical training for IT Staff led by a Microsoft Certified Partner for Learning Solutions</i>	✘	✔
Step Up to Higher Editions; <i>Upgrade pathway to higher editions for qualifying licenses</i>	✘	✔
Home Use Program <i>Offer for staff to use Office at home</i>	✘	✔
Office Roaming Use Rights <i>Allows users to remotely access their software on their virtual desktops from third-party devices</i>	✘	✔
Cold Backups <i>Complimentary rights for servers used as offline backups for Disaster Recovery scenarios</i>	✘	✔
TechNet <i>Each subscription provides access to full-version software for evaluation, complimentary professional support calls, online training and technical library, beta software, plus ideas and solutions from peer experts to help you efficiently deploy, manage and support your Microsoft technology.</i>	✘	✔
24x7 Product Resolution Support <i>Reduce downtime and support costs</i>	✘	✔
Lower long-term, predictable cost <i>When considering the value of new version rights/spread payments across a 3-6+ year timeline</i>	✘	✔
Price Protection; <i>Final pricing to be agreed with your reseller</i>	✘	✔
Spread Payment Option; <i>Split payments across three yearly installments</i>	✘	✔
Downgrade Rights; <i>Use a prior version of your licensed Software</i>	✔	✔
Upfront Payment Option; <i>Upfront costs - ad-hoc, pay as you go model</i>	✔	✔
Volume License Service Center (VLSC) Access; <i>Downloads, Keys, Licensing Summaries, SA Benefit management, etc.</i>	✔	✔

11.4.1.2 Financial Reports to Council for Period Ended 31 March 2011 (File Nos: FIN-008, FIN-014 and RAT-009)

Officer **Greg de Kwant**
Finance Officer

Date of Report 31 March 2011

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the financial activities of the Town to 31 March 2011, and to compare this with that budgeted for the period. With regard to the Town's Utility and Fuel Costs, a comparison is made with 2009/10.

Background

1. Financial Statements

Presented (see attachments) in this report for the financial period ended 31 March 2011, are the:

- Statements of Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Financial Activity for the period ending 31 March 2011;
- Review of Transaction Activity.

Note: Interest Rates for investments are selected from those provided from the following financial institutions: National Australia Bank, BankWest, Commonwealth Bank, AMP, Westpac Bank, Big Sky, Citigroup and the Australian and New Zealand Bank.

2. Utility and Fuel Costs

Presented in graph form (see attached), is the 2010/11 monthly water, power and fuel costs compared with 2009/10.

3. Schedule of Accounts Paid

The Schedule of Accounts paid (see attachment) under delegated authority as summarised below, and which is submitted to Council on 27/04/2011 for receipt, has been checked and is fully supported by vouchers and invoices which have been duly certified as to the receipt of goods and rendition of services, and verification of prices, computations and costs.

Voucher No's		Value \$	Pages		Fund No.	Fund Name	Description
From	To		From	To			
CHQ203 78	CHQ203 80		1	1	1	Municipal Fund	
CHQ203 81	CHQ203 81		-	-	1	Municipal Fund	Cheque Cancelled
CHQ203 82	CHQ203 92		1	3	1	Municipal Fund	
CHQ203 93	CHQ203 93		-	-	1	Municipal Fund	Cheque Cancelled
CHQ203 94	CHQ204 12		3	5	1	Municipal Fund	
CHQ204 13	CHQ204 13		-	-	1	Municipal Fund	Cheque Cancelled
CHQ204 14	CHQ204 36		5	8	1	Municipal Fund	
CHQ204 37	CHQ204 45		-	-	1	Municipal Fund	Cheque Cancelled
CHQ204 46	CHQ204 54	\$117,964. 54	8	9	1	Municipal Fund	
EFT3363 8	EFT3384 6		9	4 2	1	Municipal Fund	
EFT3384 7	EFT3384 7		-	-	1	Municipal Fund	EFT Cancelled
EFT3384 8	EFT3387 1		42	4 6	1	Municipal Fund	
EFT3387 2	EFT3387 2		-	-	1	Municipal Fund	EFT Cancelled
EFT3387 3	EFT3388 3		46	4 7	1	Municipal Fund	
EFT3388 4	EFT3388 4		-	-	1	Municipal Fund	EFT Cancelled
EFT3388 5	EFT3389 3		47	4 9	1	Municipal Fund	
EFT3389 4	EFT3389 4		-	-	1	Municipal Fund	EFT Cancelled
EFT3389 5	EFT3391 2		49	5 2	1	Municipal Fund	
EFT3391 3	EFT3391 3		-	-	1	Municipal Fund	EFT Cancelled
EFT3391 4	EFT3391 5		53	5 3	1	Municipal Fund	
EFT3391 6	EFT3391 6		-	-	1	Municipal Fund	EFT Cancelled
EFT3391 7	EFT3393 9		53	5 6	1	Municipal Fund	
EFT3394	EFT3395		-	-	1	Municipal	EFT Cancelled

0	8					Fund	
EFT3395	EFT3419		56	9	3	Municipal Fund	
9	8				1		
EFT3419	EFT3419		-	-	1	Municipal Fund	EFT Cancelled
9	9						
EFT3420	EFT3420	\$9,533,61	93	9	3	Municipal Fund	
0	1	0.04			1		
CMS080	CMS080	\$192.39	93	9	3	Municipal Fund	Photocopier Lease – Engineering Dept
311	311				1		
PAY0803	PAY0803	\$314,100.	93	9	3	Municipal Fund	
11	11	75			1		
PAY2203	PAY2203	\$317,321.	94	9	4	Municipal Fund	
11	11	85			1		
NMF0103	NMF0103	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x2 – Regulatory Services
11	11						
NMF0103	NMF0103	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease – South Hedland Library & JD Hardie
11	11						
NMF0702	NMF0702	\$284.57	93	9	3	Municipal Fund	Photocopier Lease – Community Development (Airport)
11	11				1		
WOW180	WOW180	\$4,994.68	93	9	3	Municipal Fund	Woolworths Direct Debit
111	111				1		
WOW180	WOW180	\$1,059.95	93	9	3	Municipal Fund	Woolworths Direct Debit
211	211				1		
WOW180	WOW180	\$2,545.95	94	9	4	Municipal Fund	Woolworths Direct Debit
311	311				1		
CAL1403	CAL1403	\$2,672.99	93	9	3	Municipal Fund	Caltex Direct Debit
11	11				1		
BOQ280	BOQ280	\$891.10	94	9	4	Municipal Fund	BOQ Finance
211	211				1		
BOQ280	BOQ280	\$891.10	94	9	4	Municipal Fund	BOQ Finance
311	211				1		
	Municipal Total	\$10,298,343.37					
3002047	3002061	\$503,677.	94	9	5	Trust Fund	
		11			3		
	Trust Total	\$503,677.11					
	Sub-Total	\$10,802,020.48					

LESS: one-off pays		-					
	Total	\$10,802,0 20.48					

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 sources and applications of funds, 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 to the council:

 - (i) at the next ordinary meeting of the council following***

- the end of the month to which the statement relates; or*
- (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*
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 5, to be used in statements of financial activity for reporting material variances.*

In this regulation:

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;

“restricted assets” has the same meaning as in AAS 27.

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;*
- (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.*
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.”*

Policy Implications

2/003 Financial Statements – Copies for Councilors

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 on request.

Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

Strategy 1. Continue to monitor and report on the level of Council's energy, fuel and water use.

Budget Implications

At the Special Meeting held on 7 July 2010, Council resolved to adopt item 6.1.1.1 '2010/2011 Budget Adoption' en block, which included Recommendation 13 as follows:

"Recommendation 13

That Council adopts the following percentage or dollar value for determining and reporting material variances as follows:

- 1. 10% of the Function amended budget; or*
- 2. \$100,000 of the Function amended budget*
whichever is the lesser, for the following categories of revenue and expenditure:
 - a. Operating Revenue*
 - b. Operating Expenditure*
 - c. Non-Operating Revenue*
 - d. Non-Operating Expenditure"*

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment 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 \$ impact on the Amended Annual Budget position. It is important to note that figures in this part are 'indicative only' at the time of reporting, and that circumstances may subsequently change.

Attachments

- Page 2–4. Schedule 2 being a Statement of Financial Activity
- Pages 5 to 16. Notes 3 to 11 which form part of the Statements of Financial Activity. Also Note 10 – March 2011 Bank Reconciliations.
- Pages 17 to 70. Detailed Financial Activity by Program.
- Pages 71 to 73. Comparison Between 2010/11:2009/10 Utility & Fuel Costs
- March 2011 Accounts for Payment

201011/353 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S J Coates

That Council note the:

- i)
 - a) **Statements of Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Statements of Financial Activity for the period ending 31 March 2011; and**
 - c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) Graphic representation of the Town's energy, water and fuel use as attached be received; and
- iii) List of Accounts paid during March 2011 under Delegated Authority, as presented and/or attached be received.

CARRIED 7/0

11.4.2 Governance

11.4.2.1 Constitutional Recognition of Local Government (File No.: ...)

Officer	Josephine Bianchi Governance Coordinator
Date of Report	14 April 2011
Disclosure of Interest by Officer	Nil

Summary

Report seeks Council's endorsement of a position to support the Australian Local Government Association (ALGA) in lobbying for a national referendum in 2013 to amend the Australian Constitution in two ways:

1. Allow direct funding of local government bodies by the Federal Government; and
2. Include local government in any new Preamble to the Australian Constitution, if one is proposed.

Background

In 2009 a High Court decision challenged the power of the Federal Government to provide direct funding to local governments under the Australian Constitution in any circumstance it chooses.

In late 2010 Prime Minister Julia Gillard announced the Federal Government's intention to put forward a referendum on constitutional recognition for local government at the 2013 Federal Election, confirming previous commitments made by Former Prime Minister Kevin Rudd in 2008.

To ensure this intention is translated into action, ALGA has engaged local government associations and individual Councils across the country to gather formal and wide-spread support for a 2013 referendum on this issue.

As part of the engagement process, ALGA is encouraging all Councils to pass a resolution supporting two forms of constitutional recognition; the first to allow direct Federal funding to local governments; and the second to include recognition of local governments within any amendments to the Constitution's Preamble.

If achieved before June 2011, Council representatives will be offered the opportunity to sign a 'Constitutional Declaration for Councils at this year's National General Assembly of Local Government in Canberra on 22 June 2011, confirming its support.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

It is recommended that Council provides its support to ALGA.

Attachments

1. Letter from Genia McCaffery, ALGA President

201011/354 Officer's Recommendation/Council Decision

Moved: Cr G J Daccache

Seconded: Cr D W Hooper

That Council provides its support to ALGA for the recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly for inclusion of local government in any new Preamble to the Constitution if one is proposed.

CARRIED 7/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.2.1

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



Mayor Kelly Howlett
Mayor
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



Document #: ICR12700
Date: 14.02.2011
Officer: CR KELLY HOWLETT CEO
File: 14/04/0002

Dear Mayor Howlett,

Constitutional Recognition of Local Government – A role for Councils

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association's (ALGA's) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.



The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

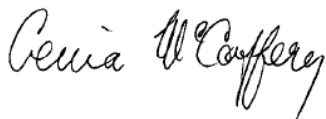
I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it is also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely



Cr Genia McCaffery
President

11.4.2.2 *Spoilbank Marina Public Forum Consultation (File No.: .../...)*

Officer Josephine Bianchi
Governance Coordinator

Date of Report 20 April 2011

Disclosure of Interest by Officer Nil

Summary

This report seeks Council approval for a public forum regarding the Spoilbank Marina to take place on Sunday 29 May 2011.

Background

At the Spoilbank Marina Stakeholder Committee meeting that took place on Tuesday 19 April 2011 the Committee resolved the following:

“That the Spoilbank Marina Committee requests Council to hold a public forum open to all residents of the town to be held in late May to discuss the increasing lack of boating facilities in town The best time for the forum being on a Sunday in late May between 11am and 3pm in Gratwick Hall.”

Consultation

- Spoilbank Marina Stakeholder Committee Members
- Chief Executive Officer Town of Port Hedland
- Matt Read - Landcorp

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Goal 1 – Tourism

2. Progress the development of the Spoilbank Marina Precinct

Goal 5 –Town Planning and Building

2. Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank Precinct.

Budget Implications

It is proposed to utilize the Economic and Land Development projects Account – GL Code 1304260 to fund the forum.

Officer's Comment

The Committee believes a public forum is required to give members of the public the opportunity to have their say and also find out more about the development plans and opportunities for Port Hedland's Spoilbank.

Landcorp has offered to bring a number of consultants from various technical and specialized backgrounds to Port Hedland as part of this information session. This will enable residents to familiarize themselves with the project and also offer their ideas, comments and bring forward their questions.

It is recommended that Council approves the Public Forum. This forum will give all members of the public, the boating fraternity and associated local groups the opportunity to engage with a number of consultants and be involved in a planning session regarding the future of Port Hedland's Spoilbank.

This actual date will be determined in liaison with availability of the Gratwick Hall and the availability of Landcorp consultants and relevant staff and Spoilbank Marina Committee members.

Attachments

Nil

201011/355 Spoilbank Committee Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That Council requests the Chief Executive Officer to arrange a public forum open to all residents of the town to be held on Sunday 29 May 2011 to discuss the diminishing of boating facilities in town and the proposed Marina Project. The best time for the forum being between 11am and 3pm in Gratwick Hall.

CARRIED 7/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**13.1 *Reduction in Number of Town of Port Hedland Councillors to (7) Seven. (File No.:...).*****Motion from Councillor A A Carter**

That Council:

1. request that a letter be written to the Minister of Local Government requesting that the number of Councillors of the Town of Port Hedland be reduced to (7) seven.
2. request that a letter be written to the Local Government advisory board requesting that the number of Councillors of the Town of Port Hedland be reduced to (7) seven.

NOTE: ABSOLUTE MAJORITY VOTE REQUIRED

Chief Executive Officer Alternative Recommendation

That Council:

1. request that a Councillor workshop be held on Wednesday 4 May, facilitated by an independent facilitator, to discuss the implications of reducing the number of Councillors from nine to seven.
2. request that the Department of Local Government be invited to send a participant along to the workshop to make a presentation on representation and answer questions.
3. request that the Local Government Advisory Board be advised that Council is considering reducing the number of Councillors from nine to seven and will confirm its position after the 11 May Ordinary Council meeting.

NOTE: SIMPLE MAJORITY VOTE REQUIRED

Mayor advised that this motion has been withdrawn.

NOTE: Councillor A A Carter provided the Chief Executive Officer with a notice requesting the withdrawal of Agenda Item 13.1 'Reduction in Number of Town of Port Hedland Councillors to (7) Seven' due to professional advice received.

ITEM 14 CONFIDENTIAL ITEMS

Section 5.23 of the Local Government Act 1995 states (in part):

“5.23. Meetings generally open to public

(1) *Subject to subsection (2), the following are to be open to members of the public —*

(a) *all council meetings; and*

(b) *all meetings of any committee to which a local government power or duty has been delegated.*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

(a) *a matter affecting an employee or employees;...”*

201011/356 Council Decision

Moved: Cr A A Carter

Seconded: Mayor K A Howlett

That the meeting be closed to members of the public for Council to consider Agenda Item 14.1 'Confidential Item: JD Hardie Centre Variation Request' in accordance with Section 5.23 (2) (a) of the Local Government Act 1995.

CARRIED 7/0

6:18 pm Mayor advised the meeting is closed to members of the Public.

201011/357 Council Decision

Moved: Cr S R Martin

Seconded: Cr S J Coates

That Council suspends Standing Orders.

CARRIED 7/0

6:18pm Mayor advised that Standing Orders were suspended.

201011/358 Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council resumes Standing Orders.

CARRIED 7/0

6:29pm Mayor advised that Standing Orders were resumed.

14.1 *JD Hardie Centre Variation Request (File No.:...)*

201011/359 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

1. Approves a variation to the contract with Broad Construction Services (WA) for the amount of \$236,665 to be funded within the existing project budget allocation of \$11,064,306; and
2. Requests the CEO to negotiate a suitable settlement with the Holton Connor Architects to share responsibility for this cost increase.

CARRIED 7/0

201011/360 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the meeting be opened to members of the public.

CARRIED 7/0

6:29 pm Mayor advised the meeting is opened to members of the Public.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**201011/361 Council Decision****Moved:** Cr A A Carter**Seconded:** Cr S R Martin

That the following requests for leave of absence:

- Councillor S R Martin from 28 April 2011 to 18 May 2011
- Mayor K Howlett from 1 May to 08 May 2011

Be approved

*CARRIED 7/0***ITEM 16 CLOSURE**

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 11 May 2011, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:32 pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE