



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 25 MAY 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.

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ITEM 1 OPENING OF MEETING

1.1 Opening

The Mayor declared the meeting open at 5:34 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 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

2.2 Apologies

Councillor Steve J Coates

2.3 Approved Leave of Absence

Cr Jan M Gillingham

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

3.1.1 Mr Chris Whalley

Could Council inform Pilbara Echo to wrap up their newspapers so they do not blow all over the streets?

The Pilbara Echo has been contacted and they advised that they are extremely busy at the moment and not available to come to Port Hedland to hold a presentation to Council. However they advised that they will contact Mr Whalley directly to address his issue.

NOTE: Mayor asked Mr Whalley whether the Pilbara Echo had contacted him as promised. Mr Whalley said that the Pilbara Echo had not been in touch so the Mayor advised that the Town will make contact with the newspaper yet again on his behalf.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 11 May 2011

3.2.1 *Councillor J M Gillingham*

Councillor Gillingham advised that she has received a phone call from a concerned member of the public who has seen kids at the bus stop on the other side of the road from the skate park in South Hedland that wait for the bus to arrive and then jump and hang on the back of the bus and get a free ride

Council officer contacted Senior Sergeant Peter Pope with regard to Cr J M Gillingham's question and he advised as follows:

"Thank you for the formal advice, I was aware of the issue and as such we have attempted to increase our patrols of the mentioned area. Please feel free to pass on any issues that may arise and additionally encourage those individuals who witness matters make direct complaints to the South Hedland Police Station."

ITEM 4 PUBLIC TIME

5:34pm Mayor opened Public Question Time

4.1 Public Question Time

4.4.1 *Joan Foley*

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

Mayor advised that this question is taken on notice.

5:35pm Mayor closed Public Question Time

5:35pm Mayor opened Public Statement Time

4.2 Public Statement Time

4.2.1 *Chris Whalley*

Mr Whalley thanked the Town of Port Hedland for cleaning up the street rubbish as per discussions at last Council meeting.

5:35pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**5.1** *Councillor G J Daccache*

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

Chief Executive Officer advised that this question is taken on notice.

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 D W Hooper
Cr A A Carter	Cr M (Bill) Dziombak
Cr S R Martin	
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 11 May 2011

201011/381 Officer's Recommendation/Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That the Minutes of the Ordinary Meeting of Council held on Wednesday 11 May 2011 be confirmed as a true and correct record of proceedings, with the following amendments:

11.1.1.1 Proposed Partial Closure of Portion of Crowe Street Road Reserve, Port Hedland. (File No.: 28/01/0017), recorded on page 15 of this Minutes:

"Council has received a request from MAKJaP Pty Ltd on behalf of Anthony and Jodi Lendrum Lasso Holdings Pty Ltd, owners of strata Lot 1 Crowe Street (Lot 210 Kingsmill Street), to

permanently close a portion of the Crowe Street Road Reserve, Port Hedland.

The road closure is required to facilitate the amalgamation thereof with strata Lot 1 Crowe Street, Port Hedland.

Background

The purpose of the proposed partial road closure is to excise unused portions of the existing Crowe Street reserve. This will facilitate the closed portion to be amalgamated with strata Lot 1 Crowe Street."

And on page 16 of those Minutes:

"The closure will not pose any traffic or pedestrian risk. The amalgamation of the closed portion with strata Lot 1 Crowe Street, will increase the development potential of the lot resulting in a better overall outcome for both the community and the developer."

CARRIED 6/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

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

Monday, 9th May

- Meeting Monthly Priorities with CEO

Tuesday, 10th May

- Weekly Mayor Chat Spirit Radio Interview
- Meeting Red Cross Rod Astbury
- Meeting Dampier Salt (Denise Goldsworthy) + CEO
- Weekly Catchup Deputy Mayor & Mayor
- Weekly Catchup Deputy Mayor, Mayor & CEO
- Town of Port Hedland South Hedland CBD Stakeholder Committee Meeting

Wednesday, 11th May

- Meeting Government Land Development Agencies (SA, NT & QLD) + LandCorp + Deputy Mayor + Cr Gillingham + Cr Dziombak + CEO + DPD
- Meeting Port Hedland Primary School + Department Education Re: School Parking
- Attended Open Day Ashburton Aboriginal Corporation

- Briefing Session Audit & Finance Committee + Deputy Mayor + Cr Dziombak + CEO + DCORP
- Town of Port Hedland Audit & Finance Committee Meeting + Deputy Mayor + Cr Dziombak + CEO + DCORP
- Informal Budget Workshop + Deputy Mayor + Cr Dziombak + Cr Coates + Cr Hooper + Cr Gillingham + Cr Daccache + CEO + DCORP + DCD + DPD + DENG
- Informal Council Briefing Deputy Mayor + Cr Dziombak + Cr Coates + Cr Hooper + Cr Gillingham + Cr Daccache + CEO + DCORP + DCD + DPD + DENG
- Chair OCM
- Pilbara Regional Planning Committee Dinner

Thursday, 12th May

- Attended 2011 Whole Of Local Government Forum Planning For Change

Friday, 13th May

- Attended Main Roads Focus Group – Landscaping & Public Art Meeting
- Opened Welcome To Hedland Night

Saturday, 14th May

- Attended Service Port Hedland Speedway Club

Tuesday, 17th May

- Weekly Mayor Chat Spirit Radio Interview
- Attended HSHS Board Meeting
- Briefing Session Audit & Finance Committee + Deputy Mayor + DCORP + DENG + DCD
- Meeting Brian Godfrey Walkabout Hotel
- Attended Town of Port Hedland Spoilbank & Marina Committee Meeting + Cr Martin + Deputy Mayor + Cr Gillingham + DENG

Wednesday, 18th May

- Volunteered At HSHS School Breakfast Program
- Fortnightly Phone Linkup Pilbara Shire Presidents/Mayor
- Meeting Wightman Construction 41 Edgar St
- Attended Launch Kinetic Health + Deputy Mayor
- Speaker Real Estate & Investors Forum – Jan Ford Real Estate

Thursday, 19th May

- Meeting Eliza Mearns Crawford Realty
- Meeting Stephen Webster PDC CEO
- Weekly NWT Media Catchup
- Meeting ABS Chelsea Re Recruitment Census Collectors

Mayor advised that today together with some fellow elected members, valued stakeholders and sponsors she attended a site tour of the JD

Hardie Centre. Whilst activity is still happening around the cleaning and tidying up of the centre, it is a real testament to the work Broad Construction have done so far. The town is really looking forward to the official opening of the centre.

On Monday and Tuesday Mr Buckley the co-ordinating judge of the WA clean beach challenge visited the town. Mayor offered her thanks to the Town of Port Hedland staff and also the volunteers that helped in preparing for this visit. The judge was taken to Cemetery beach and Pretty Pool beach and was very impressed. The results of the challenge will be made available on 16 June 2011.

Mayor offered her condolences to Kathy Donnelly's family and loved ones. Mrs Donnelly was a former staff member of the Courthouse gallery. Mayor requested that a card be passed on to her family and for a minute of silence to be held in remembrance of Mrs Donnelly.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor A A Carter

Councillor A A Carter endorsed the Mayor's comments regarding the JD Hardie centre, he thought the recording studio room was set up very well as it will be a great place for the town's youth and passed on his compliments to the consultants.

Councillor A A Carter advised that he was disappointed to find out in a recent meeting at the Swans club that no shower facilities in the immediate vicinity of the oval are currently available for the players. Councillor Carter advised that in view of this he will propose to change the resolution of tonight's Agenda Item 11.3.3 'Location and Purchase of Temporary Skate Facilities in Port Hedland' to include a provision for money to be allocated to showers at the Swans Club.

9.2 Councillor D W Hooper

Councillor D W Hooper also endorsed the Mayor's and Councillor Carter's comments about the JD Hardie centre. He thoroughly enjoyed the tour and commented on the light coming through the windows which gives the centre a great sense of space and on the recording/production studio which will hopefully give the town's youth opportunity to express themselves artistically.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

ITEM 11 REPORTS OF OFFICERS**11.1 Planning and Development Services**

11.1.1 Planning Services

5:44pm Councillors G J Daccache and M Dziombak declared a Financial interest in Agenda item 11.1.1.1 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon' as they are Fortescue Metals Group shareholders with shares over the statutory limit.

Councillors G J Daccache and M Dziombak left the room.

Chief Executive Officer advised that the Minister of the Department of Local Government has granted this Council approval to consider Agenda item 11.1.1.1 'Proposed Partial Road Closure of "District Road" Reserve and Motel Development Thereon' with a reduced quorum of (4) four.

11.1.1.1 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

An application received by Greg Rowe and Associates, on behalf of Fortescue Metals Group Ltd (FMG) to construct a "Motel" on a portion of "District Road" reserve, was prepared for Council to consider. The applicant at the Council meeting requested that the item be laid on the table to enable further negotiations with Council Staff.

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.

The proposed development requires the partial closure of a road reserve as well as the requirement of a community contribution both requiring Council considered.

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

Due to the significant location of the site being at the entrance to South Hedland, it was considered that the original design of the development would not create an acceptable entry statement to South Hedland. (ATTACHMENT 2).

Through negotiations with FMG, Council staff have been successful in encouraging FMG to redesign the proposed facility to the current proposal (ATTACHMENT 3). It is the Planning Units opinion that whilst the proposed development may not be the best possible outcome it achieves an acceptable outcome for both the Town and FMG.

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 minimum 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 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) has provided the following proposal with regard to the contribution:

- "Fortescue offers to sign an agreement with the Town of Port Hedland to support the Community Recreation Centre when it is completed on the following terms;
- Fortescue will pay on invoice, annually in advance, a fixed \$500,000 per annum community contribution for all Hamilton guests to have unlimited use of the gym;
- For a period of three years, with a two year extension at Fortescue's option;
- Any agreement entered into will also specify that this contribution will cover, all and any future required contributions, for any ongoing development requirements associated with Fortescue's 155T expansion plans relative to Port Hedland;
- If exercises the term extension the annual payment will be \$525,000 for each year of extension."

Although the above is the developer's (FMG) proposal, officers recommend that the entire community contribution for the term of the agreement should be paid upfront prior to relinquishing the vesting of the land. This will be of much greater benefit to the community.

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 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 4.

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 of 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 resulting in a increased spending power. 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

Through negotiations with the applicant and FMG, Council staff have been able to improve the original concept submitted. The amended proposal will together with the proposed landscaping provide a much improved entry statement.

Landscaping and Streetscape

To improve the streetscape the applicant has redesigned the facades facing Hamilton Street and North Circular Road substantially improving the streetscape. The streetscape will be further enhanced through 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 for the duration of the development.

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.

Future Potential Uses (ATTACHMENT 5)

The applicant has provided a number of indicative plans on how the single bedroom units could be revamped to a bedsit type unit or two bedroom units.

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:

\$1,5000,000 / km dual carriageway (the re-alignment and extension is approximately 1km),
\$450,000 for the Round-about on North Circular Road and Hamilton Road.

However, 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. This would significantly reduce the actual cost to the developer for the partial construction of the road.

Attachments

1. Locality Plan
2. Original Plans
3. Proposed Plans
4. Road Closure Plan
5. Potential future use

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. The \$2,610,000 be transferred to the community Facilities Reserve.
 3. 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, other than works permitted in accordance with the granted Section 91 Licence, 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, as indicated on the approved plans DWG2009/117.01d01 up to and including DWG2009/117.01d04. The gymnasium component of the development shall only be approved for a period of six (6) months or such further period as approved by Councils Manager Planning. It does not relate to any other development on the land.
 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. 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.”

5. 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.
6. 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
7. The development shall make 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. These rooms are to be made available by 1st July 2013, or a date agreed to by Councils Manager Planning.
8. 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.
9. A minimum of 126 parking bays shall to be provided on-site, reserved and marked for the residents of the Transient Workforce Accommodation facility.
10. 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 to coincide with the date as per condition 7.

11. A minimum of 29 parking bays shall be provided on-site, reserved and marked for visitors to coincide with the date as per condition 7.
12. 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.
13. 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.
14. Hudson Way shall remain a public access road for connection to Councils sports facilities and the Finucane Island Sports Club.
15. The driveways and crossovers shall be designed and constructed to specifications of Councils Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.
16. The minimum floor level shall be determined by a suitably qualified Engineer and approved by Councils Manager Infrastructure Development at the applicants cost. The minimum floor level at this point in time is recommended to be 11.10 AHD.
17. The development must be connected to the reticulated main sewer, or such other system as may be approved on a temporary basis by the Western Australian Department of Health and Councils Manager Environmental Health.
18. Prior to or simultaneous 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.
19. 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.

20. The existing stormwater culvert under Hudson Way is to be retained and integrated into the developer / owners drainage design.
21. 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.
22. Prior to the submission of a Building Licence application 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
23. Within 60 days of the approval of the landscaping plan required in condition 22, 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.
24. Within 30 days of the approval of the landscaping plan, the developer is to provide a maintenance schedule for the landscaping on the Hudson Way, Hamilton Road and North Circular Road verges to the satisfaction of Councils Manager Planning. The maintenance schedule is to extend for the life of the approved TWA.
25. 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.
26. 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

27. 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

28. In regard to condition 27, any garbage storage area shall be screened from public view to the satisfaction of Councils Manager Planning.
29. 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.
30. Waste disposal and storage is to be carried out in accordance with Council's *Health Local Laws 1999*.
31. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
32. 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. With regard to condition 8, the 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 shall be held in a reserve account managed by Council. Should the application be withdrawn in writing prior to the commencement of the development the amount less any interest will be paid back to the developer.
2. The applicant is advised that conditions 8,19 and 22 does not relate to a Building Licence for the purposes of earthworks and / or civil works associated with the development.
3. In regard to condition 22 the applicant is advised that the landscaping plan is to include the following:
 - a. additional landscaping and screening to the parking area notated as area 13 on the site plan;
 - b. entry feature on the corner of North Circular Road and Hamilton Street.
4. 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.
5. It is a requirement under the *Food Act 2008* that all food premises be registered prior to beginning operations.
6. 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*.
7. 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.

8. The Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

201011/382 Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

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. **The \$2,610,000 be transferred to the community Facilities Reserve.**
 3. **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, other than works permitted in accordance with the granted Section 91 Licence, 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, as indicated on the approved plans DWG2009/117.01d01 up to and including DWG2009/117.01d04. The gymnasium component of the development shall only be approved for a period of six (6) months or such further period as approved by Councils Manager Planning. It does not relate to any other development on the land.**
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. **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.”
5. **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.**
6. **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**

- 7. The development shall make (10) ten 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. These rooms are to be made available by 1st July 2013, or a date agreed to by Councils Manager Planning.**
- 8. 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.**
- 9. A minimum of 126 parking bays shall to be provided on-site, reserved and marked for the residents of the Transient Workforce Accommodation facility.**
- 10. A minimum of (10) ten parking bays shall be provided on-site, reserved and marked for the use of the general public / tourist utilising the (10) ten rooms to coincide with the date as per condition 7.**
- 11. A minimum of 29 parking bays shall be provided on-site, reserved and marked for visitors to coincide with the date as per condition 7.**
- 12. 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.**
- 13. 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.**
- 14. Hudson Way shall remain a public access road for connection to Councils sports facilities and the Finucane Island Sports Club.**
- 15. The driveways and crossovers shall be designed and constructed to specifications of Councils Manager Infrastructure Development, and to the satisfaction of Councils Manager Planning.**

16. The minimum floor level shall be determined by a suitably qualified Engineer and approved by Councils Manager Infrastructure Development at the applicants cost. The minimum floor level at this point in time is recommended to be 11.10 AHD.
17. The development must be connected to the reticulated main sewer, or such other system as may be approved on a temporary basis by the Western Australian Department of Health and Councils Manager Environmental Health.
18. Prior to or simultaneous 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.
19. 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.
20. The existing stormwater culvert under Hudson Way is to be retained and integrated into the developer / owners drainage design.
21. 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.
22. Prior to the submission of a Building Licence application 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

23. Within 60 days of the approval of the landscaping plan required in condition 22, 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.
24. Within 30 days of the approval of the landscaping plan, the developer is to provide a maintenance schedule for the landscaping on the Hudson Way, Hamilton Road and North Circular Road verges to the satisfaction of Councils Manager Planning. The maintenance schedule is to extend for the life of the approved TWA.
25. 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.
26. 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
27. 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
28. In regard to condition 27, any garbage storage area shall be screened from public view to the satisfaction of Councils Manager Planning.
29. 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.
30. Waste disposal and storage is to be carried out in accordance with Council's *Health Local Laws 1999*.

31. **The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.**
 32. **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. With regard to condition 8, the 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 shall be held in a reserve account managed by Council. Should the application be withdrawn in writing prior to the commencement of the development the amount less any interest will be paid back to the developer.
2. The applicant is advised that conditions 8,19 and 22 does not relate to a Building Licence for the purposes of earthworks and /or civil works associated with the development.
3. In regard to condition 22 the applicant is advised that the landscaping plan is to include the following:
 - a. **additional landscaping and screening to the parking area notated as area 13 on the site plan;**
 - b. **entry feature on the corner of North Circular Road and Hamilton Street.**
4. 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.
5. It is a requirement under the *Food Act 2008* that all food premises be registered prior to beginning operations.

6. 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*.
7. 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.
8. The Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED 3/1

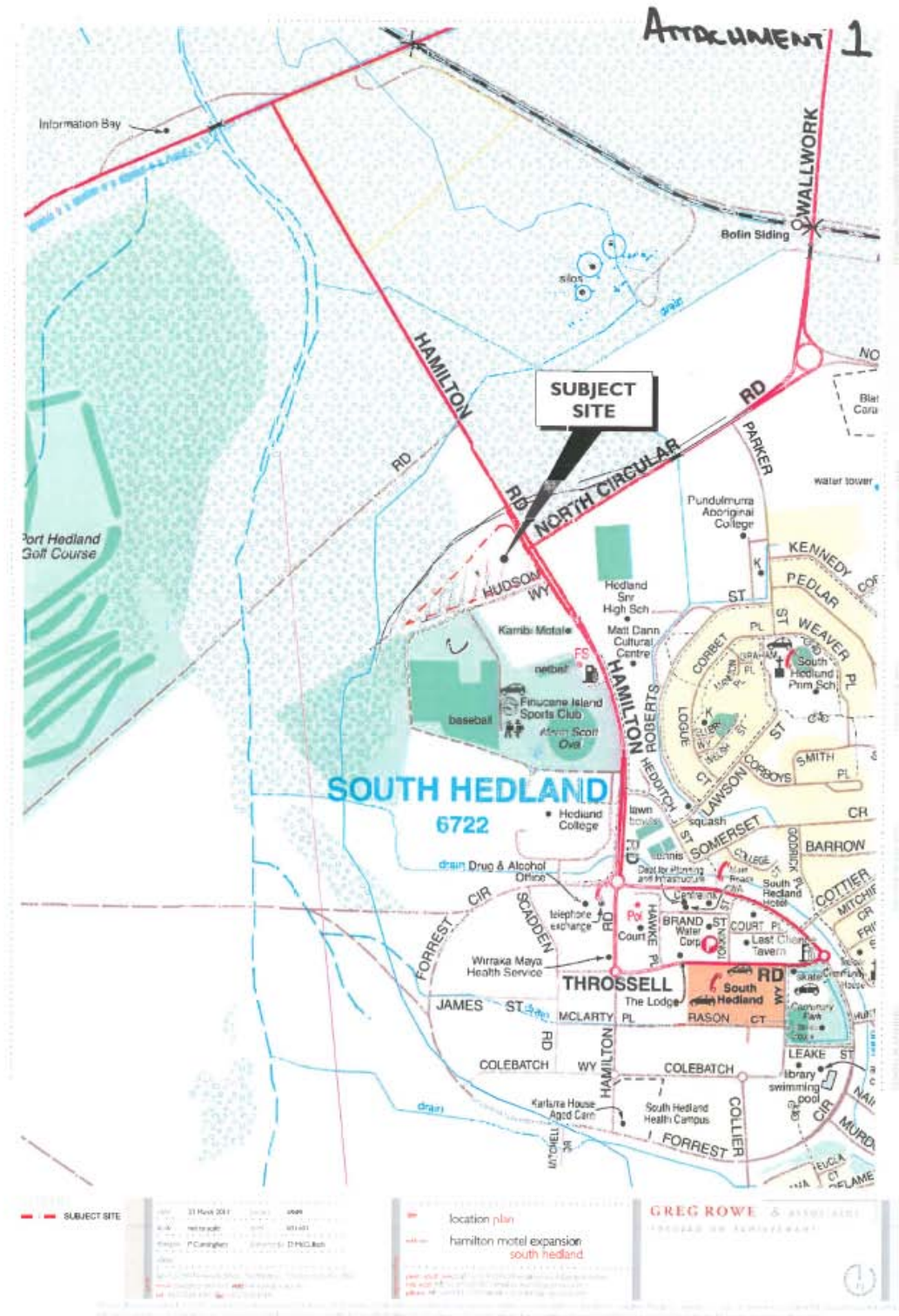
Record of vote;

FOR	AGAINST
Mayor Kelly Howlett	Cr S R Martin
Cr A A Carter	
Cr D W Hooper	

5:50pm Councillors G J Daccache and M Dziombak re-entered the room and resumed their chairs.

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

ATTACHMENT 1 TO AGENDA ITEM 11.1.1.1



ATTACHMENT 2 TO AGENDA ITEM 11.1.1.1



CLUB HAMILTON MOTEL EXPANSION
For P15

STREET ELEVATIONS
SK-A16
REV 1

ATTACHMENT 3 (PAGE 1) TO AGENDA ITEM 11.1.1.1



ELEVATION - SIDE



ELEVATION - STREET



PERSPECTIVE - SIDE



PERSPECTIVE - CORNER



PERSPECTIVE - STREET



CLUB HAMILTON HOTEL EXPANSION
for PNG

ACCOMMODATION 2 BLOCK

SK23
1:200 & 1:100

ATTACHMENT 3 (PAGE 2) TO AGENDA ITEM 11.1.1.1



HAMILTON + HUDSON



HAMILTON + NORTH CIRCULAR ROAD

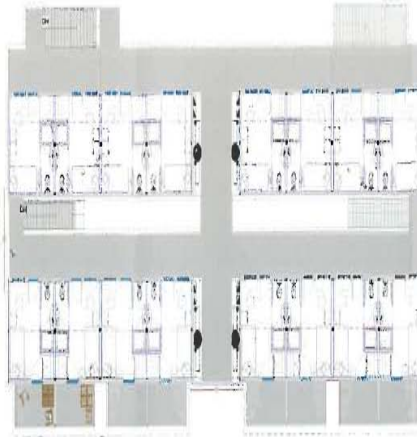


CLUB HAMILTON MOTEL EXPANSION
for FMG

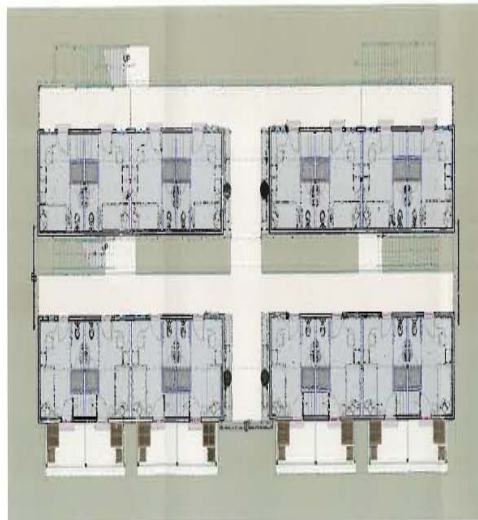
STREET IMAGERY

SK24
REV 1
1: 200 @ A3
1: 100 @ A1

ATTACHMENT 3 (PAGE 3) TO AGENDA ITEM 11.1.1.1



FLOOR PLAN - UPPER



FLOOR PLAN - GROUND

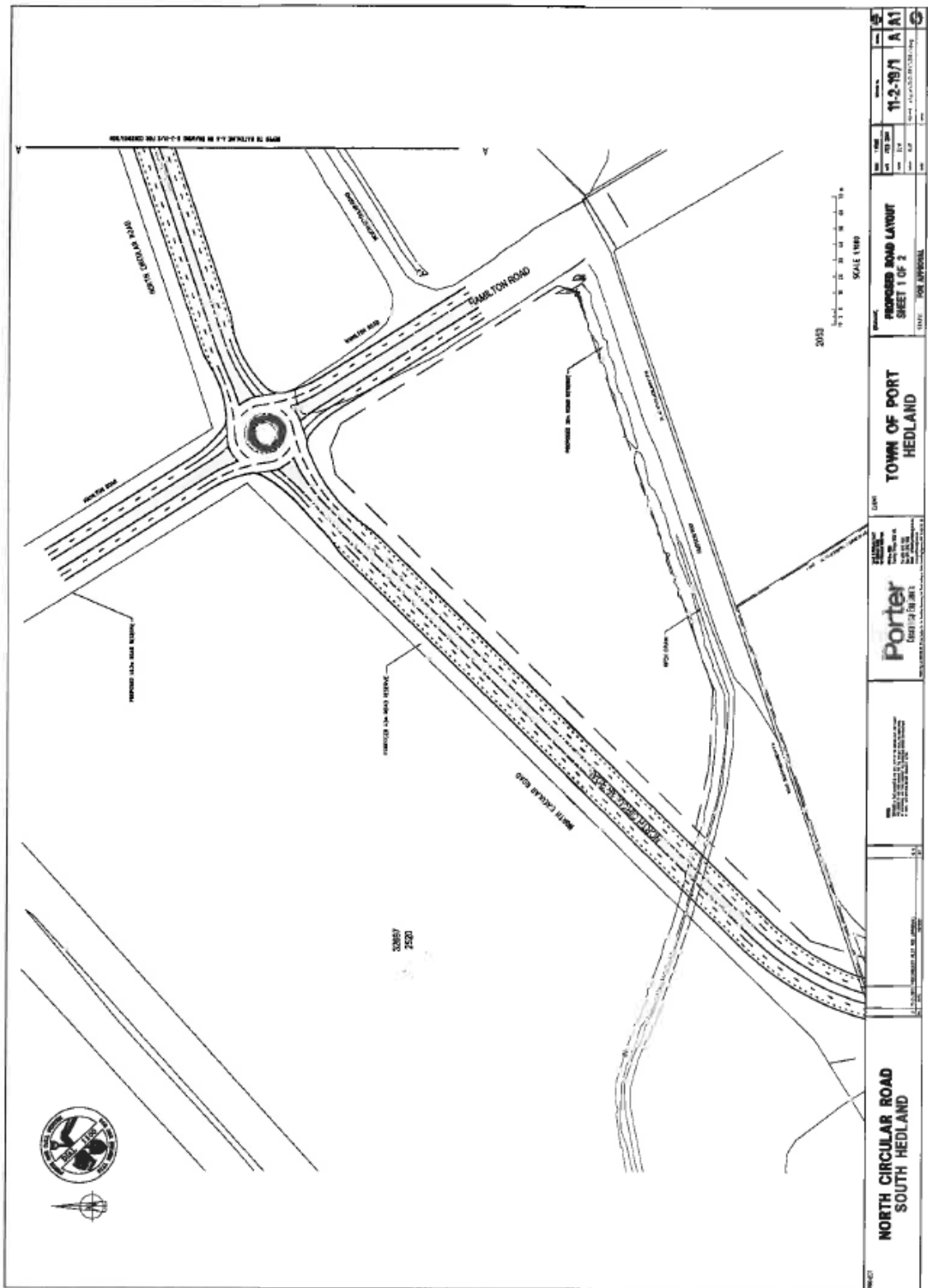


CLUB HAMILTON MOTEL EXPANSION
for FMG

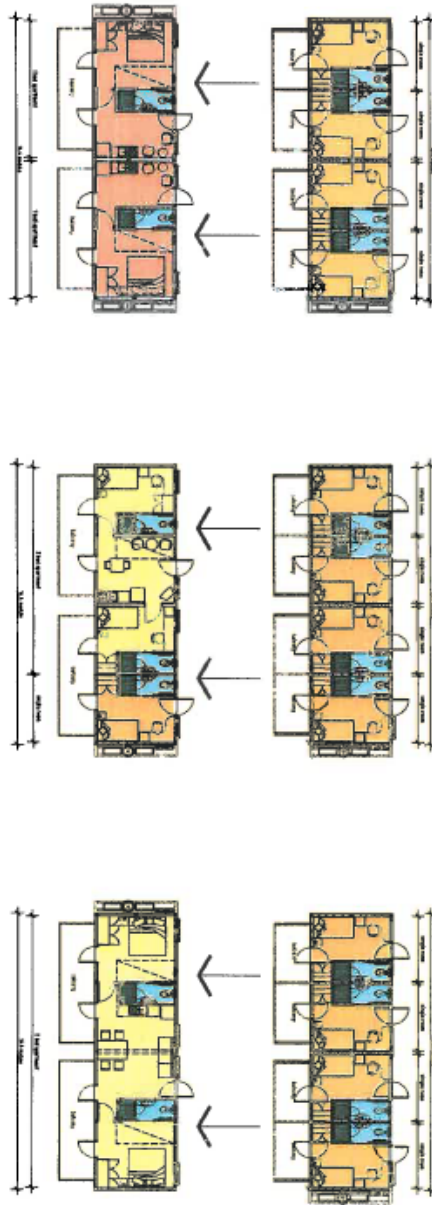
ACCOMMODATION 2 BLOCK

SK22
REV 0
1 - 200 # A3
1 - 00 p A1

ATTACHMENT 4 TO AGENDA ITEM 11.1.1.1



ATTACHMENT 5 TO AGENDA ITEM 11.1.1.1



CLUB HAMILTON MOTEL EXPANSION
for FMG

ACCOMMODATION CONVERSION OPTIONS

SK25
REV 1
11.08.09.10
11.08.09.11

*11.1.1.2 Proposed Information Panel – Old Port Hedland Cemetery, Port Hedland – Lot (File No.: 130130G)
Proposed Information Panel – Old Port Hedland Cemetery, Port Hedland – Lot (File No.: 130130G)*

Officer	Caris Vuckovic Lands Officer
Date of Report	4 May 2011
Application No's	2011/200
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from RPS Town Planners on behalf of The Town of Port Hedland to place an information panel at the old Port Hedland Cemetery in Port Hedland. The sign will provide information regarding the enhancement project underway on the site.

This item is referred to Council for determination as it is a 'Use not listed' within the TPS 5, requiring Council consideration.

Background

A project is underway for the enhancement of the Old Port Hedland Cemetery to recognise its importance and significant as a cultural and historical landmark.

Consultation

The proposed application has been circulated internally to the Engineering section with their comments captured in the report.

Statutory Implications

'Advertising' is a Use not Listed within the TPS 5 Zoning table. As such Section 3.2.6 of the Scheme is relevant:

“If the development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the Council may determine:

- a) That the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*

- b) *By absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for planning approval should be determined in accordance with Part IV, including the advertising procedures of clause 4.3.”*

Policy Implications

“Signs, Hoardings and Bill Postings” Local Law

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

Signs, Hoardings and Bill Postings Local Law

The proposed sign best fits in the definition of *‘Information Panel’* under the Local Law. Under Information Panel the Local Law states the following:

“5.13 The Council may provide information panels and permit the inclusion of advertisement in such panels upon any conditions it thinks fit.”

It is recommended that the following conditions are imposed should Council choose to approve the proposal:

1. This approval relates only to the proposed USE NOT LISTED – Information Panel and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The sign must be setback a minimum of 3 meters from the road surface.
3. This approval is to remain valid until such time as the enhancement project for the Old Port Hedland Cemetery is complete.
4. Upon the completion of the enhancement project the sign must be removed and land returned to its original condition to the satisfaction of Councils Manager Planning.

Options

Council has the following options for determining the applications:

1. Approve the application with or without conditions.

Should Council approve the application, it will result in local residents of the town being informed of the upcoming project and directed to the correct contact for more information.

2. Refuse the application.

Should Council resolve to refuse the application, the community will not have any information available regarding the proposed enhancement project.

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

Attachments

1. Locality Plan
2. Proposed Sign Graphics

201011/383 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council approves Planning Application 2011/200 being for USE NOT LISTED – Information Panel at Lot 831 Sutherland Street, Port Hedland, subject to the following conditions:

1. This approval relates only to the proposed USE NOT LISTED – Information Panel and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot;
2. The sign must be setback a minimum of 3 meters from the road surface.
3. This approval is to remain valid until such time as the enhancement project for the Old Port Hedland Cemetery is complete.
4. Upon the completion of the enhancement project the sign must be removed and land returned to its original condition to the satisfaction of Councils Manager Planning

FOOTNOTES:-

1. You are advised that drawings submitted for a Sign Licence are to be properly drawn and signed by a practicing structural engineer.
2. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

CARRIED BY ABSOLUTE MAJORITY 6/0

ATTACHMENT 1 OF AGENDA ITEM 11.1.1.2



ATTACHMENT 2 OF AGENDA ITEM 11.1.1.2

RPS PORT HEDLAND - Cemetery Beach Signage - March 2011



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

Officer Cassandra Woodruff
Executive Assistant
Planning and
Development

Date of Report 16 May 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 April 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 April 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.

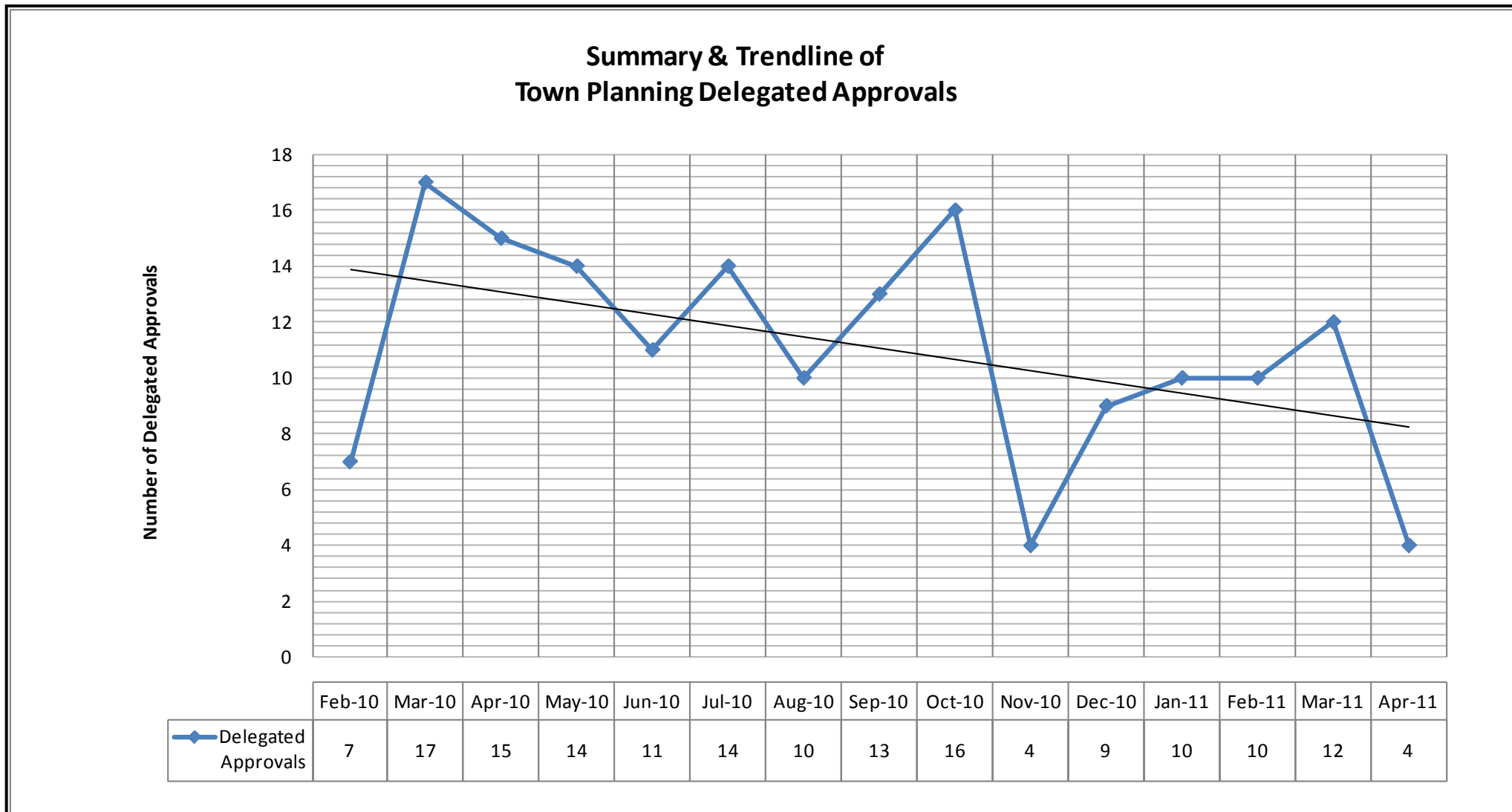
Budget Implications Nil.

Officer's Comment Nil.

DELEGATED PLANNING APPROVALS FOR APRIL 2011

PLANNING APPROVALS - DELEGATED AUTHORITY - APRIL 2011					
Applic No	Applic date	Date Determined	Description	Location	Development Value
2010/92	04/05/2010	20/04/2011	INDUSTRY - EXTRACTIVE - SITE OFFICE AND WORKSHOP	MINING TENEMENT PORT HEDLAND	\$ 811,500.00
2011/131	17/03/2011	13/04/2011	SINGLE DWELLING - R CODE VARIATION - BOUNDARY WALL	SOUTH HEDLAND	\$ 450,000.00
2011/157	05/04/2011	27/04/2011	GROUPED DWELLINGS - ADDITIONAL CARPORT AND SEA CONTAINER	SOUTH HEDLAND	\$ 20,000.00
2011/159	07/04/2011	27/04/2011	HOME BUSINESS	SOUTH HEDLAND	\$ -

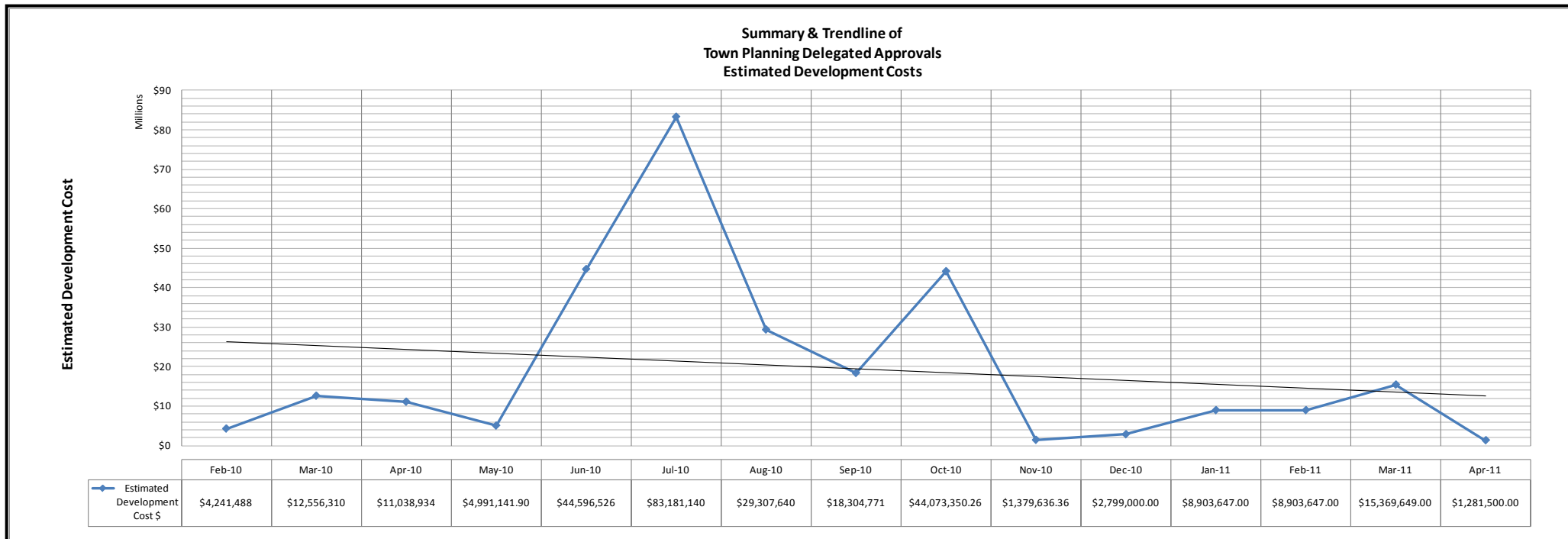
DELEGATED PLANNING APPROVALS FOR APRIL 2011



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

* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

DELEGATED PLANNING APPROVALS FOR APRIL 2011



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

* STATISTICS FOR APRIL 2011 ARE LOW DUE TO 14 APPROVALS BEING GRANTED BY COUNCIL

DELEGATED BUILDING APPROVALS FOR APRIL 2011

BUILDING LICENCES APRIL 2011						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
100208	01.04.2011	SOUTH HEDLAND	Storage Container	\$ 2,000.00	3	Class 10a
100206	01.04.2011	PORT HEDLAND	Enclosure of existing Patio	\$ 18,853.00	36	Class 10a
100207	01.04.2011	PORT HEDLAND	2 x Storage Containers	\$ 2,500.00		Class 10a
100213	07.04.2011	SOUTH HEDLAND	1 x Outbuilding	\$ 8,580.00	4	Class 10a
100215	08.04.2011	SOUTH HEDLAND	Outbuilding	\$ 25,000.00	30	Class 10a
100216	12.04.2011	SOUTH HEDLAND	1 x Carport	\$ 15,000.00	39	Class 10a
102024	14.04.2011	PORT HEDLAND	2 X OUTBUILDINGS	\$ 15,000.00	64	Class 10a
104004	01.04.2011	PORT HEDLAND	1 x Pylon Sign	\$ 5,000.00		Class 10b
105041	07.04.2011	SOUTH HEDLAND	Below Ground Swimming Pool	\$ 31,000.00	25	Class 10b
100212	07.04.2011	PORT HEDLAND	1 x Shade Structure	\$ 349,800.00		Class 10b
100214	08.04.2011	SOUTH HEDLAND	4 x Light Poles	\$ 900,000.00		Class 10b
102023	13.04.2011	SOUTH HEDLAND	Above Ground Swimming Pool	\$ 5,000.00		Class 10b
100233	19.04.2011	SOUTH HEDLAND	Retaining Wall	\$ 80,000.00		Class 10b
100210	05.04.2011	SOUTH HEDLAND	1 x Ancillary Accomodation 1 x Patio 1	\$ 140,000.00	117	Class 1a
100209	05.04.2011	SOUTH HEDLAND	2 x Grouped Dwelling	\$ 666,300.00	120	Class 1a
100218	13.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Carp	\$ 495,955.00	174	Class 1a
100217	13.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 495,955.00	174	Class 1a
100226	15.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Carp	\$ 495,955.00	197	Class 1a
100221	15.04.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport	\$ 450,000.00	193	Class 1a
100227	18.04.2011	PORT HEDLAND	6 x Grouped Dwellings	\$ 5,100,000.00		Class 1a
100231	18.04.2011	PORT HEDLAND	2 x Grouped Dwelling 2 x Carports 2 x	\$ 900,000.00	210	Class 1a
100232	18.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Carp	\$ 495,955.00	197	Class 1a
100234	21.04.2011	SOUTH HEDLAND	1 x Single Dwelling 1 x Carport 1 x Al	\$ 476,486.00	169	Class 1a
100220	14.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	197	Class 1a 10a and 10b
100219	14.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	197	Class 1a 10a and 10b
100225	15.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Pa	\$ 543,543.00	197	Class 1a 10a and 10b

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

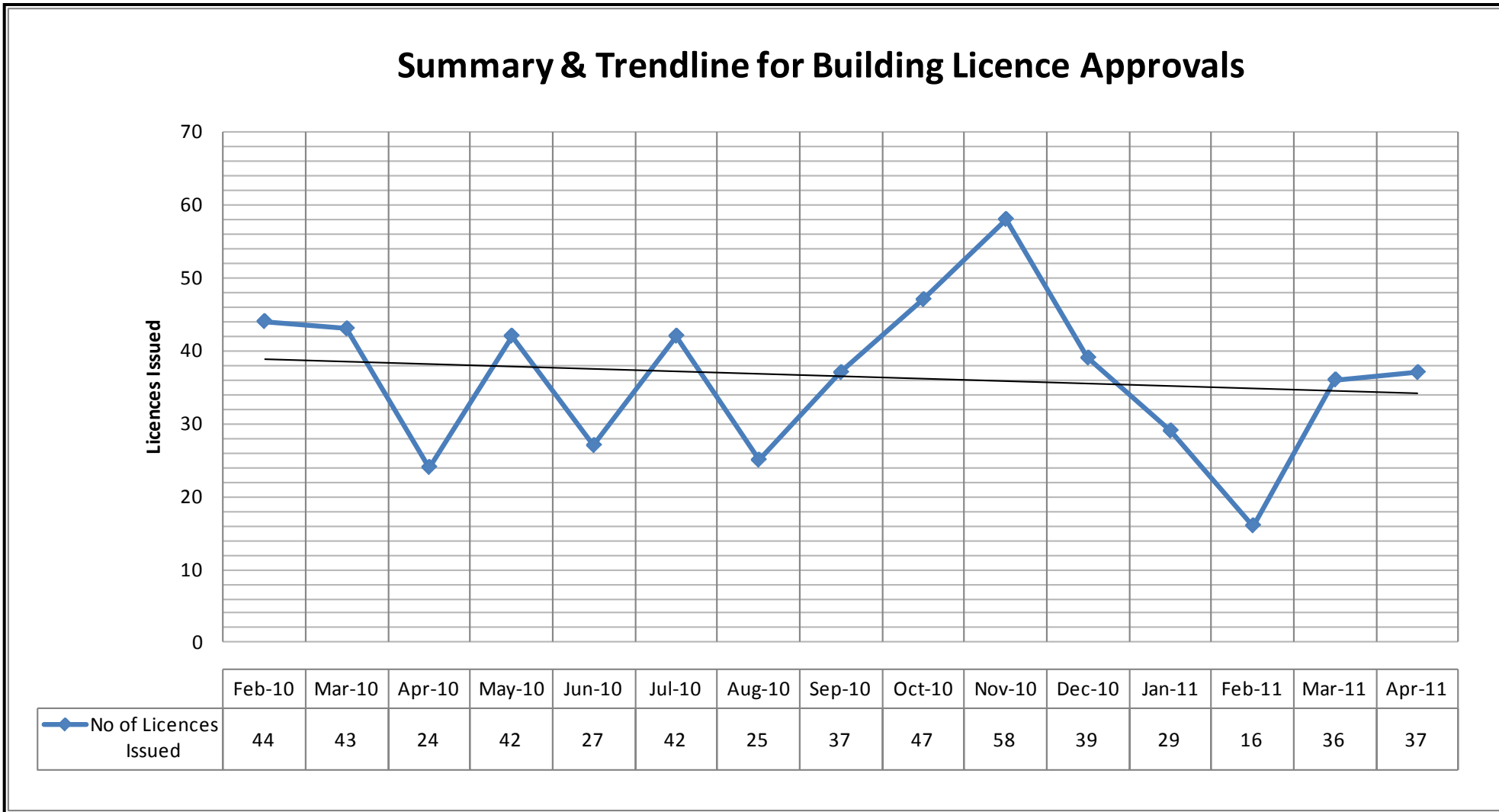
BUILDING LICENCES APRIL 2011						
Licence Number	Decision Date	Locality	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
100222	15.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio & 1 x Fen	\$ 543,543.00	197	Class 1a 10a and 10b
100223	15.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	197	Class 1a 10a and 10b
100224	15.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Patio 1 x Fenc	\$ 543,543.00	197	Class 1a 10a and 10b
100229	18.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Pa	\$ 543,543.00	197	Class 1a 10a and 10b
100228	18.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Pa	\$ 543,543.00	197	Class 1a 10a and 10b
100230	18.04.2011	PORT HEDLAND	1 x Single Dwelling 1 x Carport 1 x Pa	\$ 543,543.00	197	Class 1a 10a and 10b
100236	21.04.2011	VIA PORT HEDLAND	23 x Accommodation Buildings 23 x Veran	\$ 2,000,000.00		Class 1b
100235	21.04.2011	VIA PORT HEDLAND	32 x Transient Workforce Accomodations &	\$ 880,000.00		Class 1b
100211	07.04.2011	WEDGEFIELD	2 x Warehouse & 2 x Office	\$ 550,000.00	560	Class 7b
100189	05.04.2011	PORT HEDLAND	Workshop - Structural Works Stage 2	\$ 7,738,949.00	1345	Class 8
Total Licences			36	\$ 27,235,175.00		

SUMMARY				
No of Licences	Licence Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
1	Demolitions	\$19,845		
21	Dwellings	\$17,488,493	3,324	\$5,261
7	Class 10a	\$86,933	176	\$494
6	Class 10b	\$1,370,800	25	
2	Commercial	\$8,288,949	1,905	\$4,351
	Other			
37		\$27,255,020	5,430	

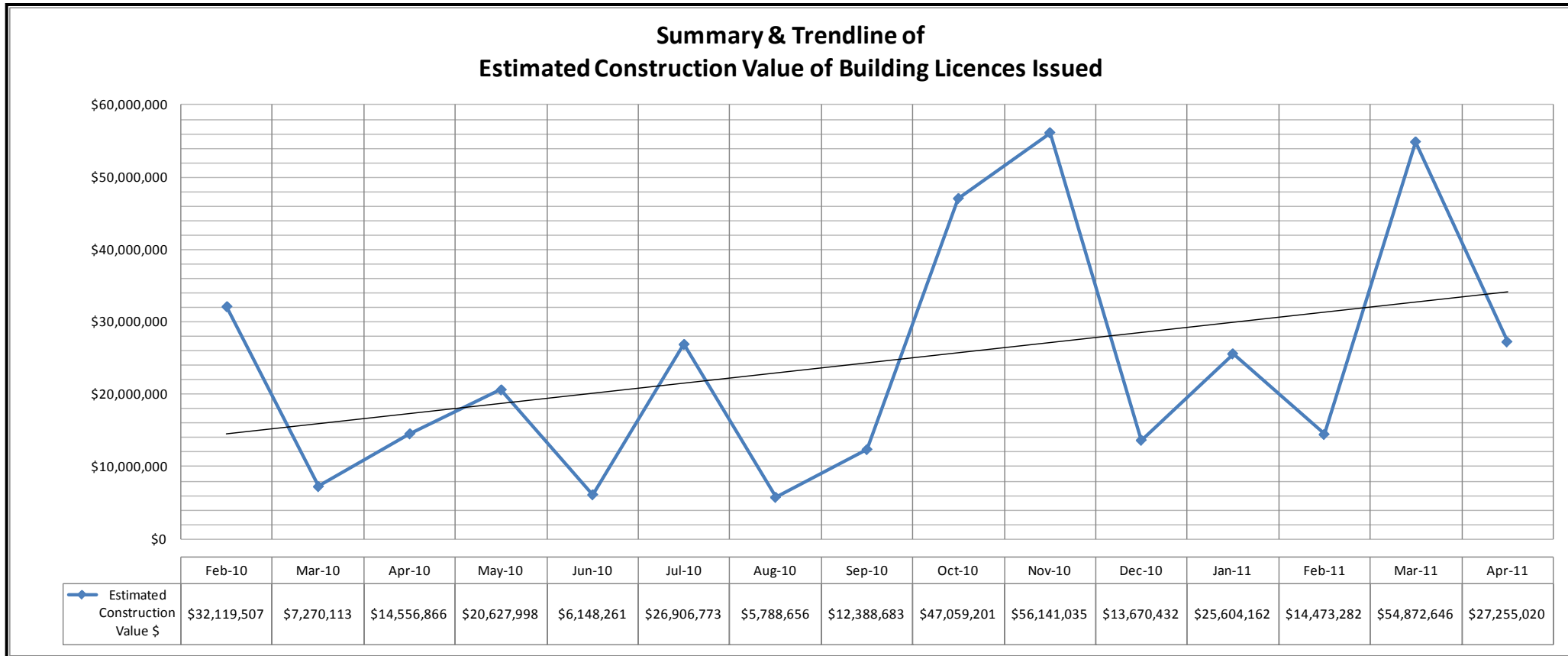
DELEGATED BUILDING APPROVALS FOR APRIL 2011 Cont'd...

DEMOLITION LICENCES					
Licence Number	Approval Date	Locality	Description of Work	Estimated Construction Value (\$)	Classification
103042	04.04.2011	PORT HEDLAND	Demolition of 4 Structures	19845	
Total		Demolition Licences Issued		\$ 19,845	

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



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



CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT APRIL 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 ~ Appointment of Compliance Office has been completed, Matter is being investigated 	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 ~ Appointment of Compliance Office has been completed, Matter is being investigated 	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.

201011/384 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

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 April 2011 be received.

CARRIED 6/0

11.1.1.4 Proposed Section 70A Notification for 5506 Osprey Drive, South Hedland (File No.:153870G)

Officer Caris Vuckovic
Lands Officer

Date of Report 17 May 2011

Application No. 2011/215

Disclosure of Interest by Officer Nil

Summary

Council has received a request from Vathjunker Contractors Pty Ltd on behalf of Cheryl Lee Murphy and David Terry Redding, owners of Lot 5506 Osprey Drive, Port Hedland, to affix the Town's common seal to a section 70A notification form, which will enable to lodgement of the form with the Registrar of Titles.

Background

A Development Application approval (2010/51) for Ancillary Accommodation was granted by Council on 23rd April 2010, on Lot 5506 (21) Osprey Drive, South Hedland.

The following conditions were imposed as part of the approval:

"5. Any occupier of the ancillary accommodation must be a member of the family of the occupier of the existing main dwelling, in accordance with clause 7.1.1 (A1 (i)) of the Residential Design Codes.

6. *A notification under section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Town and lodged with the Registrar of Titles for endorsement on the certificate of title for the subject lot, prior to the commencement of development works. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulate under Condition 5 of this approval."*

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

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

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

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

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

Attachments Nil

201011/385 Officer's Recommendation / Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That Council:

- a. Approves the request by Vathjunker Contractors Pty Ltd on behalf of Cheryl Lee Murphy and David Terry Redding, owners of Lot 5506 Osprey Drive, South Hedland to affix the Town's common seal to a section 70A notification form;
- b. Approves the use of the Towns common seal for the purposes associated with the registering of a section 70A notification on Lot 5506 Osprey Drive, South Hedland;
- c. Advises the applicant that once the notification is registered and a copy of the documentation confirming the registration is provided to the Town, it will be deemed that condition 6 of the Development Application approval has been satisfactorily complied with.

CARRIED 6/0

11.2 Engineering Services**11.2.1 Tender 11-12 Sale of Light Vehicles (File number 23/08/0060)**

Officer Melissa Butler-Henderson
Engineering Technical
Officer

Date of Report 5 May 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is for Council to consider the Tenders received for the sale of light vehicles.

Background

In accordance with Council's Light Vehicle Replacement program several vehicles have been replaced and are ready to be disposed. In line with this program, Tenders were recently called for the Sale of the Light Vehicles (Tender 11-12), which closed on the 4th May 2011.

The vehicles included for sale in this Tender is as follows:

- 2007 4 x 2 Toyota Hilux Dual Cab Manual PH10045
- 2006 4 x 4 Toyota Hilux Dual Cab Manual PH9861
- 2005 Toyota Camry Sportivo Auto PH9083
- 2006 4 x 4 Holden Rodeo Dual Cab Manual PH9684
- 2007 4 x 4 Toyota Hilux Dual Cab Manual PH10069
- 2006 4 x 4 Toyota Hilux Dual Cab Manual PH9872
- 2005 4 x 2 Toyota Hilux Single Cab Manual PH9382
- 2007 4 x 4 Toyota Hilux Dual Cab Manual PH9904
- 2006 4 x 4 Toyota Landcruiser Single Cab Manual PH10018

A summary of the remainder of the light vehicle program is as follows:

- PH9876 – vehicle being utilized by Planning due to pending repairs to allocated vehicle. Will be carried forward to 11/12 revenue.
- PH10290 – vehicle approved for use until new vehicle approved in 11/12 budget. Will be carried forward to 11/12 revenue.

Consultation

Engineering Services

Statutory Implications

Section 3.58 – Disposing of Property in accordance with the Local Government Act 1995 (as amended)

“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.**
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned;*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.**
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.**

[Section 3.58 amended by No. 49 of 2004 s. 27.]”

Policy Implications

This tender was called in accordance with Council's Procurement Policy 2/015.

Strategic Planning Implications Nil

Budget Implications

Non Operating Revenue account 1208396 will be credited with this sale. The 10/11 budgeted income for the vehicles included in the tender is \$170,000.00. The tendered income is for vehicles to be sold is \$146,050.00. An income of approximately \$16,200 is anticipated for vehicles recommended to go to auction, totalling \$162,250.00. The reduction in revenue is due to low tender prices for two vehicles and one vehicle's budget review being incorrectly estimated.

Officer's Comment

Submissions were received from ten (10) tenderers for the vehicles that were offered for sale. A summary of the Tenders received is included in the table attached (attachment 1). Note - all figures shown are inclusive of GST.

Three of the vehicles highest tendered prices offered are below the 10/11 budgeted revenue. After assessing the Red Book (guide for vehicle costs), obtaining costs for auctioning the vehicles (including transport from Port Hedland to Perth) and valuers (Manheim Fowles) approximate value of the vehicle, tenders for two (2) of the vehicles – PH9083 and PH9382 should not be accepted and the vehicles forwarded for auctioning. It is recommended to accept the tender submitted for PH 9684 as the budgeted revenue price was incorrectly advised and from the above investigation into Red Book prices, etc the Tendered value is within the market value. Further information regarding estimated revenue costs is detailed in attachment 1.

It is therefore recommended that the Town of Port Hedland accept the tenders submitted as follows:

- PH10045 – Pilbara Comfort Air for \$16,100.00
- PH9861 – Pilbara Motor Group for \$22,600.00
- PH9864 – Craig Farrington for \$10,000.00
- PH10069 – Pilbara Motor Group for \$22,650.00
- PH9872 – Pilbara Motor Group for \$25,000.00
- PH9904 – Pilbara Motor Group for \$25,000.00
- PH10018 – Pilbara Motor Group for \$24,700.00

Vehicles PH9083 and PH9382 could likely receive more revenue if sold at auction than the tenders submitted.

Attachments

Summary of Tenders

201011/386 Officer's Recommendation Council Decision

Moved: Cr D W Hooper

Seconded: Cr A A Carter

That Council:

1. Award Tender 11/12 to the following:
 - a. **PH10045 – Pilbara Comfort Air for \$16,100.00**
 - b. **PH9861 – Pilbara Motor Group for \$22,600.00**
 - c. **PH9864 – Craig Farrington for \$10,000.00**
 - d. **PH10069 – Pilbara Motor Group for \$22,650.00**
 - e. **PH9872 – Pilbara Motor Group for \$25,000.00**
 - f. **PH9904 – Pilbara Motor Group for \$25,000.00**
 - g. **PH10018 – Pilbara Motor Group for \$24,700.00**
2. Reject all tenders for vehicles PH9083 and PH9382
3. PH9083 and PH9382 shall be auctioned in accordance with Section 3.58 – Disposing of Property of the Local Government Act.

CARRIED BY ABSOLUTE MAJORITY 6/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.1

	PH10045	PH9861	PH9684	PH10069	PH9872	PH9904	PH10018	PH9083	PH9382
Revenue Estimate	\$15,000.00	\$21,000.00	\$21,000.00	\$21,000.00	\$21,000.00	\$21,000.00	\$25,000.00	\$11,000.00	\$14,000.00
Anthony Williams	\$5,800.00	\$8,900.00		\$7,000.00	\$5,000.00	\$8,900.00	\$8,500.00	\$2,000.00	\$1,000.00
Tom Adams			\$3,000.00						
Vaughan Wallis				\$1,000.00					
The Baralyn Pastrol							\$23,250.00		
Keith Tichy									\$5,000.00
Craig Farrington		\$16,500.00	\$10,000.00	\$17,600.00	\$17,050.00	\$17,060.00			
Amir Mehmood								\$3,300.00	
Steve Campbell							\$6,000.00	\$3,000.00	
Pilbara Motor Group	\$14,220.00	\$22,600.00		\$22,650.00	\$25,000.00	\$25,000.00	\$24,700.00		\$7,000.00
Pilbara Comfort Air	\$16,100.00				\$15,600.00	\$16,100.00			

PH9083 – Red Book : \$10,900 - \$12,800
 Manheim Fowles: \$8,000.00
 LESS Transport, charges & detailing: \$1144
 \$6856.00

PH9684 – Red Book \$12,000 - \$14,000
 Manheim Fowles: \$9,000.00
 LESS transport, charges & detailing: \$1144
 \$8,000 - \$10856

PH9382 – Red Book \$10,000.00 - \$11,800.00
 Manheim Fowles: \$10,500.00
 LESS transport, charges & detailing: \$1,144
 \$9,356 - \$10,650

11.2.2 *Turtle Interpretive Loop Project – Additional Scope (File No.: 08/02/0009)*

Officer Jenella Voitkevich
Manager Infrastructure
Development

Date of Report 16 May 2011

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to seek Council approval for the inclusion of an additional scope of works for the Turtle Interpretive Loop project within the current budget allocation.

Background

The Turtle Interpretive Loop is a \$1 million project that has been funded by the State Government and administered by the Pilbara Development Commission (PDC).

The scope of this project as approved at the Ordinary Council Meeting held on 25th February 2009 includes:

- Creation of a Turtle Interpretive Loop connecting Cemetery Beach Park with the Crawford Street beach access and the Civic Centre Gardens. This is a combination of constructed pathways and informal beach walks
- Installation of four interpretive nodes at different intervals with the major node at Cemetery Beach Park being an interpretive facility marking the start of the loop
- Installation of a major node to provide a defined access point to the beach and meeting area for turtle volunteers
- Installation of interpretive signage about the flatback turtle and dune flora and fauna along the Sutherland Street section and a turtle logo to identify the loop

A dual use path along the foreshore from the Civic Centre to the All Seasons Hotel was completed in 2007 as stage 1 of this project. Three interpretive nodes have been completed along the foreshore walk, including improvements to beach and the Koombana Lookout access. The major interpretive node pavilion at Cemetery Beach park is complete.

This project is now complete, with the installation of interpretive signage installed recently.

Consultation

- Pilbara Development Commission (PDC)
- Epcad Pty Ltd

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Key Result Area 4 – Economic Development

Goal 1 – Tourism: That the Town's profile as a tourism destination is lifted and visitor nights in the town have significantly increased

Strategy 5: Implement both the Turtle Boardwalk project and the Stairway to the Moon project and work with stakeholders to identify other tourism product development initiatives

Budget Implications

The Turtle Interpretive Loop project was fully funded by the State Government to the value of \$1,000,000, held in account 1105426. The PDC has advised that an additional \$79,280 has been allocated to the project from state government surplus. This gives the project a total budget of \$1,079,280. To date Council has received \$600,000 of the funding, with the remainder to be invoiced prior to the end of 2010/11 financial year pending approval of this proposal.

Below is a summary of expenditure over the lifespan of the project:

Year	Expenditure (ex GST)
2006/07	\$187,474.80
2007/08	\$6,100.80
2008/09	\$7,500.00
2009/10	\$251,527.48
2010/11	\$400,230.00
TOTAL	\$852,833.08
Outstanding PO's (project management, construction retention)	\$34,110.10
TOTAL	\$886,943.18
Balance remaining	\$192,336.82

The balance of the funding must be returned if not spent on the project. The PDC, as funding administrators, has advised that the remaining balance may be spent on a new scope, however the new works must be associated with the original project.

Officer's Comment

Council staff and the PDC have discussed the opportunities to spend the remainder of the project budget. The following key areas were identified:

- Provision of disabled and pram access from the Turtle Interpretive Loop pavilion at Cemetery Beach park to the beach – this has been raised previously at the Disability, Access & Inclusion Plan Committee meetings
- Improvements to the dune walkway near Gratwick Aquatic Centre to minimize the impact of storm surge
- Introduction of audio and other promotional material informing of the Turtle Interpretive Loop, it's features and the nesting habits of turtles

Initial investigations and cost estimates for the above proposed works indicate that the remaining project budget is adequate. The full detail of the scope of works will be developed in consultation with relevant community groups, Council staff, the PDC and the Port Hedland Visitors Centre.

The PDC has recommended that any funds remaining after completion of the proposed scope shall be held by Council specifically for maintenance of the infrastructure constructed by this project.

Attachments

Nil

201011/387 Officer's Recommendation Council Decision

Moved: Cr D W Hooper

Seconded: Cr A A Carter

That Council:

1. Approves the allocation of the remaining budget for the Turtle Interpretive Loop project (account 1105426) to the following scope of works:
 - a. **Provision of disabled and pram access from the Turtle Interpretive Loop pavilion at Cemetery Beach park to the beach**
 - b. **Improvements to the dune walkway near Gratwick Aquatic Centre**
 - c. **Introduction of audio and other promotional material informing of the Turtle Interpretive Loop, it's features and the nesting habits of turtles**
2. Approves any funds remaining after completion of the above scope to be allocated specifically for the maintenance of the Turtle Interpretive Loop infrastructure

CARRIED 6/0

11.2.3 *Consideration for Expression of Interest – Recreation Reserve part 31865, South Hedland (File No: Not yet created)*

Officer Jasmine Person
Manager Investment and
Business Development

Date of Report 17 May 2011

Disclosure of Interest by Officer Nil

Summary

Recreation Reserve 31865 is located on Hamilton Road, South Hedland. Part of that larger lot, namely a parcel adjoining Club Hamilton and the Softball Oval has been identified as a parcel of land that could be utilised for temporary transient workers accommodation. This item is requesting that Council consider releasing an Expression of Interest to the public for this purpose.

Background

Over the past couple of months, numerous industry groups have approached the Town of Port Hedland seeking land to develop temporary transient workers accommodation. A number of concepts have been presented to the Town which clearly support that a camp of up to 250 rooms is possible on this site.

This land is described as part of Recreation Reserve 31895, Lot 5530, Hamilton Road South Hedland. It is illustrated in attachment one. It is vested in the Town of Port Hedland for the purposes of 'Recreation'.

Council notes that recommendations relating to the future planning of this reserve will be presented as part of the 'Future Open Space Strategy'.

Consultation

Chief Executive Officer – Town of Port Hedland
Richard Bairstow, Previous Manager Economic and Land Development
– Town of Port Hedland
Debra Summers, Previous Director of Community Development – Town
of Port Hedland
Leonard Long, Manager of Planning – Town of Port Hedland

Statutory Implications Nil

Policy Implications

Whilst not specifically Policy, the Town of Port Hedland's "Guidance Note for Potential Developers of Transient Workforce Accommodation (TWA), published in August 2008, is relevant.

Strategic Planning Implications

Key Result Area 3 – Community Development

Whilst not identified as a Goal, a community contribution will globally assist in the implementation and support of Community Development for the Town.

Key Result Area 4 – Economic Development

Goal 2 – Mining/Roads

Actively pursue integration of FIFO workers into the local community.

Goal 3 – Business Development

Investigate new business/revenue streams for the Town.

Budget Implications

That particular portion of the larger reserve has not yet been valued, however it is noted that the road reserve adjacent to this site was recently valued at \$12.50/sqm. It is expected that the valuation for this site will be less given that the use will be temporary.

A valuation of this site will be performed pending Council's resolution.

A true indication of the potential revenue generated from this development will not be known until expressions of interest are received. These will be reported back to Council.

Officer's Comment

The vesting order for the entire lot 5530, will need to be changed, as a vesting cannot be changed for a 'portion' of the lot. It is proposed that the use will be amended to include 'transient workers accommodation'. State Lands advise that this will take at least 3 months to finalise.

Given the time constraints and urgent need for temporary accommodation for small business and industry at this time, it is recommended that an expression of interest is called. This will gauge the level of interest and demand from small business and industry generally for this use, canvass the development potential of this site, identify benefits to the wider community as contained in the community contributions and investigate the commercial returns to the Town, in terms of lease fees. This expression of interest will clearly state that this process is subject to consent from the Minister of Lands on the amendment to the vesting order.

The benefit of releasing this particular portion of land for a temporary transient workers accommodation site, as opposed to other areas, ie the airport, is that it will encourage integration of fly-in fly-out workers into the local community because is it small scale and located within South Hedland precinct.

Discussions in relation to this site with various Officers indicate that the life of the lease should be restricted to a maximum of 5 years, given it's strategic location to the oval and the potential for larger scale recreation development as the Town grows to a City. A lease in the order of 3 years is recommended with an option for Council to consent to an extension of that lease at the expiration, taking into account the proposed development of the entire lot at that point in time.

The broad objective of the development is to support regional economic and social development to the Town of Port Hedland by providing small business and industry with accommodation alternatives for employees. Given the recent announcements on the port expansion, accommodation for construction workers will continue to be an ongoing issue, consequently it is recommended that the Town provide support where feasibly possible.

Within the expression of interest, the following information will be sought:

- type of entity/organization;
- proposed lease terms and benefits to Council;
- concept plans;
- style of development, including aesthetic aspects;
- size of the development, including the number of rooms and detail on the common areas;
- operational management plan;
- timing on commencement and completion;
- community benefits; and
- solutions to community integration.

Should Council resolve to release an expression of interest, it is recommended that a tender process follow in accordance with the *Local Government Act 1995*. It is proposed that the expressions interest be brought back before Council for consideration, before a tender is released.

Attachments

Arial image of Lot 5530, Hamilton Road, South Hedland.

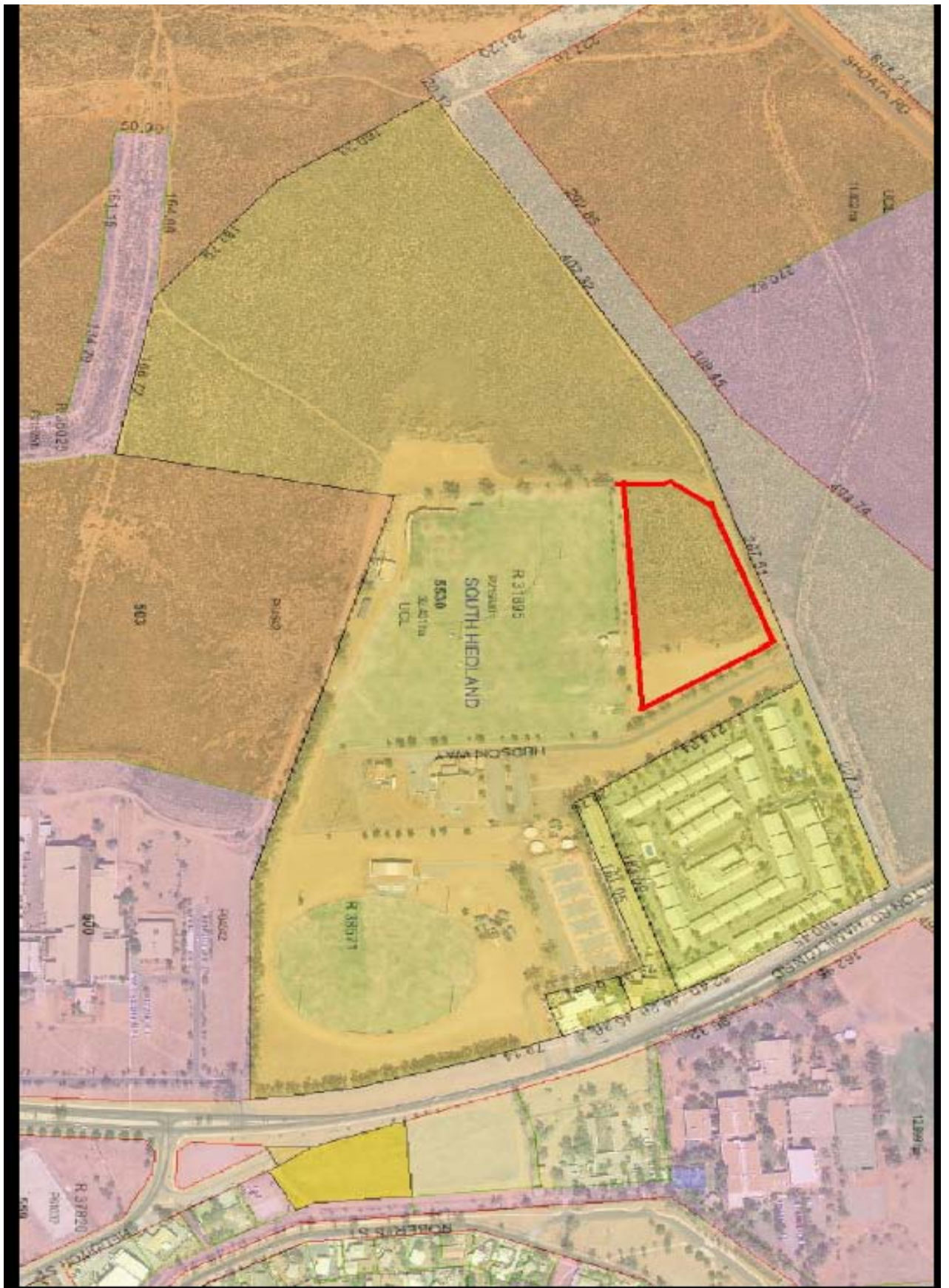
201011/388 Officers Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. Call for expressions of interest from small business and industry for part of Lot 5530 Hamilton Road, South Hedland for temporary transient workers accommodation of not more than 250 persons;
2. Report the expressions of interest back to Council for consideration; and
3. Make an application to the Minister for Lands for an amendment to the 'purpose' of the current vesting order to include 'transient workers accommodation' and include the power to lease or sub-lease the land.

CARRIED 6/0

ATTACHMENT 1 TO AGENDA ITEM 11.2.3



11.3 Community Development

5:53pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial interest in Agenda Item 11.3.1 'Tender 11/18 - Civil Works & Housing Construction (General Practitioner Housing – Stage 1) ' 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.

Chief Executive Officer advised that the Minister of Department of Local Government has granted this Council approval to consider Agenda item 11.3.1 'Tender 11/18 - Civil Works & Housing Construction (General Practitioner Housing – Stage 1)' with a reduced quorum of (3) three.

11.3.1 *Tender 11/18 - Civil Works & Housing Construction (General Practitioner Housing – Stage 1) (File No.: 15/01/0020)*

Officer	Gordon MacMile Director Community Development
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Date of Report	25 May 2010
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Disclosure of Interest by Officer

Officers from RPS (as part of the Tender Assessment Panel) provided the following declaration:

- 1) An RPS representative has been part of the panel responsible for assessment of the GP Housing Tenders (11/18)
- 2) The same RPS officer has a working relationship with Pilbara Constructions through the Colin Matheson Clubhouse project
- 3) The officer has a personal friendship with one of the Pilbara Constructions supervisors through the Port Hedland Cricket Club
- 4) Hutchinson are a client of RPS on the East Coast however the officer has no involvement with any Hutchinson's projects
- 5) RPS have no working relationship to the best of understanding with either NLV or Wightman Construction
- 6) The officer has a personal friendship with a Wightman Constructions' supervisors through the local Touch Football.

Summary

The purpose of this report is to provide a summary and assessment of submissions received for Tender 11 / 18 Civil Works and Housing Construction (General Practitioner Housing - Stage 1) in Dempster Street, Port Hedland to enable Council to award the Tender.

Background

A site assessment was undertaken on potential housing sites resolving that Lot 5551 Dempster Street, Cooke Point best addressed the criteria. The steering committee agreed with these findings and the site selection was endorsed by Council on 10 November 2010.

Council further considered (February 2011) the preparation and advertising of a draft GP Housing Business Plan to explain the impact of the raising of a self supporting loan and the development of preferred site for the provision of general practitioners housing within the Town of Port Hedland.

The results of the advertising of the draft business plan were considered in April 2011, with Council resolving to:

“Receive the report on the submissions on the GP Housing Business Plan-Facilitation of the Development of 1.08 Hectares of Lot 5551 Dempster St, Port Hedland and the Construction of the Recommended Accommodation Model for the Provision of General Practitioners Housing throughout the Town of Port Hedland in accordance with Section 3.59 the Local Government Act

Request the CEO to continue with the undertaking as outlined in the Business Plan and utilise the financial model as the basis of further work to determine the maximum accommodation yield on the preferred site and report back to Council on the outcome.”

Council invited tenders for the design and construction of both the civil and housing components with the project split into two stages, with stage 1 comprising the civil and earth works for the entire site, as well as the construction of 5 houses for the accommodation of GP's.

The types of submissions desired from the tender process were ones that reflected current best practice and includes innovative design solutions, build materials and construction techniques. Proposals were expected to give consideration to the following aspects:

- Urban design / lot layout outcome which maximises the site's potential
- Housing products which can potentially be easily adapted to include more space or altered to form two dwellings
- Cost savings due to pre-fabricated, recycled or easily transportable building materials
- Construction methodologies, which potentially reduces cost or time to complete
- Implementation of energy efficient and water saving devices which reduce maintenance and running costs;

- Construction methodologies and materials which are compliant with ToPH standards in respect to cyclonic compliance
- Other examples as detailed by respondents.

The brief for the design of dwellings is to provide “Executive” style housing designed to attract and retain General Practitioners. The understanding of “Executive” nature of the houses should be translated to their size and number of rooms as opposed to the type of internal fittings and fixtures (although still important).

Within stage 1 it is anticipated that the houses to be constructed will be sympathetic to the Pilbara climate and:

- Be single storey, predominately 4 bedroom x 2 bathroom;
- Include an outdoor patio / entertaining area;
- Contain a low maintenance and native landscape design; and
- Take into account prevailing views and breezeways (orientation).

Consultation

- Director Community Development
- Manager Libraries and Community Development
- BHPB Sustainability (Port and Rail) officers
- RPS Project Management.

Statutory Implications

This tender was called in accordance to the Local Government Act (1995).

“3.57. Tenders for providing goods or services

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

Policy Implications

This tender was called in accordance with Council’s Procurement Policy 2/015.

Strategic Planning Implications

Goal 4 - Healthy Community

Immediate Strategies-Implement plans for the development of subsidized housing for General Practitioners within the Town

Budget Implications

The following table outlines the income sources to complete GP Housing Project:

Income	Amount	Status
ToPH SSL	\$1,500,000	2010-2011 budget / subject of Business Plan
BHP Billiton Iron Ore	\$1,500,000	Confirmed
Royalties for Regions	\$1,500,000	Confirmed
Total	\$4.500,000	

BHP Billiton has recently indicated a willingness to contribute an additional \$750,000 aimed at delivering at least a 6th GP house within stage 1 of the project.

It is intended that the achievement of the additional house would be considered in finalizing the overall masterplan for the site and negotiated with the successful tenderer.

Officer's Comment

Tender 11/18 closed at 2.00pm on Thursday, 21 April 2011. Submissions were received from 5 companies, with one tender being received after the closing deadline.

Companies submitting a tender in accordance with the deadline are listed below:

- Hutchinson Builders
- Pilbara Constructions Pty Ltd
- Wightman Building Company
- National Lifestyle Villages (NLV).

Table 1 below indicates the lump sum price submitted:

Tenderer	Lump Sum Price (excl.GST)
Hutchinson Builders	\$4,100,000
Pilbara Constructions Pty Ltd	\$4,095,000
Wightman Building Company	\$3,771,500
National Lifestyle Villages	\$4,092,071

Council convened an assessment panel with representatives from BHP Billiton Sustainability officers and RPS project management. The panel initially undertook an assessment of the submitted tender's compliance with the conformity requirements.

Tenders from Hutchinson, Pilbara Construction and National Lifestyle Villages for assessed as conforming with requirements. The tender from Wightman Building was assessed as non-confirming as several requirements of the tender were omitted from their submission (Form 1, Tender Schedule A, B, C, D, E, F and G).

Table 2 below indicates the evaluation criteria as described in the tender documentation and the assessment of each tender by the panel

Weighting	Item	Max. Score	Description	Hutchinson		NLV		Wightman		Pilbara	
				Base Score	Final Score	Base Score	Final Score	Base Score	Final Score	Base Score	Final Score
	Price										
50%	Value for Money	10	No. Houses	25	31%	28	23%	20	20%	18	29%
		10	House Quality	23		12		20		28	
		10	Amenity / Landscape	26		19		11		25	
		10	Masterplan	26		15		13		23	
		40	Sub-Total	25		18.5		16		23.5	
20%	Project Team	10	Similar Projects	24	8%	26	10%	13	7%	26	11%
		10	Similar Budget	22		26		19		27	
		10	Pilbara Experience	9		24		17		29	
		10	Key Personnel	26		27		20		27	
		10	Capacity to Deliver	24		27		15		23	
		50	Sub-Total	21		26		16.8		26.4	
20%	Innovation	10	Design	24	11%	20	11%	19	7%	19	11%
		10	Cost Savings	22		21		12		21	
		10	Climate Responsive	22		25		16		25	
		10	Energy Efficiency	18		23		11		23	
		40	Sub-Total	21.5		22.3		14.5		22	
10%	Program	10	Timeframe to Construct	21	8%	21	7%	7	3%	25	8%
		10	Detailed Program	25		23		5		22	
		10	Necessary Allowances	24		22		11		24	
		30	Sub-Total	23.3		22		7.7		23.7	
	TOTAL				58%		52%		37%		59%

Value for Money

Hutchinson Builders and Pilbara Construction both were assessed as representing strong value for money, even as the 2 highest tenderers. The strength of the 2 submissions was based on quality of housing, amenity of overall site area and quality of masterplan.

The selection criteria in the 'Value for Money' section not only considered the lump sum tender price, but also the combined value offered in the number of houses built, the quality of the house and specified finishes, amenity (including backyard space, streetscape etc) and the effective use of space in the overall site masterplan.

Project Team

Pilbara Construction and NLV demonstrated strong ability to complete construction projects of a similar scale either in the Pilbara or in a relevant regional area.

Innovation

All tenderers demonstrated a high level of innovation within their submissions with the exception of Wightman Builders, where insufficient information was provided to fully assess all criteria.

Program

Again all tenderers demonstrated a strong understanding of the requirements of the construction program, including necessary allowances within their submissions with the exception of Wightman Builders, where insufficient information was provided to fully assess all criteria.

Addendum #2 (Clarification)

Following assessment against the tender criteria by the panel, all tenderers were requested to provide additional information to allow for final conclusions to be drawn / recommendations made Council.

Tenderers were requested to provide further information in relation to the following:

1. Capacity to deliver

"With reference to your submission, please demonstrate / outline in detail how you intend to service the GP Housing Project. Please include details regarding allocated staff members and sub-consultants which reflect your project program.

Particular reference / detail needs to be addressed in relation to your organisation's capacity to deliver in Port Hedland / the Pilbara?"

2. Civil works / design and Tender Price

"With reference to your submission, please provide detail outlining what your quoted civil price includes and excludes. Further please detail / confirm exactly the scope of works covered by the tender price quoted in your submission and separately detail any exclusions?"

3. Green Star / energy efficiency

"With reference to your submission, please provide further information with regards to the energy efficiency rating your nominated product type will achieve, using the Green Star Rating?"

At the closing of the Addendum #2 response periods, further information had been provided by Hutchinson Builders, Pilbara Construction and Wightman Building. No Addendum response was received from National Lifestyle Villages.

Summary / Conclusion

Based on the submitted tenders and further information provided through the Addendum # 2 Clarification, the Assessment Panel believed that the tender received from Pilbara Construction offered the best overall value.

Attachments

Nil

201011/389 Officer's Recommendation / Council Decision

Moved: Cr D W Hooper

Seconded: Mayor Kelly Howlett

That Council:

1. Awards Tender 11/18 Civil Works & Housing Construction (General Practitioner Housing – Stage 1) to Pilbara Construction Pty Ltd for the lump sum price of \$4,095,000 (ex. GST) at Lot 5551 Dempster Street, Cooke Point
2. Authorises the Chief Executive Officer (Director Community Development and Manager Infrastructure Development) to negotiate with Pilbara Construction Pty Ltd regarding the final site masterplan and resultant number of general practitioner houses (at least 6 houses) to be constructed in Stage 1.
3. Notes that the remaining budget allocation (\$405,000) is to be retained as a contingency.

CARRIED 3/0

5:54pm Councillors A A Carter, G J Daccache and M Dziombak re-entered the room and resumed their chairs.

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

5:55pm Councillors A A Carter, G J Daccache and M Dziombak declared a Financial interest in Agenda Item 11.3.2 'Multi Purpose Recreation Centre – Consideration of Key Management Philosophy / Strategy' 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.

Chief Executive Officer advised that the Department of Local Government has granted Council approval to consider Agenda item 11.3.2 'Multi Purpose Recreation Centre – Consideration of Key Management Philosophy / Strategy' with a reduced quorum of (3) three.

11.3.2 *Multi Purpose Recreation Centre – Consideration of Key Management Philosophy / Strategy (File No.:26/13/0015)*

Officer Gordon MacMile
Director Community
Development

Date of Report 25 May 2011

Disclosure of Interest by Officer Nil

Summary

The Multi Purpose Recreation Centre (MPRC) construction at Kevin Scott Oval in South Hedland is progressing well, currently on program for completion in May 2012.

Council is requested to consider the options available and give in-principal endorsement for the future management of the facility to be undertaken by contract management, allowing for the (draft) MPRC Management Plan to be completed.

Background

In November 2011, the Town of Port Hedland awarded the responsibility of the development of the Management Plan for the MPRC to CCS Strategic Management (CCS), to determine financial, human resource, asset management requirements for the Centre. The preparation of the management plan for the MPRC has progressed to a critical point where an 'in-principal' decision from Council regarding the future management philosophy / strategy is necessary. Reaching an in-principal position regarding the future management approach will allow the draft MPRC Management Plan to be completed in line with this key decision.

The WA Department of Sport and Recreation provides a range of advice on facility planning, design, procurement and management. In the management section1(<http://www.dsr.wa.gov.au/managingfacilities>) they indicate that there are a variety of management structures Councils can use for a sport and recreation facility depending on the social and financial outcomes desired.

Various examples of each facility management option are present in the recreation industry throughout the State, with the Town of Port Hedland currently utilising both direct management (JD Hardie Centre) and contract management (SHAC and Gratwick Aquatic Centre via the YMCA).

Facility Management Options

Options for the management of the MPRC are summarised in the table below:

Description	Considerations
Direct Management	
<p>The owner, usually a local government authority, employs a facility manager. The owner is responsible for all aspects of the facility's operation including operating policies, financial performance and asset maintenance.</p> <p>In some cases, a management committee may be established to help with policy development and to ensure community involvement in management decisions.</p>	<ul style="list-style-type: none"> • The facility owner has complete control over centre operations. • Most suitable option if there is a need to provide social services/programs that may need financial support. • Asset management and skill expertise developed within organisation • Influenced (constrained) by LG procedures and employment conditions • Politically vulnerable • May have non-commercial focus • Recreation administrators and program staff often work evenings and weekends. Overtime / penalty rates set by awards can result in higher staff costs. These increases may be avoidable where alternative management structures are used. • Where only a few staff are employed at the facility, the owner may need to provide administrative support for the centre manager (banking, financial reports, assistance with taking bookings and key collection, secretarial and mail services).

Indirect Management	
<p>“Arms Length” – Managed by an independent business unit established at arms length to Council</p>	<ul style="list-style-type: none"> • Business unit is nimble and independently accountable • Flexible employment arrangements • Staff are encouraged to be entrepreneurial • Council still retains ultimate control • Investment by ‘Private Sector’ • Council relinquishes some degree of control • Full commercial focus not possible • External capital investment needs to come through grants and local companies rather than from Operator
Contract Management	
<p>The owner contracts the management of the centre to an individual manager, a community-based organisation or a facility management company. Responsibilities of the owner and contractor are set out in a formal contract for a fixed period of time.</p> <p>The owner is usually responsible for major building maintenance and any loan repayments. The contractor negotiates an operating budget and is responsible for financial performance in return for greater freedom in operating policies.</p>	<ul style="list-style-type: none"> • The owner has less administrative responsibility. • Management 'freed up' to operate independently of the owner organisation. This may present opportunities to improve operational efficiency and adopt a more commercial approach. • The contract can be structured so as to increase the reliability of the centre's operating budget. • Where financial performance falls short of budget projections the contractor would normally be liable for the loss. Where an operational surplus is realised, the contractor normally retains the excess, or it may be reserved for capital purchases or improvements. • Financial incentives are often built into the contract to encourage the operator to succeed. • Owner has minimal control over day-to-day operations. • Potential for reduced social benefit - contractor may only offer profitable programs and competitions and may disregard the social needs of the broader community. • Facility owner is usually required to pay a management fee to the contractor • Able to operate as full commercial operation • Limited political influence • Low financial risk (set contract fee)

	<ul style="list-style-type: none"> • Incentive for operator to invest in the development of facilities and services and the 'partnership' • Control usually through a longer term agreement with limited provision to modify / adapt for change in local circumstances • Usually no / limited opportunity for Council to participate in management • Asset management may be compromised in drive for profitability • Equity in program / service delivery may not occur – focus on profitable activities.
Lease Management	
<p>A formal lease detailing the rights and responsibilities of the owner (lessor) and the operator (lessee) is adopted. The lessee has full property rights and is responsible for financial performance, asset maintenance and operational policies.</p> <p>The lessor receives an agreed rental income (or a percentage of the net surplus) but has no direct control over day-to-day management. The lease is usually set for a medium to long term.</p>	<ul style="list-style-type: none"> • The owner has no day-to-day administrative responsibility. • The owner has minimal financial risk. • Lessee may invest funds in the facility if they have sufficient tenure to generate an acceptable return on investment. • Difficult to lease a centre that projects an operating deficit. • The degree of control that the owner has over operations is limited by the way the lease agreement is structured. • Broader community benefits sought by the facility owner must be specified in the lease agreement. • The Lessee retains operational profits. • Difficult for either party to withdraw from or change the terms of the lease without the consent of both parties. • Operating costs are shared.
Joint Management	
<p>In the case of jointly developed facilities (such as Council and Education Department) a workable management agreement should be prepared before the facility is built. Joint management agreements should detail funding, cost-sharing, legal and access arrangements, so that responsibilities and usage rights are clear.</p>	<ul style="list-style-type: none"> • Less duplication and maximum use of community facilities and services. • Where two or more service providers are located on the same site it can create a community hub - a focal point for community activity. • Increased community ownership. • Access to a broader range of services and expertise. • Increased usage levels have been linked to reduced levels of vandalism. • Each party must consider the usage needs of the other and be prepared to share access and facilities.

	<ul style="list-style-type: none"> • Administration systems may be more complex.
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Consultation

The management options have been discussed with the following:

Internal

- Director Community Development
- Manager Libraries and Cultural Development
- Manager Recreation and Youth Services
- Town of Port Hedland Recreation team

External

Potential independent management (contract) providers:

- YMCA
- Belgravia Leisure
- Bluefit Leisure.

Statutory Implications

Depending on the management approach endorsed by Council, the requirements under the Local Government Act (1995) in regard to tendering will apply:

“3.57. Tenders for providing goods or services:

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

Policy Implications

Nil

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 – Sports and Leisure

Immediate Priority 1 – Build the Multi Purpose Recreation Centre

Budget Implications

The draft budget (based on a direct management model) for the operations of the MPRC contained in the draft Management Plan prepared to date and previously presented to Council is as follows:

MULTI PURPOSE RECREATION CENTRE – DRAFT BUDGET	
Operating Revenue	
Facility hire	
- Squash	
- Sports hall	10,605
- Function room	16,320
- Meeting room	15,400
- Clubroom	2,500
- Kiosk/s	500
- Crèche	39,000
- Outdoor courts	1,620
- Commercial tenancy - wellness centre	44,300
Program revenue	
- Gym membership	652,500
- Fitness Classes	31,500
- Casual use	21,000
- Sports competitions	149,625
- After-school programs	25,200
- Kids programs	26,400
- Event	5,805
- Holiday Program	60,000
- Centre Sponsorship	15,000
- Kiosk sales	40,400
- Housing return	12,480
- Vehicle	4,680
- Internal donations	
Total Revenue	\$1,174,835

Operating Expenditure	
Labour and personnel	
- Salaries and Wages	839,135
- Superannuation Guarantee Levy	8,091
- Super Council contribution	75,522
- Workers Compensation Insurance	41,957
- Uniforms	21,000
- Staff training / induction	7,500
- Staff housing	234,000
Vehicle Operation	30,000
Asset management	
- Security	2,500
- Insurance	18,000
- Cleaning materials	6,500
- Cleaning contract	87,958
- Service contacts	6,000
- Repairs and maintenance	18,500
- Grounds maintenance (inc. KSO)	65,000
- Outdoor courts maintenance and repairs	2,500
Utilities	
- Electricity	115,000
- Gas	5,000
- Water	7,500
- Sewer and drainage	4,800
Communications	
- Telephone	4,500
- Data / Internet	3,000
- ITC Licensing	10,000
APRA Royalties fee	10,000
Administration and overheads	
Internal (ToPH) Administration Costs	TBD
- Stationery	1,000
- Consumables	1,500
- Depreciation on Assets	TBD
- Loan Interest Repayments	TBD
- Marketing and Promotion	55,000
- Research and consultancy	20,000
Programs and variable outgoings	
- Recreation Programs	2,500
- Kiosk Purchases	26,000
- Holiday Program	13,600
- Minor events	1,000
- Minor Equipment	1,000
Total Expenditure	\$1,745,863
Trading Profit (-Loss)	-\$810,678

If these management alternatives reveal that joint management is not applicable in this instance and lease management is unlikely to appeal on the basis that Council would be required to totally divest itself of control over the operation of this flagship venue. Further the Centre will not generate an operating surplus and therefore will require Council to underwrite the operation of the complex and accordingly will retain a financial exposure for its operation. If this assessment is supported, only direct and contact management remain as options.

Moving away from the broader more theoretical issues to the practical challenges of operating a major recreation complex in Port Hedland, the following additional considerations must be addressed. Choosing an appropriate and effective facility management option will be determined by the capacity to:

- Recruit suitably skilled and experienced individuals in the areas of:
 - Leisure facility management
 - Fitness centre operations
 - Sport and recreation programming
 - Crèche and children's services operations
 - Facility maintenance
- Provide an appropriate back-up to key staff in times of annual leave, illness and staff turnover to ensure service continuity
- Offer an attractive employment package and accommodation for these suitably skilled and experienced personnel given the housing market conditions in Port Hedland
- Develop a local labour supply for high volume / high turnover positions that require a specific qualification or certification, e.g. instructors, referees, coaches, childcare workers, - largely in the absence of the core demographic for these positions (secondary school and university students, housewives and transient workers)
- Retain adequate control over the various management decisions and ensure the community is being fairly and equitably serviced
- Mitigate and appropriately manage operational risk including financial exposure.

The DSR website also advises that most of the larger local governments in the metropolitan area in Western Australia contract out the management of some of their leisure facilities to an external provider. The main reasons they cite for this decision are shown below in italics. A response to these criteria is offered following each point.

Overcome a lack of in-house expertise

Potentially a previous shortage for the Town of Port Hedland however recent recruitment has secured a highly qualified and experienced facility manager. However, this person has responsibilities across the entire community development directorate. Facility management is only one or numerous portfolio responsibilities. Further, effective facility management will require a number of skilled personnel to oversee the strategic and daily operations.

Extensive recruitment will be critical in either case however the direct management approach is unlikely to be able to deliver back up and redundancy for key positions when required. An existing facility management specialist is likely to have much greater capacity to fill holes when they emerge than the Town of Port Hedland

Reduce costs or demonstrate cost effectiveness

The MPRC is yet to open and all projections of financial performances are well based, but yet to be tested. Cost effectiveness can best be determined following an initial operating period to see how the facility performs. The option to reduce costs can be best assessed by preparing an indicative budget (as shown in this management plan) and then asking potential facility managers (via the tender process) to present an operating budget declaring their operating forecast and their facility management fee.

Increase productivity and efficiency

Until the Centre commences operations there is no benchmark to measure productivity and efficiency, save perhaps for the previous performance of the JD Hardie centre. This management plan provides an indication of what is likely to be achieved in the performance of the MPRC. This plan will provide a benchmark against which tender responses or an independent proposal developed by a duly appointed in-house manager could be assessed.

Improve service quality and/or customer satisfaction

Again without a customer service / satisfaction benchmark it is difficult to determine whether contract or direct in-house management would be preferable. Both options have the potential to deliver a successful result if clear parameters and measures are established prior to the operation of the centre. In either case enrolling the MPRC in a management performance benchmarking program such as CERM or Yardstick is considered essential.

Improve accountability

In-house or direct management arrangements tend to have less stringent accountability and performance requirements, often because of a strong social equity and probity agenda where inclusiveness overrides over profitability. Decisions made by Council for the reason of community good can directly affect bottom line performance where discounts or preferential access rights are affected. Contract management arrangements regularly go to extensive lengths in specifying performance requirements and outcomes. Political influence is significantly lessened due to the contractual nature of the arrangement.

Move non-core operations to another party

In circumstances where facility management is considered non-core business and particularly when quality skilled resources are scarce, contracting specialist services assists in managing workload and in many instances allows for the delivery of a better result. It is critical that the management contract clearly articulates the extent of responsibility for both parties and the performance measures against which outcomes are to be measured.

Facilitate innovation / introduce new work practices / introduce cultural change.

Specialist facility management companies see their ability innovate and deliver ongoing improvement in management performance as a sustainable competitive advantage. Indeed it is their core function and generally the larger more stable companies have multiple venues across which to investigate and develop improved technologies and work practices. The Town of Port Hedland will have only one MPRC to demonstrate innovation.

Share risks with another party

In-house management requires Council to retain total responsibility for the performance of the MPRC. Negotiating a management contract with a facility management specialist requires them to take certain responsibility for the operation, maintenance and financial performance of the Centre. In an environment where there are many unknowns such as Port Hedland this option seems to be highly attractive.

The Contracting Process

The process of calling tenders for the management of the facility invites the market place to respond and offer its best solution. Usually (and in this instance it would be critical) the development of the tender specification for a facility management contract would address the wide variety of issues detailed in this management plan and indicate a suite of performance measures.

The largely unknown factor is the management fee the operator would charge and the budget that they would be prepared to accept and a performance outcome.

A key motivator to explore the engagement a facility management contactor would be some confidence that there are suitably qualified and experienced operators interested in managing the Port Hedland Centre. To this end, the market has been tested and 3 major players have expressed an interest in assisting the Council in this regard.

Below is a comparative summary of their introductory submissions which are provided as attachments to this report.

Characteristic/ Provider	YMCA of Perth	Belgravia Leisure	BlueFit Leisure
Head Office	Carlisle, WA	Bayswater , Vic	Sydney, NSW
Facilities managed (total)	382	70	30
Dry recreation centre	Yes	Yes	Yes
Aquatic centre	Yes	Yes	Yes
Early learning centre	Yes	No	No
Accommodation	Yes	No	No
Golf course	No	Yes	Yes
Health clubs and spas	Yes	Yes	Yes
Indigenous experience	Yes	Yes	No
Number of staff	7,000	3,500	600
Regional / resource towns	Yes	Yes	No
24/7 operations	No	No	No
RTO status	Yes	No	Yes
Estimated management fee	\$55,000 in addition to budget deficit	Not disclosed at this stage	\$80,000- 100,000 + 6% income

Additional Notes:

YMCA

Currently operate ToPH Aquatic Centres and previously the JD Hardie Centre. It currently runs an early learning centre in Port Hedland (and Newman) with support from BHP Billiton. Experienced in accommodation management and is in the process of setting up backpackers and NFP accommodation in Port Hedland

Belgravia

Currently operates a variety of centres in Perth and has now set up an international arm to manage a new complex in Abu Dhabi offering equestrian, shooting, motor sports, wakeboarding and paintball along with conference facilities. Belgravia Leisure has ability to partner in the capital development, extension or refurbishment of major leisure facilities with the backing of the Belgravia Group.

BlueFit

Mostly provides services to aquatic centres but also operates golf courses, health clubs and dry centres including squash courts. Operates the BlueFit Foundation, a not for profit organisation offering a number of programs for underprivileged children, keeping them active whilst also providing support and guidance at a personal level.

In general terms all 3 companies have the experience and would appear to have the interest and capacity to successfully manage the MPRC. Having considered these issues in relation to the MPRC it is recommended that:

201011/390 Officer's Recommendation / Council Decision

Moved: Cr D W Hooper

Seconded: Mayor Kelly Howlett

That Council:

- 1 Endorses the 'in-principal' position of contract management for the Multi Purpose Recreation Centre
2. Considers an initial term of 3+2 years that the MPRC be operated by a contact manager
3. Tender specifications are prepared for the management of the MPRC based on the details contained within the Management Plan currently being developed by CCS Strategic Management to be considered formally in June 2011
4. The tender specification is expanded to invite proposals for the complementary management of the JD Hardie Centre and subsequently the operation of the Town of Port Hedland's two aquatic centres when the current contract term expires
5. Tenders are called as soon as possible following the formal adoption of the Management Plan, with a view to appointment of the contract manager no later than 1 December 2011.

CARRIED 3/0

5:56pm Councilor A A Carter, G J Daccache and M Dziombak re-entered the room and resumed their chairs.

Mayor advised Councilor A A Carter, G J Daccache and M Dziombak of Council's decision.

Consultation

Internal

Planning Services were involved in selecting the proposed location for the temporary skate park at Gratwick Aquatic Centre. They have indicated that they have no issues with the proposed short term location.

Building Services have indicated that no Building Licence is required for the temporary skate facilities.

Director Community Development
Recreation Coordinator
Coordinator Community and Cultural Development
Youth Coordinator
Club and Project Development Officer
Acting Sport and Recreation Officer
Community Development Officer
Manger Infrastructure Development
Project Coordinator
Project Officer

External

Darren Armstrong, YMCA Area Manager
Staff from the Youth Involvement Council

Statutory Implications Nil

Policy Implications

Council is considered a Section 6 body under the Planning and Development Act 2005. Section 6 bodies are exempt from the need to obtain planning permits for public works but are required to consult with the Local Government.

Strategic Planning Implications

Goal 1 - Youth and and Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Goal 2 - Sports and Leisure

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

Budget Implications

Funding for the installation of the shade shelter at the Port Hedland skate facility is Royalty for Regions (\$400,000) and Town of Port Hedland (\$100,000). Expenditure of \$43,000 (R4R funds) occurred in 2009/10 leaving a balance / carry forward in 2010/11 of \$453,000.

Funds expended / committed to date on the shade shelter installation is \$379,000 leaving a contingency of \$14,000 for the project and \$60,000 (from the ToPH original \$100,000) available to be expended on the temporary skate facilities.

A Request for Quotation process has been undertaken regarding the temporary skate facilities, meeting all procurement requirements. The facilities are intended to be purchased using remaining funds (\$60,000) from the construction of the overhead shade for the Port Hedland Skate Park project, account 1201424.

Officer's Comment

It is important that the Town provide alternate skating opportunities for local youth with the closure of the Port Hedland Skate Park and the current construction works surrounding the South Hedland Skate Park.

The proposed location next to the Gratwick Aquatic Centre will house the temporary skate facilities for approximately 12 weeks until the construction of the overhead shade is complete.

In the long term these facilities will also provide a number of skate opportunities for local youth as they can be moved to different locations around the Town. It is proposed that these facilities are considered as part of the landscaping design for the newly developed JD Hardie Centre, as they will provide another attractant for local youth to the Centre.

The purchase of these facilities may also provide a number of opportunities to incorporate skating into future youth and community events around the Town.

Attachments

1. Diagram temporary skate facilities
2. Proposed temporary location, Gratwick Aquatic Centre

Officer's Recommendation

That Council:

1. Approves the expenditure of up to \$60,000 on the purchase of moveable skate facilities

2. Endorses the proposed location of the temporary skate park next to Gratwick Aquatic Centre, as shown in attachment 2, for the time the Port Hedland Skate Park is closed for construction
3. Endorses the temporary skate facilities be moved to the Youth Involvement Council in Lawson Street South Hedland at the end of this period
4. Supports the temporary skate facilities as part of the landscape design for the JD Hardie Centre
5. Supports the temporary skate facilities being used for future youth and community events.

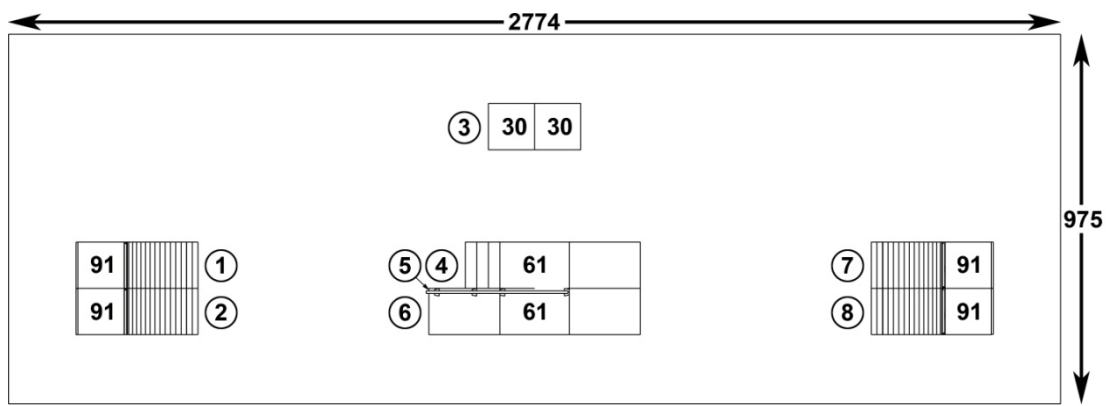
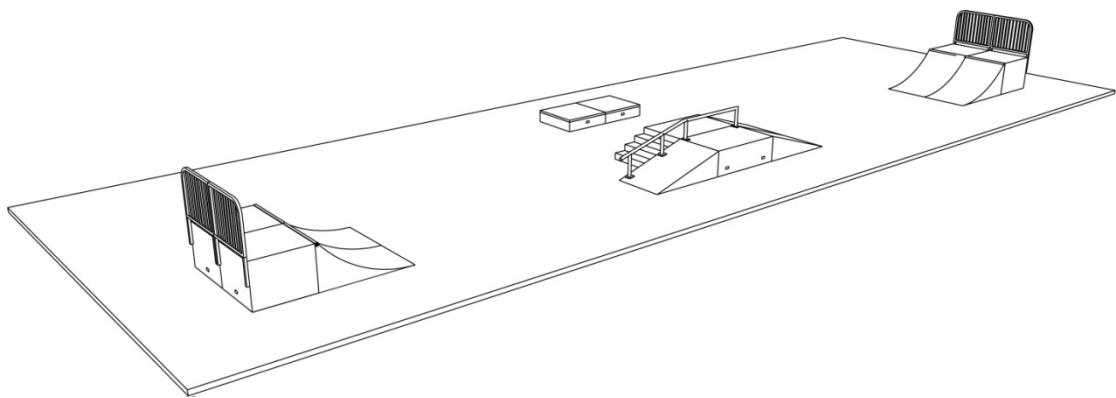
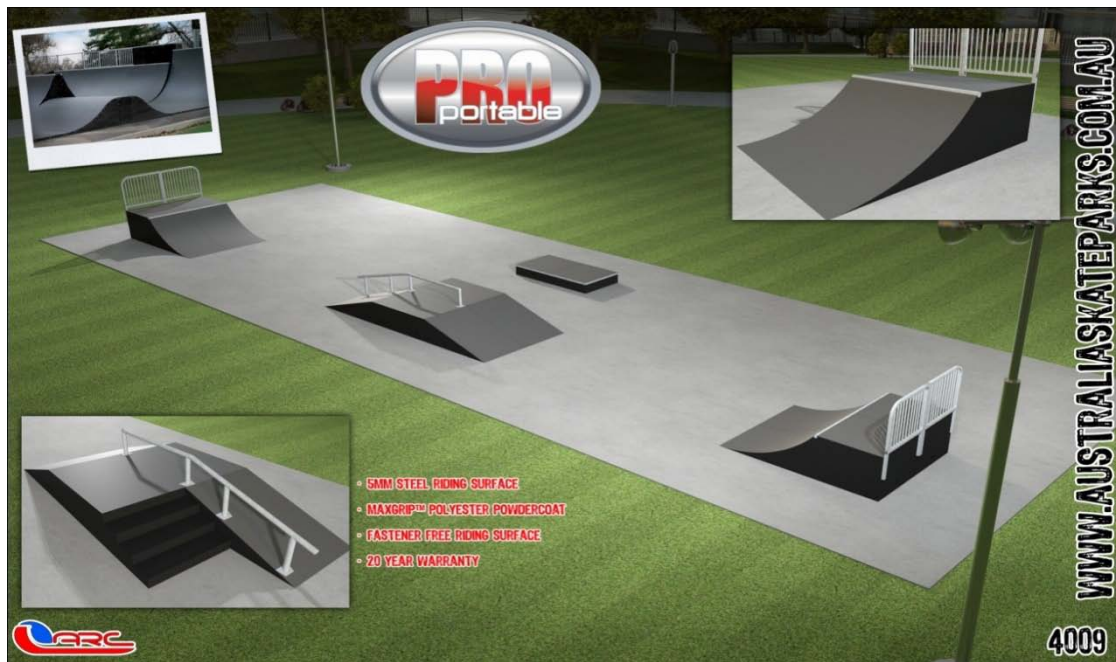
201011/391 Council Decision**Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That Council deny the proposal for the location and purchase of temporary skate facilities in Port Hedland.

CARRIED 3/3 ON THE CASTING VOTE OF THE MAYOR

REASON: Council believes that the proposal included in Agenda Item 11.3.3 'Location and Purchase of Temporary Skate Facilities in Port Hedland' is inappropriate and as such the current resolution is to deny it.

ATTACHMENT 1 TO AGENDA ITEM 11.3.3



ATTACHMENT 2 TO AGENDA ITEM 11.3.3



11.3.4 *Inclusion Festival (August 2011) – Request for Support
(File No.: 02/05/0001)*

Officer Gordon MacMile
Director Community
Development

Date of Report 25 May 2011

Disclosure of Interest by Officer Nil

Summary

The Inclusion Festival will be held in Port Hedland in early August 2011 and the purpose of this report is to seek support from Council for the Festival.

Background

The Coordinator of the Inclusion Festival (Joan Foley, Inclusion consultant, Combined Universities Centre for Rural Health) presented an outline of the event to the Council meeting held on 11 May 2011.

The Inclusion Festival will involve a series of events through early August 2011 in Port Hedland designed to highlight obstacles to improved accessibility, to educate the broader community around inclusion and to provide the opportunity to highlight / celebrate the unique talents of community members with accessibility challenges.

Activities / key attractions planned for the Inclusion Festival include:

- Rudely Interrupted (Unique and rockin' band)
- Madison De Rosario (Special Olympic Champion, Beijing)
- Dr Bob Jackson (Include WA, Adjunct Professor of Education ECU)
- School visits
- Parent community presentation
- Teacher's workshops
- Music workshops
- Variety Home Auction
- Festival finale featuring bands, fair, stalls and awards.

Consultation

Director Community Development
Coordinator Community and Cultural Development
Community Development Officer

Statutory Implications Nil

Policy Implications

“Community Funding and Donations Policy applies”

Strategic Planning Implications

Goal 1 - Youth and Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Key result area 2: Community Pride

Goal 2 – Events

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

Budget Implications

The cost for the Inclusion Festival support will be allocated from GL Account 813274 – Donations.

Officer’s Comment

The Inclusion Festival has requested a range of support items from Council, summarised in the table below:

Activity	Description	Type of Support requested	Cost / Value	Comment
Gratwick Hall usage (4 August)	ToPH and community in-service course focusing on inclusion	Fee waive	\$611.20	Inclusion education program provided to ToPH staff free of charge
Food, beverage and refreshments (4 August 2011)	ToPH and community in-service course focusing on inclusion	Donated funds	Up to \$10,000 (based on final attendance)	Festival covering cost (travel, accommodation etc) of keynote presenter – allows for 250 people to attend at \$40.00 per head

Activity	Description	Type of Support requested	Cost / Value	Comment
Gratwick Hall usage (4 August)	ToPH and community in-service course focusing on inclusion	Fee waive	\$611.20	Inclusion education program provided to ToPH staff free of charge
Food, beverage and refreshments (4 August 2011)	ToPH and community in-service course focusing on inclusion	Donated funds	Up to \$10,000 (based on final attendance)	Festival covering cost (travel, accommodation etc) of keynote presenter – allows for 250 people to attend at \$40.00 per head
Stage, lighting and PA system	Equipment (stage, lighting and PA) for Festival finale Stage \$5,000 Lighting and PA \$6,000	Donated funds	\$11,000	Festival providing sound technician, recommend that Festival hire, not ToPH due to technician crossover – includes staff cost to sign off on stage installation
Portable Accessible Toilet	Portable for event elements located away from permanent toilets	Donated funds	\$14,000 Outright purchase, hire not available	See below for consideration of procurement options.

Attachments

Nil

Officer's Comment

Officers have received information from the organisers of the Inclusion Festival planned to occur in early August 2011. The requested support has been quoted / cost estimate developed and identified in the table above.

Council has been requested as part of the support for the Inclusion Festival the provision of a portable accessible (disabled) toilet.

Should Council support the request, at present there is no known supplier in the Pilbara able to provide this equipment for hire. Given the level of events in the Town and the desire to make these initiatives to all members of the community, Council may consider the outright purchase of the portable accessible toilet.

The toilet would then be available for all Council events and festivals as well as the potential for the hire (cost recovery) of the equipment to other event organisers.

There may be the opportunity for grant funding (Lotterywest, Healthway and Disability Inclusion) to be obtained to assist the Inclusion Festival. Council officers could work with event organisers to assist grant funding applications. The focus therefore on the support recommended to Council is on those items not likely to be successful in attracting grant funding.

201011/392 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. Endorses financial support up to \$10,611.20 for the Inclusion Festival in August 2011, based on:
 - a) **1 day hire of Gratwick Hall for Inclusion workshop (\$611.20)**
 - b) **Food and Beverage (morning and afternoon tea, lunch \$10,000)**
2. Notes that funds of \$10,000 for the Inclusion Festival support will be allocated to Donations GL Account 813274 and the budget allocation has been incorporated into the third quarter budget review.

3. Encourages the Inclusion Festival to apply for grant funding / private industry support / sponsorship for the required staging, lighting, public address / sound system and portable inclusion toilet.
4. Supports appropriately skilled Council officers to assist event organisers with grant funding / private sponsorship initiatives.

CARRIED 6/0

11.4 Governance and Administration

11.4.1 Finance and Corporate Services

11.4.1.1 2011-12 Rates in the Dollar & Minimum Rates

Officer Natalie Octoman
Director Corporate Services

Date of Report 17 May 2011

Disclosure of Interest by Officer Nil

Summary

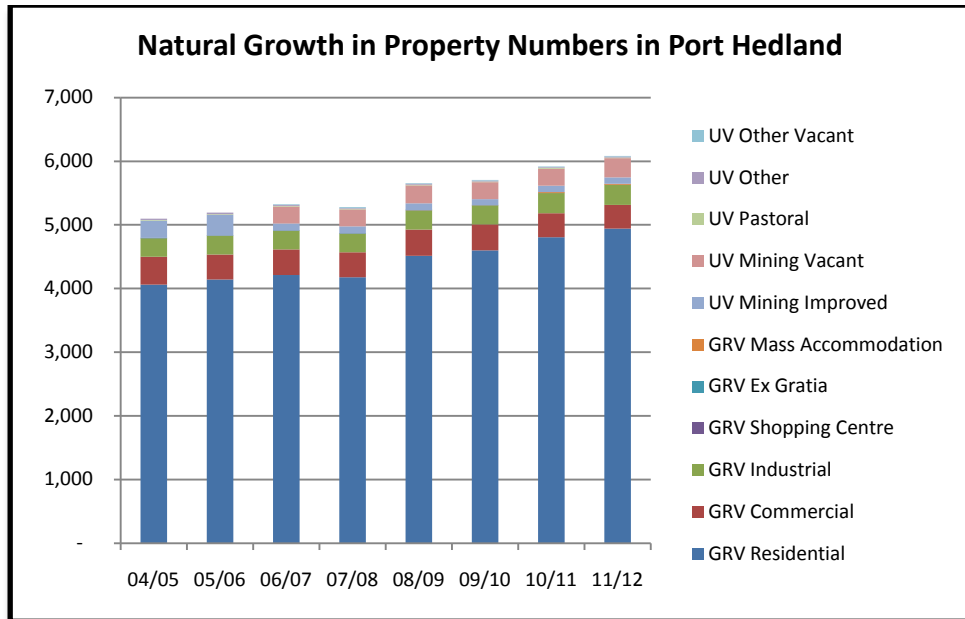
For Council to adopt various rates in the dollars and Minimum Rates so the required advertising can commence prior to budget adoption.

Background

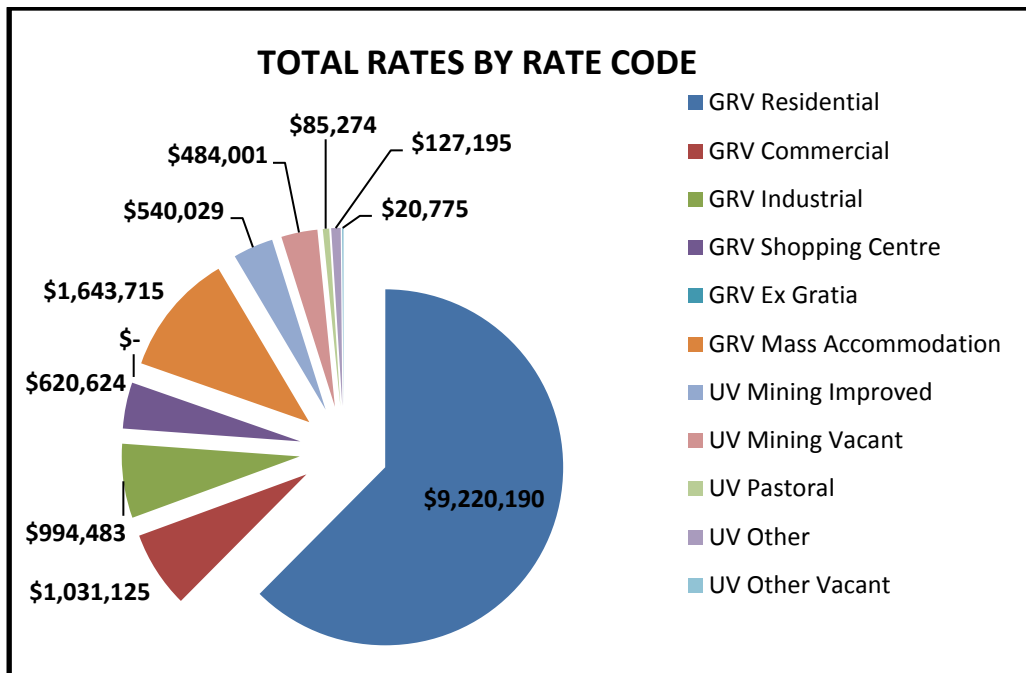
As part of the annual Budget process Council must determine the rates in the dollar (RID) and the minimum rates (min) to be used in the following year. Due to advertising requirements (s.6.36), the rates in the dollars and minimum rates must be resolved prior to the budget being finalised.

At the 4th Budget Workshop rates were discussed with Councillors and consideration was made in relation to the natural growth that has occurred throughout the Town, the CPI rate, and the numerous developments across the Town that the community will have access to.

Natural growth of approximately 3% has occurred across the Town when comparing 5,901 rateable properties in 2010-11 to 6,082 rateable properties in 2011-12. This natural growth has been reasonably consistent since 2004-05 as demonstrated in the graph below. Growth impacts on the provision of services and infrastructure across the Town and it was recommended that the new rate in the dollar for 2011-12 should take this into consideration. Using the same rates in the dollar as the current financial year for comparison purposes, the natural growth would result in an increase in rates revenue of \$451,105 in 2011-12.



The Perth based CPI for the March 2011 quarter was 2.6%. If Council were to adopt the CPI rate as the increase for the rate in the dollar, this would result in an additional \$353,775 for 2011-12. It is recognised that the cost of living in the Pilbara is higher than that of Perth and it was proposed that the rate adopted by Council therefore be higher.



After discussion regarding each of the above issues, Councillors determined the following rates in the dollar for each category:

Rate Category	2010/11		2011/12		% increase/(decrease)	
	RID	Min	RID	Min	RID	Min
GRV Residential	4.2640	800	4.5625	1,000	7%	25%
GRV Commercial	5.0762	800	5.4315	1,000	7%	25%
GRV Industrial	4.2640	800	4.5625	1,000	7%	25%
GRV Shopping Centre	8.5280	800	9.1250	1,000	7%	25%
GRV Mass Accommodation	8.5280	800	9.1250	1,000	7%	0%
GRV Ex Gratia	4.2640	800	4.5625	1,000	7%	25%
UV Mining Improved	27.2218	800	31.3051	1,000	15%	25%
UV Mining Vacant	27.2217	800	31.3050	1,000	15%	25%
UV Pastoral	4.4390	800	5.1049	1,000	15%	25%
UV Other	9.0201	800	10.3731	1,000	15%	25%
UV Other Vacant	10.2393	800	11.7752	1,000	15%	25%

Major changes to the rates are as follows:

GRV Differential Rates

As Councillors recognised that the cost of living is higher in the Pilbara than in Perth, instead of implementing a 2.6% CPI increase to all GRV Rates, it was determined to use 7% being higher than the Perth rate but reflective of the significant improvements in amenities and facilities across the Town.

UV Differential Rates

UV Minimum rates were increased by 15% across all rate categories on the basis that it was consistent with last financial year and will encourage some of the ratepayers to develop the land that they own, where possible.

UV Minimums

All minimums have been uniformly increased to \$1,000 (25%). Councillors at the workshop felt that there should be a standard minimum across the district to reflect the minimum standard of services, activities and facilities available to all ratepayers within the district. The increase, while significantly more than CPI, is again reflective of the amount of new services and infrastructure that are being developed.

As with the 2010-11 minimum rates, Council will need to apply to the Minister of Local Government and Regional Development (DLGRD) to impose the minimum rate for the UV Mining Vacant category, as more than 50% of the properties will be on minimums should these rates be adopted (s.6.35). It is believed that the DLGRD will support this request given what was approved in 2007-08, 2008-09, 2009-10 and 2010-11.

Consultation

The proposed rates in the dollars and minimum rates were discussed with Council in detail at the 4th Budget Workshop, held on the 11 May 2011.

Statutory Implications

Local Government Act 1995

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;

(b) the predominant purpose for which the land is held or used as determined by the local government;

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

6.36. Local government to give notice of certain rates

(1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.

(2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

(3) A notice referred to in subsection (1) —

(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;

(b) is to contain —

(i) details of each rate or minimum payment the local government intends to impose;

(ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and

(iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and

- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government —*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4), it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) *to land rated on gross rental value;*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Based on current valuations the proposed rates in the dollar and minimum rates will generate \$14,767,411 in rate revenue for 2011-12 compared to \$13,155,659 in 2010-11.

Officer's Comment

Rating is Council's primary way of raising income to pay for the services it provides to the community. It is therefore extremely important that the rates imposed are reflective of where Council plan to allocate its resources in the coming year.

The Town of Port Hedland is a developing authority, in that much of the Town's resources are spent in developing infrastructure. Currently the district is experiencing high levels of growth due to the mining boom and port expansion, which is placing extreme pressures on Council to fast track infrastructure development.

It was recommended to Councillor's at the workshop that while the 7% increase in rates was a higher increase than in prior years, it could be justified based not only upon the significant projects that are being undertaken, but the improved amenities across the Town. In 2011, large projects such as the JD Hardie Redevelopment and Marquee Park would be complete, and the Multi Purpose Recreation Centre would be completed in late 2012. As these are significant investments in the Town – totaling approximately \$58 million, it was suggested to Councillor's that ratepayers should be contributing to the ongoing running costs of these facilities and new amenities through increased rates.

It is anticipated that additional valuation schedules will be received in the coming weeks given a large amount of work undertaken by the building department to physically determine whether developments have been completed. The increase in properties and valuations are unknown at this stage, but any additional revenue will go to ease the burden of what we know to be an upcoming tight financial year.

201011/393 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

- 1) Adopt for advertising the following 2011-12 Rates in the Dollar and Minimum rates:

Rate Category	2011/12	
	RID	Min
GRV Residential	4.5625	1,000
GRV Commercial	5.4315	1,000
GRV Industrial	4.5625	1,000
GRV Shopping Centre	9.1250	1,000
GRV Mass Accommodation	9.1250	1,000
GRV Ex Gratia	4.5625	1,000
UV Mining Improved	31.3051	1,000
UV Mining Vacant	31.3050	1,000
UV Pastoral	5.1049	1,000
UV Other	10.3731	1,000
UV Other Vacant	11.7752	1,000

- 2) Apply to the Minister for Local Government to approve Council in imposing a Minimum Rate for UV Mining Vacant and UV Other Vacant which will result in more that 50% of the properties in these categories being subject to minimum rates.

CARRIED 6/0

11.4.1.2 Financial Reports to Council for Period Ended 30 April 2011 (File Nos: FIN-008, FIN-014 and RAT-009)

Officer Greg de Kwant
Finance Officer

Date of Report 30 April 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 30 April 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 30 April 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 30 April 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 25/05/2011 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			
CHQ20455	CHQ20473		1	3	1	Municipal Fund	
CHQ20474	CHQ20475		-	-	1	Municipal Fund	Cheque Cancelled
CHQ20476	CHQ20476		3	3	1	Municipal Fund	
CHQ20477	CHQ20477		-	-	1	Municipal Fund	Cheque Cancelled
CHQ20478	CHQ20484		3	3	1	Municipal Fund	
CHQ20485	CHQ20485		-	-	1	Municipal Fund	Cheque Cancelled
CHQ20486	CHQ20505	\$153,997.83	3	8	1	Municipal Fund	
EFT34202	EFT34338		9	31	1	Municipal Fund	
EFT34339	EFT34339		-	-	1	Municipal Fund	EFT Cancelled
EFT34340	EFT34341		31	31	1	Municipal Fund	
EFT34342	EFT34342		-	-	1	Municipal Fund	EFT Cancelled
EFT34343	EFT34531	\$6,568,501.83	31	65	1	Municipal Fund	
PAY050411	PAY050411	\$321,415.34	65	65	1	Municipal Fund	
PAY200411	PAY200411	\$376,417.14	65	65	1	Municipal Fund	
	Municipal Total	\$7,420,332.14					
3002062	3002066	\$54,859.03	66	66	3	Trust Fund	
	Trust Total	\$54,859.03					
	Sub-Total	\$7,475,191.17					
LESS: one-off pays		-					
	Total	\$7,475,191.17					

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 – all attached under separate cover

- 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 – April 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
- April 2011 Accounts for Payment

201011/394 Officer's Recommendation/Council Decision**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

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 30 April 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 water costs are yet to be separated into usage areas;
- iii) List of Accounts paid during April 2011 under Delegated Authority, as presented and/or attached be received.

CARRIED 6/0

11.4.1.3 *Third Quarter Budget Review (File No.: -)*

Officer Natalie Octoman
Director Corporate Services

Date of Report 19 May 2011

Disclosure of Interest by Officer Nil

Summary

For Council to note the recommendations made by the Audit and Finance Committee relating to the results of the third quarter budget review for the 2010/11 financial year, and to approve the adjustments outlined in the attachments.

Background

In every organisation there are many factors, both internal and external that can have an effect on program expenditure anticipated throughout the year, after the original budget is adopted. Part of ensuring that an organisation has effective financial management practices in place is for regular budget reviews to occur, and reports to be provided to Council on any modifications that may be required.

While management are required to monitor their particular programs frequently in order to ensure their departmental targets are being achieved, it is also important that senior management regularly review the income and expenditure in order to assess the achievement of the overall financial targets of Council.

The third budget review has been conducted with the actual data being used as at the end of March 2011. The review is an extremely detailed review, highlighting known adjustments to the budget, including a critical review of significant projects for 2010/11 and the Town's capacity to complete them by 30 June 2011. In some instances, savings generated from this process have been reallocated to areas of additional expenditure needed to complete projects, or funding has been carried forward to 2011/12 where projects are committed but will not be completed.

This review is slightly different to the first two that are undertaken during the year as the 2011/12 original operating budget allocations are also discussed in order to commence development of the following financial year's budget document.

Budget Shortfall Discussion

During the third quarter budget review an approximate \$1.1 million shortfall was initially identified, reducing to about \$0.4 million after taking into account loan funds approved by Council for the Wallwork Road Bridge project. After a critical examination of all accounts, particularly salaries, the shortfall was eliminated and a surplus of approximately \$1.4 million was generated. This was mainly through the assumption that additional funds would be coming in this financial year for the work already undertaken on the Wallwork Road sidetrack, and an increase in leasing income.

The net carryover amount is \$2,351,869. This incorporates both revenue and expenditure for projects that are committed, but will not be complete by 30 June 2011. These funds have been “set aside” so that this carryover will not impact on next year’s budget process.

The final surplus estimated for 2010/11 is \$1,453,620 which is recommended to be carried forward to next financial year to assist in funding the initial unfunded carryover identified in the September budget review, and the \$100,000 identified in the December budget review. During the 1 December 2010 Special Meeting of Council, it was recommended:

“That Council:

...iv) approves the \$2,679,421 as carryover funds committed for the 2011-12 financial year therefore reducing any discretionary funding that may be available.”

During the 23 February 2010 Ordinary Meeting of Council, it was recommended:

“That Council:

...iii) Accepts the Finance and Audit Committee recommendation for Council to approve the \$100,000 for Foreshore Parks Planning as carryover funds committed for the 2011/12 financial year therefore reducing any discretionary funding that may be available.”

The estimated surplus of \$1,453,620 will assist in funding the combined \$2,779,421 carried forward in the September and December budget reviews. While not eliminating the overall budget impact, it will certainly assist given that only \$1,325,801 will now impact on any discretionary funds that may be available.

Consultation

The Budget review was prepared by the Executive team, after meeting with each Manager, where all revenue and expenditure accounts within that Manager’s responsibility was reviewed in detail.

Statutory Implications

Local Government Act 1995 states (in part):

“(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) -

-additional purpose~ means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government -

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.”

Strategic Planning Implications Nil

Budget Implications

The proposed budget amendments ensure that the Council's budget remains balanced for the 2010/11 financial year.

Officer's Comment

With 2010/11 coming to a close, it was imperative that all accounts be critically examined in order to estimate the final position. While an initial deficit was identified during the review, it has been eliminated through this examination process and resulted in an overall surplus that is not recommended to be spent on projects, but carried forward to assist in funding the September carryover that will impact on the discretionary funding allocation process.

A summary on the effect on the cash surplus with the above options recommended by Executive is included in list below:

	Original Budget	Amended Budget	Total Adjustments	Proposed New Amended Budget
Operating Expenditure	36,098,834	38,553,922	(2,221,402)	36,332,520
Operating Revenue	(82,362,786)	(90,930,481)	24,129,684	(66,800,797)
Non Operating Expenditure	96,949,942	126,211,903	(26,506,080)	99,705,823
Non Operating Revenue	(42,065,913)	(63,162,119)	799,538	(62,362,581)
<i>Sub-Total</i>	<i>8,620,077</i>	<i>10,673,225</i>	<i>(3,798,260)</i>	<i>6,874,965</i>
Add Back Non Cash items	(4,535,573)	(4,458,754)	(76,819)	(4,535,573)
CFWD Projects from 2009-10	(4,084,504)		0	
Surplus BFWD from 2009-10		(6,214,471)	69,590	(6,144,881)
CFWD Projects to 2011-12			2,351,869	2,351,869
CFWD Surplus to 2011-12			1,453,620	1,453,620
Cash (Surplus) / Deficit	0	0	0	0

MOVEMENT SUMMARY					
	Adjustments	Council Decisions	Accounting Adjustments	Carryover into 2011-12	Total
Operating Exp	(993,348)	108,000	0	(1,336,054)	(2,221,402)
Operating Revenue	530,816	0	0	23,598,868	24,129,684
Non Operating Exp	(1,282,275)	1,725,000	0	(26,948,805)	(26,506,080)
Non Operating Revenue	100,416	(1,635,000)	0	2,334,122	799,538
Total	(1,644,390)	198,000	0	(2,351,869)	(3,798,260)

A detailed listing of proposed budget amendments is attached.

The recommendations from the Audit and Finance Committee from its meeting held on the 24th of May 2011 are:

“That the Audit and Finance Committee:

- i) Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;*
- ii) Recommends to Council to amend the 2010/11 Budget as per the attached list, resulting in a balanced budget; and*
- iii) Recommends to Council to carry forward the surplus funds totaling \$1,325,801 to the 2011/12 financial year.”*

It is recommended that Council accepts the recommendations by the Audit and Finance Committee.

Attachments

1. Summary of Schedule 2.
2. Detailed budget amendments in Schedule 2 order – attached under separate cover
3. Detailed budget amendments in the order of Operating Expenditure, Non Operating Expenditure, Operating Revenue and Non Operating Revenue - attached under separate cover

Officer’s Recommendation

That Council:

- i) Accepts the Audit and Finance Committee recommendations in that it:
 - a. Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;
 - b. Approves the amendments to the 2010/11 Budget as per the attached list, resulting in a balanced budget; and
 - c. Approves to carry forward the surplus funds totaling \$1,325,801 to the 2011/12 financial year.

Audit and Finance Committee Alternative Recommendation

That Council:

- i) Accepts the Audit and Finance Committee recommendations in that it:
 - a. Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;
 - b. Approves the amendments to the 2010/11 Budget as per attachment 2, resulting in a balanced budget; and
 - c. Approves to carry forward the surplus funds totaling \$1,453,620 to the 2011/12 financial year.

201011/395 Council Decision

Moved: Cr A A Carter

Seconded: Cr G J Daccache

That Council:

- i) Accepts the Audit and Finance Committee recommendations in that it:
 - a. **Notes that the initial shortfall has been recouped through various funding strategies implemented by the Executive team;**
 - b. **Approves the amendments to the 2010/11 Budget as per attachment 2, resulting in a balanced budget; and**
 - c. **Approves to carry forward the surplus funds totaling \$1,353,620 to the 2011/12 financial year.**
 - d. **Approves the allocation of an additional \$100,000 for the provision of changing rooms and shower facilities for the Kevin Scott Oval.**

CARRIED BY ABSOLUTE MAJORITY 6/0

ATTACHMENT 1 TO AGENDA ITEM 11.4.1.3

BUDGET REVIEW

ATTACHMENT 1

MARCH 2011

Schedule	Business Unit	Original Full Year Budget	Amended Budget	Adjustments	Council Approvals	Accounting Adjustments	Carry Over into 2011-12	Proposed Full Year Budget (March Review)	Change
3	Rates	(18,198,301)	(17,994,252)	406,263	-	18,832	-	(17,569,157)	425,095
4	Members	1,568,649	1,651,610	33,900	-	(19,247)	(25,000)	1,641,263	(10,347)
4	Financial Services	63,192	122,436	(63,599)	-	72,364	-	131,201	8,765
4	Corporate Support	139,450	158,389	159,860	75,000	(135,755)	-	257,494	99,105
4	Corporate Management	-	-	(54,399)	-	54,399	-	-	-
5	Fire Prevention	6,290	6,690	600	-	-	-	7,290	600
5	Animal Control	690,306	700,187	8,149	-	3,449	-	711,785	11,598
5	Other Public Safety	131,550	235,512	1,000	-	4,311	(9,000)	231,823	(3,689)
5	Parking	(10,400)	(9,825)	3,665	-	-	-	(6,160)	3,665
5	SES/Emergency Management	87,306	80,306	277	-	3,208	-	83,791	3,485
7	Maternal Infant Health	20,039	20,039	-	-	-	-	20,039	-
7	Health Inspections & Admin	355,856	369,705	(6,499)	-	2,390	-	365,596	(4,109)
7	Aboriginal Health	3,444	3,444	-	-	-	-	3,444	-
7	Pest Control	18,567	14,025	9,939	-	17	-	23,981	9,956
7	Environmental Health	20,000	20,000	-	-	-	(40,000)	(20,000)	(40,000)
8	Len Taplin Day Care	15,490	33,180	5,400	-	-	-	38,580	5,400
8	Rose Nourers Day Care	2,850	4,296	(9)	-	-	-	4,287	(9)
8	Pilbara Family Day Care	8,957	(4,206)	(63,984)	-	(3,453)	-	(71,643)	(67,437)
8	Retirement Village	43,494	46,586	(20)	-	-	-	46,566	(20)
8	Mirtanya Maya Hostel	-	-	-	-	-	-	-	-
8	Aged Care	67,282	79,643	-	-	-	-	79,643	-
8	Other Welfare	(50,076)	(24,298)	1,776	-	-	-	(22,522)	1,776
8	Community Services & Development	319,901	395,549	141	16,000	7,679	-	419,369	23,820
9	Staff Housing	1,124,522	1,227,111	18,800	17,000	8,208	-	1,271,119	44,008
10	Waste Services	-	(164,410)	177,071	-	(12,661)	0	0	164,410
10	Sanitation Other	-	-	(30,282)	-	30,282	-	-	-
10	Town Planning & Regional Development	272,230	1,646	20,304	-	250,213	(450,000)	(177,837)	(179,483)
10	Other Community Amenities	219,640	219,640	-	-	-	-	219,640	-
10	Cemeteries	52,488	136,657	(25,798)	-	(700)	-	110,159	(26,498)
10	Public Conveniences	153,989	406,992	(121,607)	-	12,931	-	298,316	(108,676)
11	Community & Event Services	627,892	690,121	(45,909)	-	441	-	644,653	(45,468)
11	Courthouse/Community Arts	558,737	401,636	3,500	-	1,945	-	407,081	5,445
11	Port Hedland Civic Centre	313,470	547,096	(1,700)	-	60,902	(35,000)	571,298	24,202
11	JD Hardie Centre	(968,063)	2,411,434	(27,960)	-	4,263	(71,646)	2,316,091	(95,343)
11	Swimming Areas/Beaches	2,850,994	2,634,923	2,342	-	(28,510)	(1,383,025)	1,225,730	(1,409,193)
11	Recreation Administration	(724,087)	(1,461,654)	(59,064)	-	(70,280)	-	(1,590,998)	(129,344)
11	Youth Services	168,928	183,344	(74,036)	-	(2,449)	-	106,859	(76,485)
11	Sportsgrounds	425,939	515,561	(25,123)	-	95,223	(29,000)	556,661	41,100
11	Port & South Sports Grounds - P&G	6,635,710	5,532,989	(378,623)	90,000	(21,643)	(38,581)	5,184,142	(348,847)
11	Library Services	1,091,449	841,283	(131,443)	-	8,658	-	718,498	(122,785)
11	Matt Dann Cultural Services	408,090	318,204	(23,285)	-	(1,595)	-	293,324	(24,880)
11	Television/Radio Broadcasting	7,424	7,424	-	-	-	-	7,424	-
12	Infrastructure Construction	5,462,004	5,718,056	(1,492,312)	-	-	(12,517)	4,213,227	(1,504,829)
12	Engineering Management	376,632	560,809	-	-	3,183	(228,100)	335,892	(224,917)
12	Infrastructure Mtce - Technical Service	2,148,975	2,156,517	(118,091)	-	2,114	-	2,040,540	(115,977)
12	Infrastructure Maintenance - Engineering	1,968,994	1,872,384	105,343	-	5,623	-	1,983,350	110,966
12	Infrastructure Mtce Road Verge	399,887	393,547	(46,818)	-	(758)	(30,000)	315,971	(77,576)
12	Plant Purchases	757,900	790,905	(43,397)	-	-	-	747,508	(43,397)
12	Airport	(1,805,000)	(1,805,000)	318,829	-	(226,091)	-	(1,712,262)	92,738
12	Airport Café	(71,838)	(92,738)	-	-	-	-	(92,738)	-
12	Administration Building Overheads	120,000	120,000	(542)	-	-	-	119,458	(542)
13	Tourism & Area Promotion	325,814	240,254	-	-	(13,489)	-	226,765	(13,489)
13	Building Control	(118,730)	(226,883)	(18,922)	-	13,278	-	(232,527)	(5,644)
13	Economic Development	391,220	505,386	(166,614)	-	(125,738)	-	213,034	(292,352)
14	Private Works	35,000	(16,596)	5,000	-	-	-	(11,596)	5,000
14	Public Works Overheads	-	-	1,544	-	(1,544)	-	-	-
14	Plant Operating Costs	-	-	-	-	-	-	-	-
14	Gross Salaries & Wages	(7,000)	(7,000)	-	-	-	-	(7,000)	-
14	Other Unclassified	113,020	104,570	91,942	-	-	-	196,512	91,942
	Sub-Total	8,620,077	10,673,225	(1,644,390)	198,000	-	(2,351,869)	6,874,965	(3,798,260)
	Add Back Non Cash Items	(4,535,573)	(4,458,754)	-	-	-	-	(4,458,754)	-
	Supplis Carried Forward from 2009-10	-	(6,214,471)	-	-	-	-	(6,214,471)	-
	Carry Forward Projects from 2009-10	(4,084,504)	-	-	-	-	-	-	-
	Carry Forward Projects into 2011-12	-	-	-	-	-	-	2,351,869	2,351,869
	Supplis Carried Forward into 2011-12	-	-	-	-	-	-	1,446,391	1,446,391
	Cash (Surplus) / Deficit	(0)	(0)	(1,644,390)	198,000	-	(2,351,869)	0	1

11.4.2 Governance

11.4.2.1 *South Hedland CBD Stakeholder Committee – Change of Meeting Dates (File No.: ...)*

Officer Josephine Bianchi
Governance Coordinator

Date of Report 13 May 2011

Disclosure of Interest by Officer Nil

Summary

Report seeks Council's consideration to change the meeting dates for the Town's South Hedland CBD Stakeholder Committee Meetings from the second Tuesday of the month to the second Monday of the month.

Background

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

At its Ordinary Meeting held on 23 February 2011 Council determined the South Hedland CBD Stakeholder Committee meeting dates up to 10 April 2012.

However, at its Ordinary Meeting on 10 May 2011 the South Hedland CBD Stakeholder Committee resolved the following:

'That the South Hedland CBD Stakeholder Committee recommends to Council that the meeting day of the South Hedland CBD Stakeholder Committee be changed to the second Monday of each month, and starting from Monday 13 June 2011'.

Consultation

South Hedland CBD Stakeholder Committee Members
Chief Executive Officer Paul Martin

Statutory Implications

Division 2 of Section 5 of the Local Government Act (1995) specifically relates to the establishment and operations of committees of Council.

The requirements of Committee Meetings are largely the same as those that apply to formal Council meetings. Council is required to determine at least once each year the Airport Committee meeting program, and this is to be set and advertised in the local newspaper.

Local Government (Administration) Regulations 1996

“12. Public notice of council or committee meetings (s. 5.25(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.**
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

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

Officer’s Comment

As per recommendation from the South Hedland CBD Stakeholder Committee it is proposed to change the dates of the South Hedland CBD Stakeholder Committee meetings from the second Tuesday of the month to the second Monday of the month starting from Monday 13 June 2011.

Attachments Nil

201011/396 South Hedland CBD Stakeholder Committee Recommendation/ Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council approve the dates of the South Hedland CBD Stakeholder Committee to be rescheduled to:

Date	Time	Location
13 June 2011	5.30pm	Port Hedland Civic Centre
11 July 2011	5.30pm	Port Hedland Civic Centre
8 August 2011	5.30pm	Port Hedland Civic Centre
12 September 2011	5.30pm	Port Hedland Civic Centre
10 October 2011	5.30pm	Port Hedland Civic Centre
7 November 2011	5.30pm	Port Hedland Civic Centre
12 December 2011	5.30pm	Port Hedland Civic Centre
9 January 2011	5.30pm	Port Hedland Civic Centre
13 February 2012	5.30pm	Port Hedland Civic Centre
12 March 2012	5.30pm	Port Hedland Civic Centre
9 April 2012	5.30pm	Port Hedland Civic Centre

and advertises them accordingly.

CARRIED 6/0

11.4.2.2 2009/10 Annual Report and Proposed Date for Annual General Meeting of Electors (File No.: ...-...)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 4 May 2011

Disclosure of Interest by Officer Nil

Summary

For Council to adopt the annual Report for 2009/10 and the proposed date for the Annual General Meeting of Electors

Background

On the 30 March 2011 Council received the completed 2009/10 Financial Statements and Audit Report. Council is now required to consider the adoption of the Annual Report for 2009/10, and subsequently convene the Annual Meeting of Electors.

The Annual Report is the final report for the 2009/10 and effectively is the Council's report card to the Community. The contents of the Annual report are prescribed by the Local Government Act 1995, and associated regulations and must contain:

1. A report from the Mayor; and
2. A report from the Chief Executive Officer; and
3. An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
4. The financial report for the financial year; and
5. Information relation to the payments made to employees;
6. The auditor's report for the financial year; and
7. A report must be made under section 29(2) of the *Disability Services Act 1993*; and
8. Such other information as may be prescribed.

Following Council's endorsement of the Annual Report, Council can advertise the report (14 days notice) and convene the Annual General Meeting of Electors. The Annual General Meeting of Electors is required to be held within 56 days of when Council adopts the Annual Report.

Consultation

Advice has be sourced from the Department of Local Government to ensure the contents of the Annual Report meet statutory requirements.

Statutory Implications

Local Government Act 1995

“5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.27. Electors' general meetings

(1) A general meeting of the electors of a district is to be held once every financial year.

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

(3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

(1) The CEO is to convene an electors' meeting by giving —

(a) at least 14 days' local public notice; and

(b) each council member at least 14 days' notice,

of the date, time, place and purpose of the meeting.

(2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

The Annual Report and its contents are a statutory requirement, which Council is required to adopt, if it wishes to have the Annual Electors Meeting within the statutory timeframe.

Council has the option to choose the date and time of this meeting, however it is recommended to hold the meeting on Wednesday 22 June 2011, starting at 7:30 pm. This date coincides with Council's Ordinary Meeting in June.

Attachments

2009/10 Annual Report – attached under separated cover

Officer's Recommendation

That Council:

- i) adopts the 2009/10 Annual Report as presented;
- ii) advertises the 2009/10 Annual Report and Annual Meeting of Electors giving at least 14 days' local public notice in accordance with Section 5.29 of the Local Government Act; and
- iii) holds the Annual Meeting of Electors on the Wednesday 22 June 2011, commencing at 7:30 pm, at the Port Hedland Civic Centre.

201011/397 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) adopts the 2009/10 Annual Report as presented;
- ii) advertises the 2009/10 Annual Report and Annual Meeting of Electors giving at least 14 days' local public notice in accordance with Section 5.29 of the Local Government Act; and
- iii) holds the Annual Meeting of Electors on the Wednesday 22 June 2011, commencing at 7 pm, at the Port Hedland Civic Centre.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.4.2.3 *Introduction of Software to support the introduction of an Integrated Corporate Planning Framework.*
(File No.: 03/01/002)

Officer Debra Summers
Manager Organisational
Development

Date of Report 19 May 2011

Disclosure of Interest by Officer Nil

Summary

This report outlines for Council proposed expenditure with CAM Management Solutions to secure software and consultancy services to support the introduction of the required Integrated Planning and Reporting Framework by 30 June 2012 and the supporting Corporate Planning Framework by 30 June 2011. Further this report outlines a compliant procurement process to support this initiative for Council endorsement.

Background

In response to the need to have introduced the Department of Local Government's new Integrated Planning and Reporting Framework by 30 June 2012, Council resolved (Decision 201011/306) in March 2011 to:

1. *Notes the progress of implementing the Strategic Plan for the first year.*
2. *Requests the CEO to refer any items yet to commence to the 2011/12 budget process for consideration*
3. *Agrees to develop an Integrated Strategic Plan as per the Department of Local Government requirements in January 2012 following completion of the Growth Plan.*

To support this new Strategic Plan, Council has directed the CEO to have in place a Corporate Planning Framework reporting to Council on organisational achievements in line with Department of Local Government requirements by 30 June 2011.

To provide similar frameworks, many local governments utilise a software product "Interplan" Management Information System from a company, CAM Management Solutions. This company also provides consultancy services to facilitate business planning within the product implementation program.

The City of Fremantle, Shire of Kalamunda, City of Armadale and City of Melville all utilise this product and are happy to act as referees to assist the Town of Port Hedland in its decision to introduce Interplan into its operations.

Consultation

Executive Team
Relevant Town of Port Hedland Officers
Shire of Kalamunda
Department of Local Government
Western Australian Local Government Association
CAM Management Solutions.

Statutory Implications

Section 3.57(2) of the Local Government Act states that:

Regulations may make provisions about tenders

Regulation 11(f) of the Local Government (Functions and General) Regulations states that tenders do not have to be publicly invited according to the requirements of this Part if –

“The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason; it is unlikely that there is more than one potential supplier.”

Policy Implications Nil

Strategic Planning Implications

This report reviews the progress of implementing Council's Strategic Plan and the associated Integrated Planning and Reporting Framework.

Budget Implications

The budgetary allocation required to undertake this activity has been factored into the next quarterly budget review.

The current quotation received includes:

Software and licenses- \$62,400

Consultancy and training- \$35,000

Officer's Comment

Officers recommend the introduction of the Interplan product as the corporate reporting tool to ensure an organisation wide integrated approach for the implementation, monitoring, coordination and performance reporting on business plans and projects.

This will improve the quality of reports Council will be able to receive on the activities and actions outlined within the Strategic Plan which it will then be able to confidently provide to the Community and other stakeholders

More detailed reports will also be able to be produced and utilised by officers to monitor the status of actions throughout the organisation and staff performance against other operational and strategic activities and projects. An example of the type of reports Interplan can produce is included with this report as Attachment One and Attachment Two.

Other applications of the Interplan product include the ability to develop the required Workforce Plan and the Integrated Risk Management System required by the Department as part of Integrated Planning and Reporting Framework.

Most importantly, the Interplan product integrates with Synergy Soft, the Town of Port Hedland's major corporate software product. This means that all required business information for meaningful reports such as financial and other regulatory information will be "pulled through" automatically, ensuring efficiency and accuracy.

Given the nature of the way the Synergy Soft software is constructed, this integration with a separate product with the required wide ranging functionality is unique to the product "Interplan." In this case it is not the price of the transaction that is the challenge for the procurement process but the compatibility of one software product with another. Asking the market for a response for a sophisticated planning and reporting product compatible with Synergy Soft would be unsuccessful. It is not sensible to have a planning and reporting product not able to "talk" to its information source and this is the uniqueness of Interplan in relation to the Town's corporate software platform. CAM Management Solutions are the only supplier of Interplan, being both the developer and owner of the product.

The Town of Port Hedland therefore would be able to purchase product and associated services from CAM Management Solutions without calling Tenders in a compliant procurement process. Regulation 11(f) of the Local Government (Functions and General) Regulations states that tenders do not have to be publicly invited according to the requirements of this Part if –

"The local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason; it is unlikely that there is more than one potential supplier."

The purchase price for required software and associated consultancy inclusive of training to achieve a Corporate Planning Framework reporting to Council on organisational achievements in line with Department of Local Government requirements by 30 June 2011 totals \$97,400.

Attachments

1. Sample Quarterly Report to Council – attached under separate cover
2. Sample Management Report – attached under separate cover

201011/398 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

1. Request the CEO, because of the unique nature of the product, to apply Regulation 11(f) of the Local Government (Functions and General) Regulations and accept the quotation from CAM Management Solutions Pty. Ltd. for the supply and Implementation of Interplan software together with association costs of the facilitation of business planning and report development.
2. Notes that \$100,000 has been included in the third quarter budget review to purchase and implement this corporate planning reporting framework in line with Department of Local Government requirements by 30 June 2011.

CARRIED BY ABSOLUTE MAJORITY 6/0

11.4.2.4 Request to Postpone the Spoilbank Marina Public Forum Date. (File No.: .../...)

Officer Josephine Bianchi
Governance Coordinator

Date of Report 19 May 2011

Disclosure of Interest by Officer Nil

Summary

This report seeks Council approval to postpone the public forum regarding the Spoilbank Marina set for Sunday 29 May 2011.

Background

Following recommendation from the Spoilbank Marina Stakeholder Committee, at its Ordinary Meeting of Council of 27 April 2011 Council resolved the following:

“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.”

Following this, the Spoilbank Marina Stakeholder Committee met again on 17 May 2011 and agreed to postpone the public forum until a more suitable date is agreed upon.

Consultation

- Spoilbank Marina Stakeholder Committee Members
- Matt Read - Landcorp

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer’s Comment

Following the Spoilbank Marina Stakeholder Committee meeting it is recommended that Council approves that the date set for the Public Forum regarding the Spoilbank Marina, namely on Sunday 29 May 2011, be postponed until a new date is proposed by the committee.

Attachments

Nil

201011/399 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council approves that the Public Forum for the Spoilbank Marina Stakeholder Committee be postponed until a more suitable date is agreed upon by the Spoilbank Marina Stakeholder Committee.

CARRIED 6/0

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1** *South Hedland CBD Stakeholder Committee – Consideration of Recommendations on Proposed South Hedland Skate Facility. (File No.:...)*

Officer Gordon MacMile
Director Community
Development

Date of Report 25 May 2011

Disclosure of Interest by Officer Nil

Summary

The South Hedland CBD Stakeholder Committee recently viewed a preliminary presentation regarding the proposed skate facility in the town centre. This purpose of this report is to consider the recommendations of the Committee and requests Council's support for the continued development of the skate park proposal.

Background

Council at the Ordinary meeting held on 13 October 2010 and resolved:

That Council:

1. *requests the Chief Executive Officer to advise Landcorp that it supports the closure of a portion of the skate park to allow construction works associated with the realignment of Colebatch Way, but to leave a portion of the park functional, challenging and safe at all times*
2. *requests the Chief Executive Officer to advise Landcorp to consult with young people to plan the construction of an extension to the eastern end of the existing skate park.*

The present condition and future location of the existing South Hedland Skate Park is compromised due to the Landcorp redevelopments in South Hedland.

Convic Design has prepared a preliminary feasibility and design for the proposed South Hedland skate facility.

The preliminary feasibility work by Convic was presented at the South Hedland CBD Stakeholder Committee meeting held on 10 May 2011. Following the presentation, the recommendation endorsed by the Committee was:

“That the South Hedland CBD Stakeholder Committee:

- 1. recommends to Council its support in principal for the extension of the South Hedland skate park through the drainage reserve parallel to Forrest Circle; and*
- 2. recommends to Council that further investigations around the skate park concepts need to be carried out”.*

Consultation

Chief Executive Officer
Director Community Development

External

The South Hedland CBD Stakeholder Committee has broad representation from Councillors, Landcorp, Lotteries House, South Hedland Shopping Centre, WA Police, BHP Billiton, Local Business owners and community members.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

Goal 1 - Youth and Children

That parents and young people in the Town have access to a range of facilities and services that is comparable to a metropolitan area.

Goal 2 - Sports and Leisure

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

Budget Implications

The purpose of the Convic Design work is to commence gathering information on the key elements / design, cost and ultimately the feasibility of the skate facility. Should Council support the recommendations contained within this report, further concepts designs, costs and funding strategies will be subsequently developed.

Officer's Comment

Rather than a single dimensional skate park, the Convic Design vision is to:

“ensure that young people are afforded the same recreation and social opportunities as the rest of the community in the public domain ... creating an inclusive public space that brings communities together to enjoy energised and dynamic social and recreation opportunities in safe and accessible spaces.

“PLAE – is about creating a unique and contemporary youth inclusive recreation space that would ensure teenagers of Hedland can actively enjoy a range of sporting, social, artistic and cultural opportunities in a safe central place that would actively connect with the broader community.

PLAE is an area made of PHYSICAL activity, LIFE & ART for EVERYONE, ensuring there is a range of diverse opportunities for the space so that not only a skate and traditional recreation needs are considered, but also other pursuits including art, music, festivals etc are designed to reach as many different young people, their families and the broader community in an inclusive, dynamic and inviting public space.”

Convic Design has identified the opportunity to take a holistic approach to the skate facility design that will include a comprehensive community / stakeholder engagement and capacity building process.

Although the South Hedland CBD Stakeholder Committee makes specific recommendations to Council regarding the drainage reserve parallel to Forrest Circle, the intention is that all space / shared usage opportunities will be considered within the design development of the skate facility / community inclusion space.

Further the preliminary design prepared by Convic maintains the same location (as resolved by Council 13 May 2010), the overall vision is to extend the youth / community space from the existing facility to connect with other key elements of the South Hedland CDB.

Attachments

Nil

201011/400 Officer's Recommendation / Council Decision**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

1. Acknowledges the recommendations of the South Hedland CBD Stakeholder Committee regarding the proposed skate facility
2. Supports the exploration of all opportunities to share / jointly use space within the CBD for multiple infrastructure / community outcomes
3. Supports the further investigation of key skate park concepts including design, cost, funding strategies, multiple delivery partners and community inclusion opportunities
4. Notes that information identified in 3. above will be reported to Council and key stakeholders by 30 September 2011.

CARRIED 6/0

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

6:08pm Mayor advised members of the public that the meeting is now closed.

NOTE: Section 5.23 of the Local Government Act 1995 states:

- “(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;....*
 - ...(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;.....*
 - ...(h) such other matters as may be prescribed.”*

6:08pm Councillor G J Daccache declared a Financial interest in Agenda item 14.1 ‘Mineral Resources Limited- Lease Negotiations’ as he is a Mineral Resources shareholder with shares above the statutory limit.

Councillor G J Daccache left the room.

201011/401 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That the Meeting be closed to members of the public as prescribed in Section 5.23 (2) (d) of the Local Government Act 1995, to enable Council to consider the following Agenda Item:

1. 14.1. ‘Mineral Resources Limited- Lease Negotiations’

CARRIED 5/0

14.1 *Mineral Resources Limited- Lease Negotiations (File No:...)*

201011/402 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

1. Acknowledges negotiations with Mineral Resources to date;
2. Authorizes the Chief Executive Officer to prepare a business plan for a 'major land transaction' and give state wide public notice of that plan in accordance with section 3.59 of the *Local Government Act 1995*; and
3. Consider the results of any submissions received during the public consultation period in accordance with section 3.59(5) of the *Local Government Act 1995* and decide, by way of absolute majority, on whether to proceed with the major land transaction.
- 4 Requests the Chief Executive Officer to investigate how the rental process is retained in the airport's future development.

CARRIED 5/0

201011/403 Council Decision

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That the Meeting be opened to members of the public.

CARRIED 5/0

6:12pm Mayor advised the meeting is open to members of the public.

6:12pm Councillor G J Daccache re-entered the room and resumed his chair

Mayor advised Councillor G J Daccache of Council's decision.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 8 June 2011, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 6:14 pm.

Declaration of Confirmation of Minutes

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

CONFIRMATION:

MAYOR

DATE