



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 8 DECEMBER 2010

AT 5.31 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 5.31pm 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 George J Daccache
 Councillor Janet M Gillingham
 Councillor Steve J Coates
 Councillor David W Hooper
 Councillor Michael (Bill) Dziombak

Mr Paul Martin	Acting Chief Executive Officer
Ms Natalie Octoman	Director Corporate Services
Mr Russell Dyer	Director Engineering Services
Ms Debra Summers	Acting Director Community Development
Mr Leonard Long	Acting Director Regulatory Services
Miss Josephine Bianchi	Administration Officer Governance
Ms Christie O'Hara	Administration Officer Governance
Members of the Public	18
Members of the Media	2

2.2 Apologies

Councillor Stan Martin

2.3 Approved Leave of Absence

Nil.

ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE3.1 Questions from Public at Ordinary Council Meeting held on
Wednesday 24 November 2010

3.1.1 Mr John Wakely

With regards to tonight's proposal listed as Agenda Item 10.1 "Port Hedland Waste to Energy Opportunity":

1. *Does it have an appropriate Town Planning zoning approval?*

The Town of Port Hedland received advice from New Energy Corporation Pty Ltd stating that they are working with the Department of State Development to identify suitable sites and once an appropriate site is identified we will then submit a planning application to the Council. The presentation was simply to introduce the project to the Council for the first time.

2. *What are the estimated operating costs per tonne of waste processed?*

The Town of Port Hedland received advice from New Energy Corporation Pty Ltd stating that although all site specific costs have not been refined (local labour and housing costs) from experience New Energy Corporation knows that the cost of processing will be around \$55 - \$65 per tonne, including cost of capital. One of the attractive features for New Energy Corporation is the relatively high price that can be achieved for electricity in the North West. New Energy Corporation's goal is to process ratepayers waste at the plant but not have to increase the cost to the ratepayers for this service.

3. *Is this proven technology, that meets or exceeds Australian emission Standards?*

The Town of Port Hedland received advice from New Energy Corporation Pty Ltd stating that there have been over 100 installations of this technology worldwide. The technology is developed to the point where New Energy Corporation has insurance policies covering the operations of the plant - a claim that no other gasification technology can make. In regards to standards, there is currently no standard for this type of technology in Australia. The most stringent emission standards internationally are the "European Waste Incineration Directive" or WID. New Energy Corporation's technology meets this stringent standard and will meet any regulations introduced in Australia.

4. *What carbon credits or carbon based revenue/s does the plant anticipate earning?*

The Town of Port Hedland received advice from New Energy Corporation Pty Ltd stating that the plant will be entitled to receive "Renewable Energy Certificates (REC's)". New Energy Corporation would receive a REC for every MW of electricity that the plant produces. They currently trade at around \$40 per MW. New Energy Corporation would expect around 100,000 MW of electricity per annum from the plant.

3.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 24 November 2010

Nil.

ITEM 4 PUBLIC TIME

4.1 Public Question Time

5:33pm Mayor opened Public Question Time

4.1.1 Mr Chris Whalley

Could Council approach the management of the ABC with the view of building and operating a brand new ABC radio studio with in the Town of Port Hedland, to alternate with the ABC radio station in Karratha?

Mayor Kelly Howlett advised that the proposed question will be sent to the Perth ABC to get a response.

5:36pm Mayor closed Public Question Time

4.2 Public Statement Time

5:37pm Mayor opened Public Statement Time

4.2.1 Mrs Elka Rhodes – Alternative Secondary High School

Mrs Elka Rhodes raised the issue of an alternative secondary High school in the Town to Council, including the history of secondary high school provided in the Town, student numbers required for comprehensive curriculum, how class numbers are determined by the Department of Education and Training for TEE subjects (and access to distance education).

Mrs Rhodes urged Council to produce an estimate on school enrolments for high school age students over the next few years in the form of a questionnaire and use this data as important indicators for planning and evaluating the possibilities of another school; so that all the students in Hedland have excellent educational outcomes.

4.2.2 *Mr Brandon Cooks - Proposed Mixed Use Development Consisting of 17 Showrooms, 16 Factory Units and 30 Self Storage Units at Lot 1638, (18) Yanana Street, Wedgefield'*

Mr Brandon Cooks made a statement to Council in relation to the recommendation for refusal of the proposed development. He tabled reworked plans and advised Council of the design and pricing of units.

5:53pm Mayor closed Public Statement Time

ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE

5.1 *Councillor J M Gillingham*

What role do Ranger Services play regarding the South Hedland Shopping Centre, as I had some calls this week regarding the Rangers booking people in the loading zones when they're actually unloading business goods?

5.2 *Councillor M Dziombak*

What measures is the Town of Port Hedland considering to streamline the apparent bottlenecks and major concerns with several building and development organisations, to urgently improve the communications and timeframes for planning and building approvals?

Acting Chief Executive Officer advised the Town takes this issue very seriously and there are a couple of actions we are putting in place: an Agenda Item for Council's consideration tonight is the recommended appointment of the new Director Planning and Development, who will continue with the "can do attitude" in the Directorate and ensure that flow on.

The Town is also exploring developing a concept to tender out some of our building licence assessments, with the volume of work now and the volume of work that is coming with stages one and two of land releases, which is a quantum of work which is getting beyond the amount of existing staff that are there. The choice is to put more staff on the buildings approvals area or contract out some of these assessments.

There will be a new legislation coming out on the 1 July 2011, which will mean people won't need to go to the Town to get there building licence assessed and approved; and we will be exploring this item in January to consider calling tenders for some of those building licences to be assessed.

Building applications will still be lodged onsite and inspected onsite, although the assessment works might be undertaken offsite somewhere else, which will reduce cost for us and thus a quicker time frame.

In relation to communications, Chief Executive Officer advised he Town is committed to hold a forum with builders and developers to explore these issues; and also to understand any potential bottlenecks that might not be a result of the Town's work, upon the appointment of Director Planning and Development.

Chief Executive Officer added the proposed forum may open some dialogue in the New Year with builders and developers to understand those issues better and see how we can address them.

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

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

ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 November 2010

201011/201 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That the Minutes of the Ordinary Meeting of Council held on Wednesday 24 November 2010 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 1 December 2010

201011/202 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That the Minutes of the Special Meeting of Council held on Wednesday 1 December 2010 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION

Mayor Howlett's Activity Report for the November/ December 2010 period to date as follows:

Saturday, 20th November

- Mayor Coffee Session With WA Police Inspector Kevin Dale (Shana's Cafe, Port Hedland)
- Mayor Coffee Session With WA Police (Muffin Break, South Hedland)

Tuesday, 23rd November

- Weekly Spirit Radio Interview
- Attended HSHS Board Meeting
- Baler Primary School Students Visited Council Chambers
- Interview GWN – Secondary School Options
- Weekly A/CEO, Deputy Mayor and Mayor Meeting
- Attended JD Hardie WG Meeting

Wednesday, 24th November

- Official Opening Port Haven
- Facilities + Deputy Mayor + Cr Dziombak + Cr Daccache + Cr Gillingham + MELD
- Weekly North West Telegraph Media Meeting + Deputy Mayor
- OCM November
- Attended & Speech At HSHS Yr 12 Participation Ceremony

Thursday, 25th November

- Meeting Regarding Secondary School Opportunities + Principal Carolyn Cook + Trish Bourke
- Meeting With LandCorp (Aaron Grant)
- Participated In 2010 "Hedland Says No To Violence March"

Friday, 26th November

- Thank You Speech 2010
- Hedland Says No To Violence Week
- Attended TOPH Audit & Finance Committee Meeting + Deputy Mayor + Cr Dziombak + Cr Martin + A/CEO + DCORP

Saturday, 27th November

- Opened & Attended Pilbara Championships Swimming Event
- Attended 2010 TOPH Christmas Party + Cr Dziombak + Cr Daccache + Cr Hooper + Cr Gillingham

Monday, 29th November

- Cassia Primary School Students Visited Council Chambers
- Attended TS Pilbara Navy Cadets End Of Year Dinner

Tuesday, 30th November

- Weekly Spirit Radio Interview
- Port Hedland Primary School Students Visited Council Chambers

- Attended Industry/Contractors Water Corporation Briefing
- Meeting With Water Corporation + DENG + A/DREG
- Attended Cassia Education Support End Of Year Celebration Event

Wednesday, 1st December

- Meeting With Jaxons + A/CEO + A/DREG
- Attended Well Women's Centre Morning Tea
- Informal Council Meeting + Deputy Mayor + Cr Dacache + Cr Hooper + Cr Dziombak + A/CEO + DENG + DCORP + A/DCD + A/DREG
- Special Council Meeting + Deputy Mayor + Cr Dacache + Cr Hooper + Cr Dziombak + A/CEO + DENG + DCORP + A/DCD + A/DREG
- Meeting CEO Recruitment Working Group + Deputy Mayor + Cr Dziombak
- Weekly Mayor & Deputy Mayor Catchup
- Weekly North West Telegraph Media Meeting + Deputy Mayor
- Meeting With Fairbridge Representatives + A/CEO

Thursday, 2nd December

- Meeting With Oz Help Foundation
- South Hedland Primary School Students Visited Council Chambers
- LandCorp Photo Shoot – South Hedland CBD Works
- Meeting With Leading Impressions
- Attended YPN Christmas Fundraiser

Mayor Kelly Howlett also added that whilst away on a course the WA Police met with the Acting Chief Executive Officer and the Deputy Mayor and raised the issue that they had three Police Officers ready to start but no houses for them. Team efforts and the assistance of the Honourable Brendon Grills three (3) houses have now been secured. Inspector Kevin Dale from the East Pilbara has been able to say that those Police will be starting in a month.

Mayor Kelly Howlett participated in the toy run on Saturday, which raised over \$1,000 and a Ute or two filled with toys, which was great.

Mayor Kelly Howlett has personally sponsored the Mayoral Book Awards for each school. To date, the Mayoral Book Awards have been presented to:

- Nathan Ward, Port Hedland Primary School
- Tianha McCassey, St Cecelia's School
- Taholy Bolton, South Hedland Primary School

Councillor Daccache and Mayor participated in the Christmas lights judging last night in South Hedland. Judging in Port Hedland is underway this evening. Mayor reminded members of the public that nominations for the 'People's Choice' award in the Christmas Light Competition are open until next Wednesday.

The Honourable Minister Simon Crean will be visiting Karratha next week. On the invitation from RDA Pilbara and I know that Councillor Dziombak, as President of the Chamber of Commerce, will also be attending. The Honourable Minister will be focusing on economic development, closing the gaps, skills development training and energy mining.

ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

9.1 Councillor S J Coates

Councillor Steve Coates suggested that given the tragedy in Pike River, New Zealand with the death of 29 miners which included Australians 1 minute of silence be held to remember those killed in commemoration.

NOTE: Councillors, staff and all public in attendance observed one minute silence for the Pike River mine tragedy in New Zealand.

Councillor Coates advised that a fund raising event will be held on the Sunday 19 December. BHP Billiton staff members are holding a multi-sports benefit day at the South Hedland Bowling and Tennis Club.

9.2 Councillor J M Gillingham

Councillor Jan Gillingham attended the School of the Air concert, at the Civic Centre. It was great to see the support of Mayor Kelly Howlett who presented book awards to the children.

9.3 Councillor M Dziombak

Councillor Bill Dziombak advised that the Chamber of Commerce and the Town of Port Hedland met with the new Chief Executive of the Regional Development Australia last week.

Councillor Dziombak will also be attending the meeting with the Honourable Minister Simon Crean, Federal Member for Regional Development.

Councillor Dziombak also announced the launch of the 2011 Information Directory on behalf of the Chamber of Commerce next Tuesday evening 14 December at 5.30pm, at the All Seasons in conjunction with the Christmas function for the Chamber of Commerce.

ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

- 10.1 Nadine Hicks, Manager, Wangka Maya Pilbara Aboriginal Language Centre, Jenny Thomas, Project Manager, Northern Edge Consultants and Mr Bruce Thomas, Chairman of Wangka Maya

Ms Nadine Hicks, Manager of Wangka Maya and Lorna Secrett, Coordinator Community and Cultural Development, presented on the opportunity between Wangka Maya and the Town of Port Hedland to undertake the project, as part of the feasibility study, an Aboriginal Arts Development Strategy was commissioned to examine the wider issues and needs of the community.

Item to be discussed in agenda item 11.3.1

- 10.2 Jonathon Wallwork, Project Manager, Optus (also representing Aurecon)

Proposed Optus Telecommunication Tower 55 Kingsmill Street.

Mr Jonathon Wallwork, Project Manager, Optus presented a proposal/opportunity to enhance the data capacity or what Optus call the broadband capabilities of the mobile network on the existing Fire Emergency Service Tower.

Item to be discussed in agenda item 11.1.2.4

- 10.3 Paul Cunningham, Manager Pilbara, Greg Rowe & Associates

Proposed Telecommunications Facility at Lot 59 McKay Street, Port Hedland.

Mr Paul Cunningham, Manager Pilbara of Greg Rowe & Associates presented on behalf clients; residents of Lot 41 McKay Street Port Hedland in objection to the proposed Telecommunications Facility at Lot 59 McKay Street Port Hedland.

Item to be discussed in Agenda item 11.1.2.4

ITEM 11 REPORTS OF OFFICERS

11.1 Regulatory Services

11.1.2 Planning Services

6:59pm Councillor J M Gillingham declared an Impartiality Interest in Agenda Item 11.1.2.1 "Proposed Office and Showroom Extension to existing Workshop on Lot 5887 Manganese Street, Wedgefield (File No: 803608G)".

Councillor J M Gillingham did not leave the room.

11.1.2.1 Proposed Office and Showroom Extension to Existing Workshop on Lot 5887 Manganese Street, Wedgefield (File No: 803608G)

Officer Ryan Djanegara
Planning Officer

Date of Report 24 November 2010

Disclosure of Interest by Officer Nil

Summary

The Town has received an application from Vathjunker Contractors on behalf of Wendy McDonald and Sonja Gobel for a proposed office and showroom extension on Lot 5887 Manganese Street, Wedgefield.

The report is before Council to consider as the proposed development does not comply with the setback required by the Town Planning Scheme.

Background

Location and Area

The subject site is located on the corner of Manganese and Feldspar Street, and measures approximately 2050m².

Vehicular access will be achieved via Manganese and Feldspar Street.

Current Zoning

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned "Industrial".

Previous Approvals

On the 11 September 2008, a planning permit was issued under delegated authority for the construction of an Industry – Light – Carpenters Workshop.

On the 19 August 2009, a planning permit was issued under delegated authority for the construction of an office and skillion roof extension.

The Proposal

The applicant proposes to redevelop the existing approved carports located 3m from the boundary abutting Feldspar Street, into a showroom and office as an ancillary use to the existing carpenter's workshop.

Consultation

The application has been circulated internally as well as LandCorp to ensure that the development complies with the relevant design guidelines, with the comments captured in the report.

Statutory Implications

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

Policy Implications Nil.

Strategic Planning Implications Nil.

Budget Implications

An application fee of \$135.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 10063260

Officer's Comment*Setback requirements and Streetscape*

In accordance with Clause 6.7.8 (a) of the Scheme, in the industry zone all development is required to be set back a minimum of six (6) metres from the front boundary.

The proposal seeks to develop the office and showroom extension by enclosing the existing covered car parking area, which are setback 3 metres from the boundary abutting Feldspar Street.

The redevelopment of the carports into a showroom will provide an improved streetscape. With the inclusion of windows on the eastern elevation the passive surveillance over Feldspar Street will be improved.

Car parking

Regardless of the redevelopment of the existing covered parking bays, the applicant is still able to provide the required amount of parking bays. Whilst the proposed use on the lot requires a minimum of 10 parking bays be provided the applicant has only indicated 9 car parking bays. However, it is the department's opinion that it is possible for the applicant to provide 1 additional parking bay; therefore a condition will be imposed to ensure compliance with the parking requirement.

Options

The Council has the following options when considering the application:

1. Approve the proposal as submitted subject to conditions. This will enable the development of the lot to proceed whilst at the same time providing improved passive surveillance and improving the streetscape.
2. Refuse the application

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

Attachments

1. Site Plan
2. Floor Plan and Elevations

201011/203 Council Decision/Officer's Recommendation

Moved: Cr A A Carter **Seconded:** Cr M Dziombak

That Council approves the application submitted by Vathjunker Contractors on behalf of Wendy McDonald and Sonja Gobel, to construct an office and showroom extension on Lot 5887 Manganese Street, Wedgefield subject to the following conditions:

1. This approval relates only to the proposed INDUSTRY – LIGHT – Office and Showroom additions and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The unit/development/subject area must only be used for purposes, which are related to the operation of an “INDUSTRY – LIGHT” business. Under the Town of Port Hedland’s Town Planning Scheme No. 5 an “INDUSTRY – LIGHT” is defined as:

“an industry:

- a. **in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and**
- b. **the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.”**

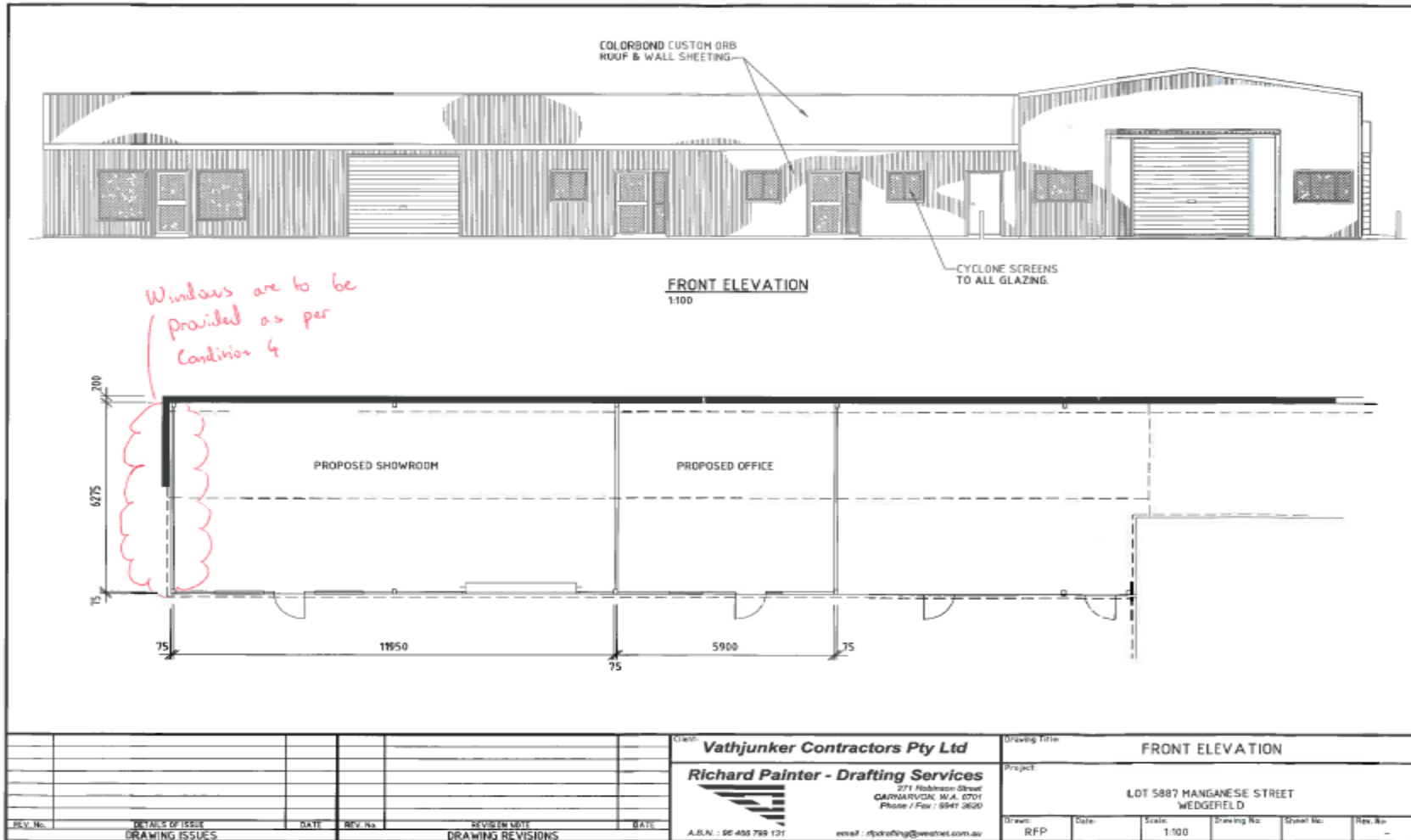
3. This approval to remain valid for a period of twenty-four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.
4. Amended plans being submitted to and approved by the Town incorporating the following amendments:
 - a. **windows being incorporated along the eastern wall addressing Feldspar Street as per the attached plan to the satisfaction of the Manager Planning.**
5. **A minimum of 10 car parking spaces are to be provided in conjunction with the proposed buildings to the satisfaction of the Manager Planning.**
6. **With regard to Condition 5, the car parking bays be designed and constructed in accordance with the requirements of the Town Planning Scheme No. 5 – Appendix 8.**
7. **In addition to Condition 5, any unenclosed area of the site used for storage must be provide additional on site car parking bays at a rate of 1 space per 100m², all to the satisfaction of the Manager Planning.**
8. **Within 30 days of this approval, a detailed landscaping plan for the development site, including the first 3m adjacent to the primary street (Manganese and Feldspar Street) must be submitted to for approval by the 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. In addition shade trees are to be provided in the car parking areas at a ratio of 1 tree for every 4 car parking bays.**
9. **Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.**
10. **The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the building.**
11. **Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**

FOOTNOTES:

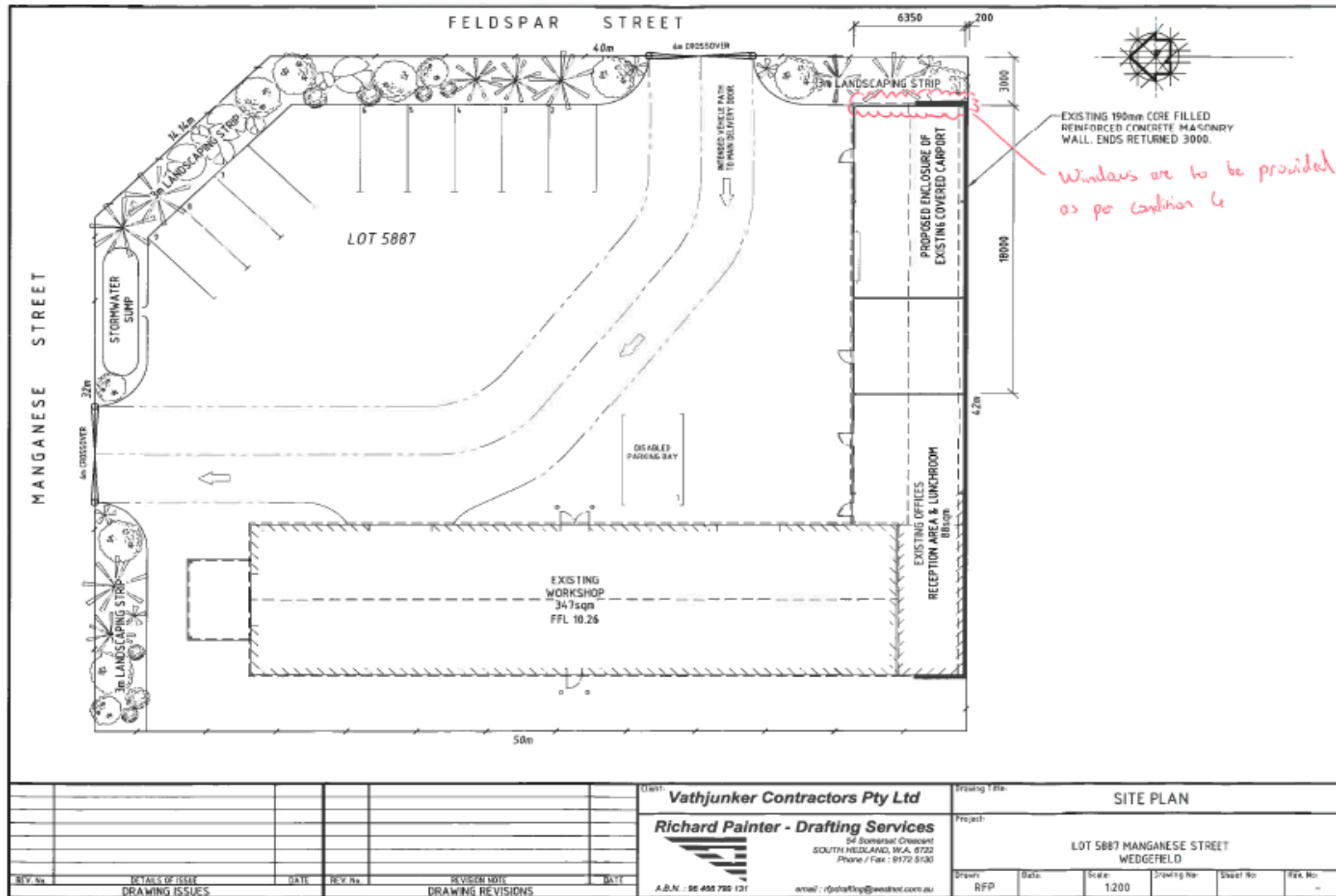
1. **You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
2. **The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year 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.**
3. **Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**

CARRIED 7/0

ATTACHMENT 1



ATTACHMENT 2



				Drawn: Vathjunker Contractors Pty Ltd Richard Painter - Drafting Services 54 Somerville Crescent SOUTH WEDGEFIELD, WA, 6122 Phone / Fax : 9172 5130 A.B.N. : 56 455 790 131 email : rpdrafting@vethot.com.au		Drawing Title: SITE PLAN					
				Project: LOT 5887 MANGANESE STREET WEDGEFIELD							
REV. No	DETAILS OF REVISION	DATE	REV. No	REVISION NOTE	DATE	Drawn	Date	Scale	Drawing No.	Sheet No.	Rev. No.
	DRAWING ISSUES			DRAWING REVISIONS		RFP		1:200			-

7:00pm Councillor S J Coates declared an Impartiality Interest in Agenda Item 11.1.2.2 Proposed Scheme Amendment No.36 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lot 2784 (30) Acacia Way from "Residential R20" to "Residential R30" (File.: 401780G)".

Councillor Coates did not leave the room

11.1.2.2 Proposed Scheme Amendment No.36 to the Town of Port Hedland Town Planning Scheme No. 5 to Recode Lot 2784 (30) Acacia Way from “Residential R20” to “Residential R30” (File No.: 401780G)

Officer	Luke Cervi Senior Planning Officer
Date of Report	30 November 2010
Application Number	IPA10445
Disclosure of Interest by Officer	Nil

Summary

Council has received a request from LMCD Holdings Pty Ltd on behalf of the pending landowners Helen Brody & Len McDonnell to initiate an amendment to the *Town of Port Hedland Town Planning Scheme No. 5* to amend the coding of Lot 2784 (30) Acacia Way, South Hedland from “Residential R20” to “Residential R30”

Background

Lot 2784 Acacia Way is currently Crown land vested to the Department of Health however, was recently subject to an expression of interest (EOI) process to which the applicant was successful. The EOI process was part of a collaborative venture between the Department of Regional Development & Lands and the Town of Port Hedland to see underutilized public and private lands released for development purposes to help address housing availability and affordability costs.

The EOI submission proposed three dwellings which would require the land to be recoded from R20 to R30.

Consultation

Should Council resolve to initiate this amendment to TPS 5 as recommended, the documentation is to be submitted to the Environmental Protection Authority (EPA) for consideration pursuant to section 81 of the Planning and Development Act 2005 (PDA).

Following approval from the EPA to advertise the amendment, Council is then required pursuant to section 83 of the PDA to consult persons likely to be affected by the amendment, and also advertise the amendment for a minimum of 42 days pursuant to section 84 of the PDA.

At the completion of this consultation, Council is to consider all submissions and determine whether to adopt the amendment, adopt the amendment with modifications, or not adopt the amendment.

Statutory Implications

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

Policy Implications Nil.

Strategic Planning Implications Nil.

Budget Implications

The applicant has paid the prescribed application fee of \$1,769.20 for the initiation request which has been deposited into the relevant planning account.

Officer's Comment

In order to facilitate proper and orderly planning it is important to ensure that densification is done in an orderly manner. In this regard the Planning unit has identified criteria that should be met before supporting increased densification. This 'criteria' is based on the accessibility to infrastructure and facilities (eg Transportation infrastructure, Park and Recreation facilities, education and health facilities and commercial facilities such as supermarkets). Furthermore, spot rezoning (individual sites) should normally be discouraged as they often result in conflict with adjoining properties by providing differing controls and development opportunities.

In this instance the common density coding is R30. The south and western sides of Acacia Way from north of Banksia Close is all R30 except the subject site and two adjoining lots (2782 & 2783 being 34 & 32 Acacia Way). The north and eastern side of Acacia Way is coded R20.

The subject site is located within approximately 200m of Cassia Primary School and approximately 900m from the South Hedland Town Centre. Access to transport and community facilities other than the primary school are limited.

In regard to the above factors it is considered that an R30 coding would be suitable for the subject site and would also be suitable for Lot 2782 & 2783 which are all currently coded R20.

Options

Council has the following options when considering the matter:

1. Initiate the Scheme Amendment subject to including lots 2782 & 2783.

2. Initiate the Scheme Amendment as submitted
3. Refuse to Initiate the Scheme Amendment.

It is recommended that the Scheme Amendment be initiated subject to lots 2782 & 2783 being incorporated into the amendment.

Attachments

1. Locality Plan
2. Amendment proposal map - Option 2.
3. Amendment proposal map - Option 1.

201011/204 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

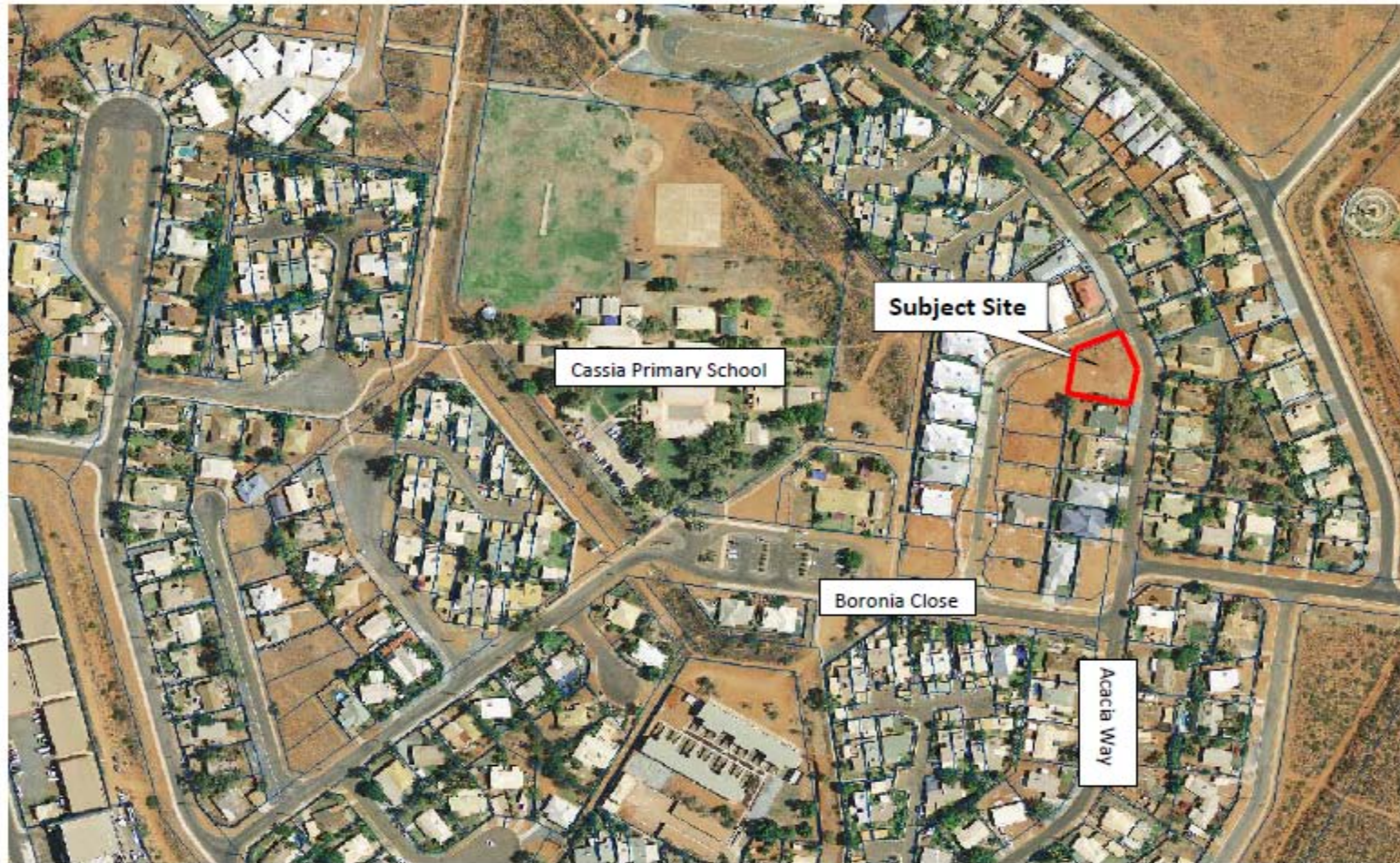
Seconded: Cr D W Hooper

That Council:

1. **Approve the request from LMCD Holdings Pty Ltd on behalf of the pending landowners Helen Brody & Len McDonnell to initiate an amendment to the Town of Port Hedland Town Planning Scheme No. 5 subject to the following condition:**
 - a. **Lots 2782 (34) & 2783 (32) Acacia Way, South Hedland be included in the proposed recoding.**
2. Advise the applicant accordingly and request that the applicant prepare the formal amendment documentation to enable referral to the Environmental Protection Authority.

CARRIED 7/0

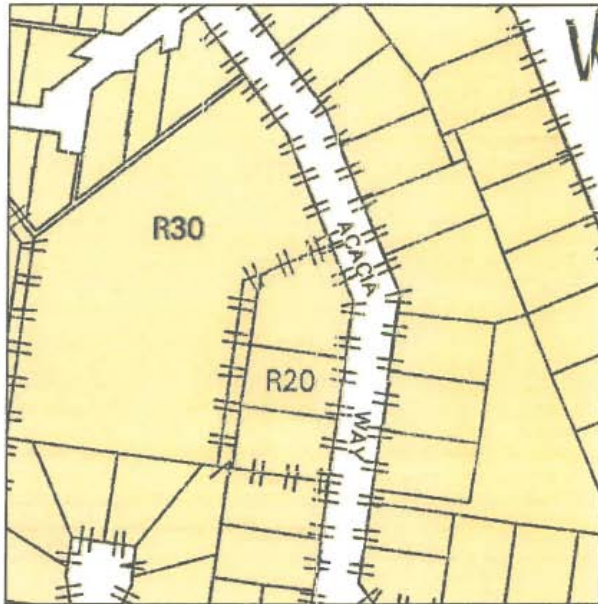
ATTACHMENT 1



ATTACHMENT 2

SCHEME AMENDMENT MAP

SHIRE OF PORT HEDLAND
TOWN PLANNING SCHEME No.5
AMENDMENT No.



EXISTING ZONING

LEGEND

LOCAL SCHEME RESERVES

LOCAL ROAD

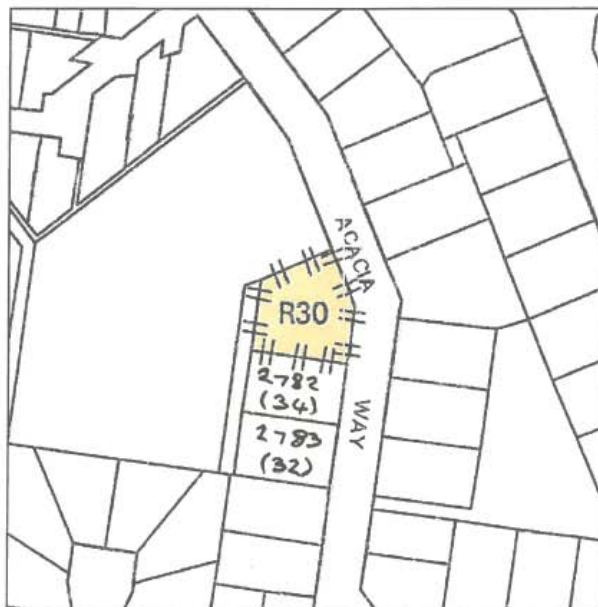
ZONES

RESIDENTIAL

OTHER

R CODES

R20



PROPOSED ZONING



0 20 40 60 80 100m

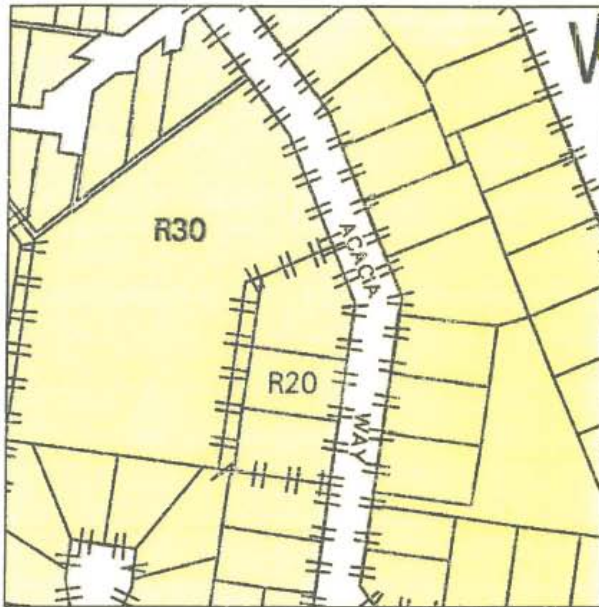
Scale 1:2,000
20/10/2010

40013-5-003.dgn
CHECKED : M.P.

ATTACHMENT 3

SCHEME AMENDMENT MAP

SHIRE OF PORT HEDLAND
TOWN PLANNING SCHEME No.5
AMENDMENT No.



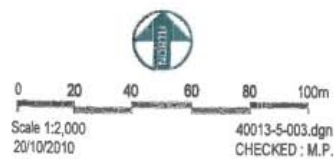
EXISTING ZONING

LEGEND

- LOCAL SCHEME RESERVES
 - LOCAL ROAD
- ZONES
 - RESIDENTIAL
- OTHER
 - R CODES



PROPOSED ZONING



11.1.2.3 Proposed Mixed Use Development consisting of 17 Showrooms, 16 Factory Units and 30 Self Storage Units at Lot 1638, (18) Yanana Street, Wedgefield. (File No.: 118650G)

Officer	Luke Cervi Senior Planning Officer
Date of Report	11 November 2010
Application No.	2010/156
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Whelans on behalf of Cityplex Pty Ltd, for a Mixed Use development consisting of 17 Showrooms, 16 Factory Units and 30 Self Storage Units at Lot 1638, (18) Yanana Street, Wedgefield.

The application is referred to Council for determination as the proposal does not comply with a number of provisions of the Town of Port Hedland Town Planning Scheme No.5 and is recommended for refusal.

Background

The Site

The site is zoned Industry under the Town of Port Hedland Planning Scheme No. 5 (TPS 5). The site is irregular in shape and comprises an area of approximately 7452m². A number of structures have been approved for the site including two caretaker dwellings, office, workshop shed and industrial shed. The land is also within the Wedgefield Special Control Area.

The Proposal

The proposal is to develop 17 Showrooms, 16 Factory Units, 30 Self Storage Units and a Caretakers Dwelling on the site with all existing structures to be removed. The 17 Showrooms are proposed to range in size from 66.3m² to 107.25m². The 16 Factory Units between 68.5m² and 135m² (12 of the 16 units are proposed to be less than 100m². Under Section 6.7.9 of TPS5, factory units must be at least 100m² in size which means 12 of the 16 factory units are below the prescribed size.) 30 Self Storage Units between 6.1m² and 69.6m².

Consultation

The application has been forwarded to the Town's Building Services, Engineering and Environmental Health sections. Environmental Health had no objections subject to conditions. Engineering identified a number of concerns relating to traffic flow, deliveries and pedestrian access.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Port Hedland Town Planning Scheme No. 5.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

An application fee of \$16,200 was paid on lodgment and deposited into account 10063260.

Officer's Comment

The proposed development presents a number of concerns. The applicant has made minor changes to address some of the concerns but in most parts has resulted in others. The concerns are summarized below:

Car Parking

Showrooms and Factory Units require 3 bays per occupancy and Self Storage requires 1 bay per 100m² of area. This results in a demand of 105 car bays whereas 101 are provided. The 101 bays provided include 5 loading bays and 10 'oversize car bays.

Due to the intended uses and lack of undeveloped land that would remain, it is considered imperative that oversize vehicles bays are provided. The oversize car bays proposed by the applicant are 5.4m x 3.0m, under TPS5 oversize car bays are required to be 9.0m x 3.0m. The car parking design would only cater for vehicles longer than 5.4m in four of the five loading bays and the 'truck loading area'. The 'truck loading area' is the only area catering for a vehicle greater than 6.8m in length.

Loading/Unloading

The dimensions and location of the loading bays provide limited benefit for loading/unloading purposes.

Trucks greater than 6.8m in length are only capable of parking in one area which is not conveniently located to the workshops or a number of the showrooms. The individual workshops have car parking bays in front of them which include wheel stops. The wheel stops will obstruct vehicles entering the workshops even if the car bay in front of the roller door is unoccupied. This provides further difficulties for loading/unloading and is likely to result in fork lift/s being used within the public car park and access ways which is a safety concern.

Vehicle Movement

Although swept path diagrams were provided with the original submission that demonstrated a Single Unit Truck (12.5m) could manoeuvre on site, the movement was tight. With amendments to the plan particularly the provision of pedestrian access between the workshops and car bays this may have become even tighter, the major concern is that larger vehicles have not been adequately provided for and will park in standard car bays and overhang into the vehicle manoeuvring area causing obstruction to vehicle access.

Rubbish Collection/Management

It is proposed that the Showrooms will be serviced by standard wheelie bins and emptied by Council's waste collection service. The suitability of this type of service is questioned for a number of reasons; waste generation exceeding a standard wheelie bin per week; the number of showrooms to be serviced in this manner (17) and the storage of and collection point for the bins (adjacent to unit 3 and unit 14). The workshops are proposed to be serviced by a commercial skip bin of 4m³ capacity. Pilbara Waste has stated that the one bin will comfortably accommodate the 17 workshops.

Given the concerns, it is extremely difficult to support the application. The concerns have been expressed to the applicant and a number of amendments made but the concerns generally remain. The applicant is trying to maximize yield but unfortunately the design has been at the expense of functionality and practicality.

The layout of the workshops actually provide for internal loading/unloading by the provision of large roller doors, unfortunately with the proposed layout of the lot these roller doors are blocked by car parking.

Car parking is a major constraint to development due to the amount of physical area required to provide each car bay. In this case, the number of occupancies is the major factor contributing to car parking. If the number of Showrooms/Workshops was decreased from 33 to 28 for example, fifteen less car parking bays would be required (even though there may not be a reduction in floor area). This would have a substantial impact on design flexibility and possibly enable a more functional and practical layout.

The irregular shape of the lot also creates design challenges which make it difficult to provide parking in an efficient manner.

Options

Council has the following options for dealing with the matter:

1. Refuse the application. If Council considers that the development cannot appropriately provide for loading/unloading of vehicles and car parking on site
2. Approve the application. If Council is satisfied that the proposed loading/unloading of vehicles will not cause any safety concerns and that car parking has been appropriately provided for on site.

It is recommended that the application be refused due to a number of concerns relating to the proposal.

Attachments

1. Locality Plan
2. Site Plan
3. Elevation Plan & Floor Plan

Officer's Recommendation

That Council refuses the planning application submitted by Whelans on behalf of Cityplex Pty Ltd, for a Mixed Use development consisting of 17 Showrooms, 16 Factory Units and 30 Self Storage Units at Lot 1638, (18) Yanana Street, Wedgefield on the following grounds:

1. The proposal does not adequately provide for car parking in particular oversize vehicles commonly associated with similar uses.
2. Loading/unloading of goods has not been adequately provided for.
3. Safety concerns relating to potential conflicts between vehicle access and loading/unloading of goods.
4. The size/scale of the development cannot be adequately serviced on site (i.e carparking, loading/unloading)
5. Waste disposal has not been adequately provided for.

201011/205 Council Decision**Moved:** Cr A A Carter **Seconded:** Cr M Dziombak

That Council APPROVES the planning application submitted by Whelans on behalf of Cityplex Pty Ltd, for a Mixed Use development consisting of Showrooms, Factory Units and Self Storage Units at Lot 1638, (18) Yanana Street, Wedgefield subject to the following conditions:

1. This approval relates only to the proposed MIXED USE DEVELOPMENT consisting of 28 tenancies including Showrooms & Factory Units and 30 Self Storage Units and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
2. The Showroom Units must only be used for purposes, which are related to the operation of a '*Showroom*' use. Under the Town of Port Hedland's Town Planning Scheme No. 5 a '*Showroom*' is defined as:

"any building or part of a building used or intended for use for displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware or items of personal adornment."

3. The Factory Units must only be used for purposes, which are related to the operation of an '*Industry – Light*' use. Under the Town of Port Hedland's Town Planning Scheme No. 5 a '*Industry – Light*' is defined as:

'an industry:

- a. **in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water or other waste products; and**
- b. **the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.'**

4. The Self Storage Units must only be used for purposes, which are related to the operation of a '*Storage Facility / Depot / Laydown Area*' use. Under the Town of Port Hedland's Town Planning Scheme No. 5 a '*Storage Facility / Depot / Laydown Area*' is defined as:

'any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes milk, transport and fuel depots and salvage yards'.
5. 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.
6. Notwithstanding the definition of '*Storage Facility / Depot / Laydown Area*', no business is permitted to be operated from any Self Storage Unit.
7. No more than a combined total of 28 tenancies consisting of Showrooms & Factory Units is permitted without the written consent of the Town of Port Hedland.
8. Prior to the commencement of any use, Moorambine Street is to be constructed to the eastern side of the crossover to Lot 1638 to the specification of the Manager Infrastructure Development and to the satisfaction of the Manager Planning.
9. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of the Manager of Planning. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
10. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of the Manager of Planning and the specification of the Manager of Environmental Health
11. Prior to the commencement of the proposed use, the driveways and crossover must be designed and constructed in accordance with Council's Crossover Policy 9/005.
12. A minimum of 93 car parking spaces are to be provided in conjunction with the proposed buildings to the satisfaction of the Manager Planning.

13. A minimum of 2 loading bays are to be provided for the development. Of these loading bays at least 1 must be designed to enable trucks up to 12.5m to utilise the bay and enter and exit the site in a forward direction.
14. Any unenclosed area of the site used for storage must be provided with on site car parking bays at a rate of 1 space per 100m² or part thereof in addition to the car parking bays required by condition 12, all to the satisfaction of the Manager Planning.
15. Prior to the development first being occupied, the car parking bays and access way must be designed in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5 - Appendix 8. Such areas are to be constructed, sealed, drained, kerbed, marked and signposted and thereafter maintained to the satisfaction of the Manager Planning.
16. Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.
17. Within 30 days of this approval, a detailed landscaping plan for the development site including the first 3m adjacent to the primary street (Murrena Street) and the adjoining road verge, shall be submitted to and approved by the 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.
18. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
19. Appropriate dust suppression measures must be implemented at all times where any operation on the site is likely to generate a dust nuisance to nearby properties and be to the satisfaction of the Manager Planning.
20. No accommodation other than the approved Caretakers Dwelling is permitted on the site.
21. 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.

FOOTNOTES:

1. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
2. The applicant/owner is required to lodge an application for a Building Licence under the provisions of the Building Regulations and approval from the Town of Port Hedland before commencing any works whatsoever
3. In relation to Conditions 8, 11 & 16 please contact the Manager Infrastructure Development 9158 9350 for further details.
4. During construction and subsequent use, the operation is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 in respect to noise but, notwithstanding, the operations to have due regard to the health and amenity of any person in the vicinity.
5. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval 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.
6. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

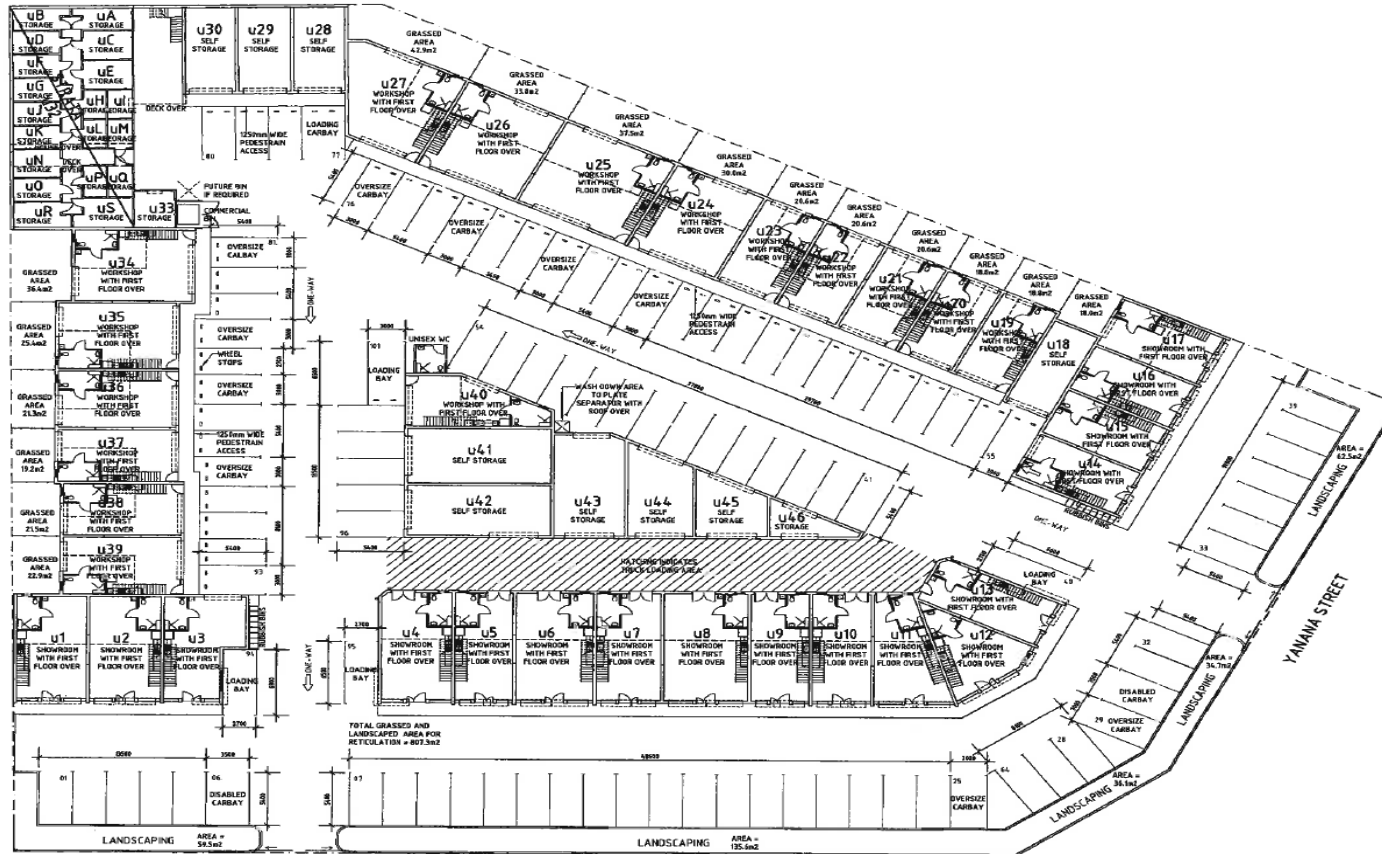
CARRIED 7/0

REASON: Council sought to approve the application with a reduced number of units.

ATTACHMENT 1



ATTACHMENT 2



OVERALL SITE PLAN
SCALE 1:200

MOORAMBINE STREET



PRELIMINARY
NOT FOR
CONSTRUCTION
DATE: 02-11-2010

SHEET SIZE: A1 REVISIONS REV. BY DATE DESCRIPTION	A	TR	26-07-10	ISSUED TO STRUCTURAL ENGINEERS FOR QUOTING	BC	DEVELOPER:	CITILEX PTY LTD C/- 450 CORBETT STREET SCARBOROUGH WA 6019	DRAWN	F. MARSHALL	JULY 2010	LIGHT INDUSTRIAL COMMERCIAL CENTRE LOT 1639, CHR YANAINA & MOORAMBINE STS, WEDGEFIELD, PORT HEDLAND SHOWROOM/WORKSHOPS/SELF STORAGE DEVELOPMENT PROPOSED SITE PLAN	SCALE	1:200 @ A1 SIZE		
	B	TR	19-08-10	ISSUED TO TRAFFIC MANAGEMENT CONSULTANT	BC	CONTACT:	BERNARD CROOKS MOB: 0817-776-998 PH: 9245-5249 EMAIL: BERNARD.CROOKS@BIGPOND.COM	TRACED				DRAWING No	A01	REV	F
	C	TR	19-08-10	RE-ISSUED TO COUNCIL FOR DA APPROVAL	BC			CHECKED					JOB NUMBER		
	D	TR	25-08-10	ISSUED FOR PRELIMINARY TENDER PRICING	BC			SUPT DRAFT					APPROVED FOR CONSTRUCTION		
	E	TR	24-09-10	RE-ISSUED TO COUNCIL FOR DA APPROVAL	BC			PROJ. ENG.					CAD NAME	Lot 1639 Ynanina St Pt Hedland	
F	TR	02-11-10	RE-ISSUED TO COUNCIL FOR DA APPROVAL	BC			APPROVED								

ATTACHMENT 3



SHEET SIZE: A1 CADDS ARCHITECTURAL 100/100/100/100 UNIT 12 / 20 SUSTAINABLE AVENUE, BIRBA LAKE, WESTERN AUSTRALIA, 483 INTERSTATE PREFIX: 88 INTERNATIONAL PREFIX: 61 TEL: 8176 8845 FAX: 8176 8551 EMAIL: info@cadds.com.au	A TR 09-06-10 ISSUED FOR DEVELOPMENT APPROVAL B TR 17-06-10 RE-ISSUED FOR DEVELOPMENT APPROVAL	BC BC CKD	DEVELOPER: CITIPLEX PTY LTD C/- 45b CORBETT STREET SCARBOROUGH WA 6019 CONTACT: BERNARD CROOKS MOB: 0417-776-998 PH: 9245-5149 EMAIL: BERNARD.CROOKS@BIGPOND.COM	DRAWN: N. McDONALD MARCH 2010 TRACKED CHECKED SUPT. DRAFT PROJ. ENG. APPROVED APPROVED FOR CONSTRUCTION	LIGHT INDUSTRIAL COMMERCIAL CENTRE LOT 1638, CNR YANANA & MOORAMBINE STS, WEDGEFIELD, PORT HEDLAND SHOWROOM/WORKSHOPS/SELF STORAGE DEVELOPMENT PERSPECTIVES	SCALE: N.T.S. @ A1 SIZE DRAWING No: A03 REV: B JOB NUMBER: 62010-017 CAD NAME: A2010-017_Perspectives 10 04.dwg
	REVISIONS REV. BY DATE DESCRIPTION					

11.1.2.4 Proposed Development of a Telecommunication Tower and Base Station at Lot 59 McKay Street (File No.: 700030G)

Officer Ryan Djanegara
Planning Officer

Date of Report 24 November 2010

Disclosure of Interest by Officer Nil

Summary

Council has received an application from Aurecon on behalf of Optus for the development of a 30m high telecommunications tower and base station at Lot 59 McKay Street, Port Hedland. The proposed tower will in addition to being used as a telecommunication tower also will be used by the Fire & Emergency Services Authority (FESA) as a replacement tower for their existing 23m high radio tower located on the adjacent land.

Whilst the use is regarded as "Infrastructure", an "AA" use within the "Town Centre" zoning which can be considered by the Director Regulatory Services via delegated authority, there has been a number of objections submitted against the proposed development. As a result of the objections received the report is submitted to Council for consideration.

Background

Location and Area (ATTACHMENT A)

The subject site is located in the West End on the corner of McKay and Anderson Street, and measures approximately 1012m².

The proposed telecommunication tower is located at the rear of the lot in the north western corner.

Current Zoning and Use

In terms of the Port Hedland Town Planning Scheme No. 5 the subject site is zoned "Town Centre" and located within the Port Area Town Centre Precinct.

The proposed use is categorized as "Infrastructure" being an "AA" use.

Existing Development (ATTACHMENT B)

The site is currently developed as the regional headquarters for the Fire & Emergency Authority of WA (FESA).

In order to operate efficiently during emergency situations it is imperative that FESA are able to communicate with other emergency agencies. Therefore, FESA has its own 23m high triangular lattice radio transmission tower located on the same lot as the proposed telecommunications tower. It is however, the intension that should the proposed application be considered favourably that the existing tower be removed and the radio transmission equipment be transferred onto the new telecommunication tower. With the additional 7m in height FESA will have better radio coverage which in turn will improve the coordination of emergency services, which will benefit the community.

The Proposal (ATTACHMENT C)

The applicant proposes to construct a 30m high triangular lattice telecommunications tower which will accommodate six panel antennas, three future panel antennas, a parabolic antenna and base station. The proposed tower will replace the existing 23m (FESA) radio transmission tower on Lot 59 McKay Street, Port Hedland. The communications equipment from the existing FESA tower will be transferred onto the new tower, improving radio communications between volunteer fire fighters and other rescue operators during emergency situations.

Location

The proposed location has been chosen taking into consideration the visual impact and the improved services that Optus will be able to provide the community.

Alternative Sites (ATTACHMENT D)

Other alternative sites that were considered by the applicant include:

- Lot 28 Anderson Street, Port Hedland
- Port Authority Land

The applicant has stated that these sites were not considered viable to provide the level of coverage needed and that negotiations between the landowners could not be reached.

- Lot 460 Anderson Street

The applicant has indicated that the subject lot intersects the boundary of an Aboriginal Heritage listed site and may not be developed.

Other sites were considered however ruled out due to a range of planning, environmental, servicing and community sensitive concerns.

Possible Co-location (ATTACHMENT E)

The existing Telstra Tower on Lot 591 Sutherland Street, Port Hedland, was also considered for possible co-location. According to the applicant the Tower was not selected because the site would not provide the level of coverage required for the town centre area, and the existing Telstra tower is located within a predominantly residential area.

Consultation

The application has been circulated internally with the comments captured in the report.

Notwithstanding that the scheme does not require a use determined to be an "AA" to be advertised, it is this departments experience that telecommunication towers are often seen by the public as controversial. Therefore, a site notice was placed on site providing the community 14 days to comment on the proposed telecommunication tower..

As a result of the above external advertising Council received 16 written submissions objecting to the proposed development and 2 written submissions from the applicant and FESA justifying the proposal. The comments and concerns raised in the written submissions have been summarized and captured in the report.

Statutory Implications

In accordance with the Planning and Development Act 2005, the proposed development is subject to the provisions of the Port Hedland Town Planning Scheme No. 5.

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications Nil

Officer's Comment

In accordance with the Port Hedland Town Planning Scheme No. 5, the proposed development is classified as "Infrastructure" and defined as:

"Physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include industry."

Summary of Written Submission (ATTACHMENT F)

The submissions received can be summarized as follows:

- The proposed development is inconsistent with the scheme objectives of the Port Hedland Town Planning Scheme No. 5 and the precinct objectives of the Port Area Town Centre Precinct;
- The proposed development is inconsistent with “Town Centre” zoning and the existing character of the area;
- The size, height, bulk and visual appearance of the tower will have a detrimental impact on the visual amenity of the locality;
- The tower will not attract businesses, residents and holiday makers to the area impacting on property values and the future development of the area;
- The mobile phone tower may have potential health hazards and are not adequately buffered; and
- The proposed tower would be better located outside the “Town Centre” zoning.

*Planning Department Response**Objectives of the Port Area Town Centre Precinct*

The Port Area Town Centre is a precinct area with a list of objectives that Council must consider in the assessment of applications located within the precinct. According to the submissions received, the proposal does not comply with objectives (a) and (c) of Clause 5.3.6 of the Scheme which states:

The precinct objectives for the Port Area Town Centre are to:

- a. *“consolidate the town centre status of the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function,*
- b. *consolidate existing development,*
- c. *ensure that there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to design which are consistent with the climatic and cultural context of the precinct,*
- d. *make safe, efficient and convenient provision for pedestrian movement, road transport and car parking, and*
- e. *improve the utility and appearance of public spaces and*

street furniture.”

Notwithstanding the comments made by the submissions, it is the opinion of the Planning Department that the proposed development is consistent with objectives (a) and (c) of Clause 5.3.6 of the Scheme. Whilst the Tower will impact on the visual landscape of the town centre, its impacts are considered minimal given that the proposal:

- will be replacing the existing FESA tower rather than creating an additional tower in the town centre area; and
- is within close proximity of the Port and industrial land uses.

Furthermore, with respect to objective (a) the proposed tower will improve telecommunication services, optimising the area's administrative, commercial and community function.

The objectives (d) and (e) of Clause 5.3.6 of the Scheme are not relevant to the proposed application.

Visual Amenity, Location and Coverage

The Planning Department cannot agree with the submission that towers such as what is being proposed preferably be located outside of the Town Centre. It is common to have large and high buildings and equipment within an industrial area and multi-storey buildings within a town centre both of which assist in achieving a far less impact on the visual amenity of the area as opposed to having a 30m high communication tower in a residential area where the majority of development is between 1 and 2 storey's. In this regard the nearest solely residential development is located approximately 80m east of the proposed tower. Any proposals including residential uses within the town centre would be a mixed use development.

In preparation of the development proposal and location of an appropriate development site, the applicant has used a set of objectives that ensure that the site selected:

- gives Optus the ability to provide and improve mobile phone coverage to its existing and future customers within Port Hedland; and
- that minimizes its visual impact by utilizing existing towers or redeveloping public infrastructure.

In order to achieve these objectives the application proposes to replace the existing FESA radio communications tower. The communications equipment from the existing FESA tower will be transferred onto the new tower. The proposed height and scale of the new tower is necessary to ensure that adequate coverage is provided for patrons.

FESA: Improved Emergency Services and Communications

In discussions with FESA the replacement tower will provide the State

agency with a more solid communications structure that will improve radio communications. According to FESA the existing tower needs significant maintenance and redevelopment.

Perceived Health Risks (ATTACHMENT G)

The Electromagnetic Energy (EME) exposure levels produced by the Mobile phone tower are required to comply with the Australian Communications and Media Authority regulatory arrangements, and any other relevant Australian Safety Standards and OH&S Regulations. The maximum EME levels produced by the tower, is no more than 0.49% (being half of 1%) of the maximum 100% of the public exposure limit.

Impact on Future Development of Lot 41

Whilst the majority of the objections received from Greg Rowe and Associates on behalf of their client the owner / developer of Lot 41 Edgar Street have been debated. The submission from Greg Rowe and Associates correctly indicates that:

“Consideration should be given to any approved residential (or other “Sensitive”) land use in the proximity to the subject site when considering the proposed telecommunications facility”.

In this regard due consideration has been given to the accommodation component of the development on Lot 41 Edgar Street. The development is not primarily residential with only 6 approved residential apartments and 14 holiday accommodation units and 2 commercial tenancies being part of the approval.

The Planning Department has utilised the Residential Design Codes, as a gauge to ascertain the sight lines/cone of vision from the approved development on lot 41 to the proposed tower (ATTACHMENT H). The sight lines/cone of vision indicates the tower will not lie within the cone of vision of any of the windows / balconies of the approved building. This is attributed to the good design of the development on Lot 41, considering the existing tower has been present for a number of years (prior to any design work being done)

If Lot 60 and 59 are to be developed in a similar manner as indicated by Greg Rowe and Associates, this resultant development is likely to have a far greater impact on the views from the development on Lot 41 Edgar Street than the currently proposed Tower.

Applicants Response

The applicants response is attached as ATTACHMENT I

Options

Council has the following options when considering the application:

1. Approve the application subject to conditions.

The approval of the application would result in the following:

- a minimal impact on the area given that it seeks to replace an existing tower.
- will improve the existing mobile services within the area attracting business operators and tourists.

It is the Planning Departments opinion that the proposed development is consistent with the objectives of the Town Planning Scheme and precinct objectives of the Port Area Town Centre.

2. Refuse the application

The refusal of the application may result in the following outcome:

- Optus would be required to relocate the proposed tower elsewhere in the vicinity due to their coverage requirements. This may result in 4 towers (FESA radio tower, Telstra tower and two Optus Towers to achieve the same service coverage as being proposed) being located within relatively close proximity. Whilst it must be acknowledged that towers do pose a visual impact no matter how minimal, co-location of uses should be encouraged to minimize any potential visual impact.

Summary

Taking into consideration all the above information, it is the Planning Departments opinion that the application has sufficient merit from a planning perspective to be considered favourably. Therefore it is recommended that option 1 be considered.

However, it must be acknowledged that comments from the community must be taken into consideration by Council when making a determination. Should Council resolved to refuse the application the following is recommended.

That Council refuses the location of the proposed telecommunication tower, and advises Optus to investigate alternative locations where residential development has not been approved.

Attachments

- Attachment A – Locality Plan
- Attachment B – Existing Development
- Attachment C – Proposed Development
- Attachment D – Alternative Sites
- Attachment E – Possible Co-location sites
- Attachment F – Written submissions
- Attachment G – Environmental EME Report
- Attachment H – Cone of vision for Lot 41 (19) Edgar Street Port Hedland
- Attachment I – Letters from FESA and Applicant

Officer's Recommendation

That Council approves the application submitted by Aurecon on behalf of the Optus, to construct a proposed INFRASTRUCTURE – Telecommunications Facility on Lot 59 McKay Street, Port Hedland subject to the following conditions:

- a) This approval relates only to the proposed INFRASTRUCTURE – Telecommunications Facility and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
- b) The structure must only be used for purposes, which are related to the operation of “*Infrastructure*” use. Under the Town of Port Hedland’s Town Planning Scheme No. 5 “*Infrastructure*” is defined as:

“physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include industry.”
- c) 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.
- d) Prior to the commissioning of the telecommunication tower, the existing FESA radio communication tower is to be removed.

FOOTNOTES:

- a) You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building and health requirements

- b) The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval 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.
- c) Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.

201011/206 Council Decision

Moved: Cr A A Carter

Seconded: Cr D W Hooper

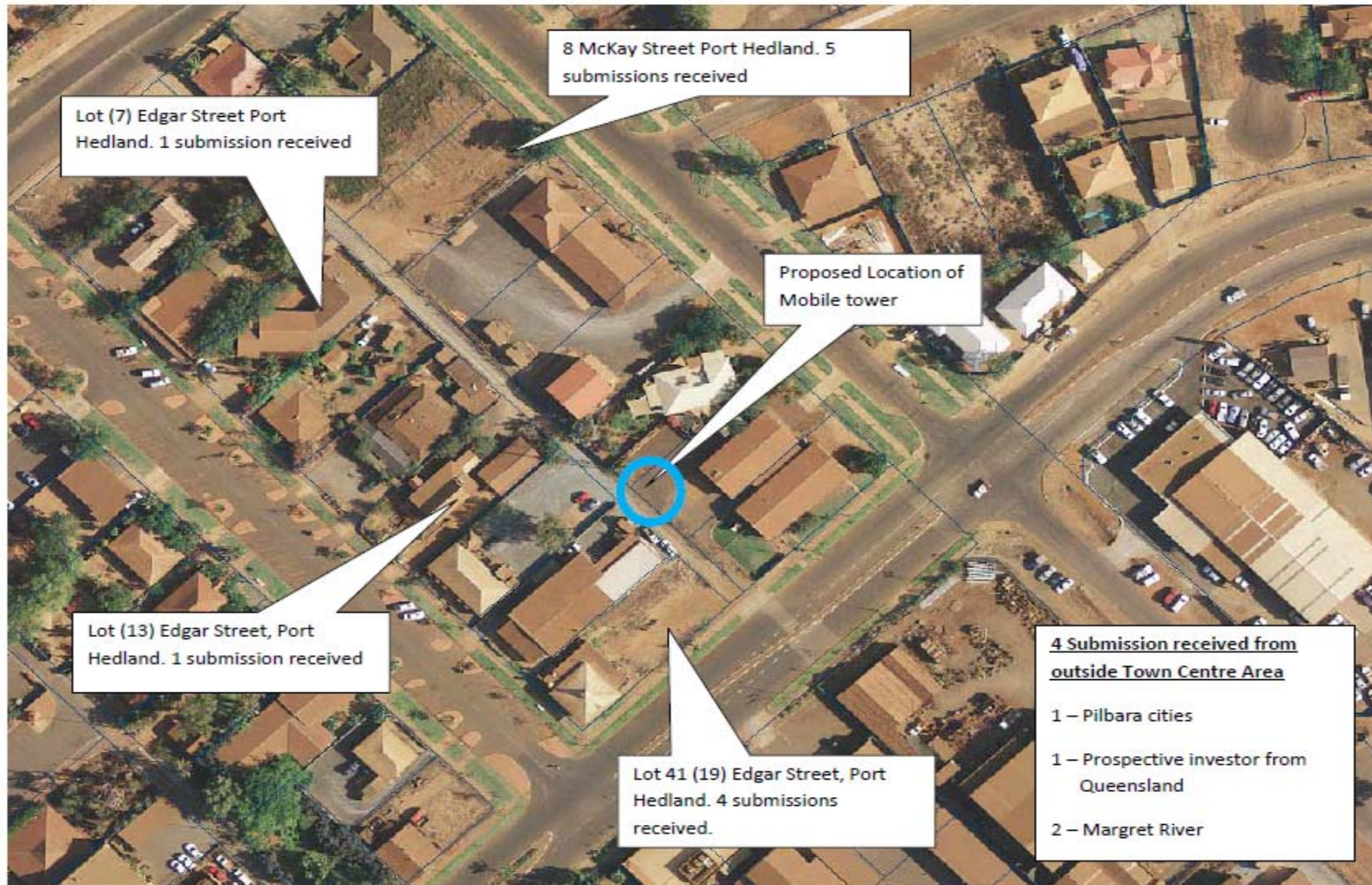
That Council:

1. REFUSES the proposed location of the application submitted by Aurecon on behalf of the Optus, to construct a proposed INFRASTRUCTURE – Telecommunications Facility on Lot 59 McKay Street, Port Hedland, and advises Optus to investigate alternative locations.
2. Authorises the Chief Executive Officer or his delegate to assist Optus in locating a suitable location for the construction of a Telecommunications Facility.

CARRIED 7/0

REASON: Council decided to refuse Aurecon's application given the feedback received from the community.

ATTACHMENT A

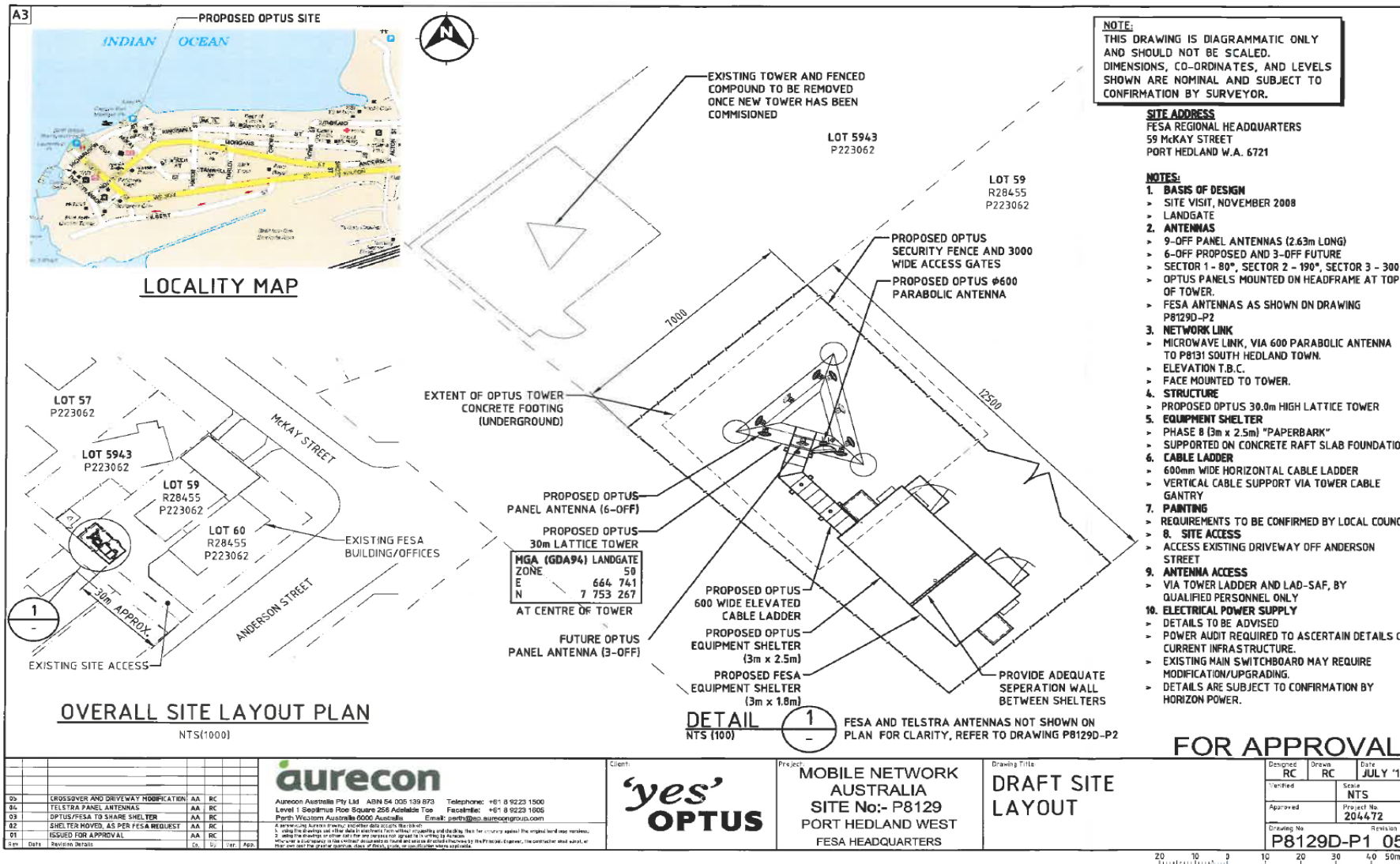


Attachment A: Locality Plan

Attachment B: Existing Tower



ATTACHMENT C (a)



K:\OPTUS\LANDGATES\PORT HEDLAND\PORT HEDLAND WEST\HARDTOP PLUS\VEGA SITE\PR21\PORT HEDLAND WEST\LOS FOR DA ONLY.DWG

01	CROSSOVER AND DRIVEWAY MODIFICATION	AA	RC
02	TELSTRA PANEL ANTENNAS	AA	RC
03	OPTUS/FESA TO SHARE SHELTER	AA	RC
04	SHELTER MOVED, AS PER FESA REQUEST	AA	RC
05	ISSUED FOR APPROVAL	AA	RC

aurecon

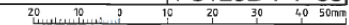
Aurecon Australia Pty Ltd ABN 54 005 139 873 Telephone: +61 8 9223 1500
 Level 11, Scrymgeour Place, 256 Adelaide Terrace, Perth Western Australia 6000 Australia Facsimile: +61 8 9223 1005
 Email: perth@au.aurecongroup.com

Client: **'yes' OPTUS**

Project: **MOBILE NETWORK AUSTRALIA**
SITE No:- P8129
PORT HEDLAND WEST
FESA HEADQUARTERS

Drawing Title: **DRAFT SITE LAYOUT**

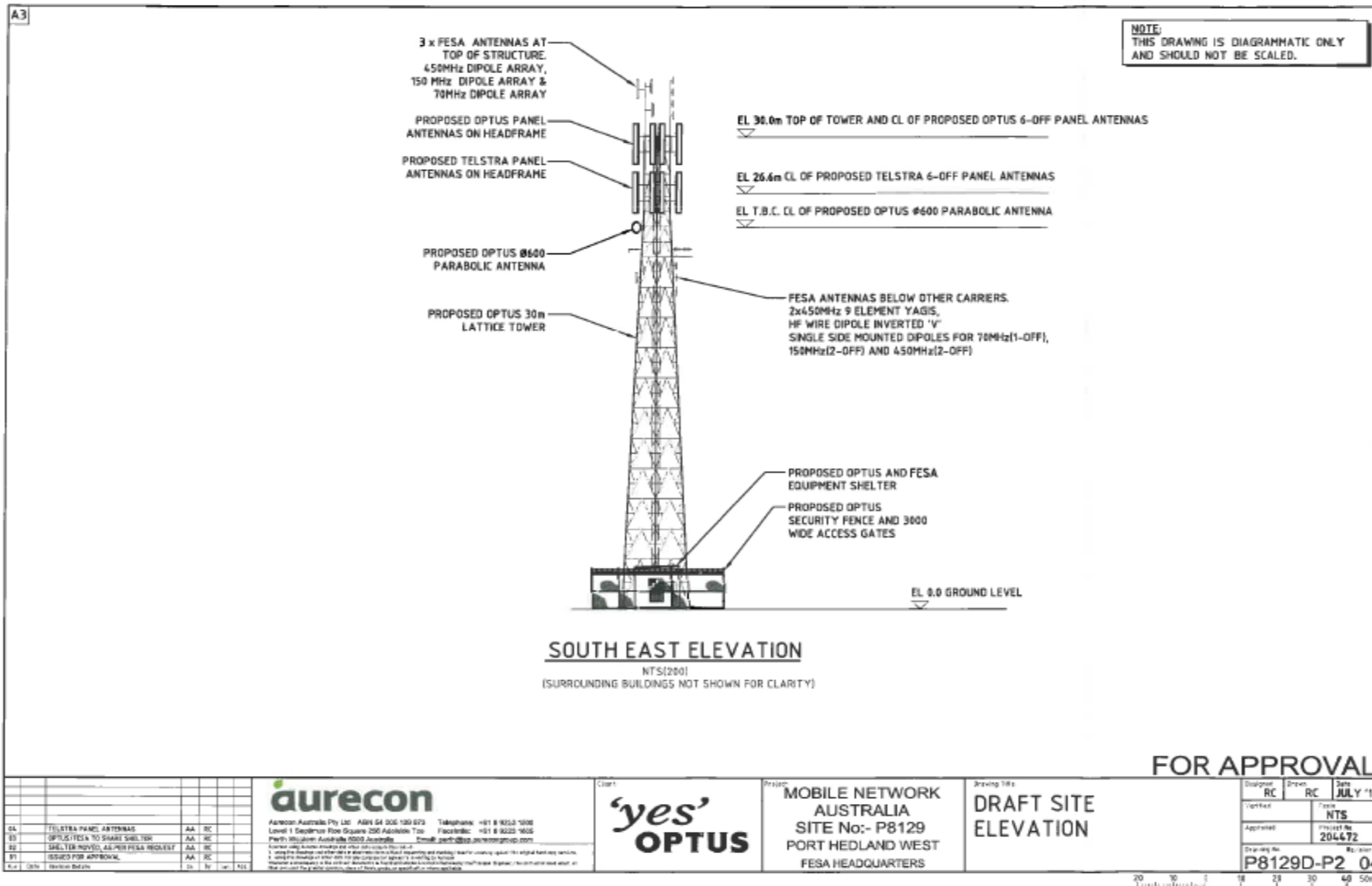
Designed	RC	Drawn	RC	Date	JULY '10
Checked		Scale			NTS
Approved		Project No.			204472
Drawing No.	P8129D-P1		Revision	05	



ATTACHMENT C (b)
Attachment C - Proposed Tower



ATTACHMENT C (c)



ATTACHMENT D



Attachment D: Alternative Locations

ATTACHMENT E



Attachment E: Possible Co-Location

ATTACHMENT F

Our Ref: 6899

22 November 2010

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

Sent Via Email: po@porthedland.wa.gov.au

Attention: Mr Ryan Djanegara

Dear Sir

Objection – Proposed Telecommunications Facility at Lot 59 McKay Street, Port Hedland

Greg Rowe and Associates acts on behalf of Peringillup Nominees Pty Ltd and Australian Timber Craft Products Pty Ltd ('Clients') with respect to this objection against the proposed Telecommunications Facility at Lot 59 McKay Street, Port Hedland ('the subject site'). Our Clients are the landowners and developers of Lot 41 (No. 19) Edgar Street, Port Hedland ('Lot 41'), which is adjacent to the subject site. Our Clients object to the proposed Telecommunications Infrastructure at the subject site for a variety of reasons.

Planning approval was granted by the Town of Port Hedland for six (6) residential apartments, 14 holiday units and two (2) commercial tenancies at Lot 41. At this juncture, a Building Licence has been issued by the Town of Port Hedland for the mixed use development at Lot 41. Lot 41 lies immediately south of the subject site and is separated from the subject site by a right of way ('ROW').

In reviewing the Application documentation, we understand planning approval is sought for the following proposal:

The proposal includes the replacement of existing 23m FESA tower with 30m triangular lattice tower. The new 30m tower is to be built with the FESA equipment being transferred from the old 23m mast. The new mast is to accommodate six (6) panel antennas (current) and three (3) panel antennas (future) on a triangular headframe, one (1) 600mm parabolic antenna, and one (1) ground level equipment shelter. The proposed equipment shelter for FESA and Optus will be coloured 'Paperbark' and located within a fenced compound immediately adjacent to the proposed tower.

The proposed Telecommunications Facility is located at the rear of Lot 59 and directly abuts ROW, which links Anderson and Richardson Streets.

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

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-1-

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Greg Rowe & Associates Pty Ltd

Town of Port Hedland Town Planning Scheme No. 5

Under the provisions of the Town of Port Hedland Town Planning Scheme No. 5 (TPS 5), the subject site (and Lot 41) is zoned "Town Centre" Zone and is located in the "Port Area Town Centre" Development Plan Area ("PATC").

It is our understanding, notwithstanding the Applicant's view that the proposed Telecommunications Facility is a 'use not listed' under the provisions of TPS 5, that the Town will be assessing the Application as an "Infrastructure" land use. TPS 5 defines "Infrastructure" as:

***Infrastructure** physical equipment or systems, such as cables, pipelines, roads, railways, conveyors and pumps constructed, operated and maintained by a public authority or private sector body for the purposes of conveying, transmitting, receiving or processing water, sewerage, electricity, gas, drainage, communications, raw materials or other goods and services, but does not include industry.*

"Infrastructure" is an "AA" land use within the "Town Centre" Zone, meaning it is a land use that is not permitted unless Council has granted planning approval. There are a number of factors that Council must consider when determining whether the land use is appropriate for the subject site. Our review of the Application has revealed a number of flaws and (what we consider) a weak justification for the proposed Telecommunications Facility at the subject site.

It is important to note that under the provisions of TPS 5, residential development can occur in the "Town Centre" Zone to a maximum density of R50.

In relation to the objectives of the PATC relevant to the subject site and its surrounds (including Lot 41), TPS 5 states the following (underlining is our emphasis):

The precinct objectives for the Port Area Town Centre precinct are to:

- (a) consolidate the town centre status of the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function,
- (b) consolidate existing development,
- (c) ensure there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to design which are consistent with the climatic and cultural context of the precinct,
- (d) make safe, efficient and convenient provision for pedestrian movement, road transport and car parking, and
- (e) improve the utility and appearance of public spaces and street furniture.

Western Australian Planning Commission State Planning Policy No. 5.2 – Telecommunications Infrastructure

State Planning Policy No. 5.2 – Telecommunications Infrastructure (SPP 5.2) applies to: the zoning, subdivision and development of land throughout Western Australia in respect of all telecommunications infrastructure other than those facilities exempt under the Telecommunications Act. SPP 5.2 contains a number of policy provisions that guide the location, siting and design of telecommunications infrastructure. We outline below those relevant to the proposed Telecommunications Facility at the subject site (underlining is our emphasis).

Telecommunications infrastructure should be located, sited and designed in accordance with the following Guiding Principles:

- » There should be a co-ordinated approach to the planning and development of telecommunications infrastructure, although changes in the location and demand for services require a flexible approach.
- » Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply.
- » Telecommunications facilities should be designed and sited to minimise any potential adverse visual impacts on the character and amenity of the local environment, in particular impacts on prominent landscape features, general views in the locality and individual significant views.
- » Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.
- » The design and siting of telecommunications towers and ancillary facilities should be integrated with existing buildings and structures, unless it is impractical to do so, in which case they should be sited and designed so as to minimise any adverse impact on the amenity of the surrounding area.

It is our view that the Applicant has failed to adequately address the above criteria. The detailed reasons for our objection will be outlined below and take into consideration the provisions of TPS 5 and SPP 5.2.

Reasons for Objection

There are a variety of factors that attribute to the reasons we (on behalf of our Clients) object to the proposed Telecommunications Facility at the subject site.

The Telecommunications Facility is located approximately 25 metres from the northern-most portion of the proposed building at Lot 41. This is in contrary to the comments made by the Applicant (in the Application) whereby it is stated that: *the site is within 100m from the nearest residences to the north of the site, on the opposite side of McKay Street.* Consideration should be given to any approved residential (or other "sensitive") land use in proximity to the subject site when considering the proposed Telecommunications Facility. This is of key concern to our Client as the replacement of the existing Tower with a Tower of greater height and bulk (due to the additional Optus infrastructure) will have a detrimental impact on the amenity of the locality particularly in proximity to Lot 41 (and immediate surrounds). The proposal would significantly blight the Port Hedland Town Centre and be a visually intrusive (and dominant) structure.

The proposed Tower, given its additional bulk and scale above and beyond the specifics of the existing Facility, does not accord with the precinct objectives of the PATC. The proposed Telecommunications Facility does not strengthen/consolidate the town centre status of the precinct and [does not] redefine and optimise its visual quality, nor does the proposal ensure there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to design which are consistent with the climatic and cultural context of the precinct.

The Town of Port Hedland (via the Port Hedland Strategic Plan) and State Government (via Pilbara Cities) have both made a clear commitment in ensuring Port Hedland becomes a "City of the North" accommodating a population of 50,000. Achieving the vision and objectives of both entities to transform Port Hedland into a "City of the North" becomes questionable when structures similar to the proposed Telecommunications Facility at the subject site are (if approved and constructed) located in the "Town Centre" Zone of (what is envisaged to be) the "City of the North". The proposal is contrary to TPS 5 and DC 5.2 provisions and the broader objectives of the Port Hedland Strategic Plan and Pilbara Cities vision for the Port Hedland "city" centre. The proposal will not assist in transforming the Port Hedland town centre into an attractive environment.

The "Town Centre" Zone and adjacent residential areas are earmarked for intensification and infill development. On this basis, the area could see a major transformation (similar to the development proposed at Lot 41) with many more residences being located in proximity to the subject site (i.e. abutting the proposed Telecommunications Facility). This would prove detrimental to the amenity/interface with all new developments within the PATC precinct and immediate surrounds. As outlined, under the current provisions of TPS 5, residential development may occur to in the "Town Centre" Zone to a maximum density of R50.

The subject site is located in proximity to "Industry/" and "Other Public Purposes – Port Facilities" zoned land. The proposed Telecommunications Facility would be better suited outside of the "Town Centre" Zone (i.e. on adjacent "Industry" or "Other Public Purposes – Port Facilities" zoned land). Arguably, the mobile coverage afforded by relocating the proposed Tower to a location south of the subject site would be similar to that offered at the subject site. The amenity of the adjacent "Industry" or "Other Public Purposes – Port Facilities" zoned land would not be as compromised as the "Town Centre" Zone in accommodating such a proposal.

Summary and Conclusion

The following planning arguments should be carefully considered by the Town of Port Hedland as part of the assessment of the proposed Telecommunications Facility at the subject site:

- » The replacement of the existing Tower with a Tower of greater height and bulk (due to the additional Optus infrastructure) will have a detrimental impact on the amenity of the locality particularly in proximity to Lot 41 (and immediate surrounds).
- » The proposal would significantly blight the Port Hedland Town Centre and be a visually intrusive (and dominant) structure.
- » The proposed Tower, given its additional bulk and scale above and beyond the specifics of the existing Facility, does not accord with the precinct objectives of the "Port Area Town Centre" Development Plan.
- » The proposal is contrary to TPS 5 and DC 5.2 provisions and the broader objectives of the Port Hedland Strategic Plan and Pilbara Cities vision for the Port Hedland "city" centre.
- » The proposal will not assist in transforming the Port Hedland town centre into an attractive environment.

- » The "Town Centre" Zone and adjacent residential areas are earmarked for intensification and infill development (similar to the development proposed at Lot 41) with many more residences being located in proximity to the subject site (i.e. abutting the proposed Telecommunications Facility). This would prove detrimental to the amenity/interface with all new developments within the PATC precinct and immediate surrounds.
- » The proposed Telecommunications Facility would be better suited outside of the "Town Centre" Zone (i.e. on adjacent "Industry" or "Other Public Purposes – Port Facilities" zoned land).

Given the various concerns outlined above, we respectfully request the Town of Port Hedland **refuse** the proposed Telecommunications Facility at Lot 59 McKay Street, Port Hedland.

Should you require any further information or clarification in relation to this matter, please contact Paul Cunningham on 9221-1991.

Yours faithfully

GREG ROWE AND ASSOCIATES



PAUL CUNNINGHAM
Pilbara Office

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

Roz Yakas
6 Daydream Court
Cannonvale QLD 4802

22 November 2010

Mayor Kelly Howlett
Town of Port Hedland
PO BOX 41
Port Hedland WA 6721

Via email: council@porthedland.wa.gov.au

Dear Mayor,

I am writing as a prospective investor in Port Hedland real estate to object to the proposal to construct an Optus Telecommunications Tower in the town centre.

I would like to make comment on the submission that Aurecon made on behalf of the proponents of the tower. Aurecon states that it is replacing the FESA tower that is already on the site. The information and diagrams supplied by Aurecon show that the proposed new tower is not consistent with the size and dimensions of the existing tower. The base of the proposed tower is four to five times larger, much taller and bulkier than the existing tower. The existing tower tapers off whereas the proposed tower boasts six panel antennas and numerous other communication aids. The proposed tower is an eye-sore and not consistent with the town-centre zoning in which it will be located.

Aurecon mention that the siting of the new tower is at least 100 metres from the nearest residence. Given that the precinct is zoned 'town centre' there are at least 15 properties (within 100 metres) that could have a mix of residential and holiday accommodation properties found on them. The high density of the precinct means that this area could contain upwards of 300 apartments for residential or holiday accommodation and for commercial use. Aurecon's claim that the closest residence is 100 metres away is misleading as the shire of Port Hedland has zoned this area to accommodate dense urban development. In Aurecon's submission 5.14 (c) and (d) it mentions that any development should not be in an area where there is a likelihood of an area being a community sensitive location and (d) states that "community sensitive locations should be avoided". In reality the new tower cannot be "buffered" because of the size and bulk of its structure and rather than being 100 metres from the nearest residence as mentioned previously there will be holiday and residential accommodation

within close proximity. The existence of an obtrusive telecommunications tower in such close proximity to many tourism attractions would be detrimental to what otherwise would be a dynamic and vibrant inner city area. The town planning scheme 5 states that "any development or use should be consistent with the objectives and purposes of the particular zone or precinct." It goes on to say that "the development use will not impact on future development of the town area." It also states that "designed and sited to minimise any potential impact on the character and amenity of the surrounding area."

Port Hedland, I believe there are several areas that are genuinely attractive for residential investment. It is therefore disappointing to learn that Council is now considering a mobile phone tower in one of these areas.

I urge you to reject this application in the better interests of Port Hedland's future development.

Yours sincerely



Roz Yakas

Andrei Koeppen
6 Daydream Crt
Cannonvale Qld 4802

andrei@koeppen.com.au

22 November 2010

Mayor Kelly Howlett
Town of Port Hedland
PO BOX 41
Port Hedland WA 6721

Via email: council@porthedland.wa.gov.au

Dear Kelly,

I am writing to voice my concern at the proposal to construct an Optus Telecommunications Tower in the town centre.

I have visited Port Hedland numerous times over the past three years and I hold the town in high regard for its character and coastal location. I believe there are several areas that are genuinely attractive for residential investment. It is therefore disappointing to learn that Council is now considering a mobile phone tower in one of these areas.

Clearly the bulk and scale of the proposal is out of character for the Port Hedland town centre. In my view, the proposed tower would be better suited outside of the town centre, perhaps on land that has been zoned industrial or similar. Moreover, the proposal is not in keeping with the amenity and existing character of the Port Hedland town centre. I also understand the proposed tower does not accord with the "Port Area Town Centre" precinct objectives as it does not ensure continuity in the character of old and new structures; and the proposal will not assist in transforming the Port Hedland town centre into an attractive environment.

I urge you to reject this application in the better interests of Port Hedland's future development.

Yours sincerely



Andrei Koeppen

Ryan Djanegara

From: Wayne Hickey [hickey@netserv.net.au]
Sent: Monday, 22 November 2010 9:30 PM
To: Ryan Djanegara
Subject: Submission against Tower to be located at 59 McKay St Port Hedland

Dear Sir,

Please find below our submission on the tower proposed for 59 McKay Street Port Hedland.

We would like to comment on the submission that Aurecon made on behalf of the proponents for replacing the FESA tower on the above mentioned site with a new tower. Looking at the South East elevation drawing it is fifteen metres taller than the current tower, it looks uglier, appears wider and is more obvious than the current tower. The bulk and scale of the proposal is out of character for the Port Hedland town centre and will be an eyesore.

In Aurecon's submission 5.14 (c) and (d) it mentions that any development should not be in an area where there is a likelihood of an area being a community sensitive location and (d) states that "community sensitive locations should be avoided". In reality the new tower cannot be "buffered" because of the size and bulk of its structure and rather than being 100 metres from the nearest residence as mentioned previously there will be holiday and residential accommodation within close proximity.

The existence of an obtrusive telecommunications tower in such close proximity to many tourism attractions would be detrimental to what otherwise would be a dynamic and vibrant inner city area.

The town planning scheme 5 states that "any development or use should be consistent with the objectives and purposes of the particular zone or precinct." It goes onto say that "the development use will not impact on future development of the town area." It also states that "**designed and sited to minimise any potential impact on the character and amenity of the surrounding area.**"

As the proposal is not in keeping with the amenity and character of Port Hedland it should be built in an area outside of the "Town Centre Zone" The proposal will not assist in transforming the Port Hedland town centre into an attractive environment.

Personal Note

We are part owners of Lot 59 McKay St Port Hedland and are presently working on a DA for our property. We were totally unaware when purchasing the property that we would be faced with such an eyesore being constructed in an "Inner City" location. With a substantial Tower on the property the development of the property could be compromised.

Yours sincerely,

Wayne and Nola Hickey

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Ryan Djanegara

From: Garry [crozierroad@bigpond.com]
Sent: Wednesday, 24 November 2010 1:37 PM
To: Ryan Djanegara
Cc: Kelly Howlett; Arnold Carter; Stan Martin; crgillingham@porthedland.wa.gov.au
Subject: RE: OBJECTION TO TELECOMMUNICATION TOWER - FESA RESERVE 59 MCKAY ST PORT HEDLAND.

Dear Sir/Madam

Re: Objection to Telecommunication Tower upgrade for FESA at lot 59 McKay Street, Port Hedland.

As we are joint owners of 8 McKay Street, Port Hedland and are in the process of planning for the commencement of building on this land in the near future we wish to submit an objection to the proposed tower on lot 59 McKay St.

We wish to advise we understand the importance and necessity for the replacement of the above mentioned tower but wish to make the following points to back up our objection.

- a. The bulk and scale of the proposal is out of character for the Port Hedland town centre;
- b. The proposal is significantly larger in height and much larger in bulk than the existing FESA structure
- c. The proposed Telecommunications Tower would be better suited outside of the "Town Centre" Zone (i.e. better suited in the adjacent "Industry" or "Other Public Purposes – Port Facilities" zoned land);
- d. The proposal is not in-keeping with the amenity and existing character of the Port Hedland town centre;
- e. The proposed Telecommunications Tower does not accord with the "Port Area Town Centre" precinct objectives as it does not ensure continuity in the character of old and new structures; and
- f. The proposal will not assist in transforming the Port Hedland town centre into an attractive environment.

Thank you for your consideration.

Lynley & Garry Madson,

PO Box 959, Margaret River, WA 6285 [Phone; 0427 203955]

Ryan Djanegara

From: wendyhenderson5@bigpond.com
Sent: Monday, 22 November 2010 9:46 PM
To: Ryan Djanegara
Subject: Submission against proposed Telecommunications Tower

Dear Sir

We own property in McKay St and are presently working on a DA for our property. Our property will be a mix of holiday/residential and commercial. We have concerns about the proposed renewal of the Telecommunications Tower to be located at 59 McKay St Port Hedland.

Our concerns are as follows:

1. The location of such a tower in the town centre precinct, which is well visited by tourists who can enjoy the Port and existing **cafes** and other attractions such as the Art Gallery. This tower will make this area unappealing to those visiting and wishing to spend holidays in the area.
2. Would not be aesthetically consistent with the area or character of the "Port Area town centre".
3. May not be consistent with town zoning.
4. This tower will be an eye sore to those residents already living in the area. This may indeed have a negative impact on those wishing to reside in Port Hedland.
5. Will not assist in transforming the Port Hedland town centre into an attractive environment.

We hope this issue will be discussed by councillors and not by an officer in isolation. This area will be the most built up area in Port Hedland and we would be very disappointed to see this proposal proceed.

Regards

Peter and Wendy Henderson
14 Kapang Drive
PO Box 3280
Broome
WA 6725

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For more information please visit <http://www.messagelabs.com/email>



Ph: 08 97551132 Fax: 08 97551131
P.O. Box 5015 West Busselton 6280
Email: rowena@aussiebroadband.com.au

Ref: P8129

22/11/10

To whom this may concern

It was recently come to my attention that there is currently a proposal in for consideration to council for the construction of a Telecommunications Tower in the vicinity of McKay St Port Hedland.

As an Owner of a nearby premises being 7 Edgar Street, I feel the need to comment and voice my disapproval at this current proposed and eventual construction eyesore.

I feel it does not add to the ascetics of the proposed developments within the CBD district of the Town of Port Hedland & I truly believe that this tower will become a deterrent for prospective purchases of some of the residential developments that are being considered for this area of the town.

Give the current zoning and planning within this particular area of town, the whole issue raises concerns and questions by myself and my partner, as well as I am sure it does with many others, as to why a Communications Tower of this magnitude would be considered a necessary part of the landscape module? Especially given the planning concept that is in its initial stages, that aims to create a more attractive inner town living centre that will eventually become the beatification of the Port Hedland area.

I am sure that a similar tower can be located elsewhere possibly within a less densely populated area of the town or even better still in the LIA area of Wedgefield that would still service the requirements of the Telecommunication industry that has proposed the building of this structure.

I personally would have no desire to live within close proximity to an emitting devise such as this, especially given the research that is readily available of the potential dangers that are posed to people that experience long term exposure to telecommunication towers such as this.

In closing I would like to register my total disapproval of any construction of this kind within this area, the same applies from my partner and joint owner of the property know as the Edgar Street Medical Centre, being Craig Berryman.

I do hope that the proposal is rejected by council in the best interests of all of the current and future residents of the Port Hedland area and that an alternative location be found that would adequately meet the needs of this service provider elsewhere.

Many thanks
Rowena

Ryan Djanegara

From: veronica@macrorealty.com.au
Sent: Wednesday, 24 November 2010 5:07 PM
To: Ryan Djanegara
Cc: mayorkellyhowlett@porhedland.wa.gov.au; Arnold Carter
Subject: Objection to the proposed Optus tower

To who it may concern, I am writing to lodge a formal objection to the proposed Optus tower at 59 McKay Street Port Hedland. As owners of 12 Wedge Street and potentially 2 and 2A McKay Street, which we currently have a development application submitted for (and are negotiating to purchase), we believe that such a tower is contradictory to the vibrant town centre plans that is described in the town planning scheme for development of the West end of Port Hedland.

We fear that the unsightliness of the tower and common fear associated with such towers would certainly not be good for the area and unattractive to the extent that properties in the vicinity will be devalued and developers less inclined to invest in the area.

We urge council to please give the tower careful consideration and review options to have it positioned away from the heart of the town.

Yours sincerely

Desiree Veronica Macpherson
0410 527 977
veronica@macrorealty.com.au

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PO Box 416, Margaret River, Western Australia 6285
Email wightman@compwest.net.au www.wightmanbuilding.com.au
Telephone 08 9757 3837 Facsimile 08 9757 3844

TO WHOM IT MAY CONCERN

As the part owners of Lot 19 Edgar Street, Port Hedland we are writing to express our serious concern for the proposed erection of the Telecommunication Tower to 59 McKay Street, Port Hedland.

The reason we purchased the land was for the vibrant plan the Town of Port Hedland had for the CBD area. The proximity of this Tower not only to our land, but the whole CBD is completely inconsistent with the cities aspirations for the area.

What is surprising and disappointing is the abundance of industrial, port and public land available in close proximity that the tower could be erected.

If this application was to proceed, not only would it be the death knell for my project, but fail to see how the aspirations of others to go forward would generate. I have not based this submission on all the technical failures of the application, which will be highlighted by others, but hope the basic common sense approach will be taken and the proposal will be rejected for the proposed location.

Our development is at the precipice of commencement with clients ready to sign awaiting the decision on the proposed Tower. Any prolonging of the decision process will be a further financial and emotional burden to our efforts to develop our site.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Wightman', written over a faint, larger version of the company name 'Wightman Building Company'.

Gary & Shelley Wightman

23-11-10

Ryan Djanegara

From: Jennifer Higgins [jeniggins@adam.com.au]
Sent: Tuesday, 23 November 2010 8:17 PM
To: Ryan Djanegara; Kelly Howlett; Arnold Carter; crmartin@porthedland.gov.au; George Daccache; crcoates@porthedland.wa.gov.au; Records
Subject: Fwd: Telecommunications Tower

Begin forwarded message:

From: Jennifer Higgins <jeniggins@adam.com.au>
Date: 23 November 2010 9:42:14 PM ACST
To: po@porthedland.wa.gov.au, mayorkellyhowlett@porthedland.wa.gov.au,
rcarter@porthedland.wa.gov.au, crmartin@porthedland.gov.au,
crdaccache@porthedland.wa.gov.au, crcoates@porthedland.wa.gov.au,
council@porthedland.wa.gov.au
Subject: Telecommunications Tower

Begin forwarded message:

Date: 23 November 2010 6:19:12 PM ACST

Dear Sir (s)/ Madam (s)

I am writing to lodge my objection to the proposed Telecommunications Tower by Optus in 59 Mackay Street, Port Hedland. I am hoping to be a purchaser of a number of properties that are to be located on the corner of Anderson st and Edgar St(lot 41),which is proposed to be a mix of commercial and residential. The possible purchase of these lots were influenced by your councils stated objective to transform the Port Area into a attractive commercial and residential centre for holiday makers and residents. This Tower could not be a worse addition to this location with these objectives in mind as our ambition is to provide a quality location for our new business(dental surgery) and a pleasant and safe enviroment for our staff to work and live cannot be met.

The proponents of this development will allow us to withdraw from the purchase of these lots if the tower proceeds (in any form). Visually the tower is objectable and the perceived healths risks(proven or unproven) will affect the enjoyment we would otherwise derived from the location

We strongly object to the erection of this tower and would ask that council give this matter complete consideration, my objections are namely:

1. This proposal is much large in bulk and scale than the existing tower in the precinct
2. The proposal in out of character with the "Port Area Town Centre" objectives particularly in transforming it into an attractive environment
3. Such Towers are much better suited to Industry areas rather than residential, commercial areas such as the Port Area
4. The proposal makes no mention of the scope of development that is feasible for the area to become a 'town centre" , they mention the tower is 100 metres away from the closest residence without taking into account future projects and those already underway

5. The close proximity of such a tower to tourist sites and attractions within the tower will be detrimental to developing a vibrant inner town area.

Yours Sincerely,

Jennifer and Roger Higgins

(08)89413387

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The logo for Tectonics, featuring the word "Tectonics" in a bold, white, sans-serif font on a dark grey rectangular background.

building
design
construction

Chief Executive Officer
Town of Port Hedland
Civic Centre McGregor St
Port Hedland WA 6712

Re: Proposed Telecommunications Facility No 59 McKay St Port Hedland

Dear Sir/Madam

Recently I have become aware of the abovementioned proposal and wish to provide the following submission indicating my strong objection to the project in the proposed location.

I am the Director and principle Designer of a Design and Construction business based in Margaret River.

Although I am a resident of the South-West I have been involved in several projects in the Pilbara.

The projected expansion and 'vision' for Port Hedland highlights an attractive and vibrant city centre and placing a 30 metre Telecommunications mast on a fenced off site will surely have a significant detrimental impact on any such scheme. Locating such a facility within the Town Centre will obviously have a negative impact on surrounding property values and consequently developers, retailers, and businesses people will be reluctant to take up tenancy nearby resulting in what would be considered a 'second rate' precinct surrounding the site.

An additional issue is the negative public perception of health issues generated by such facilities. Although there is no evidence of proximity to Communication Towers resulting in poor health the perception remains leading to a general negative attitude to areas immediately surrounding the site.

I believe it would be prudent for Shire Planning staff to inspect the Town Centre Precinct of any of our Modern major Regional Centres and it will be difficult to find a 30m communications tower placed at ground level at such a central location to shops, businesses, and high density residential developments.

Yours Faithfully
Peter Lea

A handwritten signature in black ink, appearing to read "Peter Lea".

P: 08 9757 9020
F: 08 9758 7145
E: info@tectonics.net.au
PO Box 1458 Margaret River WA 6285

Ryan Djanegara

From: Leonard Long
Sent: Wednesday, 24 November 2010 7:31 PM
To: Ryan Djanegara
Subject: FW: submission agaisnt Tower (to be located at 59 MacKay st Pt Hedland)

From: Neville and Kerrie Veitch [veitch7@hotmail.com]
Sent: Wednesday, 24 November 2010 1:54 PM
To: Ryan Djanegara; Leonard Long
Subject: FW: submission agaisnt Tower (to be located at 59 MacKay st Pt Hedland)

Subject: FW: submission agaisnt Tower (to be located at 59 MacKay st Pt Hedland)

Dear Sir,

Please find below my submisssion on the tower that is proposed for 59 McKay Street.

I would like to make comment on the submission tht Aurecon made on behalf of the proponents of the tower. Aurecon states that it is replacing the FESA tower that is already on the site. The information and diagrams supplied by Aurecon show that the proposed new tower is not consistent with the size and dimensions of the existing tower. The base of the proposed tower is four to five times larger, much taller and bulkier than the existing tower. The existing tower tapers off whereas the proposed tower boasts six panel antennas and numerous other communication aids. The proposed tower is an eye-sore and not consistent with the town-centre zoning in which it will be located.

Aurecon mention that the siting of the new tower is at least 100 metres from the nearest residence. Given that the precinct is zoned 'town centre' there are at least 15 properties(within 100 mertres) that could have a mix of residential and holidayl accommodation properties found on them. The high density of the precinct means that this area could contain upwards of 300 apartments for residential or holiday accommodation and a for commercial use. For Aurecon to mention that the closest residence is 100 metres away is misleading as the shire of Port Hedland has zoned this area to accommodate dense urban development.

In Aurecon's submission 5.14 (c) and (d) it mentions that any development should not be in an area where there is a likelihood of an area being a community sensitive location and (d) states that "community sensitive locations should be avoided". In reality the new tower cannot be "buffered" because of the size and bulk of its structure and rather than being 100 metres from the nearest residence as mentioned previously there will be holiday and residential accommodation within close proximity.

The existence of an obtrusive telecommunications tower in such close proximity to many tourism attractions would be detrimental to what otherwise would be a dynamic and vibrant inner city area.

The town planning scheme 5 states that "any development or use should be consistent with the objectives and purposes of the particular zone or precinct." It goes onto say that "the development use will not impact on future development of the town area." It also states that "**designed and sited to minimise any potential impact on the character and amenity of the surrounding area.**"This tower will and must have an impact on the future development in that area. The zoning for that area covers only a small number of streets and given the size of the tower it equates to almost half of the area being visually impacted by the tower.

Personal information;

My family are part owners of lot 41 Edgar st. We purchased the "old chinese restaurant" site some time ago. With encouragement by the shire, and really excited by the options offered by the zoning of the property we secured DA approval and have since secured the building licence. The project offers an innovative building option(logic wall) and consists of 2 commercial lots and 22 apartments. The project will cost in the vicinity of \$14m-\$14.5m to build and to date have spent approx \$2.5m on the project(including shire fees).

We have sold 5 of these properties to a dentist who is looking to establish a modern surgery that is to be opened 7 days a week. His family and staff will be looking to live on site. Since being made aware of the tower proposal, we have had to go back to this prospective purchaser and inform him that a large 30 metre tower is going to be located 25 metres from his new property(s). It now appears that the chap will not purchase the property and it appears likely that the project will not proceed. The tower is double the height of our 4 level development and adjacent to the boundary. The vision for the area was our reason for purchasing the property in the precinct. The shire's hopes and vision for the area was the reason why the dentist wished to establish a high quality practice and live on site.

I would encourage the council to disallow the tower to be built in this area and to refocus on turning this precinct into a mix of residential/commercial opportunitys that Port Hedland deserves.

Neville and Kerrie Veitch 0439914896

•

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Sent: Tuesday, 23 November 2010 5:35 PM

To: po@portheadland.wa.gov.au

Cc: mayorkellyhowlett@portheadland.wa.gov.au; crcarter@portheadland.wa.gov.au;

crmartin@portheadland.wa.gov.au; crdaccache@portheadland.wa.gov.au;

crcoates@portheadland.wa.gov.au; council@portheadland.wa.gov.au

Subject:

Dear Sir (s)/ Madam (s)

I am writing to lodge my objection to the proposed Telecommunications Tower by Optus in 59 Mackay Street, Port Hedland. I am an owner of property in Mackay Street who is presently working on the DA for our property which is proposed to be a mix of commercial and residential. The purchase by our group at this location was influenced by your councils stated objective to transform the Port Area into a attractive commercial and residential centre for holiday makers and residents. This Tower could not be a worse addition to this location with these objectives in mind.

I strongly object to the erection of this tower and would ask that council give this matter complete consideration, my objections are namely:

1. This proposal is much large in bulk and scale than the existing tower in the precinct
2. The proposal is out of character with the "Port Area Town Centre" objectives particularly in transforming it into an attractive environment
3. Such Towers are much better suited to Industry areas rather than residential, commercial areas such as the Port Area
4. The proposal makes no mention of the scope of development that is feasible for the area to become a 'town centre', they mention the tower is 100 metres away from the closest residence without taking into account future projects and those already underway
5. The close proximity of such a tower to tourist sites and attractions within the tower will be detrimental to developing a vibrant inner town area.

I would ask that the council given this matter due consideration to not only the submission of Aurecon on behalf of Optus but to the future needs and plans of property owners within the vicinity particularly in relation to the Town planning scheme 5 .

Yours sincerely

Joanna Veitch

Joanna Veitch
Associate Director
Client Advisor

UBS Wealth Management
Level 16 Chifley Tower
2 Chifley Square
Sydney NSW 2000
Tel. +61-2-9324 3330
Fax +61-2-9324 2220

joanna.veitch@ubs.com <<mailto:joanna.veitch@ubs.com>>

<<http://www.ubs.com/>>

Ryan Djanegara

From: kellieandchris [kellieandchris3@bigpond.com]
Sent: Tuesday, 23 November 2010 3:51 PM
To: Ryan Djanegara
Cc: Kelly Howlett; Arnold Carter; Stan Martin; George Daccache; crgilliingham@porthedland.wa.gov.au; Steve Coates; Records
Subject: Proposed Telecommunications Tower Objection

23/11/2010

Chris & Kellie Veitch
Dabnco Pty Ltd
5 Narroona Drive
Dalyellup, WA 6230
Ph 0897957170
[Kellieandchris3@bigpond.com](mailto:kellieandchris3@bigpond.com)

Dear Sir/Madam

We have recently become aware of the proposal from Aurecon Australia Pty Ltd to construct a telecommunications tower at lot 59 McKay St Port Hedland. As part owners in the development of 8 McKay St, we wish to object to the construction of the proposed tower development on the basis of

1. Prior to deciding to become one of the partners in the purchase and development of 8 McKay St a detailed research was undertaken to determine the viability of the development. We understood there was a desire to keep some of the existing look and feel of the old structures while incorporating the new. Which we believe will make the area more attractive for all concerned. Rather it will be spoiled by the ugly and imposing eye sore of these towers.
2. It is stated that it is replacing the existing FESA tower, but the proposal is significantly larger in height and bulk than the existing tower
3. It is not in-keeping with the amenity and existing character of the Port Hedland town centre
4. The telecommunications tower would be better suited outside of the "town centre" zone. The area in which it is proposed is a high density precinct which can accommodate dense urban development of up to 300 apartments for residents and holiday makers.
5. The proposed tower will not assist to transform town centre in to an attractive environment encouraging Business, residents and tourists in to the area.

We believe the telecommunications tower is not in concurrence with the "Port Area Town Centre" and would be better situated out the town zone for example in adjacent "Industry" or "Other Public Purposes – Port Facilities" zoned land.

Regards,

Elmsfield Investments Pty Ltd
and Woolpack Enterprises Pty Ltd
c/- 6 Westbury Crescent
Bicton WA 6157
23 November 2010

The Manager of Town Planning
c/- Town of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Sir

OBJECTION TO PROPOSED OPTUS TOWER

I am a Director of one of the owners of 13 Edgar St Port Hedland, which backs on to Christies Lane. We understand that Council is considering an application to construct a 30 metre Optus Tower on land adjacent to ours. We object to this proposal in the strongest terms possible for a variety of reasons. Should you require any further information in relation to our objection please do not hesitate to contact me on 0459 186 292.


We would appreciate **you** taking our objection in to consideration when assessing this application.

Yours Faithfully



Stephen Reginald Byers

ATTACHMENT G



**Summary of Estimated RF EME Levels around the Proposed
Mobile Phone Base Station at P8129 Port Hedland West, 59 McKay St, Port Hedland**

Introduction: Date 26/10/2010 NSA Site No (6721012)

This report summarises the estimated maximum cumulative radiofrequency (RF) electromagnetic energy (EME) levels at ground level emitted from the proposed Mobile Phone Base Station antennas at P8129 Port Hedland West 59 McKay St, Port Hedland. Maximum EME levels are estimated in 360° circular bands out to 500m from the base station. The procedures for making the estimates have been developed by the Australian Radiation Protection And Nuclear Safety Agency (ARPANSA)¹. These are documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>

EME Health Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio has established a Radiation Protection Standard² specifying limits for continuous exposure of the general public to RF transmissions at frequencies used by mobile phone base stations. Further information can be gained from the ARPANSA web site.

The Australian Communications and Media Authority (ACMA)³ mandates exposure limits for continuous exposure of the general public to RF EME from mobile phone base stations. Further information can be found at the ACMA website <http://emr.acma.gov.au>

Proposed Site Radio Systems

Proposed Optus UMTS900	Proposed Optus UMTS2100	Proposed Optus GSM900	

Table of Predicted EME Levels – Proposed

Distance from the antennas at P8129 Port Hedland West in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site (% of ARPANSA exposure limits ²) Public exposure limit = 100%
0m to 50m	0.014%
50m to 100m	0.2%
100m to 200m	0.49%
200m to 300m	0.27%
300m to 400m	0.12%
400m to 500m	0.069%
Maximum EME level	
134.94 m, from the antennas at P8129 Port Hedland West	0.49%

Table: Estimation for the maximum level of RF EME at 1.5m above the ground from the proposed antennas assuming level ground. The estimated levels have been calculated on the maximum mobile phone call capacity anticipated for this site. This estimation does not include possible radio signal attenuation due to buildings and the general environment. The actual EME levels will generally be significantly less than predicted due to path losses and the base station automatically minimising transmitter power to only serve established phone calls³. Where applicable, particular locations of interest in the area surrounding the base station, including topographical variations, are assessed in Appendix A "Other areas of interest" table on the last page.

Summary – Proposed Radio Systems

RF EME levels have been estimated from the proposed antennas at **P8129 Port Hedland West** 59 McKay St, Port Hedland. The maximum cumulative EME level at 1.5 m above ground level is estimated to be **0.49 %** of the ARPANSA public exposure limits.

Environmental EME report (2007 ARPANSA Format) Page 1 of 3

Existing Site Radio Systems

There are currently no existing radio systems for this site.

Reference Notes:

1. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).
2. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia. [Printed version: ISBN 0-642-79400-6 ISSN 1445-9760] [Web version: ISBN 0-642-79402-2 ISSN 1445-9760]
3. The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au/>
4. The EME predictions in this report assume a near worst-case scenario including:
 - base station transmitters operating at maximum power (no automatic power reduction)
 - simultaneous telephone calls on all channels
 - an unobstructed line of sight view to the antennas.In practice a worst-case scenario is rarely the case. There are often trees and buildings in the immediate vicinity, and cellular networks automatically adjust transmit power to suit the actual telephone traffic. The level of EME may also be affected where significant landscape features are present and predicted EME levels might not be the absolute maximum at all locations.
5. Further explanation of this report may be found in "Understanding the ARPANSA Environmental EME Report" and other documents on the ARPANSA web site, <http://www.arpansa.gov.au>

Issued by: Currier, Data reference file – 58 McKay St, Port Hedland - 20101026160851

Appendix A

Table of Other Areas of Interest

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site (% of ARPANSA exposure limits ²) Public exposure limit = 100%
POI 1	0m to 1m	0.1%
POI 2	0m to 2m	0.13%

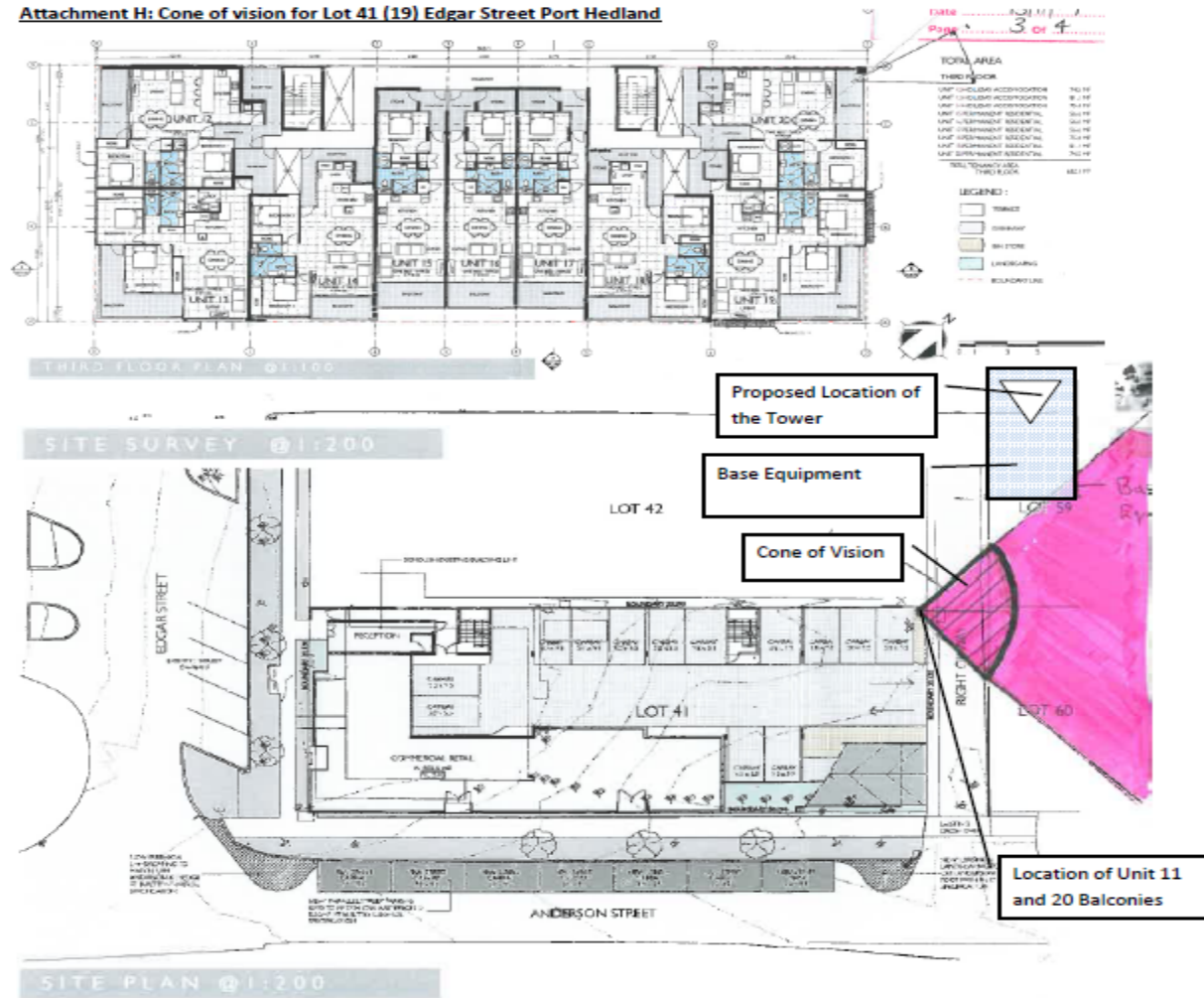
Table: Estimation for the maximum EME levels at selected areas of interest over a height range relative to the specific ground level at the area of interest. This table includes any existing and proposed radio systems.

Estimation Notes / Assumptions – Other Areas of Interest

Variable ground topography has been included in the assessment of the "Other Areas of Interest" as per ARPANSA methodology
Insert other data / notes as required

ATTACHMENT H

Attachment H: Cone of vision for Lot 41 (19) Edgar Street Port Hedland



ATTACHMENT I



Our reference: P8129 Port Headland West

1 December 2010

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

Attention: Leonard Long

Aurecon Australia Pty Ltd
ABN 54 006 139 873
Level 1, Septhius Roe Square
256 Adelaide Terrace
Perth
Western Australia Australia 6000

Telephone: +61 8 9223 1500
Facsimile: +61 8 9223 1605
Email: perth@ap.aurecongroup.com
www.aurecongroup.com

Dear Sir/Madam,

Re: **Proposed Optus Telecommunications Facility - FESA Regional Headquarters No. 59
McKay Street, PORT HEDLAND WA 6721**

I refer to our recent telephone discussions with Leonard Long and Ryan Djanegara's email received 25 November 2010 advising of the objections received during the public advertising period.

Aurecon act on behalf of Optus in regard to the above. We have been instructed by our Client to provide a formal response and address the relevant objections raised by the respondents. Aurecon has reviewed each of the objections forwarded through by the Shire and we have summarised the objections and wish to offer a response to each objection:

- i) ***The replacement of the existing Tower with a Tower of greater height and bulk (due to the additional Optus infrastructure) will have a detrimental impact on the amenity of the locality particularly in proximity to the immediate surrounds.***

Optus in proposing this application is aware and mindful of the amenity impacts that a replacement tower may have on the surrounding locality. In investigating its ability to meet customer demand in this area Optus has considered a number of siting options, including opportunities to co-locate on existing structures and/or public utilities including:

1. G WK Motors – 28 Anderson Street, Port Hedland
2. Co-location Telstra Tower - Lot 5912 Sutherland St, Port Hedland
3. Ports Authority Land
4. United Group Rail – Lot 460 Anderson Street

The G WK Motors site was considered to be a relatively good option given its location within 'Industry' zoned land and large setback from residential properties. Optus negotiated with the landowner however the landowner opted not to proceed with the development.

With respect to the co-location on the Telstra Tower, the site is located within the Residential zone and the subject lot intersects the boundary of an Aboriginal Heritage listed site. In addition, the Telstra site does not meet Optus's objectives provide in-building coverage into the Port Area town centre.

The Ports Authority Land located on Public Purpose reserve was considered to be a good site from a planning perspective, as a low impact candidate. However, the candidate was ruled out due to accessibility issues and a lease could not be secured for the site.

In regard to the United Group Rail site, the majority of the site is within the boundary of an Aboriginal Heritage listed site and would be subject to an Aboriginal Heritage survey. In addition, the property owner declined to proceed with lease discussions.

An extensive site selection process was undertaken by Optus and Aurecon with numerous sites investigated and ruled out due to a range of planning, environmental, servicing and community sensitive concerns. As there are no other Towers or Masts in the area that are structurally appropriate or located such that they could be used to meet the coverage objective, Optus' only option is to proceed with the construction of a new site, and the lowest impact option was considered to be the replacement of the existing FESA tower.

In identifying the FESA site as the preferred option, Optus has undertaken extensive discussions with FESA and identified several areas where Optus's investment will directly benefit the local community. Attached at Appendix B is a copy of the letter of support for the proposal from FESA, which outlines the benefits to FESA's emergency services operations and coverage. In addition, the FESA tower is near the end of its serviceable life and structurally the tower will likely require total replacement in the near future.

In selecting the FESA, Optus has applied the criteria listed in the WAPC's *Policy No. 5.2 Telecommunications Infrastructure* in providing coverage in the locality and realising the social and economic benefits of modern telecommunications. Based on the guiding principles of SPP 5.2, the following guiding principles have been addressed:

- *The facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.*

The proposal is beneficial to FESA, the community of Port Hedland, Optus customers. Replacing the existing structure will deliver an effective and cost efficient Optus network coverage for the existing, outlying and future developments of the Port Hedland town centre and deliver a new structurally sound tower for FESA to locate its radio antennae for the long term benefit of the community.

- *Telecommunications infrastructure has been strategically planned and co-ordinated, similar to planning for other essential services, to meet the needs of customers (both existing and future).*

The site has been strategically planned and co-ordinated by Optus to meet the needs of customers (both existing and future). The proposed structure will accommodate Optus and FESA radio antenna to provide an improve coverage facility for FESA's emergency services operations.

- *The proposed facility has been designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.*

As the proposed tower is replacing an existing communications tower, the development has been designed and sited to minimise any additional adverse visual impact on the character and amenity of the Port Hedland town centre, through reducing the proliferation of tall structures on the skyline.

- ii) ***The proposal would significantly blight the Port Hedland Town Centre and be a visually intrusive (and dominant) structure.***

With respect to perceived visual amenity impacts and visual intrusion stated above in the objection, we are of the opinion that there will be minimal visual difference between the existing and proposed structure despite the additional height and associated panel antennas. The bulk and scale of the existing and proposed structures are relatively similar, therefore the amenity impacts to the surrounding town centre will remain similar.

- iii) ***The proposed Tower is significantly larger in height and much larger in bulk than the existing FESA structure.***

The existing FESA lattice tower structure is 23m in height and the distance from pillar to pillar at the base of the tower approximately 1.5m-2.0m. Optus proposes a 30m lattice tower, with the distance from pillar to pillar at the base of the tower approximately 3.5m-4.0m.

With respect to the additional height of the proposed tower, it will enable *"FESA to position radio antennae at a greater height the current structure and therefore improve the coverage of the radio network. Better radio coverage improves coordination of emergency services, which benefits the community as a whole"*.

Therefore, the potential added value to the community with respect to improved mobile coverage and the provision better radio coverage for FESA's operations far outweigh the additional height of 7m above the existing structure and the proposed replacement structure will not substantially or unreasonably increase the existing impact on amenity caused by the existing 23m FESA tower.

- iv) ***The proposal is contrary to TPS5 and DC5.2 provisions and the broader objectives of the Port Hedland Strategic Plan and Pilbara Cities vision for the Port Hedland city centre.***

It is our understanding and it was also the Shire's planning team advice that *'Telecommunications Infrastructure'* is not defined under the Scheme. Therefore as the use is not specifically listed in the zoning table the local government 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.*

As the proposed tower is replacing an existing radio communications tower, it is our opinion that the development is consistent with the objectives and purpose of the Port Area Town Centre zone. The proposed replacement of the existing lattice tower with a structure built to a higher structural standard achieves the objectives of the Shire's Town Planning Scheme No.5. With respect to WAPC Statement of Planning Policy No 5.2 – Telecommunications Infrastructure, please refer to our response to objection No.1.

This proposal is beneficial to FESA, the community of Port Hedland and Optus customers. Replacing the existing structure will deliver an effective and cost efficient Optus network coverage for the existing, outlying and future developments of Port Hedland town centre and deliver a new structurally sound tower for FESA to locate its radio antennae for the long term benefit of the community.

- v) ***The proposal will not assist in transforming the Port Hedland town centre into an attractive environment and will become a deterrent for prospective purchases of the future commercial, residential and holiday accommodation developments proposed for the area.***

Optus in proposing this application is aware and mindful of the perceived amenity impacts on the existing surrounding area and the future developments of the Port Hedland town centre into a vibrant area. There are many examples in both regional and metropolitan WA where telecommunications infrastructure forms a part of the urban fabric of town centres and contributes to the level of service and

amenity that contributes to the vibrancy of the area. It is our view that there will be minimal visual difference between the existing and proposed structure despite the additional height. It should be noted however that should this application be refused the existing 23m lattice tower will remain on site as this is still an active facility for FESA's operations. The existing structure is near the end of its serviceable life and structurally the tower will likely require a total replacement in the near future.

Replacing the existing structure will deliver an effective and cost efficient Optus network coverage for the existing, outlying and future developments of Port Hedland town centre and deliver a new structurally sound tower for FESA to locate its radio antennae for the long term benefit of the community.

- vi) The proposed telecommunication facility would be better suited outside of the 'Town Centre' zone (i.e. on adjacent 'Industry or 'Other Public Purposes – Port Facilities' zoned land).**

An extensive site selection process was undertaken by Optus and Aurecon with numerous sites ruled out due to a range of planning and environmental constraints and landowner interest. Please refer to our response at objection No.1 demonstrating the numerous candidates that were identified and explored in the site selection process.

As there are no other Towers or Masts in the area that are structurally appropriate or located such that they could be used to meet the coverage objective, Optus' only option is to proceed with the construction of a new tower, and the lowest impact option was considered to be the replacement of the existing FESA tower.

- vii) Such a facility within the Town centre will have a negative impact on surrounding on surrounding property values and consequently developers, retailers, and business people will be reluctant to take up tenancy resulting in a 'second rate' precinct.**

This is not a valid planning consideration. There are several factors that contribute to the value of a property, mainly its general location, proximity to services and general amenity (park, retail, business services) and of great significance is the condition of the property itself and its development potential. Telecommunications infrastructure in the form of a lattice tower have become a relatively common element in the landscape and providing these are discretely located as possible it would be very difficult to discern if land values are affected by the presence of the Telecommunications Infrastructure.

- viii) Potential dangers posed to people that experience long term exposure to telecommunication tower such as this.**

Mobile phone towers produce very weak electromagnetic energy (EME) levels in the everyday environment. Concerns have been expressed that exposure to these levels may cause health problems. However, the weight of national and international scientific opinion is that there is no substantiated evidence that living near a mobile phone tower causes adverse health effects.

The radiofrequency (RF) electromagnetic energy (EME) Report "Summary of Estimated RF EME Levels" around the Proposed Mobile Phone Base Station at P8129 Port Hedland West, 59 McKay St, Port Hedland was provided in our DA submission.

This report summarises the estimated maximum cumulative RF EME levels at ground level emitted from the proposed Optus Mobile Phone Base Station antennas at the proposed site. RF EME levels have been estimated from the proposed Optus antennas at 59 McKay St, Port Hedland. The maximum cumulative EME level at 1.5 m above ground level at any point around the site is estimated to be 0.49%

of the Australian Radiation Protection and Nuclear Safety Agency¹¹ (ARPANSA) public exposure limits². In other terms, the maximum EME level from the proposed development is more than 200 times less than the safe public exposure limits.

The maximum cumulative EME level at 1.5 m above ground level at the Town Centre between 50 and 250m from the proposed site is estimated to be 0.13 % of the ARPANSA public exposure limits²².

Further explanation of this report may be found in "Understanding the ARPANSA Environmental EME Report" and other documents on the ARPANSA web site, <http://www.arpansa.gov.au>

The EME predictions in this report assume a near worst-case scenario including:

- base station transmitters operating at maximum power (no automatic power reduction)
- simultaneous telephone calls on all channels
- an unobstructed line of sight view to the antennas.

In practice a worst-case scenario is rarely the case. There are often buildings or structures in the immediate vicinity, and cellular networks automatically adjust transmit power to suit the actual telephone traffic. The level of EME may also be affected where significant landscape features are present and predicted EME levels might not be the absolute maximum at all locations.

Any other carrier, if they choose to co-locate facilities at this site location, must prepare an EME report to determine the estimated maximum cumulative RF EME levels from their antennas as well as that from the Optus Mobile Phone Base Station antennas and must ensure that the maximum cumulative EME level at the site remains within ARPANSA public exposure limits.

Conclusion

Optus acknowledge the public concerns raised by the community and adjoining landowners of the proposed replacement of the existing 23m FESA lattice tower with a 30m lattice tower to accommodate radio and telecommunication antennae. The above provides a clear background of the site selection process undertaken by Optus to identify potential sites for the placement of a telecommunication facility to meet its network coverage objectives. A number of potential sites were ruled out due to a range of issues and are detailed above.

In addition, we have provided a detailed response and planning arguments against the objections raised by the surrounding landowners and prospective investors.

Overall, this proposal is beneficial to FESA, the community of Port Hedland through improved mobile network coverage and improved telecommunication competition, and Optus customers (existing & future). Replacing the existing structure will deliver an effective and cost efficient Optus network coverage for the existing, outlying and future developments of Port Hedland town centre and deliver a new structurally sound tower for FESA to locate its radio antennae for the long term benefit of the community. We respectfully request the Town of Port Hedland grant development approval for the proposed Optus telecommunication facility at 59 McKay Street, Port Hedland.

¹¹ The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).

²² Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yarrambee Australia.

Should you require clarification or any further information with regard to the above or attached, please do not hesitate to contact the undersigned on 6104 2804.

Yours faithfully



Dat Nguyen Phan
Community Infrastructure



Government of **Western Australia**
Fire & Emergency Services Authority



480 Hay Street Perth
Western Australia 6000
PO Box 1174 Perth WA 6544
Telephone (08) 9323 9300
Facsimile (08) 9323 9384
Email fesa@fesa.wa.gov.au
www.fesa.wa.gov.au

Our Ref.: 11969

Mr Ryan Djanegara
Planning Officer
Town of Port Hedland
P.O Box 41
Port Hedland 6721

Dear Mr Djanegara

RE: Proposed Replacement Communications Tower – 30 Mackay Street, Port Hedland

FESA confirms its support for the above proposal by Optus to replace the communications tower at FESA's Port Hedland Regional Office.

Radio communications are an integral part of ensuring efficient and effective emergency response and FESA is keen to expand its communications services in the Port Hedland area to provide better services for volunteer and other emergency service organisations.

The new structure will allow FESA to position radio antennae at a greater height than the current structure and therefore improve the coverage of the radio network. Better radio coverage improves coordination of emergency services, which benefits the community as a whole.

FESA understands that the proposal to locate a communications tower at the site is subject to approval by the Town and look forward to hearing the outcome of the approval process in due course.

Yours sincerely

Robbie Lefroy
DIRECTOR INFORMATION & COMMUNICATIONS TECHNOLOGY

29 November 2010

Our Vision: A Safer Community





Government of Western Australia
Fire & Emergency Services Authority



1/5 Warambie Rd Karratha
Western Australia 6714

PO Box 1627 Karratha WA 6714

Telephone (08) 9159 1400
Facsimile (08) 9143 1236
Email john.newman@fesa.wa.gov.au

Our Ref.:KT03778

Mr Ryan Djanegara
Planning Officer
Town of Port Hedland
P.O. Box 41
Port Hedland 6721

Dear Mr Djanegara

RE: Proposed Communications Tower – 30 Mackay Street Port Hedland

I would like to confirm my support for the proposal put forward by Optus to construct a communications tower at the FESA District Office in Port Hedland.

The existing communications tower at this site serves as a platform for the district's UHF and VHF radio repeater masts and also provides a radio linkage to the region's remote HF radio mast near Port Hedland airport. This infrastructure is essential for the provision of effective emergency services radio communications in the Port Hedland area and across the Pilbara via the HF radio link.

The existing tower, which is located on GROH property, is nearing the end of its serviceable life and will need to be replaced in the near future.

The Optus proposal provides the opportunity for FESA to expedite relocation of this essential radio communications equipment to a new tower, within FESA land, and gain improved radio coverage from the increased mast height. The proposal will also improve mobile telephone services for the wider Port Hedland community.

This proposal offers significant benefit to FESA and will contribute to improved radio communications coverage for our Port Hedland based SES and Fire Services volunteers.

Please do not hesitate to contact me on 0427 388 917 if you require any further information.

Yours sincerely

John Newman
REGIONAL DIRECTOR PILBARA

30 November 2010

Our Vision: A Safer Community



11.2 Engineering Services

7:03pm Councillors A A Carter, and M Dziombak declared a Financial Interest in Agenda Item 11.2.1 Cemetery Beach Community Park Duplication – Community Survey & Design Scope as they own greater than \$10,000 value of BHP Billiton shares.

Both Councillors A A Carter and M Dziombak left the room.

7:03pm Councillor S J Coates declared a Financial Interest in Agenda Item 11.2.1 Cemetery Beach Community Park Duplication – Community Survey & Design Scope as he is employed by BHP Billiton, and owns greater than \$10,000 value of BHP Billiton shares.

Councillors S J Coates left the room.

7:03pm Councillor G J Daccache declared an impartiality Interest in Agenda Item 11.2.1 Cemetery Beach Community Park Duplication – Community Survey & Design Scope (File 21/05/0016).

Councillor Daccache did not leave the room.

NOTE: Mayor advised this item be withdrawn due to lack of quorum. However, the meeting was of the view that it had a quorum and the following Agenda Item (11.2.1 'Cemetery Beach Community Park Duplication - Community Survey & Design Scope' was considered. Subsequently it has been revealed that the required quorum of 5 elected members was not present, therefore the vote taken was invalid, and the matter will be recommitted to the next Ordinary Meeting of Council for consideration.

*11.2.1. Cemetery Beach Community Park Duplication -
Community Survey & Design Scope (File 21/05/0016).*

Officer Rob Baily
Project Officer
Infrastructure Development

Date of Report 26 November 2010

Disclosure of Interest by Officer Nil

Summary

The purpose of this report is to provide a summary of Community feedback from an extensive Community Survey for the proposed Cemetery Beach Community Park duplication project to Council. The Community results will help in forming a landscape design brief and the progression to a concept design.

Background

The Cemetery Beach duplication project is being undertaken as a joint BHP Billiton, Town of Port Hedland and Royalties for Regions initiative identified by the BHPB partnerships working group.

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

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

The initial context of the project was to consult with the broad community inclusive of both Port and South Hedland residents and staff to ensure the facility is designed from a peoples perspective in the first instance and secondly from a management perspective. Once the survey results have been summarized, a design brief can then be developed and a concept design can be progressed.

It is proposed to put the concept plan out for public comment prior to preparing a detailed design and cost estimate. Further consultation will also be undertaken with key stakeholders.

Consultation

An extensive consultation process was undertaken to ensure the process was based on community usability and sustainable management practices.

Initially, all potential infrastructures that could be applied to the park were assessed by Council staff relating to statutory requirements including building, planning and environmental health services to understand suitable parameters. A walk through meeting was then progressed by Council staff from community development, recreation services, infrastructure development and parks and gardens to look at the existing park and identify potential improvement zones from both a new extension and retrofit perspective.

A summary of the staff consultation was then developed to build a public survey form to stimulate ideas and further comments from the public. The Council employed two local facilitators to take surveys to various community groups including schools, aboriginal communities, sporting groups, etc. The surveys were advertised through 'Council at your Fingertips', newspaper articles, brochures and also on the Councils webpage and included an 'on line' survey. Hardcopy surveys were also available at the Civic Centre and libraries.

A free community fun day was advertised widely for Cemetery Beach on the 31 October with music, food, drinks and pony rides to encourage the public to make comment with posters describing types of suitable infrastructure inclusive of suggestions in more aboriginal art, shade structures, boardwalks, playgrounds, open spaces, lookouts, gym equipment, etc to help in design feedback.

A Saturday morning session was also held at South Hedland shopping centre to ensure every opportunity for South Hedland residents to comment was provided.

The final comments received were from a group of South Hedland primary school children that worked on a class assignment looking at improvement opportunities for the park and presented their comments, posters and letters to the Mayor at the Civic Centre.

The survey closed on the 26 November 2010 and the summary of the survey is attached as Attachment 1.

Statutory Implications Nil.

Policy Implications Nil.

Strategic Planning Implications

Key Result Area 2 – Community Pride

Goal 1 – Townscape

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

Key Result Area 3 – Community Development

Goal 2 - Sports and Leisure

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

Budget Implications

The current budget for 2010/ 2011 is \$250,000 to develop the consultation and design plans for Cemetery Beach. The budget this year was entirely financed by BHP. Additional funds for next financial year will be based on funding from Royalties for Regions, BHP Billiton. BHP Billiton have indicated a contribution of \$1.5M to the redevelopment of the Park through the BHP Billiton/Town of Port Hedland working partnership and \$1.5M has been received from Royalties for Regions for the upgrade of this Park. At this stage of the design process the total cost to build the project may be in the vicinity of \$3.0 – \$3.5M, however an estimate of cost is not provided until at least the concept design stage to identify indicative costs.

Officer's Comment

Following extensive consultation, this report is provided to the Council to inform and support the development of a design brief from the feedback summary.

The community feedback summary provides some meaningful insight into the development of design components for the park and as the summary indicates a high percentage of users to the park come equally from South and Port Hedland and in many cases enjoy the park as an extended family/friends space for gatherings.

Although all comments cannot be realised through design where the design/cost/management exercise prohibits the use, there are certainly ideas that will be considered beyond just the main focus points. Some items may be further considered once the design concept is put out for public and stakeholders comment and prior to Council endorsement.

A summary of the design brief will be based from Attachment 1- Summary of Cemetery Beach Community Feedback and include major items, such as:

- More shade/shelters, bbq's and seating configurations generally to the west,

- Better lighting for security and bbq's (using new turtle friendly LED's) where possible,
- Extended lawn to the west for kick about and play space,
- Better separation of vehicles and additional car bays through one way system further west,
- Improve existing playground for more toddler friendly activities and parents space,
- Adventure playground for older kids outside fence integrated into infrastructure to the west,
- Linear boardwalk to coastal edge mainly west,
- Pavilion to western end,
- Pocket car park adjacent to turtle beach (east end),
- Aboriginal artwork integration into infrastructure and standalone.

Minor items – such as telescopes to deck, European, Aboriginal and natural history interpretation that may link to future design link within cemetery and beach, perimeter paths for exercise circuits/equipment, develop space for small kiosk or coffee/ice-cream van lease, shade trees in linear formation along coast.

Consultation with various departments within Council has indicated that the stage originally proposed for this project may be better located in another area, such as Marapikkurinya Park. This is largely due to the impact of staged events on the surrounding residents and turtles (during nesting season) if it was located at Cemetery Beach park. This will be investigated fully during the design process.

Other comments that are part of the community feedback will be developed with the designer and infrastructure development directorate during the detailed design process where management, benefits and constraints can be developed ie types of planting, small water jets, outdoor showers, specific playground items, specific furniture, interpretive material, stage, power, etc.

Attachments

Summary of Cemetery Beach Community Feedback

201011/207 Council Decision/Officer's Recommendation**Moved:** Cr D W Hooper**Seconded:** Cr J M Gillingham

That Council:

1. Acknowledge the consultation process for this project including the outcomes identified in Attachment 1; and
2. Support the following priority elements being included in the Cemetery Beach park expansion design scope:
 - a. Shade/shelters, pavilion, bbq's and seating
 - b. Lighting (turtle friendly)
 - c. Extended lawn areas
 - d. Parking and vehicle separation from play areas
 - e. Improve existing playground for more toddler friendly activities, and parent's space
 - f. Adventure playground
 - g. Linear boardwalk to coastal edge mainly west
 - h. Artwork integration

CARRIED 4/0

7:05pm Councillors A A Carter, S J Coates and M Dziombak re-entered the room and assumed their chairs.

Mayor advised Councillors Carter, Coates and Dziombak of Council's decision.

NOTE: Mayor advised this item be withdrawn due to lack of quorum. However, the meeting was of the view that it had a quorum and the following Agenda Item (11.2.1 'Cemetery Beach Community Park Duplication - Community Survey & Design Scope' was considered. Subsequently it has been revealed that the required quorum of 5 elected members was not present, therefore the vote taken was invalid, and the matter will be recommitted to the next Ordinary Meeting of Council for consideration.

Attachment 1- Summary of Cemetery Beach Community Feedback**A. Usage of the Park**

Sometimes 60%
All the Time 37%
Never 3%

B. Purpose

BBQ's 23%
Playground 22%
Family/Friends 17%
Larger Gatherings 14%
Quite Relaxation 10%
Turtles and Beach 6%
Viewing Deck 5%
Fishing 3%

C. Respondents

Female 69%
Male 31%
Locals 94%
South Hedland 52%
Port Hedland 41%
Other 7%

D. Top Ten Responses to Survey Overall

1. Cluster picnic tables for larger families/group gatherings and separate for individuality at other areas within the park
2. Small kiosk/mobile vehicle space leased out on a seasonal basis – ice creams, drinks etc.
3. Grass link through to pavilion (at western end) with small seating nodes suitable for small weddings or other passive functions
4. Enough expanse of lawn at western end to provide for passive ball play/kite flying etc.
5. Pavement to turtle viewing platform to have interpretive information and connection to park
6. More tables and shelters within children's playground
7. Existing viewing deck to have telescopes and interpretive info for whale/ship/turtle/bird watching
8. Concrete and lawn area near toilet and playground to be used as open area for functions/community events/ market stalls/ marquees

9. Separate entry and exit roads with a one way system within the park
10. Playground to have more toddler friendly play equipment and internal pavement for riding small bikes on education 'road system'

E. Top Five Responses to Survey Categories

Spaces & Areas:

1. Cluster picnic tables for larger families/group gatherings and separate for individuality at other areas within the park
2. Enough expanse of lawn at western end to provide for passive ball play/kite flying etc.
3. Concrete and lawn area near toilet and playground to be used as open area for functions/community events/ market stalls/ marquees
4. Remove portion of roundabout at western end of park and extend grass and palms into this area
5. Extend children's playground to take up eastern portion of park where existing basketball half court is located and include more lawn within playground area.

Facilities & Types of Infrastructure:

1. Small kiosk/mobile vehicle space leased out on a seasonal basis – ice creams, drinks etc.
2. More tables and shelters within children's playground
3. Existing viewing deck to have telescopes and interpretive info for whale/ship/turtle/bird watching
4. Playground to have more toddler friendly play equipment and internal pavement for riding small bikes on education 'road system'
5. Additional toilets at western end of park

Access Opportunities:

1. Grass link through to pavilion (at western end) with small seating nodes suitable for small weddings or other passive functions
2. Pavement to turtle viewing platform to have interpretive information and connection to park
3. Separate entry and exit roads with a one way system within the park
4. Modify entrance and parking areas generally to separate vehicles and pedestrians wherever possible
5. Some additional parking spaces within park and extend parking onto street as overflow

Natural & Cultural Features:

1. Create passive meandering walk trail links back to Sutherland street nodes from western end pavilion through 'natural' vegetation
2. More aboriginal artwork and interpretation throughout park
3. Apart from specific coconut palms and identified nodes of tropical plants all other plants to be natural to the coastal region

4. Continue 'vein' of palm trees from existing 'sculpture' on grass through to playground on existing open grassed area
5. Better connectivity and interpretative link to the Old Cemetery

F. Most Popular Responses to Photographic Posters

1. Lookouts with telescopes
2. Playground equipment
3. Linear park with palms and shade trees
4. Boardwalk footpaths
5. Seating & bbqs
6. Pavilion and shade structures

G. Public Comments and Suggestions

Most Frequent:

More shade and shelter – shade to cover larger areas
More barbecues
More picnic tables with shade cover
More seating
More and better lighting over barbecue areas
Initiatives to stop littering – general rubbish and beer cans
Improved security to curb anti-social behavior (drunkenness)
More parking
Small water park/play area (like in Broome)
Adventure/natural playground equipment for older kids

Others (no particular order):

More water fountains
Raised deck overlooking ocean to watch sunsets
Rename – iconic current/former Port Hedland resident
Better access to beach from park
More cultural identity
More bins
Sculptures are great; car one needs a hole for water to drain out
Area for a local history board
More passive areas for yoga
Art tiles by locals to be embedded into paths
Areas for chess
Equipment for families to play volleyball/cricket
Area for young kids to ride bikes and scooters
Play equipment needs cleaning
Sculptures to be more relevant to park
Discourage fishing from viewing deck
Sporting ideas for kids

More fishing platforms along the rocks
Frangipani trees
Aboriginal signs explain history of the area
Different name for the park
Ramp for wheelchair access
Too many backpackers setting up in park
Local aboriginal design feature
Outdoor shower for people who have been swimming at beach
Native shady trees
Longer tables with bench style seating
Power for concerts
Playground/park is already good – please improve other areas of town
More bins and empty more often
Seasonal bike hire with children's trailers
More bike paths
Baby playground
Tree house
Annual Event – fun races for kids, pony rides, music, face painting
More swings for kids
Move existing swings to avoid collisions
Playground equipment that makes music –chimes, drums, pipes
Nature discovery area and sensory walk – rich smells, plants of different textures, water, various rocks
Mango trees, banana trees – children pick and eat fruit
Children's artwork – tiles, mosaics, walls with murals
Playground equipment for older children (eg off Canning Hwy near Curtin Uni)
More palm trees
A stage and performances from local artists and musicians
If you extend playground then we wouldn't have the basketball court to use
Don't remove teardrop sculpture from roundabout
Equipment for older children – climbing webs, flying fox, rocks/sculptures to play
hide'n'seek in
Use 'coco-net' for falling coconuts rather than removing trees
Water jets/sprays
Small skate park area for scooters and bikes
Jogging track
More grass, more shade, more play equipment

7:06pm Councillors A A Carter, and M Dziombak declared a Financial Interest in Agenda Item 11.3.1 "Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project' as they are all BHP Billiton shareholders.

Councillors A A Carter and M Dziombak left the room.

7:06pm Councillor S J Coates declared a Financial Interest in Agenda Item 11.3.1 "Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project as he is employed by BHP Billiton, and owns greater than \$10,000 value of BHP Billiton shares.

Councillors S J Coates left the room.

7:06pm Councillor G J Daccache declared an impartiality Interest in Agenda Item 11.3.1 "Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project.

Councillor Daccache did not leave the room.

NOTE: Mayor advised this item be withdrawn due to lack of quorum. However, the meeting was of the view that it had a quorum and the following Agenda Item 11.3.1 "Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project' was considered. Subsequently it has been revealed that the required quorum of 5 elected members was not present, therefore the vote taken was invalid, and the matter will be recommitted to the next Ordinary Meeting of Council for consideration..

11.3 Community Development**11.3.1 *Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project (File No.: 03/01/0025)***

Officer Lorna Secrett
Coordinator, Community and
Cultural Development

Date of Report 08 December 2010

Disclosure of Interest by Officer Nil

Summary

This report seeks Council acceptance of the final report and budget acquittal for the Aboriginal Arts/Cultural Centre Feasibility Study and Aboriginal Arts Development Strategy and endorsement of the next stage of the project.

Background

At the OCM of 28 October 2009 it was resolved:

“That the Council:

- 1. Provides the \$80,000 (plus GST) that is allocated within the 2009/10 budget from the BHP Billiton Iron Ore/Town of Port Hedland sustainability Partnership to Wangka Maya Pilbara Aboriginal Language centre to be used by them to manage the delivery of the feasibility study, business plan concept designs for the proposed new Aboriginal Arts Centre; and*
- 2. Advises Wangka Maya that the Town would like to remain integrally involved with the development of Aboriginal arts Centre Project.”*

Wangka Maya was subsequently engaged by the Town of Port Hedland to undertake the project, with a steering committee comprising of representatives of Wangka Maya, Town of Port Hedland and BHP Billiton Iron Ore. In addition to the Council funding, Wangka Maya applied successfully for an additional \$147,300 from Royalties for Regions to expand the scope of the consultation and clearly articulate the vision for the project. As part of the feasibility study, an Aboriginal Arts Development Strategy was commissioned to examine the wider issues and needs of the community.

A project overview and update can be viewed at Attachment 1.

On October 6 2010 a meeting was convened at Wangka Maya with the consensus of this meeting agreeing that an arts centre and cultural centre were fundamentally different in their management and business models including potential funding streams, and that each function should move forward as separate initiatives of an overarching strategy.

It was therefore decided that there was a need for government, non-government and corporate stakeholders to work collaboratively to progress both initiatives and that a separate, additional steering committee should be formed for the Arts Centre.

Representatives of BHP Billiton Iron Ore, Hancock Prospecting, FORM, Spinifex Hill Artists, Landcorp, Department of Indigenous Affairs, Pilbara Development Commission and Fortescue Metals Group expressed their interest in forming a steering committee to progress the Arts Centre proposal.

The group expressed a preference for the Town of Port Hedland to facilitate meetings of the Arts Centre steering committee, whilst the steering committee for the Cultural Centre should continue to comprise of the existing representatives of Wangka Maya, Town of Port Hedland and BHP Billiton Iron Ore and be managed by Wangka Maya.

Consultation

Extensive consultation has been undertaken across a broad range of stakeholders including industry representatives, community groups, local artists and arts organisations, native title holders, aboriginal corporations and foundations, State and Federal departments and community members.

The consultation has affirmed community support for separate, collaborative processes towards a Port Hedland Aboriginal Cultural Centre and the future development of an Aboriginal Arts Centre.

Statutory Implications Nil.

Policy Implications Nil.

Strategic Planning Implications

The Town's strategic planning contains the following statements that are directly related to this project.

Strategic Plan 2010 – 15

Goal 3 – Arts and Culture

Work with stakeholders to develop an Aboriginal Arts and Culture Centre

Hedland's Future Today 2010

An initiative to establish a range of integrated Indigenous art, cultural and social facilities in Port Hedland to provide a greater range of opportunities for local Indigenous people to practice art and showcase their culture, has been identified as a priority project in Hedland's Future Today 2010.

Budget Implications

Funding assigned to the project by Town of Port Hedland and BHP Billiton Iron Ore in October 2009 has been fully expended. Please see Feasibility Study Budget Acquittal at Attachment 2. There is no further funding allocation associated with this report

Officer's Comment

The Aboriginal Arts and Culture Centre project has now completed its feasibility stage and a direction has been formed within the community for the progression of two separate but complementary initiatives. It is acknowledged that Wangka Maya is the appropriate body to continue to develop the Cultural Centre proposal, with the continued participation of ToPH requested on the steering committee.

The Arts Centre proposal is founded on a thorough Arts Development strategy well developed with a concept design and an indicative funding strategy. The next stage would be the development of a management model and confirmation of funding. It is considered appropriate that ToPH play a leading role in the formation and facilitation of a steering committee to progress the initiative. The properties of this group would be:

1. Identify approximate facilities for the Spinefex Hill Artists to ensure continuity of supply and the development of the group.
2. Source funding and identify a host for a Project Manager position.

As there is an element of common membership across both steering committees, there is a natural collaboration which will enable ToPH to be aware of the direction and focus of each initiative.

Attachments

1. Project Update October 2010
2. Feasibility Study Budget Acquittal
3. Aboriginal Arts Development Strategy – attached separately
4. Port Hedland Aboriginal Arts and Cultural Centre – Examples of Themes

Officer's Recommendation

That Council:

1. Accept the Project Update October 2011, Feasibility Study Budget Acquittal and Aboriginal Arts Development Strategy as at Attachments 1, 2 & 3; and
2. Note the Port Hedland Aboriginal Arts and Cultural Centre – Examples of Themes, as at Attachment 4; and
3. Request the CEO to provide support through continued representation by appropriate ToPH staff representation on the Cultural Centre steering committee, managed by Wangka Maya; and
4. Request the CEO through appropriate staff delegation to initiate and facilitate an Arts Centre steering committee formed with representatives from BHP Billiton Iron Ore, Hancock Prospecting, FORM, Spinifex Hill Artists, Landcorp, Department of Indigenous Affairs, Pilbara Development Commission and Fortescue Metals Group for a period of 12 months.

201011/208 Council Decision**Moved:** Cr G J Daccache**Seconded:** Cr D Whooper

That Council:

1. Accept the Project Update October 2011, Feasibility Study Budget Acquittal and Aboriginal Arts Development Strategy as at Attachments 1, 2 & 3; and
2. Note the Port Hedland Aboriginal Arts and Cultural Centre – Examples of Themes, as at Attachment 4; and
3. Request the CEO to provide support through continued representation by appropriate ToPH staff representation on the Cultural Centre Steering Committee, managed by Wangka Maya; and
4. Request the Chief Executive Officer through appropriate staff delegation to initiate and facilitate an Arts Centre Steering Committee formed with representatives from BHP Billiton Iron Ore, Hancock Prospecting, FORM, Spinifex Hill Artists, LandCorp, Department of Indigenous Affairs, Pilbara Development Commission and Fortescue Metals Group for a period of 12 months.
5. ensure that elected members receive an invitation to be a part of the Arts Cultural Centre Steering Committee.

CARRIED 4/0

REASON: Council sought to ensure that elected members receive an invitation to be a part of the Arts Cultural Centre Steering Committee, and inserted clause 5. accordingly.

7:07pm Councillors A A Carter, S J Coates and M Dziombak re-entered the room and assumed their chairs.

Mayor advised Councillors Carter, Coates and Dziombak of Council's decision.

NOTE: Mayor advised this item be withdrawn due to lack of quorum. However, the meeting was of the view that it had a quorum and the following Agenda Item 11.3.1 "Update and Suggested Recommended Progression of Aboriginal Arts/Cultural Centre Project" was considered. Subsequently it has been revealed that the required quorum of 5 elected members was not present, therefore the vote taken was invalid, and the matter will be recommitted to the next Ordinary Meeting of Council for consideration..

ATTACHMENT 1

Hedland Aboriginal Arts and Cultural Centre Feasibility Study**October Update**

Provided for BHP Billiton on request through the Town of Port Hedland

Provided by Wangka Maya Pilbara Aboriginal Language Centre

October 25, 2010

1 Background and update

Wangka Maya was engaged by the Town of Port Hedland (ToPH) in October 2009, to undertake a feasibility study, development of a business plan and concept drawings for an Aboriginal Arts and Cultural Centre to be established in Hedland.

Initial consultations however identified a number of factors that led to clarification of the direction for the overall project. The first factor was that although a Cultural Centre and an Arts Centre are potentially complementary - research and experience clearly illustrates that these two entities are more successful if physically separate. The second factor that arose was the vision for the Cultural Centre to be representative of the stories of the 31 Language Groups of the Pilbara – rather than a Hedland-centric focus.

Although the original funding (\$80,000 from BHP Billiton) would have enabled Wangka Maya to complete the initial brief (a Hedland centric Aboriginal arts and cultural centre) it was agreed that to complete the project in accordance with the feedback and direction provided by the community – there was a requirement for significant expansion.

Accordingly, Wangka Maya applied successfully for an additional \$147,300 from Royalties for Regions to expand the scope of the consultation and clearly articulate the vision for an Aboriginal Cultural Centre and a Hedland Arts Strategy.

This report outlines the progress and deliverables of the feasibility study to date as well as recommendations leading to conclusion of the study by the end of December 2010.

2 Recommendations

The following recommendations have guided and informed the feasibility study:

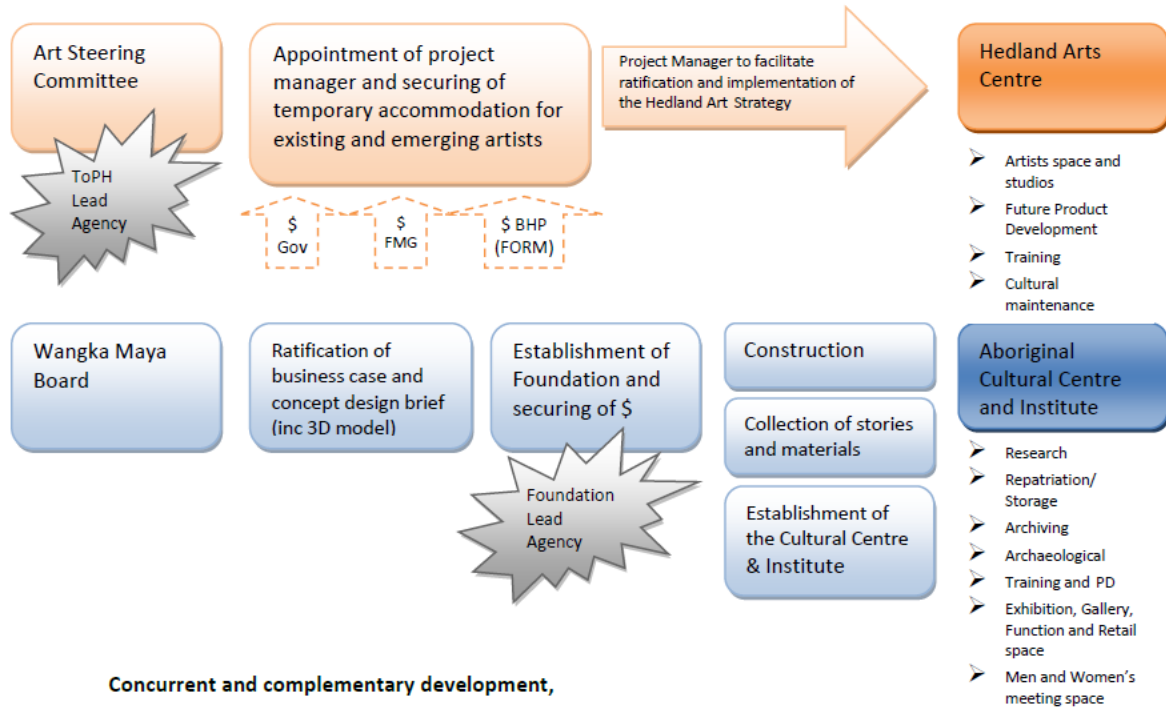
- a) Hedland Aboriginal Arts and Cultural Centre – as it was originally defined be referred to as the Aboriginal Cultural Centre and Institute – until an appropriate Aboriginal title is confirmed
- b) Independent yet complementary strategies and processes are being developed and implemented relating to the construction and establishment of the Hedland Aboriginal Arts Centre and Aboriginal Cultural Centre and Institute (refer to 3a)
- c) Aboriginal Cultural Centre and Institute includes a research centre (Institute) and the artists' studios in the preliminary concept drawings (refer to 3i) to be removed or re-allocated accordingly
- d) The Town of Port Hedland is established as the lead agency to drive the Hedland Arts Strategy with the appointment of a project manager and securing of artists' working space to be of the highest priority
- e) Wangka Maya will complete the feasibility study for the Aboriginal Cultural Centre and Institute (including development of a business plan and a finalised design brief including a 3D model of the centre for final consultation) leading to the establishment of a Foundation

f) Funding to be secured to appoint a project manager to assist the Foundation with attraction of funds and construction of the Aboriginal Cultural Centre and Institute

3 Project Deliverables (to date)

a) Ratification of a vision for the Aboriginal Cultural Centre and Hedland Arts Strategy

The following diagram outlines the agreed vision of key stakeholders within the community with regard to the future development and implementation of the Aboriginal Cultural Centre and Institute and the Hedland Arts Strategy



Concurrent and complementary development, implementation and operational processes led by respectively identified entities. One common purpose – maintenance, promotion and culturally appropriate security of Aboriginal language, heritage and culture

b Formation and ongoing meetings of the Aboriginal Cultural Centre and Institute Steering Committee

Comprising representatives from BHP Billiton, ToPH, Wangka Maya and the Community with the assistance of John Nichols (architect) and Jenny Thomas (project manager). Terms of Reference and Guidelines developed accordingly

c Securing of land for construction

5000 sqm of land has been allocated to (and next to) Wangka Maya by the Honourable Brendon Grylls - Minister for Regional Development and Lands

d Securing of an additional \$147,300 from Royalties for regions to expand the scope of the feasibility study and facilitate the development of two key documents including *A Vision for a Port Hedland Cultural Centre with a Research Institute at its heart* – produced by Greg Wallace and Kim Akerman September 2010 and *Port Hedland Aboriginal Arts Development Plan*, September 2010 - Prepared by Tracker Consulting Tim Acker and Susan Congreve

e Community consultation

Consultation conducted through community, agency, identified stakeholder and individual meetings. Consultation conducted by John Nichols and an Aboriginal consultation team. Feed back outlined in deliverable "h"

f Development of *A Vision for a Port Hedland Cultural Centre with a Research Institute at its heart* – produced by Greg Wallace and Kim Akerman September 2010

This report is a preliminary discussion paper which explores requirements for establishing and operating a Pilbara Centre for Aboriginal Studies as part of the proposed Aboriginal Cultural Centre. It also refers to this Centre as an Institute.

It is envisaged that the Institute would be based on the concept of a research centre which are typically staffed by professional researchers, collection managers and support staff - established to care for and make available for research significant collections.

Holdings are in various forms such as:

- Cultural objects (ethnographic items or archaeological material)
- Libraries/Archives including both physical real world items and digital objects such as documents, images, audio, video and publications.

Regardless of what their collections comprise, regional research centres in Australia and elsewhere are generally:

- Focused on and active in a region rather than just the area immediately around where they are located.
- Closely linked with government &/or educational institutions based elsewhere.
- Active in publishing the results of research both as research papers and in formats to make them more widely available to the community.
- Both inwardly and outwardly focused and work with other organisations with common aims on projects that meet the needs of communities as well as furthering the advancement of knowledge.

The strength of such research centres is built on

- The significance of the collections they hold

- The expertise of their staff teams
- Their links with communities in their region
- Their links with other institutions elsewhere

The contributions that regionally based research centres make are measured by the work they do both in-house and in partnership with communities and other organisations to:

- document, protect and research their collections
- advance the development of knowledge and make it available
- make information and services available to meet the needs of communities in their region

**g Development of Port Hedland Aboriginal Arts Development Plan , September 2010
- Prepared by Tracker Consulting Tim Acker and Susan Congreve**

Provides an overview of the current art environment in Hedland along with a strategic approach that would consolidate art activities and lead to establishment of one art strategy and associated resourcing.

Three key stages are outlined in the Plan including:

Stage 1

- Secure funding commitments for operational and capital components
- Initiate a Steering Committee, with relevant membership
- Enhance support for SHA activities and program

Stage 2

- Appoint Project Manager for a 12-18 month contract to manage funding, coordinate building project and establish the foundations for an Art Centre
- Seek additional funding
- Ensure continuity of arts development program

Stage 3

- Employ Art Centre Manager to manage the new Art Centre
- Incorporated Aboriginal owned and governed Art Centre established
- Employ Assistant Art Centre Manager

h Outcomes from Community Consultation – developed by John Nichols

Consultation conducted in October identified the following:

- Overwhelming support for the establishment of a Pilbara Aboriginal Arts and Cultural Centre and associated Research Institute located in Port Hedland .
- Juluwarlu, Ngarluma Yindjibandi Foundation and Thalanyji Aboriginal Corporation – all advised that they regarded the proposal for a Pilbara Aboriginal Arts and Cultural Centre representative of the entire Pilbara would not conflict with Cultural Centres planned for their communities but that it would in fact be complementary.
- Bloodwood Tree - the sponsors of the 2002 Feasibility Study affirmed their ongoing support for a Pilbara Aboriginal Arts and Cultural Centre located in Port Hedland.
- Priorities - all those consulted affirmed collection, conservation and sharing of aboriginal history and culture as the highest priority for the proposed Arts and Culture Centre .
- Research Institute – for the professional research and conservation of the aboriginal history and culture of the Pilbara considered an essential component.
- Repatriation of Cultural Material – all considered this to be a very high priority for which the inclusion of a credible professionally staffed research institute complete with appropriate storage and archival facilities was essential .
- Living History and Culture Sources - all those consulted expressed the view that the collection of history and culture ‘stories’ from elders is of the greatest urgency and that the collection of material for the proposed Arts and Culture Centre should commence at the earliest opportunity .

- Contemporary Art Practice - there was general agreement that facilitation of contemporary art practice through the provision of a gallery and studio spaces accessible to all while highly desirable could be accommodated elsewhere.
- Sharing Culture – provision of facilities to support cultural activities including; story telling by elders; dance – teaching and performance; traditional craft skills - teaching and making and to facilitate participation by young mothers, a Mother and Children’s place should be included.
- Location – there were essentially two views; the currently proposed location on land gifted for the purpose adjacent to Wangka Maya was generally regarded as suitable given the proximity to other aboriginal community facilities and that the location in effect behind Wangka Maya could be a positive for shy members of the community who might be reluctant to enter if it was in a more prominent location. The contrary view was that a facility of this importance should be located in a more prominent location such as the land on the southern boundary of Wangka Maya facing Hamilton Road.
- Access – all agreed that the facility should be open to all, that an entry fee should not be considered as this would effectively exclude many aboriginal people and that tourists and other members of the community would be welcome at the centre as guests of the aboriginal community.
- Governance – all agreed that it is essential that the proposed Pilbara Aboriginal Arts and Culture Centre be aboriginal owned and operated and that Wangka Maya was the most appropriate organisation to facilitate the development of a proposal located in Port Hedland. It was clear that further consultation would be required to address the specific issues of ongoing community representation.
- Funding – it was generally recognised that capital would need to be raised from government and or industry and that long term recurrent funding commitments would be essential to sustain the Arts and Culture Centre and Research Institute. There was some discussion of potential sources including government and industry. It was generally agreed that it was also appropriate to approach Aboriginal trusts particularly in relation to the possible establishment of a foundation to source funds and manage the ongoing financial needs of the centre.

i *Development of Report: Port Hedland Aboriginal Arts and Cultural Centre – Purpose, Location, Thematic Approach, Functional Brief and Design Concept*

John Nichols (Director) from Bateman Grundmann Architects has been commissioned as project architect. John’s experience on similar projects in this area includes the Karijini National Park Visitor Centre, Manbana in Broome, Shark Bay World Heritage Discovery Centre and The Pinnacles Desert Discovery Centre. John is also the design architect for the South Hedland Health Campus, which is currently under construction. Draft concept designs were developed prior to the findings of the *Port Hedland Aboriginal Arts Development Plan, A Vision for a Port Hedland Cultural Centre with a Research Institute at its heart* and the October consultation. These concept designs are now being revised to reflect the consultation outcomes.

The functional Brief for the Centre revolves around and supports the telling and sharing of stories including:

- Traditional culture and life in the Pilbara
- Impact of European settlement on the life and culture of Pilbara Aboriginals
- Today and the Future

The proposed spaces include:

- | | |
|------------------------------------|------------------------------|
| ▪ Cultural exhibition space | ▪ Administration |
| ▪ Archive/ library/ research space | ▪ Storage |
| ▪ Temporary exhibition space | ▪ Toilets (staff and public) |

- Men's meeting space
- Women's meeting space
- Outdoor amphitheatre, cooking, story telling
- Retail/ hospitality
- Business incubator offices

Budget November 20, 2010**Town of Port Hedland Acquittal**

Income		
Royalties for Regions	147300	
ToPH (BHP Billiton Iron Ore)	80000	
TOTAL INCOME	227300	
Expenditure (ex GST)	R4R	ToPH
NEC		3360
Travel (John Nichols)		1130.49
Travel (John Nichols)		493.7
Travel (John Nichols)	1009.68	
NEC		3120
NEC	3120	
360 Connect		4030
360 Connect		4965
Travel (360 Connect)		1039.2
Design Inc		17303.77
Design Inc		3258.97
Design Inc		11199.45
Institute Consult		15000
NEC	1311	
Art Consult	24900	15100
Indigenous Consultants	8000	
TOTAL EXPENDITURE	38340.68	80000.58

ATTACHMENT 4



PORT HEDLAND ABORIGINAL ARTS AND CULTURAL CENTRE - EXAMPLES OF THEMES





The Story - Part 1. Traditional culture and life of the aboriginal people of the Pilbara



Themes: The Beginning, Aboriginal Groups in the Pilbara, Languages, Traditional Lifestyle, Spiritual Culture, Aboriginal Trade Routes

This part of the story of aboriginal life in the Pilbara will focus on what life was like prior to the influence of European settlement. The content may include early photographs and artefacts. The images above are of a Corroboree at Roebourne, Pilbara, Western Australia, ca. 1910. Part of the collection of Mitchell, E. L. (Ernest Lund), 1876-1959 Aborigines of Western Australia, held by the National Library of Australia. Sourced from www.pictureaustralia.org.



The Story - Part 1. Traditional culture and life of the aboriginal people of the Pilbara



State Library of Western Australia



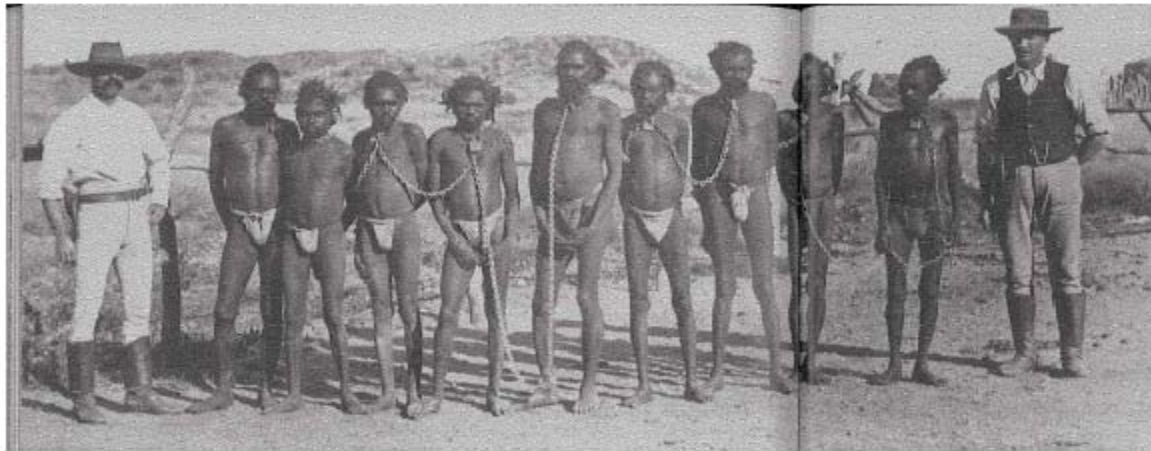
State Library of Western Australia

Themes: Rock Art

This theme will focus on the significance of Pilbara rock art - reputed to be the world's largest concentration of petroglyphs and perhaps the world's largest surviving corpus of Pleistocene art. (Refer Bednarik, R.G., 2002. 'First dating of Pilbara petroglyphs', paper first published in *Records of the Western Australian Museum* 20:414-429.) Images above of Pilbara rock art by Robert McKeich, 1971, held by the State Library of Western Australia. Sourced from www.pictureaustralia.com.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara

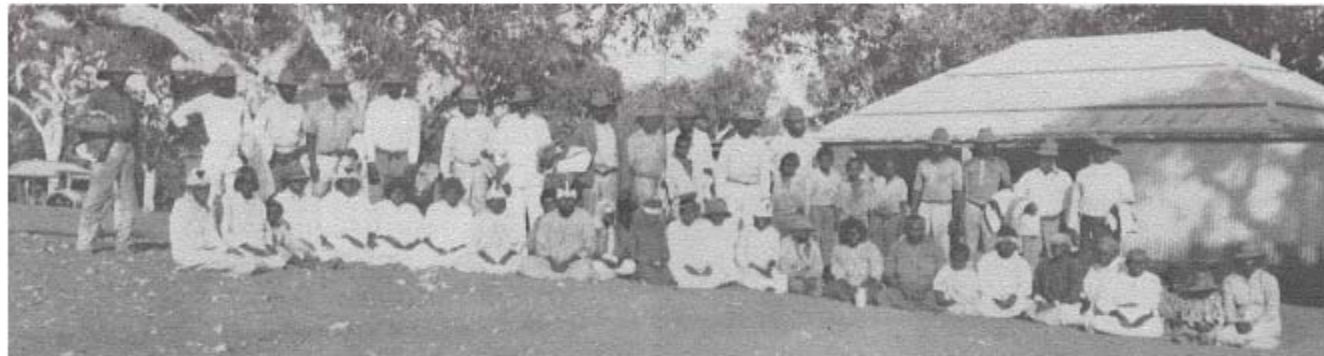


Theme: First European explorers and settlers of the Pilbara

This theme will describe the discovery of the natural harbour of Port Hedland by Captain Peter Hedland in 1863, and previous explorers, and the settlers that quickly followed. With convict labour not permitted in the Pilbara the local aboriginal people were exploited. Image above of aboriginal prisoners in neck chains at Whim Well in the early 1890s. (Image sourced from Hardie J., "Nor' Westers of the Pilbara", The Shire of Port Hedland, 1981, plate 41.)



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Pastoralism

This theme will describe the impact of the establishment of the pastoral industry in the Pilbara - how aboriginal cultural groups were forcibly moved off their traditional land and forced to relocate, or forced to work as slave labour on the many pastoral stations. Images above (from left to right) De Grey Station Homestead in the 1890s, the first pastoral lease in the Pilbara founded in 1863, and the aboriginal people employed on the station in the early 1900s. Images sourced from Hardie J., "Nor" Westers of the Pilbara", The Shire of Port Hedland, 1981, plates 49 and 54.)



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Pastoralism and station life

This theme will describe the life of aboriginal people working on the pastoral stations in the Pilbara. Image above left of the aboriginal polo team at Mundabullangana station who played against the white workers at the station shown in the centre image, circa 1912. Image above right of Tom Hardy and an aboriginal girl earmarking lambs in the 1920s at Warralong station. Images sourced from Hardie J., "Nor' Westers of the Pilbara", The Shire of Port Hedland, 1981, plates 89, 90 and 74.)



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Pastoralism and station life

This theme will describe the life of aboriginal people working on the pastoral stations in the Pilbara. Image above of aboriginal people painted for a Corroboree at Warrawagine station in 1902 - remaining close to their culture. Images sourced from Hardie J., "Nor' Westers of the Pilbara", The Shire of Port Hedland, 1981, plate 67.)



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Pastoralism and station life

This theme will describe the life of aboriginal people working on the pastoral stations in the Pilbara. Images above (from left to right) Mardie Station Homestead, Pilbara, Western, Australia; aboriginal men with a bull at Mardie Station; and a white woman and an aboriginal man in a paddock at Mardie Station. All images, circa 1913, are part of the Hugh Conran Collection held by Museum Victoria. Sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Pastoralism and station life

This theme will describe the life of aboriginal people working on the pastoral stations in the Pilbara. Images above of aboriginal shearers at Mardie Station, Pilbara, Western, Australia, circa 1913. All three images are part of the Hugh Conran Collection held by Museum Victoria. Sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



State Library of Western Australia



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Theme: Roebourne (proclaimed 1866) and Roebourne Gaol (built 1896)

This theme will describe the severe hardship faced by aboriginal people imprisoned in Roebourne Gaol, often for walking off cattle stations where they were employed against their will. Image above left of Aboriginal prisoners in chains with police guards and tracker outside Roebourne Gaol, Pilbara, Western Australia, 1896. Part of the Thomas family collection of photos, copy held by the State Library of Western Australia. Image above right of aboriginal prisoners from Derby and Wyndham taken to Roebourne gaol, about 1900. Part of the Weekend News Flashback series held by the State Library of Western Australia. Sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



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Theme: Pilbara Gold Rush and proclamation of the towns of Marble Bar (1893) and Nullagine (1899)

This theme will describe how the Pilbara gold rush of the 1890s, and the towns that grew out of the associated boom, impacted the local aboriginal people. Image above left of aboriginal people yandying for tin near Marble Bar, 1928 (Part of Charles Edward Flinders collection of photographs held by the State Library of Western Australia). Image above centre of Paddy Blair, Aboriginal man at Marble Bar, 1977. Image above right of aboriginal people at Nullagine, 1908 (Part of the James Ossoli Kelly collection of photographs held by the State Library of Western Australia). Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Canning Stock Route

This theme will describe how aboriginal guides helped to establish the Canning Stock Route. Image above left of an aboriginal tracker on a camel accompanying a police party along the Canning Stock Route in search of a lost prospector (from a collection taken of a police search party along the Canning Stock Route searching for a prospector held by the State Library of Western Australia). Image above right of No. 18 Well, Canning Stock Route (from Views of the North West collection held by the State Library of Western Australia). Both images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: World War Two

This theme will describe how aboriginal people of mixed descent were encouraged to assist in the war effort. Image above left of Harris Leonard, Service Number - WX28715, enlisted at Port Hedland, 1938. Part of collection of B883:Second Australian Imperial Force Personnel Dossiers, 1939-1947, held by the National Archives Australia. Image above centre of a group of aboriginal people - the nearest neighbours of Pippingarra Station, Headquarters of "A" Company, 19th Australian Garrison Battalion, May 1943. Image above right of a group of aboriginals and army personnel at Pippingarra Station, May 1943. Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



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Theme: Life in and around Pilbara Towns

This theme will describe how towns of the Pilbara often excluded aboriginal people - mostly being confined to camps and reserves a few kilometers away. In particular, until the 1960s, Roebourne was a non-indigenous town and strict curfews were placed on the movement of aboriginal people to, from and within the town. Images above of aboriginal people washing clothes in the river at Roebourne, 1948. Part of the Stuart Gore collection held by the State Library of Western Australia. Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara

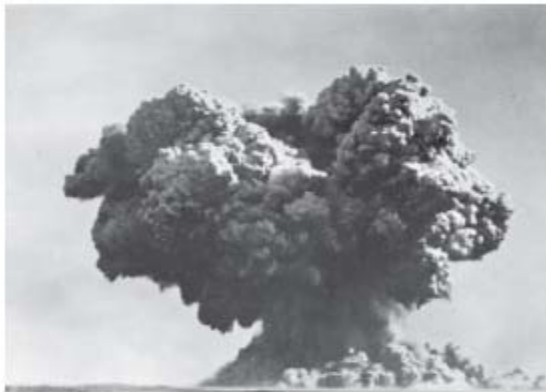


Theme: Life in and around Pilbara Towns

Image left of an Aboriginal girl, Roebourne, 1948. Part of the Stuart Gore collection held by the State Library of Western Australia. Image right portrait of an aboriginal mother and child, Canning Stock Route, Western Australia, 1942. Part of Axel Poignant's exhibition photographs, 1922-1980, held by National Library of Australia. Both images sourced from www.pictu-reaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: British Nuclear Testing in the Monte Bellos (1952 and 1956)

This theme will describe how Britain used the "unpopulated" land of the Pilbara to conduct its nuclear testing program, causing suffering for many aboriginal people. Image above left of an early stage in the explosion of the first atomic weapon detonated in the Monte Bellos, resulting in immense clouds of smoke, steam and spray bursting into the air. Image centre of two aboriginals who were part of the influx of people who came to Onslow for the annual Ashburton District Race Meeting held at the Onslow Racecourse, held about the time the atomic explosion was expected. Image right of naval personnel speaking with aboriginal people who were camped near the Onslow Racecourse during the annual race meeting. Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



National Library of Australia

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National Library of Australia

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Theme: Missions and aboriginal communities

This theme will describe how missions were established in the Pilbara in the 1920s and the missionaries became responsible for carrying out the work of the government in "civilising" the local aboriginal people. One of the missions was Jigalong, set up in 1947. Jigalong was initially established in 1907 as the location for a maintenance and rations store for workmen constructing the Rabbit-proof fence. Images above of accommodation at Jigalong in 1979. Part of the Aboriginal rights movement collection, 1978-1980, held by the National Library of Australia. Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Missions and aboriginal communities

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The Story - Part 2. Impacts and effects of European settlement of the Pilbara



Theme: Aboriginal rights - 1967 Referendum, 1968 Federal Pastoral Award Amendments, 1992 Mabo Decision, 1993 Native Title Act, 2008 Apology to Stolen Generations

This theme will describe how a number of changes occurred from the 1960s granting aboriginal people rights. Image above of a protected aboriginal site in 1979. The sign states "It is an offence to excavate, destroy, damage, conceal, or in any way alter this site - Aboriginal Heritage Act. Please help preserve this site for the future. Site of rock art". Part of the Aboriginal rights movement collection, 1978-1980, held by the National Library of Australia. Image sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



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Theme: Aboriginal rights - 1967 Referendum, 1968 Federal Pastoral Award Amendments, 1992 Mabo Decision, 1993 Native Title Act, 2008 Apology to Stolen Generations

This theme will describe how a number of changes occurred from the 1960s granting aboriginal people rights. Image above left of housing at the Port Hedland Native Reserve, October 1965, and above right in July 1971. Part of the Robert McKeich collection of photographs held by the State Library of Western Australia. Images sourced from www.pictureaustralia.org.



The Story - Part 2. Impacts and effects of European settlement of the Pilbara



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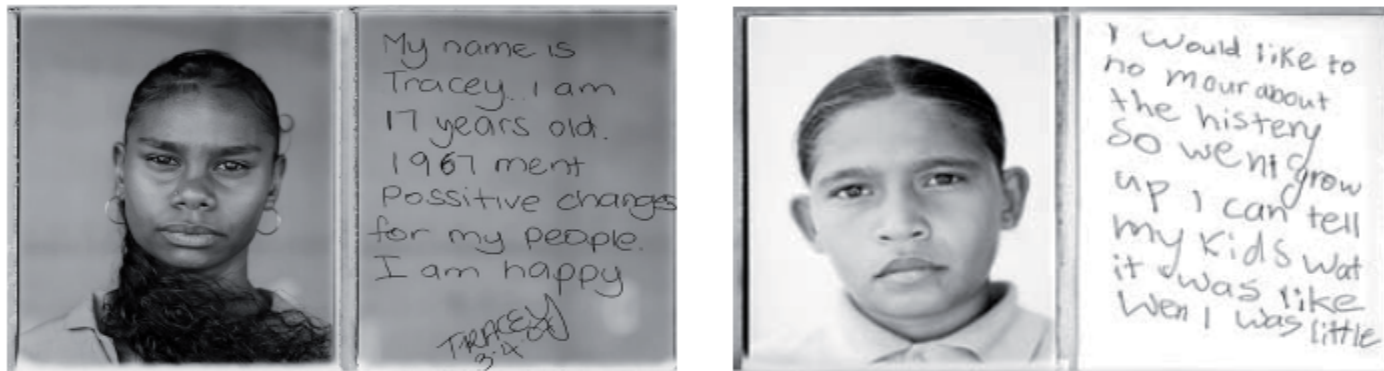
State Library of Western Australia

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This theme will describe how a number of changes occurred from the 1960s granting aboriginal people rights. Images above of housing at the Port Hedland Native Reserve, July 1971. Part of the Robert McKeich collection of photographs held by the State Library of Western Australia. Images sourced from www.pictureaustralia.org.



The Future - Part 3. Aboriginal life and culture in the Pilbara today and in the future



Theme: The future of aboriginal life and culture in the Pilbara

This theme will describe how the process of change is still under way for the aboriginal people of the Pilbara as they come to terms with the tragedies that occurred in the last 200 years and continue to search for a balance between their traditional way of life and culture and the lifestyle of modern Australia. Images above of Tracy Monaghan and Janita Barker, 2007. Polaroid photos by Tobias Titz from the Right To Be Counted exhibition, a collaboration between the Wangka Maya Pilbara Aboriginal Language Centre and the Indigenous community members from Port Hedland, Yandeyarra, Canarvon and Warralong. Images sourced from www.artonthemove.com.au.

11.3.2 JD Hardie Youth Centre Working Group (File No.: 26/05/0012)

Officer Tony Mosley
Coordinator Youth Services

Date of Report 30 November 2010

Disclosure of Interest by Officer Nil

Summary

This agenda item provides an update on the progress of the JD Hardie Youth Centre Working Group. It outlines the work achieved to date by the working group, and some of the areas to be further developed by the working group in 2011.

Background

At its Ordinary Council Meeting held on 8 September 2010, Council adopted new Terms of Reference for the JD Hardie Youth Centre Working Group. These are aimed at giving the Working Group a more substantial and valuable role – namely to drive community participation in planning for the Youth Centre and to promote community ownership.

The opportunity to become a community member of the Working Group was advertised widely and an information evening held at the Civic Centre on 13 September 2010 resulted in 21 expression of interest being received to join the Working Group. At the Ordinary Council Meeting of 22 September all 21 people were endorsed by Council as members of the JD Hardie Youth Centre Working Group

Subsequently two working group meetings have been this quarter.

Consultation

Acting Director: Community Development
Andrew Watt: Creating Communities
Coordinator: Community and Cultural Development
Council
Community members
Youth Agency and Services Workers.

Statutory Implications Nil.

Policy Implications Nil.

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 1 Youth and Children

Immediate Priority 1: Convert the JD Hardie Centre into an integrated Youth Centre.

Immediate Priority 3: Attract and retain young people in our Town through operating a series of events, information and activities.

Budget Implications

Cost associated with this Working Group is within normal operating expenditure

Officer's Comment

The first meeting of the JD Hardie Youth Centre Working Group occurred on the evening 18 October 2010.

Participants worked in groups to develop up ideas about services and programs to be available to Youth from the JD Hardie Youth Centre. Attachment 1 is typed version of the output of each subgroup at this first meeting.

The second meeting of the Working Group occurred on the evening of 23 November 2010. The meeting reviewed the work achieved at the previous meeting and categorized findings into five areas of focus.

This information to date from the working group will also be utilised in considerations for tenancies of the JD Hardies Youth Centre, as well as for partnerships and linkages to appropriate agencies and services to achieve the best Youth Centre possible for ToPH.

At the last meeting of the working group members were asked to nominate themselves to participate in sub groups linked to their specific areas of interest as follows:

- Youth Lounge.
- Arts and Crafts.
- Fun and Healthy Foods
- Advertising/ Marketing/Sponsorship
- Performing Arts – workshops
- Community Radio by youth for youth
- Indian youth networking club
- Think tank group on how to make it a place that youth and families want to come to
- Technology room – computer club
- Toddler room

- Multicultural youth involvement
- Band evenings, Arcade, Canteen and Extreme Sports

Foundation work has been done by the participants of the Working Group which relevant TopH staff and Elected members of the JD Hardie Youth Centre Working Group need to consider along with options for the direction of the Working Group in 2011.

Attachments

JD Hardie Youth Centre Working Group subgroups output from meeting of 18 October 2010.

201011/209 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council note the progress to date of the JD Hardie Youth Centre Working Group.

CARRIED 7/0



**ToPH JD Hardie Youth Centre Working Group
Notes from Working Group meeting 18th Oct 2010**



Group 1**What do we want from the Youth Centre?****Music / performing arts**

- General
- Hub for music
- Recording facilities
- Art workshops / wet / kiln & classes / knitting / stitching → market products
- Make own brick / tile

Instrument / Equipment

- Maintenance/ looking after (i.e. tuning drums)
- Report breakages
- Mentoring / supervision

Chillout zone

- juice bar (freshly made boost style)

Kitchen to run workshops

- Workshops + safety / supervision

Make sure it is a zone & everything there**Sports area / equipment / mind exercises**

- More than one practice space

→ Injuries

- First aiders / run courses
- Health awareness

/

-

Group 1 (group 1 cont)

Multicultural activities / awareness / cooking / workshops / workshops for new people / mentoring / languages

Games zone, arcade area (computer / wii / timezone)

Gym (cardio , yoga) youth focussed and cheaper memberships

Martial arts / skating / boxing

- Counselling / buddy / mentoring
 - Make sure ok
 - Life skills (\$, time, home skills, work-life balance)
- Youth markets / music performances on basketball courts
- Dance workshops and Ball
- "Safe Land"
 - Locked storage of valuables / backpacks
- Study centre / tutoring
 - Catch up classes
 - Volunteer / youth tutoring
- Space
 - Programming / space booking / every age group
 - Share space
 - Planning
 - Isolated areas
- Siblings / younger / older
 - Programming / age specific / buddy / peer support
- Workers / volunteers
 - Place looked after
 - Youth run for youth (mentoring i.e. Esplanade)
- Cultural Differences
 - Workshops
 - Buddy / mentor system
- Disruptive people
 - Rules (*three warning rule*)
 - Person responsible

Group 2**What do we want from the Youth Centre?****Fun, learning environment**

- Cultures
- Boating
- Location conditions
- Environment - emergency services / first aid
- Strong consistent programming
- Usable space
- All inclusive
- Accessibility
- Welcoming – inclusive & collaborative & safe
- A communal kitchen
 - Mini masterchef }

Run by community volunteers

 - Nutrition
- Community Gardens
 - Cultural foods
 - food from here to be used in kitchen
- Cadet base
- Somewhere to hang-out outside of home
- Drop in centre
- Recording studio / music room / open mic nights
- Movie nights
- Inter-organisational
- Younger youth sleepovers / pizza and movie
- Retain & increase youth targeted sporting activities
- Laser tag
- Revamp mini-golf; add lighting
- Cafe / coke club – money to go towards kitchen and garden
- Conference room for youth groups
- Kiddy gym
- All proceeds made to go back into the centre
- Regular bus service
- Outdoor programming
- Alcohol & drug free

GROUP 2**What issues do these raise?**

- Disability accessibility
- Funding
- Safety and security
- Management? Responsibility?
 - o Must have a sustainable process in place
- Bad management, bad programming
- Negative attitude towards youth
- Must be culturally sensitive
- Centre not designed by Youth for Youth
 - o Still must be welcoming for families
- No rules / boundaries – creates chaos however too much will also turn off Youth
- Youth may be wary of organisations in the Centre
 - o Who is watching
 - o Who else is here
 - o Parents may be worried about other youth in Centre
- Youth set their boundaries → better level of respect

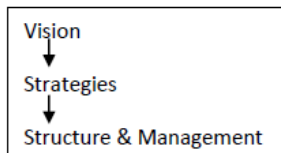
Group 3**What do we want from the Youth Centre?**


- Engagement 10-25
- Build competence (Skills → Choice → Social/economic capacity)
- Build confidence (Skills → Choice → Social/economic capacity)
- Timeline of age groups 9-25 to include YMCA Lifeguard, Hip Hop, Too Cool
- Employment – First job
- Futures/"visioning"
- Management structure
- Tutoring after school - YIC, schools

- Co-location of services
- Safe place, needs structure, to take safe risk
- Internet Cafe → include "Library" space
- Radio Station
- Counselling services - financial, social/personal/wellbeing referrals
- Sports
- Open 7 days/week, extended hours on Friday and Saturday
- Crèche, mother craft classes, mothers and babies activities
- Lifestyle classes
- Hot desk – 2 x health workers, others also
- Employment services
- Place of engagement (Honey pot)
- Extreme sports "rock out or knockout"
- **GO BACK TO YOUTH PLAN**
- "Library" chill out, teenagers

Group 3**ISSUES ARISING**

- How do we engage young people?
- Does the centre run on a model/s?
- Management... agency coordination?
 - Youth voice
 - Join case management



Values  Visioning
 Principles
 Buying from young people

NEEDS TO BE AN AUTHENTIC YOUTH VOICE

- Drive it into schools
 - Representative groups
 - Youth voice (Equal weight) in management structure

WHAT/HOW/WHO GOES INTO THE RATIONALE?

$$S = \frac{3(A) + \text{Adventure}}{\text{Attitude}}$$

GROUP 4**What do we want from the Youth Centre? Page 1 of 2**

Somewhere for kids to go

Safe place

Programs of interest – create attraction

Sense of ownership by young people

 Involvement in design, colours etc

 Working with artists on design

 Choosing the name

 Cool in summer – physically/climate

Education on social issues/life skills

 Computers/Cooking

Consulting service for families

Generic programs/variety

Drop in centre

 Cold drinks after school

No segregation

 All included together

Physically challenging activities

Electronic games

Art/music/multimedia

Performance space/recording booths

AV sound system

Big Screen

 Use for interactive projection

Cafe

 Cook your own

 Healthy choices/fruit

Sports

 Informal

 Facilities

 Gymnasium

Opportunity for kids to give feedback Informal/Leadership group

Fun

Incentives to draw young people in

Kids like to be in groups of friends, as well as all in together

Positive interaction with friends

Work with families

GROUP 4**What do we want from the Youth Centre? Page2 of 2**

Indigenous and other cultural groups

Diversity of workers for kids to connect with

Community radio

Young presenters

Look at the culture and history of the town

Play/theatre programs

Language/Aboriginal dance/songs

Keep culture in the front

Free food days

Kids to help cook and serve

(After school, similar to breakfast program)

Need a kitchen facility for group cooking

ISSUES

Transport to the centre for programs and then back home again

Name

How does it relate to young people?

Keep recognition by naming the centre ie. JD Hardie Hall

Transient community

Turnover of staff/workers (Involve kids in running of the centre)

Creating an environment of diversity so everyone feels comfortable

Qualified staff/supervision

Passion vs. Ego

Security to cope with drug affected kids

Turnover of workers – lose the build up of trust

11.3.3 Men's Shed (File No.: .../...)

Officer **Lorna Secrett**
Coordinator, Community
and Cultural
Development

Date of Report 08 December 2010

Disclosure of Interest by Officer Nil

Summary

This report recommends investigation of a Men's Shed initiative by staff and a report submitted to Council in the first quarter of 2011.

Background

It has been identified that there is community interest in the idea of a Men's Shed initiative in Hedland. A recent inter-agency forum on domestic violence has also highlighted a lack of general health support services for men.

It is proposed that staff conduct preliminary research on such aspects as funding opportunities and existing models and informally discuss the possibilities of a Men's Shed with interested parties within the community, before bringing a report back to the Council in the first quarter of 2011.

Consultation Nil.

Statutory Implications Nil.

Policy Implications Nil.

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 4 – Healthy Community: That the community has access to high quality health services and facilities and the Town is taking appropriate preventative measures to ensure a healthy environment.

Budget Implications Nil.

Officer's Comment

The Mensheds Australia Ltd website states that:

'Men's sheds provides a unique and practical way of addressing men's health issues and it is a way of capturing existing skills in a community; a way of supporting projects that might be marginal, or outside the normal scope of other community groups, or businesses, or that lack practical skills.

Through collaboration, problem solving and decision-making, a men's shed can considerably enhance the initiation and implementation of projects, both new and old and improve the lifestyle of many men.'

It is considered by staff that a Men's Shed initiative would be beneficial to the community and has synergies with existing Council projects such as the Community Garden and the Cultural Plan.

There are a number of groups who should be consulted and involved in such an initiative including Well Women's Centre, who offer services to men also, and Frontier Services who provide services to multicultural and migrant groups.

It is proposed that staff conduct preliminary research on such aspects as funding opportunities and existing models and informally discuss the possibilities of a Men's Shed with interested parties within the community, before bringing a report to Council in the first quarter of 2011.

Attachments

Nil.

201011/210 Council Decision/Officer's Recommendation

Moved: Cr S J Coates

Seconded: Cr D W Hooper

That Council:

1. Endorse in principle an investigation into a Men's Shed initiative in Hedland by staff; and
2. Receive a report on the Men's Shed initiative in the first quarter of 2011.

CARRIED 7/0

11.3.4 Authorisation of Dog Registration Officers – Dog Act 1976 (File No. : 19/09/001)

Officer Sharon Groch
Coordinator Library Services

Date of Report 2 December 2010

Disclosure of Interest by Officer Nil

Summary

For Council to consider the appointment of Dog Registration Officers for the Town of Port Hedland

Background

Council allows for the registration of dogs at both the Town of Port Hedland's Civic Centre as well as the South Hedland Library. The Dog Act 1976 requires that all persons that register dogs be authorised under the said Act to carry out this function.

Consultation

Not Applicable.

Statutory Implications

Dog Act 1976 (as amended).

Policy Implications Nil.

Strategic Planning Implications Nil.

Budget Implications Nil.

Authorisation of officers will need to be advertised in the Government Gazette.

Officer's Comment

It is a legal requirement that any officer that effects the registration of dogs be authorised. Authorisation of officers also gives the Council and staff legal protection while carrying out this function and "acting in good faith".

The following staff members act in a capacity that requires them to be authorised as Dog Registration Officers:

Elizaveta Mazheyko
Beth Marrell

As the following staff member has left the employ of the Town of Port Hedland their authorisation must be cancelled:

Sandra Dumesny

Attachments

Nil.

201011/211 Council Decision/Officer's Recommendation

Moved: Cr G J Daccache

Seconded: Cr D W Hooper

That Council:

1. Authorises the following staff members as Dog Registration Officers for the Town of Port Hedland pursuant to the Dog Act 1976:

- a) **Elizaveta Mazheyko**
- b) **Beth Marrell**

2. Authorises the cancellation of the following staff member as Dog Registration Officer:

- a) **Sandra Dumesny**

CARRIED 7/0

11.4 Governance and Administration

11.4.1 Finance and Corporate Services

11.4.1.1 Interim Financial Reports to Council for Period Ended 31 October 2010 (File Nos: FIN-008, FIN-014 and RAT-009)

Officer Lee Crombie
Finance Officer

Date of Report 30 November 2010

Disclosure of Interest by Officer Nil

Summary

The objective of this item is to present a summary of the interim financial activities of the Town to 31 October 2010, 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. The reports are considered to be interim as the Finance Department is still in the process of finalising the 2009-10 Financial year that may affect the actual results indicated for July 2010.

Background

1. Interim Financial Statements

Presented (see attachments) in this report for the financial period ended 31 October 2010, are the:

- Statements of Interim Financial Activity – see Schedules 2 to 14;
- Notes (1 to 10) to and forming part of the Statements of Interim Financial Activity for the period ending 31 October 2010;
- 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 8 December 2010 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			
CHQ19990	CHQ19997		1	1	1	Municipal Fund	
CHQ19998	CHQ20000		-	-	1	Municipal Fund	Cheque cancelled
CHQ20001	CHQ20021		2	4	1	Municipal Fund	
CHQ20022	CHQ20022		-	-	1	Municipal Fund	Cheque cancelled
CHQ20023	CHQ20051		4	9	1	Municipal Fund	
CHQ20052	CHQ20053		-	-	1	Municipal Fund	
CHQ20054	CHQ20066	\$250,204.94	9	10	1	Municipal Fund	
EFT31580	EFT31963	\$6,079,018.81	11	72	1	Municipal Fund	
CMS071010	CMS071010	\$192.39	73	73	1	Municipal Fund	Photocopier Lease – Engineering Dept
PAY051010	PAY051010	\$301,758.99	72	72	1	Municipal Fund	
PAY191010	PAY191010	\$311,164.31	73	73	1	Municipal Fund	
BOQ271010	BOQ271010	\$891.10	73	73	1	Municipal Fund	Finance Equipment
NMF011010	NMF011010	\$569.14	1	1	1	Municipal Fund	Photocopier Lease x2 – Regulatory Services
NMF011010	NMF011010	\$1,244.32	1	1	1	Municipal Fund	Photocopier Lease – South Hedland Library & JD Hardie
NMF061010	NMF061010	\$284.57	73	73	1	Municipal Fund	Photocopier Lease – Community Development (Airport)
	Municipal Total	\$6,945,328.57					
3001992	3002002	\$266,921.52	73	74	3	Trust Fund	
	Trust Total	\$266,921.52					
	Sub-Total	\$7,212,250.09					
LESS: one-off pay		-					
	Total	\$7,212,250.09					

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 Councillors

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

- **Monthly**

Bank Reconciliation of the Municipal, Reserve and Trust Fund

+90 day outstanding Sundry Debtors Report

List of Accounts paid under Delegated Authority

Register of Investments

Rate Summary Trial Balance

Reserve Account Balances

- **Quarterly**

Quarterly Budget Review

Report on all Budgeted Grants of \$50,000 or more.

Irregular Financial reports will be presented to Council on request.

Strategic Planning Implications

Key Results Area 5 Environment

Goal 2 Natural Resources

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

Budget Implications

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

"Recommendation 13

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

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

Officer's Comment

For the purpose of explaining Material Variance (Expense/Revenue Up or Down, and see attachment Schedule 2) a three-part approach was taken:

Period Variation

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

Primary Reason

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

Budget Impact

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

Attachments

- Page 1–2 of 16. Schedule 2 being a Statement of Interim Financial Activity
- Pages 3 to 16. Notes 3 to 11 which form part of the Statements of Interim Financial Activity. Also Note 10 – October 2010 Bank Reconciliations.
- Pages 17 to 70. Detailed Interim Financial Activity by Program.
- Pages 71 to 73. Comparison Between 2010/11:2009/10 Utility & Fuel Costs
- October 2010 Accounts for Payment

201011/212 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

- i) note the
 - a) **Statements of Interim Financial Activity (represented by Schedules 3 to 14);**
 - b) **Notes (1 to 11) to and forming part of the Statements of Interim Financial Activity for the period ending 31 October 2010; and**
 - c) **Review of Transaction Activity, as attached and/or presented be received;**
- ii) graphic representation of the Town's energy, water and fuel use as attached be received; and
- iii) list of Accounts paid during October 2010 under Delegated Authority, as presented and/or attached be received.

CARRIED 7/0

11.4.1.2 Write Off Debtors (File No.: Fin-005/Fin-100)

Officer Lee Crombie
Senior Finance Officer

Date of Report 30 November 2010

Disclosure of Interest by Officer Nil

Summary

Requesting for Council to write off debtors over 90 days that are deemed to be unrecoverable.

Background

The following outstanding debt is for an account that has now been outstanding for several months and is deemed uneconomical to pursue.

PACDAC:

This debt has been outstanding since December 2007 and relates to electricity usage for Courthouse Art Gallery. This debt was identified as a doubtful debt in 2009. This company is insolvent and the debt will not be recoverable.

Wayfarer Aviation Inc.:

This debt has been outstanding since 15th December 2009 and relates to landing fees for November 2009. We have received notification from Arcadia Aviation in the USA informing that Wayfarer Aviation ceased business on the 8th June 2010, and no further debt recovery is possible.

Consultation Nil.

Statutory Implications

Section 6.12 of the Local Government Act 1995 provides that Council may resolve to write-off any amount of money as debt, which is owed to the Local Government.

*“6.12. Power to defer, grant discounts, waive or write off debts
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.

** Absolute majority required.*

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

Policy Implications

2/012 Sundry Debt Collections

Strategic Planning Implications Nil.

Budget Implications

The proposed write-offs equate to:

1. PACDAC	\$	569.95
2. Wayfarer Aviation	\$	3,571.48
Total	\$	<u>4,141.43</u>

These write-offs should be applied to the Provision of Doubtful Debts. This is a balance sheet account and therefore does not directly affect the Municipal Budget.

The Provision is reviewed annually, and net adjustment is applied to the Municipal budget at that stage.

Officer's Comment

In any organisation or business it is not preferable to write-off debt. Essentially this write-off is a loss of income, which any organisation requires to remain viable. In particular circumstances the cost of collecting the debt can exceed the debt itself and a decision must be made to either pursue or extinguish the debt.

The Debts included in this report are reasonably minor, and any further attempts to simply locate the debtors, let alone collect the money will exceed any benefit to the Council.

It is therefore recommended that Council proceed to write-off these minor debts. If the Council knows the debtor after this occurs, Council can still attempt to recover debts, if appropriate.

201011/213 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council write-off the following debts and apply the write-off to the Provision of Doubtful Debts:

i) PACDAC

Debtor No	Invoice No	Amount
5786	19391	\$569.95

ii) Wayfarer Aviation Inc

Debtor No	Invoice No	Amount
7888	26182	\$3,571.48

CARRIED 7/0

11.4.2 Governance

11.4.2.1 Elected Member Representation on Council's BHPBIO/Council Joint Projects Working Group (File No.: ADM-070)

Officer Paul Martin
Acting Chief Executive
Officer

Date of Report 2 December 2010

Disclosure of Interest by Officer Nil

Summary

Report seeks Council's appointment of Councillor M (Bill) Dziombak to represent Council on its BHPBIO/Council Joint Projects Working Group.

Background

At its Ordinary Meeting held on 28 October 2009, following the Local Government Election, Council reviewed its representation on its Committees, Working Groups and External Organisations. At that meeting Council resolved as follows (in part) in relation to its BHPBIO/Council Joint Projects Working Group:

"ii) nominates the following Council Representative(s) on its Working Groups as follows:

a) BHPBIO/Council Joint Projects Working Group

Membership:

Council Membership includes:

Mayor Howlett;

Councillor Carter; and

Councillor Daccache"

Consultation

Councillor M (Bill) Dziombak

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications Nil

Budget Implications

Nil

Officer's Comment

The BHPBIO/Council Joint Projects Working Group has been established to:

- a) discuss joint initiatives that may be appropriate between BHPBIO and Council; and
- b) recommend projects to Council for funding from the BHPBIO/TOPH Sustainability Partnership Fund.

The Working Group has no delegation and its tenure is ongoing.

Councillor M (Bill) Dziombak seeks Council's endorsement for him to represent Council on this Group.

Given next year will involve the renegotiation of the partnership with BHP Billiton for the coming 5 years, officers support the addition of another Councillor on this working group.

Attachments

Nil

201011/214 Council Decision/Officer's Recommendation**Moved:** Cr D WHooper**Seconded:** Cr J M Gillingham

That Council nominates Councillor Dziombak to be a representative on the BHP Billiton Iron Ore/Council Joint Projects Working Group together with existing members as follows:

- Mayor Kelly Howlett
- Councillor Arnold Carter
- Councillor George Daccache

CARRIED 7/0

11.4.3 Investment and Business Development

11.4.3.1 Airservices Australia: Request for Easement (File No.: 05/05/0035)

Officer Jasmine Person
Manager Investment
and Business Development

Date of Report 30 November 2010

Disclosure of Interest by Officer Nil

Summary

Airservices Australia have requested the Town's consent to the registration of an easement to protect cabling which supports aviation equipment, located at the north eastern side of the airport runway. This report provides the background information to this request and a recommendation to Council.

Background

On 5 November 2001, the Town of Port Hedland and Airservices Australia entered into a peppercorn lease agreement for a period of 15 years and 9 months, with a further term of 20 years for permitted functions of Airservices Australia. These lease agreement was for various parcels of land scattered around the airport terminal and runway. That lease was subsequently registered with Landgate, registration number 'H979869L'.

Clause 19 of the lease states:

"The Lessor shall grant to the Lessee such cable easements or licences as the Lessee may reasonably require to protect the right of the Lessee to pass through, under and over such part or parts of the aerodrome, on which existing or additional cables owned by the Lessee are required by it for the purposes of Air Route and Airway Facilities and the Lessor shall permit all necessary access by the Lessee.....for the purposes connected with the maintenance, operation and renewal of any cables."

In July 2010, Airservices Australia formally requested the Town's consent to the registration of an easement running south through Lot 244 on Deposited Plan 212197, servicing the HX and NDB sites located on Forrest Location 15 on Deposited Plan 161311 and Forrest Location 29 on Deposited Plan 168193.

The reason for the request was to protect the main power cable servicing the HX and NDB sites.

Airservices Australia have prepared all of the necessary documents for lodgment and registration of the easement with Landgate. They have also advised that they will bear the costs of preparation and lodgment of these documents. See Attachment 'A'.

Consultation with the Planning Department confirm that the easement is approved.

Consultation

Acting CEO
Director Engineering Services
Manager Planning
Manager Airport Operations
Mason Henderson Property Manager Airservices Australia

Statutory Implications

As this easement is not a disposal of property, rather a registration of an interest pursuant to a lease, section 3.58 of the *Local Government Act 1995* is not applicable.

Policy Implications Nil.

Strategic Planning Implications Nil.

Budget Implications Nil.

Officer's Comment

The Council is obliged to grant this request, pursuant to the Lease Agreement executed in 2001. Further, it is essential that this cabling is protected and Airservices Australia's interest is registered as any interference with this cabling could see the airport unable to operate.

Attachments

Annexure A – Instrument for lodgment with Landgate, including ariel view of easement location.

201011/215 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr D W Hooper

That Council:

1. grant the easement for a portion of land located on Lot 244 on Deposited Plan 212197, as requested by Airservices Australia for the protection of the cabling running to the HX and NDB sites situated on the airport land, northwest of the main runway, pursuant to the 2001 lease agreement with Airservices Australia; and
2. execute the necessary instruments under seal, as prepared by Airservices Australia for registration of this easement with Landgate; and
3. authorise the Acting Chief Executive Officer or his delegate to return these documents to Airservices Australia immediately.

CARRIED 7/0

FORM B 2
 FORM APPROVED
 NO. B2891

WESTERN AUSTRALIA
 TRANSFER OF LAND ACT 1893 AS AMENDED

BLANK INSTRUMENT FORM

EASEMENT

(Note 1)

Date: 2010

PARTIES:

SHIRE OF PORT HEDLAND of Civic Centre, McGregor Street, Port Hedland, Western Australia as grantor
(Grantor)

And

AIRSERVICES AUSTRALIA being a body corporate established under the *Air Services Act 1995* (Cth) ABN 59 698 720 886 of 25 Constitution Avenue, Canberra City ACT 2600 **(Grantee)**

RECITALS AND AUTHORITY:

- A. The Grantor is the registered proprietor of the Dominant Tenement and the Servient Tenement.
- B. The Grantee holds a Lease over the Dominant Tenement.
- C. The Grantee has requested the Grantor to grant to the Grantee an easement for the purpose of repairing, maintaining or replacing cables layed in or under the Cable Easement Land and subject to and upon the terms and conditions set out in this deed.
- D. The Grantee has obtained all necessary consents to the grant of this easement

OPERATIVE PROVISIONS:

1. Grant of Cable Easement

Subject to clause 4 and the Encumbrances and any required consents from the holders of all or any of the Encumbrances, the Grantor hereby grants to the Grantee and the Grantee's Authorised Users the non-exclusive right to enter in, upon, under, over and across the Cable Easement Land and at the costs of the Grantee to:

- (a) run cables in, under or over the Cable Easement Land; and
- (b) install, maintain, repair and replace the cables.

2. Conditions of Easement

The easement granted under clause 1:

- (a) is granted subject to the right of the Grantor and other persons lawfully entitled to use the Servient Tenement from time to time to continue to use the Servient Tenement in any manner which is not inconsistent with this deed;
- (b) subject to clause 2(a), may be exercised on foot or by the use of vehicles, machinery, plant or equipment of any kind; and
- (c) subject to clause 2(a), may be exercised at any time by the Grantee and the Grantee's Authorised Users.

3. Easement to Run with the Land

The easement granted by this deed is intended to run with the Servient Tenement and the Dominant Tenement and to:

- (a) bind the Grantor and any successive primary interest holder or registered proprietor of the Servient Tenement; and
- (b) bind the Grantee and every successive lessee under the Lease.

4. Fee

In consideration for the grant of this easement, the Grantee has paid to the Minister the nominal amount of **ONE DOLLAR** (\$1.00) which includes GST.

5. Grantor's Obligations

The Grantor agrees that it shall not without the prior written consent of the Grantee:

- (a) obstruct the Cable Easement Land in any manner which will prevent or unreasonably restrict the Grantee's exercise of its rights under this deed;
- (b) construct, indirect or set up any building, structure or improvement within the Cable Easement Land which will prevent or unreasonably restrict the Grantee's exercise of its rights under this deed;
- (c) bring onto or permit to be brought onto the Cable Easement Land any explosive, flammable or unstable substance or material; or
- (d) carry on or permit to be carried on any activity or operation which endangers the safe, efficient and continuous operation of any facilities or works installed by the Grantee on or under the Cable Easement Land.

6. Grantee's Obligations

The Grantee agrees that, subject to the provisions of this deed, the Grantee will cause as little damage as is reasonably possible to the Cable Easement Land and will make good or otherwise pay adequate compensation for any physical damage the Grantee causes to the Cable Easement Land or any of the Grantor's fixtures located on the Cable Easement Land.

7. Costs and Stamp Duty

The Grantee agrees to pay all stamp duty and registration fees payable in respect of this deed.

8. **Good and Services Tax**

8.1 Definitions

In this Easement, the terms "**GST**", "**GST law**", "**Tax Invoice**" and "**Taxable Supply**" have the meaning given in Section 195-1 of the New Tax System (Goods and Services Tax) Act 1999 and any legislation substituted for or amending that Act.

8.2 Grantee to pay GST

The Grantee must pay any GST payable by the Grantor in respect of a Taxable Supply made under this Easement and such GST is included in the Price.

8.3 Tax Invoice

Where GST is payable, the Grantor shall provide to the Grantee, if required by the Grantee, a Tax Invoice in the format and form required as set out in the GST law.

9. Termination

The easement granted under clause 1 begins on the day of execution of this document and ends on the earliest of:

- (a) termination of the Lease; or
- (b) by mutual consent of the parties.

10 General Provisions

If a Court determines that a word, phrase, sentence, paragraph or clause in this deed is unenforceable, illegal or void then it shall be severed and the other provisions of this deed shall remain operative.

11 Notices**11.1 Giving notice**

Any notice, approval, consent or demand given pursuant to this easement may be given or served in writing in any of the following ways:

- (a) by hand delivery to the address of the relevant party referred to in clause 11.2 below; or
- (b) by sending it by security post or facsimile transmission to the address of the relevant party referred to in clause 11.2 below.

11.2 Parties' addresses

For the purposes of this clause 11.2 the address of the Grantor is:

- (a) if service by hand delivery or by security post:

Civic Centre
McGregor Street
Port Hedland WA 6721

- (b) if service by facsimile transmission:

(08) 9158 9399

and the address of the Grantee is:

- (c) if service by hand delivery or by security post:

Property Manager
National Property
Airservices Australia
PO Box 367
CANBERRA ACT 2601

- (d) if service by facsimile transmission:

(03) 9339 2679

unless written notice has previously been given of any change of address for service in which case notices must be sent or delivered to such changed address.

12. Interpretation

12.1 In this deed:

- (a) **Cable Easement Land** means that portion of the Servient Tenement marked A on the copy of the interest only Deposited Plan 68929 lodged with Landgate;
- (b) **Dominant Tenement** (as to registered Lease H979869) means part of Lot 2444 on Deposited Plan 212197, Forrest Location 15 on Deposited Plan 161311 and part of Forrest Location 29 on Deposited Plan 168193, as hatched on drawing no PS-10369 on page 37 of the Lease;
- (c) **Encumbrances** means the encumbrances over the Servient Tenement (if any) listed in the schedule to this document
- (d) **Grantee** includes the Grantee's successors and assigns.
- (e) **Grantee's Authorised Users** means the Grantee's agents, employees, contractors, tenants, licensees and any person who uses or visits the Servient Tenement with the actual or implied authority of the Grantee.
- (f) **Grantor** includes successors in title to the Easement Area.
- (g) **Lease** means registered lease H979869 over the Dominant Tenement between the Grantee and the Lessor dated 5 November 2001
- (h) **Lessor** means the Town of Port Hedland, of Civic Centre, McGregor Street, Port Hedland, Western Australia 6721
- (i) **Servient Tenement** means Lot 2444 on Deposited Plan 212197, being part of the land contained in certificate of title volume 2212 folio 731

12.2 In this deed, unless the contrary intention appears, a reference to a clause or schedule is a reference to a clause of or a schedule to this deed.

SCHEDULE

Encumbrances over Servient Tenement:

1. Easement C496888
2. Lease H979869
3. Lease K94473

Consent of the Town of Port Hedland

The Town of Port Hedland consents to the granting of this Encumbrance over the Servient Tenement

**The Common Seal of the Town of Port Hedland
was affixed hereunto in the presence of:**

Kelly Howlett

Mayor

Paul Martin

Chief Executive Officer

on the _____ day of _____ 2010.

SIGNED SEALED and DELIVERED for
AIRSERVICES AUSTRALIA
ABN 59 698 720 886 under registered Power of
Attorney L129904 in the presence of:

Signature of Group A Attorney

Signature of witness

Full name of Group A Attorney

Full name of witness

Title of Group A Attorney
(Chief Executive Officer / Chief Financial Officer / General
Counsel)

Address of witness

Occupation of witness

SIGNED, SEALED and DELIVERED for
AIRSERVICES AUSTRALIA
ABN 59 698 720 886 under registered Power of
Attorney L129904 in the presence of:

Signature of Group B Attorney

Signature of witness

Full name of Group B Attorney

Full name of witness

Title of Group B Attorney
(Property Management Manager/ General Manager, Technology
and Asset Services / Branch Manager, Planning and Integration)

Address of witness

Occupation of witness

INSTRUCTIONS

1. This form may be used only when a "Box Type" form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet Form B1 should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult Person. The address and occupation of the witness must be stated.

OFFICE USE ONLY

LODGED BY

ADDRESS

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY BLAKE DAWSON

ADDRESS 2 THE ESPLANADE
 PERTH WA 6000

PHONE No. FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1.	<hr/>	
2.	<hr/>	Received Items
3.	<hr/>	Nos.
4.	<hr/>	
5.	<hr/>	
6.	<hr/>	Receiving Clerk

Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.

EXAMINED

FOR INTEREST PURPOSES ONLY

TYPE: FREEHOLD
PURPOSE: INTEREST

PLAN OF: EASEMENT &/OR OTHER INTERESTS OVER LOT 2444 ON DP 212197

DISTRICT	FORREST	SSA	SSA
TOWNSHIP	PORT HEDLAND	FORMER TENURE	
DPI FILE		FIELD BOOK	
LOCAL AUTHORITY	TOWN OF PORT HEDLAND		
LOCALITY	PORT HEDLAND		
INDEX	ON BL66 (10) 6.5.6.6		

SCALE: 1:1500 AT A2 SIZE
SURVEYOR'S CERTIFICATE - Reg 14
GARRY WILLIAM SULLIVAN
I hereby certify that this is accurate and is a correct representation of the survey and all its contents and details in accordance with the relevant law in relation to which it is lodged.

LODGED: [] TYPE OF VALIDATION: [] APPROVED BY: WESTERN AUSTRALIAN PLANNING COMMISSION
DATE: [] FEE PAID: [] DELEGATED UNDER S 19 F & D ACT 2005
ASSESSOR: [] F.S.C. [] DATE: []

IN ORDER FOR DEALINGS

SUBJECT TO: []

FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER: [] DATE: []

APPROVED: []

INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER: [] DATE: []

Landgate
Western Australian Land Information Authority
DEPOSITED PLAN
68929

SHEET: []
VERSION: []

WILANS

PRELIMINARY UNKODGED VERSION SUBJECT TO LANDGATE AUDIT
This copy is a preliminary uncodged version of the plan and is not subject to the usual Landgate audit process. It is intended for design and construction purposes only. It should be obtained for construction purposes.

11.4.3.2 RSL Request for Extension of Sub-Leased Area (File No: 05/05/0019)

Officer	Jasmine Person Manager Investment & Business Development
Date of Report	30 November 2010
Disclosure of Interest by Officer	Nil

Summary

This report will provide Council with the history of the RSL sub-lease on Sutherland Street, Port Hedland, together with a recommendation for consideration pertaining to a request by the RSL for an extension of the TS Pilbara lease area.

Background

It is understood that the Unit Committee T.S. Pilbara Incorporated (TS Pilbara) and its ancillary uses / operations have occupied a portion of land along Sutherland Street, Port Hedland since the early 1980s. This occupied area was delineated and the boundaries defined with the erection of a fence which is still present today.

In 1989, the RSL also became occupants of this same parcel of land.

On 24 June 1997, various lots were vested in the Town of Port Hedland, which included that area occupied by the TS Pilbara and the RSL.

Pursuant to that vesting order, the Lessor (the Town of Port Hedland) has the power to lease the whole or any portion of that land for any term not exceeding 21 years subject to the approval of the Minister for Lands.

On 15 December 1998, a lease was executed by the Town of Port Hedland (Lessor) and the Unit Committee T.S. Pilbara Incorporated (Lessee) for a portion of land situated on Sutherland Street, Port Hedland, for an area of 4768m².

The terms of that lease included a covenant that the Lessee could not without the prior consent of the Lessor, sublet or part with possession of the Lessee's interest.

On an unknown date in 2006, a lease was executed between the Town of Port Hedland (Lessor) the Unit Committee T.S. Pilbara Incorporated (Lessee) and a third party RSL Sub branch (Sub Lessee) who wished to sub-lease a portion of the land from the TS Pilbara.

The commencement date of that sub lease was 12 September 2006.

The area the subject of the sub-lease was at the time labelled 'Proposed RSL Building' located in the North-East corner of the land parcel and attached hereto is the lease plan.

The terms of that sub-lease included a covenant that the Lessee could not sublet the land; on substantially the same grounds as the first substantive lease.

It further included within the Schedule to the sub-lease, at Item 12, "All development, construction and improvement shall not commence without prior approval of the Town of Port Hedland."

Over June/July 2010, negotiations took place between officers and RPS regarding the development of a new Port Hedland RSL. In July 2010 the Town issued the RSL with a letter offering \$100,000.00 (excl GST) of State funding and subject to conditions, to engage consultants to develop Concept Plans and Drawings and gain necessary approvals.

In August 2010 the RSL responded and confirmed adherence to those conditions. It was during the survey process that the inconsistency in the lease area was discovered, namely that the fenced boundary is actually wider than the lease boundary.

In September 2010, the Town granted \$100,000.00 (excl GST) to the RSL.

On 20 October 2010, the Town received correspondence from RPS Group Australia, acting on behalf of the RSL, containing a request for an extension of the TS Pilbara leased area, to enable them to relocate their clubhouse to the opposite and North Western end of the land parcel.

The area in question forms a 620m² parcel which currently houses a mixture of unsealed ground, a dilapidated shed and pavement areas.

In October 2010, a site feature survey and concept designs for a new RSL clubhouse were completed and meetings were held between officers and representatives of RPS.

It is understood that Landcorp took ownership of the Spolibank development only a couple of months ago, consequently Officers have consulted with Landcorp to ascertain their position and potential constraints to the lease extension request.

Consultation

A/Chief Executive Officer
Acting Director Planning and Development

Director Corporate Services
Manager Economic and Land Development
RPS Group Australia – Dan McKillop, Project Manager
Landcorp – Matt Read, Project Manager

Statutory Implications Nil.

Policy Implications Nil.

Strategic Planning Implications

Key Result Area 3 – Community Development

Goal 2 - Sports and Leisure

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

Strategy 4 - Operate a range of programs and initiatives that promote an active, integrated community.

Key Result Area 4 – Economic Development

Goal 1 – Tourism

Strategy 2 - Progress the development of the Spoilbank Marina Precinct.

Budget Implications Nil

Officer's Comment

The development of the Spoilbank area is contained within the Strategic Plan 2010 – 2015 and is one of the top 10 projects for the next couple of years, reflected in 'Hedland's Future Today'.

Whilst this request may appear to be straight forward, it is not. The TS Pilbara have occupied this 620m² parcel of land for many years and have only recently learned that it does not form part of their leased area. The RSL have a desire to develop the area and rationalise uses, cater for future needs and improve the functionality and appearance of the facilities which includes the erection of a new clubhouse. They successfully obtained a \$100,000 grant from the Town to initiate concept designs and plans. The RSL claim that the land they currently occupy is not big enough to build the clubhouse they need to see them into the future and unfortunately the TS Pilbara's clubhouse and parade ground occupy the remaining lease area: see annexure A.

The contrary position is, that the land area is contained within the overall Spoilbank area, thus all of the land is currently the subject of master planning and design on a much larger scale. Whilst the Town has been working on feasibility studies for a long time, unfortunately for Landcorp who have only recently taken over the project, they have much to do in the way of moving forward.

Some of the works they need to undertake are further feasibility studies, design concepts in consultation with stakeholders, due diligence and submissions to cabinet for funding. It is understood that consultants will be appointed early next year and further research will be conducted at this time. It maybe that the subject land cannot practically be used for any other purpose, however until Landcorp are able to complete their research, they are not able to make an informed decision.

From a commercial perspective, whilst the 620m² land area is not particularly large, relative to the other parcels of leased area, it still has a high commercial value because of the location. Landcorp have advised that the land values could potentially be \$1000 per square metre, giving the 620m² area of value in the vicinity of \$600,000 per year. Given that the TS Pilbara currently have a peppercorn lease, that revenue would effectively be lost for the future. Another commercial consideration is that this Spoilbank project will require a substantial amount of funding, given the natural constraints that run with the land because of the location.

The considerations that need to be discussed are:

Will the extension of this leased area and relocation of the RSL building (and associated fixtures) unduly impede or hinder the Spoilbank development plans?

It is unknown at this point because the final concept plans and specifications have not been undertaken by Landcorp because they have any recently become involved in this project. However, by extending the lease area and allowing the clubhouse to be erected on it, may pose some constraint in design because of the occupation of land area that was previously a blank canvass, for the purposes of design.

What commercial or financial impact will this lease extension have?

Landcorp will be investing huge amounts of money in this development and like all projects, it is necessary to gain a return to make the project viable and sustainable. Whilst this parcel of land is small relative to the total Spoilbak area, the financial value is still significant.

What impact will the decision by Council have on the RSL?

It will prevent the RSL from building the new clubhouse on the Northwestern side of the land at the present time. This will then also prevent the TS Pilbara from building their new clubhouse as well. The parade ground is very special to the clubs and has huge sentimental value to the members. To encroach on the parade ground with any building structures is not possible.

It is understood that the RSL does not currently have the funding for this project, however without the lease extension and building approval from Council, they will be unable to source or apply for funding.

Possible Options

Adjourn a decision on this request for 6 months

- This will allow Landcorp to engage their consultants and make an informed decision as to what, if any, effect the extension will have on planning for the Spoilbank project as a whole.
- There is no known reason for this lease extension or building construction to be commenced immediately.

Grant the Lease Extension

- This will see the TS Pilbara occupy land that they have occupied for a considerable period of time already.
- It will effectively give a value piece of land to the TS Pilbara for a minimal return on the lease.
- It may constrain the concept and design plans for Landcorp.
- The Town will have an option as to whether it will favourably consider and approve any planning application, once it is received. Item 12 of the sub-lease also requires that both the RSL and the TS Pilbara obtain prior approval from the Town before any development, construction or improvements can be undertaken on this land. It is likely that the Town could impose conditions on that development at that time.

Grant the Lease Extension and Negotiate an Acquisition

- The Town could grant the lease extension as requested and negotiate an acquisition of the land where the old RSL is currently located, once the club house is removed.
- This could effectively see that parcel of land, which is not too different in size, used for other purposes and integrated into the Spoilbank concept plans.
- It will still not resolve the design and planning constraints for Landcorp.
- It will remove vehicle access to the land from the road as the driveway is currently located behind the RSL: see Annexure.

Grant the Lease Extension at Commercial Rates

- The Town could grant the lease extension to the RSL on commercial (or quasi-commercial) rates.
- Commercially this land is considered to attract in the vicinity of \$600,000 per year.

After careful consideration of the various difficulties that are posed with this lease extension request, it is recommended that, reconsider and review the RSL's lease extension request for extension of the TS Pilbara's leased area, in 6 months time.

Attachment

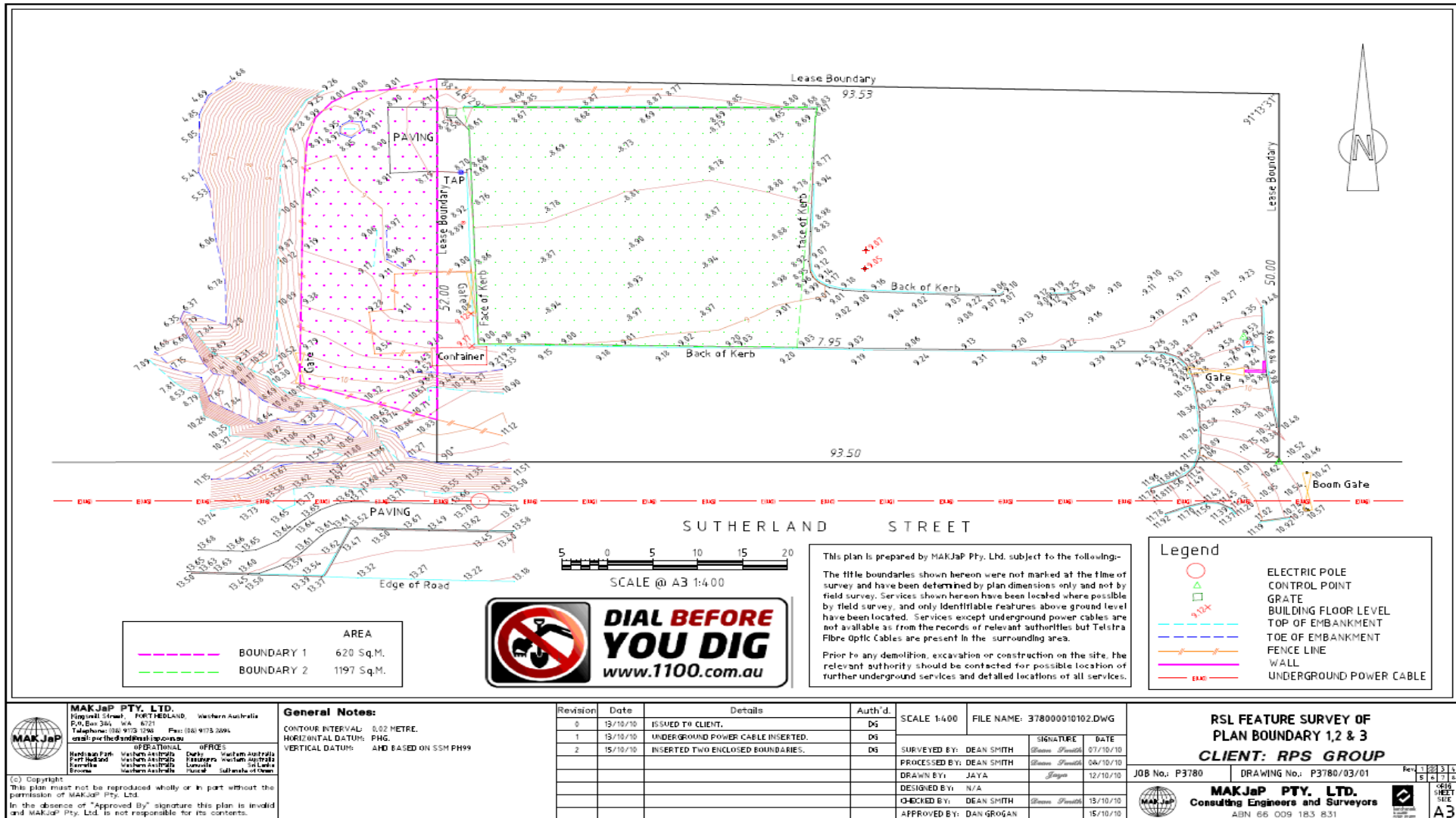
1. Survey Plan of TS Pilbara Lease and Occupancy Area.
2. Photographs of TS Pilbara lease area.

201011/216 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr J M Gillingham

That Council reconsider and review the RSL's lease extension request for extension of the TS Pilbara's leased area, in 6 months time to allow Landcorp to engage their consultants and be in a better position to consider the impact on the feasibility, planning and design for the Spoilbank area as a whole.

CARRIED 7/0

ATTACHMENT 1



ATTACHMENT 2

**Photo Descriptions:**

1. View of the site with TS Pilbara located to the East and the proposed new RSL location to the West.
2. Location of the existing RSL facility adjacent to the TS Pilbara and the Old Yacht Club.
3. Location of the proposed new RSL facility and location of existing fence line. This portion of unsealed land to the fence line is the portion proposed to be included within the current lease.

11.4.3.3 Request for Lease by Telstra – Mobile Communications Facility, Great Northern Highway, Port Hedland (File No.: ...)

Officer	Jasmine Person Manager Investment and Business Development
Date of Report	1 December 2010
Disclosure of Interest by Officer	Nil

Summary

This report will provide Council with details pertaining to the request by Telstra Corporation Limited for a lease of a parcel of land on which to locate a mobile communications facility adjacent to the Great Northern Highway.

Background

In October 2010, Telstra contacted the Town and advised that they wished to install and operate a mobile telecommunications base station, namely a 40metre high steel monopole with associated equipment, in Port Hedland in order to enhance its existing mobile network coverage and services.

A number of sites were identified at this time and discussions were had with officers as to the most suitable location. Following negotiations with Telstra, Planning approved a site, on the condition that it did not cause obstruction to any other services/infrastructure in the vicinity of the Tower and to the satisfaction of the Planning Manager. The approved site is located on Lot 2444 Great Northern Highway, Port Hedland. For descriptive purposes on the vacant land beside the SES leased area – see Annexure A.

On 29 October 2010, the Town received correspondence from Property Logistics who sub-contract Telstra Corporation Limited, outlining a property proposal wherein Telstra sought to lease a portion of land for this installation, firstly for a temporary facility and secondly for a permanent facility.

The proposed lease area is 126m² in total. A smaller area of approximately 12m² is required for the temporary facility, however it is proposed that one lease cover both areas and a surrender of the temporary lease area will occur when the permanent facility is erected.

The essential provisions of the lease are contained in annexure B.

A market valuation was recently conducted for the land upon which this tower will be constructed. That valuation reflected that the market rate for land was \$15.00 per square metre. See Annexure C. Consequently, the market rate for the 126m² that Telstra require is \$1,890 per year. Telstra are offering \$7,000 per year which is well above the market value. Although, it will alter the shape and dimensions of the larger land parcel it is contained within, it is on the road side and adjoins an existing lease boundary, so the impact is perhaps a lowest level possible.

The remaining terms of the proposed lease appear to be standard in nature.

Consultation

A/Chief Executive Officer
Manager Planning and Development
Natalie Wilkie – Principal Property Logistic on behalf of Telstra

Statutory Implications

Local Government Act 1995

“3.58. Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

...etc.

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

Policy Implications Nil.

Strategic Planning Implications Nil.

Budget Implications

Telstra have agreed to contribute \$1,000 toward the negotiation and execution of their standard form agreement associated with this request. This should adequately cover any advertising disbursements and other costs as indicated.

Officer's Comment

The terms of the lease proposal appear to be standard with the rental amount substantially higher than market value which would compensate for the intrusion on the existing vacant land.

Attachment

1. Market Valuation Lot 2444 Great Northern Highway, dated 28 September 2010.
2. Site Layout
3. Proposed Lease Terms

201011/217 Council Decision/Officer's Recommendation**Moved:** Cr A A Carter**Seconded:** Cr S J Coates

That Council authorizes the Acting Chief Executive Officer or his delegate to enter into negotiations with Telstra Corporation Limited for a lease agreement in relation to a Telecommunications Base Station situated on Lot 2444 Great Northern Highway, being vacant land abutting the current SES leased area, in accordance with 3.58(3) of the *Local Government Act 1995*, on the following terms and conditions:

- i) the rental being \$7,000 per annum and increased annually by 2.5%;
- ii) the commencement date being 24 November 2010;
- iii) the period of the lease being for 10 years; and

subject to any submissions being received by Council.

CARRIED 7/0

ATTACHMENT 1

Your Ref: P/Order 98179
Our Ref: 201008047 PM/na

28 September 2010

Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721



ATTENTION: Mr Nick Summers
Asset Manager

**TRANSIENT WORKERS ACCOMMODATION (TWA)
PORTION LOT 2444 GREAT NORTHERN HIGHWAY
PORT HEDLAND WA 6721**

We refer to our valuation report pertaining to notional 1 to 1.5 hectare sites on the above property and recent discussions regarding 2 hectare sites.

We have reviewed our report and note the sites of the transient worker accommodation range from 4027m² to 2.6 hectares and consider it is appropriate to apply the reported rental of \$15 per m² to sites of up to 2 to 2.5 hectares. The rental is net of GST and outgoings and the Lessee will be responsible for providing services and constructing access.

GROUND RENT FOR A 2 HECTARE SITE \$300,000 pa exclusive of GST and outgoings

The above forms an extension is to be read in conjunction with the original report.

INDEPENDENT VALUERS OF WESTERN AUSTRALIA

Peter Murphy, AAPI
Certified Practising Valuer
Licensed Valuer 487 (WA)

INDEPENDENT VALUERS OF WESTERN AUSTRALIA
47 RAILWAY PARADE, MOUNT LAWLEY
PO BOX 277 MOUNT LAWLEY WA 6129
TEL (08) 9271 9500 FAX (08) 9271 9555
EMAIL ADMIN@IVWA.COM.AU
INDEPENDENT VALUERS OF WESTERN AUSTRALIA PTY LTD (ACN 104 498 151)

ATTACHMENT 2



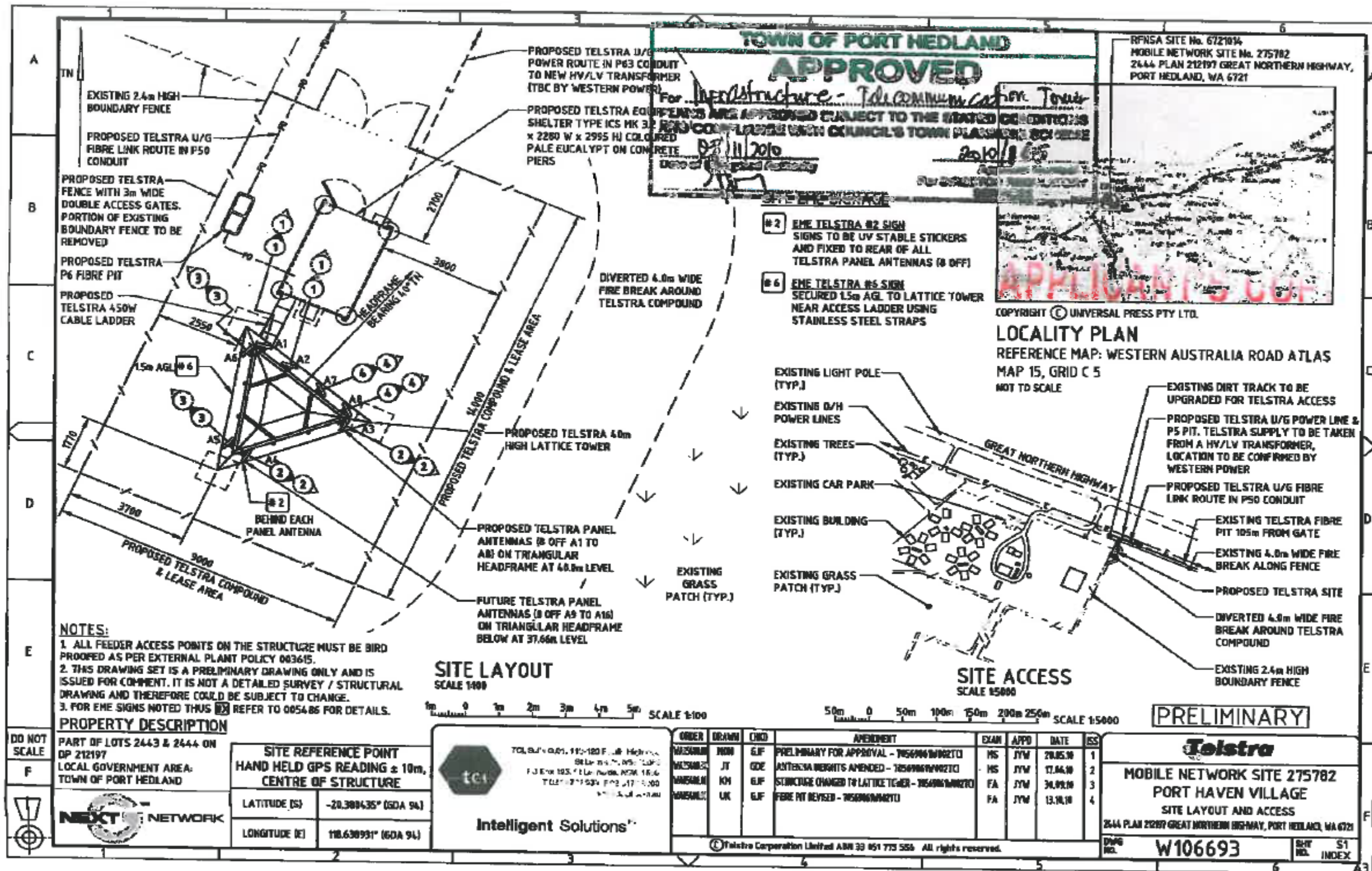
PORTION LOT 2444 GREAT NORTHERN HIGHWAY, PORT HEDLAND 6712

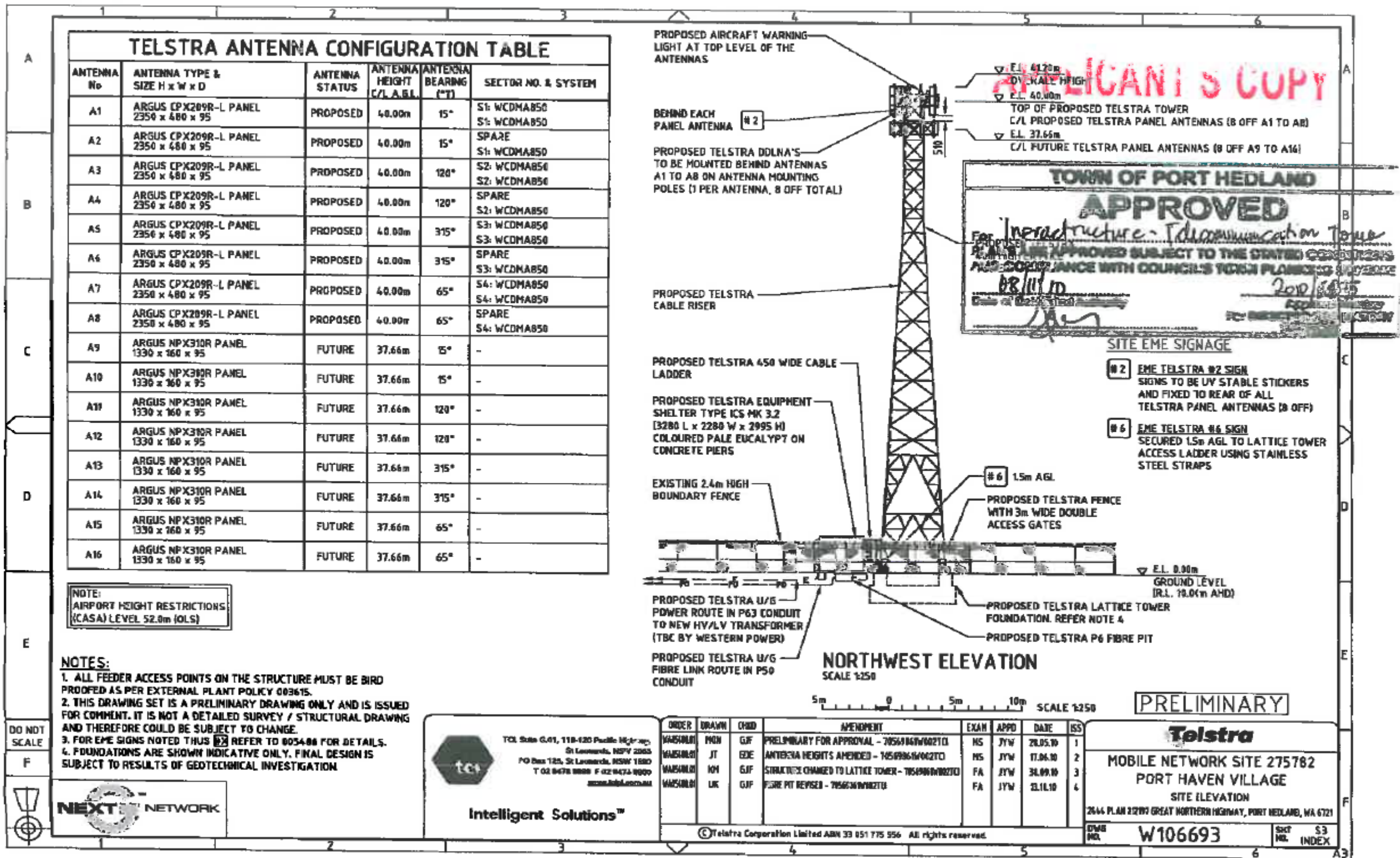
SITE DESCRIPTION

The property has been identified from the aerial photograph below supplied by the Lessor.



The land is of irregular shape and located to the east of the airport terminal between Great Northern Highway and the runway.





ATTACHMENT 3

Lessee	Telstra Corporation Limited ABN 33 051 775 556
Lessor	<p>Address: Town of Port Hedland PO Box 41 Port Hedland WA 6721</p> <p>ABN: 19 220 085 226</p> <p>Ph: (08) 9158 9300</p> <p>Fax: (08) 9158 9399</p>
Lessor's Solicitor	<p>Name of solicitor)</p> <p>Name of Firm)</p> <p>Address) TBC</p> <p>Ph:)</p> <p>Fax:)</p>
Land	Lot 2444 on Deposited Plan 212197 and being the subject of Certificate of Title Volume 2212 Folio 731
Type of Facility	<p>Temporary Installation Sea container with antennas attached thereto</p> <p>Permanent Installation 40m high lattice tower and an equipment shelter</p>



Premises	<p>The lease will contain two lease plans each one respectively showing the permanent and temporary installations.</p> <p>Temporary Installation Lease Plan: 12 sqm</p> <p>Permanent Installation Lease Plan: 126 sqm</p>
Access to Premises	<p>Telstra will seek the Town's approval to access the land until the commencement date of the lease, to undertake tests, surveys, inspections and construction, installation and operation of the Facility.</p> <p>Telstra will have unrestricted access to the Premises 24 hours a day, 7 days a week during the term of the lease and any holding over period.</p>
Permitted Use	<p>Installation, inspection, maintenance, construction, excavation, replacement, repair, renewal, alteration, upgrade, cleaning, operation, access to and from and removal of the Facility on the Land in accordance with the Lease including the exercise of any rights as set out in the <i>Telecommunications Act 1997</i>.</p>
Tenure	Ground lease
Term	10 years
Options	Two, five year automatic options
Lease Commencement Date	November 24, 2011
Rent	\$7,000pa per annum
Rent Review	The rent will be increased by 2.5% per annum on each anniversary of the commencement date during the term and any option term.
Payment of Rent	Yearly in advance with the first year's rent to be paid from the Rent Commencement Date. Subsequent rent payments will be made by EFT deposit directly into your nominated account.
Rent Commencement Date	<p>The Rent Commencement Date is the earlier of:</p> <ul style="list-style-type: none"> a) The date of physical installation of the Temporary Facility; or b) The Lease Commencement Date



Commercial Terms (Cont'd)

Legal & Other Costs	<p>Telstra agrees to pay your legal costs for the negotiation and execution of the lease and reasonable disbursements to an amount not exceeding \$1,000 plus GST. Fees are paid once the Lessor has signed the lease.</p> <p>Telstra will also pay stamp duty (if applicable) and registration fees</p>
Lease Documentation	<p>A copy of Telstra's standard lease for this type of Facility and which will apply to this transaction is attached to this correspondence. Following the issue of the Town's approval, or prior to that date, Telstra's lawyers will issue to you a completed version of the lease which will incorporate the terms and conditions agreed.</p>
Mortgage & Mortgagee Details	Not applicable
GST	Unless otherwise stated, all amounts quoted in this Heads of Agreement are exclusive of GST.
Australian Standards	Telstra will install and operate the Facility in accordance with the relevant Australian Standards and regulations.
Insurance	Telstra self insures for property damage and has a global insurance policy for public liability. The insurance arrangements applicable to this transaction are more fully set out in the attached lease.
Right of First Refusal	Not applicable
Existing Carrier (if any) Easement for Services	Not applicable
Telstra's Requirements	<p>This offer is subject to:</p> <ul style="list-style-type: none"> • Telstra's final approval and • Telstra obtaining approval from any statutory authority or other relevant authority to enter into the lease and construct and install its equipment



Commercial Terms (Cont'd)

Advertising of lease	It is noted that the lease will be advertised in a local newspaper and include a 14 day submission period as required under the Local Government Act
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Time Frame

We appreciate there may be time challenges in respect to meeting Telstra's required temporary installation deadline of November 24, 2010, including i) finalising a lease and ii) the Town meeting statutory requirements associated with entering into a lease, and in this regard Mr Shepherdson will be making contact with the Town to discuss a way forward.

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

We look forward to the Town's advice as to this revised proposal.

Yours faithfully
Property Logistics

Natalie Wilkie B.Bus AAPI
Principal



ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL**12.1** *Proposed Change of Use application for Unit 1 of 3 on Lot 2 Hunt Street, South Hedland. (File No.: 124493G)*

Officer	Luke Cervi Senior Planning Officer
Date of Report	3 December 2010
Application No.	IPA10850
Disclosure of Interest by Officer	Nil

Summary

Council has received an application from Clark Rubber Broome on behalf of the Tofe Family Trust, for the change of use from "Warehouse" to "Shop" at Unit 1 of 3 Lot 2, Hunt Street, South Hedland.

The application has been referred to Council for consideration as the use is unable to comply with the parking requirement as set out in Appendix 7 of Town Planning Scheme No.5 (TPS5).

Although the development cannot comply with the parking requirements due to the lack of area. With the realignment of Hunt Street, there is an opportunity to provide the additional parking within the Hunt Street road reserve.

However, as the development cannot provide the required parking the report is before Council to consider.

Background*Locality: (Attachment 1)*

The lot is located on the north western corner of the intersection of Byass Street and Hunt Street, South Hedland, and measures approximately 1 170m².

Current Zoning:

In terms of the Port Hedland Town Planning Scheme No. 5, the lot is zoned "Mixed Business", with the use being applied for "Shop" considered an "AA" use.

Approved Development / Use:

Council at its Ordinary meeting on 13 November 1996, approved an application to permit the use of Lot 2 for "Showroom / Warehouse" purposes, being subject to a number of conditions, of which inter alia was the requirement to provide 8 parking bays on site.

Previous Applications:

In November 2006, the Town received an application for the change of use from "Showroom / Warehouse" to "Shop" for the subject unit (1 of 3). However, the application was refused due to the following reasons:

1. The applicant has failed to demonstrate how the required additional car parking bays are to be supplied.
2. Due to reason 1 stated above, this application does not constitute proper and orderly planning.

In August 2007, the Town received an application for the change of use from "Showroom / Warehouse" to "Shop", in the adjacent unit, unit 2 of 3, the application was refused due to the following reasons:

1. A site plan, drawn to scale of not less than 1:500;
2. Demonstration of how adequate parking will be made available on the subject lot in accordance with the requirements of the Town of Port Hedland Scheme No. 5 Appendix 5.
3. If the required car parking is not proposed to be contained entirely within the lot boundaries, a proposal to develop cash-in-lieu car parking in the adjacent road reserve.

The refusal was considered by State Administrative Tribunal (SAT), and Council was requested to reconsider the cash-in-lieu option. In July 2008 Council resolved to accept a cash-in-lieu payment of \$2,997.00 per parking bay not supplied on the lot.

In May 2010, the Town received an application for the change of use from "Showroom / Warehouse" to "Take Away Food Outlet" for the subject unit (1 of 3). The application was approved subject to conditions by Council in accordance with the Officer recommendation. Condition e. stated as follows:

"A minimum of 11 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, on Lot 2 to the satisfaction of the Council's Manager Planning"

A second recommendation of that report was that Council:

"Requires cash in lieu payment of \$9324 for 3 parking bays at \$3108 per bay."

This recommendation was not supported for the following reason:

“Council believes there is some uncertainty pertaining the definition of road and parking, and deleted Clause 2 of the Officer’s Recommendation accordingly.”

Consultation

Nil.

It has been considered that the proposed development would have less of an impact than the existing approval for a change of use to “Take Away Food Outlet” which is still in force although it has not been acted on.

In that instance (Take Away Food Outlet application), the application was referred to the managing agent, to ascertain if any of the owners / tenants in the development had any comments. The managing agent Hedland First National indicated that none of the owners / tenants had any comments. That application was also referred internally to obtain comments. The Engineering Services unit provided the following comments:

“Engineering unit objects to the verge parking proposed in this application. Corner truncation parking is not permitted as it impedes visibility along the street from the corner. Parking on Hunt Street will not be permitted as Landcorp are looking at realigning this road. Perhaps the applicants could liaise with Landcorp to determine the final road layout and design their parking to suit. Verge parking along Byass would be considered however I would like to maintain at least 3m verge to accommodate landscaping (which the applicant would have to provide and maintain).”

Statutory Implications

The development of land must be done in accordance with Port Hedland Town Planning Scheme No. 5 (TPS5), in this regard TPS5 currently requires that either parking be provided on site as per Appendix 7 or that a cash-in-lieu payment is made for the parking bays not being provided for.

Policy Implications

- Policy 10/001 Landscaping for Commercial and Industrial Areas.
- Policy 9/007 Roadside, Verge and Reserve Parking Policy.

Strategic Planning Implications

Nil

Budget Implications

An application fee of \$127.00 has been received as per the prescribed fees approved by Council. This application fee has been deposited into the following planning account: 0010063260.

Should Council resolve to approve the application without the requirement of cash in lieu payment, Council will be required to provide the additional parking at Council's cost.

In this regard Council has received an amount of \$20,979.00 in lieu of parking for unit 2 due to the approved change of use from "Showroom / Warehouse" to "Shop".

Officer's Comment*Development Controls - Parking*

The Port Hedland Town Planning Scheme No. 5, has a number of prescribed development controls. These controls are the basis on which any development must be undertaken to ensure that development is done in an orderly and sustainable manner.

When calculating the parking requirement, the entire development / uses on Lot 2 must be taken into consideration. Currently the approved uses (including 2010/90 – Take away food outlet, which was approved for the unit subject to this application and will be superseded if Council decides to approve this application.) on the lot require 21 bays to be provided. Of the required 21 bays, 7 bays have been provided in the form of cash in lieu, 9 are provided on site and Permit 2010/90 requires 2 more bays to be provided on site and waived 3 bays. Should the current application be approved the required parking will be increased further to 23 parking bays.

Previous applications have determined that only 11 bays can be provided on site to the satisfaction of the Engineering Services unit. Assuming the applicant reconfigures parking in accordance with these previously accepted plans, a shortfall of a further 5 bays would result (having regard to application 2010/90 being superseded).

Generally, to ensure good and orderly planning, cash in lieu should only be considered in exceptional circumstances. In this instance this option can be considered due to the proposed re-alignment of Hunt Street. This was considered relevant when the adjoining development was considered by the State Administrative Tribunal and would no doubt be considered if the current applicant were to appeal.

Development Solutions

As mentioned the Engineering Services unit has previously accepted a plan to re-configure the existing parking on the lot to provide 11 parking bays on the site. That leaves the subject application with a shortfall of 5 bays.

Adjacent to Lot 2 is unused land which falls within the Hunt Street road reserve (Attachment 3). This land could be used as an interim measure for parking, until such time as the newly aligned Hunt Street, which forms part of the South Hedland Town Centre redevelopment, is completed.

The re-alignment will result in additional land being made available directly adjoining the applicant's lot, providing the Town with the ability to construct additional parking. Cash in lieu of parking has already been received for 7 car bays for Unit 2, 5 more cash in lieu of parking payments are recommended for this application for Unit 1. The number of bays that can be accommodated with the Hunt Street realignment is yet to be determined.

With regard to the cash in lieu payment it is recommended that the figure of \$2,997.00 per bay be escalated by CPI (3.7%) as per 2009/10 budget escalation, equates to \$3 108.00 per parking bay (\$15,540.00)

Precedent

All development must be done in a good and orderly manner and in terms of the statutory requirements of the Port Hedland Town Planning Scheme No. 5.

Similarly it is important to ensure when considering accepting cash in lieu payment for parking that such parking can be constructed within close proximity to the proposed use. In cases where parking cannot be provided in close proximity to the use such development / use should not be approved, as this inevitably results in the illegal parking of vehicles on the verge ultimately creating a traffic hazard for other road users.

Attachments

1. Locality Plan
2. Proposed Site Plan
3. Draft re-alignment of Hunt Street Plan

Options

When considering the application Council has the following options:

1. Approve the application with a requirement to reconfigure on site car parking to provide 11 parking bays (maximum supported by Engineering Services unit) and require a cash in lieu of parking contribution for 5 car parking bays.
2. Approve the application with on site car parking as currently exists (9 parking bays) and require a cash in lieu of parking contribution for 7 car parking bays,
3. Refuse the application.

Due to the fact that Hunt Street will be re-aligned resulting in the land being made available directly adjoining the subject lot options 1 or 2 are supported with option 1 considered the best outcome.

Officer's Recommendation

That Council:

1. approves the application from Clark Rubber Broome on behalf of the Tofe Family Trust, for the change of use from "Warehouse" to "Shop" at Unit 1 of 3 Lot 2, Hunt Street, South Hedland, subject to the following conditions:
 - a. This approval relates only to the proposed change of use to Shop and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.
 - b. The unit must only be used for purposes, which are related to the operation of a "Shop". Under the Town of Port Hedland's Town Planning Scheme No. 5 a "Shop" is defined as:

"any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale."
 - c. 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.
 - d. A minimum of 11 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, on Lot 2 to the satisfaction of the Council's Manager Planning.

- e. Car parking bays to be a minimum of 5.4m x 2.7m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.
- f. Car parking, landscaping areas and access ways are to be maintained as such at all times, no temporary or permanent storage is permitted at any time.
- g. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the Buildings(s)
- h. Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to and approved by the 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.
- i. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.
- j. All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Manager Planning.
- k. 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.
- l. An overall signage strategy for the Shop shall be submitted for approval to the satisfaction Manager Planning.
- m. Storm water disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.

FOOTNOTES:

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

- b. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval 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.
 - c. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.
2. requires cash in lieu payment of \$15,540.00 for 5 parking bays at \$3,108.00 per bay.

201011/218 Council Decision

Moved: Cr A A Carter

Seconded: Cr J M Gillingham

That Council:

1. approves the application from Clark Rubber Broome on behalf of the Tofe Family Trust, for the change of use from “Warehouse” to “Shop” at Unit 1 of 3 Lot 2, Hunt Street, South Hedland, subject to the following conditions:
 - a. **This approval relates only to the proposed change of use to Shop and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.**
 - b. **The unit must only be used for purposes, which are related to the operation of a “Shop”. Under the Town of Port Hedland’s Town Planning Scheme No. 5 a “Shop” is defined as:**

“any building and associated land where goods are displayed or offered for sale by retail or hire of non-industrial goods or where services of a personal nature are provided, including a betting agency but excluding a showroom, take-away food outlet and garage sale.”

- c. **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.**
- d. **A minimum of 11 car parking spaces are to be provided in accordance with Appendix 7 of Council's Town Planning Scheme No.5, on Lot 2 to the satisfaction of the Council's Manager Planning.**
- e. **Car parking bays to be a minimum of 5.4m x 2.7m; constructed, drained and sealed; to be line marked and served by a paved access way, with a minimum width of 5.8 metres in accordance with Appendix 8 of Council's Town Planning Scheme No.5.**
- f. **Car parking, landscaping areas and access ways are to be maintained as such at all times, no temporary or permanent storage is permitted at any time.**
- g. **The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005, prior to the occupation of the Buildings(s)**
- h. **Within 30 days of this approval, a detailed landscaping and reticulation plan including the adjoining road verge(s) must be submitted to and approved by the 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.**
- i. **Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation to be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.**
- j. **All storage/service areas shall be suitably screened and access doors/gates closed other than when in use to the satisfaction of Manager Planning.**
- k. **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.**

- I. An overall signage strategy for the Shop shall be submitted for approval to the satisfaction Manager Planning.**
- m. Storm water disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.**

FOOTNOTES:

- a. You are reminded that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
 - b. The developer to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year Annual Recurrence Interval 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.**
 - c. Applicant is to comply with the requirements of Worksafe Western Australia in the carrying out of any works associated with this approval.**
2. requires cash in lieu payment of \$9,324 for three (3) parking bays at \$3,108.00 per bay.

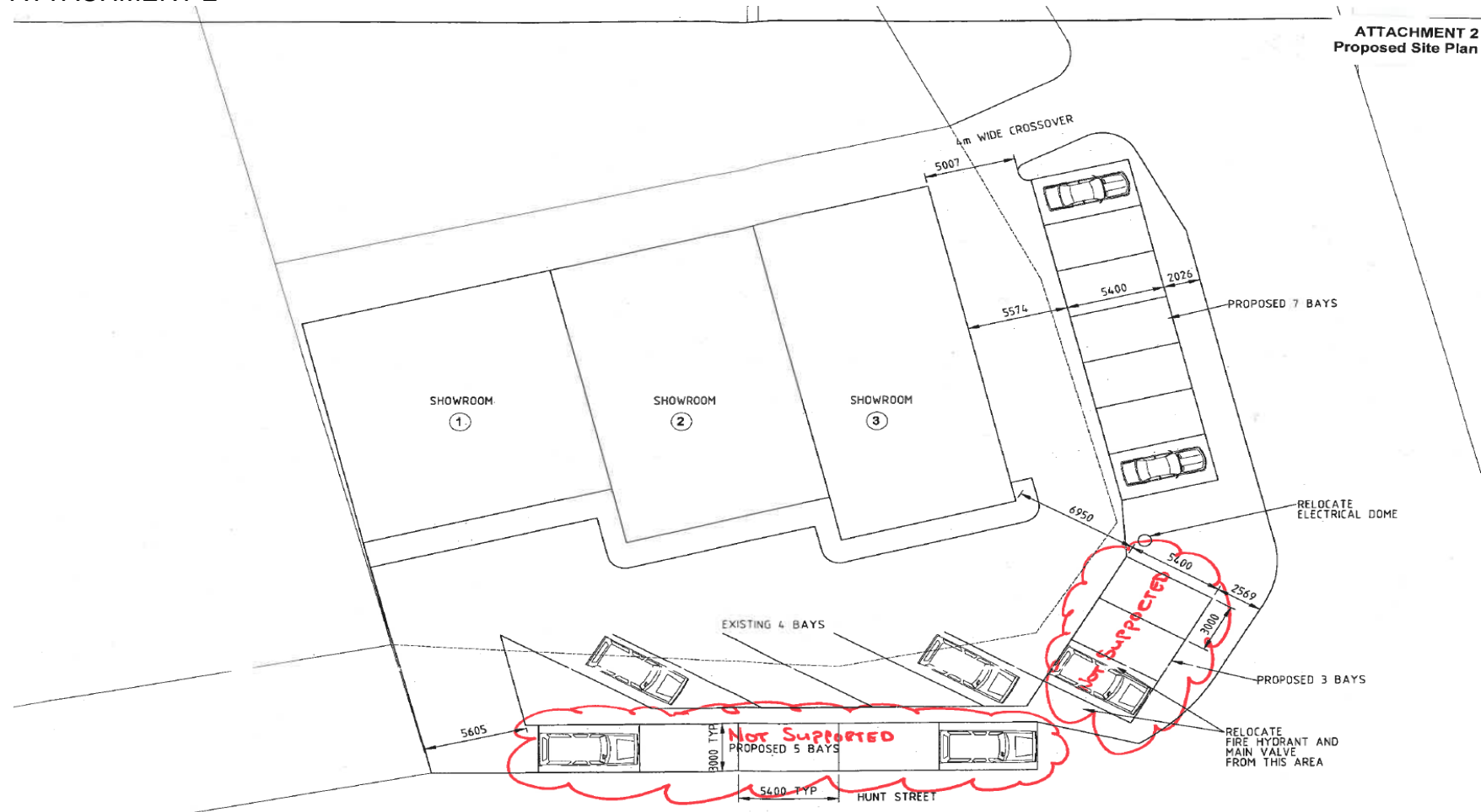
CARRIED 7/0

REASON : Council reduced the cash in lieu payment from \$15,540 to \$9,324, for three (3) parking bays instead of five (5), as there is there is an enormous amount of work being done at Lot 2 Hunt Street South Hedland, and this will then minimise disruptions.

ATTACHMENT 1



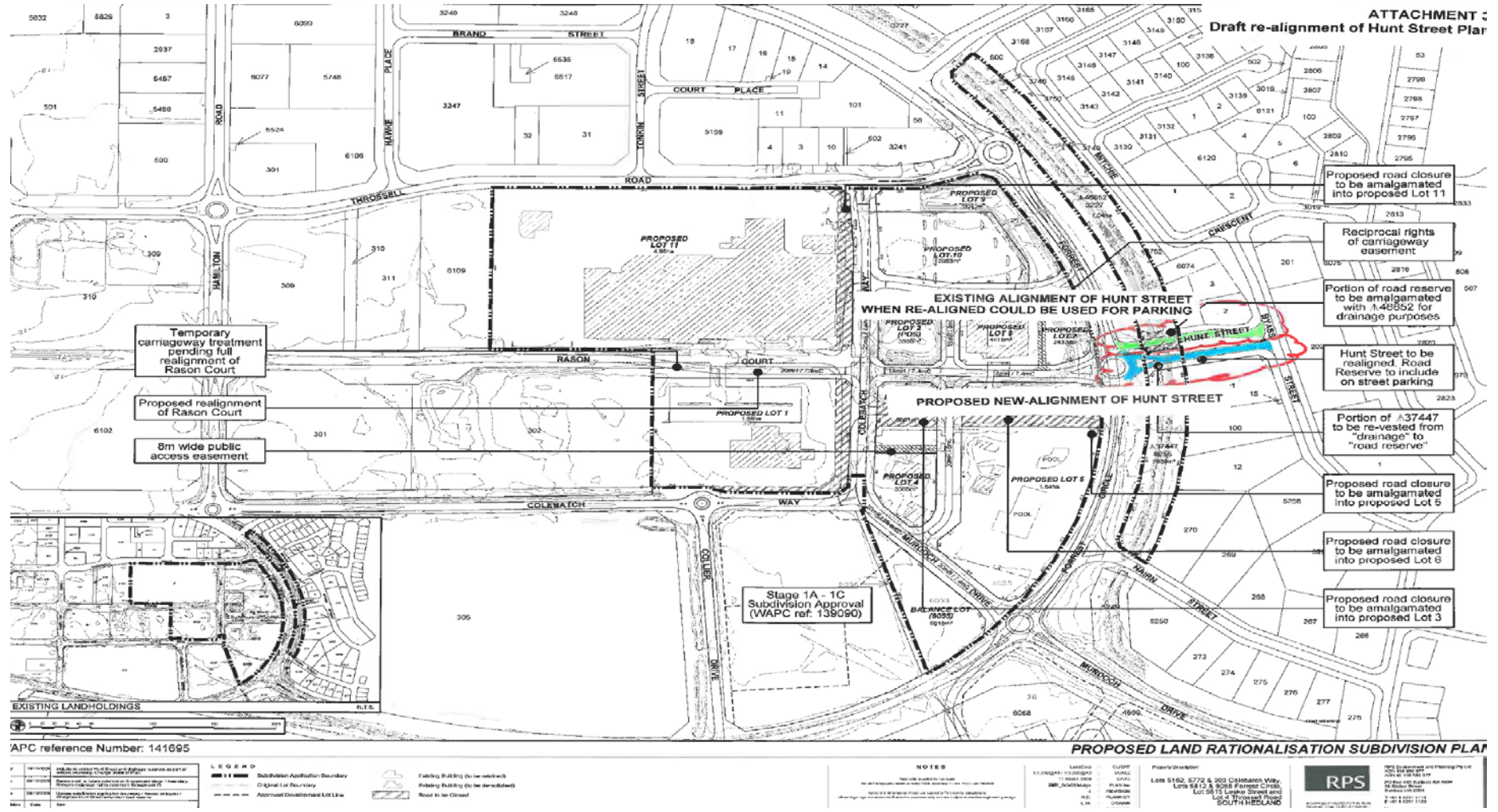
ATTACHMENT 2



ATTACHMENT 2
Proposed Site Plan

<p>designtech <small>ARN 90 922 848 099</small></p> <p>3 HUNT STREET SOUTH HEDLAND PROPOSED CAR PARKS</p> <p>SCALE: 1:100</p> <p>DATE APPROVED: _____</p> <p>DRG. NO. 1189 C 0001</p>															
<p>DESIGNER/STATE APPROVAL</p> <p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE APPROVED: _____</p>					<p>DESIGNER/STATE APPROVAL</p> <p>DESIGNED BY: _____</p> <p>DRAWN BY: _____</p> <p>CHECKED BY: _____</p> <p>DATE APPROVED: _____</p>										
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ATTACHMENT 3



12.2 Airport Committee – Change of Meeting Date for January 2011 (File No.: ...)

Officer Josephine Bianchi
Administration Officer
Governance

Date of Report 6 December 2010

Disclosure of Interest by Officer Nil

Summary

Report seeks Council's consideration to change the meeting date for the Town's Airport Committee Meeting from 27 January 2011 to 20 January 2011.

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 10 November 2010, Council determined the Airport Committee meeting dates up to December 2011.

However, it has been noted that the Airport Committee meeting scheduled for the 27 January 2011 conflicts with the Ordinary Council meeting date. It is therefore proposed to change the date of the Airport Committee meeting from 27 January 2011 to 20 January 2011.

Consultation Nil

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

It is proposed to change the date of the Airport Committee meeting from 27 January 2011 to 20 January 2011 so there is no conflict with the Ordinary Council meeting date.

Attachments Nil

201011/218 Council Decision/Officer's Recommendation

Moved: Cr A A Carter

Seconded: Cr D W Hooper

That the Airport Committee Meeting to be held at 5:30 pm in Council Chambers on Thursday 27 January 2011 be rescheduled to:

- Thursday 20 January 2011

and be advertised accordingly.

CARRIED 7/0

12.3 Partnership with LandCorp and Pilbara Cities for Major Projects in Port Hedland being Spoilbank Marina, South Hedland CBD, Relocation of Port Hedland Sewerage Treatment Ponds, and McGregor Street Reserve Redevelopment (File No.:.../...)

Officer Paul Martin
Acting Chief Executive
Officer

Date of Report 2 December 2010

Disclosure of Interest by Officer Nil

Summary

Four of the top 10 priority projects of Council in Hedland's Future Today document (Version 3) being:

- Spoil Bank Marina;
- South Hedland Central Business District (CBD);
- Relocation of the Port Hedland Sewerage Treatment Ponds; and
- McGregor Street Reserve Redevelopment

are projects which need to be delivered in partnership with the State Government.

This item outlines how this partnership will work to deliver these projects, and also the involvement of the Town and other stakeholders in these projects. As part of this partnership the report proposes turning the Marina Working Group into a Committee of Council.

Background

LandCorp has had a presence in Port Hedland for some time working on projects such as Pretty Pool residential estate, South Hedland CBD and Wedgefield industrial land.

Over the past few months discussions have taken place with LandCorp Board, Mr Ian Taylor and representatives from the Town on an improved way to manage LandCorp and Regional Development and Lands projects in the Town.

At the same time Council has identified a list of Top 10 priority projects, 4 of which are outside Council's direct responsibility area. Therefore, an alternative management and governance model is needed to ensure these projects are expedited and delivered by others in a timely manner.

Spoilbank Marina Project

Through the Spoilbank Project Working Group Council has been able to progress the feasibility studies for the project; and now requires Government support and assistance to expedite the delivery of the project.

At its meeting held on 5 November 2010, the following presentations were made to the Spoilbank Working Group:

1. Presentation by MP Rogers & Associates PI – Port Hedland Spoilbank Marina: Physical Model Testing Results

Mr Clinton Doak, MP Rogers & Associates PI, presented the process used and results of the physical model testing together with the newly revised design drawings and a revised construction cost estimate. Results of the testing have enabled the modification of the design of the cross sections of the structures to achieve a \$10 million reduction in the construction cost estimate. The current cost estimate for the marina is now \$66.7 million.

2. Presentation by NS Projects - Port Hedland Spoilbank Marina: Preliminary Feasibility Report

Mr Lyle Richardson, NS Projects, presented the preliminary results of the Feasibility Study, which provides an estimated yield of 1,687 residential dwellings across the development and an esitimation of 6,000 sqm commercial and retail use also included. The result of the following two financial models were presented:

Model 1 – Government development delivery; and
Model 2 - Private sector development delivery.

3. Brief by LandCorp - Port Hedland Spoilbank Marina

Mr Matt Read from LandCorp advised that NS Projects have been engaged by LandCorp to progress the Port Hedland Spolibank Marina Project's Feasibility works.

As LandCorp is more experienced in developing and building marinas, it is rational that they progress this project. It is also necessary that a system of accountability is in place, which ensures these projects progress in a timely manner.

At this meeting, the Spoilbank Project Working group considered the final Feasibility Study from NS Projects and Flume Testing Study from MP Rogers, and resolved as follows:

"That the Spoilbank Project Working Group recommends that Council:

1. *notes the current status of both NS Projects' Spoilbank Feasibility Report and MP Rogers & Associates PI Spoilbank Marina – Flume Testing Results reports;*
2. *disbands the Town of Port Hedland's Spoilbank Project Working Group; and*
3. *recommends that the Marina Technical Committee now reports to the Implementation Steering Group which represents Councillors and stakeholders to date; and the Marina Technical Committee issues invitations accordingly."*

Upon further review and liaising with Landcorp a slightly altered model is proposed.

Consultation

- LandCorp
- Pilbara Cities
- Councillors
- Ian Taylor
- Spoilbank Marina Project Working Group

Statutory Implications

Section 5.8 of the Local Government Act 1995 provides that Council can establish committees of three (3) or more persons. An absolute majority decision is required.

Section 5.9 provides that a committee can comprise:-

- a) Council Members only
- b) Council Members and Employees
- c) Council Members and Employees and other persons
- d) Council Members and other persons
- e) Employees and other persons
- f) Other persons only

Section 5.10 provides for the appointment of committee members. A decision to appoint committee members requires an absolute majority decision of Council.

At any given time each Council member is entitled to be a member of at least one (1) committee that comprises Council members only, or Council members and employees.

If a Council member nominates himself/herself to be a member of such a committee/s, the Council is to include that Council member in the persons appointed to at least one of those committees as the Council determines.

If the Council is to make an appointment to a committee that has or could have a Council member as a member and the Mayor informs Council of his/her wish to be a member of the committee, the Council is to appoint the Mayor to be a member of the committee.

If the Council is to make an appointment to a committee that has or will have an employee as a member and the Chief Executive Officer informs the Council of his/her wish:

- a) to be a member of the committee; or
- b) that a representative of the Chief Executive Officer be a member of the committee;
- c) the Council is to appoint the Chief Executive Officer or the Chief Executive Officer's representative, as the case may be, to be a member of the committee.

Where a person is appointed as a member of a committee under section 5.10(4) or (5) (i.e. the sections relating to appointing the Mayor and the Chief Executive Officer or the Chief Executive Officer's representative to a committee), the person's membership of the committee continues until:

- a) the person no longer holds the office by virtue of which the person becomes a member, or is no longer the Chief Executive Officer, or the Chief Executive Officer's representative, as the case may be;
- b) the person resigns from membership of the committee;
- c) the committee is disbanded; or
- d) the next ordinary elections day, whichever happens first.

Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:

- a) the term of the person's appointment as a committee member expires;
- b) the Council removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
- c) the committee is disbanded; or
- d) the next ordinary elections day, whichever happens first.

The members of a committee are to elect a presiding member and deputy presiding member from amongst themselves in accordance with Schedule 2.3, Divisions 1 and 2 as if the references in that schedule were varied to relate to committees.

The quorum for a meeting of a committee is at least 50% of the number

of offices (whether vacant or not) of member of the committee.

The Council may, with an absolute majority decision, reduce the number of offices of committee member required for a quorum at a committee meeting specified by the Council if there would not otherwise be a quorum for the meeting.

The presiding member elected by the committee is to preside at meetings of the committee.

If, in relation to the presiding member of a committee:

- a) the office of presiding member is vacant; or
 - b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,
- then the deputy presiding member, if any, may perform the functions of presiding member.

If, in relation to the presiding member of a committee:

- a) the office of presiding member and the office of deputy presiding member are vacant; or
 - b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,
- then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

Under and subject to section 5.17, Council may delegate to a committee any of its powers and duties other than the power of delegation. An absolute majority decision of Council is required.

A delegation is to be in writing and may be general or as otherwise provided in the instrument of delegation.

A delegation has effect for the period of time specified in the delegation or if no period has been specified, indefinitely.

Any decision to amend or revoke a delegation is to be made by an absolute majority.

Although Council may have delegated authority to a committee, nothing prevents the Council from performing any of its functions by acting through another person.

Council can delegate:

- a) to a committee comprising Council members only, any of the Council's powers or duties under the Act except:
 - i) any power or duty that requires a decision of an absolute majority or a 75% majority of the Council; and
 - ii) any other power or duty that is prescribed;
- b) to a committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the

- Chief Executive Officer; and
- c) to a committee comprising Council members, employees and other persons, Council members and other persons, and employees and other persons, any of the Council's powers or duties that are necessary or convenient for the proper management of:
- i) the Council's property; or
- ii) an event in which the Council is involved.

The Council cannot delegate any of its powers or duties to a committee comprising "other persons only".

The presiding member, deputy presiding member, committee members and the Council officer responsible for the committee are to make themselves fully conversant with all of the provision of the Local Government Act and Council's Standing Orders relating to committees and committee meetings.

Council's Local Law on Standing Orders provides the following:

"Appointment of Committees

19.3 Any motion to establish a committee shall contain:

- a) *the duties and any delegations proposed to be entrusted to the committee;*
- b) *the number of members intended to constitute the committee;*
- c) *the term of establishment of the committee;*
- d) *details of when the committee is to meet and how it shall report to Council."*

Policy Implications

Nil

Strategic Planning Implications

Goal 1 – Tourism

Immediate Priorities:

1. ensure that new caravan park/backpackers facilities are developed within the Town.
2. progress the development of the Spoilbank Marina Precinct.

Goal 4 – Land Development Projects

That land is being released and developed to meet the needs of a growing community.

Immediate priorities

1. fast track the release and development of commercial, industrial and residential land.

Other Actions

1. Work with the State Government to enact civil infrastructure projects that will enable additional land developments to occur

- including:
- a. Port Hedland Infill Sewerage
 - b. Relocation of the Port Hedland Sewerage Treatment Ponds...

Budget Implications

Nil

Officer's Comment

Port Hedland Implementation Steering Group

It is proposed to establish the Port Hedland Implementation Steering Group which will oversee all of these projects. This group is still developing their terms of reference, but will have a membership comprising the following people/organisations:

1. Chris Adams, General Manager Pilbara Cities
2. Mike Maloney, General Manager Regional and Industrial Landcorp
3. Mayor Kelly Howlett, Town of Port Hedland
4. Mr Paul Martin, Acting Chief Executive Officer, Town of Port Hedland.

Pilbara Cities will be chair this Group and provide Secretarial support.

The group will obtain monthly reports and make decisions where necessary on the following projects:

- The Town's top 10 priority projects of Council including the Marina, South Hedland CBD, Relocation of the Port Hedland Sewerage Treatment Ponds and Redevelopment of McGregor Street Reserve.
- All current and future LandCorp projects in the Town including those identified above together with Wedgefield industrial land release, for example.
- All current and future Regional Development and Land Projects in the Town, including but not limited to, Stage 1 and 2 land release in South Hedland.

The Group will meet monthly and review all the projects being progressed by agencies involved. If timelines are slipping blockages will be removed, issues resolved and strategies put in place to ensure projects progress in a timely manner.

It is proposed that Council receive a quarterly report from this group on the progress of the group from the Chief Executive Officer. The individual stakeholder committees would receive updates on their project at their meetings.

Further projects can be added for this group to progress once the growth plan is completed.

LandCorp and Pilbara Cities have agreed to participate in this Group. The group has already met once and has a planning meeting occurring in December to agree upon milestones for projects and reporting mechanisms.

Councils focus now needs to be on ensuring stakeholders are engaged and consulted for major projects. Officers are proposing the following committees of Council be established:

Spoilbank Marina Stakeholder Committee

This would replace the Marina Working Group. Membership would remain similar however the group would become a committee to recognize the importance of the issue becoming a top 10 priority project of Council. The committee would not deal with construction and design matters, however would provide advice to LandCorp, but it would address issues of operation and management.

South Hedland CBD Stakeholder Committee.

This is a new committee proposed to bring together the parties involved in the South Hedland CBD with the aim of aligning activities of a range of agencies to create a vibrant and safe CBD.

How this works is represented in the diagram included in attachment 1.

Officers are expecting that during the course of 2011 another committee may be established to progress the Redevelopment of the McGregor Street Reserve. However the terms of reference for this will be explored once the project is further scoped.

This management and governance model will:

- Provide a framework to jointly manage current and future projects between the Town, LandCorp and Pilbara Cities.
- Improve accountability between all parties for completing actions
- Identify any blockages and delays in any projects which can be removed by one or all of the parties.
- Ensure the Town is involved in aspects of projects it has limited direct management of.
- Ensure stakeholders for projects are appropriately engaged in the projects.

On this basis Officers are recommending Council endorse this approach of working with LandCorp and Pilbara Cities and establish the two committees proposed.

Attachments

1. Port Hedland Implementation Steering Group Reporting Structure

NOTE: a copy of all presentations and feasibility results and the Spoilbank Project Working Group's Minutes were distributed to elected members through Councillors Information Bulletin on Friday 26 November 2010, being:

1. Concept plan: Spoilbank High Density Plan.
2. Spoilbank Marina – Flume Testing Results, from MP Rogers Associates Pty Ltd.
3. Spoilbank Preliminary Feasibility Report, from NS Projects.
4. Spoilbank Preliminary Feasibility Report Appendix 1: Concept Plan – Preliminary Development Area, from RPS.
5. Spoilbank Preliminary Feasibility Report Appendix 2: IPC Feasibility Study, from NS Projects.
6. Spoilbank Preliminary Feasibility Report Appendix 3: ARUP Engineering Report, from NS Projects.
7. Spoilbank Preliminary Feasibility Report Appendix 4: Built Form Cost Estimates, from NS Projects.
8. Spoilbank Preliminary Feasibility Report Appendix 5: Landscape Cost Estimate, from NS Projects.
9. Spoilbank Preliminary Feasibility Report Appendix 6: Indicative Planning & Development Programme, from NS Projects.
10. Spoilbank Preliminary Feasibility Report Appendix 7: site Analysis Plan, from NS Projects.
11. Spoilbank Preliminary Feasibility Report Appendix 8: Preliminary Retail Analysis Report, from NS Projects.
12. Spoilbank Preliminary Feasibility Report Appendix 9: Port Hedland Air Quality & Noise Management Plan – Fact Sheet, from NS Projects.
13. Spoilbank Preliminary Feasibility Report Appendix 10: Summary of Development Opportunities and Constraints, from NS Projects.

Spoilbank Project Working Group Decision

That the Spoilbank Project Working Group recommends that Council:

1. notes the current status of both NS Projects' *Spoilbank Feasibility Report* and MP Rogers & Associates PI *Spoilbank Marina – Flume Testing Results* reports;
2. disbands the Town of Port Hedland's Spoilbank Project Working Group; and
3. recommends that the Marina Technical Committee now reports to the Implementation Steering Group which represents Councillors and stakeholders to date; and the Marina Technical Committee issues invitations accordingly.

Officer's Recommendation

That Council:

- i) Endorse the formation of the Port Hedland Implementation Steering Group comprising representatives from LandCorp, Pilbara Cities and the Town of Port Hedland's Mayor and Chief Executive Officer;
- ii) Request the Chief Executive Officer to provide quarterly updates to Council on the progress of the Port Hedland Implementation Steering Group;
- iii) disbands the Spoilbank Marina Working Group;
- iv) establishes the Spoilbank Marina Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):

Purpose/Aim

1. to provide advice to LandCorp on the development of the Spoilbank Marina project;
2. to provide a means of engagement with key stakeholders about the project;
3. investigate and make recommendations on management structures and operations of the Spoilbank Marina.

Membership:

The membership of the committee be as follows:

Mayor Kelly A Howlett;

Councillor Stan R Martin;

Councillor Arnold A Carter;

Councillor Jan M Gillingham

Councillor Michael A (Bill) Dziombak

A representative to be nominated from the following organisations:

- Port Hedland Port Authority

- Port Hedland Yacht Club

- Port Hedland Returned Services League

2 x Community Members

Quorum:

The quorum for the Committee be a minimum of 50% of its membership.

Delegation:

Nil but can be reviewed.

Tenure: Ongoing.

Responsible Officer: Chief Executive Officer

- v) establishes the South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):

Purpose/Aim

1. ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.
2. provide input and advice to LandCorp in respect to Stage 1 and 2 of South Hedland CBD.
3. develop and implement strategies to create a vibrant and safe CBD.

Membership:

The membership of the committee be as follows:

2 x Councillors, being _____ and _____

A representative from the following organisations:

- LandCorp
- Lotteries House Board
- Shopping Centre owners (Charter Hall)
- FORM
- South Hedland Police
- PANGO
- HYSAG

2 x Business Owners/Operators in CBD

2 x Community Members:

Quorum:

The quorum for the Committee be a minimum of 50% of its membership.

Delegation: Nil

Tenure: Ongoing.

Responsible Officer: Chief Executive Officer

- vi) advertises for the Community Member vacancies on both the Spoilbank Marina Stakeholder Committee, and the South Hedland CBD Stakeholder Committee; and
- vii) seeks nominations for the positions from stakeholders for both the Spoilbank Marina Stakeholder Committee, and the South Hedland CBD Stakeholder Committee

201011/219 Council Decision**Moved:** Cr A ACarter **Seconded:** Cr G J Daccache

That Council:

- i) Endorse the formation of the Port Hedland Implementation Steering Group comprising representatives from LandCorp, Pilbara Cities and the Town of Port Hedland's Mayor and Chief Executive Officer;
- ii) Request the Chief Executive Officer to provide quarterly updates to Council on the progress of the Port Hedland Implementation Steering Group;
- iii) disbands the Spoilbank Marina Working Group;
- iv) establishes the Spoilbank Marina Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):

Purpose/Aim

1. to provide advice to LandCorp on the development of the Spoilbank Marina project;
2. to provide a means of engagement with key stakeholders about the project;
3. investigate and make recommendations on management structures and operations of the Spoilbank Marina.

Membership:

The membership of the committee be as follows:

Mayor Kelly A Howlett;

Councillor Stan R Martin;

Councillor Arnold A Carter;

Councillor Jan M Gillingham

Councillor Michael A (Bill) Dziombak

A representative to be nominated from the following organisations:

- Port Hedland Port Authority

- Port Hedland Yacht Club

- Port Hedland Returned Services League

2 x Community Members

Quorum:

The quorum for the Committee be a minimum of 50% of its membership.

Delegation:

Nil but can be reviewed.

Tenure: Ongoing.

Responsible Officer: Chief Executive Officer

- v) establishes the South Hedland CBD Stakeholder Committee in accordance with Section 5.8 of the Local Government Act (1995):

Purpose/Aim

1. ensure communications exists between LandCorp, stakeholders and the community in respect to South Hedland CBD.
2. provide input and advice to LandCorp in respect to Stage 1 and 2 of South Hedland CBD.
3. develop and implement strategies to create a vibrant and safe CBD.

Membership:

The membership of the committee be as follows:

Mayor Kelly Howlett, Councillor S J Coates and Councillor D W Hooper

A representative from the following organisations:

- LandCorp
- Lotteries House Board
- Shopping Centre owners (Charter Hall)
- FORM
- South Hedland Police
- PANGO
- HYSAG

2 x Business Owners/Operators in CBD

2 x Community Members:

Quorum:

The quorum for the Committee be a minimum of 50% of its membership.

Delegation: Nil

Tenure: Ongoing.

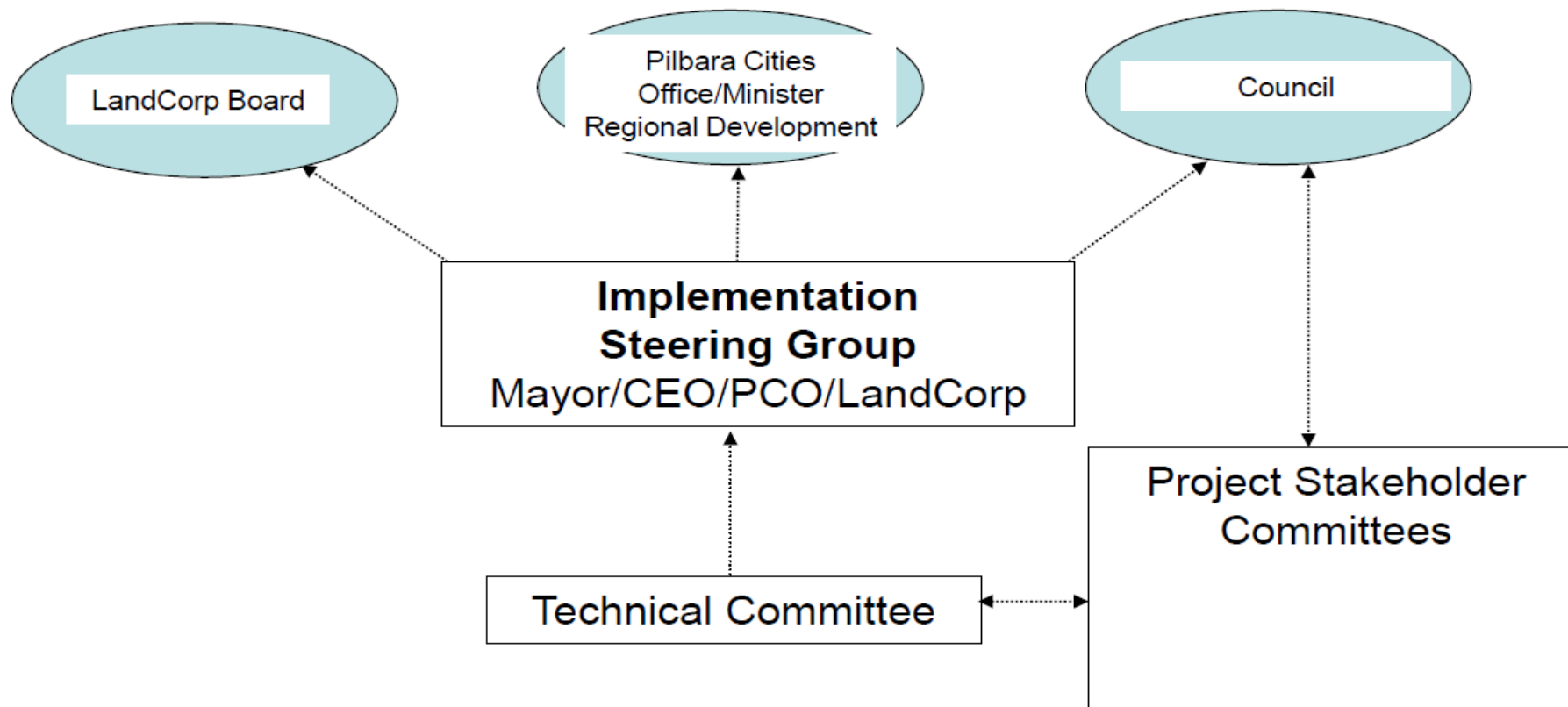
Responsible Officer: Chief Executive Officer

- vi) advertises for the Community Member vacancies on both the Spoilbank Marina Stakeholder Committee, and the South Hedland CBD Stakeholder Committee; and
- vii) seeks nominations for the positions from stakeholders for both the Spoilbank Marina Stakeholder Committee, and the South Hedland CBD Stakeholder Committee

CARRIED 7/0

REASON: Council nominated Mayor and Councillors S J Coates and D W Hooper to represent Council on the South Hedland CBD Stakeholder Committee.

PORT HEDLAND IMPLEMENTATION STEERING GROUP



7:17pm Mayor advised public that Confidential Items will now be discussed by Council and requested gallery attendants to leave Chambers.

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

13.1 Port Hedland Visitor Centre - Audited Financial Statements for 2008/09 and 2009/10

201011/220 Council Decision/Officer's Recommendation

Moved: Cr M Dziombak

Seconded: Cr A A Carter

That Council:

1. receives a copy of the audited financial statements for 2008/09 and 2009/10 financial years for the Port Hedland Visitors Centre at the Ordinary Council Meeting to be held on 27 January 2011; and
2. requests the Acting Chief Executive Officer to provide a summary of the implications of the audited statements on the Town of Port Hedland.

CARRIED 7/0

ITEM 14 CONFIDENTIAL ITEMS

201011/221 Council Decision/Officer's Recommendation

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 Items:

1. 14.1.1 'Appointment of Director of Planning and Development; and
2. 14.1.2 'Appointment of Chief Executive Officer'.

CARRIED 7/0

7:24PM Mayor advised any remaining 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.”*

14.1.1 Appointment Director of Planning & Development.

201011/222 Council Decision/Officer’s Recommendation

Moved: Cr A A Carter

Seconded: Cr M Dziombak

That Council:

- i) endorse the appointment of Mr Eber Butron as the Director Planning and Development for a three (3) year term commencing on 14 February 2011; and
- ii) Mr Butron be offered a salary of \$145,000 per annum and a total package of \$191,600 per annum including superannuation, housing, private vehicle usage, utilities and uniform allowance.

CARRIED 7/0

*14.1.2 Appointment Chief Executive Officer.***201011/223 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr M Dziombak

That Council:

- i) Notes the recommendation made by the CEO Recruitment Working Group;
- ii) Approves the appointment of Mr Paul Martin as the Chief Executive Officer for the Town of Port Hedland for a three (3) year contract, commencing on 9 December 2010;
- iii) Approves the remuneration package of \$261,733 to be included in the Chief Executive Officer's contract as outlined in Attachment 1;
- v) Notes key performance indicators are to be developed and agreed by the parties, for consideration by Council at its next Ordinary Meeting to be held on 27 January 2011; and
- v) Approves the additional performance reviews to be conducted in accordance with the Town's CEO Performance Review Policy after the first three (3), six (6), nine (9) and (12) twelve months, with annual reviews being conducted thereafter, following Council's endorsement of agreed key performance indicators

*CARRIED 7/0***201011/224 Council Decision/Officer's Recommendation****Moved:** Cr A A Carter**Seconded:** Cr M Dziombak**That the Meeting be opened to members of the public.***CARRIED 7/0*

7:27 pm Mayor advised the meeting was open.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE**Council Decision 201011/223****Moved:** Cr A A Carter**Seconded:** Cr G J Daccache

That the following Application for Leave of Absence:

- . Councillor S J Coates from 25 December 2010 to 02 January 2011;
- . Councillor G J Daccache from 14 December to 21 December 2010;
- . Councillor J M Gillingham from 28 December 2010 to 26 January 2011;
- . Councillor D W Hooper from 04 January to 23 January 2011;
- and
- . Councillor M Dziombak from 3 January to 17 January 2011

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

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Thursday 27 January 2011 commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7.28 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 8 December 2010

CONFIRMATION:

MAYOR_____
DATE