Town of
Port Hedland

TOWN OF PORT HEDLAND

NOTICE OF MEETING AND AGENDA
ORDINARY MEETING OF COUNCIL

WEDNESDAY 23 MAY 2018 AT 5:30PM

COUNCIL CHAMBERS, MCGREGOR STREET, PORT HEDLAND

David Pentz
Chief Executive Officer

Distribution Date: 15 May 2018

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Administration) Regulation 34C

This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C	
Name of person declaring the interest	
Position	
Date of Meeting	
Type of Meeting (Please circle one)	Council Meeting - Committee Meeting - Special Council Meeting Workshop - Public Agenda Briefing - Confidential Concept Forum

Interest Disclosed			
Item Number and Title			
Reason for Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Interest Disclosed			
Item Number and Title			
Reason for Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Interest Disclosed			
Item Number and Title			
Reason for Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

"With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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Item 1 Opening of Meeting

The Mayor is to declare the meeting open at __ pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Mayor acknowledges the traditional custodians, the Kariyarra people, and recognises the contribution of Kariyarra Elders past, present and future, in working together for the future of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
Deputy Mayor Louise Newbery
Councillor Julie Arif
Councillor Richard Whitwell
Councillor Peter Carter
Councillor George Daccache
Councillor Tricia Hebbard
Councillor Warren McDonogh
Councillor Telona Pitt

Elected Member Meeting Attendance - 2018

Meeting Type	Date	Mayor Blanco	Deputy Mayor Newbery	Councillor Arif	Councillor Whitwell	Councillor Carter	Councillor Daccache	Councillor Hebbard	Councillor McDonogh	Councillor Pitt
AFS	10/01/18	✓	✓	✓	X	X	✓	X	✓	X
PAB	17/01/18	✓	✓	✓	✓	✓	✓	X	✓	✓
OCM	24/01/18	✓	✓	✓	✓	✓	✓	✓	✓	X
AGM	24/01/18	✓	✓	✓	✓	✓	✓	✓	✓	X
CB	07/02/18	✓	✓	✓	✓	✓	✓	X	✓	✓
AFS	14/02/18	✓	✓	✓	✓	✓	✓	✓	✓	✓
ARG	20/02/18	✓	✓	X	✓	✓	X	X	✓	X
PAB	21/02/18	✓	✓	✓	✓	✓	✓	✓	✓	X
OCM	28/02/18	✓	✓	✓	✓	✓	X	✓	✓	✓
ARG	06/03/18	✓	✓	✓	✓	X	X	✓	L	✓
CB	07/03/18	✓	✓	✓	✓	X	✓	✓	L	X
AFS	14/03/18	✓	✓	L	✓	✓	✓	✓	✓	X
PAB	21/03/18	✓	✓	L	✓	✓	✓	X	✓	X
BW	24/03/18	✓	✓	L	✓	✓	✓	✓	✓	✓
OCM	28/03/18	✓	✓	L	✓	✓	✓	✓	✓	✓
CB	04/04/18	✓	✓	L	✓	✓	X	✓	✓	X
BW	09/04/18	✓	✓	L	✓	✓	✓	✓	X	✓
AFS	11/04/18	✓	X	L	✓	X	X	✓	X	X
PAB	18/04/18	✓	✓	L	✓	✓	✓	✓	X	X
OCM	23/04/18	✓	✓	L	✓	L	✓	✓	✓	✓
AFS	09/05/18	✓	✓	X	✓	✓	✓	✓	✓	✓

Legend			
AFS	Agenda Feedback Session	✓	Attended
PAB	Public Agenda Briefing	X	Apology
OCM	Ordinary Council Meeting	L	Approved Leave of Absence
SCM	Special Council Meeting		
AGM	Annual General Meeting of Electors		
CB	Confidential Briefing		
BW	Budget Workshop		

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Monday 23 April 2018

Nil

5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Monday 23 April 2018

Nil

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

Mayors Meetings for the month of April 2018:

Date:	Meeting:	Details of Meeting
5/04/18	Meeting with FMG	Presentation from Clontarf foundation
5/04/18	Meeting with Minister MacTiernan	Update on the Marina project
6/04/18	Port Hedland Technical Advisory Committee Meeting	Update on Dredging Activities at Port of Port Hedland
9/04/18	Hedland Aboriginal Strong Leaders Working Group	Discussion around West Pilbara Healing and Trauma Programme
10/04/18	Meeting with Department of Communities, Director General, Grahame Searle	Meet and greet opportunity
10/04/18	PHIA Official Heliport Opening	Official event opening
11/04/18	Meeting with Hon Colin de Grussa (Member for Agriculture)	Discussion around live exports
12/04/18	Meeting with Port Hedland Police & Liquor Enforcement	Discussion around general crime and safety
12/04/18	Regional Capitals Australia WA meeting	WA Local Government Matters
13/04/18	Hedland High School ANZAC Day Service	Guest speaker for service

13/04/18	Port Authority Tour with Hon Stephen Dawson	General Tour and update on Port activities
13/04/18	Youth Week 2018 Official Opening	Guest speaker at the Youth Week opening event
16/04/18	BHP Forum on Corporate Responsibility	Group discussions with community stakeholder leaders
16/04/18	Meet with Fusion Engineering	Discussion around development application
17/04/18	WA Grants Commission Public Hearing	Public hearing on the allocation of Financial Assistance Grants to Local Governments in WA
18/04/18	Meeting with Department of Local Government	Discussion around performance of the Council
18/04/18	East Pilbara District Health Advisory Council (EPDHAC)	Health matters
19/04/18	SCP Strategies information Session	Discussion around proposed SCP strategies with key stakeholders in the community
19/04/18	Never Stop Reading Initiative with Sarah McGowan	Attend to welcome the Premier, Mark McGowan and his wife
19/04/18	Meeting with Premier, Mark McGowan	Topics covered were: Marina, FIFO workforce, anti-social behaviour, job creation & Port expansion
19/04/18	PHCCI event with Premier, Mark McGowan	Networking event
20/04/18	Citizenship Ceremony	Officiating Citizenship Ceremony
20/04/18	Hedland's Got Talent	Attended as a guest
21/04/18	Whim Creek ANZAC Day Service	Guest speaker and laying of wreath
25/04/18	2018 ANZAC day service – Port Hedland	Laying of wreath
26/04/18	Meeting with the Freemason's Society	General update on the Freemason's society
26/04/18	Local Emergency Management Committee	Emergency Management discussion
26/04/18	FMG Community BBQ	Attend event as guest
26/04/18	SCP Strategies Session	Session with Community members
27/04/18	FMG One Billionth Tonne Event	Event to celebrate FMG reaching One Billion Tonnes
24/04/18	Youth week thank you lunch	Lunch to thank all involved in Youth Week
30/04/18	Hedland Community Safety Advisory Forum	Various community safety matters as per the agenda

Item 9 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Monday 23 April 2018

OFFICER RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Monday 23 April 2018 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

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

Item 11 Reports of Officers

11.1 Corporate and Performance

11.1.1 Annual Review of the Town of Port Hedland Delegation Register *(File No. 13/02/0001)*

Author	Governance Officer
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopt the Town of Port Hedland Delegation Register as per attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to request that Council adopt the revised Delegation Register, as it is a requirement of a Local Government to review the Delegation Register once each financial year in accordance with section 5.46 of the *Local Government Act 1995*. The Town has undertaken a full review of the current delegation register which has consisted of adding, deleting and amending delegations as required based on the current requirements deriving from officers duties.

DETAIL

The Delegation Register was last reviewed at the Ordinary Council Meeting on Wednesday 26 April 2017.

The Delegation Register has undergone a complete review where the Town's officers went through each section of the current register and have amended where required. The layout has changed considerably and the register now includes the powers that the Chief Executive Officer (CEO) is sub delegating to his officers. Sub delegations are at the CEO's discretion and are not for Council's consideration.

The Town's delegations also have been compared to other local government's registers within Western Australia to ensure that the delegations the Town is proposing to adopt are in line with other local government's practices.

A number of delegations from the current delegation register are proposed to be amended, deleted and created. The reasons for these changes are summarised below.

Local Government Act 1995

- 1.3 'Payments from Municipal and Trust Fund' – this has been amended to delete reference to the reserve funds, as they are not administered under section 12 of the Financial Regulations 1960, but rather under section 6.11 of the Act.

- 1.4 'Power to Invest' – two separate tables of delegates have been created for ease of reference, to ensure that signatories are clearly identified.
- 1.9 'Panel of Pre-Qualified Suppliers' – this is a new delegation created to establish a panel of pre-qualified suppliers. This delegation complements the newly created policy on this matter.
- 1.16 of the current Delegation Register 'Authority to Approve Permits and Issue Registrations/ Permits Relative to Environment Health – this delegation was deleted as it is covered under the Town's local laws and therefore not required.
- 1.24 'Applications and repairs of crossings for public thoroughfare, private land and private thoroughfare' – this is a new delegation established to allow for clear approvals to be put in place in relation to applications in relation to public thoroughfares, private land and private thoroughfares.
- 1.28 'Execute Documents and Contract Formalities' – this is a new delegation added to complement the proposed revised policy presented at this May Ordinary meeting in relation to execution of documents.
- 2.1 of the current Delegation Register 'Audit, Risk and Governance Committee' – this has been deleted as there is no actual powers under the Local Government Act 1995 or any of its Regulations currently being delegated to the ARG Committee. The ARG has been given a set of terms of reference which define its role, however they do not need to form part of a delegation register.

Food Act 2008

- 2.3 'Authorised Persons' – added the power of seizure to ensure current practices are formalised.

Caravan and Camping Grounds Act 1995

- 4.1 'Grant of Licence' – added section 7 to determine a licence for a facility, to ensure current practices are formalised.
- 4.2 'Appointment of authorised persons' – added section 21 for work specification notices, to ensure current practices are formalised.

Cat Act 2011

- 5.2 'Cat Control Notices – this is a new delegation, to ensure current practices are formalised.
- 5.3 'Approval to Breed Cats' – this is a new delegation, to ensure current practices are formalised.

Dog Act 1976

- 6.2 'Additional number of dogs kept on premises' – the power to determine an application for an approved kennel was added to the delegation register, to ensure current practices are formalised.
- 6.3 'Authorised Persons' – to issue an infringement notice was added to the delegation register, to ensure current practices are formalised.

Bush Fires Act 1954

- 8.1 'Bush Fire Officer' – an additional bush fire officer has been added to the delegation register to ensure that there is maximum coverage of Bush Fire Officers in the area when required.

Control of Vehicles (Off Road Areas) Act 1978

- 9.1 'Authorised Officers' – the powers relating to issuing infringement notices and initiate prosecutions have been added to the delegation register, to ensure current practices are formalised.

Fines, Penalties and Infringement Notices Enforcement Act 1994

- 11 'Fines, Penalties and Infringement Notices Enforcement Act 1994' – Additional officers have been added as designated officers to carry out duties under this Act, as per Managerial recommendations.

Litter Act 1979

- 12.1 'Authorised Officers' - the power to prosecute was added to the delegation register.

Building Act 2011

- 14.1 'Building and Demolition Permits' – the power to impose conditions on building and demolition permits was added to the delegation register
- 14.3 'Building Orders' – the power to make a building order was added to the delegation register
- 14.6 'Infringement Notices' – the power to issue infringement notices was added to the delegation register
- 14.7 'Appoint Authorised Persons' - Additional officers were added as authorised officers to carry out duties under this section

Planning and Development Act 2005

- 16.2 'Enforcement Powers' the power to apply for an injunction and commence prosecution was added to the delegation register.

A number of additions have also been made in relation to the powers listed under all of the Town's Local Laws. These were captured in the previous register but in more generic terms. All powers have now been clearly listed, which will assist in determining the exact role that different officers are able to carry out under the various Local Laws, as listed below.

Town of Port Hedland Parking Local Law 2015

- 17.1 'Payment of Fee to Park in Parking Station' - this is a new section added to the delegation register
- 17.2 'Restricted Parking Areas' – this is a new section added to the delegation register
- 17.3 'Vehicle on Thoroughfare to be Moved' - this is a new section added to the delegation register
- 17.4 'Authorised Person may mark Tyres' - this is a new section added to the delegation register
- 17.5 'Driving or Parking on Reserves' - this is a new section added to the delegation register
- 17.6 'Suspension of Parking Limitations for Urgent, Essential or Official Duties' - this is a new section added to the delegation register
- 17.7 'Infringements for Prescribed Offences as per Schedule 2' - this is a new section added to the delegation register

Town of Port Hedland Bush Fire Brigades Local Law 2017

- 18.1 'Determining Seniority' - this is a new section added to the delegation register
- 18.2 'Disagreements' - this is a new section added to the delegation register

Town of Port Hedland Public Places and Local Government Property Local Law 2016

- 19.1 'Determinations' - this is a new section added to the delegation register
- 19.2 'Use of Local Government Property' - this is a new section added to the delegation register
- 19.3 'Authorised Officers' - this is a new section added to the delegation register
- 19.4 'Thoroughfares – General' - this is a new section added to the delegation register
- 19.5 'Grant Licence for Commercial Activity' - this is a new section added to the delegation register
- 19.6 'Prescribed Offences – Schedule 7' - this is a new section added to the delegation register

Town of Port Hedland Cemetery Local Law 2015

- 20.1 'General Powers' - this is a new section added to the delegation register
- 20.2 'Authorised Officers' - this is a new section added to the delegation register
- 20.3 'Prescribed Offences' - this is a new section added to the delegation register

Town of Port Hedland Local Law (DOGS)

- 21.1 'Various Powers' - this is a new section added to the delegation register
- 21.2 'Authorised Officers' - this is a new section added to the delegation register

Town of Port Hedland Health Local Law 2016

- 22.1 'Various Powers' - this is a new section added to the delegation register

Town of Port Hedland Health Animals, Environment and Nuisance Local Law 2016

- 23.1 'Various Powers' - this is a new section added to the delegation register
- 23.2 'Authorised Officers' - this is a new section added to the delegation register

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance as it will impact what powers and authorisations officer receive from legislation and local laws to be able to carry out duties within their roles.

CONSULTATION

Internal

Governance has consulted changes to the delegation register with all relevant departments within the organisation, at officer, Manager and Director level. The Town's Legal Advisor has also been consulted as part of this process.

External Agencies

The Town's delegations have been compared to other local governments registers specifically the City of Vincent, the City of Wanneroo, the City of Joondalup, the City of Stirling and the City of Karratha.

LEGISLATION AND POLICY CONSIDERATIONS

The yearly review of the Town's Delegation Register ensures that the Town is compliant with section 5.18 of the *Local Government Act 1995.*

Delegations are dealt with under section 5.42, 5.43, 5.44, 5.46 and 9.10 of the *Local Government Act 1995.*

Policy 6/003 'Funding and Donations' relates to this item as it included under section 1.2 of the Delegation Register.

Policy 1/014 'Execution of Documents and Application of the Common Seal' relates, as it refers to section 1.26 of the Delegation Register.

FINANCIAL AND RESOURCES IMPLICATIONS

Should the delegation register not be adopted the risk to the Town of Port Hedland is that there would be non-compliant with section 5.18 of the *Local Government Act 1995.*

There is no direct financial impact with adopting the reviewed Delegation Register as there are no associated costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This exercise is an opportunity for officers to review delegations that impact on their business units and to ensure that the best levels of authority are in place for the smooth running of all of the Town's operations. The delegation register review assists in the delivery of efficient corporate governance and ensures that the organisation is compliant and accountable.

This following section of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

4.1 Strategic and best practice local government administration

- Deliver high quality corporate governance accountability and compliance.

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a risk rating of medium (6) assigned to the risk that the Delegation Register is not adopted which will impact on the Town's operations.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation – this can be achieved by amending any part of the delegation register

CONCLUSION

The Delegation Register is required to be amended at least once each financial year as required by the *Local Government Act 1995*. The Town has done a complete review and has also given the delegation register a new layout to ensure that it is a user friendly document.

ATTACHMENTS

1. Draft Town of Port Hedland Delegation Register (Under Separate Cover)
2. Current Delegation Register (Under Separate Cover)

11.1.2 Statement of Financial Activity for the Period Ended 31 March 2018 *(File No. 12/14/0003)*

Author	Manager Finance
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to section 6.4 of the *Local Government Act* 1995:

1. **Receive the Monthly Financial Health Check for the period ended 31 March 2018;**
2. **Receive the Statement of Financial Activity for the period ended 31 March 2018;**
3. **Receive the Material Variance Report;**
4. **Note the Accounts paid under delegated authority for the period ended 31 March 2018; and**
5. **Receive the Credit Card Statements for the period ended 31 March 2018.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present the Statement of Financial Activity for the period ended 31 March 2018.

Supplementary information has also been presented to the Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report are for the period ended 31 March 2018, with financial results included in *Attachment 2. Statement of Financial Activity Notes 1-12* prepared by Moore Stephens on behalf of the Town of Port Hedland.

The Town of Port Hedland financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the (adopted) 2017/18 budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as operating, a variance of 10% or $10,000, whichever is the greater, of the year to date current budget, with Program as the level that requires explanation;
2. With regards to expenditure classified as capital, a variance of 10% or $10,000, whichever is the greater, of the 12 month current budget, with individual project as the level that requires explanation;

3. With regards to income, a variance of 10% or $100,000, whichever is the greater, of the year to date current budget, with Nature and Type as the level that requires explanation;

4. With regards to all other items not specifically identified above, a variance of 10% or $100,000, whichever is the greater, of the 12 month current budget, with Nature and Type as the level that requires explanation.

Commentary is provided on variances as details above as per *Attachment 3 NOTE 13. Explanation of Material Variances*.

The net current asset position as at 31 March 2018 was $15.5M. The net Municipal balance (after matured investments and restricted reserves taken into account) as at 31 March 2018 was $6.0M.

	2017/18 Actuals
Current Assets: Cash and Investments	$238.1M
Restricted Cash – Reserves	$232.1M
Unrestricted Cash Position as at 31 March 2018	$6.0M

Previous Decisions

The Statements of Financial Activity are presented to Council each month for noting.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance because this report is presented for information purposes only.

CONSULTATION

Internal

All consultation and engagement is conducted internally.

External Agencies

Consulted with Moore Stephens for the preparation of the financial statements.

Community

N/A

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.4 of the *Local Government Act* 1995 and Regulation 34 of the *Local Government (Financial Management) Regulations* 1996 detail the form and manner in which a local government is to prepare its statement of financial activity.

FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information as is considered relevant by the local government 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; and
b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
c. supporting information as is considered relevant by the local government.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following sections of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

4.1 Strategic and best practice local government administration	• Deliver high quality corporate governance accountability and compliance. • Maintain a strong and sustainable financial position

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Medium (6) .

There is a risk rating of medium (6) assigned in 2017/18 budget to the risk that a reduction in income or increase in expense throughout the 2017/18 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to manage by building reserve balance to required level to mitigate financial loss.

OPTIONS

Option 1 - Adopt Officers Recommendation

Note the Statement of Financial Activity and reports for the period ended 31 March 2018 in accordance with *regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

Option 2 - Amend Officers Recommendation

That Council receive the Statement of Financial Activity for the period ended 31 March 2018 and request further information or clarification.

Option 3 – Do not adopt Officers Recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 31 March 2018.

CONCLUSION

The opening funding surplus of $4.1M presented in YTD Actual on the Statement of Financial Activity is as per the Audited Annual Financial Report 2016/17. As at 31 March 2018, the net current asset position is $15.5M compared to the current budgeted closing position for 30 June 2018 $584.8K.

Variances in operating revenue and expenditure is addressed in detail in *Attachment 3 NOTE 13. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets expended throughout the year.

ATTACHMENTS

1. Monthly Financial Health Check
2. Statement of Financial Activity Notes 1-12 (Under Separate Cover)
3. Note 13 Material Variance Report (Under Separate Cover)
4. Accounts paid under delegated authority listing (Under Separate Cover)
5. Credit Card Statements for period ended 31 March 2018 (Under Separate Cover)

ATTACHMENT 1 TO ITEM 11.1.2

MONTHLY FINANCIAL HEALTH CHECK

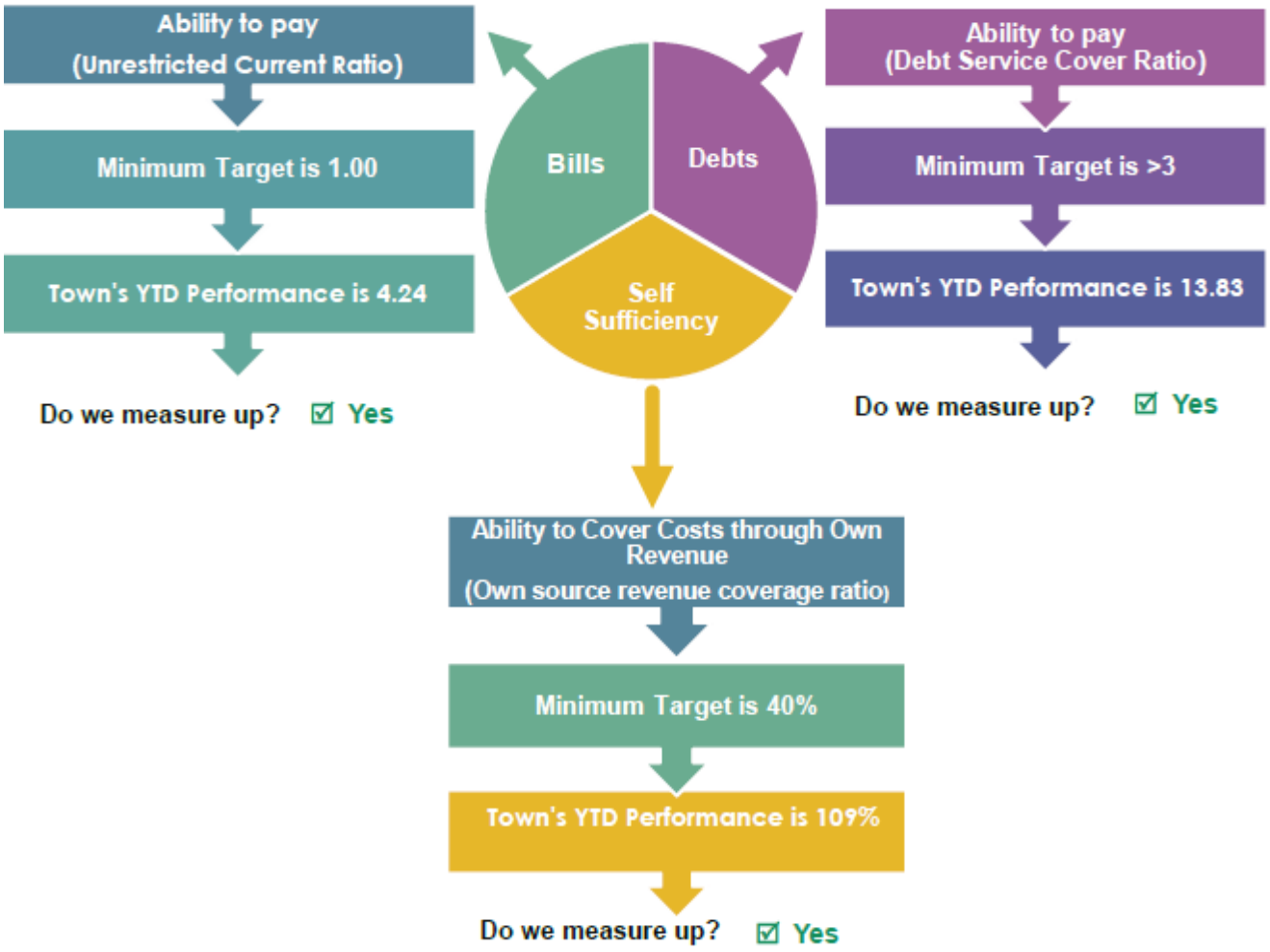
Town of Port Hedland

As at 31 March 2018

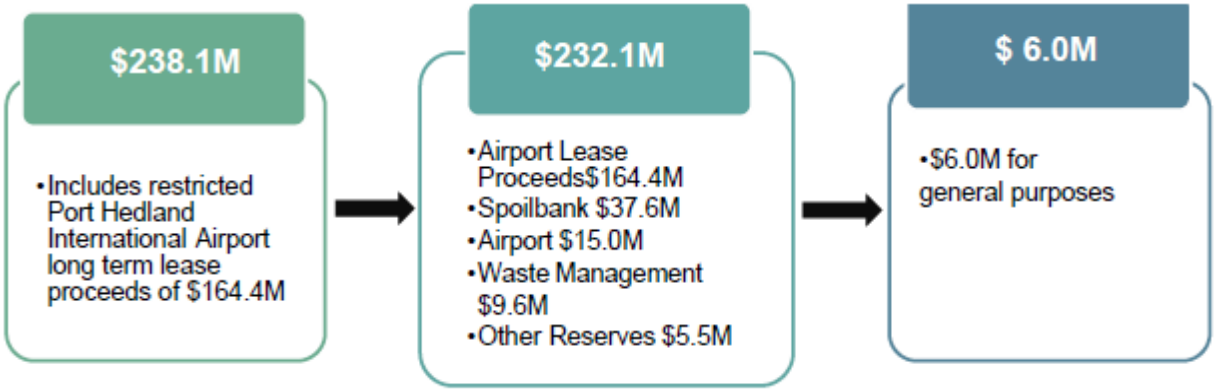
Highlighting how the Town of Port Hedland is tracking against financial ratios

Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	$39,389
Operating Expenditure (Including Non-Cash Items)	($33,554)
Non-Cash Items	$7,346
Capital Revenue	$2,976
Capital Expenditure	($11,163)
Loan Repayments	($925)
Transfers to/from Reserves	$7,287
Updated Surplus Brought Forward 1 July 2017	$4,125
Current Municipal Surplus Position at 31 January 2018	**$15,481**
Current Budget Municipal Surplus Position at 30 June 2018	**$585**

Financial health indicators



Cash in the bank



How are we tracking against our budgeted targets?

Adjusted Operating Surplus

A measure of the Town's ability to cover its operational costs including depreciation and have funds left over to cover capital expenditure (including principal loan repayments) without relying on debt or reserves.

Minimum Target is 1%

Town's YTD Performance is 16%

Do we meet the target? ☑ Yes

Note: Adjusted for one off expenditure related to major works at PHIA classified as operating due to lease of the facility

Adjusted operating surplus and self-sufficient ratios are high due to rates being fully invoiced at beginning of the financial year. However as the year progresses, operating expenditure will continue to draw on this revenue source reducing to target by 30 June 2018.

It should be noted that the increase in depreciation (following revaluation of assets at fair value over the last three years) has significantly increased the annual depreciation charge and puts pressure on the operating surplus result.

Asset Sustainability Ratio

Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.

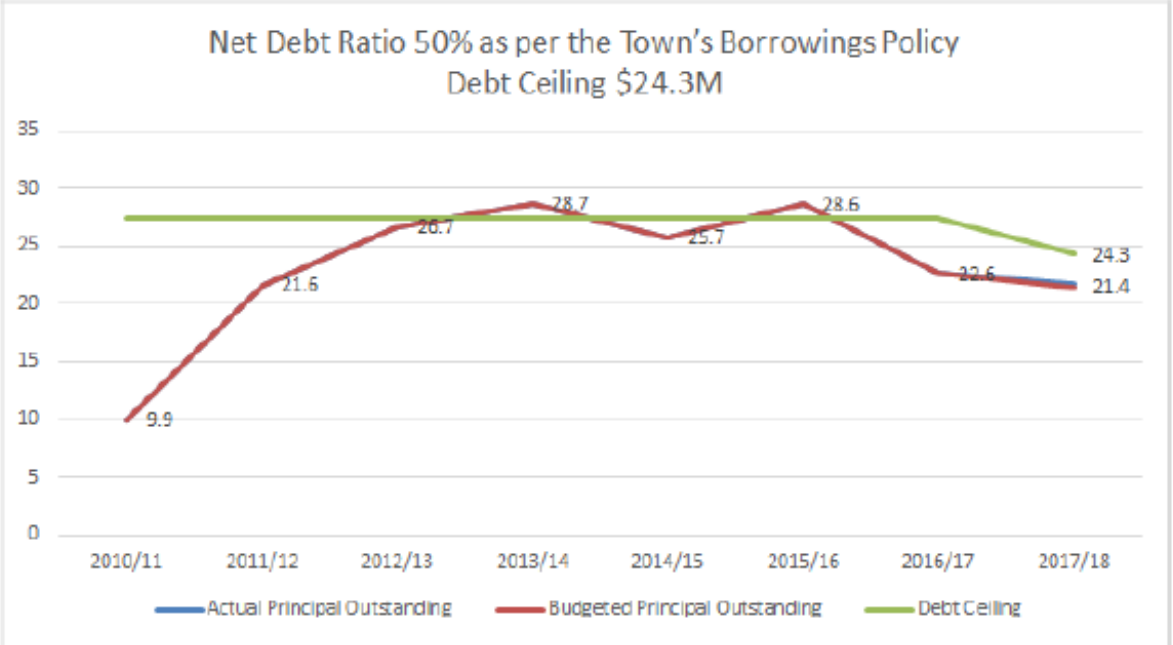
Minimum Target is 90%

Town's YTD Performance is 59%

Do we meet the target? ☒ No

- A reduced Capital Works Program (including renewals) and an increase in the budgeted depreciation as a result of revaluations has had a two-fold effect on the asset sustainability ratio resulting in the ratio coming in below the target.
- With a history of high levels of capital expenditure in the past 4 years, the Town need to ensure expenditure on capital renewal is maintained at the same rate as depreciation moving forwards.

Debt levels



Original Budget Principal Outstanding Forecast at 30 June 2018 = $21.4M
Original Budget Operating Revenue = $48.6M
Budgeted Net Debt Ratio = 47%
Actual Net Debt Ratio = 54%
Total Actual Principal Amount Outstanding 31 March 2018 = $21.7M

Debt Ceiling 50% pursuant to Policy ($54.8M x 50%) = $24.3M

Intergenerational Loans

Loan Purpose	Principal Amount Outstanding	Remaining Term
1. Marquee Park	$4.20M	14/15 years
2. JD Hardie Upgrade	$2.46M	14/16 years
3. Wanangkura Stadium	$8.37M	15/16 years
4. GP Housing	$1.27M	16 years

Any feedback on this document is greatly appreciated and can be emailed to council@porthedland.wa.gov.au

11.1.3 Closure of Port Hedland Cemetery *(File No. 05/08/0011)*

Authors	Senior Records Officer
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to send a notification to the Department of Local Government and Communities requesting the Port Hedland Cemetery be closed.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to seek Council approval from the Department of Local Government to formally close the Port Hedland Cemetery.

DETAIL

According to memorials and reports, the Port Hedland Cemetery was opened in 1912 and closed in 1968. It was determined in late 2017 that the generally accepted opening and closing dates were erroneous. Port Hedland Cemetery (Pioneer Cemetery) was gazetted in 1903, and technically remains 'open' as it has never proclaimed closed by the Governor.

Keeping in line with the generally accepted public understanding that the Pioneer Cemetery is closed and the costs to return the cemetery to an 'open' scenario are onerous, there are a number of sensitive non-monetary issues associated with re-opening.

In 2017 a request was made by Honorary Freeman and War Veteran Mervyn Stanton to be buried at the Pioneer Cemetery with his deceased wife upon his death. This initiated a research project into how permission to bury someone in a closed cemetery could be attained.

This research reflected that the Pioneer Cemetery had never been proclaimed as a closed cemetery by the Governor, as is required in the *Cemeteries Act*'s 1897 and 1986 and was therefore still technically open for burials.

In order to officially close the Cemetery, the following steps must be completed.

1. The Council must pass a resolution stating they wish to close it.
2. The CEO must write a letter to the Department of Local Government and Communities requesting that the Cemetery be closed with:
   - 2.1 an extract of the Minutes containing the resolution;
   - 2.2 the cemetery opening Gazettal information; and
   - 2.3 the approximate date that the Town believed the cemetery was closed and why.

It is recommended that Council resolve to close the Pioneer Cemetery due to the following issues:

Native Title Claims

There is a Native Title claim against the land from 1998 applied for by the Kariyarra People. This claim has not been decided upon as of the writing of this report and was last heard by Justice North on 7 December 2017.

Register of Native Title Claims Details

Back to search results >

WC1999/003 - Kariyarra People

Tribunal file no.	WC1999/003
Federal Court file no.	WAD6169/1998
Application name	Kariyarra People
State or Territory	Western Australia;
Representative A/TSI body area(s)	Kimberley, Pilbara
Local government area(s)	City Of Karratha,Shire Of Ashburton,Shire Of East Pilbara,Town Of Port Hedland
Date filed	31/03/1999
Date claim entered on Register	22/04/1999

Register extract and attachments

Register extract	**RNTCExtract_WC1999_003.pdf**
Register extract attachment/s	**2014_09_01 Attachment B External Boundary Description.pdf** **2014_09_01 Attachment C Map of Claim Area.pdf**

Information from the Department of Planning, Lands and Heritage indicates that Native Title Rights would impact the process of transferring Lot 829 into the Cemetery Reserve and that the amalgamation of the two properties could not occur until after the Native Title issue has been settled. Another constraint on actively using the site is that the Department of Planning Lands and Heritage also believe that this Native Title claim also exists over the Reserve (27693) which would complicate any planned works to the site.

Sutherland St
Lot 829 owned by State
Lot 831 Owned by ToPH
Stevens St

Land Transfer

The Pioneer Cemetery is made up of two Lots; Lot 831 (Reserve 27693) owned by the Town of Port Hedland and Lot 829 owned by the State Government. Lot 829 would need to be purchased from the State Government at an unknown cost to make the re-opening viable. It has been noted that if possible Lot 829 should be purchased by the Town and amalgamated with Lot 831 into the Cemetery Reserve. However, issues concerning Native Title will make this amalgamation difficult.

The Town Planning Scheme has categorised Lot 829 as a 'cemetery', and provided that the cemetery is closed, its classification will not be an issue. If burials are resumed then that space cannot be used unless it is transferred to the Town.

Costs

Re-opening the Pioneer Cemetery would require the following expenditure;

- Initial ground penetration testing ($50k) and survey ($12k) to determine the location of unmarked and unrecorded burials. Note - These are indicative costs only;
- Expenditure related to the purchase of Lot 829 from the State Government is unknown;
- Cemetery master plan would be required (infrastructure, layout, flora etc) costing around $40k (based on South Hedland Cemetery master plan). This is an indicative cost only;
- Implementation of cemetery master plan is unknown. The estimate for implementing the South Hedland Cemetery master plan is $3.4M; and
- Annual maintenance fees unable to be determined as master plan is unknown. For reference purposes, the current annual maintenance fees for South Hedland Cemetery are $47K.

The proposed fee structure for burials in 2018/19 only covers direct costs. Therefore the above costs would never be recouped. A more detailed analysis of costs can be found in attachment 2.

Current annual maintenance fees for the 'closed' cemetery are in the order of $28k.

Strategic Community Plan 2018 - 2028 (Draft)

The Strategic Community Plan 2018 – 2028 (draft) indicates that the community is comfortable with maintaining current service levels. This feedback would be based on one cemetery being available to the community, given it is widely accepted that the Pioneer Cemetery is closed.

Disturbance of existing gravesites

Regardless of ground penetration testing and surveys, there is still a high risk of disturbing existing gravesites that are unmarked. This is due to poor record keeping over the past century.

The disturbance of existing gravesites will cause distress to families of those already buried at Pioneer Cemetery, and may cause distress to the community at large.

Demand

It should be noted that if Lot 829 is purchased, that approximately 900 individual gravesites may be available at Pioneer Cemetery. The average annual burial rate for the past decade has been 19.8 at South Hedland Cemetery. Given a major upgrade at South Hedland Cemetery is in place, there is no cost/benefit justification for re-establishing the Pioneer Cemetery based on historic levels of demand.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of moderate significance, because the Cemetery has been 'closed' in the minds of Locals since 1968 and officially closing it would be of no impact.

CONSULTATION

Internal

Previous meetings with officers of the Town include the Manager Depot Operations, Senior Business Analyst and Principal Town Planner.

On 19 February 2018 the Manager of ICT, Senior Records Officer and a Records Officer met with the Executive Leadership Team to brief them on the issue. A confidential briefing was held with Elected Members on 7 March 2018.

During the Confidential Briefing, Elected Members requested further information on the financial implications, including: what other shires/councils charge for burials (attachment four) and a clear listing of what the costs would be to proceed (attachment two).

External Agencies

Contacted:

- Port Hedland Historical Society – to discuss official closing
- State Law Publisher – to discuss proclamations regarding cemetery to ensure closure had not occurred
- Landgate – searching for details on Lots 829 and 831
- State Records Office – searching Council Minutes for details on possible closure of cemetery
- Attorney Generals Department - Native Title applications query
- National Native Title Tribunal – Native title applications query
- Department of Local Government – Regarding gazetting of cemetery and setbacks to cemetery lands
- Metropolitan Cemeteries Board – to discuss setbacks and distances between graves

To be contacted to progress project, dependent on decision:

- Department of Local Government and Communities – to close the cemetery, this process will include publishing closure in the Government Gazette
- Western Australian State Government – To request transfer of Lot 829 into Reserve 27693
- Department of Planning Lands and Heritage – submission of a Crown Land Enquiry Form (CLEF) to enquire about the Crown Land in relation to reserves, this will help decide if we can pursue a management order over Lot 829, if a management order progresses it is also done through this department
- Department of Community Services – to discuss the reserve amalgamation with Lot 829
- To be decided - Penetration Testing and Digital Layering

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation has been considered in relation to this matter:

- Native Title
- Cemeteries Act 1986
- Town of Port Hedland Cemetery Local Law 2015
- Heritage Council of WA

FINANCIAL AND RESOURCES IMPLICATIONS

Regardless of the decision to either close or recommence using the Pioneer Cemetery, a digital layer ($10,000) of the cemetery must be completed to assist with locating interred individuals.

Currently, the annual budget for the Pioneer Cemetery is an annual maintenance cost of $28,000. This covers the cost of gardening to keep the area tidy.

If the Pioneer Cemetery is reopened it has been recommended that an initial figure in the order of $500,000 would be required to cover master plan and implementation, ground penetration works and surveys. An increased annual maintenance cost for the facility of approximately $56,000 per annum is also estimated based upon the increased levels of service that would be required to maintain new infrastructure.

Please note that if the Pioneer Cemetery were to reopen for burials, there is no feasible way to recover the costs of the masterplan production or increased annual maintenance costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following section of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

1.1 A unified community across our townships

- Ensure all members of the community can access our services and facilities.
- Provide safe and accessible community facilities, services, events and open spaces that connect people and neighbours.

Social Implications

The potential social impacts to reopening the Pioneer cemetery are detailed below:

- Higher Level of Rubbish – it has been noted that at South Hedland Cemetery there is considerable littering regardless of provision of rubbish receptacles.
- Anti-Social Behaviour - it is standard procedure to inform the Police when a burial is to take place.
- Parking - while there is a parking lot at Cemetery Beach Park across the road from the cemetery, if there are social events occurring at the park and a burial at the same time this will impact on available parking.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered if reopening the Cemetery to be:

- Possibility of reopening a grave accidently when interning a new person – possible/minor (medium risk 6). If this practice became known to local media the risk would change to possible/ moderate (medium risk 9).

- Native Title Claim not being resolved for several years - possible/major (high 12)

OPTIONS

Please see Attachment Two for cost breakdowns of options

Option 1 – Close the Pioneer Cemetery officially without amalgamating the two Lots

Option 2 – Proceed with Lot amalgamation and close the Pioneer Cemetery

Option 3 – Reopen the Pioneer Cemetery for burials

CONCLUSION

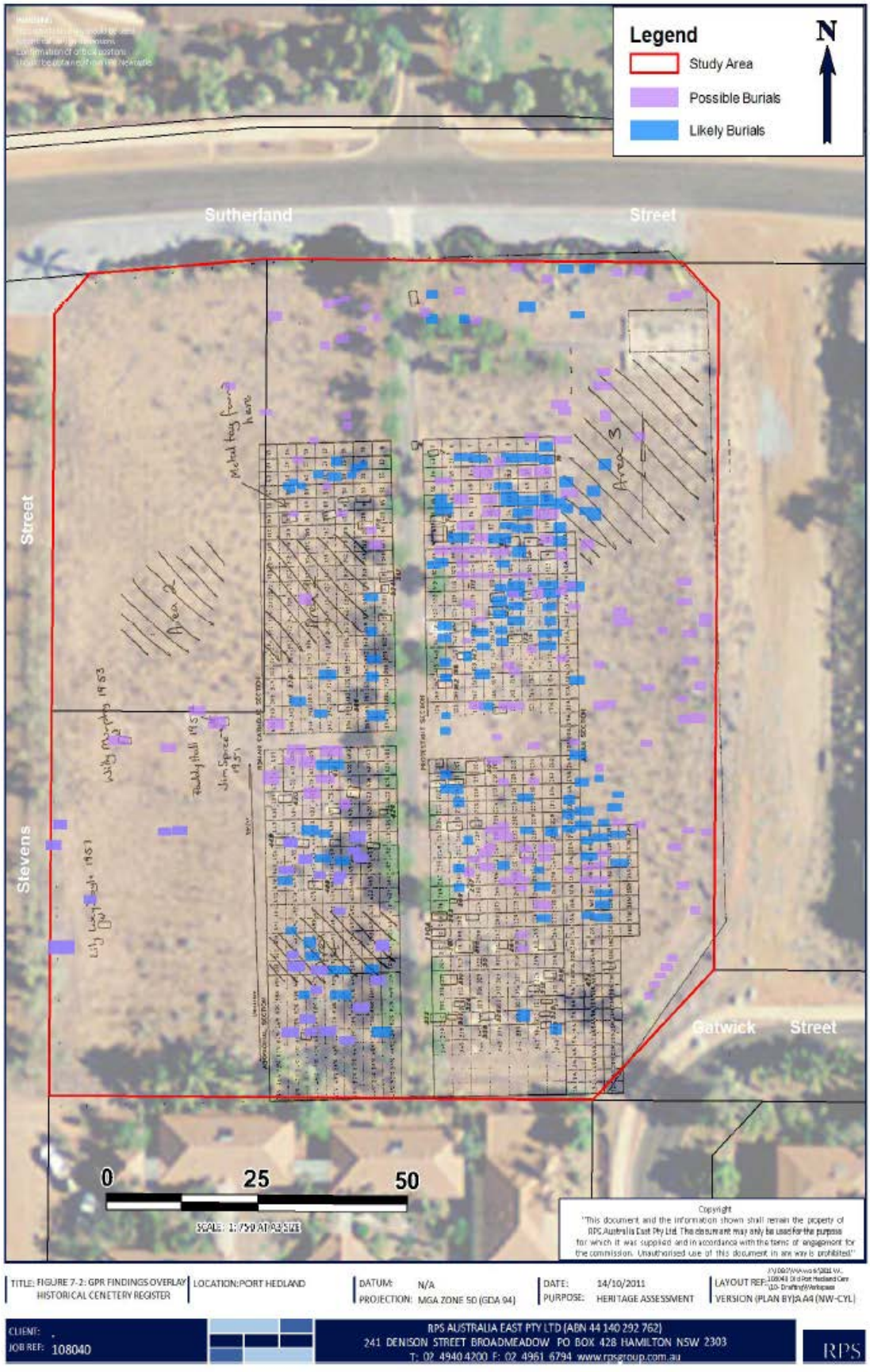
Due to the expensive financial implications of preparing the Pioneer Cemetery for active use while already having an active cemetery it is not justifiable to resume burials at the Pioneer Cemetery.

ATTACHMENTS

1. Map of Cemetery with overlay of current burials
2. Options – itemised steps for each option regarding the future of the Cemetery
3. Model for current fees and charges
4. Comparisons of Local Government Fees and Schedules for Burials 2017, please note burial pricing has been revised and will be altered from $1,100 to $3,500 as of 01/07/2018, as approved by Council (Under Separate Cover)
5. Submission received from the Port Hedland Historical Society

ATTACHMENT 1 TO ITEM 11.1.3

Pioneer Cemetery overlay of possible burials and surveyed sites



ATTACHMENT 2 TO ITEM 11.1.3

Steps and costs associated with Options for the Pioneer Cemetery

Option 1 – Close the Pioneer Cemetery officially without amalgamating the two Lots

1. Digital Layer of known Cemetery Plots
2. the Council must pass a resolution saying they wish to close it.
3. the CEO must write a letter to the Department of Local Government and Communities requesting that the Cemetery be closed with:
    i. an extract of the Minutes containing the resolution.
    ii. the cemetery opening Gazettal information.
    iii. the approximate date that the Town believed the cemetery was closed and why
4. Remainder of process undertaken by the Department of Local Government and Communities (ICR82196)

Description	**Cost**
Digital layer of Cemetery	10K
Correction to Monuments at Cemetery	Unknown
Total	**$10,000**

Option 2 – Proceed with Lot amalgamation and close the Pioneer Cemetery

1. Digital Layer of known Cemetery Plots
2. Submit a Crown Land Enquiry Form (CLEF)
3. Survey the Boundaries of the Cemetery
4. Transfer of Lot 829 to the Town
5. Amalgamation of Lots
6. the Council must pass a resolution saying they wish to close it.
7. the CEO must write a letter to the Department of Local Government and Communities requesting that the Cemetery be closed with:
    i. an extract of the Minutes containing the resolution.
    ii. the cemetery opening Gazettal information.
    iii. the approximate date that the Town believed the cemetery was closed and why
8. Remainder of process undertaken by the Department of Local Government and Communities (ICR82196)

NOTE: Native Title Claim may impact on cost and transfer of Lot 829

Description	**Cost**
Digital layer of Cemetery	10K
Crown Land Enquiry Form (CLEF)	1K
Survey of Boundaries	12K
Transfer of Lot 289 (dependent on Native Title)	Unknown
Amalgamation of Lots	5K
Correction to Monuments at Cemetery	Unknown
Total (of known costs)	**$28,000**

Please note: final costs will be in excess of $28K due to cost of land being unknown.

Option 3 – Reopen the Pioneer Cemetery for burials

1. Digital Layer of known Cemetery Plots
2. Submit a Crown Land Enquiry Form (CLEF)
3. Survey the Boundaries of the Cemetery
4. Change Management Order over Cemetery to "Cemetery" currently "Historical Gravesites" (ICR82614)
5. Consultation with the Department of Community Services regarding Reserve 27693
6. Transfer of Lot 829 to the Town
7. Amalgamation of Lots 829 and 831
8. Penetration Test
9. Digital Layer of remaining land in Cemetery
10. Upgrading infrastructure at Facility

NOTE: Native Title Claim may impact on cost and transfer of Lot 829

Description	**Cost**
Digital layer of Cemetery	10K
Crown Land Enquiry Form (CLEF)	1K
Survey of Boundaries	12K
Transfer of Lot 289 (dependent on Native tile)	Unknown
Amalgamation of Lots	5K
Correction to Monuments at Cemetery	Unknown
Penetration testing	50K
Digital layer of remaining land	10K
Estimate for masterplan and works	500K
Total (of known costs)	**$588,000**

Please note:

- the final figure of $588K is an estimate, the final cost is likely to be in excess of this after the Masterplan is developed and costed
- The final figure does not include ongoing annual maintenance for property likely to be in excess of $56K, the final cost would be confirmed after the masterplan is developed and costed

ATTACHMENT 3 TO ITEM 11.1.3

Current fees and costs associated with individual burials by the Town of Port Hedland

Inspection & Excavation – plot preparations (shoring).					
Description	Units	W/day Rate	W/End Rate	W/day	W/End
Cemetery Officer	5	-$66.00	-$99.00	-$330.00	-$495.00
Leading Hand	3	-$127.36	-$191.04	-$382.08	-$573.12
Crew 1 – excavator & trailer	4	-$239.36	-$359.04	-$957.44	-$1,436.16
Crew 2 – truck	4	-$128.00	-$192.00	-$512.00	-$768.00
TOTAL for opening	**16**	**-$560.72**	**-$841.08**	**-$2,181.52**	**-$3,272.28**
Conducting funeral service and backfilling					
Description	Units	W/day Rate	W/End Rate	W/day	W/End
Crew 1 – ute	4	-$128.00	-$192.00	-$512.00	-$768.00
Crew 2 - toolcat	4	-$138.55	-$207.83	-$554.20	-$831.30
Crew 3	4	-$76.76	-$115.14	-$307.04	-$460.56
TOTAL for closing	12	**-$343.31**	**-$514.97**	**-$1,373.24**	**-$2,059.86**
Expenditure (by Town for burial)					
		close weekday	close weekend		
open weekday		-$3,554.76	-$4,241.38		
open weekend		-$4,645.52	-$5,332.14		
*** Revenue (admin fees paid by family)**					
Burial	1	$1,100.00			
Certification of Identification	1	$80.00			
Plot Reservation	1	$80.00			
TOTAL		**$1,260.00**			
Expenditure Total (Expenditure per burial minus Revenue $1,260)					
		close weekday	close weekend		
open weekday		-$2,294.76	-$2,981.38		
open weekend		-$3,385.52	-$4,072.14		

ATTACHMENT 5 TO ITEM 11.1.3

PORT HEDLAND HISTORICAL SOCIETY

PO Box 217, Port Hedland WA 6721

1 May 2018

Mr David Pentz
Chief Executive Officer
The Town of Port Hedland
PO Box 41
Port Hedland WA 6721
council@porthedland.wa.gov.au

Dear David

OPENING OF PORT HEDLAND CEMETERY

At a recent meeting of this Association, the subject of the opening of the Port Hedland cemetery was discussed. It was unanimously agreed that we support this proposal, subject to availability and capacity of the site. The members of our organization who have lived in Port Hedland for many years have expressed their wish to have the opportunity for the internment of their choice. The subject of cost was considered, but we do not consider this as a detriment.

Trust that you will take into consideration our submission when determining the Council's implementation of same.

If you have any queries, please do not hesitate to contact me by email: phracing@gmail.com or on my mobile 0400 205 173.

Yours sincerely

Mr Arnold Carter
President

11.1.4 Amendment of Policy 1/014 'Execution of Documents and Application of the Common Seal' *(File No. 04/03/0001)*

Author Senior Governance Advisor
Authorising Officer Director of Corporate and Performance
Disclosure of Interest The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopt amended Policy 1/014 'Execution of Documents and Application of the Common Seal' as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to request that Council consider adopting amended Policy 1/014 'Execution of Documents and Application of the Common Seal'. The policy has been reviewed to ensure further clarity and consistency in the signing of documentation that requires the application of the common seal.

DETAIL

The Town currently has a policy titled 1/014 'Execution of Documents and Application of the Common Seal'. The policy has been reviewed to better define when the common seal needs to be applied to specific documentation and who can be considered as an authorised signatory.

Section 9.49 of the *Local Government Act 1995* provides that a document is adequately authenticated by a Local Government without its common seal if it is signed by the CEO or an authorised employee of the Local Government. Authorised employees listed in this policy have also been included in the delegation register under Section 1.1.4 'Execute Documents and Contract Formalities' which is also being presented to Council for consideration at this 23 May Ordinary meeting.

To ensure that the execution of documents is more effective and efficient, the following table also is proposed to be added to the Policy:

Document Type	Common seal required	Authorised employee
Local laws	Yes	None
Planning Schemes	Yes	None
Mortgages, Loans and Debentures	Yes	None
State of Commonwealth Government Funding Agreements	Yes	None

Any document requiring the common seal pursuant to a **statutory obligation**	Yes	None
Council has **resolved** that the document be executed by way of common seal	Yes	None
Power of Attorney to act for the Town	No	CEO
Grants and Funding Agreements with private agencies	No	CEO
Land Transaction documents including sale, purchase, vesting, leases, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments.	No	CEO
Memorandum of Understanding	No	CEO
Ceremonial Certificates	No (Mayor may sign)	CEO
All other documents that were the subject of a Council decision including, but not limited to, procurement contracts, service agreements, non-disclosure agreements, enterprise bargaining agreement and employment contracts.	No	CEO
All other documents that are not the subject of a Council decision, but are part of the ordinary operations of the local government including, but not limited to, casual hire agreements, procurement contracts (no Council decision), short term lease and sponsorship agreements.	No	CEO Directors where the document concerns subject matter wholly within their Directorate

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance.

CONSULTATION

Internal

Internal consultation has been conducted between the Legal Advisor, the Governance Team and Executive Team.

LEGISLATION AND POLICY CONSIDERATIONS

Section 9.49A, 9.49B and 9.49 of the *Local Government Act 1995* outline the execution of documents, the application of the common seal, contract formalities and how documents are authenticated.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications associated with the amendment of this policy.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following section of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

4.1 Strategic and best practice local government administration

- Deliver high quality corporate governance accountability and compliance.

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in Policy 1/022 'Risk Management', the level of risk is considered to be medium (9) if the policy is not amended.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 – Do not adopt Officers Recommendation

Should Council not adopt the proposed amended policy, the existing policy would remain in place.

CONCLUSION

It is recommended that Council adopt the amended Policy 1/014 'Execution of Documents and Application of the Common Seal' to make the execution of documents more efficient and effective, and ensure compliance with the Local Government Act.

ATTACHMENTS

1. Amended Policy 1/014 'Execution of Documents and Application of the Common Seal'

ATTACHMENT 1 TO ITEM 11.1.4

1/014 EXECUTION OF DOCUMENTS AND APPLICATION OF THE COMMON SEAL

POLICY OBJECTIVE

To establish procedures for:

(a) affixing the Town's common seal; and

(b) determining whether a document is executed by way of common seal or signed by an authorised employee.

~~This policy defines the types of documents which require the affixing of the common seal.~~

POLICY CONTENT

1. Application ~~bility~~

The provisions of this policy apply to all documents requiring the Town's execution. ~~the affixing of the common seal to execute leases, contracts, agreements and legal documentation, provided that the document complies with the requirements of the *Local Government Act 1995* and other relevant legislation.~~

2. Documents Requiring Affixation of the Common Seal

Documents requiring the common seal to be affixed are those identified in Table 1 of this Policy. ~~may include, but shall not be limited to:~~

~~(a) Sale of Town owned land for which a Council resolution is required expressly stating that the final document be signed and sealed and the transaction finalised;~~

~~(b) Legal Agreements;~~

~~(c) A Town Planning Scheme and any Town Planning Scheme Amendments;~~

~~(d) Documents relating to land matters including lodgement of caveats, memorials, leases, transfers, deeds, licences, covenants, easements and withdrawal of instruments;~~

~~(e) Local Laws;~~

~~(f) Service Agreements;~~

~~(g) New Funding or Contracts of Agreement between the Town and State or Commonwealth Governments for programs to which the Town has previously adopted, or additions to existing programs, which in the view of the Chief Executive Officer are in accordance with the original intent of the Town endorsed program; and~~

~~(h) Any other documents stating that the common seal of the Town of Port Hedland is to be affixed.~~

3. Procedure for affixing the Common Seal

(a) Authorised Signatures

The Mayor and Chief Executive Officer are authorised to affix and sign all documents to be executed under the common seal; however, in the absence of the Mayor and/or the Chief Executive Officer, as the case may be, the Deputy Mayor and the Acting Chief Executive Officer are authorised to affix the common seal.

Should the Chief Executive Officer or Acting Chief Executive Officer be unable to sign the documents the Chief Executive Officer or Acting Chief Executive Officer will authorise a designated senior employee, identified in policy 3/007 'Senior Employees and Appointing Chief Executive Officer', to sign the document in accordance with section 9.49A(3)(b) of the Local Government Act 1995. Only designated senior employees that have been appointed as the permanent incumbent to the position of a senior employee are able to be authorised to sign the document.

(b)~~4.~~ Witnessing of Signature

The common seal may only be affixed in the presence of both the Mayor and the Chief Executive Officer (or the Deputy Mayor and/or the Acting Chief Executive Officer or designated senior employee, as the case may be), each of whom is to sign the document to attest that the common seal was so affixed.

(c)~~5.~~ Register to be Maintained

Details of all transactions where the common seal has been affixed shall be recorded in a register, with such register to record each date on which the common seal was affixed to a document, the nature of the said document, and the parties to any agreement to which the common seal was affixed. The register is to record each transaction with a record number that may be retrieved in the Town's Records Management System.

~~*6. Method of Affixing the Common Seal*~~

~~Below is an example of how documents should be executed under the common seal:~~

~~DATED THIS (DAY) DAY OF (MONTH) (YEAR)~~

~~*The common seal of the)*~~

~~*Town of Port Hedland)*~~

~~*was hereunto affixed in the)*~~

~~*presence of:)*~~

~~_____ _____~~

~~*(Insert Name of Mayor) (Insert Name of Chief Executive Officer)*~~

4. Authority to Sign documents on Behalf of the Town

There is no legal requirement for the common seal to be affixed in order for a document to be executed where Council has resolved to authorise the CEO or any other employee to sign a document pursuant to section 9.49A of the *Local Government Act 1995*.

Employees authorised under section 9.49A of the *Local Government Act 1995* may sign the documents identified for that purpose in Table 1 of this Policy. Despite the authorisation, the common seal may still be affixed in the following circumstances:

(a) if the authorised officer is of the opinion the document carries a high level of financial risk, legal complexity or political sensitivity that the document should be executed by way of common seal; or

(b) the other party has reasonably requested the document be executed by way of common seal.

TABLE 1 – EXECUTION OF DOCUMENTS

Document Type	Common seal required	Authorised employee
Local laws	Yes	None
Planning Schemes	Yes	None
Mortgages, Loans and Debentures	Yes	None
State of Commonwealth Government Funding Agreements	Yes	None
Any document requiring the common seal pursuant to a statutory obligation	Yes	None
Council has resolved that the document be executed by way of common seal	Yes	None
Power of Attorney to act for the Town	No	CEO
Grants and Funding Agreements with private agencies	No	CEO
Land Transaction documents including sale, purchase, vesting, leases, licences, transfers, contributed assets, easements, restrictive covenants, caveats, memorials, notifications, deeds and withdrawal of instruments.	No	CEO
Memorandum of Understanding	No	CEO
Ceremonial Certificates	No (but Mayor must sign)	CEO
All other documents that were the subject of a Council decision including, but not limited to, procurement contracts, service agreements, non-disclosure agreements, enterprise bargaining agreement and employment contracts.	No	CEO
All other documents that are not the subject of a Council decision, but are part of the ordinary operations of the local government including, but not limited to, casual hire agreements, procurement contracts (no Council decision), short term lease and sponsorship agreements.	No	CEO Directors where the document concerns subject matter wholly within their Directorate

The execution requirements in Table 1 apply to the making, varying or discharge of documents pursuant to section 9.49B of the *Local Government Act 1995*.

~~DEFINITIONS~~

~~*Common Seal* is a device which creates an impression upon paper or melted wax, used by government agencies, corporations and notaries public to show that the document is validly executed, acknowledged or witnessed.~~

~~The Town of Port Hedland uses a plastic sticker, rather than a rubber seal, since this print is easier to microfilm for official recording than is a faint embossed impression.~~

Council Adoption Date and Resolution No.	25 July 2012 201213/038
Date of adoption of amendment and Resolution Number ***Do not delete previous dates***	31 August 2016 - CM201617/042 May 2018 – [to insert]
Relevant Legislation	*Local Government Act 1995*s 2.5(2), ~~5.44,~~ 9.49, 9.49A and 9.49B
Delegated Authority	
Directorate	Corporate and Performance
Review Frequency	As required

11.1.5 Salaries and Allowances Tribunal Determination of Elected Member Fees and Allowances for 2018/19 *(File No. 13/01/0009)*

Author	Governance Officer
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council,

1. **Adopt the following percentages in respect to Elected Member fees and allowances for 2018/19:**
   a. **Mayor Allowance: ___% of yearly maximum of SAT determination**
   b. **Deputy Mayor Allowance: 25% of Mayoral allowance**
   c. **Councillors Annual Attendance Fee: ___% of yearly maximum of SAT determination**
   d. **Mayor Annual Attendance Fee: ___% of yearly maximum of SAT determination**
   e. **ICT Allowance: ___% of yearly maximum of SAT determination**

2. **Amend Policy 4/008 'Elected Member Entitlements' to reflect the fees and allowances adopted in Part 1 above if required.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to set its annual Elected Member fees and allowances for inclusion in the 2018/19 Budget. The fees and allowances are to be based on the 2018/19 Salaries and Allowances Tribunal (SAT) determinations. Once determined by Council, the figures or percentages are reflected in the Town's policy 4/008 'Elected Member Entitlements'. Elected Members are entitled to receive:

- Mayor Allowance
- Deputy Mayor Allowance
- Attendance Fees ('Per Meeting' or 'Annual')
- ICT Allowance
- Travel and childcare reimbursements

DETAIL

Each year, the SAT determine the minimum and maximum amount of fees, reimbursements and allowances for all Elected Members in Western Australia. Council are requested to set an amount based on the SAT determination, which will then be reflected in the 2018/19 Budget, and in the Town's policy 4/008 'Elected Member Entitlements'.

The policy currently states that Elected Members receive 90% of the SAT maximum determination for the Mayors allowance, Mayors attendance fees and Councillor annual attendance fees. The policy further identifies that Elected Members receive 100% of the maximum determination for ICT allowance, and the Deputy Mayor receives 25% of the Mayoral allowance. The Deputy Mayor allowance must be 25% and cannot be amended.

The 2018/19 SAT determination was released on 10 April 2018. In preparation of their report, the SAT surveyed regional Local Governments and considered relevant labour market, economic data and considered the roles and responsibilities of Council. The 2018/19 determination is the same as the current (2017/18) determination. Attachment 1 contains the full SAT determination in its entirety.

Each Local Government in Western Australia is allocated a 'Band' by the SAT. The rating of each Local Governments band is made exclusively by the SAT and Council are not able to amend this rating. The band rating determines what the minimum and maximum determinations for each Local Government will be. There are four (4) bands in total, with 'Band 1' being the highest.

Factors contributing to the rating of bands include:

- Major growth and development
- Strategic planning, including risk management
- Infrastructure development and asset management
- Significant social / economic/ environmental issues
- Population
- Significant demand to service and support non-resident needs
- Diversity of services
- Community involvement and advocacy
- State or national negotiations
- Operational and managerial requirements
- Capacity to pay
- Total expenditures
- Full time employees

This year the SAT have retained the Town of Port Hedland's band allocation of 'Band 1'. For all WA Local Government Band allocations, please see page 33 of attachment 1.

MEETING FEES

Each Council member is entitled to be paid meeting attendance fees. The fee for attending a meeting is not a salary, but recognition of the amount of time and effort Elected Members must put into preparing for Council and Committee meetings.

There are two (2) methods for payment of meeting fees, being an 'Annual Attendance Fee', or a 'Per Meeting Fee'. Currently, Council receive an Annual Attendance Fee.

'Annual Attendance Fee' Structure

Under the current annual attendance fee structure, all Elected Members are paid an annual attendance fee which is divided equally into monthly payments, regardless of how many meetings or briefings are attended. This structure is deemed the most efficient option by officers, and is the most commonly adopted structure of Local Governments in WA.

The below table shows the range, as determined by the SAT, for Band 1 Local Governments in 2018/19:

Type	Recipient	Min. for Band 1	Max. for Band 1
Annual Attendance Fee	Mayor	$24,360	$47,046
Annual Attendance Fee	Councillor*	$24,360	$31,364

** Note – the term Councillor includes the Deputy Mayor.*

Setting a % Rate for 'Annual Attendance Fee' Structure

If Council wish to retain the annual attendance fee structure, a rate must be set between the minimum and maximum allowable amount. Historically, Council has assigned a percentage of the maximum to determine their payment. As mentioned previously, the current fees structure is based on 90% of the maximum allowable amount.

Should no decision be made by Council to amend the percentage, the current policy will remain in place at 90% of the maximum of the SAT determinations.

'Per Meeting Fee' Structure

Council has the option to receive a 'Per Meeting Fee' instead of an 'Annual Attendance Fee', however is not recommended due to the increased administration that is required to maintain and monitor this structure.

'Per Meeting Fees' are paid for prescribed meetings only, these being Ordinary and Special Council Meetings, and Committee meetings of Council (Audit, Risk and Governance Committee). Each of the following meetings are also prescribed in regulation 30(3A) of the *Local Government (Administration) Regulations 1996*:

(a) Meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
(b) Meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
(c) Council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
(d) Meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
(e) Meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

'Per Meeting Fees' are subject to:

- the council member not being paid a fee for attending another of the above meetings by the organiser;
- if the council member is being paid an annual fee; or
- the council member is deputising for a council member at a meeting of a regional local government and the member of the regional local government is paid an annual fee.

Potential annual costs are shown below if Council opt for a 'Per Meeting Fee' structure, the table is based on the following assumptions:

- 12 Ordinary Council Meetings per year *(All Elected Members)*
- 5 Special Council Meetings per year *(All Elected Members)*
- 1 Annual General Meeting of Electors per year *(All Elected Members)*
- 5 Committee Meetings per year *(All Elected Members)*
- 1 WALGA AGM per year *(Mayor and Deputy Mayor)*
- 4 Regional Road Group Meetings per year *(Mayor and Deputy Mayor)*

Type of Meeting Fee	Recipient	Approx. Meetings per year	Minimum allowance per meeting	Maximum allowance per meeting	Maximum Amount (based on maximum)
Council Meeting Fee	Mayor	23	$609	$1,177	$27,071
Council Meeting Fee	Deputy Mayor	23	$609	$785	$18,055
Council Meeting Fee	Councillors	18	$609	$785	$14,130
Committee Meeting Fee	All Elected Members	5	$305	$392	$1,960

The benefits to a 'Per Meeting Fee' is that if Elected Members are unable to attend, there are cost savings to the Town, and it may also result in improved attendance of Elected Members at Council and Committee meetings.

ALLOWANCES

The Mayor and Deputy are entitled to an annual allowance in addition to meeting attendance fees, and all Elected Members are entitled to an ICT allowance.

Council must choose an amount between the minimum and maximum for both the Mayor Allowance and the ICT Allowance. The Deputy Mayor Allowance cannot be amended and is at 25% of the Mayors Allowance as per legislation. The below table shows the 2018/19 SAT determinations for allowances:

Allowance Type	Recipient	Minimum	Maximum
Annual Allowance	Mayor	$50,750	$88,864
Annual Allowance	Deputy Mayor	Must be 25% of Mayor Annual Allowance	Must be 25% of Mayor Annual Allowance
ICT Allowance	All Elected Members	$500	$3,500

Elected Members are also entitled to receive travel and childcare reimbursements. These items will continue to be reimbursed and are reflected in policy 4/008 'Elected Member Entitlements' (attachment 2).

Previous Decisions

The SAT determinations and policy are presented to Council each year. The below table shows the percentages that were adopted by Council for the last three (3) financial years:

Allowance / Fee	2017/18	2016/17	2015/16
Mayoral Allowance	90% of the maximum SAT determination ($79,978)	98.5% of the maximum SAT determination ($87,550)	100% of the maximum SAT determination ($87,550)
Deputy Mayor Allowance	*25% of the Mayoral Allowance ($19,995)*	*25% of the Mayoral Allowance ($21,887)*	*25% of the Mayoral Allowance ($21,887)*
Councillor Annual Attendance Fee	90% of the maximum SAT determination ($28,228)	98.5% of the maximum SAT determination ($30,900)	100% of the maximum SAT determination ($30,900)
Mayoral Annual Attendance Fee	90% of the maximum SAT determination ($42,341)	98.5% of the maximum SAT determination ($46,350)	100% of the maximum SAT determination ($46,350)
ICT Allowance	100% of the maximum SAT determination ($3,500)	100% of the maximum SAT determination ($3,500)	100% of the maximum SAT determination ($3,500)

Last year's amendment to the policy saved approximately $38,000 by reducing the percentage from 98.5% to 90% of the maximum SAT determination.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any criteria listed in the policy that deems this matter to be 'significant'.

CONSULTATION

Internal consultation has been undertaken between the Governance team and the Executive Leadership Team during the agenda preparation phase.

Other Band 1 Local Government allowances and fees were researched, and details are provided below:

Local Government	Financial Year	Clr Annual Attendance Fee	Mayor Annual Attendance Fee	Mayor Allowance	Deputy Mayor Allowance	IT Allowance
Town of Port Hedland	2017/18	$28,228	$42,341	$79,978	$19,995	$3,500
City of Kalgoorlie-Boulder	2018/19	$31,364	$47,046	$88,864	$22,216	$1,000

City of Karratha	2017/18	$30,000	$45,000	$85,000	$21,250	$3,500
City of Bunbury	2017/18	$24,360	$29,500	$60,000	$15,000	$3,500
City of Armadale	2017/18	$31,364	$47,046	$88,860	$22,220	$3,500

LEGISLATION AND POLICY CONSIDERATIONS

Policy 4/008 'Elected member Entitlements' was adopted by Council to formalise what Elected Members are entitled to. The policy will need to be amended if the percentage is changed, or if a 'Per Meeting Fee' is adopted.

Elected Members fees and allowances are outlined under section 5.98 of the *Local Government Act 1995*.

Sections 5.98A, 5.99 and 5.99A of the *Local Government Act 1995* state that decisions in relation to Elected Member fees must be made by absolute majority, and section 5.98 outlines the fees, reimbursements and allowances for Council Members.

Regulation 30 of the *Local Government (Administration) Regulations 1996* provides details of prescribed meetings that an Elected Member is entitled to receive an allowance or fee for attending.

Section 5.63 of the *Local Government Act 1995* outlines interests which do not need to be disclosed. Elected Members are encouraged to check this section of the Act as there are exemptions for setting fees and allowances, determining reimbursements and permitted gifts.

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the SAT to annually inquire into and determine the amount of fees, expenses to be reimbursed and allowances to be paid to Elected Council Members.

FINANCIAL AND RESOURCES IMPLICATIONS

Attachment 2 fully outlines all financial impacts for the 2018/19 Budget, dependent on whether Council decide to increase or decrease their annual allowances.

If Council choose to retain their current fees and allowance percentage, the amount that was allocated in the 2017/18 Budget will be reiterated in the 2018/19 Budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following sections of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

4.1 Strategic and best practice local government administration

- Deliver high quality corporate governance accountability and compliance.
- Maintain a strong and sustainable financial position
- Be efficient and effective in use of resources, infrastructure, assets and technology

4.2 Engage our community and stakeholders

- Represent our community and provide transparent and accountable civic leadership
- Facilitate community engagement and civic participation
- Promote a positive representation of our community and Town's services

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be medium (6). The rating is determined by a consequence of a minor (2) financial impact, multiplied by a likelihood of unlikely (2).

OPTIONS

Option 1 – Adopt a lower percentage of the maximum SAT determination as noted in attachment 2

Option 2 – Adopt a 'Per Meeting fee' structure

Option 3 – Continue with the current 90% of the maximum SAT determination

CONCLUSION

Each year, Council must set their fees and allowances in accordance with the Salaries and Allowances Tribunal determination. The officer's recommendation has been constructed to allow Council to set their own percentage of the maximum SAT determination for an annual allowance; however, although not recommended, Council has the option to change the structure to a 'Per Meeting Fee'.

The *Local Government Act 1995* states that Elected Members are entitled to be paid a fee for attending Council and Committee Meetings, and that the Mayor is entitled to an annual allowance in addition to attendance fees.

ATTACHMENTS

1. 2018/19 Salaries and Allowances Tribunal Determination (Under separate cover)
2. Policy 4/008 'Elected Member Entitlements'

ATTACHMENT 2 TO ITEM 11.1.5

Town of Port Hedland

Policy 4/008 Elected Members Entitlements

4/008 ELECTED MEMBERS ENTITLEMENTS

Policy Objective

Elected Members are required to perform a number of functions to fulfil their civic duties. This policy sets out the level of fees, allowances and reimbursements available to Elected Members to ensure they are able to effectively carry out these functions and ensure that they are not financially disadvantaged when performing their duties.

Policy Content

1. FEES AND ALLOWANCES

In the absence of Council determining the fees and allowances each year the below percentages will prevail.

1.1 Annual Meeting Attendance Fees

The Mayoral Annual Meeting Attendance Fee is 90% ($42,341) of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

The Councillors' Annual Meeting Attendance Fee is 90% ($28,228) of the yearly maximum Salaries and Allowances Tribunal (SAT) determination.

1.2 Mayoral Allowance

The Mayoral Allowance is 90% ($79,978) of the yearly maximum SAT determination.

1.3 Deputy Mayoral Allowance

The Deputy Mayoral Allowance is 25% of the Mayoral Allowance as determined under point 1.2.

1.4 Information and Communication Technology (ICT)

The ICT Allowance is 100% of the yearly maximum SAT determination.

The ICT Allowance is for costs relating to telephone and facsimile usage and other expenses that relate to information and communications technology i.e.

telephone/fax call charges, consumables and internet service provider fees (must be of sufficient capability to download Town documents).

Elected Members are encouraged to utilise this allowance for the purchase of mobile device as Members will be supplied with electronic copies of meeting papers and will be requested to bring their device to meetings.

1.5 Conditions Relating to Payment of Fees and Allowances

All Allowances and Fees shall be paid automatically unless an Elected Member has advised the Chief Executive Officer in writing that he/she does not want to claim any or part of those.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

All the above fees and allowances are to be paid monthly in arrears, in the third week of each month.

1.6 Acting Role

If the Deputy Mayor has taken leave of absence for a period in excess of one month and another Elected Member is acting in that capacity then that Elected Member shall be entitled to the higher pro rata annual meeting fee and allowance.

2. REIMBURSEMENTS

2.1 Childcare

Elected Members are entitled to be reimbursed for childcare costs incurred because of a Member's attendance at a Council or Committee meeting as per section 31 of the *Local Government (Administration) Regulations 1996* within the parameters stipulated by the SAT.

In accordance with section 32(1)(c) of the *Local Government (Administration) Regulations 1996* Elected Members may be reimbursed for the following informal meetings:

- Weekly Elected Members and CEO catch ups
- Confidential Concept Forums
- Public Agenda Briefings
- Community conversations
- Training and Conferences

Town of Port Hedland

Policy 4/008 Elected Members Entitlements

4. ITEMS TO BE PROVIDED TO ELECTED MEMBERS

4.1 Corporate Items

In order to assist Elected Members in the performance of their duties they will be provided with the following items:

- Business cards
- Name badge
- Corporate wear (Elected Members have the option to receive $700 worth of corporate wear upon commencement of their office to be purchased through the Town's endorsed catalogue and to be worn when undertaking Council business)
- Professional Membership fees up to $500 per annum at the discretion of the CEO and Mayor
- Reasonable administrative support to the satisfaction of the Chief Executive Officer which does not extend to:
  - Supply of stationary (excluding the office of the Mayor with the approval of the Chief Executive Officer)
  - Mail outs
  - Photocopying
  - Secretarial duties (letter drafting, meeting organisation on behalf of an Elected Member, phone calls)
  - Directing Town employees
  - Assistance for Elected Members personal commitments eg, serving on external committees or community groups not representing the Town of Port Hedland Council

4.3 Recognition of Elected Members

Retiring Elected Members are recognised at the last Ordinary Council meeting before the election or at an official function recognising past Elected Members. Retiring Elected Members are presented with:

- A name plaque
- A certificate of service
- A gift up to the value of $100 per year of service with a maximum value of $1000 subject to the minimum length of service being one full four year term of office.

4.4 Office of the Mayor

Town of Port Hedland

Policy 4/008 Elected Members Entitlements

The Town is to provide to the Mayor, at the Town's cost, the following within the Town's Civic Centre:

- the use of a suitable office;
- access to administrative support with the required allocation to be negotiated with the Chief Executive Officer notwithstanding the points under section 4.1

5. DISPUTE RESOLUTION

Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to the Council for a decision.

Definitions

Allowance – as defined in the Local Government Act 1995
Reimbursement - as defined in the Local Government Act 1995
Committee Meeting – as defined under section 5.98A(7) of the Local Government Act 1995

Council Adoption Date and Resolution No.	OCM 25 June 2014 201314/360
Date of adoption of amendment and Resolution Number ***Do not delete previous dates***	OCM 25 March 2015 201415/206 OCM 25 May 2016 201516/241 OCM 24 May 2017 CM201617/204 OCM 13 December 2017 CM201718/110
Relevant Legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 Salaries and Allowances Act 1975
Delegated Authority	N/A
Business Unit	Governance
Directorate	Corporate Performance
Review Frequency	Annual

11.1.6 2018 WA Local Government Convention and Trade Exhibition (WALGA Week) *(File No. 13/01/0009)*

Author	Governance Officer
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council;

1. **Note the attendance of the Mayor and Chief Executive Officer at the Western Australian Local Government Association (WALGA) State and Local Government Forum on Wednesday 1 August 2018;**

2. **Request that the Chief Executive Officer seek input from Elected Members to determine matters for discussion at the State and Local Government Forum;**

3. **Appoint Mayor Blanco and Deputy Mayor Newbery as voting delegates at the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) on Wednesday 1 August 2018 in Perth;**

4. **Appoint _____ and _____ as proxy voting delegates for the Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) on Wednesday 1 August 2018 in Perth;**

5. **Approve the attendance of the following Elected Members at the 2018 WA Local Government Convention from 1 to 3 August 2018 in Perth:**

   _____
   _____
   _____
   _____
   _____
   _____

6. **Approve the attendance of an Executive Officer at the 2018 WA Local Government Convention on behalf of the Town of Port Hedland; and**

7. **Note that the above Elected Members must submit a report on their attendance to the Chief Executive Officer and distribute to all non-attending Elected Members prior to 3 September 2018.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to seek Council's appetite for attendance at the annual Local Government Convention, which is a three day event inclusive of the West Australian Local

Government Association (WALGA) Annual General Meeting (AGM), and the Convention and Trade Exhibition. The annual event is generally held in Perth in August each year.

DETAIL

Under the theme *"Ready and Relevant"*, the 2018 WA Local Government Convention will bring together several hundred senior Local Government Council representatives from across the State. The Town commonly refers to this annual event as 'WALGA Week'.

State and Local Government Forum

An invitation for the Mayor and the Chief Executive Officer (CEO) to attend the State and Local Government Forum was received on Friday 4 May 2018. The State and Local Government Forum involves a limited audience of Council CEO's as well as Mayors and Presidents. The Forum is designed to foster strategic conversation between Local Government and State Government. The Forum will feature a facilitated discussion with State Government Ministers with portfolios relevant to Local Government, followed by a ten minute 'speed date' style exchange between Councils and Departmental Directors General.

In the invitation, WALGA have requested that a list, in priority order, is determined of the preferred Government Departments with whom a meeting is requested, and that a short precis of the identified issue/s is submitted. This will allow the Director General to explore issues in advance, providing the most beneficial exchange at the session.

It is recommended that a workshop be held with Elected Members in the upcoming weeks to determine the Departments with which the Mayor and CEO will meet, and the issues that will be raised.

WALGA Annual General Meeting

Member Councils are entitled to be represented at the WALGA AGM with two voting delegates, pursuant to the WALGA constitution. Only registered delegates or proxy registered delegates can exercise voting entitlements on behalf of Member Councils. Voting delegates may be Elected Members or serving officers. Council is required to appoint two voting delegates to attend the AGM, with the recommendation being the Mayor and Deputy Mayor.

Convention and Trade Exhibition

Commencing on Wednesday, 1 August 2018, the program encourages delegates to reflect on the Local Government sector, and plan for the challenges ahead. The plenary keynote speakers include Anh Do, Dr Geoff Raby, Mark McCrindle, Billie Jordan and the event will welcome back Paul Huschilt for the ending summary.

The concurrent sessions will discuss contemporary and sometimes controversial topics, while the overarching conference format provides opportunity to converse, debate, discuss and to share ideas in a welcoming and professional forum. The conference sessions are aimed to support and inform Mayors, Presidents, Elected Members and CEO's.

The event gets underway with WALGA's AGM, followed by two days of plenary and concurrent sessions. A key change to this years' program is the Gala Dinner moving from the Friday night to the Thursday night. A significant contingent of industry suppliers will make up the trade exhibition to show off their latest offerings to the Local Government sector. This exhibition is a great opportunity to meet with these suppliers and be updated on what is currently available and provides a vehicle for product suppliers and service providers from both the public and private sector to personally access the key stakeholders in WA Local Government.

The program for the event is as follows:

Wednesday 1 August	
1:30pm – 5:00pm	WALGA Annual General Meeting and Presentation of Honours Awards
5:00pm – 6:30pm	Convention Opening Welcome Reception

Thursday 2 August	
7:00am – 8:30am	ALGWA AGM and Breakfast *
7:00am – 8:45am	PHAIWA Children's Health and Wellbeing Awards and Breakfast *
9:00am	**Session 1 – Opening Presentation** Anh Do
10:15am – 11:00am	*Refreshments*
11:00am	**Session 2 – Big Picture Economy** Dr Geoff Raby
11:45am	**Session 3 – Demographic Snapshot of Australia** Mark McCrindle
12:30pm – 1:30pm	*Lunch*
1:30pm	**Session 4 – Concurrent Sessions** • Leading Local Economies • Too Toxic to Talk • Changing Nature Of Communities, Empowering Your Community And Creating Great Places • Field Trip – Nature Play WA 'Walkshop' • Field Trip – White Gum Valley Estate
3:00pm – 3:45pm	*Refreshments*
3:45pm	Banners in the Terrace Awards
4:00pm	**Session 5 – The Granny Whisperer** Billie Jordan
7:00pm – 11:00pm	Pre-Dinner Drinks and Gala Dinner

Friday 3 August	
8:00am – 9:15am	Convention Breakfast with Bradd Hogg *
9:30am	**Session 6 – Conversations** Mark Latham Jacqui Lambie Liam Bartlett

10:45am – 11:30am	*Refreshments*
11:30am	**Session 7 – Concurrent Sessions** • How Prepared Are We? • South West Native Title Settlement and Local Government • Getting Professional Performance from Non-Professionals • Field Trip – Nature Play WA 'Walkshop' • Field Trip – Various waste facilities of the City of Cockburn
1:00pm – 2:00pm	*Lunch*
2:00pm	**Session 8 – World Famous Conference Ending Summary** Paul Huschilt
3:00pm	Official Closing of the 2018 Convention and Refreshments

* Denotes separate registration and/or costs. Not included in the Registration fee.

Partner Tours / Activities

The organisers are also offering a number of additional partner activities and field trips alongside the concurrent sessions which include:

Time	Activity	Cost (Incl. GST) per person
Thursday 2 August		
8:30am – 4:30pm	Ferguson Valley Tour	$ 220
9:30am – 1:00pm	Indoor Rock Climbing	$ 95
1:45pm – 3:30pm	The World of Wine and Cheese	$ 140
2:00pm – 4:30pm	Gala Dinner Hair and Make-up	$ 60
Friday 3 August		
9:30am – 11:30am	A Walk Back in Time	$ 50
9:30am – 3:00pm	Travel Smart	$ 150

Previous Decisions

The Town of Port Hedland's Elected Members have actively participated in WALGA Week each year over the last seven (7) years. The average number of Elected Members that attend each year is between six (6) and eight (8).

In keeping with the Town's strategic plans around efficiencies, transparency and accountability, it would be beneficial for the newly Elected Members to experience the event for the first time. By having different Elected Members attend a range of different conferences and events throughout the year, this will ensure that the Town is efficiently represented and the annual budget is not exhausted within a short period of time.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it provides an opportunity for networking and exchange with many other West Australian Local Government representatives.

CONSULTATION

This item has been discussed internally between the Governance and Executive team.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative considerations applicable, however this item considers the provisions of the following Council policies:

- 2/007 'Purchasing'
- 4/008 'Elected Member Entitlements'
- 4/010 'Elected Members Travel and Training'

In accordance with section 1.6 of Policy 4/010 'Elected Members Travel and Training', Elected Members must prepare a report covering key messages on the benefits of attending the conference within one month of the event, and submit it to the CEO. This requirement has been reflected in the recommendation.

Section 24 of the Western Australian Local Government Association (WALGA) Constitution states that each ordinary Member of the association is entitled to be represented by two delegates at any Annual General Meeting or Special General Meeting.

FINANCIAL AND RESOURCES IMPLICATIONS

The costs to attend the Convention will be appropriated from both the Elected Member's 'Travel and Accommodation' and the 'Training and Development' budgets. At the time of writing this report, the following balances are noted:

Account	**Original Budget**	**Balance as at 2 May 2018**
Elected Members Travel and Accommodation	$37,000	$5,356.29
Elected Members Individual Training and Development	$63,000	$42,144.32

The approximate costs per person are noted in the table below:

Item	**Approx. Cost**	**Notes**
Flights	$700	*Departing Flight* Wednesday, 1 August 2018 *Returning Flight* Saturday, 4 August 2018
Accommodation	$600	Three (3) nights at an average of $200 per night
Registration	$1,475	Full delegate
Gala Dinner	$140	Thursday Evening
Convention Breakfast	$88	Friday Morning
Total	**$3,003 per person**	

Costs associated with incidentals and cab charge vouchers are not included in the table above.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following section of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

2.1 A thriving, resilient and diverse economy
- Facilitate commercial, industry and town growth
- Work closely with businesses, government and industry groups to drive local employment and investment, encourage entrepreneurship and achieve sustainable economic growth

4.1 Strategic and best practice local government administration
- Maintain a strong and sustainable financial position
- Be efficient and effective in use of resources, infrastructure, assets and technology

4.2 Engage our community and stakeholders
- Represent our community and provide transparent and accountable civic leadership
- Be a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland
- Promote a positive representation of our community and Town's services

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (4). This is calculated by a likelihood of 'Unlikely' (2) and a financial consequence between $3,000 and $30,000, being 'Minor' (2).

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 – Do not adopt Officers Recommendation

CONCLUSION

Having Elected Members attend the 2018 WA Local Government Convention and Trade Exhibition, will ensure the implementation and maintenance of relationships with other local governments, influential individuals or Departments and other key stakeholders. These relationships will provide the opportunity of future benefit to our community through a vast range of knowledge and advice.

It is recommended that the Mayor and Deputy Mayor are appointed as voting delegates to WALGA's AGM, and that Elected Members remain mindful about maintaining cost efficiencies with the number of Elected Members who are to attend.

ATTACHMENTS

1. 2018 WA Local Government Convention Brochure (Under Separate Cover)

11.1.7 Adoption of the Strategic Community Plan 2018 - 2028 *(File No. 02/09/0015)*

Author	Manager Governance
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. **Adopt the 2018-2028 Town of Port Hedland Strategic Community Plan, giving local public notice detailing where and when the document can be inspected; and**

2. **Give discretion to the Chief Executive Officer to make minor editorial changes to the Strategic Community Plan that do not affect the intent of its content.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to seek Council endorsement for the 2018-2028 SCP. The Town has undertaken extensive community consultation to gain input from the community to develop the 2018-2028 Community Strategic Plan (SCP). The document will provide a long-term direction for the town.

The SCP is the lead document that will guide the Corporate Business Plan (CBP), which is the implementation document. The SCP and the CBP are part of the Integrated Planning and Reporting Framework and Guidelines (IPRFG).

The SCP should be the document that predicates the Town's decision-making processes and outcomes.

DETAIL

Every local government is required to develop an SCP that outlines the community's vision, aspiration and priorities for the next 10 years to comply with the IPRFG of the Government of Western Australia. The Town previously developed an SCP in 2012, with a minor review undertaken in 2014. The SCP should then be reviewed on a 4-year basis.

The Town decided to conduct a major review of its SCP to coincide with the 2017 Local Government elections, enabling the new Council to be involved with the strategic direction for the Town. This major review aimed to gather feedback from the community about their vision and priorities for the town as well as direction for the Town's services and facilities.

The SCP is the Town's principal 10-year strategy and planning document and a vehicle to guide the ongoing dialogue, advocacy and partnerships with stakeholders. It is the guiding document for the remainder of the integrated planning reports (IPRFG) suite of documents.

The IPRFG addresses the requirements to plan for the future under Section 5.56 of the Local Government Act 1995, and provides the basis for improving the practice of strategic planning in local government. The Framework outlines the processes and activities to achieve an integrated strategic plan.

A successful Integrated Planning and Reporting process delivers the following outcomes:

- A Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy;
- A Corporate Business Plan that integrates resourcing plans and specific Council plans with the Strategic Community Plan; and
- A clearly stated vision for the future of the Local Government area.

CORE COMPONENTS

Strategic Community Plan	Community vision, strategic direction, long and medium term priorities and resourcing implications with a horizon of 10+ years
Corporate Business Plan	Four-year delivery program, aligned to the Strategic Community Plan, and accompanied by four-year financial projections
Informing Strategies:	
- *Long Term Financial Plan*	Long term financial position
- *Asset Management Plans*	Approach to managing assets to deliver chosen service levels

- *Workforce Plan*	Shaping workforce to deliver organisational objectives now and in the future
- *Issue or Area Specific Plans*	Any other informing plans or strategies (eg ICT, recreation plan, youth plan, local area plan etc)
Annual Budget	Financial statements and policies for one year

Between 30 October and 4 December 2017, Town Officers and Elected Members engaged the community through the ***Live it tell it*** initiative, providing the whole community including residents, stakeholder and special interest groups, the opportunity to be involved with the consultation. The analysis of the data gathered through ***Live it tell it*** was used to guide the direction of the SCP 2018-2028.

At the 28 February 2018 Ordinary Council Meeting a report on the conclusion of the SCP data gathering consultation phase was presented, where Council noted that the ***"Live it tell it"*** consultation process for the SCP 2018-2028 was complete and further noted that staff will proceed with the development of the SCP.

Based on input provided by the lead consultants, the SCP Strategies were workshopped with the Elected Members and staff. At the March 2018 Ordinary Council Meeting, Elected Members endorsed the draft SCP to be advertised throughout April. The SCP was advertised on the Town's website, made available at the Port and South Libraries, and two forums were held (one in Port Hedland and one in South Hedland).

Written feedback was received from BHP, Fortescue Metals Group, North Regional TAFE, Pilbara Ports Authority, FORM and Mr Arnold Carter, which have been attached to this report. In addition, feedback was also received during the two public forums held on the 19 and 26 April respectively. The following table provides a summary of the feedback received.

Based on the direction from the Strategic Community Plan, a Corporate Business Plan will be developed, which will action the Strategic Responses. It will be supported by the Town's financial plans and annual budgets.

Feedback – Public Forums 19 and 26 April	ToPH Comment	
Tourism/visitation/ economic initiatives do not appear here.	Tourism will be captured in Strategy 2.b.2 "the Town's economic development is supported through engagement with key economic groups". Tourism will also be captured in Strategy 4.a.2 "ToPH is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors" and in Strategy 4.c.2 "community members, business and tourists are engaged to provide feedback about local facilities and services."	1
Outcome 1.A – Should be separated – health is different to safety. There is not a great enough focus on safety throughout.	No change recommended to this Strategy. These areas will be further defined in the Corporate Business Plan where the relevant programs and services will be outlined.	2

Remove all acronyms "ATSI" - should be Aboriginal OR Aboriginal and Torres Strait Islander if relevant.	Supported - changes made to relevant strategies.	3
Outcome 1.C – What are 'cultural' organisations?	Cultural organisation refers to groups and organisations delivering or strongly associated with cultural activities.	4
Outcomes 2.B – ADD: Aboriginal and disability enterprises are supported.	Supported - Strategy 2.b.1 changed to read: "forums are regularly provided to support industry and businesses including Aboriginal and disability enterprises in engaging with the community and stakeholders. "	5
Matt Dann – does the Town intend to support community use of facility and/or more affordable facilities?	This question is not related specifically to the SCP, however the Town is promoting the use of permanent and pop-up screens – particularly for outdoor cinema. The Hedland Collective are also working on an Events Calendar which will assist with affordability and programming. The Town is moving staff from the Gratwick Hall so it will become available again for community use, providing another affordable facility.	6
It would be good to have a workshop on what was achieved over the last Strategic Plan.	Feedback on the achievements of the previous SCP can be provided, noting that the new SCP has been built in part on the previous Plan. When the Corporate Business Plan is drafted, a session could be provided on the document.	7
Fantastic "mother" statements but not a lot in there. It is disappointing that it has gone from a city to a town.	The Strategies have been developed to provide an umbrella approach and long-term direction to the data gathered from the community. The Corporate Business Plan will outline the associated programs and services to action the SCP.	8
Excellent consultation, extremely thorough. A baseline of health, education and training would be useful.	The Outcomes listed in the SCP have associated measures. Baseline data will be identified to assess the progress made as a result of the implemented programs and services.	9
If you do not understand drivers of industry, it makes it difficult to prepare development. I am happy with the strategies.	The community engagement process for gathering feedback was quite extensive.	10
Has consultation with other Councils been done?	The 4 Pilbara Councils work together although for some initiatives, distance can make it difficult to share. However, there is some sharing of resources along with some healthy competition as well.	11

Tourism is the #1 Economic Growth area. Will this be reconsidered? Will there be a tourism officer at the Town?	Tourism did not rank as high as other areas in the community consultation feedback. Feedback from the community survey had cost of living and education, training and employment pathways as highest in terms of improving the economy. Any resources such as staffing will be assessed through the budget process, but previous experience has shown that Tourism Officer has not been successful. Importantly, the Town has resolved the RV overflow area this year, whilst acknowledging that it is important not to undermine current caravan parks.	12
Boulevard Shopping Centre and Ibis support overflow. There has to be a long-term strategy.	Council has already made a resolution supporting the overflow area for RVs.	13
Tourism needs to be more of a focus. Turtles during the quieter period are an opportunity for the Town.	Tourism will be encompassed in Strategy 2.b.2 “the Town's economic development is supported through engagement with key economic groups.” Tourism will also be captured in Strategy 4.a.2 “ToPH is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors” and in Strategy 4.c.2 “community members, business and tourists are engaged to provide feedback about local facilities and services." Tourism was not the highest mentioned priority in the feedback from the community.	14
Could Town lobby State government on West End?	The West End will form part of the Corporate Business Plan Programs. Minister MacTiernan visited Port Hedland (a few weeks ago) and indicated that a response will be provided soon. The issue has moved from a health to a planning matter.	15
Pilbara Development Commission is looking at ways of increasing tourism. We are an untapped tourist area. Tourism was not listed as point of conversation and there should be a tourist officer.	Strategy 2.b.2 “the Town's economic development is supported through engagement with key economic groups.” will encompass tourism. Tourism will also be captured in Strategy 4.a.2 “ToPH is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors” and in Strategy 4.c.2 “community members, business and tourists are engaged to provide feedback about local facilities and services." Tourism was not the highest priority mentioned in the feedback	16

	from the community and previous experience in relation to having a Tourism Officer has not be successful. The Town does however make a significant contribution towards the operations of the Port Hedland Visitors Centre.	
Airport, when it was leased out- we should see the strategic plan.	A draft of the Port Hedland International Airport masterplan has been developed and will be made available for the public.	17
It is the only airport that does not have tourism brochures.	The Town will raise this with the airport operators, and seek their support to have brochures located within the facility.	18
Correspondence from BHP	ToPH Comment	
Council should consider the timeline for submissions for this draft commentary should be longer, as the community may not feel sufficient time is available to respond, we refer to the submission closing (27th April) 1 day after the final public information session (26th April).	The raw data and the Strategies combined, where made available for public feedback for in excess of 6 weeks. Only one member of the public attended the session on the 26th April, noting that there was also a session on the 19th April	19
Council should consider undertaking a social baseline assessment and measure success against key social baseline indicators in areas such as health, education, employment, income, environment etc.	An analysis will be undertaken on baseline data as part of developing the tools and approaches for measuring the Outcomes listed in the Strategic Plan. This will be tracked long-term to identify changes to the community as a result of the implemented programs and services.	20
The Plan should support the continued operations and growth of the Port and Industry through strategic land use planning and introduction of appropriate planning controls in the West End and along key transport corridors.	Strategy 3.b.1 “the present and future needs for serviced land and infrastructure provision are identified, planned and developed” will assist with this area, along with Strategy 2.d.1 which is to attract investment in key infrastructure development such as the port and logistics is pursued.	21
Tourism is a clear omission - we would encourage Council to take a lead role in this space.	Strategy 4.a.2 details that the “ToPH is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors” The Town also spends significant monies on the operation of the Port Hedland Visitors Centre.	22
As a general comment with respect to the overarching design of the strategy Council should consider the impacts on economic sustainability brought about by key elements such as the port, buy local and community infrastructure initiatives already in operation through the private sector and build on these themes in the creation of employment opportunities as distinct from supporting	Strategy 1.b.2 has a focus on a residential workforce being promoted to industry as the preferred option. Strategy 2.a.2 outlines that partnerships with private enterprises and government to fund projects and create jobs should be pursued.	23

current employment. This approach should look towards sustaining recurrent expenditure as part of the sustainability model.		
Correspondence from FMG	ToPH Comment	
The Plan is very high level and assuming there will be an action plan developed to achieve the Plan's goals;	The Corporate Business Plan will address implementation areas.	24
The Plan makes no mention of education. As a major employer in the Town, one of the biggest concerns of our residential workforce is the high school. Suggest a new section in Our Community has some goals for education.	Strategy 2.a.4 "broader education and training offerings are encouraged and endorsed" addresses education. Programs and actions from this Strategy will be outlined in the Corporate Business Plan.	25
Correspondence from North Regional TAFE	ToPH Comment	
I am sure it was not the Council intention but I would think that where the Council talks in section 1.B about "inclusive and involved community" would be a perfect place to mention People with Amazing Abilities.	Strategy1.b.3 has been modified to read: "forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse and people are recognised and supported."	26
Correspondence from Pilbara Ports Authority	ToPH Comment	
Corridors – always an important aspect of any long term planning. We would encourage the Town to lock in future corridors i.e. JTSI's corridor from Boodarie to the port, the Boodarie east-west corridor, some sort of corridor from the Wedgefield industrial area to the airport etc. I have attached draft plans from our soon to be release *Port Hedland Land Use Master Plan* showing the various corridors into the port including those mentioned above plus corridors for gas pipelines, telecommunications etc.	Strategy 3.b.1 "the present and future needs for serviced land and infrastructure provision are identified, planned and developed" will assist with this area. Relevant actions will be assessed through the Town's Planning Department and its associated planning documents as part of their normal processes.	27
Forward planning and provision of project ready land to expedite development timeframes, or future proofing the port – the *Port Hedland Land Use Master Plan* also makes provision for future port land expansions i.e. Boodarie stockyards stage II.	Strategy 3.b.1 outlines the need for serviced land and infrastructure provision being planned and developed.	28

Local training – PPA is embarking marine cadetship programme for Port Hedland and Karratha/Dampier school leavers based in the Pilbara. Successful cadets will receive at least two years of training, which will include a period of shore based learning prior to the opportunity to go to sea, as well as financial support towards required study. The cadet will then be required to complete a minimum of 300 days of sea time on vessels followed by further study to attain a Deck Watch Keeper's Qualification. The cadet will be mentored by world-class mariners and other marine support staff throughout the cadetship, providing invaluable knowledge that will support them through their careers. There is also opportunity for the Pilbara to lead in developing and delivering training in the emerging areas of LNG bunkering and manning LNG fuelled vessels.	Strategy 2.a.1 supports this comment insofar as it encourages local training providers, business, industry, services, agencies, social sector and infrastructure providers to fully engage and coordinate the development of training and employment opportunities.	29
I anticipate that the published version of the *Port Hedland Land Use Master Plan* will be available in about six weeks' time. This will show PPAs corridors and other intended uses of our land that will both inform your strategy and the next town-planning scheme.	This information will be taken on board when made available and assessed accordingly by relevant officers as part of any implementation actions.	30
Correspondence from FORM	ToPH Comment	
Strategy **1.C: A unique, vibrant and diverse community lifestyle** is a worthy strategy that FORM supports. Although we believe that response, **1.C.4** in particular could be supported by robust policies and strategies around cultural tourism. Similarly, cultural tourism can contribute meaningfully to outcomes to strategies **2.C: A thriving, resilient, sustainable and diverse economy** and **4.A: A global, national, state and local presence and voice**.	Strategy 1.c.1 is broad ranging "the community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities" and encompasses the important area of Aboriginal and Torres Strait Island arts and culture. Strategy 1.c.2 outlines that events and activities celebrate the town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.Strategy 1.c.4 outlined that the Town's programs of events and activities is promoted locally, regionally and nationally.	31

The *Community Plan 2018-2028* outlines a commitment to marketing the town and increasing visitation. This needs to be supported through a commitment to providing high quality, meaningful, and place-specific services, products and experiences for visitors once they arrive. Through our management of the Port Hedland Visitor Centre we have noted the positive impact that tourist have to the economy of the town. Furthermore, tourists are critical to the support of the broader arts and cultural sector in Port Hedland. If we are to truly celebrate, support and promote our arts and cultural assets as a viable industry, the value of the tourist market needs to be acknowledged. Without tourists, the audience and market for arts and cultural experiences, attractions and products are limited. Tourists need to be supported and encouraged to engage meaningfully with Port Hedland once they arrive and so we urge the Town to consider ensuring that consistent support for tourism services are factored into any specific corporate planning and budgeting that results from the Community Plan.	Strategy 1.c.1 is broad ranging “the community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities” and encompasses the important area of Aboriginal and Torres Strait Island arts and culture. Strategy 1.c.2 outlines that events and activities celebrate the town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.Strategy 1.c.4 outlined that the Town's programs of events and activities is promoted locally, regionally and nationally. The Town provides significant monies towards the operations of the Port Hedland Visitors Centre.	32
We also urge the Town to consider in strategy **1.C: A unique, vibrant and diverse community lifestyle** the strength and potential of Indigenous arts and culture in Port Hedland and the broader region. Given that Port Hedland is recognised for its strength in visual arts in the region, and that the Aboriginal and Torres Strait Islander visual arts community is recognised at a national and international level, the town is in a unique position to identify itself as the lead in this area for the region. The upcoming waterfront development, for example, holds plans for the delivery of an A-class gallery, which could be positioned as the market access point for all major Aboriginal Art Centres in the north of Western Australia. This Community Plan presents a great opportunity for the Town to identify this area as a strategic priority. We would suggest adding an additional response	Strategy 1.c.1 is broad ranging “the community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities” and encompasses the important area of Aboriginal and Torres Strait Island arts and culture. Strategy 1.c.2 outlines that events and activities celebrate the town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.Strategy 1.c.4 outlines that the Town's programs of events and activities is promoted locally, regionally and nationally. The Town makes a significant contribution towards to operations of the Courthouse Gallery, and through its Reconciliation Action Plan supports other cultural activities.	33

to 1.C that identifies this opportunity specifically, something similar to: *The town takes leadership in promoting and supporting the strength of Aboriginal and Torres Strait Island arts and culture as a key opportunity for the whole community*.		
Correspondence from Mr Carter	ToPH Comment	
No action plan for the implementation and appropriate timelines. No reference to the future of the West End, including Marina development, and a possible use of the old hospital site, and the future of town planning applicable for this area.	The Corporate Plan will have associated actions listed for the Strategic Community Plan.	34
No financials, what has happened to the Wealth Fund, and the guidance and proposed expenditure of the interest earned on the PHIA Investment, and benefits that could be available to the ratepayers.	The Corporate Plan will have projected budgets and a Long Term Financial Plan is being developed. The Wealth Fund, whilst not prominent in the community feedback, will be an action item for the CBP.	35
Tourism has received very little comments, or any significant proposals that would assist, in the promotion of same, which could include the indigenous art and culture, Yes it is happening in South Hedland, however very little promotion by the Town Council.	Strategy 1.c.1 is broad ranging "the community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities" and encompasses the important area of Aboriginal and Torres Strait Island arts and culture.	36
Small business, have no incentive for the establishing of same, Port Hedland is lacking very much in facilities, without this encouragement and assistance can see no reason for future expansion and facility availability. I refer to comments made on the social and economic summary. How would you privatise and fund these proposals?	Strategy 2.c has a focus on business challenges, cost of doing business and local procurement.	37
The fact that South Hedland Shopping Centre is indicated the second selection for favourable places, in the town to visit, is quite disturbing. Safety and crime is another area that required immediate assistance, even though many consider this is a police responsibility. Cost of living is a big deterrent for people to become permanent residents. Without people, you have no growth, which we are experiencing at the present.	The South Hedland Shopping Centre was listed by youth in the youth survey as their second favourite place to visit, which suggests that there is work to do as a result. The Matt Dann was listed in the community survey as the Town's most used community facility. Crime and safety is an important area and Outcome 1.a is "a hardy, healthy and safe people" and Strategy 1.a.5 outlines, "agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety" cover this area. The Corporate Business Plan will	38

	action these areas with programs and services to address crime and safety. Strategy 2.c.1 (point 3) focusses on assessing and addressing market failures affecting the cost of living. Strategy 1.b.2 outlines, "a residential workforce is promoted to industry as the preferred option" to assist with the growth of the population.	
With reference to your present policy none of these recommendations can be implemented without budget estimates, this I cannot find in any of your proposals. Until we have this information and projection, I cannot realistically see many of these visions come to reality. I also note that you have omitted to include review periods for the life of this document.	A Long Term Financial Plan is being developed and a budget will be included in the CBP. The review of the Strategic Plan is legislated and will occur every 4 years. This has been included in the final draft of the SCP.	39

Based on the feedback received, some strategies have been modified. Some feedback suggested that education and tourism should be highlighted. Education is covered through Strategy 2.a.4 "Broader education and training offerings are encouraged and endorsed". Tourism is encompassed in Strategy 4.a.2 "Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors and in Strategy 4.c.2 "Community members, business and tourists are engaged to provide feedback about local facilities and services." Any required resources for the SCP, including staffing, will be assessed on an ongoing basis.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', the SCP is an important document in local government, because it is the key document from which the Corporate Business Plan and Operational Plan and associated actions will be developed.

The SCP outlines the Town's long-term and aspirational Vision and is the document, which should be used as the foundation upon which the Town's decisions are made.

CONSULTATION

Internal

Several internal sessions have been held with Elected Members and senior staff to develop the SCP.

External Agencies

There has been extensive community consultation throughout the development of the SCP including the gathering of data, requesting feedback on the raw data, and seeking input on the draft SCP Strategies.

Community

The data-gathering phase consisted of wide community consultation being undertaken with numerous stakeholders. This raw data was made available for public feedback, along with the draft strategies and Vision Statement, encouraging community feedback. The community have had a number of touch points where they have be able to provide feedback on the SCP.

LEGISLATION AND POLICY CONSIDERATIONS

The legislation related to the Integrated Planning and Reporting Framework is captured under the *Local Government Act 1995* and the Administration Regulations and the *Local Government (Administration) Regulations 1996* 19C (planning) and 19D (notice of adoption).

Excerpt from Section 5.56 of the *Local Government Act 1995* – "Planning for the future":

1. A local government is to plan for the future of the district.

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

Excerpt from Regulation 19C of the *Local Government (Administration) Regulations 1996* - "Strategic community plans, requirements for":

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
(4) A local government is to review the current strategic community plan for its district at least once every 4 years.
(5) In making or reviewing a strategic community plan, a local government is to have regard to —
    (a) the capacity of its current resources and the anticipated capacity of its future resources; and
    (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
    (c) demographic trends.
(6) Subject to sub-regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
    **Absolute majority required.*
(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Excerpt from Regulation 19D of the *Local Government (Administration) Regulations 1996* – "Adoption of plan, public notice of to be given":

(1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).

(2) The local public notice is to contain —
- (a) Notification that —
  - (i) A strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
  - (ii) Details of where and when the plan may be inspected;

  or
- (b) Where a strategic community plan for the district has been modified —
  - (i) Notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
  - (ii) details of where and when the modified plan may be inspected.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications with regards to the adoption of the SCP, however as the Programs, Services and Actions are implemented, there will be associated budgetary requirements.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

4.2 Engage our community and stakeholders

- Lead a community-oriented organisation that delivers responsive and helpful services to our customers
- Represent our community and provide transparent and accountable civic leadership
- Facilitate community engagement and civic participation
- Be a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland
- Ensure community members know how to access our services and facilities
- Promote a positive representation of our community and Town's services

Whilst there are no significant identifiable environmental, social or economic impacts relating to adopting the SCP, the Strategies within the document outline how these areas will be influenced as part of its implementation.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered low, however there is a compliance requirement that the Town must meet, which requires the document to be completed.

As the implementation process is undertaken, any risks associated with the programs and services will be identified and addressed accordingly.

OPTIONS

Option 1 - Endorse the 2018-2028 Town of Port Hedland Strategic Community Plan

Option 2 – Not endorse the 2018-2028 Town of Port Hedland Strategic Community Plan and seek changes.

Option 3 – Not endorse the 2018-2028 Town of Port Hedland Strategic Community Plan.

CONCLUSION

The 2018-2028 SCP has been a thorough process in relation to gathering input from the community and other key stakeholders, formatting the data into deliverable Strategies and setting the long-term direction for the town. The SCP is the key overarching document required to guide the town over the next 10 years and the Town has a legislative obligation to complete the document. It is important that the document be finalised, so that key stakeholders and partners can work with the Town to achieve Port Hedland's Vision of being Australia's leading Port Town, embracing community, cultural and environment.

ATTACHMENTS

1. 2018- 2028 Town of Port Hedland Strategic Community Plan (Late Attachment)
2. Written feedback received on the Draft SCP Strategies (Under Separate Cover)

11.2 Development, Sustainability and Lifestyle

11.2.1 Mt Dove Transient Workforce Accommodation Expansion *(File No. 2018/045)*

Author	Graduate Planner
Authorising Officer	Director Development, Sustainability and Lifestyle
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 68 (2) of Schedule 2 of Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. **Approve Development Application 2018/045 for the expansion of Transient Workforce Accommodation and Infrastructure at Mt Dove located on Mining Lease M47/01449, subject to the following conditions:**

   a. **This approval relates only to the proposed "Transient Workforce Accommodation Expansion" and "Associated Infrastructure", as indicated on the approved plans (DRG2018/045/1 – DRG2018/045/5).**

   b. **The development referred to in (1) is only valid for a period of five (5) years from the date of this approval upon expiring. The applicant shall return the land to its original state, to the satisfaction of the Town of Port Hedland.**

   c. **A Site Rehabilitation Plan (SRP) shall be submitted to Council for endorsement three (3) months prior to the lapse of this approval, as outlined in Condition 2. The endorsed site rehabilitation plan shall be completed to the Town's satisfaction within the timeframe stated in Condition 2 and in accordance with works specified in the endorsed Site Rehabilitation Plan.**

   d. **No earthworks (including batters), construction work, plant or materials shall intrude onto adjacent land without the prior approval of the Town.**

   e. **All landscaping areas shall be maintained to the satisfaction of the Town.**

   f. **Compaction and stabilisation must be carried out to the satisfaction of the Town of Port Hedland.**

   g. **A Bushfire Attack Level assessment is required to be undertaken by a "Level 1 BAL Assessor" or accredited "Bushfire Planning Practitioner" as per clause 6.5 of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and recommendations implemented to the satisfaction of the Town of Port Hedland.**

   h. **A minimum of 72 car bays shall be provided for the "Transient Workforce Accommodation" development as indicated on the approved site plan (DRG2018/045/1).**

i. No parking bays shall be obstructed in any way or used for any other purpose than parking.

j. Stormwater shall be retained on-site, in accordance with the Town's Works and Services Guidelines.

k. Dust and sand shall be controlled and contained in accordance with an approved dust management plan to the satisfaction of the Town of Port Hedland.

2. Advise Atlas Iron Limited of the following:

a. The approved development requires a Building Permit in accordance with the *Building Act 2011.*

b. The applicant is reminded this a development approval only and does not obviate the responsibility of the landowner / developer to comply with all relevant building, health and engineering requirements.

c. Prior to the commencement of any works, all levels of the sites shall be in accordance with a 1:100 year flood event to be determined by a suitably qualified engineer at the applicants cost.

d. This lot is located in an area likely to be subject to inundation and flooding from rising sea levels, tidal storm surges and / or catchment flooding over the next 100 years.

e. Prior to the commencement of any works, the developer / landowner shall submit an application for the registration of a Lodging House to the Town's Environmental Health Department for assessment and approval.

i. The Lodging House must maintain compliance with the Town of Port Hedland Local Health Law 2016.

f. The effluent waste disposal system must maintain compliance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974* to the satisfaction of the Town of Port Hedland.

g. Waste disposal and storage is to be carried out in accordance with Council's Health Local Laws 1999.

h. The development is required to comply with the *Health (Public Buildings) Regulations 1992.*

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to determine the approval of Development Application 2018/045 which seeks approval to expand Transient Workforce Accommodation (TWA) for the Mt Dove Mine located on Mining Lease M47/01449.

DETAIL

Resolve Group Pty Ltd, on behalf of Atlas Iron Limited, applied for development approval for Transient Workforce Accommodation, offices and bulk earthworks on Mining Lease M47/01449 in 2012. The application provided TWA for 114 personnel, and enabled Atlas Iron to proceed with open pit mining operations at the Mt Dove site. The application was approved by the Town on 5 October 2012.

Atlas Iron Limited Mt Dove Direct Shipping Ore Project began in late 2012, with an expected mine life of just under two (2) years. Following the completion of the construction and operation phase of the project in October 2013, Atlas Iron Limited retained Mt Dove accommodation facilities to accommodate road train haulage personnel in support of Atlas's Mt Webber project. An oversight by both the Town and Atlas Iron has led to Atlas Iron technically operating without valid planning approval since 2014. Condition three (3) of Development Approval 2012/343 states *"The development referred to in (1) is only valid for a period of 14 months from the date of this approval or the completion of the project, whichever comes first"*. Atlas did not seek planning approval as they believed the accommodation was compliant with the original development application. Despite not having a valid planning approval, Atlas Iron have paid $683,579.93 in annual rates to the Town of Port Hedland for Mt Dove TWA since 2012.

The Mt Dove site, which is located approximately 68km Southwest of Port Hedland, is a remote open pit mine which used conventional drill and blast, load and haul methods to extract iron ore resources and subsequently transport the ore to Utah Point in Port Hedland for export. In 2017, Atlas agreed to purchase a minimum of 1 million tonnes of unprocessed lithium ore from Pilbara Minerals Limited (PLS) Pilgangoora mine. The processed lithium ore is to be transported and crushed at the existing Mt Dove facility, and then transported to shipping facilities located at Utah Point. Due to this agreement and existing operations of the Atlas Iron Limited Mt Webber project, the applicant is seeking approval to expand the TWA camp at Mt Dove from 134 rooms to 242 rooms (additional 108 rooms). This expansion is primarily to accommodate road-train haulage personnel who will be travelling long distances between the Mt Webber (approximately 230kms south – southeast of Port Hedland), Pilgangoora (120km from Port Hedland) and Mt Dove projects. Additional accommodation is also required for personnel who will be involved in processing operations on the Mt Dove site. The extent of physical works proposed by the application are within the mining tenement lease area, adjacent to existing accommodation and camp infrastructure. The proposed works are summarized as follows:

- Construction of 108 rooms
- Installation of two (2) additional laundries
- Upgrade / expansion of the mess, wet mess and kitchen area; and
- Upgrade of the existing waste water treatment plant to accommodate the expected increase in effluent production

The applicant has stated a number of reasons as to why Mt Dove has been chosen to expand TWA, instead of accommodating workforce within the Townsite of Port Hedland. These reasons are summarized as follows:

- Operating cost considerations
- Safety considerations which note that it would be unsafe for staff and contractors to travel from the Minesites to Port Hedland daily
- Location of Minesites and their distance to Port Hedland. Mt Dove is approximately 68 km South of Port Hedland and is linked by the Great Northern Highway, whilst accommodation infrastructure is approximately 13 km west of the Great Northern Highway
- As the workforce work 12 hour shifts per day, accommodating them in Port Hedland would pose significant logistical and safety challenges
- Cycle times for the haulage fleet operation
- The efficient provision of service infrastructure by Atlas. Mt Dove was originally constructed as a self-contained operation complete with power, water, accommodation and service infrastructure
- Noise attenuation for existing Port Hedland residents

The remote Mt Dove TWA camp is capable of approval for a number of reasons. The utilization of existing infrastructure will reduce impacts on the subject land and surrounding land, in comparison to the option of constructing an entirely new camp within the Port Hedland townsite. The remote location of the site means it generally complies with the Town of Port Hedland's Transient Workforce Accommodation Strategy, which makes exceptions for TWA camps which are established through the Mining Act 1978. Furthermore, due to the distance of the site from Port Hedland, the idea of having personnel travel to and from the site daily, particularly before and after extensive shifts poses significant safety hazards to both Atlas personnel and the general public. Given the scope of operations occurring at the site, it is considered to have a limited lifespan, which justifies a five (5) year development approval. This provides the applicant with a limited time to complete construction and operation of the project, and if Atlas wish to continue with the Mt Dove project development approval will be required once the approval lapses.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of moderate significance in terms of implementing Council's Transient Workforce Accommodation Strategy.

CONSULTATION

Internal

The application was referred internally to Works and Services and Environmental Health. Comments received were considered when assessing the application and Conditions / Advice notes are recommended to be implemented as part of the decision where appropriate.

Community

The proposal was advertised to potentially affected persons for a period of twenty-one (21) days and an advertisement was place in the North West Telegraph on 18 April 2018 with comments being invited by 2 May 2018. No objections to the application were received during the consultation period.

LEGISLATION AND POLICY CONSIDERATIONS

The development application has been assessed in accordance with the provisions of the Town of Port Hedland Local Planning Scheme No. 5 (LPS5). The proposed use of "Transient Workforce Accommodation" is an 'A – Advertised' use for a 'Rural' zone and thus is capable of approval. The application is consistent with LPS5 provisions for Transient Workforce Accommodation under Clause 5.4 of LPS5. The applicant will need to submit plans in accordance with Clause 5.4.3, Clause 5.4.4 and Clause 5.4.5 of LPS5 which details how the site will be rehabilitated, converted and developed once mining operations cease. These are recommended to be addressed as a condition of approval. The development application is generally consistent with the principles contained in the Town of Port Hedland Transient Workforce Accommodation Strategy, largely due to the site's remote location outside the Port Hedland town site. Furthermore, the application complies with a key purpose of the strategy in which the strategy does not impact or affect land subject to mining leases and tenements developed pursuant to the provisions of the Mining Act 1978, which largely applies to remote mining operations.

FINANCIAL AND RESOURCES IMPLICATIONS

Currently the rates payable for Mt Dove camp are $86,320 p/a. An increase in the number of beds at the facility from 134 to 242 as a result of this development application will result in an indicative increase in rates to $110,819 p/a based on pro rata calculations (indicative costing pending final valuation to be provided by the Valuer General on the completion of the development).

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following sections of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

2.1 A thriving, resilient and diverse economy

- Facilitate, commercial, industry and Town growth

4.1 Strategic and best practice local government administration

- Maintain a strong and sustainable financial position

Environmental

The expansion of the TWA camp will result in minor environmental impacts. Increased accommodation and associated facilities such as laundries and wastewater treatment will require clearing of land. A rehabilitation strategy should be submitted with the development application detailing how the site will be rehabilitated and used following the cease of mining operations. This has been recommended as a condition of approval.

Economic

The increase in TWA will increase rates revenue for the Town of Port Hedland. Direct economic benefits will not necessarily be seen by the Town due to the remote location of the site.

Social

As the proposed development is located over 50kms from the Port Hedland Townsite, there will be minimal social impacts on the Town.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be low.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

CONCLUSION

As Atlas Iron Limited expand their portfolio and operations in the Pilbara region, existing accommodation and infrastructure is required to accommodate personnel for such projects. Development Application 2018/045 seeks to increase the number of transient workforce accommodation rooms available at the Mt Dove Minesite, as well as upgrading and expanding associated infrastructure. Due to the remote location of the site, existing infrastructure present on –site, and the safety and logistics challenges posed by locating personnel in the Port Hedland townsite, it is considered appropriate to grant approval to the extension of TWA and associated infrastructure at the Mt Dove Minesite. However, it is recommended that the approval be granted for five (5) years to allow for adequate construction and operation life of the project, but following this the applicant (Atlas Iron Limited) will have to seek and justify planning approval to continue operating at Mt Dove.

ATTACHMENTS

1. Regional Context
2. Plans
3. Atlas Iron Cover Letter

ATTACHMENT 1 TO ITEM 11.2.1

ATTACHMENT 3 TO ITEM 11.2.1

17 April 2018

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

Dear Sir/Madam

Expansion of the Mt Dove Accommodation Camp

We refer to the application made to facilitate the expansion of the Mt Dove Mining Accommodation and provide the following information in support.

Background

Atlas Iron Limited's (**Atlas**) Mt Dove Direct Shipping Ore (**DSO**) Project is located in the Pilbara region of Western Australia, approximately 68 km south of Port Hedland in the Town of Port Hedland.

The Mt Dove DSO Project was originally approved by the then Department of Mines, Industry Regulation and Safety (**DMIRS**) on 15 June 2012 and involved the development of an open pit mine using conventional drill and blast, load and haul methods to extract an identified iron ore resource of approximately 2.3 Mt over a mine life of two years and a disturbance footprint of approximately 219 hectares.

While the Mt Dove DSO Project was completed in February 2014, the original crushing and screening plant and support infrastructure (e.g., accommodation camp) were retained and continue to be used in support of Atlas' other operations.

In December 2017, Atlas signed an Agreement with Pilbara Minerals Limited (**PLS**) which provides for the purchase of a minimum of 1 million tonnes of unprocessed run-of-mine lithium ore from the Pilgangoora mine. Commencing in the June 2018 Quarter, Atlas will crush the ore at its Mt Dove Project, transport it and load it onto a ship for export using its existing facilities at Utah Point in Port Hedland.

Mt Dove Project

Atlas seeks approval for its Mt Dove Camp Expansion Project, the objectives of which are to expand the accommodation camp from 134 rooms to 242 rooms (i.e. the installation of an additional 108 rooms) primarily to accommodate road-train haulage personnel travelling from Atlas' Mt Webber mine and PLS's Pilgangoora Project (collectively referred to as '**Minesites**'). Additional rooms will also be occupied by the onsite workers responsible for the processing of the lithium ore at the Mt Dove Project.

In addition to the construction of the 108 rooms, the accommodation camp upgrade will include the following:

Atlas Iron Limited
ABN 63 110 396 168
Raine Square, Level 17
300 Murray Street Perth WA 6000
PO Box 7071
Cloisters Square Perth WA 6850
T/ +61 (0) 8 6228 8000
F/ +61 (0) 8 6228 8999
E/ atlas@atlasiron.com.au
W/ atlasiron.com.au

- Installation of 2 additional laundries;
- Upgrade/expansion of the mess, wet mess and kitchen area; and
- Upgrade of the existing waste water treatment plant to accommodate the expected increase in effluent production.

These additional facilities will be accommodated within the existing camp footprint on tenement M47/1449. The location and proposed layout of the Proposal is shown in **Figure 1.**

All relevant approvals for the Mt Dove Camp Expansion Project under the WA *Mining Act 1978* and the WA *Environmental Protection Act 1986* have been obtained from DMIRS and the Department of Water and Environmental Regulation, respectively.

Workforce

Currently the Mt. Dove camp accommodates approximately 120 road train drivers. However, this proposal will allow for an additional 122 personnel to be accommodated at the camp.

Location Statement

Given the distance between Mt Dove and Port Hedland via the Great Northern Highway, as well as the existing established infrastructure at the site, Mt Dove was selected as the camping point for the road train haulage fleet travelling between Port Hedland and the Minesites.

The location of the Mt Dove Camp was also chosen for the following reasons:

- operating cost considerations;
- safety considerations which note that it would be unsafe for staff and contractors to travel from the Minesites to Port Hedland daily;
- the location of the Minesites and their distance to Port Hedland. (The Mt Dove Project is located approximately 68 km south of Port Hedland and is linked by road via the Great Northern Highway. The accommodation infrastructure lies approximately 13 km to the west of the Great Northern Highway. With the workforce working 12 hour shifts per day, housing them in Port Hedland presented significant logistical and safety challenges especially given the distance).
- cycle times for the haulage fleet operation;
- the efficient provision of service infrastructure by Atlas.(The Mt Dove Project was constructed as a self-contained operation with power, water, accommodation and communication infrastructure installed specifically for the Project); and
- noise attenuation for existing Port Hedland residents.

We would be pleased to provide you with any further information. Please contact the undersigned should you have any further queries.

Yours sincerely

Jacqui Chamia
Senior Land Access Advisor

Figure 1

Mt Dove
New WWTP
Proposed Sprayfield
Crushing & Screening Facility
Legend
Approvals Application Area
MtDove_PresoribedPremises
MtDove_Sprayfield
Atlas Tenement - Live
Atlas Tenement - Pending
Mt Dove
Prescribed Premises
PROJECT NAME
Atlas

3

11.2.2 Consideration of Submissions on Scheme Amendment 81 and Request to Adopt for Final Approval with Modifications *(File No. 18/09/0096)*

Author	Principal Town Planner
Authorising Officer	Director Development, Sustainability and Lifestyle
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 75 of the *Planning and Development Act 2005* resolves to:

1. **Adopt for final approval Standard Amendment No. 81 to the Town of Port Hedland's Local Planning Scheme No. 5 to rezone Lot 5954 Kennedy Street, South Hedland from 'Community: Education' to 'Urban Development' zone inclusive of the following modifications:**

    a. **Inclusion of adjacent Lot 2462 Stanley Street and Lot 5278 Kennedy Street to be rezoned from 'Community: Community' zone to 'Other Public Purposes: Water and Drainage' reservation;**

    b. **Insert 'Pundulmurra Village' as a new Precinct under 'Appendix 7 – Additional Requirements for Precincts' with special conditions.**

2. **Authorise the Chief Executive Officer and Mayor to execute three (3) copies of modified Standard Amendment No. 81 documentation, in accordance with Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015;* and**

3. **Forward to the Western Australian Planning Commission three (3) copies of Standard Amendment No. 81 documentation and a copy of the Schedule of Submissions for the Minister of Planning's consideration.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider submissions on Scheme Amendment No. 81 to Town of Port Hedland Local Planning Scheme No. 5 (LPS5) and determine whether to adopt the Amendment for final approval.

DETAIL

Council initiated Scheme Amendment 81 to Local Planning Scheme No. 5 at its meeting held on 13 December 2017 (Resolution CM201718/105). The proposed amendment is to change the zoning of the old Pundulmurra Village site (Lot 5954 Kennedy Street, South Hedland) from 'Community: Education' to 'Urban Development'.

In accordance with Section 81 of the *Planning and Development Act 200*5, the amendment was referred to the Environmental Protection Authority (EPA). The EPA advised that formal assessment was not required under the *Environmental Protection Act 1986*. Following the EPA's advice, the amendment was publicly advertised for 42 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. No public submissions were received during this period and six (6) submissions were received from public authorities. Four (4) of these submissions did not require any modifications to the Amendment. Two (2) submissions provided comment resulting in modifications being made to the original amendment as shown in Attachment 3 – Schedule of Submissions and summarised below:

Modification 1 – Include Adjacent Water Corporation Managed Reserves

Adjacent to Lot 5954 Kennedy Street are two (2) zoning anomalies in LPS5 comprising Crown Reserves managed by the Water Corporation:

- Part Reserve 29612 – Lot 2462 Stanley Street - Currently 'Local Scheme Zone: Community' under LPS5
- Reserve 37347 – Lot 5278 Kennedy Street - Currently 'Local Scheme Zone: Community' under LPS5

The Town received a submission from Water Corporation during public consultation stating these could be incorporated into Amendment 81 to be rezoned from 'Local Scheme Zone: Community' to 'Local Scheme Reserve: Other Public Purposes: Water and Drainage' as the parcels of land are zoning anomalies in LPS5 and contain operational water and drainage utility infrastructure that are not scheduled for disposal in the foreseeable future. They should therefore be rezoned to 'Other Public Purposes: Water and Drainage' reservation which is a consistent reservation with other Water Corporation assets in the area. It is agreed that this is a zoning anomaly that can be addressed in Scheme Amendment 81. The consultant Veris on behalf of Landcorp agreed and has made the necessary modification which is shown on amended Attachment 2 – Zoning Map.

Modification 2 – Insert 'Pundulmurra Village' as a new Precinct under 'Appendix 7 – Additional Requirements for Precincts' of LPS5 with special conditions

Appendix 7 of LPS5 specifies 'special conditions' for precincts to ensure they are developed appropriately. As the proposed 'Urban Development' zone is a broad zoning and a Structure Plan will be required before any subdivision or development takes place, it is recommended that special conditions be added for the Pundulmurra Village site to identify site specific issues that need to be addressed at the next stage of the planning process (Structure Plan stage). The table below outlines the proposed special conditions to be included:

No.	Description of Land	Conditions
Pundulmurra Village	Lot 5954 Kennedy Street, South Hedland	i. Subdivision and development shall have due regard to the requirements of a Structure Plan(s) approved by the Western Australian Planning Commission. ii. Structure Plan(s) prepared over the structure plan area shall be consistent with and incorporate the findings and recommendations of the following technical reports - • A Local Water Management Strategy covering the

		whole of the structure plan area to the satisfaction of the Department of Water and Environment Regulation. iii. Structure Plan(s) prepared over the structure plan area shall be consistent with the following requirements: • Proposed land uses shall be compatible with surrounding development; and • A suitable interface is established with adjoining Urban Development zones.

Justification for including these special conditions for the Pundulmurra Village site are as follows:

- Point (i) is a standard condition for Urban Development zones, and draws attention to the need for a Structure Plan to be prepared over the site before any subdivision or development takes place.
- Point (ii) addresses the submission from the Department of Water and Environment Regulation raised during public consultation that recommended a Local Water Management Strategy is prepared over the site at Structure Plan stage. Including this requirement ensures that future subdivision and development recognizes the site's context in relation to the surrounding drainage network and drainage is integrated appropriately.
- Point (iii), bullet point one addresses the surrounding land use context of the site, being primarily residential and education land uses. Including this requirement ensures that a suitable compatible land use is planned for and developed on the site giving regard to surrounding land uses. This is likely to be residential development.
- Point (iii), bullet point two addresses the interface of Lot 5954 with the adjacent Lot 2940 Coppin Place Urban Development zone which is owned by Regional Power Corporation. As detailed planning has not been undertaken for either Urban Development zone, and the lots abut one another, it is important for a special condition to be added to require that attention be given to the interface between the lots to ensure a coherent street network, structure and land use interface is developed.

Should the Scheme Amendment be adopted by Council and finally approved by the Minister for Planning, the State Government has proposed to dispose of Lot 5954 Kennedy Street through the Land Asset Sales Programme (LASP). The land will be transferred from a Reserve to freehold upon gazettal of the amendment which will allow this to occur. It is anticipated that the subsequent purchaser of the land will engage a consultant to prepare a Structure Plan and subdivide/develop the site.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance in terms of the Council's ability to perform its role.

CONSULTATION

Scheme Amendment No. 81 was publicly advertised from 14 February 2018 until 28 March 2018 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* in the following manner:

1. Publication of a notice in the *North West Telegraph* edition of 14 February 2018;
2. Display of the notice at the Town of Port Hedland administration office;
3. Publication of a notice on the Council's website providing an electronic link to a copy of the Amendment Document;
4. A letter sent to potentially affected surrounding landowners inviting comment;
5. Notification to government agencies seeking submissions.

There were no public submissions received. Six (6) public agencies responded with no objections to Amendment No. 81 (see Attachment 2 – Schedule of Submissions). There were two (2) public agency comments that resulted in modifications to Scheme Amendment 81 as outlined in the 'detail' section of this report.

LEGISLATION AND POLICY CONSIDERATIONS

Clause 75 of the *Planning and Development Act 2005* gives local government the power to amend its Local Planning Scheme. The procedure for preparing and adopting an amendment is provided for by the *Planning and Development (Local Planning Scheme) Regulations 2015*. The amendment must be classified as Basic, Standard or Complex as defined by the regulations. Scheme Amendment No. 81 has been classified as 'Standard' as it will have minimal impact on land in the scheme area that is not the subject of the amendment, and the amendment is not anticipated to result in any significant environmental, social, economic or governance impacts on land in the scheme area.

After considering the submissions lodged, should Council resolve to adopt Amendment No. 81 (Regulation 50), the amendment documentation will be forwarded to the Western Australian Planning Commission together with the schedule of submissions (Regulation 53). The Commission will then present Council's recommendation to the Hon. Minister for Planning who is responsible for final approval or refusal of the amendment (Regulation 55).

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications as a result of this proposal. The Town has invoiced the applicant (Veris on behalf of Landcorp) a service fee for processing the Amendment in accordance with the *Planning and Development Regulations 2009*.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following section/s of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

2.1 A thriving, resilient and diverse economy	• Work with the State Government, agencies and local partners to ensure serviced land availability for future residential, commercial and industrial development
3.1 Sustainable services and infrastructure	• Facilitate the delivery of high quality and enduring built and natural environment

3.2 Protect our natural environment	• Support sustainable development so that it does not compromise our unique environmental assets

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (1).

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

That Council, pursuant to Clause 75 of the *Planning and Development Act 2005* RESOLVES NOT TO ADOPT Scheme Amendment No. 81 to the Town of Port Hedland's Local Planning Scheme No. 5 to rezone Lot 5954 Kennedy Street, South Hedland from 'Community: Education' to 'Urban Development' for the following reasons:

(a) _____
(b) _____

CONCLUSION

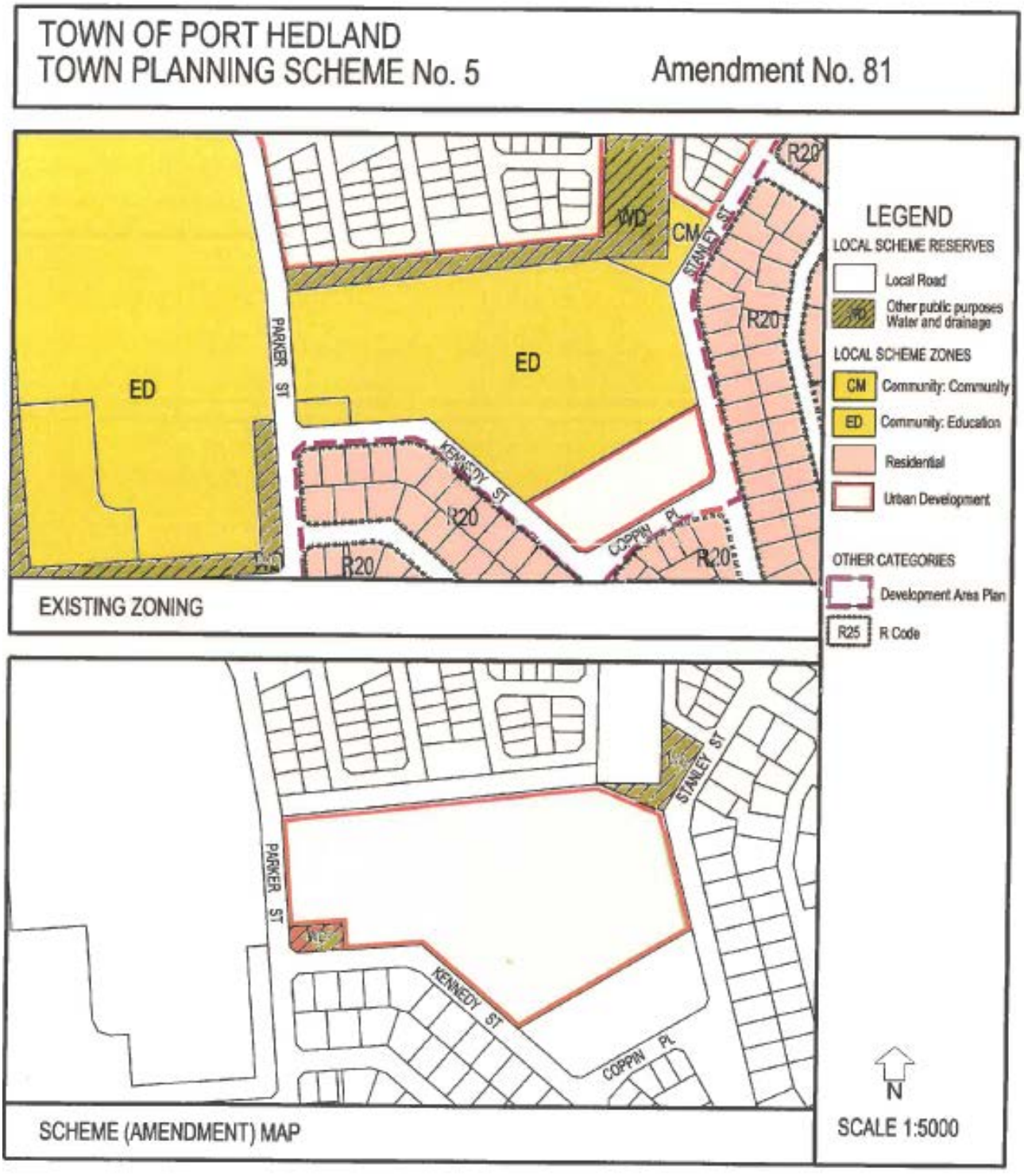
The subject site is currently reserved under the Town's LPS5 as 'Community: Education' and previously contained the 'Pundulmurra Village' camp which was demolished in 2016. The WA State Government has no intentions to re-use the site and has therefore determined the site in its entirety should be disposed on the market for an appropriate sequential land use. Veris, on behalf of Landcorp, has therefore proposed to rezone the site to 'Urban Development'. It is recommended that Council adopts the rezoning in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to increase the flexibility of options for future development inclusive of modifications to address submissions raised during public consultation.

ATTACHMENTS

1. Location Plan
2. Zoning Map
3. Schedule of Submissions

ATTACHMENT 1 TO ITEM 11.2.2

ATTACHMENT 2 TO ITEM 11.2.2



Town of Port Hedland

Scheme Amendment No. 81

Schedule of Submissions

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
1	08/04/2018	**Department of Water and Environment Regulation**	**Locked Bag 33 Cloisters Square PERTH WA 6850**	Issue/Comment No. 1.1 • A Local Water Management Strategy (LWMS) should be prepared for the site at the next stage in the planning process (Structure Planning stage) to inform an Urban Water Management Plan at subdivision stage.	Officer Response No. 1.1 • Agreed. It is not considered necessary to prepare an LWMS at the Scheme Amendment stage, but it is considered necessary to prepare an LWMS at Structure Plan stage. There are adequate provisions in the planning framework to require an LWMS at Structure Plan stage without requiring further information from the Applicant at this point in time.	Officer Recommendation No. 1.1 • Appendix 7 – Additional requirements for precincts should be added to the Scheme Amendment to include the requirement for a Local Water Management Strategy.
2	21/03/2018	**Department of Primary Industries and Regional Development**	**3 Baron-Hay Court, SOUTH PERTH WA 6151**	Issue/Comment No. 2.1 • Scheme Amendment No. 81 will not create a significant detrimental impact on primary industries or regional development.	Officer Response No. 2.1 • Noted.	Officer Recommendation No. 2.1 • No modifications required.
3	12/03/2018	**Department of Health**	**PO Box 8172 Perth Business Centre WA 6849**	Issue/Comment No. 3.1 • Future developments are required to connect to scheme water and reticulated sewerage. Issue/Comment No. 3.2 • Department of Health has a document *'Evidence supporting the creation of environments that encourage healthy active living'* to assist with planning elements in a future structure plan to support healthy living.	Officer Response No. 3.1 • Noted. These matters are addressed at subdivision stage. Officer Response No. 3.2 • Noted. This document can be considered at the Structure Plan stage.	Officer Recommendation No. 3.1 • No modifications required. Officer Recommendation No. 3.2 • No modifications required.

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
4	16/03/2018	**Water Corporation**	**PO Box 100 LEEDERVILLE WA 6902**	Issue/Comment No. 4.1 • Reticulated water and sewer is available in the subject area. Mains extensions are 'user pays' and must be laid in existing and proposed road reserves as per Utility Providers Code of Practice. A contribution for water, sewer and drainage headworks may be required. Land may also be required to be ceded free of cost for utility purposes. Issue/Comment No. 4.2 • Adjoining Water Corporation managed Reserve 37347 (Lot 5278 Kennedy Street) and Part Reserve 29612 (Lot 2462 Stanley Street) could be incorporated into Amendment 81 to be rezoned from 'Local Scheme Zone: Community' to 'Local Scheme Reserve: Other Public Purposes: Water and Drainage' as these parcels of land are zoning anomalies in LPS5 and contain operational water and drainage utility infrastructure that are not scheduled for disposal by Water Corporation in the foreseeable future.	Officer Response No. 4.1 • Noted. These are matters which are translated to a subdivision approval at subdivision stage and are required to be cleared by the Water Corporation at a later stage in the planning process. Officer Response No. 4.2 • Agreed. Water Corporation managed Crown Reserves should not be zoned for Community under LPS5, as they do not perform a community function. This is a zoning anomaly in LPS5. These parcels of land perform a drainage/utility function and should be Reserved under LPS5 accordingly. This does not materially affect the Scheme Amendment and does not require re-advertising.	Officer Recommendation No. 4.1 • No modifications required. Officer Recommendation No. 4.2 • The applicant was requested to incorporate adjoining Water Corporation managed Reserve 37347 (Lot 5278 Kennedy Street) and Part Reserve 29612 (Lot 2462 Stanley Street) into Amendment 81 to be rezoned from 'Local Scheme Zone: Community' to 'Local Scheme Reserve: Other Public Purposes: Water and Drainage' to fix these zoning anomalies in LPS5 and reflect their existing and future intended use. An amended Scheme Amendment document was submitted and forms subject of the final adoption report.
5	12/03/2018	**Department of Planning, Lands and Heritage**	**Level 2, 140 William Street PERTH WA 6000**	Issue/Comment No. 5.1 • The proposed scheme amendment was lodged on behalf of the Land Asset Management Unit of the Department of Planning, Lands and Heritage. Lot 5954 Kennedy Street, South Hedland (Pundulmurra Village Site) was identified as surplus to Government requirements and	Officer Response No. 5.1 • Noted. This is mentioned in the planning report for the Scheme Amendment and confirms the reason for rezoning.	Officer Recommendation No. 5.1 • No modifications required.

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
				requires rezoning to enable the sale of the land.		
6	09/03/2018	**Department of Jobs, Tourism, Science and Innovation**	**1 Adelaide Terrace, EAST PERTH WA 6004**	Issue/Comment No. 6.1 • Department of Jobs, Tourism, Science and Innovation has no comment on the proposed scheme amendment.	Officer Response No. 6.1 • Noted.	Officer Recommendation No. 6.1 • No modifications required.

11.2.3 Amendment of Policy 13/014 'Trading in Public Places' *(File No. 19/04/0001)*

Author	Senior Environmental Health Officer
Authorising Officer	Manager Environmental Health & Community Safety
Disclosure of Interest	Nil - The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopt amended Policy 13/014 'Trading in Public Places' as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to outline a number of proposed amendments to the current Trading in Public Places Policy (the Policy). The amendments have been developed with the intention to improve our quality of customer service and to ensure greater efficiency when regulating mobile food vendors and community events.

DETAIL

The Town of Port Hedland Trading in Public Places policy was originally developed in response to the initial applications by proposed food and coffee vans received at a time where controls for these activities were not clearly established. Previous policies were only required to regulate the relatively infrequent requests for roadside stalls seeking to sell items other than food. In response to the initial influx of applications for coffee and food vans, a policy was required to provide operator direction and Council discretion to ensure that any roadside trading was both controlled and served the best interests of the Town.

Moving forward, the number of approved activities under the Policy has increased significantly and food vans have become an integral part of the Port Hedland retail food market providing a significant service to the community. Under the current policy the ability for the Town to manage and regulate operations in a clear and fair manner is restricted and so the need for a significant review of the Policy is critical.

The proposed amendments are detailed below and summarised in Table 1.

Amendment of Section 1 of 13/014

The current policy refers to local laws that are now superseded and it does not clearly explain the processes required of community event organisers and food vendors. This report recommends that the amended version of section 1 of the Policy is adopted. The section has been re-named *1. Special Considerations for Not-for-Profit Organisations and Community Associations* and provides clearer explanations of these processes.

Removal of Section 2 of 13/014

The current policy contains three separate sections of information, including a section entitled: *2. Procedure When Objections Are Received to an Application*. This report recommends that this section is eliminated from the Policy, due to the references made to local laws that are now superseded.

Amendment of Section 3 of 13/014

The current policy contains several subsections relevant to the approval and administration procedures for TPPs applications. This report recommends that all amendments made within this section, including the introduction of additional sections, are adopted to reflect the proposed improvements that are detailed below.

Categorisation of Mobile Food Vendors

The current policy classifies mobile food vendors according to their food safety risk rating, as determined under the *Food Act 2008* (the Act). However, the purpose of the policy is to classify vendors according to the type of service that they provide to the community, rather than their food safety risk rating. This report recommends changes to the definition of each vendor category in order to reflect the type of service that they provide. Category 3 food vendors provide the most similar services to the fixed food businesses of the community, while Category 1 and Category 2 vendors provide relatively unique services to the town.

Re-Categorisation of Mobile Coffee Vendors

The current policy classifies mobile coffee vendors as Category 2 vendors that provide a unique service to the town. This report recommends that mobile coffee vendors are included within Category 3, as they provide a similar service to several fixed food businesses in the community.

Renewal of Category 3 12-month TPPs Licences

The current policy requires that all Category 3 food vendors receive Council approval at the end of each financial year to renew their annual Trading in Public Places (TPPs) licence. This report recommends that licence renewals of food vendors of any Category are processed by authorised officers to ensure a more efficient transition between financial years and provide a higher quality of customer service.

The section titled: *Maximum Approval Period* is recommended to be removed to avoid confusion, as it explains the above renewal process that is recommended to be replaced.

Maximum Number of Food Vendors Permitted at one Location

The current policy requires that a maximum number of three (3) mobile food vendors are permitted to be located at any location prescribed under the policy at any one time. This report recommends that the maximum number of food vendors permitted at any location is at the discretion of the CEO. This is intended to improve accessibility of food vendors to the public and provide vendors more freedom of choice for preferred trading locations.

Removal of Period of Approvals

The current policy requires annual TPPs licences to be approved from 1st July to 30th June only. This report recommends that the licences may be approved at any time of the year, while still requiring renewal beyond 30th June. This amendment is detailed in section 5 of the proposed policy.

Assessment of New Category 3 12-month Licence Applications
The current policy requires that all new Category 3 vendor applications are approved by Council at the June OCM only. However, the Town receives applications and expressions of interest at any time of the year for new mobile food vendors. In order to improve customer service and the efficiency of assessing applications, this report recommends that any new applications for Category 3 food vendors may be assessed at any time of the year and are subject to approval by the Chief Executive Officer (CEO). New applications for Category 1 and Category 2 vendors are approved by authorised officers.

Table 1. Summary of amendments proposed to the Policy.

Item	Current Policy	Proposed Policy
Categorisation of mobile vendors	Food safety risk rating	Type of service
Categorisation of mobile Coffee Vendors	Category 2	Category 3
Renewal of Category 3 vendor TPP licences determined by	Council	Authorised officers
Maximum number of food vendors at one permitted location at any time	3	At discretion of CEO
Annual TPPs licence Period of Approval	1st July – 30th June	Date of approval – 30th June
Application period for new Category 3 vendors	June	Any time of the year
All new applications for Category 3 vendors determined by	Council	CEO

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of relatively low significance, as it does not meet the criteria for high significance. The issue affects a selective portion of the Port Hedland community and it may have slight implications for the present and future social, economic, environmental and cultural well-being of Port Hedland.

CONSULTATION

Internal

Proposed amendments to the Policy have been presented to Council during briefing sessions held on 19 April 2017 and 5 July 2017.

The presentations suggested amendments to the Policy in relation to the fees and charges associated with TPPs, locations permitted for roadside trading and the hours permitted for roadside trading. Comparisons were made between the Town's policy with those of other local governments of WA. However, the proposed amendments were not adopted by Council on the above dates.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation and Town local laws and policies are relevant to the matter of this report:

- *Food Act 2008*
- *Food Regulations 2009*
- Public Places and Local Government Property Local Law 2016
- 13/014 Trading in Public Places Policy

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated with this item. The proposed amendments to the Policy do not increase or decrease the income currently generated by Trading in Public Places, as the income is dependent on the number of applications received per financial year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

This following sections of the Council's *Strategic Community Plan 2014-2024* are applicable in the consideration of this item:

1.2 A vibrant community rich in diverse cultures
- Deliver and support programs, events, facilities and services which attract and retain residents to increase our permanent population

2.1 A thriving, resilient and diverse economy
- Facilitate commercial, industry and town growth

4.2 Engage our community and stakeholders
- Lead a community-oriented organisation that delivers responsive and helpful services to our customers
- Ensure community members know how to access our services and facilities
- Promote a positive representation of our community and Town's services

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (4) assigned to the risk that Council does not approve any of the recommended amendments to the Policy. The ratings according to measures of consequence and likelihood are Minor and Unlikely, respectively. The key themes as per the policy are health, service interruption and compliance.

OPTIONS

Option 1 - Adopt Officers Recommendations

Option 2 – Do not adopt Officers Recommendations

CONCLUSION

This report summarises several proposed amendments to the current policy for trading in public places. The proposed amendments are designed to improve the efficiency of services delivered by the Town and to improve the quality of customer service and support that is provided to community events and mobile food vendors.

ATTACHMENTS

1. Proposed amended Policy 13/014 ‘Trading in Public Places’
2. Current Policy 13/014 ‘Trading in Public Places’

ATTACHMENT 1 TO ITEM 11.2.4

Town of Port Hedland

AMENDED 13/014 TRADING IN PUBLIC PLACES POLICY

AMENDED 13/014 TRADING IN PUBLIC PLACES POLICY

Policy Objective

The objective of this policy is to provide guidance to event organisers and mobile food vendors about the processes required for the assessment and licensing of local events, temporary stalls and roadside trading.

Policy Content

1. ***Special Considerations for Not-for-Profit Organisations and Community Groups***

Private stallholders and food vendors may be eligible to a waiver of the fees and charges associated with Trading in Public Places (TPPs), where it can be demonstrated that they are operating under a 'blanket' food licence held by a not-for-profit, community group that is organising the event.

When applying for the 'blanket' permit, the community association must:

- Provide a TPPs application that details all relevant information about the stallholders and food vendors that are proposed to trade at the event;
- Provide evidence of public liability insurance that is current for the event; and
- Pay all applicable fees to the Town for the assessment and licensing of the application, or seek a waiver of fees from the CEO.

Any individual applicants that represent a not-for-profit, community group may seek a waiver of fees from the CEO.

2. ***Classification of Applications for Trading in Public Places***

Category 1 vendors sell non-food-related items, or packaged food requiring no food preparation. Examples include:

- Mobile florists
- Packaged foods

Category 2 vendors sell food requiring limited food preparation and provide a unique service to the community. Examples include:

- Itinerant ice-cream vendors
- Mobile butcher
- Mobile seafood

Category 3 vendors sell take-away, ready-to-eat food, involving significant food preparation, including coffee vendors. These vendors provide similar services to local fixed businesses in the community.

DRAFT

Town of Port Hedland

AMENDED 13/014 TRADING IN PUBLIC PLACES POLICY

3. *Times and Locations of Trading*

Mobile food vendors must only trade between 5.00am and 10.00pm at the following locations, as required by their 12-month TPPs licence:

- Don Rhodes Museum – Wilson Street Port Hedland
- Dreamers Corner – Hamilton Road South Hedland
- Finucane Island boat ramp
- Port Hedland Boat Ramp – Richardson Street Port Hedland
- Port Hedland International Airport Information Bay
- Wheelbarrow entrance – Wedgefield

The maximum number of mobile food vendors that are permitted to be located at any of the above sites at any one time is at the discretion of the CEO.

Where food vendors intend to trade at locations not listed above, a separate application for TPPs must be submitted to authorised officers of the Town's Environmental Health (EH) department for assessment. The application fee and relevant licensing fee/s must be paid by the applicant prior to trading, unless subject to the requirements of section 1 of this Policy.

Any vendors identified to be trading in the absence of a TPPs licence may be required by to cease trading and submit an application form with prescribed fees before a licence is granted.

4. *Approval of Trading in Public Places Applications*

Applications for a 12-month TPPs licence of any category may be accepted for assessment at any time during the financial year.

New applications for annual TPPs licences of Category 1 and Category 2 vendors are to be processed by authorised officers according to the requirements of this policy and food safety legislation.

New applications for annual TPPs licences of Category 3 vendors are subject to approval by the CEO.

New applications for temporary (day, week and month) TPP licences for vendors of any category are to be processed by authorised officers according to the requirements of this policy and food safety legislation.

5. *Renewal of 12-month Trading in Public Places Licences*

All 12-month TPPs licences of all categories are to be renewed at the end of each financial year (30th June). The licence renewals are processed by authorised officers. Payment of the annual licensing fee prescribed under the financial budget of that year must be paid prior to a new TPPs licence certificate being issued.

Definitions

Nil

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Town of Port Hedland

AMENDED 13/014 TRADING IN PUBLIC PLACES POLICY

Council adoption date and resolution no.	OCM 26 September 2012 – 201213/107
Date of adoption of amendment and resolution number	OCM 22 April 2015 (201415/227) OCM 25 June 2014 (201314/354)
Relevant legislation	*Food Act 2008* *Food Regulations 2009*
Delegated authority	Manager Environmental Health & Community Safety Senior Environmental Health Officer Graduate Environmental Health Officer
Business unit	Environmental Health
Directorate	Development, Sustainability & Lifestyle
Review frequency	Annual

Document Control Statement

The electronic reference copy of this Policy is maintained by the Environmental Health Department. Any printed copy may not be up to date and you are advised to check the electronic copy at http://intranet/ to ensure that you have the current version. Alternatively, you may contact the Governance Department.

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13/014 TRADING IN PUBLIC PLACES POLICY

1. Exemption for Community Events

That private stallholders be exempt from applicable Council fees for Trading in Public Places Permits where it can be demonstrated that they are operating under a blanket permit held by a Community Association for that event.

The Community Association, in applying for its blanket permit must:

- Supply all relevant details of proposed stallholders working at the event in the prescribed manner for the purpose of assessment and approval;
- Supply a copy of public risk insurance certificates held for the event;
- Pay the applicable fee or seek exemptions under Clause 15 of the Local Law

2. Procedure When Objections Are Received To An Application

Trading in Public Places applications are assessed as per the requirements of the Town of Port Hedland Trading in Public Places Local Law 1999.

Where complaints are received regarding the operation of a Trading in Public Places Applicant the Town's Environmental Health Services team will investigate the matter and take any required action to resolve any problems in accordance with the Town of Port Hedland Trading in Public Places Local Law 1999.

If objections to a proposed or current permit are received or complaints have been raised in the past concerning a Trading In Public Places permit that is due for renewal the matter will be referred to the Chief Executive Officer for resolution. If the matter cannot be resolved by the CEO the matter will then be referred to Council, in the form of a detailed report, for determination.

3. Approval / Administration Procedure for Trading in Public Places Applications

Categorisation of Traders

All Traders will be considered in three (3) categories

Category 1 – Very Low Risk Food Premises

Traders that offer a specialized service that have no food preparation and have minimal impact on existing businesses.

- Vegetable Sales
- Low risk packaged food sales

Other vendors such as sheep skin products vendors; flowers, etc are included in this category for expedience of applications.

Category 2 - Low Risk – (Limited Food Preparation)

These sell frozen or chilled pre-packed food that has minimal impact on existing business and offer a service to the region and Port Hedland on a regular timetable. These include the following:-

- Seafood van
- Mobile butchers
- Itinerant ice cream vendors
- Coffee vans

Category 3 - Medium Risk Food Premises (Food Preparation)

These Traders prepare medium risk takeaway food in their vans.

- Take away food vans.

High Risk Food Preparation Activities

High Risk food activities premises, as determined by the *Food Act 2008*, cannot be undertaken from a non- approved premise.

Maximum Approvals Period

Re-application will be required after 12 months which will incorporate an assessment based on compliance, any complaints received and service to the community with the final decision to renew the permit resting with Council. Priority will be given to compliant vendors wishing to complete the 2 year license term.

Limiting the number of Vendors at one Site at any one Time

There is to be no more than 3 vendors at any one time at any of the nominated sites and the "first come first served" statement will apply.

Each food van will be required to be removed from the site after the designated hours of operation expire.

If disputes arise that cannot be resolved by vendors and the Town is called in to adjudicate the Town will cease all licenses involved in the dispute until the matter is resolved.

Nominated Locations and times of Operation

Category 3 traders vendors can only locate their vans on the sites listed below between 5.00am to 10.00pm.

- The Big Wheelbarrow site in Wedgefield
- Area adjacent to Dreamers Corner – Hamilton Road, South Hedland
- The Don Rhodes Museum Site in Port Hedland
- Airport Information Bay
- Port Hedland boat ramp
- Finucane Island Boat Ramp

Period of Approvals

Yearly licenses will only be approved from the 1st July – 30th June each year.

TOWN OF PORT HEDLAND POLICY MANUAL

Approval Procedure

Category 1 & 2 Traders can be processed at officer level with due consideration to the policy.

Category 3 vendors seeking yearly approvals must submit an application before the 31st of May each year. Applications to Trade in a Public Place and application to be registered as a food van under the Food Act 2008 are required.

Applications will be compiled into a report which will be included for Council consideration in June of each year. Council can then make the determination on which food vans are to be approved. This process should take into consideration which vans can provide the best service to community, performance, compliance and any recommendations made by the reporting officer.

Council Adoption Date and Resolution No.	OCM 26 September 2012 (201213/107)
Date of adoption of amendment and Resolution Number **Do not delete previous dates**	OCM 22 April 2015 (201415/227) OCM 25 June 2014 (201314/354)
Relevant Legislation	Food Act 2008
Delegated Authority	
Directorate	Works and Services
Review Frequency	Annual

Item 12 Reports of Committees

Nil

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature

14.1 2018/19 Fees and Charges

Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)

Nil

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 June 2018, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 20 June 2018, commencing at 5:30pm.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at __pm.