



TOWN OF PORT HEDLAND

ORDINARY MEETING OF COUNCIL MINUTES

WEDNESDAY 28 MARCH 2018 AT 5:30PM

**COUNCIL CHAMBERS, MCGREGOR STREET,
PORT HEDLAND**

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*David Pentz
Chief Executive Officer*

Distribution Date: 12 April 2018

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Item 1 Opening of Meeting

The Mayor declared the meeting open at 5.30pm.

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 Richard Whitwell
Councillor Peter Carter
Councillor George Daccache
Councillor Tricia Hebbard
Councillor Warren McDonogh
Councillor Telona Pitt

David Pentz	Chief Executive Officer
Anthea Bird	Director Corporate and Performance
Michael Cuvalo	Acting Director Development, Sustainability and Lifestyle
Gerard Sherlock	Director Infrastructure and Town Services
Josephine Bianchi	Manager Governance
Samantha Fernandes	Governance Officer/ Minute Taker

Public	5
Media	1
Officers	7

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Councillor Julie Arif

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Councillor Whitwell	11.2.3	Impartial	Member of historical society
Councillor Daccache	11.2.4	Financial	BHP shareholder
Councillor Hebbard	11.2.5	Impartial	Member of sporting groups
Councillor Pitt	11.2.2	Impartial	Have family on claim as a Kariyarra descendent

Item 4 Applications for Leave of Absence

CM201718/167 COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR MCDONOGH

That Council approve the following applications for leave of absence:

1. **Councillor Carter from 23 to 30 April, 2018; and**
2. **Councillor Daccache from 30 March to 1 April, 2018.**

CARRIED 8/0

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 28 February 2018

5.1.1 Mr Dean Davis

I have asked for statistics in relation to needle exchange programs and numbers of incorrectly disposed needles. How can I get this information?

The Community Safety Advisor advises that information pertaining to needle exchange programs statistics can be requested through Department of Health | Communicable Disease Control Directorate. The Town is aware you have requested this information from the Minister of Health and will await their response. Further information on Needle and Syringe in WA can be found at the following link: http://www.healthywa.wa.gov.au/Articles/N_R/Needle-and-syringe-programs-in-WA

The Town of Port Hedland acknowledges unsafe disposal of syringes in public spaces and is working on formalising a reporting process internally. In 2017, the Town started collecting data for incorrect disposal of syringes and reportedly found 1824 syringes in public spaces for the year. Syringes were found in various locations in the Port Hedland region with data reflecting potential hot spot areas of unsafe disposal. The numbers for unsafe disposal at each site per month, were not consistent and fluctuated. The Town is committed to educational components of safe disposal, strengthening reporting processes and is working collaboratively with support services to ensure community members feel safe in utilising public spaces, without fear of harm.

5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 28 February 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.

The Mayor opened Public Question Time at 5:35pm.

6.1 Public Question Time

6.1.1 Ms Mary Atwood

My question is in respect to item 1 of item 11.2.2. Committed transfers. I am a Kariyarra woman. I received a phone call this afternoon which I was told item 11.2.2 was on the agenda. I am not happy and I want to know when was it on the agenda and who put it on the agenda as it creates problems which I will outline in my statement. I have not had time to review this transfer and I was not aware of this particular agenda item. Was it KLAC (Kariyarra Land Aboriginal Corporation), was it Council or was it the Land Management Corporation?

The Chief Executive Officer advised that this item has been referred to the Town by State Government for comment and feedback and further stated that this item is not a local government raised matter and the Town are merely a referral agency for comment.

Are you are saying is that it was not the Council but a referral from Land Management Corporation?

The Chief Executive Officer advised in the affirmative.

The Mayor closed Public Question Time at 5:38pm.

The Mayor opened Public Statement Time at 5:38pm.

6.2 Public Statement Time

6.2.1 Ms Mary Atwood

Following on from my question, I want to make the Council aware that there will be a determination handed down at either the end of this week or early next week. This determination is about a separate question in the Native Title, where the judge will establish who has Native Title and who has not. This determination will give certainty to everybody, mining companies, State and Commonwealth and the Aboriginal people. I suggest item 12.2.2 on the transfer of land should be deferred. It is only a matter of time until the government and federal report is handing down the determination to give certainty to you, to the mining companies, and to everybody. This has been twenty years work by our people and it's being done because we want certainty too. Now at the moment, we are responding to the State ILUA (Indigenous Land Use Agreement) and I certainly will be putting this information in our response, because I think the process is just made it difficult when we are at the stage where we are trying to sort this problem out.

I am asking the Council to put this recommendation aside until the next meeting when the issue will be resolved. Be mindful also that you have rezoning. If you rezone, we will object against it unless we are of the view that it is not going to have any implications on anybody's rights. If you rezone, you are changing the status of the Native Title and therefore you could be extinguishing it and could be liable for compensation but I won't say any more. I am just asking you to do the right thing, to put this aside to the next meeting when you will and like everybody else, will have certainty in terms of who you are speaking to.

6.2.2 Ms Nur Halik

I am the Regional Communications Coordinator for FORM (who manage the Visitor Centre). I am here to make a statement about agenda item 11.2.3 about the short term RV overflow site. Tonight the council will decide if the RV overflow site will continue to operate this year. The Port Hedland Visitor's Centre, as advocates for tourism in Hedland and the wider Pilbara region, hopes the Council will agree to reopen the site as per option one of agenda item 11.2.3.

Since the site formally opened in 2016, we have seen something of a tourism renaissance in town. Initial data which was gathered by the town, showed a positive impact in town, with an average spend of \$203 per person and over \$167,000 spent on local business. In 2017, the Visitor Centre undertook our own surveying and while not extremely vigorous, our results showed that just under 80% of the people who stayed at the RV site were return visitors to Port Hedland and stayed in town for three days and spent an average of \$623 per visit. One gentleman took the initiative to ask the people why they stayed there, whether they would have stayed there if the RV site was not open and 98% said no, they would have moved on. Most of this money was spent on tours, food, fuel, medical, mechanical and even the odd beauty salon treatment. We acknowledge our data hasn't undergone rigorous testing so it can be challenged, but it's fair to say that these simple statistics alone demonstrate the significance of tourism to our town.

To address the concerns about impact on local caravan parks, please be assured that the Port Hedland Visitor Centre does not wish to take business away from local business. In fact, we are about ensuring all businesses are supported through tourism, and the staff are very diligent in communicating that the RV overflow site is for self-contained vehicles only and we encourage people who don't meet that criteria to stay at the caravan parks.

It is in our interest to get them to stay at these caravan parks as it means they will then spend at the local servo, the mechanic, the hairdressers, cafes and so on.

The visitor centre is supportive of caravan parks and RV sites. However many of the visitors we spoke to last year said they invested specifically in an RV so they did not have to stay in caravan parks, so if given the choice, they would rather move onto the next town than stay in caravan parks. We can go to every effort to encourage this travel group to stay in the caravan parks, but at the end of the day, the majority will choose to move on.

We also recognise that the majority of people who travel are on a tight budget which does get quickly eaten up – for we all know and accept Australia is not a cheap country to travel in – so having the free RV overflow site for those in self-contained vehicles ensures the town doesn't miss a visit from the self-drive and mature-aged traveller market.

Economics is not the only reason we want to have the RV overflow site opened: as identified in the agenda item, the town's reputation is also at stake. To illustrate just what impact to reputation the closing of the RV site will have in the town, I will read out the following responses which were posted on Wikicamps, the leading resource for caravanners and campers, when the RV site did not open in May as advertised in 2016:

- Sign at the entrance says closed until caravan parks are 75% full. If CP's have to resort to these blackmail tactics, then the whole town misses out. We bought only the minimum necessities of fuel and food and left town without spending 1 tourist dollar. Your loss Port Hedland, we are out of here.*
- No camping, CP's very unfriendly...now on the road out of town sadly.*
- Port Headland can burn in hell caravan parks own this town, we spent \$300 in this town and then we got told to move on never coming back ever.*
- How do we know when it's 75% full. Ring cp and have them tell us no when there are only 2 sites left? Port Hedland – not RV friendly me thinks.*
- Travelling with a dog. One caravan park in Port Hedland identified on Wikicamps as taking dogs, not good reviews, will not stay there, this camp not allowed to take anyone until all parks at 75% full. We will shop in Newman. Months worth of shopping, vet, hairdressers and fuel. Shame Port Hedland just missed out on this.*

We cannot risk having this same experience again, so we ask that Council endorse to reopen the RV overflow site on 1 May 2018. We are more than willing to work with Council and the caravan parks to find a solution to managing the site and ensuring that the people who don't comply with the site requirements to stay at the caravan parks. It is in our interest to keep the caravan parks open because their customers also represent a large part of the visitor numbers to town, and as a local business they invest directly into the community too.

As a visitor centre our objective is to promote the tourism in the region, and this includes balancing the needs of visitors and the needs of the community which we operate in. We have seriously considered all of the opinions and feedback regarding the RV overflow site. We support having the site open, because the economic and strategic benefits impact not just us, but the entire community and that is what is important to us.

The Mayor closed Public Statement Time at 5:47pm.

6.3 Petitions/Deputations/Presentations/Submissions

6.3.1 Blackrock Caravan Park

The below submission was received by the Town on 16 March 2018, in relation to item 11.2.3 'Short Term Recreational Vehicle Camping'.



Black Rock Tourist Park
2115, North Circular Rd
South Hedland 6722 WA
PO Box 1096
Murray Bridge SA 5253

Telephone: +61 8 9172 3444
Fax: +61 8 9140 2228

To the Mayor and Councillors,

My husband and I are current Managers of Blackrock Tourist Park, South Hedland. We have been working very hard since September 2016 to improve this struggling park. During this time we have kept our prices low, improved the conditions and reputation of this park.

Although both of us, and our parent company believe in being a RV friendly town, we have to realize the impact the free racecourse ground is having on us.

This overflow park was supposed to operate during a set time period, and was also based on the other parks occupancy rates.

Only 3 times did we reach or surpass the 70%, yet the overflow opened earlier than advertised, and closed later. We also went to this park several times to observe its operation; these are the things that concerned us.

1. Vans were lined up at 8.30 to get into the park. So therefore it was their first choice of call.
2. We saw tents and Small camper vans with no facilities, we were told they use the toilets at the supermarket, so what happens between 9pm and 8am.
3. I also spoke to 2 ladies at hairdressers that told me they paid an extra \$10.00 a night to stay longer.
4. There is also,

Free Camping is available at the Port Hedland Turf Club, Lot 2, McGregor Street, Port Hedland from 1 May until 31 August.

Travellers driving fully self-contained RV vehicles containing showers and toilet facilities and capable of containing all wastes for later disposal are able to stay two nights at the Port Hedland Racecourse grounds. For more information please contact the Port Hedland Visitor Centre on 08 9173 1711.

We kept our power tourist sites to a very reasonable \$35.00 a night for two adults and didn't charge for children under 12.

So with rising power, water and rates, this is jeopardising a local business, who employs locals, provides emergency housing for local indigenous foundations, PATS patients and long term accommodation for people on average salaries.

So can there be a compromise? Can the overflow be managed better?

Thank you for your time
Adrian & Maree Carter

Item 7 Questions from Members without Notice

7.1 Councillor Whitwell

In regards to agenda item 11.2.3 Short Term Recreational Vehicle Camping, what is the cost to the budget as per recommendation #3 of the agenda item, of the ranger patrols and to what extent is the RV overflow affecting the existing parks, if any?

The Chief Executive Officer advised that there are no additional costs to the monitoring and managing of the facility. The ranger rosters have been adjusted accordingly and will occur during their normal work period.

In terms of the impact on the existing caravan parks, the assessment completed was not just financial impact but for the larger self-contained recreation vehicles that cannot be adequately catered by the caravan parks and they are only here for a period of three days. The determination was a minimal impact to existing caravan parks so long as it is managed in terms of the nature of the vehicles that are allowed to stay and the duration.

7.2 Councillor Daccache

After the West Australian Labor Party's huge election win, has the Chief Executive Officer or the Mayor met with the Premier or any of the Ministers? If so, when and what was discussed?

The Mayor advised that he and the Chief Executive Officer met with a number of State Ministers and the Premier.

Has the Chief Executive Officer or Mayor met with the Department of Local Government to discuss issues concerning Council and administration performance matters? If so, when and can we please have the minutes to those meetings.

The Mayor advised some conversations have been conducted with the Department over the performance of Councillors and those discussions are ongoing. The outcome will be advised by the Department in the near future. The Department will be coming to Port Hedland and presenting the findings to Council.

Has the Chief Executive Officer or Mayor met with government, industry or other parties concerning the West End? Has there been any monetary discussions held with any parties? If so, how much for and can we please have the minutes to those meetings.

The Mayor advised that meetings with the Department attended by the Mayor and the Chief Executive Officer, and the previous Mayor and the previous Chief Executive Officer have been taking place about ongoing issues relating to the West End health risk assessment dust report. The Town is continually engaging with State government in trying to come to a conclusion on those matters. This problem has been going on for almost ten years and we have been unable to approve or pass or develop and finish our Town Planning Scheme number 6, which has been going on for almost fifteen years. This is one of our number one aims to renew this Town Planning Scheme but due to issues with the health risk assessment dust report, this has been put on hold until the Department makes a decision on what is happening with the West End.

With the accusation of breaches made to the Department against a number of Councillors, by the Mayor, can you please advise how many been upheld? Can we please have a copy of the decisions for learning purposes on the matters which the Mayor has been concerned about?

The Mayor advised that once a breach is submitted to the Department, the Department then liaises with both the applicant and respondent to the breach. Information would be shared with the Councillors against whom breaches had been lodged against. Currently a number of breaches are under investigation by the Department. The Mayor advised the *Local Government Act 1995* outlines the breach process. The Mayor advised he had not lodged a breach in the last three weeks.

Has the Mayor or Chief Executive Officer been involved in discussions on the status of the waterfront precinct? If so, with who and can we have a copy of the minutes to those meetings?

The Mayor advised all information from discussions has been submitted to Council, and further stated that he had sent emails to Councillors following discussions with the Minister from the Department of Development. The Mayor advised that this morning there had been a discussion with a local member regarding the marina proposal, and as such, there were no minutes taken. This proposal is getting support from a number of Ministers, so there is a push for this project to go forward.

Does the Mayor have an affiliation or association with Minderoo Foundation? Did they contribute to the Mayor's election campaign from May 2017?

The Mayor advised that he has had discussions on a number of occasions with the Minderoo Foundation in regards to antisocial issues in Port Hedland over the past eighteen months. The Minderoo Foundation has never offered or paid for anything related to the Mayor nor has any other person given the Mayor any funds for anything. The Mayor advised that Councillors have an obligation to submit all such interests to the Chief Executive Officer. Funds received for elections purposes or any other purpose related to Council is then made available to the public.

What financial input has Roy Hill (Gina Rinehart) put in towards the town and the community of Port Hedland? If so, how much was received and which areas were the funds put in to?

The Mayor took this question on notice.

In the West Australian on 21 March 2018, there was an article asking for tenders for the Kingsford Smith Business Park, signed by the Chief Executive Officer. Was this issue discussed with the Council prior to the advert? And if not, why not? The tender was number 2018/08 for the marketing and sale of land parcels of Kingsford Smith Business Park.

The Mayor advised the tender is for the role of the real estate agent in the selling of the land available at Kingsford Smith Business Park.

The Chief Executive Officer confirmed and advised he has a Council resolution to exercise discretion to tender out and sign the sale of land contracts that fall within the valuation parameters.

The Mayor advised the Councillors can ask the administration for clarification of any matter at any time, including tenders.

The Chief Executive Officer advised that the Town will provide Councillors with an update on sales at Kingsford Smith Business Park, including what properties have been sold at which price.

7.3 Councillor Pitt

Why did the Minderoo Foundation offer to reimburse Alfred Barker's expenses and why did the Town of Port Hedland accept the reimbursement from Minderoo in regards to travel to Canberra in support of the Cashless welfare card?

The Mayor advised that this question would need to be redirected and asked from the Minderoo Foundation. Minderoo Foundation offered to pay for Alfred Barker and Sally Mack's flights, which has previously been disclosed to Council and if the Minderoo Foundation chose to pay for the travel, then that meant that ratepayers did not have to pay.

Item 8 Announcements by Presiding Member without Discussion

Mayor's Meetings for the month of February 2018.

Date	Meeting
2/02/2018	Meeting with Pilbara Regiment
3/02/2018	Open day at the Toy Library
08/02/2018	RCAWA Teleconference
08/02/2018	Hedland High School Board Meeting
09/02/2018	Hedland High School year 7's and parents BBQ
13/02/2018	Meeting with Transalta
16/02/2018	Meeting with Regional Executive Director for Pilbara Education Region
16/02/2018	Meeting with YIC
16/02/2018	Meeting with Minister MacTiernan
16/02/2018	Meeting with BBI Group
19/02/2018	Meeting with Foundation Housing
21/02/2018	WA Country Health Service Board Meeting
22/02/2018	PRC Ordinary Council Meeting
22/02/2018	Meeting with CME
23/02/2018	Meeting with BHP
26/02/2018	Cruise Ship Arrival
26/02/2018	Hedland Community Safety Advisory Forum
26/02/2018	Meeting with Kevin Michele
26/02/2018	Meeting re Motorsport in the Northwest
28/02/2018	Red FM Broadcast re Living in Hedland

The State Government recently released a report into the Wanangkura Stadium, this was not a glowing reflection on the processes undertaken by our Council throughout that and many other developments. We have dramatically improved our capabilities and practices of the Town over the last 15 months to ensure any future developments are 'documented, planned and constructed' effectively and within the allocated budget.

We will continue to improve our processes and engagement with the community, stakeholders and government to ensure future developments like the Spoilbank boating facilities and foreshore development are affordable and fit for the community's purposes.

Over 18 months ago, we started looking seriously into reducing community dysfunction. It became clear in a very short time that all the services provided in Hedland, were not really known about by both the people providing the services and the community so we started working on a comprehensive contact list.

Today we launched our new Hedland Community Directory, both in hard copies and electronically. The focus of the first edition was to create a quick and easy contact list that puts the community in contact with all of Hedland's essential government agencies, community services and not-for-profits organisations, that are funded to help community members in need. We were able to put together over 200 key contact numbers and email addresses for the Port Hedland Area. This was a joint project between the community, Town of Port Hedland, Regional Development Australia and WA Primary Health Alliance.

This is the first edition of the Hedland Community Directory and will be updated each year. We also need your help, if we have missed your group or agency, please make contact with myself, Councillors or the Town because the electronic edition can be updated relatively quickly. This will ensure the hard copies are updated when we reprint the directory each year. Anyone can get a free copy of the directory at our libraries and the civic centre.

The Town Jetty on Richardson Street is going to be out of commission for about 8 weeks starting 9 April. The repairs should be completed before the tourist season starts, by the end of May. The Port Authority is doing a much-needed maintenance program to the structure and taking the opportunity to include some minor upgrades. The structure was heavily used in its early days from some large vessels and is now being repaired and brought up to modern Australian Standards for a public facility, including wheelchair access. The upgrades include a better walkway, lighting, kick-plates and hand railing. It will be an inconvenience for short period but we will end up with a better compliant structure.

There is a renewed push to implement an alcohol reduction strategy that targets problem drinkers across the Pilbara. It is no secret that there has been a fierce opposition to my drive to implement the TAM's system and the cashless welfare card, by sectors of the community. Council has taken a position not supporting the Cashless Debit Card and not supporting the police in the section 64 application or TAM's system. What I'm suggesting now is each Councillor put their strategies forward for discussion in a bid to reduce the generational dysfunction created by substance abuse.

I would like each Council member to present their solutions and support towards initiatives, at the Hedland Community Safety Advisory Forum on the 30th April. This is in line with a resolution at the Special Meeting of Council on 27 February 2017 (CM201617/158), agenda item 8.1.1, resolution number 3 which stated for local leaders to put forward their long term solutions to address all aspects of current anti-social and domestic violence behaviours. I would like to know if that is feasible by the next Hedland Community Safety Forum, or if you cannot make that, then next month's Ordinary Meeting of Council? Can I get an indication if you're happy to do that?

The following Elected Members advised that they would not make a submission:

- Deputy Mayor Louise Newbery
- Councillor Richard Whitwell
- Councillor George Daccache
- Councillor Tricia Hebbard
- Councillor Telona Pitt

The following Elected Members advised that they would like to make a submission:

- Councillor Peter Carter
- Councillor Warren McDonogh

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:

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

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 28 February 2018**CM201718/168 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR PITT****SECONDED: CR MCDONOGH**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 28 February 2018 are a true and correct record.

CARRIED 8/0*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 Quarterly Status of Council Decisions (File No. 13/06/0001)**

Author	Governance Support 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.

CM201718/169 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR WHITWELL****That Council receive the 'Status of Council Decisions' as per attachment 1.*****CARRIED 8/0***

PURPOSE

This report is to inform Council of actions undertaken in relation to decisions of Council which have not been fully completed. This report is for information purposes.

DETAIL

The 'Status of Council Decisions' (SOCD) spreadsheet is an important administrative tool used by the Town to monitor all decisions of Council. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting has been published, the minute taker uploads each decision of Council on the spreadsheet and allocates it to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers online.

Moving forward, the SOCD spreadsheet is to be presented on a quarterly basis for Council and the community to note the progress and status of decisions which have not been fully enacted.

The following list shows the months each year in which this quarterly report will be presented to Council moving forward:

- March
- June
- September
- December

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The SOCD spreadsheet is for information purposes only.

CONSULTATION

Internal

All officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

There has been no external or community consultation in regards to this internal document.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation to this item.

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 low (1) in terms of reputational impact. This rating is determined as an insignificant (1) consequence and a likelihood of rare (1).

OPTIONS

There are no alternative options in relation to this item, as it is for Council to receive.

CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of Council. This quarterly report is to inform Council of the status of decisions that have not been completed, or are of an ongoing nature.

ATTACHMENTS

1. Status of Council Decisions Spreadsheet as at 16 March 2018 (Under separate cover)

11.1.2 Draft 2018-2028 Strategic Community Plan (File No. 02/09/0015)

Author	Corporate Planner
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.

CM201718/170 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR DACCACHE****That Council:**

- 1. Approve the attached Draft Strategic Community Plan being advertised for public comment for the month of April 2018;**
- 2. Note that following the above consultation period a final version will be presented to Council for endorsement.**

CARRIED 8/0**PURPOSE**

The Town has undertaken extensive community consultation to gain input from the community to develop the Community Strategic Plan (SCP). The document will provide a long-term direction for the Town.

The SCP will also be the lead document that will guide the Corporate Business Plan (CBP) and the Operational Plan where the actions and services to meet the outcomes in the SCP are outlined.

The purpose of this report is to inform Council that the draft content in the attached SCP will be open for public comment, before being reported to Council for final endorsement.

DETAIL

Every local government is required to develop a Strategic Community Plan (SCP) that outlines the community's vision, aspiration and priorities for the next 10 years to comply with the Integrated Planning and Reporting Framework and Guidelines of the Government of Western Australia (IPRFG). The Town previously developed an SCP in 2012, with a minor review undertaken in 2014.

Following the spirit of the IPRFG the Town decided to conduct a major review of its SCP to coincide with the 2017 local government elections, allowing 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 Town services and facilities.

At the 28 February 2018 Ordinary Council Meeting a report on the conclusion of the Strategic Community Plan Data Gathering Consultation Phase was presented, where Council noted that the **“Live it tell it”** consultation process for the Strategic Community Plan 2018-2028 was complete and further noted that staff will proceed with the development of the Strategic Community Plan.

Between 30 October and 4 December 2017, Town Officers and Elected Members engaged the community through a program called **Live it tell it**, providing the whole community including long term residents, stakeholder and special interest groups, the opportunity to be involved with the consultation. The analysis of the information gathered through **Live it tell it** will be used to guide the direction of the Strategic Community Plan 2018-2028.

The public will be informed through Facebook and the Town’s website that hard copies of the draft SCP will be made available at the Town’s two libraries, the Civic Centre reception and online for their perusal and feedback. Feedback will be encouraged for the month of April, with a public workshop to be held in South Hedland and Port Hedland to outline the SCP with the community.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, the Strategic Community Plan is an important document in local government, because it is the key document from which operational plans and actions are derived.

CONSULTATION

The overall consultation process undertaken for the SCP was endorsed by the Chief Executive Officer, Executive Leadership Team, Manager of Marketing and Communications and the Town’s Community Engagement Team (CET). Workshops were also held with Elected Members.

External agencies and the community will have the opportunity to provide feedback on the draft SCP, during the consultation phase. As part of the data-gathering process, extensive consultation was undertaken across Port Hedland, South Hedland and Wedgefield. Pop-ups in the shopping centres, coffee vans, Yacht Club, Sports group’s events, Town facilities, mothers’ groups and other community and organisations initiatives allowed the Town to reach all different sorts of community groups and the broad population. The Town consulted FIFO workers by visiting mining camps and facilities, and through an intensive week of consultation at the airport.

The community will also have the opportunity to provide feedback on the draft SCP over the month of April.

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.

The *Local Government (Administration) Regulations 1996* 19C (planning) and 19D (notice of adoption) do not directly relate to this section of community engagement process, but it is deemed prudent to seek feedback from the community at each stage, prior to the document progressing through to final adoption.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

4.2 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

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 low for this component of the SCP.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation and request that the draft SCP be changed, noting that this will delay the development of the Strategic Community Plan 2018 – 2028.

CONCLUSION

With the consultation phase now completed, it is important for the Strategic Community Plan to be developed, so that the data can be turned into strategies and actions. The SCP is the key overarching document required to guide the Town over the next 10 years. It is important that the document is finalised, so that key stakeholders and partners can work with the Town to achieve its strategic Vision.

ATTACHMENTS

1. Draft Community Strategic Plan (Under Separate Cover)

11.1.3 Statement of Financial Activity for the Period Ended 31 January 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.

CM201718/171 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR HEBBARD

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

CARRIED 8/0

PURPOSE

This report presents the Statement of Financial Activity for the period ended 31 January 2018.

Supplementary information has 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 January 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 January 2018 is \$18.64M. The net Municipal balance (after matured investments and restricted reserves taken into account) as at 31 January 2018 is 6.6M.

	2017/18 Actuals
Current Assets: Cash and Investments	239.7M
Restricted Cash – Reserves	233.0M
Unrestricted Cash Position as at 31 January 2018	6.6M

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.

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.

Reserves:

Ensure compliance will section 6.11 of the LG Act when reserve accounts are utilised.

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:

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 January 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 January 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 January 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 January 2018, the net current asset position is \$18.6M compared to the current budgeted closing position for 30 June 2018 being \$484K.

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 the period ended 31 January 2018

MONTHLY FINANCIAL HEALTH CHECK



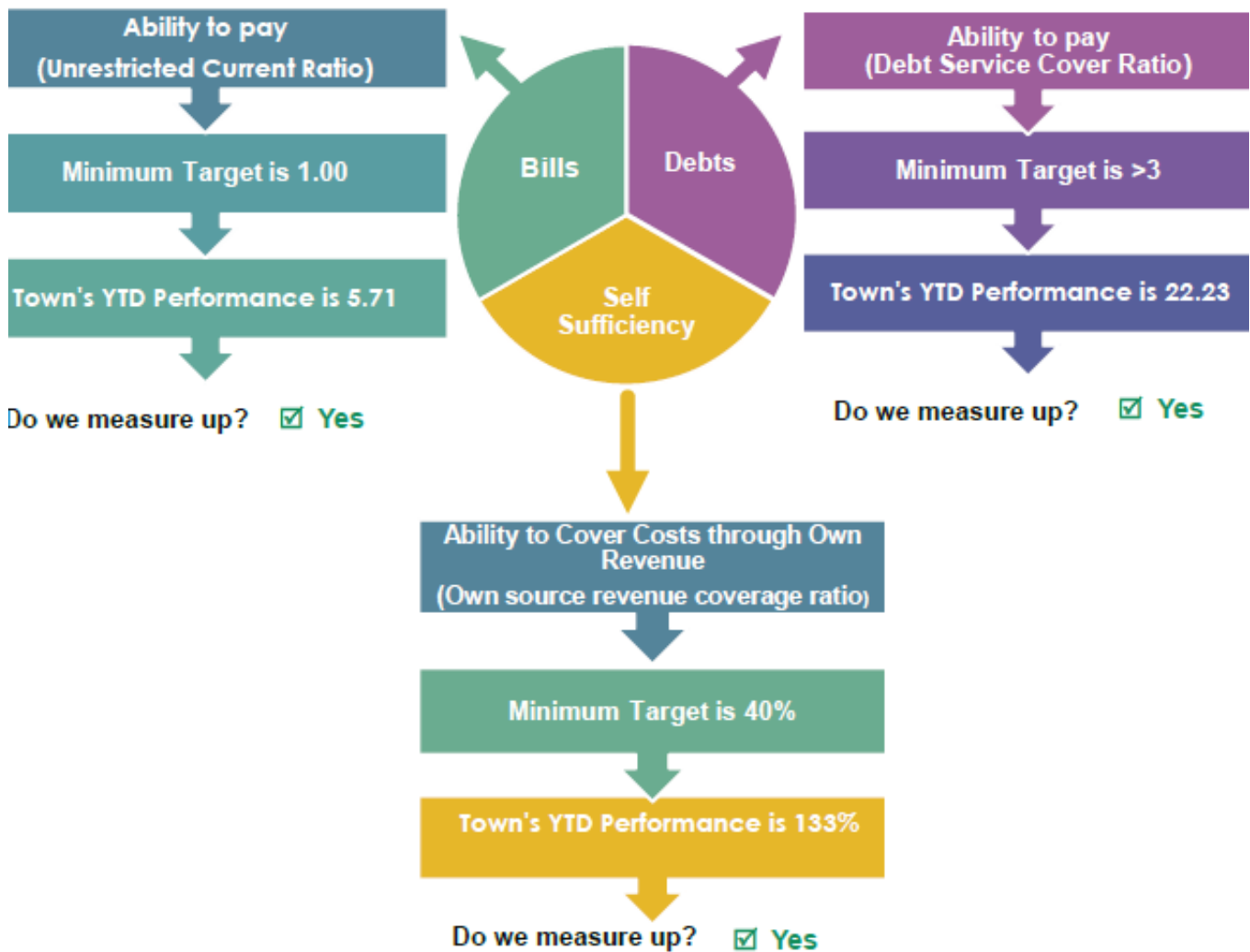
As at 31 January 2018

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



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$37,922
Operating Expenditure (Including Non-Cash Items)	(\$26,544)
Non-Cash Items	\$5,534
Capital Revenue	\$1,586
Capital Expenditure	(\$9,778)
Loan Repayments	(\$617)
Transfers to/from Reserves	\$6,411
Updated Surplus Brought Forward 1 July 2017	\$4,125
Current Municipal Surplus Position at 31 January 2018	\$18,640
Current Budget Municipal Surplus Position at 30 June 2018	\$484

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.

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

Minimum Target is 1%

Town's YTD Performance is 32%

Do we meet the target? Yes

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.

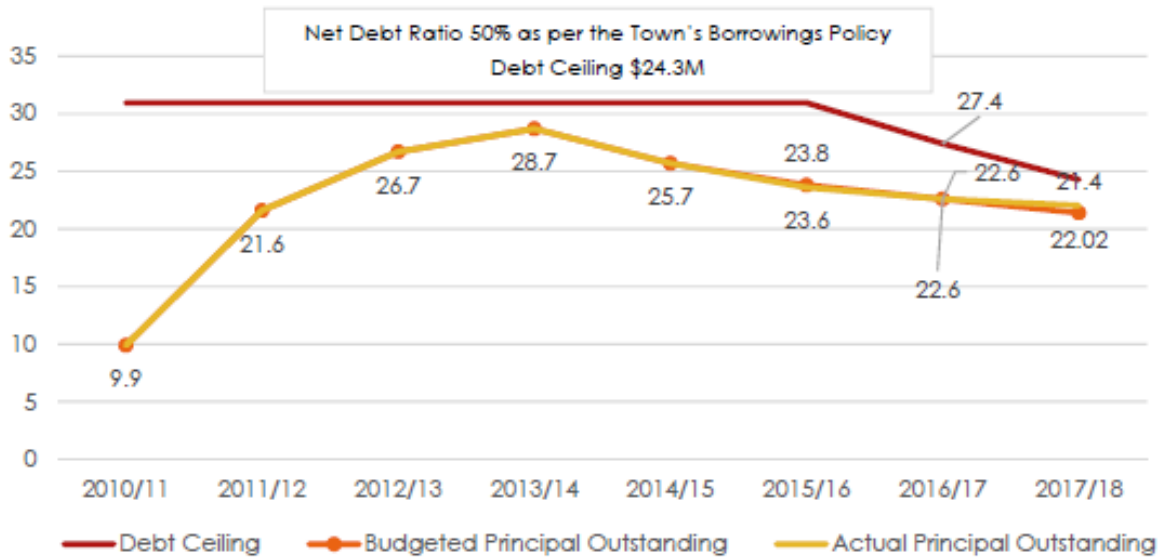
Minimum Target is 90%

Town's YTD Performance is 55%

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 = 63%
 Total Actual Principal Amount Outstanding 31 January 2018 = \$22.02M
 Debt Ceiling 50% pursuant to Policy ($\$54.8M \times 50\%$) = \$24.3M

Intergenerational Loans

Loan Purpose	Principal Amount Outstanding	Remaining Term
1. Marquee Park	\$4.50M	14/15 years
2. JD Hardie Upgrade	\$2.51M	14/16 years
3. Wanangkura Stadium	\$8.56M	15/16 years
4. GP Housing	\$1.30M	16 years

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

ATTACHMENT 5 TO ITEM 11.1.3

TOWN OF PORT HEDLAND

Summary of Credit Card Statements for the Month of January 2018

Attachment 5

Account Name	Account Number	Debit Balance (\$)
Town of Port Hedland	xxxx-xxxx-xxxx-4300	9,978.54
Town of Port Hedland	xxxx-xxxx-xxxx-8364	1,740.26
Town of Port Hedland	xxxx-xxxx-xxxx-3111	795.30
Town of Port Hedland	xxxx-xxxx-xxxx-6321	2,449.32
Town of Port Hedland	xxxx-xxxx-xxxx-2287	1,497.34
Town of Port Hedland	xxxx-xxxx-xxxx-1669	327.56
Town of Port Hedland	xxxx-xxxx-xxxx-9507	-
TOTAL		16,788.32

At the Town of Port Hedland, the Council's Corporate and Performance Directorate and Finance Team have an overriding objective of providing quality corporate governance; accountability; transparency and compliance and welcome any questions or queries on the credit card statements from not just Elected Members, but the public in general.

Transaction History Report (Continued)

Account details	Account balance summary	
Account name TOWN OF PORT HEDLAND	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-4300	Total credits:	0.00 CR
Currency AUD	Total debits:	9,978.54 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2018
	Date to:	31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
09/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		435.30 DR		
09/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		435.30 DR		
09/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		688.40 DR		1,559.00 DR
16/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7958229392277SPRING HILL		25.17 DR		
16/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952144433708SPRING HILL		1,935.95 DR		1,961.12 DR
18/01/2018	CREDIT CARD PURCHASE Four Points Sheraton Perth		163.78 DR		163.78 DR
22/01/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		18.48 DR		
22/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		688.40 DR		706.88 DR
23/01/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		125.13 DR		
23/01/2018	CREDIT CARD PURCHASE TRADE CAR TRANSPORT MOLENDINAR		2,232.10 DR		2,357.23 DR
24/01/2018	CREDIT CARD PURCHASE RAIKAS CAFE PTY LTD PORT HEDLAND		36.00 DR		36.00 DR
25/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7958229543331SPRING HILL		7.22 DR		
25/01/2018	CREDIT CARD PURCHASE WWW.ISTOCK.COM 866- 478-6251		14.30 DR		
25/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952144701247SPRING HILL		555.01 DR		
25/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,097.40 DR		1,673.93 DR
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		760.30 DR		
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		760.30 DR		1,520.60 DR



NAB Connect

Transaction History Report

Account details

Account name
TOWN OF PORT HEDLAND
Account number
XXXX-XXXX-XXXX-8364
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 399.00 CR
Total debits: 1,740.26 DR
Closing balance: 0.00 CR
Date from: 01 January 2018
Date to: 31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
02/01/2018	CREDIT CARD PURCHASE FACEBK *EHXXDEA5Y2 fb.me/ads		4.02 DR		
02/01/2018	CREDIT CARD PURCHASE FACEBK *2HXXDEA5Y2 fb.me/ads		209.79 DR		213.81 DR
03/01/2018	CREDIT CARD PURCHASE Como Medical Clinic Como		80.00 DR		80.00 DR
05/01/2018	CREDIT CARD PURCHASE HASTINGS NOMINEES PTY SCARBOROUGH		82.00 DR		82.00 DR
08/01/2018	CREDIT CARD REFUND WORDPRESS 1UERPX9H36 8772733049 CA			399.00 CR	
08/01/2018	CREDIT CARD PURCHASE WIX.COM*175067852 800- 6000949 NY		191.50 DR		207.50 CR
09/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7958229290331SPRING HILL		5.97 DR		
09/01/2018	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY MAILCHIMP.COMGA		64.48 DR		
09/01/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952144258422SPRING HILL		459.00 DR		529.45 DR
11/01/2018	CREDIT CARD PURCHASE SONIC HEALTHPLUS PTY BRISBANE AIRP		82.50 DR		
11/01/2018	CREDIT CARD PURCHASE PAYPAL *AI 4029357733		374.00 DR		456.50 DR
15/01/2018	CREDIT CARD PURCHASE SONIC HEALTHPLUS PTY WEST PERTH		187.00 DR		187.00 DR

Transaction History Report (Continued)Account detailsAccount balance summary

Account name TOWN OF PORT HEDLAND	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-3111	Total credits:	0.00 CR
Currency AUD	Total debits:	795.30 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2018
	Date to:	31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
24/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		760.30 DR		760.30 DR
29/01/2018	FEE ANNUAL FEE		35.00 DR		35.00 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name TOWN OF PORT HEDLAND	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-6321	Total credits:	0.00 CR
Currency AUD	Total debits:	2,449.32 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2018
	Date to:	31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
08/01/2018	CREDIT CARD PURCHASE Dropbox XXLH3XBPM41H db.tt/cchelp		102.00 DR		102.00 DR
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		35.00 DR		
29/01/2018	CREDIT CARD PURCHASE IP AUSTRALIA PHILLIP		250.00 DR		
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		344.20 DR		
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		760.30 DR		
29/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		820.00 DR		2,209.50 DR
31/01/2018	CREDIT CARD PURCHASE WWW.ISTOCK.COM 866- 478-6251		39.60 DR		
31/01/2018	CREDIT CARD PURCHASE LEXISNEXIS CHATSWOOD		98.22 DR		137.82 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name TOWN OF PORT HEDLAND	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-2287	Total credits:	0.00 CR
Currency AUD	Total debits:	1,497.34 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2018
	Date to:	31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
19/01/2018	CREDIT CARD PURCHASE PUMA SOUTH HEDLAND STH HEDLAND		46.94 DR		
19/01/2018	CREDIT CARD PURCHASE KMART 1103 SOUTH HEDLAND		55.00 DR		
19/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		372.00 DR		
19/01/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		688.40 DR		1,162.34 DR
30/01/2018	CREDIT CARD PURCHASE THOROGOOD BOOTS FITZROY		335.00 DR		335.00 DR



NAB Connect

Transaction History Report

Account details

Account name
TOWN OF PORT HEDLAND
Account number
XXXX-XXXX-XXXX-1669
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 327.56 DR
Closing balance: 0.00 CR
Date from: 01 January 2018
Date to: 31 January 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
29/01/2018	FEE ANNUAL FEE		35.00 DR		
29/01/2018	CREDIT CARD PURCHASE THE CO-OP CURTIN UNIVERSIBENTLEY		292.56 DR		327.56 DR

Transaction History Report (Continued)

Account details

Account name
TOWN OF PORT HEDLAND
Account number
XXXX-XXXX-XXXX-9507
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 0.00 DR
Closing balance: 0.00 CR

Date from: 01 January 2018
Date to: 31 January 2018

Transaction details

No transactions found.

11.2 Development, Sustainability and Lifestyle

11.2.1 Revised Policy 15/003 'Organisational Policy for Closed Circuit Television (CCTV) Operations' (File No. 03/08/0004)

Author	Community Safety Advisor
Authorising Officer	Chief Executive Officer
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201718/172 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR PITT

That Council adopt revised policy 15/003 'Organisational Policy for CCTV Operations' as per attachment 1.

CARRIED 8/0

PURPOSE

The objective of this report is to revise the previous policy adopted by Council on the 26 September 2012 and update relevant information pertaining to this policy to reflect current guidelines and practice. The Closed Circuit Television (CCTV) policy provides guidance on operation, management and reporting protocols for CCTV leased, owned, controlled or managed by the Town of Port Hedland (referred to as the 'Town' in this report). Additionally the revision of this policy is to ensure the Town is up to date with current legislative requirements and is exercising best ethical practice for the Port Hedland community.

DETAIL

In 2009, the Town of Port Hedland, in conjunction with BHP Billiton and the Office of Crime Prevention embarked on a project to roll out Closed Circuit Television (CCTV) Surveillance in the Town's local government jurisdiction. The aim of implementing the CCTV system was to improve the safety of the Port Hedland community and to deter offences against property. The original CCTV system proposal aimed to attain an appropriate balance between personal privacy of individuals utilising the Town's infrastructure and public buildings with the objective of recording incidents of alleged criminal or unwanted behaviour.

In 2012 at the Ordinary Council meeting on the 26 September, Council adopted the Town's first CCTV Policy which outlined a number of statements that identified internal procedures on best practice of maintaining, reviewing and accessing CCTV footage. Since 2011 both an expansion to CCTV coverage and infrastructure and changes to legislation have occurred, which is currently not reflected in the previous policy. Please find the updated and proposed CCTV policy as attachment one (1) to this report. Surveillance technologies have been playing an increasingly important role in crime prevention and detection, particularly with cost effective improvements in resolution and mobility. These changes have resulted in the Town investing in wider CCTV coverage of the Hedland community and upgrading CCTV infrastructure.

CCTV varies greatly in its application from basic schemes, involving a handful of cameras without any ongoing monitoring, to complex integrated networks that can feature automatic zoom, night vision, facial recognition, thermal imaging, automatic number plate recognition, tracking devices, and 'talking' cameras. (Taylor and Gill 2014). The Town, in conjunction with the South Hedland Police Station (referred to as WA Police in this report) signed a Memorandum of Understanding (MOU) in 2016 which outlines the roles and responsibilities of WA Police in relation to the monitoring, usage and dissemination of CCTV footage at the South Hedland Police Station. The WA Police's mandate for CCTV as outlined in the MOU is to contribute to improving community safety, security and public amenity, counter terrorism and emergency services operations. Please note that the MOU is a statement of understanding and is not intended to create binding or legal obligations on any Party. Please find the MOU between the WA Police and the Town as attachment two (2) of this report.

The Town currently has 120 CCTV monitors in public facilities and spaces with an expectation to increase coverage in the near future pending grant outcome and budget adoptions. The current CCTV provisions with WA Police provides them with access to the Town's CCTV coverage in which they can stream footage, change the camera angles and record footage to critical incidents. The Town currently has unattended monitoring of the CCTV network and is only accessed if requested by external parties or ongoing maintenance of infrastructure. WA Police do not have access to Marquee Park, Wanangkura Stadium and Gratwick Aquatic Centre as they are managed on site and not linked into the existing CCTV network. The Town is able to provide this footage if requested by WA Police for investigation purposes as outlined in their MOU and our updated internal operating policy. This is currently being reviewed by the Town's IT department as there are financial implications which need to be considered in future budget allocations.

The 2017 Safer Hedland Community Safety Survey identified that out of the 386 respondents, more than 70% identified the need for improved lighting and CCTV coverage in public spaces to improve their perception of safety in the community. It must be noted that CCTV and lighting does not fix the multi-faceted social issues contributing to crime but it can act as a deterrent in known 'hot spots' of criminal activity due to the presence of surveillance infrastructure. Furthermore, the Town is in the process of updating its Community Safety and Crime Prevention Plan which is governed under five strategic goals listed below:

- To support families, children and young people
- To empower communities and regenerating neighbourhoods
- To identify and tackle priority offences in Port Hedland
- To reduce repeat offending; and
- To design out crime using technology.

(Community Safety and Crime Prevention Manual 2009)

CCTV initiatives will be identified in this plan, as outlined in goal number five (5), as per the consultation process. The Town is currently awaiting a response to a grant application submitted to the federal government on 14 November 2017 aiming to boost efforts to address crime and anti-social behaviour and protect organisations that may be facing security risks associated with racial and religious intolerance. Part of the grants process was to consult with the WA Police, taxi services and local businesses to identify black spots in which high volumes of crime occur with limited to no CCTV coverage.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of the perceived impact it will have on the community.

CONSULTATION

Internal

- Manager Technology- December 2017
- Manager Environmental Health and Community Safety- December 2017

External Agencies

South Hedland Police Station- 19 October 2017

The author and Manager of Depot Operation visited the South Hedland Police Station to identify policing black spots in which there is no CCTV coverage. This information was sourced for the purpose of the Safer Communities Grant application.

Community

The Town will send a media release to the community once adopted by Council.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation and policies are applicable to this agenda item:

Town of Port Hedland

- Code of Conduct

State Government

- Western Australian State CCTV Strategy
- Criminal Investigation Act 2006
- Occupational Health and Safety Act 1984
- Security and Related Activities (Control) Act (WA) 1996
- Local Government Act 1995
- Surveillance Devices Act (WA) 1998

Commonwealth Government

- Privacy Act 1988
- Freedom of Information Act 1982
- Australian Closed Circuit Television Guidelines
- Equal Opportunity Act 1984
- Human Rights and Equal Opportunity Commission Act 1986
- Telecommunications (Interception and Access) Act 1979

Most existing CCTV documentation, including Western Australia Government publications, nearly always have an inclusion or reference to one or more Australian Standards. If an Australian Standard is not specifically referenced in the act or regulations, it usually means that compliance with the Australian Standard is not mandatory. The term 'recommended' is often used to help encourage adherence to better quality and standards but this is discretionary, not compulsory.

FINANCIAL AND RESOURCES IMPLICATIONS

No financial implications will be accosted for if this policy is adopted by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.1 A unified community across our townships

- Provide safe and accessible community facilities, services, events and open spaces that connect people and neighbours.

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
- Work with key agencies and our community representatives to reduce antisocial behaviour and improve community safety.

4.2 Engage our community and stakeholders

- Promote a positive representation of our community and the 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 (3) The Town's reputation of this policy can be detrimental if the policy is not practiced legally within the guidelines of which this policy is governed but remains a Low (3) as per risk assessment conducted by the author.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 – Undertake Further Consultation

- Request the Author to further consult the community of the CCTV Policy and amend where required.
- Request the Authorising officer to table the revised policy two months after the initial Ordinary Council Meeting.

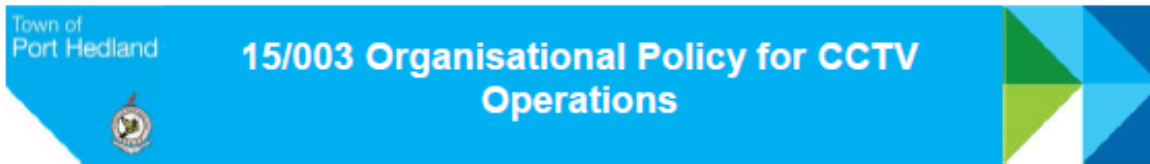
Option 3 – Do not adopt Officers Recommendation

CONCLUSION

The Town is committed to community safety and identifies the role of CCTV within the Port Hedland region. The revision of the CCTV Policy aims to ensure that the Town acknowledges and practices current legislation that guides best practice of the use, monitoring and dissemination of CCTV material. The proposed CCTV policy informs the Port Hedland community that the Town practices within these guidelines to ensure transparency, accountability and best ethical practice.

ATTACHMENTS

1. Revised Policy 15/003 'Organisational Policy for CCTV Operations'
2. Current Policy 15/003 'Organisational Policy for CCTV Operations'
2. Memorandum of Understanding WAPOL (Under separate cover)



1. Objective

The Town is committed to community safety and identifies the role CCTV has within the Port Hedland community. The revision of the CCTV Policy is to ensure the Town acknowledges and practices up to date legislation that guides best practice of use, monitoring and dissemination of CCTV material. The proposed CCTV policy informs the Port Hedland community that the Town practices within these guidelines to ensure transparency, accountability and best ethical practice.

2. Introduction

This policy document provides guidance on operation, management and reporting protocols for Closed Circuit Television (CCTV) leased, owned, controlled or managed by the Town of Port Hedland.

- Within, on or around the Town facilities
- In public places and open spaces within the Town of Port Hedland.
- On roads, access-ways and carparks within the Town of Port Hedland.

CCTV Policy was previously adopted at the Ordinary Council Meeting 26 September 2012.

3. Principles & Purpose

The Town of Port Hedland conducts CCTV operations in order to:

- Assist in detecting, deterring and responding to criminal offences occurring against people and or property within the Town of Port Hedland.
- Provide quality recorded evidence to support investigations and prosecutions by Town of Port Hedland Ranger Services, promote the relationship with WA Police in relation to offences committed within the Town.
- To address the community safety and crime prevention concerns of residents, business proprietors, visitors and workers within the Town of Port Hedland.

Due to public concern surrounding a surveillance society, the use of CCTV surveillance must be consistent with respect for individuals' privacy. Other methods of achieving the objectives of a CCTV surveillance system will therefore be considered before installation of any CCTV camera in the Town of Port Hedland jurisdiction.

3.1 Camera Locations

The Town of Port Hedland currently has 120 camera's installed in Port and South Hedland. Please find the list of CCTV camera's below:



15/003 Organisational Policy for CCTV Operations



3.1.1 TOPH Public Facilities CCTV

Location	Number of Camera's	Total Days Recording
Gratwick Pools	5	8
Landfill	7	30 days minimum
Civic Centre	8	30 days minimum
Marquee Park	21	60 days
Wanangkura Stadium	44	24 days
Towns CCTV [South + Port + Wedgefield]	35	46 days

3.1.2 Public Spaces CCTV Location

Location Description	Coordinates (GDA94 Lat/Long)
South Hedland	
Koombana Street and Park	
1 Koombana Avenue and Captains Way Corner of	-20.415144, 118.609035
2 Koombana Avenue and Daylesford Corner of	-20.416461, 118.602777
3 Captains Way and Steamer Avenue Corner of	-20.419827, 118.609453
4 Captains Way and Steamer Avenue Corner of	-20.419827, 118.609453
South Hedland Shopping Centre CBD	
5 Thossell Road and Wise Terrace Corner of	-20.409686, 118.601741
6 Thossell Road and Wise Terrace Corner of	-20.409686, 118.601741
7 Thossell Road and Wise Terrace Corner of	-20.409686, 118.601741
8 Thossell Road and Wise Terrace Corner of	-20.409686, 118.601741
9 Leake Street and McLarty Bvd Corner of	-20.411503, 118.602034
10 Leake Street and McLarty Bvd Corner of	-20.411503, 118.602034
11 Leake Street and McLarty Bvd Corner of	-20.411503, 118.602034
South Hedland Residential	
12 Acacia Way Cul-de-sac	-20.407733, 118.607814
13 Acacia Way and Banksia Road Corner of	-20.410195, 118.610296
14 Brodie Crescent	-20.400707, 118.609429
15 Cone Place	-20.402992, 118.611791



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16	Cottier Drive and Kennedy Street Round-a-bout	-20.406012, 118.605423
17	Godrick Place Cul-de-sac	-20.407536, 118.601884
18	Gregory Street and Byass Street Corner of	-20.412780, 118.605552
19	Limpett Crescent and Stronds Way Corner of	-20.405439, 118.610774
20	Paton Road and Cottier Drive Corner of	-20.400629, 118.614770
21	Somerset Crescent and Godrick Place Corner of	-20.405693, 118.601439
22	Brodie Crescent Shay Gap Park	-20.396361, 118.607150
23	Steamer Avenue and Daylesford Road Corner of	-20.421211, 118.604399
24	Weaver Place and Ahtow Way Corner Way	-20.402866, 118.602994
Port Hedland		
25	Anderson Street and The Esplanade Corner of	-20.313945, 118.576002
26	Richardson Street and Richardson Street Corner of	-20.311470, 118.575112
27	Thompson Street and Athol Street Round-a-bout	-20.304979, 118.624206
28	Anderson Street and Wedge Street Corner of	-20.313095, 118.577046
29	Richardson Street Boat Ramp	-20.309545, 118.578136
30	Richardson Street Boat Ramp	-20.309545, 118.578136
Wedgefield		
31	Cajarina Road and Harwell Way Corner of	-20.379673, 118.595102
32	Pinga Street and Hematite Drive Corner of	-20.376494, 118.595734
33	Steel Loop	-20.381035, 118.594098
34	Tailings Elbow	-20.377936, 118.599378
35	Phosphorusand Street	-20.378715, 118.602003

Please note: the Town is investigating surveillance options for Ranger's car fleet.

3.2 Signage

The Town of Port Hedland will install prominent and appropriate signage to be displayed in the general location of the camera coverage advising of the presence of the CCTV cameras. This will be assessed annually by a delegated officer.

3.3 Requests for stored and or recorded information.

CCTV footage may be disclosed for the purposes of criminal law enforcement and in some civil legal proceedings. In that regard, a request for stored or recorded information may be made:

- By the WA Police in accordance with clause 3.4 of this Policy;
- By another government agency for the purposes of law enforcement, in accordance with the *Policy Framework and Standards for the Information Sharing Between Government Agencies*; and



15/003 Organisational Policy for CCTV Operations



- Pursuant to a summons, subpoena or other court order.

Any other request for stored or recorded information must be made by way of a formal application under the *Freedom of Information Act 1992* ('FOI Act'). CCTV Footage will only be disclosed where the requirements of the FOI Act have been satisfied. Relevantly, image of another person in CCTV footage constitutes 'personal information' under the FOI Act. Personal information cannot be disclosed to the public, unless an exemption in the FOI Act is demonstrated to apply.

CCTV recordings are available for thirty (30) days as per state CCTV Strategy guidelines.

3.4 *Partnering Arrangements Western Australia Police*

Members of Western Australia Police (South Hedland Police Station) have access to live monitoring and have the ability to record and download recorded material from the Town of Port Hedland CCTV network.

The monitoring of, recording, downloading and use of recorded material by WA Police is conducted in accordance with a signed Memorandum of Understanding (MOU) between WA Police and Town of Port Hedland.

These partnering arrangements are in accordance with the State CCTV Strategy and Western Australia Closed Circuit Television (CCTV) Guidelines.

3.5 *Complaints Handling*

Any complaints regarding the Town of Port Hedland CCTV operations are to be directed to the Town of Port Hedland, Chief Executive Officer in written format.

3.6 *Audit and Review*

The delegated officer will monitor compliance with these procedures and the operational effectiveness of the Town of Port Hedland's CCTV system, reporting to the Governance Team. The Town of Port Hedland CCTV Operations will be monitored and evaluated to verify compliance and effectiveness, with a report provided to Council on an annual basis.

4. **Assessment**

In determining CCTV camera location and placement in public places, the following factors will be considered:

4.1 *Camera Selection*

Areas proposed for the installation of new CCTV will be risk assessed for the public area's environmental and lighting conditions, mounting options, the type of and incidence of criminal activity, experienced or expected, the resolution of cameras and retention of recorded image rates.



15/003 Organisational Policy for CCTV Operations



The selection criteria for each camera placement and location will be documented and the effectiveness of the installation should be measurable and reviewed annually. An objective measurement is the camera's purpose, either to detect, recognise or identify, overall value to the network and the logistical requirements.

The effectiveness of the camera should directly attribute to safety, perception of safety, control of crime or assist the Town. This design base will allow documented design, commissioning, performance and monitoring of each camera and subsequently, the whole system.

The location of the cameras will be clearly apparent to the public with CCTV signage in the near vicinity of each camera.

Cameras and associated hardware and applications will be replaced or upgraded as required within budgetary restraints and after a thorough cost benefit analysis.

4.2 *Camera Risk Assessment*

Risk Management describes how the objectives of analysis are to separate acceptable risks from major risks.

Risk analysis involves the consideration of the sources of risk, their consequences and the likelihood that those consequences may occur.

The Town will recognise how the CCTV camera will influence the consequences of any particular risk event and its impact on the target area.

Financial costs, personal harm (physical and psychological), legal consequences and damage to the Towns reputation may all result from a single incident.

4.3 *Control and Operation of Cameras*

Fixed Cameras

Fixed cameras will be selected for defined fields of view which have a designated and defined purpose, either to detect, recognise or identify.

4.4 *Day and Night mode (low light capabilities) Cameras*

The operation and use of cameras will be in accordance with the Towns Code of Conduct, and the Western Australia Closed Circuit Television (CCTV) Guidelines.

Cameras will not be used to look into or monitor adjacent or nearby premises or buildings, unless it is explicitly for following (in real time) participants in a 'situation of concern', which originated in the public domain.

Any misuse is to be treated as a breach of the Towns Code of Conduct and subject to appropriate disciplinary action.



15/003 Organisational Policy for CCTV Operations



No audio will be recorded in public places. Only those authorised personnel, as documented, will have access to camera operating controls.

The Towns authorised personnel will be aware that any recordings are subject to routine audit and Freedom of Information requests. As required, personnel may be required to justify their interest in a particular member of the public or premises.

5. Roles and Responsibilities

The Town of Port Hedland, *Chief Executive Officer* is responsible for the application of authorised officer delegations in accordance to this policy.

The *Manager Technology*, is responsible for addressing any technical aspects for CCTV owned, operated, leased or managed by the Town of Port Hedland, including equipment maintenance and upgrades, access to recorded data and training requirements for Town employees.

The *Community Safety Advisor* is responsible for the reviewing and monitoring operations of the policy and administering the day to day operations of the CCTV network in accordance with the MOU with WA Police and other external parties.

6. Appendix

Best practice CCTV Operation guidelines refer to the following:

- **AS 4806.1–2006 – Closed circuit television (CCTV) – Part 1: Management and operation.**

Principles and management of the CCTV system, procedures, personnel, CCTV control room, effective response, privacy and disclosure issues, recorded material management, documentation, licences and CCTV signage.

- **AS 4806.2–2006 – Closed circuit television (CCTV) – Part 2: Application guidelines.**

Provides advice on installation, commissioning and handover, preventative maintenance, licences and signage.

- **AS 4806.3–2006 – Closed circuit television (CCTV) – Part 3: PAL signal timings and levels.**

Provides technical planning guidelines and video signal level variables for CCTV systems.

- **AS 4806.4–2008 – Closed circuit television (CCTV) – Part 4: Remote video.**

Details the requirements and recommendations for the design, installation, commissioning, operation, remote monitoring, interactive video management and remotely monitored CCTV surveillance systems.



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- **AS/NZS 1158:2005 - Lighting for Roads and Public Spaces.**
Defines Category P lighting which is applicable to roads on which the visual requirements of pedestrians are dominant, e.g. local roads and to local area traffic management devices (LATMS) installed on such roads.
- **AS 2201.1:2007** Security Installations
- **AS/ACIF S009:2008** Cabling Provider Rules
- **AS/NZS 1768:2007** Lightning protection
- **ISO 31000:2009** Risk Management (Supersedes AS/NZ 4360:2004)
- **HB 167: 2004** Security Risk Management Handbook
- **AS 2342:1992** Development, testing and implementation of information and safety symbols and symbolic signs
- **AS2416:2002** Provides examples and the display of multiple hazard signage.
- **ANZPAA's** Police Recommendations for CCTV Systems ('the ANZPAA Recommendations'), <https://www.police.wa.gov.au/Our-Community/Western-Australian-State-CCTV-Strategy>

7. Definitions

Nil

Council adoption date and resolution no.	19 October 2011 OCM (201112/166)
Date of adoption of amendment and resolution number do not delete the previous dates	26 September 2016 OCM (201213/108)
Relevant legislation	<i>Surveillance Devices Act 2004</i> <i>Freedom of Information Act 1982</i> <i>Australian Closed Circuit Television Guidelines</i> <i>Equal Opportunity Act 1984</i> <i>Human Rights and Equal Opportunity Commission Act 1986</i> <i>Criminal Investigation Act 2006</i> <i>Occupational Health and Safety Act 1984</i> <i>Surveillance Devices Act 1998</i>



15/003 Organisational Policy for CCTV Operations



	<i>Security and Related Activities (Control) Act 1996</i> <i>Security and Related Activities (Control) Regulations 1997</i> <i>Local Government Act 1995</i> Town of Port Hedland Code of Conduct
Delegated authority	N/A
Business unit	Community Safety
Directorate	Development, Sustainability and Lifestyle
Review frequency	3 Yearly

DRAFT



15/003 ORGANISATIONAL POLICY FOR CCTV OPERATIONS

The Town of Port Hedland's CCTV Organisation Policy provides for the manner in which the CCTV Operation will be operated, managed and the reporting protocols to the Town of Port Hedland's Community Safety and Crime Prevention Committee, Council and WA Police.

The CCTV Organisational Policy will ensure the operations will be conducted in accordance to the following policy statements:

1. Maintain best practice and standards with reference to the Western Australian CCTV Guidelines, available at www.crimeprevention.wa.gov.au.
2. Manage CCTV Operations in compliance with Australian Standards 4802:2006, Parts 1 – 4, and future or superseding standards.
3. Manage CCTV Operations in compliance with Commonwealth and Western Australia legislation and amendments which may affect the use of CCTV and recorded material. The relevant and primary areas of compliance are privacy laws, camera field's of view and recording parameters, data storage, access control, and freedom of information provisions
4. The CCTV System will be operated within applicable law, and for the ethical and beneficial purposes for which it is established or which are subsequently agreed in accordance with these approved policy statements.
5. The CCTV System will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.
6. The public interest in CCTV Operations will be recognised by ensuring the security and integrity of recorded material.
7. Access to designated monitoring areas will be restricted to Authorised Personnel or with authorisation from the Manager Environmental Health.
8. The Town of Port Hedland will be accountable to its Stakeholders for the effective management and control of CCTV Operations.

**15/003 ORGANISATIONAL POLICY
FOR CCTV OPERATIONS**

9. CCTV Operations will be monitored and evaluated to verify compliance and report annually to the Community Safety and Crime Prevention Committee, WA Police and the Town of Port Hedland Council on nominated key performance indicators.
10. The Town of Port Hedland will prepare an annual report in relation to CCTV Operation to the Community Safety Crime Prevention Committee.
11. The retention of, and access to any recorded material will be only for the purposes provided by the CCTV Policy Statement.
12. Recorded material will be retained for thirty one (31) days unless otherwise specified or required in relation to an approved police operation or the investigation of crime or events for court or formal review proceedings by the Town of Port Hedland. Recorded material, hard copy or electronic will then be erased, deleted or destroyed, with released material destroyed following written confirmation on the original release request.
13. Contact and exchange of information between the Town of Port Hedland and WA Police will be conducted in accordance with a signed Memorandum of Understanding.
14. Legitimate access may be allowed to live CCTV images which may be required by Town of Port Hedland staff, authorised by the CEO, to view public areas for convenient public area familiarisation or reviewing, monitoring or verifying Town of Port Hedland maintenance services and public works.
15. CCTV Operations will make all reasonable attempts to serve the interests of all who may be affected by public space surveillance with a focus on community safety and crime prevention, and not be confined to the interests of the Town of Port Hedland or operational needs of the WA Police.

(Adopted at the 26 September 2012 Council Meeting)

- 6.18pm Cr Pitt declared an impartiality interest in item 11.2.2 Kariyarra and State Indigenous Land Use Agreement – Land Transfers. Cr Pitt is of Kariyarra descent and has family on the Native Title Claim, though is not on the claim, nor part of any corporation or trust. She advised it may be perceived she has a conflict.

11.2.2 Kariyarra and State Indigenous Land Use Agreement – Land Transfers (*File No. 18/07/0002*)

Author	Principal Town Planner
Authorising Officer	Director Development, Sustainability & 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:

1. Supports the proposed land transfers from the State of Western Australia to the Kariyarra Land Aboriginal Corporation as shown in Attachments 1 and 2, excluding Reserve 39913 (Six Mile Reserve).
2. Advises the Department of Planning, Lands and Heritage the following in relation to the land transfers:
 - a) Prior to commencing use or building on any of the portions of land, consultation with the Town of Port Hedland is required to ensure that Development Approvals are applied for and obtained pursuant to the Town of Port Hedland Local Planning Scheme No. 5 and Building Permits are obtained pursuant to the *Building Act 2011*;
 - b) The Town of Port Hedland accepts no responsibility for any costs associated with securing legal access to the land, or contributing to road maintenance costs associated with ongoing access; and
 - c) Request that Department of Planning, Lands and Heritage provide the Town of Port Hedland with an opportunity to comment on proposed Management Plans for each reserve proposed to be managed by KLAC.
3. Objects to the joint management of Reserve 39913 (Six Mile Reserve) until such a time as the Town of Port Hedland has had discussions with Kariyarra Land Aboriginal Corporation over service level, financial management and public access arrangements, and has secured an agreement through a Memorandum of Understanding (MOU) that clearly defines the responsibilities of each party.

CM201718/173 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR MCDONOGH

That Council defers this agenda item to the next Ordinary Meeting of Council on Monday 23 April 2018 at 5.30pm.

CARRIED 8/0

PURPOSE

To inform Council of proposed land transfers between the State of Western Australia and Kariyarra Land Aboriginal Corporation (KLAC) as part of the Kariyarra and State Indigenous Land Use Agreement (ILUA), and seek comment from Council on the advice proposed to be provided to Department of Planning, Lands and Heritage (DPLH) on the proposed land transfers.

DETAIL

The Kariyarra and State Indigenous Land Use Agreement (ILUA) was executed on 4 October 2017. As part of the agreement, a number of land transfers were committed to through either conferral of a management order or freehold transfer from the State of Western Australia to KLAC. There are also a number of proposed transfers that remain in negotiation.

The Town has been given an opportunity to provide feedback to the Department of Planning, Lands and Heritage on the proposed transfers. The matter was presented to Elected Members at a briefing session held on 7 March 2018. There were a number of matters of clarification sought by Elected Members before providing comment to DPLH, including:

- Request further detail from DPLH on proposed use of the land to be transferred;
- Request further detail from DPLH on how legal access to the land will be achieved;
- Request further detail from DPLH on 'joint management' proposal for Reserve 39913 (Six Mile); and
- Obtain maps of all committed land transfers.

A table of each committed and proposed land transfer is included as Attachment 1 to this report, and corresponding maps have been included as Attachment 2.

Use of the land/reserves

In relation to proposed use of the land to be transferred, further advice was provided to the Town by DPLH as follows:

- The reserves managed by the Kariyarra People will be for the "use and benefit of Aboriginal people", unless otherwise requested by the Kariyarra People.
- Under the Kariyarra and State ILUA, prior to the management of a reserve being conferred on the Kariyarra People, they must sign a management order deed. The management order deed outlines the conditions upon which the conferral of management order is given. Note, in particular, clause 5.1 of Annexure A to the Deed, which requires the management body to comply with and observe all laws, and clause 5.2, which requires the management body to obtain and comply with all authorisations and any requirements under any law required for any conduct, activity or use undertaken on the reserve.
- Under the management order deed, the Kariyarra People have 36 months in which to provide the State with a management plan for each of the reserves.
- The Kariyarra and State ILUA requires the Kariyarra People to use all land transferred to them solely and exclusively for charitable purposes including to relieve poverty, sickness, suffering, misfortune, disability, destitution, and disadvantage among the Kariyarra People, and to maintain, protect, promote and advance the law, culture, native title, traditions and customs of the Kariyarra People.

It is recommended Council advises DPLH the following to ensure appropriate approvals are obtained from the Town of Port Hedland prior to commencing use:

“Prior to commencing use or building on any of the portions of land, consultation with the Town of Port Hedland is required to ensure that Development Approvals are applied for and obtained pursuant to the Town of Port Hedland Local Planning Scheme No. 5, and Building Permits are obtained pursuant to the Building Act 2011”.

Legal access to the land/reserves

In relation to concerns raised over legal access being provided to the land to be transferred and any costs the Town may have to absorb, further advice was provided to the Town from DPLH as follows:

- There is no obligation on the State under the Kariyarra and State ILUA to provide the Kariyarra People with legal access to their reserves if there is none in existence.
- There is the option of the Kariyarra People to request the Minister for Lands to grant an easement to them to provide them with legal access. It is at the Minister for Lands absolute discretion as to whether she will grant an easement.
- There is no obligation or requirement on the Town of Port Hedland to provide dedicated road access to the reserves.

It is recommended Council advises DPLH the following to ensure the Town does not bear any costs associated with securing or maintaining access to the land:

“The Town of Port Hedland accepts no responsibility for any costs associated with securing legal access to the land, or contributing to road maintenance costs associated with ongoing access.”

Proposed Joint Management of Six Mile Reserve

Six Mile Reserve (Reserve 39913) is used by the community for fishing, kayaking, dog walking, boat launching, picnics and other activities and is valued by the community for social and environmental reasons and amenity. The reserve is currently managed by the Town of Port Hedland which includes road and car park maintenance, provision of shelters and provision of two (2) bins which are emptied weekly. The Town should not accept joint management of Six Mile Reserve until an agreement is entered into that ensures continued public access, service level arrangements and financial management arrangements. This has been incorporated in the recommended response to DPLH.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because the Town of Port Hedland is not party to the State and Kariyarra Indigenous Land Use Agreement and has been requested to provide comments only on the proposed land transfers.

CONSULTATION

The proposed land transfers were presented to Elected Members at a Briefing Session held on 7 March 2018. This report provides further details requested at the briefing. No external consultation has been undertaken in relation to the proposed transfers, as it is not the Town's responsibility to undertake consultation for the ILUA.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial and resource implications associated with the proposed comments if Council adopt the Officer Recommendation.

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

- Celebrate our multiculturalism, indigenous culture, arts and history

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

3.3 Safe, attractive and accessible environment

- Facilitate public health initiatives across our community

4.2 Engage our community and stakeholders

- Be a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland

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 (3) .

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

That Council:

1. *SUPPORTS the proposed land transfers from the State of Western Australia to the Kariyarra Land Aboriginal Corporation as shown in Attachments 1 and 2, excluding Reserve 39913 (Six Mile Reserve).*
2. *ADVISES the Department of Planning, Lands and Heritage the following in relation to the proposed land transfers:*
 - a) *Prior to commencing use or building on any of the portions of land, consultation with the Town of Port Hedland is required to ensure that Development Approvals are applied for and obtained pursuant to the Town of Port Hedland Local Planning Scheme No. 5 and Building Permits are obtained pursuant to the Building Act 2011.*
 - b) *The Town of Port Hedland accepts no responsibility for any costs associated with securing legal access to the land, or contributing to road maintenance costs associated with ongoing access.*
 - c) *Request that Department of Planning, Lands and Heritage provide the Town of Port Hedland with an opportunity to comment on proposed Management Plans for each reserve proposed to be managed by KLAC.*
 - d) _____
 - e) _____
 - f) _____
3. *OBJECTS to the joint management of Reserve 39913 (Six Mile) until such a time as the Town of Port Hedland has had discussions with Kariyarra Land Aboriginal Corporation over service level, financial management and public access arrangements, and has secured an agreement through a Memorandum of Understanding (MOU) that clearly defines the responsibilities of each party.*

Option 3 – Do not adopt Officers Recommendation

CONCLUSION

There are a number of proposed land transfers between the State of Western Australia and Kariyarra Land Aboriginal Corporation (KLAC) as part of the Kariyarra and State Indigenous Land Use Agreement (ILUA). This report outlines recommended advice to be provided to the Department of Planning, Lands and Heritage (DPLH) on the proposed land transfers.

ATTACHMENTS

1. Table of proposed land transfers
2. Maps of proposed land transfers (Under separate cover)

AMENDED ATTACHMENT 1 TO ITEM 11.2.2

Committed Transfers

All reserves committed to change of reserve purpose to 'Use and benefit of Aboriginal People', and conferral of a management order on KLAC

Parcel	Comment	Parcel Size	Attachment Two Map
Lot 390 on DP76777	<ul style="list-style-type: none"> Unallocated Crown Land Committed creation of reserve and Management Order conferred on KLAC for 'Use and Benefit of Aboriginal Inhabitants' 	162.6ha	Map 1
Lots 258 and 259 on DP192219	<ul style="list-style-type: none"> Freehold Lots Committed to Freehold transfer 	89.7ha	Map 2
Lot 30 on DP403254	<ul style="list-style-type: none"> Unallocated Crown Land Committed to Freehold transfer with protective covenant for Buru Pipeline 	38ha	Map 3
Reserve 24055	<ul style="list-style-type: none"> Managed reserve with purpose 'Use and benefit of aboriginal inhabitants' Reserve purpose to remain the same, with management order conferred on KLAC 	11.7ha	Map 4
Reserve 46953	<ul style="list-style-type: none"> Unmanaged reserve with purpose of 'Government Requirements' Located approximately 56km west of Port Hedland 	20.2ha	Map 5
Reserve 46954	<ul style="list-style-type: none"> Unmanaged reserve with purpose of 'Government Requirements' Located approximately 59km west of Port Hedland 	12.1ha	Map 6
Reserve 370	<ul style="list-style-type: none"> Unmanaged reserve with purpose of 'Watering Places' Located approximately 78km south-west of Port Hedland Within De Grey stock route 	191.3ha	Map 7
Reserve 371	<ul style="list-style-type: none"> Unmanaged Reserve with purpose of 'Watering Places' Located approximately 67km south-west of Port Hedland 	259ha	Map 8
Reserve 10550	<ul style="list-style-type: none"> Unmanaged Reserve with purpose of 'Waterway' Located approximately 90km south-west of Port Hedland 	124.4ha	Map 9
Reserve 12247	<ul style="list-style-type: none"> Unmanaged Reserve with purpose of 'Waterway' Located approximately 82km south-west of Port Hedland 	40.5ha	Map 10
Reserve 22895	<ul style="list-style-type: none"> Unmanaged Reserve with purpose of 'Airport' Located approximately 81km south of Port Hedland 	508.2ha	Map 11

Proposed Transfers

All reserves committed to change of reserve purpose to 'Use and benefit of Aboriginal People', and conferral of a management order on KLAC

Parcel	Comment	Parcel Size	Attachment Two Map
Reserve 39913	<ul style="list-style-type: none"> Managed Reserve with the purpose 'Foreshore protection and recreation'. Proposed to confer Management Order on KLAC, or joint management with ToPH ToPH maintain both the road and 2 bins at end of road, emptied weekly 	10.6ha	Map 12
Reserve 21448	<ul style="list-style-type: none"> Managed Reserve with the purpose 'Use and benefit of Aboriginal inhabitants'. Proposed to confer Management Order on KLAC 	3.3ha	Map 13
Portion of Kangan Pastoral Lease – Lot 209 on DP238236	<ul style="list-style-type: none"> Area yet to be determined Closest boundary of total lot approximately 70km south of Port Hedland Proposed to surrender portion of pastoral lease, create reserve for 'Use of benefit of Aboriginal People' and confer management order on KLAC 	unknown	Area yet to be determined, no map available
Portion of Pippingarra Pastoral Lease – Lot 202 on DP220387	<ul style="list-style-type: none"> Entire portion of heritage site Closest boundary of total lot adjacent to Townsite boundary Proposed to surrender portion of pastoral lease, create reserve for 'Use of benefit of Aboriginal People' and confer management order on KLAC 	272ha (total)	Map 14
Portion of Reserve 31427	<ul style="list-style-type: none"> Area yet to be determined Located approximately 91km from Port Hedland Managed Reserve with the purpose 'Use and benefit of Aboriginal inhabitants'. Proposed to sublease from Mugarinya Community Association Inc 	Approx. 6659.3ha	Map 15
Portion of Munda Pastoral Lease – Lot 44 on DP 220377	<ul style="list-style-type: none"> Approximate location of registered Aboriginal heritage site 11635 Closest boundary of total lot approximately 46km west of Port Hedland Proposed to surrender portion of pastoral lease, create reserve for 'Use of benefit of Aboriginal People' and confer management order on KLAC 	Approx. 61ha	Map 16
Reserves 12330, 10634 and 12793	<ul style="list-style-type: none"> Unmanaged Reserves with purposes of 'Common' and 'Waterway' Located approximately 105km south-west of Port Hedland Proposed to change reserve purpose to 'Use and benefit of Aboriginal People', and confer management order on KLAC 	5677.4ha	Map 17

Portion of Indee Pastoral Lease – Lots 208 and 54 on DP 238219	<ul style="list-style-type: none">• Approximate location of registered Aboriginal heritage sites 11334 and 11335• Closest boundary of total lot approximately 35km south of Port Hedland• Proposed to surrender portion of pastoral lease, create reserve for 'Use of benefit of Aboriginal People' and confer management order on KLAC	Unknown	Map 18
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11.2.3 Short Term Recreational Vehicle Camping (File No. 08/02/0050)

Author	Development and Lands Officer
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 with respect to the provision of Short Term Recreational Vehicle Camping, Council:

1. Supports the Town achieving 'RV Friendly' status as defined and maintained by the Campervan and Motorhome Club of Australia;
2. Opens the Port Hedland Turf Club RV Overflow Area for 2018;
3. Notes that Town of Port Hedland Ranger patrols will be adjusted as required to ensure conditions of use are adhered to; and
4. Commences discussions with local park operators and tourism operators to determine external 'RV Friendly' management options.

CM201718/174 AMENDED OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: DEPUTY MAYOR NEWBERY****SECONDED: CR MCDONOGH**

That with respect to the provision of Short Term Recreational Vehicle Camping, Council:

- 1. Supports the Town achieving 'RV Friendly' status as defined and maintained by the Campervan and Motorhome Club of Australia;**
- 2. Authorise the Chief Executive Officer to determine and manage the operational periods of the Port Hedland Turf Club RV Overflow Area;**
- 3. Notes that Town of Port Hedland Ranger patrols will be adjusted as required to ensure conditions of use are adhered to; and**
- 4. Commences discussions with local park operators and tourism operators to determine external 'RV Friendly' management options.**

CARRIED 8/0

PURPOSE

The Town has previously operated a Recreational Vehicle (RV) Overflow area at the Port Hedland Turf Club from May through until August, to promote tourism throughout the Town and achieve an 'RV Friendly' status through the Campervan and Motorhome Club of Australia (CMCA). The operation of the RV Camping Area and the gaining of 'RV Friendly' status encourages visitors to stop in Port Hedland, and promotes the reputation of the Town as well as providing benefits to a number of local businesses through increased patronage. Council's consent is sought to reopen the RV Camping Area for the 2018 tourist season and provide support and direction for future years.

DETAIL

From 2013, the Town has operated a Recreation Vehicle (RV) Overflow area located at the Port Hedland Turf Club on McGregor Street, determined by previous Council resolutions to open once the existing caravan parks reached a specified occupancy. The provision of this area encouraged higher numbers of tourists to visit the Town, and enabled the achieving of 'RV Friendly' status under the Campervan and Motorhome Club of Australia (CMCA). As the CMCA area highly influential organisation within the sector, the 'RV Friendly' status in turn enhanced the Town's reputation within the tourism community and further increased tourist numbers through word of mouth.

At the 26 April 2017 Ordinary Council Meeting (decision 201617/192), Council resolved to increase the required opening threshold from 50% occupancy at local caravan parks, to 75%. This decision was based on a desire to support the local established caravan park businesses. During the 2017 season, lower tourism numbers resulted in the local caravan parks not reaching this 75% threshold and the RV Overflow Area not being opened. As a result, the Town received significant negative feedback from individual tourists and the Visitors Centre. This further adversely impacted the Town's reputation through word of mouth and caused the loss of the Town's 'RV Friendly' status, and a large reduction in tourists stopping in Port Hedland was identified. Council therefore resolved to open the RV Overflow Area from 5th July 2017 (decision 201617/244).

As being 'RV Friendly' and attracting tourists to the Town provides significant support to local small businesses, the reinstating of this status and required provision of short term camping is desirable. The influence of the CMCA within the self-drive tourism sector nationwide and the perception of the 'RV Friendly' status amongst tourists has the potential to significantly boost the Town's reputation, and encourage additional and longer stays by tourists. Whilst this may have an unfavourable effect on local caravan park operators, this can be mitigated by the implementation of strict conditions of use and proactive monitoring of the site to ensure compliance.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of Medium significance, as it will likely affect a number of local businesses.

CONSULTATION

Internal

Internal Consultation has been undertaken with Parks and Gardens on the maintenance of the Port Hedland Turf Club site, and the Ranger Services regarding monitoring to ensure compliance with conditions of use.

Parks and Gardens have advised that maintenance of the Port Hedland Turf Club site has previously involved a general clean-up of the site including grading, slashing and general litter pick-up. This also takes place at the end of the tourist season, and is currently allowed for in the existing budget.

Advice from Ranger Services and the Manager Environmental Health has identified the potential to adjust Ranger patrols as required, to enable adequate monitoring of the site and ensure the site is being used appropriately and in accordance with the conditions of use.

Local Caravan Parks

Engagement has been undertaken with local caravan park owners. Details of the engagement are noted in Attachment 1, however each park generally supported the Town achieving 'RV Friendly' status and the provision of low cost camping to enable that.

Community

Town officers consulted with a number of local businesses, as noted in Attachment 1. All businesses confirmed their support for the provision of low cost short term RV camping, and the Town gaining 'RV Friendly' status.

LEGISLATION AND POLICY CONSIDERATIONS

Under the *Caravan Parks and Camping Grounds Regulations 1997*, camping may generally be approved for no more than 3 nights although the Chief Executive Officer has delegation to allow more than three nights (capped at three months) under Part 2, Reg 11 (2) (a).

FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant identifiable financial impacts to the Town arising from adoption of the officer's recommendation.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.2 A nationally significant gateway city and destination

- Develop our tourism industry, facilitate increased accommodation offerings and position Port Hedland as a unique destination

4.2 Engage our community and stakeholders

- Promote a positive representation of our community and Town's services

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

The increased tourism resulting from the opening of the RV Camping Area will directly benefit a number of local businesses through increased patronage. Whilst there is no hard data reflecting the degree of increase, anecdotal evidence provided to the Town's officers indicates a significant number of RV tourists tend local tours, businesses, and other tourism activities.

Social

The opening of the RV Camping Area has a positive effect on the Town's reputation with tourists, ensuring increasing numbers visit the Town through the 2018 season and beyond.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Medium. Should Council resolve not to support the achieving of 'RV Friendly' and the opening of the RV Overflow area, a negative effect on the Town's reputation may result.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Adopt Officers Recommendation with amendments

Option 3 – Do not adopt Officers Recommendation

CONCLUSION

As the RV Overflow Area has previously been determined year to year, this has caused uncertainty within the tourism industry around the long-term provision of short stay camping, and resulted in missed opportunities to promote tourism within the Town. Support of the Officer's Recommendation will enable the provision of short stay camping for 2018, and provide certainty to the industry for the 2019, 2020, 2021 and 2022 tourism seasons.

ATTACHMENTS

1. Consultation Detail

ATTACHMENT 1 TO ITEM 11.2.3

'RV Friendly' and Short Term RV Camping Consultation

Community Consultation: the following businesses were engaged with directly and confirmed their support:

The Esplanade Port Hedland
 Silver Star Café
 Hedland Harbour Café
 Kiwi Shop
 Wedge Street Coffee
 Dome Café
 Port Hedland Seafarers Centre
 Pharmacy 777
 Stingaz
 Smokemart Gift Box
 Courthouse Art Gallery

No businesses advised they did not support the provision of low cost short term RV Overflow.

Local Caravan Parks:

Port Hedland Golf Course	<ul style="list-style-type: none"> • Supports 'RV Friendly' • Noticeable decrease in tourists last season – assume that this is linked to Turf Club site not opening • Requested better communication from the Town in relation to opening of overflow area • Requested stakeholders be notified of Council resolution
Black Rock Caravan Park	<ul style="list-style-type: none"> • Supports 'RV Friendly' • Primary concern lack of regulation resulting in abuse of site – noticed large numbers of tents and backpacker vans last season • Has improved park facilities and requests support of the Town
Discovery Parks Cooke Point	<ul style="list-style-type: none"> • Supports 'RV Friendly' • Acknowledges both positive and negative effects of RV Overflow area opening • Emphasis on need for better regulation of site, ensure conditions of use are followed • Open to working with Town regarding future management of overflow site • Need to confirm purpose of site and adhere to it – free-for-all or impose conditions and regulate accordingly

The Landing did not respond to requests for meeting.

6.20pm Cr Daccache declared a financial interest in item 11.2.4 Scheme Amendment 83. Cr Daccache has shares in BHP above the threshold and BHP have adjoining property. Cr Daccache left the room.

11.2.4 Scheme Amendment 83 – Proposed Rezoning of portion of Lot 1724 Padbury Place, Port Hedland from ‘Community’ to ‘Residential R30’ and a portion of Lot 1 Moseley Street and Lot 2 McGregor Street, Port Hedland, from ‘Local Road Reserve’ to ‘Residential R30’ (File No. 18/09/0098)

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.

CM201718/175 OFFICER’S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

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

1. Initiate Scheme Amendment No. 83 to the Town of Port Hedland’s Local Planning Scheme No. 5 to rezone a portion of Lot 1724 Padbury Place, Port Hedland from ‘Community’ to ‘Residential (R30), and a portion of Lot 1 Moseley Street, Port Hedland and Lot 2 McGregor Street, Port Hedland, from the ‘Local Road Reserve’ to ‘Residential R30’;
2. Classify Scheme Amendment No. 83 as a Standard Amendment in accordance with regulations 34 and 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it will have minimal impact on land in the Scheme area not subject to the amendment and will not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;
3. Forward Scheme Amendment No. 83 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*; and
4. Advertise Scheme Amendment No. 83 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* should no environmental assessment be required.

CARRIED 7/0

6.22pm Cr Daccache returned to the room and resumed his chair.

PURPOSE

For Council to consider a recommendation to initiate an amendment to the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) to change the zoning of a portion of Lot 1724 Padbury Place, Port Hedland, from 'Community' to 'Residential (R30)', and remove a portion of Lot 1 Moseley Street and Lot 2 McGregor Street, Port Hedland from the 'Local Road Reserve' and rezone it to 'Residential (R30)'. The purpose for the rezoning is to update LPS5 to reflect the development already existing on site.

DETAIL

Scheme Amendment No.83 has two key components. The first component involves the rezoning of a portion of Lot 1724 (9) Padbury Place, Port Hedland, from 'Community' to 'Residential R30'. The second component of this report focuses on Lot 1 (8) Moseley Street and Lot 2 (21) McGregor Street, Port Hedland. It is proposed to remove a portion of these lots from the 'Local Road Reserve' and rezone it as 'Residential R30'.

The Church is separated from the dwellings by an internal fence, though to access the carpark and church, vehicles are required to use Padbury Place. Pedestrians can access the site via Padbury Place although the primary pedestrian entrance fronts McGregor Street. The dwellings and Rectory were approved by Council at its meeting on the 22nd of February, 2012. The development application for the grouped dwellings was initially refused by the Town in 2011, citing that the dwellings did not comply as an incidental use to the 'Community' zoned lot. Development approval was ultimately granted given the circumstances of the economy and industry at this time, as it was determined that the dwellings would contribute to the housing diversity of Port Hedland and the dwellings would be used by the Church to house future staff members. It was also implied that rent from the dwellings would be used to assist in repaying the cost of the development. Since the completion of the dwellings, they are still zoned as 'Community' under the Town's LPS5 despite being a residential land use. The proposed rezoning to 'Community' and 'Residential R30' will fix the zoning anomaly to reflect what is existing on site.

Lot 1 (8) Moseley Street and Lot 2 (21) McGregor Street were amalgamated with adjacent lots in 2006, which created the current Lots. Prior to the amalgamation of the Lots, a pedestrian access way was present on the Western boundary of Lot 1 and Lot 2 which has created an anomaly in zoning on the LPS 5 Scheme Map. Lot 1 (8) Moseley Street currently contains a single house zoned Residential R30. Lot 2 (21) McGregor Street contains four (4) grouped dwellings zoned Residential R30. The grouped dwellings were approved by the Town in 2012. There is no need to have a pedestrian access way in this location as Condon Street exists 75m to the East which allows sufficient connectivity in the area. As the pedestrian access way has been amalgamated with adjacent land, it is no longer required to be reserved under LPS5 and should be rezoned to 'Residential R30' consistent with the zoning of lots 1 and 2.

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

Should Council find to support the initiation of this Scheme Amendment, the amendment will be publicly advertised for 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The advertising will include internal consultation with Town of Port Hedland staff, letters to all nearby property owners, a notice in the North West Telegraph and a notice on the Town of Port Hedland website.

LEGISLATION AND POLICY CONSIDERATIONS

Under the provisions of Part 5 of the *Planning and Development Act 2005*, Council has the following options available in relation to the proposed rezoning:

1. Adopt the proposed Scheme Amendment for the purpose of initiating advertising;
2. Adopt a modified proposal; or
3. Resolve not to progress the proposed Scheme Amendment to advertising.

Pursuant to the provisions of Section 81 of the *Planning and Development Act 2005* the amendment will then be referred to the Environmental Protection Authority (EPA) for assessment. It is not expected that the EPA will seek formal assessment of this amendment. Public advertising will commence following formal notification from the EPA.

The procedure for preparing and adopting an amendment is provided for by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment must be classified as either Basic, Standard or Complex as defined by the Regulations. Scheme Amendment No. 83 has been classified as a 'Standard' Scheme Amendment, as it will have minimal impact on land in the scheme area that is not the subject of the amendment, and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications as a result of this proposal. The Town has invoiced the applicant (Landwest) 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:

- | | |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>2.1 A thriving, resilient and diverse economy</i> | Work with the State Government, agencies and local partners to ensure serviced land availability for future residential, commercial and industrial development |
| <i>3.1 Sustainable services and infrastructure</i> | Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment |

Port City Growth Plan (2012)

The rezoning is consistent with Precinct 2 – East End Urban Village provisions of the *Port City Growth Plan (2012)*. The proposed rezoning will reflect the current land uses under the TPS5.

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

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

1. *INITIATE Scheme Amendment No.83 to the Town of Port Hedland's Local Planning Scheme No. 5 to rezone Lot 1724 Padbury Place, Port Hedland from 'Community' to 'Residential R30' and Lot 1 Moseley Street and Lot 2 McGregor Street, Port Hedland from the 'Local Road Reserve' to Residential R30 subject to the following changes:*
 - (a) _____
 - (b) _____
2. *CLASSIFY Scheme Amendment No. 83 as a Standard Amendment in accordance with Regulations 34 and 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 as it will have minimal impact on land in the Scheme area not subject to the amendment and will not result in any significant environmental, social, economic or governance impacts on the land in the Scheme area;*
3. *FORWARD Scheme Amendment No. 83 to the Environmental Protection Authority for assessment in accordance with Section 81 of the Planning and Development Act 2005; and*
4. *ADVERTISE Scheme Amendment No. 83 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 should no environmental assessment be required.*

Option 3 – Do not adopt Officers Recommendation

That Council, pursuant to Clause 75 of the Planning and Development Act 2005 RESOLVES NOT TO INITIATE Scheme Amendment No. 83 to the Town of Port Hedland's Local Planning Scheme No. 5 to rezone Lot 1724 Padbury Place, Port Hedland from 'Community' to 'Residential R30' and Lot 1 Moseley Street and Lot 2 McGregor Street, Port Hedland from the 'Local Road Reserve' to 'Residential R30' for the following reasons:

- (a) _____
- (b) _____

CONCLUSION

Lot 1724 Padbury Place is currently reserved under the Town's LPS5 as 'Community', although the site now consists of four (4) 'Grouped 'Dwellings' as well as the St Matthews Anglican Church and associated structures. Lot 1 Moseley Street and Lot 2 McGregor Street are zoned as 'Residential R30' under the Town's LPS5, but a portion of these Lots are still reserved as a 'Local Road Reserve' due to the existence of a pedestrian walkway through the lots before they were amalgamated. The applicant (Landwest) proposes to rezone these lots to reflect their current use and remove zoning anomaly's from the Town's LPS5. It is recommended that the Council initiates the rezoning in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to reflect the existing development on the site.

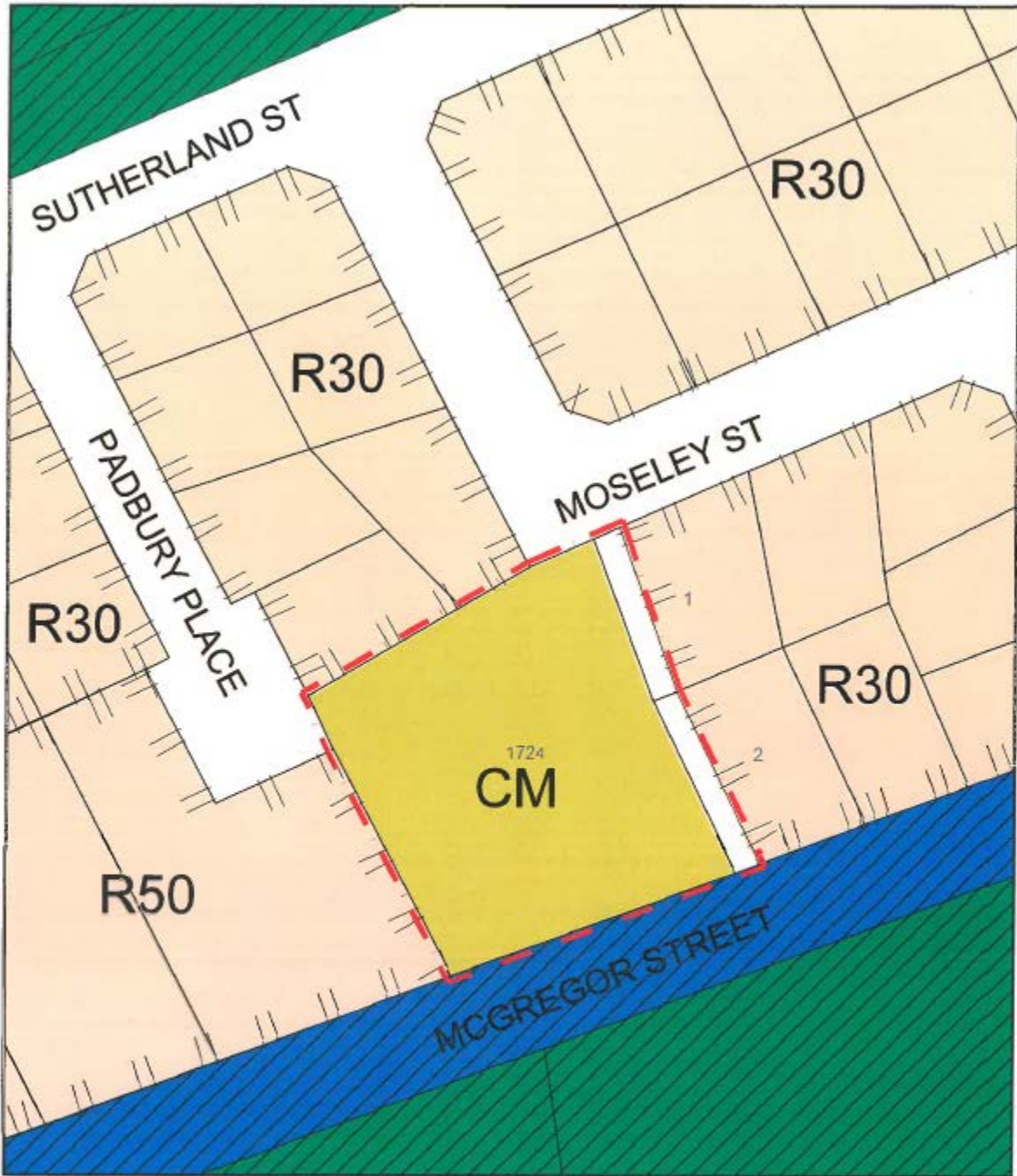
ATTACHMENTS

1. Location Plan
2. Current Zoning Map
3. Proposed Zoning Map

ATTACHMENT 1 TO ITEM 11.2.4



ATTACHMENT 2 TO ITEM 11.2.4

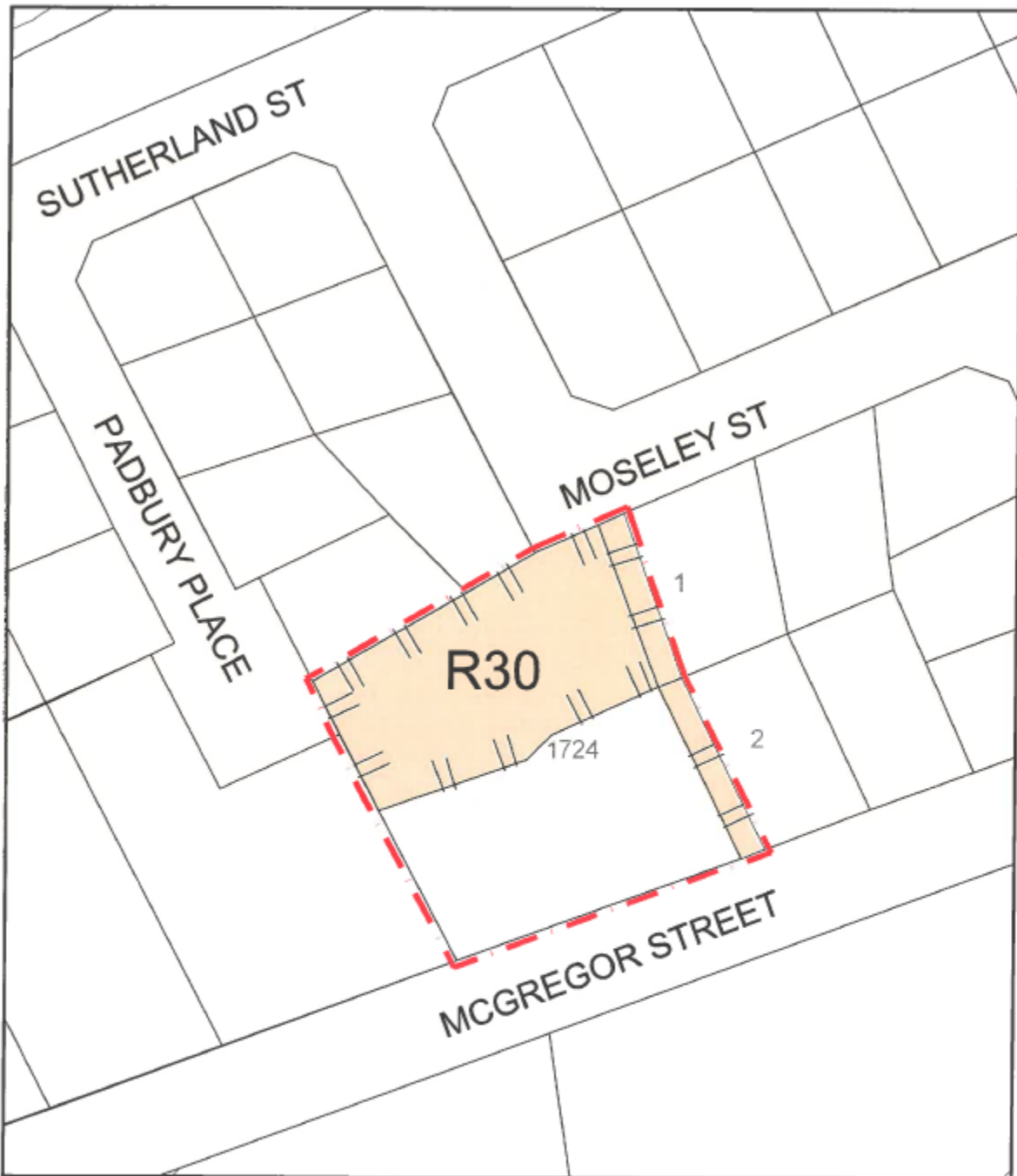


<p>ZONING TOWN OF PORT HEDLAND TOWN PLANNING SCHEME No. 5 AMENDMENT No. 83</p>	SUBJECT LAND	PARKS AND RECREATION
	RESIDENTIAL	COMMUNITY
	R CODES	DISTRICT ROAD

<p>8 Anzac Terrace Geraldton WA 6530 PO BOX 1507 Geraldton WA 6531 Email : info@landwest.net.au Phone : (08) 9965 0550</p>	<p>CLIENT: TRUSTESS OF THE DIOCESE OF NORTH WA</p>	<p>REV: DATE: DETAILS:</p>	<p>BY: APP:</p>	
	<p>TITLE: EXISTING ZONING LOT 1724 ON PLAN 211241 PADBURY PLACE; LOT 1 MOSELEY STREET & LOT 2 MCGREGOR STREET ON PLAN 51776 PORT HEDLAND</p>	<p>DESIGNED: GMB DRAWN: DSH APPROVED: NTS</p>	<p>SCALE: NTS</p>	<p>PLAN: 17160-EZ</p>
	<p>CERTIFICATE OF TITLE: VARIOUS</p>	<p>DATE LAST RECEIVED: 13/12/2017</p>	<p>SCALE: NTS</p>	<p>PLAN: 17160-EZ</p>

* This plan remains the property of Landwest and must not be used for any purpose other than which it was prepared for, in relation to the land duty described. Landwest accepts no responsibility for any losses or damages caused to any persons who may use the information for a purpose for which it was not intended.

ATTACHMENT 3 TO ITEM 11.2.4



PROPOSED ZONING
TOWN OF PORT HEDLAND
TOWN PLANNING SCHEME No. 5
AMENDMENT No. 83

	SUBJECT LAND		R CODES
	RESIDENTIAL		

 <p>8 Anzac Terrace Geraldton WA 6630 PO BOX 1597 Geraldton WA 6531 Email : info@landwest.net.au Phone : (08) 9965 0550</p>	<p>CLIENT: TRUSTESS OF THE DIOCESE OF NORTH WA</p> <p>TITLE: PROPOSED ZONING LOT 1724 ON PLAN 211241 PADBURY PLACE; LOT 1 MOSELEY STREET & LOT 2 MCGREGOR STREET ON PLAN 51776 PORT HEDLAND</p>	<p>REV: _____ DATE: _____ DETAILS: _____</p> <p>BY: _____ APP: _____</p>	<p>N</p> 
	<p>CERTIFICATE OF TITLE: VARIOUS</p> <p>DATE LAST MODIFIED: 13/12/2017</p> <p>DESIGNED: GMB</p> <p>DRAWN: DSH</p> <p>APPROVED: _____</p> <p>SCALE: NTS</p>	<p>PLAN: 17160-PZ</p>	

* This plan remains the property of Landwest and must not be used for any purpose other than which it was prepared for, in relation to the land duly described. Landwest accepts no responsibility for any losses or damages caused to any person's who may use the information for a purpose for which it was not intended.

6.23pm Cr Hebbard declared an impartiality interest in item 11.2.5 Award of Tender 2017/14 South Hedland Integrated Sports Precinct. Cr Hebbard is involved with sporting groups that use the reserve. She advised it may be perceived she has a conflict.

11.2.5 Award of Tender 2017/14 South Hedland Integrated Sports Precinct (File No. 26/13/0035)

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

MOTION

MOVED: CR DACCACHE

That Council approve the expenditure for Tender 2017/14 to be for the Pavilion only, for \$347,678 ex GST.

MOTION LOST FOR WANT OF A SECONDER

CM201718/176 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: MAYOR BLANCO

That Council;

1. Endorse the recommendation of the evaluation panel and award the Tender 2017/14 for the South Hedland Integrated Sports Precinct; Architect Brief to Sandover Pinder for a projected contract value of \$1,286,765.50 (ex GST) subject to the STOP/GO segments; and
2. Commence the Master Plan stage to the value of \$96,727 (ex GST), with any further stages exercisable at the discretion of the Town, following subsequent approval by the Council and future budget allocation.

CARRIED 6/2

For: Mayor Blanco, Deputy Mayor Newbery, Cr Carter, Cr Hebbard, Cr McDonogh, Cr Pitt
 Against: Cr Whitwell, Cr Daccache

PURPOSE

The purpose of this report is to provide a summary of the assessment of submissions received for the Request for Tender (RFT) 2017/14 South Hedland Integrated Sporting Precinct: Architect Brief and to endorse the evaluation panel's recommendation.

DETAIL

On 23 August 2017, the Town advertised a Request for Tender for South Hedland Integrated Sporting Precinct: Architect Brief, seeking specialised architectural services to develop a Master Plan for the South Hedland Sports Complex inclusive of the Wanangkura Stadium and sporting fields.

Additional stages have of the project have been segmented into STOP/GO points, exercisable at the discretion of the Town, if chosen to progress. The further stages are as follows:

- Concept designs;
- Schematic design;
- Detailed design development;
- Contract and construction documentation;
- Construction services; and
- Post construction defects.

Based off the direction of the approved Master Plan, three (3) concept designs have been included in the pricing structure, as follows:

- a) Sports pavilion;
- b) Sports pavilion and standalone aquatic centre; and
- c) Sports pavilion and a combined aquatic centre / stadium (Wanangkura) with stadium modifications/extension.

Dependent on the Town's desired direction post Master Plan stage, the Town has the ability to refine the three (3) concept designs to include an option for a sports pavilion and stadium extension. Any acceptance to pursue one of these concept designs further will be determined by the Town.

The Request for Tender closed on 27 September 2017, with nine (9) submissions being received. As detailed in the Evaluation Report 2017/14 South Hedland Integrated Sporting Precinct: Architect Brief (Confidential – Under Separate Cover), the evaluation panel selected two (2) tenderers to be shortlisted.

The evaluation panel has selected the preferred tenderer, as their submission represents value for money. The preferred tenderer is highly experienced in the delivery of community sport facilities including projects in remote and regional Western Australia. The preferred tenderer submitted detailed methodology, state of the art three-dimensional modelling and the understanding of project scope has provided the evaluation panel confidence on the quality of their service. Pricing remains competitive with other tenderers, falling in the lower half of the price spectrum at contract price, for all three (3) project scopes is listed below:

- a. Pavilion only = \$347,678 ex GST
- b. Pavilion and standalone pool = \$1,291,305 ex GST
- c. Pavilion, stadium extension including aquatic centre = \$1,286,765.50 ex GST

With an allocated budget of \$400,000 for this project in 2017/18, the Town can meet the expense of the first two (2) stages of the project (Master Plan and Concept Design) with the third stage onwards dependent on the preferred facility project and/or the adoption of future project budget.

By awarding this contract, the Town commits to conducting the first stage of project implementation, Master Plan, to the value of \$96,727 ex GST.

It is anticipated that the contract will commence within four (4) weeks of the finalised signed contract documents, approximately May 2018.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. This decision will allow the Town to work more effectively and efficiently when executing projects to meet the Towns requirements.

CONSULTATION

The following internal staff have been consulted with as part of this tender evaluation:

- Procurement Advisor; and
- Corporate Planner.

This item was presented at the 7 March 2018 Confidential Briefing to Elected Members.

The Town has engaged the expertise from the following two (2) external industry consultants in the preparation of the scope of works and partial evaluation of pricing for this tender:

- RFF; and
- Jenni Brown Consulting.

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this tender.

The *Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

RFT 2017–14 was conducted in accordance with the following policies: The Town of Port Hedland's Procurement Policy 2/007, Tender Policy 2/011, and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act (1995)* section 5.23 part 2(e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

The Town has an allocated budget of \$400,000 for this project in 2017/18, whereby the Town can meet the expense of the first two (2) stages of the project (Master Plan and Concept Design) with the third stage onwards dependent on the preferred facility project and/or the adoption of future project budget.

By awarding this contract, due to the implementation of STOP/GO points, the Town commits to conducting the first stage of project implementation, the Master Plan, to the value of \$96,727 ex GST.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.1 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
- Facilitate the provision of high-quality health services and facilities equal to those found in metropolitan areas

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
- Celebrate our multiculturalism, indigenous culture, arts and history
- Work with key agencies and our community to reduce antisocial behaviours and improve community safety

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) . The risk has been identified based on the financial impact for the size of the contract (300,001 - \$3M) and the potential loss to the Town's reputation.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

Option 3 – Do not adopt Officers Recommendation and terminate the Request for Tender

CONCLUSION

Town Officers recommend the awarding of RFT 2017/14 to the preferred tenderer, as the contractor has met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation Report 2017/14 South Hedland Integrated Sporting Precinct: Architect Brief (Confidential – Under Separate Cover)

11.3 Infrastructure and Town Services**11.3.1 Award of Tender 2018/02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) (File No. 31/13/0012)**

Author	Manager Waste Operations
Authorising Officer	Director Infrastructure and Town Services
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. Endorse the recommendation of the evaluation panel and award the Tender 2018/02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) to _____ for a projected contract value of \$ _____ (ex GST) subject to the separable portions.
2. Commence Separable Portion 1 for the onsite shredding, burial and compliant cover of 3,000 tonnes of waste tyres for the value of \$ _____ (ex GST), with separable portion 2 commencing at the discretion of the Town, subject to successful completion of separable portion 1.

CM201718/177 AMENDED RECOMMENDATION/COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR DACCACHE

That Council;

1. **Endorse the recommendation of the evaluation panel and award Separable Portion 1 and Separable Portion 2 of Tender 2018/02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) to Ronileeh Pty Ltd (AK Evans) for a projected contract value of \$958,448.22 (ex GST).**
2. **Commence Separable Portion 1 for the onsite shredding, burial and compliant cover of 3,000 tonnes of waste tyres with separable portion 2 commencing at the discretion of the Town, subject to successful completion of separable portion 1.**

CARRIED 8/0

PURPOSE

Detailed below is a summary of the evaluation and recommendation to the award of the Request for Tender (RFT) 2018/02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) to the preferred tenderer for the delivery of:

- Scenario 1 - Separable Portion 1, the onsite shredding, burial and compliant cover of 3,000 tonnes of waste tyres and
- Scenario 2 - Separable Portion 2, the onsite shredding, burial and compliant cover of up to 3,000 tonnes of waste tyres

Processing these historical tyre stockpiles is a priority for the community, as it will assist in eliminating two significant risks:

- the risk of a significant tyre fire that could result in the evacuation of residents of South Hedland and or the closure of the Port Hedland International Airport for an undetermined period
- the risk of fines due to breaches in existing license conditions for the operation of South Hedland Landfill

DETAIL

An RFT was released requesting pricing for the shredding of tyres at the South Hedland Landfill. The purpose of the RFT was to obtain shredding services for processing historical tyre stockpiles to a manageable level. This would allow us to mitigate the risk of fire and the resultant negative impact on the residents of South Hedland and operations at Port Hedland International Airport. In addition, this project will fully address ongoing breaches to license conditions raised by DWER; mainly breaches relating to storage numbers, methods.

Prices were requested for shredding tyres based on 3 scenarios. The purpose of this was to ensure that Town had complete flexibility to deal with the current issues:

- Scenario 1 - separable portion 1, including onsite shredding, burial and compliant cover of singular tonnage (3,000) tyres in mid-2018
- Scenario 2 - separable portion 2, including the onsite shredding, burial and compliant cover of an additional 3,000 tonnes of waste tyres in late 2018
- Scenario 3 - separable portion 1 and 2, including the onsite shredding, burial and compliant cover of all 6000 tonnes of waste tyres in mid to late 2018

Tenderers were advised that pricing submitted in relation to scenarios 2 and 3 were at the full discretion of the Town.

The RFT was advertised in The West Australian and North West Telegraph on 24 January 2018 as well as being advertised on TenderLink e-Tendering Portal on this date as well. The RFT closing date was 12:00pm (WST) 27 February 2018.

127 suppliers registered to receive copies of the tender and five submissions were received.

Tender submissions were received from the following organisations:

1. Longmuir Transport Pty Ltd
2. CPC Engineering
3. Giacci R Pty Ltd
4. Norwest Contracting
5. Ronileeh Pty Ltd (AK Evans)

From the first round of evaluations three respondents were shortlisted for progression because of providing proposal in line with the Town's aims and objectives. These three included:

1. Giacci R Pty Ltd
2. Norwest Contracting
3. Ronileeh Pty Ltd (AK Evans)

Further clarifications of their proposals resulted in the preferred tenderer being recommended unanimously by the evaluation panel as the tenderer who can best meet the needs of the Town.

The Panel recommends awarding the preferred tenderer with the delivery of both:

- Scenario 1 - Separable Portion 1, the onsite shredding, burial and compliant cover of 3,000 tonnes of waste tyres, and
- Scenario 2 - Separable Portion 2, the onsite shredding, burial and compliant cover of up to 3,000 tonnes of waste tyres.

Scenario 2 - Separable Portion 2 will be undertaken only if Scenario 1, Separable Portion 1 is completed to the satisfaction of the Town.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', Council endorsement of the evaluation panel's recommendation will result in no significant impact. However if Council does not endorse the panel's recommendation there is significant risk of adverse impact to the community particularly in relation to the following aforementioned risks:

- the risk of a significant tyre fire that could result in the evacuation of residents of South Hedland and or the closure of the Port Hedland International Airport for an undetermined period
- the risk of fines due to breaches in existing license conditions for the operation of South Hedland Landfill

CONSULTATION

Internal

Work Health and Safety Coordinator – Tyre stockpile review and risk report 8 December 2018. A review of the stockpiles and a desktop study conducted on the risk to communities of unmanaged tyre stockpiles.

Confidential Briefings with Elected Members on 7 March 2018 advising them of the completion of the procurement process in relation to managing the historical tyre stockpiles and the intention to bring the evaluation panel's recommendation to Council for endorsement.

External Agencies

Department of Water and Environmental Regulation has been engaged continuously in regards to informing them of action being taken to mitigate the risks surrounding the tyre stockpiles.

LEGISLATION AND POLICY CONSIDERATIONS

Environmental Protection Act 1986, Part V. Conditions of South Hedland Landfill License L6917/1997/8 Prescribed Premises Category 57 Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored no more than 50,000.

FINANCIAL AND RESOURCES IMPLICATIONS

The overall project costs were originally estimated at approximately \$3,000,000. With \$1,500,000 originally approved for 2017-2018 with an additional \$1,500,000 to be considered in the 2018-2019 budget.

The current projected costs have come down dramatically as there were serious errors discovered in the 2016 tyre surveys when they were reviewed. As a result, the original budget allocation of \$1,500,000 (since reduced to \$750,000 for 2017/18 with consideration for an additional \$750,000 for 2018/19 Budget) will address the current non-compliance tyre issues at the South Hedland Landfill.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

These following sections of the Council's *Strategic Community Plan 2014-2024* are applicable for consideration when endorsing the evaluation panel's recommendation.

- | | |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <i>1.1 A unified community across our townships</i> | • Provide safe and accessible community facilities, services, events and open spaces that connect people and neighbours |
| <i>3.1 Sustainable services and infrastructure</i> | • Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment |
| <i>3.3 Safe, attractive and accessible environment</i> | • Partner with residents and local businesses to deliver high standard of visual amenity and cleanliness |
| <i>4.1 Strategic and best practice local government administration</i> | • Be efficient and effective in use of resources, infrastructure, assets and technology |
| <i>4.2 Engage our community and stakeholders</i> | • Promote a positive representation of our community and Town's services |

Environmental

Endorsing the evaluation panel's recommendation will mitigate any adverse harm to the environment by eliminating the risk associated with a significant tyre fire.

Economic

Endorsing the evaluation panel's recommendation will form part of the process required to alleviate the concerns from DWER that have resulted in our current embargo on the acceptance of commercial tyres which are a significant source of revenue at the landfill.

RISK MANAGEMENT CONSIDERATIONS

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

The consequences of not proceeding with the award for shredding the historical tyre stockpiles are significant, and include:

- **Health impact (Level 4/Major)** - the risk to public health as a result of toxic smoke released from an uncontrollable tyre fire
- **Financial impact (Level 4/Major)** - the risk of significant financial impacts related to fines for licence breaches and costs associated with fire damage; evacuation of the residents of South Hedland; and closure of the Port Hedland International Airport
- **Service Interruption (Level 4/Major)** - the risk of significant service interruption. Managing a landfill tyre fire will interrupt the provision of a critical service to the Town as it will be necessary to close South Hedland Landfill for an indeterminable period of time
- **Compliance (Level 4/Major)** – the risk of ongoing breaches to our landfill licensing conditions will result in significant regulatory consequences including financial and legal
- **Reputation (Level 4/Major)** – the risk of significant reputational damage to the Council and the Town of Port Hedland if action is not taken to mitigate the risk of fire and the potential evacuation of the residents of South Hedland, or closure of the Port Hedland International Airport.
- **Environment (Level 4/Major)** - there is a significant risk of uncontained environmental damage due to toxic smoke released from burning tyres impacting on the natural environment

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

CONCLUSION

It is recommended that the Council endorse the evaluation panel recommendation to award (RFT) 2018-02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) to the preferred tenderer as detailed below:

- Scenario 1 - Separable Portion 1, the onsite shredding, burial and compliant cover of 3,000 tonnes of waste tyres and
- Scenario 2 - Separable Portion 2, the onsite shredding, burial and compliant cover of up to 3,000 tonnes of waste tyres

With the understanding that Scenario 2 - Separable Portion 2 will be undertaken only if Scenario 1, Separable Portion 1 is completed to the satisfaction of the Town.

The historical tyre stockpiles located at South Hedland Landfill have posed a significant risk to the community and the safe operation of the landfill for a significant period.

Processing these historical tyre stockpiles will mitigate the adverse impacts resulting from a tyre fire, and will address ongoing breaches to our current license conditions at the South Hedland Landfill.

ATTACHMENTS

1. Evaluation report (RFT) 2018-02 Tyre Management Project for the South Hedland Landfill Site (Materials Shredding initiative) (Confidential – Under separate cover)
2. Report on risk and consequences of a tyre fire at South Hedland Landfill

ATTACHMENT 2 TO ITEM 11.3.1**REPORT****Risk and Consequence of a Tyre fire at ToPH Landfill Site****Background:**

The Towns Manager Waste Operations requested a risk assessment be undertaken on the potential hazards associated should a significant fire in the tyre stockpile/s occur. The assessment of fire hazard and risk is primarily focussed on the potential impact on the community, namely South Hedland and the Port Hedland International Airport.

Image of Tyre Stockpiles at the Landfill site – Aug 2017

**Potential Tyre Fire Types:**

There are two types of tyre fires that can occur. One of these involves fast burning of the rubber tyres. This is usually associated with tyres that have or contain oil, grease and other combustible materials on their surface. This material alights causing intense heat which is sufficient to cause the tyres to ignite and burn fiercely with flames visible as the tyres burn. As more tyres begin to burn, the intense heat melts the rubber which further accelerates combustion. This type of fire can rapidly become unmanageable if appropriate resources, equipment and trained personnel are not readily available at the site.

The second form of tyre fire is as a slow-burning pyrolysis which can continue for many months and on occasions have been known to burn for years. This type of fire is extremely difficult to extinguish and produces much smoke, which carries toxic chemicals from the breakdown of the rubber compounds while burning.

Burning tyres are heated, and, as they have a low thermal conductivity they are difficult to cool down. Moreover, they frequently burn inside even if they are extinguished from outside, and easily reignite when hot.

Tyre Fire Hazards:Toxic Smoke:

Tyre fires release enormous amounts of dark thick smoke that contains cyanide, carbon monoxide, sulphur dioxide and products of butadiene and styrene.



Toxic fallout from tyre fire smoke can be immediately widespread or can start out confined to a wedge or cone shape dependant on the prevailing wind speed and direction. As the smoke gets higher in the atmosphere, it then starts to spread out further and can travel for many hundreds of kilometres. See photo's below.



Tyre fire 75Km from Melbourne CBD



Satellite imagery of US Tyre fire

Health Hazards:

Toxic smoke from tyre fires contain known human carcinogens and have been linked with health concerns including asthma, heart disease and other respiratory issues.

Environmental Hazards:

Air pollution: black smoke and other substances such as volatile organic compounds, dioxins and polycyclic aromatic hydrocarbons are released into the atmosphere.

Water pollution: the intense heat allows pyrolysis of the rubber to occur, resulting in an oily decomposition product which is manifested as an oil runoff. This runoff can be carried by water, if water is used to put out the fire. Other combustion residues (such as zinc, cadmium and lead) can also be carried by fire water off the site.

Soil pollution: residues that remain on the site after the fire can cause two types of pollution; these are immediate pollution by liquid decomposition products penetrating soil, and gradual pollution from leaching of ash and unburned residues following rainfall or other water entry.

Tyre Fire Risks:

Large fire and smoke plume. Risk Level: EXTREME

Prevailing wind speed and direction would send the plume directly over the South Hedland community. A large fire would have impacts on society, environment and economy. Residents would be required to stay indoors and close all windows. Pets would be required to stay indoors as well. Residents with respiratory illnesses may require hospitalisation due to ash and particulates fallout from the smoke plume. Other effects to persons exposed include skin, eye and mucous membrane irritation. Persons with pre-existing heart or lung conditions, children, pregnant women and those over the age of 65 would be most sensitive to the effects of breathing the smoke.

The immediate environment around the landfill site would also be contaminated. Land, air and water pollution would require careful monitoring after the fire has occurred.

The damage and clean-up costs associated with tyre fires can be particularly significant. Hazardous substances exacerbate the impacts of the fire across social, environmental and economic dimensions.

Residential homes, buildings and Town infrastructure would be covered by an oily and toxic residue requiring specialist clean up equipment and procedures.

A slight change in wind to a more Northerly direction (which is not uncommon particularly in the afternoons) would see the smoke plume head towards the Port Hedland International Airport. The size and speed of movement of the smoke plume may cause the airport administrators to temporarily close down operations.

This would have an enormous economic roll on effect to the resources industry in particular given the FIFO arrangements in place at Port Hedland.

Additionally, the costs associated with fighting and extinguishing the fire, and subsequent environmental monitoring would be significant.

In the aftermath of a fire, the Town may not be in a financial position to meet its obligations.

11.3.2 Proposed Town of Port Hedland Waste Local Law (*File No. 19/01/0011*)

Author	Manager Waste Operations
Authorising Officer	Director Infrastructure and Town Services
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201718/178 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR MCDONOGH

That Council;

- 1. Adopt the proposed Town of Port Hedland Waste Local Law 2018 for advertising purposes;**
- 2. Give State wide public notice that it intends to make the Town of Port Hedland Waste Local Law 2018 as per attachment 1, as required under section 3.12 of the Local Government Act;**
 - a) with the purpose being to provide a statutory framework for the management and enforcement of laws relating to waste management within the Town of Port Hedland; and**
 - b) the effect being to stipulate the responsibilities of the Town and its rate payers in relation to waste management across the Town, as well as the best practice management of the Town's waste management facilities, and to provide capacity to enforce contraventions to the laws.**
- 3. Authorise the Chief Executive Officer to submit a copy of the proposed Town of Port Hedland Waste Local Law 2018 to the Minister for Local Government, Heritage, Culture and The Arts and the Minister for Environment and Disability Services for comment.**

CARRIED 8/0

PURPOSE

The Town of Port Hedland does not have any existing laws in place that govern the waste management; the adoption of these laws will address this.

The adoption of the laws will also support the outcome of the Town's Waste Master Plan, which is currently being developed for review. The Waste Master Plan will provide an evidence base for the strategic direction on the long term management of waste in Port Hedland.

DETAIL

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995*, Council is able to adopt specific local laws for the governing of waste within its jurisdiction. Local laws for waste currently sit within provision of the Local Government's 'Health Local Laws' under the *Health Act 1911*.

WALGA and the Waste Authority have developed a template Waste Local Law (for consistency and best practice) that governs waste management, and has been provided to all Local Governments to review and adopt as they see fit.

The laws are a straightforward set of best practice laws governing the community management of waste. They allow a community to customise guidelines for waste management to suit the community's needs.

The laws cover:

- Waste Definitions
- Local Government responsibilities
- Owners and Residents responsibilities
- Waste facility management and best practice
- Waste Offences and Enforcement

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it will be going out for public comment as part of the local law adoption process.

CONSULTATION

Internal

ELT briefing 5 December 2017 detailing local laws and the intention to request Council adoption. ELT requested further information on the laws and how they have been implemented across other councils, particularly clarity on removing aspects relating to other waste management areas currently not applicable to the Town.

ELT briefing 15 January 2018 presenting revised laws that were applicable to the Town's waste management circumstances. ELT requested further clarity on enforcement aspects of the laws and how this could be implemented into the Town's existing enforcement regime.

Manager Environmental Health and Community Safety and the Town's Legal Advisor held a meeting to discuss implementing the enforcement process in support of the laws. A recommendation was made to empower a member of the Waste Operations Business unit to be able to provide the enforcement action needed to support the laws.

Confidential Briefings with Elected Members on 7 February 2018 detailing the local laws and how they will support the Town's waste management objectives, as well as the intention to seek permission to advertise them for consultation prior to adoption.

External Agencies

N/A

Community

A public advertising period will be undertaken to obtain public comment as part of the local laws adoption process. This cannot be undertaken until after Council adopts Town of Port Hedland Waste Local Laws 2018.

LEGISLATION AND POLICY CONSIDERATIONS*Waste Avoidance and Resource Recovery Act 2007*

The *Local Government Act 1995* enables the Council is able to adopt specific local laws for the governing of waste within its jurisdiction.

Health Act 1911 is location where laws governing waste currently sit, the laws in this act treat waste as a public health issue and not specifically environmental. The Waste Local Laws are more explicit and will provide a more detailed framework.

FINANCIAL AND RESOURCES IMPLICATIONS

Potential financial implication in relation to enforcement action and legal challenges to offenders.

Potential impact on resources in relation to enforcement action, specifically resources expended to correct bad behaviour.

State-wide advertising of the proposed local law is required, which currently costs approximately \$600. This cost can be covered under the current 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:

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
- Facilitate the provision of high-quality health services and facilities equal to those found in metropolitan areas

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
- Work with key agencies and our community to reduce antisocial behaviours and improve community safety

- 3.1 Sustainable services and infrastructure*
- Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment
 - Provide and promote sustainable waste management practices, including recycling initiatives
 - Facilitate the delivery of high quality and enduring built and natural environment
- 3.2 Protect our natural environment*
- Manage, preserve, protect and maintain our natural environment and advocate for natural resources to be used sustainably
 - Support sustainable development so that it does not compromise our unique environmental assets
- 3.3 Safe, attractive and accessible environment*
- Partner with residents and local businesses to deliver high standard of visual amenity and cleanliness
- 4.1 Strategic and best practice local government administration*
- Deliver high quality corporate governance accountability and compliance.
 - Be efficient and effective in use of resources, infrastructure, assets and technology
- 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
 - Ensure community members know how to access our services and facilities
 - Promote a positive representation of our community and Town's services

Environmental

The proposed local laws provide a framework for implementing solutions that minimise the environmental impact of waste management.

Economic

Enforcement action provides a framework for applying a monetary penalty to members of the community operating counter to the requirements of the laws.

Social

The proposed local laws will help bolster the mindset of the community and its interaction with waste management by providing a concrete set of guidelines and expectations around waste management and the Town and communities obligations.

RISK MANAGEMENT CONSIDERATIONS

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

If the proposed local law is not adopted for advertising this will result in the Town lacking a legal framework for the management of waste. It will also result in the Town's failure to manage and meet basic community expectations around waste management.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 - Amended Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

CONCLUSION

The proposed local laws provide the starting point for supporting the infrastructure development that is planned as part of the Waste Master Plan.

The proposed local laws also provide a framework for implementing household recycling, provisions for which will be added to the laws once the strategic requirements for implementing household recycling have been met.

It is recommended that the proposed Town of Port Hedland Waste Local Laws 2018 be adopted for advertising.

ATTACHMENTS

1. Town of Port Hedland Waste Local Laws 2018

TOWN OF PORT HEDLAND

WASTE LOCAL LAW 2018

DRAFT

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

TOWN OF PORT HEDLAND

Waste Local Law 2018

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Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995

TOWN OF PORT HEDLAND

Waste Local Law 2018

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Port Hedland resolved on **[insert date]** to make the following local law.

Part 1 - Preliminary

1.1 Short title

This is the Town of Port Hedland Waste Local Law 2018.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Meaning of terms used in this local law

(1) In this local law—

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste.

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means the Town of Port Hedland;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste has the same meaning as in the *WARR Act*;

waste facility means a waste facility, as defined in the *WARR Act*, that is operated by the local government; and

waste service has the same meaning as in the *WARR Act*.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.5 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the *LG Act*, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the *LG Act*; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.6 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the *WARR Act* and sections 6.16 and 6.17 of the *LG Act*.

1.7 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the *WARR Act*.

Part 2 - Local government waste

2.1 Supply of receptacles

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

- (2) The owner of premises to which subclause (1) applies must—
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 Collectable waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a collectable waste receptacle—
 - (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity—more than the weight determined by the local government.

2.4 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.5 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is —
 - (i) within 1 metre of the carriageway;

- (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
- (iii) facing squarely to the edge of and opening towards the carriageway,
or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.6 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.5(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.6(4)(a).

2.7 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.8 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—

- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.8(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

Part 3 - General duties

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
- (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.

- (2) A person must not remove any waste from a receptacle without the approval of –
- (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
 - (b) remove any waste from,
- a receptacle provided for the use of the general public in a public place.

Part 4 - Operation of waste facilities

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
- (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.

- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
 - (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than—
 - (a) at a location determined by a sign and in accordance with the sign; and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

Part 5 - Enforcement

5.1 Objection and appeal rights

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.10(1);
- (d) an authorisation under clause 3.2(1)(c);
- (e) an approval under clause 3.2(2); and
- (f) an approval under clause 3.3.

5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility or any vehicle, plant or equipment involved in the collection of the receptacle.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

DRAFT

Schedule 1 - Meaning of 'non-collectable waste'
[Clause 1.5(1)]

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

Schedule 2 - Prescribed offences

Item No	Clause	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay a fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(2)	Depositing waste in another receptacle without consent	\$350
4	2.7(a)	Damaging, destroying or interfering with a receptacle	\$350
5	2.7(b)	Removing a receptacle from premises	\$350
6	2.8(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
7	3.2(1)	Unauthorised removal of waste from premises	\$250
8	4.3(2)	Failing to comply with a sign or direction	\$500
9	4.3(4)	Failing to comply with a direction to leave	\$500
10	4.4(1)	Disposing waste without payment of fee or charge	\$500
11	4.5(1)	Disposing waste contrary to sign or direction	\$400
12	4.6(1)(a)	Removing waste without authority in a waste facility	\$250
13	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500
14	4.6(1)(c)	Lighting a fire in a waste facility	\$500
15	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$300
16	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500
17	4.6(2)	Acting in an abusive or threatening manner	\$300

Item 13 Motions of Which Previous Notice Has Been Given

CM201718/179 COUNCIL DECISION**MOVED: DEPUTY MAYOR NEWBERY****SECONDED: CR HEBBARD**

That Council consider approving Cr Daccache to attend the Developing North Australia Conference on 18 and 19 June 2018 in Alice Springs.

CARRIED 8/0

Item 12 Reports of Committees

Note: The Minutes of this Committee meeting are available on the Town's website

12.1 Audit, Risk and Governance Committee Minutes – Tuesday 6 March 2018**CM201718/180 OFFICER'S RECOMMENDATION 1/COUNCIL DECISION****MOVED: CR WHITWELL****SECONDED: DEPUTY MAYOR NEWBERY**

That Council receive the Minutes of the Ordinary Meeting of the Audit, Risk and Governance Committee held on Tuesday 6 March 2018 at 5:30pm inclusive of the following decisions:

- Confirmation of the Minutes of the Audit, Risk and Governance Committee Meeting on 5 December 2017
- Confirmation of the Minutes of the Audit, Risk and Governance Committee Special Meeting on 20 February 2018
- Funding and Donations for the Quarter 1 October 2017 to 31 December 2017
- Quarterly Status of the ARG Committee's Endorsements to Council and the Council Decision Risk Register
- Consolidation of Town of Port Hedland Audits, Reviews and Inquiry into Wanangkura Stadium
- Compliance Audit Return
- Regulation 17 Audit

CARRIED 8/0**CM201718/181 OFFICER'S RECOMMENDATION 2/COUNCIL DECISION****MOVED: CR WHITWELL****SECONDED: CR CARTER**

That Council adopt the 2017 Compliance Audit Return as presented to the Audit, Risk and Governance Committee on 6 March 2018 (item 11.1.4).

CARRIED 8/0

CM201718/182 OFFICER'S RECOMMENDATION 3/ COUNCIL DECISION**MOVED: DEPUTY MAYOR NEWBERY****SECONDED: CR HEBBARD**

That Council authorise the Chief Executive Officer (or his authorised officer) to submit the 2017 Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries.

CARRIED 8/0

Item 14 New Business of an Urgent Nature

Nil

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 Monday 23 April 2018, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 18 April 2018, commencing at 5:30pm.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:41pm.