

# Ordinary Meeting of Council Minutes

Council Chambers, McGregor St, Port Hedland

5:30pm  
Wednesday 22 May 2019

Distribution Date:  
28 May 2019

**Robert Leeds**  
Acting Chief Executive Officer

## Our Vision

*To be Australia's leading  
Port Town embracing  
community, culture  
and environment*



*DISCLAIMER*

*No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

Item 1	Opening of Meeting.....	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries .....	6
Item 3	Recording of Attendance.....	6
	3.1 Attendance.....	6
	3.2 Attendance by Telephone / Instantaneous Communications.....	6
	3.3 Apologies .....	6
	3.4 Approved Leave of Absence .....	7
	3.5 Disclosures of Interest.....	7
Item 4	Applications for Leave of Absence .....	7
Item 5	Response to Previous Questions .....	7
	5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 30 April 2019 .....	7
	5.1.1 Ms Janet Newbery.....	7
	5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 30 April 2019 ..	7
	5.2.1 Councillor George Daccache.....	8
Item 6	Public Time .....	8
	6.1 Public Question Time .....	9
	6.1.1 Ms Lauren Shannon.....	9
	6.2 Public Statement Time .....	10
	6.2.1 Mr Arnold Carter.....	10
	6.2.2 Ms Kirsty Danby .....	10
	6.2.3 Mr Tim Langmead .....	12
	6.2.4 Mr Adrian Hatwell .....	12
	6.3 Petitions/Deputations/Presentations/Submissions.....	12
Item 7	Questions from Members without Notice.....	13
	7.1 Councillor George Daccache.....	13
	7.2 Councillor Telona Pitt.....	14
Item 8	Announcements by Presiding Member without Discussion .....	16
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting .....	17
Item 10	Confirmation of Minutes of Previous Meeting .....	17
	10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 30 April 2019.....	17

<b>Item 11</b>	<b>Reports of Officers .....</b>	<b>18</b>
14.2	Response to Western Australian Planning Commission (WAPC) on Draft Improvement Plan 50: Port Hedland West End (IP50) ( <i>File No. 18/07/0056</i> ) .....	19
14.5	Stevens Street Site (also known as Port Hedland Retirement Village) ( <i>File No. 05/05/0017</i> ).....	40
14.3	Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre ( <i>File No. 04/16/0001</i> )....	61
11.1	Corporate and Performance.....	69
11.1.1	Statement of Financial Activity for the Period Ended 31 March 2019 ( <i>File No. 12/14/0003</i> ).....	70
11.1.2	Support for Indonesian Cattle Buyers to Visit the Pilbara ( <i>File No. 14/02/0001</i> ) .....	80
11.1.3	Salaries and Allowances Tribunal Determination of Elected Member Fees and Allowances for 2019/20 ( <i>File No. 13/01/0009</i> ) .....	80
11.1.4	Annual Review of the Town of Port Hedland Delegation Register ( <i>File No. 13/02/0001</i> ).....	93
11.2	Development, Sustainability and Lifestyle.....	105
11.2.1	Development Application 2019/004 for Change of Use – ‘Holiday Accommodation’ to ‘Multiple Dwellings’ Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street Port Hedland ( <i>File No. 806186G/806187G/ 806189G</i> ) .....	105
11.2.2	Proposed New Local Planning Policy 01 – Exemptions from Development Approval ( <i>File No. 18/01/0021</i> ).....	125
11.2.3	Revised Crossover Policy 9/005 ( <i>File No. 04/03/0001</i> )...	131
11.3	Infrastructure and Town Services.....	149
11.3.1	Award of Tender RFT 2018-17 HVAC Routine Maintenance and Servicing ( <i>File No. 10/02/0002</i> ).....	149
<b>Item 12</b>	<b>Reports of Committees .....</b>	<b>154</b>
<b>Item 13</b>	<b>Motions of Which Previous Notice Has Been Given.....</b>	<b>154</b>
<b>Item 14</b>	<b>New Business of an Urgent Nature .....</b>	<b>154</b>
14.1	2018/19 Budget Review for the period ended 31 March 2019 ( <i>File No. 12/05/0014</i> ) .....	155
14.4	EOI McGregor Street Telecoms Land ( <i>File No: 130153G</i> ).....	164



14.6	Mayoral Attendance at the Regional Cooperation and Development Forum and National General Assembly 2019 (File no. 14/04/0002).....	164
Item 15	<b>Matters for Which Meeting May Be Closed (Confidential Matters)</b>	<b>166</b>
15.1	Recruitment of the Chief Executive Officer ( <i>PER /9216</i> ).	166
Item 16	<b>Closure.....</b>	<b>167</b>
16.1	Date of Next Meeting .....	167
16.2	Closure.....	167

---

**Item 1 Opening of Meeting**

---

The Mayor declared the meeting open at 5:30 pm.

---

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

---

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

The Mayor also acknowledged the attendance of Mr Arnold Carter, Honorary Freeman of the Town of Port Hedland.

---

**Item 3 Recording of Attendance**

---

**3.1 Attendance**

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

Robert Leeds	Acting Chief Executive Officer
Anthea Bird	Director Corporate and Performance
Michael Cuvalo	Acting Director Development, Sustainability and Lifestyle
Josephine Bianchi	Manager Governance
Peter Chandler	Manager Project Design and Delivery
Tammy Wombwell	Governance Officer/ Minute Taker

Public	21
Media	1
Officers	6

**3.2 Attendance by Telephone / Instantaneous Communications**

Nil

**3.3 Apologies**

Nil

### 3.4 Approved Leave of Absence

Nil

### 3.5 Disclosures of Interest

Name	Item no.	Interest	Nature
Councillor Arif	14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre	Financial	Councillor Arif has future tours booked as a tour guide for the Visitors Centre

---

## Item 4 Applications for Leave of Absence

---

Nil

---

## Item 5 Response to Previous Questions

---

### 5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 30 April 2019

#### 5.1.1 Ms Janet Newbery

*I live opposite the racecourse track [on McGregor Street in Port Hedland] and I would like to ask, on behalf of the people who live on that street, why nothing is being done about the grass that is coming through the woodchips. This is the main road coming from the shopping centre and the woodchips look horrible, can you please do something about it?*

A works request was raised on 1 May 2019 to address this issue.

*A few months ago, before Christmas, we were told that there would be special bins for recycling, can you advise what has happened to them?*

The Coordinator Waste Operations advised that a tender was released for this service and the Town of Port Hedland is evaluating the responses.

### 5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 30 April 2019

### 5.2.1 Councillor George Daccache

*I am concerned about the response to the question from Councillor Julie Arif (item 5.31 of these minutes) regarding the amount of \$31,665.35. The original question was from Ms Lauren Shannon at the 13 February 2019 Ordinary Council Meeting and it was raised again at the 27 March 2019 Ordinary Council Meeting. The response to Ms Lauren Shannon's question listed six items on which the money was spent:*

- *Air Conditioning servicing for all units*
- *Cockroach treatment and rodent baiting*
- *General maintenance including lighting, footpath renewal, ablution repairs, reticulation repairs, plumbing repairs, electrical repairs, etc.*
- *Electrical safety audit*
- *Emptying skip bins*
- *Parts and materials purchased for maintenance*

*The explanation included in today's response to Councillor Arif's question listed only two items: fire equipment servicing and general maintenance including roof repairs. Could you explain the change?*

*I would like an apology to the volunteers that ran the Retirement Village for a number of years, because the response did not acknowledge their contribution. I would also like to see the receipts or invoices for the six items listed above.*

The answer to this question will be included in the agenda for the 26 June 2019 Ordinary Council Meeting to allow officers time to investigate.

---

### 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 5:33pm

## 6.1 Public Question Time

### 6.1.1 Ms Lauren Shannon

*I am concerned about the impact of how the discussions on the late item regarding the draft improvement plan for the West End (item 14.2) will affect the Port Hedland retirement village.*

*Can Council clarify why the Stevens Street item (item 14.5) was added to the agenda when both items state that there is conflicting and inconsistent information in the draft improvement plan affecting the use of the Stevens Street site, and why Council has not requested the West Australian Planning Commission (WAPC) to confirm if the site can continue to be used for its current purpose before the Stevens Street site is voted on?*

The Acting Chief Executive Officer advised that the Stevens Street site agenda item has been presented to this meeting in response to previous decisions made by Council and that the release of the draft improvement plan has been considered as a risk throughout the entire discussion process regarding the Stevens Street site.

The Acting Chief Executive Officer also advised that in terms of the improvement plan and scheme, it is a two stage process and that the matter for decision tonight refers to the study area in which a planning scheme or any planning restrictions may apply.

*I'm still struggling to understand why it would be added as an agenda item to show support to demolish and rebuild the village before you know whether you can do so or not. Everyone is concerned that the retirement village will be knocked down then the law will change and it can't be rebuilt.*

The Acting Chief Executive Officer advised that the Town loses some of its planning powers and that there are limitations on what can be enacted during the improvement plan process. The Acting Chief Executive Officer further advised that it is possible that the decision tonight may be frustrated by this process.

The Acting Chief Executive Officer advised that Council have given a clear direction for the site and by having a decision either way allows Council to advocate their direction through the WAPC process.

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 Mr Arnold Carter

On behalf of the ratepayer's association members, we wish to lodge an objection to the proposed diabolical destruction of the West End as per the draft improvement plan IP50. The time line requested for a response from Council was ludicrous. Fourteen days to peruse and respond on such an important document, with no community discussion, it is not acceptable. We endorse part two of the officer's recommendation, as such an important decision on the future of the West End, the community must have an input. In the Port Hedland dust report there is no reference to the requirements by the companies creating the problem to assist in the elimination of the dust. With the continued additional export planned, the situation will get worse during the 18-24 months indicated prior to the gazettal in the Government Gazette. We recommend you do not agree to the proposal.

My second statement is that the ratepayers association wish to advise that we support the continued occupation of the residents in the Stevens Street retirement village in the current location. On perusal of the estimated costs and the possible introduction of the Town Planning amendments, no new buildings are permitted for aged people. We consider further discussion should be had and alternatives discussed permitting the continued occupation of our senior citizens at the current location, as they are an important part of our community.

### 6.2.2 Ms Kirsty Danby

I am representing Port Hedland Industries Council (PHIC) and thank Council for the opportunity to comment in relation to the draft improvement plan IP50 for Port Hedland's West End.

PHIC comprises of the Pilbara Ports Authority, BHP, Fortescue, Roy Hill and Consolidated Minerals. The Port Hedland Dust Taskforce (Taskforce) was established by the Premier in 2009 to create a comprehensive management plan for ongoing air quality and noise management in Port Hedland.

The Taskforce reports of 2010, 2016 and the current government, recognise the difficult task of balancing the multiple interests of stakeholders, community and industry while ensuring the Port can continue to grow and provide economic benefits to the state and the nation.

PHIC has been a member of the Taskforce since 2009 and has evolved to provide a single industry-wide point of contact for government and the Port Hedland community concerning industry development, environment, safety and land-use planning.

PHIC supports the recommendations of the Taskforce. As such, PHIC supports the introduction of an Improvement Plan and Improvement Scheme for Port Hedland as a mechanism to prevent the growth of the permanent residential population and other sensitive land uses west of Taplin Street. PHIC also supports the Taskforce intent of capping permanent residential growth from Taplin Street to the eastern boundary of the Improvement Plan and Improvement Scheme at McGregor and Lukis Street, as outlined in the government's October 2018 response to the final Taskforce Report.

PHIC appreciates that the town and the port were developed in an era before modern planning principles considered the separation of industrial and sensitive land uses. Providing greater separation between industrial port activities and permanent residential areas not only brings Port Hedland in line with what has been accepted as best planning practice for many years, it is crucial to the future development of Port Hedland and the long-term prosperity of both industry and the community.

PHIC supports commercial development in the West End and its use as a commercial, historical, cultural and community centre. In line with this, Industry has made, and continues to make, substantial investments in the West End to support this objective. Introduction of the Improvement Plan and Improvement Scheme recognises that the success of the Port is vital to the sustainability of Port Hedland as a community.

The Port of Port Hedland is one of Australia's most vital pieces of economic infrastructure. Building on the economic value the Port of Port Hedland delivers to the West Australian economy is in the best interest of all parties.

In 2017, an Economic Study of Port Hedland's Port, prepared by ACIL Allen Consulting revealed the Port delivered 5000 local jobs and contributed \$418.4 million in direct economic output and \$585.9 million in indirect economic output for the Town of Port Hedland in the 2015/16 financial year. ACIL Allen Consulting further demonstrated that enabling ongoing growth of the Port over the next 10 years is forecast to generate an average of \$1.2 billion per annum for the Pilbara region, \$2.4 billion per annum for the State and an average of \$3.7 billion per annum nationally. Locally this translates to \$11 billion for the region over the next 10 years. The growth of the Port will also provide real jobs, potentially delivering an additional 1,500 local jobs per annum. This growth enables job security for local families and local businesses and will provide a positive environment to attract additional investment, potentially diversifying industry and business opportunities for Port Hedland.

This highlights the strategic importance of the Port of Port Hedland in continuing to deliver economic growth for the Nation, the State and the people of Port Hedland. While iron ore continues to be the dominant commodity exported through Port Hedland, other exports important to the regional economy include salt, manganese, copper concentrates, livestock and more recently lithium. Industrial tourism has also seen cruise ships visiting Port Hedland and emerging technologies are likely to drive further diversification of commodities over the next decade. By implementing the right strategic development plan for Port Hedland, we can ensure a vibrant vision for a thriving community. This is a once in a life-time opportunity to get this right, and we recognise this is important to all parties.

PHIC believes industry and the community are aligned in a desire to provide certainty on the proposed boundary for the Improvement Plan and Improvement Scheme and in ensure the process is not protracted.

In summary, PHIC believes that the West Australian Planning Commission's Improvement Plan, as tabled at tonight's Council meeting, is in the best interests of the State and the Port Hedland community.

#### **6.2.3 Mr Tim Langmead**

I am representing the employees and executive team from Fortescue Metals Group. As a company we are very proud of the contribution that we make to Port Hedland. We have a large residential workforce and employ people out of the local high school under a trades training program, creating growth in jobs, an economic opportunity to help keep this part of Australia growing and to keep moving forward.

As a company we are dealing with an issue that has come out of a government process and it is very important to us and for our ability to provide our continued increase in job and economic opportunities, to have certainty of the way forward, and as such, we endorse the comments of Kirsty Danby from PHIC made earlier.

#### **6.2.4 Mr Adrian Hatwell**

On behalf of the Port Hedland Chamber of Commerce in relation to item 14.2, we support the recommendation. As a business community in this town, it gives us certainty over the use and growth of the port.

The Mayor closed Public Statement Time at 5:49pm

### **6.3 Petitions/Deputations/Presentations/Submissions**

Nil

---

**Item 7 Questions from Members without Notice**

---

**7.1 Councillor George Daccache**

*In regards to the investigation you pursued into the electoral fraud, the response from the Electoral Commissioner David Kerslake states in part:*

*“The investigators were unable to identify any detriment or benefit gained by any party. This accords to the Commission’s own view that the total number of votes in question could not have affected the outcome of the 2017 Port Hedland Local Government election. In light of the above, a prima facie case could not be established”.*

*Do you still want to pursue the fraud allegations against the members that were elected in 2017?*

The Mayor advised that it was his understanding that Councillor Daccache had spoken to the police in relation to this matter and asked Councillor Daccache to confirm this.

*Yes, I have spoken to the police.*

The Mayor confirmed that the police have advised him that the investigation is still open and asked Councillor Daccache if he had also received this advice.

*No that’s not correct. Are you still pursuing the matter?*

The Mayor advised that he is still contacted by the police in regards to the investigation as he was the one who submitted the complaint.

*I would like to read more of the response from Mr Kerslake:*

*“I am now in receipt of the formal notification of the outcome of the police investigation. I have been advised that following a comprehensive investigation, there appears to be no likelihood of a successful prosecution. There appeared to be evidence of offences under the Local Government Act 1995, specifically that some electors confirmed they did not sign their ballot papers. There is insufficient evidence however to identify an offender”.*

The Mayor stated that the letter is quite clear and states that there was evidence of electoral offences and asked Councillor Daccache to read the letter in full.

Councillor Daccache read the following letter in full:

*"I am now in receipt of the formal notification of the outcome of the police investigation. I have been advised that following a comprehensive investigation, there appears to be no likelihood of a successful prosecution. There appeared to be evidence of offences under the Local Government Act 1995, specifically that some electors confirmed they did not sign their ballot papers. There is insufficient evidence however to identify an offender. The investigators were unable to identify any detriment or benefit gained by any party. This accords to the Commission's own view that the total number of votes in question could not have affected the outcome of the 2017 Port Hedland Local Government election. In light of the above, a prima facie case could not be established".*

The Mayor asked Councillor Daccache for his question.

*Are you still pursuing the allegations of fraud and corruption?*

The Mayor stated that the question has already been asked and answered and that the police are still investigating the matter. The Mayor asked Councillor Daccache if he had any further questions.

*Can Council ask the main shopping centres in Port and South Hedland to provide four to six car parking bays specifically for senior citizens next to the disability car parks?*

The Mayor advised in the affirmative.

## **7.2 Councillor Telona Pitt**

*I don't feel that your response is correct in regards to the police investigation still being open.*

*At the 12 February 2019 Legislative Council Meeting, the Hon. Robin Chapple asked the Minister representing the Minister for Police "(f) did the police send Mayor Blanco a letter stating that the investigation had been reopened?" The response was that "There are no records or running sheet entries that the Mayor of Port Hedland was ever advised by South Hedland Detectives either by letter or other means that the investigation had been reopened".*

The Mayor advised that Councillor Pitt's statement was correct and that it was not the South Hedland detectives who provided the information. The Mayor advised that the information was received from detectives in Perth through the Freedom of Information process.

*What have detectives in Perth got to do with Port Hedland's local government elections?*

The Mayor advised that Councillor Pitt's question should be asked to the police in Perth that supplied the information.



*A letter dated 23 August 2018 from the Electoral Commissioner stated that the reason Council had not been informed of any electoral fraud was because Port Hedland Council was not a part of the investigation. Why would the Electoral Commissioner send this to our Chief Executive Officer if you're saying that Port Hedland Council was a part of the allegations?*

The Mayor clarified that the Chief Executive Officer sent a letter to the Commissioner requesting information on the electoral issues and that the letter that Councillor Pitt is referring to is the response that was received.

*Did it not say that the Port Hedland Council were not advised of the fraud because they were not the ones being investigated?*

The Mayor stated that he could not answer that question.

*Were you aware that the Chief Executive Officer received that letter Mayor Blanco?*

The Mayor stated that he was sure that when the Chief Executive Officer received the letter he would have provided a copy to him.

*Then why has Port Hedland Council been accused of being involved in any type of electoral fraud when the Commissioner said in that letter they weren't the ones being questioned?*

The Mayor advised that he would be happy to receive any information that Councillor Pitt may have which suggests that Council members were involved in any way.

*The Chief Executive Officer has the letter.*

The Mayor asked Councillor Pitt if she had any further questions.

*This matter has been through three different investigations, police, parliamentary questioning and also an Australian Electoral Commission investigation and all have come back negative. What are you trying to prove?*

The Mayor clarified that it was the West Australian Electoral Commission and further advised that the investigation is still open. The Mayor asked Councillor Pitt if she had any further questions.

Councillor Pitt advised in the negative.

## Item 8 Announcements by Presiding Member without Discussion

Mayors Meetings for the month of April 2019:

Date	Meeting	Topic
01/04/2019	BHP Meeting and Town Tour	Post TC Veronica affected areas
02/04/2019	WEB Business Hub Breakfast	Breakfast and private tour of new facility
02/04/2019	Meet and greet	Introduction meeting with Kristy Danby who is acting CEO of PHIC in April
03/04/2019	Confidential Briefing	As per agenda
08/04/2019	Spoilbank Public Forum	Spoilbank Marina (Open to public)
09/04/2019	Police Meeting	Commissioner of Police
10/04/2019	Army Meeting	Coast security
10/04/2019	Interim Audit Session	Meeting with Auditors
10/04/2019	Agenda Feedback Session	As per agenda
10/04/2019	Second Rates Modelling Workshop	Rates
11/04/2019	RCAWA Meeting	Tourism (teleconference)
12/04/2019	HSBS ANZAC Service	Hedland Senior High School 2019 Anzac service
15/04/2019	LEMC Meeting	Local emergency management committee – debrief on TC Veronica
16/04/2019	PHIA Meeting	Airport major investments in airside infrastructure
16/04/2019	PHIA GM dinner	Dinner Meeting
17/04/2019	Business Breakfast	Bob Ansett Business Breakfast
17/04/2019	Local Recovery Coordination Committee - LRCC	TC Veronica
17/04/2019	Port Hedland Retirement Village Structural review	Presentation of the structural engineers report
17/04/2019	Public Agenda Briefing	As per agenda
18/04/2019	Advisory Forum agenda briefing	As per agenda
18/04/2019	Federal Candidate for Durack Scott Bourne Meeting	Meeting
24/04/2019	East Pilbara DHAC Meeting	EP HDAC work plan
25/04/2019	TOPH ANZAC Service	ANZAC Service (public event)
30/04/2019	Hedland Community Safety Advisory Forum	As per agenda
30/04/2019	Ordinary Council Meeting	As per agenda

---

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

---

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

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

---

**Item 10   Confirmation of Minutes of Previous Meeting**

---

**10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 30 April 2019****CM201819/197 OFFICER'S RECOMMENDATION/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR MCDONOGH**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 30 April 2019 are a true and correct record.

*CARRIED 9/0*

*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

---

## OFFICERS RECOMMENDATION

That Council bring forward item 14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre as it was laid on table at the 30 April 2019 Ordinary Council Meeting.

## CM201819/198 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council bring the following items forward for consideration:

1. 14.2 'Response to Western Australian Planning Commission (WAPC) on Draft Improvement Plan 50: Port Hedland West End (IP50)';
2. 14.5 'Stevens Street Site (also known as Port Hedland Retirement Village)'; and
3. 14.3 'Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre' as it was laid on table at the 30 April 2019 Ordinary Council Meeting.

*CARRIED 9/0*

**14.2 Response to Western Australian Planning Commission (WAPC) on Draft Improvement Plan 50: Port Hedland West End (IP50) (File No. 18/07/0056)**

Author	Manager Town Planning and Development
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.

**CM201819/199 COUNCIL DECISION****MOVED: DM NEWBERY****SECONDED: CR WHITWELL**

The Council vote on points 1 and 2 of the Officer's Recommendation for item 14.2 'Response to Western Australian Planning Commission (WAPC) on Draft Improvement Plan 50: Port Hedland West End (IP50)' separately.

***CARRIED 9/0*****OFFICER'S RECOMMENDATION**

That Council provides the following comments to the Western Australian Planning Commission (WAPC) on proposed Draft Improvement Plan 50: Port Hedland West End (IP50):

1. Council supports Draft IP50 that authorises the making of an improvement scheme for the West End of Port Hedland in response to the State Government's decision in October 2018 to implement the Port Hedland Dust Taskforce Report to resolve land use planning conflicts.
2. Request that the WAPC allocates sufficient resources toward community and stakeholder engagement associated with formulation of an improvement scheme that extends beyond the minimum requirements of the *Planning and Development Act 2005*.



**MOTION**

MOVED: CR MCDONOGH

SECONDED: CR HEBBARD

That with regard to the Western Australian Planning Commission (WAPC) on proposed Draft Improvement Plan 50: Port Hedland West End (IP50), Council supports Draft IP50 that authorises the making of an improvement scheme for the West End of Port Hedland in response to the State Government's decision in October 2018 to implement the Port Hedland Dust Taskforce Report to resolve land use planning conflicts.

***MOTION LOST 4/5***

For: Mayor Blanco, Cr Carter, Cr Hebbard and Cr McDonogh

Against: DM Newbery, Cr Arif, Cr Whitwell, Cr Daccache and Cr Pitt

**CM201819/200 COUNCIL DECISION**

MOVED: DM NEWBERY

SECONDED: CR ARIF

That with regard to the Western Australian Planning Commission (WAPC) proposed Draft Improvement Plan 50: Port Hedland West End (IP50), Council request that the WAPC allocates sufficient resources toward community and stakeholder engagement associated with formulation of an improvement scheme that extends beyond the minimum requirements of the *Planning and Development Act 2005*.

***CARRIED 9/0*****PURPOSE**

The purpose of this report is for Council to provide a response to the Department of Planning, Lands and Heritage (DPLH) and Western Australian Planning Commission (WAPC) on proposed Draft Improvement Plan 50: Port Hedland West End (IP50).

## DETAIL

In 2009, the Environmental Protection Authority raised concerns about the possible impact of dust on Port Hedland residents. The Government subsequently established the Port Hedland Dust Management Taskforce (2009) to plan for and coordinate dust management in the town. The Taskforce released their Port Hedland Air Quality and Noise Management Plan in 2010. The plan proposed, amongst other recommendations, the drafting of a Health Risk Assessment to determine the impact of dust on the population. The Department of Health finalised the Port Hedland Air Quality Health Risk Assessment for Particulate Matter in February 2016. The Taskforce used the findings of the Health Risk Assessment to prepare its Report to Government, which included recommendations for managing dust in Port Hedland.

In August 2017, the State Government released the 2016 Port Hedland Dust Management Taskforce's Report to Government to obtain the views of the Port Hedland community, industry and other stakeholders. Fifty submissions were received. After considering the Taskforce Report and the feedback received, the State Government formalised its position in October 2018. In relation to land use planning, the following position was established for managing dust in the West End:

- *The Government supports the Taskforce recommendation that appropriate planning controls be implemented to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland. To give effect to this, the Western Australian Planning Commission (WAPC) will consider an improvement plan and improvement scheme designed to achieve the land use outcomes described in Recommendation 5 of the Taskforce Report.*
- *In response to community concerns raised in the consultation process, the Government will act to ensure that any future West End planning controls will not prevent the redevelopment of residential properties – provided that the redevelopment would not result in an intensification or expansion of non-conforming uses – should they be more than 75% damaged by a natural disaster such as fire or a cyclone.*

The land use outcomes described in Recommendation 5 of the Taskforce Report are:

- Implementation of a Special Control Area westwards from McGregor Street;
- The Special Control Area to prohibit new permanent residential development and other sensitive land uses, including aged care and child care premises, west of Taplin Street;
- Low-density (R20) residential development be permitted in the predominantly residential area between Taplin and McGregor Streets, but higher-density residential development and other sensitive land uses be prohibited; and
- The zoning in the Special Control Area aligns with the Town of Port Hedland Local Planning Strategy's Precinct 1, taking into consideration the findings of the Health Risk Assessment.

It is noted that there are some inconsistencies between points two (2) and three (3) in the Dust Taskforce Report with respect to the permissibility of aged care and child care premises between Taplin and McGregor Street. Point two (2) states these uses will be prohibited west of Taplin Street, but point three (3) states “sensitive land uses” west of McGregor Street will also be prohibited which may also include schools, aged care and child care premises. This issue will need to be resolved through the improvement scheme process.

### *Improvement Plan*

Improvement plans are strategic instruments used to facilitate the development of land in areas identified by the WAPC as requiring special planning. The WAPC can recommend to the Minister for Planning that an improvement plan is made “for the purpose of advancing the planning, development and use” of land. An improvement plan that authorises the making of an improvement scheme must set out the objectives of the scheme. The WAPC is only required to consult with the affected local government in the making of an improvement plan that authorises the making of an improvement scheme. The improvement plan provisions of the *Planning and Development Act 2005* state that under an improvement plan the WAPC, with the approval of the Governor, may:

- Plan, replan, design, redesign, consolidate, re-subdivide, clear, develop, reconstruct or rehabilitate land held by the State under the Act or enter into agreement with an owner of land not held by it within the improvement plan area;
- Provide for the land to be used for such purposes as may be appropriate or necessary;
- Make necessary changes to land acquired or held by it under the Act;
- Manage the tenure of ownership of the land or any improvements to that land held by it under the Act or enter into agreement with other owners of land within the improvement plan area for the same purposes;
- Recover costs in implementing the agreement with any owner of land within the improvement plan area; and
- Do any act, matter or thing for the purpose of carrying out any agreement entered into with other landowners.

These are very broad powers and it is not currently clear how the WAPC intend on exercising these powers within the area affected by draft IP50. There are currently nine (9) active improvement plans in operation in the State, with three (3) having accompanying active improvement schemes as follows:

- Anketell Strategic Industrial Area Improvement Plan No.1 (June 2016) and Scheme (November 2017) located within the City of Karratha local scheme area.
- Ashburton North Strategic Industrial Area Improvement Plan No. 3 (March 2015) and Scheme (September 2016) within the Shire of Ashburton local scheme area.
- Shenton Park Rehabilitation Hospital Improvement Plan No. 43 (July 2015) and Scheme (January 2017) within the Cities of Nedlands and Subiaco local scheme areas.

Two (2) of these improvement schemes are located in the North-West region of the State in adjacent local government areas. They provide a reasonable exemplar as to the format, operation and considerations for improvement schemes and how mapping and the accompanying scheme text will be set out. As a guide, there has been an 18-24 month period between the gazettal of improvement plans and its accompanying scheme in the past. The key defining aspect of draft IP50 that authorises the creation of an improvement scheme is that the West End of Port Hedland exhibits a town centre and substantial residential population. The WAPC has not proclaimed an improvement scheme in this scenario in the past, and as shown above improvement schemes have only been previously proclaimed over significant redevelopment areas and strategic industrial sites. It is for this reason that part (2) of the Officer Recommendation of this report includes a request for the WAPC to allocate sufficient resources toward preparation of an improvement scheme for the West End of Port Hedland.

*Draft Improvement Plan 50: Port Hedland West End (IP50)*

Proposed draft IP50 is included as Attachment 1 of this report. The stated purpose of draft IP50 is to:

- Enable the WAPC to undertake all necessary steps to advance the planning and development within the plan area as provided for under Part 8 of the PD Act;
- Establish the strategic planning and development intent within the subject area;
- Provide for a strategic planning framework endorsed by the WAPC, Minister for Planning and the Governor;
- Authorise the preparation of an improvement scheme;
- Provide the objectives of an improvement scheme; and
- Provide guidance to the preparation of statutory plans, statutory referral documentation and policy instruments.

The objectives of the improvement scheme that will be enabled by draft IP50 are:

- To provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social and environmental factors; and
- To provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area.

Once gazetted, the improvement scheme will replace the *Town of Port Hedland Local Planning Scheme No. 5* and the WAPC will become responsible for determining land use planning matters in the improvement scheme area. This will not occur until 18-24 months after draft IP50 is finalised and proclaimed by the Governor of Western Australia.

*Officer Comment*

The Officer Comment in response to proposed draft IP50 has been divided into sections related to matters that the Town has the most likelihood of influence over at this point in the process, noting that the WAPC will be implementing the October 2018 decision through preparation of IP50 (subject of this report) and a subsequent improvement scheme:

- *Draft IP50 Purpose*
- *Draft IP50 Boundaries*
- *Draft IP50 – Improvement Scheme Objectives*
- *Improvement Schemes (in general)*
- *Development Applications*

*Draft IP50 Purpose*

The purpose for draft IP50 is noted above and is included in Attachment 1. It is not essential to provide specific comments on the purpose of draft IP50 as the Town is not likely to be able to influence the purpose of the plan. The WAPC and DPLH are implementing a decision of State Government by preparing draft IP50, which clearly states that an improvement plan and improvement scheme are to be prepared to implement Recommendation 5 of the Dust Taskforce Report. It is therefore not recommended to provide a response on the improvement plan purpose.

*Draft IP50 Boundaries*

As can be seen in the map included as Attachment 1, the proposed boundaries of draft IP50 includes the entire West End of Port Hedland, with boundary points detailed as follows:

- Southern Boundary: Extends from the intersection of Wilson Street, Wedge Street and the Esplanade in the west to the intersection of Wilson Street and McGregor Street in the east, including all land north of Wilson Street but not including Wilson Street itself or land south of Wilson Street between the road reserve and land managed by Pilbara Ports Authority, BHP and the Aboriginal Lands Trust;
- Western Boundary: The Esplanade (road), including all land up to Pilbara Ports Authority managed land in the west;
- Northern Boundary: Inclusive of all coastal foreshore reserves and the Spoilbank in the north (with the exception of tidal areas on the tip of the Spoilbank), inclusive of Cemetery Beach Park but excluding the turtle nesting area on Cemetery Beach. The northern boundary extends along Lukis Street in the east until it intersects with McGregor Street. Hotel Ibis is outside the boundary; and
- Eastern Boundary: Extends from the intersection of McGregor Street and Wilson Street northwards to the intersection of McGregor Street and Lukis Street, inclusive of the McGregor Street road reserve and all land westwards.



The location of the boundaries of draft IP50 are important as this determines where the boundaries for the subsequent improvement scheme can possibly be set. For example, the improvement scheme boundaries can include either part or all of the land identified in IP50 as determined by the WAPC and Minister for Planning. This is important for Council to consider as it will flag to the WAPC at an early stage where Council may be agreeable for the improvement scheme boundaries to be set. No rationale or explanation has been provided for the proposed draft IP50 boundaries, for example it is unclear why draft IP50 would need to include coastal reserves, cemetery beach park and the Spoilbank as this land is not developed with sensitive land uses and is not zoned for sensitive land uses under the Town's existing LPS5. The Town has just prepared a Coastal Hazard Risk Management Adaptation Plan (CHRMAP) in accordance with State Planning Policy which indicates that development sensitive to coastal hazards will not be permitted in erosion and inundation risk areas. No adequate justification has been provided to include coastal reserve land but not include land closer to port operations, between Wilson Street and Nelson Point, which are closer to the stockpiles of iron ore.

Council has the option of advocating for alternative boundaries to draft IP50 through its response to the WAPC. It is not recommended that Council advocates for boundaries of a final IP50 that will limit the WAPC's ability to implement Recommendation 5 of the Dust Taskforce Report, as any such recommendation is likely to be disregarded unless valid reasons are supplied to support Council's position. On the basis that setting the improvement scheme boundaries are more significant (which will occur over the next 18-24 months), the Officer Recommendation does not recommend that draft IP50 boundaries are changed. Should Council seek to propose a change in boundaries, Option 2 is included as an Alternative Motion for Council to vary the Officer Recommendation.

#### *Draft IP50 – Improvement Scheme Objectives*

As stated earlier in this report, the objectives of the improvement scheme that will be enabled by IP50 are:

- To provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social and environmental factors; and
- To provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area.

These are very broadly stated objectives and do not provide any substance or vision for the improvement scheme area. The WAPC could have developed more specific objectives that are relevant to improving the West End of Port Hedland such as:

1. Protect built heritage and enable adaptive re-use of heritage buildings to preserve the character of the West End;
2. Limit new residential development and other sensitive land uses in accordance with the Dust Taskforce Report;
3. Outline clear requirements for non-conforming residential land uses;

4. Consolidate fragmented land ownership and road networks to support urban renewal;
5. Develop a light industrial precinct that focuses on high quality industrial design and port supporting commercial land uses;
6. Reserve land for a vegetation buffer that separates industrial uses from sensitive uses to improve air quality and acoustic amenity;
7. Designate land for tourism related land uses to encourage visitation of the precinct and contribute to economic activation;
8. Adapt to coastal hazards by recognising land at risk of coastal erosion and inundation and apply a framework to reduce risk of damage during storm events;
9. Improve the amenity of urban spaces through encouraging developments to provide landscaping and public art to contribute to the West End character.

It should be noted that the above listed objectives have been suggested at Officer level for discussion purposes only, and the improvement scheme objectives proposed by draft IP50 do not necessarily contradict achieving the nine (9) suggested objectives above. The objectives proposed in draft IP50 are exceptionally vague and may benefit by being elaborated upon by suggesting inclusion of additional objectives. The Council may wish to include some or all of the above suggested objectives (or alternative objectives) in its recommendation to the WAPC to maximise the likelihood of the issue discussed in the objective to be implemented as part of the future vision for the West End. Alternative recommendations (Option 2) has been included in this report to provide Council with the ability to provide such advice to the WAPC as part of its comments on draft IP50.

#### *Improvement Schemes (in general)*

Improvement Schemes are similar instruments to local planning schemes, however the WAPC is the determining authority for development applications. They contain development control provisions regarding the scheme area and are prepared in the same manner as a local planning scheme except the WAPC is the approving authority in place of Council and the format does not need to be consistent with the model scheme text. The improvement scheme preparation process is generally outlined below:

- Governor proclaims improvement plan that authorises an improvement scheme;
- Department of Planning, Lands and Heritage (DPLH) on behalf of WAPC prepares draft improvement scheme;
- WAPC initiates draft improvement scheme at its Statutory Planning Committee;
- WAPC undertakes statutory consultation on draft improvement scheme;
- DPLH considers submissions and modifies draft improvement scheme where appropriate;
- WAPC adopts final draft improvement scheme at its Statutory Planning Committee;
- WAPC refers final improvement scheme to the Minister for Planning;
- Once the Minister for Planning has signed-off the final improvement scheme, it is published in the government gazette.

- Once published in the government gazette, the improvement scheme overrides the local planning scheme and development applications are then referred to the WAPC for determination (instead of Council).

The improvement scheme process is explained in greater detail under Part 8 of the *Planning and Development Act 2005*.

The Town and local community are likely to have further opportunities for involvement in the improvement scheme process if the WAPC decides to go beyond the minimum public consultation requirements in preparing the improvement scheme. Part two (2) of the Officer Recommendation in this report aims to flag this at an early stage, and request that the WAPC allocates sufficient resources towards community engagement activities associated with preparation of the improvement scheme that extends beyond the minimum statutory consultation requirements of the *Planning and Development Act 2005*. The minimum statutory consultation requirements would generally involve one (1) letter to be sent to landowners and stakeholders as part of bullet point four (4) above, allowing an opportunity for the public to view a draft improvement scheme and provide a timeframe in which the public can provide comment. Due to the nature of the West End exhibiting a town centre and significant residential population, this approach would be considered inadequate community engagement and opportunities should be provided for the public and landowners to provide input in the shaping of the improvement scheme rather than comment on a draft that has already been prepared. Comments are therefore recommended to this effect in part (2) of the Officer Recommendation.

#### *Development Applications*

The significance of the Town receiving draft IP50 in respect of the determination of development applications is that it represents a step in the planning process toward a shift in the planning framework and appropriate weight must begin to be given to IP50 in decision making as potentially being a “seriously entertained planning proposal”. The weight given to a draft (and final) IP50 in decision making should consider the following factors:

1. The degree to which the draft improvement plan addresses the specific development application.
2. The degree to which the draft is based on sound town planning principles.
3. The degree to which its ultimate approval could be regarded as "certain".
4. The degree to which its ultimate approval could be regarded as "imminent".

While the Town will remain the decision maker under Local Planning Scheme No. 5 until such time as the improvement scheme is gazetted (i.e. 18-24 months after the improvement plan is proclaimed), the Officer Recommendation for development applications may begin to shift toward a recommendation that is consistent with the emerging planning framework. Such applications will be presented to Council for determination based on technical assessment against the existing and emerging planning framework and considering any comments received during public and agency consultation. When an improvement scheme is formulated and gazetted, decision-making power for development applications within the improvement scheme area will be removed from Council and will become the responsibility of the WAPC, unless the WAPC delegate those powers back to Council. This will be a topic for discussion through preparation of the improvement scheme and its implementation.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, as the improvement plan and subsequent improvement scheme may have significant implications for the present and future social, economic, environmental and cultural well-being of Port Hedland. It is outside the Town's control to consult on the proposed improvement plan and scheme and it is therefore recommended the WAPC dedicates sufficient resources to community engagement associated with the subsequent improvement scheme process.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Manager Town Planning and Development
- Manager Environmental Health and Community Safety

The Town's Environmental Health Business Unit are not opposed to draft IP50 as the proposal conforms with the findings of the Department of Health – Port Hedland Air Quality Health Risk Assessment for Particulate Matter by factoring in land affected by negative health implications caused by dust. The draft IP50 areas encompasses land where excessive levels of dust were mapped during the Department of Water and Environmental Regulation's (DWER) Mapping Dust Plumes at Port Hedland using LiDAR Report in February 2018.

### *External Agencies*

The WAPC is only obligated to consult with the local government in the formulation of an improvement plan. The subsequent preparation of an improvement scheme is likely to include consultation with other external agencies, as the process follows the same process as preparation of a local planning scheme.

*Community*

The WAPC is only obligated to consult with the local government in the formulation of an improvement plan. Insufficient time was given for the Town to undertake community consultation as part of this report, as the draft IP50 was received on 13 May 2019 and comments must be provided to the WAPC by 27 May 2019. Further opportunities for community consultation will be available as part of the improvement scheme process.

## LEGISLATION AND POLICY CONSIDERATIONS

*Planning and Development Act 2005**Planning and Development (Local Planning Schemes) Regulations 2015*

## FINANCIAL AND RESOURCES IMPLICATIONS

Financial and resources implications associated with proposed draft IP50 are not known at this stage.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 2.d.1* Investment in key infrastructure development such as the port and logistics is pursued
- 2.d.2* The development of industry specific value chains are encouraged and supported
- 3.b.1* The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.5* The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.1* Urban and spatial planning is implemented to enhance human interaction with nature and industry

*Environmental*

The State Government's decision to implement the Dust Taskforce Report through an improvement plan and scheme will eventually see a change in zoning over the West End of Port Hedland to reduce the risk to human health associated with exposure of a large portion of the population to elevated levels of dust.

*Economic*

The economic impacts of the improvement plan are not known at this stage. When the Town has an opportunity to comment on the improvement scheme (in the next 18-24 months), the WAPC should be requested to provide an assessment of the economic impacts associated with rezoning large portions of land.

*Social*

The West End of Port Hedland contains a historic town centre and large population base. The Town should advocate to protect cultural, historic and community values associated with the area through the improvement scheme process.

*Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 applies in relation to this item:

- 3.b.1.3 – Advocate to and support State Government initiatives to resolve land use conflicts

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because there has been a long standing land use conflict between port operations and residents in the West End and Council should advocate for the local community on any future zoning schemes imposed by the State Government. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

Whilst Council has the ability to not support draft IP50 based on reputational risk, it is not recommended that this is resolved as the WAPC will likely proclaim an improvement plan and scheme without Council's support. To optimise outcomes for the local community, it is in Council's best interest to support and work with the State Government to develop a future vision for the West End that supports both economic growth and protects cultural, social and historic values.

To reduce the reputation risk, the action plan is recommended to be:

1. Support the State Government's intention to proclaim IP50;
2. Advocate for the WAPC to undertake extensive community engagement associated with the improvement scheme;
3. Continue to engage with the WAPC through the improvement scheme process, which will occur in the 18-24 months following the improvement plan. This is the appropriate time to raise any specific issues that may influence the provisions of the improvement scheme; and
4. Develop a revised local planning strategy and local planning scheme founded on strong community engagement that recognises the improvement scheme and provides a planning framework for other areas in Port Hedland that respond to the improvement scheme. A tender has recently been released for the local planning strategy and scheme review project and will likely be presented to Council in June 2019 for award.



There is an environmental risk associated with this item, as the improvement plan represents a step towards responding to the Health Risk Assessment and resolving land use conflicts in the West End. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be mitigated by the adoption of the officer's recommendation. If Council resolves not to support draft IP50, it may be seen to be hindering the implementation of actions associated with the Dust Taskforce Report which aim to reduce health risk associated with exposure of large portions of the population to elevated levels of dust.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation to provide additional comments on proposed boundary and improvement scheme objectives*

That Council provides the following comments to the Western Australian Planning Commission (WAPC) on proposed Draft Improvement Plan 50: Port Hedland West End (IP50):

1. Council supports Draft IP50 that authorises the making of an improvement scheme for the West End of Port Hedland in response to the State Government's decision in October 2018 to implement the Port Hedland Dust Taskforce Report to resolve land use planning conflicts.
2. Request that the WAPC allocates sufficient resources toward community and stakeholder engagement associated with formulation of an improvement scheme that extends beyond the minimum requirements of the *Planning and Development Act 2005*.
3. Request that the WAPC modifies draft IP50 to include additional objectives for the improvement scheme to state:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
4. Requests that the WAPC modifies draft IP50 boundaries in the following manner:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_



*Option 3 – Do not support Improvement Plan*

That Council advises the Department of Planning, Lands and Heritage (DPLH) and Western Australian Planning Commission (WAPC) that it does not support Improvement Plan 50: Port Hedland West End (IP50) for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**CONCLUSION**

This report has provided an overview of proposed Improvement Plan 50: Port Hedland West End (IP50) and has provided a summary of the improvement plan and improvement scheme process. The key factors to note are that the improvement plan represents a step in the planning process toward implementing the October 2018 State Government decision on the Dust Taskforce Report, and the improvement scheme will follow approximately 18-24 months after IP50 is proclaimed. Eventually, gazettal of an improvement scheme will transfer decision making power for development applications to the WAPC. The improvement plan process is driven by the State Government and the recommendation is for Council to provide a response to the WAPC. Key issues are considered to be the location of the improvement plan boundaries, the objectives of the improvement scheme and the extent of community engagement in preparation of the improvement scheme. It is recommended that Council consider the contents of this report and make a recommendation to the WAPC as appropriate.

**ATTACHMENTS**

1. Draft Improvement Plan 50: Port Hedland West End (IP50)
2. Draft Improvement Plan 50: Map

## **DRAFT IMPROVEMENT PLAN No. 50**

### **PORT HEDLAND WEST END**



Western  
Australian  
Planning  
Commission

**WESTERN AUSTRALIAN PLANNING COMMISSION**

**MAY 2019**

## 1.0 Introduction

- 1.1 Under section 119 of the *Planning and Development Act 2005* (the "PD Act"), the Western Australian Planning Commission (WAPC) is authorised to certify and recommend to the Minister for Planning that an improvement plan should be prepared for the purpose of advancing the planning, development and use of any land within the State of Western Australia.
- 1.2 The improvement plan provisions of the PD Act provide for the WAPC, with the approval of the Governor, to:
- a) plan, replan, design, redesign, consolidate, resubdivide, clear, develop, reconstruct or rehabilitate land held by the State under the PD Act or enter into agreement with an owner of land not held by it within the improvement plan area;
  - b) provide for the land to be used for such purposes as may be appropriate or necessary;
  - c) make necessary changes to land acquired or held by it under the PD Act;
  - d) manage the tenure of ownership of the land or any improvements to that land held by it under the PD Act or enter into agreement with other owners of land within the improvement plan area for the same purposes;
  - e) recover costs in implementing the agreement with any owner of land within the improvement plan area; and
  - f) do any act, matter or thing for the purpose of carrying out any agreement entered into with other landowners.
- 1.3 Improvement Plan 50: Port Hedland West End (IP50) confers upon the WAPC the authority to undertake the necessary tasks to plan for and facilitate the implementation of an improvement scheme on behalf of the Western Australian State Government.

## 2.0 Background

- 2.1 The Port of Port Hedland is the largest bulk export port in the world. Total throughput increased from 247 million tonnes in 2011-12 to 519 million tonnes in 2017-18. Trade volume is forecasted by the Port Hedland Industries Council to increase to 700 million tonnes by 2027.
- 2.2 The port and the Port Hedland townsite have developed in close proximity, during a time prior to the introduction of planning controls that seek to separate non-compatible uses, i.e. residential and industrial. The West End precinct (west of McGregor Street) is adjacent to the port, with bulk commodity stockpiling handling and ship loading occurring to the south and west. According to the 2016 Australian Bureau of Statistics Census, there are approximately 900 residents living in the West End, the most dust, noise and hazard affected urban area in Port Hedland.
- 2.3 In February 2016, the Western Australian Department of Health published the *Port Hedland Air Quality Health Risk Assessment for Particulate Matter* report, which concluded that there is sufficient evidence of possible negative effects on human health from dust in the West End of Port Hedland to warrant improved dust management and monitoring controls and land-use planning measures to reduce community exposure to dust.
- 2.4 In 2016 the Port Hedland Dust Management Taskforce considered the findings of the Department of Health's *Port Hedland Air Quality Health Risk Assessment for*

*Particulate Matter* (February 2016) and provided recommendations to the Government through the *Port Hedland Dust Management Taskforce Report to Government* (August 2016).

2.5 After considering the Taskforce Report, and the submissions received, on 15 October 2018 the Western Australian State Government adopted a whole of Government approach to dealing with the management of dust in Port Hedland. With respect to land use planning it was decided that:

- *The Government supports the Taskforce recommendation that appropriate planning controls be implemented to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland. To give effect to this, the Western Australian Planning Commission (WAPC) will be requested to prepare an Improvement Plan and Scheme designed to achieve the land use outcomes described in Recommendation 5 of the Taskforce Report.*
- *In response to community concerns raised in the consultation process, the Government will act to ensure that any future West End planning controls will not prevent the redevelopment of residential properties - provided that the redevelopment would not result in an intensification or expansion of a non-conforming use - should they be more than 75% damaged by a natural disaster such as fire or a cyclone.*

### 3.0 Purpose

3.1 The purpose of IP50 is to:

- enable the WAPC to undertake all necessary steps to advance the planning and development within the plan area as provided for under Part 8 of the PD Act;
- establish the strategic planning and development intent within the subject area;
- provide for a strategic planning framework endorsed by the WAPC, Minister for Planning and the Governor;
- authorise the preparation of an improvement scheme;
- provide the objectives of an improvement scheme; and
- provide guidance to the preparation of statutory plans, statutory referral documentation and policy instruments.

### 4.0 Improvement scheme

4.1 Section 122A of the PD Act enables the WAPC to make an improvement scheme in respect of some or all of the land to which IP50 applies.

4.2 IP50 authorises the making of an improvement scheme, by resolution of the WAPC and approval of the Minister for Planning. The following objectives will guide the preparation of the improvement scheme:

- *to provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social, and environment factors; and*
- *to provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area.*

- 4.3 Once gazetted, the improvement scheme will replace the *Town of Port Hedland Local Planning Scheme No. 5*. The WAPC will be responsible for determining land use planning matters in the improvement scheme area.

**5.0 Improvement plan area**

The area that is subject to IP50 is depicted on WAPC Plan Number 3.2736.

**6.0 Affected local government**

The Town of Port Hedland will be affected by IP50.

DRAFT



**WESTERN AUSTRALIAN PLANNING COMMISSION**

**IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END**

**CERTIFICATE AND RECOMMENDATION**

PURSUANT TO PART 8 OF THE PLANNING AND DEVELOPMENT ACT 2005 IT IS HEREBY

1. CERTIFIED THAT THE LAND SHOWN ON WESTERN AUSTRALIAN PLANNING COMMISSION PLAN NUMBER 3.2736 ANNEXURED HERETO SHOULD FOR THE PURPOSE OF ADVANCING THE PLANNING, DEVELOPMENT AND USE, BE MADE THE SUBJECT OF IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END.
2. RECOMMENDED TO THE MINISTER FOR PLANNING AND HIS EXCELLENCY THE GOVERNOR THAT THE IDENTIFIED LAND AREA BE SUBJECT OF IMPROVEMENT PLAN NO. 50: PORT HEDLAND WEST END.

THIS CERTIFICATE AND RECOMMENDATION IS GIVEN IN ACCORDANCE WITH A RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION PASSED ON THE <<<<DATE>>>>.

THE COMMON SEAL OF THE WESTERN AUSTRALIAN PLANNING COMMISSION WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

-----  
CHAIR

-----  
SECRETARY

-----  
DATE



## IMPROVEMENT PLAN No. 50

### PORT HEDLAND WEST END

#### CERTIFICATE

This Improvement Plan is accompanied by a Certificate given in accordance with Part 8 of the Planning and Development Act 2005. It has been endorsed by the Western Australian Planning Commission for submission to the Minister for Planning.

The Common Seal of the Western Australian Planning Commission was hereunto affixed  
In the presence of:

\_\_\_\_\_

CHAIR

\_\_\_\_\_

SECRETARY

\_\_\_\_\_

DATE



THIS RECOMMENDATION IS ACCEPTED:

\_\_\_\_\_

MINISTER FOR PLANNING

\_\_\_\_\_

DATE

THIS RECOMMENDATION IS ACCEPTED:

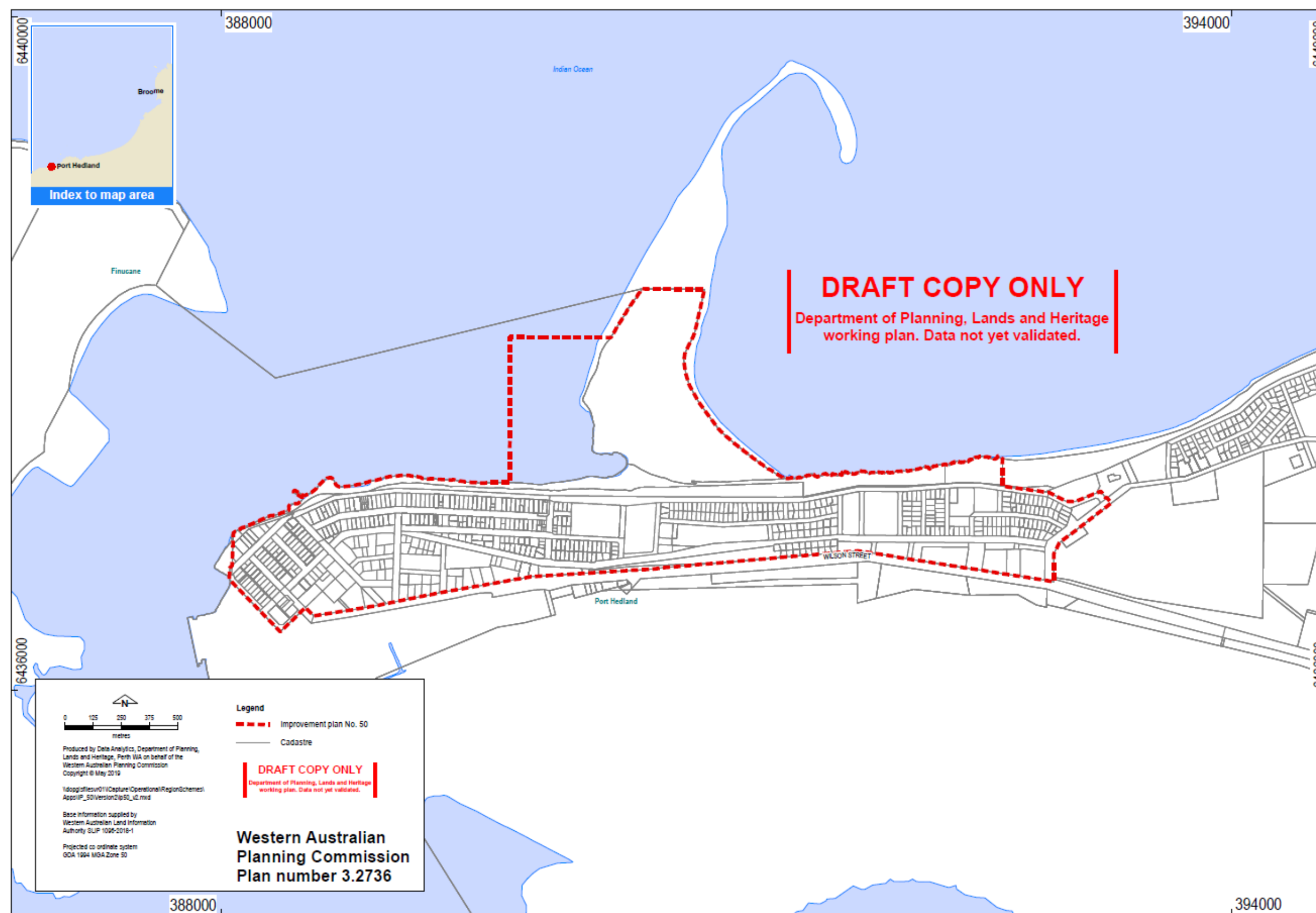
\_\_\_\_\_

GOVERNOR

\_\_\_\_\_

DATE





Improvement Plan No. 50 Port Hedland West End

**14.5 Stevens Street Site (also known as Port Hedland Retirement Village) (File No. 05/05/0017)**

Author	Manager Project Design and Delivery
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.

**MOTION**

MOVED: MAYOR BLANCO

That Council:

1. Receive all the technical advice presented to date by the Town's administration including the compliance and building condition audit, structural investigation and electrical report, and advice from a building surveyor (attached to this report) which highlight the compliance, structural and electrical issues associated with Port Hedland Retirement Village buildings;
2. Receive the legal advice dated 24 October 2018 and 6 December 2018 attached to this report;
3. Acknowledges and accepts that the Town is subject to a duty of care as a management body of the Reserve and as lessor as per the 6 December 2018 legal advice;
4. Endorse the Town's current draft evacuation plan and requests the CEO or his delegate to finalise it and proceed to implement as soon as possible with Port Hedland Retirement Village units' residents;
5. In view of its duty of care, request that the Town continues to facilitate the relocation of all Port Hedland Retirement Village residents as per the notice issued to all residents on 8 November 2018 in accordance with section 61(a) of the *Residential Tenancies Act 1987*;
6. Request that the CEO arrange for all tenants at Port Hedland Retirement Village to be advised of point 5 above in writing and in person on 23 May 2019.
7. Notes that the Town is seeking a second structural review of Port Hedland Retirement Village buildings, which will then be passed on to a Quantity Surveyor to quantify the value of works required to bring the facility up to code, and request the CEO report these findings back to Council;
8. Requests the CEO or his delegate issue an expression of interest or request for proposal for a partner to be sought to explore viable options to service the Town's current and forecasted seniors housing demands; and

9. Enter discussions with the Department of Communities to secure tenure over the Stevens Street site for the purpose of seniors housing.

*MOTION LOST FOR WANT OF SECONDER*

CM201819/201 OFFICER'S RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR WHITWELL

That Council, with regard to the Stevens Street Site:

1. Confirm its support for a new building on the current site, subject to approval from the Department of Communities in relation to:
  - a) Land tenure; and
  - b) Compliance with provisions included in the notice of breach it has issued to the Town.
2. Acknowledges the site is included in the in the Western Australian Planning Commission's draft West End Improvement Plan;
3. Make appropriate budget provisions for the next stage of the project (feasibility study and detailed design) as part of the FY2019/20 budget adoption; and
4. Commence appropriate tenant and community consultation on the future development of the site following approval from the Department of Communities.

*CARRIED 6/3*

For: DM Newbery, Cr Arif, Cr Whitwell, Cr Daccache, Cr Hebbard and Cr Pitt  
Against: Mayor Blanco, Cr Carter and Cr McDonogh

## PURPOSE

The purpose of this report is for Council to consider supporting a new build at the current location on Stevens Street.

## DETAIL

Subsequent to the 10 December 2018 Special Council Meeting, the Town has progressed the option of requesting a quotation for remediation work to bring the Stevens Street site to an acceptable standard. The Town commissioned reports to:

- Provide a second structural engineering review of the building;

- Provide a concept schematic design, for transportable and insitu options, which contemplates demolition and replacement of the accommodation buildings and community facilities; and
- Provide an initial Order of Probable Costs for the options.

The redevelopment options show replacement of the 22 retirement units in a single storey development having a similar arrangement to the current development. It also includes a common building. The general arrangement is consistent with the current development layout.

The transportable facilities will be unlike transportable accommodation used for mining projects. They are bespoke / custom made to specifically accommodate retirement village residents, including those with a mobility disability. An example of a similar facility is Yaandina Hostel in Roebourne.

### ENGINEERING REVIEW

A second structural review was commissioned to test the initial findings of KSCE. Wood and Grieve undertook the second review of the building, which included all internal roof cavities. Council was briefed on this report on two separate occasions.

At the Confidential Briefing on the 3 April 2019, Council was presented with this second report and discussions were held outlining the findings and recommendations.

At the Confidential Briefing held on the 17 April 2019, the Principal Structural Engineer at Wood and Greives was in attendance to answer more specific questions regarding the findings.

The second structural report found:

- All electrical and hydraulic services are generally at the end of life and in poor condition
- Mechanical Services are in varied condition with many units requiring replacement of mechanical services
- The structural tie down rods, from the underside of the concrete lintel beam to the front and rear of all units and storage units, are displaying minor to severe corrosion and are not considered able to perform in a cyclone event
- Roof sheeting and structural columns to the main hall require replacement, and
- Many of the masonry piers supporting verandas require replacement

The report recommended further investigations into the building, including a thorough termite inspection of all timber, and investigation of non-visible tie down and wall tie and bed joint reinforcement.

Recommendations for structural rectification in the report aimed to replicate the function of the structural elements in the original design only (i.e. assumed to be the Standard applicable in 1981) to allow safety in the event of a cyclone. It did not seek to bring the buildings into compliance with modern day Australian Standards.

The report concludes:

*“The whole of life cost of structural and other upgrades to meet current and future stakeholder and regulatory requirements for safety, durability, accessibility and functionality, together with required upgrades to services and equipment, fit out and finishes, and ever increasing maintenance and repair costs, is likely to equal or exceed the cost of replacing with new purpose designed buildings”.*

CODE Building Surveyors provided further advice that any rectification works undertaken would need to comply with current building standards.

## GOVERNANCE REVIEW

As part of its decision making process the Council will have to give due consideration to the Joint Venture Agreement it entered into in relation to the site with Homeswest (today Department of Communities) in 1999, as well as the notice of breach the Department of Communities issued to the Town on 15 January 2018. For this reason it is recommended that any decision of Council related to the site be subject to approval from the Department of Communities.

Due to the parcel of land being under management order only, the Town's recommendation, should a future development be committed to by Council, is that transportable buildings be utilised. This will enable the buildings to be moved to an alternative site if required.

The Council is also required to consider the recommendations included in the Western Australian Planning Commission's Draft West End Improvement Plan, which have been included as part of a separate item contained in the business paper for the 22 May Ordinary Council meeting.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance. Consultation with tenants and the community will commence after the Town has engaged with the Department of Communities.

## CONSULTATION

### *Internal*

- Executive Leadership team
- Manager Governance
- Elected Members at briefings held on 3 and 17 April 2019

*External Agencies*

- RFF Consultancy
- Department of Communities
- Wood and Grieve Structural Engineers
- The Department of Communities has been sent all additional reports in relation to the site, and has been advised that the Town will make further contact following a formal Council resolution on the matter

*Community*

As noted in the 'Level of Significance' section of this report, consultation with tenants and the community will commence after the Town has engaged with the Department of Communities.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 3.54 of the *Local Government Act 1995* applies, as it relates to 'Reserves under control of local government'.

*Occupiers Liability Act 1985* – section 5(1) (duty of care).

*Land Administration Act 1997* – section 46 (care, control and management of land).

*Civil Liability Act 2002* – section 5B (breach of the duty of care).

*Planning and Development Act 2005*.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The table below summarises each option and includes associated commentary, providing a high-level indication of the costs of the various options. The pricing is based on high-level schematic drawings only, and will require further review following Council's decision on a preferred approach.

All prices include a 60% regional loading allowance due to the proposed building being completed in the Pilbara Region. This loading is consistent with more recent construction contracts tendered and awarded in Port Hedland by the Town and is considered suitable for this exercise.

All prices include a 10% contingency, excluding the remediation option. Due to the requirement for further inspection and the likelihood of additional remediation works being required, a contingency allowance of 50% has been applied to the remediation option.

Option	Price Estimate (ex GST)	Comments
Site Demolition	\$216,212	The price excludes tip fees, removal of any hazardous material, contaminated materials and input from services consultants regarding in-ground infrastructure.
Remediation of Existing Building	\$ 4,436,160	<p>Structural rectification works are based on matching compliance with standards at the time of initial build. The entirety of the building would therefore not meet current construction and building standards.</p> <p>This solution would also likely incur substantial ongoing maintenance costs as the balance of the building, which remains in generally poor condition, continues to deteriorate.</p> <p>Further advice from the Building Surveyor and the WA Building Commission indicate that any remediation works would need to comply with the current building and construction standards.</p> <p>Advice from the Building Surveyor may impact the design solution put forward by WGE Engineers.</p> <p>To verify if the price based upon the current specification is still adequate, a revised estimate will be sought from the appointed Quantity Surveyor.</p>
Demolition and Redevelopment (Insitu)	\$8,812,580	N/A
Demolition and Redevelopment (Transportable)	\$9,103,680	<p>Discussions with the Quantity Surveyor indicate that transportable facilities have a time-saving benefit; however, costs typically end up higher in regional areas due to higher mobilisation costs (i.e. labour for the installation comes from Perth incurring travel, meal, accommodation costs).</p> <p>This cost also excludes transport of the accommodation units to the site.</p> <p>In this instance, aside from a potential time benefit, the use of transportable buildings will allow relocation to an alternative site at a later date if required.</p>



*Preferred option for replacement*

As already noted, due to the parcel of land being under management order only, the recommendation, should a future development be committed to by Council, is that transportable buildings be utilised. This will enable the buildings to be moved to an alternative site if required.

Costs for the project, summarised below, exclude the potential impact of the WAPC Implementation Plan (West End dust), include the requirement for external assistance for project execution, and assume the use of transportable buildings:

Item	Price (ex GST)
QS OPC (Transportable)	\$8,275,680.00
Professional Fees (12%)	\$993,081.60
Project Management (14%)	\$331,027.20
Headworks Allowance	\$500,000.00
Application Fees	\$30,000.00
<b>Sub Total</b>	<b>\$10,129,788.80</b>
Contingency	\$1,519,468.32
<b>Total</b>	<b>\$11,649,257.12</b>

The type of proposed buildings to be used at the site are custom designed facilities, fully compliant with the Building Code of Australia, designed to accommodate any persons eligible to reside at the facility.

As part of the Council's deliberations associated with the FY2019/20 budget it is recommended that consideration be given to the inclusion of a sum to cover future detailed design and feasibility study for the site. An appropriate amount will be recommended to Council as part of the FY2019/20 budget development process, and included in the FY2019/20 budget paper for formal resolution by Council.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.a.2** Community needs and gaps in health provision are identified and delivered
- 1.a.6** Town-wide health, safety, recreation and sporting activities and services
- 1.d.1** The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2** Facilities and community infrastructure are revitalised across the Town
- 1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.1** The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.2** Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies

- 3.b.4** Innovation and resilience of the built form are encouraged, assessed and implemented

*Environmental*

There are environmental implications associated with asbestos, termites and the current structural damage to the infrastructure.

*Social*

There are social implications due to the community concerns and interest.

*Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 applies in relation to this item:

- 1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities.

**RISK MANAGEMENT CONSIDERATIONS**

There is a health risk associated with this item because residents continue to be exposed to structurally damaged infrastructure. The risk rating is considered to be High (15) which is determined by a likelihood of possible (3) and a consequence of catastrophic (5).

There is a compliance risk because any subsequent development application in relation to the site might not comply with the Improvement Plan and Improvement Scheme Planning Framework, which may prohibit aged care and other sensitive land uses between Taplin and McGregor Street as per recommendation 5 of the Dust Taskforce Report. The risk rating is considered to be High (16) which is determined by a likelihood of likely (4) and a consequence of major (4).

These risk will be reduced through appropriate consultation with the Department of Communities and the WAPC.

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

**CONCLUSION**

The Town of Port Hedland made a commitment to provide Council advice on options and costs for remediation work to bring the Port Hedland Retirement Village to an acceptable standard. The Officer's recommendation provides the most viable opportunity for the Town to be able to fulfil this commitment at present.

ATTACHMENTS

1. Wood and Grieve Structural report (Under separate cover)
2. Code Building Surveyors Advice – Compliance Requirements
3. QS Report: Opinion of Probable cost – Demolition
4. QS Report: Opinion of Probable cost – Transportable Buildings
5. Potential design plans for Site/ layouts – Transportable buildings (Under separate cover)
6. QS Report – Option of Probable cost - Remediation works to common hall

## ATTACHMENT 2 TO ITEM 14.5



Our Ref: P190084  
Date: 19 Mar 2019

Attention: [REDACTED]  
Company: RFF Australia  
PO Box 481  
Port Hedland WA 6721

Subject: Port Hedland Retirement Village – Applicable Building Standards

Dear [REDACTED]

Further to the advice received from the Permit Authority that the repair work proposed to the Port Hedland Retirement Village will require a building permit, I contacted the Building Commission (Department of Mines, Industry Regulation and Safety) to determine what the applicable building standards for this building work would be.

The advice I received from the Building Commission was that the works described in a certificate of design compliance and subsequent building permit would need to comply with the current building standards. For example if the proposed works consisted of the installation of external steel columns to replace corroded roof tie down rods, then the new steel columns would need to comply with the current building standards. That is the design, installation, material selection and corrosion protection of the steel columns would need to comply with the relevant Australian Standards identified in Part B1 of Volume 1 or Part 3.0 of Volume 2 of the current edition of the National Construction Code.

The Building Commission further advised that so long as the building works the subject of the building permit did not affect the current compliance status of the building, for example by blocking an existing exit, compromising fire resisting construction, breaching a termite barrier or affecting the weather tightness of the building envelope then the building being repaired could otherwise remain as is.

Yours Faithfully,

A handwritten signature in black ink, appearing to be "A. [REDACTED]", written over a horizontal line.

[REDACTED]  
Register Building Services Practitioner, # 157  
Building Surveying Practitioner Level 1  
Associate Director, CODE Group

CODE Group Pty Ltd | PO Box 7270, Cloisters Square WA 6850 | admin@codegroup.com.au | ABN: 59 132 949 887

ATTACHMENT 3 TO ITEM 14.5



**Port Hedland Retirement Village**

**Demolition Works**  
**for**  
**Town of Port Hedland**

**Opinion of Probable Cost**

Indicative Cost Estimate

## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

OPC - Demolition Works

Item	Description	Qty	Unit	Rate	Total
1	<b><u>EXECUTIVE SUMMARY</u></b>			Rate/Unit	
2	DEMOLITION WORKS				122,212
	<b><u>Subtotal</u></b>				<b><u>122,212</u></b>
3	REGIONAL LOADING	60	%		74,000
	<b><u>Subtotal</u></b>				<b><u>196,212</u></b>
4	DESIGN CONTINGENCY ALLOWANCE	5	%		10,000
5	CONSTRUCTION CONTINGENCY ALLOWANCE	5	%		10,000
	<b><u>ESTIMATED TOTAL COMMITMENT</u></b>				<b><u>216,212</u></b>
	<b><u>NOTES &amp; EXCLUSIONS</u></b>				
6	The FECA/UCA/GFA rates used are average prices for buildings of similar function, scale and finish and are based on completed project values inclusive of preliminaries and builder's overheads and profit, but exclusive of GST.				
7	This Opinion of Probable Cost is not a cost control document and should not be used for construction contract or ordering purposes				
8	We have not received any advice from the Services Consultants on the Electrical and Mechanical Services and it is advisable that further costings be obtained to establish the limit of cost on the nature of this project.				
	<b><u>This OPC has been based on the following documentation:</u></b>				
9	Five drawings prepared by MATTHEWS and SCAVALLI Architects on 6th March 2019				
	<b><u>The following has been specifically excluded from this OPC for which separate provision should be made as required</u></b>				
10	- Land Costs, stamp duty and the like				
11	- Development/planning approval fees				
12	- Development contribution fee				
13	- New boundary fences				
14	- Works outside the site boundaries				
15	- Power and water infrastructure, headworks charges and service fees				
16	- Rates & Taxes				
17	- White goods - dishwashers, fridges, tumble dryers, microwave etc				
18	- Loose furniture				
19	- Smart & entrainment wiring, alarm & foxtel points				
20	- Finance costs				
21	- Removal of hazardous materials/contaminated soils				
22	- Removal and/or replanting of trees				





## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

OPC - Demolition Works

Item	Description	Qty	Unit	Rate	Total
1	<b>DEMOLITION WORKS</b>				
	<u>Site Clearance</u>				
1.1	Demolish existing units	1,953	m2	40.00	78,120
1.2	Site clearance	7,023	m2	4.00	28,092
	<u>Preliminaries</u>				
1.3	Preliminaries	15	%		16,000
	<u>To Executive Summary</u>				122,212

ATTACHMENT 4 TO ITEM 14.5



**Port Hedland Retirement Village**

**Option 2**  
**Transportable Buildings**  
**for**  
**Town of Port Hedland**

**Opinion of Probable Cost**

Indicative Cost Estimate

## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

OPC - Option 2 - Transportable Buildings

Item	Description	Qty	Unit	Rate	Total
<b><u>EXECUTIVE SUMMARY</u></b>					
1				Rate/Unit	
2	TRANSPORTABLE BUILDINGS	22	No	186,927	4,112,400
3	CARE TAKER BUILDING	1	No	231,800	231,800
4	COMMUNITY CENTRE BUILDING	1	No	255,200	255,200
5	EXTERNAL WORKS				572,280
	<b><u>Subtotal</u></b>				<b><u>5,171,680</u></b>
6	REGIONAL LOADING	60	%		3,104,000
	<b><u>Subtotal</u></b>				<b><u>8,275,680</u></b>
7	DESIGN CONTINGENCY ALLOWANCE	5	%		414,000
8	CONSTRUCTION CONTINGENCY ALLOWANCE	5	%		414,000
	<b><u>ESTIMATED TOTAL COMMITMENT</u></b>				<b><u>9,103,680</u></b>
<b><u>NOTES &amp; EXCLUSIONS</u></b>					
9	The FECA/UCA/GFA rates used are average prices for buildings of similar function, scale and finish and are based on completed project values inclusive of preliminaries and builder's overheads and profit, but exclusive of GST.				
10	This Opinion of Probable Cost is not a cost control document and should not be used for construction contract or ordering purposes				
11	We have not received any advice from the Services Consultants on the Electrical and Mechanical Services and it is advisable that further costings be obtained to establish the limit of cost on the nature of this project.				
	<b><u>This OPC has been based on the following documentation:</u></b>				
12	Five drawings prepared by MATTHEWS and SCAVALLI Architects on 6th March 2019				
	<b><u>The following has been specifically excluded from this OPC for which separate provision should be made as required</u></b>				
13	- Land Costs, stamp duty and the like				
14	- Transport of Transportables				
15	- Development/planning approval fees				
16	- Development contribution fee				
17	- New boundary fences				
18	- Works outside the site boundaries				
19	- Power and water infrastructure, headworks charges and service fees				
20	- Rates & Taxes				
21	- White goods - dishwashers, fridges, tumble dryers, microwave etc				
22	- Loose furniture				

## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

OPC - Option 2 - Transportable Buildings

Item	Description	Qty	Unit	Rate	Total
23	- Smart & entrapment wiring, alarm & foxtel points				
24	- Finance costs				
25	- Removal of hazardous materials/contaminated soils				
26	- Removal and/or replanting of trees				
27	- Local Authority Fees & Charges				
28	- Staging the works				
29	- Construction cost escalation beyond March 2019				
30	- Professional fees				
31	- Goods & Services Tax				

## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

OPC - Option 2 - Transportable Buildings

Item	Description	Qty	Unit	Rate	Total
<b>1</b>	<b>TRANSPORTABLE BUILDINGS</b>				
1.1	Substructure including for verandahs	2,180	m2	300.00	654,000
1.2	Transportable FECA excluding transport	1,572	m2	2,200.00	3,458,400
	<u>To Executive Summary</u>				<b>4,112,400</b>
<b>2</b>	<b>CARE TAKER BUILDING</b>				
2.1	Substructure including for verandahs	98	m2	300.00	29,400
2.2	Transportable FECA excluding transport	92	m2	2,200.00	202,400
	<u>To Executive Summary</u>				<b>231,800</b>
<b>3</b>	<b>COMMUNITY CENTRE BUILDING</b>				
3.1	Substructure including for verandahs	132	m2	300.00	39,600
3.2	Transportable FECA excluding transport	98	m2	2,200.00	215,600
	<u>To Executive Summary</u>				<b>255,200</b>
<b>4</b>	<b>EXTERNAL WORKS</b>				
	<u>Roads, Footpaths and Paved Areas</u>				
4.1	Concrete footpaths	440	m2	65.00	28,600
4.2	Bitumen Car parking including markings and Kerbing	833	m2	40.00	33,320
4.3	Increase thickness and shaping of existing gravel	2,360	m2	20.00	47,200
4.4	Allowance bitumen crossover including council fees		Item		14,200
	<u>Fencing and gates</u>				
4.5	Private screens at verandahs	428	m	150.00	64,200
	<u>Landscaping</u>				
4.6	Minimal landscaping	705	m2	25.00	17,625
	<u>Outbuildings and Covered ways</u>				
4.7	Outdoor seating hard stands	279	m2	65.00	18,135
4.8	Shade canopy structures at outdoor seating :[3 no]	282	m2	650.00	183,300
	<u>External Services</u>				
4.9	Allowance for stormwater re - connection		Item		26,000
4.10	Allowance for sewer drainage re - connection		Item		26,000
4.11	Allowance for water supply re - connection		Item		13,000
4.12	Allowance for gas supply re - connection		Item		13,000
4.13	Allowance for Electrical External light and power re - connection		Item		13,000
	<u>Preliminaries</u>				
4.14	Preliminaries	15	%		74,700
	<u>To Executive Summary</u>				<b>572,280</b>

ATTACHMENT 6 TO ITEM 14.5



**Port Hedland Retirement Village**

**Remediation Works**  
**for**  
**Town of Port Hedland**

**Opinion of Probable Cost**

Indicative Cost Estimate

## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

Remediation Works

Item	Description	Qty	Unit	Rate	Total
	<b><u>EXECUTIVE SUMMARY</u></b>				
1	REMEDIALATION WORKS				91,000
	<b><u>Subtotal</u></b>				<b><u>91,000</u></b>
2	REGIONAL LOADING	60	%		55,000
	<b><u>Subtotal</u></b>				<b><u>146,000</u></b>
3	CONTINGENCY ALLOWANCE	10	%		15,000
	<b><u>ESTIMATED TOTAL COMMITMENT</u></b>				<b><u>161,000</u></b>
	<b><u>NOTES &amp; EXCLUSIONS</u></b>				
4	This Opinion of Probable Cost (OPC) is preliminary only and costs could vary significantly depending on the final scope, detail and extent of work required				
5	The rates used in this Opinion of Probable Cost are based on the works being procured via a conventional, competitive tendering process				
6	This Opinion of Probable Cost is not a cost control document and should not be used for construction contract or ordering purposes				
	<b><u>This OPC has been based on the following documentation:</u></b>				
7	Scoping Advice document prepared by CODE Group on 13th March 2019				
	<b><u>The following has been specifically excluded from this OPC for which separate provision should be made as required</u></b>				
8	- Local Authority Fees & Charges				
9	- Staging the works				
10	- Construction cost escalation beyond March 2019				
11	- Professional fees				
12	- Electrical services installations				
13	- Mechanical services installations				
14	- Hydraulics services installations				
15	- Goods & Services Tax				



## OPINION OF PROBABLE COST

PROJECT: Stevens Street, Port Hedland

Remediation Works

Item	Description	Qty	Unit	Rate	Total
<b>1</b>	<b>REMEDIATION WORKS</b>				
	<u>All quantities and descriptions according to Compliance Item Scoping Advice report by CODE Group</u>				
	<u>Communal Building</u>				
1.1	Remove screen doors, closers and latch keepers and make good and repaint door frames	2	No	95.00	190
1.2	Replace existing latches on all door latches on doors forming required exits and on doors in the path of travel to exits with D-lever type latches that are configured to provide keyless egress from the side facing a person seeking egress.	6	No	270.00	1,620
1.3	OPTION 1 Enlarge door openings to accommodate 920 door leaves to achieve 850 mm clear opening width. This option is \$3,100 cheaper than Option 2 after preliminaries, area loading and contingency applied.	6	No	320.00	-
1.4	OPTION 2 Fit swing clear hinges and modify door jambs to provide a minimum of 800 mm clear door opening width. This option is \$3,100 more expensive than Option 1 after preliminaries, area loading and contingency applied.	6	No	620.00	3,720
1.5	Install a 1.5 m wide by 1.5 m deep landing immediately outside the doors and install a ramp down from the landing to ground level. The ramp is to be no steeper than 1:10 and the landing and step ramp are to be provided with a kerb wall extending 450 mm minimum above the external paving level.	2	No	1,305	2,610
1.6	Wall off a minimum 2.4 m long by 2 m wide room	12	m2	215	2,580
1.7	Install a 920 door to provide access to this room.	1	No	1,550	1,550
1.8	Provide sanitary plumbing and water service to the room for connection to toilet suite and washbasin.	1	No	3,420	3,420
1.9	Install AS 1428.1 compliant toilet suite and washbasin and connect to sanitary drains and water service.	1	No	2,400	2,400
1.10	Prepare floor to grades within UAT.	5	m2	50	250
1.11	Lay tiles on floor to falls and install skirting and splashback tiles within UAT.	6	m2	190	1,140
1.12	Install AS 1428.1 compliant grabrails, back rest, coat hook and mirror to UAT.	1	Item	1,510	1,510
1.13	Install emergency lighting that complies with AS 2283 throughout the building.	6	No	390	2,340
1.14	Install outside air supply fans sufficient to achieve air quality in accordance with AS 1668.2. Allowance made for reverse cycle air conditioning system comprising fan coil units, ducting and power supply	1	Item	15,500	15,500
1.15	Remove roof sheeting and investigate existing roof insulation. Install additional insulation to achieve total R Value of 4.2. Reinstall roof sheeting	300	m2	66	19,800
	<b>Sub-Total</b>				<b>58,630</b>
	<u>Living Units</u>				
1.16	Install additional ceiling insulation to achieve total R Value of 5.1.	1,250	m2	16	20,000
1.17	Investigate smoke alarms to all units. (This may have already been carried out)	25	No	15	375
	<b>Sub-Total</b>				<b>20,375</b>
1.18	Preliminaries	15	%		11,900
	<b>To Executive Summary</b>				<b>90,905</b>

7:03pm Councillor Arif declared a financial interest in item 14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre, as she has future tours booked as a tour guide for the Visitors Centre. Councillor Arif left the room.

### 14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre (*File No. 04/16/0001*)

Author	Manager Marketing Events and Communications
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.

#### CM201819/202 COUNCIL DECISION

MOVED: DM NEWBERY

SECONDED: CR MCDONOGH

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the *Local Government Act 1995*, to discuss the confidential attachments for item 14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre.

*CARRIED 8/0*

7:05pm The Mayor declared that the meeting closed to the public.

#### CM201819/203 COUNCIL DECISION

MOVED: CR HEBBARD

SECONDED: CR PITT

That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders' to discuss item 14.3 Award of Tender 2018-45 – Provide Operational Services for Port Hedland Visitors Centre.

*CARRIED 8/0*

7:07pm The Mayor declared that sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are suspended.

**CM201819/204 COUNCIL DECISION****MOVED: CR MCDONOGH****SECONDED: CR CARTER**

That Council resume sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014.

*CARRIED 8/0*

7.17pm The Mayor declared that sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are resumed.

**CM201819/205 OFFICER'S RECOMMENDATION/ COUNCIL DECISION****MOVED: DM NEWBERY****SECONDED: CR CARTER**

That Council:

1. Endorse the recommendation of the evaluation panel and award the Tender for RFT 2018-45 Provide Operational Services for Port Hedland Visitor Centre to the Port Hedland Peace Memorial Seafarers Centre Inc. for a projected contract term of two years to the value of \$746,504.00 (excluding GST), with three x 12 month optional extensions (maximum value of \$1,811,009.00 excluding GST); and
2. Delegate to the CEO or his officer the authority to negotiate with the preferred tenderer the location of the Port Hedland Visitor Centre, to be based on a site with secure land tenure for the term of the contract.

*CARRIED 7/1*

For: Mayor Blanco, DM Newbery, Cr Whitwell, Cr Carter, Cr Hebbard, Cr McDonogh and Cr Pitt

Against: Cr Daccache

**CM201819/206 COUNCIL DECISION****MOVED: CR MCDONOGH****SECONDED: CR HEBBARD**

That Council open the meeting to members of the public.

*CARRIED 8/0*

7:27pm The Mayor declared the meeting open to members of the public. Councillor Arif re-entered the room and resumed her chair.

---

## PURPOSE

The purpose of this report is for Council to consider the summary of the assessment of submissions received for Tender RFT 2018-45 for the provision of operational services for Port Hedland Visitor Centre, and consider the evaluation panel's recommendation to award the tender to the preferred tenderer. This report was presented to the 30 April Ordinary Council meeting, where Council resolved to defer its consideration until the Town's administration had sought additional information from respondents. This report includes this additional information for Council's consideration.

## DETAIL

The Town released an Expression of Interest on 16 January 2019 requesting suitably qualified and experienced individuals / companies / not for profit /community groups to manage the Port Hedland Visitor Centre with an integrated approach to the planning and delivery of services and programs.

The current management is by FORM Building a State of Creativity with existing contractual arrangements for the operation of the facility expiring in June 2019. FORM have managed the Visitor Centre since 2012.

The Visitor Centre is located at 13 Wedge Street, Port Hedland. The Town is open to operating the Centre from its existing premises or at an alternate location. Respondents were asked to provide details of any other proposed sites.

The RFT outlined provision of services to be provided by the Visitor Centre. These services include:

- A friendly and professional face to face welcome visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region.
- A comprehensive range of local, regional and state wide brochures, maps and directional information both in hard copy and available electronically.
- Information and booking services for accommodation and tours.
- Information on attractions, events, retail outlets, local services, road conditions and transport options.
- A web presence and digital strategy to educate and attract visitors to the local area.
- Availability of quality souvenirs/merchandise appropriate for the region.
- Open to the public Monday to Friday from 9am-4:30pm and Saturdays from 9am-2pm.
- Employs an appropriate number of staff experienced in visitor servicing, tourism or other relevant service delivery area.

An Expression of Interest was released on Vendorpanel and advertised in both the West Australian and North West Telegraph on 16 January 2019 with a closing date of 28 February 2019.

There were four (4) submissions received against the below contractors:

1. The Tourism Group
2. Port Hedland Seafarers Centre
3. Tourism Naturally Pty Ltd
4. Camp Management Services Pty Ltd

The Expression of Interest process is done in two (2) stages. Once all of the Expressions are assessed and evaluated, the preferred respondents are sent a Request for Tender. In this instance the panel selected all four (4) Expressions to submit a Request for Tender for further details on fixed pricing.

The Town's administration presented its evaluation of the above four submissions at the Ordinary meeting of 30 April 2019, and made an officer's recommendation to the Council on a preferred tenderer as per attachment 1. At this meeting the Council resolved to defer the item so that additional information could be sought from respondents. All respondents were contacted on 1 May, advised of Council's decision, and requested that they consider providing pricing for the provision of Visitor Centre services from the current location. All respondents were given until 3pm on Wednesday 8 May to submit this additional information, which has been included as part of this report under attachment 2.

#### *Tender Assessment and Officer's Recommendation*

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council.
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant experience	30%
Capacity to deliver and resources	30%
Key personnel and skills	20%
Demonstrated understanding and methodology	20%

A summary of the assessment results of each submission received is included in the confidential evaluation report under attachment 1.

The additional information received from respondents by the Town following the 30 April Ordinary meeting has been reviewed by Town officers and presented to Council under attachment 2. In all instances the methodology is considered to be the same when reviewed against the initial submissions.

The officer's recommendation has been clarified in further detail under attachment 2.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because its approval will have positive impacts on the visitor services provided by the Town.

## CONSULTATION

### *Internal*

The following internal stakeholders have been consulted during the RFT process:

- Procurement team – discussions with the procurement team have been ongoing throughout the course of the Request for Tender process.
- Executive Leadership Team – approved the procurement process.
- Manager Environmental Health and Community Safety – advice on environmental considerations and licencing requirements.
- Senior Property Management – provided advice on the facility management agreement.
- Senior Records Officer - Provided access to historical records of management contracts.
- Community Engagement team – provided advice on contractor requirements to ensure equitable access for people with a disability.
- Manager Governance.
- Elected Members were briefed on this project at a Confidential briefing on 5 December, at the Confidential Agenda Briefing on 10 April, and had opportunity to ask questions at the Public Agenda Briefing on the 17 April.

### *External Agencies*

- BHP - Discussed ongoing management of the Courthouse Gallery.
- FORM – To discuss the Town's intention to tender for the management of this facility at the end of the current period.
- WALGA – in relation to the process associated with seeking additional information from Tender respondents.

### *Community*

An Expression of Interest was released on Vendorpanel and advertised in both the West Australian and North West Telegraph on 16 January 2019 with a closing date of 28 February 2019.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of expressions of interest and tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'
- 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Port Hedland Visitor Centre is approved for in the Town's FY 2018/19 budget adoption. The draft FY 2019/20 budget includes consideration for the new management fee.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 4.a.2** Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3** A positive narrative and unique brand is developed and promoted
- 4.c.1** High quality and responsive customer service is provided
- 4.c.2** Community members, business and tourists are engaged to provide feedback about local facilities and services

### *Disability Access and Inclusion Plan*

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service



## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because failing to award a new management contract would mean the Town is unable to keep this facility open following 1 July 2019, causing a decrease in the community's perception of the Town's services. The risk rating is considered to be Moderate (8) which is determined by a likelihood of unlikely (2) and a consequence of major (4).

This risk will be eliminated by the adoption of the officer's recommendation.

Should Council resolve to appoint a tenderer based on a submission that includes the additional information provided after the 30 April Ordinary meeting, the Council should consider the compliance and financial risks associated with this. The Town could potentially incur costs associated with a litigation case brought forward by any of the other unsuccessful tenderers, for Council varying a tender process already underway.

The Town has consulted with WALGA on the implications associated with this tender process, and discussed any other options available to Council to overcome this risk, should the Council make a decision such as the one described above. Both the Town's administration and WALGA believe that there would be no real and material benefit or gain in rejecting all tenderers and reissuing a tender specifying the Town wishes Visitor Centre services from the current location. Should the Council resolve to take this direction, the Town and WALGA's recommendation is that it will have to consider and bear the risks associated with this action.

The Town has assessed the financial impact risk for the life of the contract being five (5) years in total inclusive of extensions, which is considered to be Medium (8) and is determined by a likelihood of unlikely (2) and a consequence of major (4). The Town has assessed the compliance risk, which is considered to be Medium (6) and is determined by a likelihood of possible (3) and a consequence of 2 (minor).

The Town considers the above risks will be eliminated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt the preferred tenderer as outlined in the officer's recommendation*

*Option 2 – Adopt another tenderer from the list provided under attachment 1. Should this occur the Council must provide reasons so that they can be incorporated in the minutes. This is an accountability measure in that the Council must be able to explain the basis of its reasoning.*

*Option 3 – Reject all tenders*

## CONCLUSION

Town Officers recommend the awarding of RFT2018-45 to the preferred tenderer indicated in the Tender Evaluation Report.

The preferred tenderer has provided a strong methodology for service delivery and have proven experience in the tourism industry. They have met and exceeded all selection criteria requirements and their thorough proposed program represents best value for money for the Town.

## ATTACHMENTS

1. Evaluation Report (Confidential, under separate cover).
2. Summary of additional information requested by Council (Confidential, under separate cover).

### 11.1 Corporate and Performance

7:27 pm The Mayor declared a five minute recess to the meeting.

7:32pm The Mayor declared that the meeting continue.

#### CM201819/207 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR ARIF

That Council adopts the Officer's Recommendations for the following agenda items by exception resolution:

11.1.1 Statement of Financial Activity for the Period Ended 31 March 2019;

11.2.1 Development Application 2019/004 for Change of Use – 'Holiday Accommodation' to 'Multiple Dwellings' Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street Port Hedland;

11.2.2 Proposed New Local Planning Policy 01 – Exemptions from Development Approval;

11.2.3 Revised Crossover Policy 9/005; and

11.3.1 Award of Tender RFT 2018-17 HVAC Routine Maintenance and Servicing.

*CARRIED 9/0*

**11.1.1 Statement of Financial Activity for the Period Ended 31 March 2019 (File No. 12/14/0003)**

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

**OFFICER'S RECOMMENDATION**

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

1. Receive the Statement of Financial Activity for the period ended 31 March 2019;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 March 2019; and
4. Receive the Credit Card Statements for period ended 31 March 2019.

***CARRIED BY EXCEPTION RESOLUTION***

**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 March 2019. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

The information provided in this report is for the period ended 31 March 2019, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-12* prepared by 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 2018/19 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation.
2. With regards to all other items excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

Commentary is provided on variances as details above as per *Attachment 2 Note 13. Explanation of Material Variances*.

The opening funding surplus of \$7.1M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the audited financial statements.

The net current asset position as at 31 March 2019 was \$23.2M. The breakdown of the cash position is displayed below:

	2018/19 Actuals
Current Assets: Cash and Investments	\$252.3M
Restricted Cash – Reserves	\$238.4M
Unrestricted Cash Position as at 31 March 2019	\$13.9M

#### *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 to Council for information purposes only.

#### CONSULTATION

##### *Internal*

All consultation and engagement is conducted internally.

##### *Community*

N/A

#### LEGISLATION AND POLICY CONSIDERATIONS

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

## FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing;

- a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information as is considered relevant by the local government.

Reserves:

Ensure compliance will section 6.11 of the *Local Government Act 1995* when reserve accounts are utilised.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.1** Sound long-term financial planning is implemented
- 4.b.2** Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3** Transparent and regular governance reporting and communication to the community is undertaken

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 2018/19 budget to the risk that a reduction in income or increase in expense throughout the 2018/19 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 monitor revenue and expenditure on a regular basis ensure in line with budget and amend as needed.

## OPTIONS

*Option 1 - Adopt Officers Recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 March 2019 in accordance with *regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

*Option 2 - Amend Officers Recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 March 2019 and request further information or clarification.

*Option 3 – Do not adopt Officers Recommendation*

That Council do not note or receive the Statement of Financial Activity for the period ended 31 March 2019.

**CONCLUSION**

The opening funding surplus of \$7.1M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the audited financial statements. The net current asset position was \$23.2M.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 Note 13. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

**ATTACHMENTS**

1. Statement of Financial Activity Notes 1-12 (Under Separate Cover)
2. Note 13 Material Variance Report (Under Separate Cover)
3. Accounts paid under delegated authority listing (Under Separate Cover)
4. Credit Card Statements for period ended 31 March 2019



*ATTACHMENT 4 TO ITEM 11.1.1*

**Town of Port Hedland**  
**Summary of Credit Card Statements**  
**March 2019**

Account Name	Account Number	Debit Balance (\$)
Town of Port Hedland	xxxx-xxxx-xxxx-4300	10,946.63
Town of Port Hedland	xxxx-xxxx-xxxx-8364	-
Town of Port Hedland	xxxx-xxxx-xxxx-2581	7,492.87
Town of Port Hedland	xxxx-xxxx-xxxx-6321	2,315.86
Town of Port Hedland	xxxx-xxxx-xxxx-2287	-
Town of Port Hedland	xxxx-xxxx-xxxx-3111	-
Town of Port Hedland	xxxx-xxxx-xxxx-9507	-
Town of Port Hedland	xxxx-xxxx-xxxx-0885	230.19
Town of Port Hedland	xxxx-xxxx-xxxx-0679	1,803.34
<b>TOTAL</b>		<b>22,788.89</b>

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.



NAB Connect

## Transaction History Report

## Account details

Account name  
CC TOPH  
Account number  
XXXX-XXXX-XXXX-6321  
Currency  
AUD

## Account balance summary

Opening balance: 0.00 CR  
Total credits: 0.00 CR  
Total debits: 2,315.86 DR  
Closing balance: 0.00 CR  
  
Date from: 01 March 2019  
Date to: 31 March 2019

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
06/03/2019	CREDIT CARD PURCHASE PAYPAL *HEALINGINTO 4029357733		1,720.86 DR		1,720.86 DR
19/03/2019	CREDIT CARD PURCHASE COMPANY DIRECTORS SYDNEY		595.00 DR		595.00 DR

Printed on: 03-Apr-2019 02:01pm

**Transaction History Report (Continued)**

Account details	Account balance summary	
<b>Account name</b> CC TOPH	<b>Opening balance:</b>	0.00 CR
<b>Account number</b> xxx-xxxx-xxxx-4300	<b>Total credits:</b>	100.00 CR
<b>Currency</b> AUD	<b>Total debits:</b>	10,946.63 DR
	<b>Closing balance:</b>	0.00 CR
	<b>Date from:</b>	01 March 2019
	<b>Date to:</b>	31 March 2019

**Transaction details**

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
06/03/2019	CREDIT CARD PURCHASE OakTreeMCTownSquare Moranbah		181.50 DR		
06/03/2019	CREDIT CARD PURCHASE OakTreeMCTownSquare Moranbah		350.00 DR		531.50 DR
08/03/2019	CREDIT CARD PURCHASE BAYSWATERCARRENTAL WA BAYSWATER		740.00 DR		740.00 DR
14/03/2019	CREDIT CARD PURCHASE Aloft Perth FDI Rivervale		312.62 DR		
14/03/2019	CREDIT CARD PURCHASE Aloft Perth FDI Rivervale		312.62 DR		625.24 DR
15/03/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951505516911SPRING HILL		11.00 DR		
15/03/2019	CREDIT CARD PURCHASE Beerwah Family Clinic Beerwah		253.00 DR		
15/03/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,091.24 DR		
15/03/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952154592432SPRING HILL		1,203.99 DR		
15/03/2019	CREDIT CARD PURCHASE WWW.CARTRANSPORTEXP RES MOLENDINAR		2,078.58 DR		
15/03/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		2,109.48 DR		6,747.29 DR
19/03/2019	CREDIT CARD PURCHASE J GUY REMOVALS CARLISLE		1,720.00 DR		1,720.00 DR
20/03/2019	CREDIT CARD PURCHASE SONIC HEALTHPLUS JOONDALUP		512.60 DR		512.60 DR
25/03/2019	CREDIT CARD PURCHASE BAYSWATERCARRENTAL WA BAYSWATER		70.00 DR		70.00 DR
28/03/2019	CREDIT CARD REFUND BAYSWATERCARRENTAL WA BAYSWATER			100.00 CR	100.00 CR

Printed on: 03-Apr-2019 02:01pm

**Transaction History Report (Continued)**

Account details	Account balance summary
<b>Account name</b> CC TOPH	<b>Opening balance:</b> 0.00 CR
<b>Account number</b> XXXX-XXXX-XXXX-2581	<b>Total credits:</b> 0.00 CR
<b>Currency</b> AUD	<b>Total debits:</b> 7,492.87 DR
	<b>Closing balance:</b> 0.00 CR
	<b>Date from:</b> 01 March 2019
	<b>Date to:</b> 31 March 2019

**Transaction details**

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/03/2019	CREDIT CARD PURCHASE FACEBK 4SAFUKJ5Y2 fb.me/ads		586.59 DR		586.59 DR
11/03/2019	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY MAILCHIMP.COMGA		71.31 DR		
11/03/2019	CREDIT CARD PURCHASE Dropbox V8Z8B3QCBS6W db.tt/cchelp		196.00 DR		267.31 DR
12/03/2019	CREDIT CARD PURCHASE EB *Business Breakfast 801- 413-7200		98.22 DR		98.22 DR
13/03/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		719.20 DR		
13/03/2019	CREDIT CARD PURCHASE UnderArmourAU Nrth Manly		1,440.00 DR		
13/03/2019	CREDIT CARD PURCHASE UnderArmourAU Nrth Manly		2,400.00 DR		4,559.20 DR
14/03/2019	CREDIT CARD PURCHASE PEPPERS/MANTRA/BKFREE PEPRS/MNTR/BF		197.44 DR		
14/03/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		359.60 DR		557.04 DR
15/03/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951505511329SPRING HILL		3.28 DR		
15/03/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952154582704SPRING HILL		329.00 DR		332.28 DR
25/03/2019	CREDIT CARD PURCHASE WANEWSDTI Osborne Park		290.37 DR		290.37 DR
26/03/2019	CREDIT CARD PURCHASE ACACIA FLOWER SHOP HILLARYS		79.00 DR		79.00 DR
27/03/2019	CREDIT CARD PURCHASE FACEBK HNSZRK6VJ2 fb.me/ads		3.66 DR		
27/03/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		719.20 DR		722.86 DR

Printed on: 03-Apr-2019 02:01pm

**Transaction History Report (Continued)**Account details

**Account name**  
CC TOPH  
**Account number**  
XXXX-XXXX-XXXX-0679  
**Currency**  
AUD

Account balance summary

**Opening balance:** 0.00 CR  
**Total credits:** 0.00 CR  
**Total debits:** 1,803.34 DR  
**Closing balance:** 0.00 CR  
  
**Date from:** 01 March 2019  
**Date to:** 31 March 2019

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
11/03/2019	CREDIT CARD PURCHASE SQ *PRO. PHONE REPAIR Port Hedland		120.00 DR		120.00 DR
13/03/2019	CREDIT CARD PURCHASE IKEA PTY LTD TEMPE		1,140.00 DR		1,140.00 DR
25/03/2019	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		140.66 DR		140.66 DR
27/03/2019	CREDIT CARD PURCHASE KMART 1103 SOUTH HEDLAND		336.00 DR		336.00 DR
28/03/2019	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		23.18 DR		
28/03/2019	CREDIT CARD PURCHASE KMART 1103 SOUTH HEDLAND		43.50 DR		66.68 DR

Printed on: 11-Apr-2019 03:32pm

**Transaction History Report (Continued)**Account detailsAccount balance summary

**Account name**  
CC TOPH  
**Account number**  
XXXX-XXXX-XXXX-0885  
**Currency**  
AUD

**Opening balance:** 0.00 CR  
**Total credits:** 0.00 CR  
**Total debits:** 230.19 DR  
**Closing balance:** 0.00 CR  
  
**Date from:** 01 March 2019  
**Date to:** 31 March 2019

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
08/03/2019	CREDIT CARD PURCHASE TOTAL SFS PTY LTD WEDGEFIELD		93.80 DR		93.80 DR
19/03/2019	CREDIT CARD PURCHASE POST SOUTH HEDLAND PSO SOUTH HEDLAND		40.20 DR		
19/03/2019	CREDIT CARD PURCHASE PILBARA TOOLS AND FAST WEDGEFIELD		50.22 DR		90.42 DR
20/03/2019	CREDIT CARD PURCHASE CJD EQUIPMENT PTY LTD WEDGEFIELD		20.97 DR		20.97 DR
28/03/2019	FEE ANNUAL FEE		25.00 DR		25.00 DR

### 11.1.2 Support for Indonesian Cattle Buyers to Visit the Pilbara (File No. 14/02/0001)

This item was withdrawn from the agenda.

### 11.1.3 Salaries and Allowances Tribunal Determination of Elected Member Fees and Allowances for 2019/20 (File No. 13/01/0009)

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

#### OFFICER'S RECOMMENDATION

That Council;

1. Adopt the following percentages of the Salaries and Allowances Tribunal's 2019 determinations for Elected Member remuneration for inclusion in the 2019/20 annual budget:

Annual Attendance Fees	%	\$
Mayor	90%	42,764
Councillors	90%	28,510

Allowances	%	\$
Mayor	90%	80,778
Deputy Mayor	25% of the Mayor's allowance	20,194
ICT Allowance	100%	3,500

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



## CM201819/208 COUNCIL DECISION

MOVED: MAYOR BLANCO

SECONDED: CR DACCACHE

That Council;

1. Adopt the following percentages of the Salaries and Allowances Tribunal's 2019 determinations for Elected Member remuneration for inclusion in the 2019/20 annual budget:

Annual Attendance Fees	%	\$
Mayor	100%	47,516
Councillors	100%	31,678

Allowances	%	\$
Mayor	100%	89,753
Deputy Mayor	25% of the Mayor's allowance	22,438
ICT Allowance	100%	3,500

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

*CARRIED BY ABSOLUTE MAJORITY 9/0*

## PURPOSE

The purpose of this report is for Council to consider the Salaries and Allowances Tribunal's 2019 elected member fees and allowances determinations and set the 2019/20 elected member's fees and allowances for inclusion in the 2019/20 annual budget.

## DETAIL

*Background*

Each year the Salaries and Allowances Tribunal (the Tribunal) are required under the *Salaries and Allowances Act 1975* to:

*"Inquire into and determine the amount of:*

- fees, or the minimum and maximum amounts of fees, to be paid under the Local Government Act 1995 ('the LG Act') to elected council members for attendance at meetings;
- expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and

- allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

When determining the amounts for the above, the Tribunal take into consideration the roles and responsibilities of elected members, any submissions from local governments made prior to their determination, current economic circumstances and band classifications.

This year, the Tribunal has determined a one percent (1%) increase in the remuneration ranges provided to elected members. Each Council must then conduct its own remuneration review to determine whether any increase is justified.

The fees, expenses and allowances are intended to recognise the responsibilities of elected members and to remunerate them for the performance of the duties associated with their office.

#### *Band allocation*

Each local government within Western Australia is classified by the Tribunal using the Tribunal's four (4) band classification model, which considers a number of factors, including:

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

Port Hedland is designated by the Tribunal as a Band 1 local government, based on the following typical characteristics:

Band 1	<ul style="list-style-type: none"> <li>• A strategic leader and manager of a highly complex and challenging business;</li> <li>• Implement sophisticated, best practice strategic management systems and processes for the Local Government to operate effectively;</li> <li>• Structured, strategic community and stakeholder consultation and engagement processes are established;</li> <li>• Technical and strategic leadership of activities and issues extend beyond third tier management level;</li> <li>• The CEO and Local Government has a significant local, regional and state-wide profile; and</li> <li>• The CEO and Local Government would have a major strategic input and contribution to all significant community and stakeholder issues and challenges.</li> </ul>
--------	--

## FEES AND ALLOWANCES

Policy 4/008 'Elected Member Entitlements', sets out Council's adopted position in relation to the percentage of the Tribunal's maximum fees and allowances each year. These percentages, as per the Council's 2018 review are as follows:

- The Mayoral annual meeting attendance fee is 90% of the yearly maximum Tribunal determination.
- The Councillors' annual meeting attendance fee is 90% of the yearly maximum Tribunal determination.
- The Mayoral allowance is 90% of the yearly maximum Tribunal determination.
- The ICT allowance is 100% of the yearly maximum Tribunal determination.

### *Annual attendance fees*

Annual attendance fees are paid to elected members for their attendance at meetings regardless of how many meetings are attended. The annual attendance fee is spread over 12 months and paid monthly to each elected member.

The Town's current policy states that all elected members are to receive 90% of the maximum Tribunal determination.

The below table outlines the Tribunal's determinations for annual attendance fees and a comparison between alternative percentages:

2019/20 annual attendance fee						
	Minimum	Maximum	90%	85%	80%	75%
Mayor	\$24,604	\$47,516	\$42,764	\$40,389	\$38,013	\$32,073
Councillor	\$24,604	\$31,678	\$28,510	\$26,926	\$25,342	Min

Currently (2018/19 FY), elected members receive the following annual attendance fees:

2018/19 annual attendance fee	
Mayor	\$42,341
Councillor	\$28,228

#### *Per Meeting Fees*

In lieu of an annual allowance, Council may choose to receive a fee for each meeting attended. In terms of resourcing and administration, this method is considered less efficient and is not recommended by the Town. The Tribunal's determinations for these fees can be found on page 19 of attachment 1.

#### *Mayor and Deputy Mayor allowance*

In addition to any attendance fees, the Mayor is entitled to receive an annual Mayor allowance. The Deputy Mayor also receives 25% of the Mayor's allowance. This percentage cannot be changed.

The Town's current policy states that the Mayor is to receive 90% of the maximum Tribunal determination.

In determining the values for the mayor's allowance, the Tribunal has taken into account a range of factors including the following:

- (a) The leadership role of the mayor;
- (b) The statutory functions for which the mayor is accountable;
- (c) The ceremonial and civic duties required of the mayor, including local government business related entertainment;
- (d) The responsibilities of the deputy mayor when deputising; and
- (e) The relative "size" of the local government as reflected in the Tribunal's local government banding model.

The below table outlines the Tribunal's determinations for the Mayor's and Deputy's allowances, and a comparison between alternative percentages:

	Minimum	Maximum	90%	85%	80%	75%
Mayor's allowance	\$51,258	\$89,753	\$80,778	\$76,290	\$71,802	\$67,315
Deputy mayor's allowance	\$12,815	\$22,438	\$20,194	\$19,073	\$17,951	\$16,829

Currently (2018/19 FY), the Mayor and Deputy Mayor receive the following allowances:

2018/19 Allowance	
Mayor	\$79,978
Deputy Mayor	\$19,994

*ICT Allowance*

Elected members are also entitled to an annual ICT allowance. The Tribunal has determined that the range for this allowance must be between \$500 and \$3,500.

The Town's currently policy states that all elected members receive 100% of the maximum Tribunal determination.

This allowance is to be used for costs relating to telephone and facsimile usage and other expenses that relate to information and communications technology i.e. telephone/fax call charges, consumables, printing of agendas and internet service provider fees.

Elected members are strongly encouraged to utilise this allowance for the purchase of mobile devices (which is currently facilitated through the Town's IT department) to effectively communicate with the Town's administration and to view electronic copies of meeting papers and documentation.

In line with the efficiency strategies and sustainability initiatives adopted in the Strategic Community Plan and the Corporate Business Plan, the Town is committed to encouraging waste avoidance and significantly reducing the financial and environmental impacts associated with the printing of paper documentation; therefore, the Town proposes that paper copies of documentation to those Elected Members that receive this allowance, no longer be provided.

#### LEVEL OF SIGNIFICANCE

The Town's adopted policy on significant decision making outlines Council's intent to support public involvement in significant decisions. This matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy which deems community consultation necessary.

#### CONSULTATION

*Internal*

- Manager Governance
- Executive Leadership Team

*External Agencies*

The Salaries and Allowances Tribunal's website was researched in preparation of this report.

A comparison of other Band 1 local governments was also undertaken, and a summary of their determinations are noted below:

Location	Determination
Karratha	Maximum for all allowances / fees
Cockburn	Maximum for all allowances / fees
Stirling	Maximum for all allowances / fees
Albany	Maximum for all allowances / fees
Bunbury	Mayor allowance \$61,000 (68%) Deputy Mayor allowance \$15,250 (25% of mayor allowance) Mayor attendance fees \$30,000 (63%) Councillor attendance fees \$25,000 (79%) ICT allowance \$ 3,500 (100%)
Melville	Maximum for all allowances / fees
Kalgoorlie-Boulder	Maximum for all Mayor allowances and attendance fees ICT allowance \$ 1,000
Wanneroo	Maximum for all allowances / fees
Swan	Maximum for all allowances / fees

## LEGISLATION AND POLICY CONSIDERATIONS

Policy 4/008 'Elected Member Entitlements' will need to be amended if Council wish to amend the current percentages or wish to opt for a 'Per Meeting Fee'.

Elected Members fees and allowances are outlined under section 5.98 of the *Local Government Act 1995*. Sections 5.98A, 5.99 and 5.99A state that decisions in relation to elected member fees must be made by an absolute majority.

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

Elected members are not required to declare a financial interest when determining their remuneration in accordance with section 5.63 of the *Local Government Act 1995*.

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Tribunal to annually inquire into and determine the amount of fees, expenses to be reimbursed and allowances to be paid to elected council members.

Section 2.28 of the *Local Government Act 1995* applies in relation to terms of office for Councillors.

## FINANCIAL AND RESOURCES IMPLICATIONS

Should Council resolve to retain their current policy position on the remuneration percentages, due to the one percent (1%) increase in the Tribunal's 2019 determination the total 2019/20 budget allocation will be \$403,318, which is an increase of \$3,683 on the current financial year's budget.

Alternatively, the following table shows the required budget for each alternative percentage option. These figures are based on nine elected members.

Fee/ allowance	Min	Max	90%	85%	80%	75%
Mayor allowance	\$51,258	\$89,753	\$80,778	\$76,290	\$71,802	\$67,315
Deputy mayor allowance (25%)	\$12,815	\$22,438	\$20,194	\$19,073	\$17,951	\$16,829
Mayor meeting attendance fees	\$24,604	\$47,516	\$42,764	\$40,389	\$38,013	\$35,637
Councillor meeting attendance fees	\$196,832	\$253,424	\$228,082	\$215,410	\$202,739	\$196,832
ICT allowance (100%)	\$4,500	\$31,500	\$31,500	\$31,500	\$31,500	\$31,500
Total	\$290,009	\$444,631	\$403,318	\$382,662	\$362,005	\$348,112

#### *Payments to outgoing elected members*

The 2019 ordinary local government elections will be held on Saturday 19 October to fill vacancies for four (4) Councillors whose terms are expiring. For Councillors whose term is ending, their allowance will be calculated on a pro-rata basis up until 19 October 2019. For any new elected members, their allowance will be calculated on a pro-rata basis, commencing the day after the election.

#### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 3.b.3** Sustainable energy, waste land water management practices are provided and promoted
- 4.b.1** Sound long-term financial planning is implemented
- 4.b.2** Transparent and regular financial reporting and communication to the community is undertaken
- 4.c.4** Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

#### *Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 3.b.3.2** Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse
- 4.b.2.1** Ensure the Town's finances are managed efficiently and effectively, in line with legislated requirements



- 4.c.4.1 Develop, implement and review efficiency strategies across all facilities and infrastructure

#### RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item in terms of potential negative financial impacts on the 2019/20 budget which may occur if Council adopt higher allowances. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be eliminated upon adoption of the officer's recommendation, or an alternative lower percentage.

#### OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

#### CONCLUSION

Each year, Council must set their annual fees and allowances for inclusion in the annual budget. It is recommended that Council retain their current position statement in accordance with adopted policy 4/008 'Elected Member Entitlements', and set the annual meeting fees and mayor allowance at 90%, and the ICT allowance at 100% of the maximum allowance determined by the Salaries and Allowances Tribunal.

#### ATTACHMENTS

1. 2019 Salaries and Allowances Tribunal's EM Determinations (Under separate cover)
2. Policy 4/008 'Elected Member Entitlements'

## ATTACHMENT 2 TO ITEM 11.1.3



Town of  
**Port Hedland**

**Policy**

**4/008 Elected Member Entitlements**

**1. Objective**

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

**2. Content**

**2.1. Fees and Allowances**

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

*2.1.1 Annual Meeting Attendance Fees*

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

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

*2.1.2 Mayoral Allowance*

The Mayoral Allowance is 90% of the yearly maximum SAT determination.

*2.1.3 Deputy Mayoral Allowance*

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

*2.1.4 Information and Communication Technology (ICT)*

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

The ICT Allowance is for costs relating to telephone and facsimile usage and other expenses that relate to information and communications technology i.e. telephone/fax call charges, consumables and internet service provider fees (must be of sufficient capability to download Town documents).

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



### *2.1.5 Conditions Relating to Payment of Fees and Allowances*

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

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

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

### *2.1.6 Acting Role*

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

## **2.2. Reimbursements**

### *2.2.1 Childcare*

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

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

- Weekly Elected Members and CEO catch ups;
- Confidential Briefings;
- Agenda Feedback Sessions;
- Public Agenda Briefings;
- Community conversations; and
- Training and Conferences.

**2.3. Items to be provided to Elected Members****2.3.1 Corporate Items**

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

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

**2.3.2 Recognition of Elected Members**

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

- A name plaque
- A certificate of service
- A gift up to the value of \$100 per year of service with a maximum value of \$1,000, subject to the minimum length of service being one full four year term of office.

**2.3.3 Office of the Mayor**

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

- the use of a suitable office; and
- access to administrative support with the required allocation to be negotiated with the CEO notwithstanding the points under section 2.3.1.

**2.4. Dispute Resolution**

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

**Definitions**

**“Allowance”** – as defined in the Local Government Act 1995

**“Reimbursement”** - as defined in the Local Government Act 1995

**“Committee Meeting”** – as defined under section 5.98A(7) of the Local Government Act 1995

Relevant legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a> <a href="#">Salaries and Allowances Act 1975</a>
Delegated authority	N/A
Business unit	Governance
Directorate	Corporate & Performance

Governance to complete this section			
Version Control	Version No.	Resolution No.	Adoption date
	V01	201314/360	25 June 2014
	V02	201415/206	25 March 2015
	V03	201516/241	25 May 2016
	V04	CM201617/204	24 May 2017
	V05	CM201718/110	13 December 2017
	V06	CM201819/034	26 September 2018
Review frequency	Annually		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.



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

Author	Senior Governance Advisor
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.

#### CM201819/209 OFFICER'S RECOMMENDATION/ COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR DACCACHE

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

*CARRIED BY ABSOLUTE MAJORITY 9/0*

#### PURPOSE

The purpose of this report is for Council to consider the adoption of the Town of Port Hedland's revised delegation register, in accordance with the requirements of section 5.46(2) of the *Local Government Act 1995*.

#### DETAIL

The Town's delegation register is required to be reviewed each financial year and subsequently presented to Council for adoption. The delegation register was last reviewed and adopted by Council in May 2018.

Since last year's review, the Western Australian Local Government Association (WALGA) has released a suite of best practice documentation and templates to assist and guide Local Governments to ensure the most appropriate decision making pathway is applied. This year's delegation register review has been based on WALGA's newly released model template.

The Town's officers went through each section of WALGA's template and have amended where required. Delegations have been added to align the Town's current register with WALGA's template and to ensure that current practices have been formalised.

Key changes in this year's review are summarised below.

*Local Government Act 1995 Delegations:*

Delegation Number	Change
1.1.1 Audit and Risk Committee	Delegation has been added to align with Section 4 of the Audit, Risk and Governance Committee's Terms of Reference.
1.2.2 Performing Functions Outside the District	The Town of Port Hedland has entered mutual aid agreements that allow for support to be provided during emergencies. This delegation enables, when requested, officers to execute delegated functions in other shires without the need for those shires to undertake a lengthy delegation process each time. Additionally officers have been requested to undertake duties on a contract basis for surrounding shires when travel for officers from that shire would be unreasonable.
1.2.3 Compensation for Damage Incurred when Performing Executive Functions	An example of the use of this delegation would be in relation to officers requiring access to a site for an imminent health, environmental or fire risk and having no other option than to cut fences. In this situation, unless a legal action exempted the action, it would be fair and reasonable for the property owner to seek compensation. This will likely see limited use but a mechanism for the public to seek reimbursement should be included.
1.29 Close Thoroughfares to Vehicles	Delegation has not previously being used by the Town. Close Thoroughfares to Vehicles similar to this is currently being utilised by the way of road closure delegated by manager works.
1.2.10 Control Reserves and Certain Unvested Facilities	Although this delegation is rarely exercised, it is important to include as an operational delegation.
1.2.11 Obstruction of Footpaths and Thoroughfares	Though this is a new delegation, previously the matter would have been addressed under the Environmental Protection (Unauthorised Discharges) Regulations or <i>Environmental Protection Act 1986</i> . The enforcement mechanism under these Acts or Regulations typically require higher level legal action so this new delegation allows for a more reasonable/fair enforcement approach to lesser matters.
1.2.12 Gates Across Public Thoroughfares	Although this delegation is rarely exercised, it is important to include as an operational delegation. The Town currently utilises gates / chain gates across reserves / schools ovals leased properties thought Port and South Hedland.



Delegation Number	Change
1.2.13 Public Thoroughfare – Dangerous Excavations	Delegation has not previously being used. The Town has undertaken to manage Excavations on or on land adjoining Public Thoroughfares without the use of delegations. For e.g. underground power upgrades of 2015 excavation under public infrastructure damage to roads, pathways etc.
1.2.14 Crossing – Construction, Repair and Removal	Delegation has not previously being used. The Town has undertaken to manage Crossing – Construction, Repair and Removal, without the use of delegations. For e.g. the Town currently manage works for the installation / repair of crossovers on council verge / property by the way of policy
1.2.15 Private Works on, over or under Public Places	Delegation has not previously being used. The Town has undertaken to manage private works within public places without the use of delegations. Currently imposing conditions on road users for private works on unsealed roads for maintenance purpose.
1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	Currently the Town can only act on matters related to wind and erosion in a largely reactionary manner i.e. Post occurrence of damage/impact. This delegation will allow for a proactive approach. In situations where an obvious erosion risk is present, they can be addressed collaboratively with the land holder.
1.2.18 Tenders for Goods and Services	These delegations have been allocated to relevant officers and allows current practices to be formalised.
1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services	
1.2.24 Power to Invest and Manage Investments	This delegation allows operational staff to prepare proper internal controls.
1.2.25 Rate Record Amendment	Relevant officers have been added to this delegation to ensure efficiency in operations and formalise practices.
1.2.27 Determine Due Date for Rates or Service Charges	This delegation allows for the generation of rate notices following Council adoption and setting due dates accordingly.
1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land	Relevant officers have been added to these delegations to ensure efficiency in operations and formalise practices.
1.2.32 Rate Record – Objections	

Delegation Number	Change
1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	Delegation has not previously being used. The Town has undertaken to manage Approvals to Obstruct a Public Thoroughfare. Without the use of delegations. For e.g. the Town currently manage works on council verge / property by the way of verge bond held in trust with pre and post inspections conducted.
1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	Delegation has not previously being used. The Town has undertaken to manage Excavations on or on land adjoining Public Thoroughfares without the use of delegations. For e.g. underground power upgrades of 2015 excavation under public infrastructure damage to roads, pathways etc.
1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places	Delegation has not previously being used. The Town has undertaken to manage private works within public places without the use of delegations. Currently performing works for main roads under MOU.
1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll	These delegations have been allocated to relevant officers and allows current practices to be formalised.
1.3.6 Destruction of Electoral Papers	

*Building Act 2011 Delegations:*

Delegation Number	Change
5.1.1 Grant a Building Permit	In accordance with the <i>Building Act 2011</i> , this delegation is exercised by 'change of builder' process that occurs several times a year for applications where proponents change the builder listed on an approved permit. It is important to include as an operational delegation.
5.1.2 Demolition Permits	In accordance with the <i>Building Act 2011</i> , this delegation is exercised by 'change of builder' process that rarely occurs for demolition permits and is important to include as an operational delegation.
5.1.3 Occupancy Permits or Building Approval Certificates	In accordance with the <i>Building Act 2011</i> , this delegation is exercised by 'extension of time' processes several times per year and is important to include as an operational delegation.
5.1.9 Referrals and Issuing Certificates	This delegation is regularly exercised through the Town's MOU with City of Karratha and is important to include as an operational delegation.

Delegation Number	Change
5.1.7 Building Orders	These delegations have been added. Although they are rarely exercised, it is important to include them as an operational delegation.
5.1.8 Inspection and Copies of Building Records	
5.1.10 Private Pool Barrier – Alternative and Performance Solutions	
5.1.11 Smoke Alarms – Alternative Solutions	

*Bush Fires Act 2011 Delegations:*

Delegation Number	Change
6.2.1 Make Request to FES Commissioner – Control of Fire	This delegation gives Fire Control Officers authority to request DFES to take command of a fire when the capacity of the local authority is exceeded. Occurrences where a section 13 request is made are rare, but the process needs to be established and fluid in times of crisis. This delegation will ensure a smooth process when required.
6.2.2 Prohibited Burning Times - Vary	This enables the Town to vary prohibited burning times when environmental and climate conditions present a heightened risk of fire danger.
6.2.3 Prohibited Burning Times – Control Activities	This delegation grants further powers to Town officers to take action during prohibited burning times and to mitigate fires when fire weather conditions are extreme. While authority existed this delegation makes the authorities clearer and easier to enforce if required.
6.2.4 Restricted Burning Times – Vary and Control Activities	
6.2.5 Control of Operations Likely to Create Bush Fire Danger	This delegation enables Fire Control Officers to issue directions to people undertaking fire risk activities that may present a serious fire risk. Though authority to give direction previously existed, this delegation provides clearer authority and more opportunity for enforcement action if breached.
6.2.6 Burning Garden Refuse / Open Air Fires	Though authority previously existed, this delegation expands on the powers of a Fire Control Officer and gives certainty regarding their ability to issue or refuse approvals for burning under certain conditions.
6.2.7 Firebreaks	This delegation provides clearer authority in relation to firebreaks for Fire Control Officers to take action.
6.2.8. Appoint Bush Fire Control Officer/s and Fire Weather Officer	This delegation provides clearer authority in relation to the appointment of Fire Control Officers and Fire Weather Officers.

Delegation Number	Change
6.2.9 Control and Extinguishment of Bush Fires	This delegation provides clearer authority to prevent fires even if a burn permit has been issued. This authority would be exercised in situations where, for example, a significant change in weather conditions has unexpectedly occurred which has increased risks associated with a previously approved controlled burn.
6.2.10 Apply for Declaration as an Approved Area	The delegation relates to the effectiveness of fire response capabilities in a certain area. If it was determined that the bush fire brigade had the ability to effectively respond and control fires with a level of certainty in a certain area, the discretion to determine that area as an 'Approved Area' exists. This opens opportunities for possible reductions to insurance premiums which cover crops wholly within that area. This delegation would not be exercised lightly.
6.2.11 Recovery of Expenses Incurred through Contraventions of this Act	This delegation establishes a clear authority for action to be taken against those responsible for breaches of the <i>Bushfires Act 2011</i> that results in costs being incurred by the Town or agents for the Town. An example would be that heavy equipment was required to be hired as a result of a fire caused by an individual. Once the fire offense was proven, cost recovery mechanisms could be commenced to recoup the cost of the equipment hire.

*Cat Act 2011 Delegations:*

Delegation Number	Change
7.1.1 Cat Registrations	This clarifies an authorised officer's authority to refuse to assess applications for cat registrations when requirements to provide certain information have not been satisfied. Secondary to this, the delegation allows the executive to make a determination about fee waivers relating to a specific cat or class of cats in the community.
7.1.3 Approval to Breed Cats	This delegation confirms the authority of the Town to refuse applications for Cat Breeding Licences when requests for certain information have not been satisfied.
7.1.5 Recovery of Costs – Destruction of Cats	This delegation gives authority to the Town to recover costs associated with the euthanasia of a cat when it's required as a result of the failure of the cat owner to responsibly care for the animal.

Delegation Number	Change
7.1.6 Applications to Keep Additional Cats	Authority previously existed regarding under delegation but this update provides clearer authority regarding the ability to issue permits for the keeping more than 2 cats.
7.1.7 Reduce or Waiver Registration Fee	This delegation allows the executive to make a determination about fee waivers relating to a specific cat registration fees.

*Dog Act 1974 Delegations:*

Delegation Number	Change
8.1.1 Refuse or Cancel Registration	This delegation solidifies the authorised officer's authority to refuse or cancel registrations for dogs or cats (as a result the conditions established in points i-v). Authority is also given to the executive to make determinations regarding waiver of registration fees.
8.1.4 Recovery of Moneys Due Under this Act	This delegation solidifies the Town's authority to commence cost recovery for unpaid fees.
8.1.5 Dispose of or Sell Dogs Liable to be Destroyed	Provides clear delegation to the Town to dispose of or sell animals that may be destroyed if not rehomed.
8.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	This delegation provides the Town a clear framework to address objections received when a dog is declared dangerous under the Act.
8.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration	This delegation enables the Town to consider and include costs incurred through the Dangerous Dog Declaration process when registering the animal in question. The declaration process can be onerous on officer time and resources so this delegation allows for a level of cost recovery up to the designated threshold.

*Food Act 2008 Delegations*

Delegation Number	Change
10.1.6 Debt Recovery and Prosecutions	This delegation acts to clarify the Towns ability to recover costs associated with the impounding, seizure and destruction of any items by an authorised officer. For example, in situations where an officer has determined that a food item must be seized and destroyed to prevent it being supplied/sold to the public – this delegation allows the Town to recovery any costs that were incurred resulting from the seizure and destruction (transport, landfill disposal fees etc.)

Delegation Number	Change
10.1.7 Food Businesses List – Public Access	This delegation clarifies the Town's ability to hold and publicise a list of approved food businesses at the discretion of authorised officers.

*Graffiti Vandalism Act 2016 Delegation:*

Delegation Number	Change
11.1.1 Give Notice Requiring Obliteration of Graffiti	This delegation has not previously been used. The Town has undertaken works within 48hrs if the graffiti in question was offensive and the Town would absorb the costs.
11.1.2 Notices – Deal with Objections and Give Effect to Notices	This delegation provides a clear framework for the Town to deal with objections to notices that have been issued to the public. This also provides clarity to the public on how the objection will be addressed.
11.1.3 Obliterate Graffiti on Private Property	This delegation has not previously been used. The Town has undertaken works within 48hrs if the graffiti in question was offensive and the town would absorb the costs.
11.1.4 Powers of Entry	This delegation solidifies the authorised officer's authority to enter property under notice or seek a warrant to enter property when a breach of the act is suspected or identified.

*Public Health Act 2015 Delegations:*

Delegation Number	Change
16.1.3 Determine Compensation for Seized Items	This delegation provides a framework to enable the Town to consider applications for compensation after an authorised officer has seized goods/items. This delegation also provides clarity to the public on how applications for compensation will be addressed.
16.1.4 Commence Proceedings	This delegation clarifies the authority of the Town to commence legal action relating to offences under the <i>Public Health Act 2016</i>

*Environmental Protection Act 1986*

Delegation Number	Change
20.1.1 Noise Control – Environmental Protection Notices	These delegations provide clearer and more easily understood wording regarding the Town and the Town's Authorised Officers to address matters relating to noise and noise management plans.

Delegation Number	Change
20.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	
20.1.3 Noise Management Plans – Construction Sites	

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium/ low significance and does not require community consultation.

## CONSULTATION

### *Internal*

A comprehensive schedule of internal meetings were held over multiple weeks in preparation of this year's delegation register review. The Town's Governance Advisor individually met with the following officers to assist with determining each business unit's appropriate delegations:

- Manager Governance
- Manager Depot Operations
- Manager Environmental Health and Community Safety
- Manager Financial Services
- Manager Governance
- Manager Human Resources
- Manager Marketing, Events and Communications
- Manager Town Planning and Development
- Manager Waste Operations
- Team Leader Rangers

### *External Agencies*

WALGA's model template was used to ensure best practice when creating and reviewing this year's delegation register.

## LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.16, 5.17, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46, 7.1B and 9.10 of the *Local Government Act 1995* relate to delegations and the appointment of authorised persons.

An absolute majority vote is required to delegate any powers to a Chief Executive Officer under section 5.42 of the *Local Government Act 1995*.



Delegations under the following additional Acts are included in this delegation register:

- *Emergency Management Act 2005*
- *Freedom of Information Act 1992*
- *Public Interest Disclosures Act 2003*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1974*
- *Animal Welfare Act 2002*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Food Act 2008*
- *Graffiti Vandalism Act 2016*
- *Litter Act 1979*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Liquor Control Act 1988*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2015*
- *Caravan and Camping Grounds Act 1995*
- *Planning and Development Act 2005*
- *Mains Roads Act 1930*
- *Road Traffic (Vehicles) Act 2012*
- *Environmental Protection Act 1986*

All delegations under each of the Town's Local Laws have been included in this delegation register as follows:

- Animals, Environment and Nuisances Local Law
- Bush Fire Brigades Local Law
- Cemetery Local Law
- Dogs Local Law
- Health Local Law
- Parking Local Law
- Public Places and Local Government Property Local Law
- Waste Local Law

The following policies are reflected within the delegation register:

- 1/027 Severance Payments
- 2/004 Rating
- 2/007 Purchasing
- 2/010 Council Investments
- 2/016 Regional Price Preference
- 2/022 Panels of Pre-Qualified Suppliers
- 3/007 Senior Employees and Acting Chief Executive Officer
- 6/003 Community Grants Program

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no identifiable costs associated with the adoption of the reviewed delegation register.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.3** Transparent and regular governance reporting and communication to the community is undertaken

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

### *Disability Access and Inclusion Plan*

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 applies in relation to this item:

- Outcome 3 – Information. The delegation register is available in a user friendly format on our website or may be requested in alternative formats.

### *Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 applies in relation to this item:

- 4.b.3.1** Ensure governance information provided to the community is in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the register is not reviewed each financial year. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

This risk will be eliminated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

The Town's delegation register is to be reviewed at least each financial year in accordance with the *Local Government Act 1995*. It is recommended that Council adopt the attached delegation register to ensure compliance with the Act.

## ATTACHMENTS

1. 2019/20 Town of Port Hedland Delegation Register (Under Separate Cover)
2. List of added delegations (Under Separate Cover)

## 11.2 Development, Sustainability and Lifestyle

**11.2.1 Development Application 2019/004 for Change of Use – ‘Holiday Accommodation’ to ‘Multiple Dwellings’ Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street Port Hedland (File No. 806186G/806187G/ 806189G)**

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

**OFFICER'S RECOMMENDATION**

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

1. Approve Development Application 2019/004 for the ‘Change of Use – Holiday Accommodation to Multiple Dwellings’ on Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street Port Hedland, subject to the following conditions:
  - a) This approval relates only to the proposed ‘Three (3) Multiple Dwellings’, as indicated on the approved plans (DWG2019/004/1 – DWG2019/004/2). It does not relate to any other development on this lot.
  - b) If the development referred to in (a) above is not substantially commenced within a period of two (2) years from the date of approval, the approval shall lapse and be of no further effect.
  - c) A minimum of three (3) car bays shall be provided, one for each dwelling, as indicated on the approved site plan.
  - d) No parking bays shall be obstructed in any way or used for any other purpose than car parking.
2. Advise the applicant of the following:
  - a) In October 2018 the State Government resolved to prepare an Improvement Plan and Scheme over the West End of Port Hedland which is likely to prohibit new permanent residential development. When the Improvement Scheme takes effect, the land use ‘multiple dwelling’ is likely to become a non-conforming use.

- b) This approval constitutes development approval only and does not obviate the responsibility of the landowner / developer to comply with all relevant building, health and engineering requirements.
- c) The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland.
- d) It is the responsibility of the landowner to search the title of the property to ascertain the presence of any title encumbrances that may apply.
- e) The landowner is to take note that the area of this application may be subject to rising sea levels, tidal storm surges and flooding. Council has been informed by the State Emergency Services that the one hundred (100) year average recurrence interval (A.R.I) cycle of flooding could affect any property below the ten (10) metre level AHD. Developers shall obtain their own competent advice to ensure that measures adopted to avoid that risk will be adequate. The issuing of a Development Approval is not intended as, and must not be understood as, confirmation that development or buildings as proposed will not be subject to damage from tidal storm surges and flooding.

*CARRIED BY EXCEPTION RESOLUTION*

---

## PURPOSE

The purpose of this report is for Council to determine Development Application 2019/004, which proposes the change of use of Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street, Port Hedland, from 'Holiday Accommodation' to 'Multiple Dwellings'.

## DETAIL

Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street were approved as 'Holiday Accommodation' under Development Approval 2010/275, which was approved by Council on 9 March 2011. This development was classified as a 'Use Not Listed – Mixed Use Development', which consisted of sixteen (16) multiple dwellings, five (5) holiday accommodation units and one (1) office land uses. The holiday accommodation units are all located on the first floor of the building.

The application proposes the 'Change of Use – Holiday Accommodation to Multiple Dwellings' for three (3) holiday accommodation units to become permanent dwellings (multiple dwellings) within the Town Centre Zone. A 'Multiple Dwelling' land use is an 'A' use under Local Planning Scheme No. 5 (LPS5) and is required to be advertised in accordance with Clause 64 of the *Planning and Development (Local Planning*

*Schemes) Regulations 2015.* The application was advertised by the Town in the North West Telegraph and to external agencies. Two (2) objections were received during the consultation period, which are based on inconsistencies with the Pilbara's Port City Growth Plan (Growth Plan) and State Government response to the Port Hedland Dust Management Taskforce Report, which will see the implementation of an improvement plan and scheme over the West End of Port Hedland (area yet to be determined).

Officers have assessed the proposed change of use and consider the application to be consistent with the current planning framework in place over the Town Centre and West End Residential Zones. The application complies with relevant provisions of LPS5, including Clause 5.5.6 which requires residential development in the Town Centre Zone to comply with Clauses 5.2.7 and 5.2.8 (West End Residential Zone Development Requirements). Submissions received during the advertising period have been duly considered by the Town in making a recommendation on the application, and the Town fully acknowledges the State Government's position on the future of the West End of Port Hedland and the potential of restricting permanent residential development. However, the application complies with the current planning scheme in place over the West End and there are limited grounds to refuse the application. Until an improvement plan and subsequent improvement scheme are implemented by the Western Australian Planning Commission (WAPC) and Department of Planning, Lands and Heritage (DPLH), the Town of Port Hedland is bound by Local Planning Scheme No.5 and the Growth Plan in determining development applications within zones that apply to the West End.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance because the proposed development has been approved previously for permanent residential and holiday accommodation in its current form and complies with the current planning scheme.

#### CONSULTATION

##### *Internal*

The application has not been referred internally as the application does not propose any alterations to the original Development Approval aside from the approved use.

##### *External Agencies*

The application was referred to DPLH, the Department of Jobs, Tourism, Science and Innovation (JTSI) and the Department of Health (DoH). Four (4) submissions were received, two (2) of which objected to the application. The objections raised the following points:

Submission Comment	Officer Comment
<p>The application is not consistent with the State Government's decision to endorse the Port Hedland Dust Management Taskforce recommendations which includes prohibiting new permanent residential development and other sensitive land uses in the West End Residential Zone.</p>	<p>Noted. The State Government's decision to endorse the Port Hedland Dust Management Taskforce Report recommendations is welcomed by the Town, however until an improvement plan and scheme is implemented over the West End the Town is bound by Local Planning Scheme No. 5 in determining development applications. The application complies with current planning framework.</p>
<p>The application is inconsistent with the Town's Local Planning Strategy (Port City Growth Plan). The Growth Plan advocates for a medium / long term scenario with no permanent residential development and only short stay accommodation. Conversion of short stay accommodation to permanent residential therefore contravenes the objectives of the Growth Plan.</p>	<p>Noted. The Growth Plan does state that measures must be implemented by the Town of Port Hedland to ensure short stay accommodation is not made available for permanent residential, and a long term growth scenario where there are no additional dwellings developed West of Acton Street. However, Scheme Amendment 22 was gazetted in December 2012 (corresponding with the Growth Plan) which introduced specific provisions in LPS5 to assist in mitigating exposure to dust and reducing the number of residents in the area, not necessarily capping the number of permanent residents. No additional planning controls have been implemented, and the present day growth scenario in the Growth Plan accounts for additional dwelling capacity in the West End of Port Hedland. The Town's Local Planning Strategy and Scheme are scheduled to be reviewed and will incorporate any land use amendments as a result of the impending improvement plan and scheme.</p>



Submission Comment	Officer Comment
<p>The application is consistent with the health risk assessment. Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> denotes that the 'possible risk to human health' is a relevant planning consideration. The Department of Health published the <i>Port Hedland Air Quality Health Risk Assessment for Particulate Matter (HRA)</i> which states there is sufficient evidence of dust impacts on health to develop a strategic plan to reduce community exposure. The proposed development would pose a risk to human health by increasing permanent population in areas impacted by dust.</p>	<p>Noted. The Town acknowledges the findings of such studies relating to dust exposure, and concurrently referred the application to the DoH for comment. The DoH had no objection to the proposed change of use. The existing building contains apartment style units developed with dust mitigation measures and are not suitable for children and elderly persons due to their size, thus are not seen to have adverse impacts on potential residents.</p>

## LEGISLATION AND POLICY CONSIDERATIONS

The proposed development has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed Provisions for Local Planning Schemes and the following clauses of the Town of Port Hedland Local Planning Scheme No. 5:

- Part I – Preliminary
  - Clause 1.5 – Scheme Objectives
- Part III
  - Clause 3.1 – Categories
  - Clause 3.2 – Zoning Table
    - *Clause 3.2.6*
- Part V – Development Requirements
  - Clause 5.2 – Residential Zone
    - *Clause 5.2.6*
    - *Clause 5.2.7*
  - Clause 5.5 – Commercial Zones
    - *Clause 5.5.6*
- Appendix 1 – Definitions

*Commercial Zones – Clause 5.5.6*

Clause 5.5.6 of LPS5 states:

*'Residential development on land bounded by Withnell, McKay and Anderson Streets, and the Esplanade, must comply with the requirements of Clause 5.2.7 and 5.2.8 of the Scheme'.*

*Residential Zone – Clause 5.2.7 – Clause 5.2.8*

The application is consistent with Clauses 5.2.7 and Clause 5.2.8 of LPS5 for the following reasons:

- The development incorporates building design features to mitigate and reduce exposure to dust, including:
  - Filtration of incoming air to the building;
  - Operable doors and windows are located on the Southern and Northern edges of the dwellings;
  - Use of eaves; and
  - Entrances to the dwellings are protected through the use of a courtyard and screening which reduces direct wind impacts including wind tunnelling.
- The dwellings do not contain more than two (2) bedrooms or rooms capable of being used as bedrooms; and
- The dwellings do not have an internal floor area greater than 110m<sup>2</sup>.

*Improvement Plan and Scheme*

In October 2018, the State Government announced that an improvement plan and scheme would be implemented by the WAPC and DPLH over the West End of Port Hedland in response to the Port Hedland Dust Management Taskforce Report. The improvement plan and scheme will see the implementation of new planning controls over the determined area, which will likely result in a restriction of future residential development. Once the improvement scheme has been prepared and gazetted, applications for development of approval within the determined area will be the responsibility of the WAPC and DPLH.

In determination of development applications, the Town is legally required to give due regard to relevant planning considerations under Clause 67 of the Deemed Provisions, which includes the State Government response and studies such as the Dust Management Taskforce Report. While the improvement plan is likely to be introduced in the near future, at the time of writing this report it is currently not a relevant planning consideration as the Town has not viewed a copy of the improvement plan.

Draft local government planning instruments can be considered relevant if they have been advertised or the local government has seriously considered adopting or approving the instrument. On the other hand, draft planning instruments not under control of the local government can also be relevant considerations, but there is no statutory consideration which determines at what point they may be considered relevant. Given the draft improvement plan is not a public document, nor has the Town received a copy of the draft for consultation, it is considered that the improvement plan is not a seriously entertained planning proposal and therefore should not be used in decision making for development applications.

Officers have considered this, including the Dust Management Taskforce Report and has made the recommendation based on the current framework and relevant responses received from consultation with State Government agencies. Once a copy of the draft improvement plan has been received, it is likely that at this point officers will consider it as a seriously-entertained planning instrument. At this point Officers will give due regard to its contents in making recommendations for development applications within the determined improvement plan area.

#### FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$295.00 from the applicant. There are no other financial implications associated with this proposal.

#### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 3.b.1** The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.1** Urban and spatial planning is implemented to enhance human interaction with nature and industry

#### *Pilbara's Port City Growth Plan (2012)*

The Pilbara's Port City Growth Plan (Growth Plan) was endorsed in December 2012, and has served as the Town of Port Hedland's Local Planning Strategy since. In relation to the West End Precinct, permanent residential is not encouraged under the 'Long Term Growth Scenario', instead focussing on transforming the area into a cultural and commercial centre, containing a high number of short stay accommodation rooms as the predominant form of residential land use. This was in response to the pressure of port expansion and concerns of health risks in relation to dust exposure, which remain prominent issues. The Growth Plan states the following under Section 3: Challenges and Opportunities for Growth – Dust and Noise:

*'Regulating the use of short-stay accommodation by local governments is challenging particularly where they are fully self-contained. Measures must be ultimately implemented by the Town of Port Hedland which will ensure that this accommodation is not made available for permanent residential use so to reduce the overall risk of exposure to the population'.*

This was acknowledged by the Town and ultimately implemented through Scheme Amendment No. 22, but to a lesser degree. Scheme Amendment No. 22 introduced a number of provisions which restricted residential development in the West End area, which are referred to in the legislation and policy considerations section of this report. However, it did not amend the zoning of the area and permanent residential development was still permitted, subject to specific restrictions to reduce dust exposure.

The Growth Plan states that a 'plan' should be implemented to manage issues relating to the Dust Taskforce and land use planning in the West End, focusing on key points including:

- 'Identifies appropriate locations in the West End of Port Hedland for redevelopment as additional commercial premises, entertainment complexes and short stay accommodation facilities;
- Prescribes additional planning controls to address amenity issues associated with living in an area with elevated levels of noise and dust;
- Ongoing dust and noise monitoring, and management of land use separation (including ongoing monitoring of dust and noise levels east of Acton Street and potential reviews of land use appropriateness); and
- Preparation of a detailed Development Plan for Precinct 1 including cultural, civic, restricted residential, port uses and short stay accommodation land uses.'

Aside from Scheme Amendment No. 22, the West End precinct has seen no additional planning controls implemented and residential development remains permitted. It should also be worth noting that 'Short Stay Accommodation' is not a permitted use in the 'Town Centre' and 'West End Residential Zone' under LPS5, which make up a significant portion of the West End Precinct. Thus it can be argued, that the Long Term Growth scenario under the Growth Plan was based on additional planning controls and zoning amendments being implemented, which have not come to fruition.

The implementation of an improvement plan and scheme will likely result in such changes, but until the improvement plan and scheme are initiated the development is consistent with present day scenario outlined in the Growth Plan and relevant planning framework supporting the Growth Plan.

## 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). If approved, the proposed land use will not negatively impact on social, environmental, and economic aspects within the Town of Port Hedland.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Refuse Development Application 2019/004*

Option 2 is presented to Council should Council determine that the proposed development is not consistent with the State Government's decision regarding the future of the West End and permanent residential development should not be permitted.

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

1. *Refuse Development Application 2019/004 for the 'Change of Use – Holiday Accommodation to Multiple Dwellings' on Lots 3, 4 and 6 on Strata Plan 62091 (2) McKay Street, Port Hedland, for the following reasons:*
  - a) *The proposed 'Change of Use' to permanent residential is not consistent with the State Government's decision to implement an Improvement Plan and Scheme over the West End of Port Hedland which will limit new permanent residential development.*
  - b) *Submissions were received from relevant parties during the advertising period of the application which raise valid objections to the development application.*

## CONCLUSION

Development Application 2019/004 proposes a 'Change of Use – Holiday Accommodation to Multiple Dwellings' on Lots 3, 4, and 6 on Strata Plan 62091, (2) McKay Street, Port Hedland. The development complies with the relevant provisions of Local Planning Scheme No. 5 and *Planning and Development (Local Planning Schemes) Regulations 2015*. The objections received are noted and the Town will endeavour to work with the State Government to reform the planning framework for the West End. However, the Town is bound by Local Planning Scheme No. 5 in determining development applications until the parameters for an Improvement Plan and Scheme are known and it is therefore recommended to approve Development Application 2019/004.

## ATTACHMENTS

1. Site Location
2. Floor Plan
3. Applicant Justification
4. Submissions
5. Previous Development Approvals (Under Separate Cover)



ATTACHMENT 1 TO ITEM 11.2.1









ATTACHMENT 3 TO ITEM 11.2.1



Level 2, 1008 Hay Street  
Perth WA 6000

PO Box 7320  
Cloisters Square PO WA 6850

T + 61 8 9235 3500

F + 61 8 9235 3501

[www.torrenslegal.com.au](http://www.torrenslegal.com.au)

Our Ref: 170453  
Contact: Connor Taylor  
Email: [connor@torrenslegal.com.au](mailto:connor@torrenslegal.com.au)

10 January 2019

By email: [eplanning@porthedland.wa.gov.au](mailto:eplanning@porthedland.wa.gov.au)

Attention: Planning Department  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Sir/Madam,

**UNIT 3,4,5&6/2 MCKAY STREET, PORT HEDLAND ('Properties')  
WAI GROUP DEVELOPMENTS PTY LTD ('Proprietor') – CHANGE OF USE APPLICATION**

We act for the Proprietor, being the registered proprietor of the Properties.

We refer to the enclosed Application for Development Approval for the change of the approved use of the Properties from "Short Stay Accommodation" to "Multiple Dwelling" (Application).

In support of the Application we make the following submissions:

1. the Proprietor's purchase of the Properties settled on 25 July 2018. To the best of the Proprietor's knowledge, none of the Properties were used prior to this date for Short Term Accommodation, and were only used as long-term residences;
2. the Properties are within a "Town Centre" zone of the Town of Port Hedland Local Planning Scheme No. 5 (Scheme);
3. pursuant to its zoning table, Short Stay Accommodation is a use that is not permitted within a Town Centre zone under the Scheme. The current permitted use is therefore inconsistent with the current zoning of the Properties;
4. the demand for short term accommodation in the Town of Port Hedland has significantly reduced since the Properties were constructed. As a result, the Properties are often vacant for long periods of time. It is pertinent in this respect to note that the previous proprietor, Hedland Projects Pty Ltd has entered external administration, and that the sale of the Properties to the Proprietor occurred by way of the previous mortgagees executing their power of sale;
5. the current permitted use greatly limits the value of the Properties, particularly given the low demand for the Properties as short term accommodation. There is also currently no operator or letting agent operating from the building comprised in Strata Plan 62091 (Building), and it would not be profitable to appoint any such person for this person. Further, the Building doesn't contain the appropriate facilities for the operation of short stay accommodation;
6. in any event, the current permitted use is overly restrictive and not appropriate given the cyclical nature of the demands of the property market within the Town of Port Hedland;
7. the current permitted use class of the majority of the other units within the Building is "Multiple Dwelling". All such units share the same size and parking allocation as the Properties. As such, it is apparent that the size and configuration of the Properties, as well as the nature and location of the Building, are such that the Properties can be appropriately used as residential dwellings; and

2

8. no further works are required to the Building or the Properties for the purposes of the requested change of use.

If you have any queries at all, please do not hesitate to contact us on 08 9235 3500.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Connor Taylor', is positioned above the printed name.

**Connor Taylor**  
**Solicitor**

Enc: (x1)

ATTACHMENT 4 TO ITEM 11.2.1



Government of **Western Australia**  
Department of **Jobs, Tourism, Science and Innovation**

Your ref: 2019/004  
Our ref: J0820/201701  
Enquiries: [REDACTED]  
Phone: [REDACTED]

Chaz Roberts  
Principal Town Planner  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND

Dear Mr Chaz Roberts

Thank you for your letter dated 1/2/2019, requesting comment on Development Application 2019/004 for Change of Use – 'Short Stay Accommodation' to 'Multiple Dwellings' Lot 3, 4 and 6 on Strata Plan 62091 (2) McKay Street, Port Hedland.

In 2018, the Government endorsed the Port Hedland Dust Management Taskforce's recommendation to prohibit new permanent residential development and other sensitive land uses, including age-care and childcare premises, west of Taplin Street.

The Department has reviewed Development Application 2019/004. We note that it is located west of Taplin Street and will be subject to the planned Improvement Plan and Improvement Scheme, to be considered by the Western Australian Planning Commission.

The Department considers the change of use to 'multiple dwellings' inconsistent with Government's decision to prohibit new permanent residential development within this area.

Should you have any queries, please contact [REDACTED] on [REDACTED]

Yours sincerely

  
Christine Ginbey  
EXECUTIVE DIRECTOR  
INFRASTRUCTURE AND LAND PLANNING

25 February 2019

Level 6, 1 Adelaide Terrace East Perth Western Australia 6004  
Telephone +61 8 9222 0555 Facsimile +61 8 92220505  
[www.jtsi.wa.gov.au](http://www.jtsi.wa.gov.au)  
ABN 90 199 516 864

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 13 February 2019 12:06 PM  
**To:** Chaz Roberts [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: 20190204 Letter - Town of Port Hedland - Development Application Referral - 2019/004 for Change of Use - Short Stay Accommodation to Multiple Dwellings - Lots 3, 4 and 6 - McKay Street, Port Hedland (A9982038)

Hi Chaz,

Thank you for your letter dated 1 February 2019 seeking comment from the Department of Planning, Lands and Heritage (DPLH) in regards to development application 2019/004 to change the use of Lots 3, 4 and 6 on SP62091 (2) McKay Street from 'Short Stay Accommodation' to 'Multiple Dwellings'. The Regional North team has reviewed the request and provides the following general comments:

- The subject lot is zoned 'Town Centre' pursuant to the Town of Port Hedland Local Planning Scheme No.5 (LPS 5), rather than 'West End Residential' as stated in your letter. Part 4, Clause 4.1.6 of LPS 5 provides the development objectives of the 'Town Centre' zone are to:
  - consolidate the town centre status of the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function,
  - consolidate existing development,
  - ensure that there is continuity in the character of old and new structures, landscaping and other improvements whilst promoting innovative approaches to

- design which are consistent with the climatic and cultural context of the precinct,
- o make safe, efficient and convenient provision for pedestrian movement, road transport and car parking, and
- o improve the utility and appearance of public spaces and street furniture.
- The zoning table of LPS 5 prescribes that a 'Multiple Dwelling' is listed as an 'A' use within the 'Town Centre' zone therefore development applications are required to be advertised in accordance with Clause 64 of the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* prior to the local government determining the application.

Although the development is located outside of the 'West End Residential' zone, given the findings from the governments endorsed Port Hedland Dust Management Taskforce Report (2016) and the primary objective of minimising public exposure to dust, it is recommended that in determining the application comments be obtained from the Department of Health in line with Clause 5.2.9 of LPS 5 to determine their position given the proximity of the development to port operations and the potential impact of dust exposure to inhabitants of permanent residential dwellings. It should be noted that on 12 December 2018 the WAPC resolved to commence preparation an Improvement Plan over the West End. Until such time as the proposed Improvement Plan is in place and subsequent Improvement Scheme gazetted to guide the transition of sensitive land uses away from the West End, the local government remains responsible for determining development applications in accordance with the provisions of the LPS 5.

Regards

[Redacted signature block]

[www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)



The department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

*The department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land and we pay our respects to their Elders, past and present.*

*Disclaimer: this email and any attachments are confidential, and may be legally privileged. If you are not the intended recipient, any use, disclosure, distribution or copying of this material is strictly prohibited. If you have received this email in error please notify the sender immediately by replying to this email, then delete both emails from your system.*

*This email and any attachments to it are also subject to copyright and any unauthorised reproduction, adaptation or transmission is prohibited. There is no warranty that this email is error or virus free.  
This notice should not be removed.*





Government of **Western Australia**  
Department of **Health**

Your Ref: 2019/004  
Our Ref: E-AA-27821 EHB19/37

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



Attention: Chaz Roberts, Principal Town Planner

Dear Mr Pentz

**PROPOSED DEVELOPMENT APPLICATION CHANGE OF USE FROM 'SHORT STAY ACCOMMODATION' TO 'MULTIPLE DWELLINGS' – LOTS 3, 4 AND 6 (#2) McKAY STREET, PORT HEDLAND**

Thank you for your letter of 1 February 2019 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed amendment provided landowner complies with original conditions.

It is noted that the Department of Planning are currently reviewing their land use policy for this area and that needs to be taken into consideration with this application.

Should you have queries or require further information please contact [REDACTED] on [REDACTED]

Yours sincerely

**A/EXECUTIVE DIRECTOR  
ENVIRONMENTAL HEALTH DIRECTORATE**

28 February 2019

**Environmental Health Directorate**  
All correspondence PO Box 8172 Perth Business Centre Western Australia 6849  
Grace Vaughan House 227 Stubbs Terrace Shenton Park WA 6008  
Telephone (08) 9388 4999 Fax (08) 9388 4955  
[www.health.wa.gov.au](http://www.health.wa.gov.au)  
28 684 750 332

PS Ref: 3181.0A  
ToPH Ref: DA2019/004

23 April 2019

Town of Port Hedland  
Via email: [epanning@porthedland.wa.gov.au](mailto:epanning@porthedland.wa.gov.au)

Dear Sir/Madam,

**LOTS 3, 4 AND 6 ON STRATA PLAN 62091 – 2 MCKAY STREET, PORT HEDLAND  
SUBMISSION ON DEVELOPMENT APPLICATION 2019/004  
CHANGE OF USE (MULTIPLE DWELLINGS)**

Planning Solutions acts on behalf of BHP in relation to this matter.

Thank you for the opportunity to review and comment on the development application for a change of use from holiday accommodation to multiple dwellings at units 3, 4 and 6 (2) McKay Street, Port Hedland (**subject units**).

It is our view it would not be appropriate for the application to be approved and the application should be refused for the reasons which follow.

**1. INCONSISTENT WITH LOCAL PLANNING STRATEGY**

The development comprising the subject units was originally approved by Council in March 2011.

In December 2012 the Town's local planning strategy - the *Pilbara's Port City Growth Plan (Growth Plan)* - was approved by the Western Australian Planning Commission; it superseded the previous local planning strategy.

It is necessary to consider the change of use against the current planning framework which necessarily includes the Growth Plan. In this respect, the Growth Plan recognises the need for management of land use separation to deal with noise and dust from port operations and at Figure 5.18 the Growth Plan provides for the following ultimate / long-term growth scenario for the West End of Port Hedland:

*The Growth Plan advocates an ultimate/long term land use scenario retaining a 'West End Residential' land use east of Acton Street, with **no permanent residential (short stay accommodation only)** west of Acton Street. This results in a maximum dwelling capacity of 649 for Precinct 1, wholly contained in that area east of Acton Street.*



Level 1, 251 St Georges Terrace, Perth WA  
(08) 9227 7970  
GPO Box 2709  
Docklands Square PO 8850

admin@planningsolutions.com.au  
www.planningsolutions.com.au  
ACN 143 573 184 ABN 23 143 573 184  
Planning Solutions (Aust) Pty Ltd



Relevantly, on page 48 of the Growth Plan it is stated:

*Regulating the use of short-stay accommodation by local governments is challenging particularly where they are fully self contained. Measures must be ultimately implemented by the Town of Port Hedland which will ensure that this accommodation is **not made available for permanent residential use** so to reduce the overall risk of exposure to the population.*

The conversion of short-stay accommodation into permanent accommodation is therefore in direct contravention of the Growth Plan, and approval of this application would undermine the aims and objectives of the Growth Plan.

## 2. INCONSISTENT WITH HEALTH RISK ASSESSMENT

Pursuant to clause 67(r) of the deemed provisions (Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*), the "possible risk to human health" is a relevant planning consideration.

In January 2016 the Department of Health published the *Port Hedland Air Quality Health Risk Assessment for Particulate Matter (HRA)*. The HRA makes findings into the possible risk to human health resulting from particulates (dust) in the West End. Specifically, the HRA concludes:

*There is sufficient evidence provided in this assessment and the Toxics Report of potential impacts on human health from dust to warrant the development of a strategic plan to reduce community exposure to dust.*

Further, the HRA identifies that further expansion of residential will place pressure on dust management initiatives. The HRA recommends capping the number of permanent residents to current numbers in areas most impacted by dust.

The proposed development would cause a risk to human health by increasing the permanent population residing in areas impacted by dust.

## 3. INCONSISTENT WITH THE ENDORSED STATE GOVERNMENT POSITION ON THE TASKFORCE REPORT

In August 2017, the State Government released the 2016 *Port Hedland Dust Management Taskforce Report (Taskforce Report)* to obtain community views following the release of the HRA. The Taskforce Report made a number of comments and recommendations relating to land use planning in the West End.

In October 2018 the State Government announced:

*The Government supports the Taskforce recommendation that appropriate planning controls be implemented to **prohibit sensitive land uses** and restrict population growth in the West End of Port Hedland.*

The Western Australian Planning Commission is currently in the process of implementing the endorsed State Government's position by preparing an improvement plan / improvement scheme. Given the endorsed State Government's position, it is clear the improvement plan / improvement scheme will prohibit permanent residential land uses in the West End.

In this circumstance, it would be inappropriate to approve a proposal in direct contradiction to and which would undermine the implementation of the endorsed State Government's position.

It is further recommended the Town engages with the Western Australian Planning Commission on this matter.

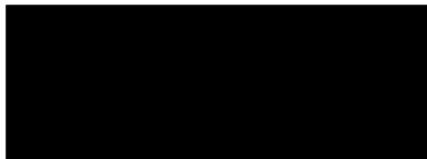
#### **4. SETTING AN UNDESIRABLE PRECEDENT**

It is considered approval to this proposal would set an undesirable precedent for the conversion of approval short-stay accommodation units into permanent accommodation. Even where the impact of an individual application considered in isolation is minimal, the cumulative impact presented by multiple approvals would have the effect of greatly exacerbating the issues identified above and seriously undermining the aims of the Town's local planning strategy, increasing the possible risk to human health, and undermining the State Government's endorsed position on permanent residential land uses in the West End.

For all of the above reasons, it is considered the application should be refused.

We respectfully request an invite to attend any briefing session and/or Council meeting at which this matter is considered. Should you have any queries or require further clarification in regard to the above matter please do not hesitate to contact the writer.

Yours faithfully



190423 3181.0A Submission on 2 McKay Street.docx

**11.2.2 Proposed New Local Planning Policy 01 – Exemptions from Development Approval (File No. 18/01/0021)**

Author	Planning and Development Support 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 Council, pursuant to Clause 3, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

1. Adopt the proposed Local Planning Policy 01 – Exemptions from Development Approval, as presented as Attachment 1 of this item for the purpose of public consultation.
2. Advertise the proposed Local Planning Policy 01 – Exemptions from Development Approval in line with Planning and Development (Local Planning Schemes) Regulations 2015.

*CARRIED BY EXCEPTION RESOLUTION*

**PURPOSE**

The purpose of this report is for Council to consider alleviating the current need to obtain 'Home Business' development approval for Family Day Care (FDC) by endorsing a local planning policy (LPP) that exempts the land use from requiring development approval where certain conditions are complied with.

**DETAIL**

The issue of childcare shortage in the Town of Port Hedland came to the attention of Council at the Ordinary Council Meeting held on 24 October 2018, where it was resolved that Council would conduct extensive analysis and consultation with key stakeholders, members of the community, and industry professionals to alleviate the issue.

Local Planning Policy – Exemption from Development Approval (LPP 01) is aimed at reducing the 'Home Business' development approval process requirements to encourage new business growth within the Town of Port Hedland (the Town) in the child care sector. Implementation of this policy could see the Town thrive in terms of small business growth in the child care sector, and community satisfaction through a reduction in red tape.

The adoption of this LPP will focus on tackling the following issues:

- Removal of long and disproportionate 'Home Business' development approval for FDC applications;
- Encourage growth and the promotion of small business within Port Hedland;
- Attempt to reduce extensive wait-times for child care.

The LPP for other land uses and minor building works that could be exempted from the requirement to obtain development approval in response to other issues that may arise in the future. This creates a policy framework that is flexible and adaptable moving forward.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered of low significance, as the key legislation governing child care and family day care is administered by State Government. Public consultation for local planning policies is required to be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* prior to the policy taking effect, therefore public consultation will occur on the draft policy irrespective of the policy's low significance. Please refer to the 'public consultation' section of this report for the method of consultation to be undertaken for the draft local planning policy.

## CONSULTATION

### *Internal*

- Senior Youth Officer
- Manager Environmental Health and Community Safety
- Manager Town Planning and Development

### *External Agencies*

External Agencies will be consulted as part of public advertising of the draft policy.

### *Community*

If Council supports the adoption of this LPP, the Town will publish a notice of the proposed draft policy in the North West Telegraph, giving details of:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the draft policy will also be placed on the Town's website inviting feedback.

Any submissions received during the public advertising period will be considered and reported back to Council in line with the *Planning and Development (Local Planning*

*Schemes) Regulations 2015.* The LPP will become operational upon Council's final adoption of the policy.

#### LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland Local Planning Scheme No. 5
- Planning and Development (Local Planning Schemes) Regulations 2015
- Health (Miscellaneous Provisions) Act 1911
- Food Act 2008
- Environmental Protection (Noise) Regulations 1997
- Children and Community Safety Services Act 2004

#### FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated with this proposal.

#### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 2.b.3** Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.4** Business approval processes are transparent and pathways streamlined
- 2.c.2** Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented

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

#### RISK MANAGEMENT CONSIDERATIONS

There is a health and compliance risk associated with this item as the exemption from development approval could lead to occupiers ignoring conditions in line with LPP 01. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

LPP 01 – Exemption from Development Approval, makes it clear that exemption from development approval does not obviate the requirement of the "Home Business" owner to operate in a legal manner in accordance with conditions and relevant state legislation.

The risks are mitigated by the Town's ability to take compliance action against unlawful operators, and the ability for operators to apply for development approval when they seek to vary policy conditions.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

This report has looked at the incentives for developing this policy, the benefits it can have on the community, and the steps taken to ensure community engagement of a high standard is applied enabling the best policy to be implemented.

This policy supports the Town's Strategic Community Plan 2018 – 2028 and not only benefits members of the community, boosts employment possibilities, and supports small business, it sets an example for towns in regional Australia facing similar challenges. Finally, this policy has minimal risk and huge gain in community satisfaction, and supporting the Town of Port Hedland's Strategic Community Plan 2018 – 2028.

It is recommended that Council adopts Local Planning Policy 01 – Exemption from Development Approval for the purpose of public consultation.

## ATTACHMENTS

1. Draft Local Planning Policy 01 – Exemptions from Development Approval

## ATTACHMENT 1 TO ITEM 11.2.2



**Town of  
Port Hedland**

## Local Planning Policy

### LPP/01 EXEMPTIONS FROM DEVELOPMENT APPROVAL

#### 1. Purpose

The purpose of this policy is to outline specific developments that do not require development approval.

#### 2. Objectives

The objectives of this policy are:

1. Reduce red tape by removing the need to apply to the Town of Port Hedland for development approval for particular developments that positively contribute to the local community and are not likely to cause issues of community concern.
2. Supplement the provisions of the Town of Port Hedland Local Planning Scheme No. 5 (Scheme) and the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) by providing guidance to applicants detailing when certain land uses and building works are exempt from the requirement to obtain development approval.

#### 3. Application

This policy applies to the entire municipality of the Town of Port Hedland and must be read in conjunction with the Scheme and Regulations. If this policy is inconsistent with the Scheme and Regulations, the Scheme and Regulations prevail to the extent of any inconsistency.

#### 4. Policy Provisions

##### 4.1 Land Uses

The land uses listed in Table 1 do not require development approval from the Town of Port Hedland where all conditions have been met.

Land Use	Conditions
Family Day Care	<ul style="list-style-type: none"> <li>• Located in Residential Zone.</li> <li>• Does not display more than one (1) sign on the property with a maximum area of 0.2m<sup>2</sup> (100cm by 20cm).</li> <li>• Pick-up and drop-off areas shall be located wholly within lot boundaries.</li> <li>• The maximum number of children shall be restricted to seven (7) at any one time.</li> <li>• Operated by an occupier of the dwelling and does not employ any persons who do not reside at the property.</li> <li>• No food is to be prepared or handled on site without notification to the Town's Environmental Health Department.</li> <li>• Does not operate outside the hours of 7:00am – 7:00pm Monday to Saturday, 8:30am – 4:30pm on Sundays, and does not operate on Public Holidays.</li> </ul>





	<ul style="list-style-type: none"> <li>Operates in a way that does not adversely affect the amenity of surrounding properties.</li> <li>Operates in a location that does not exceed 50m<sup>2</sup> of the dwelling floor area, and does not operate outside the dwelling (to protect neighbours from potential noise concerns).</li> <li>Not applicable to dwellings with a swimming pool and/or spa unless inspected and deemed compliant by the Town of Port Hedland within 12 months prior to commencement.</li> <li>Not located west of McGregor Street and north of Wilson Street in Port Hedland.</li> <li>Complies with the <i>Education and Care Services National Law (WA) Act 2012</i> and <i>Education and Care Services National Regulations 2012</i>.</li> </ul>
--	--

Table 1: Land uses exempt from the requirement to obtain development approval

#### 4.2 Building Works

*This section has intentionally been left blank. Please refer to the Scheme and Regulations for building works that are exempt from the requirement to obtain development approval.*

#### 5. Definitions

For the purposes of this policy, the following definitions apply:

**"Amenity"** is defined by factors which combine to form the character of an area and include the present and likely future amenity.

**"Family Day Care"** means premises where a family day care service is provided as defined in the *Education and Care Services National Law (WA) Act 2012* and that complies with all conditions outlined in Table 1 of this Policy.

Relevant legislation	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Town of Port Hedland Local Planning Scheme No. 5</i>
Delegated authority	
Business unit	Planning & Development
Directorate	Development, Sustainability & Lifestyle

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
Review frequency	2 Yearly		

**11.2.3 Revised Crossover Policy 9/005 (File No. 04/03/0001)**

Authors	Project Officer Technical Guidelines / Manager Town Planning and Development
Authorising Officers	Director Development Sustainability and Lifestyle / Chief Executive Officer
Disclosure of Interest	The Authors and Authorising Officers declare that they do not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council adopts revised Vehicle Crossover Policy 9/005 as per Attachment 1.

*CARRIED BY EXCEPTION RESOLUTION*

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the revised Vehicle Crossover Policy No 9/005.

**DETAIL**

This policy is a review of existing Crossover Policy No 9/005 documented and adopted in 2015.

The revised policy is drafted according to the *Local Government Act 1995*, *Local Government (Uniform Local Provisions) Regulations 1996*, and current Australian Standards to implement a consistent framework and to provide an overview of safer vehicle crossover requirements.

Vehicle Crossover Specifications (Attachments 2 and 3), Crossover Application Form (Attachment 5) and Subsidy Claim Form (Attachment 6) have also been reviewed to reflect the changes in the revised crossover policy.

A supporting document included as Attachment 3 shows amendments/new additions in the revised crossover policy. Other relevant documents are also attached and presented to Council for further clarification of the contents in the revised policy.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. Community consultation will be sought after this decision.

## CONSULTATION

### *Internal*

Consultation has taken place with internal Business Units, Infrastructure and Town Services and Planning and Development Services in respect of reviewing this Vehicle Crossover Policy.

1. Director Development, Sustainability and Lifestyle
2. Manager Town Planning and Development
3. Manager Project Design and Delivery
4. Manager Parks Gardens and Engineering
5. Project Manager
6. Project Officer
7. Construction Site Supervisor
8. Engineering Technical Officer
9. Asset Data Officer

### *External Agencies*

Not required.

## LEGISLATION AND POLICY CONSIDERATIONS

The contents of the revised Vehicle Crossover Policy have been prepared in accordance with the definitions and requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*.

## FINANCIAL AND RESOURCES IMPLICATIONS

If Council determines to adopt the revised Vehicle Crossover Policy No 9/005, there will be an increase in the cost of subsidy payment. Currently the Town of Port Hedland contributes a maximum of \$1,000 per crossover based on 50% of the cost of the standard residential crossover. As per cost calculations based on 2019 standard concrete crossover construction cost, 50% of the cost of a standard commercial crossover will be \$5,000. A maximum of an additional \$5,000 subsidy payment will apply for the first crossover requiring stormwater drainage components installed to the Town specifications. Landowners who apply for subsidies must attach supporting invoices to prove that the stormwater drainage components have been installed in accordance with the Town of Port Hedland specifications. Only one subsidy can be applied for per property.

There is no budget item for Crossover Subsidy in the 2018/19 budget due to lack of crossover subsidy applications received. It is recommended to allocate \$80,000 in the 2019/20 budget to encourage owners to comply with current standards and hence reduce non-compliant crossovers and improve street presentation.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2028 are relevant to this proposal:

- 1.d.1* The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2* Facilities and community infrastructure are revitalised across the Town
- 1.d.3* Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

Increasing vehicle crossover subsidies will result in environmental improvements across commercial, industrial and residential areas in the Town by encouraging the construction of sealed, compliant crossovers. The presence of sealed crossovers connecting to the Town's road system will result in reduced dust, gravel and sand on road surfaces which will increase the amenity of urban areas.

## RISK MANAGEMENT CONSIDERATIONS

A revised Crossover Policy will have a low impact on the annual budget.

There are occasional noticeable temporary non-compliances, the risk rating is considered to be low (3), determined by a likelihood of possible (3) and a consequence of insignificant (1).

It is possible that non-compliant crossovers may generate unsafe traffic manoeuvres and create a risk to road users. The risk rating is considered to be low (3); this was determined by a likelihood of possible (3) and a consequence of insignificant (1).

This risk will be mitigated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

The Town's current Crossover Policy was implemented in 2015 and is overdue for a review. If Council supports the officer's recommendation, Revised Vehicle Crossover Policy – No 9/005 will take effect immediately.

ATTACHMENTS

1. Vehicle Crossover Policy No 9/005
2. Vehicle Crossover Specifications
3. Vehicle Crossover Drawings (Under Separate Cover)
4. Summary of Amendments to Crossover Policy 9/005
5. Application for Vehicle Crossover Form
6. Application for Vehicle Crossover Subsidy Form

## ATTACHMENT 1 TO ITEM 11.2.3



Town of  
**Port Hedland**

---

Policy

- 1.6 If a new shared path is proposed at an existing crossover, a section of the crossover will be removed to ensure uniformity of the pathway construction. The cost of removal and reinstatement will be borne by the Town in this instance.
- 1.7 Requirement to construct or repair crossing - *Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 13*

A local government may give a person, who is the owner or occupier of private land, a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the local government may construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person. Penalty: a fine of \$5,000
- 1.8 An owner requiring a crossover over an open drain shall contact the Town Technical Officer to determine the size of drainage pipe, culvert/headwall, stone pitching and other requirements for the crossover. This crossover shall be constructed to the Town of Port Hedland specifications and at the owner's expense.
- 1.9 The owner/contractor shall protect underground services. The owner is responsible for contacting utility providers and *Dial Before You Dig (1100)* prior to commencement of construction works.
- 1.10 The owner/contractor is responsible for repairs to any infrastructure damaged during construction.
- 1.11 Redundant crossovers, due to development of the property, are to be removed and kerb/verge/seal shoulders are to be reinstated at the owner's/developer's expense.
- 1.12 The owner/contractor is responsible for reinstatement of the verge, removal of all surplus material from the verge and clean-up of the verge immediately after completion of the crossover construction.
- 1.13 Contractor shall maintain Public Liability Insurance of twenty million dollars (\$20,000,000) during the crossover construction.
- 1.14 Owner/contractor is responsible for all traffic management and redirection of pedestrians during crossover construction in accordance with Australian Standard current practice.



## Policy

### 2.0 Maintenance

The property owner shall be responsible for maintenance of the crossover to ensure that it remains safe, free of dust and in trafficable condition. The Town of Port Hedland may request the owner to undertake repairs to the crossover at the owner's cost.

### 3.0 Claim Crossover Subsidy

#### 3.1 Contribution to cost of crossing - *Local Government (Uniform Local Provisions) Regulations 1996 - Sch. 9.1 cl. 7(4) 15*

If stormwater drainage is not applicable;

A crossover subsidy of 50% of the cost of a standard crossover per Lot, up to a maximum of \$1,000, will apply only to the first crossover installed at a residential property according to the Town specifications.

A crossover subsidy of 50% of the cost of a standard crossover per Lot, up to a maximum of \$5,000, will apply only to the first crossover installed at a commercial property according to the Town specifications.

If stormwater drainage is applicable;

A maximum of an additional \$5,000 subsidy payment will apply for the first crossover requiring stormwater drainage components installed to the Town specifications. Owner shall attach supporting invoices to prove that the stormwater drainage components have been installed in accordance with the Town of Port Hedland specifications.

#### 3.2 Requirements for claiming subsidy

- a) Submit crossover application prior to commencement of construction.
- b) Follow Vehicle Crossover Specifications and carry out inspections with Town officers.
- c) Submit subsidy application and supporting invoices within six months from the date of completion of the crossover.

### 4.0 Roles and Responsibilities

Vehicle Crossover Policy 9/005 is designed to be applied to land developers and property owners/contractors.

#### Definitions

*"Act" Local Government (Uniform Local Provisions) Regulations 1996*





## Policy

*"Town of Port Hedland (Town)"* is the Local Government Authority.

*"Road Reserve (Verge)"* is the section of land between the edge of the road carriageway and the front property boundary.

*"Crossover (Vehicle Crossing)"* is the portion of the driveway within the road reserve providing vehicle access to the property. A standard residential crossover shall be defined as 3.0 metres wide; a standard commercial crossover shall be defined as 6.0 metres wide. Residential and commercial crossovers shall be constructed in concrete, brick paving or asphalt.

*"Infrastructure and Town Services (ITS)"* is the Engineering Services unit appointed by the Town of Port Hedland for crossover inspection and authorisation of subsidy contribution.

Relevant legislation	<i>Local Government (Uniform Local Provisions) Regulations 1996 - Sch. 9.1 cl.7(3) 13 - Sch. 9.1 cl.7(4) 15 - Sch. 9.1 cl.7(2) 12 &amp; Sch. 9.1 cl.7(2) 14</i>
Delegated authority	Nil
Business unit	Engineering Services
Directorate	Infrastructure & Town Services

Governance to complete this section			
Version Control	Version No.	Resolution No.	Adoption date
	V01	-	24 November 2004
	V02	201415/210	25 March 2015
	V03	TBA	TBA
Review frequency	3 Yearly		

**Document Control Statement** – The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.



## TOWN OF PORT HEDLAND

### VEHICLE CROSSOVER SPECIFICATIONS

#### RESIDENTIAL AND COMMERCIAL

CONTENTS	PAGE NO
COVER PAGE	1 -1
CONTENT AND GLOSSARY	2
OBJECTIVE	3
PURPOSE	3
PROCEDURE	3
APPLICATION REQUIREMENTS	3
ASSESSMENT	3
BOND	3
CONTRACTOR RESPONSIBILITIES	4
LOCATION	4
CONSTRUCTION - (over drainage and footpath)	5
DIMENSIONS	5
CONSTRUCTION OF A CONCRETE CROSSOVER	5-6
CONSTRUCTION OF A BRICK PAVED CROSSOVER	6-7
CONCRETE APRON FOR BRICK PAVED CROSSOVER	7
CONSTRUCTION OF AN ASPHALT CROSSOVER	7
DRAWINGS	8 - 19
APPLICATION FORM	20
SUBSIDY APPLICATION FORM	21

## GLOSSARY

Name Definition	Commentary
Crossover	The extension of a driveway from the edge of the property boundary to the edge of the road
Clearance	The space required between the path and an obstruction
Concrete Apron	The transition between the road surface and the crossover
Cross fall	Grade across the path width; necessary for adequate drainage
Crossover wings	The flared edges of a driveway
Culvert	A tunnel carrying an open drain under a road
Grade	The slope of a path or driveway
Kerb	Roadway edge treatment concrete beam.
Sightlines	The visual envelope of vehicles and path users
Standards/Policies	Applicable guidelines for use in Western Australia
Street Trees	Trees located within the verge area
Utility/services	An enclosure which houses utility services for electrical, communications, etc.
Vegetation	Soft landscaping element

## OBJECTIVE

This document is designed to assist property owners and contractors to construct vehicle crossovers in accordance with Town of Port Hedland (Town) specifications.

## PURPOSE

To provide a consistent framework to assist contractors and owners to understand and meet the requirements of the Town. A subsidy shall apply to the first residential crossover constructed at a Lot to the Town's specifications.

## PROCEDURE

### APPLICATION

An owner of a residential or commercial property or their contractor, wishing to construct their vehicle crossover, is to apply in writing using the Town's Application for Vehicle Crossover form.

### ASSESSMENT

Following receipt of an application to construct a crossover, the site may be inspected by the Technical Officer to determine any conditions that will apply to the approval.

All crossovers are to be approved by the Town prior to construction commencement and shall be constructed to the satisfaction of the Town. The owner/contractor is responsible for notifying Town staff prior to commencement of the construction work.

Final inspection will be made following advice from the applicant that construction is completed.

Contact details of Technical Officer Town phone (08)9158 9700

## CONTRACTOR RESPONSIBILITIES

The Contractor shall be responsible for:

1. Setting out of levels, construction, inspections and measuring up of work.
2. Cutting existing kerbing and bitumen with a concrete saw and removing the same without damage to pavement or remaining kerbing or services.
3. Removal and disposal of all surplus material from the site and leaving the site in a clean and tidy condition at all times.
4. Removal of all formwork without damage to concrete or pavement or existing kerbing.
5. Reinstatement of kerbing, concrete, brick paving or bituminous road surfaces damaged during the course of the works.
6. Reinstatement of any verge or private property with a landscape mix soil.
7. The identification, notification and protection of all existing underground services prior to commencing work.
8. Undertake repairs of any damage to Public Utility Services, local government assets and private property during the course of the works. (contact Dial Before You Dig)

9. The protection of private property from damage and the protection of the new crossover surfaces from rain damage or vandalism.
10. Liaising with and notifying all parties impacted by the works.
11. Where a new crossover is constructed, any existing footpath that was removed during construction of the new crossover shall be reinstated with reinforced concrete (see Drawing TOPH-1.0 to 5.0)
12. Traffic management in accordance with AS 1742.3 Traffic control for works on roads and the Main Roads Code of Practice for Works on Roads.

#### LOCATION

1. To be constructed at 90 degrees to the kerb line.
2. Minimum of 1.0m clearance from the boundary, utilities, service pits, lamp posts and street furniture.
3. Minimum of 3.5m clearance from street trees on verge.
4. Minimum of 6.0m clearance from the tangent point at corner Lots with truncation.

#### CONSTRUCTION - (over drainage and footpaths)

1. An owner requiring a crossover over an open drain shall contact the Town Technical Officer to determine the size of drainage pipe, culvert/headwall, stone pitching and other requirements for the crossover works. The crossover shall be constructed to the Town of Port Hedland specifications and designs in accordance with the drawing Nos TOPH-1.0 to TOPH- 5.0
2. If the existing footpath has been constructed at the crossover with plain grey concrete, the footpath shall be replaced with reinforced concrete through the crossover, with appropriate construction joints, to ensure uniformity of the footpath.

#### DIMENSIONS

1. 3.0m minimum and 6.0m maximum for residential crossovers.
2. 6.0m minimum for commercial crossovers and maximum width as approved by the Town.
3. Residential Crossovers Wings – The minimum width of 'wings' on the apron at the kerb line shall be 1.5m each side. In special cases where the standard wing width cannot be achieved, approval must be sought from the Town Technical staff.
4. The minimum width of wings for Commercial crossovers shall be 2.0m each side.
5. 30mm Lip above existing road surface is required.

**CONSTRUCTION OF A CONCRETE CROSSOVER****BASE PREPARATION**

The subgrade shall be compacted to 95% Maximum Modified Dry Density in accordance with AS1289 clauses 5.4.1 or 5.4.2.

**CONCRETE**

All concrete used shall develop a minimum compressive strength of 25 MPa at 28 days and have a maximum slump of 80mm. Additives shall be used in accordance with the manufacturer recommendations.

**MINIMUM REQUIREMENTS FOR CONCRETE CROSSOVER**

ITEM	RESIDENTIAL	COMMERCIAL
Thickness	100mm	150mm
Steel reinforcement	SL72 mesh	SL82 mesh
Concrete strength @28 days	25MPA / 50mm slump	25MPA / 50mm slump

The reinforcement details and thickness of the concrete for commercial crossovers shall be designed to suit vehicle types. All reinforcement shall be firmly supported on Mild Steel Plastic Tipped Chairs or Plastic Chairs or Concrete Chairs at no greater than 1.0m spacing.

**SURFACE**

The concrete shall be screeded to correct levels and finished with a float or broom to produce a non-slip dense fine textured surface, free from defects such as depressions, honeycomb sections, or the accumulation of fine dusty accretions.

**JOINTING**

Expansion joints shall be full depth joints and filled with bitumen-impregnated cane-ite or similar approved material and butyl mastic sealer. Expansion joints shall be located:

1. At the lot boundary and both sides of the footpath at the crossover location. Refer Drawing No TOPH-4.0
2. Where the new crossover adjoins a rigid structure or any public utility structure.
3. At the ends of the existing kerbing where kerbing has been removed.
4. With a maximum of 6.0m spacing between the expansion joints.

Control joints shall be 10mm deep, with 2.0m maximum spacing both laterally and longitudinally.

**CONSTRUCTION OF A BRICK PAVED CROSSOVER****BASE PREPARATION**

Base material shall be compacted to a minimum density of 95% of the Modified Maximum Dry Density determined in accordance with AS128EZ.1.1977

The bedding layer shall have a pre-compacted depth of 20mm to 40mm, such that the final compacted thickness is within a tolerance of 25mm  $\pm$  10mm. The bedding layer shall be well-graded concreting sand, free of deleterious soluble salts and other contaminants. The sand should be of uniform moisture content, and is to be spread over the compacted base course and screeded in a loose condition.

Concrete or solid pavers with minimum thickness of 60mm are permitted for residential crossovers.

ITEM	RESIDENTIAL	COMMERCIAL
Thickness	60mm -76mm	76mm
Gravel sub base	150mm	200mm
Sand bedding	25mm compacted	25mm compacted

Minimum 750mm wide concrete apron shall be constructed from the road surface as shown in the Drawing Nos TOPH-3.0 to TOPH-3.2.

**MINIMUM REQUIREMENTS FOR CONCRETE APRON AT BRICK PAVED CROSSOVER**

ITEM	RESIDENTIAL	COMMERCIAL
Thickness	100mm	150mm
Steel reinforcement	SL72 mesh	SL82 mesh
Concrete strength @28 days	25MPA / 50mm slump	25MPA / 50mm slump

**CONSTRUCTION OF AN ASPHALT CROSSOVER****ASPHALT**

Asphalt shall be a minimum of 30mm thick for residential, 40mm thick for commercial. Asphalt type shall be 10mm granite with a bitumen content of between 5% - 7% by mass and supplied from an asphalt production plant.

**BASE PREPARATION**

Compaction – The base course shall be placed in layers and compacted to 98% of the maximum dry density when tested in accordance with AS1289 E2.1-1977. The subgrade shall be compacted to a minimum of 95% MMDD in accordance with AS1289 clause 5.4.1 or AS1289 clause 5.4.2.



**MINIMUM REQUIREMENTS FOR ASPHALT CROSSOVER**

ITEM	RESIDENTIAL	COMMERCIAL
Thickness	30mm bitumen	40mm bitumen
Base course Gravel	150mm compacted	200mm compacted

Refer Drawing Nos TOPH-2.0 to TOPH-2.2 for Asphalt Crossover details.

Prior to laying of the asphalt a tack coat (primer coat) shall be sprayed on the road base. The application rate shall be 0.5 to 0.75 litres per square metre. The asphalt shall be evenly spread over the area and rolled immediately. No break in this operation shall be permitted until all the bituminous concrete is finished. The asphalt shall be laid on a dry foundation.

Surplus asphalt shall be removed from the site and disposed of at an approved disposal site.

**REFERENCE DRAWINGS****Concrete Crossovers**

Standard Concrete Crossover Details	Drawing No TOPH-1.0
Standard Concrete Crossover Details – Footpath at Mid Verge or Boundary	Drawing No TOPH-1.1
Standard Concrete Crossover Details - Footpath at Kerb Edge	Drawing No TOPH-1.2

**Asphalt Crossovers**

Standard Asphalt Crossover Details	Drawing No TOPH- 2.0
Standard Asphalt Crossover Details – Footpath at Mid Verge or Boundary	Drawing No TOPH- 2.1
Standard Asphalt Crossover Details - Footpath at Kerb Edge	Drawing No TOPH- 2.2

**Brick Paved Crossovers**

Standard Brick Paved Crossover	Drawing No TOPH-3.0
Standard Brick Paved Crossover Details – Footpath at Mid Verge or Boundary	Drawing No TOPH-3.1
Standard Brick paved Crossover Details - Footpath at Kerb Edge	Drawing No TOPH-3.2

**Location, Grade & Joint Details**

Crossover Locations at Corner Lots	Drawing No TOPH-4.0
------------------------------------	---------------------

**Stormwater Drainage Details**

Drainage Culvert, Pipe and Stone Pitching Requirements	Drawing No TOPH-5.0
--	---------------------

**ATTACHMENT 4 TO ITEM 11.2.3**

Amendments and New Items in Crossover Policy 1/2

Amendments in DRAFT Revised Crossover Policy document 9/005

**Contents in Existing Policy**

1. *A vehicle crossover must be designed and constructed in accordance with the Town's Crossover Guidelines and suited to the development type and vehicle usage requirements.*

**Contents in Revised Policy**

The owner/agent shall obtain approval in writing from Main Roads Western Australia with regard to the construction and location of the crossover (*Role of Commissioner of Main Roads in some cases*) for all crossovers from roads controlled by Main Roads Western Australia.

**Contents in Existing Policy**

2. *Crossovers must be a sealed pavement such as concrete, brick paving, asphalt or spray bitumen.*

**Contents in Revised Policy**

The crossover shall be constructed in concrete, brick paved or in asphalt as per Town specifications.

**Contents in Existing Policy**

3. *For the purpose of this Policy, a Standard Crossover shall be defined as 4m wide x 4m long.*

**Contents in Revised Policy**

A standard residential crossover shall be defined as 3.0 metres wide; a standard commercial crossover shall be defined as 6.0 metres wide. Residential and commercial crossovers shall be constructed in concrete, brick paving or asphalt.

**Contents in Existing Policy**

4. *Crossovers over an open drain will require the installation of culverts/pipes and headwalls at no cost to the Town. This must be designed in accordance with the Town's Engineering Guidelines.*

**Contents in Revised Policy**

An owner requiring a crossover over an open drain shall contact the Town Technical Officer to determine the size of drainage pipe, culvert/headwall, stone pitching and other requirements for the crossover. This crossover shall be constructed to the Town of Port Hedland specifications.

**New Contents in DRAFT Revised Vehicle Crossover Policy 9/005**

5. If the footpath has been constructed at the crossover with plain grey concrete, the footpath shall be replaced with reinforced concrete through the crossover, with appropriate construction joints, to ensure uniformity of the pathway.
6. If a new shared path is proposed at an existing crossover, a section of the crossover will be removed to ensure uniformity of the pathway construction. The cost of removal and reinstatement will be borne by the Town in this instance. <https://walga.asn.au>
7. Redundant crossovers, due to development of the property, are to be removed and kerb/verge/seal shoulders are to be reinstated at the owner's/developer's expense.
8. A crossover subsidy of 50% of the cost of a standard crossover per Lot, up to a maximum of \$5,000, will apply only to the first crossover installed at a commercial property according to the Town specifications.
9. A maximum of an additional \$5,000 subsidy payment will apply for the first crossover requiring stormwater drainage components installed to the Town specifications. Owner shall attach supporting invoices to prove that the stormwater drainage components have been installed in accordance with the Town of Port Hedland specifications.
10. Amended standards crossover specifications and drawings.

## ATTACHMENT 5 TO ITEM 11.2.3

# APPLICATION FOR VEHICLE CROSSOVER- Commercial & Residential

**Applicant's details**

Name		
Applicant's address		
Telephone	Mobile	Fax

Owner's Name		
Telephone	Mobile	Fax
Location/address of the proposed crossover		

**Contractor's details**

Name		
Contractor's address		
Telephone	Mobile	Fax
<b>Insurance details</b>		
Insurance company		
Certificate of Currency		
Copy Attached	Yes	No

**Contractor/owner shall**

- Attach a plan or sketch showing location and type of the crossover.
- Pay an application fee as per Town's annual fees and charges.
- Contact Dial Before You Dig or utility service providers and locate services.
- Design proposed crossover as per Town of Port Hedland Crossover Specifications and seek approval prior to commencement of construction.
- Phone Technical Officer on 9158 9700 and arrange inspections (24hrs notice required).

**OFFICE USE ONLY**

Public Liability Insurance		
Traffic Management Accreditation		
Location	Approved / Not Approved	
	Date	Signature
Amendments required		
Drainage components approved		
Final inspection after completions		
Subsidy	Approved	Not Approved

## ATTACHMENT 6 TO ITEM 11.2.3

# APPLICATION FOR VEHICLE CROSSOVER SUBSIDY



Subsidy is applicable to the first Vehicle Crossover and can only be claimed within (6) six months after completion.

The crossover shall be constructed as per Town specifications, inspected and approved by the Town Technical Officer.

Crossover Location and Type – Concrete/brick paving/asphalt

I am/we are

the registered owner/s of the abovementioned property and submit an application for claiming vehicle crossover subsidy. Please find attached invoices supporting our claim for stormwater components in accordance with Town of Port Hedland policy.

Payment to be made to my/our Bank Account OR by cheque to the postal address.

Name/s		
Cheque - Postal Address		
Bank Account	BSB	A/C No
Bank		
Owner's signature		
Date		
Email address		

## OFFICE USE ONLY

Inspection date	Initial	Final
Crossover approved		Subsidy \$
Officer Name		
Officer's Signature / Date		
Property Assessment No		

## FINANCE SERVICES USE ONLY

Account/creditor No	
Payment Date	

### 11.3 Infrastructure and Town Services

#### **11.3.1 Award of Tender RFT 2018-17 HVAC Routine Maintenance and Servicing (*File No. 10/02/0002*)**

Author	Coordinator Property Management
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.

##### **OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the recommendation of the evaluation panel and award the Tender for RFT 2018-17 HVAC (Heating Ventilation and Air Conditioning) Routine Maintenance and Servicing to Mechanical Project Services Pty Ltd for a contract sum of \$286,916.00 (excl. GST) for the routine maintenance work, and for a contract term of two (2) years with a further one (1) year option to extend the contract at the Town's discretion; and
2. Approve a contingency sum of \$300,000.00 (excl. GST) for the life of the contract; and
3. Note the projected contract value of \$586,916.00 (excl. GST)

***CARRIED BY EXCEPTION RESOLUTION***

##### **PURPOSE**

The purpose of this report is for Council to consider a summary of the assessment of submissions for Tender RFT 2018-17 for HVAC (Heating Ventilation and Air Conditioning) Routine Maintenance and Servicing and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

##### **DETAIL**

The Town released a Request for Tender (RFT) on 13 February 2019, requesting companies to provide pricing and works to undertake the maintenance of the heating, ventilation and air conditioning (HVAC) systems at the JD Hardie Youth Centre, Civic Centre and Wanangkura Stadium. The contract term is for two (2) years, with a one (1) year option to extend the contract at the discretion of the Town.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 13 February 2019 and was advertised in the West Australian Newspaper and the North West Telegraph on 13 February with a closing date of 13 March 2019. The Town received four (4) submissions for RFT 2018-19 HVAC Routine Maintenance and Servicing. The respondents were as follows:

1. Mechanical Project Services Pty Ltd.
2. Burke Air Pty Ltd.
3. Veolia Energy Technical Services Pty Ltd.
4. Higgins Bros (Cunnamulla) Pty Ltd.

Of the submissions received, two (2) were rejected due to non-compliance and one (1) withdrew. The remaining respondent provided a compliant tender response.

#### *Tender Assessment*

The compliant tender submission has been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council.
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submission was assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	40%
Capacity to Deliver and Resources	30%
Demonstrated Understanding	30%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

#### *Contingency funds*

A contingency amount of \$300,000.00 (excl. GST) has been allocated for this contract, with the rationale for this allocation below.

The three sites are our three largest assets and are recognised as the Town's premier community facilities. There is a strong reliance on these assets to provide critical community service in accordance with the Corporate Business Plan committed to by the Town.

The contingency has been allocated to enable timely provision of approved repair works resulting from the routine service maintenance, for each site.



This contingency figure is based upon actual repair figures, averaged out over the past two financial years. The allocation has been drawn from the maintenance budget to be used as and when required.

Should items be identified for repair or replacement a quote will be sought from the head contractor, reviewed in consultation with a mechanical engineer, awarded as appropriate, with funding drawn from the approved contingency.

Having the same contractor undertaking routine maintenance and approved ongoing works ensures that intimate knowledge of and responsibility for the plant rests with a single entity. The advantage of this is that it potentially eliminates any disagreement between different contractors working on site, who may have differing, and possibly counter-productive, approaches and solutions to a fault.

Having the proposed costs for major repair works reviewed by an external party (mechanical engineer) ensures price integrity and reassurance that the Town is getting value for money for the works being undertaken.

Potential disruptions due to extended down time of these critical assets is a very high risk to the Town's reputation. Having an adequate and accessible contingency is vital to facilitate timely repairs to the Town's premier assets.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it relates to the ongoing maintenance of three of the Town's most utilised buildings, being the JD Hardie Youth Centre, Civic Centre and Wanangkura Stadium.

#### CONSULTATION

##### *Internal*

Internal consultation was undertaken with the Procurement Team, ELT and Property Management.

##### *External Agencies*

In order for the Town to ensure it was meeting service requirements for the HVAC systems, an external consultant was engaged to assist with scope development. This involved a full inspection of each site, the current state of all facets of the system and recommendations of remedial works, prior to the implementation of a regular service maintenance contract.

##### *Community*

The RFT was released to the community via Vendorpanel (the Town's e-tendering portal) on 13 February 2019 and was advertised in the West Australian and the North West Telegraph on the 13 February 2019 with a closing date of 13 March 2019.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'
- 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## FINANCIAL AND RESOURCES IMPLICATIONS

The price for the works will be scheduled into the proposed 2019/20 budget and forecast into the 2020/2021 and 2021/2022 year budgets to coincide with the contract period.

It should be noted that the budgets include a contingency amount to rectify works identified during the routine maintenance process, which are outside of the maintenance scope of works.

Please note that this contract is being awarded prior to the 2019/20 budget being adopted by Council and will be reflected as a liability for the 2019/20, 2020/21 and 2021/22 financial years.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

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

## RISK MANAGEMENT CONSIDERATIONS

The risk rating is considered to be medium (9), calculated as a likelihood of possible (3) and a consequence of moderate (3), as there is a financial and reputational risk associated with this item as not maintaining the HVAC systems can lead to significant failure. This could mean increased costs to rectify the issues and having to close the facilities, which would lead to reputational issues.

This risk will be eliminated by the adoption of the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

## CONCLUSION

Council is recommended to award Tender RFT 2018-17 for HVAC Routine Maintenance and Servicing to the preferred tenderer indicated in the Tender Evaluation Report. This company have met all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

## ATTACHMENTS

1. Evaluation Report (Confidential, under separate cover)

---

Item 12 Reports of Committees

---

Nil

---

Item 13 Motions of Which Previous Notice Has Been Given

---

Nil

---

Item 14 New Business of an Urgent Nature

---

CM201819/210 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR HEBBARD

That Council accept late items 14.1 '2018/19 Budget Review for the period ended 31 March 2019' and 14.6 'Mayoral Attendance at the Regional Cooperation and Development Forum and National General Assembly 2019'.

*CARRIED 9/0*

## 14.1 2018/19 Budget Review for the period ended 31 March 2019 (File No. 12/05/0014)

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.

### CM201819/211 OFFICER'S RECOMMENDATION/ COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR MCDONOGH

That Council:

1. Adopt the 2018/19 Q3 Budget Review for period ended 31 March 2019, resulting in a projected closing municipal surplus of \$1,532,862 as at 30 June 2019;
2. Adopt the expanded initiatives as per the below table (already included in the above municipal surplus figure):

Project Name	Current Budget	Amended Budget	Funding	Municipal Impact
Bollard Installation	100,000	122,581	-	22,581
Port Hedland Baseball Association re-establishment of dugouts and scorers box	30,000	70,000	-	40,000
South Hedland Landfill Transfer Station	50,000	66,000	16,000	0
Depot Works	335,000	350,000	15,000	0
Marapikurrinya drainage and open area development	200,000	150,000	-	50,000
Lighting and Safety Upgrades at Pretty Pool Car park	50,000	67,000	-	17,000
Civic Centre and Gratwick Hall refurbishment	1,183,876	1,203,876	-	20,000
Commercial building renewal program	625,121	695,121	-	70,000
Housing Renewal program	277,000	283,000	6,000	0
CCTV - Safer Communities - CCTV network expansion	411,656	428,030	16,374	0

*CARRIED BY ABSOLUTE MAJORITY 9/0*

## PURPOSE

This report presents the 2018/19 Q3 budget review for period ended 31 March 2019. This review evaluated the current capital and operational projects, expected funding and reserve transfers in line with project progress as well as considered any changes resulting from unforeseen circumstances, resulting in budget variations discussed in the background of this report. The proposed budget changes from the review indicate an overall budget variation of \$1,033,279, resulting in an estimated closing municipal surplus of \$1,532,862 as at 30 June 2019.

## DETAIL

The purpose of this report is to review the budget against actual expenditure as at 31 March 2019, and evaluate the current capital and operational projects; expected grants, subsidies and contributions; and reserve transfers, forecasting expected actual spend and revenue for the current financial year up to 30 June 2019 in line with project progress and current information. The report presents the proposed revised budget which was endorsed by the Audit, Risk and Governance Committee (ARG) on Tuesday 14 May 2019.

Each budget review is an opportunity to evaluate the current budget as a result of numerous factors that affect the operational activities and revenue streams. The reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices in order to mitigate financial risk exposure to Council.

The recent review conducted was an opportunity to review project progress, revenue and reserve funds, taking into account any changes in the macro or minor economic variables and any other relevant information, and use it as a tool to ensure accurate financial reporting and estimated closing surplus up to the end of the financial year. This process further assists with identifying any projects which will carry forward into the following financial year. These carry forwards will be included as part of the 2019/20 Annual Budget.

Summary of actual financial position as at 31 March 2019:

- Capital expenditure to date is tracking at 40% budget spent, with committed orders bringing the current financial completion to 67%. Projects to the value of \$1.35M have been delivered. A carry forward of projects to the value of \$2.3M has been requested. This is largely due to the removal of support from funding partners for a large project and cyclonic events changing the scope of some projects.
- Operating expenditure is currently 65% of budget. This is slightly under the expected budget YTD, mainly due to lower than expected expenses across all areas.
- Income is higher than budgeted due to rate revenue from previously unrated land, with the additional rate income placed into the Financial Risk Reserve.

For more detailed information, please refer to the Statement of Financial Activity for the period ended 31 March 2019 to be presented at OCM on 22 May 2019.

A Statement of Financial Activity by Nature and Type is attached which demonstrates the current annual budget, the proposed annual budget following the variations included as part of this budget review and amendment.

The significant movements are detailed below:

Operating Revenue		
Nature and Type	Variation	Commentary
Rate Revenue	8,909,416	Increase in rates relating to State Agreement land identified and interim rates raised to be transferred to the Financial Risk Reserve in line with Council Policy 2/004 Rating.
Operating Grants, Subsidies and Contributions	169,089	Grant funding incorrectly allocated as Fees and Charges
Fees and charges	(369,089)	Grant funding incorrectly allocated as Fees, and Charges and budget reduced for expected grant income that will not be recognised
Other revenue	Nil	
Interest Earnings	Nil	
Profit on Disposal of assets	Nil	

Operating Expenditure		
Nature and Type	Variation	Commentary
Employee costs	800,000	\$800K reduction in employee expenses due to vacancies across the organisation.
Utilities	Nil	
Depreciation	Nil	
Interest Expenses	(3,520,168)	Costs associated with early payout of loan portfolio as determined by Council at April 2019 OCM.
Materials and Contracts	(191,489)	\$149K increase due to projects originally classed as capital now classified as operating. \$410K decrease in operational projects that are being carried forward to the 19/20 financial year with the budgets placed into the Unfinished Works Reserve.
Other Expenditure	Nil	



Investing Activities		
Nature and Type	Variation	Commentary
Non-Operating Grants, Subsidies and Contributions	Nil	
Proceeds from Disposal of Assets	Nil	
Capital Works	(2,662,924)	Refer to the detailed capital works programme for a breakdown of individual project adjustments. The increase in project requests has been offset by reductions in other projects that have been reduced in scope, cancelled due to the withdrawal of support by funding partners or projects unable to be completed this FY and deferred to the 19/20 financial year with the budgets placed into the unfinished works reserve.

Financing Activities		
Nature and Type	Variation	Commentary
Proceeds from Self Supporting Loans	Nil	
Transfers from Reserves	23,678,777	Significant increase in transfers from reserves to fund the repayments of all current loans as per decision made by Council at the April 2019 OCM
Transfer to Reserves	10,830,300	Increase in transfer to reserve includes \$8.9M additional rates revenue being transferred to the Financial Risk Reserve and an additional \$1.7M transfer to the Unfinished Works Reserve for projects being carried forward to FY19/20.
Repayment of Debentures	20,431,015	Costs associated with early payout of loan portfolio as determined by Council at April 2019 OCM.

*Expanded Initiatives*

Included in the operating and capital expenditure increases identified through the budget review are a number of expanded initiatives and projects proposed for this financial year as outlined below:

Project	Current Budget	Proposed Budget	Funding	Municipal Impact	Commentary
Bollard Installation	100,000	122,581	0	22,581	Program actual exceeded budget
Port Hedland Baseball Association re-establishment of dugouts and scorers box	30,000	70,000	0	40,000	Unexpected high response to informal quotation request after initial investigative process. \$30k insufficient to be able to deliver the dugouts to required specifications under Town Planning requirements and cyclone ratings.
South Hedland Landfill Transfer Station	50,000	66,000	16,000	0	Included in transfer station/ community recycle centre \$3.7m – to provide additional detail in design, to be funded from Waste Reserve.
Depot Works	335,000	350,000	15,000	0	Budget increase in this FY of \$15K sought to cater for revised scope, to be funded from Asset Management Reserve.  Additional \$100K is sought to be carried forward until the 19/20 financial year to cover revised scope, to be transferred to Unfinished Works Reserve
Marapikurrinya drainage and open area development	200,000	150,000	0	50,000	\$150K sought in this FY excavation around existing lights revealed that the base of lights were in extremely poor condition thus necessitating replacement of the lights. A further \$50K is requested to carry into 19/20 to complete the work to be transferred to the Unfinished Works Reserve

Project	Current Budget	Proposed Budget	Funding	Municipal Impact	Commentary
Lighting and Safety Upgrades at Pretty Pool Car park	50,000	67,000	0	17,000	Additional budget required to complete the project using standardised lamp fittings which are being used elsewhere across the Town's parks and carparks.
Civic Centre and Gratwick Hall refurbishment	1,183,876	1,203,876	0	20,000	Stage 1 and 2 are completed and works have commenced in Gratwick Hall. Expected completion date to be mid-June. Flooring will require additional \$20K.
Commercial building renewal program	625,121	695,121	0	70,000	Increase to allow for unexpected replacement of items under commercial lease including AC units and hot water systems. Includes Chambers carpet replacement and main power cable running to the Port Hedland Turf Club. Provision of \$30k added for the Baseball upgrades at Marie Marland Reserve.
Housing Renewal program	277,000	283,000	6,000	0	Slight overspend due to last minute fence replacement identified as urgent works during annual inspection.
South Hedland Main street-Throssell Road Verge Upgrade	250,000	20,000	0	(230,000)	A reduction in the budget is required in this financial year of \$230K, however it is requested that these funds are brought forward to the new financial year with an additional \$150K required to complete the project. The original budget was insufficient to adequately complete the project.
CCTV - Safer Communities - CCTV network expansion	411,656	16,374	428,030	0	Project expected to be commissioned by end July 2019. Project fully funded by a grant from Federal Safer Communities Fund. Additional \$74K required to complete project - tender amount was more than the original budget but will be funded fully by grant funding.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because budget reviews are vital to ensure the Town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices in order to mitigate financial risk exposure to Council.

## CONSULTATION

### *Internal*

The 2018/19 current budget has been reviewed by all budget managers and the Executive Leadership Team, who collectively have considered the impact of the budget amendments presented to benefit the community as a whole and keep within the budget guidelines of a balanced budget.

### *External Agencies*

Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

A local government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A(1) of the *Local Government (Financial Management) Regulations 1996*. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Although there is no statutory requirement to present the review to the ARG, the Committee's terms of reference under 7.4.7 require the ARG to receive quarterly budget reviews. It is the Committee's role to provide comment and feedback on the review in terms of the overall aspects of the review. This review was prepared as at 31 March 2019 to provide the Committee and Council with overview and insight to expenditure against the budget, and amendments identified throughout the financial year.

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A(2) and (3). The budget review will be presented to Council for adoption at Ordinary Council Meeting scheduled for Wednesday 22 May 2019.

## FINANCIAL AND RESOURCES IMPLICATIONS

The 2018/19 Q3 budget review for period ended 31 March 2019 has identified increased operating revenue of \$8,709,416 and increased operating expenditure of \$2,528,319, resulting in an increase to the operating surplus.

The overall result of the budget amendments is a proposed increase to the closing municipal surplus, resulting in an estimated closing municipal surplus of \$1,532,862 as at 30 June 2019.

#### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's *Strategic Community Plan 2018-2028* is applicable in the consideration of this item:

- 4.b.1** Sound long-term financial planning is implemented
- 4.b.2** Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3** Transparent and regular governance reporting and communication to the community is undertaken

##### *Environmental*

No material environmental impacts are expected as a result of this budget review.

##### *Economic*

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical and available.

##### *Social*

Significant social impacts will be achieved including the investment into community infrastructure and programs and the promotion of the Town as a great place to live and work.

#### 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 to the risk that the review not be submitted to Council within 30 days after the review has been finalised. This risk has an unlikely possibility and a moderate impact in relation to compliance with significant regulatory requirements imposed.

There is a risk rating of medium (9) assigned to the risk that the Council do not adopt the 2018/19 Budget Review for period ended 31 March 2019, resulting in the delay or inability to perform specific capital works which are essential but do not currently have an approved budget item line. This risk has a possible possibility and a moderate impact in relation to compliance with significant regulatory requirements imposed.

## OPTIONS

### *Option 1 - Adopt Officer's Recommendation*

Council to adopt the 2018/19 Q3 Budget Review for period ended 31 March 2019 for adoption at Council, resulting in a projected closing municipal surplus of \$1,532,862 as at 30 June 2019 including new and extended initiatives and projects.

### *Option 2 – Do not adopt Officer's Recommendation*

Council do not adopt the proposed amendments presented in the 2018/19 Q3 Budget Review for period ended 31 March 2019.

## CONCLUSION

This report presents a summary of the 2018/19 Q3 Budget Review for period ended 31 March 2019. A number of variations are proposed as part of this review to meet community and organisational requirements. This process further assists with identifying any projects which will carry forward into the following financial year and presented as part of the 2019/20 Annual Budget.

The outcome of the review presents an estimated municipal surplus of \$1,532,682 as at 30 June 2019. The Audit, Risk and Governance Committee endorsed the budget review in accordance with the terms of reference on Tuesday 14 May 2019.

## ATTACHMENTS

1. 2018/19 Budget Review Financial Statements and Supplementary Documents for period ended 31 March 2019 (under separate cover)

**14.4 EOI McGregor Street Telecoms Land (File No: 130153G)**

This item was withdrawn from the agenda.

**14.6 Mayoral Attendance at the Regional Cooperation and Development Forum and National General Assembly 2019 (File no. 14/04/0002)**

---

**OFFICER'S RECOMMENDATION 1**

That Council accept late item 14.6 'Mayoral Attendance at the Regional Cooperation and Development Forum and National General Assembly 2019'.

**CM201819/212 OFFICER'S RECOMMENDATION 2/ COUNCIL DECISION****MOVED: CR HEBBARD****SECONDED: CR CARTER**

That Council approve the attendance of the Mayor at the Regional Cooperation and Development Forum and National General Assembly of Local Government on behalf of the Town of Port Hedland from 16 to 19 June 2019 in Canberra.

*CARRIED 7/2*

For: Mayor Blanco, Cr Arif, Cr Whitwell, Cr Carter, Cr Hebbard, Cr McDonogh and Cr Pitt

Against: DM Newbery and Cr Daccache

---

**PURPOSE**

The purpose of this motion is for Council to consider the attendance of the Mayor at the Regional Cooperation and Development Forum and National General Assembly in Canberra from 16 to 19 June.

**BACKGROUND**

At the 30 April 2019 Ordinary Council Meeting, Council agreed for Councillors Daccache and Carter to attend the Regional Cooperation and Development Forum and National General Assembly in Canberra (Decision no CM201819/172).

The Mayor was not present at the meeting, therefore was unable to raise his intention to attend. He has since indicated to the Town's administration he wishes to attend this conference.



Policy 4/010 Elected Member Travel and Training states that attendance at any conferences or events outside of the state of WA requires a decision of Council. As the conference will take place before the June Ordinary Council meeting, this is the reason as to why this matter is being presented as a late item.

#### FINANCIAL IMPLICATIONS

There is sufficient budget available to accommodate this request. The total estimated cost for the Mayor's attendance is \$3,524.

#### LEGISLATION AND POLICY CONSIDERATIONS

Policy 4/010 Elected Member Travel and Training applies.

Section 5.5 of the Town's Local Law on Standing Orders also applies.

#### CONCLUSION

Policy 4/010 Elected Member Travel and Training states that attendance at any conferences or events outside of the state of WA requires a decision of Council provided that there is sufficient budget available.

---

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

---

CM201819/213 COUNCIL DECISION

MOVED: CR HEBBARD

SECONDED: CR MCDONOGH

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the *Local Government Act 1995*, to consider item 15.1 Recruitment of the Chief Executive Officer.

*CARRIED 9/0*

7.53pm The Mayor declared the meeting closed to the public.

---

**15.1 Recruitment of the Chief Executive Officer (PER /9216)**

---

CM201819/214 OFFICER'S RECOMMENDATION 1/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: DM NEWBERY

That Council:

1. Acknowledges the written notice provided by the Town's current Chief Executive Officer, Mr David Pentz to Mayor Camilo Blanco on 18 March 2019 in accordance with section 2.23(3) of his current employment contract, and in particular:
  - a. That Mr Pentz has indicated he will not seek an extension to the current contract: and
  - b. That Mr Pentz is seeking to vacate the role in December 2019;
2. Thank Mr Pentz for his service at the Town of Port Hedland; and
3. Delegate the Manager Human Resources to arrange contractual practices associated with Mr Pentz being released from the employment contract on 13 December 2019.

*CARRIED 9/0*

CM201819/215 OFFICER'S RECOMMENDATION 2/ COUNCIL DECISION

MOVED: DM NEWBERY

SECONDED: CR HEBBARD

That Council:

- 1 Accept and endorse the proposed method and time line for recruitment of the position of Chief Executive Officer for the Town of Port Hedland;
- 2 Accept and endorse the engagement of specialist recruitment consultants to assist in the advertising search, shortlisting for candidates and KPI development for the upcoming vacancy of the Chief Executive Officer position via a Request for Quote process; and
- 3 Approve a budget allocation of up to \$150,000.00 for the recruitment, initial on-boarding and legal costs associated with the recruiting of a Chief Executive Officer.

*CARRIED 9/0*

CM201819/216 COUNCIL DECISION

MOVED: CR CARTER

SECONDED: CR DACCACHE

That Council open the meeting to members of the public.

*CARRIED 9/0*

7:56pm The Mayor declared the meeting open to members of the public.

---

**Item 16 Closure**

---

**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 June 2019 commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 19 June 2019 commencing at 5:30pm.

**16.2 Closure**

There being no further business, the Mayor declared the meeting closed at 7:57pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 26 June 2019.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE