



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

WEDNESDAY 14 DECEMBER 2016 AT 5:30PM

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

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“A nationally significant, friendly city that people are proud to call home”

*Chris Linnell
Acting Chief Executive Officer*

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners

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

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
 Deputy Mayor Troy Melville
 Councillor Jan Gillingham
 Councillor David Hooper
 Councillor Julie Arif
 Councillor Louise Newbery
 Councillor Richard Whitwell
 Councillor Lincoln Tavo

Chris Linnell	Acting Chief Executive Officer
Kathryn Crothers	Acting Director Corporate Services
Adam Majid	Acting Director Community and Development Services
Tammy Wombwell	Governance Administration/ Minute Taker

Public	0
Media	1
Town Officers	7

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

3.4 Disclosure of Interests

Name	Item no.	Interest	Nature
Cr Melville	15.1 - Statement of Financial Activity for the period ended 30 November 2016 and Payments made under Delegated Authority	Impartiality	Member of the Turf Club of which the financial statements show invoices are paid to
Cr Melville	16.1 – 2017 North West Festival – Approval of Event	Financial	Has received tickets in the past to attend the event

Cr Gillingham	16.1 – 2017 North West Festival – Approval of Event	Financial	Has received tickets in the past to attend the event
Cr Hooper	16.1 – 2017 North West Festival – Approval of Event	Financial	Has received tickets in the past to attend the event
Cr Arif	16.1 – 2017 North West Festival – Approval of Event	Financial	Has received tickets in the past to attend the event
Cr Whitwell	15.2 – Spoilbank Marina Business Plan: Review of Public Submissions	Financial and Proximity	Has property near the proposed development

Item 4 Response to Previous Questions

4.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 23 November 2016

4.1.1 Mr John Peters

Can the Council ask Land Corp, who is going to develop the Marina, to transfer the amount of \$112 million into the Town of Port Hedland account or a trust account? If not then what will Council do if the subsequent government does not support the plans for the Marina? If the answer is yes can the transfer occur before the next State Election?

The Acting Director Works and Services advises that the State Cabinet decision regarding funding for the Spoilbank Marina would not allow the funds to be transferred to the Town. LandCorp will not hold the funds itself, as they will be drawn down progressively from the Treasury account against progress claims by LandCorp. Although the Town is not in a position to demand the funds in advance, work is well advanced to finalise a formal Agreement between the Town and LandCorp which will have the effect of creating a legally binding commitment between the Town and the State to ensure that the project is delivered to an agreed scope, programme and budget. It is hoped to have that Agreement signed before Christmas.

4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 23 November 2016

4.2.1 Councillor Troy Melville

Can the Town request an update from Main Roads on their planning for the duplication of Wilson Street?

The Acting Director Works and Services advises that Main Roads WA (MRWA) has advised that designs have already been completed for the Port Hedland Road Duplication project. MRWA are currently seeking funds from Federal and/or State. MRWA are also in discussions with traditional owners with regard to heritage conflict.

4.2.2 Councillor Jan Gillingham

Can an update on the TAFE building in South Hedland be provided?

The Acting Director Community and Development Services advises that it is the Towns understanding that the State will be looking to divest its interest in the asset, as it is now

superfluous to the needs of the State. It is the understanding of the Town that an expression of interest will be undertaken which will include the sale of the asset.

Does the Town have a strategy or plan to look into future marine sanctuary on Cemetery beach where the reef is located?

The Acting Director Community and Development Services advises that there are no current plans or strategies at present for the Town to establish a marine sanctuary at Cemetery Beach. Protection of flora and fauna is undertaken by the Department of Parks and Wildlife. The Town's administration have contacted the Department of Parks and Wildlife for advice and assistance in this matter. Full details will be provided on receipt of the relevant information.

There are trees dying and other ongoing maintenance issues at the roundabout at the end of Wallwork Road Bridge, can the Town's maintenance team provide advice as to what is happening in this area?

The Acting Director Works and Services advises that a proposal for a landscaping upgrade of the roundabout and the adjacent traffic islands has been prepared by Works & Services and submitted for funding in both the 2015-16 and 2016-17 budgets, but in each case was deleted from the schedule of approved projects. The intention was to enhance this site as a significant Entry Statement to South Hedland with a scope of works comprising of the following:

- Low maintenance and robust landscape works to the roundabout, three median islands and landscape area adjacent the bike path to the north-west;
- Consideration of cycle path connecting through the roundabout;
- Banding of different gravel treatments, based upon the success of similar materials used within the town centre parks;
- Cleaning up the existing vegetation (including pruning and removing dead or unsightly vegetation);
- Additional land mark tree planting to create a prominent entry statement;
- Potential inclusion of colourful, low maintenance local plants reflecting the local sense of place;
- Investigate inclusion of artistic elements for the central area;
- Connection of irrigation and power services into the islands; and,
- Possibility of feature lighting

The Acting Director Works and Services advises that the project will be resubmitted for consideration in the 2017-18 budget.

Item 5 Applications for Leave of Absence

CM201617/106 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR GILLINGHAM****That Council approve the following applications for leave of absence:**

- **Cr Melville** from 4 January to 17 January 2017
- **Cr Gillingham** from 2 January to 24 January 2017
- **Cr Hooper** from 19 December 2016 to 27 January 2017
- **Cr Newbery** from 8 January to 24 January 2017
- **Cr Whitwell** from 2 January to 21 January 2017
- **Mayor Blanco** from 23 January to 27 January 2017

CARRIED 8/0

Item 6 Attendance by Telephone/Instantaneous Communications

CM201617/107 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR MELVILLE****That Council approve Councillor David Hooper's attendance at the Ordinary Council Meeting being held on Wednesday 25 January 2017 at 5:30pm via telephone while he is in Broome, Western Australia.****CARRIED BY ABSOLUTE MAJORITY 8/0**

Item 7 Public Time

Important note:

'This meeting is being recorded on audio tape 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 presiding member 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 5:40pm.

7.1 Public Question Time

Nil

The Mayor closed Public Question Time at 5:40pm.

The Mayor opened Public Statement Time at 5:41pm.

7.2 Public Statement Time

Nil

The Mayor closed Public Statement Time at 5:41pm.

7.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 8 Questions from Members without Notice

8.1 Councillor Jan Gillingham

In regards to my question about the Wallwork Road bridge roundabout asked at the last Ordinary Council Meeting, and recorded in item 4.2.2 of this agenda, can the plants on the roundabout in South Hedland please be watered?

The Acting Chief Executive Officer advised that the Town has had plans to upgrade the roundabout, but unfortunately the budget has not been approved over the past few years. The Town's water truck does pass the area on a regular basis and there are plans to improve the roundabout immensely with a budget allocation in 2017/18.

Can the Town please water the plants as soon as possible?

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

Councillor Gillingham advised in the negative.

8.2 Councillor Lincoln Tavo

In regards to my question last month about project timelines, when will Elected Members receive this?

The Mayor advised that he had received a project timeline update on 13 December 2016, and that Elected Members will receive the update on 15 December 2016.

The Acting Chief Executive Officer advised that the Mayor has received an update on project timelines. Moving forward, updates on project timelines are to be presented to Elected Members at the first Confidential Concept Forum of each month.

8.3 Councillor Louise Newbery

I would like to thank Chris Linnell as it is his last meeting tonight as Acting Chief Executive Officer. Thank you for taking on the job on such short notice, and for guiding us along the way until January.

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 Troy Melville
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Julie Arif
- Councillor Louise Newbery
- Councillor Richard Whitwell
- Councillor Lincoln Tavo

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of meetings held in November 2016**CM201617/108 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR HOOPER**

That with respect to Council Meetings held in November 2016, Council confirm that the following are a true and correct record:

- 1. Minutes of the Ordinary Council Meeting held on Wednesday 23 November 2016;**
- 2. Minutes of the Special Council Meeting held on Monday 14 November 2016; and**
- 3. Minutes of the Special Council Meeting held on Monday 21 November 2016.**

CARRIED 8/0

Item 11 Announcements by Presiding Member without Discussion

The Mayor made the following statement:

“On behalf of the Council and the Town of Port Hedland I would like to wish everybody a safe and festive season. This time of the year can involve travelling long distances for many families, so it is important to stay alert, drive safe, take a lot of breaks and make your safety a priority.

The Pilbara is prone to stray animals, and unpredictable weather conditions during the summer months, so ensure you are properly prepared for the long trip you may take and try to avoid driving at night.

I look forward to having everyone back in the community after the holiday period. We are looking forward to an exciting new year with the new Chief Executive Officer starting in January, also the Directors positions are well under way. I thank our Acting Chief Executive Officer, Chris Linnell, for steering the organisation while the selection process was underway. Many thanks to all our community members for supporting the Council in tough times.

I hope to see you all in the New Year. Thank you”.

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 12 Reports of Officers

12.1 Corporate Services**12.1.1 Annual Report for 2015/16 Financial Year**

File No: 14/06/0001
Applicant/ Proponent: N/A
Subject Land/ Locality: N/A
Date: 21 November 2016
Author: Grace Waugh, Coordinator Governance
Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
Disclosure of Interest from Author: Nil
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. 2015/16 Annual Report (Under Separate Cover)

OFFICER RECOMMENDATION

That with respect to the 2015/16 Annual Report, Council:

1. Adopt the 2015/16 Annual Report as per attachment 1;
2. Hold the Annual General Meeting of Electors on Wednesday 18 January 2017 commencing at 7:00pm at the Port Hedland Civic Centre; and
3. Advertise the 2015/16 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995.

CM201617/109 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR NEWBERY**

That with respect to the 2015/16 Annual Report, Council:

- 1. Adopt the 2015/16 Annual Report as per attachment 1;**
- 2. Hold the Annual General Meeting of Electors on Wednesday 1 February 2017 commencing at 7:00pm at the Port Hedland Civic Centre; and**
- 3. Advertise the 2015/16 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995.**

CARRIED BY ABSOLUTE MAJORITY 8/0

EXECUTIVE SUMMARY

The 2015/16 Annual Report outlines the Town of Port Hedland's financial performance, key highlights and achievements for the year and the key projects for the coming financial year. This item seeks Council to adopt the 2015/16 Annual Report and set a date for the Annual General Meeting of Electors.

The audited financial statements were adopted by Council at the Ordinary Council Meeting on 23 November 2016 (decision number CM201617/098)

BACKGROUND

The Audit, Risk and Governance Committee endorsed the audited financial statements and external auditor's report for 2015/16 at its meeting held on 8 November 2016.

Council adopted the audited financial statements at the Ordinary Council Meeting on Wednesday 23 November 2016. Council is now required to consider the adoption of the annual report for 2015/16, and convene the annual general meeting of electors.

The annual report is effectively is the Council's report card to the community and highlights achievements against the Strategic Community Plan themes of building a unified and vibrant community; supporting a diverse economy; balancing our built and natural environment; and leading our community.

Key highlights and achievements as noted in the 2015/16 annual report include:

- Leasing of the Port Hedland International Airport to PHIA Group
- Signing of the New Energy waste-to-energy plant, resulting in 180 construction jobs and 30 permanent jobs once the build is complete
- Hosting of the 2015 North West Economic Summit in conjunction with the 2015 North West Festival Pilbara's weekend
- Community events including the Australia Day celebrations, Welcome to Hedland Night, Spinifex Spree Carnival and the Port Hedland Community Awards
- Better Practice review with the Department of Local Government and Communities, where areas of improved compliance were identified and addressed
- Hosting a range of dignitaries, including the Governor-General of Australia Sir Peter Cosgrove, various State Government and Federal Government Ministers and the Vietnam Consul General
- Completion of the upgrade works to the Old Port Hedland Cemetery, which celebrated an official event in September 2015
- Accessibility upgrades at Cemetery Beach Park
- Opening of an overflow RV campsite at the Port Hedland racecourse
- Installation of new play equipment at Colin Matheson Park
- Hosted citizenship ceremonies to welcome 104 new Australian citizens

The contents of the Annual Report are prescribed by the Local Government Act 1995.

CONSULTATION

All Directors, Managers and Coordinators were consulted during the development of the Annual Report.

LEGISLATIVE IMPLICATIONS

Section 5.53 of the Local Government Act 1995 (the Act) outlines the requirements of an Annual Report. Section 5.54 of the Act states that a local government must accept an annual report by 31 December of each year by absolute majority.

The annual financial report is prepared in accordance with Australian Accounting Standards; the Local Government Act 1995; and the Local Government (Financial Management) Regulations 1996.

Sections 5.27 and 5.29 of the Act outline the procedure for convening an electors' meeting, including holding the meeting no more than 56 days from when the Annual Report was adopted.

POLICY IMPLICATIONS

There are no policy implications for this item.

FINANCIAL IMPLICATIONS

Any financial implications will be included in the audited financial statements agenda item, which is to be presented to Council separately.

A number of hard copy annual reports will be provided and the cost has been incorporated into the 2015/16 budget.

STRATEGIC IMPLICATIONS

Pursuant to the Strategic Community Plan, the Town is to provide high quality corporate governance, accountability and compliance. The Town will also deliver responsible management of infrastructure, assets, resources and technology.

SUSTAINABILITY IMPLICATIONS*Environmental*

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

Economic

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

Social

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

Risk

Risk	That Council not adopt the Annual Report prior to 31 December 2016.	That the AGM not be held within 56 days of the Annual Report being adopted.
Risk Likelihood (based on history and with existing controls)	Rare (1)	Rare (1)
Risk Impact / Consequence	Minor (2)	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)	Low (1-4)
Principal Risk Theme	Compliance - 2 Minor - Regular noticeable temporary non-compliances	Compliance - 2 Minor - Regular noticeable temporary non-compliances
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

That Council adopt the 2015/16 Annual Report and hold the Annual General Meeting of Electors on 18 January 2017 at 7:00pm in Council Chambers.

12.1.2 Public Health Act 2016 Delegation

File No: 13/02/0001
Applicant/ Proponent: N/A
Subject Land/ Locality: N/A
Date: 23 November 2016
Author: Grace Waugh, Coordinator Governance
Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
Disclosure of Interest from Author: Nil
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:
Nil

CM201617/110 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR TAVO

That with respect to the Public Health Act 2016, Council

- 1. In accordance with section 21(1)(b)(i) of the Public Health Act 2016, delegate to the Chief Executive Officer the authority to issue certificates of authority under section 30(2) of the Public Health Act 2016.**
- 2. Note that the delegation will become effective when the provisions of the Public Health Act 2016 are operable.**

CARRIED 8/0

EXECUTIVE SUMMARY

The Department of Health (DoH) are transitioning from the *Health Act 1911* to the *Public Health Act 2016*. The DoH are taking a five staged approach to the transition which will take three to five years. Stage three involves key elements of the administrative framework provided in the *Public Health Act 2016* to come into operation. This includes the change in terminology, designation of authorised officers and reporting changes. Council is requested to create a new delegation to the Chief Executive Officer to issue certificates of authority under the *Public Health Act 2016*.

BACKGROUND

The *Public Health Act 2016* is now in force in Western Australia and repeals most of the *Health Act 1911*. As there is a significant amount of work required to transition to the new *Public Health Act 2016* the Acts will be progressively introduced over the next three to five years. The DOH have broken the transition into five stages.

Stage one and two involved the *Public Health Act 2016* coming into operation. Stage three involves the change in terminology, designation of authorised officers and reporting changes. Stage four involves additional provisions coming into operation that does not affect the Town's operations.

Stage five is the final stage where the *Public Health Act 2016* is in full operation which will require implementation from the Town, however DoH will work closely with all local government in the lead up to stage five.

The current stage that is about to be implemented is stage three which changes the way officers are authorised under the *Public Health Act 2016*. Current officers authorised under the *Health Act 1911* will automatically transition to be authorised under the *Public Health Act 2016* however need to be issued with certificate of authority cards. A delegation is required to give the CEO the authority to issue the certificate of authority cards on behalf of the local government.

The legislation that will come into effect to initiate stage three is anticipated to come into operation in January 2017. It is recommended that the delegation be created now prior to the legislation coming into effect to ensure there is a smooth transition for the Town's authorised officers to ensure there is no disruption to the officers exercising their duties.

CONSULTATION

The Department of Health have an in-depth consultation process with the transition of the Act and provide regular fact sheets to local governments. The Town's Manager Environmental Health and Community Safety has been the point of contact in the process for the Town of Port Hedland.

LEGISLATIVE IMPLICATIONS

Section 5.42 of the *Local Government Act 1995* states that a delegation under the *Local Government Act 1995* or the *Planning and Development Act 2005* needs to be made by an absolute majority vote by Council. As this delegation sits outside of these requirements a simple majority vote is required.

Council have the ability under section 21(1)(b)(i) of the *Public Health Act 2016* to delegate the issuing of the certificates of authority regulated under section 30(2) of the *Public Health Act 2016*.

POLICY IMPLICATIONS

There are no policy implications for this item.

FINANCIAL IMPLICATIONS

There are no financial implications for this item.

STRATEGIC IMPLICATIONS

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan applies as the creation of this delegation ensures that the Town is delivering high quality compliance.

SUSTAINABILITY IMPLICATIONS

Environmental

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

Economic

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

Social

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

Risk

Risk	That the delegation not be provided to the CEO and therefore the Town's Environmental Health Officers will not be issued with certificates of authority.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that delegation be created to assist with the transition from the Health Act 1911 to the Public Health Act 2016 noting that it will not be operational until the new legislation comes into effect.

12.1.3 Promotional Fees and Charges for YMCA WA Marketing Purposes

File No: 04/03/0001
 Applicant/ Proponent: N/A
 Subject Land/ Locality: N/A
 Date: 10/11/2016
 Author: Peter Keane, Manager Strategic development
 Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
 Disclosure of Interest from Author: Nil
 Authority/Discretion: ☒ Legislative – includes fees and charges adopting. Review when Council reviews decision made by Officers.

Attachments:

1. Proposed YMCA “promotional” fees and charges
2. Email Correspondence from YMCA

CM201617/111 OFFICER RECOMMENDATION/ COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR GILLINGHAM**

That with respect to the promotional fees and charges for YMCA WA, Council:

1. Amend the 2016/17 Schedule of Fees and Charges to include a series of “promotions” fees for the purpose of supporting marketing campaigns to increase memberships and the user base of Leisure Facilities, including:

Fitness

7 days for \$7	\$7.00	Inc. GST
30 days for \$30	\$30.00	Inc. GST
2 for 1 gym entry	\$20.00	Inc. GST
2 for 1 group fitness entry	\$20.00	Inc. GST
Half price joining fee	\$49.50	Inc. GST
Free 3 day trial membership	\$0.00	
\$0 joining fee	\$0.00	
Up to 1 free month (for existing members)	\$0.00	
First month free (for new members)	\$0.00	
1 x free class	\$0.00	
Free Birthday cake	\$0.00	

Aquatics

Free Aqua run hire	\$0.00
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2. Note that the use of these fees are at the discretion of the YMCA WA in line with the approved Marketing Business Plan.

CARRIED BY ABSOLUTE MAJORITY 7/1

For: Mayor Blanco, Cr Melville, Cr Gillingham, Cr Hooper, Cr Arif, Cr Newbery, Cr Tavo
 Against: Cr Whitwell

EXECUTIVE SUMMARY

This report seeks Councils approval to amend the 2016-17 Fees and Charges with the addition of a series of promotion fees and charges in relation to services managed by the YMCA WA.

BACKGROUND

At the Ordinary Council Meeting, all fees and charges were approved for the 16-17 financial year, as per legislative requirements.

Currently, within the Fees and Charges for 2016-17, there is no approved provision for the YMCA to undertake promotional programs (and associated promotional fees) to market leisure facilities/ programs/ memberships and therefore potentially build the fee paying membership base of the Town's Leisure Facilities.

The use of the promotional fees will be at the discretion of the YMCA in line with their approved Marketing Business Plan.

CONSULTATION

External:

- YMCA WA

Internal:

- Elected Members at the Confidential Concept Forum on 30 November 2016
- Acting Chief Executive Officer
- Acting Director Corporate Services
- Acting Director Community and Development Services
- Manager Community Development

LEGISLATIVE IMPLICATIONS

Section 6.16 of the Local Government Act 1995 states that a local government may impose and recover a fee or charge outside of the budget adoption by absolute majority vote.

There are no legislative implications in relation to the changing the fees and charges if adopted by absolute majority by Council.

Any fee or charge must be advertised locally before it can be introduced.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should Council adopt this recommendation, there will be no impact on the 2016-17 budget. This is due to these charges being in relation to the promotion and marketing only, of the facilities and services provided, to encourage growth in membership numbers and therefore revenues.

See Promotion Fees and Charges in Appendix 1

STRATEGIC IMPLICATIONS

The officer recommendation supports *1.1 A unified community across our townships* through the provision of access to services for all members of the community through the introduction of reduced cost promotional fees at the Town's leisure facilities.

SUSTAINABILITY IMPLICATIONS

Environmental

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

Economic

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

Social

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

Risk

Risk	That Council not adopt the proposed fees and charges which could impact the YMCA Marketing Business Plan
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that Council adopt the promotional fees and charges for YMCA WA.

ATTACHMENT 1 TO ITEM 12.1.3**Attachment 1 – Leisure Facilities Promotion Fees and Charges**

Name	15-16 Fees	Fee (Ex GST)	GST	Fee (Inc.GST)
7 days for \$7	NA	\$6.36	\$0.64	\$7.00
30 days for \$30	NA	\$27.27	\$2.73	\$30.00
2 for 1 gym entry	NA	\$18.18	\$1.82	\$20.00
2 for 1 group fitness entry	NA	\$18.18	\$1.82	\$20.00
Free 3 day trial membership	NA	\$0.00	\$0.00	\$0.00
½ price joining fee	NA	\$45.00	\$4.50	\$49.50
\$0 joining fee	NA	\$0.00	\$0.00	\$0.00
Up to 1 free month (for existing members)	NA	\$0.00	\$0.00	\$0.00
First month free (for new members)	NA	\$0.00	\$0.00	\$0.00
1 x free class	NA	\$0.00	\$0.00	\$0.00
Free Birthday cake	NA	\$0.00	\$0.00	\$0.00
Free Aqua run hire	NA	\$0.00	\$0.00	\$0.00

ATTACHMENT 2 TO ITEM 12.1.3

Kathryn Crothers

Subject: Promotions to add to fees and charges schedule**From:** Trevor McCrystal <Trevor.McCrystal@ymcawa.org.au>**Date:** 16 November 2016 at 6:29:47 pm AEDT**To:** Peter Keane <pkeane@porthedland.wa.gov.au>**Cc:** Brooke Draper <brooke.draper@ymcawa.org.au>, Facility Pilbara <facility.pilbara@ymcawa.org.au>**Subject:** Promotions to add to fees and charges schedule

Hi Peter,

We would really appreciate the following promotions available to us to tap into, in our fees and charges schedule:

- 7 days for \$7
- 30 days for \$30
- 2 for 1 gym entry
- 2 for 1 group fitness entry
- Free 3 day trial membership (3 days selected to allow time to access all 3 x centres)
- ½ price joining fee
- \$0 joining fee – already in place
- Up to 1 free month (for existing members)
- First month free (for new members)
- 1 x free class
- Free Birthday cake
- Free aqua run hire

Thanks

Trevor McCrystal

Operations Manager – Pilbara

Wanangkura Stadium
Hamilton Road, South Hedland WA 6722**P** (08) 9140 0400**M** 0408 060 197**E** trevor.mccrystal@ymcawa.org.au**W** <http://www.ymcawa.org.au>

12.1.4 Proposed Town of Port Hedland Bush Fire Brigades Local Law 2017

File No: 09/04/0002
Applicant/ Proponent: N/A
Subject Land/ Locality: N/A
Date: 25 November 2016
Author: Grace Waugh, Coordinator Governance
Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
Disclosure of Interest from Author: Nil
Authority/Discretion: ☒ Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Proposed Town of Port Hedland Bush Fire Brigades Local Law 2017

CM201617/112 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR TAVO

That with respect to the proposed Town of Port Hedland Bush Fire Brigades Local Law 2017, Council:

1. **Adopt the proposed Town of Port Hedland Bush Fire Brigades Local Law 2017 for advertising purposes;**
2. **Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Town of Port Hedland Bush Fire Brigades Local Law 2017, as per attachment 1;**
 - a) **The purpose is to provide a statutory framework for the establishment, management and administration of volunteer bush fire brigades within the Town of Port Hedland;**
 - b) **The effect being to stipulate the requirements for establishing a bush fire brigade, the area of operations and management structure; simplify current governance and administrative requirements; provide continuity in the absence of volunteers; ensure current volunteer memberships are maintained, allowing for appeals against termination of membership; and ensuring Department of Fire Emergency Services is informed of bush fire brigade status and actions.**
3. **Submit a copy of the proposed Town of Port Hedland Bush Fire Brigades Local Law 2017 to the Minister for Local Government and Communities and the Minister for Emergency Services for comment.**

CARRIED 8/0

EXECUTIVE SUMMARY

Council approved the establishment of a Bush Fire Brigade (BFB) at its Ordinary Meeting on 23 November 2016.

A Bush Fire Brigade Local Law is required to provide a statutory framework for the establishment, management and administration of the Bush Fire Brigade within Port Hedland. The proposed Bush Fire Brigades Local Law 2017 is based on similar contemporary local laws adopted by other local governments. The local law is presented for adoption for advertising purposes.

BACKGROUND

The Town of Port Hedland has a legislative responsibility for the management of all fires outside of the gazetted fire district and is responsible for the management, training and control of Bush Fire Brigades (BFB) within the local government area. To support the formation of the BFB the Town is required to have a local law.

To comply with the provisions of section 3.12 of the Act, when making a local law, the Presiding Person is required give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered. This is achieved by:

- a. ensuring that the purpose and effect of the local law is included in the agenda for that meeting; and
- b. by ensuring that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose and effect of the proposed Town of Port Hedland Bush Fire Brigades Local Law 2017 is –

Purpose – is to provide a statutory framework for the establishment, management and administration of volunteer bush fire brigades within the Town of Port Hedland;

Effect - being to stipulate the requirements for establishing a bush fire brigade, the area of operations and management structure; simplify current governance and administrative requirements; provide continuity in the absence of volunteers; ensure current volunteer memberships are maintained, allowing for appeals against termination of membership; and ensuring Department of Fire Emergency Services is informed of bush fire brigade status and actions.

The proposed local law has been written to accommodate more than one brigade should it be required in the future. However this is not expected to be required in the short or medium term and it is anticipated that only one brigade should suffice the needs of the gazette area.

CONSULTATION

Relevant officers were consulted with during the drafting of the proposed local law. The Town has based the proposed local law on the Shire of Sandstone and Shire of Menzies who have adopted their local laws within the past two years.

Should Council adopt the local law for advertising purposes the Town will conduct community consultation as required by section 3.12 of the Local Government Act 1995.

In accordance with this section an advertisement is to be placed in a state-wide newspaper inviting the public to comment on the proposed local law, with submissions being open for a period of not less than six weeks (42 days).

In addition, copies of the proposed Local Law, (gazettal copy), must be sent to the relevant Minister(s) for comment. In this case the relevant Ministers are the Minister for Emergency Services and the Minister for Local Government and Communities.

LEGISLATIVE IMPLICATIONS

Section 3.12 'Procedure for making of local laws' of the Local Government Act 1995 applies.

In accordance with section 41 'Bush fire brigades' of the Bush Fire Act 1954 a local law may include information on the establishment and maintenance of one or more BFBs and the appliances, equipment and apparatus required for each BFB.

A local law for BFBs must provide for the appointment or election of a captain, first lieutenant, second lieutenant and such additional lieutenants as may be required as officers of the BFB in accordance with section 43 'Election and duties of officers of bush fire brigades' of the Bush Fires Act 1954.

POLICY IMPLICATIONS

There are no policy implications for this item.

FINANCIAL IMPLICATIONS

Statewide advertising of the proposed local law is required, which currently costs approximately \$600. This cost can be incorporated in the current budget.

STRATEGIC IMPLICATIONS

Section 4.1 'Strategic and best practice local government administration' under 'Leading our community' of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

SUSTAINABILITY IMPLICATIONS

Environmental

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

Economic

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

Social

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

Risk

Risk	That the proposed local law not be adopted for advertising and therefore there are no processes to allow the election/appointment of the captain, first lieutenant and subsequent lieutenants.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Service Interruption - 3 Moderate - Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that the proposed Town of Port Hedland Bush Fire Brigades Local Law 2017 be adopted for advertising.

ATTACHMENT 1 TO ITEM 12.1.4

BUSH FIRES ACT 1954

TOWN OF PORT HEDLAND

BUSH FIRE BRIGADES LOCAL LAW 2017

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- 2.2 Name and area of bush fire brigade
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BUSH FIRES ACT 1954

TOWN OF PORT HEDLAND

BUSH FIRE BRIGADES LOCAL LAW 2017

Under the powers conferred by the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [Insert adoption resolution date here] to make the following local law.

Part 1—Preliminary

1.1 Citation

This local law may be cited as the Town of Port Hedland Bush Fire Brigades Local Law 2016.

1.2 Commencement

This local law will come into operation 14 days after its publication in the Government Gazette.

1.3 Application

This local law applies throughout the district.

1.5 Interpretations

In this local law unless the context otherwise requires— Act means the Bush Fires Act 1954;

Brigade area is defined in clause 2.2(b);

Brigade member means a volunteer fire fighter of a bush fire brigade;

Brigade officer means a person holding a position referred to in clause 5.5 (1)(a), irrespective of method of appointment to the position;

Bush fire brigade is defined in section 7 of the Act;

Bush fire control officer means a person appointed to that office by the local government;

Bush Fire Operating Procedures means the Bush Fire Operating Procedures as may be adopted by the local government and amended from time to time;

Captain means the person holding or acting in that position in a bush fire brigade;

CBFCO means the Chief Bush Fire Control Officer;

CEO means the chief executive officer of the local government;

Council means the Council of the local government;

DCBFCO means Deputy Chief Bush Fire Control Officer;

DFES means the Department of Fire and Emergency Services;

District means the district of the local government;

Firefighting activities means all normal brigade activities relating to a live bush fire which is active in the district, and includes burning off, creating fire breaks and other methods for the control of bush fires;

Lieutenant means the person holding that position in a bush fire brigade;

Local government means the Town of Port Hedland;

Normal brigade activities is defined in section 35A of the Act.

Regulations means Regulations made under the Act; and

Volunteer fire fighter is defined in section 35A of the Act.

Part 2—Establishment Of Bush Fire Brigades

2.1 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).

2.2 Name and area of bush fire brigade

On establishing a bush fire brigade under clause 2.1(1) the local government is to—

- (a) Give a name to the bush fire brigade;
- (b) Specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities.

2.3 Objects of bush fire brigades

The objects of the bush fire brigade are to carry out—

- (a) The normal brigade activities; and
- (b) The functions of the bush fire brigade which are specified in the Act, the Regulations and the local law.

2.4 Chain of command during firefighting activities

- (1) Subject to the Act, the chain of command to apply during firefighting activities is—
 - (a) Bush fire control officers in order of seniority;
 - (b) Brigade officers in order of seniority;
 - (c) All other volunteer fire fighters.
- (2) The person in command has full control over other persons fighting the fire, and is to issue instructions as to the methods to be adopted by the firefighters, and may exercise all the powers and duties provided for by the Act.

2.5 Existing bush fire brigades

A bush fire brigade established prior to the day on which this local law comes into operation—

- (a) Is to be taken to be a bush fire brigade established under and in accordance with this local law;

- (b) The provisions of this local law apply to the bush fire brigade save for clause 2.1; and
- (c) Any rules governing the operation of the bush fire brigade are repealed and substituted with the provisions of this local law.

2.6 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bush fire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, or is not achieving the objectives for which it was established.

2.7 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

Part 3—Organisation Of Bush Fire Brigades

3.1 Local government responsible for structure

The local government is to ensure that there is an appropriate structure through which the organisation of bush fire brigades is maintained.

3.2 Appointment of bush fire control officers

- (1) The local government may appoint bushfire control officers in their absolute discretion, and apply conditions as considered appropriate.
- (2) Where only one person is appointed as a bush fire control officer, that person is a Chief Bush Fire Control Officer for the purposes of this local law.
- (3) Where more than one person is appointed as a fire control officer, the local government shall determine seniority as Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, and further seniority as is considered appropriate.
- (4) When considering the appointment of a person as a bush fire control officer, the local government is to have regard to the qualifications and experience which may be advisable to fill the position.

3.3 Training of officers

- (1) The local government is to supply each bush fire control officer and brigade officer with a copy of the Act, the Regulations, any Bush Fire Operating Procedures adopted, this local law and any other written laws which may be relevant to the performance of the brigade officers' functions, and any amendments made from time to time.
- (2) Bush fire control officers are to complete accredited bush fire training within 12 months of appointment, unless a course has been completed within the 4 years prior to appointment as a bush fire control officer.
- (3) Bush fire control officers are required to complete refresher training course at least once every five years.

3.4 Managerial role of Chief Bush Fire Control Officer

Subject to any directions by the local government the Chief Bush Fire Control Officer has primary managerial responsibility for the organisation and maintenance of bush fire brigades.

3.5 Duties of Chief Bush Fire Control Officer and Captain

The duties of the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Captain include—

- (a) To provide leadership to volunteer bush fire brigades;
- (b) To monitor bush fire brigades' resourcing, equipment and training levels;
- (c) To liaise with the local government concerning fire prevention/suppression matters generally and directions to be issued by the local government to bush fire control officers (including those who issue permits to burn) bush fire brigades or brigade officers;
- (d) To ensure that lists of brigade members are maintained;
- (e) To report to the local government not later than 31 March each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's—
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances.

3.6 Chief Bush Fire Control Officer may act as Captain

In the absence of a person elected as the Captain of a bush fire brigade, or in order of seniority, willing to act in that position until a meeting of the bush fire brigade is held, the Chief Bush Fire Control Officer, or in their absence the Deputy Chief Bush Fire Control Officer, may act as Captain until a meeting of the bush fire brigade is held and a person is elected to the position.

Part 4—Membership

4.1 Types of membership of bush fire brigade

- (1) The membership of a bush fire brigade consists of volunteer fire fighters.
- (2) Registration as a volunteer fire fighter does not commit the person to participating in all normal brigade activities.

4.2 Membership applications

- (1) An application for membership of a bush fire brigade as a volunteer fire fighter is to be made in writing in the form determined by DFES.
- (2) The decision on an application for admission of member, with or without conditions or restrictions, may be made by—
 - (a) Either the Captain or CBFCO, or in their absence the DCBFCO, jointly with
 - (b) Either the CEO or local government mayor.

- (3) DFES is to be notified of acceptance of an application, and provided with a copy of the application.
- 4.3 Membership—review, refusal, suspension or termination
 - (1) No later than 31 March in each year, the Captain is to review the membership and report to the CEO the name and contact details of each brigade member.
 - (2) If circumstances warrant, membership of the bush fire brigade may be refused or suspended at any time for a period considered appropriate in the opinion of—
 - (i) Either the Captain or CBFCO, or
 - (ii) Either the CEO or Mayor.
 - (3) Membership of the bush fire brigade terminates if the member—
 - (a) Dies;
 - (b) Gives written notice of resignation to the Captain or CEO;
 - (c) Is permanently incapacitated by mental or physical ill-health in the opinion of—
 - (i) Either the Captain; jointly with
 - (ii) Either the CEO or Mayor;
 - (d) Has been removed from the membership list as being no longer resident, or for other sufficient reason in the opinion of—
 - (i) Either the Captain; jointly with
 - (ii) Either the CEO or Mayor.
 - (4) Where a decision under subclause (2), (3)(c) or (3)(d) is unable to be agreed, the matter is to be referred to Council, whose decision shall be final.
 - (5) Members are eligible to reapply where membership has ceased for any reason.
 - (6) DFES is to be notified of the outcome of review of membership.

4.4 Member has right to review

A brigade member may appeal to the Council, whose decision shall be final, any—

- (a) Refusal of membership;
- (b) Suspension of membership; or
- (c) Termination of membership.

4.5 Existing liabilities to continue

The resignation, suspension or termination of a member under clause 4.3 does not affect any liability of the brigade member arising prior to the date of resignation, suspension or termination of membership.

4.6 Disagreements

- (1) Any disagreement between brigade members regarding normal brigade activities may be referred to the Captain.
- (2) Where a disagreement in sub-clause (1) is considered by the Captain to be of importance to the interests of the bush fire brigade, then the Captain is to refer the disagreement to the CEO.
- (3) The local government is the final authority on matters affecting the bush fire brigade, and may resolve any disagreement which is not resolved under sub-clause (1) or (2).

Part 5—Meetings

5.1 Holding of meetings

- (1) A bush fire brigade is to hold a meeting at least annually between 1 April and 30 June.
- (2) The person presiding at bush fire brigade meetings shall be the senior most brigade officer in attendance, or if of equal seniority, selected by the members then present.
- (3) Notice of all meetings of a brigade is to be given to the local government and to DFES.

5.2 Calling of meetings

- (1) Meetings may be called at any time by giving at least 7 days notice to all brigade members, by—
 - (a) The Captain;
 - (b) The CEO; or
 - (c) Sufficient number of members to constitute a quorum of a meeting.
- (2) Business may be conducted at an ordinary meeting of the bush fire brigade notwithstanding that it was not specified in a notice given under sub-clause (1) in relation to that meeting.

5.3 Quorum at meetings

- (1) The quorum for a meeting of the a fire brigade is—
 - (a) Where membership is 3 or less—100% of members;
 - (b) Where membership is 4 or more, but less than 8—3 members;
 - (c) Where membership is 8 or more, but less than 12—4 members;
 - (d) Where membership is 12 or more, but less than 20—5 members; or
 - (e) Where membership is 20 or more— 25% of members.
- (2) No business is to be transacted at a meeting of the bush fire brigade unless a quorum of brigade members is present in person.
- (3) Should a quorum not be present, all matters requiring urgent decision are to be referred to the CEO for decision.
- (4) If a meeting ceases to have a quorum at any time, the presiding member is to immediately—
 - (a) Close the meeting; or

- (b) Adjourn the meeting for not more than 30 minutes, after which the meeting is to be closed if a quorum is not achieved within that time.

5.4 Voting at meetings

- (1) Each brigade member is to have one vote.
- (2) In the event of an equality of votes, the person presiding may exercise a casting vote.
- (3) All decisions of the meeting are to be made by majority of the members then present at the meeting.
- (4) Proxy voting is not permitted.

5.5 Business of meetings

- (1) The business of bush fire brigade meetings is—
 - (a) At the first brigade meeting held in accordance with clause 5.1 (1), elect—
 - (i) a Captain;
 - (ii) First Lieutenant;
 - (iii) Second Lieutenant;
 - (iv) any additional officers as necessary for the effective management of normal brigade activities;
 - (b) where a vacancy has occurred in a position elected under subclause (1)(a), elect persons to the positions necessary;
 - (c) to consider the nomination of persons to the local government for appointment as bush fire control officers by the local government;
 - (d) to arrange for normal brigade activities as authorised by the Act or by the local government;
 - (e) to discuss any matter considered appropriate; and
 - (f) to make recommendations to the local government for endorsement prior to implementation.
- (2) When considering the appointment of persons to the positions of Captain, Lieutenant or other position, the brigade members are to have regard to the qualifications and experience which may be advisable to fill each position.

5.6 Minutes of meetings

Within 10 business days of a meeting of a bush fire brigade, the Captain is to ensure that minutes of each meeting of the brigade are—

- (a) available on request to brigade members, and
- (b) sent to the local government and to DFES.

Part 6—General

6.1 Administration

All administrative matters of a bush fire brigade are to be managed by the local government.

6.2 Finances

All financial matters of a bush fire brigade are to be managed by the local government.

6.3 Equipment

All equipment purchased by the local government is the property of, and shall be insured by, the local government.

6.4 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question.

Dated: [date]

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of—

C BLANCO, Mayor.

D PENTZ, Chief Executive Officer.

12.2 Community and Development Services

12.2.1 Removal of Port Hedland CBD Timed Parking

File No: 19/04/0001
Applicant/ Proponent: N/A
Subject Land/ Locality: Port Hedland West End - Wedge Street, Edgar Street & Anderson Street
Date: 21 November 2016
Author: Michael Cuvalo, Manager Environmental Health & Community Safety
Authorising Officer: Adam Majid, Acting Director Community & Development
Disclosure of Interest Nil
from Author:
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.
Attachments: Nil

Note: Mayor to call for a show of hands in favour (1/3 of the number of offices of Council Members whether vacant or not – this being three) to consider the revoking of Decision 201415/026 of item 11.1.6 'Review of Time Limited Parking Arrangements – Port Hedland CBD' presented to Council's Ordinary Meeting held on 27 August 2014, and recorded on page 56 and 57 of those Minutes. The following Elected Members raised their hands:

*Councillor Newbery
Councillor Hooper
Councillor Gillingham*

CM201617/113 OFFICER RECOMMENDATION 1/ COUNCIL DECISION

MOVED: CR NEWBERY

SECONDED: CR HOOPER

That with respect to Port Hedland CBD Time Parking, Council revoke decision 201415/026 of item 11.1.6 'Review of Time Limited Parking Arrangements – Port Hedland CBD' presented to Council's Ordinary Meeting held on 27 August 2014 and recorded on page 56 and 57 of those Minutes that states:

"201415/026 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR TAYLOR

That Council:

- 1. Approve the installation and enforcement of one (1) hour "time limited" parking on Wedge Street and within the car park adjacent to the ANZ Bank, as indicated on the attached map;***
- 2. Approve the installation and enforcement of two (2) hour "time limited" parking in Edgar Street and the portion of Anderson Street between Wedge Street and The Esplanade;***

3. ***Receive a further report on the effectiveness of “time limited” parking in Port Hedland CBD in six months’ time;***
4. ***Request the Chief Executive Officer, or his delegate(s), not to implement the time limited parking in the areas indicated on the attached map until 1 November 2014; and***
5. ***Request the Chief Executive Officer, or his delegate(s), to undertake a communication strategy to inform community members and business owners of the proposed changes in parking arrangements.***

CARRIED 5/0”

CARRIED BY ABSOLUTE MAJORITY 8/0

CM201617/114 OFFICER RECOMMENDATION 2/ COUNCIL DECISION

MOVED: CR TAVO

SECONDED: CR MELVILLE

That Council note that there will be no timed parking in the Port Hedland CBD.

CARRIED 8/0

EXECUTIVE SUMMARY

Timed parking was implemented in the Port Hedland CBD in 2014 along Wedge Street, Edgar Street and parts of Anderson Street. As a result of numerous concerns expressed by the public it is requested that Council rescind the previous resolution and revoke timed parking in the above mentioned locations.

BACKGROUND

At the August 2014 Ordinary Council Meeting, Council resolved to approve the installation and enforcement of one hour timed parking on Wedge Street and associated parking lots, and two hour timed parking on Edgar Street and the area of Anderson Street between Wedge Street and the Esplanade.

The implementation of timed parking was as a result of concerns received in 2010 from businesses operating in these areas. It was claimed that customer parking in these areas was being consumed by vehicles parking in the bays all day thereby limiting access for additional patrons. As a result of these concerns Council staff undertook a survey of the businesses operating in the area of concern requesting feedback on whether they would support timed parking and what the permitted hours (one hour or two hours) should be.

Of the sixteen businesses surveyed in Wedge Street, nine supported the proposed implementation of timed parking. Of the seven businesses in Anderson Street surveyed, only 2 supported the proposal and of the sixteen surveyed in Edgar Street, again only 2 supported the proposal.

Since 2014, when timed parking was implemented, the town has seen a change in the economic landscape and the population of the community. These changes have impacted business in the Port Hedland CBD and have resulted in a decline in patronage. The Port Hedland Chamber of Commerce have stated that the timed parking is further impacting on businesses in these areas and have requested that Council remove timed parking from the area.

CONSULTATION

The Port Hedland Chamber of Commerce, a body comprised of individual businesses some of which are directly affected by the implementation of timed parking, has made a request to the Town to remove timed parking from the Port Hedland CBD.

LEGISLATIVE IMPLICATIONS

Operation and enforcement of timed parking is governed by the Town of Port Hedland Parking Local Laws 2015. The removal of timed parking will not trigger a change to the local law.

Regulation 10 of the *Local Government (Administration) Regulations 1996* outlines the process for revoking previous Council decisions. A revocation or change of decisions are required if the new decision to be made is substantially different to the original decision. Any revocation or change is required to be supported by one third of the members of Council (whether vacant or not) which for the Town is three Elected Members. A revocation decision needs to be made by an absolute majority vote as per regulation 10(2) of the Admin Regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The enforcement of timed parking required approximately 3 hours of ranger time per day (hourly rates differ depending on which ranger was on duty). The removal of timed parking will allow for the ranger team to provide more attention to other areas of concern.

STRATEGIC IMPLICATIONS

Section 2.1 – A thriving, resilient and diverse economy - 2014-2024 Town of Port Hedland Strategic Community Plan. The removal of timed parking will assist businesses located in the Port Hedland CBD to provide unrestricted parking for patrons thus encouraging patrons to the area.

SUSTAINABILITY IMPLICATIONS

Environmental

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

Economic

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

Social

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

Risk

Risk	That Council resolves to maintain timed parking in the Port Hedland CBD, businesses are unduly effected
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Failure to manage and meet basic community expectations
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Risk Rating: Medium (6)

CONCLUSION

It is recommended that Council resolve to remove timed parking from the Port Hedland CBD. The initial decision to implement timed parking was as a result of community concerns which, due to the changing Port Hedland economic landscape, appear to be resolved.

12.3 Works and Services

12.3.1 Feasibility Study – Integrated Civic Facilities at South Hedland

File No: 18/09/0085 & 36/01/0001
Applicant/ Proponent: Internal
Subject Land/ Locality: N/A
Date: 28/11/2016
Author: Ray Davy, Acting Director Works and Services
Authorising Officer: Chris Linnell, Acting Chief Executive Officer
Disclosure of Interest from Author: None
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:
Nil

CM201617/115 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR TAVO

SECONDED: CR HOOPER

That Council requests the Chief Executive Officer or his authorised officer to progress a feasibility study for the development of an integrated facility in the South Hedland Town Centre incorporating upgraded existing facilities, a new Civic Administration complex and commercial offices for lease to Government and private tenants.

CARRIED 5/4 BY THE MAYORAL CASTING VOTE

For: Mayor Blanco, Cr Gillingham, Cr Hooper, Cr Tavo
Against: Cr Melville, Cr Arif, Cr Newbery, Cr Whitwell

EXECUTIVE SUMMARY

Council has invested considerable resources to date in exploring the options for a “Hub” in South Hedland incorporating a range of existing community facilities. At its meeting on 22 October 2014 Council endorsed a Business Plan for this project as a guiding document for seeking funding, and requested the Chief Executive Officer to investigate funding approaches to State Government departments, industry partners and other funding bodies to negotiate and confirm a funding mix as an integrated package with an option for a phased project.

More recently the future of the existing Civic Centre, and the consideration of alternative locations for the Town Administration has been considered informally through a Concept Forum held on 12 October 2016. Although no formal decision was taken at that Forum, there was majority support among those present for the idea of locating any new Civic Centre in the South Hedland CBD.

At the same time, there is an opportunity at present to explore opportunities to have various State Government agencies centrally located in the South Hedland CBD, and the Town may be able to capitalise on this to its benefit as well as boosting the revitalisation of the South Hedland CBD.

This Report proposes that a formal feasibility study be undertaken to assess the potential for an integrated development bringing all of these factors into account.

BACKGROUND

In 2011 the proposed revitalization of the South Hedland Town Centre as part of the Pilbara's Port City Growth Plan included development on the sites occupied by the Hedland Well Women's Centre and the South Hedland Library. In response, the Town of Port Hedland in partnership with BHP Billiton Iron Ore and State Government commissioned a study into the feasibility of developing a range of community facilities within the South Hedland Town Centre including co-location options. Cox Howlett Bailey Woodland was formally appointed in December 2011 to undertake the study.

In part, the study considered the relocation and development of the Library and the Hedland Well Women's Centre and an upgrade of the existing Lotteries House within the South Hedland Town Centre. A reference group consisting of representatives from Lotteries House, Hedland Well Women's Centre, Town of Port Hedland and Pilbara Development Commission was established to inform the project. An extensive consultation process was undertaken to confirm the functions of each entity and identify realistic accommodation requirements. The South Hedland Feasibility Report 2012 prepared by Cox Howlett Bailey Woodland was adopted at the OCM on 25th July 2012.

Christou Design Group Pty Ltd was subsequently awarded the tender to prepare part schematic designs for the integrated community facilities within the South Hedland Town Centre. The concept plan developed by Christou comprised a new South Hedland Library, South Hedland Aquatic Centre and Hedland Well Women's Centre and refurbishment and extension of the existing Lotteries House. This included the preparation of a business plan to assist the Town of Port Hedland, Lotteries House and Hedland Well Women's Centre in applying for capital funding and facilitate a decision to progress to the next stage in the development.

At the OCM on 22 October 2014, it was resolved:

That Council:

1. *Endorse the South Hedland Integrated Community Facility Business Plan August 2014 as a guiding document in applying for capital funding grants;*
2. *Authorise the Chief Executive Officer, or his delegate(s), to explore the option of a staged project;*
3. *Request the Chief Executive Officer, or his delegate(s), to investigate funding approaches to State Government departments, industry partners and other funding bodies to negotiate and confirm a funding mix as an integrated package with an option for a phased project*

Subsequent to this, the Hedland Well Women's Centre advised that their preference was to remain in their existing premises, and withdrew from the project. However, provision was made in plans for an expanded Lotteries House to accommodate the Centre if required in future.

Separately, staff have explored options for either the refurbishment or relocation of the Civic Centre and Town administration, as the existing building is nearing the end of its effective life. Four options were discussed by Elected Members at a Concept Forum on 12 October 2016, these being:

- Redevelopment on the existing site
- A new complex adjacent to the Spoilbank Marina
- A new complex on the former Pilbara Institute site in South Hedland
- A new complex in South Hedland CBD

Although no formal decision was taken at that Forum, there was majority support among those present for the idea of locating any new Civic Centre in the South Hedland CBD. Reasons for this included the availability of funding support from the Pilbara Development Commission, a recognition that the majority of the Town's residents live in South Hedland, the revitalisation impact that such a project would have on the South Hedland CBD, and the potential to obtain unencumbered freehold title to the land as part of a negotiated agreement with the State.

The attention of Elected Members was drawn to the recent development of a commercial office complex by the City of Armadale to accommodate a mix of City employees and State Government agencies on commercial tenancy terms, resulting in a highly favourable financial outcome for the City as well as a significant uplift in the quality of urban form in the Armadale CBD. It was noted that there is an opportunity at present to explore opportunities to have various State Government agencies centrally located in the South Hedland CBD, and the Town may be able to capitalise on this to its benefit.

The Chief Executive Officer subsequently discussed such a concept at a meeting with the Department of Housing in Perth on 28 November 2016, with encouraging results. It is understood that the Department has budgeted funds for refurbishment of its existing premises, but would be open to transferring that funding to a new facility. The Department also offered to assist the Town in promoting the opportunity to other State agencies.

In order to fully explore opportunity to maximise a range of multiple outcomes from an integrated development, the approval of Council is sought to proceed to a full feasibility study which would:

- Review and update the community facilities business plan adopted by Council in October 2014;
- Consider alternative options for location of the library, either as proposed under the existing "Hub" proposal or integrated with the Civic Administration complex;
- Identify the scope, indicative design and anticipated costs of a new Civic Administration complex as part of an integrated project;
- Identify the potential for additional commercial office space to be leased to State Agencies or private tenants to partially offset the capital and operating costs of the complex;
- Establish the timing and staging of any new complex, and the implications of this for the progressive transfer of functions; and
- Identify the extent and proposed source of funding

Following completion of the feasibility study and its consideration by Council, the next step would be consideration of a procurement strategy.

Options for this might include, in addition to the Town undertaking the project alone, options such as a joint venture with a private developer, a BOOT (build, own, operate, transfer) arrangement with a private developer, or a long term lease arrangement. The choice of a procurement model will be influenced by the availability of funding for the Town to build and operate the facility.

CONSULTATION

This decision will have no direct impact on the community or other stakeholders at this stage, and therefore no consultation is deemed required. Once the feasibility study is considered by Council, there will be a need for statutory consultation in accordance with section 3.59 of the Local Government Act 1995.

LEGISLATIVE IMPLICATIONS

There are no legislative implications of this decision for the Town at this stage.

POLICY IMPLICATIONS

There are no specific policy implications for the Town at this stage.

FINANCIAL IMPLICATIONS

The estimated cost of the feasibility study is in the range \$25,000 - \$30,000. The Town is holding approximately \$265,000 in funding from the Pilbara Development Commission for the next stage design works for the existing “Hub” project. Approval would be sought from the Commission for some of these funds to be used for the feasibility.

The “Hub” project was estimated in 2015 to have a capital cost in the vicinity of \$30 million (excluding GST) which is proposed to be partially met by:

- \$8 million from the Pilbara Development Commission, with the likelihood of more available once the project is committed;
- A contribution from Lotterywest particularly around the upgrade of Lotteries House;
- \$10 million to be sought from the Commonwealth National Stronger Regions Fund (now replaced by the Building Better Regions Fund)

In addition to further State or Commonwealth grants and private sector funding contributions, the balance of the cost including the Civic Administration component could be funded in significant measure by a self-supporting loan matched to external rental income from the commercial space. The potential extent of this will be an outcome of the feasibility study.

If Council is not inclined to progress with this proposed feasibility study, it should make a final determination on the current “Hub” study, involving the integration of the South Hedland Library with the South Hedland Aquatic Centre and an upgrade to Lotteries House. A decision needs to be made on whether to pursue this project or give the grant monies of approximately \$265,000 back to the State government. Alternatively, this project should be incorporated into the larger project now suggested, including the Town’s administration centre and potential public and private partners into a larger Hub project.

STRATEGIC IMPLICATIONS

Revitalisation of the South Hedland CBD and the development of modern and efficient facilities for the long-term delivery of Civic and community services by the Town are both important strategic priorities. The proposed feasibility study will explore the best means of progressing both.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no direct environmental impacts associated with the recommendation.

Economic

In the longer term, the choice of a location for the Town's Civic Centre has no overall economic impact. However, if the feasibility indicates the viability of a major commercial complex this can be expected to attract satellite investment. In the shorter term, the construction of the project will provide employment to offset in part the downturn in the regional job market.

Social

The housing of the Town's staff in a modern commercial complex in the South Hedland CBD can be expected to have a positive social impact on South Hedland, offset to some degree by the relocation of employment away from the current location.

Risk

Risk	Ongoing uncertainty about the location of the Civic Centre prolongs inefficient operations and further decline in amenity of the existing premises
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Failure to achieve a sustainable long term financial position
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

CONCLUSION

Given limits to the effective life of the existing Civic Administration building and the need for significant investment in upgrading it in the near future, it is opportune to assess the potential for a new facility to be combined with the South Hedland “Hub” project that has already been adopted “in principle” by Council.

In the event that Council does not support the Staff recommendation, some guidance should be given as to whether Council supports the existing “Hub” project being progressed to the detailed design stage, and a decision made as to funding already held for this.

Item 13 Reports of Committees

Nil

Item 14 Motions of Which Previous Notice Has Been Given

Nil

Item 15 New Business of an Urgent Nature

6:23pm Councillor Melville declared an impartiality interest in item 15.1 'Statement of Financial Activity for the period ended 30 November 2016 and Payments made under Delegated Authority', as he is a member of the Turf Club of which the financial statements show payments are made to.

15.1 Statement of Financial Activity for the period ended 30 November 2016 and Payments made under Delegated Authority

File No:	12/14/0003
Applicant/ Proponent:	N/A
Subject Land/ Locality:	N/A
Date:	09/12/2016
Author:	Rakana Smith, Finance Officer Grants Administration
Authorising Officer:	Kathryn Crothers, Acting Director Corporate Services
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input checked="" type="checkbox"/> Information Purposes - includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Attachments:

1. Monthly Financial Health Check for the period ended 30 November 2016
2. Statement of Financial Activity for the period ended 30 November 2016 (Under separate cover)
3. Material Variance Report for period ended 30 November 2016 (Under separate cover)
4. Accounts paid under delegated authority for period ended 30 November 2016 (Under separate cover)
5. Credit Card Statements for period ended 30 November 2016 (Under separate cover)
6. Bank Account Summary for period ended 30 November 2016
7. Schedule of Budget Variations and Proposed Statement of Financial Activity for the 2016/17 Annual Budget (Under separate cover)

CM201617/116 OFFICER RECOMMENDATION 1/ COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR ARIF****That with respect to the Statement of Financial Activity for the period ended 30 November 2016, Council:**

- 1. Receive the Monthly Financial Health Check;**

2. Receive the Statement of Financial Activity (and supporting information);
3. Note the Material Variance report;
4. Note the accounts paid under delegated authority;
5. Receive the Credit Card Statements;
6. Receive the Bank Account Summary.

CARRIED 8/0**OFFICER RECOMMENDATION 2**

That Council:

1. Adopts the amended brought forward surplus as at 1 July 2016 in line with the adopted Annual Financial Statements of \$5.650m;
2. Adopts the amendments to the 2016/17 Budget as per the below schedule, resulting in a projected closing municipal surplus of \$1.066M as at 30 June 2017:

Account Description	Current Budget	Amended Budget	Budget Impact
Airport Projects Expenditure – Transfer to Reserves	\$3,517,717	\$3,852,000.88	\$334,283.88
Styles Road Roundabout – Consultants (CAPEX)	\$0	\$65,000	\$65,000
Footpath Construction – Contractors (CAPEX)	\$0	\$58,000	\$58,000
Records Management Software - (CAPEX)	\$0	\$225,000	\$225,000
Schillaman St Clean-Up (Job) – Contractors (OPEX)	\$0	\$108,000	\$108,000

CM201617/117 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR MELVILLE**

That Council:

1. Adopts the amended brought forward surplus as at 1 July 2016 in line with the adopted Annual Financial Statements of \$5.650m;
2. Adopts the amendments to the 2016/17 Budget as per the below schedule, resulting in a projected closing municipal surplus of \$1.291M as at 30 June 2017:

Account Description	Current Budget	Amended Budget	Budget Impact
Airport Projects Expenditure – Transfer to Reserves	\$3,517,717	\$3,852,000.88	\$334,283.88
Styles Road Roundabout – Consultants (CAPEX)	\$0	\$65,000	\$65,000
Footpath Construction – Contractors (CAPEX)	\$0	\$58,000	\$58,000
Schillaman St Clean- Up (Job) – Contractors (OPEX)	\$0	\$108,000	\$108,000

CARRIED BY ABSOLUTE MAJORITY 8/0

EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 30 November 2016. Supplementary information regarding the Town's financial activities is attached to this report.

The net current assets and opening surplus figure presented in this report are consistent with the 2015/16 annual financial statements adopted at November OCM.

This report also presents a number of budget variations to amend the 2016/17 Annual Budget detailed in attachment 7 including \$334,283.88 transfer to reserves; \$348,000 in capital expenditure and \$108,000 operational expenditure. These variations result in a projected municipal closing surplus of \$1.066M as at 30 June 2017:

BACKGROUND

The attachments detail the Town's financial performance for the period ending 30 November 2016.

When Council adopted the 2016/17 Budget on 25 August 2016, the threshold of materiality to be used in statements for reporting material variances was set as per the below:

1. With regards to expenditure classified as operating, a variance of 10% or \$10,000, whichever is the greater, of the year to date current month Current Budget, with Program as the level that requires explanation;
2. With regards to expenditure classified as capital, a variance of 10% or \$10,000, whichever is the greater, of the 12 month Current Budget, with individual project as the level that requires explanation;
3. With regards to income, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation;
4. With regards to all other items not specifically identified above, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation?

Commentary is provided on variances as details above as per attachment 3 Material Variance report.

The net current asset position as at 30 November 2016 is \$24.524M. The unrestricted cash position as at 30 November 2016 is a \$12.362M. This means the Town has sufficient funds to cover expenditure without utilising cash dedicated to cash backing reserves or requiring an overdraft facility.

	2016/17 Actuals
Current Assets: Cash and Investments	252,028
Restricted Cash – Reserves	239,666
Unrestricted Cash Position as at 30 November 2016	12,362

CONSULTATION

Internal consultation with the Acting Manager of Financial Services, the Acting Director of Corporate Services, and the Manager Technical Services, Works and Services.

LEGISLATIVE IMPLICATIONS

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the following:

- 1) The local government to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget for that month in the following detail:
 - annual budget estimates, taking into account any expenditure incurred for an additional purpose; and
 - budget estimates to the end of the month
 - material variances between budget estimates and actual amounts of expenditure
 - the net current asset at the end of the month
- 2) Each statement of financial activity is to be accompanied by documents containing:
 - an explanation of the composition of the net current assets less committed assets and restricted assets
 - an explanation of each of the material variances and;
 - such other supporting information considered relevant
- 3) The information in the statement of financial activity may be shown:
 - according to nature and type classification; or
 - by program
 - by business unit
- 4) A statement of financial activity, and the accompanying documents are to be:
 - presented at an ordinary meeting of the council within 2 months after the end of the month to which it relates; and
 - recorded in the minutes of the meeting at which it is presented
- 5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in the statements of financial activity for reporting material variances

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, as this Council has, Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a list of accounts paid by the CEO each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

POLICY IMPLICATIONS

In accordance with regulations 34 (5) of the *Local Government (Financial Management) Regulations 1996* and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2016/17 for reporting material variances adopted by the Council on 25 September 2016 shall be:

1. With regards to expenditure classified as operating, a variance of 10% or \$10,000, whichever is the greater, of the year to date current month Current Budget, with Program as the level that requires explanation;
2. With regards to expenditure classified as capital, a variance of 10% or \$10,000, whichever is the greater, of the 12 month Current Budget, with individual project as the level that requires explanation;
3. With regards to income, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation;
4. With regards to all other items not specifically identified above, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation.

FINANCIAL IMPLICATIONS

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. As per the adopted 2016/17 budget, the estimated municipal surplus is \$1,589. A budget variation was adopted on 28 September 2016 Council Resolution CM201617/070 to amend the 2016/17 Budget, resulting in a municipal deficit position as at 30 June 2017 of (\$28,411). This amendment has been reflected in the November Financial Statements.

Should Council proceed with the proposed budget variations detailed in attachment 7, a budget amendment would need to be allocated within the 2016/17 Annual Budget resulting in a closing budgeted municipal surplus position of \$1.066M.

Council Decision CM201617/038 Part J states that the organisation continue to identify efficiencies, savings, and business system improvements and /or additional revenues, such that the budget draw on the forecast interest earned on the Port Hedland International Airport Long Term Lease Reserve at 30 June 2017 is reduced by \$2M, from such areas as, but not limited to:

- a. Consultants
- b. Contractors
- c. Legal expenses
- d. IT expenses
- e. Accommodation and travel expenses etc.

STRATEGIC IMPLICATIONS

The Town provides monthly Statements of Financial Activity as part of its delivery of high quality corporate governance, accountability and compliance. The Town's goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

SUSTAINABILITY IMPLICATIONS

Environmental

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

Economic

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

Social

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

Risk

The Town of Port Hedland is exposed to a number of financial risks.

Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue streams into the future is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements, unless the Town can replace this revenue or alternatively reduce costs.

Risk	Rates Revenue – TWA GRV Valuations/Income
	The Town has received new valuations for all the GRV Transient Works Accommodation (TWA) properties from Landgate based on the SAT determination on the valuation basis of TWA's. The result is only one TWA valuation has been revised and this will result in approximately \$125,000 reduction in rate revenue in 2016/17, based on the proposed rate in the dollar. The remaining TWA's valuations have not changed, therefore further reductions in GRV TWA rate revenue due to valuation decreases is unlikely.
Risk Likelihood (based on history and with existing controls)	Unlikely (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 3 Moderate - \$300,001 - \$3M

Risk Action Plan (Controls or Treatment proposed)	Accept Risk
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Risk	Waste Management Reserve
	As at 30 June 2016 the budgeted closing balance of the Waste Management Reserve is \$11.956m. Council will need to adopt a strong policy position with regards to the replenishment of the Waste Management Reserve in order to meet future capital costs for the closure and rehabilitation of the current landfill site at the end of its useful life and for the establishment of a new landfill site.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Major (4)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 4 Major - \$300,001 - \$3M
Risk Action Plan (Controls or Treatment proposed)	Manage by building reserve balance to required level to mitigate financial loss

Risk	Underground Power Debtor
	Council has one Debtor who is currently disputing the works on the basis of rateability. The value of this Debtor is over \$271K with accrued interest.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 3 Moderate - \$30,001 - \$300,000
Risk Action Plan (Controls or Treatment proposed)	Manage by creating provision for doubtful debt in the case that the amount is unrecoverable

Risk	Unspent Grant Funding
	The Town currently has unspent grant funding, including funding from Royalties for Regions and Country Local Government Fund. This funding is associated with capital works programs such as the South Hedland Library Community Centre and Kerbing Construction. If the Town does not expend and acquit the funding in a timely manner the funding bodies may not approve carry-over into future years and the funding could potentially be 'lost'. This could also damage future funding opportunities.

Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile
Risk Action Plan (Controls or Treatment proposed)	Manage by monitoring progress towards project completion

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating has been determined for each of these items.

Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

As at 30 November 2016, the net current asset position is \$24.524M. A budget variation was adopted on 28 September 2016 Council Resolution CM201617/070 to amend the 2016/17 Budget, resulting in a municipal deficit position as at 30 June 2017 of (\$28,411). This amendment is reflected in the November Financial Statements.

Should Council proceed with the proposed 2016/17 Annual Budget Variations the municipal surplus position as at 30 June 2017 would be \$1.066M.

MONTHLY FINANCIAL HEALTH CHECK



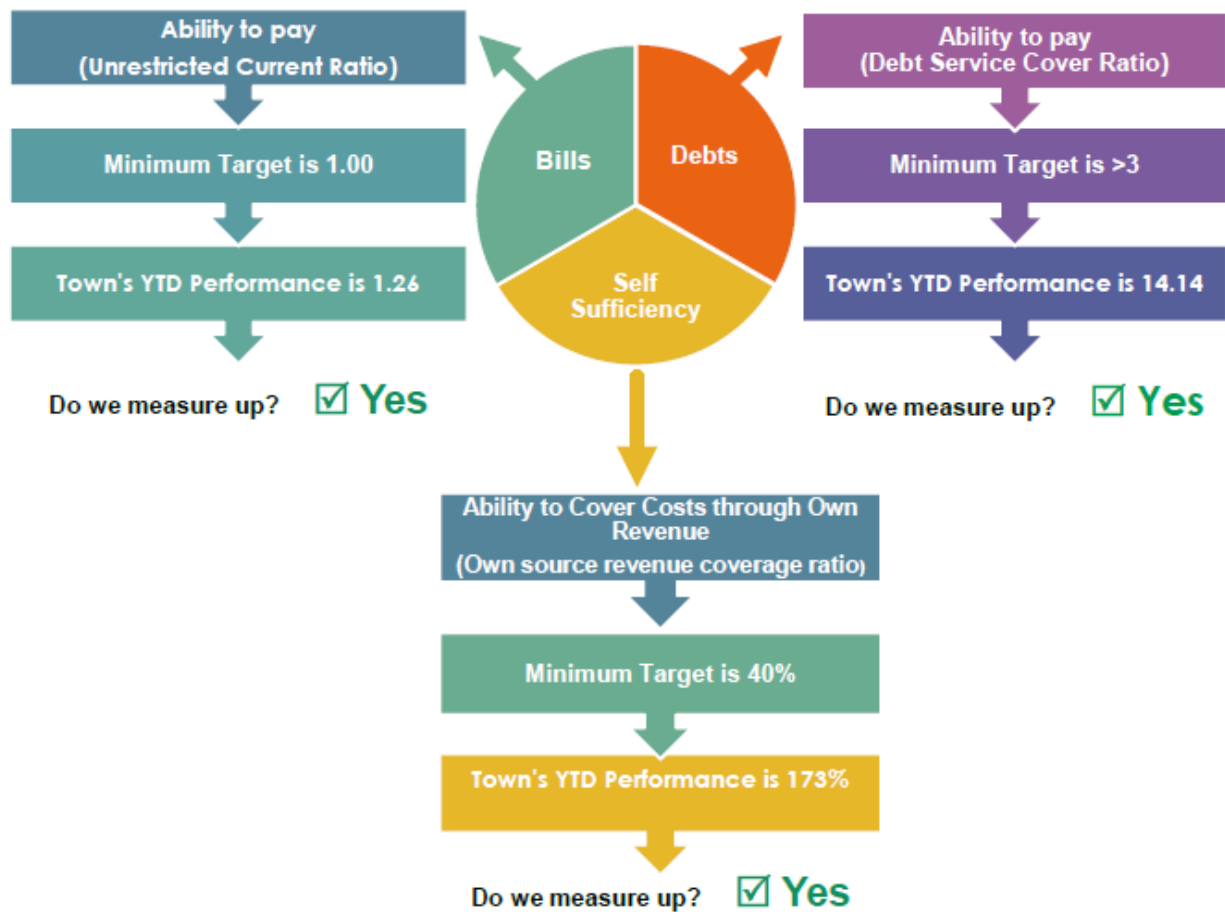
As at 30 November 2016

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



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$37,974
Operating Expenditure (Including Non-Cash Items)	(\$20,938)
Non-Cash Items	\$5,068
Capital Revenue	\$180
Capital Expenditure	(\$2,925)
Loan Repayments	(\$415)
Transfers to/from Reserves	(\$69)
Surplus Brought Forward 1 July 2016	\$5,650
Current Municipal Surplus Position at 30 November 2016	\$24,524
Current Budget Municipal Deficit Position at 30 June 2017	(\$28)

Financial health indicators



Cash in the bank



▶ How are we tracking against our budgeted targets?

Adjusted Operating Surplus

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

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

- The increase in depreciation (following revaluation of assets at fair value over the last three years) has significantly increased the annual depreciation charge and puts pressure on the operating surplus result.
- To assist in reaching the target ratio, the budget adoption Council Resolution CM201617/038 included an additional \$2M savings is to be identified in efficiencies, savings and business system improvements and/or revenues across the organisation by 30 June 2017.
- Adjusted operating surplus and self-sufficient ratios are high due to rates being fully invoiced at beginning of the financial year. However as the year progresses, operating expenditure will continue to draw on this revenue source reducing to target by 30 June 2017.

Minimum Target is 1%

Town's YTD Performance is 47%

Do we meet the target? ☒ Yes

Asset Sustainability Ratio

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

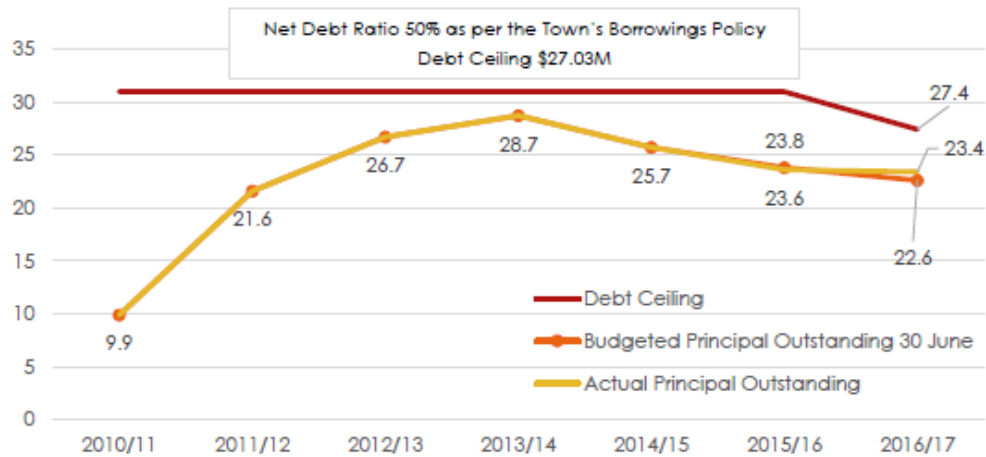
- A reduced Capital Works Program (including renewals) and an increase in the budgeted depreciation as a result of revaluations has had a two-fold effect on the asset sustainability ratio resulting in the ratio coming in just below the target.
- With a history of high levels of capital expenditure in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

Minimum Target is 90%

Town's YTD Performance is 18%

Do we meet the target? ☐ No

Debt levels



Original Budget Principal Outstanding Forecast at 30 June 2017 = \$22.6M

Original Budget Operating Revenue = \$54.8M

Budgeted Net Debt Ratio = 42%

Actual Net Debt Ratio = 43%

Total Actual Principal Amount Outstanding 30 November 2016 = \$23.4M

Debt Ceiling 50% pursuant to Policy ($\$54.8\text{M} \times 50\%$) = \$27.4M

Intergenerational Loans

Loan Purpose	Principal Amount Outstanding	Remaining Term
1. Marquee Park	\$4.50M	14/15 years
2. JD Hardie Upgrade	\$2.59M	14/16 years
3. Wanangkura Stadium	\$8.95M	15/16 years
4. GP Housing	\$1.33M	16 years

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

ATTACHMENT 6 TO ITEM 15.1



NAB Connect

Account Balance History Report

Details

Date range: 30-Nov-2016 to 30-Nov-2016
Account name: TOPH MUNICIPAL
Account number: 086-905 50-836-4446
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
30/11/2016	8	1,488.04	42	2,098,900.69	2,684,583.05 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 30-Nov-2016 to 30-Nov-2016
Account name: TOPH TRUST
Account number: 086-905 50-836-4489
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
30/11/2016	0	0.00	0	0.00	89,648.74 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 30-Nov-2016 to 30-Nov-2016
Account name: TOWN OF PORT
Account number: 083-817 83-883-9096
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
30/11/2016	0	0.00	0	0.00	1,500,000.00 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 30-Nov-2016 to 30-Nov-2016
Account name: TOPH RES FND
Account number: 086-905 50-836-4462
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
30/11/2016	0	0.00	0	0.00	1,000.00 CR

End of report

6:28pm Councillor Whitwell declared a proximity interest in item 15.2 'Spoilbank Marina Business Plan: Review of Public Submissions' as he has property close the proposed Spoilbank Marina site.

15.2 Spoilbank Marina Business Plan: Review of Public Submissions

File No: 18/17/0001, 18/19/0001, 28/18/0010, 01/04/0013, 18/12/0014
Applicant/ Proponent: N/A
Subject Land/ Locality: Part Crown Reserve 30768 (Lot 5550 on DP240246, Lot 5751 on DP91579 and Lot 370 on DP 35619) on Management Order MO80548
Date: 11 December 2016
Author: Brie Holland, Economic Development Officer
Adam Majid, Acting Director Community & Development Services
Authorising Officer: Chris Linnell, Acting Chief Executive Officer
Disclosure of Interest from Nil
Author:
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Schedule of Submissions
2. Public Submission – Jan Ford
3. Public Submission – Volunteer Marine Rescue
4. Public Submission – Roam Marine
5. Public Submission – Haydn Webb
6. Public Submission – Peter Buckless
7. Public Submission – BHP Billiton
8. Public Submission – Port Hedland Game Fishing Club
9. Public Submission – The Esplanade Hotel
10. Public Submission – Allan Smith
11. Public Submission – The Kemp Family
12. Public Submission – Department of Planning

CM201617/118 OFFICER RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR TAVO

That with respect to the Spoilbank Marina Business Plan, Council:

- 1. Notes the submissions that were received from the public regarding the proposed major land transaction being the Spoilbank Marina Waterfront Development;**
- 2. Resolves to proceed with the proposal as outlined in the Business Plan in its current form in accordance with section 3.59 of the *Local Government Act 1995*;**
- 3. Proceeds with finalisation of an agreement with LandCorp, as the project managers for the stage one development outlining the scope, programme and budget of the \$152M combined funding.**

CARRIED BY ABSOLUTE MAJORITY 8/0

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, Council has sought public submissions on the Business Plan that was prepared for the proposed development of the Spoilbank Marina Waterfront Development. The business plan must be advertised for public comment before any agreements to the development of the land are entered into.

This agenda item seeks Council approval via absolute majority to adopt the current Spoilbank Marina Waterfront business plan and proceed to finalisation of the necessary documentation for implementation of the project. The documentation is in an advanced state of negotiation and will be presented to Council for approval as soon as it is finalised.

BACKGROUND

The development is defined as a major land transaction under the *Local Government Act 1995* and therefore a business plan is required to be prepared and released for public comment. The purpose of the business plan is to clearly articulate to the public the proposed major land transaction and any associated agreements precursory to developing the land.

It is a statutory requirement in accordance with Section 3.59 of the Local Government Act 1995 that the business plan is advertised for a minimum of six weeks (42 days) and that all public submissions are reported back to Council once advertising is closed. It is then for Council to consider the public submissions and decide to proceed (or not proceed) with the transaction.

The Business Plan was open for public submission for a total of fifty one (51) days from Wednesday 5 October to 4pm WST Friday 25 November. Originally the closing date was Friday 18 November (total of 44 days). The closing date was extended on the authority of the Acting Chief Executive Officer to allow the public a reasonable period of time to potentially forward submissions after the Town Community Conversations workshops on Tuesday 15 November. During the advertising period, the Town received eleven (11) responses which sought clarification of 16 key factors below and each factor will be addressed individually:

1. Location (weather/health risks/investment/insurance/sustainability)
2. Residential accommodation
3. Boat ramp design – including weather protection and access for non-motorised sports (for example, kayaks)
4. Disposal of existing ramp
5. Car Parks
6. Visitor accommodation
7. Private Investment
8. Operating costs
9. Sea rescue access
10. Fuel station
11. Lifting capacity and dry storage area
12. Port Traffic
13. Number of Pens
14. Number of boat ramps – reason behind decision
15. Fish cleaning and wash-down area
16. Densification of the west end/ effect on local business

A full schedule of the submissions is provided as attachment 1. It should be noted, however, that the purpose of consultation under section 3.59 is to address the capacity of the Town to manage the proposed transaction and it is not a process for debating the merits of the project. Accordingly, while the subject matter of the submissions is set out below for the information of Council, none of the issues raised is validly within the scope of section 3.59 and there is no impediment to Council resolving to proceed with the project as proposed.

Location (weather/health risks/investment/insurance/sustainability)

Less than one third of all submissions specifically list location as a topic of contention in their responses, of which most held concerns. While one submission supported the choice of location as the Spoilbank location due to its flow-on effect and proximity to local business, two submissions strongly objected to the choice of location primarily due to coastal and weather hazards which they feel had not been sufficiently addressed in the Business Plan.

One of the opposing submissions did not support the choice of Spoilbank as the location over the suggested alternative of Cooke Point and sought clarification on the choice and transparency of such decision due to the risk of inclement weather and dust issues which may affect the ability to insure development, increasing the risk of investment and as such, sustainability of the marina project itself.

In addressing these concerns, the Business Plan notes the time line of decisions around the project (pages 5-6 of the Business Plan), as summarised below and highlights the that The Town, in a joint funding arrangement with BHP Billiton and the State Government investigated Cooke Point in greater detail as an alternative marina location to the government approved Spoilbank location, which was not supported as the preferred option at the May 2015 Special Council meeting.

DATE	TYPE	TOPIC/DECISION
2012	N/A	LandCorp appointed to prepare a Business Case for the development of marina infrastructure land for marina associated uses and a caravan park site on Crown Reserve 30768, commonly referred to as the Spoilbank.
12 March 2012	Special Meeting of Council	Commitment of \$40 Million of funding to the Spoilbank Reserve 'for development projects on the Port Hedland Spoilbank Reserve.' Part of Council Decision 20 1112/351
25 July 2012	Ordinary Meeting	Re-affirmed above commitment Council Decision 201213/026
July 2012	N/A	The Project received State Government Cabinet approval for the allocation of \$112 million of state funding comprising \$72 million Royalties for Regions and \$40 million from Consolidated Revenue LandCorp was also assigned the role of project manager in accordance with the endorsed Cabinet Submission and to progress the project.
August 2012	N/A	LandCorp and the Town commenced the rezoning process for the proposed residential land use (the process included extensive consultation with the respective government agencies.)

February 2014	N/A	The EPA formally advised the environmental issues pertaining to the Scheme Amendment could not be resolved prior to the publication of the Health Risk Assessment (released in February 2016)
May 2014	N/A	The Town, BHP Billiton and the State Government agreed to a joint funding arrangement to investigate Cooke Point in greater detail as an alternative marina location to the government approved Spoilbank location
13 May 2015	Special Council Meeting	On considering the additional due diligence of the above, Council reconfirmed its commitment to the Spoilbank as its preferred location, Endorsing the Marina Waterfront Development (Stage 1) with key components including 2b. There being no residential development in the Marina Waterfront Development (Stage 1)
5 October 2016	N/A	Spoilbank Marina Waterfront Development Business Plan open for public comment
25 November 2016	N/A	Close date for public submissions (11 received, 1 late)

In considering the provisions of Section 3.59 of the LGA 95, it is clearly demonstrated that Council has resolved to develop the Spoilbank as its preferred location. That being said, the submissions made in relation to the location are not relevant to Section 3.59.

Residential accommodation

Two submissions noted a significant financial opportunity cost for the Town, local businesses and the development itself by not including residential accommodation opportunities in the Business Plan.

One submission supported the resolution of no residential development within the Business Plan in line with their suggestion to restrict further densification of the West End due to conflicting sensitive land use.

The Business Plan notes the 12 May 2015 Special Council Meeting decision for no residential development after re-confirming its commitment to the Spoilbank as its preferred location for the development (Page 5).

As per the above, and in considering Section 3.59, the submissions again relate to a question of design and feasibility. Section 3.59 is narrow in its delivery and therefore the issue of residential accommodation does not prevent the Town from delivering the project.

Boat ramp design – including weather protection and access for non-motorised sports (for example, kayaks)

A common theme among submissions was the consideration of the design of the boat ramp to include access (or separate entry) for non -motorised sports such as kayaks, canoes, yachts and jet-ski's in a way that is safe and accessible and generally sheltered from severe wind to increase ease of handling such equipment.

The Business Plan notes that “the development of the project is expected to significantly improve opportunities for general yachting training, trackers program for junior sailors, racing, regattas, Yachting WA courses, instructor training, safety and sea survival training etc.” (Page 31).

Generally speaking, the comments in relation to specific uses and opportunities fall in line with detailed design of which will be the next phase of the project should it be continued. It is at detailed design phase that final uses will be realised and these will be released for public viewing in due course. Again, the comments received are not implicated in relation to Section 3.59.

Disposal of existing ramp

Council was questioned about the post development arrangements of the present Richardson Street boat ramp, in particular if it would still continue to operate and add to the total number of boat ramps in the Town.

The Business Plan states “at the completion of the Marina Waterfront Development project that the existing Richardson Street boat ramp be removed” (Page 6) and that the “development of the new boat launching facilities and parking will allow the Richardson Street Boat Ramp to be decommissioned.” (Page 16).

The closure of the Richardson Street ramp is also clearly defined as a requirement resulting from the discussions between the Pilbara Port Authority and the Town. It is noted that the existing ramp is located directly within the shipping channel and poses a significant risk to port operations. The closure will aid in the mitigation of risks associated with recreational craft within the port operational areas.

At present, the area is leased by the Town of Port Hedland from the Pilbara Ports Authority under a 21 year lease (commencing in 1995). It is also important to note that by decommissioning the Richardson Street Boat ramp as per Council resolution at the 13 May 2015 Special Council Meeting, it will be removed from the Town's asset register. It is estimated current management of the boat ramp costs the town approximately \$150,000 every 5 years in dredging and maintenance.

As the Town is proposing to replace Richardson Street ramp with a similar and better facility, there is no question of the Business Plan and how it is affected by the requirements of Section 3.59. Accordingly, the comments in relation to Richardson Street do not invalidate the Business Plan.

Car Parks

The availability of parking and whether this parking would be free was a question raised through submission. For a successful marina there is required to be car parking to support marine and non-marine activities. Accordingly, car parking design and location is a question of detailed design which will be undertaken in due course.

As per previous comments, details about car parking to don't hinder the Town in its application of Section 3.59.

Visitor accommodation

One submission specifically listed a Caravan Park and Eco Tents with the possibility of a Joint venture.

The Business Plan, in reference to the Spoilbank Caravan Park Demand and Needs Assessment conducted by RFF lists a Caravan Park as a future facility envisaged for the site, which will not be funded from the \$152 million ear marked for Stage 1, but rather subject to statutory process as and when additional funding is available.

As per Table 5.4 of the Business Plan – Project Milestones, the Caravan Park site has a milestone date of December 2019 with the responsible organisation being LandCorp.

While visitor accommodation is suggested and a priority for the Town, the Business Plan does not specifically tie the Town to delivering such. The Business Plan has provided the relevant information in relation to operating costs and therefore complies with Section 3.59.

Private Investment

The question of private investment by club and non-club organisations is again a question of detailed design and arrangement of all land side development as an outcome of such detailed design. It is recognised that allowing development opportunities by third parties on the Spoilbank will in future reduce operational costs and therefore investment is a priority.

However, in relation to Section 3.59, the submissions made in respect of those requesting certain developments, are not relevant for council when making a decision.

Operating costs

Submissions questioned the financials within the Business Plan, specifically, the operating costs and associated deficit.

As per the Business Plan, An operating cost model for the marina has been developed by Department of Transport in conjunction with LandCorp and is still subject to refinement to address the reduced marina infrastructure scope.

Based on the approved 2012 Marina Scope of 250 pen capacity and 100 pens in Stage 1, an operating deficit of \$1.73 million per annum annualised over a 30 year term has been identified (excluding depreciation and cost of capital). The deficit will not affect the financial position of the Town as it will not be responsible for the management of financing of marina operations (Page 29)

It is further identified (Page 29) that with the reduction in the total number of pens available to 150 maximum, that further cost efficiencies can be found which will be able to redirected to operational costs. As previously discussed with Council, the Business Plan presents the total expected operational costs for the entire facility into the future. Based on the likelihood that Department of transport will assume control of the marine component, then operational costs will continue to reduce.

Through its current Long Term Financial Plan (LTFP), the Town has already recognised operational costs associated with a marina. Council is also at a stage where it has a requirement to review its LTFP which will realise further efficiencies as and when facilities come on line as such facilities will have lower costs than those currently in operation.

It is important to note that costs are only realised when certain aspects of the planned development take place. That is, a caravan park will have a delayed costs due to its timing therefore the LTFP can be managed to identify such when they are expected.

In considering the submissions, it is noted that Council has provided the relevant detail in relation to Section 3.59 and therefore can be satisfied that the comments received are satisfied.

Sea rescue access

Access by emergency craft will be at the forefront of design criteria. Ultimately, access overall will be improved due to better depth of water allowing for year round access as opposed to currently experienced restriction on tide seen at Richardson Street.

Development of facilities to house marine rescue will be considered as part of detailed design and arrangement of land side activities should marine rescue choose to be based at the Spoilbank.

As per previous comments, the question of access is a design criteria and therefore is not a consideration pursuant to Section 3.59.

Fuel station

A fuel station was suggested as an important addition to the Project. The Business Plan notes that a Fuel service is part of the Marina Management and Maintenance requirements as listed in table 6.3.3 of the Business Plan (Page 30). As per above items, these form part of the detailed design of the marina.

As per previous, this is design related and not a consideration pursuant to Section 3.59.

Lifting capacity and dry storage area

One submissions highlighted the need for a dry storage area for storing and maintaining boats/jet skis out of the water. In addition, one submission sought clarification on the lifting capacity and notes that there is currently no lift out facility north of Geraldton.

As per above items and as referenced in the Business Plan, marine servicing activities are envisaged and will be subject to detailed design of the marina and therefore not implicated by the requirements of Section 3.59.

Port Traffic

One submission raised the issue of the proximity of the Marina to the shipping channel and the risk of interaction between commercial and recreational craft.

LandCorp, the Town of Port Hedland, PPA and the Department of Transport (DoT) participated in a risk management workshop into the interaction of recreational craft and the port's shipping operations. The assessment considered a number of locations for the development of a marina and also the existing location of boat launching facilities at Richardson Street.

The risk assessment report concluded in reference to the risk hazard of "recreational craft in conflict with large vessels", that the existing two lane Richardson Street boat ramp that launches directly into the shipping channel has a higher risk level than the proposed marina development to the western side of the Spoilbank.

Page 32 of the Business Plan details the risk mitigation measures that can be implemented as a result of the workshop. In considering the submission, it is noted that the marina has been in planning for many years and while the comments are noted, they do not prevent the Town from proceeding as per Section 3.59.

Number of pens

Preliminary design and costing activities haven identified that the most cost effective marina would be a maximum of 150 pens with 50 to be delivered in the first stage. This is also based on the public survey identifying who would actually like to take up a pen in the first stage.

While the number of boat pens can alter the operational costs, the Town has satisfied Section 3.59 by providing the relevant modelling and outlining its capacity to deliver the project.

Number of boat ramps – reason behind decision

A number of submissions questioned the decision to proceed with one two lane boat ramp, whilst removing the Richardson Street boat ramp producing no net increase in boat launching facilities when it is stated 5 ramps are projected to be required by 2035.

The PPA has provided a position of supporting a development to the western side of the Spoilbank that includes boat ramps, however has requested that such development be limited to a two lane boat ramp. The PPA, in providing their position, will also need to be satisfied that this restriction is, and will continue to be, legally enforceable and bind the operator and the Town of Port Hedland. This does not preclude the ability of the Town to negotiate an alternate position in the future.

In any event, the Business Plan has provided the relevant detail for the proposal as it stands, therefore, the comments are noted yet do not prevent the Town from proceeding.

Fish cleaning and wash-down area

Submission detailed the need for fishing cleaning facilities and a wash down area.

The Business Plan notes the proposed development includes a number of land-based components, including but not limited to “vehicle and trailer parking to accommodate a 2 lane boat ramp including boat and fish cleaning facilities.” (Business Plan, Page 11).

Again, the submission received is a question of detailed design which do not prevent the Town from proceeding pursuant to Clause 3.59.

Densification of the west end/ effect on local business

Council has been committed to establishing an iconic development which will help to further expand the opportunities of Port Hedland and surrounds into the future as a destination of choice. To do this will require significant detailed planning and arrangement of potential uses which have been identified in the Business Plan for consideration to help support the overall development.

It is noted that the Town has already been compromised in establishing the Spoilbank by removing residential uses. Therefore, the Town needs to be creative in its planning to ensure the Spoilbank can be iconic and offer a diverse range of uses that will not only support the marina, but support the West End as a whole.

The Town is committed to working with industry and government to seek solutions in relation to mitigating impacts of dust, and as such, identifies that the Spoilbank is a contributor. Therefore, it is hoped that land immediately surrounding the Spoilbank will be developed in order to create a point of interest.

The Town also recognises that culture and recreational activities are a high priority for the community and that detailed design, as per the Business Plan, to realise these uses is a must.

While submissions have identified the impacts Dust on existing developments and the risks associated with densification of the West End, it is noted that the Town is not planning permanent residential uses or uses that are already available and will be directly competing with established venues. Therefore, the submissions made do not prevent the Town from proceeding.

CONSULTATION

Internal:

- Executive Leadership Team
- Economic Development Officer
- Economic Development and Tourism Officer

External:

- The Public (the business plan was advertised locally and state wide)

LEGISLATIVE IMPLICATIONS

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

As the value of the proposed major land transaction (\$152M) is over the \$2M threshold and as such a business plan was prepared in accordance with section 3.59 of the LGA 95. The business plan was officially advertised for 51 days, nine days more than the minimum requirement as described in the Local Government Act 1995.

The specific matters which must be addressed by Council in deciding whether to proceed with the project are set out in section 3.59 as follows:

(a) its expected effect on the provision of facilities and services by the local government

The development of the marina and associated facilities will provide additional opportunities for public recreation and will have no adverse impact on existing services and facilities.

(b) its expected effect on other persons providing facilities and services in the district

Nothing in the proposed development will impact adversely on any other persons providing facilities and services in the Town.

(c) its expected financial effect on the local government

The Town's financial contribution to the project is set aside and the expenditure of these funds will have no ancillary impact on the Town's finances. The draft agreement under negotiation with LandCorp contains provisions to ensure that any infrastructure proposed to be transferred to the Town must be in accordance with an asset management plan prepared by the Town, and gives the Town the right to reject any features which would impose an additional financial burden on the Town.

(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56

The project is fully accounted for under the Town's long-term financial plan, which will be updated to reflect the ongoing impact of facilities proposed to be transferred to the Town on completion of the project.

(e) the ability of the local government to manage the undertaking or the performance of the transaction

The project will be under the management control of LandCorp and resources committed by the Town (other than its financial contribution) will be minimal. Details of arrangements for the Town's oversight of the project as set out in the draft project development agreement will be provided in a separate briefing when the agreement is presented to Council for approval.

(f) any other matter prescribed for the purposes of this subsection

There are no other relevant prescribed matters.

As noted above, none of the public submissions received during the consultation process were directed to any of the relevant considerations listed above.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Adoption of the business plan will allow the Town and LandCorp to finalise a formal agreement outlining the scope, programme and budget of the \$152M combined funding (\$40M State Government + \$72M Royalties for regions + \$40M Town of Port Hedland).

STRATEGIC IMPLICATIONS

This project directly aligns with the Town's Strategic Community Plan 2014-2024, specifically sections:

- 2.1 A thriving, resilient and diverse economy: the marina will directly aid in facilitating town growth
- 2.2 A Nationally significant gateway city and destination: increased tourism opportunities
- 4.2 Engage our community and stakeholders applies in the way of providing a means of engagement with key stakeholders and community members about the project

The project also aligns with Town's *Corporate Business Plan 2014-2018* 2.2.2 Develop our tourism industry and position Port Hedland as a unique destination.

The *Port City Growth Plan* (2012) directly supports the development of the Spoilbank as the highlight of Port Hedland's coastline, specifically in relation to developing dedicated event and passive recreational spaces. The Spoilbank is located within Precinct 1 of the Growth Plan, referred to as the West End.

The Pilbara Cities Vision is to build the population of both Karratha and Port Hedland into liveable cities. Developing the Spoilbank into a world class marina aligns with this vision and if the business plan is adopted then the stage one development will formally secure (after a legal agreement has been executed) \$40M from the State Government and \$72M from Royalties for Regions funding.

SUSTAINABILITY IMPLICATIONS

Environmental

The Spoilbank Marina Waterfront precinct development will provide significant environmental improvements for the west end community. The development proposes in helping assist in managing the current dust source that is the Spoilbank. By undertaking the development the areas of uncontrolled dust will be significantly reduced by built form and public open space, including the creation of a green oasis.

It is also recognised, through submissions from government, that coastal hazard and impacts need to be addressed. The Town, LandCorp and Department of Planning and committed to working collaboratively to undertake the relevant Coastal Hazard Risk and Adaptation planning and mapping requirements. It is also noted that expert marine engineers are engaged as part of design to provide advice on finished fill levels and wall designs that reduce effects from tide and storm actions.

Economic

It is envisaged that once stage one development is completed the Town will have the ability to attract private investment for further landside development. Prefeasibility studies have been undertaken for the caravan park, lagoon pool and cultural/community arts centre. Additional studies are required on these proposals.

To reconfirm, residential development has been removed from the precinct development. Once stage one is completed however, this could trigger the development of Finbar's proposed Anchorage proposal; a multi-level residential development with commercial/retail on the ground floor, on the old hospital site.

Social

Overwhelmingly respondents in the recent community engagement process felt that the marina would make an important contribution to the liveability of the town. Of the survey respondents, 75.2% felt the proposed marina and waterfront development would make a very or extremely important contribution in making Port Hedland a more liveable place (91.3% said it would make an important contribution).

Risk

Risk	That Council request changes to the Business Plan and it is readvertised	That Council resolves not to proceed with the Business Plan
Risk Likelihood (based on history and with existing controls)	Possible (3)	Unlikely (2)
Risk Impact / Consequence	Major (4)	Catastrophic (5)
Risk Rating (Prior to Treatment or Control)	High (10-16)	High (10-16)
Principal Risk Theme	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions	Reputation - 5 Catastrophic - Substantiated, public embarrassment, widespread loss of key stakeholder trust, high widespread multiple media profile, third party actions
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
	1	2	3	4	5
Almost Certain	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

On review of the public submissions, it is noted that a majority of the submissions relate to the actual design outcomes and elements that need to be planned for as a result of Council proceeding with the Business Plan. They are not valid issues related to the statutory consultation requirements of section 3.59.

Based upon stakeholder engagement, it is noted that the public are generally supportive of the Spoilbank being developed.

Concerns regarding the location, coastal impacts can all be managed through the engineering design and delivery of the project.

It is recommended that Council proceed with the Business Plan in line with those previous resolutions to develop the Spoilbank, and proceed to finalisation of the project documentation currently in the process of negotiation between the Town and LandCorp.

Attachment 1 – Schedule of Submissions

Submission Number	Comment	Town Response
1- ICR67901 – Jan Ford	<ol style="list-style-type: none"> 1. A master plan (10% of capital expenditure) to identify and develop opportunities 2. Access for non-motorised sports on a sheltered spending beach not part of the boat ramp 3. Commercial boat ramp and heavy lifting 4. Easy access for Volunteer Sea Rescue 5. Existing boat ramp to go back to Port not public facility, or close ramp completely 6. Public facility for parking for boats 7. Free car park 8. Hard stand for dry storage (inc jet-ski's) 9. Caravan park, eco tent a joint venture with provider 10. Support DoT management 11. Refine operating and Council management costs (grass, tree's ect) 12. Landside sewer, water and power part of LandCorp development ready 13. Master Plan to increase population needs 14. Separate heavy lifting facility 15. Fishing Club 24-hour access 16. Fuel station needs EPA approval (do not do what Dampier did) 17. Milo populate Hedland – Look at Queensland making FIFO illegal 18. Stop dust with industry and vacant land, i.e. hospital site when cleaned 	<p>1-9 – Noted. Comments are in relation to design of the proposed marina and as such will be subject to detailed design after the Business Plan has been accepted by Council.</p> <p>10 – Agreed. Both Landcorp and the Town are working with Department of Transport in relation to management of the Marina component.</p> <p>11 – Operating costs are included within the Business Plan and reflect the identified costs of running the entire facility plus contingency. These costs will reduce once relevant agreements are entered into regarding the management of certain aspects such as the marina with Department of Transport.</p> <p>12 – This forms part of construction and not relevant to Business Plan</p> <p>13 – Not relevant to Business Plan</p> <p>14-16 – Subject to detailed design once Business Plan has been accepted by Council.</p> <p>17-18 – Not relevant to Business Plan</p>
2- ICR67450 – Volunteer Marine Rescue	<ol style="list-style-type: none"> 1. Seeking to build a 23m x 24m building with a drive through shed. 2. The building requires bitumen access and a wash down facility 3. Open to the location of the building as long as there is easy access to the boat ramp in case of emergency 4. Location overlooking the water is beneficial to set up a radio communications room 	<p>Comments are noted. Any future facility developed on the Spoilbank is subject to the detailed design of the Spoilbank which occurs after the Business Plan is accepted by Council.</p>

<p>3- ICR67570 – Roam marine</p>	<ol style="list-style-type: none"> 1. The Marina proposal at Spoilbank is very challenging and flawed from an engineering point of view, it is high risk. 2. The Council should look at Cooke Point as it is a far superior location 3. Hate to see the government pour good money into a technically doomed facility when a better option exists at Cooke Point. 4. Serious concerns about the proposal to build a marina on the Spoilbank 5. Cyclones/Cyclonic waves/Storm surge 6. Exmouth example – Cyclone Vance (completed marina was smashed and vessels sunk in their pens) the marina seawalls had to be extended and the commercial viability of the development has been severely affected – decades later the residential component is only partly complete 7. If a cyclone like this had a direct hit at Hedland the existing yacht club and ~50m of shoreline would be gone. It is hard to see the proposed marina, apartments and caravan park surviving or even the houses on the shoreline. 8. Examples of past Cat 5 cyclones and effect – “it has happened before so it can happen again.” 9. Global Warming is to increase the severity and frequency of severe tropical cyclones events 10. Cardno study – report for LandCorp “Port Hedland Coastal Vulnerability Study” findings including; the Spoilbank is inundated in both the 100yr & 500yr events, the Spoilbank moves with storm events 11. The proposed marina location will be exposed to large waves and storm surge. Designing for these conditions is possible but would be very challenging and expensive 12. Spoilbank is at risk of considerable erosion in storm wave conditions. The ground level needs to be raised with a large armoured seawall – the concepts and budgets do not seem to account for this. 13. Budget compared to Wheatstone MOF 14. Dredging requirements not addressed/risk of silting 	<p>The comments received are noted. However, the Council has determined that the Spoilbank is where the development should go and the public has supported this proposal.</p> <p>It is acknowledged that any coastal development is subject to impacts, however, detailed engineering and design still needs to take place. Accordingly, and specifically to Section 3.59, the comments provided are not valid given that consideration is for a Business Plan and not detailed design.</p>
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	<p>15. Dust health risks</p> <p>16. PPA against the location due to risk of interaction with recreational craft</p> <p>17. Investors will be scared off by the dust. Hotel and apartment developments are essential to the commercial success of the project</p> <p>18. Given the high risks of storm damage plus the experience at Exmouth it will be very difficult to get insurance for the works or even design</p> <p>19. Legal – the government and Town may be found to be negligent if they promote development on what is a mobile sandbank subject to extreme storm damage risks</p> <p>20. Capital costs are higher at the Spoilbank</p> <p>21. Operating costs will be the same</p> <p>22. Technical risks are more challenging than Cooke Pt</p> <p>23. Risks from dust and PPA port traffic interaction do not apply at Cooke Pt</p> <p>24. Environmental report by RPS found no critical issues at Cooke Pt</p> <p>25. Cooke Point site does not seem to be properly assessed and the decision appears skewed towards favouring the Spoilbank</p> <p>26. The Marina will be a major draw card for visitors regardless of its location</p> <p>27. Developer Finbar is planning to redevelop the hospital site – having the marina right in front of their site will give their development a major financial boost – one wonders if they are contributing to the marina costs or if they have influence over the decisions to select the Spoilbank site</p> <p>28. The village well report “Port Hedland Waterfront – Place Plan” dated 23/06/14 doesn’t address the site exposure risk at all.</p> <p>29. The Business Plan states that there will be no residential development in stage 1. This will severely affect the financial viability.</p>	
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	<p>30. The number of boat pens appears to be uncertain as the plan states 50, 100, 150 & 250 pens.</p> <p>31. The Spoilbank boat ramp will be limited to 2 lanes by the PPA and the existing 2 lane boat ramp at Richard Ave removed so there is no net increase in boat launching facilities, yet 5 ramps are required by 2035</p> <p>32. A site at north side of Cooke Point was considered however I would propose the east side as shown below.</p> <p>33. Recommend the town revisit the Cooke Pt site and look closely at both successful development such as Mackay and not so successful developments such as Exmouth.</p>	
4- ICR67902 – Hayden Webb	<p>1. There is no incorporated lift out or slipway facility.</p> <p>2. Currently there is no liftout facility North of Geraldton</p> <p>3. A two or three boat slipway would not add significantly to the overall cost and would generate revenue</p>	1-3 – Noted. Comments are directly linked to detailed planning of future uses on the site and will be taken into account at such stage.
5- ICR67600 – Peter Buckless	<p>1. More than 2 boat ramps are required</p> <p>2. Fish cleaning station</p> <p>3. Big wide ramp so canoes, dinghy's and jetski's can launch</p> <p>4. Why do the PPA dictate how many boat ramps we as a community can have?</p>	<p>1,4 - The number of boat ramps is pursuant to discussions with the Pilbara Port Authority in relation to managing risk etc. Subject to future planning, there may be potential to increase the number of boat ramps after the development of has been established for a number of years.</p> <p>2-3 – These aspects form part of the detailed design. Although they are mentioned in the Business Plan, they are subject to detailed design as a result of Council accepting the Business Plan and therefore not relevant comments at this stage.</p>
6- ICR67690 – BHP Billiton	<p>1. Broadly supportive of the Business Plan</p> <p>2. Pleased the Town has taken on board a number of BHPB's concerns about marine safety and permanent residential densification</p> <p>3. Welcome the fact that Business Plan is consistent with the council resolution removing permanent residential development from the Spoilbank</p>	<p>1-3 – Comments are noted.</p> <p>4 - Operating costs are included within the Business Plan and reflect the identified costs of running the entire facility plus contingency. These costs will reduce once relevant agreements are entered into regarding the</p>

	<ol style="list-style-type: none"> There is a substantial gap identified between the current provisions in the Towns long term financial plan and the estimated operating costs. We are interested in how the Town plans to address this gap. There are several statutory and planning documents that address potential land use conflict and it is pleasing to see Council continuing to work to reduce potential impacts and look forward to Council continuing to work on way to restrict further densification of the West End. 	<p>management of certain aspects such as the marina with Department of Transport. Council is also committed to working on its Long Term Financial Plan (LTFP) which was developed prior to the Business Plan commencing. Accordingly, the revised LTFP will be able to identify and incorporate the perceived gaps.</p> <p>5 – Noted. The Town is working with industry on the matter however it is not a relevant consideration of the Business Plan.</p>
7- ICR67702 – Port Hedland Game Fishing Club	<ol style="list-style-type: none"> The club requires an area that large trailer boats can access a weigh gantry with easy parking A small meeting room and toilet facilities along with an undercover area Would like to ask the development group to consider land for a club base 	<p>Comments are noted. Any future facility developed on the Spoilbank is subject to the detailed design of the Spoilbank which occurs after the Business Plan is accepted by Council.</p>
8- ICR67733 – The Esplanade Hotel	<ol style="list-style-type: none"> Very supportive of the development in the proposed location Diminished residential development potential restricts the extension of the West End and financially short-changes the community, Town & State government of vital revenue LandCorp favours increased residential development around the marina as a natural extension – costs to purchase and develop should be included in any financial modelling Residential development restrictions currently in place over land in the West End should be intensively reviewed. Heavy costs of rectifying dust associated problems to this hotel and other stakeholders should be reported by the Town and compensated appropriately. Contributors to dust should be held accountable to lower dust levels Supportive of the project under the proviso the development is not used as a future opportunity to decant business from the West End to the Marina. 	<p>1 – Noted.</p> <p>2-4 – Residential development is not proposed as part of the Business Plan or as any part of the Spoilbank.</p> <p>5-6 & 9-13 – Dust is acknowledged by the Town as being an issue and as such the Town is working with government and industry to develop solutions to mitigate the issues. However, in relation to the proposed Business Plan, the comments have no bearing in relation to the requirements of Section 3.59.</p> <p>7 – Noted.</p> <p>8 – While the Business Plan provides examples of potential uses, there is still</p>

	<ol style="list-style-type: none"> 8. The development of any commercial, retail, administrative or community functions of any scale which has the potential to relocate offices and functions from the West End should be expressly prohibited. 9. The Marina is best seen as a catalyst to restore and revive the West End however the dust issues prevent financial viability of existing business because dust levels are not compliant with environmental standards. 10. Dust Taskforce should be reconstituted in a way that is valid and understandable by all stakeholders. 11. The ToPH should request an extension of the DER until at least middle January to enable ratepayers to better consider responses to BHP's expansion submission. 12. It is obviously profoundly illogical public policy to invest in the Spoilbank Marina whilst simultaneously adopting a deliberate policy response of abandoning its host precinct and allowing resource companies to pollute unabated. 13. Demand the State Government response, with leadership from the Premier, shift to a focus on mitigation of pollution 	<p>detailed planning to take place therefore comments do not prevent the consideration of the Business Plan pursuant to Section 3.59.</p>
9- ICR67724 – Allan Smith	<ol style="list-style-type: none"> 1. It was stated that the Richardson St boat ramp is over utilised but in stage 1 of the marina plan there is only 2 lanes. 2. There should be access for 4 boats or the Richardson St ramp should remain open 3. The boat ramp faces west – the wind blows from the west at least 6 months, so there is no protection from the wind or waves making handling boats very hazardous. 	<p>1-2 – The number of boat ramps is pursuant to discussions with the Pilbara Port Authority in relation to managing risk etc. Subject to future planning, there may be potential to increase the number of boat ramps after the development of has been established for a number of years.</p> <p>3 – The detailed design of the marina will factor in prevailing winds to ensure that launching of craft is safe at all times.</p>
10- ICR67717 – The Kemp Family	<ol style="list-style-type: none"> 1. Supports project 2. Will be great for tourism and sailors 3. Jobs will be created for the construction and maintenance 4. Notice of the feedback should have been better advertised, many council issues got through the system without proper notice to the rate payers. 	<p>Noted.</p> <p>In relation better advertising, the Business Plan was advertised in accordance with the Local Government Act 1995 in state wide newspaper(s). Information was also available through the Town's website.</p>

11- ICR67797 – The Department of Planning	<ol style="list-style-type: none">1. The natural geological features in Port Hedland (Particularly the Spoilbank) are extensively.2. The land surface has little natural resilience which presents major constraints to development and high ongoing management requirements.3. Importance of costal hazards to the proposed Spoilbank Marina has not been suitable acknowledged within the Business Plan4. On 5/10/2016 DoP & WA PC provided support to the Town's development of a project that will deliver a <i>Costal Hazard Risk Management and Adaptation Plan</i>5. Costal hazard risk assessment and adaptation planning is required to guide the protection of existing and future assets in Port Hedland6. Collaborative working arrangements between the Town, the DoP and LandCorp are recommended	Comments are noted. The Town is currently working collaboratively with department of Planning and Landcorp in the development of a scope of works that will satisfy the requirements of State Planning Policy 2.6.
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ATTACHMENT 2 TO ITEM 15.2

From: Jan ford [REDACTED]
Date: 14 November 2016 at 4:50:16 PM AWST
To: [REDACTED]
Subject: Spoilbank submission

Spoilbank submission - from Marina business plan stakeholder group 14/11/2016

Master plan to identify and develop alternative industries to create more ratepayers to fund over time, and more businesses to support. Generally 10% of capital expenditure would be spent on a master visionary economic and demographic master plan to identify and attract business, increase permanent population to support facility over long term.

1. Access for small boats, kayaks and canoes to be on a sheltered spending beach and not part of the boat ramp. This will be beneficial for supervising learners, yacht club sailing training and navy cadets at TS Pilbara.

2. Commercial boat ramp and for heavy lifting, and easy access for Volunteer sea rescue.
Existing Boat ramp to go back to Port, not public facility. Or close ramp completely to Port to force port commercial users to use Marina.
Public facility for parking for boat and car parking free

3. Hard stand land facility for boats, secure, cheaper than pen, dry dock to do repairs, marine service land side. Place for jet ski.

4. Caravan park, eco tent, a joint venture with provider, open to joint venture

5. Support Dept of transport in charge of Marina, maybe
Operational sits with Dept transport, 1-7 m allocated for maintenance, pa. need to refine costs.
Council spend money on grass, water, trees, to attract people and fish Marina.

6. Landside sewer water power, part of Landcorp development ready.

7. Master plan to increase population needs

8. Seperate heavy lifting facility, fishing club 24 hour access

9. Fuel station needs epa approval, do not do what Dampier did

10. Milo populate Hedland look at Queensland making FIFO illegal,

11. Stop dust with industry and vacant land, ie hospital site when cleared.

If you have any questions or if I can be of any further assistance, please do not hesitate to contact me.

Warm Regards,

Jan Ford

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ATTACHMENT 3 TO ITEM 15.2

From: Commander [mailto:]
Sent: Tuesday, 15 November 2016 11:01 AM
To: Tandy Williams
Cc: Nik Kumar; David Wallace
Subject: Spoilbank Marina Building Submission Feedback - Volunteer Marine Rescue

Hello TOPH,

Thank you for the opportunity for the discussion yesterday at the Civic Centre about the Marina Building Plan. VMR are currently looking at the following concept for a future building at the Spoilbank Marina. We are looking at a building with the dimensions of 23m x 24m with a drive through shed to accommodate all of our Rescue Vessels and Vehicles. See attached concept drawings. This would require bitumen access on either side of the building to drive our truck and trailered vessels through the building and also to be able to have wash down facility on one side of the building to clean the vessels from return from the ocean. VMR are open to the location of the building as long as there is direct, easy access to the boat ramp to launch our vessels in the case of an emergency. It would be beneficial as well to have an area overlooking the water so that VMR could set our radio communications room up overlooking the water to perform Log on Log Off calls, and have visual line of site for Marine Rescue Events. I have attached the VMR Office Building Outline below as well to give an overview of what our group is looking to achieve with a new building at this stage.

If there is any other feedback on building plans for our group that the TOPH require, please don't hesitate to contact myself directly.

VMR Office Building Outline

Building

- Overall Dimensions 23m x 24m

Garage

- Dimensions 23 x12 m
- X2 vehicle bays that are drive through
- X4 Electric motor driven roller doors
- Air cell insulations on roof and walls
- X8 LED Down Lights
- Shed wired for 10amp and 15amp power with power points every 2-3 meters on each wall
- Shed to have 3 phase power as well
- Paved driveways on either side of shed roller door entrance
- Concrete Bollards at Shed door entrances
- X4 Outside water taps (2 on either side of each set of roller doors)
- Water plumbed inside shed to accommodate hose reels and shop wash basin
- Multiple Floor Drains

Office

- Dimensions 17 x12 m
- Toilets
 - Male and female toilet (handicap option as well)
 - Shower
- Kitchen
 - Cabinets, stove, fridge, dishwasher, sink
 - Bar area with cupboard space
- Training Room
 - French doors to access
- Store Room
 - Close to kitchen and garage for storage
- Radio Communications Room
 - UHF/VHF/HF Radio station, Computer Desk, etc
 - Big window facing water front for lookout of vessels

- Phone and Network ports in walls
- Access Doors from Office to shed and from Veranda
- Multiple 2 or 3 Pane Windows with Blinds

Veranda/Garden

- Dimensions 6 x12m
- Concrete foundation
- Exterior Water Taps x2
- Grassed yard
- Galvanized Sheet Fence with walk through gate and double swing gate.
- Paved walkway from gate to veranda.
- Multiple Down Lights
- Exterior 10amp power points
- Wall Mount fans

Property Additions

- Radio tower (2 part folding light tower)
- Exterior LED flood Lights
 - X3 at each end of garage next to the Roller Doors
 - X2 on N and S end of office building
- Security System Alarm and Cameras
- Paved Driveway to roller doors that allows for wash down of vessels

Regards,

Zac Slaughter
Commander VMR691
Volunteer Marine Rescue Service Port Hedland Inc.
10 McKay Street
PO Box 214
Port Hedland, WA 6721
Mobile: [REDACTED]
Email: [REDACTED]

On Call Skipper Mobile: 0407 476 096
Office: 08 9173 3055



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ATTACHMENT 4 TO ITEM 15.2



ROAM MARINE

Z Marine Pty Ltd
ABN 52 144 660 702
11/20 Churchill Avenue
Subiaco, WA 6008, Australia

Mb [REDACTED]
Phone 08 9381 9091
Email [REDACTED]
Web www.roam-marine.com

Job No: ZQ 1067

Ref: ZM-01 Business Plan Review.doc

To: CEO

Date: 21 November, 2016

Company: Town of Port Hedland

N° of Pages: 1

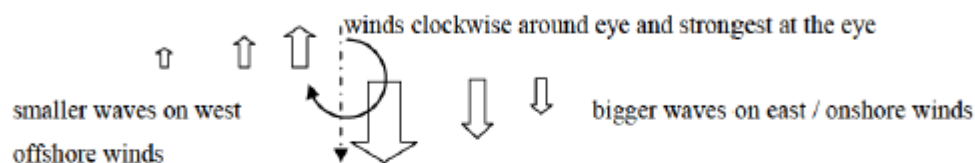
From: Mark Hannaford

Spoil Bank Marina Waterfront

I run a marine structural consultancy called Roam Marine that essentially helps contractors, owners and consultants on marine works design and construction. I have been involved extensively in Port Hedland with FMG, BHP and Port Authority and have been a keen yachtsman for ~40years. I have no vested interest in Port Hedland or the marina, however, I would hate to see the government pour good money into a technically doomed facility when a better option exists at Cooke Point.

I have had serious concerns about the proposal to build a marina on the Spoilbank – my initial reaction was they can't be serious. It now appears that they are so I feel compelled to explain some of my concerns and why I feel strongly that it be dropped in favour of the Cooke Point location:

- **Cyclones** – The Pilbara is subject to some of the most severe cyclones in the world, however, in recent years Port Hedland has not had direct hits with Category 5 cyclones so people have become a bit blasé about their severity. The location relative to the cyclone eye can make a huge difference to the wave conditions.
- **Cyclonic Waves** – The location relative to the centre of the cyclone is critical. Cyclone waves are particularly severe on the east side of moving cyclones (assuming it is travelling south towards the coast). Winds are strongest at the eye and clockwise around the centre. Stationary cyclones have waves that radiate out from the centre at ~30kts so waves aren't in the strongest wind area for long. These cyclones get lots of wind damage when they park on top of town for a few days, like cyclone Tracey, but not much wave action. Moving cyclones are much more dangerous as they create bigger waves on one side as the cyclone. Say the cyclone moves at 20kts, it follows the waves so they are in stronger winds for longer and therefore bigger. Conversely the waves are much smaller on the west side of the eye - only a few km away will have offshore winds and minimum damage.



The worst case is a big intense cyclone travelling fast and south straight into the coast and crossing just west of town near the edge of the eye.

At Hedland the average wave heights offshore on the east side of the eye will be ~7m with maximum waves 1.5-1.7 times bigger. The waves are limited to ~70% of the water depth so the big waves break offshore in deeper water. Every surfer knows that the best surf is at high tide.

- **Storm Surge** – Surge is the difference between the actual storm tide and the tide chart. It is a combination of barometric pressure sucking up the water level and waves pushing water up the beach. The high water level doesn't just mean flooding – it means bigger waves on the beach.

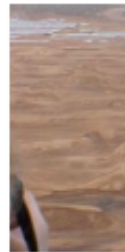
At low water the bank to seaward of the proposed marina shelters it from waves but in storm surge conditions large waves will wash over the bank to reach the shore. Storm water levels of ~10m CD can be expected (high tide of ~6m + surge ~ 3.5m + sea level rise ~.5m). This is ~6m AHD. The ground level in front of the Spoilbank site is ~4mCD so ~6m water depth so 3.5m waves breaking on the shore. Designing for these conditions would be very challenging and expensive.

ROAM MARINE

- **Cyclone Vance** – It was a major Cat 5 that hit Exmouth in 1999 (ref BOM) and is comparable to our design event. The storm surge was measured at 3.6m, however, the timing was such that it was at mean tide and Exmouth was on the calmer west side of the cyclone path. Despite this, the recently completed marina was smashed and vessels sunk in their pens. The marina seawalls had to be extended and the commercial viability of the development has been severely affected – decades later the residential component is only partially complete.



On the rougher east side of the eye, closer to Onslow, the surge was estimated as ~4m and there was massive coastal erosion.



Note that Onslow has a few offshore reefs & islands to give some natural shelter, but Port Hedland doesn't.

Vance is not a one off - Orson that hit Dampier in 1989 had an even lower pressure. Its path was a direct hit worst case and surge was recorded at 3.1m, however, it crossed at low tide, but there was still significant damage. The eye passed over an offshore oil rig where waves were estimated at ~20m. Orson didn't erode the Dampier coast like Onslow because the shoreline is predominately rock. If it had been at high tide Karratha is likely to be flooded and the Dampier wharfs significantly damaged.

In a nutshell if a cyclone like this had a direct hit at Hedland the existing yacht club and ~50m of shoreline would be gone. It is hard to see the proposed marina, apartments and caravan park surviving or even the houses on the shoreline.

- **Major Cyclones at Hedland** – So why hasn't it happened before at Hedland? Recently it has just been very lucky that the big cyclones have passed on the east side of town or crossed at low tides or been slow moving and not generated big waves. In fact it did happen in 1939 as described on BOM website:



Figure 3.5: Storm Surge Po

ROAM MARINE

"Thirty per cent of the town's population were left homeless as a massive storm surge swept through town. The surge coincided with the afternoon high tide to cause an actual tide estimated at 9.8 m (5.7 m AHD). Water was driven to the steps of the Resident Magistrates house located 10.8 m above sea level and 65 m from the normal high water mark. Sea water was 1.5 m deep in the Pier Hotel while floodwaters trapped people on the upper storey of the Esplanade Hotel that had lost its roof. Three houses and the railway Goods Shed were washed out to sea and a channel was cut by seawater from Airey Point to the back of the Post Office. Nineteen kilometres of road and railway, including the causeway, were washed away. Several properties including a store, garage and the picture theatre were demolished by the wind, and a number of houses unroofed."

Note that seawater was 1.5m deep in the Pier Hotel and storm tide was 9.8mCD. The photo was at the corner of Anderson and the Esplanade - several houses were washed away.

There have been several other big cyclones such as Joan in 1975 which was Cat 4 and crossed 50km west of town with 3.2m surge so would have caused some significant waves, however, was it crossed at low tide.

The photos below are of cyclone Glenda in 2006.



One can see the waves rolling over the dolphins at Finucane Island and the FMG stockyard flooded during construction. The cyclone was Cat 4 and 300km away travelling parallel with the coast when these photos were taken. One can imagine how much more severe it would be with a Cat 5 crossing the coast just west of Hedland similar to the 1939 event.

It has happened before so can happen again.

There have been major changes to the landscape since 1939, like the spoilbank and channel, which will have some effect on the conditions at the marina site. The spoilbank will give some shelter to the north but to the NW and NE it may cause bigger surges because of the funnelling affect of waves trapped between the shore and the spoil bank.

- Global warming – The effect of global warming is to increase the severity and frequency of severe tropical cyclone events. In addition the sealevel is predicted to rise 0.3-0.9m in the next 100years which all means bigger waves.
- Cardno study – In 2011 Cardno did a report for Landcorp "Port Hedland Coastal Vulnerability Study" that looked at the storm surge, flooding and shoreline stability.

Table 1.1: Summ

Note these are AHD levels and include 0.9m sealevel rise (100yr life) and allowance for increased cyclonic intensity. East Hedland 500yr water levels are similar to the values I discussed earlier but the Spoilbank area is ~1m higher due to the funnelling affect of waves trapped between the bank and the shore.

ROAM MARINE

Cardno findings include:

- The Spoilbank is inundated in both the 100yr & 500yr events
- Fill levels should be 0.5m above these levels and even more at the Spoilbank where wave runup will overtop the seawall.
- The Spoilbank shelters the marina site but there is “uncertainty and risk associated loss of the Spoilbank”. Analysis without the bank resulted in water level increase of ~0.3m and the waves ~0.6m.
- The Spoilbank moves with storm events.



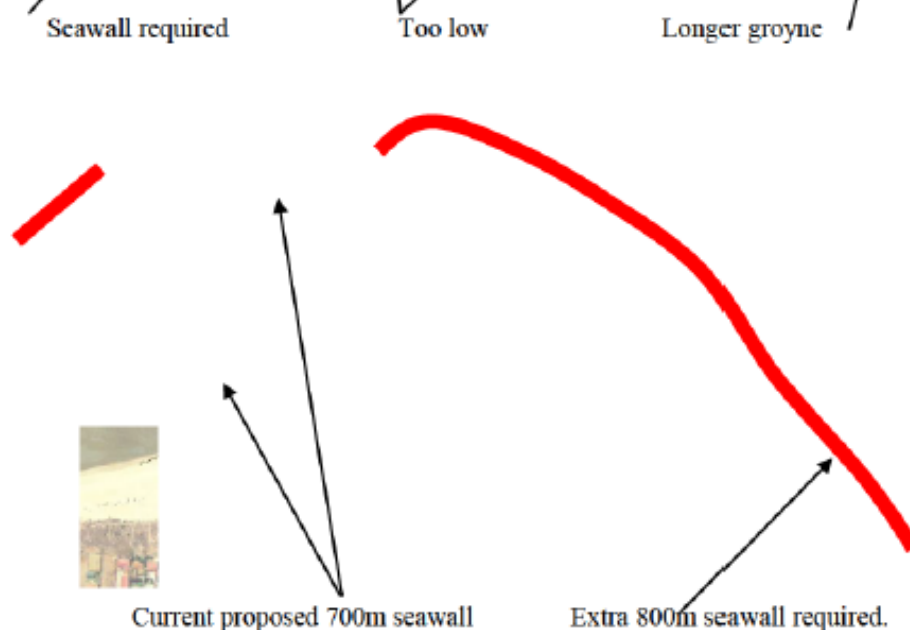
- Shoreline is being eroded over time. An erosion allowance is recommended at 30m for 50yr life and 90m for 100yr life assuming there is no rock
- Large areas of Port Hedland will be flooded as shown below. The yellow line is the 30m shoreline erosion.



ROAM MARINE

- **Spoilbank Marina Design** – In summary the proposed marina location will be exposed to large waves and storm surge. Designing for these conditions is possible but would be very challenging and expensive.

The Spoilbank itself is a low area of loose dredged sands from the main channel and is at risk of considerable erosion in storm wave conditions. It can't be relied upon to protect the marina and caravan park. The ground level would have to be raised considerably and protected from erosion with large armoured seawall. The concepts and budgets for the marina do not seem to account for this.



The waves in the harbour have to be reduced to $<0.3\text{m}$ for floating marina berths. With waves outside the harbour of $\sim 3\text{m}$ it is likely that the groyne will need to be longer to achieve this.

The photo below is Wheatstone MOF harbour which is $\sim 500 \times 300\text{m}$ with $\sim 900\text{m}$ seawall.



Concrete armour

Tugs moored in this area to meet max wave criteria.

ROAM MARINE

- **Budget** – Wheatstone MOF cost ~\$260million including the wharf. Assuming that 50% of the cost was the 900m seawall and adding 10% inflation the cost is \$150,000/m. Assuming the Spoilbank wall is only \$100,000/m * 1500m = \$150million which is 100% of the current budget just for the seawall ie no dredging, landscaping, marina, carparks, commercial etc. The budget in the business plan allows \$67million for the marina

Note that a location inside the harbour would have a minimal cost for seawalls

- **Dredging** – The proposal doesn't address the required dredging and the fact that the channel would be at risk of silting in storm events.
- **Dust** – There are significant dust health risks at the site because of its proximity to the iron ore stockpiles. The EPA has rejected the site on this basis. Refer to the ABC reports:

<http://www.abc.net.au/news/2016-10-25/port-hedland-new-housing-ban-suggested-as-dust-levels-horrific/7961366>

<http://www.abc.net.au/news/2014-02-19/port-hedland-dust/5270038>

I understand that the planned apartments have been cancelled on this basis

- **Port traffic** – The PPA is against the location because of the proximity to the shipping channel and the risk of interaction with recreational craft.
- **Investors** – Potential investors will be scared off by the dust issues. The planned apartments have already been cancelled. Hotel and apartment developments are essential to the commercial success of the project.
- **Insurance** – Given the high risks of storm damage plus the experience at Exmouth it will be very difficult to get insurance for the works or even the design.
- **Legal issues** – the government and town may be found to be negligent if they promote development on what is a mobile sandbank subject to extreme storm damage risks.
- **Business Plan** – The business plan states:

The Plan identified two potential opportunities for the development of a marina, the Spoilbank and Cooke Point. Project due diligence to determine the preferred site was completed by LandCorp during 2014 which determined that development at the Spoilbank was a preferred outcome due to lower capital and operating costs; lower potential environmental impacts; and an approval process which includes less risk. The preferred option for the Spoilbank was subsequently adopted at the May 2015 Town of Port Hedland Special Council Meeting

Cooke Pt has been scrapped because of cost, risk and environment. I suspect the decision on this basis is flawed because:

- capital costs associated with the seawall will be higher at the Spoilbank
- operating costs will be the same
- technical risks at the site are actually more challenging than Cooke Pt because of the sites exposure and uncertainty about the stability of the Spoilbank.
- risks from dust & PPA port traffic interaction at the Spoilbank do not apply at Cooke Pt
- environmental report by RPS (L1409601 dated Sept 14) found no critical issues at Cooke Pt:

Conclusions

A key conclusion of this preliminary environmental assessment is that, based on RPS' experience in the region, none of the identified key environmental risk factors alone present as being a "fatal flaw" to the Cooke Point Marina.

The Cooke Pt site does not appear to have been properly assessed and the decision appears skewed towards favouring the Spoilbank by statements like:

ROAM MARINE

Port Hedland Waterfront, at the edge of the old town, is the heart of the community and the number one destination for visitors.

The marina will be a major drawcard for visitors regardless of its location. It doesn't have to be at the centre of town (ref Mackay discussed below). It is actually about 1km away from the centre of town in front of an old hospital.

Developer Finbar is planning to redevelop the hospital site. Having the marina right in front of their site will give their development a major financial boost. One wonders if they are contributing to the marina costs or if they have influence over the decision to select the Spoilbank site. There is actually a risk that their development is canned because of the dust risks and associated issues with approval, insurance, legal and commercial feasibility.

The existing yacht club facilities are at the Spoilbank so this may be a contributing factor towards selection of the site. However, the facilities are old and at risk of cyclone damage and would be substantially rebuilt anyway so it should not be considered as a big factor in the site selection.

The Village Well Report "Port Hedland Waterfront – Place Plan" dated 23/06/14 doesn't address the site exposure and risk at all. The only mention of it is "cyclones and tides would affect the operation and infrastructure of the marina and other seaside recreational facilities". The Exmouth failures, both technically and commercially, are conveniently ignored. The storm damage had a major effect on the commercial success at Exmouth and could easily be repeated at the Spoilbank.

The business plan states that there will be no residential development in Stage 1. This will severely affect the financial viability. The real estate potential to have apartment and hotels at the site will be lost. The implication is that they will be in future when / if the dust issue is solved.

The number of boat pens appears to be uncertain as the plan states 50, 100, 150 & 250 pens. Surely this is pivotal to the success of the project and the viability of any boatyard industry. I suggest that the maximum number of pens be built so that the potential is reached as soon as possible.

The Spoilbank boat ramp will be limited to 2 lanes by the PPA and the existing 2 lane boat ramp at Richardson Ave removed so there is no net increase in boat launching facilities yet 5 ramps are required by 2035.

- **Other Locations** – Obviously a location inside the harbour would have significant shelter and the costs of the seawall would be minimal, however, the interface with port traffic would be significant and potential sites in the harbour are limited because the port is essentially full of iron ore berths.
- **Cooke Point** – I understand a site at north side of Cooke Pt (in the blue box) was considered, however I would propose the east side as shown below:





The site has several advantages:

- It has better natural shelter from offshore waves as it is tucked around the corner protected from the northwest and north. It is still exposed to the NE but wave heights are lower. The south side has minimal exposure.
- The marina entrance is in the lee of the seawall so waves in the marina would be minimal
- The seawall is constructed on the reef and wont be undermined by spoilbank erosion.
- Armour sizing would be similar but the seawall length and height are reduced especially on the southern side and overtopping is reduced as the biggest waves would be at ~45deg to the seawall
- It has no interaction with port traffic so additional boat ramps can be built and PPA will be happy.
- It is remote from dust problem and associated health, legal, insurance and development risks
- Hotels and apartments would be built which would ensure the financial and cultural viability of the development.
- Foreshore erosion is not an issue because of the reef and adjacent land is >10m AHD.

ROAM MARINE

- It will enhance and promote development of the east end of town and still get the oceanfront experience remote from the dust and industrial activity.
- It is adjacent to tourist accommodation at Cooke Pt – Beachfront and Discovery Parks
- It is adjacent to Pretty Pool – a future foreshore boardwalk and footbridge could link this area directly
- It can be easily extended south to increase the real estate and marina development in the future
- A caravan park could be located on the high ground on the north side of Dempster St ~7mAHD.
- The primary school is walking distance which is convenient for marine activities – sailing, kayaking & swimming
- Adjacent residential areas are on high land >10mAHD and not likely to be eroded like the spoilbank area where the shoreline is predicted to erode 30m in next 50 years
- **Mackay** – The development at Mackay in Qld is a fine example of a successful marina development. Despite being ~6km from the town centre adjacent to the port it has been very successful. It has 500 boat pens, boatyard, several apartment / hotel towers, tourist, commercial and retail facilities.



New marina

Existing Port



It cost ~\$150million in 1998 and included 1,000,000m³ of rock seawall ~1km long. The site is in a cyclonic region though not as severe or exposed as Port Hedland and the 7m tide range is similar.

ROAM MARINE

I recommend the town revisit the Cooke Pt site and look closely at both successful development such as Mackay and not so successful development such as Exmouth so that the much needed development is guaranteed success.

Regards,

Mark Hannaford

Z Marine Pty Ltd

Managing Director

Mb [REDACTED]

Email [REDACTED]

ATTACHMENT 5 TO ITEM 15.2

From: Haydn Webb [mailto:]
Sent: Monday, 21 November 2016 12:15 PM
To:
Subject: spoilbank marina

Hi

TOPH provided your contact details.

I operate a commercial fishing vessel out of Port Hedland, have done for almost 30 years.

Looking at the proposed marina development, I notice there is no incorporated Liftout or slipway facility. Part of owning and operating a vessel large enough to Require permanent penning is the requirement to remove that vessel from the Water periodically for out of water maintenance. Currently there is no liftout Facility north of Geraldton. I know, I have to sail my boat the 1500 nautical miles There and back every year. Not incorporating a slipway in the marina design, in my Opinion, is going to significantly deter potential occupation of the facilities. A two or 3 boat slipway would not add significantly to the overall cost and would generate Revenue back to the marina in the form of facility hire. I think you would find such A facility would be continuously booked from both local vessel operators and also From operators in nearby ports such as, Broome, Point Samson, Dampier and Onslow None of which have any slip facilities either. I think it would be and important inclusion.

Regards
Haydn Webb

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ATTACHMENT 6 TO ITEM 15.2

From: Buckless, Peter [mailto: [REDACTED]]
Sent: Tuesday, 22 November 2016 10:31 AM
To: Records <Records@porthedland.wa.gov.au>
Subject: ICR67600 - 28/18/0010 - Proposed Marina Port Hedland

Hello,

I read with interest the Marina Business Plan.

As a recreational fisher I think more 2 boat ramps are required and a fish cleaning station. Also, along with boat ramps I think a big wide ramp so dingy, canoes, jet skis can launch.

Could you also tell me why the PPA dictate how many boat ramps we as a community can have?

Regards,

Peter Buckless

Senior Project Manager - Pilbara
Building Management and Works
Department of Finance
Cnr Brand and Tonkin Streets South Hedland WA 6722

[REDACTED] | [REDACTED] | [REDACTED]
www.finance.wa.gov.au

A high performing public sector empowered and enabled by our advice and services

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ATTACHMENT 7 TO ITEM 15.2

24 November 2016

Mr Chris Linnell
Acting Chief Executive Officer
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

BHP Billiton Iron Ore Pty Ltd
ABN 46 008 700 981
125 St Georges Terrace
Perth WA 6000 Australia
P O Box 7642
Cloisters Square
Perth WA 6850 Australia
T +61 8 6321 0000
F +61 8 6322 9978
bhpbilliton.com

Dear Mr Linnell

SPOILBANK MARINA WATERFRONT DEVELOPMENT BUSINESS PLAN

Thank you for the opportunity to comment on the Spoilbank Marina Waterfront Development Business Plan (Business Plan) prepared by the Town of Port Hedland's (Town). I take the opportunity to make the following points:

1. We are broadly supportive of the Business Plan and are pleased that the Town has taken on board a number of BHP Billiton's concerns about marine safety and permanent residential densification.
2. We also welcome the fact that Business Plan is consistent with the Council resolution passed at its Special Council Meeting (SCM) of 13 May 2015 removing permanent residential development from the Spoilbank.
3. We note that there is a substantial gap identified between the current provisions in the Town's Long Term Financial Plan and the estimated operating costs for the landside assets, as well as the potential marine side operating costs. We are interested in how the Town plans to address this gap.
4. As you know, BHP Billiton has worked with both the Town and State Government to address the land use conflict created by having sensitive land uses in close proximity to the Port in the West End. There are several statutory and planning documents that address potential land use conflict including The Port Hedland Land Use Master Plan (2007), The Port Hedland Air Quality and Noise Management Plan (2010), Pilbara's Port City Growth Plan (2012), and the Port Hedland Air Quality Health Risk Assessment (2016). It is pleasing to see that the Business Plan takes into consideration this intent and we ask that the Town continue to work toward applying a Planning Instrument to restrict further densification of the West End consistent with the resolution 3.c passed by Council at its SCM on 13 May 2015

As always, I would be pleased to meet with you to discuss our comments in greater detail. You can contact me anytime on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Meath Hammond', written over a light blue horizontal line.

Meath Hammond
Head of Corporate Affairs
BHP Billiton

ATTACHMENT 8 TO ITEM 15.2

P.O. BOX 124
PORT HEDLAND W.A.
6721
ABN 89 853 139 842
14th November 2016

Spoilbank Marina Waterfront Development Business Plan

The members of the Port hedland Game Fishing Club would like the Town of Port Hedland to consider the following information when developing its plan for the Marina.

Club History

Our Club was established in 1992 by an small group anglers that sought to promote the quality of the recreational fishing available out of Port Hedland. The club now runs 2 very successful tournaments that are open to the public each year. The Blue Water Classic is now entering its 25th year in 2017 and our Pil Barra Tournament is entering it's 5th year both tournament's attract many members of the community .

Back in 2000 our Club entered into a sub lease agreement with Port Hedland V.M.R.S. for the period of 20 years for a donation of \$45 000 to refurbish the current building (the old school in McKay St). Unfortunatley our club lost the use of the building some time ago now due to white ants making the structure unsound. Currently our Club operates from a small transportable at same premises.

Club Submission

Our requirements differ largely from most other user groups in that we need an area that large trailer boats can access a weigh gantry easily with parking for such readily available. We would consider it a great advantage if the area could accommodate a small meeting room and toilet falcilities along with an under cover area.

We would like to ask the Development group to consider putting aside a small part of the project's available land for our Club to construct a base that will take our Club well into the future.

Rergards
P.H.G.F.C. Committee

ATTACHMENT 9 TO ITEM 15.2

2-4 Anderson Street Port Hedland WA 6721 p.08 9173 9700

Public Comment – Spoilbank Marina
Chief Executive Officer
Town of Port Hedland
PO Box 41
Port Hedland WA 6721

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

Dear Sir

Re: Proposed Spoilbank Marina Waterfront Stage One

Please note below comments from the Esplanade Hotel, the largest commercial stakeholder in West Hedland, in relation to the Proposed Spoilbank Marina Waterfront Stage One –

http://www.porthedland.wa.gov.au/profiles/porthedland/assets/clientdata/toph_spoilbank_marina_waterfront_development_business_plan_160919.pdf.

1. Introduction**The Esplanade Hotel supports the location of the marina and conditionally supports the Business Case.**

The \$150m port-side Spoilbank Marina, with investment backing from both the Town of Port Hedland and the State Government, should be commended but with certain provisos as follows. The Esplanade Hotel is very supportive of the development and believes its location on the port side of the Spoilbank reflects government recognition that the community should come first, and the resources companies should work around the community.

It should not be the other way around, which would have been the case had the development been approved for Cooke Point.

2. Town planning and economic implications of the Marina

We believe the diminished residential development proposed for this prime land in the West End extension unnecessarily and counter-productively restricts the extension of the West End and financially shortchanges the community, Town of Port Hedland and State Government of vital revenue. We believe LandCorp favours increased residential development around the marina and extending along the entire length of coastal land which is the natural extension of the existing West End Business precinct. The economic costs to the State Government, Town of Port Hedland and the cost of land to purchasers should be included in any economic analysis due to the added costs of developing land outside the buffer zone.

The residential development restrictions imposed on the existing and other extensions of the West End should be intensively reviewed by LandCorp, together with the Town of Port Hedland, West End stakeholders and the port and contributors to the dust.

The additional heavy costs of rectifying dust associated problems to this hotel and other stakeholders in the West End should be reported by the Town of Port Hedland and compensated appropriately.

3. Dust control management

Integral to the above is a modern, more balanced approach to dust control throughout the West End. The contributors to the dust (refer to the list in Table 1 of the Health Risk Assessment Report, January 2016) should be held accountable to lower dust levels in all parts of the West End for the entire West End and not just the Taplin Street outer location to comply strictly with national and WHO standard levels of dust.

It is obvious that the community wished for a marina in closer proximity as an extension and amenity of the existing West End in order to provide a substantial new amenity for its growth and repopulation of the most attractive and historic part of Port Hedland. It is a clear sign that this is in line with the community's expectation.

Whilst we hope that the marina project is a catalyst to draw the community back to the West End, our support is on the proviso that the development is not used as a future opportunity to decant business from the West End to shift the focus of the business and retail activities out of the West End to the marina. The land in the West End is zoned Town Centre and, as per the Scheme, must remain as the focus for development. In accordance with Section 5.3.6 of TPS5, the key stated objective for the Port Area Town Centre is:

"consolidate the town centre status or the precinct and to redefine and optimise its visual quality and its administrative, commercial and community function."

The land at the marina, on the other hand, is reserved for Parks and Recreation and whilst the marina is seen as being consistent with the purpose of the reserve, the development of any commercial, retail, administrative or community functions of any scale which has the potential to relocate offices and functions which have historically existed from the West End Town Centre must be expressly prohibited.

4. Dust control management throughout the West End

The marina is best seen as a catalyst to restore and revive the West End to its former historical commercial viability and healthy lifestyle in an attractive setting. None of these exist presently and operators are being financially penalised in continually paying to rectify dust-associated costs. The dust levels in the West End, especially in locations nearest the loading facilities, are non-compliant with national environmental standards.

The current reference dust levels and locations in the West End run counter to the viability of the West End.

The licensing authorities such as the Department of Environment Regulation and Port Authority and their agencies need to quickly adopt 21st century national environmental standards. The Dust Task Force needs to be reconstituted into a more balanced, independent and qualified group whose sources of information are reported in a valid, continuous way which is understandable by the stakeholders. The above require prompt actions and strict adherence by the human dust generators to national standards and not to the present obsolete and irrational non-compliant environmental arbitrary levels.

5. Extension is required for submissions re BHP expansion

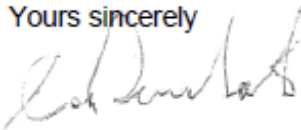
The above is important in the context of the recent BHP licence expansion application. We believe that the Town of Port Hedland should request an extension of the Department of Environmental Regulation (DER) until at least the middle of January to enable the ratepayers to better consider responses to BHP's submission. We are commissioning our own scientific analysis and response to BHP's submission but require time to do so.

It is obviously profoundly illogical public policy to invest in the Spoilbank Marina whilst simultaneously adopting a deliberate policy response of abandoning its host precinct and allowing resources companies to pollute unabated.

6. Conclusion

In closing I confirm that the Esplanade Hotel supports the location of the marina and conditionally supports the Business Case however reiterate that the community should come first, and the government and port should ensure its users mitigate their dust emissions as part of a broader strategy to once again move West Hedland forward and best capitalise on the marina, which has potential to be a key piece of community infrastructure and amenity in synergy with a revitalised West End. On this basis the Town should 1) request an extension of time for submissions to DER; 2) demand the State Government response, with leadership from the Premier, shift to a focus on mitigation of pollution and the broader rejuvenation of West Hedland; and 3) ensure that the focus of development and activation remains, as per the Scheme, on the Port Area Town Centre.

Yours sincerely



Con Berbatis, PH.D
Partner
The Esplanade Hotel

25 November 2016

ATTACHMENT 10 ITEM 15.2

From: Allan Smith [mailto:]
Sent: Friday, 25 November 2016 1:27 PM
To: Records <Records@porthedland.wa.gov.au>
Subject: ICR67724 - 18/12/0014 - Marina

Hi just a couple of comments on the marina plan. In the business plan it was stated that the Richardson St. boat ramp is over utilised but in stage 1 of the marina plan it seems that it will still only be possible for two boats to be launched or retrieved at the same time. Having had to queue at the Richardson St. ramp I think there should be access for 4 boats or the Richardson St. ramp should stay open for use. My other comment is that the boat ramp faces west straight in front of the entrance. The wind blows from the west at least 6 months of the year so there would be no protection from the wind or waves making handling boats very hazardous.

Regards, Allan Smith

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ATTACHMENT 11 TO ITEM 15.2

From: Roz K [mailto:]
Sent: Friday, 25 November 2016 12:19 PM
To: Records <Records@porthedland.wa.gov.au>
Subject: ICR67717 - 18/17/0001 - Marina feedback

To the acting CEO,

This will be an amazing credit to the town of Port Hedland.
An exciting benefit that will be great for tourism and sailors alike as well.
People from South Hedland will be able to come and relax along the waterfront and enjoy boating and fishing and be able to shop and enjoy and marina.
Also jobs will be created for the construction and then the maintenance.

The notice of this feedback should of been better advertised, so many council issues go through the system without proper notice to the rate payers. So many people work long hours and more attention should be paid to this point.

Thankyou
The Kemp Family
Kingsmill St, Port Hedland

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ATTACHMENT 12 TO ITEM 15.2



Government of Western Australia
Department of Planning

Our ref: TPS/0260/3
Enquiries: Peter Wood (6551 9357)

Mr Chris Linnell
Acting Chief Executive Officer
Town of Port Hedland

TRANSMITTED BY EMAIL ONLY: council@porthedland.wa.gov.au

Dear Mr Linnell

**THE TOWN OF PORT HEDLAND'S PROPOSED SPOILBANK MARINA
WATERFRONT DEVELOPMENT BUSINESS PLAN**

The Department of Planning is pleased to provide the following comments regarding the proposed Spoilbank Marina Waterfront Development Business Plan (Business Plan).

The *Port Hedland Coastal Vulnerability Study* (Cardno 2011) revealed that the Port Hedland townsite is seriously and broadly impacted by coastal hazards including coastal erosion and inundation. The natural geological features in Port Hedland (particularly the Spoilbank) are extensively unsound and the land surface has little natural resilience which presents major constraints to development and high ongoing management requirements.

The relative importance of these coastal hazards to the proposed Spoilbank Marina has not been suitably acknowledged within the Business Plan.

On 5 October 2016, the Department of Planning and Western Australian Planning Commission provided support to the Town's development of a project that will deliver a *Coastal Hazard Risk Management and Adaptation Plan* for the broader Port Hedland townsite, in accordance with *State Planning Policy 2.6 - State Coastal Planning Policy* and the associated *Guidelines*.

Coastal hazard risk assessment and adaptation planning is required to guide the protection of existing and future assets in Port Hedland, whilst ensuring coastal values are preserved and community access maintained into the future.

Collaborative working arrangements between the Town, the Department of Planning, the Pilbara Development Commission and LandCorp are recommended to deliver strategic planning and policy development to address the risks of coastal hazards in Port Hedland and progress the Spoilbank Marina concept planning and delivery.

Yours sincerely

Lorissa Kelly
A/Director General

29 November 2016

Item 16 Matters for Which Meeting May Be Closed (Confidential Matters)

CM201617/119 COUNCIL DECISION**MOVED: CR TAVO****SECONDED: CR HOOPER**

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 the following items:

16.1 2017 North West Festival – Approval of Event; and

16.2 Spoilbank Marina Business Plan: Review of Public Submissions.

CARRIED 8/0

6:33pm The Mayor advised that the meeting is now closed to members of the public.

6:33pm Councillor Melville declared a financial interest in item 16.1 '2017 North West Festival – Approval of Event' as he has received tickets in the past to attend the event. Councillor Melville left the room.

6:34pm Councillor Gillingham declared a financial interest in item 16.1 '2017 North West Festival – Approval of Event' as she has received tickets in the past to attend the event. Councillor Gillingham left the room.

6:34pm Councillor Hooper declared a financial interest in item 16.1 '2017 North West Festival – Approval of Event' as he has received tickets in the past to attend the event. Councillor Hooper left the room.

6:34pm Councillor Arif declared a financial interest in item 16.1 '2017 North West Festival – Approval of Event' as she has received tickets in the past to attend the event. Councillor Arif left the room.

16.1 2017 North West Festival – Approval of Event

The Mayor advised that due to a lack of quorum the item would be deferred.

6:35pm Councillors Melville, Gillingham, Hooper and Arif re-entered the room and resumed their chairs. The Mayor advised that the item was deferred due to a lack of quorum.

6:35pm The Acting Director Corporate Services left the room.

16.2 Acting Chief Executive Officer Arrangements

CM201617/120 OFFICER RECOMMENDATION**MOVED: CR WHITWELL****SECONDED: CR GILLINGHAM**

That with respect to the Acting Chief Executive Officer arrangements, Council:

1. **Appoint Kathryn Crothers to the position of Acting Chief Executive Officer from 24 December 2016 to 8 January 2017, inclusive, as she is suitably qualified for the position in accordance with section 5.36(2) of the Local Government Act 1995.**
2. **Authorise the Mayor to negotiate the salary package that meets the requirements of the Salaries and Allowances Tribunal with respect to Band 1 entitlements.**

CARRIED 8/0

CM201617/121 COUNCIL DECISION

MOVED: CR TAVO

SECONDED: CR MELVILLE

That Council open the meeting to members of the public.

CARRIED 8/0

6:36pm The Mayor advised the meeting is now open to members of the public.

Item 17 Closure

6:37pm The Acting Chief Executive Officer thanked Elected Members for their confidence and support during the last six months. The work undertaken is not a one person role, and it is important that the staff are acknowledged for stepping up and their hard work, effort and professionalism over the last six months, and I look forward to a very productive 2017.

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 25 January 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 18 January 2016, commencing at 5:30pm.

17.2 Closure

There being no further business, the Mayor declared the meeting closed at 6:40 pm.