



## **TOWN OF PORT HEDLAND**

### **ORDINARY COUNCIL MEETING MINUTES**

**WEDNESDAY 23 AUGUST 2017 AT 5:30PM**

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

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

*David Pentz  
Chief Executive Officer*

Distribution Date: 5 September 2017

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### Item 1 Opening of Meeting

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The Mayor declared the meeting open at 5:36pm.

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### Item 2 Acknowledgement of Traditional Owners

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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.

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### Item 3 Recording of Attendance

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#### 3.1 Attendance

Mayor Camilo Blanco  
 Councillor Jan Gillingham  
 Councillor David Hooper  
 Councillor Julie Arif  
 Councillor Louise Newbery  
 Councillor Richard Whitwell  
 Councillor Lincoln Tavo – Via Telephone at 5:35pm

David Pentz	Chief Executive Officer
Robert Leeds	Director Development, Sustainability and Lifestyle
Josephine Bianchi	Manager Governance
Tammy Wombwell	Governance Support Officer/ Minute Taker

Public	4
Media	1
Officers	3

#### 3.2 Apologies

Nil

#### 3.3 Approved Leave of Absence

Deputy Mayor Troy Melville

#### 3.4 Disclosure of Interests

Name	Item no.	Interest	Nature
Councillor Arif	12.2.1 Town of Port Hedland Heritage Inventory	Impartiality	Councillor Arif is a member of the Historical Society
Councillor Whitwell	12.2.1 Town of Port Hedland Heritage Inventory	Impartiality	Councillor Whitwell is a member of the Historical Society
Councillor Whitwell	16.1 Kingsford Smith Business Park	Financial	One of the applicants listed in the item has recently completed a project for Councillor Whitwell

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**Item 4 Response to Previous Questions**


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**4.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 26 July 2017**
**4.1.1 Mr John Peters**

The following series of questions were asked by Mr Peters at the Ordinary Council Meeting held on Wednesday 26 July 2017:

*“The Ratepayers Association has done a lot of homework, and we believe that \$15M was spent on the South Hedland Aquatic Centre for repairs.*

The Mayor asked Mr Peters when the repairs were done.

*I have a figure of \$11.5M, and you confirmed that the value has gone up to \$15M.*

The Mayor advised that \$11.5M was spent on repairs to the pool in 2013 and that there have been ongoing maintenance and repairs since then.

*It says in this newspaper article that in 2014, \$15M was spent on the pool.*

The Mayor advised that the exact figures could be provided to Mr Peters if he would like them.

*It says in this newspaper article that the pool is over 50 years old and if the Town spends money on an aging facility, at the end of the day the Town has still got an old facility. I am here to question how the Town is spending ratepayers' money.*

The Mayor advised that the question regarding what has been spent on the South Hedland Aquatic Centre would be taken on notice, and that all information that is required will be provided to Mr Peters”.

The Acting Manager Financial Services advises that an outline of the costs are noted below:

Item	Cost \$
SHAC Upgrade (Including Waverider)	11,012,609.21
SHAC General Maintenance	226,135.72
Capital Works in Progress (capital works not yet capitalised to Assets Register)	91,662.07
Total	11,330,407.00

The Acting Manager Financial Services also advises that a further \$500,000 is budgeted for Capital Works during the 2017/18 financial year.

**4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 26 July 2017**

Nil

### 4.3 Response to Questions taken on notice from Public at the Special Council Meeting held on Wednesday 26 July 2017

#### 4.3.1 Mr Arnold Carter

*In regards to the Town's reserves account noted on page 28 of the Annual Budget 2017/18, the 2017/18 Budget transfer 'from' shows a total of \$25,479,005. These transfers include the Airport reserve of \$10.87M, the Spoilbank reserve of \$3.15M, and the Port Hedland International Airport reserve of \$1.92M with a total of \$15.94M. In the reserve account there shows expenditure of \$9,441,252. If you take the expenditure which is built of capital, you have a balance of the reserve account which is \$110,000. How will the Town operate on this amount? Can I have a full breakdown of the reserves?*

The Management Accountant advises that the total 2017/18 Budgeted Opening Balance of all reserves is \$238,925,344. There is a total of \$7,822,102 budgeted transfers to reserves, and \$25,479,005.70 transfers from reserves. The transfers from reserves fund both operational and capital expenditure throughout the Budget. The budgeted closing balance of the reserves is \$221,268,440.36, with a large portion of this contained in the PHIA Lease Proceeds Reserve (\$167.7M).

The Management Accountant also advises that of the \$25.479M transfers from reserve, \$12.441M funds capital expenditure (please refer to the Capital Works Program on page 39 of the 2017/17 Annual Budget for further detail) and \$13.037M funds operational expenditure (including \$10.87M for Airport works in line with lease agreement).

#### 4.3.2 Mr Scott Lowe

*How many full time equivalent positions has the Town budgeted for this year, and how does it compare to last year?*

The Management Accountant advises that the Town has budgeted for 168 Full Time Equivalent (FTE) positions for the 17/18 financial year compared to 181 FTE for the 2016/17 financial year. The Management Accountant also advises that the difference is not reflective of a number of people, and that the number of people is less due to casual and part time staff.

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## Item 5 Applications for Leave of Absence

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### CM201718/016 COUNCIL DECISION

**MOVED: CR GILLINGHAM**

**SECONDED: CR ARIF**

**That Council approve the following applications for leave of absence:**

- **Councillor Gillingham from 4 to 11 September 2017; and**
- **Councillor Hooper from 30 August to 9 September 2017.**

**CARRIED 6/0**

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**Item 6 Attendance by Telephone/Instantaneous Communications**

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**CM201718/017 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF**

**That Council approve Councillor Lincoln Tavo's application to attend the Ordinary Council Meeting held on Wednesday 23 August 2017 via telephone whilst he is in Perth, Western Australia.**

***CARRIED BY ABSOLUTE MAJORITY 6/0***

5:35pm Councillor Tavo entered the meeting via telephone.

5:35pm The Mayor asked Councillor Tavo if he had any interests to declare in relation to the items contained in the agenda. Councillor Tavo advised in the negative.

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**Item 7 Public Time**

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*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 5:36pm

**7.1 Public Question Time****7.1 Mr John Peters**

*My first question is to the Chief Executive Officer (CEO). Did the Mayor take your advice prior to his visit to Canberra [to meet with the Prime Minister]?*

The Manager Governance advised the Chief Executive Officer that the question must be asked to the Presiding Member.

The Mayor asked Mr Peters to clarify what advice he was referring to.

*Did the Mayor take advice from the CEO to visit Canberra [to meet with the Prime Minister] and Perth?*

The Mayor advised that he takes advice from the CEO, and others. The Mayor also advised that when advice is required from the CEO he will ask for it.

*In accordance with the Local Government Act, the CEO should be advising you regarding visits such as this. Did you take this advice?*

The Mayor advised that he was unclear on Mr Peters' intentions regarding his question and asked Mr Peters to clarify what advice he should have sought from the CEO.

*Did you take advice, yes or no?*

The Mayor advised that he takes advice from the CEO.

*Did you take advice from the CEO on your recent trip to Canberra and Perth?*

The Mayor advised in the affirmative.

*Did you have permission from Council to visit Canberra and Perth?*

The Mayor advised that he does not require permission from Council to visit the Prime Minister, and that permission was authorised by the CEO upon the Mayor's request.

*What section of the Local Government Act 1995 allows you to bypass relevant officials in Perth and Members of Parliament to meet the Prime Minister?*

The Mayor advised that he did not bypass the Act, and that what he was doing was showing leadership in issues that are critical to the future development of Port Hedland.

*Are these Federal, State or Local Government issues?*

The Mayor advised that the issues that Hedland has faced over the last 30 to 40 years, whether they are social dysfunction, child sex offences, or law and order issues are the ones he is tackling head on. The Mayor also advised that he will not make any apologies for tackling these issues.

*An article in the West Australian newspaper on 6 July 2017 states that annually 20,000 kids are affected by child abuse and 24,000 are affected by domestic violence. The cost is almost \$36 billion per year. If this a Federal issue, why didn't you take the local Member of Parliament or any of the indigenous leaders from Port Hedland to meet the Prime Minister?*

The Mayor advised that he went on his own and did not ask anybody else to come. The Mayor advised that he was invited by business and invited by the Prime Minister.

*Do you have a copy of the invitation by the Prime Minister?*

The Mayor advised in the negative.

*Who paid for your visit to Canberra?*



The Mayor advised that the Town of Port Hedland paid for the visit.

*You just said that it was your decision to take the trip.*

The Mayor asked Mr Peters if he could ask him a question.

*No, this is question time for me, not for you.*

The Mayor agreed, but asked Mr Peters if he would rather the Mayor did not tackle these issues.

*I will read a statement you made on 24 September 2015 [Mr Peters is referring to parts of a statement Mr Blanco made during public question and statement time at the Ordinary Council Meeting held on 23 September 2015]. "That the item should be thrown out by Council" – "Just another political stunt" – "to make yourself popular" – "you don't have clear understanding of the issue with is a federal conversation that this local Council should not be considering". Do you remember making this statement?*

The Mayor advised in the negative.

*You made the statement on 24 September 2015. You yourself said that "this is a political stunt" and "to make yourself popular".*

The Mayor asked Mr Peters for his question.

*It is a federal issue. Why did the Local Government take this matter to the Prime Minister?*

The Mayor advised that he had answered that question.

*Who paid for your trip to Perth to meet with Andrew Forrest?*

The Mayor advised that the Town pays for all of his trips as the Mayor and does not allow anybody else to fund his travel. The Mayor advised that the reason he does not allow anybody else to pay for his travel is so that he is not bound to have to say anything on behalf of the person who would have paid for it.

*Do you think this issue could have been resolved by using Skype to speak with Members of Parliament, rather than visiting them?*

The Mayor advised that he does not think it would have been appropriate to contact the Prime Minister or the Premier of the State using Skype, and that a face to face meeting was much more beneficial.

*Do you think it would have been better if you had taken MP Melissa Price with you?*

The Mayor advised that all politicians have the opportunity to tackle these issues head on. The Mayor advised that he has been living in this town for a long time and in that time he had not seen any action taken by local MPs, and that he is taking the matter on himself. The Mayor advised that this is why he is showing leadership in these areas, and that he will not apologise for this and that it is money well spent.

*Do you understand what I am asking you? It is a Federal issue so why did you take it up?*

The Mayor advised that he had already answered this question.

The Mayor closed Public Question Time at 5:44pm

The Mayor opened Public Statement Time at 5:44pm

## **7.2 Public Statement Time**

Nil

The Mayor closed Public Statement Time at 5:45pm

## **7.3 Petitions/Deputations/Presentations/Submissions**

Nil

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## **Item 8 Questions from Members without Notice**

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### **8.1 Councillor Newbery**

*A few months ago the Town sent a request to the Minister for Health to request that drug sampling be undertaken on the Town's sewerage, has there been a response from the Minister to the request?*

The Mayor advised that the Town has not received any correspondence from the Minister of Health in relation to the request.

*Can the Town please follow up on the matter?*

The Mayor advised in the affirmative.

*I believe the Manager of the Landfill was paid out last Friday, can I please ask what the cost to the Town was for this payout?*

The Chief Executive Officer advised that the person involved was not a Manager and that the cost would be provided to Councillor Newbery.

*Can I please have a copy of the new structure to the Landfill if there is one?*

The Chief Executive Officer advised in the affirmative.

### **8.2 Councillor Whitwell**

*What is happening with the availability of the South Hedland Aquatic Centre, and when will it be finished?*

The Mayor advised that Council visited the South Hedland Aquatic Centre on Monday 21 August 2017 and that they were shown all of the issues that the centre has been experiencing. The Mayor advised that a possible estimated timeframe for the Aquatic Centre to reopen may be in late December due to the amount of work that is required to bring the centre to a standard where it can be opened.

*Why has it taken over a year to fix the issue since it was first shut?*

The Mayor advised that at the time, the Executive team did not have the capacity to find the real issues that the swimming pool had to get it to an operational standard. The Mayor also advised that since then the Chief Executive Officer and the Executive team have been replaced and that the new team have been able to pinpoint issues that the pool has had over a number of years. The Mayor advised that the Town now has a good understanding of how to get the pool in a state of continual operation for the next 3 to 5 years, whilst Council decides what to do with an asset which is nearing the end of its life.

*In September 2016, you announced that the pool would be shut for health reasons. In that statement you also announced that you would also get an expert in to review the closure of the pool, and that it would be open early the following year. The funding was available. Why wasn't this carried through?*

The Mayor advised that as he had said in his original statement, he was taking advice from an Executive team that were clearly not up to the job and that the statement that was provided at that time reflected this advice. The Mayor advised that the Town now have an Executive team who understand the situation that the pool is in and have reviewed the operation of the pool, and that they have provided completely different advice from what Council received previously. The Mayor advised that Council are now following the latest advice and that it is more than likely that the pool will be open in December this year.

*When you got the advice from the expert you said you were going to appoint, what was their advice?*

The Mayor advised that it was an administrative matter and that Council took advice from the administration.

The Chief Executive Officer advised that there are two different questions that have been asked and that the initial question was what it would cost to renew everything, and the proposal that came to Council at that stage was to replace all the pumps, pipes etc. The Chief Executive Officer advised that this advice then came to Council who then decided to proceed with that option. The Chief Executive Officer advised that after the Council's decision, there was a change in the Executive team and that the new team looked at the pumps and what parts of the equipment were working and what wasn't working and found that there were such things like wires cut and switches turned off.

The Chief Executive Officer advised that a consultant was not employed and that the new team sought advice directly from pump providers and asked them very different questions. The Chief Executive Officer advised that very different answers were received, which were to either completely replace the pumps and everything else, or to reconnect at a cheaper cost to tide the facility over for 3 to 5 years. The Chief Executive Officer advised that the Town has now approached the matter in a different direction to what was previously advised and that both options were provided by professionals based on what they were asked to do, and that Council have received all advice that has been received by the Town.

*How do the people in South Hedland feel about this delay?*

The Mayor advised that he is sure they would be upset. The Mayor also advised that as the Council has discussed this matter, Councillor Whitwell has been present and that Councillor Whitwell has all the same information that the Mayor has. The Mayor stated that he was unclear of Councillor Whitwell's direction, and asked if Councillor Whitwell had any further questions.

*The first advice that you gave wasn't acted upon and it was before things changed with the structure of the Executive team. Are you saying that there was such a divergence, and that you knew about the divergence at the time so you stopped the project?*

The Chief Executive Officer advised that there was not a sufficient budget to act upon the initial proposal to replace the pumps, which is why the Town went back to find another way of addressing the issue and that the Town was then able to make considerable cost savings.

The Mayor advised that the original budget came in at around \$1.5 million, which then blew out to nearly \$3 million.

*I have seen a figure today for \$1.7million.*

The Mayor asked Councillor Whitwell if he had any further questions.

Councillor Whitwell advised in the negative.

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

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

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

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


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**10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 26 July 2017**
**CM201718/018 OFFICER RECOMMENDATION/ COUNCIL DECISION**
**MOVED: CR ARIF**
**SECONDED: CR GILLINGHAM**

That Council confirm that the Minutes of the Ordinary Council Meeting held at 5:30pm on Wednesday 26 July 2017 are a true and correct record.

***CARRIED 7/0***

**10.2 Confirmation of Minutes of the Special Council Meeting held on Wednesday 26 July 2017**
**CM201718/019 OFFICER RECOMMENDATION/ COUNCIL DECISION**
**MOVED: CR ARIF**
**SECONDED: CR GILLINGHAM**

That Council confirm that the Minutes of the Special Council Meeting held at 6:30pm on Wednesday 26 July 2017 are a true and correct record.

***CARRIED 7/0***

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**Item 11 Announcements by Presiding Member without Discussion**


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Mayor's Monthly Meetings – 1 July to 31 July 2017

Date:	Meeting:
4/07/2017	Spirit Radio Chat
4/07/2017	Meeting with Department of Education & BHP
5/07/2017	Meeting with BHP
6/07/2017	Brick by Brick official opening at South Hedland Library
10/07/2017	St Johns Sub Centre opening Event
11/07/2017	Spirit Radio Chat
14/07/2017	Citizenship Ceremony
19/07/2017	Meeting with Department of Education
20/07/2017	Port Hedland Alcohol and Other Drug Management Plan Working Group
20/07/2017	Meeting with Australian Civil
21/07/2017	Meeting with Pilbara Ports Authority
25/07/2017	Spirit Radio Chat
25/07/2017	Pilbara Pioneers Meeting
26/07/2017	PHCCI Business Breakfast Meeting – guest speaker
26/07/2017	Meeting with Landcorp

26/07/2017	Meeting with Brendon Grylls
26/07/2017	Meeting with South Hedland Police
27/07/2017	Local Emergency Management Committee Meeting
27/07/2017	Hedland Senior High School Compact Signing Ceremony
28/07/2017	Hedland Roadwise Group Meeting
28/07/2017	Teleconference with Senator Dodson
28/07/2017	Spinifex Spree Opening Event
29/07/2017	Fire & Rescue Annual Dinner
30/07/2017	Meeting with Consul-General of Japan in Perth
30/07/2017	Port Hedland 75 <sup>th</sup> Bombing Anniversary – Commemorative Ceremony
31/07/2017	Meeting with FSG Consultants – Perth
31/07/2017	Meeting with Roy Hill – Perth
31/07/2017	Meeting with Minister MacTiernan and Minister Saffiotti's offices – Perth
31/07/2017	Meeting with Minister Wyatt's office – Perth
31/07/2017	Meeting with Minister Tinley's office – Perth
31/07/2017	Meeting with BHP – Perth

*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.*

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**Item 12 Reports of Officers**


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**12.1 Corporate and Performance****12.1.1 Amendment to Policy 2/007 'Purchasing'**

File No: 04/03/0001  
 Applicant/ Proponent: N/A  
 Subject Land/ Locality: N/A  
 Date: 02/08/2017  
 Author: Josephine Bianchi, Manager Governance & Policy  
 Authorising Officer: Rob Leeds, Director Development, Sustainability and Lifestyle  
 Disclosure of Interest from Author: N/A  
 Authority/Discretion:  Advocacy  
    Executive  
    Legislative  
    Quasi-Judicial  
    Information Purposes

## Attachments:

1. Amended Policy 2/007 Purchasing
  2. Current Policy 2/007 Purchasing
  3. Current delegation 1.7 'Expressions of Interests and Tenders'
  4. Current delegation 1.8 'Contract variations'
- 

**CM201718/020 OFFICER RECOMMENDATION 1/ COUNCIL DECISION****MOVED: CR WHITWELL****SECONDED: CR ARIF****That Council adopt Policy 2/007 'Purchasing' as amended under Attachment 1.*****CARRIED 7/0*****CM201718/021 OFFICER RECOMMENDATION 2/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR GILLINGHAM****That Council delete delegation 1.8 'Contract variations' as already listed under delegation 1.7 'Expression of Interests and Tenders'.*****CARRIED BY ABSOLUTE MAJORITY 7/0***

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**EXECUTIVE SUMMARY**

This report recommends that Council adopt amended Purchasing Policy to establish a strong governance framework with respect to the purchasing of goods and services.

## BACKGROUND

The Town of Port Hedland is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

The Town's current Purchasing Policy has been modelled upon a template developed by the WA Local Government Association which has been adopted/modified by the majority of WA local governments.

The Town is currently undertaking a review of all of its procurement functions and associated policies and procedures. As part of this process the Town is proposing a number of changes to 2/007 Purchasing policy to ensure that it reflects current organisational practices, and assist officers in achieving the Council's desired procurement outcomes whilst ensuring compliance with its parameters.

The proposed changes are listed below.

### *Purchasing Thresholds*

The current purchasing policy applies the same requirements to goods and/or services that fall within a \$15,000 to \$150,000 category. This category is considered too broad and encompassing a range of values which should have different purchasing requirements associated with them. It is therefore proposed for this category to be reviewed in accordance with WALGA's purchasing template which identifies a "\$5,000 and up to \$50,000" category.

### *Addition of Waiver of Quotations Clause*

The following additional clause is proposed to be included in the policy:

"Where quotes are not practical, e.g. due to limited suppliers, the Chief Executive Officer or Director may, at their discretion, waive the requirements to obtain quotes providing that written, justifiable reasons for such waiver are provided by the responsible Officer and documented through records".

### *Changes in Wording*

Reference to written quotes and ancillary supporting documentation to be attached "electronically" to a purchase order is proposed to be deleted as this does not reflect current practice within the organisation.

The current Purchasing policy states that "determining purchasing value must incorporate any variation to the scope of the purchase and be limited to a 5% tolerance of the original purchasing value". It is proposed that this limit be changed to 10% to align with WALGA's purchasing policy template.

### *Deletion of tender exemption condition*

The current Purchasing policy states that "In the case of tender exemption conditions, at least three (3) written quotations must be received by formal invitation under a "Request for Quotation"."



This statement is proposed to be deleted as current practices already included in this policy should apply.

#### *Addition in relation to Tender Contract Variations*

To clarify the process in relation to contract variations in relation to tenders it is proposed to add the following new section to the current policy:

##### a) Pre-Contract Variations

Pre-contract variations are permitted pursuant to Regulation 20 of the *Local Government (Functions and General) Regulations 1996*. If after a tender has been publicly advertised and a successful tenderer has been chosen, but before the Town and tenderer have entered into a contract, a minor variation may be made by the Town. A minor variation will not alter the nature of the goods or services, nor will it materially alter the specification provided for by the initial tender. In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation or if the tenderer and the Town are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the chosen tenderer. The Town may then choose the tenderer who submitted the next most advantageous tender, instead of again inviting tenders.

##### b) Post-Contract Variations

Post-contract variations are permitted under Regulations 11(2)(j) and 21A of the *Local Government (Functions and General) Regulations 1996*. Under Regulation 21A, if the Town has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless the variation is necessary in order for the goods or services to be supplied and the variation does not change the scope of the contract. The Town may renew or extend the term of an existing tender contract without having to again invite tenders if the requirements of Regulation 11(2)(j) have been satisfied. If any variation during the contract will result in a price change, it will need to be approved according to officers' financial delegations but should not allow for multiple incremental changes to avoid the necessity of complying with this purchasing policy.

#### *Changes in delegations*

In addition to the above changes, the current 'contract variations' delegation 1.8 is proposed to be deleted as it has already been included as part of the 'EOI and Tenders' delegation 1.7 under point 6.

## CONSULTATION

- WALGA
- Executive Leadership Team
- Acting Manager Finance
- Other local government purchasing policies (City of Greater Geraldton, City of Karratha, City of Busselton, City of Kalgoorlie-Boulder, City of Stirling, City of Wanneroo)

## LEGISLATION AND POLICY IMPLICATIONS

Section 3.57 of the *Local Government Act 1995* relates to tenders for providing goods and services. Part 4, Division 1 of the *Local Government (Functions and General) Regulations 1996* make further provisions about purchasing policies.

Policies are determined by Council and may be amended or waived according to circumstance. This power to determine policies is conveyed to Council in section 2.7 (2) (b) of the *Local Government Act 1995*.

The existing 2/007 'Purchasing Policy' will be superseded if the proposed amended policy is adopted by Council.

Existing delegation 1.8 deleted if agreed to by Council.

### FINANCIAL IMPLICATIONS

Nil in relation to the adoption or otherwise of the proposed amended policy.

### STRATEGIC AND RISK 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.

#### *Financial*

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

#### *Strategic*

Strategy 4.1 of the Towns Strategic Community Plan, Strategic and Best Practice Local Government Administration applies. The core objectives of the proposed Policies are to establish strong governance principles and thereby mitigate risks for the Town of Port Hedland, whether they be financial, reputational or other.

#### *Risk*

There is a risk rating of medium (5-9) assigned to this item should the Council decide not to adopt the policy, in terms of the Town not being able to carry out efficiently and effectively its procurement obligations.

### OPTIONS

#### *Option 1*

To adopt the proposed changes in the policy and delegation.

*Option 2*

To not adopt the proposed changes in policy and delegation – in this case current provision will remain in place.

*Option 3*

Council may choose to amend the provision included in the current policy and delegations.

**CONCLUSION**

It is recommended that the Council adopt the proposed amended Purchasing Policy and associated delegation in order to improve efficient and effective purchasing of goods and services at the Town.



## 2/007 PURCHASING

### 1. Policy

The Town of Port Hedland (ToPH) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations") Procurement processes and practices to be complied with are defined within this Policy and the ToPH's prescribed procurement procedures.

### 2. Objectives

The objectives of this Policy are to ensure that all ToPH procurement activities:

- **Value for Money** - demonstrate that best value for money is attained;
- **Regulatory Compliance** - compliant with relevant legislations, including the Act and Regulations;
- **Record Management** - are recorded in compliance with the *State Records Act 2000* and associated ToPH records management practices and procedures;
- **Transparency & Professionalism** - mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- **Sustainable benefits** - ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- **Integrity and Ethical** - conducted in a consistent and efficient manner across the organisation and that ethical decision making is demonstrated.

### 3. Reference Documents

Policy 2/011 'Tender Evaluation'  
Policy 2/016 'Regional Price Preference'  
Code of Conduct  
Delegation Register  
Statement of Business Ethics

### 4. Integrity

#### *Purchasing Principles*

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:



## Policy 2/007 'Purchasing'

- **Accountability** - full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- **Regulatory Compliance** - all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the ToPH's policies and Code of Conduct;
- **Open Competition** - purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- **Transparency** - all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation. If the Town of Port Hedland is seeking a quote to inform budget processes without a genuine commitment to procure goods and services this must be disclosed to the business providing the quote;
- **Conflict of Interest** - any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- **Professionalism** - any information provided to the ToPH's by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

### 5. Purchasing Requirements

#### 5.1 Legislative / Regulatory Requirements

The requirements that must be complied with by the ToPH, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures.

#### 5.2 Policy

Purchasing that is \$150,000\* or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 5.4 of this Purchasing Policy.

Purchasing that exceeds \$150,000\* in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under 5.4 of this Policy, is not deemed to be suitable.

\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

#### 5.3 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);



## Policy 2/007 'Purchasing'

2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the ToPH will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply;
3. Must incorporate any variation to the scope of the purchase and be limited to a 105% tolerance of the original purchasing value.

### *Purchasing from Existing Contracts*

Where the ToPH has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows.

### *Purchasing Thresholds*

The table below prescribes the purchasing process that the ToPH must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to \$5,000	Obtain at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or</li> <li>• From the open market.</li> </ul>
Over \$5,000 and up to \$15,000	The buyer of goods and/or services shall obtain at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> </ul>



# Policy 2/007 'Purchasing'



	<ul style="list-style-type: none"> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or</li> <li>• From the open market.</li> </ul> <p>These two written quotes, and any ancillary supporting documentation shall be <del>electronically</del> attached to an authorised purchase request to the Purchasing office for raising of an official purchase order</p>
<p><u>Over \$15,000 and up to \$50,000</u></p>	<p><u>The buyer of goods and/or services shall obtain at least three (3) written quotations from suppliers following a brief outlining the specified requirement, either from:</u></p> <ul style="list-style-type: none"> <li>• <u>an existing panel of pre-qualified suppliers administered by the ToPH; or</u></li> <li>• <u>Standing Offer Arrangement; or</u></li> <li>• <u>a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or</u></li> <li>• <u>From the open market.</u></li> </ul> <p><u>These three written quotes, and any ancillary supporting documentation shall be attached to an authorised purchase request to the Purchasing office for raising of an official purchase order</u></p>
<p>Over <del>\$50,000</del> and up to \$150,000*</p>	<p>The buyer of goods and/or services shall develop a "Request for Quotation" or an "Expression of Interest" (depending upon the procurement strategy) in order to obtain either at least three (3) written quotes or expression of interest submissions.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or</li> <li>• From the open market.</li> </ul> <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the ToPH through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p>



## Policy 2/007 'Purchasing'

<p>Over \$150,000* or as per Part 4 11A of Local Government (Function &amp; General) Regs 1996</p>	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 5.4 of this Policy, conduct a public "Request for Tender" process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, this policy, and all other relevant ToPH's policies and procedures.</p> <p>In the case of tender exemption conditions, at least three (3) written quotations must be received by formal invitation under a "Request for Quotation".</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy, and as per the Tender Evaluation Policy.</p>
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\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

### 5.4 Waiver of Quotation

Where quotes are not practical, e.g. due to limited suppliers, the Chief Executive Officer or Director may, at their discretion, waive the requirements to obtain quotes providing that written, justifiable reasons for such waiver are provided by the responsible Officer and documented through records.

### 5.54 Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$150,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise, where the consideration under contract is worth \$150,000 or less and represents value for money;
- the purchase is from a pre-qualified supplier under a Panel established by the ToPH;
- the purchase is to be obtained from expenditure authorised in an emergency as per section 5.8 of this policy; or
- any other exclusion under regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.





### 5.5 *Inviting Tenders Under the Tender Threshold*

Where considered appropriate and beneficial, the ToPH may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements, and whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$150,000\* or less in value, the Tendering Process procedures must be followed in full, as per the regulations.

\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

### 5.6 *Sole Source of Supply*

Where the purchasing requirement is over the value of \$5,000 (excl GST) and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the ToPH is satisfied and can evidence that there is only one source of supply for those goods, services or works.

The ToPH must use all best endeavours to determine if the sole source of supply is genuine. Where-ever possible an expression of interest (EOI) process shall be undertaken to ascertain whether there is only one source of supply.

If, in the event, consultants or a group of consultants have been utilised to provide a range of services initially on a **complex** project, it may be deemed that it is not be feasible to restart a project under tender circumstances due to the effort and cost associated with gaining the required background knowledge. In this case, the situation may be deemed as tender exempt under a sole supplier situation. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

A sole source of supply purchase does not relate to purchases not planned for, due to time constraints.

### 5.7 Tender Contract Variations

#### a) Pre-Contract Variations

Pre-contract variations are permitted pursuant to Regulation 20 of the Functions and General Regulations. If after a tender has been publicly advertised and a successful tenderer has been chosen, but before the Town and tenderer have entered into a contract, a minor variation may be made by the Town. A minor variation will not alter the nature of the goods or services, nor will it materially



## Policy 2/007 'Purchasing'

*alter the specification provided for by the initial tender. In the event the chosen tenderer is unable or unwilling to enter into a contract that contains a minor variation or if the tenderer and the Town are unable to agree on any other variation to be included in the contract as a result of the minor variation, then that tenderer ceases to be the chosen tenderer. The Town may then choose the tenderer who submitted the next most advantageous tender, instead of again inviting tenders.*

### b) Post-Contract Variations

*Post-contract variations are permitted under 11(2)(i) and 21A of the Functions and General Regulations. Under Regulation 21A, if the Town has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless the variation is necessary in order for the goods or services to be supplied and the variation does not change the scope of the contract. The Town may renew or extend the term of an existing tender contract without having to again invite tenders if the requirements of Regulation 11(2)(i) have been satisfied. If any variation during the contract will result in a price change it will need to be approved according to officers' financial delegations but should not allow for multiple incremental changes to avoid the necessity of complying with this purchasing policy.*

### 5.87 *Splitting of Purchase orders*

The ToPH shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

### 5.98 *Emergency Purchases*

An emergency purchase is defined as an unanticipated and unbudgeted purchase, as per Local Government Act 1995 Section 6.8(1) (c), which is required in response to an emergency situation. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken, however, the funds must be approved by the Mayor prior to purchase.

An emergency purchase does not relate to purchases not planned for, due to time constraints.

## **6. Records Management**

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the ToPH's Records Keeping plan and associated procurement procedures.



## Policy 2/007 'Purchasing'

For each procurement activity, such documents may include:

- The Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for Quotation/Tender documentation;
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators note and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

### 7. Buy Local

As much as practicable, the ToPH must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the municipal boundary of the Town of Port Hedland or a neighbouring municipality located within a 500km radius of the ToPH Civic centre with a reciprocal Regional Pricing Preference to the benefit of ToPH businesses.

A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the ToPH's Regional Price Preference Policy.



## 8. Purchasing From Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on [www.ade.org.au](http://www.ade.org.au), where the expected consideration under contract is worth \$150,000 or less. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises, as per the Regional Price Preference.

## 9. Purchasing From Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on [www.abdwa.com.au](http://www.abdwa.com.au), where the expected consideration under contract is worth \$150,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment, as per the Regional Price Preference Policy.

## 10. Panels Of Pre-Qualified Suppliers

### 10.1 Policy Objectives

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the ToPH determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- The ToPH has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.



## Policy 2/007 'Purchasing'

The ToPH will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

### 10.2 *Establishing a Panel*

Should the ToPH determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a maximum term of two (2) years.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted. The Evaluation criteria will be set out within ToPH procedures.

Where a Panel is to be established, the ToPH will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the ToPH must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

### 10.3 *Distributing Work Amongst Panel Members*

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the ToPH intends to:

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 11.4; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii. Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 11.3(b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:



## Policy 2/007 'Purchasing'

- a) Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- b) Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD (5) (f) when establishing the Panel. The ToPH is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the ToPH may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which is inclusive of options to extend the contract.

### *10.4 Purchasing from the Panel*

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the ToPH's records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the ToPH and Panel members.

### *10.5 Recordkeeping*

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- Request for Applications documentation;





## Policy 2/007 'Purchasing'

- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The ToPH is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the ToPH.

Council adoption date and resolution no.	OCM 29 January 2014 (201314/222)
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	<a href="#">Amended at the 23 August 2017 Council Meeting</a> Amended at the 27 July 2016 Council Meeting (CM201617/012) Amended at the 29 January 2014 Council Meeting (201314/222) Amended at the 8 June 2011 Council Meeting Amended at the 27 May 2009 Council Meeting
Relevant legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Functions and General Regulations) 1996</a>
Related Policy	2/011 Tender Evaluation
Delegated authority	Yes
Business unit	N/A



Directorate	<a href="#">Office of the CEO Corporate &amp; Performance</a>
Review frequency	As Required





## 2/007 PURCHASING

### 1. Policy

The Town of Port Hedland (ToPH) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "Act") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "Regulations") Procurement processes and practices to be complied with are defined within this Policy and the ToPH's prescribed procurement procedures.

### 2. Objectives

The objectives of this Policy are to ensure that all ToPH procurement activities:

- **Value for Money** - demonstrate that best value for money is attained;
- **Regulatory Compliance** - compliant with relevant legislations, including the Act and Regulations;
- **Record Management** - are recorded in compliance with the *State Records Act 2000* and associated ToPH records management practices and procedures;
- **Transparency & Professionalism** - mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
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- **Integrity and Ethical** - conducted in a consistent and efficient manner across the organisation and that ethical decision making is demonstrated.

### 3. Reference Documents

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Code of Conduct  
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### 4. Integrity

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The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:



## Policy 2/007 'Purchasing'

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- **Conflict of Interest** - any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
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### 5. Purchasing Requirements

#### 5.1 *Legislative / Regulatory Requirements*

The requirements that must be complied with by the ToPH, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures.

#### 5.2 *Policy*

Purchasing that is \$150,000\* or below in total value (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 5.4 of this Purchasing Policy.

Purchasing that exceeds \$150,000\* in total value (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption, as stated under 5.4 of this Policy, is not deemed to be suitable.

\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

#### 5.3 *Purchasing Value Definition*

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);



## Policy 2/007 'Purchasing'

2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the ToPH will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply;
3. Must incorporate any variation to the scope of the purchase and be limited to a 5% tolerance of the original purchasing value.

### *Purchasing from Existing Contracts*

Where the ToPH has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows.

### *Purchasing Thresholds*

The table below prescribes the purchasing process that the ToPH must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to \$5,000	Obtain at least one (1) oral or written quotation from a suitable supplier, either from: <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or</li> <li>• From the open market.</li> </ul>
Over \$5,000 and up to \$15,000	The buyer of goods and/or services shall obtain at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from: <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> </ul>



## Policy 2/007 'Purchasing'

	<ul style="list-style-type: none"> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or</li> <li>• From the open market.</li> </ul> <p>These two written quotes, and any ancillary supporting documentation shall be electronically attached to an authorised purchase request to the Purchasing office for raising of an official purchase order</p>
Over \$15,000 and up to \$150,000*	<p>The buyer of goods and/or services shall develop a "Request for Quotation" or an "Expression of Interest" (depending upon the procurement strategy) in order to obtain either at least three (3) written quotes or expression of interest submissions.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p> <p>Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> <li>• an existing panel of pre-qualified suppliers administered by the ToPH; or</li> <li>• Standing Offer Arrangement; or</li> <li>• a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or</li> <li>• From the open market.</li> </ul> <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the ToPH through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.</p>
Over \$150,000* or as per Part 4 11A of Local Government (Function & General) Regs 1996	<p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 5.4 of this Policy, conduct a public "Request for Tender" process in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>, this policy, and all other relevant ToPH's policies and procedures.</p> <p>In the case of tender exemption conditions, at least three (3) written quotations must be received by formal invitation under a "Request for Quotation".</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy, and as per the Tender Evaluation Policy.</p>

\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996



#### 5.4 *Tendering Exemptions*

An exemption to publicly invite tenders may apply in the following instances:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- the purchase is from a Regional Local Government or another Local Government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$150,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise, where the consideration under contract is worth \$150,000 or less and represents value for money;
- the purchase is from a pre-qualified supplier under a Panel established by the ToPH;
- the purchase is to be obtained from expenditure authorised in an emergency as per section 5.8 of this policy; or
- any other exclusion under regulation 11 of the Local Government (Functions and General) Regulations 1996 apply.

#### 5.5 *Inviting Tenders Under the Tender Threshold*

Where considered appropriate and beneficial, the ToPH may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements, and whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$150,000\* or less in value, the Tendering Process procedures must be followed in full, as per the regulations.

\* - or as per Part 4 Div. 1 11A (1) of Local Government (Function & General) Regulations 1996

#### 5.6 *Sole Source of Supply*

Where the purchasing requirement is over the value of \$5,000 (excl GST) and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the ToPH is satisfied and can evidence that there is only one source of supply for those goods, services or works.



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The ToPH must use all best endeavours to determine if the sole source of supply is genuine. Where-ever possible an expression of interest (EOI) process shall be undertaken to ascertain whether there is only one source of supply.

If, in the event, consultants or a group of consultants have been utilised to provide a range of services initially on a **complex** project, it may be deemed that it is not be feasible to restart a project under tender circumstances due to the effort and cost associated with gaining the required background knowledge. In this case, the situation may be deemed as tender exempt under a sole supplier situation. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

A sole source of supply purchase does not relate to purchases not planned for, due to time constraints.

### 5.7 *Splitting of Purchase orders*

The ToPH shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

### 5.8 *Emergency Purchases*

An emergency purchase is defined as an unanticipated and unbudgeted purchase, as per Local Government Act 1995 Section 6.8(1) (c), which is required in response to an emergency situation. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken, however, the funds must be approved by the Mayor prior to purchase.

An emergency purchase does not relate to purchases not planned for, due to time constraints.

## 6. **Records Management**

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the ToPH's Records Keeping plan and associated procurement procedures.

For each procurement activity, such documents may include:

- The Procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for Quotation/Tender documentation;



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- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators note and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

### 7. Buy Local

As much as practicable, the ToPH must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- Provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the municipal boundary of the Town of Port Hedland or a neighbouring municipality located within a 500km radius of the ToPH Civic centre with a reciprocal Regional Pricing Preference to the benefit of ToPH businesses.

A regional price preference may be afforded to locally based businesses for the purposes of assessment. Provisions are detailed within the ToPH's Regional Price Preference Policy.

### 8. Purchasing From Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on [www.ade.org.au](http://www.ade.org.au), where the expected consideration under contract is worth \$150,000 or less. This is contingent on the demonstration of value for money.





Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises, as per the Regional Price Preference.

## 9. Purchasing From Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the ToPH is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on [www.abdwa.com.au](http://www.abdwa.com.au), where the expected consideration under contract is worth \$150,000 or less. This is contingent on the demonstration of value for money.

Where possible, Aboriginal businesses are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment, as per the Regional Price Preference Policy.

## 10. Panels Of Pre-Qualified Suppliers

### 10.1 Policy Objectives

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the ToPH determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- the Panel will streamline and will improve procurement processes; and
- The ToPH has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The ToPH will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

### 10.2 Establishing a Panel





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Should the ToPH determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels may be established for a maximum term of two (2) years.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted. The Evaluation criteria will be set out within ToPH procedures.

Where a Panel is to be established, the ToPH will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the ToPH must state the expected number of suppliers it intends to put on the panel.

Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

### 10.3 *Distributing Work Amongst Panel Members*

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the ToPH intends to:

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases, in accordance with Clause 11.4; or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- iii. Develop a ranking system for selection to the Panel, with work awarded in accordance with Clause 11.3(b).

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- a) Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or



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- b) Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD (5) (f) when establishing the Panel. The ToPH is to invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the ToPH may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in section 5.5 of this Policy.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which is inclusive of options to extend the contract.

### *10.4 Purchasing from the Panel*

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the ToPH's records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the ToPH and Panel members.

### *10.5 Recordkeeping*

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created;
- Procurement Planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel;
- Request for Applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;





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- All correspondence to applicants notifying of the establishment and composition of the Panel such as award letters;
- Contract Management Plans which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The ToPH is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to Panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the Contract.

Information with regards to the Panel offerings, including details of suppliers appointed to the Panel, must be kept up to date, consistent and made available for access by all officers and employees of the ToPH.

Council adoption date and resolution no.	OCM 29 January 2014 (201314/222)
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	Amended at the 27 July 2016 Council Meeting (CM201617/012) Amended at the 29 January 2014 Council Meeting (201314/222) Amended at the 8 June 2011 Council Meeting Amended at the 27 May 2009 Council Meeting
Relevant legislation	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Functions and General Regulations) 1996</a>
Related Policy	2/011 Tender Evaluation
Delegated authority	Yes
Business unit	N/A
Directorate	Office of the CEO
Review frequency	As Required

**ATTACHMENT 3 TO ITEM 12.1.1****1.7 Expression of Interests (EOI) and Tenders****Legislative Power**

Local Government Act 1995 Section 3.57

Local Government (Functions and General) Regulations 1996

**Delegate**

- Chief Executive Officer

**Function To Be Performed**

The Chief Executive Officer is delegated the authority to determine:

1. to call tenders (section 3.57(1) Local Government Act and F&G Reg 11).
2. to call tenders for the disposal of impounded goods confiscated under section 3.43 in accordance with section 3.58 (s3.47(1)).
3. the criteria for accepted tenders [F&G Reg 14(2a)].
4. to accept tenders when the consideration involved does not exceed \$300,000 excluding GST provided that the appropriate provision is made in Council's Budget and with reference to the Council's Procurement Policy (2/007) and the Council's Tender Policy (2/011) [F&G Reg18(4) and (6)].
5. to decline any tender [F&G Reg.18(5)].
6. minor variations before entering into a contract [F&G Reg 20].
7. select the next most appropriate tenderer if the successful tenderer does not want to accept the contract with the variation or the CEO and the tenderer cannot reach agreement [F&G Reg 20(2)]
8. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F&G Reg 21(1)].
9. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, [Reg.23(3)].

**ATTACHMENT 4 TO ITEM 12.1.1****1.8 Contract Variations****Legislative Power**

Local Government (Functions and General) Regulations 1996 Regulation 20(1)

**Delegate**

- Chief Executive Officer

**Function To Be Performed**

The Chief Executive Officer is delegated authority to approve minor variations prior to entering into a contract with a successful tenderer, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council. The definition of minor being not more than 10%, or \$15,000, whichever is the greater, of the original agreed project value let, up to a maximum of the individual officer's authorisation of expenditure.

Conditions:

1. For the purposes of this delegation a contract is defined as a legally binding agreement between the Town and another party for the supply of goods and/or services.
2. The Chief Executive Officer is to ensure that documented procedures are established and agreed in writing, prior to entering into a contract with regard to variations.
3. The Chief Executive Officer is to ensure that proposed variations are agreed in writing.

**12.1.2 Proposed Policy 4/009 'Significant Decision Making'**

File No: 04/03/0001  
 Applicant/ Proponent: N/A  
 Subject Land/ Locality: N/A  
 Date: 3 July 2017  
 Author: Louise O'Donnell, Governance Officer  
 Authorising Officer: Rob Leeds, Director Development, Sustainability and Lifestyle  
 Disclosure of Interest from Author: Nil  
 Authority/Discretion:  Advocacy  
 Executive  
 Legislative  
 Quasi-Judicial  
 Information Purposes

## Attachments:

1. Proposed Policy 4/009 'Significant Decision Making'

**CM201718/022 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR GILLINGHAM**

**That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders' to discuss item 12.1.2 'Proposed Policy 4/009 Significant Decision Making'.**

***CARRIED 6/1***

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

6:03pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are now suspended.

**CM201718/023 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR WHITWELL**

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

***CARRIED 7/0***

6:07pm The Mayor advised that 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are now resumed.

**CM201718/024 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF****That Council adopt the proposed Policy 4/009 'Significant Decision Making' as per Attachment 1.****CARRIED 7/0****EXECUTIVE SUMMARY**

The Town of Port Hedland's has created a policy to strongly articulate the importance of community consultation prior to Council adopting any significant decision that substantially affect the lives or future of Port Hedland.

**DETAIL**

The Town of Port Hedland recognises the importance of community consultation prior to making decisions of a significant nature. This policy puts a formal process in place and outlines that the significance of every issue should be determined on a case by case basis. Council must assess how a proposal, decision, issue or matter may affect people, services, facilities and infrastructure in Port Hedland. The more tangible the impact or consequence of the issue, proposal, decision or other matter is, the higher the likelihood of significance.

Informed communication with Elected Members is also important to achieve more effective engagement. Elected Members are a vital link between the local community and Town of Port Hedland staff. Town officers must ensure that Elected Members are informed about the policies and projects that the Town is consulting on and the program for engagement with the community.

*Thresholds*

When undertaking a process to determine which issue, proposal, decision or other matter is significant, Council will recognise the following thresholds. If any of these thresholds are triggered the matter will be significant.

1. If the cost of a proposal or decision is estimated at 5% or more of the total rates of the Council as shown in the Corporate Business Plan or Strategic Community Plan for the financial year.
2. If the proposal or decision will incur unbudgeted capital expenditure exceeding 5% of the total value of Council's assets, or where spent on a strategic asset as a whole, exceed 5% of that assets value.
3. Entry into partnership with the private sector to carry out a significant activity.

It is essential that Council has a consistent approach to community consultation and that it uses effective engagement practices.

In this policy, there are a number of exceptions that the Council may choose when consultation with the community may not be feasible. In stating this; community views will still be considered before a decision is made and as much information will be provided to the public as possible.

The following list these exceptions:

- a) The proposal or decision is not of a nature or significance that requires engagement.
- b) The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.
- c) There is a need for confidentiality or commercial sensitivity.
- d) The costs of engagement outweigh the benefits of it.
- e) The proposal or decision has already been addressed by the Council's strategies, policies or plans, which have recently been consulted on.
- f) The opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety.
- g) Any physical alterations to strategic assets that are required to:
  - prevent an immediate hazardous situation arising
  - repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.

### *Engagement and Communications*

Town officers have looked at a number of Significance policies from other Local Government's including the City of Karratha.

Internal consultation also included Manager Governance and Policy and the Executive team.

### **LEGISLATION AND POLICY IMPLICATIONS**

Policies are determined by Council and may be amended or waived according to circumstance. This power to determine policies is conveyed to Council in section 2.7 (2) (b) of the *Local Government Act 1995*.

### **FINANCIAL IMPLICATIONS**

There will be financial implications where an item for Council is considered significant and will require community consultation.

### **STRATEGIC AND RISK 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*

Although Community Consultation for significant items is a standard practice for the Town to carry out prior to presenting them for consideration to Council, there are significant identifiable social impacts arising from adoption of the officer's recommendation as the policy puts a formal process in place.



*Financial*

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

*Strategic*

The Strategic Community Plan outlines goals (4.2) to lead a community-oriented organisation that delivers responsive and helpful services to our customers, ensure community members know how to access our services and facilities and promote a positive representation of our community and Town's services.

*Risk*

There is a risk rating of Low (3) assigned to the risk that if this policy is not adopted it leaves the community without a formal policy process in place regarding significant items going up to Council for consideration.

**OPTIONS***Option 1*

To adopt the proposed new policy.

*Option 2*

Council may choose to amend the proposed policy.

*Option 3 – Do not adopt Officers Recommendation*

Council may choose not to adopt the proposed policy. This would be achieved by a vote for the officer's recommendation being lost.

**CONCLUSION**

The Town would like to formalise its community consultation process. As such, it has created a policy in that it outlines which items presented to Council are significant in nature and will therefore require community consultation. As each item is assessed on a case by case basis, it is determined in the very early stages of a project if community consultation is required. The Town has created the proposed 'Significant Decision Making' policy based on the principles that are outlined in the Town's current Community Engagement Strategy.



## 4/009 SIGNIFICANT DECISION MAKING

### Policy Objective

The Town of Port Hedland's Council has duties and commitments to the community of Port Hedland when making decisions that substantially affect the lives or future of Port Hedland. The purpose of this policy is to strongly articulate Council's intent to support public involvement in significant decision-making, which will ensure good decision-making.

This policy should be read in conjunction with the principles outlined in the Town of Port Hedland – Community Engagement Strategy.

### Policy Content

This Policy identifies how and when Port Hedland's community can expect to be engaged in, or specifically consulted on prior to a decision of a significant nature being made at a Council meeting. This will be done through a process of engagement with the community.

### Significant Decision Making

Council will consider the significance of every issue requiring a decision and the level of engagement on a case by case basis.

Significance means the importance of an issue, proposal, decision, or matter, as assessed by the Council, in terms of its likely impact on, and likely consequences for:

- a) Port Hedland as a whole.
- b) The parties and communities who are likely to be particularly affected or interested in the issue, proposal, decision or matter.
- c) The financial and non-financial costs and implications, or the capacity of the Council to perform its role/ functions.

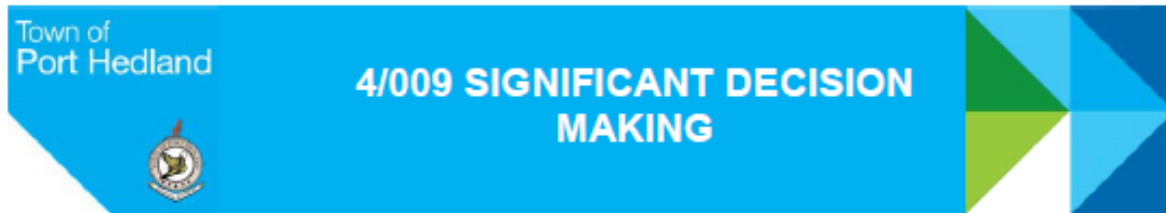
Significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as the proposal develops.

The more significant a matter or decision the more likely Council will need to:

1. Consider the long term implications of the decisions.
2. Consider the impact on the Strategic Community Plan and the Corporate Business Plan.
3. Consider the consistency of the decision with adopted strategies and plans.
4. Consider engagement and consultation with the community on their view.

Factors to be considered include:

- a) The number of individuals, organisations, groups and sectors within the community that are affected.
- b) The extent of the impact on affected individuals, organisations, groups and sectors within the community.



- c) The level of public interest, or the potential for the issue to generate interest or controversy.
- d) The extent to which community opinion is divided on the matter.
- e) The impact of the decision on the Town's ability to deliver on actions that contribute to the Strategic Community Plan and Corporate Business Plan.

Determining the significance of a matter is an exercise of judgment. Council must assess how a proposal, decision, issue or matter may affect people, services, facilities and infrastructure in Port Hedland.

### Engagement

It is essential that Council has a consistent approach to community engagement and that it uses effective engagement practices. Any engagement undertaken by the Town of Port Hedland (Town) needs to be conducted in a meaningful way so that it encourages community members to increase their trust in Council generally and maintain their involvement in future Town engagement activities.

Engagement provides an opportunity for the public to debate and discuss their views on a decision or proposal being considered by the Council that is deemed a significant issue. The community views expressed through an engagement process will be considered and taken into account, along with other information, when decisions are made.

Engagement may not necessarily result in consensus. However, engagement should allow for an exchange and examination of information and points of view between affected and interested people and decision-makers before a decision is made. Engagement ensures that decisions are informed and improved by the community's involvement.

Before the Council makes a significant decision, the Town's administration will consult the public. In practice, this means that the Town will:

- identify people who will be affected by or have an interest in the decision;
- provide them with reasonable access to relevant information in an appropriate format on the process and scope of the decision;
- encourage people to give their views;
- give people a reasonable opportunity to give their views in an appropriate way;
- listen to, and consider those views, with an open mind; and
- after the decision, provide access to the decision and any other relevant material.

### Thresholds

When undertaking a process to determine which issue, proposal, decision or other matter is significant, Council will recognise the following thresholds. If any of these thresholds are triggered the matter will be significant.

1. If the cost of a proposal or decision is estimated at 5% or more of the total rates of the Council as shown in the Corporate Business Plan or Strategic Community Plan for the financial year.



## 4/009 SIGNIFICANT DECISION MAKING

2. If the proposal or decision will incur unbudgeted capital expenditure exceeding 5% of the total value of Council's assets, or where spent on a strategic asset as a whole, exceed 5% of that assets value.
3. Entry into partnership with the private sector to carry out a significant activity.

Where any issue, proposal, decision or other matter does not trigger one or more of the above thresholds, significance shall be considered against the criteria contained in this policy

### Criteria

The more tangible the impact or consequence of the issue, proposal, decision or other matter is, the higher the likelihood of significance. If an issue, proposal, decision or other matter satisfies one or more of the following criteria, the matter is likely to be significant.

1. Any transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.
2. A decision that will significantly affect the capacity of the Council to carry out any activity identified in the strategic plan.
3. A decision that will significantly affect the cost to Council to carry out any activity identified in the strategic plan.
4. Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.
5. The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans.
6. The degree to which a decision or issues are difficult to reverse.
7. The matter will have implications for the present and future social, economic, environmental and cultural well-being of Port Hedland

### Exceptions

The Council acknowledges there are times when it is not necessary, appropriate or possible to engage the community on a proposal or decision. The Council may also choose not to engage on a proposal or decision, but will only decide this in accordance with at least one of the criteria below:

- a) The proposal or decision is not of a nature or significance that requires engagement.
- b) The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.
- c) There is a need for confidentiality or commercial sensitivity.
- d) The costs of engagement outweigh the benefits of it.
- e) The proposal or decision has already been addressed by the Council's strategies, policies or plans, which have recently been consulted on.
- f) The opinion of the Council, failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety.
- g) Any physical alterations to strategic assets that are required to:
  - prevent an immediate hazardous situation arising
  - repair an asset to ensure public health and safety due to damage from an emergency or unforeseen situation.



## 4/009 SIGNIFICANT DECISION MAKING

Whenever the Council does not formally engage, community views will still be considered before a decision is made and as much information will be provided to the public as possible.

### Procedures

In achieving this policy, the following procedures will be as follows:

1. Every report to Council on any issue, proposal, decision or other matter will include a statement indicating that the issue of significance has been considered.
2. Where the issue, proposal, decision or other matter triggers the thresholds or criteria of this policy and is therefore likely to be significant, the report to Council will also include a statement relating to recommended level of consultation.
3. In receiving the report, Council may accept the report writer's assessment of significance made in the report and the recommended level of consultation. Where Council does not accept the report writer's assessment and recommendation, a separate resolution will be made to that effect.

### Definitions

Nil

Council adoption date and resolution no.	
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	
Relevant legislation	N/A
Delegated authority	N/A
Business unit	Governance and Policy
Directorate	Corporate and Performance
Review frequency	Annually

**12.2 Development, Sustainability and Lifestyle**

- 6:08pm Councillor Arif declared an impartiality interest in item 12.2.1 'Town of Port Hedland 2017 Heritage Inventory' as she is a member of the Historical Society.
- 6:08pm Councillor Whitwell declared an impartiality interest in item 12.2.1 'Town of Port Hedland 2017 Heritage Inventory' as he is a member of the Historical Society.

**12.2.1 Town of Port Hedland 2017 Heritage Inventory**

File No:	18/02/0030
Applicant/ Proponent:	Town of Port Hedland
Subject Land/ Locality:	The Town of Port Hedland Local Government Area
Date:	8 August 2017
Author:	Ben McKay, Town Planner
Authorising Officer:	Rob Leeds, Director Development, Sustainability & Lifestyle
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes

## Attachments:

1. Draft 2017 Heritage Inventory (Under Separate Cover)
2. Schedule of Submissions
3. Schedule of Modifications

**CM201718/025 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR NEWBERY****That Council:**

1. **Accept the review of the 2007 Town of Port Hedland Municipal Heritage Inventory and Adopt the updated 2017 Heritage Inventory with modifications as shown in Attachment 3;**
2. **Rename the inventory from the Town of Port Hedland Municipal Heritage Inventory 2007 (MHI) to the Town of Port Hedland Heritage Inventory 2017 (HI);**
3. **Authorises the Chief Executive Officer or his authorised officer to notify the Heritage Council of Western Australia of the updated Heritage Inventory, as required by section 45(3) of the *Heritage of Western Australia Act 1990*; and**
4. **Authorises Town Officers to enhance the Heritage Inventory from time to time with simple administrative and editorial changes such as additional photographs and other images, as well as minor additions to the historical notes and layout of the Heritage Inventory as required.**

**CARRIED 7/0**

## EXECUTIVE SUMMARY

In collaboration with a Heritage Consultant (Laura Gray) the Town reviewed the 2007 Municipal Heritage Inventory, leading to the drafting of the 2017 Heritage Inventory (hereafter referred to as the Inventory). The Inventory is a record of significant places and or buildings within the Town's boundary.

Local governments in Western Australia are required to review their inventories every few years. This is required by State legislation such as the *Heritage Act of Western Australia 1990*. The Inventory was last reviewed in 2007. This review created the current inventory the Town uses today. This latest review commenced in late 2015 with public consultation carried out during 2016. The 2016 review proposes a number of changes. The review proposes to include new places of significance. Some older places have been recommended for removal due demolition or the fact that they no longer achieve the level of significance to be included in the inventory.

## DETAIL

The purpose of this report is for Council to consider the Inventory. The Inventory is relevant to the entire Town of Port Hedland local government area. The Inventory is provided in Attachment 1 which identifies the location of the places of significance.

The Town last reviewed the Inventory in August 2007. This review was undertaken by Laura Gray Heritage Consultant. This project reviewed the former 1996 Inventory. This review concluded in August 2007 and since that time the State Heritage Office of W.A prepared new guidelines for how local governments prepare inventories. This criteria is known as the '*Criteria for the assessment of local heritage places and areas*'. This change in criteria and State legislation triggered the need for the Town to review the Inventory again. The Town's adopted local planning strategy – the Pilbara's Port City Growth Plan also identified the need for the Town to review the 2007 Inventory to occur within a five (5) to ten (10) year period.

The Inventory proposes seventy seven (77) place listings. Other changes are the addition of the following fifteen (15) places;

- Freemasons Masonic Lodge;
- Port Hedland Police Station;
- Town of Port Hedland Civic Centre;
- Gratwick Aquatic Centre;
- Marapikurrinya Park;
- Port Hedland Yacht Club and RSL;
- RSL War Memorial;
- Goldsworthy Rear Lead;
- TS Pilbara Building;
- Dampier Salt;
- Cape Thouin (first landfall);
- Turner River Water Scheme;
- Goldsworthy Townsite;
- Shay Gap Townsite; and
- the Hillside Homestead Complex;

The review process adopted the new State Heritage Office method of how heritage places are to be categorised. A full detailed list of all the changes from the 2007 Inventory to the 2017 Inventory is provided in Attachment 1.

#### *Previous Decisions*

N/A

#### *Engagement and Communications*

Between June and October 2016 officers of the Town engaged the Port Hedland Historical Society (Historical Society). The Historical Society were identified as a key stakeholder and were engaged early to gather feedback.

The inventory was then advertised for a period of thirty-seven days (37) days from Wednesday 16 November 2016 until Friday 23 December 2016. The Inventory was advertised in the local newspaper, and on the Town's website. Copies of the Inventory were made available at the Town of Port Hedland Civic Centre and at both of the libraries in South and Port Hedland.

On Thursday 1 December 2016 a public session was held at the Dalgety Museum. Representatives from the Historical Society and the general public attended. From all of the meetings during 2016 and this session, it was identified that two (2) places be added to the Inventory on the basis that the Historical Society felt they warranted inclusion;

- The Navigation Beacon on Sutherland Street;
- TS Pilbara Building; and

A number of editorial modifications were also requested be made to the Inventory as follows;

- Changing and updating some of the photographs;
- Updating or adding some of the historical notes for places; and
- Changing the layout and colour scheme of the document.

These requested changes are discussed further in Attachments 2 and 3. Since the advertising period all of the majority of these changes have been made to the Inventory.

The Inventory was referred to the following internal stakeholders within the Town with no comments being received.

The Inventory was referred to the following external stakeholders;

- State Heritage Office;
- BHP Billiton;
- Rio Tinto;
- Pilbara Ports Authority; and
- The W.A Police

Including the submissions made by the Historical Society above, four (4) submissions were received during consultation.



*Pier Hotel*

The Pier Hotel objected to the proposed upgrade of their site from the current C grade to a B. The objection was made on the grounds that the original building no longer exists. Also it was raised that the proposed upgrade to a B would make the future sale of the site more difficult. After further investigation with Heritage Consultant the objection was supported and it is recommended that no changes to the listing of the Pier Hotel be made.

*BHP Billiton*

BHP object to the proposed inclusion of the Point Nelson site into the Inventory. The objection was based on the following;

- The site will subject to ongoing physical change;
- It is inconsistent with the *Heritage Act 1990 of Western Australia* and the State Heritage Office criteria.

Officers of the Town acknowledge that the site is subject to ongoing change. The objection is supported. After further investigation with the Heritage Consultant it is considered that the site not be included in the Inventory at this stage.

*Pilbara Ports Authority*

The Pilbara Ports Authority provided advice regarding the potential inclusion of the Nelson Point site, the Port Hedland Harbour Tunnel and the Navigation Beacon. The Port's concerns where that these sites could change in the future and that the Town should consult with industry groups who may be impacted by the listing of these sites. As listed above consultation has been undertaken with BHP and Nelson Point will no longer be considered. Furthermore the listing of the Port Hedland Harbour Tunnel and the Navigation Beacon pose no restrictions to the Port and no implications on future development or the operation of those sites.

All of the submissions are discussed in further detail in Attachment 2. The changes concerning these two (2) places and the editorial changes are discussed in the Schedule of Modifications in Attachment 3. All respondents were advised of the dates and times of the pre agenda briefing meeting and the ordinary council meeting should they wish to attend.

**LEGISLATION AND POLICY IMPLICATIONS***Planning and Development Act 2005*

The *Planning and Development Act 2005* provides the Council the authority to conserve places of heritage significance. Schedule 7(4) of the *Planning and Development Act 2005* establishes the following matters which may dealt with by a Local Planning Scheme;

1. The preservation of places and objects of cultural heritage significance, including the control of the demolition and alteration of any building, structure or works.

Model provisions for local heritage are set out in the Model Scheme Text contained in the *Planning and Development Regulations 2015*. All new local planning schemes or amendments are required to conform to the model provisions including those for heritage. The Inventory is consistent with this Act.

*Heritage of Western Australia Act 1990*

The *Heritage Act of Western Australia 1990* requires all local government authorities in Western Australia to compile, periodically review and update an Inventory of places within its district which are, or may become of cultural heritage significance. The Inventory is consistent with this Act.

*Aboriginal Heritage Act 1972*

Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*. Heritage Inventories do not apply to the conservation of any indigenous heritage sites unless the places are entered in the state register. In this instance no indigenous sites are to be entered into the state register. Therefore the review of the 2007 Inventory and preparation of the 2017 Inventory have been carried out in accordance with the *Aboriginal Heritage Act 1972*.

*Town Planning Scheme No.5*

Clause 6.10 of Town Planning Scheme No.5 requires the Town to establish and maintain an inventory in accordance with the *Heritage of Western Australia Act 1990*. Clause 6.10 also points out the requirements for advertising the review of the Inventory. The review and Inventory have been carried out in accordance with these provisions.

*State Planning Policy 3.5 - – Historic Heritage Conservation*

The requirements of the *Heritage of Western Australia Act 1990* are reinforced though State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5). This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The 2017 Heritage Inventory is consistent with SPP3.5.

**FINANCIAL IMPLICATIONS**

The Town engaged Laura Gray Heritage Consultant to undertake the review at a total cost of \$15,647.50 inclusive of GST. The review and preparation of the 2017 Inventory has been carried out within the allocated budget.

**STRATEGIC AND RISK 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.

*Financial*

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

*Strategic*

The following sections of the Council's Strategic Community Plan are considered relevant:

1.0 Building a unified and vibrant community – 1.2 A vibrant community rich in diverse cultures

3.0 Balancing our built and natural environment – 3.1 Sustainable services and infrastructure

The following sections of the Pilbara's Port City Growth Plan (Growth Plan) are considered relevant:

2.1 City Growth Principle No. 3 – Revealing Port Hedland's riches

2.2 City Growth Theme No.2 – Strengthening Local Communities and Culture.

The Growth Plan recognises the need to identify and protect all heritage sites within the Town. Reviewing the 2007 Inventory was identified in the Growth Plan also.

*Risk*

There is a risk rating of three (3) assigned to Inventory based on the following risks;

- A reputational risk to Council not reviewing the Inventory as per legislative requirements and adopting changes to the Inventory that result from the review.

**OPTIONS**

*Option 1 - Adopt Officers Recommendation*

*Option 2 - Amended Officers Recommendation*

Accept the review of the 2007 Town of Port Hedland Municipal Heritage Inventory and Adopt the updated 2017 Heritage Inventory without modifications;

*Option 3 – Do not adopt Officers Recommendation*

Accept the review of the 2007 Town of Port Hedland Municipal Heritage Inventory and not adopt the updated 2017 Heritage Inventory with modifications as shown in Attachment 3;

**CONCLUSION**

The Inventory is consistent with the Strategic Planning objectives of the Town. The Inventory has been prepared in accordance with relevant State of W.A legislation. Adopting the Inventory presents a low risk to the Town using the Town's Local Government Matrix. Adopting the Inventory provides no legislative consequences or restrictions on landowners or leaseholders of the sites included. The Inventory provides clarification to landowners, residents and other stakeholders regarding the significance of places within the Town. It is recommended that the Inventory be adopted with the modifications from the advertising stage provided in Attachment 3.

## ATTACHMENT 2 TO ITEM 12.2.1

Date Received	Name	Comments Provided	Officer's Response
01/12/2016	Port Hedland Historical Society	<p>No objections. During the informal consultation period with the Historical Society and at the open information session the following comments were provided;</p> <ul style="list-style-type: none"> <li>• Could the names of some of the proposed places be changed?</li> <li>• Could some of the photographs be updated?</li> <li>• Could the layout and colour scheme of the document be changed?</li> <li>• Can maps identifying the location of the places be provided?</li> </ul>	<p>Notes the proposed changes. The majority of the proposed changes have been made and discussed further in the schedule of modifications.</p>
02/12/2016	Pier Hotel	<p>The Pier Hotel strongly objects to any listing of the property on any historical or heritage list in any form of any place.</p> <p>The reasoning is that this puts restrictions on future buyers of the premises as to what they may be able to do with the premises, which in turn drops the value of the premises for sale. It is difficult enough in this economic climate to see property without restriction, let alone adding to them.</p> <p>The original building of historical interest burnt down in the 1950's and the current buildings are a mish mash of rebuilds and additions throughout the 1970's and later. None of which is really historical.</p>	<p>Agree with the respondent.</p> <p>In the HI it is proposed to increase the significance of the Pier Hotel from its status in the 2007 Inventory to a B grade in the new criteria and place the Pier Hotel on the proposed Heritage List.</p> <p>After further consultation with the Heritage Consultant it was found that the proposed increase is not warranted given that the original building no longer exists. The objection is supported no increase in the grade to C be made.</p>
23/12/2016	BHP Billiton	<p>BHP Submits that it is not appropriate for the Town to include the BHP site in the Heritage Inventory</p> <ul style="list-style-type: none"> <li>• It is inconsistent with the <i>Heritage Act 1990 of WA</i>;</li> <li>• Does not meet the Assessment Criteria in section 2 of the State Heritage Office's <i>Criteria for the Assessment of Local Heritage Places and Areas</i> (State Heritage Guidelines);</li> <li>• The BHP site is not a "heritage place" for the purpose of the State Heritage</li> </ul>	<p>Agree with the respondent.</p> <p>The rationale behind listing the site was to recognise the significance that industry has made to the development of Port Hedland. Listing land area known as 'Nelson Point'. After further consultation with the Heritage Consultant it was determined not to include listing the site at this stage. BHP's objection is supported.</p>

		<p>Guidelines and it is not appropriate to classify the Site as a “heritage place” or “heritage area”;</p> <ul style="list-style-type: none"> <li>• The built form characteristics of the BHP site do not reflect the State Heritage Guidelines description of a site of some/moderate significance”; and</li> <li>• The “desired outcome” of a place of “some/moderate significance” (as described in the State Heritage Guidelines) is inconsistent with the statutory framework governing the use and development of the BHP site.</li> </ul>	
<p>15/02/2017</p>	<p>Pilbara Ports Authority</p>	<p>No objections. The following advice was provided.</p> <p>The Pilbara Ports Authority invites the Town of Port Hedland to comment on the Authority’s Cultural Heritage Management Plan.</p> <p>It is noted that the proposed inclusion of the Port Hedland Harbour Tunnel (Place No.41) and Nelson Point (Place No.45) on the Heritage Inventory are both Grade C listings and will have no implications. The Pilbara Port’s Authority requests that the Town of Port Hedland consult with BHP Billiton as the operator of those facilities, prior to including them on the Heritage Inventory.</p> <p>With regard to the potential inclusion of the Navigation Beacon located at 33 Sutherland Street, Town of Port Hedland need to be mindful the navigational aids and other Port operational infrastructure are subject to regular maintenance, alterations and replacement to facilitate the safe and efficient movement of vessels in and out of the Harbour. The longevity of such structures, should they be listed on the Heritage Inventory, cannot be guaranteed.</p>	<p>Comments are noted.</p> <p>The Town received the Pilbara Port Authority’s referral for the Port’s Cultural Heritage Management Plan on 02/09/2016. The Town has since provided its’ support to the Pilbara Port’s Authority.</p> <p>The Town publicly advertised the Heritage Inventory in November/December 2016 for a period of thirty-seven days. The Town specifically wrote to BHP regarding Place No.45 and the Heritage Inventory in general. The Town also invited BHP to the open information session on 01/12/2016. The Town acknowledges BHP’s and the Port Authority’s concerns about listing Nelson Point and the Harbour Tunnel. BHP’s objections are supported.</p> <p>In regards to the other sites, the proposed listing of these sites presents no implications or restrictions to any operator of those sites nor compels any operator to be financially responsible heritage component of the site. The proposed listing of those sites is to recognise the significance and tell the story of these sites.</p>

**ATTACHMENT 3 TO ITEM 12.2.1**

No.	Nature of the Modification	Officer's Justification
1.	Not upgrade the Pier Hotel to a Grade B listing (as in the draft HI advertised in 2016), reinstate it as a Grade C listing.	After further investigation with the Heritage Consultant and consideration of the land owner's (the Pier Hotel) objection it is not necessary to upgrade this site to a Grade B given the significant alterations to the original building.
2.	Not include the proposed Places No. 41 and No.49 for Nelson Point or BHP (as in the draft HI advertised in 2016)	After further investigation with the Heritage Consultant and consideration of BHP's objection it is not necessary to include the site in the HI at this stage.
3.	Include the following places (as in the draft HI advertised in 2016); TS Pilbara Building to be Place No 40; and Goldsworthy Rear Lead to be Place No.61;	Requested after consultation with the Historical Society. The sites are to be added as Grade C listings only and pose no implications on the development and use of these sites.
4.	As per the Historical Society request, the following administrative and editorial modifications be made; <ul style="list-style-type: none"> <li>• Changing and updating some of the photographs;</li> <li>• Updating or adding some of the historical notes for places; and</li> <li>• Changing the layout and colour scheme of the document.</li> </ul>	Requested after consultation with the Historical Society to update photographs, historical information and enhance the layout of the HI.
5.	Remove the Wedge Street Heritage area and add the individual places to Grade B – Heritage List	If designated as a heritage area under the Local Planning Scheme, a detailed assessment and planning policy for the area would be required which would need to include: <ul style="list-style-type: none"> <li>• A list of all the buildings or places within the area that make a Considerable Contribution or Some / Moderate Contribution, which is also displayed in a map;</li> <li>• A set of design guidelines for alterations, extensions and new buildings within the area; and</li> <li>• A statement of the matters Council will consider in assessing planning applications within the area.</li> </ul>

### 12.2.2 Scheme Amendment No.80 – Rezoning Lots 952 & 2046 Tindale Street from ‘Other Public Purpose-Waste Disposal and Treatment’ to ‘Urban Development’

File No: 155750G  
Applicant/ Proponent: Veris  
Subject Land/ Locality: Lot 952 & 2046 Tindale Street Port Hedland  
Date: 1 August 2017  
Author: Ben McKay, Town Planner  
Authorising Officer: Rob Leeds, Director Development Sustainability & Lifestyle  
Disclosure of Interest from Author: Nil  
Authority/Discretion:  Advocacy  
 Executive  
 Legislative  
 Quasi-Judicial  
 Information Purposes

Attachments:

1. Scheme Amendment Report (Under Separate Cover)
2. Locality Plan
3. Schedule of Submissions

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#### CM201718/026 OFFICER RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR WHITWELL**

**SECONDED: CR GILLINGHAM**

**That with respect to Scheme Amendment 80, Council:**

1. **In accordance with regulation 50 (3) (a) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports Scheme Amendment 80 to the Town of Port Hedland Town Planning Scheme No. 5 without modification;**
2. **Forward the above information in relation to Amendment No. 80 to the Town of Port Hedland Town Planning Scheme No. 5 to the Western Australian Planning Commission for the Minister for Planning’s consideration; and**
3. **Note that there were no objections received by the Town of Port Hedland during the public consultation period.**

***CARRIED 7/0***

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#### EXECUTIVE SUMMARY

On 26 April 2017 Scheme Amendment No. 80 was adopted by Council for advertising and referral to the Environmental Protection Authority. The amendment was advertised from 14 June through to 26 July 2017 and referred to the Environmental Protection Authority on 15 May 2017.



## DETAIL

Scheme amendment 80 was lodged by Veris on behalf of the Department of Lands to rezone the subject site (Attachment 1) to 'Urban Development'. The subject site is bound by Tindale Street to the north, Cooke Point Road to the east and vacant Unallocated Crown Land (Lot 803) to the west and south.

The proposal seeks to reclassify Crown Reserve 29085 (Lots 952 & 2046) Tindale Street, Port Hedland from Local Scheme Reserve 'Other public purposes – waste disposal and treatment' to 'Urban Development' and to remove the redundant 'Special Control Area' buffer associated with the decommissioned Waste Water Treatment Plant.

The site was previously used for the Port Hedland Waste Water Treatment Plant. All buildings and associated infrastructure were decommissioned in 2015. The site has undergone remediation works with the Department of Environment Regulation (DER) classifying the site as 'Decontaminated' and suitable for all land uses with no restrictions.

### *Previous Decisions*

On 26 April 2017 Scheme Amendment No. 80 was adopted by Council for advertising and referral to the Environmental Protection Authority CM201617/191.

### *Engagement and Communications*

The amendment was referred to the Environmental Protection Authority (EPA) for review. On 22 May 2017 the EPA informed the Town that the amendment did not require formal assessment.

The amendment was referred internally to the Town to the Works and Services and Health Department with no objections raised.

The amendment was advertised publicly in the newspaper from 14 June to 26 July 2017. The amendment was referred externally to the following agencies;

- Department of Health
- Horizon Power
- Water Corporation
- Telstra.
- Optus

All advertising was carried out in accordance with regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015. No objections were received with respondents providing general advice and comments.

## LEGISLATION AND POLICY IMPLICATIONS

*Planning and Development Act 2005* is the primary piece of legislation governing development in Western Australia.

The proposed amendment has been will be assessed in accordance with the provisions of *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 1 – Model provisions for local planning schemes and Schedule 2 – Deemed provisions for local planning schemes.

## FINANCIAL IMPLICATIONS

The Town has received an estimated fee from the applicant of \$3,959.70, upon final determination the applicant will receive either a reimbursement of unused monies or invoice of outstanding fees as expressed in Regulation 48 of the Planning and Development Regulations 2009.

## STRATEGIC AND RISK 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.

### *Financial*

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

### *Strategic*

Facilitating the provision of affordable housing under section 2.1 'A thriving, resilient and diverse economy of the Towns 2014-2024 Strategic Community Plan is applicable to this agenda item.

### *Pilbara's Port City Growth Plan*

The subject site is located within Precinct 2 – East End Urban Village, the Growth Plan indicates the precinct will support the additional dwellings. The Growth Plan identifies affordability and accessibility to housing as critical issues affecting future growth in the Town. The Growth Plan identifies that to address this, priority land in a variety of locations needs to be released in both the shorter term and the longer.

### *Risk*

There is a risk rating of medium (5) assigned to the risk that the provision of land for future housing needs will not be available. This risk will be mitigated should the officer's recommendation be supported.

**OPTIONS***Option 1*

To adopt the Officer's recommendation.

*Option 2*

Council may choose to not support the Amendment in accordance with regulation 50 (3) (c) of the Planning and Development (Local Planning Schemes) Regulations 2015.

**CONCLUSION**

Scheme Amendment 80 will facilitate the future development of the land that forms the decommissioned, Waste Water Treatment Plant. The purpose of the "Urban Development" zone is to identify land where detailed planning and the provision of infrastructure is required prior to the further subdivision and development of the land. The detailed planning will be done through the preparation of a Structure Plan.

The proposed Scheme Amendment is consistent with the Town's endorsed planning strategy, the *Pilbara's Port City Growth Plan*. The Amendment will be brought back before Council to consider once the advertising process has been finalised.

ATTACHMENT 2 TO ITEM 12.2.2

**LEGEND**

**LOCAL SCHEME RESERVES**

- Other Regional Roads
- Local Road
- Other public purposes Energy
- Other public purposes Water and drainage
- Other public purposes Waste disposal and treatment
- Parks and recreation
- State and regional road

**LOCAL SCHEME ZONES**

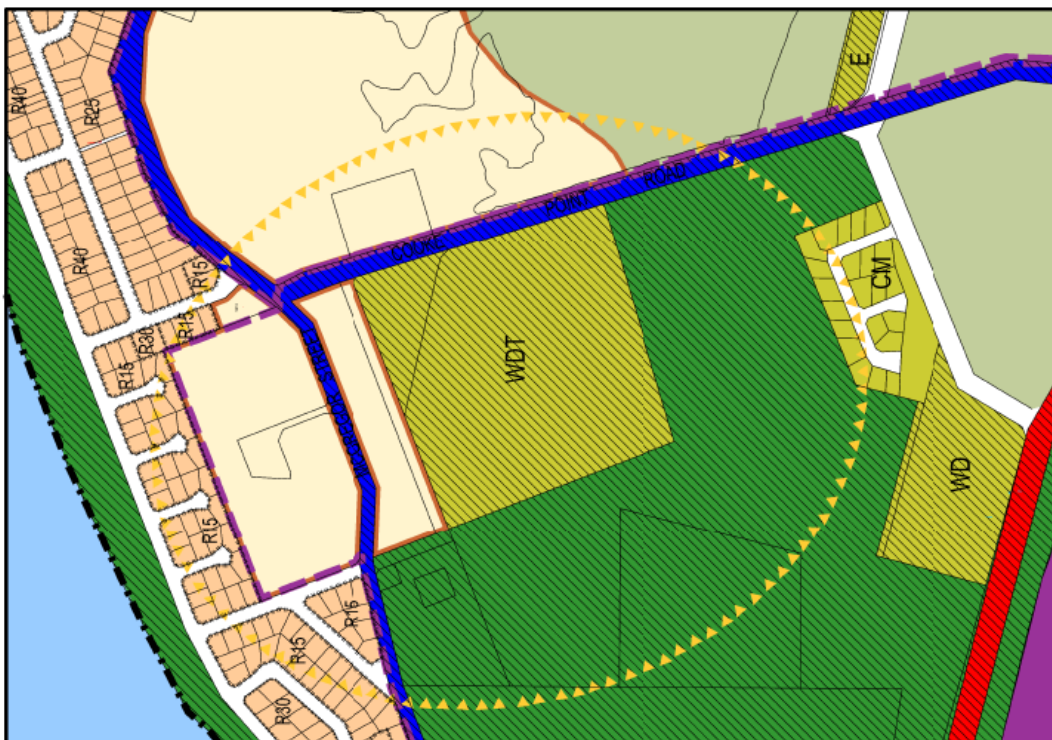
- CM Community
- Residential
- Rural
- Urban Development
- Strategic Industry

**OTHER CATEGORIES**

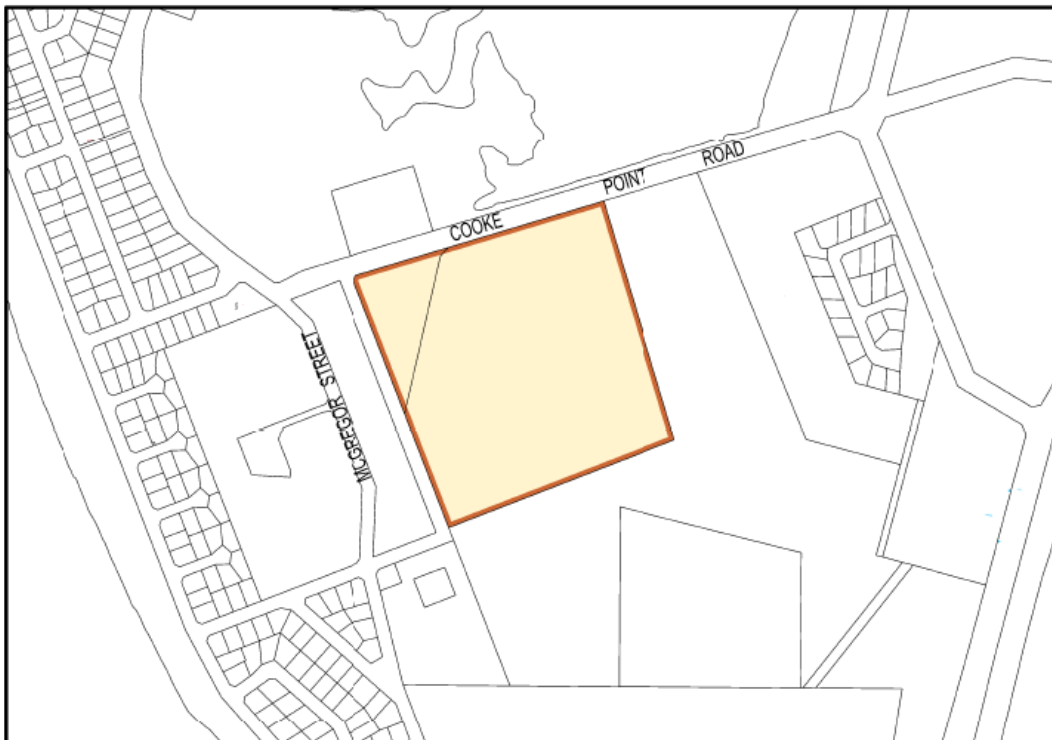
- Development Area Plan
- R Code
- Special Control Area

**SCALE 1:10 000**

TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME No. 5



-Amendment No. 80



EXISTING ZONING

SCHEME (AMENDMENT) MAP

SCALE 1:10 000

## ATTACHMENT 3 TO ITEM 12.2.2

No.	Date Received	Name	Comments Provided	Applicants Recommendation	Officers Recommendation
1	24/07/2017	Department of Health	<p>No Objection. The DOH provides the following comment:</p> <p>Water Supply and Wastewater Disposal Future developments are required to connect to scheme water, reticulated sewerage and be in accordance with the draft Country Sewerage Policy.</p> <p>Medical Entomology The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes can disperse several kilometres from breeding sites and are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses.</p> <p>The subject land is also within 3km of mosquito dispersal distance from known breeding sites. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be additional seasonal freshwater mosquito breeding habitat during the wet season within close proximity to the proposed development.</p> <p>The Town of Port Hedland should incorporate built form design measures (e.g. insect screening on doors and windows and screened outdoor enclosures) and public warning signage into the conditions of approval to assist in protecting visitors from mosquitoes and associated disease risks.</p> <p>A Mosquito Management Plan should be developed for the whole site with the proviso that individual subdivisions within the strategic area comply with the Plan thus ensuring consistency</p>	Noted.	Noted. No modifications required. These are matters that don't relate to the scheme amendment process.

			<p>across the area. Details for mosquito management may be downloaded from: <a href="http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management">http://ww2.health.wa.gov.au/Articles/J_M/Mosquito-management</a></p> <p>Public Health Impacts</p> <p>DOH has also a document on 'Evidence supporting the creation of environments that encourage healthy active living' which may assist you with planning elements related to this amendment.</p>		
2	14/06/2017	Water Corporation	<p>The Water Corporation supports the Rezoning of Lots 952 &amp; 2046 Tindale Street, Port Hedland from Public Purposes to Urban and the removal of the associated Special control area.</p> <p>Water and Wastewater</p> <p>Reticulated water and sewerage services are currently available throughout the subject area. Details on servicing of this site will be determined at the Structure Plan stage as increases in the planned development density, may require upgrading of the current system to prevent existing customers being affected by the proposed development.</p> <p>General Comments</p> <p>The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being ceded free of cost for works.</p>	Noted.	Noted. No modifications required.
3	16/07/2017	Telstra.	<p>Thank you for the above advice. At present, Telstra Corporation Limited has</p>	Noted.	Noted. No modifications

			<p>no objection. I have recorded this in our Development database and look forward to further correspondence in the future</p> <p>Latest Telecommunications Policy</p> <p>The Federal Government has deemed developers are now responsible for telecommunications infrastructure on all developments, i.e. conduits, pits and the cost of the cable installation by Telstra or other carrier. Telstra can provide a quote for the pit and pipe and/or cable. This is explained on the Telstra Smart Community website below. The owner/developer will have to submit an application before construction is due to start to Telstra (less than 100 lots or living units) or nbn™ network (for greater than 100 lots or living units in a 3 year period).</p>		<p>ns required</p>
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### 12.2.3 Amendment to Policy 1/016 'Town of Port Hedland Occupational Health and Safety'

File No: 04/03/0001  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 1 August 2017  
Author: Roger Debels, Senior Workplace Health and Safety Advisor  
Authorising Officer: Rob Leeds, Director Development, Sustainability and Lifestyle  
Disclosure of Interest from Author: Nil  
Authority/Discretion:  Advocacy  
 Executive  
 Legislative  
 Quasi-Judicial  
 Information Purposes

Attachments:

1. Current 1/016 'Town of Port Hedland Occupational Health and Safety Policy'
2. Amended 1/016 'Town of Port Hedland Workplace Health and Safety Policy'

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#### CM201718/027 OFFICER RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR GILLINGHAM**

**SECONDED: CR WHITWELL**

**That Council adopt Policy 1/016 'Town of Port Hedland Workplace Health and Safety Policy' as amended under Attachment 2.**

**CARRIED 7/0**

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#### EXECUTIVE SUMMARY

The Senior Workplace Health and Safety Advisor has reviewed the existing policy and proposes that Council accept the amendments to the Town of Port Hedland Workplace Health and Safety policy as attached, to ensure the user-friendly policy is accessible to both the community and the Town of Port Hedland's (Town) employees.

#### DETAIL

On Wednesday 12 July the Government announced the development of a modernised Work Health and Safety Bill for Western Australia which is based on the national Work Health and Safety Act. This Bill will replace three acts, the *Occupational Safety and Health Act 1984*, *Mines Safety and Inspection Act 1994*; and *Petroleum and Geothermal Energy Safety Levies Act 2011*. This policy has been prepared in anticipation of the move by Western Australia to the nationally harmonised legislation.



The policy has been amended to mirror our current procedures and standards on Workplace Health and Safety at the workplace. The policy wording is aimed at demonstrating the commitment of the Town's executive, management and employees to workplace health and safety and aims to remove or reduce the risks to the health, safety and welfare of all workers, contractors and visitors and anyone else who may be affected by our business operations. The policy was amended in line with showing our employees that their welfare is the Town's priority.

This policy also meets the compliance requirements of the Australian / New Zealand Standard AS/NZS 4801:2001 Occupational Health and Safety Management Systems. The wording in the policy specifically covers all Australian Standard requirements and includes information in regard to the Town's obligation and duty of care to maintain a healthy and safe workplace and to constantly aim for continuous improvement in our overall safety statistics and key performance indicators. The policy has been written to be user-friendly and easy to understand for our employees.

#### *Engagement and Communications*

The Senior WHS Advisor in consultation with the Workplace Health and Safety Committee, Human Resources Manager and the Executive Leadership Team in creation of all amendments to the 1/016 Town of Port Hedland Workplace Health and Safety policy.

The Audit, Risk and Governance Committee will be presented with the amended policy for noting at their next scheduled Committee Meeting should Council choose to adopt the proposed amendments.

#### **LEGISLATION AND POLICY IMPLICATIONS**

No other Town of Port Hedland policies are affected by the adoption and amendments to the attached policy.

Under the *Occupational Safety and Health Act 1984* it is a requirement of an organisation to have a duty of care to maintain the health and safety of their employees and all others that are located on Town work premises at any given time.

#### **FINANCIAL IMPLICATIONS**

There are no significant identifiable financial implications from adoption of the officer's recommendation.

#### **STRATEGIC AND RISK 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.

*Financial*

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

*Strategic*

Section 4.2 of the Town's Strategic Community Plan, Engage our Community and Stakeholders, applies. The core objectives of the proposed amendment to this Policy is to establish strong governance principles and thereby mitigate risks for the Town of Port Hedland, whether they be financial, reputational or other. In addition the Town aims to ensure community members know how to access the Town's services and facilities.

*Risk*

There is a risk rating of low (3) assigned to the risk that the community and Town employees will be unsatisfied with the existing policy without the amendment of the policy.

**OPTIONS***Option 1*

To adopt the amended policy.

*Option 2*

Council may choose to make further amendments to the policy.

*Option 3*

Council may choose not to adopt the amendments, and retain the current policy. This would be achieved by a vote for the Officer's recommendation being lost.

**CONCLUSION**

It is recommended that Council adopt the amendment of 1/016 'Town of Port Hedland Workplace Health and Safety Policy' as it demonstrates the commitment of the Town to addressing its health and safety obligations while also having a positive result to lead a community-oriented organisation that delivers responsive and helpful services to our customers.

**ATTACHMENT 1 TO ITEM 12.2.3****TOWN OF PORT HEDLAND POLICY MANUAL**

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**1/016 TOWN OF PORT HEDLAND OCCUPATIONAL HEALTH AND SAFETY POLICY****Policy Objective**

To outline Town of Port Hedland's commitment to Occupational Health and Safety as an organisation and give direction to the Executive to ensure the highest standards of Occupational Health and Safety.

**Scope**

All employees, Elected Members, contractors, sub-contractors, suppliers and visitors.

**Policy Content****Provisions**

The Town of Port Hedland is committed to ensuring a safe and healthy work environment for our employees, councillors, contractors and visitors to the workplace. This will be achieved by adopting and promoting the provisions of the "Occupational Safety and Health Act 1984" and Occupational Health and Safety Regulation of WA, along with other legislative requirements, such as, Codes of Practice, Guidance Notes and Australian Standards.

The Chief Executive Officer and the Executive Team of Town of Port Hedland accepts responsibility for the effective implementation of this policy and will provide systems, training, supervision and visible support to ensure a safe work environment.

Managers are to ensure all employees and frontline supervisors are trained in the development and use of Safe Work Procedures, hazard identification, incident reporting, risk assessment and control.

Line management shall be held responsible for their safety and the safety of their workers. They must accept that all injuries are preventable and continually aspire toward this goal.

All employees have the responsibility to perform their duties in a manner, which ensures their own health and safety and that of others.

To achieve this Town of Port Hedland shall ensure:

- Due diligence to issues of health and safety in all stages of planning, design and construction to incorporate systems to eliminate or control hazards.
- Reasonable and sufficient resources for the effective implementation of safety management systems in all areas of our operation and undertakings.
- All personnel are competent and suitably skilled to undertake the duties for which they are employed in a productive and safe manner.
- A continuous program of education and training to enhance skills and increase safety awareness.
- Promptly investigate, correct and report all accidents, incidents and hazardous conditions.

**TOWN OF PORT HEDLAND POLICY MANUAL**

- Support and participation in the promotion of pro-active safety management systems and strive for continual improvement through internal and external audits and evaluation programs.
- All management levels and the workforce, understand and accept their health and safety responsibilities and are held accountable for those matters within their control.
- Effective system of injury management and rehabilitation in which all personnel shall participate.
- Specific health and safety requirements are acknowledged and implemented.
- Only engage competent sub-contractors who can demonstrate safety management systems, which complement our own high standards.

**Definitions**

Nil

Council Adoption Date and Resolution No.	28 August 2014 OCM 201415/035
Date of adoption of amendment and Resolution Number <b>Do not delete previous dates</b>	
Relevant Legislation	Occupational Safety and Health Act 1984
Delegated Authority	N/A
Business Unit	People & Culture
Directorate	Corporate Services
Review Frequency	As required



## 1/016 TOWN OF PORT HEDLAND WORKPLACE HEALTH AND SAFETY POLICY

### POLICY OBJECTIVE

To outline Town of Port Hedland's commitment to Workplace Health and Safety as an organisation and give direction to the Executive to ensure the highest standards of Workplace Health and Safety.

### SCOPE

The Policy applies to all employees, Elected Members, visitors including contractors, volunteers, work experience students, trainees and the public.

### POLICY CONTENT

#### *Provisions*

The Town of Port Hedland is committed to providing a safe and healthy work environment for all employees, contractors, volunteers and visitors.

The foundations of our commitment to the health and safety of our workers, and all other persons that the Town interacts with are as follows:

- We will strive for full compliance with all applicable work health and safety legislative requirements, including Codes of Practice, Guidance Notes and Australian Standards;
- A risk management approach will be adopted for all of our work activities;
- We will engage and consult with our workers, contractors and customers on all health and safety matters, including safety procedure development; and
- We will constantly monitor our health and safety performance and aim for continuous and sustained improvement of our objectives and targets for health and safety.

By consistent application of these foundations across all of our activities, our goal shall always be focussed on the elimination of all work related injuries and illnesses.

The Town will ensure that all necessary safety resources and training are provided, maintained and kept up to date in line with current industry standards and Workplace Health and Safety legislation, including Codes of Practice, Guidance Notes and Australian Standards.

We all have the right to return home safely at the end of each work day and no-one at the Town shall be required to perform any work that is deemed to be unsafe.





From the Executive Leadership Team down through all levels of our organisation, we all have an obligation to ensure a safe and healthy working environment and this requires everyone at the Town to actively participate in and contribute to all safety related matters.

To enable us to achieve our vision of an injury and illness free workplace, we must work together and remain committed and focussed with the underlying foundations of this policy.

***“People are our most important asset and their safety is our greatest responsibility”.***

## DEFINITIONS

Nil

Council Adoption Date and Resolution No.	28 August 2014 OCM 201415/035
Date of adoption of amendment and Resolution Number <b>Do not delete previous dates</b>	
Relevant Legislation	Occupational Safety and Health Act 1984
Delegated Authority	N/A
Business Unit	Human Resources
Directorate	Office of the CEO
Review Frequency	Biennial



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**Item 13 Reports of Committees**

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Nil

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**Item 14 Motions of Which Previous Notice Has Been Given**

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**14.1 Notice of Motion – Amendment of Policy 1/025 ‘Media and Communications’**

File No: 04/03/0001  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 2 August 2017  
Author: Louise O'Donnell, Governance Officer  
Authorising Officer: Rob Leeds, Director Development, Sustainability and Lifestyle  
Disclosure of Interest from Author: Nil  
Authority/Discretion:  Advocacy  
 Executive  
 Legislative  
 Quasi-Judicial  
 Information Purposes

Attachments:

1. Notice of Motion from Councillor Louise Newbery
2. Amended Policy 1/025 'Media and Communications'

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**CR NEWBERY NOTICE OF MOTION**

I here with submit the following resolution for amendment to our Policy 1/025 Media and Communications Policy:

1. The Mayor, or in his/her absence the Deputy Mayor or the Chief Executive Officer, are the only persons authorized to provide comment to members of the media on behalf of Council and the Town of Port Hedland.
2. Elected Members may make their own personal position known about any matter, which is pertinent to the business of the Town, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.
3. Elected Members will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council.
4. There shall not be any adverse reflection on Elected Members, External Members, Employees or a Council/Committee decision.
5. All Elected Members of the Council shall be able to inspect and/or obtain a copy of any press release so filed, at any time.
6. Media statements and press releases must not include information of an electioneering or personal promotional purpose.

7. Press releases will be made available to Elected Members and the general public by publishing on the Town's website on the day of release.

**CM201718/028 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR HOOPER****That Council adopt Policy 1/025 'Media and Communications' as amended under Attachment 2.****CARRIED 7/0**

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**EXECUTIVE SUMMARY**

A notice of motion was put forward by Councillor Newbery at the Ordinary Council Meeting on Wednesday 26 July 2017, for 1/025 'Media and Communications Policy' to be amended.

Councillor Newbery proposed for the Town to use as a guideline the City of Perth's 'Media Policy – Media Statements, Press Releases and Social Media' to amend the Town's current policy and has specifically mentioned 7 points for the Town to consider. The Town's current policy has been reviewed and amended with thorough consideration gone into each point Councillor Newbery has put forward. It is therefore recommended that Council adopt the officer's recommendation as it includes all relevant amendments to the Town's media policy.

**DETAIL**

At the Ordinary Council Meeting on Wednesday 26 July 2017, Councillor Newbery submitted a notice of motion for Town Officers to amend the current 1/025 Media and Communications Policy in line with several points outlined in the City of Perth's 'CP1.9 Media Policy – Media Statements, Press Releases and Social Media'. The principles that are outlined in the amended policy are included in the Town's Code of Conduct and the *Local Government Act 1995*.

The Town have reviewed their current media policy and made amendments where required. The following will outline how the Town have considered the 7 points put forward by Councillor Newbery for Council to consider and the reasoning.

*Point 1 - Councillor Newbery's notice of motion*

In Councillor Newbery first point, it assigns the Mayor or in his absence the Deputy Mayor or the Chief Executive to be the only people to provide a comment to members of the media on behalf of the Town of Port Hedland.

The Town recommends that the Mayor continues in his position as the spokesperson for the Council as per legislative requirements under s. 2.8(1)(d) of the *Local Government Act 1995*. Current practice provides for the Deputy Mayor to become the Acting Mayor when the Mayor is on approved leave which includes the Acting Mayor to fulfil all mayoral duties including being the spokesperson for the Council which is at discretion of the Mayor. In the Town's media policy it also provides for the Mayor to authorise the Chief Executive Officer or other staff members to respond or comment.



*Point 2 - Councillor Newbery's notice of motion*

In Councillor Newbery's second point it enables Elected Members to make their own personal positions known on any matter including Council decisions as long as these comments cannot be construed to be a statement on behalf of the Council.

The Town has amended its current policy in line with the above point 2 which gives Elected Members a right to express their opinion from a personal point of view rather than as a statement as a Councillor, it is also important to note that that Elected Members and Staff must refrain from making any negative comments about Council decisions. In the event a Council decision is passed by a majority of Council, then any Elected Member who did not agree with the decision should only make reference to the decision of Council and how they voted and the reason, no further comment should be made. This will enable the opportunity for Elected Members to be heard by the community.

*Point 3 - Councillor Newbery's notice of motion*

Councillor Newbery's third point includes that personal statements from Elected Members made to the media must always include a statement that they are a personal view and not those of the Council.

The Town has included this in the amended policy to support that an Elected Member can make a personal statement to the media relating to their own personal matters provided their comments are not related to a council matter, do not purport to represent Council or bring the Council to disrepute.

*Point 4 - Councillor Newbery's notice of motion*

Councillor Newbery's fourth point included that there shall not be any adverse reflection on Elected Members, External Member, Employees or a Council/Committee decision.

The Town has included this in its amended policy and add that these principles are addressed in the Town's Code of Conduct and the *Local Government Act 1995*. It is important that once a Council decision is made no adverse reflection is made on the final outcome.

*Point 5 - Councillor Newbery's notice of motion*

Councillor Newbery's fifth point 5 includes that all Elected Members shall be able to inspect and/or obtain a copy of any press release so filed, at any time.

The Town has amended its current policy to include this provision and adds that this practice currently exists and is undertaken when requested.

*Point 6 - Councillor Newbery's notice of motion*

Councillor Newbery's sixth point 6 includes for Media Statements and press releases must not include information of an electioneering or personal promotional purpose.

This has been included in the amended policy which further stipulates that Elected Members must be aware of their responsibilities that are outlined under 4/006 Elections – Caretaker Period Policy.

*Point 7 - Councillor Newbery's notice of motion*

Councillor Newbery's seventh point includes Media releases to be made available to Elected Members and the general public by publishing on the Town's website on the day of release.

The Town has amended its current policy to include this provision and adds that this is the Town's current practice and is carried out on the day of each release.

The Town has amended its current media policy to reflect the majority of recommendations put forward from Councillor Newbery. The Town considers that these changes provide clear guidelines to Elected Members and Staff.

The Town respects the rights of individuals to be able to speak about subjects they are passionate about, however this policy is to make each individual aware that such statements should at all times not be construed as the opinions of the Council. The Town's amended media policy gives Councillors the option to make media statements regarding their own personal matters which should not consist of council matters as the Mayor is the spokesperson for the Council of Port Hedland.

*Previous Decisions*

At the 28 September 2016 Ordinary Council Meeting, the Council supported the officer's recommendation to adopt the 1/025 'Media and Communication' policy.

*CM201617/059 OFFICER RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF**SECONDED: CR WHITWELL**That Council combine policies 1/004 'Media' and 1/013 'Social Media' and adopt the 1/025 'Media and Communication' policy as per attachment 1.**CARRIED 6/0**Engagement and Communications*

Officers have reviewed Councillor Newbery's motion on notice and have also analysed at the City of Perth's Media Policy while also assessing a number of other Local Government media policies.

**LEGISLATION AND POLICY IMPLICATIONS**

The *Local Government Act 1995* section 2.8 outlines the role of the Mayor which includes (1)(d) to speak on behalf of the local government.

The *Local Government Act 1995* section 2.10 outlines the role of the Councillors which includes (c) facilitates communication between the community and the Council.

**FINANCIAL IMPLICATIONS**

There are no financial implication in the Council adopting this policy.

**STRATEGIC AND RISK 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.

*Financial*

The adoption of the proposed amended policy will not have an impact on the 2017/18 Budget.

*Strategic*

The Strategic Community Plan outlines goals (4.2) to lead a community-oriented organisation that delivers responsive and helpful services to our customers, ensure community members know how to access our services and facilities and promote a positive representation of our community and Town's services.

*Risk*

There is a risk rating of Low (3) assigned to the risk that if this amended policy is not adopted it confines Elected Members making their personal opinions known.

**OPTIONS***Option 1*

To adopt the Officer's recommendation.

*Option 2*

Elected Members may choose to amend any part of policy 1/025 'Media and Communications' and put it forward for consideration by Council.

Elected Members may choose to consider Councillor Newbery's notice of motion.

*Option 3*

If the Officer's recommendation and Councillor Newbery's notice of motion are lost, policy 1/025 'Media and Communications' will stay current without any amendments.

**CONCLUSION**

Town Officers have reviewed Councillor Newbery's notice of motion and have amended the policy in line with suggestions put forward. This amended policy should be read in conjunction with the Town's Code of Conduct. The Town supports for Councillors to discuss matters that they are passionate about, however, statements should at all times not be construed as the opinions of the Council. The effectiveness of the proposed amended policy will be measured on the commitment of all Elected Members to abide by it.

**ATTACHMENT 1 TO ITEM 14.1**

## Motion on Notice

Attention to CEO David Pentz

I wish to submit the following motion for discussion and adoption on the August OCM in which is relevant to the recent motion adopted by the Perth City Council to their Policy of Media Releases by the council members on the 4<sup>th</sup> July 2017.

I here with submit the following resolution for amendment to our Policy 1/025 Media and Communications Policy:

1/The Mayor, or in his/her absence the Deputy Mayor or the Chief Executive Officer, are the only persons authorized to provide comment to members of the media on behalf of Council and the Shire of Port Hedland.

2/Elected Members may make their own personal position known about any matter, which is pertinent to the business of the Shire, including Council decisions provided that it cannot be construed to be a statement on behalf of the Council.

3/Elected Members will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council;

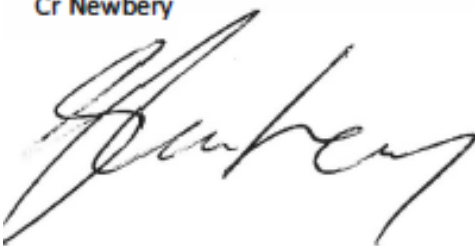
4/There shall not be any adverse reflection on Elected Members, External Members, Employees or a Council/Committee decision.

5/All Elected Members of the Council shall be able to inspect and/or obtain a copy of any press release so filed, at any time.

6/Media statements and press releases must not include information of an electioneering or personal promotional purpose.

7/Press releases will be made available to Elected Members and the general public by publishing on the Shires website on the day of release.

Cr Newbery

26<sup>th</sup> July 2017

## ATTACHMENT 2 TO ITEM 14.1

## Town of Port Hedland

1/025 MEDIA AND COMMUNICATIONS POLICY –~~DRAFT~~

Drafted September 2016, Amended August 2017

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### 1. Policy Statement

The Town of Port Hedland encourages the use of traditional and digital communications to improve community awareness of initiatives and improve service delivery.

It is recognised that the role of the Mayor is to speak on behalf of the Local Government and accordingly the Mayor is the official spokesperson for the Council.

The principles that are outlined in this policy are included in the Town of Port Hedland's Code of Conduct and the *Local Government Act 1995*.

### 2. Scope

This policy provides guidelines on responsible engagement with the community through traditional and digital communication platforms, including but not limited to advertisements, media interactions (interviews, releases etc), website, social media, online forums, blogs and online surveys/polls.

It outlines the standards and expectations the Town of Port Hedland has of its staff members and elected members, who are representatives of the Town at all times.

This policy applies to all officers, consultants, contractors and outsourced service providers performing work for the Town of Port Hedland. It also applies to elected members.

### 3. Definitions

- Digital Communication: any means of exchange of information that takes place using digital technology or tools, such as website, Facebook, Instagram, Twitter, YouTube
- Engagement: refers any form of communication where opinion, comment and feedback is exchanged and used for organisational purposes
- Media: refers to methods of communication with media outlets such as media releases, media responses, interviews, photo opportunities
- The community: refers to any individual, community group, business, government department and agency, not-for-profit and non-government organisation, who has an interest in the Town of Port Hedland and its activities
- Traditional communication: refers to communication methods such as print advertisements, radio advertisements, brochures, posters, community notices

### 4. Principles

Communications are to be used in a way that is consistent with the following guiding principles:

- Open – to share and promote access to information and services and be transparent and accountable
- Collaborative – to create opportunities to listen to and engage with the public, local communities and industry
- Responsive – to empower the use of social media to respond quickly to customers and emerging issues
- Reliable – to support a consistent and quality experience.
- Appropriate – to be consistent with the Town of Port Hedland values, related policies, code of conduct and legislative requirements

## 5. Media

The *Local Government Act 1995* provides that the role of the Mayor is to speak on behalf of the Local Government and accordingly, the Mayor is the official spokesperson for the Council.

Without express authority from the Mayor, Councillors and staff are not to offer a Council view, ~~attitude, stance, etc~~ on any issue; this clearly being the function of the Mayor.

A Councillor's right to express a personal opinion on any issue of public interest is recognised. Councillors are at liberty to express personal views on any matter which is pertinent to the business of the Town, including Council decisionse ~~which have not been formally considered by Council~~, provided they do not purport to represent Council. ~~Once Council has resolved a matter, however, comment from Councillors on the content of and background to the resolution will be construed as speaking for Council and is not appropriate.~~

Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.

There shall not be any adverse reflection on Elected Members, Community Members, staff or a Council /Committee decision.

If approached by the media for formal comment on any ~~matters~~issue relating to Council, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Town of Port Hedland's communications department who will liaise with the media and coordinate an appropriate response.

The Mayor may authorise the Chief Executive Officer or other staff members to respond or comment.

Elected Members may make public statements to the media relating to their own personal matters provided their comments do not purport to represent Council or bring the Council to disrepute.

All Elected Members of the Council shall be able to inspect and/ or obtain a copy of any press release so filed, at any time. Media releases will be made available to Elected Members and the general public by publishing on the Town's website on the day of release.

Media Statements and press releases must not include information of an electioneering or personal promotional purpose. This policy does not negate Elected Members responsibilities that are outlined under 4/006 Elections – Caretaker Period Policy.

## 6. Traditional communication

The Town of Port Hedland utilises a number of communication methods to promote its initiatives and improve service delivery. These include print and radio advertisements, videos, brochures, posters and community notices.

Communication materials are coordinated through the Town's communications department and must be authorised by the department prior to publication.

Generally traditional communication does not quote the Mayor or officer, however if so, the Mayor may authorise the Chief Executive Officer or other staff members to comment. As an example this would apply to videos.

## 7. Digital communication

### 7.1. Conduct

All elected representatives and employees should be cognisant that their conduct when using digital communications, in either a personal or official capacity, reflects upon them and their position.

All elected representatives and employees should be cognisant that online content is recorded by a number of search engines and that the content of posts and discussions may be publicly available and searchable into the future.

### 7.2. Guidelines for the Mayor

The Mayor is entitled to establish a Facebook fan page that identifies them as the Mayor. This page may be administered by the Mayor and/or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor's fan page, the following disclaimer must be included:

*This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.*

*The Mayoral Facebook page will allow the community and stakeholders to make enquiries about information posted on the Mayor's Facebook. These postings will be considered a public record and will therefore be monitored, recorded and responded to accordingly.*

*An official response will be posted on the Mayoral Facebook page in accordance with the Town of Port Hedland Customer Service Charter.*

**Acceptable contributions** to be posted to the Mayor's official Facebook fan page include:

- information about Council decisions, activities, events which are within the boundaries of the position and open for comments/feedback; and
- information about Council agenda items after the respective OCM and a decision has been made.

**Unacceptable contributions** to be posted to the Mayor's official Facebook fan page include:

- opinions or information about Council decisions, expressed as official statements;
- information in relation to the administrative functions and activities of Council; and
- personal opinions or comments on any topic or issue.

### 7.3. Guidelines for Councillors

Councillors are not permitted to establish official social media tools for communications with the community.

Councillors are authorised to establish and maintain personal social and digital media tools however must not use the title of "Councillor" in the name of any account, profile or page established.

Councillors should not make comments about the Town of Port Hedland, its elected representatives and staff or its partners and stakeholders on their personal social media tools.

### 7.4. Guidelines for Employees

Town of Port Hedland employees will use social media for the following purposes:

- disseminating time-sensitive information as quickly as possible (example: emergency information)



- increasing the Town's ability to broadcast its messages to the widest possible audience
- promoting a specific issue/topic information where appropriate for community consultation

The CEO will determine the authorised contributors for the Town of Port Hedland account.

Town of Port Hedland employees may maintain their own personal social media accounts and tools.

It is the preference of the Town of Port Hedland that employees do not initiate social media discussions on work related matters. If personally approached online in regards to a work matter, employees should immediately inform their supervisor and seek advice on how to reply in a way that positively reflects the Town of Port Hedland.

If employees choose to reply, they should include the following disclaimer:

*"The views expressed on this site are my own and do not necessarily reflect the view of the Town of Port Hedland".*

In the event that employees respond to a work related query or comment, they should:

- not comment on information that is meant to be private or internal to the Town of Port Hedland;
- ensure all comments do not conflict with the Town's mission or official positions;
- do not comment on areas you are not familiar with; and
- do not discuss partners, sponsors or contractors without prior approval.

In using social media in a way that identifies their employment with the Town of Port Hedland, employees should be conscious that their online conduct reflects upon them and the Town of Port Hedland.

#### 7.5. Authorised statements

Posts and statements should be in line with the guiding principles and actively promote Town initiatives.

Prohibited posts and statements are ones that:

- are in support of or opposition to political campaigns
- use profane language or content
- use content that promotes, fosters, or perpetuates discrimination on the basis of race, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation'
- contain sexual content or links to sexual content
- include solicitations of commerce
- conduct or encourage illegal activity
- include information that may compromise the safety or security of the public or public systems
- include content that violates a legal ownership interest of any other party

#### 8. Supporting guidelines

The implementation of this policy is supported through relevant internal operating procedures and the Town's Code of Conduct.

Council adoption date and resolution no.	1/004 media policy (Amended at the 22 February 2006 council meeting – 200506/297)
--	---

	1/013 social media policy (Adopted at the 30 November 2011 Council Meeting – 201112/236. Amended at the 25 July 2012 Council Meeting – 201213/046
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	Local Government Act 1995
Delegated authority	N/A
Business unit	Communications, Corporate Information
Directorate	Corporate Services
Review frequency	As required

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**Item 15 New Business of an Urgent Nature**

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**15.1 Statement of Financial Activity for the period ended 31 July 2017**

File No: 12/14/0003  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 11/08/2017  
Author: Chirantha Perera, Financial Accountant  
Authorising Officer: Linda Zietsman, Acting Manager Financial Services  
Disclosure of Interest from Author: Nil  
Authority/Discretion:  Advocacy  
 Executive  
 Legislative  
 Quasi-Judicial  
 Information Purposes

## Attachments:

1. Monthly Financial Health Check for the period ended 31 July 2017
  2. Statement of Financial Activity for the period ended 31 July 2017
  3. Material Variance Report
  4. Accounts paid under delegated authority for period ended 31 July 2017
  5. Credit Card Statements for period ended 31 July 2017
  6. Bank Account Summary for period ended 31 July 2017
- 

**CM201718/029 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR HOOPER**

**That with respect to the Statement of Financial Activity for the period ended 31 July 2017, Council:**

- 1. Receive the Monthly Financial Health Check;**
- 2. Receive the Statement of Financial Activity (and supporting information);**
- 3. Receive 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 7/0**

## EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 31 July 2017. Supplementary information regarding the Town's financial activities is attached to this report.

It should be noted that some of the figures presented in this report and the attachments may change pending adjustments made as a result of end of year finalisation of accounts and completion of the audit of the Town's Annual Financial Reports for the year ended 30 June 2017.

The audited Annual Financial Statements will be presented to the Council in accordance with Australian Accounting Standards, Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

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

## DETAIL

The attachments detail the Town's financial performance for the period ending 31 July 2017. The Town of Port Hedland financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

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

1. With regards to expenditure classified as operating, a variance of 10% or \$10,000, whichever is the greater, of the year to date current 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 year to date current 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 31 July 2017 is \$3.981M. The net Municipal balance (after matured investments and restricted reserves taken into account) as at 31 July 2017 is -1.901M due to end of financial year reserve transfers not yet finalised. This does not reflect the actual cash position which will be reconciled and balanced in the annual financial statement.

	2017/18 Actuals
Current Assets: Cash and Investments	237.573M
Restricted Cash – Reserves	239.474M
Unrestricted Cash Position as at 30 June 2017	-1.901M

*Previous Decisions*

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

*Engagement and Communications*

All consultation and engagement is conducted internally.

**LEGISLATION AND POLICY IMPLICATIONS**

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

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

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

**FINANCIAL IMPLICATIONS**

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. The budget adopted by the Council will determine the financial operations of the Town for the 2017/18 financial year.

Based on the assumption of a municipal surplus of \$4.5M brought forward from 2016/17 financial year at the time of preparation of the budget, the adopted 2017/18 budget estimates a municipal surplus of \$355k.

**STRATEGIC AND RISK IMPLICATIONS***Environmental*

There are no significant identifiable environmental impacts arising from adoption of the officers recommendation.

*Economic*

There are no significant identifiable economic impacts arising from adoption of the officers recommendation.

*Social*

There are no significant identifiable social impacts arising from adoption of the officers recommendation.

### *Strategic*

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.

Monitoring performance by comparison of budget and actual is an essential management tool to ensure financial performance within acceptable pre-determined limits.

### *Risk*

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

## **OPTIONS**

### *Option 1 – Adopt Officers Recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 June 2017 in accordance with *regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

### *Option 2 – Amended Officers Recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 July 2017 and request further information or clarification.

### *Option 3 – Do Not Adopt Officers Recommendation*

That Council do not note or receive the Statement of Financial Activity for the period ended 31 July 2017.

## **CONCLUSION**

The figures presented in this report and attachments are interim only. As at 31 July 2017, the net current asset position is \$3.981M compared to the current budget closing position for 31 July 2017 of 0.355M. Variances in operating revenue and expenditure were mainly due to timing of the adoption of 2017/18 budget and the reporting period (31st July) being the first month of the financial year.

# MONTHLY FINANCIAL HEALTH CHECK



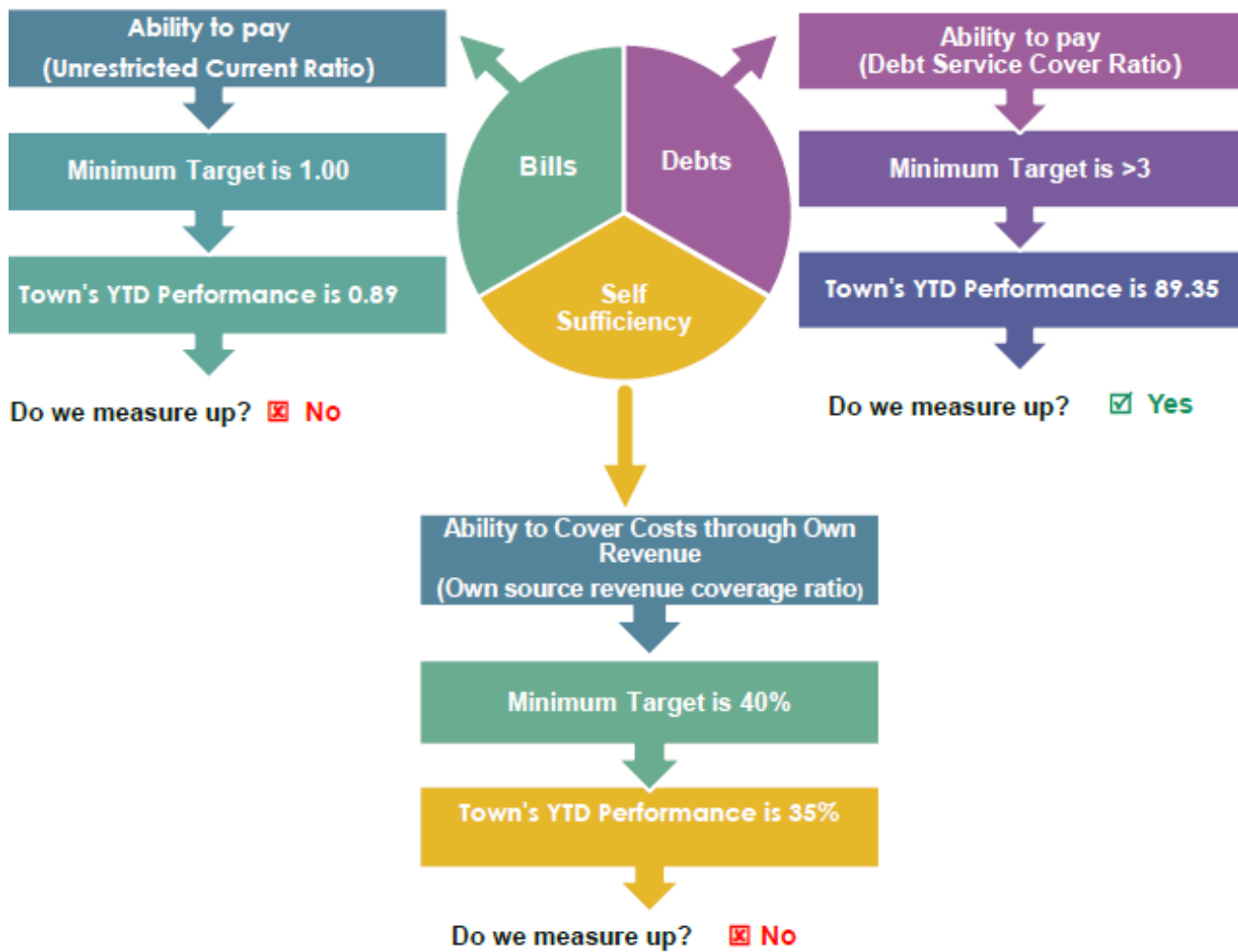
As at 31 July 2017

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



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$2,281
Operating Expenditure (Including Non-Cash Items)	(\$2,860)
Non-Cash Items	\$730
Capital Revenue	\$73
Capital Expenditure	(\$112)
Loan Repayments	(\$253)
Transfers to/from Reserves	378
Surplus Brought Forward 1 July 2017	\$4,500
<b>Current Municipal Surplus Position at 31 July 2017</b>	<b>\$3,981</b>
<b>Current Budget Municipal Surplus Position at 30 June 2018</b>	<b>\$355</b>

## 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*



Do we meet the target?  No

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

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

**Asset Sustainability Ratio**

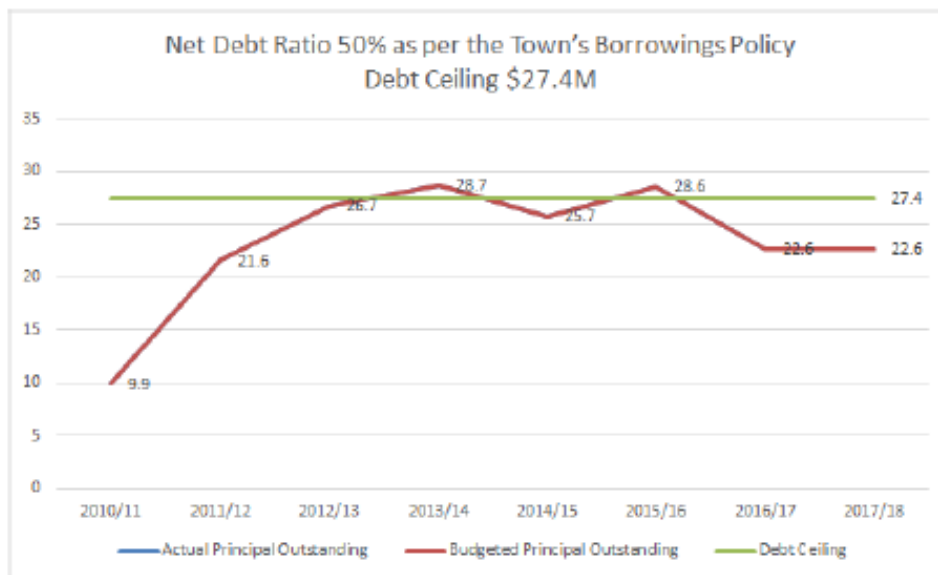
Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.



Do we meet the target?  No

- A reduced Capital Works Program (including renewals) and an increase in the budgeted depreciation as a result of revaluations has had a two-fold effect on the asset sustainability ratio resulting in the ratio coming in below the target.
- With a history of high levels of capital expenditure in the past 4 years, the Town need to ensure expenditure on capital renewal is maintained at the same rate as depreciation moving forwards.
- Given the budget adoption time-line and the reporting period being the first month of the financial year, Town's YTD depreciation expenditure is higher than the YTD capital expenditure.

**Debt levels**



Original Budget Principal Outstanding Forecast at 30 June 2018 = \$21.4M  
 Original Budget Operating Revenue = \$48.6M  
 Budgeted Net Debt Ratio = 47%  
 Actual Net Debt Ratio = 52%  
 Total Actual Principal Amount Outstanding 30 July 2017 = \$22.6M  
 Debt Ceiling 50% pursuant to Policy (\$54.8M x 50%) = \$27.4M

**Intergenerational Loans**

Loan Purpose	Principal Amount Outstanding	Remaining Term
1. Marquee Park	\$4.38M	14/15 years
2. JD Hardie Upgrade	\$2.51M	14/16 years
3. Wanangkura Stadium	\$8.71M	15/16 years
4. GP Housing	\$1.30M	16 years

Any feedback on this document is greatly appreciated and can be emailed to [council@porthedland.wa.gov.au](mailto:council@porthedland.wa.gov.au)

## ATTACHMENT 5 TO ITEM 15.1



NAB Connect

## Account Balance History Report

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 Details
 

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**Date range:** 31-Jul-2017 to 31-Jul-2017  
**Account name:** TOPH MUNICIPAL  
**Account number:** XXX-XXX-XXX-4446  
**Currency:** AUD

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Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/07/2017	3	2,880,659.05	40	746,577.20	3,194,003.75 CR

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## End of report



NAB Connect

## Account Balance History Report

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 Details
 

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**Date range:** 31-Jul-2017 to 31-Jul-2017  
**Account name:** TOWN OF PORT  
**Account number:** XXX-XXX XXX-9096  
**Currency:** AUD

---

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/07/2017	0	0.00	0	0.00	1,800,000.00 CR

---

## End of report



NAB Connect

## Account Balance History Report

## Details

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**Date range:** 31-Jul-2017 to 31-Jul-2017  
**Account name:** TOPH TRUST  
**Account number:** XXX-XXX-XXX-4489  
**Currency:** AUD

---

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/07/2017	1	119.00	0	0.00	414,775.84 CR

---

End of report



NAB Connect

## Account Balance History Report

## Details

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**Date range:** 31-Jul-2017 to 31-Jul-2017  
**Account name:** TOPH RES FND  
**Account number:** XXX-XXX-XXX-4462  
**Currency:** AUD

---

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/07/2017	0	0.00	0	0.00	1,000.00 CR

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End of report

## ATTACHMENT 6 TO ITEM 15.1

## TOWN OF PORT HEDLAND

## Summary of Credit Card Statements for the Month of July 2017

## Attachment 6

Account Name	Account Number	Card Holder	Debit Balance (\$)
Town of Port Hedland	██████████-6321	David Pentz	\$ 8,206.88
Town of Port Hedland	██████████-8364	Jessica Dodd	\$ 10,416.96
Town of Port Hedland	██████████-8868	Jessica Rankin	\$ 6,463.54
Town of Port Hedland	██████████-4948	Megan Cocciardi	\$ 2,203.06
Total			\$27,290.44

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



NAB Connect

## Transaction History Report

Account details

Account name  
TOWN OF PORT HEDLAND  
Account number  
XXX-XXX-XXX-6321  
Currency  
AUD

Account balance summary

Opening balance: 0.00 CR  
Total credits: 0.00 CR  
Total debits: 8,206.88 DR  
Closing balance: 0.00 CR  
Date from: 01 July 2017  
Date to: 31 July 2017

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
12/07/2017	CREDIT CARD PURCHASE DOME PORT HEDLAND		42.30 DR		42.30 DR
20/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227086756		4.19 DR		
20/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227085976		8.37 DR		
20/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140302363		322.00 DR		
20/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140301126		644.01 DR		978.57 DR
21/07/2017	CREDIT CARD PURCHASE AIRPORT HOTEL		126.53 DR		126.53 DR
24/07/2017	CREDIT CARD PURCHASE DOME PORT HEDLAND		81.75 DR		81.75 DR
25/07/2017	CREDIT CARD PURCHASE DOME PORT HEDLAND		16.80 DR		
25/07/2017	CREDIT CARD PURCHASE ALL MED AND PHYSICAL		341.00 DR		357.80 DR
26/07/2017	CREDIT CARD PURCHASE DROPBOX*Y68VGCP39687		85.00 DR		
26/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		344.50 DR		
26/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		344.50 DR		
26/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		689.00 DR		1,463.00 DR
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227185772		5.08 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227182202		5.93 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227180909		12.56 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227182103		17.47 DR		

1 of 6

**Transaction History Report (Continued)**

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<b>Date</b>	<b>Narrative</b>	<b>Reference</b>	<b>Debit amount</b>	<b>Credit amount</b>	<b>EOD balance</b>
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140479542		391.00 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140472698		456.01 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140470484		966.00 DR		
27/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140472829		1,344.00 DR		3,198.05 DR
28/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227202998		11.00 DR		
28/07/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		123.47 DR		
28/07/2017	CREDIT CARD PURCHASE PAYPAL *LCKWMSPTYLT		350.00 DR		
28/07/2017	CREDIT CARD PURCHASE SONIC HEALTH PLUS PL		620.40 DR		
28/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140515411		854.01 DR		1,958.88 DR

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**End of report**



NAB Connect

## Transaction History Report

## Account details

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

## Account balance summary

Opening balance: 0.00 CR  
Total credits: 0.00 CR  
Total debits: 10,416.96 DR  
Closing balance: 0.00 CR  
  
Date from: 01 July 2017  
Date to: 31 July 2017

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/07/2017	CREDIT CARD PURCHASE FACEBK *R5UQRC25Y2		4.78 DR		
03/07/2017	CREDIT CARD PURCHASE FACEBK *LWK7UCE5Y2		34.33 DR		
03/07/2017	CREDIT CARD PURCHASE COMPANY DIRECTORS		550.00 DR		
03/07/2017	CREDIT CARD PURCHASE PLANNING INSTITUTE OF		610.00 DR		1,199.11 DR
04/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		344.50 DR		344.50 DR
05/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958226890672		5.04 DR		
05/07/2017	CREDIT CARD PURCHASE RAHSA PTY LTD		275.00 DR		
05/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952139930005		388.00 DR		668.04 DR
06/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958226906276		5.14 DR		
06/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952139960365		395.00 DR		400.14 DR
07/07/2017	CREDIT CARD PURCHASE Charmers Jewellers		95.00 DR		
07/07/2017	CREDIT CARD PURCHASE IBIS HOTEL WLDSQ 2132		761.60 DR		856.60 DR
10/07/2017	CREDIT CARD PURCHASE AYESHA'S CAFE PTY LT		15.00 DR		
10/07/2017	CREDIT CARD PURCHASE RAIKAS CAFE PTY LTD		32.60 DR		
10/07/2017	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY		66.72 DR		
10/07/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		181.72 DR		
10/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		3,660.00 DR		3,956.04 DR

3 of 6



**Transaction History Report (Continued)**

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<b>Date</b>	<b>Narrative</b>	<b>Reference</b>	<b>Debit amount</b>	<b>Credit amount</b>	<b>EOD balance</b>
12/07/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		60.68 DR		60.68 DR
13/07/2017	CREDIT CARD PURCHASE SMARTSHEET		540.00 DR		540.00 DR
14/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		1,220.00 DR		1,220.00 DR
17/07/2017	CREDIT CARD PURCHASE HEDLAND EMPORIUM PTY		23.85 DR		
17/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		1,148.00 DR		1,171.85 DR

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**End of report**



NAB Connect

## Transaction History Report

Account details

Account name  
TOWN OF PORT HEDLAND  
Account number  
XXX-XXX-XXX-8868  
Currency  
AUD

Account balance summary

Opening balance: 0.00 CR  
Total credits: 0.00 CR  
Total debits: 6,463.54 DR  
Closing balance: 0.00 CR  
  
Date from: 01 July 2017  
Date to: 31 July 2017

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
04/07/2017	CREDIT CARD PURCHASE SPECIALISED FORCE PT		308.00 DR		308.00 DR
05/07/2017	CREDIT CARD PURCHASE FLEXIGLASS CHALLENGE		546.70 DR		546.70 DR
18/07/2017	CREDIT CARD PURCHASE COLES 0385		48.03 DR		
18/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		3,632.40 DR		3,680.43 DR
19/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958227075147		16.74 DR		
19/07/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952140280919		1,288.02 DR		1,304.76 DR
20/07/2017	CREDIT CARD PURCHASE WANEWSWPX		69.30 DR		69.30 DR
24/07/2017	CREDIT CARD PURCHASE HOSPITALITY INN		130.55 DR		130.55 DR
28/07/2017	CREDIT CARD PURCHASE POST SOUTH HEDLAND		423.80 DR		423.80 DR

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End of report



NAB Connect

## Transaction History Report

Account details

Account name  
TOWN OF PORT HEDLAND  
Account number  
XXX-XXX-XXX-4948  
Currency  
AUD

Account balance summary

Opening balance: 0.00 CR  
Total credits: 0.00 CR  
Total debits: 2,203.06 DR  
Closing balance: 0.00 CR  
Date from: 01 July 2017  
Date to: 31 July 2017

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/07/2017	CREDIT CARD PURCHASE FACEBK H54ZNSWK2		245.97 DR		245.97 DR
06/07/2017	CREDIT CARD PURCHASE QANTAS AIRW		1,593.12 DR		1,593.12 DR
21/07/2017	CREDIT CARD PURCHASE CHARACTER CREATIONS		151.43 DR		151.43 DR
26/07/2017	CREDIT CARD PURCHASE ASIC		9.00 DR		9.00 DR
31/07/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		203.54 DR		203.54 DR

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**End of report**

## 15.2 Objection to Proposed Road Closure

This item was removed from the agenda.

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

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#### CM201718/030 COUNCIL DECISION

**MOVED: CR GILLINGHAM**

**SECONDED: CR HOOPER**

**That with respect to item 16.1 'Kingsford Smith Business Park', Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995.**

***CARRIED 6/0***

The Mayor advised that the meeting is now closed to the public.

6:17pm Councillor Whitwell declared a financial interest in item 16.1 'Kingsford Smith Business Park' as an applicant noted in the report recently completed a large project for him. Councillor Whitwell left the room.

## 16.1 Kingsford Smith Business Park (Late Item)

#### CM201718/031 COUNCIL DECISION

**MOVED: CR GILLINGHAM**

**SECONDED: CR HOOPER**

**That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders' to discuss item 16.1 'Kingsford Smith Business Park'.**

***CARRIED 6/0***

6:20pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are now suspended.

#### CM201718/032 COUNCIL DECISION

**MOVED: CR GILLINGHAM**

**SECONDED: CR HOOPER**

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

***CARRIED 6/0***

6:25pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 are now resumed.

**CM201718/033 OFFICER RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF****That with respect to the offers received for Kingsford Smith Business Park, Council:**

- 1. Reject the offers received from Matt Jon Webb for Lot 402 Kingsford Smith Business Park;**
- 2. Proceed to advertising with the offer received by Phosphorus Investments for Lots 402 & 403 and Lot 404 in accordance with Section 3.58 of the local Government Act 1995;**
- 3. Following the advertising period, request the Chief Executive Officer, or his authorised Officer(s) to accept the offers from Phosphorus Investments, unless alternate proposals are submitted and subsequently finalise the legal documentation to formalise the disposition of Lots 402, 403 & 404 within Kingsford Smith Business Park; and**
- 4. Review the objectives and set additional parameters for the sale of land within Kingsford Smith Business Park for future sales.**

***CARRIED 6/0*****CM201718/034 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR GILLINGHAM****That Council open the meeting to members of the public.*****CARRIED 6/0***

6:26pm The Mayor advised that the meeting is now open to the public. Councillor Whitwell re-entered the room and resumed his chair.

6:26pm The Mayor advised those in attendance of the decision made behind closed doors.

6:27pm The Manager Governance advised the Mayor that Councillor Tavo had not been asked if he had any applications for approved leave of absence, as Councillor Tavo was not in attendance when the matter was discussed.

6:27pm The Mayor asked Councillor Tavo if he had an application for approved leave of absence. Councillor Tavo advised in the negative.

**Item 17 Closure**

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**17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 September 2017, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 20 September 2017, commencing at 5:30pm.

**17.2 Closure**

There being no further business, the Mayor declared the meeting closed at 6:28pm.