



## **TOWN OF PORT HEDLAND**

### **ORDINARY COUNCIL MEETING MINUTES**

**WEDNESDAY 26 APRIL 2017 AT 5:30PM**

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

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

*David Pentz  
Chief Executive Officer*

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**Item 1      Opening of Meeting**


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

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

David Pentz	Chief Executive Officer
Kathryn Crothers	Director Corporate and Performance
Ray Davy	Acting Director Development, Lifestyle and Sustainability
Peter Keane	Acting Director Infrastructure and Town Services
Robert Leeds	Chief Advisor to the Chief Executive Officer
Nicholas Ross	Executive Manager Human Resources
Grace Waugh	Coordinator Governance
Tammy Wombwell	Administration Officer Governance / Minute Taker

Public	7
Media	1
Officers	8

**3.2 Apologies**

Nil

**3.3 Approved Leave of Absence**

Nil

**3.4 Disclosure of Interests**

Name	Item no.	Interest	Nature
Councillor Melville	12.1.3 BHP Bulk Materials Licence Amendment	Financial	Councillor Melville is an employee of BHP and owns shares over the threshold



Councillor Melville	12.3.3 Proposed Scheme Amendment No. 74 to Town Planning Scheme No. 5; To Rezone a Portion of Lot 1 McGregor Street (Reserve 8214) from 'Parks and Recreation' to 'Mixed Business'	Financial	Councillor Melville is an employee of BHP and owns shares over the threshold
Councillor Melville	15.3 2017/18 Rating Strategy	Financial	Councillor Melville is an employee of BHP and owns shares over the threshold
Councillor Melville	15.4 Port Hedland Turf Club Lease	Impartiality	Councillor Melville is a member of the Turf Club
Councillor Arif	12.1.3 BHP Bulk Materials Licence Amendment	Financial	Councillor Arif owns BHP shares over the threshold
Councillor Newbery	12.3.3 Proposed Scheme Amendment No. 74 to Town Planning Scheme No. 5; To Rezone a Portion of Lot 1 McGregor Street (Reserve 8214) from 'Parks and Recreation' to 'Mixed Business'	Financial	Councillor Newbery has provided services for the Turf Club
Councillor Newbery	15.4 Port Hedland Turf Club Lease	Financial	Councillor Newbery has provided services for the Turf Club

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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 22 March 2017

##### 4.1.1 Mr Roger Higgins

*Will the Town of Port Hedland, in conjunction with the support from the business community, be prepared to consider the relocation of the tourist caravan park that is adjacent to the Port Hedland racecourse to a prepared site on the Spoilbank with the construction being funded by the Town of Port Hedland and the Business Community Fund?*

The Acting Director Development, Sustainability and Lifestyle advises that preparing a site at the Spoilbank suitable for use as a tourist caravan park would involve significant cost for the provision of access roads, site preparation, holding tank disposal etc. that the Town is not willing to fund at this stage pending the outcome of planning for the proposed waterfront and Marina development.

This work is currently in hand by LandCorp and does include a proposal for the provision of land for a caravan park on the eastern side of the Spoilbank. The Town will consider the case for development of a caravan park in more detail once there is greater clarity about site access, services etc. to be provided as part of the proposed development.

#### 4.1.2 Mr Arnold Carter

*In the Statement of Financial Activity on the investment register it has the amount of \$239,297,239 and on the bank reconciliation it has the amount of \$240,636,894, can the Town advise where the difference of \$1,339,655 has gone to?*

The Acting Manager of Finance advises that the Reserve accounts include entries not represented in the Investment Register. For example: interest earned through Airport investment is not re-invested but allocated to the reserve to fund specific identified projects.

#### **4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 22 March 2017**

##### 4.2.1 Councillor Troy Melville

*Is the electronic scoreboard implementation at Kevin Scott Oval and Colin Matheson Oval completed and has training commenced to teach clubs how to use them?*

The Chief Executive Officer advised that they have been installed and took the second part of the question on notice.

The Acting Director Infrastructure and Town Services advises that this project has been completed and training has been completed with the primary scoreboard user Clubs. A procedure has been developed for clubs and community to utilise the scoreboard laptops for use.

*What preparations have been made for Anzac Day?*

The Director of Development, Sustainability and Lifestyle advises that the Town has been actively engaging with the RSL in the lead up to this year's ANZAC day remembrance activities. On 22 February 2017, the Town held a meeting with the RSL representatives to discuss how the Town could best support the RSL for the Anzac Day remembrance service and activities. The RSL in conjunction with other stakeholders are arranging the Dawn Service, a march to Marapikurrinya Park and back, guest speakers, gun fire breakfast and lunch at the RSL.

The Town have encouraged RSL to put in a funding application and are still awaiting it.

The Town's events Department will provide assistance to the RSL with logistics and event planning for the Anzac Day and will also arrange a wreath for the Mayor (TBC) to lay at the War Memorial during the Dawn Service on Anzac Day.

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**Item 5 Applications for Leave of Absence**

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**CM201617/175 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR ARIF****That Council approve the following applications for leave of absence:**

- 1. Councillor Gillingham from 26 to 31 May 2017;**
- 2. Councillor Tavo from 1 to 5 May 2017;**
- 3. Councillor Hooper from 19 to 22 May 2017.**

**CARRIED 8/0**

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

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Nil

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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 5:38pm.

**7.1 Public Question Time**

Nil

The Mayor closed Public Question Time at 5:39pm.

The Mayor opened Public Statement Time at 5:39pm.

## **7.2 Public Statement Time**

### **7.2.1 Ms Jan Ford**

The Port Hedland Progress Association is holding a Port Hedland future vision 2020-2050 on Thursday 27 April from 7pm to 10pm at the Port Hedland Yacht Club to explore the next 20 to 30 years.

The Mayor and Chief Executive Officer, along with other leaders will be giving presentations.

The Port Hedland Progress Association have been working with Phil Fusco, from International Venture Developer, to look at our future city. Please come along.

### **7.2.2 Mr Phil Fusco**

I have had the honour to come and share with the town tomorrow night. I have experience internationally in large scale developments, I am conscious as I go around of the things that are happening in the world today. One of the principals of survival is to learn how to adapt as things evolve and change, not just a challenge to the Town of Port Hedland, but other cities also.

Change is good, and opens up many opportunities. In comparison, California was first staged as a gold mining area, where people went west, the area was known as the Barberry Coast, which has similarities to the Pilbara Coast. The only reason why California is what it is today, is because California innovated and evolved in the industries, from gold mining, it evolved into the agricultural sector, and then evolved into Hollywood which stimulated the industry, and Silicone Valley and the IT industry. This region is an important part of Australia, and we need to diversify it moving forward by introducing extra industries to stimulate this region but also for Australia's sake as well.

Thank you for your invitation, and I look forward to speaking with you all later.

The Mayor closed Public Statement Time at 5:44pm.

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

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### **8.1 Councillor Troy Melville**

*Has the Town made any progress regarding the North West Festival?*

The Mayor advised in the affirmative.

The Chief Advisor to the Chief Executive Officer advised that the Town is in contractual negotiations with Sunset Events. All conditions are within Council's existing decision. Once the terms of the contract have been agreed, preparations will commence.

*Does the Town have any information regarding sponsorship of the North West Festival?*

The Chief Executive Officer advised that sponsorship has been confirmed by BHP Billiton and a number of other sponsors, and that a list of all confirmed sponsors will be supplied to Elected Members.

## 8.2 Councillor Jan Gillingham

*Did the Town receive any requests from the community in relation to the recent heavy rainfall?*

The Mayor advised that the Town has a long list of issues that require attention, and that Town officers are currently working on rectifying these issues.

## 8.3 Councillor Louise Newbery

*Can Elected Members receive an update on the status of Yandeyarra Road following the recent heavy rainfall?*

The Mayor advised that Town officers are currently working on it.

The Acting Director Infrastructure and Town Services advised that there were areas of wash-out, and that a grader was deployed to ensure the community has access to a fuel truck. The Town has previously identified additional work, and that most issues have been resolved.

The Chief Executive Officer advised that the road is now open.

*Will Elected Members be visiting the Yandeyarra community this year?*

The Chief Executive Officer advised in the affirmative.

## 8.4 Councillor Richard Whitwell

*In regards to the Mayors previous responses to Councillors that Town officers are currently working on the issues from the recent rainfall, does that include the flooding that appears around the Boulevard Shopping Centre?*

The Mayor advised that there is a process that Councillors can follow, where any issues can be submitted to the Chief Executive Officer, which will then be logged, giving Town officers the ability to rectify those issues. It is Council's responsibility to submit these requests so the Town has a record of what has been requested and how long it takes to rectify.

*Did the Mayor submit a request for the water around the Boulevard Shopping Centre?*

The Mayor advised that he had submitted many requests.

*But not for the water around the Boulevard Shopping Centre?*

The Mayor advised in the negative, and asked if Councillor Whitwell had submitted a request.

Councillor Whitwell advised that he would submit a request.

The Mayor advised that he actually had put a request through for the area Councillor Whitwell referred to around the Boulevard Shopping Centre.

*Did the Mayor submit a request which relates to the area on Wilson Street where the Don Rhodes Mining Museum is? It is affecting the road and the road markings.*

The Mayor advised that it is Councillor's responsibility to submit requests when issues are seen around the Town. The area in which Councillor Whitwell is referring to will cost a significant amount of money to rectify the drainage issues.

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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 Blanco
- Councillor Melville
- Councillor Gillingham
- Councillor Hooper
- Councillor Arif
- Councillor Newbery
- Councillor Whitwell
- Councillor 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 22 March 2017****CM201617/176 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR ARIF**

**That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 22 March 2017 are a true and correct record.**

***CARRIED 8/0*****10.2 Confirmation of Minutes of the Special Council Meeting held on Monday 27 February 2017****CM201617/177 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR TAVO**

**That Council confirm that the Minutes of the Special Council Meeting held on Monday 27 February 2017 are a true and correct record.**

***CARRIED 8/0***

### 10.3 Confirmation of Minutes of the Special Council Meeting held on Wednesday 30 March 2017

#### CM201617/178 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR ARIF**

**That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 30 March 2017 are a true and correct record.**

***CARRIED 8/0***

### Item 11 Announcements by Presiding Member without Discussion

#### Mayors Monthly Meetings – 1 February to 31 March 2017:

<b>Date:</b>	<b>Meeting:</b>
<b>1/03/2017</b>	Meeting with BHP
<b>13/03/2017</b>	Altura Mine Site Tour
<b>15/03/2017</b>	Pinga Street Site Inspection
<b>16/03/2017</b>	Meeting with Department of the Prime Minister & Cabinet
<b>17/03/2017</b>	Meeting with Port Authority CEO
<b>17/03/2017</b>	Meeting with PDC Chairman
<b>17/03/2017</b>	Foster Care Appreciation Dinner
<b>21/03/2017</b>	Monthly PHCCI meeting
<b>21/03/2017</b>	Meeting with BBI Group
<b>22/03/2017</b>	Meeting with Regional Services Reform Unit
<b>23/03/2017</b>	Community Consultation re Antisocial Behaviour & Taxi Traffic Management
<b>28/03/2017</b>	Meeting with Office of Assistant Minister for Cities Angus Taylor (Advisor Mahli Nelson) – Canberra
<b>28/03/2017</b>	Meeting with Advisors to Minister for Resources and Northern Australia (Matthew Canavan) – Canberra
<b>28/03/2017</b>	Meeting with The Hon Nigel Scullion and Advisor – Canberra
<b>29/03/2017</b>	Meeting with Office of Minister for Regional Development – Canberra
<b>29/03/2017</b>	Meeting with Minister Tudge – Canberra
<b>29/03/2017</b>	Friends of Mining & Resources Luncheon – Canberra
<b>30/03/2017</b>	Meeting with Airport & Main Roads
<b>30/03/2017</b>	LEMC Meeting
<b>30/03/2017</b>	Meeting with Jan Ford
<b>31/03/2017</b>	Interview with NWT re Canberra Trip

The Mayor acknowledged that this would be the last meeting for the Acting Director Infrastructure and Town Services, Peter Keane, and the Coordinator Governance, Grace Waugh. The Mayor thanked the officers for their time at the Town.

The Mayor stated that when the Town's financial standards are put at risk or Local Government business debates flare up the Council needs to speak up otherwise the Council can't be taken seriously on issues of value. He won't mislead the community into believing a business as usual approach for the town will or should be acceptable. In the late item 15.3 on

the agenda tonight the rate in the dollar will be discussed. The Mayor advised that the Town's financial position is the responsibility of the Council not the administration. The Council determine where the money is spent and how much ratepayers will be rated. Previous Council's have failed to understand the ramifications of extremely poor financial decision making and the current Council is now paying that price.

The Mayor advised that the goal is to achieve an income from ratepayers that covers the Town's services, activities, financing costs and the current and future infrastructure replacement requirements of the Town without sending property holders into extreme hardship or broke.

Living within the Town's means is achieved by not spending more than the Town's income that has not been the case for a long time. There are legacy issues that Council have inherited which is restricting the ability of the Town to save in operational and maintenance costs, this will take some time to rectify. The Mayor believes that this is a contributing factor in the resignation of so many Finance Directors in the past three to four years.

Without any changes to the Town's business the Town will have between a \$6-7 million deficit in the Town's budget going forward. If the Council don't act there will be no choice but to use the wealth fund for operational costs. The problem is compounded by the Town's biggest assets 'Local Roads and Drainage' being severely neglected for many years which requires urgent investment of \$10's of millions to get them up to a reasonable standard. Footpath and curb programs are non-existent, community assets that have been recently redeveloped continue to draw considerable funds out of the operational budget, things like the Waterpark, South Hedland Swimming Pool which have had millions thrown at it since the rebuild, yet it continues to fail water testing.

The JD Hardie centre has had millions spent on it, but the rebuild remained unfinished, there's no sealed car parking and the roof needs replacing again, at a cost of millions of dollars. The Town owns a lot of aging community buildings and around 50 houses, of which the maintenance has basically been non-existent, creating another significant cost to bring them up to standard, or the Town could sell off the assets at a considerable loss on market value. Stevens Street Retirement Village is the responsibility of the Town to maintain, again nothing has happened for years, the estimated repair bill stands at about \$3 million dollars. The Mayor reminded the Council of the \$22.6 million that the Town owes the bank.

This problem was not created because of 'funding received' for community upgrades, the issues come from a lack of understanding of the operational costs to the Town, exaggerated by bad planning and management of the projects. That failure rests squarely on the shoulders of the decision makers, the elected Council.

The Mayor advised that Council has to make some hard decisions. Duplication of services like libraries and pools cannot continue in the Town's current situation. A mass reduction in staff, from current reduced levels, will impact considerably on service delivery. The Town cannot move forward with a business as usual attitude, ongoing changes need to be made. Elected Members are in charge of a multi-million dollar business that should deliver services, maintain and renew community infrastructure.

Good planning and design into a number of options like the relocation and centralisation of major community assets that achieve significant reductions in operational costs are currently being mapped out. The Mayor is asking the community to support the changes required to achieve the required savings. Things like investing in the Town's core assets, roads and



drainage, curbs and footpaths and replacing buildings and community assets that the Town has already spent money on, but continue to drain the Town's finances.

This is the hand Council has been dealt with legacy from years of neglect to Town assets and spending beyond the Town's income on non-essential items. This is why the Town replaced the entire Executive structure which is just about complete.

The Council needs to understand the reality of the state of the Town's finances and most importantly stand together. Unity is essential to make the right decisions. In showing that Council is committed to turning the town around, ensuring success into the future and delivering outcomes that benefit Hedland residents.

This is not the easy road but it is the right path to take. The Mayor asked that Council become united, and the community to support the Council, with the changes required to achieve success into the future.

If unity cannot be achieved, The Mayor advised he will have no hesitation in writing to the Department of Local Government and Communities requesting that the Council be disbanded and a Commissioner be appointed.

*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 Executive Services****12.1.1 Pilbara Regional Council Future Direction**

File No: 02/07/0003  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 10 April 2017  
Author: Robert Leeds, Chief Advisor  
Authorising Officer: David Pentz, Chief Executive Officer  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:  
Nil

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**OFFICER RECOMMENDATION/MOTION****MOVED: CR TAVO****SECONDED: CR GILLINGHAM**

That with respect to the Pilbara Regional Council, Council:

1. Reduce funding for the Pilbara Regional Council in the 2017/18 budget to a maximum of \$150,000;
2. Move a motion at the next Pilbara Regional Council meeting to:
  - a) relocate the PRC to one of the constituent local government's offices;
  - b) review staffing of the PRC in line with the reduced budget allocation;
  - c) re-affirm the PRC agreement, in particular the requirement for all agenda items to be endorsed by a member Council prior to being put to the PRC;
  - d) require that all lobbying and advocacy activities undertaken by the PRC have the formal support of all four member Councils; and
3. Identify priority projects of the Pilbara Regional Council to undertake in the 17/18 financial year.

***MOTION LOST 3/5***

For: Mayor Blanco, Cr Tavo, Cr Gillingham

Against: Cr Melville, Cr Hooper, Cr Arif, Cr Newbery, Cr Whitwell

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## EXECUTIVE SUMMARY

The Town of Port Hedland has been a member of the Pilbara Regional Council (PRC) since 2000. The Council was established to coordinate regional projects across the four local governments of the Pilbara.

While the PRC has delivered a range of projects over this time, the staffing of the organisation has increased significantly and the targeting of projects does not currently reflect Town of Port Hedland priorities. The PRC is seeking input into their proposed suite of projects for the 17/18 financial year. It is therefore an opportune time for the Town to review its involvement in the PRC, level of funding, and organisational priorities for the upcoming year.

## BACKGROUND

The PRC was formed in 2000 under the Local Government Act, to provide regional coordination on projects, procurement and policy across the four councils of the Pilbara. Initially, the Council was based in the Pilbara and staffed by an executive officer and an administrative officer to co-ordinate projects, with many projects being delivered by the existing staff of the constituent councils. Since its inception the PRC has moved location to Perth and now has six staff including a CEO and Deputy CEO.

The PRC has delivered a suite of projects over the past financial year including:

- A green waste mulching contract
- RV friendly strategy
- Tourism signage
- Tourist rest stops
- Public WiFi
- Payroll processing

Generally these projects are coordinated by the PRC with each Council then paying for the services delivered under the contracts. While some of these projects such as the RV friendly status and tourism signage have aligned with existing Town of Port Hedland strategies and programs, other projects have had limited application to the Town or have duplicated existing Town projects.

Concerns have also been raised about the PRC's advocacy role, with the CEO playing an active role in political lobbying throughout the State election campaign, and also meeting with stakeholders in the Town of Port Hedland without ensuring their messaging was first aligned with the Town's. Some of the lobbying through the media and in person with Government Ministers has not been endorsed by the Town or the PRC itself and has led to inconsistent messages, particularly where there has not been agreement among the four member Councils.

While there are undeniable benefits to be realised from regional cooperation between local governments, the current PRC model is not delivering to the greatest extent possible. A lack of responsiveness to individual local government needs, focus on advocacy at the expense of service delivery and replication of work that government agencies such as the Pilbara Development Commission, RDA and others are completing have been identified as the key issues to be resolved going forward. The Town's key aspirations for the PRC going forward are for it to:

- Enhance responsiveness to the needs of the constituent Councils
- Focus on regional procurement projects for priority services
- Significantly reduce advocacy role and allow advocacy only where there is unanimous support from all four Councils
- Eliminate the commissioning of reports
- Focus on services that constituent Councils could not deliver individually, or where significant economies of scale can be leveraged

Reducing the scope of the PRC to these core services will focus the organisation back onto its key functions of coordinating projects that deliver economies of scale to the member Councils. There are four suggested strategies to refocus the PRC's activities which are suggested to be put forward at the next PRC meeting. Firstly, relocating the PRC office to the Pilbara will enhance the organisation's engagement with member Councils, increase responsiveness to on the ground needs and improve the ability to leverage the skills and time of staff from the four Councils to deliver projects.

Secondly, reducing the Town's budget allocation and reviewing PRC staffing to meet the new funding arrangements will push the PRC to be more focused and more responsive to the Town's needs when selecting projects. Currently the PRC has six staff including a CEO and Deputy CEO. Although these staff are paid less than equivalent titles within a local government, the organisation is still management heavy, reflecting its focus on advocacy rather than delivery. Should the PRC require additional funds to deliver priority projects in the next financial year, they have significant funds at bank which can be drawn on.

The final two aspects relate to PRC procedures which have not been adhered to recently. The PRC agreement requires an agenda item to be passed by a member Council prior to going onto the PRC agenda. Re-introducing this rigour into the process will help to focus the organisation on member priorities rather than have the organisation generate its own projects and interests. Requiring all advocacy activities to be endorsed by all four members is aimed at reducing the amount of advocacy work engaged in by PRC staff that is not consistent with Town messaging. While there is a role for the PRC to play in advocacy, officers believe a more consistent result would be achieved if the PRC played a coordinating role with the lobbying and advocacy work in the media and with politicians conducted by the four Mayors working together. This is more reflective of successful regional approaches in other areas and ensures only elected representatives are speaking on behalf of the Town.

## CONSULTATION

External consultation has been conducted informally between the four PRC Mayors.

Internal consultation has occurred at ELT level and with officers who have been involved in recent PRC projects.

## LEGISLATIVE IMPLICATIONS

The PRC was established in accordance with Part 3 Division 4 of the *Local Government Act 1995*. The PRC operates under an agreement that was agreed to by all member local governments in 2000.

## POLICY IMPLICATIONS

Policy 4/007 'Elected Member Representation – PRC, Regional Roads Group and Local Emergency Committee' states that the Mayor and Deputy Mayor are the Town's members on PRC. This policy will not be affected by the officer's recommendation.

## FINANCIAL IMPLICATIONS

Reducing the PRC budget to a maximum of \$150,000 will save \$70,000 in the 17/18 budget. There is potential for further savings to be realised by reducing the number of PRC projects the Town is required to participate in that do not meet strategic priorities.

## STRATEGIC IMPLICATIONS

Being a member of the PRC assists with the delivery of the Town's vision and Strategic Community Plan as the PRC delivers projects on behalf of the Town which contribute towards achieving the goals identified in the plan.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

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

### *Social*

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

### *Risk*

There is a risk rating of medium (6) assigned to the risk that the Town spends a considerable amount of money through the PRC will little benefit to the Town.

## OPTIONS

Option 1 – That Council adopt Officers Recommendation.

Option 2 – That Council not support the officer's recommendation and continue with the current, relationship, management structure and annual funding level of \$220,000 for the PRC.

## CONCLUSION

The Pilbara Regional Council has the potential to provide valuable economies of scale on projects across the four Pilbara local Governments. While some valuable projects have been delivered, the focus on advocacy rather than delivery and the lack or responsiveness to the

Town's needs limit the value for money achieved. Housing the organisation in the Pilbara and having a staffing structure that better reflects a delivery focus will both save money and achieve better outcomes that reflect the Town's priorities.

Better governance and limits to the advocacy role of the PRC will also help to ensure the Town's interests are being served at all times and that messages to other levels of government and the media reflect the Town position. Changes to the scope and structure of the PRC should achieve a better return on investment than continuing with the current model.

### 12.1.2 Relocation of South Hedland Square Taxi Rank

File No: 30/10/0004  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 5 April 2017  
Author: Trina Stoddart, Community Engagement and Inclusion Officer  
Authorising Officer: David Pentz, Chief Executive Officer  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Summary of Consultation Meeting 23 March 2017 regarding South Hedland Taxi Rank
2. South Hedland Taxi Rank Relocation Trial Map (under separate cover)
3. Relocation Trial of South Hedland Taxi Rank – Costs and Requirements (under separate cover)

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#### OFFICER RECOMMENDATION

That with respect to the relocation of the South Hedland Square taxi rank, Council:

1. Approve the relocation of the taxi rank to Wise Terrace South of McLarty Boulevard for a three month trial.
2. Request the Chief Executive Officer to submit a report evaluating the trial within 2 months of the trial ending.

#### CM201617/179 COUNCIL DECISION

**MOVED: CR MELVILLE**

**SECONDED: CR ARIF**

**That with respect to the relocation of the South Hedland Square taxi rank, Council:**

- 1. Approve the relocation of the taxi rank to Wise Terrace South of McLarty Boulevard for a three month trial.**
- 2. Request the Chief Executive Officer to submit a report evaluating the trial within 2 months of the trial ending.**
- 3. Request the Taxi Companies submit a report on the taxi rank relocation trial within 2 months of the trial ending.**

***CARRIED 8/0***

## EXECUTIVE SUMMARY

As a strategy to address the antisocial behaviour at the South Hedland Square the Town of Port Hedland held a consultation meeting with stakeholders and investigated the options for a trial relocation of the South Hedland Square taxi rank. The outcome showed that the preferred location for the trial would be on Wise Tce south of McLarty Blvd.

## BACKGROUND

Town officers put a report to Elected Members at the February 2017 Ordinary Council Meeting (15.2, Management of Taxi Traffic at the South Hedland Shopping Centre). This report recommended the removal of the "Taxi Zone" to address antisocial behaviour at this location. The outcome of this report was a council decision requesting further consultation between the Town, Taxi Companies and the Police.

South Hedland Square Park and the entrance of Coles at the shopping Centre has been highlighted as a focal point of antisocial behaviour.

This has been illustrated by police statistics, CCTV footage, challenges facing local businesses and the ongoing impact on the community. Police have reported; 774 jobs, 51 reported assaults, 673 move on notices issued, and over 100 liquor infringements issued at this location within the last 12 months. This is affecting the impression of Port Hedland being a liveable town.

There are many individuals, organisations, and agencies working in Hedland to address antisocial behaviour and harm from the misuse of alcohol and drugs. It is widely understood that this issue is complex and there is not an easy, or single, solution. The trial relocation of the South Hedland taxi rank is only proposed to investigate the possible decrease in antisocial behaviour at one location.

It has been suggested that there is a congregation of factors (services and an environment) that have made the South Hedland Square Coles entrance this focal point for antisocial behaviour. These factors are; the liquor store, the banks, amenities (shade, toilets), and the taxi rank. The Police also stated that the location of the taxi rank currently does not allow them to issue all the necessary move on notice due to disorderly individual stating that they are waiting for a taxi or specific taxi.

A consultation meeting with identified stakeholders was held on 23 March 2017. The meeting was facilitated by consultants RFF and representatives of all the taxi companies, Elected Members, WA Police, Department of Transport, South Hedland Business Association, and Town officers attended. The summary of this meeting by RFF is attached to this report (attachment one).

It was agreed at the meeting that the removal of the taxi zone was not a feasible option but suggested three alternative taxi rank locations that could be trialled for three months. The four options (please see map attached) are:

- Behind the South Hedland Shopping Centre
- Wise Tce south of McLarty Blvd
- McLarty Blvd at the rear of the shops
- Current location (no change)

Additionally it was agreed at the meeting that the following KPI's may be suitable to determine the success of the trial:



- Increase in the numbers of move-one notices issued by the Police
- Increase in the perception of safety amongst the general public
- Decrease in anti-social behaviour or violence in the Town Centre
- A functional and efficient operating taxi rank.

The 23 March meeting agreed that the ideal two locations for the trial taxi rank were behind the South Hedland Shopping Centre and Wise Tce south of McLarty Blvd.

Following the meeting the Town investigated the proposed options. The location behind the shopping centre was found by the Managers of Technology, Engineering Operations, and Infrastructure and Projects to be cost prohibitive (\$102,000). Additionally as this location is not on public land town would require permission to relocate the rank and there is a risk that this would not be approved. The amount of work required to implement this option would result in a lengthy process. This location would not be suitable for a trial taxi rank.

The McLarty Boulevard option is also cost prohibitive and is inconvenient for the community and the taxi companies. There are significant cost predicted (\$115,000) to be able to provide the infrastructure (lighting, CCTV) to this location. This option would also require considerable time to implement. This location is unsuitable to both the taxi companies and to the Town.

Consideration was also given to not moving the taxi rank. This option does not address the ongoing concerns of antisocial behaviour in that location and hampers police attempts to move disorderly people away from the area.

The option of Wise Tce south of McLarty Blvd is the recommended option. It will provide both the desired outcome and the functionality required of a high use taxi rank including shade and seating. This option also has the lowest financial impact to the Town (\$20,947) and will be able to be implemented swiftly.

## **CONSULTATION**

External consultation was conducted through a consultation meeting facilitated by RFF on 23 March 2017. This meeting determined the options for the relocation of the taxi rank and ensured that all parties' views were taken into account. Notes for this meeting and its outcomes are attached.

Attendees included;

Gloria Jacob – South Hedland Business Association

Dean Snashall – WA Police

Samantha Robinson – Charter Hall

Garth Armstrong – Department of Transport

Mark McComark – Department of Transport

Ivan Spoljaric – Carlindie Cabs

Erica Hills - South Hedland Taxis

Bozana Ivkovic - Hedland Taxis.

Elected Members were invited to the consultation meeting and the following attended;

Camillo Blanco – Mayor Port Hedland

Troy Melville – Deputy Mayor Port Hedland

David Hooper – Councillor Port Hedland

Julie Arif – Councillor Port Hedland

Richard Whitwell – Councillor Port Hedland.

Internal Consultation took place through the external consultation meeting and meetings to evaluate the proposed options. The outcome of these consultations are this report and the officer's recommendation. The following Town officers were consulted;

David Pentz – CEO

Ray Davy – A/Director Development Sustainability and Lifestyle

Grant Voss – Manager Engineering Operations

Nasir Shah – Manager Infrastructure and Projects

Sebastian Maciuba – Manager Technology

Anthony Williams – Engineering Technical Officer

### **LEGISLATIVE IMPLICATIONS**

Local law allows for the Port Hedland Council to accept the officer's recommendation to relocate the current taxi rank for a three month trial.

This trial will require changing the current taxi rank to a no parking zone and allocating the trial site as a taxi parking zone. The relevant legislation is as follows.

*Town of Port Hedland Parking Local Laws 2015 (Powers of the Local Government (Section 1.10))* - The local government may, by resolution, prohibit or regulate by signs, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but shall do so consistently with the provisions of this local law.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The officers recommended option for the relocation of the taxi rank will incur a \$20,947 cost. Installation of CCTV cameras predicted to cost \$5,947 (exc GST). The cost of the implementation of access requirements is \$15,000. This cost can be covered in the Towns Operational Budget.

### **STRATEGIC IMPLICATIONS**

The relocation of taxi rank is expected to reduce antisocial behaviour at the South Hedland Square. This will help Port Hedland become a unified and vibrant community specifically by providing safe and accessible community facilities, events and open spaces that connect people and neighbours as per the current Town Strategic Community Plan.

### **SUSTAINABILITY IMPLICATIONS**

#### *Environmental*

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation. However Town will provide rubbish bins at the trial location to minimize litter.

*Economic*

The Town consulted, and will continue to work with, local taxi companies to try to mitigate any impact on their business throughout the trial period.

The South Hedland Small Business Association has stated that the current antisocial behaviour is having a negative impact on stores in the vicinity of the South Hedland Square. The outcome of the trial may have a positive economic impact on these businesses.

*Social*

There is the possibility of a significant social impact if the Council adopts the officer's recommendation. The antisocial behaviour at the South Hedland Square impact on many members of the community, both those engaging in the behaviour and members of the public who are accessing this space. Our public parks and the shopping Centre are important places in the community and all members of the community should be free to enjoy them. A reduction in the identified behaviour will benefit the Port Hedland community.

*Risk*

There is a risk rating of 6 assigned to the risk that Council does not take the officers recommendation. This risk relates to the likely possibility of moderate consequences in the areas of financial impact and reputation.

**OPTIONS**

Option 1 - That Council adopt Officers Recommendation.

Option 2 - That with respect to the relocation of the South Hedland Square taxi rank, Council;

1. Approve the relocation of the taxi rank to McLarty Blvd for a 3 month trial.
2. Request the Chief Executive Officer to submit a report evaluating the trial within 2 months of the trial ending.

Option 3 - That with respect to the relocation of the South Hedland Square taxi rank, council;

1. Request the Chief Executive Officer (or his delegate) approach Charter Hall to seek approval for the relocation of the taxi rank to behind the South Hedland Shopping Centre for a 3 month trial.
2. Request the Chief Executive Officer to submit a report evaluating the trial within 2 months of the trial ending.

Option 4 - That Council not approve the relocation of the South Hedland Square taxi rank.

**CONCLUSION**

Following the Council decision in February 2017, Town officers undertook consultation and investigation into a trial relocation of the South Hedland taxi rank. It was agreed that a relocation should be considered due to the documented high frequency of antisocial behaviour in the vicinity of the current taxi rank. There is also a widely held belief that there are factors at the current location, including the taxi rank, that are contributing to the antisocial behaviour and the difficulty faced by police to manage it.

Investigations showed that relocating the taxi rank to Wise Tce south of McLarty Blvd may have significant benefits to the community with minimal cost and disruption to the community, taxi companies and the Town.

## ATTACHMENT 1 TO ITEM 12.1.2



Sunshine Coast  
5 Holt Street  
Currimundi, QLD 4551  
Ph: 0402 451 015

Broome Office  
22 Carnarvon St,  
BROOME, WA 6725  
Ph: 0477 056 937  
PO Box 2807,  
Broome WA 6725

Port Hedland  
21 Kingsmill Street  
Port Hedland WA, 6721  
Ph: 0407 684 337  
PO Box 481,  
Port Hedland WA 6721

## NOTES SUMMARY – TAXI RANK COMMUNITY GROUP MEETING NOTES

Name	Organisation
David Pentz	CEO, Town of Port Hedland (ToPH)
Camilo Blanco	Mayor, Port Hedland
Ray Davy	ADirector Development Sustainability and Lifestyle, ToPH
Trina Stoddart	Community Engagement and Inclusion Officer, ToPH
Gloria Jacob	South Hedland Small Business Association
David Hooper	Councillor, Port Hedland
Julie Arif	Councillor, Port Hedland
Richard Whitwell	Councillor, Port Hedland
Grant Voss	Manager Engineering Operations, ToPH
Nasir Shah	Manager Infrastructure and Projects, ToPH
Dean Snashall	WA Police
Samantha Robinson	Charter Hall
Garth Armstrong	Department of Transport
Robert Leeds	Advisor to the CEO, ToPH
Mark McCormack	Department of Transport
Ivan Spoljaric	Carlindie Cabs
Erica Hills	South Hedland Taxis
Bozana Ivkovic	Hedland Taxis
Troy Melville	Deputy Mayor, Port Hedland

- All participants recognised that there was an issue created by the colocation of the taxi rank, public space banks, liquor and other retail outlets
  - Community safety concern and perception
  - Restricting Police ability to issue move-on notices
  - Poorly functioning taxi rank design
- The colocation of these facilities is leading to a concentration of anti-social behaviour in a high pedestrian/ vehicle traffic area
- This is leading to increased perception of fear and raising safety concerns with the broader Port and South Hedland community
- All parties agreed that removal of the taxi rank permanently or as a trial was not an acceptable outcome from the meeting
- All parties agreed that a trial of the taxi rank at an alternative location in the town centre was worth exploring
- The KPI's in any trial for relocation of the taxi rank are:
  - Increase in the numbers of move-on notices issue by Police (Records by Police)
  - Decrease in the perception of safety concern amongst the general public (Community and Business Survey)
  - Decrease in anti-social behaviour or violence in the Town Centre (Arrests/ CCTV)
  - Functional and efficient operating taxi rank (Taxi and Customer Feedback)
- Taxi rank design for trial should preferable have the following; and a longer term permanent rank must have the following key characteristics (Note – the Australian Taxi Industry Association standard specification <https://www.atia.com.au/wp-content/uploads/Generic-Taxi-Rank-design-specification.pdf>):
  - Single Line-Up
  - Minimum 10 – 15 taxis length (i.e. 90m)

- Shade for the cars
- Lights
- Cameras
- All parties agreed 3-month trial to be implemented once final location is agreed.
- A number of options were raised for a trial relocation:

Site Location	Positives	Negatives	Group Consensus
Old Skate Park	<ul style="list-style-type: none"> <li>• Accessible to taxi and customers</li> <li>• Close to shop entrances</li> <li>• Covered by CCTV and has lighting etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Located in a high pedestrian/ vehicle area similar to current location limiting move on notice application and still leading to safety concern with general population</li> <li>• Still close to liquorland and banks</li> <li>• Significant preparation costs</li> </ul>	Dismissed.
Old Taxi Rank – Kmart Entrance	<ul style="list-style-type: none"> <li>• Historical track record</li> <li>• Located away from banks and liquorland</li> <li>• Existing infrastructure</li> <li>• Away from the 'Main' entrance to the Shopping Centre/ Coles</li> </ul>	<ul style="list-style-type: none"> <li>• Private Land – Charter Hall will be required to agree to site</li> <li>• Minor improvements to the area required (i.e. lighting)</li> <li>• Charter Hall considered it would shift similar level of anti-social behaviour just to an alternative location</li> </ul>	Preferred Option (subject to approval/ agreement from Charter Hall)
Wise Terrace south of Mclarty Boulevard	<ul style="list-style-type: none"> <li>• Provides for separation of rank and any loitering from the main entrance/ pathway between shops and car park.</li> <li>• Still reasonably close to entrance</li> <li>• Was the natural rank location when Wise Terrace and shop renovations were completed</li> <li>• Existing lighting, shade, CCTV etc.</li> <li>• Located on Public Land and therefore can be implemented immediately</li> </ul>	<ul style="list-style-type: none"> <li>• Still in close proximity to banks and liquorland and main public thoroughfare</li> <li>• Road and layout requires some modification to be functional and safe rank</li> </ul>	Secondary Option (if Charter Hall do not agree)
Mclarty Boulevard at the rear of the shops	<ul style="list-style-type: none"> <li>• Provides for separation of rank and any loitering from the main</li> </ul>	<ul style="list-style-type: none"> <li>• Location is away from main shop</li> </ul>	Not Preferred

	entrance/ pathway between shops and car park.  <ul style="list-style-type: none"> <li>Some basic infrastructure (in line of sight of CCTV)</li> <li>Located on Public Land and therefore can be implemented immediately</li> </ul>	entrances so will be an inconvenience  <ul style="list-style-type: none"> <li></li> </ul>	
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- To inform outcomes post three-month trial records should be obtained as a baseline through initial community and business engagement.

#### Other Feedback (Post Meeting)

- Clarification sought on use of 15-minute parking by taxis – note from Ray Davy issued confirming use is permitted under local law but situation to be monitored and if required consider taxi zone/ bay out the front of the bank/ shops)
- Charter Hall Requirements
  - Costs to relocate and who will be liable for the costs, for example design and infrastructure
  - Costs to manage and maintain the service and who will be liable for the costs, for example CC TV, lighting and security.
  - Timeframes
  - The rationale for the proposal
  - Clear plans showing the exact design and location.

#### Actions

- Negotiate agreement with Charter Hall for a 3-Month trial at the old Taxi Rank site which considers:
  - Required upgrades and costings to existing infrastructure;
  - Security and Management;
- Allow two weeks to negotiate an agreement with Charter Hall from a decision of Council or revert to Option 2 (Wise Terrace south of McLarty Boulevard) for the proposed trial site;
- Commence Baseline Community and Business Perception Survey regarding current perception regarding safety in the South Hedland Town Centre;
- Approve budget variations to providing funding for any modifications required to create the trial site
- Report to Council within 5-months of the trial period ending and recommend to Council on a final permanent location based on survey feedback, taxi feedback and police records.

6:31pm Councillor Arif declared a financial interest in item 12.1.3 BHP Bulk Materials Licence Amendment, as she owns shares over the threshold.

6:31pm Councillor Arif left the room.

6:31pm Councillor Melville declared a financial interest in item 12.1.3 BHP Bulk Materials Licence Amendment, as he is an employee of BHP and owns shares over the threshold.

6:31pm Councillor Melville left the room.

### 12.1.3 BHP Bulk Materials Licence Amendment

File No:	803354G
Applicant/ Proponent:	Department of Environment Regulation
Subject Land/ Locality:	N/A
Date:	11 April 2017
Author:	Robert Leeds, Chief Advisor to the CEO
Authorising Officer:	David Pentz, CEO
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes

Attachments:

1. Letter of referral of a Licence Amendment for Comment

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#### CM201617/180 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR WHITWELL**

**SECONDED: CR HOOPER**

**That with respect to the proposed amendment to BHP Iron Ore's Category 58 (bulk materials loading and unloading) license, Council:**

1. **Advise the Department of Environment Regulation that the Town of Port Hedland supports BHP Iron Ore's proposed category 58 increase from 270 to 275 million tonnes per annum;**
2. **Continue discussions with BHP, the Port Hedland Industry Council, and the WA Government to determine a way forward around dust issues in the West End; and**
3. **Reserve its position on further amendments to the license until a resolution to the dust issue has been progressed.**

***CARRIED 6/0***

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6:33pm Councillor Arif and Councillor Melville re-entered the room and resumed their chairs.



## EXECUTIVE SUMMARY

BHP Billiton Iron Ore currently has a bulk export licence for 270 million tonnes per annum (mtpa). This amount is expected to be exceeded, requiring BHP to seek an amendment to increase their tonnage for the current year.

In September 2016, BHP requested a 20mtpa increase to their licence which was opposed by Council because of concerns over dust impacts in the West End. Following this, discussions have been held with stakeholders to determine the impacts of dust on health and amenity which BHP has been an active participant in. While discussions continue, a small increase in tonnage is seen as appropriate so as not to interrupt production and shipping.

## BACKGROUND

BHP is currently licensed under the *Environmental Protection Act 1986* Part V Division 3 for up to 270 million tonnes per annum of bulk handling at the Port Hedland Port. BHP is the most significant exporter from the Port and is integral to the Town's local economy. Expansion of production and efficiency gains in utilising Port capacity have enabled BHP to increase export tonnage nearing the limit of their existing approval. During this time, major issues about the dust ostensibly caused by stockpiles and port activities and impacting on residential areas of the West End have been raised.

In September 2016, BHP submitted an application to have their licenced bulk exports increased by 20mtpa to 290mtpa. This application is still under review by the Department of Environment and Regulation (DER) and is not influenced or impacted by the decision at hand. The 290mtpa expansion application was considered by Council at the October 2016 meeting with the following motion carried:

*That with respect to the referral received by the department of state development with respect to the application in relation to increased throughput by BHP Billiton, Council:*

1. *Receives the Department of State Development referral of 4 October 2016 in relation to the BHP Billiton Iron Ore application to upgrade certain aspects of Nelson Point infrastructure and requests the Acting Chief Executive Officer to respond on the following basis:*
  - a. *The supporting documentation provided by the applicant is deficient in that no evidence has been provided regarding dust emissions and/or how any mitigation will occur if there was an increase in emissions due to increased throughput;*
  - b. *The Town does not support intensification of port activities until such time that port users have mitigated any potential health impacts with reduced dust emissions;*
  - c. *The DER has not completed a review of licencing procedures or conditions to hold port users to account for their impacts on the adjoining community.*

Since this motion was passed BHP has made a concerted effort to engage with the Town on the West End dust issues. The Port Hedland Industry Council (PHIC) has also been re-convened by the Pilbara Port Authority to bring together all of the major port users to address dust concerns. While the industry looks at monitoring and mitigation, the relevant State Government departments are continuing to develop an evidence based position on any health or amenity impacts that may be caused by the dust.

Although Council took a hardline approach to the previous larger application for expansion, officers believe the work taking place to address the dust issue as well as the good faith discussions that have taken place warrant supporting the application for the 5mtpa increase. The dust issue has existed for a significant period of time and the work conducted over recent months to progress the issue has been positive. The increase represents a less than 2 per cent increase in production, and would be a negligible increase in the overall bulk exports from the Port. As such, the impact to dust should the application be accepted by DER would be minimal, if noticeable at all.

Furthermore, there are significant risks to not supporting the application. Previous applications have been based on projected future expansions in production, whereas the application at hand is based on the actual level of export expected this year. If the increase to the licence is not allowed, BHP will need to reduce their exports for the current year. Having export capacity lay underutilised sends a negative message about the business friendliness of the Town.

A balance between the concerns about dust and the need to maintain the local economy must be achieved. Thus, while the stakeholders are all working positively to find a way forward on the dust issue, officers believe supporting a small increase in BHP's licence is appropriate.

DER is the decision maker on this application and is the best placed to assess the scientific evidence base on the dust issue. From the Town's perspective and with the information currently available, officers believe the applications should be supported by Council.

## CONSULTATION

Ongoing consultation is occurring with stakeholders including the Pilbara Ports Authority, Port Hedland Industry Council, BHP and other bulk exporters to assess the impacts of and potential mitigation strategies to address the dust issues in the West End. Initial meetings are also being held with the incoming State Government to determine their position on the issue and get their commitment to working through a solution with industry.

## LEGISLATIVE IMPLICATIONS

The license application is being sought under the *Environmental Protection Act 1986* Part V Division 3, however the Town is not the decision maker in this process – the referral is a legislative process to aid DER in their decision making.

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

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

## STRATEGIC IMPLICATIONS

Section 2.1 of the 2014-2024 Strategic Community Plan: A thriving, resilient and diverse economy is relevant to this matter.

**SUSTAINABILITY IMPLICATIONS***Environmental*

Potential environmental impacts arising from adoption of the officer's recommendation will be determined on the basis of the scientific evidence by DER who are the final decision makers on this matter.

*Economic*

The increase of 5mtpa itself is a small economic impact in the context of the exports from the Port Hedland Port, however the negative message constraining further development sends, may have impacts on the local economy.

*Social*

The issue of dust in the West End is significant for residents in this area. While there is currently limited evidence to show health impacts from dust, residents and business owners have raised amenity impacts.

*Risk*

There is a risk rating of 4 assigned to the risk that refusing the application will have reputational impacts for the Town.

**OPTIONS**

Option 1 – That Council support Officers Recommendation.

Option 2 - That with respect to the proposed amendment to BHP Iron Ore's Category 58 (bulk materials loading and unloading) license, Council:

1. Advise the Department of Environment Regulation that the Town of Port Hedland supports BHP Iron Ore's proposed category 58 increase from 270 to 275 million tonnes per annum; and
2. Advises BHP further conditions of the Town's support as follows:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_

Option 3 - That with respect to the proposed amendment to BHP Iron Ore's Category 58 (bulk materials loading and unloading) license, Council:

1. Advise the Department of Environment Regulation that the Town of Port Hedland does not support BHP Iron Ore's proposed bulk handling licence increase from 270 to 275 million tonnes per annum.

**CONCLUSION**

Dust issues in the West End have been present for a significant period of time, with questions about the correct monitoring and potential effects of dust still unanswered.

Nevertheless, significant progress has been made engaging the industry to progress the issue in terms of better monitoring and mitigation programs. While this work is continuing it would be detrimental to the reputation of the Town to lobby against an increase to BHP's exports that has been achieved through more effective utilisation of current infrastructure and represents a negligible increase to the intensity of operations.

## ATTACHMENT 1 TO ITEM 12.1.3



Government of Western Australia  
Department of Environment Regulation

Your ref L4513/1969/18  
Our ref DER2013/001083  
Enquiries Adrian Wiley  
Phone 6467 5474  
Email [adrian.wiley@der.wa.gov.au](mailto:adrian.wiley@der.wa.gov.au)

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

Dear Sir / Madam

**ENVIRONMENTAL PROTECTION ACT 1986 – REFERRAL OF A LICENCE AMENDMENT  
FOR COMMENT**

**Premises:** BHP Billiton Iron Ore Port Hedland Operations  
PORT HEDLAND WA 6721  
**Licence:** L4513/1969/18

The Department of Environment Regulation (DER) has received a second application from BHP Billiton Iron Ore Pty Ltd (BHPBIO) under Part V Division 3 of the *Environmental Protection Act 1986* (the EP Act) to amend the BHPBIO Port Hedland Operations licence L4513/1969/18.

In this new application BHPBIO is seeking to increase the Category 58 – bulk material loading or unloading production capacity from 270 million tonnes per annum (Mtpa) to 275 Mtpa. The proposed increase in capacity will be from increased availability and utilisation of existing infrastructure.

As you may be aware, in September 2016 BHPBIO submitted an application to increase the production capacity at the port operations to 290 Mtpa. The new application to 275 Mtpa is separate and additional to that earlier application which remains under consideration by DER.

The latest application and supporting documentation submitted by BHPBIO is available from the DER website here <https://www.der.wa.gov.au/our-work/community-updates>. You are invited to make a submission to DER regarding this application. Submissions may be forwarded to DER by Wednesday, 26 April 2017 via email to [info@der.wa.gov.au](mailto:info@der.wa.gov.au) or to Locked Bag 33, Cloisters Square, Perth WA 6850.

If you require further information you may contact DER's Principal Strategy and Reform Officer, Mr Adrian Wiley on 6467 5474.

Yours sincerely

*B. Walker*

Belinda Walker  
SENIOR MANAGER  
STRATEGY AND REFORM



Officer delegated under section 20  
of the *Environmental Protection Act 1986*

3 April 2017  
[cc. council@porthedland.wa.gov.au](mailto:cc.council@porthedland.wa.gov.au)

The Atrium, 168 St Georges Terrace, Perth WA 6000  
Postal Address: Locked Bag 33, Cloisters Square, Perth WA 6850  
Phone (08) 6467 5000 / Fax (08) 6467 5562  
[www.der.wa.gov.au](http://www.der.wa.gov.au)

## 12.2 Corporate and Performance

### 12.2.1 Annual Review of the Town of Port Hedland Delegation Register

File No: 13/02/0001  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 4 April 2017  
Author: Grace Waugh, Coordinator Governance  
Authorising Officer: Kathryn Crothers, Director Corporate and Performance  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☐ Executive  
☒ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Reviewed Delegation Register (under separate cover)

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## MOTION

**MOVED: CR NEWBERY**

**SECONDED: CR MELVILLE**

That Council adopt the amended Delegation Register as per attachment 1 with an amendment to 1.7(4) to retain the value at \$150,000.

***MOTION LOST 3/5***

For: Cr Melville, Cr Newbery, Cr Whitwell

Against: Mayor Blanco, Cr Gillingham, Cr Hooper, Cr Arif, Cr Tavo

## CM201617/181 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR GILLINGHAM**

**That Council adopt the amended Delegation Register as per attachment 1.**

***CARRIED BY ABSOLUTE MAJORITY 5/3***

For: Mayor Blanco, Cr Gillingham, Cr Hooper, Cr Arif, Cr Tavo

Against: Cr Melville, Cr Newbery, Cr Whitwell

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## EXECUTIVE SUMMARY

The Town is required to review the Delegation Register once each financial year. The Town has reviewed the register at the same time as the organisational restructure to ensure any title or position changes are not interrupted by delegations not being in place.

## BACKGROUND

The Delegation Register was last reviewed at the Ordinary Council Meeting on Wednesday 25 May 2016 and is therefore required to be reviewed prior to 30 June 2016.

For ease of reference, the Delegation Register lists delegations under the *Local Government Act 1995* and also other legislation that the Town's various business units are required to abide by.

Communication with internal and external stakeholders have highlighted a number of changes to delegated powers.

Due to the recent organisational restructure the register has been updated with the correct titles of positions.

The reasons for the changes are summarised below:  
*Local Government Act 1995*

A number of delegations under the Local Government Act 1995 are proposed to be amended, deleted and new delegations created because they have been identified as an administrative matter that is not subject to a formal delegation and can simply be resolved via the concept of acting through, as part of a policy or an internal operating procedure.

The following are a list of changes to the Delegation Register under the Local Government Act 1995:

- 1.4 'Write off Debtors (Rates and Others) Up To \$200.00' – this has been deleted and will now form part of 1.5 'Waiver of Fees and Charges and Write Off of Debts'
- 1.5 'Waiver of Fees and Charges and Write Off of Debts' – this has been amended to provide more clarity around in what instances the Town will waive fees and charges or write off debts. It is also providing the CEO with more flexibility with what can be waived. At the moment there is no provision for the Town to donate tickets or contribute towards fundraisers through waiving of fees.
- 1.7 'Expression of Interests (EOI) and Tenders – the amount the CEO can accept tenders for has been increased from \$150,000 to \$300,000. This is to assist with timely acceptance of small tenders. In 2016 there were eight tender with four of those being under \$300,000.
- 1.8 'Contract Variations' – amending the wording to reflect the Act and regulations. Contract variations after the contract has been entered into is dealt with under regulation 21A which does not require a delegation.
- 1.11 'Temporary Closure of Roads' – this has been amended broadened so that it doesn't just cover off on public events.
- 1.12 'Liquor – Consumption on Council Property' – this has been removed as it is not a delegation under the Local Government Act 1995.
- 1.15 'Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare' – amended to only delegate to the CEO as the CEO has the power to subdelegate.
- 1.17 'Funding and Donations' – amended so that any applications outside of the policy need to be considered by Council.

- 1.20 'Making Payments to Employees in Addition to Contract or Award' – this is a new delegation to give the CEO power to approve payments in addition to a contract or award in line with policy 1/027 'Severance Payment'.

### *Tenders*

It is proposed to increase the tender acceptance delegation from \$150,000 to \$300,000. The increase will assist with the time it takes to accept tenders as the process is currently drawn out as officers currently have to incorporate an additional three weeks to ensure the item is included in the Council Meeting agenda. This will still ensure that Council award tenders for the Town's big projects such as the below tenders which have been awarded in the past four months:

- Kevin Scott Oval Irrigation Tank Replacement
- Faye Gladstone Netball Pavillion
- Pinga Street Road Construction

### *Building Act 2011*

In accordance with section 127 of the Act, the CEO has the power to subdelegate powers delegated to him.

The following are a list of changes to the Delegation Register under the Building Act 2011:

- 3.1 'Authorised Persons' – has been amended to include authorisation under section 133 of the Building Act 2011.
- 3.2 'Building Permits' – amended so that the CEO can subdelegate the power to officers.
- 3.3 'Occupancy Permit, Building Approval Certificate, Occupancy Permit – Strata, Building Approval Certificates – Strata, with or without conditions and extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate, Occupancy Permit – Strata, Building Approval Certificates – Strata' – amended so that the CEO can subdelegate the power to officers.
- 3.4 'Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance' – amended so that the CEO can subdelegate the power to officers.
- 3.5 'Issue Notices and/or Building Orders' – amended so that the CEO can subdelegate the power to officers.
- 3.6 'Appoint Authorised Persons (Swimming Pool Inspectors)' – amended so that the CEO can subdelegate the power to officers.
- 3.7 'Recover the Charge Imposed for Private Swimming Pool Inspection' – amended so that the CEO can subdelegate the power to officers.
- 3.8 'Approve the use of a battery powered smoke alarms' – amended so that the CEO can subdelegate the power to officers.

### *Planning and Development (Local Planning Schemes) Regulations 2015*

The delegation has been amended so the CEO will be able to approve anything submitted that is in accordance with the Town Planning Scheme No.5 and the Strategy as approved by Council. Anything outside of the Scheme or Strategy will be presented to Council.



*Land Administration Act 1997*

This has been amended to better reflect the duties that are being given to the authorised officers under the Land Administration Act 1997. The additional authorisations are administrative tasks that should be dealt with at the officer level.

*Planning and Development Act 2005*

Section 6.4 has been amended to be delegated to the CEO only.

*Food Act 2008*

It is being recommended that the functions and powers under sections 110, 112, 122, 125 and 126(13) be provided to the CEO who can subdelegate it to officers.

Delegating section 122 and 126 of the Food Act 2008 gives the CEO the power to appoint authorised officers and designated officers as required.

Sections 65, 66 and 67(4) of the Food Act are CEO functions not delegations from Council. Sections 117 of the Act provides the CEO with the power to delegate his powers to other officers.

*Health (Miscellaneous Provisions) Act 1911/Public Health Act 2016*

Delegation 8.1 has been amended to appoint the CEO as the local government's deputy to carry out the functions of the local government which is in line with section 26 of the *Health (Miscellaneous Provisions) Act 1911*. The delegation has also been changed so that the CEO subdelegates powers to officers.

*Caravan Parks and Camping Grounds Act 1995*

The change splits what positions have been appointed as authorised officers and what officers can give and withdraw infringement notices.

*Emergency Management Act 2005*

The Director Development, Sustainability and Lifestyle has been included in the delegations.

*Fines, Penalties and Infringement Notices Enforcement Act 1994*

This appoints officers as prosecution officers for the purposes of signing enforcement certificates to initiate prosecution under section 16 of the Act and signing withdrawal of proceedings notices under section 22 of the Act. This power assists officers with recouping fines.

*Litter Act 1979*

This designates appointed person the power to withdraw infringement notices under the Litter Act 1979.

## CONSULTATION

Town officers have ensured that the Delegation Register is in accordance with the DLGC Operational Guideline Number 17 on Delegations. Section 19 of the guidelines provides information to Council's to assist with determining what should be delegated. Part of this section states: 'The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented'.

The Town's delegations have been compared to other local governments registers specifically the City of Vincent.

## LEGISLATIVE IMPLICATIONS

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

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

## POLICY IMPLICATIONS

Policy 6/003 'Funding and Donations' relates to this item as it is recommended that the delegation is amended so any applications outside the policy must be decided upon by Council.

## FINANCIAL IMPLICATIONS

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

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

## STRATEGIC IMPLICATIONS

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

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan 2014 – 2024 applies as updating the policy manual assists with delivering high quality corporate governance accountability and compliance.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

*Economic*

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

*Social*

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

*Risk*

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

**OPTIONS**

Option 1 – That Council adopt Officers Recommendation.

Option 2 - That Council adopt the Delegation Register with an amendment to the tender acceptance amount or any other delegation.

**CONCLUSION**

The Delegation Register is required to be amended at least once each financial year. The register has been reviewed in conjunction with the organisational restructure to ensure that officer's titles are consistent with the register.

**12.2.2 National General Assembly of Local Government 2017**

File No: 13/01/0009  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 6 April 2017  
Author: Louise O'Donnell, Governance Officer  
Authorising Officer: Kathryn Crothers, Director Corporate and Performance  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☒ Advocacy  
☐ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

## Attachments:

1. National General Assembly of Local Government 2017 Program & Registration (under separate cover)

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**OFFICER RECOMMENDATION**

That Council;

1. Appoint the Mayor and Councillor \_\_\_\_\_ to attend the 2017 National General Assembly of Local Government on behalf of the Town on Sunday 18 June 2017; and
2. Appoint an additional Councillor \_\_\_\_\_ to attend the 2017 National General Assembly of Local Government on behalf of the Town on Sunday 18 June 2017 if the Councillor originally nominated cannot attend.

**CM201617/182 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR TAVO**

**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 12.2.2 National General Assembly of Local Government 2017'.**

***CARRIED 8/0***

6:56pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are suspended.

**CM201617/183 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR TAVO**

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

***CARRIED 8/0***

6:57pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are resumed.

**CM201617/184 COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR GILLINGHAM**

**That Council;**

- 1. Appoint the Mayor and Councillor Arif to attend the 2017 National General Assembly of Local Government on behalf of the Town on Sunday 18 June 2017; and**
- 2. Appoint an additional Councillor Gillingham to attend the 2017 National General Assembly of Local Government on behalf of the Town on Sunday 18 June 2017 if the Councillor originally nominated cannot attend.**
- 3. Attendees are to present a report on their return to Port Hedland.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

The 2017 National General Assembly of Local Government is scheduled to be held in Canberra from the 18-21 June 2017. Council is required to register prior to attending this year's Convention.

The theme of this year's convention is 'Building Tomorrow's Communities goes to the heart of the role of local government in modern Australia. Key presentations will address how councils, often working in partnership with other levels of government, or the private and not-for profit sectors, are shaping the future and responding appropriately to the challenges that lie ahead.

## **BACKGROUND**

The 2017 Regional Forum is an opportunity for mayors, councillors and other key decision-makers from metropolitan, regional, rural and remote councils to gather together in the National Capital, to share their knowledge and experience in building substantive local and regional capacity.

A number of Panel Sessions will take place during this Convention which include the following:

- Building Tomorrow's Communities
- Governing into the future
- Building Liveable Communities
- Empowering Indigenous Communities
- City Deals
- Harnessing tomorrow's technology – identifying and investing in tomorrow's foundations

These sessions explore the role of local government and provide insights into opportunities to strengthen councils to maximise community involvement and to extend the value provided by reference groups that support and inform councils.

This year's forum will revisit the question of boosting productivity and discuss the changing face of industry, investment in technology, and employment growth. Leading experts discuss factors that make communities liveable and will examine the range of policy levers and interventions that may be worth investigation.

It will also provide delegates with an opportunity to hear from the Minister for Regional Development on current policy and program initiatives and a select number of case studies on inspiring regional development projects.

Facilitated roundtables will also allow delegates to discuss regional challenges impacting agri-tourism, telecommunications, training and education, infrastructure and resource management.

This convention brings together the Prime Minister of Australia, hundreds of Local Government Council Members, along with key political speakers from across the State.

There are many benefits to attending this convention some of which include building and strengthening Port Hedland's relationship with other local governments and also with the Federal and State Government. The Mayor and an Elected Member will be given the chance to participate in forums and gain valuable experience and knowledge which will contribute to running the Council in Port Hedland.

## **CONSULTATION**

Governance employees have discussed the benefits for the Mayor and a nominated Councillor to attend this Convention with the Chief Executive Officer and all Executive employees.

## LEGISLATIVE IMPLICATIONS

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

## POLICY IMPLICATIONS

Policy 4/008 'Elected Member Entitlements' directly applies to this item as it outlines what Elected Members are entitled to when attending training, conferences and events.

Policy 2/007 'Purchasing' also applies, as it outlines the purchasing objectives of the Town to demonstrate that best value for money is attained.

## FINANCIAL IMPLICATIONS

The financial implications relating to this item include travel, accommodation and registration fee to attend this event which will be incorporated into both the 2016/17 and 2017/18 budgets.

See the below table which outlines the total cost per person.

Registration Cost	Accommodation Cost	Approximate Return Flight Cost
\$929.00	\$1050.00	\$1250.00

### *Optional additional costs*

Should the Mayor and Elected Member wish to stay in Canberra longer than the period of the Convention, they would be required to pay any additional costs. In accordance with policy 4/008 'Elected Member Entitlements', the Mayor or Elected Member would not be provided meal allowances or cab charge vouchers for any additional days. The Mayor and Elected Member would also be responsible for organising their own transport and accommodation for the additional days.

## STRATEGIC IMPLICATIONS

Having the Mayor and Elected Member attend the 2017 National General Assembly of Local Government, will ensure the implementation and maintenance of relationships with other local governments, influential individuals or Departments and other key stakeholders. These relationships will provide the opportunity of future benefit to our community through a vast range of knowledge and advice.

Attending will also be in line with section 4.2.4 of the Town's Strategic Community Plan which states 'Be a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland'.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

*Economic*

There are potential positive future economic implications associated with the Mayor and Elected Member attending the 2017 National General Assembly of Local Government, as there could be possible future trade opportunities initiated and made available to the community.

*Social*

There are potentially positive social implications for the community resulting from Elected Members attendance at the 2017 National General Assembly of Local Government. This could be from a number of various sources, for example, Council may obtain valuable advice from Departmental Members which could potentially benefit the Town.

*Risk*

There is a risk rating of low (4) assigned to the risk that the Town does not obtain any benefit from the Mayor and Elected Member attending the 2017 National General Assembly of Local Government

**OPTIONS**

Option 1 – That Council adopt Officers Recommendation.

Option 2 – That Council not appoint the Mayor and an Elected Member to attend the 2017 National General Assembly of Local Government on behalf of the Town

Option 3 - Do not appoint any alternative Elected Member to attend in the event that the originally appointed Elected Member cannot attend the 2017 National General Assembly of Local Government on behalf of the Town.

**CONCLUSION**

By having the Mayor and an Elected Member attend this Conference, it is anticipated that it could have a benefit to the Towns Council and the local community in that they would gain the opportunity to develop relationships within the State and Federal forum and also strengthen relationships with other local governments.

This will ultimately contribute to the long term Strategic Community Plan and give the Mayor and a Councillor valuable experience to develop and share information to other Elected Members and move forward together as strong leaders of the Town. This is an exciting opportunity to which the Mayor and a nominated Elected Member are encouraged to attend.



### 12.2.3 Revised 2016/17 Schedule of Fees and Charges for Community Ovals and Parks

File No: 12/14/0003  
 Applicant/ Proponent: N/A  
 Subject Land/ Locality: N/A  
 Date: 11 April 2017  
 Author: Jodi Marchant, Management Accountant  
 Authorising Officer: Kathryn Crothers, Director Corporate and Performance  
 Disclosure of Interest from Author: N/A  
 Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:  
 Nil

#### CM201617/185 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR ARIF**

**SECONDED: CR TAVO**

**That with respect to the 2016/17 Schedule of Fees and Charges, Council:**

1. Re-name the “Sports Ground Charges and Park for Casual Usage” heading under Community Parks and Ovals in the Schedule of Fees and Charges to read “Sports Grounds, Ovals, Reserves and Parks for Casual Usage”;
2. Amend the 2016/17 Schedule of Fees and Charges to include a split of Commercial and Community Group/Not for Profit Organisations for Sports Grounds, Ovals, Reserves and Parks for Casual Usage, as outlined in the below table:

	16/17 Fee	GST	Total Fee
<b>Sports Grounds, Ovals, Reserves and Parks for Casual Usage Including Civic Centre Gardens</b>			
<b>Commercial:</b>			
Reserve or Park Daily Rate	406.39	40.64	447.00
Reserve or Park Hourly Rate	55.81	5.58	61.40
Reserve or Park Fitness Class Hourly Rate	5.06	0.51	5.60
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Daily Rate	50.75	5.07	55.80
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Hourly Rate	13.63	1.36	15.00
<b>Community Groups / Not for Profit Organisations – receive 75% discount</b>			
Reserve or Park Daily Rate	101.59	10.16	111.75
Reserve or Park Hourly Rate	13.95	1.40	15.35
Reserve or Park Fitness Class Hourly Rate	1.27	0.13	1.40

<b>Miscellaneous Reserve Use (non-impact users e.g. sky diving) Daily Rate</b>	<b>12.68</b>	<b>1.27</b>	<b>13.95</b>
<b>Miscellaneous Reserve Use (non-impact users e.g. sky diving) Hourly Rate</b>	<b>3.41</b>	<b>0.34</b>	<b>3.75</b>

***CARRIED BY ABSOLUTE MAJORITY 8/0***

## EXECUTIVE SUMMARY

This report seeks Councils approval to amend the 2016-17 Fees and Charges with:-

- re-naming the “Sports Ground Charges and Park for Casual Usage” heading under Community Parks and Ovals in the Schedule of Fees and Charges to read “Sports Grounds, Ovals, Reserves and Parks for Casual Usage”
- Amend the 2016/17 Schedule of Fees and Charges to include a split of Commercial and Community Group/Not for Profit Organisations for Sports Grounds, Ovals, Reserves and Parks for Casual Usage

## BACKGROUND

At the Ordinary Council Meeting held on 27 July 2016, all fees and charges were approved for the 16/17 financial year, as per legislative requirements.

As per Council Decision CM201617/025 1.c) Elected Members voted to reduce all charges under Sports Ground Charges by 75%, however it has been identified that casual usage was also reduced by 75%, resulting in no commercial rate being set for sports ground, oval, reserve and park casual usage.

In line with the current set-out of the 2016/17 Fees & Charges Schedule, Community Groups and Junior Community Groups would receive an additional 75% off the already reduced rate due to the definition of a commercial rate and community rate not being clearly identified for casual usage. This oversight provides a risk of receiving significantly less than expected revenue for the casual booking of these locations by commercial businesses and events which visit Port Hedland.

Amending the 2016/17 Fees and Charges Schedule for casual usage will ensure consistency in the schedule in identifying fees and charges for commercial hire vs community groups / not for profit organisations.

For clarity within the schedule it is recommended that the “Sports Ground Charges and Park for Casual Usage” heading under Community Parks and Ovals is re-named to read “Sports Grounds, Ovals, Reserves and Parks for Casual Usage”. This covers all areas which are available for casual usage hire.

## CONSULTATION

Internal:  
Acting Manager Financial Services  
Director Corporate Services

## LEGISLATIVE IMPLICATIONS

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

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

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

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Should Council adopt this recommendation, there will be no impact on the predicted revenue for Fees and Charges under casual usage bookings for 2016/17, however there is a risk of reduced revenue should these changes not be implemented for the remainder of the financial year.

It is recommended that an amendment to the 2016/17 Schedule of Fees and Charges is adopted for the remainder of the financial year to include a split of Commercial and Community Group/Not for Profit Organisations for Sports Grounds, Ovals, Reserves and Parks for Casual Usage, as outlined in the below table. Commercial rates have been set as no increase from standard rates adopted in 2015/16.

	16/17 Fee	GST	Total Fee
Sports Grounds, Ovals, Reserves and Parks for Casual Usage Including Civic Centre Gardens			
Commercial:			
Reserve or Park Daily Rate	406.39	40.64	447.00
Reserve or Park Hourly Rate	55.81	5.58	61.40
Reserve or Park Fitness Class Hourly Rate	5.06	0.51	5.60
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Daily Rate	50.75	5.07	55.80
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Hourly Rate	13.63	1.36	15.00
Community Groups / Not for Profit Organisations – receive 75% discount			
Reserve or Park Daily Rate	101.59	10.16	111.75
Reserve or Park Hourly Rate	13.95	1.40	15.35
Reserve or Park Fitness Class Hourly Rate	1.27	0.13	1.40
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Daily Rate	12.68	1.27	13.95
Miscellaneous Reserve Use (non-impact users e.g. sky diving) Hourly Rate	3.41	0.34	3.75

## STRATEGIC IMPLICATIONS

The officer recommendation supports 1.1 A unified community across our townships through the provision of access to services for all members of the community through:-

- The identification of commercial verse community group fees and charges

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

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

### *Social*

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

### *Risk*

There is a risk rating of minor (2) assigned to the risk that if the change is not adopted, it may result in a loss of budgeted income for the 2016/17 financial year.

## OPTIONS

Option 1 - That Council adopt Officers Recommendation.

Option 2 - That Council not adopt amendments to the 2016/17 Schedule of Fees and Charges

## CONCLUSION

It was identified that an inconsistency existed within the current 2016/17 Schedule of Fees and Charges with casual usage charges reduced by 75%, resulting in no commercial rate being set for sports ground, oval, reserve and park casual usage.

This report recommends to amend the 2016/17 Fees and Charges to identify the fee difference between commercial charges and community group / not for profit organisations.

**12.2.4 Statement of Financial Activity for the period ended 31 March 2017**

File No: 12/14/0003  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 10/04/2017  
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 March 2017
2. Statement of Financial Activity for the period ended 31 March 2017 (under separate cover)
3. Material Variance Report for period ended 31 March 2017 (under separate cover)
4. Accounts paid under delegated authority for period ended 31 March 2017 (under separate cover)
5. Credit Card Statements for period ended 31 March 2017
6. Bank Account Summary for period ended 31 March 2017

**CM201617/186 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR WHITWELL****SECONDED: CR HOOPER**

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

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

***CARRIED 8/0*****EXECUTIVE SUMMARY**

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

The net current assets and opening surplus figure presented in this report are consistent with the 2015/16 annual financial statements adopted at the Ordinary Council Meeting 23 November 2016. Council adopted a revised 2016/17 budget at the Ordinary Council Meeting 22 February 2017 to accommodate and adjust the key performance indicators in line with the update economic and fiscal outlook.

Operating expenditure is generally on track YTD, however overall tracking 32% under budget, mainly due to the \$14.8m airport works yet to be spent due to scoping and project delivery timeline. Operating income is overall on target YTD with grant payments under budget due to timing of payments and interest income ahead of schedule due timing of maturities.

Capital expenditure is 60% below YTD budget with majority of large spend projects in scoping or tendering phase with majority of project delivery expected after the cyclone season. A concerted effort is being made to ensure majority of projects not already identified as carry forwards are completed by 30 June 2017.

The Capital Works Program Report highlights each project and the expenditure incurred to date as well as projects carried forward as Works in Progress arising from the previous financial year.

In a separate report to Council, forecast budget amendments are presented for approval to reflect the anticipated closing municipal surplus 30 June 2017, including a revision of the operating income and expenditure and forecast position of the capital works expenditure and revenue.

## BACKGROUND

The attachments detail the Town's financial performance for the period ending 31 March 2017.

When Council adopted the 2016/17 Budget on 25 August 2016, the threshold of materiality to be used in statements for reporting material variances was set as detailed under the Policy Implications section of this report.

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

The net current asset position as at 31 March 2017 is \$13.232M. The unrestricted cash position as at 31 March 2017 is a \$1.567M. This means the Town has sufficient funds to cover expenditure without utilising cash dedicated to cash backing reserves or requiring an overdraft facility.

	2016/17 Actuals
Current Assets: Cash and Investments	241,963M
Restricted Cash – Reserves	240,392M
Unrestricted Cash Position as at 31 March 2017	1,567M

## CONSULTATION

All consultations done internally.

## LEGISLATIVE IMPLICATIONS

Section 6.4 of the Local Government Act and Regulation 34 of the Local Government (Financial Management) Regulations detail the form and manner in which a local government is to prepare Statement of Financial Activity.

## POLICY IMPLICATIONS

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

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

## FINANCIAL IMPLICATIONS

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. The adopted 2016/17 budget estimated municipal surplus of \$1,589. The mid-year budget review was undertaken throughout January and a budget variation was adopted on 22 February 2017 Council Resolution CM201617/149, resulting in a municipal surplus position as at 30 June 2017 of \$144,579. This amendment has been reflected in the February Financial Statements.

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

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

## STRATEGIC IMPLICATIONS

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

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

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

### *Social*

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

### *Risk*

There is a risk rating of medium (6) assigned to the risk that as at 30 June 2016 the budgeted closing balance of the Waste Management Reserve is \$11.956m. Council will need to adopt a strong policy position with regards to the replenishment of the Waste Management Reserve in order to meet future capital costs for the closure and rehabilitation of the current landfill site at the end of its useful life and for the establishment of a new landfill site. The risk action plan is to manage by building reserve balance to required level to mitigate financial loss.

There is a risk rating of medium (6) assigned to the risk that the Town has one debtor who is currently disputing the works on the basis of rateability. The value of this debtor is over \$271K with accrued interest. The risk has been managed by recognising the debt in the doubtful debt provision of the 2015/16 Financial Statements.

## OPTIONS

Option 1 – That Council adopt Officers Recommendation.

Option 2 – That Council receive the Statement of Financial Activity for the period ended 31 March 2017 and request further information or clarification.

Option 3 – That Council not note or receive the Statement of Financial Activity for the period ended 31 March 2017.

## CONCLUSION

As at 31 March 2017, the Town's financial performance is considered satisfactory. The net current assets position is \$13,225M with operating expenditure overall 32% under budget, operating income overall on track with only 22% remaining to collect for the year. The capital expenditure is 60% below budget due to project delivery timelines, however a concerted effort is being made to ensure majority of projects not already identified as carry forwards are completed by 30 June 2017. The variances will be monitored in future periods to ensure corrective action is taken in a timely manner. Over the remainder of the financial year the net current asset position will decrease as operating and capital budgets are expended. The budgeted closing municipal surplus position as at 30 June 2017 is \$145K.



# MONTHLY FINANCIAL HEALTH CHECK



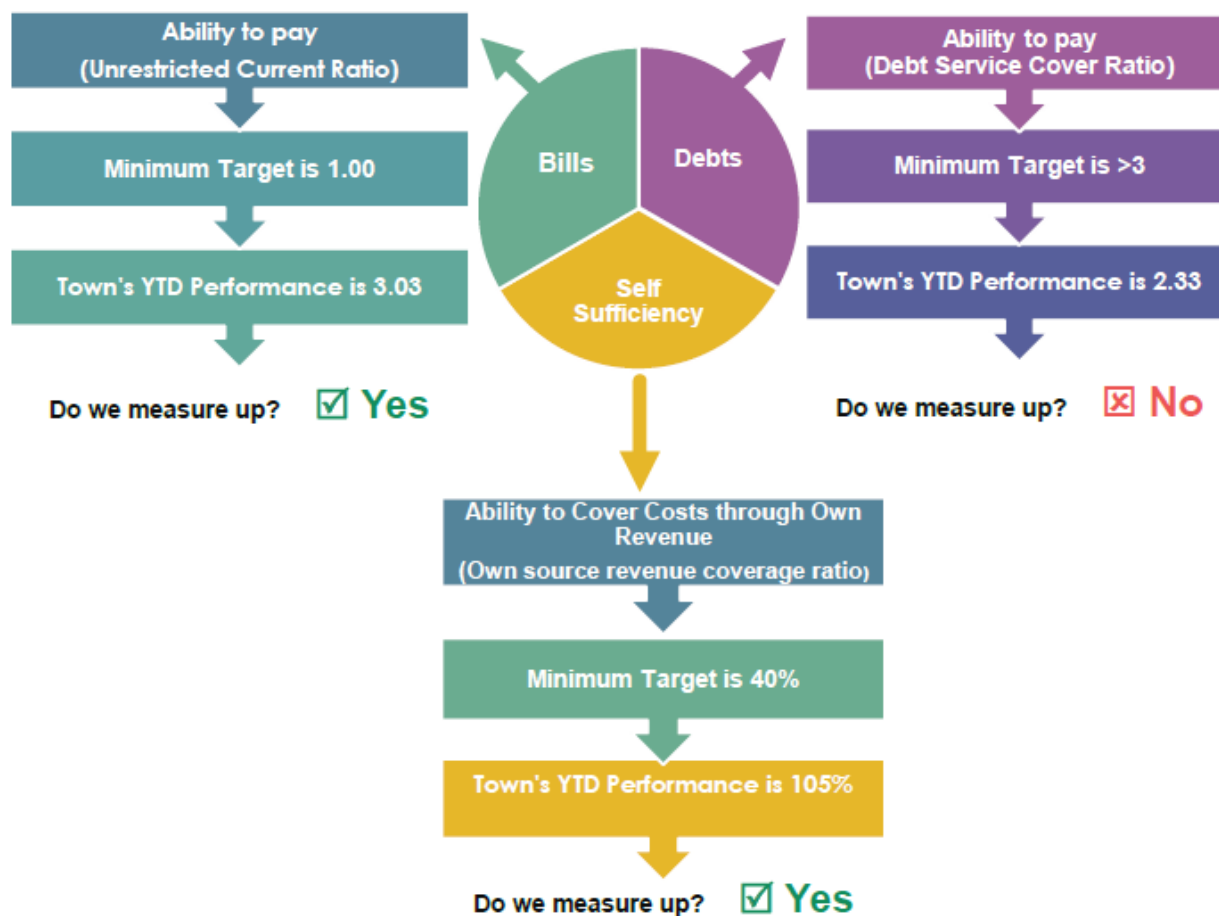
As at 31 March 2017

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



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$42,237
Operating Expenditure (Including Non-Cash Items)	(\$38,348)
Non-Cash Items	\$9,063
Capital Revenue	\$1,838
Capital Expenditure	(\$5,542)
Loan Repayments	(\$878)
Transfers to/from Reserves	(\$795)
Surplus Brought Forward 1 July 2016	\$5,650
Current Municipal Surplus Position at 31 March 2017	\$13,225
Current Budget Municipal Surplus Position at 30 June 2017	\$145

## Financial health indicators



## Cash in the bank



## ► How are we tracking against our budgeted targets?

### Adjusted Operating Surplus

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

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

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

Minimum Target is 1%

Town's YTD Performance is 10%

Do we meet the target? ☒ Yes

### Asset Sustainability Ratio

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

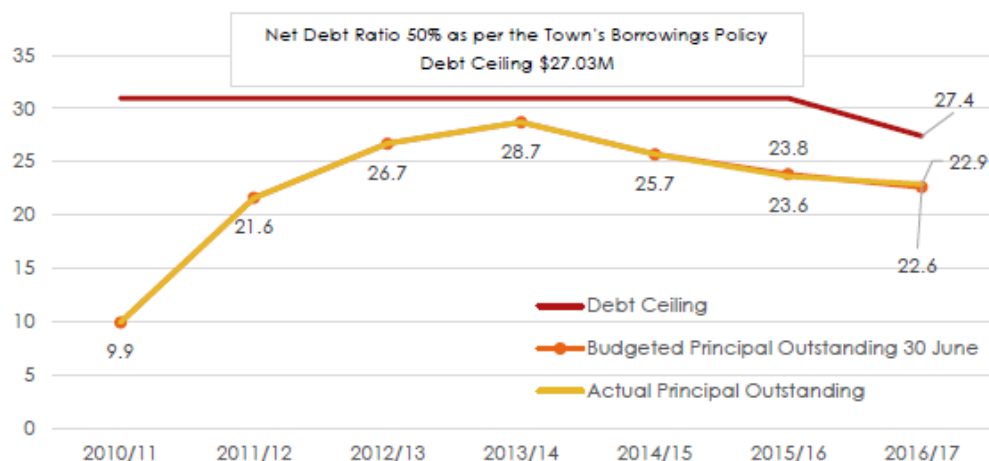
- A reduced Capital Works Program (including renewals) and an increase in the budgeted depreciation as a result of revaluations has had a two-fold effect on the asset sustainability ratio resulting in the ratio coming in just below the target.
- With a history of high levels of capital expenditure in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

Minimum Target is 90%

Town's YTD Performance is 47%

Do we meet the target? ☐ No

## Debt levels



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

**Original Budget Operating Revenue = \$54.8M**

**Budgeted Net Debt Ratio = 41%**

**Actual Net Debt Ratio = 54%**

**Total Actual Principal Amount Outstanding 31 March 2017 = \$22.9M**

**Debt Ceiling 50% pursuant to Policy (\$54.8M x 50%) = \$27.4M**

### Intergenerational Loans

Loan Purpose	Principal Amount Outstanding	Remaining Term
1. Marquee Park	\$4.40M	14/15 years
2. JD Hardie Upgrade	\$2.57M	14/16 years
3. Wanangkura Stadium	\$8.76M	15/16 years
4. GP Housing	\$1.33M	16 years

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

## ATTACHMENT 5 TO ITEM 12.2.4



NAB Connect

## Account Balance History Report

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Details

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

---

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/03/2017	8	990,000.69	37	134,482.75	483,967.90 CR

---

End of report



NAB Connect

## Account Balance History Report

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Details

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Date range: 31-Mar-2017 to 31-Mar-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
31/03/2017	0	0.00	1	465,716.12	2,000,000.00 CR

---

End of report



NAB Connect

## Account Balance History Report

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Details

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Date range: 31-Mar-2017 to 31-Mar-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
31/03/2017	1	119.00	0	0.00	49,346.36 CR

---

End of report



NAB Connect

## Account Balance History Report

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Details

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Date range: 31-Mar-2017 to 31-Mar-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
31/03/2017	0	0.00	0	0.00	1,000.00 CR

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End of report



**ATTACHMENT 6 TO ITEM 12.2.4****TOWN OF PORT HEDLAND****Summary of Credit Card Statements for the Month of March 2017****Attachment 6**

Account Name	Account Number	Card Holder	Debit Balance (\$)
Town of Port Hedland	██████-6321	David Pentz	\$ 7,895.04
Town of Port Hedland	██████-8364	Jessica Dodd	\$ 9,808.94
Town of Port Hedland	██████-8868	Jessica Rankin	\$ 3,401.57
Town of Port Hedland	██████-4948	Megan Cocciardi	\$ 822.24
Total			\$ 21,927.79

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: 7,895.04 DR  
Closing balance: 0.00 CR  
  
Date from: 01 March 2017  
Date to: 31 March 2017

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
24/03/2017	CREDIT CARD PURCHASE WEBJET		2,367.46 DR		2,367.46 DR
27/03/2017	CREDIT CARD PURCHASE IBIS BUDGET PERTH AI		318.00 DR		318.00 DR
28/03/2017	CREDIT CARD PURCHASE IAN TAYLOR & MURRAY		352.00 DR		
28/03/2017	CREDIT CARD PURCHASE RMS*Kununurra Countr		1,030.00 DR		1,382.00 DR
29/03/2017	CREDIT CARD PURCHASE CMFRT INN BEL EYRE		291.60 DR		
29/03/2017	CREDIT CARD PURCHASE 503399FLIGHTCENTRE.COM		3,535.98 DR		3,827.58 DR

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:** 9,808.94 DR  
**Closing balance:** 0.00 CR  
  
**Date from:** 01 March 2017  
**Date to:** 31 March 2017

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/03/2017	CREDIT CARD PURCHASE FACEBK *NNJKEBS4Y2		20.24 DR		20.24 DR
06/03/2017	CREDIT CARD PURCHASE Dropbox L35JMTKRDSWR		85.00 DR		85.00 DR
07/03/2017	CREDIT CARD PURCHASE EZI DUN & BRADSTREET		77.00 DR		77.00 DR
08/03/2017	CREDIT CARD PURCHASE HARVEY NORMAN ONLINE		76.00 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		195.50 DR		
08/03/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		206.97 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		236.09 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		344.50 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		632.20 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		975.00 DR		2,666.26 DR
09/03/2017	CREDIT CARD PURCHASE MAILCHIMP		66.75 DR		66.75 DR
13/03/2017	CREDIT CARD PURCHASE CMFRT INN BEL EYRE		300.00 DR		300.00 DR
14/03/2017	CREDIT CARD PURCHASE OSHGROUPT PTY LTD		1,686.85 DR		1,686.85 DR
17/03/2017	CREDIT CARD PURCHASE ENDEAVOUR MEDICAL		308.00 DR		308.00 DR
20/03/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		171.72 DR		
20/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		760.80 DR		932.52 DR
21/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958225527817		9.93 DR		

2 of 5

**Transaction History Report (Continued)**

<b>Date</b>	<b>Narrative</b>	<b>Reference</b>	<b>Debit amount</b>	<b>Credit amount</b>	<b>EOD balance</b>
21/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952137382863		764.01 DR		773.94 DR
22/03/2017	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		166.10 DR		
22/03/2017	CREDIT CARD PURCHASE POST PORT HEDLAND		317.85 DR		483.95 DR
23/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958225575284		8.29 DR		
23/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958225575512		9.19 DR		
23/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952137476750		638.00 DR		
23/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952137476978		707.00 DR		1,362.48 DR
30/03/2017	CREDIT CARD PURCHASE GERALDTON FLORAL STU		109.95 DR		109.95 DR
31/03/2017	CREDIT CARD PURCHASE IBIS STYLES CANBERRA		468.00 DR		
31/03/2017	CREDIT CARD PURCHASE IBIS STYLES CANBERRA		468.00 DR		936.00 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:** 3,401.57 DR  
**Closing balance:** 0.00 CR  
  
**Date from:** 01 March 2017  
**Date to:** 31 March 2017

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/03/2017	CREDIT CARD PURCHASE COLES 0385		98.48 DR		
01/03/2017	CREDIT CARD PURCHASE COLES 0385		170.33 DR		268.81 DR
08/03/2017	CREDIT CARD PURCHASE Charmers Jewellers		70.00 DR		
08/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		416.40 DR		486.40 DR
09/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958225393337		4.28 DR		
09/03/2017	CREDIT CARD PURCHASE COLES 0385		78.30 DR		
09/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952137122824		329.00 DR		411.58 DR
10/03/2017	CREDIT CARD PURCHASE Hotel Ibis Perth FD Int		157.02 DR		157.02 DR
22/03/2017	CREDIT CARD PURCHASE QANTAS AIRWAYS		760.80 DR		760.80 DR
27/03/2017	CREDIT CARD PURCHASE AUSTRALIA POST - SOU		25.30 DR		25.30 DR
28/03/2017	CREDIT CARD PURCHASE COLES 0385		10.28 DR		
28/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7958225617538		10.84 DR		
28/03/2017	CREDIT CARD PURCHASE COLES 0385		180.24 DR		
28/03/2017	CREDIT CARD PURCHASE VIRGIN AUST 7952137559782		834.00 DR		1,035.36 DR
29/03/2017	CREDIT CARD PURCHASE AUSTRALIA POST - SOU		25.30 DR		
29/03/2017	CREDIT CARD PURCHASE SPECIALISED TRUCK SE		231.00 DR		256.30 DR

4 of 5



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: 822.24 DR  
Closing balance: 0.00 CR  
  
Date from: 01 March 2017  
Date to: 31 March 2017

## Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/03/2017	CREDIT CARD PURCHASE ASIC		9.00 DR		9.00 DR
16/03/2017	CREDIT CARD PURCHASE AUST FEDERAL POLICE		42.19 DR		42.19 DR
27/03/2017	CREDIT CARD PURCHASE ROSE AND CROWN HOTEL		300.00 DR		
27/03/2017	CREDIT CARD PURCHASE Hotel Ibis Perth FD Int		471.05 DR		771.05 DR

End of report

### 12.2.5 2016/17 Forecast Review

File No: 12/14/0003  
Applicant/ Proponent: N/A  
Subject Land/ Locality: N/A  
Date: 26 April 2017  
Author: Jodi Marchant, Management Accountant  
Authorising Officer: Kathryn Crothers, Director Corporate and Performance  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Proposed Statement of Financial Activity by Nature & Type 2016/17 (under separate cover)
2. Proposed Capital Works Program 2016/17 (under separate cover)
3. Proposed Reserve Statement 2016/17 (under separate cover)

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#### CM201617/187 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR HOOPER**

**That Council adopt the 2016/17 Forecast Review budget amendments as per the attachments, resulting in a projected closing municipal surplus of \$242,652.81 as at 30 June 2017.**

***CARRIED BY ABSOLUTE MAJORITY 8/0***

---

#### EXECUTIVE SUMMARY

This report presents the 2016/17 Budget Forecast Review. This review evaluated the current capital and operational projects, expected funding and reserve transfers in line with project progress as well as considered any changes in relation to the recent organisational restructure, resulting in budget variations discussed in the background of this report. The proposed budget changes from the review show a budget variation of (\$98.5K), resulting in a closing municipal surplus of \$243K as at 30 June 2017.

#### BACKGROUND

The purpose of this review was to evaluate the current capital and operational projects; expected grants, subsidies and contributions; and reserve transfers, forecasting expected actual spend and revenue for the current financial year up to 30 June 2017 in line with project progress and current information. The review also considered any changes in relation to the recent organisational restructure. The purpose of this report is to present the proposed revised budget following the forecast review to be received by the Council.

The forecast review was performed as at 31 March 2017 and is a key component of prudential financial management practices in order to mitigate financial risk exposure to Council. The review was an opportunity to review project progress, revenue and reserve funds as a tool to ensure accurate financial reporting and estimated closing surplus up to the end of the financial year, and assist in identifying any projects which will carry forward into the following financial year. These carry forwards will be included as part of the 2017/18 Annual Budget.

Summary of Current Financials as at 31 March 2017:

- Capital expenditure to date is 60% below YTD budget with majority of large spend projects in scoping or tendering phase and project delivery expected after the cyclone season. A concerted effort is being made to ensure majority of projects not already identified as carry forwards are completed by 30 June 2017.
- Operating expenditure is generally on track YTD, however overall tracking 32% under budget, mainly due to the \$14.8M airport works yet to be spent due to scoping and project delivery timeline.
- Operating revenue is overall on target YTD with grant payments under budget due to timing of payments and interest income ahead of schedule due timing of maturities

For more detailed information, please refer to the Statement of Financial Activity for the period ended 31<sup>st</sup> March 2017 presented to this Council meeting.

A Statement of Financial Activity by Nature and Type is attached (attachment 1) which demonstrates the current annual budget, the proposed annual budget following the variations included as part of the forecast review and the budget amendments.

Below is a summary of the major variations:

	<b>Variation</b>	<b>Commentary</b>
Operating Grants, Subsidies & Contributions	\$4,575K reduction	Mia Mia Contribution \$464k revenue removed - doubtful debt. Corresponding transfer to reserves removed. \$3.5mil Airport grant from Watercorp removed due to contribution not approved. Corresponding transfer to reserves removed. Landfill contribution to Energy \$500k removed – moved to 17/18 (Waste Reserve) \$96k reduction to Community Safety and Crime Prevention revenue due to timing of works. Associated expenditure decrease.
Fees & charges	\$195K reduction	Decrease in Infrastructure Maintenance Service Charges in line with current year actuals and 15/16 actuals
Other revenue	\$23K reduction	Reduction of income in relation to SHAC contract claim regarding GST component. Corresponding transfer to reserves reduced
Employee costs	\$36K reduction	Minor impacts as a result of the restructure, with costs coming in the



		same as current year budget Transfer \$45k for elected member training to Other Expenditure
Materials & contracts	\$13,297K reduction	\$296K transferred to Other Expenditure for Contributions Reimbursements & Donations mis-allocated \$13.3mil reduction to Airport Projects for 16/17 (refer to table below for breakdown) \$80k reduction to Community Safety and Crime Prevention project due to timing of appointment of officer. Associated revenue reduction
Other expenditure	\$341K increase	\$296K transferred from Materials & Contracts for Contributions Reimbursements & Donations mis-allocated Transfer \$45k for elected member training from Employee Costs
Capital Expenditure	\$1,754K reduction	Amendment of capital project forecasts as per the Capital Works Program. Refer attachment 2 for detail Inclusion of the Goode St Erosion project to address short term issue of Goode street dune erosion. Funded by the Strategic Reserve \$500k
Non-operating grants, subsidies & contributions	\$75K reduction	Removal of expected funding for Coastal Hazard Management Plan (Marine Protection Study) as will not be received
Transfer from reserves	\$15,147K reduction	OPERATIONAL: \$13.3mil retained in airport reserve due to reduced expenditure. Removal of budget for PDC Wayfinding Signage Project in 16/17 \$9k - return funds to unspent grants reserve CAPITAL: \$1.8mil retained in reserves to amended capital projects per worksheet (mostly carry forwards to 17/18)
Transfer to reserves	\$5,368 reduction	Mia Mia Contribution \$464k removed in line with reduced revenue Reduction to Waste Reserve by \$1.14mil in line with amendments Reduction of income in relation to SHAC contract claim \$29k \$3.5mil Airport grant from Watercorp due to contribution not approved Reduce transfers to Plant Reserve in line with amended Plant & Equipment Depreciation \$200k

## Airport Project Summary:

Project	Current Budget	16/17 Forecast	17/18 Forecast
Waste Water Infrastructure	\$9,751,180	\$162,500	\$6,894,239
Water Infrastructure	\$3,517,717	\$12,500	\$3,865,556
CCTV - CTO Upgrade	\$1,200,000	\$1,200,000	Nil
Electrical Upgrade	\$100,000	\$100,000	Nil
Apron Strengthening Liability	\$1,303,233	\$1,100,000	Nil
<b>TOTAL</b>	<b>\$ 15,872,130</b>	<b>\$2,575,000</b>	<b>\$10,759,795</b>

*\*Balance of funds to remain in Airport Reserve until further analysis has been undertaken*

**CONSULTATION**

The 2016/17 Forecast Review has been undertaken with consultation occurring with appropriate budget managers and the Executive Leadership Team.

**LEGISLATIVE IMPLICATIONS**

A local government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A(1) of the *Local Government (Financial Management) Regulations 1996*. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

The review must be submitted to Council within 30 days with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A(2) and (3). The budget review will be presented to Council at its Ordinary Meeting on 22 February 2017 for consideration.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The 2016/17 Forecast Review has identified decrease is overall expenditure and revenue in line with project progress and additional information in relation to grants, subsidies and contributions. The result is a proposed increase to the closing municipal surplus to \$243K as at 30 June 2017. The report presents budget combined expenditure, revenue and capital variations totalling \$98.5K.

**STRATEGIC IMPLICATIONS**

The Town provides the 2016/17 Forecast Review as part of its delivery of high quality corporate governance, accountability and compliance. The Town's goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

**SUSTAINABILITY IMPLICATIONS***Environmental*

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

*Economic*

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

*Social*

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

*Risk*

There is a risk rating of Medium (6) assigned to the risk under financial implication that the budgeted closing surplus as at 30 June 2016 will be understated, meaning prudential financial management practices in order to mitigate financial risk exposure to Council are not being followed.

**OPTIONS**

Option 1 – That Council adopt Officers Recommendation.

Option 2 – That Council not adopt the 2016/17 Forecast Review and leave the current budget as it stands.

**CONCLUSION**

As at 31 March 2017, the Town's financial performance is considered satisfactory. This report presents a summary of the 2016/17 Forecast Review. A number of variations are proposed as part of this review to reflect the forecast position of projects, revenue and reserves. The outcome of the review is a budget variation of \$98.5K, resulting in an increase municipal surplus to \$243K as at 30 June 2017.

## 12.3 Development, Sustainability and Lifestyle

### 12.3.1 Proposed Structure Plan for the Boodarie Strategic Industrial Area

File No: 18/07/0022  
Applicant/ Proponent: Urbis Consultants  
Subject Land/ Locality: Various Lots in Boodarie  
Date: 6 April 2017  
Author: Ryan Del Casale, Planning Projects Officer  
Authorising Officer: Ray Davy, Acting Director Development, Sustainability and Lifestyle  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☐ Executive  
☒ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Structure Plan Report (under separate cover)
2. Location Plan
3. Schedule of Submissions (under separate cover)
- 4A. Schedule of Modifications
- 4B. Figure 2 from the Structure Plan with Modifications
- 4C. Figure 6 from the Structure Plan with Modifications

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#### CM201617/188 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR HOOPER**

**That with respect to the proposed, Council:**

- 1. Accepts the Schedule of Submissions prepared (Attachment 3) in respect of the proposed Structure Plan;**
- 2. Pursuant to Schedule 2, Part 4, Clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed Structure Plan be approved, subject to the Schedule of Modifications provided in Attachment 4.**

***CARRIED 8/0***

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#### EXECUTIVE SUMMARY

The Town has received a proposed structure plan (herein referred to as the Structure Plan) prepared by Urbis Consultants (the applicant). The Structure Plan has been prepared on

behalf of Landcorp and the Department of State Development (the applicant). The Structure Plan has been prepared over various lots in Boodarie, known as the Boodarie Strategic Industrial Area.

The Structure Plan provides a planning framework for the future development of the area. The Structure Plan provides for the long term strategic industrial development of the area. The types of strategic industry intended for the area are heavy industries specialising in downstream processing.

In 2014-15 a similar planning framework for the Boodarie Strategic Industrial Area was presented to Council as a Development Plan. This was prepared under the former planning regulations. Council adopted this Development Plan in June 2015. Due to changes to the planning regulations Development Plans are now known as Structure Plans. Council is requested to consider the new Structure Plan for the area which has been prepared in accordance with the new legislation.

## BACKGROUND

The purpose of this report is for Council to consider the Structure Plan (**Attachment 1**) in light of information received during the advertising process. Council is also requested to forward the Town's recommendation to the Western Australian Planning Commission (WAPC).

The subject site comprises of various lots in the Boodarie locality (**Attachment 2**). The subject site is located four (4) kilometres west of the South Hedland Town Centre and approximately twelve (12) kilometres south of the Port Hedland Town Centre. The subject site is zoned 'Strategic Industry' under Town Planning Scheme No.5.

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* on 25 August 2015 saw Schedule 2 of the regulations apply automatically to all schemes when the regulations came into operation. The provisions of Schedule 2 cannot be altered, varied or excluded. Schedule 2 of the Regulations introduced uniform processes and procedures to schemes, such as Structure Plan preparation and development assessment.

The purpose of the Structure Plan is to facilitate the development of the area for a variety of heavy industrial developments, specialising in downstream resource processing. The Structure Plan complies with the statutory requirements of Town Planning Scheme No.5 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The aim of the Structure Plan is to achieve the following:

- To provide a framework to guide coordinated development of the subject site;
- To guide future planning approvals in order to increase the potential for strategic industrial uses;
- To provide future applicants and industry with the necessary information to develop within the subject site (associated technical reports);
- To establish specific infrastructure corridors that provide an essential link between the subject site and the Port Hedland Port;
- To facilitate orderly and proper planning and development of the subject site through Town Planning Scheme No.5; and
- To provide a clear estate management and approvals structure for the Boodarie Strategic Industrial Area.

The Structure Plan proposes the subdivision of approximately 4652.5 hectares of land. The Land use Summary (area of each land use proposed) is as follows

- |                           |               |
|---------------------------|---------------|
| • Industrial              | 3743 hectares |
| • Outer Harbour Corridor  | 9 hectares    |
| • Infrastructure Corridor | 389 hectares  |

## CONSULTATION

Consultation has been undertaken as per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Structure Plan was circulated internally as follows:

- Works and Services
- Engineering Operations
- Building Services
- Environmental Health Services
- Investment & Business Development
- Recreational Services
- Community Services

Subsequently the Structure Plan was advertised for twenty-eight days (28) days, from 25 January 2017 until 22 February 2017 as follows:

- Publication of a notice in the North West Telegraph;
- Publication of a notice on the Town's website;

Written notification to the following agencies on 25 January 2017:

- Pilbara Ports Authority;
- Department of Lands;
- Department of Parks and Wildlife;
- Department of Environmental Regulation;
- Department of State Development;
- Department of Health;
- Department of Mines and Petroleum;
- Department of Transport – Coastal Planning Unit;
- Department of Water;
- Horizon Power;
- Department of Aboriginal Affairs;
- Main Roads Western Australia;
- Optus;
- Telstra;
- Water Corporation;
- Fortescue Metals Group;
- Roy Hill;
- Rio Tinto;
- BHP;
- Port Hedland Golf Course; and
- South Hedland Owners and Trainers Association

All submissions that were received are set out and addressed in the Schedule of Submissions (**Attachment 3**). A total of sixteen (16) submissions were received. No objections were received however comments were provided by some respondents.

All persons who made submissions as part of the consultation process have been informed of the date and time of the Public Agenda Briefing Session and the Ordinary Council Meeting.

The following key issues that were raised from the submissions and consultations are discussed in further detail below:

#### *Pilbara Ports Authority*

The Pilbara Ports Authority (the Port) support the Structure Plan. The Port have requested several modifications be made to the Structure Plan as follows:

- To more accurately reflect the Port's future management of significant land holdings, such as Boodarie Stockyards Land stage 2;
- To more accurately reflect the Port's governance and authority over Port land; and
- To make several minor changes to the Structure Plan (Figure 2) to remedy inaccurate, inconsistent or unclear details which will make the plan easier to read.

These concerns are noted by Officers of the Town. It is also noted that these issues are not necessarily land use planning matters and may not be required to form part of actual Structure Plan map such as Figure 2. However where possible Town officers have recommended modifications be made to acknowledge the Ports concerns. It is recommended that modifications be made to Figure 2, Figure 6 and the actual report of the Structure Plan to acknowledge the Port's concerns and also correct mistakes and remove detail that is not required to make it easier to read. These modifications are further discussed in both the Schedule of Submissions (**Attachment 3**) and the Schedule of Modifications (**Attachment 4**).

#### *BHP Billiton*

BHP Billiton support the Structure Plan. BHP Billiton have referenced the comments they provided in January 2015 to the then Development Plan and Scheme Amendment No.71. BHP Billiton recommend the following modifications:

- That the Structure Plan does not impact or affect any State Agreement or the rights governed by State Agreements;
- Does not prejudice BHP Billiton's ability to accommodate its workforce using existing or new tenure granted to it under the State Agreement – including in both the Strategic Industry and associated Boodarie Industrial Buffer Special Control Area (BIBSCA).

Town Officers note BHP Billiton's concerns. However they are not related to this Structure Plan. This Structure Plan does not consider any rezoning or changing of land use. The Structure Plan does not impact on any State Agreements or rights governed by State Agreements. The Structure Plan does not prejudice BHP Billiton's ability to accommodate its workforce. Therefore it is recommended that no modifications to the Structure Plan are required.

## LEGISLATIVE IMPLICATIONS

The proposed Structure Plan has been prepared in accordance with the provisions of *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local planning schemes*.

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

The Town has received an estimated fee from the applicant of \$3882.00, 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 IMPLICATIONS

The following sections of Council's Strategic Community Plan 2014-2024 are considered relevant;

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

2.0 Supporting a Diverse Economy - 2.1, A thriving, resilient and diverse economy.

### Pilbara's Port City Growth Plan

The Structure Plan is consistent with the Pilbara's Port City Growth Plan (Growth Plan). The subject site is located within Precinct 5.6.15 Boodarie. The precinct is identified as a priority strategic industrial area which should support the following:

- Major downstream processing;
- Port dependent industrial uses;
- Noxious industry; and
- Utilities and general industrial support operations

The Growth Plan also recognises the need for a structure plan to be prepared for the subject site to allow for these uses to occur.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

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



*Social*

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

**RISK ASSESSMENT**

There is a risk rating of medium (8) assigned to the risk that the provision of land for future strategic industrial needs will not be available. This risk will be mitigated should the officer's recommendation be supported.

**OPTIONS**

Option 1 – That Council adopt Officers Recommendation.

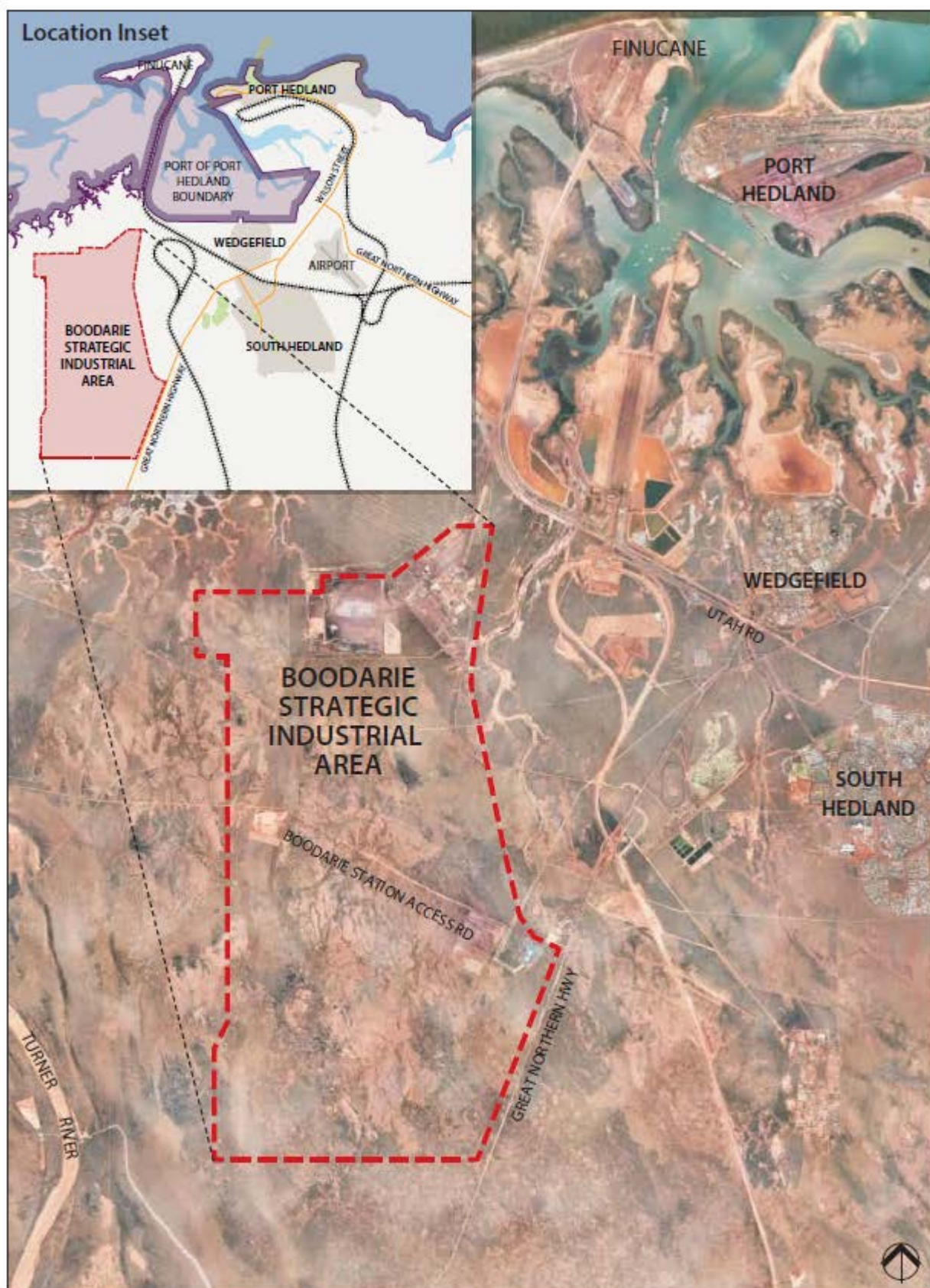
Option 2 - That Council recommend to the Western Australian Planning Commission the proposed Structure Plan be approved, without any modifications (as originally proposed by the applicant).

**CONCLUSION**

The Structure Plan is consistent with the provisions of Town Planning Scheme No.5. The Structure Plan has been prepared in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Structure Plan is consistent with the Growth Plan. The Structure Plan is consistent with State Government of Western Australia objectives.

It is recommended that Council recommend to the Western Australian Planning Commission the proposed Structure Plan be approved, subject to the Schedule of Modifications provided in Attachment 4.

## ATTACHMENT 2 TO ITEM 12.3.1



**Figure 1 - Location Plan**  
BOODARIE STRATEGIC INDUSTRIAL AREA

DATE 20.03.2014

DWG NO 001

Level 1, 55 St Georges Tce,  
Perth, WA 6000 Australiainfo@urbis.com.au  
www.urbis.com.auurban|design  
plan|development

## ATTACHMENT 4A TO ITEM 12.3.1

Town of Port Hedland Town Planning Scheme No.5  
Boodarie Strategic Industrial Area Structure Plan – Schedule of Modifications

## Attachment 4 Schedule of Modifications – Town of Port Hedland No.5 Boodarie Strategic Industrial Area Structure Plan

No.	Modification	Justification
	The following modifications are to be made to the Figures (Plans). The modifications are to be made to the Structure Plan Figure 2 and The Structure Plan and Figure 6 Opportunities and Constraints Plan to reflect either the Pilbara Port Authority (PPA's) governance and planning, to remove unnecessary detail that is not required in a Structure Plan.	
1.	Modify Figure 2 - The Structure Plan to change the legend of Figure 2 to state 'Port of Port Hedland Boundary (Development of land under the control of the Pilbara Ports Authority, including the hatched portion of the Proposed Infrastructure Corridor, requires the approval of the Pilbara Ports Authority) for the Port of Port Hedland Boundary legend label.	Minor administrative change.
2.	Modify Figure 2 – The Structure Plan so that the portions of the Infrastructure Corridor in port land is shown with a hatching.  Retain the existing legend label as "Proposed Infrastructure Corridor".  Modify Figure 2 – The Structure Plan so that it reflects current and future land holdings of the Pilbara Port Authority (such as Boodarie Stockyards Stage 2) as is shown in Figure 6 Opportunities and Constraints. Modify the Figure 2 – The Structure Plan to label this land as (Future land of the Pilbara Ports Authority)	Minor administrative change. 0
3.	Modify Figure 2 - The Structure Plan to remove the annotation to the FMG Lease on the land situated to the north east of the Structure Plan area	Minor administrative change. This detail is not required to be in the Structure Plan.
4.	Modify Figure 2 to delete the piece of land jutting out from Nelson Point that appears to block the Port Hedland Port channel.	Minor administrative change. This detail is not required to be in the Structure Plan.
5.	Modify Figure 2 to delete the "NW/A Loop" situated to the north of the Structure Plan boundary.	Minor administrative change. This detail is not required to be in the Structure Plan.
6.	Modify Figure 2 to delete the "BHP Billiton Loop Planned" north of the Structure Plan boundary.	Although BHPB holds General Purpose Leases in the area, this detail is incorrect and is not required to be in the Structure Plan.
7.	Modify Figure 2 to delete the rail loop which is depicted along the north-western boundary of the Structure Plan area.	The rail corridor is incorrectly sited on the Structure Plan. Minor administrative change. This detail is not required to be in the Structure Plan.
8.	Modify Figure 2 to remove all existing rail loops from the Structure Plan.	The correct rail loop should be labelled with the correct resource company name. This level of detail is not required to be in the Structure Plan. Minor administrative change.

**Commented [HE1]:** Should the Town consider including the Boodarie Stockyard Stage Two Area on the Structure Plan map, it should be clearly delineated as 'Future Port Land' and the label show consistently with Figure 6.



*Town of Port Hedland Town Planning Scheme No.5  
Boodarie Strategic Industrial Area Structure Plan – Schedule of Modifications*

9.	Modify Figure 2 to delete the wording "Combined Corridor" to the west of the Structure Plan boundary.	The "Combined Corridor" is incorrectly sited. Minor administrative change. This detail is incorrect and is not required to be in the Structure Plan.
10	Modify Figure 2 to delete "SW Creek Harbour"	The SW Creek Harbour does not officially exist. Minor administrative change. This detail is incorrect and is not required to be in the Structure Plan.
11	Modify Figure 2 to show what "Special Control Areas" are under the legend of the Structure Plan (the Boodarie Industrial Buffer Special Control Area and the Power Station Buffer.	Minor administrative change that clarifies what the Special Control Areas are for the Boodarie Industrial Buffer Special Control Area and the Power Station Buffer.
12	Modify Figure 2 to delete "Proposed" from Great Northern Highway under the legend on the Structure Plan.	The Great Northern Highway realignment has been completed and has been used since June 2014. This is a minor change to the wording in the legend.
13	Modify Figure 2 to either remove completely or rename the "By-Product Storage" area shaded in purple to the south of the Structure Plan Area as "Future Potential By-Product Storage" as this land area sits outside the Structure Plan and should not be annotated as something it is not.	Minor administrative change. Detail is not required as it is outside the Structure Plan, however it is to remain it needs to be clearly noted that it is a future and potential storage area.
14	Modify Figure 2 to remove any remaining references to Port Installations, Resource companies or any further unnecessary information such as the BSJA Near Shore Harbour annotation in the northern portion of the as this information is not required.	For correctness and consistency, is a minor change and has no material effect on the Structure Plan.
15	Modify Figure 6 on Page 29 of the Structure Plan to retain the existing label of the Proposed Central Infrastructure Corridor as "Proposed Central Infrastructure Corridor"	Minor administrative change. Detail is not required as it is outside the Structure Plan.
Hatch the portions of the Proposed Central Infrastructure Corridor that are within the Ports boundary.		
Label the Ports Boundary as "Port of Port Hedland Boundary (Development of land under the control of the Pilbara Ports Authority, including the hatched portion of the Proposed Central Infrastructure Corridor, requires the approval of the Pilbara Ports Authority).		
Update legend of Figure 6 to state (Future Port Land) Under the title Future Boodarie Stockyards.		
The following modifications are to be made the Structure Plan Report (the text) to reflect either the PPA's authority, governance and planning		

*Town of Port Hedland Town Planning Scheme No.5  
Boodarie Strategic Industrial Area Structure Plan – Schedule of Modifications*

1.	Modify section 2.6.1 Governance Structure to acknowledge that the PPA is the Management Authority of approvals on Port land. Include a sentence which states this.	Minor administrative change to the report.
2.	Modify point vi in section 1.5.2 land Use and Development on page 4 of the Structure Plan report to include a new point which states: "Development of land in the Boodarie Strategic Industrial Area under the control of the Pilbara Ports Authority (which is under the Port Authorities Act 1999 or held as a reserve under the Land Administration Act 1997) including part of the proposed Infrastructure Corridor, requires the approval of the Pilbara Ports Authority".	Minor administrative change to the report.
3.	Modify first sentence of the fifth paragraph of the executive summary to acknowledge the Boodarie Stockyards Stage 2 Area to read: "Development of land in the Boodarie Strategic Industrial Area under the control of the Pilbara Ports Authority (which is under the Port Authorities Act 1999 or held as a reserve under the Land Administration Act 1997) including part of the proposed Infrastructure Corridor, requires the approval of the Pilbara Ports Authority".	Minor administrative change to the report.
4.	Modify the report so that the last sentence in the first paragraph of Section Implementation Structure 2.6.2 the reads as follows: "The Pilbara Ports Authority will hold tenure of Port land and will consider any development proposals and grant leases, licences and easements."	Minor administrative change to the report.
5.	Modify the report so that the last sentence on page 16 Section 2.6.5 Integration with the Port Hedland Port to read as follows "PPA has finalised its Multi User Outer Harbour Port Master Plan".	Minor administrative change to the report.
6.	Modify the report so that the first sentence at the bottom of Page 32 in Section 4.3.1 Industry Association to Port to change reference to "Table 8" as it should be changed to refer to "Table 4".	Minor administrative change to the report.
7.	Modify the report to insert the following wording after the second sentence of the first paragraph of section 2.6.5 Integration with the Port Hedland Port to read as follows: "Development of shared infrastructure corridors between the BSIA and port land will require approval by the Pilbara Ports Authority."	Minor administrative change to the report.

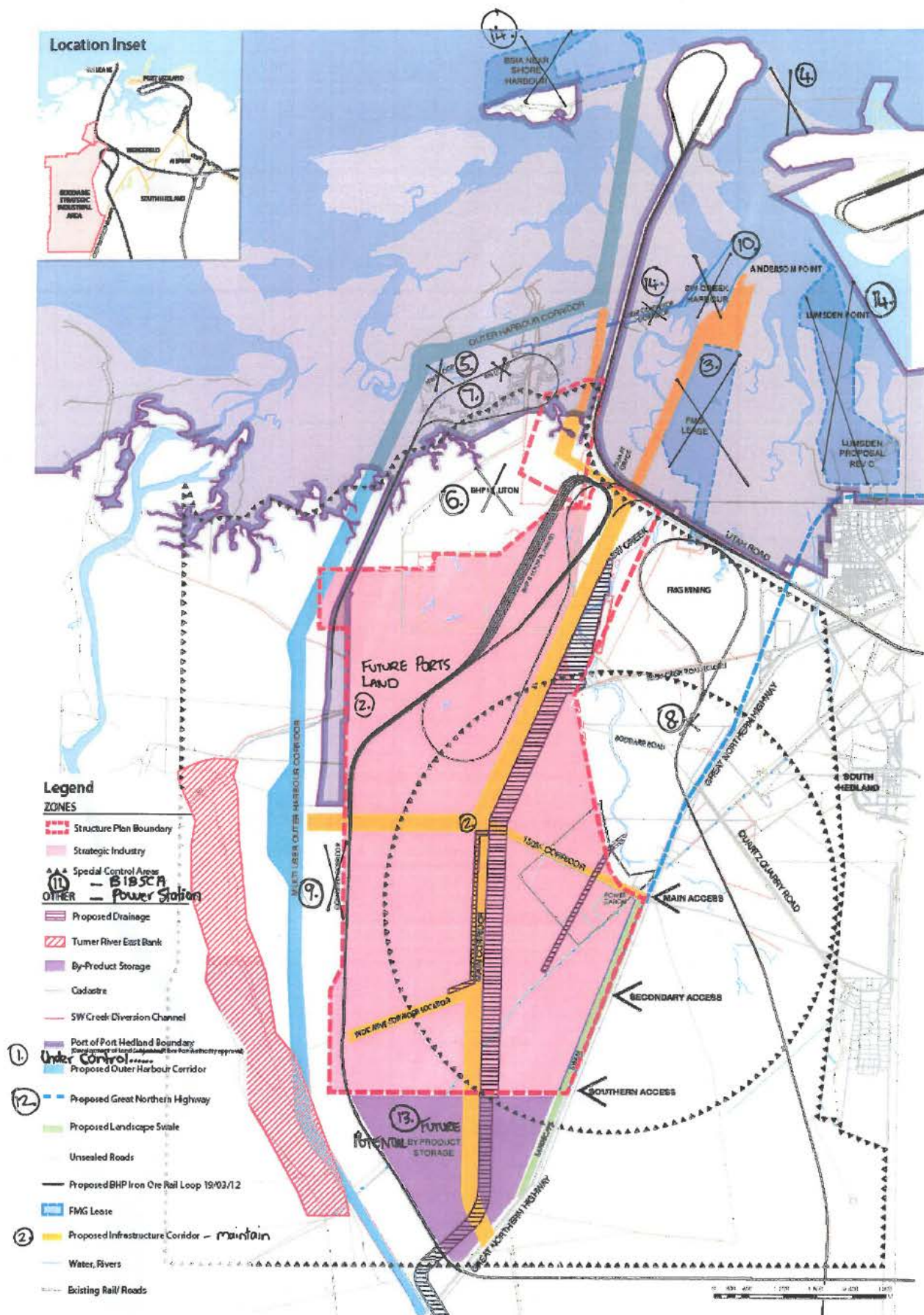
**Commented [HE2]:** Has been dismissed in the Schedule of Submissions – refer to DSD and PPA email.

*Town of Port Hedland Town Planning Scheme No. 5  
 Schedule Strategic Industrial Area Structure Plan – Schedule of Modifications*

8.	Modify the third paragraph on Page 33 Section 4.3.2 Compatibility of Industry, Staging and Perceived Port Facility Needs to add an additional sentence to show that the PPA holds tenure over Port land as follows: <i>"Pilbara Ports Authority will hold tenure over port land and will consider any development proposals and grant leases, licenses and easements"</i> . Then place the following sentences in a new paragraph.	Minor administrative change to the report.
9.	Modify the third sentence in the middle of the second paragraph on Page 34 in Section 4.3.2 Compatibility of Industry, Staging and Perceived Port Facility Needs of the Structure Plan to read as follows: <i>"The Port Authority is supportive of the development of the BSIA and has given in-principle agreement to the connections to and from the BSIA, pending further detailed studies"</i>	Minor administrative change to the report.
10.	Modify section 4.3.3.5 Summary of Infrastructure and Corridor Width on Page 35 to insert the following sentence before the first sentence <i>"It is noted that the Pilbara Ports Authority may have their own design guidelines and development requirements over Port land"</i> .  In the sentence in section 4.3.3.5 change Table 9 to Table 5, which is the correct Table number.	Minor administrative change to the report.
11.	Modify the first dot point on page 40 in Section 4.5 Design Elements to add a new sentence after the first sentence as follows: <i>"PPA has designated a corridor to the west of BSIA which is referred to as the MUOH Corridor. The alignment of the MUOH Corridor will be finalised after detailed environmental, heritage and engineering studies have been undertaken"</i> .	Minor administrative change to the report.

**Commented [HE3]:** Has been dismissed in the Schedule of Submissions – refer to DSD and PPA email.

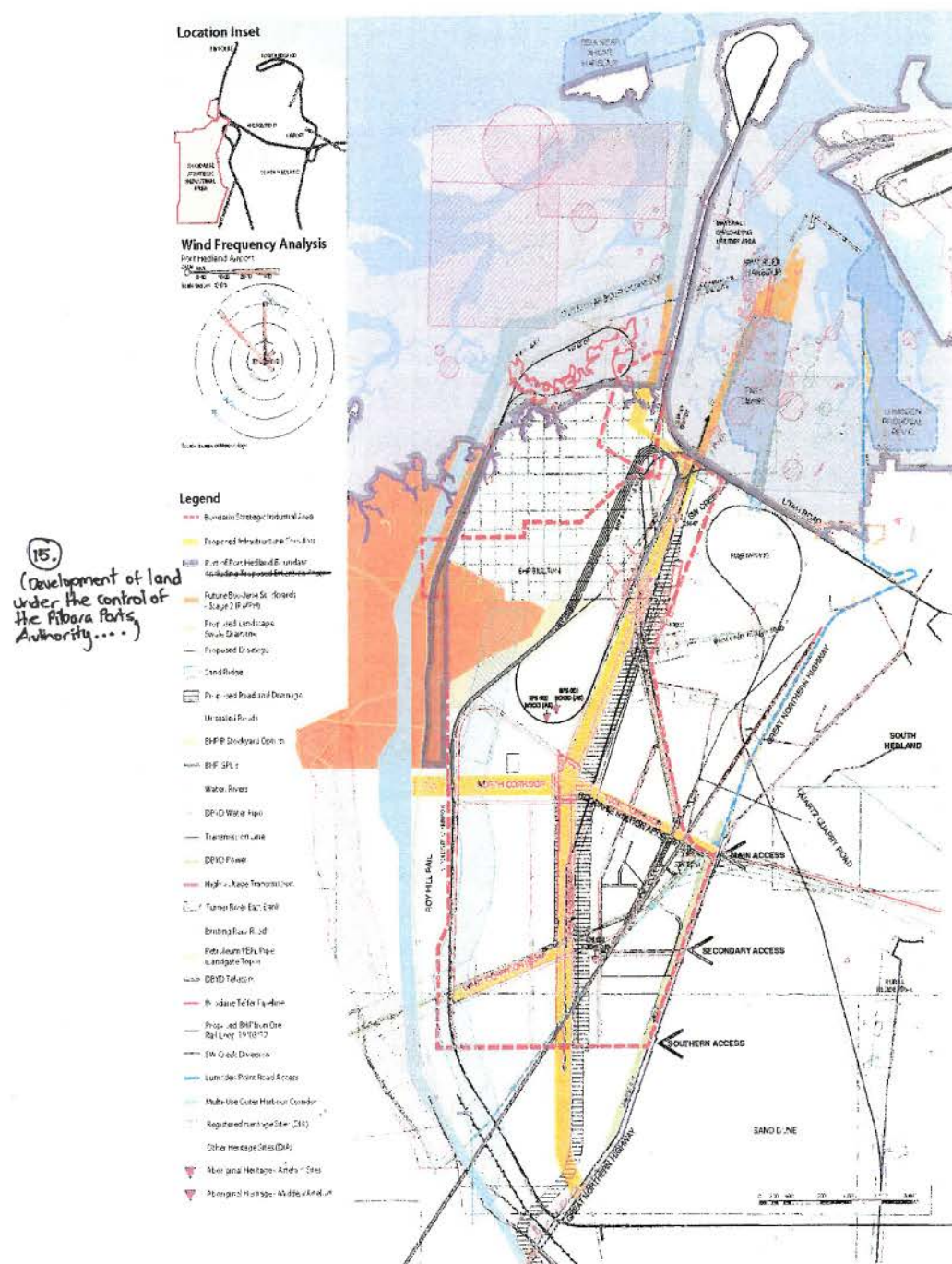
**ATTACHMENT 4B TO ITEM 12.3.1**





**ATTACHMENT 4C TO ITEM 12.3.1**

**Figure 6 – Opportunities and Constraints Plan**





### 12.3.2 Proposed Dedication of land reserved for the purpose of Roads on Galley Place, South Hedland and Dalton Road, Wedgefield

File No: 28/01/0018, 130443G  
Applicant/ Proponent: Town of Port Hedland  
Subject Land/ Locality: Portion of Lot 507 Cottier Drive South Hedland, and Portions of Lot 501 Cajarina Road Wedgefield and Lot 251 on Plan 72775 Wedgefield  
Date: 23 March 2017  
Author: Keryn Dempsey, Development and Lands Officer  
Authorising Officer: Ray Davy, Acting Director Development, Sustainability and Lifestyle  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☐ Executive  
☒ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Survey Plan and Aerial of proposed road reserve for Galley Place, South Hedland
2. Survey Plan and Aerial of proposed road reserve for Dalton Place, Wedgefield
3. Comments received regarding Galley Place
4. Comments received regarding Dalton Road
5. Landcorp consent to Dedication of Dalton Road

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#### CM201617/189 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR WHITWELL**

**SECONDED: CR HOOPER**

**That with respect to the Proposed Dedication of land reserved for the purpose of Roads on Galley Place, South Hedland and Dalton Road, Wedgefield, Council:**

1. **Support the request to extend the road reserve dedicated as Galley Place, South Hedland, as shown on attachment 1;**
2. **Support the request to realign the road reserve dedicated as Dalton Road, Wedgefield, as shown on attachment 2; and**
3. **Indemnifies the Minister for Lands and Department of Lands against any claims for compensation and costs that may reasonably be incurred by the Minister in considering and granting the request to dedicate the land as road, as pursuant to section 56(4) of the Land Administration Act 1997.**

***CARRIED 8/0***

## EXECUTIVE SUMMARY

As a result of amendments to existing road layouts, the Department of Lands have determined that the road reserves dedicated for Galley Place, South Hedland and Dalton Road, Wedgefield do not align with the constructed roads. The road reserves are required to be realigned and extended accordingly.

## BACKGROUND

### *Galley Place*

In early 2013, the subdivision on Lot 2 Limpet Crescent South Hedland required the closure of Reserve 44778 for the creation of Road Reserve for Galley Place. This was presented and supported at the Ordinary Council Meeting 26 June 2013, and the request sent to Department of Lands. During the process of finalizing this project the Department of Lands advised that a previously unidentified parcel of land within Galley Place is Unallocated Crown Land, and could be included as part of the previous request. As the road has been constructed on the portion of Unallocated Crown Land, it is considered necessary to include this in the request.

### *Dalton Road*

On the 15 December 2015 a number of road name amendments were made to Dalton Road and Finucane Road, required as part of the Great Northern Highway Realignment. The newly named Dalton Road was then identified as not being consistent with the dedicated Road Reserve, and the Road Reserve is accordingly required to be realigned.

## CONSULTATION

The following stakeholders were engaged as part of the consultation process:

- Horizon Power
- Optus
- Telstra
- Water Corporation

No comments were received from Optus or Telstra. It is considered that these agencies have no objection to the Dedications.

The Water Corporation has no objections to either Dedication, as shown in attachments 3 and 4.

Horizon Power have no objection to Dalton Road, however they do have assets running adjacent to Galley Place. Additional clarification was sought as the road already exists, and given the distance between the existing road and the infrastructure it is not considered that the infrastructure will be affected. See attachments 3 and 4.

In addition, Dalton Road was also referred to Landcorp as the holder of the lease from Department of Lands. Landcorp have no objections to the proposed Dedication, as per Attachment 5.

Both Dedications were advertised in the North West Telegraph 01/02/2017, for a period of 35 days as required by the *Land Administration Act 1997*. No submissions were received.

## LEGISLATIVE IMPLICATIONS

Section 56 (Dedication of land as road) of the *Land Administration Act 1997* (LAA) and regulation 8 (Local Government requests to dedicate land as road, requirements of) of the *Land Administration Regulations 1998* (LAR) establish the procedure for the dedication of a road.

Section 56 of the LAA outlines the circumstances and requirements in which a road can be dedicated, whilst Regulation 8 of the LAR provides further guidance in the procedure to be followed.

Delegation 5.1 of the Town of Port Hedland's Delegation Register provides for the Director Community and Development Services to forward a request for dedication to the Department of Lands on behalf of the Town.

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

As the roads are existing there are no current budgetary implications. Section 56(4) of the LAA notes that the Local Government is required to indemnify the Minister against any claim for compensation, however as the works have been completed this is not anticipated.

## STRATEGIC IMPLICATIONS

There are no strategic implications as this is simply administrative changes.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

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

### *Social*

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

### *Risk Assessment*

The Proposed Dedications present a risk level of 12 in the risk matrix, should the road reserve dedications not be supported by Council or approved by the Department of Lands the existing roads will remain outside of the Towns jurisdiction. Acceptance of the officer's recommendation will mitigate this risk

**OPTION**

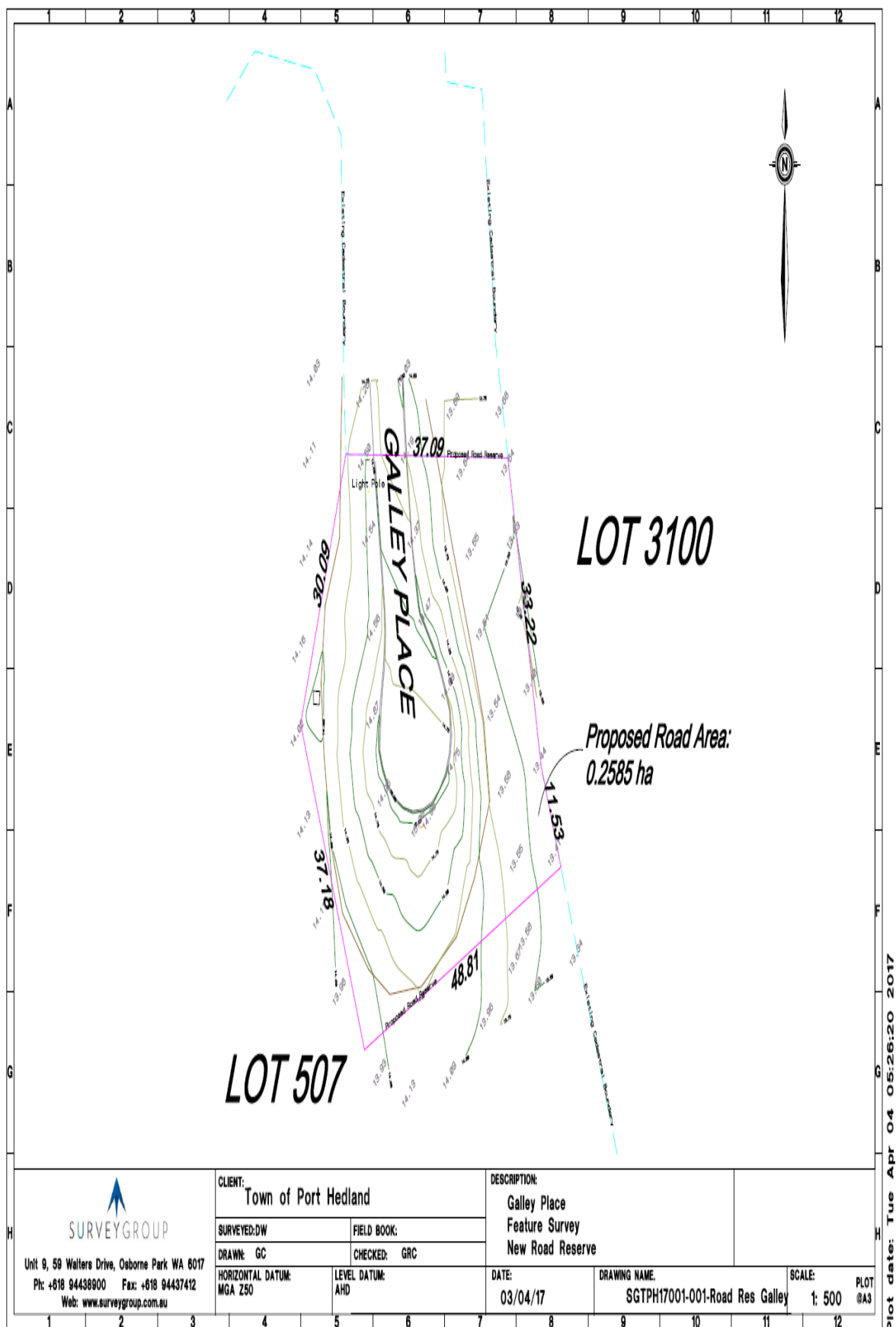
Option 1 - That Council adopt Officers Recommendation.

Option 2 - That Council not support Officer's Recommendation.

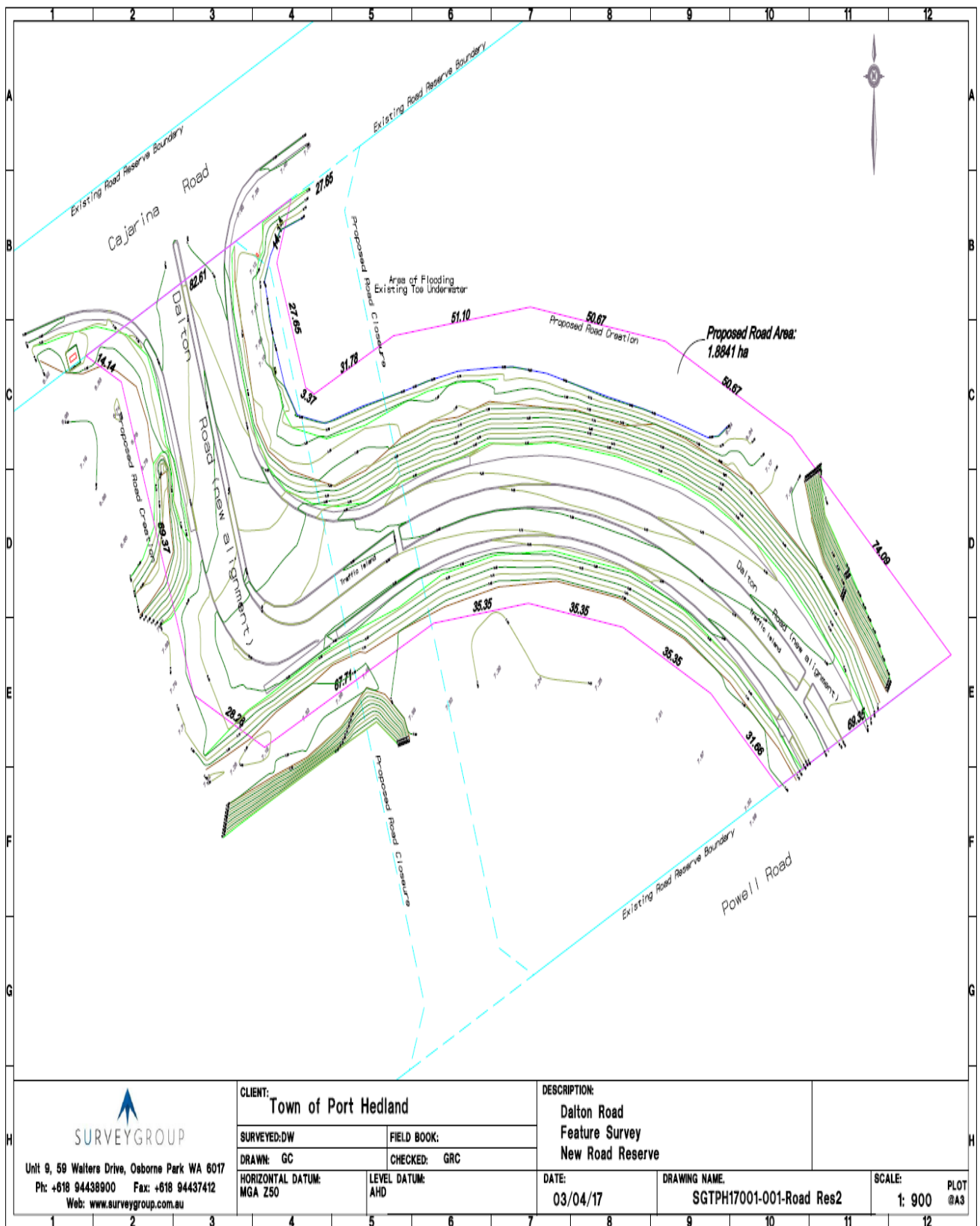
**CONCLUSION**

As the roads have existed for a large number of years, realignment of the reserves will ensure the Survey Plans accurately reflect what exists. This is turn will mitigate any potential future risks created through a public road being constructed on a private Lot.

## ATTACHMENT 1 TO ITEM 12.3.2



## ATTACHMENT 2 TO ITEM 12.3.2



## ATTACHMENT 3 TO ITEM 12.3.2

Development  
Services

629 Newcastle Street  
Leederville WA 6007

PO Box 100  
Leederville WA 6902

T (08) 9420 2099  
F (08) 9420 3193



Your Ref: 2017/014/ 130443G 28/01/0018  
Our Ref: JT1 2010 10908 V09 - RC347100  
Enquiries: Ross Crockett  
Direct Tel: 9420 2013

30<sup>th</sup> January 2017

**Town of Port Hedland  
P.O. BOX 41  
PORT HEDLAND W.A. 6721**



Attention of: **Keryn Dempsey**

**Re: Road Reserve Dedication for Galley Place, South Hedland**

Thank you for your letter dated 24<sup>th</sup> January 2017. The Water Corporation offers the following comments in regard to this proposal.

The dedication of is road reserve will not impact on the Water Corporation's existing infrastructure as the road already exists. (Plan Attached).

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

A handwritten signature in black ink, appearing to read "Ross Crockett".

Ross Crockett  
Development Planner  
Land Planning  
Assets Planning Group









Your Ref: 2017/014  
Enquiries: Noel Moyo  
Telephone 9173 8205

PO Box 314  
PORT HEDLAND WA 6721  
ABN 57 955 011 697

02 February 2017

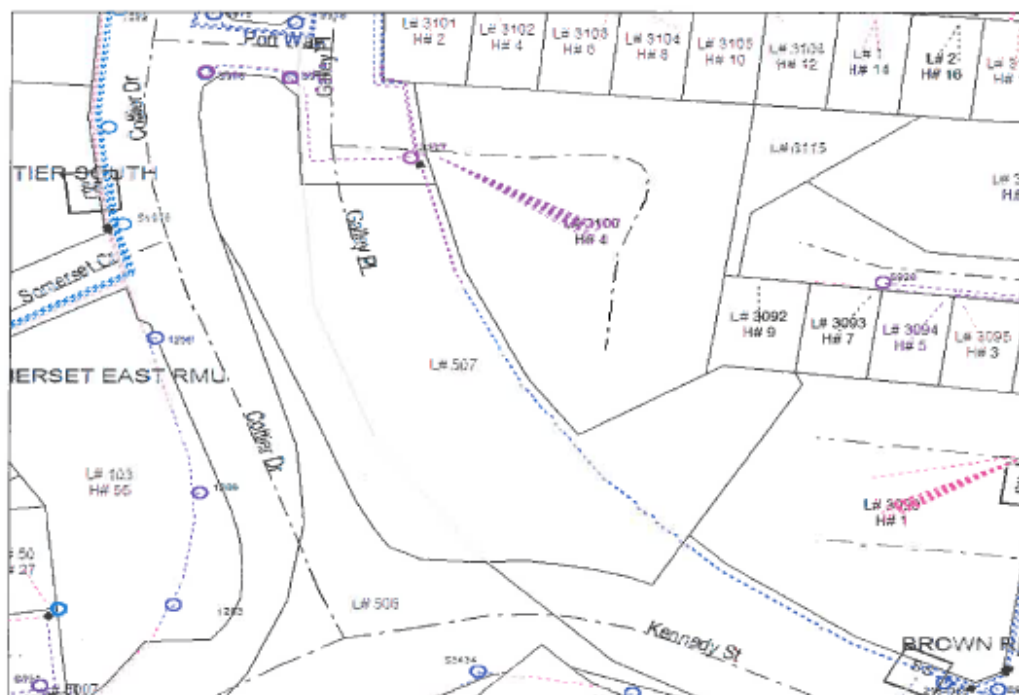
**Keryn Dempsey**  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

**Dear Sir/Madam**

**RE: APPLICATION 2017/014 FOR DEICATION OF A PORTION OF LOT 507 COTTIER DRIVE AS ROAD RESERVE FOR GALLERY PLACE**

Thank you for your enquiry concerning the above application.

Please be advised that Horizon Power has assets along the proposed development as reflected in our network extract. The assets in question is a 22 000v underground cable which might need to be relocated at your expense to facilitate for your proposed development.



Should you have further queries please do not hesitate to contact the undersigned as detailed above.

Yours sincerely

Noel Moyo

Asset Manager – Port Hedland

## ATTACHMENT 4 TO ITEM 12.3.2

Development Services 629 Newcastle Street Leederville WA 6007 PO Box 100 Leederville WA 6902 T (08) 9420 2099 F (08) 9420 3193



Your Ref: 2016/172/28/01/0017 18/07/0016  
Our Ref: JT1 2010 10908 V09 - RC347101  
Enquiries: Ross Crockett  
Direct Tel: 9420 2013

30<sup>th</sup> January 2017

**Town of Port Hedland  
P.O. BOX 41  
PORT HEDLAND W.A. 6721**



Attention of: **Keryn Dempsey**

**Re: Road Reserve for Dalton Road, Wedgefield - Port Hedland**

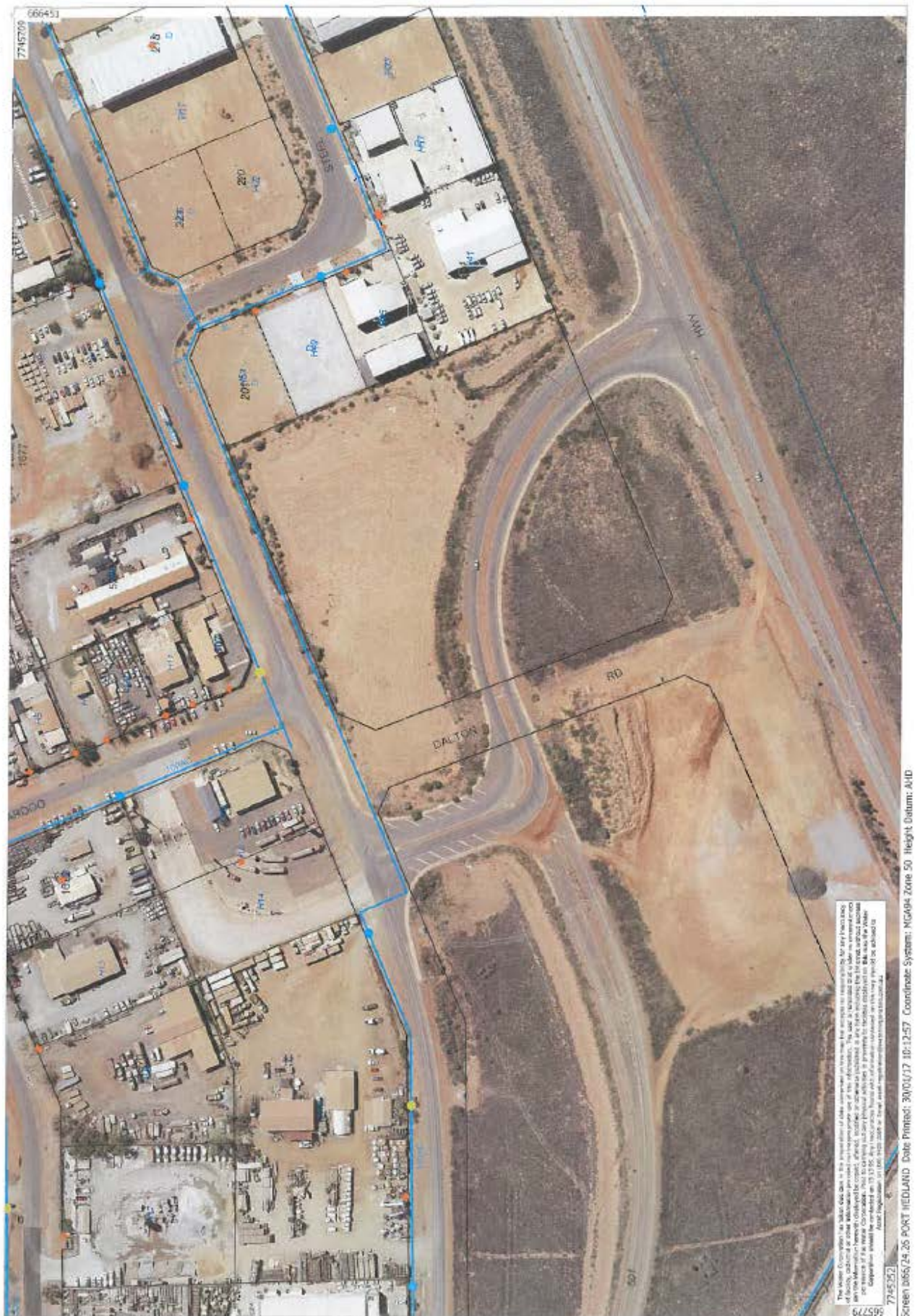
Thank you for your letter dated 25<sup>th</sup> January 2017. The Water Corporation offers the following comments in regard to this proposal.

The realignment of is road will not impact on the Water Corporation's existing infrastructure. (Plan Attached).

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer,

A handwritten signature in black ink, appearing to read "Ross Crockett".

Ross Crockett  
Development Planner  
Land Planning  
Assets Planning Group







Your Ref: 2016/172  
Enquiries: Noel Moyo  
Telephone 9173 8205

PO Box 314  
PORT HEDLAND WA 6721  
ABN 57 955 011 697

**02 February 2017**

**Keryn Dempsey**  
Town of Port Hedland  
PO Box 41  
PORT HEDLAND WA 6721

**Dear Sir/Madam**

**RE: APPLICATION 2016/172 FOR PROPOSED DEDICATION OF A PORTION OF ROAD  
RESERVE FOR DALTON ROAD, WEDGEFIELD**

Thank you for your enquiry concerning the above application.

Please be advised that Horizon Power has no objection to the proposed development.

Should you have further queries please do not hesitate to contact the undersigned as detailed above.

Yours sincerely

**Noel Moyo**

**Asset Manager – Port Hedland**

## ATTACHMENT 5 TO ITEM 12.3.2



LANDCORP

**Our Ref:** A1463258  
**Enquiries:** (08) 9482 7864  
**Date:** 13 January 2017

ATT: Keryn Dempsey  
Development Lands Officer  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Keryn

**PROPOSED ROAD RESERVE - DALTON ROAD**

LandCorp holds a Crown lease over a number of lots at Wedgefield, Port Hedland for the expansion of the Wedgefield Industrial Estate.

The Lease area also covers a portion of Dalton and Finucane Island Roads. It is understood the constructed roads do not align with the Dalton Road Reserve tenure and the Town wished to formalize these road reserves.

LandCorp confirms it has no objection to the dedication of the proposed road reserve marked white on the attached plan.

Please be in touch should you have any queries.

Yours sincerely

David Cooper  
Development Manager

*Attachment 1 – Proposed Road Reserve Plan*



# Attachment 1 – Proposed Road Reserve Plan



08 9482 7499 08 9481 0861  
 landcorp@landcorp.com.au  
 landcorp.com.au

**WESTERN AUSTRALIAN LAND AUTHORITY** ABN 34 868 192 835  
 Level 6, Westfarms House, 40 The Esplanade, Perth Western Australia 6000  
 Locked Bag 5, Perth Business Centre, Perth Western Australia 6849

7:02pm Councillor Melville declared a Financial interest in item 12.3.3 'Proposed Scheme Amendment No. 74 to Town Planning Scheme No. 5; To Rezone a Portion of Lot 1 McGregor Street (Reserve 8214) from 'Parks and Recreation' to 'Mixed Business' as he is an employee of BHP Billiton and has shares over the threshold.

7:02pm Councillor Melville left the room.

7:03pm Councillor Newbery declared a Financial interest in item 12.3.3 'Proposed Scheme Amendment No. 74 to Town Planning Scheme No. 5; To Rezone a Portion of Lot 1 McGregor Street (Reserve 8214) from 'Parks and Recreation' to 'Mixed Business' as she has provided services to the Turf Club.

7:03pm Councillor Newbery left the room.

### **12.3.3 Proposed Scheme Amendment No. 74 to Town Planning Scheme No. 5; To Rezone a Portion of Lot 1 McGregor Street (Reserve 8214) from 'Parks and Recreation' to 'Mixed Business'**

File No: 18/09/0089  
Applicant/ Proponent: Town of Port Hedland  
Subject Land/ Locality: Lot 1 McGregor Street Port Hedland (Reserve 8214)  
Date: 7 April 2017  
Author: Ben McKay, Statutory Planning Officer / Ryan Del Casale, Planning Projects Officer  
Authorising Officer: Ray Davy, Acting Director Development, Sustainability and Lifestyle.  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☐ Executive  
☒ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes  
Attachments:  
1. Amendment Report (under separate cover)  
2. Locality Plan  
3. Schedule of Submissions (under separate cover)

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#### **CM201617/190 OFFICER RECOMMENDATION/COUNCIL DECISION**

**MOVED: CR TAVO**

**SECONDED: CR GILLINGHAM**

**That with respect to Scheme Amendment 74, Council:**

- 1. In accordance with regulation 50 (3) (c) of the Planning and Development (Local Planning Schemes) Regulations 2015 Not Support Scheme Amendment No.74 to the Town of Port Hedland Town Planning Scheme No.5 for the following reasons:**



- a. In lieu of an adopted Public Open Space Strategy the proposed amendment will result in the decrease of the minimum required public open space in accordance with the Western Australian Planning Commission's Liveable Neighbourhood Policy;
  - b. The proposed amendment is not consistent with the provisions of State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4);
  - c. The lack of an Activity Centre Plan to facilitate the hierarchy of commercial centres within the Town.
  - d. Due to the uncertainty of outcomes contained in the current review of the Pilbara Ports City Growth Plan 2012.
2. **Forwards the above information in relation to Scheme Amendment No.74 to *Town of Port Hedland Town Planning Scheme No.5*, to the Western Australian Planning Commission for the Minister for Planning's consideration.**

**CARRIED 6/0**

7:04pm Councillor Melville and Councillor Newbery re-entered the room and resumed their chairs.

---

## EXECUTIVE SUMMARY

Scheme Amendment No.74 to Town Planning Scheme No.5 (herein referred to as the amendment) proposes to rezone a portion of Lot 1 McGregor Street, Port Hedland (Reserve 8214), from 'Parks and Recreation' to 'Mixed Business'. In October 2014 the amendment was initiated by Council to be advertised. Advertising occurred in early 2015. From this advertising several key issues with the amendment have been raised as follows:

- It is uncoordinated and not supported by a public open space strategy;
- It proposes to locate residential uses in close proximity to rail noise and is inconsistent with State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations; and
- There is an adequate supply of already zoned land for commercial and mixed use development in the Town.

Given these reasons above and the fact that the Town is reviewing its strategic planning documents it is recommended that amendment not proceed at this stage until a hierarchy of activity or commercial centres within the Town is further investigated.

## BACKGROUND

The amendment was prepared by the Town in 2012- 13 period to support the investigation of commercial development opportunities and is provided in **Attachment 1**.

The purpose of the amendment is to rezone a 1.4 hectare portion of Lot 1 McGregor Street, Port Hedland (Reserve 8214) (the subject site) from 'Parks and Recreation' to 'Mixed Business' (**Attachment 2**). At the Ordinary Council Meeting on 22 October 2014 Council resolved to initiate the amendment for advertising and to seek public comment.

#### Land Acquisition

At the Special Council meeting held on 14 November 2012, Council resolved to approve the excision and acquisition of the subject site for commercial development. At that time, Council noted that this was conditional upon consultation with the Port Hedland Turf Club. Since this time support has been received from the Turf Club.

In November 2012 the proponent received positive feedback from the then Department of Regional Development and Lands (now Department of Lands) for the subject site. In April 2013 Council resolved to endorse the preparation of a Request for Proposal to develop the subject site. The process in which the subject site would be acquired was to be via Clause 25 of the Government Land Policy Manual – Policy No. 04.0105 also referred to as the “5% Policy” and the Town would have to submit the proposal to the Minister of Lands for consideration. This is no longer the case and the land would have to be acquired at the full market value due to a change in the Department of Lands policy.

#### CONSULTATION

The amendment was referred internally and the following comments were raised:

- Maintaining access for the Town and Turf Club events is essential;
- The development should consider the compatibility of having commercial uses located on a reserve and how this would be managed; and
- The traffic impact assessment provided is deficient.

Following Council resolution 201415/069 the amendment was formally referred to the Environmental Protection Authority (EPA) for assessment, in accordance to Section 81 of the *Planning and Development Act, 2005*. The EPA noted that the amendment did not require formal assessment under the *Environmental Protection Act 1986*.

The EPA also noted the proximity of the subject site to existing railway lines and Wilson Street. The EPA strongly recommends that Council not approve any application for residential development, or other potentially sensitive land uses, on the site until such time the air quality modelling and health risk assessment have been completed and considered by the State Government led Port Hedland Dust Management Taskforce. The EPA noted that noise can be adequately addressed at the development application stage.

The amendment was referred to the following external agencies for comment and advertised publicly in accordance to Section 81 of the *Planning and Development Act, 2005*;

- Department of Lands
- Department of Water
- Horizon Power
- Optus
- Telstra
- Pilbara Development Commission (Pilbara Cities)
- Water Corporation
- Port Hedland Chamber of Commerce

- Wedgefield Small Business Association
- Pilbara Regional Council;
- Main Roads of Western Australia

Four (4) submissions were received. One (1) objection was received from BHP Billiton who also proposed modifications to Amendment 74. Three (3) respondents provided general advice and comments with Main Roads W.A raising concerns regarding traffic. These issues are discussed in the Schedule of Submission (**Attachment 3**) and in further detail below.

#### *BHP Billiton*

Planning Solutions acting on behalf of BHP Billiton objected to the amendment on the following grounds:

- The original intent of amendment was to provide more commercial uses;
- The amendment is not consistent with State Planning Policies concerning Road and Rail Transport Noise;
- Given the proximity of the subject site to Wilson Street and the BHP Billiton rail corridor, it puts potential housing close to noise; and

#### *Main Roads W.A*

Main Roads W.A provided comments in November 2015 concerning the amendment as follows:

- Access directly to Wilson Street for the proposed lot would not be approved;
- Significant street scape upgrades would be required to McGregor Street given the current access-way to the Boulevard shopping centre is in such close proximity, to facilitate the safe movement of traffic in and out of both the Boulevard and any new access to the subject site.

#### *Ministerial Correspondence*

In August 2015 correspondence was received from the Western Australian Planning Commission on behalf of the Minister of Planning. Concerns were raised regarding the uncoordinated loss of Public Open Space in the Town from previous scheme amendments (amendments 73, 75 & 86) supported by the Town. The Minister stated that he did not wish to see further scheme amendments progressed by the Town without consideration of such documents as the Western Australian Planning Commission's (WAPC) Liveable Neighbourhoods Policy, Council's Active Open Space Strategy and the draft Community Infrastructure Plan. The correspondence also highlighted the need for the Town to submit a revised strategy concerning Public Open Space and Land Rationalisation.

### **LEGISLATIVE IMPLICATIONS**

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

The proposed amendment has been 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

### POLICY IMPLICATIONS

There are no policy implications in relation to this agenda item.

### FINANCIAL IMPLICATIONS

The Town initiated this amendment with therefore no financial implications.

### STRATEGIC IMPLICATIONS

Amendment 74 is generally consistent with the following sections of Council's 2014-2024 Strategic Community Plan:

1.0 Building a unified vibrant community, and 2.0 Supporting a diverse economy.

Amendment 74 seeks to make use of land for commercial uses and services to be established.

Amendment 74 is consistent with following theme of Growth Plan:

- City Growth Themes - No.1. Sustained and Diversified Economic Growth; "Providing opportunities for regional and local employment generation to address the gaps in employment outcomes within the community and providing the right conditions for robust economic growth to occur across a range of industries".

However, the Growth Plan presents a long term plan and does not provide a timeframe as to when the subject site should be developed or any commentary on the investigations required to de-constrain the site. In this regard the amendment is not entirely consistent with the Growth Principle No.1 – Giving Port Hedland's best and expecting the best. The amendment fails to address the constraints for the subject site and consider utilising the already zoned land suitable for commercial development.

### SUSTAINABILITY IMPLICATIONS

#### *Environmental*

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

#### *Economic*

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

#### *Social*

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

*Risk*

There is a risk rating of medium (5) assigned to the risk that supporting the amendment is not consistent with State Planning Policies concerning open space, road, rail and noise issues and Activity Centres. This risk will be mitigated should the officer's recommendation be supported.

**OPTION**

Option 1 – That Council not support proposed Scheme Amendment No.74 as per Officers Recommendation.

Option 2 – That Council support proposed Scheme Amendment No.74.

**CONCLUSION**

Amendment 74 is not consistent with State Planning Policies concerning public open space, road and rail noise and activity centres. The amendment fails to consider the adequate supply of suitably zoned land already available for commercial and mixed use development in the Town.

ATTACHMENT 2 TO ITEM 12.3.3

Attachment 2 – Location Plan



### 12.3.4 Proposed Scheme Amendment 80 to Town Planning Scheme No. 5; 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: 30 March 2017  
Author: Ben McKay, Statutory Planning Officer  
Authorising Officer: Ray Davy, Acting Director Community & Development Services  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☐ Executive  
☒ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Locality Plan
2. Proposed Amendment (under separate cover)

#### CM201617/191 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR MELVILLE

That with respect to proposed Scheme Amendment 80 to Town of port Hedland Town Planning Scheme No. 5, Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005 and Part 5 Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations)*, adopts proposed Scheme Amendment 80 to the Town of Port Hedland Local Planning Scheme No. 5 without modification;
2. Pursuant to Regulation 35(2) of the *Regulations*, determines proposed Amendment No. 80 to be a standard amendment under the provisions of the *Regulations* for the following reason:  
  
The proposed amendment No. 80 is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, authorises the Chief Executive Officer to arrange for proposed Amendment No. 80 to be referred to the Environmental Protection Authority (EPA) to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986*;
4. Subject to section 81 and 82 of the *Planning and Development Act 2005*, authorises the Chief Executive Officer to arrange for proposed Amendment No. 80 to be advertised for public inspection in accordance with the procedure set out in clause 47 of the *Regulations*; and

**5. Advises the Western Australian Planning Commission of Council's resolutions with respect to proposed Scheme Amendment 80.**

**CARRIED 8/0**

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## EXECUTIVE SUMMARY

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.

## BACKGROUND

The site has been deemed by the WA State Government to be a redundant land asset, and has no intentions to re-use the site for any other government purpose.

The subject site is identified as a suitable site for the expansion of residential development in Council's Pilbara's Port City Growth Plan (the Growth Plan).

The proposed rezoning to 'Urban Development'

It has therefore been determined that the subject site in its entirety (as a single development site) should be disposed on the market for an appropriate land use.

## CONSULTATION

Should Council resolve to support the officers recommendation for adoption, the proposed scheme amendment documentation including all attachments will be submitted to the Environmental Protection Authority (EPA) for assessment pursuant to Section 81 of the *Planning and Development Act 2005*.

Dependent on the assessment outcome by the EPA the proposed scheme amendment will be referred internally and externally as well as being advertised in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:

- Locally distributed newspaper
- Registered letters to all adjoining properties within 100m radius
- Site notice will be placed on the site



- Notice will be placed on the information board at the Civic Centre office.

Once the consultation process has been finalised the proposed amendment will be brought back before Council. At that point Council will recommend support or no support to the Western Australian Planning Commission.

### LEGISLATIVE IMPLICATIONS

*Planning and Development Act 2005* is the primary 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.

### POLICY IMPLICATIONS

There are no policy implications in relation to this agenda item.

### 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 IMPLICATIONS

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 entire precinct will support the addition of 5,643 dwellings. The proposed Structure plan will assist in delivering a portion of those 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.

### SUSTAINABILITY IMPLICATIONS

#### *Environmental*

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

#### *Economic*

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

*Social*

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

*Risk*

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 - That Council adopt Officers Recommendation.

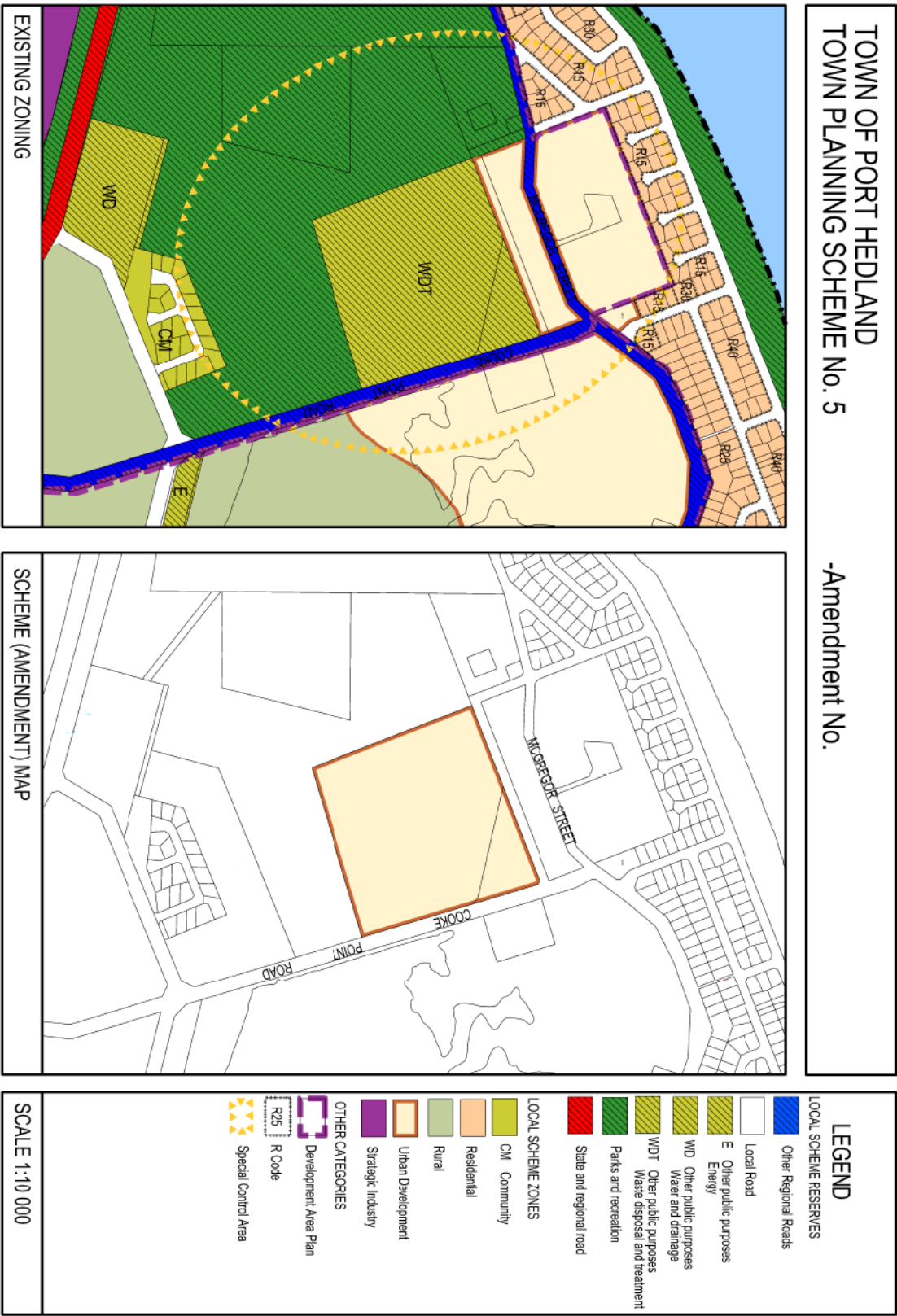
Option 2 - That Council not adopt proposed Scheme Amendment 80 for advertising.

**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 bought back before Council to consider once the advertising process has been finalised.

ATTACHMENT 1 TO ITEM 12.3.4



### 12.3.5 Proposed Change of Use to Club Premises in Wedgefield

File No: 130313G  
Applicant/ Proponent: RFF  
Subject Land/ Locality: Lots 5854 (8) Harwell way Wedgefield  
Date: 29 March 2017  
Author: Ben McKay, Statutory Planning Officer  
Authorising Officer: Ray Davy, Acting Director Community & Development Services  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Locality Plan
2. Site Plan

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#### OFFICER RECOMMENDATION/MOTION

**MOVED: CR HOOPER**

**SECONDED: CR GILLINGHAM**

That with respect to the proposed change of use to club premises on Lot 5854 (8) Harwell Way Wedgefield, Council approve application 2017/028 and accompanying plans in accordance with clause 68 of the Deemed provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* subject to the following conditions:

1. This approval relates only to the proposed "Use not listed – Club premises", as indicated on the approved plans (DRG2017/028/1). It does not relate to any other development on this lot.
2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect.
3. The office shall be incidental to the predominant use, and shall not be used for office activities unrelated thereto.
4. A minimum of fifteen (15) car parking bays shall be provided as indicated on the approved site plan.
5. No car parking bays shall be obstructed in any way or used for any other purpose than car parking.
6. No human habitation shall be permitted on the lot, with the exception of the approved "Caretakers Dwelling".
7. Storm water disposal is to be designed and constructed in accordance with the Town's Engineering Services Guidelines.

8. Access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Australian Standard AS 2890 Parts 1 and 2.
9. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005.

ADVICE NOTES:

1. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
2. An approved effluent disposal system shall be installed to the specification of the Town's Environmental Health Services and to the satisfaction of the Manager of Development Services. Be advised that the effluent disposal system may also require the approval of the Western Australian Department of Health.
3. Application is to be made for the installation of an approved apparatus for the treatment of effluent to the satisfaction of the Manager of Development Services and the specification of the Manager of Environmental Health.
4. Be advised that at the building licence stage a detailed floor plan will be required to be submitted in order for Town to assess compliance with the Health (Public Buildings) Regulations 1992.
5. The development is to comply with the Health (Public Buildings) Regulations 1992.
6. The landowner is reminded that a Planning approval is required for the placement of any signage on the lot.
7. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of the Town's Health Local Laws 1999.
8. Waste disposal and storage is to be carried out in accordance with the Town's Health Local Laws 1999.

***CARRIED 5/4 ON THE MAYOR'S CASTING VOTE HOWEVER ABSOLUTE  
MAJORITY WAS NOT ACHIEVED***

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

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**EXECUTIVE SUMMARY**

The Town has received an application for development approval from RFF on behalf of the landowner to Change the Use of the above property to 'Club premises'.

The application is referred to Council for determination as it is a 'Use not Listed' within the Town of Port Hedland Town Planning Scheme No. 5.

## BACKGROUND

The proposed development is located on Lot 5854 (8) Harwell Way, Wedgefield (Subject Site). Access to the site will be achieved via Harwell way and has a site area of 2100m<sup>2</sup>. In accordance with the Town of Port Hedland Town Planning Scheme No. 5 (TPS5), the development is zoned "Industry".

The applicant is seeking approval to use the site for a gymnastics club. Currently the Hedland Gymnastics Club operates from the Andrew McLoughlin Centre on Keesing Street in Port Hedland. Given the growth the club has experienced and the restricted level of access available to the existing facility it is necessary for the club to expand into larger premises.

TPS5 does not make provision within the defined uses for "Club Premises" and therefore the development needs to be considered as a "Use Not Listed".

According to clause 3.2.6 of TPS5;

*If the development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the local government may determine:*

- a) that the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*
- b) by absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for development approval should be determined in accordance with Part 99 of the deemed provisions, including the advertising procedure under Clause 64 of the Deemed provisions.*

The objectives of the industry zone are defined in clause 6.7.6 of TPS5:

*The purpose of the Industry zone is to accommodate the broad range of developments required to support industry and commerce within the Town of Port Hedland.*

Over the past few years the Town has experienced economic hardship, with the Industrial areas showing lower rates of occupation than previously experienced, it should also be noted that there is no current demand for this land by the industrial sector. The proposal will however help support additional commerce and will diversify the range of land uses in the region.

## CONSULTATION

The application was advertised in the Northwest telegraph newspaper on 15<sup>th</sup> March 2017, providing 14 days to comment. A copy of the application was made available for viewing on the Towns website. During the advertising period no submissions were received.

The application was referred to internal departments including:

- Works and Services
- Environmental Health Services
- Building Services

### LEGISLATIVE IMPLICATIONS

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

The proposed Development has been assessed in accordance with the provisions of *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 – Deemed provisions for local planning schemes and the following clauses of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5):

- Part I - Preliminary
  - Clause 1.5 – The Scheme Objectives
- Part III – Zones
  - Clause 3.1 – Categories
  - Clause 3.2 - Zoning table
- Part IV – Use and Development of Land
  - Clause 4.3 – Advertising of Applications
  - Clause 4.5 – Matters to be considered by Council
  - Clause 4.6 - Determination of Applications
- Part VI – Development Requirements
  - Clause 6.3 – Residential Zone
- Appendix 1 – Definitions

### POLICY IMPLICATIONS

There are no policy implications in relation to this agenda item.

### FINANCIAL IMPLICATIONS

The Town has received a fee from the applicant of \$595.00. There are no other financial implications associated with this proposal.

### STRATEGIC IMPLICATIONS

Delivering and supporting programs, events, facilities and services which will attract and retain residents to increase our permanent population under Section 1.2 'A vibrant community rich in diverse cultures of the Towns 2014-2024 Strategic Community Plan is applicable to this agenda item.

### SUSTAINABILITY IMPLICATIONS

#### *Environmental*

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

#### *Economic*

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

*Social*

There is a potential social impact arising from not adopting this item in accordance with the officer's recommendation. As outlined above the club has experienced significant growth and can no longer meet the needs of its members from the existing space.

*Risk*

There is a risk rating of medium (8) assigned to the risk that the community will not be able to access a gymnastics club. This risk will be mitigated should the officer's recommendation be supported.

**OPTIONS**

Option 1 - That Council adopt Officers Recommendation.

Option 2 - That Council determine the use is not consistent with the objectives and purposes of the industrial zone and therefore refuse the proposed development.

**CONCLUSION**

Whilst the proposed use is not appropriately defined in TPS5, it is considered to be consistent with the objectives and purpose of the industrial zone. The development will not create or enhance any land use conflicts within the zone and should therefore be supported.



ATTACHMENT 1 TO ITEM 12.3.5



Subject Site

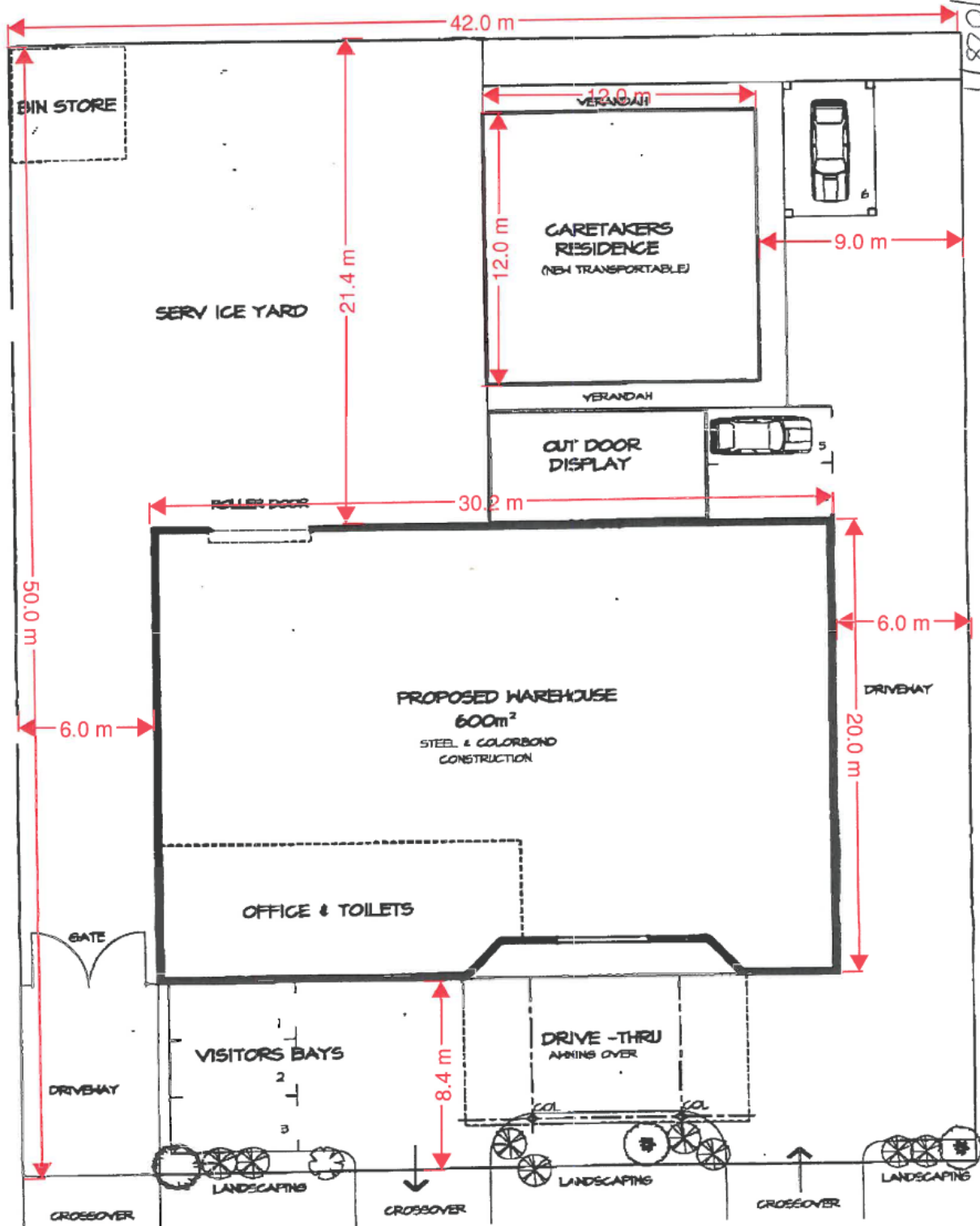
## ATTACHMENT 2 TO ITEM 12.3.5

22/01/98 13:38 FAX 61 9 3679555

ENTERTAINMENT EN

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DRG 2017/028/1



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**Item 13 Reports of Committees**

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*Note: There are no reports of committees.*

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

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Nil

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

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**15.1 Short Term Recreation Vehicle Accommodation at Port Hedland Racecourse**

File No:	25/10/0001
Applicant/ Proponent:	N/A
Subject Land/ Locality:	Part Crown Reserve 30768 on Management Order MO80548
Date:	11 April 2017
Author:	Ray Davy, Acting Director Development, Sustainability & Lifestyle
Authorising Officer:	David Pentz, Chief Executive Officer
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes

Attachments:  
Nil

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**CM201617/192 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR HOOPER****That Council:**

- 1. Amend the RV (recreational vehicle) camping fee at the Port Hedland Racecourse in the 2016/17 Fees and Charges from \$10.00 to \$0.00 for the 2017 season from such time as the three caravan parks in the Town of Port Hedland district reach 75% occupancy but otherwise in accordance with the conditions set out in part 3 of Council Decision 201516/185;**
- 2. Delegate authority to the CEO to approve a camp host/caretaker on site, free of charge for both parties, appointed through an expression of interest; and**



3. **Re-evaluate the program at the end of the 2017 season and undertake further consultation with relevant stakeholders ahead of any further extension of the program.**

**CARRIED BY ASOLUTE MAJORITY 8/0**

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## EXECUTIVE SUMMARY

The purpose of this report is for Council consider amending the terms under which RV parking is provided at Port Hedland Racecourse for the 2017 season. Proposed amendments include waiver of the previously set nightly fee of \$10.00 including GST, varying the threshold level of occupancy at the existing caravan park facilities from the previous 50% to 75% and providing an on-site camp host/caretaker.

It is proposed that the program be re-evaluated following the 2017 season to assess whether it should be continued in future years and if so any modifications that might be desirable.

## BACKGROUND

At the Ordinary Council Meeting on 23 March 2016 Council established guidelines for the provision of RV parking at Port Hedland racecourse (Decision 201516/185) as follows:

- a) *Subject to existing Port Hedland Caravan Parks reaching an occupancy rate at 50% of usable caravan sites, subject to:*
  - i) *Oversize recreational vehicles that are unable to be accommodated in the licenced caravan parks are able to access the recreational vehicle camping area*
  - ii) *Where pets are not accepted by caravan parks RV owners with pets are also able to access recreational vehicle camping ground*
- b) *Signage is in place to outline the conditions of approval for the site and include a warning that re-use water is reticulated in the immediate area and odours could be expected;*
- c) *That all RV's have their own on board toilet and shower facilities and all wastes can be disposed at the dump point provided by the Town (on site). The vehicles are to be road registered and take the form of a self-contained bus, motor home, self-contained caravan or self-contained camper van and do not include tents, camper trailers, mini vans, back packer vans or the like;*
- d) *All stays are to be no longer than 3 nights; unless written approval is given by the Chief Executive Officer or his representative;*
- e) *The site may be closed for RV camping at times when the reserve is booked for other activities;*
- f) *Dogs are only permitted if restrained and are not causing a disturbance;*
- g) *No amplified music permitted;*

*h) No fires permitted; and*

*i) All campers are to follow reasonable directions from TOPH staff.*

*[and] that all advertising material for the RV camping area will include information of the three other caravan park facilities within the Town, including Cooke Point, Black Rock, Port Hedland and the Golf Club.*

An evaluation of the 2016 season was conducted by staff (summarised below) and reported to Council in November 2016, when Council resolved (Decision CM201617/101) to:

- 1. Approve to charge \$10.00 (Including GST) per RV, per night across the 2016/17 financial period;*
- 2. Request that the Acting Chief Executive Officer, or his delegate(s), provide local public notice of the charge in accordance with section 6.19 of the Local Government Act 1995*

The purpose of this initiative is to attract RV tourists that might not otherwise stay at the caravan parks due to cost or other considerations. However, it is also arguably in conflict with the Town's current priority to support established businesses. It is noted that support from caravan park operators for this to be an "overflow" arrangement was based on a substantially higher occupancy threshold than 50%.

#### *2016 Season Summary*

During the 2016 season the Town collected survey data from the RV racecourse users, and the results were reported to Council on 23 November 2016. Key outcomes of that analysis were (based on 390 surveys completed):

- 2,197 visitor nights on site
- \$167,382 spent on local goods and services
- Applying the multiplier meant increased demand for goods and service in the Town for these visits of \$495,403 (\* but see note below regarding this finding)
- Estimated increase in the level of demand typically corresponding with three full time jobs in the local economy
- Many respondents indicated that they weren't intending to stay in Hedland until they heard of the low cost camping
- Most popular attraction was the Port

\* The application of an economic multiplier is intended to reflect the fact that the primary expenditure on goods and services generates secondary expenditure e.g. goods bought in a local retail outlet generate cash which in turn flows to suppliers of those goods, wages and rents etc and the recipient of those funds in turn spend on other goods and services. In this case it is questioned whether the multiplier is valid since anecdotal evidence is that the majority of the expenditure would have been at the nearby supermarket with a significantly lower "churn" in the local economy other than through wages of supermarket staff. The true economic impact is likely to have been no more than half the estimate used in the November 2016 report.

The primary reason for the project was to provide low cost camping for RV travellers who have no intention to stay in the Town unless they were offered a low cost camping facility. It is noteworthy that Port Hedland was named one of the top 10 RV Towns in Australia by the

Caravan and Motorhome Tour magazine. Whether that rating was a direct result of cost considerations is not known.

### *Issues identified*

One of the main complaints received by the Town and the Visitors Centre was from visitors who abided by the conditions of use on the site, including paying for their night(s) stay but reported visitors entering the site late in the evening and leaving early in the morning without paying. While there is no ideal solution to this issue, it can largely be overcome by having an on-site “camp host” or caretaker to monitor arrivals as well as to be a resource for addressing routine enquiries, monitor antisocial behaviour etc. This will also minimise the Town’s costs by substantially eliminating callouts for ranger staff to deal with camper complaints. An important part of the camp host role will be to encourage campers to attend the Port Hedland Visitor Centre for information about local activities such as Port tours.

Furthermore, the cost-benefit balance of charging a nominal fee of \$10.00 per night is questionable. The key aim of the RV program is to promote the Town and not cost recovery - the success of the program in attracting tourists to the Town is considered to provide an economic benefit to the Town that outweighs any consideration of the associated costs, which will be minimal if there is no requirement to collect fees. It will also have the effect of removing congestion from visitor vehicles clogging the Civic centre carpark while fees are being paid at the front desk.

As noted below, the adoption of the \$10 fee for the 2016-17 year needs to be reconsidered for the forthcoming 2017-18 financial year in any case. If Council agrees to adopt a 75% occupancy threshold at existing facilities before opening the racecourse facility, it is likely that the commencement date would not be before 30 June 2017.

## **CONSULTATION**

As part of the evaluation of the 2016 season presented to Council in November 2016, a number of letters of support for the initiative were included. In general, stakeholders were supportive of the continuance of the program. However, it is noted that the letter of support from Discovery Caravan Park referred to this only as an “overflow” arrangement once the existing facilities reached 90%. The increased threshold from 50% to 75% recommended in this report is a compromise proposal.

The present report has been subject to internal consultation only.

## **LEGISLATIVE IMPLICATIONS**

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

In accordance with section 6.16(3) of the *Local Government Act 1995* fees and charges can be amended during a financial year by absolute majority.

## **POLICY IMPLICATIONS**

While there is undoubtedly some economic benefit derived from attracting cost-conscious RV tourists that might otherwise choose not to stay in Port Hedland, it is difficult to determine definitively the value of that benefit or to identify the percentage of visitors that would stay

away if a low-cost facility was not provided. Without hard facts on these matters it is impossible to assess the value generated against the loss imposed on existing caravan park operators by undercutting their rates.

In the current economic circumstances the Town's default position is one of supporting existing local businesses and this initiative diminishes that message.

## FINANCIAL IMPLICATIONS

Waiver of the nightly fee will result in income of approximately \$20,000 being foregone, however the direct costs of the Town will also reduce although no hard figures are available to quantify these. The waiver will also remove any issue with the managers of the Visitor Centre of rights to the revenue raised through registrations at the centre.

## STRATEGIC IMPLICATIONS

The benefit of increasing the number of tourists entering the Town will directly lead to a greater spend on local businesses (for example at restaurants and retail outlets). Strategic planning documents such as the *Pilbara's Port City Growth Plan* have identified as an immediate priority that all levels of government assist in increasing expenditure on local businesses. However, as noted elsewhere in this report the true value of additional expenditure generated by cost-conscious RV tourists is questionable.

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

- 2.2 A nationally significant gateway city and destination Success Indicator – Increased tourism opportunities and accommodation offerings.

The project also aligns with Town's *Corporate Business Plan 2014-2018*:

- 2.1.3 Work closely with businesses, government and industry groups to drive local employment and investment, encourage entrepreneurship and achieve sustainable economic growth
- 2.2.2 Develop our tourism industry, facilitate increased accommodation offerings and position Port Hedland as a unique destination

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

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

### *Economic*

The increased number of tourists entering the Town will directly led to a greater spend on local businesses. However as noted elsewhere the principal outlet for expenditure by RV tourists is at the nearby national chain supermarket which limits the local economic benefit generated. As also noted, there is no hard data that indicates what percentage of users of the facility would only visit Port Hedland if this low cost facility were provided.

*Social*

The Town will endeavour to encourage further engagement between the RV travellers and the local community by the means of continuing to advertise community events to the RV traveller to encourage them to participate.

*Risk*

There is a risk rating of low (3) assigned to the risk that not charging a fee for recreational camping and reducing the program at the end of the 2017 RV Season will cause any major risks to the Town or the community.

The recommendation proposes changes that allow the Town to re-evaluate the RV Program and consider where improvements may need to be made including assessment of any identified risks.

**OPTIONS**

*Option 1 – Officer's recommendation*

*Option 2 – Officer's recommendation with the following changes*

- Retain the \$10 per night fee for
- Increase the Port Hedland Caravan Park occupancy threshold from 50% to 75%
- Authorise the CEO to approve a camp host/caretaker free of charge
- Request CEO to re-evaluate the program at the end of the 2017 season and undertake further consultation with relevant stakeholders

*Option 3 – Council do not provide low cost RV camping for the 2017 season*

**CONCLUSION**

The proposed modifications to the program are considered by Administration to be likely to enhance the attractiveness of Port Hedland as a destination for RV travellers while mitigating a number of negative impacts reported from previous seasons.

Given the potential significance of the proposed changes, it is recommended that they be approved only for the 2017 season with a view to there being a comprehensive re-evaluation of the program upon the conclusion of this season, including consultation with affected stakeholders, to see if any further modifications are required to the program.



## 15.2 Award of Tender 17/07 Tyre Remediation & Shredding Project

File No: 05/09/0051  
Applicant/ Proponent: N/A  
Subject Land/ Locality: South Hedland Landfill  
Date: 21 April 2017  
Author: Peter Keane, Acting Director Infrastructure and Town Services  
Authorising Officer: David Pentz, Chief Executive Officer  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Landfill Tyre Survey
2. Extracts from DER Notices of Non-Compliance and Internal Audit Reports Inspection report (Confidential)
3. Evaluation for Remediation & Shredding Tyre project (Confidential)

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### OFFICER RECOMMENDATION

That with respect to Remediation and Shredding Project, Council award tender 17/07 Remediation and Shredding Project to Ronlieeh Pty Ltd for the disposal of 5,500 tonnes at the South Hedland Landfill Facility, for the lump sum price of .

#### CM201617/193 COUNCIL DECISION

**MOVED: CR NEWBERY**

**SECONDED: CR ARIF**

**That Council defer item 15.2 'Award of Tender 17/07 Tyre Remediation & Shredding Project' to the next Ordinary Council Meeting.**

***CARRIED 5/3***

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

Reason: Council have not had sufficient time to consider the item and would like further technical information on the details of the tender and the requirements contained within.

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### EXECUTIVE SUMMARY

The purpose of this report is to summarise the assessment of submissions received for Request for Tender (RFT) 17/07 Tyre Remediation & Shredding Project

This tender is for the shredding and compliant on-site storage of approximately 5,500 tonnes of tyres, or approx. 200,000 tyres, as denoted in Attachment 1 as Stockpile 1.

With the current quantities of tyres stored on site, the Town is in breach of our Department of Environmental Regulations (DER) license and has an obligation to progressively implement programs toward full site adherence. This project is the second phase of a 5-6 phase initiative to address the non-conforming tyre element. Additional to this non-compliance with DER regulations, “stockpile 1” also poses a significant fire risk to the Town due to the pile being partial buried in waste.

## BACKGROUND

Over the past 10-15 years, Landfill has accepted a significant volume of tyres. During this period, effective Landfill and Tyre management was underemployed, which has left the Town with significant legacy issues related to regulatory non-compliance and poor waste management practices. See Attachment 1 – Landfill Tyre Survey.

As a component of recent Landfill DER Compliance audits, the DER have identified a number of Landfill non-compliances inclusive of the current tyre stockpiles. See Attachment 2 – Extracts from DER Notice of non-compliance and internal audit reports.

In 2016, in order to commence works to address the tyre stockpile non-compliance, the Town shredded and transported off-site 900 tonnes of tyres. This low volume was nominated to initially better understand the shredding and transport process to support future phases.

This tender is phase 2 of a 4-5 phased program to address the site’s tyre non-compliance and management.

Anticipated phased program and potential spend

Phase	Approx Tonnes	Tyre Pile number (See Appendix 1)	Cost(\$)	Status
1	900	NA	350,000 <sup>1</sup>	Complete
2	5504 <sup>*</sup>	1	As above <sup>2</sup>	Tendered
3	3500 <sup>*</sup>	2-30	1,000,000 <sup>1</sup>	Next phase

<sup>\*</sup> denotes @200kg/m<sup>3</sup>

<sup>1</sup> denotes transported offsite

<sup>2</sup> denotes retained on site

### Options Considered

1. Issue a tender for the remediation, shredding and transport of Stockpile 1 only
2. Procure and operate a shredder and associated equipment to manage the tyres, wood and green waste (capital cost – approx. \$2+million plus approx. \$500,000 per annum operating and maintenance costs)
3. Do nothing (risk landfill license and Town operations)

Due to the volume of Stockpile 1, officers estimated the above works at approx. \$1Million.

### Option Chosen

As a result of the above options, the Town issued a tender to select from the market the best option for the shredding and transport of tyre with the following scope:

- Sorting and shredding of the existing tyre stockpile of 5,504 tonnes of tyres of varying types at the South Hedland Landfill;
- Transport the shredded material to the South-East corner of Landfill, for compliant management with contaminated soils

The tender price is based on a lump sum for remediation and shredding of 5,500 tonnes of tyres.

The RFT was advertised on 17 March 2017 and the submission deadline was 3pm on Friday 7 April 2017 with two (2) submissions received from AK Evans.

The following compliance criteria was used to assess the award of the submissions as described in the tender document:

- Business information;
- Evaluation criteria – general;
- Occupational Safety and Health (OSH) Management System;
- Statement of Conformance;
- Statutory declaration;
- Price schedule; and
- Regional price preference.

The following selection criteria was used to assess the awarding of the Contract as described in the tender document:

Criteria	Weighting
Price inclusive of regional preference policy	60%
Project delivery	20%
Business capacity	10%
OSH management system	10%

Price criteria was determined firstly by subtracting the Regional price Preference from the conforming tenders and then applying the following formula:

Price Score = Lowest Price / (Tendered Price x Weighting)

#### *Assessment*

The assessment panel consisted of the Coordinator Technical Services, Acting Director Infrastructure and Town Services and Manager Infrastructure and Projects. The assessment was completed in accordance with the assessment guidelines.

The following table provides an assessment of the tender results:

Tender / assessment Criteria	Price (60%)	Local Project Experience (20%)	Resources (10%)	Understanding & Work Methodology (10%)	Total Score (100%)	Ranking
Ronlieeh P/L trading as AK Evans Compliant Bid (50-75mm)	26.6	15	10	9	60.6	2
Ronlieeh P/L trading as AK Evans Alternative Option (50-150mm)	60	15	10	9	94	1

With a significant cost implication to the shredding of tyres to between 50 & 75 mm, the alternative, will achieve the same outcome of reducing the tyre material volume, and allowing the shredded material to be effectively stored on site in a compliant and manageable form.

### COMMUNITY CONSULTATION

It was not necessary to consult the community on this tender.

### LEGISLATIVE IMPLICATIONS

Under the *Environmental Protection Act 1986* in relation tyre storage, it states that the licensee shall ensure that tyres are only stored on level ground and surrounded by an earthen area of five (5) metres wide. The licensee shall ensure that individual tyre stacks are separated at least six (6) metres from each other and do not exceed 100 square metres in area and three (3) metres in height.

They also have an unacceptable risk in terms of fire and disease carrying airborne vectors such as mosquitoes.

Under 3.1 Sustainable services and infrastructure of the 2014 – 2024 Strategic Community Plan we aim to provide and promote sustainable waste management practices for the ToPH.

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

### POLICY IMPLICATIONS

*The Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment and award of tenders. RFT 15-09 was conducted in accordance with these regulations, the Towns Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

### FINANCIAL IMPLICATIONS

If the landfill operation was to have its license to operate by DER, the lost revenue for the would be approx. \$4 Million per annum or \$340,000 per month, plus the additional cost of transporting all waste materials to an alternate landfill would be approx \$50 per tonne or \$400,000 per month at a rate of 90,000 tonnes per annum.

### STRATEGIC IMPLICATIONS

Within Section 3.1 Sustainable services and infrastructure of the 2014 – 2024 Strategic Community Plan (SCP) we aim to provide and promote sustainable waste management practices for the ToPH.

Effective Tyre Management within Landfill aligns with the current SCP.

**SUSTAINABILITY IMPLICATIONS***Environmental*

As a component of our license to operate, it is necessary to comply with all DER requirements. Currently the tyre storage situation does not comply and during annual DER audits, this non-compliance has been highlighted within their findings.

Given the above staged plan to address the tyre storage situation, we are also undertaking further projects within 16/17 and 17/18 to address other key non-compliance issues within the Landfill such as drainage and retention of water on site.

*Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation. If in the event the recommendation is rejected, then there is a risk that DER will subsequently revoke our Landfill license, and therefore restrict Town operations and the Landfill income sources. The costs associated would be as per the "Financial Implications" section above.

*Social*

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

*Risk*

There is a risk rating of high (15) assigned to the risk of a Landfill Tyre fire. In the event of a fire there will be considerable cost to the Town to address the fire, the potential closure of the Airport, and the closure of the Landfill for a considerable timeframe to address the tyre issue, prior to regaining DER approval.

**OPTIONS**

Option 1 – That Council adopt Officers Recommendation.

Option 2 – That Council does not award RFT 17-07.

**CONCLUSION**

Town officers recommend RFT 17-07 be awarded to Ronlieeh Pty Ltd trading as AK Evans for the lump sum price of \_\_\_\_\_ to ensure that the Town continues toward achieving compliance of our tyre stockpile as per DER requirements.







7:33pm Councillor Melville declared a Financial Interest in item 15.3 2017/18 Rating Strategy, as he is an employee of BHP and owns shares over the threshold.

7:33pm Councillor Melville left the room.

### 15.3 2017/18 Rating Strategy

File No: N/A  
 Applicant/ Proponent: N/A  
 Subject Land/ Locality: N/A  
 Date: 26 April 2017  
 Author: Jodi Marchant, Management Accountant  
 Authorising Officer: Kathryn Crothers, Director Corporate and Performance  
 Disclosure of Interest from Author: N/A  
 Authority/Discretion: ☐ Advocacy  
☒ Executive  
☐ Legislative  
☐ Quasi-Judicial  
☐ Information Purposes

Attachments:

1. Statement of Rating Objects and Reasons

#### CM201617/194 OFFICER RECOMMENDATION/COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR ARIF**

**That Council:**

1. Endorse the Statement of Rating Objects and Reasons for the 2017/18 rating year as presented;
2. Endorse the following proposed Differential Categories, General Rates and Minimum Payments for the Town of Port Hedland for advertising for the 2017/18 rating year:

Rate Category	Rate in Dollar (expressed as Cents in \$)	Minimum Payment
GRV Residential	5.5426	\$ 1,350
GRV Commercial	4.1897	\$ 2,000
GRV Industrial	3.4411	\$ 2,000
GRV Commercial / Industrial - Vacant	11.0852	\$ 2,000
GRV Mass Accommodation	28.6000	\$ 2,000
GRV Tourist Accommodation	11.7197	\$ 2,000
UV Mining	37.9250	\$ 270
UV Other	21.0000	\$ 2,000
UV Pastoral	10.5449	\$ 2,000

3. **Endorse a public consultation process on the proposed 2017/18 differential general rates and general minimum rates as follows:**
  - **Statewide and local public notice on Wednesday 3 May 2017 as per the requirements of section 6.36 of the Local Government Act 1995 and contained in the Department of Local Government and Communities Rating policy 'Giving Notice';**
  - **Individual ratepayer consultation for all ratepayers in general rate categories with less than 30 rateable properties.**
4. **Note that following the submission period, a final report will be presented to Council considering ratepayer submissions, and Ministerial Approval will be required to impose the following differential general rates and general minimum payments as the proposed rates in the dollar are more than twice the lowest and/or there are minimum payments on more than 50% of vacant properties:**
  - **GRV Commercial / Industrial - Vacant (rate in the dollar);**
  - **GRV Mass Accommodation (rate in the dollar);**
  - **GRV Tourist Accommodation (rate in the dollar);**
  - **UV Mining (rate in the dollar).**
5. **Request the Chief Executive Officer or their authorised Officer to prepare a worst case scenario 2017/18 budget in the event community and or the Minister for Local Government opposed the proposed 2017/18 differential general rates and general minimum rates.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

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## **EXECUTIVE SUMMARY**

In accordance with the direction received following a number of workshops and discussions with Elected Members, this report recommends that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2017/18 Differential General Rates and General Minimum Payments for public comment, as required by section 6.36 of the Local Government Act 1995.

## **BACKGROUND**

Rate revenue is a substantial source of discretionary revenue for the Town of Port Hedland, accounting for approximately 44% of operating revenue. The Local Government Act 1995 (the Act) empowers local governments to impose differential general rates and minimum payments on rateable land.

The Town of Port Hedland has adopted a differential general rate and general minimum payment for a number of years. The imposition of differential rates represents a conscious decision by a Council to redistribute the rate burden in its district by imposing a higher impost on some ratepayers and a lower impost on others.

The overall objective of a rating model is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town as outlined in the Strategic Community Plan and Corporate Business Plan.



Asset management is a significant challenge for all local governments in Western Australia and any rating model must also support asset renewal and replacement requirements in line with defined service levels.

Pursuant to section 6.36 of the *Local Government Act 1995*, local governments are required to give a minimum period of 21 days' notice of the proposed differential general rates and minimum payments and to consider any submissions received. The proposed differential general rates and minimum payments can then be imposed, with or without modifications.

Under the Act, the Minister for Local Government is required to approve the following in relation to rates:

- The imposition of a differential general rate which is twice the lowest differential general rate imposed by a local government;
- A minimum payment on vacant land that does not comply with legislative provisions;
- Changes in the method of valuation of land; and
- In some instances, land exempt from rates.

The main objectives of the rates model presented are:

- Reduce the Rate in the Dollar comparative percentage by increasing the lowest rate in the dollar (GRV Industrial)
- Spread the rates burden more equitably across the rating differential categories to more effectively reflect consumption of Council resources, services and infrastructure
- Establish a new differential for Commercial and Industrial Vacant land to encourage vacant land development
- Raise sufficient yield to fund the current services provided and infrastructure renewal required to maintain service levels

The following are the proposed Differential General Rates and Minimum Payments for the Town of Port Hedland to be advertised for the 2017/18 financial year, to be effective from 1 July 2017.

Rate Category	Minimum Payment	Rate in Dollar (expressed as cents in \$)	Rate in Dollar Comparative %	Yield \$	Yield %
<b>GRV Residential</b>	\$1,350	5.5426	161%	\$15,776,613	61%
<b>GRV Commercial</b>	\$2,000	4.1897	122%	\$1,202,887	5%
<b>GRV Industrial</b>	\$2,000	3.4411	100%	\$2,385,119	9%
<b>GRV Commercial / Industrial - Vacant</b>	\$2,000	11.0852	322%	\$537,381	2%
<b>GRV Mass Accommodation</b>	\$2,000	28.6000	831%	\$3,556,696	14%
<b>GRV Tourist Accommodation</b>	\$2,000	11.7197	341%	\$935,710	4%
<b>UV Mining</b>	\$270	37.9250	360%	\$1,174,485	5%
<b>UV Other</b>	\$2,000	21.0000	199%	\$301,290	1%
<b>UV Pastoral</b>	\$2,000	10.5449	100%	\$139,181	1%

The proposed rate model will yield \$26,009,364 in rate revenue which will contribute to the net funding requirements of the Town's services, activities, financing costs and capital requirements.

In accordance with section 6.36 of the *Local Government Act 1995* a document detailing the objects and reasons for each of the proposed rate and minimum payment is to be made available to all rate payers and the proposed 2017/18 Statement of Rating Objects and Reasons is provided as Attachment 1.

Below is summary of the changes applied to each rating category:

#### GRV Residential

- Increase the rate in the dollar 2.5% to 5.5426
- Increase minimum to \$1,350

#### GRV Commercial

- Increase the rate in the dollar 2.5% to 4.1897
- Increase minimum to \$2,000
- Vacant properties have been removed and placed into a new differential category "GRV Commercial and Industrial – Vacant"

#### GRV Industrial

- Increase the rate in the dollar 25% to 3.4411
- Increase minimum to \$2,000
- Vacant properties have been removed and placed into a new differential category "GRV Commercial and Industrial – Vacant"

The proposed increase is recommended to assist in balancing the rates burden across the rating differential categories, with the current rate for Industrial not accurately reflecting the use of Council resources and infrastructure.

#### GRV Commercial and Industrial - Vacant

- Introduction of a new GRV Differential to capture vacant commercial and industrial land.
- Rate in the dollar set at 11.0852
- Minimum has been set to \$2,000

The purpose of this new rating category is to encourage land owners to develop vacant land which is in the best interests of the community, increasing street appeal and vibrancy of town centres and encouraging the introduction of local businesses, further improving and strengthening the economy.

#### GRV Mass Accommodation

- Increase the rate in the dollar 10% to 28.6000
- Increase minimum to \$2,000

While the rate in the dollar has increased, due to the increase of GRV Industrial (base) the comparative % has reduced from 944% in 2016/17 to 831% proposed for 2017/18. This demonstrates a more equitable split between categories.

#### GRV Tourist Accommodation

- Increase the rate in the dollar 2.5% to 11.7197
- Increase minimum to \$2,000

#### UV Mining

- Increase the rate in the dollar 2.5% to 37.9250
- Increase minimum to \$270

**UV Pastoral**

- Increase the rate in the dollar 2.5% to 10.5449
- Increase minimum to \$2,000

**UV Other**

- No change to the rate in the dollar of 21.0000
- Increase minimum to \$2,000

**CONSULTATION**

Three workshops have been conducted with Elected Members and the Executive Leadership Team to consider various rating models and strategies and the resultant impact on ratepayers.

Submissions will be sought from ratepayers through public consultation on the proposed 2017/18 differential general rates and general minimum rates via statewide and local public notices and individual ratepayer consultation for all ratepayers in general rate categories with less than 30 rateable properties.

**LEGISLATIVE IMPLICATIONS**

- Section 6.33 of the Local Government Act 1995 – Differential General Rates
- Section 6.35 of the Local Government Act 1995 – Minimum Payments
- Section 6.36 of the Local Government Act 1995 – Giving Notice

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The proposed rate model will yield \$26,009,364 in rate revenue which will contribute to the net funding requirements of the Town's services, activities, financing costs and capital requirements.

The 2017/18 rates model presented reduces the rate burden on Residential from 65% in 2016/17 to 61%; increasing the overall contribution from Commercial and Industrial from 14% in 2016/17 to 16% with the inclusion of the Vacant land category and an increase to the minimum rates.

The balanced 2016/17 budget was formed with a reliance on utilising the interest earned on the PHIA lease proceeds to assist funding the insufficient operating surplus to fund specific urgent asset renewal projects within the Capital Works Program (\$4.523M). Without using the interest generated from the PHIA Lease Proceeds reserve, a significant budget deficit gap would occur. The model presented will assist to reduce the budget deficit gap, however over time without continued efforts to improve operating results (either through increased rate income or decreased operational expenditure) the gap will continue to accumulate. This will jeopardise both the financial sustainability and the Town's ability to meet the needs of residents and maintain current infrastructure. How this will correspond and translate into the impact on the LTFP with respect to the Town of Port Hedland's ability to meet its asset maintenance obligations and ability to fund new assets in the short term is yet to be modelled.

**In the event that the community or the Minister for Local Government do not endorse the proposed rate model, or a sensible rate increase to fund current service levels and infrastructure renewal, the Town will need to prepare a “worst case scenario” 2017/18 budget option which would include significant reductions to expenditure.**

The Town's current financial health is 'adequate' in State and Regional comparisons, however is considerably lower than the benchmark for asset sustainability. By increasing the rates yield, the Town is able to improve its financial ratios, reportable health and its ability to meet community and business expectations in relation to service delivery and asset renewal.

### STRATEGIC IMPLICATIONS

The Town provides the 2017/18 Rating Strategy as part of its delivery of high quality corporate governance, accountability and compliance. The Town's goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

### SUSTAINABILITY IMPLICATIONS

#### *Environmental*

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

#### *Economic*

With an increase to the GRV Industrial rate in the dollar and introduction of the GRV Commercial and Industrial – Vacant differential rating category at a higher rate in the dollar there may be increased financial pressure for some local businesses who are holding undeveloped vacant land or industrial properties. However, the Town of Port Hedland considers the development of vacant commercial and industrial land to be in the best interests of the community as it will increase the street appeal and vibrancy of town centres and encourage local businesses further improving and strengthening the economy.

#### *Social*

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

#### *Risk*

There is a risk rating of high (12) assigned to the risk that any differential rating category with a proposed rates in the dollar are more than twice the lowest and/or there are minimum payments on more than 50% of vacant properties will require ministerial approval, therefore possible reduction of rate revenue up to approximately \$3m.

### OPTIONS

#### *Option 1 - Adopt Officers Recommendations*

*Option 2 – Adopt officer recommendations with a reduced rate in the dollar increase as per the below table:*

Rate Category	Minimum Payment	Rate in Dollar (expressed as cents in \$)	Rate in Dollar Comparative %	Yield \$	Yield %
GRV Residential	\$1,350	5.4885	159%	\$15,635,208	61%
GRV Commercial	\$2,000	4.1488	121%	\$1,192,264	5%
GRV Industrial	\$2,000	3.4411	100%	\$2,385,119	9%
GRV Commercial / Industrial - Vacant	\$2,000	10.9770	319%	\$533,015	2%
GRV Mass Accommodation	\$2,000	28.6000	831%	\$3,556,696	14%
GRV Tourist Accommodation	\$2,000	11.6054	337%	\$926,584	4%
UV Mining	\$270	37.5550	360%	\$1,163,198	5%
UV Other	\$2,000	20.7900	199%	\$298,457	1%
UV Pastoral	\$2,000	10.4420	100%	\$137,842	1%

## CONCLUSION

This report recommends that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2017/18 Differential General Rates and General Minimum Payments for public comment, as required by section 6.36 of the Local Government Act 1995. The proposed rate model will yield \$26,009,364 in rate revenue which will contribute to the net funding requirements of the Town's services, activities, financing costs and capital requirements.

## ATTACHMENT 1 TO ITEM 15.3



## STATEMENT OF RATING OBJECTS AND REASONS

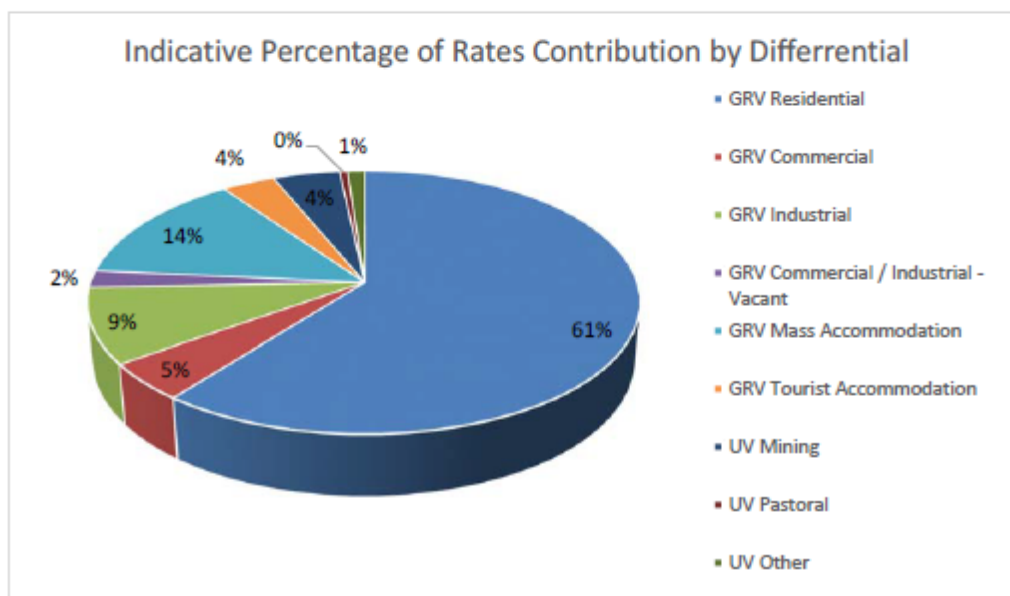


In accordance with section 6.36 of the *Local Government Act 1995* and the Council's "Notice of Intention to Levy Differential Rates and Minimum Payments", the following information details the objectives and reasons for those proposals.

### INTRODUCTION AND OBJECTIVE

Rates are a tax levied on all rateable properties within the boundaries of the Town of Port Hedland Municipality in accordance with the *Local Government Act 1995*. The overall objective of the proposed rates in the 2017/18 Budget is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements of the Town. Council has determined its required rates yield after taking into account all revenue sources, expenditure and efficiency measures as part of budget deliberations.

Property valuations provided by the Valuer General (Landgate Valuation Services) are used as the basis for the calculation of rates each year. Section 6.33 of the *Local Government Act 1995* provides the ability to differentially rate properties based on zoning and/or land use as determined by the Town of Port Hedland. The application of differential rates maintains equity in the rating of properties across the Town, enabling Council to provide facilities, infrastructure and services to the entire community and visitors.



**LOCAL GOVERNMENT ACT 1995 – RATING PROVISIONS**

The *Local Government Act 1995* sets out the basis on which differential general rates may be based as follows:

Section 6.32 (1) of the *Local Government Act 1995* states:

- (1) When adopting the annual budget, a local government –
  - a. in order to make up the budget deficiency, is to impose\* a general rate on rateable land within its district, which rate may be imposed either –
    - i. uniformly; or
    - ii. differentially

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**DIFFERENTIAL RATES****6.33. Differential general rates**

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics –
  - a. (a) the purpose for which the land is zoned, whether or not under a local planning scheme in force under the Planning and Development Act 2005;
  - b. a purpose for which the land is held or used as determined by the local government;
  - c. whether or not the land is vacant land; or
  - d. any other characteristic or combination of characteristics prescribed.
- (2) Regulations may –
  - a. specify the characteristics under subsection (1) which a local government is to use; or
  - b. limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1) (a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1) (a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

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**MINIMUM RATES****6.35. Minimum payment**

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.



- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than –
- 50 per cent of the total number of separately rated properties in the district; or
  - 50 per cent of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of –
- the number of separately rated properties in the district;
  - Or
  - the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories –
- to land rated on gross rental value;
  - to land rated on unimproved value; and
  - to each differential rating category where a differential general rate is imposed.

### 2017/18 BUDGET PROPOSAL

The following are the proposed Differential General Rates and Minimum Payments for the Town of Port Hedland for the 2017/18 financial year, to be effective from 1 July 2017.

Rate Category	Rate in Dollar (expressed as cents in \$)	Minimum Payment
GRV Residential	5.5426	\$1,350
GRV Commercial	4.1897	\$2,000
GRV Industrial	3.4411	\$2,000
GRV Commercial & Industrial - Vacant	11.0852	\$2,000
GRV Mass Accommodation	28.6000	\$2,000
GRV Tourist Accommodation	11.7197	\$2,000
UV Mining	37.9250	\$270
UV Other	21.0000	\$2,000
UV Pastoral	10.5449	\$2,000

The above rate model will yield \$26,009,364 in rate revenue which is to provide for the net funding requirements of the Town's services, activities, financing costs and the current and future capital requirements.

### GROSS RENTAL VALUATION (GRV)

The *Local Government Act 1995* determines that properties of a non-rural purpose be rated using the Gross Rental Valuation (GRV) as the basis for the calculation of annual rates. Council has adopted differential rates in its GRV area for Residential properties, Commercial properties, Industrial properties, Mass Accommodation properties and Tourist Accommodation properties utilising



property valuations supplied by the Valuer General. The Valuer General determines the GRV for all properties within the Town of Port Hedland every three years. The current general valuation is effective from 1 July 2015.

Properties are grouped according to Town Planning zonings and predominant land use with each having a separately calculated rate in the dollar to achieve greater equity across all sectors.

The GRV is determined by collecting rental evidence to determine the fair rental value for each property. The rental value for a house or other GRV property will be influenced by factors such as age, construction, size, car shelters, pools and locations. As the GRV is currently assessed every three years, despite possible changes to the rental market, the GRV generally remains fixed until the next general valuation (July 2017). Interim valuations are provided monthly to Council by the Valuer General for properties where changes have occurred (i.e. subdivisions or strata title of property, amalgamations, building constructions, demolition, additions and/or property rezoning). In such instances Council recalculates the rates for the affected properties and issues interim rates notices.

#### UNIMPROVED VALUATION (UV)

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Properties that are predominantly of a rural purpose are assigned an Unimproved Value (UV). Council has adopted differential rates in its UV area for Mining leases, Pastoral leases and Other leases.

Unimproved values are determined annually by the Valuer General with a valuation roll provided to local governments. The Town has completed rates modelling based on the provisional valuations provided with a date in force of 1 July 2016.

#### PROPOSED DIFFERENTIAL GENERAL RATES AND GENERAL MINIMUM PAYMENTS

Following are the objects and reasons for each of the differential rates:

##### GRV RESIDENTIAL

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The residential category covers properties that are used for singular and multi-dwellings and are zoned Residential under the Town Planning Scheme.

**OBJECT:** The object of this differential is to ensure that all residential ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Town for the benefit of residents.

**REASONS (why the rate differs from other categories):** Revenue derived from this category to assist funding the service levels expected of the community, achieving the Strategic Community Plan and minimum standards of performance to which the Council will be measured by the State Government and others.

##### GRV COMMERCIAL

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The commercial category covers the town centre, commercial business precincts, mixed business, shopping centres and the airport. All properties rated under this category are zoned Commercial under the Town Planning Scheme.

**OBJECT:** The object of this differential rate is to apply rates to all income producing facilities including carparks, raising revenue to fund costs associated with the service provided to these properties.

**REASONS (why the rate differs from other categories):** Additional costs associated with servicing commercial activity including car parking, landscaping and other amenities. Other costs associated with tourism and economic development activities have a benefit to these ratepayers. Lower RiD compared to residential to reflect the economic circumstances associated with doing business in the Pilbara and Port Hedland. This will encourage retention of commercial activities during current economic circumstances, providing diversification of the economy and opportunity for local employment.

#### GRV INDUSTRIAL

The industrial category covers the Wedgefield Industrial Estate and all general and light industry uses. This category applies to all properties zoned Industrial under the Town Planning Scheme.

**OBJECT:** This rate is considered to be the base rate above which all other GRV rated properties are assessed.

**REASONS (why the rate differs from other categories):** An increase to the Industrial RiD is consistent with additional works and maintenance required on road structure, lighting and drainage, as well as higher costs associated with infrastructure and regulatory services. A lower RiD compared to Residential and Commercial for this differential provides continued relief for businesses in the category that are most directly affected by the downturn in the construction and mining sectors to ensure the retention of business and in-turn, local employment and a stronger and a more diverse economy.

#### GRV COMMERCIAL & INDUSTRIAL - VACANT

The Commercial and Industrial – Vacant category covers all land identified as vacant for properties zoned as commercial or industrial under the Town Planning Scheme.

**OBJECT:** The object of this differential rate is to encourage commercial and industrial land owners to develop vacant land.

**REASONS (why the rate differs from other categories):** The reason is vacant land is often unsightly and unkempt, and is at risk of being used for illegal dumping of rubbish and other illegal purposes which can be a burden on the residents of the Town. Town of Port Hedland considers the development of vacant commercial and industrial land to be in the best interests of the community as it will increase the street appeal and vibrancy of town centres and encourage local businesses further improving and strengthening the economy.

#### GRV MASS ACCOMMODATION

The GRV mass accommodation rating category covers transient workforce accommodation facilities.

**OBJECT:** The object of this differential rate is to ensure that non-residential workers who spend a significant portion of the year in Port Hedland contribute to services and facilities within the community.

**REASONS (why the rate differs from other categories):** Patrons and employees of these premises are consumers of services and facilities, however unless they are also property owners within the Town,

they are not contributing to the costs of providing the services and facilities. Mass Accommodation properties have the potential to have a greater impact on Council services/assets than other properties due to their number of occupants in a relatively small land parcel.

This differential rate is intended to maintain the relativity comparative to residential rates and provides an average rate per accommodation unit of less than Council's proposed minimum payment. It is estimated that there are circa 5249 available TWA beds that are utilised by FIFO workers annually, all of whom are entitled to the utilisation of the Town's facilities and services. The average rates per accommodation unit (\$678) remain less than the minimum rate applicable to a residential property more than half (\$2,000). The rate in the dollar for this category is in Council's view supported on the following additional rationale;

- Based on available beds, the revenue generated through rate income in the 2017/18 financial year forecast (based on current valuations) will be \$3,556,696. If there are 5249 beds available that equates to \$678 per bed per annum; or less than half the household minimum of \$1300, which would be based on an average small 2 bedroom house paying minimum rates. This equates to a 48% discount to that example. The argument for the large discount available to a TWA room, compared to a minimum 'house', is submitted on the basis that whilst occupants may only spend a portion of their time in Port Hedland as a FIFO, (albeit that rooms can be occupied 100% of the time) they still enjoy and have access all of the amenity, rights and benefits of the Town of Port Hedland's facilities and services, including predominantly those that the Town derives little to no revenue from, such as roads, footpaths, foreshores and parks, and;
- All of the camps currently in this category are within the townsite boundary and it can be demonstrated through the Town of Port Hedland's surveys and analysis that the workers, contractors and employees indeed do access those facilities regularly, notwithstanding certain amenity exists within some of the camps.
- The Transient Workforce Accommodation Facilities provide for (indicatively at any time) approximately 16% of the population, however unlike the residential population, which has a large number of persons below the age of 17 and over the age of 65, all of the TWA residents are income earning employees (adults). It is not unreasonable to expect that this percentage (or approximate) be reflected with the rates revenue generated

Although not submitted as rationale for the basis of the above rate in the dollar, nor rates proposed to be levied, it should be stated that Council remains committed to a philosophy that the operational workforce(s) associated with resource interests centralised around mining, construction, maintenance and access to the Port, should be housed in normal residential properties within the town boundaries.

It is only through this that the town benefits from an integrated and normalised residential workforce and thereafter the community and society benefit from greater participation in community activities, including sporting and cultural bodies, and higher participation rates in volunteerism and sport.

#### GRV TOURIST ACCOMMODATION

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The GRV tourism accommodation rating category covers hotels, motels and caravan parks that provide large scale accommodation for visitors to the Town of Port Hedland. This rate category includes ten (10) hotels, motels and caravan parks that were previously rated under Mass Accommodation. This category applies to all properties exceeding 80sqm within the district boundaries, approved and predominantly used for the following activities as identified in the Town Planning Scheme; Holiday Accommodation, Hotel, Lodge, Motel, Tourist Development and Tourism Resort.



they are not contributing to the costs of providing the services and facilities. Mass Accommodation properties have the potential to have a greater impact on Council services/assets than other properties due to their number of occupants in a relatively small land parcel.

This differential rate is intended to maintain the relativity comparative to residential rates and provides an average rate per accommodation unit of less than Council's proposed minimum payment. It is estimated that there are circa 5249 available TWA beds that are utilised by FIFO workers annually, all of whom are entitled to the utilisation of the Town's facilities and services. The average rates per accommodation unit (\$678) remain less than the minimum rate applicable to a residential property more than half (\$2,000). The rate in the dollar for this category is in Council's view supported on the following additional rationale;

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- All of the camps currently in this category are within the townsite boundary and it can be demonstrated through the Town of Port Hedland's surveys and analysis that the workers, contractors and employees indeed do access those facilities regularly, notwithstanding certain amenity exists within some of the camps.
- The Transient Workforce Accommodation Facilities provide for (indicatively at any time) approximately 16% of the population, however unlike the residential population, which has a large number of persons below the age of 17 and over the age of 65, all of the TWA residents are income earning employees (adults). It is not unreasonable to expect that this percentage (or approximate) be reflected with the rates revenue generated

Although not submitted as rationale for the basis of the above rate in the dollar, nor rates proposed to be levied, it should be stated that Council remains committed to a philosophy that the operational workforce(s) associated with resource interests centralised around mining, construction, maintenance and access to the Port, should be housed in normal residential properties within the town boundaries.

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**OBJECT:** The object of this differential rate is to raise additional revenue to fund the costs associated with tourism and economic development activities, as well as the higher reliance on Council resources.

**REASONS (why the rate differs from other categories):** Heavier use of infrastructure and other Council Assets and Services in addition to contribution toward tourism promotion activities. The additional income from this rate in the dollar (above residential) will be utilised to support the Town of Port Hedland's investment into Tourism infrastructure and visitor facilities and assist to transition and diversify the economy from being so heavily reliant on the mining sector in accordance with the principles established the Pilbara's Port City Growth Plan and the Town of Port Hedland's Strategic Community Plan. With the downturn in the construction and mining sectors, these accommodation providers have seen a change in use of tourist accommodation, with less accommodation required for the non-residential workforce and more of tourism purposes.

#### UV MINING

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This rating category covers all Mining Leases, Exploration Licenses, Prospecting Licenses, Retention Licenses, General Purpose Leases, Special Prospecting Licenses for Gold and Miscellaneous Licenses as defined under the *Mining Act*.

**OBJECT:** The object of this differential rate is to raise additional revenue to fund cost impacts to the Town of the mining sector.

**REASONS (why the rate differs from other categories):** Supports the large investment that the Town of Port Hedland makes in road and road drainage infrastructure to service remote mining activities on rural roads throughout the municipality and reflects the extra maintenance, impacts and frequency that is required to ensure a minimum level of serviceability above that normally required to meet the needs of pastoralists (UV Pastoral). Additional costs associated with monitoring of environmental impacts of clearing, noise, dust and smell.

#### UV PASTORAL

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This rating category applies to all pastoral leases that have been granted under the repealed *Land Act 1933*. Renewal of pastoral leases is administered by the Department of Lands.

**OBJECT:** The object of this differential rate is to be the base rate by which all other UV rated properties are assessed.

**REASONS (why the rate differs from other categories):** Raise revenue to provide for rural infrastructure and services in addition to the Town services, facilities and infrastructure which are available to be accessed by the properties in this category. The Town has a continuing focus on development and diversification of Pastoral Properties in the Region, encouraging development of tourism and rangeland activities in conjunction with the reforms being introduced by the State Government and to support the opportunity for live cattle trade and associated activities from the Port to further diversify the local economy from the effects of the downturns associated with mining activity.

#### UV OTHER

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This rating category applies to crown leases located outside of the Town's boundaries and are assessed as rural pursuant to the Local Government Act 1995.

**OBJECT:** The object of this differential rate is to recognise a lower servicing cost requirement for rural properties which are not classified as Mining.

**REASONS (why the rate differs from other categories):** Crown land has a lower cost associated compared to Mining.

#### TOWN'S RATING STRATEGY

The key points for the 2017/18 Rating Strategy:

- Review of the number and type of rating categories;
- Review Statement of Objects and Reasons for Differential Rates to provide clear definitions of rate categories;
- Reduce the Rate in the Dollar comparative percentage by increasing the lowest rate in the dollar (GRV Industrial)
- Spread the rates burden more equitably across the rating differential categories to more effectively reflect consumption of Council resources, services and infrastructure
- Establish a new differential for Commercial and Industrial Vacant land to encourage vacant land development
- Raise sufficient yield to fund the current services provided and infrastructure renewal required to maintain service levels

For the last two years (2015/16 and 2016/17) Council has provided a reduction in rate yield with the net effect of these decisions seeing the Towns' rate yield reduce by just over 9% in that period. The effect is even greater, if one was to take into account modest inflation rates. This has had a flow on effect to how the Town continues to meet ongoing asset management and service levels.

Rate Category	% Increase/Decrease in Rate in the Dollar
GRV Residential	2.5%
GRV Commercial	2.5%
GRV Industrial	25%
GRV Mass Accommodation	10%
GRV Tourist Accommodation	2.5%
UV Mining	2.5%
UV Other	0%
UV Pastoral	2.5%

The above rate model will yield \$26,009,364 in rate revenue. Rate increases do however maintain relativity (between the zoning and land use categories) and continue to recognise the need to retain an equitable distribution of the rate burden.

The Town of Port Hedland will also be continuing its review of all rateable properties in the 2017/18 financial year to ensure that all rateable properties are captured with an emphasis on the following:

- Industrial and Commercial properties;

- All assessments covered by State Agreement Acts to determine foregone revenue attributable to State Agreement Acts and;
- GRV spot rating for in-situ infrastructure on resource projects.

#### MINIMUM RATES

The Town imposes a varied minimum rates across the rating categories, ensuring all properties contribute an equitable rate amount to non-exclusive services. The minimum rate recognises that all ratepayers have an equal opportunity to enjoy the facilities and services provided by Council, regardless of the value of their property.

Regarding the UV Mining category, the lower minimum is applied to ensure that the rate burden is distributed equitably between all property owners. A lesser minimum of \$270 has been applied for all categories of Mining Tenements to reflect recent State Government amendment to the *Valuation of Land Act 1978* with the objective of providing some minor rate relief to small tenement owners.

#### SUBMISSIONS

Submissions are invited from any elector or ratepayer with respect to the proposed rates, and any related matter, within a minimum 21 days of the date of this notice. Submissions should be addressed to the Chief Executive Officer, Town of Port Hedland, PO Box 41, Port Hedland WA 6721 and clearly marked Submission – Differential Rating 2017/18.

All submissions should be received no later than 12.00pm on 24 May 2017.

DAVID PENTZ  
CHIEF EXECUTIVE OFFICER



7:35pm Councillor Newbery declared a Financial interest in item 15.4 'Port Hedland Turf Club Lease' as she has provided services to the Turf Club.

7:35pm Councillor Newbery left the room.

7:35pm Councillor Melville declared an Impartiality interest in item 15.4 'Port Hedland Turf Club Lease' as he is a member of the Turf Club.

## 15.4 Port Hedland Turf Club Lease

File No:	05/05/0130
Applicant/ Proponent:	Port Hedland Turf Club
Subject Land/ Locality:	McGregor Street Reserve
Date:	6 April 2017
Author:	Kathryn Crothers, Director Corporate and Performance
Authorising Officer:	David Pentz, Chief Executive Officer
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes

Attachments:

1. Letter from Port Hedland Turf Club
2. Proposed Leased area

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## OFFICER RECOMMENDATION

That with respect to the Port Hedland Turf Club, Council:

1. Note the disposal of a portion of Reserve 8214 known as the 'McGregor Street Reserve' (as depicted in Attachment 1) to the Port Hedland Turf Club Incorporated;
2. Amend the FY2016/17 Fees and Charge to include a Lease Fee/Rent Payable for the leased portion of the McGregor Street Reserve of \$200 per annum;
3. Amend the FY2016/17 Fees and Charges to reduce the charges for race meetings to a nominal amount of \$100 per event and \$20 per track (training) session and remove the current charge for race meetings, namely \$1,757.60;
4. Provide in principle support for the future development of the McGregor Street Reserve to replace the current facilities.



**CM201617/195 COUNCIL DECISION****MOVED: CR TAVO****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 15.4 'Port Hedland Turf Club Lease'.**

***CARRIED 7/0***

7:40pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are suspended.

**CM201617/196 COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR ARIF**

**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***

7:45pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are resumed.

**CM201617/197 COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR ARIF**

**That Council not support the disposal of a portion of Reserve 8214 known as the 'McGregor Street Reserve' (as depicted in Attachment 1) to the Port Hedland Turf Club Incorporated.**

***CARRIED 6/1***

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

Reason: Council would like further information on the disposal.

7:53pm Councillor Newbery re-entered the room and resumed her chair.

**EXECUTIVE SUMMARY**

The Port Hedland Turf Club Incorporated (PHTC) has expressed an interest in entering into a lease agreement in respect of a portion of the McGregor Street Reserve 8214 (Attachment 1) (Reserved Portion) pursuant to the Town's Community Leasing Policy prior to the 2017 race season, commencing on 20 May 2017. PHTC have indicated that a lease agreement will assist it in securing funds from sponsors and funding bodies for the future development of the site.

**BACKGROUND**

The PHTC currently hire a portion of the McGregor Street Reserve on a casual hire agreement for each race meet with a fee of around \$1,800 per event. There are typically six race meetings per season, totalling fees and charges of approximately \$10,800 per annum.

The PHTC have approached the Leasing Officer requesting the parties enter into a lease agreement for the McGregor Street Reserve. In particular, the PHTC has indicated that a lease agreement will assist it in securing funds from sponsors and funding bodies for the development of the site as it will establish a leasehold tenure in the land. Additionally, PHTC has indicated that other not for profit groups with community objectives have entered similar agreements with reduced fees and charges and it should be afforded the same concessions. Lastly, PHTC have indicated that a lease agreement would provide certainty for the future of the club and facilitate the growth of its membership base.

The land the subject of the lease agreement would comprise is the area depicted in Attachment 1. As the lease agreement is limited to that area, the race track remains available for use by other community groups and for other events. The race track would remain under the Town's management to ensure there is no disruption to groups wishing to access that area.

The rent for the lease of the Reserved Portion is not currently listed in the Council's current Fees and Charges. The Lease fee/Rent payable in the Fees and Charges for comparable sites is \$200 per annum. Accordingly, in the interests of parity, a rent of \$200 per annum is recommended to be included in the Fees and Charges. The rent may change when the Town reviews its fees and charges for all community leases in its annual budget for the 17/18 financial year.

As the costs of using the Reserved Portion of the McGregor Street Reserve will be covered by the lease agreement, the fees and charges for the balance of the reserve, being the race track, is proposed to be reduced from \$1,757.60 per race event, to \$100 per race event and \$20 per track (training) session.

The buildings and structures on the Reserved Portion are listed in the Town's asset register and are insured under the Town's policy. The PHTC currently maintain the buildings and structures, in addition to the grassed area in front of the member's area and the general public area. In accordance with the Town's Community Leasing Policy, the lease agreement would formally require the PHTC to be responsible for the maintenance of Town's assets on the Reserved Portion.

## CONSULTATION

The Manager Depot Operations was consulted and supported entering into a lease agreement provided the terms of that agreement included, amongst other things, maintenance of the existing infrastructure and securing of the site prior to cyclone season.

The Manager Community Development has obtained confirmation that the lease agreement would not affect the RV Grey Water dump site.

The Acting Director Infrastructure and Town Services has indicated that the current arrangement, whereby the Town provides temporary ablutions each race season on the Reserved Portion at its own cost, should be renegotiated as part of the terms of the lease agreement.

The Booking Officer is supportive of a lease agreement as the facility is currently a single user facility.

## LEGISLATIVE IMPLICATIONS

Section 3.58(5) of the *Local Government Act 1995* (LG Act) and regulation 30(2)(b)(i) and (ii) of the *Local Government (Functions and General) Regulations 1996* exempt the disposal of this property from the application of section 3.58 of the LG Act, as it is being disposed to a non for profit recreational body.

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

There are no legislative implications in relation to the changing of the fees and charges if adopted by absolute majority by Council. Any fee or charge must be advertised locally before it can be introduced.

## POLICY IMPLICATIONS

The proposed lease agreement with PHTC falls under the ambit of the Community Leasing Policy as it is an incorporated not for profit organisation.

## FINANCIAL IMPLICATIONS

Currently the fees and charges paid by the PHTC are approximately \$10,800 per annum. Amending the fees and charges for rent of the Reserved Portion of \$200 per annum and use of race track to \$100 per race meet and \$20 per training session, would reduce the expected fees to approximately \$1,500 per annum. Should Council wish to increase community lease fee for the 2017/18 financial year, this can be achieved at the adoption of the 2017/18 fees and charges.

As per the standard terms and conditions of lease agreements, all utility consumption would be borne by the lessee and a sub meter would be installed to ensure electricity is accurately monitored and on-charged. Currently the Town pay for minimal water used for the upkeep of the grass in areas known as the general public and members area, while the PHTC maintain the surfaces.

In 2014, as a result of poor state of the ablution facilities, those facilities were demolished. The Town then agreed to supply replacement temporary ablution facilities with a hire cost of approximately \$20,000 per season. The lease agreement will afford the Town the opportunity to negotiate a fair and equitable term in the agreement with respect to the supply of toilet facilities (temporary or permanent) and potentially reduce its costs.

### STRATEGIC IMPLICATIONS

The 2014-2024 Strategic Community Plan outlines that the Town has a commitment to ensure strategic and best practice local government administration and to build a unified and vibrant community. The Officer's recommendations support the longevity of one of Port Hedland's oldest clubs and the potential for revitalizing the site by way of future development.

### SUSTAINABILITY IMPLICATIONS

#### *Environmental*

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

#### *Economic*

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

#### *Social*

The Officer's recommendation supports a club with over 120 years of history in Port Hedland and would assist to secure the future of Port Hedland's involvement in the Northwest racing season.

#### *Risk*

There is a risk rating of high (15) assigned to the risk regarding the maintenance of the Reserved Potion. A maintenance plan will form part of the lease agreement to ensure compliance for future use. Should the PHTC secure a lease then the club will seek external support and funding options to develop the Reserved Potion at a third party's cost.

### OPTIONS

Option 1 – That Council supports Officers Recommendation.

Option 2 – That Council supports Officers Recommendation, with amendments:

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Option 3 – That Council not support the Officers recommendation.

### CONCLUSION

The PHTC is eligible for a community lease pursuant to the Community Lease Policy as it is a not for profit organisation with community and recreational objectives. The lease agreement and recommended amendments for fees and charges demonstrate support for one of the

Town's oldest community groups and creates an opportunity for the potential redevelopment of the site by a third party.

It is recommended that Council adopt the Officers recommendation to support the local group in continuing to provide events and culture for the community and potentially revitalize the site through its redevelopment.

**ATTACHMENT 1 TO ITEM 15.4**

PO Box 294 | Lot 2, McGregor Street  
PORT HEDLAND Western Australia 6721

Enquiries: [Secretary@phtc.com.au](mailto:Secretary@phtc.com.au)

Mr David Pentz  
Chief Executive Officer  
Town of Port Hedland  
PO Box 541  
PORT HEDLAND WA 6721

Dear Mr Pentz

**PORT HEDLAND TURF CLUB LEASING ARRANGEMENTS**

The Port Hedland Turf Club (PHTC) was established in 1902 and is the premier thoroughbred racing club in the Pilbara. The PHTC hosts six (6) race meetings each year, culminating in the Port Hedland Cup which is held on the Sunday of the Queen's Birthday Long Weekend in August. The PHTC is an incorporated not for profit organisation, operated by a committee of volunteers, all of whom have their own business or work in full time employment.

The PHTC operates from the Port Hedland race track located on McGregor Street Port Hedland. The facilities and track are on crown land vested in the Town of Port Hedland (ToPH). The facilities have been in extremely poor condition for several years with little planned maintenance being undertaken by the ToPH. There are also several buildings on site that have been identified as a safety hazard and condemned, with a previous independent report recommending the removal of several of the facilities due to their poor condition. To date little action has been taken by the ToPH on the recommendations, apart from the removal of the race caller's box this year.

Whilst being the only single use community group utilising the Port Hedland race track and facilities, the PHTC has for some time been required to apply and pay for single event permits for each race meeting. At a cost of around \$1,800 per event permit, during one season the PHTC pays over \$12,000 to the ToPH for the use of the facilities. The PHTC understands that there are other single use clubs in the town that have established seasonal agreements with the ToPH for the use of local sporting grounds and facilities at much lower fees. The PHTC fails to understand why it has not been offered a seasonal agreement and the significant additional expense that is attributed to the hire of this facility.

Despite paying these high fees, the PHTC spends innumerable volunteer hours and its own funds maintaining the facilities and the members and general admission areas. For example, in 2016, the PHTC spent its own funds on replacing grass in the member's area due to a lack of maintenance and installing new roll on turf in the general admissions area. The PHTC volunteers also water and mow these areas during the racing and non-racing seasons as there is limited reticulation and reuse water being made available.

Poor maintenance of the race track poses a major risk for the PHTC. During the 2015 and 2016 racing seasons the condition of the track contributed to the cancellation of two (2) race meetings by Racing and Wagering WA (RWWA) stewards (on the day) due to safety concerns with the track. The cancellation of these race meetings came at a high cost to the PHTC in time, money and reputation as well as to RWWA for placement of stewards and jockey, race horse owners, trainers, and to patrons.

Given its current poor condition, into the future, the PHTC is looking to work with the ToPH to identify opportunities to improve the turf club facilities and grounds to provide a more contemporary and well maintained venue to benefit both parties, the racing fraternity and the broader community. The PHTC has limited funds available to undertake a project of this complexity and has been in discussions with potential sponsors and funding bodies.

Securing a lease over the facilities will assist the PHTC in attracting funds from sponsors and funding bodies for any improvements to the site. As such, the PHTC is seeking to commence negotiations with the ToPH on establishing a lease agreement as proposed below:

- The lease area would be over the footprint of the buildings as they stand up to the maroon toilet block at the eastern end.
- The lease fee would fall under the Community Leasing Policy of \$200
- A nominal fee for "per use" hire of the race track would be \$100 per race and be booked as an event, each year for the use of that area.
- The lease agreement is established prior to the 2017 Race meeting

Given the current poor condition of the turf club facilities, the PHTC proposes the inclusion of the following conditions in the body of the lease or as an additional annexure:

- The ToPH acknowledges the state of the facilities and remains responsible for insurance and maintenance over these assets, including fittings and fixtures, until such a time any future improvements or redevelopment are completed
- The ToPH remains responsible for the maintenance of the race track and will ensure the state of the track meets the RWWA standards for each event. Failure to do so will entitle the PHTC to recouple costs incurred from the ToPH where events need to be cancelled
- The PHTC will, at all times, be consulted on the best access to the track for the mobilisation of any event that is booked for the McGregor street oval to avoid damaging the surface

The PHTC and the Port Hedland races have a proud history in the town which the current committee is keen to see thrive into the future for the long-term benefit of the community.

The PHTC committee looks forward to your earliest response.

Yours sincerely



Mr Darren White  
PRESIDENT

3 April 2017



ATTACHMENT 2 TO ITEM 15.4





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

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Nil

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**Item 17 Closure**

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**17.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 24 May 2017, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 17 May 2017, commencing at 5:30pm.

**17.2 Closure**

There being no further business, the Mayor declared the meeting closed at 7:51pm.