



Town of Port Hedland

MINUTES

OF THE

SPECIAL MEETING

OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 19 MARCH 2014

AT 6:30 PM

IN COUNCIL CHAMBERS

McGREGOR STREET, PORT HEDLAND

“A nationally significant, friendly city, where people want to live and are proud to call home”

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Agenda Items:

- 1. Degradation of Town's Heritage*
- 2. Implementation of the Pilbara's Port City Growth Plan*
- 3. Pretty Pool Mixed Use Caravan Park (File No.: 08/02/0027)*
- 4. Town Planning Scheme Review and Caretaker Rights*
- 5. Reporting and Assessing of Town of Port Hedland Infrastructure (File No.: .../...)*
- 6. Community Engagement - Town of Port Hedland Way Forward and Future Initiatives (File No.:03/01/0017)*

*M.J. (Mal) Osborne
Chief Executive Officer*

OUR COMMITMENT

To enhance social, environmental and economic well-being through leadership and working in partnership with the Community.

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ITEM 1 OPENING OF MEETING**1.1 Opening**

The Mayor declared the meeting open at 6:32pm and acknowledged the traditional owners, the Kariyarra people.

ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES**2.1 Attendance***Elected Members*

Mayor Kelly Howlett
Councillor George Daccache
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Hunt
Councillor Penny Taylor
Councillor Lorraine Butson
Councillor Troy Melville (arrived at 6:52pm)

Officers

Mal Osborne	Chief Executive Officer
Russell Dyer	Director Engineering Services
Gordon MacMile	Director Community Development
Eber Butron	Director Planning & Development
Clare Phelan	Director Corporate Services
Grace Waugh	Minute Taker/ Governance Officer

2.2 Apologies

Councillor Gloria Jacob

2.3 Approved Leave of Absence

Councillor David Van Vugt

ITEM 3 PUBLIC TIME**IMPORTANT NOTE:**

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 20.3 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so.'

Mayor opened Public Question Time at 6:34pm.

3.1 Public Question Time**3.1.1 *Mr Camilo Blanco***

The rules for the Special Meeting of Electors held on 19 February 2014 stated that the Town of Port Hedland Standing Orders applied. Is the Mayor or Presiding Member exempt from abiding by the Local Government Act 1995 (Act) or the Town's Standing Orders?

Mayor advised in the negative.

Do Standing Orders apply to everyone?

Mayor advised in the affirmative.

Why was the meeting not run in accordance with the Standing Orders?

Mayor advised the meeting was run in accordance with the Standing Orders.

The Standing Orders state:

"Precedence to Points of Order

9.3 Notwithstanding anything contained in the standing orders to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration and decision of all other business."

Why did you not follow the correct procedure when a point of order was called?

Mayor advised that a point of order was not called. Order was called however the Chief Executive Officer (CEO) had already started his presentation.

Why was the correct procedure not followed when a motion of dissent was called?

Mayor advised that the motion of dissent was not relevant to what was happening at that time as the CEO was presenting on the items listed on the agenda.

Why did the CEO not instruct the Mayor on the correct procedures as per the Act, when a point of order and motion of dissent were called?

Mayor advised that in terms of the conveyance and procedures of the meeting, the meeting was already underway and what Mr Blanco said wasn't in the timing of the meeting.

The newspaper reporter who was on the opposite side of the room was able to hear a point of order called.

Mayor advised that unfortunately she has some hearing issues and will do what she is able to do to the best of her ability.

Section 20.1(2) of the Standing Orders states:

“(2) A person who is not an elector is not entitled to vote at a meeting of electors, and may not take part in any discussion at that meeting, unless the meeting, by a motion, requests or authorises the person to do so.”

How was it possible to put this motion forward with points of order not being taken?

Mayor advised that the rules of the Special Meeting of Electors were broadcast widely a week in advance. The rules and procedure of the meeting clearly identified how electors could put motions forward and were followed at the meeting.

Why was a point of order not acknowledged?

Mayor advised that she acknowledged what she could and the Standing Orders and rules were followed.

Why was an elector ordered to remove himself from the elector's position and be seated in the non-electors position, after being registered as an elector and holding an elector's paper?

Mayor advised that she was not aware of this.

Who authorised that civil rights violation and breach of the Australian Constitution?

Mayor advised that there was no breach or violation.

3.1.2 Ms Mary Attwood

The unauthorised house recently located on the Native Hospital Site in Port Hedland has not been removed. I have made enquiries with the Department of Aboriginal Affairs who advised that the Town and the Department of Child Protection and Family Services (DCPFS) were going to remove the house. When is this going to happen?

Chief Executive Officer advised that the house was unlawfully deposited on that site by a contractor. The Town has issued notices for the removal of the house and the Town is currently waiting on compliance with the notice. If that does not happen then the Town could remove the house at the ratepayers' cost.

Director Planning & Development advised that the notice gives the contractor 61 days to remove the house. The Town has been trying to communicate with the contractor to have the house removed as soon as possible.

The aboriginal hostel roof [as mentioned at the January Council Meeting] has still not been replaced. We are still occupying the building and it is dangerous. What action is being taken about repairing the roof?

Mayor advised that she has raised the issue with DCPFS. A letter was sent to Ms Attwood yesterday that outlines the response from DCPFS. Mayor read out the following response from DCPFS:

"We are still in process of negotiating to transfer the land to the Department of Lands. They [the Attwood family] previously denied us access to the land to construct the Family Group Home. The Attwood family locked all buildings with their own locking systems and also on our request to do maintenance denied us access. So without the Department having any benefit of using the top buildings or the land we were not prepared to spend money on the two top buildings that are occupied by the Attwoods. At the moment we do not have any funds to spend on the buildings that will probably need to be demolished because of the corrosion damage through the years. Lands did ask us to transfer the land to them and we are now at a stage where we just need to work out how we will do this."

DCPFS have had every opportunity to maintain the building. There has been no maintenance on the building for the past 19 years. It is locked because of the aboriginal sites on the land.

Director Planning & Development advised that the Town's building officers conducted a visual inspection of the site and have reported the roof damage to DCPFS. DCPFS advised they would send their property officers to the site.

The road next to the South Hedland Shopping Centre [Colebatch Way] is extremely dangerous. The road side parking and taxi area needs to be removed from the side of the road as it is getting busier now that the banks are located there.

Mayor advised that she met with WA Police, Department of Transport and taxi drivers and owners. The process of moving the taxi area and providing a queuing area is being looked into. Traffic calming is also being investigated including having a one way street, access to light vehicles only and the installation of a pedestrian crossing.

3.1.3 Mr Camilo Blanco

A number of motions were struck off at the Special Meeting of Electors that were deemed not worthy without any assistance with modifying wording.

Mayor advised that no motions were struck off.

Why were the electors told that "once a decision was made it could not be rescinded" in reference to the Ausco deal?

Mayor advised that she acted on the advice received from the Department of Local Government and Communities (DLGC). The Mayor had been given an indication as to what motions were going to be raised at the meeting and she therefore sought advice from DLGC. The Mayor ensured she was able to act on the motions presented at the meeting and provide the appropriate advice.

Town of Port Hedland Standing Orders Local Law section 18 'Revoking or Changing Decisions' states that Council can revoke or change a decision.

Chief Executive Officer advised that Council cannot revoke a decision where the action of the decision has been enacted. In relation to the Ausco decision, Ausco has already been advised in writing of Council's decision and is progressing through the development of the lease.

Mayor closed Public Question Time at 6:51pm.

Mayor opened Public Statement Time at 6:51pm.

3.2 Public Statement Time

6:52pm Councillor Melville entered the room.

3.2.1 ***Mr Camilo Blanco***

Mr Blanco made a statement in relation to the Special Meeting of Electors held on Wednesday 19 February 2014.

The whole process surrounding the special electors meeting on the 19 of February was executed to minimise the attendance of electors, holding the meeting at 2pm clearly restricted mums from attending because they were picking up the kids from school and with the threat of mass retrenching from all industries across Hedland (including the Town of Port Hedland) because of world economic slowdown and dad was at work, not considering becoming a statistic on the unemployment line because he wants to take time off to attend a community meeting.

All in all the town did very well in reducing the attendance but the people still came with a 40+ crowd. Councillors you need to consider the subjects that were presented and wonder the reasoning behind the attendance to that Special Electors Meeting and then compare that to the general electors meeting held a week late where only three electors turned up.

Was the reason behind the lack of attendance at the general electors meeting because the Mayor acted in such an aggressive manner and showed contempt toward the electors that attended the special electors meeting, offering little to no help on any motion to adjust the wording and striking any motion that did not please the presiding monarch? There was no reason to do that as all motions are considered at the next council meeting by all councillors not just the self-proclaimed queen, unless I'm mistaken and all you Councillors agreed on the outcome before the meeting started; but is that legal?

Most importantly by not acknowledging any point of order, most members of the public do not see the significance of those actions. What does this mean? That Standing Orders are only to control the peasants in the gallery? Is this democracy? This draws attention to the CEO whose job it is to advise on proper process and ensure the Act and Standing Orders is being followed but did not.

The public attending mostly had or have no idea on how or why this system has been developed, that being our current democratic process and have forgotten the cost of freedom we have today, our fundamental freedom has been paid for by our countrymen and women that have died in the first and second world wars, since then Australia has continued to help countries in conflicts around the planet to preserve democracy. The proper processes are not being followed.

I put the blame on the shoulders of you Councillors that obviously have no idea of the local government Act and Regulations or you have no intention or desire to uphold the proceedings as required by Standing Orders or the law but you expect the public to follow the rules when seated in the public gallery, a clear demonstration of double standards and evidence of a democratic system that is being trashed by this Council.

The elector that was ordered to move from the electors area to the non-electors position was discriminated against and his civil rights as an elector have been violated, the department of Local Government had advised this Council and staff that in the case of no electors being present at the meeting the staff and elected members would be able to proceed as they should all be electors, but that was not the case for all staff.

The Australian Human Rights Commission outlines that political participation is the basis of democracy and a vital part of the enjoyment of all human rights. The right of all people to vote, without any discrimination, is one of the most fundamental of all human rights and civil liberties.

Your actions have ticked the boxes of a dictatorship. The path you are creating is developed by simple things like these breaches that get overlooked by everyone but then develops into a democratic crisis.

My question to all you Councillors is are you going to let that happen, are you leaders or are you sheep, are you prepared to take the bull by the horns or will you continue with the ostrich scenario and stick your head in the sand?

You all know the motions put forward are designed to make the needed changes in areas of crisis; do not change it, support it.

3.2.2 Ms Julie Garnet

Ms Garnet made a statement in relation to Item 6.1.3 'Pretty Pool Mixed Use Caravan Park (File No.: 08/02/0027)'.

I am opposed to industrial development in Pretty Pool as it is one of the few natural beauties Port Hedland has. Why are developers allowed to come to Port Hedland and propose developments that are not necessary? There is no public support or encouragement for the proposed developments. Pretty Pool should not be used as a canal development and should be available in its natural state for years to come.

3.2.3 Mr Richard Whitwell

Mr Whitwell stated he does not believe it is correct to say that Council decision making is always influenced by outside people, companies and developers. An example would be the Port Hedland race course as this land was marked for development. There was external real estate interest in the land however there is now a centre that will be useful for many years which is a big win for the community.

Mayor closed Public Statement Time at 6:58pm.

ITEM 4 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

ITEM 5 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING

Mayor Howlett	Councillor Hunt
Councillor Daccache	Councillor Taylor
Councillor Gillingham	Councillor Butson
Councillor Hooper	Councillor Melville

Disclaimer**IMPORTANT NOTE:**

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 Council has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

ITEM 6 REPORTS OF OFFICERS**6.1 Planning & Development**

7:02pm Councillor Hunt declared an impartiality interest in Item 6.1.1 'Degradation of Town's Heritage (File No.: 14/01/0008)' as she is a member of the Port Hedland Historical Society.

Councillor Hunt did not leave the room.

6.1.1 *Degradation of Town's Heritage (File No.: 14/01/0008)*

Officer	Eber Butron Director Planning and Development
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Date of Report	5 March 2014
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Disclosure of Interest by Officer	Nil
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Summary

The Special Meeting of Electors of 19 February 2014, resolved that any development and/or modification of any municipal heritage site within the Town of Port Hedland undergo public consultation.

The motion has been reviewed and Council is requested to support the Town's officer recommendation.

Background

The Special Meeting of Electors of 19 February 2014, resolved the following:

"201314/241 Decision

Moved: Mr Camilo Blanco of Harwell Way, Wedgefield

Seconded: Ms Mary Attwood of Anderson Street, Port Hedland

The electors present request that Council consider that the development and/or modification of any municipal heritage sites within the Town of Port Hedland undergo public consultation."

Consultation

Nil

Statutory Implications

Heritage of Western Australia 1990, s45
Aboriginal Heritage Act 1972,
Planning and Development Act 2005,
Town of Port Hedland Town Planning Scheme No. 5 (TPS5).

Policy Implications

Town of Port Hedland Municipal Inventory of Heritage Places (MIHP) 2007.

Strategic Planning Implications

The following sections of Council's Strategic Plan 2012 – 2022 are considered relevant to this proposal:

6.4	Local Leadership
6.4.2	Strategic
	Deliver high quality corporate governance, accountability and compliance.
6.4.2	Community Focused
	Provide a community-orientated organisation that delivers the high levels of service expected by our stakeholders.

Budget Implications

A budget request to allocate funds in the 2014/15 budget will be made for the review of the current Municipal Inventory of Heritage Places (MIHP) 2007.

Officer's Comment

The Scheme review could include additional sub-clauses in Section 4.3 (of the current scheme) ensuring that any development proposed on a heritage listed site, local, State or aboriginal must be advertised.

Section 4.3 of the Town of Port Hedland Town Planning Scheme No. 5 (TPS5) defines the type and level of public consultation required when advertising. If a development is proposed on a listed site the application is advertised as follows:

- Once a week for two consecutive weeks within a locally distributed newspaper
- A site notice placed on site for a period of no less than 14 days
- Registered letters to all the adjoining property owners.

Section 4.5 of the Town of Port Hedland Town Planning Scheme No. 5. requires Council, when considering an application for planning approval, to have due regard to inter alia:

- (g) *the preservation of any object or place of heritage significance, including Aboriginal heritage significance.*

Where a development is proposed on a site listed in one of the following:

Municipal Inventory of Heritage Places 2007

The applicant is required to comply with the preservation level / category prescribed. Notwithstanding this the applicant is required to obtain further comment from an independent Heritage Consultant. In terms of the *Heritage of Western Australia Act 1990*, a local government is required to:

- update the inventory annually
- Review the inventory every four (4) years after compilation

State Heritage Register

The application is forwarded to the State Heritage Office for comment / advice.

An Aboriginal Heritage site, identified by Aboriginal Heritage Inquiry System

The application is forwarded to the Department of Aboriginal Affairs for comment / advice.

Attachments

Nil

Officer's Recommendation

That Council:

1. Acknowledge the motion carried by the Electors and request the Chief Executive Officer, or his delegate(s), to include a clause in the new Town Planning Scheme requiring the mandatory advertising as per clause 4.3 (of the current scheme) for all sites listed on:
 - a. Municipal Inventory of Heritage Places 2007;
 - b. State Heritage Register;
 - c. An Aboriginal Heritage site, identified by Aboriginal Heritage Inquiry System.
2. Consider allocating funds for the review of the Municipal Inventory of Heritage Places 2007, in the 2014/15 budget.

201314/266 Council Decision

Moved: Cr Hunt

Seconded: Cr Daccache

That Council:

- 1. Acknowledge the motion carried by the Electors and request the Chief Executive Officer, or his delegate(s), to include a clause in the new Town Planning Scheme requiring the mandatory advertising as per clause 4.3 (of the current scheme) for all sites listed on:
 - a. Municipal Inventory of Heritage Places 2007;**
 - b. State Heritage Register;**
 - c. An Aboriginal Heritage site, identified by Aboriginal Heritage Inquiry System.****
- 2. Allocates \$50,000 in the 2014/15 Budget specifically for the commencement of the review of the Municipal Inventory of Heritage Places 2007.**

CARRIED BY ABSOLUTE MAJORITY 8/0

**6.1.2 Implementation of the Pilbara's Port City Growth Plan
(File No.: 18/12/0020)**

Officer Eber Butron
Director Planning and
Development

Date of Report 5 March 2014

Disclosure of Interest by Officer Nil

Summary

During the Special Meeting of Electors on 19 February 2014, two motions were made and carried.

The motions have been reviewed and Council is requested to approve the Town's officer's recommendation.

Background

The Special Electors Meeting on 19 February 2014, resolved the following:

*"201314/243 Decision**Moved: Mr Jacob O'Brien of Gratwick Street, Port Hedland**Seconded: Mr Camilo Blanco of Harwell Way, Wedgefield*

The electors present request that Council consider amending the current Council agenda template to include a section on alignment to the Port City Growth Plan. In this section the officer must detail how the particular item aligns with the Growth Plan and if it does not then the officer must justify why it is in the best interest of Council to adopt this position in contrast to the direction of the Port City Growth Plan

*201314/244 Decision**Moved: Mr Jacob O'Brien of Gratwick Street, Port Hedland**Seconded: Ms Sara Andrews of Pedlar Street, South Hedland*

The electors present request that Council prepare a policy whereby any actions of Council that do not align with the Port City Growth plan need to undergo a period of community consultation where formal submissions on the matter are invited."

Consultation

Consultation was undertaken during the preparation of the Pilbara's Port City Growth Plan, including:

- Stakeholder workshops
- Public meetings and forums
- Surveys

- Formal public consultation in accordance with the *Planning and Development Act 2005*.

Statutory Implications

In accordance with the *Planning and Development Act 2005*, any proposed development is subject to the provisions of the *Town of Port Hedland Town Planning Scheme No. 5 (TPS5)*.

Policy Implications

Nil

Strategic Planning Implications

The following sections of Council's Community Hedland Strategic Community Plan 2012 – 2022 are considered relevant to this proposal:

6.4	Local Leadership
6.4.2	Strategic
	Deliver high quality corporate governance, accountability and compliance.
6.4.2	Community Focused
	Provide a community-orientated organisation that delivers the high levels of service expected by our stakeholders.

Budget Implications

Nil

Officer's Comment

"The electors present request that Council consider amending the current Council agenda template to include a section on alignment to the Port City Growth Plan. In this section the officer must detail how the particular item aligns with the Growth Plan and if it does not then the officer must justify why it is in the best interest of Council to adopt this position in contrast to the direction of the Port City Growth Plan."

The "Pilbara's Port City Growth Plan" is a strategic document.

The Town's strategic documents are considered and identified (where relevant) in all reports presented to Council, under the title of "Strategic Planning Implications". Within this section the Town's officers make reference to the applicable sections within the "Strategic Community Plan 2012 – 2022" and "Pilbara's Port City Growth Plan" relevant to the application being considered by Council.

To further assist the Council and community and ensure greater transparency the Town's officers can include the following sub-headings:

- Strategic Community Plan 2012 – 2022
- Pilbara's Port City Growth Plan

Under each sub-heading the Town's officers will provide an overview on how the application aligns or does not align with the above documents.

"The electors present request that Council prepare a policy whereby any actions of Council that do not align with the Port City Growth plan need to undergo a period of community consultation where formal submissions on the matter are invited."

The "Pilbara's Port City Growth Plan" is a guiding document and is not intended to dictate how and where development will take place.

The *Planning and Development Act 2005*, recognises this concept and requires the Town to prepare a "Local Strategic Plan" ("Pilbara's Port City Growth Plan") every five (5) years, along with a review of the Town's Town Planning Scheme.

Where an application does not align directly with the "Pilbara's Port City Growth Plan" a planning justification supporting or not supporting the deviation from the guiding document will be included in the report to Council.

Community consultation is prescribed through (but not limited to):

- Port Hedland Town Planning Scheme No 5,
- The Planning and Development Act 2005, and
- The Local Government Act 1995.

The Planning team has established a framework by which to assess development applications and inform Elected Members of applications. This includes undertaking briefing sessions with Elected Members. Should Elected Members consider further public consultation is required, due to community interest, this may be requested at this forum.

Attachments

Nil

201314/267 Officer's Recommendation/ Council Decision

Moved: Cr Hunt

Seconded: Cr Hooper

That Council:

- 1. Require where an application is presented to Council for consideration, the Town's officers justify where relevant the alignment or lack of alignment of the application with the Town's strategic documents; and**
- 2. Note the motion carried requiring additional community consultation be undertaken when a proposal does not align with the Town's strategic documents, and resolves to ensure the community is consulted as required by the relevant legislation.**

CARRIED 8/0

6.1.3 Pretty Pool Mixed Use Caravan Park (File No.: 08/02/0027)

Officer Eber Butron
Director Planning &
Development

Date of Report 7 March 2014

Disclosure of Interest by Officer Nil

Summary

The proposed Pretty Pool Mixed Use Caravan Park is subject of a Business Plan currently being publicly advertised until 31 March 2014. The business plan is scheduled to be considered formally by Council on completion of the public advertising period and a review of public submissions completed.

The Town's officers recommend deferring consideration of this item until the April or May 2014 Ordinary Council Meeting (OCM).

Background

The Special Meeting of Electors on 19 February 2014 resolved the following:

"201314/240 Decision

Moved: Ms Alexis Le Flohic of Langley Gardens, Port Hedland

Seconded: Ms Mary Attwood of Anderson Street, Port Hedland

The electors present request that Council consider not to proceed with the Pretty Pool mixed use Caravan Park development."

Council resolved (OCM 8 August 2012) to authorise the development of the site through a "Request for Proposals (RFP)". The Mac Service Group responded to the Town of Port Hedland's November 2012 RFP 12-16 Pretty Pool Caravan Park by submitting the concept development. The Mac was named (OCM 8 May 2013) as the "preferred proponent" by the Town of Port Hedland, to lease and develop the site.

Consultation

The Business Plan was advertised in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995 (the Act), which applies where a Local Government intends to enter into a major land transaction.

The purpose of this Business Plan is to provide members of the public with the opportunity to consider the proposal and provide comment to the Town during the consultation period, prior to formal determination by Council.

The submission period has been extended until the 31 March 2014 in consideration of advertising over the Christmas/New Year holiday period.

Two community forums were undertaken on Tuesday, 28 January 2014. A further community forum is to be undertaken on Saturday, 15 March 2014.

Statutory Implications

3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

(ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than*

6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the [Land Administration Act 1997](#) section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

3.59. Commercial enterprises by local governments

- (1) *In this section —*
- acquire has a meaning that accords with the meaning of dispose; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —*
- (a) *acquire or dispose of an interest in land; or*
 - (b) *develop land;*
- major land transaction means a land transaction other than an exempt land transaction if the total value of —*
- (a) *the consideration under the transaction; and*
 - (b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*
- major trading undertaking means a trading undertaking that —*
- (a) *in the last completed financial year, involved; or*
 - (b) *in the current financial year or the financial year after the current financial year, is likely to involve, expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*
- trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of land transaction.*
- (2) *Before it —*
- (a) *commences a major trading undertaking; or*
 - (b) *enters into a major land transaction; or*
 - (c) *enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.*
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government; and*
 - (b) *its expected effect on other persons providing facilities and services in the district; and*
 - (c) *its expected financial effect on the local government; and*
 - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major*

land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.

(10) *For the purposes of this section, regulations may —*

(a) *prescribe any land transaction to be an exempt land transaction;*

(b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

Policy Implications

Nil

Strategic Planning Implications

Strategic Community Plan 2012 – 2022

The following section of the Strategic Community Plan 2012 – 2022, is considered to be relevant to this proposal.

6.1.2 Develop Port Hedland's tourism industry to broaden the tourist opportunities available

6.1.2 Maintain and extended the visual and physical access to the coast and thoroughfares for the general public

6.2.1 Diverse Economy Facilitate commercial, industry and town growth

6.2.1 Create local employment and investment and diversity the economy

6.3.1 Address housing shortage & affordability through using Council held land, providing high quality modular construction, providing incentives and other forms of inducement to deliver housing by 2013

Pilbara's Port City Growth Plan

The Pilbara Port City Growth Plan (PPCG) is a guiding document providing direction over the next 20 years to achieving a city with a population of 50 000.

The PPCG identifies the ultimate use of the land to be medium density residential development (R40 – R60) allowing the development of apartment, townhouse and villa type developments.

The proposal while not directly aligned with the PPCG, is an interim development solution which through the proper design could result in the retention of infrastructure that can be used for the ultimate development as identified by the PPCG.

5.6.12 Precinct 12 – South Hedland East

Precinct Plan summary

Significant on-going infill/redevelopment of residential land.

Implementation Indicators

Key immediate land release sites being progressed by the private sector and not-for-profit organisations

Precinct Highlights

Immediate term housing supply opportunity

Budget Implications

The commercial arrangements as listed within the Business Plan are:

- An annual return of \$550,000 (excluding GST before CPI adjustments) over the 21 year lease period
- Potential for additional community infrastructure contribution of \$565,312 (incl. GST and based on 100% occupancy)
- \$200,000 contribution to the landscaping and rehabilitation of the existing dune system on the balance lot.

Attachments

Nil

Officer's Comment

The Special Council Meeting of 8 May 2013, resolved to proceed with the preparation of advertising the Business Plan for the purpose of entering into a major land transaction for "The Mac" to undertake the subject proposed development.

In accordance with the Local Government Act the subject Business Plan is currently being publicly advertised until 31 March 2014.

Two community forums were held (28 January 2014) by the Town. There was significant community objection and concerns raised at these meetings with the proposed development. Issues raised included:

- The inappropriateness of the development
- The imbalance of caravan sites and backpackers accommodation in comparison to the number of TWA beds provided on site being:
 - 6 backpacker rooms (4 bunk beds each – 24 beds)
 - 9 Chalets

- 18 Tent Sites
- 36 Caravan sites
- 348 Motel Rooms (Non-resident workforce accommodation)
- The perceived misleading title of the proposed development
- The location
- The impact on adjoining residences and amenity of the locality
- Public access to pretty pool creek
- Cultural heritage
- Impact on pretty pool stables
- Infrastructure.

The Town's officers acknowledge the strong community opinion voiced at the forums and have reviewed the proposed development. However the Town has formally commenced a process pursuant to the Local Government Act and is required to complete the process.

While the sentiments expressed at the community forums were significant, the Town's officers consider any decision prior to the conclusion of the public advertising period would be abrogating the formal legislative process.

Public submissions are already being received in relation to the proposal and the Town's officers recommend that these submissions be formally considered by Council prior to making a decision on the Business Plan.

Further, the Business Plan for a major land transaction with "The Mac" has commenced and the Town has a formal obligation to complete the process.

Taking the above into consideration the Town's officers recommend any decisions regarding this matter be deferred until the public advertising period is finalised and all relevant public submissions are considered by Council.

Attachments

Nil

201314/268 Officer's Recommendation/ Council Decision

Moved: Cr Hunt

Seconded: Cr Butson

That Council:

- 1. Acknowledge the electors motion requesting Council not to proceed with the Pretty Pool mixed used Caravan Park development;**
- 2. Defer consideration of this item until the formal public advertising period has been completed; and**
- 3. Request the Chief Executive Officer, or his delegate(s), to report this item to the May 2014 Ordinary Council Meeting.**

CARRIED 8/0

**6.1.4 Town Planning Scheme Review and Caretaker Rights
(File No.: 18/09/0040)**

Officer Eber Butron
Director Planning and
Development

Date of Report 5 March 2014

Disclosure of Interest by Officer Nil

Summary

During the Special Meeting of Electors on 19 February 2014, a three point motion was made and carried.

The motions have been reviewed and Council is requested to support the Town's officer's recommendation.

Background

The Special Meeting for Electors on 19 February 2014, resolved the following:

201314/245 Decision

Moved: Mr Camilo Blanco of Harwell Way, Wedgefield

Seconded: Mr Michael Green of Tinder Street, Port Hedland

The electors present request that Council:

- 1. Notify the Planning Department that existing accommodation rights in Wedgefield must be protected;*
- 2. Consider all noxious uses in the Wedgefield area to be considered in Town Planning Scheme 6 as non-conforming uses as renewals arise so that the heavy industrial area can be justified in line with the Port City Growth Plan; and*
- 3. Request the Town undertake a review of the customer service model of the Planning and Building department and bring its operation in line with a best practice model which is more user friendly to local residents / ratepayers and assists with the development of the township with strict time metrics associated to the assessment of applications.*

Consultation

Stakeholder consultation has already been undertaken between the Town's consultants, (TPG) and the Town's officers at the commencement of the planning scheme review. In particular, this consultation included the Wedgefield Business Association (WBA).

Discussion with Wedgefield Business Association was undertaken between the Town's officers and business representatives after the Special Electors Meeting to discuss in particular caretakers rights in Wedgefield.

Further consultation is expected to be undertaken with stakeholders and community through the life of the planning scheme review.

Statutory Implications

Development Applications are assessed in accordance with the *Planning and Development Act 2005*, *Town of Port Hedland Town Planning Scheme No. 5* and Local Policies.

Building assessments are undertaken in accordance with the *Building Act 2011* and *Building Code of Australia 2012/13*.

Policy Implications

Nil

Strategic Planning Implications

Strategic Community Plan 2012 – 2022:

6.4	Local Leadership
6.4.2	Strategic
	Deliver high quality corporate governance, accountability and compliance.
6.4.2	Community Focused
	Provide a community-orientated organisation that delivers the high levels of service expected by our stakeholders.

Budget Implications

Nil

Officer's Comment

Retention of "Caretaker Dwelling(s)" and classification of non-conforming uses for "Noxious Industries" in Wedgefield as part of the scheme review

No defined direction has been taken with regard to "Caretakers Dwelling(s)" within Wedgefield, further stakeholder consultation will be undertaken with the WBA prior to formal advertising of the planning scheme.

The Town's consultants engaged to review the current scheme are in the process of investigating how the conflicting uses within Wedgefield can best be considered and applied through the new planning scheme.

Once a direction has been identified on how best to deal with all uses including "Caretaker Dwelling(s)" and "Noxious Uses" the community will be consulted. The Town's officers will then prepare a report to Council addressing all submissions made by the community.

"Request the Town undertake a review of the customer service model of the Planning and Building departments and bring its operations in line with a best practice model which is more user friendly to local residents / ratepayers and assists with the development of the township with strict time metrics associated to the assessment of applications"

The Development Services Unit (comprising Planning and Building) are continuously looking into improving the assessment processes of both planning and building applications. To date working collaboratively as a team the following improvements have been made:

- Introduction of detailed application checklists, detailing the information required to assist in the assessment of either planning or building applications
- Pre-submission meetings affording the applicant to sit down with the Development Services Unit to discuss an application or proposal to identify potential issues.
- A dedicated email account has been set up to allow (on arrangement) electronic submissions of applications and questions. epanning@porthedland.wa.gov.au
- A dedicated Lands and Technical Officer to facilitate lodgement, guidance and provide advice on applications.

Town officers are continually reviewing processes, however, certain process improvements are restricted by resources and technology limitations.

- GIS
- Website limitations (online tracking)
- Fast tracking of applications
- Legislation - the Town is preparing a new town planning scheme. Review of the Town Planning Scheme is envisaged to establish a frame work that will further facilitate processing of applications.

The Town's officers can further review the development process through various methods including comparison with other Councils processes, and possibly if required, facilitate an independent review of the Towns systems. Notable an independent review would come at a cost that has not been budgeted for.

In terms of the *Town Planning Regulations 1967*, a local authority has sixty (60) days to assess an application not required to be advertised and ninety (90) days where an application is required through either the Act, Scheme or local policy to be advertised.

The Development Services Unit is always investigating ways to further improve processes, the process changes implemented to date have reduce the assessment times of complete applications (those submitted as per the applicable checklist) to half the statutory requirements.

In regard to the assessment of building applications, in April 2012, the *Building Act 2011* was gazetted, requiring local authorities to meet strict statutory timeframes subject to all documentation being submitted as per the *Building Regulations 2012*.

This “rewrite” of the Act and Regulations has necessitated a major overhaul of the assessment processes. To date the unit has been able to adhere to the statutory timeframes.

Attachments

Nil

201314/269 Officer’s Recommendation/ Council Decision

Moved: Cr Hunt

Seconded: Cr Butson

That Council:

- 1. Request the Chief Executive Officer, or his delegate(s), to consult with the community with regard to any direction proposed through the Scheme review including any proposals to the existing “Caretakers Dwelling(s)” and “Noxious Industries” in Wedgefield; and**
- 2. Request the Chief Executive Officer, or his delegate(s), continue to investigate process improvement to ensure “leading practice” standards are maintained and improved throughout the various Town’s departments.**

CARRIED 8/0

6.2 Engineering Services**6.2.1 *Reporting and Assessing of Town of Port Hedland Infrastructure (File No.: 06/03/0002)***

Officer **Russell Dyer**
Director Engineering
Services

Date of Report **28 February 2014**

Disclosure of Interest by Officer **Nil**

Summary

This report has been prepared after a motion was moved at the Special Meeting of Electors on 19 February 2014, requesting Council prepare a Policy whereby complaints and/or concerns in relation to drainage and road infrastructure are assessed for risk they present to people and/or property and appropriately actioned by Council.

Background

A request for a Special Meeting of Electors was presented to the Mayor at the Community Conversation which was held on 28 January 2014.

The request for a Special Meeting of Electors was Compliant with the *Local Government Act 1995*, and therefore a Special Meeting was held on Wednesday 19 February 2014 at 2.00pm. Seven (7) items were listed on the Agenda to be discussed, with item 3.4 Poor State of Infrastructure receiving the following comments and decision from Electors:

3.4.1 Ms Julie Garnet of Moseley Street, Port Hedland

Six years ago there was a lot of gardening happening around town. Why in the last two years has the reticulation not been working, fallen trees not being stood up and the trees in Cooke Point not being replaced?

Mayor advised that the trees in Cooke Point that have been taken out will be replaced. The parks and garden beds are regularly maintained however there are parts of South Hedland and Wedgefield that need more work. As there has been a lot of construction work in South Hedland the gardens and parks are being impacted.

Chief Executive Officer advised that maintaining the gardens has been difficult in some areas as there has been a lot of construction work being undertaken at the same location. The Town is trying to manage and monitor contracts better to ensure the end product is produced as agreed. The developments in the West End had some plants planted that were not the best for the location. The Engineering Services team is looking into improving the gardening around the town.

3.4.2 Ms Sharlene Tressider of Pedlar Street, South Hedland

The contractors working on the corner of Parker Street have destroyed the road and have patched it up. Is it their responsibility to bring it back to the condition it was in?

Director Engineering Services advised in the affirmative and that at the moment it is just a patch up job.

Do all the residential properties in town pay rates including those on State and Federal land?

Chief Executive Officer advised that all privately owned land is rateable however Council does allow people to seek concessions which are normally not-for-profit companies. Even though the State Government is not obliged to pay rates the Department of Housing does pay rates on all of its properties. Resource companies pay rates on all their properties unless they are out of town on State Agreement Act land. Federal and State Governments may have some civic buildings which are not rateable for example the Courthouse, the police stations and the hospital.

3.4.3 Mr Andrew Henderson of Bottlebrush Crescent, South Hedland

Where is the Town going to find the \$16 million [mentioned in the CEO's presentation] for asset maintenance over the next ten years?

Chief Executive Officer advised that the Town needs to assess the assets to see whether the Town requires each asset. There may be some assets where there is a better way of providing that asset at a lower cost. The figures are calculated on what the Town considers the life of the asset. For example the Town may consider a concrete footpath to last 40 years but it may last 50 years. The Town may be able to get a longer life out of the assets by putting in a small amount of maintenance thereby reducing the annual renewal gap.

Does the \$16 million include any new infrastructure?

Chief Executive Officer advised that the figure is based on current assets only. If any new assets are acquired then the figure will increase. When acquiring assets the Town will advise Council and the community of the capital cost and also the "whole of life" costs of the asset.

3.4.4 Mr David Denham of Bottlebrush Crescent, South Hedland

Why is South Hedland scrubbier than what it ever has been in the past 25 years?

Although there are areas in South Hedland that are well maintained including the Town Centre, Forrest Circle and Cottier Drive, the Chief Executive Officer advised that the underground power project has impacted on the maintenance of many South Hedland areas. There has also been a lot of new construction that has caused damage to vegetation and gardens.

3.4.5 Mr Jacob O'Brien of Gratwick Street, Port Hedland

There are trees in South Hedland that fall over every cyclone and are always stood back up. Why doesn't the Town put in trees that will not fall down?

Mayor advised that some trees are no longer going to be stood back up as it is too costly an exercise but the Town will look into what other more appropriate tree species can be used to replace the fallen trees.

3.4.6 Mr Serge Doumergue of Sutherland Street, Port Hedland

Is the Town using town planning and compliance as a method to assist in maintaining town roads and drains?

Chief Executive Officer advised in the negative. The Town is embarking on compliance matters across the community as many non-compliance issues are being raised with the Town. The Town is not using compliance to source additional funding for the organisation.

Why do development approvals have a condition that the drainage area is to be reticulated, planted and maintained by a tenant?

Chief Executive Officer advised that if the verge in front of a property is being developed then support from the developer to maintain the verge will be sought regardless if it is a drain or a verge used for parking.

Director Planning and Development advised that it depends on the development approval as the conditions vary. Some developers use the verge for parking or other uses which is why they would be required to maintain the drainage area. This condition would come from discussions between the developer and Town planners.

Mayor advised Mr Doumergue that this matter can be discussed outside of this meeting.

3.4.7 Mr John Van Maanen of Harwell Way, Wedgefield

How does the Town gauge the risk for the roads from 1 – 5 as stated in the CEO's earlier presentation?

Mayor advised that the Town is waiting on a report to come back which will illustrate this.

Who is accountable if there is an accident or someone is hurt because of bad road conditions? An example is the Great Northern Highway across from the Walkabout Hotel.

Mayor advised that the Great Northern Highway is the responsibility of the State Government.

Chief Executive Officer advised that if there is neglect from the Town in relation to the Town's assets, then the Town will likely be included in any action.

201314/242 Decision

Moved: Mr John Van Maanen of Harwell Way, Wedgefield

Seconded: Mr Michael Green of Tinder Street, Port Hedland

The electors present request that Council prepare a policy whereby complaints and/or concerns in relation to drainage and road infrastructure are assessed for the risk they present to people and/or property and appropriately actioned by Council.

Motion carried unanimously

Consultation

- Town of Port Hedland Staff

Statutory Implications

Nil

Policy Implications

9/010 Asset Management Policy

Strategic Planning Implications

6.4 Local leadership

6.4.1 Strategic

Deliver responsible management of infrastructure, assets, resources and Technology.

Budget Implications

The Town of Port Hedland Annual Budget includes allocations of Capital Expenditure (Capex) for road, drainage, kerbing and footpaths along with Operating Expenditure (Opex) for roads, drainage, kerbing and footpaths.

Officer's Comment

The motion moved by electors requested Council to prepare a policy whereby complaints and/or concerns in relation to drainage and road infrastructure are assessed for the risk they present to people and/or property and appropriately actioned by Council.

Currently when the Town receives a complaint or concern with regard to its infrastructure an assessment is carried out for the risk it presents to the community. The complaint when received is lodged in the Towns records system. A works request is created; this is then actioned by the appropriate officers.

The Town has an adopted Asset Management Policy 9/010, endorsed Asset Management Strategy and is developing Asset Management plans as part of the Town of Port Hedland's Integrated Planning & Reporting Framework.

The purpose of the Asset Management Policy is to guide the strategic management of all of Town's assets in conjunction with other Integrated Planning & Reporting Framework strategies, relevant Legislation & Regulations, Australian Standards, Australian Accounting Standards, recognised best practice principles and other Town of Port Hedland policies.

The key objective of the Asset Management Policy is to ensure that there is organisational-wide commitment to asset management and the objectives of Councils Asset Management Strategy are achieved. This will ensure financial data on asset renewals, maintenance of existing assets and new assets are identified and form part of the Towns Long Term Financial Planning.

Against this background, the Asset Management Strategy sets management objectives and outcomes that are consistent with the Town's Asset Management Policy, meet the requirements of the Integrated Planning & Reporting Framework, and define a *roadmap* for the development of the Town's asset management capacity and capability necessary to meet the challenges of the future.

The Strategy also identifies how these objectives and outcomes will be achieved, which form the basis of the Town's first Asset Management Plan. The Asset Management Plan provides the basis for the implementation of the Asset Management Strategy. The Town has developed the following strategic objectives for the Asset Management Strategy, with these strategic objectives also included in the Asset Management Plan.

Direction, Accountability and Integration

To develop a whole-of-Town asset management system and process that provide direction across the organisation, promote clear accountability at all levels of management, and integrate asset management into the corporate planning process.

Lifecycle Management

To manage the Town's assets on the principles of lifecycle management to ensure their most effective and efficient performance.

Data and Information Management

To ensure the quality and accuracy of asset data and information that enables analysis of asset performance and effective decision-making.

Standards and Levels of Service

To develop asset management standards and levels of service that reflects community aspirations and satisfies the internal requirements of the Town's business units.

Continuing Improvement

To develop an organisation-wide asset management function with a culture of continuing improvement in skills, processes, knowledge and practices.

The Department of Local Government acknowledges that the preparation of a Strategy and Plan is an iterative process, which may take several years to refine into mature documents that meet a core level of maturity. The Town's objective is to attain 'Advanced' standard over a period of three years. The Asset Management Plan sets out a program of work to achieve this objective.

Attachments

Nil

201314/270 Officer's Recommendation/ Council Decision

Moved: Cr Hunt

Seconded: Cr Hooper

That Council:

- 1. Acknowledge that a Policy is not required to action complaints or concerns raised by the community as works request system to action complaints received on a daily basis is being operated by the Town of Port Hedland; and**
- 2. Request the Chief Executive Officer, or his delegate(s), to provide a report back to Council on the current works request system.**

CARRIED 8/0

6.3 Community Development**6.3.1 *Community Engagement - Town of Port Hedland Way Forward and Future Initiatives (File No.:03/01/0017)***

Officer Gordon MacMile
Director Community
Development

Date of Report 5 March 2014

Disclosure of Interest by Officer Nil

Summary

The Town of Port Hedland currently engages in 2 main types of engagement:

1. Statutory
2. Community - Open, project or topic specific.

Responding to a motion from the recent Special Meeting of Electors, this report reviews the current engagement policy framework and considers future initiatives to improve meaningful input from the community into decisions of Council.

Background

The Special Meeting of Electors held on 19 February 2014 requested that Council:

1. *Review all consultation policy and procedures and update them to ensure that the consultation truly engages the public*
2. *Review the way the Council promotes community consultation periods to ensure the appropriate dissemination of information*
3. *Develop a policy whereby the consideration of public comments to community consultation is done in a manner that allows members of the public to attend a meeting of Council to discuss their submission before council actually consider this matter.*

This report responds individually to the matters requested.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Based on International Association for Public Participation (IAP2) principles, the Town of Port Hedland – Community Engagement Strategy (CES) was adopted in October 2011 and aims to:

- Provide a consistent approach across the Town's departments as to how the Town and Elected Members engages with the local community
- Strengthen the partnership between the Town, government stakeholders, service providers, local organisations and the local community through ongoing community engagement
- Improve knowledge and skills of Town staff and improve internal coordination
- Be proactive and open to innovative ways to consult with the whole of the community.

The seven principles of this strategy are:

- Inclusiveness and Diversity – Recognising and valuing the diversity of the local community and the different strengths each group and individual has to offer
- Openness, Respect and Accountability – Ensuring engagement processes and engagement with the local community is approached in an open and respectful manner with clear lines of accountability
- Leadership – Taking the initiative for engagement, seeking support and partnerships to support and facilitate discussion which represents the wider community interests and encouraging leadership within the Town and the local community
- Purpose – Providing clear direction and guidance for the local community, key stakeholders and the Town itself as to the reason for the engagement being conducted
- Information Sharing – Providing clear, easy to understand information in a timely manner and sharing information that is as accurate as possible. Information sharing also relies on the involvement of participants and a commitment to be open to different views
- Feedback and Evaluation – Informing participants as to how their opinions and information have contributed to the preparation and decision of the Town or Council is vital and understanding the views of participants specific to the engagement process itself is a valuable learning tool
- Resourcing and Timing – Staff training requirements and the physical and financial resources involved in conducting engagement must be considered both for the individual project and the overall needs of the Town's departments.

Strategic Planning Implications

The Town's Strategic Community Plan 2012-2022 identifies:

6.1 Community

6.1.1 Unified

The Town of Port Hedland is an integrated community functionally, physically and culturally.

6.1 Community

6.1.1 Unified

Keep all members of our community informed about, and involved with, the provision of Council/Town services and facilities.

Budget Implications

Costs associated with statutory advertising are recovered from the applicant in accordance with the adopted Fees and Charges Schedule.

Costs associated with community or open engagement vary according to the item / issue and are allocated either generally or to the specific project.

Officer's Comment

Engagement Policy and Procedures – Review and Update

The Town's Community Engagement Strategy (CES) adopted in October 2011 is based on International Association for Public Participation (IAP2) standards that remain current and leading-practice to date. Given some key changes that have occurred since 2011, there is an opportunity to update the Strategy, with these being:

- The addition and development of alternative engagement methods (particularly technology based) that improve the ability to reach additional segments of community and provide easier methods of feedback and input
- Reinforcement within the Strategy, and in practice, of the importance of closing the 'engagement loop' and informing participants as to how their opinions and information have contributed to the preparation and decision of the Town or Council. Providing participants with feedback is important in respecting the relationship and maintaining ongoing engagement with the local community.

The (updated draft) Community Engagement Strategy (March 2014 – Attachment 2 to this report) contains revised wording to reflect the points above.

Engagement Periods and Procedures

Engagement periods and procedures vary dependent on the type:

- Statutory advertising is based on legislative requirements:
 - Planning Applications – minimum 14 days
 - Scheme Amendments – minimum 40 days
 - Other Environmental Health – specific.

Minimum advertising periods may be extended at the Town's discretion, dependent on the nature and complexity of the application / proposal.

Following advertising, all submissions are detailed in a report to Council. Decision made by Council 'on-balance' of information and submissions / advertising feedback.

While the *Planning Development Act* (and Regulations) and the Town of Port Hedland Town Planning Scheme No.5 specify minimum requirements for advertising periods and processes, the (draft updated) Community Engagement Strategy has been amended to include the potential use of improved technological tools to more easily provide information to the community on proposed developments, as well as on-line lodgment of statutory submissions. Submissions through this process will need to fulfill the Department of Planning's requirements for statutory comment.

- Community engagement - tailored to individual requirements:
 - Open (i.e. Annual Community Survey)
 - Project (i.e. South Hedland Skate / Youth Zone, Airport Placemaking)
 - Topic Specific (i.e. draft Housing Strategy / Non Residential Worker's Accommodation Strategy).

The (updated draft) Community Engagement Strategy (March 2014 – Attachment 2 to this report) contains revised wording to reflect the use of additional and more sophisticated engagement methods (particularly technology based) that improve the ability to reach more segments of community and provide easier methods of feedback and input.

Engagement Input and Community Feedback – Consideration of Submissions

The (updated draft) Community Engagement Strategy (March 2014 – Attachment 2 to this report) contains revised wording to reinforce the importance of closing the 'engagement loop' and informing participants as to how their opinions and information have contributed to the preparation and decision of the Town or Council. Providing participants with feedback is important in respecting the relationship and maintaining ongoing engagement with the local community.

This 'closing the engagement' loop applies equally to statutory advertising and community engagement processes.

Further, the updated draft Strategy has been amended to reflect the dual opportunity for the community to directly address Council regarding a matter of interest.

The community can take advantage of the newly-introduced Public Agenda Briefing held one week prior to, as well as retaining the opportunity to ask questions or make a statement within, the meeting of Council.

Attachments

1. Special Elector's Meeting (19 February 2014) – Presentation
2. Town of Port Hedland Community Engagement Strategy (Updated Draft – March 2014) (Under Separate Cover)

201314/271 Officer's Recommendation/ Council Decision**Moved: Cr Hunt****Seconded: Cr Taylor****That Council:**

1. **Note the amendments to the (draft updated) Community Engagement Strategy (March 2014) to reflect the requests contained in the motion from the Special Meeting of Electors (19 February 2014); and**
2. **Endorse the advertising of the (draft updated) Community Engagement Strategy (March 2014) for public comment, feedback and community engagement.**

CARRIED 8/0

February
2014

Community Engagement / Consultation Summary



Types and Foundation

Consultation / Engagement Types

1. Statutory (related to planning, development, building and environmental health)
2. Community - Open, Project or Topic Specific (everything else)

Foundation

1. Statutory – advertising based on legislative requirements

- a. Planning Applications – 14 days
- b. Scheme Amendments – 40 days
- c. Other Environmental Health – specific

Following all advertising periods, all submissions are detailed in report to Council. Decision made by Council ‘on-balance’ of information and submissions / advertising feedback.

Types and Foundation

2. Community - Open, Project or Topic Specific

Town of Port Hedland – Community Engagement Strategy (CES) adopted October 2011. Based on International Association for Public Participation (IAP2) principles.

The Community Engagement Strategy aims to:

- Provide a consistent approach across Town departments as to how Council engages with the local community
- Strengthen the partnership between the Town, government stakeholders, service providers, local organisations and the local community through ongoing community engagement
- Improve knowledge and skills of Town staff and to improve internal coordination
- Be proactive and open to innovative ways to consult with the whole of the community.

CES – Key Principles

The 7 principles of this ToPH Community Engagement Strategy are:

1. Inclusiveness and Diversity
2. Openness, Respect and Accountability
3. Leadership
4. Purpose
5. Information Sharing
6. Feedback and Evaluation
7. Resourcing and Timing

CES – Key Structure and Process

IAP2 PUBLIC PARTICIPATION SPECTRUM

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<p>Public Participation Goal:</p> <p>To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.</p>	<p>Public Participation Goal:</p> <p>To obtain public feedback on analysis, alternatives and/or decisions.</p>	<p>Public Participation Goal:</p> <p>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</p>	<p>Public Participation Goal:</p> <p>To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.</p>	<p>Public Participation Goal:</p> <p>To place final decision-making in the hands of the public.</p>
<p>Promise to the Public:</p> <p>We will keep you informed.</p>	<p>Promise to the Public:</p> <p>We will keep you informed, listen to concerns and provide feedback on how public input influenced the decision.</p>	<p>Promise to the Public:</p> <p>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</p>	<p>Promise to the Public:</p> <p>We will look to you for direct advice and innovating in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.</p>	<p>Promise to the Public:</p> <p>We will implement what you decide.</p>
<p>Example Tools:</p> <ul style="list-style-type: none"> • fact sheets • web sites • open houses. 	<p>Example Tools:</p> <ul style="list-style-type: none"> • public comment • focus groups • surveys • public meetings. 	<p>Example Tools:</p> <ul style="list-style-type: none"> • workshops • deliberate polling. 	<p>Example Tools:</p> <ul style="list-style-type: none"> • citizen advisory committees • consensus-building • participatory decision-making. 	<p>Example Tools:</p> <ul style="list-style-type: none"> • citizen juries • ballots • delegated decisions.

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Types of Engagement Activities / Methods

- Letters
- Newsletters, flyers and leaflets
- Newspapers adverts and articles
- Media releases and community updates
- Social media / Facebook / website / email
- Focus groups and workshops
- Community forums
- Surveys – online and hardcopy
- Shopping centre displays
- Briefing sessions
- Council meetings
- Open days
- Representative / stakeholder groups

Examples / Summary of Recent Consultation

General / Open

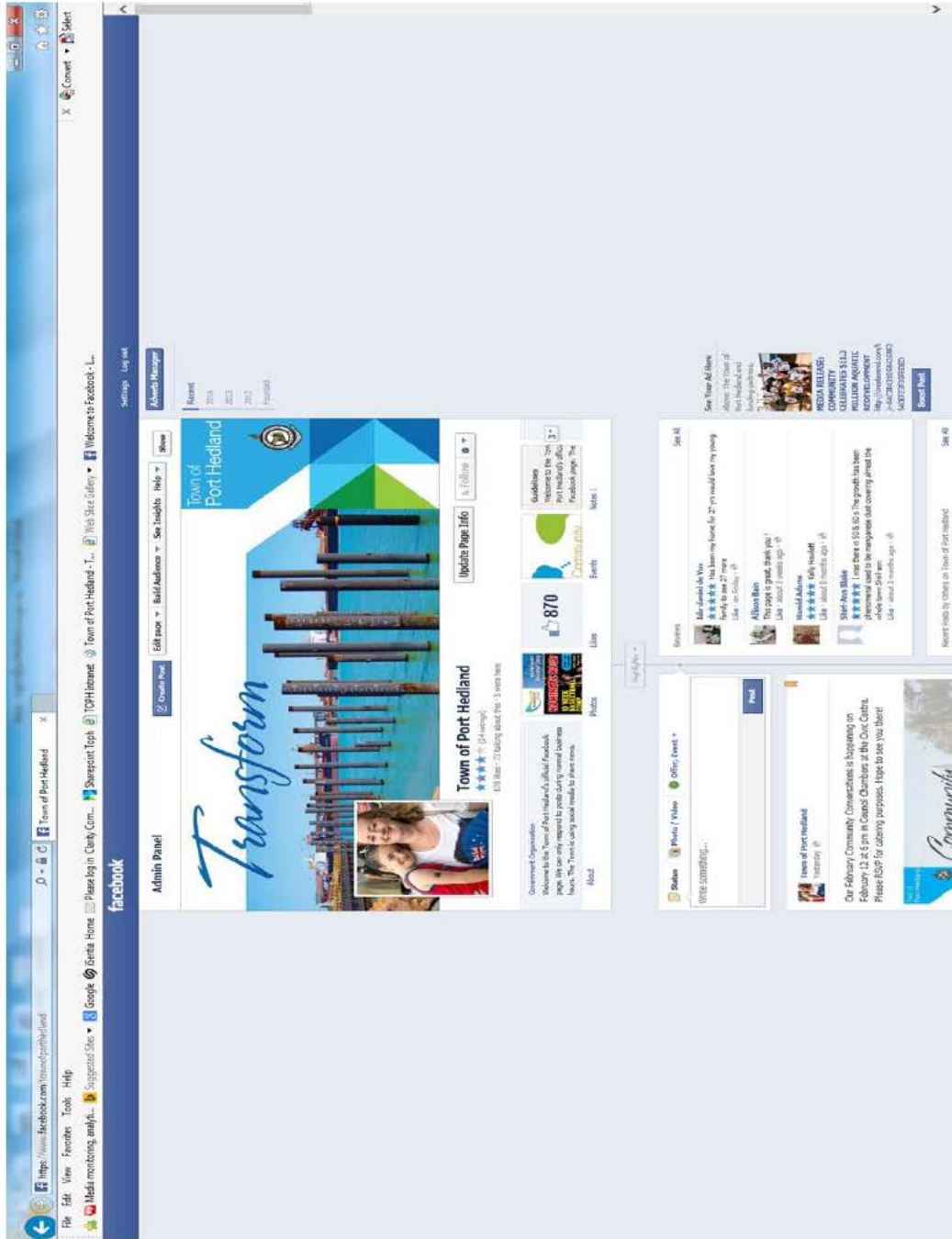
- Quarterly Aboriginal Forums – 30-40 attendees at each forum
- Community Conversations – bimonthly, approx. 10 per session
- Strategic Community Plan / Corporate Business Plan – workshops with over 20 attendees
- Growth Plan – working group of 14 representatives
- Annual Community Perceptions Survey – 402 (2010), 577 (2012), over 550 (2013)

Project or Topic Specific

- Port Hedland Turf Club / Equine Industry
- Sports Club Forums – approx. 10 groups represented at each
- Trails Master Plan – open forums, targeted meetings and working groups totalling over 50 people
- Marie Marland Reserve - meetings with over 30 stakeholders
- Non Residential Workforce Accommodation Strategy
- Housing Strategy – working group of 10 members
- Cemetery Beach Park – online survey and information day reaching over 300 people
- Residential Design Guidelines – community and stakeholder workshops (30 attendees)
- Active Open Space Strategy – open forums, questionnaires and meetings with over 15 sporting groups
- Precinct 3 / Kingsford Business Park
- Koombana Park – surveys and community day with 20 attendees
- Airport Place Making – community and stakeholder workshops (40 attendees) and over 80 surveys
- South Hedland Youth Space - over 250 youth and over 100 youth related workers engaged over 4 days
- South Hedland Integrated Community Facilities (Library, Lotteries House and Well Women's Centre)
- Old Port Hedland Cemetery Redevelopment – community workshops with over 70 attendees
- Foreshore Master Plan – working group of 15 stakeholders
- South Hedland CBD – including South Hedland Town Centre Activation
- JD Hardie Youth Centre Master Plan – meeting and surveys with stakeholders
- Disability Access and Inclusion – over 50 people involved in workshops, surveys and interviews
- Working Groups and forums – open to the public



Existing Social Media / Facebook Usage





Future Engagement Initiatives

Policies



All policies open for public comment through formal submission are listed below.

Any comments with respect to these items should be submitted via one of the following ways:

- through the relevant online submission form
- by email to city@subiaco.wa.gov.au
- by mail addressed to the Chief Executive Officer, City of Subiaco, PO Box 270, Subiaco WA 6904.

To find out more about an item of interest to you or to make an online submission, please click on the article below. Here you will find further information about the item, as well as a link to the relevant online submission form.

Any additional information or material to accompany your submission can be emailed to city@subiaco.wa.gov.au.

Supporting information for each item is provided in the document library.

For more information on the formal submission process, read the formal submissions frequently asked questions.

Policies open for... Submission forms

Submission form - Draft Planning Policy 4.11 'Hollywood Precinct'



This submission form relates to item **Draft Planning Policy 4.11 'Hollywood Precinct'**. To make a submission on this item, please complete the submission form below.

Please ensure you include your name, address, phone number and email address.

Name *

REGISTER

to get involved!

Closing dates for comment

- Draft Revised Planning Policy 4.1 - 5pm
18 November 2013
- Rescission of Planning Policy 1.3 'Applications for Development Approval' - 5pm
20 January 2014
- Draft Planning Policy 4.11 Hollywood Precinct - 5pm
17 February 2014

Document library

- Current Planning Policy 4.11 Hollywood Precinct (70.5 KB) (pdf)
- Council Report - 17 December 2013 (135 KB) (pdf)
- Draft Revised Planning Policy 4.1 'Jolimont Precinct' (434 KB) (pdf)
- Planning Policy 4.11 Hollywood Precinct (271 KB) (pdf)

Formal submissions directory

- Formal submissions hub
- Development applications
- Development Assessment Panel (DAP) applications
- Scheme amendments
- Business plans

Future Engagement Initiatives

Subject of submission

Please state how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property. Please include address of property, if applicable. *

Submission

Please give your comments relating to this item in full. *

If you prefer, you can attach a separate file with your submission.

Browse...

ITEM 7 CONFIDENTIAL ITEMS

Nil

ITEM 8 CLOSURE

8.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 March 2014, commencing at 5.30 pm.

8.2 Closure

There being no further business, the Mayor declared the meeting closed at 7:08pm.