



## TOWN OF PORT HEDLAND

### ORDINARY COUNCIL MEETING MINUTES

**WEDNESDAY 25 FEBRUARY 2015 AT  
5:30PM**

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

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are proud to call home”**

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



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**ITEM 1 OPENING OF MEETING**

The Mayor declared the meeting open at 5:38pm.

**ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS**

The Mayor acknowledged the traditional owners, the Kariyarra people.

**ITEM 3 RECORDING OF ATTENDANCE****3.1 Attendance***Elected Members:*

Mayor Kelly Howlett  
Councillor Gloria Jacob  
Councillor George Daccache  
Councillor Jan Gillingham  
Councillor David Hooper  
Councillor Julie Hunt  
Councillor Lorraine Butson  
Councillor Troy Melville

*Officers:*

Mal Osborne	Chief Executive Officer
Sid Jain	Director Corporate Services
Chris Linnell	Acting Director Community and Development Services
Geoff Byrnes	Acting Director Works and Services
Brett Reiss	Program Director Airport Redevelopment
Peter Kocian	Manager Financial Services
Grace Waugh	Minute Taker/ Governance Officer

Members of the Public	15
Town Officers	8
Media	1

**3.2 Apologies**

Nil

**3.3 Approved Leave of Absence**

Nil

**ITEM 4 RESPONSE TO PREVIOUS QUESTIONS****4.1 Questions from Public at Ordinary Council Meeting held on Wednesday 17 December 2014**

Nil

**4.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 17 December 2014**

Nil

**4.3 Questions from Public at Special Council Meeting held on Wednesday 28 January 2015**

Nil

**4.4 Questions from Elected Members at Special Council Meeting held on Wednesday 28 January 2015**

Nil

**ITEM 5 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 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.'*

Mayor opened Public Question Time at 5:40pm.

**5.1 Public Question Time**

**5.1.1 Mr Camilo Blanco**

*Why did the Mayor say there were no questions at the Special Council Meeting on 28 January 2015 under item 4?*

Mayor advised that there were no questions taken on notice at the Special Council Meeting on 28 January 2015. There were questions asked at the meeting that were provided a response at the time.

*The Town has received evidence through the Freedom of Information (FOI) process relating to discrepancies in the use of the Chief Executive Officer's (CEO) credit card and claims for reimbursements. This has not been disputed by the fact that the CEO has made repayments to the Town both during the active FOI process and after postings were made on Facebook resulting from the FOI request. Did the CEO of the Town knowingly, falsely or unlawfully take money from the Town?*

Mayor advised in the negative.

*If that is the case why has the CEO paid money back to the Town on multiple occasions, including after self-reporting to the Corruption and Crime Commission (CCC)?*

Mayor advised that this has been explained in correspondence to Mr Blanco. There were a number of glitches in the Town's systems and procedures. These glitches have been picked up through a review of the internal processes and have now been amended.

Chief Executive Officer advised that the reimbursements were administration errors and immediate steps were taken to ensure they did not happen again.

*Was this matter initially reported directly to the CEO, rather than being reported directly to the CCC, Police and the Department of Local Government and Communities for their information and assessment?*

Mayor advised that it was reported to the CEO who then reported it to the Police, CCC and the Department of Local Government and Communities.

*Was there an internal investigation of the findings of the FOI process?*

Mayor advised in the negative.

*Is the Town confident that all the relevant discrepancies and monies are accounted for and have been paid back to the Town?*

Mayor advised in the affirmative. Going forward the Town are undergoing additional audits and checks to ensure a number of processes are in line with what is expected.

*Has anyone else at the Town had to pay money back that was incorrectly received?*

Mayor advised in the negative.

Chief Executive Officer clarified and advised that there had been a payroll error where a number of staff were overpaid and requested to pay the money back.

*If the CEO has nothing to hide, he and the Town should welcome an independent investigation. Do Elected Members not believe the allegations against the CEO merit further investigation?*

Mayor advised in the negative. It is good process to have audits and independent auditors check procedures and check to ensure things are being done as they should be and amending the procedures if required.

Mayor advised that in accordance with the Town of Port Hedland Standing Orders Local Law only three questions are permitted per member of the public. Mayor has been generous and allowed Mr Blanco further questions however advised that Mr Blanco can ask three more questions.

*How was the CEO made aware of the FOI request and the obvious discrepancies found through the process?*



Mayor advised that the Director Corporate Services at the time found the process errors and raised the issue with the CEO.

Chief Executive Officer advised that he is made aware of all FOI requests however this FOI was in relation to the CEO so was conducted by the Director Corporate Services at the time.

*Is the common practice for the Director Corporate Services to liaise directly with the people involved in the FOI request?*

Chief Executive Officer advised that there are two separate issues, the first being how the CEO becomes aware of FOI requests. The CEO is made aware of all FOI requests made to the Town. As the FOI referenced the CEO the Director Corporate Services at the time conducted the investigation. Once the investigation was undertaken and all documentation collated, the CEO was advised of the process errors. Chief Executive Officer advised that he was the one who identified that the incorrect credit card was being reimbursed.

Mayor advised Mr Blanco that he has one more question.

*Has the CEO's actions created a work environment characterised by fear and distrust, with staff fearing to challenge or question the CEO? Has the CEO taken retribution with staff who were aware of and reported his actions?*

Mayor advised that the answer to both questions is no. As there are a number of other members of the public that would like to ask questions Mr Blanco is welcome to submit the rest of his questions to the administration after the meeting to be answered however it is now time for other members of the public to ask questions.

### **5.1.2 Ms Louise Newbery**

*Why was item 12.1.2 'Request for Support for Local Planning Scheme Amendment – Redbank Locality' withdrawn? Can I get the reasoning behind it being withdrawn?*

Chief Executive Officer advised that the item was prepared and included when the agenda was collated. After the agenda was published there were further discussions with an officer who had been on leave at the time and it was decided to withdraw the item so further documentation could be provided.

*Were there any application fees paid for this proposed local planning scheme amendment presented by RFF?*

Chief Executive Officer advised this question is taken on notice.

*I am requesting that Council consider implementing a full safety analysis of Roche and Wilson Streets for road train access due to the huge increase in traffic over the past 3 to 4 years.*

Chief Executive Officer advised this question is taken on notice.

### 5.1.3 Mr Arnold Carter

*In the North West Telegraph you advised on the proposed loan of \$4,725,675 for a solar farm project and advised that objections could be submitted by the 13th February 2015. I submitted to the CEO a list of rate payers that objected to this loan, as of today I have received no acknowledgement. In your financial activity statement for 13th December 2014, you indicated a new loan of the same amount and increased your revised budget accordingly. In your quarterly budget review you state that funds would be held in the Airport Reserve account. Why not a loan account as you state you require these funds for draw down on 13th March 2015? Could you please advise when I can expect a reply to my letter from the 13th February 2015 and when could the details of this project become available for the community perusal and comments? Are you proceeding with the loan funds without any consideration to the objections raised for the implementation of the project?*

Chief Executive Officer apologised for Mr Carter not receiving an acknowledgement letter and advised that the issues raised in the objection letter have been addressed in item 13.4 'Proposed 2.3MWp Solar Farm – Confirmation of Grant Funding, Public Submission on Notice of Loan and Update on Funding Agreement'.

*Clarification note: The Town of Port Hedland sent a response letter to Mr Carter on Monday 23 February 2015. This letter was emailed and Mr Carter has since acknowledged its receipt.*

Manager Financial Services advised that in accordance with the funding agreement with ARENA there is a requirement for the funds to be drawn down before the end of June 2015 and for the funds to be placed in a separate bank account to be combined with the grant funding. The funds have been earmarked for reserve however based on the draft funding agreement those funds will be placed in a standalone bank account separate to the reserve fund.

*Irrespective of the drawn down being on the 30 March why would the Town need consideration to put it anywhere if it is in a reserve?*

Chief Executive Officer advised that the funding agreement with ARENA requires the Town to draw the funds down by a specific date. If the funds are not drawn down then the Town will not have the funds however if the project is delayed then the Town may still draw down on those funds and hold them until they are called on to deliver the physical project.

*No members of the public have seen the project details as it is marked confidential.*

Mayor advised that Council is keen for a briefing note and the details of the project to be provided to the community.

*I note that you have a confidential item on the agenda, I trust that the community will be considered during these discussions when the decision is being made.*

Mayor advised that the Council will take the community into consideration.

#### 5.1.4 Ms Patricia Mason

*On the 7th November 2014 an informal meeting was held at the private residence of the Deputy Mayor's house and attended by several people. This meeting was never made public. An email sent by Mayor Howlett to all Councillors identified this as a standard meeting that was set up to enhance dialogue and collaboration between all parties and that notes were taken and these would be made available.*

*[In accordance with the Town of Port Hedland Standing Orders] The CEO is to: "(a) advise all members of the time, date and place of the meeting; and (c) cause notes of the meeting to be kept."*

*Was this meeting pursuant to the protocols of the Local Government Act 1995?*

Mayor advised that the meeting was not a formal meeting of Council and was not convened under the Act.

*Did the Chief Executive Officer advise all members of the time, date and place of this informal meeting?*

Mayor advised that it was not a formal meeting of Council, this meeting is a formal meeting of Council. Quite regularly the CEO, Mayor and members of Council are invited to various meetings however they are not convened under the Act as they are not formal meetings of Council as specified in the Act.

*Andrew Ziems, President of the Port Hedland Chamber of Commerce and Industry, and Minister Brendon Grylls attended the meeting.*

Mayor advised that it was not a formal meeting of Council and they are not members of Council.

*Have further meetings been held? Are there agendas and minutes of these meetings? How can the Mayor request an investigation on a social gathering in an attempt to bully Councillors when the Mayor, CEO and Deputy Mayor's behaviours, with respect to these confidential meetings with other stakeholders, may be in breach of the Local Government Act 1995?*

Mayor advised that it is not in breach of the Local Government Act 1995. Meetings are held all the time whether they are with the Premier, Ministers, various stakeholders both industry and business. As that meeting and any other meetings are not a formal meeting of Council they are not set out or convened as formal meetings of Council in accordance with the Act. Some meetings are more formal than others and will have different agendas, minutes or action registers depending on what kind of meetings they are.

*I would call the meeting held at Councillor Jacob's house not acceptable.*

### 5.1.5 Mr Ron Morley

*On the 2 February 2015 two dogs killed three of my pet rabbits. My wife has depression and it has been very hard to look after her since the incident. I contacted a woman at the Rangers office who advised that a Ranger would be at my house within 15 to 20 minutes. It was after I spoke to the Rangers that I discovered that three of my rabbits had been killed. I caught the dogs that had attacked the rabbits and locked them in a cage. I then received another call from the Rangers who advised that the owner of the dogs was coming to my house to claim the dogs. Why did the woman at the Rangers tell the owner to collect the dogs from my house?*

Chief Executive Officer advised that this question was taken on notice and that he was sorry for Mr Morley's loss.

### 5.1.6 Ms Diana Robinson

*Why weren't Marapikurrinya Contracting Pty Ltd and Ultimate Drainage Pty Ltd considered as a joint venture for the McKay street drainage tender? They were considered as two companies rather than one.*

Chief Executive Officer advised that he would look into it and provide a response to Ms Robinson before the consideration the item 12.2.1 'Award of Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction'.

### 5.1.7 Mr Kevin Clifton

*There is a dog problem at the aboriginal community at Three mile. There is an overpopulation across three houses with around 23 dogs behaving badly, there should only be two dogs per house. Authorisation has been given to the Town's Rangers from myself as the Chairman, legal tenant, Kariyarra Elder and Traditional Owner. When is something going to be done?*

Chief Executive Officer advised that this question is taken on notice and that it has been a continuous problem that the Rangers have been dealing with.

### 5.1.8 Ms Diana Robinson

Chief Executive Officer advised that in response to Ms Robinson's previous questions Marapikurrinya Contracting Pty Ltd and Ultimate Drainage Pty Ltd were considered as a joint venture as part of item 12.2.1 'Award of Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction'.

Mayor advised that this is displayed on page 40 of the agenda.

*Marapikurrinya Contracting have done the landscaping on Anderson Street, worked on projects at the beachfront, and at Boodarie. The company is capable of doing the job and feels like it is being put aside for out of town contractors.*

Mayor advised that the criteria and scores are on page 40 of the agenda and Elected Members would consider Ms Robinson's comments for item 12.2.1 'Award of Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction'.

#### **5.1.9 Mayor Howlett on behalf of Mr Phil Honeycomb from Brookdale Concrete**

*Can the CEO please advise as to who signed off on the occupancy certificate for QUBE logistics who are located in the Transport Development Zone? If this permit has been issued can I please have a copy of it? Why have they not been required to seal their yard when this was a condition of approval?*

Chief Executive Officer advised this question is taken on notice.

#### **5.1.10 Mayor Howlett on behalf of Ms Natasha Reimers**

*At Cassia Primary School today the Ranger was handing out parking tickets to those parked on verges and drive ways and also directing traffic not to go down the bus lane. There are three areas where people park apart from the actual carpark, these being the dirt patches behind the kindy, across the road from the carpark and next to the teachers' carpark. Where can I legally park if the school carpark is full? I called the Rangers about the three dirt patches and was advised that they are reserves so cannot be parked on. Is this true?*

Chief Executive Officer advised that this question is taken on notice. The general comment on parking at schools is that it is getting more congested and it is an issue that will have to be addressed for all of the schools in Port Hedland.

Mayor asked that a message be sent to all schools and parents about parking at schools.

#### **5.1.11 Mayor Howlett on behalf of Mr Chris Pappas from Finance Unlimited**

*Why did the proposal from Finance Unlimited Pty Ltd to lease a 14.5 hectare parcel at Kingsford Smith Business Park only require a simple majority vote when it should have required an absolute majority vote at the Council Meeting on 17 December 2014?*

Chief Executive Officer advised that if Council had gone ahead with the disposal then an absolute majority vote would have been required however the decision by Council was not to proceed with the disposal and was by simple majority.

*Given the extensive amount of time and money put into the project do Elected Members see the Chief Executive Officer's response where he said he would 'take it on the chin' as an acceptable response?*

Mayor advised that it was not meant as a formal response and was only said verbally.

*Why have Town officers provided incorrect and untrue statements when Town officers had sent the original correspondence to Finance Unlimited with the investment prospectus and marketing information attached?*

Chief Executive Officer advised that it was a long and complex process with an original approach to the Town by the people representing Finance Unlimited. There have been no incorrect or untrue statements from the Town.

*Have Elected Members been advised of the letter which was sent by solicitor Jeff Horsey on behalf of Finance Unlimited dated 13 February 2015 to the Town of Port Hedland?*

Mayor advised in the affirmative.

Mayor closed Public Question Time at 6:10pm.

Mayor opened Public Statement Time at 6:10pm.

## **5.2 Public Statement Time**

### **5.2.1 Mr Camilo Blanco**

An independent investigation would determine if the actions were the result of administrative error and process or alleged intentional criminal act or otherwise. The Chief Executive Officer has hidden behind and blamed staff and internal procedures for these discrepancies. Have there been new procedures put in place to address these issues? When were these new procedures introduced, documented and endorsed by Council?

The CCC's correspondence back to the Town when the Chief Executive Officer self-reported, despite their findings has been based purely on the information provided by the Chief Executive Officer and a specific amount of \$2,248.73, the CCC stated 'the Commission's decision to take no action in relation to the matter does not preclude the Town of Port Hedland from taking any action it considers appropriate in the circumstances' and 'Should any action taken reveal misconduct, please contact the Commission again.' The Chief Executive Officer is supposed to be a respected leader in the community. His integrity and ethics are supposed to be beyond reproach. His behaviour in this instance does not merit his position and has lost the respect of the community. The Town has endorsed the values of Unity, Integrity and Quality. The Chief Executive Officer through his behaviour is not leading by example and not delivering on the values of the organisation. In fact he appears to be acting contrary to the values he is supposed to be upholding.

The operations of the Council are supposed to be an open and transparent process. The process that has been undertaken through the FOI, administration, credit card use and reimbursements does not appear to be honest, it appears to be getting covered up. The Chief Executive Officer and Council are treating the community with complete and utter disdain.

We call on the Council and the Chief Executive Officer to be open and honest and for the Chief Executive Officer to be held accountable for his actions. I am formally requesting an independent audit and investigation to be undertaken into the actions of the Chief Executive Officer. To ensure this process is not corrupted, I request the Chief Executive Officer be stood down from his position whilst this investigation is undertaken.

Mr Blanco attempted to discuss a document by the Shire of Esperance. Mayor advised Mr Blanco that only business pertaining the Town of Port Hedland can be discussed at the Town's Council meetings and that she would not accept any references to matters relating to other local governments.

### **5.2.2 Ms Christine Pompei on behalf of Hedland Women's Refuge**

Ms Pompei spoke in regards to item 12.3.5 'Rates Concession Submission by the Hedland Women's Refuge for 2 Thompson Street, Port Hedland'.

We are requesting that the Town of Port Hedland agree to a rates concession for Hedland Women's Refuge. There was an error made last year where we did not send the application to the Town of Port Hedland. The refuge has recently had a decrease in emergency relief funding and the \$4,000 rates concession would help immensely. With the threatened closure of Bunara Maya Hostel this money could feed an enormous amount of women and children at the refuge.

### **5.2.3 Mayor Howlett on behalf of Mr Karl and Ms Hillary Rozario**

I wish to bring to your attention a matter concerning my recent pool inspection. As an owner I did not hesitate in allowing a pool inspection as I believed that my pool would meet requirements. On inspection the inspector pointed out specifics that no one would be aware of unless they were kept informed of such specifications. Such as the gate needing to latch from 25mm, the table and seating to be 300mm away from the fence, also the gutter guard like material around the bottom of the pool fence needing to be 900mm from the top rail. The gutter guard will not support any weight if stood on and was mainly installed to protect our small pets and prevent leaves from getting into the pool.

A checklist the same or similar to the one provided by the inspector at the time of inspection should be provided to all pool owners prior to a pool inspection or with annual rates to ensure that owners are kept up to date and are aware of the requirements of having a backyard pool. We have lived at this property for 19 years and this will be our fourth pool inspection and only now it was noted that the stone table and seating are too close to the pool fence. We have had this table and seating since we built the pool in 1998 and therefore did not think this would be an issue as we had not been advised in previous inspections. If we had a copy of a checklist or a list of the specifications prior, we would have been more aware and able to rectify these issues ahead of the inspection. By us not being kept informed, we are now having to pay another inspection fee of \$220 which I find is unreasonable considering the inspector was not at our property for more than 15 minutes. The fee was queried and the inspector stated that the fee was more administrative costs rather than for her time.

Provision of a checklist would decrease the cost and amount of secondary visits the inspector would have to make and therefore would be a better utilisation of time and resources.

I feel that we should not be charged for a second inspection when we are not aware of the specifications prior and everyone should be given a chance to correct the items on the inspection report and to bring it into alignment with the regulations. If the changes are not made during the second inspection only then do I believe it is fair to charge a fee.

The normal inspection fee that is charged in the rates is \$55, why is the second inspection fee quadrupled (\$220.00) when it seems like the same amount of work for an initial inspection. It is a substantial amount of money for some minor specifications that needed to be altered and when put in to perspective how is this amount derived by two 15 minute inspections and some administrative work for my case in question?

Within a month we have had:

1. A letter informing us of the upcoming inspection
2. A copy of the pool inspection report at the inspection to state that we did not meet specifications
3. A letter to say we had failed the pool inspection and the original pool inspection report
4. An invoice for \$220.00 for the coming reinspection

I believe there would be better ways to manage the administrative work involved that should hopefully decrease the paperwork and the fee.

When the fee was queried over the phone the inspector stated that the first inspection is free, however this is not the case as we pay for this in rates, \$55.00 on the 2014/2015 rate notice.

I understand the importance of pool inspections and meeting regulations but I feel like I am being fined even though it is called an inspection fee. I have heard of many people having similar issues with these inspections and feel that this needs to be reviewed.

I would appreciate this being read out at the next Town of Port Hedland Council meeting as I am unable to attend due to work commitments.

I look forward to hearing your response to my request to be exempt from the \$220.00 reinspection fee and your thoughts on this matter.

Mayor closed Public Statement Time at 6:22pm.



**ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE****6.1 Councillor Gillingham**

*Over the last 12 months I have had troubles with my Councillor emails and I have asked for an investigation to happen. My daughter who is an IT Specialist has assisted with putting these questions together. My questions relate to the IT presentation given to Elected Members by the Town's Manager Technology.*

*Can I please request all sent emails extracted from our exchange backups from 1<sup>st</sup> November 2014 to 25<sup>th</sup> February 2015?*

Chief Executive Officer clarified whether this was for all emails sent by the organisation.

*For my Councillor email address only extracted from the exchange backups. Can I please request a report on every account that has access to my Council mail account other than my own login, and what permissions they have?*

Mayor advised this question is taken on notice.

*Can I please request an audit report of all connections to my exchange account at ToPH and from what IP addresses or computer names they were accessed from between 1<sup>st</sup> November 2014 to 25<sup>th</sup> February 2015 to do with my Councillor email address?*

Mayor advised that the Town will consider those requests.

*I am hoping the following questions will lead up to an internal investigation of IT. There was a presentation by the Manager Technology on Microsoft backup and security for incoming security only. Clint Boessen was mentioned, is he based in Australia or off shore?*

Chief Executive Officer advised that he is a certified Microsoft practitioner and is based in Australia.

*Does the IT Department do any outsourcing to other companies called JH Computers, AvanteGarde Technologies and 4 LOGIC?*

Mayor advised this question is taken on notice.

*If so, what is the cost of out sourcing for IT in 2014/15 to present day to these or any other IT companies? What functions are out sourced to third party vendors from internal operational duties or the skillset which is obtained through such agreements? Are there written agreements on these services? And what are the SLA (service delivery to agreements) in place? What contractual agreements are in place to protect the confidentiality of our emails and account information (councillors and staff and the Town in general)? What parts of our network including data storage are available to any out sourced support? What is the current cost of IT source payments against the internal staff cost to duties (including what is the skill sets that we are buying in if we already have 4 staff and a Manager Technology employed by the Town)?*

*Questions regarding the security of internal computer functions.*

*What procedures are in place and where are these policies in the governance of duties and escalations of authorities? Where are the operation policies on securing the internal computers and data security with access levels and authorisations allowing this to happen, according to the Local Government Authority Information Computer Technologies Framework (LGA ICT)? What measures are in place to secure Internal Data from unwarranted eyes within our Council and Offices? How is the data and security deployed to secure the data from (Users, Managers and Executives)?*

*My last questions are relating to Local Government ICT Framework. The Town signed up to the LGA ICT framework to be adopted and implemented with the policies and procedure throughout ToPH ICT, this was in a council recorded agenda item and minutes and had an 18 month implementation plan, there are attachments on ToPH website for agenda item 11.4.2.1 December 2012. Would the agenda still be available to read as I was unable to locate the agenda item? Can we have a copy of the policies and procedures against the full scope of the Local Government Framework for ICT at the Town? At what stage are the policies and procedures implemented to regarding deployment dates, policy sign off by executive and endorsed by Council?*

Chief Executive Officer advised that all the questions from Councillor Gillingham are taken on notice.

**ITEM 7 DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING**

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

**ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 17 December 2014**

**201415/166 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HUNT**

**SECONDED: CR HOOPER**

**That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 17 December 2014 are a true and correct record.**

**CARRIED 8/0**

**8.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 28 January 2015**

**201415/167 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HUNT**

**SECONDED: CR HOOPER**

**That Council confirm that the Minutes of the Special Meeting of Council held on Wednesday 28 January 2015 are a true and correct record.**

***CARRIED 8/0***

**ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Activity Report for the January/ February 2015 period.

*December 2014*

Thursday, 4<sup>th</sup> December

- Attended VTEC Graduation Ceremony, Pilbara Institute at Pundulmurra Campus, South Hedland
- Chaired TOPH Multiagency Taskforce Youth On Streets/Children At Risk

Friday, 5<sup>th</sup> December

- Photograph At Ray White Real Estate To Promote Christmas Gift Giving Appeal
- Attended YIC Christmas Party
- Attended and Presented Awards At 2014 Community Awards Evening At The Esplanade Hotel

Saturday, 6<sup>th</sup> December

- Chaired Friends of South Hedland Cemetery Meeting At JD Hardie Centre

Sunday, 7<sup>th</sup> December

- Attended RSL Christmas Luncheon

Friday, 12<sup>th</sup> December

- Attended South Hedland Primary School End Of School Presentation Ceremony

Saturday, 13<sup>th</sup> December

- Mayor Coffees, Port Hedland
- Mayor Coffees, South Hedland

Monday, 15<sup>th</sup> December

- Meeting South Hedland Cattle Yards & Pilbara Livestock Depot Yards – Lease Terms & Conditions
- Attended Solar Farm Project Briefing Session
- Attended South Hedland Primary School Year 6/7 Graduation at Wanangkura Stadium

- Attended Finucane Island Club Stakeholders Meeting at the JD Hardie Centre

Tuesday, 16<sup>th</sup> December

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Attended Rose Nowers Early Learning Centre AGM

Wednesday, 17<sup>th</sup> December

- Attended Draft Town Planning Scheme Workshop
- Attended Elected Member & Executive Meetings
- Chair OCM December

Thursday, 18<sup>th</sup> December

- Attended Southern Cross Care Christmas Luncheon Event at HACC House South Hedland
- Attended the Greening Australia WA Pilbara Native Plants Book Launch

*January 2015*

Monday, 5<sup>th</sup> January

- Weekly CEO and Mayor Catch Up (Including Relevant Staff For Possible Tropical Cyclone Formation)

Monday, 12<sup>th</sup> January

- Meeting With South Hedland Taxis (Neneth Dunn) Re New Taxi Rank South Hedland CBD

Tuesday, 13<sup>th</sup> January

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting Chris Jackson (Scope) – Welcome To Port Hedland
- Meeting My Pilbara Adventure (2015) Prize Draw Participation
- Weekly TOPH/North West Telegraph Catch Up

Wednesday, 14<sup>th</sup> January

- Meeting Re Changes To Postal Service In Port Hedland – Australia Post Kym Altman
- Meeting Re Volunteers Available Through Ashburton Aboriginal Corporation

Thursday, 15<sup>th</sup> January

- Attended Final Inspection Through Colin Matheson Oval Clubhouse

Friday, 16<sup>th</sup> January

- Attended Port Hedland International Airport Tour With Members Of TOPH Airport Committee

Saturday, 17<sup>th</sup> January

- Mayor Coffees Port Hedland
- Mayor Coffees South Hedland

Tuesday, 20<sup>th</sup> January

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Attended TOPH Staff Meeting – Welcome Back & Happy New Year 2015
- Weekly TOPH/North West Telegraph Catch Up
- Attended YIC Board Meeting

Wednesday, 21<sup>st</sup> January

- Attended Draft Town Planning Scheme Workshop
- Participated In ABC NW Radio West Side Stories Segment
- Attended Elected Member & Executive Meetings
- Chair Public Agenda Briefing
- Attended CEO & EM Catchup

Thursday, 22<sup>nd</sup> January

- Photo At Kingsford Smith Business Park Bunnings Sign Site
- Meeting Native Animal Rescue CEO Lizzie Aravidis
- Attended Airport Governance Review Steering Group Committee Meeting
- Attended RSL ANZAC Day 2015 Planning Meeting

Friday, 23<sup>rd</sup> January

- Attended Volunteer Morning Tea Silver Chain At HACC House South Hedland

Saturday, 24<sup>th</sup> January

- Attended Soroptimist International – Port Hedland Presidents Dinner

Monday, 26<sup>th</sup> January

- Attended 2015 Australia Day Breakfast Event & Awarded 2015 Premiers Active Citizenship Awards
- Officiated At 2015 Australia Day Citizenship Ceremony
- Attended 2015 Australia Day Afternoon Events & Fireworks At Wanangkura Stadium South Hedland

Tuesday, 27<sup>th</sup> January

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting With Taxi Companies Re South Hedland CBD Trial
- Participated In Survey Pilbara Ports Authority
- Weekly TOPH/North West Telegraph Catch Up

Wednesday, 28<sup>th</sup> January

- Attended Elected Member & Executive Meetings
- Pilbara JDAP Meeting
- Chair Special Council Meeting (SCM)

Thursday, 29<sup>th</sup> January

- Attended Hedland Women Of Influence Luncheon
- Telephone Meeting Mining The Pilbara Conference Feedback
- Meeting Port Hedland Taxis
- Meeting With OIC South Hedland Police (Senior Sargeant Dean Snashall)

- Attended LEMC Meeting

Saturday, 31<sup>st</sup> January

- Attended Gratwick Aquatic Centre Open Day

*February 2015*

Tuesday, 3<sup>rd</sup> February

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting YMCA Brooke Draper Re Youth Engagement
- Interview ABC NW Radio Re: Wise Terrace/South Hedland CBD Trail
- Meeting Re Airport Artworks Project
- Weekly TOPH/North West Telegraph Catch Up

Wednesday, 4<sup>th</sup> February

- Attended Hedland Well Womens Centre Morning Tea Event
- Attended Luncheon Event ANZ CEO Mike Smith
- Attended Elected Member & Executive Meetings

Thursday, 5<sup>th</sup> February

- Meeting With PHCCI EO
- ABC TV Interview Re Vehicle Security At Port Hedland International Airport
- Meeting Re Macro Plan Brian Haratsis

Friday, 6<sup>th</sup> February

- Meeting North West Telegraph Editor Laura Morris
- Meeting TOPH/FMG
- Meeting Steering Group – Port Hedland Waterfront Investigations

Saturday, 7<sup>th</sup> February

- Mayor Coffees Port Hedland
- Mayor Coffees South Hedland
- Attended Opening Elements Display Home Village

Monday, 9<sup>th</sup> February

- Walk Through & Soft Opening South Hedland Youth Space

Tuesday, 10<sup>th</sup> February

- Breakfast Meeting PDC Chair and A/CEO
- Opening Of New IBN Retirement Facility
- Meeting With Member For Pilbara Brendon Grylls
- Telephone Catch Up Pilbara Shire Presidents/Mayors
- Weekly TOPH/North West Telegraph Catch Up
- Attended PHCCI Business After Hours – Port Hedland Visitor Centre

Wednesday, 11<sup>th</sup> February

- Attended Elected Member & Executive Meetings
- Attended New Residents Welcome Function At Hedland Well Womens Centre (Hosted By LandCorp)

Thursday, 12<sup>th</sup> February

- Meeting Re Friends Of Cemeteries (South Hedland Cemetery)
- MC Commissioning Ceremony Of Hedland Precinct Power Station For APR Energy
- Attended APR Energy Luncheon
- Meeting US Consul General Cynthia Griffin

Friday, 13<sup>th</sup> February

- Meeting With General Manager Ibis Styles Hotel
- Channel 9 TV Interview At Dome Coffee
- Meeting Port Hedland International Airport Artworks Project Meeting
- Meeting LandCorp

Monday, 16<sup>th</sup> February

- Attended South Hedland Primary School Council Meeting

Tuesday, 17<sup>th</sup> February

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Weekly Spirit Radio (1026am) Mayor Chat
- Meeting Re Cruise Ship Town Ambassadors
- Morning Tea At HACC House, South Hedland
- Attended TOPH South Hedland CBD Forum
- Meeting At Bloodwood Tree Association Re Bob Neville 40yrs Celebration Event
- Weekly TOPH/North West Telegraph Catch Up
- Attended TOPH Marina Waterfront Development Reference Group Meeting
- Attended Soroptimist International Port Hedland AGM

Wednesday, 18<sup>th</sup> February

- Attended PHCCI Business Breakfast
- Attended Draft Town Planning Scheme Workshop
- Attended TOPH Audit & Finance Committee Meeting
- Attended Elected Member & Executive Meetings
- Chair Public Agenda Briefing

Thursday, 19<sup>th</sup> February

- Attended Meeting Re FORM Contract Negotiations
- Attended Hedland Early Years Group Meeting
- Attended RSL ANZAC Day 2015 Planning Meeting

Friday, 20<sup>th</sup> February

- Chaired Community Stakeholder Meeting Re: ACCO & Foodbank WA In South Hedland
- MC Bob Neville 40yrs In The Pilbara Celebration Event At The Walkabout Hotel

Saturday, 21<sup>st</sup> February

- Chaired Friends of Cemeteries Meeting At South Hedland Cemetery

Mayor apologised that her Mayor report was late however it was a busy period between the December 2014 and the February 2015 Council meetings. Mayor welcomed Sid Jain, Director Corporate Services, Chris Linnell, Acting Director Community and Development Services, and Geoff Byrnes, Acting Director Works and Services to the Town of Port Hedland. Mayor congratulated the Town's events team for the best Australia Day event to date. The Australian Citizenship Ceremony, markets and fireworks on the day were great. Mayor advised that she thought the fireworks were better than the Skyworks fireworks and thanked the Pilbara Port Authority. Mayor advised that the Celebrity Salsas Cruiseship was arriving in Port Hedland on Saturday and asked community members to nominate to be Town ambassadors. Clean Up Australia Day is also on the weekend and Mayor advised that there are a variety of locations registered including Daylesford Park, Shay Gap Park, Pretty Pool Beach, behind South Hedland Landfill, McDonalds and the Port to South Hedland road. Mayor thanked the Town's Environmental team for the cargo nets that have been provided to the community. In concluding the Mayor offered her condolences to Peter Broad and his family for the passing of Julie Broad who was an ex Town of Port Hedland employee.

## **ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

### **10.1 Councillor Jacob**

Councillor Jacob offered her condolences to Peter Broad and his family for Julie Broad's passing. Councillor Jacob congratulated the Town for the Australia Day event. Councillor Jacob wanted to address the questions from members of the public on the meeting she held at her house with the Town of Port Hedland Mayor and Chief Executive Officer, Member for the Pilbara Brendon Grylls and the President and Deputy of the Chamber of Commerce as the President of the South Hedland Business Association. The meeting was held to consolidate relationships and to discuss the straightening of approaches to business and community priorities. The same questions are constantly being asked by members of the public with the same answers provided. The Town frequently has meetings with this group of attendees.

Councillor Gillingham called a point of order.

Councillor Jacob attended a Pilbara Development Commission meeting in Karratha where the blueprint, which should be finalised soon, was discussed. The Pilbara Development Commission grants and funding applications will be open soon and Councillor Jacob encouraged the public to apply. Councillor Jacob also attended the Regional Development Australia meeting in Karratha as well as a Pilbara Regional Council meeting in Perth. Councillor Jacob has also been chairing the Marina Waterfront Development reference group meetings. Councillor Jacob advised that the Youth Involvement Council now offers accommodation for the youth with eight available bedrooms and transitional units. Councillor Jacob advised that the South Hedland Business Association Annual General Meeting will be held tomorrow at 5:00pm.



**10.2 Councillor Gillingham**

Councillor Gillingham congratulated the Town for the new airport departures lounge which looks great. Councillor Gillingham attended the Australian Citizenship Ceremony on Australia Day along with the other festivities. Councillor Gillingham also attended the dinner to recognise Mr Bob Neville's service to the community.

**10.3 Councillor Hooper**

Councillor Hooper congratulated the team for the early opening of the South Hedland Skate Park which looks great.

**10.4 Councillor Hunt**

Councillor Hunt attended a meeting for the Retirement Village with the Town of Port Hedland and the state government. It was great to have the three groups work together for a way forward for the village.

**10.5 Councillor Melville**

Councillor Melville visited the CEO of the Avalon Airport while he was on leave. It was great to see how the airport operates and good to share information and masterplans.

**ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS****11.1 Mr John Burke, Principal, Hedland Senior High School**

Mr Burke presented on the results from 2014, the transition of year seven students to high school and updates and plans for 2015.

*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

**ITEM 12 REPORTS OF OFFICERS****12.1 Community and Development Services****12.1.1 Delegated Planning, Building & Environmental Health Approvals and Orders for December 2014 and January 2015**

Carly Thompson, Executive Assistant – Community & Development Services  
File No. 18/07/0002 & 07/02/0003

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/168 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HUNT**

**SECONDED: CR HOOPER**

**That Council receive the Schedule of Planning and Building approvals, Environmental Health Orders issued by Delegated Authority and the listing of current legal actions for the month of December 2014 and January 2015.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

This item relates to the Planning and Building approvals and Environmental Health Orders considered under Delegated Authority for the month of December 2014 and January 2015.

This item also requests a slight change to amendment to clause 5.1 (f) of the Delegation Register to clarify any misunderstanding and interpretation of this provision.

**DETAILED REPORT**

A listing of Planning, Building and Environmental Health approvals and Orders issued by Town's Planning, Building and Environmental Health Services under Delegated Authority for the month of December 2014 and January 2015 are attached to this report. Further to Council's request a listing of current legal actions is also attached to this report.

**FINANCIAL IMPLICATIONS**

Nil

**STATUTORY AND POLICY IMPLICATIONS**

Town of Port Hedland Delegation Register outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

**ATTACHMENTS**

1. Statistics for Building, Planning and Health Approvals for the month of December 2014 and January 2015.

6 February 2015

ATTACHMENT 1 TO ITEM 12.1.1

DELEGATED PLANNING APPROVALS FOR DECEMBER 2014

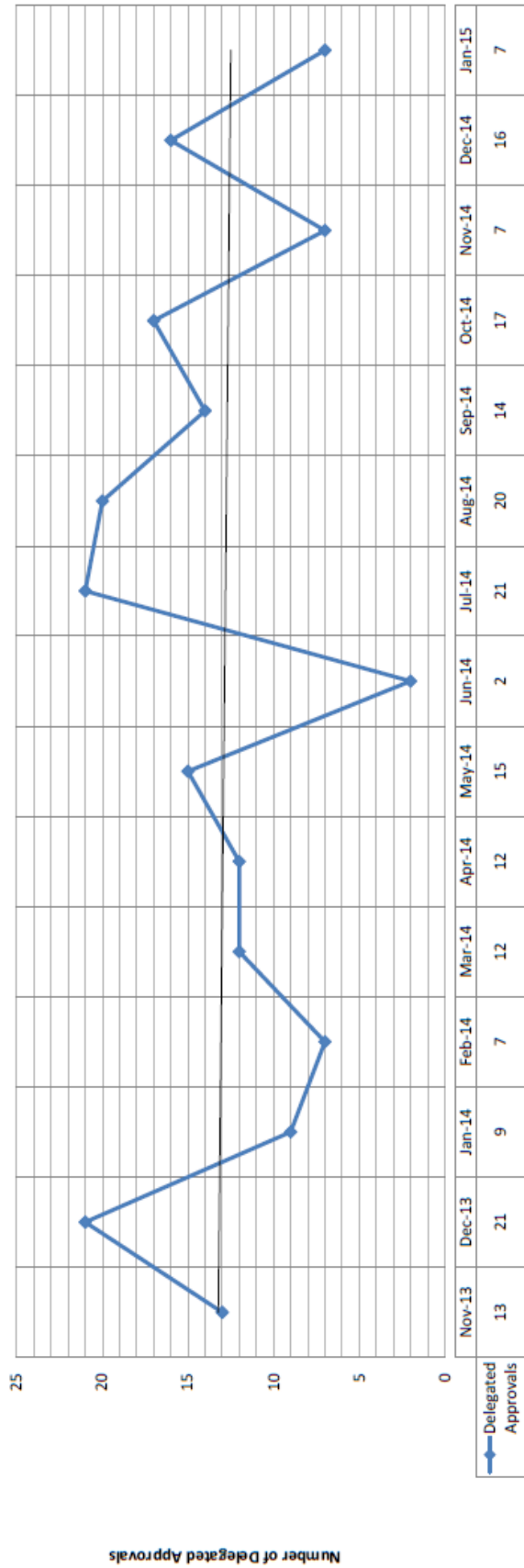
APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	APPLICANTS ADDRESS	DEVELOPMENT VALUE
2014/326	CHANGE OF USE - "HOLIDAY ACCOMMODATION" TO "HOLIDAY ACCOMMODATION" AND "SHOP"	2115	LOT 2115 NORTH CIRCULAR ROAD SOUTH HEDLAND 6722	02/12/2014	APC PORT HEDLAND	PO BOX 1096 MURRAY BRIDGE SA 5253 AUSTRALIA	\$ -
2014/329	CHANGE OF USE - "SHOP" TO "TAKEAWAY FOOD OUTLET"	1	2-8 THROSSSELL ROAD SOUTH HEDLAND 6722	02/12/2014	BUILDINGGUES APPROVALS PTY LTD	PO BOX 318 APPLECROSS WA 6953	\$ -
2014/339	RETROSPECTIVE SEA CONTAINER	304	51 GREENFIELD STREET BOODARIE 6722	02/12/2014	MARK O'REILLY	PO BOX 2347 SOUTH HEDLAND WA 6722	\$ 3,500.00
2014/337	RETROSPECTIVE SEA CONTAINER	76	40-42 GREENFIELD STREET BOODARIE 6722	03/12/2014	SHANE LIONEL WALKER	P.O BOX 2043 SOUTH HEDLAND WA 6722	\$ 2,000.00
2014/340	RETROSPECTIVE SEA CONTAINER	711	1751 GREENFIELD STREET BOODARIE 6722	03/12/2014	MICHAEL POUND	PO BOX 3514 SOUTH HEDLAND WA 6722	\$ 2,000.00
2014/315	SINGLE HOUSE - GARAGE AND PATIO ADDITIONS	2080	4 WELSH STREET SOUTH HEDLAND 6722	04/12/2014	WINFIELD CONSTRUCTIONS PTY LTD	PO BOX 3498 SOUTH HEDLAND WA 6721	\$ 47,600.00
2014/325	SHOWROOM AND SIX (6) SHOPS	1007	L1007 MCCLARY BOULEVARD SOUTH HEDLAND 6722	04/12/2014	MANDAY INVESTMENTS PTY LTD	PO BOX 2397 SOUTH HEDLAND WA 6722	\$ 4,896,000.00
2014/341	RETROSPECTIVE SEA CONTAINER	302	49 GREENFIELD STREET BOODARIE 6722	04/12/2014	MICHAEL POUND	PO BOX 3514 SOUTH HEDLAND WA 6722	\$ 2,000.00
2014/312	TWO (2) GROUPED DWELLINGS	1954	20 LAWSON STREET SOUTH HEDLAND 6722	05/12/2014	PROPERTY PASSION	9/872 BEAUFORT STREET INGLEWOOD WA 6052	\$ 740,000.00
2014/342	HOME BUSINESS - PERSONAL TRAINING STUDIO	118	9 MARTIN COURT SOUTH HEDLAND 6722	09/12/2014	MICHELLE KILMARTIN	9 MARTIN CRT SOUTH HEDLAND WA 6722	\$ -
2014/344.01	AMENDMENT TO APPLICATION 2014/244 - REPOSITION ABULTION BLOCK SIXTEEN (16) MULTIPLE DWELLINGS	1675	3 HARWELL WAY WEDGEFIELD 6721	10/12/2014	HOWE GROUP	LEVEL 3/ 369 NEWCASTLE STREET NORTHBRIDGE WA 6003	\$ 623,000.00
2014/324	AMENDMENT TO APPLICATION 2013/655 - REDUCTION FROM TWELVE (12) MULTIPLE DWELLINGS TO EIGHT (8) MULTIPLE DWELLINGS AND DESIGN CHANGES	218	L218 CHERABIN BOULEVARD SOUTH HEDLAND 6722	11/12/2014	CHERABIN PROPERTIES PTY LTD	35 HAY STREET SUBIACO WA 6008	\$ 3,800,000.00
2013/655.01	AMENDMENT TO APPLICATION 2013/655 - REDUCTION FROM TWELVE (12) MULTIPLE DWELLINGS TO EIGHT (8) MULTIPLE DWELLINGS AND DESIGN CHANGES	503	31 MOORE STREET PORT HEDLAND 6721	12/12/2014	S.A. PROPERTY DEVELOPMENTS PTY LTD	PO BOX 426 PROSPECT SA 6111	\$ -
2014/355	RETROSPECTIVE SEA CONTAINER	3	9-11 GREENFIELD STREET BOODARIE 6722	15/12/2014	ANDREW RADFORD SINGLETON	PO BOX 2993 SOUTH HEDLAND WA 6722	\$ 4,000.00
2014/353	SPOILBANK WORKS - RECOVERY AND DISASSEMBLY OF FLOATING PIPELINE	500	15178 SUTHERLAND STREET PORT HEDLAND 6721	16/12/2014	JAN DE NUL AUSTRALIA PTY LTD	LEVEL 3, 9 COLIN STREET WEST PERTH WA 6005	\$ -
2014/343	HOME BUSINESS - FAMILY DAY CARE	3886	17 HAINES ROAD SOUTH HEDLAND 6722	17/12/2014	HEIDI TROUT	17 HAINES STREET SOUTH HEDLAND WA 6722	\$ -
<b>TOTAL 36</b>							<b>\$ 10,124,100.00</b>

DELEGATED PLANNING APPROVALS FOR JANUARY 2015

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2014/199.01	AMENDMENT TO APPROVAL 2014/199 - ALTERATIONS TO AIRPORT	11	LOT 11 GREAT NORTHERN HIGHWAY PORT HEDLAND - AIRPORT	29/01/2015	TOWN OF PORT HEDLAND	\$ -
2014/309	STORAGE FACILITY/DEPOT/LAYDOWN AREA	3014	9 SANDHILL STREET WEDGEFIELD	21/01/2015	WHELANS	\$ 350,000.00
2014/334	RETROSPECTIVE SITE OFFICES, LUNCHROOM AND SEA CONTAINER	5848	20 HARWELL WAY WEDGEFIELD	22/01/2015	WHELANS	\$ 22,430.00
2014/347	SINGLE HOUSE - OUTBUILDING	3044	11 BECKER COURT SOUTH HEDLAND	30/01/2015	SUZANNE BUNTROCK	\$ 50,000.00
2014/357	RETROSPECTIVE SEA CONTAINER AND TWO (2) OUTBUILDINGS	88	112 GREENFIELD STREET SOUTH HEDLAND	05/01/2015	RICHARD ALOYSIUS HAYTER	\$ 3,500.00
2014/358	HIRE SERVICE - INDUSTRIAL	5167	5 - 7 SANDHILL STREET WEDGEFIELD	08/01/2015	RFF Pty Ltd	\$ 150,000.00
2014/363	PROPOSED OFFICE	6077	LOT 6077 HAMILTON ROAD SOUTH HEDLAND	22/01/2015	RFF Pty Ltd	\$ 2,100,000.00
<b>TOTAL 7</b>						<b>\$ 2,675,930.00</b>

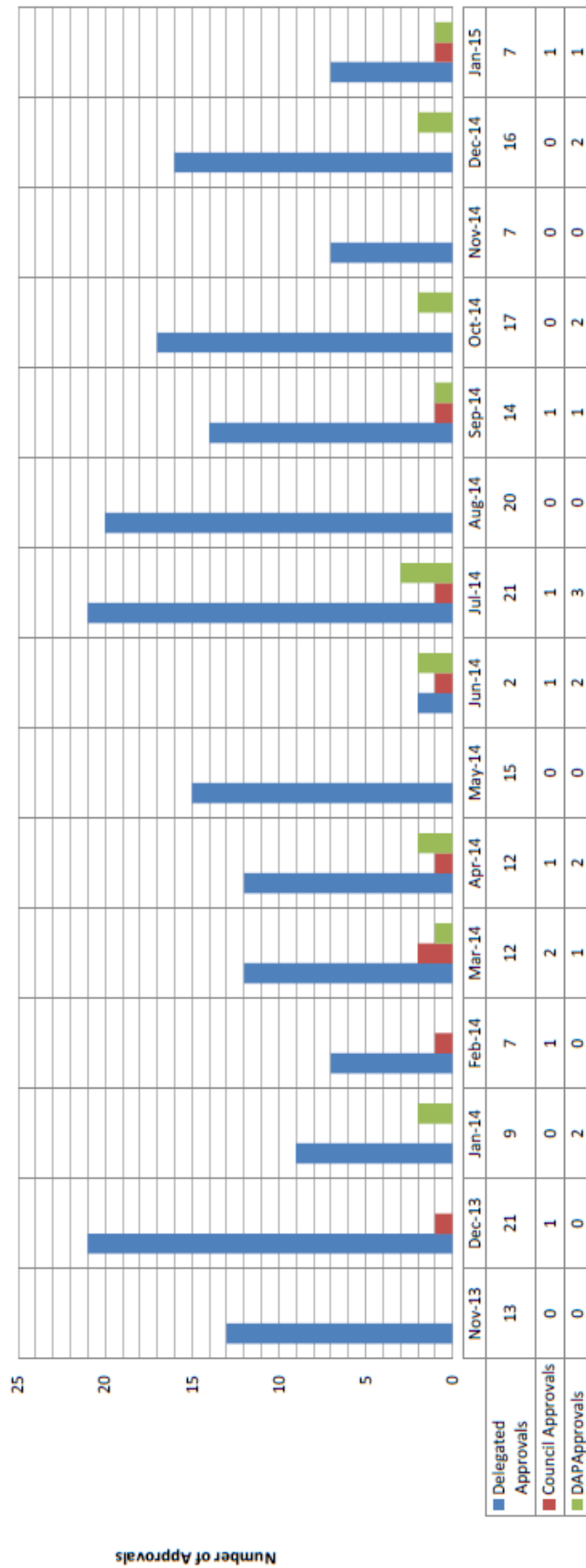
**DELEGATED PLANNING APPROVALS FOR DECEMBER 2014 AND JANUARY 2015**

Summary & Trendline of  
Town Planning Delegated Approvals



**COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR DECEMBER 2014 AND JANUARY 2015**

Summary & Trendline of  
Town Planning Council, Delegated & DAP Approvals



**DELEGATED BUILDING APPROVALS FOR DECEMBER 2014**

<b>BUILDING PERMITS</b>						
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)
14-368	04.12.2014	25A TRAINE CRESCENT	SOUTH HEDLAND 6722	Aria Nematollahi	Replacement of 4 patio pillars	\$ 12,000.00
14-378	23.12.2014	4 MCGREGOR STREET	PORT HEDLAND 6721	PEARL COAST POOLS	Installation of 22 x Swimming pools and construction of associated shade sails and pool pump store rooms	\$ 836,000.00
14-370	11.12.2014	1117 PINNACLES STREET	WEDGEFIELD 6722	Modus Compliance	Construction of Pylon sign	\$ 3,000.00
14-371	11.12.2014	VARIOUS ROAD RESERVES	VARIOUS ROAD RESERVES	BARRET DISPLAYS	SIGNAGE ON VARIOUS ROAD RESERVES WITHIN SOUTH HEDLAND	\$ 68,565.00
14-362	02.12.2014	57 TREVALLY ROAD	SOUTH HEDLAND 6722	Winfield Construction Pty Ltd	Construction of Residential dwelling	\$ 580,400.00
14-372	18.12.2014	1 CRAKE STREET	SOUTH HEDLAND 6722	EVERBETTER PTY LTD- EATON BUILDING	1 x single storey dwelling including carport	\$ 567,000.00
14-366	05.12.2014	61 TREVALLY ROAD	SOUTH HEDLAND 6722	COLIN WILKINSON DEVELOPMENTS PTY LTD	Construction of 1 x Dwelling Carport & Shed	\$ 628,302.00
14-354	01.12.2014	2 TREVALLY ROAD	SOUTH HEDLAND 6722	MAGARA CONSTRUCTION PTY LTD	Construction of Single storey dwelling & fence	\$ 509,000.00
14-365	02.12.2014	4 HULL PLACE	SOUTH HEDLAND 6722	Megara Constructions Pty Ltd	Construction of Single storey dwelling & fence	\$ 499,000.00
14-375	19.12.2014	44 CATAMORE ROAD	SOUTH HEDLAND 6722	MEGARA CONSTRUCTIONS PTY LTD	Construction of Single storey dwelling & fencing	\$ 509,000.00
14-374	19.12.2014	36 CATAMORE ROAD	SOUTH HEDLAND 6722	MEGARA CONSTRUCTION PTY LTD	Construction of Single storey dwelling & fencing	\$ 499,000.00
14-379	23.12.2014	22 THREADFIN LOOP	SOUTH HEDLAND 6722	BRENDAN SHAUN PORCH	Construction of Single storey dwelling fence & shed	\$ 489,000.00
14-380	22.12.2014	43 MORGANS STREET	PORT HEDLAND 6721	PIVOT WAY PTY LTD MCGRATH HOMES	8 x Sole occupancy units (including carports & external store rooms)	\$ 1,601,941.00
14-382	23.12.2014	2-8 THROSSSELL ROAD	SOUTH HEDLAND 6722	BUILDINGLINE APPROVALS	Shop 2 - Internal fitout - kebab take away food outlet	\$ 40,000.00
14-364	02.12.2014	3 HARWELL WAY	WEDGEFIELD 6721	Modus Compliance	Construction of 15m x 54m dome shelter with 4 additional shipping containers	\$ 98,000.00
<b>Total 15</b>						<b>\$ 6,940,208.00</b>

<b>TOWN OF PORT HEDLAND CERTIFICATION</b>		
Certificate Type	Number Issued	
Certificate of Design Compliance	8	
Certificate of Construction Compliance	2	
Certificate Building Compliance	1	
<b>TOTAL</b>	<b>11</b>	

**OCCUPANCY PERMIT FOR DECEMBER 2014**

OCCUPANCY PERMIT			
Permit Number	Decision Date	Property Address	Description of Work
14-009	02/12/2014	Lot 5832 (10) Forrest Circle, South Hedland	Seventy Seven (77) Apartments and Storage Rooms
12-370	09/12/2014	Lot 207 (26) Somerset Crescent, Sout Hedland	Nine (9) Multiple Dwellings
14-311	09/12/2014	L45/219 Mining Tenement	Forty Eight (48) Additional Rooms and Verandahs (Temporary OP For Blocks A, B, C)
12-189	11/12/2014	Lot 117 Pinnacles Street, Wedgefield	Workshop and Office
14-022	12/12/2014	Lot 2141 (2-8) Throssell Road, South Hedland (Unit 5)	Shop Fit Out
14-311	23/12/2014	L45/219 Mining Tenement	Forty Eight (48) Additional Rooms and Verandahs
14-025	23/12/2014	Lot 1675 (3) Harwell Way, Wedgefield	Meeting Room
<b>Total 7</b>			

**OVERVIEW SUMMARY FOR DECEMBER 2014**

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
0	Demolitions	\$0	0	\$0.00
8	Dwellings	\$4,280,702	1,817	\$2,355.92
2	Class 10a	\$848,000	35	\$24,228.57
2	Class 10b	\$71,565	0	0
3	Commercial	\$1,739,941	1,425	\$1,221.01
9	Strata - Occupancy	N/A	N/A	N/A
		<b>\$6,940,208</b>	<b>3,277</b>	



## DELEGATED BUILDING APPROVALS FOR JANUARY 2015

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
15-004	19.01.2015	59 TREVALLY ROAD	SOUTH HEDLAND 6722	FLEETWOOD PTY LTD	1 x Single storey dwelling carport shed and fence	\$449,326.00	141	1a 10a & 10b
15-003	20.01.2015	9 PERCH WAY	SOUTH HEDLAND 6722	THOMAS BUILDING	Single storey dwelling with alfresco carport & fencing	\$565,766.00	172	1a 10a & 10b
15-006	21.01.2015	94 BOTTLEBRUSH CRESCENT	SOUTH HEDLAND 6722	CAILLAMBRUYN	Retrospective grouped dwelling	\$80,000.00	91	1a
15-001	16.01.2015	34 SUTHERLAND STREET	PORT HEDLAND 6721	The Government of WA; management order to Department of Child Protection & Family Support	Existing Moorgunya Hostel building - vacant - This Certification is for partial re-roofing and wall bracing to stabilise damaged building only	\$66,663.00	0	5
<b>TOTAL 4</b>						<b>\$1,161,755.00</b>	<b>404</b>	

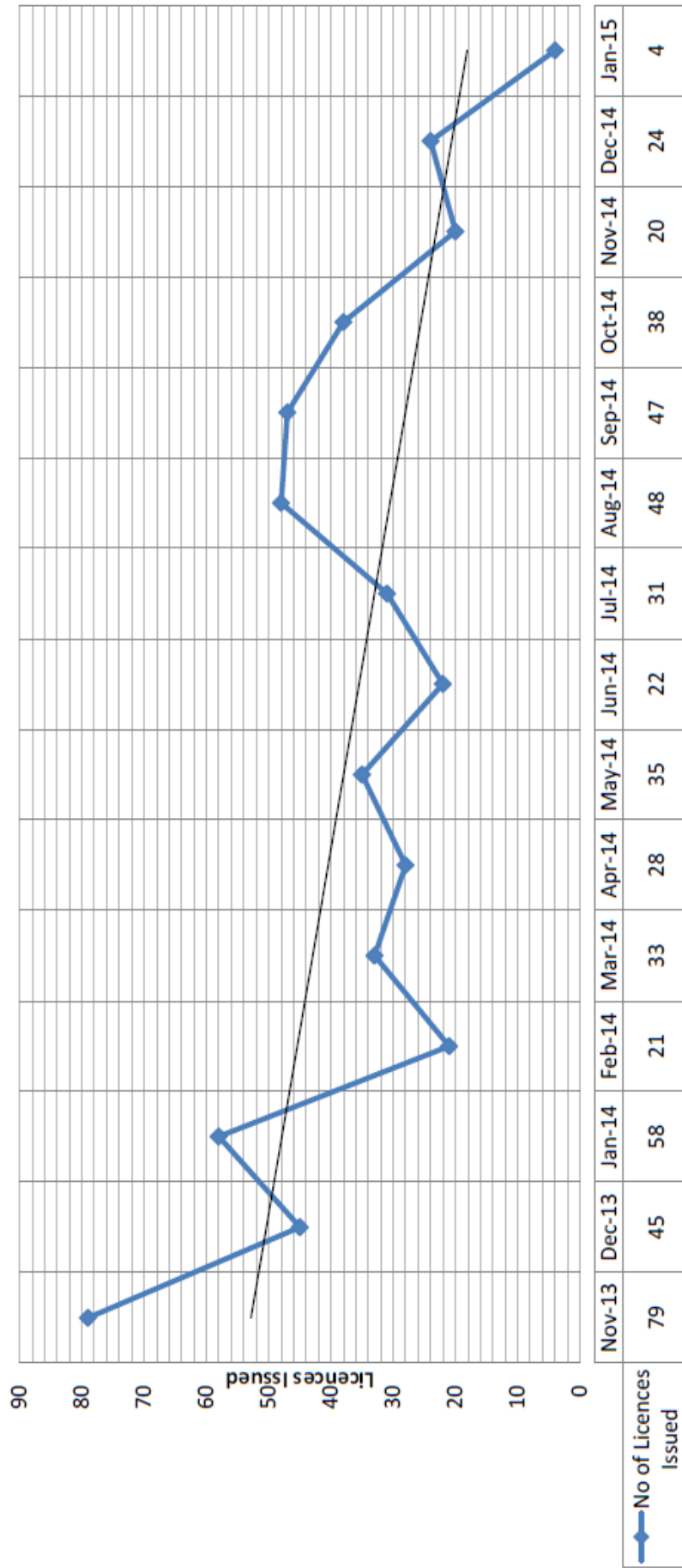
TOWN OF PORT HEDLAND CERTIFICATION	
Certificate Type	Number Issued
Certificate of Design Compliance	2
Certificate of Construction Compliance	1
Certificate Building Compliance	1
<b>TOTAL</b>	<b>4</b>

OCCUPANCY PERMIT			
Permit Number	Decision Date	Property Address	Description of Work
14-383	06.01.2015	3 HARWELL WAY, WEDGEFIELD	Unauthorised Office 2 x Crib rooms & 2 x Ablutions only
14-381	12.01.2015	LOT 115 OXIDE WAY, WEDGEFIELD	Unauthorised showroom
<b>TOTAL 2</b>			

SUMMARY			
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres
0	Demolitions	\$0	0
3	Dwellings	\$1,095,092	404
0	Class 10a	\$0	0
0	Class 10b	\$0	0
1	Commercial	\$66,663	0
	Strata & Occupancy	N/A	N/A
<b>TOTAL</b>		<b>\$1,161,755</b>	<b>404</b>
			<b>Average cost per square metre</b>
			\$0.00
			\$2,710.62
			\$0.00
			\$0.00
			\$0.00
			N/A

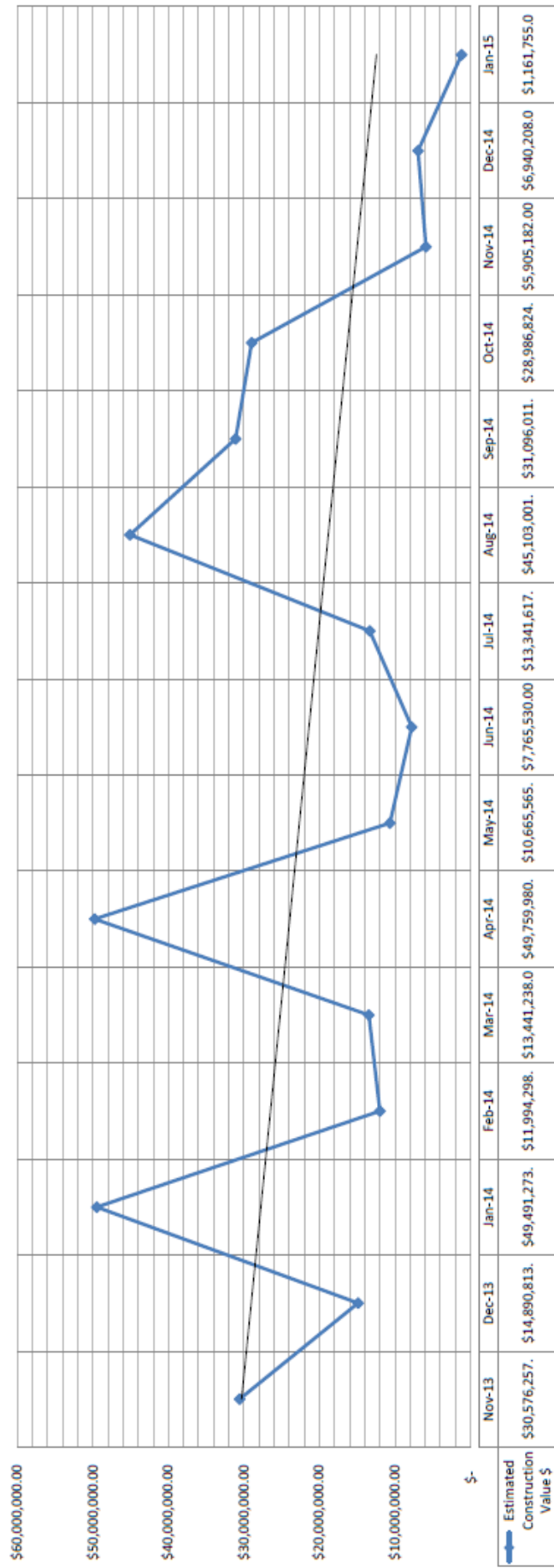
**BUILDING APPROVALS FOR DECEMBER 2014 AND JANUARY 2015**

**Summary & Trendline for Building Licence Approvals**



**BUILDING APPROVALS FOR DECEMBER 2014 AND JANUARY 2015**

**Summary & Trendline of  
Estimated Construction Value of Building Licences Issued**



## CURRENT LEGAL MATTERS FOR JANUARY 2015

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Officer	
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	<p>Handed over to the attorney.</p> <ul style="list-style-type: none"> <li>- 1st Hearing set for Friday 2nd August 2013.</li> <li>- Adjourned until 30th August 2013.</li> <li>- Adjourned until 18th October 2013.</li> <li>- Sentencing scheduled for 22nd November 2013.</li> <li>- Adjourned until 20th Feb 2014.</li> <li>- Sentencing scheduled for the 9th April 2014.</li> <li>- Adjourned until 9th May 2014.</li> <li>- Set down for trial on 2nd December 2014.</li> </ul>	BM
401840C	Lot 841 # 34 Sutherland Street, Port Hedland	Asbestos house dumped on reserve (Old hospital site)	<ul style="list-style-type: none"> <li>First mention on 15th August 2014.</li> <li>- Trial on 11th March 2015</li> </ul>	MS
154413G	Lot 3 # 9-11 Greenfield Street, South Hedland	3 x Sea Containers	<ul style="list-style-type: none"> <li>Prosecution notice to be served on offender.</li> <li>- <b>Reso/Ved</b></li> </ul>	MS
154427G	Lot 16 # 59-61 Greenfield Street, South Hedland	Unauthorised use as a laydown and storage facility	<ul style="list-style-type: none"> <li>Trial allocation date on 16/2/2015</li> </ul>	RS
130510G	Lot 5873 # 17 Schillaman Street, Wedgefield	Unauthorised Development (Illegal Dwelling on Council Land)	<ul style="list-style-type: none"> <li>First mention on 15th August 2014.</li> <li>- Trial on 10th March 2015</li> </ul>	MS
154426G	Lot 15 # (55-57) Greenfield Street, South Hedland	Unauthorised lay down and storage facility	<ul style="list-style-type: none"> <li>Second mention on 8/4/2015</li> </ul>	RS

**12.1.2 Request for Support for Local Planning Scheme  
Amendment – Redbank Locality**

*Note: This item has been withdrawn.*

### 12.1.3 Development Assessment Panels – Panel Nominations

Ryan Del Casale, Strategic Planning Officer  
File No. 18/07/0002

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/169 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR MELVILLE**

**SECONDED: CR HOOPER**

**That Council:**

1. **Nominate the following Elected Members to represent Council on the Development Assessment Panel for a period of two (2) years:**
  - a) **Nominates Mayor Howlett and Cr Jacob as their local Development Assessment Panel representatives; and**
  - b) **Nominates Cr Daccache and Cr Butson as their alternative local Development Assessment Panel Representatives.**
2. **Note that nominations and alternatives will only be reconsidered if the nominated Elected Members do not remain on Council after the October 2015 Local Government Elections.**

***CARRIED 8/0***

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#### EXECUTIVE SUMMARY

The Development Assessment Panels came into operation in Western Australia in July 2011 in order to determine development applications that meet a certain threshold value. With the two (2) year term nearing expiry, Council is requested to either re-nominate or nominate two new members as well as alternative members as representatives on the Development Assessment Panel.

#### DETAILED REPORT

Development Assessment Panels (DAPs) form a key component of planning reform in Western Australia. DAPs are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

DAPs have been established throughout Western Australia to determine development applications which are seven (7) million dollars and over in value, for the total cost of the development. This item has been brought to Council as they are required to elect two (2) elected Local DAP representatives and two (2) alternate Local DAP representatives for a two (2) year term, in accordance with the *Planning & Development Act 2005*.

Since the introduction of DAPs in 2011 Council have nominated two (2) members and two (2) alternative members for consideration by the Minister for Planning on two separate occasions; (1) in June 2011 and in (2) March 2013. On both occasions the nominations were accepted by the Minister for Planning and the representatives were appointed for a period of two (2) years. The members currently nominated by Council are Mayor Howlett and Councillor Jacob. The alternate member is Councillor Daccache.

The term will be for 2 years; provided that the nominated DAP representatives remain on the Council following the October 2015 Local Government Ordinary Elections. Should DAP representatives not remain on the Council after this date, then further nominations will have to be sought accordingly.

### FINANCIAL IMPLICATIONS

Council members would not attract sitting fees as their role on the panel is considered in keeping with their position, any travel and accommodation costs would be borne by the Town.

*Clarification note: As clarified at the Public Agenda Briefing on Wednesday 18 March 2014 Council members would attract sitting fees for sitting on the Development Assessment Panel.*

### STATUTORY AND POLICY IMPLICATIONS

The nominated local members will form part of the DAP, empowered to determine applications for development approval in accordance with the *Planning & Development Act 2005*.

#### *2014-2024 Strategic Community Plan*

The following strategic theme in the Town's adopted Strategic Community Plan is relevant to this item:

#### *4.2 Engage our community and stakeholders*

*"Represent our community and provide transparent and accountable civic leadership" and "Be a powerful voice and influential partner with Federal and State Governments and major industries for the development of Port Hedland".*

### ATTACHMENTS

Nil

29 January 2015



### **12.1.4 Port Hedland Waterfront Place Plan – Outcome from Additional Public Submission Period (31 October to 15 December 2014)**

Graeme Hall, Manager Recreation Services and Facilities  
File No. 18/19/0001

#### **DISCLOSURE OF INTEREST BY OFFICER**

Nil

#### **RECOMMENDATION**

**That Council:**

- 1. Note the comments (Attachments 2 and 3) regarding the draft Waterfront Place Plan received during the additional public comment period (31 October to 15 December 2014)**
- 2. Extend thanks to all community members who participated in the comment process.**

#### **201415/170 AMENDED RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

**That Council:**

- 1. Note the comments (Attachments 2 and 3) regarding the draft Waterfront Place Plan received during the additional public comment period (31 October to 15 December 2014);**
- 2. Note the comments received from BHP Billiton dated 5 December 2014; and**
- 3. Extend thanks to all community members who participated in the comment process.**

***CARRIED 8/0***

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#### **EXECUTIVE SUMMARY**

At the Ordinary Council Meeting held on 27 August 2014, it was resolved that the public comments regarding the Port Hedland Waterfront Place Plan be received. It was recommended as part of the report that there be a further period of four weeks public comment.

The additional public comment period as requested by the Council commenced on 31 October 2014 and closed on 15 December 2014. A copy of the Place Plan document was forwarded to all stakeholders. A community advertisement (Hedland Highlights) and press release were circulated seeking broader public comment.

Two responses were received from the public, these are attached. It is recommended that the two submissions be noted.

### DETAILED REPORT

In September 2013 Council engaged Village Well to prepare a Port Hedland Waterfront Place Plan (Attachment 1). Four workshops were conducted with community members, stakeholders, Town of Port Hedland Executive and Elected Members during March 2014. These workshops were followed by an online survey, distributed in hardcopy and online and available for completion for four weeks.

The Place Plan document clearly outlined that at the time of consultation no specific location for the waterfront development had been determined. The document suggests it may be necessary to undertake additional research once the alternative site study is completed and a location has been endorsed.

The draft Waterfront Place Plan was initially circulated to all stakeholders and workshop attendees for comment and was open for submissions for a period of two weeks, closing 11 July 2014. The comments received were collated and are included as an attachment to the original item. The feedback was presented to the August Council meeting by the then Acting Director Community Development, the Council recommended a further period of public comment

As per Council resolution, the draft Waterfront Plan has been circulated for further public comment between 31 October and 15 December 2014. This additional comment period focused primarily on capturing the thoughts of the broader community. Further to communicating directly with stakeholders the Town also circulated a press release and a public notice in the Hedland Highlights.

Two comments were received as part of this additional comment period. The two responses forwarded to the Town were:

- Port Hedland Foreshore Activation Concept (November 2014) –Prepared and submitted by FORM
- Resident Juanita Manukau-Smith.

These two submissions presented to the Town are included as Attachments 2 and 3.

### FINANCIAL IMPLICATIONS

Nil.

### STATUTORY AND POLICY IMPLICATIONS

The Town of Port Hedland's adopted Community Engagement Strategy was followed throughout the place making process.

Section 1.1 'A unified community across our townships', section 1.2 'A vibrant community rich in diverse cultures' and section 2.2 'A nationally significant gateway city and destination' of the Strategic Community Plan 2014 – 2014 all apply as the Waterfront place plan seeks to provide and support facilities, services and events that connect, attract and retain members of the community to assist in increasing the Town's population together with developing the Town's tourism industry.

The environmental implications of this project are currently minimal. Future development of initiatives associated with the Place Plan will require that consideration will be given to environmental implications.

#### **ATTACHMENTS**

1. Port Hedland Waterfront Place Plan (Village Well – 23 June 2014) (Under Separate Cover)
2. Comments received during the Public Submissions period on the (draft) Port Hedland Waterfront Place Plan (December 2014)
3. FORM Foreshore Development Concept - response to (draft) Port Hedland Waterfront Place Plan (Under Separate Cover)
4. Submission from BHP Billiton (December 2014)

21 January 2015

**ATTACHMENT 2 TO ITEM 12.1.4**

**From:** Juanita Manukau-Smith [REDACTED]  
**Sent:** Wednesday, 19 November 2014 11:11 PM  
**To:** Emily Piribauer  
**Subject:** Draft Waterfront Plan - feedback from a resident

Hello

I've just read the entire draft waterfront plan for Port Hedland and would like to express my congratulations and gratitude to all involved who have brought the plan along to the point it is now. The point about changing the focus of the work from a marina to a waterfront was fantastic. I have to admit that as a resident of 3.5 years my expectations of our town's development was set so low that I would have been happy with absolutely anything extra in Port Hedland. Pickings are slim shall we say.... The item I'm most pleased about outlined in the draft plan is the provision for a safe beach that can be used from morning to evening. It is cruel and unusual that we are unable to jump in the water to cool ourselves down in the hot months of the year due to the dangers lurking at our beaches and water as it is.

As excited and hopeful as I am that the recommendations outlined in the draft will be successfully taken up by various stakeholders in a timely manner, I am disillusioned that despite all the great work demonstrated so far that a LOCATION for the site is still not decided upon. I see that there is still significant value in the work done so far preparing the plan - but to not have a definitive site by this stage of proceedings beggars belief! It feels like smoke and mirrors.

One of the many rumours I've heard about the delay to the development of a marina/waterfront is that BHP has a main role in delaying the progression of this project due to their own commercial priorities. I feel that they truly dictate the quality of our life in Port Hedland and residents are just a captive source of workers only. The imbalance of influence and power in town appears highly skewed in BHP's favour and clearly evident at times like this when the town wants to develop it's infrastructure.

I do not believe that having the waterfront at Cooke Point is a good idea. The roads are too narrow to cope with the increase in the volume of traffic and my perception is that Cooke Point is an elite part of town. Therefore it would not fit the concept of a waterfront for all from all walks of life and backgrounds. Sorry to generalise but there you have it!

I apologise for the many negative points I have made in this feedback but I think it is important that you hear what others are thinking and feeling during this time of potential change.

Yours sincerely

Juanita Manukau-Smith, [REDACTED]

*Juanita Manukau-Smith*

## ATTACHMENT 4 TO ITEM 12.1.4

## Iron Ore



5 December 2014

Mr Mal Osborne  
Chief Executive Officer  
Town of Port Hedland  
Sent via email – [admincd@porthedland.wa.gov.au](mailto:admincd@porthedland.wa.gov.au)  
Cc: [ceo@porthedland.wa.gov.au](mailto:ceo@porthedland.wa.gov.au)

BHP Billiton Iron Ore Pty Ltd  
ABN 48 008 700 981  
125 St Georges Terrace  
Perth WA 6000 Australia  
PO Box 7122 Cloisters Square  
Perth WA 6850 Australia  
Tel +61 8 6321 0000 Fax +61 8 6322 9978  
[bhpbilliton.com](http://bhpbilliton.com)

Dear Mal,

**BHP Billiton Iron Ore additional comment on Draft Port Hedland Place Plan**

Thank you for providing BHP Billiton Iron Ore (BHP Billiton) the opportunity to comment on the draft Port Hedland Waterfront Place Plan (Place Plan). BHP Billiton has previously commented on the initial release of the draft Place Plan and I attach a copy of our previous correspondence dated 11 July 2014.

BHP Billiton's position remains unchanged. We continue to support the Town of Port Hedland's (ToPH's) aspirations for a successful landside and waterside development. The recommendations in the Place Plan are supported by BHP Billiton excluding recommendation 7.1.1(1). In the Executive Summary it is stated the "*recommendations have therefore focused on the general locale of Port Hedland's urban foreshore*", but recommendation 7.1.1(1) and other comments in the Place Plan favour the Spoilbank as the preferred location in comparison to Cooke Point. We continue to believe the best way to make Port Hedland a more attractive place to live is to support a major landside and waterside development at Cooke Point not the Spoilbank.

We support the Town's consultative 'placemaking' approach. However, we understand the placemaking workshops held to date have only been attended by 54 people, with the majority of attendees from recreational boating groups (e.g. the Yacht Club) and elected members and employees of the ToPH. We query if the views of the Port Hedland community including Port users are fully reflected in the workshops held to date.

We look forward to the working collaboratively with the Town and State Government to continue to deliver outcomes that will make Port Hedland an attractive and desirable place to live.

Yours sincerely

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

**Mark Donovan**  
Head of Corporate Affairs  
BHP Billiton Iron Ore

## Iron Ore



11 July 2014

Mr Mal Osborne  
Chief Executive  
Town of Port Hedland  
*Sent via Email – ceo@porthedland.wa.gov.au*

BHP Billiton Iron Ore Pty Ltd  
ABN 46 008 700 981  
125 St Georges Terrace  
Perth WA 6000 Australia  
PO Box 7122 Cloisters Square  
Perth WA 6850 Australia  
Tel +61 8 6321 0000 Fax +61 8 6322 9978  
bhpbilliton.com

Dear Mal

### **BHP Billiton Iron Ore comment on Draft Port Hedland Waterfront Place Plan**

I refer to Caroline Fenton's email of 26 June 2014 to Chris Cottier and Rob Carruthers attaching the draft Place Plan and thank you for the invitation to provide comment. BHP Billiton Iron Ore (BHP Billiton) supports the consultative approach being adopted by the Town of Port Hedland (Town) in setting a vision for the proposed Port Hedland Waterfront development.

The Company has worked collaboratively with the Town over many years to deliver community infrastructure to improve the liveability of Port Hedland. Our operations in the Port are anticipated to continue for the next hundred years or more, and we are committed to continuing to support the Port Hedland community in the long term.

The Company's interest is to ensure the location and land use mix of the proposed Waterfront development is based on orderly and proper planning principles.

Our concern remains the potential for long term land use conflict in the West End between residential and the operation of the world's largest bulk export port, and the threat this conflict poses to the primacy of the port and BHP Billiton's operations. Consistent with the Government's Dust & Noise Taskforce recommendations we will continue to oppose permanent residential development on the Spoilbank and old Hospital site.

We believe Cooke Point is to be preferred as the location for a waterfront and landside development that contains permanent residential development. We hold a first right of refusal over the former Detention Centre site, which the Commonwealth is considering to dispose of. We believe this site could form a central component of the landside development necessary to support the proposed Port Hedland Waterfront development.

Kind regards

A handwritten signature in blue ink, appearing to read 'Mark Donovan', with a long horizontal flourish extending to the right.

**Mark Donovan**

Head of Corporate Affairs  
BHP Billiton Iron Ore

A member of the BHP Billiton Group, which is headquartered in Australia  
Registered Office: 171 Collins Street, Melbourne, Victoria 3000, Australia  
ABN 49 004 028 077

**12.2 Works and Services****12.2.1 Award of Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction**

Steven Ly, Project Officer  
File No. 28/16/0016

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**RECOMMENDATION**

That Council award Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction to WBHO Civil Pty Ltd for the lump sum price of \$\_\_\_\_\_ (plus GST) to deliver the scope of works as identified in the tender documentation for Option B.

**201415/171 COUNCIL DECISION**

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

That Council

- 1. Award Request for Tender 14-20 Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction to WBHO Civil Pty Ltd for the lump sum price of \$685,521.00 (plus GST) to deliver the scope of works as identified in the tender documentation for Option B; and**
- 2. Request the Chief Executive Officer to facilitate meetings with the Port Hedland Chamber of Commerce and Industry and South Hedland Business Association to help prepare local businesses to do business with the Town of Port Hedland.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide a summary of the assessment of submissions received for Request for Tender (RFT) 14-20 Port Hedland LIA McKay Street Drainage Construction and to award the contract.

**DETAILED REPORT**

The Port Hedland Light Industrial Area (LIA) consists of McKay, Stocker, Hardie, Stanwell and Darlot Streets in Port Hedland. Stormwater in the precinct is currently drained using a series of open channels within the road reserves.

GHD has prepared a design to upgrade the drainage in the Port Hedland LIA in an effort to better manage drainage and provide additional space for roadside parking in the area. The upgrade involves the supply and installation of box culverts to replace some of the existing open drains and the installation of new mountable kerbs, kerb breaks and rock pitching.

The proposed drainage network will have sufficient hydraulic capacity to contain the average annual peak flood (1-year average recurrence interval - ARI). Larger storm events will be conveyed via flooding of the road reserve. Flood levels and management in the precinct are restricted by flat grades and outfall conditions.

The scope of works requires the Contractor to:

- Set up a traffic management plan and approvals to maintain an open (partial) thoroughfare for the duration of works by traffic management devices and labour;
- Supply and delivery of box culverts;
- Provide full service location and pothole as necessary to identify services within the area;
- Set up a laydown area and site security for the period of works as necessary;
- Removal and disposal of vegetation, disposal of debris and other deleterious material;
- Setting out and construction of box culverts, headwalls, rock protection, kerb-break, mountable kerb; and
- Fully reinstate the site and leave the works in a neat and tidy condition.

RFT 14-20 was advertised on 22 November 2014. An optional tender briefing and site inspection was held on 3 December 2014 and was attended by 5 (five) potential contractors. RFT 14-20 submission deadline was 17 December 2014, with six (6) submissions received from the following companies, most of which attended the site inspection:

- Ahrens Group Design & Construction WA;
- BGC Contracting Pty Ltd;
- DeGrey Civil Pty Ltd;
- Australian Civils Pty Ltd;
- WBHO Civil Pty Ltd; and
- Marapikirinya Contracting Pty Ltd & Ultimate Drainage Pty Ltd Joint Venture.

One tenderer, Downer EDI Engineering Power Pty Ltd attempted to submit outside the deadline by emailing the submission after the closing time. The reason given by Downer EDI for the late submission was an issue with Tenderlink. This, however, was clarified otherwise by Tenderlink. This tender submission was not considered.

All six (6) submissions were deemed compliant and assessed against the advertised evaluation criteria: price, relevant experience, resources and demonstrated understanding, by the tender assessment panel.



The tenderers were invited to submit the tender price for two (2) options:

- Option A: The proposed drainage system will be installed on McKay Street from Anderson to Stocker Street intersection. This option involves laying new culverts through existing vehicle crossings which may impact on the affected businesses.
- Option B (recommended): The proposed drainage system will be extended up to the Horizon Power vehicle crossover at lot 2463 McKay Street. In this option, the proposed culvert sizes will be reduced to match up with the existing culverts at existing crossovers. This option is recommended as it would minimise the risk of damaging two (2) heavy commercial vehicle crossings and minimise the impacts on the businesses on McKay Street. This option will deliver a greater amount of drainage improvements.

Confidential attachment 1 & 2 shows the price schedules for the two (2) options submitted by all tenderers.

The following table provides a summary of the assessment results of the option B (recommended option).

Tenderer / Assessment Criteria	Price (50%)	Relevant Experience (15%)	Resources (10%)	Demonstrated Understanding (25%)	Total Score (100%)
Ahrens Group Design & Construction WA	38.28	10.70	6.20	19.17	<b>74.34</b>
DeGrey Civil Pty Ltd	34.98	8.70	5.13	11.46	<b>60.27</b>
WBHO Civil Pty Ltd	41.14	11.20	6.73	20.21	<b>79.28</b>
BGC Contracting Pty Ltd	49.63	8.20	4.87	13.13	<b>75.82</b>
Australian Civils Pty Ltd	38.60	10.30	6.20	13.33	<b>68.43</b>
Marapikirryna Contracting Pty Ltd & Ultimate Drainage Pty Ltd Joint Venture	50.00	8.80	5.37	13.75	<b>77.92</b>

#### *Price Assessment*

All submissions were assessed after applying the Regional Price Preference Policy applicable to construction projects. This provides a price reduction of 5% of the applicable value up to a maximum of \$50,000 based on evidence provided in the tender submission. One submission was from a local contractor (DeGrey Civil Pty Ltd), while others demonstrated the use of local subcontractors and suppliers. All submissions were within the estimated value of the work; however there was a variance of approximately \$230,000 between the highest and lowest prices submitted. In addition, the submissions were reviewed for consistency and clarification.

*Relevant Experience Assessment*

All the tenderers demonstrated a high level of experience in civil works and are capable of undertaking this project. DeGrey Civil Pty Ltd provided very little information regarding their previous project experience so they did not obtain a high score in this section. The tender documents from WBHO Civil Pty Ltd, Ahrens Pty Ltd and Australian Civils Pty Ltd demonstrated a good list of projects detailing past performance delivering similar works as well as experience in Port Hedland and/or the Pilbara area.

Ultimate Drainage Pty Ltd demonstrated a high level of experience in civil works but most of their completed projects are within Perth regions. Marapikurrinya Contracting Pty Ltd (local contractor – Joint venture with Ultimate Drainage for this tender submission) did not provide any information about their completed projects.

*Resources Assessment*

Most tenderers provided key personnel with curriculum vitae demonstrating qualifications and experience. DeGrey Civil Pty Ltd did not provide sufficient information regarding their personnel's experience or roles in the contract, while Australian Civil and WBHO provided a very professional submission detailing the nominated personnel for this project with a good plant and sub-contractor list. Ahrens and Ultimate Drainage Pty Ltd also provided their resources, personnel information but did not nominate particular resources for this project. Marapikurrinya Contracting Pty Ltd did not provide any information about personnel and plant.

*Demonstrated Understanding Assessment*

Representatives from most tenderers attended the tender briefing and site inspection on 3 December 2014 except Australian Civil and Ultimate Drainage Joint Venture. Ahrens Pty Ltd and WBHO Civil Pty Ltd demonstrated an excellent level of understanding of the complexities of the project, including liaising with affected businesses, construction methodology, safety management, locating service utilities and traffic management.

BGC Contracting Pty Ltd and DeGrey Civil Pty Ltd provided comprehensive work schedules, however their assumptions and considerations are not consistent with the project requirements.

*Performance Assessment Score*

Considering the performance score (without the price score which is affected by the assumptions & considerations in pricing exercises), WBHO Civil Pty Ltd and Ahrens Pty Ltd have the highest scores of 38.14 & 36.07 respectively.

DeGrey Civil Pty Ltd obtained the lowest performance score with only 25.29.

*Recommendation*

The officers' recommendation is to award the Request for Tender 14-20: Port Hedland Light Industrial Area (LIA) McKay Street Drainage Construction to WBHO Civil Pty Ltd for Option B. They obtained the highest score in the tender assessment and demonstrated an excellent methodology on how the project will be delivered whilst ensuring the safety and minimising interruption levels of the affected businesses. The assessment panel are confident that WBHO Civil Pty Ltd offers the best value for money.

**FINANCIAL IMPLICATIONS**

The 2014/15 budget for the Port Hedland Light Industrial Area (LIA) project is \$734,945.00 (GL1201495). The contract award recommendation is within this value.

Description	Value (ex GST)
2014/15 Budget – GL 1201495	\$734,945.00
Expenditure – Tender Advertisement & Survey	\$2,856.62
Contract 14-20	\$685,521.36
Project Management Fee: ToPH	\$15,000.00
Anticipated Budget Remaining at Conclusion of Project	\$31,567.02

**STATUTORY AND 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 14-20 was conducted in accordance with these regulations, the Town's Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016.

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).

Section 3.1 sustainable services and infrastructure of the Strategic Community Plan 2014 – 2024 applies as the Town is ensure that our infrastructure is developed and maintained to ensure long-term sustainability.

**ATTACHMENTS**

1. Confidential - Price submission schedules for option B (Under Separate Cover)
2. Confidential - Price submission schedules for option A (Under Separate Cover)
3. Confidential - Summary of the assessment results for option A (Under Separate Cover)

06 February 2015

**12.3 Corporate Services****12.3.1 Request to Licence – CLA Trading Pty Ltd (a Europcar licensee)**

Jessica Melia, Leasing Officer  
File No. 05/05/0078

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/172 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR HUNT**

**SECONDED: CR JACOB**

That Council approve the disposal of a portion of Port Hedland International Airport by way of a licence to CLA Trading Pty Ltd (a Europcar licensee) in accordance with Section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions:

- a) Initial term of 12 months;
- b) Option to extend for 3 x (1) year periods;
- c) Annual license fee \$10,536.55 exclusive of GST;
- d) Annual increase to the base rental by the Consumer Price Index (Perth) for the quarterly (12 month) figure, published in the immediate preceding period to the review date; and
- e) For the permitted purpose of parking motor vehicles.

Subject to no submissions being received during the requisite advertising period.

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

CLA Trading Pty Ltd (Europcar) have requested the Town of Port Hedland (Town) consider entering into a contractual agreement for the occupation of five car parking bays located in the Long Term Parking area at Port Hedland International Airport (PHIA) for the purposes of facilitating vehicle hire from the airport.

**DETAILED REPORT**

The airport precinct currently provides two options that are available for car hire companies to park motor vehicles. These areas include the Hire Car Parking area within the formalised car park and the temporary Over Flow Parking area located next to the airport maintenance depot.

Europcar currently have existing agreements for a Terminal Booth space and three car park bays in the Hire Car Parking area at the airport.

Europcar have previously facilitated vehicle hire operations between the Over Flow Parking area and the Hire Car Parking area within the airport precinct. In February 2014 the lease agreement for the occupation of the Over Flow Parking area expired. This arrangement has been in place since March 2012. Europcar continued to utilise this space for vehicle storage under the existing terms and conditions of the expired lease.

In November 2014 Europcar approached Officers of the Town, requesting the termination of this arrangement due to the constraints of transporting vehicles between the Hire Car Parking area and Over Flow Parking area. Europcar have advised the Town that they no longer require this area for operations.

#### *Use of Long Term Car Park*

It has been identified that the Long Term Car Park is currently underutilised and consistently has approximately half of the 543 bays available for use at any one time.

At the Ordinary Council Meeting held on 26 November 2014 Council resolved the following;

*“That Council approve the disposal of a portion of Port Hedland International Airport by way of a license to Sime Darby Fleet Services Pty Ltd in accordance with Section 3.58 (3) of the Local Government Act 1995 on the following terms and conditions:*

- a) Initial term of 12 months;*
- b) Option to extend for 3 x (1) year periods;*
- c) Annual license fee \$12,643.84 exclusive of GST;*
- d) Annual increase to the base rental by the Consumer Price Index (Perth) for the quarterly (12 month) figure, published in the immediate preceding period to the review date; and*
- e) For the permitted purposes parking motor vehicles.”*

In accordance with the above, the Town has offered the Long Term Parking area as an alternative parking location to the hire car companies on the same terms and conditions as the existing parking agreements.

Subsequently Europcar have identified the Long Term Car Park area as a suitable location for vehicle storage and have requested the use of five car parking bays in this space.

It is further anticipated that the use of this area will become necessary as part of the overall staging works for the redevelopment program in order to accommodate the current parking areas within the over flow parking area which is planned for redevelopment as part of the Logistics Subdivision area.

It is proposed that the additional five bays as requested by Europcar be approved for occupation. This parking arrangement will be managed by way of a unique access code inputted into a keypad on the exit boom gate. Use of this code will only be permissible by employees of Europcar.

Should Council resolve to proceed with the consideration of these additional five parking spaces, this will pose an opportunity for the existing hire car operators to increase their hire car parking bay allocations within the airport precinct.

In consideration of the above the Officer recommends that Council proceed with formalising the associated contractual arrangement with Europcar as this would see optimum use of the Long Term Car Park, provide operational assistance to Europcar and see a continuation of a revenue stream to the Town.

Should Council agree to dispose of a portion of Port Hedland International Airport for the licence of five car park bays the disposal would be locally advertised for public comment for a requisite period of two weeks. Should no submissions be received within the requisite advertising period a licence agreement will be offered to Europcar on the following terms:

- Initial term of 12 months; and
- Option to extend for 3 x (1) year periods; and
- Annual license fee \$10,536.55 exclusive of GST; and
- Annual increase to the base rental by the Consumer Price Index (Perth) for the quarterly (12 month) figure, published in the immediate preceding period to the review date; and
- For the permitted purposes parking motor vehicles.

## FINANCIAL IMPLICATIONS

### *Over flow Parking area*

The termination of the Over Flow lease agreement with Europcar in November 2014 resulted in a reduction to the airport lease fee revenue account by \$3,677.10 excluding GST for the remainder of the 2014/15 financial year. Equivalent to \$6,303.60 per annum.

Should Council proceed will the Officer's Recommendation and enter into a new arrangement with Europcar for the occupation of car parking bays in the Long Term Car Parking area the following budget implications will apply.

Europcar would be liable to pay for five of the car parking bays in the Long Term Parking area. This would see an additional \$10,536.55 per annum exclusive of GST.

Over the initial 3 year term, this would see an amount of \$ 31,609.65 attributed to the airport licence revenue account.

In addition to the above, In accordance with the Town's standard practice all Lessees are required to pay for the legal costs associated with the preparation of the relevant agreement documentation and \$ 308.18 excluding GST for a Leasing Administration fee.

**STATUTORY AND POLICY IMPLICATIONS**

In accordance with Section 3.58 of the Local Government Act *Disposing of Property*, Officer's will be required to locally advertise the proposed disposition by way of public notice for a period of two weeks. Should no public submissions be received during the requisite advertising period officers will formalise the disposal by way of a variation to the existing lease document.

This item addresses objectives of the Strategic Community Plan by maximizing the business and investment opportunities out of Town of Port Hedland assets.

**ATTACHMENTS**

Nil

12 January 2015

### 12.3.2 Statement of Financial Activity for the period ended 30 November 2014

Laura Delaney, Management Accountant Financial Reporting  
File No. 12/14/0003

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/173 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR JACOB**

**SECONDED: CR DACCACHE**

**That Council:**

1. **Receive the Statement of Financial Activity (and supporting information) for the period ended 30 November 2014;**
2. **Note that due to Council not holding an Ordinary Council Meeting in the month of January 2015 the November 2014 Statement of Financial Activity (and supporting information) is being presented to Council outside of the statutory requirement being within 2 months after the end of the month to which the statement relates, Regulation 34 of the *Local Government (Financial Management) Regulations 1996*; and**
3. **Note the accounts paid during November 2014 under delegated authority.**

**CARRIED 8/0**

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#### EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 30 November 2014.

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

#### DETAILED REPORT

The Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2014/15 Annual Budget. The operating section of the Statement of Financial Activity is shown by program in accordance with Regulation 34 (3) (b) of the Local Government (Financial Management) Regulations 1996.

The following comments are provided on the variance analysis between year to date actuals and year to date budget in the Statement of Financial Activity:



Account Description	YTD Variance	Comment
Operating Revenue – General Purpose Income	101%	Rate Revenue totaling \$25.904m has been raised in the period July – November 2014.
Operating Expenditure - Governance	369%	Activity based costing journals (administration costs distributed) have been completed in the month of December. This journal distributes corporate overheads across business units.
Operating Expenditure – Economic Services	-83%	Proceeds from the Kingsford Smith Business Park will be transferred from the Municipal Fund to the Airport as the sales of the lots progress.
Non-Cash Items: Depreciation	-100%	Depreciation for Plant will be run prior to the December financials being presented, however the remaining asset categories will not have depreciation run until the end of the financial year due to the requirements associated with fair value for 2014/15.
Non-Cash Items: (Profit) / Loss on Disposal of Assets	-100%	Disposals will be processed following the finalization of the Plant Replacement Program.
Non-Cash Items: Movement in Deferred Debtors (Rates)	-100%	Movement in Deferred Debtors (Rates) will be reconciled at the end of the financial year.
Non-Cash Items: Contributed Assets - Grants and Contributions Capital	-100%	\$1.75m Contributed Asset related to GP Housing Stage 2.
Capital: Acquisition of Infrastructure, Property, Plant and Equipment	-69%	Major capital project expenditure includes the South Hedland Skate Park, Hamilton Road, Yandeyarra Road, Kevin Scott Oval Cricket Net Upgrades, Kerbing Construction and Bus Parking. Total capital expenditure for the period July – November 2014 totals \$7.36m.
Capital: Proceeds from Disposal of Assets	-100%	There have been no proceeds from the sale of land for the period July – November 2014.
Capital: Capital Grants and Contributions for the Development of Assets	-81%	Grant payments totaling \$523.86k have been received in the period July – November 2014.
New Loan Borrowings	-100%	No loan funds have been drawn down. Loan funds relate to capital projects being the Civic Centre Upgrade, Catamore Court Subdivision, Floodwater Pump Refurbishment and JD Hardie Land Acquisition. A report will be presented to Council regarding

		loan refinancing through the use of the Strategic Reserve.
Proceeds from Self Supporting Loans	-83%	Proceeds from Self Supporting Loans totaling \$23.44k have been received in the period July – November 2014. Further proceeds have been received in January 2015.
Transfers to/from Reserves	-100%	Total Reserves as at 30 November amount to \$67.132m. No reserve transfers have been completed in the period July – November 2014. Reserve transfers have been completed in the month of December.
Transfers from Unspent Grants	-100%	Unspent Grants will be reconciled at the end of the financial year.
Transfers from Unspent Loans	-100%	Unspent Loans will be reconciled at the end of the financial year.

The net current asset position as at 30 November 2014 is \$21.524m. This balance is expected to decline significantly across the course of the year, as projects are delivered, and operational budgets are expended.

The unrestricted cash position as at 30 November 2014 is \$16.161m. This is calculated as follows:

	2014/15 Actual
Current Assets: Cash and Investments	\$86,715
Restricted Cash – Reserves	(\$67,132)
Restricted Cash – Unspent Grants	(\$2,614)
Restricted Cash – Unspent Loans	(\$808)
Unrestricted Cash Position as at 30 November 2014	\$16,161

## FINANCIAL IMPLICATIONS

The Statement of Financial Activity includes an actual municipal surplus carried forward of \$817k. The surplus is attributable to a number of capital projects that have been carried-over from the 13/14 financial year. These projects were considered by Council at the September 2014 Ordinary Council Meeting (OCM), with a funding requirement of \$655k from the municipal surplus carried forward. The carried forward surplus in the Amended Budget – Carryovers (Sep OMC) column has been adjusted accordingly.

The projected municipal surplus as at 30 June 2015 following the September Quarterly Budget Review (QBR) is \$1.932m. This is comparative with the original budget forecast of \$1.802m, as budget adjustments arising from the 2013/14 carryovers and the September QBR have resulted in a reduction in net current assets in 2014/15 of \$741k, which has been offset by an increased actual municipal surplus carried forward of \$817k compared to a 2014/15 budget amount of (\$54k).

The following reconciliation is provided:	000's
Budget Municipal Surplus Brought Forward 30 June 2015	\$1,802
Change in Net Current Assets arising from 2013/14 Carryovers	(\$655)
Change in Net Current Assets arising from September QBR	(\$86)
Municipal Surplus Carried Forward 1 July 2014 – Budget	\$54
Municipal Surplus Carried Forward 1 July 2014 – Actual	\$817
Amended Budget Municipal Surplus Brought Forward 30 June 2015	\$1,932

### STATUTORY AND POLICY IMPLICATIONS

The Town prepares a monthly Statement 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.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a monthly Statement of Financial Activity.

The monthly Statement of Financial Activity is to be presented to the Council at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates. As there was no Ordinary Council Meeting in the month of January 2015, the November 2014 Statement of Financial Activity (and supporting information) is presented to Council outside of this statutory requirement.

Where the month coincides with QBR reporting (September, December, March) the Statement of Financial Activity will be incorporated in the QBR document.

The Town has a current resolution arising out of the adoption of the 2014/15 budget, requiring that only material budget variations be reported through to Council. Materiality being established at the lesser of 10% of the amended program budget or \$100,000 for each of the categories of Operating Revenue; Operating Expenditure; Non-Operating Revenue; and Non-Operating Expenditure. Officers presented all proposed budget variations, together with Management comment on variations to the November OCM as part of the September QBR.

Note, the Statement of Financial Activity includes three budget columns; the adopted 2014/15 Budget, the Amended 2014/15 Budget arising from the Schedule of Budget Carryovers presented to Council at the September OCM, and the Amended 2014/15 Budget arising from the September QBR. The change in budgeted net current assets as at 30 June 2015 (the last row on the Statement of Financial Activity) reconciles to the Schedule of Budget Variations.

### ATTACHMENTS

1. Statement of Financial Activity for the Period Ended 30 November 2014 (Under Separate Cover)

2. Accounts paid under delegated authority for the month of November 2014  
(Under Separate Cover)

15 January 2015

### 12.3.3 2014/15 Quarterly Budget Review and Statement of Financial Activity for the period ended 31 December 2014

Laura Delaney, Management Accountant Financial Reporting  
File No. 12/14/0003

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### RECOMMENDATION

That Council:

1. Note the Audit & Finance Committee decision on Wednesday 18 February 2015;
2. Receive the 2014/15 Quarterly Budget Review and Statement of Financial Activity (and supporting information) for the period ended 31 December 2014;
3. Note the accounts paid during December 2014 under delegated authority;
4. Adopt the 2014/15 December Quarterly Budget Review and amend the 2014/15 Budget as per the Schedule of Budget Variations, resulting in a unfavourable change in projected net current assets of \$324,961 as at 30 June 2015;
5. Resolve to establish a Reserve Account under s6.11 of the *Local Government Act 1995* titled 'Unspent Grants & Contributions Reserve' with a purpose of restricting unspent grants and contributions at the end of the financial year;
6. Resolve to transfer \$209,461, being additional interim rate revenue received, into the Strategic Reserve for the purpose of retiring debt and debt consolidation, as well as funding strategic projects identified in the Community and Corporate Plans, but not yet funded in the 2014/15 budget.

#### 201415/174 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR JACOB

That Council:

1. Note the Audit & Finance Committee decision on Wednesday 18 February 2015;
2. Receive the 2014/15 Quarterly Budget Review and Statement of Financial Activity (and supporting information) for the period ended 31 December 2014;

3. Note the accounts paid during December 2014 under delegated authority;
4. Adopt the 2014/15 December Quarterly Budget Review and amend the 2014/15 Budget as per the Schedule of Budget Variations, resulting in a unfavourable change in projected net current assets of \$324,961 as at 30 June 2015;
5. Resolve to establish a Reserve Account under s6.11 of the *Local Government Act 1995* titled 'Unspent Grants & Contributions Reserve' with a purpose of restricting unspent grants and contributions at the end of the financial year;
6. Resolve to transfer \$209,461, being additional interim rate revenue received, into the Strategic Reserve for the purpose of retiring debt and debt consolidation, as well as funding strategic projects identified in the Community and Corporate Plans, but not yet funded in the 2014/15 budget; and
7. Authorise the \$300,000 community project fund to be indicatively allocated as follows:
  - Wedgefield Entry Statement \$20,000
  - Caravan Route Signage/Port Hedland Boundary Signs \$60,000
  - Pretty Pool Beach Fencing Upgrade and Additions \$25,000
  - CBD Street Banners \$40,000
  - South Hedland Youth Space \$50,000
  - Cemetery Upgrade (Partnering with 'Friends of the Cemetery') \$35,000
  - Reconciliation Action Plan \$60,000
  - Visitor Information Touch Screen (PHIA) \$10,000

**CARRIED BY ABSOLUTE MAJORITY 8/0**

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## EXECUTIVE SUMMARY

This report presents the December Quarterly Budget Review for the 2014/15 Budget, including the Statement of Financial Activity for the period ended 31 December 2014. A number of budget variations are proposed as part of this review, which results in an unfavourable change in projected net current assets of \$324,961 as at 30 June 2015.

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

This item is being presented at the Audit & Finance Committee meeting being held on Wednesday 18 February 2015 at 12pm. Should the committee change the recommendation an amended recommendation will be provided to the Council.

## DETAILED REPORT

The December Quarterly Budget Review (QBR) for the 2014/15 Budget includes a number of significant variations.

In discussing proposed amendments in the commentary below, recommended budget variations are categorised as either *Favourable (F)*; *Unfavourable (U)*; or *Contra (C)*. This status relates to their impact on the net current asset position. As an example, a project that is fully funded by Grants or Reserves would generally be a Contra entry – that is, it will have a nil impact on net current assets as the expenditure is fully supported by specific source funding. The balance of net current assets is a key indicator of the Town's ability to meet its debts and obligations as and when they fall due, and its financial flexibility in responding to opportunities, such as dollar for dollar grants, as and when required.

Major variations arising as part of the December QBR include:

Municipal Fund:

- A budget increase of approximately \$209k in interim rate revenue to be transferred to the Strategic Reserve – C
- A reduction of approximately \$62k due to a change in categorisation of A117920 Cooke Point Holiday Park from GRV Mass Accommodation to GRV Tourism Accommodation which has resulted in a credit applied against the rate assessment (201415/106 Recommendation/Council Decision) - U
- A budget increase of \$32k for BHP approved projects: Australia Day and Welcome to Hedland. The corresponding expenditure had already been captured within the original budget – F
- A contra budget adjustment of \$600k from the Developer Contributions Reserve for landscaping for Stage 2A of the South Hedland Town Centre development – C
- A contra adjustment of \$5.047m as the Civic Centre Building Refurbishment loan will not be drawn down this financial year – C
- A \$453k unfavourable impact on the budget as the Civic Centre Building Refurbishment loan will not be drawn down this financial year however there is anticipated expenditure to be incurred - U
- A reduction of \$231k in loan interest and principal associated with the Civic Centre Building Refurbishment loan – F
- A budget increase of \$40k in recruitment costs due to staff turnover resulting in additional recruitment costs, including three new senior staff being the Director of Corporate Services, Director of Works & Services and the General Manager of the Airport – U
- A budget increase of \$110k for the works associated with the erosion at Goode Street – U
- A budget of \$300k for community projects to be work shopped and prioritised by Council in the month of February 2015 - U
- A budget increase of \$50k based on the revenue received year to date for Swimming Pool Inspection Levies – F
- A budget increase of \$50k based on the revenue received year to date for Permits Uncertified – F
- A budget has been established of \$100k for the Verge-Clean Up Program in South Hedland and Port Hedland - U
- A budget has been established of \$10k for the costs associated with the attendance of the CEO, Director of Community & Development Services and the Manager of Development Services attending meetings in Perth for the Dust Taskforce Committee – U

- A budget has been established of \$35k for the purchase of a fleet management system which will provide high level reporting on whole of life plant costs, plant replacement program, FBT reporting, diesel fuel tax rebate and maintenance scheduling reporting. This is a contra adjustment with Public Works Overhead – C
- A budget has been established of \$20k for OHS Management to provide for the implementation of safety systems in the public works area. This is a contra adjustment with Public Works Overhead – C

Airport Fund:

- New loan borrowings of approximately \$4.726m for the 2.3MWp Solar Farm which will be restricted in the Airport Reserve – C

Note that both the Waste and Airport Funds are wholly Reserve funded and do not impact on Municipal unrestricted cash, therefore all proposed budget amendments are *Contra* (C) movements. The '*Commentary for Council*' and '*Movement*' of each proposed budget variation (Refer Attachment: December Budget Review – Detailed) provides an indication as to whether it represents a *Favourable* (F) or *Unfavourable* (U) movement.

A complete listing of proposed budget amendments, together with management commentary is included in the attachments to this report.

It is recommended that an additional amount of approximately \$209k in interim rate revenue received in 2014/15 be restricted for the purpose of retiring debt and debt consolidation, as well as fund strategic projects identified in the Community and Corporate Plans, but not yet funded in the 2014/15 budget. As Elected Members will recall, the original 2014/15 Budget did not include any forecasts for interim rate revenue as this generally cannot be accurately estimated due to the uncertain nature of growth in the Town's rate base. This is a conservative approach, but does eliminate budget risk due to an over-estimation of interim rate revenue for example, as has occurred in prior financial years. In the September QBR a budget of \$2m was adopted for interim rate revenue with \$1m of this being restricted in the Strategic Reserve.

Section 6.34 of the *Local Government Act 1995* places a limit on revenue that local governments can raise from general rates, effectively meaning that local governments cannot adopt a surplus budget of more than 10% of the total rate yield. The Rate Setting Statement in the 2014/15 Original Budget identifies total rates levied of \$23.685m and net current assets of \$1.802m as at 30 June 2015 (the Municipal Surplus). Applying the provisions of s6.34, the Town cannot exceed a net current asset position of \$2.3685m as at 30 June 2015.

It is the Officer's recommendation that any surplus revenue be placed under restriction (i.e. transferred to Reserve) providing an opportunity for the Council to deliver further on Community Strategic Plan priorities. It is thus recommended that Council resolve to transfer the additional \$209k in interim rate revenue to the Strategic Reserve for the purpose outlined above.



The Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2014/15 Annual Budget. The operating section of the Statement of Financial Activity is shown by program in accordance with Regulation 34 (3)(b) of the *Local Government (Financial Management) Regulations 1996*.

The following commentary is provided on variances between year to date actuals and year to date budget for the period ended 31 December 2014:

Account Description	YTD Variance	Comment
Operating Revenue – General Purpose Income	77%	Rate Revenue totaling \$25.828m has been raised in the period July – December 2014.
Operating Expenditure – Economic Services	-82%	Proceeds from the Kingsford Smith Business Park will be transferred from the Municipal Fund to the Airport as the sales of the lots progress.
Non-Cash Items: Depreciation	-100%	Depreciation will not be run until the end of the financial year due to the requirements associated with fair value for 2014/15.
Non-Cash Items: (Profit )/ Loss on Disposal of Assets	-100%	Disposals will be processed following the finalisation of the Plant Replacement Program.
Non-Cash Items: Movement in Deferred Debtors (Rates)	-100%	Movement in Deferred Debtors (Rates) will be reconciled at the end of the financial year.
Non-Cash Items: Contributed Assets - Grants and Contributions Capital	-100%	\$1.75m Contributed Asset related to GP Housing Stage 2.
Capital: Proceeds from Disposal of Assets	-99%	Proceeds from the Disposal of Assets totaling \$30.5k has been received in the period July – December 2014.
New Loan Borrowings	-100%	No loan funds have been drawn down. Loan funds relate to capital projects being the Civic Centre Upgrade, Catamore Court Subdivision, Floodwater Pump Refurbishment and JD Hardie Land Acquisition. A report will be presented to Council regarding loan refinancing through the use of the Strategic Reserve.
Proceeds from Self Supporting Loans	-84%	Proceeds from Self Supporting Loans totaling \$26.73k have been received in the period July – December 2014. Further proceeds have been received in January 2015.

Transfers from Unspent Grants	-100%	Unspent Grants will be reconciled at the end of the financial year.
Transfers from Unspent Loans	-100%	Unspent Loans will be reconciled at the end of the financial year.

The net current asset position as at 31 December 2014 is \$19.056m. This balance is expected to decline significantly across the course of the year, as projects are delivered, and operational budgets are expended.

The unrestricted cash position as at 31 December 2014 is \$14.963m. This is calculated as follows:

	2014/15 Actual
Current Assets: Cash and Investments	\$85,068
Restricted Cash – Reserves	(\$66,683)
Restricted Cash – Unspent Grants	(\$2,614)
Restricted Cash – Unspent Loans	(\$808)
Unrestricted Cash Position as at 30 November 2014	\$14,963

### FINANCIAL IMPLICATIONS

The Statement of Financial Activity includes an actual municipal surplus carried forward of \$817k. The surplus is attributable to a number of capital projects that have been carried-over from the 13/14 financial year. These projects were considered by Council at the September 2014 Ordinary Council Meeting (OCM), with a funding requirement of \$655k from the municipal surplus carried forward. The carried forward surplus in the Amended Budget – Carryovers (Sep OCM) column has been adjusted accordingly.

The projected municipal surplus as at 30 June 2015 following the December QBR is \$1.532m. This is comparative with the original budget forecast of \$1.802m, as budget adjustments arising from the 2013/14 carryovers, the September QBR and the December OCM have resulted in a reduction in net current assets in 2014/15 of \$816k, which has been offset by an increased actual municipal surplus carried forward of \$817k compared to a 2014/15 budget amount of (\$54k).

The following reconciliation is provided:

	000's
Budget Municipal Surplus Brought Forward 30 June 2015	\$1,802
Change in Net Current Assets arising from 2013/14 Carryovers	(\$655)
Change in Net Current Assets arising from September QBR	(\$86)
Change in Net Current Assets arising from December OCM	(\$75)
Change in Net Current Assets arising from December QBR	(\$325)
Municipal Surplus Carried Forward 1 July 2014 – Budget	\$54
Municipal Surplus Carried Forward 1 July 2014 – Actual	\$817
<b>Amended Budget Municipal Surplus Brought Forward 30 June 2015</b>	<b>\$1,532</b>

The variations recommended to the Audit and Finance Committee as part of this budget review will result in overall reduction in net current assets of \$324,961 as at 30 June 2015.

### STATUTORY AND POLICY IMPLICATIONS

The Town undertakes regular budget reviews 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 Local Leadership section of the Strategic Community Plan.

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires that the Town carry out a mid-year review of its annual budget, with a copy of the review and the relevant Council resolution to be provided to the Department of Local Government. The Town currently exceeds the minimum statutory requirements by undertaking budget reviews on a quarterly basis rather than half yearly.

The Town has a current resolution arising out of the adoption of the 2014/15 budget requiring that material budget variations be reported through to Council. Materiality being established at the lesser of 10% of the amended program budget or \$100,000 for each of the categories of Operating Revenue; Operating Expenditure; Non-Operating Revenue and Non-Operating Expenditure. As part of this review, Officers have continued to present all proposed budget variations supported by Management commentary.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* also requires the Town to prepare a monthly Statement of Financial Activity. The Town prepares this Statement 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.

The monthly Statement of Financial Activity is to be presented to the Council at an ordinary meeting within 2 months after the end of the month to which the statement relates. Where the month coincides with QBR reporting (September, December, March) the Statement of Financial Activity will be incorporated in the QBR document.

Note the Statement of Financial Activity includes four budget columns:

1. Original Budget;
2. Amended Budget arising from the Schedule of Budget Carryovers presented to Council at the September OCM;
3. Amended Budget arising from the September QBR;
4. Amended Budget arising from variations adopted by Council at the December OCM.

The change in budgeted net current assets as at 30 June 2015 (the last row on the Statement of Financial Activity) reconciles to the Schedule of Budget Variations.

**ATTACHMENTS**

1. 2014/15 Quarterly Budget Review and Statement of Financial Activity for the Period Ended 31 December 2014 (Under Separate Cover)
2. Accounts paid under delegated authority for the month of December 2014 (Under Separate Cover)

3 February 2015

### 12.3.4 Award of Tender 14/12 – Provision of Audit Services to the Town of Port Hedland 2014-2019

Peter Kocian, Acting Director Corporate Services  
File No.12/19/0001

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### RECOMMENDATION

That Council:

1. Note the Audit & Finance Committee decision on Wednesday 18 February 2015;
1. Award Tender 14/22 Provision of Audit Services to the Town of Port Hedland 2014-2019 to RSM Bird Cameron at a five year cost as follows:

Financial Year	Audit Cost
2014/15	
2016/16	
2016/17	
2017/18	
2018/19	

2. Request the Chief Executive Officer write to Grant Thornton as the Town's incumbent Auditor and thank them for services rendered.

#### 201415/175 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB

SECONDED: CR HUNT

That Council:

1. Note the Audit & Finance Committee decision (201415/034) on Wednesday 18 February 2015
2. Award Tender 14/22 Provision of Audit Services to the Town of Port Hedland 2014-2019 to RSM Bird Cameron as per the following Price Schedule:

No	Service Description	Tender Unit	Indicative Timing	2014/15 (GST Inc.)	2015/16 (GST Inc.)	2016/17 (GST Inc.)	2017/18 (GST Inc.)	2018/19 (GST Inc.)
1	Interim Audit	Lump Sum	April/ May	11,018	11,565	12,143	12,750	13,386
2	Annual Audit	Lump Sum	Aug/ Sep	26,687	28,014	29,413	30,883	32,423
3	Review of Financial Management Systems	Lump Sum	Every 4 years. Due in May 2016	-	17,600	-	-	-
4	Grant Acquittals	Per Acquittal	6 per year	900 – 1,100 ea	900 – 1,100 ea	900 – 1,100 ea	900 – 1,100 ea	900 – 1,100 ea

5	Other Audit Work/additional Services i.e. Fair Value advice	Per hour							
		Engagement partner		722	758	795	835	877	
		Audit Manager		408	429	451	474	498	
		Audit Senior		261	274	287	301	317	
		Auditor		142	149	156	164	172	
6	Disbursements – travel, accommodation, incidentals	At Cost		At Cost*	At Cost*	At Cost*	At Cost*	At Cost*	At Cost*
7	Attendance of Engagement Partner to Audit and Finance Committee Meeting	Lump Sum	Annually – Nov/ Dec	1,443	1,516	1,591	1,670	1,753	

3. Request the Chief Executive Officer write to Grant Thornton as the Town's incumbent Auditor and thank them for services rendered.

**CARRIED BY ABSOLUTE MAJORITY 6/2**

Record of vote

For	Against
Mayor Howlett	Councillor Gillingham
Councillor Jacob	Councillor Butson
Councillor Daccache	
Councillor Hooper	
Councillor Hunt	
Councillor Melville	

## EXECUTIVE SUMMARY

For the Audit and Finance Committee to consider the Audit Tenders received and recommend to Council the appointment of an Auditor for a term of five (5) years.

This item is being presented at the Audit & Finance Committee meeting being held on Wednesday 18 February 2015 at 12pm. Should the committee change the recommendation an amended recommendation will be provided to the Council.

## DETAILED REPORT

In accordance with section 7.2 of the *Local Government Act 1995*, the accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

Council is required to appoint an auditor by an absolute majority decision on the recommendation of the Audit and Finance Committee pursuant to section 7.3 of the *Local Government Act 1995*.

A detailed report on the provision of audit services was presented to the Audit and Finance Committee at its meeting of 19 November 2014. This included a Request for Tender document inclusive of the audit specifications and qualitative assessment criteria.

The Audit and Finance Committee endorsed the Request for Tender 14/22 Provision of Audit Services at its meeting of 19 November 2014 with Council subsequently resolving the following at the Ordinary Council Meeting of 26 November 2014:

*“201415/110 RECOMMENDATION/ COUNCIL DECISION*

*MOVED: CR HUNT*

*SECONDED: CR JACOB*

*That Council:*

- 1. Note the recommendation of the Audit and Finance Committee of 19 November 2014;*
- 2. Request the Chief Executive Officer, or his delegate(s), to undertake a Request for Tender process pursuant to Part 4 of the Local Government (Functions and General) Regulations 1996 to appoint an Auditor for a five (5) year term, commencing in the 2014/15 financial year and terminating following the 2018/19 final audit; and*
- 3. Endorse the Request for Tender document, RFT Number 14/20 Provision of Audit Services 2014-2019 Town of Port Hedland, inclusive of the Tender Specifications and Qualitative Criteria.*

*CARRIED 8/0”*

Tenders were publicly invited by advertising in the West Australian newspaper on Saturday 13 December 2014 with a notice also placed on the Town’s website. At the close of the Tender period (2.30pm Friday 16 January 2015), six (6) tenders were received.

All Tenders are deemed to be compliant and have been assessed against the following endorsed qualitative criteria:

- Local Government Audit Experience 30%
- Tenderers Resources, Key Personnel Skills and Experience 30%
- Audit Plan and Methodology 40%

Tenders were assessed by three Managers of the Town of Port Hedland (full assessment included as Attachment 1 to this report) with weighted scores as follows:

Name of Tenderer	Weighted Score (out of 100)
RSM Bird Cameron	74.5
Grant Thornton	57.7
AMD Chartered Accountants	55.8
Anderson Munro and Wyllie	52.5
DFK PA Audit Pty Ltd	50.7
Walker Wayland WA	36.5

All tenderers demonstrated a reasonable understanding of the audit plan and methodology and provided a scope of the Audit as prescribed by the *Local Government Act 1995* and *Regulations*.

The four highest ranked Tenders all demonstrated significant local government experience, each with upwards of 10 local government clients. DFK PA Audit Pty Ltd and Walker Wayland WA have no to minimal local government experience and it is on this basis that these two tenders have been eliminated from further consideration.

AMD Chartered Accountants (101 hours) and Anderson Munro Wyllie (115 hours) are ranked 6<sup>th</sup> and 5<sup>th</sup> respectively with the number of hours allocated to the interim and final audit. This number of hours is not considered sufficient to adequately undertake a thorough audit process given the extensive nature of the Town's business activities and number of financial transactions. It is on this basis that these two tenders have been eliminated from further consideration.

Grant Thornton is the Town's incumbent Auditor, appointed in 2012 for a three year term from 2011/12 to 2013/14. Grant Thornton has developed a thorough understanding of the Town's activities and financial controls and processes, and the relationship between the Town and Grant Thornton has developed over this period. Long term partnerships are proven to produce stronger outcomes and a very efficient audit process in year 3 of the previous Audit Agreement led to the timely completion of the Annual Financial Report and receipt of the Auditors Report on the 9 October 2014. The Executive Summary on Page 2 of Grant Thornton's Tender indicates that they are familiar with the challenging environment in which the Town operates.

RSM Bird Cameron demonstrates very similar local government experience to Grant Thornton and is the current auditor of the Shires of Broome and Derby West Kimberly. They have also completed a number of risk management and financial management reviews, and also provides accounting services to a number of remote local governments. RSM Bird Cameron has been appointed to the Department of Local Governments Approved Consultants Panel for Business and Advisory Services.

It was explicitly requested in the audit specifications that an Audit Partner attend the annual on-site audit for at least 50% of field work to discuss any key issues with staff and to establish a very clear scope of audit review. Grant Thornton and RSM Bird Cameron have both indicated the appropriate allocation of Audit Partner hours. RSM Bird Cameron has indicated one full day at interim audit and two days at the final audit visit for Partner attendance, however only 12 hours or Partner time will be charged.



Very little separates the two Tenders from Grant Thornton and RSM Bird Cameron in price and thus the recommendation for the appointment of Auditor is provided on the basis of the weighted scores. RSM Bird Cameron has more strongly addressed the qualitative criteria and demonstrates a very comprehensive understanding of the audit methodology. The Shire's of Broome and Derby West Kimberly have been contacted and both have provided favorable references.

#### FINANCIAL IMPLICATIONS

The 2014/15 Budget provides an allocation of \$60,000 for audit fees (GL402262). The Audit Tenders received are all approximate with the Town's annual budget allocation.

#### STATUTORY AND POLICY IMPLICATIONS

Tenders for goods and services are governed by section 3.57 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

Pursuant to section 7.3 of the *Local Government Act 1995*, Council is required to appoint the Auditor by an absolute majority decision on recommendation of the Audit and Finance Committee. Evaluation of Tenders and the Officer Recommendation for the appointment of the Auditor is therefore required to be presented to the Audit and Finance Committee for consideration.

Attachments 2 and 3 contain confidential information in accordance with section 5.23(2)(e)(iii) of the *Local Government Act 1995*.

Goal 4.1 of the Strategic Community Plan – Strategic and best practice local government administration is relevant to this item.

There are no Council Policies relevant to this item.

#### ATTACHMENTS

1. Qualitative Criteria – Assessment Matrix
2. Confidential - Price Schedule (Under Separate Cover)
3. Confidential – Audit Tender Submissions (Under Separate Cover)

06 February 2015

ATTACHMENT 1 TO ITEM 12.3.4

ASSESSMENT MATRIX - PROVISION OF AUDIT SERVICES (RFT 14/22)

Weighting %	Item	Tenderer 1	Tenderer 2	Tenderer 3	Tenderer 4	Tenderer 5	Tenderer 6
		AMD Chartered Accountants Weighted	Munro and Wyllie Weighted	DFK PA Audit Pty Ltd Weighted	Grant Thornton Weighted	RSM Bird Cameron Weighted	Walker Wayland WA Weighted
30	<b>LOCAL GOVERNMENT AUDIT EXPERIENCE - SCHEDULE D1</b>						
	Complete Project Reference Sheet detailing past performance delivering similar services:						
	- Provide scope of the Tenderer's involvement including details of outcomes	3.0	3.0	2.0	3.0	5.5	1.0
	- Provide details of issues that arose during the project and how these were managed	3.0	3.0	2.0	3.0	4.0	1.0
	- Demonstrate experience in remote areas, particularly Port Hedland and/or Pilbara	2.5	2.5	1.5	4.5	4.5	1.0
- Any additional relevant information to demonstrate relevant experience	4.0	4.0	2.5	4.5	4.5	1.5	
	<b>TENDERERS RESOURCES, KEY PERSONNEL, SKILLS AND EXPERIENCE - SCHEDULE D2</b>						
30							
	- Personnel's role in the performance of the Contract, including their experience in similar services	6.0	4.7	6.7	6.0	7.3	4.0
	- Curriculum vitae of key Personnel	6.7	4.7	8.0	6.0	7.3	4.7
	- Resources Availability Schedule	6.7	4.7	6.7	6.7	7.3	5.3
	<b>AUDIT PLAN AND METHODOLOGY - SCHEDULE D3</b>						
- Provide a scope of the audit as prescribed the LGA and Regulations	6.0	8.7	6.0	6.0	8.7	4.7	
- Provide a plan for the audit, including the timing of interim and final audits as well as attendance to Audit and Finance Committee Meetings	6.0	6.7	6.0	6.0	8.7	4.7	
- Advise the method use to communicate with and supply information between the Auditor and Client	6.0	4.7	4.0	6.0	8.0	4.7	
- Provide a scope of the review of financial management systems and procedures as required under Regulation 5 (2) (c) of the Local Government (Financial Management) Regulations 1996	6.0	6.0	5.3	6.0	8.7	4.0	
	<b>TOTAL</b>	<b>55.8</b>	<b>52.5</b>	<b>50.7</b>	<b>57.7</b>	<b>74.5</b>	<b>36.5</b>
	<b>RANKING</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>6</b>

### **12.3.5 Rates Concession Submission by the Hedland Women's Refuge for 2 Thompson Street, Port Hedland**

Carmen Hanisch, Senior Rates Officer  
File No. 115030G

#### **DISCLOSURE OF INTEREST BY OFFICER**

Nil

#### **RECOMMENDATION**

**That Council decline the rates concession application from the Hedland Women's Refuge Inc for their property A115030 2 Thompson Street, Port Hedland due to the application being provided after the due date as per Council Policy 2/014.**

#### **AMENDED RECOMMENDATION**

**That Council:**

- 1. Decline the rates concession application from the Hedland Women's Refuge Inc for their property A115030 2 Thompson Street, Port Hedland due to the application being provided after the due date as per Council Policy 2/014; and**
- 2. Approve a donation of \$2,000 to the Hedland Women's Refuge Inc in accordance with Council Policy 6/003 'Funding and Donations Policy'.**

#### **201415/176 COUNCIL DECISION**

**MOVED: MAYOR HOWLETT**

**SECONDED: CR JACOB**

**That Council:**

- 1. Approve a 50% rates concession application from the Hedland Women's Refuge Inc for their property A115030 2 Thompson Street, Port Hedland; and**
- 2. Approve a donation of \$2,000 to the Hedland Women's Refuge Inc in accordance with Council Policy 6/003 'Funding and Donations'.**

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

---

#### **EXECUTIVE SUMMARY**

For Council to consider a Concession Application by the Hedland Women's Refuge Inc for their property at 2 Thompson Street, Port Hedland.

## DETAILED REPORT

Each year, as part of the Annual Budget, Council provides rates concessions and exemptions to a number of community, recreation and welfare organisations.

As per Council Policy 2/014 community groups are required to reapply for rates concessions or exemption every two years by 31 March of the prior rating year. Council adopted a concession for the Hedland Women's Refuge Inc for the 2012/13 and the 2013/14 financial year.

The Town did not receive a concession application prior to the 31 March 2014 from the Hedland Women's Refuge Inc although letters were sent to all current concession or exemption holders and applications were also invited via an advertisement in the Northwest Telegraph.

The applicant has submitted a copy of their constitution, copies of their audited financial statements and written statements outlining the purpose of the property their concession or exemption application is relating to.

Officers reviewed all information supplied within the application and while the Hedland Women's Refuge Inc would usually be recommended for a concession, the policy is quite clear in terms of time frames for applications, therefore in this case, the Hedland Women's Refuge is not recommended for a concession in 2014/15.

Council considered a concession in similar circumstances at their Ordinary Meeting in October 2013 for the Country Women's Association of Western Australia and declined their request due to the fact of their application being made after the due date.

### *Hedland Women's Refuge Inc*

#### *Benefit to the Community*

Hedland Women's Refuge Inc use their property at 2 Thompson Street, Port Hedland to provide 24/7 crisis accommodation to women and their children who have been or are subjected to domestic violence and other crisis circumstances such as homelessness.

#### *Financial Information*

The organisation receives funding through grants and donations and their Statement of Income and Expenditure shows a deficit of \$5,832 for the financial year ending 30 June 2014.

#### *Rates (2014/15)*

\$4,166.79

#### *Concession applied for by Applicant*

100%

#### *Officer's Recommendation*

Nil

Hedland Women's Refuge Inc is a small community association assisting women in need in country towns like Port Hedland. They are an asset to any country area. However, although media was distributed in relation to concessions, and direct reminders were sent, Hedland Women's Refuge Inc did not apply for a concession until 3 December 2014. This is clearly after the adoption of the 2014/15 budget and after the Council policy due date of 31 March. Council has also previously declined a concession for an applicant who provided their application late.

#### FINANCIAL IMPLICATIONS

The 2014/15 budget for Rates Concession is \$113,000. Concessions totalling \$108,277.52 have been approved so there are available funds of approximately \$5,000.00.

#### STATUTORY AND POLICY IMPLICATIONS

##### *Local Government Act 1995*

##### 6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

\* Absolute majority required.  
Council Policy 2/014 applies.

##### *Strategic Community Plan 2014 – 2024*

Council has a Community Funding and Donations Policy (6/003) which allows up to a maximum cash contribution of \$2000 to community groups and organisations. Opportunity exists for Council to resolve on a donation to the Hedland Women's Refuge Inc. for financial support is to be considered.

#### ATTACHMENTS

1. Concession Application by Hedland Women's Refuge
2. Written Statement from Hedland Women's Refuge
3. Financial Statements (Under Separate Cover)

4 February 2015

**ATTACHMENT 1 TO ITEM 12.3.5**



Hedland Women's Refuge  
PO Box 398  
Port Hedland, WA 6721

Our Ref: A115030  
Your Ref: A115030  
Enquiries: 08 9158 9300  
Direct Line: 08 9158 9366



To Whom It May Concern,

**RE: Expiry of Rates Concession for 2 Thompson Street, Port Hedland**

The Town of Port Hedland would like to advise that your current Rates Concession approved by Council on 13 June 2012 is due to expire on 30 June 2014 as per decision 201112/490.

To be considered for a Concession in the 2014/15 and 2015/16 financial year, please submit the attached application form along with all supporting documentation to Council by 31 March 2014.

Should you have any further queries, please do not hesitate to contact the Rates section on (08) 9158 9300.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Clare'.

Clare Phelan  
*Director Corporate Services*

20<sup>th</sup> January 2014

Civic Centre  
McGregor Street

PO Box 41  
Port Hedland, WA 6721

P (08) 9158 9300  
F (08) 9158 9399

council@portheadland.wa.gov.au  
[www.portheadland.wa.gov.au](http://www.portheadland.wa.gov.au)

PORT  
HEDLAND  
PILBARA'S  
PORT CITY





## APPLICATION FOR RATES CONCESSION

Section 6.47 of the *Local Government Act 1995*

### Privacy

The personal information collected on this form will only be used by the Town of Port Hedland for the sole purpose of providing requested and related services. Information will be stored securely by the Town and will not be disclosed to any third parties without your express written consent.

**Instructions:** Please print clearly in the spaces provided and fill out the attached checklist.

This application form is to be used by organisations seeking a rates exemption, pursuant to Section 6.47 of the *Local Government Act 1995*. The provision of this concession will result in a decision to be prepared, and you will be advised of the outcome in due course. Please attach any additional documents requested, as failure to do so may result in the application being refused.

### 1. PROPERTY OWNER DETAILS

Organisation:	HEDLAND WOMAN'S REFUGE INC.		
Property Owner:	Department of Housing.		
Property Address:	2 THOMPSON STREET, PORT HEDLAND, WA 6721		
Telephone:	91731948	Postcode:	6721
Mobile:		Facsimile:	0891733595
Email:	hedland.refuge@bigpond.com.		

### 2. APPLICANT DETAILS

Contact Person:	LANA THORNE		
Position Title:	MANAGER		
Postal Address:	P.O. BOX 398 PORT HEDLAND WA		
Telephone:	91731948	Postcode:	6721
Mobile:		Facsimile:	0891733595
Email:	hedland.refuge@bigpond.com.		

### 3. PLEASE ANSWER THE FOLLOWING QUESTIONS BY TICKING THE APPROPRIATE BOX

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Are you the owner or lessee and occupier of the land with the rate notice being issued in the organisation's name?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is your organisation an Incorporated body? If so, please provide the certificate of incorporation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is your organisation considered not for profit?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are you a not for profit organisation that undertakes particular sporting, community or recreational activities for the benefit of juniors and rely on player fees and community fundraising only?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are you a not for profit organisation that undertakes particular sporting, community or recreational activities and charge entrance fees for viewing or participating?



TOWN OF PORT HEDLAND Civic Centre, McGregor Street, Port Hedland  
 PO Box 41, PORT HEDLAND WA 6721  
 Telephone: (08) 9158 9300 Fax: (08) 9158 9399 Email: council@porthedland.wa.gov.au



## APPLICATION FOR RATES CONCESSION

Section 6.47 of the *Local Government Act 1995*

- Are you a not for profit organization that undertakes particular sporting, community or recreational activities and hold a liquor license?
- Is the organisation considered a Public Benevolent Institution for taxation purposes?  
If so, please provide the relevant Taxation information.
- Does the organisation own or lease the rateable land? (If leased, is the lessee responsible for rates under the lease agreement)?  
If so, please provide a certificate of the lease.
- Is the organisation exempt from the payment of rates under Legislation other than the Local Government Act?  
If so, please provide details of the specific Legislation.
- Is your organization applying for a 50% rates concession? or
- Is your organization applying for a 100% rates concession?

#### 4. DOCUMENT REQUIREMENTS

Please provide a copy of (in addition to those specified in Section 3):

- Organisation's Constitution
- Written statement, outlining the nature of the organisation's operations. It should include the following details:
- Use and occupancy of the property
  - Type of service provided (e.g. food, accommodation etc)
  - Frequency of service provision (e.g. full-time, daily, weekly etc)
  - Whether payment is received for the service
- Floor plan of the leased property area, if only part of the property is to be exempt
- Copies of the current years audited financial or other statements for the organisation to the satisfaction of Council.

#### 5. AUTHORISATION

- By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.
- I understand that Applications must be submitted by 31 March of any year to be considered for the next two financial years. Applications lodged after this date may be considered for the second financial year only.
- Organisations who are granted rates concession by Council will be asked to reapply every two financial years, or on a yearly basis, if Council considers this appropriate.
- I have read and understand the Town's *Rates Concession Policy*.

Name:	Lana Thorne		
Position:	manager		
Organisation:	Hedland Women's Refuge.		
Signed:	<i>L Thorne</i>	Date:	20/3/2013



TOWN OF PORT HEDLAND Civic Centre, McGregor Street, Port Hedland  
PO Box 41, PORT HEDLAND WA 6721  
Telephone: (08) 9158 9300 Fax: (08) 9158 9399 Email: council@porthedland.wa.gov.au



## ATTACHMENT 2 TO ITEM 12.3.5



Supporting Women and Children  
to say **NO** to violence

3<sup>rd</sup> December, 2014

Carmen Hanisch  
Senior Rates Officer  
Town of Port Hedland  
P.O.Box 41  
Port Hedland WA 6721

Dear Carmen,

I Lana Thorne, Manager of Hedland Women's Refuge Inc. would like to submit the following statement in regards to the organisations service delivery.

- Hedland Womens Refuge provides 24 hours/7 days per week crisis accommodation.
- Case-Management & Target Group - All women and their children that have been or are currently subjected to domestic and/or family violence and other crisis circumstances including homelessness and who are in need of crisis accommodation.
- Staff are trained in appropriate areas with the target group, that includes the following:
  - The dynamics and complexities of domestic violence and the context in which it occurs
  - The impact and effects of domestic violence on women and children
  - Understanding of Aboriginal culture and diversity and the implications of family and domestic violence on Aboriginal women and children
  - Cross cultural awareness on specific issues relating to women from CALD backgrounds subjected to domestic violence
  - Knowledge and understanding of civil, criminal and family law issues relating to domestic violence and legal implications for clients and workers
  - Knowledge of worker and client safety issues
  - Understanding of an integrated response to domestic and/or family violence
- Assessment and direct planning is within 72 hours of admission. Within this time Refuge Workers must- woman to identify her needs.
  - Assist client to develop and prioritise goals [which have been identified in 1] and set actions that address the needs identified in the assessment considering the clients participation. Consider what referrals may be needed and complete a "Referral Form" and a "Client Consent Form"
  - Obtain a social history of the domestic and/or family violence [which may include information of family of origin]
  - In developing the support plan, the refuge workers will identify the following:
    - That clients are involved in the decision making of the support plan and its implementation
    - That individual needs and preferences are taken into consideration
    - That all clients are kept well informed of their options
    - Ensure that clients understand the support plan and the action they have agreed to do and identify if any extra support is needed
  - Referrals, case-management, safety & action planning, networking with other agencies and departments with the Town of Port Hedland to ensure that HWR supports and assists our clientele.

PHONE - CRISIS LINE  
(08) 9173 1948

PHONE - ADMIN  
(08) 9173 1896

FACSIMILE  
(08) 9173 3595

EMAIL  
admin@hedlandwomensrefuge.com.au  
or hedland.refuge@bigpond.com

ADDRESS  
P.O. Box 398, Port Hedland WA 6721

Providing 24hr crisis accommodation to women & children who are escaping domestic/family violence or who are homeless due to a crisis. 33



Supporting Women and Children  
To say **NO** to violence

The application for the rates concession was not submitted before or on the 31<sup>st</sup> March 2014, as this was overlooked due to the change in administrative staffing.

I had full intentions of sending the application through before the closing date, although unfortunately it was not sent.

I have included the original application for Rates Concession dated 20<sup>th</sup> March 2013 for your information.

My apologies and sincere thank yous for considering this application.

Kind Regards,

Lana Thorne  
Manager

PHONE - CRISIS LINE  
(08) **9173 1948**

PHONE - ADMIN  
(08) **9173 1896**

FACSIMILE  
(08) **9173 3595**

EMAIL  
admin@hedlandwomensrefuge.com.au  
or hedland.refuge@bigpond.com

ADDRESS  
P.O. Box 398, Port Hedland WA 6721

☺ Providing 24hr crisis accommodation to women & children who are escaping domestic/family violence or who are homeless due to a crisis. ☺

**12.3.6 Policy Review – Amend Policies 1/017, 2/013 and 2/014, Adopt Policy 1/018 and 1/019 and Rescind Policy 1/005**

Grace Waugh, Governance Officer  
File No. 12/11/0002

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/177 RECOMMENDATION/ COUNCIL DECISION**

**MOVED: CR JACOB**

**SECONDED: CR HOOPER**

**That Council:**

- 1. Adopt the following policies:**
  - **1/018 Public Agenda Briefings**
  - **1/019 Confidential Concept Forums**
  
- 2. Amend the following policies:**
  - **1/017 Order of Business for Council and Committee Meetings**
  - **2/013 Rates Exemption Policy (Non Rateable Land)**
  - **2/014 Rates Concession Policy (Rateable Land)**
  
- 3. Rescind Policy 1/005 Political Posters; and**
  
- 4. Note that all Local Planning Policies currently contained in the Town's Policy Manual will be stored in a separate Local Planning Policy Manual.**

***CARRIED 8/0***

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**EXECUTIVE SUMMARY**

The Town of Port Hedland policy manual is being reviewed to ensure that policies are relevant and up to date. The policies will be reviewed in a staged approach and presented to Council for endorsement in due course.

Officers are proposing that the Council adopt policies 1/018 Public Agenda Briefings, 1/019 Confidential Concept Forums and amend policies 1/017 Order of Business for Council and Committee Meetings, 2/013 Rates Exemption Policy (Non Rateable Land) and 2/014 Rates Concession Policy (Rateable Land) and policy 1/005 Political Posters be rescinded.

**DETAILED REPORT**

An audit of the Town's policy manual identified a number of policies that need to be rescinded or amended as they no longer reflect current Town practices or are better suited to be an internal operating procedure (IOP).

Policies are adopted by Council and establish guidelines or provide direction for the Town's activities and actions. Policies are defined as the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue.

An IOP outlines operational day-to-day processes and can be stand alone or found in conjunction with policies. Council is not required to adopt IOPs as these deal with operational matters only and not with the strategic direction of the local government, which is a policy function.

The Town has identified a number of policies currently contained in its policy manual that should be defined as Local Planning Policies (LPPs). LPPs are reviewed, amended and advertised as part of the Town Planning Scheme Review. To clearly distinguish between LPPs and standard policies the following policies will be taken out of the policy manual and will be kept in a separate local planning policies manual:

- 12/002 Off Site Car Parking Policy
- 12/003 Valuation of Land
- 12/004 Road Names and Street Numbering
- 12/005 Ancillary Accommodation
- 12/006 South Hedland Rural Estate – Covenant and Design Policy
- 12/007 Shipping and/or Sea Container Policy
- 12/008 Family day Care Policy – Planning
- 12/009 Domestic Satellite Dish Policy

Policy	Comments	Responsible Officers
1/005 Political Posters	Conditions associated with this policy should be considered as part of the proposed Signs and Advertising Devices Local Planning Policy which should replace the current Signs, Hoardings and Billpostings Local Law	Governance Coordinator
1/017 Order of Business for Council and Committee Meetings	Item 16 'Confidential Items' of the order of business needs to change to 'Matters for which Meeting May be Closed' to be consistent with the Standing Orders Local Law 2015.	Governance Coordinator
1/018 Public Agenda Briefings	Council adopted guidelines and procedures for Public Agenda Briefings and Confidential Concept Forums at the 28 August 2013 Ordinary meeting.	Governance Coordinator

1/019 Confidential Concept Forums	To ensure a more formal approach to the Council meeting framework is taken these guidelines and procedures have been edited and changed into a policy.	
2/013 Rates Exemption Policy (Non Rateable Land)	Changes involve <ul style="list-style-type: none"> <li>• Clearer description of eligibility standards</li> <li>• Recent additions to Financial Management Regulations</li> <li>• Expanding legislative requirements</li> <li>• Clause regarding late submissions</li> </ul>	Senior Rates Officer
2/014 Rates Concession Policy (Rateable Land)		

### FINANCIAL IMPLICATIONS

There is no impact on the 2014/15 budget for rescinding and amending these policies. However, the revised Debt Management policy contributes to a more robust financial management framework for the Town.

### STATUTORY AND POLICY IMPLICATIONS

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.

### ATTACHMENTS

1. 1/017 Order of Business for Council and Committee Meetings
2. 1/018 Public Agenda Briefings
3. 1/019 Confidential Concept Forums
4. 2/013 Rates Exemption Policy (Non Rateable Land)
5. 2/014 Rates Concession Policy (Rateable Land)
6. 1/005 Political Posters

8 December 2014

## ATTACHMENT 1 TO ITEM 12.3.6

Town of  
Port Hedland

# 1/017 Order of Business for Council and Committee Meetings

## 1/017 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS

### Policy Objective

The Town of Port Hedland Standing Orders Local Law 2014 allows for the order of business of all Council and Committee meetings to be determined by Council from time to time. The order of business outlines how the agenda for the meeting will be structured and in what order all meeting will be run.

All Council and Committee meetings shall follow the same order of business.

### Policy Content

The order of business at all Council and Committee meetings of the Town of Port Hedland shall be as follows and may be altered by a Council or Committee decision.

- Item 1 Opening of the Meeting
- Item 2 Acknowledgment of Traditional Owners
- Item 3 Recording of Attendance
- Item 4 Response to Previous Questions
- Item 5 Public Time
  - Item 5.1 Public Question Time
  - Item 5.2 Public Statement Time
- Item 6 Questions from Members without Notice
- Item 7 Declarations of all Members to have Given Due Consideration to all Matters Contained in the Business Paper before the Meeting
- Item 8 Confirmation of Minutes of Previous Meeting
- Item 9 Announcements by Presiding Member without Discussion
- Item 10 Reports by Elected Members without Discussions
- Item 11 Petitions/Deputations/Presentations/Submissions
- Item 12 Reports of Officers
- Item 13 Late Items as Permitted by the Presiding Member/Council
- Item 14 Motions of Which Previous Notice has been given
- Item 15 Reports of Committees
- Item 16 Matters for which Meeting May be Closed
- Item 17 Applications for Leave of Absence
- Item 18 Attendance by Telephone/Instantaneous Communications
- Item 19 Closure
  - Item 19.1 Date of Next Meeting
  - Item 19.2 Closure

### Definitions

*Council meeting* means an Ordinary or Special meeting of the Town of Port Hedland Council.



Town of  
Port Hedland

## 1/017 Order of Business for Council and Committee Meetings

*Presiding Member* means the Mayor of the Town of Port Hedland.

*Teleconference* means a suitable place and meeting must be specified. A suitable place is defined as a townsite or other residential area within the State of Western Australia only. Approval to attend via teleconference cannot be granted for more than half of the meetings in a financial year.

Council adoption date and resolution no.	26 November 2014 OCM 201415/116
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	
Relevant legislation	Local Government Act 1995 Local Government (Administration) Regulations 1996 ToPH Standing Orders Local Law 2014
Delegated authority	N/A
Business unit	Governance
Directorate	Corporate Services
Review frequency	As required



## ATTACHMENT 2 TO ITEM 12.3.6

**POLICY OBJECTIVE**

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (Town of Port Hedland). The Town of Port Hedland (ToPH) officers, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

The object of this policy is to set up a well-structured framework that will provide the Elected Council, members of the public and Town officers with the opportunity to:

- Ask questions
- Make statements
- Provide additional information

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the Town of Port Hedland.

**POLICY CONTENT**

Public Agenda Briefings will involve Elected Members, ToPH officers, and external advisors (where appropriate) and will be open to the public.

Public Agenda Briefings are generally held on the third Wednesday of the month or the week before the Ordinary Council Meeting and will commence at 5:30pm.

***No Decision Making***

As Public Agenda Briefings are designed to allow Elected Members and members of the public to ask questions on items on the agenda no debate or decision making will be allowed to take place.

***Town of Port Hedland Code of Conduct and Values***

All participants at Public Agenda Briefings are expected to abide by the Town's values, these being:

- Quality
- Unity
- Integrity

ToPH officers and Elected Members are also expected to abide by the Town of Port Hedland Code of Conduct.

***Confidentiality***

Public Agenda Briefings will be closed to the public when confidential items listed on the agenda are to be discussed.





Breaches of confidentiality will be treated in accordance with section 6 'Use of Information' of the Local Government (Rules of Conduct) Regulations 2007.

Confidential items will be dealt with at the end of the briefing as per Council meetings.

#### ***Disclosure of Interest***

Elected Members and ToPH officers shall disclose their impartiality, proximity and financial interests on any matter listed on the agenda for the Public Agenda Briefing.

Any disclosures of proximity and financial interest will require the person(s) declaring the interest to leave the room whilst the matter subject of their disclosure is being considered.

#### ***Presiding Member***

The Mayor is to be the Presiding Member at Public Agenda Briefings. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the briefing. If the Deputy Mayor is unable, those elected members present may select one from amongst themselves to preside at the briefing.

#### ***Timeframes***

Members of the public and Elected Members are encouraged to submit their questions to the ToPH Governance team as soon as possible after the Ordinary Council meeting agenda is made public on the Town's website to ensure the most comprehensive answers can be provided.

At the Public Agenda Briefing the Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

#### ***Record keeping***

A record shall be kept of all Public Agenda Briefings. As no decisions are made at a briefing, the record need only be a general record of the items covered, attendance and apologies and any disclosure of interests as declared by individuals. A copy of the record will be published on the Town's website. Public Agenda Briefings will not be audio recorded.

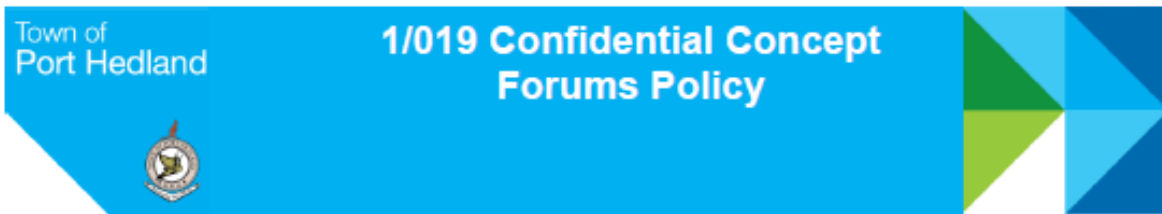
#### ***Definitions***

Nil

Town of  
Port Hedland1/018 Public Agenda Briefings  
Policy

Council adoption date and resolution no.	
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	
Relevant legislation	Local Government Act 1995 Town of Port Hedland Standing Orders Local Law 2014 Local Government Operational Guidelines Number 05
Delegated authority	
Business unit	Corporate Information
Directorate	Corporate Services
Review frequency	Annually

## ATTACHMENT 3 TO ITEM 12.3.6

**POLICY OBJECTIVE**

The modern role of a local government Council is to set policy and strategy, and provide goals and targets for the local government. The Town of Port Hedland (ToPH) officers, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

The object of this policy is to set up a well-structured framework that will provide the Council and Town officers the opportunity to:

- Share information on upcoming projects linked to the Town's Strategic Community Plan and associated vision
- Discuss future Town strategies and associated projects implementation
- Clarify outstanding matters

This will ensure that all elected members have the opportunity to make the best possible decision for all the residents of the Town of Port Hedland, whilst maintaining a high level of accountability, openness and transparency, probity and integrity.

**POLICY CONTENT**

Confidential Concept Forums will involve Elected Members, ToPH officers and, where appropriate, external advisors and provide the opportunity to exchange information and ideas for the development of the Town of Port Hedland.

Confidential Concept Forums will generally involve projects or matters that are in the early planning stages and might result in said matters being presented to a future Council meeting for a formal decision.

***No decision making***

The input through open and free-flowing exchange of ideas and the willingness to contribute to the Confidential Concept Forums will provide invaluable direction to the Chief Executive Officer for the research and eventual reports on the matter, however no debate or decision making will be allowed to take place.

***Town of Port Hedland Code of Conduct and Values***

All participants at Concept Forums are expected to abide by the Town's values, these being:

- Quality
- Unity
- Integrity

Town officers and elected members are also expected to abide by the Town of Port Hedland Code of Conduct.

***Confidentiality***

Confidential Concept Forums will be closed to the public and all agendas and matters discussed during the forums will be treated as confidential.

Breaches of confidentiality will be treated in accordance with section 6 'Use of Information' of the Local Government (Rules of Conduct) Regulations 2007.

***Disclosure of interest***

Elected Members, ToPH officers and relevant consultants shall disclose their impartiality, proximity and financial interests on any matter listed for the Confidential Concept Forum.

Any disclosures of proximity and financial interest will require the person(s) declaring the interest to leave the room whilst the matter subject of their disclosure is being considered.

***Timeframes***

Confidential Concept Forums will take place every Wednesday afternoon at a time specified by the Town's administration and circulated in advance to all elected members.

Where a proponent has provided a presentation to a forum, a report on the matter raised during the presentation will not be progressed to the next scheduled meeting of Council.

***Presiding Member***

The Mayor is to be the Presiding Member at concept forums. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the forum. If the Deputy Mayor is unable, those elected members present may select one from amongst themselves to preside at the forum.

***Record Keeping***

A public record shall be kept of all Confidential Concept Forums. As no decisions are made at a forum, the record need only be a general record of the items covered, attendance and any disclosure of interests as declared by individuals. A copy of the record will be published on the Town's website. Confidential Concept Forums will not be audio recorded.

Elected members not in attendance at the Confidential Concept Forums will be presented with all information tabled at the forums.

Town of  
Port Hedland

## 1/019 Confidential Concept Forums Policy

### **Definitions**

Nil

Council adoption date and resolution no.	
Date of adoption of amendment and resolution number <b>do not delete the previous dates</b>	
Relevant legislation	Local Government Act 1995 Town of Port Hedland Standing Orders Local Law 2014 Local Government Operational Guidelines Number 05 Town of Port Hedland Code of Conduct Town of Port Hedland Vision and Values
Delegated authority	
Business unit	Corporate Information
Directorate	Corporate Services
Review frequency	Annually

## ATTACHMENT 4 TO ITEM 12.3.6

Town of  
Port Hedland



## 2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)

### 2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)

#### 1. Introduction

This policy will provide an administrative framework for assessing any application for properties to be classified as not rateable land on the ground of being used for charitable purposes.

#### 2. Purpose and Application of the Policy

In accordance with [section 6.26 \(2\)\(g\)](#) of the *Local Government Act 1995*

##### 6.26. Rateable land

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

Town of  
Port Hedland



## 2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

~~6.26(2)(g)~~

~~The following land is not rateable—~~

~~— (g) Land used exclusively for charitable purposes~~

~~The purpose of this policy is to identify a process to be followed by any organisation that wishes to claim that land it uses is not rateable land by virtue of the application of section 6.26(2)(g) of the Local Government Act 1995 and to provide guidance on when land is rateable under section 6.26(2)(g)~~

### 3. Provisions

a) All applications for exemption under s6.26(2)(g) of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein,

b) An application will be required to be lodged every two years and is to be assessed in accordance with this policy,

Town of  
Port Hedland



## 2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)

- c) Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d) Council may request additional information from an organisation making application if it considers it necessary to do so,
- e) Information requested under paragraph d. above is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used,
- f) For land to be treated as newly recognised not rateable land under section 6.26(2)(g), or if a new application for exemption is required under paragraphs b. or c. above, an application must be made by 31 March for the rating year that precedes the rating year to which the applications relates. Late applications submitted after the due date will not be considered under any circumstances and instead will be deferred to the next financial year for consideration by Council.

#### 4. Policy

Determination of whether land is 'used exclusively for charitable purposes' for the purpose of section 6.26(2)(g) of the *Local Government Act 1995* is made by reference to the common law on charitable purposes. Council is only able to grant an exemption from rates under section 6.26(2)(g) if an applicant demonstrates that the land in question is being used exclusively for charitable purposes according to criteria that has been developed by case law on this subject.

The essential elements for an exemption under section 6.26(2)(g) are:-

- a) It is the use of the land that is in question, not whether the body in question has a charitable purpose,
- b) The use in question must be for charitable purposes as that is defined by common law; and
- c) The land must be used exclusively for a charitable purpose.

An exemption under this policy is will only be available to not-for-profit organisations. The organisation and land use must be for public benefit, where that benefit is available to members of the public in general or a sufficient section of the general public. Consideration will be given to the quantum of the rates burden in relation to the turnover of the organisation.

~~Charitable purpose is defined at common law by reference to the *Charitable Uses Act 1601 (UK)*. It is generally considered that to be a charitable purpose by reference to that Act the purpose must fall within one of the following four headings:~~



Town of  
Port Hedland



## 2/013 RATES EXEMPTION POLICY (NON RATEABLE LAND)

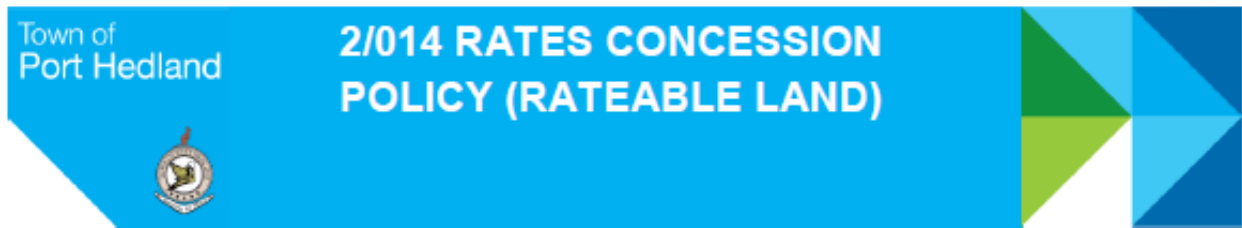
- ~~a) — Relief of poverty,~~
- ~~b) — Advancement of education,~~
- ~~c) — Advancement of religion, and~~
- ~~d) — Other purposes beneficial to the community not falling under any of the preceding headings~~

~~For the last heading in d. above to apply the use must be both:~~

- ~~i) — beneficial to the community, and~~
- ~~ii) — falls within the 'spirit and intendment' of the preamble to the Charitable Uses Act.~~

~~—~~  
*(Adopted at the 22 June 2011 Council Meeting. Amended at the 22 February 2012 Council Meeting.)*

## ATTACHMENT 5 TO ITEM 12.3.6

**2/014 RATES CONCESSION POLICY (RATEABLE LAND)**

## 1. Introduction

This policy will provide an administrative framework for assessing an applications requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land.

## 2. Purpose and Application of the Policy

In accordance with section 6.47 of the *Local Government Act 1995*

*6.47 Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*And Financial Management Regulations 1996**69A. When concession under Act s. 6.47 can not be granted*

*A local government is not to exercise a power to grant a concession in relation to a rate or service charge under section 6.47 of the Act in circumstances where the concession is based on whether or not, or the extent to which, the land in respect of which the rate or service charge is imposed is occupied by a person who owns the land. [Regulation 69A inserted in Gazette 7 Jan 2005 p. 72.]*

The purpose of the policy is to identify a process to be followed by any 'not for profit' community based organisation providing a benefit to the community from rateable land for the relief from rates.

## 3. Provisions

- a) All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- b) An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- c) Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d) Council may request additional information from an organisation making an application if it considers it necessary to do so,



## 2/014 RATES CONCESSION POLICY (RATEABLE LAND)

e) Information requested under paragraph c. above is not limited to, but may typically include copies of the Constitution of the organisation, recent annual financial statements of the organisation and information demonstrating precisely how any land the subject of an application is used,

f) An application must be made by 31 March of the rating year that precedes the rating year to which the application relates. Late applications submitted after the due date will not be considered under any circumstances and instead will be deferred to the next financial year for consideration by Council.

#### 4. Policy

It is the policy of the Town of Port Hedland that any concession of rates in respect of any rateable land in the Council area will be available only when the applicant satisfies the requirement of this Policy.

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association and not to an individual.

The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.

Rates concessions for residential properties not used in the primary service delivery of the community group or association's activities or services will not be eligible for a concession.

Community groups or associations, that in the opinion of the Council, provide activities, which are not core activities, and are in direct competition with a service provided by any established private operator within the district, will not be eligible for a rates concession.

The percentage ranges from 50% to 100% of the rates that are payable. Whether a concession is granted in response to an application or, if a concession is granted, the percentage of the rates that may be waived, is entirely at the discretion of Council and the granting of a concession in any year, will not guarantee that any future concessions will be granted.

To apply for an exemption under this policy, the owner of the property must be listed as a Charitable Institution as well as use the property for a charitable purpose only.

The following organisations may be registered as charitable institutions:

- religious bodies
- public benevolent institutions
- universities and university colleges (not charitable institutions for payroll tax)
- primary and secondary schools
- kindergartens
- institutions that

Town of  
Port Hedland



## 2/014 RATES CONCESSION POLICY (RATEABLE LAND)

- mainly care for sick, aged or infirm persons
- relieve poverty
- provide full-time care for children (e.g. foster homes)
- are primarily charitable or for the public good (the principal object or pursuit must not be leisure, recreational, social or sporting).

*(Adopted at the 22 June 2011 Council Meeting. Amended at the 22 February 2012 Council Meeting.)*

**ATTACHMENT 6 TO ITEM 12.3.6****1/005 POLITICAL POSTERS**

All applications for approval to place political posters within road reserves or on property owned by or vested in the Town shall be refused. The Chief Executive Officer is to arrange to have any such posters removed as early as possible.

*(Amended at the 25 January 2006 Council Meeting – 200506/261)*

### 12.3.7 Town of Port Hedland 2015 Local Government Ordinary Election

Josephine Bianchi, Governance Coordinator  
File No. 13/07/0016

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/178 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

**That Council:**

1. **Decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the October 2015 Local Government election will be as a postal election;**
2. **Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commission to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may also be required; and**
3. **Engage the Western Australian Electoral Commission to make provision for (2) polling places – one at the Civic Centre in Port Hedland and at the other at the Lotteries House in South Hedland – to give electors the opportunity to hand in their postal votes on election day.**

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

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#### EXECUTIVE SUMMARY

This report seeks approval from Council to engage the Western Australian Electoral Commission to conduct a postal election for the 2015 Town of Port Hedland Ordinary Elections.

#### DETAILED REPORT

Council elections occur every two (2) years on the third Saturday in October.

The Town engaged the WAEC to undertake a postal election for the ordinary elections in 2011 and 2013 and the extraordinary election in 2012.

The postal method provided Council with an increase in electors' participation rate, and it ensured an appropriate level of transparency.

As such, the Council is requested to consider engaging the WAEC to conduct a postal election for the 17 October 2015 Local Government elections.

Under the Local Government Act 1995 elections can be conducted in person and as a postal election.

The Electoral Commissioner can conduct elections on behalf of local governments under the Local Government Act 1995. By making the Electoral Commissioner responsible for these elections, local governments ensure that elections are conducted independently and with impartiality.

In addition, a postal method of conducting elections is more convenient for electors and typically achieves a higher rate of voter participation.

Postal elections for local government were first trialled by four local governments in 1995. This increased to eight in 1997, 34 in 1999, 47 in 2001, 55 in 2003, 50 in 2005, 64 in 2007, and 69 in 2009.

On 19 October 2013, the Electoral Commission conducted 76 postal elections and 2 voting in person elections, involving around 93% of enrolled electors throughout Western Australia.

With regard to ToPH Elections, the following table shows the rate of voter's participation across the years:

Year	Type of Election	Conduct of Election	Electors on Residents Roll	Votes
2007	Ordinary (Councillors)	In person	5439	1384 (25.45%)
2009	Ordinary (Mayoral)	In person	5621	932 (16.25%)
2011	Ordinary (Councillors)	Postal	5546	1544 (27.8%)
2012	Extraordinary	Postal	5532	1427 (25.8%)
2013	Ordinary (Mayoral)	Postal	5822	2052 (35.25%)

With regard to the South Hedland polling place, it is proposed to use an alternative more suitable venue for 2015, Lotteries House.

In the past few years the South Hedland library has been utilized, however, due its one entry point, its normal operations were impacted by the flow of electors. Further the library's lay out did not permit an appropriately sized area to be dedicated to electoral officers and the public.

The JD Hardie centre has also been considered as an alternative venue but it already has a standing booking for the 17 October.

As such, the Corella Conference Room at Lotteries House is proposed to be utilised as the South Hedland polling place for the 2015 local government elections. Lotteries House holds a very central location in South Hedland, it is easily accessible to people of all abilities and can be clearly signposted.

*Consultation*

## Internal

- Chief Executive Officer
- Director Corporate Services
- Manager Corporate Information
- Manager Community and Youth Development
- Coordinator Libraries

## External

- WA Electoral Commission
- Lotteries House

**FINANCIAL IMPLICATIONS**

Written agreement from the Electoral Commission will state the cost estimate for the 17 October election. The current 2014/15 budget allocation for this election is \$37,000 and is considered to be sufficient to cover all costs associated with the WAEC plus additional advertising, postage and staffing requirements.

**STATUTORY AND POLICY IMPLICATIONS**

Part 4 of the Local Government Act 1995 'Elections and other polls' and the Local Government (Elections) Regulations 1997 makes provisions for local government elections.

Sections 4.1 'Strategic and best practice local government administration' and 4.2 'Engage our community and stakeholders' of the Town's Strategic Plan apply.

**ATTACHMENTS**

1. Written agreement from Electoral Commissioner

4 February 2015



## ATTACHMENT 1 TO ITEM 12.3.7



WESTERN AUSTRALIAN Electoral Commission

LGE 028

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

Dear Mr Osborne

**Local Government Ordinary Election: 2015**

The next local government ordinary elections are being held on 17 October 2015. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2015/2016 budget preparations.

The estimated cost for the 2015 election if conducted as a postal ballot is \$28,000 inc GST, which has been based on the following assumptions:

- 6,000 electors
- response rate of approximately 30%
- 4 vacancies
- count to be conducted at the offices of the Town of Port Hedland
- appointment of a local Returning Officer
- standard Australia Post delivery service to apply.

This cost estimate includes the proposed increase in the postage rate by Australia Post effective from 2 March 2015. An additional amount of \$420 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

Costs not incorporated in this estimate include:

- non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising)
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- Any additional postage rate increases by Australia Post.



129501

Level 2, 111 St George's Terrace, PERTH WA 6000 GPO Box F316 PERTH WA 6841  
Telephone: (08) 9214 0400 Facsimile: (08) 9226 0577 Email: waec@waec.wa.gov.au



The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

The current procedure required by the *Local Government Act 1995* is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2015 for the Town of Port Hedland in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the Town of Port Hedland also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council will now need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the Town of Port Hedland in anticipation of an affirmative vote by Council.

Yours sincerely



David Kerslake  
ELECTORAL COMMISSIONER

16 February 2015

### 12.3.8 Corporate Business Plan Performance Report – 1 July to 31 December 2014

Anna Duffield, Manager Corporate Information  
File No. 03/01/002

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/179 RECOMMENDATION/ COUNCIL DECISION

**MOVED: CR HUNT**

**SECONDED: CR JACOB**

**That Council receive the Corporate Business Plan Performance Report for 1 July to 31 December 2014.**

***CARRIED 8/0***

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#### EXECUTIVE SUMMARY

The Town of Port Hedland's Corporate Business Plan outlines the organisation's key initiatives to achieve its Strategic Community Plan. The six monthly performance report outlines progress against these initiatives.

This item requests Council to receive the Town's performance against the 2014-18 Corporate Business Plan from 1 July 2014 to 31 December 2014.

#### DETAILED REPORT

Integrated planning and reporting gives local governments a framework for establishing local priorities and linking these to operational functions – this is activated through Strategic Community and Corporate Business Plans.

At the 26 November 2014 Ordinary Meeting, Council adopted the new organisational structure and revised Corporate Business Plan. This is the first report against the new Corporate Business Plan.

The Corporate Business Plan will be reviewed on an annual basis in line with the development of the annual budget.

The Town reports against the corporate business plan on a bi-annual basis to ensure Council and the community are aware of the organisation's progress against the key initiatives and that required services, programs and activities are being delivered.

The performance report covers the period of 1 July to 31 December 2014. It covers the key themes and outlines the performance against these themes:

- Building a unified and vibrant community
- Supporting a diverse economy
- Balancing our built and natural environment
- Leading our community

Key achievements during July – December 2014 include:

- Delivery of the 2014 North West Festival (with record 6000 attendees over the three day event) and 32 community activation activities
- Construction of the \$3.8 million South Hedland Youth Space
- Opening of three new GP houses delivered in partnership with BHP Billiton
- Delivery of key youth initiatives and diversionary programs including SLAM held at the JD Hardie Centre
- Completion of Kingsford Smith Business Park subdivision with award of sales and marketing contract to Hedland First National
- Delivery of renovations to the Port Hedland International Airport to expand departures area and improve passenger movements
- Completion of \$1.5M Hamilton Road dual lanes project easing congestion and improving traffic flow
- Progress of 4.5 hectare solar farm in the Port Hedland International Airport precinct
- Investigation of new landfill site
- Continuation of contract negotiations with a waste to energy facility to divert large portion of waste from landfill
- Review of local laws and policies
- Contractor engaged to undertake review of internal audit and risk management
- Adoption of Long Term Financial Plan and Rating Strategy
- Hosting His Excellency General the Honorable Sir Peter Cosgrove AK MC (Retd) Governor-General of the Commonwealth of Australia for citizenship ceremony, tour of youth and art facilities, business lunch and industry tours
- Distribution of 89 media releases, 45 community notices, 395 Facebook posts (reaching 284,039 people) and 36 posters promoting community initiatives
- Submitted comprehensive assessment to the Joint Committee on Northern Australia.

The Corporate Business Plan has also been updated to reflect the new organisational structure endorsed at the November 2014 Ordinary Council Meeting.

### FINANCIAL IMPLICATIONS

Actions reported on in this performance report reflect financial activity undertaken from July to December 2014.

### STATUTORY AND POLICY IMPLICATIONS

The *Local Government Act* (section 5.56) outlines the requirement for local governments to plan for the future. The adoption and implementation of Strategic Community and Corporate Business Plans facilitates this requirement.

The Town's Strategic Community Plan outlines (strategy 4.1.1) actions to 'deliver high-quality corporate governance, accountability and compliance'. Bi-annual performance reporting achieves this.

**ATTACHMENTS**

1. Town of Port Hedland Corporate Business Plan Performance Report 1 July to 31 December 2014 (Under Separate Cover)

5 February 2015

### 12.3.9 Making of Town of Port Hedland Parking Local Law 2015

Josephine Bianchi, Governance Coordinator  
File No. 19/01/0001

#### DISCLOSURE OF INTEREST BY OFFICER

Nil

#### 201415/180 COUNCIL DECISION

**MOVED: CR JACOB**

**SECONDED: MAYOR HOWLETT**

**That Council:**

1. **Note the submission from the Department of Local Government and Communities in relation to the proposed *Town of Port Hedland Parking Local Law 2015*;**
2. **Note and thank the submission from Mr Booth in relation to the *Town of Port Hedland Parking Local Law 2015* and the lack of a road train break-down area in Port Hedland and advises Mr Booth that his comments will be considered separately in a meeting between the Town of Port Hedland, Main Roads WA and the logistic freight industries;**
3. **Resolve to make the *Town of Port Hedland Parking Local Law 2015*, as per Attachment 1, in accordance with section 3.12 of the Local Government Act 1995;**
  - a) **the purpose of which is to constitute a parking region; enable the Town to regulate the parking of vehicles within the parking region; and provide for the management and operation of parking facilities occupied by the Town; and**
  - b) **the effect being a person parking a vehicle within the parking region is to comply with the provisions of this local law.**
4. **Publish the *Town of Port Hedland Parking Local Law 2015*, as per (3) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government;**
5. **Give local public notice after gazettal of the local law advising the date on which the local law commences;**
6. **Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review;**
7. **Authorise the affixing of the Common Seal to the *Town of Port Hedland Parking Local Law 2015*; and**

8. **Note that community education sessions relating to the new Town of Port Hedland Parking Local Law will be held once the final local law has been gazetted.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

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## EXECUTIVE SUMMARY

For Council to consider:

1. the submissions received after the closure of the public submission period on the proposed *Town of Port Hedland Parking Local Law 2015*; and
2. whether to make the local law as is, or make the local law with minor amendments in response to the submissions received.

## DETAILED REPORT

The proposed *Town of Port Hedland Parking Local Law 2015* was presented to the Council at its Ordinary meeting of 26 November 2014 for adoption for advertising purposes.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. After resolving to make the local law, it is to publish the local law in the *Government Gazette* and provide a copy of it to the Minister for Local Government. Copies of the local law along with the completed Explanatory Memorandum are to be forwarded to the Joint Standing Committee on Delegated Legislation for review. Local public notice of the commencement of the local law is to occur after its gazettal.

State-wide advertising was undertaken in the *West Australian* on 3 December 2014, with the submission period for public comment closing on 30 January 2015.

At the closure of the submission period two submissions were received. One from the Department of Local Government and Communities and the other from Mr Booth.

### *Internal*

Consultation in relation to the proposed local law was undertaken with Councillors and relevant officers prior to the advertising of the local law.

### *External*

Public consultation was undertaken through the placement of an advertisement in the *West Australian*, local newspapers and a notice was also placed on local notice boards.

Council advertised, both locally and state-wide, for public comment on the draft *Town of Port Hedland Parking Local Law 2015*. At the close of the submission period, two submissions on the local law had been received from:

1. Department of Local Government and Communities.

The submission received from the Department of Local Government and Communities provide commentary on the format and drafting of the local law.

2. Mr Booth

The submission from Mr Booth does not object to any provision within the draft local law, but does raise the need for a road train break-down area.

The key items to each submission are addressed in the table below:

WRITER	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN'S POSITION
DLGC	N/A	N/A	Due to the length of the local law it is suggested a contents page should be included.	Agreed. A contents page has been inserted, but does not include page numbering.
DLGC	1.3	Repeal	It is suggested that clause 1.3 be redrafted to: "The Town of Port Hedland Parking Local Laws as published in the Government Gazette on 3 April 1998 is repealed."	Agreed. Council's local law has been amended according to the advice from the Department.
DLGC	1.5	Definitions	The current definition of 'bay' is potentially vague as it refers to 'stall' and 'space'. It is suggested that the definition be expanded, or deleted. The definition for caravan should be substituted with the following: Caravan has the meaning given to it in the Caravan Parks and Camping Grounds Act 1995.  The following definitions be amended:  sign and parking facilities  It is suggested that a definition for bicycle rack be inserted.	Noted. The definition has been deleted, as the definition 'parking bay' is already included in the local law.  Agreed. Definition amended.  Agreed. Definitions have been amended as per Department suggestions.  A definition for 'bicycle stand' has been inserted to address this suggestion, as it will remove



WRITER	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN'S POSITION
			It is suggested that the definition <i>symbol</i> fully reference the Australian Standard or refer to the symbols defined in the <i>Road Traffic Code 2000</i> .	confusion with a rack that may be mounted on a vehicle.  Agreed that the local law should refer to the definition used in the Code. Local law amended accordingly.
DLGC	1.11	Notes do not form part of local law	It is suggested that clause 1.11 be deleted, and boxes containing examples and diagrams be removed from the final gazettal version of the local law.	Not supported. This clause and the diagrams were included to assist the general public interpret and understand the local law. It is considered that their removal will adversely impact on the ease of interpretation of the local law.
DLGC	N/A	Formatting	It is suggested that Schedule titles be bold, centralised and not in block print.	Agreed. Formatting has now been amended to reflect that suggested by the Department.
DLGC	Schedule 2	Prescribed offences	The Town should check the references in Schedule 2 and ensure the nature of the offence accurately reflects the offence in the relevant clause.	Agreed. Several offence references in Schedule 2 have been amended to better reflect the offence in the clauses referred to.
Mr Booth	<p>I can see where you need these local laws for parking, however this does not address the ongoing commercial vehicle parking for your area.</p> <p>This area needs to consider itself as a major transport hub, there is a lot of Road Trains here and passing through on an hourly basis,</p> <p>This area has no Road Train break up area, A council Ranger said to me today it is not the Councils problem, it is actually everyone's problem, don't kid yourselves otherwise.</p> <p>The trucks are currently parking anywhere they can and they break up anywhere they can. This is causing problems now. These are quiet times in comparison to what I believe will happen to the Hedland area in the near future. These problems will magnify.</p> <p>I know this because I am in this situation, some of you may say why does this person not lease a</p>		<p>There is significant damage to the Town's roads and its verges due to road train break-ups, which carries a significant cost to the Town. This needs to be addressed and these comments will therefore be considered separately in a meeting between the Town of Port Hedland, Main Roads WA and the logistic freight industries.</p> <p>In the interim, the Shell Service Station opposite the South Hedland Cemetery does provide for a lay down area that is currently used by the community/heavy haulage industry.</p>	

WRITER	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	TOWN'S POSITION
			<p>commercial property to park his equipment? I do at \$10k/month. Problem is I cannot fit a road train on the property. It is too small. I have to break up to use the property and I get fined for doing this now, {parking trailers or Prime Mover on a verge} [Wedgefield area], let alone in the future when the new by-laws are brought in.</p> <p>I am actively looking for an alternative property to house the equipment off the street but will not move unless suitable.</p> <p>Each Road Train that I have in the Hedland area generates aprox \$7,000 of local spending/week, this alone should get your attention. [Wages, fuel, food, restaurant meals, transportation etc] Start to welcome Commercial Vehicles to your area as this will pay handsomely to the Hedland area in the future, currently this area is sending the signal that it is closed to new business.</p> <p>I read the new by-laws and most are required, obviously I am asking that special consideration be given to the commercial parking laws as the new by-laws and fines [big stick approach] wont sort your current commercial parking problem as it appears set to escalate beyond even your wildest predictions in the years to come. This is an area that needs to be addressed by industry experts to set your area up for the future.</p> <p>Hopefully you will read this submission and give more thought to this issue before rubber stamping the new by-laws.</p>	

The Department of Local Government and Communities have also suggested a series of minor drafting amendments throughout the local law. These suggested drafting amendments have been incorporated into the gazette ready copy of the local law.

The amendments suggested above in response to the submissions received are considered minor in nature and will not result in a local law significantly different from that originally proposed.

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

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

The purpose and effect of the Parking local law is –

**Purpose –** To constitute a parking region; enable the Town to regulate the parking of vehicles within the parking region; and provide for the management and operation of parking facilities occupied by the Town.

**Effect -** A person parking a vehicle within the parking region is to comply with the provisions of this local law.

#### **FINANCIAL IMPLICATIONS**

Gazettal of the adopted local law is required, which currently costs \$249 per page. These costs are included in the current budget.

#### **STATUTORY AND POLICY IMPLICATIONS**

Section 3.12 of the Local Government Act 1995 outlines the procedure for making local laws.

Section 6.4.1 'Strategic' under Local Leadership of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

#### **ATTACHMENTS**

1. Gazette ready copy of the Town of Port Hedland Parking Local Law 2015 (Under Separate Cover)
2. Email submission from the Department of Local Government and Communities
3. Email submission from Mr Booth

9 February 2015

**ATTACHMENT 2 TO ITEM 12.3.9**

**From:** [Troy Hancock](#)  
**To:** [Grace Waugh](#)  
**Subject:** ICR52979 - Proposed Parking Local Law 2015 - Department comments  
**Date:** Tuesday, 27 January 2015 10:35:47 AM

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Dear Josephine

This email is in response to the Town's letter dated 4 December regarding the Town's proposed *Parking Local Law 2015*. The Department's comments are below.

### **Parking Local Law 2015**

#### **1. Contents page**

Due to the length of the local law, it is suggested that a contents page should be included. This will make it easier for the general public to use the document.

If the Town makes this change, it is suggested that the contents should not include page numbers. This is because the page numbers may not remain accurate after the local law is published in the *Government Gazette*.

#### **2. Clause 1.3 – Repeal**

It is suggested clause 1.3 is redrafted as follows:

The *Town of Port Hedland Parking Local Laws* as published in the *Government Gazette* on 3 April 1998 is repealed.

#### **3. Clause 1.5 – Definitions**

It is suggested the Town double check to ensure all terms in the definitions clause are referred to within the body of the local law.

The current definition of *bay* is potentially vague as it refers to including 'stall' and 'space', both which are not defined terms. It is suggested that the definition be expanded as it currently only refers to non-defined terms. An alternative option is to delete the definition.

The definition for caravan should also be substituted with the following:

*caravan* has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

It is suggested the definition for sign also be redrafted for clarity. A drafting suggestion may be:

*sign* includes –

- (a) a traffic sign, inscription, mark, structure or device on which may be shown words, numbers, expressions or symbols which has been approved by the local government;
- (b) Which is placed .....restricting the parking of vehicles; and

- (c) Includes a “parking control” sign;

The Town may also wish to consider substituting the defined term *parking facilities* with *parking facility*, and inserting a definition for “bicycle rack”.

#### 4. Australian Standards

In the definition of *symbol* under clause 1.5, there is a reference to an Australian Standard. Ensure that the reference to Australian Standards is current and cited correctly with its full title used.

Alternatively, the definition should omit the Australian Standard entirely and refer to the symbols as defined in the Code to avoid any chance of inconsistency. Should the Shire wish to include the reference to the Australian Standard, it is suggested the Shire provide information to the Delegated Legislation Committee, when submitting its required documents, on how the general public will be able to freely access these standards. The Committee has previously inquired local governments how this information will be available to the public.

#### 5. Clause 1.11 - Notes do not form part of the local law

It is suggested that clause 1.11 be deleted, and boxes containing examples and diagrams be removed from the final gazettal version of the local law.

While template models such as WALGA may contain these notes, they are designed to assist local governments in drafting and should not be included in the final gazetted version.

The City may include this information as part of an “administration version” of the local law to assist the public and the City’s employees. This administration version may be made available from the Shire’s offices but would not be in the official gazetted version of the local law.

#### 6. Schedules - Formatting

It is suggested that Schedule titles should be bold, centralised and not in block print. The heading should then be followed by a bracketed reference to the relevant clause in the local law. For example:

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#### **Schedule 2 – Prescribed Offences**

[Clause 8.2]

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#### 7. Schedule 2 – Prescribed offences

The Town should double check the references in Schedule 2 and ensure the “nature of offence” accurately reflects the offence in the relevant clause. For example, in item 2, it is suggested “stopping within continuous yellow lines” be replaced with “stopping at the side of a carriageway marked with continuous yellow line” to reflect clause 2.1(2).

**8. Minor edits**

The following minor edits are suggested:

- Town should ensure consistent terms are used throughout the local law – for example, only use 'm' or 'metres';
- Ensure all references to 'authorized' is replaced with 'authorised';
- Clause 6.3(4): close bracket after the 1 and before the (b) to read (1)(b);
- Clause 6.4(1)(a): replace 'marked land' with '...marked lane;'
- Clause 6.11(1): replace 'removed form' with '...removed from;'
- All references to *Town of Port Hedland Parking Local Law 2015* in schedules should be italicised.

**Minister's Directions** – pursuant to s 3.12(7) of the *Local Government Act 1995*.

**Please note:** Once the Town has published a local law in the Government Gazette, you must comply with the requirements of the Minister's Local Laws Explanatory Memoranda Directions 2010. The Town, within ten working days of the gazettal publication date, needs to forward the signed EM material to the Committee at the current address -

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837  
Tel: 9222 7300 Fax: 9222 7805

E-mail: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)

A copy of the Minister's Directions and EM forms can be downloaded from the Department's webpage. Failure to comply with the Directions may render the local law inoperable.

My comments:

- have been provided to assist you with drafting matters;
- do not constitute legal advice;
- have been provided in good faith for your consideration; and
- should not be taken as an approval of content.

You should ensure that your proposed local law has had a detailed editorial analysis, and that the content is in accordance with your Council's policies and objectives.

Should you have any queries regarding my comments, please do not hesitate to contact me.

**Troy Hancock**  
Senior Legislation Officer  
Legislation  
Department of Local Government and Communities  
Tel: +61 8 8552 1624  
Fax: +61 8 8552 1555  
Email: [troy.hancock@dlgc.wa.gov.au](mailto:troy.hancock@dlgc.wa.gov.au)  
Web: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

**ATTACHMENT 3 TO ITEM 12.3.9**

Sent: Tuesday, 27 January 2015 6:59 PM  
To: Records  
Subject: ICR52906 - Proposed Parking local laws.

Hello to the council,

Comment:

I can see where you need these local laws for parking,how ever this does not address the ongoing commercial vehicle parking for your area.

This area needs to consider itself as a major transport hub,there is a lot of Road Trains here and passing through on an hourly basis,

This area has no Road Train break up area,A council Ranger said to me today it is not the Councils problem,it is actually everyones problem,don,t kid yourselves otherwise.

The trucks are currently parking anywhere they can and they break up anywhere they can.This is causing problems now.These are quiet times in comparison to what I believe will happen to the Hedland area in the near future.These problems will magnify.

I know this because I am in this situation,some of you may say why does this person not lease a commercial property to park his equipment?I do at \$10k/month.Problem is I cannot fit a roat train on the property.It is too small.I have to break up to use the property and I get fined for doing this now, {parking trailers or Prime Mover on a verge}[Wedgefield area],let alone in the future when the new by-laws are brought in.

I am actively looking for an alternative property to house the equipment off the street but will not move unless suitable.

Each Road Train that I have in the Hedland area generates aprox \$7,000 of local spending/week,this alone should get your attention.[Wages,fuel,food,restaurant meals,transportation etc] Start to welcome Commercial Vehicles to your area as this will pay handsomely to the Hedland area in the future,currently this area is sending the signal that it is closed to new business.

I read the new by-laws and most are required,obviously I am asking that special consideration be given to the commercial parking laws as the new by-laws and fines[big stick approach] wont sort your current commercial parking problem as it appears set to escalate beyond even your wildest predictions in the years to come.This is an area that needs to be addressed by industry experts to set your area up for the future.

Hopefully you will read this submission and give more thought to this issue before rubber stamping the new by-laws.

Regards Trevor Booth  
0418 958 106

**12.4 Office of the CEO**

Nil



**ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/  
COUNCIL****13.1 Updates to the Town of Port Hedland 2014/15  
Delegation Register**

Josephine Bianchi, Governance Coordinator  
File No. 13/02/0001

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**RECOMMENDATION/ MOTION**

**MOVED: CR JACOB**

**SECONDED: CR HUNT**

**That Council adopt the changes to the 2014/15 delegation register as listed in Attachment 1.**

***LOST ON AN ABSOLUTE MAJORITY VOTE 5/3***

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**EXECUTIVE SUMMARY**

The Council is required to consider approving updates in delegations to Town officers to reflect the new organizational structure set in November 2014 and to improve efficiency of the Town's operations.

**DETAILED REPORT**

A recent review of the 2014/15 delegation register has highlighted a number of delegations from the Council to Town officers which are required to be updated.

Following the November 2014 organisational restructure a number of title changes have occurred which need to be amended. These being:

- Director Engineering Services position changing to Director Works and Services
- Director Planning and Development position changing to Director Community and Development Services
- Delegation under the Food Act 2008 to change from Director Community and Development Services to Director Works and Services as the Environmental Health business unit reporting line has changed

The review also proposes that the Chief Executive Officer be provided additional delegations and authorisations so that the Town can continue its day-to-day operations in a timely and efficient manner. The following powers are proposed to be given to the Chief Executive Officer:

1.25 – 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

- 3 – Building Act 2011
  - 3.1 – Authorised Persons
  - 3.2 – Building Permits and Certificates of Design Compliance
  - 3.3 - Occupancy Permit, Building Approval Certificate, Certificate of Building Compliance, Certificate of Construction compliance 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
  - 3.4 – Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance
  - 3.5 – Issue Notices and/or Building Orders
  - 3.6 – Appoint Authorised Persons (Swimming Pool Inspectors)
  - 3.8 – Approve the use of a battery powered smoke alarm
- 5.1 – Town Planning Scheme No. 5
- 6.1 – Subdivision
- 7.1 – Food Act 2008, Section 126 (7)
- 9.1 – Health Act - Exercise and Discharge Powers and Functions of the Local

It is also recommended that the following changes to individual delegations be adopted:

- Point 1(d) under delegation ‘5.1 Town Planning Scheme No. 5 - Uses’.  
It is proposed to delete the wording “All Councillors have been advised (in writing) prior to determining the application’. The reason being that Elected Members are already advised of all planning application approvals through the monthly planning applications report to Council that is required under point 3 of this delegation.
- Point 1(f) under delegation ‘5.1 Town Planning Scheme No. 5 - Uses’.
- This point is proposed to be deleted to ensure consistency with the Town Planning Scheme No.5.
- Points 1(a), (b), (c), (d), (e) under delegation ‘5.1 Town Planning Scheme No. 5 - Uses’.  
It is proposed to delete the words “to commence development” to ensure consistency with the Town Planning Scheme No.5.
- Delegation 8. Strata Titles Act 1985.  
This delegation is considered obsolete as section 23 of the Strata Titles Act was deleted in 2011, and included in the Building Act 2011; it is therefore recommended that this delegation be deleted from the delegation register.

The Town officers consulted as part of this process were:

- Executive team
- Planning officers

#### FINANCIAL IMPLICATIONS

Nil.

#### STATUTORY AND POLICY IMPLICATIONS

*Local Government Act 1995*

Employees are appointed as authorised persons in accordance with section 9.10 of the *Local Government Act 1995* to exercise identified powers under the Act, associated regulations and local laws.

*Town Planning Scheme No.5*

Delegations are in accordance with section 9.2 of the scheme which outlines the process for delegations to officers.

*Building Act 2011*

A local government may designate an employee as an authorised person under section 96(3) of the *Building Act 2011* to carry out certain powers.

*Health Act 1911*

Officers are appointed under section 26 of the *Health Act 1911* to exercise local government powers identified in the Act.

*Food Act 2008*

Officers are authorised under section 122 of the Food Act 2008 to perform functions identified in the Act.

Section 4.1 of the Strategic Community Plan 2014 – 2024 applies as the Town strives to be efficient and effective in use of resources, infrastructure, assets and technology. Amending delegations and including providing additional officers with delegations assists the organisation in operating efficiently and effectively.

## ATTACHMENTS

1. Changes to delegations

11 February 2014

**13.2 Pilbara Regional Waste Solution – Contract Execution**

*Note: This item has been withdrawn and will be presented to a future Council meeting.*

**201415/181 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR JACOB**

That Council consider late item 13.3 'Change of April 2015 Ordinary Council Meeting date'.

**CARRIED 8/0****13.3 Change of April 2015 Ordinary Council Meeting Date**

Grace Waugh, Governance Officer  
File No. 13/06/0001

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/182 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR JACOB**

That Council:

1. Resolve to change the date of the April Ordinary Council Meeting from Wednesday 22 April 2015 to Wednesday 29 April 2015 commencing at 5:30pm in Council Chambers;
2. Note that the Public Agenda Briefing will change from Wednesday 15 April 2015 to Wednesday 22 April 2015 commencing at 5:30pm in Council Chambers; and
2. Request the Chief Executive Officer, or his delegate(s), advertise accordingly.

**CARRIED 8/0**

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**EXECUTIVE SUMMARY**

This report seeks Council's consideration to change the meeting date of the April Ordinary Council Meeting (OCM) from Wednesday 22 April 2015 to Wednesday 29 April 2015.

**DETAILED REPORT**

At its Ordinary Meeting held on 24 September 2014, Council determined the Ordinary Council Meeting dates up to December 2015.

*"201415/052 RECOMMENDATION/ COUNCIL DECISION*

*MOVED: CR BUTSON**SECONDED: CR HUNT*

*That Council adopt and advertise the following Ordinary Meeting of Council dates, times and venue for the year ahead:*

DATE	TIME	Venue
Wednesday, 26 November 2014	5:30pm	Council Chambers
Wednesday, 17 December 2014	5:30pm	Council Chambers
Wednesday, 25 February 2015	5:30pm	Council Chambers
Wednesday, 25 March 2015	5:30pm	Council Chambers
Wednesday, 22 April 2015	5:30pm	Council Chambers
Wednesday, 27 May 2015	5:30pm	Council Chambers
Wednesday, 24 June 2015	5:30pm	Council Chambers
Wednesday, 22 July 2015	5:30pm	Council Chambers
Wednesday, 26 August 2015	5:30pm	Council Chambers
Wednesday, 23 September 2015	5:30pm	Council Chambers
Wednesday, 28 October 2015	5:30pm	Council Chambers
Wednesday, 25 November 2015	5:30pm	Council Chambers
Wednesday, 16 December 2015	5:30pm	Council Chambers

*CARRIED 5/0*

As there are five Wednesday's in April the Town is recommending that the OCM be held on the fifth Wednesday and the Public Agenda Briefing on the fourth Wednesday to ensure maximum time is accessible for operational deadlines for Council meeting items.

#### **FINANCIAL IMPLICATIONS**

The cost of advertising the meeting dates is incorporated in the 2014/15 budget.

#### **STATUTORY AND POLICY IMPLICATIONS**

Section 12 of the Local Government (Administration) Regulations 1996 outline that public notice of Council and Committee meetings must be advertised with the dates, time and place a meeting will be taking place.

Section 4.2 'Facilitate community engagement and civic participation' of the Strategic Community Plan 2014 – 2024 applies as changing the dates ensures maximum attendance and participation at the Public Agenda Briefing and Ordinary Council meeting.

#### **ATTACHMENTS**

Nil

19 February 2015

**201415/183 COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HOOPER**

**That Council consider late item 13.4 'Proposed 2.3MWp Solar Farm – Confirmation of Grant Funding, Public Submission on Notice of Loan and Update on Funding Agreement'.**

**CARRIED 8/0****13.4 Proposed 2.3MWp Solar Farm – Confirmation of Grant Funding, Public Submission on Notice of Loan and Update on Funding Agreement**

Brie Holland, Economic Development and Land Development Officer  
File No. 08/02/0041

**DISCLOSURE OF INTEREST BY OFFICER**

Nil

**201415/184 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HOOPER****That Council:**

- 1. Acknowledge the Australian Renewable Energy Agency (ARENA) Board approval of the Town of Port Hedland's grant application for the project to the value of up to \$6 million, subject to meeting financial close by June 2015;**
- 2. Note public submissions received regarding the Town of Port Hedland's intent to borrow funds for the project;**
- 3. Acknowledge ARENA funding agreement negotiations;**
- 4. Reaffirm its support for the solar farm project and approve the drawdown of the loan funds of \$4,725,675 prior to 31 March 2015 as required under the funding agreement with ARENA, in satisfaction that the Town of Port Hedland has undertaken the appropriate due diligence with respect to this project;**
- 5. Request the Chief Executive Officer, or his delegate(s), to report back to Council on the progress of the project, including but not limited to, the funding agreement as executed with ARENA and all associated contracts and any subsequent variations to the contracts; and**

6. **Request the Chief Executive Officer, or his delegate(s), to report back to Council on the progress of the community awareness and briefing campaign.**

**CARRIED 8/0**

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## EXECUTIVE SUMMARY

The Town of the Port Hedland (the Town) has received notification that Australian Renewable Energy Agency (ARENA) Board has approved the grant funding application for a 2.3MWp Solar Farm located at the Kingsford Smith Business Park and committed up to \$6 million in grant funding to the project, subject to the Town meeting set conditions and financial close by June 2015.

This report updates Council on public submissions received on the Town's intent to borrow funds for the project. It also outlines the status of the funding agreement negotiations between the Town and ARENA.

## DETAILED REPORT

### *Background*

The Town undertook a Request for Proposal ("RFP") process to seek a lease for the design, construction and operation of a 20 hectare (ha) solar farm on land identified as part Lot 2444 on Plan 212197 (subject to survey) positioned to the south east corner of the Kingsford Business Park, with proposed lease term to be no less than 20 years and no greater than 50 years.

At its November 2013 meeting, Council resolved decision 201314/163 to select BeauSol Fiduciary Company ('BeauSol') as the preferred proponent from the RFP process. The solar farm was acknowledged as a two-phase development with the first phase for the Port Hedland International Airport and the second phase subject to confirmation of additional offtakers.

BeauSol's proposal was premised on financial support from the ARENA Regional Australia's Renewables – Industry Program. (ARENA was established by the Federal Government on 1 July 2012 as the agency to provide grant funding to technologies and projects directly involved in aiding the cost reduction and increased use of renewable energy within Australia. The budget it was given was \$2.5 billion).

ARENA called for expression of interest regarding Industry Program energy grants and BeauSol were formally invited by ARENA to put forward an official grant request.

At its October 2014 meeting, Council resolved (decision 201415/095) to support the solar farm project. However in part it was resolved that;

- "a) *That the current lease for Compass group at Port Haven expires in March 2019.*"



In effect it became unviable for Compass to be considered as an offtaker due to the short period of time remaining on the lease. As a consequence the size of the proposed solar farm was required to be reduced in order to support the only offtaker to the proposed project – the Port Hedland International Airport (the PHIA). As a direct consequence BeauSol were not required to be an equity participant (therefore no requirement for the proposed Limited Partnership governance model) in the project, this in turn resulted in a reduction of grant funding.

*Revised scope of proposal*

The change of scope to the proposed project is that:

- the Town is the sole owner of a 2.3 megawatt (MW) plant;
- the originally intended two-phase built would now be one – with airport being the sole offtaker;
- there will be no requirement to enter into a lease with another party; and
- the building timeframe has been reduced to three - four months, commencing in the dry season of April 2016 scheduled to be in operation by July 2016.

At its December 2014 meeting, Council resolved (decision 201415/154) to approve a loan for the project as per below;

*“201415/154 AMENDED RECOMMENDATION/ COUNCIL DECISION*

*MOVED: CR JACOB*

*SECONDED: CR HOOPER*

*That Council:*

1. *Approve a loan to the value of \$4,725,675 to fund the 2.3MWp solar farm to be constructed at the southeast corner Kingsford Smith Business Park (subject to survey), to be in operation by a target date of July 2016 (with a life expectancy of 20 years) solely owned by the Town of Port Hedland (the “Town”); subject to the final grant approval by the Australian Renewable Energy Agency (“ARENA”) tentatively scheduled in February 2015 and meeting financial close deadline as required by ARENA; whilst acknowledging:*
  - a. *That the Grant funds will be governed by a funding agreement between the Town and ARENA;*
  - b. *That BeauSol Funds Management Pty Ltd (“BeauSol”) will be appointed to carry out the selection process, including the design of the contract relating to the construction of the solar farm through an Engineering Procurement Contract (“EPC”) with the Town on the basis that:*
    - i. *The EPC construction charge is equal to or better than the amount as documented in the financial model;*
    - ii. *The EPC contract protects against price variation; and*
    - iii. *The EPC contract is consistent with accepted industry practice;*

- c. *That in parallel to selecting the EPC, BeauSol will also carry out the selection process, including the design of the contract of a contractor through an Operational and Maintenance (“O&M”) contract for the Town:*
    - i. *Term is expected to be five years with three by five year extensions, subject to confirmation and acceptance by the Town at the end of each five year completion date.*
  - d. *That after 10 years of operation (2026) the battery and inverter will be required to be replaced and the Town will be required to set aside energy savings of an anticipated \$1,000,000+/- to carry out these essential works;*
  - e. *That the Town might also be required to invest additional capacity from the Horizon Power network in the future.*
2. *Authorise the Chief Executive Officer, or his delegate(s), to enter into the appropriate legal and contractual agreements, including the ARENA funding agreement, the appointment of BeauSol, the EPC and O&M, construction and operational contracts;*
  3. *Request the Town’s Staff report back to Council on the progress of the project, including but not limited to the funding agreement with ARENA and all associated contracts in due course; and*
  4. *Subject to ARENA board approving the project on 18 February 2015, request that the Chief Executive Officer implement a comprehensive community awareness and briefing campaign associated with this proposal, including but not limited to:*
    - a. *The production of a detailed proposal/ project document;*
    - b. *Community information sessions;*
    - c. *Information and Frequently Asked Question sheets; and*
    - d. *Regular project updates via the Town’s website and social media.*

*CARRIED BY ABSOLUTE MAJORITY 8/0”*

#### *ARENA grant funding approval*

The Town has received official written notification by the ARENA Board panel that its application for a Federal Grant to the value of up to \$6M was approved on 18 February 2015.

#### *Public comments - Town’s intent to borrow funds*

The Town’s intention to borrow funds was advertised for public comment as per Local Government Act (section 6.20) requirements. Section 6.20 does not require the Town to invite submissions from the public; it merely requires that the public be given notice of the Town’s intentions. However, in the aid of being transparent to the Community did invite submissions from the public.

The Town advertised its intention to obtain a loan in the State and Local newspapers commencing Wednesday 7 January until Friday 13 February 2015; for a period of five weeks and two days.

The Town received an objection letter (Attachment 1) on Friday 13 February 2015 from Mr. Arnold A. Carter and 18 other signatories. The objection noted several issues which are summarised and responded to in attachment 2.

*ARENA funding agreement progress update*

There are numerous conditions precedent to obtaining the ARENA grant funding, which the Town must provide before meeting financial close in June 2015, these include;

- a (signed) copy of the EPC contract;  
The Town with its engagement with BeauSol will provided this in the coming months.
- a (signed) copy of a power purchase agreement between the Town and the PHIA;  
The Town has a template which is acceptable to ARENA and will seek preapproval from ARENA before it's officially provided.
- a (signed) copy of the operational and maintenance agreement;  
The Town with its engagement with BeauSol will provided this in the coming months.
- a copy of the GMAS Steering Committee agreement;  
The Town has a template which is acceptable to ARENA and will seek preapproval from ARENA before it's officially provided.
- written evidence that the Town has provided its contributions;  
The Town's Finance Department will be asked to provide this evidence.
- copies of any consultancy agreements;  
The Town will provide this in due course.

The Town is required to report back to ARENA on every milestone. ARENA is vested in the proposed project equally as the Town is. The Town is very comfortable that ARENA will be monitoring the projects outcomes very closely and the ARENA team has been easy to work with to date, given the change of the scope of the project.

To confirm Council at its OCM 17 December 2014 (part) resolution 201415/154 resolved by Absolute Majority to;

- “2. *Authorise the Chief Executive Officer, or his delegate(s), to enter into the appropriate legal and contractual agreements, including the ARENA funding agreement, the appointment of BeauSol, the EPC and O&M, construction and operational contracts.*”

The Town has sought legal advice on the drafted funding agreement on two occasions. The Town is very comfortable with the current drafted funding agreement to note it is a standard Federal Government grant agreement. It should be noted that even though the contract is a standard Federal Government agreement, the Town has included clauses that should the Tender process not go according to its satisfaction it has the right to withdraw without penalty.

The Town and ARENA's transaction team are still in negotiations and anticipate that the funding agreement will be signed by late February 2015. What is critical to point out is that BeauSol cannot commence the Tender process until the funding agreement is signed.

The following timeline details the anticipated milestone and associated dates to the project;

Item	Date
1. ARENA board approves Grant	18 Feb 2015
2. ARENA and the Town signs funding agreement	26 Feb 2015
3. The Horizon Power connection application is forwarded	27 Feb 2015
3. BeauSol carries out Tender for EPC and O&M contractors	Late Feb – March 2015
4. EPC + O&M contracts signed by the Town (after legal revision)	May 2015
5. The Town and ARENA meet financial close: once the Town satisfies all conditions precedent: including, not exclusive to an executed EPC and O&M contract, the GMS Steering Committee Agreement, all ASNZ standard consultancy contracts are forwarded and receipt of the Town's funds.	June 2015
6. ARENA and the Town monies are placed in locked accounts, the Town governs the accounts during the construction period	June 2015
7. All relevant approvals for the project are formally requested – including, not exclusive to the Development Application is forwarded to the Town for approval from the Development Assessment Panel.	June – September 2015
8. Construction commences	April 2016
9. Construction is finalised	July 2016
10. Building certified and commissioning granted	July – August 2016
11. Milestone reporting to ARENA during the funding agreement period	July 2015 – May 2018

The Town is in a fortunate position in obtaining a Federal grant to help fund the solar project which will provide a significant renewable energy initiative. It is estimated that approximately 3,000 tonnes of CO<sub>2</sub> will be displaced by the implementation of the solar farm. In addition it has the potential to be a tourist attraction item and will provide a piece of infrastructure which research into further renewable energy projects can leverage off.

It should be noted that the previous reports in relation to this proposed project were made confidential due to the commercial sensitivity of the information and that ARENA had requested the Town not make any public announcements in relation to grant monies which were still pending approval.

As noted in the abovementioned Council (part) resolution 201415/154 (4) the Town will be holding community sessions regarding the project and warmly invites all community members to attend.

The following officers and organisations were consulted in order to complete this agenda item;

#### Town of Port Hedland

- Executive Group
- Economic Development and Strategic Planning unit

#### External

- BeauSol
- Jackson McDonald
- Ray Davy, Consultant
- Energetics
- TEC Services
- Concept Consultants Australia Pty Ltd
- UHY Haines Norton
- Horizon Power
- ARENA

### FINANCIAL IMPLICATIONS

The below table reflects the expenditure required from the Town for the solar farm sole ownership proposal. This includes the interest and principal repayments based on a 10 year loan with the Department of Treasury WA at a rate of 3.85%, two repayments per annum, including the recognition that the repayment of the loan will need to be self-funded until the farm is in operation by July 2016 (for an approximate period of March 2015 - June 2016 or 18 months) this self-funded amount is \$1,103,709.

Description	Proposed Budget \$
Solar Farm Sole Ownership	4,725,675
Loan Funds	(4,725,675)
Loan Interest Repayments	1,007,291
Loan Principal Repayments	4,725,675
Total per annum	573,297

The Town has confirmed with UHY Haines Norton 15 October 2014 that three key points of financial consideration being:

- a. that it is a tax-free entity under the *Income Tax Assessment Act 1997 section 50-25* Item 5;
- b. that there are no tax implications for the Town receiving the ARENA Grant funding; and
- c. as the Town is a tax exempt entity, the interest paid on the loan will not be deductible for tax purposes.

### STATUTORY AND POLICY IMPLICATIONS

This proposed solar farm aligns with Strategic Community Plan (section 3.1.1) to support the development of education, research and strategic investment opportunities for 'clean technology' industrial development and energy production.

A key opportunity in the *Pilbara Port City Growth Plan* states the potential for more sustainable methods of power generation to be employed - solar. The Growth Plan also specifically highlights Precinct 4 and the South East corner of the Kingsford Business Hub should be utilised for light industry and general industry purposes, which solar farming an example of this recommendation.

A number of Local Government Act sections apply to the project:

*Section 3.59 – Commercial enterprises by local governments; and (Functions and General) Regulations 1996 section 8(1) and (2)* outline the requirements for local governments to undertake business planning processes. However, the solar farm is exempt from the requirement to carry out a business planning process as the Town is not intending to produce a profit and another person will not be sold or given use of the land involved. It should be noted that if the solar farm does in the future sell energy to an offtaker, a business plan must be advertised.

*Section 6.20 (2)(a) and (b) – Power to borrow* outlines local government's requirement to advertise its intention to borrow.

The Request for Quote process to appoint a consultancy group to carry out a financial modelling, commercial risk and electrical engineer assessment was conducted in accordance with the Town's Procurement Policy 2/007.

### ATTACHMENTS

1. Objection letter to the intention to obtain a loan, Mr. A. Carter, 13 February 2015.
2. Issues raised during public comment period.

18 February 2015

**ATTACHMENT 1 TO ITEM 13.4**

AA Carter  
PO Box 217  
Port Hedland WA 6721

13<sup>th</sup> January

Mal Osborne  
CEO  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

Dear Mal,

In response to your advertisement in the North West Telegraph on December 2014. We the following wish to object against the proposed loan of \$4,376,675.00 for the reasons as outlined.

Your response to same would oblige.

  
Arnold A Carter.

January 23<sup>rd</sup> 2015**Proposed Loan Objection**

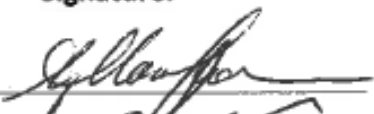
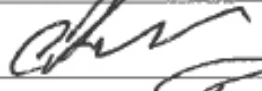


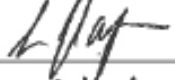

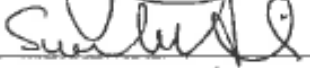


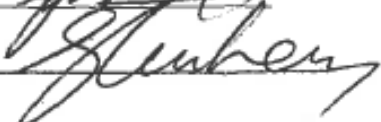
Objection against proposed loan of \$4,736, 675.00 as advertised in the North West Telegraph for the construction of a Solar Farm at Port Hedland Airport.

We the undersigned object to the above proposed loan for the following reasons:

1. No business plan available for rate payer's scrutiny.
2. No cost benefit analysis of project.
3. Who is responsible for the contractual and operation of same, has EPA approval been received.
4. You state that the costs of project has been calculated on a proportion of equity invested. What was this percentage and who were the equity investors.
5. What is your proposed cash flow enabling you to finalise a loan of this amount in 10 years.
6. Why the requirement to draw down the loan on March 13. When are your first payments due and how much. Including interest and principal.

This is a major project to be undertaken by the Council however there is no information for the rate payers to access or support the borrowing of such a large amount and the continual operating costs.

Your earliest response to these queries will oblige.

Name:	Address:	Signature:
Ellyenys Sampson	3 Edgar ST	
Carmelo Bianco	18 HARVEY WAY	
Ashman Brown	53A MORGANS ST	
KEN MCCORRY	56 LUKIS ST	
LYNDA SAYERS	48 SUTHERLAND ST	
GABBY CASEY	4 GRANT PLACE	
SUE VANDER HIDE	Black Rock CP	
VICKIE BROOKS	15 ROBINSON ST PH	
GARRY BROOKS	15 ROBINSON ST PH	
LOUISE STANLEY	55 ROCKBANK	



January 23<sup>rd</sup> 2015**Proposed Loan Objection**

Objection against proposed loan of \$4,736, 675.00 as advertised in the North West Telegraph for the construction of a Solar Farm at Port Hedland Airport.

We the undersigned object to the above proposed loan for the following reasons:

1. No business plan available for rate payer's scrutiny.
2. No cost benefit analysis of project.
3. Who is responsible for the contractual and operation of same, has EPA approval been received.
4. You state that the costs of project has been calculated on a proportion of equity invested. What was this percentage and who were the equity investors.
5. What is your proposed cash flow enabling you to finalise a loan of this amount in 10 years.
6. Why the requirement to draw down the loan on March 13. When are your first payments due and how much. Including interest and principal.

This is a major project to be undertaken by the Council however there is no information for the rate payers to access or support the borrowing of such a large amount and the continual operating costs.

Your earliest response to these queries will oblige.

**Name:****Address:****Signature:**

M. CARTER	47 MOON ST Port Hedland	<i>[Signature]</i>
R.W. HIGGINS	88 Sutherland Pt Hedland	<i>[Signature]</i>
S.R. MARTIN	P.O. Box 437 Port Hedland	<i>[Signature]</i>
D. McLOONEY	1 The Esplanade Port Hedland WA	<i>[Signature]</i>
R. LONG	15/2 MCKAY ST PORT HEDLAND	<i>[Signature]</i>
D. Smith	42 Steamer Ave Sth Hedland WA	<i>[Signature]</i>
M. Sampson	1048 Sutherland St Pt Hedland WA	<i>[Signature]</i>
Ray Sampson	3 Edgar Street Port Hedland.	<i>[Signature]</i>
GABBY SAMPSON	3 Edgar Street Port Hedland	<i>[Signature]</i>

ATTACHMENT 2 TO ITEM 13.4

Objection	Response
<p>1. No business plan available for rate payer's scrutiny</p>	<p>That is correct. Legal advice has been obtained from Jackson MacDonald 3 December 2014 to confirm that;</p> <p><i>'...even though the proposed solar farm project is a major land transaction it is exempt from the requirement to carry out a business planning process by virtue of regulation 8(1) of the Regulations and section 3.59(10)(a) of the Local Government Act 1995.'</i></p> <p>More specifically the proposal is exempt from the requirement to carry out a business planning process, in the first instance directed by section 3.59 (10)(a) that the regulations may...</p> <p><i>'...prescribe any land transaction to be an exempt land transaction';</i></p> <p>Regulation 8(1) of the Regulations provides that a land transaction (including a land transaction comprising the development of land) is exempt from section 3.59 of the Act;</p> <p><i>'(a) if the local government enters into it – without intending to produce profit to itself; and</i>  <i>(b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.'</i></p>
<p>2. No cost benefit analysis of project</p>	<p>The Town outsourced a full and comprehensive financial and commercial modelling assessment of the proposed project.</p> <p>In summary the report concludes;</p> <p><i>'The main outcome of this review is that the economic performance of this project is very attractive. The (grant monies) offered by the Australian Renewable Energy Agency (ARENA), the 10-year loan terms from the Western Australia Treasury Corporation with a 3.85% p.a. interest rate as well as the high electricity rate paid by the Town for PHIA make a very compelling business case.'</i></p> <p>The project aligns with the Town's Strategic Community Plan 2014-2024 and the Town's Corporate Business Plan 2014-2018</p> <p>To highlight in the first instance this proposed project directly aligns with the Town's Strategic Community Plan 2014-2024, specifically theme 3;</p> <p><i>Balancing our built and natural environment:</i></p>

*We are a safe, modern and attractive city that is sustainably balanced with our natural surroundings and cultural heritage.*

**3.1 Sustainable services and infrastructure:**

*Support the development of education, research and strategic investment opportunities for 'clean technology' industrial development and energy production.*

This proposed project also aligns with Town's Corporate Business Plan 2014-2018;

**3.1 Sustainable services and infrastructure**

**3.1.1 Support the development of education, research and strategic investment opportunities for 'clean technology' industrial development and energy production.**

**Action: Forge agreements with solar farm and waste to energy providers.**

**Stakeholder benefit detailed**

The Town, Council and its Community are not the only stakeholders to this project; both ARENA and Horizon Power are as well. The foremost driver to the project from ARENA's standpoint is to evaluate the effectiveness of the Horizon Power Grid Management Specification ("GMS"). In basic terms this means challenging the battery specifications regulated by Horizon Power. To achieve this objective the proposed project has been developed as a one phase built deployment profile, including a 24 month evaluation period carried out by the ARENA directorate. A GMS Steering Committee will be established over the 24 month period. It is proposed that the steering committee is comprised of a representative from Horizon Power, a consultant representing ARENA's interests and a representative for the Town.

The financial modelling for the proposed project includes an amount for the GMS Steering Committee running costs (time, travel and reporting requirements) inclusive of the cost of the Town appointing a representative (electrical engineering expert) over the 24 month period to ensure the best interests of the group are met. The financial modelling also includes another two expenditure items separate to the committee running costs which covers engineering analysis of the plant performance to capture all of the GMS events, (there are hundreds of millions of data points to sift through), which enables the production of reports which the GMS steering committee will use to deliberate on and make determinations on.

*Energy demand of the PHIA 2015 – 2017*

The most essential element to confirm in the proposed project is the energy demand of the PHIA, given its redevelopment program. How this is calculated is through confirmation of the redevelopment projects that will be delivered by 2017 as well as confirming current energy demands through the installation of data logging equipment.

The below energy demand table was engineered by Concept Consultants Australia Pty Ltd ("CCA"), based on the current PHIA redevelopment program.

Description	Unit	New additions by end of each stage (non-cumulative)		
		Stage 1 1/5/15	Stage 2 1/5/16	Stage 3 1/5/17
Annual Energy Demand (day+night time) at end of each stage	MWh (1,000xkWh)	2,138	439	1,611

The solar farm has only been designed to cover the anticipated demand of the PHIA by 2017 (63% of all demand per day). To further explain the table, there are no significant projects that will bring on additional energy demand during 2015. In 2016 an additional 439 MWh will be required on due to the increased demand placed on substation four. Finally by 2017 an additional 1,611 MWh will be required due to the leasing, construction and occupancy of operators at the freight hub, actually due to be in operation by the end of August 2016. In total the PHIA by 2017 will require a total of 4,188 MWh which the solar farm will provides an average of 63% of this total demand being 2,425 MWh.

*Network Reinforcement requirement by Horizon Power: the solar project postpones the requirement*

Horizon Power has raised the requirement of the Town to reinforce its infrastructure networks back to its Wedgefield substation. On 9 April 2014 Horizon Power made a formal presentation to the Town. The presentation highlighted the existing PHIA expansion projects will result in a significant increase to electrical load on the Horizon Power network. Horizon Power advise that due to the increase in demand from the PHIA as directly impacts on the Wedgefield substations transmission and distribution ability, Horizon's network infrastructure back to the Wedgefield substation will need to be upgraded at the five optioned below costs, to be paid solely by the Town (from \$2,223,000 - \$3,384,000) as a result of its increased demand over the coming years;

<p>It has been confirmed in the electrical engineering reports that the solar farm postpones the required reinforcement, even though the PHIA will remain connected to the grid, the solar farm will generate, transmit and distribute approximately 63% of energy demanded through the ring main - with the backup of a 2MWh battery. The savings to Council in postponing the requirement by Horizon Power to reinforce its networks back to Wedgefield is estimated to be worth \$428,000.</p> <p><i>Energy savings</i></p> <p>The Federal Government officially repealed the carbon tax effective 1 July 2014. As a result Horizon Power officially reduced all residential and business customer tariffs for the 2014 / 2015 financial year. This proposed project will see a 63% reduction in energy bills at the PHIA per annum. The energy savings will be used to pay for the ongoing operational and maintenance items (including, not exclusive to insurance premiums) on an annual basis for the next 20 years.</p> <p><i>Environmental savings: carbon footprint reduction</i></p> <p>It is estimated that approximately 3,000 tonnes of CO<sub>2</sub> will be displaced annually.</p> <p><i>Other Community benefits</i></p> <p>A key societal benefit will be the increased prestige of a solar farm viewable from the PHIA to all visitors and residents in the Town as it will be a significant feature covering 4ha of land.</p> <p>6. <i>Why the requirement to draw down the loan on March 13. When are your first payments due and how much. Including interest and principal?</i></p> <p>This date is noted in the advertisement as an 'anticipated' date or an estimated date. The actual drawn down date will be (subject to ARENA approval) three weeks prior to financial close.</p> <p>The Loan funds total \$4,725,675 with total Interest Repayments of \$1,007,290 and Principal Repayments of \$4,725,675 (based on two repayments per annum), centred on a 10 year loan at 3.85%. Please refer to the Financial Implications for further information.</p> <p>BeauSol will be appointed to carry out a Tender process to secure the construction and operational and maintenance of the proposed solar farm. Please refer to the abovementioned Council (part) resolution 201415/154 (1) (b) and (c).</p> <p>All applicable approvals will be obtained in due course.</p>	<p>3. Who is responsible for the contractual and operation of same, has EPA approval been received?</p>
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<p>4. You state that the costs of project have been calculated on a proportion of equity invested. What was this percentage and who were the equity investors?</p>	<p>The project is a joint venture between the Town of Port Hedland and the ARENA on roughly a 50:50 ratio.  To note, the Town will be 100% the sole owner of the proposed solar farm.</p>
<p>5. What is your proposed cash flow enabling you to finalise a loan of this amount in 10 years?</p>	<p>The proposed cash flow is calculated on a bimonthly basis and sees a return which allows the Town to feel very comfortable on meeting the repayments detailed in question six and subsequently listed in the Financial Implications.</p>
<p>6. Why the requirement to draw down the loan on March 13. When are your first payments due and how much. Including interest and principal?</p>	<p>This date is noted in the advertisement as an 'anticipated' date or an estimated date. The actual drawn down date will be (subject to ARENA approval) three weeks prior to financial close.  The Loan funds total \$4,725,675 with total Interest Repayments of \$1,007,290 and Principal Repayments of \$4,725,675 (based on two repayments per annum), centred on a 10 year loan at 3.85%. Please refer to the Financial Implications for further information.</p>

**ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****201415/185 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR JACOB**

That Council consider item 14.1 'Notice of Motion from Mayor Kelly Howlett'.

**CARRIED 8/0****14.1 Notice of Motion from Mayor Kelly Howlett****201415/186 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR JACOB****That Council:**

- 1. Grant Honorary Freeman of the Town of Port Hedland as per the reasoning included in the confidential report circulated to Elected Members under separate cover; and**
- 2. Request the Chief Executive Officer hold a civic reception in Council Chambers to present this honour.**

**CARRIED 8/0**

Mayor advised that the Honorary Freeman of the Town of Port Hedland was granted to Mr Bob Neville.

**ITEM 15 REPORTS OF COMMITTEES**

*Note: The Minutes of this Committee meeting are enclosed under separate cover.*

**15.1 Airport Committee Minutes – 3 December 2014****201415/187 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR GILLINGHAM**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 3 December 2014 at 12:30pm inclusive of the following decisions:

- 8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 1 October 2014 – decision AC201415/011**
- 11.4.1 Port Hedland International Airport – Projects Update October/November 2014 – AC201415/012**

**CARRIED 8/0**

**15.2 Airport Committee Minutes – 4 February 2015****15.2.1 En-bloc Decisions****201415/188 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HUNT****SECONDED: CR HOOPER**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 4 February 2015 at 12:30pm inclusive of the following decisions:

- 8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 3 December 2014**
- 11.2.1 Port Hedland International Airport – Projects Update December 2014/ January 2015**
- 11.2.2 Port Hedland International Airport New Terminal Design Development Strategy**
- 15 Applications for Leave of Absence for the Next Airport Committee Meeting**

***CARRIED 8/0*****15.2.2 Port Hedland International Airport Committee Membership – Community Member Resignation****201415/189 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HUNT****SECONDED: CR JACOB****That Council:**

- 1. Note Airport Committee Decision AC201415/015;**
- 2. Thank Dr Ken King for the contribution he brought to the Port Hedland International Airport Committee during his time as community member; and**
- 3. Appoint Mr Chris McMahon as a new community member to the Port Hedland International Airport Committee as per Airport Committee Decision AC201415/015.**

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



### 15.2.3 Port Hedland International Airport Committee Change of Dates

#### RECOMMENDATION

That Council:

1. Note Airport Committee Decision AC201415/019;
2. Amend the terms of reference of the Airport Committee to hold meetings every month on the following dates:

Date	Time	Location
Wednesday 4 March 2015	12:30pm	Council Chambers
Wednesday 1 April 2015	12:30pm	Council Chambers
Wednesday 6 May 2015	12:30pm	Council Chambers
Wednesday 3 June 2015	12:30pm	Council Chambers
Wednesday 1 July 2015	12:30pm	Council Chambers
Wednesday 12 August 2015	12:30pm	Council Chambers
Wednesday 2 September 2015	12:30pm	Council Chambers
Wednesday 7 October 2015	12:30pm	Council Chambers
Wednesday 4 November 2015	12:30pm	Council Chambers
Wednesday 2 December 2015	12:30pm	Council Chambers

#### AMENDED RECOMMENDATION

That Council:

1. Note Airport Committee Decision AC201415/019;
2. Amend the terms of reference of the Airport Committee to hold meetings every month on the following dates:

Date	Time	Location
Wednesday 4 March 2015	12:30pm	Council Chambers
Wednesday 1 April 2015	12:30pm	Council Chambers
Wednesday 13 May 2015	12:30pm	Council Chambers
Wednesday 3 June 2015	12:30pm	Council Chambers
Wednesday 1 July 2015	12:30pm	Council Chambers
Wednesday 12 August 2015	12:30pm	Council Chambers
Wednesday 2 September 2015	12:30pm	Council Chambers
Wednesday 7 October 2015	12:30pm	Council Chambers
Wednesday 4 November 2015	12:30pm	Council Chambers
Wednesday 2 December 2015	12:30pm	Council Chambers

**201415/190 COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HUNT****That Council:**

- 1. Note Airport Committee Decision AC201415/019;**
- 2. Amend the terms of reference of the Airport Committee to hold meetings every month on the following dates:**

<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>Wednesday 11 March 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 1 April 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 13 May 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 3 June 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 1 July 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 12 August 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 2 September 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 7 October 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 4 November 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>
<b>Wednesday 2 December 2015</b>	<b>12:30pm</b>	<b>Council Chambers</b>

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

**ITEM 16 CONFIDENTIAL ITEMS****201415/191 COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR BUTSON**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following items:

**16.1 Chief Executive Officer – Key Performance Indicators*****CARRIED 8/0***

7.57pm Mayor advised that the meeting is closed to members of the public.

7:57pm Chief Executive Officer declared a financial interest in item 16.1 'Chief Executive officer – Key Performance Indicators' as it relates to his contract.

Chief Executive Officer left the room.

**16.1 Chief Executive Officer – Key Performance Indicators****201415/192 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR JACOB****SECONDED: CR HOOPER****That Council:**

- 1. Receive the report on the Chief Executive Officer Key Performance Indicators including the attached Key Performance Indicators for Mr Osborne;**
- 2. Note that the Elected Members have reviewed the attached Key Performance Indicators and deemed them to be satisfactory;**
- 3. Confirm the Chief Executive Officer Key Performance Indicators for 2015; and**
- 4. Note that the FBT value of the Chief Executive Officer's Total Reward Package is \$17,883.**

***CARRIED 8/0*****201415/193 COUNCIL DECISION****MOVED: CR MELVILLE****SECONDED: CR HUNT**

That Council open the meeting to members of the public.

***CARRIED 8/0***

8:00pm Chief Executive Officer re-entered the room.

8:00pm Mayor advised that the meeting is open to the public. Mayor read out to the public Council's decisions made whilst behind closed doors.

**ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE****201415/194 COUNCIL DECISION****MOVED: CR DACCACHE****SECONDED: CR BUTSON**

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

- **Councillor Jacob from 28 February to 6 March 2015 and 15 May to 21 May 2015;**
- **Councillor Hunt from 9 March to 26 March 2015; and**
- **Councillor Melville from 6 April to 13 April 2015.**

***CARRIED 8/0***

**ITEM 18 ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS****201415/195 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR BUTSON**

**That Council approve Cr Jacob's attendance at the 11 March 2015 Airport Committee Meeting via teleconference in Perth in accordance with section 14A of the Local Government (Administration) Regulations 1996.**

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

**ITEM 19 CLOSURE****19.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 25 March 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 18 March 2015, commencing at 5:30pm.

**19.2 Closure**

There being no further business, the Mayor declared the meeting closed at 8:03pm.

**DECLARATION OF CONFIRMATION OF MINUTES**

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of \_\_\_\_\_ 2015.

CONFIRMATION:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE