

Town of
Port Hedland



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

WEDNESDAY 29 JULY 2015 AT 5:30PM

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

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

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

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ITEM 1 OPENING OF MEETING

The Deputy Mayor declared the meeting open at 5:35pm.

ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Deputy Mayor acknowledged the traditional owners, the Kariyarra people.

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

Councillor Gloria Jacob – Deputy Mayor
Councillor George Daccache
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Hunt
Councillor Lorraine Butson

Officers

Mal Osborne	Chief Executive Officer
Sid Jain	Director Corporate Services
Brendan Smith	Director Works and Services
Chris Linnell	Director Community and Development Services
Grace Waugh	Governance Officer
Anna Hoebergen	Minute Taker

Public	20
Media	1
ToPH officers	8

3.2 Apologies

Mayor Kelly Howlett
Councillor Troy Melville

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 24 June 2015****4.1.1 Mr Camilo Blanco**

I would like a copy of the bank statements that display the Airport Reserve Funds, which I believe to be in the vicinity of \$15 million, backed by the Town of Port Hedland's financial records. I would like an explanation as to how the net income after costs from the airport over the past two and ¾ years has amounted to \$32.5 million, but the reserve account balance has remained unchanged?

Chief Executive Officer offered Mr Blanco the opportunity to have a meeting to explain the preceding three years of financial records for the airport, including the dividend that the Port Hedland International Airport has returned to the Town of Port Hedland and the capital expenditure of the Airport.

The below table shows a full financial reconciliation for the Port Hedland International Airport for the years 2012/13, 2013/14 and 2014/15. Please note that the 2012/13 and 2013/14 data is based on audited actuals and 2014/15 is based on forecast data.

The opening and closing reserve balances tie back to Note 12 of the audited financial statements for 2012/13 and 2013/14 (refer below) and to the list of reserves presented (and below) in the monthly financial reports included in the June OCM agenda. It should be noted that the final amount for transfer to reserve for 2014/15 will be finalised as part of the end of year entries undertaken during the compilation of the Town's statutory accounts.

Also included in the monthly financial report (and below) is the list of Council investments which include funds held in reserve for the Port Hedland International Airport.

Municipal funds and reserve funds are pooled together for investment purposes to maximise investment returns. All bank balances are reconciled to the cash book as per the monthly financial report (see below extract).

TOWN OF PORT HEDLAND					
PORT HEDLAND INTERNATIONAL AIRPORT					
STATEMENT OF COMPREHENSIVE INCOME					
FOR THE YEARS ENDED					
Account Description	2012/2013	2013/2014	2014/2015	2014/2015	Forecast
	'000	'000	'000	'000	'000
Total Operating Income	\$ 17,658	\$ 14,952	\$ 18,992		
Total Operating Expenditure	-\$ 6,718	-\$ 6,326	-\$ 11,392		
Net Result	\$ 10,940	\$ 8,626	\$ 7,600		
Internal Funding					
Trf In From Kingsford Business Park - Airport Administration			\$ 1,853		
Other Expenditure					
Depreciation	-\$ 1,213	-\$ 1,253	-\$ 1,780		
Loss on Asset Disposal		-\$ 1	-		
Interest Expense	-\$ 77	-\$ 75	-\$ 71		
Payment for Airport Investment to Municipal	-\$ 1,805	-\$ 1,805	-\$ 3,269		
	\$ 7,846	\$ 5,494	\$ 4,333		
Add/Subtract Back Non Cash Items					
Depreciation			\$ 1,780		
Total Capital Works	-\$ 1,581	-\$ 8,050	-\$ 13,147		
Funding					
Repayment of Debentures - Loan Principal Payments : Airport Housing (131) - Airport Administration	-\$ 37	-\$ 39	-\$ 42		
Movement in Airport Reserve	\$ 6,227	-\$ 2,595	-\$ 5,222		
Airport Reserve Opening Balance/Forecast 1 July	\$ 12,833	\$ 19,060	\$ 16,463		
Repayment of Debentures - Loan Principal Payments : Airport Solar Farm - Airport Administration					
Airport Reserve Closing Balance/Forecast 30 June	\$ 19,060	\$ 16,464	\$ 11,241		

TOWN OF PORT HEDLAND
NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
FOR THE YEAR ENDED 30TH JUNE 2013

12. RESERVES - CASH/INVESTMENT BACKED

	2013 \$	2013 Budget \$	2012 \$
(a) Leave Reserve			
Opening Balance	949,398	951,369	909,268
Amount Set Aside / Transfer to Reserve	25,934	42,800	40,130
Amount Used / Transfer from Reserve	(80,720)	-	-
	<u>894,612</u>	<u>994,169</u>	<u>949,398</u>
(b) Airport Reserve			
Opening Balance	12,832,620	7,524,206	11,256,168
Amount Set Aside / Transfer to Reserve	37,996,262	5,833,144	17,628,189
Amount Used / Transfer from Reserve	(31,769,146)	(11,015,481)	(16,051,737)
	<u>19,059,736</u>	<u>2,341,869</u>	<u>12,832,620</u>
(c) Plant Reserve			
Opening Balance	284,697	285,263	272,663
Amount Set Aside / Transfer to Reserve	6,579	12,800	12,034
Amount Used / Transfer from Reserve	(291,222)	-	-
	<u>54</u>	<u>298,063</u>	<u>284,697</u>
(d) Car Parking Reserve			
Opening Balance	226,624	690,529	158,275
Amount Set Aside / Transfer to Reserve	4,973	32,600	68,349
Amount Used / Transfer from Reserve	-	-	-
	<u>231,597</u>	<u>723,129</u>	<u>226,624</u>
(f) Waste Management Reserve			
Opening Balance	1,284,198	132,561	614,645
Amount Set Aside / Transfer to Reserve	4,469,751	3,248,479	2,791,793
Amount Used / Transfer from Reserve	(1,550,340)	(1,670,378)	(2,122,240)
	<u>4,203,609</u>	<u>1,710,662</u>	<u>1,284,198</u>
(h) Lights Replacement Reserve			
Opening Balance	22,559	21,533	21,333
Amount Set Aside / Transfer to Reserve	586	1,000	1,226
Amount Used / Transfer from Reserve	-	-	-
	<u>23,145</u>	<u>22,533</u>	<u>22,559</u>
(i) Depot Facilities Reserve			
Opening Balance	16,101	16,121	15,420
Amount Set Aside / Transfer to Reserve	419	700	681
Amount Used / Transfer from Reserve	-	-	-
	<u>16,520</u>	<u>16,821</u>	<u>16,101</u>
(l) South Hedland Library Reserve			
Opening Balance	14,202	14,202	13,602
Amount Set Aside / Transfer to Reserve	369	600	600
Amount Used / Transfer from Reserve	-	-	-
	<u>14,571</u>	<u>14,802</u>	<u>14,202</u>

Town of Port Hedland

Notes to the Financial Statements
for the year ended 30 June 2014

Note 12. Reserves - Cash/Investment Backed

\$ '000	2014 Actual	2014 Budget	2013 Actual
(a). Asset Management Reserve			
Opening Balance	185	29	-
Amount Set Aside / Transfer to Reserve	563	557	367
Amount Used / Transfer from Reserve	(546)	(586)	(182)
	<u>202</u>	<u>-</u>	<u>185</u>
(b). Plant Reserve			
Opening Balance	-	6	285
Amount Set Aside / Transfer to Reserve	-	-	7
Amount Used / Transfer from Reserve	-	(6)	(292)
	<u>-</u>	<u>-</u>	<u>-</u>
(c). Underground Power Reserve			
Opening Balance	654	-	-
Amount Set Aside / Transfer to Reserve	-	-	654
Amount Used / Transfer from Reserve	(654)	-	-
	<u>-</u>	<u>-</u>	<u>654</u>
(d). Waste Collection Reserve			
Opening Balance	4,204	4,244	1,284
Amount Set Aside / Transfer to Reserve	-	-	4,470
Amount Used / Transfer from Reserve	(4,204)	(4,244)	(1,550)
	<u>-</u>	<u>-</u>	<u>4,204</u>
(e). Airport Reserve			
Opening Balance	19,060	15,381	12,833
Amount Set Aside / Transfer to Reserve	14,997	25,065	37,996
Amount Used / Transfer from Reserve	(17,594)	(31,469)	(31,769)
	<u>16,463</u>	<u>8,977</u>	<u>19,060</u>
(f). Unfinished Works and Committed Works Reserve			
Opening Balance	-	-	-
Amount Set Aside / Transfer to Reserve	982	-	-
	<u>982</u>	<u>-</u>	<u>-</u>

TOWN OF PORT HEDLAND
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2015

RESERVES

Reserve	Actual Opening Balance 000's	Current Budget Transfers In 000's	Actual Transfers In 000's	Current Budget Interest 000's	Actual Interest 000's	Current Budget Transfers Out 000's	Actual Transfers Out 000's	Current Budget Closing Balance 000's	Current Balance 000's
Current									
Employee Leave Reserve	876	0	0	0	0	0	0	876	876
Car Parking Reserve	367	0	0	0	0	0	0	367	367
Airport Reserve	16,463	0	0	0	0	-5,222	0	11,241	16,463
BHP Reserve	3,494	198	198	40	36	-3,534	-2,938	197	790
Spoilbank Reserve	39,608	0	0	0	0	-647	0	38,961	39,608
Royalties For Regions Reserve	48	0	0	0	0	-48	0	-0	48
Community Facilities Reserve	0	10	0	0	0	0	0	10	0
GP Housing	185	0	0	0	0	0	0	185	185
Asset Management Reserve	202	338	338	0	0	-344	-17	197	524
Waste Management Reserve	4,750	2,743	0	0	0	0	0	7,493	4,750
Plant Reserve	0	837	0	0	0	0	0	837	0
Public Open Space Reserve	158	1,216	1,216	0	0	0	0	1,374	1,374
Unfinished Works & Committed Works Reserve	982	2,281	0	0	0	-982	-982	2,281	0
Staff Housing Reserve	0	730	0	0	0	0	0	730	0
Strategic Reserve	0	1,984	1,209	0	0	-1,984	0	0	1,209
Unspent Grants, Loans & Contributions Reserve	0	1,094	0	0	0	0	0	1,094	0
	67,133	11,431	2,961	40	36	-12,762	-3,936	65,843	66,194

In accordance with council resolutions in relation to each current reserve account, the purpose for which the reserves are set aside are as follows:

Employee Leave Reserve

- to fund employee annual and long service leave entitlements.

Developer Contributions Reserve - Car Parking Reserve

- to hold contributions which arise from conditions applied to a Development Application for car parking.

Airport Reserve

- to fund the ongoing and future Port Hedland International Airport Operations and Capital Programs.

BHP Reserve

- to fund approved projects under the BHP Town of Port Hedland Community Development Project Contract - Sustainability Partnership.

Spoilbank Reserve

- to fund the development of the Port Hedland Spoilbank Precinct.

Royalties for Regions Reserve

- to fund approved Royalties for Regions Projects with contributions received from the State Government.

Community Facilities Reserve

Detailed Portfolio balances

Investment	Credit rating	Principal	Interest rate	Term to Maturity	Maturity date	Interest on Maturity (\$)	% of Portfolio
National Australia Bank	A1+	1,000,000	2.65%	1 month 16 days	14/07/2015	3,340	1.2%
National Australia Bank	A1+	900,000	2.95%	3 months	20/07/2015	6,547	1.1%
Westpac	A1+	1,200,000	2.91%	3 months 26 days	09/06/2015	11,098	1.5%
Westpac	A1+	2,000,000	2.94%	4 months 5 days	07/07/2015	20,137	2.5%
Bank of Queensland	A2	500,000	3.41%	5 months	22/06/2015	6,820	0.6%
Bank of Queensland	A2	2,000,000	3.00%	5 months	24/08/2015	24,658	2.5%
AMP	A2	2,000,000	3.30%	6 months	04/08/2015	32,910	2.5%
National Australia Bank	A1+	2,000,000	3.15%	6 months	25/08/2015	31,068	2.5%
ING Bank Australia	A2	1,000,000	3.03%	6 months	08/09/2015	14,942	1.2%
ANZ	A1+	1,200,000	2.90%	6 months	02/10/2015	17,162	1.5%
Commonwealth Bank	A1+	2,000,000	3.00%	6 months	06/10/2015	29,589	2.5%
National Australia Bank	A1+	2,000,000	2.95%	6 months	14/10/2015	29,581	2.5%
ING Bank Australia	A2	800,000	2.50%	6 months	27/10/2015	9,918	1.0%
National Australia Bank	A1+	4,000,000	2.97%	6 months	28/10/2015	59,888	4.9%
Bank of Queensland	A2	1,200,000	3.50%	9 months	16/06/2015	31,299	1.5%
National Australia Bank	A1+	2,000,000	3.15%	9 months	08/12/2015	46,603	2.5%
National Australia Bank	A1+	2,000,000	2.97%	9 months	29/02/2016	43,940	2.5%
National Australia Bank *	A1+	10,000,000	3.68%	10 months	28/06/2015	308,515	12.3%
National Australia Bank	A1+	3,000,000	3.70%	11 months	20/07/2015	100,356	3.7%
Westpac *	A1+	10,000,000	3.64%	11 months	27/07/2015	329,096	12.3%
National Australia Bank *	A1+	10,000,000	3.70%	1 year	27/08/2015	370,000	12.3%
ANZ *	A1+	10,000,000	3.69%	1 year	27/08/2015	369,000	12.3%
National Australia Bank	A1+	1,000,000	3.62%	1 year	21/10/2015	36,200	1.2%
ANZ	A1+	2,000,000	3.65%	1 year	04/11/2015	73,000	2.5%
ANZ	A1+	2,000,000	3.68%	1 year	17/11/2015	73,600	2.5%
POOLED INVESTMENTS		75,800,000				2,079,265	
National Australia Bank	A1+	5,750,000		At Call account		5,888	6.5%
TOTAL INVESTMENTS		81,050,000		TOTAL INTEREST PROJECTED		2,085,153	100.0%

* Spoilbank Reserve of \$39.608m is included in the above identified Term Deposits

**TOWN OF PORT HEDLAND
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2015**

BANK RECONCILIATIONS

TOWN OF PORT HEDLAND BANK RECONCILIATION FOR THE PERIOD ENDED 31 MAY 2015	CASH ON CALL	MUNICIPAL FUND	BHP RESERVE FUND	RESERVE FUNDS	POOLED INVESTMENTS	TOTAL CASH & INVESTMENTS	TRUST FUND
SYNERGY CASH BOOK CLOSING BALANCE:	\$5,250,000.00	\$270,688.09	\$790,176.64	\$91,722.69	\$75,800,000.00	\$82,202,587.42	\$2,672,433.71
BANK STATEMENT CLOSING BALANCE AS AT 31/05/2015	\$5,250,000.00	\$307,783.35	\$795,398.91	\$91,722.69	\$75,800,000.00	\$82,244,904.95	\$479,504.93
BANK STATEMENT CLOSING BALANCE AS AT 31/05/2015- CATAMORE VARIANCE	\$0.00	(\$37,095.26)	(\$5,222.27)	\$0.00	\$0.00	(\$42,317.53)	\$2,864,795.56
							(\$171,866.78)
RECONCILING ITEMS:							
<i>Add</i>							
Uncleared Cash / Cheque Deposits		\$2,375.98				\$2,375.98	
Outstanding Direct Debits		\$594.80				\$594.80	
Outstanding Credit Card Expenses (Paid to NAB - awaiting invoices)		\$40,217.39				\$40,217.39	
<i>Less</i>							
Outstanding Transfers between TRUST & MUNI		(\$13,236.50)				(\$13,236.50)	\$13,236.50
Interest not yet processed in Synergy			(\$5,222.27)			(\$5,222.27)	(\$26,006.85)
Unpresented Cheques		(\$57,925.19)				(\$57,925.19)	(\$159,096.43)
Receipts not processed in Synergy		(\$9,141.74)				(\$9,141.74)	
TOTAL RECONCILING ITEMS	\$0.00	(\$37,095.26)	(\$5,222.27)	\$0.00	\$0.00	(\$42,317.53)	(\$171,866.78)

	000'S
CASH AND INVESTMENTS as per BANK REC	82,202,587
Municipal Funds	15,009,136
Reserve Funds	66,193,452
	82,202,587
Other Cash Amounts:	
Cash on Hand	5,800
Muni Suspense Account	-126
TOTAL CASH AND INVESTMENTS	82,208,261

4.1.2 Mr Richard Whitwell

What is the annualised rate of economic return to the Town of Port Hedland for the Port Hedland International Airport?

Chief Executive Officer advised up to the 2013/14 Budget there was a \$1.85 million dividend returned to the Town in cash that went into the Town's municipal fund. The Port Hedland International Airport has also been accounting for depreciation, with an amount of approximately \$700,000 coming into the Town's overall funds and not being returned to the airport. There is also a contribution to overheads and administration costs that the airport returns to the Town which is approximately \$1 million. To ensure transparency a decision was made to include the total amount contributed by the airport in the 2014/15 budget, this being \$3.2 million.

The depreciated replacement cost of airport assets (\$57,676,635) has been used for the calculation of return on equity. Investment in airport services is considered in the high risk category for a local government investment when determining the required rate of return. A return of 5 to 7% above the long term bond rate was considered appropriate by the Commonwealth Competitive Neutrality Complaints office.

Utilising the latest bond rate of 2.48% a rate of return of between \$4,314,212 and \$5,467,745 is obtained calculated as follows:

$$\begin{aligned} & \$57,676,635 \times (2.48 + 5.00)\%; \text{ and} \\ & \$57,676,635 \times (2.48 + 7.00)\%. \end{aligned}$$

It must be noted this rate of return does not include any return on value of the land under the airport facility. Whilst a return on the value of the land may be considered by a commercial provider of services, the value of airport services to the community and to economic development is recognised by not raising a return on the value of the land.

The budgeted contribution from the Airport to the Town in 2014/15 is \$3.269 million which is 5.7% of the depreciated replacement cost of \$57,676,635.

4.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 24 June 2015

4.2.1 Councillor Gillingham

I believe the Chief Executive Officer is correct, parties were referred to financial statements. Can we see the figures of other smaller regional airports in Australia that have leased their airports? I have requested this information previously.

Chief Executive Officer advised that the below response was provided in the 1 July 2015 Airport Committee Meeting to Cr Gillingham's question taken on notice.

Program Director Airport Redevelopment has reviewed figures for other regional airports, and while this regional information is not generally available, it can be confirmed that Northern Territory Airports have invested \$295m since privatisation. Approximately \$70m of that has been invested in Alice Springs Airport, which is of a similar size regional population to Port Hedland. It is also noted that a further \$50m is budgeted to be invested across the Northern Territory Airport Group in 15/16.

The dot points below pertain to figures from other smaller regional airports:

- Mackay Airport
Completed \$18M Mackay Redevelopment Project in 2013 including:
 - Terminal upgrade with new layout and improved retail outlets, passenger facilities and airline lounges
 - Runway overlay and lighting
 - Drainage works
 - Car park and access road upgrades

- Mt Isa Airport
The terminal was extensively refurbished during 2000 at which time the departure lounge was integrated into the main building. 2010 saw an investment of \$13 million to do a complete runway overlay and a terminal upgrade.

- Canberra Airport:
Canberra Airport invested a \$480 million spent on the development of the new terminal (2008-2014)

- Adelaide Airport:
South Australia's central city airport is still spending a steady \$40 Million a year with \$600 Million to \$700 Million in diverse work planned over 10 years.

- Hobart Airport:
Has spent of \$70m since privatisation.

- Launceston airport:
Has completed a \$7Million terminal, and \$17M program new developments over last 5 years.

During the dates of 6 and 7 December 2014, which was the completed change over to Microsoft programs, I have been informed that no errors occurred. Can you please state why emails in my Councillor Inbox are missing for a period stretching 4 October to 21 November 2014?

Chief Executive Officer advises that the Town has never claimed that Cr Gillingham's sent emails are missing. In order to possibly retrieve those emails the steps advised in the Town's initial email to Cr Gillingham are required to be carried out to rebuild the old system. It will then be possible to determine if the requested emails are recoverable.

How can emails disappear from a newly migrated system given it has been stated that no errors occurred?

Chief Executive Officer advises that the Town has never claimed that Cr Gillingham's sent emails are missing. In order to possibly retrieve those emails the steps advised in the Town's initial email to Cr Gillingham are required to be carried out to rebuild the old system. It will then be possible to determine if the requested emails are recoverable.

Please explain the meaning of the Town of Port Hedland Computer Agreement's warning stating emails can be forged or disclosed to others without one's knowledge?

Chief Executive Officer advises that the Town's systems are secure and he is confident that the Town's systems have not been compromised. It should be noted that despite all the security that the Town has in place, any online system has the potential to be breached. The agreement is making users of the Town's computer systems aware that this could happen. The Town is not aware of any instances where its systems have been breached or compromised (hacked).

All ToPH incoming and outgoing messages are scanned and verified by MessageLabs cloud solution. MessageLabs cloud has security controls which are ISO 27001 certified.

How is the warning displayed on devices other than Town of Port Hedland equipment when there is no formal computer agreement documentation signed by Elected Members.? For example iPads, laptops and mobile phones.

Chief Executive Officer advises that the warning is not displayed on I pads, laptops (using Webmail) and mobile phones as no direct log on into the Town's server/system is required. However passwords either at the time of logging in (Webmail) or at the time of initial set up of emails (iPads and mobile phones) must be entered to access Town emails.

Council adopted the Code of Conduct in January 2010, section 4 of which talks about dealing with information and property and section 5 deals with Corporate Obligations. The Code establishes the standards of behaviour and professional conduct expected of the Town's elected members in the performance of their respective functions and duties. By adopting this code Council members have agreed to the contents of this document and the requirement to comply with it.

Does the Town of Port Hedland computer system operate a virtual environment regarding a skill set for in house procedures or is this outsourced to external administrators?

Chief Executive Officer advises that Virtual Environment is being maintained in-house. Functions that are outsourced to third party vendors are:-

- Software purchases & licensing
- Hardware purchases & maintenance
- Data cabling
- Electrical Work
- Security
- Specialist Airport IT functions
- Frequency allocators
- Website development

- Afterhours call centre
- GIS Suppliers [landgate]
- Microsoft Migration Services
- Licencing services [Microsoft]
- Network & Telephony
- Mobile Phones & Landline telecommunications

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.'

Deputy Mayor opened Public Question Time at 5:39pm

5.1 Public Question Time

5.1.1 Mr Frank Edwards

I would like to confirm that a Council decision made at a meeting on 27 February 2008 is still current?

Chief Executive Officer requested Mr Edwards advise of which decision.

The decision was to have land amalgamated with the Rodeo ground.

Chief Executive Officer advised that under normal circumstances the decision of Council remains active until it is either enacted upon, or until Council resolve to rescind that decision. Chief Executive Officer read out loud decision 200708/069 from the 27 February 2008 Ordinary Council Meeting and confirmed that if the decision has not been enacted it still stands.

A letter from the Department of Lands to the Director Works and Services states that the Council supports the release of the unallocated ground, for public expressions of interest for rural residential. This goes against the Council decision made at the 27 February 2008 Meeting.

Deputy Mayor clarified that the Council decision was supporting the amalgamation of the lots.

Chief Executive Officer advised that the Town did support the amalgamation of the lots, and the Town communicated that information to the Department of Lands. The Department of Lands then corresponded with the Town at a later time, not necessarily supporting the amalgamation of the lots. The lots belong to the Department of Lands and they have decided to take alternative action.

In a separate letter from the Department of Lands, they state that they consider it a viable option to have the land amalgamated.

Chief Executive Officer advised that he is not able to comment on behalf of the Department of Lands.

Deputy Mayor requested that Mr Edwards provide the Town of Port Hedland officers with the letters in question, then meet with the Town's officers to discuss the letters.

I have met with one of the Town's officers and they said they could change the Council decision.

Chief Executive Officer confirmed that a decision of Council cannot be changed, the Town of Port Hedland does not control the said lots. The Town may have agreed that the strategic use of the lots would be more appropriate for rural residential. There could have been a scheme amendment that the Town would have responded to with the use proposed being rural residential. Chief Executive Officer reiterated that the Town of Port Hedland would be happy to have a meeting with Mr Edwards to discuss this further, however the land is not under the control of the Town of Port Hedland.

I understand this information, and I have had everyone's support to get to this point, however now someone has applied to build a house on the proposed car park for the rodeo. In 2008 and 2011 I received planning approvals from the Town of Port Hedland for the proposed car park.

Deputy Mayor requested that Mr Edwards collate all of the documents mentioned, and arrange a meeting with the Chief Executive Officer and relevant officers to discuss the action taken. Deputy Mayor stated that it is in the Town of Port Hedland's best interest to support this cause.

Chief Executive Officer added that the Town was in receipt of correspondence from the Minister indicating that the Department of Lands was not prepared to release the land. Therefore the Town is restricted in possible courses of action, however the Town's officers will be happy to meet with Mr Edwards to discuss this further.

5.1.2 Mr Michael Pound

Pursuant to clause 9.2 of Town of Port Hedland Town Planning Scheme No. 5, was formal delegation in place to allow for the Chief Executive Officer to sign off on planning applications between February 2015 and April 2015, yes or no?

Deputy Mayor advised that the Town of Port Hedland has received this question via email, and the Town has responded to the questions on the morning of 29 July 2015.

Chief Executive Officer stated that this question has been answered previously, however the answer does not seem to satisfy interested parties. Local Government processes dictate that when an officer is absent or a position is vacant, either higher duties or alternate duties are put in place. In some cases, a senior officer may assume the roles of a junior officer, without backfilling the junior officer position. In regards to the period of February 2015 to April 2015, the Chief Executive Officer assumed the responsibilities of Director Community and Development Services which was facilitated through an internal instrument of authorisation. This also complies with section 49 of the Interpretations Act, and when in place the full delegated responsibility of the other officer then rests with the officer who has assumed the responsibilities. Chief Executive Officer confirmed that the answer to Mr Pound's question is yes, however not through Council resolution as it was not required.

Would the internal instrument of delegations be accessible via Freedom of Information?

Chief Executive Officer advised Mr Pound that he could view the said documentation.

Deputy Mayor reminded Mr Pound that all questions should be directed through the chair.

At the 22 April 2015 Ordinary Council Meeting, the Chief Executive Officer advised Elected Members that Application 2014/198.01 had been removed from the table which features in item 12.1.2 'Delegated Planning, Building and Environmental Health Approvals and Orders for March 2015' as it was being considered in a separate report at that same meeting, being item 12.1.5 'Application for Planning Approval – Change of use from Warehouse to Industry – Light' and 'Motor Vehicle and/or Marine Repair' at units two and three on Lot 215 (2) Steel Loop Wedgefield. These are two separate applications at two completely different addresses and have no relevance to each other. Why did the Chief Executive Officer justify to Elected Members the removal of Application 2014/198.01 by claiming that it would be considered in another item at the same meeting?

Deputy Mayor advised that the Town of Port Hedland has received this question via email, and the Town has responded to the questions on the morning of 29 July 2015. At the 22 April 2015 Ordinary Council Meeting development application 2014/198 for 215 (No. 2) Steel Loop, Wedgefield was taken out of item 12.1.2 'Delegated Planning, Building and Environmental Health Approvals and Orders for March 2015' as the development application was being considered by Council in a separate report at that meeting (item 12.1.5 'Application for Planning Approval – Change of Use from 'Warehouse' to 'Industry – Light' and 'Motor Vehicle and/or Marine Repair' at Units 2 & 3 on Lot 215 (2) Steel Loop, Wedgefield'). When item 12.1.2 was considered the Chief Executive Officer advised Council and the public of this change.

The development in agenda item 12.1.2 refers to 49 Steel Loop, Wedgefield and item 12.1.5 refers to Units 2 and 3 on Lot 215 (2) Steel Loop, Wedgefield.

Deputy Mayor requested Mr Pound supply the documentation to enable the Town of Port Hedland to investigate and respond accordingly.

Clause 4.7.2 of the Town Planning Scheme No.5 states that "Upon written application being made by an owner of land the Council may vary any condition imposed on a planning approval or may extend the time for compliance of any condition so imposed." Application 2014/198.01 'Amendment to Planning Approval 2014/198 – From Three (3) Warehouses to One (1) Workshop' proposed to amend Conditions 1 and 4 of Planning Permit 2014/198. It clearly states above that only Council may vary any conditions which have been imposed on planning approvals. Was a formal delegation in place to allow for the Chief Executive Officer to sign off on the delegated approval to amend Condition 1 and 4 of Planning Permit 2014/198?

Deputy Mayor requested Mr Pound supply the documentation to enable the Town of Port Hedland to investigate and respond accordingly.

5.1.3 Deputy Mayor on behalf of Mr Camilo Blanco

Deputy Mayor received email correspondence from Mr Camilo Blanco providing questions for Public Question Time. In line with Standing Orders, Deputy Mayor read the first three questions from Mr Blanco's correspondence. Mr Blanco's correspondence included a total of 21 questions, Deputy Mayor advised the Town of Port Hedland officers will reply to the remaining 18 questions via email.

The Chief Executive Officer has recently lodged legal proceedings in the form of a VRO and Defamation action, will the Town of Port Hedland be paying for this legal action, now or in future?

Deputy Mayor advised in the negative.

Can I get an explanation as to why the draft budget has allocated \$2,291,930.00 in 'councillors expenses' that equates to \$286,491.25 for each councillor. Can you supply a breakdown of the proposed expenditure that would warrant such a high cost to the ratepayers of Port Hedland?

Director Corporate Services advised that the detail is available in the currently advertised Town of Port Hedland Draft Budget. It should be noted that a large portion of the expense is an administration cost distribution of \$1.4 million which is a distribution of corporate management and governance costs.

Deputy Mayor clarified \$1.4 million of the \$2,291,930.00 is administration cost, not Councillor expenses therefore the actual Elected Member costs would be approximately \$850,000.00.

Chief Executive Officer added that the discussed figures are not the cost of each Elected Member, expenses incorporate the Town of Port Hedland's hospitality for civic receptions, printing materials and a range of other expenses. These figures are not the equivalent of a payment per Elected Member.

The 14/15 budget had councillor expenditure at \$1,681,883.00 yet \$1,980,183.00 was spent, that's a \$298,300.00 overspend. Can I get a detailed breakdown on the full expended amount and the specific amount each councillor was responsible for?

Director Corporate Services advised the amount is inclusive of administration overheads and took the question on notice to provide further detail.

Deputy Mayor closed Public Question Time at 5:56pm.

Deputy Mayor opened Public Statement Time at 5:57pm.

5.2 Public Statement Time

5.2.1 Ms Louise Newbery-Starling

Ms Newbery-Starling made a statement in regards to reducing expenses at the Town of Port Hedland and item 12.3.5 'Policy 1/021 on Relationship Declaration Register'.

Ms Newbery-Starling's bookkeeper recently contacted the Town of Port Hedland to enquire into receiving invoices via email. The bookkeeper was advised that the Town will only email invoices when the invoiced value is higher than \$1,000.00, otherwise invoices are distributed via post. Ms Newbery-Starling believes it is a waste of money to distribute invoices via post, and believes the Town of Port Hedland should update their system to enable the functionality to email all invoices.

Ms Newbery-Starling also commented that item 12.3.5 'Policy 1/021 on the Relationship Declaration Register' should be dealt with at a Federal level, and that the Town's focus should be on finalising the budget and reducing expenses. Ms Newbery-Starling believes the Churches and Federal Politicians should make decisions in relation to item 12.3.5 'Policy 1/021 on Relationship Declaration Register'. Ms Newbery-Starling has acquaintances that are homosexual, however is not open to a Relationship Declaration Register in Port Hedland.

5.2.2 Mr Ben Fisher

Mr Fisher made a statement in opposition to item 12.3.5 'Policy 1/021 on Relationship Declaration Register'.

Mr Fisher is a long term resident of Port Hedland, after reading about item 12.3.5 'Policy 1/021 on Relationship Declaration Register' in the media, Mr Fisher felt compelled to make a Public Statement. Mr Fisher stated he is a Christian and a follower of Jesus Christ. Mr Fisher stated the nation was founded on a Christian Judea world view, which is according to Jesus. Mr Fisher then proceeded to read scripture;

'And it came to pass when Jesus had finished. He departed from Galilee and went into the region of Judea beyond the Jordan. Great multitudes followed him, and he healed them there. The Pharisees also came to him testing him saying "Is it lawful for a man to divorce his wife for just any reason?" He answered them "Have you not read, that he who made them at the beginning made them male and female, for this reason a man will leave his father and mother and be joined to his wife, and the two shall become one flesh so they are no longer two, but one flesh. Therefore what God has joined together, let not man separate."'

Mr Fisher strongly supports the traditional marriage, and stated he does not hate homosexual people and that Jesus loves everyone. He stated that in Canada homosexual marriage was introduced ten years ago, and has seen persecution and disbelief occurring in Church. Mr Fisher also stated that in Canada you can no longer call yourself a natural parent as they now must be called Legal Guardians.

Deputy Mayor advised that Australia is an inclusive nation and it is everyone's right to have an opinion. The Town appreciates Mr Fisher attending the Council Meeting and providing his views.

5.2.3 Mr David Moses-Martin

Mr Moses-Martin made a statement in opposition to item '12.3.5 Policy 1/021 on Relationship Declaration Register'.

Mr Moses-Martin stated that Jesus Christ loves everyone, and that he is a believer of the lord Jesus Christ. Mr Moses-Martin spoke on the ways of the Aboriginal Lore and culture. He explained that young men who have been given a wife by their parents, must got through the lore. When the lore is finished, they can marry. Mr Moses-Martin does not agree with what is happening in the world today. In the path of the generation of his elderly people, Mr Moses-Martin stated he loves the father, son and Holy Spirit.

5.2.4 Ms Margaret Moses-Martin

Ms Moses-Martin assisted Mr Moses-Martin by reading two scripture verses:

'Genesis, Chapter 2, Verse 24

Therefore shall a man leave his father and mother, and shall cleave unto his wife and they shall be one flesh.'

'Romans, Chapter 1, Verse 24

Wherefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonour their own bodies between themselves.'

5.2.5 Mr Shawn O'Dea

Mr O'Dea made a statement in opposition to item '12.3.5 Policy 1/021 on Relationship Declaration Register', by writing a statement also submitted via email.

I have noted that the Town of Port Hedland Council has embarked on what I consider to be an ill-conceived venture which, as far as I am concerned, is an attempt to front-run a very important debate which has yet to run its course here in Australia, which is the question of opening the Marriage Act up to same sex couples. I feel that there are numerous issues which need to be taken into consideration here, some of which are:

- in difficult times such as currently being experienced by the community, when budgets are under pressure due to falling revenues, service delivery is under pressure due to financial constraints, unemployment is rising,

businesses in town are folding, it is disappointing that the council sees fit to waste valuable resources on something that can be seen at best as a liberal publicity stunt which will be of little benefit to the community at large;

- the council does not have a mandate from its electorate to implement a change such as this, and the entire community needs to be given a formal say as to whether it supports a decision or not;
- the debate around this subject at Federal level still has a long way to go, and the outcome has yet to be determined, but will in all likelihood lead to a different outcome from that which is envisaged by the Council, which will probably invalidate this decision in any event;
- the legal status of this register and the relationships recorded in it is at best questionable, given that the register does not constitute proof of a de facto relationship in terms of current legal requirements, and the fact that these relationships can come into existence and cease to exist with equal facility is also problematic; this raises the question of why is the Council doing this anyway if it has no tangible benefit to anyone?
- the fact that officials who may be required to carry out this policy as part of their roles at the Town of Port Hedland but who object to it for a valid reason do not have a means to opt out of being compelled to carry out this policy needs to be taken into account as well, as it is something that some people will find problematic and may result in their being discriminated against should they refuse to take part.

In summary, I wish to express my opposition to this policy, as it is quite plainly the wrong thing to be doing for the Town of Port Hedland at this time. The Council should concern itself with the very real issues facing the community at the moment, not trying to score cheap points in the liberal stakes in this way.

5.2.6 Mr Haapi Wilson

Mr Wilson made a statement in relation to item 12.3.5 'Policy 1/021 on Relationship Declaration Register'.

Mr Wilson explained that he and his family enjoy living in Port Hedland and he was born in New Zealand. Mr Wilson's son Toby is 20 years old and works as a manager in a warehouse in Hamilton, New Zealand and is homosexual. Toby is Christian, and Mr Wilson stated he is proud of his son Toby and that family is important in him and his family members. Mr Wilson explained that as Toby is homosexual, last year he and Mr Wilson made an agreement that they would build a meaningful friendship, and loving father and son relationship, built on the basis that they engage with a close spiritual emphasis, that they are both spiritual beings, and in the spiritual realm we are without gender. Through this agreement, they are not distracted by the homosexual and heterosexual barriers and differences. They agree not to discriminate, and instead meet on a mutual platform as father and son. Mr Wilson believes there is a common ground that the Homosexual Community and Church can meet, and he would like to be a part of that discussion.

Mr Wilson commented that there are health concerns related to homosexuality.

Deputy Mayor requested that if Mr Wilson wishes to continue his statement in relation to health concerns, he would need to reference the source of information.

Deputy Mayor closed Public Statement Time at 6:18pm.

ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

6.1 Councillor Gillingham

I hope that the Town of Port Hedland can work closely with Mr Edwards to resolve his concerns, as I am aware the matter has come to Council twice?

Deputy Mayor reiterated that the said land is not under the control of the Town of Port Hedland, however Town officers will assist Mr Edwards with his concerns.

Can the Town of Port Hedland work with Mr Pound to assist him to answer his questions?

Deputy Mayor answered in the positive.

At Spinifex Spree the St John Ambulance stall was in close proximity of the portable restrooms. Next year would it be possible to move the portable restrooms a further distance from the stalls? Also could the maintenance on the portable restrooms be performed prior to the advertised start time of the Spinifex Spree?

Chief Executive Officer advised that officers complete a significant debrief at the conclusion of the all events, and this information will be provided for the Spinifex Spree event debrief.

Would it be possible to supply dust suppression at the Spinifex Spree event next year?

Deputy Mayor advised dust suppression would be investigated.

What time was the late item '13.2 Financial Management – 2015/16 Budget – Differential Rates – Ministerial Approval' supplied to Elected Members?

Deputy Mayor advised item '13.2 Financial Management – 2015/16 Budget – Differential Rates – Ministerial Approval' was supplied at 5:25pm on Wednesday 29 July 2015. Deputy Mayor advised of her intention to later suspend Standing Orders, to give Elected Members sufficient time to read the item.

Chief Executive Officer added that item '13.2 Financial Management – 2015/16 Budget – Differential Rates – Ministerial Approval' emanated from a discussion with the Department of Local Government and Communities between approximately 11:30am and 12:15pm on Wednesday 29 July 2015. During the discussion a consensus was reached as to what the Department was seeking in regards to the modifications to the Town of Port Hedland Rates Model, the agenda item was then prepared. The Department provided clear indication that if there was a decision made by Council at the 29 July 2015 Ordinary Council Meeting, it would enable the Department to approve the Rates Model by 31 July 2015 with ministerial consent. This would enable Council to consider the adoption of the 2015/16 Draft Budget at a Special Council Meeting on 12 August 2015. Adopting the 2015/16 Budget will assist with the Town's cash flow and interest earnings from investments.

Deputy Mayor noted that Elected Members were advised in the Confidential Concept Forum that day, that the late item would be provided.

Will the Athol Street development application come to a Council meeting?

Chief Executive Officer advised that works are continuing on the design component of the project. Approximately three weeks ago there was a presentation to Elected Members regarding this project. In 2014 there was a scheme amendment presented to Council in relation to the Athol street Development. The outlining development plan is being worked up in conjunction with officers and key utility agencies, and the attendees at the presentation made comment with regard to lot sizes, protection of tree belt and access to area to preserve trees. Chief Executive Officer confirmed the item will need to come before Council.

*Why does it need to come before Council when it has been rejected twice before?
Why is the development being considered?*

Deputy Mayor stated that she does not believe the item has been rejected by Council twice.

Chief Executive Officer advised that he believes the development has been supported by Council, and as such works have continued. However Elected Members have raised concerns to be investigated such as flooding, vegetation and biosphere.

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

Councillor Jacob – Deputy Mayor	Councillor Hooper
Councillor Daccache	Councillor Hunt
Councillor Gillingham	Councillor Butson

ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 24 June 2015****201516/001 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HUNT****SECONDED: CR DACCACHE**

That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 24 June 2015 are a true and correct record.

CARRIED 6/0**ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Mayor Activity Report for the June/July 2015 period to date is as follows:

*June 2015*Thursday, 11th June

- Attended The Roy Hill Community Foundation Launch

Friday, 12th June

- Attended The Western Australia Regional Capitals Association (WARCA) Meeting

Saturday, 13th June

- Mayor Coffee Session Port Hedland
- Mayor Coffee Session South Hedland
- Attended Phillipino Independence Ball Celebration Event

Sunday, 14th June

- Attended Friends Of TOPH Elected Members & Staff Meeting

Monday, 15th June

- Hosted 2015 Tidy Towns/Sustainable Communities Judges Visit – Port & South Hedland

Tuesday, 16th June

- Weekly Spirit Radio (1026am) Mayor Chat
- Attended TOPH South Hedland CBD Working Group Forum
- Attended McDonalds South Hedland Create Your Own Taste VIP Night

Wednesday, 17th June

- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Attended TOPH Audit, Risk & Governance Committee Meeting
- Attended EM & Exec Meetings
- Chair Public Agenda Briefing

Thursday, 18th June

- Meeting With Michael Garkaklis Re Waste Management Activities
- Attended Western Australian Vietnam Business Council Launch Event

Friday, 19th June

- Participated In The Finbar/Pelago Video Shoot
- Meeting With Pilbara Institute Marlene Boundy Re Foodbank WA

Tuesday, 23rd June

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO, Deputy Mayor and Mayor Catch Up
- Attended Cassia Primary School Year 4 Students Oral Presentations Re Recycling Bins For TOPH Residents
- Participated In Annual PDC Customer/Stakeholder Service Survey
- Weekly TOPH & NWT Media Meeting

Wednesday, 24th June

- Attended PHCCI June Business Breakfast Event
- Meet & Greet With Bunnings Group Limited (Bill Pearce Business Development Manager WA/NT/SA)
- Attended EM & Exec Meetings
- Chair Ordinary Council Meeting – June 2015

Thursday 25th June

- Participated In Market Research With Painted Dog Research
- ABC NW Radio Interview Re Overflow Camping At TOPH
- Meeting With Resident Natasha Lindberg Re Dogs In Public Spaces
- Attended Hedland Women Of Influence Luncheon Event
- Attended Site Visit New YIC Headquarters
- Attended YIC Board Meeting

Friday, 26th June

- Meeting Hon Melissa Price Federal Member For Durack
- Attended Official Opening Of Bruce Rock Engineering, Wedgefield
- Attended South Hedland Shopping Centre & WA Police Stakeholder Meeting

Saturday, 27th June

- Participated In 2015 South Hedland Street Blitz TOPH Team
- Welcomed Key Speaker Nardia Norman At Health & Fitness Presentation For Kerrie Hodgkinson PT
- Attended C3 Church Princess Project Fundraiser

Monday, 29th June

- Attended Pilbara Regional Council (PRC) Training Session – Local Government Budgeting & Reporting (Financial Governance)
- Attended Pilbara Regional Council Meeting (PRC) In Karratha
- Attended The Pilbara Regional Council (PRC) Tour Of City Of Karratha

July 2015

Wednesday, 1st July

- Attended Celebration Of Wangka Maya Accreditation Success At Wangka Maya Pilbara Aboriginal Language Centre
- Attended EM & Exec Meetings
- Attended Community Conversations Event – PHIA Long Term Lease Transaction Information Session

Thursday, 2nd July

- Attended Slamdependence Day & Presented Appreciation Certificates To SIC Members

Friday, 3rd July

- Meeting With New Accor Vice President Operations WA Gillian Millar
- Participated In The 2015 Boodarie Bowls Scroungers Event

Monday, 6th July

- Attended PHCCI Women In Workforce Business Breakfast Event
- Participated In Judging For 2015 Hedland NAIDOC Awards

Deputy Mayor advised she attended the Developing Northern Australia Conference representing the Town of Port Hedland and found it to be very valuable. It was an opportunity for the Elected Members who attended to ensure that Northern Australia recognises the significance of the economic contribution of Port Hedland to the West Australian and Australian economy. Deputy Mayor advised that the South Hedland Business Association in conjunction with the Port Hedland Chamber of Commerce are working on a collaborative campaign known as the “Keep it Local Campaign” which will encourage community to buy local. Deputy Mayor attended the Spinifex Spree and acknowledged that the event becomes larger each year, and looks forward to future years. Deputy Mayor attended the Rio Tinto Family day, and enjoyed the opportunity to tour the salt fields. Deputy Mayor noted some vast tourism opportunities and encouraged the Site Manager to consider. Lastly Deputy Mayor attended a Port Authority presentation with Infrastructure Australia.

ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

10.1 Councillor Daccache

Councillor Daccache also attended the Developing Northern Australia Conference, and noted that the Town of Port Hedland was well received at the conference receiving a number of mentions throughout the conference. Councillor Daccache attended a Port Hedland International Airport Leasing community meeting, and was pleased to see five community members, one media personnel and twenty Town of Port Hedland representatives in attendance. Lastly Councillor Daccache attended the Boodarie Bowls Carnival and congratulated the Port Hedland and South Hedland Bowls Clubs on a great event.

10.2 Councillor Gillingham

Councillor Gillingham enjoyed attending Choir Workshops at the schools as a part of the Pilbara Music Festival, and thanked the Dome Café for providing a venue free of charge for a Choir Workshop. Councillor Gillingham also attended the ECO Dinner which was a great fundraiser for Care for Hedland. Councillor Gillingham attended a meeting with the Rate Payers Association at the Yacht Club, sitting in a panel with lots of good information coming from the meeting. Councillor Gillingham attended a Port Hedland International Airport Leasing community meeting, and also attended a BHP Billiton Community Consultative Committee on behalf of Councillor Butson, and learnt a lot about happenings around Port Hedland.

10.3 Councillor Hooper

Councillor Hooper also attended the Developing Northern Australia Conference and found it to be a highlight. Councillor Hooper found the Conference well worth attending and very informative.

10.4 Councillor Hunt

Councillor Hunt also attended many of the functions mentioned by other Elected Members. Councillor Hunt together with Councillor Jacob hosted a group of high ranking Army Navy and Air Force officials. Councillor Hunt found the exchanges to be very interesting.

10.5 Councillor Butson

Councillor Butson congratulated the Town of Port Hedland for receiving the WA Public Architecture Award for the Wanangkura Stadium, and thanked Chris Adams, previous Chief Executive Officer, who commenced the project.

ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS**11.1 Hedland Riders Association**

A certificate acknowledging the Town of Port Hedland's support of the 2015 Big Boy Toys Show was presented.

11.2 Presentation of 2015 Tidy Towns/ Sustainable Communities certificates

The following certificates were presented to the Town of Port Hedland:

- 2015 Certificate of Appreciation
- 2015 State Finalist – Natural Environment Conservation
- 2015 State Finalist – Energy innovation
- 2015 State Finalist – Young Legends
- 2015 State Finalist – Tidy Towns State Winner

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 June 2015**

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

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/002 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council receive the Schedule of Planning and Building approvals and Environmental Health, Building and Planning orders issued by Delegated Authority and the listing of current legal actions for the month of June 2015.

CARRIED 6/0

EXECUTIVE SUMMARY

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

DETAILED REPORT

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

FINANCIAL AND RISK 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 June 2015.

1 July 2015

ATTACHMENT 1 TO ITEM 12.1.1

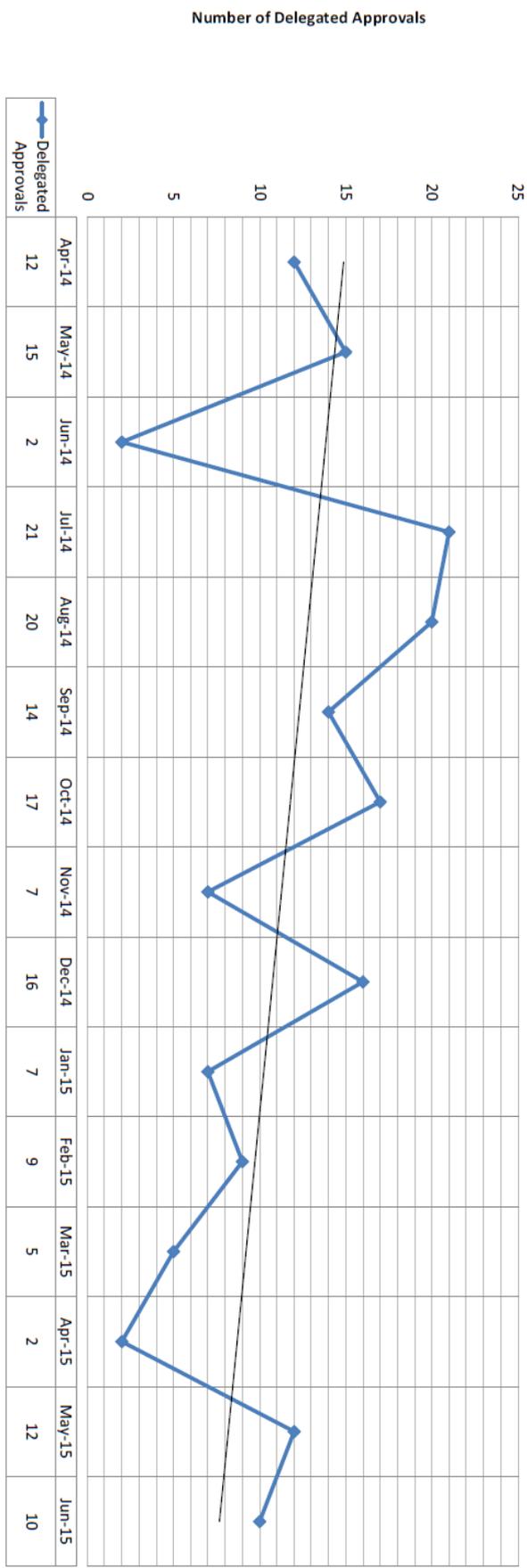
DELEGATED PLANNING APPROVALS FOR JUNE 2015

APPLICATION NO.	DESCRIPTION	LOT	PROPERTY ADDRESS	DATE APPROVED	APPLICANTS NAME	DEVELOPMENT VALUE
2013/298.01	AMENDMENT TO APPLICATION 2013/298 - EIGHT (8) MULTIPLE DWELLINGS	193	43 MORGANS STREET PORT HEDLAND	18/06/2015	PIVOT WAY PTY LTD	\$ 1,563,110.00
2015/069	INDUSTRY COTTAGE - TATTOO STUDIO	336	44 MORGANS STREET PORT HEDLAND	11/06/2015	The Ink Lounge	\$ -
2015/077	TWELVE (12) MULTIPLE DWELLINGS	5	15 SOMERSET CRESCENT SOUTH HEDLAND	11/06/2015	AUSCO MODULAR PTY LTD	\$ 3,071,638.00
2015/080	HOME BUSINESS - FAMILY DAY CARE	552	8 BANKSIA STREET SOUTH HEDLAND	03/06/2015	Rebecca Rachel Finney	\$ -
2015/086	SIGNAGE	5881	17 MANGANESE STREET WEDGEFIELD	03/06/2015	C/d Equipment	\$ 14,909.00
2015/087	PLACE OF ANIMAL CARE, SIGNAGE AND SINGLE HOUSE	1	8 KINGSMILL STREET PORT HEDLAND	22/06/2015	HURLEY ARCHITECTURE & PLANNING	\$ 80,000.00
2015/088	TWO (2) SHADE STRUCTURES	3278	LOT 3278 TINDER STREET PORT HEDLAND	03/06/2015	TOWN OF PORT HEDLAND	\$ 21,600.00
2015/089	HOME BUSINESS - FAMILY DAY CARE	69	19A TRAINE CRESCENT SOUTH HEDLAND	12/06/2015	CHERYL LEGUIN	\$ -
2015/091	HOME BUSINESS - COSMETICS	672	42 PANIYA PARADE PORT HEDLAND	15/06/2015	SHANICE HOWELL	\$ -
2015/095	TAKE AWAY FOOD OUTLET - SIGNAGE	3	12 THROSSSELL ROAD SOUTH HEDLAND	22/06/2015	MB BOGUNOVICH SIGNS & ELECTRICS	\$ 19,000.00
TOTAL 10						\$ 4,770,257.00

Note: There were no applications approved by JDAP in May.

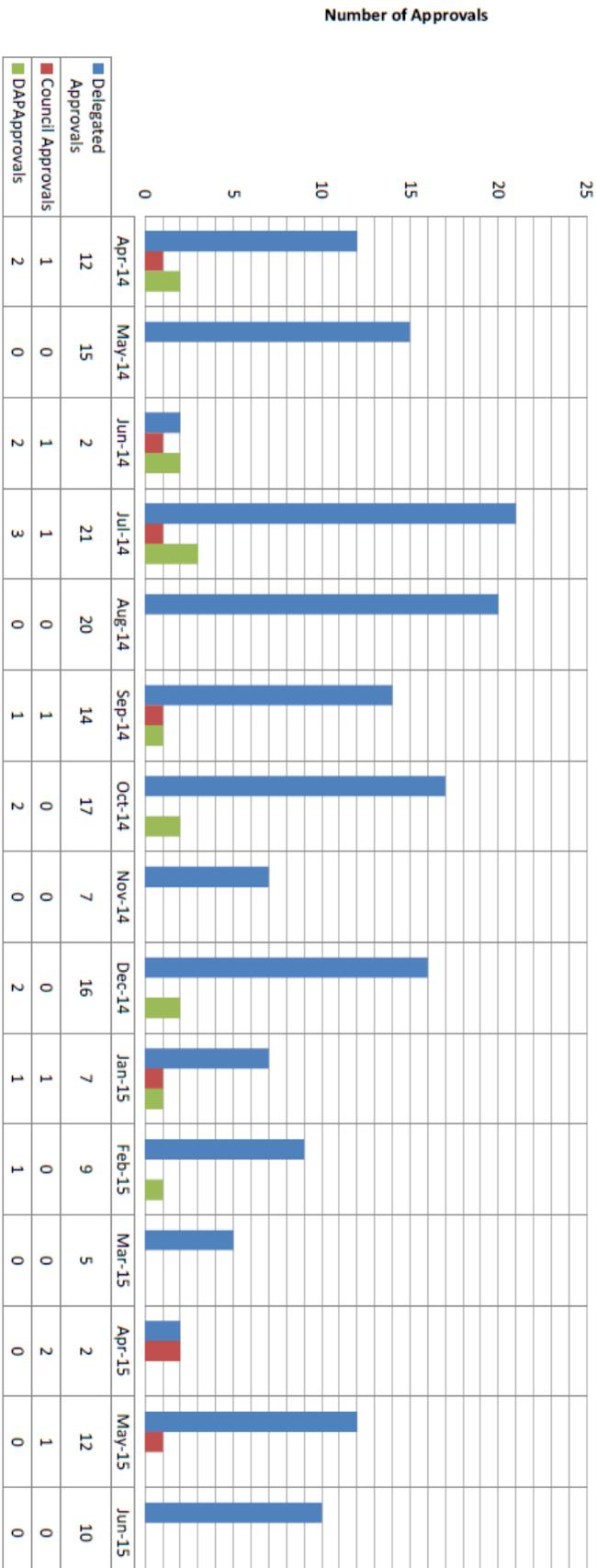
DELEGATED PLANNING APPROVALS FOR JUNE 2015

Summary & Trendline of
Town Planning Delegated Approvals



COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR JUNE 2015

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



DELEGATED BUILDING APPROVALS FOR JUNE 2015

BUILDING PERMITS

Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification	Decision	No of SOU Dwellings
15-077	09.06.2015	24 LONGTOM LOOP	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 19,300.00	0.10b	A	A	0
15-081	09.06.2015	13 WRASSE CRESCENT	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-082	09.06.2015	46 TREVALLY ROAD	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-078	09.06.2015	7 LONGTOM LOOP	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective Approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-083	09.06.2015	44 TREVALLY ROAD	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-076	09.06.2015	15 WRASSE CRESCENT	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-079	09.06.2015	11 WRASSE CRESCENT	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-080	09.06.2015	34 TREVALLY ROAD	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 14,500.00	0.10b	A	A	0
15-084	10.06.2015	12 LONGTOM LOOP	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 16,500.00	0.10b	A	A	0
15-085	10.06.2015	9 LONGTOM LOOP	SOUTH HEDLAND 6722	MITCHELL KING	Retrospective approval - Fence	\$ 15,000.00	0.10b	A	A	0
15-087	23.06.2015	12 THROSSSELL ROAD	SOUTH HEDLAND 6722	BOGUNOVICH SIGNS	Replace old signage for pylon sign direction sign and sign on building	\$ 19,000.00	0.10b	A	A	0
15-091	29.06.2015	10 DELAWARE PLACE	SOUTH HEDLAND 6722	ARB Carpentry Pty Ltd	Alterations to dwelling - roof sheeting replacement	\$ 43,582.00	0.1a	A	A	0
15-090	29.06.2015	12 BARROW PLACE	SOUTH HEDLAND 6722	ARB Carpentry Pty Ltd	Alterations to dwelling - roof sheeting replacement	\$ 43,582.00	0.1a	A	A	0
15-069	03.06.2015	1 AITCHISON WAY	PORT HEDLAND 6721	Michael Blomfield	Stage 1; 11 x Single Storey Grouped Dwellings and Stage 2; 11 x Single Storey Grouped Dwellings	\$ 13,751,378.00	3960.1a & 10a	A	A	22
15-086	17.06.2015	22 HAMILTON ROAD	SOUTH HEDLAND 6722	CASTLEROCK PROPERTY PTY LTD	Office building - Stage 1 Bulk excavation and shell of building only	\$ 1,342,000.00	1250.5	A	A	0
15-088	23.06.2015	150 ANDERSON STREET	PORT HEDLAND 6721	MR David Bull	Fitout of shop 17 - Pro Phone Repair	\$ 19,000.00	34.6	A	A	0
TOTAL 16						\$ 15,373,842.00				

TOWN OF PORT HEDLAND CERTIFICATION

Certificate Type	Number Issued
Certificate of Design Compliance	1
Certificate of Construction Compliance	0
Certificate Building Compliance	1
TOTAL	2

STRATA APPLICATION FOR JUNE 2015

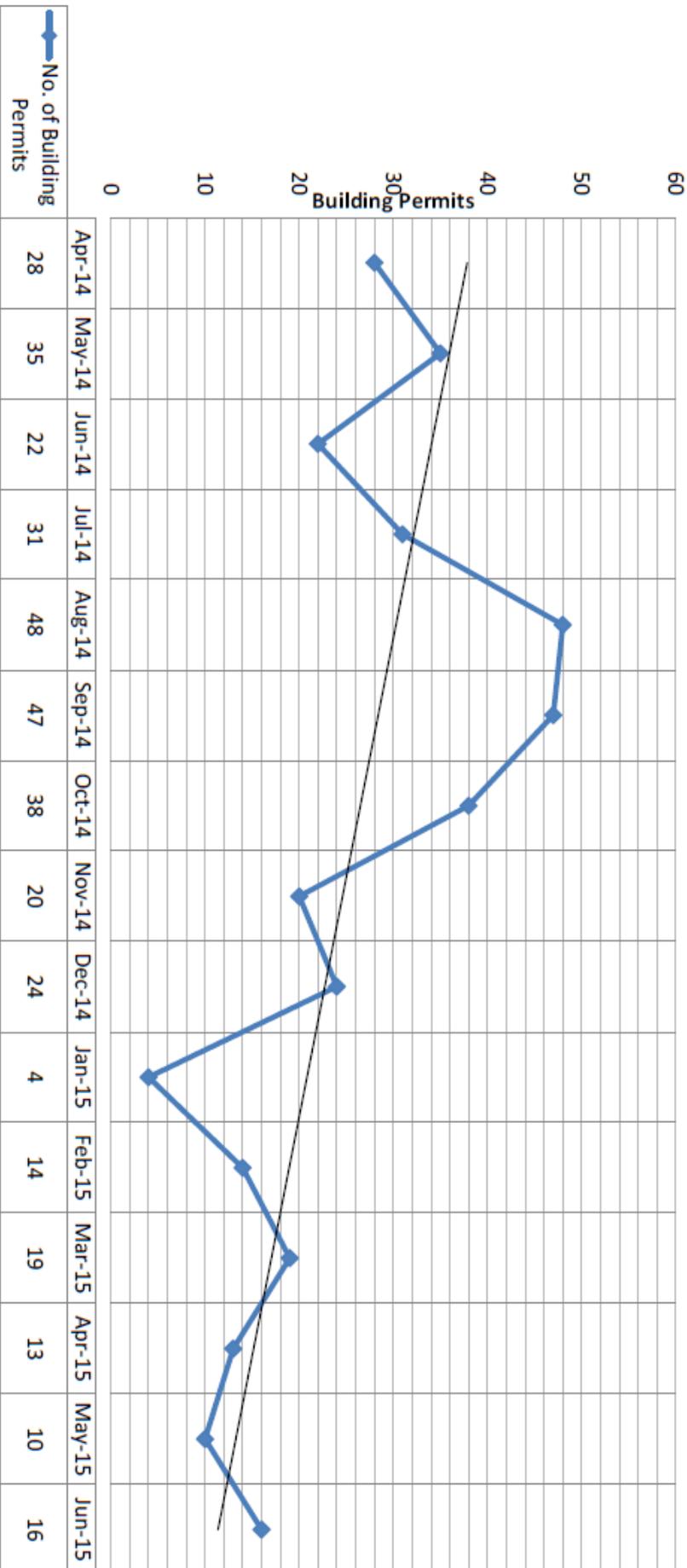
STRATA APPLICATIONS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor Area	Classification
15-048	26.06.2015	11 LAWSON STREET	SOUTH HEDLAND 6722	Thompson Surveying Consultants	Strata of Two Residential Units	\$ -	0	1a & 10a
Total 1						\$ -		

OVERVIEW SUMMARY FOR JUNE 2015

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	
1	Dwellings	\$13,838,542	3,960	\$3,494.58	
0	Class 10a	\$0	0	\$0.00	
11	Class 10b	\$174,300	0	\$0.00	
2	Commercial	\$1,361,000	1,284	\$1,059.97	
1	Strata / Occupancy	N/A	N/A	N/A	
		\$15,373,842	5,244		

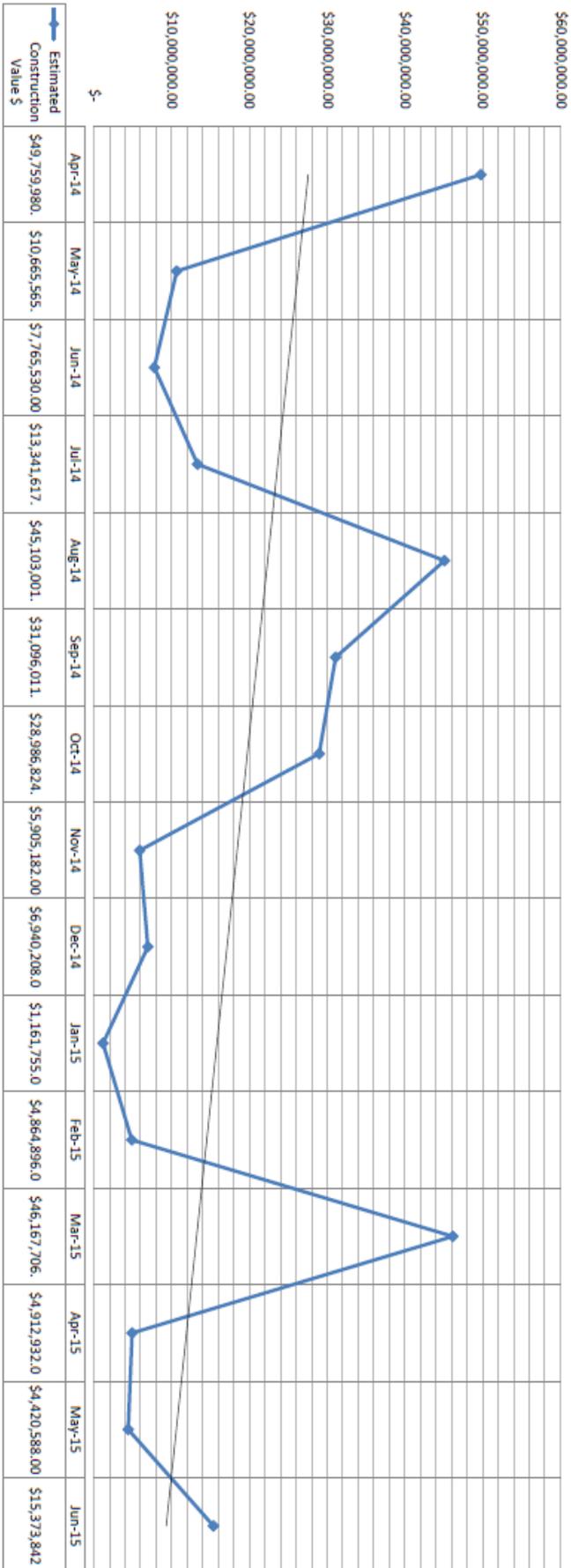
BUILDING APPROVALS FOR JUNE 2015

Summary & Trendline for Building Permits



BUILDING APPROVALS FOR JUNE 2015

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



Ranger Services Monthly Statistical Information

2015	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	July-15	Aug-15	Sept-15	Oct-15	Nov-15	Dec-15	Year Total
Camping Jobs	0	4	2	2	2	3							
Cat Jobs	9	12	18	23	25	22							
Dog Jobs	78	67	71	82	114	84							
Fire Jobs	16	19	7	5	6	18							
Litter Jobs	22	30	38	13	33	28							
Livestock Jobs	0	2	1	1	0	0							
Off road Vehicles Jobs	0	0	0	0	0	0							
Parking Jobs	47	45	29	27	70	50							
Abandoned Vehicles Jobs	42	27	47	39	34	26							
Wildlife Jobs (Snakes etc)	10	9	10	5	8	5							
Dog Health Program	0	0	0	0	0	0							
Dogs Impounded	34	38	40	30	44	29							
Cats Impounded	5	13	24	20	21	32							
Total Infringements	43	108	107	28	30	83							
Animals Adopted	10	5	4	4	12	1							
Fires Overtime Hrs	10.5	3.5	2	0	2	0							
Overtime Hrs	62	38	27	38.5	30	30							
Additional hrs by Contract Staff	43.5	21	17	19.5	36.5	24.5							
*Total Jobs Attended	227	215	227	177	311	243							

*Total Jobs Attended not reflective of the following: -Patrols of parks, reserves, foreshores & pound duties. NB: Cat Jobs relates to calls about lost, found, wanted, abandoned or feral trapped cats. Cats impounded relates to the total number of impounded cats.

CURRENT LEGAL MATTERS FOR JUNE 2015

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Current Status	Officer
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	<ul style="list-style-type: none"> - Handed over to the attorney - 1st Hearing set for Friday 2nd August 2013 - Adjourned until 30th August 2013 - Adjourned until 18th October 2013 - Sentencing scheduled for 22nd November 2013 - Adjourned until 20th Feb 2014 - Sentencing scheduled for the 9th April 2014 - Adjourned until 9th May 2014 - Set down for trial on 2nd December 2014 - Trial adjourned until the 6th and 7th August 2015 	BM
154427G	Lot 16 # 59-61 Greenfield Street, South Hedland	Unauthorised use as a laydown and storage facility	Fourth mention on 17th August 2015.	RS
154426G	Lot 15 # (55-57) Greenfield Street, South Hedland	Unauthorised lay down and storage facility	Next mention on 3rd July 2015.	RS
118650C	Lot 1638 (18) Yanana Street, Wedgefield	Unauthorised development and use	Second mention on the 17th July 2015.	RS

12.1.2 Proposed Six (6) Grouped Dwellings on Lot 186 (53) Kingsmill Street Port Hedland

Ben McKay, Acting Senior Statutory Planner
File No.117590G.

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/003 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR HOOPER

That Council approves the application submitted by Byron Kemp on behalf of the landowner Hedland Developments Pty Ltd, to construct six (6) Grouped Dwellings on Lot 186 (53) Kingsmill Street, Port Hedland, subject to the following conditions:

- 1. This approval relates only to the proposed Six (6) Grouped Dwellings, as indicated on the approved plans (DRG2015/081/1 – DRG2015/081/6). It does not relate to any other development on this lot.**
- 2. If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. A minimum of fourteen (14) car parking bays shall be provided as indicated on the approved site plan.**
- 4. No car parking bays shall be obstructed in any way or used for any other purpose than car parking.**
- 5. Front walls and fences within the primary street setback area shall be no higher than 1.8m measured from natural ground level and be visually permeable above 1.2m.**
- 6. Storm water disposal is to be designed and constructed in accordance with the Town's Engineering Services Guidelines, and to the satisfaction of the Manager Development Services.**
- 7. Roof mounted or freestanding plant or equipment such as air conditioning units and hot water systems shall be located and / or screened to the satisfaction of the Town's Manager Development Services.**
- 8. Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost to the satisfaction of the Town's Manager Development Services.**
- 9. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building**

materials and contractor vehicles) be contained wholly within the lot boundaries.

10. The landowner shall ensure sediment control barriers are placed and maintained along all boundaries during the construction period to the satisfaction of the Town's Manager Development Services.
11. Dust and sand both during and after construction shall be contained on site with the use of suitable dust suppression techniques.

Prior to the issuing of a Building Permit the following conditions shall be cleared by the Town's Manager Development Services.

12. The applicant shall submit and have approved amended plans indicating the reduction of the internal floor area of unit 1 to 110m² in order to comply with clause 6.3.10 of TPS5.
13. The land owner shall pay a refundable bond of (\$4,776.00) to the Town as security for repairing any damage to the road verge and / or adjoining infrastructure during construction.
14. The landowner shall prepare a notification under section 70A of the Transfer of Land Act 1893. The landowner shall provide proof in a form acceptable to the Town's Manager Development Services, that the section 70A has been lodged with Landgate for endorsement on the Certificate of Title for the subject lot(s). This notification shall be sufficient to alert prospective landowner or occupiers of the following:
 - a. This land is located within an area identified as being impacted on or affected by dust from Port activities. The Department of Health advises children, the elderly and people with pre-existing respiratory and cardiovascular health conditions or predisposed to the same should not reside on this land other than on a temporary basis as they are at increased risk of worsening or developing respiratory and/or cardiovascular related health conditions.

Further information can be obtained from the Department of Health.

The following conditions shall be cleared prior to the issuing of an Occupancy Permit of the development.

15. The development shall be connected to a reticulated main sewer system.
16. Aged/disabled access to the existing footpath in accordance with "Austroads Part 13 – Pedestrians" standards.
17. The landscaping and reticulation shall be completed as per the approved landscaping and reticulation plan, and thereafter shall be maintained to the satisfaction of the Town's Manager Development Services (please note no loose stones or gravel will be permitted).

18. Lighting shall be installed along all driveway(s), access way(s), parking area(s), turning area(s) and pedestrian pathways by the landowner. Design and construction standards shall be in accordance with Australian Standard AS 1158.
19. Access way(s), parking area(s), turning area(s) shall be constructed, kerbed, formed, graded, drained, line marked and finished with a sealed or paved surface by the landowner in accordance with Australian Standard AS 2890 Parts 1 and 2.
20. The driveways and crossover shall be designed and constructed in accordance with Council's Crossover Policy 9/005.
21. The landowner shall ensure any damage to road pavements / kerbing / footpaths or other Town assets caused by any activity associated with the construction of the development, including but not limited to vehicle movements, shall be repaired to the satisfaction of the Town's Manager Development Services.

ADVICE NOTES:

1. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
2. In regard to Condition 13, the bond has been calculated at \$78.60 linear metre for reinstatement of kerbing and \$196.70 m² with a width of 2 m wide for reinstatement of footpaths, in accordance with the Town's Engineering Services Fees and Charges 2014 – 2015. On completion of construction and inspection by Engineering Services which confirms any damage to the road, kerbs of footpath have been rectified, the bond will be returned

Length of road reserve = 20m

Reinstatement of kerbing = \$78.60 x 20m

Reinstatement of footpaths = \$393.40 x 20m

Total bond required = \$9552 (please note the bond will be 50% of total amount)

3. The landowner is reminded that a Planning approval is required for the placement of any signage on the lot.
4. This approval should not be construed that the Town will support a survey strata or green title subdivision application for the development. Assessment has been based on a 'Grouped Dwelling' containing common property. A subdivision application for Survey Strata without common property or green title subdivision will need to meet the minimum and average site areas for the dwelling type, as prescribed in the Residential Design Codes
5. The wastewater system components will require a review by the developers consulting engineer and the Water Corporation, and the extent of upgrading established. Details are to be provided to the

water Corporation at the time of building application together with a water efficiency plan, for assessment and agreement”

6. Waste receptacles are to be stored in a suitable enclosure to be provided to the specifications of the Town’s Health Local Laws 1999 and to the satisfaction of Manager Development Services.
7. Waste disposal and storage is to be carried out in accordance with the Town’s Health Local Laws 1999.
8. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times.
9. Be advised that as per the Environmental Protection (Noise) Regulations 1997, construction noise, that does not comply with the AS 2436-1981, is not permitted outside of 0700-1900 Mondays-Saturdays and not on Sundays or Public Holidays.
10. Be advised that all laundries must be constructed as per the Town's Health Local Laws 1999 Section 2.2.2.
11. Prior to the issuing of a Building Permit and Occupancy Permit; the landowner is to obtain a clearance certificate confirming all relevant planning conditions have been complied with. In this regard contact the Town’s Development Compliance Officer to obtain the necessary application form and fee.

CARRIED 6/0

EXECUTIVE SUMMARY

The Town has received an application from Byron Kemp on behalf of the landowner Hedland Developments Pty Ltd, to construct six (6) Grouped Dwellings on Lot 186 (53) Kingsmill Street, Port Hedland.

The proposed development is located within the “West End Residential Min R30/Max R80” Zone; as such the application is presented to Council for consideration.

The application is supported by the Towns’ Officers. Council is requested to approve the application with the proposed conditions.

DETAILED REPORT

The subject site is generally rectangular in shape, achieves vehicular access via Kingsmill Street, and has an area of 1200m². In terms of the Port Hedland Town Planning Scheme No. 5 (TPS5) the subject site is zoned “West End Residential Min R30/Max R80”.

Proposal (Attachment 2)

The applicant is proposing to construct Six (6) "Grouped Dwellings" comprising Six (6) two-bedroom units. Fourteen car bays will be provided onsite.

Related Developments

The proposed development does not differ significantly from those already approved / developed within the "West End".

Consultation

The application was circulated as follows:

Internally:

- Technical Services
- Building Services
- Environmental Health Services
- Works and Services

Externally:

- Dust Taskforce
- Telstra
- Optus
- Horizon Power
- Water Corporation

The following noteworthy comments were received:

Department of Health (DoH):

1. Unit 1 has a total floor area of 126.7m², exceeding the 110m² limit allowed by TPS5 A22.

Officers Response

The applicant exceeded the permitted floor area; being 110m². The applicant's justification was to provide an enhanced streetscape for the proposed development. The approval has been conditioned (condition 12) for amended plans to be provided; reducing the internal floor area of unit 1 to 110m² in order to comply with clause 6.3.10 of TPS5.

Adjoining Neighbours

The application was advertised to the adjoining neighbours for a period of 14 days. The following submissions were received:

Objection	Applicants Justification
This would be another premise devaluing properties, as there are so many vacancies. I can't see the benefit in another group of	This concern is about real estate economics, many factors influence the decision to develop. Real estate markets may be peculiar and idiosyncratic in a number of respects, but they still obey the same basic economic principles.

<p>dwelling that may or may not have tenants or residents to fill them</p>	<p>Hunch and intuition may be useful when they are based on a solid understanding of how markets generate opportunities and constraints. However, such an approach may be very misleading when it is based on a myopic interpretation of market conditions.</p> <p>Every speculative investment, and especially those involving long gestation periods like real estate development, involves some uncertainty, which the investor needs to factor in before he/she commits capital on a specific project. Within this context, new construction levels should also be affected by market risk or the perceived uncertainty of a market in supporting profitable development of a particular property type. According to conventional investment theory, investors facing higher risk require higher returns.</p>
<p>Planners Response</p> <p>There is nothing that would support the objectors concerns about the drop in house/land prices as a result of the proposed development.</p> <p>The proposed development is consistent with the State and Local Planning Statutory and Strategic Framework. The need for increased housing stock and variety is highlighted in a number of strategic documents including the Pilbara's Port City Growth Plan and Port Hedland Land Use Master Plan ('LUMP').</p> <p>In addition to meeting demand for more diverse housing stock, it is important to note that land owners have a right to develop their land as they wish provided it is consistent with local and state policies.</p>	
<p>Objection</p>	<p>Applicants Justification</p>
<p>Building Appearance looks like a prison, the building needs to be more visually interesting and fit for purpose</p>	<p>Given the constraints affecting this buildings design, I feel I have produced a well-rounded, balanced and attractive building, for example on the west elevation I used a small roof to articulate between ground floor wall and first floor wall, and not have one plain flat surface, the screening on the windows and on the edge of the deck are compulsory privacy screens</p>
<p>Planners Response</p> <p>The proposed development is consistent in terms of appearance and character with similar multiple dwelling developments elsewhere in the West End.</p> <p>The proposed development is consistent with the provisions of the R-codes, the objectives of which include the provision of a full range of housing types and densities and to ensure appropriate standards of amenity are provided for all dwellings and adjoining properties.</p>	
<p>Objection</p>	<p>Applicants Justification</p>
<p>Site plans don't clearly identify the proposal</p>	<p>Please refer to floor plan to clarify concerns</p>
<p>Planner's response</p> <p>Further plans and responses to questions were sent to clarify specific queries in relation to the building design. Once clarified these concerns were addressed with the objector.</p>	

The site is located in the West End Residential Zone. Developments located within this zone are required to be designed in order to mitigate the impacts of elevated dust levels experienced within the locality. Section 6.3.9 of TPS5 states:

“Residential development within the West End Residential zone and within the area bounded by Withnell, McKay and Anderson Streets, and the Esplanade, Port Hedland shall be in accordance with a local planning policy, development plan or design guideline adopted by Council that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to -

- *Filtration of incoming air into the building designed to utilize coarse disposable pre-filtration (i.e. G3 or G4 rated) and then a finer filter (i.e. F4 rated);*
- *Location of operable windows and doors on the western and southern building facades only;*
- *Use of deflection screens on the northern and eastern edges of operable windows;*
- *use of eaves;*
- *Orientation of buildings to avoid wind tunneling effects; and*
- *Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.”*

The Development Services Unit has required the landowner to provide a dust mitigation report prepared by a certified mechanical engineer that demonstrates how the development will manage and limit dust exposure and potential negative impacts in accordance with the provisions of the Scheme.

In the absence of a Council adopted local planning policy, development plan or design guideline, state government stakeholders have expressed concern regarding suitable design requirements for residential development in the “West End Residential”.

Clause 6.3.9 of the scheme is prescriptive and does not allow for innovative design solutions which are able to achieve the same outcome as intended by the clause. Consequently, legal advice was obtained from the Town’s Solicitors and further advice received from the Department of Planning. As a result of advice received, all residential applications within this area are to be accompanied by a report prepared by a suitably qualified Mechanical Engineer, certifying the design of the proposed development will mitigate dust exposure and achieves the intent of the provisions within Clause 6.3.9 of TPS5.

The applicant has submitted a report by Norman Disney & Young confirming the proposal will mitigate dust and addresses the requirements under TPS5. This report was forwarded to the relevant stakeholders for comment with no objections being received.

At the Special Council meeting held on 13 May 2015, Council resolved to reconfirm its commitment to the Spoilbank as its preferred location for the development of a Marina Waterfront Development (Resolution No. 201415/241). Council also resolved, *inter alia*, to note that it supports:

- *the development on the hospital site (proposed Finbar development) for residential development; and*
- *the investigation of a suitable Town Planning instrument to be applied across the West End to restrict future densification of residential development.*

With respect to the second dot point above, it should be made clear that the Town does not intend to currently restrict development proposed at a density already permitted in the *Town of Port Hedland Town Planning Scheme No. 5* and supported by the *Pilbara Port Cities Growth Plan*.

Residential Design Codes of Western Australia (R Codes)

A number of variations to the Acceptable Development Standards of the R Codes have been sought and are generally of a minor nature. The proponent has provided justification identifying design consideration and how the performance criterion has been achieved. It is considered the justification provided and the outcome achieved is appropriate for the site and the West End.

FINANCIAL AND RISK IMPLICATIONS

An application fee of \$6,436.00 has been received as per the prescribed fees approved by Council.

There are no risk management considerations applicable.

STATUTORY AND POLICY IMPLICATIONS

Planning and Development Act 2005

Town of Port Hedland Town Planning Scheme No. 5 (TPS5)

- Clause 1.5 – The Scheme objectives.
- Part III – Zones – outlines the zones of the TPS5 and the different types of symbols used to identify the permissibility of the uses within the zone.
- Zoning Table – designates the permissibility of the uses in accordance with the relevant zone.
- Part IV – Use and Development of Land – outlines how the development is to be assessed in accordance with the permissibility of the use within the Zoning Table.
- Part VI, Section 6.2 – Gives effect to the Residential Design Codes of Western Australia (R-Codes).
- Part VI, Section 6.3 outlines the provisions for determining applications in the Residential Zone.
- Part VI, Section 6.13 outlines the car parking (construction) requirements.
- Part VI, Section 6.14 – identifies landscaping requirements
- Appendix 1 – Definitions
- Appendix 7 – Car parking standards
- Appendix 8 – Minimum Car parking specifications

State Government Policies

State Planning Policy 3.1 Residential Design Codes 2013 (R-Codes)

The Residential Design Codes (R-Codes) provide a comprehensive basis for the control of residential development throughout Western Australia. The proposed development has been assessed in accordance with the relevant provisions of the R-Codes.

Strategic Planning Implications

The following section of Council's Strategic Community Plan 2014-2024 is considered relevant to the proposal:

- 2 Supporting a diverse economy
- 2.1 A thriving, resilient and diverse economy:

Facilitate provision of affordable housing.

Planning Comment

The development will result in the further activation of the West End.

ATTACHMENTS

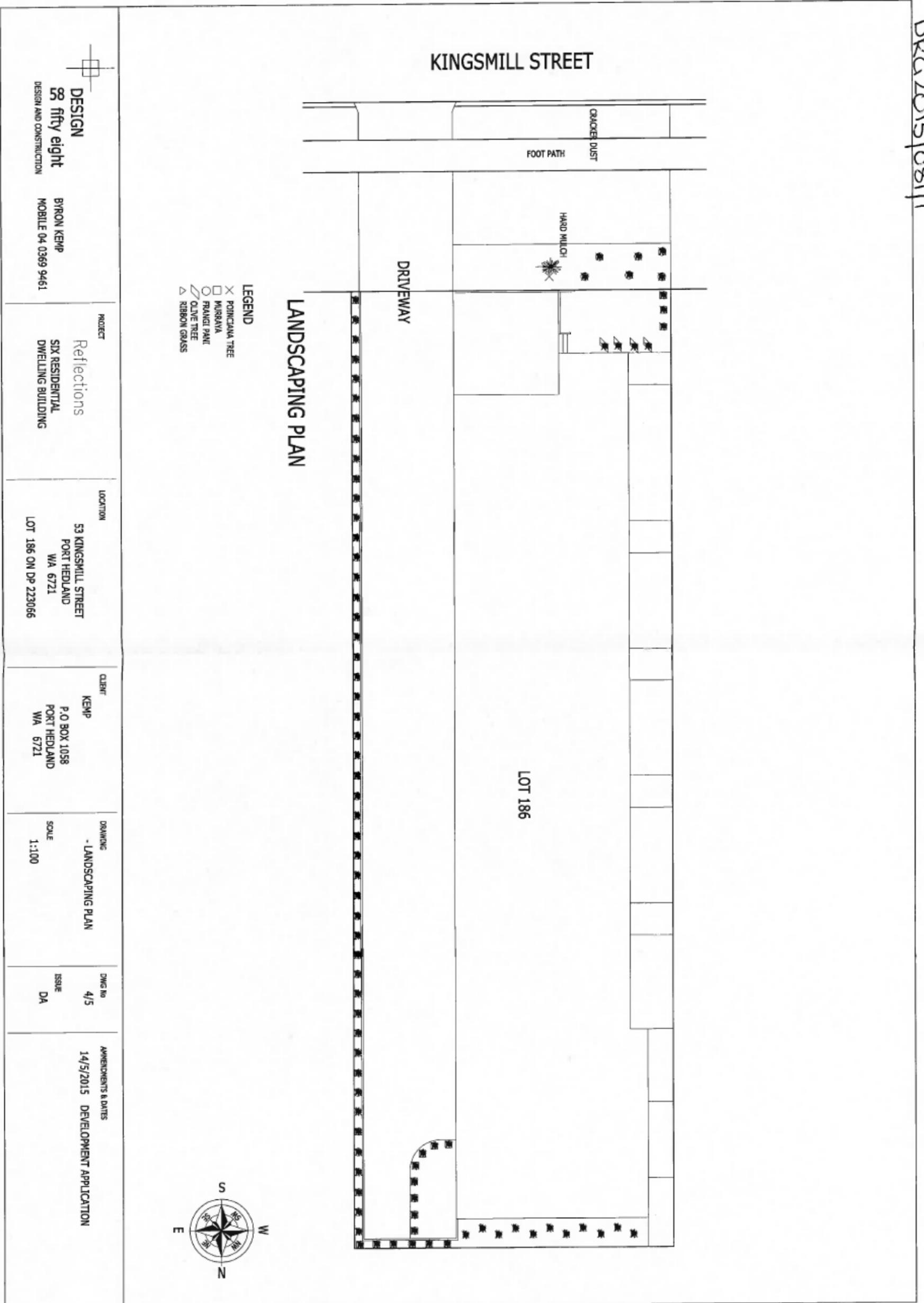
1. Locality Plan
2. Development Plans
3. Dust Mitigation Report (Under Separate Cover)
4. Submissions from adjoining neighbours
5. Department of Health comments

24 June 2015

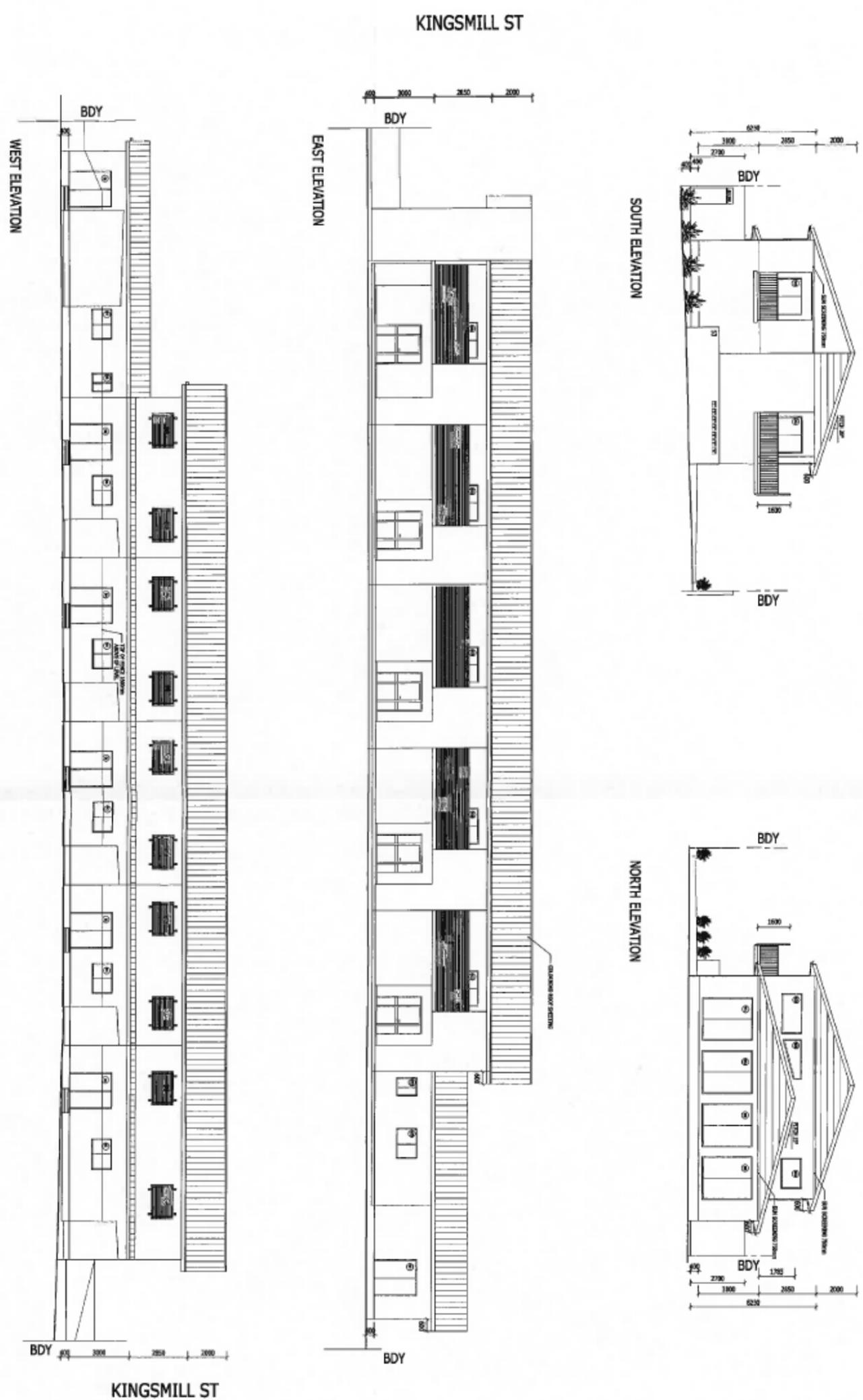
LOCALITY PLAN



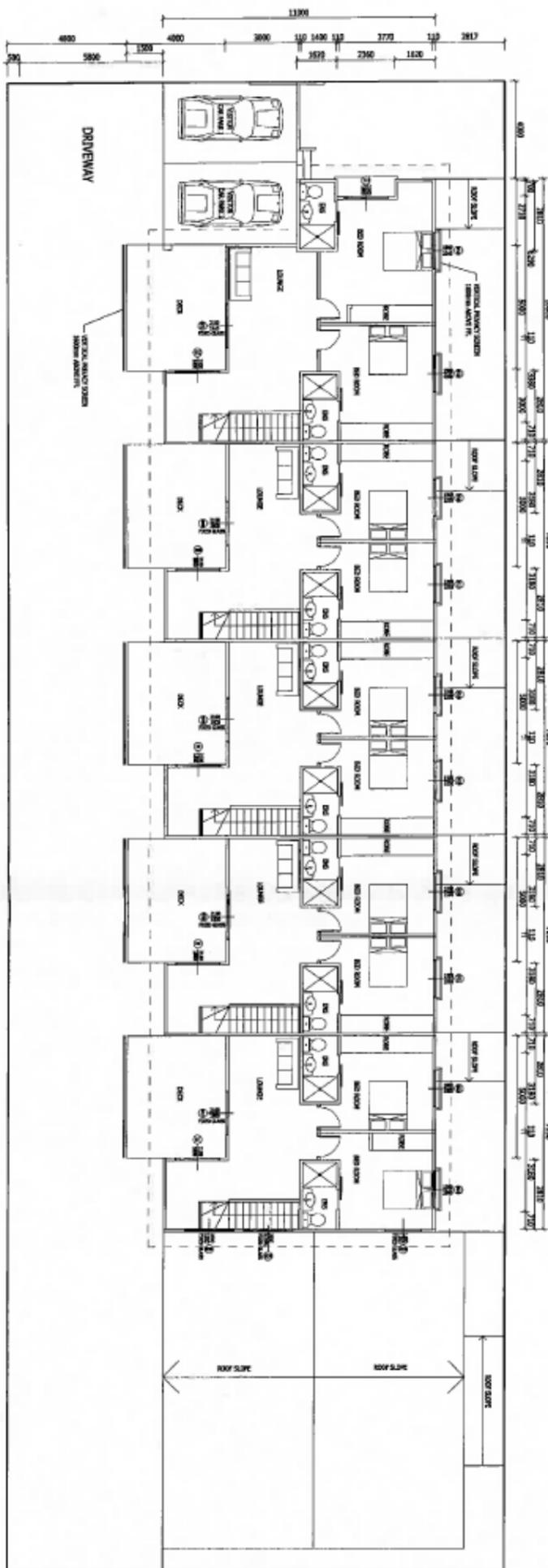
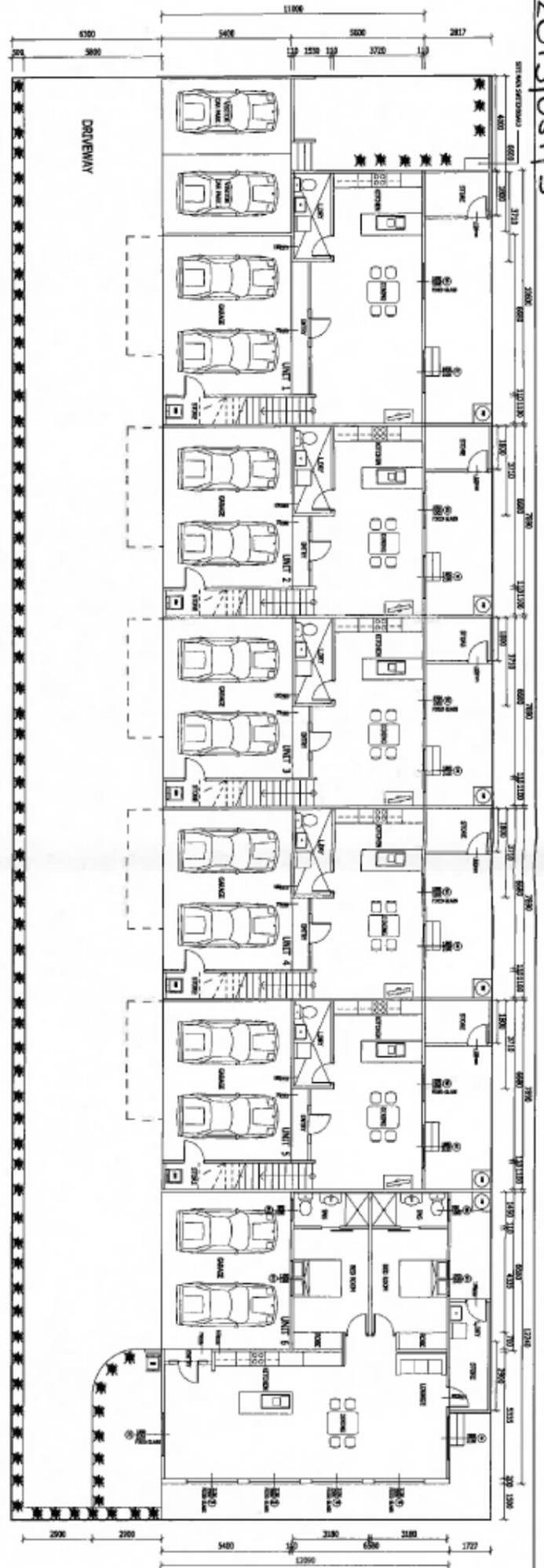
DRG2015/081/1



DRG2015/081/2

 <p>DESIGN 58 fifty eight DESIGN AND CONSTRUCTION</p>	<p>PROJECT Reflections SIX RESIDENTIAL DWELLING BUILDING</p>	<p>LOCATION 53 KINGSMILL STREET PORT HEDLAND WA 6721 LOT 186 ON DP 223066</p>	<p>CLIENT KEMP P.O BOX 1058 PORT HEDLAND WA 6721</p>	<p>DRAWING - ELEVATION SCALE 1:100</p>	<p>DMC No 3/5 ISSUE DA</p>	<p>APPENDICES & DATES 14/5/2015 DEVELOPMENT APPLICATION</p>
						

DRG2015/081/3



FIRST FLOOR

GROUND FLOOR

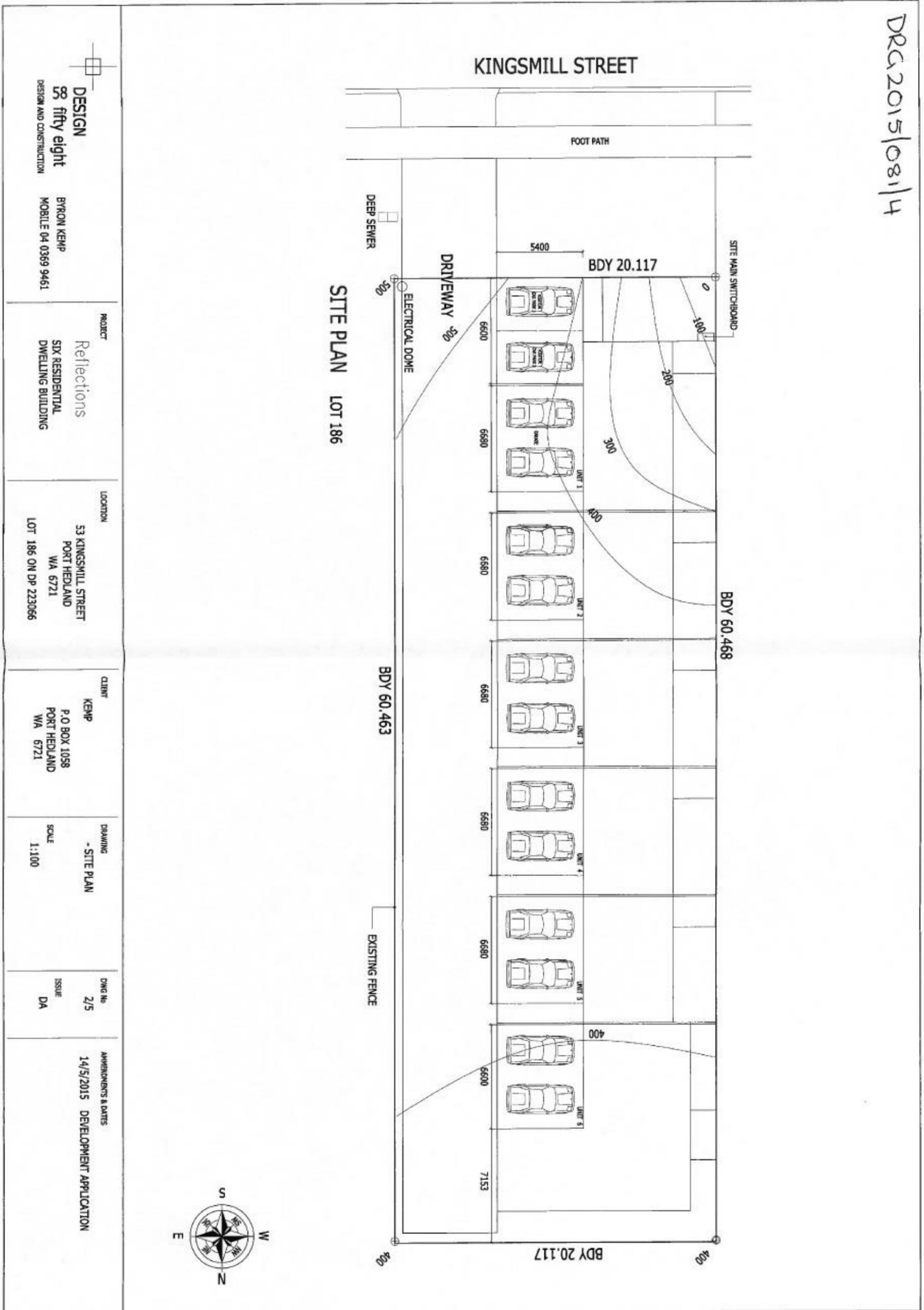
AREAS

UNIT 1	51.3 sqm
UNIT 2	51.3 sqm
UNIT 3	51.3 sqm
UNIT 4	51.3 sqm
UNIT 5	51.3 sqm
UNIT 6	51.3 sqm
COMMON	434.4 sqm



<p>DESIGN 55 fifty eight DESIGN AND CONSTRUCTION</p>	<p>PROJECT Reflections SIX RESIDENTIAL DWELLING BUILDING</p>	<p>LOCATION 53 KINGSMILL STREET PORT HEDLAND WA 6721 LOT 186 ON DP 223066</p>	<p>CLIENT KEMP P.O BOX 1058 PORT HEDLAND WA 6721</p>
<p>DRAWING - GROUND FLOOR PLAN - FIRST FLOOR PLAN SCALE 1:100</p>		<p>DWG No 1/5 ISSUE DA</p>	
<p>AMENDMENTS & DATES 14/5/2015 DEVELOPMENT APPLICATION</p>			

DRG2015/081/4



DRG2015|08|15



DRG 2015/0816



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ATTACHMENT 4 TO ITEM 12.1.2

Ben McKay

From: [REDACTED]
Sent: Thursday, 4 June 2015 4:02 PM
To: Ben McKay
Subject: Comment: application 2015/081 for 6 grouped dwellings on lot 186 kingsmill street

Dear Ben,

I do not wish my details to be made public.

I have looked at the plan online and have the following comments.

The site plan doesn't identify the footprint of the building clearly, as such it is hard to determine the building layout. Are the garages open or closed? How are the stairs to be incorporated, internal external? Is that a store room at back of each apartment? What number rooms are they providing ie 3x2 2x1 etc.

The east elevation does not appear correct, the garage spaces aren't clear highlighted? And there are sliding doors in middle of garage, unless the garages are to be open with no door?

The elevation from the road appears satisfactory. The elevation from the side appear to look like a prison. What materials are going to be used. Is there a way to add more character or appeal to break up the prison block effect.

The single level looks like an after thought. What is this for a laundry area common roof or is it a dwelling?

The balcony over the driveway, what clearance will be accommodated, the 3m? Will this be suitable for all vehicles accessing?

What visitor parking is allowed? I'm assuming two bays closest to road are visitors. What is provision for disabled access/ bays?

I did a planning application previously in the City of Stirling and the detail required was much more detailed than what's been provided thus far and these drawings should be updated to provide more info to make an informed decision in approving or not.

At this point I register an objection to the proposal until some clarification to the questions above I have raised above have been addressed.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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Ben McKay

From: [REDACTED]
Sent: Sunday, 31 May 2015 7:25 PM
To: Ben McKay
Subject: Application 2015/081

To whom this may concern,

I am writing in response to some correspondence that we received from your office in regards to the above mentioned application, that being for six (6) grouped dwellings on Lot 186 (53) Kingsmill Street, Port Hedland.

We would like to make an objection to this application, as from what we can understand, it would be another premises that will be de-valuing the surrounding property values, as there are so many vacancies occurring at present.

Unless there is some other factor at play that is being divulged to the general public, or the community of Port Hedland, in regards to an expected influx of residents and/or workers, I hardly see the benefit in another group of dwellings that may or may not have tenants or residents to fill them.

I would also object to my name and details being disclosed publicly, as well.

Thank you for your consideration.

Regards

[REDACTED]

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ATTACHMENT 5 TO ITEM 12.1.2

Government of **Western Australia**
Department of **Health**
Public Health Division
Environmental Health Directorate

Your reference: 2015/081/ 117590G
Our Ref: F-AA-21909/02
Enquiries: W Warren

Mr Ben McKay
A/Senior Statutory Planner
Town of Port Hedland
PO Box 41
Port Hedland
WA 6721

Dear Ben,

RE: Application 2015/081 for 6 grouped dwellings on LOT 186 (53) Kingsmill Street, Port Hedland

Thank you for your correspondence requesting Department of Health (DOH) advice on the *Reflections* site plans submitted by Design 58 - dated 14 May 2015. These contain references to two separate dust mitigation plans, one submitted by Norman Disney & Young and second reference is to a dust mitigation review dated 2007 by CA and MJ Lommers.

This proposal takes into account the requirements for reducing dust ingress as according to Port Hedland Town Planning Scheme 5 Amendment 22 (TPS5 A 22) for: filtering of the outside air incorporating both the coarse G3- 4, and fine F4-5 double filtration; erection of protective screening at entrances and on North and East of operable windows; and reducing dust ingress by airtight seals and operable windows on West and South façades only.

The DOH notes the plans for the ground floor windows on the West façade, half are fixed and the other half are operable with 1800mm blade walls to reduce dust ingress. It is unclear if there is a sliding door, providing access to the store room on the ground floor from inside the apartment; if so, these doors should have a self-closing mechanism.

The unit dimensions provided in Appendix A indicate that Unit 1 has a total floor living space of 126.7 m² which is in excess of the 110 m² limit according to TPS5 A22.

In accordance with TPS5 A22, the DOH suggests that potential occupants are aware of:

- Scheduled maintenance for replacement of all filtering systems on all air-conditions systems
- The Moratorium on Title and the potential health risks associated with living in the West End.

To minimise adverse impacts on the surrounding residential components, the Town of Port Hedland could consider incorporation of additional sound proofing / insulation, double glazing on windows for additional noise abatement measures.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dr Martin Malisons'.

Dr Martin Malisons
PRINCIPAL TOXICOLOGIST
3 June 2015

<W:\Public Health\EHD\EH\U\Toxicology\Typing\DOCUM2015\DAP Port Hedland West End>

All Correspondence: PO Box 8172 Perth Business Centre WA 6849
Grace Vaughan House 227 Stubbs Terrace Shenton Park, WA 6008
Tel (08) 9388 4999 Fax (08) 9388 4955

6.53pm Director Community and Development Services declared a financial interest in items 12.1.3 'Variation Request-Port Hedland Leisure Facilities, YMCA WA' and 12.1.4 'Town of Port Hedland Leisure Facilities 2015/2016 Budget Proposal – YMCA WA' as he has a family member employed by the YMCA.

Director Community and Development Services left the room.

12.1.3 Variation Request-Port Hedland Leisure Facilities, YMCA WA

Graeme Hall, Manager Recreation Services and Facilities
File No.5/11/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/004 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR HOOPER

That Council:

- 1. Endorse that the request for a budget variation of \$195,412 as provided by the YMCA WA, is not accepted.**
- 2. Endorse that an amended contract variation calculation of \$173,289.20 requested from the YMCA be accepted for the following items:**
 - Facility Operating Hours \$30,265**
 - Wave Rider Reliability \$39,862**
 - Impact of child pool entry and family passes \$103,162.20**

CARRIED BY ABSOLUTE MAJORITY 6/0

EXECUTIVE SUMMARY

Correspondence has been received from the YMCA WA (YMCA) seeking a variation for the management of the Towns three leisure facilities. The variation request of \$195,412 is for operational expenditure that the YMCA believes was as a result of matters that were outside of their control as facility operators.

It is recommended that the request for a budget variation be supported in-part and that the YMCA be offered a budget variation of \$173,289.20. This amount has been discussed with the YMCA and both parties are both cognizant and supportive of the rationale for the alternative calculation.

DETAILED REPORT

The Town has received correspondence (attachment 1) from the YMCA dated 29 May 2014. In the letter received the YMCA have requested that the Town consider a number of budget variations for the 2014/2015 financial year.

The financial position of the YMCA has been monitored closely over the course of the current financial year. The Audit, Risk and Governance Committee (formerly the Audit and Finance Committee) have received several briefings from the YMCA with regard to the financial reports from the leisure facilities. The most recent of which was 10 June 2015, where the committee considered an audit of all potential risks that the current financial situation may present.

The YMCA have outlined to the Town since January 2015 that they are expecting to experience an operational deficit that is greater than anticipated. From the Town's perspective the level of responsibility for the operational deficit of the facilities would ordinarily be limited to the agreed contract amount. As per the contract 'Section 9.1 Variation to Services' changes to this position require the YMCA to submit a variation request and for any approach to be considered by the Council.

The Forecast Net Result for the Town of Port Hedland Leisure Facilities is outlined in Table 1 below. The table reflects that the YMCA are forecasting an operational deficit which is \$358,401 greater than was initially budgeted. Table 1 below provides a breakdown of the operational shortfalls of each facility:

Table 1-Forecast Net Result for the Town of Port Hedland Leisure Facilities

Facility	Budget	Forecast	Variance
Wanangkura Stadium	(\$204, 746)	(\$328,990)	\$124,243
Gratwick Aquatic Centre	(\$552,156)	(\$645,355)	\$93,199
South Hedland Aquatic Centre	\$1,102,800	(1,243,758)	\$140,959
Total	(1,859,702)	(\$2,218,103)	\$358,401

The correspondence from the YMCA has outlined that the YMCA are seeking a budget variation of \$195,412 from the Town. The variation request is reflective of increased expenditure or loss of revenue that was out of the YMCA's control throughout the year. In their letter the YMCA seek acknowledgement that the current situation also means that they are obligated to meet a \$162,000 portion of the budget shortfall.

Table 2 below outlines the budget variation request.

Table 2 Budget Variation Requests

Item	Value
Facility Operating Hours	\$30,265
Wave Rider Reliability	\$39,862
Impact of the one dollar swim initiative	\$125,285
Total	\$195,412

The full details of the variation requests are outlined by the YMCA in their correspondence dated 29 May 2015; see Attachment 1.

Assessment

Officers have reviewed the information provided by the YMCA and acknowledge in-part the requests made by the YMCA, however, there are some amounts that require negotiation. The following is an analysis of the requests made by the YMCA.

1. Facility Operating Hours (Gratwick Aquatic Centre)

The YMCA have requested \$30,265, this amount has been fully reconciled and is not disputed. The Town sought the assistance of the YMCA to keep Gratwick Pool operational so that members could use the gym during the period July to September 2014. The amount is supported in full as part of the recommendation.

2. Wave Rider

The YMCA have requested \$39,862 due to the continued malfunctioning of the Wave Rider attraction. The YMCA have reached the figure of \$39,862 based on two separate calculations, these being:

Actual Income and Expenditure

Income	\$3,792
Expenditure	\$16,460
Operating Deficit	\$12,848

The amount of \$12,848 is acknowledged and supported. The YMCA have been adversely affected due to not being able to operate the Wave Rider attraction and therefore a loss of income outside of their control.

Budgeted Income and Expenditure

Income	\$122,482
Expenditure	\$95,468
Budgeted Operating Deficit	\$27,014

This element of the request is supported because the claim is based on the YMCA's pretense that they budgeted a \$27,014 surplus from the Wave Rider. The surplus from the operation of the Wave Rider was integral to reducing the overall deficit of the South Hedland Aquatic Centre. The subsequent failures of the Wave Rider has severely interrupted any opportunity they had to limit their operational shortfall.

The Town is supportive of the request by the YMCA for both the loss of income and the budgeted operational surplus. It is therefore recommended that the Town accedes to the request by the YMCA of \$39,862.

3. One Dollar Child Swim

The implementation of the \$1.00 child swim is an initiative that the Council has introduced since the YMCA signed their current contract with the Town to manage the three leisure facilities. The YMCA are seeking from the Council \$89,957 being for income not realized as a result of the \$1.00 entry fee. The second element of the claim is because the YMCA believe that they have not been able to achieve \$35,328 in Family Swim Pass income. The total claim for this part of the variation request is \$125,285

\$1.00 Entry

The YMCA have requested from the Town \$89,957 in lost income as a result of the child pool entry (under 16y/o) being \$1.00. Based on revised entry figures provided by the YMCA the Town would fully acknowledge that the YMCA have a case for \$85,498.20 as a variation payment. This figure is based on the difference in child entry fees at \$4.20 as opposed to the \$1.00 fee set by the Council.

Family Entry Pass

In their original budget the YMCA envisaged that in 2015/2016 they would realize \$35,328 in income from the sale of Family Entry Passes. With the introduction of the \$1.00 entry fee, a family concession is no longer relevant as an option for patrons. The purchase of two adult and two child entries is less than the family concession. The request by the YMCA seeks reimbursement in full for the Family Entry Passes, while the sentiment is fully understood, it is considered inequitable for the Town to accept all responsibility for the shortfall. There is justification for the Town and the YMCA to share this responsibility for any shortfall in the sale of Family Entry Passes. The key discussion points being:

- The YMCA's budget expectations were extremely ambitious (sale of in excess of 40 family passes per week)
- The introduction of \$1.00 has clearly attracted young people to the facility and their accompanying parents have been required to pay a full entry fees.

Any calculation regarding the impact of the \$1.00 entry fee on Family Entry Passes would be extremely hard to realistically calculate, any assumptions would also be highly subjective. It is therefore considered impossible to realistically determine the respective levels of responsibility for either the Town or the YMCA. Consequently it is evenhanded to share the impact of the reduced income from family entry sales.

This proposal has been discussed in full with the YMCA and is seen as being a satisfactory outcome. The sharing of responsibility for the lost Family Entry Passes is based on a belief that there were some costs and benefits to both parties with regard to attracting more patrons by offering a \$1.00 entry to children. The YMCA acknowledge that a greater number of children coming to the facility will attract a large number of parents/guardians who will be required to pay a full entry fee.

It is therefore recommended that the request by the YMCA for \$125,285 is reduced to \$103,162.20. This amended amount is to be based on the Town accepting responsibility for \$85,498.20 from pool entries and \$17,664 being 50% of the reduced sale of the Family Entry Passes.

In summary the YMCA have sought from the Town a budget variation of \$195,412 being for the costs that are being incurred by the YMCA during what has been a challenging year. The YMCA feel that the request they have made are a result of the significant changes becoming obligatory since their tender submission in December 2011.

FINANCIAL AND RISK IMPLICATIONS

The YMCA have requested that the Town of Port Hedland consider budget variations for the operation of the three leisure facilities. The amount requested of \$195,412 is greater than the Town would anticipate might be owing to the YMCA. It is suggested that a revised amount of \$173,289.20 would be offered to the YMCA.

The amount of \$173,289.20 is not included within the Town's current budget.

In reviewing the proposal received from the YMCA there are a number of risks that need to be considered, these being:

- The variation request from the YMCA is not allowed for in the current 2014/2015 budget, the payment of a further \$173,289.20 will impact upon the end of year result
- Failure to recognize the increased cost implications being incurred by the YMCA will have an adverse effect on a highly credible not for profit organization
- Recognition of the \$1.00 entry fee is an important social initiative that is having a positive diversionary impact on young people in Port Hedland.
- The costs outlined by the YMCA are considered highly justifiable, therefore to not provide support would be adverse to the Town's relationship with the YMCA.

STATUTORY AND POLICY IMPLICATIONS

Sections 1.1 and 1.2 of the Strategic Community Plan 2014–2024 applies as the redevelopment seeks to provide and support programs, events, facilities and services that attract and connect people and residents.

As this item is requesting a variation to the Budget, an absolute majority vote is required in accordance with s6.8 of the *Local Government Act 1995*.

ATTACHMENTS

1. Letter from YMCA WA (Variation Request-Port Hedland Leisure Facilities 2014/2015) dated 29 May 2015

1 July 2015

ATTACHMENT 1 TO ITEM 12.1.3



29 May 2015

Chris Linnell
 Acting Director Community & Planning
 Town of Port Hedland
 PO Box 41
 PORT HEDLAND WA 6721

Re: Variation Request – Port Hedland Leisure Facilities 2014/15

Dear Chris

Further to previous correspondence regarding the current financial performance of the Port Hedland Leisure facilities, YMCA WA seeks a variation to the agreed budget for the 2014/15 financial year.

The 2014/15 financial year has been a challenging period in relation to the operation of these facilities. This is particularly the case given the significant shift in the operation of these facilities that occurred after the YMCA's tender submission.

Key elements that have impacted on the YMCA's ability to achieve the contracted budget for this financial year have been raised previously and include:

- *Facility operating hours*
- *Wave Rider reliability*
- *Facility closures – Cryptosporidium management*
- *Impact of \$1 Child Swim*

The following table provides an updated forecast displaying the budgeted net result for each facility in comparison to the anticipated results for the 2014/15 financial year:

Forecast Net Result - Port Hedland Leisure Facilities

	Budget	Forecast	Variance
Wanangkura	-\$204,746	-\$328,990	\$124,243
Gratwick	-\$552,156	-\$645,355	\$93,199
SHAC	-\$1,102,800	-\$1,243,758	\$140,959
TOTAL	-\$1,859,702	-\$2,218,103	\$358,401



Given this forecast result and the items detailed below, the YMCA formally requests a budget variation relating to:

FACILITY OPERATING HOURS

As previously agreed, the total weekly operating hours at the aquatic facilities delivered by the YMCA for the first quarter of the financial year were above those contracted.

Rather than alter the hours of operation and risk negative community feedback it was agreed that the opening hours of the aquatic facilities would remain in place until the commencement of the summer season and that this increase in expense either be covered within the operations of the facilities, if possible, or be subject to a variation request.

The Gratwick aquatic centre operated for an additional 324 hours during this period which equates to an additional staffing expense of \$18,681.

The South Hedland aquatic centre operated for an additional 86 hours during this period which equates to an additional staffing expense of \$11,584.

Accordingly the YMCA requests the following budget variation:

Variation Requested:	\$30,265
-----------------------------	-----------------

WAVE RIDER

Consistent with the YMCA's variation request from the 2013/14 financial year, the Wave Rider has once again proven to be unreliable. At best, the attraction has provided up to three weeks of continual operation before malfunctioning and requiring significant maintenance/improvements from the manufacturer.

The full year budget for this attraction was:

Income:	\$122,482
Expense:	\$95,468
Net:	\$27,014

Actual income and revenue for the attraction as at 28 May 2015 was:

Income:	\$3,792
Expense:	\$16,640
Net:	-\$12,848

This represents a loss of net revenue for the attraction of \$39,862. The method of calculating this request is consistent with that used throughout for the 2013/14 variation request associated with the Wave Rider.

The continued interruption to the operation of the Wave Rider has not provided the YMCA with any consistency of service that has flowed onto patron confidence in the attraction.

Variation requested:	\$39,862
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DEPARTMENT OF HEALTH FACILITY CLOSURES

Following a suspected cryptosporidium case within the Town, the YMCA received a request to close the aquatic facilities to the public and conduct extensive super-chlorination and hourly water sampling outside of normal operating hours. This occurred on two separate occasions resulting in closure of the Gratwick aquatic centre on the 18th and 19th of November and on the 28th and 29th November 2015. The South Hedland aquatic centre and Marquee Park were also closed on the 28th and 29th of November 2015.

These closures resulted in additional staffing hours and increased chemical use at an estimated cost of \$4,981. Given this low amount the YMCA does not seek reimbursement for this expense.

\$1 CHILD SWIM

As experienced in previous years, the implementation of the \$1 child swim initiative is another factor in the YMCA's ability to achieve its contracted financial KPI's.

For the year to date, the YMCA has attracted 19,968 child attendances to the South Hedland aquatic centre and a further 6,490 child attendances to the Gratwick aquatic centre. This equates to revenue of \$26,458.

Based on the anticipated fees and charges proposed by the YMCA through the tender process this level of patronage would have generated \$116,415. This figure uses the YMCA's proposed 2015/16 child admission fees as presented in the tender response.

Accordingly, this equates to a loss of revenue in casual child swim alone for the 2014//15 financial year of \$89,957.

The implementation of the \$1 child swim entry has effectively voided the value associated with the family swim pass. In comparison to the family swim revenue targets contained within the YMCA's tender, there has been a \$35,328 decline in revenue.

In total, the YMCA has been affected by a loss of revenue associated with this initiative of \$125,285. This amount is consistent with the previous variation approved by the Town following the adoption of the \$1 swim pass,

Whilst the \$1 swim has been a popular decision and one that the YMCA is supportive of implementing over the longer term, this decision has had a significant effect on the ability to achieve the contracted financial target.

Variation requested:

\$125,285



ECONOMIC DOWNTURN

The impact of plunging iron ore prices both within the Town of Port Hedland and throughout Australia over the past 12 months has been well documented. Within the Town there has been a shift in economic activity with many businesses experiencing reduced sales, a significant loss of jobs and the mining industry slowing its activity significantly.

The Town's leisure facilities have also been affected by this change with patronage across all three sites significantly down on the previous years and most significantly, membership revenue across all sites down by close to \$300K as at the end of April 2015.

Despite this, consultation with other local businesses suggests that economic conditions in Hedland may provide alternative opportunities with other factors such as the cost of living returning to a more normal position and many of the local schools reporting increases in enrolments.

This provides opportunity for the Town and the YMCA to develop a stronger partnership into the new financial year that will ensure the community can still access high quality leisure services akin to that provided within the metropolitan area.

Accordingly, the YMCA does not seek any variation in relation to the reduced membership revenue or other key areas affected by the economic climate, rather we look forward to working with the Town to set a realistic budget for the upcoming financial year that provides value for money for the Town and the community and gives the YMCA the best opportunity to deliver upon its KPI's and, importantly, our core goal to enable 'healthier and happier communities'.

MODIFIED HOURS OF OPERATION

The differences in the operation of the Port Hedland Leisure facilities since the YMCA entered the current management agreement have been well documented between the YMCA and the Town of Port Hedland over the past two years. Many of these changes will have a long term financial impact on the operation of the Town's facilities.

The transition between Gratwick and South Hedland as the seasonal and year round facilities, the heating of the South Hedland pools, and implementation of the \$1 child swim have had a significant impact on the operating costs across the sites.

Likewise, the significant growth in membership revenue in comparison to the initial membership targets has had a positive effect on the facilities.

Once again, the YMCA does not wish to seek a specific variation in relation to these changes. It is however the YMCA's desire to ensure that the financial plan for the upcoming year is based on a realistic set of guidelines that are in sync with the actual operating requirements of the facilities rather than a desire for the YMCA to deliver a contracted result that is out of date.



SUMMARY

Despite the shift in operating requirements the YMCA has at all times attempted to operate the Town's facilities in line with the contracted financial plans covering any increased expense or decrease in revenue through the operation of the facilities.

Unfortunately this has not been possible throughout the 2014/15 financial year, particularly given the challenges detailed above.

The following variation request is representative of increased expenditure or loss of revenue that was out of the YMCA's control throughout the year.

Total Budget Variation Request

<i>Item</i>	<i>Value</i>
Facility Operating Hours	\$30,265
Wave Rider Reliability	\$39,862
Impact of \$1 swim	\$125,285
Total	\$195,412

We request that the Town approves the above variation request.

Based on the forecast noted above, this variation request will result in the YMCA committing approximately \$162K to cover a portion of the final variance to budget.

The YMCA values its partnership with the Town of Port Hedland and its contribution to the community and looks forward to the upcoming opportunity to present to the Town's Audit and Finance Committee on 10 June 2015.

We anticipate sharing a longer term vision for these facilities with the Town at this meeting that we trust will demonstrate the YMCA's commitment to the community and our ability to manage these facilities in a cost effective manner that does not impact upon service delivery.

Please contact me on 9473 8464 if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Travis Doye', written in a cursive style.

Travis Doye
A/Executive Manager - Recreation & Accommodation
YMCA WA

12.1.4 Town of Port Hedland Leisure Facilities 2015/2016 Budget Proposal – YMCA WA

Graeme Hall, Manager Recreation Services and Facilities
File No. 5/11/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/005 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR HOOPER

That Council:

- 1. Endorse the draft budgets (attachment 1) for the operation of the three Town of Port Hedland leisure facilities as presented for approval by the YMCA WA.**
- 2. Endorse the increase in the operational deficit for the management of the three leisure facilities from \$2,273,714 (contract amount) to \$2,375,673, an increase of \$101,959 (inclusive of YMCA WA management fees of \$330,652).**
- 3. Endorse that if any amendments to pool entry fees are agreed to by the Council in their deliberations of the 2015/2016 fees and charges schedule that any increased revenue be used solely and specifically by the YMCA to reduce the operational shortfall of the three leisure facilities.**
- 4. Authorise the Chief Executive Officer, or his delegate(s), to reconfirm with the YMCA WA the key performance indicators for the operation of the Town of Port Hedland leisure facilities for the 2015/2016 financial year in line with the budget parameters.**

CARRIED BY ABSOLUTE MAJORITY 6/0

7:06pm Director Community and Development Services reentered and resumed his chair.

EXECUTIVE SUMMARY

The YMCA WA (YMCA) are required each year to review the budget parameters for the operation of the Town's three leisure facilities. As part of the tender process the all prospective contractors were required to provide an operational budget for the three facilities for the duration of the contract (four years 2012/2013 to 2015/2016). The intention of this tender requirement was to assist the Council to budget accordingly for the operational deficit of the three facilities.

On 27 April 2015, the Council received from the YMCA their draft budget for the forthcoming year. The operational deficit as proposed in the budget was for

\$2,375,673 inclusive of management fees. This figure represents an increase of \$101,959 on the budget that the Town has previously committed to in 2012.

It is recommended that the Town endorse the budget parameters as requested by the YMCA and that the contract performance is measured in accordance with the previously endorsed key performance indicators. It also reinforces to the YMCA the need to perform with regard to the budget and key performance indicators that have been agreed to with full knowledge of all prospective pitfalls.

DETAILED REPORT

In July 2012, the YMCA commenced its current contract with the Town of Port Hedland for the management of the three Town of Port Hedland Leisure Facilities being Gratwick Aquatic Centre, South Hedland Aquatic Centre and Wanangkura Stadium.

The contract under which the YMCA operate is unambiguous with regard to the preparation of annual operating budgets. The obligation is for the contractor to prepare budgets by the end of February each year for review and final adoption as part of the Town's operational budget. Section 8.2 of the contract states:

8.2 Review of Operating Budgets

- (1) The approved Operating Budgets for the first year of the Contract Term will be the Operating Budgets provided by the Contractor as part of the Tender, with any changes to such Operating Budgets agreed by the Town and the Contractor in writing.*
- (2) The Operating Budgets will be reviewed annually in March in each year of the Contract Term.*
- (3) By 28 February in each year of the Contract Term except for the last year, the Contractor must submit to the Town the proposed Operating Budget for the next financial year for each Facility for the Town's approval. The proposed Operating Budgets must be fully itemised and be in a form generally acceptable to the Town.*
- (4) The Town (and where applicable its Council) will review the proposed operating budgets, and advise the Contractor in writing if the proposed Operating Budgets are approved.*
- (5) The Town covenants and agrees to act reasonably, and not to unreasonably fail to approve or withhold approval to the proposed Operating Budgets.*
- (6) If the Town does not approve the proposed operating budgets it will, within 14 days of advising the Contractor of its decision not to approve the proposed operating budgets (or part thereof), provide to the Contractor written reasons for the decision not to approve the proposed operating budgets, and will provide the Contractor with a reasonable opportunity to submit a further proposed operating budget.*

The budget proposal from the YMCA was significantly delayed with the document being forwarded on 27 April 2015, the draft budgets are included as Attachment 1. The initial draft document (Attachment 1) was first presented to the Audit, Risk and Governance Committee on 10 June 2015. At the subsequent meeting of the Audit, Risk and Governance Committee on 17 June 2015, the draft budget as presented by the YMCA for the 2015/2016 financial year was noted. The budget now requires consideration by the Council for endorsement and inclusion in the 2015/2016 operating budget.

The current YMCA contract was part of a public tender process conducted during 2011, with a final resolution by the Council in March 2012. As part of the tender process and deliberations by the Council all prospective contractors were required to provide budget commitments for the four years of the contract term. In electing to offer the YMCA the contract to manage the Town's three leisure facilities the Council committed to the operational deficits as outlined in the table below.

Table 1 – Operating Deficit and Management Fee

Facility	2012/2013	2013/2014	2014/2015	2015/2016
Wanangkura Stadium - Operational Cost	\$747,846	\$583,423	\$537,152	\$562,294
Wanangkura Stadium - Management Fee	\$95,260	\$149,936	\$176,083	\$182,303
Sub Total	\$843,106	\$733,359	\$713,235	\$744,597
Gratwick Aquatic Centre - Operational Cost	\$685,875	\$705,166	\$729,131	\$760,561
Gratwick Aquatic Centre - Management Fee	\$60,612	\$65,048	\$69,875	\$75,712
Sub Total	\$746,487	\$770,214	\$799,006	\$836,273
South Hedland Aquatic Centre - Operational Cost	\$554,121	\$572,659	\$593,875	\$620,207
South Hedland Aquatic Centre - Management Fee	\$60,905	\$65,122	\$68,524	\$72,637
Sub Total	\$615,026	\$637,781	\$662,399	\$692,844
Total	\$2,204,619	\$2,141,354	\$2,174,640	\$2,273,714

Based on table one above the YMCA were contractually required to operate the leisure facilities in 2015/2016 at an overall cost of \$2,273,714. This figure is made up of \$1,943,062 operating deficit and \$330,652 management fee (payable to the YMCA).

The draft budgets (2015/2016) submitted by the YMCA have proposed an operational deficit of:

Table 2 – Operational Deficits Town of Port Hedland Leisure Facilities

	Centre	2015/2016 Budget

Income	Gratwick Aquatic Centre	\$243,050
	South Hedland Aquatic Centre	\$498,660
	Wanagkura Stadium	\$2,215,634
Total		\$2,957,344
Expenses	Gratwick Aquatic Centre	\$772,380
	South Hedland Aquatic Centre	\$1,711,378
	Wanagkura Stadium	\$2,518,607
Total		\$5,002,366
Net Operating Results	Gratwick Aquatic Centre	-\$529,329
	South Hedland Aquatic Centre	-\$1,212,718
	Wanagkura Stadium	-\$302,974
Total		-\$2,045,021

With the addition of the management fee that the Town incurs as part of the YMCA's contract terms the overall cost to the Town for the 2015/2016 financial year will be \$2,375,673. This amount is inclusive of the \$330,652 management fee.

The budget provided by the YMCA for the 2015/2016 and presented above in Table 2 denotes an operational deficit that is a \$101,959 increase on what the YMCA initially indicated they could operate the facilities at in 2012. The initial budget figures were an integral element by which the YMCA were selected as the preferred tenderer.

A review of the budget has highlighted a number of variances, however, it is hard to confirm the impact of these changes as the YMCA have changed the format of their budget from previous years. It is therefore difficult to undertake detailed analysis year on year.

From a comparison perspective there are some clear changes to the budgets of the three facilities which will impact significantly on the overall operation. The amendments outlined below highlight examples in programming, marketing and cleaning expenses:

Gratwick Aquatic Centre

Table 3 – Budget Adjustments Gratwick Aquatic Centre

Description	Current Budget	2015/2016 Budget	Variance
Reduced expenditure on Aqua Aerobics instructors	\$12,982	\$6,362	\$6,620
Reduced expenditure on Aquatic Education Instructors-	\$36,144	\$16,208	\$19,936
Reduction in marketing expenses	\$6,000	\$1,750	\$4,250
Reduction in cleaning expenses	\$18,003	\$10,870	\$7,133
Increase in gardening expenses	\$30,856	\$45,000	\$14,144

*South Hedland Aquatic Centre**Table 4 – Budget Adjustments South Hedland Aquatic Centre*

Description	Current Budget	2015/2016 Budget	Variance
Reduced expenditure on Aqua Aerobics instructors	\$24,678	\$14,016	\$10,662
Reduced expenditure on Aquatic Education Instructors)	\$102,827	\$47,382	\$55,445
Reduction in marketing expenses	\$16,900	\$6,000	\$10,900
Reduction in surf machine income	\$122,482	\$18,378	\$104,104
Reduction in surf machine expenditure (operators)	\$96,352	\$38,265	\$58,087
Increased expenditure on equipment lease	\$2,099	\$7,608	\$5,509

*Wanangkura Stadium**Table 5 – Budget Adjustments Wanangkura Stadium*

Description	Current Budget	2015/2016 Budget	Variance
Marketing expense reduced	\$40,100	\$30,000	\$10,100
Reduced membership income	\$1,579,515	\$1,422,282	\$157,233
Cleaning costs have remained static	\$144,000	\$144,000	No increase

During 2014 and again in 2015, the Town has received correspondence from the YMCA seeking budget variations. In June 2014, the Council resolved to pay the YMCA \$580,680 in variations, the matter of \$197,000 in variation requests is also due to be considered at the July 2015, Ordinary Council Meeting.

While the budget as presented is not without question, there is an overall belief that there is a need to bring to a conclusion historical matters that provide rationale for variation requests, these being:

- Slowing economy (reduced membership sales)
- Impact of \$1.00 entry fee
- Failure of the WaveRider attraction
- Change of operational hours
- Plant room inefficiencies
- Staffing concerns
- Inadequate pool temperature
- Health Department monitoring and statutory obligations
- Cost of utilities.

As the YMCA enter into the final year of their current contract it should be requisite that they be given every opportunity to succeed and for all historical matters that were not clear at the outset of the contract in June 2012 to be annulled. By agreeing to a draft budget that reflects an increased operating deficit as presented the YMCA will have an increased obligation to comply with the budget paradigm that they have requested.

By acceding to this request by the YMCA the Council will need to concede that they will be required to accommodate within their budget an additional \$101,959 in operating deficit. In return the Town should be able to request that the YMCA confirm that all historical matters (subject of previous variation requests) would not be re-visited. In addition to this the Town would be in a position to reconfirm the key performance indicators for all three facilities.

FINANCIAL IMPLICATIONS

The budget as presented by the YMCA will reflect an increase in expenditure in the following general ledger accounts:

- 1105255 Gratwick – YMCA Operations
- 1105260 SHAC – YMCA Operations
- 1122257 Contract Cost – YMCA Operations

Based on the operational deficits the YMCA are seeking an additional \$101,959 from the Town in order to operate the three leisure facilities for the 2015/2016 financial year.

RISK ASSESSMENT

The budget documentation as presented by the YMCA has risks for both the Town and contractor that require mitigation. From the Town's perspective the late deliberation of the budget provides very little opportunity for negotiations between the two parties. The risk of not approving the budget as provided by the YMCA is likely to enhance the likelihood that the YMCA will seek further variations in the forthcoming financial year. Similarly the budget proposed by the YMCA lessens the risk of any future justification for not meeting the key performance indicators outlined in the contract.

From the YMCA's perspective there is a need to perform with regard to the budget and key performance indicators that have been agreed to with full knowledge of all prospective pitfalls.

STATUTORY AND POLICY IMPLICATIONS

Sections 1.1 and 1.2 of the Strategic Community Plan 2014–2024 applies as the redevelopment seeks to provide and support programs, events, facilities and services that attract and connect people and residents.

As this item is requesting a variation to the Budget, an absolute majority vote is required in accordance with s6.8 of the *Local Government Act 1995*.

ATTACHMENTS

1. Budget Requests from YMCA WA

1 July 2015

ATTACHMENT 1 TO ITEM 12.1.4

	Income	2015/16 Budget	2014/15 Budget	Forecast
Income	Gratwick	\$243,050	\$330,491	\$216,845
	SHAC	\$498,660	\$644,906	\$375,265
	Wana	\$2,215,634	\$2,578,970	\$1,990,491
	Total	\$2,957,344	\$3,554,367	\$2,582,601
Expense	Gratwick	\$772,380	\$882,647	\$693,614
	SHAC	\$1,711,378	\$1,810,199	\$1,512,859
	Wana	\$2,518,607	\$2,783,716	\$2,287,760
	Total	\$5,002,366	\$5,476,563	\$4,494,233
Net Operating Result	Gratwick	-\$529,329	-\$552,156	-\$476,769
	SHAC	-\$1,212,718	-\$1,165,293	-\$1,137,594
	Wana	-\$302,974	-\$204,746	-\$297,269
	Net Operating Result	-\$2,045,021	-\$1,922,196	-\$1,911,632

2015/2016 GRATWICK AQUATIC CENTRE

Income	2015/16 Budget	2014/15 Budget	Forecast	Variance
<u>Aqua Aerobics Income</u>	\$2,435	\$2,034	\$2,219	\$216
<u>General Admission Income</u>				
<u>Casual Adult</u>	\$40,729	\$34,600	\$37,724	\$3,005
<u>Casual Child</u>	\$8,682	\$6,563	\$7,926	\$756
<u>Casual Family</u>	\$0	\$0	\$410	-\$410
<u>Spectator</u>	\$1,088	\$1,753	\$908	\$180
<u>Memberships</u>	\$100,000	\$162,931	\$93,563	\$6,437
<u>Aquatic Program Income</u>			-\$575	
<u>Adult</u>	\$0	\$2,211		\$0
<u>Child</u>	\$1,440	\$1,145		\$1,440
<u>Training</u>	\$2,795	\$2,662		\$2,795
<u>Schools Aquatic Program Income</u>	\$1,227	\$1,736	\$950	\$277
<u>Birthday Party Income</u>	\$2,227	\$2,416	\$966	\$1,261
<u>Aquatic Education Income</u>	\$45,864	\$50,570	\$40,395	\$5,469
<u>Facility Rental Income</u>	\$4,400	\$16,256	\$4,172	\$228
<u>Café Income</u>	\$22,554	\$30,613	\$20,024	\$2,530
<u>Merchandise Income</u>	\$9,608	\$15,000	\$8,162	\$1,446
Total	\$243,050	\$330,491	\$216,845	\$26,205
Expense				
Salaries				
<u>Area Manager</u>	\$48,261	\$48,262	\$31,705	\$16,556
<u>Housing Allocation</u>	\$62,400	\$118,392	\$0	\$62,400
<u>Vehicle Expense</u>	\$5,000	\$5,500	\$1,120	\$3,880
<u>Centre Manager</u>	\$76,667	\$120,534	\$156,053	-\$79,387
<u>Duty Managers</u>	\$113,037	\$110,305	\$133,069	-\$20,032
<u>Aqua Aerobics Instructors</u>	\$6,632	\$12,982	\$5,478	\$1,153
<u>Aquatic Education Instructors</u>	\$16,208	\$36,144	\$37,756	-\$21,547
<u>Lifeguards</u>	\$115,589	\$112,493	\$116,319	-\$730
<u>Aquatic Program Staff</u>	\$2,189	\$3,270	\$46	\$2,143
<u>Birthday Party Leaders</u>	\$623	\$675	\$16	\$607
<u>Business Support Officer</u>		\$11,186	\$6,342	-\$6,342
			\$0	\$0
<u>Birthday Party Expense</u>	\$393	\$280	\$0	\$393
<u>Café Expense</u>	\$14,660	\$15,306	\$13,555	\$1,105
<u>Merchandise Expense</u>	\$6,245	\$7,500	\$5,075	\$1,170
<u>Marketing Expense</u>	\$1,750	\$6,000	\$1,255	\$495
<u>Insurances</u>	\$1,292	\$4,630	\$941	\$351
<u>Bank Charges Expense</u>	\$3,762	\$2,228	\$3,653	\$110
<u>Cash Security Expense</u>	\$592	\$2,448	\$575	\$17
<u>Telephone / Internet Expense</u>	\$5,087	\$5,215	\$4,939	\$148
<u>Postage & Courier Expense</u>	\$140	\$765	\$136	\$4
<u>Stationary and Printing Expense</u>	\$5,151	\$10,053	\$5,001	\$150
<u>Licenses & Subscriptions</u>	\$964	\$5,669	\$936	\$28

<u>CERM</u>	\$2,500	\$2,500	\$2,188	\$313
<u>Training Expense</u>	\$7,410	\$4,000	\$864	\$6,546
<u>Recruitment Expense</u>	\$1,000	\$912	\$0	\$1,000
<u>Travel Expense</u>	\$5,250	\$3,346	\$1,651	\$3,599
<u>Uniforms</u>	\$2,500	\$5,055	\$2,542	-\$42
<u>Consumables Expense</u>	\$742	\$98	\$720	\$22
<u>Staff Amenities</u>	\$982	\$1,200	\$953	\$29
<u>Electricity</u>	\$31,104	\$34,548	\$22,217	\$8,887
<u>Water Expense</u>	\$39,714	\$29,700	\$28,367	\$11,347
<u>Maintenance Expense</u>	\$80,008	\$75,732	\$51,858	\$28,150
<u>Security Expense</u>	\$3,862	\$5,049	\$3,749	\$112
<u>Pool Chemicals Expense</u>	\$36,210	\$21,152	\$35,155	\$1,055
<u>Equipment Replacement</u>	\$6,000	\$6,027	\$5,518	\$482
<u>Cleaning</u>	\$10,870	\$18,003	\$10,553	\$317
<u>Gardening Expense</u>	\$45,000	\$30,856	\$32,392	\$12,608
<u>First Aid and Safety</u>	\$2,000	\$2,388	\$1,259	\$741
<u>Waste Disposal</u>	\$1,200	\$144	\$910	\$290
<u>Equipment Lease Expense</u>	\$9,387	\$2,099	\$1,575	\$7,812
Total Expense	\$772,380	\$882,647	\$693,614	
Net Operating Result	-\$529,329.47	-\$552,155.99	-\$476,768.73	

2014-15 SOUTH HEDLAND AQUATIC CENTRE

Income	2015/16 Budget	2014/15 Budget	Projection
<u>Aqua Aerobics Income</u>	\$3,161	\$7,005	\$2,568
<u>General Admission Income</u>			
<u>Casual Adult</u>	\$102,037	\$124,341	\$89,190
<u>Casual Child</u>	\$55,177	\$27,588	\$22,768
<u>Casual Family</u>	\$1,730	\$0	\$1,623
<u>Spectator</u>	\$2,283	\$4,436	\$4,666
<u>Memberships</u>	\$29,966	\$9,749	\$33,704
<u>Surf Machine Income</u>	\$18,378	\$122,482	\$3,617
<u>Aquatic Program Income</u>			
<u>Adult</u>	\$0	\$3,840	\$1,748
<u>Child</u>	\$3,345	\$3,564	\$0
<u>Training</u>	\$5,324	\$5,324	\$0
<u>Birthday Party Income</u>	\$3,818	\$5,420	\$1,084
<u>Schools Aquatic Program Income</u>	\$6,591	\$3,591	\$6,295
<u>Aquatic Education Income</u>	\$153,950	\$183,890	\$110,449
<u>Facility Rental Income</u>	\$19,678	\$6,844	\$17,769
<u>Café Income</u>	\$70,000	\$113,610	\$63,949
<u>Merchandise Income</u>	\$23,223	\$23,223	\$15,835
Admin Income			
Total	\$498,660	\$644,906	\$375,265
Expense			\$0.00
Salaries			
<u>Area Manager</u>	\$48,261	\$48,262	\$39,777
<u>Housing Allocation</u>	\$62,400	\$118,392	\$0
<u>Vehicle Expense</u>	\$5,000	\$7,500	\$3,310
<u>Centre Manager</u>	\$153,333	\$118,803	\$192,931
<u>Duty Managers</u>	\$219,510	\$154,144	\$182,497
<u>Aqua Aerobics Instructors</u>	\$14,016	\$24,678	\$17,912
<u>Aquatic Education Instructors</u>	\$47,382	\$102,827	\$100,233
<u>Lifeguards</u>	\$319,682	\$322,809	\$278,694
<u>Surf Machine Operators</u>	\$38,265	\$96,352	\$0
<u>Kiosk</u>	\$0	\$65,689	\$0
<u>Aquatic Program Staff</u>	\$3,502	\$7,170	\$122
<u>Birthday Party Leaders</u>	\$1,178	\$1,901	\$31
<u>BSO</u>			\$10,382
<u>Birthday Party Expense</u>	\$674	\$1,011	\$0
<u>Café Expense</u>	\$49,000	\$56,805	\$87,534
<u>Merchandise Expense</u>	\$11,611	\$11,611	\$6,548
<u>Marketing Expense</u>	\$6,000	\$16,900	\$6,865
<u>Insurances</u>	\$3,045	\$7,287	\$2,443
<u>Bank Charges Expense</u>	\$3,133	\$4,160	\$2,233
<u>Cash Security Expense</u>	\$1,613	\$4,068	\$1,549
<u>Telephone / Internet Expense</u>	\$11,973	\$8,061	\$7,890
<u>Postage & Courier Expense</u>	\$612	\$532	\$629

Stationary and Printing Expense	\$6,194	\$12,000	\$5,256
Licenses & Subscriptions	\$6,402	\$6,402	\$2,491
CERM	\$2,500	\$2,500	\$2,516
Training Expense	\$16,515	\$12,454	\$6,482
Recruitment Expense	\$1,000	\$794	\$0
Travel Expense	\$5,250	\$4,877	\$4,702
Uniforms	\$5,496	\$5,496	\$3,816
Consumables Expense	\$201	\$201	\$495
Staff Amenities	\$4,200	\$4,200	\$3,179
Equipment Lease	\$7,608	\$2,099	\$1,811
Electricity	\$272,392	\$271,304	\$223,751
Water Expense	\$51,114	\$33,504	\$41,986
Maintenance Expense	\$154,370	\$130,370	\$129,131
Security Expense	\$6,680	\$3,422	\$5,594
Pool Chemicals Expense	\$77,018	\$58,704	\$64,493
Equipment Replacement	\$10,140	\$9,052	\$8,491
Cleaning	\$28,558	\$28,839	\$23,914
Gardening Expense	\$50,000	\$41,114	\$38,525
First Aid and Safety	\$4,081	\$3,682	\$3,417
Waste Disposal	\$1,466	\$221	\$1,228
Total Expense	\$1,711,378	\$1,810,199	\$1,512,859
Net Operating Result	-\$1,212,718	-\$1,165,293	-\$1,137,594

WANANGKURA STADIUM 2015/16 OPERATIONAL BUDGET

Income	2015/16 Budget	Previous Budget	Forcast 2014/15
Crèche Income	\$29,553	\$36,941	\$31,281
Childrens Program Income	\$11,400	\$42,449	\$9,175
Holiday Program Income	\$63,564	\$53,200	\$45,148
Birthday Party Income	\$0	\$5,236	\$0
Casual Group Fitness Income	\$74,929	\$113,415	\$95,693
Health Club Membership Income	\$1,422,282	\$1,579,515	\$1,318,438
<u>Joining Fee Income</u>	\$32,400	\$77,760	\$0
Casual Health Club Income	\$190,909	\$169,091	\$189,957
Personal Training Income	\$49,091	\$73,555	\$48,217
Adult Programs Income	\$41,952	\$41,952	\$12,165
Adult Sports Competition	\$83,949	\$108,957	\$69,881
Junior Sports Competitions	\$19,614	\$9,324	\$57
Facility Rental Income			\$0
Function Room Rental	\$31,176	\$65,906	\$23,360
Meeting Room Rental	\$11,366	\$32,062	\$9,312
Sports Hall Rental	\$38,970	\$47,942	\$28,209
Squash Court Rental	\$43,080	\$48,465	\$44,545
Café Income	\$71,400	\$61,200	\$65,053
Sponsorship Income	\$0	\$12,000	\$0
Total	\$2,215,634	\$2,578,970	\$1,990,491
Expense			
Salaries			
Area Manager	\$48,261	\$48,839	\$59,574
Housing Allocation	\$62,400	\$118,392	\$0
Vehicle Expense	\$5,000	\$5,500	\$1,494
Centre Manager	\$115,000	\$120,534	\$123,469
Team Sports Manager	\$93,500	\$104,353	\$74,078
Customer Service & Functions Manager	\$93,500	\$104,353	\$90,657
Business Support & Training & Officer	\$73,552	\$89,647	\$91,369
Health & Fitness Manager	\$110,328	\$112,059	\$75,461
Customer Service Officers	\$223,389	\$236,571	\$215,139
Duty Managers	\$116,113	\$124,979	\$155,212
Holiday Program Staff	\$50,907	\$38,009	\$44,592
Creche Team Leader	\$58,493	\$63,165	\$18,499
Creche Play Leader	\$68,508	\$73,246	\$70,284
Gym Instructors	\$138,827	\$152,977	\$146,275
Personal Trainers	\$45,894	\$64,756	\$49,496
Group Fitness Instructors	\$164,956	\$187,918	\$163,725
Umpires	\$48,142	\$67,409	\$42,846
Adult Term Program Instructors	\$30,068	\$31,555	\$12,618
Childrens Term Program Instructors	\$5,122	\$33,262	\$14,566
Birthday Party Leaders	\$0	\$2,161	\$250
Creche Expense	\$1,800	\$1,800	\$0
Birthday Party Expense	\$0	\$1,506	\$0
Holiday Program Expense	\$11,040	\$3,650	\$0
Café Expense	\$45,060	\$36,000	\$39,871

Marketing Expense	\$30,000	\$40,100	\$28,318
Insurance	\$11,671	\$13,732	\$10,732
Bank Charges Expense	\$16,967	\$20,256	\$16,472
Cash Security Expense	\$7,952	\$10,176	\$7,720
Telephone / Internet Expense	\$35,000	\$27,540	\$38,693
Postal and Courier Expense	\$2,500	\$684	\$2,459
Stationary and Printing Expense	\$21,921	\$36,144	\$21,283
Licenses and Subscriptions	\$36,000	\$26,891	\$41,331
CERM	\$4,750	\$4,750	\$0
Training	\$29,009	\$38,000	\$10,388
Recruitment	\$500	\$2,600	\$453
Travel	\$10,500	\$11,376	\$4,576
Uniforms	\$9,150	\$14,400	\$12,199
Consumables	\$1,600	\$2,040	\$1,600
Staff Amenities	\$600	\$1,020	\$307
Equipment Lease	\$62,363	\$62,363	\$62,693
Utilities	\$292,596	\$313,538	\$278,663
Maintenance Expense	\$149,326	\$149,326	\$94,719
Security Expense	\$3,245	\$3,246	\$0
Equipment Replacement	\$11,580	\$11,580	\$13,419
Cleaning	\$144,000	\$144,000	\$137,709
Gardening Expense	\$9,600	\$9,600	\$8,533
First aid and safety	\$1,500	\$1,298	\$2,254
Waste Disposal	\$4,416	\$4,416	\$3,761
PHL Sporting Club usage	\$12,000	\$12,000	\$0
Total Expense	\$2,518,607	\$2,783,716	\$2,287,760
Net Operating Result	-\$302,974	-\$204,746	-\$297,269

12.2 Works and Services**12.2.1 Applications Trading in Streets and Public Places – Annual Food Vendor Approval**

Michael Cuvalo, Coordinator Environmental Health
File No. 19/04/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION

That Council approve the renewal of the following Trading in Streets and Public Places Permits for Food Vans for a period of 12 months:

- a) Indian Curry in Hedland
- b) Sue's Place Kebab Van
- c) Sue's Place Coffee Van
- d) Pilbara Flavours
- e) Amigos Mexicanos
- f) Ando's Kebab Van

201516/006 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR DACCACHE

That Council approve the renewal of the following Trading in Streets and Public Places Permits for Food Vans for a period of 12 months:

- a) Indian Curry in Hedland
- b) Sue's Place Kebab Van
- c) Sue's Place Coffee Van
- d) Pilbara Flavours
- e) Amigos Mexicanos
- f) Ando's Kebab Van
- g) Rapie Bilda Kitchen

CARRIED 6/0

EXECUTIVE SUMMARY

As per the Town of Port Hedland Trading in Public Places Policy 13/014 this report will detail all applications received for annual Trading in Streets and Public Places for Category 3 Food Vendors.

Currently, the Town has six applications requiring assessment against the above mentioned policy. Details for each will be supplied including a summation of performance against legislative requirements. There are no new applications just renewals of existing stall holders.

DETAILED REPORT

This year the Town of Port Hedland has received six applications seeking renewal for a 12 month trading in public places permit. This report will seek to provide some basic details of each vendor and whether there have been any significant compliance issues.

As per the Town of Port Hedland Trading In Public Places Policy 13/014, amended by Council at the April 2015 Ordinary Council Meeting, discretion on renewal of Category 3 Trading in Public places (Food vans) applications is to be considered by Council. Decisions made should be based on each proposals benefit to the community and compliance with statutory requirements.

Applications for Renewal

Indian Curry in Hedland

This business is in its second year and offers a range of Indian cuisine. The van has been operating from the Don Rhodes Museum Park and on occasion at Dreamers Corner. There are no outstanding compliance issues in relation to this business.

Sue's Place Kebab Van

Under current ownership this van has been operating for approximately 18 months selling a range of takeaway foods from the Wheel Barrow on Pinga Street, Wedgefield.

Under previous ownership there were a considerable number of concerns raised relating to the operation of this van ranging from hygiene issues, structural issues and issues arising from a lack of ablution facilities. There was a continual issue relating to the van not being removed from site once daily operating hours had expired.

In the last 12 months there have been no significant compliance matters.

Sue's Place Coffee Van

This van has primarily visited worksites and places of business but has approval to undertake roadside vending. This van provides hot and cold drinks, pies, hot dogs and other assorted foods. There have been no significant compliance issues relating to this business.

Pilbara Flavours

Pilbara Flavours has operated for approximately 4 years and provides a diverse range of freshly made takeaway foods including burgers, homemade pies, smoothies, salad rolls and toasted sandwiches. The Town has not received complaints in regards to the operation of this food van and there are no ongoing compliance issues.

Amigos Mexicanos

This business supplies a selection of Mexican food primarily from Dreamers corner in South Hedland. This business has proven to be a popular choice for the public and has had no significant compliance issues.

Ando's Kebab Van

This van offers a range of takeaway food specialising in kebabs. Ando's Kebab Hut has previously been operating for a period of 36 months from Dreamer's Corner by the original owners and though no complaints have been received there have been occurrences where the van has remained onsite throughout the night and not removed at 10pm as per policy requirements. Now operating under new ownership the business has not had any significant compliance issues.

Rapie Bilda Kitchen

This is a newly constructed van that will be serving Malay food from 5:30pm to 10:00pm up to 7 days a week. The van is built to a very high standard and fitted out with new equipment. As this is a new food van there are no ongoing compliance issues. The applicant is seeking approval to operate from all 5 approved locations.

Consultation

In the past community concerns in relation to the operation of food vans has primarily been in regards to complaints about specific vendors hygiene issues or vans remaining on site after designated hours of operation. In the last 12 months, which encompasses the standard annual Trading in Streets and Public Places approval period, the Town of Port Hedland has received no food safety complaints relating roadside food vans.

The Town has received strong concerns from a community member who currently operates a food business from a fixed premise. The complainant's concerns related specifically as to why the Town allows food vans to operate as they feel that it disadvantages their business due to food vans not being required to pay rent, electricity, water and other service charges. The complainant requests that the Town of Port Hedland cease all approvals for food vans.

In the future officers will be reviewing the policy and possible trading locations with a view of supporting locations that are considered more suitable for the sale of food and close to public conveniences.

FINANCIAL AND RISK IMPLICATIONS

Annual licensing fees for a 12 month license are proposed as \$642 with an application fee of \$57 for the 2014/2015 Budget. If Council supports the recommendations detailed in this report the Town can expect Category 3 Food Vendor Yearly Trading in Public Places permits to generate an income of \$4,194.00

It is proposed to increase the license fees in a twostep process to \$950.00 in the 15/16 financial and to the minimum rate level in 16/17 financial year.

Risk implications in relation to the operation of food vans at roadside trading locations relate mainly to pedestrian, food hygiene matters and vehicle movements. At each trading location there is a considerable amount of off street parking which allows for limited to no interaction between traffic and pedestrians attempting to access the food vans. The Town has lowered the risk by ensuring that no more than 3 food vans operate from any one location at the same time. This has reduced customer pressure on the site and further reduces the potential interaction between foot traffic and vehicle movements. Assessment of the risk

against the approved risk matrix has given a risk score of 8 as there would be major consequences though it is scored as unlikely to occur. The Towns Environmental Health Department will continue to regularly monitor the approved trading locations and take action were necessary to prevent incidents.

There is also an associated risk relating to dusty conditions impacting on food safety though this has been largely mitigated by the Town's Environmental Health Officers requiring food vans to install dust/fly screens on all openings to food vans. When assessed against the risk matrix a risk score of 9 was found based on a possible likelihood and major consequences. This again is controlled through the Environmental Health Departments vigilance in undertaking multiple inspections of each van a year and ensuring that a high standard is maintained.

STATUTORY AND POLICY IMPLICATIONS

The regulation of how food vans operate remains under the control of the *Food Act 2008*, *Food Regulations 2009* and the *Food Safety Standards*. The decision before Council to approve or refuse the renewal of 12month permits to operate is covered by the Town of Port Hedland Trading in Public Places Policy 13/014 and requires Council to base its judgement on the best interests of the community.

ATTACHMENTS

Nil

30 June 2015

12.2.2 Award of Tender 15/04 - Construction of Insitu Concrete Footpaths

Anthony Williams, Project Development Officer
File No. 28/16/0021

DISCLOSURE OF INTEREST BY OFFICER

Nil.

201516/007 RECOMMENDATION 1/ COUNCIL DECISION

MOVED: CR DACCACHE

SECONDED: CR HUNT

That Council commit to include \$300,000 in the 2015/16 Budget for the purpose of footpath construction.

CARRIED BY ABSOLUTE MAJORITY 6/0

201516/008 RECOMMENDATION 2/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR HUNT

That Council:

- 1. Award Request for Tender 15/04 – Construction of Insitu Concrete Footpaths to DeGrey Civil Pty Ltd for the lump sum price of \$573,451.20 (ex. GST); and**
- 2. Approve the Chief Executive Officer, or his delegate(s), to request payment of \$314,876.20 (ex. GST) from Landcorp for their contribution to the South Hedland Town Centre component of this project.**

CARRIED 6/0

EXECUTIVE SUMMARY

The purpose of this item is to provide a summary of the assessment of submissions received for tender 15/04 – Construction of Insitu Concrete Footpaths and to award the contract.

DETAILED REPORT

Council has implemented a five (5) year program for the construction of insitu concrete paths. The program was packaged up and released as a Request for Tender (15/04) on 29 April 2015.

This program consists of paths of varying widths throughout the township of Port Hedland. This year's program consists of approx. 2,600m² of path construction works which equated to 1300 lineal metres of 2 metre wide path.

In addition, the Town have included a section of proposed footpaths in the South Hedland Town Centre in response to a request from Landcorp. These works involve the construction of approx. 3,800m² of concrete footpath in the area surrounding the town centre.

The scope of works required under this contract comprises of the following:

1. Preliminaries - Mobilisation/Demobilisation, Letterbox Drop, Supervision, etc.
2. Preparation, Supply, Installation and Clean Up of Footpaths at the following locations:
 - a. Hamilton Road – 792m² Including 4 Pram Ramps & Tactiles
 - b. North Circular Road – 90m² Including 4 Pram Ramps & Tactiles
 - c. Rutherford Road – 960m² Including 5 Pram Ramps & Tactiles
3. As Constructed Survey Pick up (A – Spec)

It also made allowance for 2 separable portions, Separable Portion 1 comprises of the following:

1. Preparation, Supply, Installation and Clean Up of Footpaths at the following locations:
 - a. Draper Place – 630m² Including Clean Up
2. As Constructed Survey Pick up (A – Spec)

In addition, Separable Portion 2 comprises of the following:

1. Preparation, Supply, Installation and Clean Up of Footpaths at the following locations:
 - a. South Hedland Town Centre – 3,800m² Including Clean Up
2. As Constructed Survey Pick up (A – Spec)

When the tender closed on 14th May 2015 11 full submissions were received plus 1 incomplete submission (via Tenderlink). The submissions were received from the following contractors:

Name	Location of Contractor	Conforming
Australian Civils	Local	Yes
Commercial Boundaries WA	Metro	Yes
DBS Platt Contracting	Local	Yes
DeGrey Civil	Local	Yes
Downer EDI Engineering Power	Metro	Yes
Dowsing Concrete	Metro	Yes
Formaction Concrete Civils	Metro	No
Jetline Corporation	Metro	Yes
Pilbara Constructions	Local	Yes
Remote Civils	Metro	Yes
Supercivil	Metro	Yes
Scope Infrastrucutre	Local	No

TENDER ASSESSMENT

The below table provides the final scoring and assessment results for all complete tender submissions, below is a summary of how the submitted tenders were assessed in relation to each of the selection criteria.

Name	Price: 40%	Relevant Experience: 15%	Tenderer's resources: 15%	Demonstrated understanding: 30%	Total Score: 100%
Australian Civils	26	9.6	9.9	18.4	63.9
Commercial Boundaries WA	8.3	4.5	2.7	4.8	20.3
DBS Platt Contracting	25.7	6.1	4.0	2.3	38.1
DeGrey Civil	32.4	12.2	10.3	23.6	78.5
Downer EDI Eng. Power	21.6	10.4	9.8	19.2	61
Dowsing Concrete	40	9.7	11.1	24.0	84.8
Formacion Concrete Civils	NA	11.0	10.4	23.0	44.4
Jetline Corporation	23.1	8.5	7.9	14.0	53.5
Pilbara Constructions	31.1	7.8	7.6	7.8	54.3
Remote Civils	35.9	7.4	7.0	14.8	65.1
Supercivil	18	7.3	7.4	11.6	44.3
Scope Infrastructure	NA	NA	NA	NA	NA

Pricing and Regional Price Preference Assessment

The submitted prices) for the complete scope of works (including Separable Portions 1 & 2) with the applicable cost reduction specified in the Regional Price Preference Policy (RPP) are shown in the attached table (under separate cover - confidential).

Following a reviewing of submissions by Dowsing, DeGrey Civil and Remote Civil it become apparent to Officers that the overall price from Dowsing was low. Further communication with Dowsing indicated that their price did not include a component of the scope of works. As such Dowsing's price score was adjusted to reflect the omission and the risks associated with the contract price was managed (see risk identification). See attached Financial Implications table for details regarding the financial impact of choosing DeGrey Civil over Dowsing.

Relevant Experience Assessment

Contractors demonstrating strong relevant experience include DeGrey Civil, Downer EDI Engineering Power and Formation. A number of companies were not able to demonstrate an appropriate level of experience including SuperCivil, Pilbara Constructions, Commercial Boundaries WA and DBS Platt either due to lack of information or lack of relevant experience.

Tenderers Resources Assessment

Dowsing, DeGrey Civil and Remote Civil provided detailed CV's for all personnel involved in the contract works, great plant lists and a resource availability schedule which led to good scores in this area. Very little information was provided by DBS Platt and Commercial Boundaries WA which contributed towards a very low score overall.

Demonstrated Understanding Assessment

Once again Dowsing, DeGrey Civil and Remote Civil provided a high level of detail in their methodology and approach to the project, they hadn't made exclusions for 'in scope' items and had backed up their methodology with a work schedule that was detailed and logical.

Officers Recommendation

The officers' recommendation is to award Tender 15/04 – Construction of Insitu Concrete Footpaths to DeGrey Civil. This demonstrates the Town's commitment to supporting local contractors, suppliers and small business as a priority through a thorough tender evaluation process.

DeGrey Civil are not only a local contractor but their commitment to the community was also much higher than that of Dowsing Concrete and Remote Civils. Thus, the community as a whole will benefit more from the appointment of DeGrey Civil as the Contractor.

The Town is confident that DeGrey Civil offer the best value for money overall and are best suited to carry out the full scope of works.

FINANCIAL AND RISK IMPLICATIONS

The proposed 2015/16 budget for the Footpath Construction 5 year plan works is \$300,000 pending council approval.

In addition to the proposed scope of works the Town of Port Hedland were approached by Landcorp to incorporate the outstanding South Hedland Town Centre (SHTC) footpaths into the 2014/15 Footpath Construction scope of works.

The attached table shows the financial implications the Landcorp works will have as well as the impact the works will have on the Town's resources (under separate cover - confidential).

Whilst evaluating the tender submissions the following risk was identified. The pricing of the submission received from Dowsing Concrete was deemed too low to be capable of carrying out the required works, their submission was queried and we were made aware of additional costs not provided in the tender submission. In an effort to control this risk we decided to look at the tendered scores based only on the performance criteria. Another submission (DeGrey Civil) scored higher in this area and was deemed to be more suitable and be less of a risk to the Town and Landcorp.

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 15-04 was conducted in accordance with these regulations, the Towns 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).

ATTACHMENTS

1. Tender 15/04 Price Schedule Submissions Including Application of the Regional Price Preference (Under Separate Cover - confidential).
2. Financial Implications of the Footpath Construction Contract (Under Separate Cover - confidential).

07 July 2015

12.3 Corporate Services**12.3.1 Statement of Financial Activity for the period ended 31 May 2015**

Laura Delaney, Coordinator Financial Services
File No. 12/14/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/009 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR GILLINGHAM

That Council:

- 1. Receive the Statement of Financial Activity (and supporting information) for the period ended 31 May 2015;**
- 2. Receive the Port Hedland International Airport Statement of Financial Activity for the period ended 31 May 2015;**
- 3. Receive the Waste Management Statement of Financial Activity for the period ended 31 May 2015;**
- 4. Note the accounts paid during May 2015 under delegated authority.**

CARRIED 6/0

EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 31 May 2015.

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 commentary is provided on variances between year to date actuals and year to date proposed budget for the period ended 31 May 2015:

Account Description	YTD Variance	Comment
Non-Cash Items: Depreciation	-85%	Depreciation has been run for Plant & Equipment – Municipal for the period July 2014 to January 2015. Depreciation for the remaining asset classes 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: 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. Accounting treatment will occur at the end of the financial year.
Transfers from/to 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 May 2015 is \$14.812m. This balance is expected to decline across the remainder of the financial year, as projects are delivered, and operational budgets are fully expended.

The unrestricted cash position as at 31 May 2015 is \$12.593m. This is calculated as follows:

	2014/15 Actual (000's)
Current Assets: Cash and Investments	\$82,208
Restricted Cash – Reserves	(\$66,193)
Restricted Cash – Unspent Grants	(\$2,614)
Restricted Cash – Unspent Loans	(\$808)
Unrestricted Cash Position as at 31 May 2015	\$12,593

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 March Quarterly Budget Review (QBR) is \$1.774m. 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)
Change in Net Current Assets arising from March QBR	\$242
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	\$1,774

RISK IMPLICATIONS

The Town of Port Hedland is exposed to a number of financial risks in both its Annual Budget and Long Term Financial Plan (which is underpinned by some key assumptions). Most of these risks exist in respect to recurrent revenue streams which are required to meet current service levels. Any reduction in these revenue streams into the future is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements, unless the Town can replace this revenue or alternatively reduce costs.

- TWA Rate Revenue (15/16 Budget) \$3,685,176
- Precinct 3 Lease Revenue (15/16 Budget) \$3,795,258
Lease expiry 21/06/2022
- Port Haven Lease Revenue (15/16 Budget) \$1,072,218
Lease expiry 19/03/2019
- Port Haven Car Park Lease Revenue (15/16 Budget) \$203,075
Lease expiry at end of any of the annual extended term options 19/03/2016 – 19/03/2019
- Mia Mia Lease Revenue (15/16 Budget) \$195,982
Lease expiry 09/12/2019
- Mia Mia Community Contribution \$464,844
Lease expiry 09/12/2019
- Interest on Investments (including all cash-backed Reserves with the exception of the BHP Reserve) allocated to Muni (14/15 forecast) \$3,005,000
- Airport dividend to Muni (14/15 Budget) \$3,269,000 (LTFP assumes an increase in dividend from 2018/19 of \$350k and again in 2019/20 of a further \$350k)
- \$40m in sale proceeds from Kingsford Smith Business Park to be achieved by 2022/23 (with proceeds to be transferred to Airport Reserve to meet CAPEX requirements)
- \$500k FMG Contribution to operational costs at Wanangkura Stadium
- Sustainability Partnership being negotiated with BHPBIO
- Opening of new landfill site and closure/rehabilitation of current site \$96m investment over 20 years
- \$1.5m capital funding requirement and \$1.1m recurrent funding requirement over 3 years for Scotty's Café in the event that the project proceeds without external funding

STATUTORY AND POLICY IMPLICATIONS

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 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 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.

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. Officers presented all proposed budget variations, supported by Management commentary as part of the March QBR.

Note the Statement of Financial Activity includes six 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;
5. Amended Budget arising from the December QBR;
6. Amended Budget arising from the March 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.

The Capital Works Program and Road Program have been incorporated into the supporting information provided to the Council. Additional documents will also be added in future months including the Grants Register.

A separate Statement of Financial Activity has also been prepared for the Port Hedland International Airport and Waste Management business units. These statements will be further developed over the next six months to ensure consistency in presentation.

ATTACHMENTS

1. Statement of Financial Activity for the Period Ended 31 May 2015 (Under Separate Cover)
2. Port Hedland International Airport Statement of Financial Activity for the Period Ended 31 May 2015
3. Waste Management Statement of Financial Activity for the Period Ended 31 May 2015
4. Accounts paid under delegated authority for the month of May 2015 including Credit Card Statements (Under Separate Cover)

2 July 2015

ATTACHMENT 2 TO ITEM 12.3.1

TOWN OF PORT HEDLAND
 PORT HEDLAND INTERNATIONAL AIRPORT
 STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
 FOR THE PERIOD ENDED 31 MAY 2015

Account Description	31/05/2015		2014/15		2014/15		YTD Actuals & Commitments	YTD Actuals & Commitments	Variance (YTD Current Budget & YTD Actuals)
	Original Budget	Current Budget	YTD Current Budget	YTD Actuals	Commitments	Commitments			
Operating Revenue	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	%
	23,253	20,780	20,780	16,458	0	16,458	16,458	4,323	-21%
Operating Expenditure	(12,328)	(14,661)	(14,661)	(10,020)	(145)	(10,174)	(10,174)	(4,632)	-32%
Operating Surplus/(Deficit)	10,926	6,120	6,120	6,429	-145	6,284	6,284	-310	5%
Add Back Non Cash Items									
Depreciation on Assets - Airport Maintenance	1,497	1,780	1,780	145	0	145	145	1,635	-92%
Capital									
Capital Expenditure - Work in Progress - Solar Farm - Airport Administration	0	(4,726)	(4,726)	0	0	0	0	(4,726)	-100%
Capital Expenditure - Infrastructure: Airport - Carpark : Ground Transport Reconfiguration - Airport Administration	(1,000)	(250)	(250)	(117)	0	(117)	(117)	-133	-53%
Capital Expenditure - Buildings: Airport - Terminal Precinct - Airport Administration	(1,000)	(1,639)	(1,639)	(1,442)	(27)	(1,469)	(1,469)	-197	-12%
Capital Expenditure - Infrastructure: Airport - Re-Site Quarantine Facility - Airport Administration	(600)	0	0	0	0	0	0	0	0%
Capital Expenditure - Work in Progress - Solar Farm Due Diligence & Feasibility - Airport Administration	0	(121)	(121)	(96)	0	(96)	(96)	-25	-20%
Capital Expenditure - Work in Progress - International Terminal Works Expansion - Airport Administration	0	(1,400)	(1,400)	(942)	0	(942)	(942)	-458	-33%
Capital Expenditure - Furniture & Equipment - IT Network Upgrade - Airport Administration	0	(100)	(100)	0	0	0	0	-100	-100%
Capital Expenditure - Plant And Equipment: Airport - Plant Purchases - Airport Administration	(165)	(350)	(350)	(124)	0	(124)	(124)	-226	-65%
Capital Expenditure - Work in Progress - Water & Sewer Services - Airport Administration	(4,900)	(300)	(300)	(66)	0	(66)	(66)	-234	-78%
Capital Expenditure - Buildings: Airport - Staff Housing Refurbishment - Airport Administration	(15)	(12)	(12)	(12)	0	(12)	(12)	0	0%
Capital Expenditure - Buildings: Airport - Building Upgrades - Airport Administration	0	0	0	0	0	0	0	0	0%
Capital Expenditure - Infrastructure: Airport - Bus Parking - Airport Administration	0	(270)	(270)	(270)	0	(270)	(270)	0	0%
Capital Expenditure - Infrastructure: Airport - Taxiway Overlay - Airport Administration	(5,000)	(100)	(100)	(31)	0	(31)	(31)	-69	-69%
Capital Expenditure - Infrastructure: Airport - Main Apron Strengthening - Airport Administration	(1,300)	(195)	(195)	(154)	0	(154)	(154)	-41	-21%
Capital Expenditure - Infrastructure: Airport - Perimeter Fence Upgrade and Crash Gates - Airport Administration	(1,500)	(50)	(50)	(5)	0	(5)	(5)	-45	-90%
Capital Expenditure - Infrastructure: Airport - Runway Resheet : Northern Apron Extension - Airport Administration	0	(100)	(100)	(53)	0	(53)	(53)	-47	-47%
Capital Expenditure - Infrastructure: Airport - Electrical Infrastructure - Airport Administration	(2,539)	(2,539)	(2,539)	(1,497)	0	(1,497)	(1,497)	-1,041	-41%
Capital Expenditure - Infrastructure: Airport - Apron Lighting Upgrades - Airport Administration	(1,300)	(20)	(20)	(3)	0	(3)	(3)	-17	-85%
Capital Expenditure - Infrastructure: Airport - Storm Water Drainage - Airport Administration	0	(5)	(5)	(4)	0	(4)	(4)	-1	-11%
Capital Expenditure - Furniture & Equipment: Airport - CCTV Network - Airport Administration	(150)	(150)	(150)	(74)	0	(74)	(74)	-76	-51%
Capital Expenditure - Work in Progress - Freight & Logistics Zone - Airport Administration	(8,360)	(510)	(510)	(99)	0	(99)	(99)	-411	-81%
Capital Expenditure - Work in Progress - Power in Push Back Equipment - Airport Administration	(765)	0	0	0	0	0	0	0	0%
Capital Expenditure - Work in Progress - Security Screening Equipment - Airport Administration	(500)	(300)	(300)	(284)	0	(284)	(284)	-16	-5%
Capital Expenditure - Work in Progress - Security Upgrades CTO - Airport Administration	(500)	(10)	(10)	(5)	0	(5)	(5)	-5	-50%
Gain on Sale of Asset - Plant: Airport - Airport Administration									
	15	15	15	0	0	0	0	15	-100%
Operating Grants Subsidies & Contributions - Government Grants - Airport Administration									
	8,000	50	50	0	0	0	0	50	-100%
Funding									
Capital Expenditure - Repayment of Debentures - Loan Principal Payments : Airport Housing (131) - Airport Administration	(42)	(42)	(42)	(21)	0	(21)	(21)	-21	-51%
Movement in Airport Reserve (Transfer Required from the Airport Reserve)	(9,198)	(5,222)	(5,222)	1,275	0	1,275	1,275	-21	-51%
Airport Reserve Opening Balance 1 July 2014	16,463	16,463	16,463	16,463	0	16,463	16,463	0	0%
Airport Reserve Forecast Closing Balance 30 June 2015	7,265	11,241	11,241	17,738	0	17,738	17,738	0	0%

ATTACHMENT 3 TO ITEM 12.3.1

TOWN OF PORT HEDLAND
WASTE MANAGEMENT
STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
FOR THE PERIOD ENDED 31 MAY 2015

Account Description	2014/15						Variance %	Variance (\$000's)
	Original Budget	Current Budget	YTD Current Budget	YTD Actuals	Commitments	YTD Actuals & Commitments		
Operating Revenue	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's	%	\$000's
Fees & Charges: Discretionary - Classic Collection Fees - Classic Collection	1,906	2,100	1,923	2,096	0	2,096	9%	(172)
Gain on Sale of Asset - Plant: Landfill - Classic Collection	1	1	1	0	0	0	-100%	1
Fees & Charges: Discretionary - Premium Collection Fees - Premium Collection	575	622	570	621	0	621	9%	(51)
Fees & Charges: Discretionary - Charges: Replacement Bins & Bin Hire - Premium Collection	0	16	15	16	0	16	6%	(1)
Total Operating Revenue - Collection	2,482	2,738	2,510	2,733	0	2,733	9%	(223)
Fees & Charges: Discretionary - Tyres - Landfill Business Unit	345	80	73	73	0	73	0%	(0)
Fees & Charges: Discretionary - Washdown - Landfill Business Unit	12	13	12	12	0	12	3%	(0)
Fees & Charges: Discretionary - General Tipping Fees & Scrap Metal - Landfill Business Unit	3,500	4,600	4,217	4,531	0	4,531	7%	(314)
Fees & Charges: Discretionary - Hazardous Waste:Asbestos - Landfill Business Unit	830	2,100	1,925	2,149	0	2,149	12%	(224)
Fees & Charges: Discretionary - Scrap Metal Sales & Recyclables Revenue - Landfill Business Unit	30	10	9	2	0	2	-74%	7
Fees & Charges: Discretionary - Liquid Waste - Landfill Business Unit	2,900	2,510	2,301	2,370	0	2,370	3%	(69)
Non Operating Grants Subsidies & Contributions - Department of Planning Funding - Landfill Business Unit	772	330	321	0	0	0	-100%	321
Other Revenue - Reimbursement: Staff Housing Rent - Landfill Business Unit	6	6	6	6	0	6	-3%	0
Total Operating Revenue - Landfill	8,415	9,669	8,863	9,143	0	9,143	3%	(279)
Total Operating Revenue	10,896	12,408	11,374	11,876	0	11,876	4%	(502)
Operating Expenditure								
Depreciation on Assets - Classic Collection	(457)	(110)	(101)	(1)	0	(1)	-99%	(100)
Materials and Contracts - Classic Collection	(456)	(280)	(237)	(228)	0	(228)	-11%	(29)
Materials and Contracts - Recovery of Plant Operating Costs: Garage & Sanitization - Classic Collection	0	(306)	(280)	(232)	0	(232)	-10%	(28)
Materials and Contracts - Classic MGB's Repairs Delivery - Classic Collection	(97)	(77)	(71)	(73)	0	(73)	3%	2
Materials and Contracts - Replacement Mobile Garage Bins - Classic Collection	(93)	(93)	(87)	(73)	(25)	(98)	-16%	(14)
Other Expenditure - Admin Costs Distributed - Classic Collection	(101)	(120)	(110)	(110)	0	(110)	0%	0
Materials and Contracts - Waste Collection - Premium Collection	(304)	(344)	(316)	(306)	0	(306)	-3%	(9)
Materials and Contracts - Premium MGB Repairs & Delivery - Premium Collection	(50)	(50)	(46)	(46)	(0)	(46)	0%	0
Other Expenditure - Admin Costs Distributed - Premium Collection	(38)	(54)	(50)	(52)	0	(52)	24%	12
Total Operating Expenditure - Collection	(1,797)	(1,436)	(1,316)	(1,149)	(25)	(1,174)	-13%	(167)
Materials and Contracts - Landfill Management - Landfill Business Unit	(2,045)	(1,268)	(1,162)	(1,079)	(3)	(1,082)	-7%	(83)
Employee Costs - Superannuation - Landfill Business Unit	0	0	0	(2)	0	(2)		2
Employee Costs - Superannuation Co Contribution - Landfill Business Unit	0	0	0	(0)	0	(0)		0
Materials and Contracts - Building Maintenance - Landfill Business Unit	(26)	(26)	(23)	(11)	(2)	(13)	-51%	(12)
Insurance - Property Insurance & Pollution Legal Liability - Landfill Business Unit	(3)	(3)	(3)	(3)	0	(3)	7%	0
Materials and Contracts - Cleaning - Landfill Business Unit	(6)	(7)	(6)	(6)	(1)	(7)	-6%	(0)
Materials and Contracts - Washdown Bay Maintenance - Landfill Business Unit	(25)	(23)	(23)	(12)	(1)	(13)	-47%	(11)
Materials and Contracts - Road, Ground, Utter Maintenance & Repairs - Landfill Business Unit	(70)	(100)	(92)	(63)	(8)	(70)	-32%	(29)
Utilities - Utility Charges - Landfill Business Unit	(12)	(19)	(17)	(17)	0	(17)	-3%	(0)
Materials and Contracts - Supply Clean Fill - Landfill Business Unit	(300)	(326)	(299)	(224)	(126)	(330)	-23%	(75)
Materials and Contracts - Office Expenses - Landfill Business Unit	(13)	(13)	(12)	(6)	(2)	(8)	-47%	(6)
Materials and Contracts - Recovery of Plant Operating Costs: Heavy - Landfill Business Unit	0	(705)	(646)	(382)	0	(382)	-10%	(65)
VEHOLS - CATERPILLAR TRACKLOADER	0	0	0	0	(0)	(0)		0
Materials and Contracts - External Plant Hire - Landfill Business Unit	(100)	(130)	(119)	(88)	(18)	(106)	-26%	(31)
Materials and Contracts - Fire Suppression Expenses - Landfill Business Unit	(46)	(89)	(81)	(87)	(2)	(89)	8%	6
Materials and Contracts - Monitoring & Licensing - Landfill Business Unit	(100)	(190)	(174)	(126)	(84)	(209)	-28%	(49)
Materials and Contracts - Management & Business Plans - Landfill Business Unit	(43)	(43)	(39)	(12)	(4)	(16)	-70%	(27)
Materials and Contracts - Weighbridge Maint Costs - Landfill Business Unit	(11)	(17)	(16)	(17)	0	(17)	9%	1
Materials and Contracts - Recovery of Plant Operating Costs - Landfill Business Unit	0	(72)	(66)	(62)	0	(62)	-6%	(4)
Materials and Contracts - Development of Landfill Master Plan - Landfill Business Unit	(772)	(362)	(332)	(83)	(243)	(330)	-74%	(244)
Employee Costs - Staff Housing Rental Costs - Landfill Business Unit	(90)	(54)	(49)	(34)	0	(34)	9%	4
Other Expenditure - Admin Costs Distributed - Landfill Business Unit	(330)	(473)	(433)	(443)	0	(443)	2%	8
Total Operating Expenditure - Landfill	(4,210)	(3,921)	(3,594)	(2,981)	(492)	(3,473)	-17%	(613)

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7:17pm Councillor Hunt declared an impartiality interest in item 12.3.2 'Outcome of Expression of Interest for Audit, Risk and Governance Committee Community Representative' as she has an association with the applicant.

Councillor Hunt did not leave the room.

12.3.2 Outcome of Expression of Interest for Audit, Risk and Governance Committee Community Representative

Grace Waugh, Governance Officer
File No. 13/05/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/010 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR HUNT

That Council appoint Ms Nina Pangahas as a community member to the Audit, Risk and Governance Committee.

CARRIED BY ABSOLUTE MAJORITY 6/0

EXECUTIVE SUMMARY

This report presents to Council the expression of interest received from a community member interested in becoming a member of the Audit, Risk and Governance (ARG) Committee and makes a recommendation to Council for the appointment of one community member.

DETAILED REPORT

At the Ordinary Meeting held on Wednesday 27 May 2015 Council resolved the following:

"201415/253 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR JACOB SECONDED: CR HUNT

That Council:

.....

7. Advertise an expression of interest for an additional community member with experience in risk management to assist the Audit, Risk and Governance Committee with its revised scope based on the following criteria:

- Sound understanding of audit, risk and governance management practices*
- Proven experience in implementing risk management frameworks at a corporate level*

- *Experience as a committee or board member*

CARRIED 8/0"

Point 7 of the decision was to advertise an expression of interest (EOI) for a community member for the Audit, Risk and Governance Committee to assist with risk management.

The Town advertised via the following:

- Community notice on 19 June 2015
- Facebook posts on 22 and 26 June 2015
- Hedland Highlights in the North West Telegraph on 10, 17 and 24 June 2015

The EOI outlined the following criteria that was set by Council:

- Sound understanding of audit, risk and governance management practices
- Proven experience in implementing risk management frameworks at a corporate level
- Experience as a committee or board member

The expression of interest was open for over two weeks, advertising commenced on 10 June 2015 and closed on Friday 26 June 2015 therefore. During this period there were no EOI applications received.

An EOI application was received on Monday 29 June 2015 by Ms Nina Pangahas.

Ms Pangahas is a member of the Institute of International Auditors of Australia and has worked in the audit, risk and governance area for the past eight years. Ms Pangahas has a Bachelor of Science in Forestry, Master in Business Administration, Computer Business Application Certificate, Post Graduate Diploma in Science, PhD Graduate Program in Resource Management and Environmental Science and is currently undergoing her Master of Occupational and Environmental Health.

Ms Pangahas' key skills, experience and expertise include:

- Strategic Planning/Execution
- Continuous Improvement
- Best Practice
- HSEQ Management Systems
- Research and Analysis
- Regulatory Compliance and Audit
- Integrated Management Systems
- ISO and Australian Standards
- Risk Management/ Workplace Assessment
- Accreditation/Certification Processes

Consultation

The Executive Leadership Team, Corporate Information Team and the Finance Team have all been consulted during this process.

In view of Ms Pangahas' qualifications, experience and level of expertise the Town believes she will make a significant contribution to the ARG Committee in the area of risk management, and it is therefore recommended she is appointed as a new community member.

FINANCIAL AND RISK IMPLICATIONS

The cost of advertising for the community member was included in the 2014/15 budget. There will be no ongoing costs in the 2015/16 budget as the community member position is not a remunerated position.

Bringing a community member on the committee with a risk background will enhance the current expertise of the committee as the new terms of reference now include a risk management aspect. The risk not appointing a new community member with a risk background will be that the committee will not benefit from additional expertise in its new area of competence.

STATUTORY AND POLICY IMPLICATIONS

Section 5.10 of the Local Government Act 1995 outlines the appointment of committee members. A member must be appointed as a member of a committee by an absolute majority by the local government.

Ms Pangahas cover letter and resume is a confidential attachment in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it outlines

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan 2014 – 2024 applies as the Audit, Risk and Governance Committee provides high quality governance accountability and compliance by monitoring the Town's risk management and audit processes.

ATTACHMENTS

1. Ms Nina Pangahas cover letter and resume (Confidential Under Separate Cover)
- 2 July 2015

12.3.3 Corporate Business Plan Performance Report – 1 January to June 2015

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

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/011 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR GILLINGHAM

That Council receive the corporate business plan performance report for 1 January to 30 June 2015.

CARRIED 6/0

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 January to 30 July 2015.

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.

The corporate business plan will be reviewed on an annual basis in line with the development of the annual budget. The revised business plan will be presented to the August ordinary meeting.

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 January to 30 July 2015. 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 January to July 2015 include:

- Opening of the South Hedland Youth Space with skating competitions and official ceremony and continued activation
- Anchor tenant Bunnings finalised their purchase of a roadside lot at Kingsford Smith Business Park for \$2.9M
- Continued delivery of renovations to the Port Hedland International Airport to expand international arrivals and departures area
- Progress of 4.5 hectare solar farm in the Port Hedland International Airport precinct
- Continuation of contract negotiations with a waste to energy facility to divert large portion of waste from landfill
- Review of local laws and policies with adoption of new parking local law and drafting of cemeteries local law
- Review of internal audit, risk management and records management with identified program of improvement actions
- Hosting of three citizenship ceremonies to welcome 69 new Australian citizens
- Distribution of 62 media releases, 63 community notices, 509 Facebook posts (reaching 260,939 people) and 39 posters promoting community initiatives
- Submitted comprehensive response to the Pilbara Development Commission's investment blueprint
- Launch and promotion of North West Festival
- Commenced organisation the North West Economic Summit to be held on 21 August 2015 as part of the North West Festival
- Hosted ANZAC centenary commemorations in partnership with the Port Hedland RSL
- Hosted government officials and dignitaries including the WA Premier, Police Minister and Attorney-General and US Consul General.
- Continued review of Port Hedland International Airport governance framework including seeking expressions of interest to enter a long-term lease arrangements
- Launched 2015 season calendar for Matt Dann Theatre and Cinema
- Undertook #KeepHedlandBeautiful campaign with industry partners to provide free cargo nets
- Restored Old Port Hedland Pioneer Cemetery
- Recognised outstanding community members with Australia Day active citizenship awards

Town of Port Hedland managers and officers were consulted in the compilation of the report. Community members were engaged in the development of the 2014-2024 Strategic Community Plan which has informed the 2014-2018 Corporate Business Plan.

FINANCIAL AND RISK IMPLICATIONS

Actions reported on in this performance report reflect financial activity undertaken from 1 January to 30 July 2015.

The report noted some moderate risks associated with obtaining necessary budgets and grant funding is being investigated to address.

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 January to 30 July 2015 (Under Separate Cover)

1 July 2015

12.3.4 Amend Policies 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' and 2/010 'Council Investments'

Grace Waugh, Governance Officer
File No. 04/03/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/012 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council amend policies 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' and 2/010 'Council Investments'.

CARRIED 6/0

EXECUTIVE SUMMARY

Town officers are proposing that the Council adopt policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' and amend policy 2/010 'Council Investments'.

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.

Amended Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'

At the 24 June 2015 Ordinary meeting Council adopted the 2015/16 Delegation Register. In the report it was recommended that delegation 1.1 'Acting CEO' be deleted as the Town had been advised by Western Australian Local Government Association (WALGA) that it was not a delegation and could be covered by a policy.

Following this decision Town officers have reviewed the City of Gosnells, Shire of Mundaring and City of Fremantle policies on the subject and have amended the current Senior Employees policy to include the appointment of an Acting Chief Executive Officer as included as attachment 1.

Amended Policy 2/010 'Council Investments'

It is recommended that policy 2/010 on Council Investments be amended to reflect delegation 1.4 'Investment of Funds' approved by Council as part of the 2015/16 Delegation Register adoption that took place at the 27 May 2015 Ordinary Council Meeting.

Consultation

WALGA have been consulted on the best process for appointing acting CEO's in local government. WALGA advised that it is best to cover the appointment of an acting CEO under a Council policy.

The Executive Leadership team were consulted during the preparation of the 2015/16 Delegation Register where it was recommendation to have a policy and not a delegation to appoint an acting CEO and to amend the investment funds delegation to reflect that the CEO can determine the subdelegation of such duties.

FINANCIAL AND RISK IMPLICATIONS

There is no impact on the 2015/16 budget for adopting these policies.

The risk of not adopting the amended 'Senior Employees and Appointing Acting Chief Executive Officer' policy is that no clear parameters for appointing an officer to cover the role of CEO during any periods of annual and/or sick leave will be set. This could potentially impact on the business of the Town not being continued efficiently whilst the CEO is on leave.

The risk associated with the investment of funds policy is that if the amendments are not approved the current policy and delegation will not align.

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.

Section 5.37 'Local government employees' of the Local Government Act 1995 outlines that the CEO is responsible for employing local government employees who are suitably qualified for the position.

Local government investments are dealt with in accordance with section 6.14 of the Local Government Act 1995 and in accordance with the Local Government (Financial Management) 1996.

ATTACHMENTS

1. Amended Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'
2. Amended Policy 2/010 'Council Investments'

30 June 2015

ATTACHMENT 1 TO ITEM 12.3.4



3/007 **SENIOR EMPLOYEES AND APPOINTING ACTING CHIEF EXECUTIVE OFFICER**

Policy Objective

To identify 'Senior Employees' positions within the Town of Port Hedland pursuant to section 5.37 of the Local Government Act 1995 and to provide for the appointment of one of the Town's senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

Policy Content

For the purposes of section 5.37 of the Act the Council shall designate the following employees to be 'Senior Employees':

- Director Corporate Services
- Director Community and Development Services
- Director Works and Services

In accordance with the requirements of the Local Government Act 1995, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a senior employee are suitably qualified to perform the role of Acting Chief Executive Officer.

The Town's senior employees will be appointed to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer due to annual leave or extended sick leave.

Appointment to the role of Acting Chief Executive Officer shall be made in writing prior to the period of appointment for a defined period that does not exceed three months. A Council resolution is required for periods exceeding three months.

Senior employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to:

- performance and dependent on availability of the senior employee
- operational requirements of the senior employee

Definitions

Nil

Council adoption date and resolution no.	24 November 2004 OCM
Date of adoption of amendment and resolution number do not delete the previous dates	17 December 2014 OCM 201415/143
Relevant legislation	Local Government Act 1995

Town of
Port Hedland



Senior Employees and Appointing
Acting Chief Executive Officer



Delegated authority	
Business unit	People & Culture
Directorate	Corporate Services
Review frequency	As required

ATTACHMENT 2 TO ITEM 12.3.4

Town of
Port Hedland

2/010 COUNCIL INVESTMENTS



2/010 COUNCIL INVESTMENTS

OBJECTIVES

To provide a framework for the investment of Council funds that seeks to maximise the return to Council whilst having due consideration for the risk and security of each investment; and ensures that Council's liquidity requirements are being satisfied.

Primary considerations of this policy are:

- Preservation of capital;
- Liquidity requirements; and
- Return of investment.

LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- Local Government Act 1995 - Section 6.14;
- The Trustees Act 1962 - Part III Investments;
- Local Government (Financial Management) Regulations 1996 – Regulations 8, 19, 19C, 28 and 49; and
- Australian Accounting Standards

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the *Local Government Act 1995*.

The Chief Executive Officer may sub-delegate the implementation of the Investment Policy to other Town officers, in writing and keep a register of these appointments. ~~the Director Corporate Services.~~

~~The placement or redemption of any investment requires dual authorisation by the Chief Executive Officer or the Director Corporate Services, plus any one of the following officers:~~

- ~~• Director Engineering Services~~
- ~~• Director Planning and Development~~
- ~~• Director Community Development~~
- ~~• Manager Financial Services~~

~~Other senior Finance staff will assist in the day to day administration of the investment portfolio.~~

~~The Chief Executive Officer must approve sub delegations in writing and record them in the Sub delegation Register. Sub delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role.~~

PRUDENT PERSON STANDARD

All investments will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. The Department of Local Government and Communities Guidelines No.1 'Disclosure of Interests Affecting Impartiality' and No. 21 'Disclosure of Financial Interests in Returns' provide guidance for recognising and disclosing any conflicts of interest.

Any independent advisors are required to disclose any actual or perceived conflicts of interest.

APPROVED INVESTMENTS

Authorised Investments shall be limited to Australian currency denominated:

- Deposits (including Flexi and At Call deposits) with Authorised Deposit Taking Institutions;
- Deposits with Authorised Deposit Taking Institutions (ADIs) as defined in section 5 of the Banking Act 1959 (Commonwealth) with a Standard & Poors (or its equivalent) credit rating of BBB or higher (subject to overall limits) and the Western Australian Treasury Corporation (WATC), for a term not exceeding 12 months;
- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding three years.

PROHIBITED INVESTMENTS

This investment policy prohibits any investments carried out for speculative purposes including:

- Derivative based instruments; and

- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

The leveraging of investments (borrowing to invest) is prohibited.

PROFESSIONAL ADVICE

The Town may from time to time retain the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by the Town is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

INVESTMENT FUNDS

All cash and investments held by the Town are placed in common investments in accordance with *Local Government (Financial Management) Regulations 1996* Regulation 8.

RISK MANAGEMENT GUIDELINES

All investments obtained must comply with three key criteria relating to:

- Portfolio Credit Framework: limit overall credit exposure of the portfolio;
- Counterparty Credit Framework: limit exposure to individual counterparties/institutions; and
- Term to Maturity Framework: limits based upon maturity of securities.

Portfolio Credit Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P	Long	Term	S&P	Short	Term	Direct	Investment
-----	------	------	-----	-------	------	--------	------------

Rating	Rating	Maximum %
AAA	A-1+	100%
AA	A-1+	100%
A	A-1	60%
BBB	A-2	20%

If any of the investments within the portfolio are subject to a credit rating downgrade such that the portfolio credit percentages are no longer compliant with the Investment Policy, the investment will be divested as soon as practicable.

Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	35%
AA	A-1+	35%
A	A-1	2%
BBB	A-2	10%

If any of the investments within the portfolio are subject to a credit rating downgrade, or maturing investments are redeemed, such that counterparty portfolio percentages are no longer compliant with the Investment Policy, the relevant investments will be divested as soon as practicable.

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints: Investment Type	Term to Maturity
ADI Deposits	≤ 12 months
State/Commonwealth Government Bonds	≤ 3 years

REPORTING AND PERFORMANCE MONITORING

Council will receive a monthly report on the investment portfolio, listing for each investment the institution, amount, term to maturity, maturity date, amount interest rate, and % of total portfolio represented by the individual investment. A summary of the composition of the investment portfolio by credit rating and institution will ~~be~~ also be included.

A benchmarking report of the Town's investment portfolio will be provided as part of the Quarterly Budget Review.

Performance benchmarks will be based on the following table:

Investment Product	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Bonds	CPI + appropriate margin over rolling 3 year periods

Council Adoption Date and Resolution No.	23 April 2008
Date of adoption of amendment and Resolution Number Do not delete previous dates	24 June 2009 13 July 2011 Amended at the 28 May 2014 Council Meeting (201314/338)
Relevant Legislation	<u>1. Local Government Act 1995</u> <u>2. Local Government (Financial Management) Regulations 1996</u> <u>3. The Trustees Act 1962</u>
Delegated Authority	Yes
Business Unit	Finance <u>Financial Services</u>
Directorate	Corporate Services
Review Frequency	As required

12.3.5 Policy 1/021 on Relationship Declaration Register

Josephine Bianchi, Governance Coordinator
File No.

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/013 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council:

1. **Note Cr Jacob's email from 28 May 2015, requesting that Council:**
 - a) **Support and advocate for the recognition of same sex marriage equality in Australia;**
 - b) **Request the CEO or his delegate to investigate details for relationship declaration programs and draft documentation to implement a similar program already implemented in City of Melbourne and Yarra City Council in Victoria and City of Sydney in New South Wales; and**
 - c) **Request the Chief Executive Officer or his delegate to draft a policy to effect the recognition of same sex marriages and civil unions and the rights associated within the boundaries of the Town of Port Hedland.**
2. **Approves in principle to adopt Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form.**
3. **Request the Chief Executive Officer to continue advertising the policy for public comment up until 12 August 2015.**
4. **Following the expiry of the public submission period:**
 - a) **Reviews Policy 1/021 Relationship Declaration Register having regard to any written submissions;**
 - b) **Determines whether to adopt Policy 1/021 Relationship Declaration Register and associated Guidelines and Application form with or without amendments; and**
 - c) **Includes Policy 1/021 Relationship Declaration Register and associated Guidelines in the Town's policy manual if no submissions are received.**

CARRIED 4/2

Record of votes

For	Against
Councillor Jacob – Deputy Mayor	Councillor Gillingham

Councillor Daccache	Councillor Butson
Councillor Gillingham	
Councillor Hooper	
Councillor Hunt	

EXECUTIVE SUMMARY

This report requests that the Council consider a relationship declaration policy, procedures and register as a means of recognising the relationship status of couples, irrespective of gender.

DETAILED REPORT

On 28 May 2015 Cr Jacob wrote an email to the Town's administration requesting assistance in drafting a recommendation to Council for the following purposes:

- a) *Support and advocate for the recognition of same sex marriage equality in Australia*
- b) *Request the CEO or his delegate to investigate details for relationship declaration programs and draft documentation to implement a similar program already implemented in City of Melbourne and Yarra City Council in Victoria and City of Sydney in New South Wales.*
- c) *Request the Chief Executive Officer or his delegate to draft a policy to effect the recognition of same sex marriages and civil unions and the rights associated within the boundaries of the Town of Port Hedland*

Cr Jacob also provided additional information to support her request, in relation to the current status of civil unions at local, state and federal level in Australia, and in a number of foreign countries. This information is listed as part of Attachment 1.

Following this the Town investigated options available and found that in Western Australia the City of Vincent is the only other local government that has adopted a Policy related to a Relationship Declaration Register. Contact was made with the City of Vincent's to understand the process to be followed to implement and manage said register. The advice received was that the entire process is outlined on the City of Vincent's website, which upon review was found to provide a very comprehensive overview of how the City is able to deal with declarations from couples that wish to register their relationship status.

The City of Vincent documentation has therefore been utilised as a template to model the draft Town of Port Hedland policy, procedures and guidelines; these have all been listed under attachment 2.

This policy, together with the procedures associated with it, was presented to elected members at a concept forum on 1 July 2015.

Consultation

Internally the following parties have been consulted:

- Elected Members

- Executive Leadership Team
- Manager Corporate Information

Externally the following parties have been consulted:

- City of Vincent EA to CEO
- City of Melbourne website
- City of Yarra website
- City of Sydney website
- McLeods Barristers and Solicitors

FINANCIAL AND RISK IMPLICATIONS

The following fees and charges have been included as part of the fees and charges agenda item that will be presented to the Council as part of the budget adoption:

- Application to make a Relationship Declaration \$135
- Replacement of a Declaration Certificate \$35
- Certificated Copy of Entry - Relationship Declaration Register \$35

Based upon the legal advice received it is not considered that adopting this policy will present any significant risks for the Town of Port Hedland.

STATUTORY AND POLICY IMPLICATIONS

Section 6.16 of the Local Government Act 1995 discusses how a local government may impose fees and charges for any goods or services it provides other than a service for which a service charge is imposed, by absolute majority vote. Fees and charges however will not be considered by the Council until a public consultation process has been undertaken and the policy is formally represented to the Council for adoption.

It is expected that this item will cover the following aspects of the Town's strategic plan:

- 1.1 A unified community across our townships
- 1.2 A vibrant community rich in diverse cultures
- 4.2 Engage our community and stakeholders

ATTACHMENTS

1. Cr Jacob email dated 28 May 2015
2. Draft Policy 1/020 Relationship Declaration Register and Guidelines
3. Draft Application Form

9 July 2015

ATTACHMENT 1 TO ITEM 12.3.5**Josephine Bianchi**

From: Gloria Jacob [REDACTED]
Sent: Thursday, 28 May 2015 8:34 PM
To: Josephine Bianchi; [REDACTED]
Cc: [REDACTED]
Subject: Item for same sex union recognition and marriage equality

Dear Jo

Further to our earlier conversation regarding the above, I would request your assistance to draft a recommendation for Council to consider the following:

- Support and advocate for the recognition of same sex marriage equality in Australia
- Request the CEO or his delegate to investigate details of relationship declaration programs and draft documentation to implement a similar program which is already adopted as practice in the City of Melbourne and Yarra City Council in Victoria and the City of Sydney in New South Wales
- Request the CEO or his delegate to draft policy to effect the recognition of same sex marriages and civil unions and the rights associated within the boundaries of the Town of Port Hedland

Along with Ireland, the United Kingdom, New Zealand, Canada, South Africa, France and Spain are some of the [19 countries that have nationwide same-sex marriage](#).

In the US, more than 35 states have same-sex marriage, including Utah.

Civil unions at a state / territory / municipal council level

Australia currently allows same-sex couples to enter civil unions in the Australian Capital Territory, Queensland, Tasmania, Victoria and New South Wales.

The Federal Government recognises these state and territory civil unions for the purposes of federal entitlements.

These civil union schemes are only open to residents of the particular state or territory which provides them. They are only beginning to be recognised by other Australian states or territories. Some other countries, do recognise Australian civil unions, for example, the United Kingdom.

Additionally, the City of Melbourne and Yarra City Council in Victoria and the City of Sydney in New South Wales provide relationship declaration programs.

Melbourne and Yarra local councils have introduced relationship registers. Although they do not confer legal rights in the way a marriage does, they allow couples to make a written declaration that they are mutually committed to sharing their lives together.

Australia's first civil union scheme was introduced by Tasmania and commenced operation in January 2004. The ACT and Victoria in 2008, New South Wales in 2010 and Queensland in 2012.

In 2010 Tasmania recognised interstate civil unions and became the first state to recognise overseas civil unions and same-sex marriages.

Civil unions at a federal level

The provision of civil unions, whilst ensuring couples have access to most relationship entitlements, should not be confused with full legal equality.

A number of courts around the world have ruled that schemes separate from marriage cannot be equal to marriage. Most recently, the California Supreme Court ruled on 15 May 2008 that giving the unions of same-sex couples a name that was separate and distinct from marriage reduced gays to “second-class citizens”.

Studies in the US and UK also show that civil unions do not deliver the same legal security and social recognition as marriage. *Australian Marriage Equality (Org)* supports Australia’s *state-based* civil union schemes as a method of extending relationship entitlements to couples who cannot or choose not to marry. However they reject the notion that a national civil union scheme instead of civil marriage can deliver equality.

In 2008 and 2009, there was a wide-ranging suite of reforms to provide equal entitlements and responsibilities for same-sex couples in areas such as social security, employment, taxation and superannuation. However, there remains one significant area of difference between the treatment of same-sex and heterosexual relationships, and that is in relation to the institution of marriage. While there are fewer and fewer rights and obligations attached to married couples which do not attach to de facto couples—a status currently encompassing same-sex couples in most legal contexts—supporters of gay rights argue this is not enough, and that the remaining differences are unacceptable.

Thus, civil unions and domestic partner registries are regarded as insufficient and, for true equality, same-sex couples must have the right to marry. Undoubtedly, for some in the community, the concept of same-sex marriage is complex and controversial, raising social, religious, moral and political questions.

Community

Providing same-sex couples with the same legal and social recognition of their relationships in no way infringes upon the rights of others. Allowing same-sex marriage is about extending the privileges already enjoyed by the majority to an excluded minority who differ simply in terms of the sex of the person with whom they are in a committed relationship. Further, and very importantly, lifting the ban on same-sex marriage is not only about addressing the rights of this minority group; it is about protecting the rights of people in general. If we say exclusion to certain basic privileges is okay for some, then we are opening up the doors to introducing laws as we see fit to exclude others. In a different space and time, it may be your rights or those of your loved ones that are affected. Equality, respect, dignity, and a sense of belonging are ideals and values endorsed by Australian society. When these values are not upheld for some, it has the potential to affect us all.

Will same sex marriage equality spoil the institution of marriage

According to historians, the one thing that is consistent about marriage over time is that it has never been consistent. On the issue of traditional marriage, American historian Stephanie Coontz states that “if we can learn anything from the past, it is how few precedents are now relevant in the changed marital landscape in which we operate today” (p. 11, Coontz, 2005). Therefore, if marriage is to survive as an institution it needs to keep abreast with the social conditions of its time. If we look at Western civilisation alone, few would argue that marriage would have survived this long if people were still denied the right to marry for love (i.e., arranged marriages), needed to divorce if they couldn’t bear children, could only marry someone of their own race, and wives continued to be denied all rights to property. Yet, all of these conditions at different stages in history were argued for in the name of tradition.

What impact will this have on children

Another argument relates to the impact of same-sex parenting on raising children and how the effects of this are still unknown. This clearly dismisses the number of same-sex couples who have raised or who are

currently raising their children successfully relative to their heterosexual counterparts. A summary of findings from empirical research conducted over the last few decades, shows that data “comparing gay and lesbian parents to heterosexual parents and children of gay and lesbian parents to children of heterosexual parents are quite uniform: common stereotypes are not supported by the data” (American Psychological Association, 2005). More specifically, it shows that “studies comparing groups of children raised by homosexual and by heterosexual parents find no developmental differences between the two groups of children in their intelligence, psychological adjustment, social adjustment, popularity with friends, development of social sex role identity or development of sexual orientation” (APA, 2005). It therefore seems quite ironic that those purporting that the rights of children are paramount, are those denying access by the parents to the one institution that would ensure their children’s rights. In addition, opposition to same-sex marriage based on issues of parenting send a negative and very hurtful message to the number of children who are currently being raised in a same-sex couple household. If people who argue against same-sex marriage do this on the premise of the well-being of children, then they need to stop and consider the negative impact of such an argument on these children. It may well pay to ask ourselves how we would feel if the people we relied on for love and protection were depicted by society as somehow being less than capable of delivering such.

Hope the above assists, happy to discuss more reference as follows
<http://www.australianmarriageequality.org/australian-civil-unions>.

Thanks for your assistance.

Gloria Jacob

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ATTACHMENT 2 TO ITEM 12.3.5

**1/021 RELATIONSHIP DECLARATION REGISTER****Policy Objective**

To establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Policy Content

The Town of Port Hedland supports the establishment of a Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender. Under the scheme:

1. Couples living in Western Australia will be able to declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register;
2. Couples will be required to sign a statement stating that they are making a relationships declaration in good faith and the information they provide is true and accurate;
3. Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland;
4. Couples who wish to make a declaration and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register shall agree to comply with the requirements specified in this Policy and Policy Procedure and Guidelines and pay the prescribed fee;
5. Only Couples over the age of eighteen (18) years may participate in the Town of Port Hedland Relationship Declaration Scheme.

This Policy is to be also read in conjunction with the attached Town's Policy Procedures and Guidelines.

GUIDELINES**1. Introduction**

- 1.1 The Town of Port Hedland Council has adopted the Town of Port Hedland Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender.
- 1.2 Under the program, two people may declare that they are partners and have this declaration recorded in the Town of Port Hedland Relationship Declaration Register.



RELATIONSHIP DECLARATION REGISTER –GUIDELINES

- 1.3 Applicants will be required to complete an Application form and sign a Statement stating that they are making a relationship declaration in good faith and the information they provide is true and accurate.
 - 1.4 The Town of Port Hedland Council reserves the right to cease the keeping of the Relationship Declaration Register at any time.
 - 1.5 While making a relationship declaration does not confer legal rights in the way marriage does, it may be used in legal proceedings that involve the interpretation or application of legislative provisions.
- 2. The Relationship Declaration**
- 2.1 Couples who participate in this program will be able to make the following written declarations before a witness or witnesses:
 - They are a couple or are partners; and/or
 - The length of time they have been a couple or partners; and/or
 - They are mutually committed to sharing their lives together.
 - 2.2 Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the Town of Port Hedland.
 - 2.3 The relationship declaration will be recorded in the Town of Port Hedland Relationship Declaration Register and issued with a registration number.
- 3. Confidentiality of Data**
- 3.1 If the applicants consent, the Town of Port Hedland may use the information provided on an Application Form to produce anonymous statistics. By providing this information, applicants consent to it being held and used for this purpose.
 - 3.2 Couples may obtain copies of their own register entry upon presentation of identification, as specified in Clause 5, and payment of the Prescribed Fee.
 - 3.3 Should couples wish to make their individual entry available to a third party, they must submit a written request to the Chief Executive Officer.
 - 3.4 All information provided to the Town of Port Hedland in relation to the relationship declaration process is subject to disclosure under the Freedom of Information Act and might also be disclosed to third parties such as by way of legal proceedings, including discovery proceedings in courts and tribunals.
- 4. Conditions for making a Relationship Declaration and Recording the Declaration**



- 4.1 The making of a relationship declaration is by appointment only and subject to the Town of Port Hedland receiving the completed Application Form with the required documentation and receipt of payment of the Prescribed Application Fee.
- 4.2 Applicants must complete and sign the Application Form to confirm that there are no reasons why they should not make a relationship declaration and have the declaration recorded in the Register.
- 4.3 All documents provided in a foreign language must be translated into English by an authorised translation service.
- 4.4 The Town of Port Hedland reserves the right to:
 - 4.4.1 Refuse an application to make a relationship declaration where the documentation is found not to be in order, and
 - 4.4.2 Subsequently note on its records of a relationship declaration any information it receives stating that false or misleading information has been provided.
- 4.5 Applicants who are already legally married or have registered a relationship with another person are not eligible to make a relationship declaration at the Town of Port Hedland.
- 4.6 All records relating to applicants will be recorded as shown in the documents provided as identification.
5. **Proof of Identity**
 - 5.1 There are number of key documents which Applicants must supply to apply for making a Relationship Declaration. Identification documents are required to be presented before approval can be granted to make a Relationship Declaration, as shown below. One document must show each applicants' signature. Only original documents will be accepted - certified copies will not be accepted. Acceptable documents of evidence are any two (2) of the following:
 - Birth certificate (not extract);
 - Passport;
 - Driver licence;
 - Citizenship certificate.
6. **Age**
 - 6.1 Persons applying to register must be aged 18 years or over on the date of application.



RELATIONSHIP DECLARATION REGISTER –GUIDELINES

7. Related Persons

7.1 Relationships will not be registered if the partners are related, as specified in Section 7.2.

7.2 For the purpose of the Town of Port Hedland Relationship Declaration, a person is related to another person if:

- They are the ancestor or descendant of that person;
- They are the brother, sister, half-brother or half-sister of that person; or
- They are, or have been at any time, the adopted parent or adopted child of that person under any law of any place, whether in or out of Australia, relating to the adoption of children.

8. Previous Relationship Declarations

8.1 A person who has previously made a relationship declaration on the Town of Port Hedland Register shall not be permitted to make a relationship declaration without first having requested in writing that the termination of the previous relationship be recorded in the Register.

9. Recording the Termination of a Relationship

9.1 The Town of Port Hedland will amend the relationship declarations that individuals have made. Either or both parties to a relationship declaration may request the Town of Port Hedland to record on the Register that the relationship has terminated.

9.2 Upon receiving such a request in writing, the Chief Executive Office shall record in the register that it has received notification of the termination of the relationship. Where the notification has been received from one party only, the Applicant shall contact and provide a copy of the Notice of Termination to the other party and provide a copy of such information to the Town.

9.3 The Chief Executive Office will only amend the details in the Relationship Register, when he/she is satisfied that both parties have consented or been notified of an intention to terminate.

10. Legal Consequences of Making a Relationship Declaration

10.1 Making a relationship declaration does not change the legal status of the persons making the declaration. However, the fact that two people have made a relationship declaration may be presented as evidence of the existence of that relationship in some legal proceedings.

10.2 People contemplating making a relationship declaration should be aware that legal proceedings involving domestic relationships may be commenced under the laws of Western Australia or the Commonwealth.



10.3 The Town of Port Hedland recommends that individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the Town of Port Hedland Relationship Declaration Register should obtain their own independent legal advice.

11. Procedure for Making A Relationship Declaration

11.1 Making an Application

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

11.2 Submitting an Application Form

The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland, together with the required original proof of identity documents, as specified in Section 5. Please telephone Governance to make an appointment to have your application processed and documents of proof verified. Once the Application Form has been accepted the Prescribed Fee is required to be paid.

11.3 Making an appointment

A Town Officer will contact the parties within 10 working days of the Application Form being lodged and accepted to schedule an interview. A letter will be sent to confirm an appointment for the ceremony.

11.4 Making a Payment

Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.

11.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) will ascertain Application Form and all the documentation is in order.

11.6 Pre-Declaration Documentation

The Chief Executive Officer shall;

- Arrange for the necessary documentation to be prepared;
- Check the documentation and sign the Certificate; and
- Liaise with the Mayor for the scheduling of the Declaration



11.7 Making the Declaration

11.7.1 The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

11.7.2 At the Declaration, the Mayor or the Chief Executive Officer or delegate (as applicable) shall;

- Request that each person sign the Relationship Declaration Certificates
- Witness their signing the Relationship Declaration Certificates

11.7.3 The officiating person shall sign the Relationship Declaration Certificate at the time of reading the Declaration. The Mayor, or their delegate, shall officiate in the first instance, however, the Chief Executive Officer, or their delegate, may officiate where the Mayor is unavailable or when requested to do so by the Mayor.

11.7.4 Where appropriate, the Declarations will be carried out on a specific date, each month as this will allow multiple declarations to be done at the same time and will be easier to co-ordinate.

Ceremony

11.8 The Town does not conduct ceremonies in association with the making of relationship declarations.

11.9 Post-Declaration Administration

The Chief Executive Officer shall:

- Arrange for all documentation to be filed in the Confidential Register and file to be held in the Chief Executive Officers office; and
- Arrange for all electronic records to be securely maintained.

12. Prescribed Fees

12.1 Any person wishing to make a relationship declaration and having the declaration recorded in the Town of Port Hedland Relationship Declarations Register shall pay the Prescribed fee, as determined by the Council. The cost of a replacement copy of a Relationship Declaration Certificate shall be as prescribed by the Council.

12.2 No refund will be made if either person applying to make a relationship declaration decides not to proceed with making the declaration more than thirty (30) days after applying to make the declaration or fails to make the declaration.



12.3 Following an application, if a couple fails to make a relationship declaration, the original Application Form will be retained for a period of sixty (60) days, thereafter will be destroyed by the Chief Executive Officer (or authorised delegate).

12.4 The cost of a replacement Declaration Certificate or a Certified Copy of an entry in the Relationship Declaration Register shall be as prescribed by the Council.

12.5 The Council shall review and adopt their fees on an annual basis.

13. Town of Port Hedland Website

13.1 The Town will provide information, including an on-line application form, on the Town's website.

Further information

For further information on this program or the application process, persons may contact the Town of Port Hedland – Governance on (08) 9158 9300 or email: council@porthedland.wa.gov.au

Definitions

Nil

Council adoption date and resolution no.	
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	
Delegated authority	Nil
Business unit	Corporate Information
Directorate	Corporate Services
Review frequency	As required

ATTACHMENT 3 TO ITEM 12.3.5

Relationship Declaration Register Application Form



parties should complete this Application Form and make an appointment to lodge it at the Town of Port Hedland.

Original documents of Proof must also be provided at the time. Please ring the Governance unit on 9158 9300 to make an appointment to lodge the Application Form.

How to complete this Application Form:

1. Read the Relationship Declaration Information Page on the Town's public website (www.porthedland.wa.gov.au) or obtain from the Town of Port Hedland Administration and Civic Centre.
2. Ensure that all fields have been filled out correctly. Please note that fields on this form marked with an * are mandatory and must be completed before submitting the Application Form.
3. Once completed, both partners must attend the Town's Administration and Civic Centre together to submit this form. Please refer to the Lodgement details section for further information.

Part 1: Applicant contact details

Please provide an address to which correspondence for both partners may be sent. All correspondence, including any original documents provided as proof of identity, will be mailed to this address.

Postal Address*

Suburb*

State*

Postcode*

Note: Before this application can be lodged at least one telephone number must be supplied.*

Home or Business Telephone Number

Mobile Number

Email Address

Part 2: Applicant Names

Your legal name(s), as they appear on your birth certificate or as changed by deed poll, must be provided and will be recorded on the Relationship Declaration Register. However, you can choose to have another name (such as a name by which you are commonly known) printed on the Declaration Certificate. Please print clearly and use block (capital) letters to complete all fields below.

	Partner 1	Partner 2
Legal First Name*	<input type="text"/>	<input type="text"/>
Legal other / middle name(s)*	<input type="text"/>	<input type="text"/>
Legal Surname*	<input type="text"/>	<input type="text"/>

Name to appear on Declaration Certificate (only complete if different to legal name)

Date of birth (DD/MM/YYYY)*

Part 3: Proof of Identity and Age

You must provide two original documents for each partner as evidence of your identity and age, in accordance with the conditions for registration set out in the Town of Port Hedland Relationships Declaration Policy. Please tick the appropriate boxes below to indicate which documents you will provide for each partner.

	Partner 1	Partner 2	Partner 1	Partner 2
Birth Certificate	<input type="checkbox"/>	<input type="checkbox"/>	Driver's Licence	<input type="checkbox"/>
Passport	<input type="checkbox"/>	<input type="checkbox"/>	Citizenship Certificate	<input type="checkbox"/>

Part 4: Position of trust declaration

Any person aged 18 years or over applying to register with a person aged under 18 years on the date of application must sign a statement that they are not in a position of trust over that person (for example a teacher of that person).

Is one applicant under 18, and one over 18 years of age? Yes No

If yes, the partner who is over 18 years of age should complete and sign the following statement:

I, , am not in a position of trust over , with whom I wish to make this declaration.

Name Date

Signature

Part 5: Declaration Preferences

Please indicate how you would like to make your declaration by ticking the applicable box below.*
 Declarations will be made at the Town of Port Hedland Civic and Administration Centre McGregor Street, Port Hedland, during office hours. (8am - 4pm).
 Please note, the date of the making of the declaration must be at least 10 working days after the date this application is submitted and will depend upon the availability of the Mayor.

No. of Guests attending (Max. 12 persons)

1st preference date* Date Time

2nd preference date* Date Time

Please indicate your preference: We would like to have our declaration to be part of a group - please note each declaration will still be read out individually. Yes No

Please indicate your preference: We request to have our declaration as a Private and Confidential event. Yes No

Part 6: Form of relationship declaration

Please nominate the statements you wish to make in your relationship declaration:

1. tick the appropriate statement; and
2. both partners must initial each statement.

	Tick	Partner 1 Initials	Partner 2 Initials
A. We (partner 1) and (partner 2) declare that we are partners	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
B. And that we have been partners for the past X years	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
If statement B is to be included, please indicate how many years you have been together		<input type="text"/>	
C. And we are mutually committed to sharing our lives together.	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

Part 7: Payment details

I attach / submit payment of \$135.00 by:

Money Order (made out to the Town of Port Hedland)	<input type="checkbox"/>	Cash / EFTPOS	<input type="checkbox"/>
Personal Cheque (made out to the Town of Port Hedland)	<input type="checkbox"/>	Credit Card - Mastercard or Visa only	<input type="checkbox"/>

Note: For security reasons, the Town of Port Hedland cannot accept written credit card details. Therefore, please provide the name as displayed on your credit card and sign below to authorise the Town of Port Hedland to debit that card. The Town of Port Hedland will contact you to obtain your credit card number.

Name on card: _____

Signature: _____

Date: _____

Part 8: Applicant Declaration

Both partners must read and sign the following declaration:

We declare that the information we have provided on this Application Form is correct and that we have read and agree to the Conditions of the Relationship Declaration Program. We declare that there is no reason why we should not make a declaration about our relationship.

By providing this information we consent to it being held, used and disclosed for the purposes described above. We understand that the disclosure of information will be lawfully authorised if its disclosure is required by law or in accordance with the provisions of the Freedom of Information Act 1992.

We understand that we are entering into a voluntary commitment with our partner which does not change our legal status. We understand that the declaration we make may be tendered as evidence in legal proceedings of the existence and duration of our relationship.

We acknowledge that a Certificate of our relationship declaration will be issued by the Town of Port Hedland and handed to one of us, and that the safekeeping and use of the Declaration Certificate is the responsibility of both partners.

We understand that the Town of Port Hedland does not guarantee the accuracy of the information being held and that it reserves the right to cease the keeping of the Register at any time.

We agree to fully indemnify Town of Port Hedland and its Officers against all liability for anything done bona fide in the creation, updating and maintenance of our information provided for the purposes of the Register, and against all liability in respect of any claims, and for all loss and damage, that may arise from the use or otherwise of the Relationship Declaration.

Partner One Name

Partner One Signature*

Date

Partner Two Name

Partner Two Signature*

Date

Part 9: Procedures for Making a Relationship Declaration**9.1 Making an Application**

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the Town of Port Hedland Relationship Declaration Register Application Form.

9.2 Submitting an Application Form

The Application Form must be completed and signed by both partners making the application and lodged in person at the Town of Port Hedland to Governance, (see 9.3 "making an appointment") together with the required original proof of identity documents, as specified in Section 5.

IN PERSON: Administration and Civic Centre, McGregor Street, Port Hedland WA 6721

9.3 Making an appointment

Once you have completed the Application Form, please telephone the Governance unit on 9158 9300 to make an appointment to have your application processed and documents of proof verified.

After your Application has been accepted and the fee has been paid, a letter will be sent to the Applicants to confirm an appointment for the making of the declaration.

9.4 Making a Payment

Once the Application Form has been accepted, the Prescribed Fee is required to be paid.

Prior to the Declaration being made, proof of payment of the Prescribed Fee must be provided.

9.5 Pre-Declaration Interview

During the interview, the Town of Port Hedland Chief Executive Officer (or delegate) shall ascertain that the Application Form and all the documentation is in order.

9.6 Making the Declaration

The making of the relationship declaration will be short (less than 10 minutes), after which the couple will each receive a signed copy of the Certificate.

At the Declaration, the Chief Executive Officer (or delegate) shall;

- request that they each sign the Relationship Declaration Certificates;
- witness their signing the Relationship Declaration Certificates; and
- sign the Relationship Declaration Certificate as the person officiating.

9.7 Please Note that the Town does not conduct ceremonies in association with the making of relationship declarations.

For more information regarding your application please contact the Governance unit by:

Telephone: 08 9158 9300

or visit our website: www.porthedland.wa.gov.au

Email: council@porthedland.wa.gov.au

Office use only

Receiving Officer

Date Received

Proof of age/Identification documents sighted

Declaration date

Declaration Time

Declaration Venue

Town Staff Witness

12.4 Office of the CEO**12.4.1 Small Business Association of Australia Sponsorship Request**

Julie Rouse, Executive Assistant Office of CEO
File No. 02/05/0002

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/014 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council:

- 1. Agree to sponsorship of the combined National Mining Day and Related Industries Lunch and the SBAA Gala Dinner/Roy Hill Ball in the "General Sponsorship" category with a value of \$7,500 + GST.**
- 2. Request the Chief Executive Officer, or his delegate(s), provide written response back the Small Business Association of Australia advising Council's outcome.**

CARRIED 6/0

EXECUTIVE SUMMARY

The Town has received a request from Ms Anne Nalder, Founder and CEO of the Small Business Association of Australia (SBAA) for Council's support in the form of sponsorship for the combined Annual SBAA gala dinner and Roy Hill Ball, and the Annual National Mining Day and Related Industries Lunch to be held in Port Hedland on 21-22 November 2015.

DETAILED REPORT

The Town of Port Hedland has been invited by the SBAA to become a sponsor of a number of combined weekend events in Port Hedland on 21 and 22 November 2015.

The events on Day 1 include the SBAA annual gala dinner to acknowledge their achievements over the past 12 months and the inaugural Roy Hill Ball in recognition of the achievements of Mrs Gina Rinehart and the Roy Hill team, in particular the first shipment of iron ore from Roy Hill to Port Hedland expected sometime in September 2015. The gala dinner and ball will be held in the open air at Marapikurrinya Park in Port Hedland and Mrs Gina Rinehart, as patron of the SBAA, will be a special guest and speaker on the evening amongst other dignitaries.

On Day 2 the National Mining Day & Related Industry's Lunch will be held at the Ibis Styles Hotel in Port Hedland and will bring together leaders, supporters and politicians to celebrate the achievements of the mining industry in Australia. Mrs Rinehart will again attend as a special guest and speaker among other dignitaries at this luncheon.

There are 4 levels of sponsorship that are being offered as follows:

1. Premium \$45,000 + GST which covers both events
2. Gala Dinner/Roy Hill Ball dinner host \$35,000 +GST
3. Mining Lunch host \$15,000 + GST
4. General Sponsorship \$7,500 + GST which covers both events.

Other packages can be tailor made to suit the budget and need of the sponsor.

A copy of the Sponsorship Package outlining each Sponsorship Level is attached.

The SBAA anticipate this becoming an annual event in Port Hedland

Additionally, at last year's SBAA annual gala dinner the SBAA held an auction that raised \$55,000 for the Balunu Foundation in Darwin that works with young Indigenous children and the SBAA envisage a similar auction to take place at this year's dinner and ball in order to donate proceeds to a local Port Hedland Charity still to be determined.

FINANCIAL AND RISK IMPLICATIONS

If Council agrees to become a sponsor over this year's weekend of events the sponsorship level recommended is \$7,500 + GST. The Town has made provision for a total of \$20,000 to be included in the 2015/16 budget for Corporate Sponsorship.

The SBAA state in their sponsorship package that they anticipate the gala dinner and Roy Hill ball becoming an annual event in Port Hedland which will likely see future requests for sponsorship from the Town of Port Hedland on an annual basis and provision for the Town's level of sponsorship into the future will need to be determined in order to allocate funds in future years' budgets.

The level of risk is considered low given that the event is expected to occur on an annual basis.

STATUTORY AND POLICY IMPLICATIONS

Strategic Planning Implications

The following sections of Council's Strategic Community Plan 2014-2024:

- 1.2 A vibrant community rich in diverse cultures;
- 2.1 A thriving, resilient and diverse economy; and
- 4.2 Engage our community and stakeholders.

apply with the Town supporting this event and working closely with businesses, government and industry groups to help drive investment and achieve

sustainable economic growth, and by representing our community through the facilitation of community engagement and civic participation including being a powerful voice and influential partner with relevant stakeholders.

The Town of Port Hedland Local Law (Reserves and Foreshores) also applies whereby attendees at the gala dinner and ball are expected to behave in the appropriate manner.

ATTACHMENTS

1. SBAA Sponsorship Package

29 June 2015

ATTACHMENT 1 TO ITEM 12.4.1



Mrs Gina Rinehart, Patron

Sponsorship Package

Prepared by Anne Nalder
Founder/CEO

SMALL BUSINESS ASSOCIATION OF AUSTRALIA
Tel: 07 5564 2138 MOB: 0437 422 608
Email: info@smallbusinessassociation.com.au

PO Box 4936, Gold Coast MC Qld 9726
T: +61 7 5514 0622 | F: +61 7 5514 0722 | E: info@smallbusinessassociation.com.au

www.smallbusinessassociation.com.au



Sponsorship Package

INVITATION TO SPONSOR

Small Business Association of Australia (SBAA) cordially invites you to become a sponsor of a major weekend of events in Port Hedland WA on the 21st and 22nd November, 2015.

At a time when the Pilbara is undergoing a downturn including uncertainty for its towns, sponsorship support is important. Through support, it would boost confidence and morale to Port Hedland and the surrounding region which has provided past and present, much revenue to government.

THE EVENT/VENUES

COMBINED ANNUAL SBAA GALA DINNER & ROY HILL BALL, 21 NOVEMBER

1. The SBAA annual gala dinner is to recognize the achievements of Small Business Association of Australia (SBAA), AND
2. The inaugural Roy Hill Ball will recognize the achievements of Mrs Rinehart with the first shipment of iron ore from Roy Hill to Port Hedland in September. Ideally we would like to see this become an annual event for Port Hedland. Mrs Gina Rinehart will be special guest and speaker amongst other dignitaries.
3. The gala dinner and ball will be held under the Pilbara Stars at the Marapikurrinya Park.

ANNUAL NATIONAL MINING DAY & RELATED INDUSTRIES LUNCH, 22 NOVEMBER

The National Mining Day & Related Industry's Lunch will bring together industry leaders and supporters and politicians celebrating the achievements of the mining industry in Australia. Mrs Gina Rinehart will be special guest and speaker amongst other dignitaries.

The Ibis Hotel will be the venue for this important event.

BENEFIT OF THE EVENTS

Small Business Association of Australia believes in engaging with the local community that include an additional benefit besides the event and the jobs it creates during this period.

During our last gala dinner that was held in Darwin, we held an auction and raised \$55,000 for the Balanu Foundation that works with Indigenous young



Sponsorship Package

children. This event was hugely supported by Mrs Rinehart of which we thank her.

We intend to donate to a local Port Hedland charity that is yet un-named.

SPONSORSHIP LEVELS

There are 4 levels of sponsorship that are being offered that include,

1. Premium \$45,000 + GST which covers both events
2. Gala Dinner/Roy Hill Ball dinner host \$35,000 + GST
3. Mining Lunch host \$15,000 + GST
4. General Sponsorship \$7,500 + GST which covers both events

Other packages can be tailored made to suit the budget and need of the sponsor.

THE PREMIUM SPONSORSHIP PACKAGE \$45,000 + GST

We are pleased to offer the following package that covers the two events.

- The package offers exclusivity and recognition to the Sponsor;
- The package cover the two events over the weekend of 21 & 22 November, 2015;
- There will be verbal acknowledgement at the two weekend;
- There will be acknowledgement on table menus at the two weekend events;
- One representative from the organization will be able to present a 5-8 minute welcome speech at both weekend events;
- 2 complimentary tables seating 10 guests each at the 21st November event that will be located adjacent the head table;
- 2 complimentary tables seating 10 guests each at the 22nd November event that will be located adjacent the head table;
- Additional two (2) complimentary seats for the organization's representative seated at the head table for the 21st November event;
- Additional two (2) complimentary seats for the organization's representative seated at the head table for the 22nd November event;
- Unlimited number of company banners may be displayed at both weekend events;
- One page write up of the sponsoring organization in the annual post conference magazine that is distributed nationally with a readership of in excess of 100,000;
- Listed on the website of SBAA for a period of 12 months including write up, photos and logo;



Sponsorship Package

GALA DINNER/ROY HILL BALL \$35,000 + GST

- The package offers exclusivity and recognition to the Sponsor;
- The package cover the Gala Dinner & Roy Hill Ball on 2 November, 2015;
- There will be verbal acknowledgement at the event;
- There will be acknowledgement on table menus at the event;
- One representative from the organization will be able to present a 5-8 minute welcome speech at the event;
- 1 complimentary table seating 10 guests at the 21st November event that will be located adjacent the head table;
- Additional two (2) complimentary seats for the organization's representative seated at the head table for the 21st November event;
- Unlimited number of company banners may be displayed at the event;
- One page write up of the sponsoring organization in the annual post conference magazine that is distributed nationally with a readership of in excess of 100,000;
- Listed on the website of SBAA for a period of 12 months including write up, photos and logo;

THE NATIONAL MINING DAY & RELATED INDUSTRIES LUNCH \$15,000 + GST

- The package offers exclusivity and recognition to the Sponsor;
- The package cover the National Mining Day & Related Industries Lunch on the 22 November, 2015;
- There will be verbal acknowledgement at event;
- There will be acknowledgement on table menus at the event;
- One representative from the organization will be able to present a 5-8 minute welcome speech at the event;
- 1 complimentary table seating 10 guests at the 22nd November event that will be located adjacent the head table;
- 1 complimentary table seating 10 guests at the 22nd November event that will be located adjacent the head table;
- Additional two (2) complimentary seats for the organization's representative seated at the head table for the 22nd November event;
- Unlimited number of company banners may be displayed at the event;
- Half page write up of the sponsoring organization in the annual post conference magazine that is distributed nationally with a readership of in excess of 100,000;
- Listed on the website of SBAA for a period of 12 months including write up, photos and logo;



Sponsorship Package

GENERAL SPONSORSHIP \$7,500 + GST

1. The package offers recognition to the Sponsor;
2. The package covers the two events over the weekend of 21 & 22 November, 2015;
3. There will be verbal acknowledgement at the two weekend events;
4. Two (2) complimentary seats for the organization's representatives seated in the VIP area for the 21st November event;
5. Two (2) complimentary seats for the organization's representatives seated in the VIP area for the 22nd November event;
6. Logo listed in the annual post conference magazine that is distributed nationally with a readership of in excess of 100,000;
7. Listed on the website of SBAA for a period of 12 months including write up, photos and logo;

TERMS & CONDITIONS:

1. Sponsorship is only confirmed once payment is received;
2. Sponsorship cannot be cancelled – please refer Items 3, 4 & 5;
3. In the event of adverse weather that will require the cancellation of the event, the organizers will reschedule the event.
4. Discussions will take place between the organizers and sponsors with sponsors having the right to withdraw from the rescheduled event.
5. Where possible a full refund will be provided to the sponsor, but subject to,
 - (a) At what stage the event is cancelled and what expenses have already occurred,
 - (b) What the value of cancellation insurance the organizers will receive from their insurer.
 - (c) Small Business Association of Australia is the organizer and carries Public Liability insurance to the value of \$20m and will be indemnified for wet weather cancellation (but which is subject to certain conditions and what will classify as wet weather under the insurance policy).

ENQUIRIES

Anne Nalder
Founder/CEO
Small Business Association of Australia

Tel: 07 5564 2138 MOB: 0437 422 608 Email: info@smallbusinessassociation.com.au

ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL

Moved: Cr

6/0

13.1 2016 Pilbara Regional Council Joint Pilbara Kimberley Forum Venue

Julie Rouse, Executive Assistant to CEO/Mayor
File No. 02/07/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION

That Council:

1. **Advise the Pilbara Regional Council that the Town of Port Hedland's preferences for the 2016 Pilbara Kimberley Joint Forum venue are:**
 1. **Vietnam**
 2. **China**
 3. **Alice Springs**
2. **Request that the Chief Executive Officer, or his delegate(s), notify the PRC of Council's outcome.**

201516/015 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HUNT

SECONDED: CR DACCACHE

That Council:

1. **Advise the Pilbara Regional Council that the Town of Port Hedland's preferences in the order of priority for the 2016 Pilbara Kimberley Joint Forum venue are:**
 1. **Vietnam**
 2. **China**
 3. **Alice Springs**
2. **Request that the Chief Executive Officer, or his delegate(s), notify the PRC of Council's outcome.**

CARRIED 6/0

EXECUTIVE SUMMARY

The Pilbara Regional Council (PRC) is requesting member input on their preferred location for the 2016 Pilbara Kimberley Joint Forum to be held early next year.

DETAILED REPORT

Over past years the PRC has coordinated and delivered the annual Pilbara-Kimberly Joint Forum at various locations, both nationally and internationally.

The PRC has previously endorsed the 2016 Forum and approved a budget for this event however a location is yet to be determined.

The PRC team have assembled some comparative data to hold the 2016 Forum in either China, Vietnam or Alice Springs as determined at the PRC meeting held in Karratha last month. The data indicates that China is the best option financially and there is a strong strategic alignment given the Chinese investment presence in the region, the PRC's membership of the ACBC Committee, the new Chinese Free Trade Agreement, and the focus on capital markets in the Developing Northern Australia White Paper. China as the preferred location also provides sponsorship opportunities to significantly reduce Forum costs.

There is also the potential for the Town of Port Hedland to nominate Vietnam as its preferred location given its recent membership take-up with the Australian Vietnam Business Council which also aligns strategically given Vietnam's significant trading relationship at both State and Federal levels.

In the past the PRC have demonstrated that they have the skills and resources to coordinate an international event of this calibre, build a solid program of topics and speakers, and handle media relations throughout the coordination and delivery of the project.

Town of Port Hedland Elected Members are requested to review the attached spreadsheet which displays a breakdown of costs at each location in order to make a clear determination on their preferred location for the 2016 Forum.

Consultation

- Elected Members
- Executive Leadership Team
- Pilbara Regional Council

FINANCIAL AND RISK IMPLICATIONS

The Town of Port Hedland 2015/16 Budget will need to allocate funding for Elected Members to attend the Forum depending on the number of Elected Members and Executive Leadership Team members nominated to represent the Town of Port Hedland.

The attached spreadsheet with the breakdown of expenditure clearly indicates the level of cost that could be incurred by the PRC across all suggested locations.

Council's risk implications are considered low given that the Town will incur additional air travel costs and potentially further accommodation costs in order to travel from Port Hedland to Perth to connect with flights out of Perth to the determined location.

STATUTORY AND POLICY IMPLICATIONS

Sections 2.1 and 2.2 of the Town's 2014-2024 Strategic Community Plan apply by with Council working closely with government and industry groups to drive investment, encourage entrepreneurship and achieve sustainable economic growth. There is also the potential for the advancement of Port Hedland's sea, air and road transport infrastructure as a logistics hub for the Pilbara and further developing the Port Hedland International Airport in order to develop our tourism industry.

ATTACHMENTS

1. Proposed venue income and expenditure spreadsheet

15 July 2015

ATTACHMENT 1 TO ITEM 13.1

	Shenzhen, China (Std)	Shenzhen, China (Eco)	Hanoi, Vietnam	Alice Springs, Australia
Unitary costs				
Flights pp ex-Perth	\$1,074	\$715	\$841	\$701
Accommodation pp per night	\$180	\$83	\$90	\$432
Meals (pp, 3 days, 3 meals per day)	\$300	\$300	\$300	\$400
Total attendance charge per delegate	\$750	\$750	\$750	\$750
Misc.				
Potential pool of sponsors	10	10	0	0
Estimated number of attendees	100	100	100	100
Function space in the hotel	Yes	Yes	Yes	No
Number of hotels in the City/region	806+	806+	463+	22+
Special economic zone visit	Yes	Yes	Yes	No
Airline	Singapore Airlines	Air Asia	Singapore Airlines	Qantas Direct
Hotel used for pricing information	Shangri La Hotel	Best Western	Hilton Hanoi Opera	Lasseters Hotel
Transport type	Private coach bus	Private coach bus	Private coach bus	Airport shuttle bus

	Shenzhen, China (Std)	Shenzhen, China (Eco)	Hanoi, Vietnam	Alice Springs, Australia
Total expenditures (forecast)				
Flights	\$107,400	\$71,500	\$84,100	\$70,100
Accommodation	\$54,000	\$25,020	\$27,000	\$129,600
Meals	\$30,000	\$25,000	\$25,000	\$40,000
Marketing expense	\$9,000	\$9,000	\$9,000	\$9,000
Speakers fee	\$3,000	\$3,000	\$3,000	\$3,000
Interpreter fee	\$3,000	\$3,000	\$3,000	N/A
Venue fee (3 days hire)	\$4,000	\$3,000	\$3,000	\$4,000
Transport (3 days hire)	\$1,200	\$1,000	\$1,000	\$1,100
Insurance	\$5,500	\$5,500	\$5,500	\$3,000
Shipping of equipment and collateral	\$800	\$800	\$800	\$400

Total income (forecast)				
Total ticket price	\$75,000	\$75,000	\$75,000	\$75,000
Total sponsorships	\$70,000	\$70,000	\$0	\$0

Total cost estimate	\$217,900	\$146,820	\$161,400	\$260,200
Total income estimate	\$145,000	\$145,000	\$75,000	\$75,000

Surplus/deficit [PRC Contribution]	-\$72,900	-\$1,820	-\$86,400	-\$185,200
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Assumptions

All costs are based on 3 days

201516/016 COUNCIL DECISION**MOVED: CR DACCACHE****SECONDED: CR HUNT**

That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to read late item 13.2 'Financial Management – 2015/16 Budget – Differential Rates – Ministerial Approval'.

CARRIED 6/0

8:04pm Deputy Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been suspended.

201516/017 COUNCIL DECISION**MOVED: CR DACCACHE****SECONDED: CR HUNT**

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

CARRIED 6/0

8:20pm Deputy Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been resumed.

13.2 Financial Management - 2015/16 Budget - Differential Rates - Ministerial Approval

Sid Jain, Director Corporate Services
File No. 12/05/0010

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/018 RECOMMENDATION/ COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR HUNT****That Council:**

1. **Adopt the following two changes to the 2015/16 Differential Rating Model, based on recommendations provided by the Department of Local Government and Communities:**
 - **'UV Mining Other' minimum rate lowered from \$1,260 to \$260.**
 - **'GRV Mass Accommodation' rate in the dollar lowered from 28.6116 to 26.000.**
2. **That the Draft 2015/16 Budget be amended by increasing interim rates by \$139,551 and reducing the municipal surplus as at 30 June 2016 by \$373,729 in order to fund the reductions in rate yield of \$513,280.**

3. Adopt the 2015/16 Differential Rating Model as follows, with a view of striking the rates as part of the 2015/16 Budget adoption:

Rating Category	Proposed Rate in \$	Proposed Minimum Rate	No. Assess	% of Assess. on Minimum Payment	Total Rateable Value of Assess.	Proposed Budgeted Rate Yield 15/16
GRV Residential	5.6920	\$1,260	6261	11.72%	271,997,730	15,882,426
GRV Commercial	4.3026	\$1,260	237	27%	22,524,524	1,014,992
GRV Industrial	2.8978	\$1,260	413	9.93%	59,639,679	1,752,575
GRV Shopping Centre	5.7891	\$1,260	2	0%	9,642,311	558,204
GRV Mass Accom.	26.0000	\$1,260	6	0%	12,880,000	3,348,800
GRV Tourist Accom.	11.4339	\$1,260	10	0%	7,360,080	841,543
UV Mining	42.3693	\$1,260	105	41.9%	2,461,998	1,073,866
UV Mining Exploration	36.1702	\$1,100	100	49%	589,515	243,101
UV Mining Other	36.9834	\$260	192	14.58%	186,056	81,395
UV Other	18.8800	\$1,260	24	41.67%	1,508,949	296,707
UV Pastoral	10.8292	\$1,260	11	0%	1,246,833	135,022
Interim Rates						500,000
TOTALS			7361		390,037,675	25,728,631

4. Request that the Chief Executive Officer, or his delegate(s), seek approval from the Minister for Local Government for the Town of Port Hedland's application for the above 2015/16 Differential Rating Model as it is proposed.
- a) To impose differential rates for both Unimproved Value and Gross Rental Value such that the rate for one or more categories is more than twice that of the lowest category (approval required for the following rate in the dollars: GRV Mass Accommodation, GRV Tourist Accommodation, UV Mining, UV Mining Exploration and UV Mining Other)

CARRIED 6/0

Note – Rates are adopted as part of the Annual Budget pursuant to section 6.32 of the Local Government Act 1995 by absolute majority decision.

EXECUTIVE SUMMARY

This report recommends that Council adopt changes to the 2015/16 Differential Rating Model as adopted at the Ordinary Council Meeting on 24 June 2016.

- a) To lower the 'UV Mining Other' minimum rate from \$1,260 to \$260.
 b) To lower the 'GRV Mass Accommodation' rate in the dollar from 28.6116 to 26.000.

The changes are required by the Department of Local Government and Communities before Ministerial approval will be given. It should be noted that Ministerial approval must be obtained before the council meeting which adopts the 2015/16 budget or the budget is invalid and rates imposed are not recoverable and can be squashed by the State Administrative Tribunal. In order for the Town to be able to adopt its 2015/16 Draft Budget at a Special Meeting of Council on 12 August 2016 this late item needs to be considered tonight.

DETAILED REPORT

At the Special Meeting of 24 June 2015 Council adopted the 2015/16 Differential Rating Model for community consultation as follows:

Rating Category	Proposed Rate in \$	Proposed Minimum Rate	No. Assess	% of Assess. on Minimum Payment	Total Rateable Value of Assess.	Proposed Budgeted Rate Yield 15/16
GRV Residential	5.6920	\$1,260	6261	11.72%	271,997,730	15,882,426
GRV Commercial	4.3026	\$1,260	237	27%	22,524,524	1,014,992
GRV Industrial	2.8978	\$1,260	413	9.93%	59,639,679	1,752,575
GRV Shopping Centre	5.7891	\$1,260	2	0%	9,642,311	558,204
GRV Mass Accomm.	28.6116	\$1,260	6	0%	12,880,000	3,685,176
GRV Tourist Accomm.	11.4339	\$1,260	10	0%	7,360,080	841,543
UV Mining	42.3693	\$1,260	105	41.9%	2,461,998	1,073,866
UV Mining Exploration	36.1702	\$1,100	100	49%	589,515	243,101
UV Mining Other	36.9834	\$1,260	192	97.92%	186,056	258,300
UV Other	18.8800	\$1,260	24	41.67%	1,508,949	296,707
UV Pastoral	10.8292	\$1,260	11	0%	1,246,833	135,022
Interim Rates						360,449
TOTALS			7361		390,037,675	26,102,360

Officers sought approval from the Minister for Local Government for the Town of Port Hedland's application for the above 2015/16 Differential Rating Model.

The Department of Local Government (DLGC), under delegated authority from the Minister completed the initial assessment of the application and advised the Town on 13 July 2015 (refer letter attached) that approval could not be given at that time. A number of areas needed to be addressed to the satisfaction of the DLGC before the application could be considered.

Listed below are the issues raised by the DLGC, the Town's response to those issues and the final outcome as agreed to by the DLGC.

Statement of Rating Objects and Reasons

Department Comment: The DLGC states that the objects and reasons for GRV Commercial, UV Mining, UV Mining Other, UV Pastoral and UV Other are merely statements and an indication of property uses or zonings in each differential rate category and do not provide any object or reason for these rates. The Department has requested that the Town develop valid objects and reasons for each of these and again give local public notice in accordance with s6.36 of the Act.

Town Comment: The Town has been able to demonstrate to the DLGC that it prepared a very comprehensive document titled 'Statement of Rating Objects and Reasons'. This was a 13 page document and provided ratepayers with detailed information explaining the proposed rates model for 2015/16. The Town of Port Hedland's Statement of Rating Objects and Reasons talks extensively about the impact of the General Valuation on the proposed rates in the dollar, and also talks about the underlying strategy to maintain relative rate yields from each category, irrespective of movements in valuations.

Outcome: The DLGC accepts the Town's reasoning and are prepared to approve this as long as this issue is addressed in the Town's 2016/17 'Statement of Rating Objects and Reasons'. The DLGC does not require the Town to re-advertise its 2015/16 revised Rates Model.

GRV Mass Accommodation Rates

Department Comment: What is the Town's justification for charging more per person in Mass Accommodation than those in residential dwellings? Has the Town applied a "factor" to Mass Accommodation as in prior years?

Town Comment: A 3% increase in rate yield is being proposed for these properties. It is apparent that those properties whose valuations have fallen greater than the average will receive a reduction in rates for 2015/16 with Club Hamilton (A127990) picking up the bulk of the rate burden due to a relatively small decrease in valuation (significant property improvements occurred in 2014/15) compared to the other properties. 3 of the 6 properties will receive a decrease.

The Town contends that Council provides infrastructure, programs and services for use by all residents, whether they are permanent or transient. All residents of TWA properties have access to, and utilise, the same facilities as permanent residents however the rate in the dollar is higher to reflect the concentration of residents in these properties. TWAs are not remote and all are located within access to facilities and services.

Outcome: The DLGC has advised the Town that it will need to lower the Rate in the Dollar for the GRV Mass Accommodation category before Ministerial approval will be granted, arguing that lower vacancy rates essentially equal a lesser amount of services being utilised by this category and therefore a rate reduction is justified. The Town has proposed a reduction in the Rate in the Dollar from 28.6116 to 26.000 in order to get Ministerial approval and adopt its 2015/16 Budget and set its rates at a Special Council Meeting on 12 August 2015. In order to get formal written approval from the Minister the Council will need to pass a resolution adopting the new Rate in the Dollar prior to considering its 2015/16 Budget for adoption.

This will reduce the GRV Mass Accommodation rate category yield from \$3,685,174 to \$3,348,800 (refer table below), which means a decrease in budgeted rates revenue of \$336,376.

Name of Property	Valuation	2015/16 adopted 28.6116		2015/16 proposed 26.0000	
		Rate in the Dollar	Rates	Rate in the Dollar	Rates
Beachfront	832,000	28.6116	238,048.51	26.0000	216,320.00
Club Hamilton	2,392,000	28.6116	684,389.47	26.0000	621,920.00
Mia Mia	1,196,000	28.6116	342,194.74	26.0000	310,960.00
Port Haven	3,588,000	28.6116	1,026,584.21	26.0000	932,880.00
Precinct 3	1,180,000	28.6116	337,616.88	26.0000	306,800.00
Roy Hill Camp	3,692,000	28.6116	1,056,340.27	26.0000	959,920.00
			3,685,176		3,348,800.00
					- 336,376

Minimum Payment

Department Comment: The Town has applied for Ministerial approval for a UV Mining Other minimum payment as 188 of 192 properties are proposed to be on a minimum of \$1,260. The Town does not propose a vacant land differential and Ministerial approval is therefore not available. The Town will need to adjust the minimum payment for UV Mining Other so that no more than 50% (i.e. 96) of the 192 properties in this category are subject to the minimum.

Town Comment: The Town accepts the Departments Comment. The Town has adjusted the minimum from \$1,260 to \$260, so that only 28 properties or 14.58% are subject to the minimum.

This reduces the Rate Yield from the UV Mining Other category from \$258,300 to \$81,395 and which is a reduction of \$176,905. The Town will recover \$139,551 by increasing its interim rate yield from \$360,449 to \$500,000 and the balance (\$37,354) will be funded through a reduction in the Town's proposed 2015/16 operating surplus position as at 30 June 2016.

FINANCIAL IMPLICATIONS

The revised proposed differential general rates and minimum payments are expected to yield total rate revenue in 2015/16 of \$25,728,631 (including interims) which is a reduction in yield of \$373,729 (1.43%) to what was publicly advertised and to the total rate yield in 2014/15.

Officers will now present the 2015/16 Draft Budget to Council with a reduced operating surplus position as at 30 June 2016.

RISK IMPLICATIONS

The Town of Port Hedland's rating model has been subject to political scrutiny for a number of years, with specific discussion on Mining and Mass Accommodation rating principles.

Council was informed of these risks in the agenda item on 24 June 2015, when the 2015/16 Differential Rating Model was adopted.

STATUTORY AND POLICY IMPLICATIONS

Statutory Implications:

Section 6.33 of the *Local Government Act 1995* – Differential General Rates

Section 6.35 of the *Local Government Act 1995* – Minimum Payments

Section 6.36 of the *Local Government Act 1995* – Giving Notice

Section 6.4.1 of the Strategic Community Plan 2014 – 2024 applies as a rating model ensures the Town is delivering high quality corporate governance, accountability and compliance fiscal accountability.

Policy Implications:

There are no Council Policies relative to this item.

ATTACHMENTS

Nil

29 July 2015

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 REPORTS OF COMMITTEES

Note: The Minutes of this Committee meeting are enclosed under separate cover.

15.1 Airport Committee Minutes – 1 July 2015**201516/019 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR HUNT****SECONDED: CR BUTSON**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 1 July 2015 at 12:30pm inclusive of the following decisions:

8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 3 June 2015

11.1.1 June 2015 Airport Management Report

CARRIED 6/0

ITEM 16 CONFIDENTIAL ITEMS

Nil

ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE**201516/020 COUNCIL DECISION****MOVED: CR DACCACHE****SECONDED: CR HOOPER**

That Council approve the following applications for leave of absence:

- Councillor Gillingham from 14 August to 17 August 2015;
- Councillor Hunt from 27 August to 1 September 2015; and
- Councillor Jacob 13 and 14 August 2015 and 19 August to 22 August 2015.

CARRIED 6/0

ITEM 18 ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS

Nil

ITEM 19 CLOSURE**19.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 August 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 19 August 2015, commencing at 5:30pm.

A Special Council Meeting will be held on Wednesday 12 August 2015 at 5:30pm in Council Chambers to consider item 'Financial Management – Budget – Adoption of 2015/16 Budget'.

A Special Council Meeting will be held on Tuesday 25 August 2015 at 5:30pm in Council Chambers to consider item 'Port Hedland International Airport Long-Term Lease – Adoption of the Business Plan and Long Term Lease Recommendations'.

19.2 Closure

There being no further business, the Mayor declared the meeting closed at 8:30pm.