



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

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

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

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

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

ITEM 1	OPENING OF MEETING	6
ITEM 2	ACKNOWLEDGMENT OF TRADITIONAL OWNERS	6
ITEM 3	RECORDING OF ATTENDANCE	6
3.1	Attendance	6
3.2	Apologies.....	6
3.3	Approved Leave of Absence	6
ITEM 4	RESPONSE TO PREVIOUS QUESTIONS	7
4.1	Questions from Public at the Special Council Meeting held on Wednesday 21 October 2015.....	7
4.2	Questions from Elected Members at the Special Council Meeting held on Wednesday 21 October 2015.....	7
4.3	Questions from Public at the Ordinary Council Meeting held on Wednesday 28 October 2015.....	7
4.4	Questions from Elected Members at the Ordinary Council Meeting held on Wednesday 28 October 2015	7
ITEM 5	PUBLIC TIME	7
5.1	Public Question Time.....	7
5.1.1	Ms Ines Bozuric	7
5.1.2	Ms Kim Smith.....	9
5.1.3	Mr Frank Edwards	9
5.1.4	Mr Mike Pound.....	9
5.1.5	Mr Roger Higgins.....	10
5.1.6	Mr John Peters	10
5.1.7	Mr Shane Sercombe.....	12
5.1.8	Ms Mary Attwood	13
5.1.9	Ms Gloria Jacob.....	14
5.1.10	Ms Georgia Cutting.....	15
5.2	Public Statement Time.....	16
5.2.1	Mr Arnold Carter	16
5.2.2	Ms Jan Ford.....	17
5.2.3	Mr Warren McDonogh.....	17
5.2.4	Mr Shane Sercombe	19
5.2.5	Ms Gloria Jacob.....	19
5.2.6	Ms Ines Bozuric	20
5.2.7	Ms Mary Attwood	20
5.2.8	Ms Kim Smith.....	21
5.2.9	Mr John Peters	22
ITEM 6	QUESTIONS FROM MEMBERS WITHOUT NOTICE	22

6.1	Councillor Blanco.....	22
6.2	Councillor Gillingham.....	23
6.3	Councillor Hooper.....	24
6.4	Councillor Butson.....	25
6.5	Councillor Newbery.....	25
6.6	Councillor Whitwell.....	26
ITEM 7	DECLARATIONS OF ALL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING.....	27
ITEM 8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	27
8.1	Confirmation of Minutes of Special Meeting of Council held on Wednesday 21 October 2015.....	27
8.2	Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 October 2015.....	27
ITEM 9	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	27
ITEM 10	REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION.....	30
10.1	Councillor Blanco.....	30
10.2	Councillor Gillingham.....	30
10.3	Councillor Arif.....	31
10.4	Councillor Whitwell.....	31
ITEM 11	PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS.....	31
11.1	Presentation of Certificate of Appreciation for the Town of Port Hedland from the South Hedland Cougars Junior Rugby League Football Club.....	31
11.2	Dave Chitty, Sunset Events.....	31
ITEM 12	REPORTS OF OFFICERS.....	36
12.1	Community and Development Services.....	36
12.1.1	Delegated Planning & Building Approvals for October 2015.....	36
12.1.2	Request to Close Portion of Road Reserve, Corner Richardson Street and the Esplanade, Port Hedland.....	46
12.1.3	2016 North West Festival – Approval of Event.....	51
12.1.4	Facility Development - Faye Gladstone Netball Courts.....	86
12.2	Works and Services.....	91
12.3	Corporate Services.....	92
12.3.1	Making of Town of Port Hedland Cemetery Local Law 2015.....	92
12.3.2	Proposed Town of Port Hedland Health Local Law 2016.....	106
12.3.3	Proposed Town of Port Hedland Local Government Property Local Law 2016	110
12.3.4	Annual Report for 2014/15 financial year.....	113
12.4	Office of the CEO.....	116

ITEM 13	LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL.....	117
13.1	Expressions of Interests for Audit, Risk and Governance and Port Hedland International Airport Committees	117
13.2	2015/16 September Quarterly Budget Review and Statement of Financial Activity for the period ended 31 October 2015	122
ITEM 14	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	139
ITEM 15	REPORTS OF COMMITTEES	139
ITEM 16	CONFIDENTIAL ITEMS.....	139
16.1	Melreef Pty Ltd – Lease of Reserve 33593.....	139
ITEM 17	APPLICATIONS FOR LEAVE OF ABSENCE	140
ITEM 18	ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS.	140
ITEM 19	CLOSURE.....	140
19.1	Date of Next Meeting.....	140
19.2	Closure.....	140

ITEM 1 OPENING OF MEETING

The Mayor declared the meeting open at 5:33pm.

ITEM 2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS

The Mayor acknowledged the traditional owners, the Kariyarra people.

ITEM 3 RECORDING OF ATTENDANCE**3.1 Attendance**

Elected Members:

Mayor Kelly Howlett
Councillor Camilo Blanco
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Arif
Councillor Lorraine Butson
Councillor Troy Melville
Councillor Louise Newbery
Councillor Richard Whitwell

Officers:

Mal Osborne	Chief Executive Officer
Brendan Smith	Director Works and Services
Chris Linnell	Director Community and Development Services
Peter Kocian	Executive Officer
Anna Duffield	Manager Corporate Information
Josephine Bianchi	Governance Coordinator
Grace Waugh	Minute Taker/ Governance Officer

Public	26
Media	1
ToPH Officers	7

Department of Local Government and Communities officers in attendance:

Andrew Borrett, Team Leader, Better Practice Review
Amy Halliday, Senior Project Officer
Emily Burgess, Senior Project Officer

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

ITEM 4 RESPONSE TO PREVIOUS QUESTIONS**4.1 Questions from Public at the Special Council Meeting held on Wednesday 21 October 2015**

Nil

4.2 Questions from Elected Members at the Special Council Meeting held on Wednesday 21 October 2015

Nil

4.3 Questions from Public at the Ordinary Council Meeting held on Wednesday 28 October 2015

Nil

4.4 Questions from Elected Members at the Ordinary Council Meeting held on Wednesday 28 October 2015

Nil

ITEM 5 PUBLIC TIME

Important note:

‘This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is also reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so.’

Mayor opened Public Question Time at 5:35pm.

5.1 Public Question Time**5.1.1 Ms Ines Bozuric**

Does the North West Fringe Festival come under the same banner as the North West Festival? I have had a quick look through financials and there are payments that come out of the Town’s accounts being \$40,000 for the Business Economic Summit, \$11,000 for the Burlesque show, \$8,500 for the Hedland Art Awards and \$2,500 for the skater’s accommodation which all are part of the Fringe Festival.

Chief Executive Officer advised that most of the fringe events are funded separately and some have additional revenue streams. All fringe events are funded outside of the contribution the Town makes for the North West Festival.

The only external funding I have found is a \$9,000 grant from Lotteries West. It seems that the North West Festival is being misrepresented because it is being said that the North West Festival is organising the Fringe Festival. It sounds like the Fringe Festival and the North West Festival is all under one banner and one figure however it isn't. When talking about the festival the Town should keep in mind that it is only the North West Festival.

Chief Executive Officer doesn't believe that the Town is misrepresenting the festival. There are two separate issues one being the subsequent events that are held during the week leading up to the North West Festival. The Town has been trying to progress the North West Festival to be a banner festival across the whole week. There are a number of events that may have already been in the Town's budget and in the calendar which have been tagged with the North West Festival banner. Some fringe events are funded directly by the Town and some are supported by in kind support or cash support. The North West Festival budget and the fringe festival budget are completely separate.

On the Sunset Events website they include information on the Fringe Festival. Sunset Events should say that in conjunction with the Town of Port Hedland who host the Fringe Festival. They should not be taking credit for it because the Town is paying for it.

Chief Executive Officer advised that he would challenge that as the Town has gone to great lengths to create the festival banner. Sunset Events aren't claiming the Fringe Festival, the North West Festival is claiming the Fringe Festival.

Who owns the North West Festival Pty Ltd? Why is the North West Festival Pty Ltd name as an ABN registered to the three directors of Sunset Events?

Chief Executive Officer advised that the Town owns the intellectual property for the North West Festival. It is a Town event delivered by Sunset Events under contract.

The ABN website has North West Festival Pty Ltd registered to the three directors of Sunset Events, Andrew Chernov, James Legge and David Chitty.

Chief Executive Officer advised that this question is taken on notice.

According to the Australian Auditing Bureau the audit from AuditPlus should state in the audit whether it is a general audit or a special purpose audit. The audit that has been provided is a special purpose audit according to AuditPlus who have said that for the last few years it is all that has been required of them. Has anyone from the Town ever said we need a general purpose audit which has guidelines of what needs to be included in the audit?

Chief Executive Officer advised that the Town has relied on the special purpose audit that has been provided.

I am assuming there is a contract between the Town of Port Hedland and Sunset Events. Is there a stipulation that Sunset Events can provide the Town more than the audit that has been provided?

Chief Executive Officer asked for clarification.

Is there something in the contract that states that Sunset Events have to provide the Town more than one page of financials to tell the Town what they have done with the \$500,000 contribution?

Director Community and Development Services advised that at the present time the special purpose audit is what is stipulated. There is a year to year review of the contract and the Town can include future requirements to include greater detail around the audit figures if that is something that is required.

5.1.2 Ms Kim Smith

Can Council consider providing assistance for school car parks to be investigated including possible audits on surrounding streets, assistance to hold a town wide walk to school day in 2016 and possibly look into zebra crossings?

Mayor advised that the Town has looked considerably into zebra crossings and worked with Main Roads on zebra crossings for school car parks. There is a real move away from zebra crossings and it is very difficult to get zebra crossings in place. The Town can work with schools for organising volunteer parent guards and having people man volunteer crossing sections. Town staff met with staff from the Department of Education and Department of Finance today and were at Port Hedland Primary School, Cassia Primary School and Baler Primary School looking at feasibility and redesign of the car parks.

5.1.3 Mr Frank Edwards

I applied to Council for a lease for rodeo grounds 15 years ago. My lease is up for renewal next month and I am asking for a letter of endorsement from Council to have my second term extended as I found out that the renewal has to go to State Government who have the final say as to whether the lease is renewed.

Chief Executive Officer advised that the Town will need to bring an agenda item back to Council for consideration.

Mayor advised that the Town will present the agenda item as soon as they can.

5.1.4 Mr Mike Pound

Can the Chief Executive Officer confirm he attended the Regional Airport Development Conference held in Brisbane this year from the 23 to 25 March 2015?

Chief Executive Officer advised in the affirmative.

Can the Chief Executive Officer confirm that he took annual leave following this conference?

Chief Executive Officer advised in the affirmative.

Can the Chief Executive Officer confirm he returned to Port Hedland immediately following this conference or did he commence annual leave immediately without returning to Port Hedland?

Chief Executive Officer advised that he commenced annual leave without returning to Port Hedland.

5.1.5 Mr Roger Higgins

Most of you would have read my letter on Pilbara Your Voice in the capacity of President of the Port Hedland Ratepayers Association and most of my questions have been answered in various forms. There is one that is outstanding that I would like to ask. What security is currently in place between the Town of Port Hedland and Sunset Events which guarantees the \$500,000 sponsorship advance for the North West Festival would be returned if Sunset Events fails as a company or business or doesn't deliver?

Chief Executive Officer advised that for clarification the Town does not provide \$500,000 as upfront payment to Sunset Events to manage the North West Festival. There is a period of time when certain payments are made in accordance with the contract. Partial payments are made which are based on what expenditure has been occurred by Sunset Events to date.

Director Community and Development Services advised that at the present time there are three milestone payments paid to Sunset Events. The first milestone for the payment is 30% of the \$500,000 and that is on the announcement of the event which for the 2015 event was in May 2015. The second milestone payment of 15% is paid two months prior to the date of the event. The third milestone of 55% is paid one month prior to the commencement of the event. During that time there are costs incurred, some of the costs incurred by Sunset Events at the first payment are the confirmation and securing of all of the artists required, infrastructure requirements and other requirements.

Are the milestone payments made based on invoices Sunset Events submit?

Director Community and Development Services advised that Sunset Events invoice the Town for the percentage required.

So the payments are made after the Town is satisfied that the invoice for what is being claimed has been delivered and can be delivered. Is that correct?

Director Community and Development Services advised that the milestone payments are contractual payments not on the actual amount incurred in that point of time. It is part of the contract that 30% of the sponsorship is paid, it does not reference the invoicing at that time.

5.1.6 Mr John Peters

What percentage of Council funding for the North West Festival does Sunset Events spend in town versus spending out of town? As it appears this year the event sourced most of its equipment and staff from out of town.

Director Community and Development Services advised that the question is taken on notice.

Has Sunset Events sponsored any local community group events from any profit they may have received previously?

Director Community and Development Services advised that the question is taken on notice.

How is it justified that Council is increasing rates and then giving \$500,000 to the North West Festival?

Chief Executive Officer advised that they are decisions made by Council. The Council is provided with a suite of competing demands every year in the budget whether they might be events, support for community groups, capital infrastructure, maintenance or operations of the service the Town is obligated to provide as a local government. These decisions are always difficult for Council to make. The Council has in the past made the decision to support an iconic event for Port Hedland being the North West Festival, and has made a significant contribution to that event in the last four years. The officers are recommending that the support continues.

Can the North West Festival be sponsored by Royalties for Regions?

Chief Executive Officer advised that the Town and Sunset Events continue to look for other sponsors every year to try to increase the sponsorship which would therefore potentially reduce the Town's obligation to commit the money that it is currently committing. The Town has sought funding through Royalties for Regions and will continue to try to attract external support for the event from all stakeholders in Port Hedland.

To my knowledge Royalties for Regions have billions of dollars and we are looking for sponsors. Why don't we get the North West Festival sponsored?

Mayor advised that the Town does apply and have applied for the funding. In the past the Town has been successful and unsuccessful and will continue to make those applications.

Port Hedland has over 5,000 ratepayers and we are giving \$500,000 to Sunset Events for the North West Festival. That means each ratepayer is giving \$100 for this event. How many free tickets were given to Town employees?

Chief Executive Officer advised that the total of the rates that the Town receives is approximately \$26million. The Town's total operating budget is \$76million. Where the Council determines the allocation of expenditure is not all from ratepayers funding. The Town brings in \$2 for every \$1 of rate payer funds to balance the budget, it is not all directly from ratepayer's funds.

Director Community and Development Services advised that the total number of complimentary tickets for Elected Members, Town employees and community groups was 162.

Is that not considered a bribe to Town employees?

Mayor advised in the negative, no bribes are given to Town employees.

5.1.7 Mr Shane Sercombe

Prior to the meeting I asked for a breakdown of the costs in the audited budget for the 2015 North West Festival.

Mayor asked that Mr Sercombe repeat the questions and they can be answered.

Why did the Town deem it not necessary to do a survey on the 2015 North West Festival to measure attendee experience when the Council provided \$525,000 and \$486,000 sponsor's money when Events Corp requested a survey for their sponsorship?

Chief Executive Officer advised that as part of Events Corps sponsorship for the 2014 event a survey was required to be undertaken which was provided back to Events Corp. For the 2015 event there was some informal survey work completed and Sunset Events, as the event manager, has the ability to do survey work through ticket sales. The Town has been discussing over the past few weeks about how the Town might do further surveying on the 2015 event, pick up the survey data from 2014 and then, if Council support the event in 2016, also conduct some pre and post survey work on the event using a research facility through one of Western Australia's universities.

As the Town hasn't done a comprehensive survey of the North West Festival how does the Town measure the event as a success or not for the further year plus year contract?

Chief Executive Officer advised that the delivery of the event and the meeting of various milestones set within the contract are deemed to be sufficient measures. The Town has had informal feedback from businesses about the feedback they have received and from the community. Recently there has been an online petition which also has provided the Town with some confidence that there is a large number of people that are festival goers but not necessarily residents of Port Hedland who do support the event.

I don't see how we are properly measuring Sunset Events performance on the event. It made a significant loss this year?

Chief Executive Officer advised that the event doesn't make a loss. There is a cost of running an event that isn't necessarily covered as a loss of the event.

The event cost the Town of Port Hedland \$500,000. Surely the \$25,000 top up is a loss to the Town.

Chief Executive Officer advised that the additional \$25,000 was part of a fixed agreement for the funding component of the events management fee which was capped at \$150,000. As the event ran over on the budget the Town's management fee was reduced to \$25,000 not \$150,000.

Has the Council considered having a community involvement group for community input into the event? How can community groups get involved in the event?

Mayor advised that there are a number of community events, organisations and sectors of the community involved in the event. It has been that way since the start of the event.

What is the best way for community groups or community members to have active input into the event?

Mayor advised that community members and groups can respond when it is advertised. There are expression of interests on the Town's website, Facebook, local newspaper and community notices.

Dave Chitty from Sunset Events four weeks ago came and requested his first payment for the event.

Mayor advised that that is not correct and asked the Chief Executive Officer to explain what was asked for four weeks ago.

Chief Executive Officer advised that officers recommended that the Council budget for \$500,000 in the 2016/17 budget. The recommendation was making a commitment to the event so that those funds are allocated in the 2016/17 budget. This was to ensure there was certainty around the event, certainty when seeking additional sponsorship for the event and certainty for Sunset Events to start booking performers that need to be booked very early on in a major event planning phase. There was no request for funding directly from Sunset Events at that point in time.

Three weeks after this Sunset Events advised that they would not be running the highly successful West Coast Blues and Roots event in Fremantle which has been running for 11 years. Sunset Events didn't provide much reasoning of the cancellation of that highly successful event only 17 weeks out from the date of the event. Has the Council spoken to Dave Chitty and does that raise any concerns? What guarantees does the Town have that the North West Festival won't be cancelled?

Mayor advised that it is different as the North West Festival is owned by the Town, it is a Town of Port Hedland event. It is a different scenario as to the West Coast Blues and Roots.

I feel that the Town provides a whole lot of money to Sunset Events. Why is this other event failing?

Mayor advised that the other event has nothing to do with the Town. As explained the North West Festival has instalments and payments made at agreed scheduled milestone points. It is a different event it is not paid all upfront. There are different milestones that need to be achieved before payment is made.

5.1.8 Ms Mary Attwood

Was there an audit done after the 2014 North West Festival?

Chief Executive Officer advised in the affirmative.

Did the 2015 North West Festival funding application go to the Town's Compliance Officer prior to funding being provided?

Chief Executive Officer advised that the funding for the North West Festival is a decision of the Council made annually when it adopts the budget.

Did the application go to the Town's Compliance Officer?

Mayor advised that the only Compliance Officer in the Town's organisational structure is for planning and building. There isn't a finance Compliance Officer.

I assumed you had a Compliance Officer to ascertain whether or not the application met the criteria of funding.

Mayor advised that the application does go to Community Development officers for consideration however the Town doesn't have a Compliance Officer for that area.

Did the petition included as an attachment to the item meet the criteria of a petition under the Local Government Act 1995?

Mayor advised in the negative.

Note: The Local Government Act 1995 does not have any criteria for a petition. The Town of Port Hedland Standing Orders Local Law does have criteria for a petition and the attachment to the item does not meet the set criteria.

5.1.9 Ms Gloria Jacob

Does the Town have a Compliance Officer?

Mayor advised in the affirmative. The position is for planning and building compliance.

Is there not a Compliance Officer in the community and development area?

Mayor advised in the negative.

The Town's overall budget is \$70million and the Chief Executive Officer has indicated that \$26million is raised in rates. Could I have a figure for operational costs which includes cleaning, rubbish, rates, roads and parks?

Executive Officer advised that the Town's total budget is close to \$108million including capital. Operating expenditure is approximately \$70million which would cover off on service areas.

\$70million of the Town's budget is spent to maintain the town. Therefore \$26million of rates would purely go towards that or contribute to only that. Can I confirm that the Town's priority moving forward is to be a friendly, inviting city that people wish to live in and that tourism and economic development play a big part in that vision?

Mayor advised in the affirmative. The vision is to be a nationally significant welcoming city.

There are two pools in Port Hedland. What is the cost to the Town to operate the Gratwick Memorial pool?

Executive Officer advised that the contract with YMCA is \$2.1 million for the three facilities for the South Hedland Aquatic Centre, Gratwick Aquatic Centre and the Wanangkura Stadium.

Manager Recreation Facilities and Services advised that the Gratwick Aquatic Centre subsidy is approximately \$600,000 as a stand-alone entity. That amount is a subsidy that is paid as part of the contract with YMCA.

So that would be a cost to the Town and doesn't return an income. The \$600,000 is a loss to the Town. There are facilities in town that are operated for the benefit of the community that make a loss but the Council pays for it.

5.1.10 Ms Georgia Cutting

Can the Council advise if there is a report quantifying any economic benefit to small business and tourism as a result of the North West Festival?

Chief Executive Officer advised that there was a report completed in 2014 at the request of Events Corp which is the formal report that has been done. There are less formal reports through feedback and ad hoc submissions to the Town.

The North West Festival budget contribution consists of approximately less than 0.2% of the Town's budget. The Council have stated a position that the North West Festival is value for money, what data supports that?

Chief Executive Officer advised that the Council of the day over the last four years has agreed to support the North West Festival based on a lot of other competing demands. The information that has been provided to Town officers by Sunset Events had enabled the Council to make a decision to continue to support the North West Festival so it is assumed that Elected Members and Council have seen value in providing events for this community.

What is the Town's overall expenditure for community public events?

Director Community and Development Services advised that the question is taken on notice.

Can the Council provide more detailed information on where rateable properties generated income is spent or invested?

Chief Executive Officer advised in the negative. The Town provides a breakdown of percentages of where revenue is derived. The Town doesn't break down the revenue unless it is tied to specific projects. Some revenue, if it is a grant revenue for a specific project, can't be used for any other purpose other than that grant. The Town doesn't look at rates revenue of \$26 million and divide that between roads, footpaths, events and infrastructure.

Mayor closed Public Question Time at 6:08pm.

Mayor opened Public Statement Time at 6:09pm.

5.2 Public Statement Time

5.2.1 Mr Arnold Carter

On behalf of the Port Hedland Ratepayers Association, as Treasurer I wish to voice our concerns over Item 12.1.3 '2016 North West Festival - Approval of Event'. The ratepayers wish to state that we do support a North West Festival event for all of the community to enjoy. This includes ratepayers, voters and residents, but we cannot support a decision to fund a singular event that will cost the ratepayers an increase in our rates during these hard economic times.

We cannot understand how Elected Members can make an informed decision for this item to endorse the delivery of another festival or negotiate a management fee without a comprehensive audit produced that displays all the individuals costs of the 2015 North West Festival.

The audit report, apart from only providing a summary of costs, does not indicate the local content benefits of the event to the community. Was the liquor and food bought locally by the contractors and was this part of the Sunset Events contract of conditions? Was there an increase in airfare sales to travel to Port Hedland recorded by the airlines? Did the airport tax income for the Town of Port Hedland increase with many attendees flying in? Were the paid buses to return patrons back to Karratha and Broome well used by festival attendees? What is the breakdown of postcodes for attendees coming to the event each day? Did the petition attached to the item of the supporters for the festival, meet Local Government petition guidelines and how many of these petitioners are residents of the Town of Port Hedland and on the electoral roll? If it wasn't, why was the petition considered a supporting document for the item?

We as ratepayers fully support the Town of Port Hedland in seeking corporate and local sponsorship to hold a community festival event but feel the sponsorships rewards need to be reviewed to decrease the unpaid attendee statistics and loss of potential income.

In closing I reiterate the Port Hedland Ratepayers Association does support the Council funding one or many festival events for the Port Hedland community and hopes Elected Members will decide on committing to delivering a cost effective event that delivers benefits to all of the community. We support the Council should they need to look at other options, if this option is not feasible.

5.2.2 Ms Jan Ford

Ms Ford gave a statement on behalf of the Port Hedland Progress Association. Ms Ford thanked the Town of Port Hedland for supporting the Gala Event for the Small Business Association of Australian and National Mining Day on the weekend. Ms Ford stated that for the past five years there hasn't been much development in the West End. Ms Ford thanked Town officers for their assistance today for providing the visions of the buildings and projects for the waterfront development and the West End. Ms Ford stated that when she gets off the plane at the Perth Airport there are major upgrades underway and there are billboards advertising what is happening every step of the way so that the community is part of the development. At Elizabeth Quays there are billboards showing the vision as once the Department have approved the plan they advertised what Perth was doing at Elizabeth Quays. Ms Ford believes that this is something that could happen with the visions for West End and would like support to work with the Town to have the visions on big boards and in the entry to the Civic Centre.

Ms Ford stated that for the past five years there has been uncertainty with the West End and whether or not the dust is a health issue. There needs to be honesty about if the dust is a health issue and there shouldn't be any more development in the West End. Ms Ford believes that if there can be development in the West End then all companies need to work by the same environmental standards regardless if licences were granted in 1960 or 2015. Ms Ford asks that Council support the community to lead the way in Port Hedland with a clean environment, positive Council and people who support having a place where everyone likes to live.

Ms Ford commended Council for supporting the Gala Event for the Small Business Association of Australia and National Mining Day on the weekend.

5.2.3 Mr Warren McDonogh

My name is Warren McDonogh and I am a local Port Hedland resident and rate payer. I have lived in Port Hedland for nine years, and in this time, my family and I have dedicated ourselves to many community pursuits. I love this town and I am well aware of the economic pressures that are currently facing many individuals, businesses and also the Town of Port Hedland.

I am a passionate supporter of the North West Festival and recognise the benefits to our community that this event brings. I have attended all North West Festivals since its inception. Prior to this I would travel annually for my live music fix. My money is now well spent locally. I have had family and friends travel from Brisbane, Melbourne and Canberra for the North West Festival and they have been astounded with what we, the community, are fortunate enough to have in a small town in regional WA. I understand that the new council members were voted in, in part to appease the community's desire for financial responsibility and transparency. However, I believe more needs to be considered than a Profit and Loss sheet. Value needs to be placed on benefits of the festival that are not exclusively financial. Has a comprehensive Cost Benefit Analysis been conducted to ascertain the benefits that flow to the wider community? Moreover, is a broader long term approach being considered?

The Town's need to diversify economically is well documented. The North West Festival will assist in increased activity generated by arts, culture and tourism. We have the ability to create something unique and iconic.

Who here has heard of the Southbound Festival, Tamworth Country Music Festival, Birdsville Races, Deniliquin Ute Muster and the Bridgetown Blues Festival? These are all events that are held in regional towns not dissimilar to Port Hedland. They have committed to putting themselves on the map and have succeeded. We need to consider the civic and individual benefit that music festivals of this calibre offer, and the fact that professional live music events present a regional competitive advantage. This alone should present a strong case for the investment of public funds.

The North West Festival builds community and social connections. It creates a vibrancy and atmosphere in the Port Hedland precinct, which prior to this has been absent. The emphasis should not be solely placed on immediate economic value. When considering an investment decision, the town needs to consider the proven cultural and social benefits of this event.

The fringe events, markets and exhibitions further enhance culture and the arts, giving a platform to local artists, painters, glassmakers, food outlets, arts projects and importantly, the indigenous artists of our region. The courthouse exhibition, Willuna artists, is important too. It is the complete culmination of the weekend's events and programs that draws people to Port Hedland at this time of year.

A purely economic analysis will never highlight these values. As a direct result of taking my children to the last North West Festival, my nine year old daughter has told me that she wants to play the drums. She joined the school musical and has expressed interest in studying at WA Academy of Performing Arts.

Councillor Jan Gillingham, you are an avid supporter of community musical involvement. I would propose that an ongoing festival of this kind will promote the joy and passion that we share for all things music. I know that my nine year old daughter was not the only one inspired by viewing world class musical acts in her home town.

So, in closing please act responsibly with our money, however find other cost saving measures that do not tear away from the fabric of our community that the North West Festival creates.

Elected Members, I encourage you to attend next year's festival and fringe events and promote our town with pride as I will. I guarantee you won't be disappointed. Please don't give our festival to Karratha.

5.2.4 Mr Shane Sercombe

Mr Sercombe supports the North West Festival however believes that there is a need to dramatically change the event to meet the fall in attendance and the increase cost per person for the event. He has been heavily involved in the Marble Bar races for the past three years which attracts over 2,000 people to the town with very limited outside support. The North West Festival is an event that requires nearly a \$1million of Council and other company's sponsorship for only 3,000 paid attendees. He believes that the festival needs further community involvement and would like to see the Spoilbank reconsidered for the event in future years or using the Spoilbank for related events on the weekend such as motocross races, water-ski, kite and windsurfing events.

Mr Sercombe believes the Council should have debriefed further for the event and made public the police records for the event with reporting on convicted drug use, assaults, bad behaviours and the number of people removed from the event. He believes the event can be marketed more effectively and have a far greater benefit to the community by incorporating families and having entertainment like the Wiggles or High Five and really making it a family event.

5.2.5 Ms Gloria Jacob

The North West Festival is not an event that should be gauged only by income and expenditure. The festival's purpose is far greater and encompasses a much broader benefit to the Town of Port Hedland including raising the profile and image of the Town, increasing local business turnover, fostering community spirit and wellbeing, and diversifying and creating new enterprises.

I could not state it more succinctly than Warren did before me, it is not about pure economics it is about community wellbeing.

You heard earlier that that our overall budget is \$108 million, and operational is \$70 million, rates are \$26 million. Rates alone do not pay for even the operational cost to maintain parks, gardens, roads etc. so your rates are not paying for the festival.

The benefits to the community include the artists working with youth at risk including clients from YIC who have absolutely enjoyed their workshops with artists of such calibre and talent. The organisers also run a mentoring program for youth who want to work in the industry. We might think we can do things differently or better however we are not qualified or experts in events however we can make suggestions but Sunset Events are the experts.

The North West Festival strategy was always to grow into a larger festival program and over the past four years organisers with Council's support have expanded the event to include the Hedland Arts Awards, tourism initiatives and now the Northwest Economic Summit. This event was attended by over 200 business people, government agencies and investors. To have the Consular General of Vietnam and China come to a regional centre for the very first time in Port Hedland is an amazing achievement and one to be proud of.

Again this is not about economics but about the raising profile of Port Hedland. I implore Elected Members to consider the benefits on behalf all the ratepayers and residents of the town and support the festival.

5.2.6 Ms Ines Bozuric

Ms Bozuric has been a resident of Port Hedland for nearly 40 years and has been a ratepayers for about 20 years. She has grown up with Jimmy Barnes playing on the oval, street parties at the Esplanade Hotel where the whole street is blocked off. She believes it isn't about releasing the seed funding and going ahead with the North West Festival or not releasing the funds and not having the event, it's about what is being done with the money. Ms Bozuric states that there were 162 complimentary tickets and 3,171 tickets were paid for however there were 4,800 people in attendance therefore there is a shortfall of tickets. Ms Bozuric asked whether Sunset Events runs the bar, if they purchase the alcohol themselves or have someone run the bar for them and go half with the profits. She believes that with a festival like the North West Festival there should be a profit of hundreds of thousands of dollars for selling alcohol not \$60,000 which is \$10 per person in attendance if there are 6,000 people. Ms Bozuric believes that the contract needs to state that the Sunset Events must utilise local pubs. She stated that Sunset Events use a company from out of town for security and asked why they can't use a local company. She believes there are other promoters willing to come to Port Hedland to run the North West Festival. Ms Bozuric questioned what would happen to the funding if Sunset Events went broke as they have just cancelled the Blues and Roots Festival with four months' notice after for 11 years and suddenly cancelled it four months before the next one. She stated that after Cyclone George the town put on a big concert to make everyone feel good. Ms Bozuric believes the Spinifex Spree could start earlier in the day and as it progresses a licenced area be blocked off for a bar. Elected Members are there for this town and the residents.

5.2.7 Ms Mary Attwood

Ms Attwood gave a statement in regards to item 12.1.3 '2016 North West Festival – Approval of Event'.

Ms Attwood has been here for the last 70 years. The North West Festival is for the Town of Port Hedland and is paid for by the people that live here and pay rents. It is good to get other people to visit the town but not if it disadvantages the local people. Many aboriginal people said the festival was too expensive and couldn't attend. They make a contribution to this town and there is nothing for them. A few are asked to sing at the festival but the Town need to look at other ways of including aboriginal people in events that happen in the town because they have been excluded for too long. Ms Attwood stated that millions of dollars come from the Native Title Trust into Port Hedland however aboriginal people are treated as second class citizens as when these events are planned it doesn't include how aboriginal people can participate in them. Ms Attwood believes it is a chance to get aboriginal people off the streets and to stop selling and buying drugs as they have nothing else to do. As a result of drug use there is domestic violence and people dying before they are her age. Ms Attwood stated that Arnold Carter moved a motion when the approval for the festival went through for a condition that there was to be adequate support from other companies otherwise

the Town's funds would be withdrawn. This is why it should go to a compliance officer as there is criteria that needs to be met. Ms Attwood stated that there are not many projects and festivals such as the music festival and spinifex spree, how about a festival for aboriginal people.

5.2.8 Ms Kim Smith

My name is Kim Smith and I am here tonight to raise awareness of the conditions that parents and care givers face collecting and dropping off their children for school in the morning. I am aware that every school in Port and South Hedland face this problem, however my children attend Baler Primary School where I witness near misses on a daily basis. Around four weeks ago, the Council working with the School admin blocked entry for cars to park on the oval boundary due to the damage cars were causing to the oval's grass. This in turn has put major pressure on the front carpark as the Limpet Crescent carpark can only park ten 4x4 cars..

There are many ways in which I believe the parking issue could be resolved and the simplest solution I see now is to continue the bollards that surround the Baler Close side of the oval and extend them around the oval grass perimeter, allowing parents to park around the boundary. However, this is only one small solution to a huge ongoing issue. The further issues that I witness are the children that ride scooters and cross the roads. I have been to countless meetings with Roadwise and the Education Department trying to figure out to whom I need to speak with in regards to the implementation of zebra crossings that then in turn can be manned by the school's P&C.

I am a realist. I do not see there being a solution to this issue in the next two years, but invention must occur before a child is seriously hurt or worse, killed. This is not just a school community issue but as I see it, it is a whole community issue. Nobody wants to read about a child getting injured and no one wants to be the driver of a car that injures a child. This is everyone's duty of care.

Tonight, I am seeking the support from the Elected Members and the Town of Port Hedland to, in conjunction with the school communities, assist in actively having a walk to school day in 2016.

With the help of school's P&Cs, school staff, the Town of Port Hedland and other various sponsors we could get on board we could turn it into a day that insists that children in the whole of Port & South Hedland area walk to and from school safely that day.

I would ask that the Council assists with advertising, man power, road signs and assistance with sponsors to contact to help get the initiative up off the ground and progress being made.

Thank you for taking the time to listen to me tonight. I am advocating for this cause because every child is someone's whole world and my whole world was almost run over on Baler Close, two years ago. Please let's do something as a community before we are faced with an accident.

5.2.9 Mr John Peters

Mr Peters made a statement in regards to item 12.1.3 '2016 North West Festival – Approval of Event'.

Mr Peters is not against the North West Festival and believes most people are in favour of the festival. Mr Peters wants the Town to look at how Karratha organised their festival by spending less than \$90,000. The Town is looking at contributing a large amount and paying artists in excess of \$460,000. A previous speaker stated that professionals are needed to organise the event however Mr Peters organised a charity ball for the Women's Refuge with a three course meal and a band by charging \$100 a head and raised over \$17,000. Mr Peters believes the festival is not including older people and should include artists such as Jimmy Barnes.

Mayor closed Public Statement Time at 6:44pm.

ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

6.1 Councillor Blanco

Are there any plans on replacing the roundabout at the end of Cooke Point drive as it has been damaged for a while?

Director Works and Services advised that this question is taken on notice.

When is the trial road works in front of the shopping centre in South Hedland going to be sorted out as it has been a one way for quite some time?

Chief Executive Officer advised that the Town is having a peer review of various designs done by a traffic engineer. The Town is hopeful to bring it back to Council via a memo or decision of Council by the end of this calendar year for works to commence in 2016.

Do we have any policies in place on contractors damaging town roads or when they are doing developments and trench the road and repair it inadequately?

Chief Executive Officer advised that there are reinstatement guidelines. We do require reinstatement and if the works fail then the Town goes back to the contractors again to have the works redone.

There is a fair bit of development that has happened in the town over the past five years. The roads are in a mess because of the damage that has been done to the roads by contractors trenching them. Has the Town gone back to those contractors? Can the Town do something about getting the contractors back to repair the damage to the roads?

Chief Executive Officer advised that the Town has gone back to the contractors and there are probably cases where the contractors have done damage that is not directly related to a project that the Town is aware of and some cases the Town hasn't been able to track down the culprits of the damage.

Can you confirm that Elected Members received the financial statements for the North West Festival on 10 November 2015 at 12:52pm and not earlier as has been stated by the Chief Executive Officer and the Mayor?

Chief Executive Officer advised that he has not stated that the financial statements have been received earlier than when they were sent to Elected Members. There was a pre-record on a radio broadcast earlier that day and it was indicated that the financial statements were coming. The transcript of that recording is available and it was not indicated that the statements had been received.

6.2 Councillor Gillingham

In the Annual Report where does it mention the iconic Pilbara Music Festival that turns 40 next year?

Chief Executive Officer advised that the event isn't in the Annual Report. The Town doesn't report on every event but given the importance of that event the Town will make sure it is taken on board and noted for the future.

Is Council aware that it is the 40th anniversary of the Pilbara Music Festival next year and that the Town of Port Hedland is a major sponsor of the festival and is the patron of the Pilbara Music Festival? Why does the North West Festival have the prominent position on page 18 as the first paragraph in achieving our vision in an event that has only been happening for the last four years?

Chief Executive Officer advised that the North West Festival was seen as the iconic event that Council had tried to create therefore it has taken a prime position in the Annual Report.

Is the Town of Port Hedland and members of the public aware that Emma Matthews, who is the key opera singer in Australia, grew up in Port Hedland and Tamsyn Stock-Stafford, who lives in Tasmania and is the key operatic for Australia, both started their careers in Port Hedland through the Pilbara Music Festival?

Mayor thanked Councillor Gillingham for this information.

I was on the Pilbara Development Commission (PDC) in 2003, 2004, 2005 and 2006 during that time the PDC organised for a stage to be built to house something as big as the Australian ballet. It was donated to the Town of Port Hedland and is being housed in two big containers. Is this stage still with the Town and is it the same size of the stage that could be used for an iconic concert like the North West Festival?

Chief Executive Officer advised that those stage components are secured in two sea containers at the Town of Port Hedland depot. The stage is made of small modular units that can be used and are used from time to time for our community events. They have been used in the civic centre gardens and different venues at the South Hedland Town centre. It has been advised that the stage is not a suitable piece of infrastructure for a setup such as the North West Festival but could be used for fringe and other community events.

Can the Town look into how that stage can be used?

Mayor advised in the affirmative.

I gather that through Sunset Events a stage is very costly to bring up in regards to freight. What component of the audit provided is the cost of the stage allocated to?

Chief Executive Officer advised that he believes that is included in event costs.

Can we have the costs in the future? Has the Town contacted sponsors for the 2015 North West Festival to ask them how much out of pocket expenses they have incurred for the festival on top of the sponsorship amount?

Chief Executive Officer advised that this question is taken on notice.

Was the alcohol at the North West Festival sold or given away to VIP sponsors? Was it brought locally or outside of Port Hedland?

Chief Executive Officer advised that the Event Manager will talk about this in the presentation under item 11.

Why was there a pop up bar allowed at the Halloween West End Markets grassed stall area with a security guard for three hours with no children allowed past the barrier?

Chief Executive Officer advised that the question is taken on notice.

6.3 Councillor Hooper

I was taking a friends children to school this morning and was concerned with the access to Cassia Primary School. I found it was very confusing and overcrowded. What are we doing in order to alleviate the amount of cars and traffic when dropping off and picking up children from school? Can an update be provided?

Mayor advised that Town engineering officers met with the Department of Education and Department of Finance today at Port Hedland Primary School, Cassia Primary School and Baler Primary School. Feasibility studies have been completed for redesign of the car parks. At Port Hedland Primary School there will be changes to the layout of the car park and 23 additional bays being provided on the partially grassed area that overlooks the school oval. For Cassia Primary School a total redesign is required which is being worked through. The State Government has approved funding for the car park at the Port Hedland Primary School and has approved funding for the Cassia Primary School car park. The Town is in the process of negotiating with the State Government and potentially looking at a contribution from the Town for the Baler Primary School car park. The Town has been working on this issue for a number of years with documentation dating back to 2012 and 2013. The money is starting to be contributed and GHD have been doing the redesign work.

6.4 Councillor Butson

How long will the South Hedland Aquatic Centre be closed for?

Chief Executive Officer advised that the Town sent an email to Elected Members today with an update on the South Hedland Aquatic Centre. There are issues with getting clear satisfactory water samples. The most recent set of samples shows that the main water body meets all satisfactory standards however the water samples taken from the filters are not meeting current requirements therefore the Town had to shut the pool until the issue is resolved. Unfortunately it may be some time before the Town can get a solution to the issue with the filters. The Town will report in further detail to all Elected Members as soon as more information is provided.

6.5 Councillor Newbery

I saw a waterman irrigation team at Marquee Park the other day. Can I get a rundown scope of works and cost for the works that they are doing and why? How did it come about that the water wasn't running efficiently at the park?

Chief Executive Officer advised that the question is taken on notice.

Can I get a rundown on the caretaker's salary and associated costs?

Chief Executive Officer advised that the budget includes costs for operating the facility. This question is starting to get into operational details at the moment.

Is there a need for the Marquee Park caretaker position for \$110,000?

Chief Executive Officer advised that Councillor Newbery knows the salary and that he is happy to discuss the need for the position. There have been security issues at Marquee Park since it was opened and it was a decision of Council to support a caretakers dwelling. The caretaker provides support and day to day maintenance for the facility and there were discussions in the lead up to this budget about the cost of putting a proper secure fence around the park which would then reduce the need for the caretakers presence on the site or may minimise the amount of work the caretaker has to do for the security issues. There were also security patrols which have recently been ceased. They were introduced given the number of people who were attending the site which was providing some OHS issues for the Towns staff member to approach them late at night and early in the morning.

Director Works and Services advised that the security patrols ceased a few weeks ago.

6.6 Councillor Whitwell

Can clarification be provided on what the Director Community and Development Services meant when he advised that once he received an invoice from Sunset Events he would pay that invoice?

Chief Executive Officer advised that the contract in place requires a series of payments and once Sunset Events provide an invoice to the Town there is some discussion with Sunset Events on what costs they have occurred and then in accordance with the contract the invoice is paid.

So there is no audits of payments and receipts to third parties?

Chief Executive Officer advised that there is not a specific audit of the invoices received as it is part of the contractual arrangements the Town has with Sunset Events.

Is there ever any audit completed in regards to the invoices, payments and receipts?

Chief Executive Officer advised that the milestones are for the delivery of the event.

It has been stated that there hasn't been an audit for the milestone payments however has there ever been an audit of payments and receipts to third parties from Sunset Events at all?

Chief Executive Officer advised that the question is taken on notice.

Is there any other security the Town has over payments that are made to Sunset Events?

Chief Executive Officer advised that there is only security on a contractual basis for delivering that event. The Town is not holding bank guarantees and is not holding any other security.

Has anyone looked at evaluating the externalities that come from the North West Festival?

Chief Executive Officer advised that as indicated earlier there was an assessment undertaken from the 2014 event. The Town has been discussing with PDC about using their Regional Economic Modelling (REM) plan that they have a licence for. The inputs for events or infrastructure are put in and it provides what the economic benefits are likely to be produced with the relevant multipliers from an event or new piece of infrastructure. The Town is intending to seek to have the PDC run the project through the REM plan.

So the Town hasn't run an economic model on the North West Festival which has a fairly big expenditure, is that right?

Chief Executive Officer advised that the event was reported upon in 2014. The Town has not done an economic analysis on the 2015 event.

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

Mayor Howlett	Councillor Butson
Councillor Blanco	Councillor Melville
Councillor Gillingham	Councillor Newbery
Councillor Hooper	Councillor Whitwell
Councillor Arif	

Cr Gillingham declared that she had not fully read confidential item 16.1 'Melreef Pty Ltd – Lease of Reserve 33593'.

ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Confirmation of Minutes of Special Meeting of Council held on Wednesday 21 October 2015

201516/082 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council confirm that the Minutes of the Special Meeting of Council held on Wednesday 21 October 2015 are a true and correct record.

CARRIED 9/0

8.2 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 28 October 2015

201516/083 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR GILLINGHAM

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

CARRIED 9/0

ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Mayor Activity Report for the October/November 2015 period to date is as follows:

October 2015

Tuesday, 13th October

- Weekly Spirit Radio (1026am) Mayor Chat

- Meeting Pilbara Youth Justice Services - Director Anthony Howson & Regional Manager Ray Wiley
- Weekly TOPH & NWT Media Meeting
- Attended PHCCI Business After Hours: Harvey Norman Port Hedland

Wednesday, 14th October

- Attended EM & Exec Meetings
- Attended Pilbara Ports Authority Stakeholder Sundowner

Thursday, 15th October

- Visit to Pilbara Meta Maya and Tour Through Solar Power Operations
- Attended Youth Involvement Council AGM

Friday, 16th October

- Officiated Relationship Declaration Ceremony Niki White & Gloria Jacob

Saturday, 17th October

- Volunteered At McDonalds South Hedland – 2015 McHappy Day
- Attended Vote Count 2015 Local Government Elections – Town of Port Hedland

Sunday, 18th October

- Attended Swearing In New Elected Members – Town of Port Hedland

Monday, 19th October

- Attended Pilbara Regional Health Services Forum Hosted By Hon Brendan Grylls

Tuesday, 20th October

- Weekly Spirit Radio (1026am) Mayor Chat
- Interviewed For Tourism WA - Port Hedland Cruise Ship Vignette
- Weekly TOPH & NWT Media Meeting
- Attended Mayor Thank You & Appreciation Event: South Hedland Volunteer Fire Brigade and Port Hedland Volunteer Fire Brigade

Wednesday, 21st October

- Chair Special Council Meeting
- Chair Public Agenda Briefing

Thursday, 22nd October

- Attended Hedland Senior High School Board Meeting

Friday, 23rd October

- Attended Hedland Well Women's Centre Pink Breast Cancer Fundraiser Breakfast
- Media Photo Cemetery Beach Look Out Jupps Carpet & Tiles (Gareth)

Monday, 26th October

- Attended and Speech At South Hedland Primary School Open Day Celebrating 1 Year Of EON's Partnership
- Attended Elected Members & Executive Leadership Team Meeting

Tuesday, 27th October

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly TOPH & NWT Media Meeting

Wednesday, 28th October

- Presented Economic Development – TOPH At The PHCCI Business Breakfast Series
- Meeting Wirraka Maya Aboriginal Medical Services CEO June Councillor
- Meeting Sister Jane Ablett – St Vinnies South Hedland
- Meeting RSM Business Local – Jessica Buckley
- Media Photo Horizon Power Street Lighting
- Chair Ordinary Council Meeting – October 2015

Thursday, 29th October

- Attended LEMC Recovery Ready Desktop Exercise Workshop
- Attended Hedland Women Of Influence Luncheon
- Attended TOPH Monthly Depot BBQ
- Attended LEMC Meeting

Friday, 30th October

- Attended TOPH Pink Morning Tea – Breast Cancer Awareness Fundraiser

Saturday, 31st October

- Attended Halloween West End Markets

November 2015

Monday, 2nd November

- Attended CEO, Deputy Mayor and Mayor Weekly Catch Up

Tuesday, 3rd November

- Weekly Spirit Radio (1026am) Mayor Chat
- JDAP Briefing
- Meeting With Shane Sercombe – Tourism Development Opportunities
- Weekly TOPH & NWT Media Meeting

Wednesday, 4th November

- Attended EM & Exec Meetings

Friday, 6th November

- Attended Pilbara J-DAP Meeting

Monday, 9th November

- Attended Meeting SHBA & TOPH
- Officiated Citizenship Ceremony

Tuesday, 10th November

- Weekly Spirit Radio (1026am) Mayor Chat
- Attended Pilbara Spirit Swimming & Life Saving Carnival – Swimming WA
- Attended Senior's Week Morning Tea & Reading Recital At South Hedland Library

- Officiated Opening of New Toll Express Port Hedland Depot
- Attended Discussion With EMs & Exec – Airport Purchase Orders & Electronic Scoreboard Tender
- Attended Port Hedland Spoilbank Marina Briefing For Council
- Attended PHCCI Business After Hours Sundowner – Scope Business Imaging

Wednesday, 11th November

- Attended Remembrance Day Service & Laid Wreath For TOPH
- Attended TOPH Airport Committee Meeting
- Attended Port Hedland Marina Reference Group Meeting

Mayor advised that she visited Pilbara Meta Maya and toured through their solar operations where they have completely gone off the grid which is a commendable effort. Mayor was proud and honoured to officiate the first Relationship Declaration Ceremony for Ms Gloria Jacob and Ms Nikki White. She volunteered at McDonalds South Hedland as part of McHappy Day and South Hedland was the highest fundraising McDonalds in the Pilbara. Mayor was fortunate to attend a thank you and appreciation event for the South Hedland Volunteer Fire Brigade and Port Hedland Volunteer Fire Brigade. It was good to thank the two brigades that help the town tirelessly and put the resident's safety first. Mayor attended the senior week morning tea and the reading recital at South Hedland Library and commended the team. Mayor was honoured to officiate the opening of the new Toll Express Depot in Wedgefield which is an amazing facility. In one form or another Toll Express has had a presence in Port Hedland for over 30 years and would like to pass on her thanks to Toll Express on their effort and investment into the community.

ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

10.1 Councillor Blanco

Councillor Blanco attended the end of year staff party and opened the Retail Masterclass at the Ibis.

10.2 Councillor Gillingham

Councillor Gillingham gave the Consortium, who are leasing the Airport, a tour of the Port Hedland School of the Air as they wanted to see the biggest classroom in the world with 50 children in a classroom. Councillor Gillingham organised for her daughter and colleagues, from Roy Hill, to see the turtles as the only other place in the world where turtles come onto the beach is in Florida. Councillor Gillingham thanked Care for Hedland and the amazing people that work there. She attended Remembrance Day on the Esplanade ran by RSL. Councillor Gillingham attended the end of year staff party and service awards. It was great to see people receiving long term awards. Councillor Gillingham attended the Marina briefing from Landcorp and it was great to see that the Town moving forward to have a Marina with possibly boat pens in the future. She attended the first Airport Committee Meeting since the election and was elected unopposed as the Deputy Presiding Member. On the 7 November Councillor Gillingham

attended the Steven Street Retirement Village resident's monthly Soroptimist afternoon tea with her music students to provide entertainment.

10.3 Councillor Arif

Councillor Arif attended the end of year staff party and long service awards. She attended the Remembrance Day service in town which was very moving and laid the wreath with the Mayor on behalf of the Town of Port Hedland. Councillor Arif attended the City of Karratha team building weekend with the other new Elected Members and participated in a condensed training session. It was interesting networking with the Karratha Councillors. Councillor Arif attended the 'creating better communities from the ground up' meeting last week by Jim Diers at lotteries house which was very interesting. She would like to see the messages taken up in Port Hedland and encouraged locals, small groups and not for profit groups to take ownership of their own community projects. Councillor Arif attended the Pilbara Ports Authority meeting and was assured that the community jetty would still be open for the community to access. Once the Port moved into their new working jetty the community jetty would be even more accessible to the community. The Pilbara Ports Authority are down to four tenderers that have been received for the construction of their iron mops which is moving ahead. Councillor Arif attended her first Pilbara Regional Council meeting in Perth and congratulated Mayor Howlett for being elected as the Deputy. It was a very enlightening to see the projects that the Town of Port Hedland is involved with.

10.4 Councillor Whitwell

Councillor Whitwell attended the discussions with Karratha Councillors. It gave him a feel on what Karratha does and believes there is a lot of area for cooperation between the Councils. Councillor Whitwell attended the end of year staff party and appreciated being able to attend as he believes that it is important that Councillors are included. He attended the Roy Hill mining presentation which was good. There was a lot of history on what happened to the mining industry in the Pilbara which is very relevant to today. Councillor Whitwell attended the Airport Committee and has been looking at the handover to the private lease company is satisfied with the results.

ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS

11.1 Presentation of Certificate of Appreciation for the Town of Port Hedland from the South Hedland Cougars Junior Rugby League Football Club

Certificate of Appreciation for the support.

11.2 Dave Chitty, Sunset Events

7:20pm Mayor left the room.

7:24pm Mayor re-entered the room.

7:27pm Councillor Gillingham left the room

7:32pm Councillor Gillingham re-entered the room.

7:47pm Councillor Arif left the room

7:50pm Councillor Arif re-entered the room.

NORTH WEST FESTIVAL 2016 COUNCIL PRESENTATION

Wednesday 25th November 2015



Summary of Sunset Background with NWF

- Won EOI from TOPH to do feasibility on major event for PH and the region
- Won subsequent 3 year tender to deliver the event from 2012 – 2014
- Won re-tender to deliver the festival for another 6 years from 2015 - 2020
- Successfully delivered the first of the six years earlier this year
- Each year has been evaluated and audited by Town staff without any issue
- 6 year contract has annual review process with renewal based on delivering agreed program without incident and subject to audit
- Both of these processes have been completed without issue

NWF Achievements

- Event grew from humble beginnings in 2012 to 3 day event in 2014
- 2015 event consolidated the 3 day model - NW art awards and Economic Summit added
- Attendance has grown from 3,541 in 2012 to 4,622 in 2015. Growth rate of over 30%
- Significant growth in community and social outcomes
- Significant growth in economic impact
- Significant growth in visitation
- Significant growth in media coverage and profile of the event which promotes the town

NWF Achievements

- Significant growth in number of sponsorship partners and local participation
- Significant contribution to the TOPH's vision to be a vibrant regional center for the Pilbara.
- Significant contributions to the towns aspirations to be a town that values, invests and contributes towards its social and cultural communities
- Significant contribution towards the town being an attractive place to work and/or visit
- Significant reduction in costs to produce the event from 2012 to 2015
- All of the above growth in outcomes has been achieved with the same level of investment from the TOPH.

Recommendations for 2016 Event

- To commit to the 2016 event with the current level of funding
- Without this the same program can't be delivered
- Existing sponsors will then feel they are not getting what they have invested into
- Other sponsors will then reduce commitments
- Event has real risk of then having a domino effect and collapsing
- We recommend extensive liaison with Council and stakeholders leading into the 2016 event culminating in a comprehensive research program being conducted during and post event.
- Council can then evaluate all the info and make an informed decision moving into the 2017 event and beyond.

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 Approvals for October 2015**

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

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/084 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council receive the Schedule of Planning and Building Approvals, Building and Planning Orders issued by Delegated Authority and the listing of current legal actions for the month of October 2015.

CARRIED 5/4

EXECUTIVE SUMMARY

This item relates to the Planning and Building Approvals considered under Delegated Authority for the month of October 2015.

DETAILED REPORT

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

No items for the month of October were considered for refusal under delegated authority.

FINANCIAL IMPLICATIONS

Nil

STATUTORY AND POLICY IMPLICATIONS

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

ATTACHMENTS

1. Statistics for Building, Planning and health Approvals for the month of October 2015

3 November 2015

ATTACHMENT 1 TO ITEM 12.1.1

DELEGATED PLANNING APPROVALS FOR OCTOBER 2015

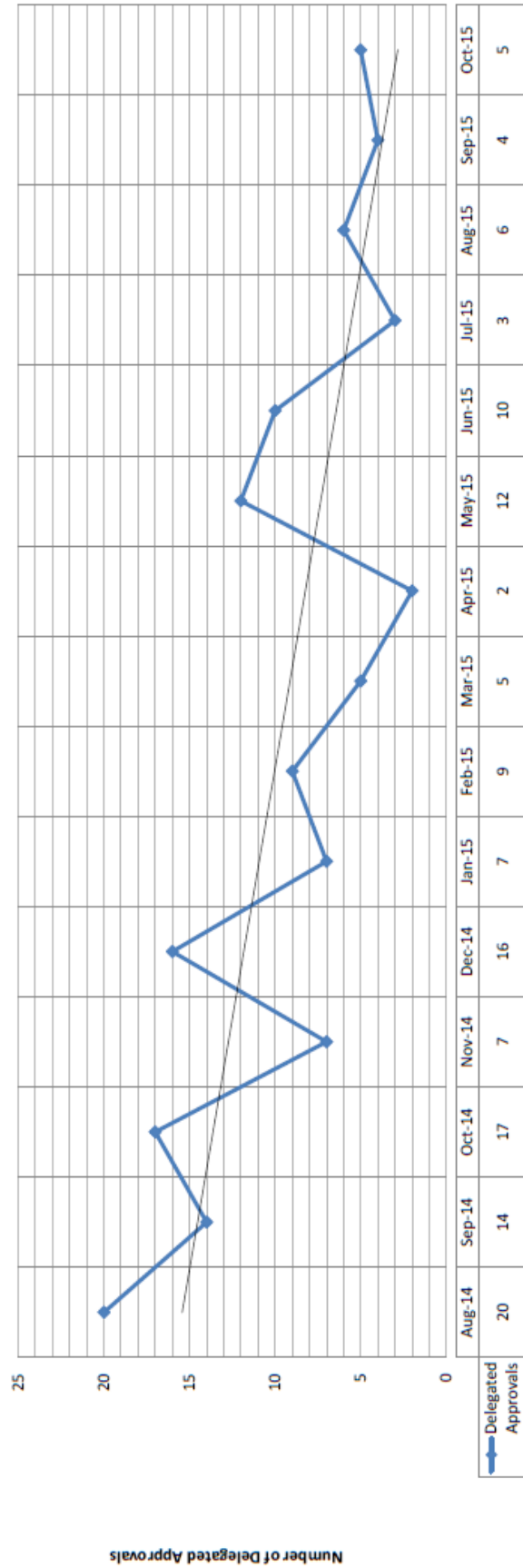
Application No.	Description	Lot	Property Address	Date approved	Applicants name	Development Value	Fee Charged	Authorisation Officer	Delegation
2015/110	Care Takers Accommodation, Office, Four (4) Sea Containers And Cyclone Shelter	185	Lot 185 Madigan Road Pippingarra 6722	05/10/2015	Gumala Aboriginal Corporation	\$ 120,000.00	Yes	Manager Development Services	3.2
2015/132	Single House- Patio, Verandah, Fence And Retaining Wall	486	27 Moore Street Port Hedland 6721	13/10/2015	Brian Raeburn	\$ 48,000.00	Yes	Manager Development Services	3.2
2015/144	Home Business - Beauty Therapy	2871	26 Bottlebrush Crescent South Hedland 6722	08/10/2015	Brittney Cummings	\$ -	Yes	Manager Development Services	3.2
2015/145	Motor Vehicle And/Or Marine Repair - 2x Sea Containers, Office	5543	10 Trig Street Wedgefield 6724	16/10/2015	Foxhill Enterprises Pty Ltd	\$ 35,000.00	Yes	Manager Development Services	3.2
2015/146	Home Business - Health Foods	5980	Unit 1-25 151 Athol Street Port Hedland 6721	16/10/2015	In The Mix Health Foods	\$ -	Yes	Manager Development Services	3.2
TOTAL 5						\$ 203,000.00			

Note: There were no applications approved by Council or JDAP in October.

Note: There are no refused applications for the month of October.

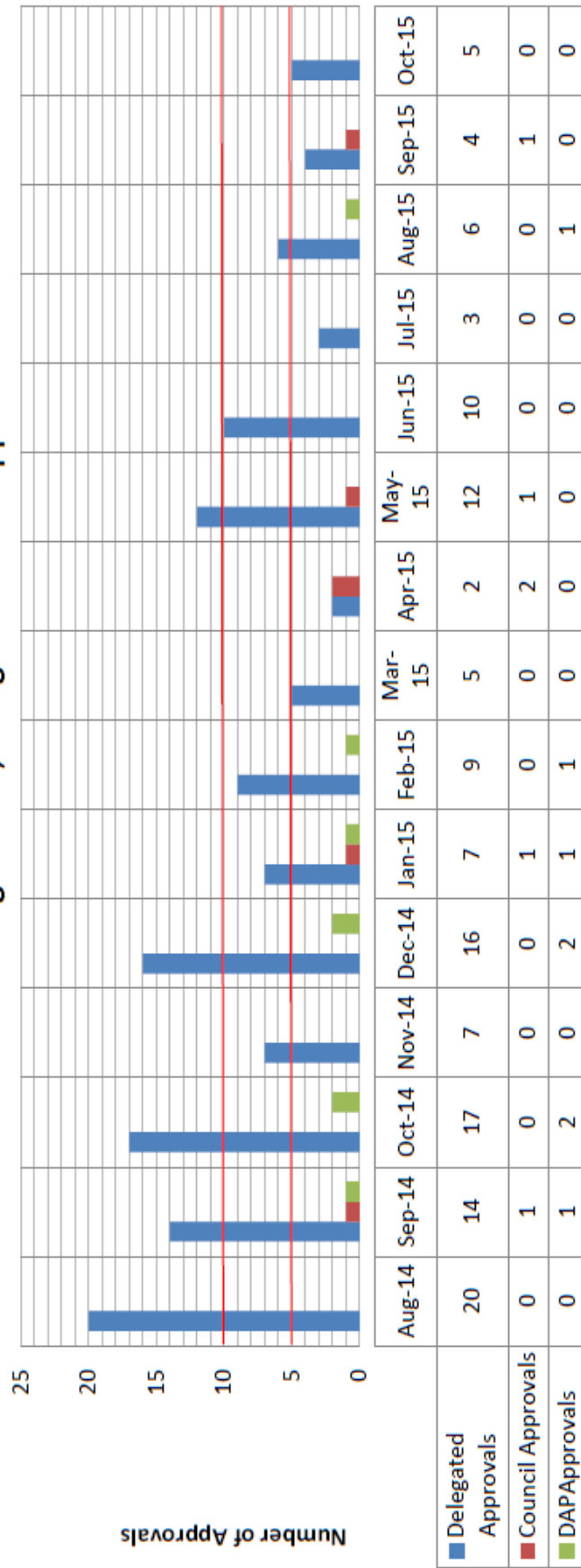
DELEGATED PLANNING APPROVALS FOR OCTOBER 2015

Summary & Trendline of
Town Planning Delegated Approvals



COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR OCTOBER 2015

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



DELEGATED BUILDING APPROVALS FOR OCTOBER 2015

BUILDING PERMITS								
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification
15-155	13.10.2015	16 HARWELL WAY	WEDGEFIELD 6724	Gary Edwards	Shade structure	\$ 10,000.00	104	10a
15-156	13.10.2015	L510 WEAVER PLACE	SOUTH HEDLAND 6722	NE Outdoor Services	Shade sail - 45m2	\$ 7,282.00	40	10a
15-110	19.10.2015	25 HARWELL WAY	WEDGEFIELD 6724	Gary Wightman	UNAUTHORISED STORAGE AREAS	\$ 10,000.00	60	10a
15-149	06.10.2015	7 MONKS PLACE	PORT HEDLAND 6721	Tony Vujevich	Store for pool pump Retaining Wall and Front boundary fence	\$ 17,500.00	4	10a & 10b
15-142	02.10.2015	UNIT B	25 BAYMAN STREET	Peter Leonard	FENCING	\$ 16,531.00	0	10b
15-143	02.10.2015	UNIT C	25 BAYMAN STREET	Peter Leonard	FRONT BOUNDARY FENCE	\$ 16,531.00	0	10b
15-141	02.10.2015	UNIT A	25 BAYMAN STREET	Peter Leonard	FRONT BOUNDARY FENCE	\$ 16,531.00	0	10b
15-144	02.10.2015	4 LEEDS STREET	PORT HEDLAND 6721	Peter Leonard	FRONT BOUNDARY FENCE	\$ 16,531.00	0	10b
15-150	09.10.2015	COOKE POINT DRIVE ROAD RESERVE	PORT HEDLAND 6721	Form Contemporary Craft and Design	Signage for Provedore	\$ 7,000.00	0	10b
15-159	19.10.2015	22 CARLINDIE WAY	WEDGEFIELD 6724	CROWN CASTLE AUSTRALIA	Construction of Telecommunications Infrastructure	\$ 200,000.00	0	10b
15-162	22.10.2015	3 MANGANESE STREET	WEDGEFIELD 6721	Maintenance & Construction Services Australia	Construction of Unmanned Fuel Station - Above Ground Fuel Tanks and Signage	\$ 500,000.00	0	10b
15-146	07.10.2015	UNIT C	25 BAYMAN STREET	Martyn Stafford	UNAUTHORISED RE-ROOF AND RE-CLADDING OF WALLS	\$ 43,500.00	0	1a
15-147	07.10.2015	UNIT B	25 BAYMAN STREET	Martyn Stafford	UNAUTHORISED RE-ROOF AND RE-CLADDING OF WALLS	\$ 43,500.00	0	1a
15-148	07.10.2015	UNIT A	25 BAYMAN STREET	Martyn Stafford	UNAUTHORISED RE-ROOF AND RE-CLADDING OF WALLS	\$ 43,500.00	0	1a
15-145	07.10.2015	4 LEEDS STREET	PORT HEDLAND 6721	Martyn Stafford	UNAUTHORISED RE-ROOF AND RE-CLADDING OF WALLS	\$ 43,500.00	0	1a
Total	15					\$ 991,906.00	208	

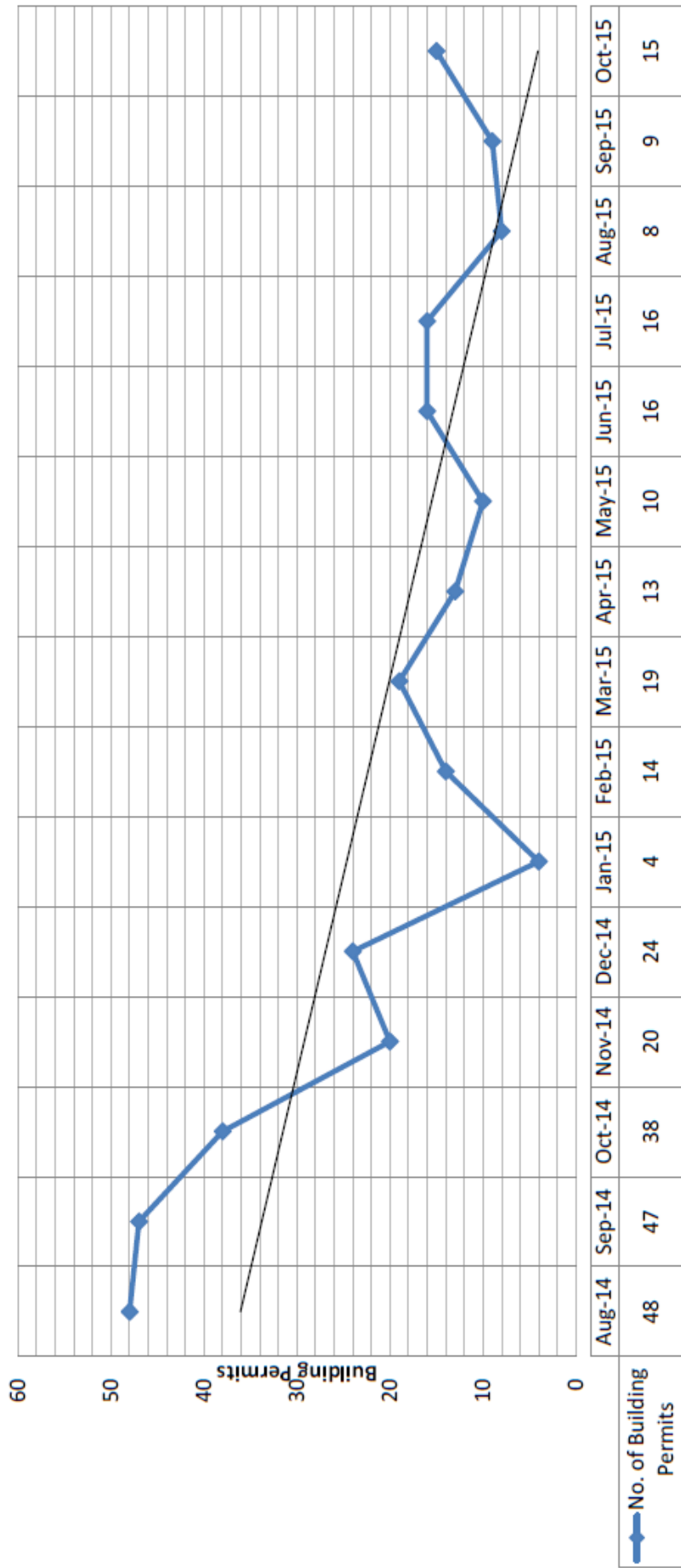
OVERVIEW SUMMARY FOR OCTOBER 2015

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
N/A	Demolitions	\$0	0	\$0.00
4	Dwellings	\$174,000	0	\$0.00
4	Class 10a	\$44,782	208	\$215.30
7	Class 10b	\$773,124	0	\$0.00
N/A	Commercial	\$0	0	\$0.00
	Strata / Occupancy	N/A	N/A	N/A
15		\$991,906	208	

TOWN OF PORT HEDLAND CERTIFICATION		
Certificate Type	Number Issued	
Certificate of Design Compliance	8	
Certificate of Construction Compliance	4	
TOTAL	12	

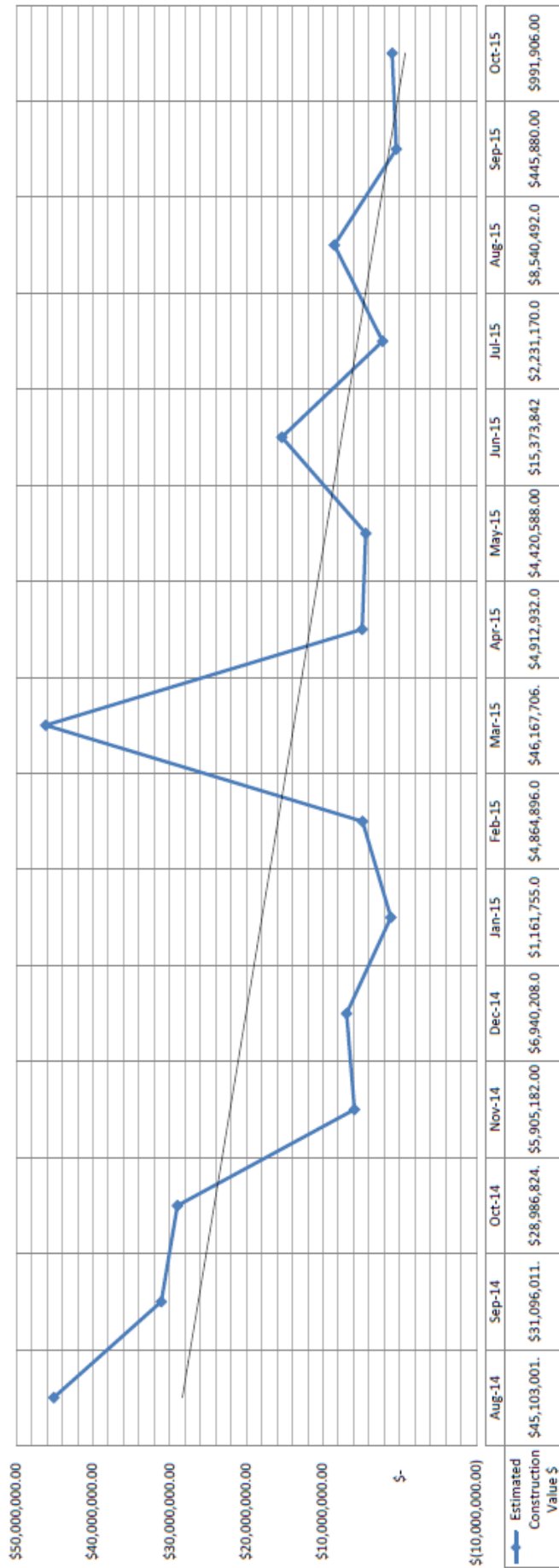
BUILDING APPROVALS FOR OCTOBER 2015

Summary & Trendline for Building Permits



BUILDING APPROVALS FOR OCTOBER 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	1	3	4	3			
Cat Jobs	9	12	18	23	25	22	25	29	39	37			
Dog Jobs	78	67	71	82	114	84	98	108	86	81			
Fire Jobs	16	19	7	5	6	18	22	21	20	15			
Litter Jobs	22	30	38	13	33	28	29	36	32	25			
Livestock Jobs	0	2	1	1	0	0	0	2	1	1			
Off road Vehicles Jobs	0	0	0	0	0	0	3	1	1	0			
Parking Jobs	47	45	29	27	70	50	30	43	24	15			
Abandoned Vehicles Jobs	42	27	47	39	34	26	10	30	67	18			
Wildlife Jobs (Snakes etc)	10	9	10	5	8	5	1	17	6	13			
Dog Health Program	0	0	0	0	0	0	0	0	0	0			
Dogs Impounded	34	38	40	30	44	29	49	43	47	61			
Cats Impounded	5	13	24	20	21	32	37	36	71	40			
Total Infringements	43	108	107	28	30	83	72	41	108	118			
Animals Adopted	10	5	4	4	12	1	6	6	3	12			
Fires Overtime Hrs	10.5	3.5	2	0	2	0	1	3	28	73			
Overtime Hrs	62	38	27	38.5	30	30	27	18	0	1			
Additional hrs by Contract Staff	43.5	21	17	19.5	36.5	24.5	12.5	23	27	24			
*Total Jobs Attended	227	215	227	177	311	243	237	306	316	281			

*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 OCTOBER 2015

CURRENT LEGAL MATTERS			
File No.	Address	Issue	Responsible Officer
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Trial adjourned until 30th March 2016. Statutory Planning Officer

12.1.2 Request to Close Portion of Road Reserve, Corner Richardson Street and the Esplanade, Port Hedland

Katherine Shaw, Lands and Technical Officer
File No. 28/01/0017

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/085 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That Council resolve to request Department of Lands to close a portion of road reserve, as per Attachment 1, subject to the following;

- a. Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Manager Property and Asset Strategy.**

CARRIED 9/0

EXECUTIVE SUMMARY

The Town is in receipt of a request from the Port Hedland Port Authority (PPA) to close a portion of Road Reserve to be amalgamated into the Port Hedland Port Authority Reserve being Reserve 29082 on Lot 6098 Wilson Street, Port Hedland.

The Town recommends that Council support the request.

DETAILED REPORT

The portion of road reserve requested to be closed sits within the existing Port of Port Hedland security fenced area, which has been used for port purposes and other purposes contemplated by the Port Act. Please refer to Attachment 1 – Road Reserve closure plan and Attachment 2 – Aerial photograph.

To address this tenure anomaly, and to facilitate the development, operation and maintenance of a fuel pipeline for Port tug operations, it is proposed to close a portion of the Road Reserve, of approximately 421 square metres, and transfer to PPA under a Port Reserve for vesting in PPA under the Port Act.

The Road Reserve closure will have no effect on the current road alignment of Richardson Street and The Esplanade, Port Hedland.

Consultation

The matter was referred internally, externally and an advertisement was placed in the North West Telegraph. The statutory advertising period of thirty five (35) days is designed to allow all interested parties, including public service providers, to comment on the proposals prior to Council permanently closing a road reserve. Notwithstanding the above, the following public service providers were requested to provide comment:

- Horizon Power;
- Water Corporation;
- Telstra;
- Optus.

Optus, Horizon Power and Telstra did not respond. The Water Corporation have no objections to the proposal.

The application was circulated internally to Works and Services; no objections were received, subject to the following:

Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Manager Property and Asset Strategy.

FINANCIAL AND RISK IMPLICATIONS

There will be no financial implications to the Town. The Road Closure application fee of \$1305.70 was paid to the Town.

The subject Road Reserve is Crown Land. The Road Reserve will be transferred to the PPA under a Port Reserve vesting to PPA under the Port Act.

The risks involved with this Road Reserve closure are rare.

STATUTORY AND POLICY IMPLICATIONS

Section 58 of the *Land Administration Act 1997* and regulation 9 of the Land Administration Regulations 1998, establishes the procedure for closing a road.

Strategic Planning Implications

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

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

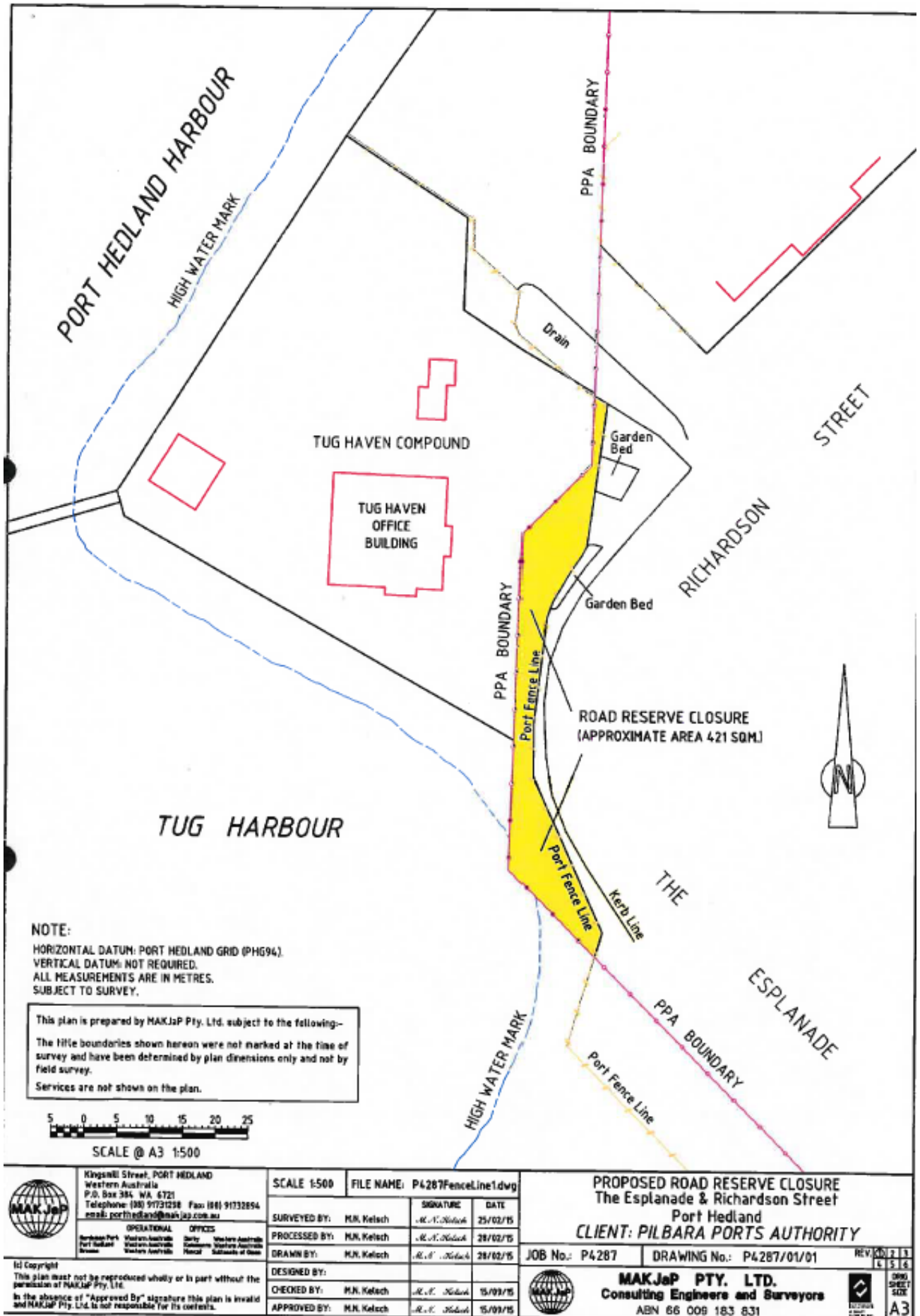
The closure of this road reserve will facilitate the development, operation and maintenance of a fuel pipeline for Port tug operations.

ATTACHMENTS

1. Road Reserve closure plan
2. Aerial photograph

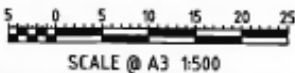
4 November 2015

ATTACHMENT 1 TO ITEM 12.1.2



NOTE:
 HORIZONTAL DATUM: PORT HEDLAND GRID (PHG94).
 VERTICAL DATUM: NOT REQUIRED.
 ALL MEASUREMENTS ARE IN METRES.
 SUBJECT TO SURVEY.

This plan is prepared by MAKJaP Pty. Ltd. subject to the following--
 The title boundaries shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey.
 Services are not shown on the plan.



<p>MAKJaP Kings Hill Street, PORT HEDLAND Western Australia P.O. Box 384 WA 6721 Telephone: (08) 91731298 Fax: (08) 91732854 email: port@makjap.com.au</p> <p>OPERATIONAL OFFICES Perth Western Australia Derby Western Australia Port Hedland Western Australia Mackay Western Australia Brisbane Sydney Adelaide Hobart Adelaide of Glen</p> <p>© Copyright This plan must not be reproduced wholly or in part without the permission of MAKJaP Pty. Ltd. In the absence of "Approved By" signature this plan is invalid and MAKJaP Pty. Ltd. is not responsible for its contents.</p>	SCALE 1:500	FILE NAME: P4287FenceLine1dwg	PROPOSED ROAD RESERVE CLOSURE The Esplanade & Richardson Street Port Hedland CLIENT: PILBARA PORTS AUTHORITY		
	SURVEYED BY: M.N. Kelech	SIGNATURE: <i>M.N. Kelech</i>	DATE: 25/03/15	JOB No.:	P4287
	PROCESSED BY: M.N. Kelech	SIGNATURE: <i>M.N. Kelech</i>	DATE: 28/03/15	DRAWING No.:	P4287/01/01
	DRAWN BY: M.N. Kelech	SIGNATURE: <i>M.N. Kelech</i>	DATE: 28/03/15	REV:	2 1 1 4 5 1 6
	DESIGNED BY:			<p>MAKJaP PTY. LTD. Consulting Engineers and Surveyors ABN 66 009 183 831</p>	

12.1.3 2016 North West Festival – Approval of Event

Paul Howrie, Manager Community Development
File No. 03/02/0005

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/086 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

1. **Receive the report on the review of the 2015 North West Festival including audited financial statements.**
2. **Endorse the delivery of the 2016 North West Festival.**
3. **Note that under the terms of awarding of Request for Proposal 14/12 the 2016 North West Festival would be managed by Sunset Events.**
4. **Authorise the Chief Executive Officer or his delegate to negotiate the 2016 North West Festival event management fee of up to \$250,000 (ex GST) as per the previously awarded Request for Proposal 14/12 and contract with Sunset Events.**
5. **Note that significant corporate and local sponsorship (cash and in-kind) will be sought to support the delivery of the event.**

CARRIED 6/3

Record of votes

For	Against
Mayor Howlett	Councillor Blanco
Councillor Gillingham	Councillor Newbery
Councillor Hooper	Councillor Whitwell
Councillor Arif	
Councillor Butson	
Councillor Melville	

RECOMMENDATION/ MOTION

MOVED: CR HOOPER

SECONDED: CR ARIF

That Council approve an allocation of \$500,000 in the 2016/17 budget being the Town's contribution for the delivery of the 2016 North West Festival.

MOTION LOST ON ABSOLUTE MAJORITY 4/5

Record of votes

For	Against
Mayor Howlett	Councillor Blanco
Councillor Hooper	Councillor Gillingham
Councillor Arif	Councillor Butson
Councillor Melville	Councillor Newbery
	Councillor Whitwell

MOTION**MOVED: MAYOR HOWLETT****SECONDED: CR HOOPER****That Council:**

1. **Approve an allocation of \$475,000 in the 2016/17 budget being the Town's contribution for the delivery of the 2016 North West Festival.**
2. **Approve an allocation of \$425,000 in the 2017/18 budget being the Town's contribution for the delivery of the 2017 North West Festival.**

MOTION LOST ON ABSOLUTE MAJORITY 4/5

Record of votes

For	Against
Mayor Howlett	Councillor Blanco
Councillor Hooper	Councillor Gillingham
Councillor Arif	Councillor Butson
Councillor Melville	Councillor Newbery
	Councillor Whitwell

EXECUTIVE SUMMARY

The fourth North West Festival was held in August 2015 and was combined with a strong and extensive fringe program including the Hedland Art Awards and North West Economic Summit.

The festival attracts significant number of visitors to Port Hedland, provides economic stimulation and adds to the vibrancy of the region. It is becoming a significant and important event within the Pilbara and across the broader events scene in regional Western Australia.

At its ordinary meeting on 28 October 2015, Council considered the endorsement of the 2016 North West Festival and the Town's financial contribution towards the event. Following debate, Council deferred the matter until it received the audited financials.

This item presents the audited statement of receipts and payments (as supplied by Sunset Events) and seeks Council's endorsement of the 2016 festival including a budget allocation of \$500,000 in the 2016/17 budget being the Town's contribution for the delivery of the 2016 event.

DETAILED REPORT

Background and previous Council decisions

Established in 2011, Council's broad aims for the North West Festival are to:

- Increase the profile of Port Hedland, as Pilbara's Port City.
- Act as a platform for the development of Port Hedland as the regional centre of the Pilbara.
- Promote the Town as a tourism destination of significance and renown by highlighting the unique industrial and marine environment of Port Hedland.
- Leave a year-round legacy of broader cultural and community benefits for the Town by stimulating existing community and cultural participation in and around the event and providing a stimulus for this continued activity throughout the year.
- Stimulus for economic and social activity through the development of a year round touring circuit for performers.
- Development of a purpose built outdoor event space and attraction of permanent event infrastructure to the Town.

Since its inception there have been numerous Council reports regarding the festival which are detailed in attachment 4. These include:

- June 2011 – consideration of feasibility study of a high profile event
- September 2011 – consideration of business development model including funding details for first five years
- March 2012 – award of event management tender to Sunset Events
- October 2012 – consideration of review of inaugural event and endorse event management fee of \$250,000
- December 2013 – consideration of review of 2013 event and endorse event management fee of \$250,000
- January 2014 – consideration of expanding event from one to three days
- October 2014 – award of request for proposal to Sunset Events for additional term
- December 2014 – consideration of 2015 event, payment of \$250,000 management fee and approved \$500,000 allocation in 2015/16 budget

At its ordinary meeting on 28 October 2015, Council considered the endorsement of the 2016 North West Festival and the Town's financial contribution towards the event. Following debate, Council deferred the matter until it received the audited financials.

2015 North West Festival evaluation

The North West Festival has established itself as one of the premier events in the North West, and anecdotally is steadily growing in its reputation as one of the major Festivals in Western Australia. It is the signature event for the Town of Port Hedland and North West Region.

The festival has been the catalyst for developing legacy benefits, including cultural and community activities. It stimulates economic activity for Port Hedland and the state, and amongst other outcomes contributes towards Port Hedland being a vibrant regional city.

The 2015 North West Festival built on the originally established aims and was considered a success. The festival was held from 21 – 23 August at the Port Hedland Turf Club and Civic Centre gardens. It had an impressive line-up of national and local artists including Birds of Tokyo, Peking Duk, Angus and Julia Stone, British India and The Preatures.

The event had just over 4,600 attendances (note: this includes sponsors and complimentary tickets whereas the audited report only records paid tickets), which whilst lower than the previous year (6,000), was considered strong in the current economic climate. Of the paid ticketed attendees, 32 per cent were from outside of the Pilbara.

In addition to the music festival component there were over 20 associated community and fringe activities which extended the footprint of the festival, provided an opportunity for local youth and environmental groups to be involved and delivered a legacy for the region.

The festival delivered extensive media coverage, high quality line-up of performers, and the ability to attract an audience from under 18 years of age to people over 50.

The 2015 event was supported by corporate sponsorship from BHP Billiton, Atlas, The Landing Port Hedland, Coates Hire, GWN7, REDFM, The North West Telegraph, Pilbara Ports Authority, Fortescue Metals Group, ESS, Ibis Styles, MacAlesse, QUBE, MACA and Go West. Sponsorship provided by Eventscorp (previously \$250,000) was reduced to \$25,000. Due to a reduction in corporate sponsorship and a reduction in ticket sales, the income component was lower than in previous years. However with new sponsors and a reduction in expenditure the overall costs were managed effectively. The financial implications are detailed in the financial and risk section of this report.

The event was well managed and received positive feedback from stakeholders and the public. There were no major issues arising out of the 2015 event.

Event management arrangement

Since its inception in 2012 the North West Festival has been event managed by Sunset Events. Following a request for tender/proposal, Sunset Events were re-appointed as the event managers for the period 2015 - 2017 with a three year option at the October 2014 Ordinary Council Meeting (decision 201415/089). Sunset Events has the opportunity, subject to considerations such as the Event continuing and their performance, to make the North West Festival the best Festival and Fringe event anywhere in regional Australia for a further 5 years.

The Management Contract with Sunset Events has been written as a 1+1+1+1+1+1 (first year 2015) allowing for a review each year, with the next year of the Event being approved by mutual agreement by both Parties, subject to conditions, including performance by the Event Manager. This format is consistent with the previous contract.

As per the contract between the Town and Sunset Events the event management fee of up to \$250,000, is taken from the event's profit. Any profit above this amount is to be shared between the parties on a shared agreement arrangement. Should the event make a profit of less than \$250,000, Sunset Events would only receive that amount. Should the event make a loss, Sunset Events bear the loss and the Town is not required to provide additional funds on top of its existing \$500,000 contribution.

This year the Town agreed to underwrite the management fee up to a guaranteed amount of \$150,000, with Sunset Events in turn agreeing to reduce its management fee from \$250,000 to \$150,000 based on the guaranteed fee. This was negotiated, in part, based on the uncertainty of the income to be received from the Event, with the Eventscorp funds not confirmed (and subsequently not forthcoming) and another sponsor of up to \$100,000 at risk (which eventually was honoured). Due to the uncertainty of income, which meant that there was limited guarantee that the Event Manager would receive any of the event management fee, the \$150,000 guarantee was introduced. It should be noted that the contract for ensuring years does not have this commitment, but does require that both parties negotiate in good faith. This is also the reason that the Town has a further \$25,696 to be paid to Sunset Events as part of the 2015 management fees.

As outlined in previous preliminary reports to Council, the Town's contribution for the first five years was anticipated to be \$500,000. However the Event Management Contract also outlines that it is the intent of the Town to reduce its sponsorship amount provided to the Event over the life of the festival.

For the 2015 event it should be noted that the event achieved a \$124,304 profit. Therefore the Town is required to "top up" the event management fee by \$25,696 as part of the guaranteed \$150,000 management fee amount.

Corporate partners

The event has been enabled by the support of corporate partners including BHP Billiton, Atlas, The Landing Port Hedland, Coates Hire, GWN7, REDFM, The North West Telegraph, Pilbara Ports Authority, QUBE, MACA, Fortescue Metals Group, Ibis Styles and Go West. Over the previous four years, the Town has been the major sponsor of the North West Festival, both with a cash contribution and in-kind work. BHP Billiton Iron Ore has been a principal partner since the festival commenced.

BHP Billiton Iron Ore has been secured as a corporate partner for 2016.

Additional corporate and local partners will be sought to enable the successful delivery of future events.

2016 North West Festival

In planning for the 2016 event, it is crucial that budgets and approvals are confirmed as early as possible to enable superior artists to be secured and provide adequate time to secure corporate partners.

The 2016 Event should seek to continue to increase visitor length of stay in the region, increase visitor expenditure, increase community pride and improve destination awareness.

In review of the 2015 event and planning for 2016, Sunset Events have made a number of suggestions to build on the event and improve its economic sustainability. These include:

- Ensuring longer lead times to market and promote the festival experience to a wider audience
- Developing attractive festival based tourism packages
- Attracting quality sponsors willing to value add to overall experience
- Modifying operating hours of the music festival to allow more time for public to enjoy fringe activities and for those travelling from out of town. This would also provide potential for cost savings from artist and operational perspective
- Headlining the Sunday Sundowner with a popular contemporary artist to generate wider appeal and increase attendance and potentially relocating to an established venue
- Targeting sponsors earlier

It is expected that the event will continue to be combined with the Hedland Art Awards and North West Economic Summit, providing a suite of activities along with a three-day music event. This will have a positive impact on the town both socially and economically. It allows for all members of the local community to participate in the events and for visitors to experience the town over multiple days providing more economic benefits.

Community Feedback

Following Council's October 2015 decision to defer their consideration, there has been notable media coverage, social media discussion and the creation of an online petition. A petition was received on Thursday 12 November 2015 by the Town to save the North West Festival that has been signed by 570 people with over 180 comments in support of keeping the North West Festival. The petition and comments are listed under attachment 6. The petition was initiated by a community member and can be seen as an indicator of the level of value that the community has put on the event.

Since its inception a number of stakeholders and community partners have provided letters of support and thanks for the event. The Event has been the catalyst for year round community events – such as PH Factor at the Esplanade Hotel and Hedland Unplugged on Spirit Radio.

The Town is also aware of other commentary from the community on social media questioning the benefits of holding such a large event in Hedland. This appears to be confined to a small section of the community and no correspondence to this regard has been formally received by the Town to date.

FINANCIAL AND RISK IMPLICATIONS

The audited statement of receipts and payments for the 2015 North West Festival indicates that the event had an income of \$1,355,399 and expenditure of \$1,231,095 and therefore made a profit of \$124,304 before payment of the event management fee.

The Town's budget for the North West Festival for 2015/16 can be broken down as follows:-

	2015/16 Budget
Expenditure	\$1.1M
Income	\$0.475M
Net Budgeted Cost to Town	\$0.625M

The amount of \$0.625M in the table above includes the \$0.5M annual subsidy provided by the Town plus an amount to top up the event management fee derived from the event profit. Based on the audited statement of receipts and payments, the Town's top up for the 2015 guaranteed event management fee is \$25,696. Therefore this is a budget saving of \$99,304.

Compared to previous years, the 2015 event reduced its expenditure to match the reduced income.

The financial performance for the North West Festival over its four year history is outlined below:

Year	Income	Expenditure	Event profit (loss) prior to management fee	Management Fee	60 /40 profit split ToPH & Sunset	
2012	\$1,511,162	\$1,155,462	\$355,700	\$250,000	\$105,700	1 day event
2013	\$1,557,965	\$1,265,517	\$292,448	\$250,000	\$42,448	1 day event
2014	\$1,631,459	\$1,457,315	\$171,144	\$250,000	\$0 insufficient profit to meet management fee	3 day event
2015	\$1,355,399	\$1,231,095	\$124,304	\$150,000 guaranteed	-\$25,696 Town to pay shortfall on management fee	3 day event

In assessing the above figures, it is relevant to point out that they do not include any in-kind support provided by sponsors / companies. In-kind support has been received in a number of areas including catering, accommodation, lighting, toilets, and car hire. The type and level of in-kind support has varied across the years.

One of the biggest differences between the financial outcomes of the event's performance for the first three years compared to the fourth year is the loss of funding from Eventscorp. It is noted also that the Event moved from a one day Event to a three day Event in its third year and in doing so, the difference in expenditure from the 2013 to the 2014 event increased by \$191,798. However the expenditure between 2014 and 2015 decreased by \$226,220 which means that the expenditure for 2015 (three day event) compared to 2012 (last one day event) was \$34,422 less with a three day event.

As per the Town's contract with Sunset Events, the event management fee is taken from profit and "topped up" if required by the Town. The Town negotiated a guaranteed event management fee of \$150,000 for the 2015 event. Therefore the Town is required to "top up" the fee by \$25,696.

Corporate sponsorship will be a key component of the 2016 event's delivery. On the basis that the Town provides a cash contribution of \$500,000 which combined with the existing confirmed corporate sponsorship provides a solid platform of \$800,000 for the event. Other revenue will be obtained from ticket sales, additional sponsors and food and beverage sales.

It is recommended that the Chief Executive Officer negotiate the event management fee with Sunset Events based on the scope and extent of corporate sponsorships achieved for 2016. If significant sponsorship is obtained, it would be in the Town's favour to negotiate a guaranteed \$150,000 deal, as it means that the Town would be able to receive a rebate without having to meet the full \$250,000 management fee. If sponsorship is low, then it is less advantageous for the Town to offer a management fee guarantee. These discussions would also be subject to negotiations with the event manager noting that the final event budget income figure will also be subject to ticket sales and associated income in addition to sponsorship.

Alternative funding options

Options available for the delivering of the Festival in 2016, include:

1. Given the five years remaining on the contract, there is an option to continue to sponsor the event in 2016 for \$500,000 and then reduce the sponsorship amount annually for consecutive years by \$50,000. This option would provide a clear direction to the Event Manager on Council's intention moving forward and provide time for them to make ongoing adjustments.
2. An alternative option would be to reduce the Town's sponsorship significantly from \$500,000 however it is not known what impact such action would have on the Event in the immediate and longer term. It is possible that by reducing the Town's funding significantly the Event would not be able to proceed.

It should be noted that the costs associated with putting on a three day event are largely similar to a one day event and the ticket revenue would decrease significantly at a one day event. It is noted however that if the festival's days were reduced, that there may be some savings in areas including talent, airfares, and staffing. It is uncertain what impact overall it would have on the bottom line.

It should also be noted that changing the format of the event to be more of a DJ party or folk style event may reduce costs, however would discredit the established brand and value of the event. The North West Festival provides an event of significant talent that attracts national media coverage, attracts significant visitation, significant social and cultural outcomes for the town and positions Port Hedland as the cultural capital of the region.

STATUTORY AND POLICY IMPLICATIONS

The Strategic Community Plan 2014 – 2024 supports the North West Festival being held, as outlined below:

Outcome 1.1 - A unified community across our Town.

Provide safe and accessible community facilities, services, events and open spaces that connect people and neighbours.

Outcome 1.2 - A vibrant community rich in diverse cultures.

Deliver and support programs, events, facilities and services which attract and retain residents to increase our permanent population.

ATTACHMENTS

1. Audited Statement of Receipts and Payments for the 2015 North West Festival
2. Presentation from Sunset Events at October 2015 OCM
3. Response to questions from Councillor Blanco (Under Separate Cover)
4. Summary of previous Council decisions
5. Feasibility Study on a high profile event in Port Hedland (Confidential – Under Separate Cover)
6. Petition 'Save the North West Fest' (Under Separate Cover)

12 November 2015

**ATTACHMENT 1 TO ITEM 12.1.3**

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**INDEPENDENT AUDITOR'S REPORT TO
THE TOWN OF PORT HEDLAND and SUNSET EVENTS
IN RESPECT OF
NORTH WEST FESTIVAL 2015**

We have audited the accompanying statement of Receipts and Payments of the North West Festival 2015 (the "Festival") for the period of 21 October 2014 to 20 October 2015, a summary of significant accounting policies and other explanatory information. The financial statement has been prepared by the Directors of the Event Manager using the basis of accounting described in Notes to the statement of receipts and payments.

The Directors of the Event Manager are responsible for the preparation of the financial statement in accordance with the notes to the statement of receipts and payments; this includes determining that basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances, and for such internal control as the Directors of the Event Manager determine are necessary to enable the preparation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Event Manager's preparation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Event Manager's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Directors of the Event Manager, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of the Australian professional accounting bodies.

Audit Opinion

In our opinion, the statement of receipts and payments of the North West Festival 2015 presents fairly, in all material respects, in accordance with the receipts and payments basis of accounting described in Notes.

**Basis of Accounting**

Without modifying our opinion, we draw attention to the Notes to the statement of receipts and payments, which describes the basis of accounting. The financial statement is prepared to provide information to the Town of Port Hedland and Sunset Events. As a result, the financial statement may not be suitable for another purpose.

Dated this 6th day of November 2015 in Osborne Park, Western Australia.

VIRAL PATEL
T/AS AUDITPLUS SOLUTIONS
CPA, FCCA, Registered Company Auditor (No.333615)

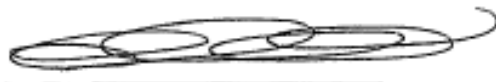
North West Festival
Statement of Receipts and Payments
for the period 21 October 2014 to 20 October 2015

	2014	2015
Ticket Attendance (Paid)	3,920	3,171
Income		
Catering	\$66,440	\$57,235
Exhibition/Stalls	\$2,400	\$1,800
Merchandise	\$7,731	\$5,282
Sponsorship	\$1,187,059	\$986,500
Sundry	\$8,250	\$25
Ticket Sales	\$359,580	\$304,558
Total Income	\$1,631,459	\$1,355,399
Costs		
VIP Catering Expenses	\$28,340	\$18,334
Event Costs	\$229,203	\$204,334
Event Staff	\$192,522	\$197,639
General Expenses	\$26,386	\$23,576
Marketing	\$92,141	\$74,799
Office, admin & overhead costs	\$25,000	\$25,000
Production	\$144,891	\$147,037
Site Infrastructure	\$78,045	\$40,763
Sponsorship Costs	\$73,905	\$56,102
Talent	\$471,691	\$372,445
Travel, Accom & Meals (Event Staff)	\$95,192	\$71,066
Total Costs	\$1,457,315	\$1,231,095
Gross Profit	\$174,144	\$124,304
Event Management Services		
From profit	\$174,144	\$124,304
TOPH	\$0	\$25,696
Total	\$174,144	\$150,000
Net Profit / (Loss)	\$0	\$0

North West Festival 2015
Notes to the Receipts and Payments Statement
For the period 21 October 2014 to 20 October 2015

1. The attached statement is based on cash receipts and payments, however the following accruals have been included:
 - Accountancy Fees: \$5,000
 - Backstage Catering: \$6,600
 - Sundry Marketing: \$2,000
 - Site Reinstatement: \$2,500
 - Local Contracts: \$100
2. Except otherwise stated, all amounts referred to in this statement are GST exclusive.
3. The North West Festival was held on the 21st and 22nd of August 2015 at the Port Hedland Turf Club on McGregor Street, Port Hedland WA 6721 and on the 23rd August 2015 at the Port Hedland Civic Centre Gardens.

Directors Signatures



James Legge



Dave Chitty

NORTH WEST FESTIVAL 2016 COUNCIL PRESENTATION

Wednesday 28th October, 2015



Background

- The North West Festival has recently completed its fourth successful year.
- Return on investment for Town of Port Hedland has increased dramatically from year one without any increase in funding from Town of Port Hedland since the onset.
- Level of investment at \$500k has remained constant.
- However event has gone from one day event with one nights camping for \$500k investment from TOPH in year one to a two day music festival event, two nights camping, Sunday Sundowner, Fringe Festival, extensive community activation, Saturday markets, art awards, and Economic Summit.
- All of the above has resulted in:
 - increased sponsorship investment from other stakeholders across multiple days and multiple event offerings,
 - increased local community and business involvement,
 - increased spend from visitors and more of them,
 - increased exposure and profile of TOPH as a regional centre and most liveable vibrant city in the Pilbara
- Conceptionally return of investment has compounded well beyond first year returns and anyone's expectations in four years.
- Event now needs to consolidate and needs sponsorship to maintain at current levels.
- Any reduction will result in content being dropped and the domino effect of sponsors cutting back or pulling out as they wouldn't be receiving what they are now investing in.

Overview

- Since 2014 the North West Festival has expanded into a multi-day event.
- 2015 added even more components to the offering including the Port Hedland Art Awards and the Economic Summit.
- Attendance was better than expected . Total patron attendance at music festival component was 4621 over the weekend
- A simplified snapshot of the demographics showed 52% Port Hedland, 48% other areas.
- Pricing and return for investment consolidated despite local economic trend.
- The primary goal for 2016 would be to further consolidate the 2015 event, ensuring each component of the festival has a memorable content that appeals to each specific audience and is clearly within the brand of the festival deliverables.

Overview continued

- The North West Festival is vital in the building of a strong, vibrant and sustainable community and assist in making Port Hedland an attractive place to live and retain those already living in the town in order to sustain economic viability.
- In 2016 it is important to
 - Maintain increasing visitor length of stay in the region
 - Increase visitor expenditure
 - Improve destination awareness and increase civic pride and community solidarity.
- The Northern Territory has a similar philosophy around events, many are not commercially viable so are highly subsidised in order to deliver “a quality lifestyle” for communities living in isolation. (Rachael Telford, Director Tourism NT)

Economic Outcomes

- The scorecard from the 2015 event is impressive with a total of 544 days spent in Port Hedland by Festival staff, artists and additional services alone.
- Over \$80K was spent by the those employed by the festival ($\$73/\text{person} \times 2 \times 544 \text{ days}$)*, which is a conservative figure *not including accommodation or travel arrangements*.
- With 48% of the festival attendees as visitors spending an average of 2.5 days in Port Hedland the same ratio can be applied ($\$73 \times 2 \times 2218$)*. This equates to \$323,840 not including travel and accommodation.
- It is estimated local attendees spend approx half of visitors ($\$36.50 \times 2 \times 2403$)*. This equates to \$175,413
- Total estimated direct economic impact is \$580,000.
- It is difficult to immediately measure the ripple effect that is generated by events such as festivals, however an influx of repeat and word of mouth visitors creates additional casual jobs in the service industries for local people and stimulates significant and additional benefits in other areas of sales.
- Hard to measure impact on Town of Port Hedland as a more liveable city.
- * \$73 for each dollar is a minimum accepted economic calculator for event economic impact from government tourism offices. The “flow-on” effect is doubled across the business sector/community.

Outcomes

- Cost Management Summary
 - Total 2014 Bottom line event expenditure \$1,457,315 (audited)
 - 2015 \$1,231,096 (audit pending)
 - Cost Savings/Reductions \$ **226,219** ↓ (over 15%)
- A significant outcome particularly considering the additional improvements created to value add to the 2015 event.
- Similar savings from 2014 – 2013 were achieved.
- Cost reduction and management synergies nearing maturity/completion.
- Consolidates need for sponsorship to maintained.

Future Outcome Targets

There are number of quantifiable deliverables that can be set in accordance to research into generic event/festival modeling that incorporates cost re-allocation as opposed to cost cutting

The following is suggested.

1. Longer lead times to market and promote the festival experience to a wider audience.
2. Tap further into the tourist market, develop attractive festival day tourism packages.
3. Attract more quality sponsors willing to value add to the overall festival experience.

Operational Changes

Music Festival - Operating hours

- In 2015, afternoons at the festival on both Friday and Saturday were quiet, but well attended in the late afternoon and evening.
- Recommendation: later starts on both days – gates opening at 1600 entertainment commencing 1700-2400.
- Justification: This will allow a longer lead time for out of town campers and shift workers to set up, also allow more time for the public to attend and enjoy fringe, community and art events during the day.
- Compliments to Council on the continuance of the art awards and Economic Summit despite lack of Tourism support.

Operational Changes

Music Festival - Programming

- In 2015 the entertainment was purposely programmed to be stronger on the Saturday to attract campers earlier for an extended festival attendance – there was no change to former camping habits.
- Recommendation: Strong programming on both days to encourage maximum attendance on both days.
- Justification: Ability to develop all aspects of the festival by giving a stronger wider audience appeal.

Operational Changes

Music Festival - Benefits of Changes

- With both days starting later, there are potential cost savings from both an artist perspective and operationally (security, temp staff, contractors).
- Trading hours will maximise the time available for patrons to experience other aspects of the weekend such as Fringe, Art Awards, Summit, community activities and tourism opportunities in the Town of Port Hedland generally.
- New timing would allow the Economic Summit to be further elevated in status and content in the festival program complimenting the Friday evening entertainment.
- These considerations are not budget driven rather a correction to supply to audience and patron demand.

Operational Changes

Sunday Sundowner

A change is needed for this section of the weekend.

- Headlining with a popular adult contemporary artist (ie James Reyne) to generate a wider appeal to reach a family demographic.
- This should potentially increase attendance to this event and reach out to the families, developing another level of community satisfaction.
- Potentially also giving the Sunday night a new dimension and identity, and extending the value of the festival.
- Alternative sites being considered.

Operational Changes

Sunday Sundowner continued

Recommendation:

- Condense the experience into a shorter time frame.
- Change the tone of the entertainment.
- Relocate the event.
- Develop a stronger youth and children focus.
- Introduction of market and artisan stalls
- Look for other children's activities – suggested pop up sand pit or maze, activities that are different.

Communications

Recommendations:

- In the early planning phases for 2016, all elements of the festival should be reviewed to amplify the Communications and Marketing Plan
- The current brand is strong, well received and has key creative assets.
- All local groups should use this branding for inclusion in the Festival program giving Town of Port Hedland more control over printed material gaining greater recognition for themselves and sponsors.
- Town of Port Hedland community involvement program was holistically successful in 2015, pleasing results.
- Need all exchanges of information transparent within the festival to allow them to be encompassed into the overall Communications Plan.

Communications

Recommendations continued.

- Deliver a Communications Plan to the market place early, stimulating participation in all aspects of the festival including Economic Summit and Art Awards.
- Develop festival packages with tourism options to encourage people to come into Port Hedland earlier or at the very least create awareness of the products available for later use.
- Do something radical and invite Malcolm Turnbull to keynote at the 2016 Economic Summit.
- If not already in progress develop a parallel youth Economic Summit through the education system.

Sponsorship

- The Festival Communications Plan will be pivotal in the delivery of the sponsorship strategy for 2016.
- Sponsors to be targeted earlier (get a head start on the competing surrounding areas).
- Ideally sign off on sponsorship documents by January and first presentations from February onward.

ATTACHMENT 4 TO ITEM 12.1.3

Summary of previous Council decisions

At the 28th October 2015 OCM, council deferred any decision on the North West Festival until audited financial statements for the 2015 Event were available. The Audited Reports has been circulated under separate cover.

In addition to the Audited Report, the following summary of the North West Festival, from it development through to the fourth year of operation is provided.

A report to the 22 June 2011 Council Meeting, outlined that Council's Strategic Plan 2010 – 15 included actions to "Actively seek to attract 'draw card' entertainers and events to the Town of Port Hedland and to 'Actively seek to attract or establish a nationally significant event to Port Hedland.' The Council report further outlined that a Request for Proposal process for a feasibility and business development plan on presenting a high profile event featuring an international household name performer in the Town was conducted. This Feasibility Study was undertaken by Sunset Events.

The Council Report outlined some details from the Feasibility Study including a vision statement, site assessment, potential style of performer, timing and suggested dates, suggested budget, staffing and volunteers and accommodation.

The budget implications outlined in the 22 June OCM report to Council talked about the proposed Event costing approximately \$1.4 million in Year 1. The feasibility study proposal recommended that Council allocated a sum of \$500,000 in the 2011/12 budget as its potential contribution to the event. This contribution was proposed to be conditional on the balance of the funding being sourced from other parties.

The 22 June Council Report also outlined that the sponsorship commitment to the Event from Council, under the conditions proposed in the Feasibility Study was for a period of 5 years. The annual contribution from Council is proposed to remain constant at \$500,000. Within the budget implications section of the Council Report, it also outlines that as the Event develops and achieves greater audience numbers, it is intended that the agreement with the lead contractor would be reviewed to further offset costs of the Event to the Town.

The following is the recommendation from the 22nd June 2011 OCM:

- 1. Noted the outcomes of the feasibility study on a high profile event in Port Hedland; and*
- 2. Considers an amount of \$500,000 in the 2011/12 Budget, which is conditional on the sourcing of other funding up to a total amount of \$1.5 million towards the event; and*
- 3. Authorises Officer to seek addition funding support for the proposed event; and*
- 4. Notes that a further report will be provided in August 2011 regarding the outcomes of efforts to secure funding for the proposed event. If the*

- Event does not receive funding then Council is to withdraw the conditional funding of \$500,000 from this year's budget estimates; and*
5. *Endorses that the report and recommendations are made public, with the attached feasibility Study remaining confidential due to the commercial nature of the information contained."*

At the 21 September 2011 OCM a further report was presented to Council. This report covered a variety of areas, including a Business Development Model for the North West Festival, which was outlined within the report as follows:

	Event Development	Projected Budget
2011/12	High profile contemporary Australian line up held at the Racecourse with community engagement strategy underway, marketing program attracting local and regional audience	\$1.1 million
2012/13	Mid-tier International profile act, with Australian support, held at the Racecourse with community engagement strategy further developed, marketing program attracting additional intrastate audience	\$1.3 million
2013/14	World class international high profile act, held at iconic event space on the Spoilbank with full community outcomes, marketing program attracting additional interstate audience	\$1.4 million
2014/15	World class international high profile act, held at iconic space on the Spoilbank with full community outcomes, marketing program attracting additional international audience	\$1.5 million
2015/16	World class international high profile act, held at iconic event space on the Spoilbank with full community outcomes, marketing program attracting additional international audience	\$1.5 million

The Council Report (21 September 2011) notes that key changes throughout the Event's development years are likely to occur in the areas of marketing, production scale / complexity / cost as well as headline act drawing power and cost.

The body of the 21 September 2011 Council Report outlines that should other / external party funding exceed the balance required then the contribution from Council will be reduced by the same amount. It also suggests that the Request For Tender will require that any shortfall in funding of up to \$1.1 million towards Year 1 Event will be covered by the successful tenderer. This mitigates any risk that the Council will be liable for funding other than it has already committed in the 2011/12 budget and provides an incentive for the successful tenderer to fully realise the funding strategy.

The same Council Report further outlined that the sponsorship commitment to the Event from Council, under the conditions proposed in the Feasibility Study, is for a period of 5 years. The annual contribution from Council is proposed to

remain constant at \$500,000. As the Event develops and achieves greater audience numbers, it is intended that the agreement with the lead Event contractor will reflect an offset to costs of the Event to the Town, through increased levels of external sponsorship and Event revenue.

The Recommendation from the 21 September 2011 Council Report was as follows:

“That Council:

- 1. Notes the update on progress of a high profile Event in Port Hedland; and*
- 2. Authorise the Chief Executive Officer to secure the services of a professional Event company through a Request for Tender process once written confirmation is received from all corporate sponsors / supporters to conduct the 2012 Event; and*
- 3. Note that financial underwriting of the 2012 Music Event will be an essential criterion of the Tender Specifications, ensuring Council's financial exposure / risk is limited to the 2011/12 budget allocation; and*
- 4. Note that a further report will be provided in October 2011 recommending a preferred tenderer.”*

An updated Council report on the proposed North West Festival was presented on the 22 Feb 2012 OCM, where the recommendation was that Council:

- “1. Notes funding of \$950,000 secured for the proposed high profile music event, subject to Cabinet final confirmation of Eventscorp funding;*
- 2. Authorises the Chief Executive Officer to secure the services of a professional event company through a Request for Tender process for presentation of the Year 1 Event in the 2012 calendar year;*
- 3. Endorses the Request for Tender (Event Management – High Profile Music Event) will be on a 1 + 1 + 1 year, mutual agreement basis;*
- 4. Notes that 3. provides Council with the opportunity to evaluate the success of the year 1 Event and consider the funding and delivery of year 2 and year 3 Events;*
- 5. Notes that financial underwriting of the 2012 Music Event will be an essential criterion of the Tender Specifications, ensuring Council's financial exposure / risk is limited to the 2012/13 budget allocation;*
- 6. Carry forward the current 2011/12 allocation of \$500,000 to the 2012/2013 budget for the high profile music event; and*
- 7. Notes that a further report to Council will be provided in late March / early April 2012, recommending the preferred event management company and final budget confirmation to proceed with Event (including a critical timeline).”*

On the 28th March 2012 Council resolved:

“That Council awards Tender 11/29 – High Profile Event in Town of Port Hedland to Sunset Events to deliver the 2012 Event (on the basis of Sunset Events' tender submission), noting the following:

1. *The 1 + 1 + 1 term of engagement offered in the tender, and that a review of the 2012 Event will be undertaken and reported to the Council prior to delivery of subsequent events in 2013 and 2014.*
2. *That a payment of up to \$250,000 will be provided to Sunset Events as an event management fee. This will be deducted from ticket sales and additional sponsorship received and determined at the end of the Event. There is no payment of management fees to Sunset Events until after the Event.*
3. *That if the Event records less than \$250,000 in ticket sales and additional sponsorship, then the shortfall will be allocated from the following year's surplus (if a surplus is achieved). This accrued shortfall will be in addition to the management fee payable in relation to that year. If there is an accrued shortfall at the end of the contract period, whenever that may be, there will be no liability to Town of Port Hedland.*
4. *That Part 2 and 3 of the Officer's Recommendation are subject to a satisfactory review of the 2012 Event and subsequent delivery of Events in 2013 and 2014, as detailed in Part 1 of the Officer's Recommendation.*
5. *That Sunset Events assumes all financial risk and therefore liability associated with a shortfall of an event in any year.*
6. *That in the event of ticket sales and additional sponsorship being in excess of \$250,000 (and assuming any shortfall in management fees has also been paid) then the surplus profit will be shared by way of 40% to Sunset Events and 60% to Town of Port Hedland.*
7. *That the Town of Port Hedland will auspice the Event in all relationships with corporate partners, suppliers and Government agencies and will have full audit rights of the accounts of the Event.*
8. *The indicative budget supplied as Confidential Attachment 1.*
9. *That expenditure incurred by Sunset Events will be reimbursed on a monthly basis on receipt of detailed financial statements with audited financial statements being supplied within a timely manner after 30 June of each applicable financial year."*

The inaugural North West Festival was held in August 2012, at the Port Hedland Racecourse. As a follow-up to this Event, a report was submitted to Council, and the recommendation was as follows:

24th October 2012 Council endorsed the following recommendation:

"That Council:

1. *Notes the review of the 2012 North West Festival;*
2. *Endorses payment of the \$250,000 event management fee to Sunset Events for the 2012 North West Festival;*
3. *Notes the anticipated pre audit revenue surplus of approximately \$100,000 for the 2012 North West Festival;*
4. *Notes that 60% of the audited revenue surplus for the 2012 North West Festival will be rebated to the Town by Sunset Events;*
5. *Endorse the delivery of the 2013 North West Festival;*

6. *Notes that under the terms of awarding of Tender 11/29, the 2013 North West Festival will be managed by Sunset Events;*
7. *Delegates authority to the Chief Executive Officer to negotiate a modification to the 2013 North West Festival cash flow from an expenditure reimbursement to the following milestone based payment schedule: 30% in month of event announcement, 15% in month following event announcement, and 55% in the month of the event."*

It is noted on this occasion that the audited figures were not available (24th October 2012 OCM), when Council endorse the 2013 North West Festival.

The North West Festival was held in 2013 and following the Event, a report was submitted to the 11 December 2013 OCM with the following recommendation:

"That Council:

1. *Notes the review of the 2013 North West Festival;*
2. *Notes payment of the \$250,000 event management fee to Sunset Events for the 2013*
3. *Notes the anticipated pre audit revenue surplus of approximately \$46,000 for the 2013 North West Festival;*
4. *Notes that 60% of the audited revenue surplus for the 2013 North West Festival will be rebated to the Town by Sunset Events;*
5. *Notes that the delivery of the 2014 North West Festival will be considered in early 2014; and*
6. *Notes that under the terms of awarding of Tender 11/29 and subsequent contractual arrangements, the 2014 North West Festival will be managed by Sunset Events."*

It is noted on this occasion, that Council deferred its decision on holding the 2014 North West Festival until the next calendar year, and that at the time of receiving the December 2013 report that the audited figures were not presented.

A report was presented to the OCM on the 29 January 2014, as a follow-up report to the 11 December 2013 OCM report. At the January 2014 OCM, it is noted that the body of the report proposed expanding from a 1 day to a 3-day format for the North West Festival that would introduce new activities, broaden the Festival demographic and encourage multi-night stays. In this year, BHP also increased their sponsorship to support the Event moving into a three day format.

To enable the growth of the Festival, and to expand on Council's stated aims and desired outcomes, it was proposed that the Event be expanded to a 3-day format in 2014, with the following table representing existing elements and proposed changes.

2013 North West Festival	2014 North West Festival
Saturday event at Port Hedland Turf Club featuring high profile Australian performers, mid-level international act and 'Best of the North West' winner	Saturday event at Port Hedland Turf Club featuring high profile Australian performers, major international act and 'Best of the North West' winner

	Friday night event at Port Hedland Turf Club featuring local acts and mid to high profile Australian acts with the aim of engaging Friday night campers and Festival attendees
	Sunday night event at the Civic Centre Gardens with a sundowner focus featuring acoustic performers and DJ acts
Saturday night camping facilities	Friday and Saturday night camping facilities
	Saturday morning markets in West End
Community Engagement Strategy	Extended Community Engagement Strategy, that builds on the existing focus of youth art, environmental and economic initiatives and activities

The 2014 Event was the first year that the North West Festival moved to a 3 day event. It was also the final year of the Event Management Services agreement, which needed to go out for re-tender.

A Request For Tender was advertised, with submissions being received and assessed. A report was presented to the 22 October 2014 OCM and recommended:

“That Council:

1. *Award Request For Proposal 14/12 – Event Management Services North West Festival 2015 – 2017 to Sunset Events for the period 2015 to 2017 for an event management fee of \$250,000 per annum (GST exclusive) with an option for a further three years subject to performance criteria being met;*
2. *Request the Chief Executive Officer, or his delegate(s), to negotiate the final contractual agreements; and*
3. *Note that an application for funding of the North West Festival has been submitted to Eventscorp.”*

After the 2014 North West Festival was held, a report to approve the 2015 Event was presented to Council at the 17 December 2014 OCM recommending:

“That Council:

1. *Note the review of the 2014 North West Festival;*
2. *Endorse the delivery of the 2015 North West Festival;*
3. *Note that under the terms of awarding of Request For Proposal 14/12 the 2015 North West Festival will be managed by Sunset Events;*
4. *Endorse the payment in the 2015 /2016 Financial Year of \$250,000 (GST exclusive) to Sunset Events for Event Managing the 2015 North West Festival subject to the event being delivered in accordance with contract requirements;*
5. *Note the audited figures for the 2014 North West Festival; and*
6. *Approve an allocation of \$500,000 in the 2015/2016 budget as the Town’s contribution to the 2015 North West Festival.”*

In approving this event, it is noted that the audited figures were available at the time the decision was made.

The extended three day format of the North West Festival provided an opportunity for people to stay in Port Hedland for a longer period of time. To build on this opportunity, in 2015, the Port Hedland Art Awards were linked to the North West Festival, as was the inaugural Economic Summit. The longer term focus has been on "building" a week of activities that will "entice" people to Port Hedland and to get them to stay longer and enjoy a wide variety of offerings and assisting the local economy. From an attraction to Port Hedland perspective, the 3 day format with the additional fringe activities has been successful.

12.1.4 Facility Development - Faye Gladstone Netball Courts

Graeme Hall, Manager Recreation Services and Facilities
File No. 26/14/0028

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/087 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR WHITWELL

That Council:

- 1. Note the update provided with regard to the project to develop a club room facility at the Faye Gladstone Netball Courts.**
- 2. Note that the Town has received confirmation from BHP Billiton Iron Ore, that they are supporting the Faye Gladstone Netball Courts-Club Room Facility project to the value of \$1,142,000.**
- 3. Note that the \$1,142,000 support from BHP Billiton Iron Ore is inclusive of \$12,000 for operational/leasing costs that may be incurred by the Port Hedland Netball Association during the first three years of operation in the new building.**

CARRIED 9/0

EXECUTIVE SUMMARY

The Port Hedland Netball Association and the Town of Port Hedland are working collaboratively with supporting organisations, BHP Billiton Iron Ore and Pilbara Development Commission (through the Royalties for Regions funding program) to develop a club room facility at the Faye Gladstone Netball Courts. The project budget is \$1,300,000, for the design and construction elements of the project.

Additional operational funds of \$12,000 are also included as part of this project to assist the Port Hedland Netball Association with leasing and facility related expenses during the first three years of operation.

It is recommended that the Council note that this project is proceeding as per the resolution from the Ordinary Council Meeting 24 June 2015 (201415/286) which stated that a further report to Council would be forwarded once the outcome of the request for funding to BHPB (Community Grants Program) was confirmed.

DETAILED REPORT

At its Ordinary Meeting on 24 June 2015, the Council was introduced to a project initially proposed by the Port Hedland Netball Association to construct a club room facility at the Faye Gladstone Netball Courts in South Hedland.

Development of this club room facility is a Town of Port Hedland project that was not initially funded as part of the 2015/2016 budget. The total project cost for the design and construction element of the project is \$1,300,000. Through support from external stakeholders (Pilbara Development Commission-Royalties for Regions initiative and BHP Billiton Iron Ore) sufficient funds have now been secured for the project to proceed. The Pilbara Development Commission have committed \$170,000 to the project, these funds have been provided directly to the Port Hedland Netball Association. The association has been committed to retaining control of these funds. The \$1,142,000 support for the project by BHP Billiton Iron Ore is being made directly to the Town. A copy of correspondence from BHP Billiton Iron Ore is included as an attachment (Attachment 1). The final contract for this project will be provided to the Town once final project milestone dates are confirmed.

The support from BHP Billiton Iron Ore is compiled of \$296,236 from the BHP Reserve and \$845,764 grant funding, inclusive of \$12,000 for operations. The grant funds were as a result of the Town making a formal application on behalf of the Port Hedland Netball Association. The funds have not been received at the time of writing this report as BHP Billiton are awaiting final project milestones to prepare the funding contract.

Because of the funding requirements by the different stakeholders it has been necessary for the Town to prepare a Memorandum of Understanding between the Town and the Port Hedland Netball Association, a copy of the draft agreement is attached (Attachment 2). The draft MOU will be completed once the project timeline has been confirmed. Both Parties will enter the agreement in order to provide clarity as to how grant funds specified for construction will be addressed.

The Town is collaborating with a project control group compiled of members from the Port Hedland Netball Association and the associated funding organisations to progress this project. In September 2015, the services of an architectural consultant for this project were sought through a request for quotation process. The project control group has endorsed the appointment of the Fratelle Group to progress with the architectural design component of the project.

The Fratelle Group were one of five architectural agencies that submitted quotes for the project. The Project Control Group was very confident in the capacity of all of the companies that submitted quotes to complete the task in accordance with the project specification. The submission by the Fratelle Group offered the best value for money.

The construction period for this project is expected to be between 15-18 weeks. Given that the construction will occur over the winter months, the project group are optimistic that weather disruptions will be minimal. The project will have minimal impact on the playing season of the association.

The architectural component of the project is due to be completed in early 2016 so that the Tender process for the construction element of the project can commence. The project budget for the construction process is inclusive of project management expenses. Where possible saving achieved through the project will be expended in enhancement of the overall quality of the finished facility.

FINANCIAL AND RISK IMPLICATIONS

The project budget for the construction element of this project is \$1,300,000. The budget is compiled of \$170,000 that was secured by the Port Hedland Netball Association via grant funding from the Pilbara Development Commission (Royalties for Regions Program). Further to this the Town has secured funding of \$1,142,000 from BHP Billiton Iron Ore (compiled of \$296,236 from the BHP Reserve and \$845,764 Community Grants Program).

As part of the grant request made by the Town to BHP Billiton an amount of \$12,000 was requested for operational costs (\$6,000 in 2016/2017, \$4,000-in 2017/2018 and \$2,000 in 2018/2019). As part of this project the Port Hedland Netball Association will enter into a lease agreement with the Town for the club room facility. It is envisaged that the \$12,000 operational support will be used to assist the Port Hedland Netball Association during the first three years to meet the leasing and operational costs incurred as a result of managing a facility.

As part of the September Quarterly Budget Review a \$1.312m adjustment is being requested to recognise \$170,000 from the Pilbara Development Commission and \$1,142,000 from BHP (Reserve & Grant funding). As \$12,000 is for operational costs across the 2016/17–2018/19 financial years, we are recommending that this amount be restricted in the Community Facilities Reserve until it is required to be drawn upon.

The inclusion of these grant funds from BHP Billiton Iron Ore is in accordance with the Towns grant policy (2/017 Grant Funding). The expenditure for the Faye Gladstone Netball Courts was not identified or authorized as part of the Town's budget process and will therefore require recognition within the quarterly budget review. As this project is fully funded the process outlined will not impact the municipal surplus.

Upon finalisation of the memorandum of understanding and funding agreement, if further adjustments are required to the budget, this will be presented to Council as part of the December Quarterly Budget Review.

The Councils Risk Assessment Matrix has been applied to a number of scenarios pertaining to this project. Based on the known information there are a number of risks that could be applied to this project, the identifiable risks are:

- The project not proceeding because of no endorsement by the Council
- Over expenditure of project budget
- Funds not being received from external partners

Officers have reviewed the risk assessment matrix with regard to this project. Deliberations would suggest that the occurrences for this project are considered low/acceptable and therefore considered manageable with routine procedures and ongoing monitoring.

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.

ATTACHMENTS

1. Correspondence from BHP Billiton Iron Ore
2. Draft Memorandum of Understanding - Town of Port Hedland and Port Hedland Netball Association (Under Separate Cover)

5 November 2015

ATTACHMENT 1 TO ITEM 12.1.4

**Iron Ore**

BHP Billiton IO Mining Pty Ltd
ABN 71 153 371 138
125 St Georges Terrace
Perth WA 6000 Australia
PO Box 7122 Cloisters Square
Perth WA 6850 Australia
Tel +61 8 63210000 Fax +61 8 63229978
bhpbilliton.com

22 October 2015

Graeme Hall
Manager Recreation Services
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Graeme

Faye Gladstone Netball Court Upgrade

I write in regards to the above mentioned project, which was recently considered for funding from our executive.

I am pleased to inform you that we have now finalised all approval requirements and I can confirm that funding support of \$1,142,000 has been confirmed.

Whilst this letter confirms our approval we request the provision of key performance indicators, and related timeframes in a table form, for us to finalise the deliverables under the Agreement for this project. Recognition elements will also need to be provided to us for approval.

I look forward to working with the Town of Port Hedland on this worthwhile project.

If you have any queries in relations to this please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peta Greening', written over a light green rectangular background.

Peta Greening
Team Leader Community Relations Port Hedland
Group Corporate Affairs

12.2 Works and Services

Nil

12.3 Corporate Services**12.3.1 Making of Town of Port Hedland Cemetery Local Law 2015**

Josephine Bianchi, Governance Coordinator
File No. 13/09/0002

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/088 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR ARIF

That Council:

- 1. Approve the proposed change to the Town of Port Hedland Cemetery Local Law 2015 as per Attachment 1;**
- 2. Resolve to make the Town of Port Hedland Cemetery Local Law 2015, as per Attachment 1, in accordance with section 3.12 of the Local Government Act 1995;**
 - a) the purpose of which is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and**
 - b) the effect being all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law**
- 3. Publish the *Town of Port Hedland Cemetery Local Law 2015*, as per (2) above, in the *Government Gazette* and provide copies of the local law to the Minister for Local Government;**
- 4. Give local public notice after gazettal of the local law advising the date on which the local law commences;**
- 5. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review; and**
- 6. Authorise the affixing of the Common Seal to the *Town of Port Hedland Cemetery Local Law 2015*.**

CARRIED BY ABSOLUTE MAJORITY 9/0

EXECUTIVE SUMMARY

The Council is required to approve one change in relation to the proposed Town of Port Hedland Cemetery Local Law 2015 since it was presented at its 26 August Ordinary meeting.

DETAILED REPORT

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

The proposed Town of Port Hedland Cemetery Local Law 2015 was presented to the Council at its Ordinary meeting of 26 August 2015 for final adoption.

However, following this decision, a further internal check revealed that section 7.14 'Requirements of a memorial plaque' required amending, as it did not reflect the Town's current practice.

The Town provides specifications to community members in relation to memorial plaques' dimensions and materials, however it does not supply them directly.

In view of this, it is proposed to change the wording of section 7.14 of the proposed Cemetery Local Law from "All memorials, placed in a memorial plaque section of the cemetery set aside by the Board, shall be supplied by the Board" to "All memorials, placed in a memorial plaque section of the cemetery set aside by the Board, shall be approved by the Board." The Board in this case being the local government.

As this is considered a minor amendment, should the Council resolve to accept this change, no further public advertising will be required, and the process to adopt the local law can continue in line with the Officer's Recommendation.

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

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

The purpose and effect of the Cemetery local law is –

Purpose – To provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

Effect - All persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

Consultation

Internal

Consultation in relation to the proposed local law was undertaken with Councillors and the Executive Leadership Team prior to the advertising of the local law.

External

- DLG Consulting
- Works and Services Directorate officers

FINANCIAL and risk IMPLICATIONS

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

It is important to review local laws regularly to ensure they are in step with legislative change and in line with current community needs and expectations. Enforcing outdated local laws represents a risk to the local government and may not be in the best interests of the community. By taking a proactive approach and reviewing its local laws the Town is keeping up to date with changing environment and community expectations.

STATUTORY AND POLICY IMPLICATIONS

Section 3.12 of the Local Government Act 1995 relates to the Procedures for making of local laws.

Section 4.1 'Strategic and best practice local government administration' under 'Leading our community' of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

ATTACHMENTS

1. Gazette ready copy of the Town of Port Hedland Cemetery Local Law 2015

5 November 2015

ATTACHMENT 1 TO ITEM 12.3.1

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

CEMETERY LOCAL LAW 2015

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on [insert adoption resolution date here] to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is cited as the *Town of Port Hedland Cemetery Local Law 2015*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies to the South Hedland Cemetery (Reserve No. 28672) located within the district.

1.4 Repeal of local law

The *Town of Port Hedland Local Law (Cemeteries)*, as published in the *Government Gazette* on 10 January 2000, is repealed.

1.5 Purpose and effect

- (1) The purpose of this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.
- (2) The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

1.6 Interpretation

- (1) In this local law unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

Administrator includes executor and any person who, by law or practice, has the right to apply for administration, and any person having the lawful custody of the body of a deceased person;

animal means any animal;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

assistance dog has the same meaning as is given to that expression in the *Dog Act 1976*;

authorised officer means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

Board means the Town of Port Hedland;

burial has the same meaning as is given to it in the Act;

cemetery means any one or any part of the public cemeteries in the district of the local government, which the Governor, by order, has placed under the care control and management of the local government;

CEO means the Chief Executive Officer of the local government;

Commissioner of Police means the Commissioner of Police for the time being appointed under the

Police Act 1892 and includes any person for the time being acting in that capacity in the absence of the Commissioner of Police.

dead body has the same meaning given to it in the Act;

district means the district of the local government;

funeral includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

funeral director means a person holding a current funeral director's licence;

funeral director's licence means a licence issued by the Board in accordance with clause 4.2, which entitles the holder to conduct funerals at the cemeteries;

grant means a grant issued by the Board, of an exclusive right of burial in a grave;

grave means a specified area of the cemetery for burial;

holder in relation to a grant includes-

(a) a person issued with a grant by the Board;

(b) a person for the time being appearing to the Board to be the holder of a grant;

local government means the Town of Port Hedland;

memorial has the same meaning as given to it in the Act;

military grave means a grave eligible for commemoration by the Office of Australian War Graves;

Minister means the Minister for Local Government;

monument includes a tombstone, vault, enclosure or other approved form of memorial;

monumental mason means a person, firm or company holding a current monumental mason's licence;

monumental mason's licence means a licence issued by the Board;

monumental work when the term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

personal representative means-

(a) the administrator or executor of an estate of a deceased person;

(b) the person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or

(c) a person having the lawful custody of a dead body;

remains means ashes or what remains of a dead body after burial;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette* under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

vehicle has the same meaning as is given to that word in the *Road Traffic Act 1974*, as amended from time to time, and includes trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but excludes a wheel chair being used by a physically impaired person.

- (2) Unless otherwise defined herein the terms and expressions used in this local law shall have the same meaning given to them in the Act.

PART 2—ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemeteries.

2.2 Grant of right of burial

The Board may issue to a person a grant of right of burial, for the term specified in the Act from time to

time, upon –

- (a) written application by that person; and
- (b) payment of the set fee.

2.3 Rights of holder

- (1) Subject to this local law, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board, a grant confers on a holder, during the term of the grant, an exclusive right—
 - (a) to bury one or more dead bodies, or the ashes of one or more dead bodies, in a grave specified in the grant; and
 - (b) to carry out monumental works on the grave specified in the grant.
- (2) The Board, in its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in the grave.
- (3) The Board or an authorised officer may request the holder to produce the grant before the exercise of any of the rights referred to in subclause (1) and the holder shall forthwith comply with that request.

2.4 Transfer of right of burial

A transfer of right of burial is dealt with in the Act.

2.5 Protection of right of burial

A protection of right of burial is dealt with in the Act.

2.6 Surrender of right of burial

A surrender of right of burial is dealt with in the Act.

PART 3—APPLICATION FOR FUNERALS

3.1 Application for burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

(2) Where—

- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body,

then the funeral director shall complete a certificate in the form determined by the Board from time to time.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 2 working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.5 Time for burials

- (1) Subject to subclause (2), a person shall only carry out a burial during the following days and hours-

- (a) Monday to Friday between 9:00 a.m. and 4:00 p.m.; or
 - (b) Saturday 9:00 a.m. and 11:00 a.m.,
- unless the Board has given written permission for an alternative date and time.
- (2) A person shall not carry out a burial on a gazetted public holiday in the State of Western Australia.

PART 4—FUNERAL DIRECTORS

4.1 Directing a funeral

A person shall not direct a funeral within a cemetery or otherwise make use of the cemetery for any purpose connected with directing the funeral unless that person is—

- (a) the funeral director;
- (b) an employee of the funeral director; or
- (c) a holder of a single funeral permit.

4.2 Funeral director's licence

- (1) The Board may, upon the receipt of an application in writing in the form determined by the Board and upon payment of a set fee, issue to an applicant a funeral director's licence authorising a holder to direct funerals within a cemetery at such times and on such days and subject to such conditions as the Board shall specify and in compliance with the provisions of this local law.
- (2) If the application referred to in subclause (1) is approved by the Board, the Board shall issue to the applicant a licence in the form determined by the Board.
- (3) A person who is the holder of a current funeral director's licence may apply for a new licence for the following year by lodging with the Board an application form and upon payment of the set fee.

4.3 Application for a single funeral permit

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.4 Application may be refused

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

4.5 Review of decision

An aggrieved person whose licence has been cancelled or suspended under this part may appeal to the State Administrative Tribunal against a decision of the Board under this part and in the manner stated in section 19 of the Act.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle access and speed limitations

- (1) Subject to subclause (2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the interment area.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.
- (3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed indicated by signs.

5.4 Offenders may be ordered to leave

A person committing an offence under clause 5.3(3) may be ordered to leave the cemetery by the CEO or an authorised officer.

5.5 Conduct of funeral by Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury a dead body within cemeteries under the delegation of the Board and in conjunction with the Act;
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; and
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 2—Placement of Ashes

5.6 Disposal of Ashes

- (1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—
 - (a) niche wall;
 - (b) scattering to the winds; or
 - (c) other memorials approved by the Board.
- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board's approval provided—
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS**6.1 Depth of graves**

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is-
 - (a) subject to paragraph (b), less than 750 mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600 mm.
- (2) The permission of the authorised officer in subclause (1)(b) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.
- (3) Every grave prepared by the Board shall be dug at least 1.8m deep and shall not exceed 2.3m in depth, unless otherwise determined by the Board.

6.2 Re-opening a grave

If for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

6.3 Exhumation of a coffin

- (1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

6.4 Opening of coffin

A person shall not open a coffin in the cemetery unless –

- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the Board an order signed by the Commissioner of Police and the Board has approved the opening of that coffin.

PART 7—MEMORIALS AND OTHER WORK*Division 1—General***7.1 Application for monumental work**

The Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6:00 p.m. on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Minor maintenance and repair works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning, touch up painting, etc on graves, without seeking the approval of the Board.

7.12 Australian war graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.13 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.

*Division 2—Memorial Plaque Section***7.14 Requirements of a memorial plaque**

All memorials, placed in a memorial plaque section of the cemetery set aside by the Board, shall be approved by the Board.

*Division 3—Licensing of Monumental Masons***7.15 Monumental mason's licence**

- (1) The Board may, upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.16 Expiry date, non-transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.19, be valid from the date specified therein until 30 June the next following year; and
- (b) is not transferable.

7.17 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.15 or does so as the employee of a person who holds such a licence;
- (b) is authorised by the Board to do so; or
- (c) has received from the Board permission to do so during a funeral service.

7.18 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, and any other written law which may affect the carrying out of monumental works.

7.19 Cancellation of a monumental mason's licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

PART 8—GENERAL

8.1 Animals and assistance dogs

A person shall not bring an animal into, or permit an animal to enter or remain in the cemetery, other than an 'assistance animal' as defined under section 9(2) of the *Disability Discrimination Act 1992* (Commonwealth), or with the approval of the CEO or an authorised officer.

8.2 Damaging and removing of objects

Subject to clause 8.3(3), a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Flowers

- (1) All flowers must be placed in vases or receptacles.
- (2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board.
- (3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery; or
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board

thinks fit.

8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in the addition to any penalty provided by this local law, be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

8.8 Fireworks or firearms

- (1) A person shall not bring or discharge any fireworks within the cemetery.
- (2) A person, except a police officer, shall not bring or discharge any firearms within the cemetery.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500 and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the Schedule 1 is set out in the column 4 of the Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

Schedule 1 – Prescribed offences

MODIFIED PENALTIES

[cl. 9.2(1) & (2)]

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.3(3)	Exceeding speed limit	\$50
2	5.3(3)	Not driving on constructed vehicle roadways	\$50
3	7.3	Not removing rubbish and surplus materials	\$50
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50
5	8.1	Animal within cemetery	\$50
6	8.4	Littering and vandalism	\$50
7	8.5	Unauthorised advertising or trading	\$50
8	8.6	Disobeying sign or lawful direction	\$50
9		All other offences not specified	\$50

Schedule 2 – Form 1
INFRINGEMENT NOTICE
 [cl. 9.2(3)]

TO: _____
 (Name)

 (Address)

It is alleged that at _____:_____ hours on _____ day
 of _____ 20_____ at _____

you committed the offence indicated below by an (x) in breach of clause of the *Town of Port Hedland Cemetery Local Law 2015*.

 (Authorised Officer)

Offence

- Animal within cemetery (cl. 8.1)
- Not removing rubbish and surplus materials (cl. 7.3)
- Exceeding speed limit (cl. 5.3(3))
- Leaving uncompleted works in an untidy or unsafe condition (cl. 7.7)
- Littering and vandalism (cl. 8.4)
- Unauthorised advertising or trading (cl. 8.5)
- Not driving on constructed vehicle areas (cl. 5.3(3))
- Disobeying sign or lawful direction (cl. 8.6)
- Other Offence _____

\$ _____

You may dispose of this matter—

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Town of Port Hedland at Port Hedland Civic Centre, McGregor Street, Port Hedland between the hours of 8:00 a.m. to 4.00 p.m. Monday to Friday.

Please make cheques payable to the Town of Port Hedland. Payments by mail should be addressed to—

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

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3 – Form 2

WITHDRAWAL OF INFRINGEMENT NOTICE
 [cl. 9.2(4)]

To _____ Date ____/____/____ No. _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of ^[2]

Penalty ^[3] \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

[1] Insert name and address of alleged offender.

[2] Insert short particulars of offence alleged.

[3] Insert amount of penalty prescribed.

(Authorised Officer)

Dated [date of signing]

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of-

K HOWLETT, Mayor

M OSBORNE, Chief Executive Officer

12.3.2 Proposed Town of Port Hedland Health Local Law 2016

Josephine Bianchi, Governance Coordinator
File No. 19/01/0006

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/089 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That Council:

- 1. Adopt the proposed Town of Port Hedland Health Local Law 2016 for advertising purposes;**
- 2. Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Town of Port Hedland Health Local Law 2016, as per Attachment 1;**
 - a. the purpose of which is to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community; and**
 - b. the effect being allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community and to remove obsolete and out-dated local laws relating to the district.**
- 3. Submit a copy of the proposed *Town of Port Hedland Health Local Law 2016* to the Minister for Health and the Minister for Local Government and Communities for comment.**

CARRIED BY ABSOLUTE MAJORITY 9/0

EXECUTIVE SUMMARY

The Town of Port Hedland Local Law has not been updated since 2000. The Local Government Act 1995 requires all Local Laws to be reviewed within a eight year period, as such this review is long overdue. The Town has engaged a consultant to assist with the review and drafting of a more modern local law that reflects the current needs of the Town. The proposed new Town of Port Hedland Health Local Law 2016 is based on contemporary drafting requirements and is similar in content to other local laws adopted by local governments. This draft local law is presented to Council for consideration.

DETAILED REPORT

The current principal Health Local Law was first adopted by Council on 22 March 2000 and was subsequently amended on 19 January 2001.

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Town of Port Hedland undertook a review of its local laws on 23 March 2013.

At the conclusion of the review process, it was identified that a series of amendments were required to the principal Health local law. However given the extensive changes, it is believed that a new local law will better serve the Town.

Food Act 2008

The Food Act 2008 regulates 'food businesses', including their registration, conduct and the imposition of fees and charges by local governments. This Act made significant amendments to the Health Act including:

- The repeal of those Parts that deal with eating houses, including the removal of a local government's powers to make local laws in respect of eating houses (Part V, Division 3); and
- The removal of other local law making powers such as sections 134(49), 52a, 199(14), 207 and 220.

The intention of the Food Act is to remove anomalies and different compliance regimes that exist between the large number of local laws that operate within the State, while at the same time protecting public health and maintaining the role that local governments play in maintaining standards.

Waste Avoidance and Resource Recovery Act 2007

The most relevant provisions of the Waste Avoidance and Resource Recovery Act (WARR) came into force on 1 July 2008. This Act repealed various provisions of the Health Act 1911 that dealt with the powers of local governments in relation to the collection and removal of rubbish, and had the effect of transferring the powers of a local government to make local laws about waste to the WARR Act (item 4 of Schedule 4).

New Public Health Act

The State Government has been aiming to have updated legislation in place for some time to replace the Health Act 1911. The Health Department of WA has advised that its promulgation is imminent. This however, has been the case for some considerable time, and there appears to be no immediate prospect of it happening.

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

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

The purpose and effect of the proposed Town of Port Hedland Health Local Law 2016 is –

Purpose – To provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community.

Effect - To allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community and to remove obsolete and out-dated local laws relating to the district.

Consultation - Internal

Consultation in relation to the proposed local law was undertaken with relevant officers during the drafting of the proposed Health local law.

Consultation – External

DLG Consulting has been engaged to undertake the review and drafting of all of the Town's local laws.

Also, as required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Local Law, (gazettal copy), must be sent to the relevant Minister(s) for comment. In this case the relevant Ministers are the Minister for Health and the Minister for Local Government and Communities.

FINANCIAL AND RISK IMPLICATIONS

Statewide advertising of the proposed local law is required, which currently costs \$600. These costs are included in the current budget.

It is important to review local laws regularly to ensure they are in step with legislative change and in line with current community needs and expectations. Enforcing outdated local laws represents a risk to the local government and may not be in the best interests of the community. By taking a proactive approach and reviewing its local laws the Town is keeping up to date with changing environment and community expectations.

STATUTORY AND POLICY IMPLICATIONS

Section 3.12 'Procedure for making of local laws' of the Local Government Act 1995 applies.

Section 4.1 'Strategic and best practice local government administration' under 'Leading our community' of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

ATTACHMENTS

1. Gazette ready copy of the proposed Town of Port Hedland Health Local Law 2016 (Under Separate Cover)

5 November 2015

12.3.3 Proposed Town of Port Hedland Local Government Property Local Law 2016

Josephine Bianchi, Governance Coordinator
File No. 19/01/0004

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/090 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR MELVILLE

That Council:

1. **Adopt the proposed Town of Port Hedland Local Government Property Local Law 2016 for advertising purposes;**
2. **Pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Town of Port Hedland Local Government Property Local Law 2016, as per Attachment 1;**
 - a. **the purpose of which is to provide for the regulation, control and management of activities in public places and thoroughfares, and the regulation, control and management of activities and facilities on local government property within the district; and**
 - b. **the effect being the control of the use of local government property and activities and trading in thoroughfares and public places. Some activities are permitted only under a licence or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.**
3. **Submit a copy of the proposed *Town of Port Hedland Local Government Property Local Law 2016* to the Minister for Local Government and Communities for comment.**

CARRIED BY ABSOLUTE MAJORITY 9/0

EXECUTIVE SUMMARY

The Town of Port Hedland does not have a local law that deals with the full spectrum of issues relating to local government property. It does have separate local laws that deal with matters relating to:

1. Aquatic and Recreation Centres (gazetted on 8 June 1999);
2. Port Hedland International Airport (gazetted on 19 November 1999); and
3. Reserves and Foreshores (gazetted on 8 June 1999).

The Local Government Act 1995 requires all Local Laws to be reviewed within an eight year period, as such this review is long overdue. The Town has engaged a consultant to assist with the review and drafting of a more modern local law that reflects the current needs of the Town. This review determined that all current local laws should be repealed and one more contemporary local law implemented. The proposed new Town of Port Hedland Property Local Law 2016 is presented to Council for consideration.

DETAILED REPORT

To comply with the provisions of section 3.16 of the Local Government Act 1995, the Town of Port Hedland undertook a review of all its local laws.

At the conclusion of the review process, it was identified that a more contemporary local law relating to the management of all local government property would be more advantageous from a management and operational perspective, and the existing local laws should be repealed as part of the process.

The proposed new Town of Port Hedland Local Government Property Local Law 2016 is based on contemporary drafting requirements and is similar in content to other local laws adopted by local governments.

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

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

The purpose and effect of the proposed Town of Port Hedland Local Government Property Local Law 2016 is:

Purpose – To provide for the regulation, control and management of activities in public places and thoroughfares, and the regulation, control and management of activities and facilities on local government property within the district.

Effect - The control of the use of local government property and activities and trading in thoroughfares and public places. Some activities are permitted only under a licence or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

Consultation - Internal

- Executive Leadership Team
- Acting General Manager Port Hedland International Airport
- Manager Recreation Facilities and Services

- Manager Community Development
- Manager Environmental Health
- Manager Property and Asset Strategy
- Elected members via a Concept Forum

Consultation - External

DLG Consulting has been engaged to undertake the review and drafting of all of the Town's local laws.

Also, as required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Local Law, (gazettal copy), must be sent to the relevant Minister(s) for comment. In this case the relevant Minister is the Minister for Local Government and Communities.

FINANCIAL and risk IMPLICATIONS

Statewide advertising of the proposed local law is required, which currently costs \$600. These costs are included in the current budget.

STATUTORY AND POLICY IMPLICATIONS

Section 3.12 'Procedure for making of local laws' of the *Local Government Act* 1995 applies.

Section 4.1 'Strategic and best practice local government administration' under 'Leading our community' of the Strategic Community Plan applies as it outlines that governance processes and associated policies and procedures align with leading practice and are up to date with legislative requirements.

ATTACHMENTS

1. Gazette ready copy of the proposed Town of Port Hedland Local Government Property Local Law 2016 (Under Separate Cover)

5 November 2015

12.3.4 Annual Report for 2014/15 financial year

Anna Duffield, Manager Corporate Information
File No. 14/06/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/091 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Adopt the 2014/15 Annual Report as presented;**
- 2. Advertise the 2014/15 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995; and**
- 3. Hold the Annual General Meeting of Electors on the Wednesday 16 December 2015 commencing at 7:30pm, at the Port Hedland Civic Centre.**

CARRIED BY ABSOLUTE MAJORITY 9/0

EXECUTIVE SUMMARY

The 2014/15 annual report outlines the Town's achievements against its Strategic Community Plan, financial performance and notes key projects for the coming financial year. This item seeks Council's adoption of the 2014/15 annual report and set a date for the annual general meeting of electors.

DETAILED REPORT

Council endorsed the audited annual financial report and external auditor's report for 2014/15 at its October ordinary meeting (decision 201516/078). Council is now required to consider the adoption of the annual report for 2014/15, and convene the annual general meeting of electors.

The Town received an unqualified audit opinion on its annual financial report which indicates that the Town's financial statements are an accurate presentation of its financial position.

In particular the auditor has noted that the financial report of the Town of Port Hedland:

- gives a true and fair view of the financial position of the Town of Port Hedland as at 30 June 2015 and of its financial performance for the year ended on that date;
- complies with the Local Government Act 1995 Part 6 and the Regulations under that Act and Australian Accounting Standards (including the Australian Accounting Interpretations); and

- in relation to the Asset Consumption Ratio and Asset Renewal Funding Ratios presented in Note 22, we have reviewed the calculations as presented and in our opinion these are based on verifiable information and reasonable assumptions.

The annual financial report demonstrates that the Town's financial position is strong with an operating result from continuing operations of \$4.82M (excluding airport operations) and a carry forward surplus as at 30 June 2015 of \$5.066M. All financial ratios of the Town for 2014/15 are better than minimum targets set by the Department of Local Government and Communities.

The annual report is effectively the Town's report card to the community and highlights achievements against the Strategic Community Plan themes of building a unified and vibrant community; supporting a diverse economy; balancing our built and natural environment; and leading our community.

Key highlights and achievements as noted in the 2014/15 annual report include:

- Opening of the \$3.8M South Hedland Youth Space with skating competitions and official ceremony
- Delivery of the 2014 North West Festival (with record 6000 attendees over the three day event) and 32 community activation activities
- Lease and sale of lots at Kingsford Smith Business Park with anchor tenant Bunnings finalising their purchase of a roadside lot for \$2.9M
- Continued delivery of renovations to the Port Hedland International Airport to expand international arrivals and departures area
- 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
- Hosted citizenship ceremonies to welcome 113 new Australian citizens
- Submission of comprehensive response to the Pilbara Development Commission's investment blueprint and the Joint Committee on Northern Australia
- Hosted ANZAC centenary commemorations in partnership with the Port Hedland RSL
- Hosted government officials and dignitaries including the Deputy Prime Minister, WA Premier, Police Minister, Minister for Local Government, Attorney-General and US Consul General and His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd) Governor-General of the Commonwealth of Australia for citizenship ceremony, tour of youth and art facilities, business lunch and industry tours
- Continued review Port Hedland International Airport governance framework including seeking expressions of interest to enter a long-term lease arrangement
- Undertook #KeepHedlandBeautiful campaign with industry partners to provide free cargo nets
- Restored Old Port Hedland Pioneer Cemetery
- Opened three new GP houses delivered in partnership with BHP Billiton
- Delivered key youth initiatives and diversionary programs including SLAM held at the JD Hardie Centre
- Completed \$1.5M Hamilton Road dual lanes project easing congestion and improving traffic flow

The contents of the Annual Report are prescribed by section 5.53 of the Local Government Act 1995.

FINANCIAL AND RISK IMPLICATIONS

As demonstrated by the statement of comprehensive income (by nature and type) in the attached annual financial report the Town's financial position is strong with an operating result from continuing operations of \$4.82M (excluding airport operations) and a carry forward surplus as at 30 June 2015 of \$5.066M.

Note 22 of the audited report details the financial ratios which are a measure of financial sustainability. All financial ratios of the Town for 2014/15 are better than minimum targets set by the Department of Local Government and Communities.

A limited number of hard copy annual reports will be printed and the cost has been incorporated into the 2014/15 operating budget.

STATUTORY AND POLICY IMPLICATIONS

Section 5.53 of the Local Government Act 1995 (the Act) outlines the requirements of an Annual Report. Section 5.54 of the Act states that a local government must accept an annual report by 31 December of each year by absolute majority.

The annual financial report is prepared in accordance with Australian Accounting Standards; the Local Government Act 1995; and the Local Government (Financial Management) Regulations 1996.

Sections 5.27 and 5.29 of the Act outline the procedure for convening an electors' meeting, including holding the meeting no more than 56 days from when the Annual Report was adopted.

Pursuant to the Strategic Community Plan, the Town is to provide high quality corporate governance, accountability and compliance. The Town will also deliver responsible management of infrastructure, assets, resources and technology.

ATTACHMENTS

1. 2014/15 Annual Report (Under Separate Cover)

5 November 2015

12.4 Office of the CEO

Nil

ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL

9:21pm Mayor Howlett declared impartiality in item 13.1 'Expression of Interest for Audit, Risk and Governance and Port Hedland International Airport Committees' as she has an associated with Ms Nina Pangahas.

9:21pm Councillor Whitwell declared impartiality in item 13.1 'Expression of Interest for Audit, Risk and Governance and Port Hedland International Airport Committees' as he has an associated with Ms Nina Pangahas.

9:21pm Councillor Arif declared impartiality in item 13.1 'Expression of Interest for Audit, Risk and Governance and Port Hedland International Airport Committees' as she has an associated with Ms Nina Pangahas.

Mayor Howlett and Councillors Arif and Whitwell did not leave the room.

13.1 Expressions of Interests for Audit, Risk and Governance and Port Hedland International Airport Committees

Josephine Bianchi, Coordinator Governance
File No. 02/09/0008 and 12/14/0002

DISCLOSURE OF INTEREST BY OFFICER

Nil

RECOMMENDATION 1

That Council:

- 1. Thanks Ms Pangahas, Ms Jacob and Mr Attwood for their applications to be considered as community members of the Audit, Risk and Governance Committee;**
- 2. Changes the terms of reference of the Audit, Risk and Governance Committee to include three community members; and**
- 3. Appoints Ms Nina Pangahas, Ms Gloria Jacob and Mr Attwood as community members of the Audit, Risk and Governance Committee.**

201516/092 COUNCIL DECISION

MOVED: CR NEWBERY

SECONDED: CR BLANCO

That Council:

- 1. Thanks Ms Pangahas, Ms Jacob and Mr Attwood for their applications to be considered as community members of the Audit, Risk and Governance Committee;**

2. **Appoints Ms Nina Pangahas and Mr Attwood as community members of the Audit, Risk and Governance Committee.**

CARRIED BY ABSOLUTE MAJORITY 5/4

Record of votes

For	Against
Councillor Blanco	Mayor Howlett
Councillor Gillingham	Councillor Hooper
Councillor Butson	Councillor Arif
Councillor Newbery	Councillor Melville
Councillor Whitwell	

201516/093 RECOMMENDATION 2/ COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR GILLINGHAM

1. **Thanks Mr Hockey, Mr Linklater, Mr Carter, Mr Green and Mr Sercombe for their applications to be considered as community members of the Port Hedland International Airport Committee; and**
2. **Appoints:**
 - **Mr Rick Hockey**
 - **Mr Brian Linklater**
 - **Mr Arnold Carter**
 - **Mr Jason Green**

as community members of the Port Hedland International Airport Committee.

CARRIED BY ABSOLUTE MAJORITY 9/0

EXECUTIVE SUMMARY

The Council is requested to consider appointing two community members to the Audit Risk and Governance (ARG) Committee and four community members to the Port Hedland International Airport (PHIA) Committee.

DETAILED REPORT

The Council at its Ordinary Meeting of 28 October 2015 resolved to issue Expressions of Interests to seek community members to be appointed to the ARG Committee and the PHIA Committee, and for these to be considered as a late item at the 25 November Ordinary Council meeting.

Expressions of Interest were issued through the following advertising channels:

- Two community notices (PHIA 3 November and ARG 4 November)
- Public notice in Hedland Highlights – 11 and 18 November
- Facebook posts on 3,5,13 and 18 November

All of the above expressions of interest were advertised as closing on Thursday 19 November at 5pm.

ARG Committee

The Town has received three applications for the ARG Committee (under confidential attachment). One from previous ARG Committee Presiding Member Ms Gloria Jacob, one from previous ARG Committee community member Ms Nina Pangahas, and the other from Mr Ron Attwood.

In view of the three candidates' extensive experience and/or qualifications in business, finance, audit and risk, it is recommended that they all be appointed to the Committee.

In order to do so the Council will first have to amend the Committee's membership to include three community members rather than the current two.

PHIA Committee

The Town has received five applications for the ARG Committee (under confidential attachment). These being from:

- Mr Brian Linklater
- Mr Arnold Carter
- Mr Jason Green
- Mr Rick Hockey
- Mr Shane Sercombe

All applications were received by the 5pm deadline on 19 November, except Mr Sercombe's which was received at 10:27pm on 19 November.

Upon review of all applications the Town proposes that Mr Linklater, Mr Carter, Mr Green and Mr Hockey be appointed as community members of the PHIA Committee. This is in view of their current and past experience in the business world and as board/committee members, on top of their qualifications and general skill sets.

However, should the Council wish to do so, there is also the option of increasing the membership for the PHIA Committee from four to five community members by amending the committee's terms of reference.

Consultation

- Chief Executive Officer
- Acting General Manager Port Hedland International Airport
- Director Corporate Services
- Manager Corporate Information

FINANCIAL AND RISK IMPLICATIONS

The two committees do not attract members' fees and as such there are no financial implications related to the appointment of community members.

STATUTORY AND POLICY IMPLICATIONS

Section 5.10(1)(a) of the Local Government Act 1995 stipulates that a committee is to have its members appointed by an absolute majority vote of the Council.

Section 5.23(2)(b) of the Local Government Act 1995 stipulates that if a meeting or part of a meeting deals with the personal affairs of any person then the meeting or part of the meeting may be closed to members of the public.

The following section of the Town's Strategic Plan apply:

4.1 Strategic and best practice local government administration
Deliver high quality corporate governance accountability and compliance.

4.2 Engage our community and stakeholders
Represent our community and provide transparent and accountable civic leadership;
Facilitate community engagement and civic participation.

ATTACHMENTS

1. Audit, Risk and Governance Committee Applications – Ms Nina Pangahas, Ms Gloria Jacob and Mr Ron Attwood (Confidential – Under Separate Cover)
2. Airport Committee Applications – Mr Rick Hockey, Mr Brian Linklater, Mr Arnold Carter, Mr Jason Green and Mr Shane Sercombe (Confidential – Under Separate Cover)

20 November 2015

201516/094 COUNCIL DECISION**MOVED: CR BLANCO****SECONDED: CR MELVILLE**

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 BY ABSOLUTE MAJORITY 9/0

9:30pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been suspended.

9:30pm Councillor Gillingham left the room.

9:35pm Councillor Gillingham re-entered the room.

10:22pm Councillor Hooper left the room.

10:25pm Councillor Hooper re-entered the room.

10:26pm Councillor Butson left the room.

10:30pm Councillor Butson re-entered the room.

201516/095 COUNCIL DECISION**MOVED: CR MELVILLE****SECONDED: CR GILLINGHAM**

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

CARRIED BY ABSOLUTE MAJORITY 9/0

10:44pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 have been resumed.

13.2 2015/16 September Quarterly Budget Review and Statement of Financial Activity for the period ended 31 October 2015

Jodi Marchant, Management Accountant Financial Reporting
File No. 12/14/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/096 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR WHITWELL

That Council:

1. **Receive the Monthly Financial Health Check for the period ended 31 October 2015;**
2. **Receive the September Quarterly Budget Review and Statement of Financial Activity (and supporting information) for the period ended 31 October 2015;**
3. **Receive the Port Hedland International Airport Statement of Financial Activity for the period ended 31 October 2015;**
4. **Receive the Waste Management Statement of Financial Activity for the period ended 31 October 2015;**
5. **Note the accounts paid during October 2015 under delegated authority;**
6. **Adopt the 2015/16 September Quarterly Budget Review and amend the budget as per the Schedule of Budget Variations, resulting in an unfavourable change in net current assets of \$356,418, resulting in a projected municipal surplus of \$1,603,655 as at 30 June 2016;**
7. **Transfer \$224,247.67 from the Unfinished Works & Committed Works Reserve back to municipal to un-restrict funds for the JD Hardie Facility Upgrade (\$114,247.67) and Land Development Butler Way (\$110,000) projects.**

CARRIED BY ABSOLUTE MAJORITY 8/1

Record of votes

For	Against
Mayor Howlett	Councillor Blanco
Councillor Gillingham	
Councillor Hooper	
Councillor Arif	
Councillor Butson	
Councillor Melville	

Councillor Newbery	
Councillor Whitwell	

EXECUTIVE SUMMARY

This report presents the 2015/16 September Quarterly Budget Review (QBR), including the Statement of Financial Activity for the period ended 31 October 2015. A number of variations (see attached) are proposed as part of this review, which results in an unfavourable change of \$356,418, in the Town's projected year end cash surplus. Following the QBR variations, the Town's projected cash surplus is \$1.604m as at 30 June 2016.

Supplementary information regarding the Town's financial activities is attached to this report.

DETAILED REPORT

The 2015/16 September QBR includes a number of significant variations. These are as follows:-

Municipal Fund

- Operating Income
 - \$55k - net increase in rates based on actual rates raised as per valuations supplied by Landgate
 - \$50k – grant for Retail Attraction Strategy from Pilbara Development Commission
 - \$195k – reduction in Town Planning and Permit Fees due to a significant slowdown in development and original budgets being over estimated
 - \$75.6k – recognise income received from sponsorships, ticket sales etc. for North West Economic Summit

- Operating Expenditure
 - \$74k – increase budget to match actual expenditure for North West Economic Summit (\$30k original budget plus \$75.6k funded from sponsorships, ticket sales etc.)
 - \$1.59m – increase in depreciation following the completion of the 'Fair Value' revaluation of Infrastructure assets
 - \$60k – compliance requirement to prepare Asbestos Register for the Town's assets (funded from Asset Management reserve)
 - An adjustment to recognise the Faye Gladstone Netball Courts project of \$1.3m which is funded by grant income from BHP of \$1.01m and a transfer from the BHP Reserve of \$296k. Net impact to the projected cash surplus is zero.
 - Unfinished Works & Committed Works Reserve – Amend the transfer from the reserve to correctly reflect the budgeted expenditure for 2015/16. The following projects have been removed from the reserve and the funds returned to municipal:
 - JD Hardie Facility Upgrade \$114k – Scope for larger project to be developed and budget submission to be put forward in

2016/17 budget. These funds were left over from previous project.

- Land Development: Butler Way \$110k – Town funds not required for project
- An increase of \$0.938m in the transfer from the Asset Management Reserve to fund a number of priority capital works projects not included in the original budget, top up funding required to complete projects based on review of scope of works and to fund some projects carried over from 2014/15 (refer to the Capital Works Program in the attachments for more detail).

Note that both the Waste and Airport Funds are wholly Reserve funded and do not impact on Municipal unrestricted cash.

Waste Fund

- \$122k - an adjustment for the Landfill Master Plan with a reduction in the grant income from the Department of Planning offsetting a reduction in the expenditure of
- \$2m - budget allocation for the South Hedland Water Treatment plant
- \$380k - budget allocation to construct a Landfill Transfer Station and a Tip Shop
- \$300k - budget allocation to implement a Windblown Litter Solution
- \$60k - budget allocation to update current landfill software which is outdated and at high risk of failure

The net impact of all adjustments proposed results in a transfer from the Waste Reserve of \$348k. The estimated closing balance of the Waste Reserve is \$10.356m.

Airport Fund

It should be noted that at this stage Airport budgets have not been adjusted for the Town handing operational control of the Airport to the lessee. Once a date for this is determined the Town's Airport budget will be adjusted at a QBR following that. All adjustments below are proposed on the Town operating the Airport up to 30 June 2016, similar to the original budget. Major variations proposed include:-

- \$60k - recognise income for common user check-in facility not previously recognised
- \$50k – increase budget to reflect fire panel compliance matter that needed urgent attention
- \$380k - increase in electricity charges due to bill received for back payment not previously invoiced. Based on current consumption to 30 June 2016 some extra funding is proposed.
- \$350k - increase in legal expenses for the Airport Governance Review, associated tender process and finalisation of lease documents
- \$250k - contamination study as per conditions of the lease
- \$4m - reduction of the Airport capital works program based on change in responsibilities due to the lease transaction (refer to Attachment 6 for more detail)

The net impact of all proposed adjustments results in a reduction of \$3.03m to be transferred out of the Airport Reserve. The estimated closing balance of the Airport Reserve is \$15.487m.

Capital Works Program

- As part of the September QBR the Capital Works Program will increase from the current budget of \$38.85m to \$39.5m (refer to Attachments 6, 7 & 8 for more detail).
- The Capital Works Program excluding the Airport will increase from the current budget of \$20.6m to \$25.3m (refer to Attachments 6, 7 & 8 for more detail).
- The Airport Capital Works Program will decrease from the current budget of \$18.3m to \$14.3m (refer to Attachments 6, 7 & 8 for more detail).

A complete listing of proposed budget amendments, together with commentary is included as Attachment 6 of this report.

The Statement of Financial Activity is presented in a similar format to the Rate Setting Statement as included in the 2015/16 Annual Budget.

The following commentary is provided on variances between year to date actuals and year to date budget for the period ended 31 October 2015:

Account Description	YTD Variance	Comment
Operating Revenue		
Operating Grants, Subsidies & Contributions	-43%	Due to timing of payments.
Fees & Charges	8%	Due to rubbish collection fees of \$2.876m for the entire year raised with the rates. This will balance across the financial year.
Interest Earnings	-59%	Interest earnings will balance across the financial year due to staggering maturities on investments and accruals.
Other Revenue	-39%	Reimbursements across multiple accounts yet to be raised based on timing of when these are due.
Operating Expenditure		
Materials and Contracts	-23%	Governance: Activity based costing journals have yet to be completed. A revised methodology will be presented as part of the December QBR. Community Amenities: YTD budget of \$2,347k with actuals of \$1,009k. Difference related to Landfill Business Unit mainly in recovery of plant operating costs; the Landfill Masterplan with no actuals to date compared to YTD budget of \$126k; Town Planning/Regional Development Northern Planning Program: South East Planning with no actuals compared to YTD

		budget of \$120k; Landfill Management underspend of \$119k and Tyre Disposal Service YTD budget of \$150k with no actuals due to timing. Recreation & Culture: YTD budget of \$2.77m with actuals of \$1.63m. Difference related to Sportsgrounds mainly in plant recovery and park maintenance; and YMCA operations costs and management fees due to timing of payments due. Transport (excl. Airport): YTD budget of \$959k with actuals of \$758k mainly in Infrastructure Maintenance due to timing of works and invoicing.
Utilities	-22%	Due to timing of payment of bills and consumption patterns.
Depreciation	-100%	Depreciation journals have yet to be completed.
Interest Expense	-77%	Variation due to timing of payments for interest on Town's loans.
Insurance Expense	79%	Property Insurance paid across two installments. This will balance across the financial year.
Other Expenditure	-18%	Activity based costing journals have yet to be completed. A revised methodology will be presented as part of the December QBR. Variance mainly related to timing of expenditure.
Capital Expenditure and Revenue		
Acquisition of Infrastructure, Property, Plant and Equipment	-69%	Due to timing of completion of capital works program which are currently in design and procurement phase.
Proceeds from Disposal of Assets	-61%	Due to the timing of asset sales.
Capital Grants and Contributions for the Development of Assets	-71%	Due to timing of payment, with a large portion paid on the completion of capital works projects.
New Loan Borrowings	-100%	No loan funds have been drawn down.
Proceeds from Self Supporting Loans	25%	Due to the timing of Self Supporting Loan payments made to the Town.
Transfers from Reserves	-100%	Reserves journals are yet to be completed. To be completed as capital works progress.
Transfers to Reserves	15%	Due to the transfer to the Asset Management Reserve of \$2.116m as per Council Resolution 201516/078.

The net current asset position as at 31 October 2015 is \$21.903m. This balance is expected to decline significantly across the course of the year, as projects are delivered and operational budgets are expended.

The unrestricted cash position as at 31 October 2015 is \$12.9m and is calculated as follows:

	2015/16 Actual (000's)
Current Assets: Cash and Investments	\$94,521
Restricted Cash – Reserves	(\$81,603)
Unrestricted Cash Position as at 31 October 2015	\$12,916

FINANCIAL IMPLICATIONS

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. As per the adopted 2015/16 budget, the estimated municipal surplus was \$1.960m based on a carry forward surplus of \$2.950m.

The 2015/16 municipal surplus position as per the 2014/15 financial statements is \$1.960m due to a revised carry forward surplus of \$5.066m and the inclusion of a budget transfer to the Asset Management Reserve of \$2.116m being the additional unbudgeted carried forward surplus amount (Council Resolution 201516/078). The surplus can primarily be attributed to interim rate revenue, advanced payment of 50% of the Town's Annual Financial Assistance Grant for 2015/16, increased interest earnings, other revenue and to some capital projects that were budgeted however not completed in the 2014/15 financial year.

The projected municipal surplus as at 30 June 2016 following the September QBR is \$1.604m.

The following reconciliation is provided:

	000's
Budget Municipal Surplus Brought Forward 30 June 2016	\$1,960
Change in Net Current Assets arising from individual variations	(\$2,116)
Change in Net Current Assets arising from September QBR	(\$356)
Municipal Surplus Carried Forward 1 July 2015 – Budget	(\$2,950)
Municipal Surplus Carried Forward 1 July 2015 – Actual	\$5,066
Amended Budget Municipal Surplus Brought Forward 30 June 2016	\$1,604

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.

2015/16 Budget General Ledger Number and Description	Summary
#301301 Rates Revenue GRV	The 2015/16 Budget includes rate revenue of \$3,348,800 from six mass accommodation facilities. The Town has been in active discussions with the Department of Local Government over the last two years, with respect to the rating methodology of these facilities. For the 2015/16 financial year the Department requested the Town to reduce the rate in the dollar by \$0.02, impacting on total rate yield (advertised rates model was \$3,685,176). It is likely that mass accommodation rates will come under further pressure in future years.
#1303353 Precinct 3 Lease Payment #1303357 Other Revenue – Lease Income	The 2015/16 Budget includes income of: <ul style="list-style-type: none"> • \$3,795,258 from BHP for the Precinct 3 lease payment. • \$1,072,218 from the Port Haven lease • \$203,075 from the Port Haven Car Park lease • \$195,982 Mia Mia lease As this land has been included in the Airport lease transaction the Town of Port Hedland will no longer be entitled to this lease payment. As advised during the Airport lease process, the Town will require an income source of \$8.2m from the investment of the Airport lease proceeds to replace lost revenue sources.
#1304350 Operating Grants, Subsidies & Contributions – Community Contribution: Mia Mia	The 2015/16 Budget includes a community contribution of \$464,845 under the Mia Mia lease. This lease expires in December 2019 and income is uncertain after this date.
#304380 Interest Revenue – Interest on Investments	The 2015/16 Budget includes income of \$2.1m from interest on investments. All interest earnings on Reserves are applied to Municipal revenue, with the exception of interest earnings on the Spoilbank Reserve which is applied against the Asset Management Reserve and the BHP Reserve which is applied back to the BHP Reserve. As Reserve balances are depleted, the Town will receive a lower income from interest on these balances.
#304399 Internal Transfer – Transfer from Airport: Return on Investment	The 2015/16 Budget includes income of \$3,383,415 from the Airport business unit as a return on investment into Municipal funds. As the Airport has been leased, the Town of Port Hedland will no longer receive this income. As advised during the Airport lease process, the Town will require an income source of \$8.2m from the investment of the Airport lease proceeds to replace lost revenue sources.
#1304395 Proceeds from Sale of Kingsford Smith Business Park (KSBP)	The 2015/16 Budget includes income of \$4,807,500 from lot sales at KSBP. The 2015/16 Budget has been remodelled with the Airport business unit as a

	<p>discontinued operation, with \$2.8m still required in annual sales from KSBP to balance the budget.</p> <p>Resolution number 201112/351 provided for a total of \$40m in sales from the KSBP to be transferred into the Airport Reserve with any further proceeds in excess of the first \$40m to be transferred into the Municipal fund. This resolution was in response to a supplementary resolution to transfer \$40m out of the Airport Reserve to the Spoilbank Reserve for the purpose of developing the Spoilbank precinct. This transfer was advertised in accordance with Section 6.11 of the Local Government Act.</p> <p>The Town was required to demonstrate a \$40m commitment towards the Spoilbank precinct development in order to secure State Government funding of \$112m.</p> <p>Once financial close is reached on the Airport lease (expected January / February 2016) all proceeds from the sale of lots at KSBP will be transferred into the Municipal fund.</p>
#1122321 Operating Grants, Subsidies & Contributions – FMG Memberships	<p>FMG under agreement with the Town provide an annual contribution of \$500,000 towards the operations of Wanangkura Stadium. Under the agreement FMG employees are entitled to drawdown on this amount for activities through the Wanangkura Stadium and Matt Dann, with budgeted expenses of \$240,000 for Stadium activities and \$10,000 for Matt Dann activities, effectively providing a subsidy of \$250,000. This agreement will expire in 2016.</p>
Waste Management Reserve	<p>As at 30 June 2016 the proposed budgeted closing balance of the Waste Management Reserve is \$10.356m. The budgeted annual operating surplus from Waste services is approximately \$2.7m (this excludes capital expenditure). Council will need to adopt a strong policy position with regards to the replenishment of the Waste Management Reserve in order to meet future capital costs for the closure and rehabilitation of the current landfill site at the end of its useful life and for the establishment of a new landfill site.</p> <p>The 2015/16 Proposed Budget includes income of \$2,201,664 from the Waste Management business unit as a return on investment into Municipal funds for the operations of Sanitation and Waste Management & Recycling. This was calculated by removing works which should be funded by municipal to provide greater transparency on the operations of the Landfill Business Unit.</p>
#1123353 Non-Operating Grants, Subsidies &	<p>The 2015/16 Budget includes a capital contribution of \$1.2m from FMG for the construction of Scotty's Café at Marquee Park. The funding agreement is currently</p>

Contributions – Scotty's Cafe	on hold and the project will not proceed until funding has been secured. Should Council decide to fund the project from own source funds, the Town would be required to also fund operational expenses which were to be originally captured under the funding agreement with FMG for the first 3 years (\$1.1m recurrent funding requirement over 3 years).
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STATUTORY AND POLICY IMPLICATIONS

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

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

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. The operating section of the Interim Statement of Financial Activity is shown by program in accordance with Regulation 34 (3)(b) of the *Local Government (Financial Management) Regulations 1996*.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a list of accounts due and submitted each month for payments made from municipal fund by CEO.

ATTACHMENTS

1. Monthly Financial Health Check for the Period Ended 31 October 2015
2. Statement of Financial Activity for the Period Ended 31 October 2015 (Under Separate Cover)
3. Port Hedland International Airport Statement of Financial Activity for the Period Ended 31 October 2015 (Under Separate Cover)
4. Waste Management Statement of Financial Activity for the Period Ended 31 October 2015 (Under Separate Cover)
5. Accounts paid under delegated authority for the month of October 2015 (Under Separate Cover)
6. 2015/16 September Quarter budget Review Detail Report - Municipal
7. 2015/16 September Quarter budget Review Detail Report – Port Hedland International Airport
8. 2015/16 September Quarter budget Review Detail Report – Waste Management

16 November 2015

ATTACHMENT 1 TO ITEM 13.2

MONTHLY FINANCIAL HEALTH CHECK



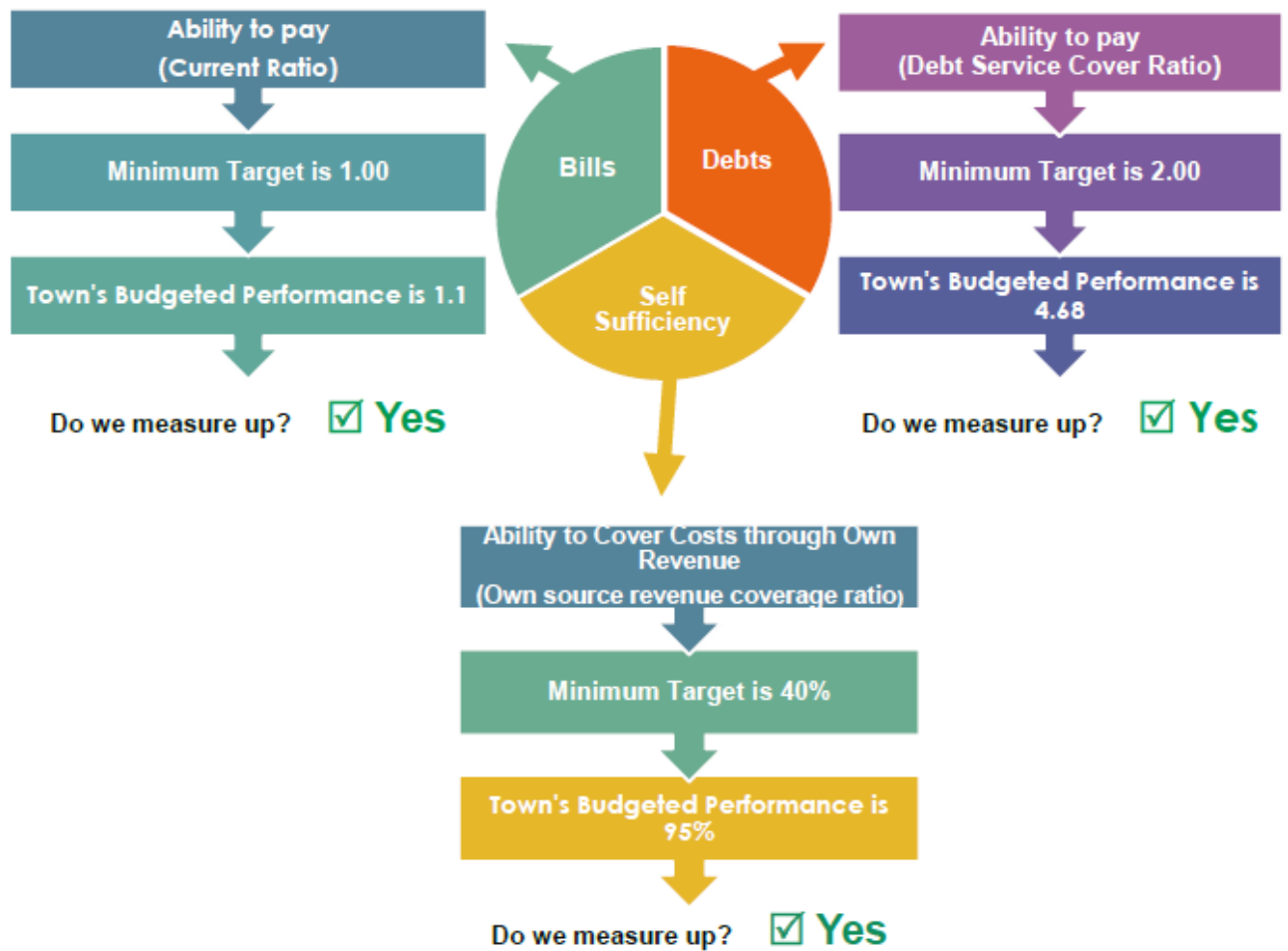
As at 31 October 2015

The Town aims to operate sustainably in the short and long term



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$38,613
Operating Expenditure (excl non-cash items)	-\$16,402
Capital Revenue	\$1,145
Capital Expenditure	-\$4,018
Loan Repayments	-\$385
Transfers to/from Reserves	-\$2,117
Surplus Carried Forward 1 July 2015	\$5,066
Current Municipal Surplus Position at 31 October 2015	\$21,903

▶ Financial health indicators



▶ Cash in the bank



► Is the Town financially sustainable?

Operating Surplus Ratio

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

Minimum Target is 1%

Town's Budgeted Performance is 1%

Do we measure up? Yes

Asset Sustainability Ratio

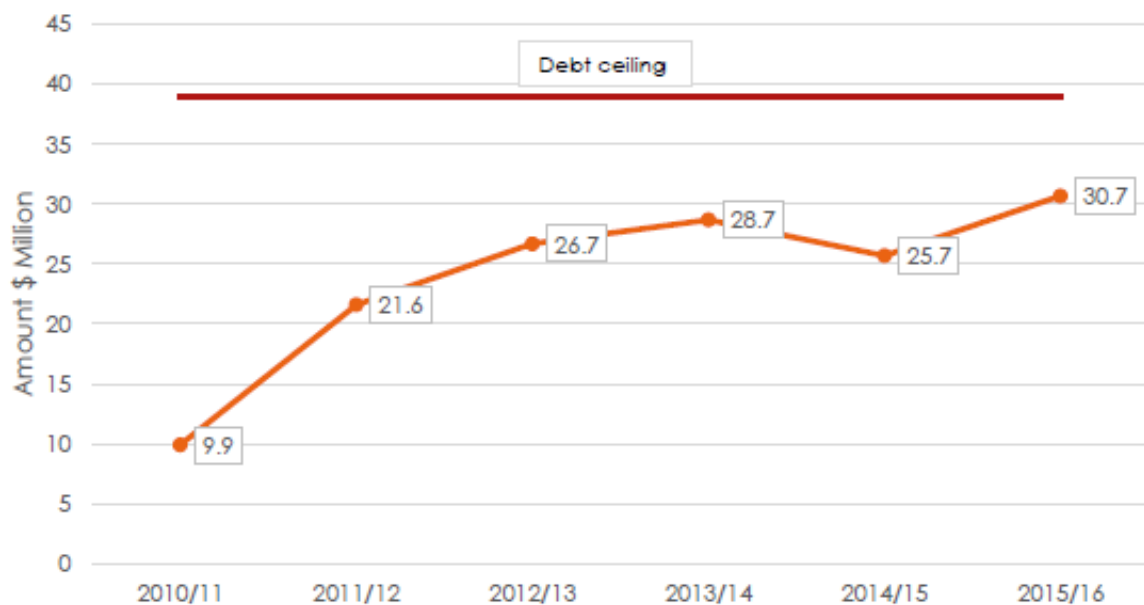
Measures if the Town is replacing or renewing existing non-financial assets at the same rate that its overall asset stock is wearing out.

Minimum Target is 90%

Town's Budgeted performance is 90%

Do we measure up? Yes

▶ Debt levels



Debt ceiling = \$39M
Current debt = \$25.33M
New loans = \$5.32M

Intergenerational Loans		
Loan Purpose	Outstanding Amount	Remaining Term
1. Marquee Park	\$4.68M	16 years
2. JD Hardie Upgrade	\$2.70M	16/18 years
3. Wananagkura Stadium	\$9.30M	16/18 years
4. GP Housing	\$1.38M	18 years

Any feedback on this document is greatly appreciated and can be emailed to council@porthedland.wa.gov.au

ATTACHMENT 7 TO ITEM 13.2

2015/16 September Quarter Budget Review Detail Report - PORT HEDLAND INTERNATIONAL AIRPORT

Type Description	Account Description	Original Budget	Budget Amendment		Proposed Budget	Description	Airport Reserve
			September QBR	September QBR			
Operating Income	Fees & Charges: Discretionary - Common User Check In Fees - Airport Administration	\$0.00	(\$60,000.00)	(\$60,000.00)	Estimated income to the end of the financial year - Virgin and Alliance charges for using the common user check-in.	(\$60,000.00)	
Operating Expenditure	Utilities- Electricity Charges - Airport Administration	\$500,000.00	\$380,000.00	\$880,000.00	Daily usage is estimated at approximately \$2,020 and a back dated bill has been received \$142k in undercharged tariffs in 2014/15. Amend budget to allow sufficient funds for the remainder of the financial year.	\$380,000.00	
Operating Expenditure	Materials and Contracts - Office Expenses - Airport Administration	\$6,000.00	\$2,500.00	\$8,500.00	Additional budget required for administration supplies and other office expenses.	\$2,500.00	
Operating Expenditure	Materials and Contracts - Airport Office Fitout - Airport Administration	\$0.00	\$2,000.00	\$2,000.00	Office furniture required to complete Airport terminal office fitout.	\$2,000.00	
Operating Expenditure	Materials and Contracts - Airport Governance Review - Airport Administration	\$700,000.00	\$350,000.00	\$1,050,000.00	Further legal work to close out airport long-term lease.	\$350,000.00	
Operating Expenditure	Materials and Contracts - Contamination Study - Airport Administration	\$0.00	\$250,000.00	\$250,000.00	Baseline contamination study required to be undertaken. Expense shared with lessee. Council Decision 201516/025 at Special Council Meeting 25/08/2015.	\$250,000.00	
Operating Expenditure	Materials and Contracts - Plumbing - Airport Maintenance	\$12,000.00	\$5,000.00	\$17,000.00	Additional budget required for major plumbing issue which required extensive works.	\$5,000.00	
Operating Expenditure	Materials and Contracts - Street Lighting (Reactive Repair) - Airport Maintenance	\$80,000.00	(\$30,000.00)	\$50,000.00	Reactive repair not required during first quarter.	(\$30,000.00)	
Operating Expenditure	Materials and Contracts - Fire Appliances - Airport Maintenance	\$30,000.00	\$50,000.00	\$80,000.00	Firepanel compliance matter and additional works were required. Annual inspections revealed non-compliance issues that needed attention. Works have been undertaken to rectify the compliance matter, including monthly testing.	\$50,000.00	
Operating Expenditure	Materials and Contracts - Plant Hire - Airport Maintenance	\$10,000.00	\$5,000.00	\$15,000.00	Budget for forklift hire as current forklift is unserviceable. Forklift is not currently certified.	\$5,000.00	
Operating Expenditure	Materials and Contracts - Landside Maintenance - Airport Maintenance	\$0.00	\$20,000.00	\$20,000.00	Maintenance catch-up due to OH&S issues.	\$20,000.00	
Capital Income	Transfer - From Reserves : Airport - Finance & Borrowing	(\$8,415,146.65)	\$3,028,603.99	(\$5,386,542.66)	Reduce transfer from the Airport Reserve in line with the proposed budget amendments. This reserve offsets all capital and operating expenses and income for the Airport. The reduction in the transfer from reserves is a result of a reduced capital works program required to be undertaken.	\$3,028,603.99	
Capital Expenditure	Capital Expenditure - Work in Progress - Carpark : Ground Transport Reconfiguration - Airport Administration	\$800,000.00	(\$650,000.00)	\$150,000.00	Budget required to match actuals for the shadecloth installation at the airport - works are complete. No further works required.	(\$650,000.00)	
Capital Expenditure	Capital Expenditure - Buildings: Airport - Terminal Precinct - Airport Administration	\$790,000.00	(\$290,000.00)	\$500,000.00	Reduce budget for terminal precinct. Revised budget includes funds for the following work: Abution Block \$357K plus project management costs and security; Wifi Hotpot \$40K; Public Art \$52K.	(\$290,000.00)	
Capital Expenditure	Capital Expenditure - Work in Progress - International Terminal Works Expansion - Airport Administration	\$0.00	\$83,952.00	\$83,952.00	Budget required to match to actuals. Carryover of expenditure from Jaxon contract that was not recognised in the original 15/16 budget.	\$83,952.00	
Capital Expenditure	Capital Expenditure - Work in Progress - Sewer Services - Airport Administration	\$0.00	\$250,000.00	\$250,000.00	Additional budget is required to complete the sewer works at the airport. Water and Sewer projects have been separated for clarity of works.	\$250,000.00	
Capital Expenditure	Capital Expenditure - Buildings: Airport - Staff Housing Refurbishment - Airport Administration	\$15,900.00	(\$15,900.00)	\$0.00	Budget not required. Work has been completed under operating account.	(\$15,900.00)	
Capital Expenditure	Capital Expenditure - Buildings: Airport - Building Upgrades - Airport Administration	\$750,000.00	(\$490,000.00)	\$260,000.00	Reduce budget for building upgrades. Revised budget includes funds for the following work: Guttering \$90K; Walkway \$80K; Expansion of Communications Room \$80K; Fibre network connection \$9K.	(\$490,000.00)	
Capital Expenditure	Capital Expenditure - Infrastructure: Airport - Taxiway Overlay - Airport Administration	\$4,750,000.00	(\$4,250,000.00)	\$500,000.00	Reduction of budget as majority of these works will be the responsibility of the Lessee. Retain \$500K as a working account for unexpected parking bay failures and repairs which may need to be made, as well as any repairs identified through the CISA inspection prior to handover of the Airport.	(\$4,250,000.00)	
Capital Expenditure	Capital Expenditure - Infrastructure: Airport - Main Apron Strengthening - Airport Administration	\$755,000.00	\$150,000.00	\$905,000.00	RFFS emergency services jet - urgent apron upgrade works require additional budget of \$150K.	\$150,000.00	

2015/16 September Quarter Budget Review Detail Report - PORT HEDLAND INTERNATIONAL AIRPORT

Type Description	Account Description	Budget Amendment			Description	Airport Reserve
		Original Budget	September QBR	Proposed Budget		
Capital Expenditure	Capital Expenditure - Work in Progress - Infra:Airport - Perimeter Fence Upgrade and Crash Gates - Airport Administration	\$1,250,000.00	(\$750,000.00)	\$500,000.00	\$460k required for fencing. Remainder of works to be completed by Lessee. Non-complaint crash gates will also need upgrading.	(\$750,000.00)
Capital Expenditure	Capital Expenditure - Infrastructure: Airport - Runway Resheet : Northern Apron Extension - Airport Administration	\$400,000.00	(\$400,000.00)	\$0.00	Remove budget as works are now to be completed by the airport Lessee as per lease agreement.	(\$400,000.00)
Capital Expenditure	Capital Expenditure - Infrastructure: Airport - Electrical Infrastructure - Airport Administration	\$0.00	\$1,908,844.00	\$1,908,844.00	Budget required to complete Ringmain Works.	\$1,908,844.00
Capital Expenditure	Capital Expenditure - Work in Progress - Infra: Airport - Apron Lighting Upgrades - Airport Administration	\$1,050,000.00	(\$1,050,000.00)	\$0.00	Remove budget as works are now to be completed by the Airport Lessee as per lease agreement.	(\$1,050,000.00)
Capital Expenditure	Capital Expenditure - Infrastructure: Airport - Storm Water Drainage - Airport Administration	\$100,000.00	(\$100,000.00)	\$0.00		(\$100,000.00)
Capital Expenditure	Capital Expenditure - Work in Progress - Security Upgrades CTO - Airport Administration	\$400,000.00	\$1,600,000.00	\$2,000,000.00	Completion of CCTV upgrade which goes around entire perimeter fence - customs requirement. Covers all access points to the Airport. Scope was insufficient to meet legislative requirements.	\$1,600,000.00
		\$0.01	(\$0.01)	(\$0.00)		(\$0.01)

ATTACHMENT 8 TO ITEM 13.2

2015/16 September Quarter Budget Review Detail Report - WASTE MANAGEMENT

Type Description	Account Description	Budget Amendment			Description	Waste Reserve
		Original Budget	September QBR	Proposed Budget		
Operating Income	Fees & Charges: Discretionary - Classic Collection Fees - Classic Collection	(\$2,206,300.00)	(\$19,778.55)	(\$2,226,078.55)	Increase Classic Collection Fees to match actual fees and charges income received year to date.	(\$19,778.55)
Operating Income	Operating Grants Subsidies & Contributions - Department of Planning Funding - Landfill Business Unit	(\$380,000.00)	\$122,450.00	(\$257,550.00)	Reduce budget to reflect Department of Planning Landfill funding. The agreement has been amended to accommodate current works in line with approved tender for the Landfill Master Plan.	\$122,450.00
Operating Expenditure	Materials and Contracts - Development of Landfill Master Plan - Landfill Business Unit	\$380,000.00	(\$122,450.00)	\$257,550.00		(\$122,450.00)
Operating Expenditure	Materials and Contracts - Cleaning - Landfill Business Unit	\$6,024.00	\$3,976.00	\$10,000.00	Additional expenditure from previous year not captured due to timing of invoices.	\$3,976.00
Capital Income	Transfer - From Reserves : Waste Reserve - Landfill Business Unit	\$0.00	(\$348,258.05)	(\$348,258.05)	Amend the budget from 'Transfer to the Waste Reserve' to 'Transfer from the Waste Reserve' as a result of all proposed budget amendments. This reserve offsets all capital and operating expenditure and income for the Landfill Business Unit, excluding any non-cash items.	(\$348,258.05)
Capital Expenditure	Transfer - To Reserves : Waste Management Reserve - Finance & Borrowing	\$2,917,800.40	(\$2,467,800.40)	\$0.00		(\$2,467,800.40)
Capital Expenditure	Capital Expenditure - Infrastructure - South Hedland Water Treatment Plant - Landfill Business Unit	\$0.00	\$2,000,000.00	\$2,000,000.00	Budget for the South Hedland Water Treatment Plant.	\$2,000,000.00
Capital Expenditure	Capital Expenditure - Infrastructure - Site Infrastructure - Landfill Business Unit	\$0.00	\$23,111.00	\$23,111.00	Budget required for the completion of the Crib Room.	\$23,111.00
Capital Expenditure	Capital Expenditure - Infrastructure - Landfill Transfer Station - Landfill Business Unit	\$0.00	\$200,000.00	\$200,000.00	Establish a budget for the construction of a recycling drop off area whereby domestic tippers can drop off recyclable materials such as steel, aluminium cans, paper, oil, batteries and gas bottles. Occupational Health and Safety issue - the works will provide a safer environment for customers dropping off waste.	\$200,000.00
Capital Expenditure	Capital Expenditure - Infrastructure - Tip Shop - Landfill Business Unit	\$0.00	\$180,000.00	\$180,000.00	Establish a budget for the construction of a tip shop for recyclable household goods and other items. The public can shop in the tip shop for items that can be used. A business model will be developed for its operation (community service organisation or an aboriginal corporation may be interested in operating the shop). \$150k for tip shop structure & compound, \$30k for signage.	\$180,000.00
Capital Expenditure	Capital Expenditure - Work In Progress - Windblown Litter Solution - Landfill Business Unit	\$0.00	\$300,000.00	\$300,000.00	Budget required for the installation of a mobile litter screen onto the tipping face. Containment at source is the best strategy to reduce wind blown litter. Project will increase litter clearing operations and investigate a tarpomatic or similar cover system to contain the litter.	\$300,000.00
Capital Expenditure	Capital Expenditure - Infrastructure - Landfill Weighbridge Load Cell Replacement - Landfill Business Unit	\$0.00	\$40,000.00	\$40,000.00	Upgrading from Analogue to Digital load cell system. Essential works to reduce risk of failure.	\$40,000.00
Capital Expenditure	Capital Expenditure - Furniture & Equipment - ICT Hardware Landfill - Landfill Business Unit	\$0.00	\$65,000.00	\$65,000.00	\$5,000 for the purchase of laptops for Landfill. \$60,000 requested for updating current Landfill software. Current software is based on access 97 - not supported and is high risk of failure. Introduce new weighbridge software for efficient processing of vehicles, better data retrieval and improved linkages to the financial system.	\$65,000.00

2015/16 September Quarter Budget Review Detail Report - WASTE MANAGEMENT

Type Description	Account Description	Original Budget	Budget Amendment		Proposed Budget	Description	Waste Reserve
			September QBR				
Operating Expenditure	Internal Transfer - Transfer To Municipal Funds: Payment For Waste Investment - Landfill Business Unit	\$0.00	\$2,201,664.73		\$2,201,664.73	Dividend payable to muni for the operations of Sanitation and Waste Management & Recycling. As per the Airport Business, this has been established to recognise a return on investment from the Landfill Business Unit. This was calculated by removing the following works which should be funded by municipal to provide greater transparency on the operations of the Landfill Business Unit: - Litter Collection - Illegal Dumping Clean Up - Admin Costs Distributed - Pre-Cyclone Clean Up - Cyclone Response Expenditure - Street Cleaning - Footpath Sweeping - Waste Water Central Control System Capital Project.	\$2,201,664.73
Operating Expenditure	Materials and Contracts - Litter Collection - Sanitation Other	\$722,980.00	(\$722,980.00)		\$0.00		(\$722,980.00)
Operating Expenditure	Materials and Contracts - Illegal Dumping Clean Up - Sanitation Other	\$12,130.00	(\$12,130.00)		\$0.00		(\$12,130.00)
Operating Expenditure	Other Expenditure - Admin Costs Distributed - Sanitation Other	\$96,454.73	(\$96,454.73)		\$0.00		(\$96,454.73)
Operating Expenditure	Material and Contracts - Pre Cyclone Clean Up - Waste Management & Recycling	\$181,680.00	(\$181,680.00)		\$0.00		(\$181,680.00)
Operating Expenditure	Materials and Contracts - Cyclone Response Expenditure - Waste Management & Recycling	\$18,000.00	(\$18,000.00)		\$0.00		(\$18,000.00)
Operating Expenditure	Materials and Contracts - Street Cleaning - Waste Management & Recycling	\$294,360.00	(\$294,360.00)		\$0.00		(\$294,360.00)
Operating Expenditure	Materials and Contracts - Footpath Sweeping - Waste Management & Recycling	\$202,310.00	(\$202,310.00)		\$0.00		(\$202,310.00)
Capital Expenditure	Waste Management & Recycling	\$650,000.00	(\$650,000.00)		\$0.00		(\$650,000.00)
			\$0.00		(\$0.00)		\$0.00

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

ITEM 15 REPORTS OF COMMITTEES

Nil

ITEM 16 CONFIDENTIAL ITEMS**201516/097 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR HOOPER**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to enable Council to consider the following item:

16.1 Melreef Pty Ltd – Lease of Reserve 33593***CARRIED 9/0***

10:48pm Mayor advised that the meeting is closed to members of the public.

16.1 Melreef Pty Ltd – Lease of Reserve 33593**201516/098 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR MELVILLE**

That Council approve to dispose of the whole of Reserve 33593 being Lot 364 on Deposited Plan 42164 (6.8831 hectares) by way of Lease to Melreef Pty Ltd in accordance with Section 3.58 (3) of the *Local Government Act 1995* on the following terms and conditions:

- a. Lease term: 10 years;
- b. Extended term: 10 years;
- c. Annual Rent: \$5,000, exclusive GST;
- d. Rent Review: Annual increase to the base rental by the Consumer Price Index (Perth);
- e. Permitted Purpose: The Land to be used solely for the purposes of stock holding yards and other purposes associated with stock holding yards. A portable caretakers dwelling is permitted for animal welfare and security purposes, between no earlier than 1 April and no later than 31 October in each calendar year when the yards are required for stock holding. Any portable caretakers dwelling shall be removed at all other times;
- f. Lease commencement to be backdated to 1 July 2015 and to supercede the Lease agreement between Melreef and the Town of Port Hedland dated July 2007.

Subject to no submissions being received in the requisite advertising period and final endorsement by the Minister for Lands in accordance with the Lands Administration Act 1997.

CARRIED 9/0

201516/099 COUNCIL DECISION

MOVED: CR MELVILLE

SECONDED: CR WHITWELL

That Council open the meeting to members of the public.

CARRIED 9/0

10:49pm Mayor advised that the meeting is open to the public. Mayor read out to the public Council's decision made behind closed doors.

ITEM 17 APPLICATIONS FOR LEAVE OF ABSENCE

201516/100 COUNCIL DECISION

MOVED: CR BUTSON

SECONDED: CR GILLINGHAM

That Council approve the following applications for leave of absence:

- **Councillor Blanco from 3 January to 9 January 2016**
- **Councillor Gillingham from 20 December 2015 to 18 January 2016**
- **Councillor Hooper from 22 December 2015 to 26 January 2016**
- **Councillor Whitwell from 26 December 2015 to 26 January 2016**

CARRIED 9/0

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 16 December 2015, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 9 December 2015, commencing at 5:30pm.

19.2 Closure

There being no further business, the Mayor declared the meeting closed at 10:51pm.