



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

**WEDNESDAY 16 DECEMBER 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*

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ITEM 1 OPENING OF MEETING

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

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 Hunt

Councillor Lorraine Butson

Councillor Louise Newbery

Councillor Richard Whitwell

Officers

Mal Osborne Chief Executive Officer

Peter Kocian Executive Officer

Anna Duffield Acting Director Corporate Services

Brendan Smith Director Works and Services

Chris Linnell Director Community and Development Services

Josephine Bianchi Acting Manager Corporate Information

Grace Waugh Minute Taker/ Governance Officer

Public 21

Media 3

ToPH Officers 11

3.2 Apologies

Councillor Troy Melville

3.3 Approved Leave of Absence

Nil

ITEM 4 RESPONSE TO PREVIOUS QUESTIONS**4.1 Questions from Public at Ordinary Council Meeting held on Wednesday 25 November 2015****4.1.1 Ms Ines Bozuric**

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

Director Community and Development Services advised that the 'Northwest Fest Pty Ltd' ABN was originally to be used for the North West Festival. However it was subsequently determined that the event was to be run through Sunset Events ABN. The 'Northwest Fest Pty Ltd' ABN is dormant.

4.1.2 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 Town is currently looking into this request and will provide a response to Mr John Peters in due course.

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

Director Community and Development Services advised that Sunset Events has not sponsored any specific community group event however they have involved many community groups in organising and running the North West Festival such as YIC involvement, the mentoring program, Hedland Arts Council (HARTZ) participation and the Best of the North West event giving local and regional artists the opportunity to perform at the North West Festival.

4.1.3 Ms Georgia Cutting

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

Director Community and Development Services advised that in addition to the North West Festival costs, the Town has a budget of \$276,000 for community events; \$15,000 for cruise ships, approximately \$100,000 for the Economic Summit, \$35,000 sponsorship for the art awards and \$70,000 for donations (which may include some community events). The \$276,000 doesn't include some of the recreation events (paws walk and mother's day classic, community awards, skate park comps, music comps).

4.2 Questions from Elected Members at Ordinary Council Meeting held on Wednesday 25 November 2015

4.2.1 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 it has been identified that there is a pavement failure at Cooke Point roundabout. The Town will liaise with Water Corporation to forecast future underground water pipe works so that road rehabilitation plans can be put in place. The configuration of the roundabout

island has been inspected by Technical Services and a Scope of Works will be prepared and quotes sought for inclusion in the 2016/17 capital works program.

4.2.2 Councillor Gillingham

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?

Director Community and Development Services advised that the 2015 sponsors will be followed up with to see if they are willing to share this information.

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?

Director Community and Development Services advised that the West End Markets are an event conducted by FORM. FORM followed the correct protocol from the Town's perspective and sought the appropriate permission to consume alcohol on a Council Owned Facility or Reserve. As alcohol was being sold they would have required a liquor licence from the Department Racing Gaming and Liquor. The request made by FORM was well prepared with all information thoroughly outlined in the form. The layout was assessed to be away from the main stall area and created a nice situation with food stalls and musicians forming part of the overall ambiance.

4.2.3 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?

Director Works and Services advised that the irrigation is running efficiently, however needed to be turned off and individual stations incorporated and tested. In the week of 23 November the control system for the irrigation was upgraded to the Central Control System as part of the tender request for tender 14-08.

The Scope of work includes:

1. Supply Multi wire Waterman controller
2. Supply of Relays for 27 stations is included
3. Wireless 3G communication will be provided
4. Install pressure Transmitter on irrigation line.
5. Install level sensor in tank
6. Replace parts of existing cabinet with enclosures
7. Supply and Install 50 mm solenoid valve for controlling Fresh water tank fill
8. Supply and install 100 mm ABB flow meter for the irrigation
9. Remote station communication and BBQ & Lights control
10. Pipeline modification

4.2.4 Councillor Whitwell

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?

Director Community and Development Services advised that Sunset Events auditors have conducted an audit of payments and receipts to third parties by Sunset Events. This audit has been provided to the Town and has been deemed sufficient. The Town has on occasion requested to view payments or receipts from Sunset Events and this information has been provided.

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 5:37pm.

5.1 Public Question Time

5.1.1 Mr Roger Higgins

When did Council vote to approve the tender process for item 13.2 'Award of Tender 18/15 – Civic and Administration Centre Upgrade Project'?

Chief Executive Officer advised that where projects are contained in the budget Town officers work on the projects and follow through with calling for tenders when appropriate for that level of investment. There have been a number of workshops with Elected Members on this project dating back to two and a half years looking at the various options for the tender and the works around the Civic Centre. These workshops resulted in a tender process which is now being presented to Council for consideration.

Who was authorised within the Town of Port Hedland administration to call for the Civic Centre refurbishment tender and who gave that direction?

Chief Executive Officer advised that, as the Chief Executive Officer, he is authorised to call tenders for the expenditure items, topics and projects listed in the budget.

I refer to a statement in point 7(c) of item 13.2 which can be found on page 3 where it states 'Rejection of any tender on the basis of a change of direction

could damage the Town's reputation within the business sector and may result in a claim for costs from tenderers against the Town of Port Hedland.' Under whose directions has the Council been placed in this position where there is potentially some legal action that could follow if the tender doesn't proceed?

Chief Executive Officer advised that the tender process is a process of openness, transparency and operating under ethically appropriate business practices. When the Town goes to tender it would be unethical to seek the tenderers to supply tenders if there is no legitimate intent to actually deliver the project. As a process improvement the Town is noting that should Council change its mind for the sake of changing its mind, not for the sake of having an inadequate tender, that there may be some risk to the Town of Port Hedland in its business reputation but also in terms of tenderers potentially seeking reimbursement for the costs that they have incurred to date if the Council solely said we don't want to do that anymore, we want to do something different. The process in all tenders should be tendering to get the best value for the local government with the intention of a satisfactory tender then being awarded.

5.1.2 Ms Jacquie Rykers

Why have the lights been on at the South Hedland Aquatic Centre in the mornings when it is currently closed?

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

The lights have been on the last three mornings and last week.

YMCA General Manager – Pilbara Region advised that works have been commencing at four in the morning for the last two mornings at the South Hedland Aquatic Centre.

5.1.3 Ms Ines Bozuric

My question refers to the question that I asked at the November 2015 Council Meeting about the North West Festival Pty Ltd ABN. The answer provided was that the ABN is dormant. How did the Town come to the conclusion that it is dormant?

Director Community and Development Services advised that the ABN was set up in the first tender round for the event manager of the North West Festival. The ABN was never activated. The Town has a letter from Sunset Events who have said that they are in the process of changing the name of the ABN to a new event that is coming up and that they have no proprietary rights or interest in the North West Festival name. At the present time the Town are going through trademarking the North West Festival.

At the present time there are no pending applications for trademarking the North West Festival name.

Director Community and Development Services advised that as previously stated the Town is currently putting the application together.

So when the Chief Executive Officer said that the Town owns the intellectual rights of the name that was not true.

Director Community and Development Services advised that it was a correct statement however the Town had not gone through the process to formally trademark the name.

Why will the Town not release the breakdown of attendance figures? Is it confidential?

Chief Executive Officer advised that the figures aren't confidential.

Director Community and Development Services advised that the attendance figures have been released.

The tickets for the festival are sold through Moshtix and they have a client login for event organisers. The login tells the organiser exactly how many tickets have been sold. Why can't the community get a print out of that so people can see what days were busy, how many people attended, how many people were repeat customers and what postcodes they are from instead of getting told figures that keep changing?

Chief Executive Officer advised that the figures are not constantly changing. There is a difference between ticket sales and attendance figures as some people buy one ticket to attend for three days and are therefore classed as three attendances. Last week the Town provided the attendance information during a workshop with Elected Members. The information is publically available and breaks the attendance down to age group and demographics.

Mayor asked that this information be uploaded on the Town's website by the end of the week. If Ms Bozuric is still not happy with the information she can call or email the Mayor on 08 9158 9306.

5.1.4 Mr Mike Pound

Did you, Mal Osborne.

Mayor reminded Mr Pound that questions must be directed through to the Mayor as Presiding Member.

Did the Chief Executive Officer make a false entry on a Council record by backdating the Temporary Alternative Duties Form?

Chief Executive Officer advised that he did backdate a form for the purpose of providing ongoing efficient effective operations for the Town of Port Hedland.

How many forms were backdated?

Chief Executive Officer advised that two forms were backdated.

Did the Chief Executive Officer issue planning permits that are false or invalid?

Chief Executive Officer advised that fourteen applications were approved during the period of time in question. The Town has had a question asked by the Department of Local Government and Communities (DLGC) based on a complaint they received on how those applications were dealt with. The Chief Executive Officer responded with information on how the applications were dealt with using alternative duties forms and the reliance on the Interpretation Act. The DLGC eventually came back to the Town and stated that they believe that those applications may be invalid. The DLGC did not state that the applications were invalid. Subsequently the Town has taken legal advice from the Town's legal advisors, which has been sent to Elected Members today, stating that those applications are valid.

Did the Chief Executive Officer falsify or alter a Council record?

Mayor advised in the negative.

May I have a copy of that legal advice? Is it available to the public?

Mayor advised that it is not usual business to provide the Town's legal advice to the public so she will seek advice.

Through your duties as the Mayor will you be reporting the Chief Executive Officer's actions with respect to planning delegations, approvals and the process, during February and March this year, to the Corruption and Crime Commission, the ombudsman, the standards panel, and the police?

Mayor advised in the negative as per her response to Mr Pounds email today.

Directed to the Deputy Mayor.

Mayor advised that questions cannot be directed to the Deputy Mayor. As the Presiding Member the questions need to be directed to the Mayor.

Through the duties as the Deputy Mayor will he be reporting the Chief Executive Officer's actions with respect to planning delegations, approvals and the process, during February and March this year, to the Corruption and Crime Commission, the ombudsman, the standards panel and the police?

Mayor advised that it is up to the Deputy Mayor and, as per her email to Mr Pound, anyone can report someone if they feel that the issue is of that nature and that gravity. The Mayor does not believe the issue is of that nature or gravity and does not believe they are of the nature that Mr Pound is suggesting.

5.1.5 Mr Peter Oldenhuis

I would like to know why the Council are applying residential parking laws to the Wedgefield industrial area?

Chief Executive Officer advised that he isn't aware of the particular issue however the Town's local law relating to parking is uniform across the local government area.

I have an industrial lot and have been advised that I cannot park a commercial vehicle outside my industrial lot for any period of time. The rangers have given me clarification and have taken a total blanket approach. I think there should be a difference between residential and industrial areas.

Mayor advised that the Chief Executive Officer would seek clarification on the matter.

5.1.6 Ms Mary Attwood

My question is about compliance in respect to the Audit, Risk and Governance Committee. Has the Town put through the quarterly statements to tonight's meeting?

Chief Executive Officer advised that each month the Town puts the monthly financials through to the Council, which is on tonight's agenda. The last Council meeting in November had the quarterly budget review and a monthly statement combined. Tonight's item is only the monthly statement for November 2015.

Were the quarterly statements assessed or recommended through the Audit, Risk and Governance Committee?

Mayor advised in the negative. It was a matter of timing as the Town had just had the local government election so the Council had to reconstitute the committee and reconstitute the membership which included advertising and appointing community members. The Committee did not exist until it was reformed by Council following the October election.

Is the AGM for the audit tonight?

Mayor advised that the Annual General Meeting of Electors is tonight at 7:30pm.

Chief Executive Officer advised that it contains the audited annual financial statement for the financial year to 30 June 2015.

Mayor closed Public Question Time at 5:50pm.

Mayor opened Public Statement Time at 5:50pm.

5.2 Public Statement Time

5.2.1 Mr Mike Pound

Mr Pound made a statement in relation to item 12.1.7 'Retrospective Planning Approvals, February to April 2015'.

Council is being asked to grant Retrospective Approval for previous approvals granted by the Chief Executive Officer and Acting Chief Executive Officer for the period February to March 2015.

To clarify, the Department of Planning and Local Government has not recommended the 'Retrospective Planning Approvals' process. The officers

report does not admit that the Development Approvals are invalid, it states that they 'may' be invalid, despite the letter from Department of Local Government and Communities clearly stating that 'the Chief Executive Officer could not exercise the Delegated Authority of Council by simply assuming the duties of an office to determine development applications under the Scheme and he would be required to be formally appointed to the position prior to assuming the delegated authority'. What we have are 'invalid' approvals. There is no permit. The approval does not exist. Council needs to replace the non-existent invalid approval with a lawful approval. This may not constitute or warrant a 'Retrospective Planning Approvals'. Retrospective Planning Approval' or validation of a Planning Approval requires an application to be lodged by the applicant, not by the Town on behalf of the applicant.

The officers report does not provide a detailed background and history of this issue, it merely disregards all the concerns which I raised about the delegations and potentially invalid approvals at various Council meetings. Why isn't this included and commented upon within the report? The officers report is littered with anomalies, absent of critical information, deliberately basic and misleading. It is incomprehensible that the Chief Executive Officer has allowed this report to be thrown together and progressed as an agenda item for Councils consideration, it is deficient on a number of levels including the overall risk implications to Council.

All these planning applications should have been considered by Council. Why weren't these planning approvals brought to Council for determination? The Chief Executive Officer is quoted at the February 2015 Ordinary Council Meeting saying that "As a matter of clarification Madam Mayor, these delegations are in non-existence, so without any feedback from Elected Members we will now have to bring a whole heap of agenda items to Council for formal approvals, so as long as you are aware of the additional work load." The Chief Executive Officer in his own words advised Council that if the delegations being sought in February were not supported by Council then all planning items would have to come back to Council for determination. Why did this not occur?

The Chief Executive Officer was asked multiple questions regarding planning delegations, by various community members during public question time at the April, May, June and July 2015 Ordinary Council Meetings. The Chief Executive Officer provided numerous differing and conflicting responses, at times either evading the question, taking the question on notice, avoiding answering the question directly or responding to a question very generally.

Why did it take until the July Ordinary Council Meeting for the Chief Executive Officer to refer to the 'internal instrument of authorisation' for which we now know of as being the 'Alternative Duties Forms'. Why did the Chief Executive Officer make it extremely difficult for me to have copies of these documents? Why did he question my level of professionalism during my attempt to get copies of these documents? If he backdated this document upon his return from annual leave in April as you have stated Mayor, then why didn't he mention that they existed when responding to questions at the April, May and June Ordinary Council Meetings regarding delegated authority? There are too many unanswered questions. Only an investigation will answer these appropriately.

The Chief Executive Officer has admitted to backdating documents, in particular the Alternative Duties Form. The mayor is aware of the behaviour and has condoned the Chief Executive Officer's actions, advising it is standard practice. Altering Public documents is a serious matter. Backdating of documents should not be taken lightly or addressed so flippantly as the mayor chooses to do so. We are dealing with backdating Council Documents that has significant implications on statutory legal documents, being planning permits.

Backdating of documents can have serious legal consequences to Council. As eluded to by the Mayor this appears to be common practice. What other Council documents have being backdated and what potentially serious implications are there for Council.

I do not need to remind you that we are dealing with the Chief Executive Officer, not a junior officer who you may forgive for not understanding processes and who may be naive. We are dealing with the Chief Executive Officer who cannot use naivety or ignorance as an excuse. He is the leader of the Town. An executive, knowledgeable of professional ethical standards and whose professional behaviour should be beyond reproach. A Chief Executive Officer should lead by example for all staff. Unfortunately this has not been the case.

The role of the Chief Executive Officer is based on professionalism, honesty, integrity, upholding high standard of ethics, high level values, and trust. If the Chief Executive Officer is committed to improving the Town's business practices, then these claims against his administration should be taken seriously through the welcoming of an independent and transparent investigation absent of his presence and manipulation.

If the Town's senior administration is transparent about their operations and actions then they should welcome an Independent audit. If they have nothing to hide they should open up their records to an independent investigator for review. Until such time this occurs all the issues and matters which have previously been raised remain outstanding.

Whilst the planning issue is a major issue that needs to be rectified, this is not the main issue regarding this matter. The main issue is the Chief Executive Officer's unethical behaviour.

What values are being portrayed to the Town's administration and what ethical and professional standards are being portrayed and implemented across the organisation?

This is only one issue a community member has taken the time to question and investigate. What other major issues are prevalent with the Town's administration?

5.2.2 Ms Jan Ford

Ms Ford made a statement representing the Port Hedland Community Progress Association.

The Port Hedland Waterfront has been restricted since 2008, by the outstanding two year State Government "Dust Study" which still remains outstanding seven years later in 2015.

The Town of Port Hedland document known as the "Pilbara Cities" involved extensive consultation with all levels of Industry, Community and Government and included the Port Hedland Waterfront Area. The State Government endorsed the "Pilbara Cities Plan" in 2012.

There are currently 3 vision plans for the Port Hedland Waterfront Precinct, yet none of them have been placed on the waterfront to encourage development.

All levels of Government have plans and papers for the development of the North of Australia and are relevant to the development of the Port Hedland Waterfront.

1. The Federal Government White Paper
2. The Pilbara Development Commission Blue Print
3. The Town of Port Hedland Pilbara Cities.

Two areas in West Australia have resolved land issues with industry in Waroona/Wagerup with Alco, and Kwinana with the Kwinana Industry Council.

These areas have resolved a combination of industry buffer zone, and Government resumption, a clearly defined safe community areas and was led by the Local Councils and community.

The Federal Government has just released an innovation policy to encourage start-up businesses and development of Australians sharp minds. Nowhere do I see more evidence of sharp minds than here in Port Hedland.

So please as our community representatives, support us to develop our waterfront area in partnership with all stakeholders in a safe, strong, environment.

What is necessary for clarity for development in this area? Those areas that I use as examples being Waroona and Kwinana began and finished and have been developed all in the seven years that our dust report has taken to give us any sort of result.

On behalf of the Port Hedland Community Progress Association we request the Town of Port Hedland work with the state government to resolve this planning and health issue outstanding since 2008.

Meanwhile I would like to thank you for having the front doors open this evening for the meeting.

5.2.3 Ms Ines Bozuric

An ABN is not dormant just because someone says it is dormant. The ABN number it is still active, is registered for GST and was updated with documents last month. In regards to the intellectual property, if someone can look me in the eye and lie to me about something like that.

Mayor advised that it is a difference of opinions about the intellectual property as it is owned by the Town of Port Hedland.

5.2.4 Mr Anthony Cox

Mr Cox works for Macro Realty Developments who are about building Pilbara Cities. Macro Realty Developments would like to be a significant sponsor for the North West Festival to try to save it for the town.

5.2.5 Ms Mary Attwood

Ms Attwood made a statement about compliance which she raised at the last Council meeting. She is concerned that compliance isn't a priority for the Town of Port Hedland. Compliance is not only for planning, it is about how people do their jobs and ensuring that things are done in accordance to the requirements of the regulations. Ms Attwood disagrees with the Mayor in regards to the planning delegated authority. The Town had specific advice from the Department of Local Government and Communities which hasn't been followed. That is not compliance, as the Town is not complying. The Town must comply with the Local Government Act and regulations. Ms Attwood stated that at the 28 October 2015 the Council changed the planning delegates because the delegate didn't have the delegation at that time. The Chief Executive Officer rushed in and changed the delegations so that he had the authority to authorise the applications.

Mayor asked that Ms Attwood keep her statement factually correct. There was a change in legislation hence the altered delegations took place at the 28 October 2015 meeting.

Ms Attwood stated that the Town cannot ignore the requirement to put certain documentation to the Audit, Risk and Governance Committee. Ms Attwood doesn't believe that the elections are an excuse as the Audit, Risk and Governance Committee governs the finances of the organisation and the Town has a responsibility to ensure that there is compliance to all the requirements. The community expects the Town to comply with the Local Government Act and regulations.

Mayor closed Public Statement Time at 6:07pm.

ITEM 6 QUESTIONS FROM MEMBERS WITHOUT NOTICE

6.1 Councillor Blanco

I have something here from the Port Hedland Baseball Association. They would like to know if the Town could assist with some important maintenance issues previously reported below by president Peter Starling about the Marie Marland Reserve. The male toilet is cracked, the showers leaking badly and the Town has put buckets below to catch water, there is severe mould growing on shower walls, the hand basin sink taps require tightening in both male and female toilets, they want an oven to use in the kitchen. The grounds are overgrown with prickles, there is some donated sand and if it's unwanted then the Baler P&C want it, there are bull ants issue around dugouts and seating areas and the baseball diamond

grass needs weeding again. They have an issue with the long term shade upgrade that we were supposed to be doing and the seating.

Mayor advised that these have been tabled and they will be actioned.

I have been going through the North West Festival documents and there are a couple of issues.

Mayor advised that the documents are marked confidential and that the Council would have to go into confidence to discuss them. Mayor advised that Councillor Blanco doesn't have to wait until the Council meeting to ask questions he can email them through to the Chief Executive Officer to be answered.

6.2 Councillor Gillingham

As the Annual General Meeting of Electors is on tonight and advertised for 7:30pm will we be stopping proceedings if we reach 7:30pm because there are a lot of people tonight?

Mayor advised in the affirmative.

Some people didn't see the Annual General Meeting of Electors advertised in the local paper. Can we find out where it was advertised?

Acting Director Corporate Services advised that the Annual General Meeting of Electors was advertised in the Hedland Highlights, which is the Town's weekly full page advertisement.

So it wasn't a separate advertisement in the North West Telegraph where the public notices are?

Mayor advised that it is listed under the Town's notice section.

In the past the advertisement has always been in the public sector of the newspaper which more people read.

Mayor advised that the advertisement is in the paper and that the requirement is that the Annual General Meeting of Electors has to be advertised in the paper. It doesn't specify where it needs to be advertised so the advertisement has met the requirement.

We should let the public know that that is what is going to happen in the future.

Mayor advised that the Town has advised the community. Community notices were also distributed for the Annual General Meeting of Electors and was covered in the Mayor chair and Mayor chat pieces.

Regarding the North West Festival I have come across a festival that is in January called Southbound. I find it interesting that this festival is run by Sunset Events and you need to be over 18 to attend the event. It runs from Friday night to Sunday and includes camping. The attendance figures for the North West Festival showed that only 110 people under the age of 18 and accompanied by

parents or guardians attended the festival. If in the future the attendance number for under 18 drops will the festival not become accessible for under 18 year olds?

Mayor advised that she didn't believe so.

Chief Executive Officer advised that the event is on a year-by-year basis and that a change to any structure of the event including age groups or more family friendly accessible would be reported back to Elected Members.

There are a lot of parking fines being issued around town by our rangers. On Sunday morning I was visiting family in Pretty Pool and a parking fine was given to one of the family members. I would have thought that the rangers would knock on the door to say you've parked a bit too close the footpath. I understand that parking fines have to happen but I thought we would be a user-friendly town. Never before have I known a fine to be issued without someone having a knock on the door first.

Chief Executive Officer advised that the Town has been speaking to the rangers team about ensuring that if there are campaigns being run then there should be some public notification in the lead up to the campaign, a bit like the police signs when they are targeting speeding. If people are parking on footpaths or obstructing the vision of other traffic they will be infringed without question. If they are in parked in disabled bays without an ACROD sticker they will be fined without question. The Town does believe that the Town can do more community information campaigns to ensure that people think twice about where they park. There are a number of infringements being issued for vehicles being parked in the wrong direction which is a safety issue, parked on footpaths and parked on other peoples drive ways. The Town will look at ways for the Town to provide better information in advance.

There is obviously a problem with the reticulation on Anderson Street as the plants in there are not growing. Can we please look into it the reticulation between Howe Street down to the Port Authority with the summer months coming up?

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

6.3 Councillor Hooper

One person has asked if we are any closer to having a recycling shed out at the landfill. Another person was singing the praises of the Town for the Neverfail bottle reclamation container. He is the manager of Neverfail and was very happy at the number of bottles that he has reclaimed and he asked me to convey his gratitude.

Mayor advised that in the quarterly budget review there were items on the tip shop and waste separation and reuse.

Chief Executive Officer advised that the projects are still in their early stages.

Director Works and Services advised that the Town is currently going through a design process at the moment and will be bringing the information back to Council via a conversation process early in the new year.

6.4 Councillor Arif

A TransHedland bus stop has been relocated to Steven Street from Sutherland Street. The Sutherland Street had a bus shelter and seating however the new bus stop has no seating. Will the bus shelters that currently exist be relocated to the new bus stops? If not what is going to happen to them?

Director Works and Services advised that the Town hasn't discussed the existing bus shelters with the Public Transport Authority but will take the question on notice.

6.5 Councillor Butson

Would the rangers be able to ensure that if they are giving fines out then to ensure it is consistent for everybody? Two days after I got my fine the rangers went past the next door neighbours house and didn't give a fine to them for having their cars on the footpath.

Mayor advised that this information would be passed on to the rangers team.

6.6 Councillor Newbery

Why is the tip being closed at 12pm on Friday 18 December 2015?

Director Works and Services advised that the tip is being closed for a staff Christmas lunch.

Leading up to Christmas people are trying to clean up as much as they can.

Mayor advised that bins are being provided out the front of the tip so people can dump their rubbish in the bins rather than driving up to the tip face. There shouldn't be any alterations in service.

6.7 Councillor Whitwell

I have received a complaint by a few locals about their children getting ear infections from the Gratwick Aquatic Centre. It might be due to the number of people who are using the pool but I thought I would report it anyway.

In regards to Ms Ford's statement I have been hearing about the dust environmental report ever since I have been in Port Hedland and it is disturbing that it hasn't been received. What is the Town doing about getting the State Government to complete the report?

Mayor advised that the Chief Executive Officer and herself have been meeting with the chairperson of the noise and dust taskforce, emailing the chairperson and expressing shared concerns about the need to be able to get the report to provide clarity and direction moving forward. The report is being completed by the Department of State Development and Department of Health and the Town will continue to lobby.

Chief Executive Officer advised that he emailed the Department of State Development last week and was referred to the Department of Health as the Department of State Development didn't believe they could give the Town any further answers. An email was sent to the Department of Health last Wednesday and a response hasn't been received. The Chief Executive Officer advised that he met with other representatives from the major projects branch from the Department of State Development today and put them on notice that there is a lot of frustration from the community that what was initially meant to be produced in late 2014 was then moved to mid 2015 and it is now December 2015 and there is no sign of the report. This is having a significant impact on opportunity and confidence of development in Port Hedland.

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 Arif
Councillor Blanco	Councillor Butson
Councillor Gillingham	Councillor Newbery
Councillor Hooper	Councillor Whitwell

ITEM 8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

8.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 25 November 2015

201516/101 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council confirm that the Minutes of the Ordinary Meeting of Council held on Wednesday 25 November 2015 are a true and correct record.

CARRIED 8/0

ITEM 9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

November 2015

Saturday, 14th November

- Attended Andrew McLaughlin Community Centre Twilight Christmas Markets

Monday, 16th November

- Involved In Panel Shortlisting For Principal – Hedland Senior High School

- Attended East Pilbara District Health Advisory Council Meeting

Tuesday, 17th November

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO & Mayor Catch Up
- Attended Jim Diers – Community Development In Port Hedland Generally And Then A Focus On NGO Role, Challenges & Opportunities Workshop
- Weekly TOPH & NWT Media Meeting
- Meeting With Local Residents Mark & Rosie Vrancic
- Attended TOPH Audit, Risk & Governance Committee Meeting
- Attended 2015/2016 Budget Overview & September 2015 Quarterly Budget Review Discussion

Wednesday, 18th November

- Chair Public Agenda Briefing
- Attended EM & Exec Meetings

Thursday, 19th November

- Attended Port Hedland Liquor Accord Meeting
- Attended Meeting With ANZ Bank Leadership Team
- Attended Cruise Ship Update

Friday, 20th November

- Volunteered As A Town Ambassador For Cruise Ship Visit – Radiance Of The Seas

Saturday, 21st November

- Mayor Coffees – Port Hedland
- Mayor Coffees – South Hedland
- Attended & Welcome Speech At Small Business Association Of Australia & Roy Hill Gala Dinner

Sunday, 22nd November

- Attended National Mining & Related Industries Day Luncheon Event

Monday, 23rd November

- Attended Pilbara Regional Council (PRC) Training: Local Government Insurance Insights
- Attended Pilbara Regional Council (PRC) Meeting

Tuesday, 24th November

- Weekly Spirit Radio (1026am) Mayor Chat
- Weekly CEO & Mayor Catch Up
- Discussion With LGMA Re Format For Panel Session LGMA Women's Forum
- Meeting With Emma Jackson For RMIT Re Pilbara Cities Projects & Architecture
- Weekly TOPH & NWT Media Meeting

Wednesday, 25th November

- Attended 2015 White Ribbon March & Community Breakfast Event

- Meeting Port Hedland Primary School Car Park (Department Education & Department Finance)
- Meeting Update Tourism Action Group
- Meeting Department of Local Government & Communities Best Practice Review
- Chair Ordinary Council Meeting

Thursday, 26th November

- Attended & Panel Speaker LGMA 2015 Women's Forum

Friday, 27th November

- Attended LGMA 2015 Women's Forum

Saturday, 28th November

- Attended 10th Anniversary Celebrations Hedland Community Radio 101.3FM

Monday, 30th November

- Attended Pilbara Regional Council (PRC) Special Council Meeting
- Officiated Honorary Appreciation Afternoon Tea For Rob Fry

December 2015

Tuesday, 1st December

- Weekly Spirit Radio (1026am) Mayor Chat
- Photo Mosaic Artwork South Hedland Youth Space & Pilbara Development Commission
- Officiated Relationship Declaration For Glenn Ward and Sophia Scharke
- Weekly TOPH & NWT Media Meeting
- Weekly CEO, Deputy Mayor and Mayor Meeting
- Attended Elected Member Workshop: Proposed OCM Motions

Wednesday, 2nd December

- WALGA State Council Induction & Photo
- WALGA State Council Strategic Forum
- WALGA State Council Meeting

Thursday, 3rd December

- Attended Hedland Women Of Influence Luncheon Event
- Officiated Thank You & Recognition Sundowner Event – George Daccache & Gloria Jacob
- Attended South Hedland Primary School End of Year Christmas Concert & Year Level Awards

Mayor was involved with the short-listing for the new Principal for Hedland Senior High School and yesterday the Acting Principal announced that the new Principal for Hedland Senior High School is Kelly Summers who is coming from Harvey Senior High School. Mayor volunteered as a town ambassador at the Radiance of the Sea cruise ship visit on 20 November which was a very hot day. Mayor thanked everyone who assisted. Mayor attended and provided a welcome speech at the Small Business Association of Australia and Roy Hill Gala dinner event held at the Esplanade Hotel. Mayor congratulated Roy Hill for the first shipment leaving the port which is a significant milestone. Mayor passed on her

commendations to the Hedland Says No to Violence Group that did the White Ribbon March and community breakfast event on 25 November 2015. Mayor congratulated the Chief Executive Officer for his moving speech. Mayor stated that it was pleasing to see so many participants and thanked Fortescue Metals Group for the full support. Mayor officiated an appreciation afternoon tea for Mr Rob Fry who will be leaving town soon. Mr Fry has made significant contributions to the town and the Pilbara in terms of chairing the Hedland Senior High School board and the WA State Schools public board. Mr Fry made significant contributions to the volunteer fire brigade and provided JP services to the town. Mayor was honoured to be elected as a State Councillor for the WA Local Government Authority and as a State Councillor got to attend her first State Council meeting. Mayor also had the pleasure of attending a number of end of year school concerts and graduations and congratulated all of the schools. Mayor personally donated Mayor book awards and congratulated the all female recipients and heard fantastic stories of the students going over and above contributing to the school and the wider community.

ITEM 10 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION

10.1 Councillor Gillingham

Councillor Gillingham attended the community awards at the Esplanade Hotel and congratulated to all winners that were nominated and received awards. Councillor Gillingham thanked everyone that made it a special evening. Councillor Gillingham attended the School of the Air concert and graduation evening which took place at St Cecilia's Hall. The families from all the outlying stations attended. Six students graduated with some families having been part of the School of the Air since its inception 52 years ago. Councillor Gillingham attended the carols by candlelight evening and thanked everyone that contributed including Cr Hooper who gave a great painting. Councillor Gillingham attended the Steven Street Retirement Village Christmas dinner and provided Christmas music. She thanked Soroptimist for putting on a fantastic afternoon. Councillor Gillingham thanked the Acting Principal, Grant Brown, for his input into the High School over the past few months.

10.2 Councillor Hooper

Councillor Hooper attended the community awards which was a great night and has had a lot of good feedback from people who felt very valued. Councillor Hooper thanked all those community members and sponsors that helped make the carols by candlelight a success which was appreciated. The carols had the highest level of community involvement to date.

10.3 Councillor Arif

Councillor Arif attended the multicultural lunch by Frontier Services at the Well Women's Centre which was a wonderful day with many women dressed in their national costume. Councillor Arif attended the opening of the Nextgen cable landing station and the gentleman that opened it made a particular comment about it being a pleasure to work with the Town of Port Hedland. Councillor Arif attended the farewell evening for former Councillors Gloria Jacob and George Daccache which was a very moving and emotional afternoon. Councillor Arif

attended the volunteers award night which was a lovely night. Councillor Arif attended the Cyclone Joan video launch by Department of Fire and Emergency Services which was launched at Dalgety House Museum last week which was a very interesting night. Councillor Arif also attended the Chamber of Commerce directory launch night and the Tourism Action Group Meeting which has a large group with great energy who are looking forward to a bigger and better 2016 tourism season.

10.4 Councillor Newbery

Councillor Newbery was approached by a community member who wanted to take her for a drive to show her some issues around town. She spent two and a half hours with the community member and it was alarming to see the amount of illegal littering in the town. The Town needs to look at running a program to increase peoples pride and respect in Port Hedland. Councillor Newbery stated that people need reminding that normal rubbish is free and not to dump it but take the time and effort to put it at the tip. Councillor Newbery advised that she took photos of a few compliance issues and would pass them onto the Town.

10.5 Councillor Whitwell

Councillor Whitwell attended the National Mining related Industries Day luncheon and found that very interesting especially the professor that gave the major speech. Councillor Whitwell attended the community awards which were excellent and it was unfortunate that some of his friends were leaving at the same time. Councillor Whitwell found the Cyclone Joan video launch interesting. The video will be used elsewhere, not just in Port Hedland. Councillor Whitwell attended the Port Hedland Chamber of Commerce function. Councillor Whitwell has been traveling around the Pilbara for his work and the sort of problems that he has been dealing with have all been drug-induced crime which is very worrying for the area. The Police Association have been asking for donations towards trying to combat this crime in the community which is something the community should get involved in.

ITEM 11 PETITIONS/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS

11.1 Presentation of Certificate of Appreciation from 101.3 Hedland Radio

Certificate of Appreciation for the Town of Port Hedland for 101.3 Hedland Radio's 10th birthday.

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 November 2015**

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

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/102 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 November 2015.

CARRIED 8/0

EXECUTIVE SUMMARY

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

DETAILED REPORT

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

This information will no longer be a council report but instead circulated in the information bulletin.

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 November 2015

2 December 2015

ATTACHMENT 1 TO ITEM 12.1.1

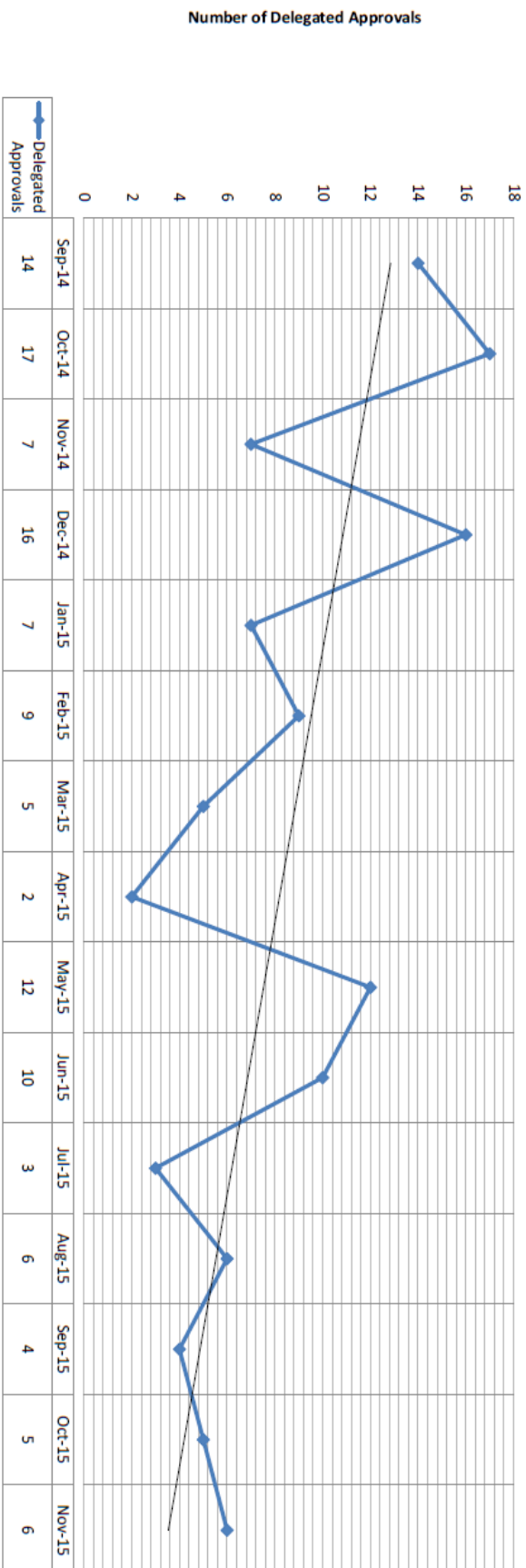
DELEGATED PLANNING APPROVALS FOR NOVEMBER 2015

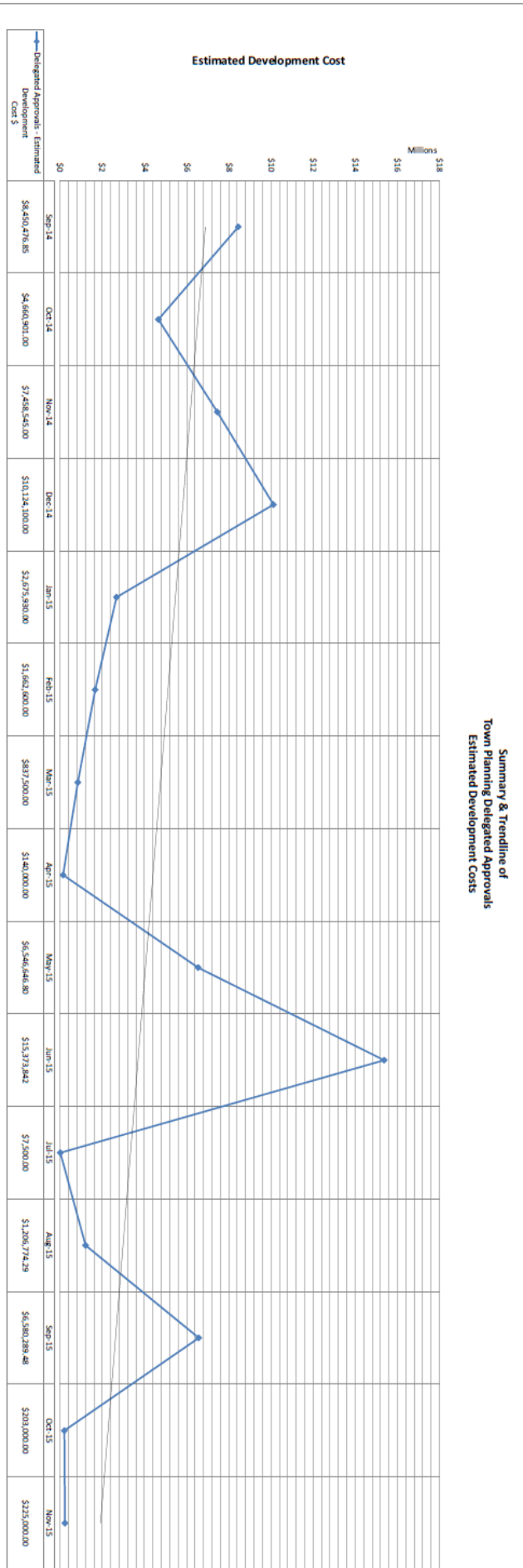
Application No.	Description	Lot	Property Address	Date approved	Applicants name	Development Value	Fee Charged	Authorisation Officer	Delegation
2014/309.0 2	STORAGE FACILITY/DEPOT/LAYDOWN AREA AND INCIDENTAL FATIGUE MANAGEMENT ROOMS	3014	9 SANDHILL STREET WEDGEFIELD 6724	01/12/2015	Pound Planning & Land Development	\$ 40,000.00	Yes	Manager Development Services	3.2
2015/149	INDUSTRY - NOXIOUS - TIRE RECYCLING AND LAMP CRUSHING	5857	20 SCHILLAMAN STREET WEDGEFIELD 6721	17/11/2015	Tox Free Australia Pty Ltd	\$ 20,000.00	Yes	Manager Development Services	3.2
2015/151	CHANGE OF USE - MOTOR VEHICLE AND/OR MARINE REPAIR	5782	20 MUNDRA WAY WEDGEFIELD 6724	18/11/2015	WHELANS	\$ -	Yes	Manager Development Services	3.2
2015/152	TOWN DEPOT - INCIDENTAL OFFICE	1676	4-6 CAJARINA ROAD WEDGEFIELD 6721	09/11/2015	Complete Hire & Sales Pty Ltd t/as Complete Portables	\$ 140,000.00	Yes	Manager Development Services	3.2
2015/153	HOLIDAY ACCOMMODATION - INCIDENTAL CAMP KITCHEN	2115	LOT 2115 NORTH CIRCULAR ROAD SOUTH HEDLAND 6722	11/11/2015	APC PT HEDLAND PTY LTD	\$ 25,000.00	Yes	Manager Development Services	3.2
2015/156	STORAGE FACILITY/DEPOT/LAYDOWN AREA AND MOTOR VEHICLE AND/OR MARINE WRECKING	3774	18 CARLINDIE WAY WEDGEFIELD 6724	17/11/2015	MICHAEL BRIAN FORBES	\$ -	Yes	Manager Development Services	3.2
TOTAL 6						\$ 225,000.00			

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

DELEGATED PLANNING APPROVALS FOR NOVEMBER 2015

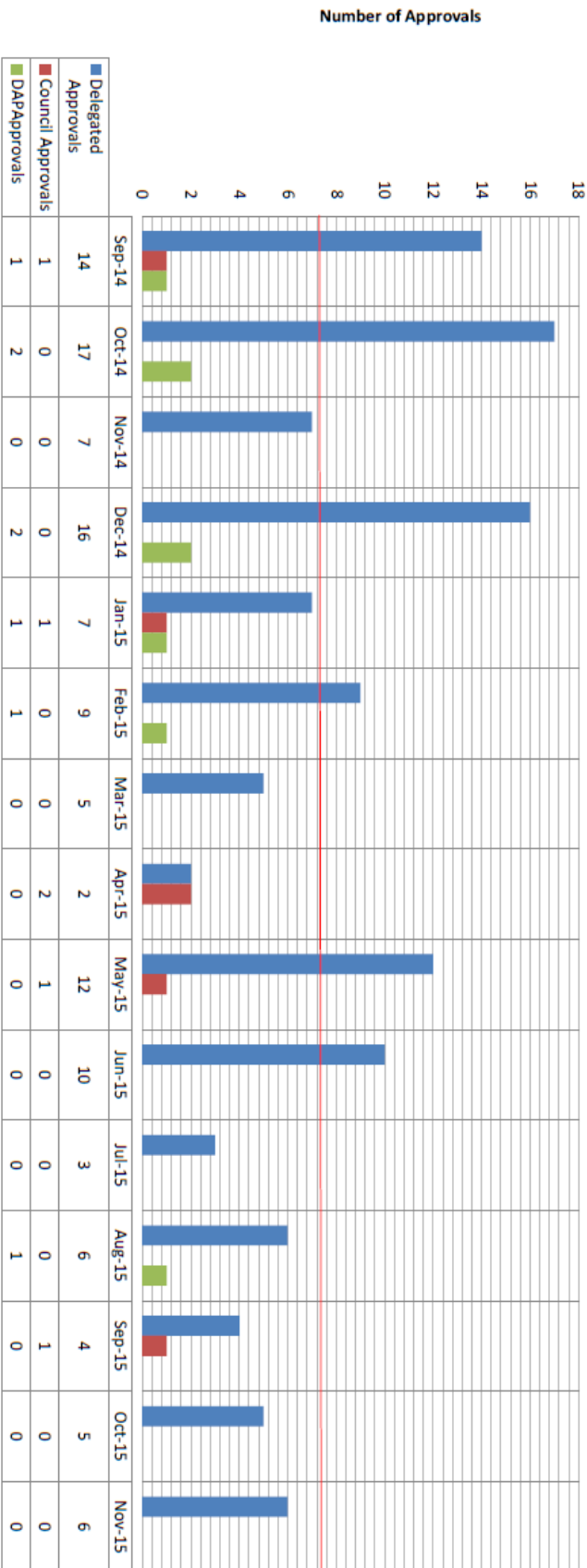
Summary & Trendline of
Town Planning Delegated Approvals





COUNCIL, DELEGATED & DAP PLANNING APPROVALS FOR NOVEMBER 2015

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



DELEGATED BUILDING APPROVALS FOR NOVEMBER 2015

BUILDING PERMITS										
Permit Number	Decision Date	Property Address	Locality	Applicant	Description of Work	Estimated Construction Value (\$)	Floor area square metres	Building Classification	Decision	No. of SOU Dwellings
15-170	03.11.2015	19007 AIRPORT	PORT HEDLAND 6721	Pilbara Constructions Pty Ltd	Construction of Ablution Block	\$395,000.00	41	10a	A	0
15-161	12.11.2015	99 SUTHERLAND STREET	PORT HEDLAND 6721	Tony Barron	Shed with attached patio	\$ 19,500.00	38	10a	A	0
15-171	06.11.2015	11504 LEAKE STREET	SOUTH HEDLAND 6722	Town of Port Hedland	Flagpoles	\$ 22,000.00	0	10b	A	0
15-172	06.11.2015	13 MCGREGOR STREET	PORT HEDLAND 6721	TOWN OF PORT HEDLAND	4x Flagpole	\$ 22,000.00	0	10b	A	0
15-176	13.11.2015	3 MOORING LOOP	SOUTH HEDLAND 6722	Stacey Kasernets	Unauthorised work - front boundary fence	\$ 11,000.00	0	10b	A	0
15-178	16.11.2015	10 COUNIHAN CRESCENT	PORT HEDLAND 6721	Pearl Coast Pools	Below Ground Swimming Pool	\$ 33,000.00	17	10b	A	0
15-160	18.11.2015	3 MANGANESE STREET	WEDGEFIELD 6721	Puma Energy	2m Puma Pricing Sign	\$ 17,000.00	0	10b	A	0
15-173	26.11.2015	LOT 2115 NORTH CIRCULAR ROAD	SOUTH HEDLAND 6722	APC Port Hedland Pty Ltd	Installation Camp Kitchen	\$ 25,000.00	45	6	A	0
Total	8					\$544,500.00	141			

TOWN OF PORT HEDLAND CERTIFICATION

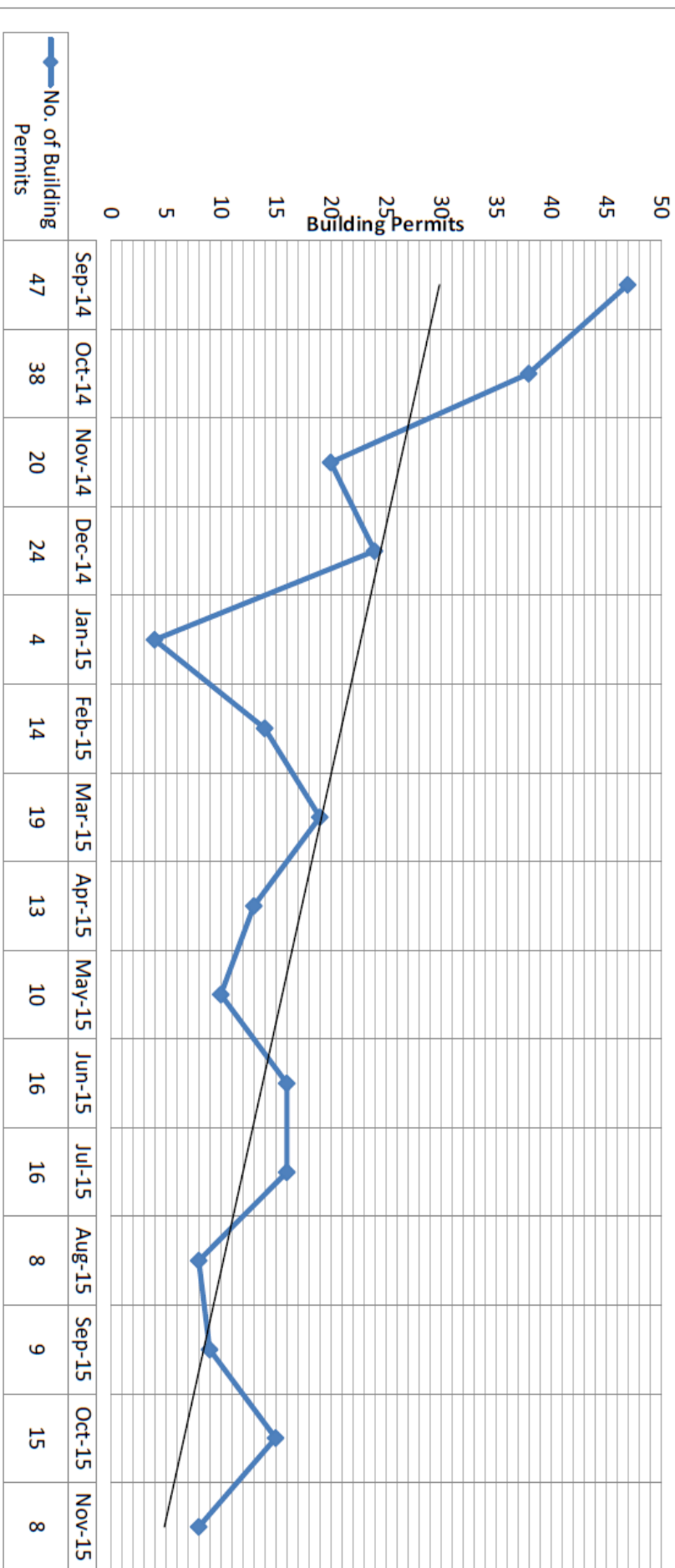
Certificate Type	Number Issued
Certificate of Design Compliance	4
Certificate of Construction Compliance	0
Certificate Building Compliance	1
TOTAL	

OVERVIEW SUMMARY FOR NOVEMBER 2015

SUMMARY				
No of Permits	Permit Type	Estimated Construction Value	Floor Area in square metres	Average cost per square metre
0	Demolitions	\$0	0	\$0.00
0	Dwellings	\$0	0	\$0.00
2	Class 10a	\$414,500	79	\$5,246.84
5	Class 10b	\$105,000	17	\$6,176.47
4	Commercial	\$25,000	45	\$555.56
	Strata and Occupancy	N/A	N/A	N/A
11		\$544,500	141	

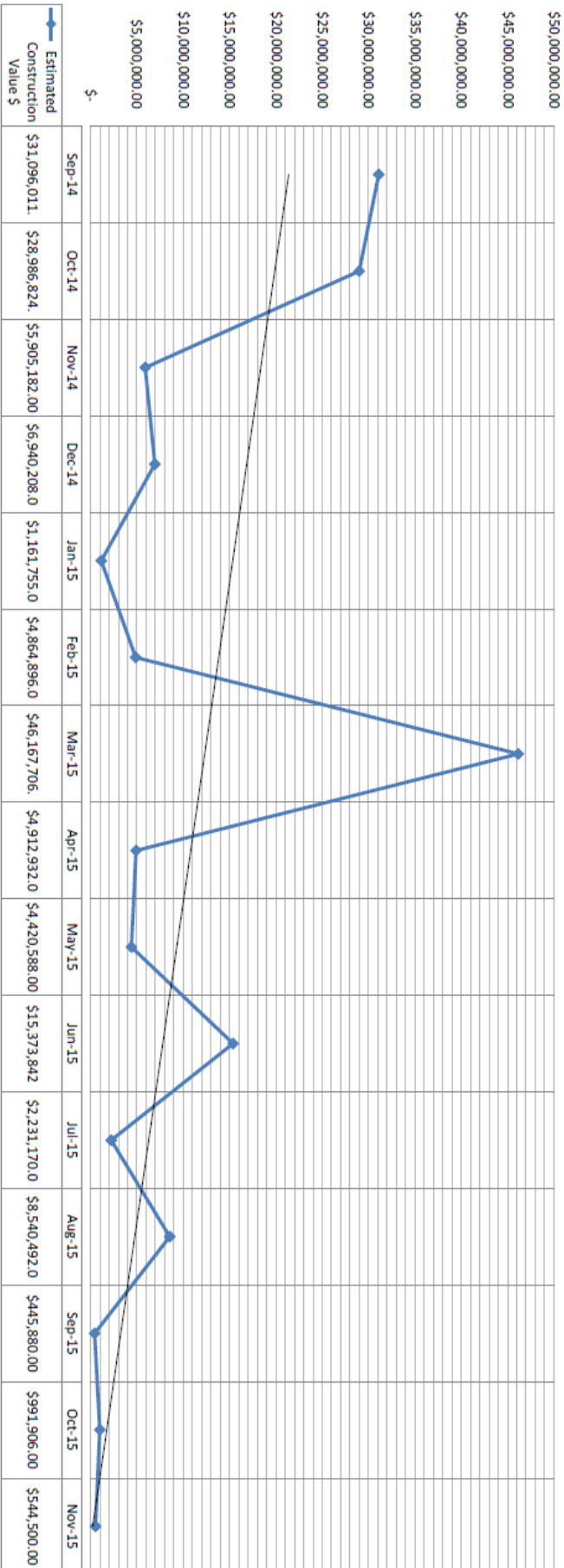
BUILDING APPROVALS FOR NOVEMBER 2015

Summary & Trendline for Building Permits



BUILDING APPROVALS FOR NOVEMBER 2015

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



CURRENT LEGAL MATTERS FOR NOVEMBER 2015

CURRENT LEGAL MATTERS				
File No.	Address	Issue	Current Status	Responsible Officer
117650G	Lot 2505 # 7 Moorambine Street, Wedgefield	Unauthorised Residential Structures	Trial adjourned until 30th March 2016.	Statutory Planning Officer
116761C	Lot 101 (54) Redbank Road, Port Hedland	Contravention of a planning direction to remove unauthorised structures and material from rural residential lot	First mention scheduled for 14 December 2015.	Development Compliance Officer (Rebecca Somerton)

12.1.2 Proposed Dedication of a portion of Lot 9001 Powell Road, Port Hedland

Ben McKay, Planning Officer
File No. 18/07/0016

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/103 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR BLANCO

That Council:

- 1. Support the dedication of land subject to Main Roads Drawing 1560-204 (Attachment 2) to road, under Section 56 of the *Land Administration Act 1997*;**
- 2. Request the Chief Executive Officer, or his delegate(s), to request the Minister of Lands to dedicate the land as road, as depicted on Main Roads Drawing 1560-204 (Attachment 2) to road, under Section 56 of the *Land Administration Act 1997*.**

CARRIED 8/0

EXECUTIVE SUMMARY

The Town has received a request from Main Roads WA to dedicate a portion of Lot 9001 Powell Road, Port Hedland as Road Reserve. The road is an existing portion of Powell Road that has never been formally dedicated.

The Town recommends that Council support the request.

DETAILED REPORT

At the Ordinary Council meeting held on 22 April 2015, Council resolved to:

“That Council approves the reclassification of Powell Road and Wallwork Road as local roads and the transfer of responsibility to the Town of Port Hedland, subject to:

- a) The transfer occurring in accordance with the Main Roads WA and WALGA endorsed ‘Guidelines for Determining and Assigning Responsibility for Roads in Western Australia’, and;*
- b) The Chief Executive officer accepting the process and outcomes for the conditions of transfer.”*

Since the realignment of the Great Northern Highway (GNH) around Wedgefield, several sections of (GNH) no longer function at a State level. These roads have

been classified as local roads under the responsibility of the Town of Port Hedland.

It has come to the attention of Main Roads WA and the Town that a portion of Powell Road has never been formally dedicated. Accordingly, it is proposed that this portion of Powell Road be formally dedicated.

Please refer to Attachment 1 – locality plan and Attachment 2 - Main Road WA Drawing 1560-204.

Consultation

The matter was referred internally and externally. Public services provider's comments were not sought as the road is existing.

The matter was circulated internally to Works and Services and no objections were received. With regards to external advertising, Department of Lands and Landcorp have been consulted with no objections raised.

FINANCIAL AND RISK IMPLICATIONS

There will be no financial implications to the Town.

STATUTORY AND POLICY IMPLICATIONS

To enable land to be dedicated as road reserve it is a requirement under the *Land Administration Act 1997* that the Local Authority consent be obtained for the dedication of roads. Section 56 of the *Land Administration Act 1997* establishes the procedure for the dedication of road.

Strategic Planning implications

Strategic Community Plan 2014-2024

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

2. Supporting a diverse economy
- 2.2 A nationally significant gateway city and destination

The dedication of this portion of lot 9001 as road reserve will rationalize access to Wallwork road and ensure the road alignment is permanent.

ATTACHMENTS

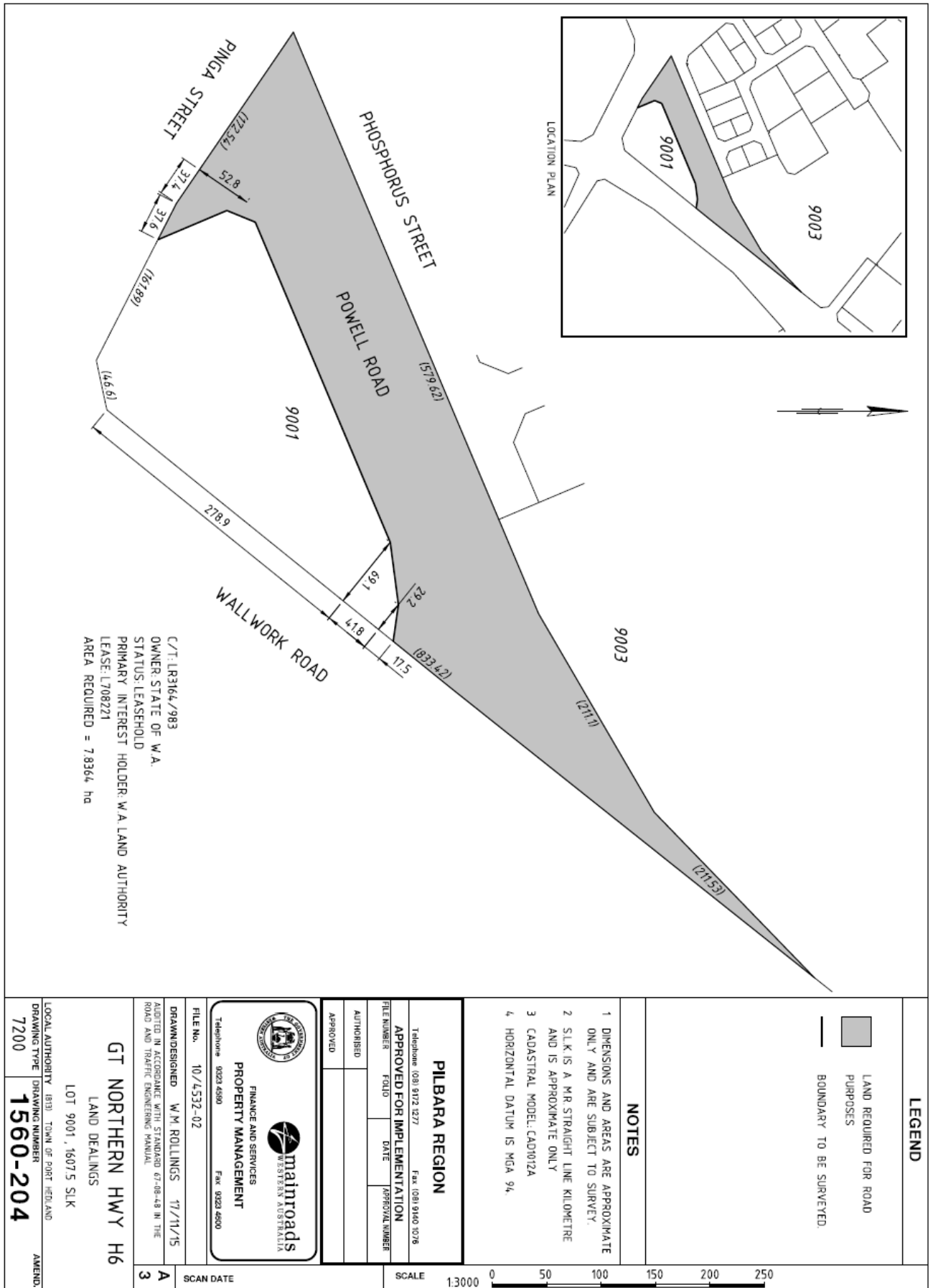
1. Locality Plan
2. Main Road WA Drawing 1560-204

19 November 2015

ATTACHMENT 1 TO ITEM 12.1.2



ATTACHMENT 2 TO ITEM 12.1.2



12.1.3 Recreational Vehicle Camping Proposal (Reserve 8214 McGregor Street)

Brie Holland, Economic Development and Land Development Officer
File No. A130153

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/104 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Confirm its approval for the recreational vehicle (RV) camping on the western end of part Reserve 8214 McGregor Street, Port Hedland and extends the timeframe for the use of the reserve to 1 May – 31 August per annum;**
- 2. Note that alternative sites be investigated and a report be presented to Council at its Ordinary Council meeting in March 2016; and**
- 3. Request the Chief Executive Officer, or his delegate(s), to continue to canvas the three other Pilbara Local Government Authorities in relation to a regional camping initiative.**

CARRIED 8/0

EXECUTIVE SUMMARY

Mid-June 2015 the Town of Port Hedland (the Town) in collaboration with its Port Hedland Visitor Centre (PHVC) announced camping for Recreational Vehicles (RV)'s at the racecourse on its media channels. Within three days of the announcement the PHVC facebook page had logged 13,000 views and 68 shares. The PHVC collected receipts (specifically local Port Hedland expenditure on) handed in voluntarily by RV travellers camping at the racecourse over a two week period. The receipts totalled \$105,000 and 32% of the expenditure recorded was made at small to medium sized businesses in the municipality. By applying the tourism industry multiplier effect of 1.92 (based on an average expenditure of \$73 per night), if the RV camping is approved for four months per annum this could have an estimated positive impact of \$1.705M to local expenditure.

This report requests Council's confirmation of approving RV camping at the designated site on McGregor Street from 1 May – 31 August per annum.

DETAILED REPORT

For the sake of clarity, a fully self-contained RV vehicle contains a shower and toilet facility and is capable of containing all wastes for later disposal. These vehicles are road registered and take the form of a self-contained bus, motor home, self-contained caravan or self-contained camper van. RV's do not include tents, camper trailers, mini vans, backpacker vans or the like.

Council approved to trial overflow RV camping on part Reserve 8214 McGregor Street (the racecourse site) at its Ordinary Council meeting on 24 April 2013 as per following Council decision 201213/345: -

"That Council:

1. *Approve a trial period for Overflow Recreational Vehicle (RV) camping on the western end of Reserve 30517 McGregor St, Port Hedland from May 1 – 31 July 2013 in accordance with the following conditions;*
 - a) *That all existing caravan park sites are full;*
 - b) *Signage is in place to outline the conditions of approval for the site and include a warning that re-use water is reticulated in the immediate area and odours could be expected;*
 - c) *That all RV,s have their own on board toilet and shower facilities and all wastes are to be retained in the vehicle for later disposal. The vehicles are to be road registered and take the form of a self-contained bus, motor home, self-contained caravan or self-contained camper van and do not include tents, camper trailers, mini vans, back packer vans or the like;*
 - d) *All stays are to be no longer than 2 nights;*
 - e) *The site may be closed for RV camping at times when the reserve is booked for other activities;*
 - f) *Dogs are only permitted if retrained and are not causing a disturbance;*
 - g) *No amplified music permitted;*
 - h) *No fires permitted; and*
 - i) *All campers are to follow reasonable directions from TOPH staff.*
2. *Delegate power to the Chief Executive Officer to withdraw the overflow camping approval at any time should he feel that the RV Camping ground is not being utilised in accordance with Council's intended approval."*

Since the trial it has been confirmed that all conditions of the camping have been satisfied and all users have behaved in a respectful manner. An improvement to camping infrastructure has been upgraded in the area through a joint initiative by Tourism WA, Pilbara Regional Council, Campervan and Motorhome Club of Australia ("CMCA") and the Town earlier this year. Grant monies provided by the group and in-kind project management provided by the Town, resulted in the installation of a dump ezy unit and separate water tap at the racecourse toilet block opposite the RV overflow site in May 2015. Presently, this enables all RV travellers throughout the year to dispose of their waste at no cost and refill their water tanks.

Mid-June 2015 the Town, in collaboration with its PHVC announced camping for RV's at the racecourse on its media channels. Within three days the PHVC Facebook page had 13,000 views and 68 shares (attachment one) and almost overnight foot traffic at the PHVC jumped from 50 persons per day to 200. Tour operators, for example, the Seafarers Centre noted a dramatic increase in the uptake of tours during this period.

Overall the RV camping at the racecourse initiative was embraced by the RV community and the local community enthusiastically. The PHVC collected expenditure data on behalf of the Town. More specifically the PHVC collected receipts (Port Hedland expense receipts only) voluntarily given by RV travellers camping at the racecourse over a two week period. Even though the collection was carried out over a short period of time, the receipts totalled \$105,000 and of particular interest 32% of the expenditure was on local businesses within the Town. Based on an expenditure research carried out by Tourism Research Australia for the Federal agency Austrade (Tourism in Local Government Areas 2013: Port Hedland attachment two), the average traveller spends \$73 per day (excluding accommodation costs). If the racecourse site is opened for four months, has an average of 50 RV's per day, with each RV containing an average of two travellers and the tourism industry multiplier of 1.92 is applied to this equation, the value of this initiative to the local economy an estimated \$1.705M per annum.

A stakeholder meeting, hosted by the Economic Development and Corporate Information units, was held on 2 September 2015 at the Town after the camping had concluded. Invitations were sent to the PHVC, Port Hedland Seafarers Centre, Port Hedland Turf Club, Caravan Industry Association of WA (via telephone), Port Hedland Chamber of Commerce, Black Rock Caravan Park, The Landing, Cooke Point Caravan Park, and Accor's Ibis Hotel.

Feedback regarding each organisations response to the initiative was requested and anecdotal support for the initiative was received by the majority of participants. Each organisation acknowledged that the Town's community had engaged with RV travellers which very straightforwardly admitted that they had no intention to camp if camping wasn't offered. They also understood that these visitors also contributed additional expenditure to local businesses which was a good reflection of the success of the initiative. PHVC also reported that the misconceptions of the Town which included; cars couldn't be serviced without a six week wait time and there not being any tours available were all remedied during this time.

The Town has since received letters of support for the initiative to be continued from the following organisations: -

- PHVC (attachment three)
- Harvey Norman (attachment four)
- The Seafarers Centre (attachment five)
- Accor's Ibis Styles (attachment six)
- Hedland Harbor Café (attachment seven)

In addition to the letters of support the Town, either directly or indirectly (through the PHVC) received many emails of support which are appended to this report (attachment eight).

The Town has also received a letter from the Chamber of Commerce (attachment nine) requesting that a more prominent site be developed and the area suggested is the Port Hedland Yacht Club for a non-disclosed (however, realistic) camping fee. Should Council support the request to find an alternative site, a feasibility report will be presented back to Council in early 2016.

The Department of Local Government and Communities in conjunction with the Department of Regional Development have recently closed public commentary (30 November 2015) on the proposed Development of New Holiday Parks and Camping Grounds Act Consultation Regulatory Impact Statement (which can be found on the Department of Local Government and Communities' website: www.dlqc.wa.gov.au/CPCG-Consultation-Paper-2). The Manager of Environmental Health has forwarded feedback on behalf of the Town regarding the proposed recommended changes. In summary the Town feedback requests an increase in consistent approval regulations to ensure that public health and safety standards are maintained. Specific to this report the Town has also included the request that in relation to the following recommendation;

Prerequisites of accommodation vehicles: -

Accommodation vehicles in holiday parks are either licensed under the Road Traffic Act 1974 or assessed under the Building Act 2011 as a transportable building.

that '...vehicles and buildings should be kept separate and treated under the appropriate legislation'. The Town will ensure it keeps Council abreast of any outcomes from this legislative review.

The Economic unit is currently completing an application to the CMCA to be accredited with the trademark: RV friendly destination. The Town has met the desirable criteria of being able to provide a waste water dump point, potable water and long term parking. Should Council support the report's recommendations, the Town will be able to finalise the application by meeting the essential criterion; provision of short term overnight (24 – 48 hour) parking for self-contained vehicles. The benefits of being accredited as an RV friendly destination by the CMCA means that the CMCA in turn promotes the Town as an RV friendly destination on their website and on the online GeoWiki database and also organises a personalised one-off article on the Town in *The Wanderer* magazine. The accreditation and additional direct marketing to the RV travellers should see additional RV numbers at the racecourse in the coming year. The accreditation increases the marketability for the Town to promote itself as a place of destination with plentiful natural, historical and cultural assets.

The following officers and organisations were consulted in order to complete this agenda item;

Town of Port Hedland

- Executive Group
- Economic Development and Strategic Planning unit
- Environmental Health
- Corporate Information

External

- Port Hedland Visitor Centre (FORM)
- Austrade
- Small / medium business operators
- RV travellers
- Campervan and Motorhome Club of Australia
- Port Hedland Visitors Centre
- Port Hedland Seafarers Centre
- Port Hedland Turf Club
- Caravan Industry Association of WA (via telephone)
- Port Hedland Chamber of Commerce
- Black Rock Caravan Park
- The Landing
- Cooke Point Caravan Park
- Accor Ibis Hotel
- Town of Port Hedland – rangers, customer service

FINANCIAL AND RISK IMPLICATIONS

It is recommended that the Town does not charge for RV camping however the Town will incur annual costs of slashing the site, allocating and emptying of rubbish bins, litter pick up, maintenance on the site and ongoing staff monitoring costs.

It is envisaged that this will cost approximately \$5,000 per year and funding will need to be allocated on an annual basis through the budget process.

Risk Matrix

Risk: What can happen and how it can happen	Consequences if event takes place?	Consequence Rating	Likelihood Rating	Level of risk
There are constant reports by the Town's officers that there is a misuse of the site by RV travellers.	Council has previously delegated powers to the Chief Executive Officer to withdraw the overflow camping approval at any time should they feel that the RV Camping ground is not being utilised in accordance with Council's intended approval	5	1	5

STATUTORY AND POLICY IMPLICATIONS

This proposed project directly aligns with the Town's *Strategic Community Plan 2014-2024*, specifically 2.2 A Nationally significant gateway city and destination: Success Indicator – Increased tourism opportunities and accommodation offerings.

The project also aligns with Town's *Corporate Business Plan 2014-2018 2.2.2* Develop our tourism industry, facilitate increased accommodation offerings and position Port Hedland as a unique destination.

This proposal satisfies the Town's obligations to the *Caravan Parks and Camping Grounds Regulations 1997*, specifically Part 2 – Caravanning and camping generally 11 (1) (a) grants the owner of land the ability to allow camping on land for up to 3 nights in any 28 consecutive days period. Council has delegated authority down to the officers to approve Caravan parks and camping ground licenses however the impact of this initiative needs to be considered by Council.

ATTACHMENTS

1. Port Hedland Visitor Centre Facebook (three page snapshot), 20 June 2015
2. Tourism Research Australia for Austrade, Tourism in Local Government Areas: Port Hedland, 2013
3. Port Hedland Visitor Centre letter of support, dated 4 November 2015
4. Harvey Norman letter of support, dated 4 November 2015
5. Seafarers Centre letter of support, dated 4 November 2015
6. Accor's Ibis Styles letter of support, dated 23 November 2015
7. Hedland Harbour Café letter of support, dated 18 November 2015
8. Emails of support, various dates
9. Chamber of Commerce, request for an alternative site, dated 25 November 2015

24 November 2015

ATTACHMENT 1 TO ITEM 12.1.3



Port Hedland Visitor Centre

Published by Alex Seddon [?] · June 17 at 6:00pm · Edited [?] · 🌐

▼

FREE CAMPING IN PORT HEDLAND

The Town of Port Hedland has opened up the racecourse for free camping to assist road-based travellers looking for short-stay accommodation to stay and enjoy Port Hedland's hospitality for a night or two. Our free camping ground is pet-friendly, has a new grey water dump point, is located 500m from the local shopping centre and is just a few kilometres from our Visitor Centre where you can find out all the great tourism options available in our a... See More



12,748 people reached

Boost Post

Like · Comment · Share

👍 Deb Evans, Sue O'loughlin, Wendy Hargreaves and 98 others like this. Recent Activity ▼

↻ 65 shares

 Write a comment... 📷 🗨️

 **Kerrie Sutton** Kerrie Sutton
Like · Reply · 1 hr

 **Ines Bozoric** If it was just for travelers with animals, I can see their point. But all 3 caravan parks in town have vacancies and this is just a slap in the face for local business. There was a need for it 5 years ago but definitely not now. Great for travelers but really disappointing for local business.
Like · Reply · 👍 2 · June 19 at 8:08am
↻ 10 Replies · June 20 at 9:55am

 **Diana Herbert** Are the caravan parks full already?
Like · Reply · 👍 1 · June 18 at 7:57pm
↻ 4 Replies · June 20 at 9:51am



Pamela Lyttle Nice to see somewhere in Port Hedland will take pets. We tried all parks so we could stay there & apart from point Samson at \$49 pn (2years ago so we only stayed 2 nights!!) we were unable to stop. Couldn't understand why at least one park would not take pets there are an awful lot of us travelling with them so parks get what they deserve in my opinion with people choosing to stay in 'friendlier' places.

Like · Reply · June 20 at 2:52am



David Wickins Great idea, Next time I will stop instead of driving through...

Like · Reply · June 19 at 8:19pm



Sandra Guiney I think it's great, if you are self sufficient, and you still spend money in the town then thats great, why give just one business all your money and others miss out, this way all get a bit apart from greedy cp ,

Like · Reply · 1 · June 19 at 8:00pm



Peta Green It will b full of back packers not grey nomades

Like · Reply · 2 · June 18 at 5:03pm

1 Reply



Jenny Cooper Missed this by a week. Great idea

Like · Reply · June 19 at 7:06pm



Maggie Webb Back packers couldn't afford to stay at them they are so over priced .

Like · Reply · 1 · June 19 at 4:31pm



Lesley Napier Great

Like · Reply · June 19 at 4:07pm



Jamie Parkinson What a great idea Town of Port Hedland,lets hope other shires and towns adopt this ideal way to attract tourists to town to spend a few dollars and help the local business,s

Like · Reply · 3 · June 19 at 7:28am

1 Reply



Tracie King I agree with Ines Bozoric. Yes if they have pets. I was down there today and there are people parked without pets. What about the local caravan parks??

Like · Reply · 1 · June 19 at 2:19pm



John Mackie Good news for those travelling with their pet, we shopped in P.H 6 weeks ago had to move on, not one caravan park accepted,pets!

Like · Reply · June 19 at 1:59pm



Sherri Hughes Can i suggest anyone who does stay in Hedland. Get out to the local speedway for an awesome family night

Like · Reply · 2 · June 19 at 10:36am



Annie Edwards-Cameron Loken Wen

Like · Reply · June 18 at 6:54pm

2 Replies · June 19 at 7:27am



Jan Beard Sproge Good stuff

Like · Reply · June 18 at 10:26pm

 **Veronica Halligan** Great you need to add the site on wikicamps so travellers will see it
Like · Reply -  1 · June 18 at 6:59pm

 **Chloe Moody** Bobby Moody this explains those people camping there
Like · Reply -  1 · June 18 at 6:42pm

 **Samantha Harvie** Hayden Rintoul
Like · Reply - June 18 at 6:40pm

 **Christine Woodhouse** We will be there in the next month, excellent
Like · Reply - June 18 at 5:39pm

 **David Dixon** Great news , last time we where there we stayed at Cook Point CP
Like · Reply -  2 · June 18 at 4:11pm

 **Holly Jones** Kylie Hardie Alison Weatherstone
Like · Reply -  1 · June 18 at 4:09pm

 **Renae Hawes Duckworth** If anyone asks you Debbie Scott 😊 x
Like · Reply - June 18 at 2:03pm

 **Iris May** Wonderful news
Like · Reply - June 18 at 2:00pm

 **Neryl Trewren White** Yep so relaxed and sleep again 😊
Like · Reply - June 18 at 1:53pm

 **Cyprien Fournier** It could have help us Clotilde Fournier Gautier Maleval
Like · Reply -  1 · June 18 at 1:35pm

 **Sandra Stokes** Maybe something to let Fran know about..Jason Stokes
Like · Reply -  1 · June 18 at 12:57pm
↳ 1 Reply

 **Corey Atkinson** Lorinda Fagence
Like · Reply - June 18 at 12:34pm

 **Kristy Scott** Glenda Shaw
Like · Reply - June 18 at 12:12pm

 **Timmy Timbo Hudson** Thank God they informed you of this decision
Like · Reply - June 18 at 12:11pm
↳ 1 Reply

 **Lena O'Brien** Awesome to see side traveler's are accomadated so there able to take in the scenery of our beautiful country. Just pity the rise in short to long term accommodation for locals living and working in this town is hard. Yes the real estate avenue is great... See More
Like · Reply -  2 · June 18 at 11:29am

 **John-Chris Jones** Hooray for all the peeps with dogs, they can now stop in Hedland instead of keeping on passing through
Like · Reply -  3 · June 18 at 11:24am

 **Debbie Depiazzi** Doug, Karen...for your trip back...
Like · Reply - June 18 at 11:11am

 **Lee Stone** Timmy Timbo Hudson looks like Im leaving the Scout grounds just in time
Like · Reply -  1 · June 18 at 11:06am

Response to Inez Bozurić's comment



Ines Bozuric If it was just for travelers with animals, I can see their point. But, all 3 caravan parks in town have vacancies and this is just a slap in the face for local business. There was a need for it 5 years ago but definitely not now. Great for travelers but really disappointing for local business.

Like - Reply - 2 - June 19 at 8:08am



Diana Herbert 100% totally agree I

Like - 1 - June 19 at 2:23pm



Scott Westover Thats depending on the costs of staying in these three caravan parks....they used to charge an extortionate fee to camp in them!!!! Now its free for people so good on the council for doing what they have done....hopefully the other business' will do as most home owners have had to do AND LOWER THEIR WEEKLY CHARGES!!!

Like - 1 - June 19 at 3:01pm



Ines Bozuric As it is now, doesn't matter what they lower their prices to as they can't compete with 'free'. The businesses in town still have overheads and ever increasing shite rates. I am not sure about the caravan parks but cost of rent and other accommodation in Hedland has dropped substantially in the last few months to reflect the current oversupply.

Like - June 19 at 3:13pm



Ned Kennedy Good to Stik it up em a bit for all their previous greed, (c/parks)

Like - 3 - June 19 at 7:30pm



Scott Westover I agree Ned Kennedy!!!!

Like - June 19 at 7:46pm



Ines Bozuric One thing I will agree with is that the TOPH is 'sticking it' to local businesses.

Like - June 19 at 7:59pm



Susan Keen Korn Okay. I stayed in Port Hedland one night because it was so expensive. If I hadn't read this I would have driven straight thru next time. It would be nice to stay a couple of nights, buy food at local shops, have dinner at a local pub, fill up with petrol at the local servo. This all contributes to the local economy but in a different way. Seems to me that Port Hedland is being very progressive.

Like - June 20 at 6:01am



Moira Frizzell I think it is a great move I Maybe the council could have a place for people to leave their receipts for the money spent locally . We do free camping and also a few caravan parks. We ALWAYS spend money in the towns which provide free camping, and we usually leave our receipts at the visitor centres . Most free campers support local businesses..

Like - 1 - June 20 at 7:37am



Jennifer Touzell I agree Great move Port Hedland When you just need to park up for the night buy supplies dinner fuel and move on in the morning why pay the huge fees in caravan parks. If we have the time to stay 3 or more nights we love to pick a good park and are happy to pay to use the facilities and still spend a little at local businesses

Like - June 20 at 9:53am



Ines Bozuric Like I said, great for travelers 😊

Like - June 20 at 9:55am

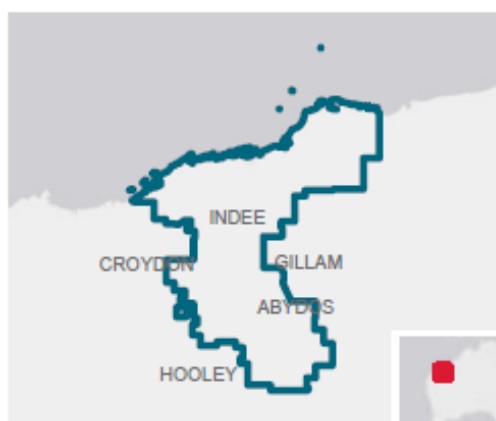
ATTACHMENT 2 TO ITEM 12.1.3



TOURISM IN LOCAL GOVERNMENT AREAS 2013

PORT HEDLAND (T), WESTERN AUSTRALIA

AREA POPULATION: 16,472



TOURISM BUSINESSES	TOTAL
Non-employing	37
1 to 4 employees	21
5 to 19 employees	20
20 or more employees	11
Total	90

TOP INTERNATIONAL MARKETS* VISITORS ('000)	NIGHTS ('000)
New Zealand	48.7
Germany	9.7
France	np

VISITORS TO LOCAL GOVERNMENT AREA*	INTERNATIONAL	DOMESTIC OVERNIGHT	DOMESTIC DAY	TOTAL
<i>Visitors ('000)</i>	12.6	71.8	np	np
<i>Visitor nights ('000)</i>	268.7	556.9	-	825.6
<i>Average stay (nights)</i>	21.4	7.8	-	9.8
<i>Spend (\$m)</i>	14.3	41.1	np	np
<i>Average spend per trip (\$)</i>	1,138.6	571.9	np	np
<i>Average spend per night (\$)</i>	53.2	73.8	-	67.1
<i>Average spend (commercial accommodation) per night (\$)</i>	61.9	173.3	-	125.3
<i>Reason (visitors '000)</i>				
Holiday	8.3	np	np	np
Visit friends or relatives	np	np	np	np
Other	3.1	44.3	np	np
<i>Travel party (visitors '000)</i>				
Unaccompanied	6.9	31.4	-	38.4
Couple	3.5	np	-	np
Friend/relatives travelling together	1.9	np	-	np
<i>Accommodation (nights '000)</i>				
Hotel or similar	19.4	82.0	-	101.3
Home of friend or relative	np	np	-	np
Commercial camping/caravan park	np	np	-	np
Backpacker	np	np	-	np
Other accommodation	180.9	317.3	-	498.1

*Four year averages to 2013. 'np' - the estimate is unreliable and cannot be published. '-' - not available. Sources: ABS Population Estimates - Local Government Areas - Cat. No. 3235.0. ABS Count of Australian Businesses - Cat. No. 8165.0. International Visitor Survey and National Visitor Survey, Tourism Research Australia.

TRA.GOV.AU

ATTACHMENT 3 TO ITEM 12.1.3

4 November 2015



M. J (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mal

LETTER OF SUPPORT – CONTINUATION OF RV CAMPING AT MCGREGOR STREET RESERVE

We would like to express the support of the Port Hedland Visitor Centre in the proposal for the continuation of the free recreational vehicle camping at the racecourse during May - September.

The 2015 tourism season was turned on its head this season with the introduction of free camping within the town centre of Port Hedland.

The free-camping/ overflow initiative was embraced by the caravanning community and the local community wholeheartedly. Together we saw a dramatic increase in investment in small business, especially in tourism.

The overflow camping area brought a new influx of people into Port Hedland and allowed us the opportunity to extend our reach and services to a group of travellers who had traditionally viewed Port Hedland as a refuelling station rather than the destination it is.

Locally we saw a dramatic increase in visitor numbers, the Visitor Centre attendance moved from an average of 50 people per day to 200 people per day almost overnight.

What we saw from these visitors is that they were eager to engage with local business, support the tourism programs in place and share the word about our town; the initiative changed the outlook for our season and allowed us to prove our tourism merit to an entirely new market.

Following the closure of the camping we saw a fall in numbers, a change in the spending habits and received feedback around shortened length of stay (more often back to one night rather than three) or people ringing and telling us they are not staying because there is no longer free camping available.



The Seafarers Centre immediately reduced their tours back to once a day in August also.

The Port Hedland Visitor Centre believes the free camping was a fantastic initiative and serviced an entirely new market. The majority of visitors we spoke to said they had no intention of staying within Port Hedland until the free camping was opened and would have camped at De Grey and Peawah.

Over the course of the voluntary two week receipt collection more than \$100,000 was invested in businesses across Port Hedland. The receipts demonstrate that there was a fabulous spread of investment across local business, naturally Woolworths and petrol is a major component, but the other businesses such as Pilbara Hair, the Newsagent, the Ibis bistro, Seafarers Centre, mechanics and of course the VC were direct beneficiaries of the initiative – importantly this represented 32% of the total spend.

One other important point is that through this initiative we were able to promote Port Hedland as a destination of choice, with a range of tourism opportunities and services that are responsive, and importantly, accessible to the visitor. The perception that cars couldn't be serviced without a six week wait time, there not being any tours available, that accommodation was slim on the ground were all misconceptions that were remedied this year through this influx of this new and very well connected market.

The Port Hedland Visitor Centre strongly recommends the continuation of this initiative next year and would like to see the season run from May to September.

Yours sincerely

Natasha Fry
Senior Regional Manager – North West
FORM

Sue McMahon
Manager, Port Hedland Visitor Centre
FORM

ATTACHMENT 4 TO ITEM 12.1.3

M. J (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mal

LETTER OF SUPPORT

We would like to write a letter of support of the proposal for the continuation of the free recreational vehicle camping at the racecourse during May - July by 2016.

This was a huge success for Harvey Norman Port Hedland, we would love to see this continue.

If you would like to contact me directly I would be more than happy to voice my appreciation.

Yours sincerely

Jeff Wall
Franchisee
Harvey Norman Port Hedland
M: 0406 680 239

4/11/2015

ATTACHMENT 5 TO ITEM 12.1.3



M. J (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

23 November 2015

Dear Mal

LETTER OF SUPPORT – Free camping facility

We would like to write a letter of support of the proposal for the continuation of the free recreational vehicle camping at the racecourse during May - July by ibis Styles Port Hedland.

During this period, we experienced a significant increase in business in both the restaurant and the Sport Bar. With an average spend of \$25 per person during each visit, we had an increase in profit to the business coupled with repeat business from campers.

We received positive feedback, both from campers on site and through social media. Many expressed their changed perception of the town to somewhere worthy of stopping. The majority mentioned that they would not have stopped in Hedland unless they had the option of free camping.

Many advised that they would be recommending both our business, and the free camping facility to fellow travellers, friends and family.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jason Green', written over a light gray background.

Jason Green
General Manager
Ibis Styles Port Hedland

ibis Styles Port Hedland

Cnr Lukis & McGregor Streets – Port Hedland WA 6721 – Australia – T +61 (8) 9173 7000 – F +61 (8) 9173 1545
H1900-FO01@accor.com – ibisstyles.com – accorhotels.com

Accor Properties (WA) Pty Ltd – ABN 66 082 794 278

ATTACHMENT 6 TO ITEM 12.1.3



Port Hedland Peace Memorial Seafarers Centre Inc.

ABN 94 692 917 863

M. J (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

4th November 2015

Dear Mal

LETTER OF SUPPORT

We would like to write a letter of support of the proposal for the continuation of the free recreational vehicle camping at the racecourse during May – September 2016.

As we are well situated to welcome and educate our visitor's through our harbour tour operation we feel that the opportunity to free stay on the above mentioned site will only enhance the ToPH image and the appreciation of all the visitors.

Words of commendation can be seen on WiKi Camps, Facebook and Trip Advisor web sites.

Yours faithfully
Ps Alan Mower

X

Allan J Mower
Snr Chaplain/Operations Manager

Snr Chaplain/Operations Manager

PO Box 63 Port Hedland WA 6721

Ph: 08 91731315 Fax: 08 91732413

Email: admin@phseafarers.orgWeb: www.phseafarers.org

For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life. John 3:16

ATTACHMENT 7 TO ITEM 12.1.3

M. J (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mal

LETTER OF SUPPORT

We would like to write a letter of support of the proposal for the continuation of the free recreational vehicle camping at the racecourse during May – August in 2016.

This was a huge success our business in Port Hedland, we would like to see this continue.

If you would like to contact me directly I would be more than happy to voice my appreciation.

Yours sincerely



Ray and Glenys Sampson
Hedland Harbour Cafe
Post Office Box 61 Port Hedland
P: (08)9173-2630

18/11/2015

ATTACHMENT 8 TO ITEM 12.1.3

Name, title, organisation and email address	Date	Comment
Gary and Sheree Scott RV Traveller shutterbug@bigpond.com	01/09/15	<p>Congratulations Port Hedland on the great result of providing free camping and the enormous amount of money it has bought to your area from campers/travellers...we can't wait till we get there and we will use these wonderful facilities and spend our \$\$\$...congrats again...</p> <p>Gary & Sheree Scott</p>
Sharon Lawrence RV Traveller Lawgang3@bigpond.com	01/09/15	<p>Good afternoon,</p> <p>Congratulations on the successful completion of your free camping trial.</p> <p>We are travelling Australia next year and Port Hedland is one place I'm very keen to visit. I hope that you will continue your free camping which will allow us to stay and really experience your town.</p> <p>Again, congratulations.</p> <p>Regards Sharon Lawrence</p>
Sandra Pickering RV Traveller Pickering806@gmail.com	02/09/15	<p>You are to be congratulated on the initiative and hope it will be repeated. We so often just stopping for fuel only before driving on. This gives a reason to stay a couple of days and spend money.</p>
Mark Brown RV Traveller markssolar@gmail.com	02/09/15	<p>I would like to thank the people for providing the new free camp in Port Headland. My wife and I are retired and living on a limited income and like when we were working can still spend 4 weeks a year in a caravan park, but free camps like yours allows us to spend months on the road each year. We are from Victoria and a trip around Australia would be prohibitive to us with out free camping. When we travel we have a daily budget of \$50 last year when we did a loop around Australia towing our 5th wheel self contained caravan fuel, camping fees and gas for the van was just under</p>

		<p>\$47 a day with fuel being our biggest expense.</p> <p>We would have loved to have stayed in Port Headland but with out the free camp we just fueled up and collected our mail and keep going.</p> <p>But with another free camp it makes the trip more practical for us to do again.</p> <p>I know Caravan Park owners generally object to free camps in a town but that is no different from café and restraunts owners demanding the council close the parks to people having picnics in the instead of eating in their restraunts, but the are not that selfish. So congratulations Port Headland for this wonderful opportunity for us to enjoy your town and all it has to offer instead of just using it as a fuel stop.</p> <p>Mark Brown</p>
<p>Debbie Adamson Visitor Centre Officer Bass Coast Visitor Centre d.adamson@basscoast.vic.gov.au</p>	10/09/15	<p>Hi Port Hedland,</p> <p>Can you please send me any documentation you may have on your free camping initiative. I would like to forward through to my management to consider the same thing in our area.</p> <p>Thanks and regards Debbie</p>
<p>Madeline Henshaw RV Traveller Beamad1@bigpond.com</p>	24/09/15	<p>Hello</p> <p>Congratulations on your Free Camping Initiative.</p> <p>We are part of a Caravan Group that travels north every year so we will certainly encourage our members to support this action.</p> <p>Well done.</p> <p>Madeline Henshaw</p>
<p>Norma Taylor RV Traveller Norma.taylor@hotmail.com</p>	24/09/15	<p>Thank you for recognising the needs of travellers on the road and visitors to your area .There is a considerable amount of interest in spending time in Port Hedland,by caravan and motorhome travellers and the way to encourage this ,make their journey comfortable by allowing free parking ,as you now know how much they</p>

		contribute to your local area.. thank you Norma Taylor
Fina Bruinsma RV Traveller jackandfina@icloud.com	27/09/15	Well done Happy campers
Robyn McInerney Local Business Owner Port Hedland Boulevard Newsagency boulevardnews@gmail.com	4/11/15	Dear Mal, LETTER OF SUPPORT We write this letter with full support of the proposal for the continuation of the free recreational vehicle camping at the race course during the winter months. I feel though it closed too soon & another month would have been great. Good luck for the 2016 season Regards Robyn

ATTACHMENT 9 TO ITEM 12.1.3

Office 1/6 Anderson Street, Port Hedland, WA 6721
Postal PO Box 95, Port Hedland, WA 6721
Phone 08 9173 1737 **Fax** 08 9173 1022
Email info@phcci.com.au
www.phcci.com.au

25th November 2015

M. (Mal) Osborne
Chief Executive Officer
Town of Port Hedland
Po Box 41
Port Hedland
WA 6721

Dear Mal,

Free Camping Facility.

Whilst appreciating the free recreational vehicle camping recently provided by the Town of Port Hedland, this was recently discussed by our members at the A.G.M. with the following resolution.

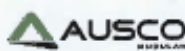
That a more prominent site be developed, the area mentioned was the Port Hedland Yacht Club, enabling the stay of caravanners for a longer period for a realistic camping fee.

It was considered that free parking was inappropriate, and of course would be utilised by the campers if available.

Trusting these comments could be considered when discussing same.

Kind regards

Arnold Carter
Managing Secretary



Proudly supported by



12.1.4 Lazy Lands – Request to renegotiate with the Department of Lands Regional and Metro Services

David J. Westbury, Manager of Economic Development and Strategy
File No. 08/05/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/105 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That Council:

1. Request the Chief Executive Officer, or his delegate(s), to continue to negotiate in good faith an acquisition/utilization strategy considering the amount of staff time and funds expended upon the properties with the Department for Lands – Regional and Metro Services for the two previously approved commercial development projects being:
 - a) The 1.4 hectare section of Reserve 8214 (Port Hedland Turf Club) approved for excision from the reserve on 14 November 2012; and
 - b) The Northern portion of Reserve 37820 (South Hedland Tennis and Bowls Club) approved for excision from the reserve on 28 January 2015.

2. Note that the acquisition activity on behalf of the Town will cease on the 9 residential properties listed in the table below and they will remain recreation reserves:

Reserve Number	Street Name	Area	Native Title	Planning/ Zoning	Proposed Rezoning	Yield
44744	Traine Crescent	483m ²	Cleared	Residential	R20	1
47918	Oriole Way	493m ²	Cleared	Other Public Purposes	R20	1
45855	Limpet Crescent	656m ²	Cleared	Residential	R20	1
37564	Murdoch Drive and Koombana Avenue	3,371m ²	Cleared	Parks and Recreation	R30	14
37547	Captain's Way & Yanderra Crescent	6,515m ²	Cleared	Parks & Recreation	R30	7
40088	Masters Way &	6,774m ²	Cleared	Parks & Recreation	R30/50	20

	Dowitcher Avenue					
40088	Egret Crescent	688m²	Cleared	Residential	R30	2
35321	Kybra Close	726m²	Cleared	Other public purposes	R20	1
41675	Cottier Drive (JD Hardie Centre)	8,600	Cleared	Residential	R30	43

CARRIED 5/3

EXECUTIVE SUMMARY

The Town of Port Hedland (the Town) with resolution of its Council attempted to acquire 3.0442 hectares of underutilized s152 Crown recreational reserves (reserves) from the Department for Lands – Regional and Metro Services (Department for Lands) through its Government Land Policy 4.1.5. The Town presented a Business Plan supported by the Pilbara Cities Lazy Lands initiative to build staff housing and increase the amount of commercial development within the Town, on the basis of payment of 5% of the unimproved market value.

The Department for Lands has since amended the Government Land Policy 4.1.5, as a result from the recommendations from the Department of Treasury's Economic and Expenditure Review Committee, the Department of Lands is offering the acquisition of the properties on the basis of payment of full improved market value, in effect making many of proposed developments unfeasible.

This report recommends that Council cease acquisition activities on the reserves that were to be used for residential purposes and continues attempts to negotiate with the Department for Lands to bring about a positive outcome for the Town in an effort to secure key economic land parcels for future development.

DETAILED REPORT

At meeting held between the Pilbara Cities Office and Town officers on 21 June 2012 the Department for Lands sought initial feedback on possible development sites from the Town via the Lazy Lands Initiative. As a result of that meeting the Town progressed the proposed acquisition of 11 specific underutilized recreational reserves for land development through Council on 23 July 2012. Pilbara Cities responded and identified 9 of 11 properties as the basis for negotiations. On 26 September 2012 Council approved the excise of all 9 properties from the various Recreational Reserves and requested to excise and acquire one additional parcel being Lot 3685 Masters Way South Hedland. The request for the additional property was denied by the Department for Lands. It is worth noting while the Department for Lands refused to enter into negotiations for Lot 3685 Masters Way in South Hedland on the basis that the property would be offered to the private market. To date no pre-development activity has occurred and the property remains fallow.

In summary, that meant that the Town began predevelopment work on 10 various reserves listed in the table below with the intent to develop these properties into residential development with the inclusion of an 8,600m² vacant section of the reserve 41675 (vacant land adjacent to the JD Hardie Centre) which Council approved for excision 22 February 2012.

Reserve Number	Street Name	Area	Native Title	Planning/ Zoning	Proposed Rezoning	Yield
44744	Traine Crescent	483m ²	Cleared	Residential	R20	1
47918	Oriole Way	493m ²	Cleared	Other Public Purposes	R20	1
45855	Limpet Crescent	656m ²	Cleared	Residential	R20	1
37564	Murdoch Drive and Koombana Avenue	3,371m ²	Cleared	Parks and Recreation	R30	14
37547	Captain's Way & Yanderra Crescent	6,515m ²	Cleared	Parks & Recreation	R30	7
40088	Masters Way & Dowitcher Avenue	6,774m ²	Cleared	Parks & Recreation	R30/50	20
40088	Egret Crescent	688m ²	Cleared	Residential	R30	2
35321	Kybra Close	726m ²	Cleared	Other public purposes	R20	1
41675	Cottier Drive (JD Hardie Centre)	8,600	Cleared	Residential	R30	43
Port Hedland						
40652	Butler Way	2,156m ²	Cleared	Residential	R20	4

The change in the Department for Lands policy and slowing of the residential housing market make further efforts to develop the majority of these properties unfeasible. This is with the exception of Reserve 40652 located on Butler Way in Pretty Pool. Although the Department for Lands will not allow a public/private partnership it has tentatively approved the re-vesting of the reserve to allow staff housing on the property. The attractive location of the property, including the fact that the Town has received a grant to de-constrain the site from the Department of Regional Development make this a solid candidate for staff housing in the future.

A summary of the various resolutions approved by Council to give these excised reserves a "clean-skin" at the instruction of Department for Lands and thus ready for development is provided below.

Date	Decision Number	Reserve	Address	Resolution
6 th March 2013	201213/264	44744	Lot 5930 Traine Crescent, South Hedland	Approved the permanent closure of the pedestrian access way and its amalgamation. Approve the permanent closure of a portion of Traine Crescent & Judith Way Road Reserve and its amalgamation. Request an application to create an easement over the sewer pipe located on Lot 5930.
26 th June 2013	201213/414	37564	Murdoch Drive & Koombana Avenue, South Hedland	Approved the creation of the easements.
26 th June 2013	201213/414	37547	Captains Way & Yanderra Crescent, South Hedland	Approved the creation of the easements.
26 th June 2013	201213/414	40088	Masters Way & Dowitcher Avenue, South Hedland	Approved the creation of the easements.
26 th June 2013	201213/414	40088	Egret Crescent, South Hedland	Approved the creation of the easements.
26 th June 2013	201213/416		Lot 3706 Kybra Close, South Hedland	Approved the creation of the easements.
22 nd April 2015	201415/224		Lot 5863 Butler Way, Port Hedland	Surrender development lease over the land. Approved the creation of a reserve on the Lot.

In addition to the properties that were to be excised for residential development the Town subsequently attempted to negotiate two additional properties that were planned for commercial development.

- On 14 November 2012 (after consultation with the former Department of Regional Development and Lands) Council approved the excision and acquisition of 1.4 hectare section of Reserve 8214 (Port Hedland Turf Club) for commercial development purposes. The revenue from the development is to be used to fund improvements within the adjacent reserve.
- On the 28 January 2015 a portion of Reserve 37820 (South Hedland Tennis and Bowls Club) Located on Lot 550 Hedditch Street, South Hedland was also approved for excision from the reserve for commercial development proposes. The revenue from the development is to be used to fund improvements within the surrounding reserves.

Under a new policy Department for Lands will not allow an arrangement similar to the vesting used to accommodate Dome Coffee nor an acquisition through clause 25 of the Government Land Policy Manual-Policy No. 04.0105. This change of policy would seem detrimental to the Pilbara Cities vision in that the Town still lacks many of the small commercial businesses that residents of similar regional towns throughout Australia take for granted. This is a major impediment to normalization and the ability of the Town to be a significant driver of economic diversification.

A summary of the various correspondences between the Town and State since 21 June 2012 regarding the properties is detailed in the table below:

Date	Communications	Outcome
21 June 2012	Meeting	DRDL met with the Town to discuss possible development sites
20 July 2012	Desk Top analysis	
25 July 2012	Ordinary Council Meeting	Council resolution 201213/048 to prepare a Business Plan for the acquisition of the 10 parcels.
24 August 2012	Letter from DRDL to the Town	Requesting the Town forward their written intention to pursue the acquisition of the sites.
12 September 2012	Letter responding to Pilbara Cities from the Town.	Town forwarded their intension to pursue the acquisition of the sites and requests the Department of Lands to excise all parcels from Recreational Reserves.
26 September 2012	Ordinary Council meeting	Council resolution 201213/048 to request Department of Lands to excise all parcels from Recreational Reserves
22 October 2012	Letter from DRDL to the Town	Letter notifying the Town that the Town's notification to commence negotiations on the allocated sites had been provided to State Lands Services, By DRDL
23 May 2013	Email Department of Lands to the Town	Email gives the town permission to issue and RFP for the Turf Club and JD Hardie Centre.
28 May 2013	Email from Town to Department of Lands	Business Plan sent from the Town to the Department of Lands
11 December 2013	Letter from The Town to the Minister for Lands	Letter written by McLeods Lawyers outlining the proposed establishment of a proposed Trust: Town of Port Hedland Trust for Perks and Recreation.
12 December 2014	Letter from State Lands to the Town	Letter explaining new policy is being developed
7 April 2014	Meeting Between Town of Port Hedland and State Lands	Meeting informing the Town that we would not be able to acquire property at the discounted rate.

The following officers and organisations were consulted in order to complete this agenda item: -

Town of Port Hedland

- Executive Group
- Economic Development
- Finance Department

External

- Department of Lands - Regional and Metro Services

FINANCIAL AND RISK IMPLICATIONS

The Town has expended significant time and public funds on these land development projects. This includes the preparation of utility and traffic assessments, planning consultants (for the preparation of a scheme amendments documentation) and statutory advertising fees.

Cottier Drive	Turf Club	Hedditch	Captains/Yanderra
\$47,912.75	\$21,046.46	\$14,700	\$6,000
Total: \$89,659.21			

Risk Matrix

Risk: What can happen and how it can happen	Consequences if event takes place?	Consequence Rating	Likelihood Rating	Level of risk
The land could remain fallow for substantial period of time.	The Town could remain devoid of many of the businesses that residents of other regional areas take for granted.	5	2.5	5

STATUTORY AND POLICY IMPLICATIONS

The Lazy Land initiative aligns with the Strategic Community plan (section 2.1) which identifies a thriving, resilient and diverse economy as a key goal for the Town. In particular it identifies the need to work with State Government to ensure the availability of serviced land for future development.

Section 3.55 'Acquisition of land' of the Local Government Act 1995 applies to the project:

This section makes reference that a local government can only acquire land under Part 9 of the *Land Administration Act 1997* if it is included in its municipality boundary. To note, the proposal land parcels are confirmed to be contained within the Towns municipality.

The disposal of Crown Lands is regulated through the Land Administration Act 1997.

The ability for a local government to acquire lazy land parcels is permissible through the Government Land Policy Manual-Policy No. 04.0105.

The Government Land Policy 4.1.5 details the procedure to which s152 recreation reserves can be disposed from the DRDL to a Local Government on the basis of payment of 5% of the unimproved market value (as advised by the Valuer General), as per Clause 45.

Section 20A specifies that conditional to any proceeds from the sale of parcels to be used for the capital improvements upgrade and/or redevelopment of Public Open Space (POS) within the vicinity of lands sold. Council may establish one section 20A Trust fund for proceeds from the sale of all surplus section 20A, subject to:

- Community consultation, including reference to where funds are likely to be expended;
- The community being given an opportunity to comment on where funds from particular disposal should be expended; and
- Establishment of a separate trust fund for a particular purpose, where the community attitude is disposal funds should be allocated to a specific project.

Active Open Space Strategy, final report September 2011 applies.

The *Pilbara Port City Growth Plan* identified the lack of retail, shops and restaurant an immediate priority which must be addressed. By utilizing fallow land for these types of land uses the Town improves the quality of life for residents while increases economic diversity and the number of small businesses within the community.

ATTACHMENTS

Nil

7 October 2015

12.1.5 Tender 15/15-Electronic Scoreboards at Colin Matheson and Kevin Scott Ovals

Graeme Hall Manager Recreation Services and Facilities
File No.

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/106 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Note that the Chief Executive Officer has rejected all tenders submitted for Tender 15/15-Electronic Scoreboards at Colin Matheson and Kevin Scott Ovals.**
- 2. Note that a new tender process for the installation of electronic scoreboards at Colin Matheson and Kevin Scott Ovals be conducted in February 2016.**

CARRIED 8/0

EXECUTIVE SUMMARY

In April 2015, the Town received a financial commitment from BHPB Iron Ore for the installation of two electronic scoreboards to be installed at Colin Matheson and Kevin Scott Ovals. A tender process in September 2015, received six submissions.

The Council are advised that because the tender process was compromised the Chief Executive Officer has rejected all tenders received for Tender 15/15–Electronic Scoreboards at Colin Matheson and Kevin Scott Ovals. A new tender process will be conducted in February 2016.

DETAILED REPORT

In April 2015, BHPB Iron Ore provided the Town of Port Hedland with funds towards the installation of two electronic scoreboards to be located at the Colin Matheson and Kevin Scott Ovals. The installation of electronic scoreboards at the Town's premier sporting ovals was originally discussed with BHPB Iron Ore in 2012. This was initially meant to be part of the recognition strategy for BHPB Iron Ore and their contribution to the construction of the Wanangkura Stadium.

Significant research has been undertaken in order to ascertain the technical requirements for scoreboards located in Port Hedland. The product identified needs to be capable of withstanding harsh climatic conditions, it also requires a level of security as it will be installed in public open space. The tender was very specific in that it sought to provide scoreboard for oval users, the scope prepared was price sensitive and therefore very clear about the product that it was capable of procuring. The Shire of Ashburton have installed a scoreboard at their main sporting oval. This scoreboard is working well and has been well received by the users.

Using the Shire of Ashburton experience, the Town entered into communication with the contractor that provided technical information to the Shire of Ashburton. The Town engaged this contractor for specific technical advice from the outset of the project, the information provided the contractor was limited to the development of the scope of work. The scope of works prepared for tender 15/15–Electronic Scoreboards at Colin Matheson and Kevin Scott Ovals also utilized information received from the Shire of Ashburton.

Six tenders were received on 17 September 2015. An assessment panel of three independent persons undertook an initial assessment. This process was not completed as the assessment was compromised by one of the tenderers sub-contractors contacting an elected member which has been perceived to be an attempt to influence the process.

The Town also received advice from an external third party alluding to a level of interference in the tender process. The nature and severity of the interference deemed it necessary that the Town audit the process. Advice received recommended the current process be terminated and for the Town to conduct a new tender process.

CONSULTATION

- Mal Osborne-Chief Executive Officer
- Chris Linnell Director Community and Development
- Moore Stephens

FINANCIAL AND RISK IMPLICATIONS

There is no significant financial implication as the tender has not been awarded. Some costs were incurred in the preparation of the specification and the administration of the tender. Conducting a new tender process will incur further costs.

The process has seen the Town incur significant reputational damage. A number of companies entered into this process in good faith and provided the Town with conforming tenders for consideration. The sporting clubs who use both Colin Matheson and Kevin Scott Ovals were also keen to see scoreboards installed for the new season.

STATUTORY AND POLICY IMPLICATIONS

The Towns tender documentation is clear in that it states:

“1.29 CANVASSING OF OFFICIALS

If a Tenderer, whether personally or by an agent, canvasses any of the Principal’s Commissioners or Councillors (as the case may be) Officers with a view to influencing the acceptance of any Tender made by it or any other Tenderer, then regardless of such canvassing having any influence on the acceptance of such Tender, the Principle may at its absolute discretion omit the Tenderer from consideration”.

As a result of this matter the Town has been required to review its current wording within the Tender Documentation preferring in the future to implement a new procurement code of ethics as developed by the City of Stirling.

Sections 1.1. and 1.2 of the Strategic Community Plan 2014-2024 applies as the electronic scoreboard project seeks to provide and support programs, events, facilities and services that attract and connect people and resident.

ATTACHMENTS

Nil

27 November 2015

6:57pm Director Community and Development Services declared a financial interest in item 12.1.6 'Management Contract Review – Town of Port Hedland Leisure Facilities' as his family member works for YMCA.

Director Community and Development Services left the room.

12.1.6 Management Contract Review–Town of Port Hedland Leisure Facilities

Graeme Hall, Manager Recreation Services and Facilities
File No. 26/18/0001

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/107 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Note that the Town of Port Hedland has received a written request from the YMCA WA to activate the first of two three year extensions (to 30 June 2019) for the management of the Town of Port Hedland Leisure Facilities (being Wanangkura Stadium, Gratwick Aquatic Centre and South Hedland Aquatic Centre).**
- 2. Endorse the Chief Executive Officer to advise the YMCA WA that the Council intend to offer a further three year contract for the management of the leisure facilities following the negotiation of the following documents to a successful conclusion:**
 - a) Business Plan**
 - b) Key Performance Indicators**
 - c) Operational Budget.**
- 3. Endorse that the Chief Executive Officer base negotiations on the current consumer price index (CPI) therefore limiting the operational deficit for the 2016/2017 financial year to \$2,344,288.66 (\$2,309,644 current operational deficit at 1.5% CPI).**
- 4. Endorse that the YMCA WA should limit their management fee to \$335,611.78 being a CPI (1.5%) increase on their current fee of \$330,652.**
- 5. Endorse that the Chief Executive Officer (or his representatives) commence negotiations immediately with the YMCA WA to formalise the business plan, key performance indicators and operational budget for the management of the leisure facilities.**

6. **Endorse that the contract variations as outlined in attachment 1 be acceded to and reflected in the new contract prepared for the period 1 July 2016 to 30 June 2019.**
7. **Endorse that the following contract variations as outlined in attachment 2 not be acceded to and that the YMCA WA be notified accordingly.**
8. **That the YMCA WA are advised that negotiations regarding the business plan, key performance indicators and operational budget must be concluded by Friday 19 February 2016, in preparation for consideration at the March Ordinary Council Meeting.**
9. **Endorse that due to time restrictions, Option 2 to conduct a tender process for the management of the leisure centres is not an option that the Council wish to pursue.**

CARRIED 5/4 ON CASTING VOTE OF THE MAYOR

7:10pm Director Community and Development Services reentered the room.

EXECUTIVE SUMMARY

In 2012, the Town of Port Hedland contracted the YMCA to manage its three leisure facilities, Wanangkura Stadium, South Hedland Aquatic Centre and Gratwick Aquatic Centre. The existing management contract for these facilities expires on the 30 June 2016.

The conclusion of an ongoing management agreement such as this would ordinarily suggest that the Town has three options available to it, these being:

Option 1 – Activate the first of two three year extension options included within the current management contract between the Town and YMCA WA

Option 2 - Re-tender management contract for the Town of Port Hedland Leisure Facilities (potentially including an in-house bid).

Option 3 - Resume in-house management of the leisure facilities and operate them as a service provided by the Town as the responsible local government authority.

Correspondence dated 19 October 2015, has been received from the YMCA WA (attachment 3). In their letter the YMCA WA has expressed an interest in activating the first of the two three year extension options for the management of the Town of Port Hedland Leisure Facilities.

The letter is very prescriptive about the following point:

“If the Council supports this request we would be pleased to prepare an indicative budget for 2016-2017 and key performance indicators to facilitate negotiations.”

This report recommends Council progresses the request by the YMCA WA to activate the first of two three year extension options. The Councils support would be conditional upon the completion of a negotiated process to prepare a mutually agreeable business plan, key performance indicators and operational budget.

DETAILED REPORT

In March 2012, the YMCA WA were appointed to manage the Town of Port Leisure Facilities. The contract offered to the YMCA was for an initial four year term (July 1 2012 to June 2016). The contract included two extension options for three year periods. The details within the contract are as follows:

5. CONTRACT TERM

5.1 Initial Contract Term

The Contract Term is the Initial Contract Term and any period for which the operation of the Contract is extended under clause 5.2 or clause 5.3, if any.

5.2 Initial Extension of Contract

- (1) *The Town may in its sole discretion extend this Contract for an additional term of three years provided the Town gives the Contractor written notice of its intention to put into effect the Initial Extension at least three months prior to the expiry of the Initial Contract Term.*
- (2) *In the event the Town exercises its right to enforce the Initial Extension, the terms and conditions of this Contract will apply to the Initial Extension except for clause 5.2.*

5.3 Second Extension of Contract

- (1) *In the event the Town enforces the Initial Extension of this Contract, the Town may in its sole discretion extend this Contract beyond the Initial Extension for an additional period of three years provided the Town gives the Contractor written notice of its intention to put into effect Second Extension at least three months prior to the expiry of the Initial Extension.*
- (2) *In the event the Town exercises its right to enforce the Second Extension, the terms and conditions of this Contract will apply to the Second Extension except for clause 5.2 and clause 5.3.*

Correspondence dated 19 October 2015 (attachment 3) has been received from YMCA WA requesting that the Council endorse the activation of the first of their two three year options for the management of the Town of Port Hedland's leisure facilities. The letter from the YMCA WA has indicated that only with the Councils commitment to their extension request are they prepared to prepare a business plan, key performance indicators and operational budget. The YMCA WA are keen to ensure that their intellectual property is handled with confidentiality.

The YMCA WA have indicated that they have an appetite to share ideas for an expansion to the level of service they provide to the Port Hedland Community.

These additional programs will be shared with the Town during the negotiation process with the Chief Executive Officer.

At the Audit Risk and Governance Committee meeting 17 June 2015 the committee recommended to the Council, that Council (in-part):

“Request the Chief Executive Officer, or his delegate(s) explore the contract extension and report back to Council on the obligations and options going forward beyond 30 June 2016”.

Since 30 June 2014, four presentations have been made by to both the Council and the Audit, Risk and Governance Committee regarding the contract and related matters. The YMCA WA have continually outlined their desire to maintain a partnership with the Town through the management of the leisure facilities. There has as a result of these briefings been a level of understanding that the Council was seeking to maintain an ongoing relationship with the YMCA WA.

A presentation (attachment 4) in August 2015, provided an overview of the contract position from the Towns perspective. The presentation provided an outline of the contract, analysis of key performance indicators, key issues and comparative analysis of other facilities.

With the existing contract due to expire at the end of June 2016, the options available to the Council are constrained:

Option 1 - The activation of a contract extension for the YMCA WA is the preeminent option. From a continuity of service perspective this option reflects a high level of support to the contractor. It also significantly reduces disruption to the operation of all three leisure centres and the subsequent services provided to the community.

Option 2 - The opportunity to re-tender is not an option that is available. The tender process takes a minimum of 12 months to complete if done comprehensively. With the current contract due to expire as of 30 June 2015, this option is not feasible.

Option 3 - The resumption of in-house management of the leisure facilities is not a course of action the option the Town has given significant consideration. A change of management of this magnitude would be highly disruptive to the overall service, it is also likely that given the Town's resources it would be hard to achieve the best possible outcome to the community.

The YMCA WA are seeking endorsement from the Council that there is a willingness to pursue the contract extension. With the receipt of the Councils support to continue the relationship the YMCA WA will commence negotiations with the Chief Executive Officer to prepare a business plan, operational budget and key performance indicators for the leisure facilities. These key documents will need to be reflective of the outcomes desired by the Town and focus the first year of the contract extension, being the 2016/2017 financial year.

The information provided within the Business Plan, Key Performance Indicators and Operational Budget are considered by the YMCA WA to be commercially sensitive intellectual property. The YMCA WA therefore have a preference to

making this information public in an environment where there is a commitment to an ongoing partnership.

Upon endorsement of a willingness to support for an extension to the contract the YMCA will progress the current review of their business plan, operational budget and key performance indicators for the 2016/2017 financial year. These would be endorsed by the Council at the March Ordinary meeting. Council endorsement of these key operational documents will initiate the formalization of the first of two contract extensions.

Contractual Amendments

Within the contract; Section 48-Amendments to Contract states: "A variation to this Contract must be in writing and signed by the parties".

A review of the contract by both the Town and the YMCA WA has acknowledged that there are a number of amendments to the contract that require consideration. If changes to clauses are endorsed, the contract for the period July 2016 to June 2019 will be amended accordingly as part of the additional term.

The suggested amendments to the contract have been proposed by both the YMCA WA and the Town of Port Hedland. Attachment 1 highlights the changes that are supported, attachment 2 outlines the requests that have been made that are not supported by the officers.

FINANCIAL AND RISK IMPLICATIONS

The recommendations outlined within this report have no immediate financial implications. The report only seeks to determine the Council's inclination with regard to the future of the management agreement that the YMCA WA have with the Town. If the recommendations as presented are endorsed the YMCA WA will be required to present a business plan, operational budget and key performance indicators for the 2016/2017 financial year. The necessary documents will need to be prepared by 19 February 2016, to enable the agenda item to be prepared with suitable analysis of the proposal.

The current operational deficit for the leisure centres is \$2,309,644, the Town also pays a management fee to the YMCA WA, in the 2015/2016 financial year this fee is \$330,652. The operational deficit and management fee will be part of the negotiated process outlined earlier in the report. While the YMCA WA have three years of operational experience from which to develop future budgets, it is fully appreciated that they have been forced to deal with a number of operational disruptions over the life of the contract. The closure of Wanangkura Stadium, a delayed re-opening of the South Hedland Aquatic Centre and recent delays for plant failure have all contributed to the need for variation payments to be made.

The recommendations presented within this report only require the Council to note that the Chief Executive Officer will engage in negotiations with the YMCA WA. The Council will receive a further report in March 2016, which will outline the negotiated outcomes for the business plan, key performance indicators and operational budget. The Council will be able to make a final determination regarding their final approval of the YMCA contract once the operational deficit of the facility is presented for consideration.

From a risk perspective the Town have become limited with regard to the options it has available to it. The contract currently in place is due to expire in June 2016, to procure alternative operators through a tender process is not feasible, to revert to an in-house management option would be a high risk option. Because the Council has previously shown a clear inclination towards retaining the YMCA WA as its operator of choice, the alternative options have not been considered in detail.

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. Requested Contract Changes-Supported
2. Requested Contract Changes-Not Supported
3. Correspondence dated 19 October 2015, has been received from the YMCA WA
4. Presentation (Provided to Council August 2015)
5. YMCA WA Annual Report 2014/2015 (Under Separate Cover)
6. Business Plan YMCA WA-2015/2016 (Confidential – Under Separate Cover)

2 December 2015

ATTACHMENT 1 TO ITEM 12.1.6

Attachment 1-Requested Contract Changes-Supported

Section	Requested by	Current Clause	Proposed Amendment
26.4.1 Quarterly Reports for Audit Committee	TOPH YMCA WA	26.4 Quarterly Reports for Audit Committee (1) The Contractor must submit to the Town quarterly reports for submission to the Audit and Finance Committee of Council.	Delete <u>Comment</u> The reporting requirements are repetitive the monthly, quarterly and annual reporting all require the same information.
29.1 Staffing Obligations Section (2)	TOPH	The contractor must involve the Town in the selection process of the Area Manager to be employed at the facilities.	Delete <u>Comment</u> This requirement is no longer relevant, the position of Area Manager is no longer the most senior YMCA WA position in Port Hedland. There is limited valuable for the Town of Port Hedland to be involved in this selection process.
29.1 Staffing Obligations Section (5)	TOPH	(5) The Contractor must provide the Town or its representative with a copy of a Federal Police Clearance for each staff member, within 14 days of a new staff member commencing employment.	Delete <u>Comment</u> This clause is not practical or necessary. Future contract to ensure that the YMCA WA are obliged to maintain these records and for those records to

			<p>be available to the Town upon request.</p>
<p>40.3 Marquee Park</p>	<p>TOPH and YMCA WA</p>	<p>40.3 Marquee Park</p> <p>(1) The Contractor must implement a regular water testing regime for Marquee Park.</p> <p>(2) Prior to operation of Marquee Park, the Contractor must devise and implement a regular water testing regime which will include one visit to the facility on a daily basis prior to start up, and ongoing remote monitoring of the facility water treatment in accordance with the requirements of the relevant Written Law, including in particular the <i>Health (Aquatic Facility) Regulations 2007</i>, relating to zero depth water playground facilities.</p>	<p>Delete</p> <p><u>Comment</u> A fee for service agreement has replaced the contract requirement for the Marquee Park facility.</p>
<p>8.2 Review of Operating Budget 18.1.8 Maintenance and Cleaning 18.2.8 Servicing and Maintenance 20.1 Capital Works and Redevelopment 24.1.2 (a) Fees and Charges 32.1 (6) Annual Business Plans</p>		<p>Each of the listed documents requested from the YMCA by the Town.</p>	<p>Request all plans, budgets, to be submitted to the Town of Port Hedland on a consistent date of 28 February annually.</p> <p><u>Comment</u> This is not a significant change, approach is practical.</p>

<p>32.2 Marketing Strategy 32.3 (4) Benchmarking and KPIs 32.4 Sponsorship Plan</p>			
<p>26.2 Fortnightly Meetings</p>	<p>YMCA WA</p>	<p>26.2 Fortnightly Meetings</p> <p>(1) Unless otherwise agreed by the parties in writing, the Town and the Contractor must meet on a fortnightly basis, at a mutually convenient time, to review and discuss the operation of the Facilities in terms of the agreed KPI's.</p> <p>(2) The parties must meet immediately following the 15th of each month, to permit discussion of the previous month reports required pursuant to clause 26.3, and thereafter two weeks following such meeting.</p>	<p>Withdraw 26.2.1 and meet monthly to coincide with monthly reporting requirements.</p> <p>Comment Approach accepted</p>
<p>Schedule Item 4 Minimum Hours</p>	<p>YMCA WA</p>		<p>The hours of operation are endorsed through a Council resolution. Any further changes will require endorsement by the Council.</p> <p>Amended approach to setting hours of operation are supported.</p>

ATTACHMENT 2 TO ITEM 12.1.6

Attachment 2-Requested Contract Changes-Not Supported

Section	Requested by	Current Clause	Proposed Amendment
10 (g) Contractor's Representative	YMCA WA	(g) permit the Town to have the power of veto regarding the selection of the Contractor's Representative.	Remove Comment The Town as the facility owner should retain this capability.
24.1.2 (b) Fees and Charges	YMCA WA	(b) all price changes must be approved by the Town as part of the annual budget process.	For the Town to approve annually before 1 July. Comment The setting of fees and charges requires Council endorsement through the budget approval process.
29.7 (3) Uniforms and Presentation	YMCA WA	(3) All staff must wear uniforms making them readily identifiable by the public.	Remove—not all staff need to be branded (such as business support staff). Comment The Town has a high expectation with regard to the presentation of all frontline staff
31. Programs and Events	YMCA WA	<p>31. PROGRAMS & EVENTS</p> <p>(1) The Contractor is required to provide a minimum of one „special council day at each Facility annually.</p> <p>(2) The special council day is designed to be an event promoting community wellness, and it is expected that entry to the general public will be free on this day.</p> <p>(3) The Contractor must provide the Town with an annual plan and details in respect of the special council day for each Facility on an annual basis, as part of its Marketing Strategies.</p>	Suggest this intent is moved to a KPI. Comment This is a key requirement that ensures the Councils commitment to the community is maintained.

ATTACHMENT 3 TO ITEM 12.1.6

19 October 2015



Mr Mal Osborne
CEO
Town of Port Hedland
PO Box 41
PORT HEDLAND WA 6721

Dear Mal

Management Agreement: Town of Port Hedland Leisure Facilities

I refer to correspondence of 1 October 2015 from Mr Graeme Hall, Manager Recreation Facilities and Services to Ms Stephanie Greene, GM Pilbara relative to an extension of service provision against the Management Agreement: Town of Port Hedland Leisure Facilities.

This correspondence sought a written confirmation from the YMCA WA to extend the above named Service Agreement for the first of its two additional terms.

As you know the YMCA WA has managed the Management Agreement: Town of Port Hedland Leisure Facilities. The first term of this contract closes on 30 June 2016.

The YMCA WA would like to progress clause 5.2 (1) of the Management Agreement extending the initial term of the contract for a further three years.

If the Council supports this request we would be pleased to prepare an indicative budget for 2016-2017 and key performance indicators to facilitate negotiations.

I look forward to working with you and your team for an eventual extended agreement.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ross Kyrwood'.

Ross Kyrwood
Chief Executive Officer

YMCA WA
Head Office
201 Star Street, Welshpool WA 6106
PO Box 2155, Carlisle North WA 6101
P (08) 9473 8400 F (08) 9472 7522
E enquiries@ymcawa.org.au W www.ymcawa.org.au

Town of
Port Hedland

Management Contract Town of Port Hedland Leisure Facilities



History

- The YMCA have managed Town of Port Hedland Facilities since 2003
- In 2006 the YMCA relinquished the Management of the JD Hardie Recreation Centre
- Retained management of the Gratwick Aquatic Centre and South Hedland Aquatic Centre



Current Agreement

- 2011-Initial tender for the contract.
- Council deliberation-February 2012
- Contract term commenced 1 July 2012 concluding 30 June 2016
- Discretion to extend contract



Audit Risk and Governance Committee

At the 17 June meeting of the Audit Risk and Governance Committee meeting, it was resolved

- ***“Request the Chief Executive Officer, or his delegate(s) to explore the contract extension and report back to Council on the obligations and options going forward beyond 2016”.***



Performance Measurement

- The key performance indicators were reviewed by the Council in 2011
- Based in-part on CERM Benchmarks
- The Key Performance Indicators evaluate four discrete areas:

- Financial
- Metric
- Efficiency
- Effectiveness



KPI Programming Review 2012/13

	Highlights	Area for Improvement
Wanangkura Stadium	Expectations were exceeded <ul style="list-style-type: none"> • Membership • Group Fitness Classes • Personal Training 	<ul style="list-style-type: none"> • Junior and senior sporting competitions. • Junior (non-sporting programs) • Lifestyle programs for specific demographics
Gratwick Aquatic Centre		<ul style="list-style-type: none"> • Swim school numbers • After School Programming
South Hedland Aquatic Centre	Closed for facility upgrade	



KPI Programming Review 2013/14

	Highlights	Area for Improvement
Wanangkura Stadium	<ul style="list-style-type: none"> Expectations were exceeded Group Fitness Classes Personal Training 	<ul style="list-style-type: none"> Junior Sporting Competition Junior (non- sporting programs)
Gratwick Aquatic Centre		<ul style="list-style-type: none"> After School Programming Did not run after school programming
South Hedland Aquatic Centre	<ul style="list-style-type: none"> Facility experienced high attendances during first year of operation following upgrade 	<ul style="list-style-type: none"> After School Programming Did not run after school programming Wave Rider KPI's were not met due to machine faults

KPI Programming Review 2014/15

	Highlights	Area for Improvement
Wanangkura Stadium	<ul style="list-style-type: none"> Group Fitness Classes Exceeded KPI requirements Personal Training Exceeded KPI requirements 	<ul style="list-style-type: none"> Junior Sporting Competitions After School Programming
Gratwick Aquatic Centre		<ul style="list-style-type: none"> After School Programming
South Hedland Aquatic Centre		<ul style="list-style-type: none"> 28,000 Attendances below budget After School Programming Wave Rider usage

Note – YMCA are implementing a number of programs over the coming months to address the KPI's that have not been met.



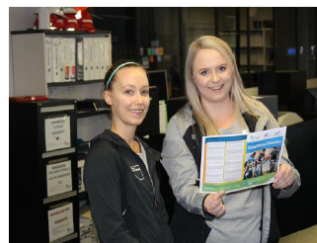
Key Issues

- South Hedland Aquatic Centre operational issues
- Shift in the seasonal use of the pools
- Infrastructure failure
- Facilities do not necessarily compliment key performance indicators
- Policy positions have impacted on the performance of the facilities
- Propensity for casual use of facilities



Positives

- Health and fitness income
- Secondary expenditure
- Audits of the facilities
- Staff presentation
- Average spend per visit
- Committed staff team
- Use of the facility for community events



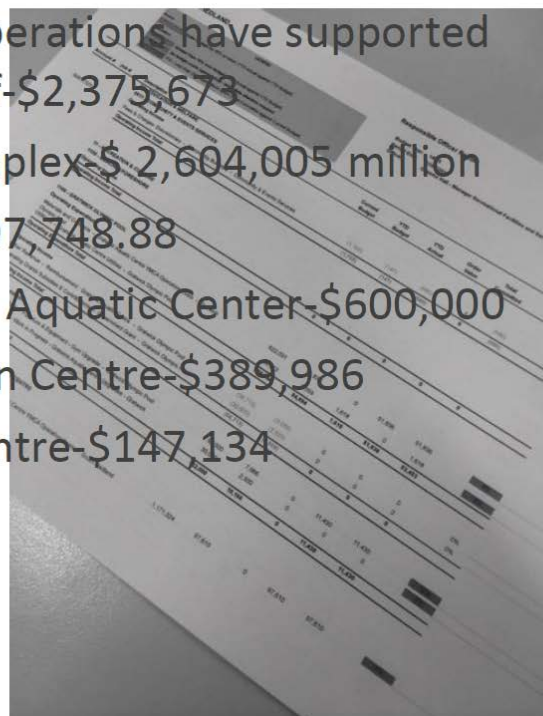
Areas for Improvement

- Programs not met the key performance indicators:
 - After school activities
 - Educational development programs
 - Swim school
 - School holiday program (not captured market)
 - Sporting competitions (Juniors and Seniors)
- Staffing issues
- Asset management



Financial Performance

- 2015/2016 budget deliberations have supported an operational deficit of-\$2,375,673
- City of Karratha- Leisureplex-\$ 2,604,005 million
- Shire of East Pilbara \$797,748.88
- Broome Recreation and Aquatic Center-\$600,000
- Herb Graham Recreation Centre-\$389,986
- Terry Tyzack Aquatic Centre-\$147,134



Options available to Council

Options are available to the Town under the terms of the contract:

- **Option 1**-Activate contract option-extend contract by a further three years from June 30 2016
- **Option 2**-Public tender process to manage the Town's leisure facilities
- **Option 3**- Town to resume in-house management



Option-1

- Activate contract option to extend contract by a further three years from 30 June 2016:

- Provide security of tenure
- Continuity of employment for staff
- Confidence to develop new initiatives.



Option -2

Conduct new public tender process for the contract to manage the Town's leisure facilities:

- Opportunity to realign the contract
- Potential to attract other operators
- More informed outcome for Town
- Opportunity to benchmark against an in-house bid



Option-3

Resume in-house management of the leisure facilities as from 30 June 2016:

- Increase in staff numbers
- Require detailed due diligence
- Increased control of facilities
- Asset management
- Salaries and wages to be in accordance with EBA



7:11pm Mayor Howlett declared an impartiality interest in item 12.1.7 'Retrospective Planning Approvals, February to April 2015' as she has an association with one of the applicants.

Mayor Howlett did not leave the room.

12.1.7 Retrospective Planning Approvals, February to April 2015

Adam Majid, Manager Development Services
File No. 18/07/0002 & 07/02/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/108 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Notes the advice received from the Department of Local Government and Communities as per attachment 1.**
- 2. Notes the Planning Approvals granted by the Chief Executive Officer and the Director Corporate Services between February and March 2015 as per Attachment 2;**
- 3. Determines that in order to satisfy the concerns raised by the Department of Local Government and Communities and to provide confidence to applicants that their planning approvals are valid, that retrospective planning approval be granted for all applications originally granted by the Chief Executive Officer and the Acting Chief Executive Officer (Director Corporate Services) between February and March 2015 in accordance with all conditions as listed in such approvals.**

CARRIED 5/4 ON CASTING VOTE OF THE MAYOR

Record of votes

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

EXECUTIVE SUMMARY

The Town has received advice from the Department of Local Government and Communities (the DLGC) in relation to planning approvals granted by the Chief

Executive Officer and the Acting Chief Executive Officer (Director Corporate Services) between February and March 2015.

The DLGC has advised that these approvals may not be valid and has recommended that these matters be addressed promptly.

Whilst the Town is currently seeking legal advice on the DLGC's recommendations, the Council is requested to issue retrospective approval on all applications to give all applicants certainty and confidence in their validity.

DETAILED REPORT

Between February and March 2015 the Chief Executive Officer and the Acting Chief Executive Officer (Director Corporate Services) approved 14 planning applications as listed below.

Applic No	Description	Lot	Property Address	Development Value	Date Approved	Signing Authority	Use Class
2015/010	CHANGE OF USE TO INDUSTRY LIGHT AND PROPOSED WORKSHOP ADDITION	1024	20 PINNACLES STREET WEDGEFIELD 6724	\$15,000	9/02/15	M.J. (MAL) Osborne	P
2015/016	SINGLE HOUSE - CARPORT	4	7 CHARON PLACE SOUTH HEDLAND 6722	\$14,000	9/02/15	M.J. (MAL) Osborne	P
2014/362	RETROSPECTIVE ADDITION TO CARETAKERS DWELLING	1029	4 RIDLEY STREET - WEDGEFIELD	\$45,000	11/02/15	M.J. (MAL) Osborne	P
2015/024	STORAGE SEA CONTAINERS (INCIDENTAL ADDITION)	5991	5991 COTTIER DRIVE SOUTH HEDLAND 6722	\$2,000	24/02/15	M.J. (MAL) Osborne	P
2015/018	HIRE SERVICE (INDUSTRIAL) - RETROSPECTIVE ANCILLARY SEA CONTAINERS	335	2 HEMATITE DRIVE WEDGEFIELD 6721	\$10,000	26/02/15	M.J. (MAL) Osborne	P
2015/026	2X SHADE STRUCTURES	831	831 SUTHERLAND STREET PORT HEDLAND 6721	\$762,000	27/02/15	M.J. (MAL) Osborne	P
2014/198.01	AMENDMENT TO PLANNING APPROVAL 2014/198 - FROM THREE (3) WAREHOUSES TO ONE (1) WORKSHOP	202	49 STEEL LOOP - WEDGEFIELD	\$750,000	4/03/15	M.J. (MAL) Osborne	P
2015/033	SINGLE HOUSE - PROPOSED CARPORT	3998	37 EGRET CRESCENT SOUTH HEDLAND 6722	\$18,000	16/03/15	M.J. (MAL) Osborne	P
2015/041	SINGLE HOUSE - SEA CONTAINER	106	42 PARKER STREET SOUTH HEDLAND 6722	\$10,000	16/03/15	M.J. (MAL) Osborne	P
2015/032	MOTOR VEHICLE AND/OR MARINE SALES AND/OR HIRE - 4X SIGNS	115	115 OXIDE WAY WEDGEFIELD 6722	\$19,500	17/03/15	M.J. (MAL) Osborne	P
2015/019	PATIO, POOL PUMP SHED, RETAINING WALL AND FRONT FENCE	508	7 MONKS PLACE PORT HEDLAND 6721	\$28,000	27/03/15	Sid Jain	P
2015/023	MOTOR VEHICLE AND/OR MARINE SALES AND HIRE - INCIDENTAL SHADE STRUCTURES	115	115 OXIDE WAY WEDGEFIELD 6722	\$14,600	27/03/15	M.J. (MAL) Osborne	P
2015/050	SINGLE HOUSE - PROPOSED CARPORT	3694	6 KANGAROO CRESCENT SOUTH HEDLAND 6722	\$40,000	27/03/14	Sid Jain	P
2015/029	INDUSTRY - LIGHT - RETROSPECTIVE STORAGE BUILDINGS AND SHED EXTENSION	3797	25 HARWELL WAY WEDGEFIELD 6724	\$10,000	30/03/15	Sid Jain	P

The validity of said approvals has since been questioned as the Chief Executive Officer and the Acting Chief Executive Officer (Director Corporate Services) at the time had not been granted a formal delegation by the Council.

The DLGC has become involved in this matter due to receiving a complaint and has recently advised the Town that the above approvals might not be valid, and that the Town is required to rectify these matters (Attachment 1). It has to be noted that although the DLGC's correspondence relates to approvals signed off between February and April 2015, the Chief Executive Officer did not sign off on any further approvals between 1 April and 22 April 2015. The Council at its Ordinary meeting of 22 April 2015 granted him formal planning delegations.

The Town is currently seeking legal advice on the validity of the process undertaken to sign off on all of the above applications, however it has taken on board the DLGC's recommendation and is therefore seeking Council's retrospective approvals on all applications.

The Manager Planning and Development Services has also reviewed all applications granted and has confirmed that all conditions are accurate and that the Council should retrospectively approve them as per the original documentation listed under Attachment 2.

It should be noted that under current delegated authority, the CEO, Director Community and Development Services and Manager Development Services could all approve the retrospective planning approvals. Officers, however have chosen to bring this matter to Council for approval.

As a process improvement the Town is now ensuring all planning approvals are signed off by officers with formal delegations in place, as per the Town's delegation and subdelegation register, and that these are continued to be reported to all Elected Members after execution on a regular basis.

Consultation - Internal

- Chief Executive Officer
- All Directors
- Manager Development Services

Consultation - External

- Department of Local Government and Communities

FINANCIAL AND RISK IMPLICATIONS

The value of the developments is included in the above table. All of the notices issued to the applicants have been reviewed by the Manager Development Services with respect to conditions imposed on such notices. It has been deemed that the conditions imposed conform to the principles of proper and orderly planning and as such are relevant to each development.

Of the developments, half have been commenced and the other half are yet to be commenced.

The risk level of the Council not approving these development applications retrospectively is considered to be high. The applicants require confidence that their approvals are valid and retrospective approval is required to satisfy concerns raised by the Department of Local Government and communities.

STATUTORY AND POLICY IMPLICATIONS

Since the Chief Executive Officer and the Acting Chief Executive Officer (Director Corporate Services) approved the development applications between February and March 2015 planning legislation has changed. The new Planning and Development (Local Planning Schemes) Regulations 2015 have come into force and the Town has therefore reviewed all of its delegations at its 28 October 2015 Ordinary meeting to ensure they comply with the new Regulations.

ATTACHMENTS

1. Correspondence from DLGC
2. List of Development Application Approvals between February and March 2015

2 December 2015

ATTACHMENT 1 TO ITEM 12.1.7

Government of **Western Australia**
Department of **Local Government and Communities**

Our Ref: PH10-18#05; 20150172; E1546040

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

PRIVATE & CONFIDENTIAL

Dear Mr Osborne

PLANNING APPROVALS ISSUED WITHOUT DELEGATED AUTHORITY OF COUNCIL.

I refer to our letter dated 20 July 2015 and your subsequent reply dated 27 July 2015.

In our letter the Department of Local Government and Communities (the Department) advised it had recently received a complaint whereby it is alleged that between February and April 2015, you as the Chief Executive Officer, (CEO) at the Town of Port Hedland, (the Town) signed off on planning approvals without the delegated authority of Council to perform that function.

In your response you advised the Department you signed off on the planning documents as head of the organisation whilst at the time acting in the position of the Director Community Development Services, whereby you relied on section 49 of the *Interpretation Act 1984*, for the authority to perform that function.

The Department has been advised that the thirteen (13) Planning Approvals issued and signed off by the CEO during that period may be invalid. The advice provided formed the view that the CEO could not exercise the Delegated Authority of Council by simply assuming the duties of an office to determine development applications under the Scheme and he would be required to be formally appointed to the position prior to assuming the delegated authority.

Whilst the Department appreciates that rectifying these matters may be problematic for the Town, this is an issue that the Town needs to expedite and address directly with each of the planning applicants affected.

The Department recommends all applicants should be advised their planning approval may not be valid and therefore does not comply with the *Planning and*

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844

Tel: (08) 6551 8700 Fax: (08) 6552 1555 Freecall: 1800 620 511 (Country only)
Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Development Act 2005 as it was signed off at the time by you without the delegated authority of Council.

Council's prompt attention to these matters is encouraged, please provide the Department with:

- Confirmation that the Town has revisited all planning matters previously approved by you without Delegated Authority, between February and April 2015;
- Details on those planning approvals affected and;
- The procedures you have implemented to rectify those unauthorised approvals to ensure they comply with the *Planning and Development Act 2005*.

A copy of this letter has been forwarded to Mayor Kelly Howlett for her attention and that of Council.

Mr Eric Lumsden, Chairperson, Western Australian Planning Commission will also be advised of the current situation and the Departments recommendations to the Town.

I would appreciate your response in writing within 14 days of your receipt of this letter. Should you have any queries in relation to this matter please contact Ron Murphy, Manager Sector Governance on (08) 6552 1669 or via email at ron.murphy@dlgc.wa.gov.au.

Yours sincerely



Jenni Law
DIRECTOR LOCAL GOVERNMENT REGULATION AND SUPPORT

30 November 2015

ATTACHMENT 2 TO ITEM 12.1.7

Town of Port Hedland

POSTED 16/2/15 SD



Our Ref: 2015/016 / 113940G

Enquiries: [redacted]

Direct Line [redacted]

Email: [redacted]

Dear Sir/Madam

APPLICATION No: 2015/016 FOR SINGLE HOUSE - CARPORT ([redacted])

In regard to your above application submitted on behalf of the landowner, [redacted], I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

[Redacted signature]

CHIEF EXECUTIVE OFFICER

9 February 2015

Civic Centre
McGregor Street

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

PO Box 41
Port Hedland, WA 6721

council@porthedland.wa.gov.au
www.porthedland.wa.gov.au

**PORT
HEDLAND
PILBARA'S
PORT CITY**



Town of Port Hedland

POSTED 12/2/15 SD



Our Ref: 2015/010 / 124130G

Enquiries:

Direct Line

Email:

Dear Sir/Madam

APPLICATION No: 2015/010 FOR CHANGE OF USE TO INDUSTRY LIGHT AND PROPOSED WORKSHOP ADDITION

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

9 February 2015

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**PORT HEDLAND
PILBARA'S
PORT CITY**



Town of Port Hedland

POSTED
PILBARA'S



Our Ref: 2014/362 / 124590G

Enquiries:

Direct Line:

Email:

Dear Sir/Madam

APPLICATION No: 2014/362 FOR RETROSPECTIVE ADDITION TO CARETAKERS DWELLING ON

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

11 February 2015

Cc.

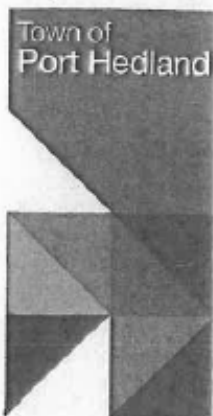
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PO Box 41
Port Hedland, WA 6721

council@porthedland.wa.gov.au
www.porthedland.wa.gov.au



27/2/15 SD



Our Ref: 2015/024 /

Enquiries:

Direct Line: (08) 9158 9321

Email: planning@porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/024 FOR SEA CONTAINERS (INCIDENTAL ADDITION) ON

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

24 February 2015

Civic Centre
McGregor Street

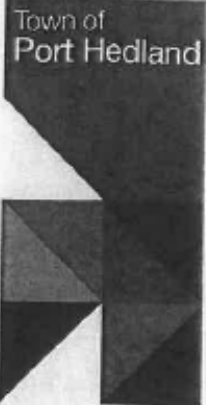
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www.porthedland.wa.gov.au

PORT
HEDLAND
PILBARA'S
PORT CITY





POSTED 27/2/15 SD



Our Ref: 2015/018 / 805375G
Enquiries: I
Direct Line:
Email:

Dear Sir/Madam

**APPLICATION No: 2015/018 FOR HIRE SERVICE (INDUSTRIAL)-
RETROSPECTIVE ANCILLARY SEA CONTAINERS**

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely,

[Redacted signature]

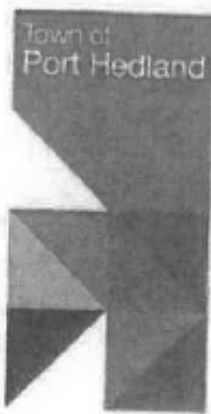
CHIEF EXECUTIVE OFFICER

26 February 2015

**PORT HEDLAND
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Port Hedland, WA 6721
P (08) 9158 9300
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council@porthedland.wa.gov.au
www.porthedland.wa.gov.au





Our Ref: 2015/023

Enquiries:

Direct Line: (08) 9158 9321

Email: council@porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/023 FOR MOTOR VEHICLE AND/OR MARINE SALES AND HIRE – INCIDENTAL SHADE STRUCTURES ON LOT

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely,

CHIEF EXECUTIVE OFFICER

27 February 2015

Cc.

Civic Centre
McGregor Street

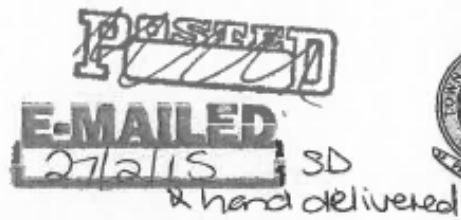
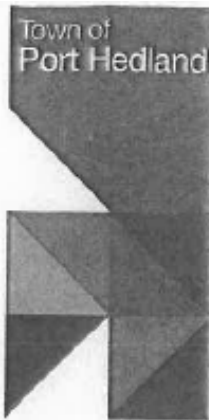
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**PORT
HEDLAND
PILBARA'S
PORT CITY**





Our Ref: 2015/026 /

Enquiries: B'

Direct Line: (08) 9158 9

Email: :@porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/026 FOR 2 X INCIDENTAL SHADE STRUCTURES ON

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

27 February 2015

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McGregor Street

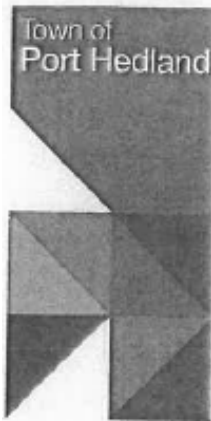
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PORT CITY**





POSTED
15/3/15 SD



Our Ref: 2014/198.01 / 1

Enquiries:

Direct Line: (08) 9158 9321

Email: council@porthedland.wa.gov.au

Dear Sir / Ms

PLANNING APPLICATION No: 2014/198.01 FOR AMENDMENT TO PLANNING APPROVAL 2014/198 - FROM THREE (3) WAREHOUSES TO ONE (1) WORKSHOP ON

The Town of Port Hedland has received your request to approve amended plans with regard to the Planning Permit (2014/198) issued 8th September 2014 for the above property. Development Services has reviewed your request and advise the amended plans (DRG2014/198.01 – DRG2014/198.01/3) have been approved. The plans (DRG2014/198/1 – DRG2014/198/5) as approved under condition 1 of the Planning Permit (2014/198) are now superseded.

Conditions 1 and 4 of Planning Permit (2014/198) have been amended to reflect the new plans and shall now read:

1. *This approval relates only to the proposed "Industry Light" - Workshop, as indicated on the approved plans (DRG2014/198.01/1 - DRG2014/198.01/3). It does not relate to any other development on this lot.*
4. *A minimum of eight (8) car parking bays shall be provided as indicated on the approved site plan.*

Please be advised this letter does not exempt the landowner to satisfy all the conditions as stated on the original Planning Permit (Attached).

Should you have any queries relating or require additional information please do not hesitate to contact the development Services unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

4 March 2015

Civic Centre
McGregor Street

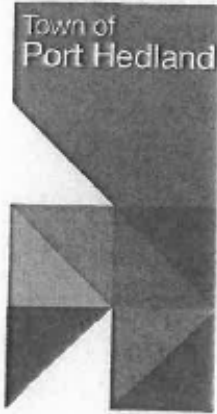
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**PORT
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PILBARA'S
PORT CITY**





POSTED
19/3/15 SD



Our Ref: 2015/041 / 1

Enquiries:

Direct Line: (08) 9158 6

Email: @porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/041 FOR SINGLE HOUSE - SEA CONTAINER ON

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely,

CHIEF EXECUTIVE OFFICER

16 March 2015

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www.porthedland.wa.gov.au

**PORT
HEDLAND**
PILBARA'S
PORT CITY





POSTED
19/3/15 SD



Our Ref: 2015/033 /

Enquiries:

Direct Line: (08) 9158 9

Email: @porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/033 FOR SINGLE HOUSE - PROPOSED CARPORT ON

In regard to your above application submitted on behalf of the landowner, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

16 March 2015

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**PORT
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PORT CITY**





POSTED
19/3/15 DSD



Our Ref: 2015/032 / 804744G

Enquiries

Direct Line 1

Email:

Dear Sir/Madam

APPLICATION No: 2015/032 FOR MOTOR VEHICLE AND/OR MARINE SALES AND/OR HIRE -

In regard to your above application submitted on behalf of the landowner, I, I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

CHIEF EXECUTIVE OFFICER

17 March 2015

Cc.

**PORT HEDLAND
PILBARA'S
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www.porthedland.wa.gov.au



Town of
Port Hedland

POSTED
31/3/15 DSD



Our Ref: 2015/050 /

Enquiries:

Direct Line: (08) 9158 9321

Email: council@porthedland.wa.gov.au

Dear Sir/Madam

APPLICATION No: 2015/050 - APPLICATION FOR PLANNING APPROVAL - PROPOSED CARPORT ON

I refer to your application in the above regard and wish to advise that the application has been approved under Delegated Authority from Council.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely

ACTING CHIEF EXECUTIVE OFFICER

27 March 2015

Civic Centre
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PORT CITY



Town of Port Hedland



POSTED

7/4 KS

[Redacted]

Our Ref: 2015/019 / [Redacted]
Enquiries: [Redacted]
Direct Line: (08) 9158 9: [Redacted]
Email: [Redacted]@porthedland.wa.gov.au

Dear [Redacted]

APPLICATION No: 2015/019 FOR PATIO, POOL PUMP SHED, RETAINING WALL AND FRONT FENCE ON [Redacted]

In regard to your above application submitted on behalf of the landowner, [Redacted] I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

[Redacted signature area]

A/CHIEF EXECUTIVE OFFICER

27 March 2015

[Redacted]

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Town of Port Hedland

POSTED



Our Ref: 2015/029 / [redacted]
Enquiries: [redacted]
Direct Line: (08) 9158 9[redacted]
Email: [redacted]@porthedland.wa.gov.au

Dear Sir/Madam

**APPLICATION No: 2015/029 FOR INDUSTRY - LIGHT -
RETROSPECTIVE STORAGE BUILDINGS AND SHED EXTENSION ON**
[redacted]

In regard to your above application submitted on behalf of the landowner, [redacted], I wish to advise that the application has been approved under Delegated Authority from Council. This approval is subject to the conditions contained on the attached Permit.

Pursuant to Clause 9.6 of the Port Hedland Town Planning Scheme No.5, if the applicant / owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005 (as amended). The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 Days of receiving this decision. Further information and review application forms can be obtained by contacting the State Administrative Tribunal on 08 9219 3111 or via their website www.sat.justice.wa.gov.au.

Should you have any further queries or require additional information please do not hesitate to contact the Planning Services Unit on 08 9158 9321.

Yours sincerely
[redacted]

A/CHIEF EXECUTIVE OFFICER

30 March 2015
[redacted]

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12.2 Works and Services

Nil

12.3 Corporate Services

Nil

12.4 Office of the CEO**12.4.1 Risk Management Policy 1/022 and Risk Management Strategy & Framework**

Peter Kocian, Executive Officer
File No.

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/109 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR GILLINGHAM

That Council:

- 1. Adopt the attached Risk Management Policy (Policy Number 1/022);**
- 2. Note that a Risk Management Strategy and Framework is to be developed to guide and support the implementation of risk management.**

CARRIED 8/0

EXECUTIVE SUMMARY

A Risk Management Improvement Plan has been developed as a result of a review completed earlier this year in regard to risk management, internal compliance and legislative compliance. Two of the recommended improvements were to develop a Risk Management Policy and a Risk Management Strategy and Framework.

At the 17 November 2015 Committee meeting the Audit, Risk and Governance Committee endorsed the Risk Management Policy for presentation to Council (decision 201516/013).

DETAILED REPORT

At the Ordinary Meeting of 27 May 2015, Council received the report prepared by UHY Haines Norton (now called Moore Stephens) on Risk Management, Legislative Compliance and Internal Controls pursuant to the requirements of Regulation 17 of the Local Government (Audit) Regulations 1996. Part of Council's resolution was to support the development and implementation of an integrated risk management system.

A Risk Management Policy has been prepared, based on a template developed by the Department of Local Government and Communities. The Policy affirms that risk management is an integral management function and is to be applied to decision making though all levels of the organisation in relation to planning or executing any function, service or activity.

A comprehensive Risk Management Strategy and Framework will also be developed in line with Australian Standards (AS/NZS ISO 31000:2009). The introduction of risk management and ensuring its ongoing effectiveness will require strong and sustained commitment by management, as well as strategic and rigorous planning to achieve commitment at all levels. This includes the allocation of necessary resources.

The first step in the development of a Risk Management Strategy and Framework will be the engagement of Local Government Insurance Services to participate in their Organisational Risk Management Program. This program incorporates the identification, assessment and prioritization of risks at the strategic, operational and project level. It will be build on the risk management review completed by local government insurance services in 2012 which led to the development of the Towns Risk Register. A kick-off meeting will be held with Local Government Insurance Services on the 17th December 2015.

The Town of Port Hedland has \$150,000 in funding held in the Unspent Grants, Loans and Contributions Reserve available for risk mitigation activities. The funding was provided as a benefit of the membership of the LGISWA Scheme.

FINANCIAL AND RISK IMPLICATIONS

Additional resources will be required to embed an integrated risk management system in the organisation. Resourcing will be assessed as part of the development of the Risk Management Strategy and Framework.

STATUTORY AND POLICY IMPLICATIONS

Regulation 17 of the Local Government (Audit) Regulations 1996 requires the CEO to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal control and legislative compliance separately or all at the one time, on the provision that each matter is reviewed at least once every two years. The CEO is also required to report the results of that review to Council.

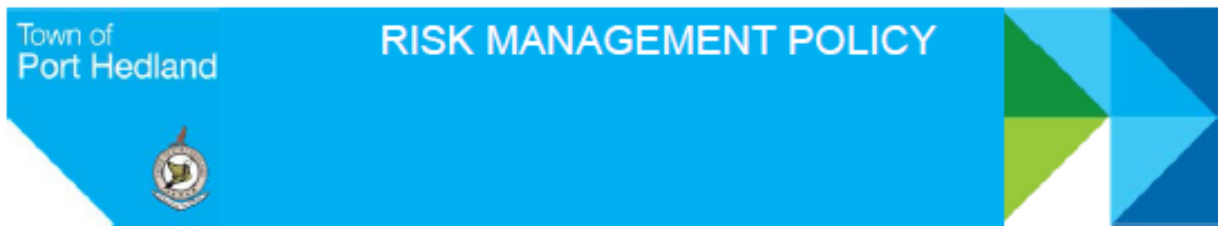
Section 4.1 'Strategic and best practice local government administration' of the Towns 2014-2024 Strategic Community Plan applies with regard to high quality corporate governance accountability and compliance, and maintaining a strong and sustained financial position.

ATTACHMENTS

1. Improvement Plan (Under Separate Cover)
2. Risk Management Policy

9 October 2015

ATTACHMENT 2 TO ITEM 12.4.1

**1/022 RISK MANAGEMENT POLICY****Policy Objective**

The Town of Port Hedland is committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

Definitions

Definition of "Risk": AS/NZS ISO 31000:2009 defines risk as "the effect of uncertainty on objectives".

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Definition of "Risk Management": The application of coordinated activities to direct and control an organisation with regard to risk.

Policy Content

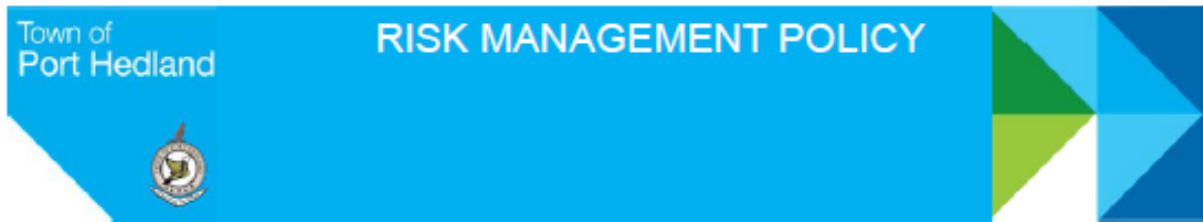
The Town of Port Hedland considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles, framework and process of managing risk as outlined in AS/NZS ISO 31000:2009.

The Town will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service or activity.

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money
- New strategies and procedures
- Management of projects, tenders and proposals
- Introducing significant change, and
- The management of sensitive areas



Risk Management Objectives:

- The achievement of organisational goals and objectives
- The ongoing health and safety of all employees at the workplace
- Ensuring public safety within the Council's jurisdiction is not compromised
- Limited loss or damage to property and other assets
- Limited interruption to business continuity
- Positive public perception of Council and the Town of Port Hedland
- Application of equal opportunity principles in the workforce and the community.

Responsibilities:

- Executives, managers and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and escalation of risks.
- All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

Monitor and Review:

The Town will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented and monitored, by the Town.

Town of
Port Hedland



RISK MANAGEMENT POLICY



Signed _____

Chief Executive Officer

Date _____

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

12.4.2 City of Perth Lord Mayor's Disaster Relief Fund

Julie Rouse, Executive Assistant to CEO/Mayor
File No. 14/01/0014

DISCLOSURE OF INTEREST BY OFFICER

Nil

MOTION

MOVED: CR BLANCO

That Council:

1. **States its sympathy and empathy to all individuals and families affected by the recent Esperance and surrounding areas bush fires; and;**
2. **Support a donation of \$2,000.00 from the Cyclone George Funds Trust Fund in the 2015/16 Budget to the Lord Mayor's Disaster Relief Fund in support of Esperance and the surrounding communities.**

MOTION LAPSED FOR WANT OF A SECONDER

201516/110 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That Council:

1. **States its sympathy and empathy to all individuals and families affected by the recent Esperance and surrounding areas bush fires; and;**
2. **Support a donation of \$2,000.00 from the 2015/16 Budget to the Lord Mayor's Disaster Relief Fund in support of Esperance and the surrounding communities.**

CARRIED 8/0

EXECUTIVE SUMMARY

Following the recent Esperance region bush fires Council have the opportunity to express their sympathy and empathy to all individuals and families affected by the bush fires within the Esperance region and support a monetary donation to the Lord Mayor's Disaster Relief Fund (Relief Fund), reactivated to support the victims of these fires. Town of Port Hedland staff initiated this report being prepared for Council through various fundraising events held across the organisation.

DETAILED REPORT

The Lord Mayor's Distress Relief Fund was established in 1961 to provide relief of personal hardship and distress arising from natural disasters occurring within Western Australia.

The perpetual fund is a registered charitable body and has approval of the Australian Taxation Office for tax deductibility of contributions.

Over the years the fund has assisted with relief appeals for many natural disasters, including the Dwellingup Fires in 2007, the Toodyay Fire Appeal in 2010, and in two appeals in 2011 for the Gascoyne and Mid-West Floods and the Perth Hills Fire, and the Parkerville Fire Appeal in 2014.

This Relief Fund has also assisted the Town of Port Hedland following Tropical Cyclone Joan in 1975 and other Pilbara regions following Cyclone Olivia in 1997.

Following the recent Esperance bush fires the Relief Fund has been activated to raise and coordinate donations to support the victims of the fires where the costs of administering the fund are absorbed by the City of Perth, so all money raised will go directly to those who need it most.

Donations to the Esperance Fires Appeal are currently being accepted and can be made in a variety of ways and it is proposed, that should Council agree to support a contribution to this cause that payment be made via EFT directly to the appeal.

It should also be noted that donations of \$2.00 and above are tax deductible.

Consultation

Mayor

Chief Executive Officer

FINANCIAL AND RISK IMPLICATIONS

Should Council agree to support the Relief Fund, funding for \$2,000.00 is to be expended from the 2015/16 budget account, Donations to the Community. This amount will be tax deductible.

As this is a one off donation the risk implication is considered low. There is the potential that another regional disaster could occur within the State within this financial year that Council may wish to support and the funds budgeted within this GL account make provision to cover such occurrences.

STATUTORY AND POLICY IMPLICATIONS

Through providing a donation to the Lord Mayor's Disaster Relief Fund the Town is providing positive representation of our community as outlined in Section 4.2 of the Town's Strategic Community Plan.

ATTACHMENTS

Nil

30 November 2015

201516/111 COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR BUTSON**

That Council adjourn the meeting in accordance with section 13.3 of the Standing Orders Local Law 2014 until Wednesday 16 December 2015 at 8:15pm.

CARRIED 8/0

7:34pm Mayor advised that the meeting was adjourned.

201516/112 COUNCIL DECISION**MOVED: CR BUTSON****SECONDED: CR HOOPER**

That Council resume the meeting that was adjourned in accordance with section 13.3 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED 8/0

8:16pm Mayor advised that the meeting was resumed.

12.4.3 Participation of Council at 2016 East x West Forum in China

Julie Rouse, Executive Assistant to CEO/Mayor
File No. 02/04/0003

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/113 RECOMMENDATION/ COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR GILLINGHAM****That Council:**

- 1. Nominate Elected Members Councillors Gillingham, Hooper, Arif, Melville and Whitwell and the Chief Executive Officer, or his delegate(s), to attend the 2016 Pilbara Kimberley Forum in Shenzhen, China from 11 - 13 April 2016;**
- 2. Agree to cover the costs of travel, registration, accommodation and ancillary costs from the Elected Members Training and Development account.**

CARRIED 6/2

EXECUTIVE SUMMARY

The EASTxWEST Forum is a yearly event alternatively hosted by the Pilbara and Kimberley regions on alternate years. In previous years it has been called the Pilbara Kimberley (PK) Forum.

The EASTxWEST Forum 2016 is to be held in Shenzhen, China between 11 and 13 April 2016 with a venue yet to be finalised. The forum will involve travel between Perth and Shenzhen, China, and accommodation in China for 3 nights to participate in a 3-day conference.

DETAILED REPORT

This year's East x West event is centred around five streams (cultural exchange, education, investment, tourism, and migration) and will also include a site visit to a successful Chinese Special Economic Zone.

The Forum will also offer specific investment matching opportunities for project proponents seeking to attract Chinese investment into projects that contribute to the development of northern Australia.

Port Hedland has been identified as a site for the proposed Pilbara Special Economic Zone of which Council has endorsed Lumsden Point, with consideration for the Port Hedland International Airport and Boodarie Strategic Industrial Park to also be included.

The event will be held in conjunction with the Australia Week in China delegation arranged by Minister for Trade and Investment, Hon Andrew Robb AO MP, through the Australian Trade Commission. Due to this, the Pilbara Regional Council has put on hold a decision to choose the Grand Mercure Shenzhen for accommodation purposes. It will be ascertained whether it is timely and cost effective to co-locate with the Australia Week in China venue, however Austrade are yet to progress their planning to this stage. The Pilbara Regional Council remains in close contact with all Partners and Austrade in order to manage this decision carefully, weighing the potential efficiencies of co-location against the timelines for our own invitations.

The Forum offers an avenue to stimulate understanding, collaboration and fresh thinking for the future of the pivotal relationship between China and Australia's North West.

Partner Group

The Pilbara Regional Council has developed a strong group of Event Partners over the course of several months, and is finalising an agreement with Austrade to be included as an Event Partner.

With the Pilbara Regional Council, the Pilbara Development Commission and the Australian Trade Commission, the EASTxWEST Forum will have representation from all three levels of government. The Kimberley Regional Collaborative Group will ensure that the Kimberley region is well represented, and Kimberley Councils are encouraged to develop further their level of engagement in the Forum.

Combined with the peak Australia-China Business Council in Australia (ACBC WA) and the peak China-Australia chamber of commerce in China (AustCham

Beijing), the Partner Group is a deeply collaborative body of experts with unique skill sets to offer.

The event will leverage the regional connections the Pilbara Regional Council, the Kimberley Group and Pilbara Development Commission have in the North West to project proponents, and through the direct connections with the Chinese investor community from Partners ACBC and AustCham, facilitate brokered conversations to encourage foreign direct investment in North West projects. Targeted project size has been specifically crafted to fall below the Department of State Development's threshold of \$50 million, and the Pilbara Regional Council believes that it can have a positive influence on the economic development of the region through enhanced cultural connections.

Sponsors

The Pilbara Regional Council has engaged the business and government communities to gauge their level of interest in financially supporting the event. Thus far, just over two thirds of required funds have been found from organisations such as Curtin University, the Pilbara Development Commission, Singapore Airlines, RSM Australia and Finbar Port Hedland. A whole series of confidential conversations are currently underway with several potential sponsors in order to ensure the event is fully funded. This is complemented by a significant project budget from the Pilbara Regional Council and an expected income from ticket sales.

The Pilbara Regional Council has also been careful in selecting the right sponsors for the event, given its strategic intent and planned activities. As sponsors receive complimentary attendance at the event, the Pilbara Regional Council has ensured that sponsors are selected for their specific expertise and ability to contribute to the event. For example, under a Memorandum of Understanding, sponsorship agreement and State Government-awarded contract, the Pilbara Regional Council will work with the Pilbara Development Commission and RSM Australia to provide project proponents with the necessary advice and services to develop their projects to an 'Investment Memoranda' stage to ensure high quality business development planning has been done before seeking capital.

Speakers

The Pilbara Regional Council has sought to develop a strong list of world-class speakers from the region, State and Federal Government and China. Given the recent changes to the dates of the event, the Pilbara Regional Council will be re-confirming the availability of key speakers directly, and developing a draft program for the view of the Partner Group.

Several high profile leaders have been sought out such as Deputy Prime Minister Warren Truss MP, Senator the Hon Michaelia Cash and Former Foreign Minister and current Director of the Australia China Relations Institute at the University of Technology Sydney, Hon Bob Carr. At this stage these speakers are unconfirmed, with the Pilbara Regional Council only receiving initial agreement to put in forward calendars pending availability.

Other speakers who have confirmed their availability to speak at the event (and will need to be re-confirmed) are:

- Hon Ben Wyatt, Shadow Minister for Aboriginal Affairs
- Mr Adam Handley, President, ACBC WA
- Mr Kobus van der Wath, Founder & Group Managing Director, The Beijing Axis
- Mr John Hartley, Director and CEO, Future Directions International
- Professor Allen Dale, Northern Australia Alliance
- Mr Richard Offen, Executive Director, Heritage Perth
- Mr Bruce Cheung, Chairman, Pardoo Beef Corporation
- Mr Jack Archer, CEO, Regional Australia Institute
- Mr Matt Tobin, Managing Director, Urban Art Projects
- Mr Cameron Crowe, Executive Director, Leave No Trace Australia

The Pilbara Regional Council will also seek to align the EASTxWEST Forum's program to take advantage of the potential to share speakers across between the Forum and Australia Week in China activities.

Streams

The Pilbara Regional Council has identified five streams (cultural, investment, education, migration and site visit) with the intent to discuss the development of the North West in the context of diversification and maturation of the economy. The Forum should also provide Chinese investors with a one-stop-shop of all relevant information about Australia's North West including Special and Premium Investor VISAS, education options, investment opportunities and cultural experiences unique to the region.

On the expert advice of Event Partner ACBC through their President Adam Handley, event is subtitled "A Trade, Investment and Cross-Cultural Exchange", and has been described by Pilbara Regional Council CEO Tony Friday as "cultural connections as precursors to commercial connections." In this way the streams should not be interpreted as separate trains of thought or segments of the Forum, but rather as the overarching Forum themes.

Additional stakeholder engagement

Along with the world-class advice provided by partners such as ACBC through their President and Managing Partner of Minter Ellison law firm, Adam Handley, the Pilbara Regional Council has sought external counsel. This has come mainly from department heads and industry experts, and is in order to provide the event with a solid foundation of support, layers of fact-checking and various levels of expertise otherwise unavailable to the project.

To date the Pilbara Regional Council has met with and discussed the project with the Department of State Development, the Department of Foreign Affairs and Trade, the Office of the Minister of Trade and Investment, the Australian Trade Commission, the China-Australia Chamber of Commerce and Industry, the Chamber of Commerce and Industry WA and Office of Western Australia in Beijing.

Target Audience

The EASTxWEST Event has been developed as an “invite-only” event, with the intention of having “the right people in the same place at the right time” for the purpose of developing the North West. There has, however, been some robust discussion around the appropriateness of the attendance of Chinese delegates, what costs they would have to pay and what Government official would be most appropriate to invite. Expert counsel from ACBC staff has led to the development of a Chinese-language “Forum Snapshot” outlining exactly what benefit the event may be to potential Chinese delegates.

This issue remains very much open for debate and discussion amongst the Partner Group, and will continue to be shaped by various views over the course of the next month. The PRC believes that each Partner can contribute to the event through recommending delegates. Organisation like ACBC and AustCham - who have extensive connections in China - have been encouraged to make recommendations to the Group on which Chinese officials or organisations should be invited.

The PRC continues to rely on each Partner’s area of expertise and unique perspective to formulate a delegate list that will best suit the economic development, cultural exchange and knowledge sharing functions of the event. This invitation list will also be carefully crafted to ensure the right members of the Chinese investor community are present at the event, dependent upon the exact content, number and types of project proponents that Event Partner the Pilbara Development Commission recommends.

Comments/Options/Discussions:

Travel will be arranged by the Pilbara Regional Council with flights through Singapore Airlines (sponsor of the event) and with the assistance of STA Travel as a travel agent.

The Pilbara Regional Council will take carriage of organising the event, and registration covers all associated costs and planning such as flights, accommodation and catering.

The cost of registration is significantly subsidised by the PRC, with each registration ticket being discounted by approximately \$1,000 per delegate.

- Option 1: As per the Officer’s recommendation,
- Option 2: That Council resolves to have no involvement with the EASTxWEST Forum.

Impact on capacity

There is no impact on capacity or resourcing to carry out the Officer’s recommendation.

No staffing is required beyond the actual attendance of the Forum.

Relevant precedents

Council has most recently attended the Pilbara Kimberley Forum in 2015 in Darwin, NT, and in 2014 in Jakarta, Indonesia.

FINANCIAL AND RISK IMPLICATIONS

Attendance costs are \$1,500.00 (incl. GST) per person.

This cost covers return flights ex Perth, return from the event, accommodation, registration, and catering.

The Town of Port Hedland would also be responsible for additional flights required to fly from Port Hedland to Perth at a cost of approximately \$850.00 return per person.

Provision for these funds are made for in the Town's current budget and will be expended from the Members of Council Training and Development account and, for the CEO or his delegate to attend from the Corporate Management Business Meetings and Travel account.

STATUTORY AND POLICY IMPLICATIONS

Council must consider compliance with their own strategic objectives and the below areas of the Town's Strategic Community Plan are relevant as follows:

- 1.2 a vibrant community rich in diverse cultures in the support of programs and events to attract and retain residents to increase our permanent population;
- 2.1 A thriving, resilient and diverse economy by facilitating commercial, industry and town growth, working closely with industry groups to drive local employment and investment, encourage entrepreneurship and achieve sustainable economic growth, and to work with local partners to ensure serviced land availability for future residential, commercial and industrial development
- 4.1 Strategic and best practice local government administration by being efficient and effective in use of resources, infrastructure, assets and technology
- 4.2 Lead a community-oriented organisation that delivers responsive and helpful services to our customers, represent our community and provide transparent and accountable civic leadership, and promote a positive representation of our community.

Furthermore Council needs to also consider compliance within the Town of Port Hedland's Elected Members Entitlements policy 4/008, adopted by Council on 25 March 2015, in relation to travel, accommodation, and any other incidental costs associated with travel to this Forum

This item is relevant to the PRC's approved Strategic Community Plan and Corporate Business Plan. In particular the Operational Plan provided for this activity:

This item is relevant to the Pilbara Regional Council's Key Focus Area: 'A Voice For The Pilbara'. In particular, to the following objectives: 'We will work with other organisations and agencies to promote the Pilbara Region'.

This item is relevant to the 'Diverse and Robust Small to Medium Sized Businesses' regional pillar which forms part of the 'Value-Adding' approach to growth and development of the Pilbara Regional Development Blueprint. In particular, to the following objectives:

- The Pilbara is recognised internationally as an attractive, safe and stable place to do business

This item is also relevant to the 'Tourism and Agriculture & Aquaculture' regional pillars which form part of the 'Diversifying' approach to growth and development of the Pilbara Regional Development Blueprint. In particular, to the following objectives:

- High-Value Agriculture and Cropping,
- Aquaculture, Algae Biofuels and Co-products,
- Nature-Based Tourism, and
- Heritage and Aboriginal Tourism Development.

ATTACHMENTS

Nil

30 November 2015

ITEM 13 LATE ITEMS AS PERMITTED BY PRESIDING MEMBER/ COUNCIL**13.1 Statement of Financial Activity for the period ended 30 November 2015**

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

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/114 RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Receive the Monthly Financial Health Check for the period ended 30 November 2015;**
- 2. Receive the Statement of Financial Activity for the period ended 30 November 2015;**
- 3. Receive the Port Hedland International Airport Statement of Financial Activity for the period ended 30 November 2015;**
- 4. Receive the Waste Management Statement of Financial Activity for the period ended 30 November 2015;**
- 5. Note the accounts paid during November 2015 under delegated authority.**

CARRIED 8/0

EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 30 November 2015.

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

DETAILED 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 30 November 2015:

Account Description	YTD Variance	Comment
Operating Revenue		
Operating Grants, Subsidies & Contributions	-34%	Due to timing of payments.
Interest Earnings	-48%	Interest earnings will balance across the financial year due to staggering maturities on investments and accruals.
Other Revenue	-40%	Reimbursements across multiple accounts yet to be raised based on timing of when these are due.
Operating Expenditure		
Materials and Contracts	-25%	Community Amenities: YTD budget of \$2.85m with actuals of \$1.35m. 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 \$107k; Town Planning/Regional Development Northern Planning Program: South East Planning with no actuals compared to YTD budget of \$150k; Landfill Management underspend of \$163k; and Tyre Disposal Service YTD budget of \$188k with no actuals due to timing. Recreation & Culture: YTD budget of \$3.457m with actuals of \$2.049m. 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 \$1.135m with actuals of \$878k mainly in Infrastructure Maintenance due to timing of works and invoicing.
Utilities	-19%	Due to timing of payment of bills and consumption patterns.
Depreciation	-100%	Depreciation journals have yet to be completed.
Interest Expense	-81%	Variation due to timing of payments for interest on new loans yet to be drawn down.
Other Expenditure	-11%	Variance mainly related to timing of expenditure.
Capital Expenditure and Revenue		
Acquisition of Infrastructure, Property, Plant and Equipment	-65%	Due to timing of completion of capital works program which are currently in design and procurement phase.

Proceeds from Disposal of Assets	-69%	Due to the timing of asset sales.
Capital Grants and Contributions for the Development of Assets	-63%	Due to timing of payment, with a large portion paid on the completion of capital works projects.
Transfers from Reserves	-96%	Reserves journals are completed as capital works progress and expenditure is incurred.
Loan Principal Repayments	-19%	Due to the timing of loan payments and new loans yet to be drawn down.
Transfers to Reserves	24%	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 30 November 2015 is \$18.515m. This balance is expected to decline significantly across the course of the year, as projects are delivered and operational budgets are expended.

The unrestricted cash position as at 30 November 2015 is \$11.67m and is calculated as follows:

	2015/16 Actual (000's)
Current Assets: Cash and Investments	\$93,781
Restricted Cash – Reserves	(\$82,109)
Unrestricted Cash Position as at 30 November 2015	\$11,672

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 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: \$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	Post the completion of the airport lease transaction, the current council resolution requires the net upfront payment to be invested with WATC at the cash rate. Indicatively, this rate is at around 2% which will not see a return to the Town to commensurate it with the budgeted return on investment.
#1304395 Proceeds from Sale of Kingsford Smith Business Park (KSBP)	<p>The 2015/16 Budget includes income of \$4,807,500 from lot sales at KSBP. The 2015/16 Budget has been remodeled with the Airport business unit as a 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	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.
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 & Contributions – Scotty's Cafe	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 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).

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 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 30 November 2015
2. Statement of Financial Activity for the Period Ended 30 November 2015 (Under Separate Cover)
3. Port Hedland International Airport Statement of Financial Activity for the Period Ended 30 November 2015 (Under Separate Cover)
4. Waste Management Statement of Financial Activity for the Period Ended 30 November 2015 (Under Separate Cover)
5. Accounts paid under delegated authority for the month of November 2015 (Under Separate Cover)

09 December 2015

ATTACHMENT 1 TO ITEM 13.1



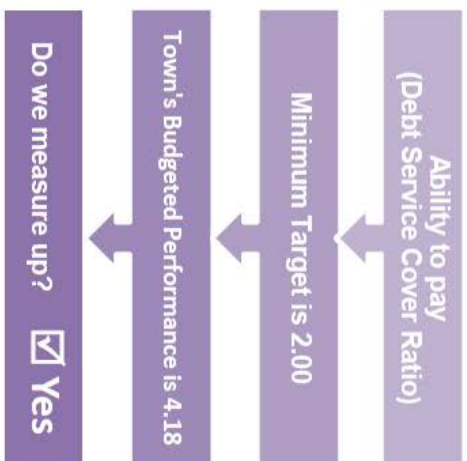
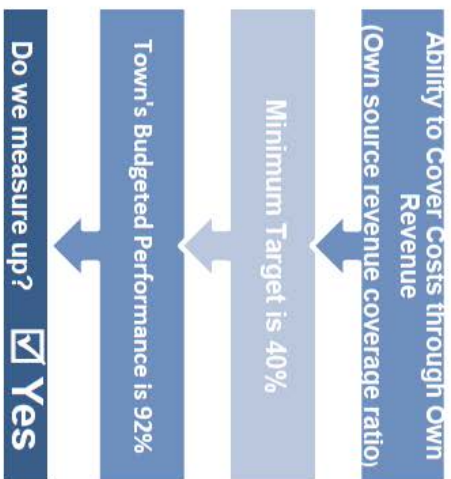
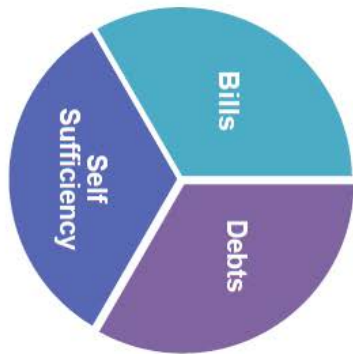
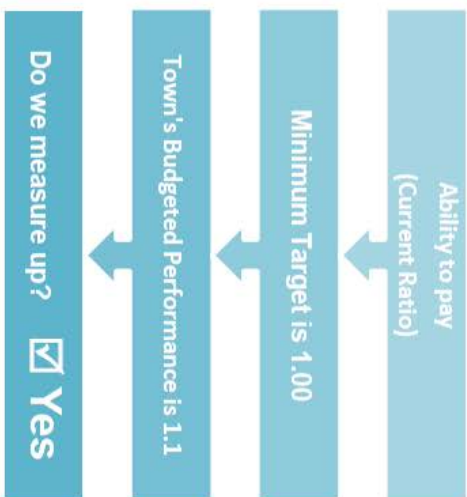
Monthly financial health check – November 2015

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

Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$41,609
Operating Expenditure (excl non-cash items)	-\$20,804
Capital Revenue	\$1,430
Capital Expenditure	-\$5,774
Loan Repayments	-\$388
Transfers to/from Reserves	-\$2,623
Surplus Carried Forward 1 July 2015	\$5,066
Current Municipal Surplus Position at 30 November 2015	\$18,515



Financial health indicators



Cash in the bank

(as at 30 November)



How are we tracking against our targets? (after adoption of September quarterly budget review)



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 - 4%

Do we meet the target? No

- This presents a snapshot of the Town's operating surplus ratio following the adoption of the September quarterly budget review.
- It is a short term measure and does not take into consideration the prior year brought forward municipal surplus funds from income received in advance in the prior year.
- While the addition of carry forwards from September QBR the ratio has dropped below the target, yet the brought forward municipal result is still a surplus of \$1.6M
- The increase in depreciation (following revaluation of assets at fair value over the last three years) has significantly increased the annual depreciation charge and puts pressure on the operating surplus result.
- A negative ratio also highlights the gap in funding infrastructure renewal expenditure from Council's own source revenue.

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%

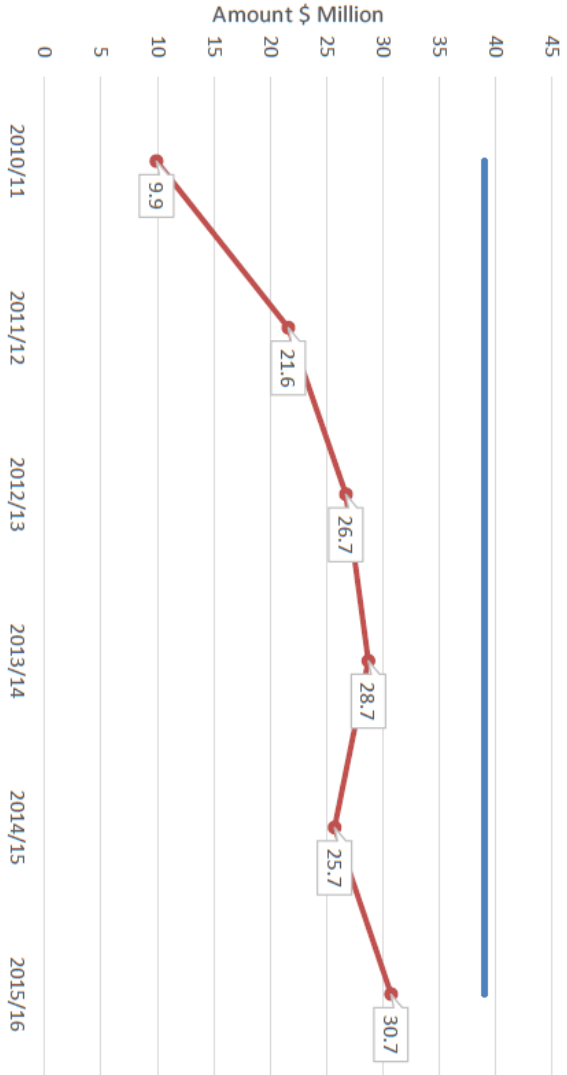
Town's Budgeted performance is 52%

Do we meet the target? No

- The \$4M reduction in renewal expenditure at the airport and \$1.5M increase in the budgeted depreciation charge approved in the September QBR has had a two-fold effect on the asset sustainability ratio resulting in a decrease of the ratio below the target
- With a history of strong renewal expenditure in the past 4 years and \$39.5 M in total capital works for the current year, we will need to ensure expenditure on capital renewal expenditure is maintained at the same rate as depreciation in the future years.



Debt levels (as at 30 November)



Debt ceiling = \$39M
 Current debt = \$25.3M
 New loans = \$5.3M

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



13.2 Award of Tender 18/15 – Civic and Administration Centre Upgrade Project

Sara Bryan, Manager Property & Asset Strategy
Anthony Williams, Project Officer
File No: 05/09/0046

DISCLOSURE OF INTEREST BY OFFICER

Nil

201516/115 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 discuss confidential attachments for item 13.2 'Award of Tender 18/15 – Civic and Administration Centre Upgrade Project'.

CARRIED 8/0

8:42pm Mayor advised that the meeting is closed to members of the public.

201516/116 COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR BUTSON

That Council open the meeting to members of the public.

CARRIED 8/0

8:51pm Mayor advised that the meeting was open to the public.

RECOMMENDATION/ MOTION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council:

- 1. Receive the report on the Civic and Administration Centre upgrade project which details previous scoping works, historical interpretation investigations and proposed refurbishment program.**
- 2. Note the proposed refurbishment program will upgrade the Civic and Administration Centre to:**
 - a. rectify building compliance issues;**
 - b. provide a safe working environment;**
 - c. improve services and amenities to the community;**
 - d. provide a flexible building space that could accommodate alternative civic and commercial spaces should the administration move to an alternative location in the future; and**
 - e. ensure adequate accommodation for staff.**

3. Note that the historical significance of the Civic and Administration Centre will be acknowledged and incorporated into the proposed refurbishment by:
 - a. retaining the names, "Gratwick Hall" and "Richardson Hall";
 - b. preserving original brick work in Gratwick Hall, to be restored and used as a feature of design in the office fit out;
 - c. re-using jarrah from the Gratwick Hall stage in internal workings in common areas;
 - d. retaining and exposing original jarrah parquetry flooring in communal spaces on the first floor; and
 - e. relocating the Council Chambers to its original location on the ground floor.

4. Authorise the following Reserve transfers and variations to the 2015/16 Budget, pursuant to section 6.8 of the Local Government Act 1995, in order to fund the Civic and Administration Centre Upgrade Project, as the purpose of each of the Reserves is consistent with the scope of the project:

Account Description	Current Budget	Proposed Budget	Budget Variation
Transfer from Asset Management Reserve	(\$1,104,587)	(\$3,689,628)	(\$2,585,041)
Transfer from Strategic Reserve	(\$150,000)	(\$190,000)	(\$40,000)
Transfer from Community Facilities Reserve	(\$0)	(\$464,845)	(\$464,845)
Capital Expenditure – Buildings – Building Refurbishment – Port Hedland Civic Centre	\$4,800,000	\$7,889,886	\$3,089,886
Change in Net Current Assets			0

5. Approve an allocation of \$1.4M from municipal funds in the 2016/17 budget to complete the total project.

6. Award Tender 18/15 – Civic & Administration Centre Upgrade Project to Pindan Contracting for the total sum of \$ + GST based on acceptance of their value management options as deemed suitable.

7. Note that a decision not to award tender 18/15 will result in the following:
 - a. The Civic Centre will remain a non-compliant building and present an unsafe work environment for employees of the Town of Port Hedland with reference to four areas of legislations as indicated below:

Applicable Legislation	Compliance Issue	Additional Information
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Section 22 - Occupational Safety and Health Act 1984	Office layouts (spatial requirements)	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Lighting levels including natural lighting	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Acoustic separation	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Ventilation & odour	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Staff security	Worksafe strategies and solutions – Office safety
Building Act 2011, Building Regulations 2012	Main entry ramps & stairs	NCC 2015 – BCA Vol 1 Section D Access and Egress
Building Act 2011, Building Regulations 2012	Emergency exit signage & lighting	NCC 2015 – BCA Vol 1 Section E4
Building Act 2011, Building Regulations 2012	Doors and windows	NCC 2015 – BCA Vol 1 Section B,D, J ² , J ³
Building Act 2011, Building Regulations 2012	Energy efficiency	NCC 2015 – BCA Vol 1 Section J
Building Act 2011, Building Regulations 2012	Internal stairways	NCC 2015 – BCA Vol 1 Section D
Building Act 2011, Building Regulations 2012	External Stairways	NCC 2015 – BCA Vol 1 Section D
Building Act 2011, Building Regulations 2012	Electrical supply & distribution	NCC 2015 – BCA Vol 1 Section J ⁶
Building Act 2011, Building Regulations 2012	Toilet facilities (public & staff)	NCC 2015 – BCA Vol 1 Section F
Building Act 2011, Building Regulations 2012	Fire prevention & management	NCC 2015 – BCA Vol 1 Section C, E
Building Act 2011, Building Regulations 2012	Staff amenities	NCC 2015 – BCA Vol 1 Section F
Local Government (Uniform Provisions) Regulations 1996	Storm water disposal	Sections 12 to 15
Health Local Law 1999	Bin store	Section 4.2.5

- b. Expenditure of approximately \$2,265,000 will be required to address all compliance issues and bring the building up to a safe standard.
 - c. Rejection of any tender on the basis of a change of direction could damage the Town's reputation within the business sector and may result in a claim for costs from tenderers against the Town of Port Hedland.
8. Request the Chief Executive Officer, or his delegate(s), to initiate discussions with the Department of Training and Workforce Development to investigate opportunities for future community and civic access to the Pilbara Institute South Hedland Campus.

LOST 3/5 FOR WANT OF AN ABSOLUTE MAJORITY

Record of votes

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

201516/117 COUNCIL DECISION

MOVED: MAYOR HOWLETT

SECONDED: CR BUTSON

To consider the foreshadowed motion.

CARRIED 5/4 ON CASTING VOTE OF THE MAYOR

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

201516/117 COUNCIL DECISION

MOVED: MAYOR HOWLETT

SECONDED: CR BUTSON

That Council:

1. Request the Chief Executive Officer, or his delegate(s), provide a detailed report and costings for compliance rectification works for the Town of Port Hedland Civic Centre.
2. Request the Chief Executive Officer, or his delegate(s), hold a workshop with Council on the plan going forward to address current noncompliance issues for the Town of Port Hedland Civic Centre.

3. **Not accept the tenders that have been provided for tender 18/15 – Civic and Administration Centre Upgrade Project.**

CARRIED 8/0

Reason: The Council believe that the cost for tender 18/15 – Civic Centre and Administration Centre Upgrade Project is significantly more than what was budgeted.

EXECUTIVE SUMMARY

The Town of Port Hedland Civic and Administration Centre requires significant refurbishment to address building compliance issues, adequately accommodate staff, provide a safe working environment, and improve services and amenities to the community.

This agenda item provides a summary of the Civic and Administration Centre upgrade project including previous scoping works, historical interpretation investigations, and proposed refurbishment program.

It provides a summary of the assessment of Tender 18/15 – Civic and Administration Centre Upgrade Project and seeks Council's approval to award the tender.

The preferred tenderer has nominated a number of value management options to reduce the overall project cost. These proposals have been assessed by the project consultant team to ensure they provide good value for money and the contract is recommended to be awarded including the value management options.

DETAILED REPORT

The Port Hedland Civic Centre on McGregor Street has been in operation since August 1971. The building requires a number of renewal works to adequately accommodate the current staff volume, provide a safe working environment, address a number of compliance issues, and improve services and amenities to the community.

Background

In 2009, the Town engaged the Australian Institute of Management to prepare a report on the forecasted staffing and accommodation requirements for the Town of Port Hedland over the coming years. The report found that an additional 35 staff would be required prior to 2014 with further staff growth predicted after 2014.

Officers began scoping short and long-term strategies for the accommodation of staff growth. As a result, a report was presented to Council at the Ordinary Council meeting (OCM) 22 August 2012 endorsing the use of Gratwick Hall for temporary office accommodation. A further report (OCM 27 March 2013) endorsed McGregor Street as the preferred long term location for Council Chambers Civic facilities, Administration building and associated community facilities.

In June 2013, Tender 13/15 was awarded to Wilkes Architects for the design component of the redevelopment of the Civic Centre building. Throughout the design process, scoping workshops and design reviews were conducted with staff and elected members to ensure the design included all requirements and presented best value for money.

The building currently accommodates approximately 92 staff members in a variety of formal and informal workspace layouts. The building is over 40 years old and in great need of major internal work to enable it to adequately provide for current demands regarding; technology, best practice, ergonomics, legislative building requirements, and sustainability.

Renovating the current civic centre building will provide adequate office accommodation for the current organisational structure with room to grow in the medium to long term, improve customer service and public access, improve staff amenities, and address all compliance and asset management needs.

Redevelopment of the Civic Centre site would renew the useful life of the asset and provide an additional thirty years of use for the building. Should alternative accommodation be considered for Council and the administration in the future, the works to this building now would prepare the building for future cost effective upgrade works. The overall design of the Civic Centre allows for large open space offices with central services spines, which improves the ease of reconfiguration for future development. The use of lightweight construction allows for walls to be easily adapted should additional alteration be required.

The preliminary design was completed and received elected member feedback at a Confidential Concept Forum on 22 July 2015. The internal fit-out and finishes proposal was presented to elected members on 2 September 2015.

The preliminary designs received Development Approval on 29 September 2015 and enabled the project to proceed to detailed design.

A timeline of milestone decisions undertaken by the Council since 2009 and up until today's date has been included under Attachment 5.

Design requirements and compliance issues

The existing Civic and Administration Centre does not provide adequate community space, office accommodation for Town of Port Hedland staff, and is non-compliant across a number of areas as detailed below.

Applicable Legislation	Compliance Issue	Additional Information
Section 22 - Occupational Safety and Health Act 1984	Office layouts (spatial requirements)	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Lighting levels including natural lighting	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Acoustic separation	Worksafe strategies and solutions – Office safety

Section 22 - Occupational Safety and Health Act 1984	Ventilation & odour	Worksafe strategies and solutions – Office safety
Section 22 - Occupational Safety and Health Act 1984	Staff security	Worksafe strategies and solutions – Office safety
Building Act 2011, Building Regulations 2012	Main entry ramps & stairs	NCC 2015 – BCA Vol 1 Section D Access and Egress
Building Act 2011, Building Regulations 2012	Emergency exit signage & lighting	NCC 2015 – BCA Vol 1 Section E4
Building Act 2011, Building Regulations 2012	Doors and windows	NCC 2015 – BCA Vol 1 Section B,D, J ² , J ³
Building Act 2011, Building Regulations 2012	Energy efficiency	NCC 2015 – BCA Vol 1 Section J
Building Act 2011, Building Regulations 2012	Internal stairways	NCC 2015 – BCA Vol 1 Section D
Building Act 2011, Building Regulations 2012	External Stairways	NCC 2015 – BCA Vol 1 Section D
Building Act 2011, Building Regulations 2012	Electrical supply & distribution	NCC 2015 – BCA Vol 1 Section J ⁶
Building Act 2011, Building Regulations 2012	Toilet facilities (public & staff)	NCC 2015 – BCA Vol 1 Section F
Building Act 2011, Building Regulations 2012	Fire prevention & management	NCC 2015 – BCA Vol 1 Section C, E
Building Act 2011, Building Regulations 2012	Staff amenities	NCC 2015 – BCA Vol 1 Section F
Local Government (Uniform Local Provisions) Regulations 1996	Storm water disposal	Sections 12 to 15
Health Local Law 1999	Bin store	Section 4.2.5

In addition, the building poses a number of challenges in supporting organisational efficiencies and accessibility.

There is a lack of formal meeting space for the administration team which currently restricts public accessibility to the building. The current staff amenities are inadequate and informal spaces for break times are not conducive to a healthy workplace environment.

Refurbishment outcomes

The new design delineates work areas and amenities to promote a healthy workplace and encourage communication within and across work areas.

The new design offers a contemporary, flexible work environment which encourages movement and interaction throughout the building which will adapt to growth and changes in operation in the future. Notwithstanding, the design allows for varied activity based workspaces, meeting areas, quiet workplaces, and formal, informal and open plan work areas; it also creates a positive working environment through access to natural light, fresh air, plants, and

creative/positive work environments. The new amenities on both floors offer central hubs for informal and formal congregation, sufficient utilities for staff break times, and increased security to and throughout the building for staff, elected members and the public.

The addition of four dedicated meeting spaces and a dedicated Council Chambers provide opportunities for the management of multiple uses within the proposed redevelopment which increases opportunities for public access and community use of the Council Chambers space.

The relocation of the Council Chambers to the ground floor and connectivity to an external courtyard enhances the site and would provide an extremely high amenity level offering for various functions, festivals, civic ceremonies, recitals, professional events, conferences, exhibitions and the like.

Use of loose furniture and well managed operation of the space will enable a number of configurations to support a variety of functions– example plan and imagery shown at attachment 1.

The opportunity for increased usage of the Chambers space will support the development of a feasibility study and business plan for the consideration of any additional Civic infrastructure on the McGregor Street site in the future.

The floor plans for the proposed development are shown in attachment 2.

Historical significance in design and planning

The Civic Centre will celebrate its fortyfifth anniversary in August 2016 and is a significant piece of community infrastructure for long term residents of Port Hedland.

During the planning phase for this project, a community consultation process was undertaken which identified low community usage of the Gratwick Hall, specifically 22 bookings between 2012 and 2013. Consideration of these figures led to a decision for Gratwick Hall to be used for permanent office accommodation as part of any redevelopment plans in order to provide adequate space to accommodate projected staff figures of 92 full time employees.

In recognition of the significance of the Gratwick and Richardson Halls, a decision was also made for these names to be retained as part of any future development.

The current plans for a multi-use Council Chambers provide an opportunity for all of these objectives to be met and the nature of a multi-use set up will ensure the long-term sustainability of the community asset.

The opportunity for multi-use operation of the Council Chambers will also provide an additional revenue stream to support the operations of the building.

Procurement process – EOI and Tender

Prior to calling tenders for the construction of the Civic & Administration Centre Upgrade, an Expression of Interest process (EOI 16/15) was undertaken.

Completing an EOI process for pre-qualification purposes, ahead of a formal tender process provides the opportunity to determine if an applicant has the requisite resources and experience to complete the works as required.

An EOI was released seeking responses from suitably qualified businesses to provide confirmation of their capability to complete the construction project in response to the following criteria:

Criteria	Weighting
Relevant Experience	20%
Key Personnel, Skills and Experience	20%
Respondents Resources	20%
Demonstrated Understanding	20%
Risk Assessment	20%

Five (5) registered builders were prequalified through the EOI process, as listed below:

Company name:
Colin Wilkinson Developments
Goodline
Mitie Constructions
Pindan Contracting
Thomas Building

Colin Wilkinson Developments sent a notice on 5 October 2015 withdrawing from the Tender due to not having the capacity to meet the proposed timelines for the tender and construction period.

Of the five (5) builders invited to tender on the Civic & Administration Centre Upgrade works, three (3) had submitted tenders successfully when the tenders closed 2:30pm Friday 30 October 2015. These contractors are listed below:

- Mitie Constructions
- Pindan Contracting
- Thomas Building

Access to tender documentation through the Tenderlink portal is controlled through an allocated electronic access which is auditable and provides a detailed trail of actual log ins and downloading of documentation.

Goodline attempted to complete their submission but failed to do so by the tender deadline. Goodline contested the matter and a report was requested from Tenderlink that provided the sequence of events that had occurred. This report provided confirmation that the submission was not completed and, as such, could not be accepted. Confirmation of this was sent to Goodline on 3 November 2015.

Throughout the EOI process, compliance and qualitative criteria was pre-qualified with all successful parties providing a proficient amount of information. The Tender evaluation focused on the technical assessment of each contractor. The Tender evaluation criteria and weightings are shown in the table below:

Criteria:	Weighting:
Price	60%
Program	20%
Management Plan	20%

Technical Assessment

The preliminary tender assessment was carried out by the project consultants, Wilkes Architects and their nominated sub-consultants, Norman Disney Young and HWA Quantity Surveyors. The assessment was evaluated by a panel of Town staff in accordance with the Tender Policy (2/011). The members of the evaluation panel were:

- Director Works and Services
- Director Community and Development Services
- Manager Property and Asset Strategy
- Executive Officer
- Acting Coordinator Engineering and Projects

Based on the evaluation criteria each of the Tenderers received the following scores:

Tenderer / Assessment Criteria	Price (60%)	Program (20%)	Management Plan (20%)	Total Score (100%)
Mitie Constructions	46	15	16	77
Pindan Constructions	49	19	19	87
Thomas Building	37	19	19	75

Price Assessment

Mitie Constructions (Non-Conforming)

Mitie submitted the lowest tender of those received. The reduced premium is generally attributed to a lower electrical services tender offer, and it was noted that Mitie do not include for several line items in the electrical services trade breakdown schedule.

They also allowed for the use of high density polyethylene (HDPE) pipework for mechanical services, rather than the specified copper. The use of HDPE is becoming common in replacing the use of copper; however, the tender scope specified the use of copper due to the lack of evidence of HDPE being used in the Pilbara climate.

These two exclusions render the Mitie tender non-conforming with a risk rating of HIGH.

Pindan (Conforming Tender)

The Pindan (conforming tender) is considered to be a competitive tender. Pindan have been deemed to have provided adequately for the scope of works required.

After the closing of tenders, Pindan offered a further saving of \$170,000 from their electrical contractor. This amount has not been considered in the evaluation as the offer was made after the close of tenders. The options may be discussed through a negotiated process.

The Pindan tender offer is considered to be good value for money against the pre tender estimate with a risk rating of LOW.

Pindan (Alternate Tender)

Pindan submitted several value management options to reduce the value of their conforming tender. The Pindan offer is otherwise equal in every aspect to their conforming tender.

The proposed savings are generally attributed to proposals utilising alternate materials or a rationalisation of services. One of the value management options (substitute HPDE pipework for specified copper for mechanical services) was assessed by the engineering sub-consultants and is not considered acceptable in the local climate and is therefore not considered a viable saving.

This means, although the alternate offer is deemed acceptable, it cannot be accepted in full as elements of the proposal are deemed non-conforming.

The Pindan tender offer is considered to provide good value for money against the pre tender estimate with a risk rating of LOW.

Thomas

The tender received from Thomas building was not deemed value for money, given it was the highest tender received and exceeded the pre tender estimate.

The Thomas tender offer is considered to provide low value for money against the pre tender estimate and a risk level of LOW.

Program Assessment

All Tenderers submitted a works program (Gantt chart) which confirms an ability to complete the works in the timeframe specified. All contractors allowed for managed staging of the works to allow part occupation of the building.

Mitie did not consider procurement and lead times for off-site activities within their program.

Thomas engaged a professional programmer to construct their gantt chart with confirmation that timeframes, whilst 'tight' were achievable (whilst also including delay(s) for cyclonic activity as per the specification). Only Thomas included the 'provisional' delay time for potential cyclonic activity in their program.

The risk to the Pindan program is five (5) days and this is considered low.

Management Plan Assessment

Both Pindan and Thomas expressed the most complete understanding of critical activities which are likely to affect the program, additionally they comprehensively identified items to ensure quality outcomes of the project.

Mitie showed some consideration for these activities in their submission, however not to the level of detail that would be expected for this type of project, being critical for proper planning and appreciation of the risks involved.

Generally, the supporting documentation submitted by Mitie was considered to be acceptable to the minimum acceptable standard(s).

Tender Recommendation

After consideration of all tenders received, the tender offered by Thomas Building was discounted. Whilst technically a very good tender submission, the price premium over other tenders received it is not considered value for money.

With regard to the offer submitted by Mitie Constructions, it is the tender assessment panel's considered opinion the tender, whilst it provides value for money against the pre-tender estimate, it is deemed non-conforming and considered high risk to both the principal and the tenderer.

The tender submitted by Mitie is considered to be high risk because the electrical trade price is significantly lower than other tenders and if accepted, would place the Contractor at financial risk and be likely to affect project quality in their endeavours to recover costs.

The conforming tender offer by Pindan Contracting is considered value for money against the pre-tender estimate, and is technically complete.

The alternate tender offer submitted by Pindan Contracting provides a better value for money outcome to their conforming tender, their value management options have been assessed and considered acceptable excluding the use of HDPE for mechanical services.

It is the tender assessment panel's considered opinion that Pindan Contracting should be awarded Tender 18/15 – Civic and Administration Centre Upgrade Project.

Additional Works

In addition to awarding the construction and refurbishment project, there are other non-contract scope items to be included in the project to ensure 100 per cent completion of the project scope. This includes building approvals, consultancy fees (project supervision), furniture, fit out, audio visual requirements, and project construction contingency.

Other non-construction contract works involve the permanent relocation of Works and Services staff to the Town of Port Hedland depot at Wedgefield and the

temporary relocation of other Civic Centre based staff to an external space during construction. It should be noted that the buildings for Works and Services staff have been procured and will be installed by the time the office closes for the Christmas break. These were approved on 27 August 2015 under delegated authority.

The construction staging plan for the Civic Centre Refurbishment required the relocation of these teams during the first stage of construction. Corporate Services and Office of the CEO staff will remain in the Civic Centre for the entire construction period, managed through a staged construction plan.

In the 2016/17 financial year there will also need to be an allowance for funds to complete the necessary car park works, landscaping, and repopulation of the building.

Consultation

Internal consultation included all staff, and briefings were organised to update all staff on details of the plans. More specifically, the designs have been informed through consultation with representatives from Development Services, Environmental Health, Technology, Corporate Information, Works & Services, Office of the Chief Executive Officer, the Executive Leadership Team, and Elected Members.

External consultation has been carried out through community engagement initiatives and surveys at a number of stages during the project.

The Kariyarra Working Group has also been consulted with and ongoing consultation will be carried out with the traditional owners throughout the construction period in order to address the Town's commitment to objectives associated with the Reconciliation Action plan.

Alternative accommodation options

The Department of Training and Workforce Development are currently investigating future uses for the current Pilbara Institute South Hedland Campus post the relocation of the current training and education services provided within the facility to the Pundulmurra Campus in late 2017.

The Department have engaged TPG Town Planning to manage this project on their behalf. It has been mooted that this site could be considered for future accommodation of the administration team amongst other things.

A number of high level concepts have been identified for future consideration, including industry specific training, commercial uses as well as options to provide continued community and civic access to the facility.

While there are no detailed costings for redevelopment of the site at this stage, the Department of Training and Workforce Development have advised that they have a broad range of high level indicative costs for a range of options, as per below:

Detail	Indicative cost
--------	-----------------

Full refurbishment of the Training facility to provide a modern, industry relevant training environment, including upgraded equipment.	\$30M
Renewal of building structure and air conditioning ONLY	\$10M
(This amount does not include any ICT, landscaping, car parking, repurposing works or furniture and fit out).	

While it is considered that this may be an alternative accommodation for the administration and civic operations in the future, this option does not provide a solution to address the current compliance issues faced within the current Civic Centre site.

Part of the recommendation of this item requests for the Chief Executive Officer, or his delegate(s), to initiate discussions with the Department of Training and Workforce Development to investigate and ascertain the viability of future community and civic access to the site. These investigations would require the consideration of extensive business planning in order to define and determine the costs associated with the redevelopment of the property.

It is prudent to note that the Department of Training and Workforce Development have not indicated that they would look to provide or facilitate support for funding options for any future development plans.

Should Council resolve to initiate discussions with the Department for future planning and feasibility for the site, detailed funding options would need to be investigated as a matter of priority.

Further, a notice of motion raised by an elected member has raised concerns about the direction the Town is following with this project, and suggested that the Council rescinds its previous decision to allocate funds for the Civic Centre refurbishment, whilst the Town investigates the possibility of relocating to the South Hedland Health Campus and redevelops the Gratwick Hall for civic and public functions. This motion was informally workshopped with Elected Members on Tuesday 1 December. This report has therefore been prepared to explain to the new Council the work that the Town and the previous Council have already undertaken in respect to this project, in consultation with the community and Town staff, and recommends that the Council continues to move forward in its execution, whilst investigating future options of relocation to the South Hedland Health Campus.

FINANCIAL AND RISK IMPLICATIONS

The 2015/16 budget allocation for this project is \$4,800,000. The proposed contract for award requires the consideration of additional budget allocation to ensure that the project scope is delivered to 100 per cent completion.

This is detailed in attachment 3 Confidential – tender price submissions and attachment 4 Confidential – financial implications.

Should Council resolve not to proceed with the recommendation of this item, the Civic Centre will remain a non-compliant building and present an unsafe work environment for employees of the Town of Port Hedland with reference to 17

individual compliance issues within four areas of legislation; namely, Section 22 - *Occupational Safety and Health Act 1984*, *Building Act 2011*, Building Regulations 2012, Local Government (Uniform Local Provisions) Regulations 1996 and the Health Local Law 1999.

Rectification of the above compliance issues have not been costed in isolation, however, a high level breakdown of compliance items within the scope stand at an amount of \$2,265,000. This figure does not take into consideration the distribution of proportional project costs such as management fees, mobilisation or re-scoping works.

In accordance with section 18 (5) of the (Functions and General) Regulations 1996 (the Regulations), the local government may decline to accept any tender. However, as the CEO has prepared a list of acceptable tenderers in accordance with section 18 (3) of the regulations, the rejection of any tender purely on the basis of a change of direction could damage the Town's reputation within the business sector as this action might give the perception that the Town does not conduct its tendering processes in accordance with strong business ethics. A rejection may also result in a claim for costs from tenderers against the Town of Port Hedland. It is estimated that the costs associated with preparing a tender of this size would be in the vicinity of \$30,000. An additional risk of price escalation could have an impact on the project budget if the project is reinstated in the future.

STATUTORY AND POLICY IMPLICATIONS

The tender has been conducted in accordance with the Local Government Act (1995) section 3.57 and the Local Government (Functions and General) Regulations 1996 part 4, division 2. Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the Local Government Act (1995) section 5.23 part 2(e)(iii).

The Town's Procurement Policy 2/007, Tender Policy 2/011 and Regional Price Preference Policy 2/016 have also been followed in all aspects of the tender consideration and assessment.

The redevelopment of the Civic Centre delivers the objectives of the Strategic Community Plan 2014-2024 in the following areas:

1.1 A unified community across our townships – by improving the access and functionality of the Civic space, specifically regarding customer service and Chambers.

3.1 Sustainable services and infrastructure – the refurbishment will improve the lifespan of the building by addressing asset management and compliance issues. More sustainable services, such as air conditioning and lighting will be considered during the project.

4.1 Strategic and best practice local government administration – the refurbishment will help to attract, develop and retain an effective workforce to deliver the outcomes of the Strategic Community Plan whilst providing best practice customer service. It will also seek to be efficient and effective in use of resources, infrastructure, assets and technology.

The current Civic Centre compliance issues relate to the following legislation. Section 22 - Occupational Safety and Health Act 1984, Building Act 2011, Building Regulations 2012, Local Government (Uniform Local Provisions) Regulations 1996 and the Health Local Law 1999.

ATTACHMENTS

1. Detailed design drawings (Under Separate Cover)
2. Tender evaluation report, Wilkes Architects (Confidential – Under Separate Cover)
3. Tender price submissions (Confidential – Under Separate Cover)
4. Financial implications (Confidential – Under Separate Cover)
5. Timeline of milestone decisions for the Civic Centre Refurbishment project

27 November 2015

ATTACHMENT 5 TO ITEM 13.3

Town of
Port Hedland

**CIVIC CENTRE REFURBISHMENT PROJECT
TIMELINE OF MILESTONE DECISIONS TO DATE**

1 December 2015

Legend

- Council decisions =
- Concept Forum decisions =
- CEO delegated decisions =

25 Nov '09

Council Decision: 200910/174 OCM 25 November 2009
 Direction: Develop strategy for the community's preferred location of Council offices and investigate the short term options for current Civic Centre staff.

24 Mar '10

Council Decision: 200910/349 OCM 24 March 2010 (decision revoked 27 March 2013)
 Direction: Prefer for the development of a civic building in the South Hedland CBD to replace the existing Civic Centre.

22 Aug '12

Council Decision: 201213/088 OCM 22 August 2012
 Direction: Gratwick Hall to be used (for up to 3 years) pending community consultation and a strategy for medium/long term office accommodation. Initial municipal funding approval of \$5 million (in the 2012/13 budget) to upgrade Civic Centre, Airport and Depot offices to meet current industry standards.

24 Oct '12

Council Decision: 201213/216 OCM 24 October 2012
 Direction: Discussion paper outlining the historical/current accommodation issues and an analysis of the possible options to redevelop the building or move to the West End. Reaffirms Council's recommendation to house staff in temporary on site accommodation. 4 year workforce plan also endorsed which dictated the projected staff accommodation needs for the Civic Centre building

12 Dec '12

Council Decision: 201213/216 OCM 12 December 2012

Direction: Matter laid on the table until the item was further workshopped with EM's

27 Mar '13

Council Decision: 201213/314 OCM 27 March 2013

Direction: Decision 200910/349 OCM 24 March 2010 revoked (see above). Endorses the current Civic Centre location (McGregor St) as the permanent, long term location of the Towns civic and administration facilities. Commence business case and feasibility assessment for the development of a building adjacent to the existing Civic Centre to cater for increased workforce requirements. Approval to use Gratwick Hall for temporary staff accommodation and Richardson Hall (if required). Offsite Council meeting locations to be organized (in the event Chambers is used for office space) with alternating locations in Port and South. Feasibility and business case to be developed for the Depot. Long term office accommodation business case to be developed in consideration of the Long Term Financial Plan and to include a customer service shop front in South Hedland.

24 Jun '13

CEO Delegated Decision: Memo Approved 24 June 2013

Direction: Approve the award of tender 13/15 to Wilkes Architects for the design and staging of the proposed Civic Centre building redevelopment in line with the short/medium term strategies identified in the masterplan redevelopment report presented to council at OCM 27 March 2013.

27 Nov '13

Council Decision: 201314/172 OCM 27 November 2013

Direction: Permanent use of Gratwick Hall for office accommodation approved. Design works will progress as an urgent priority, including a master plan for the overall McGregor St site.

25 Feb '15

Concept Forum: 25 Feb 2015

Direction: EM's to provide feedback and direction on location of Council Chambers within the redeveloped Civic Centre.

13 May '15

Concept Forum: 13 May 2015

Direction: EM's to provide additional feedback on location of Council Chambers and EM facilities (meeting and amenities) within the redeveloped Civic Centre.

25 May '15

Concept Forum: 25 May 2015

Direction: EM's to provide additional (reworked based on previous input from EM's 13 May 15) feedback on location of Council Chambers and EM facilities (meeting and amenities) within the redeveloped Civic Centre.

22 Jul '15

Concept Forum: 22 July 2015

Direction: Provide direction and feedback regarding the concept plans presented by project Architect, Ian Wilkes.

2 Sep '15

Concept Forum: 2 September 2015

Direction: Provide feedback and approval of the interior finishes and layout plans presented by project Architect, Ian Wilkes. (Copies of presentation circulated via email to EM's on 25 September 2015)

This information was provided to Elected Members Friday, 23 October 2015 in email and print form to provide a snapshot of decisions relating to the Civic Centre Refurbishment

ITEM 14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**ITEM 15 REPORTS OF COMMITTEES**

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

15.1 Airport Committee Minutes – 11 November 2015**201516/118 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR ARIF**

That Council receive the Minutes of the Ordinary Meeting of the Airport Committee held on 11 November 2015 at 5:30pm inclusive of the following decisions:

8.1 Confirmation of Minutes of the Airport Committee Meeting held on Wednesday 8 October 2015

11.1.1 Airport Management Report

CARRIED 8/0

15.2 Audit, Risk and Governance Committee Minutes – 17 November 2015**201516/119 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR WHITWELL**

That Council receive the Minutes of the Ordinary Meeting of the Audit, Risk and Governance Committee held on 17 November 2015 at 5:30pm inclusive of the following decisions:

8.1 Confirmation of Minutes of the Audit, Risk and Governance Committee Meeting held on Wednesday 10 September 2015

11.1.1 Community Donations – Update for the Period 1 September to 31 October 2015

11.1.2 Town of Port Hedland Leisure Facilities Management Contract - First Quarter Report 2015/16

11.2.1 Audited Annual Financial Report for the Year Ended 30 June 2015

11.3.1 Risk Management Policy 1/022 and Risk Management Strategy & Framework

CARRIED 8/0

ITEM 16 CONFIDENTIAL ITEMS**201516/120 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF**

That Council consider late confidential items:

- 16.1 Request to Accept the Offer to Exchange Lot 413 at Kingsford Smith Business Park for the St John Ambulance Sub Centre Site at 12 Hedditch Street South Hedland
- 16.2 Chief Executive Officer Employment Contract

CARRIED 8/0

201516/121 COUNCIL DECISION

MOVED: CR BUTSON

SECONDED: CR ARIF

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 Request to Accept the Offer to Exchange Lot 413 at Kingsford Smith Business Park for the St John Ambulance Sub Centre Site at 12 Hedditch Street South Hedland
- 16.2 Chief Executive Officer Employment Contract

CARRIED 8/0

9:15pm Mayor advised that the meeting is closed to members of the public.

16.1 Request to Accept the Offer to Exchange Lot 413 at Kingsford Smith Business Park for the St John Ambulance Sub Centre Site at 12 Hedditch Street South Hedland

201516/122 AMENDED RECOMMENDATION/ COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR WHITWELL

That Council:

1. Agree to dispose of lot 413 within the Kingsford Smith Business Park to St John Ambulance Western Australia Ltd, as an exempt disposition of land in accordance with section 30(2)(b)(i) and (ii) of the Local Government (Functions and General) Regulations 1996 (subject to final survey) for \$0, subject to:
 - a. St John Ambulance Western Australia Ltd paying \$250,000 to the Town of Port Hedland from the proceeds of the sale of 12 Hedditch Street;
 - b. The \$250,000 transaction to take place prior to the end of 2017;
 - c. Any required onsite drainage works to be captured as part of the current Kingsford Smith Business Park rectification works;
 - d. Each party paying their own transaction costs;
 - e. The Chief Executive Officer, or his delegate(s), finalising the legal documentation, formalising the disposition of lot 413 within the Kingsford Smith Business Park in accordance of the Local Government Act 1995.
2. Request the Chief Executive Officer, or his delegate(s), prepare an agreement to allow St John Ambulance Western Australia Ltd to

occupy lot 413 Kingsford Smith Business Park prior to ownership to allow them to commence construction of the proposed facility.

CARRIED 8/0

9:20pm Officers left the room.

9:21pm Chief Executive Officer declared a financial interest in item 16.2 'Chief Executive Officer Employment Contract' as the item relates to his contract.

9:22pm Councillor Blanco declared an impartiality interest in item 16.2 'Chief Executive Officer Employment Contract' as the Chief Executive Officer has taken legal action against him for a restraining order and defamation.

CEO has taken action against myself in relation to a VRO that was issued and then withdrawn and also a defamation action that was initiated by the CEO that has not progressed and I have had no correspondence from his lawyers since before the election. I have also instructed my lawyers not to engage his lawyers.

Councillor Blanco did not leave the room.

9:24pm Chief Executive Officer gave a speech to Elected Members.

9:28pm Chief Executive Officer left the room.

201516/123 COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR GILLINGHAM

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 16.2 'Chief Executive Officer Employment Contract'.

CARRIED 8/0

9:29pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

201516/124 COUNCIL DECISION

MOVED: CR BUTSON

SECONDED: CR WHITWELL

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

CARRIED 8/0

9:38pm Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are resumed.

16.2 Chief Executive Officer Employment Contract

At the Ordinary Council Meeting held on Wednesday 27 January 2016 Council included the mover, seconder, details of the motion and vote for motions 1 and 2 for Confidential Item 16.2 'Chief Executive Officer Employment Contract'.

MOTION 1

~~That Council (Confidential matters 1 to 7 discussed behind closed doors in accordance with Section 5.23(2)(a) of the Local Government Act 1995).~~

~~————— LOST 4/4 FOR WANT OF AN ABSOLUTE MAJORITY~~

MOVER: GILLINGHAM**SECONDER: CR BUTSON****That Council:**

1. Advise the Chief Executive Officer that the Council wishes to initiate an early separation of his employment which must be pursuant to clause 9.2.1 'termination by Council for any other reason' of the employment contract;
2. Authorise the Mayor and Deputy Mayor to enter into negotiations with the Chief Executive Officer to mutually end the employment relationship, subject to a Deed of Settlement and Release;
3. Authorise the Mayor and Deputy Mayor to execute the Deed of Settlement and Release between the Town of Port Hedland and Mr Malcolm Osborne, Chief Executive Officer;
4. Determine the date for the end of the employment relationship with the Chief Executive Officer, Mr Malcolm Osborne, to be formally set for 24 December 2015;
5. Authorise the Director Corporate Services to liaise with the Western Australian Local Government Association (WALGA) to provide the Town of Port Hedland Council with a suitable pool of candidates for the position of Acting Chief Executive Officer, based on the following conditions:
 - a) A list inclusive of applicants at a national level;
 - b) To be presented no later than Monday 18 January;
 - c) A list of applicants available to commence no later than Monday 1 February 2016;
 - d) For a period no longer than 6 months
6. Appoint an Acting Chief Executive Officer based on WALGA's list of candidates as part of the 27 January 2016 Ordinary Council Meeting
7. Authorises the Director Corporate Services to seek Expressions of Interest from recruitment agencies to conduct the formal process of appointing a permanent Chief Executive Officer.

LOST 4/4 FOR WANT OF AN ABSOLUTE MAJORITY

At the Ordinary Council Meeting held on Wednesday 27 January 2016 Council included the mover, seconder, details of the motion and vote for motions 1 and 2 for Confidential Item 16.2 'Chief Executive Officer Employment Contract'.

MOTION 2

~~That Council (Confidential matters 1 to 8 discussed behind closed doors in accordance with Section 5.23(2)(a)(b)(e) and (f)(i) of the Local Government Act 1995).~~

~~LOST 4/4 FOR WANT OF AN ABSOLUTE MAJORITY~~

MOVED: CR BLANCO

SECONDED: CR GILLINGHAM

That Council:

1. Suspend the Chief Executive Officer pursuant to 8.1 of the Chief Executive Officer Employment Contract on full pay pending the investigations and their findings referred to in Motion 3, 4 and 5 below.
2. Appoint an Acting Chief Executive Officer for the period of time it takes to undertake the investigations referred to in recommendations 2, 3 and 4 below.
3. Request the Acting Chief Executive Officer engage a forensic investigator to investigate and review the following matters:
 - a. Chief Executive Officer credit card use;
 - b. Chief Executive Officer personal credit card use for Town business;
 - c. Chief Executive Officer reimbursements and allowances;
 - d. Chief Executive Officer's reward points and other benefits resulting from Town business (including travel, accommodation, hospitality);
 - e. Freedom of Information process, requests, and responses with regards to this matter;
 - f. Compliance with Council's Code of Conduct, Internal policies and relevant legislation;
 - g. Any other matters deemed relevant to the investigations.
4. Request the Acting Chief Executive Officer report the findings of the investigation back to Council within 60 days for its consideration.
5. Request the Acting Chief Executive Officer engage the investigator to investigate and review the following matters:
 - a. Planning delegations for the period February to April 2015;
 - b. Higher duties forms and alternative duties forms for planning matters for the period February to April 2015;
 - c. Validity of lower and additional duties forms for the period February to April 2015;
 - d. Validity of planning approvals for the period February to April 2015;
 - e. Freedom of Information process, requests, and responses with regards to this matter;
 - f. Compliance with Council's Code of Conduct, delegations, internal policies and relevant legislation;
 - g. Any other matters deemed relevant to the investigation.

6. Requests the Acting Chief Executive Officer report the findings of the investigation back to Council within 60 days for its consideration.
7. Requests the Acting Chief Executive Officer engage the forensic investigator to investigate and review the following matters:
 - a. All tenders relating to projects with a value over \$450,000, this includes projects comprising of individual tenders less than \$450,000, but collectively the total cost of the tenders for the whole projects is greater than \$450,000;
 - b. All tender processes for projects referred to in a. above;
 - c. Awarding of tenders for projects referred to in a. above;
 - d. Financial delegations with respect to tenders;
 - e. Compliance with Council's Code of Conduct, Procurement policy, delegations, internal policies and relevant legislation;
 - f. Any other matters deemed relevant to the investigation.
8. Request the Acting Chief Executive Officer report the findings of the investigation back to Council within 60 days for its consideration.

MOTION LAPSED ON A 4/4 TIED VOTE

201516/125 COUNCIL DECISION

MOVED: MAYOR HOWLETT

SECONDED: CR HOOPER

That Council state its confidence in Mr Osborne as Chief Executive Officer of the Town of Port Hedland and confirm the Chief Executive Officer's position is supported.

CARRIED 5/4 ON CASTING VOTE OF THE MAYOR

Record of votes

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

201516/126 COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HOOPER

That Council open the meeting to members of the public.

CARRIED 8/0

10:37pm 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**201516/127 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR ARIF**

That Council approve the following applications for leave of absence:

- Councillor Gillingham from 18 December 2015 to 22 January 2016
- Councillor Arif from 16 January 2016 to 23 January 2016
- Councillor Butson from 17 December 2015 to 31 January 2016
- Councillor Whitwell from 26 December 2015 to 20 January 2016

CARRIED 8/0**ITEM 18 ATTENDANCE BY TELEPHONE/ INSTANTANEOUS COMMUNICATIONS**

Nil

ITEM 19 CLOSURE

Mayor thanked Elected Members and Town of Port Hedland officers for their endeavours in 2015. Mayor advised that it has been a big year and there are a lot of things coming on the agenda for 2016. Mayor wished everyone a Merry Christmas and a safe New Year.

19.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 January 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 20 January 2016, commencing at 5:30pm.

19.2 Closure

There being no further business, the Mayor declared the meeting closed at 10:40pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of _____ 2016.

CONFIRMATION:

MAYOR

DATE