



TOWN OF PORT HEDLAND

ORDINARY COUNCIL MEETING MINUTES

**WEDNESDAY 28 SEPTEMBER 2016 AT
5:30PM**

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

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

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

*Chris Linnell
Acting Chief Executive Officer*

Item 1	Opening of Meeting	4
Item 2	Acknowledgement of Traditional Owners	4
Item 3	Recording of Attendance	4
	3.1 Attendance.....	4
	3.2 Apologies.....	4
	3.3 Approved Leave of Absence.....	4
	3.4 Disclosure of Interests	4
Item 4	Response to Previous Questions	5
	4.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 31 August 2016	5
	4.1.1 Mr Nick Kumar	5
	4.1.2 Mr John Peters.....	5
	4.1.3 Mr George Daccache	6
	4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 31 August 2016.....	6
	4.2.1 Councillor Jan Gillingham.....	6
	4.2.2 Councillor Richard Whitwell.....	6
Item 5	Applications for Leave of Absence	7
Item 6	Attendance by Telephone/Instantaneous Communications	7
Item 7	Public Time	7
	7.1 Public Question Time.....	7
	7.1.1 Mr John Peters.....	7
	7.2 Public Statement Time.....	8
	7.2.1 Mr Brad Pawlenko on behalf of Landcorp	8
	7.3 Petitions/Deputations/Presentations/Submissions.....	8
	7.3.1 Presentation of Tidy Towns Awards.....	8
	7.3.2 Mr Bill Hart, General Manager external Affairs, Roy Hill presented on the Marina Cultural Centre	9
Item 8	Questions from Members without Notice	11
	8.1 Councillor Richard Whitwell	11
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting	11
Item 10	Confirmation of Minutes of Previous Meeting	12
	10.1 Confirmation of Minutes of the Special Council Meeting held on Thursday 25 August 2016.....	12
	10.2 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 31 August 2016.....	12

Item 11	Announcements by Presiding Member without Discussion	12
	11.1 Acting Mayor Camilo Blanco.....	12
Item 12	Reports of Officers.....	13
	15.3 Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement.....	14
	12.1 Corporate Services	24
	12.1.1 Review of policies 1/004 ‘Media’ and 1/013 ‘Social Media’	24
	12.1.2 Revised Policy 1/018 ‘Public Agenda Briefing’, and the Introduction of Fees for the Printing of Minutes and Agendas.....	31
	12.1.3 Proposed Town of Port Hedland Code of Conduct for Elected Members, Committee Members, Employees, Consultants and Contractors.....	42
	12.2 Community and Development Services	78
	12.2.1 Proposed Structure Plan for various lots in the Western Edge of South Hedland	78
	12.2.2 Eastern Gateway Investigation and Design Project – Tender/Contract Variation	92
	12.2.3 Request to Support a Feasibility Study and Business Case for a New Arts, Community and Cultural Centre at the Spoilbank Marina Waterfront Precinct	100
	12.3 Works and Services.....	107
	12.3.1 Kingsford Smith Business Park – Heavy Vehicle Access.....	107
Item 13	Reports of Committees.....	119
	13.1 Audit, Risk and Governance Committee Minutes – 6 September 2016	119
Item 14	Motions of Which Previous Notice Has Been Given	119
Item 15	New Business of an Urgent Nature.....	119
	15.1 Richardson Street Boat Ramp Tender Award	119
	15.2 Statement of Financial Activity for the period ended 31 August 2016.....	120
	15.3 Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement.....	145
Item 16	Matters for Which Meeting May Be Closed (Confidential Matters)	145
	16.1 Review Audit Update.....	145
Item 17	Closure.....	146
	17.1 Date of Next Meeting	146
	17.2 Closure	146

Item 1 Opening of Meeting

The Acting Mayor declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners

I acknowledge the traditional custodians, the Kariyarra people. I recognise the contribution of Kariyarra elders past, present and future, in working together for the future of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Acting Mayor Camilo Blanco
 Acting Deputy Mayor Troy Melville
 Councillor David Hooper
 Councillor Julie Arif
 Councillor Louise Newbery
 Councillor Richard Whitwell
 Councillor Lincoln Tavo (entered the meeting at 6:18pm)

Officers

Chris Linnell	Acting Chief Executive Officer
Adam Majid	Acting Director Community and Development Services
Kathryn Crothers	Acting Director Corporate Services
Ray Davy	Acting Director Works and Services
Grace Waugh	Coordinator Governance/Minute Taker
Louise O'Donnell	Governance Officer

Public	9
ToPH Officers	6
Media	1

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Councillor Jan Gillingham

3.4 Disclosure of Interests

Name	Item no.	Interest	Nature
Councillor Melville	12.3.1 Kingsford Smith Business Park – Heavy Vehicle Access	Financial	Employed by BHP

Councillor Arif	15.3 Request to advertise the business plan	Impartiality	Social Member of Port Hedland Yacht Club
Councillor Arif	12.3.1 Kingsford Smith Business Park	Financial	BHP Shareholder over threshold
Councillor Arif	12.2.3 Request to support of feasibility study	Impartiality	Social Member of Port Hedland Yacht Club
Councillor Whitwell	15.3 Request to advertise the business plan	Impartiality	Member of the Port Hedland Yacht Club
Councillor Whitwell	12.2.3 Request to support of feasibility study	Proximity	Owns property in the area of development
Acting Mayor Camilo Blanco	12.2.3 Request to support of feasibility study	Impartiality	Commodore of the Port Hedland Yacht Club
Acting Mayor Camilo Blanco	15.3 Request to advertise the business plan	Impartiality	Commodore of the Port Hedland Yacht Club

Item 4 Response to Previous Questions

4.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 31 August 2016

4.1.1 Mr Nick Kumar

Which Council meeting will the tender for the dredging of the Richardson Street boat ramp be awarded at?

The Acting Chief Executive Officer advises that the tender for the dredging of the Richardson Street boat ramp is proposed to be awarded at the 28 September 2016 Ordinary Council Meeting.

4.1.2 Mr John Peters

In regards to the TAG (The Airport Group) fees of \$4.6 million, did the Town engage or take advice from any of the big four accounting firms? [PwC, Deloitte, EY and KPMG]

The Acting Director Corporate Services advises that in reference to the meeting minutes of the ordinary Council meeting of 17 December 2014.

A request for tender was issued to appoint a transaction advisor to undertake a scoping study in the airport governance review. This tender was advertised on 6 October 2014 and closed on 22 October 2014.

Tender submissions were received from:

- Deloitte
- KPMG
- Pottinger

- The Airport Group

4.1.3 Mr George Daccache

The payout for the former Chief Executive Officer must be in the accounts somewhere. Where can I find them?

The Acting Chief Executive Officer advises that this item is a confidential matter impacting a previous employee and managed through an operative Deed of Settlement therefore this information cannot be released.

4.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 31 August 2016

4.2.1 Councillor Jan Gillingham

In reference to item 4.2.2, regarding the mosaics at the Port Hedland International Airport, can the Town find out what is happening with the entrance of the Airport, and what is happening with the mosaic?

The Acting Chief Executive Officer advises that new signage is being installed during the week commencing 19 September 2016. Port Hedland International Airport has reached out to the community in relation to the remaining mosaic where a member of the Port Hedland Historical Society has expressed interest.

In regards to the first rates notices being released, I have been contacted by a Primary School questioning why there is a significant increase from approximately \$400 to just over \$2,000 in the Emergency Services levy. Can the Town please clarify this?

The Acting Director Corporate Services advises that The St Cecilia Primary School tenement was subject to an interim valuation that came into effect on 1 July 2016. The tenements valuation went from \$115,440 to \$478,400. The emergency services levy is calculated on the basis of valuation multiplied by the applicable ESL category rate set by Department of Fire and Emergency Services. If the school have a query regarding the valuation they will need to contact the Valuer General (Landgate) who undertake the valuations.

Has watering ceased on the trees along Cooke Point Drive?

The Acting Manager Assets advises that the trees along Cooke Point Drive are getting regular weekly watering and is continually being monitored. It is suspected that these trees are being affected by salt.

I contacted the former Director Works and Services in regards to the maintenance of the Tamarind Orchid Tree on Acton Street, and have not had a reply. Can I please have an update?

Acting Manager Assets advises that the Tamarind Orchid tree on Acton Street is getting regular weekly watering and continually being monitored.

4.2.2 Councillor Richard Whitwell

Where is the cost item of the former Chief Executive Officer's exit displayed in the accounts?

The Acting Director Corporate Services advises that the cost item is contained within the employee costs, and form a part of the payroll payments in the accounts paid under delegated authority, presented as part of the August 2016 statement of financial activity.

Can I have any changes that may have taken place since the economic assessment, of the net present values of the first 10 years of the Spoilbank development?

The Acting Director Corporate Services advises that this question will be addressed in the report on the Spoilbank Business Plan and is included in the September 2016 OCM agenda.

Can I have an amended net cost to the Town of the Spoilbank as it is in the recent review report?

The Acting Director Corporate Services advises that this question will be addressed in the report on the Spoilbank Business Plan and is included in the September 2016 OCM agenda.

Item 5 Applications for Leave of Absence

Nil

Item 6 Attendance by Telephone/Instantaneous Communications

Nil

Item 7 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 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. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

The Acting Mayor opened Public Question Time at 5.36pm.

7.1 Public Question Time

7.1.1 Mr John Peters

How many dogs are registered in Port Hedland?

The Acting Mayor advised that the question would be taken on notice.

Are there any dog kennels in Port Hedland that facilitate big dogs?

The Acting Chief Executive Officer advised that the Town has a pound to look after stray dogs that are unaccounted for, and that this is the only service the Town provides at this present time.

The Acting Mayor closed Public Question Time at 5.38pm.

The Acting Mayor opened Public Statement Time at 5.38pm.

7.2 Public Statement Time

7.2.1 Mr Brad Pawlenko on behalf of Landcorp

Tonight I am speaking in regards to item 12.2.1 'Proposed Structure Plan for various lots in the Western Edge of South Hedland'.

The Western Edge project was announced in June 2012 in support of the Pilbara Cities vision to grow Hedland into a city of 50,000 people. Western Edge is an important strategic project, not only to grow the population, but to populate the western side of the South Hedland town centre.

On 22 August 2012, Council adopted the scheme amendment to rezone the Western Edge to urban development. In July 2012 a private developer was appointed to deliver stage one of the western edge project. Landcorp already have Cedar Woods as a private developer that is still showing interest in Port Hedland, so much so that they are contributing funds to get this project moving forward.

It is important for State Government and Local Government to continue to attract this type of private investment, however, I would like to make it clear that Landcorp and Cedar Woods understand that the residential market in Hedland is soft. There are a lot of houses for sale and for rent. For us, it is not a time to slow down, and we need to continue to deconstrain land to enable an adequate pipeline of land for the future of Port Hedland. Landcorp is not looking to develop lots if there is no demand, and Cedar Woods will not be developing lots if it is not feasible in the current market. We are both committed to continue to deconstrain land so that it will be ready to meet the market when the next upswing occurs. This process has taken four years to get to where it is today.

I ask that Council support the officers recommendation so that the town can continue to position itself to be able to grow quickly and efficiently when the demand requires it to do so, and I believe the Western Edge is considered a critical part of Port Hedland's future expansion.

The Acting Mayor closed Public Statement Time at 5.41pm.

7.3 Petitions/Deputations/Presentations/Submissions

7.3.1 Presentation of Tidy Town Awards

Councillor Arif presented the following Tidy Town awards to the Town of Port Hedland:

- State winner of the Environmental Sustainability Award for the 2016 Tidy Towns/Sustainable Communities Awards
- State Finalist for the Keep Australia Beautiful Clean Beaches Challenge (Cemetery Beach)

7.3.2 Mr Bill Hart, General Manager external Affairs, Roy Hill presented on the Marina Cultural Centre



Our Commitment to the Kariyarra

- An Arts Centre for Aboriginal people to focus on the collaboration, production, promotion, education and sale of Marlpa arts and crafts in the Port Hedland area.
- Develop a framework and undertake consultation with the Kariyarra People regarding the range of other activities to be accommodated within the Art Centre
- Marapikurrinya have special consultation regarding the location and design of the Centre

Background Research



- Arts Centres are rarely sustainable in their own right, requiring ongoing funding to support day-to-day operations
- 2/ 110 centres economically sustainable according to previous research
- Operational viability and strong Governance is the most critical success factor
- Particularly challenging given two existing arts centres in the Town of Port Hedland and its existing population size
- Content is a key determinant of success and working closely with local Traditional Owners and Arts Groups will be critical to a good outcome

Our Project Priorities



- Maximising Opportunity for Revenue Generation
 - Integration/ Colocation of Uses to increase visitation
 - Business enterprise through cultural product sales
- Asset Sustainability
 - Function over Design
 - Sustainability in Building Utilities
- Strong Management
 - Partnering with experienced arts and cultural service providers and community groups

Proposed Reference Group – Feasibility and Business Case



- Representatives of the ToPH, Kariyarra, PDC and Roy Hill to sit on the Reference Group which is to be chaired by the ToPH
- Focus on exploring opportunities to collaborate/ integrate community and cultural facilities only
- Roy Hill will cover **costs** associated with the completion of preparation of the business case
- Scope of Work and Appointment of Consultants made collectively by the Reference Group which is to be chaired by the Town of Port Hedland
- Anticipated 6-Months to complete works

Item 8 Questions from Members without Notice

8.1 Councillor Richard Whitwell

In reference to item 12.2.3 'Request to Support a Feasibility Study and Business Case for a New Arts, Community and Cultural Centre at the Spoilbank Marina Waterfront Precinct', what will be the capital cost of this project?

The Acting Chief Executive Officer advised that a pre-feasibility study has been carried out on the site and work has been proposed. He advised that the Town will carry out a proper feasibility study as to what works would be required on site including the development of capital works and also the ongoing operational costs. He advised that he cannot presently determine the capital cost, as the scale of what will be included in the project is yet to be determined.

Item 9 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Acting Mayor Camilo Blanco
- Councillor Troy Melville
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Julie Arif
- Councillor Louise Newbery
- Councillor Richard Whitwell

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of the Special Council Meeting held on Thursday 25 August 2016**CM201617/053 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR WHITWELL**

That Council confirm that the Minutes of the Special Council Meeting held on Thursday 25 August 2016 are a true and correct record.

CARRIED 6/0**10.2 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 31 August 2016****CM201617/054 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR HOOPER**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 31 August 2016 are a true and correct record.

CARRIED 6/0

Item 11 Announcements by Presiding Member without Discussion

11.1 Acting Mayor Camilo Blanco

The Acting Mayor advised that the Richardson Street Boat Ramp facility maintenance has been awarded to a local company; Cervan Marine as the tender price came under the tender threshold. The works are to commence in the next coming niche tides, the Richardson Street boat ramp will be closed for approximately two weeks to complete the works. Our local marine rescue service will have access to the boat ramp during this period to ensure all emergencies are attended to.

The Acting Mayor also advised that the works on the Marquee Park surface upgrade will be completed early November 2016.

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

CM201617/055 COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR HOOPER**

That Council bring forward item 15.3 ‘Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement’ to be considered as the first item on the agenda.

CARRIED 6/0

6.00pm Councillor Arif declared an impartiality interest in item 15.3 ‘Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement’ as she is a member of the Yacht Club.

6.01pm Acting Mayor Blanco declared an impartiality interest in item 15.3 ‘Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement’ as he is the Commodore of the Yacht Club.

6.01pm Councillor Whitwell declared a proximity interest in item 15.3 ‘Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement’ as he owns property within the proximity of the Spoilbank reserve.

6.01pm Councillor Whitwell left the room.

CM201617/056 COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR HOOPER**

That Council suspend sections 9.4, 9.5 and 9.9 the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 ‘Suspension for Standing Orders’ to discuss item 5.3 ‘Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement’.

CARRIED BY ABSOLUTE MAJORITY 5/0

6.04pm The Acting Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are suspended.

CM201617/057 COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR MELVILLE**

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

CARRIED 5/0

6.10pm The Acting Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 are resumed.

15.3 Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement

File No:	18/19/0001
Applicant/ Proponent:	N/A
Subject Land/ Locality:	Part Crown Reserve 30768 (Lot 5550 on DP240246, Lot 5751 on DP91579 and Lot 370 on DP 35619) on Management Order MO80548
Date:	05/08/2016
Author:	Brie Holland, Economic Development Officer
Authorising Officer:	Chris Linnell, Acting Chief Executive Officer
Disclosure of interest from Author:	Nil
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Business Plan (including Market Valuation of the Proposed Freehold Caravan Park Site), dated September 2016) (Under Separate Cover)
2. **Confidential:** Legal advice from Jackson McDonald, dated 12 August 2016 (Under Separate Cover)
3. **Confidential:** Legal advice from McLeods, dated 31 August 2016 (Under Separate Cover)

CM201617/058 OFFICER RECOMMENDATION/COUNCIL DECISION**MOVED: CR HOOPER****SECONDED: CR ARIF**

That with respect to the Spoilbank Marina Waterfront Development Stage 1, Council:

1. **Note the body of work carried out to date on the proposed major land transaction;**
2. **Endorse the business plan on the proposed major land transaction for the development of stage one works of the Spoilbank Marina Waterfront on part Crown Reserve 30768 (Lot 5550 on DP240246, Lot 5751 on DP91579 and Lot 370 on DP 35619) be advertised for public comment in accordance with the requirements of section 3.59 of the *Local Government Act WA 1995*; and**

3. **Request the Chief Executive Officer, or their authorised officer to report back to Council on the public submissions received after the statutory six week (42 day) advertising period of the business plan, and then recommend a course of action in relation to the proposed major land transaction.**

CARRIED 5/0

6.10pm Councillor Whitwell re-entered the room and resumed his chair.

EXECUTIVE SUMMARY

The Spoilbank Marina Waterfront Development is a flagship project for the Town of Port Hedland which has been worked on for a number of years.

The development is defined as a major land transaction and therefore a statutory business plan is required to be prepared and released for public comment. While the plan is not required to be endorsed by Council prior to its release, given the significance of the project, Council approval is sought.

This agenda item seeks Council approval to release the business plan noting a report on the public comment period will be presented back to Council at its December 2016 meeting.

BACKGROUND

Previous Council decision

At the June 2016 OCM, Council resolved (decision 201516/266) the following:

1. *Notes that the state government will contribute \$112M to the project (including \$72 Royalties for Regions funding);*
2. *Notes that the business plan for the Spoilbank Marina Waterfront stage one land development (including the request to advertise for public comment) will be presented to Council at its Ordinary Council Meeting September 2016;*
3. *Notes the body of work carried out by the Town of Port Hedland and LandCorp to date and reconfirms its funding commitment of an estimated \$38.47M (estimated figure, final figure confirmed at the close of the 2015/16 financial) held in its Reserve account for the development of the Marina Waterfront Precinct (stage 1) at the Spoilbank (western side);*
4. *Confirms that the abovementioned information is to be included in the LandCorp cabinet submission to the state government; and*
5. *Notes that a valuation for the acquisition of the Gratwick Pool site (part Lot 1483 on Reserve 29069) is currently being requested from the Department of State Lands and will be reported back to Council as soon as the valuation is receipted (via an elected member briefing note).*

CARRIED 9/0

Creation of a Business plan

The development is defined as a major land transaction (*Local Government Act 1995*) as it has a value greater than \$2 million (M) and therefore a business plan is required to be prepared and released for public comment. The purpose of the business plan is to clearly articulate to the public the proposed major land transaction and any associated agreements precursory to developing the land.

It is a statutory requirement that the business plan is advertised for a minimum of six weeks (42 days) and that all public submissions are reported back to Council once advertising is closed. It is then for Council to consider the public submissions and decide to proceed (or not proceed) with the transaction.

While the plan is not required to be endorsed by Council prior to its release, given the significance of the project, Council approval is sought.

Major land transaction components

LandCorp has been assigned the role of project manager in accordance with the State Cabinet submission. The proposal for the stage one development is to spend \$152M (\$40M State Government + \$72M Royalties for regions + \$40M Town of Port Hedland) to develop the sea and landside areas into:

- A marina with a maximum capacity of 250 pens – 50 built in stage one (possibility that the maximum capacity is reduced to 150 pens)
- Two lane boat ramp (boat and fish cleaning facilities as well as vehicle and trailer parking)
- Serviced site for marine uses (boat repair and service)
- Serviced caravan park site with internal servicing; roads and improvements are to be provided by others (transferred to the Town in freehold on the condition that it is only developed into a caravan park)
- A public square incorporating three serviced retail/ commercial sites (and the existing yacht club, RSL and TS Pilbara community facilities)
- Serviced site for a cultural arts and community centre
- Event space which could allow for the development of a lagoon pool

If the business plan is approved it is anticipated that stage one works will not be completed until 2020. Planning and Environmental approvals should be obtained by late 2017 and both the caravan park and cultural centre sites be completed by late 2019, with the Marina to be completed half way into 2020.

Business Plan requirements

Below lists the specific heading requirements that a local government must give further detail on in order to satisfy the requirements of the Local Government Act WA 1995 (LGAWA 95) and a summary has been provided of the most important points made by the Town in relation to the stage one development:

Planning and environmental issues

The land is predominantly reserved under the Town Planning Scheme 5 for 'Parks and Recreation' with the remainder of the land reserved for 'Waterways'. Within the area defined by the scheme boundary, development control lies with the Town, however given the estimated value of the development is likely to exceed \$10M this will necessitate any development application for the project being determined by the relevant Joint Development Assessment Panel. It is expected a new Scheme Amendment process will commence immediately once final endorsement of the funding has been agreed by cabinet.

In February 2014, the Environmental Protection Authority formally advised the environmental issues pertaining to the Scheme Amendment could not be resolved prior to the publication of the Health Risk Assessment (subsequently released in February 2016). The Spoilbank Marina Waterfront precinct development will provide significant environmental improvements for the West End community. The development proposes to help assist in managing the current dust source that is the Spoilbank. By undertaking the development the areas of uncontrolled dust will be significantly reduced by build form and public open space, including the creation of a green oasis. Environmental Protection Approval will be sort before any development commences.

Expected effect on its ability to provide current facilities and services

The project will deliver the additional land and infrastructure required to ensure the Town and others are able to provide high quality services and amenity to the community into the long term, consistent with the vision articulated through Pilbara Cities, the Pilbara's Port City Growth Plan and Strategic Community Plan.

Expected effect on other persons providing facilities and services

The development of the Spoilbank Waterfront Marina Precinct will potentially effect numerous other organisations in the Town, mostly in a positive manner. The development is expected to only have a marginal impact on existing tourism accommodation through a proposal to offer short term accommodation at the proposed caravan park for the self-contained traveller. The impact of potentially providing additional retail space at the Spoilbank will fulfil an estimated gap of 4,000m². In relation to Marina operations, it has been highlighted that there is a need for a Marina Manager (which will come at an operational cost to the Town, a figure yet to be confirmed) which may allow for additional full time residential employment in the Town.

Focusing on the Port Operations, when boat launching is carried out from the Spoilbank it is believed that the project will have a positive impact on decreasing potential channel collision risks that recreational boating current has associated with launching from the Richardson Street ramps (subject to an effective management plan). Finally, the development of the project is expected to significantly influence the Yacht Clubs operations. There would be opportunities for general yachting training, tackers programs for junior sailors, racing, regattas, Yachting WA courses, instructor training, safety and sea survival training. These programs would directly benefit the current two thousand strong membership base and possibly many more future members of the wider Port Hedland community.

Financial effect of proceeding with the transaction

Council has approved to allocate \$40M towards stage one of the development of the Spoilbank. The business plan highlights the shortfall in the Town's current long term financial planning.

The Town has previously allocated \$1.164M towards operational costs of the Spoilbank Marina Waterfront however it has been estimated that an additional \$7M per annum may be required to maintain stage one and future works depending on which management model is implemented. State Government support is being sought for this. No additional funding has been allocated by Council to build out the second stage of works. Even though the Town has the ability through the management order to lease part or all of the landside component, the return on these potential assets cannot yet be calculated into a finite figure to offset the operational costs of the Marina.

Effect on matter referred to all forward plans (Strategic Community Plan, Corporate Business Plan and the Port City Growth Plan)

Developing the Spoilbank Marina Waterfront is succinct with all the Town's forward plans.

Ability for the local government to manage the performance of the transaction (project manage, provide development and all associated maintenance funding)

\$40M has been allocated towards the project and currently sits in a Reserve. No loan has been entered into for the provision of these monies. Council however need to consider and make provision for further funding associated with the development of landside infrastructure. No funds have been set aside for these development within Town's Long Term Financial Plan. The Town does hold large cash reserves as a result of the lease of the Port Hedland International Airport which could be spent on community infrastructure projects. Council has the opportunity to allocate a portion of these Reserves to continue to build out stage two (and future) development of the Marina for the land side development of community infrastructure.

Further development opportunities

It should be noted that the business plan only details a major land transaction to build the civil infrastructure for the marina, boating and recreational precinct. All future built form (the anticipated cultural centre, Caravan Park, lagoon pool) will require further investigation and the Town may require to go through additional approval processes.

The Town has engaged external consultants to carry out prefeasibility studies of the proposed arts, cultural and community centre, caravan park and lagoon pool. The business plan summarises the findings of the prefeasibility studies, however additional will be required to complete the work feasibility study which will inform the development of business cases for all three proposals. To note, the business plan included an estimated valuation of the caravan park site. The Town was advised by Jackson McDonald to include the valuation as the value of the site (being land to be received by the Town) is a relevant consideration to the overall assessment of the major land transaction.

Legal advice – business plan requirements

The business plan has been revised by the legal firm Jackson McDonald (attachment two) and a peer review of Jackson McDonald advice was carried out by McLeod's (attachment three). In summary the advice received from both legal firms is mirrored and the business plan has been updated to reflect all recommended changes. The most important advice given has been summarised as follows:

- The transaction is not an exempt transaction under any regulations as the Town is not proposing to dispose of any interest in the land and the value (\$40M) of the transaction is a major land transaction, therefore it is absolutely conclusive that a business plan is required;

- Details of the proposed state agreement are to be summarised;
- The business plan must be advertised for public comment before any agreements to the development of the land are entered into; and
- The correct level of detail contained in the business plan is essential to ensure that insufficient detail has not been provided as this will increase the risk of a proposed later agreement being entered into which may be 'significantly different' from what was originally proposed.

The proposed outline of the business plan process for the major land transaction is as follows:

- The business plan is advertised (local and statewide) for a minimum of six weeks (42 days); proposed to commence Wednesday 5 October 2016 and closes Friday 18 November 2016 4pm Western standard time (44 days)
- The Public can access a copy of the business plan at all of the Town's libraries (Port and South Hedland) and at its Civic Centre on McGregor Street. The public are invited to provide feedback in writing with the subject heading line being RE: Proposed Spoilbank Marina Waterfront Stage One, PO Box 41, Port Hedland WA 6721 OR via email to council@porthedland.wa.gov.au
- Responses are collated and an agenda item will be presented to Council at its OCM in December 2016 (or at alternative date to be decided) for Council's consideration to adopt the business plan as it currently stands or decides make any changes (absolute majority vote required) or decides not to proceed with the proposal.

CONSULTATION

For the purpose of collecting information for this report the following people and teams were consulted:

- Executive Leadership Team
- LandCorp
- RFF Australia Pty Ltd
- Jackson McDonalds
- Australian Property Consultants
- McLeods

LEGISLATIVE IMPLICATIONS

Local Government Act 1995 (WA) Section 5.23 – Meetings generally open to public

In reference to section 5.23(2)(d) this report contains legal advice (attachments two and three) which are considered sensitive to the Town. The two legal attachments must remain confidential.

Local Government Act 1995 (WA) Section 3.59 – Commercial enterprises by local governments

As the value of the proposed major land transaction (\$152M) is over the \$2M threshold and as such a business plan was prepared in accordance with section 3.59 of the *LG Act 1995*. The business plan was reviewed by the Town's lawyers Jackson McDonald and will be advertised for six week period for public submissions.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The business plan specifically details the initial and ongoing (maintenance) costs to the Town as summarised in the below table:

Expense Description	Development cost	Annual maintenance/operational cost	Cost influencing factors yet to be determined
Stage One works	\$40M		Amount is ex GST and the amount needs to be capped in the state agreement
Marina Management		\$1.73M	Marina Management has not be decided. Financial impact of reducing boat pens to 100 max capacity could be \$6-\$12M dependent on the final state agreement negotiation. Depending on which management model is implemented the Town could be requested to provide an adequate operating subsidy.
Landside + other		\$3.43M	
Stage Two:			
Caravan Park (Transit)	\$2.22M	\$0.03M	
Arts, Cultural and Community Centre	\$20.48M	\$1.45M	This depends on the final design and potential operating subsidy
Lagoon	\$17.05M	\$1.48M	It has been strongly recommended that the size of the lagoon required be revised to match demand based on future population projects of the Town and its tourist numbers.
TOTALS	\$79.73M	\$8.12M	
Reserve	-\$40M		
The Town's Long Term Financial Plan – 2017/18	-	-\$1.164M	
Shortfalls	\$39.73M	\$6.96M	

To note, the projected operational costs to build stage one and future works of the Spoilbank Marina Waterfront total \$8.12M and the Town's Long Term Financial Plan only provide for an increase of \$1.164M per annum effective from 2017/18 to support future operating expenditure. To reiterate, the business plan highlights the shortfall of an estimated \$7M per annum should stage one works and future community infrastructure be build out and no additional funding has been allocated by Council to build out the second stage of works. It is possible that if it is managed by Department of Transport, then money may be provided by the State Government for operating expenditure.

The costs to complete this business plan were as follows:

- RFF Australia Pty Ltd \$47,000 (ex GST)
- Legal \$20,000 (estimate + ex GST)
- Market valuation of the caravan park site \$8,500 (ex GST)

STRATEGIC IMPLICATIONS

This project directly aligns with the Town's Strategic Community Plan 2014-2024, specifically sections:

- 2.1 A thriving, resilient and diverse economy: the marina will directly aid in facilitating town growth
- 2.2 A Nationally significant gateway city and destination: increased tourism opportunities
- 4.2 Engage our community and stakeholders applies in the way of providing a means of engagement with key stakeholders and community members about the project

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

The *Port City Growth Plan (2012)* directly supports the development of the Spoilbank as the highlight of Port Hedland's coastline, specifically in relation to developing dedicated event and passive recreational spaces. The Spoilbank is located within Precinct 1 of the Growth Plan, referred to as the West End. It is described as follows:

The West End is the Port City's Soul – perhaps like Fremantle to Perth, it is a unique and interesting place. It supports growing activity, yet remains people friendly and accessible. It is busy with day time workers, many of whom leave their offices to enjoy lunch in outdoor cafes and bars. As evening arrives, the West End transforms into a place popular with tourists observing Australia's largest tonnage port and the coastline, while travellers and the wider city population enjoy the many cultural, dining and entertainment activities.

The Pilbara Cities Vision is to build the population of both Karratha and Port Hedland into liveable cities. Developing the Spoilbank into a world class marina aligns with this vision and if the business plan is adopted then the stage one development will formally secure (after a legal agreement has been executed) \$40M from the State Government and \$72M from Royalties for Regions funding.

SUSTAINABILITY IMPLICATIONS

Environmental

The Spoilbank Marina Waterfront precinct development will provide significant environmental improvements for the west end community. The development proposes in helping assist in managing the current dust source that is the Spoilbank. By undertaking the development the areas of uncontrolled dust will be significantly reduced by build form and public open space, including the creation of a green oasis. Environmental Protection Approval will be sort before any development commences.

Economic

It is envisaged that once stage one development is completed the Town will have the ability to attract private investment for further landsite development. Prefeasibility studies have been undertaken for the caravan park, lagoon pool and cultural/community arts centre. Additional studies are required on these proposals.

To reconfirm, residential development has been removed from the precinct development. Once stage one is completed however, this could trigger the development of Finbar's proposed Anchorage; a seven level residential development with commercial / retail on the ground floor, on the old hospital site.

Social

Overwhelmingly respondents in the recent community engagement process felt that the marina would make an important contribution to the liveability of the town. Of the survey respondents, 75.2% felt the proposed marina and waterfront development would make a very or extremely important contribution in making Port Hedland a more liveable place (91.3% said it would make an important contribution).

Risk

Risk	That Council refuses to support advertising the business plan for stage one works at the Spoilbank Marina Waterfront
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Major (4)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Reputation - 4 Major - Substantiated, public embarrassment, widespread high impact on key stakeholder trust, high media profile, third party actions
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk matrix has been prepared and with an accepted risk rating of 4 the identified risk. There is no need for a risk action plan as the likelihood of not approving to confirm its funding to the project is rare.

CONCLUSION

Council approve to advertise the business plan on the proposed major land transaction for the development of stage one works of the Spoilbank Marina Waterfront on part Crown Reserve 30768 for public comment in accordance with the requirements of the *Local Government Act 1995*.

12.1 Corporate Services

12.1.1 Review of policies 1/004 'Media' and 1/013 'Social Media'

File No:	04/03/0001
Applicant/ Proponent:	N/A
Subject Land/ Locality:	N/A
Date:	07/09/2016
Author:	Anna Duffield, Manager Corporate Information
Authorising Officer:	Kathy Crothers, Acting Director Corporate Services
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input checked="" type="checkbox"/> Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Proposed 1/025 Media and Communications policy

CM201617/059 OFFICER RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR WHITWELL**

That Council combine policies 1/004 'Media' and 1/013 'Social Media' and adopt the 1/025 'Media and Communication' policy as per attachment 1.

CARRIED 6/0

EXECUTIVE SUMMARY

Council is requested to review and update its 1/004 Media and 1/013 Social Media policies and adopt a succinct and combined 1/025 Media and Communications policy.

The proposed policy outlines that the Town of Port Hedland encourages the use of traditional and digital communications to improve community awareness of initiatives and improve service delivery, and recognises that the Mayor is the official spokesperson for the Council.

BACKGROUND

Council is required to review and update its policies on a regular basis. The Media Policy was last updated in 2006 and the Social Media Policy in 2012.

Officers have reviewed the policies and determined that it would be more effective for the policies to be combined and encompass all communication activities.

It should be noted that when the social media policy was first developed it was at a time when the medium was relatively new to local government and organisations. As such the policy was very detailed and contained information that should be included in internal procedures as opposed to a policy document.

The proposed policy outlines that the Town of Port Hedland encourages the use of traditional and digital communications to improve community awareness of initiatives and improve service delivery. This includes mediums such as print advertisements, brochures, website, Facebook, and media.

It is recognised that the role of the Mayor is to speak on behalf of the Local Government and accordingly the Mayor is the only official spokesperson for the Council.

The policy outlines guiding principles for all communications which are to be open, collaborative, responsive, reliable and appropriate.

CONSULTATION

Officers attended a webinar for elected members on communication which outlined roles and responsibilities. Other local government's policies were also reviewed.

The Coordinator Communications and Acting Director Corporate Services were consulted in the preparation of the policy.

LEGISLATIVE IMPLICATIONS

The Local Government Act section 2.8 outlines the role of the mayor which includes (1)(d) to speak on behalf of the local government.

POLICY IMPLICATIONS

The 1/004 Media Policy was last amended at the 22 February 2006 council meeting (200506/297) and the 1/013 Social Media Policy was last amended at the 25 July 2012 Council Meeting (201213/046)

FINANCIAL IMPLICATIONS

The adoption of the proposed policy will not have an impact on the 2016/17 budget.

STRATEGIC IMPLICATIONS

The Strategic Community Plan outlines goals (4.2) to:

- lead a community-oriented organisation that delivers responsive and helpful services to our customers
- ensure community members know how to access our services and facilities
- promote a positive representation of our community and Town's services

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

Risk	That Council don't adopt the proposed policy and out of date policies remain in place.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Compliance - 1 Insignificant - Occasional noticeable temporary non-compliances
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that Council adopt the proposed succinct and combined 1/025 Media and Communications policy.

ATTACHMENT 1 TO ITEM 12.1.1

Town of Port Hedland**1/025 MEDIA AND COMMUNICATIONS POLICY – DRAFT**

Drafted September 2016

1. Policy Statement

The Town of Port Hedland encourages the use of traditional and digital communications to improve community awareness of initiatives and improve service delivery.

It is recognised that the role of the Mayor is to speak on behalf of the Local Government and accordingly the Mayor is the official spokesperson for the Council.

2. Scope

This policy provides guidelines on responsible engagement with the community through traditional and digital communication platforms, including but not limited to advertisements, media interactions (interviews, releases etc), website, social media, online forums, blogs and online surveys/polls.

It outlines the standards and expectations the Town of Port Hedland has of its staff members and elected members, who are representatives of the Town at all times.

This policy applies to all officers, consultants, contractors and outsourced service providers performing work for the Town of Port Hedland. It also applies to elected members.

3. Definitions

- Digital Communication: any means of exchange of information that takes place using digital technology or tools, such as website, Facebook, Instagram, Twitter, YouTube
- Engagement: refers any form of communication where opinion, comment and feedback is exchanged and used for organisational purposes
- Media: refers to methods of communication with media outlets such as media releases, media responses, interviews, photo opportunities
- The community: refers to any individual, community group, business, government department and agency, not-for-profit and non-government organisation, who has an interest in the Town of Port Hedland and its activities
- Traditional communication: refers to communication methods such as print advertisements, radio advertisements, brochures, posters, community notices

4. Principles

Communications are to be used in a way that is consistent with the following guiding principles:

- Open – to share and promote access to information and services and be transparent and accountable
- Collaborative – to create opportunities to listen to and engage with the public, local communities and industry

- Responsive – to empower the use of social media to respond quickly to customers and emerging issues
- Reliable – to support a consistent and quality experience.
- Appropriate – to be consistent with the Town of Port Hedland values, related policies, code of conduct and legislative requirements

5. Media

The Local Government Act 1995 provides that the role of the Mayor is to speak on behalf of the Local Government and accordingly, the Mayor is the official spokesperson for the Council.

Without express authority from the Mayor, Councillors and staff are not to offer a Council view, attitude, stance, etc on any issue; this clearly being the function of the Mayor.

A Councillor's right to express a personal opinion on any issue of public interest is recognised. Councillors are at liberty to express personal views on matters which have not been formally considered by Council, provided they do not purport to represent Council. Once Council has resolved a matter, however, comment from Councillors on the content of and background to the resolution will be construed as speaking for Council and is not appropriate.

Councillors and Staff will refrain from making any negative comments publicly regarding a resolution of Council.

If approached by the media for formal comment on any issue, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Town of Port Hedland's communications department who will liaise with the media and coordinate an appropriate response.

The Mayor may authorise the Chief Executive Officer or other staff members to respond or comment.

6. Traditional communication

The Town of Port Hedland utilises a number of communication methods to promote its initiatives and improve service delivery. These include print and radio advertisements, videos, brochures, posters and community notices.

Communication materials are coordinated through the Town's communications department and must be authorised by the department prior to publication.

Generally traditional communication does not quote the Mayor or officer, however if so, the Mayor may authorise the Chief Executive Officer or other staff members to comment. As an example this would apply to videos.

7. Digital communication

7.1. Conduct

All elected representatives and employees should be cognisant that their conduct when using digital communications, in either a personal or official capacity, reflects upon them and their position.

All elected representatives and employees should be cognisant that online content is recorded by a number of search engines and that the content of posts and discussions may be publicly available and searchable into the future.

7.2. Guidelines for the Mayor

The Mayor is entitled to establish a Facebook fan page that identifies them as the Mayor. This page may be administered by the Mayor and/or delegated to Town of Port Hedland staff as appropriate.

On the information tab of the Mayor's fan page, the following disclaimer must be included:

This page is administered by the Mayor of Port Hedland and the contributions reflect the views of the Mayor, in their official capacity.

The Mayoral Facebook page will allow the community and stakeholders to make enquiries about information posted on the Mayor's Facebook. These postings will be considered a public record and will therefore be monitored, recorded and responded to accordingly.

An official response will be posted on the Mayoral Facebook page in accordance with the Town of Port Hedland Customer Service Charter.

Acceptable contributions to be posted to the Mayor's official Facebook fan page include:

- information about Council decisions, activities, events which are within the boundaries of the position and open for comments/feedback; and
- information about Council agenda items after the respective OCM and a decision has been made.

Unacceptable contributions to be posted to the Mayor's official Facebook fan page include:

- opinions or information about Council decisions, expressed as official statements;
- information in relation to the administrative functions and activities of Council; and
- personal opinions or comments on any topic or issue.

7.3. Guidelines for Councillors

Councillors are not permitted to establish official social media tools for communications with the community.

Councillors are authorised to establish and maintain personal social and digital media tools however must not use the title of "Councillor" in the name of any account, profile or page established.

Councillors should not make comments about the Town of Port Hedland, its elected representatives and staff or its partners and stakeholders on their personal social media tools.

7.4. Guidelines for Employees

Town of Port Hedland employees will use social media for the following purposes:

- disseminating time-sensitive information as quickly as possible (example: emergency information)
- increasing the Town's ability to broadcast its messages to the widest possible audience
- promoting a specific issue/topic information where appropriate for community consultation

The CEO will determine the authorised contributors for the Town of Port Hedland account.

Town of Port Hedland employees may maintain their own personal social media accounts and tools.

It is the preference of the Town of Port Hedland that employees do not initiate social media discussions on work related matters. If personally approached online in regards to a work matter, employees should immediately inform their supervisor and seek advice on how to reply in a way that positively reflects the Town of Port Hedland.

If employees choose to reply, they should include the following disclaimer:

"The views expressed on this site are my own and do not necessarily reflect the view of the Town of Port Hedland".

In the event that employees respond to a work related query or comment, they should:

- not comment on information that is meant to be private or internal to the Town of Port Hedland;
- ensure all comments do not conflict with the Town's mission or official positions;
- do not comment on areas you are not familiar with; and
- do not discuss partners, sponsors or contractors without prior approval.

In using social media in a way that identifies their employment with the Town of Port Hedland, employees should be conscious that their online conduct reflects upon them and the Town of Port Hedland.

7.5. *Authorised statements*

Posts and statements should be in line with the guiding principles and actively promote Town initiatives.

Prohibited posts and statements are ones that:

- are in support of or opposition to political campaigns
- use profane language or content
- use content that promotes, fosters, or perpetuates discrimination on the basis of race, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation'
- contain sexual content or links to sexual content
- include solicitations of commerce
- conduct or encourage illegal activity
- include information that may compromise the safety or security of the public or public systems
- include content that violates a legal ownership interest of any other party

8. Supporting guidelines

The implementation of this policy is supported through relevant internal operating procedures and the Town's Code of Conduct.

Council adoption date and resolution no.	1/004 media policy (Amended at the 22 February 2006 council meeting – 200506/297) 1/013 social media policy (Adopted at the 30 November 2011 Council Meeting – 201112/236. Amended at the 25 July 2012 Council Meeting – 201213/046)
Date of adoption of amendment and resolution number do not delete the previous dates	
Relevant legislation	Local Government Act 1995
Delegated authority	N/A
Business unit	Communications, Corporate Information
Directorate	Corporate Services
Review frequency	As required

12.1.2 Revised Policy 1/018 'Public Agenda Briefing', and the Introduction of Fees for the Printing of Minutes and Agendas

File No: 04/03/0001
 Applicant/ Proponent: N/A
 Subject Land/ Locality: N/A
 Date: 08/09/2016
 Author: Grace Waugh, Coordinator Governance
 Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
 Disclosure of Interest from Author: Nil
 Authority/Discretion: Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Draft amended policy 1/018 'Public Agenda Briefing'
2. Draft amended procedures for Agenda Briefings

6.18pm Councillor Tavo entered the meeting.

OFFICER RECOMMENDATION 1/MOTION

MOVED: ACTING MAYOR BLANCO

SECONDED: CR TAVO

That with respect to Policy 1/018 'Public Agenda Briefing', Council:

1. Adopt amended Policy 1/018 'Agenda Briefing';
2. Note the amended procedures for Agenda Briefings.

MOTION LOST 2/5

For: Acting Mayor Blanco, Cr Tavo

Against: Cr Melville, Cr Hooper, Cr Arif, Cr Newbery, Cr Whitwell

OFFICER RECOMMENDATION 2

That Council amend the 2016/17 Schedule of Fees and Charges to include a general fee under administration of \$20 for the public to obtain a copy of the Agenda or Minutes of a Council or Committee meeting in accordance with section 6.16 of the Local Government Act 1995.

CM201617/060 COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR MELVILLE

That Council amend the 2016/17 Schedule of Fees and Charges to include a general fee under administration of \$10 for the public to obtain a copy of the Agenda or Minutes of a Council or Committee meeting in accordance with section 6.16 of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY 7/0

EXECUTIVE SUMMARY

This report seeks Councils approval to amend the current policy 1/018 'Public Agenda Briefing' to include a procedure of discussing any confidential matters, and introduce a fee for members of the public who request a copy of any agenda or minutes to be printed by the Town.

BACKGROUND

At the Ordinary Council Meeting on 31 August 2016 the Acting Mayor proposed that all future Agenda Briefings be closed to the public. A Confidential Concept Forum was held on 7 September 2016 with all Elected Members to discuss the proposed changes.

It is recommended that the Agenda Briefings be open to members of the public at the start to allow the public to ask any questions on the items in the agenda. The briefing will then be closed to members of the public to allow Elected Members to ask any questions on any of the items on the agenda.

Town officers are also recommending that a new fee be introduced for members of the public to purchase copies of the agenda or minutes at a set fee of \$20. This will be for an agenda or minutes inclusive of all attachments printed double sided, in colour and on A4 pages unless A3 is required.

Currently, should a member of the public request that the Town provide a copy of the agenda and attachments, under the current fees and charges, the Town is required to charge the fees associated with photocopying and printing for the individual pages, which can be upwards of \$50 depending on how large the agenda is.

CONSULTATION

Internal:

- Acting Mayor
- Acting Chief Executive Officer
- Acting Director Corporate Services
- Manager Corporate Information
- Acting Manager Financial Services

LEGISLATIVE IMPLICATIONS

There are no legislative implications in relation to the changing the agenda briefing format as these briefings are not legislated.

Section 6.16 of the Local Government Act 1995 states that a local government may impose and recover a fee or charge outside of the budget adoption by absolute majority vote.

Section 6.17 of the Local Government Act 1995 outlines how fees or charges are to be determined. Town officers have taken into account the cost for printing, paper usage, officer's time and printer depreciation and have estimated that a cost for an agenda is approximately \$90. Town officers are recommending that the fee to provide an agenda or minutes to a member of the public be set at \$20.

Any fee or charge must be advertised locally before it can be introduced.

Section 20.1 of the Standing Orders Local Law 20174 applies to this item as is outlined below:

20.1 Briefings and other informal meetings

- (1) The council may conduct briefings, workshops and other informal meetings.*
- (2) Where the council conducts briefings, workshops and other informal meetings, the CEO is to-*
 - (a) advise all members of the time, date and place of the meeting; and,*
 - (b) in respect of a council agenda briefing which is open to the public, advise a person who has made an application that is to be considered at the meeting, of the time, date and place of the meeting; and*
 - (c) cause notes of the meeting to be kept.*
- (3) A member or an employee who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of regulation 11 of the Rules of Conduct Regulations.*
- (4) The council is not to make a formal resolution at any meeting other than at a council meeting or at a meeting of a committee which has delegated authority to do so.*
- (5) The council is not to meet except at-*
 - (a) a council or committee meeting;*
 - (b) a briefing, workshop or informal meeting under this clause.*

POLICY IMPLICATIONS

There is a current policy 1/018 'Public Agenda Briefing'. If the amended policy is adopted by Council, the current policy will be superceded.

Local Government Operations Guidelines - Number 05 - Council Forums.

Under these guidelines, section 26 states the following:

A significant strength of Local Government is the openness and accessibility of its processes to the community. In conducting forums, each local government should make a conscious decision to promote the community perception that it embraces the concept of openness and transparency. Therefore, whenever appropriate, forums should be open to the public.

Section 51 also states (in part):

The Department recommends that councils adopt specific procedures for agenda forums which include the following:

Agenda forums should be open to the public unless the forum in being briefed on a matter for which a formal council meeting may be closed.

FINANCIAL IMPLICATIONS

Should Council adopt this recommendation, there will be a private benefit on the 2016/17 Budget, as the proposed fee for the printing of Minutes and Agendas will create revenue.

STRATEGIC IMPLICATIONS

The following sections of the Town's 2014-2024 Strategic Community Plan applies:

3.1 Sustainable services and infrastructure

- Support the development of education, research and strategic investment opportunities for 'clean technology' industrial development and energy production
- Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment
- Provide and promote sustainable waste management practices, including recycling initiatives
- Facilitate the delivery of high quality and enduring built and natural environment

Should the officer's recommendation be adopted by Council, introducing a fee of the printing of agendas for the public at Council meetings will result in less wastage. On average, an agenda is over 100 pages long, which equates to 50 leaves of paper. Currently there are two sets of agendas printed for the public at each Council meeting. These are rarely used by the public as they can see the agenda on the projector screen in Chambers during the meeting.

4.1 Strategic and best practice local government administration

- Deliver high quality corporate governance accountability and compliance.
- Maintain a strong and sustainable financial position
- Be efficient and effective in use of resources, infrastructure, assets and technology
- Attract, develop and retain an effective workforce to deliver organisational outcomes

SUSTAINABILITY IMPLICATIONS

Environmental

The recommendation to include a fee for providing agendas to members of the public will eliminate the unused agendas and will result in less paper being thrown out each month.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There may be a perception that the Council is not allowing members of the public to hear the questions asked by Elected Members on agenda items at the Agenda Briefing.

Risk

Risk	That members of the public perceive the Town as trying to create more fees and charges	That it is perceived that the members of the public aren't given an opportunity to hear the questions asked by Elected Members at Agenda Briefings.
Risk Likelihood (based on history and with existing controls)	Possible (3)	Possible (3)
Risk Impact / Consequence	Insignificant (1)	Insignificant (1)

Risk Rating (Prior to Treatment or Control)	Low (1-4)	Low (1-4)
Principal Risk Theme	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item
Risk Action Plan (Controls or Treatment proposed)	Accept Risk	Develop a communication plan to keep public informed regarding key questions and answers at the agenda briefing.

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

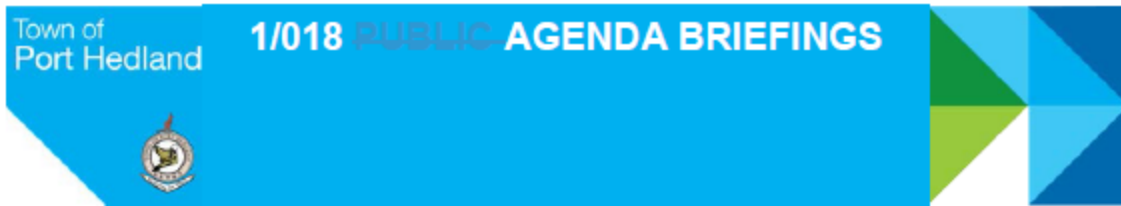
A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

As a risk rating of 3 has been determined for this item, a risk management plan is not required.

CONCLUSION

It is recommended that Council adopt officer recommendation 1 and 2.

ATTACHMENT 1 TO ITEM 12.1.2

POLICY 1/018 PUBLIC-AGENDA BRIEFINGS**POLICY OBJECTIVE**

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

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

- Ask questions
- ~~Make statements~~
- Provide additional information

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

POLICY CONTENT

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

The date and time for ~~Public~~ Agenda Briefings will be decided by the Town of Port Hedland Council.

The Agenda Briefing will be open to the public in the first instance, for a total of 30 minutes, or to ask up to 3 questions each, whichever is ~~and~~ greater, and then be closed to the public to allow Elected Members the opportunity to ask questions on the items in the agenda.

It is at the discretion of the Presiding Member to allow members of the public to ask more than 3 questions each, or to extend or decrease the allotted 30 minutes timeframe for members of the public to ask questions.

No Decision Making

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

Town of Port Hedland Code of Conduct and Values

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

- Quality



- Unity
- Integrity

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

Confidentiality

~~Public~~-Agenda Briefings will be closed to ~~the public~~non-essential ToPH officers and external advisors when confidential items listed on the agenda are to be discussed.

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

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

Disclosure of Interest

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

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

Presiding Member

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

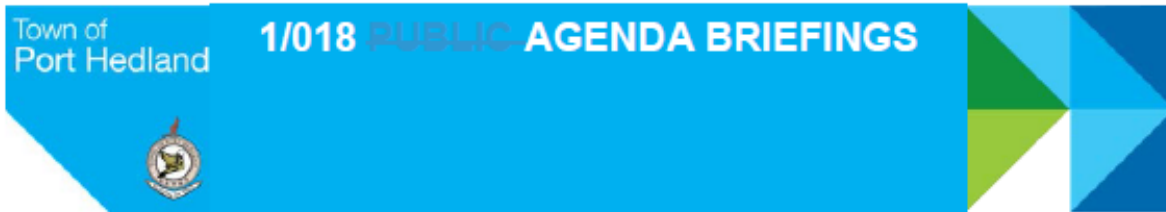
Timeframes

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

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

Record keeping

A record shall be kept of all ~~Public~~-Agenda Briefings. As no decisions are made at a briefing, the record need only be a general record of the agenda items covered, attendance and apologies and any disclosure of interests as declared by individuals. A



copy of the record will be published on the Town's website. [Public Agenda Briefings](#) will not be audio recorded.

DEFINITIONS

Nil

Council adoption date and resolution no.	25 February 2015 OCM 201415/177
Date of adoption of amendment and resolution number do not delete the previous dates	28 October 2015 OCM 201516/068
Relevant legislation	Local Government Act 1995 Town of Port Hedland Standing Orders Local Law 2014 Local Government Operational Guidelines Number 05
Delegated authority	
Business unit	Corporate Information
Directorate	Corporate Services
Review frequency	Annually



INTRODUCTION

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

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;
- and ensure that the elected body is fully informed to make the best possible decision for all the residents of the Town of Port Hedland.

PURPOSE OF AGENDA BRIEFINGS

Agenda Briefings will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public for the start of the meeting. Agenda Briefings will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR AGENDA BRIEFINGS

The following procedures will apply to Agenda Briefings that are conducted by the Town of Port Hedland:

1. Agenda Briefings will be open to the public for the first part of the meeting to allow the public to ask questions on any of the items listed on the agenda except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
2. Dates and times for Agenda Briefings will be set well in and appropriate notice given to the public.
3. The Chief Executive Officer will ensure that the notice and an agenda for each Briefing Session will be provided approximately one week in advance to all





Procedures for Agenda Briefings



Elected Members, Members of the public and external advisors (where appropriate):-

4. The Mayor is to be the Presiding Member at Agenda Briefings. If the Mayor is unable to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable, those Elected Members present may select one from amongst themselves to preside at the Briefing Session:-
5. Once members of the public have been given the opportunity to ask their questions the briefing will be closed to the public for Elected Members to ask questions on any of the items on the agenda;
6. There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
7. Relevant employees of the Town will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
7. All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
8. The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
9. Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Agenda Briefings. When disclosing an interest the following is suggested:
 - a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995.
 - b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
10. A record shall be kept of all Agenda Briefings. As no decisions are made at a Briefing Session, the record need only be a general record list of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and published on the Town's website/included in the Town's Annual Report:-



Procedures for Agenda Briefings



- 140. Should members of the public and Elected Members not be able to indicate in advance to the CEO the questions they will raise at the Agenda Briefing, a register will be made available in the Chambers for the public to compile upon arrival:-
- 121. The Presiding Member will utilise said register to determine the order of questions, which will follow the sequence of reports on the agenda:-
- 12. Two questions per member on each agenda item will be allowed at the commencement of the meeting:-
- 13. After the conclusion of all reports considered, the Presiding Member will return to remaining questions from reports earlier in the agenda where necessary.
- ~~14. Members of the public may make a deputation to an Agenda Briefing in accordance with provisions listed in the current Local Law on Standing Orders which states:-~~

~~7.0 DEPUTATIONS~~

~~Deputations~~

~~7.1~~

- ~~1) Persons wishing to make a deputation shall in the first instance make a request to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the chairperson of the appropriate meeting who may elect to invite the deputation to attend.~~
- ~~2) A deputation shall not exceed five in number and no more than two shall address the meeting, except in reply to questions from members.~~

Relevant Legislation, Regulation, Local Law	Local Government Act 1995 Town of Port Hedland Local Law on Standing Orders
Review Frequency	6 months

12.1.3 Proposed Town of Port Hedland Code of Conduct for Elected Members, Committee Members, Employees, Consultants and Contractors

File No: 13/01/0010
 Applicant/ Proponent: N/A
 Subject Land/ Locality: N/A
 Date: 12/09/2016
 Author: Christine Biesgen, Human Resources Advisor, and Grace Waugh, Coordinator Governance
 Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
 Disclosure of Interest from Author: Impartiality as the Code of Conduct affects employees
 Authority/Discretion: Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Current Town of Port Hedland Code of Conduct
2. Proposed Town of Port Hedland Code of Conduct

CM201617/061 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That with respect to the Town of Port Hedland Code of Conduct, Council:

1. **Adopt the revised Code of Conduct;**
2. **Note that the 2010 Code of Conduct is superseded by the revised Code of Conduct.**

CARRIED 7/0

EXECUTIVE SUMMARY

It was identified that the Town's current Code of Conduct (Code) required a major review as it was last reviewed in 2010. Local Governments are required to adopt Code of Conduct's in accordance with section 5.103 of the *Local Government Act 1995*.

BACKGROUND

Town officers created two Code's, one for Elected Members and Committee Members and one for employees, consultants and contractors. These Codes were based on the WALGA Model Code. Town officers also reviewed Code's from other Local Governments, e.g. City of Stirling, City of Belmont and City of Joondalup

The Elected Members Code was workshopped at a Confidential Concept Forum on 4 April 2016. The outcome of the workshop was to combine the Elected Member and the Employee Code of Conduct into one as they were quite similar.

Town officers have combined the two Codes into one which is the proposed Code listed as attachment 2.

CONSULTATION

The Department of Local Government and Communities and the West Australian Local Government Association were consulted during the development of the Code of Conduct.

Elected Members were consulted in April and September 2016 on the proposed Code of Conduct. Information sessions were conducted with Town officers on eight different occasions at the various Town facilities in April/May 2016.

The Town also consulted with HWL Ebsworth Lawyers who also provided input.

LEGISLATIVE IMPLICATIONS

Section 5.103 of the *Local Government Act 1995* states that every local government is to adopt a code of conduct for council members, committee members and employees.

Part 9 of the Local Government (Administration) Regulations 1996 outline what provisions are required to be included in the Town's Code of Conduct which includes gift provisions and disclosing interests.

POLICY IMPLICATIONS

The Code of Conduct references a number of relevant policies within the Town's Policy Manual.

FINANCIAL IMPLICATIONS

There are no financial implications in adopting the revised Code of Conduct as the roll out of the code will be conducted internally.

STRATEGIC IMPLICATIONS

All sections under local leadership in the Strategic Community Plan apply to the Code of Conduct as the code outlines the responsibilities all employees, Elected Members, Consultants and Contractors.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

Risk	That the revised Code of Conduct not be supported. This would result in the Code of Conduct not being up to date with new legislation that has been implemented since the current Code of Conduct was adopted.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Compliance - 2 Compliance - Regular noticeable temporary non-compliances
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

It is recommended that Council adopt the revised Code of Conduct.

TOWN OF PORT HEDLAND



CODE OF CONDUCT



January 2010

1. PREAMBLE

This Code of Conduct establishes the standards of behaviour and professional conduct expected of the Town's elected members and staff in the performance of their respective functions and duties.

The Code is complementary to the principles adopted in the Local Government Act and associated regulations which incorporate four fundamental aims to result in:-

- a) Better decision-making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

The Code provides a guide and a basis of expectations of elected members and staff. It is a statement of the ethical and professional behaviour standards that are reasonably expected by the people of the Town of Port Hedland.

The Town of Port Hedland has a significant influence over the quality of life of people who live and visit the district. The community is therefore entitled to expect high standards of conduct from both elected representatives and staff members.

The Code is an important element of good governance of the Town by positively shaping the culture of the organization. It provides a mechanism for the establishment and maintenance of an ethical culture through a committed self-regulatory approach which enables members and officers to uphold the standard of conduct expected of them. Compliance with the code enhances the community's confidence in the integrity of the Local Government.

2. ROLES AND RESPONSIBILITIES

2.1 ROLE OF COUNCIL

The Role of Council is set out in Section 2.7 of the Local Government Act:

The Council:

- a) *Directs and controls the Town's Affairs.*
- b) *Is responsible for the performance of the Town's functions.*
- c) *Oversees the allocation of the Town's finances and resources; and*
- d) *Determines the Town's policies*

2.2 ROLE OF COUNCILLORS

Council members translate the community's needs and aspirations into the future direction of the Town. Councillors are leaders, policy makers and direction setters. Town of Port Hedland Councillors are part of a team in which the community has placed its trust to make decisions on its behalf. .

The Role of Council members is defined in Section 2.10 of the Local Government Act:

A Councillor:

- a) *Represents the interests of electors, ratepayers and residents of the district.*
- b) *Provides leadership and guidance to the community and the district.*
- c) *Facilitates communication between community and the Council.*
- d) *Participates in the Town's decision-making processes at Council meetings; and*
- e) *Performs such other functions as are given to a Councillor by this Act or any other written law.*

2.3 ROLE OF MAYOR

In addition to performing Councillors roles, the Mayor:

- a) *Presides at meetings in accordance with the Act and the Town's Standing Orders.*
- b) *Carries out civic and ceremonial duties on behalf of the Town.*
- c) *Speaks on behalf of the Town.*
- d) *Liaises with the CEO on the Town's affairs and the performance of its functions; and*
- e) *Performs other functions as are given to Mayor by the LG Act or other written law.*

2.4 ROLE OF DEPUTY MAYOR

The Deputy Mayor performs the functions of the Mayor when authorised to so by the Mayor.

2.5 ROLE OF CEO

Section 5.41 of the Local Government Act states that the CEO's functions are to —

- a) *Advise the Council in relation to the functions of a local government under this Act and other written laws;*
- b) *Ensure that advice and information is available to the Council so that informed decisions can be made;*
- c) *Cause Council decisions to be implemented;*
- d) *Manage the day to day operations of the local government;*
- e) *Liaise with the mayor on the local government's affairs and the performance of the local government's functions;*
- f) *Speak on behalf of the local government if the Mayor agrees;*
- g) *Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- h) *Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- i) *Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

3. BEHAVIOUR

3.1 GENERAL BEHAVIOUR PRINCIPALS

Council members and officers agree to act in manner that that portrays the highest standards of ethical conduct by always:

- a) *Acting with reasonable care and diligence;*
- b) *Acting with honesty and integrity;*
- c) *Acting lawfully;*
- d) *Avoiding damage to the reputation of the Town;*
- e) *Being open and accountable to the public;*
- f) *Basing decisions on relevant and factual information;*
- g) *Treating others with fairness and respect; and*
- h) *Not being impaired or affected by mind affecting substances.*

3.2 PERSONAL BEHAVIOUR

Members will:

- a) Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- b) Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- c) Act in good faith in the interests of the Local Government and the community;
- d) Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment;
- e) Always act in accordance with their obligation of fidelity to the Local Government; and
- f) Represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

3.3 HONESTY AND INTEGRITY

Members will

- a) Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) Bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member.
- c) Be frank and honest in their official dealing with each other.

3.4 PERFORMANCE OF DUTIES

While on Council business, members will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Members will exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

3.5 COMPLIANCE WITH LAWFUL ORDERS

Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

Members will give effect and fully comply with the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.6 CONFLICTS OF INTEREST

Council members and officers agree to scrupulously observing the obligations contained within the LG Act, Rules of Conduct and the Administration Regulations, regarding conflicts of interest. In addition, members and officers commit to the following:

- (a) Members and officers will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfillment of their public and professional duties;
- (b) The onus for identifying and disclosing a conflict of interest is on the member or officer;
- (c) Officers will not engage in secondary employment without first making disclosure to the CEO.
- (d) Members and officers will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality (other than purchasing a principal place of residence).
- (e) Officers will refrain from such partisan political activities which could cast doubt on or be perceived to affect the impartial conduct of their professional duties and obligations.

4. DEALING WITH INFORMATION AND PROPERTY

4.1 USE OF LOCAL GOVERNMENT RESOURCES

Members will:

- a) Be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) Use the Local Government resources entrusted to them effectively and economically in the course of their duties and
- c) Not use the Local Government's resources (including the services of Council staff) for private purposes, unless properly authorised to do so.

4.2 ACCESS TO INFORMATION

Members will be provided with access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

Members will ensure that information provided will be considered and used properly to assist in the process of making reasonable and informed decisions on matters before the Council.

4.3 IMPROPER USE OF INFORMATION

Council members and officers must not make improper use of any information acquired in the performance by the member or officer to:

- a) Gain directly or indirectly an advantage for themselves or any other person; or
- b) To cause detriment to the Town or any other person.

4.4 CONFIDENTIAL INFORMATION

Council members and officers must not disclose any information which is derived from a confidential document or acquired in closed meeting of Council or at a committee meeting which is not open to the public.

4.5 IMPROPER USE OF POSITION

Council members and officers must not improper use of their position:

- a) To improperly influence other members or officers in the performance of their duties or functions
- b) To gain directly or indirectly an advantage for themselves or for any other person.
- c) To cause detriment to the Town or any other person

4.6 GIFTS

Members and Officers will comply fully with requirements pertaining to gifts as contained within the Local Government Act and Local Government Administration Regulations. In particular:

- a) All notifiable gifts (ie gifts under \$300) will be appropriately registered within the Town's gift register with 10 days of their receipt.
- b) Prohibited gifts (ie gifts over \$300) will not be accepted.

4.7 EXTERNAL REPRESENTATION, CONFERENCES, DELEGATIONS AND FORUMS

As part of their role, Members are often asked to represent the Council on external organizations or attend functions, training, delegations and/or conferences. It is important that Members:

- a) clearly understand the basis of their representation/attendance; and
- b) Provide regular written reports on the outcome of their representations/attendances.

5. CORPORATE OBLIGATIONS

5.1 MEDIA MANAGEMENT

- a) The Mayor is the spokesperson of Council and is the only person who is authorised to make public comment from the Town on any matter.
- b) From time to time, the Mayor may authorise public comment from by:
 - i. The Deputy Mayor or a Councillor;
 - ii. The CEO or a staff member who has specific knowledge pertaining to a particular topic.
- c) Members and staff will refrain from:
 - i. making any negative comments publicly regarding a resolution of Council.
 - ii. making any public comment on a matter that is before Council but no decision where a decision is yet to be made.
- d) In the event that a member of the public makes public comment on the actions of a particular Councillor, that Councillor may respond to the public comment on the proviso that:
 - i. The Mayor is made aware that a public response is going to be made.
 - ii. The member presents balanced response that does not reflect poorly on the Council or the Town.
 - iii. The provisions of item c) above are adhered to.

5.2 RELATIONSHIP BETWEEN MEMBERS AND STAFF

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- a) accept that their role is a leadership, not a management or administrative one;
- b) acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- c) refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

5.3 COMMUNICATION

As a representative of the community, Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. Members will actively seek the views of their constituencies regarding the policy and future direction of the Town.

5.3.1 *Communication with the Public*

Members acknowledge that:

- a) As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- b) Information relating to decisions of the Council on approvals, permits and so on should only be communicated in an official capacity by a designated officer of the Council;
- c) As the primary function of a member is to be a leader, direct-setter and policy makers, members will not know the detail of every matter of business of the Town. Given this information of a technical nature should be conveyed by staff members who have specific skills, knowledge and expertise in that specific field.

5.3.2 *Members Communication with Staff*

Members and staff acknowledge that:

- a) In order for clear, consistent and accurate communication it is imperative that information is conveyed between members and staff in an appropriate manner.
- b) Issues, questions and clarifications from members should be directed through the CEO or a Director. Members should refrain from speaking directly with Managers or staff on operational issues as these staff may not have an overall organizational perspective on the particular issue. Conversely, Managers and staff should direct any communication that needs to be provided to Councillors through their Director or the CEO.

5.3.3 *Communication between Councillors*

Effective Councils have regular communication between elected members (both formal and informal.) Town of Port Hedland Councillors will actively pursue opportunities to discuss Town related policy and direction matters, so that well informed decisions are made that consider the views of various constituencies.

5.4 COMPLAINTS MANAGEMENT

5.4.1 *Complaints to Councillors from the Public*

- a) When a written or verbal complaint relating to Town business is lodged with a Councillor by a member of the public, that Councillor shall forward the complaint to CEO so that he (or a designated officer) may respond to the issue. The CEO (or officers) response to the member of the public shall be timely in nature and shall be copied to all Councillors.

- b) Councillors may respond complaints/issues raised by members of the public by acknowledging receipt of the complaint and advising that the matter has (or will be) passed on to the CEO, but the member shall not respond by making any commitments or providing any formal advice on behalf of the Council.

5.4.2 *Complaints/Issues identified by Council*

Where a Councillor identifies an issue of a relatively minor nature (signage damage, potholes, graffiti, litter, etc.), they shall advise the CEO by completing a Request for Service Form.

If the issue is more significant, the Councillor shall advise the CEO of the issue so that an appropriate manner for addressing the matter can be ascertained.

5.5 RECORDS MANAGEMENT

All Members and Staff will fully comply with the requirements of the State Records Act and the Town's Records Keeping Plan.

In particular all correspondence, incoming and outgoing, pertaining to the business or operations of Council shall be appropriately stored in the Town's Central Records system. This includes email, direct mail and facsimiled correspondence.

ACKNOWLEDGMENT AND ACCEPTANCE

In signing the space available below, I acknowledge that I have been provided with a copy of the Town of Port Hedland Code of Conduct, understand the content and agree to abide with the standards of behavior.

I understand that a breach of this Code of Conduct will be dealt with in accordance with provisions listed under division 9 'Conduct of certain officials' of the *Local Government Act 1995*.

Name:

Signature:

Date:



Town of Port Hedland Code of Conduct

For Council Members, Committee Members, Employees, Contractors
and Consultants

Table of Contents

1. Context 4

2. Definitions 5

 2.1 Definitions 5

3. Working ethically 6

 3.1 Working ethically with Each Other..... 6

 3.2 Leading and engaging ethically with the Community..... 6

 3.3 Ethical decision making 6

4. Our vision and values..... 7

5. Above and below the line 7

6. Roles and responsibilities..... 7

 6.1 Role of Council Member 7

 6.2 Role of Employees..... 8

 6.3 Role of Council 8

 6.4 Principles affecting the employment of employees by the Town 9

 6.5 Relationships between Council Members and Employees 9

7. Professional conduct 10

 7.1 Behavioural Principles..... 10

 7.2 Personal Behaviour..... 10

 7.3 Fraudulent and Corrupt Conduct..... 10

 7.4 Improper or Undue Influence 11

 7.5 Performance of Duties..... 11

 7.6 Compliance with Lawful Orders..... 11

 7.7 Administrative and Management Practices 11

 7.8 Appointments to External Boards, External Committees and External Working Groups..... 12

 7.9 Dress Standards 12

8. Communications..... 12

 8.1 General..... 12

 8.2 Computer Use..... 13

 8.3 Social Media 13

9. Resources 13

 9.1 Use of Resources..... 14

 9.2 Travelling and Sustenance Expenses 14

 9.3 Records Management..... 14

 9.4 Confidential Information 14

 9.5 Intellectual Property 15

10. Conflict of interest 15

 10.1 Actual and Perceived Conflicts of Interest 15

10.2	Secondary Employment of Employees.....	15
10.3	Financial Interests	15
10.4	Disclosure of Interest.....	16
10.5	Disclosure of Information in Returns	16
10.6	Gifts and Benefits	17
10.7	Prohibited Gifts.....	17
10.8	Notifiable Gifts	18
10.9	Contributions to travel	18
11.	Breaches of the code.....	18
11.1	Breaches of the Code by Employees.....	18
11.2	Reporting Misconduct to the Corruption and Crime Commission	19
11.3	Public Interest Disclosure Act 2003	19
12.	Acknowledgement and acceptance	XX

1. Context

The Town of Port Hedland is one of the Pilbara's most beautiful, dynamic and vibrant local governments. Exemplary standards of ethical behaviour are expected from our Council Members, Committee Members, Employees, Contractors and Consultants to best serve the needs of our community.

In accordance with section 5.103 of the Act every Western Australian local government is to prepare and adopt a code of conduct to be observed by all Council Members, Committee Members and Employees. Compliance with the code enhances the community's confidence in the integrity of the Local Government.

The Code is an important element of good governance of the Town by positively shaping the culture of the organisation.

It provides a mechanism for the establishment and maintenance of an ethical culture through a committed self-regulatory approach which enables Council Members, Committee Members and Employees to uphold the standard of conduct expected of them.

The Code is complementary to the principles adopted in the Local Government Act and associated regulations which aim to achieve:

- a) Better decision-making by local governments;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

While the document provides a broad range of guidance about the standards of conduct, it cannot address every situation that we are likely to encounter. As such this document is not a substitute for our responsibility and accountability to exercise judgement regarding appropriate conduct.

The Code is relevant for all Council Members, Committee Members, Employees, Contractors and Consultants.

2. Definitions

2.1 Definitions

Act means the Local Government Act 1995 as amended from time to time.

CEO means the Chief Executive Officer.

Code means the Town of Port Hedland Code of Conduct.

Committee Member means a person appointed to committees by Council in accordance with section 5.10 of the Act.

Consultant means a person who gives professional advice or provides a service to the Town of Port Hedland.

Contractor means a person who provides labour to perform a job (e.g. recruitment agency personnel).

Corruption and Crime Commission means the Commission established under section 8 of the Corruption, Crime and Misconduct Act 2003.

Council means the governing body of the Town of Port Hedland.

Criminal Code means the Criminal Code Act 1995.

Council Member means a person who holds the office of a Mayor or Councillor as defined under section 1.4 of the Act.

Employee means a person employed by the Town under section 5.36 of the Act.

Town means the Town of Port Hedland.

3. Working ethically

3.1 Working ethically with Each Other

All Council Members, Committee Members, Employees, Consultants and Contractors are expected to treat each other and members of the public in a respectful, professional, fair and courteous manner at all times in the workplaces as outlined in 6.0 Professional Conduct.

3.2 Leading and engaging ethically with the Community

The Town is committed to provide strong leadership and is focused on strengthening our community. Our organisation is governed in an ethically responsible manner and Council Members, Committee Members, Employees, Consultants and Contractors must act to ensure that the Town can meet all of its legislative and community obligations in accordance with defined service levels. Employees should facilitate community engagement and civic participation, and promote a positive representation of our community and Town services.

3.3 Ethical decision making

Ethics are the values and principles that guide behaviour and decision making. There may be situations which arise during the course of employment or public duty which give rise to ethical dilemmas or where the answer is not always clear.

As a guide in deciding on a course of action, it is helpful to follow the below steps:

1. Clarify
 - What are the facts?
 - What are the consequences of an action? What are the consequences of non-action?
 - Who is involved?
 - Are there any legal issues I have to take into account?
2. Consult
 - Consult the Town's Strategic Community Plan which articulates our values
 - Consider if the Code of Conduct or any other relevant policy requires certain behaviour
 - Is there an Internal Operating Procedure to guide the decision for Employees?
 - Discuss the situation and proposed course of action with the most appropriate person
3. Reflect
 - Do I need more facts, guidance, or clearer assessment?
 - Is there an alternative action that does not pose an ethical conflict?
 - Will it reflect negatively on the Town?
 - How would it look in the newspaper?
 - What would happen if everyone took this course of action or behaved in this way?
 - Would my actions be different if this were my money, my time, or my equipment?

4. Our vision and values

The Town's Strategic Community Plan articulates the Town's vision to create a nationally significant, friendly city that people are proud to call home.

Our core values help us to achieve this vision:

QUALITY: We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.

UNITY: We work as one team and actively share our ideas and information across the organisation.

INTEGRITY: We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.



This is the Town of Port Hedland way, expressed in our Code. All Employees, Contractors and Consultants have an obligation to know and understand not only the guidelines contained in the Code, but also the values upon which they are based.

5. Above and below the line

Our above and below the line behaviours provide a benchmark for Employees to review and if necessary adjust their behaviour in the workplace. These behaviours are based on the vision and values of the Town of Port Hedland and are designed to help us in achieving our vision and creating a cohesive, productive and positive workplace.

These behaviours also act as a framework for Employees to be able to 'call out' other Employees if they observe their behaviour dropping below the line. Similarly they also provide opportunities to reward Employees who consistently behave above the line.

Refer to appendices 12.1, 12.2 and 12.3 for official documents on Vision, Values and Above and Below the Line Behaviours.

6. Roles and responsibilities

6.1 Role of Council Member

The primary role of a Council Member is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Council Member's public life.

The Role of Council Members as set out in section 2.10 of the Act is as follows:

"A Councillor —

- (a) Represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;

- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law."

A Council Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling the various roles, Council Members activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Council Members and on Local Governments.

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

6.2 Role of Employees

The role of employees is determined by the functions of the CEO as set out in section 5.41 of the Act: - *"The CEO's functions are to*

-
- a) advise the council in relation to the functions of a local government under this Act and other written laws;
 - b) ensure that advice and information is available to the council so that informed decisions can be made;
 - c) cause council decisions to be implemented;
 - d) manage the day to day operations of the local government;
 - e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
 - f) speak on behalf of the local government if the mayor or president agrees;
 - g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);
 - h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
 - i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."



6.3 Role of Council

The Role of the Council is in accordance with section 2.7 of the Act:

- 1) The council —

- a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
- 2) Without limiting subsection (1), the council is to –
- a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.”

6.4 Principles affecting the employment of employees by the Town

The following principles, set out in section 5.40 of the Act, apply to the employment of the Town's employees:

- a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- c) employees are to be treated fairly and consistently; and
- d) there is to be no unlawful discrimination against employees or persons seeking employment by the Town on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- f) such other principles, not inconsistent with this Division, as may be prescribed.

6.5 Relationships between Council Members and Employees

An effective Council Member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Council Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position, Council Members need to observe their statutory obligations which include, but are not limited to, the following –

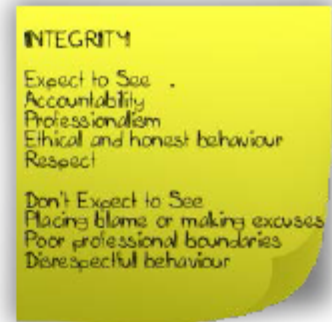
- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct Town employees to carry out particular functions;
- refrain from publicly criticising Town employees in a way that casts aspersions on their professional competence and credibility.

7. Professional conduct

7.1 Behavioural Principles

For the purposes of the Code, the following principles, as set out in the *Local Government (Rules of Conduct) Regulations 2007*, are to guide the behaviours of Council Members, Committee Members, Employees, Consultants and Contractors while performing their role at the Town:

- a) act with reasonable care and diligence;
- b) act with honesty and integrity;
- c) act lawfully;
- d) avoid damage to the reputation of the Town;
- e) be open and accountable to the public;
- f) base decisions on relevant and factually correct information;
- g) treat others with respect and fairness; and
- h) not be impaired by mind altering substances.



7.2 Personal Behaviour

Council Members, Committee Members, Employees, Contractors and Consultants will:

- a) act, and be seen to act, properly and in accordance with the requirements of the law and the Code;
- b) perform their duties impartially and in the best interests of the Town uninfluenced by fear or favour;
- c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Town and the community;
- d) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any person unwarranted offence or embarrassment; and
- e) always act in accordance with their obligations of fidelity to the Town and in line with any relevant policies, protocols and procedures.

Council Members and Committee Members will represent and promote the interest of the Town, while recognising their special duty to their own constituents.

7.3 Fraudulent and Corrupt Conduct

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the Town and corrupt conduct is behaviour that lacks virtue or integrity, including when a Council Member, Committee Member, Employee, Contractor or Consultant uses or attempts to use their position for personal advantage.

The Criminal Code makes it illegal for a public officer to engage in fraud and/or corruption.

Council Members, Committee Members, Employees, Contractors and Consultants are required to consult the relevant Council Policy in relation to fraud and corruption.

7.4 Improper or Undue Influence

Council Members, Committee Members, Employees, Contractors and Consultants will not take advantage of their position to improperly influence other Council Members or Employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Council Members, Committee Members and Employees shall not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body. Similarly, Council Members, Committee Members, Employees, Contractors and Consultants shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

7.5 Performance of Duties

While on duty, Employees will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

Employees, Contractors and Consultants must exercise reasonable care and diligence in the performance of their duties, being consistent in their decision-making and treating all matters on individual merits.

Council Members and Committee Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Council Members and Committee Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

7.6 Compliance with Lawful Orders

Council Members, Committee Members and Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

Council Members, Committee Members and Employees will give effect to the lawful decisions and policies of the Local Government, whether or not they agree with or approve of them.

Contractors and Consultants are required to comply with lawful direction given in accordance with their contract of engagement.

7.7 Administrative and Management Practices

Council Members, Committee Members, Employees, Contractors and Consultants will ensure compliance with proper and reasonable practices and conduct, and professional and responsible management practices.

7.8 Appointments to External Boards, External Committees and External Working Groups

Council Members and Committee Members representing the Town on organisations, external boards, external committees and external working groups are to ensure that they:

- a) clearly understand the basis of their appointment
- b) provide regular reports on the activities of the organisation in accordance with the confidentiality requirements of that organisation
- c) represent the Town's interests on all matters relating to that organisation, while maintaining confidentiality.

Committee Members accept and acknowledge it is their responsibility to observe any direction the Local Government may adopt in terms of advancing and promoting the objectives of the Committee to which they have been appointed.

7.9 Dress Standards

Council Members, Committee Members and Employees are expected to comply with neat and responsible dress standards at all times. Accordingly – Council Members and Committee Members will dress in a manner appropriate to their position, in particular when attending meetings or representing the Local Government in an official capacity.

Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual Employees.

8. Communications

8.1 General

All aspects of communication by Employees, Contractors and Consultants (including verbal, written, or electronic), that occurs in the course of the Employee's employment should be accurate, polite and professional.

As a representative of the community, Council Members and Committee Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Council Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

8.2 Computer Use

The Town provides technology systems, devices and facilities to all Employees, Contractors and Consultants to allow them to perform their duties. When using these systems, devices and facilities. Employees, Contractors and Consultants are expected to adhere to our ICT Usage Agreement.

Computer use which would breach this Code includes but is not limited to:

- a) not respecting the rights and privacy of others;
- b) sending offensive or anonymous messages;
- c) accessing pornographic, offensive or inappropriate material;
- d) violating copyright of other people's intellectual property;
- e) degrading, corrupting or damaging hardware, software, data, equipment of the integrity of the network;
- f) installing unauthorised software (including demo versions);
- g) using network resources in a manner that contradicts network administrator instructions;
- h) altering the configuration of the network without the approval of the network administrator;
- i) using the Town's Computer equipment for any illegal activity; and
- j) using the Town's Computer equipment with malicious intent towards the Town or any person.

The Town reserves the right to monitor all hardware devices and software logs. All Internet web sites accessed by Employees, Contractors and Consultants are subject to security monitoring.

This section applies to Council Members when using Town of Port Hedland systems, devices and facilities.

8.3 Social Media

Comments via social media platforms, even on "private" forums, may be the same as making those comments to the media or at a public forum.

Whilst personal use of social media is not directly be a matter of concern to the Town, Council Members, Committee Members, Employees, Contractors and Consultants should strive to conduct themselves appropriately online at all times, ensuring that their participation is not likely to draw negative attention to themselves or the Town.

Social media use which would breach this Code includes but is not limited to:

- a) disparaging another Council Member or Employee on any social media site;
- b) sharing information that may be considered confidential or intellectual property;
- c) bringing the Town into disrepute;
- d) bullying or harassing other Council Members or Employees.



9. Resources

9.1 Use of Resources

Council Members, Committee Members, Employees, Contractors and Consultants will:

- a) be honest in their use of the Town's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use the Town's resources entrusted to them effectively and economically in the course of their duties; and
- c) not use the Local Government's resources (including the services of Town employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

9.2 Travelling and Sustenance Expenses

Council Members and Employees will only claim or accept travelling and sustenance expenses arising out of travel-related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy, awards, Internal Operating Procedures and the provisions of the Local Government Act.

Contractors and Consultants may claim reimbursement of expenses in accordance with the contract they are engaged on.

9.3 Records Management

All Council Members, Employees, Consultants and Contractors must fully comply with the requirements of the *State Records Act* and the Town's Record Keeping Procedure. All correspondence pertaining to business operations must be appropriately filed in the Town's Central Record System.

9.4 Confidential Information

Council Members, Committee Members, Employees, Contractors and Consultants shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. Every matter dealt with by, or brought before, a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council Members and/or Employees of the Town (and in the case of Employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council Member or Employee from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

9.5 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

10. Conflict of interest

A conflict of interest occurs where a personal interest is in conflict with the public interest.

10.1 Actual and Perceived Conflicts of Interest

Council Members, Committee Members, Employees, Contractors and Consultants must ensure there is no actual or perceived conflict of interest between their personal interests and the impartial fulfilment of their public duties and functions.

In applying this requirement:

- a) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- b) Council Members, Committee Members, Employees, Contractors and Consultants will lodge written notice with the CEO describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- c) Council Members, Employees, Contractors and Consultants who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- d) Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

10.2 Secondary Employment of Employees

Additional employment outside of the Town may place Employees at risk of being conflicted or impeded in the ability to carry out their public duties. Employees must avoid any conflict of interest, whether real or perceived, between their primary employment with the Town and any other potential employment. For further information refer to the relevant Town Internal Operating Procedure (IOP).

10.3 Financial Interests

Council Members, Committee Members, Employees, Contractors and Consultants must comply with the laws governing financial interests, including the disclosure of financial interests, set out in

the Act. Sections 5.59-5.90 of the Act establishes the requirements for disclosure of financial interests (including proximity interests).

The onus is on the individual to identify possible financial interests (including proximity interests and non-financial interests), to determine whether an interest exists, and whether any statutory exemption applies.

10.4 Disclosure of Interest

For the purposes of the Code, an "interest" means:

"an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association" (see regulation 34(C)(1) of the Local Government (Administration) Regulations 1996 and regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007).

A person who has an impartiality interest in any matter to be discussed at a Council or Committee meeting attended by the person is required to disclose the nature of the impartiality interest:

- a) in a written notice given to the CEO before the meeting; or
- b) unless it was not reasonably practicable to give prior written notice, at the meeting immediately before the matter is discussed.

In addition, a person who is an Employee and who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the person must disclose the nature of any impartiality interest he or she has in the matter:

- a) in a written notice given to the CEO before the meeting; or
- b) at the time the advice is given.

A person is only excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- a) did not know he or she had an impartiality interest in the matter; or
- b) did not know the matter in which he or she had an impartiality interest would be discussed at the meeting and the person discloses the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

If a person makes a disclosure in a written notice given to the CEO before a meeting to comply with the requirements above, then -

- a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- c) the nature of the interest is to be recorded in the minutes of the meeting.

10.5 Disclosure of Information in Returns

A relevant person must provide primary and annual returns in accordance with the requirements of Division 6 of Part 5 of the Act.

For these purposes, a *relevant person* is defined in section 5.74 of the Act to mean a person who is a Council Member of a designated employee.

For these purposes, a *designated employee* is defined in section 5.74 of the Act to mean:

- a) the CEO;
- b) an Employee, other than the CEO, to whom any power or duty has been delegated under Division 4 of the Act;
- c) an Employee who is a member of a committee comprising Council Members and Employees; and
- d) an Employee nominated by the Town to be a designated employee.

10.6 Gifts and Benefits

Council Members, Employees, Contractors and Consultants must not seek (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Town. Council Members, Employees, Contractors and Consultants must only accept gifts in accordance with this Code and the relevant Town IOP.

For the purposes of this Code, a *gift* has the extended meaning set out in section 5.82(4) of the Act and includes:

"any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another other- wise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel."

However, a *gift* does not include:

- a) a gift from a relative as defined in section 5.74(1) of the Act;
- b) a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
- c) a gift from a statutory authority, government instrumentality or non-profit association for professional training.

10.7 Prohibited Gifts

A Council Member, Employee, Consultant or Contractor must not accept a prohibited gift from a person who:

- a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.

For these purposes a *prohibited gift* means:

- i. a gift worth \$300.00 or more; or
- ii. a gift that is one of two or more gifts given to the Council Member, Employee, Contractor or Consultant by the same person within a period of six months that are in total worth \$300.00 or more.

10.8 Notifiable Gifts

A Council Member, Employee, Contractor or Consultant may accept a 'notifiable gift.' However, if he or she accepts a notifiable gift from a person who:

- a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- b) it is reasonable to believe is intended to undertake an activity involving a local government discretion he or she must notify the CEO within 10 days of receiving the gift.

For these purposes a *notifiable gift* means:

- i. a gift worth between \$50.00 and 300.00; or
- ii. a gift that is one of two or more gifts given to an Council Member, employee, contractor or consultant by the same person within a period of six months that are in total worth between \$50.00 and \$300.00.

The notification to the CEO of the acceptance of a notifiable gift must be in writing in accordance with the relevant Town IOP.

10.9 Contributions to travel

Under section 34D of the Local Government (Administration) Regulations and section 13 of the Local Government (Rules of Conduct) Regulations 2007, a travel contribution means a financial or other contribution that has been made to any travel undertaken by the person.

Council Members, Employees, Contractors and Consultants are not required to disclose a travel contribution if –

- a) the contribution was made from Commonwealth, State or local government funds; or
- b) the contribution was made by a relative of the person; or
- c) the contribution was made in the ordinary course of an occupation of the person which is not related to the person's duties as a council member; or
- d) the amount of the contribution did not exceed \$200 unless –
- e) the contribution was one of 2 or more contributions made by one person at any time during the year; and
- f) (ii) the sum of those 2 or more contributions exceeded \$200; or
- g) the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.

All gifts and contributions to travel are to be declared within 10 days of receipt.

11. Breaches of the code

11.1 Breaches of the Code by Employees

Any Employee who has reason to believe that the personal behaviour of an Employee, Contractor or Consultant breaches the standards of conduct set out in the Code is required to raise the matter with their supervisor or the Manager Human Resources, who will consider the matter and deal with it in accordance with the investigation process set out in the Internal Operating Procedures of the Town.

The Town has an obligation to fully investigate all allegations of inappropriate behaviour and/or misconduct, including a breach of this Code, and will do so in line with Internal Operation Procedures. All allegations of false or vexatious allegations of a breach of this Code will also be investigated in line with Internal Operating Procedures.

An allegation of a breach of this Code made by an Employee who is subject to a performance management process or who is being investigated for misconduct will not interfere with that process or investigation. The performance management process or investigation will continue as the allegation is dealt with in accordance with this Code and Internal Operating Procedures.

The Code of Conduct Complaint Form (see 12.4) may also be completed.

11.2 Reporting Misconduct to the Corruption and Crime Commission

The Corruption and Crime Commission (CCC) deals with allegations concerning serious misconduct in Local Governments in Western Australia. Reports that involve minor misconduct are dealt with by the Public Sector Commission (PSC).

The CEO, being a 'principal officer of a notifying authority' has a statutory obligation to report to either the CCC or PSC:

- a) any allegation of misconduct;
- b) any situation that otherwise comes to his or her attention involving misconduct, where the CEO suspects on reasonable grounds concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity; or
- c) is likely to occur.

Notwithstanding this, any Employee, Contractor or Consultant may report directly to the CCC any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:

- a) has or may have occurred;
- b) is or may be occurring;
- c) is or may be about to occur; or
- d) is likely to occur.

Council Members, Committee Members, Employees, Contractors and Consultants are required to consult the relevant Council Policy in relation to misconduct.

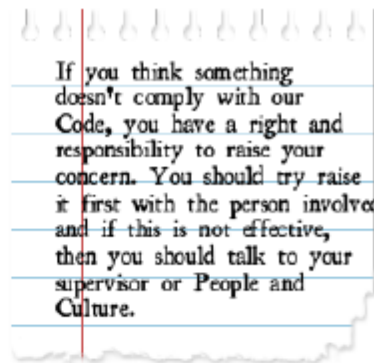
11.3 Public Interest Disclosure Act 2003

The *Public Interest Disclosure Act 2003* facilitates the reporting of public interest information and provides protection for those who report this information under that Act.

The Town:

- a) does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Town, by Employees, Contractors or Consultants;

- b) is committed to the aims and objectives of the Public Interest Disclosure Act 2003;
- c) strongly supports disclosures being made by Employees as to corrupt or other improper conduct so will take all reasonable steps to provide protection for Employees who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure; and
- d) does not tolerate any of its Employees; Contractors or Consultants engaging in acts of victimisation or reprisal against those who make public interest disclosures.



Employees, Contractors and Consultants are encouraged to contact the Town's nominated Public Interest Disclosure Officer to seek guidance on their disclosure.

Council Members, Committee Members, Employees, Contractors and Consultants are required to consult the relevant Council Policy in relation to public interest disclosures.

12. Acknowledgement and acceptance

As a condition of employment all Employees are required to sign a Code of Conduct declaration. Code of Conduct declaration Employees, Contractors and Consultants:

In signing in the space available below, I acknowledge that I have been provided with a copy of the Town of Port Hedland Code of Conduct, understand the content and agree to abide with the standards of behaviour.

I understand that failure to comply with the Town of Port Hedland Code of Conduct and their behaviour principles will be considered as a breach of the Town of Port Hedland policy and will be investigated in accordance with Internal Operating Procedures and an appropriate consequence being applied. The consequences for Employees may range from a verbal warning through to the termination of my employment for serious or repeated breaches.

Code of Conduct acknowledgement Council Members and Committee Members:

Council Members and Committee Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

Name:

Signature:
Date:

Town of Port Hedland Code of Conduct – DRAFT, September 2016



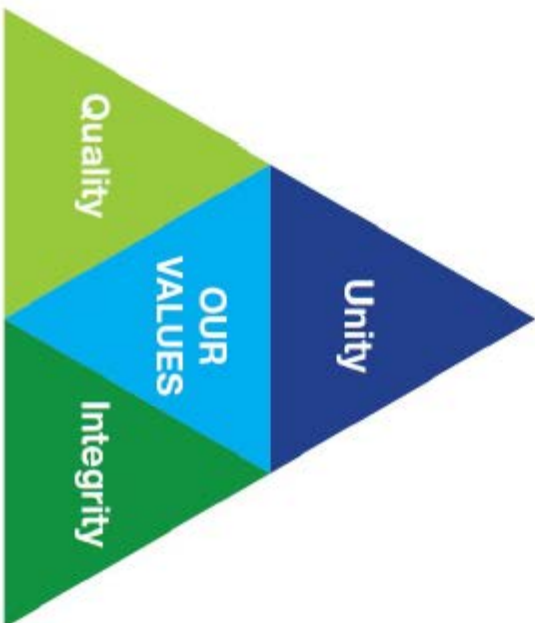
Our Vision and Values

A nationally significant, friendly City where people want to live and are proud to call home.

Quality - We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.

Unity - We work as one team and actively share our ideas and information across the organisation.

Integrity - We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.



Town of Port Hedland Code of Conduct – DRAFT, September 2016



Our Values in Action

This document is based on our values and it takes them to the next level, demonstrating our values in action. Each employee has an obligation to know and understand not only the guidelines contained in this document, but also the values on which they are based. We also have an obligation to comply with the spirit of the document and encourage others to do the same. As individuals we are encouraged to raise any issues and concerns through the appropriate channels. While the document provides a broad range of guidance about the standards of conduct, it cannot address every situation that we are likely to encounter. As such this document is not a substitute for our responsibility and accountability to exercise judgement regarding appropriate conduct.



Integrity <i>We are honest and ethical in everything we do, fostering transparency and promoting public trust and continued confidence.</i>	<ul style="list-style-type: none"> • Avoid and disclose any conflict of interests, always acting in the best interests of the Town • Maintain confidentiality • Do not misuse or permit the misuse of company information, funds, resources, equipment and facilities • Make no allegations which are false or offensive • Refrain from any form of conduct which may bring the Town into disrepute
Unity <i>We work as one team and actively share our ideas and information across the organisation.</i>	<ul style="list-style-type: none"> • Exercise fairness, equity, courtesy, consideration and sensitivity in dealing with customers, employees and other stakeholders • Take responsibility for your own safety and the safety of others • Be frank, respectful and honest in dealings and communications with each other • Contribute to a positive working environment • Interact respectfully and professionally with Elected Members
Quality <i>We strive for excellence and take pride in everything we do. We challenge our thinking and look beyond the obvious.</i>	<ul style="list-style-type: none"> • Perform duties with skill, honesty, care and diligence • Abide by policies, procedures, legislation, instructions and lawful direction • Openly share ideas and collaborate with others • Strive to achieve a consistently high level of work

Breaches

It is the responsibility of each of us to follow the guidelines outlined in this document consistently and appropriately. When non-compliance is reported or otherwise suspected, steps will be taken to investigate and address the situation. Those who violate these guidelines will be subject to disciplinary action up to and including dismissal. Disciplinary measures may also apply to individuals who approve or enable the violations.

In signing in the space available below, I acknowledge that I have been provided with a copy of this document, understand the content and agree to abide with the standards of behaviour.

Employee Name:	Employee Signature:
Date:	Position:

Our Values in Action

V1.3

Page 1 of 1



Town of Port Hedland Code of Conduct – DRAFT, September 2016



	INTEGRITY	UNITY	QUALITY
Behaviours ABOVE the line	<ul style="list-style-type: none"> ✓ I show respect for the ideas of others ✓ I take ownership and responsibility for my actions and performance ✓ I maintain professionalism at all times ✓ I behave ethically and honestly at all times ✓ I encourage and openly accept feedback from others ✓ I treat people with respect 	<ul style="list-style-type: none"> ✓ I contribute to creating a positive and fun work environment ✓ I welcome new team members ✓ I work collaboratively with all business units ✓ I communicate openly and honestly ✓ I do not judge and treat everyone equally ✓ I am committed to working towards a common goal ✓ I actively work towards creating a strong safety culture 	<ul style="list-style-type: none"> ✓ I approach difficulties as challenges and new opportunities ✓ I actively initiate, share and develop new ideas and opportunities ✓ I positively engage in change management processes ✓ When a problem is identified, I am a part of the solution ✓ I celebrate success ✓ I take pride in what I do and produce high quality work ✓ I actively seek opportunities to further develop my skills ✓ I provide constructive feedback on new processes and ideas



Behaviours BELOW the Line	<ul style="list-style-type: none"> ✗ I manipulate others to get what I want ✗ I don't take ownership of decisions ✗ I am not reliable ✗ I look to blame others or make excuses ✗ I have poor professional boundaries ✗ I am disrespectful in my dealings with others 	<ul style="list-style-type: none"> ✗ I only care about my own job tasks ✗ I discriminate and treat others unfairly ✗ I don't care about workplace safety and the wellbeing of others ✗ I am negative and moody 	<ul style="list-style-type: none"> ✗ I deliberately resist change and new ideas ✗ I am negative and cynical about new ideas or processes ✗ I don't try and find answers to solutions ✗ I do the bare minimum required
----------------------------------	--	--	---

Our Values and Behaviours

Version 1.0

Page 1 of 1



Town of Port Hedland Code of Conduct – DRAFT, September 2016



This form may be completed if you wish to complain about an Employee, Contractor or Consultant who you allege has breached the Code of Conduct. All information requested on the form must be provided before the complaint can be processed.

After all information has been provided, sign and date the form and submit to the Manager People & Culture Support. He/she will then contact you and the complaint will be dealt with the Internal Operating Procedures.

All information requested below must be provided by the person making the complaint:

What is the name of the Employee, Contractor or Consultant who you allege has breached the Code of Conduct?

Which section of the Code of Conduct do you allege has been breached?

What date do you allege the breach occurred?

How do you allege the breach occurred?

(Please use additional sheets if required.)

Town of Port Hedland Code of Conduct – DRAFT, September 2016

Town of Port Hedland
Code of Conduct Complaint Form

Were there any witnesses to the alleged breach?

If so, what are the name (s) of the witnesses?

Have you attached all relevant and additional information which may assist in resolving the complaint?

Signature

Date

Full Name

Telephone Contact

12.2 Community and Development Services

12.2.1 Proposed Structure Plan for various lots in the Western Edge of South Hedland

File No: 18/12/0037
Applicant/ Proponent: CLE & Cedar Woods on behalf of Landcorp
Subject Land/ Locality: Various lots on the western boundary of South Hedland Town Centre
Date: 07/09/2016
Author: Ryan Del Casale, Planning Projects Officer
Authorising Officer: Adam Majid, Acting Director of Community and Development Services
Disclosure of Interest from Author: Nil
Authority/Discretion: Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Structure Plan Report (Under Separate Cover)
2. Location Plan
3. Schedule of Submissions
4. Planning Process in Western Australia

CM201617/062 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR BLANCO

SECONDED: CR HOOPER

That with respect to the proposed Structure Plan for the Western Edge of South Hedland, Council:

- 1. Accepts the Schedule of Submissions prepared (in Attachment 3) in respect to the proposed Structure Plan;**
- 2. Pursuant to Schedule 2, Part 4, Clause 20 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, recommend to the Western Australian Planning Commission the proposed Structure Plan be approved.**

CARRIED 7/0

EXECUTIVE SUMMARY

The Town has received a proposed Structure Plan (Previously referred to as a Development Plan) prepared by CLE Town Planning and Design on behalf of Cedar Woods, Landcorp and the State of Western Australia. The Structure Plan has been prepared over eighteen (18) lots in the western portion of South Hedland (hereafter referred to as the subject site).

The Structure Plan provides a planning framework for the future development and growth of the emerging South Hedland community, allowing for the delivery of approximately 1,600 – 1,650 dwellings within the subject site. The Structure Plan provides a context for the consideration and approval of future subdivision. The proposal takes the name 'Western Edge' owing to the fact that the subject site is located on the western boundary or edge of South Hedland.

BACKGROUND

The purpose of this report is for Council to consider the proposed Structure Plan (Attachment 1) for the subject site in light of information received during the advertising process, and to forward the Town's recommendation to the Western Australian Planning Commission (WAPC) for assessment.

The subject site comprises various lots (Attachment 2) and is located on the western boundary of the South Hedland Town Centre, approximately twelve (12) kilometres from the Port Hedland Town Centre. Given the location of the site on the western boundary, the Structure Plan has been named the 'Western Edge'. The subject site is bounded by the South Hedland Town Centre to the east, vacant land to the south and west and Forrest Circle to the north.

On 22 August 2012, Council at its Ordinary Meeting resolved to adopt Scheme Amendment No. 53 to Town Planning Scheme No.5. Scheme Amendment No.53 rezoned the subject site from the 'Rural' and 'Town Centre' zones to 'Urban Development', and a smaller portion of the site from the 'Rural' zone to 'Town Centre'. The purpose of Scheme Amendment No.53 was to allow for a Development Plan to be prepared over the site to guide the future development of the site. The amendment was carried out in line with the objectives identified for the area, Town's Local Planning Strategy - the Pilbara's Port City Growth Plan (the Growth Plan). The Growth Plan identifies the subject site as 'South Hedland West', which is a new land release area to support immediate and short term land supply, bringing a permanent population to the west of the South Hedland Town Centre.

Previously Town Planning Scheme No.5 required the preparation of a Development Plan prior to subdivision and development on all land zoned urban 'Urban Development';

"Clause 6.4.1

The purpose of the Urban Development zone is to identify land where detailed planning and the provision of infrastructure is required prior to the further subdivision and development of land. This planning should be documented in the form of a Development Plan. Although subdivision and development may take place prior to the Scheme maps being amended to reflect the details of Development Plans; the Scheme maps should be amended as soon as practicable following the creation of lots and Crown reserves".

The gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* on 25 August 2015 saw Schedule 2 of the regulations apply automatically to all schemes when the regulations came into operation. The provisions of Schedule 2 cannot be altered, varied or excluded. Schedule 2 of the Regulations introduce uniform processes and procedures to schemes, such as Structure Plan preparation and development assessment.

The Structure Plan proposes the subdivision of approximately 169 hectares.

Land Use Summary

- Residential 78.5 hectares
- Commercial /Mixed Use 0.2 hectares
- Public Open Space Reserve 37.9 hectares
- Public Purposes (Primary School) 3.5 hectares
- Public Purposes (Water and Drainage) 2.6 hectares

It is estimated that within the Structure Plan area there will be 1600 to 1650 lots with a population of 4480 to 4620 people. The Structure Plan proposes a range of residential densities ranging from R20-R60, in recognition of the close proximity of the site to the South Hedland Town Centre. The Structure Plan also proposes a primary school and a large District Open Space, located in the western section of the subject site.

CONSULTATION

Consultation has been undertaken as per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Structure Plan was circulated internally as follows:

- Engineering Operations
- Building Services
- Environmental Health Services
- Community Facility Planning
- Community Services
- Economic Development

Subsequently the Structure Plan was advertised for forty-two days (42) days, from 29 June 2016 until 3 August 2016 as follows:

- Publication of a notice in the North West Telegraph;
- Publication of a notice on the Town's website;
- Written notification to the following agencies on 29 June 2016;
 - Department of Lands;
 - Department of Environmental Regulation;
 - Department of Water;
 - Horizon Power;
 - Optus;
 - Telstra; and
 - The Water Corporation;
 - Written notification to adjacent and nearby landowners on 29 June 2016, as shown in the diagram below;

Surrounding Landowner Notification



**Neighbouring Landowners
Consulted**

All submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3). A total of seven (7) submissions were received.

All persons who made submissions as part of the consultation process have been informed of the date and time of the Public Briefing Session and the Ordinary Council Meeting.

Six (6) submissions were received from Government Agencies and service providers; none of these objected to the proposal. One (1) submission was received from adjoining landowners objecting to the Structure Plan. The submissions raised points of comment which have been addressed in the Schedule of Submissions.

The following key issues that were raised from the submissions are discussed in further detail below:

Department of Education queries regarding the school site and public open space

- Does the arrangement of the school, abutting the public open space to the share facilities?
- Would traffic congestion occur at peak times due to the location of the public open space along with limited road frontage to the north?
- The configuration of the proposed primary school appears narrow and may affect the Departments ability to develop a standard primary school?
- It appears a drainage corridor or park style, avenue is located on the south side of the school site which concerns the Department.

The primary school is co-located with the district open space to allow for shared use.

The primary school site has a frontage to two key access roads within the structure plan which provides connectivity to the established road network. The structure plan can easily accommodate additional road frontages around the school site, should the Town or Western Australian Planning Commission (WAPC) require this. The small local centre is proposed on the same road as the school site as the road is one of the key access routes through the structure plan. Its location, opposite the school site will encourage multi-purpose trips and assist to minimize traffic movements. Peak demand periods for centres typically do not coincide with the morning and afternoon drop off/pick up times.

The final dimensions of the school site are not determined by the structure plan and will be confirmed at the subdivision stage in liaison with the Department of Education.

A pedestrian bridge is planned to provide access across the proposed multiple use corridor from the south west corner of the structure plan to the school site.

What is the rationale behind the rezoning of the site and the proposed structure plan?

Scheme Amendment No.53 was adopted in 2012 by the Town and then later by the Western Australian Planning Commission (WAPC) in 2013. The rationale behind the amendment was to rezone the subject site to allow for structure planning to take place. This was based on the strategic objectives of the Growth Plan. Although a draft at the time in 2012 the Growth Plan comprised research and analysis conducted by the Town and consultants. This found that the subject site would need to be deconstrained and plans be prepared to accommodate future growth. The preparation of a Structure Plan over the subject site is the next step in the orderly planning process to plan for the growth of South Hedland and a Structure Plan will guide this future development.

Impact of the proposed structure plan on the local housing market

The market value of a property or the state of the housing market is not a valid planning concern that can be taken into consideration when determining Structure Plans. In accordance with the applicant's response the purpose of a Structure Plan is to provide flexibility to respond to population growth and meet market demands as required. It does not necessarily mean development will occur immediately. It is important to note that landowners have a right to develop their land as they wish provided it is consistent with strategic planning objectives.

Density, size and staging of structure plan

The proposed structure plan considers a diverse range of lot sizes and dwelling types. The proposed structure plan proposes a balance between appropriately located medium density (R60) lots closest to the Town Centre graduating to larger lots at a density coding of R20 on the periphery of the subject site. Medium densities are proposed in between, to be located next to open space and the proposed primary school.

Overall the average density coding in the Structure Plan is twenty one (21) dwellings per hectare. The density proposed provides for an appropriate interface and transition between the Town Centre and periphery. Careful consideration has been given to the realities and practicalities of the South Hedland housing market to deliver lot types and housing consistent with current market.

Staging will be influenced by access to service infrastructure and existing distributor roads. It is anticipated that the first stage of development will be west of the Town Centre with secondary stages to be carried out adjacent to Collier Drive on the east of the subject site. Later stages will be determined by market demand and the extension of service infrastructure.

LEGISLATIVE IMPLICATIONS

The proposed structure plan has been prepared in accordance with the provisions of *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local planning schemes*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Town has received an estimated fee from the applicant of \$10,262.15. There are no current budgetary implications arising from the proposed structure plan. There is no financial risk for the Town of Port Hedland from the Council recommending to the WAPC to approve the proposed structure plan.

STRATEGIC IMPLICATIONS

Council Strategic Community Plan 2014-2024

The following sections of Council's Strategic Community Plan 2014-2024 are considered relevant;

1.0 Building a unified and vibrant community - 1.2 A vibrant community rich in diverse cultures; and

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

The Structure Plan seeks to provide new and affordable housing options in close proximity to public open space and also seeks to ensure serviced land is available for future residential development.

Pilbara's Port City Growth Plan

The Structure Plan is consistent with the Pilbara's Port City Growth Plan (Growth Plan). The subject site is located within Precinct 10 – South Hedland West of the Growth Plan. The Growth Plan indicates that the precinct will support the addition of 7,210 new dwellings and one (1) new primary school. South Hedland West is described as South Hedland's newest land release area, supporting immediate and short-term land supply bringing a permanent population catchment to the west of the Town Centre. The Growth Plan identifies affordability and accessibility to housing as critical issues affecting the future growth of the Town. The Growth Plan identifies that to address this, priority land in a variety of locations needs to be released in both the shorter term and longer term, to ensure that the Town has an adequate supply of land for times of high demand.

Pilbara Planning and Infrastructure Framework

The Pilbara Planning and Infrastructure Framework (PPIF) was published by the (WAPC) in February 2012 and it defines the strategic direction for the future development of the Pilbara region over the next twenty-five (25) years.

The PPIF envisages Port Hedland/South Hedland as growing into a city with a population of 50,000 people by the year 2035. It acknowledges that the housing form will change significantly to accommodate this growth with more medium density style housing such as townhouses being required. The residential densities proposed by this structure plan are consistent with this vision and will assist in accommodating the anticipated population growth whilst offering housing diversity in the region.

Town of Port Hedland Active Open Space Strategy (2011)

The Active Open Space Strategy was prepared by the Town to coordinate the number and location of sporting facilities that were identified as necessary to accommodate an increasing demand for recreational opportunities.

In relation to the subject site the Active Open Space Strategy identifies district playing fields as being required within the subject site area. The Structure Plan proposes an eleven point eight (11.8) hectare area of District Open Space which is to be collocated with a proposed primary school. The District Open Space is capable of accommodating two (2) senior playing fields as well as training and playground facilities.

South Hedland Town Centre Development Plan

The South Hedland Town Centre Development Plan (SHTCDP) was adopted by the Town in October 2013 and the WAPC in September 2014. The SHTCDP was prepared to provide a planning and urban design framework for the Town Centre and coordinate the future development of the Town Centre. The SHTCDP abuts the eastern boundary of the subject site and the Structure Plan is consistent with the SHTCDP by providing appropriate densities in proximity to the Town Centre.

State Government Policies

The format of the Structure Plan is consistent with the Western Australian Planning Commission's Structure Plan Frameworks (August 2015). The Structure Plan is also consistent with the following State Government Planning Policies:

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- The Liveable Neighbourhoods Policy

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

Risk	Not adequately zoning and preparing suitable land for future growth	A reputational risk for the organisation for not proceeding with the proposed structure plan
Risk Likelihood (based on history and with existing controls)	Possible (3)	Possible (3)
Risk Impact / Consequence	Minor (2)	Minor (2)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)	Medium (5-9)
Principal Risk Theme	Failure to recognise, comply with or properly manage Councils statutory obligations	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Risk Rating:

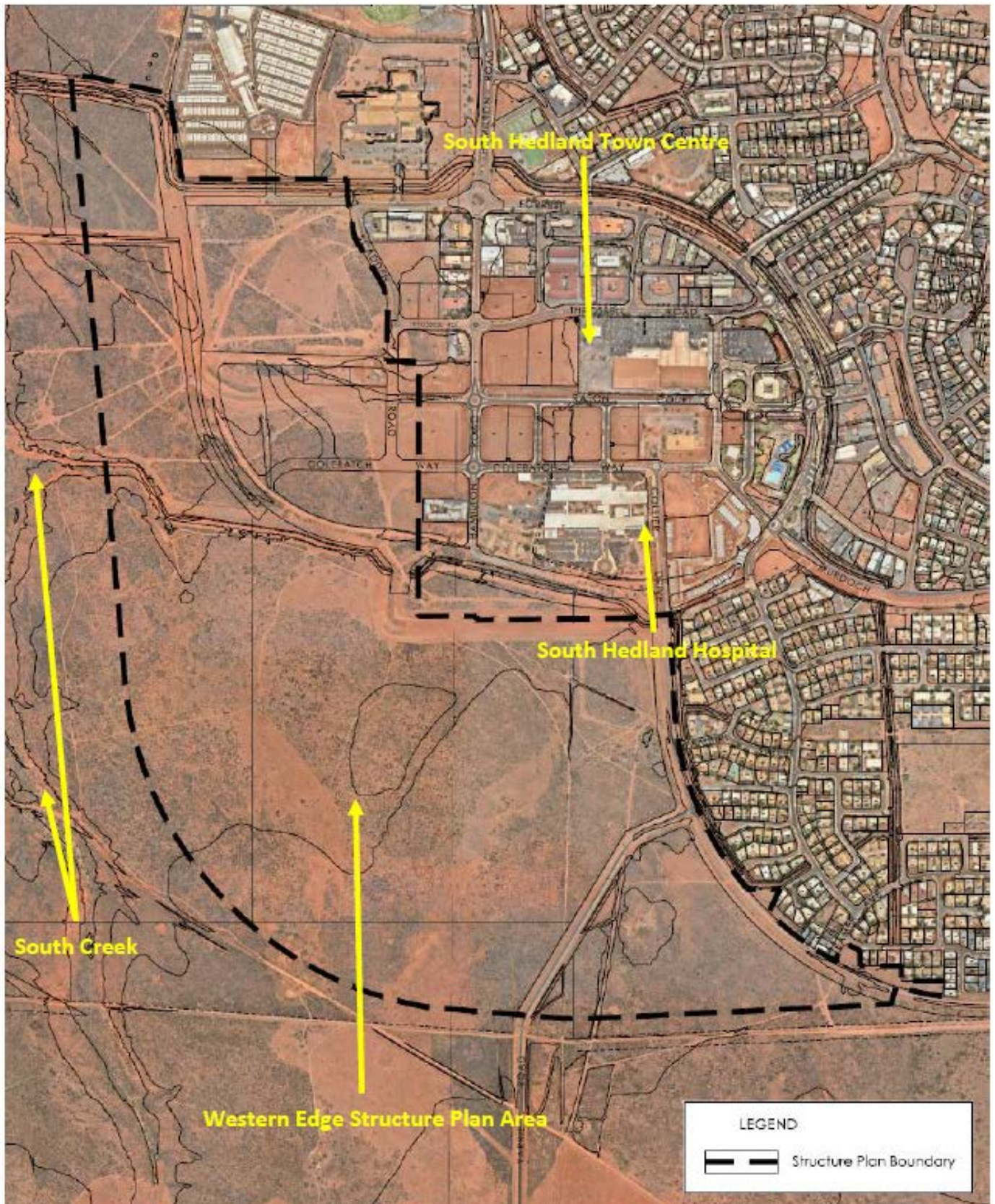
Does this item need to be added to the Town's Risk Register? No

Is a Risk Treatment Plan Required? No

CONCLUSION

The structure plan is consistent with the provisions of Town Planning Scheme No.5 and has been prepared in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. The proposed structure plan is identified in the Growth Plan, within Precinct 10 as an area required to support future growth and the development of additional dwellings. It is recommended that the proposed structure plan for the Western Edge be supported without any modification and that Council resolve to accept the schedule of submission, and recommend to the Western Australian Planning Commission that the proposed structure plan be approved.

ATTACHMENT 2 TO ITEM 12.2.1



Town of Port Hedland Town Planning Scheme No.5
Western Edge Structure Plan - Schedule of Submissions

Schedule of Submissions - Town of Port Hedland TPS No.5
Western Edge Structure Plan

Date Received	Name	Comments Provided	Applicants Response	Planners Response
7/7/16	Telstra	No objections.		
13/7/16	Optus	No objections.	Noted. No modifications to the Structure Plan required	Noted. No modifications to the Structure Plan required
14/7/16	Water Corporation	No objects, comments provided; the statements made within the Structure Plan documentation are relating to Water supply are generally correct	Noted. No modifications to the Structure Plan required	Noted. No modifications to the Structure Plan required
15/7/16	Department of Environmental Regulation	No comment provided	Noted. No modifications to the Structure Plan required	Noted. No modifications to the Structure Plan required
21/7/16	Department of Education	<p>The reconfiguration of the Structure Plan from the initial plan presented to the Department of Education in April 2012 is noted along with the reduced residential yield.</p> <p>The proposed 3.5ha primary school site is abutting Public Open Space presumably to enable the use of shared oval facilities.</p> <p>The Public Open Space located on the South and west boundaries of the school along with limited road frontage to the north only provides for one street frontage access to the school site. This may cause traffic congestion at peak times as it is also noted that a commercial site is located on the same road.</p> <p>The configuration and proportion of the site appears narrow on the east west alignment and may affect the Department's ability to properly develop a standard pattern primary school on the site, especially if co-located with a shared oval.</p> <p>It appears a drainage corridor or park avenue is located on the south side of the school site which concerns the Department as it may preclude access to the site.</p> <p>The Department would welcome the opportunity to discuss the proposed structure plan with the Town</p>	<p>Noted.</p> <p>The primary school is co-located with the District Open Space to allow for shared use of the playing fields.</p> <p>The primary school site has a frontage to two key access roads within the Structure Plan which provide good connectivity to the established road network of higher order roads. Further, opportunities exist within the road reserve south of the school site to provide embayed parking abutting the Multiple Use Corridor (MUC) for school pick up/drop off. Students would then access the school via a pedestrian bridge across the MUC.</p> <p>Notwithstanding the above, the Structure Plan can easily accommodate additional road frontages around the school site should the Town and WAPC deem it necessary. This can either be addressed as a modification to the Structure Plan or at the subdivision design stage in liaison with the Department.</p> <p>The small local centre is proposed on the same road as the school site as the road is one of the key access routes through the Structure Plan. Its location opposite the school site will encourage multi-purpose trips and assist to minimise traffic movements. Peak demand periods for centres typically do not coincide with the morning and afternoon drop off/pick up times for students.</p> <p>The final dimensions of the school site are not determined by the Structure Plan and will be confirmed at the subdivision design stage in liaison with the Department of Education.</p>	<p>Agree with the applicant's response. No modifications are required to the Structure Plan</p>

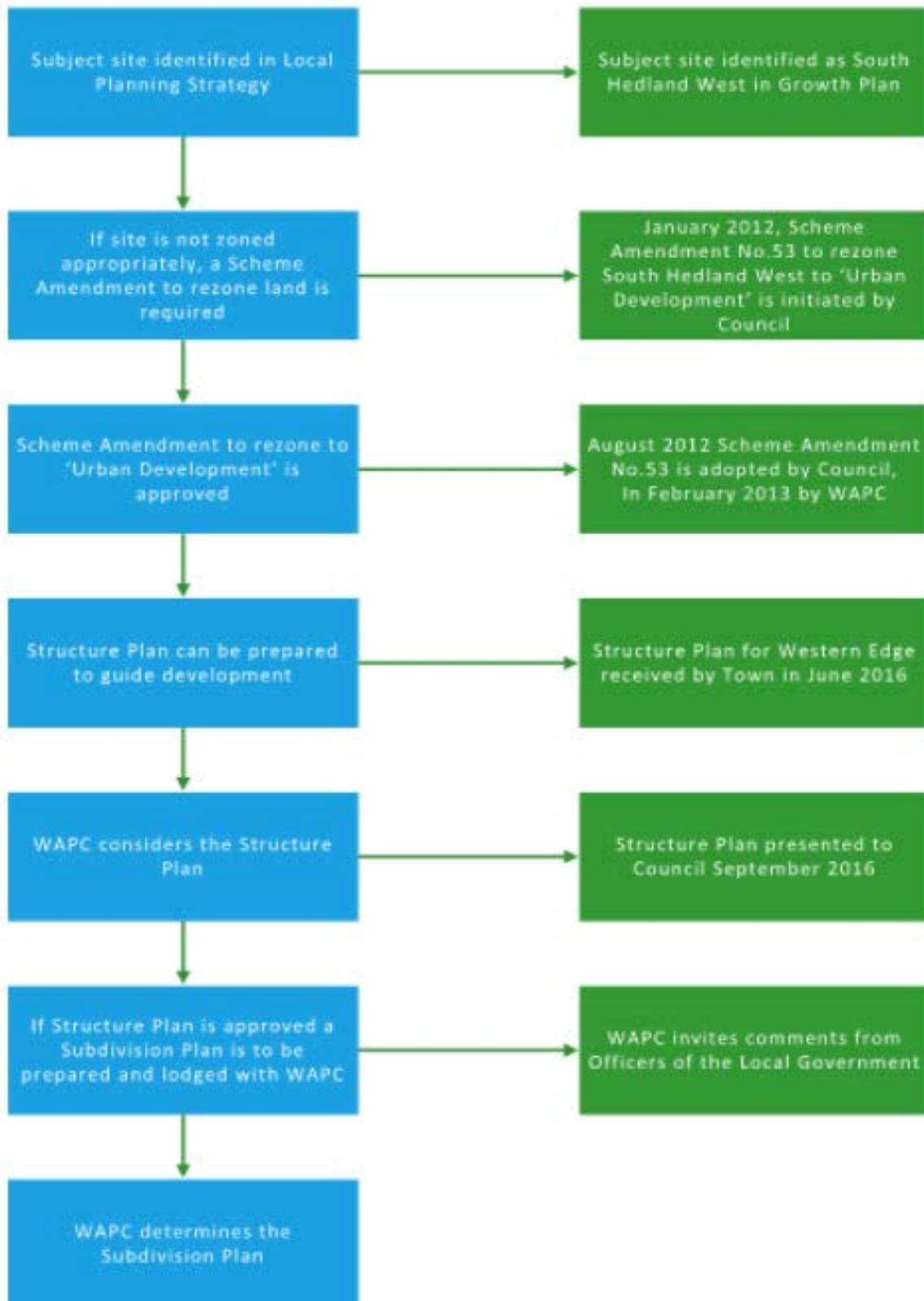
Town of Port Hedland Town Planning Scheme No.5
 Western Edge Structure Plan - Schedule of Submissions

			<p>The Structure Plan identifies the general size and location of the school site however, Structure Plans are inherently flexible to allow for detailed design matters to be addressed at the subdivision stage.</p> <p>A pedestrian bridge is planned to provide access across the MUC from the south-west corner of the plan to the school site. The pedestrian bridge will be detailed as part of the construction drawings which are required as a standard condition of subdivision.</p>	
2/8/16	Department of Housing	<p>No objections.</p> <p>The Authority acknowledges and supports the key principles of the Structure Plan to provide a permanent residential population within South Hedland, provide diversity in housing choice and 'affordable' housing, and higher density residential development in close proximity to the town centre. The Authority believes that the Structure Plan will facilitate these objectives by identifying a range of land uses and amenities alongside varying densities in strategically identified locations.</p> <p>The Housing Authority also wishes to express its support for the provision of increased residential density in close proximity to areas of high amenity such as POS, the proposed primary school site and the existing town centre. The inclusion of residential densities between R20-R60 will promote a range of affordable housing options and create an opportunity to provide innovation within the market and associated housing product to accommodate future population growth within the region.</p> <p>Affordable and appropriate housing is critical to avoiding financial and personal stress in low to moderate income households. The availability of housing to meet the needs of current and future demands relating to forecast population growth within the region is a highly beneficial outcome of providing a variation of densities.</p>	Noted. No modifications to the Structure Plan required	Noted. No modifications to the Structure Plan required
1/9/16	Department of Water	No objections provided	Noted. No modifications to the Structure Plan required	Noted. No modifications to the Structure Plan required

Town of Port Hedland Town Planning Scheme No.5
Western Edge Structure Plan - Schedule of Submissions

<p>5/9/16</p>	<p>Mr Jason Grubb – Local Resident</p>	<p>Objections raised and the following comments provided</p> <p>Where and by what method has the data gathered and analysed to justify such a large parcel of land for rezoning.</p> <p>I realise there was a severe short of accommodation in the past. Has consideration been adequately allowed for the additional FIFO capacity added to the townships of recent years as well?</p> <p>What modelling has been conducted for the drivers of external population growth to justify the additional demand for allotments?</p> <p>I'm doubtful that there would be enough increase of population from the permanent residents (ten (10) years or longer) to absorb the proposed rezoning allotments.</p> <p>Has any consideration been given to the change in permanent residential accommodation trend changing to higher density living in the future?</p> <p>We have been active investors within South Hedland since 2006. Contributing to the town with not only our rates; purchases from local businesses with property repairs/renovations we also contributed to the underground power scheme upgrade for South Hedland.</p> <p>Forrest Road has sat on the fringe of the developed town with little advancement in existing infrastructure ever since. Well before we purchased the two units in the 2 Scadden Rd complex.</p> <p>There has been a long establish issue with illegal camping and rubbish dumping on this fringe of the town that has not been managed nor addressed by the council.</p> <p>If any rezoning or subdivision is granted it should be in smaller parcels and start from Forrest Circle edge of the town then work back to the existing first releases under the current proposal.</p>	<p>Noted. No modifications to the Structure Plan required. The following points were raised in response;</p> <p>The Western Edge Local Structure Plan (LSP) does not propose to 'rezone' the land as stated in the submission. The land has already been rezoned from 'Rural' to 'Urban Development' by virtue of Amendment No. 53 to Town Planning Scheme No. 5. The LSP is the next step in the process that will establish the framework to coordinate future subdivision and development of the land;</p> <p>The LSP is consistent with the Town's <i>Pilbara's Port City Growth Plan</i> which identifies the land for residential development at urban densities;</p> <p>Once the LSP is approved, future subdivision and development will only proceed if there is sufficient housing demand to warrant the substantial up-front financial commitment required to deliver residential lots to market. Without adequate demand, the project will not commence. This LSP process is being progressed at this time so that the project can quickly respond to any future upswing in housing demand to ensure that there is adequate affordable housing in the region. This will assist to avoid past situations where housing became unaffordable due to demand exceeding supply which led to volatile market conditions;</p> <p>The LSP proposes densities in accordance with clause 5.3.8 (c) of TPS5 with higher densities provided within close proximity of the Town Centre. This provides opportunities for higher density living in an appropriate location.</p>	<p>Noted. No modifications to the Structure Plan required.</p> <p>Scheme Amendment No.53 was adopted in 2012 by the Town and then later by the Western Australian Planning Commission (WAPC) in 2013. The rationale behind the amendment was to rezone the subject site to allow for structure planning to take place and this was based on the strategic objectives of the Town's adopted Local Planning Strategy – the Pilbara's Port City Growth Plan. Although a draft at the time in 2012 the Growth Plan comprised research and analysis (including modelling) undertaken by the Town and its consultants. This work concluded that in order to accommodate the future growth for the Town, the subject site was required to be rezoned to allow the proposed structure plan to be prepared to guide this future development.</p> <p>The market value of a property or the state of the housing market is not a valid planning concern that can be taken into consideration when determining Structure Plans.</p> <p>The purpose of a Structure Plan is to provide flexibility to respond to population growth and meet market demands as required. It does not necessarily mean development will occur immediately. It is important to note that landowners have a right to develop their land as they wish provided it is consistent with the strategic planning objectives.</p> <p>The proposed structure plan considers a diverse range of lot sizes and dwelling types. The proposed structure plan proposes a balance between appropriately located medium density (R60) lots, closest to the Town Centre graduating to larger 'lifestyle' lots at a density coding of R20 on the periphery of the subject site, with medium densities in between, to be located next to open space and the proposed primary school.</p> <p>Overall the average density coding presented in the proposed structure plan is twenty one (21) dwellings per hectare. The density proposed provides for an appropriate interface and transition between the Town Centre and periphery. Careful consideration has been given to the realities and practicalities of the South Hedland housing market to deliver lot types and housing consistent with current market.</p> <p>Development staging will be influenced by access to service infrastructure and existing distributor roads. It is anticipated that the first stage of development will be west of the Town Centre with secondary stages to be carried out adjacent to Collier Drive on the east of the subject site. Later stages will be determined by market demand and extension of service infrastructure. Staging will follow and orderly sequence and shall not exceed the extension of essential service infrastructure or constructed road access.</p>
---------------	--	--	---	---

Planning Process in Western Australia & the Western Edge



12.2.2 Eastern Gateway Investigation and Design Project – Tender/Contract Variation

File No: 18/07/0017, 18/16/0013
 Applicant/ Proponent: N/A
 Subject Land/ Locality: The Eastern Gateway; Various lots on the eastern periphery of South Hedland
 Date: 13/09/2016
 Author: Ryan Del Casale, Planning Projects Officer
 Authorising Officer: Adam, Majid, Acting Director of Community and Development Services
 Disclosure of Interest from Author: Nil
 Authority/Discretion: Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Timeline of Key Milestones/Events
2. Location Plan

CM201617/063 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR ARIF

That with respect to the Eastern Gateway Investigation and Design Project, Council authorise the final payment of \$61,780.08 (inc GST) to RPS Australia East Pty Ltd.

CARRIED 7/0

EXECUTIVE SUMMARY

At the Ordinary Council Meeting on 28 August 2013 Council awarded (decision 201314/095) Tender 12/13 to RPS Australia East Pty Ltd for \$356,830.20 (ex GST) to undertake the Eastern Gateway Investigation and Design Project (the project).

The project provided the opportunity to de-risk and prepare the Eastern Gateway Area (various lots on the eastern periphery of South Hedland) for future development. It was solely funded by a \$500,000 Royalties for Regions grant under the Northern Planning Program administered by the Department of Planning. The project involved six separate phases of investigation to be undertaken in two parts (A and B).

Although the project is within budget, officers have identified through the organisation's improved procurement processes that the total amount incurred for the project has exceeded the awarded tender amount. Further it was identified that as the project changed significantly during the contract and re-scoped the project should have been re-issued for tender.

Given the total amount incurred with the RPS Australia East has exceeded the contract value by ten percent (10%), Council approval is sought to authorise the final payment.

BACKGROUND

A business case was developed by the Town in 2012 to seek funding through the Northern Planning Program which was authorised by the Department of Planning to investigate the potential to develop various lots on the eastern periphery of South Hedland. The lots are part of an area identified as Precinct 13 – Eastern Gateway within Pilbara’s Port City Growth Plan.

The area encompasses various land parcels comprising a total area of approximately 600 hectares and is located south of the Port Hedland International Airport, north of the Landfill site and due east of the South Hedland Town Centre. The project provided the opportunity to de-risk and prepare land ready for future subdivision and development.

The aim of the project was to engage a suitably qualified consultant(s) to assist in delivering:
Part A

1. Detailed Site Investigation and Due Diligence
2. Options/Feasibility Report
3. Final Concept Design

Part B (as determined from phase 1)

4. Scheme Amendment(s);
5. Development Plan(s); and
6. Design Guidelines.

The Department of Planning endorsed the business case and the allocation of \$500,000 (inc GST) funding for the project. A tender was called in June 2013 to appoint a consultant.

At the Ordinary Council Meeting held on 28 August 2013 Council awarded the tender to RPS Australia East for a total of \$356,830.20 (ex GST) for part A and B of the project (decision 201314/044).

“201314/044 Council Decision

Moved: Cr Jacob

Seconded: Cr Carter

That Council:

1. *Awards Tender 13/12 – Eastern Gateway Investigation to RPS to deliver Part A of the project as per their RFT submission of \$222,948.00 (Ex GST); and*
2. *Awards Tender 13/12 – Eastern Gateway Investigation to RPS for all, or portion of Part B as per their RFT submission a provisional sum of up to \$133,882.00 (Ex GST).*

CARRIED 5/3”

A contract was entered into between the Town and RPS Australia East in September 2013 for \$356,830.20 (inc GST). GST was incorrectly included. A purchase order was incorrectly raised and issued to RPS Australia East in September 2013 for \$500,000 (inc GST) which set aside \$143,169.80 for contingency and additional investigations. This purchase order is a binding contract with RPS Australia East.

The contingency did not form part of the awarded tender amount and therefore should not have been included in the purchase order for RPS Australia East. The purchase order was later amended to exclude the contingency (additional investigations amount) and to reflect the Council decision.

The Project was split into two parts (A and B) commencing in October 2013 with the estimated completion date of early to mid-2015. Phases 1 and 2 were completed by July 2014 however the remainder of the project was halted due to unforeseen issues regarding the drainage and hydrology of the site, which were not identified in the scope. These issues prevented the project from progressing, without varying the scope of works.

A new scope was finalised by Town officers in September 2015 and authorised by the Department of Planning on 8 October 2015 (Attachment 9). The Department of Planning authorised the new scope on the provision that the Town would complete the project and acquit all of the grant funding by no later than 30 June 2016. The revised scope was prepared by Town officers in collaboration with RPS Australia East.

RPS Australia East advised that the best approach to achieve aims of the project by 30 June 2016 was to gain an understanding of the hydrology of the site. Taking into account the phases already completed the new scope would reduce the number of phases from 6 to 5. The final phase of the project would still be a concept plan, revised to be informed by a water management strategy. The revised scope was as per below;

1. Detailed Site Investigation and Due Diligence (completed April 2014);
2. Options/Feasibility Report (completed July 2014);
3. Detailed Hydrological Investigation (to be completed by March 2016);
4. District Water Management Strategy (to be completed by April 2016); and
5. Submission of Final Concept Designs (to be completed by June 2016);

The Town confirmed the variations in scope and contract with RPS Australia East on 17 December 2015 (Attachment 10) with works recommencing in January 2016.

In June 2016 finance officers identified that the project had exceeded the contracted amount by 22 percent and the original purchase order for the project was raised for the incorrect amount as it did not take into account the GST component.

The final invoice received from RPS Australia East brought the total invoices to \$480,253.66 (\$436,594.24 ex GST) which is 22 percent over the original contracted price. As per Council's contract variation delegation, a variance of over ten percent is required to be presented to Council for approval.

Officers varied the scope and contract of the Project as all works in the revised scope were within the budget of \$500,000.00 (inc GST). No funds have been expended from the municipal budget for the Project. The Project has been completed successfully.

Council is requested to authorise the final payment of \$61,780.08 (inc GST) to RPS Australia East Pty Ltd to finalise this Project.

Business Improvement

It is noted that the original tender should have included all aspects including the contingency amount. Further the contract variation (following the re-scope) should have been presented to Council prior to acceptance of the variation on 17 December 2015. As the project changed significantly during the re-scope of the project it should have been re-issued for tender.

Measures have been changed so that works are now adequately scoped prior to release and award of tenders and large contracts. Processes have also been recently put into place to ensure that contract variations in future do not exceed ten percent without prior approval from Council.

CONSULTATION

The Town's creditor's officers identified the discrepancy when reconciling the invoices and the contract award amount for this project. This highlighted the contract variation of 22% over the original agreed to contract amount.

LEGISLATIVE IMPLICATIONS

Regulation 21A of the *Local Government (Functions and General) Regulations 1996* states that a local government must not vary a contract that has been entered into with a successful tenderer unless the variation is necessary in order for the goods or services to be supplied and it does not change the scope of the contract; or the variation is to renew or extend the term of the contract. As Town officers re-scoped the project in September 2015 and varied the contract with RPS Australia East the Town has not complied with regulation 21A.

The current delegation 1.10 to the Chief Executive Officer is for contract variations that are not more than 10% or \$15,000 (whichever is greater) therefore the Town cannot use the delegation to approve the invoice for RPS Australia East.

POLICY IMPLICATIONS

Policy 2/007 'Purchasing' applies to this item as it outlines the requirements to seek quotes or to go to tender depending on the cost of the project.

FINANCIAL IMPLICATIONS

The budget for the Eastern Gateway Project has not been exceeded therefore there is no impact on the budget. Should the outstanding invoice be paid the costs will be incurred against the 2015/16 Budget from the Northern Planning Program grant funding as the works were completed prior to the end of the 2015/16 financial year.

STRATEGIC IMPLICATIONS

Section 4.1 'Strategic and best practice local government administration' of the Strategic Community Plan applies as the Town's internal controls identified that the contract variation exceeded the current delegation.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

Should the Town not pay the outstanding invoices then the relationship between the Town and the contractor will be damaged. The Town would also be liable for the outstanding amount under contract law. If paid, as recommended in this report, the amount would come from Northern Planning Program grant funds.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

Risk	Should the Town of Port Hedland not pay RPS Australia East the outstanding amount then the Town will be liable under contract law	That the contractor cease future works with the Town of Port Hedland should the matter not be resolved by Council.
Risk Likelihood (based on history and with existing controls)	Almost Certain (5)	Likely (4)
Risk Impact / Consequence	Moderate (3)	Minor (2)
Risk Rating (Prior to Treatment or Control)	High (10-16)	Medium (5-9)
Principal Risk Theme	Financial Impact - 3 Moderate - \$30,001 - \$300,000	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

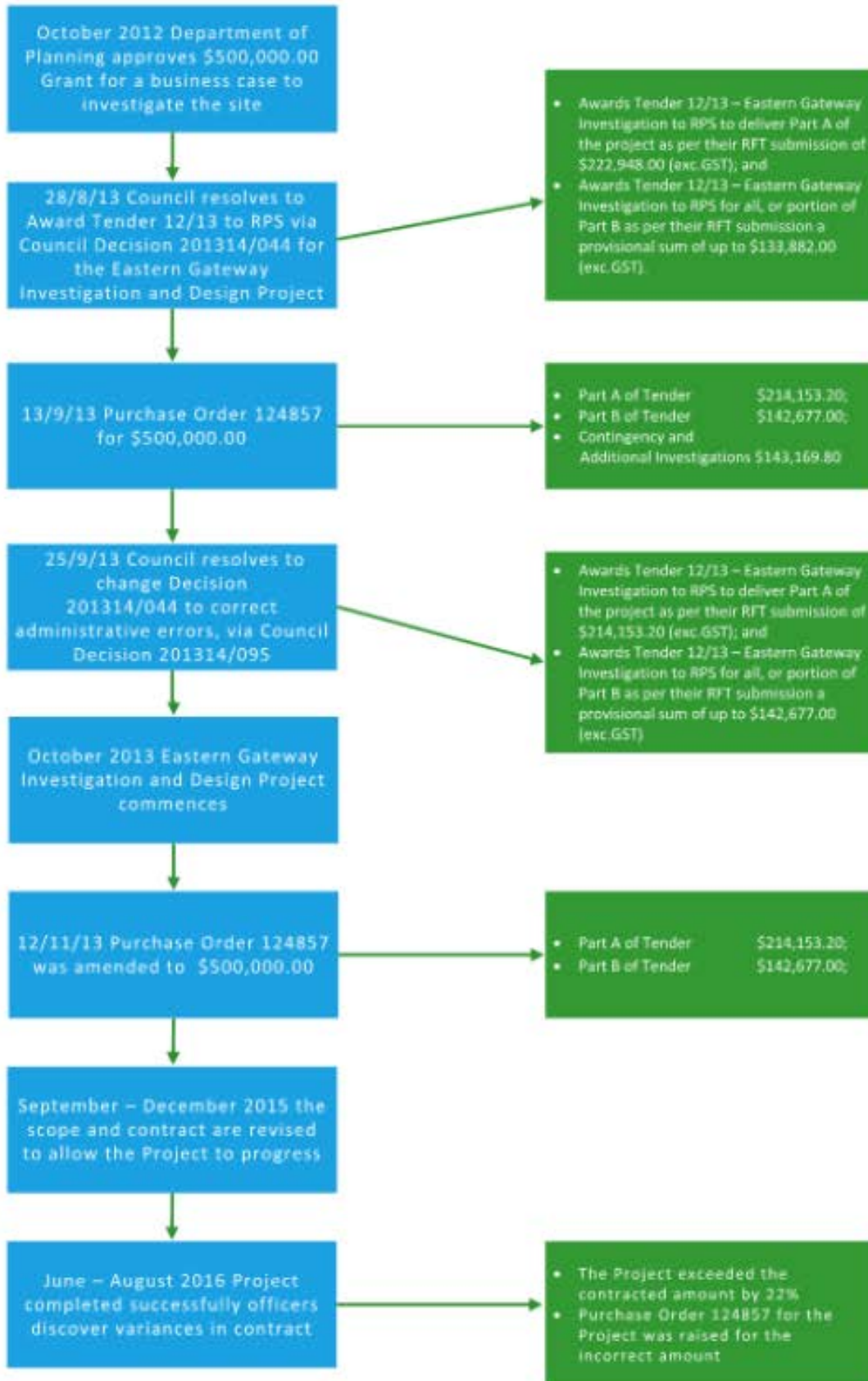
A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 15 and 8 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

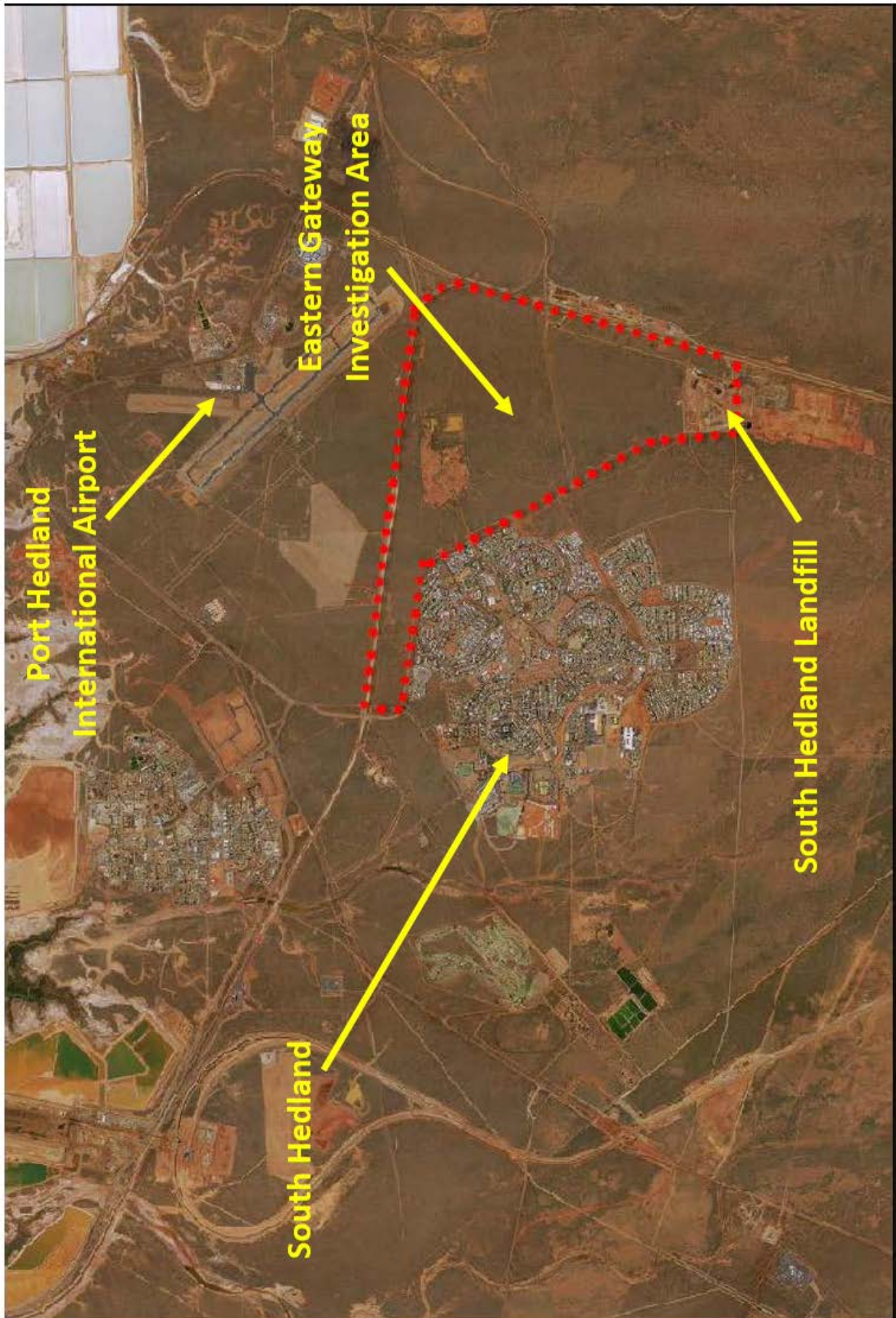
The above scenario's has been given a rating of 8 and 15 therefore one will be placed on the Town's Risk Register should Council not endorse the officer's recommendation.

CONCLUSION

It is recommended that Council endorse the recommendation to pay the outstanding invoices of \$61,780.08 (inc. GST).

Key Milestones & Events Eastern Gateway Design and Investigation Project





6:40pm Councillor Whitwell declared a proximity interest in item 12.2.3 'Request to Support a Feasibility Study and Business Case for a New Arts, Community and Cultural Centre at the Spoilbank Marina Waterfront Precinct' as he owns property within the proximity of the Spoilbank reserve.

6:40pm Councillor Whitwell left the room.

12.2.3 Request to Support a Feasibility Study and Business Case for a New Arts, Community and Cultural Centre at the Spoilbank Marina Waterfront Precinct

File No:	18/19/0001
Applicant/ Proponent:	N/A
Subject Land/ Locality:	Part Crown Reserve 30768 on Management Order MO80548
Date:	13/09/2016
Author:	Brie Holland, Economic Development Officer
Authorising Officer:	Chris Linnell, Acting Chief Executive Officer
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Culture and Community Centre Needs and Options Analysis, dated June 2016 (Under Separate Cover)
2. Culture and Community Centre Preliminary Financial Model, dated July 2016 (Under Separate Cover)

CM201617/064 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR HOOPER

SECONDED: CR TAVO

That with respect to the Community and Cultural Centre at the Spoilbank Marina, Council:

1. **Notes the proposed development of a new Community and Cultural Centre in the Spoilbank Marina Waterfront precinct as a priority project for the Town of Port Hedland;**
2. **Notes the attached Arts, Community and Cultural Centre Needs and Options Analysis (June 2016) and Financial Analysis (July 2016) reports;**
3. **Agrees to work cooperatively with Roy Hill, Pilbara Development Commission and the Kariyarra people to complete a more detailed feasibility and business case for the project for further consideration by the Town of Port Hedland and other Stakeholders;**
4. **Endorses that the Town of Port Hedland be represented by the Chief Executive Officer and/ or the Director of Community and Development Services in the external working group and that quarterly reports are presented back to Council on the progress;**

5. Requests that the Chief Executive Officer or his delegate actively participate in the creation of the proposed Arts, Community and Cultural Centre terms of reference;
6. Requests the scope of the feasibility should consider:
 - a. The integration of an A Class Art Gallery, Function/ Restaurant area, Visitor Centre/ Port Hedland Library Integrated Service and New Fitness Centre; and
 - b. The repurposing of potentially redundant buildings for alternative uses; and
7. Requests extensive consultation is completed as part of the feasibility with key interest groups including, but not exclusive to the:- Hedland Arts Council (HARTZ), Wangka Maya Language Centre, YMCA WA, the Kariyarra People, FORM: Building a State of Creativity as well as the broader community.

CARRIED 6/0

6:42pm Councillor Whitwell re-entered the room and resumed his chair.

EXECUTIVE SUMMARY

The Town of Port Hedland (the Town) has commenced discussions with key stakeholders regarding the development of a new community and culture precinct in Port Hedland. The preferred location amongst all parties, the Town, Pilbara Development Commission (PDC) and Roy Hill is within the Spoilbank Marina precinct.

This report summarises the background to the progression of this project and seeks to confirm Council's commitment and support for the delivery of a new cultural and community facility on the Spoilbank; and the ongoing involvement in the working group which will guide the upcoming project feasibility stage.

BACKGROUND

During 2015, the Town was advised by the PDC that a balance amount of Pilbara Cities funding was yet to be allocated to specific projects. In considering the forward allocation of this funding, the Town was requested to present a list of its preferred projects which included the proposed Arts, Community and Cultural Centre, broadly comprising:

- Regional Convention Facility
- Visual arts studios (space for artists in residence)
- Performing arts rehearsal and support spaces (storage areas for props and resources)
- A display space
- A stage/performance space
- Civic areas
- Food and beverage merchant opportunities

- Office accommodation

The project received positive feedback from the PDC. To move the project forward a detailed feasibility, design, funding strategy and subsequent business case is required before the project can formally obtain all approvals and the associated funding is confirmed all by parties.

Roy Hill has begun to actively progress the early stages of the proposed Arts, Community and Cultural Centre it is required to deliver in Port Hedland under its agreement with the Kariyarra people. This included initial engagement with the Town and PDC and discussions focused on exploring opportunities to work cooperatively on the development of a proposed facility which can fulfil Roy Hill's obligations and more broadly benefit the entire community of Port Hedland.

During the most recent design phase of the Port Hedland Waterfront project, stakeholders concluded that the development of a cultural and community facility within the area would be critical to achieving activation outcomes sought through the adopted Waterfront Place Plan. This development is now considered beneficial to the success of the waterfront development.

The Town undertook an initial needs analysis for the facility having regard to the most recent Town's Draft Community Infrastructure Plan (2016). The initial needs assessment determined that, relative to the population of the community, the number of facilities in Port Hedland is adequate; however many existing facilities operate at a high cost, are constrained to accommodate further population growth; or are operating from buildings which are not designed for their current use. A number of options were developed based on the findings of the needs assessment and are summarised below: -

Option	Description
Option 1 – Do Nothing	This option would see no capital investment in the delivery of new infrastructure or any improvements to existing
Option 2 - Modifications/ Extension of Existing Culture and Community Facilities	<p>This option entails undertaking improvements as necessary to increase the capacity at existing facilities including:</p> <ul style="list-style-type: none"> • renovation and additions to the Matt Dann Centre as recommended in the Port Hedland Entertainment Feasibility (2012); • upgrades and extensions to the courthouse gallery to convert the facility into a Class A gallery which incorporates additional studio space for use by the arts community; • extensions to the Gratwick Hall gym to meet forecast demand for fitness facilities for the Port Hedland locality; and • extensions to the Civic Centre (which would require broader building rectification) to provide for a new Community Function space or refurbishment and additions to Wanangkura Stadium to increase use as a community function space.
Option 3 -	This option would incorporate a new development along the Port Hedland waterfront to meet future demand and would include:

	<ul style="list-style-type: none"> development of multi-functional building incorporating an A Class Art Gallery, Function/ Restaurant area, Visitor Centre/ Port Hedland Library Integrated Service and New Fitness Centre to meet Port Hedland demand; renovation and additions to the Matt Dann Centre as recommended in the Port Hedland Entertainment Feasibility (2012); refurbishment of the Wanangkura Stadium to increase use for functions/ community events; and repurposing/ demolition or sale of vacated buildings
Option 4	<p>The project was broadly defined as development as follows:</p> <ul style="list-style-type: none"> Regional Convention Facility Visual arts studios (space for artists in residence) Performing arts rehearsal and support spaces (storage areas for props and resources) A display space A stage/performance space Civic areas Food and beverage merchant opportunities Office accommodation.

A weight assessment of the four options was undertaken having regard to potential impacts to the Council and the community. Assessment criteria were as follows: -

Assessment Criteria	Weighting	Description
Capital Cost	15%	Consideration of the potential capital cost to the Town of Port Hedland to complete the project.
External Funding	20%	The opportunity for external funding from the State, Federal Governments and/or Industry
Operational Costs	30%	The ongoing operational costs which may be incurred by Council to operate and maintain the option
Functionality	25%	The capability of the project to improve service provision to the community.
Management	10%	The potential to secure good quality management support and/or achieve more efficient management outcomes.

The assessment determined Option 3 would deliver the best outcome for the Town. Based on this option, and a review of similar developments around Australia a high level operational financial model was developed, indicating that a capital budget of approximately \$25 million will be required for the project and that as a result of the colocation of various services provided by the Town, long-term operational savings could be achieved, albeit marginal.

On completion of the needs analysis and preliminary financial model, a round table meeting was held with representatives from Roy Hill, the Town's Executive, PDC and the Kariyarra to discuss the synergies between the Town and Community objectives and those of the Traditional Owners and Roy Hill. It was broadly agreed that the elements the Town is seeking to deliver could be effectively integrated into a broader cultural facility, delivering a single facility. In order to achieve this, a more detailed feasibility investigation is required which considers the final components of the building, ownership, operational governance, content and the financial model for such a project. In order to progress the project through to a more definitive position, the formation of a cooperative working group including the Town, PDC, Roy Hill and the Kariyarra has been proposed to guide the development of a scope of works, engagement of suitably qualified consultants and progression of feasibility and business case.

CONSULTATION

During the preparation of the Town's Community Infrastructure Plan 2016 (Draft) extensive consultation was completed with a wide variety of stakeholders and many community organisations and interest groups.

Through the needs analysis, further consultation focused on existing facility operators to understand functionality and cost of operations. This included the Matt Dann Manager, Pilbara Manager for the YMCA and FORM.

It is expected the next phase of work to be completed will include more extensive engagement with the community and key interest groups.

LEGISLATIVE IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Roy Hill has committed to fund the feasibility and business case works so that the project can proceed in a timely fashion. The scope for the work is not determined by Roy Hill, rather the established working group (i.e. ToPH, PDC, Roy Hill and the Kariyarra) who will be responsible for the overall direction of the project, input into the scope, appointment of consultants and endorsement of work for presentation and consideration of the full Council and other funding agencies.

STRATEGIC IMPLICATIONS

This project directly aligns with the Town's *Strategic Community Plan 2014-2024*, specifically sections: -

- 1.1 A unified community across our townships
- 1.2 A vibrant community rich in diverse cultures
- 2.2 A nationally significant gateway city and destination
- 3.1 Sustainable services and infrastructure

The project also aligns with Town's *Corporate Business Plan 2014-2018*:

- 1.1.2 Provide safe and accessible community facilities, services and open spaces that connect people and neighbours
- 1.2.1 Deliver and support programs, events, facilities and services which attract and retain residents to increase our permanent population
- 1.2.2 Celebrate our multiculturalism, indigenous culture, arts and history
- 2.1.3 Work closely with businesses, government and industry groups to drive local employment and investment, encourage entrepreneurship and achieve sustainable economic growth
- 2.2.2 Develop our tourism industry, facilitate increased accommodation offerings and position Port Hedland as a unique destination

SUSTAINABILITY IMPLICATIONS

Environmental

The proposed Arts, Community and Cultural Centre will provide a basis too increase education about the natural environment, interact with the foreshore and also recognise the cultural heritage and significance of the Kariyarra people.

Economic

As indicated previously, the long term potential exists for this project to deliver operational savings back to the town through the centralization of services. More broadly, it is clear that through development of a high quality arts and cultural precinct in Port Hedland, and more importantly in the Spoilbank Marina Waterfront precinct will drive increased local expenditure and lift local tourism to the area, broadening and diversifying the local economy away from resources.

Social

The overarching opportunities this project could deliver is improved services to the local community in addition to facilitating greater recognition and respect for the Traditional Custodians of Port Hedland.

Risk

Risk	Council is asked to contribute to the feasibility due to budget exceedances
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Financial Impact - 1 Insignificant - Less than \$3,000
Risk Action Plan (Controls or Treatment proposed)	Ensuring agreement of Council's participation in the feasibility and business case is conditional on Roy Hill funding the scope, and any variations in its entirety

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk matrix has been prepared and with an accepted risk rating of 1. There is no need for a risk action plan as the likelihood of not approving to confirm its funding to the project is rare.

CONCLUSION

The Town has previously identified and sought support from the State for a new Arts, Community and Cultural Centre in Port Hedland. With the removal of residential components from the Spoilbank Marina Waterfront precinct, new alternative uses, such as a major Arts, Community and Cultural Centre will be critical to activating the space and drawing the true social benefits back to the community for the project. It is therefore appropriate to commence a broader feasibility and establish the key elements that will lead to a successful development.

The Town is well positioned with key stakeholders, Roy Hill, the PDC and the Kariyarra to now work on a more detailed feasibility on whether the project should proceed, how it will be paid for; what services it will deliver and how it will be managed. Participation in the working group and regular reports back to the Council on progress will ensure the Town is able to facilitate an outcome which will benefit the broader community.

12.3 Works and Services

6:43pm Councillor Melville declared a financial interest in item 12.3.1 'Kingsford Smith Business Park – Heavy Vehicle Access' as he is a BHP employee.

6:43pm Councillor Melville left the room.

6:43pm Councillor Arif declared a financial interest in item 12.3.1 'Kingsford Smith Business Park – Heavy Vehicle Access' as she owns BHP shares over the threshold.

6:43pm Councillor Arif left the room.

12.3.1 Kingsford Smith Business Park – Heavy Vehicle Access

File No:	18/19/0001
Applicant/ Proponent:	BHP Billiton (BHBP)
Subject Land/ Locality:	Kingsford Smith Business Park (KSBP), South Hedland
Date:	11/08/2016
Author:	Graham Lantzke, Acting Manager Assets
Authorising Officer:	Chris Linnell, Acting Chief Executive Officer
Disclosure of Interest from Author:	None
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Locality Plan
2. RAV Classification chart
3. Kingsford Smith Business Park Turning Templates

CM201617/065 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR TAVO

SECONDED: CR HOOPER

That with respect to the Kingsford Smith Business Park – Heavy Vehicle Access, Council:

1. **Request Main Roads Western Australia to approve Restricted Access Vehicle Class 2 (up to 'B Double') on roads within the Kingsford Smith Business Park;**
2. **Request Main Roads Western Australia to approve Restricted Access Vehicle Class 2 (up to 'B double') on Wallwork Road, from Great Northern Highway to Altitude Avenue;**
3. **Confirm that Restricted Access Vehicles are not to be permitted access to other sections of Wallwork Road beyond the Shell Garage and Truck break down area;**

4. **Request that the Chief Executive Officer, or their authorised officer, develop a policy, strategy and implementation plan on Restricted Access Vehicles and report back to Council for consideration; and**
5. **Authorise the Chief Executive Officer to endorse Restricted Access Vehicle applications in accordance with the Main Roads Western Australia requirements.**

CARRIED 5/0

6:44pm Councillors Arif and Melville re-entered the room and resumed their chairs.

EXECUTIVE SUMMARY

An application has been received to allow 'Double Road Train' restricted access vehicles (RAV Class 5A OR RAV 5) in Kingsford Smith Business Park (KSBP).

The estate roads have been designed to allow 'B Double' vehicles ('RAV Class 2') and there is an existing strategy to prevent trucks larger than semi-trailers ('RAV Class 1') on Wallwork Road, which is the only access road to the estate. The road design of the estate and intersections is sufficient for B Double access only.

This matter is being referred because:

- a) There is no current policy directive;
- b) This application may be contentious because there is a preexisting strategy to keep Restricted Access Vehicles off Wallwork Road;
- c) The decision affects the economic viability and value of the KSBP;
- d) The size of the vehicles requested exceeds the design of the roads;
- e) Conflicting information has been given by the Town to the applicant; and
- f) This decision will make a significant precedent.

BACKGROUND

Current RAV Application (August 2016)

BHP Billiton (BHPB) has applied to allow 'Double Road Trains' in the KSBP estate. By default this would include allowing these vehicles on Wallwork Road which is the only access to the estate.

The restricted access vehicles are required by BHPB to deliver goods from Perth to BHPB warehouse facility which is currently being constructed in the estate. The freight operation includes 14 triple road trains per week arriving and being broken down in the Linfox Wedgefield estate facility daily, and then shifted in 21 double road train movements per week to the warehouse in KSBP.

Development Application (June 2015)

BHPB is currently constructing a warehouse complex in the KSBP estate. The development has been approved and construction is proceeding.

The development approval for the warehouse does not mention Restricted Access Vehicles (RAV) as a condition or footnote, and it would not be normal for it to do so. The default assumption would be 'as of right vehicles only'.

RAV notices are a separate approval process to the development approval and issued by a different agency, Main Roads Western Australia (MRWA). The default position is that RAV is not permitted on a road unless there is an explicit permission and publication notice by MRWA. For the avoidance of doubt, the Town of Port Hedland (ToPH or Town) cannot authorise RAV access (only endorse the application) and MRWA will only consider a proposal endorsed by the ToPH.

Heavy Vehicle Applications and discussions (June 2015)

In June 2015, prior to lodging a development application BHPB contacted the ToPH and had discussions about developing a warehouse in the estate. RAV permission was discussed and documented in an email.

3/6/16 BHPB to ToPH, "Just confirming our discussion earlier that double road trains will be allowed in the business park?"

3/6/16 ToPH to BHPB, "confirmed that doubles will be allowed within the business park. And yes, I would suggest that the submission of a DA would be the next step."

Editor note (i) a 'Double Road Train' is a different configuration to a 'B Double'; and (ii) Wallwork Road is not explicitly mentioned but implied as this is the only access road to the estate.

A following emails were exchanged:

23/6/16 ToPH to DECMIL (Builders for BHPB), "Approved subject to the following conditions: B-double, length <27.5m, Maximum permitted mass 67.5T; "Truck" sign shall be placed on Wallwork Road prior to turning into KSBP to advise motorist accordingly; The Town of Port Hedland reserves the right to withdraw the approval at any time should the road deteriorate and no longer be deemed suitable for the purposes. This is also subject to a result of misuse or negligence resulting in damage to the road asset or serious safety concerns and significant risk to public safety; Any damage to existing infrastructures shall be reinstated by the applicant to the satisfaction of the Town and all deliveries shall cease during any funerals."

2/7/16 Prichard Francis (Engineers who designed the subdivision roads for BHPB) to ToPH "As per attached email the intersections at Precinct 3 were designed for B-doubles."

2/7/16 ToPH to Prichard Francis "Just trying to understand if the roads have been designed for B doubles or what vehicle length can be facilitated on these roads."

7/7/16 ToPH to DECMIL, "Please be advised that the Town has reviewed your application and wish to inform that we do not support bringing B Doubles into the Kingsford Smith Business Park (KSBP), as Wallwork Road will be removed from the RAV network. We suggest that you can bring a B Double to the Shell Roadhouse assembly area, from the Northside of Wallwork Road, where you can uncouple/breakdown and bring a single combination into the KSBP. We appreciate this may add a little time to your schedule, but it is not within the Towns future planning to have any of the roads at KSBP or any part of Wallwork Road for any RAV combinations. Therefore it will be redundant to add a road to the network."

BHPB subsequently advised by email their intention to apply for Double road train vehicles with an estimated 21 movements per week from the truck breakdown area to the warehouse.

Subdivision (Constructed in 2012-13, designed by Pritchard Francis for BHPB)

KSBP estate is a commercial subdivision located off Wallwork Road with a single point of access from Wallwork Road. It was developed by BHPB and designed by Consultant Engineers, Pritchard Francis. The subdivision was approved by the Western Australian Planning Commission (WAPC) and the road engineering design was approved by the ToPH.

The subdivision has been designed accessible for B Doubles and not larger and approved by the Town on that basis. There are project records throughout the process that this was the always the design intent.

Bypass Construction (Date unknown)

MRWA have advised that the Great Northern Highway/Wallwork interchange was constructed by the State Government following from pressure from the Local Community to stop heavy traffic using Wallwork Road and mixing with residential traffic. Corresponding records have not been found and this was some time ago.

Differentiation of 'B Double' (RAV 2) and 'Double Road train' (RAV 5A)

See attachment for a pictorial representation.

A 'B double' has a maximum length of 27.5 metres, maximum mass of 67.5 tonnes with a prime mover and two (2) triaxle groups.

A 'Double Road Train' has a maximum length of 36.5 metres, maximum mass of 84 tonnes, with a prime mover, two (2) triaxle groups and one (1) double axle group.

The geometric road design requirements for the two (2) different classes are different. See attachment 2 for an overlay.

A double road train typically causes marginal more damage because of the additional surface stresses. Consequently there is a marginal cost increase for maintenance.

B Double and Road train trailer units are not interchangeable. BHPB are running triple road train trailers from Perth to Port Hedland and the conversion process to a double road train is to unhook the last trailer. The conversion process to a B Double would be to unload all goods and reload on a new trailer.

CONSULTATION

Main Roads Western Australia

MRWA have advised that if requested to do so by the Town, they will assess the roads for compliance against criteria for the nominated RAV class and issue an appropriate permission. They further note that in the recent past the Town had requested the construction of the interchange and Wedgefield bypass specifically with the intention of removing RAV's from Wallwork Road.

BHP Billiton

BHPB are the applicant, and have requested access for RAV's up to 'Double Road Train' size. They have provided estimates of truck movements and impacts on their business operations in support of their application. BHPB note and provide evidence that:

- In their development approval from the Town no limit on RAV was noted; and
- On 3/6/15 ToPH emailed a confirmation that "doubles would be allowed in the business park" in response to a query from BHPB whether "double road trains will be allowed in the business park".

LEGISLATIVE IMPLICATIONS

The Road Traffic Code defines the maximum allowable mass, dimensions and configuration of vehicles. Vehicles complying with the Code are referred to as 'as of right' vehicles and all roads are (in theory) designed and built to accommodate them. Typically this includes up to 'Semi trailer' size.

Larger vehicles are referred to as RAV's and require a special permission to use roads. Permissions are issued by MRWA under the MRWA Act. Permissions are attached to a road, not issued to an operator. This means any user may subsequently use that road.

MRWA issues permissions based on recommendation of the manager of the road (Town of Port Hedland) and capability of the road to safely support that type of vehicle. Vehicles are categorized by size and mass in classes. (e.g. class 1 'as of right', class 2 'B double' and so forth) and access to roads is permitted by class. Hence a road may be designated 'RAV 5A' meaning vehicles up to Class 4 (pocket road train) are permitted on that road.

In practice an operator approaches the Town to request access to a road, the Town may (or may not) then apply to MRWA to have the road assessed and endorsed for RAV access. MRWA is the arbitrating authority but will not approve a Town road unless agreed by the Town.

POLICY IMPLICATIONS

The Town does not have an existing Policy on Restricted Access Vehicles. A typical policy would delegate authority for decision making and set the principles of decision making. Council policy is the means by which the elected members direct the Town Administration on key objectives of the Town. It also supports consistent decision making over time and through changes of office.

A policy on RAV is not required but is advised.

The Town Administration currently assesses RAV applications on the principle of maximizing access by heavy vehicles to the road network wherever it complies with technical and safety requirements. This is interpreted from various Council policies and activities that promote economic development and minimise.

Decisions are currently made by the Director Works and Services on behalf of the Council on technical criteria which include;

- A presumption of allowing the maximum suitable configuration unless;
- The road geometry and configuration is not safe for that configuration of vehicle;
- The road, bridges, culverts and other infrastructure are structurally unsuited to that configuration and mass of vehicle;

- The nominated configuration is unsuited to the character of the road (e.g. heavy trucks on a residential street);
- Inconsistency with the Town Planning Scheme; or
- There is an existing policy, standard or decision which does not support access by that configuration.

Endorsing a road for RAV access is always a precedent and it is not possible to approve a road for one user, but not another user if both users operate the same type of vehicle. Council may wish to consider adding a resolution to develop and adopt a policy but this is not required.

FINANCIAL IMPLICATIONS

The estate roads have been designed for B Double movements (RAV class 2) and there would be a requirement to upgrade roads and intersections to allow Double Road train access and particularly the intersection with Wallwork Road.

In theory the wear and tear of a larger vehicle is offset by the reduced number of movements required. In practice larger vehicles tend to cause more damage to pavements, signs and infrastructure causing a marginal maintenance and renewal cost increase.

The Town does not seek cost recovery or track expenditure on roads to this level of detail so quantification of costs and impact on the long term financial plan is difficult. Further investigation could be undertaken but the potential benefits in this instance would likely be less than the cost to undertake the investigation and this would be better done as part of an overall strategic initiative.

STRATEGIC IMPLICATIONS

Council has multiple strategic initiatives to promote economic development but none specific to Restricted Access Vehicles.

The Town development Strategy includes the construction and ongoing development of KSBP estate.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are economic benefits to allowing larger trucks on roads. If BHPB are required to break down trucks and make multiple movements it will reduce economy of scale, add time and add costs. Truck movements affected will include road train movements from Perth and movements between the warehouse and the Port.

Economic benefits need to be considered for the entire estate as this question is likely to apply to future developments.

There is a financial cost for the Town from larger vehicles – discussed above.

Social

Heavy trucks are a normal occurrence on Port Hedland higher order roads. It is understood the Wedgefield bypass was constructed with the intention of removing Restricted Access Vehicles from Wallwork Road for reasons of public safety concerns.

A safety audit has not been conducted. Roads in the estate have been designed in accordance with Australian Standards for B Double trucks (RAV class 2).

Risk

Risk	That BHPB claims damages from the Town for failure to fulfill an undertaking	That there is a serious traffic accident directly attributable to the larger RAV5A vehicle	There is a negative public perception of Heavy vehicles on Wallwork Road
Risk Likelihood (based on history and with existing controls)	Likely (4)	Possible (3)	Possible (3)
Risk Impact / Consequence	Major (4)	Major (4)	Minor (2)
Risk Rating (Prior to Treatment or Control)	High (10-16)	High (10-16)	Medium (5-9)
Principal Risk Theme	Financial Impact - 4 Major - \$300,001 - \$3M	Health - 4 Major - Lost time injury >5 days	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item
Risk Action Plan (Controls or Treatment proposed)	Control through addressing the commitment	Control through a traffic plan	Accept Risk

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 16, 12 and 6 has been determined for this item, therefore there is no need for a risk action plan.

CONCLUSION

In conclusion, the Council may:

- Not endorse an application for RAV vehicles;
- Endorse an application for RAV class 2 (“B Double”) vehicles;
- Endorse an application for RAV class 5A (“Double Road Train”) vehicles;
- Choose to defer and seek further advice.

If the Council endorses a RAV application it will then be reviewed and approved, or not, by MRWA based on road safety and design configuration.

A RAV endorsement would be a precedent.

The roads are only suited for RAV 2 access and would require improvement works to safely allow RAV 5A access.

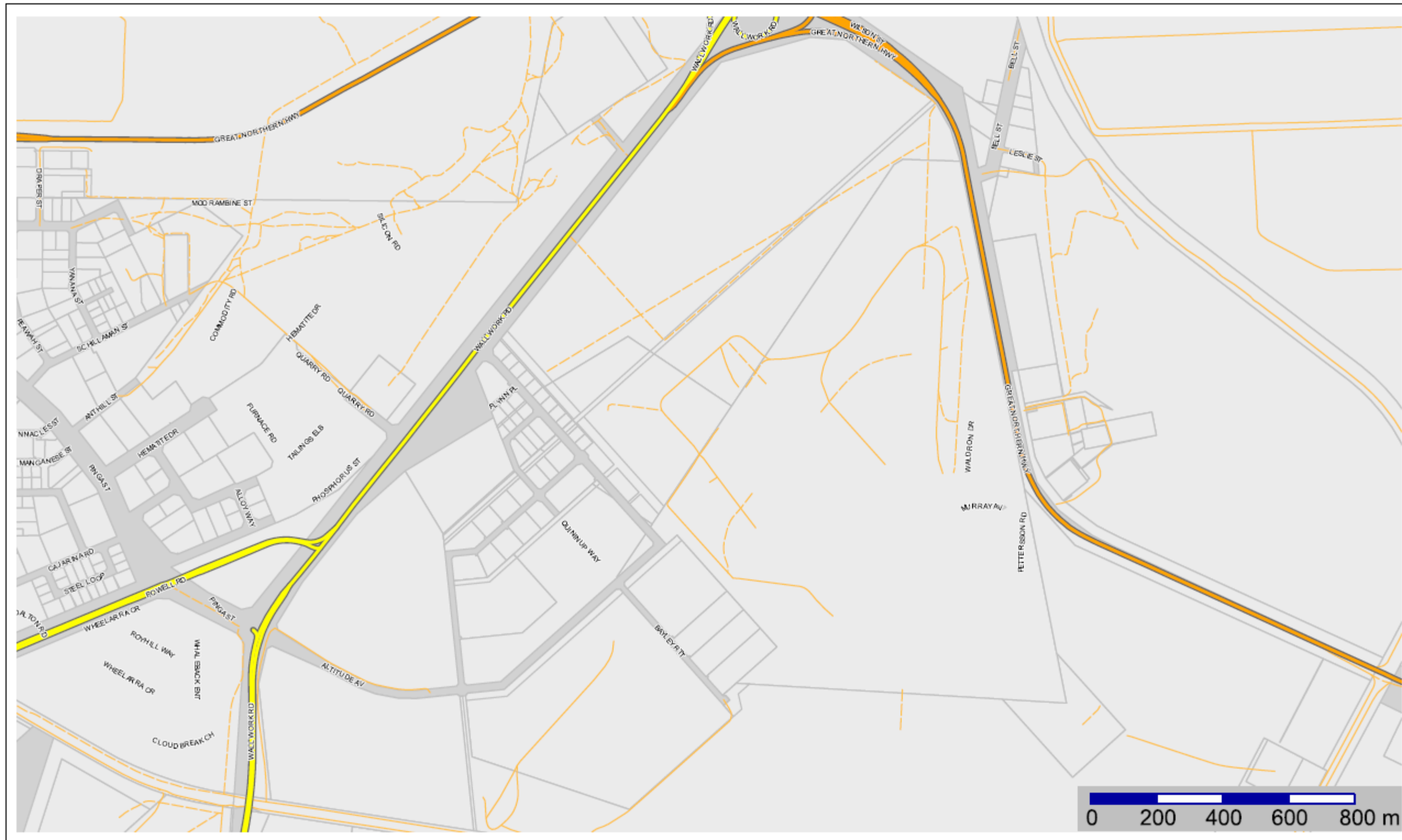
The Town has sent a single email that arguably endorses RAV 5 in KSBP estate and arguably BHPB has proceeded with construction on that basis. There is a risk of litigation.

There is other correspondence, including the entire subdivision design and construction process over several months initiated by BHPB engineers, Pritchard Francis that substantiates a design intent for the roads of RAV 2.

Social impacts with the current community have not been investigated formally but it is noted that;

- a) RAV vehicles currently use Wallwork road and there are minimal complaints; and
- b) There was a strategic intention to stop RAV vehicles using this road by the then Council, amended by a latter Council when the subdivision was approved and now brought to this Council.

Council does not need to adopt a RAV vehicle policy but having a policy, supported by a documented and detailed strategy and an implementation plan (with legacy provisions) is strongly advised.



The Town of Port Hedland does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Port Hedland Town Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

Property Mapping System

Scale: 1:23249
 Projection: GDA94 / MGA zone 50
 Date: 12/08/2016





Prime Mover, Trailer Combinations

VEHICLE DESCRIPTION AND CONFIGURATION CHART (RAV) – PRIME MOVER, TRAILER COMBINATIONS EXAMPLES		Axle Spacing Table	Length (m)	Mass (T) Maximum Permitted Mass	Height (m) (1 = see notes)	Axle Groups	RAV Network			
Category 1	(A) PRIME MOVER, SEMI TRAILER TOWING A PIG TRAILER	(C) SHORT B-DOUBLE	(D) TWINSTEER PRIME MOVER TOWING SEMI TRAILER	(A)	≤20	50	≤4.6 (4)	4	Network 1	
	(B) PRIME MOVER TOWING AN OVERHEIGHT SEMI TRAILER			(B)	≤19	42.5	≤3.5 (5)	3		
				(C)	≤20	50	≤4.6 (4)	4		
				(D)	≤19	47.5	≤4.6 (4)	3		
Category 2	(A) PRIME MOVER, SEMI TRAILER TOWING A PIG TRAILER	(C) B-DOUBLE	(D) SHORT B TRIPLE	(E) CAR CARRIER SEMI TRAILER	(A)	≤27.5	65.5	≤4.6 (4)	4	Network 2
	(B) PRIME MOVER TOWING SEMI TRAILER				(B)	≤20	47.5	≤3.5 (5)	3	
					(C)	≤27.5	67.5	≤4.6 (4)	4	
					(D)	≤27.5	87.5	≤4.6 (4)	5	
					(E)	≤25	42.5	≤4.6 (4)	3	
Category 3	(A) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER	Example of Axle Groups		(A)	≤27.5	84	≤4.6 (4)	5	Network 3	
Category 4	(A) PRIME MOVER, SEMI TRAILER TOWING 6 AXLE DOG TRAILER	Example of Axle Group with An Optional Axle		(A)	≤27.5	87.5	≤4.6 (4)	5	Network 4	
Category 5	(A) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER	(C) B-DOUBLE TOWING A CONVERTER DOLLY	(D) B-TRIPLE	(A)	>27.5, ≤36.5	84	≤4.6 (4)	5	Network 5	
	(B) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER AND CONVERTER DOLLY			(B)	>27.5, ≤36.5	84+d	≤4.6 (4)	6		
				(C)	>27.5, ≤36.5	67.5+d	≤4.6 (4)	5		
				(D)	>27.5, ≤36.5	84	≤4.6 (4)	5		
Category 6	(A) PRIME MOVER, SEMI TRAILER TOWING 6 AXLE DOG TRAILER	(B) B-TRIPLE	(C) PRIME MOVER SEMI TRAILER TOWING A 6 AXLE TRAILER & CONVERTER DOLLY	(A)	>27.5, ≤36.5	87.5	≤4.6 (4)	5	Network 6	
				(B)	>27.5, ≤36.5	87.5	≤4.6 (4)	5		
				(C)	>27.5, ≤36.5	87.5+d	≤4.6 (4)	6		
Category 7	(A) PRIME MOVER, TOWING SEMI TRAILER AND B DOUBLE	(B) B-DOUBLE TOWING A DOG TRAILER		(A)	>27.5, ≤36.5	107.5	≤4.6 (4)	6	Network 7	
				(B)	>27.5, ≤36.5	107.5	≤4.6 (4)	6		
Category 9	(A) PRIME MOVER, SEMI TRAILER TOWING 2 X DOG TRAILERS	(B) PRIME MOVER, SEMI TRAILER TOWING A DOG TRAILER AND CONVERTER DOLLY	(D) PRIME MOVER, SEMI TRAILER TOWING A B-DOUBLE	(A)	>36.5, ≤53.5	120.5	≤4.6 (4)	7	Network 9	
	(C) B DOUBLE TOWING A DOG TRAILER			(B)	>36.5, ≤53.5	84+d	≤4.6 (4)	6		
				(C)	>36.5, ≤45	107.5	≤4.6 (4)	6		
				(D)	>36.5, ≤45	107.5	≤4.6 (4)	6		
Category 10	(A) PRIME MOVER, SEMI TRAILER TOWING 2 X 6 AXLE DOG TRAILERS	(B) B-DOUBLE TOWING A CONVERTER DOLLY CONNECTED TO 2 SEMI TRAILERS		(A)	>36.5, ≤53.5	127.5	≤4.6 (4)	7	Network 10	
	(C) PRIME MOVER, SEMI TRAILER TOWING B TRIPLE	(D) B-DOUBLE TOWING 2 DOG TRAILERS		(B)	>36.5, ≤53.5	127.5	≤4.6 (4)	7		
	(E) DOUBLE ROAD TRAIN TOWING B-DOUBLE TRAILERS	(F) PRIME MOVER, SEMI TRAILER TOWING A 6 AXLE DOG TRAILER AND CONVERTER DOLLY		(C)	>36.5, ≤53.5	127.5	≤4.6 (4)	7		
				(D)	>36.5, ≤53.5	147.5	≤4.6 (4)	8		
				(E)	>36.5, ≤53.5	147.5	≤4.6 (4)	8		
				(F)	>36.5, ≤53.5	87.5+d	≤4.6 (4)	6		

- NOTES**
- Operators using a category of RAV outlined in this document must operate that RAV in accordance with the OPERATING CONDITIONS and only on the network specified.
 - These diagrams are a visual indication of the vehicle only.
 - Operators must refer to the OPERATING CONDITIONS for the full vehicle description.
 - The height of the vehicle can exceed 4.3 m but MUST NOT exceed 4.6 m when it is:
 - (i) built to carry livestock or; (ii) carrying a crate to carry livestock or; (iii) carrying vehicles on more than one deck or; (iv) carrying a multi modal container or; (v) carrying a large indivisible item or; (vi) When operating with an appropriately licenced over height curtain side or pantechtronic trailer.
 - Maximum height of Pig Trailer only.

Heavy Vehicle Services
 Tel: 138 HVO (486)
 Email: hvs@mainroads.wa.gov.au
 Website: www.mainroads.wa.gov.au





This page is blank intentionally

Item 13 Reports of Committees

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

13.1 Audit, Risk and Governance Committee Minutes – 6 September 2016**CM201617/066 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR WHITWELL****SECONDED: CR ARIF**

That Council receive the Minutes of the Ordinary Meeting of the Audit, Risk and Governance Committee held on 6 September 2016 at 5:30pm inclusive of the following decision:

12.1.1 Monthly Reports: Status of Audit, Risk and Governance Committee Decisions; Completed Decisions and Risk Register

CARRIED 7/0

Item 14 Motions of Which Previous Notice Has Been Given

Nil

Item 15 New Business of an Urgent Nature

15.1 Richardson Street Boat Ramp Tender Award

Note: This item has been withdrawn from the meeting.

15.2 Statement of Financial Activity for the period ended 31 August 2016

File No: 12/14/0003
Applicant/ Proponent: N/A
Subject Land/ Locality: N/A
Date: 14/09/2016
Author: Jodi Marchant, Acting Manager Financial Services
Authorising Officer: Kathryn Crothers, Acting Director Corporate Services
Disclosure of Interest from Author: Nil
Authority/Discretion: Information Purposes - includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Attachments:

1. Monthly Financial Health Check for the period ended 31 August 2016
2. Statement of Financial Activity for the period ended 31 August 2016 (Under Separate Cover)
3. Accounts paid under delegated authority for the month of August 2016 (Under Separate Cover)
4. Credit Card Statements for the month of August 2016
5. Bank Account Summary for the month of August 2016

CM201617/067 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR TAVO

That with respect to the Statement of Financial Activity for the period ended 31 August 2016, Council:

- 1. Receive the Monthly Financial Health Check;**
- 2. Receive the Statement of Financial Activity (and supporting information);**
- 3. Note the accounts paid during August 2016 under delegated authority;**
- 4. Receive the Credit Card Statements;**
- 5. Receive the Bank Account Summary.**

CARRIED 7/0

EXECUTIVE SUMMARY

This report presents the Statement of Financial Activity for the period ended 31 August 2016. Supplementary information regarding the Town's financial activities is attached to this report.

The net current assets and opening surplus figure presented in this report and attachments are interim only and are subject to change pending end of financial year non-cash (accrual) and other accounting adjustments required as part of finalising the 2015/16 annual financial statements. The annual financial statements will be audited by the Town's independent auditors RSM Bird Cameron in September and presented to Council upon completion.

BACKGROUND

The attachment details the Town’s financial performance for the period ending 31 August 2016.

When Council adopted the 2016/17 Budget on 25 August 2016, the threshold of materiality to be used in statements for reporting material variances was set as per the below:

1. With regards to expenditure classified as operating, a variance of 10% or \$10,000, whichever is the greater, of the year to date current month Current Budget, with Program as the level that requires explanation;
2. With regards to expenditure classified as capital, a variance of 10% or \$10,000, whichever is the greater, of the 12 month Current Budget, with individual project as the level that requires explanation;
3. With regards to income, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation;
4. With regards to all other items not specifically identified above, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation.

The following commentary is provided on variances as details above for the period ended 31 August 2016.

Legend:

↑	Over Budget
↓	Under Budget

Variance Commentary:

	Variance			Comment
	%	\$		
OPERATING EXPENDITURE (Based on the YTD budget)				
General Purpose Income	62%	\$35K	↓	Written down value of assets sold and admin allocation journals have not been processed YTD. This will be completed in September.
Governance	(324%)	(\$1,511K)	↑	Incorrect allocation of employee costs due to the change of the GL structure. Corporate Services employee costs have all been allocated here and need to be reallocated to Program: Other Property and Services.
Law, Order & Public Safety	61%	\$286K	↓	Employee costs slightly lower than expected YTD by \$50k. This is due to the change of the COA and reallocation to occur. Materials & Contracts under budget mainly in CCTV contractors and plant overhead recovery in Animal Control Operations. Depreciation expense YTD has not yet been applied.

Health	64%	\$145K	↓	Re-allocation of Materials & Contractors is yet to occur with the COA change. Underspent by \$47K. Admin allocation journal has not been applied YTD – to be amended in September. Depreciation expense YTD has not yet been applied.
Education & Welfare	(26%)	(\$152K)	↑	Employee costs lower than expected YTD by \$190k. This is due to the change of the COA and reallocation to occur. Application of North West Fest expenditure of \$500K to be reallocated to Recreation & Culture. Admin allocation journal has not been applied YTD – to be completed in September. Depreciation expense YTD has not yet been applied.
Community Amenities	59%	\$820K	↓	Employee costs lower than expected YTD by \$90k. This is due to the change of the COA and reallocation to occur. Materials & Contracts underspent by \$468K mainly in Landfill plant overhead recovery, contract service providers and return on investment to Muni. Admin allocation journal has not been applied YTD – to be completed in September. Depreciation expense YTD has not yet been applied.
Recreation & Culture	65%	\$2,412K	↓	Employee costs lower than expected YTD by \$200k. This is due to the change of the COA and reallocation to occur. Materials & Contracts underspent by \$800K across Sportsgrounds and Facilities maintenance and administration costs due to the timing of budget adoption. Other Expenditure is underspent by \$327K mainly in NWF Contribution payments, and YMCA payments for FMG memberships. Admin allocation journal has not been applied YTD – to be completed in September. Depreciation expense YTD has not yet been applied – this has a large impact here of approx. \$740K underspend.
Transport	93%	\$4,378K	↓	Employee costs lower than expected YTD by \$270k. This is due to the change of the COA and reallocation to occur.

				Materials & Contractors significantly underspent, mainly in Airport Projects \$2.6M and Infrastructure Maintenance \$275K. Admin allocation journal has not been applied YTD – to be completed in September. Depreciation expense YTD has not yet been applied – this has a large impact here approx. \$920K underspend.
Economic Services	49%	\$137K	↓	Employee costs lower than expected YTD by \$60k. This is due to the change of the COA and reallocation to occur. Admin allocation journal has not been applied YTD – to be completed in September.
Other Property & Services	(329%)	(\$844k)	↑	Employee costs are to be allocated from Governance as part of the COA reallocation. Administration Allocation journal has not been applied for 2016/17 to date. Will be completed in September.
CAPITAL EXPENDITURE				
<p>With the budget only being adopted at the end of August, the capital works program is showing variances across all projects due to the start date being delayed.</p> <p>Throughout September, Capital Works will be profiled to demonstrate timing of individual projects and progress reporting will be presented in the September Monthly Financials.</p>				
INCOME (Based on the 12 month budget)				
Rates	(99%)	(\$23,400K)	↓	Rates notices will be issued in September.
Operating Grants, Subsidies & Contributions	(91%)	(\$7,669K)	↓	Payments from grant providers are received quarterly or upon full acquittal of the related project.
Fees & Charges	(74%)	(\$9,089K)	↓	Fees & charges are received throughout the year as services are provided.
Interest Earnings	(105%)	(\$7,780KK)	↓	Due to staggering maturities on investments, interest earnings are received at various times throughout the financial year. Showing as over 100% variance due to accrued income from interest revenue.
Other Revenue	(60%)	(\$1,326K)	↓	Other revenue is generally made up of reimbursements received from other organisations and community groups throughout the financial year.
Non-Operating Grants,	(1355 %)	(\$799K)	↓	Payments from grant providers are received quarterly or upon full acquittal of the related project.

Subsidies & Contributions				
OTHER ITEMS (Based on the 12 month budget)				
Depreciation		(\$13,839K)	↓	Depreciation has not been processed year to date due to the finalisation of revaluations for EOY 2015/16 not yet complete.
Proceeds from Disposal of Assets		(\$870K)	↓	Proceeds are yet to be received for 2016/17.
Transfers to/from Reserves		(\$19,228K)	↓	Reserve transfers are processed in line with actual expenditure as per the adopted budget.

The interim net current asset position as at 31 August 2016 is \$0.893M. The interim unrestricted cash position as at 31 August 2016 is a \$1.667M deficit. This means that the Town is utilising cash otherwise dedicated to cash backing reserves rather than incurring additional cost of an overdraft facility until rates are received and the net cash inflow increases. These figures are subject to change as part of the finalisation of the 2015/16 financial year and are calculated as follows:

	2016/17 Actuals
Current Assets: Cash and Investments	\$237,970,854
Restricted Cash – Reserves	(\$239,637,816)
Unrestricted Cash Position as at 31 July 2016	(\$1,666,962)

CONSULTATION

Internal consultation with the Manager Financial Services and the Acting Director Corporate Services. Management commentary was also requested for the material variances from the Directors and Budget Unit Responsible officers.

LEGISLATIVE IMPLICATIONS

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the following:

- The local government to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget for that month in the following detail:
 - annual budget estimates, taking into account any expenditure incurred for an additional purpose; and
 - budget estimates to the end of the month
 - material variances between budget estimates and actual amounts of expenditure
 - the net current asset at the end of the month
- Each statement of financial activity is to be accompanied by documents containing:
 - an explanation of the composition of the net current assets less committed assets and restricted assets
 - an explanation of each of the material variances and;
 - such other supporting information considered relevant

3. The information in the statement of financial activity may be shown:
 - according to nature and type classification; or
 - by program
 - by business unit
4. A statement of financial activity, and the accompanying documents are to be:
 - presented at an ordinary meeting of the council within 2 months after the end of the month to which it relates; and
 - recorded in the minutes of the meeting at which it is presented
5. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in the statements of financial activity for reporting material variances

If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, as this Council has, Regulation 13 of the *Local Government (Financial Management) Regulations 1996* requires the Town to prepare a list of accounts paid by the CEO each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

POLICY IMPLICATIONS

In accordance with regulations 34 (5) of the *Local Government (Financial Management) Regulations 1996* and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2016/17 for reporting material variances adopted by the Council on 25 August 2016 shall be:

1. With regards to expenditure classified as operating, a variance of 10% or \$10,000, whichever is the greater, of the year to date current month Current Budget, with Program as the level that requires explanation;
2. With regards to expenditure classified as capital, a variance of 10% or \$10,000, whichever is the greater, of the 12 month Current Budget, with individual project as the level that requires explanation;
3. With regards to income, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation;
4. With regards to all other items not specifically identified above, a variance of 10% or \$100,000, whichever is the greater, of the 12 month Current Budget, with Nature and Type as the level that requires explanation.

FINANCIAL IMPLICATIONS

A municipal surplus occurs where revenue exceeds expenditure in a particular financial year. As per the adopted 2016/17 budget, the estimated municipal surplus is \$1,589.

Council Decision CM201617/038 Part J states that the organisation continue to identify efficiencies, savings, and business system improvements and /or additional revenues, such that the budget draw on the forecast interest earned on the Port Hedland International

Airport Long Term Lease Reserve at 30 June 2017 is reduced by \$2M, from such areas as, but not limited to:

- a. Consultants
- b. Contractors
- c. Legal expenses
- d. IT expenses
- e. Accommodation and travel expenses etc.

STRATEGIC IMPLICATIONS

The Town provides monthly Statements of Financial Activity as part of its delivery of high quality corporate governance, accountability and compliance. The Town’s goals and actions in this regard are set out in the Leading our Community section of the Strategic Community Plan 2014-2024.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer’s recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer’s recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer’s recommendation.

Risk

The Town of Port Hedland is exposed to a number of financial risks.

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.

Risk	Rates Revenue – TWA GRV Valuations/Income
	The Town has received new valuations for all the GRV Transient Works Accommodation (TWA) properties from Landgate based on the SAT determination on the valuation basis of TWA’s. The result is only one TWA valuation has been revised and this will result in approximately \$125,000 reduction in rate revenue in 2016/17, based on the proposed rate in the dollar. The remaining TWA’s valuations have not changed, therefore further reductions in GRV TWA rate revenue due to valuation decreases is unlikely.
Risk Likelihood (based on history and with existing controls)	Unlikely (3)

Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 3 Moderate - \$300,001 - \$3M
Risk Action Plan (Controls or Treatment proposed)	Accept Risk
Risk	Waste Management Reserve
	As at 30 June 2016 the budgeted closing balance of the Waste Management Reserve is \$11.956m. 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.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Major (4)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 4 Major - \$300,001 - \$3M
Risk Action Plan (Controls or Treatment proposed)	Manage by building reserve balance to required level to mitigate financial loss
Risk	Underground Power Debtor
	Council has one Debtor who is currently disputing the works on the basis of rateability. The value of this Debtor is over \$271K with accrued interest.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Financial Impact - 3 Moderate - \$30,001 - \$300,000
Risk Action Plan (Controls or Treatment proposed)	Manage by creating provision for doubtful debt in the case that the amount is unrecoverable
Risk	Unspent Grant Funding
	The Town currently has unspent grant funding, including funding from Royalties for Regions and Country Local Government Fund. This funding is associated with capital works programs such as the South Hedland Library Community Centre and Kerbing Construction. If the Town does not expend and acquit the funding in a timely manner the funding bodies may not approve carry-over into future years and the funding

	could potentially be 'lost'. This could also damage future funding opportunities.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile
Risk Action Plan (Controls or Treatment proposed)	Manage by monitoring progress towards project completion. Council make a strategic decision on the 'Hub'.

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

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 and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating has been determined for each of these items. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

CONCLUSION

As at 31 August 2016, the net current asset position is \$893K compared to the current budgeted closing position for 30 June 2016 of \$1,589.

This item has highlighted any material variances and also identified any known risks and rated them accordingly.

MONTHLY FINANCIAL HEALTH CHECK



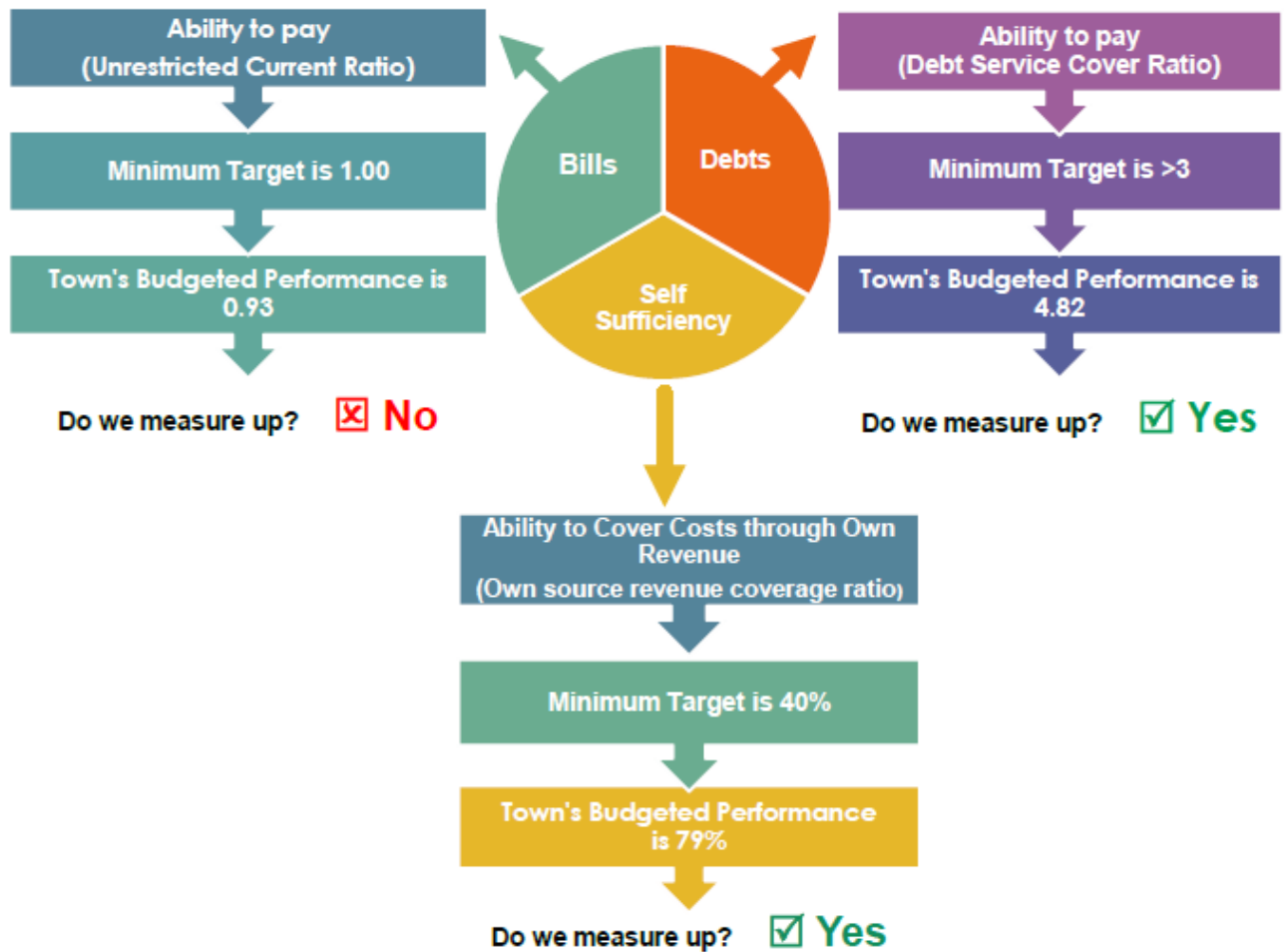
As at 31 August 2016

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



Financial Snapshot (Year to Date)	Actual (000's)
Operating Revenue	\$4,794
Operating Expenditure (Including Non-Cash Items)	(\$6,516)
Non-Cash Items	\$0
Capital Revenue	\$92
Capital Expenditure	(\$924)
Loan Repayments	(\$278)
Transfers to/from Reserves	(\$41)
Surplus Brought Forward 1 July 2015	\$3,765
Current Municipal Surplus Position at 31 August 2016	\$893
Current Budget Municipal Surplus Position at 30 June 2017	\$2

Financial health indicators



Cash in the bank



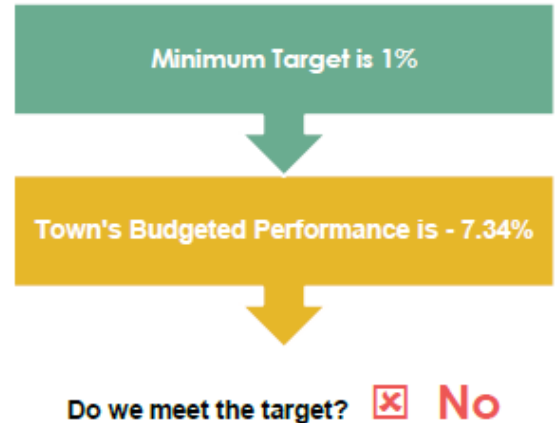
▶ How are we tracking against our budgeted targets?

Adjusted Operating Surplus

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.

Note: Adjusted for one off expenditure related to major works at PHIA classified as operating due to lease of the facility

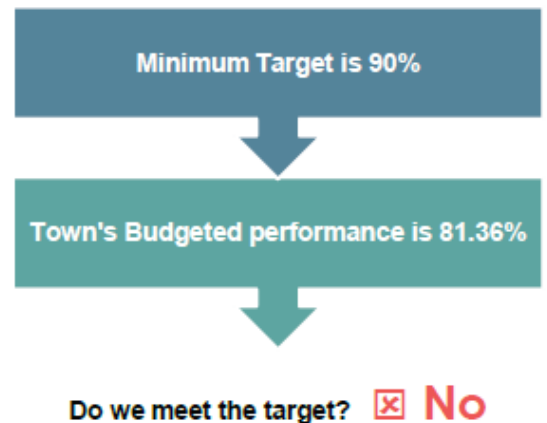
- The increase in depreciation (following revaluation of assets at fair value over the last three years) has significantly increased the annual depreciation charge and puts pressure on the operating surplus result.
- A negative ratio highlights the gap in funding infrastructure renewal expenditure from Council's own source revenue.
- To assist in reducing the negative ratio, the budget adoption Council Resolution CM201617/038 included an additional \$2M savings is to be identified in efficiencies, savings and business system improvements and/or revenues across the organisation by 30 June 2017.



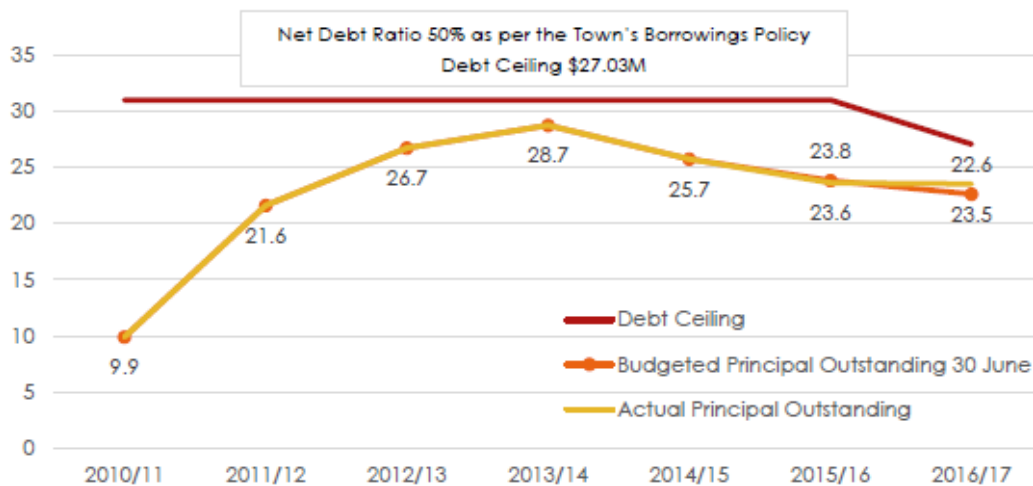
Asset Sustainability Ratio

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

- A reduced Capital Works Program (including renewals) and an increase in the budgeted depreciation as a result of revaluations has had a two-fold effect on the asset sustainability ratio resulting in the ratio coming in just below the target.
- With a history of high levels of capital expenditure in the past 4 years, the Town need to ensure expenditure on capital renewal is maintained at the same rate as depreciation moving forwards.



Debt levels



Original Budget Principal Outstanding Forecast at 30 June 2017 = \$22.6M
 Original Budget Operating Revenue = \$54.06M
 Budgeted Net Debt Ratio = 42%
 Actual Net Debt Ratio = 43%
 Actual Principal Outstanding 31 August 2016 = \$23.5M
 Debt Ceiling 50% pursuant to Policy (\$54.06M x 50%) = \$27.03M

Intergenerational Loans		
Loan Purpose	Outstanding Amount	Remaining Term
1. Marquee Park	\$4.50M	14/15 years
2. JD Hardie Upgrade	\$2.62M	14/16 years
3. Wanangkura Stadium	\$8.95M	15/16 years
4. GP Housing	\$1.35M	16 years

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

ATTACHMENT 4 TO ITEM 15.2

TOWN OF PORT HEDLAND
Summary of Credit Cards and Statements for the Month of August 2016
Attachment 6

Account Name	Account Number	Card Holder	Debit Balance
Town of Port Hedland	██████████-8349	Tandy Williams	\$1,639.49
Town of Port Hedland	██████████-8364	Jessica Dodd	\$8,906.79
Town of Port Hedland	██████████-8885	Chris Linnell	\$184.90
Town of Port Hedland	██████████-7068	Andrea Pears	\$3,259.37
Town of Port Hedland	██████████-8868	Jessica Rankin	\$4,946.41
			\$18,936.96

At the Town of Port Hedland, the Council's Corporate Services Directorate and Finance Team have an overriding objective of providing quality corporate governance; accountability; transparency and compliance and welcome any questions or queries on the credit card statements from not just elected members, but the public in general.



NAB Connect

Transaction History Report

Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-7068
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 3,259.37 DR
Closing balance: 0.00 CR
Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		406.00 DR		406.00 DR
02/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132160766		446.70 DR		446.70 DR
03/08/2016	CREDIT CARD PURCHASE POST PORT HEDLAND		13.85 DR		13.85 DR
08/08/2016	CREDIT CARD PURCHASE J BLACKWOOD & SON P/L		19.36 DR		19.36 DR
10/08/2016	CREDIT CARD PURCHASE COLES 0385		211.91 DR		211.91 DR
17/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		88.00 DR		88.00 DR
18/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132573814		452.70 DR		452.70 DR
24/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		406.00 DR		406.00 DR
25/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132742666		326.70 DR		326.70 DR
26/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132758559		326.70 DR		326.70 DR
29/08/2016	FEE ANNUAL FEE		60.00 DR		60.00 DR
31/08/2016	CREDIT CARD PURCHASE PAYPAL *MERRYMUSIC		501.45 DR		501.45 DR

Transaction History Report (Continued)Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-8868
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 4,946.41 DR
Closing balance: 0.00 CR

Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/08/2016	CREDIT CARD PURCHASE APPLE ITUNES STORE		7.99 DR		7.99 DR
12/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		337.00 DR		337.00 DR
15/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132454875		326.70 DR		326.70 DR
16/08/2016	CREDIT CARD PURCHASE A2K TECHNOLOGIES		3,242.32 DR		3,242.32 DR
17/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132525617		326.70 DR		326.70 DR
26/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132767399		645.70 DR		645.70 DR
29/08/2016	FEE ANNUAL FEE		60.00 DR		60.00 DR

Transaction History Report (Continued)Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-8349
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 177.50 CR
Total debits: 1,639.49 DR
Closing balance: 0.00 CR

Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132135345		392.70 DR		392.70 DR
05/08/2016	CREDIT CARD PURCHASE WOOLWORTHS 4316		8.49 DR		8.49 DR
09/08/2016	CREDIT CARD REFUND P H C C I POR			143.00 CR	
09/08/2016	CREDIT CARD PURCHASE KMART 1103		42.00 DR		101.00 CR
11/08/2016	CREDIT CARD PURCHASE LUNA EVENTS		49.30 DR		49.30 DR
17/08/2016	CREDIT CARD PURCHASE KEYSPOT SERVICES		80.00 DR		80.00 DR
18/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		812.00 DR		812.00 DR
23/08/2016	CREDIT CARD PURCHASE PILBARA PHOTOGRAPHICS PTY		195.00 DR		195.00 DR
26/08/2016	CREDIT CARD REFUND LUNA EVENTS			34.50 CR	34.50 CR
29/08/2016	FEE ANNUAL FEE		60.00 DR		60.00 DR

Transaction History Report (Continued)

Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-8364
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 80.00 CR
Total debits: 8,906.79 DR
Closing balance: 0.00 CR

Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
02/08/2016	CREDIT CARD PURCHASE LEEDERVILLE CAMERA H		80.00 DR		80.00 DR
03/08/2016	CREDIT CARD PURCHASE CHARACTER CREATIONS		201.90 DR		
03/08/2016	CREDIT CARD PURCHASE PAYPAL *IRISCONSULT		260.00 DR		
03/08/2016	CREDIT CARD PURCHASE Dr Paresh J Budhia		271.00 DR		732.90 DR
04/08/2016	CREDIT CARD PURCHASE WOOLWORTHS 4316		22.26 DR		22.26 DR
05/08/2016	CREDIT CARD PURCHASE MYER CONSUMER GIFT CARDS		120.00 DR		120.00 DR
08/08/2016	CREDIT CARD PURCHASE DROPBOX*HHC3K3FSPJGL		119.00 DR		119.00 DR
09/08/2016	CREDIT CARD PURCHASE MAILCHIMP		66.50 DR		
09/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132248758		80.00 DR		146.50 DR
10/08/2016	CREDIT CARD PURCHASE COUNTRY ARTS SA		242.00 DR		
10/08/2016	CREDIT CARD PURCHASE MASTER PICTURE FRAMERS		330.00 DR		572.00 DR
12/08/2016	CREDIT CARD PURCHASE WOOLWORTHS ON LINE		112.08 DR		
12/08/2016	CREDIT CARD PURCHASE PILBARA PHOTOGRAPHICS PTY		150.00 DR		
12/08/2016	CREDIT CARD PURCHASE AUSKI TOURIST VILLAG		175.00 DR		
12/08/2016	CREDIT CARD PURCHASE Mercure Hotel Perth FD IN		182.70 DR		
12/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132421607		711.70 DR		
12/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132433360		1,291.40 DR		2,622.88 DR
15/08/2016	CREDIT CARD PURCHASE FORM CY CT N DN INC POR		150.00 DR		150.00 DR
17/08/2016	CREDIT CARD PURCHASE PAYPAL *JUSTJERKYPT		120.00 DR		120.00 DR
22/08/2016	CREDIT CARD REFUND CHARACTER CREATIONS			80.00 CR	

Transaction History Report (Continued)

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
22/08/2016	CREDIT CARD PURCHASE FORM CY CT N DN INC POR.		400.00 DR		320.00 DR
23/08/2016	CREDIT CARD PURCHASE COMPASS PORT HAVEN		44.40 DR		
23/08/2016	CREDIT CARD PURCHASE CAHOOTS		383.00 DR		
23/08/2016	CREDIT CARD PURCHASE THE LODGE AND SOUTH HE		596.00 DR		1,023.40 DR
25/08/2016	CREDIT CARD PURCHASE HEDLAND EMPORIUM PTY		3.80 DR		
25/08/2016	CREDIT CARD PURCHASE HEDLAND EMPORIUM PTY		10.20 DR		14.00 DR
26/08/2016	CREDIT CARD PURCHASE WOOLWORTHS 4316		42.15 DR		42.15 DR
29/08/2016	FEE ANNUAL FEE		60.00 DR		
29/08/2016	CREDIT CARD PURCHASE STAYKOOL AIRCONDITION		90.00 DR		
29/08/2016	CREDIT CARD PURCHASE PUBLIC SECTOR TRAINI		2,175.00 DR		2,325.00 DR
30/08/2016	CREDIT CARD PURCHASE Charmers Jewellers		90.00 DR		
30/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132825434		326.70 DR		416.70 DR

Transaction History Report (Continued)Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-8868
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 4,946.41 DR
Closing balance: 0.00 CR

Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/08/2016	CREDIT CARD PURCHASE APPLE ITUNES STORE		7.99 DR		7.99 DR
12/08/2016	CREDIT CARD PURCHASE QANTAS AIRWAYS		337.00 DR		337.00 DR
15/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132454875		326.70 DR		326.70 DR
16/08/2016	CREDIT CARD PURCHASE A2K TECHNOLOGIES		3,242.32 DR		3,242.32 DR
17/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132525617		326.70 DR		326.70 DR
26/08/2016	CREDIT CARD PURCHASE VIRGIN AUST 7952132767399		645.70 DR		645.70 DR
29/08/2016	FEE ANNUAL FEE		60.00 DR		60.00 DR

Transaction History Report (Continued)Account details

Account name
TOWN OF PORT HEDLAND
Account number
[REDACTED]-8885
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 184.90 DR
Closing balance: 0.00 CR

Date from: 01 August 2016
Date to: 31 August 2016

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/08/2016	CREDIT CARD PURCHASE BP 5TH HEDLAND1928		124.90 DR		124.90 DR
29/08/2016	FEE ANNUAL FEE		60.00 DR		60.00 DR

End of report

ATTACHMENT 5 TO ITEM 15.2



NAB Connect

Account Balance History Report

Details

Date range: 31-Aug-2016 to 31-Aug-2016
 Account name: TOPH MUNICIPAL
 Account number: 086-905 50-836-4446
 Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/08/2016	4	465,974.12	54	261,274.89	291,997.39 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 31-Aug-2016 to 31-Aug-2016
Account name: TOPH RES FND
Account number: 086-905 50-836-4462
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/08/2016	0	0.00	0	0.00	1,000.00 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 31-Aug-2016 to 31-Aug-2016
Account name: TOPH TRUST
Account number: 086-905 50-836-4489
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/08/2016	0	0.00	0	0.00	30,450.21 CR

End of report



NAB Connect

Account Balance History Report

Details

Date range: 31-Aug-2016 to 31-Aug-2016
Account name: TOWN OF PORT
Account number: 083-817 83-883-9096
Currency: AUD

Date	No. of debits	Debit amount	No. of credits	Credit amount	EOD balance
31/08/2016	0	0.00	0	0.00	3,000,000.00 CR

End of report

15.3 Spoilbank Marina Waterfront Development – Request to Endorse the Business Plan – For Community Engagement

Note: this item was considered as the first item under item 12 'Reports of Officers'.

Item 16 Matters for Which Meeting May Be Closed (Confidential Matters)

CM201617/068 COUNCIL DECISION

MOVED: CR TAVO

SECONDED: CR MELVILLE

That with respect to item 16.1 'Review Audit Update', Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995.

CARRIED 7/0

6:50pm The Acting Mayor advised that the meeting is now closed to the public.

16.1 Review Audit Update

CM201617/069 OFFICER RECOMMENDATION 1/COUNCIL DECISION

MOVED: ACTING MAYOR BLANCO

SECONDED: CR TAVO

That with respect to the review audit, Council:

1. Note the proposed approach and quotes received from the Request for Quote (2016/001) for a review to be conducted by a suitably qualified auditor into the previously identified issues; and
2. Appoint Paxon Group for \$24,750 (inc GST) plus disbursements to undertake parts A to D of the review audit.

CARRIED 4/3

For: Acting Mayor Blanco, Cr Melville, Cr Newbery, Cr Tavo
Against: Cr Hooper, Cr Arif, Cr Whitwell

CM201617/070 OFFICER RECOMMENDATION 2/COUNCIL DECISION

MOVED: CR TAVO

SECONDED: ACTING MAYOR BLANCO

That Council amends the 2016/17 Budget as per the below schedule of Budget Variations noting this will result in a municipal deficit position as at 30 June 2017:

Account Description	Current Budget	Amended Budget	Budget Impact
Members of Council – Consultants	\$5,000	\$35,000	Unfavourable

CARRIED BY ABSOLUTE MAJORITY 5/2

For: Acting Mayor Blanco, Cr Melville, Cr Arif, Cr Newbery, Cr Tavo
Against: Cr Hooper, Cr Whitwell

CM201617/071 COUNCIL DECISION	
MOVED: CR MELVILLE	SECONDED: CR HOOPER
That Council open the meeting to members of the public.	
<i>CARRIED 7/0</i>	

7:12pm The Acting Mayor advised that the meeting is now open to the public.

Item 17 Closure

17.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 October 2016, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 19 October 2016, commencing at 5:30pm.

17.2 Closure

There being no further business, the Acting Mayor declared the meeting closed at 7:14pm.