



Town of
Port Hedland



Ordinary Meeting of Council Minutes

Council Chambers, McGregor St, Port Hedland

5:30pm Wednesday 13 February 2019

Distribution Date:
26 February 2019

David Pentz
Chief Executive Officer

Our Vision

*To be Australia's leading
Port Town embracing
community, culture
and environment*



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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Mayor acknowledged the traditional custodians, the Kariyarra people, and recognised 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

Mayor Camilo Blanco
 Deputy Mayor Louise Newbery
 Councillor Julie Arif – via telephone at 5:35pm
 Councillor Richard Whitwell
 Councillor Peter Carter
 Councillor George Daccache
 Councillor Tricia Hebbard
 Councillor Warren McDonogh
 Councillor Telona Pitt

David Pentz	Chief Executive Officer
Robert Leeds	Director Development, Sustainability and Lifestyle
Gerard Sherlock	Director Infrastructure and Town Services
Josephine Bianchi	Acting Director Corporate and Performance
Wendy Barnard	Corporate Support Officer/Minute Taker

Public	32
Media	2
Officers	10

3.2 Attendance by Telephone / Instantaneous Communications

CM201819/109 COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR MCDONOGH

That Council approve Councillor Arif's request to attend the 13 February 2019 Ordinary Council Meeting via telephone whilst she is in Perth, Western Australia.

CARRIED 8/0

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Name	Item no.	Interest	Nature
Deputy Mayor Newbery	11.2.1 Proposed Closure of a portion of Whim Creek Road and Road No. 432	Financial	Deputy Mayor Newbery declared she holds a Port Authority contract.
Deputy Mayor Newbery	11.2.2 Proposed Dedication of a portion of Redbank Road, Port Hedland	Financial	Deputy Mayor Newbery declared she holds a Port Authority contract.
Councillor Daccache	11.2.4 Provision of Child Care	Financial	Councillor Daccache declares that he has BHP and FMG shares valued above the threshold.
Councillor Arif	11.2.1 Proposed Closure of a portion of Whim Creek Road and Road No. 432	Financial	Councillor Arif declared she holds a Port Authority contract.
Councillor Arif	11.2.2 Proposed Dedication of a portion of Redbank Road, Port Hedland	Financial	Councillor Arif declared she holds a Port Authority contract.
Councillor Arif	11.2.4 Provision of Child Care	Financial	Councillor Arif declared that her husband works for BHP and she owns BHP shares valued above the threshold.

Item 4 Applications for Leave of Absence

CM201819/110 COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR CARTER

That Council approve the following applications for leave of absence:

Councillor Daccache
Councillor Arif20 February – 8 March 2019
2 – 14 March 2019*CARRIED 9/0*

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 28 November 2018**5.1.1 Ms Chrissie McDowell**

What community consultation did you do in the six months prior to giving notice to the tenants at Stevens Street?

The Manager Governance advised that, as outlined in the report presented to the Special Council meeting on 10 December 2018, following an assessment of the technical information received in relation to the structure of the Stevens Street buildings the Town's administration concluded that the safety of all residents was at risk, and that it had a duty of care to ensure this was rectified as a matter of urgency, particularly in view of the impending cyclone season. The Town deemed this to be an operational matter, and wrote to the Department of Communities to advise of these reports, and requested that the Town be provided with temporary and/or permanent options available to residents.

The Town therefore engaged with technical experts as well and the Department of Communities on this matter, but did not undertake community consultation, as not warranted in these circumstances. The Town also advised Elected Members of the issues associated with these buildings, before engaging with all residents firstly in a group setting and subsequently on a one-on-one basis.

5.1.2 Ms Lauren Shannon

Are we able to access a list of all relevant agencies, government or otherwise, that have been responsible in any way for the maintenance, upkeep and management of any funding relating to the Port Hedland Retirement Village over the last 5 -10 years and what each agency's legal obligations towards the village were at the time of their involvement to assist in the confusion as to who is responsible for the retirement village and why it has been left to get to this in the first place?

The Manager Governance advised that, as outlined in the agenda of the Special Council meeting held on 10 December 2018, the Port Hedland Retirement Village units are located on Crown Reserve 31384 which is vested with the Town under section 33 of the then *Land Act 1933* for the purpose of an 'aged persons home', granted on 18 April 1979). That vesting order is subject to the Minister's approval for any lease or assignment of the whole or any portion of the land for a term not exceeding 21 years. On 22 December 1999 the Town and the then State Housing Commission ('Homeswest') entered into a Housing Joint Venture Agreement (JVA) for a term of 25 years.

The Town entered into a lease agreement with the Port Hedland Retirement Village Incorporated ('PHRV') commencing 1 July 2000 for a term of 5 years, effectively to enable it to manage the Village on the Town's behalf. This was despite the PHRV not being an organisation approved by Homeswest, although that lease was approved by the Minister. Whilst that lease has expired, the Town continued to informally lease the land to PHRV up until February 2018, when the PHRV advised the Town it intended to dissolve and the Council therefore appointed Foundation Housing to take over the management of Stevens Street.

No other agencies apart from those mentioned above have been involved in the maintenance, upkeep and management of funding related to Stevens Street buildings since 1999. The legal responsibility for the Stevens Street facility is outlined in the JV between the then State Housing Commission and the Town of Port Hedland.

5.1.3 Mr Paul Smeaton

Would the Council be open to an independent structural inspection of the Retirement Village? Only because the current report writer went into administration soon after, their report contains a lot of innuendo and on the last page it says it's structurally sound yet the Council says it is not.

The Manager Governance advised that with relation to point 3 the Town is currently seeking a second structural review from an independent Perth based specialist, which will then be passed on to a Quantity Surveyor who can quantify the value of works required to bring the facility up to code.

5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 28 November 2018

Nil

5.3 Response to Questions taken on notice from Public at the Special Council Meeting held on Monday 10 December 2018

5.3.1 Ms Lauren Shannon

On the Town Budget for 2016/17 there is a listing of \$30,000 under Retirement Village – Contractors, Trade. What was the budget for and were any works completed on the Village?

The Manager Financial Services advises that works to the value of \$31,665.35 were completed, which included:

- Air Conditioning servicing for all units
- Cockroach treatment and rodent baiting
- General maintenance including lighting, footpath renewal, ablution repairs, reticulation repairs, plumbing repairs, electrical repairs, etc.
- electrical safety audit
- Emptying skip bins
- Parts and materials purchased for maintenance.

Details of this response was deemed incorrect. Please refer to page 7 of the 26 June 2019 minutes for the correct response.

As the overspend is less than 10% of the budget, and the difference is less than \$10,000, this would not have been reviewed.

Cr Daccache raised the following question at the 13 February 2019 Ordinary Council Meeting.

Are the items referred to above paid by the Board through the rents and can these items be investigated as to who made the payment?

The Mayor advised that this question would be taken on notice.

5.3.2 Ms Lauren Shannon

The Retirement Village is a depreciating asset in the Town Budget. 2009/2010 and 2010/2011 budget it depreciated at just over \$5000, in the 2011/2012 budget it jumps to over \$40,000 depreciation, in the 2013/2014 it jumps to over \$70,000 and then over \$160,000 in the 2015/16 budget. Can the Council provide some clarification on why these amounts have increased so much over the years and why there is no mention of the Retirement Village as a depreciating asset in the last two budgets, and it doesn't seem to have been written off as an asset either?

The answer to this question is included in item 6.1.1 on page 12 of these minutes.

5.3.3 Ms Lauren Shannon

How did the Council choose the KSCE Engineers as an appropriate company to complete the investigation report, considering that the inspection took place on 8 May 2018 and the ABN listed on the report does not seem to have been active until 11 May 2018 and was not registered with the ASIC until 18 May 2018?

The Procurement Advisor advises that the report for the Port Hedland Retirement Village was conducted by KSCE Engineers ABN 97 626 258 688.

The works were awarded to KSCE Engineers on Tuesday 8 May 2018 in accordance with our procurement policy.

The company that was mentioned at the council meeting might have been KSCE Pty Ltd ABN 88 169 725 142, they were liquidated on the 11 September 2018 by the ATO.

The Town believes that KSCE Pty Ltd sold the company name which was registered as KSCE Engineers with ABN 97 626 258 688 on the 18 May 2018 with a renewal date of 18/5/2019.

5.4 Response to Questions taken on notice from Elected Members at the Special Council Meeting held on Monday 10 December 2018

Nil

5.5 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday 12 December 2018

Nil

5.6 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 12 December 2018

Nil

5.7 Response to Questions taken on notice from Public at the Special Council Meeting held on Monday 17 December 2018

Nil

5.8 Response to Questions taken on notice from Elected Members at the Special Council Meeting held on Monday 17 December 2018

Nil

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online 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 chairperson 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.

6.1 Public Question Time

The Mayor opened Public Question time at 5.43pm.

6.1.1 Ms Lauren Shannon

My first question is about the answers on the agenda for this meeting. The answers to one of my questions, about the depreciation process of the Port Hedland Retirement Village, states "to allow for a comprehensive response to be prepared, this answer will be provided in the minutes of the meeting." Which meeting minutes will this answer be found, as it did not specify?

The Mayor advised that the Town has a draft response to that question and it will be presented into the minutes of this meeting (included below):

Depreciation calculations are based on the determined useful life and fair value of the asset, and this useful life and fair value can be reviewed and amended through either an independent valuation or as part of a management review in any year. A reduction in the estimated useful life or fair value can result in increases in depreciation expense.

An independent revaluation was undertaken on all Council owned buildings as at 30 June 2014, which resulted in an increase in valuation, and an adjustment to the depreciation rate. This resulted in an increase to the yearly depreciation expense applied. A second independent revaluation was undertaken as at 30 June 2017 in line with Australian Accounting Standards, which saw a further increase in valuation at that time and adjusted depreciation expense.

The Stevens Street Retirement Village asset has been reviewed for impairment during the preparation of the FY18 accounts and based on information received the Town has determined that all buildings are structurally unsound and no longer fit for purpose. In accordance with Australian Accounting Standard AASB 136 Impairment of Assets, and AASB 110 Events after the Reporting Period the Town has determined that all assets at Stevens Street are fully impaired and this has been reflected in the financial statements for the year ended 30 June 2018.

The table below indicates the budgeted and actual depreciation applied to the retirement village assets from 2009/10 to 2017/18. It is not a requirement of Legislation that specific assets are identified within the budget for depreciation, and these totals are included in the overall building depreciation budgeted each year.

Year	Budget	Actual
2009/10	6192.00	37,585.00
2010/11	40,533.00	34,167.00
2011/12	40,201.00	32,556.00
2012/13	40,201.00	32,556.00
2013/14	45,231.00	32,556.00
2014/15	52,992.00	112,510.00
2015/16	113,000.00	112,818.00
2016/17	113,000.00	112,509.00
2017/18	113,000.00	52,398.00

In regards to the more recent building and structural inspection completed at the Port Hedland Retirement Village in December, when will the report be finalised and will it be made available to the public to view?

The Mayor advised that the report will be presented to Council sometime this month, and once Council reviews it, Council will then decide what happens to it from there.

Are you waiting on that report to come through before you start calling for tenders to complete any works to the Port Hedland Retirement Village soon?

The Mayor advised that the Town will have to consider the reports and see what costs are associated with the repairs of this building. The process will then start, if the Council votes to apply funds to that project.

6.1.2 Ms Kailah Marshall

On 15 December Mayor Camilo Blanco posted a comment via Facebook stating that the Port Hedland Retirement Village had \$170,000 in three different accounts. The Mayor mentioned that the Town is not legally allowed to touch these funds. What actions, if any, have been made in the attempt to gain access to these funds and what is their intended use (i.e maintenance and fixtures)?

The Mayor advised that the Town of Port Hedland does not have any jurisdiction to spend that money, which sits with Port Hedland Retirement Village Incorporated.

I thought that the committee didn't exist anymore?

The Chief Executive Officer advised that the Port Hedland Retirement Village Incorporated has not formally disbanded as yet.

The Deputy Mayor advised that the Port Hedland Retirement Village Incorporated decided that the money should go to the Royal Flying Doctor and St John Ambulance, which are like-minded organisations.

The Mayor asked if the Port Hedland Retirement Village Incorporated Committee has decided to forward the \$170,000 to other organisations?

The Deputy Mayor advised that, as the Chief Executive Officer explained, the money cannot come to the Town, it has to go to like-minded organisation, the Town is not a non-for-profit organisation and therefore cannot avail of the money.

Councillor Arif advised that as per the constitution of the Port Hedland Retirement Village, it has to be, as already mentioned by the Deputy Mayor, disbursed to like-minded organisations. Councillor Arif further advised that she checked with the Department of Commerce as to the disbanding process and was advised that the only way that an organisation with financial assets can distribute its assets is to send them to a registered charitable organisation. Councillor Arif received details as to how to go about finding which charities are registered, which showed that there were only two in Port Hedland. Councillor Arif stated that the money could stay in the town with organisations that have a presence in town, and these being St John Ambulance and the Royal Flying Doctor Service, both of whom have serviced the Port Hedland Retirement Village residents over a period of time, and so that is how they came upon it. Councillor Arif further stated that the Committee has not acted upon this option and is still going through the process.

The Mayor asked if the Committee has actually disbanded yet.

Councillor Arif advised in the negative, as they still have outstanding accounts and could not disband until all the bills are paid. Councillor Arif stated that she believes that they have now finally paid the last bill and once they are absolutely sure that everything is totally clear then they can formally start to disband.

The Mayor asked why the Committee is not spending the leftover funds on works that need to be done in the Retirement Village, in the interim?

Councillor Arif advised that they no longer have any operational management of the Port Hedland Retirement Village.

6.1.3 Mr Frank Edwards

My first question to the Council is, are you aware that the lease in question for this dog farm is being used as a goat farm, neighbouring leases 5224 and 5225 as well, with a herd of forty-odd goats on it? And are there any applications that should have been submitted to Council to allow this, as it has been going on for twelve months. I have goats getting out and eating my horse feed. I have got permission from the Rangers to shoot the goats now. Is there anything on record to clarify whether permission is needed to have these goats on these properties?

The Mayor advised that he is unaware if they are required to have any permission, but as this is a rural residential area, animals are allowed to be on that land.

I have also been made aware that there is an application for this Lot 5223, by George Anagnostopoulos and I am wondering if I am able to sight this document?

The Mayor advised that Mr Edwards would have to ask the Town's Planning Department, the Chief Executive Officer or the owner of that lease.

The application is with the Town's Planning Team, I have already talked to Planning and I have come here to ask you to sight the application from the lessee. I thought all applications were transparent for the public to see.

The Mayor asked if he could clarify which application Mr Edwards is referring to as the Council is now in view of a development application as it is a public document.

The application form isn't included in the documents included in the agenda.

The Chief Executive Officer advised that it is a public document and Mr Edwards can request to view it.

I spoke to the Manager of Planning and Development yesterday who advised I was not allowed to view it.

The Chief Executive Officer advised that he would have to investigate as it is all public information.

The Manager of Planning and Development said it was on the computer and I am not allowed to see it. I would like to see document.

The Mayor asked if Mr Edwards would like to view the original application.

Mr Edwards advised in the affirmative.

The Mayor advised that the development application is in the agenda tonight.

The original application form is not in the document that has been tabled.

The Mayor advised that if the Manager of Planning and Development has said that Mr Edwards cannot see the original document then more than likely he will not be able to see the original document, because there is a planning application, a public document, in the agenda tonight. The Mayor further advised that there is the option for any member of the public to put in a Freedom of information (FOI) request to request sighting the original document.

In this document it states that the lessee of the lease, which is George, needs written permission from the Minister, prior to applying for any applications of any type. Now, nowhere in this document is George's name, except on the lease. We know he is the leaseholder, but the development application is not in his name, so as far as I am concerned this is an invalid document. I have been to the Minister, I am talking with his office now, and I am waiting for my response. You have the document in front of you in black and white, it states: "Lessee will get written consent from the Minister before he can apply for anything". It is not in this document.

The Mayor asked Mr Edwards' what his question was.

Do you have that document?

The Mayor advised that the development application in the agenda has been presented by the Town's administration by appropriately qualified officers and further stated that if Mr Edwards has any issues with a document, that he was sure the Town's administration would have picked it up. If Mr Edwards has an issues with the way the document has been presented then there is appropriate methods for him to object to it.

Mr Edwards stated this is what he is doing, objecting to this application.

6.1.4 Ms Nina Pangahas

I am asking this question on behalf of Mr Arnold Carter, of Moore Street, Port Hedland, who is unwell. "I refer to the \$8M in the Reserve account for financial insurance as presented in yesterday's Audit, Risk and Governance Committee meeting. What was the purpose for the allocation of such a large amount of money and do you anticipate litigation?"

The Mayor advised that the Town does not expect litigation and that the number quoted by Ms Pangahas is incorrect. This was explained to Mr Carter last night and it was also explained to Mr Carter on multiple occasions by the Town's Finance team and this can be explained again now, if Ms Pangahas would like to know.

Yes, for the interest of the public could you explain it?

The Manager Financial Services asked if she could clarify if the question is in relation to the interest on the \$8M, or the \$8M that was referred to as being transferred to the Reserve account?

It is the \$8M in the Reserve account.

The Manager Financial Services advised that through the original budget adoption \$3M were identified by the Council to be placed into that Reserve, which is for the purpose of mitigating financial risk in the event that there is a valuation objection with Landgate. It is not anticipated that there will be drastic valuation changes, but, given that there have been some new rates identified through the 18/19 financial year, in order to ensure that the Town maintains a sustainable financial position and does not end up in a position where the Town will have to pay back large amounts of money which then reduces the services deliverable to the Town, the funds have been restricted in Reserve for that purpose.

Is that within the norm? Is that \$3M a regular [item]?

The Mayor advised that there is an \$8M restriction on a certain amount of the Town's income that the Council has agreed to, and he did not understand the \$3M Ms Pangahas made reference to.

It was the \$3M that the Manager Financial Services just discussed.

The Manager Financial Services advised that just over \$8M (\$3M at the original budget adoption and then an additional \$5.4M through the budget review process) had been placed into that Reserve for a period of time until the Council decides that the risk is lower and then the Town can use those funds as the Council decides.

Just going back to the second question, the \$3M, is that the norm in mitigating this type of risk?

The Chief Executive Officer advised that there is no norm, it was a decision of Council to take that money and set it aside. He further advised that it is very difficult to determine what the level of risk is and it was a best assessment to take a portion of that money.

My third question is in relation to the above questions: have you done something similar in the past, and if so how much was this for?

The Chief Executive Officer advised that he was not aware of it being done before.

The Mayor advised that the Town has not done it before and neither has any other Local Government across WA. The Town is leading the way in this area.

So this is the first time?

The Mayor advised that it was the first time for any local government across WA.

Is that best practice?

The Chief Executive Officer advised that it was the first time for the Town of Port Hedland. The Shire of Ashburton was involved in a similar situation where it was disputed, and hence the Town has taken this precautionary approach in dealing with the funds.

The Mayor closed Public Question Time at 6.02pm.

The Mayor opened Public Statement Time at 6.02pm.

6.2 Public Statement Time

6.2.1 Ms Claire Bennett

Ms Bennett's statement is in relation to item 11.2.4 on this agenda.

Following on from the meeting in November with regards to the current lack of child care facilities, I would just like to say that I sincerely hope that after reading the in-depth reports on the current situation, and the proposed resolutions that can be made to help ease some of the waiting list, that Council is going to take immediate action to help support families in town who are in desperate need for child care solutions.

There are 377 families currently waiting and more added each and every week, due to Port Hedland becoming a popular destination for families to live. Let us encourage this by catering for the growing needs of the community.

We now also have the support of the Hedland Collective, who are very keen to support the Port Hedland Council with what needs to be done to help the situation.

I urge Council members to acknowledge the needs of the Town and support the decisions that have been proposed in the reports and business plans that you have been provided with.

This is a step in the right direction. It is not going to eliminate the waiting list, but it will certainly relieve some of the pressure. Please make your vote wisely and show your support to the members of the community.

6.2.2 Ms Karen Munro

Ms Munro's statement is in relation to item 11.2.3 on this agenda.

I have lived and worked in Hedland for over four years. I'm a dog lover, my two miniature fox terriers are my babies.

I'm not sure how many of you have dogs and if you do not you may have no idea how important dogs can be. We see them as family. For those of you who say "but it's just a dog" I have no doubt that you will not see how important dog socialising and activities are.

For those of you who do have dogs, do you think your fur babies would love a Canine Enrichment Centre in a purpose-built, safe facility? I know my dogs would as they love their daily outings. They wait patiently for Kaz [applicant] each day. They know the sound of her car arriving and they know her voice. Their excitement grows when her car pulls up each day. In case you are wondering how I know this while I'm at work, I can see everything via cameras so I know exactly how excited they are to go out with Kaz and their doggy friends.

Hedland has many residents like me, those who love their dogs and want to see them socialised and entertained while they are spending many hours at work. Like many people in this town my husband and I work long hours. To enhance the current service in a purpose-built facility would be amazing. The thought that our dogs are safely fenced in, with play activities, would be very reassuring.

My two dogs are very tiny so every dog is huge to them. The confidence they have gained since joining the doggy group last year has been amazing. Instead of hiding in every possible place they are now happy to strut their stuff with other dogs. Unfortunately I have had one traumatic experience in Hedland where one of my little dogs was killed by a neighbour's dog. This dog was aggressive and possessed no social skills as it never got out of its very small yard. Perhaps if these owners had cared about their dog instead of using it to make money by breeding from it, maybe we still would have had our little four legged companion.

Kaz's vision to build a Canine Enrichment Centre here in Hedland is one that is obviously required and supported. Not only for exercise and socialising in a safe environment for our own Hedland canine population, but consider the amount of travellers who visit our town during the tourist season. My husband and I love to travel in our caravan but will only go where we can take our dogs. We research what options are available for pet sitting if we want to visit a national park or tourist site where we cannot take our dogs. Hedland desperately needs this service so that dogs are not left inside caravans or tied up for long hours whilst their owners shop or visit tourist spots. So many travellers take their dogs with them these days. Do you not think this facility would be welcomed by travelling pet owners and make our town more appealing to tourists?

Kaz's plan of a Canine Enrichment Centre would be an extension of the amazing service she is currently able to offer. Wouldn't it also be great to give a long time Hedland resident the opportunity to establish a new business in town? Isn't that one of the things the Council should be promoting and supporting? It's been well planned out, with safety being paramount for all.

Dogs cannot speak in our language, but they can certainly let you know what they like to do. I believe they are also the best judge of character. If only they could be here and be able to show their support for this wonderful opportunity for Hedland.

6.2.3 Ms Michelle Sellwood

This is about the Canine Enrichment Centre. Saving Animals from Euthanasia (SAFE) Hedland strongly supports the proposed out-of-town centre.

Ms Parker, Kaz, has kindly offered temporary respite and recovery suites for canines in need that come to SAFE through the Shire [Town] Rangers. A secure place for SAFE dogs to stay when carers are in short supply, a respite option for dogs and carers who are or need to take leave at short notice or over holiday periods. A recovery space for dogs who have had surgeries or recovering from trauma, SAFE have had multiple cases which would have benefited from this in recent months.

At the moment SAFE rely entirely on our wonderful foster carers, however, some dogs who come to SAFE have experienced upset and need a quiet space and one-on-one attention away from the hustle and bustle of a busy household and many of our animal loving carers have their own pets which is not always beneficial to anxious, reactive or recovering dogs. This centre would offer an alternative space for the dogs and puppies SAFE encounter and save on a daily basis.

SAFE currently use the vets for temporary and overnight boarding but time and resources are very limited and the SAFE dogs can draw attention away from their other commitments. The advantage of having this centre in Port Hedland cannot be overstated. SAFE had had quite an influx of dogs and litters of puppies, that the Shire [Town] Rangers are aware of, which are stretching our resources, especially for dogs who need that no-pet space temporarily to determine their true character after a stressful start. Ms Parker is particularly skilled in her ability to assist SAFE in directing on the best path for a dog in the community of Hedland.

Also, Ms Parker will be offering a socialisation opportunity for dogs who may not have had the positive experience of appropriate dog to dog/dog to human interaction. Ms Parker has already been a massive asset to SAFE on this account, having dog coordinated for SAFE in the past and continuing to offer support for anxious, nervous or just confused dogs to regain their confidence, taking dogs in foster care out for enriching group walks and rehabilitating dogs. This centre would cater to this even more so by allowing dogs and puppies the opportunity to develop life-skills in a safe and monitored environment, to improve their prospects in life after SAFE.

All of these aspects are greatly sought after in Hedland and would bring such an amazing opportunity to the town. It would provide the community facilities that families would welcome and expect in a family friendly forward community. Speaking from the experience of a long-term resident I see a great need for the Centre as well.

The Pilbara is growing and changing and community spirit and the pride Hedlanders have in the town is unique, given where Hedland sits geographically in terms of nearest services. I have always had dogs in my family and share the frustrations of other families when they need to leave town to either a planned holiday, work commitments or an unexpected medical issue. Currently there is nowhere to leave pets in a secure environment if you need to leave and alternatives aren't always possible; as it is Hedland house sitters are booked months in advance and this doesn't allow for spontaneous trips or emergency situations.

Having a day care for dogs would also alleviate a lot of the surrendered dogs and the strays that go to the Rangers because they are simply bored, get out of the yards and the owners are unaware of this as they work long hours. Residents and pets should not be penalised for the necessity of having to work or take well-earned breaks.

What Ms Parker is offering is a safe and secure centre for vacation care of dogs, rehabilitation and care of traumatised animals, socialisation of the communities' dogs, respite for our stretched foster carers, relief for the town vets and a reduction of the strain on the Hedland rangers who may spend their valuable time changing dogs who are otherwise left at home during the day while the owners are at work. Ms Parker will provides transport to and from the centre and a day of entertainment and care, returning happy dogs to their Hedland owners.

Pets are important to the people of Hedland, they become members of the family and happy families who are catered for by a town, stay to contribute to the town's future. SAFE works tirelessly to keep animals off the streets of Hedland and into safe and loving placements. It is because of this that we urge you have a think about allowing a haven for dogs in Hedland.

6.2.4 Mr Frank Edwards

Mr Edward's statement is in relation to item 11.2.3 on this agenda.

There seems to be some conjecture about me and dogs. I have been a dog owner all my life. I have worked with cattle dogs, I have had sheep dogs, I have had guard dogs. I have got nothing against dogs whatsoever. I like dogs, but I like horses as well and dogs and horses do not mix. I have spent the best part of twenty six years building the horse industry out in that precinct that the State Government released, you have the document in front of you, for the sole purpose of stabling and paddocking of horses. Not dogs, not people.

I have been trying for thirteen years to get a rural residential building [permit]; Ms Parker has got one in two [years]. I have nothing against dogs. I have spent \$2M, \$800,000 in cash, which I can prove in receipts, \$1.2M in labour for the horse industry in Port Hedland. You want to put a dog kennel next to my rodeo. That is not going to go down very well either. The rodeo is right next door to this dog kennel. I have got nothing against dogs, just go and find somewhere else to put them.

This application is invalid, the only person that is allowed to apply for anything on that lease is the leaseholder. You have got a document here that states that the only people on the lease are George and Lilian Anagnostopoulos. These people do not have a right to apply for anything until the lease is in their name. You have that document in front of you. I am not playing by fair any more, let us play by the law. It states there "compliance by law".

I have been in here several times asking you to give me a fair go. I have been doing pony rides for the kids of Port Hedland for twenty five years. I have led the Anzac Day parade on my stallion for fifteen years. I have contributed that much I cannot remember. You are talking about business, well, I have done it and I am still doing it.

People have applied these leases fraudulently, they signed the lease as stabling and paddocking of horse, now they have gone and changed it. George has never had horses there. I sold him a ten year lease in 2012. That lease ran till 2022. Not once, in those years that he has had it, has he had horses there, not once has he put water there for the horse. Nothing, nothing to do with horses. He has not used it, at all, so as far as I am concerned he has breached his lease and that is what I am going through with the Minister now. But he is not the only one, there are about seven of them. There are leases out there that have not even been fenced. So do not get me wrong I have got nothing against these dog people, you just find them somewhere else where I have not spent half my life building an industry for Port Hedland. There are millions of acres out there, do not let them come encroach on what I have done. That paddock is one of the best horse paddocks in the Pilbara and I have made it that way.

When I sold George his lease he told me that he is going to run horses for his kids. Since then, for six years he has done nothing on it, now he is running a goat farm on it. What is next? What have I got to do to get a fair go? I am not looking for accolades, just a fair go. I like dogs, not a problem, that is not the issue I have got. The issue I have got is the use. This document is invalid because their name is not on the lease, and it states in those documents "any dealings must be in written consent by the Minister. You have it in front of you.

So go by the law, you have got to. I cannot sit here all night, because I have got to go to work. I hope you make the right decision. Find the people somewhere else to put their dogs, but not on horse paddocks that I have just spent half my life building.

The Mayor closed Public Statement Time at 6:17pm.

6.3 Petitions/Deputations/Presentations/Submissions

The Council received petitions at its 28 November 2018 Ordinary Council Meeting from Mr Darryl Brown and one from Ms Kailah Marshall. The petitions were identical and contained the following information.

We, the undersigned residents call upon the Town of Port Hedland not to move the current tenants of the Port Hedland Stevens Street Retirement Village and that they remain in situ or be accommodated onsite while repairs are completed to buildings.

We believe that the financial and personal impact caused by moving the residents to Osprey Village in South Hedland would be greater than allowing the residents to continue living at Port Hedland Stevens Street Retirement Village.

We also believe that the repairs needed are not structural and are a result of little or no maintenance being done to the dwellings in the Port Hedland Stevens Street Retirement Village for many years.

Your petitioners request that the Town of Port Hedland lobby State and Federal government to urgently provide funding for the repairs to be completed to the Port Hedland Stevens Street Retirement Village so that the facility can continue to provide much needed accommodation for the senior residents of Port and South Hedland.

At the Special meeting held on 10 December 2018, the Council resolved (in part):

1. That Council cease all actions with regard to removing the residents of the Port Hedland Retirement Village;
 3. That Council request quotes to come back to Council for remediation work to bring the Port Hedland Retirement Village to an acceptable standard;
 4. That Council prepare an expression of interest for potential providers to manage the future aged housing facility.
- Point 1 above of Council's decision addresses the petitioners' request to not remove the residents of the Stevens Street facility.
 - Point 3 addresses the petitioners concerns in relation to the structural issues associated with the buildings.

- The outcomes of point 3 and point 4 can be considered as the first step that the Town can undertake before lobbying State and/or Federal government for funding in relation to senior accommodation in Port and South Hedland.

The Council received another petition at its Ordinary Council Meeting held on 12 December 2018 from Ms Kailah Marshall as follows:

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia support that the current tenants of the Port Hedland Stevens Street Retirement Village are not relocated and that they remain in situ or be accommodated onsite while repairs are completed to buildings.

We believe that the financial and personal impact caused by moving the residents to Osprey Village in South Hedland would be greater than allowing the residents to continue living at Port Hedland Stevens Street Retirement Village.

We also believe that the repairs needed are not structural and are a result of little or no maintenance being done to the dwellings in the Port Hedland Stevens Street Retirement Village for many years.

Your petitioners request that the State Government urgently assist in providing funding for the repairs to be completed to the Port Hedland Stevens Street Retirement Village so that the facility can continue to provide much needed accommodation for the senior residents of Port and South Hedland.

And your petitioners as in duty bound, will ever pray.

As the petition was not addressed directly to Council, the Town's administration forwarded it to a member of the Legislative Council of the Parliament of WA on 17 December 2018, and Ms Marshall received a copy on the same date.

Item 7 Questions from Members without Notice

7.1 Councillor Daccache

This idea from the Director of Liquor Licensing on further restrictions for the Town of Port Hedland and the Pilbara. I would like a letter to be sent to him on behalf of the Council, I will just read to you what I have "Seeing as the majority of Councillors do not agree with the added liquor restrictions on the Town of Port Hedland, and indeed the Pilbara, that he lift all the restrictions proposals that would come into effect on 31 March 2019. The letter also to note that the Premier Hon Mark McGowan, local MLA Kevin Michel and many other ministers of all sides of politics did not agree with this draconian proposal for Aboriginals.

Will the CEO or Governance ensure that the letter is sent as soon as possible rejecting his proposals?

The Mayor advised that the Council has already sent a letter to the Director of Liquor Licensing, stating that the Council did not agree with that proposal. This was already presented to the Director of Liquor Licensing, quite some time ago.

Did I receive a copy, or any other Councillors?

The Mayor asked if Cr Daccache read the item when it came up?

Maybe I was not here; I am requesting a copy so that I can show other people.

The Mayor advised he would ensure Cr Daccache receives a copy of that letter.

Can I receive a report on the status of the marina development? Is anything happening at all?

The Mayor advised that as soon as the Minister for Regional Development or the committee that is dealing with it gives the Town some information it will be presented to Council. Currently the Town does not have any further information on the project.

So have any plans been drawn up for the landside development of the marina, and if not when is that going to happen?

The Mayor advised that Council has already been briefed on this. The Town's Director, Mr Leeds, is engaging directly with that committee on trying to get a landside and waterside development happening at the same time. So as soon as the Town knows more in relation to that, the Council will be briefed.

Could we get a copy of what has been said, as we are Councillors and we need to know what is happening.

The Mayor advised that this would be provided.

What is the situation on the Gratwick Pool? Are the repairs on time for reopening for the next swimming season and can we have a monthly report on the progress of the maintenance of the pool?

The Mayor advised that Council has already been briefed a number of times on the pool. The Town is waiting for the filters to be made. It is out of the Town's hands and a one-off filtration system has to be designed and built.

I was there for the briefing, I just want something in black and white to say this is how things are going and the progress.

The Mayor advised that he could get him the briefing note resent to him,.

Will all Councillors receive a formal, written statement from mentor Mr Ron Yuryevich as to why he made his decision to the Minister for Local Government concerning Council, and can we have a breakdown of how \$50,000 of taxpayers' money was spent on his mentoring services?

The Mayor advised that the costs associated with the engagement of Mr Yuryevich are in the financials and these financial have been presented to Council. Council is well aware of what was going on with the report sent from Mr Yuryevich to the Department because that email trail is quite long. The Mayor further advised that he has requested the report and has been told that it is not a report for Council's eyes, it is for the Minister of Local Government. He does not know how much clearer he can get with that. Other Councillors have also requested the report and obviously they have not received it or he is sure they would have passed it on.

I am just concerned about spending \$50,000, as I am sure you are, of ~~taxpayers'~~ ratepayers' money.

The Mayor advised that he does not believe it is \$50,000, it is more along the lines of \$25,000 to \$30,000.

I request a one page breakdown of the cost, please.

The Mayor advised that this would be provided.

I believe the Chief Executive Officer met with BHP in January 2019. Can Council get a report of what was discussed and when can we get that report?

The Mayor asked which meeting he is referring to.

Do you want a date? When you were going to meet with BHP, did that happen?

The Mayor advised that the Town has meetings with industry groups all of the time to find what they are doing and liaising and creating that relationship. It would have just been a monthly [meeting].

At the Ordinary Council Meeting held on Wednesday 27 March 2019 Council amended the word taxpayers' to the word ratepayers'

27-03-19

The Chief Executive Officer advised that the Town has a monthly technical meeting with BHP, with representatives from across both organisations, the Town deals with a range of technical matters, as opposed to strategic.

The Mayor advised that if Cr Daccache is invited obviously he can turn up, but if it's an operational matter then the Chief Executive Officer will deal with that, if it is a strategic matter, which is what the Council deals with, then the position of Council has already been adopted through the Strategic Community Plan and the Port City Growth Plan, there is nothing secret about that.

I am just asking that Council be invited to these meetings, it cannot be too hard.

The Mayor advised that if the meetings are requested from industry groups and they request the Council to be present, Council will get an invitation. If the industry groups request that the Chief Executive Officer, or the Mayor or a Director present to the meeting, then that's what will happen.

I would really love to see the invitations, whether they ask for us or not.

The Mayor advised that he can request that information through the Chief Executive Officer at any time.

7.2 Councillor McDonogh

In relation to 11.2.4 I was wondering if we could get that moved up the order tonight.

The Mayor advised in the affirmative.

Item 8 Announcements by Presiding Member without Discussion

Mayor's Meetings for the month of December 2018.

Date	Meeting	Topic
4/12/18	Annual Hedland Community Safety Advisory Forum	Release of the draft Community Safety Plan & Implementation Plan 2019-2022
4/12/18	Audit, Risk & Governance Committee meeting	Audit & Risk matters
5/12/18	Port Hedland Technical Advisory Committee Meeting	General update on Port matters
6/12/18	Hedland Collective Christmas Collaboration event	Attended as guest - celebration of achievements
7/12/18	PRC Ordinary Council Meeting, Perth	As per agenda
10/12/18	Local Emergency Management Committee (LEMC) Meeting	Emergency Management Matters
10/12/18	Special Council Meeting	Port Hedland Retirement Village
11/12/18	Baler School Year 6 Graduation Ceremony	Attended as guest

11/12/18	Meeting with PHIA Board	General update from the PHIA board
12/12/18	December OCM	As per agenda
13/12/18	Kariyarra Native Title On-Country Consent Determination	Attended ceremony as guest
13/12/18	Regional Capitals Australia WA (RCAWA) Meeting	As per agenda
14/12/18	Pilbara Regiment Christmas Function	Attend as guest
17/12/18	Special Council Meeting	Port Hedland International Airport - Lease

Mayors Meetings for the month of January 2019.

Date	Meeting	Topic
15/1/19	Golf Club Committee Meeting	Attended as guest
22/1/19	South Hedland Police	General update, meet new Officer in Charge and discuss Truancy Program
24/1/19	Local Emergency Management Committee (LEMC) Cyclone Riley Update	Update on Cyclone Riley for relevant departments
26/1/19	Australia Day Breakfast – Community Citizen of the Year Awards and Citizenship Ceremony	Attended to open event and conduct Citizenship Ceremony
26/1/19	Australia Day Celebrations	Attended to open event.

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:

- Mayor Camilo Blanco
- Deputy Mayor Louise Newbery
- Councillor Julie Arif
- Councillor Richard Whitwell
- Councillor Peter Carter
- Councillor George Daccache
- Councillor Tricia Hebbard
- Councillor Warren McDonogh
- Councillor Telona Pitt

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 28 November 2018.

CM201819/111 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 28 November 2018 are a true and correct record.

CARRIED 9/0

10.2 Confirmation of Minutes of the Special Council Meeting held on Wednesday 10 December 2018.

CM201819/112 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR HEBBARD

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 10 December 2018 are a true and correct record.

CARRIED 9/0

10.3 Confirmation of Minutes of the Ordinary Council Meeting held on Monday 12 December 2018.

CM201819/113 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR CARTER

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 12 December 2018 are a true and correct record.

CARRIED 9/0

10.4 Confirmation of Minutes of the Special Council Meeting held on Wednesday 17 December 2018.

CM201819/114 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR CARTER

SECONDED: CR MCDONOGH

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 17 December 2018 are a true and correct record.

CARRIED 9/0

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on Tcm201819/his 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.

CM201819/115 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR CARTER

That Council bring items 11.2.4 Provision of Child Care and 11.2.3 Proposed Use Not Listed – Rural Home Business and Single House Lot 5223, Great Northern Highway, Pippingarra forward for consideration.

CARRIED 9/0

Item 11 Reports of Officers

6:34pm Councillor Arif declared a financial interest in item 11.2.4 Provision of Child Care as her husband works for BHP and she holds BHP shares valued above the threshold. The phone was muted.

6:34pm Councillor Daccache declared a financial interest in item 11.2.4 Provision of Child Care as he has shares in BHP and FMG valued above the threshold and left the room.

11.2.4 Provision of Child Care (File No. 15/05/0014)

Author	Senior Youth Officer
Authorising Officer	Director Development Sustainability and Lifestyle
Disclosure of Interest	The Senior Youth Officer declares impartiality as she has a child employed by Treloar Child Care and is employed by the YMCA as a Swimming Teacher. The Authorising Officer and Senior Property Management Officer declare that that they do not have any conflict of interest in relation to the item.

OFFICER'S RECOMMENDATION

That Council:

1. Note the results of the child care waiting list audit and associated report;
2. Endorse the following short-term measures to reduce the current child care waiting lists in Port Hedland:
 - a. Re-activation of the South Hedland TAFE child care centre subject to successful tenure negotiations and the receipt of external partnership funding to deliver the required capital works;

- b. Subject to the provision of a detailed business case, conversion the Port Hedland Library to child care spaces;
 - c. Preparation of a local planning policy that exempts Family Day Care businesses from the requirement to obtain a Home Business planning approval from the Town where the Family Day Care proposal meets the following criteria:
 - i) Complies with all Education and Care National regulations 2012
 - ii) Does not display any advertising signage greater than 0.2m²
 - iii) Does not employ any persons that do not live at the property
 - iv) Does not operate outside of 7am – 7pm Monday – Saturday in line with Environmental Protection (Noise) Regulations 1997
 - v) Involves pickup / drop-off areas located wholly within lot boundaries of the property;
 - d. Investigation of the viability for the Town to deliver after school programming and activities for primary school aged children;
 - e. Work with key industry stakeholders and the community to develop and implement Town of Port Hedland Child care strategic plan; and
3. Investigate long term child care infrastructure options as part of the MacGregor Park and JD Hardie master planning processes.

CM201819/116 COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY

SECONDED: CR MCDONOGH

That Council:

- 1. Note the results of the child care waiting list audit and associated report;
- 2. Endorse the following short-term measures to reduce the current child care waiting lists in Port Hedland:
 - a. Re-activation of the South Hedland TAFE child care centre subject to successful tenure negotiations and the receipt of external partnership funding to deliver the required capital works;
 - b. Subject to the provision of a detailed business case, conversion the Port Hedland Library to child care spaces;
 - c. Preparation of a local planning policy that exempts Family Day Care businesses from the requirement to obtain a Home Business planning approval from the Town where the Family Day Care proposal meets the following criteria:

- i) Complies with all Education and Care National regulations 2012
 - ii) Does not display any advertising signage greater than 0.2m²
 - iii) Does not employ any persons that do not live at the property
 - iv) Does not operate outside of 7am – 7pm Monday – Saturday in line with Environmental Protection (Noise) Regulations 1997
 - v) Involves pickup / drop-off areas located wholly within lot boundaries of the property;
- d. Investigation of the viability for the Town to deliver after school programming and activities for primary school aged children;
 - e. Work with key industry stakeholders and the community to develop and implement Town of Port Hedland Child care strategic plan;
3. Investigate long term child care infrastructure options as part of the MacGregor Park and JD Hardie master planning processes; and
 4. Investigate library options to be part of the McGregor Street multipurpose building in the future.

CARRIED 7/0

6:46pm Councillor Daccache returned to the room and resumed his chair.

6:46pm Councillor Arif was unmuted.

PURPOSE

The purpose of this report is for Council to consider options to address the identified shortage of regulated child care places in Hedland in the short, medium and long term. This report will not address the quality or cost of child care, both of which are regulated by the Federal Government.

DETAIL

The 2016 Census and Projection reports commissioned by the Town of Port Hedland show that the median population has not fluctuated significantly over the past 10 years and that the population for 0 – 14 years has continued to rise over this period. Four Child care providers have ceased operation in Hedland since 2014 which has been a major contributing factor to the child care place shortage. A full report of the current child care needs in Port Hedland, including a survey of families on waiting lists, is included as an attachment.

A number of barriers to entry into the child care market in Port Hedland have also been identified. Most significantly, the ability to attract and retain appropriately qualified staff have been identified as the key barriers to new entrants into the market. Furthermore, most providers are not willing to invest the capital required to create a new centre in such a challenging market, despite the high demand for the service.

Town officers have been consulting with providers, industry stakeholder and families to determine how Council may assist in addressing the child care shortage. The focus of the Town's efforts has been on identifying suitable buildings that may be used for child care purposes and developing policy responses to enhance provision of family day care. Officers have also investigated the possibility of the Town providing more after school programming for primary school aged children to alleviate waiting lists for after school care. To date, the most promising options are as follows.

The Town has been in discussion with the State Government regarding taking possession of the mothballed child care centre at the South Hedland TAFE site. The site is in reasonable condition however funding would be required to connect services and restore it to a serviceable standard. If funding could be obtained and a suitable provider found, this centre could provide around 50 places and be running within the short to medium term.

The Town has also received an expression of interest from Len Taplin Children's Services regarding taking possession of the Port Hedland library building to expand their child care places. A business case (attached) has been provided outlining that the facility could be used for after school care, which in turn would free spaces in the main Len Taplin building to be used for long day care. This would potentially create more than 20 spaces.

Centre Based Current Capacity:

Total Child Care Facility Licence Capacity in Hedland - 277

Total Waitlist – 373 places (excluding YMCA waitlist)

Town of Port Hedland Child Care Capacity 2018		
		Staff Ratio
Babies 0 - 2years		1 to 4
Capacity	44	
Current	40	
Vacancy	4	
Waitlist	155	Excluding YMCA
Toddlers Room 2 - 3 years		1 to 5
Capacity	76	
Current	70	
Vacancy	6	
Waitlist	75	Excluding YMCA
Kindy 3-5 years		1 to 10
Capacity	91	
Current	91	
Vacancy	0	
Waitlist	115	Excluding YMCA
After School Care 5 - 12 years		1 to 13 1 – 10 if kindergarten children in attendance
Capacity	66	
Current	66	
Vacancy	0	
Waitlist	28	Excluding YMCA
TOTAL		
Capacity	277	
Places Filled	267	
Vacancies	10	
Total Waitlist for 3 Centres	373	Removing duplicates and excluding YMCA

*Statistics were accurate at Dec 2018, variations will have occurred over the January period with children exiting for school and graduating into different rooms.

Family Day Care (FDC) is flexible education and care for children aged 0 – 12 years, operated by a registered educator in their own home. FDC has the potential to offer longer hours and evenings, overnight and weekend care.

FDC operators may care for up to 7 children at one time, 4 children aged 0 – kindy and 3 primary school age children. FDC operates under the same government framework as all other forms of child care including centre based. All FDC businesses are required by law to be employed by or subcontracted to a Family Day Care Service. FDC providers manage their own marketing and waitlists.

One Tree is the only provider and currently has 2 educators with a goal of reaching a minimum of 10 in 6 months. One Tree currently has the potential to take on 40 educators in Hedland which would equate to up to 280 child care places.

Bright Stars currently has 2 educators registered in South Hedland, one commences in February and the second in March.

Ngala Bright Stars have the capacity to take an additional 10 educators at this time. (70 places) They have expressed an interest in building their business and would increase staffing levels to cater for any growth beyond this.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because child care is not the core business of local government

CONSULTATION

Internal

Child care options were discussed with Elected Members at two Confidential Briefings, held on 5 December 2018 and 23 January 2019.

The following officers have also been part of the consultation process:

Principal Town Planner
Development and Lands Officer
Senior Environmental Health Officer
Senior Property Management Officer
Manager Facilities

External Agencies

The author has met with the following stakeholders and conducted numerous phone interviews and electronic correspondence throughout the course of the report being compiled.

All child care operators within the town cooperated with the provision of statistics related to their child care service delivery. YMCA Early Learning Centre were not able to provide copies of their waitlists for confidentiality reasons. For this reason not all statistics will include YMCA data in effort to maintain the integrity of the data.

Consultation was also undertaken with industry leaders specifically in regard to potential solutions to the shortage of child care places.

Throughout the reports development period consultation has included face to face meetings with individuals, groups and committees, email correspondence, desktop surveys and phone surveys of over 97 families on waitlists. A full list of websites researched is available in the appendix and all sources are acknowledged throughout the report.

Key Stakeholders engaged and consulted throughout the process include;

- One Tree Community Services, South Hedland, Family Day Care Coordinator/ Director
- Ngala Bright Stars Family Day Care Service, Coordinator
- Rose Nowers Early Learning Centre, South Hedland, Coordinator
- YMCA Early Learning Centre, Port Hedland, Acting Centre Director, General Manager – Early Learning and Children Services
- Len Taplin Children's Services, Port Hedland, Director
- Treloar Child Care Centre, South Hedland, Centre Director
- YIC, CEO (Deadly Hearts Program)
- Child and Parent Centre, South Hedland, Early Years Coordinator
- Mackillop Family Services, South Hedland, Coordinator Pilbara intervention Services
- South Hedland Primary School
- Cassia Primary School
- Baler Primary School
- Port Hedland Primary School
- St Cecilia's Primary School
- BHP Billiton
- Fortescue Metal Group
- Hedland Collective

97 Families currently on waitlists in Hedland were surveyed both electronically and by direct contact. Survey and results attached.

LEGISLATION AND POLICY CONSIDERATIONS

- Education and Care Services National Law (WA) Act 2012
- Education and Care Services National Regulations 2012
- Child Care Services Act 2007
- Child Care Services Regulations 2007
- Child Care Services (Child Care) Regulations 2006
- National Quality Standard
- Environmental Protection Regulations 1997

FINANCIAL AND RESOURCES IMPLICATIONS

Regarding the refurbishment and reactivation of the TAFE and Port Hedland library sites.

South Hedland TAFE		
Item	Cost	Timeframe
HVAC Replacement	\$ 160,000.00	3-6 Months from RFQ award
Building works	\$ 93,000.00	4-6 weeks from RFQ award
Replacement kitchen	\$ 75,000.00	4-6 weeks from RFQ award
Full Clean	\$ 10,000.00	1 week from RFQ award
TOTAL	\$ 338,000.00	

Additional to the South Hedland TAFE site will be the isolation costs for electricity, water and gas, estimated at approximately \$500,000.

Port Hedland Library		
Item	Cost	Timeframe
Building works	\$ 70,000.00	4-6 weeks form RFQ award
Fencing	\$ 22,000.00	4-6 weeks form RFQ award
Gardening	\$ 25,000.00	4-6 weeks form RFQ award
TOTAL	\$ 117,000.00	

Please note these costs are indicative only and completion of the Town's procurement process would need to be done in order to request suitable contractor to complete the works so we proceed.

The town will work closely with industry to secure external funding to support these initiatives. The Hedland Collective have written a Letter of Support for the towns initiatives in this area.

The implementation of non-regulated after school care programs by the Town would operate on a cost recovery basis.

The Introduction of the local planning policy exempting Family Day Care businesses from the requirement to obtain a Home Business Planning Approval would not result in any loss of income for the Town as it operated currently as a cost recovery activity and would reduce the additional resources required to deliver this service.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.b.2 A residential workforce is promoted to industry as the preferred option

- 2.a.1 Local training providers, business, industry, services, agencies, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.4 Business approval processes are transparent and pathways streamlined
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
 - Identify strategic employment and economic development priorities
 - Assess and address market failures affecting the cost of living
 - Assess and address cost of doing business challenges

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item due to the impact to the liveability reputation of the town and media exposure. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

To reduce this risk, it is recommended that Elected Members adopt the recommendations proposed in this report

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Evidence gathered throughout the report process indicates the level of need for child care in Hedland is high and that demand will continue to rise as employment opportunities and population increase. Based on the evidence gathered it is recommended that in line with Council's Strategic Community Plan 2018-2028, the elected members adopt the officers recommendations to ensure that child care needs are addressed in the short medium and long term.

ATTACHMENTS

1. Priority of Access Policies
 - a) Rose Nowers Early Learning Centre
 - b) Treloar Child Centre
 - c) YMCA early Learning Centre
2. Capital Refurbishment Report
3. Town of Port Hedland Child Care Waitlist Survey - Full Results
4. Len Taplin Business Case – Port Hedland Library Site.
5. Hedland Collective Letter of Support
6. Full Provision of Child Care Report (Under Separate Cover)

*ATTACHMENT 1(A) TO ITEM 11.1.4***PRIORITY OF ACCESS**

The Centre's enrolment priority of access guidelines are as follows:

- Priority 1 – Internal families requesting additional days – granted their account is not in arrears
- Priority 2 - Any child deemed to be at risk
- Priority 3- Aboriginal and Torres Strait Islander children of families working, studying volunteering or seeking employment.
- Priority 4 – Siblings of children already in care with Rose Nowers
- Priority 5 – Mainstream Children of families working, studying volunteering or seeking employment
- Priority 6– All other children including enrolments for social interaction

A waiting list will be kept at the centre but the priority of access will be given to children in families as set out above.

ATTACHMENT 1(B) TO ITEM 11.1.4

Enrolment Policy

¶

NQS

QA2	2.1.1	Each child's health needs are supported.	☒
	2.1.4	Steps are taken to control the spread of infectious diseases and to manage injuries and illness, in accordance with recognised guidelines.	☒
	2.2.1	Healthy eating is promoted and food and drinks provided by the service are nutritious and appropriate for each child.	☒
	2.3.1	Children are adequately supervised at all times.	☒
	2.3	Each child is protected.	☒
	2.3.2	Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury.	☒
	2.3.3	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.	☒

QA6	6.1	Respectful supportive relationships with families are developed and maintained.	☒
	6.1.1	There is an effective enrolment and orientation process for families.	☒
	6.2	Families are supported in their parenting role and their values and beliefs about child-rearing are respected.	☒

¶

National Regulations

Regs	77	Health, hygiene and safe food practices	☒
	78	Food and beverages	☒
	79	Service providing food and beverages	☒
	80	Weekly menu	☒
	88	Infectious diseases	☒
	90	Medical conditions policy	☒
	92	Medication record	☒
	93	Administration of medication	☒
	96	Self-administration of medication	☒
	97	Emergency and evacuation procedures	☒
	99	Children leaving the education and care service premises	☒
	100	Risk assessment must be conducted before excursion	☒
	101	Conduct of risk assessment for excursion	☒
	102	Authorisation for excursions	☒
	157	Access for parents	☒
	160	Child enrolment records to be kept by approved provider and family day care educator	☒
	161	Authorisations to be kept in enrolment record	☒
	162	Health information to be kept in enrolment record	☒
	165	Offence to inadequately supervise children	☒
	167	Offence relating to protection of children from harm and hazards	☒
	168	Education and care service must have policies and procedures	☒
	173	Prescribed information is to be displayed	☒
	177	Prescribed enrolment and other documents to be kept by approved provider	☒
	181	Confidentiality of records kept by approved provider	☒
183	Storage of records and other documents	☒	

19

¶

↩

Aim↩

To ensure that each child's enrolment is completed as per our legal requirements. Additionally, we aim to ensure that each child and family receives an enrolment and orientation process that meets their needs, allowing the family and child to feel safe and secure in the level of care that we provide.¶

Related Policies↩

Additional Needs Policy¶
 Administration of Authorised Medication Policy¶
 Child Protection Policy¶
 Excursion Policy¶
 Food, Nutrition and Beverage Policy¶
 Health, Hygiene and Safe Food Policy¶
 HIV/AIDS Policy¶
 Immunisation and Disease Prevention Policy¶
 Infectious Diseases Policy¶
 Medical Conditions Policy¶
 Orientation for Children Policy¶
 Privacy and Confidentiality Policy¶
 Record Keeping and Retention Policy¶
 Relationships with Children Policy¶
 Sleep, Rest, Relaxation and Clothing Policy¶
 Unenrolled Children Policy¶

¶

Who is affected by this policy?↩

Children↩
 Families↩
 Educators¶

Implementation↩

Our service accepts enrolments of children aged between 3 months—12 years.¶

Enrolments will be accepted providing:¶

- → The maximum daily attendance does not exceed the approved number of places of the service.¶
- → Child educator ratios are maintained across the service.¶
- → A vacancy is available. (Please see Priority of Access Guidelines below.)¶

¶

Priority of Access Guidelines:¶

Children who are enrolled at the service or whose families are seeking a place at the service will be given Priority of Access in accordance with the guidelines that have been established by the Department of Family and Community Services and Indigenous Affairs.¶

Below is the Priority of Access levels which the service must follow when filling vacancies.¶

2¶

¶

- 1.→ A child at risk of serious abuse or neglect.¶
- 2.→ A child of a single parent/guardian who satisfies, or of parents/guardians who both satisfy the work/training/study test under Section 14 of the A New Tax System (Family Assistance) Act 1999.¶
- 3.→ Existing families.¶
- 4.→ Any other child.¶

Within these three categories priority is also given to the following children:¶

- Children in Aboriginal and Torres Strait Islander families.¶
- Children in families which include a disabled individual.¶
- Children in families on low income.¶
- Children in families from culturally and linguistically diverse backgrounds.¶
- Children in socially isolated families.¶
- Children of single parents/guardian.¶

¶

Upon enrolment families will be notified of their priority and advised if the service has no vacancies and their child's position is a priority 3 under the Priority of Access Guidelines, it may be required that their child leave or reduce their days in order to make a place for a higher priority child.¶

Enrolment:¶

When a family has indicated their interest in enrolling their child in our service, the following will occur:¶

- → A tour of our service. During this tour, the educator conducting the tour will give the family information about the service including, but not limited to, programming methods, meals, incursions, excursions, inclusion, fees, policies, procedures, our status as a Sun Smart service, regulations for our state and the licensing and assessment process, signing in and out procedure, the National Quality Framework, room routines, educator qualifications, introduction of educator in the room the child will be starting in and educator and parent communication. Families are also invited to ask any questions they may have.¶
- → Families are given a copy of the Parent Handbook to read and are invited to ask questions.¶
- → Discussions are held between office staff and families regarding availability of days, a start date and tailoring an orientation process to suit the needs of the family and child. Families are informed of the Priority of Access Policy, and have their position assessed as to how they place within this system. Any matters that are sensitive of nature, such as discussing a child's medical needs, Court Orders, parenting plans or parenting orders, will be discussed privately with the Nominated Supervisor at this time. We request that parents take home an enrolment form at this time, and discuss their child with us so we can accommodate their needs in the service from the first day they start with us. Should a child use English as a second language, or speak another language at home, we request that families provide us with some key words in the languages the child speaks at this time so that educators can learn the words.¶
- → Families also need to contact the Family Assistance Office (Centrelink) to have their eligibility for Child Care Benefit assessed. If these details are available, we will complete the child's formal enrolment. Should a family still need to access this information, we will complete an informal enrolment until these details are finalised.¶

3¶

¶

- > As per our Orientation for Children Policy, families will be invited to bring their child into the service at a time that suits them so the child and family can familiarise themselves with the environment. "Stay and Play"
- > Before the child begins their first day with us, the service must have all required documentation for the child. The child will not be accepted into the service without this being completed.

On the child's first day:

- > The child and their family are welcomed into their room for the first day.
- > The Nominated Supervisor and parents will ensure all details are finalised and complete and sign the Orientation Checklist.

Other information about our service's enrolment includes:

- > We will try and accommodate families so that children from the same family can attend our service. This will be carried out in line with our obligations under the Priority of Access Policy.
- > We encourage all families to consider immunising their children. Please see our Immunisation Policy for further information.
- > In accordance with the National Law and Regulations, our educators will support each child to manage their own behaviour, respond appropriately to the behaviour of other children and communicate effectively to resolve conflicts. We will also work with each child's family to support any children with diagnosed behaviour and social difficulties. However, a child's enrolment at our service may be terminated if the nominated supervisor decides the child's behaviour threatens the safety, health or well-being of any other child or educator at the service.
- > In the event that you and your family decide to go on holiday, you must inform Treloar Administration staff of the days you will be absent. If you decide you wish to sell the days while you are absent, these days can only be sold to existing, enrolled children of Treloar. Children on the waiting list are not eligible for these days for sale. All days that are sold must be arranged through Treloar Administration team, and advertised ONLY on Treloar noticeboards. Please ensure you provide the Administration team with a named, dated flyer with the days you will be away so this can be placed on the noticeboard. Any days being advertised on social media sights will not be accepted as days for sale.
- > In the event of late collection of a child/children, families will be issued a late notice along with a fee by the nominated Supervisor in accordance with our Fees Policy. If a family receives 3 late notices within 60 days, their child's care may be ceased.

A family will be issued a letter on the second late event advising that their child's permanent position at Treloar is at risk of cancellation. On the third event, the nominated supervisor will advise the family that they have 2 weeks' notice until their child's care will cease.

A family may not re-apply for permanent care at Treloar until six months after the cease of care date.

The family is eligible to appeal a late notice or final cease of care. This appeal will be reviewed by the Treloar Committee and a finding given to the carer within 7 days of appeal.

Information and Authorisations to be kept in the Enrolment Record

Our Record Keeping and Retention Policy outlines the information and authorisations that we will include in all child enrolment records.

Sources

- Children and Community Services Act 2004
- The Occupational Safety and Health Regulations 1996
- Education and Care Services National Regulations 2011
- National Quality Standard
- A New Tax System (Family Assistance) Act 1999

Review

The policy will be reviewed annually.

Review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Reviewed: April 2018 → Date for next review: April 2019

ATTACHMENT 1(C) TO ITEM 11.2.4



PRIORITY OF ACCESS GUIDELINES



**YMCA WA
PRIORITY OF ACCESS GUIDELINES**

Procedure Number		SD-ELCOSH-02-04	
Business Division Owner		Service Delivery	
Document Owner		Executive Manager – Service Delivery	
Current Version	Approved By	Date Approved	Date Effective
v3.0	EM – Service Delivery	15/05/2017	06/11/2017
Document Due for Review: 15/05/2020			



YMCA WA is officially accredited as a Child Safe Organisation

Document Owner: Executive Manager – Service Delivery
Date Approved: 05/05/2017

Version Number: 3.0
Date Effective: 06/11/2017

Page 1 of 6
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All current policy documents are available on the YMCA WA YConnect



DOCUMENT CONTROL

Version	Description of Revision	Date Effective	Owner
v1.0			
v2.0		05/01/2014	FCS Operations Manager
v3.0	Reviewed Moved to new template	06/11/2017	EM – Service Delivery

Document Owner: Executive Manager – Service Delivery
 Date Approved: 05/05/2017

Version Number: 3.0
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PRIORITY OF ACCESS GUIDELINES

1.0 PURPOSE

Access for families and children to the centre will be non-discriminatory, will ensure the safety and care of children at the centre and will protect the rights of parents &/or guardians. Enrolment will be subject to the Commonwealth Government "Priority of Access Guidelines". Other members of the community, professionals and students will be provided access to the centre where it enhances the quality of the program, protects the welfare and rights of children and staff and provides training and experience to members of the children's services field.

2.0 SCOPE

This procedure applies to all children, families and educators who access YMCA Early Childhood and Outside School Hours Care settings.

3.0 ROLES AND RESPONSIBILITIES

Role Title	Responsibilities
	<This table is optional. If there are multiple roles you may wish to use this table for clarity.>

4.0 RELATED LEGISLATION AND STANDARDS

The following related legislation and standards can be accessed from YConnect.

Legislation/Standard	YConnect page
Department of Education (2012) <i>Priority of access guidelines.</i>	
Education and Care Services National Law (2012) <i>Education and Care Services National Regulations</i>	



5.0 SUPPORTING PROCEDURES, POLICIES AND OTHER DOCUMENTS

Refer to the YConnect page for the current link to related documents listed below.

Document ID	Document Title
SD-ELCOSH-02-16	Priority of Access Guidelines – Employer Sponsored

6.0 STEPS

6.1 EQUAL OPPORTUNITY PRINCIPLES

Equal Opportunity principles will be observed in relation to access to the centre for children, parents and staff.

6.2 PRIORITY ACCESS GUIDELINES

The centre and YMCA will ensure the Priority of Access Guidelines as set by Department of Education is followed at all times to ensure the system is fair. The guidelines only apply to Child Care benefit approved child care. They are used when there is a waiting list for a child care service or when a number of parents are applying for a limited number of vacant places.

The Department of Education have developed the Priority of Access Guidelines as stated in the Child Care Service Handbook. These guidelines have been developed to ensure that when demand exceeds supply families with the greatest need have places allocated to them to support their needs. The guidelines are as follows:

Priority One:

- A child at risk of serious abuse or neglect.

Priority Two:

- A child of a single parent who satisfies, or parents who both satisfy, the work/training/study test of the New Tax System (Family Assistance) Act 1999.

Priority Three:

- Any other child.

Within each category the following children are to be given priority:

- Children in Aboriginal and Torres Strait Islander families
- Children in families, which include a disabled person
- Children in families on low incomes
- Children in families from culturally and linguistically diverse background
- Children in socially isolated families
- Children of single parents.



PRIORITY OF ACCESS GUIDELINES

Legislation states that centres are to follow the guidelines when they are filling vacancies. When there are no vacancies, they may require a child who is third priority to leave the child care service, or alter their days, in order to provide a place for a higher priority child.

This provision however only applies if:

- The person liable to pay child care fees for that child was notified on enrolment that the service followed this policy; and
- The service gives that person at least 14 days' notice of the requirement for the child to leave the child care service.

The enrolment of children of educators will also be required to follow the priority of access guidelines

When advising a family that their child must leave the child care service to make room for a child of higher priority, the centre will provide information about alternative care options that the family may access i.e. a list of other child care services operating within the area.

7.0 FEEDBACK

Feedback on this procedure must be directed to the Document Owner outlined in the cover of this procedure.

The Document Owner is responsible for maintaining the currency of this document.

8.0 DEFINITION OF TERMS

Term	Definition

ATTACHMENT 2 TO ITEM 11.2.4

At Ordinary Council meeting 28 August 2014, council resolve to dispose of a portion of Lot 550 Hedditch Street South Hedland to Play and Learn WA Pty Ltd. This land sits on the same Lot as the Port Hedland RSL Sub branch.

Play and Learn historically occupied the South Hedland TAFE campus by way of lease. That lease expired in March 2015 however Department of Training Workforce Development (DTWD) extended the agreement until 31 December 2016, at which time Play and Learn decided to close the facility. Correspondence to Play and Learn WA, from the Town in March 2015 indicates an agreement of an offer of first right of refusal over the portion should they wish to develop the site for the permitted purpose of child care centre.

It is assumed that Play and Learn approached the Town for the parcel, however the Town has not actively pursued any group to commence construction at the site since then or prior to the resolution.

South Hedland TAFE

Air Conditioning

The air conditioning is currently part of the Entire TAFE campus and is to be decommissioned in the near future. The Town engaged a contractor to attend the South Hedland TAFE building in order to ascertain the costs and preferred method of separating the Child Care from the rest of the facility so it can stand alone.

The purpose of the report was to provide the Town an observation, report and recommendations on the HVAC mechanical plan serving the Child Care area at the South Hedland TAFE.

An inspections indicates the below state of the unit

- Unit is unable to be run due to controls being removed. Potential due to the unit being decommissions by the Department
- Fan blower barrel is in ok condition
- The return air chamber is very dirty and in average/ poor condition
- The fresh air intake is in average condition. It is very dirty and controls operated.

Condition on Plant room



Return Air Chamber Condition



Return Air Condition



Return/Fresh Air Condition



Return/Fresh Air Condition



Restricted AHU access



Fresh Air Intake



Options for Replacement/Renewal

Given what is currently installed at the site it would be recommend installing a DX indoor unit capable of cooling the entire space with condensing unit located outside within the compound. Approximate costs indicate the supply and installation costs of \$160,000+GST.

An option for single wall splits to install throughout the site has been requested however not recommended due to health risks. Splits restrict the ability to gain necessary fresh air flow into the space as per Australian Standards

Maintenance Items - South Hedland TAFE Child Care building

The South Hedland TAFE building has been sitting dormant for a period of approximately four years. As such the facility is in need of some works to bring it to a point where it could be activated for purpose once more.

The Town engaged a local contractor to provide indicative costs for works to bring the facility to compliant and renew wet areas with required tiling.

The contractor has allowed for re-tiling wet areas and removal old bench tops that are installed in several rooms within the facility. Indicative costs came to \$93,000 with additional works required to bring the kitchen to compliance (Stainless steel per AS4675-400 – Design Construction and fit out of food premises) of approximately \$75,000

Summarised as below

Costs for renewal/ upgrade works as below:

South Hedland TAFE		
Item	Indicative Costs	Timeframe
HVAC Replacement	\$ 160,000.00	3-6 Months from RFQ award
Building works	\$ 93,000.00	4-6 weeks from RFQ award
Replacement kitchen	\$ 75,000.00	4-6 weeks from RFQ award
Full Clean	\$ 10,000.00	1 week from RFQ award
TOTAL	\$ 338,000.00	

The roof was inspected and found to be in good condition with no works required. No plumber or electrician was engaged to provide reports at this stage.

Port Hedland Library

The Town engaged the same contractor to complete an inspection of the Port Hedland Library and provide indicative costs for the potential activation of this space, as an additional Child Care opportunity.

The contractor has accounted for new flooring in wet areas and some minor aesthetic improvement opportunities. The unisex bathroom already has small junior facilities installed however new flooring and border tiling would improve the space.

The current automatic door could be managed by exit button into a fenced area at the front of the Library which would allow for security of the children. The current front area would require small works to remove a dangerous plant on the southern side and replace a garden bed with grass and reticulation however the current layout would suit for the most part.

Port Hedland Library		
Item	Cost	Timeframe for TOPH
Building works	\$ 70,000.00	4-6 weeks form RFQ award
Fencing	\$ 22,000.00	4-6 weeks form RFQ award
Gardening	\$ 25,000.00	4-6 weeks form RFQ award
Total	\$ 117,000.00	



Air conditioning at the facility is suitable and no works would be required. The roof sheeting may have minor works however the structure is sound.

Please note these costs are indicative only and completion of the Town's procurement process would need to be done in order to request suitable contractor to complete the works so we proceed.

The full breakdowns completed by the contractor are attached to this report.

ATTACHMENT 3 TO ITEM 11.2.4

New Town of Port Hedland Childcare Survey

Q1 How many child care facilities in Hedland are you currently on the wait list for?

Answered: 97 Skipped: 0

#	RESPONSES	DATE
1	2	1/14/2019 8:23 PM
2	2	1/14/2019 7:46 PM
3	1	1/14/2019 6:56 PM
4	2	1/14/2019 5:42 PM
5	2	1/14/2019 12:42 PM
6	3	1/14/2019 12:38 PM
7	was on all - got a spot last week for 2 different palces	1/14/2019 12:29 PM
8	was on 2, took off as sister came over and helped, but now sister wants to work so need to go back into wait	1/14/2019 12:25 PM
9	2+	1/14/2019 12:06 PM
10	ALL OF THEM - started on the waitlist before child was born due to the long periods of waiting	1/14/2019 11:55 AM
11	2	1/14/2019 11:44 AM
12	2	1/14/2019 11:40 AM
13	only went to treloar, more convenient, knew the same carers from previous child	1/14/2019 11:38 AM
14	3	1/14/2019 3:45 AM
15	1	1/14/2019 3:03 AM
16	3	1/14/2019 2:04 AM
17	3	1/13/2019 11:42 PM
18	2	1/13/2019 9:27 PM
19	2	1/13/2019 8:59 PM
20	5	1/13/2019 7:38 PM
21	3	1/13/2019 7:23 PM
22	1	1/13/2019 7:14 PM
23	3	1/13/2019 6:43 PM
24	3	1/13/2019 4:02 PM
25	3	1/13/2019 3:06 PM
26	4	1/13/2019 2:49 PM
27	0	1/13/2019 2:31 PM
28	3	1/13/2019 2:29 PM
29	2	1/13/2019 2:16 PM
30	2	1/13/2019 2:10 PM
31	2	1/13/2019 11:34 AM
32	2	1/13/2019 10:14 AM
33	1	1/13/2019 9:31 AM

New Town of Port Hedland Childcare Survey

34	3	1/13/2019 9:28 AM
35	3	1/13/2019 9:27 AM
36	4	1/13/2019 8:32 AM
37	1	1/12/2019 1:26 PM
38	2	1/11/2019 3:35 PM
39	2	1/11/2019 3:20 PM
40	4	1/11/2019 3:10 PM
41	4	1/11/2019 2:57 PM
42	4	1/11/2019 2:37 PM
43	4	1/11/2019 2:28 PM
44	4	1/11/2019 2:08 PM
45	4	1/11/2019 1:20 PM
46	0 - cant get on waitlist	1/10/2019 3:10 PM
47	4	1/10/2019 3:09 PM
48	MOST OF SOUTH	1/10/2019 3:05 PM
49	4	1/10/2019 3:03 PM
50	4	1/10/2019 2:59 PM
51	3	1/10/2019 2:56 PM
52	5	1/10/2019 2:51 PM
53	4	1/10/2019 2:49 PM
54	3	1/10/2019 2:43 PM
55	0 - enquired but not entered as wait time is over 12 months	1/10/2019 2:40 PM
56	3	1/10/2019 2:39 PM
57	2	1/10/2019 2:33 PM
58	1	1/10/2019 2:24 PM
59	3	1/10/2019 2:16 PM
60	4	1/10/2019 2:13 PM
61	1	1/10/2019 2:10 PM
62	2	1/10/2019 2:08 PM
63	1	1/10/2019 2:07 PM
64	all of them	1/10/2019 2:01 PM
65	3	1/10/2019 2:00 PM
66	1	1/10/2019 1:57 PM
67	4	1/10/2019 1:56 PM
68	4	1/10/2019 1:48 PM
69	all of them plus family	1/10/2019 1:48 PM
70	all of them	1/10/2019 1:43 PM
71	4	1/10/2019 1:41 PM
72	all of them including home daycare	1/10/2019 1:37 PM
73	4	1/10/2019 1:33 PM
74	2	1/10/2019 1:27 PM

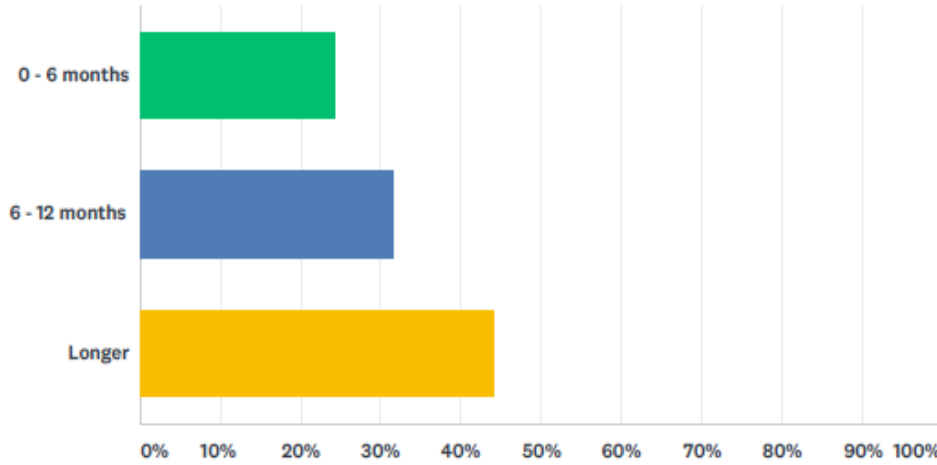
New Town of Port Hedland Childcare Survey

75	3	1/10/2019 1:27 PM
76	4	1/10/2019 1:22 PM
77	2	1/10/2019 1:22 PM
78	3	1/10/2019 1:16 PM
79	0	1/10/2019 1:12 PM
80	2	1/10/2019 1:00 PM
81	3	1/3/2019 4:05 AM
82	4	12/26/2018 11:44 PM
83	1	12/21/2018 7:48 PM
84	1	12/21/2018 1:10 PM
85	1	12/21/2018 12:35 PM
86	3	12/21/2018 5:11 AM
87	0	12/20/2018 10:41 PM
88	1	12/20/2018 8:11 PM
89	1	12/20/2018 7:41 PM
90	2	12/20/2018 6:25 PM
91	1	12/20/2018 5:39 PM
92	4	12/20/2018 5:13 PM
93	2	12/20/2018 4:50 PM
94	0	12/20/2018 11:41 AM
95	2	12/20/2018 9:30 AM
96	0	12/20/2018 9:27 AM
97	1	12/20/2018 9:05 AM

New Town of Port Hedland Childcare Survey

Q2 How long have you been on the waitlist for?

Answered: 95 Skipped: 2

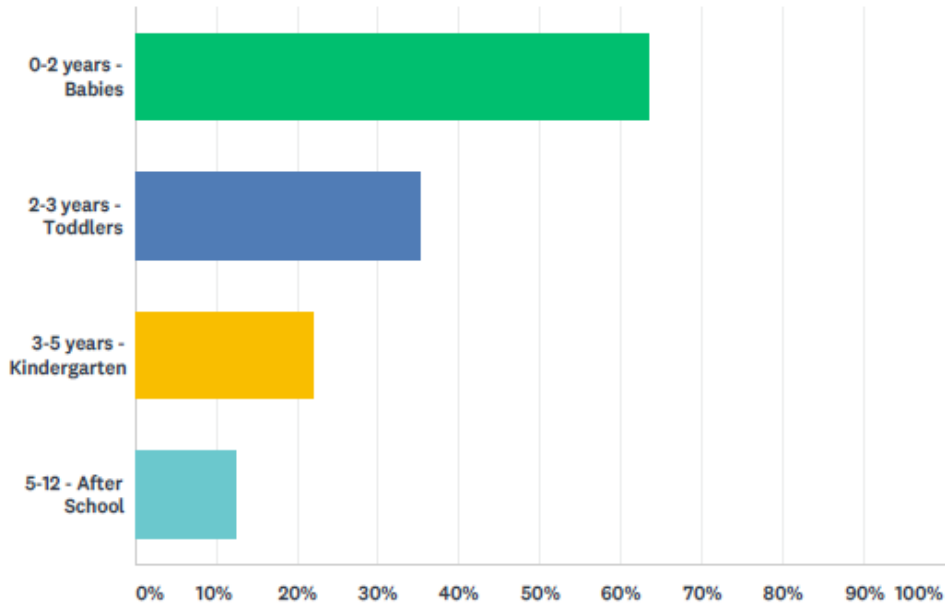


ANSWER CHOICES	RESPONSES	
0 - 6 months	24.21%	23
6 - 12 months	31.58%	30
Longer	44.21%	42
TOTAL		95

New Town of Port Hedland Childcare Survey

Q3 What are the ages of the children for your child care preference?

Answered: 96 Skipped: 1

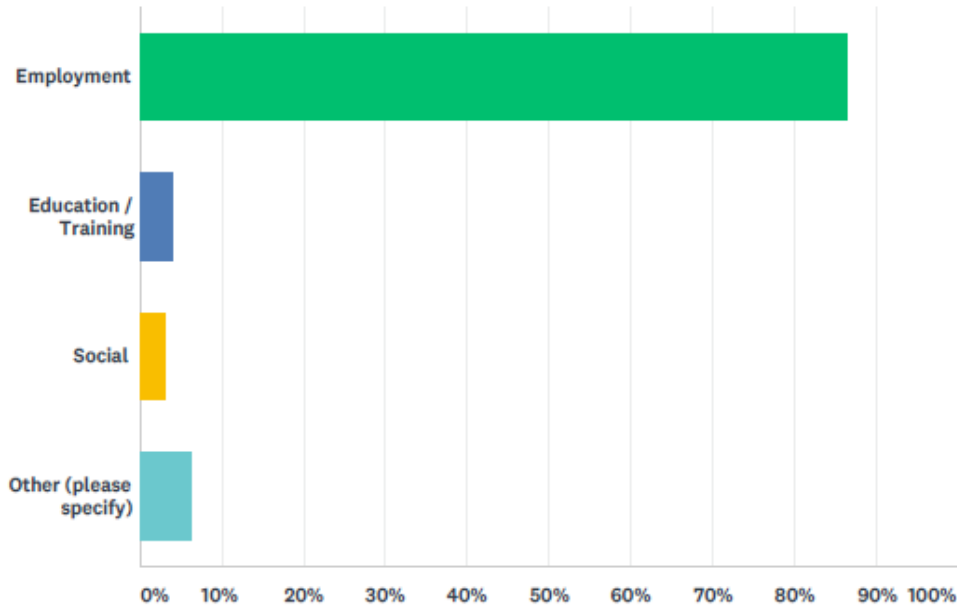


ANSWER CHOICES	RESPONSES	
0-2 years - Babies	63.54%	61
2-3 years - Toddlers	35.42%	34
3-5 years - Kindergarten	21.88%	21
5-12 - After School	12.50%	12
Total Respondents: 96		

New Town of Port Hedland Childcare Survey

Q4 What is your main reason for seeking a childcare placement?

Answered: 97 Skipped: 0



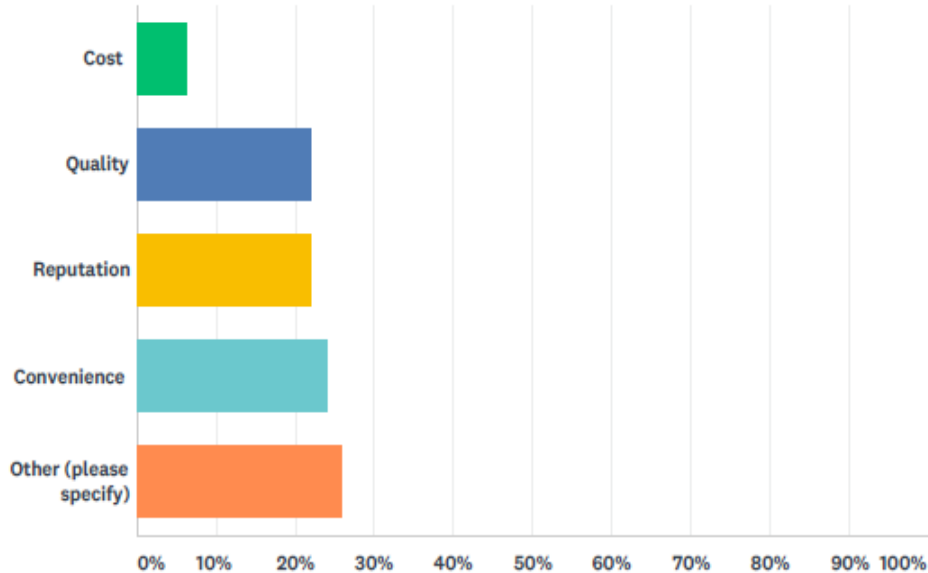
ANSWER CHOICES	RESPONSES	
Employment	86.60%	84
Education / Training	4.12%	4
Social	3.09%	3
Other (please specify)	6.19%	6
TOTAL		97

#	OTHER (PLEASE SPECIFY)	DATE
1	Looking for work	1/14/2019 12:42 PM
2	mainly employment plus education	1/14/2019 12:38 PM
3	mainly education - but also works at night	1/14/2019 11:38 AM
4	employment and potential study	1/10/2019 3:05 PM
5	looking for employment / education training	1/10/2019 2:40 PM
6	all of the above. unfortunately iv lost my job due to no childcare. put my baby on the waiting list when she was born and 12 months later still 30 children in front of her.	1/3/2019 4:05 AM

New Town of Port Hedland Childcare Survey

Q5 What is the primary reason for your child care preference?

Answered: 96 Skipped: 1



ANSWER CHOICES	RESPONSES	
Cost	6.25%	6
Quality	21.88%	21
Reputation	21.88%	21
Convenience	23.96%	23
Other (please specify)	26.04%	25
TOTAL		96

#	OTHER (PLEASE SPECIFY)	DATE
1	It's the only option	1/14/2019 7:46 PM
2	bit of all of them	1/14/2019 12:38 PM
3	werent being picky	1/14/2019 12:29 PM
4	all of them - mainly cost, no more than earn, not too far from	1/14/2019 12:25 PM
5	convenience, reputation, knowing and trusting the staff	1/14/2019 11:38 AM
6	So they are looked after and supervised after school	1/13/2019 11:34 AM
7	all of the above	1/11/2019 3:35 PM
8	whatever i can get	1/11/2019 2:28 PM
9	availability	1/11/2019 1:20 PM
10	cost convenience / social for kids	1/10/2019 3:05 PM
11	reliability	1/10/2019 2:59 PM
12	take what they can get	1/10/2019 2:51 PM
13	avaliability	1/10/2019 2:33 PM

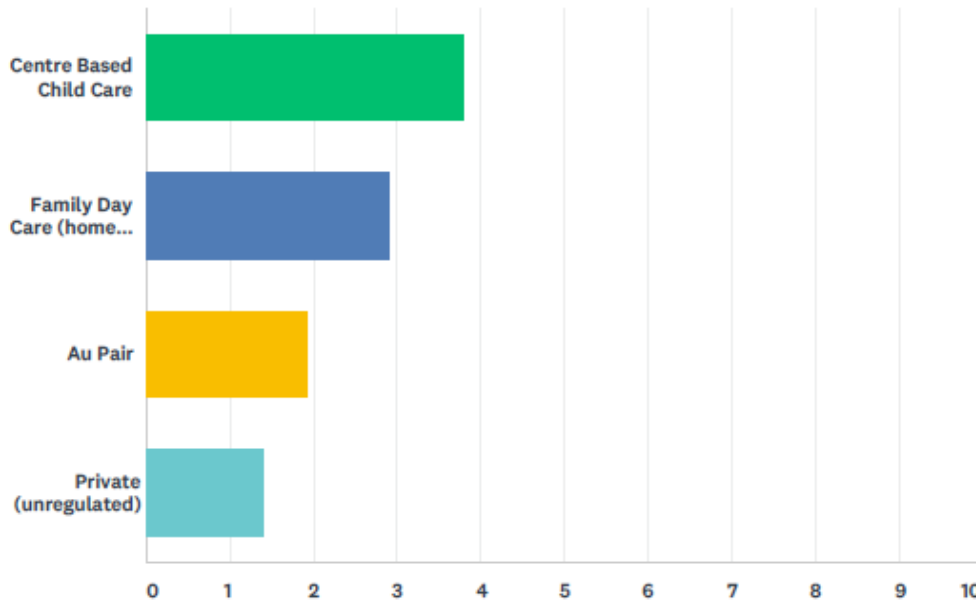
New Town of Port Hedland Childcare Survey

14	just know kids are safe and reliable	1/10/2019 2:10 PM
15	need to provide for the family	1/10/2019 1:48 PM
16	quality mainly - however just wanting an option	1/10/2019 1:37 PM
17	first place available	1/10/2019 1:33 PM
18	ymca funded by bhp - employed	1/10/2019 1:27 PM
19	whatever i can get	1/10/2019 1:27 PM
20	just to get in	1/10/2019 1:22 PM
21	just to get in	1/10/2019 1:12 PM
22	availble	1/10/2019 1:00 PM
23	There is nothing else in town!	12/21/2018 12:35 PM
24	Only option	12/20/2018 7:41 PM
25	First to get in	12/20/2018 5:13 PM

New Town of Port Hedland Childcare Survey

Q6 What is your preferred child care option? Please rate from 1st to 4th

Answered: 97 Skipped: 0

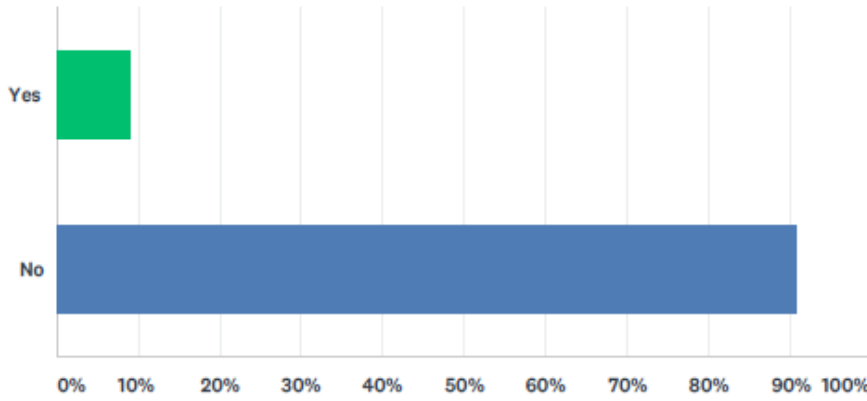


	1	2	3	4	TOTAL	SCORE
Centre Based Child Care	85.42% 82	11.46% 11	1.04% 1	2.08% 2	96	3.80
Family Day Care (home based - regulated)	11.96% 11	69.57% 64	15.22% 14	3.26% 3	92	2.90
Au Pair	3.33% 3	10.00% 9	63.33% 57	23.33% 21	90	1.93
Private (unregulated)	0.00% 0	8.79% 8	21.98% 20	69.23% 63	91	1.40

New Town of Port Hedland Childcare Survey

Q7 Would you be interested in becoming a Family Day Care Provider in your own home?

Answered: 97 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	9.28%	9
No	90.72%	88
TOTAL		97

ATTACHMENT 4 TO ITEM 11.2.4



Business Case

Expansion of Len Taplin Children's Service into
current library building

21 JANUARY 2019

- *What services would be conducted in the new space?*

The new space would offer after school care in term time and vacation care during school holidays. In the future the service would utilize the space between the hours of 9.00- 2pm during term time to run parenting sessions identified as needed within the Hedland community. For example; "mum's and bub sessions" or playgroup.

- *Number of places made available for this service:*

This space would enable the services current out of school hours care program to re-locate and increase its places from 28 to 30 per day.

The current out of school hours care space will cater for kindy age children, increasing places from 20 to 30 children.

Toddler aged children would move into the current kindy space, increasing places from 10 to 15 children.

The current toddler room would become vacant- allowing up to 12 additional places to be offered for older babies (1-2 years of age)

This would increase available places by 29 children across the service once approved by the Education and Care Regulatory Unit.

- *Number of additional staff required for the new space;*

The service would require an additional 5 staff

- *What would the space require to be operational - Can it be as is or does it require rooms etc*

The space would need to be assessed by the Education and Care Regulatory Unit for suitability and to determine the amount of additional floor space to child ratio (3.25m square unencumbered indoor space per child). The space may need painting, floors stripped, cleaned and sealed. The front yard would need to be fenced off, equipment and furniture would need to be purchased for the new space.

- *What places would be available in babies, toddlers & kindy:*

The new space would allow us to increase numbers across the service as detailed above. The service breakdown would be as follows, increasing the total service approval from 66 to 95.

0-1 years: 8 places

1-2 years: 12 places

2-3 years: 15 places

3-5 years: 30 places

These figures are approximate as final determination will be made by the Education and Care Regulatory Unit after an inspection.

- *How many additional staff would be required in these rooms:*



1-2 room no additional staff
 1-2 years 3 staff
 2-3 years 1 staff
 3-5 years 1 staff

- *Would there be any structural changes required to the existing building – costs*

Because school aged children would be occupying the library space, minimal alterations would need to be made to the building. The Education and Care Regularity Unit will need to approve the space and may recommend changes. Costings have already been mapped out by the Town of Port Hedland, and any further funds would be sought via the Hedland Collective who are working very hard to help with any projects that would alleviate the child care crisis. Chris Cottier, BHP WA Community Relations Manager is our contact.

- *New license*

95 children (TBC)

- *Time frame required for new license*

The library building would be added to the existing service approval for One Tree Len Taplin Children’s Service. The maximum time frame for amendments to service approval by the Education and Care Regulatory Unit is 60 days.



ATTACHMENT 5 TO ITEM 11.2.4



Hedland Collective
PO Box 2543
SOUTH HEDLAND WA 6722

Mr David Pentz
Chief Executive Officer
Town of Port Hedland
PO BOX 41
Port Hedland WA 6721

Dear Mr Pentz,

RE: Hedland Collective Letter of Support - Child Care in Hedland

The Hedland Collective wishes to indicate its support for the proposed initiatives to address the child care shortage, both in the interim and in the longer term, being considered by the Town of Port Hedland.

Representing a wide range of stakeholders across its Working Groups - drawn from the public, private and not-for-profit sectors, the Hedland Collective recognises how this issue affects the entire community. The need to collaborate between all sectors, for collective action to effectively respond to the child care shortage is reflected by the direct interest of the larger resource companies operating in Hedland who are among our stakeholders.

The Hedland Collective is eager and ready to assist the Town of Port Hedland where possible - facilitating timely strategies to ensure any plan of action the Town puts in place is supported by the Hedland Collective and its stakeholders.

We look forward to supporting the Town of Port Hedland and achieving the best possible outcomes for our community on this issue.

Should you require any additional information, please do not hesitate to contact the Hedland Collective.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Angela Rooney', is written over a horizontal line.

Angela Rooney
Coordinator
Hedland Collective

W: www.hedlandcollective.com.au | E: info@hedlandcollective.com.au | FB: [@hedlandcollective](https://www.facebook.com/hedlandcollective)

11.2.3 Proposed Use Not Listed – Rural Home Business and Single House Lot 5223 Great Northern Highway, Pippingarra (*File No. 2018/126*)

Author Graduate Planner
Authorising Officer Director Development, Sustainability and Lifestyle
Disclosure of Interest The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/117 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders' to discuss item 11.2.3 Proposed Use Not Listed – Rural Home Business and Single House – Lot 5223 Great Northern Highway, Pippingarra.

CARRIED 9/0

CM201819/118 COUNCIL DECISION

MOVED: CR PITT

SECONDED: DEPUTY MAYOR NEWBERY

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

CARRIED 9/0

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 68 (2) of Schedule 2 of Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Approve Development Application 2018/126 for the development of a 'Use Not Listed – Rural Home Business and Single House' on Lot 5223 Great Northern Highway, Pippingarra, subject to the following conditions:
 - a) This approval relates only to the proposed "Use Not Listed - Rural Home Business and Single House", as indicated on the approved plans (DWG2018/126/1 – DWG2018/126/6) and accompanying documentation with the exception of minor changes as approved by the Town of Port Hedland in writing.

- b) The Rural Home Business aspect of this approval is applicable only to Karen Parker, who shall remain a permanent resident of the dwelling at all times.
- c) If the development referred to in (a) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- d) The 'Rural Home Business' shall not employ more than two (2) people not members of the occupier's household.
- e) The 'Rural Home Business' shall be conducted in such a manner as to not negatively impact on the amenity of the area and neighbouring properties,
- f) The 'Rural Home Business' shall not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet.
- g) All vehicles associated with the 'Rural Home Business' shall be parked within the legal boundaries of the site at all times.
- h) A minimum of four (4) car parking bays shall be provided as indicated on the approved site plan.
- i) No car parking bays shall be obstructed in any way or used for any other purpose than car parking.
- j) Prior to the occupation of the approved development, an application for a Kennel Establishment License must be submitted to the Town of Port Hedland in accordance with Part 5 of the *Dog Act 1976*. Approval to operate must be granted prior to commencement.
- k) Prior to the issuing of a Building Permit, a detailed landscaping and reticulation plan shall be submitted and approved by the Technical Services team. The landscaping plan should include the location, species and planting details with reference to Council's list of recommended low-maintenance tree and shrub species for general landscaping included in Council Policy 10/001.
- l) The residence as marked in red on the approved site plan shall be constructed to a Class 1A Building standard as defined by the *Building Code of Australia*.
- m) The void areas between floor level and ground level of the transportable structures shall be filled in or screened to the satisfaction of the Town of Port Hedland.
- n) Prior to the occupation of the approved development, a Bushfire Attack Level Assessment is required to be undertaken by a "Level 1 BAL Assessor" or accredited "Bushfire Planning Practitioner" as per clause 6.5 of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and recommendations implemented to the satisfaction of the Town of Port Hedland.

- o) All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Town of Port Hedland.
 - p) Dust and sand shall be controlled and contained onsite through the use of suitable dust suppression techniques to the satisfaction of the Town of Port Hedland.
 - q) Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Town of Port Hedland.
 - r) Access gates adjacent to Twelve Mile Creek Road shall not open outwards, and shall open inwards only.
2. Advise the applicant of the following:
- a) The approved development requires a Building Permit in accordance with the *Building Act 2011*.
 - b) The applicant is reminded this is a development approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
 - c) The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) be contained wholly within the lot boundaries.
 - d) All wastewater generated on the lot must be treated and disposed of via an on-site wastewater management system.
 - e) In reference to Condition J, a Kennel Establishment License granted by the Town of Port Hedland is valid for twelve (12) months, and the applicant must apply for a renewal of the license every twelve (12) months. The Town of Port Hedland reserves the right to cancel the license at any time if the development does not maintain compliance with Part 5 of the *Dog Act 1976*. This includes provision of an outdoor exercise area for each dog accommodation facility.
 - f) The on-site wastewater management system must maintain compliance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.
 - g) An application to Construct and Install an Apparatus for the Treatment of Sewage is required to be submitted prior to the Town's Environmental Health Department for assessment and approval.
 - h) The development must maintain compliance with the *Dog Act 1976* at all times to the satisfaction of the Town of Port Hedland.

- i) The development must maintain compliance with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland.
- j) Waste disposal and storage is to be carried out in accordance with the Town's Local Health Laws 1999.
- k) The development must maintain compliance with the Town of Port Hedland Local Health Law 2016 at all times to the satisfaction of the Town of Port Hedland.

CM201819/119 COUNCIL DECISION**MOVED: DEPUTY MAYOR NEWBERY****SECONDED: CR PITT**

That Council, pursuant to Clause 68 (2) of Schedule 2 of Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Approve Development Application 2018/126 for the development of a 'Use Not Listed – Rural Home Business and Single House' on Lot 5223 Great Northern Highway, Pippingarra, subject to the following conditions:
 - a) This approval relates only to the proposed "Use Not Listed - Rural Home Business and Single House", as indicated on the approved plans (DWG2018/126/1 – DWG2018/126/6) and accompanying documentation with the exception of minor changes as approved by the Town of Port Hedland in writing.
 - b) The Rural Home Business aspect of this approval is applicable only to Karen Parker, who shall remain a permanent resident of the dwelling at all times.
 - c) If the development referred to in (a) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
 - d) The 'Rural Home Business' shall not employ more than two (2) people not members of the occupier's household.
 - e) The 'Rural Home Business' shall be conducted in such a manner as to not negatively impact on the amenity of the area and neighbouring properties, to include full screening;
 - f) The 'Rural Home Business' shall not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the internet.

- g) All vehicles associated with the 'Rural Home Business' shall be parked within the legal boundaries of the site at all times.
- h) A minimum of four (4) car parking bays shall be provided as indicated on the approved site plan.
- i) No car parking bays shall be obstructed in any way or used for any other purpose than car parking.
- j) Prior to the occupation of the approved development, an application for a Kennel Establishment License must be submitted to the Town of Port Hedland in accordance with Part 5 of the Dog Act 1976. Approval to operate must be granted prior to commencement.
- k) Prior to the issuing of a Building Permit, a detailed landscaping and reticulation plan shall be submitted and approved by the Technical Services team. The landscaping plan should include the location, species and planting details with reference to Council's list of recommended low-maintenance tree and shrub species for general landscaping included in Council Policy 10/001.
- l) The residence as marked in red on the approved site plan shall be constructed to a Class 1A Building standard as defined by the Building Code of Australia.
- m) The void areas between floor level and ground level of the transportable structures shall be filled in or screened to the satisfaction of the Town of Port Hedland.
- n) Prior to the occupation of the approved development, a Bushfire Attack Level Assessment is required to be undertaken by a "Level 1 BAL Assessor" or accredited "Bushfire Planning Practitioner" as per clause 6.5 of State Planning Policy 3.7 – Planning in Bushfire Prone Areas and recommendations implemented to the satisfaction of the Town of Port Hedland.
- o) All stormwater must be retained onsite. Disposal to be designed in accordance with Council's Engineering Department Guidelines, to the satisfaction of the Town of Port Hedland.
- p) Dust and sand shall be controlled and contained onsite through the use of suitable dust suppression techniques to the satisfaction of the Town of Port Hedland.
- q) Any alterations or relocation of existing infrastructure within the road reserve shall be carried out and reinstated to the specification and satisfaction of the Town of Port Hedland.

- r) Access gates adjacent to Twelve Mile Creek Road shall not open outwards, and shall open inwards only.

2. Advise the applicant of the following:

- a) The approved development requires a Building Permit in accordance with the Building Act 2011.
- b) The applicant is reminded this is a development approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.
- c) The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) be contained wholly within the lot boundaries.
- d) All wastewater generated on the lot must be treated and disposed of via an on-site wastewater management system.
- e) In reference to Condition J, a Kennel Establishment License granted by the Town of Port Hedland is valid for twelve (12) months, and the applicant must apply for a renewal of the license every twelve (12) months. The Town of Port Hedland reserves the right to cancel the license at any time if the development does not maintain compliance with Part 5 of the Dog Act 1976. This includes provision of an outdoor exercise area for each dog accommodation facility.
- f) The on-site wastewater management system must maintain compliance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and the Environmental Protection (Unauthorised Discharges) Regulations 2004.
- g) An application to Construct and Install an Apparatus for the Treatment of Sewage is required to be submitted prior to the Town's Environmental Health Department for assessment and approval.
- h) The development must maintain compliance with the Dog Act 1976 at all times to the satisfaction of the Town of Port Hedland.
- i) The development must maintain compliance with the Environmental Protection (Noise) Regulations 1997 at all times to the satisfaction of the Town of Port Hedland.
- j) Waste disposal and storage is to be carried out in accordance with the Town's Local Health Laws 1999.

- k) The development must maintain compliance with the Town of Port Hedland Local Health Law 2016 at all times to the satisfaction of the Town of Port Hedland.

CARRIED BY ABSOLUTE MAJORITY 8/1

For: Mayor Blanco, Deputy Mayor Newbery, Cr Hebbard, Cr McDonogh, Cr Whitwell, Cr Carter, Cr Pitt, Cr Arif
Against: Cr Daccache

PURPOSE

The purpose of this report is for Council to determine Development Application 2018/126, which proposes the development of a 'Use Not Listed – Rural Home Business and Single House' located on Lot 5223 Great Northern Highway, Pippingarra.

BACKGROUND

Development Application 2018/126 was first presented to Council at the Ordinary Council Meeting held on 26 September 2018, where it was resolved to defer the matter pending a review on the land tenure (Council decision no. CM201918/043). The application was then presented at the Ordinary Council Meeting held on 24 October 2018 where Council, by Absolute Majority, voted to progress the application to advertising in accordance with the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) and the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Clause 64(1)*. Clause 3.2.6 of LPS5 states:

'If the development of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be included in the definition of one of the development categories the local government may determine:

- a) That the development or use is not consistent with the objectives and purposes of the particular zone or precinct and is, therefore, not permitted, or*
- b) By absolute majority that the proposed development may be consistent with the objectives and purposes of the zone and an application for development approval should be determined in accordance with Part 9 of the deemed provisions, including the advertising procedures under Clause 64 of the deemed provisions'.*

As Council has voted to progress the proposed land use to advertising and now advertising of the application has concluded, the application is presented back to Council to determine the development application.

DETAIL

The application for a 'Use Not Listed – Rural Home Business', proposes the development of residential accommodation and facilities to be used for the operation of a 'Rural Home Business' on Lot 5223 Great Northern Highway, which is zoned 'Rural Residential' under the Town of Port Hedland Local Planning Scheme No. 5 (LPS5). The proposed 'Rural Home Business' which is titled Doggie Daytime Adventures, will offer a 'canine enrichment service' for residents of Port and South Hedland. The primary components of the proposed development of Lot 5223 Great Northern Highway are:

- One (1) Residential Building
- Three (3) Dongas (Covered with Skillion Roofing)

The three dongas will be utilised for the home business component of the application, and are to be cladded in colourbond and feature landscaping to improve the appearance and aesthetics to a residential standard. The larger building will be the residence of the applicant.

Minor components of the development include a small swimming pool and water tanks. The lot will be enclosed with standard chain mesh fencing, and additional 1.8m high chain mesh fencing will be installed to enclose the immediate residential and business components within the lot for the safety and security of the business and surrounding property owners. The lot has access to water and electricity, but not sewerage. Access to the property is via Twelve Mile Creek Road which is unsealed. The applicant has provided a justification statement detailing the purpose and operation of the business, which is included as Attachment 4 of this report. Should Council approve the application, the applicant will be required to apply for an Established Kennel License under the *Dog Act 1976* to allow for more than two (2) dogs to be permitted on the premises. This application will address the specific details of requirements for the proposed pet accommodation and facilities, and this has been included as a Condition of approval in the Officer's Recommendation.

The application has previously been determined to be consistent with the objectives and purposes of the Rural Residential Zone and the General Scheme Objectives of LPS5. Development Application 2018/126 has addressed relevant planning considerations and issues raised concerning the application, and is seen to be beneficial to residents within the Town of Port Hedland. Currently, a lack of pet care options within the town currently restricts resident's options when it comes to work and travel, and such a service will address this gap in the market improving liveability, as well as supporting local business in the Town of Port Hedland.

LAND TENURE

The subject application is located on Lot 5223 on Plan 214767. Lot 5223 is owned by the State of Western Australia and is leased to Georgios and Lilian Anagnostopoulos. The lease commenced on 01 January 2016 for a term of twenty-one (21) years, with an option for a further term of twenty-one (21) years. A search of Landgate did not identify any other registered interest in the property. A copy of the Certificate of Crown Land Title for Lot 5223 is included as an Attachment to this report.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance because the proposed development is considered to have minimal impacts on social and economic factors and surrounding land uses.

CONSULTATION

Internal

The application has been referred internally to the Town's Infrastructure and Town Services, Environmental Health and Ranger Services Departments. Comments received have been considered and included as conditions and advice notes contained within the Officer's recommendation.

External Agencies

The application was referred to the Department of Planning, Lands and Heritage, who are the owner of several lots within the immediate area including the subject property. No submission was received.

Community

The application was advertised to potentially affected landowners for a period of fourteen (14) days and an advertisement was placed in the North West Telegraph on 28 November 2018 in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Clause 64. Nineteen (19) submissions were received, eighteen (18) which supported the application and one (1) objecting to the application. The objection outlined the following concerns:

Submission Comment / Issue	Officer Comment
Objection to proposed land use as it is not consistent with the permitted purpose of the lease	Noted. Department of Planning, Lands and Heritage have stated that the current purpose of the lease is for 'Rural Residential', and the purpose of the lease would need to be changed to be more consistent and appropriate with the proposed land use. The Town must support the proposed land use prior to DPLH considering changing the purpose of the lease.
The proposed land use will cause nuisance to other leaseholders and will potentially result in damage and attacks to neighbouring stabled horses.	Noted. Concerns of the land use resulting in damages to neighbouring leaseholders animals is understood, however the applicant has sufficiently addressed any potential concerns through the implementation of security fencing and boundary fencing. The nature of the business as a 'Canine Enrichment Centre' instead of a traditional kennel will mean dogs are supervised and unable to access neighbouring lots.

There has been support from the Port Hedland community for the proposed development, detailing the quality of service the business currently offers and how the development would improve the options and liveability of residents within the town.

The objection and letters of support received can be viewed in Attachment 6 of this report.

LEGISLATION AND POLICY CONSIDERATIONS

The proposed development has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed Provisions for Local Planning Schemes and the following clauses of the Town of Port Hedland Local Planning Scheme No. 5:

- Part I – Preliminary
 - Clause 1.5 – Scheme Objectives
- Part III
 - Clause 3.1 – Categories
 - Clause 3.2 – Zoning Table
 - *Clause 3.2.6*
- Part V – Development Requirements
 - Clause 5.7 – Rural Zones
- Appendix 1 – Definitions

1.5 Scheme Objectives

The proposed application is considered to be consistent with the Scheme Objectives of LPS5 for the following reasons:

- The development will establish a unique service to Port and South Hedland residents whilst addressing a large market gap in pet care options. The business will offer an opportunity for pet dogs to be safely accommodated / cared for should owners be working or travelling, which will improve lifestyle choices and liveability for residents;
- The development will see the establishment of a locally owned and operated small business, encouraging local economic growth and social development in the town;
- The development will have minimal impacts on the natural environment and surrounding land uses;
- The development application is consistent with orderly and properly planning as detailed under Schedule 2 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5.7 Rural Zones

The proposed development is deemed to be consistent with the 'Rural' zone objectives under LPS5 for the following reasons:

- The proposed 'Use Not Listed – Rural Home Business' land use is considered to have minimal impact on surrounding lots and the amenity of the area;
- The proposed land use is an appropriate land use for a rural zone, whereas such a development in a higher density area would result in land use conflicts;

The 'Rural' zone promotes a range of rural and ancillary pursuits, which the proposed 'Use Not Listed – Rural Home Business' will support.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$222.00 from the applicant. There are no other financial implications associated with this proposal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 3.c.1** Urban and spatial planning is implemented to enhance human interaction with nature and industry
- 3.c.2** The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.1 High quality and responsive customer service is provided

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be low (4). If approved, the proposed land use will not negatively impact on social, environmental, and economic aspects within the town of Port Hedland.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

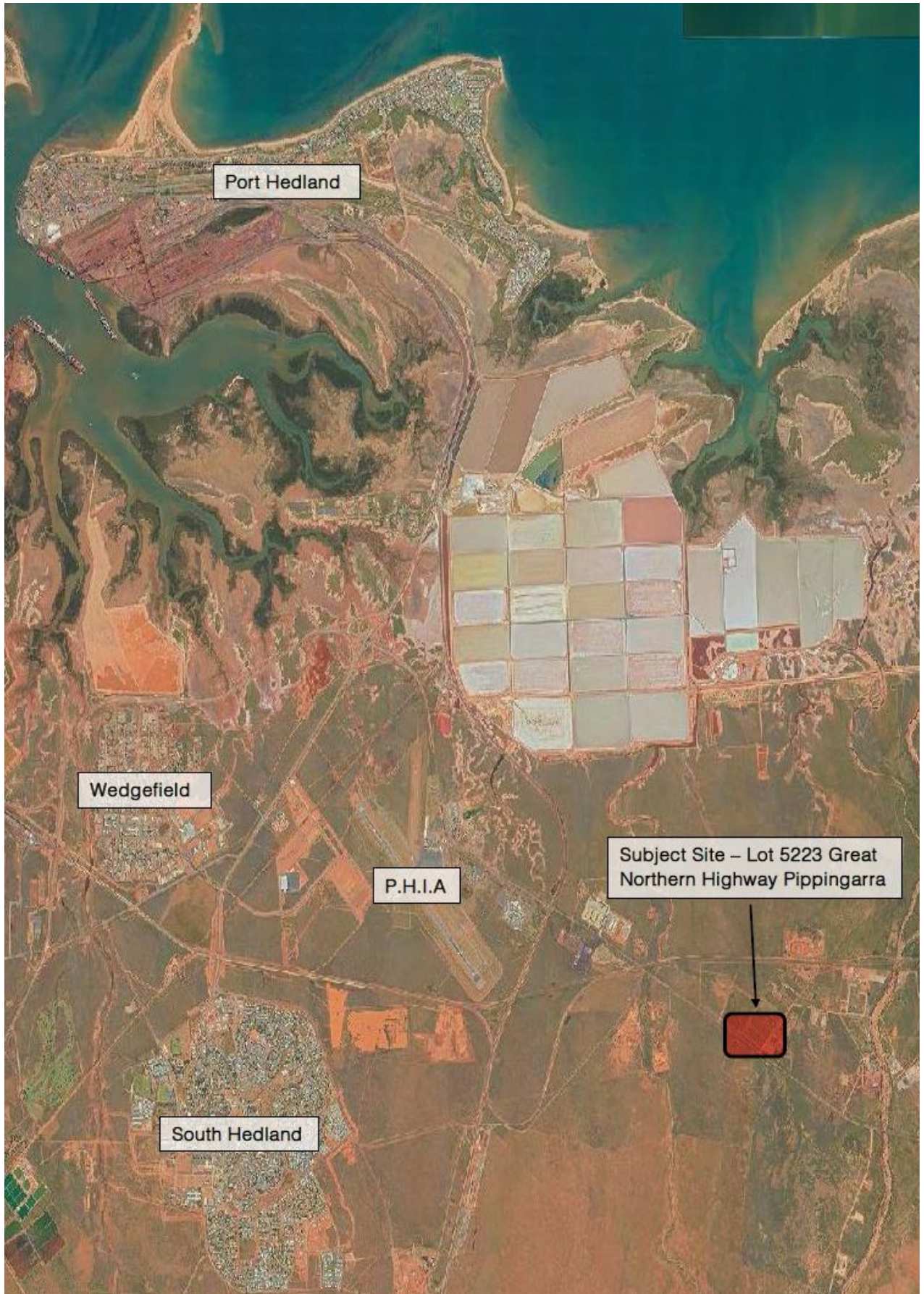
CONCLUSION

Development Application 2018/126 proposes the development of a land use to establish a small, local business which will improve lifestyle choices and liveability for Hedland residents. The development is consistent with the clauses and provisions of Local Planning Scheme No. 5, as well as the purpose of the 'Rural Residential' zone. It is recommended to approve the development application, subject to the conditions and advice notes contained within the Officer's Recommendation.

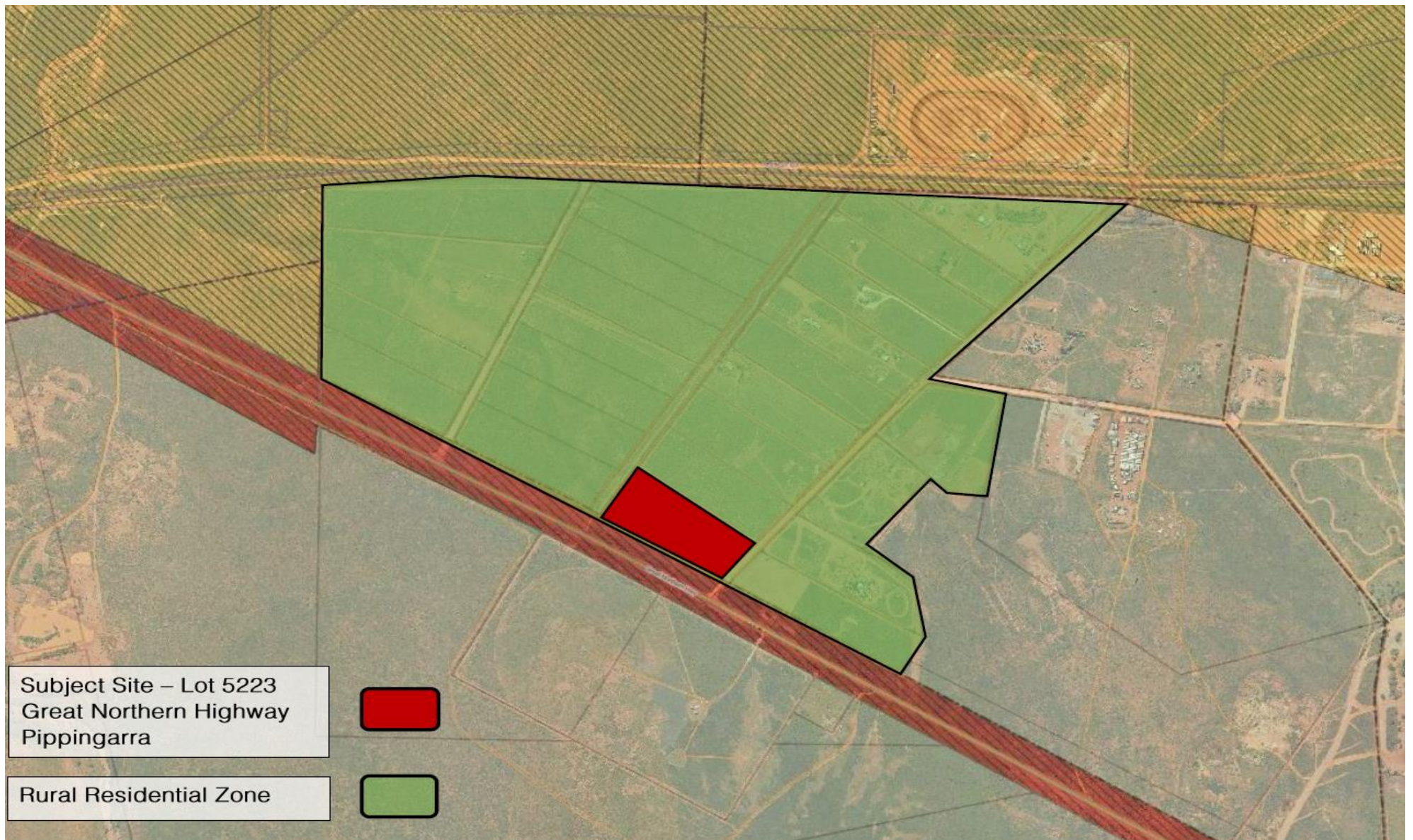
ATTACHMENTS

1. Site Context
2. Site Location
3. Development Plans
4. Applicant Justification
5. Certificate of Title
6. Schedule of Submissions

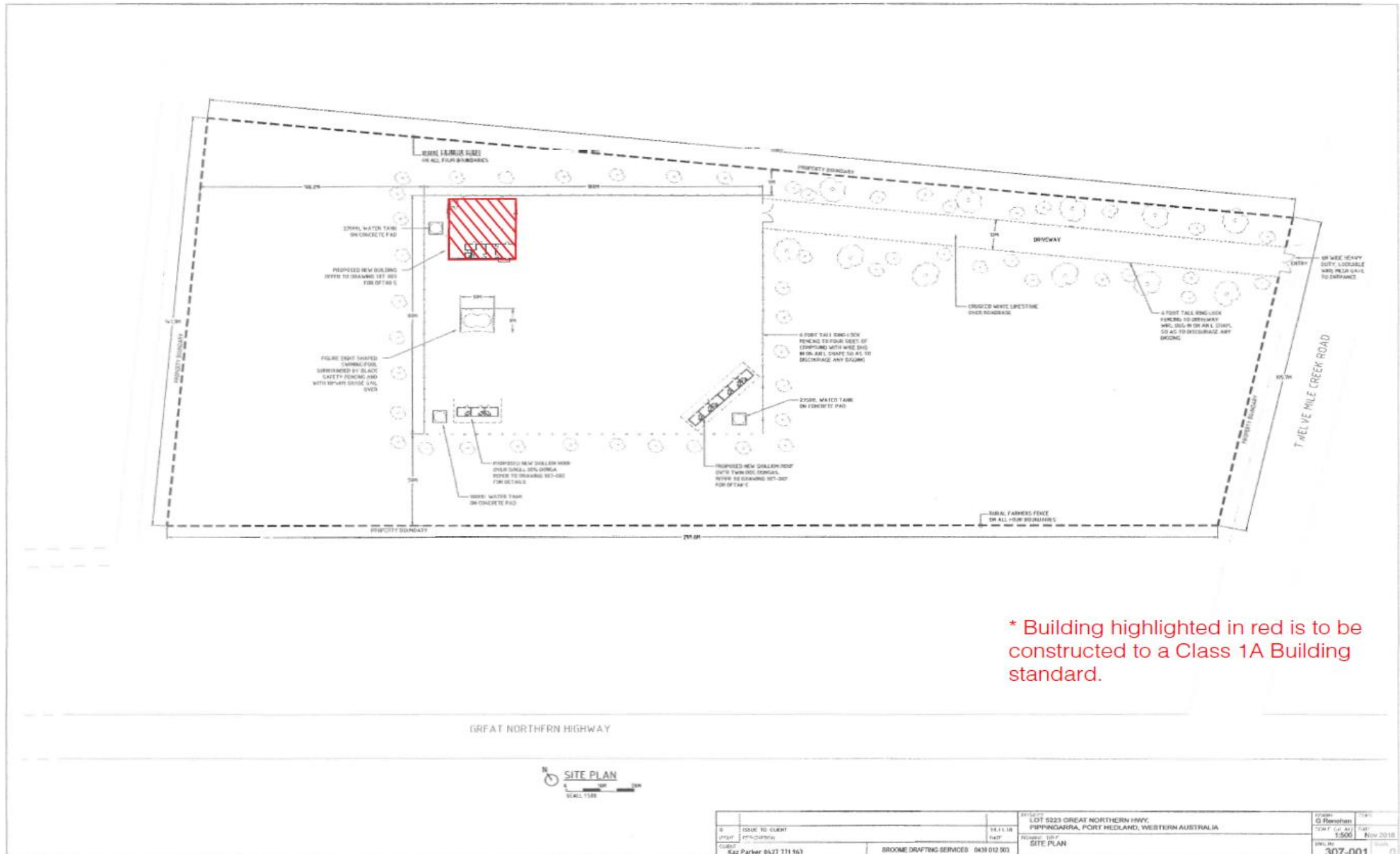
ATTACHMENT 1 TO ITEM 11.2.3

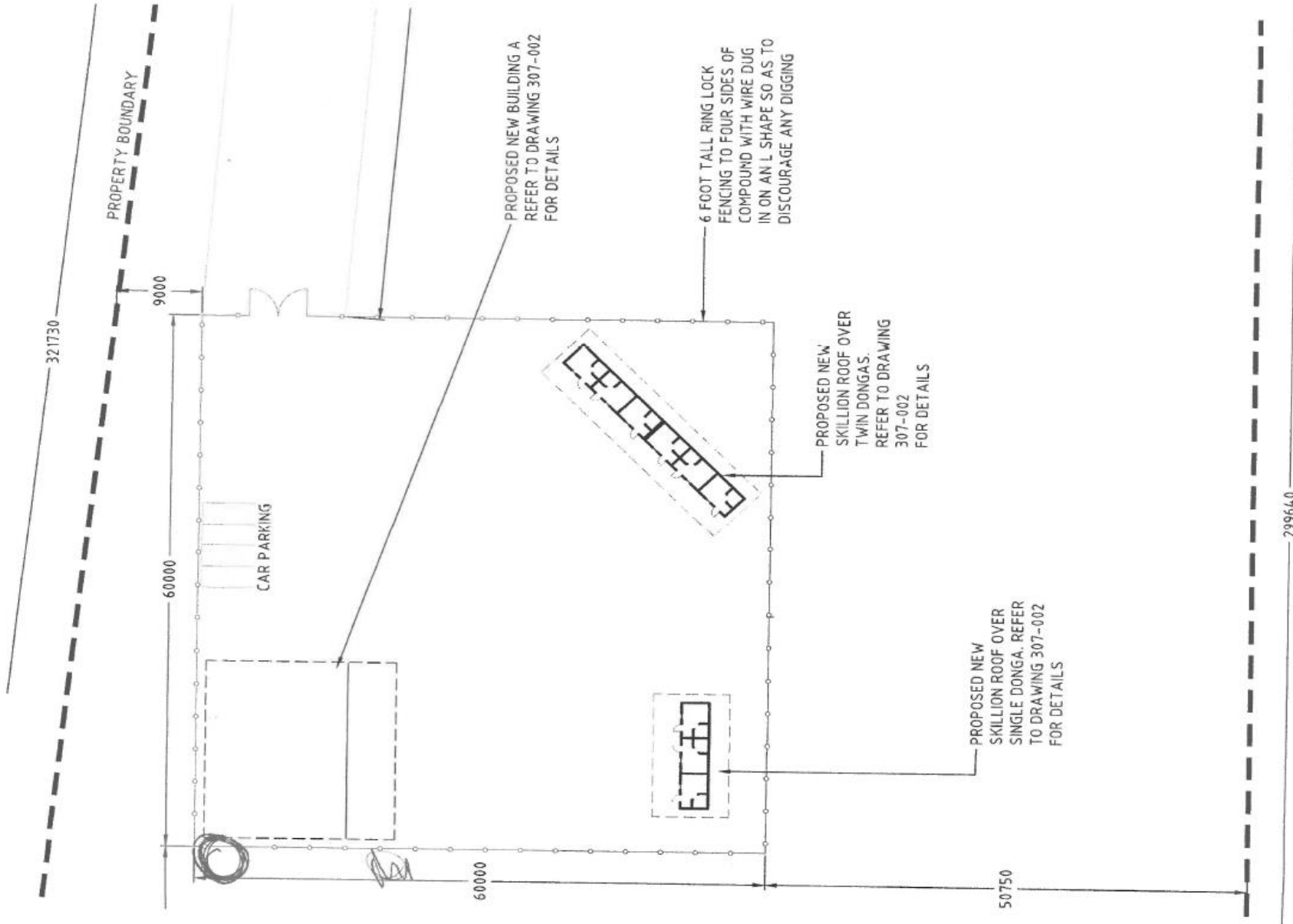


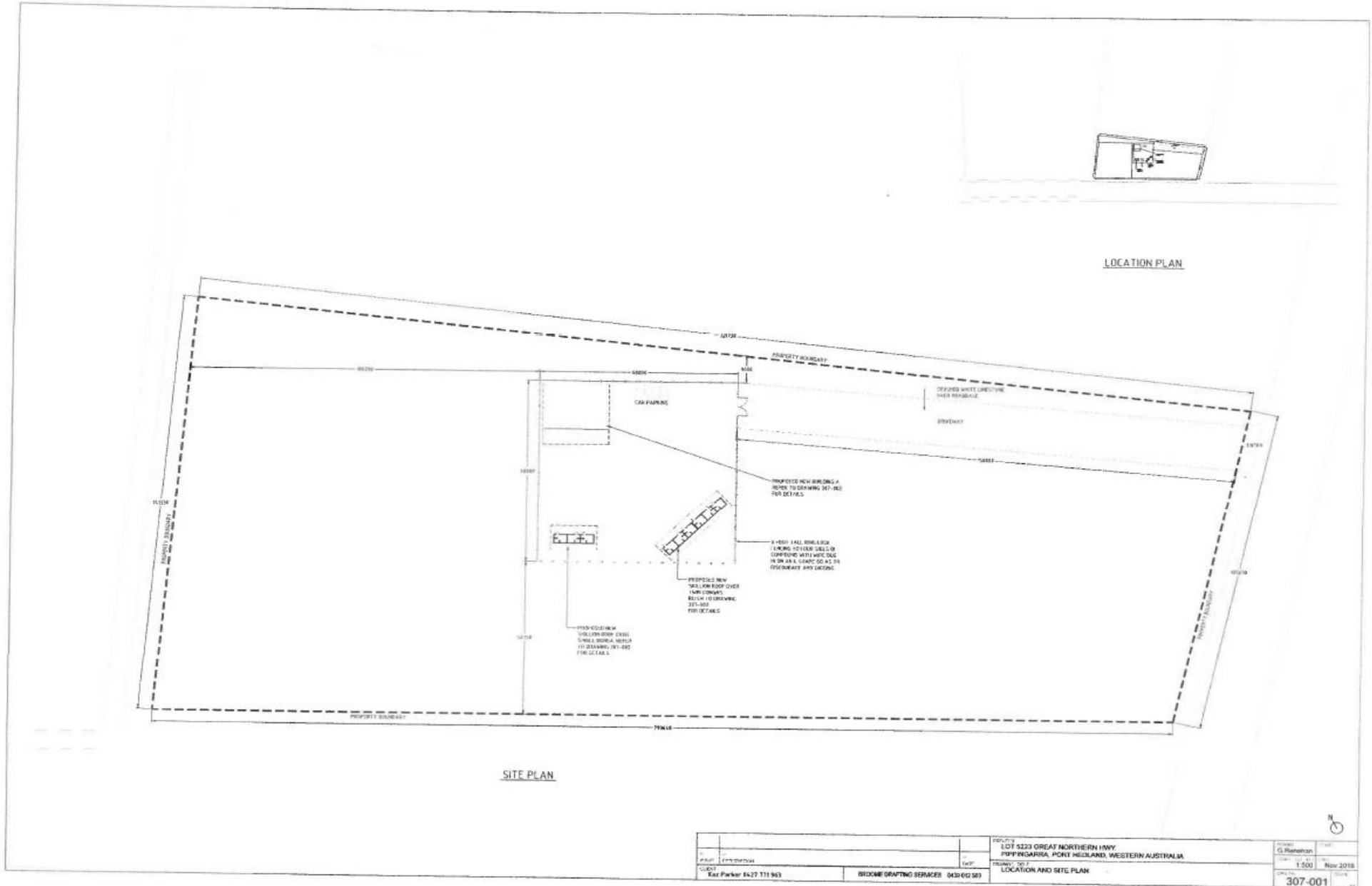
ATTACHMENT 2 TO ITEM 11.2.3

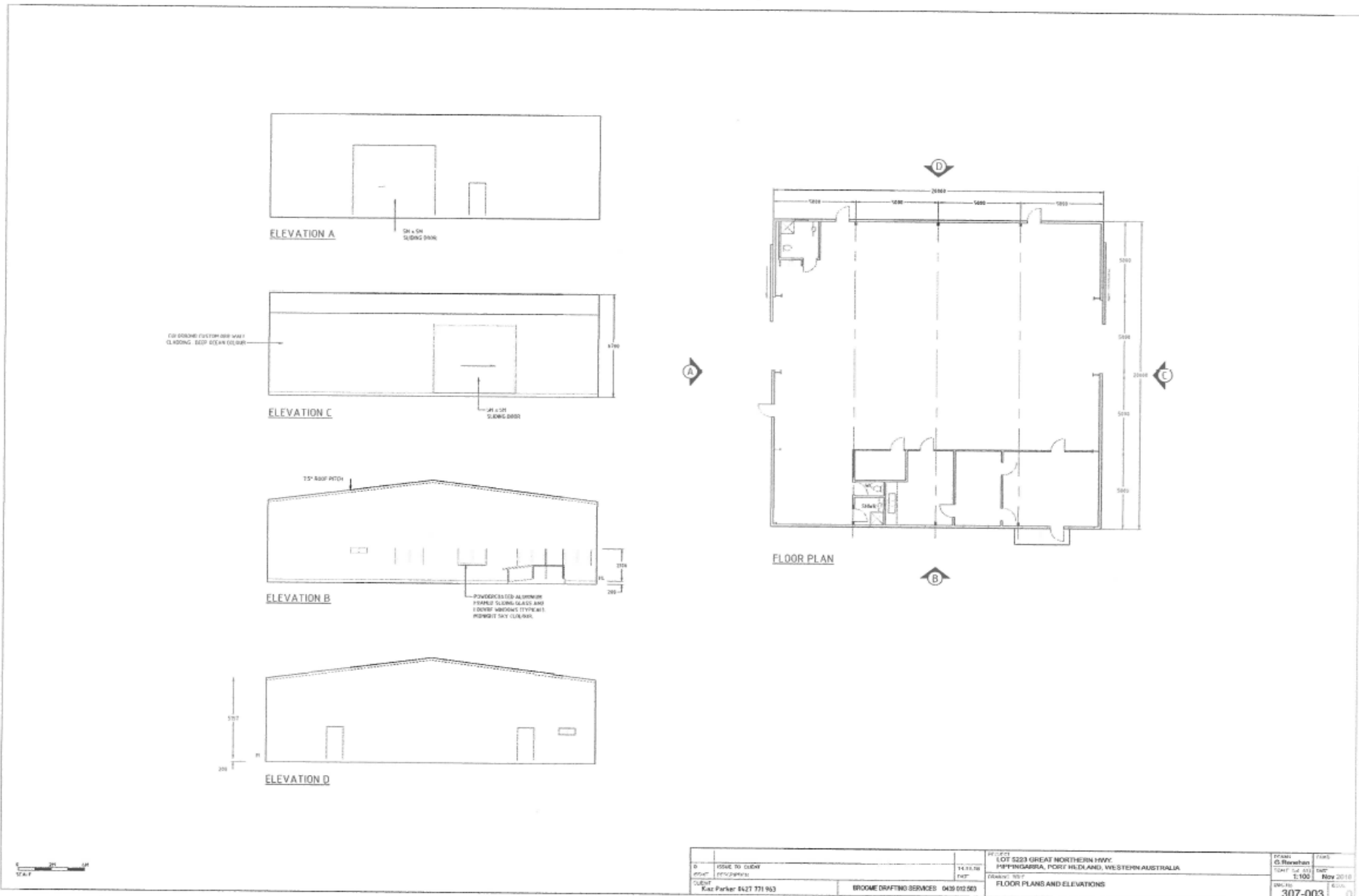


ATTACHMENT 3 TO ITEM 11.2.3

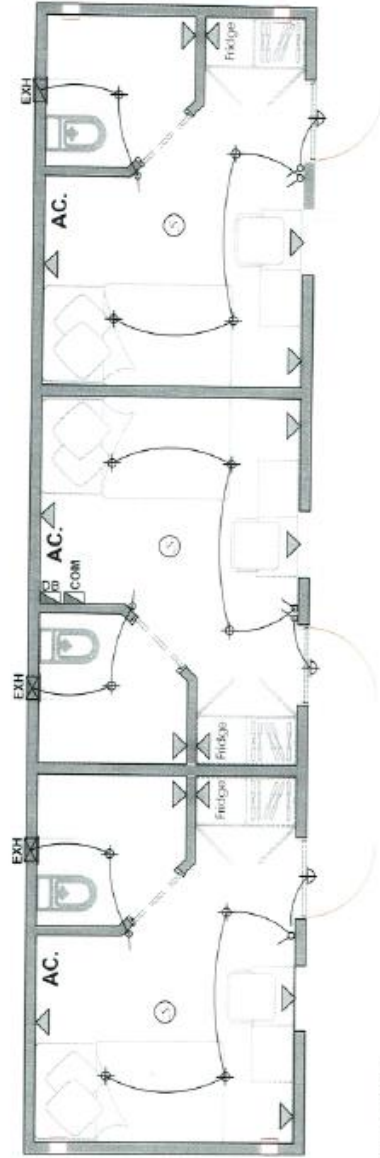








D ISSUE TO CLIENT DATE: 11/12/2018 CLIENT: Kaz Parker 8427 771 943	PROJECT 14.03.18 F107	PROJECT LOT 5223 GREAT NORTHERN HWY PIMPINGARRA, PORT HEDLAND, WESTERN AUSTRALIA COORDINATE: 30° 0'	DRAWN G. Warburton CHECKED T.100 DATE Nov 2018	DRAWING NO. 307-003
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LEGEND:

- Electrical distribution board.
- Communications panel.
- Double power outlet.
- Light switch.
- Down Light.
- External light fitting.
- Exhaust fan unit.
- Smoke detector fitted to ceiling.
- Air conditioning unit.

Manufactured By:



**SPINIFEX
ELECTRICAL LAYOUT.**

**Modular Build
Thailand**

DWG NO:
E-01

JUSTIFICATION STATEMENT

Against the zoning of

‘Place of Animal Care’

Any land or buildings used for the keeping, boarding, breeding, display, veterinary treatment of injuries or ailments of animals. And may include zoological gardens, enclosures or accommodation of animals.

➤ Keeping of Animals:

The keeping of animals refers to ownership and caretaking of them.

Not as pets, more as Animal Husbandry.

Particularly in relation to Goats/Pigs/Chickens

I.e.; “He has been keeping chickens for 20 years.”

- **Doggie Daytime Adventures**, can, in no way or manner, be confused with “The Keeping of Animals”. There is no connection, affiliation, involvement or linkage to Animal Husbandry or Agriculture. Doggie Daytime Adventures is specifically a Canine Enrichment Centre, helping with the general overall well being and mental health of the domestic dog by providing stimulating activities designed specifically to engage their senses in entirety. Thereby creating a unique environment that provides for positive energy and an abundance of good spirits, joy and enthusiasm.

➤ **Boarding of Animals:**

The boarding of animals is generally deemed to be the housing of animals in kennel like establishments. Places where they are kept strictly segregated and only allowed free exercise for a set period of time (if at all) and socialization is discouraged.

- **Doggie Daytime Adventures**, however, is a place of sensory engagement. The entire concept of DDA is to allow animals to socialise and integrate naturally in a safe and happy environment.

The only time animals will be kept separate will be if an over night stay is required and then they just have their own bedroom to retire to at the end of the night. Complete with air-conditioning, en-suite, comfortable king size single bed with doonas, quilt covers and pillows. As well as their own television and naturally, an automated water supply.

➤ **Breeding of Animals:**

The breeding of animals usually is defined as “The action or process of bearing or generating. The sexual propagation of animals.”

- **Entire** or Intact animals will not be allowed on the premises (Sterilization Certificates are a requirement for acceptance), it would take an intervention of the Immaculate kind, for this to occur.

➤ **Display of Animals:**

The dictionary interprets the “display of animals” as the “Performance, Show or Event staged for public entertainment”

- A significant aspect of the experience for our furry patrons is the actual van ride to the establishment itself. It is here that their friendships begin, only to be cemented upon disembarking. The journey is also used as a tool to introduce new dogs into an existing circle of animals.
Doggie Daytime Adventures is a strictly pick up / drop off service only. Visitors are discouraged as it tends to upset the energy of the crew. General Public are not allowed at all and will not be able to proceed past the locked double gates at the entrance to the block.

➤ **Veterinary Treatment of Animals:**

Veterinary Treatment of Animals is the branch of medicine dealing with the prevention, diagnosis and treatment of disease, disorder and injury in non-human animals.

- There will be a screening process in place in order to gain admittance to Doggie Daytime Adventures. The first step being, would be the mandatory provision of a current veterinarian report. Citing general state of the dog's health, vaccination records and a brief medical history.
Owners would also have to be prepared to sign a waiver/document stating that it would be my discretion as to if veterinarian services are required and they are financially responsible for and

➤ **Enclosures or Accommodations of Animals:**

Doggie Daytime Adventures is a Canine Enrichment Centre, thus being more in the nature of education rather than being a “Place of Animal Care”. It is more about socialisation and interaction, not only between the dogs themselves, but also between myself and them. They see me as kind of a Team Leader, whom they follow and whose decisions they abide by.

This wouldn't be able to happen if they were kept separated into different enclosures or accommodations. Dogs are usually by nature very social creatures, which is why, generally the lack of, results in destructive behaviours.

Being a canine enrichment centre, we keep the dogs fully engaged using the following

- Touching. Providing the dog different textured surfaces to walk on, lie down on or to roll on. Also allowing the dog a special place to dig. Sand, dirt, pebbles and mulch are just a couple of examples.
- Smelling. Dogs learn a lot about the world through their magnificent sense of smell. The more sniffs, the more sleeps.
- Tasting. Some grass to chew on or specific dog friendly plants This changes the sight and smell of a certain area.
- Hearing. Most neighbourhoods are full of background noise, but the sound of a waterfall might be soothing to the dog. Wind chimes can also be a novel sound for the dog.
- Seeing. Dogs don't rely heavily on their sense of sight like we do. However, they'll still get a kick out of watching birds etc gather around a feeder or watching koi fish swimming in a pond.

The important thing about canine enrichment is to try new things all the time. Keep things fresh by adding things to the landscape for the dog to

investigate, moving bird feeders around, tossing some treats randomly into the yard for the dog to find, and more.

Social Impact

Many residents struggle to find someone to take care of their dogs when they go on holiday as many do not have family in town. It is quite common for residents to actually fly their furry friends down to Perth in order to find a suitable solution for their care whilst they are on holiday. Many residents also work long hours and do not have enough time to adequately enrich their pets, causing some dogs to become bored and destructive.

Thanks to Doggie Daytime Adventures pick up and drop off service, owners can rest assured that when they are on holiday, not only are their dogs being looked after, but also that their properties are secured and protected overnight. Shift workers can sleep soundly knowing their dogs are getting the exercise and stimulation they need to reduce barking and destruction in their home.

This service will also help dogs to socialise with other dogs to reduce aggression and improve dog behaviour in the community.

This has an ongoing positive effect on the local community. Animals are much better behaved (simply because they have been engaged and are therefore happier and more tired.) Therefore, less destructive in the home environment. Which could result in less animals being on the streets. Whether that be the dogs themselves being less likely to look for ways to escape the boredom or the owners just giving up on dealing with such difficult behaviours and eventually surrendering the animal to either Safe or the Pound.

Working with Safe ensures that the dogs being put up for adoption are more well-rounded and engaged, thereby more content in themselves and far less likely to be returned due to bad behaviours etc.

Canine Enrichment also has a much-needed place in the wider community. I started my dog walking/pet sitting business in June. Since then, I must have fielded at least 20/30 requests from tourists passing through wanting to visit Karijini or some such similar places, but not being able to do so as there was nowhere to leave their beloved pets and travelling companions.

I have even heard stories of travellers leaving their dogs tied to the overflow Park and heading out overnight. Certainly NOT ideal. Local people are having to fly their furry friends to Perth etc in order to get them cared for.

This surely must be indicative of the necessity of a venture such as “Doggie Daytime Adventures?”

▪ **Environmental Impact/Waste Management Statement**

Doggie Daytime Adventures will use ReIn Garden Pet Poo Worm Farms which will eradicate any waste created by the dogs. These worm farms will create a high-quality soil which will be used to create a garden bed and improve the street appeal of the property. No other waste, exceeding standard household waste, would be produced on site.

Water tanks will be installed on site to collect all rain water runoff from the buildings on site. This water will then be used to help water plants in garden beds and provide a cool down area for the dogs. Solar panels will also be installed on the roofs of the buildings to reduce the impact on the environment.

▪ **Traffic Statement**

As there is a pick up-drop off service as part of Doggie Daytime Adventures, and only one employee, there will be

no other vehicles on site during business hours. A designated car space will be allocated for the van used to provide this service.



ATTACHMENT 5 TO ITEM 11.2.3



REGISTRATION NUMBER	
5223/DP214767	
DE DUPLICATE	DATE OF DUPLICATE ISSUED
N/A	N/A
VOLUME	FIGURE
LR3119	933

RECORD OF CERTIFICATE
OF
CROWN LAND TITLE
UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Statute Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.


REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 5223 ON DEPOSITED PLAN 214767

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: LEASEHOLD

PRIMARY INTEREST HOLDER: GEORGIOS ANAGNOSTOPOULOS
LILIAN PAULA ANAGNOSTOPOULOS
BOTH OF POST OFFICE BOX 2397 SOUTH HEDLAND
AS JOINT TENANTS

(LC N273773) REGISTERED 11/3/2016

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. K510829 NOTIFICATION CONTAINS FACTORS AFFECTING THE WITHIN LAND. LODGED 18/2/2008,
2. M801583 MEMORIAL, LAND ADMINISTRATION ACT 1997, SECTION 17, REGISTERED 20/10/2014.
3. N273773 LEASE, SUBJECT TO THE TERMS AND CONDITIONS AS SET OUT IN THE LEASE, REGISTERED 11/3/2016.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: LR3119-933 (5223/DP214767)
PREVIOUS TITLE: LR3006-6
PROPERTY STREET ADDRESS: LOT 5223 GREAT NORTHERN HWY, PIPPINGARRA,
LOCAL GOVERNMENT AUTHORITY: TOWN OF PORT HEDLAND

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE

REGISTER NUMBER: 5223 DP214767 VOLUME/FOLIO: LR3119-933 PAGE 2

RESPONSIBLE AGENCY: DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

- NOTE 1: A000001A LAND PARCEL IDENTIFIER OF PORT HEDLAND TOWN LOT LOT 5223 ON SUPERSEDED PAPER CERTIFICATE OF CROWN LAND TITLE CHANGED TO LOT 5223 ON DEPOSITED PLAN 214767 ON 09-SEP-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
- NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE.
- NOTE 3: L643725 CORRESPONDENCE FILE 02458-1981-03RO

ATTACHMENT 6 TO ITEM 11.2.3



Development Application 2018/126

Schedule of Submissions

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
1	N/A	Member of Public	N/A	Issue/Comment No. 1.1 <ul style="list-style-type: none"> Lack of Canine Enrichment / dog day care services in the Town of Port Hedland has negative impact on the liveability of the town and personal lifestyle choices Full support of the current business and potential expansion of the canine enrichment service. Canine enrichment service would benefit the Port Hedland community. 	Officer Response No. 1.1 <ul style="list-style-type: none"> Agreed. 	Officer Recommendation No. 1.1 <ul style="list-style-type: none"> Officer supports submission.
2	N/A	Member of Public	N/A	Issue/Comment No. 2.1 <ul style="list-style-type: none"> As no service currently exists such as the proposed development, the service would be beneficial to the community. 	Officer Response No. 2.1 <ul style="list-style-type: none"> Agreed. 	Officer Recommendation No. 2.1 <ul style="list-style-type: none"> Officer supports submission.
3	05/11/2018	Member of Public	N/A	Issue/Comment No. 3.1 <ul style="list-style-type: none"> Full support of the current business and potential expansion of the canine enrichment service. 	Officer Response No. 3.1 <ul style="list-style-type: none"> Agreed. 	Officer Recommendation No. 3.1 <ul style="list-style-type: none"> Officer supports submission.
4	05/11/2018	Member of Public	N/A	Issue/Comment No. 4.1 <ul style="list-style-type: none"> Full support of the current business and potential expansion of the canine enrichment service. Lack of Canine Enrichment / dog day care services in the Town of Port Hedland has negative impact on the 	Officer Response No. 4.1 <ul style="list-style-type: none"> Agreed. 	Officer Recommendation No. 4.1 <ul style="list-style-type: none"> Officer supports submission.

No/Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
				<p>liveability of the town and personal lifestyle choices.</p> <ul style="list-style-type: none"> The service would be welcomed by travelling pet owners as well as residents. 		
5	05/11/2018	Member of Public	N/A	<p>Issue/Comment No. 5.1</p> <ul style="list-style-type: none"> Lack of Canine Enrichment / dog day care services in the Town of Port Hedland has negative impact on the liveability of the town and personal lifestyle choices. Establishment of canine enrichment service can provide greater service to working families and travelling residents 	<p>Officer Response No. 5.1</p> <ul style="list-style-type: none"> Agreed. 	<p>Officer Recommendation No. 5.1</p> <ul style="list-style-type: none"> Officer supports submission.
6	05/11/2018	Member of Public	N/A	<p>Issue/Comment No. 6.1</p> <ul style="list-style-type: none"> Full support of the current business and potential expansion of the canine enrichment service. The service would be welcomed by travelling pet owners as well as residents. 	<p>Officer Response No. 6.1</p> <ul style="list-style-type: none"> Agreed. 	<p>Officer Recommendation No. 6.1</p> <ul style="list-style-type: none"> Officer supports submission.
7	05/11/2018	Member of Public	N/A	<p>Issue/Comment No. 7.1</p> <ul style="list-style-type: none"> Full support of the current business and potential expansion of the canine enrichment service. A required service in Port Hedland for many residents. 	<p>Officer Response No. 7.1</p> <ul style="list-style-type: none"> Agreed 	<p>Officer Recommendation No. 7.1</p> <ul style="list-style-type: none"> Officer supports submission.

No/Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
8	05/11/2018	Member of Public	N/A	<p>Issue/Comment No. 8.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Port Hedland needs such a service. 	<p>Officer Response No. 8.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 8.1</p> <ul style="list-style-type: none"> • Officer supports submission.
9	06/11/2018	Member of Public	N/A	<p>Issue/Comment No. 9.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Need for such a business for residents and travellers, as well as supporting local business. 	<p>Officer Response No. 9.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 9.1</p> <ul style="list-style-type: none"> • Officer supports submission.
10	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 10.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • A required service in Port Hedland for many residents and people travelling through with pets. 	<p>Officer Response No. 10.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 10.1</p> <ul style="list-style-type: none"> • Officer supports submission.
11	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 11.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • A required service in Port Hedland for many residents. • Current lack of such services impacts liveability and opportunities to holiday and safely accommodate pets. 	<p>Officer Response No. 11.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 11.1</p> <ul style="list-style-type: none"> • Officer supports submission.

No/Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
12	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 12.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Such a service is currently lacking in Port Hedland, this business would address a high demand amongst residents. 	<p>Officer Response No. 12.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 12.1</p> <ul style="list-style-type: none"> • Officer supports submission.
13	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 13.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Current lack of such services impacts liveability and opportunities to holiday and safely accommodate pets. 	<p>Officer Response No. 13.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 13.1</p> <ul style="list-style-type: none"> • Officer supports submission.
14	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 14.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Current lack of such services impacts liveability and opportunities to holiday and safely accommodate pets. • The proposal poses no negative impacts to surrounding neighbours and community members and should be encouraged. 	<p>Officer Response No. 14.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 14.1</p> <ul style="list-style-type: none"> • Officer supports submission.

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
15	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 15.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Current lack of such services impacts liveability and opportunities to holiday and safely accommodate pets. • The proposal poses no negative impacts to surrounding neighbours and community members and should be encouraged. 	<p>Officer Response No. 15.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 15.1</p> <ul style="list-style-type: none"> • Officer supports submission.
16	08/11/2018	Member of Public	N/A	<p>Issue/Comment No. 16.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • Current lack of pet care service limits travel options and lifestyle choices • This service would be significant opportunity of the community and the applicant to operate a sought after business. 	<p>Officer Response No. 16.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 16.1</p> <ul style="list-style-type: none"> • Officer supports submission.
17	09/11/2018	Member of Public	N/A	<p>Issue/Comment No. 17.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. 	<p>Officer Response No. 17.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 17.1</p> <ul style="list-style-type: none"> • Officer supports submission.

No/ Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
18	12/11/2018	Member of Public	N/A	<p>Issue/Comment No. 18.1</p> <ul style="list-style-type: none"> • Full support of the current business and potential expansion of the canine enrichment service. • There is a need for such a service in the Hedland community as currently no services of this type exist, and this service would be utilised by many residents. 	<p>Officer Response No. 18.1</p> <ul style="list-style-type: none"> • Agreed 	<p>Officer Recommendation No. 18.1</p> <ul style="list-style-type: none"> • Officer supports submission.
19	04/12/2018	Member of Public	N/A	<p>Issue/Comment No. 19.1</p> <ul style="list-style-type: none"> • The permitted purpose of the lease does not allow for the proposed land use • The proposed land use will cause nuisance to neighbouring property owners • Owner of horses who are stabled at the adjacent property. History of dogs attacking horses and causing harm to the animals. Equestrian centre on adjacent lot which will conflict with the proposed canine enrichment centre. 	<p>Officer Response No. 19.1</p> <ul style="list-style-type: none"> • Noted. The applicant has addressed such concerns through the addition of two sets of fences to ensure dogs cannot escape. The applicant has also ensured that dogs that will be accommodated are to be supervised and will not have an opportunity to escape the premises. Furthermore, being a canine enrichment centre the applicant is fully responsible for the care and wellbeing of customer's pets so the possibility of dogs being able to escape onto neighbouring properties is highly unlikely. 	<p>Officer Recommendation No. 19.1</p> <ul style="list-style-type: none"> • Comments have been included in the Officer's report.

From: [REDACTED]
Sent: Tuesday, 4 December 2018 10:59 AM
To: eplanning <eplanning@porthedland.wa.gov.au>
Subject: OBJECTIONTO DOG KENNELS ON LOT 5223

To whom it may concern,

I am objecting to Dog Kennels on lot 5223 Pippingarra.

- 1 When i transferred the lease to [REDACTED],it was for stabling and paddocking of horses only,{PERMITTED USE ON LEASE}
- 2 NOT TO use lease for any other purpose, { DEFINITION IS ON LEASE }
- 3 NOT TO create a nuisance to any other leases.
- 4 I put mains water on to the lease for the purpose of watering horses only.
- 5 My horses graze next to the lease,livestock and Dogs do not mix.
- 6 I have had horses chased bitten ATTACKED TERRIFIED BY DOGS for yrs,{ All ATTACKS REPORTED TO POLICE AND SHIRE RANGERS}
- 7 I HAVE HAD TO SHOOT DOGS CHASING MY HORSES { LEGALLY}
- 8 We have an EQUESTRIAN RODEO CENTRE next door

I have been building the horse industry @ Pippingarra for 26 yrs it was released for that sole purpose ,but like everything people have acquired some of the leases fraudgily to be able to do as they please and not run horses @ all.

Yours Sincerely

[REDACTED]

To Whom,

IT MAY CONCERN. THESE LEASES
 WHERE RELEASED FOR STABLING & PADDOCKING
 OF HORSES ONLY.

I HAVE SPENT HUNDREDS OF THOUSANDS OF DOLLARS
 IMPROVING THEM @ MY OWN EXPENSE WHICH
 I WILL NEVER RECOVER, IT HAS TAKEN ME
 28 YRS TO GET THEM TO WHERE THEY
 TODAY.

SOME OF THE CURRENT LEASE HOLDERS
 ACQUIRED THEM FRAUDULENTLY, THEY NEVER
 WANTED THEM FOR HORSES & HAVE NEVER
 USED THEM FOR HORSES, THEY HAVE
 FOREFEITED THEM AND THEY SHOULD BE
 TAKEN OFF THEM. I HAVE NOT DONE
 THIS SO THEY CAN HAVE DOGS.

Yours TRULY

[Redacted signature]

[Redacted address]

26/10/18

11.1 Corporate and Performance

11.1.1 Statement of Financial Activity for the Period Ended 30 November 2018 (File No. 12/14/0003)

Author	Manager Finance
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

ITEM 11.1.1 – ITEM 11.1.3 WERE ADOPTED BY EN BLOC RESOLUTION
CM201819/120 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receive the Statement of Financial Activity for the period ended 30 November 2018;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 30 November 2018; and
4. Receive the Credit Card Statements for period ended 30 November 2018.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 November 2018. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

It should be noted that some of the figures presented in this report and the attachments may change pending adjustments made as a result of end of year finalisation of accounts and completion of the audit of the Town's Annual Financial Reports for the year ended 30 June 2018.

The audited Annual Financial Statements will be presented to the Council in accordance with Australian Accounting Standards, *Local Government Act 1995 and Local Government (Financial Management) Regulations 1996*.

DETAIL

The information provided in this report is for the period ended 30 November 2018, with financial results included in Attachment 2. Statement of Financial Activity Notes 1-12 prepared by the Town of Port Hedland.

The Town of Port Hedland financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the (adopted) 2018/19 budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation.
2. With regards to all other items excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

Commentary is provided on variances as details above as per *Attachment 3 NOTE 13. Explanation of Material Variances.*

The net current asset position as at 30 November 2018 was \$37.9M. The breakdown of the cash position is displayed below:

	2018/19 Actuals
Current Assets: Cash and Investments	\$249.4M
Restricted Cash – Reserves	\$231.8M
Unrestricted Cash Position as at 30 November 2018	\$17.6M

Previous Decisions

The Statements of Financial Activity are presented to Council each month for noting.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

CONSULTATION

Internal

All consultation and engagement is conducted internally.

Community

N/A

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.

FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing;

- a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information as is considered relevant by the local government.

Reserves:

Ensure compliance will section 6.11 of the Local Government Act 1995 when reserve accounts are utilised.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's *Strategic Community Plan 2018-2028* is applicable in the consideration of this item:

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Medium (6) .

There is a risk rating of medium (6) assigned in 2018/19 budget to the risk that a reduction in income or increase in expense throughout the 2018/19 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to manage by building reserve balance to required level to mitigate financial loss.

OPTIONS

Option 1 - Adopt Officers Recommendation

Note the Statement of Financial Activity and reports for the period ended 30 November 2018 in accordance with *regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

Option 2 - Amend Officers Recommendation

That Council receive the Statement of Financial Activity for the period ended 30 November 2018 and request further information or clarification.

Option 3 – Do not adopt Officers Recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 30 November 2018.

CONCLUSION

The opening funding surplus of \$7.1M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the interim 30 June 2018 Statement of Financial Activity.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 3 NOTE 13. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

ATTACHMENTS

1. Statement of Financial Activity Notes 1-12 (Under Separate Cover)
2. Note 13 Material Variance Report (Under Separate Cover)
3. Accounts paid under delegated authority listing (Under Separate Cover)
4. Credit Card Statements for period ended 30 November 2018

ATTACHMENT 4 TO ITEM 11.1.1



Town of Port Hedland
Summary of Credit Card Statements
November 2018

Account Name	Account Number	Debit Balance (\$)
Town of Port Hedland	xxxx-xxxx-xxxx-4300	3,447.62
Town of Port Hedland	xxxx-xxxx-xxxx-8364	15,299.68
Town of Port Hedland	xxxx-xxxx-xxxx-2581	1,177.36
Town of Port Hedland	xxxx-xxxx-xxxx-6321	1,894.82
Town of Port Hedland	xxxx-xxxx-xxxx-2287	1,458.09
Town of Port Hedland	xxxx-xxxx-xxxx-3111	-
Town of Port Hedland	xxxx-xxxx-xxxx-9507	-
TOTAL		23,277.57

At the Town of Port Hedland, the Council's Corporate and Performance 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
CC TOPH
Account number
xxx-xxxx-xxxx-8364
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 1.00 CR
Total debits: 15,299.68 DR
Closing balance: 0.00 CR

Date from: 01 November 2018
Date to: 30 November 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
01/11/2018	CREDIT CARD PURCHASE FACEBK *AEKELHE5Y2 fb.me/ads		521.60 DR		521.60 DR
02/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		359.83 DR		
02/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		359.83 DR		719.66 DR
05/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503764469SPRING HILL		9.46 DR		
05/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503764577SPRING HILL		10.37 DR		
05/11/2018	CREDIT CARD PURCHASE AMBER ROSE FLOWERBOX SOUTH HEDLAND		90.00 DR		
05/11/2018	CREDIT CARD PURCHASE BEST WESTERN KARRATH KARRATHA		172.60 DR		
05/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		518.90 DR		
05/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151480989SPRING HILL		728.00 DR		
05/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151481223SPRING HILL		798.00 DR		
05/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,260.71 DR		3,588.04 DR
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503783813SPRING HILL		5.19 DR		
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503784513SPRING HILL		9.46 DR		

Transaction History Report (Continued)

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503783955SPRING HILL		18.93 DR		
06/11/2018	CREDIT CARD PURCHASE Dropbox 32YP68KK885L db.ti/cchelp		196.00 DR		
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151512704SPRING HILL		399.00 DR		
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151513990SPRING HILL		728.00 DR		
06/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151512553SPRING HILL		1,456.00 DR		2,812.58 DR
07/11/2018	CREDIT CARD PURCHASE Aloft Perth FDI Rivervale		198.43 DR		
07/11/2018	CREDIT CARD PURCHASE SurveyMonkey Dublin		324.00 DR		522.43 DR
08/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		445.10 DR		445.10 DR
09/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503840686SPRING HILL		4.28 DR		
09/11/2018	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY MAILCHIMP.COMGA		69.87 DR		
09/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151613132SPRING HILL		329.00 DR		403.15 DR
12/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503855515SPRING HILL		6.10 DR		
12/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503855641SPRING HILL		8.55 DR		
12/11/2018	CREDIT CARD PURCHASE WOOLWORTHS ON LINE BELLA VISTA		51.26 DR		
12/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151640030SPRING HILL		469.00 DR		
12/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151640327SPRING HILL		658.00 DR		1,192.91 DR
15/11/2018	CREDIT CARD REFUND WOOLWORTHS ON LINE BELLA VISTA			1.00 CR	1.00 CR
19/11/2018	CREDIT CARD PURCHASE POLL-APP.COM MONTREAL QC		216.00 DR		216.00 DR
20/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503971743SPRING HILL		9.46 DR		
20/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151837776SPRING HILL		728.00 DR		
20/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		804.10 DR		
20/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,155.70 DR		2,697.26 DR
26/11/2018	CREDIT CARD PURCHASE AYESHA'S CAFE PTY LT PORT HEDLAND		178.20 DR		

Transaction History Report (Continued)

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
26/11/2018	CREDIT CARD PURCHASE GIFT VOUCHERS CAMBERWELL		1,002.75 DR		1,180.95 DR
27/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,000.00 DR		1,000.00 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-4300	Total credits:	0.00 CR
Currency AUD	Total debits:	3,447.62 DR
	Closing balance:	0.00 CR
	Date from:	01 November 2018
	Date to:	30 November 2018

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
05/11/2018	CREDIT CARD PURCHASE GETTY IMAGES MELBOURNE		92.64 DR		92.64 DR
07/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		890.10 DR		
07/11/2018	CREDIT CARD PURCHASE MOORE STEPHENS (WA) P/L PERTH		1,595.00 DR		2,485.10 DR
08/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		359.83 DR		359.83 DR
13/11/2018	CREDIT CARD PURCHASE Pt Hedland F Practice Port Hedland		202.40 DR		202.40 DR
16/11/2018	CREDIT CARD PURCHASE Pt Hedland F Practice Port Hedland		141.60 DR		141.60 DR
19/11/2018	CREDIT CARD PURCHASE SOFTWARE PUBLICATIONS CHATSWOOD		134.85 DR		134.85 DR
30/11/2018	CREDIT CARD PURCHASE HARVEY NORMAN AV/IT PORT HEDLAND		31.20 DR		31.20 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number xxxx-xxxx-xxxx-2287	Total credits:	0.00 CR
Currency AUD	Total debits:	1,458.09 DR
	Closing balance:	0.00 CR
	Date from:	01 November 2018
	Date to:	30 November 2018

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
02/11/2018	CREDIT CARD PURCHASE BULLIVANTS PTY LTD WEDGEFIELD		191.40 DR		191.40 DR
05/11/2018	CREDIT CARD PURCHASE SUBWAY SOUTH HEDLAND SOUTH HEDLAND		112.00 DR		112.00 DR
06/11/2018	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		145.95 DR		145.95 DR
07/11/2018	CREDIT CARD PURCHASE PILBARA TOOLS AND FAST WEDGEFIELD		135.63 DR		135.63 DR
16/11/2018	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		140.08 DR		
16/11/2018	CREDIT CARD PURCHASE LIFTRITE HIRE & SALE CANNING VALE		685.70 DR		825.78 DR
30/11/2018	CREDIT CARD PURCHASE AMCAP DISTRIBUTION C PORT HEDLAND		47.33 DR		47.33 DR

Transaction History Report (Continued)

Account details

Account balance summary

Account name

CC TOPH

Account number

xxxx-xxxx-xxxx-9507

Currency

AUD

Opening balance:

0.00 CR

Total credits:

0.00 CR

Total debits:

0.00 DR

Closing balance:

0.00 CR

Date from:

01 November 2018

Date to:

30 November 2018

Transaction details

No transactions found.

Transaction History Report (Continued)

Account details		Account balance summary	
Account name	CC TOPH	Opening balance:	0.00 CR
Account number	xxxx-xxxx-xxxx-2581	Total credits:	0.00 CR
Currency	AUD	Total debits:	1,177.36 DR
		Closing balance:	0.00 CR
		Date from:	01 November 2018
		Date to:	30 November 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
05/11/2018	CREDIT CARD PURCHASE INSTANT RUBBER STAMPS MERENDA		54.50 DR		54.50 DR
07/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503816596SPRING HILL		6.10 DR		
07/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151567480SPRING HILL		469.00 DR		475.10 DR
08/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951503828097SPRING HILL		4.28 DR		
08/11/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		32.80 DR		
08/11/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952151589636SPRING HILL		329.00 DR		366.08 DR
09/11/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		5.18 DR		
09/11/2018	CREDIT CARD PURCHASE NJAMAL SERVICES PTY PORT HEDLAND		51.50 DR		56.68 DR
12/11/2018	CREDIT CARD PURCHASE ASIC SYDNEY		59.00 DR		59.00 DR
27/11/2018	CREDIT CARD PURCHASE BRUMBYS GO SOUTH HEDLAND		122.00 DR		122.00 DR
28/11/2018	CREDIT CARD PURCHASE RAIKAS CAFE PTY LTD PORT HEDLAND		44.00 DR		44.00 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number xxxx-xxxx-xxxx-6321	Total credits:	0.00 CR
Currency AUD	Total debits:	1,894.82 DR
	Closing balance:	0.00 CR
	Date from:	01 November 2018
	Date to:	30 November 2018

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
05/11/2018	CREDIT CARD PURCHASE DOME PORT HEDLAND PORT HEDLAND		59.15 DR		59.15 DR
09/11/2018	CREDIT CARD PURCHASE ALIMENT (WA) P/L WEST LEEDERVI		14.60 DR		
09/11/2018	CREDIT CARD PURCHASE Four Points Sheraton Perth		58.87 DR		73.47 DR
12/11/2018	CREDIT CARD PURCHASE PH INTERNATIONAL AIR PORT HEDLAND		34.00 DR		34.00 DR
16/11/2018	CREDIT CARD PURCHASE PH INTERNATIONAL AIR PORT HEDLAND		34.00 DR		34.00 DR
29/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		804.10 DR		
29/11/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		890.10 DR		1,694.20 DR

Transaction History Report (Continued)

Account details

Account balance summary

Account name

CC TOPH

Account number

xxxx-xxxx-xxxx-3111

Currency

AUD

Opening balance: 0.00 CR

Total credits: 0.00 CR

Total debits: 0.00 DR

Closing balance: 0.00 CR

Date from: 01 November 2018

Date to: 30 November 2018

Transaction details

No transactions found.

End of report

11.1.2 Statement of Financial Activity for the Period Ended 31 December 2018 (File No. 12/14/0003)

Author	Manager Finance
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

ITEM 11.1.1 – ITEM 11.1.3 WERE ADOPTED BY EN BLOC RESOLUTION

CM201819/120 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council, pursuant to section 6.4 of the Local Government Act 1995:

1. Receive the Statement of Financial Activity for the period ended 31 December 2018;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 December 2018; and
4. Receive the Credit Card Statements for period ended 31 December 2018.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 December 2018. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

It should be noted that some of the figures presented in this report and the attachments may change pending adjustments made as a result of end of year finalisation of accounts and completion of the audit of the Town's Annual Financial Reports for the year ended 31 December 2018.

The audited Annual Financial Statements will be presented to the Council in accordance with Australian Accounting Standards, Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

DETAIL

The information provided in this report is for the period ended 31 December 2018, with financial results included in Attachment 2. Statement of Financial Activity Notes 1-12 prepared by the Town of Port Hedland.

The Town of Port Hedland financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the (adopted) 2018/19 budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation.
2. With regards to all other items excluding capital projects identified above, a variance of 10% or \$50,000, whichever is greater, of the year to date budget, with Nature and Type as the level that requires explanation.

Commentary is provided on variances as details above as per Attachment 3 NOTE 13. Explanation of Material Variances.

The net current asset position as at 31 December 2018 was \$32.5M. The breakdown of the cash position is displayed below:

	2018/19 Actuals
Current Assets: Cash and Investments	\$250.7M
Restricted Cash – Reserves	\$236.6M
Unrestricted Cash Position as at 31 December 2018	\$14.1M

Previous Decisions

The Statements of Financial Activity are presented to Council each month for noting.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

CONSULTATION

Internal

All consultation and engagement is conducted internally.

Community

N/A

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 detail the form and manner in which a local government is to prepare its statement of financial activity.

FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information as is considered relevant by the local government containing;

- d. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- e. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- f. supporting information as is considered relevant by the local government.

Reserves:

Ensure compliance will section 6.11 of the *Local Government Act 1995* when reserve accounts are utilised.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Medium (6) .

There is a risk rating of medium (6) assigned in 2018/19 budget to the risk that a reduction in income or increase in expense throughout the 2018/19 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to manage by building reserve balance to required level to mitigate financial loss.

OPTIONS

Option 1 - Adopt Officers Recommendation

Note the Statement of Financial Activity and reports for the period ended 31 December 2018 in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

Option 2 - Amend Officers Recommendation

That Council receive the Statement of Financial Activity for the period ended 31 December 2018 and request further information or clarification.

Option 3 – Do not adopt Officers Recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 31 December 2018.

CONCLUSION

The opening funding surplus of \$7.1M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the interim 30 June 2018 Statement of Financial Activity. The net current asset position was \$32.5M

Variances in operating revenue and expenditure are addressed in detail in Attachment 3 NOTE 13. Explanation of Material Variances. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

ATTACHMENTS

1. Statement of Financial Activity Notes 1-12 (Under Separate Cover)
2. Note 13 Material Variance Report (Under Separate Cover)
3. Accounts paid under delegated authority listing (Under Separate Cover)
4. Credit Card Statements for period ended 31 December 2018

ATTACHMENT 4 TO ITEM 11.1.2



Town of Port Hedland
 Summary of Credit Card Statements
 December 2018

Account Name	Account Number	Debit Balance (\$)
Town of Port Hedland	xxxx-xxxx-xxxx-4300	6,149.27
Town of Port Hedland	xxxx-xxxx-xxxx-8364	5,017.08
Town of Port Hedland	xxxx-xxxx-xxxx-2581	6,295.97
Town of Port Hedland	xxxx-xxxx-xxxx-6321	26.90
Town of Port Hedland	xxxx-xxxx-xxxx-2287	1,279.32
Town of Port Hedland	xxxx-xxxx-xxxx-3111	-
Town of Port Hedland	xxxx-xxxx-xxxx-9507	-
TOTAL		18,768.54

At the Town of Port Hedland, the Council's Corporate and Performance 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
CC TOPH
Account number
xxxx-xxxx-xxxx-8364
Currency
AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 5,107.08 DR
Closing balance: 0.00 CR
Date from: 01 December 2018
Date to: 31 December 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/12/2018	CREDIT CARD PURCHASE FACEBK WDXPVHS4Y2 fb.me/ads		775.21 DR		775.21 DR
04/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		723.69 DR		
04/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		1,191.72 DR		1,915.41 DR
06/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		97.96 DR		
06/12/2018	CREDIT CARD PURCHASE Dropbox 7RVV756K3MQ4 db.tt/cchelp		196.00 DR		293.96 DR
07/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		804.10 DR		804.10 DR
10/12/2018	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY MAILCHIMP.COMGA		70.02 DR		70.02 DR
12/12/2018	CREDIT CARD PURCHASE WOOLWORTHS ON LINE BELLA VISTA		49.36 DR		49.36 DR
13/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		187.12 DR		
13/12/2018	CREDIT CARD PURCHASE POST PORT HEDLAND LPPo PORT HEDLAND		1,011.90 DR		1,199.02 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number xxxx-xxxx-xxxx-4300	Total credits:	148.00 CR
Currency AUD	Total debits:	6,297.27 DR
	Closing balance:	0.00 CR
	Date from:	01 December 2018
	Date to:	31 December 2018

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		804.83 DR		804.83 DR
04/12/2018	CREDIT CARD REFUND VIRGIN AUST 7951504160618BOWEN HILLS			148.00 CR	
04/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951504160622SPRING HILL		11.00 DR		
04/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952152175456SPRING HILL		1,319.96 DR		1,182.96 DR
05/12/2018	CREDIT CARD PURCHASE GETTY IMAGES MELBOURNE		92.65 DR		92.65 DR
10/12/2018	CREDIT CARD PURCHASE SONIC HEALTHPLUS PTY BROADMEADOW		512.60 DR		
10/12/2018	CREDIT CARD PURCHASE MONARCH INSTITUTE PL COLLINGWOOD		2,125.00 DR		2,637.60 DR
18/12/2018	CREDIT CARD PURCHASE SONIC HEALTHPLUS PERTH		512.50 DR		512.50 DR
19/12/2018	CREDIT CARD PURCHASE Pt Hedland F Practice Port Hedland		232.40 DR		232.40 DR
20/12/2018	CREDIT CARD PURCHASE PHARM 777 PT HEDLAND PORT HEDLAND		19.78 DR		19.78 DR
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951504404245SPRING HILL		8.55 DR		
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952152616702SPRING HILL		658.00 DR		666.55 DR

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number xxxx-xxxx-xxxx-2287	Total credits:	0.00 CR
Currency AUD	Total debits:	1,279.32 DR
	Closing balance:	0.00 CR
	Date from:	01 December 2018
	Date to:	31 December 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/12/2018	CREDIT CARD PURCHASE WESTRAC PTY LTD QUICK TERSOUTH GUILDFO		22.58 DR		22.58 DR
05/12/2018	CREDIT CARD PURCHASE MUNDA FABRICATION WEDGEFIELD		12.30 DR		12.30 DR
06/12/2018	CREDIT CARD PURCHASE J BLACKWOOD & SON P/L PORT HEDLAND		41.42 DR		41.42 DR
11/12/2018	CREDIT CARD PURCHASE NW SIGNS PTY LTD WEDGEFIELD		99.00 DR		99.00 DR
12/12/2018	CREDIT CARD PURCHASE WHITE KNIGHT INDUSTR SOUTH HEDLAND		77.00 DR		
12/12/2018	CREDIT CARD PURCHASE J BLACKWOOD & SON P/L PORT HEDLAND		280.50 DR		357.50 DR
13/12/2018	CREDIT CARD PURCHASE WHITE KNIGHT INDUSTR SOUTH HEDLAND		26.40 DR		
13/12/2018	CREDIT CARD PURCHASE CAPERS - SOUTH HEDLAND SOUTHPORT		265.20 DR		291.60 DR
14/12/2018	CREDIT CARD PURCHASE CAPERS - SOUTH HEDLAND SOUTHPORT		57.85 DR		57.85 DR
21/12/2018	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		1.90 DR		
21/12/2018	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		95.17 DR		97.07 DR
24/12/2018	CREDIT CARD PURCHASE NJAMAL SERVICES PTY PORT HEDLAND		300.00 DR		300.00 DR

Transaction History Report (Continued)

Account details

Account balance summary

Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-9507	Total credits:	0.00 CR
Currency AUD	Total debits:	0.00 DR
	Closing balance:	0.00 CR
	Date from:	01 December 2018
	Date to:	31 December 2018

Transaction details

No transactions found.

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number xxxx-xxxx-xxxx-2581	Total credits:	3,000.00 CR
Currency AUD	Total debits:	6,295.97 DR
	Closing balance:	0.00 CR
	Date from:	01 December 2018
	Date to:	31 December 2018

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
03/12/2018	CREDIT CARD PURCHASE COLES 0385 SOUTH HEDLAND		50.73 DR		50.73 DR
04/12/2018	CREDIT CARD PURCHASE LIV*BRUMBYS GO STHHED SOUTH HEDLAND		259.00 DR		
04/12/2018	CREDIT CARD PURCHASE SWIPEDON LTD WAIMATAITAI		637.28 DR		896.28 DR
05/12/2018	CREDIT CARD PURCHASE SAI GLOBAL LIMITED NSW SYDNEY		712.54 DR		712.54 DR
06/12/2018	CREDIT CARD PURCHASE SAI GLOBAL LIMITED NSW SYDNEY		712.54 DR		712.54 DR
07/12/2018	CREDIT CARD PURCHASE SUBWAY SOUTH HEDLAND SOUTH HEDLAND		68.00 DR		68.00 DR
10/12/2018	CREDIT CARD PURCHASE CAPERS - SOUTH HEDLAND SOUTHPORT		150.00 DR		150.00 DR
11/12/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		28.00 DR		28.00 DR
12/12/2018	CREDIT CARD PURCHASE SLIMLINE WAREHOUSE GLENROY		111.40 DR		111.40 DR
14/12/2018	CREDIT CARD PURCHASE AYESHA'S CAFE PTY LT PORT HEDLAND		198.00 DR		198.00 DR
20/12/2018	CREDIT CARD PURCHASE DMIRS EAST PERTH EAST PERTH		251.00 DR		251.00 DR
21/12/2018	CREDIT CARD PAYMENT INTERNET PAYMENT Credit card trans			3,000.00 CR	
21/12/2018	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		25.00 DR		2,975.00 CR
24/12/2018	CREDIT CARD PURCHASE POST PORT HEDLAND LPPo PORT HEDLAND		27.60 DR		27.60 DR
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951504402174SPRING HILL		4.28 DR		

Transaction History Report (Continued)

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951504402037SPRING HILL		8.55 DR		
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7951504404915SPRING HILL		19.14 DR		
27/12/2018	CREDIT CARD PURCHASE SUBWAY SOUTH HEDLAND SOUTH HEDLAND		56.00 DR		
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952152612095SPRING HILL		329.00 DR		
27/12/2018	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		517.91 DR		
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952152612420SPRING HILL		658.00 DR		
27/12/2018	CREDIT CARD PURCHASE VIRGIN AUST 7952152618026SPRING HILL		1,472.00 DR		3,064.88 DR

Transaction History Report (Continued)

Account details

Account balance summary

Account name CC TOPH	Opening balance: 0.00 CR
Account number xxxx-xxxx-xxxx-6321	Total credits: 0.00 CR
Currency AUD	Total debits: 26.90 DR
	Closing balance: 0.00 CR
	Date from: 01 December 2018
	Date to: 31 December 2018

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
20/12/2018	CREDIT CARD PURCHASE DOME PORT HEDLAND PORT HEDLAND		26.90 DR		26.90 DR

Transaction History Report (Continued)

Account details

Account name
 CC TOPH
Account number
 xxxx-xxxx-xxxx-3111
Currency
 AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 0.00 DR
Closing balance: 0.00 CR

Date from: 01 December 2018
Date to: 31 December 2018

Transaction details

No transactions found.

End of report

11.1.3 Policy Amendment 2/004 Rating (File No. 24/04/0002)

Author	Rates Officer
Authorising Officer	Director of Corporate Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

ITEM 11.1.1 – ITEM 11.1.3 WERE ADOPTED BY EN BLOC RESOLUTION

CM201819/120 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council, pursuant to the Local Government Act 1995:

1. Adopt the amendments of Policy 2/004 Rating as per the attached policy draft; and
2. Rescind policy 2/012 Rates Incentive Program, 2/013 Rates Exemption (Non Rateable Land) and 2/014 Rates Concession (Rateable Land).

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to adopt the amendments to policy 2/004 Rating, to allow for the amalgamation of Finance Policies 2/013 Rates Exemption (Non Rateable Land) and 2/014 Rates Concession (Rateable Land) with the addition of policy regarding State Agreements. Policy 2/012 Rates Incentive Program is to be rescinded as the Town no longer offers an incentive program.

DETAIL

Currently there are multiple rating policies. For clarity and simplicity it is proposed the rating policies are merged into one policy being 2/004 Rating as per the attached draft policy.

Current policies 2/013 Rates Exemption (Non Rateable Land) and 2/014 Rates Concession (Rateable Land) state that applications are only required to be submitted every 2 years. Due to inconsistencies with applications, the components relating to these policies have been amended to require applications be submitted every year by March 31.

Current policies 2/013 Rates Exemption (Non Rateable Land) and 2/014 Rates Concession (Rateable Land) state "Late applications submitted after the due date will not be considered under any circumstances and instead will be deferred to the next financial year for consideration by Council". As these current policies do not allow for any review of applications should they be received post the applicable financial year budget adoption, until the next financial year budget adoption, policies have been amended under section heading Provisions to reflect applications received post March 31 may be reviewed and adopted by Council under exceptional circumstances.

This is beneficial to both the Town and to ratepayers to improve response times and allow for rates to be paid prior to the 30 June should the application be rejected.

There is not currently a policy in place in respect to State Agreements, as a result a policy has been included in the current rating policy. This policy recognises the unpredictable nature of land leased under State policy and ensure the Town does not rely only on this income as a consistent rate revenue.

Feedback was provided under the Reg 17 Audit Review conducted in 2015 by UHY Haines Norton that rating policies should be merged. As a result related policies 2/013, and 2/014 have been amalgamated with 2/004 with the Rates Incentive Program to be rescinded in full.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, due to the addition of the State Agreement policy component estimated at 5% or more of the total rates, however this number is subject to change year to year and will be consulted with the ratepayer at the time of raising rates.

The remaining amendments to policy are of low financial impact as only a limited number of community members apply for rates concessions and exemptions.

CONSULTATION

Internal

Consultation with Manager of Financial Services.

External

External Auditors provided audit recommendations under Reg 17 audit review advocating the merger of rating policies.

LEGISLATION AND POLICY CONSIDERATIONS

Rates Exemption (Non Rateable Land) Section 6.26 (2) of the Local Government Act 1995

Rates Concession (Rateable Land) Section 6.47 of the Local Government Act 1995

FINANCIAL AND RESOURCES IMPLICATIONS

There is no additional financial and resources implications within the amended policies, it is purely an amendment to the policies to allow for review prior to the subsequent financial year budget adoption.

There are financial implications for the introduction of the policy component relating to State Agreements.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in the consideration of this item

- 4.b.1* Sound long-term financial planning is implemented
- 4.b.2* Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3* Transparent and regular governance reporting and communication to the community is undertaken
- 4.c.1* High quality and responsive customer service is provided

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

The financial risk rating is considered to be High (16), which is determined by a likelihood of Major (4) (\$300,001 - \$3M) and a consequence of Likely (4) as the event will occur at least once per year.

This risk will be controlled by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Completing the amendments and amalgamations to policy, will allow for a one reference point for rating information. The proposed changes providing ability for Council to review additional concessions / exemptions allow applications to be actioned in a timely manner and funds recovered should the applications be rejected.

The provision of a State Agreement policy will allow for effective management of rates revenue resulting in financial risk minimisation.

ATTACHMENTS

1. Amended Policy 2/004 Rating
2. Rescinded Policies 2/012 Rates Incentive Program; 2/013 Rates Exemption (Non Rateable Land); 2/014 Rates Concession (Rateable Land) and 2/004 Rating (as amended 26 April 2006).

**2/004 RATING****Objective**

This policy will provide an administrative framework to outline the principles and methodology used in respect to rates raised and waived under the Local Government Act 1995.

Content

Property Rates and associated charges (including instalment arrangements and interest charges) will be as disclosed in the Annual Budget as resolved by Council, and determined by the *Local Government Act 1995* (as amended).

Collection

The due date determined by the Town will not be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Should rates remained unpaid post the due date as prescribed on the notice, a copy of the rate assessment marked "Final Notice" shall be issued 45 (forty five) days after issue of the original assessment, allowing a further 14 (fourteen) days for payment of the account.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within 69 (sixty nine) days after issue of the original assessment, shall then be forwarded to a debt collection agency appointed by the Chief Executive Officer, or relevant appointed Officer.

All payment arrangements: must be received in writing stating the amount proposed to pay, the frequency and the method of payment. All payment plans are subject to approval with interest continuing to calculate daily on the outstanding balance until the outstanding balance is cleared.

Payment plans will require that all outstanding rates will be recovered by the Town of Port Hedland by 30 June of the year in which the agreement is entered into.

At the discretion of Chief Executive Officer, a payment arrangement term may be extended beyond the 30 June, but not exceed 2 successive financial years.

Rates remaining unpaid shall be recovered by Council's debt collection agency by issuing of "Notices of Intent to issue a Court Summons".

The debt collection agency will proceed on behalf of Council to recover the outstanding rate or service charges as well as the recovery costs, by way of Summons issued in a court of competent jurisdiction if the Notice of Intent to issue a Court Summons remains outstanding.



Should the Rates and Charges remain outstanding after issue of summons within limitations of the court system, the debt collection agency shall proceed to enter into Judgement and then to recover the debt by the issue of a warrant of execution through local court. This shall be executed by the instruments of the court system by initiating a Goods and/or Lands Warrant as required to recover the debt. (Note: local court is local to debt collection agency not the local authority).

In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid in full.

Rating of Council Facility Leases

All Council lease agreements shall be subject to the application of municipal rates as per the conditions included within the lease agreement.

Rates Concession (Rateable Land)

All rate concessions will be considered by Council during the budget process. Rate concessions will not be proposed to Council outside of the budget process, unless due to extraordinary circumstances and authorised by the Chief Executive Officer.

A concession under this policy will be assessed in accordance with section 6.47 of the *Local Government Act 1995*.

All applications for concession under s6.47 of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.

An application will be required to be lodged every year prior to 31 March and is to be assessed in accordance with this policy,

Council may request additional information from an organisation making application if it considers it necessary to do so. Information requested is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used, Council is only able to grant a concession from rates under section 6.47.

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

Rates concessions will only be provided to community groups or associations that operate as a body corporate or an Incorporated Association or at the discretion of



Council in extraordinary circumstances. Concessions will not be provided to an individual. The Town of Port Hedland will determine what is of benefit to the community for the purpose of this policy.

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

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

Rates Exemption (Non Rateable Land)

An exemption under this policy will be assessed in accordance with section 6.26 of the *Local Government Act 1995*.

As per the *Local Government Act 1995* (as amended), charitable status of any organisation, must be applied for by an organisation prior to the status being evaluated.

To qualify for recognition as charitable organisation, an organisation must meet general guidelines for recognition as identified by the Department of Local Government and Regional Development and/or the West Australian Local Government Association.

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

An application will be required to be lodged every year prior to March 31 and is to be assessed in accordance with this policy,

Council may request additional information from an organisation making application if it considers it necessary to do so. Information requested is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used, Council is only able to grant an exemption from rates under section 6.26.

Late applications submitted after the due date may be reviewed and adopted by Council under exceptional circumstances.

Non Rated Land



Non Rated land will be determined based on law, by way of Act or Agreement, during the budget process, or by the Chief Executive Officer (by way of application). Council is to be advised of any change in the status of Non Rated Land, with two (2) months of the change occurring.

Back Rating of Properties

Where a property settlement has occurred and the vendor and purchaser are not aware that a valuation adjustment is pending (advice has not been given to the Agent or the owner that a revaluation/interim rate is pending), back rates raised shall only be backdated to the date of settlement, thus not affecting the previous owners.

Those ratepayers subjected to back rates of more than two financial years are to be given the option to pay by instalments over an extended period, other than the standard instalment option.

The fee for instalments would not apply in this instance however penalty interest would be calculated on any alternative instalment payment that remains unpaid after the due date as per the agreement made with Council, and continue to accrue until such time as the instalment is paid.

Interim Rates

Interim valuations shall only be applied where additional levies of at least \$20.00 result in the year in which the new valuation takes effect. Where additional levies of less than \$20.00 would otherwise result, the interim valuation is to be applied from 1 July in the next financial year.

When a subdivision or strata title has occurred resulting in the creation of new assessments receipt credits resulting from a valuation adjustment will be transferred to the new assessments.

State Agreements

State Agreements that have a rate exemption clause contained within them do not promote fairness and equity amongst all ratepayers within the Town's boundaries. They reduce the capacity of the Town to raise revenue to achieve a balanced budget, maintain service delivery and ensure long term financial sustainability.

State Government Policy is determined by strategic outcomes that are subject to change based on the priorities of the Government of the day. As State Agreements are dependent on this policy, rates revenue relating to State Agreements is considered a high risk to rely on from a long term financial perspective.

As State Agreements are complex and are more likely to be challenged, a percentage of the rate revenue raised in any one year that is directly dependent on State Government Policy, excluding mining tenements, must be held in the Financial Risk Reserve until the following financial year to mitigate risks.



Definitions

NIL

Relevant legislation	Local Government Act 1995
Delegated authority	
Business unit	Finance
Directorate (choose one)	Corporate & Performance

<i>Governance to complete this section</i>			
Version Control	Version No.	Resolution No.	Adoption date
Review frequency	Choose an item.		

Document Control Statement – *The electronic reference copy of this Policy is maintained by the Governance Team. Any printed copy may not be up to date and you are advised to check the electronic copy at <http://www.porthedland.wa.gov.au/documents/public-documents/policies> to ensure that you have the current version. Alternatively, you may contact the Governance Team.*

**2/004 RATING****Objective**

This policy will provide an administrative framework to outline the principles and methodology used in respect to rates raised and waived under the Local Government Act 1995.

Content

Property Rates and associated charges (including instalment arrangements and interest charges) will be as disclosed in the Annual Budget as resolved by Council, and determined by the *Local Government Act 1995* (as amended).

Collection

The due date determined by the Town will not be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Should rates remained unpaid post the due date as prescribed on the notice, a copy of the rate assessment marked "Final Notice" shall be issued 45 (forty five) days after issue of the original assessment, allowing a further 14 (fourteen) days for payment of the account.

Outstanding rate accounts for which satisfactory arrangements to pay have not been made within 69 (sixty nine) days after issue of the original assessment, shall then be forwarded to a debt collection agency appointed by the Chief Executive Officer, or relevant appointed Officer.

All payment arrangements: must be received in writing stating the amount proposed to pay, the frequency and the method of payment. All payment plans are subject to approval with interest continuing to calculate daily on the outstanding balance until the outstanding balance is cleared.

Payment plans will require that all outstanding rates will be recovered by the Town of Port Hedland by 30 June of the year in which the agreement is entered into.

At the discretion of Chief Executive Officer, a payment arrangement term may be extended beyond the 30 June, but not exceed 2 successive financial years.

Rates remaining unpaid shall be recovered by Council's debt collection agency by issuing of "Notices of Intent to issue a Court Summons".

The debt collection agency will proceed on behalf of Council to recover the outstanding rate or service charges as well as the recovery costs, by way of Summons issued in a court of competent jurisdiction if the Notice of Intent to issue a Court Summons remains outstanding.

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In cases where the owner of a leased or rented property on which Municipal Rates are outstanding cannot be located or refuses to settle rates owed, notices may be served on the lessee or tenant under the provisions of Section 6.60 of the Local Government Act, requiring the lessee or tenant to pay to the Council the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid in full.

Rating of Council Facility Leases

All Council lease agreements shall be subject to the application of municipal rates as per the conditions included within the lease agreement.

Charitable Organisations

As per the *Local Government Act 1995* (as amended), charitable status of any organisation, must be applied for by an organisation, prior to the status being evaluated.

To qualify for recognition as charitable organisation, a organisation must meet general guidelines for recognition, as identified by the Department of Local Government and Regional Development and/or the West Australian Local Government Association.

Recognition of a charitable organisation will be authorised in writing by the Chief Executive Officer.

The status of all charitable organisations will be reviewed every two years.

Concessions

All rate concessions will be considered by Council during the budget process. Rate concessions will not be proposed to Council outside of the budget process, unless due to extraordinary circumstances and authorised by the Chief Executive Officer.

Non Rated Land

Non Rated land will be determined based on law, by way of Act or Agreement, during the budget process, or by the Chief Executive Officer (by way of application). Council is to be advised of any change in the status of Non Rated Land, with two (2) months of the change occurring.

Back Rating of Properties

Where a property settlement has occurred and the vendor and purchaser are not aware that a valuation adjustment is pending (advice has not been given to the Agent or the owner that a revaluation/interim rate is pending), back rates raised shall only be backdated to the date of settlement, thus not affecting the previous owners.

Those ratepayers subjected to back rates of more than two financial years are to be given the option to pay by instalments over an extended period, other than the standard instalment option.

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The fee for instalments would not apply in this instance however penalty interest would be calculated on any alternative instalment payment that remains unpaid after the due date as per the agreement made with Council, and continue to accrue until such time as the instalment is paid.

Interim Rates

Interim valuations shall only be applied where additional levies of at least \$20.00 result in the year in which the new valuation takes effect. Where additional levies of less than \$20.00 would otherwise result, the interim valuation is to be applied from 1 July in the next financial year.

When a subdivision or strata title has occurred resulting in the creation of new assessments receipt credits resulting from a valuation adjustment will be transferred to the new assessments.

(Amended at the 26 April 2006 Council Meeting.)

Town Of Port Hedland Policy Manual

2/012 RATES INCENTIVE PROGRAM**1. Introduction**

This policy will provide an administrative framework for conducting the annual Rates Incentive Program.

2. Purpose and Application of the Policy**2.1 Purpose**

The purpose of the Policy is to ensure a robust Rates Incentive Program that clearly demonstrates openness and accountability, and is equitable for all ratepayers who meet the entry requirements as outlined in the Provisions, Policy and the Terms and Conditions of the Program.

3. Provisions

- Only ratepayers who have paid their rates in full, before the due date, and on the prescribed form are eligible to enter.
- The Town of Port Hedland Mayor and Councillors and their immediate families are ineligible to enter.
- Incomplete, ineligible or incomprehensible entries will be deemed invalid and will not be included in the judging.
- Prizes must be collected at the Rates Incentive Program event by the winner whose name and address is stipulated on the entry form. If the winner is unable to attend the event, they must nominate a representative who will be given the VIP pass to the event. The winner who is sending a representative must notify the Town of Port Hedland prior to the date of the function. If the winner is unable to attend, or nominate a representative then their entry will be deemed to be invalid.

4. Policy Content

It is the policy of the Town of Port Hedland that an entrant is only considered to be valid when they satisfy the requirements, where applicable, under the *Gaming and Wagering Commission Act 1987*, the Terms and Conditions of the Program, and where appropriate, the requirements of this Policy.

There shall be no cost for the ratepayer to enter the Rates Incentive Program.

The Town of Port Hedland will seek sponsorship from local businesses that will in turn, be provided promotional opportunities in accordance with the pre-determined sponsorship levels.

The method for determining the winners will be clearly stated in the Terms and Conditions of entry to the Rates Incentive Program.

The full Terms and Conditions shall be published on the Town's internet site and in a Statewide newspaper, with a reference to where they can be sourced on the entry form.

Town Of Port Hedland Policy Manual

The initial draw will be conducted in a forum that is open to the public, with the final draw being open only to those specifically invited to the event.

The number of initial entries drawn will be dependent upon the number of sponsorships gained from community businesses.

There will be an additional 5 entries drawn that may be used as substitutes (in the order in which they are drawn from the barrel), if an entry is deemed to be invalid.

The draw will be conducted within one month of the closure of entries.

The Town of Port Hedland reserves the right, at any time, to verify the validity of entries and entrants.

The Town of Port Hedland may conduct such further draws at any time to ensure the appropriate number of valid entrants.

Upon commencement of the Rates Incentive Program, the Terms and Conditions will not be amended without written approval of the Gaming and Wagering Commission.

Upon commencement of the Rates Incentive Program, the Program will not be cancelled or withdrawn without prior written approval of the Gaming and Wagering Commission.

Records relating to the Rates Incentive Program shall be maintained for a period of twelve months and shall be made available to an authorised officer of the Gaming and Wagering Commission or a Police Officer upon request.

(Adopted at the 27 January 2011 Council Meeting.)

Town Of Port Hedland Policy Manual

2/013 RATES EXEMPTION (NON RATEABLE LAND)**1. Introduction**

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

2. Purpose and Application of the Policy

In accordance with section 6.26 (2) of the *Local Government Act 1995*

6.26. Rateable land

- (2) *The following land is not rateable land —*
- (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
 - (g) *land used exclusively for charitable purposes; and*
 - (h) *land vested in trustees for agricultural or horticultural show purposes; and*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely*

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for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

- (j) land which is exempt from rates under any other written law; and*
 - (k) land which is declared by the Minister to be exempt from rates.*
- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
 - (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
 - (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.*
 - (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

3. Provisions

- a) All applications for exemption under s6.26(2)(g) of the *Local Government Act 1995* must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein,
- b) An application will be required to be lodged every two years and is to be assessed in accordance with this policy,
- c) Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d) Council may request additional information from an organisation making application if it considers it necessary to do so,
- e) Information requested under paragraph d. above is not limited to, but typically include copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land the subject of the application is used,
- f) For land to be treated as newly recognised not rateable land under section 6.26(2)(g), or if a new application for exemption is required under paragraphs b. or c. above, an application must be made by 31 March for the rating year that precedes the rating year to which the applications relates. Late applications submitted after the due date will not be considered under any circumstances and instead will be deferred to the next financial year for consideration by Council.4. Policy

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

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

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

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

Council adoption date and resolution no.	22 June 2011 OCM
Date of adoption of amendment and resolution number	22 February 2012 OCM 25 February 2015 OCM (201415/177)
Relevant legislation	<i>Local Government Act 1995</i>
Delegated authority	
Business unit	Finance
Directorate	Corporate Services
Review frequency	As Required

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2/014 RATES CONCESSION (RATEABLE LAND)**1. Introduction**

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

2. Purpose and Application of the Policy

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

6.47 Concessions

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

And *Local Government (Financial Management) Regulations 1996*:

69A. When concession under Act s. 6.47 can not be granted

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

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

3. Provisions

- a) All applications for exemption must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.
- b) An application will be required to be lodged every two years and is to be assessed in accordance with this policy.
- c) Council may request information from an organisation on a yearly basis if, Council considers this appropriate,
- d) Council may request additional information from an organisation making an application if it considers it necessary to do so,
- e) Information requested under paragraph c. above is not limited to, but may typically include copies of the Constitution of the organisation, recent annual financial statements of the organisation and information demonstrating precisely how any land the subject of an application is used,
- f) An application must be made by 31 March of the rating year that precedes the rating year to which the application relates. Late applications submitted after the due date will not be considered under any circumstances and instead will be deferred to the next financial year for consideration by Council.

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4. Policy Content

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

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

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

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

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

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

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

The following organisations may be registered as charitable institutions:

- religious bodies
- public benevolent institutions
- universities and university colleges (not charitable institutions for payroll tax)
- primary and secondary schools
- kindergartens
- institutions that
- mainly care for sick, aged or infirm persons
- relieve poverty
- provide full-time care for children (e.g. foster homes)
- are primarily charitable or for the public good (the principal object or pursuit must not be leisure, recreational, social or sporting).

Council adoption date and resolution no.	22 June 2011 OCM
Date of adoption of amendment and resolution number	22 February 2012 OCM 25 February 2015 OCM (201415/177)
Relevant legislation	<i>Local Government Act 1995</i>
Delegated authority	

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Business unit	Finance
Directorate	Corporate Services
Review frequency	As Required

11.1.4 Annual Report for the 2017/18 Financial Year (File No. 14/06/0001)

Author	Governance Advisor
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/121 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR HEBBARD**

That Council;

1. Adopt the 2017/18 Annual Report as per Attachment 1 in accordance with section 5.53 of the Local Government Act 1995;
2. Hold the Annual General Meeting of Electors at 7:30pm on Wednesday, 27 March 2019 in Council Chambers at the Port Hedland Civic Centre;
3. Advertise the Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the Local Government Act 1995; and
4. Advertise the availability of the 2017/18 Annual Report in accordance with section 5.55 of the Local Government Act 1995.

CARRIED BY ABSOLUTE MAJORITY 9/0**PURPOSE**

The purpose of this report is for Council to consider the adoption of the 2017/18 Annual Report and confirm the date for the Annual General Meeting of Electors to be held in Council Chambers on Wednesday 27 March 2019.

DETAIL

In accordance with section 5.53 of the *Local Government Act 1995*, the 2017/18 Annual Report has been prepared, summarising the previous year's achievements as well as including specific statutory requirements.

An external audit has been completed by RSM on the Town's financial statements for the 2017-18 financial year. The process for adopting the Annual Report includes the Audit, Risk and Governance Committee, to be held on 12 February 2019, receiving and endorsing to Council the Audited Annual Financial Report, Independent Auditor's Report, Closing Report and Management Letter of Audit Findings for the financial year ended 30 June 2018. The Council is then to adopt the Annual Report inclusive of the annual financial statements.

Key highlights and achievements as noted in the 2017/18 Annual Report include:

- The Strategic Community Plan was adopted in May 2018
- The Town organised a number of events which included a Justice Crew Concert and Colour Dash.
- The Town's new Disability Access and Inclusion Plan (2017 – 2022) was developed.
- The North Circular Road Roundabout works were carried out to improve the structure of this roundabout.
- The Town installed more than 1,000 bollards at sites around Port and South Hedland to decrease damage to infrastructure.
- Live Streaming of Council Meeting commenced December 2017.
- The Town established the Town of Port Hedland Bush Fire Brigades Local Law 2017 and the Town of Port Hedland Waste Local Law 2018.
- The Town hosted citizenship ceremonies to welcome 43 new Australian citizens.
- The Town commenced the onsite shredding and burial of thousands of tonnes of historical tyre stockpiles at the South Hedland Landfill.
- The Town hosted several government officials and dignitaries.

The 2017/18 Annual Report forms the main item of business discussed at the Annual General Meeting of Electors which is proposed to take place on Wednesday, 27 March 2019. Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Town invite members of the public to attend the Annual General Meeting of Electors and a public notice will be published to inform all community members of this meeting.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is an important document which outlines the Town's activities and highlights for 2017/18 financial year.

CONSULTATION

Internal

All relevant officers as well as all directors and managers were consulted during the development of the 2017/18 Annual Report.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.27 of the Local Government Act 1995 sets out the requirement for an electors' general meeting to be held once every financial year and this meeting must be held within 56 days of the annual report being accepted by Council.

Regulation 15 of the Local Government (Administration) Regulations 1996 details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the annual report for the previous financial year and then any other general business.

Section 5.29 of the *Local Government Act 1995* requires for local public notice to be given stating details of the Annual General Meeting of Electors.

Section 5.53 of the *Local Government Act 1995* provides for the Annual reports to contain certain provisions which have been included in the Annual Report.

Section 5.54 of the *Local Government Act 1995* states that the annual report for a financial year must be accepted no later than 31 December after that financial year.

Section 5.55 of the *Local Government Act 1995* states that the Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

There are no Town policies to consider in relation to this item.

FINANCIAL AND RESOURCES IMPLICATIONS

Limited copies of the 2017/18 Annual Report will be printed. The costs associated with this are to be sourced from the 2018/19 annual budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.b.1** Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.2** A residential workforce is promoted to industry as the preferred option
- 1.b.3** Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4** Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5** Opportunities to get involved and results of engagement are regularly promoted
- 4.b.1** Sound long-term financial planning is implemented
- 4.b.2** Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3** Transparent and regular governance reporting and communication to the community is undertaken

- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.3 Innovative marketing to attract amenity usage is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because if Council choose not to adopt the 2017/18 Annual Report, it will result in non-compliance with the requirements of the *Local Government Act 1995*.

The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend the date of the Annual General Meeting of Electors

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Annual Report is an essential tool for the Town to inform the community and key stakeholders about the Town's achievements and promote greater community awareness of the Town's programs and services, and illustrate the Town's commitment to accountable and transparent government. Council is recommended to adopt the 2017/18 Annual Report to ensure the Town is compliant with its legislative requirements.

ATTACHMENTS

1. 2017/18 Annual Report (LATE ATTACHMENT - Under Separate Cover)

11.2 Development, Sustainability and Lifestyle

7:10pm Cr Arif declared a financial interest in item 11.2.1 Proposed Closure of a Portion of Whim Creek Road and Road No 432 as the Pilbara Ports Authority are a tenant of a house she owns. The phone was muted.

7:10pm Deputy Mayor Newbery declared a financial interest in item 11.2.1 Proposed Closure of a Portion of Whim Creek Road and Road No 432 as she has a contract with Pilbara Ports Authority. She left the room.

11.2.1 Proposed Closure of a portion of Whim Creek Road and Road No. 432 (File No. 28/01/0017)

Author	Development and Lands Officer
Authorising Officer	Director Development, Sustainability and Lifestyle
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/123 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR DACCACHE

That Council, pursuant to Section 58 of the Land Administration Act 1997 resolves to:

1. Note the submissions received during advertising of the proposed road closures included as Attachment 1 (Schedule of Submissions);
2. Support the proposed closure of a portion of Whim Creek Road as shown on Attachment 2;
3. Support the proposed closure of a portion of Road No. 432 as shown on Attachment 2; and
4. Advise the Minister for Lands of Council's support.

CARRIED 7/0

7:11pm Councillor Arif was unmuted.

7:11pm Deputy Mayor Newbery returned to the room and resumed her chair.

PURPOSE

The purpose of this report is for Council to consider the proposed permanent closure of approximately 2680m of Whim Creek Road and approximately 2232m of Road No. 432 to facilitate the future expansion of the Port of Port Hedland and deconstrain land to prepare for construction of the proposed Boodarie Stockyards - Stage 2.

DETAIL

The Town has received a request from the Pilbara Ports Authority (PPA) to permanently close approximately 2680m of Whim Creek Road and approximately 2232m of Road No. 432.

The Boodarie Stockyards - Stage 2 is a component of the PPA's Outer Harbour expansion, which will include an access corridor to host export infrastructure, and a road and services corridor. The Outer Harbour development will ensure the continued use of the Port following the reaching of maximum export capacity of the inner harbour.

To facilitate the commencement of the Boodarie Stockyards - Stage 2, the Department of Planning, Lands and Heritage (DPLH) are preparing a Notice of Intention to Take (NOITT) to take the land required, shown in Attachment 2. The land is intended to then be vested to the PPA by way of a reserve under Management Order. The closure of the subject portions of Whim Creek Road and Road No. 432 is required to ensure the required land is de-constrained in preparation for the NOITT.

Road No. 432 is a road reservation only, with no constructed road or vehicle tracks within the reservation. The area proposed to be closed is approximately 2232m long (45259m²), and is remote from any other land use or infrastructure excepting the Boodarie Station. As the road is not constructed, the closure of this road is not considered to have any impact on the Station or the community.

The subject portion of Whim Creek Road is approximately 2680m long (57871m²) and contains a rough track linking the current access track to Boodarie Station to land under the jurisdiction of the PPA. As the track terminates solely at land controlled by the PPA, with no other deviations, it is not considered appropriate for public use. As detailed in Public Consultation, both the owner and tenant of Boodarie Station have confirmed they have no objection to the proposed closure.

Due to the isolation of the subject road reserves, it is considered that the proposed road closures will not have any impact on surrounding land uses or infrastructure. It is therefore recommended that Council support the proposed closures to facilitate the construction of the Boodarie Stockyards - Stage 2 and the expansion of the Port of Port Hedland through the Outer Harbour project.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making' this matter is considered to be of low significance, as it will not affect the Town or the community of Port Hedland.

CONSULTATION

Internal

This application was referred internally to the Town's Environmental Health and Engineering teams. No objections were received.

External Agencies

This application was referred externally to the below external agencies:

- Horizon Power
- Optus
- Telstra
- Water Corporation
- LandCorp
- Department of Planning, Lands and Heritage

Comments were received only from Water Corporation, who confirmed they have no objection to the closure (refer to Attachment 1 (Schedule of Submissions)).

Community

This application was advertised in the North West Telegraph on the 28 November 2018, with an open consultation period of 44 days. Under Section 58(3) of the Land Administration Act 1997, the closure is required to be advertised for a minimum period of 35 days. An additional 9 days were allowed for due to the Christmas period. The application was also advertised on the Town of Port Hedland website. No submissions were received.

The application was also referred to the owners and tenants of Boodarie Station. Both parties confirmed they have no objection to the proposed closures, with a written statement from the owners and verbal confirmation from the tenants (refer to Attachment 1 (Schedule of Submissions)).

LEGISLATION AND POLICY CONSIDERATIONS

The road closure process is governed by section 58 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998. When considering an application for permanent road closure, Council should take the following into account:

1. Whether the road is unused and whether future planning for the area may require the retention of the road or road reservation;
2. The effect on and views of adjoining owners and whether they support the proposal;
3. The concerns of various service providers who may have infrastructure within the subject road reserve; and
4. Any submissions for or against the proposal lodged in response to advertising.

In relation to the first consideration listed above, the Town's Local Planning Scheme No. 5 (LPS5) does not reserve the land for a future road and there are no strategies or plans in place to construct a road within the reservation. The remaining considerations listed were addressed during the advertising period, with affected owners and service providers confirming no objections to the proposal.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant financial or resource implications related to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

2.d.1 Investment in key infrastructure development such as the port and logistics is pursued

3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because if Council resolve not to support the officer's recommendation, the relationship between the Town and PPA may be affected. There are no valid planning reasons not to support the road closures. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

This risk will be mitigated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The long term expansion of the Port of Port Hedland through the Outer Harbour Project, commencing with the construction of the Boodarie Stockyards – Stage 2 is essential to ensure the long term future viability of the Port. As there is no other proposed development for the relevant area and the proposed closures will not affect surrounding land uses, it is recommended that Council support the proposed road reserve closures and refers the application to the Minister for Lands, for determination in accordance with the *Land Administration Act 1997*.

ATTACHMENTS

1. Schedule of submissions
2. Map of proposed closures and Boodarie Stockyards – Stage 2 area

ATTACHMENT 1 TO ITEM 11.2.1

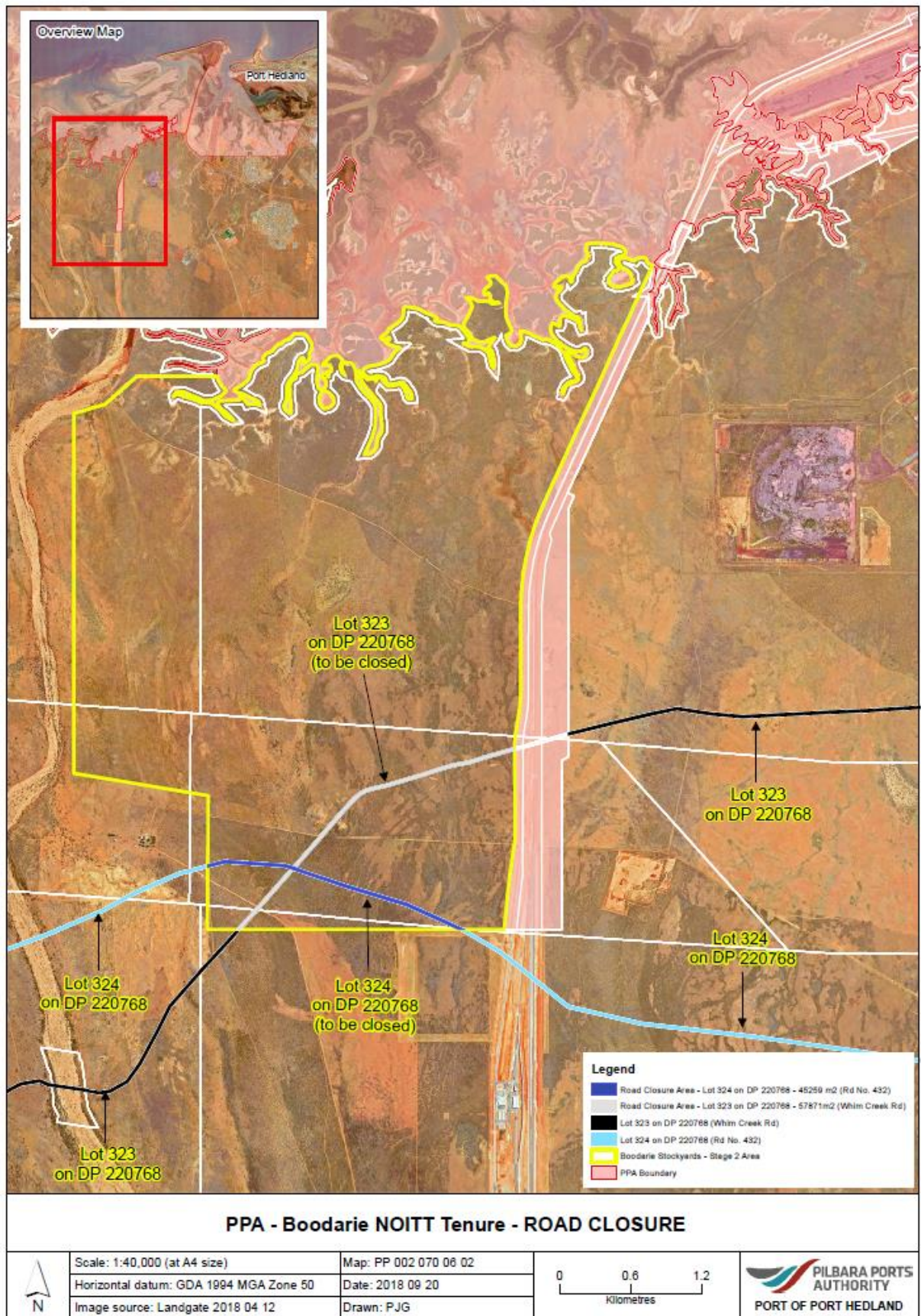


Proposed Closure of a portion of Whim Creek Road and Road No. 432

Schedule of Submissions

No/Ref	Date Received	Name	Address	Summary of Comments Made	Officer Response	Officer Recommendation
1	12/12/2018	Water Corporation	PO Box 100 Leederville WA 6902	Issue/Comment No. 1.1 <ul style="list-style-type: none"> No objection to proposed closures. 	Officer Response No. 1.1 <ul style="list-style-type: none"> Noted. 	Officer Recommendation No. 1.1 <ul style="list-style-type: none"> No modifications required.
2	09/01/2019	BHP Billiton Pty Ltd	Wilson Street Port Hedland	Issue/Comment No. 2.1 <ul style="list-style-type: none"> No objection to proposed closures. 	Officer Response No. 2.1 <ul style="list-style-type: none"> Noted. 	Officer Recommendation No. 2.1 <ul style="list-style-type: none"> No modifications required.
3	10/01/2019	Tenants of Boodarie Station (advice received verbally only)		Issue/Comment No. 3.1 <ul style="list-style-type: none"> No objection to proposed closures. 	Officer Response No. 3.1 <ul style="list-style-type: none"> Noted. 	Officer Recommendation No. 3.1 <ul style="list-style-type: none"> No modifications required.

ATTACHMENT 2 TO ITEM 11.2.1



- 7:11pm Cr Arif declared a financial interest in item 11.2.2 Proposed Dedication of a portion of Redbank Road as the Pilbara Ports Authority are a tenant of a house she owns. The phone was muted.
- 7:12pm Deputy Mayor Newbery declared a financial interest in item 11.2.2 Proposed Dedication of a portion of Redbank Road as she has a contract with Pilbara Ports Authority. She left the room.

11.2.2 Proposed Dedication of a portion of Redbank Road, Port Hedland (File No. 28/01/0018)

Author	Development and Lands Officer
Authorising Officer	Director Development, Sustainability and Lifestyle
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/124 OFFICER’S RECOMMENDATION/COUNCIL DECISION

MOVED: CR PITT **SECONDED: CR MCDONOGH**

That Council, pursuant to Section 56 of the Land Administration Act 1997 resolves to:

1. Support the proposed dedication of a portion of Redbank Road as shown in Attachment 1, subject to the road area being de-proclaimed from port land;
2. Indemnify the Minister for Lands against any claim for compensation in accordance with section 56(4) of the Land Administration Act 1997;
3. Advise the Pilbara Ports Authority (PPA) that all costs associated with the proposed dedication, including survey costs, will be payable by the PPA; and
4. Advise the Department of Planning, Lands and Heritage of the Council’s resolution in accordance with section 56(2) of the Land Administration Act 1997.

CARRIED 7/0

- 7:12pm Deputy Mayor Newbery returned to the room and resumed her chair.
- 7:12pm Councillor Arif was unmuted.

PURPOSE

The purpose of this report is for Council to consider an application from the Pilbara Ports Authority (PPA) to resolve existing boundary issues, through the excision and de-proclamation of a portion of port land for dedication as Redbank Road, Port Hedland.

DETAIL

The PPA are currently undertaking a tidying of boundary inconsistencies that affect Lot 370 on Deposited Plan 35619, being land proclaimed as the Port of Port Hedland under the jurisdiction of the PPA. Through this process it has been identified that, due to the unique shape of the current road reserve for Redbank Road, the final 439m of Redbank Road lies within the boundary of Lot 370. To resolve this inconsistency, the PPA propose to excise the portion of constructed road from Lot 370, for de-proclamation as port land and dedication as road reserve. Under section 56 of the *Land Administration Act 1997*, Council support is required.

The existing constructed road has been maintained by the Town of Port Hedland for a number of years, as it is a public road providing access to a number of properties. The dedication of the land as road reserve will ensure the Town has legal care, control and maintenance of the road, enabling the Town to undertake asset management as appropriate and seek future funds should it be required. For this reason, it is recommended that Council support the proposed dedication to ensure the administrative boundary aligns with the physical road.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making' this matter is considered to be of low significance, as it will not affect the physical road.

CONSULTATION

Internal

This application was referred internally to the Town's Engineering team, who support the proposal as it formalises the existing maintenance arrangements.

External

No external or community advertising was undertaken in relation to this item, as no physical changes to the existing road layout are proposed.

LEGISLATION AND POLICY CONSIDERATIONS

The road dedication process is governed by section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*. When considering an application for road dedication, Council should take the following into account:

1. Any impact on the Town of Port Hedland through additional maintenance requirements;

2. The effect on surrounding properties should the proposed dedication be supported; and;
3. Potential costs to the Town through survey or other requirements.

In relation to the first consideration listed above, no additional maintenance requirements will result from the proposed dedication. Similarly, the dedication will not have any impact on surrounding properties other than those controlled by the PPA. As the applicant for the proposed dedication, the PPA will also be responsible for any costs arising from survey or other requirements.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant financial and resource implications for this item, as the Town has been maintaining the relevant section of road for a number of years. Accordingly, no additional financial or resource contributions will be required through support of the proposed dedication.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in the consideration of this item:

- 3.b.1** The present and future needs for serviced land and infrastructure provision are identified, planned and developed

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town is currently maintaining a portion of Redbank Road that is within the boundaries of land under the jurisdiction of PPA. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

This risk will be mitigated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has been maintaining the subject physical portion of Redbank Road as a public road for a number of years. As the proposed excision from port land and subsequent dedication as road reserve is administrative only, and will ensure the Town gains legal control of the road, it is recommended that Council support the proposed dedication.

ATTACHMENTS

1. Letter from Pilbara Ports Authority – Proposed Excision of Redbank Road from the Port of Port Hedland
2. Maps of proposed excision and dedication area

ATTACHMENT 1 TO ITEM 11.2.2



Our Ref: A666270
 Enquiries: [REDACTED]

26 October 2018

[REDACTED]
 [REDACTED]
 Town of Port Hedland
 PO Box 41
 Port Hedland WA 6721

Dear [REDACTED]

PROPOSED EXCISION OF REDBANK ROAD FROM THE PORT OF PORT HEDLAND

I would like to follow up on earlier discussions between Pilbara Ports Authority (PPA) and the Town of Port Hedland (ToPH) regarding the excision of a portion of Redbank Road from port land.

The portion of Redbank Road in question is situated on Lot 370 on Deposited Plan 35619 (refer to attached maps). The road is managed by the ToPH, however it is currently not a dedicated road.

PPA is in the process of tidying up boundary inconsistencies that affect Lot 370 and would like to excise the road from port land. PPA has discussed the road excision with the Department of Planning, Lands and Heritage (DPLH) and understands that the process is for:

- ToPH Council to consider the proposed road dedication and accept the dedication, subject to the road area being de-proclaimed from port land.
- DPLH to issue survey instructions to PPA's chosen surveyor for the preparation of a Deposited Plan of the road excision area.
- PPA to progress de-proclamation of the land (a six months process that may require more time).
- DPLH to lodge the road dedication documents with Landgate after the port de-proclamation has been completed.

CORPORATE OFFICE
 T (08) 6217 7112 F (08) 9226 2195 E info@pilbaraports.com.au www.pilbaraports.com.au
 Postal Address PO Box 84, West Perth, Western Australia 6872 ABN 94 987 448 870



Could you please let me know if you are willing to take this request to Council and specify any additional information that may be required to support the request.

Yours sincerely

[Redacted signature]

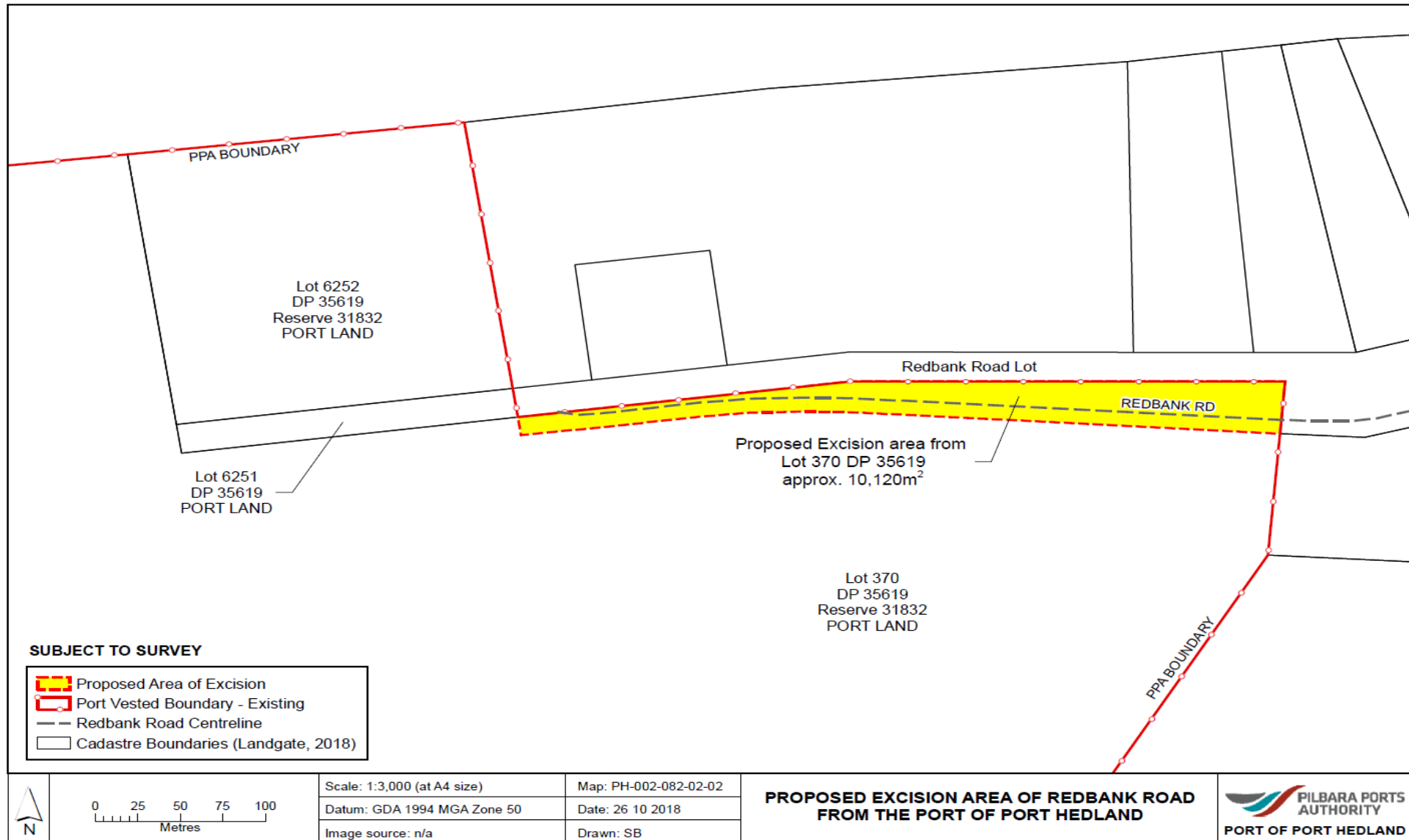
[Redacted name]

[Redacted contact information]

Att: Map - Proposed boundary change at Redbank (Services Overview)
Map – Proposed excision area of Redbank Road from the Port of Port Hedland



ATTACHMENT 2 TO ITEM 11.2.2





11.3 Infrastructure and Town Services

11.3.1 Award of RFX2018-29 A Panel of Pre-Qualified Suppliers - Concrete Placement Program for Town of Port Hedland (*File No. 28/16/0042*)

Author	Project Support Officer
Authorising Officer	Director Infrastructure and Town Services
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

ITEM 11.3.1 – ITEM 11.3.2 WERE ADOPTED BY EN BLOC RESOLUTION

CM201819/125 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR CARTER

SECONDED: CR MCDONOGH

That Council award RFX2018-29 A Panel of Pre-Qualified Suppliers - Concrete Placement Program for Town of Port Hedland to Remote Construction Group, MJW Building, SuperCivil and Helpcon Enterprises Pty Ltd as per the recommendation of the evaluation panel. The contract is for an initial period of one (1) year with an option to extend the contract for a further one (1) year plus one (1) year period at the absolute discretion of the Town.

CARRIED 9/0

PURPOSE

The purpose of this report is to provide a summary of the assessment of submissions received for RFX2018-29, A Panel of Pre-Qualified Suppliers - Concrete Placement Program for Town of Port Hedland and to endorse the evaluation panel's recommendation for the preferred panel.

DETAIL

The Town of Port Hedland (Town) is seeking to establish a panel of suitably experienced and qualified civil construction contractors to demolish, remove, dispose non-compliant and damaged footpath followed by the construction of new compliant concrete footpath. So as not to restrict the contract to footpath only, a broader title of concrete placement will allow other renewal works such as crossovers, slabs, floodway crossings and similar works to be captured within this contract.

The Contract is to be awarded to multiple Respondent(s) that have best demonstrated the ability to provide quality products and/or services at a competitive price. The quoted prices were assessed together with the qualitative and compliance criteria that determined the most advantageous outcome to the Principal.

A scoring system was incorporated as part of the assessment of the Qualitative Criteria. Unless otherwise stated, a Response which provided all the information requested was assessed as satisfactory.

The extent to which the Respondent demonstrated greater satisfaction of each of these criteria resulted in a greater score. The aggregate score of each Response was used as one of the factors in the final assessment of the Qualitative Criteria and in the overall assessment of value for money.

The evaluation panel's recommendation is to appoint four (4) suppliers to the supply panel. The Town intends to utilise the panel for all works outlined within the RFX specification; however, the Town reserves the right to return to the market where deemed necessary. As a result, the Town cannot ensure exclusivity for the works, goods or services specified.

Request for A Panel of Pre-Qualified Suppliers

The documentation for RFX2018-29, A Panel of Pre-Qualified Suppliers - Concrete Placement Program for Town of Port Hedland was released on Wednesday 14 November 2018. When the RFX submission closed on Wednesday 5 December 2018, 8 submissions were received.

Submissions were received from the companies listed below:

1. DIY International Pty Ltd
2. Dowsing Group Pty Ltd
3. Helpcon Enterprises Pty Ltd
4. Kat 5 Pty Ltd
5. MJW Building
6. Remote Construction Group
7. SuperCivil
8. Warwick Brick Works Pty Ltd

In further review of the submissions, six (6) companies were deemed compliant for further assessment by the evaluation panel.

RFX Assessment

All compliant submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council
- b) Ensure the submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and

- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Evaluation Panel consisted of:

- Construction Site Supervisor, Voting Member
- Project Manager, Voting Member
- Project Officer, Voting Member
- Project Support Officer, Non-Voting Member

The submissions were assessed against the RFX assessment criteria as listed in the below table:

Qualitative Criteria	Weighting
Relevant Experience	35%
Capacity to Deliver and Resources	35%
Key Personnel and Skills	30%
	100%

A summary of the assessment results of submissions received for RFX 2018-29 is included in the confidential attachment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be medium significance, because its award will provide direct access to additional resources, experience and expertise to assist in delivering the Towns capital and operational works program.

CONSULTATION

Internal

- Coordinator Works – Footpath Renewal Program development
- Asset Data Officer – Footpath Renewal Program development
- Community Engagement Officer – Disability Access Inclusion Plan
- Executive Leadership Team – Procurement Plan presented 22 October 2018

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government (Functions and General) Regulations 1996* and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this panel of pre-qualified suppliers.

The *Local Government (Functions and General) Regulations 1996* part 4, division 3 provide statutory requirements for the release, assessment, and award of panels of pre-qualified suppliers.

RFX 2018-29 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007, Regional Price Preference Policy 2/016 and Panels of Pre-Qualified Suppliers Policy 2/022.

Sections of this report pertaining to price submissions have been deemed confidential in accordance with the *Local Government Act (1995) section 5.23 part 2(e) (iii)*.

FINANCIAL AND RESOURCES IMPLICATIONS

An amount of \$400,000.00 has been allocated in the Towns 2018/19 Footpath Renewal budget under CIF125011. An allocation of \$1,200,000.00 per annum has been included in the Towns' Long Term Financial Plan (LTFP). The LTFP is pending endorsement by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 2.c.3* Local procurement is prioritised and promoted across industry and agencies
- 4.c.4* Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a risk rating of high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3), assigned to the risk that there could be compliance and reputation ramifications if the Town does not address and rectify the required maintenance and renewal of the Towns assets in a timely and efficient manner.

To reduce this risk, the Project Management Team will ensure a well-defined program and individual scope of works is compiled ensuring that service location, monitoring of works and clear communication with engaged suppliers, stakeholders and affected residents is undertaken.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer’s recommendation

That the Council does not award and endorse the recommendation of utilising a preferred panel of pre-qualified suppliers and instead opts to call individual quotations or tenders every time resource and works are required. This option is not supported by Officers due to the volume of administrative effort this would require, the delay in project commencement and the potential to have higher costs to engage suppliers on an as needed basis.

CONCLUSION

Town Officers recommend the awarding of RFX 2018-29 to the preferred panel of pre-qualified suppliers indicated in the Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation report RFX2018-29 A Panel of Pre-Qualified Suppliers – Concrete Placement Program for Town of Port Hedland (Confidential, under separate cover).

11.3.2 Award of RFX2018-30 Panel for the Supply of Plant, Equipment and Operators for Infrastructure Works (*File No. 23/08/0070*)

Author	Project Support Officer
Authorising Officer	Director Infrastructure and Town Services
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

ITEM 11.3.1 – ITEM 11.3.2 WERE ADOPTED BY EN BLOC RESOLUTION

CM201819/125 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR CARTER

SECONDED: CR MCDONOGH

That Council:

1. Endorse the recommendation of the evaluation panel and award a panel of pre-qualified suppliers for RFX2018-30 Panel for the Supply of Plant, Equipment and Operators for Infrastructure Works to AK Evans Earthmoving, Goodline, DeGrey Civil and Riverhill Contracting. The contract is for an initial period of one (1) year with an option to extend the contract for a further two (2) x 12 month periods at the absolute discretion of the Town.

CARRIED 9/0

PURPOSE

The purpose of this report is to provide a summary of the assessment of submissions received for RFX2018-30 Panel for the Supply of Plant, Equipment and Operators for Infrastructure Works (Wet and Dry Hire) and to endorse the evaluation panel's recommendation for the preferred panel.

DETAIL

The Town of Port Hedland (Town or the Principal) is seeking to appoint a panel of suppliers for the Supply of plant, equipment and operators for infrastructure works (Wet and Dry hire) within the Principals boundaries. The panel of pre-qualified suppliers provide a greater efficiency in the delivery of committed works scoped, and allows Town to undertake projects requiring similar equipment and experienced operators without impacting the delivery timeline of committed works.

The Contract is to be awarded to multiple Respondent(s) that had best demonstrated the ability to provide quality products and/or services at a competitive price. The quoted prices were assessed together with the qualitative and compliance criteria that determined the most advantageous outcome to the Principal.

The Principal had adopted the best value for money approach to this Request. This means that, although price was considered, the Response which contained the lowest price was not necessarily accepted, nor did the offer rank the highest on the Qualitative Criteria. A scoring system was incorporated as part of the assessment of the Qualitative Criteria. Unless otherwise stated, a Response which provided all the information requested was assessed as satisfactory.

The extent to which the Respondent demonstrated greater satisfaction of each of these criteria resulted in a greater score. The aggregate score of each Response was used as one of the factors in the final assessment of the Qualitative Criteria and in the overall assessment of value for money.

The Town intended to appoint three (3) suppliers to the panel, however after further consideration, opted to appoint four (4) suppliers to the panel. The Town intends to utilise the panel for all works under the specification, though reserves the right to return to the market where deemed necessary. As a result, the Town cannot ensure exclusivity for the works, goods or services specified.

Request for A Panel of Pre-Qualified Suppliers

The documentation for RFX2018-30 Panel for the Supply of Plant, Equipment and Operators for Infrastructure Works was released on Wednesday 10 October 2018. When the RFX submission closed on Friday 9 November, 22 submissions were received.

Submissions were received from the companies listed below:

1. Norwest Contracting
2. Westex Contracting Pty Ltd
3. Karratha Earthmoving and Sand Supplies
4. Maramara WA Pty Ltd
5. Kennards Hire
6. Goodline
7. MIB Traffic Pty Ltd
8. Coates Hire
9. AK Evans Earthmoving (Ronlieeh Pty Ltd)
10. Brooks Hire Service Pty Ltd
11. Conplant Pty Ltd
12. Riverhill Contracting
13. Browns Bulk Haulage
14. Quadrio Earthmoving Pty Ltd
15. Freo Group Pty Ltd
16. Futureglow Pty Ltd
17. Allwest Plant Hire Australia Pty Ltd
18. The Mining Pty Ltd

- 19. DeGrey Civil
- 20. Direct Civil and Maintenance
- 21. Egans Plant Hire Pty Ltd
- 22. DF and D Stewart Pty Ltd

In further review of the submissions, 11 companies were deemed non-compliant. The remaining 11 companies were further assessed by the evaluation panel.

RFX Assessment

All compliant submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Chief Executive Officer, as to the Respondents that best represents value for money;
- b) Ensure the submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Evaluation Panel consisted of:

- Project Manager, Voting Member
- Construction Site Supervisor, Voting Member
- Manager Parks, Gardens and Engineering, Voting Member
- Project Support Officer, Non-Voting Member

The submissions were assessed against the RFX assessment criteria as listed in the below table:

Qualitative Criteria	Weighting
Capacity to Deliver and Resource	35%
Key Personnel and Skills	30%
Service & Maintenance	35%
	100%

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be medium significance, because its award will provide direct access to additional resources, experience, service and expertise to assist in delivering the Towns capital and operational works program.

CONSULTATION

Internal

- Infrastructure and Town Services Team
- Executive Leadership Team – Procurement Plan presented 1 October 2018

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government (Functions and General) Regulations 1996* and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this panel of pre-qualified suppliers.

The *Local Government (Functions and General) Regulations 1996* part 4, division 3 provide statutory requirements for the release, assessment, and award of panels of pre-qualified suppliers.

RFX 2018-30 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007, Regional Price Preference Policy 2/016 and Panels of Pre-Qualified Suppliers Policy 2/022.

Sections of this report pertaining to price submissions have been deemed confidential in accordance with the *Local Government Act (1995)* section 5.23 part 2(e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

The project budget is forecasted at an estimate expenditure of \$2,500,000.00 per annum across various capital and operational accounts.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 2.c.3** Local procurement is prioritised and promoted across industry and agencies
- 4.c.4** Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a risk rating of High (12), determined by a likelihood of Likely (4) and a consequence of Moderate (3) assigned to the risk that there could be a compliance, financial and reputation ramifications if the Town does not allow appropriate *and* sufficient planning, communication and execution of project works.

To reduce this risk, the action plan is to ensure a well-defined program and individual scope of works with appropriate due diligence, monitoring of the works, stakeholder engagement and, if applicable, a clear understanding of external funding body conditions and reporting.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

That the Council does not award and endorse the recommendation of utilising a preferred panel of pre-qualified suppliers and instead opts to call individual quotations or tenders every time resource and works are required. This option is not supported by Officers due to the volume of administrative effort this would require, the delay in project commencement and the potential to have higher costs to engage suppliers on an as needed basis.

CONCLUSION

Town Officers recommend the awarding of RFX 2018-30 to the preferred panel of pre-qualified suppliers indicated in the Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation report RFX2018-30 Panel for the Supply of Plant, Equipment and Operators for Infrastructure Works (Confidential, under separate cover).

11.3.3 Award of Tender RFT 2018-37 Supply, Deliver and Service Agreement for Light Vehicles for the Town of Port Hedland (File No. 23/08/0075)

Author Coordinator Depot Operations
Authorising Officer Director Town Services & Infrastructure
Disclosure of Interest The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/126 OFFICER'S RECOMMENDATION 1/ COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR WHITWELL

That Council:

1. Award Separable Portion 1 Vehicle Purchase of RFT2018-37 – Supply, Delivery and Service Agreement for Light Vehicles for the Town of Port Hedland to Pilbara Motor Group (PMG) for a contract value of \$1,041,991.50 excluding GST as per the recommendation of the evaluation panel.
2. Endorse the recommendation of the evaluation panel and award Separable Portion 2 Service Agreement of RFT2018-37 – Supply, Delivery and Service Agreement for Light Vehicles for the Town of Port Hedland to Pilbara Motor Group (PMG) for a contract term of five (5) years with two (2) 12 month extensions with an estimated price of \$120,343.50 ex GST over the duration of the contract term.

CARRIED 9/0

CM201819/127 OFFICER'S RECOMMENDATION 2/ COUNCIL DECISION

MOVED: CR HEBBARD

SECONDED: CR MCDONOGH

1. That Council amend the 2018/19 budget to increase the Light Vehicle Replacement capital project by \$106,000 to \$1,052,000 (current budget \$946,000) to be funded from the Plant Reserve, resulting in a nil impact to the 30 June 2019 closing surplus.

CARRIED BY ABSOLUTE MAJORITY 9/0

PURPOSE

The purpose of this report is for Council to receive a summary of the assessment of submissions received for Tender RFT 2018-37 Supply, Delivery and Service Agreement for Light Vehicles for the Town of Port Hedland and for Council to consider the evaluation panel's recommendation for the preferred tenderer.

DETAIL

As part of the Town of Port Hedland plant replacement program, a review of the Town's light vehicle fleet identified 28 vehicles that were overdue for replacement. Vehicles were identified as being at end of life or past end of life, they were also assessed on mechanical condition, running costs, utilisation, fit for purpose and age.

Poor previous decisions meant that vehicles were not replaced when required which necessitated the large spend on light vehicles in 2018 – 2019.

The service agreement covers all servicing and maintenance requirements for the whole life of the vehicles to be purchased. Having the light vehicles on a service agreement will also allow the current workshop staff to focus on the heavy plant which requires a higher level of servicing, maintenance and monitoring.

The Contract may be awarded to a single or multiple Respondent(s) who best demonstrates the ability to provide quality products and or services at a competitive price. The quoted prices have been assessed together with the qualitative and compliance criteria to determine the most advantageous outcome to the principal.

Request for Tender

The request for tender RFT2018-37 Supply, Deliver and Service Agreement for Light Vehicles for the Town of Port Hedland was released through Vendor Panel on Wednesday 5 December 2018.

The request for tender included 2 separable portions:

- Separable portion 1 was the supply and delivery of vehicles requested; and
- Separable portion 2 was the service agreement for all servicing and maintenance requirements.

Tenderer's had the option to submit a tender for either or both of the separable portions.

When the tender submission closed on Friday 11 January 2019, 13 submissions were received.

Tender submissions were received from the following 13 companies:

1. Battery World Bunbury
2. Col Crawford Motors Pty Ltd
3. Hertz
4. Higgins Bros (Cunnamulla) Pty Ltd
5. Melville Toyota

6. Patterson Cheney Trucks
7. Penrith City Automotive Pty Ltd
8. Pilbara Motor Group
9. Richard Jay Pty Ltd
10. Road Runner Mechanical Service
11. Rods Auto Electrics
12. Shacks Holden & HSV
13. Wonthaggi Auto Lec

Tender assessment

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make a recommendation to the Council.
- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented

Evaluation Panel consisted of:

- Coordinator Depot Operations, Voting Member
- Manager Parks Gardens & Engineering, Voting Member
- Director Infrastructure & Town Services, Voting Member
- Procurement Advisor, Non-Voting Member (Facilitator)
- Governance Officer, Non-Voting Member (Facilitator)

A number of respondents made a submission to decline to the tender and only two (2) were deemed compliant and were assessed against the qualitative criteria as listed in the below table

Criteria	(%)
Capacity to Deliver & Resources & Quality I Suitability	50%
Service & Maintenance	30%
Delivery & Training	20%
	100%

A summary of the assessment results of submissions received for RFT2018-25 is included in the confidential attachment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of moderate significance, because of the financial costs and the capacity of the Town to perform its role/functions.

CONSULTATION

Internal

- Procurement Plan presented to the Executive Leadership Team on 19 November 2018
- Depot Operations
- Parks and Gardens
- Building Maintenance
- Landfill
- Rangers

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act 1995 and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this tender.

The Local Government Act 1995 section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

RFT 2018-37 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007 and Regional Price Preference Policy 2/016. Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act 1995* section 5.23 part 2 (e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

The Towns adopted 2018/19 budget listed an allocation of \$946,000.00 ex. GST (CPP143030) for the replacement of light vehicles. The cost to replace all vehicles is more than the budget allocation. An additional amount as per officers recommendation 2 been requested from the Plant Reserve to cover the total costs for purchase and delivery of the 28 light vehicles.

The funds received from the sale of replaced vehicles at auction will be allocated back into the plant reserve.

The Service Agreement ongoing costs will be an Operational expense allocated to the Plant Operating Expenditure account 1E14031000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 4.c.1** High quality and responsive customer service is provided
- 4.c.4** Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because the longer the vehicles are left in operation past their end of life, the higher the risk of an increase in maintenance costs, major component failure and vehicle down time. An increase in down time will impact each department's capability to perform required services. The risk rating is considered to be Medium (8).

This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Council is recommended to award the tender RFT2018-37 to the preferred tenderer indicated in the Tender Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

ATTACHMENTS

1. Tender evaluation report RFT 2018-37 Supply, Delivery and Service Agreement for Light Vehicles for Town of Port Hedland (Confidential, under separate cover).

Item 12 Reports of Committees

Note: The Minutes of this Committee meeting are available on the Town's website

12.1 Audit, Risk and Governance Committee Minutes – 4 December 2018**CM201819/128 OFFICER'S RECOMMENDATION/COUNCIL DECISION****MOVED: CR MCDONOGH****SECONDED: CR CARTER**

That Council receive the Minutes of the Audit, Risk and Governance Committee held on 4 December 2018 at 5:30pm inclusive of the following decisions:

- 10.1 Confirmation of Minutes of the Audit, Risk and Governance Committee Meeting held on Tuesday 4 September 2018
- 11.1.1 Funding and Donations for the quarter 1 July 2018 to 30 September 2018
- 11.1.2 Status Updates of the Council Decision Risk Register

CARRIED 9/0

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature

CM201819/129 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR HEBBARD

That Council consider late item 14.1 Local Government Act Review – Phase 2 Review.

CARRIED 9/0

14.1 Local Government Act 1995 Phase 2 Review (File No. 04/02/0001)

Author	Manager Governance
Authorising Officer	Director Corporate and Performance
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council;

1. Indicate which WALGA's position statements on the Local Government Act 1995 Phase 2 Review, as listed under attachment 1, it supports;
2. Request that the CEO or his delegate forward the list of supported position statements to WALGA and the Department of Local Government, Sport and Cultural Industries (DLGSC); and
3. Encourage individual Elected Members, Town staff and community members to submit responses to the surveys published by the DLGSC on the Local Government Act 1995 Phase 2 Review.

NOTE: Due to the number of position statements presented to Council, it is recommended that they be considered via en-bloc voting.

THESE ITEMS WERE APPROVED BY EN BLOC RESOLUTION

CM201819/130 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH SECONDED: DEPUTY MAYOR NEWBERY

That Council approves the WALGA position statements on the Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 2 WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.
- 3 That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in.
- 9 Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
 2. Either:
 - (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
 3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.
- 10 Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.
- 11 That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.
- 12 Resource projects covered by State Agreement Acts should be liable for Local Government rates.

- 13 WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.
- 14 WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act.
- 22 Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.
- 29 Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
- 5 That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.
- 23 That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

CARRIED 9/0

CM201819/131 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: DM NEWBERY

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 6 That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

CARRIED 9/0

CM201819/132 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR HEBBARD

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

19 Amend the Local Government Act 1995, to:

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
 - o Abuse of process;
 - o Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
 - o Unreasonably interfering with the operations of the Local Government in relation to complaint.

CARRIED 9/0

CM201819/133 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR ARIF

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

24 The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

CARRIED 7/2

For:	Mayor Blanco, Deputy Mayor Newbery, Cr Carter, Cr Daccache, Cr McDonogh, Cr Arif, Cr Pitt
Against:	Cr Whitwell, Cr Hebbard

CM201819/134 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: MAYOR BLANCO

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 27 Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

CARRIED 9/0

CM201819/135 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR MCDONOGH

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 1 The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

CARRIED 9/0

OFFICER RECOMMENDATION

MOVED: CR MCDONOGH

SECONDED: CR DACCACHE

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 4 That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

LOST 3/6

For:	Mayor Blanco, Cr Daccache, Cr Whitwell
Against:	Cr Hebbard, , Cr Pitt, Deputy Mayor Newbery, Cr McDonogh, Cr Arif, Cr Carter

CM201819/136 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY SECONDED: CR DACCACHE

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 7 Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

CARRIED 7/2

For: Mayor Blanco, Deputy Mayor Newbery, Cr Carter, Cr Daccache, Cr McDonogh, Cr Arif, Cr Pitt
Against: Cr Whitwell, Cr Hebbard

CM201819/137 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR HEBBARD SECONDED: CR WHITWELL

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 8 That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

CARRIED 6/3

For: Cr Hebbard, Deputy Mayor Newbery, Cr Daccache, Cr McDonogh, Cr Arif, Cr Whitwell
Against: Mayor Blanco, Cr Carter, Cr Pitt

CM201819/138 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: MAYOR BLANCO

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 15 That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

CARRIED 6/3

For: Mayor Blanco , Cr Whitwell, , Cr Carter, Cr Daccache, Cr McDonogh, Cr Arif

Against: Cr Hebbard, Deputy Mayor Newbery, Cr Pitt

CM201819/139 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR MCDONOGH

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 16 That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

CARRIED 5/4

For: Mayor Blanco, Cr Carter, Cr Daccache, Cr McDonogh, Cr Arif

Against: Deputy Mayor Newbery, Cr Hebbard, Cr Pitt, Cr Whitwell

OFFICER RECOMMENDATION

MOVED: CR PITT

SECONDED: CR MCDONOGH

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 17 A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

LOST 4/5

For: Deputy Mayor Newbery, Cr Daccache, Cr Pitt, Cr Whitwell
 Against: Mayor Blanco, Cr Hebbard, Cr Carter, Cr McDonogh, Cr Arif

CM201819/140 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR HEBBARD

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 18 That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

CARRIED 9/0

CM201819/141 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: MAYOR BLANCO

SECONDED: CR ARIF

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 20 Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

CARRIED 6/3

For: Mayor Blanco, , Cr Daccache, Cr Pitt, Cr Carter, Cr Arif, Cr McDonogh
 Against: Cr Hebbard, Deputy Mayor Newbery, Cr Whitwell

CM201819/142 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR DACCACHE

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 21 That Section 5.28(1)(a) be amended:
 - (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
 - (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

CARRIED 5/4

For: Mayor Blanco, Cr Daccache, Cr Carter, Cr McDonogh, Cr Arif
 Against: Cr Hebbard, Deputy Mayor Newbery, Cr Pitt, Cr Whitwell

OFFICER RECOMMENDATION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

25 The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

LOST 4/5

For: Mayor Blanco, Cr Carter, Cr McDonogh, Cr Pitt

Against: Cr Hebbard, Deputy Mayor Newbery, Cr Whitwell, Cr Arif, Cr Daccache

OFFICER RECOMMENDATION

MOVED: DM NEWBERY

SECONDED: CR MCDONOGH

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

26 Voluntary Voting: Section 4.65

LOST 2/7

For: Cr Daccache, Cr Hebbard

Against: Mayor Blanco, Deputy Mayor Newbery, Cr Arif, Cr Whitwell, Cr Carter, Cr McDonogh, Cr Pitt

CM201819/143 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR MCDONOGH

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

28 That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

CARRIED 6/3

For: Mayor Blanco, Cr Pitt, Cr McDonogh, Cr Daccache, Cr Arif, Cr Carter

Against: Deputy Mayor Newbery, Cr Hebbard, Cr Whitwell

CM201819/144 OFFICER RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR PITT

That Council approves the WALGA position statement Local Government Act 1995 Phase 2 Review included in attachment 1 and as listed below:

- 30 Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:
- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
 - (ii) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

CARRIED 7/2

For: Mayor Blanco, Cr Whitwell, Cr Pitt, Cr McDonogh, Cr Arif, Cr Carter, Deputy Mayor Newbery
 Against: Cr Daccache, Cr Hebbard

PURPOSE

The vision is for local governments to be agile, smart and inclusive, which has been broken down into the categories below:

Agile	Smart	Inclusive
Beneficial enterprises	Administrative efficiencies – local laws	Community engagement – Integrated Planning and Reporting
Financial Management	Council Meetings	Complaints management
Rates, fees and charges	Interventions	Elections

The Department and WALGA presented a workshop on the Local Government Act Review in November 2018 for Elected Members, Executive Group and Town Officers. The workshop was focused on receiving feedback, and opened the floor for discussion on improvements to the existing Act.

Following this WALGA issued an advocacy position paper, restating its positions supported over the years through its State Council meetings. These positions are what Council members were presented at two briefings on the 23 and 30 January 2019, and are now being requested to formally support or otherwise.

As follows is the list of WALGA's position statements and associated reasoning for the proposed statements. The DLGSC has also provided on its website a series of fact sheets and discussion papers related to most of the below topics, which due to their size have been included as electronic attachments to this report, and can be viewed here <https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/LG-Act-Review.aspx> (attachment 2).

AGILE

BENEFICIAL ENTERPRISES

WALGA's Position Statement: The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years. A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

Examples:

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.
- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.

WALGA's Issues Paper on Beneficial Enterprises can be found under attachment 3.

At the confidential briefing on 23 February some Elected Members questioned why a model should not be decided upon as part of the Act's review process. The reason for this is that it would be counter-productive to the Local Government Act review process to attempt to land on any one particular model for the implementation of a beneficial enterprise, Local Governments should be able to match the model to the activity they wish the enterprise to perform. WALGA advises that the recent example of prescriptive requirements for establishing a Regional Subsidiary highlights the dangers of over-regulation; to date, no Local Governments have in fact established a Regional Subsidiary.

PROCUREMENT

WALGA's Position Statement: Increase in Tender Threshold to align with State Gov. (\$250,000)

The current tender threshold requirement for calling tenders is \$150,000. The proposal is to increase this to \$250,000 in line with State Government.

This is the maximum threshold above which tenders must be called. Nothing precludes a tender being called for a lesser value purchase. The Town's Purchasing Policy and associated internal operating procedures set out the requirements for purchases below the threshold where a tender is not called. The proposal reflects the growth in value of purchases and would enable greater flexibility and responsiveness in procurement.

DISPOSAL OF PROPERTY

WALGA's Position Statement: That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

This provision essentially relates to where a disposal is part of a purchase and typically this occurs where plant and equipment are traded in as part of the purchase of new plant and equipment. The current limit has the effect of forcing old plant and equipment above the limit to be disposed of by a separate disposal process even though a better net change over may be achieved by trading it in. The proposal is to retain the exemption but remove the \$75,000 limit. The impact of the change would be particularly relevant to those Local Governments who have fleets with large high-value earth moving and waste disposal equipment.

DEBT

WALGA's Position Statement: That section 6.20(2) of the Act requiring one month's notice of intent to borrow be deleted.

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.

There is an argument that the requirements are there to ensure that the community is informed, however if the power to borrow had been included in the budget the community would not have been separately informed, although the budget is a public document.

MEMBERS INTERESTS

WALGA's Position Statement: Create an exemption under Regulation 4 relating to AASB 124 'Related Party Transactions' for EMs to declare interests.

Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.

WALGA has been requested by some of its members that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.

Other WALGA members however believe that AASB 124 is addressing a quite different level of disclosure. It is seeking to establish whether there is any related party issues that may have a material financial impact on the Annual Financial Statements so that the impact can be disclosed in the Annual Financial Report. The Local Government Act disclosure of interests do not capture these requirements, are not required to be quantified to determine the material financial impact and are not required to be disclosed in the Annual Financial Report.

BASIS OF RATES

WALGA's Position Statement: That section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia. A review of the method of valuation of land is currently being undertaken by the Valuer General's Office. Once this review is completed and amendments proposed, the relevant provisions in the Act will be examined, in line with any submissions received.

Eastern State Local Governments can elect to rate on one of the following options:

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
- Capital Value - value of the land including improvements;
- Annual Value - rental value of a property (same as GRV).

Some WALGA members have argued that there is value in having consistency of methods across Local Governments as it makes comparability easier, there is consistency of understanding of methodology particularly where owners have property in more than one Local Government and would be simpler for valuers.

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study (attachment 4 <https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/WALGA-Advocacy-Position-Statements/2-2-2007-SSS-Report.pdf.aspx?lang=en-AU>), particularly Capital Improved Valuations which are in operation in Victoria and South Australia.

DIFFERENTIAL GENERAL RATES

WALGA's Position Statement:

That section 6.33 be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner, as there is concern that the amount of vacant land remaining in an undeveloped state for an extensive period of time might hold up development opportunities.

RATING EXEMPTIONS

WALGA's Position Statement: Charitable Purposes

1. Amend the Act to clarify that Independent Living Units should only be exempt from rates where they qualify under Commonwealth Aged Care Act 1997;
2. Either:
 - (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth *Aged Care Act 1997* and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

An example provided is that of a Perth Housing Authority that used to pay rates on its rental properties that were let to the disadvantaged. The Housing Authority rolled out a new model where this housing stock was leased long term to charitable bodies to manage. These bodies were then entitled to claim a rate exemption and no rates were paid on these properties.

WALGA's Position Statement: Rate Equivalency Payments

Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Rate Equivalency payments apply mainly to Government agencies who operate in a commercial environment and although otherwise exempt from Local Government rates are required to make a rate equivalent payment to the State Treasury based on competitive neutrality principles. There are only a few agencies that are in this position, the most relevant example is Landcorp. A particular example is the exemption granted to LandCorp by the Land Authority Act 1992. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'. This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.

The example of the Perth Airport listed in the 2012 WALGA submission on the Metropolitan Local Government Review Panel (attachment 5 <https://WALGA.asn.au/getattachment/Policy-Advice-and-Advocacy/WALGA-Advocacy-Position-Statements/1-1-Metropolitan-Reform-Submission-2012.pdf.aspx?lang=en-AU>) demonstrates that a system of rate equivalency payments is appropriate and can work in practice. In this case, the Commonwealth Government requires the lessee to make a rate equivalency payment to the relevant Local Government and not the Commonwealth. A similar system could be adopted for State Government Trading Entities.

WALGA's Position Statement: Rating Restrictions – State Agreement Acts

Resource projects covered by State Agreement Acts should be liable for Local Government rates.

Before the 1980s, State Government conditions of consent for major resources projects in WA included the requirement for purpose-built towns in close proximity to project sites. These conditions were detailed in State Agreement Acts, which are essentially contracts between the State Government and proponents of major resources projects that are ratified by the State Parliament.

The requirement to provide community services and infrastructure meant State Agreement Acts typically included a Local Government rating restriction clause. Many of these towns have since been 'normalised' due to Local Governments, the State Government and utility providers assuming responsibility for services and infrastructure.

In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts. However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.

WALGA's Position Statement:

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

FEES AND CHARGES

WALGA's Position Statement:

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services

Fees and charges are, on average, the second largest source of Local Government discretionary revenue. Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees. In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.

Currently, fees and charges are determined according to three methods:

- By legislation;
- With an upper limit set by legislation, and
- By the Local Government.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:

- Lack of indexation;
- Lack of regular review (fees may remain at the same nominal levels for decades), and
- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.

When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services. There may be an argument that certain fees and charges should be consistent across the State or the metropolitan area; however it is not clear why dog registration fees, as an example, should be the same in every Local Government area. Local Governments in most other states are able to set animal registration fees.

Car registration fees are not the same in every State and few would argue they ought to be; setting fees, charges and tax rates is a core function of government and Local Governments, as a legitimate sphere of government, should be able to make policy decisions regarding their services and revenue streams. Councils should be empowered to make policy decisions regarding user-paid services provided by the Local Government.

Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.

AGILE

CONTROL OF CERTAIN UNVESTED FACILITIES

WALGA's Position Statement: That section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

The Local Government Act 1995 includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Former Section 300 stated:

"A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management."

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: "a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments. WALGA recommends section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

LOCAL GOVERNMENT ADVISORY BOARD

WALGA's Position Statement: WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act.

Details included in the WALGA December 2014 State Council minutes state as follows:

"WALGA's current policy position is that the poll provisions should apply to:

- i. A boundary change or amalgamation proposal that will see one or more Local Governments abolished; and*
 - ii. A boundary change proposal that will 'significantly affect' a Local Government, subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings.*
- Sector consultation, via an InfoPage, has been conducted with responses invited on two principal options:*
 - i. That any boundary change should be subject to the potential for a poll to be called by electors; or*
 - ii. That any boundary change that 'significantly affects' a Local Government – defined as a percentage variation of (either 10 percent, 25 percent, or 50 percent) in a key factor (population, rateable properties, or revenue) – should be subject to the potential for a poll to be called by electors. • 59 Local Governments (42 percent of members) responded to the request for feedback with the greatest number of respondents (29 Local Governments) favouring Option (i) above."*

PROPOSAL TO THE ADVISORY BOARD, NUMBER OF ELECTORS

WALGA's Position Statement: That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

The proposed increase in the number of electors was also mentioned at the December 2014 State Council meeting as part of discussions surrounding the metropolitan local government reform.

PROPOSAL TO AMEND NAMES, WARDS AND REPRESENTATION, NUMBER OF ELECTORS

WALGA's Position Statement: That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

The proposed increase in the number of electors was also mentioned at the December 2014 State Council meeting as part of discussions surrounding the metropolitan local government reform.

TRANSFERABILITY OF EMPLOYEES BETWEEN STATE and LOCAL GOVERNMENT

WALGA's Position Statement: A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

WALGA has long advocated for accrued employment entitlements (long service leave, sick leave, superannuation and annual leave) to be transferable between State and Local Government employers. The inability for employees to transfer their accrued entitlements between sectors can act as a significant disincentive to labour market mobility between State and Local Government sectors. Anecdotal evidence to WALGA suggests that this restriction is an impediment to staff applying for and accepting positions in the alternate sector. This was particularly the case prior to the Global Financial Crisis when both sectors were experiencing widespread skills shortages.

Increasing labour market mobility by removing this significant institutional barrier will benefit both employees and employers.

For employees, this will facilitate:

- The attainment of broader and more diverse work experience;
- The development of new professional skills, experiences and capabilities;
- Creation of broader professional and personal networks; and,
- Greater appreciation and understanding for the work of other government sectors.

The benefits of an employment entitlement transfer arrangement for the State and Local Government sectors would include:

- Increasing the potential labour pool, thereby improving the capacity to attract the right candidates and reducing the time to fill vacancies;
- Cross-pollination of skills and experiences between sectors, resulting in access to a broader range of skill sets for both sectors;
- Greater workforce diversity; and,
- Greater understanding of both sectors leading to improved collaboration.

A resolution was passed at WALGA's 2006 Annual General Meeting seeking the establishment of a General Agreement between State and Local Government in Western Australia that facilitates the transfer of accrued entitlements (annual leave, sick leave, superannuation and long service leave) for staff transferring their employment between the two sectors. A General Agreement of this nature is in place between the Federal Government and State Governments.

Work on this project has been ongoing since the Association's advocacy began in 2006 with an Agreement to be based on the existing State-Federal Government Agreement. The project is being led by the Department of Local Government, in consultation with WALGA and other Local and State Government stakeholders, but has stalled despite both sectors supporting the establishment of an Agreement.

For the benefit of both spheres of government and employees, and to increase labour market mobility, WALGA and the Local Government sector is seeking the establishment of a General Agreement between State and Local Government to allow for the transfer of employment entitlements between the two sectors.

ONUS OF PROOF IN VEHICLE OFFENCES MAY BE SHIFTED: SECTION 9.13(6)

WALGA's Position Statement: Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

The Litter Act 1979 was amended in 2012 to introduce the definition of 'responsible person' (as defined in Road Traffic Act 1974) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

QUEROLOUS, VEXATIOUS OR FRIVOLOUS COMPLAINTS

WALGA Position Statement: That a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant, and that any amendments to the legislation be consider the following points to implement the proposed arrangements:

- Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination);

- Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive');
- Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the independent body to be vexatious;
- Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself;
- Determine what appeal rights are necessary.

There is an argument that the proposal to potentially establish a new body through legislation, and give it a power of determination as to whether a complaint is trivial or vexatious, places an unnecessary legislative process around an administrative and operational issue. The ability to determine a vexatious or trivial complaint could in fact be one that is at the discretion of the CEO, through established guidelines. Members of the public already have an avenue in terms of reviewing administrative procedures of Local Governments through the WA Ombudsman and the Standards Panel. This approach reflects in part the Town's intent when it recently reviewed policy 1/026 'Customer Feedback, Complaints and Suggestions'.

INCLUSIVE

ELECTORS' GENERAL MEETING

WALGA Position Statement: Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

SPECIAL ELECTORS' MEETING

WALGA Position Statement: That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

It is considered that a minimum figure of 5% or 500 electors would demonstrate that the issue is one that is of concern to a significant number of electors.

MINUTES, CONTENTS OF

WALGA Position Statement: Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council. The Town currently adopts this practice with the Minutes of all of its Council and Committee meeting.

REVOKING OR CHANGING DECISIONS

WALGA Position Statement: That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.

ELECTED MEMBER ATTENDANCE AT COUNCIL MEETINGS BY TECHNOLOGY

WALGA Position Statement: The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia. This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas.

CONDUCT OF POSTAL ELECTIONS: SECTIONS 4.20 AND 4.61

WALGA Position Statement: The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market. This could include the Australian Electoral Commission, individual local governments or private companies.

VOLUNTARY VOTING: SECTION 4.65

WALGA Position Statement: Voting in Local Government elections should remain voluntary.

Although voting at local government elections in Western Australia is optional, compulsory voting has existed in Australia at the State level since Queensland in 1915 and the Federal Government in 1924 and currently about 25 countries and their jurisdictions have compulsory voting yet only about 10 enforce it. The Australian Electoral Commission notes the following arguments are advanced for/against compulsory voting, although some of the points may be more relevant to State and Federal elections:

Arguments used in favour of compulsory voting

- Voting is a civic duty comparable to other duties citizens perform eg. taxation, compulsory education, jury duty
- Teaches the benefits of political participation
- Parliament reflects more accurately the "will of the electorate"
- Governments must consider the total electorate in policy formulation and management
- Candidates can concentrate their campaigning energies on issues rather than encouraging voters to attend the poll
- The voter isn't actually compelled to vote for anyone because voting is by secret ballot.

Arguments used against compulsory voting:

- It is undemocratic to force people to vote – an infringement of liberty
- The ill informed and those with little interest in politics are forced to the polls
- It may increase the number of "donkey votes"
- It may increase the number of informal votes
- It increases the number of safe, single-member electorates – political parties then concentrate on the more marginal electorates
- Resources must be allocated to determine whether those who failed to vote have "valid and sufficient" reasons.

METHOD OF ELECTION OF MAYOR/PRESIDENT: SECTION 2.11

WALGA Position Statement -Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

Mayors and Shire Presidents can be elected by the community or elected from the pool of councillors by the elected members. If the Mayor or Shire President is elected by the elected members, they can decide to change to have the position elected by the community. If the Mayor or Shire President is elected by the community, only the electors can decide to change back through a successful ballot of the electors. Twenty-five local governments currently use direct election with the remainder elected by a ballot of council members.

The direct election of a Mayor or President strengthens the role of electors in a district and in turn can increase public confidence. Elections for Mayor and President positions have the highest elector participation rates. Direct election can also create greater visibility for the mayor and reinforce the role of the mayor as a community leader that is accountable to electors.

Particularly in other jurisdictions, the popular election of mayors or presidents has been linked to greater politicisation and a source of instability in council. Popularly elected mayors or presidents may seek to direct council citing a mandate from the community. This can lead to considerable friction within a council and may lead to a dysfunctional local government.

ON-LINE VOTING

WALGA Position Statement -That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections. A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.

Electronic voting is an alternative to traditional voting methods where the voter records their vote digitally rather than marking a ballot paper and lodging at a polling booth or via post. Online voting is a specific type of electronic voting where a vote made digitally is recorded remotely. Online voting was trialled in the 2017 Western Australian State Government elections and has been used in the 2011 and 2015 New South Wales State Government elections. The concept has also been investigated by a Commonwealth Parliamentary Inquiry in 2014, a Victorian Parliamentary Inquiry in 2017, and in the Western Australian Parliament's Community Development and Justice Standing Committee report into the 2017 Western Australian State Election. On each occasion both the benefits and risks of online voting have been highlighted.

Online voting is seen as convenient, more efficient and in the long term more cost effective. Despite these benefits, online voting has not been adopted widely principally due to concerns with the integrity of voter registration, the casting and scrutiny of votes and the high costs in establishing and conducting elections online. In New South Wales, the average cost of every vote cast electronically in the 2011 elections was \$74. This compares to a cost of \$3.59 per elector in elections conducted by the WAEC in 2017. iVote in New South Wales have been popular. In 2015, over 230,000 votes or over 5% were cast in the New South Wales State Government election.

While there is no evidence of instances of deliberate voter manipulation through online voting in Australia, there is a level of risk with all internet applications. These risks would necessitate the continuous application of best practice with respect to security and also need to be balanced against the risks inherent in conventional paper based systems.

METHOD OF VOTING - SCHEDULE 4.1

WALGA Position Statement - Elections should be conducted utilising the first-past-the-post (FPTP) method of voting. (electoral system is one in which voters indicate on a ballot the candidate of their choice, and the candidate who receives the most votes wins.)

The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences. This 2008 State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional Representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.

LEAVE OF ABSENCE WHEN CONTESTING STATE OR FEDERAL ELECTION

WALGA Position Statement: Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election.

The options to consider include:

- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- (ii) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Under the Local Government Act 1995, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.

There is also an argument that as elected members are elected to represent the electors of the district having a mandatory stand down provision will diminish that representation and could place an additional burden on remaining elected members and the Council.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of xx significance, as this matter xx.

CONSULTATION

Internal

- Executive Leadership Team
- Elected Members at a Confidential Forum on 23 and 30 January 2019

External Agencies

- DLGC + WALGA session with Elected Members and staff in Chambers on 13 November 2018
- DLGC session with staff (Port Hedland and Karratha) in Chambers on 14 November 2018

Community

- DLGC session with community on 13 November 2018

LEGISLATION AND POLICY CONSIDERATIONS

LG Act 1995 and associated Regulations.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil in relation to the adoption of these position statements.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Council's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

- 1.b.4** Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5** Opportunities to get involved and results of engagement are regularly promoted
- 2.c.1** Business and government agencies and other relevant stakeholders are engaged to:
 - Identify strategic employment and economic development priorities
 - Assess and address market failures affecting the cost of living
 - Assess and address cost of doing business challenges
- 3.b.5** The protection and valuing of amenities and urban space is enhanced through community engagement
- 4.a.3** A positive narrative and unique brand is developed and promoted
- 4.b.1** Sound long-term financial planning is implemented
- 4.b.2** Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3** Transparent and regular governance reporting and communication to the community is undertaken

- 4.b.4* Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

There are no significant identifiable environmental, social or economic impacts relating to this item.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, which is dependent on Council's input in relation to its views on each subject of WALGA's position statements. The risk rating is considered to be medium (6) which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

There is also another reputational risk that if Council are not seen to provide input into the review, that there may be a negative perception by the community. The risk rating is considered to be medium (6) which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

This risk will be eliminated upon the adoption of the officer's recommendation.

OPTIONS

Option 1 – Support all of WALGA's position statements listed in Attachment 1

Option 2 – Support a selected number of WALGA position statements listed in Attachment 2

Option 3 – Not support any of WALGA's position statements listed in Attachment 1

CONCLUSION

This is the first comprehensive review of the Local Government Act 1995 since it was first drafted, which represents an opportunity to propose changes to the legislation that will align and reflect current local government practices. The Town Council has already considered Part 1 of the review and is now requested to become involved in Part 2 by determining whether it supports WALGA's position statements presented in this paper.

ATTACHMENTS

1. List of WALGA position statements
2. Electronic link to DLGSC facts sheets and discussion papers on LG Act Review Phase 2 <https://www.dlgsc.wa.gov.au/localgovernment/strengthening/Pages/LG-Act-Review.aspx>
3. WALGA's September 2018 Issues Paper on Beneficial Enterprises (also known as Council Controlled Organisations) (Under Separate Cover)
4. Link to WALGA Systemic Sustainability Study with reference to land valuation methods commencing on page 46 (<https://walga.asn.au/getattachment/Policy-Advice-and-Advocacy/WALGA-Advocacy-Position-Statements/2-2-2007-SSS-Report.pdf.aspx?lang=en-AU>)
5. Link to 2012 WALGA submission on the Metropolitan Local Government Review Panel (<https://WALGA.asn.au/getattachment/Policy-Advice-and-Advocacy/WALGA-Advocacy-Position-Statements/1-1-Metropolitan-Reform-Submission-2012.pdf.aspx?lang=en-AU>)

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

BENEFICIAL ENTERPRISES

1. Position Statement

The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

FINANCIAL MANAGEMENT

2. Tender Threshold Position Statement

WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.

3. Procurement Position Statement

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in

4. Power to Borrow: Section 6.20

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

5. Basis of Rates: Section 6.28

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

6. Differential General Rates: Section 6.33

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

7. Member Interests - Exemption from AASB 124

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

RATES, FEES AND CHARGES

Imposition of Fees and Charges: Section 6.16

8. Position Statement

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

9. Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either:
 - (a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

Rating Exemptions – Rate Equivalency Payments

10. Position Statement

Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Rates or Service Charges Recoverable in Court: Section 6.56

11. Position Statement

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

Rating Restrictions – State Agreement Acts

12. Position Statement

Resource projects covered by State Agreement Acts should be liable for Local Government rates.

ADMINISTRATIVE EFFICIENCIES

13. Control of Certain Unvested Facilities: Section 3.53

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

14. Local Government Grants Commission and Local Government Advisory Board

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

15. Schedule 2.1 – Proposal to the Advisory Board, Number of Electors

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

16. Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

17. Transferability of employees between State & Local Government (Questions 82-84)

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

18. Proof in Vehicle Offences may be shifted: Section 9.13(6)

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

COMPLAINTS MANAGEMENT

19. Querulous, Vexatious and Frivolous Complainants

Amend the *Local Government Act 1995*, to:

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the *Parliamentary Commissioner Act 1971*.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
 - Abuse of process;
 - Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
 - Unreasonably interfering with the operations of the Local Government in relation to complaint.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

COUNCIL MEETINGS

Electors' General Meeting: Section 5.27

20. Position Statement

Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

21. Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

(a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and

(b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

22. Minutes, contents of: Regulation 11

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

23. Revoking or Changing Decisions: Regulation 10

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

24. Elected Member attendance at Council meetings by technology

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

ELECTIONS

Conduct of Postal Elections: Sections 4.20 and 4.61

25. Position Statement

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

Voluntary Voting: Section 4.65

26. Position Statement

Voting in Local Government elections should remain voluntary.

Method of Election of Mayor/President: Section 2.11

27. Position Statement

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

28. On-Line Voting

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

Method of Voting - Schedule 4.1

29. Position Statement

Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.

**WALGA ADVOCACY POSITIONS
LOCAL GOVERNMENT ACT REVIEW**

30. Leave of Absence when Contesting State or Federal Election

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- (ii) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)

**15.1 Chief Executive Officer Performance Review (Late Item)
(PER/9216)**

CM201819/145 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR CARTER

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

- Chief Executive Officer Performance Review

CARRIED 9/0

OFFICER'S RECOMMENDATION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

That Council, pursuant to Regulation 18D of the *Local Government (Administration) Regulation 1996*:

1. Note the Chief Executive Officer (CEO) Performance Review completed by the Review Working Group;
2. Accept and endorse the attached documentation from the Review Working Group as per Attachment 1 consisting of;
 - a) The current CEO review and deliverables for utilisation for the current CEO's review; and
 - b) The CEO KPIs for 2019.

LOST 5/4

For: Mayor Blanco, Cr Hebbard, Cr McDonogh, Cr Carter,

Against: Cr Daccache, Cr Whitwell, Deputy Mayor Newbery, Cr Pitt, Cr Arif

CM201819/146 COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR MCDONOGH

That Council:

1. Note the Chief Executive Officer (CEO) Performance Review completed by the Review Working Group;
2. Accept and endorse the CEO KPIs for 2019;
3. Consider the CEO's remuneration at the March 2019 Ordinary Council Meeting.

CARRIED 8/1

For: Mayor Blanco, Cr Hebbard, Cr McDonogh, Cr Carter, Cr Whitwell,
Deputy Mayor Newbery, Cr Pitt, Cr Arif

Against: Cr Daccache

CR201819/147 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR HEBBARD

That Council open the meeting to members of the public.

CARRIED 9/0

Item 16 Closure

16.1 Date of Next Meeting

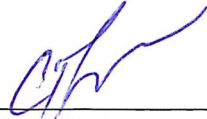
The next Ordinary Meeting of Council will be held on Wednesday 27 March 2019, commencing at 5:30pm.

The Annual General Meeting of Electors will be held on Wednesday 27 March 2019, commencing at 7:30pm.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at 10:06pm.

CONFIRMATION:



MAYOR

24 / 6 / 19

DATE