



# AGENDA

Dear Councillor

I respectfully advise that **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Thursday, 19 December 2019**, commencing at **5.30pm**

**MEETING AGENDA ATTACHED**

Yours faithfully

A handwritten signature in black ink, appearing to read "David Pentz".

David Pentz  
Chief Executive Officer

[Enter Distribution Date](#): 12 December 2019

**DISCLAIMER**

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**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71*

*Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:** Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

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The Commissioner is to declare the meeting open at [Enter Time](#).

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**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

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The Commissioner acknowledged the Kariyarra people, on whose lands we are meeting, and paid his respects to Elders past, present and emerging.

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**Item 3 Recording of Attendance**

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**3.1 Attendance**

**Scheduled for Attendance:** Commissioner Fredrick Riebeling  
David Pentz (Chief Executive Officer)  
Anthea Bird (Director Corporate Services),  
Lee Furness (Director Infrastructure Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Rebecca Somerford (Acting Manager Governance)  
Louise O'Donnell (Governance Advisor/ Minute Taker)

**3.2 Attendance by Telephone / Instantaneous Communications****3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

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**Item 4 Applications for Leave of Absence**

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**Item 5 Response to Previous Questions**

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Nil

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**Item 6 Public Time**

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*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.*

*If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.*

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

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## Item 7 Questions from Members without Notice

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## Item 8 Announcements by Presiding Member without Discussion

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Date	Meeting	Topic
04/11/19	Hedland Community Safety Advisory Forum	As per agenda
04/11/19	Peter Carter	Confidential
05-12/11/19	Grant Commission WA business	As per agenda
12/11/19	ARG	As per agenda
13/11/19	Seniors Week Morning Tea	Opening speech
13/11/19	Buckley Family Trust	Compliance matters
13/11/19	PHIC Community Industry Council	As per agenda
13/11/19	Pauline Howrie - Dept. of Communities	Welfare Centres
13/11/19	Shaping Hedland's Future Consultation	A per agenda
14/11/19	ABC Radio	As per agenda
14/11/19	Agenda Feedback Session	As per agenda
14/11/19	Minister MacTiernan	Regional Development Grants Announcement
14/11/19	Minister MacTiernan	As per agenda
14/11/19	PHCCI Business after hours event	TOPH - Procurement
15/11/19	Ngaarda Media radio interview	Cemetery Fees
15/11/19	TOPH/PHCCI quarterly meeting	As per agenda

15/11/19	Citizenship ceremony	As per agenda
19/11/19	Spirit Radio	Interview
20/11/19	Neil (Walk about Hotel)	Childcare/creche
20/11/19	Confidential Briefings	As per agenda
21/11/19	ABC Radio	Interview
23/11/19	GAC opening	As per agenda
25/11/19	Ngaarda Radio	As per agenda
25/11/19	Pilbara Zone Council Meeting	As per agenda
25/11/19	Regional Road Group Meeting	As per agenda
26/11/19	Spirit Radio	As per agenda
27/11/19	Port Hedland Technical Advisory Meeting	As per agenda
27/11/19	Brian Sweeney	Tenders
27/11/19	OCM	As per agenda
28/11/19	ABC Radio	As per agenda
28/11/19	Hedland Community Road and Safety Group Meeting	As per agenda
28/11/19	RCAWA meeting + AGM	As per agenda
28/11/19	DoT	Marina Briefing
28/11/19	Hedland Senior High School Board Meeting	As per agenda
29/11/19	Gateway Facility - Compass Development Condition	As per agenda
29/11/19	DevelopmentWA Board meeting	<ul style="list-style-type: none"> <li>• George McCullagh – Chairperson</li> <li>• Rebecca Field – Board Director</li> <li>• Frank Marra – CEO</li> <li>• Dean Mudford – COO</li> <li>• Sean Henriques – Executive General Manager</li> <li>• Brad Pawlenko – Regional Manager</li> </ul>

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

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**Item 10 Confirmation of Minutes of Previous Meeting**

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*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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**OFFICER'S RECOMMENDATION**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 27 November 2019 are a true and correct record.

***SIMPLE MAJORITY VOTE REQUIRED***

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**Item 11 Reports of Officers**

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**11.1 Corporate Services**

<b>11.1.1 THE TOWN OF PORT HEDLAND COMMITTEE'S TERMS OF REFERENCE</b>
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**Author:** Senior Governance Advisor  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION****RECOMMENDATION 1**

That Council:

1. Approve the change of name from Audit, Risk and Governance Committee to Audit, Risk and Compliance Committee;
2. Adopt revised 'Audit, Risk and Compliance Committee Terms of Reference' as per attachment 1; and
3. Note that the appointments of Audit, Risk and Compliance Committee members will follow after the Extraordinary Local Government Elections, which is proposed to be held in October 2020.

*SIMPLE MAJORITY VOTE REQUIRED*

**RECOMMENDATION 2**

That Council:

1. Establishes the Strategy Committee and adopts the 'Strategy Committee Terms of Reference' as per attachment 3;
2. Note that the appointments of Strategy Committee members will follow after the Extraordinary Local Government Elections, which is proposed to be held in October 2020.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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## PURPOSE

The purpose of this report is for Council to consider the proposed changes to the current 'Audit, Risk and Governance Committee Terms of Reference', which has been renamed to the 'Audit, Risk and Compliance Committee Terms of Reference' and is requested to consider and adopt the membership, powers and duties of the Strategy Committee.

## DETAIL

A revised Audit, Risk and Governance (ARG) Committee Terms of Reference was presented to Council for adoption at the Ordinary Council meeting held on 25 September 2019. Some of the proposed changes included to rename the ARG Committee to 'Audit Committee', to reduce the amount of Elected Members and to disallow the independent member. Council decision CM201920/056 was as follows:

That Council:

1. Approve the change of name from Audit, Risk and Governance Committee to Audit Committee;
2. Adopt revised 'Audit Committee Terms of Reference' as per attachment 1;
3. Note that the appointment of Audit Committee members will follow after the Local Government Elections, which is proposed to be held in early 2020; and
4. Acknowledges the contributions of external member, Freeman of the Town of Port Hedland, Arnold Carter, during his membership on the Audit, Risk and Governance Committee.

Before considering the above recommendations, the Commissioner made the following statement:

In relation to the change of the name away from the Audit, Risk and Governance Committee to the Audit Committee and the resultant changes to the operation of the Committee, I say the following:

- 1) I do not support the change as set out in this item.
- 2) It is my view that the Committee system, or lack of a system, could partially be responsible for the Council suspension.
- 3) It is my view that Committees should be set up that would allow external people to give advice as experts to enhance the results of this Local Government.
- 4) I have made a number of suggestions that would include three committees being set up that would allow for the flow of ideas from Councillors and experts to come to balanced sensible decisions in a less adversarial way than has been the case before.

In relation to the recommendations I remove points 1, 2 and 3, but support point 4 of the Officer's Recommendation.

### CM201920/056 COUNCIL DECISION

That Council acknowledges the contributions of external member, Freeman of the Town of Port Hedland, Arnold Carter, during his membership on the Audit, Risk and Governance Committee.

*CARRIED BY COMMISSIONER RIEBELING*

In relation to Council's recommendations and suggestions, the ARG Committee Terms of Reference has been further revised. In addition to this, a Terms of Reference for the membership, powers and duties for a Strategy Committee, has been created. The proposed changes are detailed as follows:

#### *Audit, Risk and Compliance Committee*

An Audit Committee is to be established in accordance with section 7 of the *Local Government Act 1995*. The Committee is to provide guidance and assistance to the local government and is accountable to Council. This Committee also supports Council in fulfilling its responsibilities in relation to financial reporting, internal control structure and audit functions.

The ARG Committee Terms of Reference (TOR) was first adopted by Council in November 2011. The purpose of the TOR is to facilitate and provide guidance in relation to the operation of the ARG Committee. An annual review, suggesting improvements and assessing the adequacy of the TOR is coordinated by the Governance Team and Council is to approve any proposed changes and ensure appropriate disclosure as might be required by legislation or regulation.

All amendments made to the current TOR are shown via track changes in attachment 2. Apart from minor administrative amendments made to the TOR, the important proposed changes are noted below.

#### *Audit, Risk and Compliance Committee Terms of Reference (attachment 1)*

The *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* addresses audits and specifies that each local government is to establish an Audit Committee. As the Audit Committee primarily focuses on matters relating to risks, compliance and internal and external audit, it is advised that the current TOR be renamed to 'Audit, Risk and Compliance Committee (the Committee) Terms of Reference'.

#### *Authority*

On 28 June 2018, the Department of Local Government, Sport and Cultural industries issued a circular advising all local governments of the revised 'Guide to Local Government Auditing Reforms'. The circular addressed amendments to the *Local Government (Audit) Regulations 1996* and one of the key changes related to the role of the Committee being strengthened to assist the Chief Executive Officer (CEO) of a local government to carry out reviews under Regulation 17 of the Audit Regulations of systems and procedures concerning risk management, internal control and legislative compliance. The Committee is authorised to monitor and advise the CEO in reviews conducted in audit systems and procedures.

The Town is considering outsourcing internal audit functions with a three-year programme, which will be determined in conjunction with internal auditors and the Office of the Auditor General. The Internal Audit Plan will identify and assess risks for all business units and will also determine which Internal Audits will be performed. This process will identify gaps within business units and the Town will then implement appropriate internal controls to ensure objective goals are achieved efficiently and effectively.

Therefore it is advised that the Committee provide assistance to the CEO when implementing an established Internal Audit Plan. This is proposed under section 4 by adding clause 4.2 as follows:

- 4.2 Monitor and advise the CEO in reviews conducted under regulation 17(1) of the *Local Government (Audit) Regulations 1996* and regulation 5(2)(c) of the *Local Government (Financial management) Regulations 1996*.

#### *Composition of Committee Members*

At the Ordinary Council Meeting held in November 2017, Council decided to retain the current TOR and appointed all Elected Members and two community members to the Committee. Section 7.1A (1) of the *Local Government Act 1995* states:

*'A local government is to establish an audit committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.'*

In addition to the above, the 'Audit Results Report: Annual 2017-18 Financials Audits of Local Government Entities' that was released in March 2019 by the Office of the Auditor General, stated the following recommendation:

*'An in-depth audit exit meeting should be held with audit committees, in advance of council meetings. As far as is practicable, the audit committee should include a few council members, rather than the entire council.'*

Therefore the composition of committee members has been revised to encompass three (3) members in total, all being Elected Members. An uneven number in membership will also reduce the risk of the Presiding Member using their casting vote. This is proposed under section 5 by amending clause 5.1, as follows:

- 5.1 The Audit, Risk and Compliance Committee will comprise of three Elected Members.

It is also proposed that the Committee may seek advice from an external independent advisor. The independent advisor should have sufficient knowledge in financial management, reporting and auditing, as well as relevant skills in providing independent expert advice and benefit to the Committee. This is proposed under section 5 by including clause 5.5 as follows:

- 5.5 Members may seek advice from an external independent advisor. The independent advisor will have a Certified Practising Account (CPA), Chartered Accountancy (CA) qualification or relevant discipline or experience in a similar position. The independent advisor must be able to demonstrate expertise and knowledge in at least one of the disciplines of financial risk management, corporate governance, risk management or auditing. The independent advisor will also have demonstrated understanding and/or experience in:
- Accounting Standards (AASB)
  - Tax Legislation
  - Local Government Act 1995
  - Local Government experience and/or Band 1 Council

#### *Internal Control and Internal Audit*

Internal control is an ongoing system which is made up of procedures, policies and measures designed to make sure that an organisation meets its objectives. Internal Audit is a function that is performed at specific times to evaluate whether the process leading to the identification of risks and the controls already in place are working effectively and efficiently.

The revised TOR provide for the current sections 7.3 and 7.6 to be combined and simplified. This is proposed under section 7.2 as follows:

- 7.2.1 Ensure adequate systems of internal control are in place to mitigate key business risks and promote the effectiveness and efficiency of operations.
- 7.2.2 Approve, review and suggest improvements to the Internal Audit Plan and ensure the Internal Audit function is operating effectively, independently and in accordance with the Institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing.
- 7.2.3 Receive and review all audit reports and provide advice to the Council on significant issues identified in audit reports and action to be taken on issues raised, including identification and dissemination of good practice.
- 7.2.4 Monitor management's implementation of internal audit recommendations, processes and practices to ensure that the independence of the audit function is maintained.

### *Review*

The current TOR recommends that an annual review is to be conducted. This review is to assess and suggest improvements to the TOR and Council is requested to approve any proposed changes. Based on researching five (5) other local government's TOR it was noted that reviews are mostly conducted every two years or in line with the election of new members for Council. It is therefore proposed that a review of the TOR be undertaken after an Election.

### *Strategy Committee*

The *Local Government Act 1995* provides for the establishment of various types of Committees to assist the Council in the exercise of its powers and the discharge of its duties.

At the Ordinary Council Meeting held on 25 September 2019, Council proposed that an additional Committee be created as follows:

- Strategy Committee

The establishment of this Committee will allow for the flow of ideas from Councillors. Members of the Committee will bring in different backgrounds, values, viewpoints and abilities and will improve the Town's effectiveness in the performance of achieving its goals and objectives.

In order to ensure that the proposed Committee functions effectively and efficiently, a Terms of Reference has been created. The Terms of Reference defines the membership, power and duties of the Committee and also proposes that Members of the Committee may seek advice from an external independent advisor.

#### *Strategy Committee Terms of Reference (attachment 3)*

It is proposed that this Committee comprise of three (3) Elected Members, with meetings being held on a quarterly basis. The powers and duties of this Committee is to recommend and advise to Council on matters relating to the development and implementation of the Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan. Due to the nature of business considered at these meetings, it is proposed that the Strategy Committee meetings are not open to members of the public.

### **LEVEL OF SIGNIFICANCE**

This matter is considered to be of low significance, as it does not meet any criteria in the Town's policy 4/009 'Significant Decision Making' which deems it significant.

### **CONSULTATION**

#### *Internal*

- Manager Financial Services
- Acting Manager Governance
- Manager Human Resource
- Director Corporate Services
- Chief Executive Officer
- Hon. Commissioner Fredrick Riebeling

#### *External Agencies*

The following local government's Audit Committees TOR were reviewed in preparation of this item:

- City of Karratha
- City of Stirling
- City of Mandurah
- City of Belmont
- City of Greater Geraldton

The Department of Local Government, Sport and Cultural Industries, Circular no. 02-2018 (Guide to Local Government Auditing Reforms – June 2018).

The Office of the Auditor General's report released in March 2019 (Audit Results Report: Annual 2017-18 Financials Audits of Local Government Entities).

Local Government Operational Guidelines – Audit in Local Government.

#### *Community*

Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Local Government Act 1995, section 5.8 and 5.10, states the process of establishing a Committee and appointing Committee Members. A local government may establish committees of 3 or more persons by absolute majority.

Pursuant to section 7.9.2 of The Town of Port Hedland Audit Committee Terms of Reference, an annual review is required as per the current TOR.

Local Government Act 1995, section 7.1A (1), states that local government is to establish an Audit Committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Local Government Act 1995, section 7.1A (2), states that at least 3 of the members, and the majority of the members, are to be council members and that an absolute majority resolution of Council is required in appointing members to the Committee.

Regulation 16 of the Local Government (Audit) Regulations 1996, states the functions of the Audit Committee.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Due to the remote location of the Town, there may be limited qualified independent advisors within Port Hedland. The Town may need to consult with independent advisors outside of the Port Hedland district, on a needs basis, to gain expert advice to facilitate Committee Members in making decisions on matters relating to the ARC Committee and Strategy Committee.

The costs related to the independent advisors travelling to Hedland to meet with Committee Members will need to be considered. The below table shows the average costs that may be incurred with each visit to Port Hedland.

Travel to and from Port Hedland	\$733.00
Accommodation	\$167 per night
Consultancy fees	\$200 - \$500 per hour

Advertising for independent advisors to provide Committee Members expert advice on matters relating to the ARC Committee, and Strategy Committee will incur an advertisement fee in The West Australian of approximately \$300.00

There is also a financial cost relating to Internal Audit services commencing in FY19/20. The Town has budgeted a total cost of \$150,000.00 (\$50,000 per annum) for the next three financial years.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following sections of the Town’s Strategic Community Plan 2018-2028 are 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.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.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 if the reviewed ARC TOR and the proposed Strategy Committee TOR, which promotes compliance, transparency and accountability, are not endorsed by Council. The risk rating is considered to be medium (9), which is determined by a likelihood of (3) possible and a consequence of (3) moderate.

There is a reputational risk associated with this item if the proposed Strategy Committee is not established by Council, as the suspension of Council could be assumed by community members that the Town has a lack of Committee systems in place. The risk rating is considered to be medium (6), which is determined by a likelihood of (3) possible and a consequence of (2) minor.

These risks 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**

The Audit, Risk and Compliance Committee primarily focuses on matters relating to financial reporting, internal control structure, and internal and external audit functions. The reviewed TOR aim to reflect current practices and legislative compliance, whilst providing a more succinct framework to exercise thorough internal and external audit functions, ethical decision making, financial and risk management practices, and promote the provision of recommendations and advice to Council.

Council is also requested to consider and adopt the membership, powers and duties of the Strategy Committee. The proposed Terms of Reference this Committee will ensure that the Town forms a foundation for identifying and analysing issues that may have an adverse effect on it from achieving its objectives. The purpose of this Committee is also to help facilitate the operations of the Town more effectively and efficiently.

**ATTACHMENTS**

1. Revised Audit, Risk and Compliance Committee - Terms of Reference (under separate cover)
2. 20171101 Adopted Audit, Risk and Governance Committee - Terms of Reference (track changes) (under separate cover)
3. Strategy Committee - Terms of Reference (under separate cover)
4. Departmental Circular 02-2018 - Auditing Reforms (under separate cover)
5. Audit Results Report Annual 2017-18 Financial Audits of Local Government Entities (under separate cover)

**11.1.2 REVISED TOWN OF PORT HEDLAND CODE OF CONDUCT**

**Author:** Senior Governance Advisor  
**Authorising Officer:** Director Corporate Services  
**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 adopt the revised Code of Conduct.

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to consider adopting amendments to the Town of Port Hedland's (the Town) current Code of Conduct, which will align internal procedures with the new provisions of the *Local Government Act 1995*.

**DETAIL**

In October 2019 new legislation came into operation amending the gift provisions under the *Local Government Act 1995* (the Act) and its associated regulations. To align our internal procedures with the new provisions of the Act, the Governance team have amended the Town's internal operating procedures and the current Code of Conduct to ensure that it is applying the most efficient processes, relating to gift provisions, to maintain compliance.

The changes to the *Local Government Act 1995* now requires two separate Codes of Conduct. Every local government is to prepare a mandatory Code of Conduct for Elected Members/Committee Members and Candidates and a Code of Conduct for employees. The regulations that will prescribe the model standards for the Code of Conduct for Elected Members/Committee Members and Candidates are still in the consultation phase with the Department of Local Government, Sport and Cultural Industries. Therefore, in the interim, the Town's current Code of Conduct has been amended to address the requirements set out in legislation for employees (attachment 1).

The Town's Code of Code will be revised again, once the mandatory model for the Code of conduct for Elected Members/Committee Members and Candidates has been released. The Town will create two Codes of Conducts.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the revision of the Town's Code of Conduct is an internal process.

**CONSULTATION***Internal*

- Acting Manager Governance
- Manager Human Resources

### *External Agencies*

The Department of Local Government, Sport and Cultural Industries Circulars no 11-2019  
West Australian Local Government Association (WALGA)

### *Community*

Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

The new section 5.103 of the *Local Government Act 1995* introduces a model code of conduct for Council members, Committee members and Candidates.

Section 5.51A of the *Local Government Act 1995* states that the Chief Executive Officer must prepare and implement a code of conduct for employees.

Regulation 34B of the *Local Government (Administration) Regulations 1996* states the requirements that need to be followed in terms of the code of conduct for employees.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

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

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

All sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration to the revised Code of Conduct.

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 the revised Code of Conduct is not accepted, this will result in the current Code of Conduct not being up to date with new legislation that has been implemented. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## **CONCLUSION**

It is recommended that Council adopt the revised Code of Conduct to ensure that the Town's current procedures are aligned to the new legislative requirements.

## **ATTACHMENTS**

1. Revised Town of Port Hedland - Code of Conduct 2016 (under separate cover)

**11.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2019 (FILE NO. 12/14/0003)**

**Author:** Management Accountant  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

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 October 2019;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 October 2019; and
4. Receive the Credit Card Statements for period ended 31 October 2019.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 October 2019. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

The information provided in this report is for the period ended 31 October 2019, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* 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 2019/20 original 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 2 NOTE 12. Explanation of Material Variances*.

The opening funding surplus of \$2.5M presented in audited annual financial statements, presented in the 27 November 2019 ordinary council meeting.

The net current asset position as at 31 October 2019 was \$37.4M. The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments	\$252.7M
Restricted Cash – Reserves	\$231.4M
Unrestricted Cash Position as at 31 October 2019	\$21.3M

### *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.

#### *External Agencies*

#### *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:

### Our Leadership

*We are united in our actions to connect, listen, support and advocate thereby leveraging the potential of our people, places and resources.*

#### *4.b Transparent and accountable governance and financial sustainability*

- 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 2019/20 budget to the risk that a reduction in income or increase in expense throughout the 2019/20 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 monitor revenue and expenditure on a regular basis ensure in line with budget and amend as needed.

### Options

#### *Option 1 – Adopt officer's recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 October 2019 in accordance with *regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

#### *Option 2 – Amend officer's recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 October 2019 and request further information or clarification.

#### *Option 3 – Do not adopt officer's recommendation*

That Council do not note or receive the Statement of Financial Activity for the period ended 31 October 2019.

## CONCLUSION

The opening funding surplus of \$2.5M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the audited financial statements. The net current asset position was \$37.4M.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 NOTE 12. 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 1-11 (under separate cover)
2. Material Variance report Note 12 (under separate cover)
3. Accounts paid under delegated authority listing (under separate cover)
4. Credit Card Statements for period ended 31 October 2019 (under separate cover)

## 11.2 Community Services

11.2.1 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 1 - JULY TO SEPTEMBER 2019
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**Author:** Manager Marketing, Events and Communications  
**Authorising Officer:** Director Community Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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### OFFICER'S RECOMMENDATION

That Council receive the quarterly report from Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the first quarter, July to September 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

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### PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the first quarter from July – September 2019. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

### DETAIL

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options.

Under clause 24.2 of the agreement, Port Hedland Seafarers' Centre Inc. is to provide the Town with a quarterly report, including the following:

- Income and expenditure
- Marketing and communication activities undertaken
- Service providers
- Maintenance and capital expenditure

Desired outcomes of the agreement with Port Hedland Seafarers' Centre Inc. are as follows:

- A friendly and professional face to face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region.
- A comprehensive range of local, regional and state wide brochures, maps and directional information both in hard copy and available electronically.
- Information and booking services for accommodation and tours.
- Information on attractions, events, retail outlets, local services, road conditions and transport options.
- A web presence and digital strategy to educate and attract visitors to the local area.
- High quality customer service to visitors of the Visitor Centre.
- A focus on continuous improvement and service growth at the facility.

- A safe, clean and hygienic environment for staff, customers and other visitors.
- Strong, accountable financial management.
- Clear, concise, accurate quarterly reporting on the operations of the facility.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period 1 July – 30 September 2019. The operating cost of the facility is within the parameters laid out in the management contract. The capital grant has been acquitted and submitted to the Town. The total capital expenditure was \$58,696.00 leaving a surplus of \$6,322.00 which has been received by the Town.

A summary of the key achievements for the quarter July-September 2019 are noted below:

- Development of a Business Plan for the Port Hedland Visitor Centre.
- Development of a Marketing and Communications Strategy for the Port Hedland Visitor Centre.
- Initiation of the management of activities associated with the February 2020 Cruise Ship visit.
- Membership of the Pilbara Tourism Association and Tourism Northwest group.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Port Hedland Visitor Centre has positive impacts on the tourism services and programs provided by the Town.

### CONSULTATION

#### *Internal*

Internal teams consulted during the reporting period include:

- Building Maintenance
- Arts and Culture
- Communications
- Finance

#### *External Agencies*

N/A

#### *Community*

N/A

### LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

### FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY 2019/20 budget.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 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

### *Economic*

The economic benefits from having a well-managed Visitor Centre include developing a positive narrative about the town, and attracting visitors to the region.

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

### *Disability Access and Inclusion Plan*

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because it may be perceived that the Town has not performed its commitment to provide visitor services to tourists and the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

To reduce this risk the action plan is to consistently monitor the contract obligations and ensure Port Hedland Seafarers' Centre Inc. is performing in its duties to the best of its ability to meet or exceed key deliverables outlined in the management contract.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

### **CONCLUSION**

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from 1 July – 30 September 2019 in its role as manager of the Port Hedland Visitor Centre.

### **ATTACHMENTS**

1. Port Hedland Visitor Centre Quarterly Report: Jul-Sep 2019 (under separate cover)

**11.2.2 ANNUAL COMMUNITY COLLABORATION GRANT**

**Author:** Community Engagement Officer  
**Authorising Officer:** Director Community Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Acknowledge the applications for Community Collaboration Grant funding under policy 6/003 "Community Grants Program Policy".
2. Endorse the following applications for funding support:

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider applications for the 2019 Community Collaboration Grant annual round of funding offered to the community under the Community Grants Program Policy 6/003. The objective of this policy is to ensure the Council allocate financial support to the community in the most effective manner.

**DETAIL**

The Community Collaboration Grant (CCG) is one of twelve different types of grants offered to the community by the Town of Port Hedland (Town), offering funding of up to \$10,000. The Town actively promotes this funding category on an annual basis and the advertisement for the current round was published on the 1 October 2019 and closed on the 30 October 2019.

The Community Collaboration Grant aims to support groups working together on community-focused projects. The objectives of the grant is foster collaboration, identify and address gaps around service provision as well as promote cultural understanding and community education.

### *Review Process*

This year seven (7) applications were submitted with six (6) deemed eligible and taken to the panel assessment stage. Applications were assessed against the Town Community Grants Program Policy 6/003 to ensure compliance and to determine the merit of the project or event.

A panel including Manager Community Development, Community Engagement Officer and Events and Bookings Officer convened as a panel to assess each of the applications. The review process involved assessment of the applicants to determine that four applicants met the requirements of the Policy and relevant guidelines. The panel prepared a matrix to assess all applications based on information applicants provided.

Applicants were then scored from 0 (application completely fails to address) to 5 (application meets criterion at a high level) according to the following:

- Project Details - Thorough and feasible project plan and project aligns with Town Strategic Community Plan
- Fostering Collaboration - Demonstrates a built or wiliness to build a collaborative relationship and established roles/responsibilities for project
- Gap of Service Provision - Project addresses a gap of service provision and provides evidence and understanding of gap of service provision
- Community Support and Benefit – Community support has been detailed (accompanied with supporting evidence) and expected project outcomes are realistic and achievable
- Budget - Clearly articulated and realistic budget, and hidden costs of project have been considered

### *Recommendation*

That council fund the following applications based on the outcome of the review process outlined previously as per recommendations above and the Community Collaboration Grant Ranking and Summary Matrix (attachment 1).

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, as it is based on the rationale of the Strategic Community Plan endorsed at the May, 2018 Ordinary Council Meeting and the Community Grants Program Policy 6/003.

## **CONSULTATION**

### *Internal*

Consultation has been sought from a panel of three officers throughout the process including: Manager Community Development, Community Engagement Officer and Bookings and Events Officer.

### *External Agencies*

Nil

### *Community*

The Grant was advertised through the Town Community Notices, on the Town Facebook Page and promoted through email networks. A number of organisations called and emailed to find out more information and understand whether their initiative would fit the criteria. The Community Engagement Team responded to all enquiries.

## **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.12 of the *Local Government Act 1995* and Reg. 12 and Reg. 13 of the *Local Government (Financial Management) Regulations 1996* outline the provisions of granting funding and delegates the CEO authorisation to make the payment.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

Outcome of recommendation report will be to endorse \$36,534.00 for the Community Collaboration Grant from the Community Grant budget for 2019/2020. The total 2019/2020 budget allocation is \$160,025.00. To date, \$75,025.58 has been awarded for Community funding and donations leaving a current remainders of \$84,999.45 prior to this recommendation being adopted.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item as it relates to the process of awarding grant funds.

- 1.a Hardy Healthy and Safe People
- 1.b An Inclusive and Involved Community
- 1.c A Unique, Vibrant and Diverse Community Lifestyle
- 1.d Well Utilised and Valued Community Facilities and Services
- 3.a A healthy natural environment

There are several identifiable social impacts that will result from the approval of the allocation of the Community Collaboration Grant.

These include; supporting critical community services; supporting a recreational activity within the community; improvement in social outcomes through supporting early based learning programs. There are no significant identifiable environmental 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 (3) given that the \$36, 534.00 submitted for approval is in relation to the 2019/20 Community Collaboration Grant funding for which there currently remains a budget of \$84,999.45

There is a risk rating of Low (3) assigned to the reputation risk given that the Town could be compromised should we not allocate the Community Collaboration Grant.

This is given we have advertised the funding round and applicants have taken the time to prepare and submit their applications and provide all relevant requested information.

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**

The review process has identified four high quality and community supported applicants for the current round of the Community Collaboration Grant. The selection is based on a thorough review process by an independent panel of members. Successful applicants have applied by the due date and provided all necessary documentation as requested. Therefore Council's endorsement of the recommended successful applicants will contribute to positive social outcomes and provide support for the community of Port Hedland.

## **ATTACHMENTS**

1. Community Collaboration Grant Ranking and Summary Matrix (Confidential – under separate cover)

**11.2.3 COURTHOUSE GALLERY: QUARTERLY REVIEW - QUARTER 1 - JULY TO SEPTEMBER 2019**

**Author:** Manager Marketing, Events and Communications  
**Authorising Officer:** Director Community Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council receive the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the first quarter, July to September 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the first quarter from July – September 2019. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland.

**DETAIL**

The contract for the management of the Courthouse Gallery was agreed between the Town of Port Hedland and The Junction Co. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options.

Under clause 24.2 of the agreement, The Junction Co. is to provide the Town with a quarterly report, including the following:

- Income and expenditure
- Patronage of programs and activities
- Marketing and communication activities undertaken
- Maintenance and capital expenditure

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sale of local art
- High quality programming including presentations and workshops
- Partnerships with local organisations and community groups
- High quality customer service to visitors of the Gallery
- A focus on continuous improvement and service growth at the facility
- A safe, clean and hygienic environment for staff, customers and other visitors
- Strong, accountable financial management
- Clear, concise, accurate quarterly reporting on the operations of the facility

The attached quarterly report outlines the progresses made by The Junction Co in the period 1 July – 30 September 2019. The organisation has reported a net profit of \$195,138.54. This provides for a stable platform moving into the second quarter.

A summary of the key achievements for the quarter July-September 2019 are noted below:

- Establishment of a maker's space, which includes a tech lab featuring computers, software and a 3D printer, a photography studio and a maker's studio.
- Establishment of retail space and stockroom, stocking over 60% regional creatives.
- The delivery of two exhibitions: BLOOM – 19/07/13/09 and Hedland Youth Art Prize 2/09-11/10
- The delivery of four creative workshops.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

### CONSULTATION

#### *Internal*

Internal teams consulted during the reporting period include:

- Building Maintenance
- Arts and Culture
- Communications
- Finance

#### *External Agencies*

N/A

#### *Community*

N/A

### LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

### FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Courthouse Gallery was approved in the Town's FY 2019/20 budget.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

Social There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End as an artistic, historical and cultural precinct.

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

#### *Disability Access and Inclusion Plan*

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery and arts and culture programming to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

To reduce this risk the action plan is to consistently monitor the contract obligations and ensure The Junction Co. is performing in its duties to the best of its ability to meet or exceed key deliverables outlined in the management contract.

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

#### **CONCLUSION**

This report is provided to inform Council of the financial and operational progress made by The Junction Co from 1 July – 30 September 2019 in its role as manager of the Courthouse Gallery.

#### **ATTACHMENTS**

1. Courthouse Gallery Quarterly Report: Jul-Sep 2019 (under separate cover)

### 11.3 Regulatory Services

11.3.1	PROPOSED POLICY 12/010 'NAMING OF ROADS AND PLACES' AND RESCINDING OF POLICY 6/012 'NAMING OF THE TOWN'S PARKS, RESERVES, BRIDGES AND BUILDINGS'
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**Author:** Development Services Officer  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council:

1. Rescind Policy 6/012 'Naming of the Town's Parks, Reserves, Bridges and Buildings' included as Attachment 2;
2. Approve Proposed Policy 12/010 'Naming of Roads and Places' included as Attachment 1;
3. Commence community consultation to create a Reserve Road and Place Name Register; and
4. Report back to Council for approval of the Reserve Road and Place Name Register following community consultation.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider proposed policy 12/010 'Naming of Roads and Places', to replace existing policy 6/012 'Naming of the Town's Parks, Reserves, Bridges and Buildings', and establish a Reserve Road and Place Name Register through a community consultation process.

#### DETAIL

The naming of roads and places within Western Australia is governed by Landgate's *Policies and Standards for Geographical Naming in Western Australia*, which provides a number of requirements to be met in order for a name to be legally applied to a road or place. However, this policy does not provide a specific method for a local government to identify and select a name, instead leaving this to the individual local government.

Additionally, the Geographic Names Committee advised in late 2018 that the existing Reserve Road Name Register would no longer be maintained by the state government, resulting in an opportunity for the Town to establish its own procedure.

Policy 12/010 'Naming of Roads and Places' is intended to establish an application process and concise guidelines for both the community and the Town to propose a name, and establish of a reserve register to store supported names until such time as an appropriate place to apply the name is identified.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because approval of the policy will not have any significant impact on the community.

### CONSULTATION

#### *Internal*

- Executive Leadership Team

#### *External Agencies*

- Landgate

#### *Community*

Community consultation will be carried out to establish a Reserve Road and Place Name Register.

### LEGISLATION AND POLICY CONSIDERATIONS

#### *Land Administration Act 1997*

Sections 26 and 26A of the Act provide authority for the Minister to approve names for any road, reserve or topographic feature.

#### *Landgate's Policies and Standards for Geographical Naming in Western Australia*

This state policy was created under Sections 26 and 26A of the Act as above to further guide the selection and approval of appropriate names.

### FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications applicable to this item. The application of the policy and management of the Reserve Road and Place Name Register can be absorbed using existing resources.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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.c.1 High quality and responsive customer service is provided

#### *Social*

Approval of this policy may have positive social impacts through the ability for the community to recognise people, places and culture important to the town.

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

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item should Council choose not to approve the policy as this will result in reduced ability for the community to engage and participate in the naming of roads and places within the region. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the officer's recommendation.

There is a reputational risk associated with this item should Council approve the policy, as an application for a proposed name requested by a community member may not be supported. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be mitigated through the thorough explanation of the state requirements for a name to be considered and consistent communication with the relevant applicant.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

## CONCLUSION

Adoption of the officers recommendation and approval of the proposed policy will provide the community a clearly defined path and ongoing opportunity to engage with the Town regarding the naming of roads and places within the Port Hedland Local Government Area. This may in turn increase the recognition of the town's culture and heritage through the application of names important to the community.

## ATTACHMENTS

1. Proposed Policy 12/010 - Naming of Roads and Places (under separate cover)
2. Policy 6/012 - Naming of the Town's Parks, Reserves, Bridges and Buildings (under separate cover)

**11.3.2 INITIATION OF LOCAL PLANNING POLICY 04 - PERCENT FOR PUBLIC ART**

**Author:** Planning and Development Support Officer  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

- a) Initiate Local Planning Policy 04 – Percent For Public Art, presented as Attachment 1 of this Item for the purpose of public consultation; and
- b) Advertise Local Planning Policy 04 – Percent For Public Art in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider initiation of Local Planning Policy 04 – Percent for Public Art which requires Public Art to be incorporated into all new developments over the development value of \$2 million dollars (two million dollars). Should Council support the proposed policy, it will be advertised for public comment before being presented to Council for final adoption.

**DETAIL**

The Town of Port Hedland (Town) currently has *Percent for Public Art Policy and Guidelines* which were adopted in 2012. The objectives of this policy are:

1. *Improve the quality of the Town's built environment through the use of high quality public artworks;*
2. *Increase the social, cultural and economic value of the Town;*
3. *Develop and promote community identity within the Town;*
4. *Enhance a sense of place by encouraging public art forms which reinforce and highlight early settlers and Indigenous history, cultural heritage and contemporary traditions.*

This policy is outdated and does not provide crucial detail on key aspects on the provisions for public art.

The new proposed Local Planning Policy focusses on addressing the following key issues:

- Providing clearer objectives for the desired outcome of Public Art;
- Providing clarity for the location of Public Art; and
- A stronger desire to incorporate Indigenous art of the Kariyarra, Ngarla and Nyamal people reflecting the values of Port Hedland.

The proposed objectives of this policy are:

1. *Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;*
2. *Acknowledge and celebrate Indigenous culture and heritage of the Kariyarra, Ngarla and Nyamal people;*
3. *Develop and promote community identity within the Town to bridge communities;*
4. *Establish new design partnerships between artists, architects, and other professionals;*
5. *Celebrate environment, industry, and lifestyle; and*
6. *Increase public awareness of the value of art and design.*

The proposed revised policy would apply to all new developments on all zoned and reserved land in the Scheme area. When compared to the existing policy, only projects zoned in Town Centre, Commercial, Tourism, Mixed Business and Airport zones are applicable.

Developments excluded from the requirement to contribute include:

- Demolitions;
- Single residential developments;
- Grouped dwelling developments;
- Multiple dwellings less than 12 dwellings;
- State and Federal projects where an equivalent public contribution policy is applied; and
- Heritage works.

In addition, Public Art will not be required for general maintenance and environmental mitigation projects. This includes, but not limited to coastal erosion management, road and footpath upgrades, lighting and landscaping.

The revised policy proposes changes to the threshold value, percentage contributed to public art, removal of cash-in-lieu, stronger Indigenous focus, and removal of guidelines.

The revised policy seeks to drop the threshold value for Public Art minimum from \$5 million dollars (five million dollars) to \$2 million dollars (two million dollars). The drop in minimum threshold value is relevant as the current policy was adopted during the mining boom where the Town frequently had proposals of greater value than it does now. By reducing the threshold value, more development has the potential to fall within the provision to provide Public Art. The proposed revised policy has also removed the maximum contribution of \$250,000,

A key difference between the current and the proposed revised policy is the percentage put towards Public Art projects. The revised policy seeks to increase the percentage to 2% (two percent) for Town delivered projects and maintain the 1% (one percent) for private developments.

The proposed revised policy seeks the removal of the cash-in-lieu option. This was decided on the basis that the Town did not have the resources and services to adequately deliver public art projects should the developer opt for the Town to produce the Public Art. The proposed revised policy has removed this option completely, meaning all Public Art is to be delivered by the applicant / developer.

The revised policy seeks to have a stronger focus on Indigenous Art focusing on the Kariyarra, Ngarla and Nyamal people reflecting the values of Port Hedland.

This is done by a provision in the proposed policy specifying the need for members of the Kariyarra, Ngarla and Nyamal people to be consulted prior to the final approval for any Public Art.

Finally, the proposed revised policy will not have guidelines. This is to minimise confusion and create a simpler, streamlined policy.

Should Council adopt the proposed policy, the Town will seek to revoke the existing policy *Percent for Public Art Policy and Guidelines*.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. A significant reason for introducing this new policy was the clarification of important details regarding public art, including, but not limited to location, cost, and management, copyright and moral rights.

## CONSULTATION

### *Internal*

- Manager Town Planning & Development
- Senior Planner
- Senior Arts and Cultural Officer
- Engineering Technical Services Officer

### *External Agencies*

The Department of Planning, Lands and Heritage will be consulted through the public advertising period, should the policy be initiated. In addition, local art and cultural based stakeholders will be consulted including, but not limited to, The Junction Co, FORM, and Port Hedland Courthouse Gallery.

### *Community*

A notice of the proposed draft policy will be published in the North West Telegraph, for a period of no less than 21 days. The advertisement will provide details on:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be viewed; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the draft policy will also be placed on the Town's website inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Town of Port Hedland Local Planning Scheme No. 5.

## FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the draft policy in the North West Telegraph with an approximate cost of \$300.

Should this policy get adopted, Public Art projects lead by the Town will require maintenance and upkeep. This is likely to come out of the budget for Infrastructure Services.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 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
- 3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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 applicant and/or developers may not implement the Public Art as per the provisions of the policy. This risk is mitigated through a provision in the policy requiring the Public Art to be fully completed before occupation or use of the building. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

Another potential risk is the possibility for applications to end up at the State Administrative Tribunal due to applicant/developers arguing against the need/type of Public Art to be constructed. 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 through thorough monitoring on actions that could potentially affect public action and focus on positive communication.

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

*Option 3 – Do not adopt officer’s recommendation*

**CONCLUSION**

This report has detailed the reasoning for introducing this new policy, providing clearer objectives for developers, and simplifying the process for the implementation of Public Art. By initiating this policy, Council will facilitate and implement improved public art projects for the Port Hedland community.

**ATTACHMENTS**

1. LPP/04 - Percent For Public Art (Draft) (under separate cover)
2. Previous Version of Policy - Percent for Public Art (under separate cover)

**11.3.3 PORT HEDLAND TOWNSITE CHRMAP - COASTAL EROSION STAGE 1 IMPLEMENTATION**

**Author:** Manager Town Planning and Development  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council directs the Chief Executive Officer to investigate funding opportunities from industry and Government for the Richardson, Sutherland Street and Goode Street erosion areas in line with an assessment of adaptive measures recommended in both the Town of Port Hedland Coastal Hazard Risk Management and Adaptation Plan and other applicable engineering reports.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to seek funding for coastal hazard adaptation works to address erosion hazards for Richardson Street, Sutherland Street and Goode Street as the first stage of implementation of the Coastal Hazard Risk Management and Adaptation Plan. During this process, further consideration will also be given to alternate adaptation measures recommended in other coastal engineering reports contracted by the Town of Port Hedland, pertinent to these locations.

**DETAIL**

Since the 1950s there has been unequivocal evidence of the warming of the climate system with significant change observed in the decades leading up to the millennia. A small adjustment in temperature can lead to a significant change in the climate system.

Globally, it is expected this century that there will be an increase in the average temperature, a rise in ocean level at a rate faster than previously experienced and a greater frequency of storm surge. While fewer cyclones are likely, they are expected to be more intense.

Since 1993, sea levels in the north, northwest and south east of Australia have risen at a greater rate than the global average.

Much of Port Hedland was constructed in the belief that the shoreline would remain stable. Port Hedland's exposure to the ocean, coastal flats fronted by coastal dune systems and floodplains, and risk of cyclones and extreme weather events, makes it extremely vulnerable to changes in sea-level, even in the absence of climate change.

While personal safety is the highest priority, Port Hedland's coastal reserve supports key industry economic infrastructure of state and national significance, industry supply chain and transport hubs and community services and infrastructure servicing both Port and South Hedland. It also has considerable recreational, biodiversity and cultural value.

*State Planning Policy 2.6: State Coastal Planning Policy* ('State Coastal Planning Policy') requires affected local governments to prepare for the impacts of coastal erosion and coastal inundation over a 100-year planning horizon through the preparation of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). Erosion is the loss of sand, causing shoreline movement landwards, potentially reducing the foreshore reserve or distance to fixed assets on land. Inundation is the flow of water onto previously dry land and can either be permanent due to sea level rise or temporary such as flooding in the town during a cyclonic event.

A CHRMAP was prepared by Council pursuant to significant community consultation and subsequently endorsed at an ordinary council meeting on 30 April 2019.

The CHRMAP identified a number of locations where 'intolerable' risk to assets is expected in the current planning horizon due to the risk of permanent land loss and threat to land uses and asset impacts. Collectively, these sites include risks to residential properties and the town centre in the West End; residential properties, public beaches and roads at the West End of Sutherland Street East and near Goode Street; and playground infrastructure on Cemetery Beach foreshore. The CHRMAP recommended immediate risk management action and adaptation options.

A number of the aforementioned locations suffered extensive erosion as a consequence of Tropical Cyclone Veronica in March 2019. While the impacts of tropical cyclones on coastal inundation and erosion are considered in the CHRMAP, the specific erosive damage to a number of these locations by Tropical Cyclone Veronica was not factored due to the timing of the delivery of the report. Subsequent engineering assessments have occurred to identify short and long-term solutions for those areas.

The following three areas have been prioritised as the first stage of implementation of the CHRMAP and indicative costs are provided for adaptive options. The funding required for a number of these proposed options is considerable and further cost benefit analysis and the potential for a staged approach to implementation, will need to be factored in their selection.

These three areas have been prioritised as the first stage of implementation of the CHRMAP:

#### The West End foreshore – adjacent to Richardson Street

This area is subject to erosion hazards presenting intolerable risk of coastal processes on the social values of the foreshore reserve and assets and economic values of land, businesses in the area and residential properties.

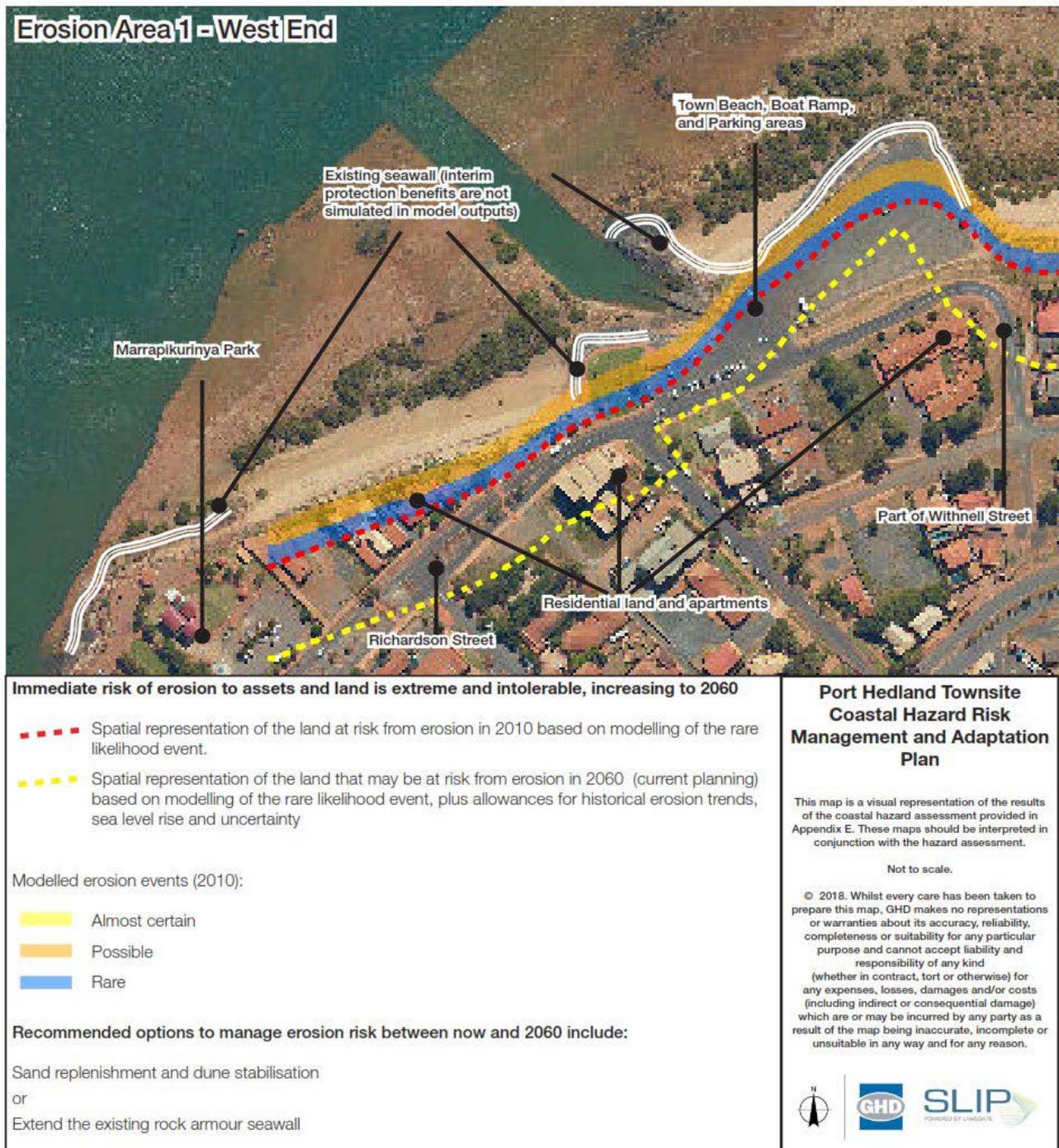
The West End foreshore is protected by two lengths of seawall, one extending from the Nelson Point Tug harbour to Marrapikurinya Park and the other protecting the boat ramp and boat trailer carpark adjacent to Richardson Street. The CHRMAP notes the vulnerability of the unprotected foreshore between the two sea walls to erosion, given a minimal dune buffer and risk of inundation during a rare storm event. Reviewing adaptation measures, the CHRMAP noted that the two sea walls would likely limit the effectiveness of sand replenishment as a solution, albeit that it might be a suitable temporary solution against event-based coastal processes.

The CHRMAP recommended that the Town of Port Hedland and the Pilbara Ports Authority, who are land tenure holders in the area, investigate options such as sand replenishment and

dune stabilisation (soft passive measures), and a rock armour sea wall (hard active) on the top of the dune. The latter would be underpinned by a study of the geotechnical stability of the dunes and site-specific coastal processes.

The CHRMAP viewed that interim protection measures would target land stabilisation but would not protect against inundation due to the levels of land behind Town Beach, the West End and adjacent structures.

The following map details erosion risk in the West End of Port Hedland:



The CHRMAP provides indicative costs for interim protection in the immediate planning period (2018-2030), extending out to 2060 for recurrent costs. These equate to approximately \$5

million for dune stabilisation and sand nourishment and \$5.7 million for a rock armour seawall, inclusive of capital and recurrent costs. Decommissioning costs are also included for the seawall.

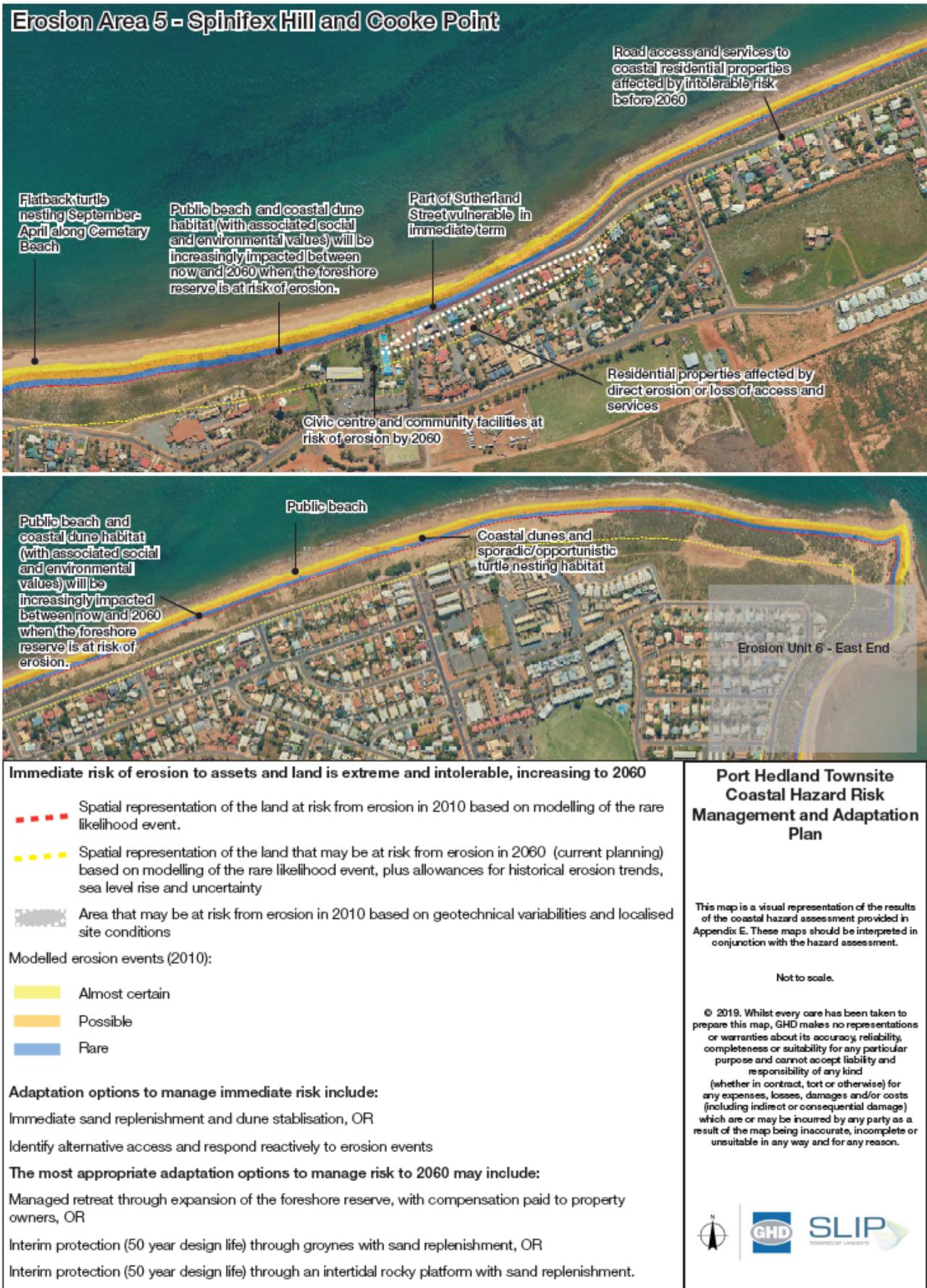
A coastal engineering assessment report reviewing damage from Tropical Cyclone Veronica noted undermining of concrete walls and extended two-metre high erosion to the scarp west of the Richardson seawall. The assessment advised on further engineering works to the existing seawalls, placement of rock and sand against the erosion scarp (not an adequate solution to protect the foreshore and Richardson Street against further erosion or similar cyclone events) and design of a seawall or sand nourishment in the interim. Remedial works were undertaken pursuant to Natural Disaster Relief and Recovery Arrangements financial assistance.

#### Spinifex Hill / Cooke Point – Sutherland Street

Spinifex Hill/Cooke Point assets subject to erosion include a portion of Sutherland Street and the parks and recreation reserve located between Crawford and Wodgina Streets. The CHRMAP noted while erosion was not an immediate risk to property, a limited buffer zone exists between coastal processes and adjacent assets which could trigger dune instability, impacting social and economic values of residential properties. The CHRMAP proposes in the interim either sand replenishment and dune maintenance to increase and maintain the buffer zone or no implementation of protection and respond to road and dune erosion as a consequence of a significant storm event; however, notes that this would require an alternate route to properties in Padbury place and potential disruption to services.

The CHRMAP finds that between now and 2060, the risk becomes intolerable to roads and residential properties with the hard road edge prohibiting the dune system from recovering with significant erosion impacts on the public beach, dunes and turtle nesting habitats. It recommends adaptation pathways including managed retreat through expansion of the foreshore reserve with compensation paid to landowners, interim protection through construction of groynes (50-year design life) and sand replenishment or interim protection through an intertidal rocky platform (50-year design life) coupled with sand replenishment. Erosion measures such as seawall construction are viewed as incompatible in this area due to acceleration of erosion of the beach and dunes and associated impact on turtle nesting habitats. Unmanaged retreat would have a similar impact and there would be no support or compensation available to affected landowners. The CHRMAP views managed retreat as the cheapest interim protection option which would involve the purchase of approximately 91 residential properties between 2030-2045 which would delay the requirement for further protection measures for a period of 50 years.

The following map details erosion risk for Spinifex Hill and Cooke Point, Port Hedland:



The CHRMAP provides indicative costs for protection works in the current planning period (2018-2060). These equate to \$41.4 million for partial groyne field and sand replenishment; \$91.1 million for a complete groyne field and sand replenishment; and \$57.2 million for an

intertidal rocky platform, inclusive of capital and recurrent costs. Land acquisition of 91 residential properties under managed retreat is estimated at \$45.5 million.

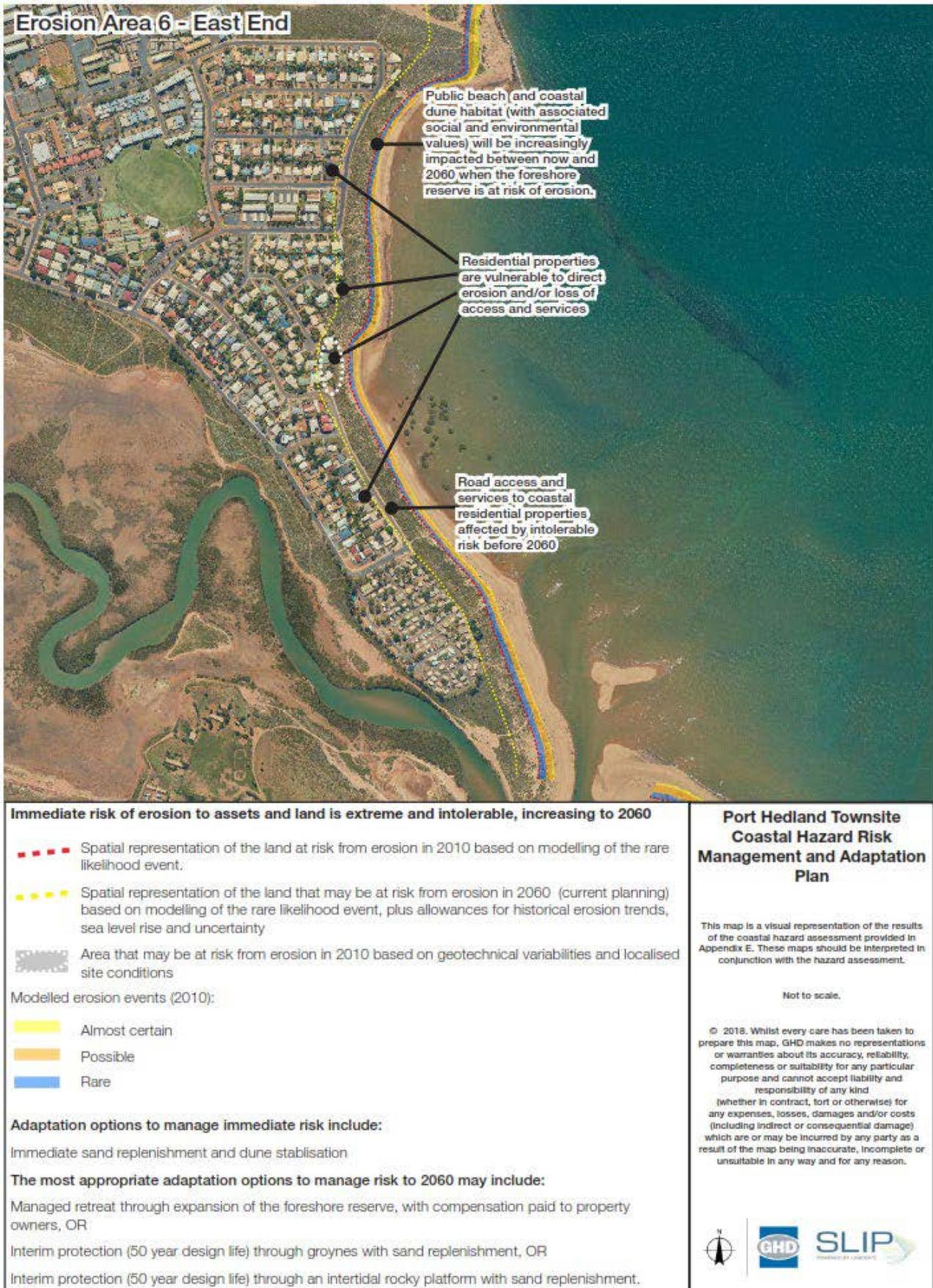
The coastal engineering assessment of damage from Tropical Cyclone Veronica noted considerable loss of sand and dunes across the majority of the beach on Sutherland Street. It recommended redress of large erosion scarps through installation of a buried rock foredune detailing that this was a temporary solution which was not adequate to protect this area against further erosion from similar cyclone events. Contrary to the CHRMAP, it concluded that the Town consider the design and construction of a seawall, or implementation of managed retreat. Remedial works were undertaken pursuant to financial assistance as part of the Federal Government's Natural Disaster Relief and Recovery Arrangements.

### East End – Goode Street

The Town has previously engaged coastal engineers to investigate options to stabilise dune erosion on the Goode Street foreshore where a limited buffer zone exists between active coastal processes and adjacent assets. The immediate risk in this area is presented by secondary effects as a result of potential geotechnical instability of the dunes which make the risk intolerable. The previous consultants recommended protection options such as a seawall, groynes and sand replenishment and dune maintenance.

The CHRMAP found that the most appropriate interim option to manage immediate term risk is sand replenishment and dune maintenance to increase the buffer zone to 30 metres wide in front of the 160-metre length of highest risk foreshore. Further, that between now and 2060, the risk of erosion is intolerable to roads and residential properties. Similar to the Spinifex Hill/Cooke Point area, this stems from the hard edge of the road resulting in an inability for the dune system to replenish, with an associated extreme and intolerable risk of erosion to the public beach, dunes, and turtle-nesting habitat. While the CHRMAP found that the previous adaptation options remained valid, it recommended further passive coastal protection options including groynes, nourishment or an intertidal platform. Unmanaged retreat was seen to be incompatible with the values of the area given the loss of beach, dunes and turtle nesting areas and inability of government to provide support or compensation to homeowners. The CHRMAP recommends the same adaptation options as the Spinifex Hill/Cooke Point area; namely, managed retreat through expansion of the foreshore, with compensation paid to property owners; interim protection through the installation of groynes and sand replenishment; and interim protection through an intertidal rocky platform with sand replenishment. Similarly, it finds managed retreat to be the cheapest option, incurring acquisition of approximately 35 properties.

The following map details erosion risk for Goode Street, East End of Port Hedland:



The CHRMAP provides indicative costs for protection works in the planning period (2030-2060). These equate to \$39.6 million for groyne field and sand replenishment and \$30.4 million

for an intertidal rock platform with sand replenishment, inclusive of capital and recurrent costs and decommissioning of the groyne field. Land acquisition of 35 residential properties under managed retreat for the period 2030-2045 is estimated at \$17.5 million.

The coastal assessment of damage from Tropical Cyclone Veronica noted that the majority of the beach lost significant sand and dunes, with most of the damage experienced along the 600-metre northern portion of Goode Street. Large erosion scarps were evidenced and significant damage to dune rehabilitation assets, irrigation and drainage. As an interim measure it recommended placement of sand against erosion scarps but noted that this would not provide adequate protection from further erosion or a similar cyclonic event. Contrary to the CHRMAP it recommended review of seawall design extent and construct along vulnerable areas or implementation of managed retreat. It noted that the seawall would beneficially facilitate beach recovery over time.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance as:

- there are significant social, economic and environmental implications associated with delivery of the adaptation strategies, from now until 2060 and beyond
- there would be a number of residents and businesses located adjacent to the proposed works that would be substantially interested in both the project and its impacts
- progress of the project will require substantial internal, external and partner funding to progress

## CONSULTATION

### *Internal*

- Commissioner, Town of Port Hedland
- Executive Leadership Team
- Manager, Town Planning and Development
- Manager Project Design and Delivery

### *External Agencies*

Preparation of the CHRMAP was guided by an inter-organisational working group comprising Town of Port Hedland, Department of Planning, Lands and Heritage, Department of Transport and LandCorp (now Development WA). Stakeholder engagement with relevant State Government Departments was conducted in 2017 and 2018 during project development.

Opportunities to participate in community forums or provide written feedback on the CHRMAP were also afforded. Several State Government departments provided submissions on the CHRMAP.

There will be a requirement to consult with key State government agencies and the Pilbara Ports Authority regarding environmental, economic, social and financial implications of proposed developments under this first stage of implementation of the CHRMAP.

### *Community*

Extensive community consultation was conducted during the preparation of the CHRMAP, including:

- November/December 2017 Community Values Survey where 70 responses were received regarding the value of Port Hedland's coastline
- November/December 2017 newspaper advertisements, social media posts and media releases inviting feedback on coastal values
- December 2017 community stalls at Port Hedland Boulevard and South Hedland, Shopping Centres
- 6 June 2018 multi-criteria analysis session with then elected members regarding adaptation options in CHRMAP
- 20 October 2018, three community workshops explaining the CHRMAP and requesting feedback
- Letter mailout (post) to all landowners affected by the CHRMAP including frequently asked questions, executive summary of the CHRMAP and invitation for submission on its contents
- A sixty (60) day public feedback review period on the draft CHRMAP

Fifteen (15) formal submissions were received pursuant to the feedback period on the draft CHRMAP and responses to the CHRMAP addressed where appropriate.

The community supports preservation of high-value assets that would be substantially diminished by coastal hazards, both erosion and/or inundation.

As evidenced above, there has been significant consultation with community in relation to the CHRMAP, including adaptation options and the Town is committed to ongoing engagement during its staged implementation. This includes, but is not limited to, consultation with Care for Hedland Environmental Association in relation to environmental implications of the proposed adaptation strategies on turtle rookeries.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Planning and Development Act 2005*

Section 77 of the *Planning and Development Act 2005* requires local governments when preparing or amending a local planning scheme to have regard to State Planning Policy No.2.6 *State Coastal Planning Policy* where it affects a district.

### *Town of Port Hedland Local Planning Strategy*

The Town of Port Hedland Local Planning Strategy is currently under review. The Strategy will articulate the challenges from sea level rise outlined in the CHRMAP and the Town of Port Hedland's response to those challenges.

### *Town of Port Hedland Local Planning Scheme*

The Town of Port Hedland Local Planning Scheme is currently subject to review. The State Government recommends, pursuant to Section 77, that an affected local government authority incorporate Part 4 of the latter policy into its Local Planning Scheme relating to general development requirements, specifically:

1. The provisions of State Planning Policy No. 2.6 State Coastal Planning Policy shall apply as if they were part of this scheme; and
2. All coastal development is to comply with the provisions of State Planning Policy No. 2.6 State Coastal Planning Policy

### *State Planning Policy 2.6: State Coastal Planning Policy (2013)*

State Planning Policy 2.6: State Coastal Planning Policy aims to avoid future development in areas identified at risk from coastal hazards during a 100-year planning timeframe. It supports coastal hazard risk management and adaptation planning in areas determined at risk, retreat

for existing developments and design approaches to accommodate risks in circumstances where retreat is not possible. It purports that the concept of beneficiary-pays ensures a sustainable approach that minimises the risk to public funds. The *Coastal Zone Strategy* and *State Coastal Planning Policy* collectively note that coastal protection should only be considered after all other options for avoiding and adapting to coastal hazards have been assessed and the following issues addressed:

- it is consistent with a Coastal Hazard Risk Management and Adaptation Plan
- the protection works have a public benefit (maintain a coastal foreshore reserve, public access, public amenity and public safety and protect high value property and infrastructure that is not expendable)
- impacts on the adjacent environment within the sediment cell or equivalent can be limited and/or sustainably managed
- the coastal foreshore is vested under local management
- coastal protection structures are owned and managed by the local manager (i.e. local government)
- a financial plan covers construction costs and ongoing maintenance
- funding arrangements are based on a user-pays system being that those who benefit the most provide the greatest financial contribution. Speaks to the potential for the establishment of a fund and special area rating by developers
- a cost benefit that demonstrates a public benefit and positive return to the state
- the quantity, source and availability of ongoing sand nourishment is identified
- qualified engineers design coastal protection measures to ensure sufficient protection over an appropriate timeframe with careful consideration of specific conditions
- ongoing review of the adequacy of protection measures.

The recommended set-back distance for sea-level rise for a 100-year planning timeframe is 0.9 metres.

The following guidelines developed by the WAPC adhere to the objectives established in No. 2.6 State Coastal Planning Policy.

***Coastal Hazard Risk Management and Adaptation Planning Guidelines (2014)***

These guidelines assist local governments to systematically identify and understand coastal hazard risks and put in place controls to manage them. It supports early identification and management of coastal hazards to realise significant economic, social and environmental benefits for industry and community.

***The Draft Planned or Managed Retreat Guidelines (2017)***

These guidelines provide guidance on implementing a policy of planned or managed retreat in locations vulnerable to coastal hazards where limited opportunities exist to introduce less vulnerable forms of land use or development pursuant to planning controls. As a planning approach it contemplates existing land uses and development continuing until the coastal hazard risk becomes unacceptable. A comprehensive CHRMAP process is used to identify which events trigger removal of an 'at risk' development.

Planned or managed retreat involving the reduction in private land uses is implemented pursuant to structure planning to ensure subdivision conditions account for risks identified in the CHRMAP; and vulnerable areas being classified as a Special Control Area (SCA) under the Local Planning Scheme.

### ***WA Coastal Zone Strategy (2018)***

The WA Coastal Zone Strategy outlines the State Government's position on the use of protection to mitigate the impacts of coastal erosion and inundation and is primarily focused on retreat.

In brief, the Strategy has a number of goals and objectives pertaining to the environment, community, economy, infrastructure and governance. Most notably:

- conserving environmental values and ecosystems and maintaining, restoring and managing natural coastal processes (sediment transport, erosion/accretion and environmental and hydrological flows)
- maintaining public ownership and access to foreshore reserves, protecting and conserving cultural heritage sites and natural and built assets of benefit to the community whilst minimising interference with natural coastal processes
- recognising the economic and commercial benefits of ports and managing the economic impacts of climate change
- undertaking protection works as a last resort to protect high value property and infrastructure, ensuring funding arrangements are based on a cost-benefit analysis and reflect user-pays principles
- supporting local governments as coastal managers (i.e. technical and policy advice and data and research)

The Strategy also notes:

- protection works are expensive, incur ongoing maintenance and may cause unintended negative consequences for the adjacent environment
- there are often unforeseen adverse impacts associated with coastal protection works and local governments have a responsibility (liability) to manage coastal protection works once constructed. State and local governments are not legally obliged to protect private property or state land from the impact of erosion or inundation.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

The CHRMAP purports that it is important for State Government, industry and community to engage and implement coastal adaptation in Port Hedland because if it is not appropriately managed then residential properties, social and environmental values of the coastal foreshore, including public spaces and important turtle nesting habitats, will be lost. It further notes that because of the extent of risk of coastal hazards in the townsite of Port Hedland, that the cost of proactive adaptation will be high with considerable financial investment required, that cannot be met by the Town of Port Hedland alone.

Estimated costs of works for implementation of the adaptive recommendations of the CHRMAP are outlined in the report.

If the Officer's recommendation is approved, the Town of Port Hedland will seek government and partner funding for implementation of adaptive measures.

A further cost-benefit analysis and the potential for a staged approach to implementation will factored in the selection of an appropriate option.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.a.2 Biodiversity is understood by the community and protected
- 3.a.3 Natural resource assets are well-managed and enhanced
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.b.1 Sound long-term financial planning is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

The coast as an ecosystem and place of biodiversity is significant. The coastal foreshore includes stands of natural vegetation that provide habitats for coastal fauna. The coastline also provides vital habitats for the flatback sea turtle, a threatened species.

The CHRMAP is a proactive environmental plan that considers coastal hazards, recognising the high risk of damage to environmental, land and built assets in areas at risk of erosion and inundation. It recognises sensitive areas of the coast such as vegetation and turtle nesting habitat and responds accordingly, to ensure ongoing maintenance of environmental values.

Contingent on the options suggested, there may be a requirement to access further environmental advice.

### *Economic*

The Town of Port Hedland supports major economic infrastructure, predominantly at the Port of Port Hedland and in the West End. The Port is the largest bulk export in the world and is a substantial contributor to the state and national economies. The port and mining operations are major employers in the town and port expansions, both recent and impending, will be a primary driver of development in the region. The West End includes, but is not limited to port, transport (road and rail), distribution and services (utilities and water) infrastructure; supply chains, hospitality and retail businesses.

*Social/cultural*

The character, history, and scenic value of the Port Hedland coastline; the recreational and social interactions afforded by the area; and protection of residential housing and businesses, are viewed as high-value social assets by the community.

Substantial and diverse community and residential infrastructure is located in, or adjacent to, the coastal reserve, including foreshore reserves and carparks, community parks, footpaths, the sailing club, retail and residential housing. The area is also an access point for boating, fishing and sea water sports.

Adjacent to the foreshore reserve are schools, health and medical services, civic buildings and the Town of Port Hedland administration building; recreation centre and local parks and playing fields.

The Port Hedland townsite is significant to the culture and identity of the Kariyarra, Ngarla, and Njamal People, Traditional Owners and custodians of the area. A number of sites in Port Hedland are listed as Aboriginal sites under the *Heritage Act 1972*.

The coastline significantly defines the character of Port Hedland and is a focal point for community, evidenced in community support for the development of the Spoilbank Marina.

Transport corridors facilitate evacuation from coastal hazards during extreme events.

*Disability Access and Inclusion Plan*

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

Outcome 2 – Buildings and Facilities

*Corporate Business Plan*

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

**3.b.1.2** Identify and manage coastal hazards and flood risks

**RISK MANAGEMENT CONSIDERATIONS**

The CHRMAP includes a risk management framework which provides a regional assessment of risk of coastal erosion, inundation and sea level rise and damage to public and private assets and values, based on a number of scenarios. The adaptation actions contained within the strategy aim to mitigate these risks.

There is an environmental risk associated with this item because turtle rookeries for the flatback turtle, a threatened species, exist within the area. The impact will be substantially mitigated/negated through discussions with relevant state government departments and Care For Hedland Environmental Association.

The upfront capital and financial costs of the various adaptive measures will need to be considered in more detailed based on a rigorous cost benefit analysis.

If the construction of seawall is considered, particularly for Sutherland Street, then the impact on erosion and turtle habitats would need to be considered in more detail.

The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

There is a financial risk associated with this item because of the limited capacity for the Town of Port Hedland to fund works in the absence of federal or state government funding, or industry partnership funding. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

There is a reputational risk associated with this item because if the Town of Port Hedland cannot access funding then there is a risk of reliance on unmanaged retreat which will have significant environmental, economic and social consequences for the town, affected residents and businesses. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

There is an economic risk associated with this item because of the financial impact on businesses, local government and residents through loss of assets and land use. Loss of, or impact to, major economic infrastructure and supply chains will have a regional, state and national economic impact through reduced services, production or viability. The risk rating is considered to be extreme (25), which is determined by a likelihood of almost certain (5) and a consequence of catastrophic (5).

These risks will be mitigated by 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 West End, Sutherland Street and Goode Street coastal reserves, have been identified as coastal erosion 'hotspots' with various engineering assessments and adaptive and resilience measures undertaken over approximately 30 years. Most recently, the West End (Laurentius Point) and Goode Streets were identified by the State Government in the *Assessment of Coastal Hotspots* report (2019) as two of the 55 coastal hotspots in Western Australia. A hotspot is defined as 'a section of coastal land where erosion is highly likely to impact public and private physical assets and requires management and adaptation action within the coming 25 years.' Sutherland Street was placed on a watchlist. The report did not consider the findings of the current CHRMAP or damage incurred by Tropical Cyclone Veronica.

While it is noted that coastal engineers concur on the adaptive response for the West End and that there are differences in opinion regarding adaptive measures for Sutherland and less so for Goode Street, it is important that Council cautiously progresses adaptive measures that preserve the coastline, its ecosystems and critical assets. This will require further consideration of the various options proffered, technical and environmental advice, and a cost-benefit analysis of options in the context of capital and recurrent funding.

The State Government's policy position on the use of protection measures to mitigate the impacts of coastal erosion and inundation is primarily focused on shoreline retreat with protection works a last resort to secure high value property and infrastructure.

The community has confirmed that it values the Port Hedland coastline for its recreation and social opportunities; its cultural values; scenic landscape; ecosystem and diversity; as a place for education, science and learning; and as a commercial and personal economic resource.

Commodity exports through the Port Hedland Port, supply chains and residential housing for workers contribute substantially to the national, state and regional economies and government taxation regimes.

Managing climate change takes a collaborative effort involving all levels of government, industry, business and community. Addressing coastal hazards in isolation has associated risks because the discharge of management responsibilities by one agency may have implications for other stakeholders. Working together and pooling resources can also identify opportunities for effective management and mitigation of coastal hazards.

The Town will work strategically with key partners and the community, including identifying funding, to deliver adaptive options that align with community values and which support the contribution of Port Hedland and the region to the regional, State and National economies.

#### **ATTACHMENTS**

1. Sutherland Street Erosion Concept Adaption Options Study (confidential – under separate cover)

**11.3.4 PORT HEDLAND MARINA AND WATERFRONT MASTERPLAN**

**Author:** Project Officer - Planning and Development  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council

1. Approve the Port Hedland Marina and Waterfront Masterplan included as attachment 1, noting the Masterplan may be subject to change as the project develops through detailed design.
2. Delegate to the CEO to approve changes to the Port Hedland Marina and Waterfront Masterplan, as required, within the scope of this report.
3. Reaffirm the Town's contribution to the Spoilbank Marina project as outlined in the map - attachment 2
  - a) \$24 million contribution to the waterside component; and
  - b) The remainder of the Spoilbank Marina reserve to the landside component.
4. Notes that Public Works Exemption will be granted for Stage 1a works in accordance with the *Planning and Development Act 2005*.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to approve the Port Hedland Marina and Waterfront Masterplan (Masterplan), delegate to the CEO to approve changes to the Masterplan, confirm allocation for the balance of Spoilbank Reserve to the project for landside works and note that a Public Works Exemption will be granted for stage1a works in accordance with the *Planning and Development Act 2005*.

**DETAIL**

Following a recent Ministerial release by the State Government on 7 August 2019, the Town of Port Hedland, Development WA, Pilbara Development Commission, Department of Transport and a team of consultants have produced a Masterplan that explores the transformation of the Spoilbank into a vibrant waterfront development as envisaged by the project governance group, stakeholders and the community.

Commencing in 2014, the Town led a visioning process which was followed by investigations, feasibility and concept plan formulation in 2018.

Recent consultation and engagement exercises with key stakeholders and the community has informed the preparation of the draft Masterplan. The draft Masterplan was displayed at a community open day whereby members of the community were invited to provide their feedback on the draft.

This process has led to the preparation of the proposed Masterplan that achieves the recommendations of the project governance group and responds to stakeholders and community feedback. The Masterplan focuses on the aspirational long term vision of the site and outlines key projects, infrastructure and design elements to be delivered in the short term.

In addition to the Masterplan indicative staging has been identified. Stage 1A is intended to be delivered as part of the current funding commitments by the State Government and the Town of Port Hedland.

The Masterplan is based on delivering the following key elements in the short term:

- A marina waterbody and associated infrastructure with long-term capacity for up to 80 boat pens (Stage 1A)
- A four-lane boat ramp (Stage 1A)
- Up to 200 trailer parking bays and additional provision for general car parking (Stage 1A)
- Dry dock area for commercial vessels (Stage 1A)
- Publicly accessible breakwaters and a jetty platform (Stage 1A)
- Recreation and event spaces (Stage 1A)
- Public waterfront promenade (Stage 1A)
- Provision for temporary 'pop-ups' accommodating food and beverage outlets (Stage 1B)
- Shared clubs opportunity (Stage 1B)

During a Technical Marina Design Workshop held in June 2019, an opportunity was identified to realign the proposed western breakwater into two sections, creating four hectares of land in between the two revetment structures. The current Masterplan and split revetment option is to be presented at the December Steering Committee for their consideration. If the split revetment option is approved the Masterplan will be developed based on this change.

A number of other marine related technical studies are underway that may impact the landside design. The recommendation acknowledges this and recommends the need to delegate to the CEO authority to approve changes to the Masterplan. Should any significant changes to the Masterplan be considered outside the scope of the current proposal, a further report will be provided for Council consideration.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, The Town will work with Development WA and other state government agencies to develop the final landside design.

## CONSULTATION

### *Internal*

- Chief Executive Officer

- Director Regulatory Services
- Manager Town Planning and Development
- Manager Marketing and Communications
- Manager Parks Gardens and Engineering
- Governance team
- Finance team

#### *External Agencies*

- Pilbara Development Commission
- Department of Planning, Lands and Heritage
- Department of Transport
- Development WA
- Taylor Burrell Barnett Planning
- Emerge Associates
- JDSi Engineering
- MP Rodgers & Associates
- GTA Traffic Consultants
- Brave & Curious
- Department of Lands Planning and Heritage
- Pilbara Ports Authority

#### *Community*

In July 2019 the Town assembled the Spoilbank Community Reference Group (SCRG) to provide a user perspective for the ongoing development of the project. The group consists of key stakeholders from 13 organisations and 2 community members.

The Town has initiated an engagement process to inform the Masterplan as follows:

- Stakeholder interviews (August 2019)
- Vision and Design Workshop (12 September 2019)
- Kariyarra Design Workshop (30 September 2019)
- Online survey (13-22 September 2019)
- Public Advertising of Masterplan to seek feedback ( 2-11 September 2019)
- Public Open Day (2 November 2019)

### **LEGISLATION AND POLICY CONSIDERATIONS**

The Masterplan has been prepared in accordance with the following legislation and policies:

- *Planning & Development Act 2005*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- State Planning Framework
  - i. SPP 2 – Environment and Natural Resources Policy
  - ii. SPP 2.6 – State Coastal Planning Policy
  - iii. SPP 3.4 – Industrial Interface
  - iv. Improvement Plan 50 : Port Hedland West End
- Local Planning Framework
  - i. Town of Port Hedland Local Planning Scheme No. 5
- Strategic Community Plan 2018 – 2028
- Pilbara Port City Growth Plan (2012)
- Port Hedland Consolidated Foreshore Redevelopment Masterplan (2013)

- Town of Port Hedland Heritage Inventory (2017)
- Public Open Space Strategy (2019)
- Port Hedland Landscape Guidelines (2019)
- Arts and Culture Strategy 2019 -2022

## FINANCIAL AND RESOURCES IMPLICATIONS

On 30 April 2019 at the Ordinary Council meeting the Town of Port Hedland passed the below Officer's recommendation with no changes

1. *Confirm the Town's contribution to the Spoilbank Marina project*
  - a) *\$24 million contribution to the waterside component;*
  - b) *The remainder of the Spoilbank Marina reserve to the landside component.*
2. *Appoint LandCorp as the Project Manager to deliver landside projects as confirmed by the taskforce on behalf of the Town;*
3. *Delegate to the CEO to negotiate an agreement and schedule of fees with LandCorp.*

In relation to the Town's Spoilbank Reserve, the closing balance for 30 November 2019 has been listed as \$37,491,375.39.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 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
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.a.3 Natural resource assets are well-managed and enhanced
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 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

*Environmental*

The design requires referral to the EPA with key considerations being human health impacts, dredging, flushing, flat back turtles, sawfish and significant marine fauna species listed under Commonwealth Legislation. The project team are also working closely with Care for Hedland to focus on environmental matters predominantly related to turtle impact and light spill.

*Economic*

It is considered that the proposed marina will provide significant economic benefits through development opportunities including tourism and recreation.

*Social*

There is a strong perception that the proposed marina is important to revitalise Port Hedland to create an attractive, easily accessible and family friendly recreational precinct to attract and retain residents. Furthermore, the project will contribute to achieving the Town's vision as outlined in the Strategic Community Plan.

*Disability Access and Inclusion Plan*

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities

*Corporate Business Plan*

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 1.1.2 – Provide safe and accessible community facilities, services and open spaces that connect people and neighbours
- Develop and work with funding partners to deliver Port Hedland waterfront including development of Spoilbank Marina and Precinct in stages

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item, namely if Council should not adopt it. The Port Hedland Marina and Waterfront Masterplan report provides the Town with a high level document to assist in making strategic decisions regarding the marina project. This includes guidance on infrastructure staging and delivery with development to occur throughout the entire precinct overtime as funding, community need and infrastructure upgrade requires it. If it is not adopted, there would be considerable implications as the project team are working to tight timeframes announced by the State Government. The risk rating is considered to be low (4), which is determined by a likelihood of minor (2) and a consequence of unlikely (2).

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**

The Spoilbank Marina has long been recognised as a key strategic project for the Town. The Masterplan has been prepared to guide the vision for the Spoilbank precinct and has been prepared following extensive consultation and engagement with stakeholders and the community. The Masterplan represents the outcomes of this process. It is recommended that Council approves the Masterplan included as attachment 1 of this report.

**ATTACHMENTS**

1. Port Hedland Marina and Waterfront Masterplan (under separate cover)
2. Marine and Landside Areas (under separate cover)

## 11.4 Infrastructure Services

11.4.1	<b>AWARD OF TENDER RFT1920-05 - WANANGKURA STADIUM AND GRATWICK AQUATIC CENTRE GYM EXPANSIONS</b>
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**Author:** Property Management Officer  
**Authorising Officer:** Acting Director Infrastructure Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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### OFFICER'S RECOMMENDATION

That Council accepts the tender submitted by \_\_\_\_\_ in accordance with RFT1920-05 Wanangkura Stadium and Gratwick Aquatic Centre Gym Extensions, for the total amount of \_\_\_\_\_ (excluding GST) for Separable Portion 1 only – Gratwick Aquatic Centre Gym Extension.

*SIMPLE MAJORITY VOTE REQUIRED*

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### PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-05 Wanangkura Stadium and Gratwick Aquatic Centre Gym Extensions and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

### DETAIL

#### *Request for Tender*

The Town released a Request for Tender (RFT) on 6 November 2019, requesting the internal refurbishment of the Wanangkura Stadium gym, including expansion of the main gym floor.

Refurbishment works to the Gratwick Aquatic Centre gym include floor space expansion with extension of the roof and internal refit for an improved member experience.

The RFT was released on Vendorpanel (the Town's e-tendering portal), and was advertised in the West Australian and the North West Telegraph on 6 November 2019, with a closing date of 28 November 2019.

#### *Addendum Details*

#### *Site Inspection/Briefing details*

Date: 12 November 2019

Time: 9.00am WST

Location: Wanangkura Stadium and then Gratwick Aquatic Centre

*Tender Assessment*

The Town received 3 submissions for RFT 1920-05. The respondents were as follows:

1. MJW Building
2. TEC Services
3. Pilbara Construction

All submissions received from respondents were compliant.

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.

Procurement Officer facilitated the evaluation meeting held on 4 December 2019.

The compliant submissions were assessed against the qualitative criteria as listed in the table below:

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Delivery & Resources	35%
Demonstrated Understanding	35%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

Under direction of Project Sponsor, only Separable Portion 1 – Gratwick Aquatic Centre Gym Extension is to be awarded under RFT1920-05.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because of the already approved budget for the works in Financial Year 2019/20

**CONSULTATION***Internal*

The Manager Facilities and Coordinator Stadium Operations have been briefed, with their advice received throughout the design phase of the project, to ensure that all required elements of the refurbishment are met.

*External Agencies*

The Town engaged Hurley Architects to assist with the internal redesign for both Wanangkura Stadium and Gratwick Aquatic Centre Gyms, to ensure compliance to all relevant Australian Standards.

A structural engineer from Airey Taylor Consulting has been engaged to design the extension of the roof at the Gratwick Aquatic Centre Gym.

Russell Building Approvals has been engaged to provide Certificate of Design Compliance to final design documentation.

### *Community*

The RFT was publically released via Vendorpanel (the Town's e-tendering portal), and was advertised in the West Australian and the North West Telegraph on 6 November 2019, with a closing date of 28 November 2019.

## **LEGISLATION AND POLICY CONSIDERATIONS**

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

The gym expansions have been approved in the FY19/20 Budget, specifically from part of the YMCA transition budget and the Community renewal budgets.

Further funds were approved, during the Q1 FY19/20 budget review process, to amend the scope of the refurbishment at the Gratwick Aquatic Centre to include a roof extension.

In order to mitigate the risk of contract variations, full design documentation, including structural drawings, was included as part of the tender documentation.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 1.d.2 Facilities and community infrastructure are revitalised across the Town

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

### *Disability Access and Inclusion Plan*

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities

### *Corporate Business Plan*

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the current gym facilities are currently inadequate for its membership base. The risk rating is medium (9), which is determined by a likelihood of possible (3) 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 officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

### **CONCLUSION**

It is recommended that RFT1920-05 Refurbishment of Wanangkura Stadium and Gratwick Aquatic Centre Gyms be awarded to the contractor as outlined in the Confidential Evaluation Report attached under separate cover for Separable Portion 1 – Gratwick Aquatic Centre Gym Extension.

### **ATTACHMENTS**

1. Evaluation Report for RFT1920-05 Wanangkura Stadium and Gratwick Aquatic Centre Gym Extensions (confidential – under separate cover)

**11.4.2 AWARD OF TENDER RFT1819-64 - CLEANING SERVICES FOR TOWN OF PORT HEDLAND BUILDINGS**

**Author:** Property Management Officer  
**Authorising Officer:** Acting Director Infrastructure Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

The Council accepts the tender submitted by \_\_\_\_\_ in accordance with RFT1819-64 Cleaning Services for the Town of Port Hedland Buildings, for the total amount of \_\_\_\_\_ (excluding GST) for the contract term of four (4) years, inclusive of two (2) one (1) year extension options at the Town's discretion.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT1819/64 for Cleaning Services for Town of Port Hedland Buildings and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL***Request for Tender*

The Town released a Request for Tender (RFT) on 30 November 2019, requesting cleaning services to the Town of Port Hedland's buildings for a two (2) year period with an option to extend an additional two (2) twelve (12) month periods at the Town's discretion.

The scope of cleaning incorporates all of the Town's buildings, including Leisure facilities, and exclusion of public ablutions facilities as per the following:

- Civic Centre
- Depot Operations
- Landfill
- South Hedland Library
- JD Hardie Centre
- Wanangkura Stadium
- Gratwick Aquatic Centre
- South Hedland Aquatic Centre
- Matt Dann Theatre & Cinema
- Casual Hire Facilities: Jim Caffey Hall, Gratwick Hall, Colin Matheson Pavilion
- Morgans Street Apartments – Exterior only
- Catamore Court Apartments – Exterior and common areas only

The current cleaning contract with Los Tres Cleaning was extended to expire 12 December 2019 to coincide with the expiry of existing cleaning arrangements (originally entered into by

the YMCA) for the Town’s Leisure facilities with National Cleaning and Gardening Services. The Town of Port Hedland requires continuation of cleaning services to its buildings with the inclusion of Leisure facilities.

The RFT was released on Vendorpanel (the Town’s e-tendering portal), and was advertised in the West Australian and the North West Telegraph on 30 November 2019, with a closing date of 14 November 2019.

*Addendum Details*

Addendum 1

- Appendix A – Scope of works has listed the areas required for cleaning and has been amended to include 2 additional offices in the JD Hardie Centre for cleaning.

Addendum 2

- ‘Request for Cleaning’ document has been amended to include the frequency of cleaning as Monday to Saturday for the JD Hardie Centre instead of Monday to Friday.
- ‘Request for Cleaning’ document has been amended to include Matt Dann in the pricing schedule.

*Site Inspection/Briefing details*

Date: 5 November 2019  
 Time: 9:00am  
 Location: Civic Centre

*Tender Assessment*

The Town received 8 submissions for RFT 1819/64. The respondents were as follows:

1. Maid2Shine Cleaning Solutions Pty Ltd
2. Yurra Pty Ltd
3. JMD Operations Pty Ltd
4. Unicorn Cleaning & Gardening Services Pty Ltd
5. Shree Umiya MAA Pty Ltd
6. Los Tres Cleaning Services Pty Ltd
7. Pilbara Cleaning and Gardening Services
8. National Cleaning & Gardening Services

All compliant tender submissions have been evaluated by a panel of four (4) 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.

Governance Advisor facilitated the evaluation meeting held on 28 November 2019. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
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Relevant Experience	30 %
Capacity to Deliver & Resources	40 %
Demonstrated Understanding	30 %

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because budget has already been adopted for services for 2019/2020 financial year.

### CONSULTATION

#### *Internal*

Town of Port Hedland Facility operators and business units for all buildings were consulted to provide feedback on scope of cleaning requirements for individual work areas.

#### *External Agencies*

Nil

#### *Community*

### LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

### FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with cleaning services for Town of Port Hedland Buildings for the duration of this tender over 4 years, which includes all options to extend, is \$1,532,400 Ex GST (\$385,100 Ex GST per annum).

Budget has been approved for the 2019/2020 financial year for cleaning services across Town facilities based on the value of current contracts with Los Tres Cleaning and National Cleaning & Gardening, inclusive of an allowance for contingency.

The current allocated budget for cleaning services for the Town of Port Hedland's buildings is \$463,680 Ex GST.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

### 1.a Hardy Healthy and Safe People

*1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services*

### 1.d Well Utilised and valued community facilities and services

*1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs*

*1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities*

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because facilities which are not maintained to an adequate level of cleaning standards may impact the community's perception of the Town's services. Also, health and hygiene for Town employee work environments may be adversely affected. The risk rating is medium (6), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

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

It is recommended that the RFT1819-64 Cleaning Services for Town of Port Hedland Buildings be awarded to the contractor outlined in the Confidential Evaluation Report attached under separate cover to ensure that the Town's buildings continued to be maintained to a high standard of cleanliness.

## ATTACHMENTS

1. Evaluation Report for RFT1819-64 Cleaning Services for the Town of Port Hedland Buildings (confidential – under separate cover)

**11.4.3 AWARD OF TENDER RFT1920-10 - PURCHASE AND/OR LEASE OF TWO LOADERS AND DISPOSAL OF LOADER AND EXCAVATOR**

**Author:** Coordinator Depot Operations  
**Authorising Officer:** Acting Director Infrastructure Services  
**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 accepts the tender, submitted by \_\_\_\_\_ in accordance with RFT1920-10 Purchase and/or Lease of Two Loaders and Disposal of Excavator and Loader:

- a) to purchase Two (2) Loaders for the total amount of \_\_\_\_\_ excluding GST;
- b) to dispose of existing Loader & Excavator for the total amount of \_\_\_\_\_ excluding GST; and
- c) to supply ongoing parts for a contract period of 8 years, plus 2x 12 month extensions, for an estimated annual amount of \_\_\_\_\_ excluding GST, subject to ongoing maintenance requirements.

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to consider assessment of submissions received for RFT1920-10 for the Purchase, and/or Lease of Two Loaders, Disposal of Loader & Excavator, and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL**

As part of the Town of Port Hedland's 10-year plant replacement program, the existing landfill excavator and engineering loader have reached end of life and are due for replacement. The replacement program is built off industry standards to ensure that maintenance costs do not exceed machine value. The machine was also assessed on mechanical condition, utilisation and age.

*Request for Tender*

The Town released a Request for Tender (RFT) on 16 October 2019, requesting the following scope of works:

**Option 1**

The Town is looking to purchase outright, as a once off purchase, 2 front end loaders with an operating weight of approx. 12,000kgs are per the below specifications. One loader is to be used within our Engineering Department completing drainage works, road construction, cyclone preparations and various other tasks. The second loader is to be used at the Town's landfill facilities for all operational areas of the landfill.

As part of Option 1, the Town is looking to identify a parts supplier for the service & maintenance of the loaders. All parts are to be purchased and supplied to the Town at cost price (excluding freight).

Option 2

The Town is looking for pricing to lease 2 front end loaders with an operating weight of approx. 12,000kgs are per the below specifications, for a contract term of 8 years with a possible 2x 12 month extensions, at the Town’s discretion. The contract term is for the expected life of the machine.

One loader is to be used within our Engineering Department completing drainage works, road construction, cyclone preparations and various other tasks. The second loader is to be used at the Town’s landfill facilities for all operational areas of the landfill.

All associated service, maintenance and operating costs would be the responsibility of the Town. This includes, but is not limited to servicing, maintenance, fuel, and insurance and registration costs.

As part of Option 2, the Town is looking to identify a parts supplier for the service & maintenance of the loaders. All parts are to be purchased and supplied to the Town at cost price (excluding freight).

Option 3

Option 3 has been included to invite potential tenderers the opportunity to purchase the existing loader and excavator as part of the Town’s asset disposal. The Town is requesting offers only and may choose not to accept any offers received.

The current machines will remain in service with the Town until the new loaders have been delivered and are in operation.

*New loader specifications*

***Loader 1 (Engineering)***

Engine	Drive Train	Cabin
<ul style="list-style-type: none"> <li>• Diesel</li> <li>• Provide details of emissions control system (DPF/AdBlue) if fitted</li> <li>• Cooling system – water cooled. Provide details on tropical pack for high temp conditions is available</li> <li>• Horse power – provide details</li> <li>• Turbo timer</li> </ul>	<ul style="list-style-type: none"> <li>• Transmission – hydrostatic 4 forward gears &amp; 4 reverse gears</li> <li>• Hydraulically operated braking system</li> <li>• Wet disk brakes</li> <li>• Park brake</li> <li>• Fully hydraulic power steering</li> <li>• Four wheel drive</li> <li>• Turning circle – provide details</li> </ul>	<ul style="list-style-type: none"> <li>• Seat cover</li> <li>• Suspended seat</li> <li>• Floor mat</li> <li>• Reverse alarm</li> <li>• Reverse camera</li> <li>• LED beacon</li> <li>• Fully enclosed ROPS/FOPS cab</li> <li>• Air-conditioning</li> <li>• Window tinting – Darkest legal tint</li> <li>• 2 sets of keys</li> </ul>

<ul style="list-style-type: none"> <li>• Dual air cleaner with pre cleaner fitted</li> <li>• Machine isolator</li> <li>• Hydraulically driven cooling fan</li> <li>• Automatic reversible fan</li> </ul>	<ul style="list-style-type: none"> <li>• Wheel size – provide details</li> <li>• Spare wheel (rim &amp; tyre)</li> </ul>	<ul style="list-style-type: none"> <li>• Window wipers front &amp; rear</li> <li>• AM/FM radio</li> <li>• Rear vision mirrors fitted left and right of machine</li> <li>• Work lights front and rear</li> <li>• Lighting to meet road worthy specifications</li> </ul>
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Attachments	Other	Extras
<ul style="list-style-type: none"> <li>• Quick coupler fitting to allow for quick attachment changeover</li> <li>• Hydraulic bucket locking pins</li> <li>• Bucket self-leveller</li> <li>• 4in1 bucket - 2m3 with bolt on replaceable cutting edges</li> <li>• General purpose (GP) bucket - 2m3 with bolt on cutting edges</li> <li>• JIB attachment – please provide options</li> <li>• Pallet fork attachment</li> </ul>	<ul style="list-style-type: none"> <li>• Fire extinguisher</li> <li>• Front &amp; rear fenders</li> <li>• Auto greaser</li> </ul>	<ul style="list-style-type: none"> <li>• Operator training &amp; workshop training</li> <li>• First service kit</li> <li>• Operators, parts &amp; service manuals</li> </ul>

**Loader 2 (Landfill)**

Engine	Drive Train	Cabin
<ul style="list-style-type: none"> <li>• Diesel</li> <li>• Provide details of emissions control system (DPF/AdBlue) if fitted</li> <li>• Cooling system – water cooled. Provide details on tropical pack for high temp conditions is available</li> <li>• Horse power – provide details</li> <li>• Turbo timer</li> <li>• Dual air cleaner with pre cleaner fitted</li> <li>• Machine isolator</li> <li>• Hydraulically driven cooling fan</li> <li>• Automatic reversible fan</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Transmission – hydrostatic 4 forward gears &amp; 4 reverse gears</li> <li>• Hydraulically operated braking system</li> <li>• Wet disk brakes</li> <li>• Park brake</li> <li>• Fully hydraulic power steering</li> <li>• Four wheel drive</li> <li>• Turning circle – provide details</li> <li>• Wheel size – provide details</li> <li>• Spare wheel (rim &amp; tyre)</li> <li>• Provide pricing option for solid flex tyres</li> </ul>	<ul style="list-style-type: none"> <li>• Seat cover</li> <li>• Suspended seat</li> <li>• Floor mat</li> <li>• Reverse alarm</li> <li>• Reverse camera</li> <li>• LED beacon</li> <li>• Fully enclosed ROPS/FOPS cab</li> <li>• Air-conditioning</li> <li>• Window tinting – Darkest legal tint</li> <li>• 2 sets of keys</li> <li>• Window wipers front &amp; rear</li> <li>• AM/FM radio</li> <li>• Rear vision mirrors fitted left and right of machine</li> <li>• Work lights front and rear</li> </ul>

		<ul style="list-style-type: none"> <li>• Lighting to meet road worthy specifications</li> <li>•</li> </ul>
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Attachments	Other	Extras
<ul style="list-style-type: none"> <li>• Hydraulic bucket locking pins</li> <li>• Quick coupler fitting to allow for quick attachment changeover</li> <li>• Bucket self-leveller</li> <li>• Minimum 2 m3 GP bucket with bolt on replaceable cutting edge</li> <li>• GP bucket with grapple arm with bolt on replaceable cutting edge</li> <li>• Pallet fork attachment</li> </ul>	<ul style="list-style-type: none"> <li>• Fire extinguisher</li> <li>• Front &amp; rear fenders</li> <li>• Auto greaser</li> <li>• Fire suppression system – provide details</li> <li>• Belly guards – provide details</li> <li>• Windscreen protection bars – provide details</li> </ul>	<ul style="list-style-type: none"> <li>• Operator training &amp; workshop training</li> <li>• First service kit</li> <li>• Operators, parts &amp; service manuals</li> </ul>

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on 16 October 2019, and was advertised in the West Australian and the North West Telegraph on 16 October 2019, with a closing date of 6 November 2019.

*Addendum Details*

2 addenda were released during the tender period as follows:

- Addendum 1 – Issue of a second site inspection on the 25 October 2019.
- Addendum 2 – Addressing a typo in the mandatory criteria.

*Site Inspection/Briefing details*

Date: 21 & 25 October 2019

Time: 8am – 4pm

Location: South Hedland Landfill, North Circular Road, South Hedland

*Tender Assessment*

The Town received fifteen (15) submissions for RFT 1920-10. The respondents were as follows:

1. A-Plant
2. Brookes Hire Services Pty Ltd
3. CJD Equipment Pty Ltd
4. Clark Equipment Pty Ltd
5. Coates Hire
6. Hitachi Construction Machinery (Australia) Pty Ltd
7. JCB Construction Equipment Australia
8. Komatsu Australia Pty Ltd
9. McIntosh & Son
10. McIntosh and Son
11. Petromech Pty Ltd
12. Pickles Auctions
13. Porter Equipment Australia Pty Ltd

14. Smith Broughton
15. Westrac Pty Ltd

All submissions received from respondents were compliant.

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.

A Procurement Officer facilitated the evaluation meeting held on 18 November 2019.

The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Quality/Suitability	50%
Service & Maintenance	30%
Delivery & Training	20%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of the financial costs and the capacity of the Town to perform its role/function.

## CONSULTATION

### *Internal*

- Procurement Plan presented to the Executive Leadership Team 7 October 2019
- Depot Operations
- Engineering Operations
- Waste Operations

### *External Agencies*

N/A

### *Community*

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The Town's adopted 2019/20 budget listed an allocation of \$760,000 Ex GST (CPP123029) for the replacement of both the Loader and Excavator. The cost to replace both machines is within budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following sections of the Town'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 existing machines are left in operation past end of life, the higher the risk of an increase in maintenance costs, major component failure and machine down time. An increase in down time will impact the department's capability to perform required services. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) 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 officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

### **CONCLUSION**

Council is recommended to award tender RFT 1920-10 to the preferred tenderer indicated in the Tender Evaluation report. They have met and exceeded all selection criteria requirements and represent best value for money for the Town of Port Hedland.

### **ATTACHMENTS**

1. Evaluation Memo for RFT1920-10 Purchase and/or Lease of Two Loaders and Disposal of Excavator and Loader (confidential – under separate cover)

**11.4.4 AWARD OF TENDER RFT1819-58 - CIVIC CENTRE REFURBISHMENT STAGES 3 & 4**

**Author:** Coordinator Property Management  
**Authorising Officer:** Acting Director Infrastructure Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That Council accepts the tender submitted by \_\_\_\_\_ in accordance with RFT1819-58 Civic Centre Refurbishment Stage 3 Internal Works and Stage 4 External Works, for the total amount of \_\_\_\_\_ (excluding GST).

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT1819-55 Refurbishment of Civic Centre Stages 3 & 4, and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL***Request for Tender*

The Town released a Request for Tender (RFT) on 6 November 2019, requesting a suitably qualified contractor to complete further internal refurbishment works and external concrete remediation works.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 6 November 2019, and was advertised in the West Australian and the North West Telegraph on 6<sup>th</sup> November 2019, with a closing date of 29 November 2019.

*Addendum Details**Site Inspection/Briefing details*

Date: 14 November 2019  
Time: 10.00am  
Location: Civic Centre Chambers

*Tender Assessment*

The Town received three submissions for RFT 1819-55. The respondents were as follows:

1. MJW Building
2. Pilbara Constructions Pty Ltd
3. Duratech Australia Pty Ltd

All submissions received from respondents were compliant.

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.

The Senior Procurement Advisor facilitated the evaluation meeting held on 4 December 2019. The compliant submissions were assessed against the qualitative criteria as listed in the table below:

Qualitative Criteria	(%)
Relevant Experience	30
Capacity to Deliver and Key Personnel	35
Demonstrated Understanding and Methodology	35

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because of the approved budget for the works in Financial Year 2019/20.

**CONSULTATION**

*Internal*

The Commissioner has been briefed on the results of the evaluation process.

The Executive Leadership Team has been consulted since project conception and have provided approvals for design proposals.

*External Agencies*

Nil

*Community*

The RFT was publically released via Vendorpanel (the Town’s e-tendering portal) on 6 November 2019, and was advertised in the West Australian and the North West Telegraph on 6 November 2019, with a closing date of 29 November 2019.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.

## FINANCIAL AND RESOURCES IMPLICATIONS

The budget for the Civic Centre Refurbishments Stage 3 & 4 was approved with the adoption of the FY2019/20 Budget.

Due to the age of the building, there is a provision for contingency included in the budget should unexpected works be required.

The completion of the works under scope will reduce the ongoing maintenance budget for the facility going forward.

The next stage includes completion of final external works to the facade of the Civic Centre.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

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

### *Disability Access and Inclusion Plan*

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 2 – Buildings and Facilities

### *Corporate Business Plan*

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 1.d.2.1 - Develop, implement and review an asset management renewal program to ensure long-term sustainability of the Town's assets.
- 1.d.3.4 - Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards Risk Management Considerations.

There is a compliance risk associated with this item because the stairway and kitchen do not meet required standards for a public building. The risk rating is medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

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**

The Civic Centre remains the Towns administration hub, along with its use by the public for events and meetings. These remedial works are vital to assist in extending the facility’s useful life, for the good of the community.

**ATTACHMENTS**

1. Evaluation Memo for RFT1819-58 Civic Centre Refurbishment Stage 3 Internal Works and Stage 4 External Works (confidential – under separate cover)

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**Item 12 Reports of Committees**

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**Item 13 Motions of which Previous Notice has been given**

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**Item 14 New Business of an Urgent Nature (Late items)**

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**14.1 Statement of Financial Activity for the Period Ended 30 November 2019**

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**Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)**

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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 items:

- 15.1 Rates and Sundry Debtors Write Off
- 15.2 Proposal to Enter into a Lease for Port Hedland Library
- 15.3 Recruitment of the Chief Executive Officer

*SIMPLE MAJORITY VOTE REQUIRED*

**15.1 Rates and Sundry Debtors Write Off**

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (d) and (e(iii)) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

**15.2 Proposal to Enter into a Lease for Port Hedland Library**

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**15.3 Recruitment of the Chief Executive Officer**

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (a) a matter affecting an employee or employees.

That Council open the meeting to members of the public.

*SIMPLE MAJORITY VOTE REQUIRED*

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## Item 16 Closure

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### 16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 5 February 2020 commencing at [Enter Time](#).

### 16.2 Closure

There being no further business, the Commissioner declared the meeting closed at [enter time](#).

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