



MINUTES

Ordinary Council Meeting Wednesday, 22 July 2020

Date: Wednesday, 22 July 2020

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date: 29 July 2020

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Item 1 Opening of Meeting

The Commissioner declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Commissioner acknowledged the Kariyarra people as the Traditional Custodians of this land, on whose land we met, and recognised their strength and resilience, and paid his respects to Elders past, present and emerging.

Item 3 Recording of Attendance

3.1 Attendance

Scheduled Present: Commissioner Fredrick Riebeling AM JP
Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Anthea Bird (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Leith Hoffensetz (Manager Governance)
Angelique Cook (Senior Governance Advisor)
Kylie Astbury (Corporate Support Officer/Minute Taker)

Staff: 5
Public: 1
Media: 0

(Physical distancing measures due to COVID-19 apply at Council meetings. All attendees at council meetings are required to comply with the 2 square metres per person rule.)

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Nil.

3.4 Approved Leave of Absence

Nil.

3.5 Disclosure of Interests

Nil.

Item 4 Applications for Leave of Absence

Nil.

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on 26 June 2020**5.1.1 MR ARNOLD CARTER**

The Chief Executive Officer issued Mr Carter with a written response to all questions listed below on 14 July 2020.

I have had the opportunity to discuss budget estimates with the Town Council over the last forty years (with one exception). I find it absurd that a budget be accepted without any reference to the Rate Payers for consultation and comment. I received my copy at 3.30pm on Tuesday 23 June 2020. There is no way could I substantiate questions before the acceptance by the Commissioner at the meeting tonight, unless he adjourned same.

When I perused the budget and noted an expenditure of \$86,246,017, I was absolutely stunned, particularly when I noticed some of the proposed expenditure, for instance where is the \$7,750,000 transfer from the PHIA [Port Hedland International Airport] reserve being spent, shows no indication of where it is being spent. Hoping I will not see a repetition of the fiasco we had with the Gratwick Swimming Pool during last financial year.

I note with interest your comments in the last paragraph documents, in your aims and objectives, the main conceptual word missing is communication.

The Manager Financial Services provided the following response:

The delay in upload of budget was addressed by the Director of Corporate Services at the June OCM at Item 14.1 Adoption of 2020/21 Rating Strategy and Adoption of the 2020/21 Annual Budget, who stated, "The budget process commenced in January, but was discarded in March 2020 as a result of the COVID-19 pandemic and change in economic situation. External information was received as late as mid-June for inclusion in the budget".

The expenditure of \$86,246,017 includes an amount of \$24,000,000 which is required for the Spoilbank Marina Project. This was also included in the 2019/20 budgeted expenses of \$84,247,387, however the State Government had not called on the money in the 2019/20 financial year. Excluding this amount the total expenditure is budgeted at \$62,246,017 which is an increase of 3.3% with the main increase in employee costs to resource the capital works program and ensure facilities are suitably resourced.

In relation to the \$7,750,000, this was a budgeted line item in the reserves note for the 2019/20 budget and was money earmarked for critical repairs to the JD Hardie Welfare Centre, Stevens Street and staff housing. Actuals for the 2019/20 have not been finalised as yet in relation to the expenditure from this reserve.

Another concern I have is with the recent tender acceptance for the cleaning of public ablutions for \$855,805.43, which was in some instances \$400,000 to \$500,000 below the accepted tender in your evaluation assessment, the value considerations highlighted the criteria, including value for money, not very conducive of the Rate Payer money.

The Director Infrastructure Services provided the following response:

The Town of Port Hedland (Town) undertakes all procurement activities in line with the Council Purchasing Policy which is found on Council's website. The Town assesses all tenders on the basis of overall value for money. Value for money is achieved through the critical assessment of criteria including, but not limited to, factors such as: price, whole of contract life costs, safety and risk, timeliness, environmental, social, economic and qualitative factors. These qualitative factors can include efficiency, availability, demonstrated understanding, relevant experience and technical knowledge. This assessment determines the most advantageous supply outcome that contributes to the Town achieving its strategic and operational objectives.

Whilst it is necessary to ensure purchasing is conducted within budget, the Town acknowledges that lowest price does not necessarily always present the best value for money.

The successful tenderer for the Sanitation and Public Ablutions tender was assessed as being the best value for money when all of the qualitative and pricing was assessed. This assessment was undertaken within the Council's Policy, the Town's Internal Operating Procedure and complies with the *Local Government Act (WA) 1995* and the *Local Government Act (1995) regulations*. The tender was awarded to a local supplier *Pressure Force* and Town staff are confident *Pressure Force* will provide the Town with value for money in the delivery of the contract.

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

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

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

The Commissioner declared Public Question Time open at 5:34pm.

Nil.

The Commissioner declared Public Question Time closed at 5:34pm.

6.2 Public Statement Time

The Commissioner declared Public Statement Time open at 5:35pm.

Nil.

The Commissioner declared Public Statement Time closed at 5:35pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

Nil.

Item 8 Announcements by Presiding Member without Discussion

The Commissioner's meetings for the month of June 2020:

Date	Meeting	Topic
02/06/20	Weekly Talk of Town radio segment	Weekly Radio Interview
04/06/20	Art Awards Announcement	The Jury Art Prize 2020 Patron Award
04/06/20	Meeting with PHIC	ACIL Allen Economic Impact Report on the Economic Significance of the Port of Port Hedland
08/06/20	Meeting with Minister Logan	Munda Station Access Road
09/06/20	Weekly Talk of Town radio segment	Weekly Radio Interview
11/06/20	Meet with RCAWA Executive Officer	General Catch up
12/06/20	Breakfast Meeting with Minister MacTiernan	Spoilbank Marina announcement
12/06/20	Spoilbank Marina meeting with Contractors	Information session for local contractors
12/06/20	Spoilbank Marina Community open house	Information session for members of the community
15/06/20	Meeting with Santos	Dorado Oil Field project
16/06/20	Weekly Talk of Town radio segment	Weekly Radio Interview
16/06/20	Ministerial Round Table	COVID-19 State Recovery Planning (Regional Communities North)
17/06/20	Strategy Committee Meeting	As per item 12.1 on the OCM agenda for 24 June 2020
19/06/20	Tour of PPA Control Tower	Guided tour of the control Tower at the Port
23/06/20	Meet with Hastings Technology Metals Ltd	General meeting re Yangibana Project
23/06/20	Weekly Talk of Town radio segment	Weekly Radio Interview
24/06/20	June Ordinary Council Meeting	As per agenda on the Town's website
25/06/20	WALGA Pilbara Country Zone meeting	As per agenda on the WALGA website
25/06/20	Hedland Collective Steering Committee Meeting	General business
30/06/20	Weekly Talk of Town radio segment	Weekly Radio Interview

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

The Commissioner declared that he had given due consideration to all matters contained in the agenda.

Item 10 Confirmation of Minutes of Previous Meeting

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.

CM202021/001 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 24 June 2020 are a true and correct record.

CARRIED BY COMMISSIONER RIEBELING

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MAY 2020
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Author: Senior Financial 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.

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

This item is for the financial activities for the period ended 31 May 2020. There is a complete report attached in Attachment 1.

This report occurs each month and the thresholds are the same each month; being capital projects of variation of 10 per cent or \$10,000 whichever is greater of the year to date budget, and for non-capital the variation of 10 per cent or \$50,000 of the year to date budget.

This month's breakdown of cash position is:

Current Assets	\$237.4mil
Restricted Cash	\$235.2mil
Unrestricted Cash	\$2.2mil

These figures show:

- 1) Sound long-term financial planning is implemented; and
- 2) Transparency and regular financial reporting and communications to the community.

There are no significant environmental, social or economic impacts identified.

I support the recommendation in relation to this matter.

CM202021/002 OFFICER'S RECOMMENDATION / COUNCIL DECISION

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 May 2020;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 May 2020; and
4. Receive the Credit Card Statements for period ended 31 May 2020.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 May 2020. 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 May 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

The Town's 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; and
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 detailed above, as per *Attachment 2 NOTE 12. Explanation of Material Variances*.

The opening funding surplus of \$2.5M presented in audited annual financial statements and presented in the 27 November 2019 Ordinary Council Meeting.

The net current funding position as at 31 May 2020 was \$15.7M. The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments (including trust)	\$237.4M
Restricted Cash – Reserves	\$235.2M
Unrestricted Cash Position as at 31 May 2020	\$2.2M

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

- Nil

Community

- Nil

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:

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 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 May 2020 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 May 2020 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 May 2020.

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 FY2019 audited financial statements. The net current funding position was \$15.7M.

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. Monthly Financial Statements - May 2020 (under separate cover)
2. Material Variance Report (under separate cover)
3. Payments made under authority (under separate cover)
4. Credit Card Report (under separate cover)

11.1.2 RESCIND POLICY 1/011 QUEEN'S BIRTHDAY HOLIDAY

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.

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

This item is in relation to the Queen's Birthday Holiday. The first thing that most people want to know is that this item is not about changing the Public Holiday. The Public Holiday will remain as is, it is just a different way of achieving the same result.

We do not need a policy to achieve the Public Holiday on the Hedland Cup Day.

All Council needs to do is to endorse the Day via resolution, then the Governor creates the Queen's Birthday Holiday. It is a decision of the Governor upon the recommendation of your Council that creates the date.

I support the recommendation in this matter.

CM202021/003 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Rescind Policy 1/011 'Queen's Birthday Holiday'; and
2. Note that the Queen's Birthday shall remain a Public Holiday pursuant to the Queen's Birthday Holiday 2020 (Port Hedland and Karratha) Proclamation 2020.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider rescinding Policy 1/011 'Queen's Birthday Holiday'. The Queen's Birthday will remain a Public Holiday and pursuant to the Queen's Birthday Holiday 2020 (Port Hedland and Karratha) Proclamation 2020.

DETAIL

Currently, the Council operates Policy 1/011, approved and deployed in 1999 and last reviewed in March 2016 (Attachment 1). The policy states:

"The Queen's Birthday Public Holiday will be on the Port Hedland Cup Day, unless a change of date is approved by Council. If Port Hedland Cup Day is on a weekend then the Public Holiday will be on the next week day."

Clause 2 of the Queen's Birthday Holiday 2020 (Port Hedland and Karratha) Proclamation 2020 states:

"2. Queen's Birthday Holiday

Instead of Monday 28 September 2020, Monday 3 August 2020 is to be the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign in 2020 in –

(a) The Port Hedland local government district; [...]"

The proper instrument for establishing when a certain public holiday is to be celebrated is a Proclamation made by the Governor in Executive Council, under Section 8 of the *Public and Bank Holidays Act 1972*. A Proclamation under this Act must be published in the *Gazette* at least three (3) weeks before the date chosen, and needs to be countersigned by the Minister for Industrial Relations. The Proclamation is, as a practice, initiated by a local government concerned.

There is no need for this policy, as a Council decision provides the legitimacy to initiate the process of obtaining a Proclamation. The existing Proclamation referred to above supercedes the need for any Council policy.

Furthermore, the Policy 1/011 as it is currently worded, creates the impression that the date of the Queen's Birthday Holiday is established by Council, which is incorrect. It is a decision to be taken by the Governor in Executive Council, whether by recommendation from a local government or otherwise.

Therefore, it appears opportune to rescind the Town policy, as the Proclamation of the Governor supercedes any Council Decision on the matter.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it relates to largely ceremonial nature.

CONSULTATION

Internal

- Governance Officer
- Senior Governance Advisor
- Manager Governance

External Agencies

- The local governments of Karratha, East Pilbara, Ashburton and Broome do not have similar policies.

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Section 8 of the *Public and Bank Holidays Act 1972* refers to the Governor having the power to alter day appointed for a public holiday (Attachment 3).

Proclamation 2020 Queen's Birthday Holiday 2020 (Port Hedland and Karratha) stipulates when the public holiday will be held (Attachment 2).

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implications with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

4.a.3 A positive narrative and unique brand is developed and promoted

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Council may be perceived as generating policy with no clear applicability and use. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

The 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

By rescinding the policy the Council will contribute to a healthier policy environment, whilst maintaining all the capabilities to influence the date of public holidays.

ATTACHMENTS

1. Policy 1/011 Queen's Birthday Holiday (under separate cover)
2. Alternative Regional Queen's Birthday Public Holiday Proclamations (under separate cover)
3. Section 8 Public and Bank Holidays Act 1972 (under separate cover)

11.1.3 REVISED POLICY 1/020 HONORARY FREEMAN

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.

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

This report is in relation to the rules around the appointment of Freeman of the Council [Town] and the conduct of the Freeman in relation to the Council.

These rules were last reviewed in March 2015. Currently we have nine Freemen that have been appointed by this Council over the years. This appointment is of course at the Council's discretion at all times.

The review sets out the criteria to be considered. These criteria aren't designed to say that if you comply with one you shall be considered. This is what Council should consider in relation to Freeman:

- Served the community with distinction;
- The Mayor for two terms is eligible to be considered;
- A Councillor for 12 years is eligible to be considered;
- Must be of high integrity;
- Distinguished record of service;
- Act lawfully;
- Treats people with respect; and
- Not be a sitting member.

If a person is either bankrupt or has a criminal conviction they are not eligible.

The Code of Conduct requires Freeman, at all times, to:

- Refrain from making critical or disparaging remarks about Council; and
- Refrain from behaviour that may embarrass Council.

I support the recommendation in relation to this matter.

CM202021/004 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council adopt the revised Policy 1/020 'Honorary Freeman' as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider amendments to Policy 1/020 'Honorary Freeman'.

DETAIL

Council adopted 1/020 'Honorary Freeman' in March 2015 to provide a procedural pathway for the appointment of Honorary Freemen to the Town of Port Hedland.

The Policy was reviewed as part of the normal processes and procedures implemented by the Governance business unit. The review revealed a number of potential improvements and corrections that can be implemented by way of amendments to the policy.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it relates to largely ceremonial, not a decision making position.

CONSULTATION

Internal

- Governance Officer
- Senior Governance Advisor
- Manager Governance

External Agencies

- Honorary Freeman policies operated by the Cities of Canning and Karratha appear largely similar to this policy, with some differences appearing in the process of nomination. The City of Canning model is complex and inapplicable in a Town of Port Hedland context. The Shires of Ashburton and East Pilbara do not have a policy, although East Pilbara does have an Honorary Freeman.

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The role of Council, as stated in section 2.7(2)(b) of the *Local Government Act 1995*, is to determine the Local Government's policies.

Attachments 2 and 3 outline the amendments proposed and the justification for each amendment.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implication with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.a.3 A positive narrative and unique brand is developed and promoted

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the process for the nomination and appointment of an Honorary Freeman needs to be seen by the community as clear, inclusive and ethically sound. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

The 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

In amending the policy the process for the nomination and appointment of an Honorary Freeman will be clear, streamlined and ethically sound.

ATTACHMENTS

1. 1/020 Honorary Freeman (final) (under separate cover)
2. 1/020 Honorary Freeman (tracked changes) (under separate cover)
3. 1/020 Honorary Freeman - Table of Amendments (under separate cover)

11.2 Community Services

11.2.1 ARTS AND CULTURE STRATEGY - ANNUAL PERFORMANCE REPORT

Author: Manager Corporate Affairs
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.

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

This item is to review the report on the performance for the 2019/20 financial year in relation to the Arts and Cultural Strategy.

It gives me great pleasure to speak to this Report. Your Council is committed to supporting and celebrating art, culture and heritage.

Extensive public consultation took place to look at a range of ideas:

- 1) Hedland is unique;
- 2) Current programming;
- 3) Desire to be more creative;
- 4) The role Council should take; and
- 5) How to build local participation.

The results of the Strategy were adopted by Council in August 2019. Council endorsed and supports the findings in four broad areas:

- 1) This is us – the Hedland story and points of pride;
- 2) Doing it together;
- 3) Added value – contributing to a thriving Hedland; and
- 4) The unexpected – fresh experiences and novel places.

The key achievements so far are:

- 1) Town of Port Hedland Events Toolkit, which outlines processes and support resources for community groups to deliver arts and cultural events;
- 2) Sunset Food Markets expand business opportunities through Marapikarrinya Park, and we will see that shortly expanded more with the pop up developments in the Park;
- 3) Three (3) year partnership with BHP to secure large community events;
- 4) New location for Hedland Library, which took some time but is proving to be a success
- 5) Established an Aboriginal Liaison Officer;
- 6) 2 per cent of major project values need to contribute to public art; and
- 7) Activity focused on engaging youth including at risk youth.

I note and receive the report as recommended in this item.

The Commissioner made the following additional statement:

I just want to say that a lot of people in the Hedland area have witnessed over the many years, community consultation and reports that were written. I'm hoping from now on, like this report, that the people in Port Hedland get more used to seeing the results of those reports coming to fruition. This particular report, some 70% of the recommendations have been achieved, and I congratulate the officers in relation to that. I think it's a trend, that people will see more and more results in Port Hedland, one of those being the JD Hardie Centre which is now proceeding. Congratulations to our events people.

CM202021/005 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, in relation to the Arts and Culture Strategy 2019-2022, receive and note the performance for the 2019/20 financial year, as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider and note the actions undertaken by the Town of Port Hedland (Town) for the 2019/20 financial year in relation to the actions outlined in the Arts and Culture Strategy 2019-2022.

DETAIL

Port Hedland is home to both a diverse range of creatives, including makers, performers and artists, and creative activities, from music, festivals, events and markets. As a Council, we are committed to supporting and celebrating arts, heritage and culture, as it plays an important role in our region's future and our community's identity.

To develop the Arts and Culture Strategy 2019-2022, the Town undertook public consultation in April 2019, exploring a range of questions, including:

- Hedland's unique 'points of pride' and cultural assets;
- The current arts, cultural and events programming;
- Aspirations for a more creative Hedland;
- Perceptions on the role of the Town in supporting and programming activity; and
- How to amplify local participation and engagement.

The Arts and Culture Strategy 2019-2022 was adopted by Council in August 2019. The Strategy captures the community's vision and ideas, and outlines the actions we will deliver to build a more vibrant Hedland, and has four broad focus areas, being:

1. This is us – the Hedland story and points of pride;
2. Doing it together – being part of it and connecting community;
3. Value add – contributing to a thriving Hedland; and
4. The unexpected – fresh experiences and novel places.

The Town's aim is to cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future.

For the 2019/20 financial year, the following performance statistics are reported:

Status 2019/20 Financial Year	Number	%
ACS Actions Complete	16	47
ACS actions on track for completion	9	26.5
ACS actions not yet commenced	9	26.5

A summary of the key achievements for the 2019/20 financial year, are as follows:

- The development of the Town of Port Hedland Events Toolkit, which outlines processes and support resources for community groups to deliver arts and culture initiatives and events;
- The introduction of the Sunset Food Markets, which focuses on expanding opportunities for local businesses;
- A three (3) year partnership has been established with BHP, which secures large community events for the community;
- A new location for the Port Hedland Library secured and facility opened in May 2020;
- The establishment of an Aboriginal Liaison Officer position in the organisational chart (with recruitment to commence in 2020/21 financial year);
- The Percent for Public Art Policy has been reviewed; and
- The Town has focused on programming that actively engages youth, including targeted at-risk youth initiatives.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because of potential impact to the reputation of the Town of Port Hedland and general interest by the community.

CONSULTATION

Internal

- The Town's Executive and Managers were consulted during the completion of this performance report.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The Arts and Culture Strategy supports Council in achieving a vision for the Town that places culture at its centre and recognises the important role that arts and creativity play in community engagement, community well-being, economic vitality, and celebration of built and natural assets.

The Arts and Culture Strategy also links to other key planning documents, including:

1. Town of Port Hedland Corporate Business Plan;
2. Town of Port Hedland Operations Plan;
3. Town of Port Hedland Public Art Register; and
4. Pilbara Development Commission.

FINANCIAL AND RESOURCES IMPLICATIONS

The implementation of the Arts and Culture Strategy 2019-2022 will be primarily funded through existing operational budgets. Any unfunded actions will be considered each year as part of the annual planning process. Where appropriate potential grant opportunities will be pursued.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section 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.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.c.4 The Town's program of events and activities is promoted locally, regionally and nationally
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.c.3 Innovative marketing to attract amenity usage is implemented

There are no significant identifiable environmental, social 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; and
- Outcome 6 - Consultation Process.

Corporate Business Plan

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

- 1.c.1.1 Develop, implement and review a Cultural and Arts Strategy
- 1.c.2.1 Provide a year round events program aligned with the Cultural and Arts Strategy

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as it may be perceived that the Town has not performed as expected by 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 and ensure that the Town's administration is performing its duties to the best of its ability to meet or exceed its key deliverables as outlined in the Arts and Culture Strategy.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

This performance report is provided to inform Council and the community of the progress that the Town has made in regards to the adopted actions in the Arts and Culture Strategy 2019-2022. The Arts and Culture Strategy outlines the organisation's key initiatives to develop a town where culture and the arts are both threaded through our every day and deeply valued as part of what makes our town so special.

ATTACHMENTS

1. Arts and Culture Strategy 2019/20 Performance Report (under separate cover)

11.3 Regulatory Services

11.3.1 SURRENDER OF DEVELOPMENT LEASE M129893 AND CONVERSION TO RESERVE FOR THE PURPOSE OF 'HOUSING'

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.

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

This item is in relation to surrendering a lease and then converting the purpose of that lease [reserve] to Housing.

This matter was tied up with Lot 5863 Bulter Way, Port Hedland, which was surrendered and the purpose was changed to Housing.

This process needs to now be finalised for Lot 2 (16) Oriole Way to allow the Council, at some stage, to build on the property at no expense to Council for the land.

I support the recommendation in relation to this matter.

CM202021/006 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Support the surrendering of Lease M129893 in full; and
2. Request that Lot 2 on Deposited Plan 100648 (16) Oriole Way, South Hedland, be vested to the Town of Port Hedland as a reserve for the purpose of 'Housing'.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the proposed surrender of Lease M129893 in full and the acquisition of Lot 2 (16) Oriole Way as a reserve for the purpose of 'Housing'.

DETAIL

The Town of Port Hedland (Town) formerly held a single Lease M129893 over two lots being; Lot 2 (16) Oriole Way, South Hedland and Lot 5863 Butler Way, Port Hedland. In 2016, the lease was surrendered on Lot 5863 Butler Way and was converted to a Reserve, subsequently vested to the Town for the purpose of 'Staff Housing'. Lot 5863 Butler Way is now under development for use as staff housing. No changes to the legal ownership of Lot 2 (16) Oriole Way, South Hedland were made at the time the lease was surrendered on Lot 5863 Butler Way.

The Department of Planning, Lands and Heritage (DPLH) have recently determined that the lease was not surrendered in full, and remains in place over Lot 2 (16) Oriole Way, South Hedland. This was an administrative oversight by both parties and accordingly requires correction. Through initial discussions regarding the surrendering of this lease, an opportunity has arisen for the Town to initiate the same process as undertaken with Butler Way – namely, reservation and vesting to the Town for 'Housing', allowing the construction of a residence.

Lot 2 (16) Oriole Way, South Hedland is a 492m² lot zoned for residential development under both Local Planning Scheme No. 5 and Draft Local Planning Scheme No. 7. The property is flat, suitable for a single house and surrounded primarily by corporate or owner-occupied housing. The site is in close proximity to Baler Primary School.

The reservation and vesting will not require that the Town construct on it in any specified timeframe. Should the parcel not be required for housing immediately, it could be retained until such time as it is required.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because there are no significant financial, social or environmental risks associated with this item.

CONSULTATION

Internal

- Internal consultation has been undertaken with the Town's property management team and the Executive Leadership Team, who are supportive of this proposal.

External Agencies

- No external consultation is required for this item.

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The *Land Administration Act 1997* governs all land transactions involving Crown land, including both leases and reserves.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town is currently being charged by the DPLH a rental amount of \$45.84 per month, backdated to December 2016. This will cease once the lease is fully surrendered.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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 reputational risk associated with this item because the Town was unaware that the lease surrender had not been finalised. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

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

There is a financial risk associated with this item because the Town will continue to be charged a monthly rent until the surrender is finalised. The risk rating is considered to be medium (5), which is determined by a likelihood of almost certain (5) and a consequence of insignificant (1).

This risk will be eliminated 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

Support of the officer's recommendation will provide the Town a parcel of land suitable for housing if and when it is required, with no cost to the Town for the holding of the land.

ATTACHMENTS

1. Aerial (under separate cover)

11.4 Infrastructure Services

11.4.1 IMPOSITION OF NEW FEE FOR INCLUSION IN THE 2020/21 SCHEDULE OF FEES AND CHARGES

Author: Property Management Officer
Authorising Officer: 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.

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

This is a list of fees to be imposed on our staff if the devices that are provided are lost or destroyed by the responsible person.

There is really no further explanation required for this item.

I support the recommendation.

CM202021/007 OFFICER’S RECOMMENDATION / COUNCIL DECISION

That Council:

- Endorses the imposition of the below fees for inclusion in the 2020/21 Fees and Charges Schedule:

Section/ Description	20/21 Fee	GST	20/21 Total Fee
Infrastructure Operations			
New or Replacement Swipe Card/ Remote/ Fob / Property / Facility Keys	\$95.45	\$9.55	\$105.00
	20/21 Fee	GST	20/21 Total Fee
Waste Management			
Commercial Industrial Waste - Mixed loads per tonne. <i>No Minimum Charge</i>	\$113.64	\$11.36	\$125.00
Construction & Demolition Waste - Mixed loads per tonne. <i>No Minimum Charge</i>	\$113.64	\$11.36	\$125.00

- Notes that the Town of Port Hedland will give notice of the above proposed fees in accordance with s.6.19 of the *Local Government Act 1995* and effective seven (7) days after publication in a local newspaper.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the imposition of a fee for a new or replacement swipe card/ remote/ fob for inclusion, and an amendment to the minimum fees for specified commercial waste types in the 2020/21 Fees and Charges Schedule.

DETAIL

Recent installation of electronic gates at a Town facility required remote controls to be commissioned and issued for access to the premises. The gates were installed as a security measure due to ongoing vandalism and attempted break-ins at the facility. A manual gate was previously installed to assist with the securing of the premises, however this was ineffective as access was not restricted to the public. Consultation was sought from local suppliers for recommendations as to how to best secure the facility. It was recommended from both suppliers that a high electronic gate, with remote control access would be the most appropriate form of securing the facility while still allowing staff to access and leave safely as required.

Each facility user was issued a remote control free of charge. Additional remote controls were also issued in order for contractors who attend the property as required. These additional remotes are in possession of the Town and are allocated as required.

The cost to replace and commission a new remote control is approximately \$105.00 (including GST).

In the event that a remote control is damaged or misplaced the proposed fee will be implemented to assist with the recovery of associated costs.

The Waste Management Fees as adopted by Council, at the Ordinary Council Meeting of 27 May 2020, for Commercial Industrial Waste and Construction & Demolition Waste included a minimum charge for 1 tonne of waste, which equates to \$125.00. This minimum fee was amended to reflect consistency with other charges, however does not reflect consistency with other budgetary decision making. The alteration to the fee description will enable waste loads under 1 tonne to be charged at a pro-rata rate, similar to the process applied in the 2019/20 financial year. The expected waste operations income for Council for Commercial Industrial Waste and Construction & Demolition Waste for 2020/21 was based upon no minimum charge/pro-rata fee, therefore no alteration to expected income is required.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as this does not meet any of the policies

CONSULTATION

Internal

- Manager Human Resources
- Manager of Infrastructure Operations
- Director Infrastructure Services
- Manager Financial Services
- Manager Governance
- Senior Governance Advisor
- Manager Waste Services

External Agencies

- Cleanaway (for waste charge)

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.16 of the *Local Government Act 1995* specifies that a fee or charge may be imposed or amended by a Local Government by an absolute majority vote at any time during the financial year.

More specifically, s.6.16(2)(e) of the *Local Government Act 1995* states that a fee or charge may be imposed for the supply of goods.

Before a fee or charge comes into effect, a Local Government must give local public notice of its intention to impose the fee or charge and the date from which it is proposed to be imposed in accordance with s. 6.19 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost for a new remote control is approximately \$105.00 (including GST).

As outlined in the Act, when determining the amount of a fee or charge a Local Government is to consider the following:

- a. The cost of providing the goods or service;
- b. The importance of the goods or service to the community; and
- c. The price at which the goods or service could be provided by an alternative provider.

It is unlikely that the proposed fee will be levied on a frequent basis.

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

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

Corporate Business Plan

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

- 4.b.2.1 Ensure the Town's finances are managed efficiently and effectively in line with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

There is minimal financial risk associated with this item because the proposed fee equivalent to the recovery cost. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt the proposed additional fee of \$105.00 (including GST) for a new or replacement remote/ swipe card/ fob for inclusion in the 2020/21 Fees and Charges Schedule to assist with recovering unexpected operational costs. The proposed modification to the minimum fees for specified commercial waste types provides a fairer price for disposal than the current minimum and is equivalent to last financial year's charges. The proposed fees will be advertised for a period of 14 days in accordance with the *Local Government Act 1995* prior to implementation.

ATTACHMENTS

Nil

11.4.2 TOWN OF PORT HEDLAND – DEPOT POUND UPGRADES

Author: Project Manager
Authorising Officer: 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.

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

This item is put forward in an endeavour to create operational efficiencies. This matter was to be included in Stage 2 of the Masterplan, but it has now been assessed that it is better suited in the first stage of this project.

This work will replace an aging facility that for a number of years has held dogs and cats far in excess of its design capacity, which results in poor care outcomes for the animals.

The new facility will include a new building with temperature controlled facilities; with separate cat and dog sections, a vet's room and two large shaded exercise areas.

Bringing this forward will ensure the Town is able to financially benefit from including all works under one stage.

I support the recommendation in this matter.

CM202021/008 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, in accordance with *section 6.8* of the *Local Government Act 1995*:

1. Allocate an amount of \$1.5 million for the construction of a new Dog and Cat Pound Welfare facility to the 2020/21 financial year budget, for completion under the approved Project Depot Masterplan; and
2. Include an additional \$1.5 million for the new Dog and Cat Pound as part of the 2020/21 financial budget loan funding for the Depot Masterplan.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider bringing forward planned works for the Dog and Cat Pound Welfare facility, to be completed under the Depot Masterplan project, in 2020/21 financial year.

DETAIL

The Depot Masterplan project was endorsed by Council during the 2020/21 financial year budget adoption process and aims to improve the current facilities at the Town of Port Hedland's Wedgefield Depot.

The Depot Masterplan is proposed to be completed in several stages over the course of 2020/21 financial year. The staged approach will ensure key aspects of the project are delivered as a priority over others, due to the dilapidated facilities that are currently being operated from.

The initial site works to be completed will allow opportunities to create operational efficiencies as well as provide support for improved service provision by the Infrastructure Services Team.

Stage 1 of the Depot Masterplan includes improvements to the overall site layout as well as a new office building, warehouse and stores.

Stage 2 will provide for the supporting infrastructure works, including workshop upgrades, undercover storage areas and the upgrading of the external perimeter fencing.

In reviewing further planned works for the site under the Towns Strategic Resources Plan 2020/21-2022/23, the Town has identified the upgrade works to the Dog and Cat Pound planned for 2022/23 financial year.

The current Dog and Cat Pound is located along the northwest boundary of the site and is insufficient in both size and layout. The facility has reached capacity which has forced any impounded cats to be housed at an external facility.

The proposed works to be completed for the new Dog and Cat Pound include a newly constructed temperature controlled facility with separate enclosures for both cats and dogs. There will be a veterinarian service room and two large areas for shaded animal exercise.

Current Capacity:	Dogs	15	Cats	12
Revised Capacity:	Dogs	25-30	Cats	18+

The opportunity to construct the new facility under the Depot Masterplan project will ensure the Town is able to financially benefit from including all works under one stage.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the construction of a Dog and Cat Pound has been endorsed under the Strategic Resource Plan 2020/21-2022/23.

CONSULTATION

Internal

- The Environmental Health team, including Rangers have been consulted with regards to the current state of the facility and need for improvements at both operational and function level.

External

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The Town will need to comply with RSPCA guidelines for the construction of a Dog and Cat Pound facility.

FINANCIAL AND RESOURCES IMPLICATIONS

The Dog and Cat Pound Welfare facility is a capital works project listed in the Strategic Resources Plan 2020/21-2022/23 and has an allocation of \$1.5 million.

The inclusion of these works under the Depot Masterplan will provide a value for money opportunity to have these works packaged with the Stage 2 scope.

The new works along with the approved budgeted 2020/21 Depot Masterplan is proposed to be debt funded thereby requiring an additional \$1.5 million in debt funding for 2020/21 financial year to complete the project. The total amount to be debt funded for this project in 2020/21 is \$10.2 million.

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

Corporate Business Plan

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

- 1.d.3.4 Ensure that the Towns commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item as issuing the works out as a separate project may potentially increase the cost for the overall Project Delivery. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

The risk will be eliminated by adopting 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 provision of a Dog and Cat Pound by the Town of Port Hedland is a key service delivered to the community. The delivery of a new compliant facility will ensure that animal welfare remains a priority of the Town for the future.

ATTACHMENTS

Nil

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

Nil.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 August 2020 commencing at 5:30pm.

16.2 Closure

There being no further business, the Commissioner declared the meeting closed at 5:47pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting on 26 August 2020.

CONFIRMATION:



COMMISSIONER

27th August 2020.
DATE