



MINUTES

Ordinary Council Meeting Wednesday, 23 September 2020

Date: Wednesday, 23 September 2020

Time: 5:30pm

Location: Civic Centre
13 McGregor Street
Port Hedland

Distribution Date: 2 October 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.

The Commissioner acknowledged the former Mayor of Port Hedland, Mr Camilo Blanco.

Item 3 Recording of Attendance

3.1 Attendance

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

Staff: 8
Public: 18
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 August 2020

5.1.1 MR BYRON KEMP

The Chief Executive Officer issued Mr Kemp with a written response to all questions listed below on 15 September 2020:

This development application was approved in 2013 under the current Town Planning Scheme no. 5, but not now. My question is, could you explain why?

The Manager Town Planning and Development has provided the following response to your question:

Planning decisions are made based on the planning framework that applies at the time of decision. Developers ordinarily have two (2) years to construct their development, and if construction does not commence within two (2) years, the approval lapses. In 2013, Local Planning Scheme No. 5 (LPS5) was the primary planning instrument that applied to the development which enabled 12 multiple dwellings to be approved. The developer applied for approval in 2013 and the application was subsequently approved. As the development had not commenced construction in 2015, and again at the beginning of 2018, the developer applied for two (2) extensions. These two (2) extensions to the 2013 approval were granted as LPS5 continued to apply, enabling 12 multiple dwellings to be constructed on the site, provided construction commenced two (2) years from the date of extension. The 2013 approval, including the two (2) extensions, expired on 12 March 2020 which led to a third (3) application to extend the approval, which the Town of Port Hedland (Town) refused. The applicant appealed this decision at the State Administrative Tribunal (SAT).

The key reasons for the Town changing its decision is due to the planning framework changing. In October 2018, the State Government's decision to implement the recommendations of the Dust Taskforce Report in the West End of Port Hedland through an Improvement Plan and Scheme led to the gazettal of Improvement Plan 50: Port Hedland West End (IP50) on 31 July 2019, and Port Hedland West End Improvement Scheme No. 1 (IS1) being initiated, with public consultation concluding on 31 July 2020. The new planning documents IP50 and Draft IS1 replace LPS5 as the planning framework that applies to the land. The 2013 development was assessed against IP50 and Draft IS1 which do not permit multiple dwellings to be developed on the land, and a decision was made on this basis.

The primary land use is residential and supports both the Prime Minister's and Premier's Public announcement for mining and construction to lead Australia out of the COVID-19 related recession, by providing much needed jobs and accommodation for the increasing labour force, however the Council states, that approving this application for more jobs and accommodation is a "Reputational Risk". Can you please explain why?

The Manager Town Planning and Development has provided the following response to your question:

The Town as a responsible authority for determining development applications cannot ignore the new planning framework of IP50 and IS1 that applies to development applications in the West End. The reputational risk listed in the report notes that if the Town ignores IP50 and IS1, and continues to approve multiple dwellings in the West End of Port Hedland, this would contradict the State Government's decision to implement the Dust Taskforce Report. The development application involves an intensification of residential development from 1 single dwelling to 12 multiple dwellings which would increase population in the West End, which is contrary to the recommendations of the Dust Taskforce Report to restrict population growth. The Town's decision on the application does not restrict new jobs or accommodation being provided in the region.

Dust Task Force recommendations include Industry reduce its emissions and Government taking control of monitoring of the emissions to ensure people are safe, however the Council expects the land owner to keep the same industry emissions off of his property, by changing his approved land use. Could you please elaborate and explain why?

The Director Regulatory Services has provided the following response to your question:

The State Government's decision to implement the Dust Taskforce Report involved a series of changes to the regulatory regime including changes to the planning framework (zoning) through IP50 and IS1, and the transfer of dust monitoring from Port Hedland Industries Council (PHIC) to the Department of Water and Environmental Regulation (DWER). It is expected that with the commencement of a more 'hands on' management and supervision by DWER of dust emissions, the goal of reducing dust emissions to surrounding receptors will be achieved. As DWER's increased site regulation unfolds, it is understood that a best practice dust management guidelines for port operators will be developed to set an operational standard for dust control in the Port of Port Hedland. This, combined with significant improvements to activities on site, should work towards improving air quality for the West End. The Government has acknowledged that the development of new residential housing near port infrastructure is not a desired planning outcome and as such the staged system of evolving the West End to a commercial / industrial location with fewer residents will reduce the potential for negative health impacts from prolonged exposure.

5.1.2 MR ARNOLD CARTER

The Chief Executive Officer issued Mr Carter with a written response to all questions listed below on 17 September 2020:

Why was the report (Item 12.1 Interim Audit Report) not included in the agenda? It is noted that you decided the management letter be a confidential item, which is part of the interim audit report, and your comments regarding the closing out and resolution, prior to the end of financial year 2020, under your strategic and sustainability policy. I refer you to 4.B.2. "Transparent and regular reporting and communication to the community is under taken".

It is also noted that you indicated the interim audit results were declared confidential, but not included on the agenda under item 15. My question is, will it be discussed under that item tonight and will the report from RSM be available to the rate payers, as your Risk Management Assessment indicates a low (4).

At the Ordinary Council Meeting the Commissioner advised that in relation to the Interim Audit report, that the item will be an open debate today and the interim report results and outcomes would be discussed during the meeting. The Commissioner further explained that this is the first time the new system has been put in place, with the Auditor General appointing RSM to do an Internal Audit of the Town. The initial audit highlighted one issue, being the bank reconciliation process undertaken by Council. Our Staff have now addressed this issue and found an electronic solution which has being put in place along with internal controls. RSM will conduct a final audit in October 2020 and any alterations to the final figures for the 30 June 2020 this will be advised after the audit is finalised.

The Manager Financial Services has also advised that it is standard practice in Local Government for all management audit reports to be listed as confidential attachments.

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 opened at **5:33pm**

6.1.1 MR GEORGE DACCACHE

Mr Commissioner, can you tell me how much monies are in the Town's bank accounts as of today, or two weeks ago, and do we have any debts?

Can you tell me of the \$71M budgeted for Town projects, which ones have begun, finished or are still to be enacted, and the number of local contractors to have been awarded jobs for those works?

Can you tell me the status of the rebuild of our retirement village? Because I haven't seen anything happen on that site since you evicted all the tenants from their homes.

The Commissioner advised that Mr Daccache's questions would be taken on notice and a written response would be provided.

6.1.2 MRS GLORIA JACOB

My question relates to the Spoilbank Reserves, detailed in the Ordinary Council Meeting attachments page 75. Notes to the Statement of Financial Activity for the period ended 31 July 2020.

After the budget transfer of \$24M to the Marina Project where will the balance of the Reserve, which currently sits at \$12,458,866 according to your attachment on the agenda tonight, be returned to and when will this occur?

My second question I believe Mr Daccache may have addressed in some form, relating to Attachment 1 – Item 11.1.5 Redevelopment of Stevens Street Site (Also known as the Port Hedland Retirement Village) on Page 3 of that attachment.

Can you please confirm if the new Council will be considering the following Officers recommendation unchanged; that is to confirm support for the redevelopment of the Stevens Street site, including demolition and replacement of the existing buildings, for the purposes of seniors accommodation, subject to the relevant state authorisations being obtained and settlement of the terms of dispute set out in the Department of Communities notice?

The Commissioner advised that Miss Jacobs' question would be taken on notice and a written response would be provided.

The Commissioner declared Public Question Time closed at **5:36pm**

6.2 Public Statement Time

The Commissioner declared Public Statement Time opened at **5:36pm**

6.2.1 MR GEORGE DACCACHE

Mr Commissioner you might not like what I have to say, you might cut me short here..

The Commissioner advised that so long as Mr Daccache did not abuse or insult anyone there would be no interruption to his statement.

Mr Commissioner, I am here to tell you that I have not been a supporter of you, especially being a FIFO Commissioner and the way that you became the Commissioner.

Ever since you tried to coerce myself and other Councillors to resign and in your words, 'to get rid of Milo', you consistently called me and other Councillors at the time to insist that we stand-down, and if you remember Mr Commissioner, you also stated to me that 'it was no good asking Milo because he won't resign'.

So you tried to get the other Councillors to do the Ministers and your dirty work.

You, Mr Commissioner, finally found a weak link in Councillor Peter Carter, who after time and time again said to me and others 'No way I am resigning and letting an outsider run our Town'. A deal was possibly done for his resignation, and therefore your job was done and you became our FIFO Commissioner. Not because the other Councillors, and indeed Milo, did anything wrong. Not because of fraud, corruption or any proven serious offences, but because Peter Carter resigned, which led to a Council being without a quorum. As you know Mr Commissioner; no quorum, no Council.

So there have been a number of our Council issues, that I was very disappointed with your decisions.

- 1. The way you treated our elderly people of our retirement village and the hurt and pain you caused them when you forcibly evicted them;*
- 2. The decision to close the Pioneer Cemetery, even though there was no logical reason for closure and that the majority of the previous Councillors voted to keep it open; and*
- 3. The most annoying, and as a ratepayer, the unbelievable decision to let mining companies that make billions of dollars every year out of our Town, not pay the full rates that they owed our Town. And why? Because you implied 'that they do enough for our Town without the burden of extra costs'.*

So what about the ordinary ratepayers? The businesses and other Town people who donate their free time and hardworking monies to do voluntary work, who umpire so children and adults can play sports, and donate for local events. Where is their recognition for not paying their full rates Mr Commissioner?

Anyway, I am glad today is your last day as our FIFO Commissioner and your last day to make decisions for our Town. I and other ratepayers will pay you for your services, as we have done for about the last eighteen months, and I hope you spend our money wisely in Mandurah.

6.2.2 MR CAMILO BLANCO

Well Commissioner, I don't think I've ever actually agreed with Mr Daccache, but I agree with the statement he just made.

I actually didn't come here to talk about that. There is an item on tonight's agenda, Item 11.3.4 the Redbank Development approval [Application for Development Approval 2019/170 Lot 1 (128) Redbank Road, Redbank]. The recommendation is to approve it and I am happy about that, however there are some issues with the restrictions that are placed on that approval. I believe the requirements on the approval are excessive and when we have a look at that site, the Port Authority uses that road that comes off the main highway excessively to access the back of the port. So my main concern is that the site is an industrial zone site. I think this has ramifications for all industrial and commercial sites across Port Hedland.

It is in my opinion that you do not have the power to either enforce or suggest condition number two. This land is freehold land, not leasehold land, so development approval cannot state that the land should be reinstated to the original condition after the development approval is implemented. Because obviously he is going to implement the requirements of the approval. The land will be sold with any implemented development approvals applied to that land. There is no requirement for him to then take that land back to the original state, especially because it is freehold.

Condition number 4, again this is an industrial zoned block. The requirement to restrict work and operations, in my opinion, does not comply with the scheme (Planning Scheme). An industrial zoned block is used for many purposes, obviously work, movements of trucks etcetera. You can't state to a business operator that he has to stop working at 7:00pm at night and not commence again until 6:00am the next morning. That is just not right, and does not comply with the objectives of an industry zoned block. I recommend that number four is removed from the conditions as this sets a bad precedent for industrial blocks across Port Hedland. If you leave this restriction in the recommendation I will be recommending to all business owners across Port Hedland that we ensure that this goes to the State Administrative Tribunal (SAT), and we remove this condition, if we cannot remove it tonight, or if Mr Slater (proponent) has troubles removing after approval is received.

Number 5 on the same item, the submissions are quite clear from all that was lodged; there is no objection, however in one of the submissions it is stated that the area is already noise affected by the BHP rail line. Why put such a provision in there when we already know the area is noise affected and there has been work done by the Town to state that? Why would we then say to Mr Slater that we are going to enforce those conditions if complaints are made? In my opinion it is clearly out of your power to enforce such a thing. My suggestion is quite simple, that we remove number 2, 4 and 5 out of the Officers Recommendation because, in my opinion, with what I know about Town planning, those are actually requirements that are allowed under our current scheme but also under people's property rights, and under industrial and commercial property rights. Commissioner, I would like to ask you to seriously think about that and consider removing number 2, 4 and 5 from the Officers Recommendations, as we need to be careful in putting restrictions on business owners because it sets a precedent for all industry zoned areas and also, I believe, it would set a precedent to restrict the bigger players on industry land. We need to be careful not to create situations that increase the development cost of business, because it makes it unaffordable or unviable to continue when they want to put development applications in.

The Commissioner advised that the Director Regulatory Services would address this statement when Item 11.3.4 is presented later in the meeting.

6.2.3 MRS GLORIA JACOB

I guess I'm making this statement relating to the fact that we have a large number of candidates and potential Councillors and Mayors in the audience tonight. Given what has occurred in the past ten minutes I would like to put out a statement to remind the candidates, to focus on the offices that we have all nominated for, and to work and serve the community who have voted them in, to focus on their role as Councillors.

As Councillors and as Mayors we are here because people put us in to do the job for them. To be their voice. Respect the office and your Council colleagues is what I'm asking all Councillors and Mayors to do. Council needs to restore the confidence in its Elected Members and their leadership of our Town. I think it would be a sad day if we were to have a new Council and a new Mayor, who behaved in the old ways. We are all here because we have a passion for this Town. We want to serve its community and as such, everybody should have their say.

It is healthy to debate on Council, it is healthy to vote on Council. It's the respecting of the democratic process, and also living by the guidelines of what it means to be a Councillor. I hope and given the field of 25 Councillors and 10 Mayors, I think that we have a diverse mix of people who are very engaged in their commitment to serve the Town, so I am hoping that they bring with them their ideology and respect for the Office, and are willing to serve the population who they claimed that they are representing.

The Commissioner declared Public Statement Time closed at **5:50pm**

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 August 2020:

Date	Meeting	Topic
03/08/20	Meeting with FORM	General update on projects
04/08/20	Weekly Talk of Town radio segment	Weekly Radio Interview
11/08/20	Weekly Talk of Town radio segment	Weekly Radio Interview
11/08/20	Audit, Risk & Compliance Meeting	As per the agenda on the Town's website
12/08/20	Port Hedland Industries Council	Community Industry Forum
18/08/20	Meet the Minister Event	Minister for Regional Development, MacTiernan MLC Alannah
18/08/20	Weekly Talk of Town radio segment	Weekly Radio Interview
21/08/20	Port Hedland Chamber of Commerce Inc. Business Luncheon	Networking event
24/08/20	Helicopter Tour of Pilbara Port Authority (Port Hedland)	Tour
24/08/20	August Pilbara Zone Council Meeting	As per agenda on WALGA's website
24/08/20	Meeting with Minister Papalia	Liquor Discussions
25/08/20	Meet with Minister Papalia and Liquor Accord	Liquor Discussions
27/08/20	Meet with Minister Logan at the Port Hedland Volunteer Fire and Rescue Service	Minister Logan official opening of facility upgrades and handover of the new 3.4 firefighting appliance to Hedland Bush Fire Brigade
31/08/20	Presentation from Architects	JD Hardie Multi User Courts
31/08/20	Candidate Information Session	Upcoming Local Government Election 2020

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.

CM202021/038 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 26 August 2020 are a true and correct record.

CARRIED BY COMMISSIONER RIEBELING

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 CONVENING OF SWEARING IN CEREMONY ON 19 OCTOBER 2020 AND RESCHEDULING OF ORDINARY COUNCIL MEETING ON 28 OCTOBER 2020 TO 4 NOVEMBER 2020

Author: Manager Governance

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 recommendation, the Commissioner made the following statement:

This Item is for two (2) meetings to take place in relation to the new Council.

The first will be held on 19 October 2020 when the new Mayor and Councillors will be sworn in and they will elect the Deputy Mayor at this meeting.

The next meeting will be rescheduled for 4 November 2020, which will allow for inductions and training of newly Elected Members to take place.

At the meeting on the 4 November 2020, I would expect the various committees to be formed and the timetable for briefings from Directors to be put in place.

I support the recommendation in relation to this matter.

CM202021/039 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Approve the scheduling of a Special Council Meeting on Monday 19 October 2020 for the purpose of swearing in the newly elected Mayor and eight (8) Councillors, and electing the Deputy Mayor; and
2. Reschedule the Ordinary Council Meeting currently set to be held on 28 October 2020 to Wednesday 4 November 2020

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to approve the scheduling of a Special Council Meeting on 19 October 2020 for the purpose of swearing in the newly elected Mayor and eight (8) Councillors, and electing the Deputy Mayor, and to reschedule the current Ordinary Council Meeting scheduled for 28 October 2020 until 4 November 2020.

DETAIL

The Local Government Election for the new Council is set to be held on 17 October 2020, at which time a Mayor and eight (8) Councillors shall be elected. Following the election there is a requirement to swear in the new Mayor and eight (8) Councillors, and this is recommended to take place on 19 October 2020. Councillors will also elect a Deputy Mayor at this meeting per Section 7, Division 2, Schedule 2.3 of the *Local Government Act 1995 WA*.

The first Ordinary Council Meeting following the election is currently set for 28 October 2020. The timeframe for an induction and training of the newly elected members is short and therefore, it is recommended to reschedule the Ordinary Council Meeting until 4 November 2020 to allow plenty of time for the induction and training of newly appointed Elected Members.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Elected Members need to be fully aware of their roles and responsibilities as newly elected members prior to taking decisions on behalf of the Community as a whole.

CONSULTATION

Internal

- Election Committee; and
- Executive Leadership Team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.4 – *Local Government Act WA 1995*

Section 7, Division 2, Schedule 2.3 – *Local Government Act WA 1995*

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial and resources implications associated with this item.

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.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.

Corporate Business Plan

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

- 4.b.3.1– Ensure governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because we are rescheduling the original Ordinary Council Meeting. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

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 to schedule a Special Council Meeting on Monday 19 October 2020 and to change the Ordinary Council Meeting date from 28 October 2020 to 4 November 2020.

ATTACHMENTS

Nil.

11.1.2 REVIEW AND AMENDMENT OF POLICY 2/010 COUNCIL INVESTMENTS

Author: Manager Financial Services
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 recommendation, the Commissioner made the following statement:

This review is overdue as some of the Ratings Agencies changed the offerings to Council and these changes of company policies rendered some of our investments non-compliant.

The proposed change will ensure sound investment is maintained. The main change is in the Investment Guidelines to allow use of equivalent Ratings Agencies to the S & P Index, such as Moody's.

The capacity to invest in short term A -1+ Accounts to be increased from 35% to 50%. The table in this item shows how much can be invested and the risk rating of the investment.

These changes allow our team the flexibility to invest at the best rates at the lowest risk rating.

These changes align with our strategic policies and enable the Town to obtain the best interest rates without increasing risk.

I support the recommendation in relation to this matter.

CM202021/040 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council adopt the revised 2/010 Investment Policy, as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the adoption of revised Policy 2/010 Investments.

DETAIL

The existing Policy 2/010 Council Investments was last reviewed and adopted by Council in July 2015.

Policy 2/010 Council Investments is due for review to ensure sound investment is achieved while ensuring compliance with Section 6.14 of the *Local Government Act 1995 and Regulations 8, 19, and 19C of the Local Government (Financial Management) Regulations 1996*.

The main adjustment to the policy is within the investment guidelines to allow use of equivalent rating agencies to the S&P index such as Moody's.

There has also been an adjustment to the individual institution direct investment maximum percentage where short term ratings A-1+ and above have been increased to 50% from 35% to allow for funds to be invested in the at call account without breaching the maximum allowed percentage. The proposed amendments to all short term credit rating categories are summarised in the below table:

Short Term Credit Ratings	Current Maximum %	Proposed Maximum %
A-1+	35%	50%
A1	20%	40%
A-2	10%	20%

The proposed changes to Policy 2/010 Council Investments will enable the Town of Port Hedland (Town) to improve investment of funds with the best interest offering without altering the risk of the investment. The changes will also alleviate restrictive percentage levels that have constrained the Finance team from investing with the best interest rate offered, particularly in the highest rated institutions.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposed changes are minor in nature which do not change the overall intent and functionality of the policies and no external consultation was required.

CONSULTATION

Internal

- Director Corporate Services; and
- Revenue and Treasury Officer.

External Agencies

- Curve Securities; and
- Review of other Local Government Investment Policies.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The review of this Policy was conducted in accordance with Parts 6.14 of the *Local Government Act 1995* and Regulation 8, 19 and 19C of the *Local Government (Financial Management) Regulations 1996*.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial or resource implications associated with amending this Policy.

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

Economic

The Town expects better interest returns with the less restrictive maximum percentages.

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

Corporate Business Plan

The following actions 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 legislated requirements.
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item which can be managed by adequate controls, specific procedures and subject to regular monitoring. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

Review of ratings are completed frequently to ensure all investments comply with the Town investment policy.

Regular monitoring of investments occurs monthly by the Manager Financial Services to ensure investments are safeguarded.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town is continuously working towards improvements in the financial management area and in alignment to this undertaking review ratings on investment banks regularly. The investment policy current review will better align with strategic policies and enable the Town to obtain better interest rates without being significantly restricted by the previous percentages.

ATTACHMENTS

1. **Revised 02/010 Investment Policy (under separate cover)**

11.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2020

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 recommendation, the Commissioner made the following statement:

This report is for the above [31 July 2020] period and is compiled and published to allow Council and members of the public to see, budget wise, what is being paid out of our accounts.

There is supplementary information attached to this report.

It is important to note that these figures have a starting point of this financial year and are subject to change as they are unaudited. The final figures will be known when an external audit is completed in October 2020.

The variances are the same as last year: 10% or \$10,000 for capital projects and 10% or \$50,000 for non-capital projects.

The net current funding position was \$51.2M, that represents the current rates income that is expected. The cash position is as follows:

Cash and Investments	\$237.25M
Restricted Cash	\$240.08M
Unrestricted Cash	\$ 2.83M

I support the recommendation in relation to this matter.

CM202021/041 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 July 2020;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 July 2020; and
4. Receive the Credit Card Statements for period ended 31 July 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 July 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 July 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

It should be noted that the accounts presented with this agenda are based on 2019/20 unaudited statements, with the previous financial year closing positions rolling forward as the opening position for 2020/21. While the statements are accurate, the financials are subject to final external audit and may change. This may result in differences between the financials attached and the financial statements presented for financial year 2019/20.

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 2020/21 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.

The opening funding deficit of (\$169K) presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus for unaudited June 2020 financial statements.

The net current funding position as at 31 July 2020 was \$51.2M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$237.25M
Restricted Cash – Reserves	\$240.08M
Unrestricted Cash Position as at 31 July 2020	(\$2.83M)

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:

- 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;
- 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 with 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 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 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 July 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 July 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 July 2020.

CONCLUSION

The opening funding surplus of (\$169K) presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus to be presented in the unaudited financial statements. The net current funding position was \$51.2M.

ATTACHMENTS

1. Credit Cards July 2020 (under separate cover)
2. Payments made under authority July 2020 (under separate cover)
3. Monthly Financials July 2020 (under separate cover)

11.1.4 AMENDMENT TO POLICY 3/007 RELATING TO SENIOR EMPLOYEES, DEPUTY CHIEF EXECUTIVE OFFICER AND APPOINTING ACTING CHIEF EXECUTIVE OFFICER

Author: Manager Governance
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and/ or Authorising Officer declare that they have a proximity interest in relation to this item

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

This matter was determined by myself, shortly after I arrived as Commissioner, and I authorised the creation of the position of Deputy Chief Executive Officer (Deputy CEO).

For the entire time I have been Commissioner of the Town of Port Hedland, the Deputy CEO has been Anthea Bird [Director Corporate Services]. I wish to talk briefly about the quality of work put out by Anthea and it is sad that Anthea is leaving this Council. Throughout my working life, and the various roles I have undertaken, I have worked alongside many skilled, talented and dedicated individuals. I wish to state publicly that Anthea is the best I have had the pleasure of working with.

This Director has turned around a non-functioning Finance section into a successful one through dedication and loyalty which is reflected in her staff. The strategic documents that guide the future of the Town of Port Hedland are her work. I can advise that Anthea's advice to me has always been accurate and concise.

I will miss Anthea and hope our paths will cross again in the future. I thank you for your work on behalf of the residents of the Town of Port Hedland and, on behalf of myself and on behalf of the staff.

You will be missed but the legacy of your work will benefit the Town for many years to come.

In relation to this item, this change will allow various Senior Employees an opportunity to turn their skills to a difficult job.

I support the recommendation in relation to this matter.

CM202021/042 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council adopt revised Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer', as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the proposed amendment to Policy 3/007 relating to Senior Employees, Deputy Chief Executive Officer and Appointing Acting Chief Executive Officer so as to re-affirm that the Senior Employees are suitably qualified to perform the role of Acting Chief Executive Officer during periods of absence of the Chief Executive Officer, and to make the role of Deputy Chief Executive Officer redundant.

DETAIL

The current Deputy Chief Executive Officer and Director Corporate Services has resigned and the Chief Executive Officer is seeking to ensure that current serving Senior Employees are afforded the opportunity to obtain higher duties and represent him during any periods of his absence.

The Chief Executive Officer would like discretion as to which Senior Employee he appoints to represent him during any particular period of absence, having regard to the nature of work and type of decisions to be taken during the relevant period.

If the preferred Senior Employee is not available or no such Senior Employee has been nominated, then the Director Corporate Services will act as the Chief Executive Officer by default.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is inherent to the efficient operation of the Town of Port Hedland (Town) that the persons with the appropriate skillsets be appointed as the Acting Chief Executive Officer during periods of absence of the Chief Executive Officer.

CONSULTATION

Internal

- Executive Leadership Team; and
- Strategic Leadership Team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

s.5.36(1)(b) of the Local Government Act 1995.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial and resources implications associated with this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.b.4 Business approval processes are transparent and pathways streamlined

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:

- 2.b.3 – Red tape for business is minimised through review and reform of relevant policies and by-laws.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the right person needs to lead and represent the Town in periods of absence of the Chief Executive Officer. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

That Council adopt the proposed Amendment to Policy 3/007 in the form attached to this report.

ATTACHMENTS

1. Revised Policy 3/007 Senior Employees and Appointing Acting Chief Executive Officer (Track changes) (under separate cover)

11.1.5 STATUS OF COUNCIL DECISIONS UPDATE

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 recommendation, the Commissioner made the following statement:

This report and spreadsheet is an important administrative tool used by the Town and the residents to monitor the implementation of Council decisions.

The Council decisions not yet fully implemented will remain on the list until completed.

After each monthly meeting all decisions are uploaded and allocated to the relevant Officer for action and comment.

The spreadsheet is prepared quarterly for Council and community to follow the progress.

This is an important tool that Town Officers utilise to implement and enact decisions of Council, ensuring that all decisions of Council are completed.

I support the recommendation in relation to this matter.

CM202021/043 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council receive and note the 'Status of Council Decisions' as at 2 September 2020 as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is to inform Council and the community of actions that have been undertaken in relation to decisions of Council which have not been fully completed.

DETAIL

The 'Status of Council Decisions' (SOCD) spreadsheet is an important administrative tool used by the Town to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting has been published, the minute taker uploads each decision of Council onto the spreadsheet and allocates it to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SOCD spreadsheet is presented on a quarterly basis for Council and the community to note the progress and status of decisions which have not been fully enacted, and the reasons for this.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The SOCD spreadsheet is for information purposes only.

CONSULTATION

Internal

- All officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resources implications in relation to this item.

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.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.

Corporate Business Plan

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

- 4.b.3.1 Ensure governance information provided to the community is in line with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, because if the SOCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

There are no alternative options in relation to this item, as it is for Council to receive for information purposes.

CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of Council. This quarterly report is to inform Council and the community of the status of decisions that have not been completed, or are of an ongoing nature.

ATTACHMENTS

1. Status of Council Decision - 2 September 2020 (under separate cover)

11.1.6 REVIEW OF THE TOWN OF PORT HEDLAND AUDIT, RISK AND COMPLIANCE COMMITTEE'S TERMS OF REFERENCE

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 recommendation, the Commissioner made the following statement:

This matter was dealt with by me back in December 2019.

The Members of the Committee support Council in fulfilling its responsibilities in relation to financial reporting, internal control structure and audit function.

The changes are:

1. Elected Members who are not on the Committee can attend meetings, may ask questions and make statements, but cannot vote;
2. Making sure all Agendas are uniform; and
3. Making it clear when Minutes are to be made public.

Of course a significant achievement of the Committee was to establish an internal and external audit function; a function that many much larger Councils have found difficult.

The current system focuses on internal and external audit functions, ethical decision making, financial and risk management practices and promotes the provision of recommendations and advice to Council

In my view, a very important Committee for Council.

I support the recommendation in relation to this matter.

CM202021/044 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council adopt the revised 'Audit, Risk and Compliance Committee Terms of Reference', as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the proposed changes to the current 'Audit, Risk and Compliance Committee Terms of Reference'.

DETAIL

An Audit Committee (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 Audit, Risk and Compliance (ARC) Committee’s 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 Committee.

A revised ARC Committee TOR was presented to Council for adoption at the Ordinary Council meeting held on 19 December 2019. This review included the following fundamental changes:

- ‘Audit, Risk and Governance (ARG) Committee’ was renamed to ‘Audit, Risk and Compliance (ARC) Committee’.
- Number of Committee Members was reduced to three (3) Elected Members.
- Community/independent member was disallowed.

An additional review revealed the need for improvements and these can be implemented by way of amendments to the TOR. All proposed amendments made to the current TOR are shown via track changes in Attachment 1. Apart from minor administrative amendments made to the TOR, the important proposed changes are noted below.

Meetings:

Clause Number	Amendment	Explanation
6.3	Insert <i>‘but will not be eligible to vote on any items presented at the meeting.’</i>	Clarification phrase for Elected Members (who are not Committee Members) attending the meeting.
6.7	Amendment of wording from ‘one week’ to <i>‘72 hours’</i>	This amendment seeks to ensure that the Town of Port Hedland has a unified process for all meeting agendas that are to be distributed to the public. This amendment is derived from Section 5.5 of the <i>Local Government Act 1995</i> .
6.9	Insert clause <i>‘Pursuant to regulation 13 of the Local Government (Administration) Regulations 1996, unconfirmed minutes will be made available for inspection by members of the public, within 5 (five) business days after the meeting.’</i>	Clarification phrase stipulating when minutes will be made available to the public.

Responsibilities:

Clause Number	Amendment	Explanation
7.3.5	Insert <i>‘subject to legislation’</i>	Clarification phrase for financial reporting purposes.

Other Responsibilities:

Clause Number	Amendment	Explanation
8.2	Amendment of wording from 'Governance' to ' <i>Request that the Chief Executive Officer</i> '	Clarification phrase for reviewing purposes.

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;
- Manager Governance; and
- Director Corporate Services.

External Agencies

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

- City of Karratha;
- City of Mandurah;
- City of Kwinana; and
- Shire of Broome.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995, section 7.1A (1), states that 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.

Local Government Act 1995, section 7.1A (2), states that at least three (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.

Regulation 13 of the *Local Government (Administration) Regulations 1996*, states the timeframe for unconfirmed minutes to be made available for public inspection.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial and/or resources implications associated with this item.

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, which promotes compliance, transparency, clarity and accountability, is 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.

This 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.

ATTACHMENTS

1. 20191219 Adopted Audit, Risk and Compliance Committee - Terms of Reference (track changes) (under separate cover)

11.1.7 INFORMATION COMMUNICATIONS TECHNOLOGY (ICT) STRATEGY ADOPTION

Author: Manager Planning and Analysis
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 recommendation, the Commissioner made the following statement:

This item will have a significant impact on the operation of Council by improving the services to the community and changing the way Council works.

The last Strategy was for the period 2012-2017. This new Strategy is for the period 2020-2025 and, given the pace of change in this field, will deliver two (2) significant changes.

First, to implement the new systems and to make sure all our people are able to move to the new systems smoothly – a real challenge for our Directors to implement; second, in my view, is to make sure the new system is flexible enough to adapt to changes over the next five (5) years and remain cutting edge.

We have both internal and external systems but, given our isolation, we need to be self-sufficient in this area. This Strategy needs to have business systems and applications, infrastructure, business continuity and security.

Our system is coming to the end of its life. The system needs to return to Council the investment that is being made.

These days, unfortunately, we need a system that can also resist cyberattacks.

I have great confidence that, despite the challenges that exist, this Council will implement the 2020-2025 ICT Strategy.

I support the recommendation in relation to this matter.

CM202021/045 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council adopts the 2020 - 2025 Information and Communications Technology (ICT) Strategy.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

An Information and Communications Technology (ICT) strategy (the strategy) has been prepared for the 5 year period 2020 to 2025. The need to renew core business systems is becoming increasingly critical and the strategy proposes pursuing generational system renewal. The strategy addresses the total software portfolio, ICT infrastructure, business continuity and security.

DETAIL

The most recent ICT strategy was for the period 2012 to 2017. A new strategy for the period 2020 to 2025 has been prepared.

The Town of Port Hedland (the Town) makes extensive use of ICT to deliver services to the community. Some technologies enable what are mostly internal process, for example, accounting and payroll, and other technologies interface directly with the community, for example the library borrowing system and free public Wi-Fi. The diverse range of functions performed by the Town requires a commensurate diversity of technologies and Port Hedland's remoteness necessitates a degree of ICT self-sufficiency. For example, the Town maintains its own communication infrastructure between key sites.

The objective of the strategy is to provide a reliable and cost effective solution that meets users' needs. The strategy is built around four elements: business systems and applications, infrastructure, business continuity and security.

Business Systems and Applications

The existing core business system is coming to end of life and needs to be replaced. The new system is likely to be a cloud based, referred to as software as a service (SaaS) solution, which many of the applications currently used by the Town are. The implementation will be a major undertaking for the organisation with many staff impacted.

Infrastructure

ICT hardware and infrastructure requires on-going renewal in a planned manner to ensure reliability and return on investment. Communications infrastructure will be upgraded to provide the required capacity and appropriate redundancy. The continuing adoption of SaaS solutions will reduce the on premise server footprint.

Business Continuity

The Town needs to be able to continue to deliver a minimum level of service even if its ICT assets have experienced a physical disruption or a cyberattack. This capability is maturing and the form of response will be impacted by further SaaS adoption.

Security

The defensive posture of the Town's ICT environment against cyberattack will continue to be strengthened.

The proposed strategy will transition the Town's core business system and applications to a new and reasonably proven generation. It recognises the interdependencies between each element and the requirement to consider investment decisions holistically to maximise the return on those investments. Having regard to the rapid evolution of information and communications technologies and the Town's continually growing understanding of those technologies, the detail of how the ICT strategy is delivered may change however the underlying objectives of providing ICT services and assets that meet users' needs reliably and in a cost effective manner will remain.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the majority of strategy's impact is on internal processes performed by the Town.

CONSULTATION

Internal

- Executive Leadership Team;
- Senior Leadership Team; and
- ICT Support Officer and ICT Officer.

External Agencies

- XCy Pty Ltd.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Ensuring the Town has in place reliable and fit for purpose business systems will assist the CEO to fulfil his or her obligations pursuant to section 6.5(a) of the *Local Government Act 1995* to keep proper accounts and records of the transactions and affairs of the local government.

The strategy address business continuity. Limited interruption of business continuity is an objective of policy 1/022 Risk Management.

FINANCIAL AND RESOURCES IMPLICATIONS

Implementing the strategy will have significant financial and resources requirements. The most resource intensive initiatives are:

- Replacing the core business system
- Migrating to Microsoft 365
- Cleaning-up data held on the corporate drive.

To varying extents, staff will be required to:

- Assist with system implementation including data migration. This will require selected staff to be temporarily relieved from their regular roles and those roles back-filled with temporary staff
- Learn how to operate new systems
- Assist with reviewing historical data files and migrating to a new directory structure.

External consultants will be required to project manage and advise on these initiatives.

The 2020/21 budget includes the following items of ICT investment and asset renewal:

Capital expenditure

- | | |
|---|-------------|
| ▪ Synergy replacement and system review | \$3,000,000 |
| ▪ IT renewal program | \$ 425,800 |

Operating expenditure

- ICT hardware expenses \$ 269,800

The Synergy replacement project includes the cost of the implementation team. The renewal program includes essential communications and server infrastructure and the introduction of RFID and other customer service enhancements at the libraries. ICT hardware expenses is for equipment replacements of items costing less than \$5,000 per unit.

On-going expenditure in future years will be required for software licencing, support and enhancement, infrastructure and hardware upgrade and renewal, business continuity and security.

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.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 2.b.4 Business approval processes are transparent and pathways streamlined

Corporate Business Plan

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

- 1.b.1.2 Provide free public Wi-Fi at identified Town locations
- 2.b.4.1 Develop, implement and review an ICT and IS strategy
- 2.b.4.2 Develop, implement and review new technology and system improvements

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because of the inherent challenges that characterise system implementations and an increased reliance on the internet proposed in the strategy. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

Implementing a new business system is inherently challenging because the system needs to be configured to accommodate the organisation, existing business processes may change, users need to become competent at using the new system, data needs to be migrated and transacting typically switches from the legacy system to the new system at a single point in time. The challenges for the Town are compounded by the difficulty it has recruiting and retaining staff. These risks will be managed by utilising an experienced consultancy to project manage the implementation and by careful change management.

The risk of not transitioning to a new system is that the Town will eventually be operating on a business system for which software support is no longer available. If this occurs there is a risk of a significant disruption to business continuity in the event of a system failure.

The strategy will lead to increasing utilisation of SaaS which is internet dependent. This risk will be mitigated by diversifying internet access points and through business continuity planning.

The Town is already reliant on SaaS for some applications and it is a growing trend across software providers.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The ICT Strategy seeks to achieve generational change for the provision of core business systems to the Town at a time when the incumbent system is coming to end of life. The strategy also seeks to ensure that the Town has the infrastructure, business continuity and security capability needed to serve the community.

ATTACHMENTS

1. Information and Communications Technology Strategy 2020 - 2025 (under separate cover)

11.1.8 RE-FINANCE OF PORT HEDLAND YACHT CLUB LOAN

Author: Manager Governance
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 recommendation, the Commissioner made the following statement:

This item is important for the future of the Port Hedland Yacht Club. The club and Council have been in negotiations to look at the future of the club in the long term and the short term during construction of the Marina.

The result of the negotiations is a consolidation of the Yacht Clubs' two loans and extends the loan term to ten years. The negotiations also involved the rationalisation of the lease areas and a new lease for 3 years +1 + 1. The new lease allows work on the Marina to start.

The new loan will be for an amount of \$361,905.58.

This club will be a major benefactor of the Marina project. A Marina that the Town is investing close to \$40M to create. A Marina that will be the envy of all Towns North of Perth.

I support the recommendation in relation to this matter.

CM202021/046 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Approve the re-finance of the Port Hedland Yacht Club Loan on the following terms:
 - (a) Loan 128, current outstanding amount of \$133,226.82 and Loan 126, current outstanding amount of \$228,678.76, being a total outstanding of \$361,905.58 be combined into one loan ("New Loan");
 - (b) The term of the New Loan be 10 years;
 - (c) A variable interest rate equal to the Reserve Bank of Australia cash rate plus 2%;
 - (d) The Town of Port Hedland (Town) sign a new lease with the Port Hedland Yacht Club for a term of 3+1+1 years; and
 - (e) Repayments under the New Loan to commence immediately.
2. Amend the budget to reflect the updated terms of the above loan.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the refinancing of the existing Loan No 128 and Loan 126 so that the Term of the loan is spread over 10 years with a variable interest rate equal to the Reserve Bank of Australia cash rate plus a margin of 2% and to amend the budget to reflect the updated terms.

DETAIL

The current loan details are as follows:

Loan 126	Loan 128
Start Date: 26 March 2010	Start Date: 25 May 2011
Expiry Date: 26 March 2025	Expiry Date: 26 May 2026
Original Loan Amount: \$500,000	Original Loan Amount: \$250,000
Interest Rate: 6.48%	Interest Rate: 6.02%
Total Interest: \$283,008	Total Interest: \$130,285
Total Repayments: \$516,167	Total Repayments: \$220,370
Current Balance: \$228,679	Current Balance: \$133,227

The Port Hedland Yacht Club has suffered during the current Corona Pandemic and has been unable to make repayments. The Town agreed to an 8 month suspension of the repayments which has now expired. The Port Hedland Yacht Club has written to the Town seeking a refinance and additionally, for a further suspension of repayments until 1 March 2021. They are also requesting a reduction in the interest rate. The letter requesting the refinance is attached as Annexure A.

The following aspects have been considered:

- (a) *The interest rate:* The original loans were granted in 2010/11 when interest rates were higher. The Town has re-assessed the interest rate in line with current market rates;
- (b) *The structure:* The original loan was structured as two separate loans. The New Loan will be one consolidated loan.
- (c) *Lease Term:* The Town considered the lease term and in light of the imminent Spoilbank redevelopment, is recommending that a 3+1+1 year lease term be issued. Any subsequent lease will need to consider a boundary realignment following the Spoilbank redevelopment;
- (d) *Whether to suspend payments:* An assessment was undertaken on whether to agree to a further suspension of payments. Given the reduction in interest rates and the approval to refinance over a longer term, the recommendation is for repayments to commence on signing.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the PHYC has been consistently making repayments under the current loan, excluding during the Corona pandemic. They are committed to the long term success of the Spoilbank project and seek to confirm their commitment by extending the lease term.

CONSULTATION

Internal

- Executive Leadership Team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

S6.11 and S19A – *Local Government Act 1995 (WA)*

Reg 12(2) and 28 – *Local Government (Financial Management) Regulations 1996*

FINANCIAL AND RESOURCES IMPLICATIONS

The expiry of the current loans are 2025/26. The effect of the refinance is that the Town will not recover the full amount of interest charged at the earlier higher rates and will also not recover the guarantee fee that was part of the original loan. This equates to \$29,252, as per below table. The reason being that the Town paid out the original loans in June 2019 based on the higher rates.

Original Loan		New Loan	
Total Loan:	\$750,000	Total Loan:	\$361,906
Total Interest & G/ee:	\$419,222	Total Interest & G/ee:	\$ 42,129
		Total Payments under earlier loan:	\$736,537
Total:	\$1,169,824	Total Payments:	\$1,140,572

Difference (taking account of reduced interest rate and guarantee fee: \$29,252

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued

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:

- 2.b.2.1 – Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because if the PHYC was to cease operations, the club would be unable to repay the loan. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

To support the long term success of the Spoilbank Marina project, it is incumbent that the Port Hedland Yacht Club continued to be supported by the Town.

ATTACHMENTS

1. Letter from PHYC (under separate cover)

11.2 Community Services**11.2.1 COURTHOUSE GALLERY QUARTERLY REVIEW AND PROPOSED CONTRACT EXTENSION**

Author: Manager Community Development

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 recommendation, the Commissioner made the following statement:

The first part of this report is in relation to the three (3) month review on the progress of the Gallery.

I have dealt with a number of reports. I think this is the fourth.

The results of the past three months, with COVID-19 restrictions still in place, are as follows:

1. Exhibitions and sales of local art;
2. High quality programmes, presentations and workshops;
3. Partnership with local organisations and community groups;
4. High quality of services to the public
5. Safe and clean premises;
6. Strong financial management; and
7. Clear and concise reports.

This service has reported a net profit of \$382,527. The impact of COVID-19, which includes taking exhibitions on-line, has resulted in some reduction in sales levels in the Gallery.

Even with the effects of COVID-19, they still organised numerous successful exhibitions.

The second request is for a 12 month extension of the contract to allow for exhibitions to be organised ahead of time.

I support the recommendations in relation to this item.

CM202021/047 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Receive the Courthouse Gallery quarterly management report from The Junction Co. for the period April – June 2020; and
2. In accordance with clause 5.2 (1) of the Courthouse Gallery Management Agreement, approve a 12 month extension to the initial contract term, resulting in a new contract expiry date of 30 June 2022.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to receive the Courthouse Gallery quarterly management report for the period April – June 2020 and consider a request from The Junction Co. for a 12 month extension to the initial contract term, as provided for in the Courthouse Gallery Management Agreement (the 'Agreement').

DETAIL*Background*

The contract for the management of the Courthouse Gallery was executed on 14 June 2019. The contract covers the period 1 July 2019 to 30 June 2021 and also provides the option of three further terms of 12 months.

As per clause 24.2 of the agreement, The Junction Co. is to provide the Town of Port Hedland (Town) with a quarterly report, including the following:

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and
- 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 and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

Courthouse Gallery quarterly management report

The quarterly report (attachment 1) outlines the progress made by The Junction Co in the period April – June 2020. During this quarter, The Junction Co. reported a net profit of

\$382,527.11. It is noted that the Q4 revenue includes a one-off payment of \$375,000, which although received in the 2019 – 2020 Q4 reporting period, will be expended in the 2020 – 2021 financial year.

The operation of the Courthouse Gallery continued to be impacted by COVID-19 during Q4 resulting in programming and exhibitions being taken on-line. This method of service delivery was well received and importantly enabled all staff to retain their employment while the Gallery was closed. The sale of art resource kits on-line during this period also ensured a revenue stream was maintained, albeit at a reduced level to what was estimated in the initial budget.

A summary of the key achievements for the quarter April - June 2020 are noted below:

- Small Ones Big Ones exhibition and on-line video tutorial;
- The Jury Art prize (5 June – 17 July 2020) including the opening night Drive-in Exhibition;
- Delivery of 11 creative development workshops;
- Women on Wellness (WoW) week development workshop; and
- Release of Pets of the Pilbara colouring in book.

Request for extension

On 19 August 2020, the Town received a letter from Katie Evans, Executive Officer of The Junction Co., requesting consideration for a 12 month extension to the initial term of the management agreement. The premise for this request was to enable appropriate planning for future gallery programming including securing high calibre exhibitions. The Junction Co. have been both proactive and responsive in developing a range of relevant and popular programs. In addition, The Junction Co. have been successful in establishing partnerships and attracting significant funding from local industry to further progress and promote the contribution of arts in Port Hedland.

It is considered that approving a 12 month contract extension to The Junction Co. would provide continuity of opportunities for the community to engage in artistic exhibitions and programs. The Junction Co. has recently opened a ceramics studio adjacent to the Gallery and has also been a key driver in activating the spaces surrounding the gallery, including the 'Bungalow' which is now home to a number of 'pop-up' shops co-located in a repurposed building.

As per clause 5.2 of the agreement, the Town can extend the contract for up to an additional three (3) terms of 12 months, provided the Town gives written notice of its intention to put into effect the initial extension at least six (6) months prior to the expiry of the initial contract term. Should the Town approve the request for an extension, it would be required to notify The Junction Co. in writing by 31 December 2020.

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

- Manager Corporate Affairs;
- Senior Arts and Culture Officer; and
- Leasing and Insurance Officer.

External Agencies

- The Junction Co.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Clause 5.2 (1) of the Agreement outlines the process to apply extensions to the initial contract term.

FINANCIAL AND RESOURCES IMPLICATIONS

In 2019-2020, the Town paid to The Junction Co. a management fee of \$550,000 (Excl GST). This was paid in instalments of \$155,000 for the first quarter and \$125,000 for the remaining quarters.

All contract payments made to The Junction Co. are detailed in Clause 6 of the Agreement and Item 3 of the Agreement schedule.

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery are included in the Town's annual 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.c.3 Partnerships with industry and government to support events and activities are enhanced
- 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; and
- Outcome 4 – Quality of Service.

Corporate Business Plan

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

- 1.d.3.1 – Support the provision of cultural, sporting and recreational facilities that are fit for purpose.
- 2.b.5.1 – Work with stakeholders to enhance the reputation of the Town.

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 Town will regularly monitor and report on the performance of The Junction Co. and ensure key deliverables outlined in the management contract are being met.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co from April - June 2020, in its role as manager of the Courthouse Gallery.

In addition, it is suggested the request by The Junction Co. for a 12 month extension to the initial contract term be supported. This extension will provide a degree of security to The Junction Co. and enable it to confidently commit resources to schedule a range of exhibitions, workshops and other program opportunities for the benefit of the Port Hedland community.

ATTACHMENTS

1. Courthouse Gallery quarterly management report April - June 2020 (under separate cover)
2. Correspondence requesting contract extension (under separate cover)

11.2.2 FUTURE STRATEGY FOR TOWN OF PORT HEDLAND CIVIC AND ADMINISTRATION CENTRE

Author: Director Community Services
Authorising Officer: Chief Executive Officer
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 recommendation, the Commissioner made the following statement:

This item is to prepare a report on the future of this building that is now 50 years old. I moved a Notice of Motion on 27 May 2020 that has now resulted in this item to start a process similar to what has happened to the JD Hardie Centre, South Hedland Integrated Sporting Complex, McGregor Street and Aquatics Master Plans.

All the above was predicted over years of poor maintenance, a critical need for increased capacity and facilities no longer catering for current or future needs.

This centre was built in 1970 and is 50 years old. It has completed its life cycle, some remedial action has been addressed to improve the aesthetics but not the integrity and capacity of the actual building.

The repair work identified more work being required. This building cannot be used as a cyclone shelter due to the roofing conditions.

We look at future needs of administration in the 2020-2024 Strategic Workforce Plan. This plan also needs to be looked at seriously and the impact on efficiencies that will be restricted.

The current conditions are not conducive to:

1. efficient working environment;
2. attracting staff, staff morale, and retaining staff; and
3. positive corporate culture and provision of professional services to the community.

This issue has been looked at for the past 10 years with a number of less than optimal patchwork solutions. At one stage, Gratwick Hall was turned into offices then changed back. The most recent maintenance work improved the aesthetics of the building but not the fundamental problems.

I support this move and urge the new Council to look at the future of Port Hedland and the opportunities to have a significant building that represents the future and the prosperity of the region.

I support the recommendations in relation to this item.

CM202021/048 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Receive the structural assessment for the Port Hedland Civic Centre, and note the recommendations associated with the building having completed one full 50 year life cycle, resulting in:
 - i) Structural issues and ongoing repairs;
 - ii) Ongoing and increasing maintenance regime;
2. Note that the Town of Port Hedland's (the Town's) 2020/24 Workforce Plan shows the organisation experiencing growth in outer years which primarily aligns with the implementation of its significant capital works program and associated support services;
3. Acknowledge that the current Civic Centre dedicated office space is beyond capacity with 'hot desking' now being used;
4. Recognise that the majority of the Hedland population is based in South Hedland, and that in accordance with proper social planning principles, a civic and administration centre should be located where the majority of its population resides;
5. Note the extensive research already undertaken into the possible configurations and site locations for future civic centre dating back to 2010; and
6. Based on points 1-5 above request the CEO or his delegate engage a qualified person to reactivate the process of identifying suitable sites to accommodate a new civic and administration centre, to be co-located with other community and/or government facilities, in order to maximise site utilisation and potential, and report back to Council accordingly.

CARRIED BY COMMISSIONER RIEBELING

CM202021/049 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, pursuant to section 6.8 of the *Local Government Act 1995*, amend the 2020/21 annual budget to increase municipal expenditure by \$50,000 (excluding GST) to be funded from the Strategic Reserve, for the purpose of engaging a suitably qualified person to reactivate the process described.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to acknowledge the limitations associated with the current civic centre capacity and reactivate the process of identification of a suitable site for civic and administration centre space to be co-located with other community services and facilities.

DETAIL

The Ordinary Council meeting on 27 May 2020 provided a Notice of Motion to request that a review be conducted in relation to the structural condition and the long term strategy for the future of the current Civic Centre building.

This notice follows in line with the work that the Town has been undertaking to revitalise its community facilities, which has seen the adoption of the JD Hardie, the South Hedland Integrated Sporting Complex, and the McGregor Street masterplans in July and August 2019, as well as the most recent resolution to progress with an Aquatics Masterplan in May 2020.

These substantial bodies of work were initiated on the principles that the Town's current portfolio of community and recreation infrastructure:

- Has not been well maintained over the years;
- Is in critical need of significant upgrades in condition and capacity; and
- No longer caters for current requirements as well as the aspirations and needs of a growing population.

Civic Centre Structural Condition Report

The structural condition report has been included under attachment 1, and, in summary, highlights the following points in relation to the building:

- Built 1970, now at 50 years it has completed one design life cycle;
- Recent remedial works addressed corrosion and structural issues with main roof trusses;
- Recent inspection has identified connection of main trusses along northern elevation have never been mortar packed;
- A higher level of grazing noted on upper floor north side veranda may be related to the issue noted above;
- Design of buildings in cyclone prone areas has changed significantly since 1970's when this building was built;
- Given marine exposure ongoing repairs and maintenance will be required for building exterior; and
- 1970 design criteria are equivalent to 56m/s design wind speed. The report indicates that the building was constructed to a standard equivalent to the current requirements for a Region D building, which is applicable to the Pilbara coastal region.

Town of Port Hedland 2020/24 Workforce Plan

The Council has also been presented through this September agenda an item in relation to the Town's 2020-24 Workforce Plan (the Plan). This item discusses the Town's resources required to ensure safe, effective and sustainable delivery of new infrastructure programs, as well as to ensure established facilities and services are maintained and remain fit for purpose over time.

The Plan outlines the internal and external context which informs workforce requirements and explores risks, challenges and opportunities relating to the organisational design, capability and culture that will enable the Town to deliver on its strategic priorities. The Plan denotes the Town as an organisation undergoing a growth phase and identifies a range of initiatives to mitigate these risks and challenges and leverage opportunities through the various stages of the employee lifecycle to attract and source; engage, align and retain; enable and develop its workforce.

Based on the Town's current workforce, the Civic Centre capacity is not appropriate for a growing organisation, which in turn does not support efficient work practices. In addition to the Civic Centre, currently Town staff are located across a number of facilities in South Hedland and Wedgefield, a situation that creates great inefficiencies on many different levels.

These conditions are not conducive to:

- An efficient working environment;
- Attracting or retaining staff;
- Building staff morale;
- Creating or sustaining a positive corporate culture; and
- The provision of professional services to the community.

Historical Data

Research into the Town's records (attachment 2) have revealed that the Town Council has been formally debating the best way to alleviate such issues since at least 2010. Since that time extensive research has been undertaken into:

- Options as to where a new Civic Centre could be located; and
- Options as to what other services and/or facilities a new civic centre should be co-located with to ensure efficiencies of scale.

These options were extensively and repeatedly workshopped under different administrations with different Councils for a period of over 8 years. A range of consultants were engaged at different times to prepare different reports into the best and most suitable options at the time. Town staff were repeatedly shifted to accommodate the delivery of these different options, which at one point saw the Gratwick Hall being transformed into office accommodation only to be reconfigured into community space a few years later. Funding agreements with external agencies for the co-location of State government services were sought, but never followed through.

Regardless of this significant investment of resources, an impasse in Council's decision making in 2018 resulted in a future strategy not being adopted. A short term solution was put in place instead; this being the refurbishment of the current Civic Centre. This \$2.6M project is near completion and has resulted in aesthetical improvements to the building, however the refurbishment did not take into consideration the future growth of the Town and did not provide for its expansion.

Proposed Future Strategy

The above narrative indicates that the Council has been unable to reach a conclusive determination on how to properly address the issues associated with a 50 year old Civic Centre that will require ongoing and costly repairs to ensure it is up to current standards, can no longer withstand tropical cyclone above category 3, and does not cater for a growing organisation and population. In order to assist the new Town Council in revisiting this issue, it is proposed to engage a suitably qualified person to:

- Consolidate the work undertaken to date;
- Review said work against other significant projects now in place (i.e. Town's three masterplans, Town's aquatics masterplan, Spoilbank Marina, West End);
- Consider other significant community infrastructure needing investment and not already underway (i.e. library, visitor centre, performing arts centre, cultural and exhibition spaces);

- Reconsider co-location options with other government agencies;
- Consider future economic and demographic projections;
- Utilise other similar successful projects for comparison;
- Review available and most suitable sites;
- Consider options for future uses of current Civic Centre; and
- Provide an indication of costings and associated funding opportunities.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it will require community consultation and engagement.

CONSULTATION

Internal

- Executive Leadership Team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Financial Management Regulations 1996;*
- Building codes and standards;
- Local Planning Scheme; and
- *Occupational Health and Safety Act 1984 and associated regulations*

FINANCIAL AND RESOURCES IMPLICATIONS

To engage a suitably qualified consultant to undertake the work noted above, a provision of \$50K should be made in FY20/21 from the Town's Strategic reserve.

2019/20-2033/34 Strategic Resource Plan does not currently make any provisions for a future integrated civic and administration space and will have to be reviewed accordingly pending future Council decisions on the matter.

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.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
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.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 the implementation of this particular agenda item at this stage, however there will be future impacts in these areas should a future Council determine to move ahead with a new civic centre space.

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;
- Outcome 5 – Complaints;
- Outcome 6 - Consultation Process; and
- Outcome 7 – Employment.

Corporate Business Plan

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

- 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;
- 2.a.2.1. Develop Master Plans and business cases for future project implementation, in line with the Town's strategic direction and needs;
- 3.b.1.4 Assess and rationalise the Town's infrastructure and assets;
- 3.b.2.3 Undertake regular reviews of Town facilities to ensure that they are safe for public and staff;
- 3.b.3.1 Develop, implement and review a sustainability plan for the Town's infrastructure;
- 3.b.4.1 Develop, implement and review a strategy which creates opportunities for the Town's built infrastructure to incorporate innovation and robust designs for alternative future usages; and
- 3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions.

RISK MANAGEMENT CONSIDERATIONS

There are distinct reputational risk associated with this item. The first is in association to the reputation of the Town as an employer not being able to offer adequate office space to its workforce, and the other is in relation to the provision of adequate services to its community. In both cases, the risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

There is also financial risk associated with this item because of the future cost of the building. The risk rating is considered to be high (15), which is determined by a likelihood of possible (3) and a consequence of catastrophic (5).

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

This option is not recommended as the Council has been presented with an issue that is required to be reactivated with the longer term view of coming to a consensus determination on its resolution.

CONCLUSION

Over a decade has gone past since options associated with a new Civic Centre and Administration space were formally raised in the public realm, and extensive work already carried out to identify possible solutions. The Council is now required to consider re-activating these discussions with a view of determining the future strategy for a multi-functional Civic Centre and Administration space to best serve its community as well as the Town’s workforce.

ATTACHMENTS

1. Structural Assessment Report (under separate cover)
2. Historical Data (under separate cover)
3. Notice of Motion - Civic Centre 20200527 (under separate cover)

11.2.3 TOWN OF PORT HEDLAND COVID-19 ASSISTANCE GRANTS OUTCOMES

Author: Senior 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.

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

On the 22 April 2020, deep in the crisis that still is COVID-19, Council released its plan to assist not-for-profits and small business to get through the worst of the pandemic.

This funding was to help groups tackle the adverse impacts of COVID-19, not just to give money to groups that did not have the hardships that the system was designed to assist.

The vast majority of applicants were successful. 30 community groups were funded to the amount of \$220,519.68 and 56 small businesses received \$477,876.19. There is a full list of successful applicants attached to the agenda.

I support the recommendation in relation to this matter.

CM202021/050 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, in relation to the COVID-19 Community Support initiatives, receive and note the outcome of the Community Group Assistance Fund and the Support Local Business Assistance Fund.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to note the outcome of the Community Group Assistance Fund and the Support Local Business Assistance grants.

DETAIL

At the 22 April 2020 Ordinary Council Meeting, Council adopted a number of COVID-19 Community Support initiatives including:

- Establishment of a Community Group Assistance Fund: Commits to creating a Community fund of \$360,000 for not-for-profit organisations to assist with management of current restrictions; and
- Establishment of a Support Local Small Business Assistance Fund: Commit to creating grant fund of \$625,000 to provide financial support for eligible small businesses.

The two funds were introduced to support community groups to continue to operate and businesses to adapt during COVID-19 and beyond.

The Town of Port Hedland (Town) received 36 applications for the Community Group Assistance Fund for \$305,038.13, and 66 applications for the Support Local Small Business Assistance Fund for \$645,634.51. Grants of up to \$10,000 were available for both categories.

Applications were assessed against the COVID-19 Assistance Grants Criteria outlined in the COVID-19 Assistance Funds Internal Operating Procedure (IOP) to ensure eligibility.

An assessment panel including representatives from Community Services, Regulatory Services and Corporate Services met to review each application. This process involved assessment of the applications to ensure they met the requirements of the COVID-19 Assistance Grant as detailed in the IOP. Applicants were scored according to the following:

1. Project plan;
2. Evidence of COVID-19 impact and community support;
3. Access and Equity;
4. Applicant capacity; and
5. Budget and supporting evidence.

Of the 36 applications for the Community Group Assistance Fund, 30 were successful for the full or a part amount. The total amount awarded under this fund was \$220,519.68. Of the 66 applications for the Support Local Business Assistance Fund, 56 were successful for the full or a part amount. The total amount awarded under this fund was \$477,876.19.

6 applications for the Community Group Assistance Fund and 10 applications for the Support Local Business Assistance Fund were unsuccessful. These either did not meet the eligibility criteria, did not provide sufficient evidence to support their application or the organisation had an outstanding acquittal to the Town.

Successful Applicants for the Community Group Assistance Fund

	Organisation Name	Project Name	Amount Awarded
1	RSL Port Hedland, Community Shop	Cleaning out COVID	\$700.00
2	Pilbara Universities Centre Inc.	Promoting and establishing the PUC in Port Hedland in changed conditions due to COVID.	\$10,000.00
3	Youth Involvement Council Inc.	COVID-19 Cleaning Equipment	\$10,000.00
4	Lisa's Kangaroo Retreat Inc.	Continuing to work despite COVID.	\$10,000.00
5	Girl Guides Western Australia	Girl Guides WA COVID-19 Recovery Project	\$4,917.55
6	Cooke Point Play Group	Signage and advertising to continue to deliver service beyond COVID	\$1,589.50
7	Pilbara Tourism Association	Adapting to COVID conditions	\$10,000.00
8	Hedland Junior Football Association	Hedland Reds COVID - 19 Recovery	\$300.00
9	FORM	Increasing online sales for artists at Spinifex Hill Studio	\$7,610.00
10	Hedland Senior High School P&C Association Inc.	Safe Separating Seating Project	\$10,000.00

11	Unit Committee TS Pilbara Inc.	TS Pilbara Cadet Resumption Post Covid-19	\$10,000.00
12	Hedland BMX Club	Kitchen Upgrade and adapting to COVID	\$10,000.00
13	Inspire Nurture Dance Academy P&F Inc.	Studio Development during COVID	\$7,384.00
14	Port Hedland Tennis Club	Keeping going during COVID	\$5,406.50
15	Port Hedland Primary School P&C Inc.	Adapting to COVID environment	\$9,244.25
16	Swan Districts Football Club (INC)	REACH Youth Fashion Project to support club through COVID	\$5,075.00
17	Hedland Women's Football Association	Hedland Women's Football Association Season Support during COVID	\$300.00
18	Hedland Men's Shed	Hedland Men's Shed Covid Response	\$9,737.25
19	Hedland Little Athletics	Beyond COVID 19 Kick Off - Hedland Little Athletics	\$4,306.92
20	Wangka Maya Pilbara Aboriginal Language Centre	Adapting to survive	\$5,388.95
21	Baler Primary School P&C INC	Adapting to COVID conditions	\$10,000.00
22	Julyardi Aboriginal Corporation	Education and Communication Hub to continue to operate during COVID	\$9,103.24
23	Port Hedland Chamber of Commerce Incorporated	PHCCI & WEB Hub Increase Technology Services	\$10,000.00
24	Hedland Toy Library Inc.	Hedland Toy Library, COVID 19 recovery project	\$7,985.52
25	Hedland Women's Refuge Incorporated	Family & Domestic Violence Awareness and Education Project during COVID	\$10,000.00
26	South Hedland Cougars RLFC Inc.	Supporting Club through COVID	\$10,000.00
27	Empowering People in Communities Inc.	Update website, resources and online learning and adapting to COVID	\$9,912.00
28	Port Hedland Rovers Football Club	Covid Stimulus	\$2,000.00
29	Rose Nowers Childcare Centre	Learning Resources & Cultural Awareness to support families in COVID	\$10,000.00
30	Port Hedland Yacht Club	PHYC Culinary Services Future Proofing	\$9,559.00

Successful Applicants for the Support Local Business Assistance Fund

	Business Name	Project Name	Amount Awarded
1	Iron Worx Strength	Equipment upgrade and adapting to COVID	\$9,371.40

2	The Barclay Family Trust and the Hartland Trust trading as Clark Pools & Spas Port Hedland	Local Area Marketing Initiative to increase awareness of our business to the community and encourage shopping local.	\$6,979.50
3	E Adz Pty Ltd trading as PPP Events	Return of Events from COVID-19	\$7,400.50
4	David Hooper Artist	Online Gallery Shop Development	\$7,200.00
5	White Knight Industries	Community Security & Locksmith Services Enhancements and Developments and adapting to COVID	\$7,000.00
6	Hedland K9 Care	Adapting to COVID	\$10,000.00
7	Paper Reign	Paper Reign business rebrand and restructure due to COVID	\$9,967.70
8	Kristan McKenzie photography	Adapting to COVID conditions	\$4,389.00
9	Binbirri Contracting Pty Ltd	Covid 19 Recovery Plan	\$9,405.00
10	The Trustee for The Robertson Family Trust #2	Cafe Marketing We are Still Open	\$10,000.00
11	The Cookie Concept	Social Media and Marketing Activation	\$2,752.00
12	Ginger Fox	Marketing and Ecommerce platform development - Ginger Fox	\$4,320.00
13	Bobbi Lockyer Creative	Computer Equipment to deliver services through COVID	\$10,000.00
14	Futures Investment Trust trading As Boss Cutz South Hedland	Marketing and Resources Upgrade	\$10,000.00
15	Skye Marijke Richmond	Equipment Upgrades	\$6,255.80
16	Diamond Kuts Studio	Back to Business	\$8,434.50
17	Sylvia Lockyer	Adapting to COVID - Heritage, History and Health Promotion: Training and Developmental Leadership Workshops	\$10,000.00
18	Len Jalil Brow & Lash Studio	Adapting to COVID environment	\$1,830.10
19	Core Movement	Operational costs associated with meeting COVID-19 health requirements	\$1,027.00
20	Suzan Chesson trading as Gammazon Studio	Equipment and Services Upgrade through COVID	\$10,000.00
21	Desert Goddess Beauty Clinic	Desert Goddess Beauty - Covid Recovery	\$7,394.30
22	Hunt Street Ink Pty Ltd	Hunt Street Ink reopening after Covid-19 for the community	\$10,000.00
23	Hedland Air conditioning & Refrigeration Pty Ltd	Hedlandair - Covid19 recovery	\$10,000.00
24	Oresome Aircon Cleaning Pty Ltd t/a Oresome Air	Continuing to operate through COVID	\$10,000.00
25	Pressure Force Port Hedland	COVID-19 recovery and Business Development Program	\$10,000.00

26	Joyu Pty Ltd trading as Pilbara Medical Imaging	Community Engagement during COVID	\$7,000.00
27	Binky Clay	Collaborative Campaign Video for COVID recovery	\$10,000.00
28	Nail & Beauty Bar PTY LTD	Shop Fit out improvements and adapting to COVID	\$10,000.00
29	Hedland Psychologists	Strengthening the Presence of Psychological Support Services to the Hedland Community	\$10,000.00
30	Boodarie Contracting Pty Ltd	Boodarie Recovery 2020	\$7,000.00
31	Chef Bistro	Chef Bistro's COVID-19 Success Plan	\$10,000.00
32	Cake Candy by Ambre	Cake Candy Hidden Pantry Covid Assistance	\$7,984.90
33	ICE E T Pty Ltd trading as Beauty Ways	COVID-19 business recovery	\$4,551.00
34	Port Hedland Hair Works	Salon Upgrades, Repairs and Equipment and working through COVID	\$10,000.00
35	Charmers Jewellers & Flowers	Charmers Digital Movement	\$9,360.00
36	Locket Photography	Locket Photography rebranding	\$10,000.00
37	Mandurah Safety and Training Services Pty Ltd	Get Mobilised/Stay Mobilised 2020	\$9,831.00
38	P and Y Easey Family Trust T/A Swiss Launderette	Covid19 recovery campaign	\$8,862.00
39	ANH Cosmetics	Extend branding, continue with website creation, and offer additional services, products that aren't currently available in this region.	\$10,000.00
40	Pilbara Towing and Tilt Tray Services	Advertising & promotional recovery from COVID-19 Travel Restrictions	\$10,000.00
41	The Trustee for The CJ KR Family Trust trading as Tic Tag Systems	COVID recovery and adapting	\$9,650.00
42	In The Mix Health Foods	In The Mix Website & Marketing to continue post COVID	\$6,000.00
43	Electrovision Specialist Services Pty Ltd (also T/A Foxman Electrical)	COVID-19 Recovery	\$10,000.00
44	Dolly Met Frank	DMF Beyond Covid	\$10,000.00
45	Tabba Tabba Pty Ltd	Tag Along Communications Equipment to support work through COVID	\$10,000.00
46	Hedland Panel & Paint Pty Ltd	Equipping Tomorrow	\$10,000.00
47	Pit to Port Mining Services Pty Ltd	Business equipment upgrade during COVID	\$10,000.00
48	The Health Hub Hedland	The Health Hub Hedland Strategic Plan to continue post-COVID	\$10,000.00
49	Kiverse Inspire visual arts	Kiverse recovery	\$10,000.00

50	Mobile Welding Services WA Pty Ltd	COVID-19 Continuation	\$10,000.00
51	C C Bleach & H Huynh Trading As C & Hai's Cafe	C&Hai's Renovation Project and COVID recovery	\$8,167.00
52	Alliance Dance Company	Equipment and marketing to keep providing performing arts to Hedland families	\$10,000.00
53	The Port Hedland Candle Company	Website development	\$10,000.00
54	North West Entertainment Services	NWES Covid Response	\$10,000.00
55	Wholistic Occupational Therapy	Development of telecall/telehealth service	\$8,977.50
56	Hedland Pet Sitting Plus	Media Grant through COVID	\$6,766.00

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because reporting the awarding of these funds to community and business organisations ensures transparency and accountability.

CONSULTATION

Internal

Consultation has been sought from several Town Officers throughout the process including:

- Manager Financial Services;
- Community Engagement Officer;
- Manager Community Development;
- Director of Community Services;
- Sports and Facilities Officer; and
- Senior Arts and Culture 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 session on how to apply for grants was also held at the Port Hedland Chamber of Commerce and a video recording posted on the town's Facebook page. A number of organisations called 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 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

At the 22 April 2020 Ordinary Council Meeting, Council supported the establishment of the Community Group Assistance Fund of \$360,000 and the Support Local Business Assistance Fund of \$625,000. The total amount awarded under the Community Group Assistance Fund was \$220,519.68. The total amount awarded under the Support Local Business Assistance Fund was \$477,876.19.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a Hardy Healthy and Safe People
- 1.c A Unique, Vibrant and Diverse Community Lifestyle
- 2.c A thriving, Resilient, Sustainable and Diverse Economy
- 3.c An accessible and sustainable urban environment
- 4.a A global, national, state and local presence and voice
- 4.b Transparent and accountable governance and financial sustainability

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 unsuccessful applicants took the time and effort to prepare and submit their applications. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) and a consequence of insignificant (1). The assessment process was thorough with due consideration given to each application.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The assessment process identified 30 successful applications for the Community Group Assistance Fund and 56 applications for the Support Local Business Assistance Fund. The total amount awarded to all applicants is \$698,395.87.

These grants will provide much needed support for community groups and businesses who have been directly impacted by COVID-19 restrictions this year. Organisations have had to respond to the new environment in order to continue to deliver services to their clients during the restrictions and to continue to be a viable organisation beyond.

ATTACHMENTS

Nil

11.3 Regulatory Services

11.3.1 ADOPTION OF TOWN OF PORT HEDLAND LOCAL PLANNING STRATEGY

Author: Senior Strategic Planner
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 recommendation, the Commissioner made the following statement:

This matter started at the Council meeting of 23 October 2019. This matter is now back before Council to send the strategy to the Western Australian Planning Commission.

This is part of a multi-staged process that has gotten us this point.

The plan needs are:

1. Set out long term planning direction;
2. Apply state and regional planning policies; and
3. Provide a rationale for zoning.

Council engaged consultants to prepare the Strategy, then conducted community engagement from July 2019 – November 2019.

The summary of issues raised are as follows:

1. Balance between short term and medium term needs of the community;
2. Locating future residential and service areas;
3. Promoting opportunities;
4. Support new economic growth areas ; and
5. Issues in Wedgefield.

In March 2020, Council proceeded to advertise the draft with 90 days for comment that concluded on 15 September 2020. The Plan was advertised widely.

Submissions that were received can be found in attachment 3. All submissions were given due regard.

There were some alterations to the Local Planning Scheme No. 7 (LPS7) which have been considered in this agenda.

Main changes were:

1. Correct errors, omissions and superseded information;
2. Changes to Strategy maps – Kingsford Smith Business Park – keep land use; and
3. Maps to reflect actual changes and Wallwork Road.

I support the recommendation in relation to this matter.

CM202021/051 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Pursuant to Regulation 14(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) advise the Western Australian Planning Commission (WAPC) that it supports the draft Town of Port Hedland Local Planning Strategy (Strategy) contained within Attachment 1, subject to the modifications set out in the Schedule of Modifications (refer to Attachment 2); and
2. Pursuant to Regulation 14(3), 15(1)(c) and 18 of the Regulations, delegates Powers to the Chief Executive Officer to:
 - a) forward a copy of the modified Strategy, Schedule of Modifications, Schedule of Submissions (refer to Attachment 3) and any other relevant information to the WAPC for consideration and endorsement of the Strategy.
 - b) make modifications to the Strategy as required by the WAPC to enable its endorsement.
 - c) revoke the Town's current local planning strategy: *Pilbara's Port City Growth Plan (2012)* subject to the Commission's endorsement of the revised Strategy.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to adopt the draft Town of Port Hedland (Town) Local Planning Strategy (Strategy) subject to the modifications set out in the Schedule of Modifications and to advise the Western Australian Planning Commission (WAPC) accordingly.

DETAIL

At the Ordinary Council Meeting held 23 October 2019, Council resolved to initiate a review of the Pilbara's Port City Growth Plan and the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) and forwarded this recommendation to the WAPC (refer item 11.3.1). A scheme review is a multi-staged process, with the first stage requiring the preparation of a Local Planning Strategy, as required by regulation 11(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. The Regulations require local governments to prepare a Strategy that must:

- set out the long-term planning direction for the local government;
- apply any State or regional planning policy that is relevant to the Strategy; and
- provide the rationale for any zoning or classification of land under the Scheme.

Consultants, Element were engaged by the Town to prepare the Strategy. The preparation of the Strategy was informed by background studies and analysis derived from State, regional and local planning strategies, policies and guidelines, local profile data with population and economic trends. Preliminary community engagement through the *Shaping Hedland* branding was conducted from July 2019 to November 2019, with key issues and themes collated from all face-to-face and online engagement activities with community and stakeholders summarised below:

- Strike a balance between addressing the short to medium term needs of the community whilst also weaving in strategies to attract long-term investment;

- Location of future residential and service areas;
- Promote opportunities for sustainability initiatives and environmental assets;
- Support new economic growth areas including tourism and arts and culture; and
- Addressing land use compatibility issues in Wedgefield.

At the Ordinary Council Meeting held on the 25 March 2020, Council resolved to proceed to advertise the draft Local Planning Strategy and seek WAPC certification to do so. The public consultation period commenced in June for a period of 90 days, concluding on 15 September 2020. Key features of the formal public advertising period are as follows:

- Electronic mail-out of flyer (ratepayers);
- Production of explanatory fact sheets and FAQs;
- One-on-one meetings with key stakeholders;
- Online engagement website (*Shaping Hedland*); and
- Large agency direct mail.

Submissions

Submissions from the public consultation period were received as written comments (email or letter) and can be found in Attachment 3. In considering the submissions, it is important to note the consultation period was not designed to gather quantitative, representative data. Rather, all submissions were given due regard.

Proposed modifications

In accordance with the Regulations, the draft Local Planning Strategy has been reviewed, having regard to all submissions made. The submissions to the Local Planning Strategy were detailed and well considered, providing the Town with sufficient information to propose changes. The Local Planning Strategy is often distinguished by its two sections; Part 1 – the operative Strategy, and Part 2 – background information and analysis. Efforts have been focussed on considering the operative parts of the Strategy (Part 1 - Intentions and Strategies) and the corresponding sections of the Strategy maps. Part 2, the background information and analysis has minor modifications to update this section and align it with new or superseded information as identified through submissions.

It is also worth noting that submissions commenting on matters that will be addressed in Local Planning Scheme No. 7 (LPS7) have generally not resulted in modification to the Local Planning Strategy, but have been added to the schedule of modifications proposed for LPS7 (separate item within this agenda). The modifications to the Local Planning Strategy have been summarised as follows:

- Editorial modifications to correct formatting, errors, omissions, new or superseded information;
- Modifications to strengthen protection of riparian vegetation and Public Drinking Water Source Areas from mining activities;
- Modifications to West End Precinct text to capture the Town's position;
- Modifications to Strategy Maps and text to ensure land use within Kingsford Smith Business Park maintains existing land use rights;
- Modifications to Strategy Maps to ensure road closures are accurately reflected in maps;

- Modifications to Strategy Maps for the West End of Port Hedland to reflect any changes implemented by the Port Hedland West End Improvement Scheme No. 1;
- Additional text to provide explanation of Visual Protection Zone and modifications to Strategy Maps to reflect an additional corridor along Wallwork Road; and
- Modifications to Strategy may to remove existing Roy Hill Rail loop from 'Conservation' land use.

Further detail as to how submissions resulted in the proposed modifications can be found in the Schedule of Modifications within Attachment 2.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Strategy is an important planning instrument used to guide land use and development within the Town.

CONSULTATION

Internal

- Planning and Development Team;
- Manager Town Planning and Development; and
- Director Regulatory Services.

External Agencies

Extensive external agency consultation occurred during the public advertising phase of the Strategy.

Community

The public consultation period commenced on 15 June 2020 for a period of 90 days, concluding on 15 September 2020. Key features of the formal public advertising period are as follows:

- Electronic mail-out of flyer (ratepayers);
- Production of explanatory fact sheets and FAQs;
- One-on-one meetings with key stakeholders;
- Online engagement website (*Shaping Hedland*); and
- Large agency direct mail.

LEGISLATION AND POLICY CONSIDERATIONS

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL AND RESOURCES IMPLICATIONS

The Town will incur minor administrative costs in publishing the notice once the Local Planning Strategy is endorsed by the WAPC.

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
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 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.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

As the Strategy provides an overarching framework for more detailed planning, at this stage in the process it does not have any specific identifiable environmental, social or economic impacts.

Corporate Business Plan

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

- 3.b.1 – Implement and review the local planning strategy and local planning scheme.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town is required to review its local planning strategy every five (5) years in accordance with the Regulations. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Local Planning Strategy has now been advertised with modifications proposed after consideration of submissions received during the public advertising period. As there was an acceptable level of engagement, and general support of the document it is recommended the Local Planning Strategy is adopted by Council to allow submission to the Western Australian Planning Commission for endorsement.

ATTACHMENTS

1. Late Attachment: Draft Local Planning Strategy (as advertised) (under separate cover)
2. Late Attachment: Strategy Schedule of Modifications (under separate cover)
3. Late Attachment: Strategy Schedule of Submissions (under separate cover)

11.3.2 ADOPTION OF TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME NO.7

Author: Senior Strategic Planner
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 recommendation, the Commissioner made the following statement:

The purpose of this item is similar to the previous item and in many ways are in fact tied together.

At the Council meeting on 23 October 2019 it was resolved to initiate a preview of the Town Planning Scheme No 5 (TPS5). It contains a map of the local planning scheme and the local planning scheme text.

Consultants by the name of Element Advisory Pty Ltd (Element) were engaged to prepare LPS7 on 25 March 2020. It was advertised for 90 days for comment and advertised via numerous methods.

LPS7 has now been previewed and both text and maps adjusted to reflect the actual position.

The changes were as follows:

1. Correct errors, omissions, new or superseded information; and
2. Modified maps for accuracy, road closures, West End changes, visual protection zone and Wallwork Road.

Further detail regarding modifications are within attachment 2.

This has taken some 18 months of hard work from our Planning Section and has been extensively reviewed and is to finish off what I started in October 2019.

I support the recommendation in relation to this matter.

CM202021/052 OFFICER'S RECOMMENDATION / COUCIL DECISION

That Council:

1. Pursuant to Regulation 25(3) of the Regulations advise the Western Australian Planning Commission (WAPC) that it supports the advertised draft Town of Port Hedland Local Planning Scheme No. 7 (LPS7) contained within Attachment 1, subject to the modifications set out the Schedule of Modifications contained within Attachment 2; and
2. Pursuant to Regulation 28 and 31 of the Regulations, delegates Powers to the Chief Executive Officer to:

- a) forward a copy of the advertised LPS7, Schedule of Modifications, Schedule of Submissions (refer to Attachment 3) and any other relevant information to the Western Australian Planning Commission (WAPC) for consideration;
- b) make modifications to LPS7 as required by the WAPC to enable its recommendation to the Minister;
- c) direct the Mayor and Chief Executive Officer to execute the modified/unmodified LPS7 and apply the Town's seal, giving effect to the Minister's decision in accordance with section 87(2) of the *Planning and Development Act 2005*; and
- d) forward copies of the executed LPS7 to the WAPC for endorsement by the Minister.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to adopt the draft Town of Port Hedland (Town) Local Planning Scheme No. 7 (LPS7) subject to the modifications set out in the Schedule of Modifications and to advise the Western Australian Planning Commission (WAPC) accordingly.

DETAIL

At its meeting held 23 October 2019, Council resolved to initiate a review of the Town of Port Hedland Local Planning Scheme No. 5 (TPS5) and forwarded this recommendation to the WAPC (refer item 11.3.1). The Regulations require the following contents within a local planning scheme:

- The scheme map for the local planning scheme;
- The local planning scheme text;
- If any of the provisions set out in Schedule 2 have not
- Been incorporated into the local planning scheme text — those provisions; and
- Any supporting plans, maps, diagrams, illustrations and other material.

Consultants, Element were engaged by the Town to prepare LPS7. The preparation of the LPS7 was informed by the work undertaken through the review and formulation of the Town's draft Local Planning Strategy (Strategy).

On the 25 March 2020 Council resolved to proceed to advertise LPS7, seek WAPC certification to do so and refer LPS7 to the Environmental Protection Authority (EPA) to consider if LPS7 needed to be assessed pursuant to Section 48A of the *Environmental Protection Act 1986*. With certification received from both the WAPC and EPA, the public consultation period commenced in June for a period of 90 days, concluding on 15 September 2020. Key features of the formal public advertising period are as follows:

- Electronic mail-out of flyer (ratepayers);
- Production of explanatory fact sheets and FAQs;
- One-on-one meetings with key stakeholders;
- Online engagement website (*Shaping Hedland*), and
- Large agency direct mail.

Submissions

Submissions from the public consultation period were received as written comments (email or letter) and can be found in Attachment 3. In considering the submissions, it is important to note the consultation period was not designed to gather quantitative, representative data. Rather, all submissions were given due regard.

Proposed modifications

In accordance with the Regulations, LPS7 has been reviewed, having regard to all submissions made. LPS7 is often distinguished by its two parts; the scheme text and scheme maps. It is worth noting that submissions commenting on matters that will be addressed in the Strategy have generally not resulted in modification to LPS7, but have been added to the schedule of modifications proposed for the Strategy (separate item within this agenda). The modifications to LPS7 have been summarised as follows:

- Administrative modifications to correct errors, omissions, new or superseded information;
- Modification of land use permissibility in the Centre zone for Motor vehicle, boat or caravan sales and Motor vehicle repair to prevent further proliferation of these uses with the South Hedland Regional Centre whilst maintaining existing use rights for approved developments;
- Introduction of a Special Use Zone for the Kingsford Smith Business Park to ensure existing land use rights are maintained;
- Modifications to LPS7 Maps to ensure road closures are accurately reflected;
- Modifications to LPS7 Maps for the West End of Port Hedland to reflect any changes implemented by the Port Hedland West End Improvement Scheme No. 1;
- Modifications to Table 10 - Additional requirements to resolve at what stage of the planning process environmental reports are required;
- Modifications to Table 10 - Additional requirements to require a Restricted Access Vehicle assessment for high intensity transport related land uses which may burden local roads; and
- Modifications to Reserve and Zone objectives which apply the Town's perspective.

Further detail as to how submissions resulted in the proposed modifications can be found in the Schedule of Modifications within Attachment 2.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because LPS7 is an important planning instrument used to guide land use and development within the Town.

CONSULTATION

Internal

- Planning and Development Team;
- Manager Town Planning and Development; and
- Director Regulatory Services.

External Agencies

Extensive external agency consultation occurred during the public advertising phase of LPS7. A Steering Group of key State Government agencies was also formed and met at each milestone of the project.

Community

The public consultation period commenced on 15 June 2020 for a period of 90 days, concluding on 15 September 2020. Key features of the formal public advertising period are as follows:

- Electronic mail-out of flyer (ratepayers);
- Production of explanatory fact sheets and FAQs;
- One-on-one meetings with key stakeholders;
- Online engagement website (*Shaping Hedland*), and
- Large agency direct mail.

LEGISLATION AND POLICY CONSIDERATIONS

Planning & Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL AND RESOURCES IMPLICATIONS

The Town will incur minor administrative costs in publishing the notice once LPS7 is endorsed by the Minister.

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
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 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.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

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:

- 3.b.1 – Implement and review the local planning strategy and local planning scheme.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town is required to review its local planning scheme every five (5) years in accordance with the Regulations. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The draft Local Planning Scheme No. 7 has now been advertised. Modifications are proposed after consideration of submissions received during the public advertising period. As there was an acceptable level of engagement, and general support of the document it is recommended that draft Local Planning Scheme No.7 is adopted by Council to allow submission to the Western Australian Planning Commission and endorsement by the Minister.

ATTACHMENTS

1. **Late Attachment: Draft Local Planning Scheme No. 7 (as advertised) (under separate cover)**
2. **Late Attachment: LPS7 Schedule of Modifications (under separate cover)**
3. **Late Attachment: LPS7 Schedule of Submissions (under separate cover)**

11.3.3 PROPOSED ATHOL STREET AND STABLES STRUCTURE PLANS - LAND BOUND BY ATHOL STREET, COOKE POINT ROAD, STYLES ROAD AND PRETTY POOL CREEK, PORT HEDLAND - FINAL ADOPTION AND RECOMMENDATION TO WAPC

Author: Senior Strategic Planner
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 recommendation, the Commissioner made the following statement:

This is the final step in getting land designated from current use to residential (urban development).

It is now for Council to consider the area of Athol Street and the Stables together with submissions received and endorse the Town's assessment. If approved the recommendation will go to Western Australian Planning Commission.

The area covered by the Structure Plans is 76 hectares, which could produce up to 400 blocks, bounded by Athol Street, Cooke Point Road, Styles Road and Pretty Pool Creek.

The work on this area goes back to 2015 and has resulted in the consideration of heritage and coastal values as a key environmental concern.

The land will be rated between R20 and R60 for future development. The future developments in these areas could be Athol Street with a possibility of 232 lots, and the Stables with a possibility of 100-120 lots.

This plan was initiated by Council at the meeting held 24 June 2020.

The work also identified problems with road layout of Athol Street and Keesing Street, which may have to be redeveloped into a 4-way intersection.

The area to be developed does not interfere with Kariyarra Aboriginal Corporation Native Title Determination area. This area will render some constraints on the future development.

Support will lead to future growth in the east end of Port Hedland. Future Council will need to ensure the spoil from the Marina is directed to Athol Street and the Stables to make development possible.

I support the recommendation in relation to this matter.

CM202021/053 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Note the Schedule of Submissions prepared in respect of the proposed Structure Plans (refer to Attachment 3);
2. Pursuant to Schedule 2, Part 4, Regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), recommend to the Western Australian Planning Commission (WAPC) that the proposed Athol Street and Stables Structure Plans be approved subject to the following modifications:
 - a) Modify the Athol Street Structure Plan map to realign proposed Local Road 05 with the intersection of Keesing Street and Athol Street (creating a four-way intersection) to improve traffic flow.
 - b) Modify the Stables Structure Plan to ensure development (coastal protection works, road or drainage infrastructure is maintained within land parcels not subject to the Kariyarra Native Title Determination.
 - c) Modify Part One, Section 5 'Additional Information' of both structure plan reports to read as follows, "*The following additional information shall be provided at the subdivision and/or development approval stage and may be provided as a condition of approval at the discretion of the decision maker:...*"
3. Advise those who made a written submission of Council's recommendation accordingly.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the Athol Street and Stables Structure Plans (Structure Plans), together with submissions received, endorse the Town's assessment and forward a recommendation to the Western Australian Planning Commission (WAPC) to approve the structure plans subject to the modifications identified in the officer's recommendation.

DETAIL

Element (the applicant), on behalf of DevelopmentWA has prepared the Athol Street and Stables Structure Plans which when combined, covers an area of approximately 76 hectares and is bound by Athol Street, Cooke Point Road, Styles Road and Pretty Pool Creek (refer to Attachment 1 – Athol Street Structure Plan Report and Attachment 2 – Stables Structure Plan Report). The Structure Plans considers previous work undertaken for this land in 2015, with review and engagement with key stakeholders identifying Pretty Pool Creek, heritage and coastal processes as key environmental attributes which have resulted in revised Structure Plans that more appropriately balance planning, heritage and environmental matters.

The Structure Plans provide a planning framework for future land use comprised of predominantly residential zoned land of low (R20) medium (R40) and high (R60) residential densities, a limited tourism/hospitality coastal node, public open space and an environmental conservation reserve (foreshore reserve).

Structure Plan Considerations

Draft Scheme Amendment No. 84

The Stables structure plan is located within the Scheme Amendment No. 84 site area, which was initiated by Council at its meeting held 24 June 2020 and proposed for adoption as a separate item of this agenda. This amendment seeks to rezone and reclassify the existing 'Rural', 'Parks and Recreation' and 'Other Public Purpose: Energy', to an 'Urban Development' zone, which establishes the need for a structure plan (the subject proposal). The Stables Structure Plan meets the provisions proposed in the amendment.

Modification a) – Realign proposed Local Road 05

The Town identified an issue with the proposed road layout near the intersection of Athol Street and Keesing Street. The current road layout is staggered at this location to allow for a proposed drainage reserve (depicted as Public Open Space), proposed Local Road 05 and to avoid angles resulting in a less desirable lot shape.

However, with mixed use development and a primary school located on Keesing Street, this intersection receives significant pressure during peak times. On this basis, the proposed staggered intersection (between proposed Local Road 05, Athol Street and Keesing Street) is considered undesirable. The Town considers realigning this intersection into a four-way intersection could be beneficial for traffic calming, management of traffic volumes and could serve as a feature gateway (i.e. roundabout with high quality landscaping/artwork).

Modification b) – Avoid development within Kariyarra Native Title Determination Area

As shown on the Concept Plan for the Stables Structure Plan, the coastal protection works are indicatively shown within an approximate 20m wide strip of land extending along the northern and western edge of the urban development area. This ensures that the coastal protection works will be retained in perpetuity within public land (designated foreshore reserve). Some gaps in this 20m wide strip exist and therefore the modification recommended ensures no development (coastal protection works, road or drainage infrastructure) is located within parcels subject to the Kariyarra Aboriginal Corporation Native Title Determination area.

Modification c) – Section 5 Additional Information

The Town acknowledges that some of the reports or plans identified within Part One, Section 5 'Additional Information' of both structure plan reports may be provided as a condition of planning approval at the subdivision or development approval stage. However, as recognised within the structure plan reports and through submissions on the structure plans, certain information will be required upfront with subdivision or development applications to inform siting and design at either planning stage (e.g. a Bushfire Management Plan or an Artificial Lighting Management Plan). It is on this basis that the proposed modifications has been recommended.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the decision may affect the capacity of the Council to carry out activities identified in the strategic plan and may affect a range of people who reside in Port Hedland.

CONSULTATION

Internal

- Director Regulatory Services;
- Manager Town Planning and Development;
- Manager Infrastructure Projects and Assets;
- Manager Infrastructure Operations;
- Manager Environmental Health and Community Safety; and
- Manager Marketing, Events and Communications.

External Agencies

The Structure Plans were advertised for 21 days, from 29 July 2020 to 19 August 2020 as follows:

- Publication of a notice in the North West Telegraph;
- Publication of a notice on the Town's Website; and
- Written notification to statutory referral agencies on 30 July 2020.

Community

Consultation has been undertaken as per the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Adjoining landowners within 100m of both structure plans were notified as well as community groups.

All submission that were received are set out and addressed in the Schedule of Submissions (refer to Attachment 3). A total of six (6) submissions were received.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005; and*
- *Planning and Development (Local Planning Scheme) Regulations 2015.*

FINANCIAL AND RESOURCES IMPLICATIONS

Both Structure Plans are fully funded by the Town of Port Hedland. This is a collaborative project with DevelopmentWA, who are providing project management services for the project, free of cost.

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.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

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

Corporate Business Plan

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

- 3.b.1.3 – Advocate to and support State Government initiatives to resolve land use conflicts.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item due to the tight approval timeframes being pursued, which may impact the Town's reputation. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4).

There is a financial risk associated with this item due to the tight approval timeframes that statutory requirements may exceed available budget requiring additional funds or project objectives not being met. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

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 Athol Street and Stables Structure Plans should be supported, subject to modification. The Structure Plans are consistent with the Pilbara's Port City Growth Plan, the Town's draft Local Planning Strategy as well as provisions within the Town's Local Planning Scheme No. 5 and draft Local Planning Scheme No. 7. Support for both structure plans will facilitate de-constraining land in the east end of Port Hedland and support future growth in the locality.

ATTACHMENTS

1. Athol Street Structure Plan Report (under separate cover)
2. Stables Structure Plan Report (under separate cover)
3. Schedule of Submissions (under separate cover)

**11.3.4 APPLICATION FOR DEVELOPMENT APPROVAL 2019/170 LOT 1 (128)
REDBANK ROAD, REDBANK**

Author: Graduate Planner
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 recommendation, the Commissioner asked the Director Regulatory Services to provide a response in relation to the comments made by Mr Camilo Blanco during Public Statement Time.

The Director Regulatory Services made the following statement:

Condition two (2), in terms of the time limited approval, is based on advice from Main Roads and is due to potential damage to the road and the intersection on Wilson Street. Given that it is fairly short term approval at this point in time, further investigations will be made by Main Roads into the condition of the road, with the facility being removed and the site remediated at the end of the project, if they do not receive approval to continue at the end of the two year period. The proponent will have the ability to reapply after the two year period if the road and intersection have held up with the changes and modifications. This condition may not be required for the future potential approval and use of the facility.

In regards to condition four (4), which is the noise restrictions, the issue that we are presented with here is that we have a commercial use site adjacent to a rural/residential area, which has noise-sensitive uses. In terms of the works we have done with the applicant, we have received their trucking logs which have shown that the majority of their works are after 7:00am, and there is only a small percentage of works which are undertaken outside the hours that are contained within condition four. Noise is a common problem that Local Governments face where there are commercial or industrial lots interfaced with residential uses.

In regards to condition five (5), we will only consider applying this if we receive complaints in relation to noise and dust leaving the site. In terms of the noise for that area, I agree with the comments of Mr Blanco. The assigned noise levels for the site will be higher than a standard residential area due to the surrounding land uses, rail lines, etcetera, however the noise regulations will still apply.

The Commissioner then made the following statement:

This application is for retrospective approval for infrastructure and outdoor display area and, if approved, extensive conditions that would have applied if the applicant sought permission in the normal way.

The development is of the type that can be approved in this area by Council.

This matter arose 21 May 2019 when the Town initiated a compliance matter against the land owner.

After extensive contacts, on 13 January 2020 lodged a retrospective approval application. The application was referred to 11 landowners along Redbank Road. The Town received one (1) valid objection.

This area is classified as P-Permitted (the development is permitted by the Scheme). This development application is consistent for this area. It must comply with the setbacks of street frontage, car parking and landscaping.

The DA is inconsistent with Clause 5.9, 5.9.4 of LPS5.

The conditions set for approval over the next three (3) pages covers landscaping and the like.

I support the recommendation in relation to this matter.

CM202021/054 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council pursuant to *Clause 74 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* approves Retrospective Development Application 2019/170 for 'Infrastructure' and 'Outdoor Display' on Lot 1 (128) Redbank Road, Redbank subject to the following Conditions and Advice Notes:

Conditions:

1. The approved development shall be in accordance with the stamped approved plans (DWG2019/170/1 – DWG2019/170/2) and details submitted with the application, and these shall not be altered without the prior written consent of the Town of Port Hedland (Town);
2. This development approval for the use(s) is valid for a period of two (2) years. On or prior to the end of this period, the use(s) shall cease and the land reinstated to its former/original condition (vegetated state) to the specification and satisfaction of the Town. Should the owner/operator wish to continue the use(s), a new approval will be required prior to this development approval expiring;
3. A detailed landscaping plan shall be submitted to the specification and satisfaction of the Town of Port Hedland by 20 November 2020. The landscaping plan shall include but not limited to the following on the marked up plans:
 - a) The location, number, size and species of proposed shrubs and trees;
 - b) Mulched areas;
 - c) Screening of the operations on-site from the street and neighbouring lots; and
 - d) The areas to be updated and reticulated.

The approved landscaping plan shall be fully implemented within sixty (60) days of the Town approving the plan and shall be maintained for the duration of the development to the satisfaction of the Town;

4. Works and operations including but not limited to, truck movements shall be limited between 07:00 and 19:00 from Monday to Saturday. Works and operations are not permitted on Sunday or Public Holidays;

5. Works and operations shall not cause dust or noise emissions to leave the property or negatively impact the amenity of adjoining properties. Should operations cause any of these issues, the Town may require the provision of a dust and/or noise management plan and require compliance;
6. Truck combinations shall not exceed one (1) trailer to or from the site for the duration of the development;
7. Trucks carrying loose materials capable of producing dust, must be covered to prevent any dust or loose material escaping the vehicle;
8. Detailed engineering drawing(s) shall be submitted to the specification and satisfaction of the Town by 20 November 2020. The drawing(s) shall include, but not be limited to the following on the marked up plans:
 - a) Installation and sealing of crossover and driveway;
 - b) Areas of the yard for sealing or installation of plastic porous pavers (or similar) that reinforce and stabilise manoeuvring and storage areas to prevent erosion and dust emissions; and
 - c) Measures to address stormwater.

The approved engineering drawing(s) shall be fully implemented within sixty (60) days of the Town approving the drawings and shall be maintained for the duration of the development to the satisfaction of the Town; and

9. All vehicle parking must occur on-site and in the nominated locations as per (DW2019/170/1) for the duration of the development.

Advice Notes:

1. This approval constitutes development approval only and does not obviate the responsibility of the landowner/developer to comply with all relevant health, building, and engineering requirements;
2. Should Town of Port Hedland Development and/or Environmental Health Services deem that any of the operations on-site are generating noise which exceeds the levels deemed appropriate by the *Environmental Protection (Noise) Regulations 1997*, or that any of those operations are in non-compliance with any of the conditions relating to noise emissions (including non-compliance with the noise management measures), the Town of Port Hedland may direct in writing that:
 - a) A noise management plan be submitted and approved by the Town of Port Hedland; or
 - b) The activities on the site be brought into compliance with this approval, as the case may be.
3. The crossover from Redbank Road must be designed and constructed in accordance with Town of Port Hedland Crossover Policy 9/005. A crossover application must be submitted to the Town of Port Hedland Infrastructure Town Services Department by 20 November 2020 for assessment and approval. The crossover must be fully implemented within sixty (60) days of approval to the

- specification and satisfaction of the Town and maintained for the duration of the development;
4. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the Town of Port Hedland;
 5. The development must comply with the *Contaminated Sites Act 2003*;
 6. The development must comply with the *Environmental Protection (Unauthorised Discharges) Regulations 2004*;
 7. The development must comply with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974*;
 8. Dust emissions generated from the site shall be contained on-site to prevent causing a public nuisance;
 9. Any apparatus used for the on-site disposal of sewage, effluent liquid waste must be approved by the Town of Port Hedland under the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste Regulations 1974*;
 10. It is the responsibility of the landowner / developer to search the title of the property to ascertain the presence of any title encumbrances that may apply;
 11. Should the approved land use(s) cause issues to neighbours and/or off-site impacts, generate traffic/safety concerns at the Redbank/Wilson Street intersection, the Town may take the above into consideration when applying for a new development approval; and
 12. If you object to the decision or any of the conditions imposed, you may request the Town of Port Hedland reconsiders the decision. The right to request reconsideration is separate and does not impinge upon any right of appeal under the *Planning and Development Act 2005*.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to determine Retrospective Development Application (DA) 2019/170 which seeks approval for the continued land uses of 'Infrastructure' and 'Outdoor Display' on Lot 1 (128) Redbank Road, Redbank (Subject Site).

DETAIL

On 21 May 2019, the Town of Port Hedland (Town) was notified that activities may be occurring at the Subject Site without the approval of the Town. To assist the Town in understanding the current operations on-site, the Town issued a letter to the landowner, Deepblue Enterprises, seeking the following information:

- The nature and location of the business(s) and operations;
- Number of staff who access the site;
- Staff and/or client car parking locations;

- Days and hours of operation;
- Vehicles, machinery and/or equipment involved; and
- Structures, including sheds and shipping/sea containers associated with the different operations.

In response to the letter, a DA was submitted to the Town on 13 January 2020 seeking retrospective approval for the continuation of 'Infrastructure' and 'Outdoor Display' land uses.

Deepblue Enterprises own the land and use the Subject Site for the purposes of a laydown facility (dredging material) and plant hire. The dredging material is used to service the port and the plant hire is used to service Deepblue Enterprises mining leases. Four (4) staff operate from the Subject Site at any one time and the hours of operation are between 4am and 10:30pm with approximately three (3) truck movements per day. The trucks used to service the Subject Site carry a combination of machinery and stone used for the purposes of fabrication and plant hire.

Pursuant to Clause 64, Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development was advertised as it had potential to adversely impact landowners in the proximity of the development. The application was referred directly to eleven (11) landowners along Redbank Road where the Town received one (1) objection as outlined under Consultation of this report.

Town of Port Hedland Local Planning Scheme No. 5

Under LPS5, Lot 1 (128) Redbank Road is zoned 'Mixed Business' with 'Infrastructure' land use classified 'D - Discretionary' which means *"the development is not permitted unless the local government exercised its discretion by granting development approval"* and 'Outdoor Display' classified 'P-Permitted' which means *"the development is permitted by the Scheme."*

The DA is consistent with the Mixed Business Zone Sub Clause 4.1.7a of the LPS5. Sub Clause 4.1.7a of LPS5 states *"Combine residential and compatible non-residential development."* The DA is consistent with this objective of the LPS5 as the site consists of commercial operations servicing the port, outdoor display (plant hire), and an approved residential dwelling.

The DA is consistent with Sub Clause 5.5.3 of LPS5. Sub Clause 5.5.3 of LPS5 states *"Within the Mixed Business zone buildings shall be setback from the street frontage of a lot no less than six (6) metres. The land between the building and the street frontage shall be used for no purpose other than car parking, outdoor display or landscaping."* The storage of materials is positioned behind the primary setback and is primarily located along the northern and eastern boundaries. In addition, condition #3 has been recommended to provide landscaping fronting the primary and eastern boundary in an attempt to screen the operations on-site and to enhance the streetscape.

In accordance with Appendix 4 – Car Parking Standards of LPS5 'Infrastructure', *"One (1) bay is required for every 100m² enclosed space used for such purposes, and one (1) bay for every 50m enclosed space for each employee, whichever is the greater (total minimum three (3) bays per tenancy or unit)."* As per Appendix 4 – Car Parking Standards of LPS5 'Outdoor Display', *"(one) 1 bay per 100m² of display area and 1 by per employee (total minimum 3 bays per tenancy or unit)"* is required.

The site consists of four (4) employees on-site at any one time with four (4) trucks used to service the site. Light and heavy vehicle parking will be located as indicated on (DWG2019/170/1). Given the small number of staff, the significant size of the lot, and the separation from other land uses, the requirement for formalised, line marked vehicle parking bays is not deemed required.

The DA is inconsistent with Clause 5.9 and 5.9.4 of LPS5, which states, *“All applications for Development Approval, except those in residential development involving three (3) dwellings or less shall indicate the landscaping elements of the proposal and in particular a plan showing:*

- 1) *The percentage of the site devoted to landscaping;*
- 2) *The areas subject to landscaping works;*
- 3) *Location of species and plants;*
- 4) *Other materials imported, arranged and/or constructed on the site; and*
- 5) *The proposed staging, if any, of works.*

Within the Town Centre, Commercial, Tourism, and Mixed Business zones, any outside area which the local government considers detrimental to the amenity of the locality or adjoining lots shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of the local government.”

Deepblue Enterprises has not provided a landscaping plan. To comply with the requirement of LPS5, recommended condition #3 has been included. The landscaping intends to screen operations from neighbouring properties and to enhance the visual amenity of the streetscape.

The DA is inconsistent with Sub Clause 5.8.14 of LPS5. Sub Clause 5.8.14 of LPS5 states *“All areas to be used for car parking, access ways, loading bays and for turning or manoeuvring of vehicles shall be sealed, drained, curbed, marked and signposted to the specification and satisfaction of the local government.”* Currently, the site is not sealed, instead has been covered in approximately 140 tonnes of cracker dust. However, given the size of the lot and the high costs associated with asphalt sealing, condition #8 has been recommended to satisfy the requirement of LPS5. Condition #8 is intends to reduce dust and confine sediment runoff to be contained wholly on-site. Furthermore, given the sites proximity and separation from ‘sensitive’ land uses and Town infrastructure, the benefits associated of a fully sealed yard are not required.

Draft Town of Port Hedland Local Planning Scheme No. 7 (LPS7)

This DA has also been assessed under the entertained LPS7.

Under LPS7, the lot is zoned ‘Light Industry’ with ‘Trade Supplies’ classified ‘D - Discretionary’ which means *“the development is not permitted unless the local government exercised its discretion by granting development approval.”*

The DA is consistent with Part 3 – Zones and use of land ‘Light Industry’ of LPS7. The DA complies with the following objective of Part 3 of LPS7:

- *To ensure that where any development adjoins zoned or developed residential properties, the development is suitably setback, screened or otherwise treated so as not to detract from the residential amenity.”*

The DA is located in an established rural residential area and complies with the above for the following reasons:

- Recommended condition #3 has been included to implement a landscaping plan fronting the primary and eastern boundaries. The purpose of the condition is to screen the operations on-site from neighbouring properties and to enhance the visual amenity streetscape;
- Storage of materials is positioned behind the primary setback and is located along the northern and eastern boundaries of the site;
- Condition #4 has been recommended limiting the works and operation from Monday – Saturday 07:00 – 19:00;
- Recommended condition #6 has been included to limit truck combinations to a maximum of one (1) trailer for the duration of the development. This will likely generate less noise from the trucks, thus reducing the impact on neighbouring amenity; and
- Recommended condition #8 has been included to limit the exposure of dust and noise to neighbouring properties through sealing of the yard.

The retrospective DA is consistent with following provisions of Table 10 – Additional requirements that apply to land in Scheme area – ‘All Zones’.

Car Parking

“All vehicle parking bays shall be accommodated within the lot boundaries unless otherwise approved by the local government. Parking within the verge shall not be permitted in areas with open drainage swales or that adjoin roads on the Restricted Access Vehicle Network.” The DA does not propose any parking to be located outside the lot boundaries that will impact Town infrastructure of road access. All parking of light and heavy vehicles is located wholly within the lot boundaries as indicated on (DWG2019/170/1).

Sealed Areas & Stormwater Management

“All areas to be used for car parking, access ways, loading bays and for turning or manoeuvring of vehicles shall be sealed, drained, curbed, marked and signposted to the specification and satisfaction of the local government.”

“Outdoor displays, industrial hire services, storage facilities, depots, laydown areas and any other open area shall be sealed to the satisfaction of the local government and maintained in good condition.”

The DA is inconsistent with this provision of LPS 7. To address this, condition #8 has been recommended to satisfy the requirement of the LPS5 and LPS7. Condition #8 intends to reduce dust, restrict further sediment runoff currently evident along the eastern boundary, and to address stormwater.

Landscaping and Screening

“All applications for Development Approval shall indicate the landscaping elements of the proposal and in particular a plan showing:

- 1) *The percentage of the site devoted to landscaping;*
- 2) *The areas subject to landscaping works;*
- 3) *Location of species and plants;*
- 4) *Other materials imported, arranged and/or constructed on the site; and*
- 5) *The proposed staging, if any, of works.*

Within the Centre, Commercial, Tourism, Mixed Use and Service Commercial Zones, any outside area which the local government considers detrimental to the amenity of the locality or adjoining lots, shall be screened by a wall, fence or planting, including gates where access is

required, to the satisfaction of the local government. Recommended Condition #3 has been proposed to satisfy the requirement of LPS5 and LPS7. The landscaping intends to screen the operations on-site and to enhance the visual amenity of the streetscape.

In summary, while this matter was originally raised as a compliance issue, the potential impacts of the development on surrounding rural residential properties are able to be managed through applying conditions of development approval that address the following matters:

- Restricting days and hours of operation;
- Truck combinations limited to one (1) trailer per load;
- Conditions requiring the upgrade of the crossover/driveway and portions of the yard; and
- The development being time limited for a period of two (2) years which places additional emphasis for the site to operate in a manner which does not impact the amenity of surrounding properties.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because a valid planning objection was received to a retrospective DA. As such, it’s essential that the retrospective application is approved with conditions ensuring amenity of neighbouring lots is not negatively impacted.

CONSULTATION

Internal

- Manager Town Planning and Development;
- Manager Infrastructure Projects & Assets;
- Senior Planner;
- Senior Environmental Health Officer;
- Development Services Officer; and
- Graduate Engineer.

External Agencies

- Department of Water and Environmental Regulation (Department)

Submission Comment	Officer Comment
<p><i>Based on available information, and consistent with historical advice from the Department, the site is considered to be suitable for commercial/industrial land use. The Department holds no information to suggest that the current site use is inconsistent with the ‘restrictions on use’ which apply to the site through the classification. Therefore, the Department has no objection to the Town granting retrospective planning approval for the ongoing use of the site for industrial purpose.</i></p>	<p>Noted.</p>

• Main Roads Western Australia (Main Roads)

Submission Comment	Officer Comment
<p><i>Main Roads are aware of the Town's upcoming Local Planning Strategy and Scheme and that this site may conflict with the future planning for the area, however, this is up to the Town of Port Hedland.</i></p> <p><i>Main Roads are aware this is a RAV 10 route and are concerned with the impact of these vehicles at the intersection with the Town of Port Hedland Road (Wilson Street). The intersection has not been designed for RAV 10 and should the application be approved, it would recommend the Town review this road access and whether it is suitable moving forward and what impact any change would have on the business.</i></p> <p><i>Main Roads has been developing the Port Hedland Road (Wilson Street) Duplication project between the Great Northern Highway interchange and McGregor Street. Part of this project is the duplication of the Redbank Road Bridge.</i></p>	<p>Noted.</p> <p>RAV networks are determined by Main Roads and not under the Town's Local Planning Framework. Should Main Roads identify that safety is of paramount concern, the RAV 10 network should be removed or upgraded.</p> <p>Recommended condition #2 has been implemented to limit the approval to a maximum of two (2) years, requiring the landowner/operator to reobtain development approval prior to development approval 2019/170 expiring. This condition has been recommended to ensure that should the RAV network be reassessed by Main Roads, the development approval can be amended to accommodate any change(s) as necessary.</p>

• Pilbara Ports Authority (PPA)

Submission Comment	Officer Comment
<p><i>PPA has no objection to the continued storage of equipment and the processing of Stone on Lot 1.</i></p> <p><i>PPA notice that Drawing No: P9922/02/01 (Site Plan) provided as part of the DA information, shows two (2) tanks on the boundary reserve 31832. Can you please confirm that Deepblue Enterprises has the necessary approvals and operational practices in place to ensure there is no risk of tank leakage and underground seepage from the tanks, assuming the tanks are used to hold fuel or other substances that could contaminate the sub-surface soil?</i></p>	<p>Noted.</p> <p>The Tanks were removed prior to the DA being submitted.</p>

Community

The application was referred to eleven (11) landowners along Redbank Road where one (1) objection was received and summarised in the table below. The objecting landowner has been made aware this decision will be determined at Ordinary Council Meeting on 23 September 2020.

Submission Comment	Officer Comment
<p>The landowner was unable to lodge a written objection within the given timeframe due to medical reasons. The objection was therefore lodged via a teleconference and saved as a file note by the Town’s Graduate Planner on 18 February 2020.</p> <p><i>“Dust was deemed the biggest issue regarding the proposed development. The dust is being generated from the trucks being used to service the industry at Lot 1 (128) Redbank Road.</i></p> <p><i>In addition to the dust, the objector claims the frequency of the trucks cause the ground to shake and creates undue noise 24/7.”</i></p>	<p>Noted. This was a valid planning objection.</p> <p>Dust The trucks being used to service the proposed development operate along a RAV 10 network. In addition to the RAV 10 road network, the road is in ‘good’ condition and is sealed up to Lot 1 (128) Redbank Road. It should also be noted that the BHP train line is located approximately 650m away from the objector.</p> <p>To address this concern, condition #7 has been recommended requiring trucks carrying loose material to be covered. The intent of this condition is to prevent any dust escaping the vehicle loading to a potential loss of amenity to surrounding residents.</p> <p>Noise Deepblue Enterprises has provided detailed logbooks regarding truck movements from 2 October 2019 to 14 March 2020. Upon review of the logbooks, the earliest the trucks operate is 04:00 finishing at 22:00, with a small percentage of truck movements operating outside 07:00 to 19:00.</p> <p>To address this, condition #4 has been recommended that restricts trucks servicing Lot 1 (128) Redbank Road to the hours of 07:00 and 19:00 Monday to Saturday in accordance with the Environmental Protection (Noise) 1997 Regulations.</p> <p>Furthermore, condition #6 has been recommended to limit truck combinations to a maximum of one (1) trailer for the duration of the development. This will likely generate less noise, thus reducing the impact on neighbouring amenity.</p> <p>It should be noted that the objection was based solely on the movement of the trucks and the impact it had on the objector’s residence and not for the ‘Infrastructure’ or ‘Outdoor Display’ land use occurring on-site.</p>

LEGISLATION AND POLICY CONSIDERATIONS

Town of Port Hedland Local Planning Scheme No. 5
Initiated Town of Port Hedland Local Planning Scheme No. 7
Planning and Development Act 2005

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$147.00 from Deepblue Enterprises. There are no other financial implications associated with this application.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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 as Deepblue Enterprises could fail to comply with the recommended planning conditions. 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 is mitigated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Given the retrospective DA demonstrates compliance with LPS5 and LPS7, it is recommended that development application 2019/170 considered for approval subject to the recommended Conditions and Advice Notes.

ATTACHMENTS

1. Site Plan (DWG2019/170/1) (under separate cover)
2. Area Plan (DWG2019/170/2) (under separate cover)

11.3.5 CONSIDERATION OF SUBMISSIONS - SCHEME AMENDMENT NO. 84 - REQUEST TO ADOPT FOR FINAL APPROVAL WITHOUT MODIFICATIONS

Author: Senior Strategic Planner
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 recommendation, the Commissioner made the following statement:

The purpose of this report is to consider submissions and determine whether to adopt the final approval.

The purpose of the process is to de-constrain land in the East End of Port Hedland.

At the meeting held 24 June 2020 this process was initiated.

The amendment will facilitate future subdivision and development of land for residential purposes following preparation of a structure plan for endorsement by the Planning Commission.

The matter was referred to the Environmental Protection Authority (EPA) who advised formal assessment was not required.

We had four (4) submissions which did not require any modification to the scheme.

I support the recommendation in relation to this matter.

CM202021/055 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Note the submissions received for proposed Standard Amendment No. 84 to the Town of Port Hedland Local Planning Scheme No. 5 (refer to Attachment 2);
2. Adopt for final approval Standard Amendment No. 84 to reclassify/rezone land bound by Styles Road, Pretty Pool Creek and Cooke Point Road from 'Parks and Recreation', 'Rural' and 'Public Purpose: Energy' to 'Urban Development' without modifications;
3. Authorise the Chief Executive Officer and Mayor to execute three (3) copies of Standard Amendment No. 84 documentation, in accordance with Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
4. Forward to the Western Australian Planning Commission three (3) copies of Standard Amendment No. 84 documentation and a copy of the Schedule of Submissions for the Minister of Planning's consideration.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider submissions on Scheme Amendment No. 84 (Amendment) to the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) and determine whether to adopt the Amendment for final approval.

DETAIL

The Amendment was lodged by Element on behalf of DevelopmentWA, in collaboration with the Town of Port Hedland (Town) to de-constrain land in the east end of Port Hedland. Council initiated Scheme Amendment No. 84 at its meeting held on 24 June 2020 (Item 11.3.3). The proposed Amendment seeks to change the zoning of the Stables Precinct (Lot 5755 Styles Road, Lot 500 Sutherland Street, 29 Johnson Lane and 2 Taylor Street, Port Hedland) from 'Parks and Recreation', 'Rural' and 'Public Purpose: Energy' to 'Urban Development'. The Amendment will facilitate the future subdivision and development of the land for residential purposes, following preparation of a structure plan for endorsement by the WA Planning Commission. The proposed reclassification and rezoning of land, is shown in the Scheme Amendment Plan within Attachment 1.

In accordance with Section 81 of the *Planning and Development Act 2005*, the Amendment was referred to the Environmental Protection Authority (EPA). The EPA advised that formal assessment was not required under the *Environmental Protection Act 1986*. Following the EPA's advice, the Amendment was publicly advertised for 42 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. Five (5) submissions were received during this period which did not require any modifications to the Amendment as shown in the Schedule of Submission in Attachment 2.

Should the Scheme Amendment be adopted by Council and finally approved by the Minister for Planning, the land will facilitate the adoption and endorsement of the concurrent Stables Structure Plan by the Western Australian Planning Commission.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the decision may affect the capacity of the Council to carry out activities identified in the strategic plan and may affect a range of people who reside in Port Hedland.

CONSULTATION

Internal

- Director Regulatory Services;
- Manager Town Planning and Development;
- Manager Infrastructure Projects and Assets;
- Manager Marketing, Events and Communications;
- Coordinator Property Management; and
- Community Engagement Officer.

External Agencies

All standard State Government agencies were notified during the Public Advertising period.

Community

Amendment No. 84 was referred advertised in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:

- Locally distributed newspaper;
- Registered letters to all adjoining properties within 100m radius; and
- Notice on the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005; and*
- *Planning and Development (Local Planning Scheme) Regulations 2015.*

FINANCIAL AND RESOURCES IMPLICATIONS

Scheme Amendment No. 84 is fully funded by the Town of Port Hedland. This is a collaborative project with DevelopmentWA, who are providing project management services for the project, free of cost.

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.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

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:

- 3.b.1.3 – Advocate to and support State Government initiatives to resolve land use conflicts

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item due to the tight approval timeframes being pursued, which may impact the Town's reputation. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4).

There is a financial risk associated with this item due to the tight approval timeframes that statutory requirements may exceed available budget requiring additional funds or project objectives not being met. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

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 subject site is currently reserved under the Town’s LPS5 as ‘Parks and Recreation’, Public Purpose: Energy’ and zoned ‘Rural’. It is recommended that Council adopts the rezoning in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to de-constrain the site and increase the availability of land in the East End of Port Hedland for future development.

ATTACHMENTS

1. Scheme Amendment Plan (under separate cover)
2. Schedule of Submissions (under separate cover)

11.3.6 COMMUNITY SAFETY PLAN

Author: Community Safety Advisor
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 recommendation, the Commissioner made the following statement:

This plan has been developed and has taken some time to be finally approved by all members of the Committee.

The new approach, at its core, relies on strong engagement with all sections of the community, working in partnership, providing strategic leadership to close gaps in the Port Hedland landscape.

The plan sets out short, medium and long term objectives.

This document, hopefully, will enable groups who are community funded to be more effective by co-operating with other groups to concentrate resources towards the issues.

This will be assisted by the critical map and gap analysis and hopefully will result in greater outcomes for our community.

The plan acknowledges that problems are not just about anti-social behaviour and that this is a whole of community responsibility.

There are four (4) key focus areas:

1. Personal safety;
2. Safe open spaces and parks;
3. Resilient communities; and
4. Powerful partnerships.

The plan will be delivered in a three (3) year cycle and ensure the plan is responsive to changing issues.

This initiative is an outstanding concept and will succeed if all those involved play their part.

I support the recommendation in relation to this matter.

CM202021/056 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council acknowledge receipt and endorse the Port Hedland Community Safety Plan.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to acknowledge and endorse the Port Hedland Community Safety Plan (CSP). The CSP demonstrates a whole of community approach to building a connected and resilient community, ensuring that community safety is central to the strategic planning of Port Hedland's future.

DETAIL

The CSP outlines a commitment by the Town of Port Hedland (Town) to take a new approach to community safety. This new approach, at its core, relies on strong engagement with the diverse range of community stakeholders to develop partnerships, provide strategic leadership and deliver clear outcomes in line with identified gaps in the Port Hedland community safety landscape. Through the comprehensive analysis of community data, understanding community perception and through the inclusion of key stakeholders, the plan provides a range of short, medium and long term objectives designed to improve the health, safety and wellbeing of community members.

The CSP recognises that many groups in the Town are already contributing to safety in a variety of ways. For this reason, the CSP connects many of the actions identified across community strategies and integrates them into the CSP to provide a comprehensive approach to safety. The plan's key aim is to strengthen our partnerships and decision making by implementing initiatives collectively and informed by place-based data and evidence-based practice.

To develop the CSP, the Hedland Community Safety Advisory Forum engaged the University of Western Australia's Community Justice Research team, to undertake a two part analysis project. Firstly, a focused analysis of the criminogenic profile of Port Hedland for the past 5 years provided crucial insight into the issues that directly affect community members and the precursors to criminal behaviour. Secondly, a critical map and gap analysis was undertaken to understand:

- The community services that exist in Port Hedland;
- Any potential overlap in service provision;
- Any gaps where service / support is not provided; and
- Funding pathways and performance metrics for current service providers.

This analysis enabled the CSP outcomes to incorporate the appropriate responsible service providers in the hope that delivery of the outcomes can be expedited.

The CSP acknowledges community safety is not just crime and anti-social behaviour; it is a public health matter and is a whole of community responsibility. As such, the CSP identifies 4 key community focus areas, informed by detailed community consultation and profiling:

- Personal Safety;
- Safe Open Spaces and Parks;
- Resilient Communities; and
- Powerful Partnerships.

These 4 priority action areas not only acknowledge to key areas of concern for residents of Port Hedland but also acknowledges that no one agency, group or individual can raise the standards of safety in Hedland alone – powerful partnerships will be the cornerstone to improving community safety in Port Hedland.

The CSP will be delivered in a three-year cycle, which aligns with the United Nations international best practice sustainable development goals and methodology. The development

of goals through a recognised structure and through commitment to long term change, as opposed to short term wins, ensures that the plan can adapt and remain responsive to changes in community or governance.

The CSP's three year cycle approach involves:

- PHASE 1 (3 years): Foundational Phase
- PHASE 2 (3 years): Implementation Phase
- PHASE 3 (3 years): Succession Phase

To ensure good governance and a grassroots approach to delivering the CSP, the plan endeavours to move away from traditional models of community safety governance in Local Government and amplify a collective approach to addressing community safety through the establishment of a two way communication process. As such, the CSP is led by the Hedland Community Safety Advisory Forum, a strategic leadership group comprising of lead Federal, State, Industry, Aboriginal Elders and an independent research body. This governance group works collectively with the Hedland Community Safety Action Group comprising of front line support services and established working groups in the community. The ideology of the governance structure is to have front line services implement and provide place-based data to inform the decision making for the Advisory Forum.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the CSP demonstrates the Towns commitment to building a resilient, connected and liveable community, a key deliverable identified in the Town's Strategic Community Plan.

CONSULTATION

Internal

- Chief Executive Officer;
- Director of Regulatory Services;
- Manager of Environmental Health and Community Safety; and
- Director of Community Services.

External Agencies

- BHP;
- Roy Hill;
- Fortescue Metal Group Limited;
- Hedland Aboriginal Strong Leaders;
- Department of Social Services;
- Department of Human Services;
- Department of Education;
- Department of Health;
- Department of Prime Minister and Cabinet;
- Department of Justice;
- Department of Communities – CPFS/Housing;
- WA Police;
- Member of Pilbara;

- University of Western Australia;
- WA Council of Social Services;
- WA Country Health Services;
- Hedland Youth Stakeholder Action Group (HYSAG);
- Port Hedland Alcohol and Other Drugs Management Plan Working Group (PHAODMPWG);
- Hedland Collective;
- Hedland Road Wise Group;
- Hedland Early Years Network;
- Pilbara Community Legal Services;
- Hedland Women's Refuge;
- Department of Health: Aged Care Services;
- Hedland Family Violence Action Group;
- Mackillop Family Services; and
- Department of Education: Senior High School.

Community

- Face to face, focus groups, surveys, and online platforms were conducted to receive community feedback and input.

LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland Strategic Community Plan and Corporate Business Plan

FINANCIAL AND RESOURCES IMPLICATIONS

The delivery of the Community Safety Plan outcomes will require funding. Every attempt to identify external funding streams will be made to fund key deliverables but where the Town of Port Hedland commits to the delivery of key initiatives, budget allocations will be made through the annual budget development process.

There are no budget considerations necessary for the adoption of the officers' recommendation.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 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.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

2.a.4 Broader education and training offerings are encouraged

Environmental

Safe Streets and Open Spaces – Liveable, accessible and safe streets and surroundings.

Economic

Powerful Partnerships - exhibit strong partnerships which add value by aligning effort and resources of key stakeholders to achieve the community safety plan.

Social

Personal Safety – People experience and contribute to a caring, respectful and responsive community.

Resilient Communities – a dynamic and connected community.

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 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.a.1.1 Develop, implement and review a community engagement program to interact with stakeholders on a regular basis.
- 1.a.5.1 Develop, implement and review a Community Safety Plan.
- 1.a.2.1 Coordinate and advocate for improved community health services and facilities.
- 1.a.5.2 Develop, implement and review strategies and programs to enhance the town's visual amenity and safety.
- 1.a.6.1 Promote awareness of town-wide health, recreation, sporting and safety services and initiatives.
- 1.b.1.1 Support initiatives with stakeholders to welcome newcomers to town.
- 1.b.3.1 Provide meaningful opportunities for Aboriginal and Torres Strait Islander people to engage with the Town.
- 1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities.
- 1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities.
- 1.b.4.2 Inform the community on Town projects, operations, services and events.

RISK MANAGEMENT CONSIDERATIONS

There is a potential reputational risk if Council does not adopt the officer's recommendation. The Town of Port Hedland is positioned as the back bone agency and tasked with the coordination of the advisory and action forums and for the implementation of several of the plans key deliverables. The risk rating is considered to be low (4), which is determined by a

likelihood of unlikely (2) and a consequence of minor (2). The risk will be mitigated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended the Council acknowledge and endorse the established CSP. The CSP identifies actions shaped by a range of consultation, data, and research. The Town in partnership with governance groups and other agencies will have a collective approach to delivering the CSP and improve safety in our community.

ATTACHMENTS

1. Community Safety Plan (under separate cover)

11.3.7 REQUEST FOR CONTRIBUTION TO THE EVALUATION OF THE BANNED DRINKERS REGISTER TRIAL

Author: Community Safety Advisor
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 recommendation, the Commissioner made the following statement:

This item has been placed on the Agenda to show support for the Banned Drinkers Register.

This register is an initiative of the Department of Local Government, Sport and Cultural Industries in partnership with the Hotel Association and Liquor Stores Association.

In an endeavour to reduce harm from alcohol induced violence in Port Hedland, to this end the register will be made up of people with a history of alcohol and violence (domestic violence) and drink driving offences and those who put themselves on the register.

Council is keen for any action that helps reduce harm to individuals who have known problems.

It is pleasing the alcohol industry is part of this planned trial.

Council will participate in the plan and contribute the \$50,000 to evaluate the trial.

I am sure the local community will see the positive results after the start date of 1 December 2020.

I support the recommendation in relation to this matter.

CM202021/057 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Supports the implementation of targeted programs and policies which reduce alcohol related harm within the community, including the implementation of a trial Banned Drinkers Register within the Pilbara; and
2. Pursuant to section 6.8 of *Local Government Act 1995*, amend the 2020/21 budget to allocate \$50,000 for the completion of the independent evaluation of the Banned Drinkers Register Pilbara Trial commencing 1 December 2020, to be funded from the Financial Risk Reserve.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider providing a financial contribution, in conjunction with the remaining 3 Pilbara local governments, to enable the University of Western Australia to complete a detailed evaluation of the Pilbara Banned Drinkers Register trial.

DETAIL

The Department of Local Government, Sport and Cultural Industries, in partnership with the WA Australian Hotels Association and Liquor Stores Association, intend to commence a trial of the Banned Drinkers Register (BDR) across the Pilbara Region. Alcohol continues to be a driving force behind high volume crimes affecting Port Hedland including domestic violence, assault and anti-social behaviour. Without intervention, the effects of alcohol on the community will increase demanding greater Police resources and negatively impacting the health and wellbeing of residents.

The BDR trial, which will extend to the four Pilbara local government districts, will work to prevent problem drinkers from purchasing alcohol at take away locations and will trigger the availability of rehabilitation and support services to assist with managing alcoholism. Those deemed to be problem drinkers will include, but not be limited to, repeat drink drivers and alcohol fuelled domestic violence offenders. Registration on the system will be by means of Police order, court order, an order issued by the Department or by self-nomination.

To ensure that the BDR trial is suitably monitored and assessed for efficacy, impact, policy compliance and cost benefit a comprehensive evaluation will be required throughout the two year program. To confirm the integrity of the evaluation an independent third party agency has been selected to complete the assessment, being the University of Western Australia's (UWA) Public Policy Institute. Further, by funding and overseeing the execution of the evaluation by the four relevant local governments, further unbiased independence is assured.

A budgetary value of \$200,000 has been estimated to fund the two year evaluation of the Pilbara BDR trial, with each of the four local governments being requested to contribute \$50,000 each. Once the contributions have been secured, procurement processes for engaging UWA will be completed.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the BDR trial will be delivered and this may have a dramatic impact on the community. The Town must be seen to be taking every effort to ensure that the BDR trial is effectively monitored, evaluated and assessed for its appropriateness and effectiveness for reducing alcohol related harm in the Port Hedland community.

CONSULTATION

Internal

The BDR Trial has been initiated and will be operated by the Department of Local Government, Sport and Cultural Industries. Consultation by the Department has been undertaken with internal and external stake holders through numerous forums, meetings and through direct consultation with the Towns Executive and Commissioner.

External Agencies and Community

Consultation with external agencies and the community has been conducted by the Department of Local Government, Sport and Cultural Industries.

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*
- The BDR Trial will be operated under the Department with enforcement by Police and at the point of sale. The Town will not be required to manage or operate the BDR Trial; and
- Procurement for the independent evaluation of the BDR trial will be conducted externally to the Town.

FINANCIAL AND RESOURCES IMPLICATIONS

- \$50,000 is requested which is currently unbudgeted funds.
- Allocation of the funds would be required prior to the next budget review process.
- It is expected that the funds would be costed against the Community Safety general ledger code and reassessed that the Town's 6 month budget review.

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.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 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

Economic

The allocation of \$50,000 for the Town's contribution to the independent review of the BDR trial is requested.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as the independent review of the Pilbara BDR trial is to be completed through cooperation with the remaining 3 Pilbara based Councils. Failure to adopt the officer's recommendation could see both risks to the trial and risks to relationships with surrounding local governments. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has always advocated for action to improve community safety and the wellbeing of residents, and programs such as the Banned Drinkers Register could provide positive change. To that end, it is essential that appropriate auditing and evaluation of the program is completed to ensure that any claims regarding the efficacy of the program are grounded on fact. Further, the evaluation must be independent to any of the agencies leading the BDR to ensure that no influence is applied and no claims of bias and be levelled.

ATTACHMENTS

1. Letter from Department of Local Government, Sport and Cultural Industries to Town of Port Hedland Commissioner – 1 September 2020 (under separate cover)

11.4 Infrastructure Services**11.4.1 ENDORSEMENT OF THE STAGE 1 SCHEMATIC DESIGN FOR THE PORT HEDLAND RECREATION AND COMMUNITY HUB MASTERPLAN**

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 recommendation, the Commissioner made the following statement:

This item is to move this project one step closer to starting the main part of this plan which is to replace the ageing Turf Club building, and replacing it with a modern multi-use facility which will cater for 200 people during cyclone season.

It will be used for a 6 race season, weekly Judo, weekly Muay Thai, dancing and private functions.

This will be the best Turf Club facility north of Perth.

The hub building will increase the capacity by 250 square metres.

The finished floor level also needs to be raised by 2.15 metres because of the low-lying nature of the race course. It is hoped that soil from the Spoil Bank will be used – some 20,000 cubic metres.

This building will enhance the facilities of the Town and provide enjoyment for decades to come.

The extra \$2.6M will enhance the project and will be included in the 2021/22 financial year budget.

I support the recommendation in relation to this matter.

CM202021/058 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Endorse the proposed schematic design for Stage 1 of the Port Hedland Sports and Community Hub Masterplan;
2. Approve the design to proceed to detailed design; and
3. Note the estimated increase of \$2,600,000 to a total of \$14,600,000 for the Port Hedland Sports and Community Hub Masterplan due to increased size and additional earthworks, with this increase being included in the 2021/22 budget process considerations.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to endorse the Stage 1 Schematic Design for the Port Hedland Recreation and Community Hub and approve the progression of the schematic design to detailed design.

DETAIL

The Port Hedland Community Centre, carpark and surrounding landscape forms Stage 1 of the Port Hedland Sports and Community Hub Masterplan project. The Stage 1 works of the Port Hedland Recreation and Community Hub Masterplan will replace the existing Turf Club facility with a modern, multi-functional facility. The Turf Club provides an important and historic social function to the Town, hosting 6 race meetings a year, including the popular Heddy Cup and Ladies Day. The new facility will accommodate combat sport such as Judo and Muay Thai, as well as dance hire space. It will also provide hireable space for corporate and community functions. The facility will be built to cater for up to 200 people in a community welfare emergency. A small space for programmable community activities has also been factored.

Associated with the Port Hedland Turf Club, and retained in their present location, will be refurbished stables and access road/horse-float parking. Formalised parking and access from McGregor Street has been designed to meet the needs of race-day operations.

The initial masterplan work and budget was endorsed by Council at the August 2019 OCM. The design of the Hub was increased by 250 square metres over the original concept to enable the intended welfare facility function to cater for at least 200 people. An additional 120 square metres of shaded space and balcony has also been allowed for in the current design, compared to the original design, to cater for community needs. The increased cost for this component is \$1.5 million.

Further to the above, in order to use the facility as a welfare building, the finished floor level (FFL) and connecting car park is required to be 0.5m above the 1 in 500 year flood level. As a result there is a requirement to raise the FFL of the facility by 2.15 meters from 4.5m Australian Height Datum (AHD) to 6.65m AHD. The exact increase in level was unknown at the time of the masterplan development and was therefore not included in the original masterplan budget.

The site requires approximately 20,000 cubic metres of fill and it is anticipated that this may be sourced from the Spoilbank Marina site.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because in terms of social, cultural and wellbeing issues of the residents of the Town of Port Hedland, it relates to the development of significant community infrastructure.

CONSULTATION

Internal

The concept design was discussed at the recent Project Control Group (PCG) meeting (18/08/2020) and Executive Leadership Team (ELT) meeting (31/08/2020), and a decision was made to request endorsement of the current schematic design from Council.

- Chief Executive Officer;
- Director Infrastructure Services;

- Director Community Services
- Director Corporate Services;
- Director Regulatory Services;
- Principal Project Manager;
- Project Manager;
- Director Community Services;
- Manager Community Development;
- Manager Infrastructure Projects and Assets;
- Regulatory Services team including planning and environmental health & safety;
- Finance team;
- Marketing team;
- Legal Advisor;
- Procurement team;
- Manager Infrastructure Operations; and
- Leisure team.

External Agencies

- Department of Communities; and
- Hodge Collard Preston Architects including sub-consultants.

Community

An initial workshop was held with the Turf Club, Muay Thai and Judo on 5th June 2020, with a subsequent consultation on 10th August 2020.

- Turf Club;
- Muay Thai; and
- Judo.

LEGISLATION AND POLICY CONSIDERATIONS

Council Policies considered in relation to the design:

- 4/009 significant decision making;
- 6/012 naming of parks, reserves, bridges and buildings; and
- 8/003 access and inclusion.

Local planning policies which apply to the design:

- LPP/04 Percent for public art.

Applicable Legislation:

- Section 3.57 of the *Local Government Act 1995* will apply when tendering for construction; and
- Sections 6.2 and 6.8(1)(b) of the *Local Government Act 1995* will apply to amend the budget.

FINANCIAL AND RESOURCES IMPLICATIONS

The current long term financial plan includes \$12,000,000 towards Stage 1 of the Port Hedland Sports and Community Hub for the 2022/23 financial year. The recent funding strategy completed prior to the Town receiving revised Quantity Survey (QS) figures had the anticipated budget for Stage 1 works to be at \$12,015,368 as shown below.

The revised QS for the Stage 1 works has come back at \$12,655,828 excluding contingency and GST. An allocation of \$14,600,000 will be required in financial year 2021/22 to cover the additional works, refurbishment of the stables and a potential contingency amount of 15%.

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.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 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.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 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
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 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.b.1 Sound long-term financial planning is implemented
- 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.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 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.

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.a.4.1 Support stakeholders to deliver sports and recreation services
- 1.b.4.2 Inform the community on Town projects, operations, services and events
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose
- 2.a.2.1 Develop Masterplans and business cases for future project implementation, in line with the Town's strategic direction and needs
- 3.c.3.1 Develop, implement and review public open space in line with the Parks and Paths Strategy

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the identified community need and community desire for improved community and sporting amenities at the Port Hedland Recreation and Community Hub. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The Stage 1 works at the Port Hedland Recreation and Community Hub Masterplan will replace the existing Turf Club facility with a modern, multi-functional facility. Endorsement of this design and increased budget will allow the works to progress to be ready for construction in the 2021/22 financial year.

Having shovel ready designs will also assist the Town in acquiring external funding.

ATTACHMENTS

1. Port Hedland Sports and Community Hub - Stage 1 Schematic Design (under separate cover)
2. Opinion of Probable Cost (under separate cover)

11.4.2 ENDORSEMENT OF STAGE 1 CONCEPT DESIGN FOR THE SOUTH HEDLAND INTEGRATED SPORTS HUB MASTERPLAN

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 recommendation, the Commissioner made the following statement:

The report is for the new sports pavilion concept design, stadium expansion and refurbishment concept layout.

The project was originally approved at the Ordinary Council Meeting held on the 28 August 2019.

Now we have the concept layout and refurbishment, the design addresses the needs of many sporting groups.

This work is required to move from concept to actual work and ‘boots on ground’ to get the project going.

In collaboration with our architects, Carabiner, and stakeholders, the designs have changed to address community needs.

I support the recommendation in relation to this matter.

CM202021/059 OFFICER’S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Endorse the concept design for the new Sports Pavilion at the South Hedland Integrated Sports Hub as per Attachment 1;
2. Endorse the concept layout for the Stadium expansion and refurbishment at the South Hedland Integrated Sports Hub as per Attachment 3 and 4;
3. Endorse the Landscape Masterplan for the South Hedland Integrated Sports Hub as per Attachment 2; and
4. Reconfirm authorisation for the CEO to execute the remainder of the contracted works as per the previous decision CM201920/255 at June 2020 Ordinary Council Meeting.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the new Sports Pavilion concept design, Stadium expansion and refurbishment concept layout and the Landscape Masterplan at the South Hedland Integrated Sports Hub (SHISH) and endorse their designs.

DETAIL

The preliminary design of the South Hedland Integrated Sports Complex (now known as South Hedland Integrated Sports Hub or SHISH), was awarded to Carabiner Architects (formerly Sandover Pinder) in 2017, following a public tender process. This work was the result of significant community consultation, and was completed by Carabiner Architects, in conjunction with ABV Leisure Consultants.

The South Hedland Integrated Sporting Precinct, now known as South Hedland Integrated Sports and Community Hub (SHISH), was formally endorsed by Council in August 2019.

In conjunction with Carabiner and relevant stakeholders, the concept design for the new sports pavilion and concept layout for the stadium expansion and refurbishment has been developed. The designs address the community needs and are fit for purpose.

A fully developed landscape masterplan was not included within the original SHISH masterplan endorsement. As such the Town went out to the market and awarded the landscape works to Aspect Studios at the April 2020 OCM. In conjunction with the Town, Aspect have developed a landscape masterplan for the site.

The site requires approximately 30,000 cubic metres of fill and it is anticipated that this may be sourced from the Spoilbank Marina site.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because in terms of social, cultural and wellbeing issues of the residents of the Town of Port Hedland, and as it relates to the development of significant community infrastructure.

CONSULTATION

Internal

- Director Infrastructure Services;
- Principal Project Manager;
- Project Manager;
- Director Community Services;
- Manager Community Development;
- Manager Infrastructure Projects and Assets;
- Manager Leisure Facilities;
- Senior Sports and Facilities Officer;
- Regulatory Services team including planning and environmental health;
- Finance team;
- Marketing team;
- Legal Advisor;
- Procurement team;

- Manager Infrastructure Operations; and
- Leisure team.

External Agencies

- Carabiner Architects including sub-consultants;
- Aspect Studios (Landscaping Design); and
- ABV Leisure consultants.

Community

Workshops were held on 29th January, 2020 and 24th June 2020 and further correspondence was emailed to all external stakeholders on 6th August confirming the preferred Pavilion design option.

- All Hedland Basketball Association;
- Hedland Reds Junior Football Club;
- South Hedland Swans Football Club;
- South Hedland Cougars Rugby League Club;
- Port Hedland Cricket Association;
- Hedland Touch Association; and
- Hedland Gymnastics Club.

LEGISLATION AND POLICY CONSIDERATIONS

Council Policies considered in relation to endorsing the design:

- 4/009 Significant decision making; and
- 8/003 Access and inclusion.

Local planning policies which apply to design:

- LPP/04 Percent for public art.

Applicable Legislation:

- Section 3.57 of the *Local Government Act 1995* will apply when tendering for construction; and
- Sections 6.2 and 6.8(1)(b) of the *Local Government Act 1995* will apply to amend the budget.

FINANCIAL AND RESOURCES IMPLICATIONS

The initial QS costings for the new sports pavilion, stadium expansion and refurbishment and the landscape works are within the initial costings endorsed at the August 2019 OCM.

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.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services

- 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.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 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
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 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.b.1 Sound long-term financial planning is implemented
- 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.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 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.

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; and
- 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.a.4.1 Support stakeholders to deliver sports and recreation services
- 1.b.4.2 Inform the community on Town projects, operations, services and events
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose

- 2.a.2.1 Develop Masterplans and business cases for future project implementation, in line with the Town's strategic direction and needs
- 3.c.3.1 Develop, implement and review public open space in line with the Parks and Paths Strategy

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the identified community need and community desire for improved community and sporting amenities at the South Hedland Integrated Sports Complex. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

In conjunction with Carabiner and relevant stakeholders, the concept design for the new sports pavilion and concept layout for the stadium expansion and refurbishment has been developed. The designs address the community needs and are fit for purpose.

A fully developed landscape masterplan was not included within the original SHISH masterplan endorsement. As such the Town went out to the market and awarded the landscape works to Aspect Studios at the April 2020 OCM. In conjunction with the Town, Aspect have developed a landscape masterplan for the site. The designs address the community needs for activation, access, shade and are fit for purpose.

ATTACHMENTS

1. New Sports Pavilion Concept Report (under separate cover)
2. Landscape Masterplan (under separate cover)
3. SHISH Stadium Expansion Layout (under separate cover)
4. SHISH Stadium Refurbishment Layout (under separate cover)

11.4.3 ENDORSEMENT OF THE STAGE 1 CONCEPT DESIGN FOR THE JD HARDIE YOUTH HUB MASTERPLAN

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 recommendation, the Commissioner made the following statement:

This report is to look at approving the preliminary design of JD Hardie Stage 1 Multi-Use Courts and surrounds together with ablution blocks.

This is the work to enhance the outdoor component of the Master Plan for the JD Hardie.

The request also involved authorising the early release of \$750,000 to cover the costs of additional work identified after community consultation.

That work involves:

1. Bringing forward construction of ablution blocks; and
2. A new outdoor basketball court due to the new entrance statement taking away one of the old courts in the complex.

I support the recommendation in relation to this matter.

CM202021/060 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Endorse the Concept Design of the JD Hardie Stage 1 Multi-user Courts and Surrounds as per attachment 1, inclusive of the proposed scope changes as follows:
 - a. Addition of an accessible 'Changing Places' Ablution block brought forward from Stage 2;
 - b. An additional uncovered Multi-user Court adjacent to the covered courts; and
 - c. Amendment to the 'Future Library Site' to 'Potential Future Library Site'.
2. Pursuant to section 6.8 of the *Local Government Act 1995*, amend the 2020/21 annual budget to increase the JD Hardie Stage 1 Multi-user Courts and Surrounds project by \$750,000 (excluding GST) to \$4,000,000, to be funded from the Strategic Reserve.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider endorsing the preliminary design of the JD Hardie Stage 1 Multi-user Courts and Surrounds, inclusive of the proposed adjustments to the scope and subsequent implications to the project's budget.

DETAIL

The JD Hardie Masterplan (Donovan Payne Architects) was formally endorsed by Council in July 2019 (Decision number CM201920/011). Following endorsement of the overall masterplan, the Town commenced procurement of a Landscape Architect to design Stage 1 of the works being the multi-user courts and its surrounds. An official Request for Tender (RFT) was released on 25 March 2020, and following the evaluation of the RFT, Emerge Associates were awarded the contract to complete the Stage 1 design.

This report presents Emerge Associate's preliminary design for Council endorsement, inclusive of proposed scope changes which have been added to the design as a result of internal stakeholder and community consultation.

It is expected that the RFT for construction will be released in October, with works proposed to commence in February 2021.

Scope changes since initial Masterplan endorsement

A small number of changes to the scope of works have been proposed and are detailed below.

The first proposed amendment is to bring forward the construction of an ablution block into Stage 1, which was originally intended for delivery as part of Stage 2 works. It is also proposed that these ablutions be increased from a standard toilet to an accessible 'Changing Places' toilet which provide suitable facilities for people who cannot use standard accessible toilets.

Another proposed amendment is to have an additional uncovered multi-user court to ensure the community still has access to three uncovered courts when one of the existing outdoor courts is removed and replaced with the entry statement to the new JD Hardie Youth Zone.

The final proposed amendment to the scope is to change the name of the 'Future Library Site' to 'Potential Future Library Site'. This is due to the actual preferred location of the library being dependent on the adoption of the draft Library Strategy which is currently under development.

All of the abovementioned scope changes are included in the attached preliminary design.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because in terms of social, cultural and wellbeing issues of the residents of the Town of Port Hedland, and as it relates to the development of significant community infrastructure.

CONSULTATION

Internal

The proposed amendments noted above were endorsed on 13 December 2019 by the Town's previous CEO.

An Internal Stakeholder Meeting was undertaken on 10 August 2020 to discuss and review the preliminary design, with the following Town officers in attendance:

- Director Infrastructure Services;
- Director Community Services;
- Principal Project Manager;
- Project Manager;
- Manager Community Development;
- Manager Infrastructure Operations;
- Manager Financial Services;
- Manager Infrastructure Projects and Assets;
- Manager Town Planning and Development;
- Coordinator Works and Services;
- Senior Youth Officer;
- Youth Program Officer; and
- Horticulture Technical Officer.

Regular fortnightly Project Update Meetings involving key internal stakeholders have also been held in relation to the overall Masterplan since November 2019.

External Agencies

- Emerge Associates and their sub-consultants; and
- ABC Leisure consultants.

Community

A Balanced View Leisure Consultants (ABV) were engaged in January 2019, to produce a Town-wide needs assessment and architectural briefs relating to the JD Hardie site as well as the South Hedland Sports Complex and McGregor Street Precinct. The consultation included face-to-face meetings with stakeholders on the ground in Port Hedland in February and June 2019. There is community demand for:

- Indoor sports and activities. In particular there is high demand for basketball, dance and martial arts;
- Covered outdoor sports courts;
- Affordable community activity and meeting spaces;
- Car parking amenities and connectivity access at the site; and
- An expectation of supporting recreational and general public amenities at the site such as public toilets, water fountains, paths, playgrounds and notably, given hot summer climatic conditions, shade.

LEGISLATION AND POLICY CONSIDERATIONS

In accordance with section 6.8(1)(b) and 6.8(1a) of the *Local Government Act 1995*, an Absolute Majority Vote is required to authorise expenditure which is not included in the current annual budget.

Public art has been considered in relation to this design, as required by the Town's Local Planning Policy on Public Art (LPP/04).

In addition to the above, the following Council policies have also been considered:

- 4/009 Significant decision making;
- 8/003 Access and Inclusion; and

- 10/003 Landscaping.

FINANCIAL AND RESOURCES IMPLICATIONS

The total approved budget for Stage 1 works is \$4.25M as follows:

Job Code	Description	Value (\$)
CIF117074	Multi-purpose courts – Town contribution	\$ 2,500,000
CIF117074	Multi-purpose courts – Grant contribution	\$ 750,000
CIF118075	Earthworks, drainage and carparks	\$ 1,000,000
	Total	\$ 4,250,000

Based on the proposed design, the preliminary cost estimate has been determined by Emerge Associates at \$5M, leaving a deficit of \$750,000. It is recommended that additional funds are brought forward from the Masterplan’s overall budget to adequately cover the additional scope requirements – with a suggestion of bringing forward \$750,000 due to:

- The inclusion of the ‘Changing Places’ ablution and storage block with a current design and install estimate of \$250,000. This is to be brought forward from Stage 2 to Stage 1 to provide ablutions to the expanded court area and to enable operational efficiencies, whereby the JD Hardie Building would not have to be opened to provide toilet access afterhours; and
- The Design and Construction of an additional multi-user court with an estimated cost of \$250,000.

Proposed adjusted budget for stage 1 as follows:

Current Budget - JD Hardie Stage 1 – Multi-user Courts and Surrounds	
Multi-purpose courts – Town contribution	\$ 2,500,000
Multi-purpose courts – Grant contribution	\$ 750,000
Earthworks, drainage and carparks	\$ 1,000,000
Total 20/21 Budget Allocation	\$ 4,250,000
Emerge Associates Preliminary Construction Estimate (including additional scope)	
Approved Budget	\$ 4,250,000
Emerge Cost Estimate	\$ 5,000,000
Difference	\$ (750,000)
Recommended Scope Changes	
Addition of Changing Places Ablution and Storage	\$ 250,000
Additional Multi-User Court	\$ 250,000
Contingency (5%)	\$ 250,000
Total Scope Changes	\$ 750,000
Current Approved Scope	\$ 4,250,000
Total Recommended Project Budget (Stage 1)	\$ 5,000,000

Any surplus funds not used towards construction will be re-allocated to the Strategic Reserve.

The Town has successfully secured grant funding of \$750K from the Community Sporting and Recreational Facilities Fund towards the multi-user courts. A condition of this grant is that construction is required to commence by June 2021.

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.6 Town-wide health, safety, recreation and sporting activities and services

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

The above have been included in the brief to the designer. This includes the incorporation of a 'Changing Places' toilet facility.

Corporate Business Plan

- 1a.6.1 – Promote awareness of town wide health, recreation and safety services and initiatives

RISK MANAGEMENT CONSIDERATIONS

There are a number of risks considered in relation to this project. The below items outline some of the anticipated risks if the recommendations are not adopted:

- There is financial risk due to the operational efficiencies that will be achieved in bringing the aforementioned scope changes forward with this stage of the Masterplan.
- There are distinct reputational risks involved with these items:
 - The inclusion of the 'Changing Places' ablution block better caters to the community reducing the negative ramifications.
 - The inclusion of the additional court allows the JD Hardie Youth Team to allow for a greater range of sporting services, further reducing the reputational risk to the Town.

In both cases, the risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

Adopting the officer's recommendations would mitigate the anticipated project risks.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

Council is requested to consider endorsing the proposed scope changes as detailed in this report. It is also requested that in order to fund the increase in scope, sufficient budget is brought forward from the Masterplan's allocation in the Long Term Financial Plan to cover the additional scope requirements.

ATTACHMENTS

1. Emerge Associates - Stage 1 Design for Endorsement (under separate cover)
2. JD Hardie Masterplan - Staging (under separate cover)

11.4.4 AWARD OF TENDER RFT1920-33 - SOUTH HEDLAND CEMETERY MASTERPLAN

Author: Senior Project 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 recommendation, the Commissioner made the following statement:

This item is in relation to a Master Plan that was approved under the last Council.

This will upgrade the infrastructure at the cemetery and will include:

1. Minor grading and fine trimming for external road;
2. Universal access by upgrading internal road network and an external ring road with extra access points;
3. Installation of trees and garden beds;
4. Planting of trees to cemetery, carpark and entrance road;
5. New cemetery fencing; and
6. New toilets and signage meeting cyclone rating standards.

I support the recommendation in relation to this matter..

CM202021/061 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by Yurra Pty Ltd, in accordance with Tender RFT1920-33 South Hedland Cemetery Masterplan, for the total amount of \$599,777.21 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM202021/061.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-33 for South Hedland Cemetery Masterplan and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town of Port Hedland (Town) released a Request for Tender (RFT) on Wednesday 8 July 2020 requesting detailed design landscaping and irrigation plans for construction as per the adopted Cemetery Masterplan;

- Minor grading and fine trimming of existing surface of the external ring road;
- Provide compliant, universal access to cemetery with an upgraded internal road network and an external ring road with extra access points

- Connecting to irrigation mainline, installation of tree bubblers and conduits for future garden bed upgrades;
- Planting of trees to cemetery, carpark and entrance road;
- Removal of existing, supply and installation of cemetery fencing with service and public access gates;
- Supply and construction of universal accessible toilets;
- Supply and installation of way finding signage, information /Map signage to the cemetery entrance; and
- Structural Certifications (to local cyclone ratings) and Local Authority Building Licences and relevant approvals.

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on Wednesday 8 July 2020, and was advertised in the West Australian and the North West Telegraph on Wednesday 8 July 2020 with a closing date of Wednesday 6 August 2020.

Tender Assessment

The Town received one (1) submission for RFT 1920-33. The respondent was as follows:

1. Yurra 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 Friday 14 August, 2020.

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

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	30%
Quality I Suitability	20%
Demonstrated Understanding and Methodology	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 emotive and sensitive nature of the South Hedland Cemetery.

CONSULTATION

Internal

- Director Infrastructure Services;
- Manager Parks, Gardens & Engineering;
- Coordinator Engineering;
- Horticulture Technical Officer;
- Senior Administration Officer;
- Community Engagement Officer; and
- Planning Officer.

External Agencies

The Masterplan was presented the following agencies when it was drafted for review and feedback. Prior to work commencing they will be updated on works occurring and the timeline:

- Strong Leaders/Indigenous Elders Forum; and
- DAIP Consultant.

Community

The Masterplan was emailed to the following groups and businesses and they will be provided with updates prior to work commencing:

- Places of Worship;
- Islamic Association;
- Funeral Service Providers;
- Port Hedland Historical Society; and
- General Community.

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on Wednesday 8 July, 2020 and was advertised in the West Australian and the North West Telegraph on Wednesday 8 July 2020 with a closing date of Wednesday 6 August 2020.

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'; and
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 2020/21 budget for this project is \$900,000 (excluding GST) and is captured in CPP101069 South Hedland Cemetery – Stage 1. The successful tender submission is over the budgeted amount. It has been requested to remove several items from the scope of works

and utilise the Contract 2018-30 Panel for the Supply of Plant, Equipment and Operators for the sum of \$184,420.00 excluding GST.

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
- 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.

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
- Outcome 5 – Complaints
- 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:

- 3.b.2.3 Undertake regular reviews of Town facilities to ensure that they are safe for public and staff.
- 3.c.2.1 Continue to maintain roads, footpaths, cycleway, beach access, carparks, verges, shade structures, drains, and signage.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the highly emotive and sensitive nature of the facility. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

To reduce this risk, the action plan is implement the works described in the endorsed South Hedland Cemetery Masterplan.

There is a compliance risk associated with this item because the South Hedland Cemetery does not comply with the DAIP standards. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

To reduce this risk, the action plan is implement the works described in the endorsed South Hedland Cemetery Masterplan and advice from an independent DAIP consultant.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

Considerable time has been put in to creating a masterplan for the South Hedland Cemetery. One of the key aims was to provide the community with a Cemetery that allows visitors to have a sense of peace and serenity while ensuring the area is sensitive to the landscape and provides reflection of the unique Pilbara landscape. Consideration has been given to the diverse religions and cultures within the community.

ATTACHMENTS

1. Late Attachment: 20200720 1920-33 Cemetery Masterplan Evaluation Report (Confidential- under separate cover)
2. Revised Pricing Review – Yurra (Confidential- under separate cover)

11.4.5 AWARD OF TENDER RFT 2021-01 - TREE MAINTENANCE

Author: Acting Coordinator Parks and Gardens
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 recommendation, the Commissioner made the following statement:

This item is to award a contract to a small business in Port Hedland to make sure our trees are maintained in safe conditions, especially in a cyclone prone area.

This contract covers the following:

1. Tree pruning;
2. Removal;
3. Stump grinding; and
4. De-nutting of coconut palms throughout the town

I support the recommendation in relation to this matter and will read out the recommendation.

CM202021/062 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by Norcape Tree & Contracting Services Pty Ltd, in accordance with Tender RFT 2021-01 Amenity Tree Maintenance for an estimated value of \$600,000 for the life of the contract based on the current operational budget of \$120,000 per annum.

The contract specifics are :

1. The maintenance of high risk trees in the Towns Public Open Spaces, Verges, Town Facilities and Properties that cannot be maintained by our own staff for a period of three (3) years with an estimated start date of 15 October 2020; and
2. An optional contract extension of two (2) times one (1) year extensions in accordance with schedule of rates detailed in attachment 1, Confidential Evaluation Report and other contractual arrangements.

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM202021/062.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT 2021-01 for Amenity Tree Maintenance and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town of Port Hedland (Town) released a request for quote (RFT) on 22 July 2020 requesting a schedule of rates for the maintenance of Town trees. Pruning, removal (when necessary) stump grinding and de-nutting of Coconut Palms throughout the Town.

The RFT was released on the Town's e-tendering portal Vendorpanel PTY LTD on Wednesday 22 July 2020 with a closing date of Wednesday 12 August 2020.

Tender Assessment

The Town received 4 submissions for RFT 2021-01. The respondents were as follows:

1. Kimberley Tree Care
2. Norcape Tree & Contracting Services Pty Ltd
3. Norwest Tree Services
4. Treecorp Solutions

Of the submissions received, two (2) were rejected as they did not meet all points in their submission for mandatory and compliance criteria. The remaining respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

- a) Make 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 Officer facilitated the evaluation meeting held on Thursday 20 August 2020

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

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	40%
Quality / Suitability	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 does not meet any of the criteria listed within the policy which deems it significant.

CONSULTATION

Internal

- Manager Infrastructure Operations;
- Coordinator Parks and Gardens; and
- Leading Hand Parks and Gardens.

External Agencies

- Nil.

Community

- Nil.

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'; and
3. 2/022 'Panels of Pre-Qualified Suppliers'.

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

- 8/003 'Access and Inclusion'.
- 9/010 'Asset Management'

FINANCIAL AND RESOURCES IMPLICATIONS

The financial year 2020/21 operational budget has \$120,000 allocated to the Amenity Tree Maintenance program to service trees in the Port Hedland area.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed

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

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 – Quality of Service.

Corporate Business Plan

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

- 3.b.1.1 Develop, implement and review a Parks and Paths Strategy.
- 3.b.1.4 Assess and rationalise the Town's infrastructure and assets.

RISK MANAGEMENT CONSIDERATIONS

There is an environmental risk associated with this item because failure to adequately maintain the Town trees may result in major damage to surrounding assets or the public. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

This risk will be reduced 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 council support the officer's recommendation to award RFT2021-01 Amenity Tree Maintenance to the preferred tenderer indicated in the tender evaluation report, this company has met all selection criteria requirements for the Town of Port Hedland and will work with the Town to maintain trees for the community.

ATTACHMENTS

1. RFT2021-01 Amenity Tree Maintenance Evaluation Memo - Confidential (under separate cover)
2. Schedule of Rates (under separate cover)

11.4.6 AWARD OF TENDER RFT1920-40 – DEPOT MASTERPLAN – DEPOT OFFICE AND WAREHOUSE

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 recommendation, the Commissioner made the following statement:

This item is in relation to the building of the Depot masterplan that was approved some months ago.

This is a significant step forward to allow our workforce to operate in modern, resourceful workplaces.

This work will increase efficiency and retain workers to slow the workforce turnover. This work is going to a small Port Hedland company.

I support the recommendation in relation to this matter.

CM202021/063 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by MJW Building, and awards both Parts A and B in accordance with RFT1920-40 Depot Administration & Warehouse Construction, for the total amount of \$8,245,658.78 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM202021/063.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-40 Depot Administration & Warehouse construction and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town of Port Hedland (Town) released a Request for Tender (RFT) on 14 August 2020, requesting a suitably qualified contractor to complete a portion of works under scope of the Depot Masterplan.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 12 August 2020 and was advertised in the West Australian and the North West Telegraph on 12 August 2020 with a closing date of 4 September 2020.

Addendum Details

Addendum 1 – Clarification of Part Offer A Separable Portion 5 (renamed);
 Addendum 2 – Reissue of design documentation and drawings;
 Addendum 3 – Issue of updated drawings for clarification purposes;
 Addendum 4 – Issue of updated pricing schedule (revoked); and
 Addendum 5 - Issue of updated drawings for clarification purposes.

Site Inspection/Briefing details

Date: 25 August 2020
 Time: 10.00am
 Location: Town of Port Hedland Depot
 2 Cajarina Road Wedgefield WA 6722

Tender Assessment

The Town received seven (7) submissions for RFT 1920-40. The respondents were as follows:

1. CMA;
2. Emerge;
3. Goodline;
4. Mitie Construction Pty Ltd;
5. MJW Building;
6. Pindan Construction Pty Ltd; and
7. TEC Services Pty Ltd.

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of five (5) 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 Officer facilitated the evaluation meeting held on 14 September 2020. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	30%
Capacity to Deliver & Resources	40%
Demonstrated Understanding & Methodology	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, due to the works under the Depot Masterplan being adopted during the Councils FY2020/21 budget adoption process.

CONSULTATION

Internal

Ongoing consultation has occurred with the Project Control Group which consists of key internal stakeholders across Finance, Depot Operations, Procurement and is chaired by Director of Infrastructure Services.

External Agencies

The Town engaged an external architect via a Request for tender process, Hodge Collard Preston (HCP), who completed the design documentation process and issued final tender pack.

HCP have continued providing external advice and ongoing technical support through the tender period.

The Town also engaged an external agency reviewed the final design documentation against the Towns Disability and Access Inclusion Plan

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 12 August 2020 and was advertised in the West Australian and the North West Telegraph on 12 August 2020 with a closing date of 9 September 2020.

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

This project is proposed to be debt funded and was approved through the Town's annual budget process for FY2020/21.

Total budget allocated to the Depot Masterplan project is \$10.2M which includes \$8.7M adopted in the original budget in June 2020 and an additional amount of \$1.5M for dog and cat pound facilities adopted by Council at the Ordinary Council Meeting held in July 2020.

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

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 2 – Buildings and Facilities; and
- Outcome 4 – Quality of Service.

Corporate Business Plan

The following actions 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 appropriate standards
- 2.a.2.1 Develop Masterplans and business cases for future project implementation, in line with the Towns strategic direction and needs

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because a continuation of Infrastructure operations and community customer services from the current depot will be impacted due to the dilapidation of the facilities. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

This risk will be eliminated 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 award of this tender will ensure that the Town can continue to provide key community services from the Infrastructure Operations Depot and allow for future planning and expansion. The preferred tenderer has met and exceeded all qualitative criteria requirements and present good value for money for the Town.

ATTACHMENTS

1. Council Evaluation Memo– Confidential (under separate cover)

11.4.7 AMENDMENT TO CONTRACT AWARD FOR TENDER RFT1920/39 - 'BBQ RENEWAL PROGRAM

Author: Horticultural Technical 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 recommendation, the Commissioner made the following statement:

This item is for a tender in relation to a BBQ renewal program. There are some 48 BBQ locations in Port Hedland, this contract will replace and keep our BBQ's operating.

The contract will replace our BBQ's at a cost of \$36,363.60.

This item is an amendment to the tender approved at the Ordinary Council Meeting held on the 26 August 2020.

I support the recommendation in relation to this matter.

CM202021/064 OFFICER'S RECOMMENDATION / COUNCIL DECISION**That Council:**

1. Re-affirms the appointment of Redding's Electrical as the successful tenderer of Tender RFT 1920-39 BBQ Renewal Program for a total service charge of \$36,363.60 noting that the Schedule of Rates has been amended as per Attachment A; and
2. Authorise the Chief Executive Officer to sign the Contract appointing Redding's Electrical as the contractor for RFT1920-39 together with any variations, amendments or discharging thereof, pursuant to Section 9.49A and B of the *Local Government Act WA 1995*.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

Following the Council Resolution dated 26 August 2020, No CM202021/028, Redding's Electrical has provided an updated Schedule of Rates to incorporate pricing for replacement of specific types of BBQ plates.

DETAIL

The original tender RFT 1920-39 BBQ Renewal Program sought requests for the supply, installation, repair and removal of the BBQ's currently maintained by the Town. Redding's Electrical was appointed as they were the only compliant tenderer. Subsequent to the appointment, the Town has sought to add replacement costs for the various types of BBQ

plates to the Schedule of Rates. Attachment 1 to this Report reflects the amended Schedule of Rates which the Town is recommending the Council adopt.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the works the subject of the Schedule of Rates shall be called upon by the Town as and when there is a requirement and always subject to available budget.

CONSULTATION

Internal

- Manager Infrastructure Operations;
- Coordinator Parks and Gardens;
- Leading Hand Parks and Gardens; and
- Manager Governance.

External Agencies

- Nil.

Community

- Nil.

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 tenders.

The detail relating to Redding's Electrical's revised offer is 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'
 3. 2/022 'Panels of Pre-Qualified Suppliers' Successful contractors must abide by the Town's Code of Conduct while carrying out works for the Town.
- 10/003 'Landscaping'
 - 8/003 'Access and Inclusion'
 - 9/010 'Asset Management'

FINANCIAL AND RESOURCES IMPLICATIONS

The 2020-2021 capital expenditure budget has \$140,100 allocated to the BBQ Renewal Program involving the renewal of assets at end of life. Additionally, the cost of repairs component of this contract will continue to be drawn from operational budgets for the life of this contract.

Over the life of the contract, it is expected that a sum of up to \$420,000 could be expended.

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.2 Facilities and community infrastructure are revitalised across the Town

2.c.3 Local procurement is prioritised and promoted across industry and agencies

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

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

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

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.
- 3.b.1.1 Develop, implement and review a Parks and Paths Strategy.
- 3.b.1.4 Assess and rationalise the Town's infrastructure and assets.

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because failure to adequately maintain and renew Town assets may result in major malfunctions. 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 reduced 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 council support the officer's recommendation to amend the Schedule of Rates for RFT1920/39 BBQ Renewal Program, which was awarded to Redding's Electrical at the August 2020 OCM.

ATTACHMENTS

1. Amended Schedule of Rates (under separate cover)

11.5 Executive Services**11.5.1 PORT HEDLAND VISITOR CENTRE ANNUAL REVIEW AND EXTENSION OF MANAGEMENT AGREEMENT**

Author: Manager Corporate Affairs

Authorising Officer: Chief Executive Officer

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 recommendation, the Commissioner made the following statement:

This report is in relation to the operation of the Visitor Centre for the past 12 months, and also to approve a 12 month extension of the contract.

The report indicated that the key performance indicators have been achieved, despite the problems caused by COVID-19.

1. Excess of 20,000 visitors through the Centre;
2. 5000 visitors on formal tours;
3. Achieved Gold/A1 accreditation;
4. Developed a digital platform;
5. Developed tourism documents; and
6. Developed a programme to engage cruise ships.

The report is most pleasing and I congratulate the Seafarers who, as I said, have achieved significant figures in very difficult times.

I support the recommendation in relation to this matter.

CM202021/065 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Receive the Annual Report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for year one of the management contract 1 July 2019 – 30 June 2020; and
2. In accordance with clause 5.2 (1) of the Port Hedland Visitor Centre Management Agreement, endorse the extension of the initial contract term, with a new contract expiry date of 30 June 2022.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the financial and general operational Annual Report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for

the period 1 July 2019 – 30 June 2020, and to consider a 12 month extension of the initial contract term as provided for in the Management Agreement.

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 24.3 of the agreement, Port Hedland Seafarers' Centre Inc. is to provide the Town with an Annual Report, including the following:

- Audited income and expenditure statements;
- Marketing and communication activities undertaken;
- A report on how the contractor implemented the Town's Disability Access and Inclusion plan; and
- Certificate of currency with respect to the insurances required.

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 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 to 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; and
- Clear, concise, accurate quarterly reporting on the operations of the facility.

The annual Key Performance Indicators for the facility will be assessed at the end of the fourth quarter and are as follows:

- 15,000 visitors supported through the Visitor Centre;
- 1000 people hosted on formal tours operated through the Visitor Centre;
- Gold/A1 Tourism accreditation maintained (or equivalent);
- Development of a web presence and digital strategy to educate and attract visitors to the local area;
- Development and distribution of up to date tourism documents promoting Port Hedland and the Pilbara region; and
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.

The attached Annual Report outlines the progress made by Port Hedland Seafarers' Centre Inc. over the first year of the management contract. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the period 1 July 2019 – 30 June 2020 are noted below:

- Level One Western Australian Visitor Centre Accreditation achieved and finalised;
- Execution of the cruise ship engagement program held on the 22 February. Over 300 visitors booked tours of BHP Nelson Point, the Historic Town Tour and the Port Hedland Beach Eco Tour;
- 20,821 people visited the Centre during 2019/20; and
- The Visitor Centre/Seafarers Centre hosted a total of 359 tours with 5,788 participants, mainly seniors (67%), adults (28%), and children (5%).

The Management Agreement between the Town of Port Hedland and the Port Hedland Seafarers Centre Inc. for the Port Hedland Visitors Centre expires on 30 June 2021.

The current Management Agreement contains the following clause to extend the term:

Clause 5.2 (1). 'The Town may, in consultation with the Contractor, extend the Contract for up to three (3) additional terms of one (1) year each provided the Town gives the Contractor written notice of its intention to put into effect the Initial Extension at least six (6) months prior to the expiry of the Initial Contract Term. The Contractor must provide the Extension Reports to the Town by 1 December before the expiry of the Initial Contract Term. (2). In the event the Town exercises its right to enforce the Initial Extension, the terms and conditions of this contract will apply to the Initial Extension.

The Port Hedland Seafarers' Centre Inc. have met all of the KPIs during their first year of management, which is commendable given the COVID-19 restrictions that have been in place during this time. They have also been successful in establishing partnerships and new tour offerings, to further attract visitors to the Port Hedland region.

Following the performance of the Port Hedland Seafarers Centre Inc. during the first year of the Management Agreement, it is recommended that Council approve the contract extension for one (1) year, for the period 1 July 2021 – 30 June 2022.

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

- Building Maintenance;
- Arts and Culture;
- Communications;
- Finance; and
- Legal.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee of \$341,161.00 for the Port Hedland Visitor Centre was approved in the Town's FY 2020/21 budget.

If Council endorse an extension to the contract term, it will need to allocate \$349,642.00 (ex GST) in the 2021/22 budget for the contract management fee.

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.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 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 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 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the annual financial and operational progress made by Port Hedland Seafarers' Centre Inc. from 1 July 2019 – 30 June 2020 in its role as manager of the Port Hedland Visitor Centre.

In addition, it is suggested Council endorse a 12 month extension to the initial contract term. This extension will enable the Port Hedland Seafarers' Centre Inc. to confidently plan their visitor service programming and resources.

ATTACHMENTS

1. Port Hedland Visitor Centre Annual Report 2019/20 (under separate cover)

11.5.2 STRATEGIC WORKFORCE PLAN 2020-2024

Author: Manager Human Resources
Authorising Officer: Chief Executive Officer
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 recommendation, the Commissioner made the following statement:

This item should have been reviewed in 2016 but, due to problems in Council, it was not.

This strategic plan will replace the old and ensure the Town meets its obligations in accordance with the *Local Government Act* to plan for the future and be accountable to the community.

The vision of the Council is to become the leading port town in Australia. The Town has budgeted to spend \$450 million over the next 15 years plus an additional \$76 million recently on capital works.

The Town currently employs 250 people; one of the major employers in the Town.

Strategic workforce planning is essential and must be tied to budgeting, facilitating expansion and service delivery and it is a key tool for the function of any Council.

It is vital to recruiting a suitable, talented workers in all areas of operations.

I support the recommendation in relation to this matter.

CM202021/066 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council endorse the Strategic Workforce Plan 2020-2024, as per Attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to endorse the Town's Strategic Workforce Plan 2020-2024.

DETAIL

A robust approach to strategic workforce planning is essential to ensure safe, effective and sustainable delivery of new infrastructure programs, as well as to ensure established facilities and services are maintained and remain fit for purpose over time.

The Town of Port Hedland's vision is to become Australia's leading Port town, embracing community, culture and environment. Located 1,765 kilometres north of Perth in the Pilbara, the Town is home to around 15,000 people; a residential population supplemented by a fly in/fly out workforce. The Town's Gross Regional Product as of 30 June 2019 was nearly \$4.8 million.

Following a decade of significant growth within the region, the Town has invested heavily in expanding and enhancing infrastructure. The Town has budgeted to spend \$450 million over the next 15 years and an additional \$76 million capital works program has also recently been endorsed to ensure the Town can deliver on the commitments within the Strategic Community Plan 2018-2028 (SCP).

As a local government, the Town has a workforce of currently 251 full time equivalent (FTE) employees to provide a broad range of facilities and services to the community. As outlined in the Corporate Business Plan 2018-2022 (CBP), the Town's mission is to be a cohesive team working together to provide efficient, sustainable and quality services to a diverse community who are proud to call Port Hedland home.

Framework

This plan has been developed in accordance with the Western Australian Local Government Integrated Planning and Reporting Framework. The Integrated Planning and Reporting system ensures that there is a clear process by which local governments can:

- Understand and incorporate their community's vision, outcomes and priorities
- Adequately allocate resources to achieve their goals and outcomes within the constraints
- Monitor and report on progress.

The Framework is a cyclical process which integrates an ongoing process of engagement, review and planning to ensure local governments have the information they need to deliver the best possible outcomes for the communities.

Approach

To develop this Plan, the Town has taken its Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan as the foundational guidance for future workforce requirements.

An extensive process has also been undertaken to assess the current workforce in the context of future workforce requirements to position the Town to deliver on its commitments. This included:

- Consultation with local government and industry representatives in the Town of Port Hedland and wider Pilbara region, as well as the Western Australian Local Government Association (WALGA);
- Benchmarking other WA local government plans;
- Interviews with Directorate leadership teams and key internal stakeholders; and
- Analysis of workforce data and trends.

The Town will engage in ongoing reviews of our progress in implementing the initiatives detailed in this plan. An annual strategic workforce planning review process will also be embedded into the Town's Integrated Planning Framework to ensure the Plan remains contemporary.

Annual planning and review process

This Plan will be reviewed on an annual basis and updated as required in conjunction with the Town's Strategic Workforce Planning process to be implemented in financial year 2021.

The Town's Manager Human Resources will be responsible for leading this process in partnership with the Chief Executive Officer and Executive Leadership Team in accordance with agreed timeframes.

The purpose of this process will be to:-

- Assess progress made against planned initiatives
- Identify any shift in external or internal context which warrants changes or additions to planned initiatives; including any revisions to the Corporate Business Plan and Strategic Community Plan

Monitor actual costs and benefits against plan and projections made through the budgeting process.

Reporting

The Manager Human Resources will be responsible for coordinating quarterly updates on implementation of the initiatives identified within this Plan. The recipients of these updates will be the Chief Executive Officer and Executive Leadership Team.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because without a robust workforce plan the Town will be at risk of not having the right people with the right capability in the right place at the right time to deliver on our strategic and financial plans for the Town and the community within the anticipated timeframes.

CONSULTATION

Internal

- Town of Port Hedland CEO and Executive Team;
- Town of Port Hedland Managers;
- Human Resources Department and previous Workforce Plans;
- Relevant Town of Port Hedland Officers; and
- Housing (Infrastructure).

External Agencies

- Louise Gibson, Strategic People Partner, Consultant & Coach (Workforce Plan Expert);
- WALGA;
- Shire of East Pilbara;
- City of Karratha;
- City of Bayswater;
- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo; and
- See References Section of Strategic Workforce Plan for full list.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district; and
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”

FINANCIAL AND RESOURCES IMPLICATIONS

The strategic workforce plan 2020-2024 takes into consideration the current budgeted headcount and establishment data in line with the Town’s approved full time equivalent budget. The Human Resources department has a budget set for FY21 and future budgets will need to be considered to meet the proposed workforce planning initiatives outlined in the plan. This will be reviewed in line with the Town’s annual budget review processes and timeframes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.a.4 Broader education and training offerings are encouraged

2.a.3 Innovation is encouraged to enhance the diversity of employment 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 4 – Quality of Service
- Outcome 7 - Employment

Corporate Business Plan

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

- Section 2 – Organisation Structure – note this has been updated in 2020
- Section 3 – Workforce Plan
- 2.a.1 Enhanced participation in the workforce – Local training providers, business, industry, services, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities.
- 2.a.11 Advocate for skills and career pathways within our community
- 3.b.2.3 Undertake regular reviews of Town facilities to ensure that they are safe for the public and staff

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because if the Town does not have a current strategic workforce plan to assist the Town to plan to have the right people with the right skills in the right place at the right time then the Town will fail to deliver on the Strategic objectives in the coming years. The risk rating is considered to be high (10), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

In a service-led organisation, it is critical that the appropriate people resources are effectively and efficiently sourced, engaged and utilised to deliver organisational requirements. Developing the capability of our people, providing effective leadership and embedding fit for purpose systems and processes will enable customer responsive program delivery that makes a difference to the quality of life enjoyed by our residents, ratepayers and visitors.

ATTACHMENTS

1. Strategic Workforce Plan 2020-2024 (under separate cover)

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)

CM202021/067 COUNCIL DECISION

That Council accept the following late item:

14.1 Award of Tender RFT1920-41/42 Construction of Housing.

CARRIED BY COMMISSIONER RIEBELING

14.1 AWARD OF TENDER RFT1920-41/42 CONSTRUCTION OF HOUSING

Author: Senior Project 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 recommendation, the Commissioner made the following statement:

This item is in relation to two (2) tenders that were awarded to Pindan Contracting Pty Ltd at the last monthly meeting. The successful tenderer is now experiencing some issues in obtaining housing indemnity insurance, this item will only come into effect if the company fails to have the insurance in place prior to the 30 October 2020.

I support the recommendations in relation to this matter.

CM202021/068 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

- a) Re-affirm the Council decision from August 2020 Ordinary Council Meeting CM202021/029 and CM202021/030 appointing Pindan Contracting Pty Ltd as the successful tenderer in respect of RFT1920-42 and RFT 1920-41 respectively for the Staff Housing Construction - Longtom Loop and Barramine Loop;
- b) Approve an amendment to the form of Contract appointing Pindan Contracting Pty Ltd as the contractor for RFT1920-42 and RFT1920-41, whereby Pindan Contracting Pty Ltd is required to satisfy the preconditions by no later than 30 October 2020;
- c) Authorise the Chief Executive Officer to sign the form of Contract appointing Pindan Contracting Pty Ltd as the contractor for RFT1920-42 and RFT1920-41 together with any variations, amendments or discharging thereof, pursuant to Section 9.49A and B of the *Local Government Act WA 1995*

CARRIED BY COMMISSIONER RIEBELING

CM202021/069 OFFICER'S RECOMMENDATION / COUNCIL DECISION

In the event that Pindan Contracting Pty Ltd does not satisfy the preconditions to Contract referred to in Officer's Recommendation 1 above by 30 October 2020 or such other date as approved by the Chief Executive Officer, that Council:

- a) Authorise the Chief Executive Officer to withdraw the offer and actions as per Officers Recommendation 1;

- b) Appoint Mitie Construction Pty Ltd as the successful tenderer for Tender RFT 1920-42 Staff Housing Construction on Longtom Loop for the total amount of \$2,417,796.36 (excluding GST); and
- c) Authorise the Chief Executive Officer to sign the form of Contract appointing Mitie Construction Pty Ltd as the contractor for RFT1920-42 together with any variations, amendments or discharging thereof, pursuant to Section 9.49A and B of the *Local Government Act WA 1995*.

CARRIED BY COMMISSIONER RIEBELING

CM202021/070 OFFICER'S RECOMMENDATION / COUNCIL DECISION

In the event that Pindan Contracting Pty Ltd does not satisfy the preconditions to Contract referred to in Officer's Recommendation 1 above by 30 October 2020 or such other date as approved by the Chief Executive Officer, that Council:

- a) Authorise the Chief Executive Officer to withdraw the offer and actions as per Officers Recommendation 1;
- b) Appoint NYFL Thomas Building Pty Ltd as the successful tenderer for Tender RFT 1920-41 Staff Housing Construction on Barramine for the total amount of \$4,748,000.00 (excluding GST); and
- c) Authorise the Chief Executive Officer to sign the form of Contract appointing NYFL Thomas Building Pty Ltd as the contractor for RFT1920-41 together with any variations, amendments or discharging thereof, pursuant to Section 9.49A and B of the *Local Government Act WA 1995*.

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolutions CM202021/068, CM202021/069 and CM202021/070.

PURPOSE

The purpose of this report is for Council to affirm that if Pindan Construction Pty Ltd, as the successful tenderer for RFT 1920/42 and RFT 1920/41 – Staff Housing Construction on Longtom Loop and Barramine Loop respectively, cannot satisfy the preconditions under its Contract by the due date, that Council authorise the immediate appointment of the next preferred tenderers, namely Mitie Constructions Pty Ltd for RFT 1920-42 and NYFL Thomas Building Pty Ltd for RFT 1920-41.

DETAIL

The Town awarded two (2) tenders to Pindan Contracting Pty Ltd at the August Ordinary Council Meeting on 26 August 2020 for the development of two (2) land parcels, namely Longtom Loop and Barramine Loop. Pindan Contracting Pty Ltd has advised the Town that it

is experiencing delays in obtaining Home Indemnity Insurance, originally estimated at three months, but now revised to 5-6 weeks. Due to the strict timeframes for completion of the project, the Town is requiring Pindan to have insurances in place prior to 30 October 2020.

If Home Indemnity Insurance is not obtained by 30 October, 2020, the Town is seeking Council approval to grant the Chief Executive Officer the discretion to either (a) extend the date; and/or (b) award the tenders to the next preferred tenderers, as per the Council's Recommendation.

Part 4 of the Tender Request expressly requires the Contractor to provide Home Indemnity Insurance in accordance with Part 3A of the *Home Building Contracts Act 1991 (Act)*.

Pindan Contracting Pty Ltd is also required to provide that insurance in order to lawfully commence the works under contract (see section 25C of the Act).

Additionally, a Building Permit cannot be granted unless the application is accompanied by evidence that the applicable provisions of the Act requiring Home Indemnity Insurance have been satisfied (see s.17(j) of the *Building Act 2011*).

The Tender Request stated the Town has an urgent need for the works under contract for the provision of staff housing. The Tender Request also stated the works under contract had to commence by 15 September 2020 with a Practical Completion date of 30 September 2021. A summary of the revised assessment results of both tenders 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 the Project was endorsed during the FY2020/21 budget adoption process.

CONSULTATION

Internal

The Executive team have been consulted as to the requirements for Staff Housing under the development of the Town's Staff Housing Strategy.

The Legal and Procurement teams have been consulted about rescinding the previous award to Pindan Construction Pty Ltd of RFT1920/42 – Staff Housing Construction Longtom Loop and RFT1920/40 – Construction of Residential Housing Barramine Loop.

External Agencies

The Town engaged an external architect to assist with design for the site and provide full design documentation and the tender packs for both projects.

Community

The RFT's were publicly released via Vendorpanel (the Town's e-tendering portal) on 15 July 2020 and advertised in the West Australian and the North West Telegraph on 15 July 2020, with a closing date of 5 August 2020.

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

This housing development was endorsed by Council, through the FY2020/21 budget adoption process. The intent is for this development to be debt funded.

The total project budget for 20/21 is \$9,100,000 for Staff Housing Construction.

The initial award value to Pindan Contracting Pty Ltd was a total of \$7,160,938.15 (excl GST) for both projects.

In awarding to these alternative contractors, the revised total value of both projects is \$7,165,795.66 (excl GST), which is an increase of \$4,857.51 (excl 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:

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:

- 4.b.1.1 Develop implementation and review the Towns Long Term Financial Plan

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because failure to provide suitable staff housing to employees may risk the Town's ability to attract and retain a skilled workforce for the implementation of services to the community. 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.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

In order for the Town to proceed with the construction of suitable housing to attract and retain a skilled workforce for the implementation of services provided to the community, it is imperative that suitable housing is provided as an urgent priority, under the capital works planned for FY2020/21.

The alternative tenderers for both projects scored well in the qualitative criteria and the Town is confident they will be able to complete all works under scope, and within required timeframes.

ATTACHMENTS

1. Council Award Memo RFT1920-42 Longtom Loop - Confidential (under separate cover)
2. Council Award Memo RFT1920-41 – Barramine Loop - Confidential (under separate cover)

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

CM202021/071 COUNCIL DECISION

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. Endorsement of Appointment of Director Corporate Services

CARRIED BY COMMISSIONER RIEBELING

The Commissioner declared the meeting closed to the Public at **6:54pm**.

15.1 ENDORSEMENT OF APPOINTMENT OF DIRECTOR CORPORATE SERVICES

Author: Manager Human Resources
Authorising Officer: Chief Executive Officer

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

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.

CM202021/073 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, with respect to the recruitment of a suitable qualified Director Corporate Services, pursuant to section 5.37 of the *Local Government Act 1995*:-

1. Receive the advice from the Chief Executive Officer that he proposes to employ the preferred candidate (candidate A) as identified in this confidential report as a senior employee of the Town of Port Hedland in the role of Director Corporate Services; and
2. Note that should preferred candidate (candidate A) withdraw or pre-employment checks and contract negotiations prove unsuccessful, the Chief Executive Officer will look to proceed with the appointment of the second chosen candidate (candidate B), who was also deemed as suitable for the role of Director Corporate Services.

CARRIED BY COMMISSIONER RIEBELING

CM202021/072 COUNCIL DECISION

That Council opens the meeting to members of the public.

CARRIED BY COMMISSIONER RIEBELING

The Commissioner declared the meeting open to the Public at 6:57pm.

The Commissioner read aloud the resolution CM202021/073.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 4 November 2020 commencing at **5:30pm**.

Prior to declaring the meeting closed, the Commissioner wished to make the following statement:

This is my last meeting as Commissioner of the Town of Port Hedland.

Tonight marks the end and the new Council will be elected on 17 October 2020. I hope we get a progressive Council whose only investment is to build a prosperous and exciting future.

I honestly believe this is the case for Port Hedland.

I think in my time in this job we have set a progressive future, getting our facilities heading towards world class standards.

I wish to thank Carl [Chief Executive Officer] and the Directors for their dedication, expert advice and sheer hard work they have delivered. What a pleasure it is to witness the results around Town as projects start to appear.

I thank Deenie [Liaison Advisor to the Mayor and Councillors] for her work in organising, researching and management of my time. She is an integral part of the Commissioner's office.

I thank all the staff who delivered things like the gyms, parks, recreations centres, pools, street verges, the teams of finance, governance, planning, projects teams, events team, media team etcetera.

I do however thank the majority of the public for the positive support I have been given throughout my 15 months in Port Hedland. I do not thank the small group of whingers who complain about everything.

On that note, it is good luck and good night.

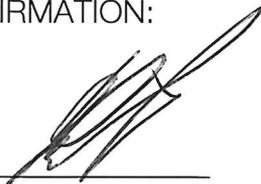
16.2 Closure

There being no further business, the Commissioner declared the meeting closed at **7:00pm**

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 4 November 2020.

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping, stylized strokes, positioned above a horizontal line.

PRESIDING MEMBER

9/11/2020

DATED