



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 24 November 2021, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew

Chief Executive Officer

20 November 2021

DISCLAIMER

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

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Model Code of Conduct) Regulations 2021*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

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

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

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

Order Of Business

Item 1	Opening of Meeting.....	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries	6
Item 3	Recording of Attendance.....	6
3.1	Attendance	6
3.2	Attendance by Telephone / Instantaneous Communications	6
3.3	Apologies	6
3.4	Approved Leave of Absence	7
3.5	Disclosure of Interests.....	7
Item 4	Applications for Leave of Absence	7
Item 5	Response to Previous Questions	7
5.1	Mrs Gloria Jacob.....	7
5.2	Councillor Coles	8
5.3	Councillor Gillingham.....	8
5.4	Councillor Turner.....	9
5.5	Councillor Eckhart	10
Item 6	Public Time.....	10
6.1	Public Question Time	10
6.2	Public Statement Time.....	10
6.3	Petitions/Deputations/Presentations/Submissions.....	10
Item 7	Questions from Members without Notice.....	10
Item 8	Announcements by Presiding Member without Discussion	11
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting.....	11
Item 10	Confirmation of Minutes of Previous Meeting	12
Item 11	Reports of Officers	13
11.1	Corporate Services	13
11.1.1	Statement of Financial Activity for the period ended 30 September 2021	13
11.1.2	Rescind Policy: 1/021 Relationship Declaration Register.....	17
11.1.3	Status of Council Decisions Update	20
11.2	Community Services.....	22
11.2.1	Courthouse Gallery Quarterly Report - Quarter 1 - July - September 2021	22
11.3	Regulatory Services	25
11.3.1	Adoption of Town of Port Hedland Dogs Local Law 2021.....	25

11.3.2	Adoption of Local Planning Policy LPP/11 - Stormwater management.....	29
11.3.3	Adoption of Local Planning Policy LPP/07 Coastal Planning.....	33
11.3.4	Advertising of the Draft South Hedland Place Plan.....	37
11.3.5	Release of Spoilbank Marina Funding.....	41
11.4	Infrastructure Services	45
11.5	Executive Services	46
Item 12	Reports of Committees	47
Item 13	Motions of which Previous Notice has been given	47
Item 14	New Business of an Urgent Nature (Late items).....	47
Item 15	Matters for Which Meeting May Be Closed (Confidential Matters)	47
Item 16	Closure.....	47
16.1	Date of Next Meeting.....	47
16.2	Closure.....	47

Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognises their strength and resilience and pays respect to elders past, present and emerging.

Item 3 Recording of Attendance

Important note:

This meeting is being live streamed and audio recorded to facilitate community participation and for minute-taking purposes, which may be released upon request to third parties. In accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders members of the public are not permitted to use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Presiding Member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Standing Orders Local Law mobile telephones must be switched off and not used during the meeting.

3.1 Attendance

Scheduled Present: Mayor Peter Carter
Deputy Mayor Tim Turner
Cr Flo Bennett
Cr Ash Christensen
Cr Renae Coles
Cr David Eckhart
Cr Elmar Zielke

Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Joyce Routledge (Senior Governance Advisor)
Rebecca Wilkinson (Governance Officer)
Naomi Murcott (Corporate Support Officer/Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

That leave of absence from Cr Warren McDonogh and Cr Jan Gillingham be received and accepted.

3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

MOTION

That Council approve the leave of absence request for Councillor Bennet for 28 November 2021 to 4 December 2021.

SIMPLE MAJORITY REQUIRED

Item 5 Response to Previous Questions

5.1 MRS GLORIA JACOB

I am a member of the Port Hedland Community, as well as a Committee member of the Port Hedland Chamber of Commerce and Industry, and Chair of the Economic Development Strategy Group.

My first question is to the Chief Executive Officer, to see if the CEO has contacted or written correspondence regarding item 11.3.3 (Mining Tenement L45/635 - Proposed Aerodrome and Workforce Accommodation).

Has the Chief Executive Officer written letters to the Premier Mark McGowan, the local MLA Kevin Michel, the Minister for Mines Mr Bill Johnston and other opposition leaders of the state government to request their support on the resolution made at Item 11.3.3?

The Chief Executive Officer responded that he has not.

Question Two, is the Chief Executive Officer intending to lobby the local member and the politicians to support the resolution Council has made tonight?

The Chief Executive Officer advised that the administration will act upon the decision of Council tonight in relation to this matter.

Just to clarify, the resolution does not state anything about your lobbying politicians or state government to support your resolution. Your resolution states that we are opposed to the application and that you are given power to negotiate if the aerodrome and the accommodation village are not part of the proposal reached. So there is no direction for the Chief Executive Officer to actually correspond with politicians to request and lobby for their support?

The Chief Executive Officer responded that at this stage it is an Officers Recommendation and not a resolution of Council, and he is required to wait until there is a decision of Council as they may choose to amend or defer that item. He further advised that he will await Council to make a decision on the item and will take action from there.

Note: The administration has already lodged an objection to the proposal hence the report to Council tonight seeking its support.

5.2 COUNCILLOR COLES

Port Hedland Primary School has come forward and asked if we, as a Council and Elected Members of the community, advocate for shelter over their courts. They have written counts of letters through all different year groups outlining why they require this shelter. They want us to advocate through the Minister of Education, Kevin Michel and whoever else will listen.

They have letters of submission that they wish to put forward through Council to the Chief Executive Officer and Mayor to see what they can do help advocate on their behalf.

Note: The letters provided by Councillor Coles have been saved in the Town's record keeping system and can be requested from the Chief Executive Officer by Councillor's.

5.3 COUNCILLOR GILLINGHAM

I would like to say congratulations to the Town of Port Hedland for the 125th Birthday celebrations, I attended as many functions as I could. I would like to say congratulations and I know a lot of work was put in, I honestly thought it could be bigger and better personally and it's something that I feel needs a closer look for our event staff as I believe there were quite a number of events staff away that week as well, but there were some really good events happening. We had a really good day at the Markets on Saturday with the children, especially the dress-ups which I believe Councillor Coles can be thanked for as I know she made some donations.

We held a flag parade which is something that has always been dear to my heart, and which I believe should be held every year so I would like to ask if this could continue. With over 70 nationalities in our town at any one time it is something we should maybe build on in the years to come.

Congratulations to the staff and to the Heritage group at Dalgety House, and also to the Manager Julie Arif at the visitors centre. She did an amazing job and I'm sure the entire Council would wish to thank her. She also has markets coming up soon so be sure to look in all the papers.

It really aches my heart when I hear Ms Gail Victor's going to the podium, and I only learned about her plight on Saturday when I attended the Annual General Meeting of the South Hedland branch of the Labor Party. Minister Stephen Dawson was there and this was actually brought up as Ms Victor actually shared that with us. It was the first time I had actually heard of that and I've just found out recently that it is something that is happening. I urge Council, the Mayor and Chief Executive Officer to talk to Mr Dawson and see what we can do not just for Ms Victor

but all people in Town, in particular our Seniors. This is an urgent matter, with a very hot summer ahead of us it is not possible for people to be living in their cars.

Finally, I would like to thank our staff and administration firstly on the 22 October 2021, the dinner of the 125 Town of Port Hedland celebration, it was a fantastic family night. I was disappointed that when I asked questions a few days earlier they were not aware that the event was on, which is something I think we really need to catch up on.

I was asked to volunteer my services on the 27 October 2021 for the Teddy Bear's picnic at the JD Hardie centre. We had a fantastic morning and there was at least 250 children and their Mum's and the staff down there did an amazing job. Every child that attended had a teddy bear thanks to sponsors who arranged through K-Mart.

The Town would like to thank Councillor Gillingham for her support in attending the 125th Town of Port Hedland birthday celebrations and appreciates her congratulations to the staff and all volunteers. The request by Councillor Gillingham to continue holding Flag Parades in future years has been received and will be considered for future years.

5.4 COUNCILLOR TURNER

In response to Councillor Gillingham's comments, I completely agree and congratulate Town of Port Hedland staff and the community for the 125 year celebration.

I think the opportunity exists for us as a Council working alongside the community to be strategic in the way we approach our planning and things like our festivities. So I would just like to highlight the opportunity for us to come together and look at those events that we want to celebrate; those things that build our community, those things that celebrate our community, those things that celebrate the very diverse culture in our community.

As we move into the new year and move into our strategic planning, that should be at the forefront of our thinking. In response to the circumstances of Ms Victor I would ask of the chair that Council make steps to engage with the Department of Communities, through housing and through health and have a conversation on how we can respond to homelessness. There are agencies in town that are funded to provide support, and we as a Council need to make sure they are working to the best interests of families and individuals who find themselves in those sort of circumstances.

Lastly, I think the opportunity for us as a Council working with a community and with our key agencies is to plan for the summer ahead in regards to community safety. I know Council are preparing papers around things like community patrols, security patrols, activation of our facilities and a more co-ordinated and collaborative approach in the way we deliver services to the Town. I would like to put that on the agenda forefront, as I think we can always improve on how we deliver the services in Town.

I will say one more thing, Ms Gloria Jacob is also the Chair of the East Pilbara Health Committee and we have had a conversation in the past week where it was put to me that there is an opportunity for Council to look at how we support people and families surrounding cancer treatments and other illnesses. I ask that the Council consider and make steps to engage with

the community what that might be like. I will send an email to Council outlining and raising the issues that were raised to me as Deputy Mayor.

The Town notes the recommendations stated by Councillor Turner and will act accordingly when correspondence is received.

5.5 COUNCILLOR ECKHART

Just on the tail end of Councillor Gillingham and Deputy Mayor Turner about planning for the future and festivities in regards to the 125 year birthday celebrations that just occurred. We're all in this together and next year is 50 years for South Hedland, 1972 - 2022. Now is the time to start looking at that festival. There is a time capsule buried somewhere in the vicinity of South Hedland Square Shopping Centre, are we able to find the location and make sure that is brought up next year please.

The Town notes Councillor Eckharts reminder of the time capsule buried in the vicinity of South Hedland Square Shopping Centre and will be mindful of this whilst making arrangements for the 50 year anniversary.

Item 6 Public Time

Important note:

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

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

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of November 2021:

Date	Meeting	Meeting Details/Comments
4/11/2021	ABC Pilbara fortnightly chat	Attended as guest
4/11/2021	Radio chat with David Eckhart	Attended as guest
4/11/2021	Channel 7 News Interview	Attended as guest
4/11/2021	Hedland Senior High School Board Meeting	Attended as representative
5/11/2021	Meeting with Minister Stephen Dawson	Attended as guest
5/11/2021	Meeting with Kevin Michel MLA	Attended as guest
5/11/2021	Meeting with Opposition leader and Minister of Environment, Climate Action and Commerce	Attended as guest
5/11/2021	Town of Port Hedland and BHP Community Sports Awards 2021	Attended as speaker
6/11/2021	Youth Art Project at the Courthouse Gallery	Attended as speaker
6/11/2021	Hedland Diwali Festival	Attended as guest
7/11/2021	Channel 10 News interview	Zoom meeting as guest
9/11/2021	Port Hedland Chamber of Commerce and Industry Business After Hours	Attended as guest
10/11/2021	Local Government reforms TV interview	Attended as guest
10/11/2021	Port Hedland Industries Council Community Industry Forum	Attended as guest
10/11/2021	Royal Life Saving	Attended as guest
11/11/2021	Radio chat with David Eckhart	Attended as guest

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

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.

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 3 November 2021 are a true and correct record.

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2021
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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.

OFFICER'S RECOMMENDATION

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

1. Receive the Statement of Financial Activity for the period ended 30 September 2021;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 30 September 2021;
4. Receive the Credit Card Statements for the period ended 30 September 2021; and
5. Receive the amended Statement of Financial Activity for the period ended 31 August 2021.

Officer's Recommendation point 5 has been amended from Financial Report to Statement of Financial Activity.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 September 2021. 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 30 September 2021, with financial results included in *Attachment 1 Statement of Financial Activity, inclusive of Notes 1-16* prepared by the Town of Port Hedland (Town).

It should be noted that the accounts presented with this agenda are based on 2020/21 unaudited statements, with the previous financial year closing positions rolling forward as the opening position for 2021/22. While the statements are accurate, the financials are subject to additional adjustments, final external audit and subsequently may change. This will result in

differences between the financials attached and the financial statements presented for financial year 2020/21.

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 2021/22 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

1. A variance of 10% or \$50,000, whichever is greater, of the year to date budget of operational and capital expenditure requires explanation.

The opening funding deficit of (\$4.1M) presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus for the unaudited June 2021 financial statements.

The net current funding position as at 30 September 2021 was \$42.02M. The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$255.11M
Restricted Cash – Reserves	\$221.55M
Unrestricted Cash Position as at 30 September 2021	(\$33.56M)

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 to the risk, as a reduction in income or increase in expense throughout the 2021/22 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 it aligns to budget and amend as needed through the scheduled budget review process.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 September 2021 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 30 September 2021 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 30 September 2021.

CONCLUSION

The opening funding surplus of (\$4.1M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2021. The net current funding position was \$42.02M.

ATTACHMENTS

1. Statement of Financial Activity for the period ended 30 September 2021 (under separate cover)
2. Material Variances of Capital Works Report September 2021 (under separate cover)
3. Payments made under delegated authority September 2021 (under separate cover)
4. Credit Card Statements September 2021 (under separate cover)
5. Amended Statement of Financial Activity for the period ended 31 August 2021 (under separate cover)

11.1.2 RESCIND POLICY: 1/021 RELATIONSHIP DECLARATION REGISTER

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

OFFICER'S RECOMMENDATION

That Council, pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* rescind Policy 1/021 'Relationship Declaration Register', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider rescinding the Town's Policy '1/021 Relationship Declaration Register'.

DETAIL

Policies are adopted by Council and establish guidelines or provide direction for the Town of Port Hedland's ('Town') activities and actions. Policies are defined as the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem, or issue.

The Town is currently undertaking a comprehensive review of Council policies to ensure that policies are relevant and up to date. The policies will be reviewed in a staged approach and presented to Council for endorsement in due course, based on their level of priority, significance and length of time that has passed since they were last reviewed.

Relationship Declaration Register

Policy '1/021 Relationship Declaration Register' was created to establish a confidential Relationship Declaration register as a means of recognising the relationship status of couples, irrespective of gender.

Since this policy has been in effect, two Relationship Declaration Certificates have been processed, both of which were completed in 2015.

Due to the lack of applications received, with only two applications being received since 2015, the Town is requesting to rescind Policy '1/021 Relationship Declaration Register'.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy which deems it significant.

CONSULTATION

Internal

- Executive Leadership Team; and
- Senior Governance Advisor .

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Section 2.7(2)(b) of the *Local Government Act 1995*

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant to this item, as the Town has not made any payments for rewards in recent times.

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.

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 3 – Information

Corporate Business Plan

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

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town's policies are outdated and do not reflect the Town's current practices. 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 adopting the Officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

Council is required to regularly review its policies to ensure they are relevant, up to date and meet the needs of Council and the community. It is recommended that Policy '1/021 Relationship Declaration Register' be rescinded due to the lack of applications received.

ATTACHMENTS

1. Town of Port Hedland Policy 1/021 Relationship Declaration Register (under separate cover)

11.1.3 STATUS OF COUNCIL DECISIONS UPDATE

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

OFFICER'S RECOMMENDATION

That Council notes the 'Status of Council Decisions' as at November 2021, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

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 have been published, each decision of Council is uploaded onto the spreadsheet and allocated 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 actioned, 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 actioning each Council decision have 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 resource 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 Decisions as at 3 November 2021 (under separate cover)

11.2 Community Services

11.2.1 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 1 - JULY - SEPTEMBER 2021

Author: Senior Arts and Culture Office
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.

OFFICER'S RECOMMENDATION

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the fourth quarter, July – September 2021.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the fourth quarter from July – September 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

DETAIL

The contract for the management of the Courthouse Gallery was agreed between the Town and The Junction Co. for the period 1 July 2019 to 30 June 2021, and in June was extended for an additional 12 months through until the 30th June 2022.

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

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; 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.

A summary of the key activities for the quarter July – September 2021 are noted below:

- The Maltumili Mob Exhibition (6th August – 17th September 2021)

- Martumili Mob showcased a fun and diverse group show by emerging and established Martumili Artists. The exhibition celebrated the contemporary identity of the artist group, and the unique environments the Martu artists work in.
- The opening celebration of the Martumili Mob was a large event, with approximately 120 people in attendance to support all artists exhibited and the 13 artists who made the trip from Newman to Port Hedland for the event.
- TEND Exhibition (*24th September – 30th October 2021*)
 - TEND - a complex multifaceted project that combined a community focus artist in residence program with a collaborative exhibition. Three distinct and unique artists were invited to participate in the TEND project, each completing a residency and community workshops focused on skill sharing and inclusion, with the resulting works exhibited together to display the themes of the project.
 - As part of the exhibition, a series of community engagement and workshop activities were held.
 - Jacky Cheng, as artist and arts educator, artist in residence in the school holidays saw over 200 young people and families participate at both locations – Courthouse Gallery+Studio and Lotteries West House.
- Young Artists Ceramics Program (*2nd September – 16th September 2021*)
 - This course was held on Thursdays for three weeks focusing on ceramic skill development at the Gallery+Studio Ceramic's Studio. Six children aged from 8-12 attended this workshop learning how to use simple techniques in making a robot face sculpture.

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 Community Development.

External Agencies

- The Junction Co.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

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.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical, and cultural precinct. There are no significant identifiable environmental or economic impacts relating to this item.

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 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 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). The risk will be mitigated by adopting the officers recommendation.

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 July – September 2021, in its role as manager of the Courthouse Gallery.

ATTACHMENTS

1. The Junction Co. Profit and Loss Q1 July-September 2021 (under separate cover)
2. The Junction Co. Q1 Attendance Matrix (under separate cover)
3. The Junction Co. Q1 Media Round Up (under separate cover)
4. The Junction Co. Q1 Monthly Social Statistics (under separate cover)
5. The Junction Co. Quarterly Report July-September 2021 (under separate cover)

11.3 Regulatory Services

11.3.1 ADOPTION OF TOWN OF PORT HEDLAND DOGS LOCAL LAW 2021

Author:	Acting Manager Environmental Health and Community Safety
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.

OFFICER'S RECOMMENDATION 1

That Council, pursuant to section 3.12 of the *Local Government Act 1995* ("the Act"):

1. Having considered submissions made, adopts the proposed *Town of Port Hedland Dogs Local Law 2021* ("the Local Law"), as per Attachment 1:
 - a) With the purpose being to provide for the additional controls and management of matters relating to dogs that are not specified in the *Dog Act 1976* and provide clarity to promote and encourage responsible dog ownership; and
 - b) With the effect being to provide regulatory measures in relation to impounding of dogs, the number of dogs that can be kept, establishment of approved kennels and the manner in which dogs are to be confined by the occupier of the premises and to promote and encourage responsible dog ownership whilst providing authority to enforce the laws and administer fines.
2. Authorises the Chief Executive Officer to:
 - a) Publish the Local Law in the Government Gazette;
 - b) Affix the Common Seal to the Local Law;
 - c) Provide a signed and sealed copy of the gazetted Local Law to the Minister for Housing and Local Government;
 - d) Give local public notice after the Local Law is published in the Gazette and after a signed and sealed copy of the gazetted Local Law is provided to the Minister for Housing and Local Government; and
 - e) Supply copies of the Town of Port Hedland Dogs Local Law 2021, Explanatory Memorandum, Statutory Procedures Checklist and other supporting material in accordance with Ministerial Directions, to the WA Parliament's Joint Standing Committee on Delegated Legislation within ten (10) working days of the Gazettal date of the Local Law.

ABSOLUTE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council amend the Town of Port Hedland's Delegation Register to reflect the title change of the Local Law.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the Town of Port Hedland Dogs Local Law 2021 as revised, following public consultation, and progress the gazettal of this law in accordance with the *Local Government Act 1995*.

DETAIL

At its Ordinary Council Meeting on 3 June 2021, Council resolved the following to progress the development of the Town of Port Hedland Dogs Local Law 2021 (“the Local Law”):

CM202021/177 / COUNCIL DECISION 1

MOVED: CR MCDONOGH

SECONDED: CR BARTHO

That Council:

1. Commences the process to adopt the proposed *Town of Port Hedland Dogs Local Law 2021*;
2. Pursuant to section 3.12(3) of the *Local Government Act 1995* gives local public notice to make the proposed Town of Port Hedland Dogs Local Law 2021 as per Attachment 1; and
3. Gives local public notice that it intends to formally define conditions of use for the use and management of Dog Exercise Areas as required under Local Law 2.2 of the *Town of Port Hedland Public Places and Local Government Property Local Law 2016*.

CARRIED UNANIMOUSLY

This resolution has been fully implemented, and Council approval is required to continue the progression of the making of the Local Law.

The Local Law has been based on the Western Australian Local Government Association (WALGA) template.

The Local Law was advertised locally in the ‘North West Telegraph’ on Wednesday, 7 July 2021. The advertisement invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Monday, 23 August 2021. Copies of the advertisement were displayed on the Town’s notice boards at both libraries and on the Town’s website.

A copy of the proposed Town of Port Hedland Dogs Local Law 2021 and copy of the advertisement were sent to the Minister for Housing and Local Government for review. No response was received.

One submission was received and raised objections in relation to certain responsibilities to be imposed on dog owners. However, by contacting the submitter and clarifying the meaning of penalty (in court) and Modified penalty (infringement) the submission has been withdrawn.

The Local Law has been reviewed further to correct grammar and punctuation errors. Schedule 1 has been arranged in correct order however this is not considered a significant alteration as it does not change the intent or purpose of the Local Law.

The Towns Delegation Register will require a minor modification to reflect the change in title of the Local Law to *Town of Port Hedland Dogs Local Law 2021*. This is an administrative matter which will enable Rangers and other delegated officers to continue to apply the Local Law within the community, including registration of dogs.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it effects all residents within the district of Port Hedland in the terms of both general and recyclable waste services.

CONSULTATION

Internal

- Executive Leadership Team.

External Agencies

- Minister for Housing and Local Government;
- Joint Standing Committee on Delegated Legislation (after gazettal).

Community

- The proposed Town of Port Hedland Dogs Local Law 2021 was subject to public consultation for the statutory six week period.

LEGISLATION AND POLICY CONSIDERATIONS

- Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.
- The process of adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

There are financial and resource implications associated with making Waste Local Law 2020 which includes a gazettal fee that is approximately \$2,000. Funds are available in the 2021/2022 budget for the projected cost.

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.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

There are no significant environmental, economic or social impacts associated with the proposed Local Law.

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 6 - Consultation Process

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the Town does not adopt the proposed Dogs Local Law 2021, which will provide an appropriate legal framework to regulate dog ownership. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

There is a reputational risk associated with this item if the Town does not advertise/gazette the proposed Local Law, which will inform community members of the new legal framework to regulate dog ownership. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

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

It is recommended that Council progresses the gazettal process under the *Local Government Act 1995* to make the proposed Town of Port Hedland Dogs Local Law 2021, which will allow for the continued management of dogs within the district and support responsible dog ownership.

ATTACHMENTS

1. Draft Dogs Local Law 2021 (under separate cover)

11.3.2 ADOPTION OF LOCAL PLANNING POLICY LPP/11 - STORMWATER MANAGEMENT

Author: Senior 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.

OFFICER'S RECOMMENDATION

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

1. Adopts Local Planning Policy 11 – Stormwater management incorporating modifications as presented in Attachment 1; and
2. Advertises the adopted Local Planning Policy 11 – Stormwater management, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider adopting Local Planning Policy 11 – Stormwater management (LPP11) with modifications. This follows feedback received during a public consultation period.

DETAIL

LPP/11 was initiated at the Ordinary Council Meeting on (30 June 2021), pursuant to Clause 4, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). The draft LPP11 was then advertised to the public for a period of 23 days, commencing 14 July 2021 and concluding on 6 August 2021 through an advertisement in the North West Telegraph, on the Town's website and referrals to key stakeholders.

The purpose of LPP11 is to assist developers, engineers, landowners and government to integrate suitable design measures into their own stormwater systems. The correct design and construction of appropriate systems will assist with reducing the damaging effects of heavy rainfall events on private and public property and the public drainage network. The objectives of LPP11 are that stormwater management systems should:

1. Mimic natural hydrological processes;
2. Enhance the water quality, prevent pollution, erosion and land degradation;
3. Be integrated within the built form (such as within landscaping areas, road reserves, public spaces and public open space) to enhance amenity;
4. Retain and increase vegetation throughout the landscape such as in carparks and in road reserves;
5. Be integrated early in the land and water planning process so that the necessary investigations are undertaken to inform decisions at each stage of land planning and ensure enough land is set aside for water management;

6. Promote disaster resilient design that protects public and private infrastructure and buildings from flooding and inundation during major rainfall events;
7. Prevent off-site impacts; and
8. Preserve efficient stormwater management during rainfall events.

It is intended for LPP11 to apply to development, including works or land uses, where the stormwater cycle may be altered or affected, including but not limited to:

- Earthworks;
- Subdivisions;
- Modifications to existing stormwater systems;
- Landscaping, verge modifications or works within the road or drainage reserve;
- Government projects; and
- Industrial, commercial and residential development.

Following advertising, changes to LPP11 were made based on submissions and internal review. These included:

- Modifications to the objectives to ensure consistency with the recently advertised draft State Planning Policy 2.9 Planning for water;
- Minor changes to the Policy provisions table which contains the 'Issue/matters to be considered', 'Design principles' and 'Acceptable development provisions'. These changes were based on feedback from stakeholders to clarify requirements, ensure consistency with the state planning framework and general improvements based on use and experience;
- Spelling and grammar corrections; and
- Explanatory guidelines being updated with minor text changes for easier reading, updating photos with local examples and an updated example stormwater management plan.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this policy will assist developers in designing appropriate stormwater management plans in a more efficient manner.

CONSULTATION

Internal

- Coordinator Works and Services;
- Manager Infrastructure Operations;
- Principal Project Manager;
- Project Manager;
- Project Engineer;
- Senior Project Engineer;
- Senior Environmental Health Officer;
- Manager Environmental Health and Community Safety;
- Coordinator Property Management;
- Manager Town Planning and Development Services;
- Town Planner; and
- Graduate Town Planner.

Feedback related to grammar and the need to clarify Finished Floor Levels for new development in consideration of the public drainage network and road network.

External Agencies

The draft LPP11 was referred to the Department of Water and Environmental Regulation, Main Roads, Development WA and the Department of Planning, Lands and Heritage. A schedule of submissions and Town responses can be found in Attachment 2 – Schedule of Submissions.

Community

The Town did not receive any community submissions.

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005;
- Planning and Development (Local Planning Scheme) Regulations 2015;
- Town of Port Hedland Local Planning Scheme No. 7; and
- Draft State Planning Policy 2.9 Planning for Water.

FINANCIAL AND RESOURCES IMPLICATIONS

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

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.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
- 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
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

Corporate Business Plan

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

- 3.b.5.2 – appropriate community engagement is undertaken for strategic planning and land use decisions.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated which arises from the adoption of LPP11, given an applicant has the option to apply to the State Administrative Tribunal for a review of any decision made using this policy. The risk rating is considered to be low (4), which is determined

by a likelihood of unlikely (2) and a consequence of minor (2). Although this risk will remain with the adoption of the officers recommendation, the reputational risk would be greater if no policy was adopted.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

LPP11 is designed to provide clarity to assist developers, engineers, landowners and government to integrate suitable design measures into their own stormwater systems. The correct design and construction of appropriate systems will assist with reducing the damaging effects of heavy rainfall events on private and public property and the public drainage network. This report outlines the result of the stakeholder and community consultation period for LPP11 and requests Council adopt the policy included as Attachment 1.

ATTACHMENTS

1. Attachment 1 - Policy for adoption (under separate cover)
2. Attachment 2 - Schedule of submissions (under separate cover)

11.3.3 ADOPTION OF LOCAL PLANNING POLICY LPP/07 COASTAL PLANNING

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.

OFFICER'S RECOMMENDATION

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

1. Adopts Local Planning Policy 07 – Coastal Planning incorporating modifications as presented in Attachment 1; and
2. Advertises the adopted Local Planning Policy 07 – Coastal Planning in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to adopt Local Planning Policy 07 – Coastal Planning (LPP/07) with modifications following feedback received during public consultation.

DETAIL

LPP/07 was initiated at the Ordinary Council Meeting held on 30 June 2021 pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). In response to submissions, LPP/07's modified objectives seek to address the following:

1. To avoid inappropriate land use and development in areas identified as being at risk from coastal erosion and inundation;
2. To ensure that all planning proposals consider coastal erosion and inundation within the 100-year coastal planning horizon;
3. To disclose to those likely to be affected, where a coastal hazard risk has been identified or where development is subject to a limited approval;
4. To ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;
5. To ensure public safety and reduce risk associated with coastal erosion and inundation; and
6. To establish parameters for exempting development that does not increase risk associated with coastal erosion and inundation.

Subsequent to its initiation the draft LPP/07 was advertised for a period of twenty eight (28) days from 9 July 2021 to 6 August 2021, through an advertisement in the North West Telegraph, letters to landowners within the Port Hedland locality, key government agencies and on the Town of Port Hedland (Town) website. Five submissions were received at the close of the public advertising period. The comments and feedback is summarised in the Consultation section below and presented in Attachment 2 – Schedule of Submissions. Subsequent to the

public consultation period the following key elements of the policy were modified and are discussed below:

Perpetual use rights

The granting of development approval with 'perpetual use' rights in circumstances where it is known that new development is likely to be affected by coastal recession by 2120 (100-year planning horizon) would be an inappropriate decision on the planning merits in light of relevant considerations under the planning system. In response to submissions, LPP/07 was modified to define 'permanent development' and policy measures were revised to avoid confusion when applying conditions to limit the term of approval of development. The S1 allowance distances from the CHRMAP were also introduced into the policy and placed in a table in Appendix 2 for ease of reference.

Notifications on Certificate of Title

Standard wording for notifications concerning coastal hazard risk were updated by the Western Australian Planning Commission in December 2020 and therefore the Department of Planning, Lands and Heritage's (DPLH) requested that the policy be revised to reflect these changes. In support of Development WA's feedback, additional text was introduced to clarify where it has been demonstrated that there is reduction in the identified coastal hazard risks, the Town would consider applying discretion in requiring notifications on certificates of title.

Minor Development

Following feedback from WALGA the minor development definition was refined to avoid confusion between the differing circumstances for exempted development. Cumulative development was also considered and added to the definition to discourage proponents from applying for development under the floor space threshold, thereby avoiding application of the policy.

Minor amendments to the purpose and policy objectives were made following feedback from DPLH.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the adoption of this Policy will elevate the implementation of measures from the CHRMAP relating to coastal inundation and coastal erosion risks and their consideration within the planning process. It is expected that there will be long-term implications of such decisions on proposals within the Port Hedland townsite.

CONSULTATION

Internal

- Town Planning and Development team.

External Agencies

- Department of Planning, Lands and Heritage;
- WALGA;
- Development WA; and
- Department of Transport.

Community

Landowners in the Port Hedland locality were notified as part of the public consultation period of this policy, inviting comments for a period of no less than 21 days.

It should be noted that in accordance with Clause 4, Schedule 2 of the Regulations, should Council adopt LPP/07 the Town will publish a notice of the new policy in the North West Telegraph. A copy of the adopted policy will also be made available at the Civic Centre and on the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- State Planning Policy 2.6 – Coastal Planning;
- Town of Port Hedland Local Planning Scheme No. 7; and
- Port Hedland Townsite Coastal Hazard and Risk Management Adaption Plan (CHRMAP).

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 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.1.2 – Identify and manage coastal hazards and flood risks

RISK MANAGEMENT CONSIDERATIONS

There is an environmental risk associated with this item because existing development within areas identified for inundation and/or coastal erosion cannot be subject to the policy provisions retrospectively. Existing development and use of land would be able to continue, notwithstanding the risks associated with future inundation and/or erosion. 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 a reputational risk associated with this item because the policy will implement necessary actions for dealing with coastal hazard risks. The Town may yet receive resistance

from landowners/applicants through the development approval process as policy measures, such as limiting perpetual use rights, raising the minimum finished floor levels, and placing Notifications on Certificate(s) of Title are applied to development. The risk rating is considered to be medium (9), which is determined by a likelihood of minor (3) and a consequence of possible (3).

These risks will be minimised or 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

This report has detailed the reasons for adopting LPP/07, providing clearer objectives and guidance for the public, applying a nuanced approach to the existing policy framework with exempted development and a flexible approach to addressing different circumstances. By adopting this Policy, Council will facilitate improved built outcomes and provide certainty to the public when considering land use and development at risk from coastal inundation and coastal erosion.

ATTACHMENTS

1. Attachment 1 - LPP/07 Coastal Planning (under separate cover)
2. Attachment 2 - Schedule of Submissions (under separate cover)

11.3.4 ADVERTISING OF THE DRAFT SOUTH HEDLAND PLACE PLAN

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.

OFFICER'S RECOMMENDATION

That Council:

1. Receives the draft South Hedland Place Plan, as presented in Attachment 1 of this item for the purpose of public consultation; and
2. Advertises the draft South Hedland Place Plan in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider initiation of the draft South Hedland Place Plan (Place Plan). Should Council resolve to initiate the Place Plan, it will be advertised for public comment before being presented to Council for final adoption (with or without modifications).

DETAIL

In March 2021 the Town of Port Hedland engaged the services of Town Team Movement, ASPECT Studios and wOnder City + Landscape to develop a place-led approach which is community driven to activate and deliver positive outcomes for the South Hedland town centre. The draft South Hedland Place Plan (Place Plan) is the culmination of this work which targets specific circumstances of the place by engaging residents, local businesses and community organisations as active participants in the Place Plan's development and implementation.

The following project objectives were derived from the project inception to support its direction:

1. Develop a grassroots strategy, which is led by the community and creates a sense of ownership;
2. The strategy should address anti-social behaviour perception challenges, public realm upgrades and vacant land.; and
3. The strategy should empower the community to work in stronger partnership with the Town and incentivise future commercial and private sector development.

Place-based approach

Place-based approaches are often complex and difficult to achieve. They require the right mix of capabilities, mindsets, policies and resources from both community and government. The objective is to focus on shared outcomes and, crucially, they require local government to partner with local people and organisations when defining and working towards these outcomes. In combination with principles of placemaking, focus is given to collaboration, communication and mutual responsibilities. Placemaking, by definition, can't be done by individual people or a department of government working in isolation. Placemaking does not

just involve experts and professionals. Everyone should have the opportunity to be involved. It promotes changes to culture and thinking as much as physical outcomes. Both are important.

Outcomes

The draft South Hedland Place Plan is divided into three parts, with the first two parts explaining how the Place Plan was developed and how it relates with other projects and strategies being implemented by the Town. These sections detail how the place values have been developed as a result of community engagement aspirations. The place values are intended to be a way of representing and organising the community engagement outcomes and future priority themes.

Part three is crucial because it presents the place plan's proposed actions, which are categorised into six (6) key projects. These are listed as follows:

1. Start a South Hedland Town Team;
2. Bringing Wise Terrace to life;
3. Focus on Security and Safety;
4. Promote Local Creatives and Hospitality;
5. Cultural Wayfinding and Public Art; and
6. Pedestrian Connectivity and Greening.

The actions are designed to be practical and set clear guidance for priority projects to be completed over the next few years with the aim of creating a safer, more comfortable and active Town centre. Each project and associated actions has been informed through the various stages of the engagement program and represent the community's strategy for creating an even better South Hedland.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the adoption of the Place Plan will elevate a place-based approach which is community driven.

CONSULTATION

Internal

- Executive Leadership Team;
- All Managers;
- Town Planning and Development Team;
- Principal Project Manager;
- Community Development Team; and
- Councillor Briefing 26 May 2021.

External Agencies

The draft Place Plan hasn't been consulted on externally. However, key community and industry stakeholders were engaged through the development phases of the project.

Community

Since its commencement, the project has undertaken significant engagement with the local community. The engagement strategy has been targeted across four main phases of the project (Phases A-D). In April 'Phase A' focused on the contextual analysis with 94 online

surveys completed, 400+ comments from 18 stakeholder meetings, pop-up shop engagement and a walkshop. 'Phase B' commenced in July and involved two co-design workshops involving 48 local participants from community organisations, internal staff and the general community, a Town Team Sundowner with 18 community leaders coming together to discuss starting a town team and public surveys responses at the 'Hedland's got talent' event. 'Phase C' saw the programming of the 'South Hedland Bloc Party' which showcased ideas and actions derived from previous engagement phases and provided a snippet of the outcomes being developed in the draft Place Plan.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Town of Port Hedland Local Planning Strategy; and*
- *Town of Port Hedland Local Planning Scheme No. 7.*

FINANCIAL AND RESOURCES IMPLICATIONS

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

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.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.b.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.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.2 Facilities and community infrastructure are revitalised across the Town
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 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.

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 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.1.2 – Develop, implement, review and promote a community grants and donations program.
- 1.b.4.2 – Inform the community on Town projects, operations, services and events.
- 1.c.3.1 - Develop, implement, review a sponsorship, partnership and engagement program for events and activities.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the community has been heavily engaged throughout the development of the Place Plan and failure to deliver on some of the actions may adversely impact the Town. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) 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

This report has detailed the reasons for initiating the draft South Hedland Place Plan, which has engaged residents, local businesses and community organisations as active participants in the Place Plan's development and implementation. By initiating this Policy, Council will facilitate improved public realm upgrades, built form outcomes and facilitate greater collaboration with community and businesses in the South Hedland town centre.

ATTACHMENTS

1. South Hedland Place Plan OCT21-V2_for advertising (under separate cover)

11.3.5 RELEASE OF SPOILBANK MARINA FUNDING

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

OFFICER'S RECOMMENDATION 1

That Council amend the budget to include \$24,000,000 for the Spoilbank Marina to the 2021/22 Budget with funding to be sourced from the Spoilbank Marina Reserve.

ABSOLUTE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council, subject to the execution of the Funding Agreement with the State and the Implementation Deed with the Pilbara Ports Authority, authorise the CEO to release the Spoilbank Marina Funding to the State of Western Australia in accordance with the executed version of the Funding Agreement.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider releasing the funding from the Spoilbank Marina Reserve for the marine side works to enable the Pilbara Ports Authority (PPA) to carry out further packages of the marina development, subject to the execution of the Funding Agreement with the State of Western Australia and the Implementation Deed with the PPA to ensure the Town's interests in the landside component of the marina are protected.

DETAIL

This item is an important step in the delivery of the long awaited \$121.5 million Spoilbank Marina project. The Spoilbank Marina Project will provide sheltered anchorage and safe ocean access for recreational and commercial vessels. The landside component will activate an under-utilised waterfront asset into an accessible, useable event and recreation space for creative and cultural programmes, which is intended to support the broader development of the West End.

Council resolutions

At its 25 July 2012 Ordinary Council Meeting the Council reaffirmed its commitment to contribute \$40 million towards the Spoilbank Marina project (File Number 18/12/0014) over a series of payments into the Spoilbank Marina Reserve, which occurred between financial years 2012/13 to 2015/16. To date, the Town has contributed approximately \$3,500,000 from the reserve to the landside marina design and technical studies.

At its 30 April 2019 Ordinary Council Meeting the Council confirmed its remaining contribution comprised a \$24 million contribution to the marine side component with the balance to the landside component, currently being \$12,357,233.19.

This funding was expected to be paid in the 2020/21 financial year, however further amendments to the Funding Agreement and Implementation Deed were requested by external signatories to those documents, delaying the payment. As the Town expected these documents to be completed and monies paid prior to the end of financial year 2020/21, funding was not included within the current budget. This item seeks to allocate the marine side component of the reserve money within the current 2021/22 financial year, being \$24 million and then release that to the State.

It is anticipated that the balance of the Spoilbank Reserve for the landside works, currently being \$12,357,233.19, will be allocated to the 2022/23 Budget.

Project update

As you are aware, the PPA was chosen to lead the delivery of the project. The packages the project is being delivered in, and a status update, are provided below:

- Early Works (removal of unclaimed yachts) – complete
- Package 1 – Truck Haulage Road – complete
- Package 2a – Bulk Earthworks – under construction
- Package 2b – Dredging and Reclamation – tender awarded
- Package 2c – Breakwaters and Revetments – tender closed
- Package 3 – Marine Structures – tender closed
- Package 4 – Landside Civils and Landscaping – under detailed design review

Accordingly, the requirement for the Town's marine side component contribution is imminent.

Draft Funding Agreement and Implementation Deed

Under the draft Funding Agreement the State will receive the Town's contribution and provide those funds to the PPA for the delivery of the project. In essence, the draft Funding Agreement requires the State to ensure that the PPA delivers the project in accordance with the Implementation Deed.

The Implementation Deed concerns the PPA's delivery of the 'Package 4 – Landside and Civil Landscaping', which will become the Town's asset after the five year maintenance period pursuant to the JDAP approval. It is agreed between the PPA and the Town that the Implementation Deed will set out:

- the Town's involvement in the delivery of the landside component;
- the allocation of risk between the Town and the PPA; and
- how to deal with variations to the design.

As the Funding Agreement requires the State to ensure the PPA delivers the works in accordance with the Implementation Deed, and the Implementation Deed matters identified above concern critical construction and handover terms and conditions, the Town should not release the funds until both agreements have been fully executed. Legal advice received indicates that if the Town releases the funds prior to the execution of these agreements, this may result in less involvement in the delivery of the land side component, higher allocation of risk to the Town and more relaxed variations to the landside's ultimate design.

LEVEL OF SIGNIFICANCE

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

- the commitment of the marina reserve funding has been endorsed by Council on numerous occasions and the subject of lengthy community consultation; and
- it otherwise concerns contractual matters between the parties which do not, by their legal nature, precipitate the need for community consultation required under the aforementioned policy.

CONSULTATION

Internal

- Executive Leadership Team;
- Planning and Development Team; and
- Finance Team.

External Agencies

- Pilbara Ports Authority;
- Department of Transport and
- Herbert Smith Freehills.

Community

Nil for the reasons mentioned under Level of Significance

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 – amendment to budget requires an absolute majority vote

FINANCIAL AND RESOURCES IMPLICATIONS

The release of the \$24 million marine side component of the funding is consistent with the Council’s earlier resolutions. The \$24 million will be included in the operating budget, not the capital expenditure budget and will be funded by Spoilbank reserve funds.

The closing balance of the reserve has been listed as \$36,357,233.19, with the balance for the land side funding to be allocated to the 2022/23 Budget and released to the State at that time, with anticipated expenditure detailed in the table below.

Budget Year	Expenditure
2021/22 financial year	\$24.0 million
2022/23 financial year	\$12.357 million
Total Spoilbank Marina Reserve	\$36.357 million

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because releasing the funding without the legal agreements in place will result in the Town losing its bargaining power with respect to those agreements which could result in less involvement in the delivery of the land side component, higher allocation of risk to the Town and more relaxed variations to the landside's ultimate design, each of which have financial implications. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3). This risk will be ameliorated 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 release of the funding in accordance with the officer's recommendation will enable the PPA to deliver the Spoilbank Marina project without compromising the Town's involvement, risk allocation and variation regime with respect to the landside component which it will ultimately inherit.

ATTACHMENTS

Nil

11.4 Infrastructure Services

Nil.

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Item 13 Motions of which Previous Notice has been given

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

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

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 15 December 2021 commencing at [Enter Time](#).

16.2 Closure

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