Town of
Port Hedland

AGENDA

Dear Hon. Fredrick Riebeling AM JP

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 26 August 2020, commencing at 5:30pm.

MEETING AGENDA ATTACHED

Yours faithfully

Carl Askew
Chief Executive Officer

20 August 2020

DISCLAIMER

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Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Administration) Regulation 34C

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

Signature: _____ Date: _____

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

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

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

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Item 1 Opening of Meeting

The Commissioner is to declare the meeting open at Enter Time.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Commissioner acknowledges the Kariyarra people as the Traditional Custodians of this land, on whose land we are meeting, and recognises their strength and resilience, and pays his respects to Elders past, present and emerging.

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) Nicki Thomas (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

3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

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

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

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 22 July 2020 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 DELEGATION REGISTER AMENDMENT - EXEMPT DISPOSALS

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

OFFICER'S RECOMMENDATION

That Council adopt the Town of Port Hedland Delegation Amendment as per Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the adoption of an amendment to the Town of Port Hedland's (Town) Delegation Register.

DETAIL

The Governance team has reviewed section 1.2.20 of the Delegation Register and recommends that the below clause be inserted into section 1.2.20:

1.2.20 Disposing of Property

Function	3. Authority to dispose of property to a person or body that is an exempt disposition pursuant to r. 30 of the *Local Government (Functions and General) Regulations 1996*.

The above amendment will enable the Chief Executive Officer to dispose of property that is an exempt disposition. Exempt dispositions do not require advertising under the *Local Government (Functions and General) Regulations* 1996. For the Town's purposes these disposals predominantly include, amongst other things, community leases that are disposed of in accordance with the Town's Community Leasing Policy 8/004, at a nominal value (currently $200 per annum). This will ensure that the Town is able to better support community initiatives by being able to enter into community leases and other exempt dispositions in a timely and effective manner.

The current process, which requires Council approval, incurs an additional three to seven weeks to the process, depending on at what point in the Council meeting cycle the new lease request is received.

A similar delegation clause has been adopted by the City of Busselton, City of Stirling, City of Kalgoorlie-Boulder, Town of Victoria Park and City of Rockingham.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it does not require community consultation.

CONSULTATION

Internal

- The Governance team held a number of internal meetings including with the Director Corporate Services, Manager Governance and Legal Advisor.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.16, 5.17, 5.42, 5.43, 5.45 and 5.46 of the *Local Government Act 1995* relate to delegations and the appointment of authorised officers.

An absolute majority vote is required to delegate any powers to a Chief Executive Officer under section 5.42 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no identifiable costs associated with the adoption of the amendment to the Town's Delegation Register. However, the adoption of the amendment will increase the Town's efficiency in disposing of property that is an exempt disposition, thereby reducing impost on the Town's limited internal resources.

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.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 if the amendment is not adopted, the Town's ability to effectively dispose of property that are exempt dispositions in a timely manner will be impacted. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

If adopted, the amendment to the Town's Delegation Register will support community initiatives by increasing the Town's efficiency in disposing of property that is an exempt disposition, including entering into community leases.

ATTACHMENTS

1. Draft section 1.2.20 of the Delegation Register (under separate cover)

11.1.2 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT

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

OFFICER'S RECOMMENDATION

That Council, in relation to the 2018-2022 Corporate Business Plan, receive and note the performance report for the period 1 April 2020 to 30 June 2020 (Quarter 4 FY2020/21), as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and note the actions undertaken by the Town's administration for the fourth quarter of the FY2019/20 in relation to the actions in the 2018-2022 Corporate Business Plan.

DETAIL

Integrated planning and reporting gives local governments a framework for establishing local priorities and linking these to operational functions as detailed in their Strategic Community Plans and Corporate Business Plans.

The Corporate Business Plan (CBP) is a four year plan which integrates the Town's strategies and aspirations into an operational tool to guide the Town's administration in service delivery, operations, budgeting and resourcing.

The Town's current CBP lists actions to meet the Strategic Community Plan's outcomes. Each of these actions are measured and reported on quarterly to reassure Council and the community that the Town's administration are focused on meeting their expectations. The results are presented not only for transparency, but also for accountability.

2019/20 Financial Year - Quarter 4 Performance Summary

For each new financial year within the CBP's four year lifespan, all CBP actions that are ongoing in nature are essentially reset and reported against to reassure the community and Council that the actions are continuously addressed and focussed on.

For the period of 1 April 2020 to 30 June 2020 (Q4), the following performance statistics are reported:

Status – Q4 2019/20 FY	Number	%
CBP actions complete	39	48.1%
CBP actions on track for completion	40	49.4%
CBP actions not yet commenced	2	2.5%

A summary of the key achievements for Q4 are as follows:

- Key external stakeholders are being consulted on the development of a new Reconciliation Action Plan.
- A 2020 Partnership agreement has been signed with the Port Hedland Chamber of Commerce Inc. (PHCCI) to deliver business events, the Economic Forum.
- In line with the Town's Workplace Health and Safety Audit, various areas for improvement have been identified for delivery and a 12 month priority plan is in place.
- Engagement for strategic projects in 2020 are underway, including local planning strategy and scheme review (scheduled to commence in May/June and shall include the foreshore management plan, Wilson street shared path, reserve naming register and engagement with traditional owners regarding native title and heritage impacts).
- The Town has implemented internal processes to ensure that all events held at the Matt Dann, Library and JD Hardie Centre have a promotional plan created.
- Significant work has been undertaken to progress the designs for 3 seawalls at Marapikurrinya Park, Sutherland Street and Goode Street. The Town has lobbied State and Federal government for financial support for these projects and have applied for grants. The outcome of the applications is unknown at this time. Staff have contributed to a number of working groups to progress the Spoilbank marina project. The Town has provided feedback on the design for the land side development of the project.

The detailed status of all CBP actions, with a comment and status provided for each action, is provided in Attachment 1.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance. Reporting the Town’s performance is of importance to the community to ensure that the community is aware of the Town’s actions and performance, and to ensure transparency and accountability.

CONSULTATION

Internal

- Executive Leadership Team and all Town Managers were consulted during compilation of this performance report.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.56 of the *Local Government Act 1995* outlines the requirement for local governments to plan for the future. The adoption, implementation and reporting of strategic community and corporate business plans facilitate this requirement.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications related to this report, as it is for information purposes only.

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events.
- 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, as it may be perceived that the Town has not performed as expected by the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

To reduce this risk, the action plan is to consistently monitor and ensure that the Town's administration is performing its duties to the best of its ability to meet or exceed its key deliverables as outlined in the Corporate Business Plan.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

This performance report is provided to inform Council and the community of the progress that the Town has made in regards to the adopted actions in the Corporate Business Plan. The Corporate Business Plan outlines the organisation's key initiatives to achieve its deliverables in the Strategic Community Plan.

ATTACHMENTS

1. Quarter 4 - Corporate Business Plan Updates (under separate cover)

11.1.3 REVISED POLICY 13/012 LICENCING OF FUNERAL DIRECTORS

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

OFFICER'S RECOMMENDATION

That Council amend Policy 13/012 'Licencing of Funeral Directors', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider amendments to Policy 13/012 'Licencing of Funeral Directors'.

DETAIL

Policy 13/012 'Licensing of Funeral Directors' was last reviewed and amended at the 25 January 2006 Council Meeting.

This Policy was created to allow officers to apply a consistent approach to assessing applications and ensuring that applicants have an understanding of the implications should their actions not meet the specified requirements. The policy also ensures that applicants are aware that Licensing of Funeral Directors is a requirement under the Town of Port Hedland's (Town) Cemetery Local Law 2015, Part 4 – Funeral Directors and the *Cemeteries Act 1986,* Division 3 – Licensing of Funeral Directors.

The Policy was reviewed as part of the normal processes and procedures implemented by the Governance business unit. The review revealed the need for improvements and these can be implemented by way of amendments to the policy. The proposed amendments are provided in Attachment 1.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as the policy is to be updated with potential improvements.

CONSULTATION

Internal

- Director Corporate Services;
- Manager Environmental Health and Community Safety; and
- Manager Governance.

External Agencies

- Shire of Wyndham East Kimberley;
- Shire of Mundaring; and
- Department of Health.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implication with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

- Outcome 3 – Information; 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.b.4.2 Inform the community on Town projects, operations, services and events; and
- 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 regular reviews were not conducted to ensure that the policy remains suitable to the Town's current practises. The policy was last reviewed in 2006. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

In amending the policy, the process for managing and issuing of Funeral Director's Licences will be clear, streamlined and ethically sound.

ATTACHMENTS

1. Amended Policy 13.012 Licencing of Funeral Directors (track changes) (under separate cover)

11.1.4 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 JUNE 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.

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 June 2020;

2. Receive the Material Variance Report;

3. Note the Accounts paid under delegated authority for period ended 30 June 2020; and

4. Receive the Credit Card Statements for period ended 30 June 2020.

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 June 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 30 June 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

The Town wants to highlight that the accounts presented with this agenda are unaudited. The accounts are subject to change based on further work required to close out the financial year. The auditors may request changes to be made during their review scheduled for October 2020. This may result in differences between the financials attached and the statements presented for financial year ended 30 June 2020.

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

As part of the 2019/20 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

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

Commentary is provided on variances, as detailed above, as per *Attachment 2 NOTE 12. Explanation of Material Variances*.

The opening funding surplus of $2.5M is per the audited annual financial statements for year ended 30 June 2019, as presented in the 27 November 2019 Ordinary Council Meeting.

The net current funding position as at 30 June 2020 was a deficit of ($0.7M). The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments (including trust)	$242.5M
Restricted Cash – Reserves	$241.0M
Unrestricted Cash Position as at 30 June 2020	$1.5M

The following items are still to be finalised as part of financial year end:

- Reserve transfers;
- Leave provision calculations;
- Capitalisation of assets; and
- Expected recovery from Government agencies for cyclone related work.

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2019/20 Budget to the risk that a reduction in income or increase in expense throughout the 2019/20 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 June 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 30 June 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 30 June 2020.

CONCLUSION

The opening funding surplus of $2.5M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the FY2019 audited financial statements. The net current funding position is ($0.7M) deficit.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 note 12. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

ATTACHMENTS

1. Credit Cards June 2020 (under separate cover)
2. Material Variances June 2020 (under separate cover)
3. Payments made under authority June 2020 (under separate cover)
4. Monthly Financials June 2020 (under separate cover)

11.2 Community Services

11.2.1 REVISED POLICY 6/003 'COMMUNITY GRANTS PROGRAM'

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.

OFFICER'S RECOMMENDATION

That Council:

1. Note the total allocation from the 2019/2020 Community Grants Program and acknowledge the continued support provided to individual residents and community groups; and
2. Adopt revised policy 6/003 'Community Grants Program' as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to note the Town's community grants allocated in 2019/2020 and consider the adoption of revised policy 6/003 'Community Grants Program'.

DETAIL

The Town of Port Hedland (Town) administers a Community Grant Program which had a 2019/2020 budget of $160,000. The purpose of the program is to support organisations to deliver initiatives for the Hedland community and to support individuals participating in sport, arts and music programs. Organisations and groups can apply for financial and in-kind support under this program through the Community Engagement Team.

Below is a summary of the grants approved in 2019/2020:

Grant	Number	Amount of money allocated
Artist Development Grant	2	$2,000
Athlete Development Grant	20	$15,750
Business and Tourism Innovation Grant	10	$17,963
Community Arts and Culture Grant	2	$5,444
Community Collaboration Grant	4	$36,534
Community Development Grant	4	$39,000

Community Sports Grant	6	$9,683
Friendly Neighbourhood Grant	5	$550
Seed Funding Grant	0	0
Space Activation Grant	2	$2,000
Special Events Grant	3	$5,747
Youth Leadership and Development Grant	10	$12,000
TOTAL	68	$146,671

In 2018/19, the Community Grants Program had a budget of $160,025.00, with $91,708.33 allocated to 49 grant recipients

ISSUES

2019/2020 Grants program analysis

The changes to the Community Grants Program Policy adopted in October 2018 have been overwhelmingly successful with a much greater diversity of applicants and projects funded. Community awareness of the Program has grown due to the communication campaign and information sessions. Community feedback has been positive, particularly in relation to the types of activities that can be funded and the supportive application process. The application process and forms continue to be reviewed and improved to ensure the process is fair and accessible to the whole community.

Low number of applications

Town Officers anticipated a higher take up of the Seed Funding Grant. The purpose of this grant is to support new or struggling not-for-profit organisations in Port Hedland to establish or re-establish themselves. Promotion of this grant has increased in recent months and three (3) applications have been received for the first round of this year (2020/2021).

A key driver of the revised policy was to increase applications for the arts, culture and community sectors. The majority of the applications under the previous program came from sports clubs and athletes. Although these still make up the bulk of applications, community awareness of the other streams is increasing and we expect applications to continue to rise. The Town also received a greater diversity of applications from sporting clubs and athletes due to wider promotion of the grant program.

Special Events Grant

The purpose of the Special Events Grant is to support organisations to celebrate or commemorate important days or festivals for the benefit of the whole community. These are events that would not be covered by the other grants, Community Sports Grant or Community Arts and Culture Grant such as ANZAC Day commemorations, awareness days and culturally significant days.

Funding Round Timeframes

The Community Sports Grant has had monthly rounds so that all applications were received on the same date each month for review. However, this created additional and unnecessary administrative work and could be more effectively assessed and processed on an ongoing basis.

Policy Review

Based on the feedback and the issues outlined above, only four minor changes to this policy are proposed:

1. Frequency of Community Sports Grant amended to an ongoing basis;
2. Addition of a Special Events Grant to support community organisations wishing to celebrate or commemorate important days or festivals for the benefit of the whole community;
3. Responsible Business Unit; and
4. Responsible Directorate.

The revised policy is contained in Attachment 1: Revised Community Grants Program Policy.

The current policy is contained in Attachment 2: 6/003 Community Grants Program.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it refers to internal objectives that do not have an immediate and direct impact on individuals, organisations, groups and sectors within the community.

CONSULTATION

Internal

- Manager Community Development;
- Project Officer – Community Development; and
- Community Engagement Officer.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The Community Grants budget is set annually in accordance with the Town's budget process that takes place in accordance with the *Local Government Act 1995.*

FINANCIAL AND RESOURCES IMPLICATIONS

The 2019/2020 budget for Community Grants was $160,025.

The 2020/2021 budget for Community Grants is $180,000.

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.b A safe and fit for-purpose built environment
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, as not having the Special Events Grant means the Town is unable to fund a number of worthwhile community events held during the year which do not fall into existing grant categories such as the Community Arts and Culture Grant and the Community Sport Grant. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt revised 6/003 Community Grants Program Policy to ensure clarity of information regarding the frequency of specific grants, the addition of one grant and alignment to newly formed organisation structure.

ATTACHMENTS

1. 6/003 Revised Community Grants Program (under separate cover)
2. 6/003 Community Grants Program (under separate cover)

11.2.2 COMMUNITY SERVICES POLICY REVIEWS FOR ACTIVITIES ON RECREATIONAL RESERVES AND PARKS

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.

OFFICER'S RECOMMENDATION

That Council amend the following policies:

1. 6/006 'Consumption of alcohol on Town of Port Hedland owned and managed properties' as per Attachment 1;

2. 6/010 'Recreational reserves and facilities seasonal hire' as per Attachment 2; and

3. 6/011 'Recreational reserves and parks casual and events hire' as per Attachment 3.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider minor amendments and grammatical corrections in the noted three policies.

DETAIL

In April 2014, Council adopted 6/006 'Consumption of alcohol on Town of Port Hedland owned and managed properties', 6/010 'Recreational reserves and facilities seasonal hire', and 6/011 'Recreational reserves and parks casual and events hire'.

These policies have been reviewed and whilst the intent and scope of the policies has not changed, a number of minor grammatical corrections have been made to ensure accuracy and consistency within the documents.

One amendment to note regarding 6/010 'Recreational reserves and facilities seasonal hire' is the addition of a pre-season briefing/information session with all clubs to outline the process and assist clubs with booking applications for the upcoming season.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as the amendments to the policies do not result in changes of the intent or scope.

CONSULTATION

Internal

- Manager Environmental Health and Community Safety;
- Sports and Facilities Officer; and
- Bookings Officer.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Nil.

FINANCIAL AND RESOURCES IMPLICATIONS

- Nil.

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
1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety

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.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because Council documents should up to date, accurate and grammatically correct. 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

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Amending the policies referred to in this report will ensure will ensure all information is up to date, accurate and grammatically correct.

ATTACHMENTS

1. 6/006 Consumption of Alcohol on Town of Port Hedland Owned and Managed Property (under separate cover)
2. 6/010 Recreation reserves and Facilities - Seasonal Hire (under separate cover)
3. 6/011 Recreation reserves, facilities and parks - casual and event hire (under separate cover)

11.3 Regulatory Services

11.3.1 RELEASE OF RESERVE FUNDS FOR PORT HEDLAND INTERNATIONAL AIRPORT INFRASTRUCTURE WORKS

Author:	Manager of 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

That Council

1. Agrees to amend the Novation and Operating Deed – Port Hedland International Airport with the PHIA Operating Company Pty Ltd (PHIA) and PHIA Asset Pty Ltd ("the Agreement") with Port Hedland International Airport to facilitate works to now be carried out by Port Hedland International Airport instead of the Town of Port Hedland (Town), and at the expense of the Town, to:

    a) Construct an onsite sewerage treatment system and potable water upgrades in furtherance of the provisions of clause 7.8 "Town Works" within the Novation and Operating Deed – Port Hedland International Airport and in compliance with the Town's procurement policy; and

    b) Undertake works to remediate and contain the asbestos and hydrocarbon contamination on that part of the site associated with airport capital works including the rental car underground fuel tanks and their associated fittings/fixtures, to the satisfaction of the Town and Department of Water and Environmental Regulation and in compliance with the Town's procurement policy.

2. Approve the allocation of $11M in the FY2020/21 budget for construction of onsite sewerage treatment plant, potable water upgrades and site remediation works at the Port Hedland International Airport, to be funded from the Airport Reserve; and

3. Authorises the Chief Executive Officer to sign the necessary amendments to the Agreement to reflect the changes to clause 7.8 providing for PHIA to undertake the works listed in Recommendations 1a) and 1b) on behalf of the Town, and include provision for contamination remediation works in relation to asbestos and hydrocarbons within the capital works area being undertaken by PHIA.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider accepting the proposal of the Port Hedland International Airport to undertake works which are currently due to be undertaken by the Town under the terms of the Agreement and approving the release of funds currently held in reserve for the works, if approved.

DETAIL

The Town entered into the Agreement with PHIA Operating Company Pty Ltd (PHIA) and PHIA Asset Pty Ltd to operate the Port Hedland International Airport on March 2016. While the Agreement and associated leasing documentation required upgrade and enhancement works to be undertaken by the Lessee, the document also bound the Town to undertake "Town Works" namely;

a) The provision of water and wastewater service infrastructure by the Water Corporation to the Town, including the laying of pipes, as indicated on the plan; and

b) The electrical upgrades by Boult Corporation Pty Ltd (trading as Total Electrical Communication Services) with respect to substation 1, 2 and 3 (including the two diesel generators and Horizon Power HV supply requirements) and substation 4.

The Agreement also included clauses whereby the Town was responsible for removal and remediation of contamination known within the site at the time the Agreement was signed. The electrical upgrades have been completed, however the provision of water and wastewater service infrastructure remains outstanding, as does any remediation works required in respect of the contamination.

Within the Agreement, specific mention is made of the Town procuring third parties to undertake the listed Town Works (Clause 7.8). PHIA has advised that it has capacity to project manage these works, with Town oversight as part of the terminal and associated infrastructure upgrade (together with contamination remediation works) currently being undertaken within the Airport. If the parties are to agree that PHIA shall now undertake these Works, an amendment to the Agreement would be required to ensure that the responsibility vests with the PHIA instead of the Town. Oversight will be provided by the Towns Infrastructure Directorate, with an independent, appropriately qualified consultant engaged to confirm installation and operation of the WWTP as intended.

Initial investigative works undertaken in 2015, prior to the lease being signed, indicated that the cost of upgrading the water service, and providing a sewer connection for wastewater disposal would be in the order of $12-15,000,000. These works included laying of pipework and drainage lines connected to Water Corporation infrastructure, together with a significant substation. Recent works undertaken by PHIA in consultation with Town Officers, has identified an alternative waste water disposal option which can be established at a cheaper cost than that of the sewer connection.

The provisional sum of $14,000,000 was placed in reserve to enable the Town to meet its future obligations, however current estimates of the cost of sewer connection indicate that these funds will be insufficient for construction and connection. As no definitive commencement date for the works was determined, this money has remained in the reserve included within the 2020/21 budget.

Water and Waste Water Installations

The Town has now been approached by PHIA who have indicated that they are able to project manage the water and waste water installations as part of the terminal upgrades which are currently underway. Rather than connecting the premises to sewer (at a cost expected to exceed the reserve fund), they are proposing to install a packaged onsite wastewater treatment plant (WWTP) which will be appropriately sized to meet the current and expected future capacity of the airport terminal and associated facilities.

There are a number of high capacity/volume WWTPs currently operating within the Pilbara, including at various remote mine site accommodation villages and the Karratha Airport. The WWTP and disposal field can be constructed and contained within the current airport boundary.

The potable water infrastructure within the facility is also nearing end of life. Testing of water mains within the airside of the facility, utilised primarily for aviation firefighting purposes, has indicated if further degradation and pressure loss occurs, the Airport will not have a compliant fire-water system. Works to replace and upgrade the water system, especially that associated with the firefighting systems, can also be undertaken at the same time as terminal upgrade works to the premises proposed by PHIA.

Installation and operation of the WWTP will require approval and licensing from the Department of Health and Department of Water and Environment Regulation. Specifications for the WWTP and preliminary design are provided in Attachment 1.

Contamination

The Town and PHIA jointly, as part of the environmental obligations under the Agreement, engaged contractors to provide a baseline contamination report and subsequent remedial action plan, with asbestos and hydrocarbon contamination raised as concerns.

The upgrade works being undertaken by PHIA around the terminal carpark and leased vehicle areas have included the removal of the underground fuel storage tanks, as well as amending the stormwater drain which had a previous asbestos fence constructed.

As the Town was aware of this likely pre-existing contamination (asbestos and hydrocarbon), it is responsible for costs associated with remediation. Regulatory Services officers have been liaising with PHIA staff and the Department of Water and Environmental Regulation (DWER) to determine an appropriate response to the contamination. The current proposal, subject to approval from DWER is to remediate onsite and encapsulate the hydrocarbon contaminated soils within a cell located at the Airport. To minimise costs, it is recommended that these works be undertaken concurrently with the redevelopment of the carpark and lease vehicle areas. The majority of asbestos has been removed as part of the drainage works, with further removal expected as works progress.

The current works to remediate the contamination around the terminal carpark and leased vehicle areas is only part of the overall Remedial Action Plan. The Town shall remain responsible for any baseline contamination over other parts of the site, in accordance with the Agreement.

With PHIA undertaking the works for water, wastewater and soil contamination, the Town's obligations under the Agreement insofar as it relates to Town Works, shall be satisfied. By agreeing the terms of the Variation to the Agreement with PHIA, there are a number of benefits to the Town including:

- The Town Works can be undertaken by PHIA in parallel with Airport works leading to less disruption to passengers/airport users with the works being bundled into existing works, rather than stop-start and re-work in previously completed areas;

- Mobilisation and demobilisation costs, together with overall costs will be reduced through economy of scale. Similarly, contractors supplied as part of the airport works will already have working knowledge of the airport and airport requirements;

- The proposal meets the obligations placed on the Town within the Agreement, providing at all times PHIA satisfies the Town's procurement policy obligations;

- The Town will still have oversight of the works, however does not have to devote time, staff and resources when compared to working in house; and

- PHIA will have responsibility, oversight and management of the contractors, thereby reducing the risk of PHIA objecting to the works undertaken.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because this report recommends undertaking works to a strategic asset, by engaging with a private sector entity to carry out those works.

However, engagement with the community on the proposal is not considered necessary as Council already has an understanding of the views and preferences of the people likely to be affected by, or interested in the proposal. The Agreement with PHIA, incorporating the capital works program, has been subject of broad community consultation prior to the original lease being entered into, which included the Town Works. Similarly, the cost benefits of engaging the PHIA via the Agreement to undertake the works outweighs the cost of engagement, particularly in relation to delays (and associated potential penalties) to the current airport capital works program.

CONSULTATION

Internal

- Director Infrastructure Services;
- Manager Infrastructure Projects and Asset Management;
- Manager Environmental Health and Community Safety;
- Manager Governance;
- Manager Finance;
- Manager Town Planning & Development;
- Senior Legal Advisor; and
- Graduate Engineer.

External Agencies

- Port Hedland International Airport; and
- Department of Water and Environmental Regulation.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The Town of Port Hedland is required to undertake "Town Works" as specified within the Tri-Parte Agreement. By not undertaking these works, and paying for them, the Town would be in breach of the agreed lease arrangements.

The *Health (*Miscellaneous *Provisions) Act 1911* section 82 requires all habitable premises to be provided with effective drains for the removal of effluent and sewerage, either to the sewer or an alternative to the satisfaction of the Local Government.

In addition to *Health (Miscellaneous Provisions) Act 1911* (and subsidiary legislation) requirements for the provision of potable water, clause 10.1.3 of the Manual Standards Part 139H (Standards Applicable to the Test Equipment Performance Criteria Provisions of Aerodrome Rescue and Firefighting Services) requires hydrants to have a minimum flow of 30L/sec for the refilling of emergency fire service vehicles.

The *Contaminated Sites Act 2003* section 24 provides a hierarchy of responsibility for remediation of a site. This includes the Town as land owner, who has overall responsibility for the airport site where the contamination occurred.

Policy 2/019 "Financial Reserves" is applicable as the report proposes to spend monies from the Airport Reserve for the purpose of completing Capital works as detailed within the Policy.

Absolute Majority decision is required as per *Local Government Act 1995* section 6.8(1)(b). Absolute majority decision is required to spend monies from the municipal fund which were not included in the annual budget.

FINANCIAL AND RESOURCES IMPLICATIONS

It is proposed to allocate monies from the Airport Reserve to fund these works being:

Contamination remediation:

Description	*Cost (Ex GST)*
Highway precinct (asbestos removal)	$152,000.00
Terminal redevelopment (tank and hydrocarbon removal)	$700,000.00
Stage 2 terminal works (asbestos removal)	$60,000.00
Stage 2 hydrocarbon impact removal	$50,000.00
Development of asbestos containment cell	$80,000.00
Remediation and validation of Mia Mia wastewater evaporation pond	TBC
TOTAL	$1,042,000.00

Water and Wastewater infrastructure:

Description	*Cost (Ex GST)*
Contractor preliminaries	$700,000.00
Demolition	$480,000.00
New works (waste, potable and fire)	$1,315,000.00
Reinstate existing services	$123,000.00
WWTP & Leach drain field	$3,900,000.00
Services compound	$1,773,000.00
Headwork's charges/fees	TBC
Builders Contingency	$351,162.00
TOTAL	$8,642,162.00

The cost of all works as a whole is $9,684,162.00, not including remediation of the Mia Mia wastewater evaporation pond and headwork's charges/fees. Therefore it is recommended that additional monies be allocated to allow for these works, and any variations/undetermined contamination works associated with the project to be completed. Any unspent funds will be retained within the Airport Reserve for future allocation towards other works (including further contamination remediation) which are not programmed at this time.

PHIA have undertaken a competitive tender process to initiate these works as part of the broader airport capital works program, which is consistent with the Towns Purchasing Policy (refer to attached).

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.2 Facilities and community infrastructure are revitalised across the Town
2.d.1 Investment in key infrastructure development such as the port and logistics is pursued

Environmental

The works proposed will manage and remediate contamination within the airport site as per Department of Water and Environmental Regulation direction. The proposal seeks to encapsulate the hydrocarbon and asbestos contamination on site, minimising the potential for environmental harm or risk to public health.

Economic

The Port Hedland international Airport is a major gateway into both Port Hedland and the wider Pilbara region. In addition to regular passenger services, there is also significant volumes of freight received at the facility. Failure to maintain water and wastewater infrastructure will, at worst, lead to reduction in services or enforced closure of the facility. Furthermore, if the Town does not meet its Town Works obligations as listed in the Agreement, the Town could be liable for action to be taken for breach by PHIA.

Social

There are no significant social impacts relating to this item.

Corporate Business Plan

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

1.d.2.1 – Develop, implement and review an asset management renewal program to ensure long-term sustainability of the Town's assets.

RISK MANAGEMENT CONSIDERATIONS

There is an environmental risk associated with this item because if no contamination remediation works are undertaken, the damage to the environment and public health will continue. If a poorly designed and incorrect capacity WWTP is installed, there is a likelihood of damage to the environment from effluent overflow occurring. 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 because if works to maintain/upgrade the water and wastewater systems are undertaken or the intent to undertake works is not made clear, this would damage the Towns relationship with the PHIA. 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 compliance risk associated with this item because if the proposed works are not undertaken, this could lead to enforcement action from the Department of Water and Environmental Protection, action taken by PHIA against the Town for not complying with the terms of the Agreement and potential closure of the airport for not meeting public health and safety requirements. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4).

There is a financial risk associated with this item because if works to maintain/upgrade the water and wastewater systems are undertaken it is likely that the costs of maintaining the existing infrastructure will increase, and the cost of replacement will correspondingly increase, to a value in excess of that provided within the reserve. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

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

That Council

1. Agrees for the Town to commence the procurement process to:

    a) Construct an onsite sewerage treatment system and potable water upgrades as per the provisions of clause 7.8 "Town Works" within the Novation and Operating Deed – Port Hedland International Airport.

b) Undertake works to remediate and contain the hydrocarbon contamination on site, associated with the rental car underground fuel tanks and their associated fittings/fixtures to the satisfaction of the Town and Department of Water and Environmental Regulation.

c) Approve the allocation of $11M in the FY2020/21 budget for construction of onsite sewerage treatment plant, potable water upgrades and site remediation works at the Port Hedland International Airport, to be funded from the Airport Reserve.

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has a number of obligations to undertake works at the Port Hedland International Airport as prescribed within the Novation and Operating Deed – Port Hedland International Airport. By adopting the officers' recommendation, the Town can engage PHIA to undertake these works as part of the broader development works at the Airport and doing so will satisfy the terms of the Agreement.

ATTACHMENTS

1. WWTP Specification and Preliminary Design (under separate cover)
2. Airport Tender Documentation (under separate cover)

11.3.2 FINAL ADOPTION OF LOCAL PLANNING POLICY 08 - PORT HEDLAND INTERNATIONAL AIRPORT

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

1. Adopt Local Planning Policy 08 - Port Hedland International Airport for final approval, presented as Attachment 1 to this Item with modifications as detailed in Attachment 2; and

2. Advertise the adopted Local Planning Policy 08 – Port Hedland International Airport 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 08 – Port Hedland International Airport (LPP08) with modifications following feedback received during public consultation.

DETAIL

LPP08 was initiated at the Ordinary Council Meeting held on 26 February 2020 pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). LPP08's objectives seek to address the following:

1. To ensure that construction and operational aspects of development are examined for their potential impact on the operations of the Port Hedland International Airport (PHIA).
2. To acknowledge height limits for development to maintain clearance to protect controlled airspace and maintain public safety.
3. To improve and protect community amenity by avoiding unreasonable encroachment of noise-sensitive development to the Airport and flight paths.
4. To set a procedure to refer proposals to the Port Hedland International Airport.

Subsequent to its initiation the draft LPP08 was advertised for a period of twenty one (21) days from 11 March 2020 to 1 April 2020, through an advertisement in the North West Telegraph, letters to adjoining landowners and on the Town of Port Hedland (Town) website. One submission from the Department of Primary Industries and Regional Development was received on 3 April 2020 providing no objection to the draft policy.

Following the public advertising period, Town officers organised a teleconference with PHIA on 12 May 2020 to discuss further refinement of provisions with the draft LPP08 and to seek updates on maps relating to Obstacle Surface Limitations. A summary of the PHIA feedback and proposed modifications to draft LPP08 are summarised in Attachment 2 – Schedule of Modifications.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. A significant reason for introducing this new policy is the growing number of occasions where temporary intrusions (such as cranes) can potentially infringe upon controlled airspace. There is a flow-on consequence of intrusions, as potential infringements may affect the ability for aircraft to land/take-off, or the PHIA may temporarily suspend airport operations.

This issue is being raised more frequently between PHIA and the Town. The policy aims to improve channels of communication between PHIA and the Town and to assist landowners/developers to more accurately identify height limits that would ensure suitable safe clearances to protect controlled airspace and maintain public safety.

CONSULTATION

Internal

- Director Regulatory Services;
- Manager Town Planning and Development;
- Manager Infrastructure Projects and Assets; and
- Manager Infrastructure Operations.

External Agencies

- Port Hedland International Airport;
- Civil Aviation Safety Authority;
- Airservices Australia;
- Department of Primary Industries and Regional Development; and
- Landowners within and adjoining the airport estate.

Community

Subsequent to its initiation the draft LPP08 was advertised for a period of twenty one (21) days from 11 March 2020 to 1 April 2020, through an advertisement in the North West Telegraph and on the Town's website. One submission from the Department of Primary Industries and Regional Development was received on 3 April 2020 providing no objection to the draft policy.

In accordance with Clause 4, Schedule 2 of the Regulations, should Council adopt LPP08 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.*
- *Town of Port Hedland Local Planning Scheme No. 5.*
- *Draft Town of Port Hedland Local Planning Scheme No.7*
- *Civil Aviation Safety Regulations 1998, Part 139 (Cth).*
- *Manual of Standards Part 139 – Aerodromes (Cth).*

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:

2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- Assess and address cost of doing business challenges

2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item as applicants and/or developers may not be aware of Federal Aviation legislation and regulations, particularly in relation to avoiding objects intruding into controlled airspace. Intrusions into controlled airspace, such as cranes, can result in the temporary suspension of the airport operations. 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 health risk associated with this item as the unreasonable encroachment of noise-sensitive land uses in proximity to the airport may experience health impacts associated with aircraft noise. Aircraft noise is not subject to the *Environmental Protection (Noise) Regulations 1997*, and generally, there are few issues experienced. 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 mitigated by adopting the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

By adopting LPP08 with the minor modifications made, Council will ensure planning instruments and development applications recognise and maintain the safe and efficient operation of the Port Hedland International Airport.

ATTACHMENTS

1. Local Planning Policy 08 - Port Hedland International Airport (under separate cover)
2. Schedule of Modifications (under separate cover)

11.3.3 STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION - PROPOSED 12 MULTIPLE DWELLINGS - LOT 737 (NO. 113) ANDERSON STREET, PORT HEDLAND

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

1. Notes the modified plans and justification submitted by Urbanista Town Planning Pty Ltd on 30 July 2020;

2. Varies its decision for Item 11.3.4 from the 22 April 2020 Ordinary Council Meeting for development application 2013/183.03 for the 'Extension of Time for Twelve (12) Multiple Dwellings' on Lot 737 (No. 113) Anderson Street, Port Hedland, under Section 31(2)(b) of the *State Administrative Tribunal Act 2004*;

3. Refuses the development application for the following reasons:

   a) The proposed development is not consistent with Town of Port Hedland Local Planning Scheme No. 5 Scheme Objective 1.5 (a) to encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity. The development is located within the West End Residential Zone where the population is exposed to relatively high dust levels, as determined through a health risk assessment undertaken by the Department of Health and finalised in 2016. Recommendations of the Port Hedland Dust Management Taskforce Report to Government included capping or limiting the number of permanent residents in the West End of Port Hedland, due to exposure to dust. The development proposes an additional twelve (12) dwellings which would be subject to reduced amenity;

   b) The proposed development is not consistent with Clause 67 (r), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is located within an area that is subject to high levels of dust exposure, and recommendations from the State Government are to limit the permanent population within this area. In accordance with the Port Hedland Dust Management Taskforce Report to Government and associated studies, the development is located on land that poses risks to human health and safety;

c) The proposed development is not consistent with the State Government's decision to implement Improvement Plan 50 – Port Hedland West End and the Draft Port Hedland West End Improvement Scheme. The proposed use of 'Multiple Dwellings' is a non-permitted (X) land use under the Draft Port Hedland West End Improvement Scheme and would be inconsistent with Clause 67(b), Schedule 2, Part 9 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for orderly and properly planning; and

4. Authorises Town of Port Hedland Officers to advise the State Administrative Tribunal that the Council has reconsidered the reviewable decision and varied its decision under Section 31(2)(b) of the *State Administrative Tribunal Act 2004* and delegates Officers, and any legal representative, to represent the Council at any further proceedings at the State Administration Tribunal.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to reconsider its decision from the Ordinary Council Meeting (OCM) on 22 April 2020 for Item 11.3.4 for development application 2013/183.03 for an amendment to development application for twelve (12) multiple dwellings (extension of time) on Lot 737 (No. 113) Anderson Street, Port Hedland (see Attachment 1 – Location Plan).

DETAIL

Council, at its OCM on 22 April 2020 considered an extension of time for twelve (12)multiple dwellings on Lot 737 (No. 113) Anderson Street, Port Hedland (the subject lot). The determination was as follows:

"*That Council pursuant to Clause 77 of Schedule 2 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:*

1. *Refuse Development Application 2013/183.03 for the Extension of Time to Development Application 2013/183.02 for 'Twelve (12) Multiple Dwellings' on Lots 737 (113) Anderson Street Port Hedland for the following reasons:*

    a) *The proposed development is not consistent with Town of Port Hedland Local Planning Scheme No. 5 Scheme Objective 1.5 (a) to encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity. The development is located within the West End Residential Zone where the population is exposed to relatively high dust levels, as determined through a health risk assessment undertaken by the Department of Health and finalised in 2016. Recommendations of the Port Hedland Dust Management Taskforce Report to Government included capping or limiting the number of permanent residents in the West End of Port Hedland, due to exposure to dust. The development proposes an additional twelve (12) dwellings which would be subject to reduced amenity.*

b) The development is not consistent with the acceptable outcomes of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments. The development proposes several variations including:

(i) A.2.4.1 Minimum side setback of 1.7m in lieu of 3m required;
(ii) A.2.4.1 A nil rear setback is proposed in lieu of the 3m required setback;
(iii) A.2.4.1 Primary street setback of 2m in lieu of the 0.5m required;
(iv) Table 3.9 A one (1) car parking bay variation;
(v) A.3.7.4 A pedestrian footpath is not clearly delineated and give priority;
(vi) 4.15.1 – Does not demonstrate at least one significant energy efficiency initiative; and
(vii) A.4.4.1 – Each dwelling does not have private open space as per the required dimensions and area of Table 4.4, specifically the two bedroom dwellings

c) The proposed development is not consistent with Clause 67 (r), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is located within an area that is subject to high levels of dust exposure, and recommendations from the State Government are to limit the permanent population within this area. In accordance with the Port Hedland Dust Management Taskforce Report to Government and associated studies, the development is located on land that poses risks to human health and safety.

d) The proposed development is not consistent with Clause 67 (q), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The subject site has been identified by the Port Hedland Town site Coastal Hazard Risk Management Adaptation Plan (CHRMAP) as being at risk from coastal hazards including inundation. The development has not incorporated measures to address potential coastal hazards and does not encourage adaptation or protection measures as per State Planning Policy 2.6.

e) The proposed development is not consistent with the State Government's decision to implement Improvement Plan 50 – Port Hedland West End and the Draft Port Hedland West End Improvement Scheme. The proposed use of 'Multiple Dwellings' is a non-permitted (X) land use under the Draft Port Hedland West End Improvement Scheme and would be inconsistent with Clause 67(b), Schedule 2, Part 9 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for orderly and properly planning.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING"

Urbanista Town Planning Pty Ltd (the applicant) were engaged by the landowner to appeal the decision at the State Administrative Tribunal (SAT). SAT orders were issued on 16 July 2020 (see Attachment 2 – SAT Orders), requiring the following:

1. *The applicant is to provide additional information as discussed at the mediation to the respondent by 31 July 2020.*
2. *Pursuant to s31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting of 26 August 2020.*
3. *The matter is listed for directions hearing, to be conducted by teleconference, on 4 September 2020 at 9:30am.*

4. *By not later than 48 hour prior to the directions hearing, the parties are to provide their contact telephone number for the teleconference*.

Subsequent to the order by the SAT, the applicant provided justification for the proposed variations to the Residential Design Codes and provided modified plans that raised the proposed Finished Floor Levels (FFL) in response to flood issues (see Attachment 3 – Revised Plans). The justification and modifications are considered sufficient at Officer Level to address reasons for refusal 1b) and d). The purpose for providing modified plans was to address built form issues and narrow the Officer recommendation to refuse the application to issues concerning land use.

The primary reasons for refusal concerned the proposed use of the development for 'multiple dwellings', which if approved, would allow the development to be occupied as permanent residential dwellings. Improvement Plan 50 (IP50) and draft Improvement Scheme No. 1 (IS1) do not permit permanent residential land uses or land uses occupied by susceptible persons, in response to the Government endorsed Port Hedland Dust Management Taskforce Report.

Town Officers provided an opportunity to change the use of the development through SAT mediation to a more appropriate land use that is capable of approval under both the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) and IS1, for example to a use such as 'Holiday Accommodation'. 'Holiday Accommodation' (or a similar land use) is consistent with IP50 and IS1 and may not require substantial building redesign to be capable of approval through the SAT process. If the applicant was agreeable to change the proposed land use, Officers may have been able to support the proposal. The applicant did not wish to change the land use and therefore agreed to resubmit plans to narrow the Officer recommendation to refuse the application to those reasons that relate to land use.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the development is located within the West End Residential zone and is subject to IP50 and draft IS1.

CONSULTATION

Internal

- No consultation is necessary or was undertaken.

External Agencies

- No consultation is necessary or was undertaken.

Community

- No consultation is necessary or was undertaken.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005;*
- *State Administrative Tribunal Act 2004;*
- Planning and Development (Local Planning Schemes) Regulations 2015;
- Town of Port Hedland Local Planning Scheme No. 5;
- Improvement Plan 50: Port Hedland West End;
- Draft Port Hedland West End Improvement Scheme No. 1; and
- Port Hedland Dust Management Taskforce Report.

FINANCIAL AND RESOURCES IMPLICATIONS

If this matter is referred to a Full Hearing at SAT, this may require officers to prepare written reports, attend meetings and/or engage lawyers to represent the Council. Any costs incurred can be covered through existing legal expenses accounts.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because should the application be approved, the Town may contradict the State Government response to the Port Hedland Dust Management Taskforce Report and objectives of IP50 and IS1. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be mitigated by adopting the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The applicant has addressed secondary built form related issues through the SAT mediation process however has not addressed the primary issue of land use. Town Officers provided the applicant with the opportunity to address both primary and secondary issues through SAT mediation, however the applicant sought to proceed with the proposed land use 'multiple dwellings'. The development is considered to contradict the objectives of local and state planning framework, therefore it is recommended to refuse development application 2013/183.03 as it is not appropriate to be approved either under the current LPS5 and draft IS1.

ATTACHMENTS

1. Location Plan (under separate cover)
2. Revised Plans (under separate cover)
3. SAT Orders (under separate cover)

11.3.4 DRAFT POSITION STATEMENTS: CROWN LAND AND MINING TENEMENTS - ADOPTION FOR PUBLIC CONSULTATION

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

OFFICER'S RECOMMENDATION

That Council:

1. Adopts *Draft Position Statement: Disposal and Management of Crown Land* and *Draft Position Statement: Mining Tenements* included as Attachment 1 and 2 respectively, for the purpose of public consultation;

2. Directs the Chief Executive Officer to advertise *Draft Position Statement: Disposal and Management of Crown Land* and *Draft Position Statement: Mining Tenements*, seeking comment from relevant Government agencies, key stakeholders and the broader community for a 21-day public consultation period; and

3. Requests the Chief Executive Officer gives due consideration to comments received and reports back to Council with a final *Position Statement: Disposal and Management of Crown Land* and *Position Statement: Mining Tenements.*

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to consider, and adopt in-principle, the *Town of Port Hedland Draft Position Statement: Disposal and Management of Crown Land* ('Position Statement: Crown Land') and *Draft Position Statement: Mining Tenements* ('Position Statement: Mining Tenements'). For the purposes of this report, these are collectively referred to as the 'Position Statements'.

DETAIL

The Position Statements outline the rationale for the Town of Port Hedland's ('Town') policy position when responding to a statutory referral for an application for the grant and / or management of Crown Land tenure and grant of a mining tenement respectively, and the principles and other matters for the applicant to consider in applying for, or carrying out activities, under either of these forms of land tenure.

It is intended that the Position Statements apply to new statutory referrals for dealings under Crown Land or mining tenement, except where:

- under a grant of Crown Land tenure, variations are made to those approvals, where lease or licence extensions are sought (and these are not considered by the Town to be minor matters) or where compliance matters require rectification.

- under a grant of mining tenement, variations are made to existing approvals, a licence is converted to a lease, or where renewals or extensions of a lease or licence are sought, and these are not considered to be minor matters.

- The Position Statements do not bind Council in responding to a Statutory referral for grant and / or management of Crown land tenure or grant of a mining tenement. Further, the Town recognises that:

- Position Statement: Mining Tenements cannot be imposed unilaterally on mining tenements approved pursuant to State Agreements which are ratified by Acts of Parliament or the Mining Act 1978, with related projects exempt to the extent that the provisions of those Acts override the Planning and Development Act 2005 and the Local Planning Scheme; and

- Position Statement: Crown Land cannot unilaterally bind a government agency in imposing the Town's advice on a dealing for the grant of Crown Land tenure or Crown Land management under the Land Administration Act 1997, the Planning and Development Act 2005, or legislation pertaining to a specified State Government agency or Statutory Authority, as that advice is advisory.

With the exception of public works referrals by State Government agencies and authorities and development otherwise exempted from requiring planning approval, proponents granted Crown Land tenure are required to submit a planning application to the Town to construct a new, or amend an existing, building.

The Position Statements formalise the existing position, processes, and principles applied by the Planning and Development Team in responding to statutory referrals for Crown Land tenure, mining tenements, and associated activities. In doing so, the Town:

- provides informed reasoning (context) for the Town's position which is based on supporting the aims of the Local Planning Strategy and Local Planning Scheme including economy, physical and natural environment; wellbeing of the community and industry workforces; and Town amenity;

- enhance the capacity of the Town to provide quality evidenced-based advice to the State Government (and proponents), and ensure greater transparency in the Town's approach to meeting its statutory mandate, for the above referrals;

- clarify the content of documentation required to underpin a considered assessment by the Town of these statutory referrals with the intention of potentially reducing proponent planning and delivery timeframes and associated costs;

- facilitate enhanced collaboration between proponents, the Town, and the community, with the aim of remediating impacts, and harnessing opportunities for industry, its workforces and the community of the Town of Port Hedland, from proponent developments and activities; and

- improve data collection and collation, to inform strategic infrastructure and service planning for the Town.

Draft Position Statement: Disposal and Management of Crown Land

The Position Statement: Crown Land identifies the Town's position for applications for the grant and / or management of Crown tenure, in brief as follows:

- supports location of industrial and residential developments in areas zoned for that purpose under the Local Planning Scheme, in lieu of issue of new Crown Leases and Crown Lease extensions for these development types;

- will give consideration to supporting a Crown Lease or Crown Licence on a Crown Reserve based on whether the grant of application will enhance or adversely impact the reserve purpose and use, and surrounding land uses. Such a referral will be considered favourably where Government proposes to vest a reserve under a new management order and the proposed use is consistent with the Local Planning Scheme and relevant approvals; and on a case-by-case basis where commercial or other uses activate a reserve. Where the Town invests substantial capital or operational funding in a reserve that benefits commercial uses or other developments on, or in proximity to, the site then it may consider financial returns for management of the reserve;

- support for Crown Licenses in accordance with the local planning framework and an expectation that proponents consider management and amelioration of adverse impacts on town sites / urban settlements, sensitive land uses, and ensure human safety.
- supports coordinated and strategic development by government agencies for sale of all land types giving due regard to zoning under the Local Planning Scheme and proposed or committed structure plans for subdivision;

- supports the State Government including terms and conditions in contractual agreements for Crown Land Lease agreements or Crown Land sale, requiring the occupation, construction and operations associated with a permitted use, to be delivered within a specified period from the commencement of those agreements;

- reinforces the legislative requirement for a proponent to submit a planning application to a local government authority to construct a new, or amend an existing building on Crown Land tenure, with the exception of public works referrals by State Government agencies and authorities and construction on mining tenements. Further, it notes the value of a public works referral or planning application in achieving design standards able to withstand hazards; in planning for, and managing, impacts; and where relevant, ensuring compliance standards are met under the Local Planning Scheme;

- notes the Town's conduct of compliance assessments on a case-by-case basis and the requirement for proponents to understand compliance requirements relevant to their grant of Crown Land tenure; and

- supports appropriate consultation processes, including the conduct of a Social Impact Assessment and Social Impact Management Plan for large-scale developments.

Draft Position Statement: Grant of Mining Tenements

The Position Statement summarises the rights acquired under the various mining tenements including a Mining Lease, General Purpose Lease, Miscellaneous Licence, Exploration Licence, Prospecting Licence, Special Gold Prospecting Licence and Retention Licence.

The Position Statement: Mining Tenements identifies the Town's position for applications for grant and / or management of Crown tenure, in brief as follows:

- will not support (and will object to) the grant of mining tenements within the gazetted town site boundary;

- will generally view significant mining developments and activities located outside the gazetted town site boundary, deemed not to have a substantial adverse impact on the Town's Local Planning Strategy and Local Planning Scheme, community amenity and health, public use infrastructure, as low impact (including prospecting activities that do not employ ground disturbing equipment near activity centres or sensitive land uses);

- will not generally support mining tenement developments or activities that may have an adverse impact on a rural residence;

- will consider on a case-by-case basis a proposal to overlay a town-managed asset, land or reservation, based on the impact, and extent of impact, of the mining tenement development or activity on assets, required modifications to assets, and the significance and values of the asset;

- will consider on a case-by-case basis, the type of infrastructure and activities located in proximity to highways or major roads; distance from, and impact / intersect with the road or road reserve; and any intrusion on the approach to Port Hedland. The Town will not support developments or activities being located within the Visual Protection Areas of the Great Northern Highway or North West Coastal Highway, or that impact the entry statement to Port Hedland. The Town will not generally support developments or activities that impede public road or road reserve access;

- will not support mining development and activities that may adversely affect the water protection quality objectives of the Yule and De Grey River catchment areas;

- will not support mining developments and activities that will likely adversely impact the coastal foreshore reserve and integrity of waterways, giving due regard to the values of those areas;

- will not support the construction of duplicate airport infrastructure within relative proximity to the Town given its capacity to undermine substantial investment in Port Hedland International Airport. The Town has developed the Town of Port Hedland Local Planning Policy LPP/05 Workforce Accommodation which speaks to the location of workforce accommodation within a safe driving distance of 30-minutes from the town site boundary, in Port Hedland;

- supports a proponent giving due consideration to the submission of a planning application for non-mining production infrastructure to facilitate access by proponents during the formative planning stages of a project to planning and development expertise, to facilitate impact and opportunity management, and to assist the Town in planning for infrastructure and service delivery, including emergency response capability; and

- supports submission of a Social Impact Assessment and Social Impact Management Plan where the impacts of mining tenement developments or activities are considered to have a moderate to significant impact on the Town, and a maintenance or liability agreement to offset significant impacts on Town-owned road networks.

LEVEL OF SIGNIFICANCE

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

- the processes and principles outlined in the Position Statements are those already adopted by the Planning and Development team in the assessment of statutory referrals for Crown Land and mining tenements and associated activities;

- in a number of instances, the documentation requirements will exceed that currently provided to the Town to support an application, but which have otherwise been deemed by the Town to be insufficient to meet its statutory mandate of effectively considering a referral in the context of the Local Planning Strategy and Local Planning Scheme. The process will provide greater transparency with the aim of reducing proponent planning timeframes and the number of objections lodged due to provision of insufficient information;

- Road liability and maintenance agreements are already applied in circumstances of high vehicle impact on road infrastructure from developments; and

- The requirement to identify positive and negative impacts of a development and remediate adverse consequences is integral to the Town's good management of the district. Social Impact Assessment processes have been outlined in Local Planning Policy 05 – Workforce Accommodation and Local Planning Policy 06 – Social Impact Assessment, adopted at the June 2020 Ordinary Council Meeting.

CONSULTATION

Internal

- Planning and Development Team
- Executive Leadership Team

External Agencies

- The Town will consult directly with relevant industry, tenement consultants, and State Government agencies on the Position Statements.

Community

- Community members will have an opportunity to lodge a submission on the Position Statements during the 21 day public consultation period.

LEGISLATION AND POLICY CONSIDERATIONS

- *Land Administration Act 1997;*
- *Mining Act 1978;*
- *Town of Port Hedland Local Planning Strategy;*
- *Town of Port Hedland Local Planning Scheme;*
- *Town of Port Hedland Workforce Accommodation Position Statement;*
- *Town of Port Hedland LPP/05 Workforce Accommodation Policy;* and
- *Town of Port Hedland LPP/06 Social Impact Assessment.*

FINANCIAL AND RESOURCES IMPLICATIONS

There are actual and potential financial and resource benefits associated with the policy position including:

- encouraging submission of appropriately detailed documentation to improve the Town's capacity to progress a response to a referral in a timely manner and reduce the requirement to object to access further information;

- redirecting the focus of land development to existing strategic industrial and residential land uses;

- reduction in compliance monitoring and enforcement associated with non-conforming land uses; and

- managing financial impacts on the airport and reducing capital and operational costs associated with duplicate infrastructure and services.

There may be some additional costs incurred by the proponent for the provision of documentation, although this information should be readily available to the proponent as part of project planning and / or the application process for Crown Land or mining tenure.

There may be costs associated with the conduct of a Social Impact Assessment, but this will in part, offset cost shifts to the Town and community of Port Hedland from adverse impacts of large-scale projects. It also provides strong potential to harness opportunities for industry and industry workforces.

There is a direct financial cost of advertising the Position Statements in the North West Telegraph of approximately $600.

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
1.b.2 A residential workforce is promoted to industry as the preferred option
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.b.2 The Town's economic development strategy is supported through engagement with key economic groups
3.a.2 Biodiversity is understood by the community and protected
3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
4.b.1 Sound long-term financial planning is implemented

Environmental

Collectively, the position statements aim to limit non-conforming land uses; maintain appropriate separation distances between developments and ground disturbing equipment and sensitive land uses; protect biodiversity values, waterways and potable water supply; and preserve the visual amenity of the approach to Port Hedland.

Economic

Both Position Statements:

- establish principles and processes that support strong economic development in a manner that preserves State and local government investment in strategic infrastructure; community amenity, liveability, health and safety; and orderly land use planning and sustainable development;

- support a collaborative approach between the Town and proponents of a Crown Land or mining tenure application with a view to reducing timeframes for assessment of statutory referrals, resolving impediments and identifying opportunities, for the Town and industry workforces in the formative stages of the planning process;

- facilitate an improved understanding of developments within the Town of Port Hedland local government area to better inform strategic planning, service, and infrastructure investment; and

- support the identification of opportunities and offsets for large-scale projects through conduct of a Social Impact Assessment and Social Impact Management Plan or liability of maintenance agreement (roads).

The previous mining boom and absence of sufficient land supply saw the proliferation of Crown leases for industrial uses and to a lesser extent, residential land. In a number of instances, this resulted in non-conforming land uses, lower standard developments, duplication of local government infrastructure and extension of municipal services and complex compliance issues. With substantial investment in industrial and residential land supply since that time, continued allocation of Crown leases in lieu of occupation of dedicated estates has the potential to substantially undermine those investments and restrict foreseeable growth within, and adjacent to, the town site boundary.

The Position Statement: Crown Leases supports utilisation of zoned sites for industrial and residential uses under the Local Planning Scheme, maximising return on State and local government investment. It also facilitates economic equity between proponents accessing industrial and residential land in Port Hedland and considers opportunities to support activation of town-managed reserves.

The Position Statement: Mining Tenement also aims to protect valuable road transport infrastructure.

Social/cultural

The Position Statements collectively aim to protect cultural and community assets and amenity with particular attention to reducing the direct impact of developments on urban and activity centres, community infrastructure, the foreshore, waterways and public open space.

Corporate Business Plan

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

1.a.6.1	Promote awareness of town-wide health, recreation, sporting and safety services and initiatives
1.b.2.1	Engage with key stakeholders to promote a residential first approach for workforce accommodation
1.d.1.1	Develop, implement and review a facilities management plan and purpose statement for all community facilities including infrastructure standards, levels of service and management models
1.d.3.1	Support the provision of cultural, sporting, and recreational facilities which are fit for purpose
2.b.2.1	Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification
3.a.1.1	Develop, implement, monitor and promote strategies to protect and enhance Port Hedland's natural environment
3.c.1.1	Liaise with industry, developers, business and community to provide advice on planning, building and land matters
4.b.1.2	Develop, implement and review strategic partnerships to support funding of key town projects and infrastructure
4.c.4.1	Develop, implement and review efficiency strategies across all facilities and infrastructure

RISK MANAGEMENT CONSIDERATIONS

There are potential health risks associated with certain land uses in proximity to activity or urban centres. While consideration of environmental impacts applies to certain types of development, it does not apply to all developments. The social impacts may be considered reasonable by the Town for certain developments. The risk rating is considered to be medium (9), which is determined by the likelihood of possible (3) and a consequence of moderate (3).

There is a reputational risk associated with this item because the requirement to undertake a social impact assessment or additional documentary requirements has a time and cost implication for a proponent. In part, these processes are aimed at progressing approval timeframes for proponents, harnessing opportunities, and obviating and mitigating adverse impacts, from developments. 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 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 Position Statements effectively document existing processes adopted by the Planning and Development unit in the assessment of referrals for Crown Land tenure, mining tenements and where relevant, planning applications, social impact assessment processes and maintenance and liability agreements. Importantly, what they achieve is greater public transparency of those processes and an improved understanding of the requirements for documentation to improve the Town's capacity to consider developments in the context of the Local Planning Strategy and Local Planning Scheme and to streamline processing timeframes for related statutory referrals.

ATTACHMENTS

1. Draft Position Statement - Crown Land (under separate cover)
2. Draft Position Statement - Mining Tenements (under separate cover)

11.3.5 INITIATION OF LOCAL PLANNING POLICY LPP 10 - HIGHWAY PRECINCT DESIGN GUIDELINES

Author:	Town 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 Clause 3, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves to:

1. Initiate Local Planning Policy LPP 10 – Highway Precinct Design Guidelines, presented as Attachment 1 of this Item for the purpose of public consultation; and

2. Advertise Local Planning Policy LPP 10 – Highway Precinct Design Guidelines 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 initiating draft Local Planning Policy LPP 10 – Highway Precinct Design Guidelines. This policy outlines design guidelines for development within the identified Highway Precinct located at Port Hedland International Airport. Should Council resolve to initiate the draft policy, it will be advertised for public comment. After expiry of the advertising period, the Town will review all submissions before being presented back to Council for decision to adopt with or without modification.

DETAIL

The land identified as the Highway Precinct outlined in figure 1 within attachment 1, is owned by the Town of Port Hedland, leased to the Port Hedland International Airport Pty Ltd (PHIA) and set to be subleased to potential clients. The Highway Precinct is intended to form a small business park in a manner that is compatible with the Port Hedland International Airport Master Plan 2018-2038, and the objectives of the proposed *Local Planning Scheme No.7*.

Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP-10) aims to provide guidance for the design and approval of development within the Highway Precinct, including but not limited to:

- Primary Building requirements including setbacks, minimum levels and heights;
- Site design requirements including parking and access, loading and storage, fencing and landscaping;
- Built form design requirements including orientation and layout, materials, finishes, signage, plant and equipment; and
- Management requirements including stormwater, waste, verge amenity and bushfire risk.

CLE Town Planning + Design on behalf of PHIA received Development Approval for the construction and earthworks of the Highway Precinct on 25 March 2020 as a part of DA 2019-080. The proposed local planning policy focusses on addressing the following key issues;

- The proposed Local Planning Policy has been designed considering land tenure, climatic conditions and principles of orderly and proper planning;
- The adoption of the policy would provide a measure for assessing development applications within the Highway Precinct; and
- The adoption of the policy requires community consultation in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to ensure community and stakeholder feedback and input before final adoption of the policy.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. The design guidelines are in response to development application 2019-080 – Highway Precinct approved on 25 March 2020 as well as *Port Hedland International Airport Masterplan 2018-2038* plan for the precinct.

CONSULTATION

Internal

- Director of Regulatory Services;
- Manager Town Planning & Development;
- Senior Planner; and
- Governance Officer.

External Agencies

- The draft local planning policy was discussed at a PHIA and Town of Port Hedland Joint Technical Working Group meeting held on 1 July 2020. The PHIA and Town received a presentation on the draft local planning policy and provided preliminary advice in relation to the policy content.
- External Agencies will be consulted as part of public advertising of the draft policy.

Community

If Council supports Local Planning Policy 10 – Highway Precinct Design Guidelines, the Town will publish a notice of the proposed draft policy in the North West Telegraph, giving details of:

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

A copy of the draft policy will also be placed on the Town's website inviting feedback. Any submissions received during the public advertising period will be considered and reported back to Council in line with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Should the Town proceed to adopt LPP 10 it will become operational upon Council's final adoption of the policy.

LEGISLATION AND POLICY CONSIDERATIONS

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

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.b.2 The Town's economic development strategy is supported through engagement with key economic groups
2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- Identify strategic employment and economic development priorities

2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
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
4.a.3 A positive narrative and unique brand is developed and promoted
4.c.1 High quality and responsive customer service is provided
4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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 as the Highway Precinct is considered to be a prominent location. The land is located within the greater Airport precinct and therefore is often a first impression of people utilising the Port Hedland International Airport. The standard of approved development should be considered as a direct reflection on the Town of Port Hedland. 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 is mitigated by the Town's ability to assess and review development applications and apply appropriate conditions of development approval in accordance with the design guidelines.

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 Policy LPP10- Highway Precinct Design Guidelines will provide design guidelines to provide guidance and clarity to land users, developers and the Town. This report has detailed the reasons for introducing this new policy, providing clearer objectives for the public, simplifying the existing policy framework with design requirements to address the objectives and having a flexible approach to addressing different circumstances. By initiating community consultation on this policy, Council can seek input from stakeholders to consider, with the outcome to facilitate improved built form and provide certainty to the public.

ATTACHMENTS

1. Local Planning Policy - Highway Precinct Design Guidelines (under separate cover)
2. Bushfire Management Plan (under separate cover)

11.4 Infrastructure Services

11.4.1 MINOR AMENDMENT OF POLICY 10/003 'LANDSCAPING'

Author: Horticultural Technical Officer
Authorising Officer: Manager Infrastructure Operations
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. Adopts amended Policy 10/003 'Landscaping' as per Attachment 1; and

2. Notes that any guidelines, specifications or strategies that underpin this policy are reviewed and amended by the Town's administration as required.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to approve the amendments to the Town's Policy 10/003 – 'Landscaping'.

DETAIL

The objective of this policy is to provide requirements and identify benchmarks for the planning, design and installation of landscaping on Town of Port Hedland (Town) owned or managed properties, including verges, public open spaces, open stormwater drainage network and facilities.

In October 2019, the policy was revised and adopted by Council to simplify the policy and provide guiding documents for contractors, developers and Town staff to base development and maintenance of public open space to suit Port Hedland conditions. These documents included the Town of Port Hedland Irrigation Specifications, Town of Port Hedland Landscape Guidelines and Town of Port Hedland Weed Management Strategy. The intention recently was to review these guiding documents to reflect operational changes being made and ensure they are current. Due to the phrasing of the previous agenda item, all future revisions of these documents must go through Council. In order to streamline processes and ensure best-practice techniques are used for landscaping work on Town owned or managed lands, it is requested that Council permit internal reviews and changes to the Irrigation Specifications, Landscape Guidelines and Weed Management Strategy by Town administration.

Minor changes have been made to the Landscaping Policy to accurately reflect the title of adopted documents such as the Public Open Space Strategy and internal position title changes. And to provide clarity over the internal review process of the guiding documents underpinning this Policy.

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

- Director Infrastructure Services;
- Manager Infrastructure Operations;
- Coordinator Parks and Garden;
- Leading Hand Parks and Gardens; and
- Leading Hand Irrigation.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

Policies and IOP's that apply to this policy – 10/003 'Landscaping'

- 2/007 'Purchasing'
- 2/010 'Council Investments'
- 9/005 'Vehicle Crossovers'
- 9/010 'Asset Management'

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications associated with the amendments to 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:

3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
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

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; 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.a.5.2 - Develop, implement and review strategies and programs to enhance the town's visual amenity and safety.

Public Open Space Strategy 2019

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as it may be perceived that the Town's polices are outdated and not relevant. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Council is required to regularly review its policies to ensure they are relevant and meet the needs of the Council and the community. It is recommended that Policy 10/003 Landscaping be amended to reflect operational changes and permit internal review of guiding documents associated with this policy.

ATTACHMENTS

1. Policy 10/003 'Landscaping' (under separate cover)

11.4.2 AWARD OF 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.

OFFICER'S RECOMMENDATION

That Council accepts the tender submitted by XXXXXXXX, in accordance with Tender RFT1920-39 BBQ Renewal Program for a total service charge of XXXXXXXX in addition to the Schedule of Rates as set out in the RFT (for a period of five years). The contract specifics are:

1. The supply, installation, removal and repair of BBQ's managed by the Town for a period of three (3) years with an estimated commencement date of Monday 7 September 2020; and

2. An optional contract extension of two (2) times one (1) year extensions in accordance with the Schedule of Rates detailed in Attachment 1, Confidential Evaluation Report and other contractual arrangements.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920/39 for BBQ Renewal Program 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 4 June 2020, requesting a schedule of rates for the supply, installation, repair and removal of the BBQ's currently maintained by the Town.

The RFT was released on the Town's e-tendering portal Vendorpanel Pty Ltd on Wednesday 24 June 2020 and was advertised in the West Australian and the North West Telegraph on Wednesday 24 June 2020 with a closing date of Wednesday 15 July 2020.

Tender Assessment

The Town received 3 submissions for RFT 1920/39. The respondents were as follows:

1. LaserIt;
2. Redding's Electrical; and
3. Surindo Furniture.

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 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 Friday 24 July 2020.

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

Qualitative Criteria	(%)
Capacity to Deliver & Resources	20%
Key Personnel & Skills	25%
Demonstrated Understanding	30%
Service & Maintenance	25%

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'.
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 financial year 2020/21 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.

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; 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.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.

Parks and Path Strategy

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 award RFT1920-39 BBQ Renewal Program 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 and renew its BBQ assets for the community.

ATTACHMENTS

1. RFT1920/39 BBQ Renewal Program Evaluation Memo – (Confidential under separate cover)

11.4.3 AWARD OF TENDER RFT 1920-41/42 – CONSTRUCTION OF HOUSING

Author: Project Manager
Authorising Officer: Manager Infrastructure Projects and Assets
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 accepts the tender submitted by XXXXXXXX, in accordance with Tender RFT 1920-42 Construction of Residential Housing on Longtom Loop South Hedland for the total amount of XXXXXXXX (excluding GST).

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council:

1. Accepts the tender submitted by XXXXXXXX, in accordance with Tender RFT1920-41 Construction of Residential Housing on Barramine Loop South Hedland for the total amount of XXXXXXXX (excluding GST); and

2. Note that by awarding both tenders to XXXXXXXX, the award price has been further reduced by XXXXXXXX (excluding GST)

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 3

That Council note the total approved budget for the Barramine Loop and Longtom Loop projects is $9,100,000 and that remaining funds following completion of the projects be allocated to future development of staff housing.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920/42 - Longtom Loop and RFT1920/41 – Barramine Loop for Construction of Housing and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

The Town of Port Hedland has an urgent need to provide suitable staff housing in an effort to attract and retain highly skilled staff, to meet the delivery of services required from the community and rate payers.

The Town's residential portfolio is aging, and it was identified that the Town would benefit from the development of a vacant land parcel for housing due to the cost saving of building houses compared with buying existing houses.

Request for Tender

The Town released two Request for Tender's (RFT) on 15 July 2020, requesting a suitably qualified contractor to construction of four(4) dwellings on the parcel located on Longtom Loop in South Hedland and nine (9) dwellings on the parcel located on Barramine Loop in South Hedland for the purpose of staff housing.

The RFT's were released on Vendorpanel (the Town's e-tendering portal) on 15 July 2020 and was advertised in the West Australian and the North West Telegraph on 15 July 2020 with a closing date of 5 August 2020.

Addendum Details

Longtom Loop South Hedland

- Addendum 1 – Variation to schedule of specifications
- Addendum 2 – Clarifications on finishing schedule and inclusion of energy report
- Addendum 3 – Amended site plan 56.20 W001 Site Plan (1).pdf
- Addendum 4 – Updated provisional sum table to include door hardware
- Addendum 5 –Response to question concerning door frames

Barramine Loop South Hedland

- Addendum 1 – Amendment to schedules
- Addendum 2 – Clarification points on schedules and release of energy report
- Addendum 3 – Additional elevation drawings
- Addendum 4 – Clarification on door schedules

Site Inspection/Briefing details

Date: Wednesday 22 July
Time: 10 am WST
Location: Longtom Loop

Site Inspection/Briefing details

Date: 23 July 2020
Time: 10.00am
Location: Barramine Loop South Hedland

Tender Assessment

RFT1920-41 – Longtom Loop

The Town received eight (8) submissions for RFT 1920/42. The respondents were as follows:

1. CWD Builders – Developers
2. H & M Tracey Construction
3. Mitie Construction Pty Ltd
4. MJW Building
5. NYFL Thomas Building Pty Ltd
6. Pilbara Construction
7. Pindan Contracting Pty Ltd
8. TEC Services Group Pty Ltd

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of four (4) Town employees whose main objectives were:

a) Make a recommendation to the Council.
b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
c) Ensure adherence to Local Government policies and legislation; and
d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Senior Procurement Officer facilitated the evaluation meeting held on 11 August, 2020.
The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	40%
Capacity to Deliver & Resources	30%
Demonstrated Understanding & Methodology	30%
	100%

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

RFT1920-41 Barramine Loop

The Town received seven (7) submissions for RFT 19/20-41. The respondents were as follows:

1. H & M Tracey Construction Pty Ltd
2. Mitie Construction Pty Ltd
3. MJW Building
4. NYFL Thomas Building
5. Pilbara Constructions Pty Ltd
6. Pindan Contracting Pty Ltd
7. TEC Services Pty Ltd

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of four (4) Town employees whose main objectives were:

e) Make a recommendation to the Council.
f) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
g) Ensure adherence to Local Government policies and legislation; and
h) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Senior Procurement Officer facilitated the evaluation meeting held on 11 August 2020.
The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience & key Personnel	40%
Capacity to Deliver & Resources	30%
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, 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.

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 publically released via Vendorpanel (the Town's e-tendering portal) on 15 July 2020 and was 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 value is $9,100,000 (excluding GST) for Staff Housing Construction.

The accepted tenders amount to XXXXXXXX and the anticipated remaining funds will be in the order of XXXXXXXX. Council notes that the total approved budget for the Barramine Loop and Longtom Loop projects is $9,100,000 and that the balance of the remaining funds following completion of the projects shall be allocated to future development of staff housing.

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 ability for the Town to attract and maintain a skilled workforce for the implementation of services provided 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 attract and maintain 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.

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)

11.5 Executive Services

Item 12 Reports of Committees

OFFICER'S RECOMMENDATION

That Council:

1. Receive the Confirmed Minutes of the Audit, Risk and Compliance Committee held on 10 March 2020; and

2. Receive the Unconfirmed Minutes of the Audit, Risk and Compliance Committee held on 11 August 2020 at 5:30pm inclusive of the following decisions:

   11.1.1 Interim Audit Report 2019/20

   11.1.2 Audit Lof Progress Update

   11.1.3 Minor Breach in Investment Policy

   11.1.4 Internal Audit Programme

   11.4.1 Notice of Departure from Procurement Policy

SIMPLE MAJORITY VOTE REQUIRED

12.1 INTERIM AUDIT REPORT 2019/20

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 endorse the Interim Audit Report relating to the interim audit conducted in May 2020 for the financial year ended 30 June 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

This report presents to the Council the interim audit findings from the Town's external auditors, Office of the Auditor General (OAG) outsourced to RSM Australia Pty Ltd (RSM), for the interim audit conducted in May 2020 for the financial year ended 30 June 2020. It should be noted that this is the first audit at the Town conducted under this arrangement.

RSM have presented one finding in their interim audit report.

DETAIL

The Audit, Risk and Compliance Committee (Committee) is to report to Council and provide appropriate advice and recommendations on matters relevant to the Committee's terms of reference. One of the Committee's principal duties is to make recommendations to Council regarding external audit reporting. The Interim audit Management Report was presented to the Committee at the Audit, Risk and Compliance Committee Meeting held on the 11 August 2020 and endorsed.

The Interim Audit is predominantly concerned with sample testing of financial transactions and a review of the effectiveness of internal controls to obtain an understanding of the key business processes and risks of the Town of Port Hedland. The Auditors have prepared a Management Letter in accordance with the *Local Government Act 1995* section 7.9(2) or regulation 10(3)(a) and (b) of the *Local Government (Audit) Regulations 1996*. This report includes audit observations, recommendations and management's formal responses.

RSM has identified one item for consideration to be addressed by Management being the evidence of monthly bank reconciliations review and have deemed this a moderate finding. Please refer to confidential Attachment 1 for final findings identified during the interim audit.

This item has been closed out and resolved through the end of financial year process. For the 2020/21 financial year, the bank reconciliations have been set up to operate electronically in order to mitigate this finding in future.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of minor significance as it does not impact the financial position of the Town for the financial year ended 30 June 2020 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

CONSULTATION

Internal

- Director Corporate Services
- Financial Services Team
- Governance Team

External Agencies

- RSM Australia Pty Ltd
- Office of Auditor General

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Part 7 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* details the requirements for audit.

Local Government (Audit) Regulations 1996 regulation 10(3)(a) and (b).

The Department of Local Government and Communities has also prepared Operational Guideline Number 9 to provide guidelines for the ARC relating to Audit in Local Government.

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* details the CEO's duties in regards to financial management.

FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with conducting the interim audit and end of financial year audit are included in the 2019/20 budget and financial statements.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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.

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

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (4), with risk managed by adequate controls, managed by specific procedures and subject to regular monitoring.

RSM identified one matter for consideration to be addressed by Management. The Finance team have actioned and closed out the matter internally within the specified timeframe. In order to mitigate this finding in future, the electronic bank reconciliation module has been activated for use in the 2020/21 financial year.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The letter of audit findings is attached for Council's review as confidential Attachment 1. The Town is continuously working towards improvements in the financial management area and in alignment to this undertaking has created an electronic bank reconciliation to reinforce internal controls. Methods of more efficient financial management will be continuously investigated in order to mitigate the risk of audit findings.

ATTACHMENTS

1. Interim Audit Results (Confidential, under separate cover)

Item 13 Motions of which Previous Notice has been given

Nil

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

Nil

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

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. Proposed Lease of Cooke Point Caravan Park; and

15.2. Chief Executive Officer Probation Review.

SIMPLE MAJORITY VOTE REQUIRED

15.1 PROPOSED LEASE OF COOKE POINT CARAVAN PARK

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.

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

15.2 CHIEF EXECUTIVE OFFICER PROBATION REVIEW

Author: Manager Human Resources
Authorising Officer: Manager Governance
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.
The Chief Executive Officer discloses that he has a vested and financial interest in 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.

That Council opens the meeting to members of the public.

SIMPLE MAJORITY VOTE REQUIRED

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 23 September 2020 commencing at Enter Time.

16.2 Closure

There being no further business, the Commissioner declared the meeting closed at enter time