



# AGENDA

Dear Hon. Fredrick Riebeling AM JP

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, 13 McGregor St, Port Hedland**, on **Wednesday, 27 May 2020**, commencing at 5:30pm.

**MEETING AGENDA ATTACHED**

Yours faithfully

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

Carl Askew  
Chief Executive Officer

22 May 2020

**DISCLAIMER**

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

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*

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

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

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

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

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

## Order Of Business

Item 1	Opening of Meeting .....	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries .....	6
Item 3	Recording of Attendance.....	6
3.1	Attendance.....	6
3.2	Attendance by Telephone / Instantaneous Communications .....	6
3.3	Apologies .....	6
3.4	Approved Leave of Absence .....	6
3.5	Disclosure of Interests.....	6
Item 4	Applications for Leave of Absence .....	6
Item 5	Response to Previous Questions .....	6
Item 6	Public Time .....	7
6.1	Public Question Time .....	7
6.2	Public Statement Time.....	7
6.3	Petitions/Deputations/Presentations/Submissions.....	7
Item 7	Questions from Members without Notice .....	7
Item 8	Announcements by Presiding Member without Discussion.....	8
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting .....	8
Item 10	Confirmation of Minutes of Previous Meeting .....	9
Item 11	Reports of Officers.....	10
11.1	Corporate Services .....	10
11.1.1	Sundry Debtor Write offs .....	10
11.1.2	Corporate Business Plan - Quarterly Performance Report .....	13
11.1.3	Status of Council Decisions Update.....	16
11.1.4	Statement of Financial Activity for the period ended 31 March 2020 .....	18
11.1.5	Proposed Town of Port Hedland Waste Local Law 2020.....	22
11.1.6	National Redress Scheme .....	25
11.1.7	Revised Strategy Committee Terms of Reference.....	33
11.1.8	Revised Policy 2/007 Purchasing .....	36
11.1.9	2020/21 Schedule of Fees and Charges .....	38
11.1.10	2020 Delegation Register Review .....	42
11.1.11	Review of Policy 1/016 Workplace Health and Safety .....	51
11.1.12	Revocation of Previous Council Decision: 2020/21 Rating Strategy .....	54

11.2	Community Services .....	58
11.2.1	Expressions of Interest for the Sub-lease of Portion Lot 500 Forrest Circle, South Hedland, for the Purpose of Childcare Services .....	58
11.2.2	Courthouse Gallery: Quarterly Review - Quarter 3 - January - March 2020.....	63
11.2.3	Decommissioning of Dive Pool at Gratwick Aquatic Centre .....	66
11.2.4	Port Hedland Visitor Centre: Quarterly Review - Quarter 3 - January - March 2020.....	71
11.3	Regulatory Services .....	75
11.3.1	Proposed Closure of a Portion of Powell Road .....	75
11.4	Infrastructure Services .....	80
11.4.1	Final Endorsement of 'South Hedland Entry Statement' Landscaping Works .....	80
11.4.2	Award of Tender RFT1920-19 - 'Sanitation & Cleaning Public Ablutions' .....	85
11.4.3	Award of Tender RFT1920-28 - 'HVAC, Roof and Interior Reconstruction Works at the JD Hardie Centre' .....	89
11.4.4	Pretty Pool Creek- Concept Path Boardwalk and Bridge Design Consultation Feedback.....	95
<b>Item 12</b>	<b>Reports of Committees .....</b>	<b>102</b>
<b>Item 13</b>	<b>Motions of which Previous Notice has been given .....</b>	<b>102</b>
<b>Item 14</b>	<b>New Business of an Urgent Nature (Late items) .....</b>	<b>102</b>
<b>Item 15</b>	<b>Matters for Which Meeting May Be Closed (Confidential Matters) .....</b>	<b>102</b>
<b>Item 16</b>	<b>Closure .....</b>	<b>102</b>
16.1	Date of Next Meeting .....	102
16.2	Closure.....	102

---

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

---

## Item 3 Recording of Attendance

---

### 3.1 Attendance

**Scheduled Present:** Commissioner Fredrick Riebeling AM JP  
**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Anthea Bird (Director Corporate Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Josephine Bianchi (Director Community Services)  
Angelique Cook (Senior Governance Advisor)  
Nicki Thomas (Governance 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**


---

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

<b>Date</b>	<b>Meeting</b>	<b>Topic</b>
01/04/20	Citizenship Ceremonies	Official Citizenship Ceremony
02/04/20	Meeting with Port Hedland Industries Council (PHIC)	General catch up meeting
02/04/20	Hedland Collective Steering Committee Meeting	COVID-19 response meeting
07/04/20	Meeting with Hedland Gymnastics	General update meeting
07/04/20	Hedland Collective Industry Group Meeting	COVID-19 response matters
16/04/20	Regional Capitals Alliance WA Meeting	<a href="#">As per agenda on website</a>
17/04/20	WALGA COVID-19 Webinar	Update from State Government on COVID-19
17/04/20	Meeting with Roy Hill	Update on operations
22/04/20	April Ordinary Council Meeting	<a href="#">As per agenda on website</a>
24/04/20	WALGA COVID-19 Webinar	Update from State Government on COVID-19
28/04/20	WALGA Pilbara Country Zone Meeting	<a href="#">As per agenda on website</a>
29/04/20	Meeting with BHP	Update on operations

---

**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 April 2020 are a true and correct record.

*SIMPLE MAJORITY VOTE REQUIRED*

---

---

## Item 11 Reports of Officers

---

### 11.1 Corporate Services

11.1.1 SUNDRY DEBTOR WRITE OFFS
---------------------------------

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

---

#### OFFICER'S RECOMMENDATION

That Council, pursuant to Section 6.12(1)(c) of the *Local Government Act 1995*, approve the write-off of bad debts to the value of \$5,133.45.

***ABSOLUTE MAJORITY VOTE REQUIRED***

---

#### PURPOSE

The purpose of this report is to provide information that supports the write-off of bad debts for the year ending 30 June 2020. The proposed schedule of write-offs is attached under confidential cover. It is recommended the Council approve the write-off of monies pursuant to section 6.12(1)(c) of the *Local Government Act 1995* as the debts are deemed unrecoverable.

#### DETAIL

Council has adopted a Debt Management Policy (Policy 2/005) which outlines the procedure for the recovery of outstanding debts owed to the Town of Port Hedland (Town). Under the guidelines of the policy, the Town has attempted to recover these debts without success.

All debts recommended for write off hold an overdue term of 120 days or greater and are subject to formal insolvency appointments.

In writing off these debts, Council is not prevented from reinstating the debt if future circumstances change and the debt becomes collectable.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of the financial implications. The debt has been provided for in the allowance for impairment.

#### CONSULTATION

##### *Internal*

- No internal consultation.

##### *External Agencies*

- The Town has made various attempts to recover these funds without success.

- Trustee and Liquidators have been appointed and first and final dividends have been received.

#### *Community*

- No community consultation.

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.12(1)(c) of the *Local Government Act 1995* provides Council with the power to write-off any amount of money which is owed to the Local Government by an absolute majority decision.

The attachment is confidential in accordance with sections 5.23(2)(d) and 5.23 (2)(e)(iii) of the *Local Government Act 1995*.

Council has adopted a Debt Management Policy (Policy 2/005) which outlines the procedure for the recovery of outstanding debts owed to The Town of Port Hedland.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The total amount of \$5,133.45 has been provided for in the allowance for impairment.

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

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

#### *Corporate Business Plan*

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a financial risk associated with this item because the Town is unlikely to recover the debt owed. The risk rating is considered to be high (10), which is determined by a likelihood of almost certain (5) and a consequence of minor (2).

The Town is subject to formal insolvency appointments and this risk cannot be eliminated or reduced.

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

**CONCLUSION**

In writing off these bad debts, Council is not prevented from reinstating the debts if future circumstances change and the debt becomes collectable.

**ATTACHMENTS**

1. *Local Government Act 6.12(1)(c)* (under separate cover)
2. Schedule of accounts for write-off - Confidential (under separate cover)
3. Debt Management Policy (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 January 2020 to 31 March 2020 (Quarter 3 FY20), 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 third quarter of the 2019/20 financial year 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 focussed on meeting their expectations. The results are presented not only for transparency, but also for accountability.

*2019/20 Financial Year - Quarter 3 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 January 2020 to 31 March 2020 (Q3), the following performance statistics are reported:

Status – Q3 2019/20 FY	Number	%
CBP actions complete	22	27.2%
CBP actions on track for completion	54	66.6%
CBP actions not yet commenced	5	6.2%

A summary of the key achievements for Q3 are as follows:

- The Youth Services Team regularly work with service providers, including Western Australian Police, Headspace, Wirraka Maya, Youth Involvement Council to develop and deliver Box Fit, SLAM, Lounge and Youth Week program throughout this quarter.
- 'Have a Try Night' was held on 13 March 2020. 'Socially Inclusive Communities in Western Australia' (SICWA) initiative has commenced and will now be delivered online. Local sports clubs and community groups will be mentored to become more inclusive organisations.
- All of the Town's media releases are sent to approximately 700 subscribers including local community members, journalists and community groups. All Council meetings are live streamed on Facebook, enabling increased interaction with the community.
- The 2020 Annual Perception Survey results have been released to the community and noted at the Ordinary Council meeting held on 25 March 2020.
- The 2020 Events Strategy reflects the goals of the Arts and Culture Strategy. Following event restrictions due to COVID-19 the events team are delivering some planned events in a virtual capacity.
- Work has been completed on site as part of the Black Spot Program Works to widen the roadway at North Circular Road, South Hedland, in February/March.
- Cyclone preparation complete. The Town is continuing to undertake cyclone repairs as a result of Cyclone Damien.

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*

- Multiple managers and officers 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 3 - Corporate Business Plan Updates (under separate cover)

**11.1.3 STATUS OF COUNCIL DECISIONS UPDATE**

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

---

**OFFICER'S RECOMMENDATION**

That Council receive and note the 'Status of Council Decisions' as at 5 May 2020 as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

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

**DETAIL**

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

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

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

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

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

*External Agencies*

Nil

*Community*

Nil



## LEGISLATION AND POLICY CONSIDERATIONS

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

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

### *Corporate Business Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

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

## CONCLUSION

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

## ATTACHMENTS

1. Status of Council Decision - 5 May 2020 (under separate cover)

**11.1.4 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 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 31 March 2020;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 March 2020; and
4. Receive the Credit Card Statements for period ended 31 March 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 31 March 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

The information provided in this report is for the period ended 31 March 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland.

The Town of Port Hedland (Town) financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

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

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation; and

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

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

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

The net current funding position as at 31 March 2020 was \$13.3M. The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments (including trust)	\$241.4M
Restricted Cash – Reserves	\$239.9M
Unrestricted Cash Position as at 31 March 2020	\$1.1M

#### *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 31 March 2020 in accordance with regulation 34(1) of the Local Government (*Financial Management*) Regulations 1996.

*Option 2 – Amend officer's recommendation*

- That Council receive the Statement of Financial Activity for the period ended 31 March 2020 and request further information or clarification.

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

- That Council do not note or receive the Statement of Financial Activity for the period ended 31 March 2020.

**CONCLUSION**

The opening funding surplus of \$2.5M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the FY2019 audited financial statements. The net current funding position was \$13.3M.

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

**ATTACHMENTS**

1. Statement of Financial Activity (under separate cover)
2. Material variances report Note 12 (under separate cover)
3. Accounts Paid Under the Delegated Authority (under separate cover)
4. Credit Card Statements (under separate cover)

**11.1.5 PROPOSED TOWN OF PORT HEDLAND WASTE LOCAL LAW 2020**

<b>Author:</b>	Legal Advisor
<b>Authorising Officer:</b>	Director Corporate Services
<b>Disclosure of Interest:</b>	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. Adopt the proposed *Town of Port Hedland Waste Local Law 2020* for advertising purposes.
2. Give state wide public notice that it intends to make the proposed *Town of Port Hedland Waste Local Law 2020* as per Attachment 1, as required under section 3.12 of the *Local Government Act 1995*:
  - a) With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
  - b) With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community and protection of the environment, and to provide capacity to enforce contraventions to the laws.
3. Authorise the CEO to submit a copy of the proposed *Town of Port Hedland Waste Local Law 2020* to the Minister for Local Government and the Minister for Environment.

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The proposed *Town of Port Hedland Waste Local Law 2020* ('Proposed Local Law') is precipitated by the Town's proposal to commence kerbside recycling services early in the 2021 New Year, and will replace the existing Waste Local Law 2018. The purpose of this report is for Council to consider whether to advertise the Proposed Amendment which allows for the regulation and control of that recyclable waste.

**DETAIL**

The *Town of Port Hedland Waste Local Law 2018* was gazetted on 19 October 2018 ('Waste Local Law'). The current Waste Local Law is based on WALGA's model local law, but does not include the references to recyclable waste as, at the time, the Town did not have a kerbside recycling service.

The Town has since procured for Cleanaway to provide its municipal waste collection services, including kerbside recycling services. The recycling services will commence once both a suitable transfer station is acquired or constructed, and a recyclables receival facility is constructed. This is anticipated to occur early in the 2021 New Year.

The Town now proposes to repeal the current local law and gazette a new Waste Local Law which will include reference to recycling waste. Provisions within the existing local law will be carried over to the Proposed Local Law, so as to maintain consistency with WALGA's model local law. Significant changes, as compared to the current local law are highlighted in Attachment 1.

The Proposed Local Law will ensure that the Town is able to take enforcement action, where appropriate, with respect to disposal of both general and recycling waste. This is likely to reduce the contamination of recycling waste receptacles and accordingly increase the amount of recycled waste that is capable of being recycled.

Advertising of the Proposed Local Law is the first step in the legislated process to adopt a Local Law. A further report will be provided after the notice period for Council to consider any submissions and continue adoption of the new Town of Port Hedland Waste Local Law.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because as it will be advertised for public comment as part of the adoption of local law procedure under the *Local Government Act 1995*.

### **CONSULTATION**

#### *Internal*

Executive Leadership Team and Manager Waste Operations

#### *External Agencies*

None

#### *Community*

If the officer's recommendation is adopted by Council, public advertising will commence for a period of six (6) weeks in accordance with s.3.12 of the *Local Government Act 1995*.

### **LEGISLATION AND POLICY CONSIDERATIONS**

#### *Waste Avoidance and Resource Recovery Act 2007*

Part 3, Division 2 of the *Local Government Act 1995* – Legislative functions of local governments

WALGA's Template Waste Local Law

### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are both insignificant financial and insignificant resource impacts in respect of financial penalties obtained from enforcement action, and use of resources to enforce those penalties. There are also insignificant costs associated with advertising the Proposed Amendment.

## 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.3 Sustainable energy, waste and water management practices are provided and promoted

### *Environmental*

The Proposed Local Law implements a regulatory framework for the disposal of recyclable materials ultimately for the protection of the environment.

### *Social*

The Proposed Local Law will assist in educating the community by providing a clear framework for offences relating to general and recyclable waste.

### *Corporate Business Plan*

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

- 3.2.3.2 Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse.

The adoption of the Proposed Local Law will assist in delivering the objective of the Town's Waste Management Strategy 2018 – to minimise waste generation and maximise waste diversion from landfill.

## RISK MANAGEMENT CONSIDERATIONS

There is an environmental and compliance risk associated with this item. If a local law is not adopted which includes recyclable waste provisions, the Town will not be able to take enforcement action, which has the potential, to an extent, to undermine the purpose of the kerbside recycling service. This risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

Adoption of the Proposed Local Law will address these risks.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The Proposed Local Law should be advertised to commence the process to gazette a local law, which will ultimately allow for the regulation of both general and recyclable waste once the kerbside recycling service commences early in the 2021 New Year.

## ATTACHMENTS

1. Proposed Town of Port Hedland Waste Local Law 2020 (under separate cover)



**11.1.6 NATIONAL REDRESS SCHEME**

<b>Author:</b>	Senior Governance Advisor
<b>Authorising Officer:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	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 consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
2. Endorses the participation of the Town of Port Hedland in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
3. Grants authority to Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and
4. Notes that a confidential report will be provided if a Redress application is received by the Town of Port Hedland.

*SIMPLE MAJORITY VOTE REQUIRED*

**PURPOSE**

The purpose of this report is for Council to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Town of Port Hedland (Town) to participate in the National Redress Scheme;
- Formally endorse the Town's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

**DETAIL**

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations,

of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is, accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Town) will be required to consider leading practice approaches to child safeguarding separately in the future.

### *National Redress Scheme*

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;

- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Town's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Town formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Town will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Town to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Town formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Town include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations);
- Potential reputational damage at a State, sector and community level;
- Complete removal of the State's coverage of costs and administrative support, with the Town having full responsibility and liability for any potential claim; and
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Town.

#### *Considerations for the Town of Port Hedland*

Detailed below is a list of considerations for the Town to participate in the Scheme:

##### 1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Town will receive a Redress application. A Service Agreement will only be executed if the Town receives a Redress application.

The Town needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

##### 2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

### 3. Application Processing / Staffing and Confidentiality

Administratively the Town will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information; and
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

### 4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including local governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Town's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

### 5. Redress Decisions

The Town should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Town do not have any influence on the decision made and there is no right of appeal.

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Executive Leadership Team

*External Agencies*

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings; and
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments; and
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019; and*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

### Community

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

The Town in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

## FINANCIAL AND RESOURCES IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 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 1 – Services and Events
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process

#### *Corporate Business Plan*

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

- 1.a.5.1 – Develop, implement and review the Community Safety Plan.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item should the scheme fail to deliver its intended purpose. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

There is a financial risk associated with this item because there is a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of Redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

It is recommend that the town of Port Hedland join the National Redress Scheme as it is a good organisational approach to risk management of child abuse, both historically and for the future protection of communities.

### **ATTACHMENTS**

Nil



**11.1.7 REVISED STRATEGY COMMITTEE TERMS OF REFERENCE**

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

**OFFICER’S RECOMMENDATION**

That Council:

1. Adopt the revised ‘Strategy Committee Terms of Reference’ as per Attachment 1; and
2. Subject to approval of resolution 1 above, approve the following Strategy Committee meeting schedule for the 2020 calendar year noting that this is not a public meeting:

Date:	Time:	Location:
Wednesday, 17 June 2020	1:00pm	Civic Centre, Port Hedland
Wednesday, 18 November 2020	1:00pm	Civic Centre, Port Hedland

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider the proposed changes to the current ‘Strategy Committee Terms of Reference’.

**DETAIL**

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

The establishment of the Strategy Committee (Committee) and its associated Terms of Reference was first adopted by Council at its Ordinary Council Meeting held on 19 December 2019. The objective of the Strategy Committee is to provide guidance and assistance to Council in relation to the Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan. The purpose of the Terms of Reference is to facilitate the operation of the Committee and ensure the Town’s effectiveness in the performance of achieving its goals and objectives.

Section 8.2 of the Terms of Reference stipulates the following:  
*‘Governance perform a review after an Election, suggest improvements to and assess the adequacy of the Strategy Committee Terms of Reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.’*

*The revised Strategy Committee Terms of Reference (Attachment 1)*

The Town of Port Hedland (Town) is proposing to change the meeting structure of the current TOR to align with Integrated Planning Framework for Local Government which stipulates the longevity of plans under the framework. For example, the Strategic Community Plan requires a major review every four years and a minor review every two years. Section 6.1 of the TOR stipulates that Committee meetings are to be held on a quarterly basis, and as required. It is proposed to change this meeting structure to a minimum of two meetings per year and others when deemed necessary. This is proposed under section 6 by amending clause 6.1 of the TOR as follows:

6.1 A minimum of two meetings are to be held per year, and others as required.
--

*2020 Strategy Committee Meeting Schedule*

The proposed schedule for 2020 will be the first meeting schedule for this Committee. It is proposed that the Committee's first meeting be held on 17 June 2020.

Section 6.2 of the Committee's TOR stipulates that due to the nature of business considered at these meetings, the Strategy Committee meetings are not open to members of the public. Therefore, it is proposed that this meeting be scheduled during work hours.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- Executive Leadership Team
- Manager Planning and Analysis

*External Agencies*

- Nil

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

The Strategy Committee has been established in accordance with Part 5, Division 2 of the *Local Government Act 1995*.

Pursuant to section 8.2 of The Town of Port Hedland's Strategy Committee Terms of Reference stipulates:

*'Governance perform a review after an Election, suggest improvements to and assess the adequacy of the Strategy Committee Terms of Reference, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.'*

Section 6.6 of the Strategy Committee Terms of Reference states that a meeting schedule is to be developed that includes the dates and location for the forthcoming year.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no identifiable financial or resource implications relevant to this item.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item if the reviewed Committee TOR, which promotes alignment to internal reporting timeframes, is not approved by Council. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

This risk will be eliminated by 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 Strategy Committee primarily focuses on matters relating to the Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan. The reviewed TOR aims to reflect current practices and compliance, and to help facilitate the operations of the Town more effectively and efficiently.

### **ATTACHMENTS**

1. Revised Strategy Committee Terms of Reference (under separate cover)

**11.1.8 REVISED POLICY 2/007 PURCHASING**

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

---

**OFFICER'S RECOMMENDATION**

That Council adopt the revised Policy 2/007 Purchasing, as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the adoption of revised Policy 2/007 Purchasing.

**DETAIL**

The existing Policy 2/007 Purchasing was last reviewed and adopted by Council in February 2020.

Policy 2/007 Purchasing was reviewed to ensure best practice procurement is achieved while ensuring compliance with Part 4 of the *Local Government (Functions and General) Regulations 1996* (Regulations).

An amendment has been made to regulation 11 (1) of the *Local Government (Function and General) Regulations 1996* to change the tender threshold from \$150,000 to \$250,000 to align with State Government tendering thresholds introduced as part of COVID19 alterations. The amendment reduces red tape and will expedite decision making, thereby assisting economic recovery. The proposed changes to Policy 2/007 Purchasing reflect the increase in the tender threshold.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- Executive Leadership Team

*External Agencies*

- WALGA notified the local government sector of the increase in the threshold change to the regulations.

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

The review of this Policy was conducted in accordance with Parts 4 and 4A of the Local Government (Functions and General) Regulations 1996.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

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

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The following section of the Town's Strategic Community Plan 2018-2028 is 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

### *Economic*

The Town expects faster decision making for smaller projects will be beneficial to economic recovery and employment within the Town, during and post COVID-19.

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

## **RISK MANAGEMENT CONSIDERATIONS**

There is always compliance risk associated with procurement activities. The Town has implemented a number of processes related to Procurement. Due to existing processes, the risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

Local governments have a responsibility under Part 4 of the Regulations to develop and adopt a purchasing policy consistent with legislation. The proposed changes to Policy 2/007 Purchasing ensure a balance between best practice procurement and compliance with legislation, whilst supporting the local economy by removing red tape.

## **ATTACHMENTS**

1. Current Policy 2/007 Purchasing Policy (under separate cover)
2. Proposed Updated Policy 2/007 Purchasing Policy (under separate cover)

**11.1.9 2020/21 SCHEDULE OF FEES AND CHARGES**

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

**OFFICER'S RECOMMENDATION**

That Council endorse the 2020/21 Schedule of Fees and Charges effective from 1 July 2020 as per Attachment 1, for inclusion in the 2020/21 Budget.

***ABSOLUTE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to endorse the 2020/21 Schedule of Fees and Charges for inclusion in the 2020/21 Budget.

**DETAIL**

The Town's Schedule of Fees and Charges must be reviewed each year in conjunction with the Annual Budget, and is performed by the relevant Town officers in consultation with Council.

Except for fees set by external bodies, a local government can impose a fee or charge for any goods or services it provides.

In preparation of the 2020/21 Schedule of Fees and Charges, comprehensive research has been undertaken by officers, ensuring that proportionate justification of the fee or charge is applied. The Council has adopted a freeze on increases to current fees and charges due to COVID-19 and this is reflected in attachment 1. Any variance to this is reflected by a reduction of fees, or fees for new services offered such as the recycling program.

*Key Changes*

The following key changes have been proposed for the 2020/21 Schedule of Fees and Charges.

**Sports Ground Charges**

- Junior and Senior players fees have been restructured to a per player fee of \$5 and \$30 respectively, with the intent for a more equitable model across Clubs/Associations;
- Storage in Sporting Sheds have been amended to a square metre model to ensure only required equipment is retained by Sporting Clubs and Associations; and
- Event Bin charges amended to a per bin charge, rather than a charge for 10 bins.

**Waste Management**

- Reduction in Premium Bin Service under municipal waste contract;
- Reduction in Commercial Industrial, Construction & Demolition Waste; and
- Uncontaminated Metal and Battery disposal is now free.

*New fee*

- Supply of Additional General Waste bin \$292.50;
- New Service: Additional Classic Recycling bin \$120;
- Additional Premium recycling Bin \$155;
- Domestic Recycling MRF residuals \$110.50;
- Timber Pallets \$50 per tonne;
- Green waste (uncontaminated) free; and
- Boats (non-metal) \$100 per tonne.

**Matt Dann***New fee*

- Booking fee per transaction for ticketing \$5;
- Social Media Advertising (Facebook page) \$20; and
- Black Curtaining hire \$250 per booking.

**JD Hardie**

- Reduction of facility fees to incentivise community uptake.

*New fee*

- New Birthday package (30 participants) \$250.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it may impact on a wide range of people who reside in Port Hedland, however the Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

**CONSULTATION***Internal*

- The Financial Management Team have liaised with all relevant officers to create the proposed 2020/21 Schedule of Fees and Charges, ensuring that all proposed fees and charges are justified.
- Officers held a workshop with Council on Wednesday 29 April 2020. The outcome was to retain fees and charges from 2019/20, and implement the changes as outlined above.

*External Agencies*

- Comparisons to other similar Local Governments has been used as part of the review and application of comparable waste fees and charges.

*Community*

- Limited consultation was completed with community groups and the fees and charges amendments have been based on that consultation.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 5.63(1) of the *Local Government Act 1995* specifically excludes the need to declare a financial interest where matters:

- (a) have an interest common to a significant number of ratepayers/electors; or
- (b) relate to the imposition of any rate, charge or fee.

Section 6.16 of the *Local Government Act 1995* states that the imposition of fees and charges must be made by absolute majority.

When determining the amount of a fee or charge for a service, section 6.17 of the *Local Government Act 1995* outlines various factors, being:

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

The Town must give public notice of the imposition of fees and charges, and the date from which they are to be imposed in accordance with section 6.19 of the *Local Government Act 1995*.

Regulation 25 of the *Local Government (Financial Management) Regulations 1996* states that an estimate of the total revenue from the fees and charges is to be included in the annual budget.

## FINANCIAL AND RESOURCES IMPLICATIONS

The Schedule of Fees and Charges is proposed to be included in the 2020/21 budget and used as a basis for income projections. The detailed financial position will be presented to Council as part of the final budget preparation and deliberation, however there is not expected to be any significant changes in the fees and charges revenue budget for the 2020/21 financial year, apart from the impact of COVID-19 and facility closures.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

### *Disability Access and Inclusion Plan*

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

- Outcome 4 – Quality of Service



### *Corporate Business Plan*

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

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item. Section 6.2, reg. 25 of the *Local Government (Financial Management) Regulations 1996*, states the annual budget is to include an estimate of the total revenue from the fees and charges from each program. The Town of Port Hedland Schedule of Fees and Charges is proposed to be included in the 2020/21 Budget and used as a basis for income projections. 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*

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

### **CONCLUSION**

The 2020/21 Schedule of Fees and Charges are presented to Council for consideration prior to officers including the schedule in the proposed Budget for consideration as a whole in the coming months.

### **ATTACHMENTS**

1. 2020/21 Fees and Charges schedule (under separate cover)

**11.1.10 2020 DELEGATION REGISTER REVIEW**

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

**OFFICER’S RECOMMENDATION**

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

***ABSOLUTE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the Town of Port Hedland’s (Town) revised Delegation Register, in accordance with the requirements of section 5.46(2) of the *Local Government Act 1995*.

**DETAIL**

The Town’s Delegation Register is required to be reviewed each financial year and subsequently presented to Council for adoption. The Delegation Register was last reviewed and adopted by Council in May 2019.

Last year’s review was extensive due to adopting the preferred WALGA template, compared to this year’s review being more of an administrative update.

The Governance team have reviewed each section of the Town’s Delegation Register and have made the suggested amendments, where required. A number of delegations from the current Delegation Register are proposed to be amended, deleted and / or created. To ensure current practices have been formalised, the following reasons for these key changes are summarised below:

*Local Government Act 1995 Delegations:*

Delegation Number	Change
1.1.1 Audit, Risk and Compliance Committee	The name of the Committee has been updated from Audit, Risk and Governance Committee to Audit, Risk and Compliance Committee to align with Council’s adoption on 19 December 2019.
1.2.2 Performing Functions Outside the District	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation.

<p>1.2.4 Powers of Entry</p>	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation. Function (3) has been removed from positions: Ranger(s) and Trainee Ranger(s), as per Executive Leadership Team (ELT) recommendation.</p>
<p>1.2.7 Confiscated or Uncollected Goods</p>	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation. Function (2) has been removed from positions: Ranger(s), Trainee Ranger(s), Senior Environmental Health Officer and Environmental Health Officer, as per ELT recommendation.</p>
<p>1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</p>	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation. Positions of: Team Leader Ranger, Ranger(s), Trainee Ranger(s) and Graduate Environmental Health Officer have been removed, as per ELT recommendation.</p>
<p>1.2.18 Tenders for Goods and Services</p>	<p>In accordance with an Executive Leadership Team directive, the Chief Executive Officer’s threshold has been increased from \$300,000 to \$500,000, which is detailed in Function paragraph 9 and Council conditions sub-paragraph c. Changes align with legislated amendments to tender thresholds. Further, the Town’s 2/007 Purchasing Policy and Procurement Internal Operating Procedure (IOP) are being updated accordingly.</p>
<p>1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services</p>	<p>In accordance with an Executive Leadership Team directive, the Chief Executive Officer’s threshold has been increased from \$300,000 to \$500,000, which is detailed in Council conditions sub-paragraph a. Changes align with legislated amendments to tender thresholds. Further, the Town’s 2/007 Purchasing Policy and Procurement IOP are being updated accordingly.</p>
<p>1.2.20 Disposing of Property</p>	<p>Amended the Chief Executive Officer’s authority to accept offers for Kingsford Smith Business Park (KSBP) above the market value (no longer limited to 10% over).</p>
<p>1.2.21 Payments from the Municipal or Trust Funds</p>	<p>Position of Manager ICT has been updated to Manager Planning and Analysis.</p>

1.2.23 Defer, Grant Discounts, Waive or Write Off Debts	The sub-clauses have been entirely replaced with new conditions.
1.2.24 Power to Invest and Manage Investments	Position of Manager ICT has been updated to Manager Planning and Analysis.
1.3.1 Determine if an Emergency for Emergency Powers of Entry	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendation.
1.3.8 Infringement Notices	Addition of Town of Port Hedland Local Laws, including additional officers have been added as designated officers to carry out duties under this Act, as per Manager's recommendations.
1.3.12 Representing Local Government in Court	Positions of: Senior Planner, Ranger and Emergency Services Advisor, Development Services Officer, Team Leader Ranger, Rangers and Senior Strategic Planner have been removed, as per ELT recommendation.

*Building Act 2011 Delegations:*

<b>Delegation Number</b>	<b>Change</b>
5.1.6 Appoint Authorised Persons (Swimming Pool Inspectors)	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendations.
5.1.7 Building Orders	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendations.
5.1.11 Smoke Alarms – Alternative Solutions	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendations.

*Bush Fires Act 2011 Delegations:*

<b>Delegation Number</b>	<b>Change</b>
6.2.3 Prohibited Burning Times – Control Activities	The Chief Bush Fire Control Officer is employed by the Department of Fire & Emergency (DFES) and is not a Town employee, therefore his position has been noted as such, to ensure clarity.
6.2.7 Firebreaks	Additional officer has been added as designated officer to carry out duties under this Act, as per Director Regulatory Services' recommendation.
6.2.13 Withdrawal of Infringement Notices	Additional officer has been added as designated officer to carry out duties under this Act, as per Director Regulatory Services' recommendation.

*Cat Act 2011 Delegations:*

Delegation Number	Change
7.1.4 Appoint Authorised	In order to promote good governance and the separation of power for officer's to have authority for both, issuance of an infringement notice and withdrawal of an infringement notice, the Director Regulatory Services has had sub-clause 2(g) 'to give an infringement notice' revoked and as per recommendation from Director Regulatory Services.

*Food Act 2008 Delegations:*

Delegation Number	Change
10.1.7 Food Businesses List – Public Access	Officer has been removed as a designated officer to carry out duties under this Act, as per Manager's recommendation.

*Fines, Penalties and Infringement Notices Enforcement Act 1994 delegation:*

Delegation Number	Change
12.1.1 Register and Withdraw Infringement Notices	Additional officer has been added as designated officer to carry out duties under this Act, as per Director Regulatory Services' recommendation.

*Liquor Control Act 1998 Delegations:*

Delegation Number	Change
15.1.1 Compliance Certificates	Additional officers have been added as designated officers to carry out duties under this Act, as per Director Regulatory Services' recommendations.

*Health (Miscellaneous Provisions) Act 1911 Delegations:*

Delegation Number	Change
17.1.1 Functions of Authorised Persons	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendation.

*Town of Port Hedland Local Laws Delegations:*

<b>Delegation Number</b>	<b>Change</b>
21.1.1 Payment of Fee to Park in Parking Station	Removal of all Airport Staff as being designated officers to carry out duties under this Act, as per Manager recommendation and confirmation received from Port Hedland International Airport Chief Executive Officer.
21.1.4 Authorised Person May Mark Tyres	Removal of all Airport Staff as being designated officers to carry out duties under this Act, as per Manager recommendation and confirmation received from Port Hedland International Airport Chief Executive Officer.
21.1.7 Infringements for Prescribed Offences as Per Schedule 2	<p>In order to promote good governance and the separation of power for officer's to have authority for both, issuance of an infringement and withdrawal of an infringement, the removal of both the Chief Executive Officer and the Director Regulatory Services, as being designated officers to carry out duties under this Act and as per recommendation from Director Regulatory Services.</p> <p>Removal of all Airport Staff as being designated officers to carry out duties under this Act, as per Manager's recommendation and confirmation received from Port Hedland International Airport Chief Executive Officer.</p>
21.3.2 Activities Requiring a Licence	Additional officers have been added as designated officers to carry out duties under this Act, as per Manager recommendation.
21.3.4 Authorised Officers	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendation.
21.3.5 Thoroughfares – General	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendation.</p> <p>Revocations and additions of particular sub-delegation clauses for some designated officers regarding carrying out duties under this Act, as per Manager's recommendation.</p>
21.3.6 Grant Licence for Commercial Activity	Additional officer has been added as designated officer to carry out duties under this Act, as per Manager's recommendation.

<p>21.3.7 Prescribed Offences – Schedule 7</p>	<p>Officer has been removed as designated officer to carry out duties under this Act, as per Director Regulatory Services’ recommendation.</p> <p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation.</p>
<p>21.5.1 Various Powers</p>	<p>Additional officers have been added as designated officers to carry out duties under this Act, as per Manager’s recommendation.</p>
<p>21.6.1 Various Powers</p>	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation.</p>
<p>21.7.1 Various Powers</p>	<p>Additional officer has been added as designated officer to carry out duties under this Act, as per Manager’s recommendation.</p>
<p>21.8.1 Authorised Officers</p>	<p>Additional officers have been added as designated officers to carry out duties under this Act, as per Manager’s recommendation.</p> <p>Revocations of particular sub-delegation clauses for some designated officers regarding carrying out duties under this Act, as per Director Regulatory Services’ recommendation.</p>

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION**

*Internal*

A comprehensive schedule of internal meetings were held over multiple months in preparation of this year’s Delegation Register review. The Town’s Senior Governance Advisor and Governance Officer individually met with the following officers to assist with determining each business unit’s appropriate delegations:

- Executive Leadership Team
- Director Corporate Services (and in the absence of both a Manager Governance and Manager Human Resources)
- Director Regulatory Services
- Director Infrastructure Services
- Director Community Services
- Manager Financial Services
- Manager Environmental Health and Community Safety
- Manager Town Planning & Development
- Manager Waste Operations
- Manager Project Design & Delivery

- Manager Parks, Gardens and Engineering Services
- Manager Leisure Facilities
- Manager Community Development

#### *External Agencies*

- Nil

#### *Community*

- Nil

### LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.16, 5.17, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46, 7.1B and 9.10 of the *Local Government Act 1995* relate to delegations and the appointment of authorised persons.

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*.

Delegations under the following additional Acts are included in this Delegation Register:

- *Emergency Management Act 2005*
- *Freedom of Information Act 1992*
- *Public Interest Disclosures Act 2003*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1974*
- *Animal Welfare Act 2002*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Food Act 2008*
- *Graffiti Vandalism Act 2016*
- *Litter Act 1979*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Liquor Control Act 1988*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2015*
- *Caravan and Camping Grounds Act 1995*
- *Planning and Development Act 2005*
- *Mains Roads Act 1930*
- *Road Traffic (Vehicles) Act 2012*
- *Environmental Protection Act 1986*

All delegations under each of the Town's Local Laws have been included in this Delegation Register as follows:

- Parking Local Law
- Bush Fire Brigades Local Law
- Public Places and Local Government Property Local Law
- Cemetery Local Law



- Dogs Local Law
- Health Local Law
- Animals, Environment and Nuisances Local Law
- Waste Local Law

The following policies are reflected within the delegation register:

- 1/009 Legal Representation for Council Members and Employees
- 1/024 Corporate Credit Card
- 1/027 Severance Payments
- 1/104 Execution of Documents and Application of the Common Seal
- 2/004 Rating
- 2/005 Debt Management Policy
- 2/007 Purchasing
- 2/010 Council Investments
- 2/016 Regional Price Preference
- 2/022 Panels of Pre-Qualified Suppliers
- 3/007 Senior Employees and Acting Chief Executive Officer
- 6/003 Community Grants Program

#### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no identifiable costs associated with the adoption of the reviewed Delegation Register.

#### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

#### *Disability Access and Inclusion Plan*

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

- Outcome 3 – Information

#### *Corporate Business Plan*

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

Ensure governance information provided to the community is in line with legislated requirements.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item, if the Delegation Register is not reviewed each financial year. 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**

The Town's Delegation Register is to be reviewed at least each financial year, in accordance Delegation Register, to ensure compliance with the *Local Government Act 1995* and ensure that delegations are aligned with town's current practises.

### **ATTACHMENTS**

1. Delegation Register 20200527\_draft (under separate cover)

**11.1.11 REVIEW OF POLICY 1/016 WORKPLACE HEALTH AND SAFETY**

**Author:** Manager Human Resources  
**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 revised Policy 1/016 Workplace Health and Safety, as per Attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider proposed amendments to Policy 1/016 Workplace Health and Safety (Policy). The Policy has been reviewed and amended in preparation for workplace health and safety harmonisation and updates to legislation.

**DETAIL**

The health and safety of our employees and community remains our top priority. People are our most important asset and their safety is our greatest responsibility.

Council adopted V1/016 Workplace Health and Safety version 1 on 28 August 2014 and version 02 on 23 August 2017 with both policies stating a review frequency of every two years. We have changed the frequency to every 3 years to better suit the Town's requirements for reviews based on previous updates.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the policy on the system has exceeded the review date.

**CONSULTATION***Internal*

- CEO and Executive Leadership Team;
- Workplace Health and Safety Advisor;
- Senior Human Resources Business Partner; and
- Senior Governance Advisor.

*External Agencies*

Benchmarking of other external agencies was used to improve the existing Policy and ensure a consistent and considered approach was adopted.

The Worksafe section of the Department of Mines, Industry Regulations and Safety website was also considered.

Occupational Health and Safety Policies were reviewed from other local governments and some content adopted to update the Town's Policy:

- City of Karratha;
- Shire of Wyndham, East Kimberley;
- Shire of Broome;
- City of Bunbury;
- City of Belmont; and
- City of Swan.

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

- *Occupational Safety and Health Act (1984)*; and
- *Occupational Safety and Health Regulations (1996)*.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial and resource implications related to this item.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

The safety of our employees and contractors is the top priority for the Town and underpins the delivery of services to the community and appropriate safety systems are required to support these services.

The following sections of the Town's Strategic Community Plan 2018-2028 are 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*

This Policy supports and applies to the outcomes stated in the Town's Disability Access and Inclusion Plan 2017-2022.

#### *Corporate Business Plan*

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

Safe and fit-for-purpose built environment 3.b.2.3 - Undertake regular reviews of Town facilities to ensure that they are safe for public and staff.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item as the policy is out of date and was due for a review in 2017. 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

The Town is committed to ensuring a safety culture and managing workplace health and safety that complies with, or exceeds, legislative requirements, including the *Occupational Safety and Health Act (1984)*, Regulations, Codes of Practice, Guidance Notes and Australian Standards. The new proposed amendments to the Policy are intended to reinforce that safety is our number one priority.

## ATTACHMENTS

1. Policy 1/016 Workplace Health and Safety - Adopted 23 August 2017 (under separate cover)
2. Revised Policy 1/016 Workplace Health and Safety - May 2020 (under separate cover)

11.1.12 REVOCATION OF PREVIOUS COUNCIL DECISION: 2020/21 RATING STRATEGY

**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.

### REVOKE PREVIOUS DECISION

To consider revoking Resolutions 3 and 4 of Council decision listed (in the Officer's Recommendation noted below), one third of Elected Members must support the revocation. Due to the suspension of Council, the Department of Local Government, Sport and Cultural Industries have advised that, the function of the Commissioner is to act as the Council in accordance with section 2.38(2) of the *Local Government Act 1995* and therefore the Commissioner can revoke the Council Decision in accordance with regulation 10 of the *Local Government (Administration) Regulations 1996*.

The Commissioner is to show his hand in support of the revocation. The Commissioner raised his hand:

1. \_\_\_\_\_

### OFFICER'S RECOMMENDATION

That Council revoke Resolutions 3 and 4 of decision CM201920/202 of the Ordinary Council Meeting held on 22 April 2020, which reads:

*"That Council:*

3. *Endorse a public consultation process on the proposed 2020/21 differential general rates and general minimum rates as follows:*
  - a. *State-wide and local public notice on Friday 1 May 2020 as per the requirements of Sections 6.36 of the Local Government Act 1995,*
  - b. *Individual ratepayer consultation for all ratepayers in general rate differentials with less than 30 rateable properties.*
4. *Note that following the submission period, a final report will be presented to Council considering ratepayer submissions."*

**ABSOLUTE MAJORITY VOTE REQUIRED**

### PURPOSE

The purpose of this report is for Council to consider the revocation of Resolutions 3 and 4 of Council Decision CM201920/202 made at the Ordinary Council Meeting held on 22 April 2020.

### DETAIL

At the Ordinary Council Meeting held on 22 April 2020, Council adopted the following decision:

**CM201920/202 OFFICER’S RECOMMENDATION / COUNCIL DECISION**

That Council:

1. Endorse the Statement of Objects and Reasons for the 2020/21 rating year as presented.
2. Endorse the following proposed Differential Categories, General Rates and Minimum Payments for the Town of Port Hedland for advertising for the 2020/21 rating year:

Rate Differential	Rate in Dollar (expressed as cents in the dollar)	Minimum Payment
GRV Residential	9.6289	\$1,300
GRV Commercial / Industrial	9.6287	\$1,900
GRV Mass and Tourist Accommodation	19.2093	\$1,900
UV Pastoral	11.0785	\$1,900
UV Mining and Other	19.7513	\$200

3. Endorse a public consultation process on the proposed 2020/21 differential general rates and general minimum rates as follows:

- a. State-wide and local public notice on ~~Wednesday~~ **Friday** 1 May 2020 as per the requirements of Sections 6.36 of the *Local Government Act 1995*,
- b. Individual ratepayer consultation for all ratepayers in general rate differentials with less than 30 rateable properties.

4. Note that following the submission period, a final report will be presented to Council considering ratepayer submissions.

***CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING***

Amendment:  
Wednesday is replaced by the correct day of Friday

On Thursday 30 April 2020, the Department of Local Government, Sport and Cultural Industries (Department) notified all local governments that, the Minister for Local Government is intending to make an Order using the new COVID-19 Response powers. The Department recommended that local governments, do not commence advertising their rates and charges until after the Order is gazetted.

On the basis of this notification, the Town of Port Hedland (Town) withdrew its public notice scheduled to be advertised on Friday, 1 May 2020 in the Western Australian newspaper. Consequently, Resolutions 3 and 4 (noted above) have not been actioned as per statutory obligation.

The *Local Government Amendment (COVID-19 Response) Act 2020* was passed by Parliament on 16 April 2020 and came into effect on 21 April 2020. This Act allows the Minister for local government to modify or suspend provisions of the *Local Government Act 1995* and regulations during a 'State of Emergency'. The Minister made his first Order under this legislation that came into effect on Friday, 8 May 2020 (Attachment 1). One of the many modifications made, included the following:

*'Clause 12: Section 6.36 modified – Local Government to give notice of certain rates: Local governments that resolve to set differential general rates and minimum payments at a level no higher than that imposed in 2019/20 will not have to comply with the provisions of section 6.36.'*

As the Town is not changing rates in the dollar from 2019/2020, the Town does not need to advertise rates for community consultation for 2020/2021.

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Manager Financial Services

### *External Agencies*

- WA Local Government Association (WALGA)

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.25 of the *Local Government Act 1995* and Regulation 10 of the *Local Government (Administration) Regulations 1996*, outline the requirements of revoking a decision of Council.

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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



*Disability Access and Inclusion Plan*

- Nil

*Corporate Business Plan*

- Nil

**RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because if Council does not approve the revocation of Resolutions 3 and 4, the Town will not comply with the Council decision approved at the Ordinary Council meeting held on 22 April 2020. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

**CONCLUSION**

It is recommended that Council revoke Resolutions 3 and 4 of Council Decision CM201920/202 made at the Ordinary Council Meeting held on 22 April 2020.

**ATTACHMENTS**

1. Local Government (COVID-19 Response) Order 2020 (under separate cover)
2. Notice of Motion (under separate cover)

11.2 Community Services

11.2.1 EXPRESSIONS OF INTEREST FOR THE SUB-LEASE OF PORTION LOT 500 FORREST CIRCLE, SOUTH HEDLAND, FOR THE PURPOSE OF CHILDCARE SERVICES

**Author:** Director Community Services  
**Authorising Officer:** Chief Executive Officer  
**Disclosure of Interest:** The author declared an impartiality interest in relation to this item, due to a close family member being enrolled at one of the respondent’s local branches. The Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER’S RECOMMENDATION**

That Council:

1. Endorse the outcome of the Evaluation report, as listed under Confidential Attachment 1;
2. Requests the CEO or his delegate to enter into a sub-lease agreement in accordance with section 3.58 of the *Local Government Act 1995* for the provision of childcare services on Portion Lot 500, Forrest Circle (part of the South Hedland TAFE site) with XXXXXXXX for a period of 5 years with a further 5 year option, with a lease fee to be negotiated in accordance with Policy 8/004 Community Leasing;
3. Should negotiations with XXXXXXXX not be successful, request the CEO or his delegate, enter into negotiations with the second preferred applicant, XXXXXXXX; and
4. A vote of thanks to the Hedland Collective for the partnership with the Town of Port Hedland in ensuring the delivery of a positive outcome for the alleviation of childcare issues in Hedland.

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to endorse the appointment of a suitably qualified childcare provider to run a childcare service located on Portion Lot 500, Forrest Circle, South Hedland.

**DETAIL**

The Council received a report on 13 February 2019 that highlighted the critical issues associated with the provision of childcare placements in Hedland. Part of the report’s resolution was to “*reactivate the South Hedland TAFE child care centre subject to successful tenure negotiations and receipt of external partnership funding to deliver the required capital works*”.

The Town entered into a lease with the Department of Workforce and Training (DWT) for the site and secured funding through the Hedland Collective for its refurbishment. The

refurbishment consisted of installation of new air-conditioning, retiled wet areas, full repaint, upgrade of lighting to the main rooms and internal sleep rooms, installation of appropriate security system for external/internal restricted access, upgrade of internal communication systems (intercoms), full replacement and fit-out of the kitchen to be compliant as a food premises, upgrades to the laundry and minor improvements to the outdoor areas, including play areas.

The Town then activated the process of issuing an Expression of Interest (EOI) to the market seeking accredited childcare providers to commence operations at the site. In the first instance, this process required the Town be granted *approval in principle* from the DWT on a draft sublease document to be issued to the market. Following this, the Town issued the EOI to the market on 25 March 2020 through a public notice in the North West Telegraph, a notice on the Town's website and a targeted email to childcare providers at a local, state and national level.

Respondents were given the opportunity to attend a non-mandatory in person site visit and a virtual tour via Facebook on 7 April 2020. At the site visit, representatives from two childcare providers were in attendance and the virtual tour was liked by 16 people. The EOI closed on 22 April 2020, and five submissions were received by the following:

- Early Learning Pty Ltd t/a Karratha Early Learning;
- Tagsfoe Pty Ltd t/a Child Campus Karratha;
- Kareen Cox;
- One Tree Community Services Inc.; and
- Young Men's Christian Association (YMCA).

The evaluation panel met on 30 April to discuss their scoring of submissions received. The panel comprised of:

- Director Community Services – Town of Port Hedland;
- Manager Community Development – Town of Port Hedland; and
- Director People Place Community – Pilbara Development Commission, as the Hedland Collective representative.

A summary of the assessment result for each submission received, is included in the confidential evaluation report (Attachment 1).

The preferred applicant is considered as being able to provide a high quality childcare service to the Hedland community. It demonstrated a significant level of experience in delivering successful childcare services of similar size. The quality of the service was supported by a very good track record with the regulator, a strong staff attraction and retention rate, centre based traineeship opportunities and a low staff turnover rate. In addition the business planning documentation presented as part of its submission, addressed all details associated with the organisation's staffing structure, employment packages, financial plans, staff training and education, skilled staff recruitment and retention plan. The respondent also demonstrated a superior quality of service through consistent outcomes on audit compliance and provision experience in providing services to disadvantaged and children with a disability.

Based on the evaluation panel's assessment, the officer's recommendation requires Council to consider entering into a sublease with the preferred applicant, however should negotiations

not be successful, then the second preferred applicant, as listed in the confidential attachments, should proceed.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because of the critical shortage of childcare placements across Port Hedland. All childcare providers in Hedland were consulted in 2018 to determine the extent of the shortage, and that information was utilised to develop solutions to the matter.

## CONSULTATION

### *Internal*

- Executive Leadership Team;
- Legal Advisor;
- Coordinator Property Management; and
- Manager Community Development.

### *External Agencies*

- RFF Australia;
- Department of Workforce and Training; and
- Hedland Collective.

### *Community*

- As noted under the level of significance header above

## LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*;
- *Local Government Functions and General Regulations 1996*;
- *Childcare Services Act 2007* and associated *Regulations*; and
- ToPH Policy 8/004 Community Leasing.

The process associated with this EOI is considered as a disposal of property via way of lease under section 3.58 of the Local Government Act 1995. It is to be noted that a disposition of land to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or like nature, the members of which are not entitled to receive any pecuniary profit from the body's transactions, is considered exempt in accordance with sections 30 (1) and 30 (2) (b) (i) (ii) of the *Local Government Functions and General Regulations 1996*.

## FINANCIAL AND RESOURCES IMPLICATIONS

The Town engaged a consultant to draft the EOI document for \$4,900 ex GST.

All applications submitted were considered in accordance with Town's Policy 8/004 Community Leasing, which would require lease fee negotiations with for-profits, in accordance with market valuations and lease fees, for not-for-profits to be in accordance with the Town's fees and charges schedule.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:

It is expected that the approval of this item will result in significant social, as well as economic benefits to the Hedland community.

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities;
- Outcome 4 – Quality of Service;
- Outcome 6 - Consultation Process; and
- Outcome 7 – Employment.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town has committed to work towards alleviating childcare issues in Hedland. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

There is a financial risk associated with this item because the Hedland Collective has significantly invested in the refurbishment of the site. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

The Council has the discretion of selecting an alternative proponent, however if that was the case, it should give formal and minuted reasons as to why it was to change the officer's recommendation.

*Option 3 – No accept officer's recommendation*

The Council has the discretion of not selecting any proponent. This would require the Town to recommence its EOI process to find a suitable childcare provider.

## CONCLUSION

The Town has conducted extensive work in ensuring that an appropriate childcare provider is selected to run the newly refurbished South Hedland site, through the support of the Hedland Collective. This resulted in a rigorous and extensive EOI process, through which a preferred

respondent was selected. The respondent is considered as a very suitable organisation to manage a much needed childcare service for Hedland residents and Council is requested to support it.

#### **ATTACHMENTS**

1. Childcare Evaluation Report - Confidential (under separate cover)

**11.2.2 COURTHOUSE GALLERY: QUARTERLY REVIEW - QUARTER 3 - JANUARY - MARCH 2020**

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

---

**OFFICER'S RECOMMENDATION**

That Council receive the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the third quarter, January – March 2020.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the third quarter from January – March 2020. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

**DETAIL**

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

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

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

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

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

The attached quarterly report outlines the progresses made by The Junction Co in the period January – March 2020. The organisation has reported a net profit of \$3,611.11.

A summary of the key achievements for the quarter January – March 2020 are noted below:

- Radius exhibition, featuring Pilbara artists;
- Launch of the Jury Art Prize, marking 20 years of Hedland's annual art awards;
- Partnership with ArtMoney, to foster a sustainable creative economy;
- Activation of the Courthouse Gallery + Studio during the Cruise Ship event in February;
- Program pivot in response to COVID-19, taking all programming and exhibitions online; and
- Exceeded numbers and delivery of initiatives and programs in all key performance indicator requirements, as determined and agreed with the Town.

### LEVEL OF SIGNIFICANCE

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

### CONSULTATION

#### *Internal*

- Building Maintenance;
- Planning;
- Arts and Culture;
- Communications; and
- Finance.

#### *External Agencies*

- Nil

#### *Community*

- Nil

### LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

### FINANCIAL AND RESOURCES IMPLICATIONS

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

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

#### *Social*



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

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

#### *Disability Access and Inclusion Plan*

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

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

#### **RISK MANAGEMENT CONSIDERATIONS**

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

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

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

#### **CONCLUSION**

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

#### **ATTACHMENTS**

1. Courthouse Gallery and Studio Quarterly Report - Quarter 3, January - March 2020. (under separate cover)

**11.2.3 DECOMMISSIONING OF DIVE POOL AT GRATWICK AQUATIC CENTRE**

**Author:** Manager Leisure Facilities  
**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. Approves the decommissioning the Gratwick Aquatic Centre Dive Pool and the construction of an undercover family area, during the winter non-operating period between July and October 2020;
2. Requests the Chief Executive Officer or his delegate to commence the procurement process associated with point 1 above in FY2019/20 to ensure timely delivery of the project in Q1 FY2020/21;
3. Note that budget provisions associated with this item will be incorporated in the FY2020/21 capital expenditure program; and
4. Note the ageing condition of all of the Town's aquatic facilities and request that the CEO or his delegate commence an Aquatic Facilities Master Plan.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the decommissioning of the Gratwick Aquatic Centre dive pool and the construction of a family area, which will require its emptying, excavation, refill compaction and landscaping. The objective of these works is to ensure the facility can continue to operate, in a safe and sustainable manner.

**DETAIL**

After a period of prolonged closure for remedial works to the mechanical plant and toddler pool, the Gratwick Aquatic Centre (GAC) was re-opened Saturday 21 November 2019, however it was then closed to the public from Thursday 26 November 2019, after the detection and subsequent confirmation of a water-borne amoeba within the dive pool, during routine water quality testing.

Initial results from the Department of Health indicated the presence of Naegleria Fowleri, however this was a false positive reading and upon further testing, it was confirmed to be Naegleria Australiensis. Subsequent testing after this date has also indicated the recurring presence of the Amoeba, isolated within the dive pool.

Officers have since mechanically isolated the dive pool from the remainder of the water bodies, in order to mitigate any potential cross-contamination and have reopened the facility. Subsequent water analysis of the children's pool and 50m pool, have confirmed that both maintain compliance, with water quality standards specified with the Code of Practice.

The dive pool currently has a temporary barrier placed around it and is being manually dosed with liquid chlorine, as there is currently no water circulation, due to its mechanical isolation from the remainder of the aquatic plant.

Officers have also investigated the potential reasons for the amoeba's occurrence and have found the following;

The dive pool is currently painted and not tiled, paint work within water-bodies can increase the likelihood of water-borne bacteria and amoeba developing, as they can potentially survive in chlorinated environments behind and within these surfaces;

The existing pipework and dive pool inlets are too narrow. This inhibits the ability to fully circulate water from the existing dispersal system, leading to a significantly greater probability of bacterial and amoebae growth; and

The existing pumps are not providing sufficient water turnover, in order to ensure water disinfectants are being effectively distributed.

The dive pool is approximately 50 years old. This means the pool is at the end of its useful life with regard to recognised local government asset management principles. To re-open the pool in its current condition, poses an ongoing risk of re-contamination of all water bodies, leading to further facility closures and public dissatisfaction.

In addition, dive pools are no longer being built outside of specialised Olympic standard aquatic sporting facilities, due to their limited functionality, capacity and need for significant supervisory requirements, due to the dangerous nature of the activity and extreme pool depth. This trend has also reflected in the GAC dive pool usage, with minimal community use based on ongoing observations by officers.

In order to remediate the dive pool and to ensure the risk of recontamination is minimised, significant mechanical, electrical, tiling and pipework would need to be completed at an estimated cost of between \$1.5M to \$1.7M. The cost associated with a remediation project has been assessed against the social benefit the community would derive from its use. Based on the current low usage of the dive pool, this expenditure is not considered to align with the Town's strategic direction.

As it is in the interest of public health and safety to ensure the efficient and effective ongoing operation of all GAC water bodies, officers recommend the permanent decommissioning of the dive pool.

Officers have explored a range of repurposing options for this space once the decommissioning work is complete, and after review, recommend the construction of an undercover family area, featuring fixed tables, seating and a barbecue / food preparation area.

Currently GAC has no fixed tables or seating, food preparation area and minimal shade, during certain times of the day, which has led to ongoing patron dissatisfaction. Officer's note that

providing this area should lead to an increase in visitor satisfaction, overall patronage, and length of stay at the facility and bookings for both private and public events, as the area will then provide enhanced facility and an excellent view of the ocean.

Initial quotes for the pool decommissioning have been received to the indicative value of \$189,000 ex GST, which includes:

- Excavation and disposal of approximately 300 tonne of concrete, pavers and bricks;
- Removal of all associated plumbing and electrical from pool area;
- Import 2,250 tonnes of clean fill Pindan and compact in hole;
- Import clean, rich topsoil and spread over site; and
- Install reticulation watering system and new roll out turf over rehabilitation area.

Initial quotes for the construction of the family area have been received to the indicative value of \$140,000 ex GST, which includes:

- Construction of a simple shade structure;
- Supply and install of fixed tables and chairs setting x 4;
- Supply and install of lighting;
- Supply and install of stainless steel BBQs double burner x 2; and
- Supply and install of concrete and flooring.

In order to avoid service disruption to GAC, it is the recommendation that these works be taken during the winter closed period of between July and October 2020.

In addition, given the age and current condition of both Gratwick Aquatic Centre (50 years old) and South Hedland Aquatic Centre (40 years old), it is recommended that the Town commence master planning for a more contemporary and sustainable set of aquatic facilities that will effectively meet future community, competition, program and leisure swimming and aquatic service needs. A budget provision of \$100,000 is required in order to carry out this work.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making' this matter is considered to be of low significance, this is based on current and previous utilisation of this asset.

## CONSULTATION

### *Internal*

- CEO;
- Director Community Services;
- Director Regulatory Services;
- Director Infrastructure Services;
- Director Corporate Services;
- Manager Environmental Health & Safety;
- Coordinator Aquatic Operations; and
- Manager Project Design and Delivery.

### *External Agencies*

- Department of Health Western Australia;

- Leisure Institute of WA Aquatic (LIWA); and
- Trisley's Hydraulic Services.

#### *Community*

- N/A

### **LEGISLATION AND POLICY CONSIDERATIONS**

- Health (Aquatic Facilities) Regulations 2007; and
- Code of Practice for the design, operation, management and maintenance of aquatic facilities 2015.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The Town has received an estimated cost total of \$329,000 (excluding contingencies) to undertake the GAC's decommissioning and for the construction of the family area, which will be incorporated the 2020/21 Capital Expenditure program.

It is estimated that the development of an aquatic facilities masterplan would require \$100,000, which will be allocated from the Town's FY2020/21 Community Services Directorate Budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a health, service interruption, compliance and reputational risk associated with this item because of the likelihood of potential contamination if not permanently remedied. The risk rating is considered to be High (15), which is determined by a likelihood of Possible (3) and a consequence of catastrophic (5).

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 the interest of public health and safety and to ensure the efficient and effective ongoing operation of all GAC water bodies, officers recommend the permanent decommissioning of the dive pool. In addition, to ensure that the Town is able to meet the needs of its community into

the future, whilst acknowledging the ageing infrastructure of its current aquatic facilities, it is recommended that an allocation be made in the 2020/21 Budget to commence the development of an aquatics masterplan.

**ATTACHMENTS**

Nil

**11.2.4 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 3 - JANUARY - MARCH 2020**

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

---

**OFFICER'S RECOMMENDATION**

That Council receive the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the third quarter, January – March 2020.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the third quarter from January – March 2020. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

**DETAIL**

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

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

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

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

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

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

The annual Key Performance Indicators for the facility will be assessed at the end of the fourth quarter and are as follows:

- 15,000 visitors supported through the Visitor Centre
- 1,000 people hosted on formal tours operated through the Visitor Centre
- Gold/A1 Tourism accreditation maintained (or equivalent)
- Development of a web presence and digital strategy to educate and attract visitors to the local area
- Development and distribution of up to date tourism documents promoting Port Hedland and the Pilbara region.
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period January – March 2020. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the quarter January – March 2020 are noted below:

- Quality Tourism Business accreditation achieved and finalised
- Execution of the cruise ship engagement program, held on the 22 February. Over 300 visitors booked tours of BHP Nelson Point, the Historic Town Tour and the Port Hedland Beach Eco Tour.
- 8271 people visited the Centre during the quarter
- Due to Covid-19 the regular event 'Yarning with the Locals' has been taken online and is delivered through the Visitor Centre's Facebook page.

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Building Maintenance
- Arts and Culture
- Communications
- Finance

### *External Agencies*

- Nil

### *Community*

- Nil



## LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

### *Economic*

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

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

### *Disability Access and Inclusion Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

## CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers’ Centre Inc. from January – March 2020 in its role as manager of the Port Hedland Visitor Centre.

## ATTACHMENTS

1. Port Hedland Visitor Centre Quarterly Report: January - March 2020 (under separate cover)

## 11.3 Regulatory Services

### 11.3.1 PROPOSED CLOSURE OF A PORTION OF POWELL ROAD

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

#### OFFICER'S RECOMMENDATION

That Council:

1. Delegate to the Chief Executive Officer to enter into an agreement with BHP at BHP's expense for the following matters:
  - a) Maintenance to the closed portion of Powell Road;
  - b) Emergency **and planned** access to the closed portion of Powell Road **during times when Wallwork Road bridge is not available or not suitable due to High Wide Load access requirements**;
  - c) Monitoring at the intersections of Pinga Street/Great Northern Highway and Wallwork Road/Wallwork Link Road for a minimum of 24 **12** months from the closure of the road, at the expense of BHP and to the specification and satisfaction of the Town, to identify any required road and intersection upgrades as a result of the closure; and
  - d) Completion of any road and intersection upgrades required as a result of monitoring, at the expense of BHP and to the specification and satisfaction of the Town.
2. Subject to the execution of the agreement detailed in point 1 and pursuant to *Section 58 of the Land Administration Act 1997*, support the proposed closure of a portion of Powell Road as shown on Attachment 1;
3. Advise the Department of Planning, Lands and Heritage of Council's support for the closure of a portion of Powell Road following execution of the agreement detailed in point 1; and
4. Advise those who lodged a submission of Council's decision.

Amendment:  
For clarity purposes, the inclusion of additional wording and reduction in timeframe.

***SIMPLE MAJORITY VOTE REQUIRED***

#### PURPOSE

The purpose of this report is for Council to consider the proposed closure of a portion of Powell Road, to increase safety through the reduction of road user conflict with the adjoining rail line.

#### DETAIL

In January 2020 the Town received an application from BHP (the proponent) to close a portion of Powell Road. The purpose for the closure is to reduce road user conflict and increase safety at the Powell Road Level Crossing. This crossing has been identified as seeing a significant number of incidents and near misses each year, representing a safety risk.

Additionally, this road is used intermittently for High Wide Load traffic movements into Wedgefield, posing further risk through road user conflict.

It is proposed to formally close the portion of road reserve, but retain the physical road for use by High Wide Loads or in the event of an emergency when required. The proposed closure will be managed by gates at either side of the crossing, restricting access when not required for these purposes.

#### Road Realignment

As shown in Attachment 1, the proposed closure will require the installation of two roundabouts, at the Powell Road/Hamilton intersection and Powell Road/Dalton Road intersection. These roundabouts are currently undergoing detailed design, but will likely require dedication of additional road reserve to allow for the increased width. This will be managed as a separate process following confirmation of detailed design, and will be constructed as soon as possible. A separate report will be provided for Council consideration once all works are complete to finalise the road reserve boundaries and any tenure issues.

#### Traffic Impact Assessment

To support the application, Main Roads WA at the request of the proponent prepared a Traffic Impact Assessment (TIA), contained as Attachment 2. The TIA considered alternative route lengths, average existing and expected traffic movements, and provided a projected analysis of Opening Year, 5 Year, and 10 Year results.

With consideration to alternative route lengths, six different alternative routes were considered dependant on direction of travel (being eastbound or westbound) point of origin, and destination. The following locations were used as both points of origin and destinations, depending on direction of travel:

- Wedgefield North, considered to be the Moorambine Street/Pinga Street intersection;
- Wedgefield South, considered to be Pinnacles Street/Pinga Street intersection;
- Great Northern Highway, south of Powell Road; and
- Hamilton Road, south of North Circular Road.

Four of the six alternative routes considered were shorter than the Powell Road Route. Of the two that were not shorter, the increased route length resulted in an increased drive time of less than 1 minute, and is accordingly considered to be minimal.

No routes to Port Hedland will be affected by the proposed closure, and accordingly this was not considered in the TIA.

Analysis of expected and proposed traffic movements at each of the assessed intersections identified only minimal increases to each, within the capacity of the relevant intersections. The key intersection was identified to be the Wallwork Road/Wallwork Road Link intersection, which was recommended to be monitored for the first year. Main Roads WA have confirmed that a 12 month monitoring program will be undertaken.

### Alternative methods

In the Town's assessment of the application, alternative methods of increasing safety at the railway crossing were considered, namely the construction of a bridge similar to Wallwork Road. This was however determined to be unsuitable given the presence of nearby Wallwork Road Bridge providing alternative access between Wedgefield and South Hedland, and the Great Northern Highway bridge that provides an alternative route.

The construction of the Wallwork Road Bridge saw the inclusion of additional lanes, resulting in increased traffic flow through both the additional lane and removal of the requirement for a rail crossing. This was designed and constructed to become the primary network between Port Hedland, South Hedland and Wedgefield, reducing reliance on the Powell Road route. Construction of an additional bridge would undermine this investment and place additional requirements to maintain the new bridge, and is considered inappropriate.

### Access

It has also been identified that the subject portion of road has some importance to the Port Hedland community and overall road network – specifically, and as seen in 2019, should the Wallwork Road Bridge be required to be closed for any reason this road would be necessary to divert traffic. Accordingly, it is proposed to support the closure only subject to an agreement ensuring the road is adequately maintained, and that it is accessible to the Town in the event of an emergency as a diversion route.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to the number of affected residents. The TIA identified existing movements along this road at an average of 2518 per day (Powell Road, East of Hamilton Road). The majority of these are likely to be travel to and from work and contractors travelling the road multiple times a day. It is estimated that approximately 1000 residents, approximately 8% of the Port Hedland Local Government Area population, will be affected by the proposed road closure. However, the TIA assessed 9 different roads immediately surrounding the proposed closure area. Of the roads measured, the portion considered for closure had the second least number of movements per day, with six of the roads seeing an average of at least 3000 movements per day. This indicates that overall usage of Powell Road considered for closure is comparatively low, when compared to surrounding streets.

Support of the officer's recommendation will result in the Town entering into an agreement for maintenance and access to the closed portion of road. Although it will effectively become a private road, the agreement will ensure it is maintained to a minimum standard and accessible by both emergency services and the public as a diversion route should it be required.

## **CONSULTATION**

### *Internal*

The proposal was referred internally to the Town's Environmental Health and Infrastructure Services teams.

The Town's Environmental Health team requested a dust management plan for any proposed works, which will be addressed as part of the required works approval for construction of the new roundabouts.

Infrastructure Services advised that they had no concerns regarding traffic impacts, and requested that the monitoring recommended in the conclusion of the Traffic Impact Statement should be completed. Main Roads WA have committed to undertaking this monitoring.

### *External Agencies*

The proposal was advertised to the following external agencies:

- DevelopmentWA;
- Department of Planning, Lands and Heritage;
- Horizon Power;
- Main Roads;
- Optus;
- Telstra;
- Water Corporation.

Responses were received from Water Corporation and DevelopmentWA, who had no objections to the proposed closure.

### *Community*

This matter was advertised for a period of 35 days in accordance with section 58 of the *Land Administration Act 1997*. An advertisement was placed in the North West Telegraph issue 15 January 2020, and advertised on the Town of Port Hedland Website for the same duration. A number of submissions, both for and against the proposal were received, and have been considered and addressed in Attachment 3 – Schedule of Submissions.

## **LEGISLATION AND POLICY CONSIDERATIONS**

The road reserve closure process is governed by section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*. When considering the application for road closure Council should take the following into account:

1. Any impact on the Town of Port Hedland through maintenance or
2. Potential costs to the Town through survey or other requirements; and
3. Any impact on the Port Hedland community should the proposed closure be supported.

In relation to points 1 and 2 above, all costs associated with the closure and ongoing maintenance will be borne by the proponent, addressed through an agreement for maintenance and emergency access. Although some community impact will result, as previously considered in this report this is likely to be minimal and is addressed in Attachment 3.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no significant financial and resource implications for this item, as any costs associated will be borne by the proponent.

## 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.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.

## RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because failure to support the proposed road closure will result in the existing road user conflicts and associated risks remaining. The risk rating is considered to be medium (5), which is determined by a likelihood of rare (1) and a consequence of catastrophic (5). This risk will be eliminated through support of the Officer's recommendation.

There is a service interruption risk associated with this item because support of the road closure will result in a number of users being required to find alternate regular routes. 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 has been assessed through the Traffic Impact Assessment and is considered acceptable.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The subject portion of Powell Road has been identified as posing a safety risk to the community through road user conflict. Support of the officer's recommendation will remove this risk, while ensuring that the physical road remains accessible in certain instances when required.

## ATTACHMENTS

1. Closure Area (under separate cover)
2. Traffic Impact Assessment (under separate cover)
3. Schedule of Submissions (under separate cover)

## 11.4 Infrastructure Services

### 11.4.1 FINAL ENDORSEMENT OF 'SOUTH HEDLAND ENTRY STATEMENT' LANDSCAPING WORKS

**Author:** Project Support 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:

1. Note that one formal public comment was received during the open consultation period between 26 March to 9 April 2020; and
2. Endorse the proposed 'South Hedland Entry Statement' landscaping work plans as per attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

---

#### PURPOSE

The purpose of this report is for Council to formally endorse the proposed plans for the 'South Hedland Entry Statement', following the conclusion of the public consultation period of 26 March to 9 April 2020, of which there was one comment received. The entry statement is located on Hamilton Road between Hedland Senior High School and Forrest Circle in South Hedland.

#### DETAIL

The proposed plans for the South Hedland Entry Statement were presented to Council at the March 2020 Ordinary Council Meeting for the purpose of endorsing the plans for public comment.

Public comments were sought via the Town's website and advertisements were placed on the North West Telegraph and Pilbara News websites. The comment period was open from 26 March to 9 April 2020, with one formal comment received on 30 March 2020 in support of the proposed plans.

Below is a copy of the comment received on 30 March 2020:

*"The design accentuates a sense of arrival into South Hedland which will build greater civic pride in the area. The design is well thought through and will build greater connection between significant infrastructures such as the High School, the sporting complex, Spinifex Hill Studio and the Bowling Club although the benefit goes well beyond any organisations based within the immediate precinct. Well done... I can't wait to see it implemented."*



*Proposed works*

It is envisaged that the South Hedland Entry Statement landscaping works will add value to the community by improving the visual aesthetics, reputation and perception of South Hedland, provide increased shade, a more pleasant environment for pedestrians, and improve the usability of the area by providing opportunities for social cohesion. The proposed works will also connect and integrate the area to the recently completed landscaping works along Throssel Road and Forrest Circle.

The proposed plans include the following deliverables:

- Planting out of embankments;
- Drinking fountains;
- Lighting;
- Public Art element;
- Planting of low maintenance ground covers and grasses;
- Kerbing, irrigation and landscaping upgrades and repairs;
- Planting of established trees to form an avenue;
- Protection of existing trees;
- Alternating bands of laid turf and cracker dust;
- Feature planting;
- Seating nodes with shade structures, concrete seating and retaining walls;
- Decorative paving; and
- Pathway linking to Spinifex Hill Studio.

*Proposed Timeline*

It is planned to undertake this work in the 2021/22 financial year when funding has been made available to deliver the project. Works are estimated to take up to sixteen weeks complete.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to the potential level of public interest and opinion.

**CONSULTATION***Internal*

Internal consultation has been undertaken with the following:

- Executive Leadership Team;
- Director Infrastructure Services;
- Manager Parks, Gardens and Engineering;
- Manager Project Design and Delivery;
- Manager Town Planning and Development;
- Engineering Technical Officer;
- Horticultural Technical Officer;
- Works and Services team members; and
- Parks and Gardens team members.

### *External Agencies*

- FORM;
- Land owners;
- Utility providers; and
- Local business owners.

### *Community*

Engagement with the community in relation to urban renewal and greening initiatives is encouraged, and promotes transparency and public inclusion. The proposed plans were made available for public comment for a period of two weeks.

## **LEGISLATION AND POLICY CONSIDERATIONS**

The identity of the person who provided the comment is deemed confidential in accordance with 5.23(2)(b) of the *Local Government Act 1995*. A full copy of the comment is attached under confidential cover.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

Funds for the delivery of this project will be required to be allocated in the 2021/22 financial year. High level costings have been developed based on the current plans and are anticipated to be in the vicinity of \$2.3M, of which the Town will receive \$950,000 as part of a successful negotiation with Compass Group Australia Pty Ltd. This contribution is to be received by the Town on or before 21 October 2021, as stipulated in Council Decision CM1920/209.

## **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
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

#### *Environmental*

This project will improve the overall landscape environment and increase biodiversity to the area. Sustainable planting and efficient reticulation and maintenance will eliminate any negative impacts to the environment.

#### *Social*

There are positive social impacts in relation to this proposed Entry Statement by creating an aesthetically pleasing environment and providing an opportunity for social cohesion by the community.

There are no significant identifiable 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 6 - Consultation Process.

#### *Corporate Business Plan*

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

- 1.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 Path strategy
- 3.b.1.4 Assess and rationalise the Town's infrastructure and assets
- 3.b.3.1 Develop, implement and review a sustainability plan for the Town's infrastructure
- 3.b.3.2 Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse
- 3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions
- 3.c.2.1 Continue to maintain roads, footpaths, cycleway, beach access, carparks, verges, shade structures, drains, and signage
- 3.c.3.1 Develop, implement and review public open space in line with the Parks and Paths Strategy
- 4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with our Vision Statement
- 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 is a financial risk associated with this item because this project has not been budgeted for. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). To eliminate this risk, a budget allocation and funding partners will need to be finalised. Final adoption of the plans will allow the Town to confidently release a tender for the completion of the works.

A 'Dial-before-you-dig' was undertaken for the location, and has identified vital infrastructure within the area. Any excavations to the site will need to be undertaken accordingly to mitigate any potential risks involved.

Availability of irrigation to the site has also been highlighted as a potential difficulty, with Town Officers currently working to rectify these concerns.

Whilst every effort will be made to restrict the works within the Town's land boundaries, if any works are impinging upon other parties land, the Town will be required to prepare management orders for any encroached portions. This risk is rating is considered to be low (1), which is determined by a likelihood of possible (3) and a consequence of insignificant (1). It is recommended that this risk be accepted due to the insignificance of the consequence.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

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

## CONCLUSION

The proposed South Hedland Entry Statement landscaping works will beautify the approach to South Hedland along both sides of Hamilton Road, from Hedland Senior High School to the roundabout at Forrest Circle.

Over the years, through comprehensive consultation with the community as part of the Town's various engagement campaigns, the community have voiced their repeated opinion to see improvements to beautify the Town and for the opportunity to provide feedback or engage with Council.

In order to promote transparency and community inclusion in the decision making of Council, the proposed plans for the South Hedland Entry Statement were released for public comment between 26 March and 9 April 2020, with one formal public comment received. Council is now requested to formally endorse the plans in order for the Town to proceed in negotiations with potential funding partners in order to deliver the project.

## ATTACHMENTS

1. Final Plans - South Hedland Entry Statement Landscaping Works (under separate cover)
2. Public Comment Received 30 March 2020 (under separate cover)

**11.4.2 AWARD OF TENDER RFT1920-19 - 'SANITATION & CLEANING PUBLIC ABLUTIONS'**

**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 RFT1920-19 'Sanitation & Cleaning Public Ablutions', for the total amount of XXXXXXXX (excluding GST) for the contract term of three (3) years, exclusive of two (2) one (1) year extensions options at the Town's discretion.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920 -19 Sanitation & Cleaning Public Ablutions and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL**

Currently cleaning of public ablutions and sanitation of Town assets in public open space is undertaken by a combination of Town of Port Hedland staff and contractors. The intention behind this tender is to improve the level of service provided to the community in terms of sanitation and cleaning of public ablution and Town assets in public open space. To ensure a high level of service daily checklists will be required to be submitted to the Town on a monthly basis and key performance indicators have been developed to ensure the level of service and inspection process are being maintained by the successful supplier.

While this tender is a lump sum contract, schedule two of the RFT requested hourly rates for operational maintenance throughout the term of the contract.

*Request for Tender*

The Town released a Request for Tender (RFT) on 11 March 2020, requesting daily cleaning and sanitation of 19 individual public ablutions and hourly rates for cleaning of bin, bin enclosures hardstands, playgrounds, ToPH plant and graffiti removal, on an as required basis.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 11 March, 2020 and was advertised in the West Australian and the North West Telegraph on 11 March 2020 with a closing date of 16 April 2020 at 23:00hrs (WST).

*Addendum Details*

An addendum was issued to correct calculation formulas within Schedule #1 Sanitation Cleaning Public Ablutions – 3 Year Operational Expenses. *Tender Assessment*

The Town received eleven (11) submissions for RFT 1920-19 Sanitation & Cleaning Public Ablutions

The respondents were as follows:

1. Healthy Clean
2. JMD Operations Pty Ltd
3. Kegland – Ethanol Surface Spray and Hand Sanitiser
4. Kleenit North Perth
5. Los Tres Cleaning Services Pty Ltd
6. Maid to Shine Cleaning Services
7. National Cleaning & Gardening Services
8. Papa Cleaning & Gardening
9. Pilbara Cleaning and Gardening Services
10. Pressure Force Port Hedland
11. Unicorn Cleaning & Gardening Services Pty Ltd

Of the eleven (11) submissions received, two (2) were non-compliant due to insufficient information being provided. 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 Advisor facilitated the evaluation meeting held on 30 April, 2020.

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

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

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

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because level of public interest in the cleanliness of Town assets.

## CONSULTATION

### *Internal*

Facility operators – Depot, Workshop, Landfill and 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'

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

## FINANCIAL AND RESOURCES IMPLICATIONS

Currently, the Town allocates approximately \$400,000 per year for cleaning and sanitation of public ablutions and public open space. The difference in budget and tender amount will cover additional services provided by the preferred tenderer for items such as events, extra cleaning due to soiling and increases in the number of public ablutions to be cleaned. Implementation of this contract will result in a more streamline and cost-effective approach to delivering these services at a high level to the community.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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.d.1.1 Develop, implement and review a facilitates management plan and purpose statement for all community facilitates including infrastructure standards, levels of service and management models.
- 1.d.3.4 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to appropriate standards.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because of the decrease in community perception on the quality and usability of public ablutions and public open space. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

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

### **CONCLUSION**

It is recommended that council support the officer's recommendation to award RFT1920-19 Sanitation & Cleaning Public Ablutions 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 provide a consistently high level of cleaning and sanitation to the community.

### **ATTACHMENTS**

1. Evaluation Report Tender RFT1920-19 - 'Sanitation & Cleaning Public Ablutions' - Confidential (under separate cover)



**11.4.3 AWARD OF TENDER RFT1920-28 - 'HVAC, ROOF AND INTERIOR RECONSTRUCTION WORKS AT THE JD HARDIE CENTRE'**

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

---

**OFFICER'S RECOMMENDATION**

That Council accepts the tender submitted by XXXXXXXX, in accordance with Tender 1920-28 'HVAC, Roof and Interior Reconstruction Works at the JD Hardie Centre', for the total lump sum amount of XXXXXXXX (excluding GST).

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for Tender RFT1920-28 'HVAC, Roof and Interior Reconstruction works at the JD Hardie Centre' and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

**DETAIL***Request for Tender*

The Town released a Request for Tender (RFT) on Wednesday 8 May 2020 requesting a suitably qualified construction contractor to carry out the refurbishment works listed below and subsequently provide a fully functional and operational facility. Works are to be undertaken in four (4) Separable Portions.

- Extensive internal and structural modifications and improvement to the Town of Port Hedland JD Hardie Youth Zone. The building carries an Importance Level of 4, being a disaster recovery centre, located in Climate Zone 1; Wind Region D (Cyclonic).
- New Roof over the entire building, including new wall cladding to select areas; including structural modification to accommodate new and modified roof profile.
- New Heating, Ventilation and Air Conditioning (HVAC) to the entire JD Hardie Youth Zone comprising of two (2) new chillers, Air Handling Units (AHUs) and associated pipework and ductwork including Building Management System (BMS).
- Demolition, alteration of interior spaces including modification of internal layout to reflect the new layout.

The works are to be split into four (4) Separable Portions as detailed above, with all portions completed concurrently to ensure the works are completed prior to the 2020/21 cyclone season and to limit disruption to existing programs run at the facility.

*Separable Portion 1 – Roofing & Associated/Dependent Works*

Summary of works, and not limited to: Demolition of existing roof mounted services, including careful removal of Telstra infrastructure (towers), all roof sheeting and ancillary materials. Structural demolition of existing multipurpose roof, concrete tilt panel walls, entry shade structures and like associated works. Undertake the structural works, new roofing and associated works (make watertight) in accordance with the drawings, specifications and relevant standards.

Includes mechanical services, AHU and plant and equipment located in plant room 1-4 required to be coordinated with the roof works.

*Separable Portion 2 – Multipurpose Room, Toilets & Kitchen Area Works*

Summary of works, and not limited to: Demolish and relocate the existing office, toilet and kitchen facilities including associated services. Construct new multi-purpose rooms including all other relevant structural, electrical, mechanical (including chiller procurement, installation and testing/commissioning) and hydraulic works in accordance with the drawings, specifications and relevant standards.

*Separable Portion 3 – Staff Administration Area Works*

Demolition of existing redundant facilities, walls and equipment. Construction of the staff administration area, reception and meeting room including all other relevant structural, electrical, mechanical and hydraulic works in accordance with the drawings, specifications and relevant standards.

*Separable Portion 4 – Youth Zone Works*

Summary of scope of works, and not limited to: Demolition of existing redundant facilities, walls and equipment. Construction of the youth zone area and youth offices including all other relevant structural, electrical, mechanical and hydraulic works in accordance with the drawings, specifications and relevant standards.

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

*Addendum Details*

There were seven (7) Addenda released for this tender, summarised below:

Addendum No.	Date of issue	Description
1	23/04/2020	Minor wording amendments
2	24/04/2020	Names of separable portions 3 and 4 corrected
3	29/04/2020	General Conditions of Contract amended
4	30/04/2020	Additional drawings issued
5	01/05/2020	Pricing schedule amended to add provisional sum for window dressings
6	04/05/2020	Amended closing date to 8 May 2020 at 3:00pm WST
7	04/05/2020	Amended closing date to 11 May 2020 at 12:00pm WST

*Site Inspection/Briefing details*

Date: 22 April 2020  
 Time: 12:00pm  
 Location: JD Hardie Centre

*Tender Assessment*

The Town received six (6) submissions for RFT 1920-28. The respondents were as follows:

1. H&M Tracey Construction
2. Swan Group WA
3. Mitie Construction
4. MJW Building
5. Total Civil & Earthmoving
6. Vega Australia

Of the submissions received, two (Total Civil & Earthmoving and Vega Australia) were rejected as required documents were not attached to their submissions. 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 18 May 2020.

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

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	35%
Resources & Delivery	25%
Demonstrated Understanding & Methodology	30%
Project Controls	10%

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

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, and does not require public consultation.

## CONSULTATION

### *Internal*

- Director Infrastructure & Town Service
- Director Community Service
- Manager Environment Health & Community Safety
- Manager Community Development
- Manager Project Design & Delivery
- Principal Project Manager
- Senior Sport & Facilities Officer
- Coordinator Property Management
- Manager Town Planning and Development Regulatory Services
- Senior Youth Officer

### *External Agencies*

- Telstra Corporation Limited

### *Community*

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph on 8 May 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';
3. Code of Conduct; and
4. Business Ethics IOP.

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

## FINANCIAL AND RESOURCES IMPLICATIONS

The 2019/20 adopted budget allocated \$2,000,000 towards the design and delivery of the JD Hardie Roof and HVAC Replacement project, of which \$309,600 has been spent to date. All uncommitted funds from the 2019/20 allocation will be carried forward into the 2020/21 budget year and additional funds have been programmed into the 2020/21 Capital works budget in order to resource the project. Subject to adoption of the 2020/21 budget by Council, an additional amount of \$5,645,000 has been allocated to this project.

## 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.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.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.b.1 Sound long-term financial planning is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

### *Corporate Business Plan*

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

- 1.a.6.1** Promote awareness of town-wide health, recreation, sporting and safety services and initiatives
- 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
- 1.d.3.2** Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure
- 2.a.2.1** Develop Master Plans and business cases for future project implementation, in line with the Town's strategic direction and needs
- 3.b.2.2** Undertake community cyclone preparation and response
- 3.b.3.1** Develop, implement and review a sustainability plan for the Town's infrastructure
- 3.b.4.1** Develop, implement and review a strategy which creates opportunities for the Town's built infrastructure to incorporate innovation and robust designs for alternative future usages
- 4.b.1.1** Develop, implement and review the Town's Long-Term Financial Plan
- 4.c.4.1** Develop, implement and review efficiency strategies across all facilities and infrastructure.

## RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item if the works are not completed in accordance with the planned schedule, either due to product availability or timing over-runs. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

To reduce this risk, the action plan is to develop clear milestones for the project and hold regular meetings with the contractor to track progress on the works and any expected delays.

## 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 support the officer recommendation to award RFT1920-28 for the HVAC, Roof and Interior Reconstructions Works at the JD Hardie Centre to the preferred tenderer indicated in the tender evaluation report. This company has met all selection criteria requirements for the Town of Port Hedland.

## ATTACHMENTS

1. Evaluation Report RFT1920-28 - 'HVAC, Roof and Interior Reconstruction Works at the JD Hardie Centre' and Endorsement Memo signed by CEO\_20200521 - Confidential (under separate cover).
2. Norda Technical Tender Evaluation Report - Confidential (under separate cover).
3. Norda Tender Assessment Scoring Schedule – Confidential (under separate cover).

**11.4.4 PRETTY POOL CREEK- CONCEPT PATH BOARDWALK AND BRIDGE DESIGN CONSULTATION FEEDBACK**

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

---

**OFFICER'S RECOMMENDATION**

That Council:

1. Acknowledge the eight (8) public submissions received over the 21 day public exhibition period, noting that the responses were overwhelmingly positive in support of Option 1 outlined in the Pretty Pool Creek- Concept Path, Boardwalk and Bridge Design Report;
2. Note that the Pretty Pool Creek path boardwalk and bridge design proceed to detailed design.

*SIMPLE MAJORITY VOTE REQUIRED*

---

**PURPOSE**

The purpose of this report is to notify Council of the responses received following the public exhibition of Pretty Pool Creek - Concept Path, Boardwalk and Bridge Design Report. The report investigated three (3) alternate bridge and boardwalk alignments for a link between Pretty Pool and Cooke Point localities. The Town undertook consultation to gain input from the community on the preferred alignment of Option 1.

**DETAIL**

The Pretty Pool Creek area is highly valued by the community of Port Hedland, serving as a location for social and recreational opportunities. The calmness of the water at the Pretty Pool ocean shoreline and Creek entrance contributes to its popularity for water based activities in addition to its use for passive recreation, including walking, photography and sun bathing. The Pretty Pool Creek area is also a valued social location and is commonly used for barbecues, picnics and community events. The Town intends to further activate and provide amenity to the area by constructing a pedestrian path, boardwalk and bridge network to connect across the Pretty Pool Creek.

A report by Coastal Engineer M P Rogers & Associates investigated three (3) alternate bridge and boardwalk alignments for a link between Pretty Pool and Cooke Point localities. The westernmost location (Option 3) was discounted during early discussions, based on its large distance from the residential development area to the south and poor connection with the ocean shoreline.



In summary, Option 1 is considered to be much more suitable for the location, when compared with Option 2, due to the following:

- Option 1 requires shorter bridge and boardwalk lengths to be above the 100 year ARI design water level, resulting in significant cost benefits;
- The Option 1 bridge location provides closer views out to the Pretty Pool beach, ocean and tidal flats;
- The relevant Option 1 shoreline (approximately chainage 200 m on the southern side and between chainages 750 and 850 m on the northern side from Figure 2.9) appears to be relatively stable over the observed timeframe, with minor rates of accretion of around 0.3 m/year generally identified. This is therefore considered to be an appropriate location for a path, boardwalk and bridge system, with minimal management expected as a result of shoreline movement over the 50 year design life. Furthermore, the shoreline analysis does not identify significant stability increases further up the Creek at the Option 2 location;
- Option 1 avoids the mangrove and samphire flat vegetation communities, thereby minimising the subsequent environmental impacts and approvals requirements. This was recommended by RPS (2019). Furthermore, Option 1 will likely be easier to access during construction and result in cheaper installation costs; and



- Option 1 has a reduced footprint within the Aboriginal Registered Site (28249 Pretty Pool). This is based on the extent of the structures within the Site as well as the construction requirements for the respective Option 1 and Option 2 structures.

At the Ordinary Council Meeting held on 26 February 2020, the report was presented to Council and Council supported the Pretty Pool Creek - Concept Path, Boardwalk and Bridge Design report with Option 1, as the preferred alignment. The Town has since undertaken consultation to gain input from the community on the preferred alignment of Option 1 and is accordingly reporting back to council on feedback received.

In March 2020, the Town commenced online community engagement for the Pretty Pool Creek concept path, boardwalk and bridge design following the February 2020 Council endorsement of Pretty Pool Creek- Concept Path, Boardwalk and Bridge Design report with Option 1 as the preferred alignment.

Due to COVID-19 restrictions, face to face engagement was not possible for this project. Therefore, primarily digital mechanisms were utilised to drive people to an online consultation platform, where comments could be submitted regarding the project. The consultation platform was hosted on the Town’s website.

The following responses were obtained from the Town’s website, during the 21 day consultation phase:

Comments	Positive / Negative
<p>Parking on Cooke Point side</p> <p>There is not enough space available now for Stairway to the moon Visitors. Need to consider a purpose built car park for those people that want to jog, exercise or just access the other side from Cooke point.</p>	<p>Positive - will duly note and improve parking amenity in the detailed design phase.</p>
<p>Brilliant idea</p> <p>As a rate payer, being able to walk / run / cycle to and from Port Hedland from South without interacting with traffic would be a worthwhile investment in this town. A scenic route is a fantastic idea. The other issue is getting from the Salt to this proposed bridge. Please ensure that two-way cycling traffic needs to be assured in the bridge. Please make it wide enough for this safety reason.</p>	<p>Positive</p>

<p>Security and facilities</p> <p>If the intent is to attract people you're bound to attract all types of people. What are the plans for security? The park at pretty pool is already too small. Improvements in the size of the park and facilities should be completed at the same time as any improved access.</p>	<p>Positive- stakeholder engagement and surrounding amenity will be a key consideration throughout the detailed design phase.</p>
<p>New foot bridge Pretty pool to Cooke Point</p> <p>Hi feel the option chosen is of best benefit to the community. The bridge design is appropriate many options sourced &amp; there appears to be limited destruction to the environment. Low lighting will ensure it can be used at night as well as day. The views following the beach will be a draw card to visitors in future times.</p>	<p>Positive</p>
<p>Footbridge</p> <p>Please build it asap. It's great.</p>	<p>Positive</p>
<p>I believe Port Hedland have a lot more things they need to spend money on rather than a bridge to a Beach. Where/when to house their oldest citizens, how to enable people who have houses and businesses in the West End to either have some support as their assets have devalued through no fault of their own, either go with or stop talking about a Marina, Landscape and tidy up Sth Hedland. Bring some life back into the town by fixing the pools, the waterpark, the free BBQs. Just a few suggestions from someone who has to live in Perth for Health reasons. And put some money into the Health Services and some control into the Schools.</p>	<p>Negative- wishes to allocate funding to alternative projects</p>
<p>All for it</p> <p>I've thought this was a great idea for years. Hopefully local vendors can be used</p>	<p>Positive.</p>

<p>Great about time</p> <p>This is a very positive thing, back in the early 80s there was talk but was stopped as someone had their yacht up in the creek. Option 1 looks like it is the way to go, finally connecting Cooke Point with Pretty Pool. People can still paddle board, swim, fish and just use this special area of beach and water. Another great sign for the town.</p>	<p>Positive.</p>
--	------------------

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, because its award will provide direct access to additional resources, experience and expertise to assist in delivering the Towns capital and operational works program. Due to this significance rating, public consultation has been undertaken.

**CONSULTATION**

*Internal*

- Nil.

*External Agencies*

- Nil.

*Community*

Key online community engagement statistics:

- Online ads reached 30,211 people;
- Facebook posts reached 10,416 people;
- Eight survey responses were recorded on the Towns website; and
- Two newspaper articles were written on the subject to reach NWT readers.

**LEGISLATION AND POLICY CONSIDERATIONS**

The Local Government Act and Town of Port Hedland’s Procurement Policy will be observed when preparing and awarding the tender of the package of work.

The *Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Two allocations have been proposed in the FY2020/21 budget as follows:

An allocation of \$250,000 to provide for the preliminary investigations, approvals, detailed design and construction of relevant footpath and boardwalk network in the vicinity of where the bridge will be built, and an allocation of \$200,000 to provide for the preliminary investigations, approvals and detailed design of a bridge structure over Pretty Pool Creek.

Further work will be required to establish a more accurate estimate for the bridge structure, footpath and boardwalk.

The Town has initiated talks with industry partners to seek grant funding for the construction of the bridge.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

A number of investigations and approvals are required to advance the concept design of the proposed Pretty Pool Creek Bridge and Boardwalk.

An application for a clearing permit is required to be submitted to Department of Water and Environmental Regulation.

Consent under Section 18 of the Aboriginal Heritage Regulations 1974 will be required from the Department of Planning, Lands and Heritage to progress the project.

There are no significant identifiable 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 6 - Consultation Process

### *Corporate Business Plan*

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events.
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose.
- 1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure.
- 3.a.1.1 Develop, implement, monitor and promote strategies to protect and enhance Port Hedland's natural environment.
- 3.b.1.1 Develop, implement and review a Parks and Paths strategy.

**RISK MANAGEMENT CONSIDERATIONS**

There may be a compliance and reputational risk associated with this item because if the Town does not address and rectify the required maintenance and renewal of the Towns assets in a timely and efficient manner. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

**CONCLUSION**

The Pretty Pool Creek Bridge and Boardwalk project has been planned for, considered and discussed by the community over many years. This report considers various placement options and clearly outlines a preferred alignment.

The feedback received from the public consultation process has been tremendously positive and will certainly inform future detail design.

**ATTACHMENTS**

1. Pretty Pool Creek- Concept Path, Boardwalk and Bridge Design Report (under separate cover)
2. Pretty Pool Bridge Communications Post Event Analysis (under separate cover)

---

## Item 12 Reports of Committees

---

### 12.1 Audit, Risk and Governance Committee Minutes - 12 November 2019

**OFFICER'S RECOMMENDATION**

That Council receive the Minutes of the Audit, Risk and Governance Committee held on 12 November 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

---

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

---

---

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

---

---

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

---

---

## Item 16 Closure

---

### 16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 June 2020 commencing at 5:30pm.

### 16.2 Closure

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