



AGENDA

Dear Councillor

I respectfully advise that **ORDINARY COUNCIL MEETING** will be held in the **Council Chambers, Civic Centre, McGregor St, Port Hedland**, on **Wednesday, 27 November 2019**, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "David Pentz".

David Pentz
Chief Executive Officer

18 November 2019 - Amended 27 November 2019

DISCLAIMER

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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.”

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Commissioner 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

Present: Commissioner Fredrick Riebeling, Director Corporate Services Anthea Bird
In Attendance: David Pentz (Chief Executive Officer), Peter Chandler (Acting Director Infrastructure Services), Josephine Bianchi (Director Community Services), Craig Watts (Director Regulatory Services)

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

Date	Meeting	Topic
01/10/2019	Grants Commission	Ravensthorpe and Jerramunup
02/10/2019	Grants Commission	Dundas
02/10/2019	Grants Commission	Coolgardie and Kalgoorlie-Boulder
02/10/2019	CEO Recruitment	Meeting with Alison Gaines from Gerard Daniels and Trish Ridsdale from Board Business
09/10/2019	Louise Newbery	Discussion on confidential matter
10/10/2019	ABC Radio	Interview
10/10/2019	Pilbara Ports Authority	Stakeholder Briefing PRI Projects 2019
10/10/2019	Hedland Gymnastics Club	Meeting with Kerrie Hodgkinson
11/10/2019	Pilbara Regional Council	Ordinary Council Meeting
14/10/2019	BOM Seasonal Outlook Presentation	Session with BOM
14/10/2019	Chris Macko (Community Member)	Chill out Gamespace for kids
15/10/2019	Spirit Radio	Interview
15/10/2019	Gloria Jacob	East Pilbara District Health Advisory Council
16/10/2019	Auditors meeting	Financial information
17/10/2019	Rivers Regional Council Meeting	As per agenda
18/10/2019	BHP	Rail Project Overview
18/10/2019	Exhibition Opening	George Tjungurrayi Ward
21/10/2019	Hendrix Scheltens	Stevens Street
21/10/2019	Hedland Gymnastics	Narika Castle
22/10/2019	Lisa Rose - Kangaroo Retreat	Funding
22/10/2019	PDC and local tourism operators	WA Tourism Conference, enhancing cultural tourism in Port Hedland
22/10/2019	Port Hedland Industries Council	Meeting
22/10/2019	Horizon Power Board	Dinner
22/10/2019	WA Planning Commissioner (WAPC) Chairman skype meeting	West End
23/10/2019	Ordinary Council Meeting	As per agenda
24/10/2019	Spirit Radio	Interview
24/10/2019	ABC Radio	Interview
24/10/2019	Michael Connolly	Department of Local Government, Sport and Cultural Industries
24/10/2019	Department of Planning, Lands and Heritage (DPLH)	Development Assessment Panels Refurbishment and extension to Port Hedland Aviation Terminal
24/10/2019	Patrick McClure (DPLH)	West End Improvement Scheme
25/10/2019	Karen Parker	Kennels in South Hedland
25/10/2019	Danielle Van Kampen	BHP Meeting
28/10/2019	Brad Pawlenko (DevelopmentWA)	SH Town Square Land tour

28/10/2019	Mary Russell	Port Hedland Air Freight
29/10/2019	Spirit Radio	Interview
29/10/2019	Community Sports Awards	Judging with BHP
29/10/2019	Peter Carter	Discussion on confidential matter
29/10/2019	Community member	Pony Club and Stables Development
31/10/2019	Jim Henneberry	Styles Road Development with Kerry Robinson
31/10/2019	CEO recruitment teleconference	CEO Recruitment
31/10/2019	Hedland Senior High School	Board Meeting

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 23 October 2019 are a true and correct record.

Item 11 Reports of Officers

11.1 Corporate Services**11.1.1 ADOPTION OF THE 2019/2020 BUDGET FIRST QUARTER REVIEW**

Author: 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 adopt the 2019/2020 Budget Review for the period ended 30 September 2019, resulting in a projected closing municipal surplus of \$393,980 as at 30 June 2020, and amend the budget accordingly.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and adopt the 2019/2020 Budget First Quarter Review as presented in the Statement of Financial Activity. This review incorporates actual activity for the period 1 July 2019 to 30 September 2019.

DETAIL

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The budget review is an opportunity to evaluate and update the current budget which may have been impacted by various factors since the original 2019/2020 was adopted on by Council on 26 June 2019. The projected closing municipal surplus of \$393,980 is a reduction from the original budget surplus of \$875,802. This is mainly attributable to an increase in capital works programmes.

Council adopted the reporting of the following material variances to be used in the statements of financial activity and the annual budget review.

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.
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.

Features of the Q1 budget review include:

Operational Program Amendments - Revenue	
Increase in budgeted revenue for waste collection to agree with charges on rates.	\$333,230
Increase in reimbursed income for the Airport Master Plan review – funds have been received but were not included in original budget.	\$31,720
Reduction in budgeted income from Pound fees	(\$33,500)
Operational Program Amendments - Expenses	
Reduction in the budget for expected payments for materials and parts expenses for the operation of the Retirement Village.	\$35,000
Increase in the budget for Landfill Management Consultants – this will be funded by the reduction in the Fire Suppression capital project budget of \$80K.	(\$80,000)
Reduction in budgeted allowances for Members of Council due to the suspension of elected members.	\$60,000
Increase in the budgeted lease expense to allow for the annual expensing of prepaid TAG fees not included in the original budget.	(\$31,611)
Increase in the expected expenses for software licences	(\$30,000)
Increase in budget for executive recruitment – recruitment of 3 directors.	(\$75,000)
Reduction for foreshore coast works planning and design stage 2 – delayed due to TC Veronica.	\$100,000
Reduction in consulting costs for Depot Master Plan with initial work completed in-house.	\$200,000
Operational Program New Initiatives - Expenses	
Increase in Town Planning & Development for the Port Hedland Urban Development Area Planning. To be funded from the Financial Risk Reserve resulting in a nil impact to the Municipal surplus. Adopted at Council on 23 October 2019.	(\$335,000)
Increase in the budget for mandatory building audits conducted on staff housing. To be funded from the Financial Risk Reserve.	(\$100,000)
Shredding of green waste at the landfill avoiding a potential fire hazard. To be funded from the Waste Reserve.	(\$200,000)
Capital Program Amendments	
Reduction in the budget for the Child Care Strategy Implementation, to align with tender adopted at Council on 23 October 2019.	\$721,530
Increase to the budget for staff housing for the construction of new dwellings to replace old and costly housing stock. Funded from PHIA long term lease proceeds reserve.	(\$1,500,000)
Increase in the costs for staff housing renewal and upgrade program.	(\$180,000)
Budget reduction for Sustainable Landscaping not going ahead.	\$80,000
Increase in the budget for the Spoilbank Marina Landside Buildings. Budget increase due to increased scope including additional project management fees, indigenous engagement and heritage surveys. To be funded from the Spoilbank Reserve resulting in nil impact to the Municipal surplus.	(\$250,000)
Increase in the budget for the Community Facilities Renewal program.	(\$450,000)

Budget increase due to increased scope for the GAC Gym Expansion, McGregor Street Change rooms and the South Hedland Library.	
Reduction in the budget for the Yakira ablutions due to tender submissions.	\$50,000
Reduction in the budget for the YMCA transition.	\$100,000
Capital Program Amendments	
Increase in the budget for the Depot Works implementation plan – transfer of Records Shed which is to be included as part of the plan.	(\$150,000)
Reduction in the budget for the Records Shed at Depot – to be included in the Depot Works Implementation plan.	\$150,000
Reduction in the budget for the Fire Suppression Project.	\$80,000
Increase for Waste - Public place bin enclosures renewal project to include installation costs.	(\$41,435)
Reduction in the Traffic Calming Program due to FY20 programming.	\$100,000
Preliminary Works, Road Safety Audit and Compliance improvement to be reduced to \$20k for this year due to reduced programme.	\$130,000
South Hedland Main street - Throssell Road Verge Upgrade – additional costs to complete project.	(\$50,000)
CCTV JD Hardie internal cameras – works completed under Safe Communities Grant.	\$50,000
CCTV - Marquee Park federation into Town's CCTV network – works completed under Safe Communities Grant.	\$60,000
Gym renovation at Gratwick Aquatic Centre reduced as project will be completed under Commercial Renewal Budget.	\$100,000
Reduction in the budget for the South Hedland Aquatic Centre Security program as the project did not receive Federal Government funding approval.	\$297,000
Telecommunications renewal & upgrade project – budget increased and funded by the reduction in budget of other projects.	(\$110,000)
Capital Programme New Initiatives	
Budget for Light Vehicles required - 2 x Manager, 1 x Director and 1 x Ranger vehicle to be funded by the Plant Reserve resulting in a nil impact to the Municipal surplus.	(\$200,000)
Kevin Scott Oval - new ablution facility at the park. Partly funded by a reduction in the budget of the Yakira ablution project.	(\$150,000)
Wilson Street shared path project – community has been vocal regarding the construction of a path to link Port and South. Partly funded by a \$30K grant from Main Roads.	(\$60,000)
Infocouncil – This project was included in the budget for FY19. Additional costs incurred to finalise project.	(\$30,000)
Port Hedland Baseball Association - re-establishment of dugouts and scorers box. This project was budgeted for in the 18/19 Capital but was not completed, nor transferred to unfinished works reserve for FY19/20.	(\$130,000)
Blackspot - The Town was successful in its Black Spot Grant application for North Circular Road of which the Town is required to make a 1/3 contribution. The project is to be funded by the Town with a 2/3 recoup at completion.	(\$195,000)

Colin Matheson Tank – this budget request is to carry out emergency work identified after the failure of the existing tank in September 2019.	(\$130,000)
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LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because budget reviews are vital to ensure the Town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices in order to mitigate financial risk exposure to Council.

CONSULTATION

Internal

The 2019/20 current budget has been reviewed by all Managers and the Executive Leadership Team. They have collectively considered the impact of the budget amendments presented, to benefit the community as a whole and keep within the budget guidelines of a balanced budget.

External Agencies

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

A local government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A (1) of the *Local Government (Financial Management) Regulations 1996*. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Although there is no statutory requirement to present the review to the ARG, the Committee's terms of reference under 7.4.7 require the ARG to receive quarterly budget reviews. It is the Committee's role to provide comment and feedback on the review in terms of the overall aspects of the review. This review was prepared as at 30 September 2019 to provide the Committee and Council with overview and insight to expenditure against the budget, and amendments identified throughout the financial year.

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A (2) and (3).

FINANCIAL AND RESOURCES IMPLICATIONS

The 2019/2020 Budget First Quarter Review for the period ended 30 September 2019 has identified increased operating revenue of \$392,190 and increased operating expenditure of \$1,060,866, resulting in a net increase to the operating deficit of \$668,676.

Capital programmes have increased by \$1,707,905 to a total estimated \$41,998,520.

To fund the additional operating deficit and capital programme, it is proposed that reserves be drawn down by an additional \$3,215,649.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section 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

Economic

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical and available.

Social

Significant social impacts will be achieved including the investment into community infrastructure and programs and the promotion of the Town as a great place to live and work.

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned to the risk that the review not be submitted to Council within 30 days after the review has been finalised. This risk has an unlikely possibility and a moderate impact in relation to compliance with significant regulatory requirements imposed.

There is a risk rating of medium (9) assigned to the risk that the Council do not adopt the 2019/2020 Budget First Quarter Review for the period ended 30 September 2019, resulting in the delay or inability to perform specific capital works which are essential but do not currently have an approved budget item line. This risk is possible with a moderate impact in relation to compliance with significant regulatory requirements imposed.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report presents a summary of the 2019/2020 Budget First Quarter Review for the period ended 30 September 2019. A number of variations are proposed as part of this review to meet community and organisational requirements.

The outcome of the review presents an estimated municipal surplus of \$393,980 as at 30 June 2020.

ATTACHMENTS

Nil

11.1.2 FORMAL APPOINTMENT AND NOMINATION FOR EXTERNAL GROUPS

Author: 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. Formally appoint Commissioner Fredrick Riebeling as a member of the following external groups as the Town's representative:
 - Joint Development Assessment Panel
 - Regional Roads Group
 - Local Emergency Management Committee
 - Hedland Roadwise Committee
 - Regional Capitals Australia
 - Regional Capitals Alliance Western Australia
 - The Port of Port Hedland Community Consultative Committee
 - East Pilbara District Health Advisory Committee
 - Hedland Senior High School Independent Public School Board
 - Port Hedland Technical Advisory and Consultative Committee
 - Port Hedland Industries Council
 - Spoilbank Community Reference Group
 - Hedland Community Safety Advisory Forum
 - Hedland Collective
2. Nominate Commissioner Fredrick Riebeling to become a member of the following external groups as the Town's representative:
 - Pilbara Development Commission
 - BHP Stakeholder Engagement Group
3. Rescind policy '4/007 Elected Member Representation with External Organisations' as per attachment 2; and
4. Note 'Elected Member External Groups Representation Information Statement' as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider to formally appoint and nominate the Town of Port Hedland's Commissioner Fredrick Riebeling (Commissioner) as a member of various external groups as the Town of Port Hedland (Town) representative.

DETAIL

On 29 October 2019, the Town received notification from the Minister for Local Government; Heritage; Culture and the Arts declaring all offices of elected members for the Town as vacant. Commissioner Fredrick Riebeling has been appointed as Commissioner until October 2020. This report is to formally appoint and nominate the Commissioner to become a member of various external groups as the Town's representative.

The Town also recommends for policy '4/007 Elected Member Representation with External Organisations' to be rescinded and replaced with an Elected Member External Groups Representation Information Statement. This Information Statement will be kept updated by the Town's administration, and be accessible on the Town's website.

The below provides a brief description of each external group and its purpose.

Formal Appointments:

WALGA Zone Representation

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment.

At the Ordinary Council meeting held on 23 October 2019, the Commissioner and the Chief Executive Officer were appointed as Pilbara zone delegates for the Town of Port Hedland.

Joint Development Assessment Panel

The Joint Development Assessment Panel (JDAP) was formed as a key component of planning reform in the state. The intention of JDAP is to improve the balance between technical advice and local knowledge.

The Minister for Transport and Planning appointed the Commissioner to represent the Town on JDAP until January 2020. The Town is seeking approval from the Minister of Planning to extend this time to October 2020 for his respective term as Council.

Regional Roads Group

Regional Roads Group was set up to make recommendations on the allocation of funds available from the State Government sources for local roads according to areas of greatest need and where they will provide maximum benefit to all roads users.

The Commissioner for his respective term as Council is recommended to represent the Town of Port Hedland on the Regional Roads Group.

Local Emergency Management Committee

The Local Emergency Management Committee (LEMC) is established under provision 38 of the *Emergency Management Act 2005 (WA)*. The purpose of the LEMC is prescribed in section 39, to provide advice to Council, liaise with external authorities, complete any mandated emergency management activities. The Commissioner for his respective term as Council is recommended to represent the Town on the LEMC.

Hedland Roadwise Committee

The Hedland Roadwise Committee (HRC) was founded in 1994 as a joint initiative between state, local and regional government in conjunction with the community to implement the Towards Zero state road safety strategy for 2008-2020. The HRC aims to encourage safe road use, improve roads safety raise community awareness and develop and coordinate road safety strategies. The Commissioner for his respective term as Council is recommended to represent the Town on the HRC.

Regional Capitals Australia

Regional Capitals Australia (RCA) was formed to bring Australia's 51 regional capital cities together as one unified voice. Through their local government member councils, they present to the Federal Government the needs of combined communities, voicing the social and economic issues specific to our cities. The Commissioner for his respective term as Council is recommended to represent the Town on the RCA.

Regional Capitals Alliance Western Australia

The Regional Capitals Alliance Western Australia (RCAWA) work in unison with both state and federal government to achieve a sustainable development future for Western Australia encompassing social, economic and environmental resources, infrastructure and funding requirements of sub-regional centres and strategies for the state's growing population. The Commissioner for his respective term as Council is recommended to represent the Town on the RCAWA.

The Port of Port Hedland Community Consultative Committee

The Port of Port Hedland Community Consultative Committee ('Port Committee') was established in 2015 to promote and facilitate communication between the Pilbara Port Authority and the community in regards to port operations. The Commissioner for his respective term as Council is recommended to represent the Town on the Port Committee.

East Pilbara District Health Advisory Committee

The East Pilbara District Health Advisory Committee (EPDHAC) is established by the Western Australian Country Health Service to identify issues and improve health care experiences in regional centres, and promote community health information and services. The Commissioner for his respective term as Council is recommended to represent the Town on the EPDHAC.

Hedland Senior High School Independent Public School Board

The Hedland Senior High School Independent Public School Board (School Board) was formed in 2013 to integrate the community business and resource sector in conjunction with community stakeholders to provide quality education for students and a future long term vision for the school. The Commissioner for his respective term as Council is recommended to represent the Town on the School Board.

Port Hedland Technical Advisory and Consultative Committee

The Port Hedland Technical Advisory and Consultative Committee ('Technical Committee') was established in 2006 by the Pilbara Port Authority. The purpose of the Technical Committee is to provide a platform for the discussion of dredging and ocean disposal of dredged material with community stakeholders, including the consideration of environmental matters and long term permitting arrangements. The Commissioner for his respective term as Council is recommended to represent the Town on the Technical Committee.

Port Hedland Industries Council

The Port Hedland Industries Council (PHIC) was established by industry port users in 2009 to provide a collaborative approach to cumulative industry issues.

PHIC provides a single industry point of contact and coordinates inter-industry responses to issues such as air quality and noise. The PHIC is the lead representative body on issues where two or more operators are involved. The Commissioner for his respective term as Council is recommended to represent the Town of Port Hedland on the PHIC.

Spoilbank Community Reference Group

The Spoilbank Community Reference Group (SCRG) will provide Stakeholder input and advice regarding the ongoing development of the Spoilbank Marina Project. This group have a particular focus on the landside development. The Commissioner for his respective term as Council is recommended to represent the Town on the SCRG.

Hedland Community Safety Advisory Forum

The Hedland Community Safety Advisory Forum (HCSAF) will identify and advise Council on current and emerging community safety and crime prevention issues within the forum Hedland community. The HCSAF has an interest in collaboration and partnerships, promoting community safety and creating a voice for the Hedland community on a State and Federal spectrum.

Hedland Collective

Hedland Collective was formed in 2017 as a group of public, private, and not-for-profit organisations dedicated to improving outcomes and opportunities for the community of Hedland using a collective impact approach. The Town is a Project Partner for the Hedland Collective and the Commissioner is recommended to represent the Town on the Hedland Collective at meetings of the Project Partners..

Nominations:

Pilbara Development Commission

The Pilbara Development Commission's (PDC) role is to coordinate and promote economic development in the Pilbara to maximise prosperity and well-being for the region, and for Western Australia. The PDC vision for the Pilbara region is vibrant and sustainable communities underpinned by a strong, diverse economy.

On 23 October 2019, the Town of Port Hedland received correspondence from PDC requesting nominations to fill two Local Government positions on its Board of Management.

The Town of Port Hedland is located in the Pilbara and therefore are eligible to nominate a Council member to become a member of the Commissions Board of Management. The Town have an integral role in shaping the political and strategic direction of the Pilbara and therefore would like to nominate the Commissioner to become a member of Pilbara Development Commission Board. The Town is to notify PDC of its nomination by Monday, 9 December 2019.

BHP Stakeholder Engagement Group

The BHP Stakeholder Engagement Group (SEG) is an innovative forum for Pilbara stakeholders to meet, discuss BHP related issues and have input into aspects of the planning of our operations.

The SEG will provide an opportunity for BHP to request feedback regarding its operating environment, growth programs, sustainable development and environmental and economic impacts to assist with internal decision making. The Commissioner is recommended to be

nominated for his respective term as Council, as the Town's representative for the Hedland on the SEG.

Self-Select Nomination:

Pilbara Community Legal Service

The Pilbara Community Legal Service Inc. (PCLS) is a not-for-profit, government-funded community organisation. The main objective of PCLS is one of providing services to reduce disadvantage, increase the capacity of individuals to understand their rights and obligations and to empower people to manage their lives effectively. The Commissioner is located in the Pilbara and therefore is eligible to nominate himself to become a member on the board of management for the PCLS.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

Chief Executive Officer
Acting Manager Governance
Executive Assistant to the CEO & Mayor

External Agencies

Pilbara Development Commission
Pilbara Ports Authority
BHP
Hedland Senior Highschool
WALGA
Pilbara Community Legal Service
Main Roads
WA Country Health Service Pilbara

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The Town's policies 4/007 'Elected Member Representation with External Organisations' and 4/010 'Elected Members Travel and Training' are applicable in relation to this matter.

FINANCIAL AND RESOURCES IMPLICATIONS

If the Commissioner is formally appointed to be a member on various groups, the costs to attend future meetings will need to be considered. Costs associated with travel to and from these meetings will be funded by the members of Council travel and accommodation budget which has a balance of approximately \$21,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development

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.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because if a delegate is not appointed as a member on various important external groups, the Town may miss this important opportunity to represent Port Hedland at a regional, and possibly State level. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The importance of ensuring the Town of Port Hedland is fairly represented and advocated for is paramount. Formally appointing the Commissioner to various external groups ensures that the community's ambition of having Hedland represented on a regional, State and potentially Federal level identified in the Strategic Community Plan is achieved.

ATTACHMENTS

1. Elected Member External Groups Representation Information Statement (under separate cover)
2. 4.007 Elected Member Representation with External Organisations Policy (under separate cover)

11.1.3 2020 COUNCIL AND COMMITTEE MEETING SCHEDULES

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 1

That Council pursuant to regulation 12 of the *Local Government (Administration) Regulations 1996*:

1. Approve the following amendment to the Ordinary Council Meeting schedule for the 2019 calendar year, as follows:

Current Date:	Proposed Date:	Time:	Location:
Wednesday, 11 December 2019	Thursday, 19 December 2019	5:30p m	Civic Centre, Port Hedland

2. Request that the Chief Executive Officer, or his authorised officer, advertise the approved date by way of public notice, and on the Town of Port Hedland’s website.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION 2

That Council, pursuant to regulation 12 of the *Local Government (Administration) Regulations 1996*:

1. Approve the following Ordinary Council Meeting schedule for the 2020 calendar year:

Date:	Time:	Location:
Wednesday, 5 February 2020	5:30pm	Wanangkura Stadium, South Hedland
Wednesday, 26 February 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 25 March 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 22 April 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 27 May 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 24 June 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 22 July 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 26 August 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 23 September 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 28 October 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 25 November 2020	5:30pm	Civic Centre, Port Hedland
Wednesday, 16 December 2020	5:30pm	Civic Centre, Port Hedland

2. Approve the following Audit, Risk and Governance Committee meeting schedule for the 2020 calendar year:

Date:	Time:	Location:
Tuesday, 10 March 2020	5:30pm	Civic Centre, Port Hedland
Tuesday, 12 May 2020	5:30pm	Civic Centre, Port Hedland
Tuesday, 11 August 2020	5:30pm	Civic Centre, Port Hedland
Tuesday, 10 November 2020	5:30pm	Civic Centre, Port Hedland

3. Request that the Chief Executive Officer, or his authorised officer, advertise the approved dates by way of public notice, and on the Town of Port Hedland's website.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the amendment to the 2019 Ordinary Council Meeting schedule and consider the approval of the proposed meeting schedules for the 2020 calendar year, to be advertised in accordance with legislative requirements.

DETAIL

Each year, Council are required to set the schedule of Ordinary Council Meetings and Committee Meetings for the calendar year ahead, and advertise the adopted dates, times and locations in line with the requirements of the *Local Government (Administration) Regulations 1996*.

2019 Council Meeting Schedule Amendment

The 2019 meeting schedule was adopted at the 24 October 2018 Ordinary Council Meeting (decision No. CM201819/065). It is proposed that the December meeting be rescheduled to 19 December 2019 to allow officers adequate time to prepare reports that require Council approval.

2020 Council Meeting Schedule

As per the adopted Council Meeting Framework (1 November 2017, decision No. CM201718/061), Ordinary Council meetings are to commence at 5:30pm on the fourth Wednesday of each month in Council Chambers. It is proposed that Council adopt a similar structure for the 2020 calendar year, with amendments to the schedule as follows:

- Hold two Council Meetings in February 2020 (on 5 February and 26 February) due to the Christmas break and school holidays;
- Hold the 5 February 2020 Council Meeting at the Wanangkura Stadium due to internal and external works being carried out at the Civic Centre; and
- Hold the December Council Meeting on 16 December 2020, due to the Christmas break and school holidays.

The live-streaming of all Council meetings will continue throughout 2020, to allow the public that are unable to attend the meetings in person the opportunity to view the meeting in real time. School holidays and public holidays have also been considered in the preparation of the proposed 2020 schedule.

2020 Audit, Risk and Governance Committee Meeting Schedule

The proposed schedule for 2020 remains on a quarterly basis, with the first meeting of the year to be held in March 2020. Commencing the committee meetings in March will allow the finance team time to prepare the accounts following the Christmas break.

Currently the Committee holds a 30 minute confidential briefing session prior to each Committee meeting. It is proposed that this practice continue in 2020 as this provides an opportunity for Committee members to seek clarification on reports in the agenda, or ask any questions they may have relating to matters of audit and finance.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Consultation

Nil

Internal

- Executive Leadership Team
- Director Corporate and Performance
- Manager Financial Services
- Governance Team

External Agencies

Nil

Community

Upon approval of the meeting schedules, the community will be notified via public notice in the local newspaper, at the noticeboard screens at the Civic Centre and libraries and via the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.3 to 5.5 of the *Local Government Act 1995* apply in relation to holding, convening and calling Council meetings.

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* outlines the requirements for local public notice for Ordinary Council meetings and Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* outlines that the Local Government is to give local public notice of any change to the date, time or place of a meeting.

Ordinary Council meeting will be live streamed in accordance with policy 1/015 'Recording of Council and Committee Meetings'.

Section 6.6 of the Audit, Risk and Governance 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 associated with the officer's recommendation.

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
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.4 The Town's program of events and activities is promoted locally, regionally and nationally
- 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 1 – Services and Events

Locations for Council meetings must comply with accessibility requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if Council does not resolve their meeting dates and advertise them in accordance with relevant legislation. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Council may suggest alternative dates, times and/ or locations.

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

Council and Committee meetings for the calendar year are required to be set by Council and advertised in accordance with legislation. Advertising via public notice and on the Town’s website of the approved dates, times and locations of the updated 2019 and proposed 2020 meeting schedules, will ensure that the community are made aware and given the opportunity to prepare for and participate in the meetings, and have their say. The meeting schedules will also ensure that the Town adheres to auditing and compliance deadlines.

ATTACHMENTS

Nil

11.1.4 2019 LGIS SURPLUS DISTRIBUTION

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 advise the Western Australia Local Government Association (WALGA) that the Town of Port Hedland requests to receive its surplus distribution for financial year ended 30 June 2019, generated by the Local Government Insurance Scheme (LGIS) Scheme, as a cash refund.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider receiving its surplus distribution for the year ended 30 June 2019 as an immediate cash refund.

DETAIL

The LGIS insurance scheme is a WALGA service that was established in 1995. As a mutual scheme limited to local governments, the performance of LGIS is underwritten by the annual contributions of its member councils.

On 5 August 2019 the Town of Port Hedland (the Town) received correspondence from WALGA informing that LGIS anticipates to report a surplus for the most recent financial year, resulting in the Town receiving a return of part of its initial contribution.

This year, the surplus is a consequence of a lower than expected number of claims in Property and Workcare, a better than expected performance in investments and a reduced requirement for capital needed to be carried by the Scheme, the initial contributions are expected to be in excess of what is required.

Council has been given the opportunity to select one of three options in regard to receiving its surplus distribution, being:

1. Immediate refund;
2. LGIS to retain the funds to offset next year's contribution; or
3. LGIS to hold the funds in trust for risk mitigation activities.

It is a direction of the LGIS board and WALGA State Council, that this year's distribution be submitted to each individual Council for a decision as to what method of distribution is most appropriate. WALGA has requested to be notified once Council decision has been formalised.

The Town received further correspondence from WALGA on 23 October 2019 stipulating that its surplus distribution amounted to \$131,588.00. The Town wishes to seek an immediate cash refund of the surplus generated by the LGIS scheme.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this item will not significantly impact the community or Council as a whole, nor have any significant financial implications.

CONSULTATION

Internal

- Director Corporate Services
- Acting Manager Governance

External Agencies

- WALGA
- LGIS

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Section 9.58(1) of the *Local Government Act 1995*, introduces WALGA as an association of local government.

Section 9.58(6)(b) of the *Local Government Act 1995*, stipulates that WALGA may arrange contracts of insurance, with members approval, on behalf of members for any purpose.

FINANCIAL AND RESOURCES IMPLICATIONS

The surplus distribution for the Town will be offset against insurance expenses in the current financial year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

This report promotes transparency for the expenditure of the surplus distribution and informed decision making on how it will be applied. There are no significant financial risks associated with this item because the risk rating is considered to be low (2). This is determined by an unlikely (2) likelihood and an insignificant (1) consequence.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town wishes to accept the surplus distribution generated by the LGIS Scheme as a cash refund, which will be offset against insurance expenses in the current financial year. The Town is to notify WALGA once Council decision has been formalised.

ATTACHMENTS

Nil

11.1.5 AMENDMENT OF POLICY 3/007 'SENIOR EMPLOYEES AND APPOINTING ACTING CHIEF EXECUTIVE'

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

OFFICER'S RECOMMENDATION

That Council adopt amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider adopting amendments to policy 3/007 to provide for the role of Deputy Chief Executive Officer to incorporate into the role of Director Corporate Services. This amendment to Policy 3/0107 will assist in clarifying leadership structure and representation in representing the organisation at meeting and official arrangements as required should the Chief Executive Officer be absent or unavailable do to competing priorities. These amendments to Policy 3/007 are to clarify leadership and representation structure and to assist in the efficacious administration of the organisation.

DETAIL

Following Councils approval the restructure of directorates at the Ordinary Council Meeting of 25 September 2019: Item 11.1.4 File No. 04/03/001 CM201920/058 in which the previous three directorate structure was replaced with the current four directorate structure.

The further amendments include in the role of Director Corporate Services the office of Deputy Chief Executive Officer to automatically assume the role of Acting Chief Executive Officer during periods when the Chief Executive Officer is absent for periods of less than three months and to represent the organisation as the Deputy Chief Executive Officer at meetings and official engagements as required should the Chief Executive Officer be absent or unavailable due to competing priorities.

In addition, the proposed amendment will incorporate a change to the title of Policy 3/007 to clearly reflect the office of Deputy Chief Executive Officer in the office of the Director of Corporate Services.

Policy 3/007 also accommodates the appointing of the permanent incumbents of the role of senior employees into the role of Acting Chief Executive Officer in the instance that both the Chief Executive Officer and the Deputy Chief Executive Officer are absent as the same time in accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a).

Relevance to current staff

The objective of this policy is to formalise the incorporation of the role and delegations of Deputy Chief Executive Officer into the senior executive role of Director Corporate Services; therefore providing an automatic delegation of the duties of the Chief Executive Officer whilst the Chief Executive Officer is absent for period of less than three months.

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 public consultation.

CONSULTATION*Internal*

- Chief Executive Officer
- Director Corporate Services
- Manager Human Resources

External Agencies

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications associated with this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section 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.

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 reputational risk associated with this item due to the extensive period of time that this policy remained unchanged. 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 – Do not adopt officer's recommendation

CONCLUSION

The proposed amendments to Policy 3/007 is consistent with the requirements of *The Local Government Act 1995*, section 5.37 and 5.36(2)(a) and will add clarity and efficacy to the process of appointing an Acting Chief Executive Officer during defined absences of the Chief Executive Officer.

ATTACHMENTS

1. Proposed amended policy 3/007 'Senior Employees, Deputy Chief Executive Officer and Appointing Acting Chief Executive Officer' (under separate cover)
2. Current policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' (under separate cover)

11.2 Community Services

11.2.1 EXPANSION OF ONE TREE COMMUNITY SERVICES' LEASE.

Author: Senior Governance Advisor
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 endorse the proposed Deed of Variation for the inclusion of the Port Hedland Library site to the current lease held by One Tree Community Services, over a portion of Lot 2513 Dempster Street.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the proposed Deed of Variation to the One Tree Community Services' lease to include the area of the current Port Hedland Library building, located on the adjacent parcel on Lot 2513 Dempster Street Port Hedland.

Detail

Background

The growing need for child care services in Hedland is increasing extensively due to employment opportunities and population increase.

At the Ordinary Council Meeting held on 13 February 2019, a report was presented to Council to consider options to address the identified shortage of regulated child care places in Hedland in the short, medium and long term. Council passed the following decision:

CM201819/116 COUNCIL DECISION

MOVED: DEPUTY MAYOR NEWBERY SECONDED: CR MCDONOGH

That Council:

1. Note the results of the child care waiting list audit and associated report;
2. Endorse the following short-term measures to reduce the current child care waiting lists in Port Hedland:
 - a. Re-activation of the South Hedland TAFE child care centre subject to successful tenure negotiations and the receipt of external partnership funding to deliver the required capital works;

- b. Subject to the provision of a detailed business case, conversion the Port Hedland Library to child care spaces;
 - c. Preparation of a local planning policy that exempts Family Day Care businesses from the requirement to obtain a Home Business planning approval from the Town where the Family Day Care proposal meets the following criteria:
 - i) Complies with all Education and Care National regulations 2012
 - ii) Does not display any advertising signage greater than 0.2m²
 - iii) Does not employ any persons that do not live at the property
 - iv) Does not operate outside of 7am – 7pm Monday – Saturday in line with Environmental Protection (Noise) Regulations 1997
 - v) Involves pickup / drop-off areas located wholly within lot boundaries of the property;
 - d. Investigation of the viability for the Town to deliver after school programming and activities for primary school aged children;
 - e. Work with key industry stakeholders and the community to develop and implement Town of Port Hedland Child care strategic plan;
3. Investigate long term child care infrastructure options as part of the MacGregor Park and JD Hardie master planning processes; and
 4. Investigate library options to be part of the McGregor Street multipurpose building in the future.

CARRIED 7/0

The Town of Port Hedland (the Town) received an expression of interest from Len Taplin Children's Services regarding taking possession of the Port Hedland Library building to expand their child care places.

In reviewing the opportunities for child care expansion, the option for the conversion of the Port Hedland Library to a child care facility was explored. It was proposed that the current providers who operate the Len Taplin Child Care facility, would potentially be able to expand their services into the library, once it was made fit for purpose.

One Tree Community Services

One Tree Community Services (One Tree) is a not-for-profit organisation that provides early and middle childhood education and care, community services, professional support and training across Australia. Len Taplin Children's Services (Len Taplin) is one of over 50 services that is provided by One Tree and caters for children from birth to year 6.

Len Taplin is licensed for 66 spaces per day and is currently at full capacity. With the proposed extension of service into the library space, they would be able to transfer the out of school care service and increased their capacity to around 95 places. This will allow Len Taplin to increase their business model capacity to accommodate younger children, in the 1-3 year range.

By increasing their capacity from 66 to 95 Len Taplin would provide immediate relief to the current waitlist. The new space would allow for a greater capacity of out of school care, in turn providing more capacity, to service families with the younger demographic.

Business Case

A business case (attachment 1) has been provided to ensure that the facility will operate effectively and efficiently, covering:

- Services that would be provided;
- Structural changes that may be required;
- What is needed to make the space operational; and
- Contributions that will be made.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because child care is not the core business of local government.

CONSULTATION

Internal

- Director Community Services
- Acting Manager Governance
- Coordinator Property Management

External Agencies

- One Tree Community Services

Community

Key Stakeholders were engaged and consulted to determine the need for the provision of child care. Families currently on waitlists in Hedland were surveyed both electronically and by direct contact.

LEGISLATION AND POLICY CONSIDERATIONS

Assessments of the location and the unencumbered indoor space per child, will need to be carried out by the 'Education and Care Regulatory Unit' in accordance with the *Education and Care Services National Law (WA) Act 2012*.

Section 3.58(5)(d) of the *Local Government Act 1995* does not apply to a disposal of property that is excluded by regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

The Town is not required to advertise the disposal of property in circumstances where it intends to dispose the property to a non-for-profit organisation. This is in accordance with regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, which sets out disposal of property exempt disposition.

FINANCIAL AND RESOURCES IMPLICATIONS

The Port Hedland Library refurbishment works have been awarded and have commenced at the site. Funding for these works is committed from the Town, under RFT1819-55.

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.b.2 A residential workforce is promoted to industry as the preferred option
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.1 Local training providers, business, industry, services, agencies, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 2.d.2 The development of industry specific value chains are encouraged and supported
- 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.d.3.2 – Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure.
- 1.d.4.1 – Develop, implement and review a marketing and promotional plan for community facilities and services.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item due to the impact to the liveability reputation of the Town and media exposure. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

To reduce these risks, it is recommended that Council adopt the officer's recommendation proposed in this report.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

There is an increasing need for child care within Hedland due to the rise in employment opportunities and population increase. One Tree has provided the Town with a business case for the expansion of the Len Taplin Children's Service into the current library building. This expansion will result in a decrease in the number of children waiting to be placed into child care.

ATTACHMENTS

1. Business Case - Expansion of Len Taplin Children's Services (November 2019) (under separate cover) |

11.3 Regulatory Services

11.3.1 AMENDMENT TO 13/006 PERMISSION TO CAMP ON PRIVATE PROPERTY

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

OFFICER'S RECOMMENDATION 1

That Council Adopts revised Policy 13/006 Permission to Camp on Private Property as per attachment.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council endorses the proposed delegations as per attachment 3.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the proposed version of Policy 13/006 Permission to Camp on Private Property (the Policy). The Policy has been reviewed and changes have been made to ensure that the information remains accurate, relevant and clear.

DETAIL

In 2009 the Town developed policy 13/006 to provide a regulatory mechanism for the control of unauthorised camping on private property. Until this time regulation of camping on private property fell in somewhat of a grey area with planning and environmental health legislation partially covering the matter. In the interest of structuring an approval and compliance process the policy provided the following:

- A permit system for camping on private property;
- Conditions necessary for approval to be granted;
- Maximum period that approval can be granted for; and
- Areas where permission may and may not be considered.

The Policy has not been reviewed since its adoption date of 22 July 2009, and so to ensure that the information communicated by the policy remains accurate, a review is necessary. The following amendments are proposed to provide information that better reflects requirements of the *Caravan Parks and Camping Grounds Regulations 1997*.

- **Amendment to policy title** – The title has been amended to Camping other than at a Caravan Park or Camping Ground, as this encompasses all other areas where the Town may receive an application for temporary camping, rather than only private property.
- **Amendment of objective** – the Policy objective has been amended to improve clarity.

- **Rearrangement of content** - The Policy content has been completely replaced with a new proposed version and the information has been divided into three (3) distinct sections, explaining the application process, the requirements of temporary accommodation and the licensing process. The proposed content is intended to be more concise and in line with requirements of the relevant legislative requirements.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as failure to support the resolution will still result in a functional policy remaining in power. .

CONSULTATION

Internal

Graduate Environmental Health Officer
Manager Environmental Health and Community Safety

External Agencies

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following local laws and legislation are relevant to the review of Policy 13/006 Permission to Camp on Private Property:

- Town of Port Hedland Health Local Law 2016
- *Caravan Parks and Camping Grounds Act 1995*
- *Caravan Parks and Camping Grounds Regulations 1997*

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

FINANCIAL AND RESOURCES IMPLICATIONS

The proposed Policy does not have any financial implications.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.c.1 High quality and responsive customer service is provided

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item as the policy provides an enforcement tool though failure to support the item will still allow for the existing policy to remain in place. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

The proposed Policy is intended to ensure that information provided in relation to camping other than at a caravan park or camping ground is clear, relevant and accurate.

ATTACHMENTS

1. Updated 13/006 Permission to Camp on Private Property Policy (under separate cover)
2. 13/006 Permission to Camp on Private Property Policy with Tracked Changes (under separate cover) (under separate cover)
3. Delegation 18.4 Camping other than at Caravan Park or Camping Ground (under separate cover) (under separate cover)

11.3.2 INITIATION OF LOCAL PLANNING POLICY 03 - SHIPPING / SEA CONTAINERS AND TRANSPORTABLE BUILDINGS

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

OFFICER'S RECOMMENDATION

1. That Council, pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:
 - a) Initiate Local Planning Policy 03 – Shipping / Sea Containers and Transportable Buildings, presented as Attachment 1 of this Item for the purpose of public consultation.
 - b) Advertise Local Planning Policy 03 – Shipping / Sea Containers and Transportable Buildings in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider initiation of Local Planning Policy 03 – Shipping / Sea Containers and Transportable Buildings which addresses the design and layout of transportable buildings. Should Council support the proposed policy, it will be advertised for public comment before being presented to Council for final adoption.

DETAIL

The Town of Port Hedland (the Town) currently has Council Policy 12/007 Shipping and/or Sea Containers which was adopted in November 2004. The objectives of this policy are:

1. *To ensure adequate amenity/streetscape provisions and protection when the installation and use of shipping and/or sea container(s) are approved.*
2. *To apply development controls through guidelines for the installation of container(s).*
3. *To provide guidelines for the approval of shipping and/or sea container(s) where applications comply with the provisions and/or intent of this policy.*

This policy is outdated, does not provide sufficient wording or policy provisions and is ineffective. It has not been reviewed and amended since its initial adoption in 2004.

The new proposed Local Planning Policy focusses on addressing the following key issues:

- Providing clearer objectives for the public;
- Simplifying the policy with specific design requirements to address the determined objectives; and
- Having a flexible approach to addressing a number of scenarios in which the Policy will be applicable.

The proposed objectives of this policy are:

1. *To ensure that a transportable buildings does not detract from the amenity, character and established streetscape of an area: and*
2. *To fulfil the intended objectives of design guidelines, the Residential Design Codes and the Town's local planning framework of achieving good quality built form and design outcomes.*

The proposed policy seeks to apply to any application to develop a transportable building in all zones and reserves.

The policy defines a transportable building as:

'A building or structure which has been constructed at another location and transported, either whole or in parts, to the intended location. This includes, but is not limited to a shipping container, donga, ancillary dwelling, outbuilding or dwelling'.

The policy considers various scenarios and has a scaled approach to addressing building design whilst still being flexible to an applicant / developer. Scenarios within the policy are based on whether a proposal will be visible from a public place, neighbouring property or not visible at all and considers the level of potential impact accordingly.

Should Council adopt the policy, Council Policy 12/007 Shipping and/or Sea Containers will be revoked.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. A significant reason for introducing this new policy is the growing number of applications for locating a transportable building on properties and the Town not having a suitable policy to address the community's desire for good built form.

CONSULTATION

Internal

Manager Town Planning and Development
Team Leader Ranger
Ranger and Emergency Services Advisor
Development Services Officer

External Agencies

The Department of Planning, Lands and Heritage will be consulted through the public advertising period, should the policy be initiated.

Community

A notice of the proposed draft policy will be published in the North West Telegraph, for a period of no less than 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. This advertisement will provide details on:

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

A copy of the draft policy will also be placed on the Town's website inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.1 High quality and responsive customer service is provided

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 because applicants and/or developers may not implement the design provisions required as part of the development approval for a transportable building. There is also the risk that should the policy not be adopted, uncontrolled development of transportable buildings may occur which could negatively impact on the amenity of surrounding areas. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

This risk is mitigated by the Town's ability to take compliance action in such circumstances.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has detailed the reasons for introducing this new policy, providing clearer objectives for the public, simplifying the existing policy framework with design requirements to address

the objectives and having a flexible approach to addressing different circumstances. By initiating this policy, Council will facilitate improved built outcomes and provide certainty to the public.

ATTACHMENTS

1. Attachment 1: Local Planning Policy 03 - Shipping / Sea Containers and Transportable Buildings (under separate cover)
2. Attachment 2: Council Policy 12/007 Shipping and/or Sea Containers (under separate cover)

11.3.3 WASTE COLLECTION SERVICE CHARGES

Author: Manager Waste Operations
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. Adopt the proposed "Bin Service and Replacement Policy".
2. Rescind policies titled 13/015 Waste Collection Service Charges and 13/010 Application of Bin Replacement Charges.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider:

- A policy titled "Bin Service and Replacement Policy" in the place of the existing 13/015 Waste Collection Service Charges and 13/010 Application of Bin Replacement Charges; and
- Providing a new collection service as part of the Town of Port Hedland Disability Access and Inclusion Plan 2017 – 2022 (DAIP) for members of the community that qualify under this Plan.

DETAIL

Currently there are two policies relating to waste collection, bin provision and replacement. For clarity and simplicity it is proposed the policies are merged into one policy being the Bin Service and Replacement Policy as per the attached draft policy.

The policy has also been amended to include clarification on the applicability of charges in respect to additional services, removal of services, commencement of services and disputes concerning bin charges, as these are areas often challenged by Ratepayers.

A new service has also been added to the policy to meet Council's commitment under the Town of Port Hedland Disability Access and Inclusion Plan 2017 - 2022 to assist members of the community that qualify for physical assistance with their bins upon completing the attached form. Level of Significance

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because its approval will have a long-term positive effect on those in the community who are affected.

CONSULTATION

Internal

Manager Waste Operations

Director of Infrastructure and Town Services
Community Development Team – Community engagement
Legal Advisor

External Agencies

Nil

Community

See below sections.

LEGISLATION AND POLICY CONSIDERATIONS

Waste Avoidance and Resource Recovery Act 2007
Local Government Act 1995
Town of Port Hedland Waste Local Law 2018
Town of Port Hedland Disability Access and Inclusion Plan 2017 – 2022

FINANCIAL AND RESOURCES IMPLICATIONS

Current fees for waste collection services are listed within the Town of Port Hedland Fees and Charges 2019/20. A Classic Bin Service Fee is listed at \$292.50 per annum whilst a Premium Bin Service Fee is \$700.00 per annum.

The new DAIP service which will be a Premium Bin Service Fee will be charged at the same rate as the Classic Bin Service; \$292.50 per annum in 2019/20.

The Town of Port Hedland charges a fee of \$132 for replacement bins.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.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.1 High quality and responsive customer service is provided
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events
- Outcome 3 – Information

- Outcome 4 – Quality of Service

RISK MANAGEMENT CONSIDERATIONS

There is a Service Interruption risk associated with this item because bins scheduled for collection may not be accessible for waste collection operators due to locked gates, unrestrained pets, access to bins is obstructed. The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).

This risk will be eliminated by correct scheduling and providing guide lines to residents on how the waste services operate.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland continues to provide high quality waste services to residential and commercial customers throughout the community.

The Town has also recently adopted a Waste Strategy and Waste Local Law that have confirmed the Town’s commitment to environmental sustainability and best practice waste management. Encouraging and making provision for improved waste collection services will support our ongoing efforts in these areas.

Completing the amendments and amalgamations to the policy, will allow for one reference point for Bin Service information.

ATTACHMENTS

1. New Policy 13/015 Bin Service and Replacement Policy (under separate cover)
2. Application Form for DAIP Premium Service - Final Draft (under separate cover)
3. Policy 13/015 Waste Collection Service Charges (under separate cover)
4. Policy 13/010 Application of Bin Replacement Charges (under separate cover)

11.4 Infrastructure Services

Nil

Item 12 Reports of Committees

Item 13 Motions for which Previous Notice has been Given

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

14.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2019 (LATE COVER)

14.2 ADOPTION OF THE 2018/19 ANNUAL REPORT AND SETTING THE DATE OF THE ANNUAL GENERAL MEETING OF ELECTORS (LATE COVER)

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

15.1 Recruitment and Appointment of the Chief Executive Officer

This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

15.2 Endorsement of Appointment of Director Infrastructure Services

This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 11 December 2019 commencing at [Enter Time](#).

16.2 Closure

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