



MINUTES

Ordinary Council Meeting Wednesday, 4 November 2020

Date: Wednesday, 4 November 2020

Time: 5:30pm

Location: Civic Centre
13 McGregor Street
Port Hedland

Distribution Date: 16 November 2020

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Item 1 Opening of Meeting

The Presiding Member declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of this land, on whose land we met, and recognised their strength and resilience, and paid his respects to Elders past, present and emerging.

Item 3 Recording of Attendance

3.1 Attendance

Scheduled for Attendance:

Mayor Peter Carter
 Deputy Mayor Renae Coles
 Councillor Eva Bartho
 Councillor Jan Gillingham
 Councillor Lewis Kew Ming
 Councillor Warren McDonogh
 Councillor Tim Turner
 Councillor Kylie Unkovich
 Councillor Elmar Zielke

Carl Askew (Chief Executive Officer)
 Josephine Bianchi (Director Community Services)
 Craig Watts (Director Regulatory Services)
 Lee Furness (Director Infrastructure Services)
 Angelique Cook (Senior Governance Advisor)
 Naomi Murcott (Corporate Support Officer / Minute Taker)

Staff: 10
 Public: 9
 Media: 0

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Nil.

3.4 Approved Leave of Absence

Nil.

As at the 23rd September 2020, the bank accounts totalled \$ 277,975,523.46. The Town does not currently have any debts but is looking to establish loan funding this financial year for part of the Capital Works program.

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

The Manager Infrastructure Projects and Assets has provided the following response:

Of the 63 total capital works programme:

- 2 are complete
- 19 are in the delivery/ construction phase
- 19 are in the design phase
- 23 are in planning/ preliminary stage

Please find attached a detailed list of all capital projects, and their current status in Annexure 'A'.

Number of local contractors/ suppliers engaged:

- 21 (Note that some of these contractors/ suppliers have been engaged multiple times for different projects)

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

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

At the Ordinary Council Meeting held on 26 February 2020, Council moved the following recommendation (CM201920/163):

"That Council confirm support for the redevelopment of the Stevens Street Site, including demolition and construction of new facilities, for the purposes of seniors' accommodation, subject to the relevant state authorisations being obtained and settlement of the terms of dispute set out in the Department of Communities' notice."

The Town has signed a Deed of Termination and Release with Department of Communities in relation to the existing joint venture agreement made in December 1999 and the notice of breach notice issued in February 2018. The Town will demolish the properties at Stevens Street in exchange for full settlement of all obligations under the joint venture agreement and the breach notice. As this document has been executed by the parties, it is legally binding and both parties must undertake the legal obligations committed to. Accordingly, the course of action agreed to in that deed cannot be changed by a new Council. The Town has budgeted for demolition to occur in financial year 2020/21 for an amount of \$750,000 (excl GST).

In relation to the future use of Stevens Street, a new Council can decide whether to continue to support a redevelopment of Stevens Street (per the adopted recommendation) or determine an alternate course of action. Discussions have been held with the Department of Communities regarding the future of Stevens Street, however no agreement has been reached. The land is owned by the Crown and subject to a Management Order of which the Town is the management body. Any activity on the site requires the consent of the Crown as the registered

proprietor. An amount of \$4M has been provided for in the budget for financial year 2020/21 for any redevelopment.

Annexure 'A'

Project Name	Current Phase/ Status
Gratwick Aquatic Centre Dive Pool works	Complete
Road Renewal Program - Shoata Road	Complete
Carpark Renewal Program	Delivery/ Construction
McGregor Street Soccer Clubrooms	Delivery/ Construction
Depot Masterplan	Delivery/ Construction
Drainage Renewal Program	Delivery/ Construction
Footpath Renewal Program	Delivery/ Construction
Irrigation Inground Renewal Program	Delivery/ Construction
JD Hardie HVAC Upgrades	Delivery/ Construction
JD Hardie Internal Works	Delivery/ Construction
JD Hardie Roof Upgrade	Delivery/ Construction
Kerb Renewal Program	Delivery/ Construction
Lotteries House - Accessible Ablution Refurbishment	Delivery/ Construction
Plant Replacement Program	Delivery/ Construction
Public Place Bin Enclosures Renewal Project	Delivery/ Construction
Road Reseal Program	Delivery/ Construction
Shade Structure Renewal	Delivery/ Construction
South Hedland Cemetery Masterplan Stage 1	Delivery/ Construction
Staff Housing Construction	Delivery/ Construction
Staff Housing Renewal Program	Delivery/ Construction
Turf Renewal Program	Delivery/ Construction
Ablution Renewal Program - Shay Gap Park	Design
Civic Centre Refurbishment Stage 5	Design
Colin Matheson Oval Floodlights and Cricket pitch	Design
JD Hardie Multi-purpose Courts Detailed Design	Design
JD Hardie Multi-purpose Courts Construction	Design
JD Hardie Earthworks, Drainage and Carparks	Design
Marapikurrinya Pop ups	Design
PHSCH Community Centre Detailed Design	Design
Playground Renewal Program	Design
Remote Community Roads - Yandeyarra	Design
Restricted Access Program	Design
Road Renewal Program - Pippingarra Road	Design
Road Renewal Program - Yandeyarra Road	Design
Seawalls Preliminary Works	Design
SHISH Earthworks, Drainage and Carparks	Design

SHISH Multi-user Pavilion	Design
SHISH Stage 1 Detailed Design	Design
South Hedland Skate Park Shade Structure Stage 1	Design
Transfer Station / Community Recycling Centre	Design
Wilson Street Shared Path Project	Design
BBQ Renewal Program	Planning
Bus Shelters	Planning
Community/Commercial Building Condition Audits	Planning
Drinking Fountain Renewal Program	Planning
Dual-use Path and Lighting Masterplan	Planning
Finucane Island Boat Ramp Improvement	Planning
Forrest Circle Gardens Renewal	Planning
Gratwick Aquatic Centre Gas Storage Room upgrade	Planning
IT Renewal Program	Planning
JD Hardie Power Upgrade to Generator Connection	Planning
Kerb and disability ramp improvements and renewal	Planning
Litter Fences at Landfill	Planning
Park Lighting Upgrade Program	Planning
Port Hedland Boat Ramp Sandblast And Repaint	Planning
Pretty Pool/Cooke Point Bridge	Planning
Pretty Pool/Cooke Point Pedestrian Link	Planning
Recycling Bins Rollout	Planning
Road Safety Audit and Compliance Improvements	Planning
South Hedland Street Furniture Renewal	Planning
Stevens Street Retirement Village	Planning
Synergy Replacement and system review	Planning
Wanangkura Stadium repurpose of 24hr access doors	Planning

5.1.2 MRS GLORIA JACOB

The Chief Executive Officer issued Mrs Jacobs with a written response to all questions listed below on 5 October 2020:

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

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

The Manager Financial Services has provided the following response:

After the \$24M transfer for the Spoilbank Marina, the balance is committed to Marina Landside works in the value of \$12,458,866 as per the Council resolutions CM201819/064 (OCM 24/10/2018), CM201819/181 (OCM 30/04/2019) and CM201920/129 (OCM 19/12/2019). An MoU is being established with the Pilbara Ports Authority for these works.

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

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

The Director Corporate Services has provided the following response:

At the Ordinary Council Meeting held on 26 February 2020, Council moved the following recommendation (CM201920/163):

“That Council confirm support for the redevelopment of the Stevens Street Site, including demolition and construction of new facilities, for the purposes of seniors’ accommodation, subject to the relevant state authorisations being obtained and settlement of the terms of dispute set out in the Department of Communities’ notice.”

The Town has signed a Deed of Termination and Release with Department of Communities in relation to the existing joint venture agreement made in December 1999 and the notice of breach notice issued in February 2018. The Town will demolish the properties at Stevens Street in exchange for full settlement of all obligations under the joint venture agreement and the breach notice. As this document has been executed by the parties, it is legally binding and both parties must undertake the legal obligations committed to. Accordingly, the course of action agreed to in that deed cannot be changed by new Council. The Town has budgeted for demolition to occur in financial year 2020/21 for an amount of \$750,000 (excl GST).

In relation to the future use of Stevens Street, a new Council can decide whether to continue to support a redevelopment of Stevens Street (per the adopted recommendation) or determine an alternate course of action. Discussions have been held with the Department of Communities regarding the future of Stevens Street, however no agreement has been reached. The land is owned by the Crown and subject to a Management Order of which the Town is the management body. Any activity on the site requires the consent of the Crown as the registered proprietor. An amount of \$4M has been provided for in the budget for financial year 2020/21 for any redevelopment.

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

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

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

6.1 Public Question Time

The Presiding Member declared Public Question Time opened at 5:35pm.

6.1.1 MR DEAN DAVIS

The last time I made this request I was told by the Mayor "We will cross that bridge when it comes." This bridge has now been crossed and recycling is now here.

The community is here again to ask Local Government to introduce refuge laws to specifically ban the disposal of needles and syringes from the Syringe Needle Program (SNP) into domestic waste or recycling streams.

This is in line with health.gov.au best practices.

The desired outcomes are to reduce risk of needle stick injuries to waste collection staff, reduce risk of needle stick injuries to children and the community, and to protect recycling streams and collection processes.

My next question involves needles again. The Emergency Department closes handing out needles to consumers when a superior service is active, such as the Needle Syringe Program. We are asking that the SNP close as well when a superior service is active, as in the current Needle Exchange Program (NEP).

The desired outcome is to get more consumers using the NEP over inferior services in the community, with the outcome being less incorrectly disposed of needles in low income housing.

The last question is, Community lead initiative in the NEP, we are asking for the release of serialised data for NSP program last year verses this year for the Town of Port Hedland,

including data from the Department of Communities on incorrectly disposed of syringes. We would like last years and this years as the NEP program, at the end of this month, has served a twelve month term.

We note that in communication with the Prime Minister's office serialised data is not secret and there is no excuse for it not to be released.

The Presiding Member thanked Mr Davis for his questions and advised it would be taken on notice and a written response would be provided.

The Presiding Member declared Public Question Time closed at 5:39pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time at 5:39pm

6.2.1 CHRIS WHALLEY

Now that a newly elected Council has been established for the Town of Port Hedland, and given the potential increase in tons of iron ore to be shipped out of Port Hedland by BHP, FMG, Roy Hill, now and into the future. Could Council make a public commitment that Council must have the industrial atmospheric pollution (dust) problem of the West end of Town front and centre to every single decision Council makes concerning the future viability and developments of the Town of Port Hedland.

6.2.2 MR CAMILO BLANCO

I don't know what the Councillors have been told in the first few weeks by (Town of Port Hedland) staff members, but one of the most important things that you need to get across is the budget.

When Council was suspended we had just approved a \$40M capital works and maintenance program that was developed over a few years, since the Council had the huge issues with the finances, of which I'm sure you're all aware.

The Commissioner came on board and, effectively, did not implement the \$40M capital works and maintenance program and it was rolled over into this year's budget. You would have seen or heard the Town advertise that \$35M of that was rolled over into this year's budget.

We are now going to perform a \$70M capital works and maintenance program in this financial year. It is Councils responsibility to ensure that this program is delivered and finished, so year on year you improve the infrastructure of the Town dramatically, because we have the ability to do that now.

Your sole responsibility is to ensure you know what is in the budget. What the time frames are for the capital works and maintenance to be finished, and to ensure that the Town actually achieves that, and then year on year we will improve the Town dramatically, much like what Karratha has done.

So, that is something that Council needs to get across very quickly, because the legislation actually states that if the Town cannot spend the money that it generates through rates, it has to give it back. So, last year the Town rolled over \$35M. This year I don't see \$70M of capital works and maintenance being rolled out into Port Hedland. We have this standard stuff happening; roads, drainage, that sort of thing, and we have approved a substantial housing renewal program, but not \$70M worth. So what's going to happen is, if you don't get on to that really quick, when the audits come through the auditors are going to say 'well, you keep rolling over these tens of millions of dollars, you aren't able to spend it', and you will have to dramatically reduce your income and reduce rates to ratepayers.

Now that's something we could have done before we were suspended, but it wouldn't have allowed the Town to move forward quickly. It is imperative that it is rolled out and the money is actually spent each year.

Another thing you need to get across is what has actually happened in the past eighteen months with the Commissioner and what has been agreed to by him and the administration. So request the Commissioners emails and go through them and find out what the conversations have been about. You are actually able to do that, there is no reason why you can't. Review what has been going on for the past eighteen months so you know what's been going on. I did that when I came on as Mayor, and I requested the previous Mayors and Chief Executive Officer's emails for the last few years and went through to see what they were talking about and what they were planning to do. That's just a couple of tips to get yourself across what's going on.

Just remember we are coming into Christmas and a \$70M capital works and maintenance program is massive. We were only achieving, for years and years, a \$4-6M program if we were lucky, and then we ramped it up to \$40M, which wasn't able to be achieved, and now we have \$70M.

We're coming up to Christmas, six months of this budget and six months of the year is gone. I don't see \$70M being spent in the first six months, so when we come out of Christmas you effectively have five months to spend this money, so it is going to be an uphill battle for you to do that. Obviously, what will happen is, if not able to be achieved, it will be rolled over again, but then you will have the extra money that you have charged ratepayers again on top of what you have rolled over and it will start snowballing and gets over the top, so keep that in mind.

The Presiding Member advised that a Public Statement had been received from a member of the public, being Mrs Gloria Jacob, by email on 4 November 2020. The Presiding Member read the statement aloud on Mrs Jacobs's behalf.

6.2.3 MRS GLORIA JACOB

Portside Pride is a community walk and barbeque, so get dressed up, make noise, and support young people on 14 November 2020 between 5:00pm and 7:00pm at Cemetery Beach. Everyone is welcome. Wear bright colours, bring noisy things, rainbows and flags etcetera.

The Presiding Member declared Public Statement Time closed at 5:47pm

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice**7.1.1 CR JAN GILLINGHAM**

Good Evening Mayor, Deputy Mayor, Chief Executive Officer, all Staff and Councillors.

My question is to do with one of the items tonight relating to the bushfires. Having extra fire people in our Town is something to look at, because the need will arise. The fire issues are getting bigger and more dangerous and I believe it is important for us and the Town to take this on notice. So the question relates to the possibility of future extra firefighters for our Town.

Item 8 Announcements by Presiding Member without Discussion

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

Date	Meeting	Topic
01/09/20	Weekly Talk of Town radio segment	Weekly Radio Interview
01/09/20	Meeting with Port Hedland Yacht Club	Lease matters
02/09/20	STEM Science Expo	Officially opened event
02/09/20	Meeting with Girl Guides	Discussion around growing youth programmes
02/09/20	Meeting with Fishing club	Lease matters
04/09/20	Meet with Superintendent for Pilbara Police District	Update on policing matters
04/09/20	Export Hub Launch WA	Mining Exports Digital Hub
08/09/20	Weekly Talk of Town radio segment	Weekly Radio Interview
16/09/20	Meet with US Consul General	General update on various matters
16/09/20	Site tour of JD Hardie Centre	Site tour of construction works
17/09/20	Citizenship Ceremony	Hosting official citizenship ceremony
19/09/20	GAC open day	Official opening ceremony

21/09/20	Joint Development Assessment Panel	Spoilbank Marina
22/09/20	Hedland Community Safety Advisory Forum	Various community safety matters
22/09/20	Pilbara Development Commission (PDC) Board	Presentation to PDC Board on current initiatives & future projects
22/09/20	Spoilbank Community Reference Group	Marina matters
23/09/20	Port Hedland Marina Taskforce Meeting	Marina matters
23/09/20	September Ordinary Council Meeting	As per agenda on the Town's website
24/09/20	Meet with Melreef	Discussion re cattle yards
24/09/20	Hedland Community Road Safety Meeting	Various road safety matters
24/09/20	WALGA 2020 political forum	Conference
24/09/20	WALGA 2020 AGM	As per agenda on WALGA's website
29/09/20	Weekly Talk of Town radio segment	Weekly Radio Interview

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

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

Mayor Peter Carter
 Deputy Mayor Renae Coles
 Councillor Eva Bartho
 Councillor Jan Gillingham
 Councillor Lewis Kew Ming
 Councillor Warren McDonogh
 Councillor Tim Turner
 Councillor Kylie Unkovich
 Councillor Elmar Zielke

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

CM202021/075 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR BARTHO

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 23 September 2020 are a true and correct record.

CARRIED 9/0

CM202021/076 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council confirm that the Minutes of the Special Council Meeting held on Monday 19 October 2020 are a true and correct record.

CARRIED 9/0

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 2021 COUNCIL AND COMMITTEE MEETING SCHEDULES

Author: Senior Governance Advisor
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.

CM202021/077 OFFICER’S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR TURNER

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

1. Approve the following Ordinary Council Meeting schedule for the 2021 calendar year:

Date:	Time:	Location:
Wednesday, 3 February 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 24 February 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 24 March 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 28 April 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 26 May 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 23 June 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 28 July 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 25 August 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 22 September 2021	5:30pm	Civic Centre, Port Hedland
Monday, 18 October 2021 <i>(Swearing in Ceremony)</i>	5:30pm	Civic Centre, Port Hedland
Wednesday, 3 November 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 24 November 2021	5:30pm	Civic Centre, Port Hedland
Wednesday, 15 December 2021	5:30pm	Civic Centre, Port Hedland

2. Approve the following Audit, Risk and Compliance Committee meeting schedule for the 2021 calendar year:

Date:	Time:	Location:
Tuesday, 9 March 2021	5:30pm	Civic Centre, Port Hedland
Tuesday, 11 May 2021	5:30pm	Civic Centre, Port Hedland
Tuesday, 10 August 2021	5:30pm	Civic Centre, Port Hedland
Tuesday, 9 November 2021	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.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the approval of the proposed meeting schedules for the 2021 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*.

2021 Council Meeting Schedule

At the Ordinary Council Meeting held on 27 November 2019, Council determined its meeting dates up to and including the 16 December 2020, and will now need to consider meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*.

It is proposed that Council continue holding Ordinary Council Meetings on the fourth Wednesday of each month at 5:30pm in Council Chambers for the 2021 calendar year, with amendments to the schedule as follows:

- Hold two Council Meetings in February 2021 (on 3 February and 24 February) due to the Christmas break and school holidays;
- Hold the December Council Meeting on 15 December 2021, due to the Christmas break and school holidays;
- Hold two Council Meetings in November 2021 (on 3 November and 24 November) due to the next state-wide Local Government Elections that will be held on Saturday 16 October 2021; and
- Hold the 'Swearing in Ceremony' on Monday 18 October 2020, following the determination of the Local Government Elections.

The live-streaming of all Council meetings will continue throughout 2021, 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 2021 schedule.

2021 Audit, Risk and Compliance Committee Meeting Schedule

The proposed schedule for 2021 remains on a quarterly basis, with the first meeting of the year to be held in March 2021. 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 2021 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

Internal

- Executive Leadership Team;
- Director Corporate Services;
- Manager Financial Services; and
- Manager Governance.

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

Section 6.6 of the Audit, Risk and Compliance 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 will be an estimated cost of \$600 for the placing of the advertisement in the local newspaper.

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
- 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

Corporate Business Plan

The following action 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.

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).

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

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 proposed 2021 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

In relation to the following item 11.1.2, Councillor Bartho made the following declaration:

Councillor Bartho declared an impartiality interest in item 11.1.2 Due to the nature of the Councillors full time employment role with Main Roads WA, they are unable to represent as an Elected Member on the following committees: Regional Road Group and Hedland Community Road Safety Group.

In relation to the following item 11.1.2, Councillor Kew Ming made the following statement:

Councillor Kew Ming advised that he did not want to nominate for any committee positions at this time.

11.1.2 ELECTED MEMBERS REPRESENTATION ON EXTERNAL COMMITTEES

Author: Senior Governance Advisor
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.

CM202021/078 OFFICER’S RECOMMENDATION/COUNCIL DECISION	
MOVED: CR ZIELKE	SECONDED: CR BARTHO
That Council:	
1. Appoint Elected Members as representatives of the Town of Port Hedland with the following external organisation:	
BHP Stakeholder Engagement Group	<ul style="list-style-type: none"> • Mayor Carter • As Proxy: Deputy Mayor Coles
East Pilbara District Health Advisory Committee	<ul style="list-style-type: none"> • Councillor Turner • As Proxy: Councillor McDonogh
Hedland Community Road Safety Group	<ul style="list-style-type: none"> • Mayor Carter • As Proxy: Councillor Unkovich • As Proxy: Councillor McDonogh
Hedland Community Safety & Advisory Forum	<ul style="list-style-type: none"> • Mayor Carter • As Proxy: Deputy Mayor Coles
Hedland Senior High School Independent Public Board	<ul style="list-style-type: none"> • Mayor Carter
Kimberley / Pilbara / Gascoyne Joint Development Assessment Panel (JDAP)	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles • As Proxy: Councillor Unkovich • As Proxy: Councillor Bartho

Local Emergency Management Committee (LEMC)	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles
Pilbara Country Zone (WALGA)	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles
Pilbara Regional Council (PRC) - currently winding up	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles • As Proxy: Councillor Gillingham • As Proxy: Councillor Zielke
Port Hedland Technical Advisory and Consultative Committee (TACC)	<ul style="list-style-type: none"> • Councillor Zielke • As Proxy: Councillor Unkovich
Regional Capitals Alliance WA (RCAWA)	<ul style="list-style-type: none"> • Mayor Carter • As Proxy: Deputy Mayor Coles • As Proxy: Councillor Turner
Regional Capitals Australia	<ul style="list-style-type: none"> • Mayor Carter • As Proxy: Deputy Mayor Coles
Regional Roads Group formally known as Pilbara Regional Road Group	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles • As Proxy: Councillor McDonogh • As Proxy: Councillor Unkovich
Spoilbank Community Reference Group	<ul style="list-style-type: none"> • Mayor Carter • Deputy Mayor Coles
The Port of Port Hedland Community Consultative Committee	<ul style="list-style-type: none"> • Councillor Unkovich • Councillor Gillingham

2. Note the amended 'Elected Member External Groups Representation Information Statement', as per Attachment 1.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider formally appointing Elected Members as representatives of the Town of Port Hedland to various external groups/committees, following the determination of the Extraordinary Local Government Election, held on 17 October 2020.

DETAIL

Following each Local Government Election, Elected Members' representation on external groups/committees are revised. This report is to formally appoint and nominate Elected

Members to become a member of various external group/committees as the Town's representative.

This report also wishes to highlight the distinction between which groups Elected Members are part of, in their capacity of community members and external groups/committees, where they are formally invited to participate in; and that a Council resolution is required to formalise each appointment.

External Group/Committee Representation

On 29 October 2019, the Minister for Local Government, Heritage, Culture and the Arts declared all offices of Elected Members for the Town of Port Hedland (Town) as vacant. Commissioner Fredrick Riebeling AM JP was appointed as Commissioner until the Local Government Extraordinary Elections, on 17 October 2020. Consequently, in November 2019, Commissioner Riebeling was formally appointed and nominated as a member of the following external group/committees as the Town's representative (Council Decision: CM201920/101):

- 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
- Pilbara Development Commission
- BHP Stakeholder Engagement Group

The Town has made contact with the individual organisations, advising them that new Town of Port Hedland representatives will be appointed at its first Ordinary Council Meeting, following the Extraordinary Local Government Elections, on 4 November 2020.

Information about the external groups/committees are summarised in the amended 'Elected Member External Groups Representation Information Statement' (Attachment 1).

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, due to potential implications to the Town of Port Hedland and its Strategic Community Plan and Corporate Business Plan and potential for public interest.

CONSULTATION

Internal

- Executive leadership Team;
- Manager Governance; and
- Executive Assistant to the Chief Executive Officer & Mayor.

External Agencies

- BHP Stakeholder Engagement Group;
- East Pilbara District Health Advisory Committee;
- Hedland Community Road Safety Group;
- Hedland Community Safety & Advisory Forum;
- Hedland Senior High School Independent Public Board;
- Kimberley / Pilbara / Gascoyne Joint Development Assessment Panel (JDAP);
- Local Emergency Management Committee (LEMC);
- Pilbara Country Zone (WALGA);
- Pilbara Regional Council (PRC);
- Port Hedland Industries Council - Community Industry Forum;
- Port Hedland Technical Advisory and Consultative Committee (TACC);
- Regional Capitals Alliance WA (RCAWA);
- Regional Capitals Australia;
- Regional Roads Group formally known as Pilbara Regional Road Group;
- Spoilbank Community Reference Group; and
- The Port of Port Hedland Community Consultative Committee.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Policy 4/010 'Elected Members Travel and Training'
- Local Government Act 1995 – s5.8 – s5.12
- Local Government Act 1995 – Pilbara Regional Council (PRC) and Regional Roads Group
- Main Roads Act 1930 - Regional Roads Group
- Road Traffic Act 1974 - Regional Roads Group
- Planning and Development (Development Assessment Panels) Regulations 2011 - Joint Development Assessment Panel (JDAP)
- School Education Act 1999 (WA) and associated Regulations 2000 – Hedland Senior High School Board

FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland 2020/2021 budget, under 'Members of Council Accommodation and Travel Expenses', which has a balance of approximately \$24,000.

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.

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

Corporate Business Plan

The following actions 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 this reports aims to preserve the positive reputation of Council in the community and with stakeholders. If representatives are not appointed, the Town may miss important opportunities to represent Port Hedland at regional and/or 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).

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

This reports aims to preserve the positive reputation of Council in the community and with stakeholders. The Town of Port Hedland has a vested interest to working in unison with various external organisations and community stakeholders with the aim to foster relationships, promote open communication, develop concepts, address concerns and provide services across the community.

Formally appointing Elected Members to various external groups/committees ensures that the community's ambition of having Port Hedland represented on a regional, State and potentially Federal level is achieved.

ATTACHMENTS

1. Elected Member External Groups Representation Information Statement (under separate cover)

11.1.3 POLICY REVIEW - RESCIND POLICY 1/018 PUBLIC AGENDA BRIEFINGS

Author: Senior Governance Advisor
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.

CM202021/079 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: DEPUTY MAYOR COLES****SECONDED: CR MCDONOGH**

That Council, pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* rescind Policy 1/018 'Public Agenda Briefings', as per Attachment 1.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the rescinding of the Town's Policy '1/018 Public Agenda Briefing'.

DETAIL

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

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

Public Agenda Briefings

Policy 1/018 'Public Agenda Briefings' was created to allow a well-structured framework providing Elected Members, community members and Town officers with an opportunity to ask questions, make statements and/or provide additional information on agenda items. No debate or decision making is allowed to take place at these briefings.

However, statistics have shown that members of the community preferred to attend Ordinary Council Meetings, where they can ask questions and be present to see items on the agenda being considered for adoption. Therefore, Commissioner Fredrick Riebeling decided to cancel all Public Agenda Briefings and requested members of the community, wishing to ask questions verbally at the Ordinary Council Meeting, to submit their questions one week in advance. This is also noted on the Town's website under each Meeting. All questions received will be tabled at the Ordinary Council Meeting.

This approach has proven to be positive over the last few months, therefore the Town's Executive Leadership Team propose that the 'Public Agenda Briefing' policy be rescinded.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team; and
- Manager Governance.

External Agencies

- City of Joondalup;
- City of Karratha;
- City of Mandurah;
- City of Kalamunda; and
- Shire of Esperance.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information

Corporate Business Plan

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated and does not reflect the Town's current practices. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) 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

Council are required to regularly review its policies to ensure they are relevant, up to date and meet the needs of Council and the community. It is recommended that Policy 1/018 'Public Agenda Briefing' be rescinded, as it no longer reflects current Town practices and statistics have shown low attendance from public members.

ATTACHMENTS

1. Policy 1/018 Public Agenda Briefing (under separate cover)

In relation to the following item 11.1.4, Chief Executive Officer made the following declaration:

The Chief Executive Officer Carl Askew declared an impartiality interest in item 11.1.4, Officer's Recommendation 3 due to it being related to his performance.

In relation to Officer Recommendation 3, The Presiding Member called for nominations for the final member of the Chief Executive Officer Performance Review Working Group.

The following two (2) nominations were received

- Cr Eva Bartho; and
- Cr Warren McDonogh.

A brief adjournment was called to allow ballot papers to be prepared and distributed to the Elected Members.

The Presiding Member and Chief Executive Officer oversaw the counting of the votes for the final member and the Mayor declared Councillor Eva Bartho as the final member of the Chief Executive Officer's Performance Review Working Group with a favoured vote of 6/3.

Additional information included to show secret ballot method used to select final member of Chief Executive Officer's Performance

11.1.4 APPOINTMENT OF COUNCILLORS TO THE TOWN OF PORT HEDLAND'S AUDIT, RISK AND COMPLIANCE COMMITTEE AND CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW WORKING GROUP

Author: Senior Governance Advisor
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.

CM202021/080 OFFICER'S RECOMMENDATION 1/COUNCIL DECISION
MOVED: CR MCDONOGH **SECONDED: CR COLES**

That Council:

1. Retain and endorse the current Audit, Risk and Compliance Committee Terms of Reference, as per Attachment 1; and
2. Appoint three (3) Elected Members of Council to become members of the Audit, Risk and Compliance Committee:
 - Cr Bartho;
 - Cr Turner; and
 - Cr Gillingham.

CARRIED 9/0

CM202021/081 OFFICER'S RECOMMENDATION 2/COUNCIL DECISION**MOVED: CR UNKOVICH****SECONDED: CR BARTHO**

That Council:

1. Receive and note the Minutes of the Strategy Committee held on Wednesday, 17 June 2020, as per Attachment 2; and
2. Endorse disbanding the Town of Port Hedland's Strategy Committee.

*CARRIED ABSOLUTE 9/0***CM202021/082 OFFICER'S RECOMMENDATION 3/COUNCIL DECISION****MOVED: CR MCDONOGH****SECONDED: CR TURNER**

That Council:

1. Engage a suitable and qualified consultant to assist with the Chief Executive Officer's (CEO's) Annual Performance review due February 2021; and
2. Appoint the Mayor, Deputy Mayor, and Councillor Bartho as members of the Chief Executive Officer Performance Review Working Group.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider nominating and appointing members to the Audit, Risk and Compliance Committee and Chief Executive Officer (CEO) Performance Review Working Group, following the determination of the Extraordinary Local Government Election, held on 17 October 2020.

This report further presents for Council consideration, to disband the Strategy Committee that was established in December 2019.

DETAIL*Audit, Risk and Compliance Committee*

The Audit, Risk and Compliance Committee is appointed by the Council of the Town of Port Hedland (Town) in accordance with Part 7 of the *Local Government Act 1995*.

The Audit, Risk and Compliance (ARC) Committee's Terms of Reference (TOR) was first adopted by Council in November 2011. The purpose of the TOR is to facilitate and provide guidance in relation to the operation of the ARC Committee. Additional reviews were conducted (in December 2019 and September 2020) and revealed the need for improvements. These improvements were implemented by way of amendments to the TOR, which included the following fundamental changes:

- Audit, Risk and Governance (ARG) Committee' was renamed to 'Audit, Risk and Compliance (ARC) Committee'.

- Number of Committee Members was reduced to three (3) Elected Members.
- Community/independent member was disallowed
- The Town of Port Hedland has a unified process for all meeting agendas that are to be distributed to the public.
- Clarification phrases (release of minutes, Elected Members attending meetings and for financial reporting purposes).

It is proposed that the current TOR is retained (Attachment 1). It focuses on internal and external audit functions, ethical decision making, financial and risk management practices and promotes the provision of recommendations and advice to Council.

Strategy Committee

At the Ordinary Council Meeting held on 25 September 2019, The Commissioner proposed that an additional Committee be created to allow for the flow of ideas from Councillors and experts to come to balanced sensible decisions. Consequently, the Strategy Committee and its associated Terms of Reference (Attachment 3) was established and approved at the Ordinary Council Meeting held on 19 December 2019. (*Council Decision: CM201920/120*).

This Committee was established in line with the City of Mandurah's Committee structure, allowing Members of the Committee to recommend and advise Council on matters relating to the development and implementation of the Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan. This Committee was also established as requested by Commissioner Fredrick Riebeling, who noted that the suspension of Council could be assumed by the Town having a lack of Committee systems in place. Due to the nature of business considered at these meetings, the Strategy Committee meetings are not open to members of the public.

The Strategy Committee at the City of Mandurah no longer exists and consequently, the Town is proposing for Council to disband this Committee. All Elected Members should be involved with the development and implementation of the Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan. Regular reporting and progress updates are communicated and presented to Council at Ordinary Council Meetings for consideration of approval. Hence, the Town is of the view that the Strategy Committee is of no additional value.

Chief Executive Officer Performance Review Working Group

The CEO performance review is conducted in accordance with sections 5.38 and 5.39(3)(b) of the *Local Government Act 1995* and Regulation 18D of the *Local Government (Administration) Regulations 1996*.

The Council has also adopted Policy 3/019 'Chief Executive Officer Performance Review' which provides a framework and guidance for the undertaking of the review. The Working Group also ensures that a consistent and fair approach is used where the format and assessment criteria are known in advance. In accordance with Policy 3/019 'Chief Executive Officer Performance Review', the Working Group shall comprise of the Mayor, Deputy Mayor, one other Councillor elected by the Council each year, and the External Consultant.

The performance review is to take place in February 2021, and upon completion of the review the report is to be presented back to Council for consideration.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team; and
- Manager Governance.

External Agencies

- City of Mandurah.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995, section 7.1A (1), states that local government are to establish an Audit Committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.

Local Government Act 1995, section 7.1A (2), states that at least three (3) of the members, and the majority of the members, are to be council members and that an absolute majority resolution of Council is required in appointing members to the Committee.

Regulation 16 of the *Local Government (Audit) Regulations 1996*, states the functions of the Audit Committee.

FINANCIAL AND RESOURCES IMPLICATIONS

The appointment of an external consultant will have financial implications which are currently budgeted for.

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.

Disability Access and Inclusion Plan

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

- Outcome 3 – Information

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item if the current ARC TOR, which promotes good governance, compliance, transparency and accountability, is not retained by Council. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

There is a compliance risk associated with this item if Council do not appoint an Elected Member to the Working Group, resulting in non-compliance with the Town's Policy 3/019 'CEO Performance Review'. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

These risks will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The ARC Committee is a mandated and integral element to a responsible Council and its delivery of services to the community. Council is requested to appoint the membership of the ARC Committee. The current TOR of this Committee aims to reflect current practices and legislative compliance, whilst providing a more succinct framework to exercise thorough internal and external audit functions, ethical decision making, financial and risk management practices, and promote the provision of recommendations and advice to Council.

Council is also requested to disband the Strategy Committee, as the purpose to help facilitate the operations of the Town more effectively and efficiently, is communicated to all Elected Members through reports presented at Ordinary Council Meetings.

The *Local Government Act 1995* requires the CEO's performance to be reviewed at least once for each year of the CEO's employment. At the Town of Port Hedland, this review is conducted by the 'CEO Performance Review Working Group'. Council is requested to appoint an additional Elected Member to the working group to undertake the 2021 review in conjunction with an external consultant.

ATTACHMENTS

1. Audit, Risk and Compliance Committee Terms of Reference (under separate cover)
2. 17 June 2020 Strategy Committee Minutes (under separate cover)
3. Strategy Committee Terms of Reference (under separate cover)

11.1.5 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 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.

CM202021/083 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR COLES**

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 August 2020;
2. Note the Accounts paid under delegated authority for period ended 31 August 2020; and
3. Receive the Credit Card Statements for period ended 31 August 2020.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 August 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 August 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

As part of the 2020/21 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

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

The opening funding deficit of (\$209K) presented in YTD Actual on the Statement of Financial Activity is as per the closing deficit for unaudited June 2020 financial statements.

The net current funding position as at 31 August 2020 was \$50.49M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$253.9M
Restricted Cash – Reserves	\$238.4M
Unrestricted Cash Position as at 31 August 2020	\$15.5M

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 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 31 August 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 August 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 August 2020.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit to be presented in the unaudited financial statements. The net current funding position was \$50.49M.

ATTACHMENTS

1. Monthly Financial Statements August 2020 (under separate cover)
2. Credit Cards August 2020 (under separate cover)
3. Payments made under authority August 2020 (under separate cover)
4. Material Variances Capital Projects - August 2020 (under separate cover)

11.2 Community Services

Nil.

11.3 Regulatory Services

11.3.1 FINAL ADOPTION OF LOCAL PLANNING POLICY 10 - HIGHWAY PRECINCT DESIGN GUIDELINES

Author: Town Planner

Authorising Officer: Director Regulatory Services

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

CM202021/084 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR UNKOVICH

SECONDED: CR MCDONOGH

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

- a) Adopt Local Planning Policy 10 – Highway Precinct Design Guidelines as submitted in Attachment 1, subject to the modifications set out in the Schedule of Modifications (refer to Attachment 2); and
- b) Advertise the adopted Local Planning Policy 10 - Highway Precinct Design Guidelines in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to adopt Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP 10) with modifications, following feedback received during the public consultation period. This policy outlines design guidelines for development within the identified Highway Precinct.

DETAIL

LPP 10 was initiated at the Ordinary Council Meeting (OCM) held on 26 August 2020 pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). LPP 10 seeks to provide guidance for the design and approval of development within the Highway Precinct and address:

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

Subsequent to its initiation, the draft LPP 10 was advertised for a period of thirty (30) days through an advertisement within the local North West Telegraph, letters to effected stakeholders, and on the Town of Port Hedland's (Town) website. Two submissions were received; one from Planning Solutions on behalf of BHP Billiton Pty Ltd, and a late submission from CLE Planning + Design on behalf of Port Hedland International Airport (PHIA). Details of their submissions can be found within Attachment 3 - Schedule of Submissions.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. A significant reason for introducing this new policy is to provide guidance for design and approval standards within the recently approved Highway Precinct. The Town is tasked with facilitating the development of a quality business park in a manner that is compatible with the Port Hedland International Airport Master Plan 2018-2038.

CONSULTATION

Internal

- Director Regulatory Services;
- Manager Town Planning and Development; and
- Senior Planning Officer.

External Agencies

The draft local planning policy was development in consultation with PHIA. PHIA and the Town received a presentation on the draft local planning policy and provided preliminary advice in relation to the policy content.

- Port Hedland International Airport (CLE Planning + Design);
- BHP Billiton Pty Ltd (Planning Solutions); and
- Landowners within and adjoining the airport estate.

Community

A notice of the proposed draft policy was published in the North West Telegraph. This advertisement provided 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.

The draft policy was also placed on the Town's website inviting submissions. In accordance with Clause 4, Schedule 2 of the Regulations, should Council adopt LPP10 the Town will publish a notice of the adopted policy in the North West Telegraph and will also be made available on the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the highway precinct is considered to be a prominent location. The land is located within the greater airport precinct and therefore is often the first impression of people utilising the Port Hedland International Airport. The standard of approved development should be considered as a direct reflection on the Town of Port Hedland. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

This risk 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

By adopting Local Planning Policy LPP10 – Highway Design Guidelines, subject to the recommended modifications, Council will ensure all planning instruments, including developments applications recognise and maintain quality development within the Highway Precinct. By adopting this Local Planning Policy, Council will facilitate improved built-form outcomes that will improve the perception of the surrounding locality.

ATTACHMENTS

1. Local Planning Policy 10 - Highway Precinct Design Guidelines (under separate cover)
2. Schedule of Modifications (under separate cover)
3. Schedule of Submissions (under separate cover)

11.4 Infrastructure Services

Nil.

11.5 Executive Services

11.5.1 ADOPTION OF THE PUBLIC ART STRATEGY

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

CM202021/085 OFFICER’S RECOMMENDATION/COUNCIL DECISION
MOVED: CR MCDONOGH **SECONDED: CR ZIELKE**
 That Council endorse the draft Public Art Strategy.
CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the endorsement of the draft Public Art Strategy.

DETAIL

Artwork can highlight the history and characteristics of a place, shape landscape and perception, while also influencing the environment and stimulating new experiences and interactions.

The Town of Port Hedland values the positive impact of creativity on our town and recognises that art and culture are an expression of the region’s identity.

The development of a new Public Art Strategy was identified as a key action within the Arts and Culture Strategy 2019-2022 “to undertake a Public Art Strategy, informed by public consultation, to compliment the Arts and Culture Strategy. This strategy should provide a vision for public art across the town and provide a framework for commissioner and community-led art”.

In April 2019 the Town embarked on a period of engagement to inform the Arts and Culture Strategy, released in August 2019.

In order to develop the Public Art Strategy, additional engagement was designed to supplement the information previously gathered by the Town.

This engagement involved:

- 3 workshops with community and key stakeholders;
- Aboriginal engagement led by local consultant Maureen Kelly;
- 10 Social media polls gathering over a thousand responses; and

- An online survey.

The engagement focused on the following key areas relating to public art:

- Types of public art and key locations;
- Key themes and narratives;
- Objectives for public art; and
- Other big ideas.

The input of over 1,210 members of the community was gathered through the various forms of engagement, of these:

- 22% were Male and 73% were Female;
- The majority were between 25-35 years old;
- Almost 25% of respondents identified as Aboriginal;
- 54% agreed that the Town should invest resources in public art;
- 67% would like to see more public art by local Aboriginal creatives;
- 71% believes public artwork contributes to a Town's attractiveness; and
- 76% would like to see public art used to enhance the attractiveness of existing spaces.

The following emerging themes were identified during the development of the draft Public Art Strategy:

1. The Port Hedland community value their unique cultural heritage and natural assets - The engagement reflected the community's belief that cultural heritage and natural assets should be the focus for public art commissions, taking advantage of the distinctive colours, remarkable stories, endemic flora and fauna as inspiration for the artworks. The community expressed a desire for artwork that celebrates Port Hedland and what distinguishes it from other places in the region;
2. Public art is a way of signalling Port Hedland is 'open for business' - The community understands the ability for arts and culture to contribute to tourism, and that public art is a way of signalling Port Hedland is a dynamic and vibrant place to live, work and visit. In line with national and international trends, iconic artworks are a way of attracting visitations from audiences of all ages and generating organic social media content;
3. Public art should respond to the Pilbara landscape and industry operations - In the Pilbara, a place of wide-open spaces untouched by industry, contrasted with rugged landscapes dotted with haul trucks and drill rigs, public art needs to be impactful, highly visible, and considered;
4. Support local - The Pilbara creative community is made up of diverse practitioners – graphic designers, illustrators, painters, sculptors and street arts, amongst many others. This diverse community has a lot to offer, however varying levels of experience mean they can be overlooked for public art opportunities. Yet these creatives are best placed to create public art for the Town which is intrinsically linked to place and cultural identity. A focus on local professional development and opportunities for emerging creatives would encourage growth and engagement with this community; and
5. Celebrate the locals – diversity and belonging - There was strong sentiment to include and celebrate local Aboriginal artists and involve different members of the community in the creation of public art, such as youth and older people. This is seen as a way of fostering pride within the Town and building a cohesive community spirit.

As with all other plans, strategies and policies developed by the Town, the draft Public Art Strategy has been informed by best practice research and will provide a framework for Council

planning and decision making in regards to the commissioning and acquisition of public art, as well as its ongoing care and maintenance.

The draft Public Art Strategy works in conjunction with a suite of strategic and operational documents that guide both the direction and implementation of public art in the town.

The draft Public Arts Strategy was placed on public exhibition from 7-15 September 2020 (inclusive). All feedback was considered resulting in some minor amendments to the Strategy.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because of potential impact to the reputation of the Town of Port Hedland and general interest by the community.

CONSULTATION

Internal

- Executive Leadership team;
- Arts and Culture team;
- Infrastructure team; and
- Planning team.

External Agencies

A focus group was held with representatives from The Junction Co, FORM and the Pilbara Development Commission.

Community

In April 2019 the Town embarked on a period of engagement to inform the Arts and Culture Strategy, released in August 2019. In order to develop the Public Art Strategy, additional engagement was designed to supplement the information previously gathered by the Town.

- 3 workshops with community and key stakeholders;
- Aboriginal engagement led by local consultant Maureen Kelly;
- 10 Social media polls gathering over a thousand responses; and
- An online survey.

1210 community and stakeholder voices were heard through the process.

LEGISLATION AND POLICY CONSIDERATIONS

The draft Public Art Strategy supports Council in achieving a vision for the town that places culture at its centre and recognises the important role that arts and creativity play in community engagement, community wellbeing, economic vitality, and celebration of built and natural assets.

The Arts and Culture Strategy also links to other key planning documents including:

1. Town of Port Hedland Corporate Business Plan ;
2. Town of Port Hedland Operations Plan;
3. Town of Port Hedland Public Art Register;
4. Pilbara Creative and Cultural Strategy; and
5. Town of Port Hedland Arts and Culture Strategy 2019-2022.

FINANCIAL AND RESOURCES IMPLICATIONS

Following a request for quote process Element Advisory Pty. were engaged to assist with the development of the Public Art Strategy for a total fee of \$24,508.00.

The draft Public Art Strategy will provide a framework for decision making around the allocation of funds for public art. The implementation of the draft Public Art Strategy will be primarily funded through existing operational budgets. Unfunded projects will be considered and prioritised, as part of the annual planning cycle each year, and may form the basis of external funding grants and requests.

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.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 2.a.4 Broader education and training offerings are encouraged
- 4.a.3 A positive narrative and unique brand is developed and promoted

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 6 - Consultation Process

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (4) for this agenda item. This is calculated as a minor consequence (2) and unlikely likelihood (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The draft Public Art Strategy is part of an integrated planning approach being implemented within the Town of Port Hedland. The draft Strategy is one way to ensure public art projects are delivered in a strategic manner and will provide maximum community benefit. The draft Strategy will be reported annually through the Arts and Culture Strategy Annual Report.

ATTACHMENTS

1. Draft Public Art Strategy (under separate cover)

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

Nil.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 25 November 2020 commencing at 5:30pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 6:09pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 25 November 2020.

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

PRESIDING MEMBER

25/11/2020
DATED