



# MINUTES

## Ordinary Council Meeting Wednesday, 15 December 2021

Date: Wednesday, 15 December 2021

Time: 5:30pm

Location: Civic Centre  
McGregor St  
Port Hedland

Distribution Date:

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## Item 1 Opening of Meeting

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The Presiding Member declared the meeting open at 5:48pm.

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## Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

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## Item 3 Recording of Attendance

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*Important note:*

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

### 3.1 Attendance

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

**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Karren MacClure (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Peter Chandler (Manager Infrastructure Projects & Assets)  
Jim Olynyk (Governance Manager Interim)  
Joyce Routledge (Senior Governance Advisor)  
Rebecca Wilkinson (Governance Officer)  
Jenna Brown (Governance Support Officer)  
Naomi Murcott (Corporate Support Officer/Minute Taker)

**3.2 Attendance by Telephone / Instantaneous Communications**

Nil

**3.3 Apologies**

Cr Warren McDonogh

**3.4 Approved Leave of Absence**

Nil

**3.5 Disclosure of Interests**

Name	Item no.	Interest	Nature
Councillor Elmar Zielke	11.3.3	Financial	Financial interest

**Item 4 Applications for Leave of Absence**

OCM202122/090MOTION

MOVED: CR COLES

SECONDED: CR CHRISTENSEN

That Council approve the leave of absence request for Councillor Gillingham from the 17 December 2021 to the 24 January 2022.

*CARRIED BY SIMPLE MAJORITY (8/0)*

In Favour: Mayor Carter, Cr Coles, Cr Zielke, Cr Turner, Cr Gillingham, Cr Christensen, Cr Bennett, Cr Eckhart

Against: Nil

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**Item 5 Response to Previous Questions**

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<b>5.1 MS MARY JOSEPHINE WYN ON BEHALF OF RHONDA POWER</b>
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At the Ordinary Council Meeting held on 24 November 2021, Ms Wyn was invited to read out a statement on behalf of Ms Power. The statement was followed by a request to Council for Council to:

*Consider donating skip bins for the clean-up (of 1 Masters Way, South Hedland).*

Response provided by Director Regulatory Services:

The Town's Waste Operations does not own any skip bins therefore is unable to provide receptacles for collection of larger volumes of waste. The Town can arrange for a waiver of fees for this waste if disposed of by either the property owner or their contractor.

Please contact the Manager Waste Operations and confirm the volume of waste, type of waste, contractor/method of disposal, and intended date of disposal for a fee waiver to be arranged. This information must be supplied to Waste Operations at least 48 hours prior to coming to site. This request can be e-mailed to [Landfill@porthedland.wa.gov.au](mailto:Landfill@porthedland.wa.gov.au).

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**Item 6 Public Time**

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*Important note:*

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

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

**6.1 Public Question Time**

The Presiding Member declared Public Question Time open at 5:52pm.

The Mayor asked the CEO if he had received any questions.

The CEO confirmed he had not received any questions.

**6.1.1 MS LEE GIBBS**

*What is Councils stance on mandatory vaccinations, do you support them?*

The Mayor took the question on notice.

*What is Council's position on excluding community members from public places such as gyms, entertainment venues, cafes, bars, bottle shops and dine-in restaurants based on their medical status?*

The Mayor advised the Town would be guided by the Department of Health.

*What action or actions would Council consider to protect the rights and freedoms of their unvaccinated ratepayers and constituents?*

The Mayor took the question on notice.

**6.1.2 MS GAIL VICTOR**

*Ms Victor - Through the Chair, I would like to ask the CEO the reason why he did not read my statement out at the last Council meeting [being 24 November 2021]?*

The Chief Executive Officer advised that Ms Victor's statement was not read out [at the 24 November 2021 Ordinary Council Meeting] as it did not adhere to the Town's Standing Orders, which states that members of the public must be present to make a statement.

*Ms Victor - Through the Chair to the CEO, why then did you allow community member, Mary Wyn, to read the statement on behalf of a person who was not present at the meeting [being 24 November 2021 Ordinary Council Meeting], and the statement in fact had nothing to do with Council business.*

The Chief Executive Officer advised that this was a question to be addressed to the Mayor. As the Presiding Member he can allow statements to be made should he wish to.

The Mayor took the question on notice.

*Ms Victor - I feel the decision was quite discriminating, can you explain why you did not see this?*

The Chief Executive Officer advised he was not aware they were discriminating and the decision at the time was made on an administrative basis.



**6.1.3 MR CAMILO BLANCO**

*Mr Blanco - Mayor Carter, can you advise why you have never made any financial interest declarations in relation to the agenda item relating to De Grey Mining? And, do you intend on disclosing an interest for tonight's Item 11.3.3 Mining Tenement for De Grey Mining?*

The Mayor advised he does not have a financial interest in this item.

*Mr Blanco - Tonight's meeting, Mr Mayor, is about a proposed airstrip and FIFO accommodation, and you have been doing business deals in your capacity as the Chairman of Corymbia Aboriginal Corporation. To me that looks and feels like a direct financial interest. Do you disagree with that?*

The Mayor advised that he disagrees.

*Mr Blanco - Mayor Carter, do you intend to declare a financial interest tonight on Item 11.3.2, the accommodation at Lot 436, Bayley Retreat? In addition to that, have you ever had any communications with MGM regarding accommodating their workforce at The Lodge Hotel, South Hedland or the South Hedland Motel.?*

The Mayor advised that Item 11.3.2 has been withdrawn from tonight's agenda.

**6.1.4 MS GLORIA JACOB**

*Given the recent controversies you have embroiled yourself in, and negative publicity, and the damage to Council's reputation, and questions of integrity resulting from reports of your improper and dishonest behaviour, will you, Mayor Carter, stand down as Mayor for the sake of the future interests of the Town of Port Hedland and its people?*

The Mayor advised he would not stand down.

*Mrs Jacob - So why would you not consider stepping down, Mr Mayor, when you have caused such disrepute and bad publicity for not only yourself, but the Council and the Town of Port Hedland?*

The Mayor reiterated that he would not be standing down.

*Mrs Jacob - Do you think the charter for Councils applies to you? And, do you think the Town deserves somebody that represents them with integrity, accountability and understanding of what the environment is for the Town and its future aspects?*

Mayor – Absolutely.

**6.1.5 MS LOUISE NEWBERY**

*Ms Newbery - Mayor Carter, could you please state if the information in the Australian newspaper recently, 12 December 2021, is this information true? As it is has caused much concern in the community. Please advise.*

The Mayor advised that he cannot comment.

*Ms Newbery - Mr Carter, could I please ask for your resignation as your actions have put the office of Port Hedland into disrepute.*

The Mayor advised he would not resign.

**6.1.6 MR ROGER HIGGINS**

*Mr Higgins - There's a fair bit of information that has been provided to Councillors in relation to investigations. Has the Chief Executive Officer received that information? And, can the Chief Executive Officer advise if he has forwarded that information to the appropriate investigative authorities, and if not, why not?*

The Chief Executive Officer advised he had received that information, and, did not need to forward it on as it has already been forwarded on, and he has confirmed that.

*Mr Higgins - Is the Chief Executive Officer aware that the Corruption and Crime Commission (CCC) Act requires that the Chief Executive Officer report any serious misconduct?*

The Chief Executive Officer advised that he is aware.

*Mr Higgins - Does the Chief Executive Officer regard this as serious misconduct?*

The Chief Executive Officer advised he has no comment on that particular item.

**6.1.7 MS TELONA PITT**

*Ms Pitt - Recently the Premier Mark McGowan came to Port Hedland in regards to vaccinating Aboriginal communities. I was at that meeting, and you yourself [Mayor Carter] and the Chief Executive Officer were at that meeting and I had asked the Premier if – sorry, actually - how accurately were adverse reactions being recorded in regards to the vaccinations. His answer was that there were no adverse reactions recorded in WA. Mayor Carter and also the CEO, can you confirm that you were there and you heard him say that?*

The Chief Executive Officer and Mayor advised they did not hear the Premier say this.

*Ms Pitt – With the disrepute and defamation and all the bad things with the Council. So, your only interested in resigning when State Commissioners ask you to resign for the benefit of the state? Is that the only time you are interest in resigning?*

The Mayor reiterated he would not be resigning.

**6.1.8 MR DAVE MCGOWAN**

*Mr McGowan - The Town has had some pretty deplorable press the past few days in the Australian Newspaper. As a long term local it is so sad to see our loved town reported again in the media for the wrong reasons. The matter discussed has been known to many in the Town in parts for many months. The dots have now been connected and it's time to stop this, it's a bloody embarrassment. How is the Town expected to attract quality people and investments when we lack the leadership and professionalism required. What has the Town of Port Hedland done to manage and rectify this?*

The Mayor took the question on notice.

*Mr McGowan – When will action be taken to remove the Mayor by a vote of no confidence by Councillors?*

The Mayor reiterated he would not be resigning.

**6.1.9 MRS NIKOLA JACOBS**

*Ms Jacob - Mr Mayor, through listening to all these questions people have been asking you why will you not resign, and all you have said is "I am not resigning". Can you please explain why you will not resign?*

The Mayor reiterated he will not be resigning.

The Presiding Member Declared Public Question Time closed at 6:08pm

## 6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 6:09pm

### 6.2.1 MR CAMILO BLANCO

*Look, there are a lot of serious issues that come to the Council for consideration and you're expected to make those decisions in the best interests of Port Hedland. You know, and I know, and so do all the people behind me know, that you are never going to make everybody happy with the decisions you make, which is why we try and make the best decisions for the Town based on majority.*

*What is really concerning with this Council is the lack of debate, on anything. And the meeting processes, they just don't comply with the basic rules. And you should know the basic rules. And the examples are plentiful. Members voting on items that their employers have here for consideration. Members asking for advertising budgets to be spent in their workplace. Members voting on items that they have a direct financial benefit to themselves in. And today's display in the special meeting just proves that you have no clue how to run a meeting as per the Standing Orders. Asking for the vote, not confirming the vote, not confirming there is a mover and seconder and going into debate without knowing that there is a seconder on the motion. You know, geeze, that's basic stuff.*

*There are so many other examples there. You would have seen me in the gallery just shaking my head, it's crazy stuff. You really need to get educated on the way you need to run a meeting. Okay, the way you call points of order, you know, when you call a point of order, all conversation stops. All - there's no debate. All conversation stops, and then you announce the point of order. If you're not sure, have a look at your Standing Orders and see what it's all about.*

*Members here are criticising the public. You don't do that, that's actually a breach, you're not allowed to do that. Have a look at your Standing Orders. Not allowed to happen. The research that I have done over the last eight to ten weeks, and the evidence received from multiple sources, it's clearly a witch hunt being aired in the media now, and we're just getting started. There's so much more to come out.*

*You were all issued a fair amount of that information, and as you should know, it's your responsibility to report. But, I would say none of you have done that. The only Councillors that have actually done something about it are Councillor Coles, Christensen and Gillingham. And they pushed for the enquiry, which was clearly obstructed by the Chief Executive Officer and the Mayor, well I'm assuming the Mayor, but there was a real unwillingness to act on any information. So that puts the Council future in a very bad position because all of the reading I have done on Council matters and enquiries into the dismissals of local governments don't even come close to the amount of misconduct that is evident in the tender process and with some of the individuals on this Council tonight. Don't even come close.*

*I think there's about twenty-seven enquiries, they're all about fifteen-hundred pages long, I've read the whole lot. This is a corker, the stuff that's going on now, puts all of that stuff to shame.*

*Any decision made now and into the future with these members still on this Council, creates a serious bias in a lot of people's minds. Now, you know, the Mayor has been asked many times in question time, and I suggest that the mayor fall on his own sword and resign immediately in*

*order to save this Council from dismissal. Because I don't want to see a Labor insert and Commissioner put here, I really don't. You know, he made some really bad decisions.*

*So, I'd like you to think about that, Mayor Carter, because at the end of the day if this Council is dismissed, which I think it will come very close, because of the stuff that has been going on.*

*Oh, by the way, the Chief Executive Officer was correct in saying that complaints to the police and Corruption and Crime Commission (CCC) have been submitted – not to the Department of Local Government, I didn't do that because – I put the complaints to the police and the CCC, and you will know that already as I told you that. But I didn't put that to the Department of Local Government because they are useless. I have submitted sixty odd complaints of serious misconduct to them and they have done absolutely nothing, so I'm not going to waste my time with them. So, I suggest, and the Minister for Local Government, in the media, you know, two days ago, saying 'well the department doesn't have the information'. He's probably correct. But the Detective Sargent that I've spoken to about the information that I gave, the fraud department in Perth, he told me –*

The Mayor advised Mr Blanco's five minutes were up and asked he summarise.

*I'll summarise and be gone in a few seconds. He told me that he has submitted that information to the Department of Local Government. The Director General of Local Government. I believe the Police, they got it. But, today I did receive from the CCC at about 3 o'clock this afternoon, confirmation that they are investigating that information.*

#### **6.2.2 MS MORAG LOWE**

*The reason I came along tonight is not because of the Special Council Meeting, or this meeting, in essence it's because of what happened at last month's Council meeting. I watched it online and I was absolutely horrified at what happened in this room, and horrified that the Mayor did not take it upon himself to stop the tirade that came from the floor on a member of the community. The lack of dignity, the lack of respect, the reputation damage to this town. Thank you to Councillor Coles for speaking up at the time. Having watched that, I made the decision that I am going to start to pay attention to what is happening at Council level.*

*I agree with the last speaker that the lack of debate on any issues that have happened in the past couple of years has absolutely alarmed me. I would tell Councillor Eckhart that I do not have an agenda, I do not have an axe to grind, only to represent my views as to when I am actually alarmed at what is happening in this town, and in this organisation that represents this town.*

*What has been transpiring in the National newspaper, the only National newspaper in Australia, all week is very detrimental to the reputation of the town. I do not have an opinion on whether it is right or wrong, but no doubt that will come out in the wash. But I have had a simple question to ask of the Mayor all year; knowing that he is in the aviation industry I wondered why on earth he put himself on the airport committee? I would have thought that was really a simple conflict of interest, representing the Town and all issues to do with the airport.*

*These are the issues that are of concern to the ratepayers in this town. There's a lot of people in this room tonight and I would ask that they do not make this evening an exception, but that we continue to come along and continue to ask the hard questions of the Mayor and Councillors going forward, because we actually as a community need to take ownership as*

*well and play our part in ensuring that the future direction that this town goes in is in benefit of the town and not the shambles that we have had to put up with as a community over the last few years.*

The Mayor thanked Ms Lowe for her statement.

### **6.2.3 MS GLORIA JACOB**

*I would like to commend the statements made by the previous speakers. The Presiding Member not only does not have a good grasp on how to preside over meetings, but he clearly doesn't know how his own vote goes.*

*I also applaud the arguments of the Councillor's that requested the Special Council Meeting. Your request to review the audit process is a sound request, it's a request to improve processes, it's a request to improve policy and how operations are made. Tonight, Council will deliberate on awarding tenders for projects worth millions of dollars. It's an indictment that Council, Executives, and operations have chosen not to take advantage of reviewing the process to ensure best practices are moving forward, so I'm sad for that.*

*On a second statement, specifically to you Mayor Carter. I address this to you in particular. You ran a campaign based on being a Mayor with a vision and passion. Presently based on reports of which I understand there is evidence to support, if we are to believe these reports, clearly you omitted to include that both your vision and passion was not only for the Town but for your own self-interest and the advancement of your own business ventures.*

*In only your second month as the newly elected Mayor you have placed the Town in the spotlight for all the wrong reasons. You have shown a major lack of regard for our community and the Town by your lack of understanding and empathy for some people in our community, in particular Ms Gail Victor's plight and your improper, and reportedly dishonest and unethical behaviour.*

*Whatever your reasoning is to justify yourself, has brought disrepute and will cause long-term repercussions. Your antics will continue to have effects on the Town and its future interests in building strong relationships with industry, state and federal governments. This impact should not be underestimated. Councillors, you also have the right to request to ask questions. And potentially this will present another reason for industry key stakeholders to not do business with the Town of Port Hedland. Council and this Town has borne the brunt and will continue to carry the burden from your antics and behaviour.*

*When you read headlines such as: 'Port Hedland Mayor kept mum on his Indigenous links', 'Big-noting Port Hedland Mayor digs financial holes' – such positive media for a Town that has so much potential, if only we could get the right leadership to actually lead this Town in an open, transparent, accountable, respectful and responsible way.*

*Mayor Carter you have not displayed any of those. Given this, I respectfully ask why you won't put the interest of this Town and its community ahead of your own self-interest and resign as Mayor.*

*On that basis Councillors, you have a right to ask, a right to vote for a no confidence. The next four years of this is a debacle for the Town. It is not visionary; it is not what the Town of Port Hedland can be. Everyone talks about what we can be, we can't be under this leadership,*

*under this Mayor. A lot of your Councillors are new, and you need leadership and good guidance. You are not getting that now, but you have it in your rights to demand more. Ask questions, I implore you to do that.*

#### **6.2.4 MS TRACEY LEE GARBIN**

*I watched the 24 November 2021 Ordinary Council Meeting online via live stream and I was shocked and disappointed, at one point I was really disgusted. I just want to thank Councillor Coles for stepping in, Councillor Gillingham and Gloria Jacob as well.*

*I would also like to thank the Town of Port Hedland; I made a phone call to the Governance team and they advised that the personal information of the community member had be censored.*

*It should never have been spoken about. I feel, as a ratepayer and a long-term member of this community, that something needs to be put in place, so this doesn't happen again.*

*I am very disappointed about the vote in the Special Council Meeting, we wanted transparency. People who are concerned about relationships being divulged or financial decisions, I think it's very disappointing what has happened. Everybody here is a person and have things going on in their lives. I am actually quite concerned about a few people on this Council, and how you are all feeling, I hope there are supports in place for all of you because I can only imagine the stress you are under. In saying that I hope that the Town of Port Hedland has something in place to support the Councillors that have really tried to be transparent tonight. I can see your frustrations.*

*Councillor Coles, thank you very much. Councillor Christensen, there are so many people who are so proud of you. You're young compared to myself, you are obviously an up and coming leader and you have shown a lot of strength today. Councillor Gillingham, I see your frustration, so does everybody here and there were a lot of comments about it. I really hope there is something through the Town of Port Hedland so when you guys go home tonight and you're struggling for the next few weeks you have some sort of support in place, because there are obviously divisions going on. I just want you all to take care of yourselves and I am hoping that the Town of Port Hedland has some sort of service to make sure you are all looked after.*

#### **6.2.5 MS GAIL VICTOR**

*I would like to read my statement now that was not read at the last meeting. Before I start I would like to thank Ms Gloria Jacob, Councillor Coles and Tracey for their comments, as I too saw the previous Ordinary Council Meeting and was disgusted that the Mayor allowed something like that to happen, that had nothing to do with Council, and did not stop it.*

*My name is Gail Victor, I came into the 3 November 2021 Ordinary Council Meeting and said I had become homeless. Other people questioned the Mayor on things that I said that same night, he suggested I was not telling the truth. I do not lie.*

*I am in a very stressful situation that I would never wish upon anyone. but every time I talked with the Mayor, I kept getting the same responses from him and I don't want to live under a tree and I'm not ready to die yet.*

*I don't know what we should do or who will help us if the Council is not going to help.*

*The Mayor's response to the community on ABC radio suggested he had spoken to me and personally apologised, he had not contacted me or left a message and I have had no missed calls from the Mayor. The Town and the Mayors media response was a carefully crafted excuse, not an apology.*

*In addition to this, this past Monday I was tracked down by the South Hedland detectives, who said the Mayor wanted me charged with a criminal offence for recording our conversation which was about housing, and has been for the last 6 months, and where I would stay.*

*I recorded the conversation as I was in a very scary and threatening situation. Under the law I am allowed to do that. So, no place to live, on the street, and with a Mayor who changes his response every time you talk to him.*

*The Town of Port Hedland had one meeting with me and that was with Josephine Bianchi (Director Community Services), that occurred a week after my initial statement to the Town and no subsequent meetings, as stated in the Chief Executive Officer's emails to me.*

*These areas of community responsibility and affordable housing are bestowed on you, to come up with sensible solutions. It may not be your mandate as a Local Government but it is your duty to inform the government and fight for the basic human rights of the people to have a roof over their head, and if you cannot do these basic deeds, you should be ashamed of yourselves.*

*I am still homeless, still living in my car, but my resolve is getting stronger. I will be coming to these meetings, when I'm not in hospital, and I will be reminding you that I and many others are still living on the street. People will know you do nothing to repair the homeless situation through affordable housing or a retirement village for people like myself or people of this town.*

The Mayor thanked Ms Victor for her statement.

#### **6.2.6 MS TELONA PITT**

*I wasn't going to make a public statement, but I would like to bring up with the Mayor saying he is Aboriginal – as an Aboriginal and Torres Strait Islander myself I was actually quite surprised, knowing that I had served on Council with him during which time he never disclosed that he was Aboriginal, and now to read in the newspapers that he has set up an Aboriginal trust under the Office of the Registrar of Indigenous Corporations (ORIC) as an aboriginal corporation is quite disgusting and disgraceful that you would use your own selfish business needs to exploit Aboriginal people, and funding as well. I don't think you are fit enough to be Mayor and would ask Council to consider putting a vote of no confidence in the Mayor.*

*Reading all of these reports, even the registrations under ORIC there is no declaration of what language group you are from, and culturally when Aboriginal and Islander people first meet each other, that is how they find their common ground, they ask 'Who's your mob?' and then you say where you're from. There has been comments from people in the community that have also said that.*

*Have you ever participated in any type of Aboriginal community group, workshops, meetings, activities, or anything like that? There's enough of that type of stuff going on, not just in this*



*Town but across Australia, people exploiting Aboriginal disadvantage to gain financial interest, and to have a Mayor who is doing that I think is disgraceful.*

The Mayor thanked Ms Pitt for her statement.

#### **6.2.7 MR JONATHON HALL**

*I would just like to remind the Councillors that you were voted by us, as the populous, to bring you into power for our good – not your own. Regardless of what is in the paper, all of you are empowered to look after us, not your own pockets or your own mates. It's disgusting.*

*I've lived here since 1972 and have not seen such a ridiculous situation ever. I don't often come here because it is pointless, but this is outrageous. I mean, what happened today is outrageous when you're voted by us to look after us.*

*It's disgusting, absolutely disgusting.*

The Mayor thanked Mr Hall for his statement.

#### **6.2.8 MS LOUISE NEWBERY**

*The recent advertising this week in The Australian newspaper has highly alarmed many people in the Town, they are very concerned that we are being thrown under into turmoil Australia wide. It is an embarrassment to read a lot of it. I would seriously have to say that the Mayor, we need to medically check you out.*

*I have known about a few of these projects, I actually need to ring the Australian because there are a couple of business ventures that I know about that they haven't stated, so to hear the rest of them, I think the Mayor should take the option of what The Australian said and go into telling children's stories. That might be the business he might make money in.*

*Under the Town of Port Hedland Code of Conduct, only just adopted this year at the 28 April 2021 Ordinary Council Meeting, so the Mayor should be fully aware of what the Code of Conduct is to guide the behaviour of Council members.*

*Mayor Carter, you have breached:*

*4.1(e): Avoid damage to the reputation of the Local Government.*

*18: Securing personal advantage or disadvantaging others;*

*18.1(a): To gain, directly or indirectly, an advantage for the council member or any other person;*

*18.1(b): To cause detriment to the Local Government or any other position.*

*You have used your position as Mayor to gain, but unfortunately still haven't worked it out, and put the office into disrepute.*

*I would seriously consider stepping down Mayor Carter before it all comes out.*

The Mayor thanked Ms Newbery for her statement.

**6.2.9 MS LORRAINE BUTSON**

*I actually work in my daughter's shop in South Hedland and also work as a nurse at Hedland Health Campus and have done so for the past 45 years. Over the last few months, people have been coming to me and asking questions that I have brought up at Council, and things that have been discussed at the Mayors business in South Hedland.*

*There are a few things that have come to Council that are meant to be confidential, yet I have had businesspeople come to me asking questions such as*

- 1. Is the TOPH going to be buying back the Bunnings off the block, opposite the Puma petrol station for \$400,000, build a shed on it and lease it back to Bunnings?*
- 2. The Corymbia: has the Mayor ever sat down with them, with the exception of the Kariyarra people, or any other tribe or elders in regard to Corymbia Aboriginal Corporation? And why did he not use his own two children in the corporation instead of his nephew?*
- 3. The Lodge Motel and relationship with Mudmee. Also, that there was another Councillor involved that would be making agreements on employment of staff etc.*

*There were a lot of other things that have come to Council, one of which was I had a businessman asking me a personal question, that he was very worried and the Mayor had spoken to him and said that he had \$400,000 from the corporation, or wherever he had gotten it from, and this person was very worried - and is a very good business person and a lawyer - on where this \$400,000 was coming from.*

*Unfortunately, back on June 17, 2021, you registered Corymbia corporation and I questioned what you were up to. There are a lot more issues of businesses and I believe a lot more confidential things. The airport with De Grey mining, I had the same businessperson come to me asking questions before it even came to Council. No one knew about it and it was brought to Council later.*

*I thought the idea of the Mayor, with his Councillors, is to discuss these issues before they go out, these matters should not have been discussed at Pilbara photographic.*

*I urge the Chief Executive Officer to look into the confidential items being discussed in South Hedland.*

The Mayor thanked Ms Butson for her statement.

**6.2.10 MS NATALIE CHOLL**

*My statement is, what are you going to do about the 54% of people that are unvaccinated in the Pilbara with their freedom of rights? It's an important question.*

The Mayor advised that it is statement time.

*It is a statement, yes. Thank you for correcting me. It is my first time coming to a Council meeting and I am absolutely appalled at what I have heard tonight.*

The Mayor thanked Ms Choll for her statement.

**6.2.11 MS MARY WYN**

*Councillor Eckhart, I completely support your statement that this appears to be a witch hunt. There appears to be an enormous amount of the general public here to basically bag the Mayor.*

*Mayor Carter I absolutely support your decision not to resign. You have vision, and despite all the criticism towards you, you continue to serve the Town of Port Hedland.*

**6.2.12 MS NIKOLA JACOB**

*After hearing everybody's comments and statements tonight I would actually agree that the Councillors we have voted to this Council to serve the Town of Port Hedland, need to think very deeply on how they are going to serve, and whether this Mayor is the right Mayor to be able to serve us as well. He has not shown us that we can trust him, and that he is loyal. Having someone come up here and prune his feathers every public time isn't showing trust and loyalty either.*

*Councillors, I believe you should really think about the vote of no confidence.*

The Mayor thanked Ms Jacob for her statement.

The Presiding Member Declared Public Statement Time closed at 6:45pm

**6.3 Petitions/Deputations/Presentations/Submissions****6.3.1 DE GREY MINING LTD - MS BRONWYN CAMPBELL**

*I just wanted to make a few points. De Grey has a very exciting project with Gold, not coming away from iron Ore but the diversification of the region.*

*We have had a bit of a process, particularly with the camp and the airstrip. I think it's the airstrip that is more controversial than the camp. The camp we need to have, and I think everyone is across that.*

*I would just like to point out that we have had quite a few opportunities to speak with Council, and with Councillors individually and I think we have provided all the information that has been requested of us. You understand that our position, particularly with the airstrip, very much about safety. That is very important to us.*

*When we talk about the Mallina gold project, the objections that the Town are placing on all of our applications: our mining lease applications, our miscellaneous lease etc. on one hand we are talking about how exciting the project is for the region, and on the other hand we are getting all of these objections coming through to all of our applications.*

*I really understand from the Town's perspective on why this is important and on getting De Grey to the table to have a discussion around how we can work together and align on the future. I think we have done that; I think we have had that conversation.*

*I just want to make it clear that this is not only about approving or not approving the proposed De Grey airstrip, and more about removing the objection to the miscellaneous lease so that we can continue moving on with our project. There are so many options for us to work together in the future, and so many options that De Grey could collaborate with the Town on.*

*The objections are causing delays to our lease application and if the objections do not get removed from this particular miscellaneous license application, we are then heading down a warden's court process which is very time consuming and very costly for both parties which we certainly don't want.*

*My understanding is that the location of the proposed airstrip and camp is on mining act tenure anyway, so not within this jurisdiction. We are really hoping the Town of Port Hedland will remove its objections for the airstrip and camp and that we will be able to talk. I know we have had a discussion around the capital works program and what the Town of Port Hedland are looking to do in the future around some really exciting projects. We definitely want to be a part of that at some point, but as I pointed out in my letter [previously sent to the Chief Executive Officer], we just don't have a producing asset for a long time. We are not a funded project, we don't have that security to know where we're at, at this point. We are really way off that. So, all these objections are really just holding up the whole approval of the project, which is ultimately going to benefit the Town of Port Hedland, I am hoping in many many ways in the future. I'm here just to hope that you guys will remove the objection you have to the airstrip. The airstrip will be, if it's not our own airstrip – which of course we also need to get gold in and out of – golds a very different commodity to iron ore. We need a way to get our gold out, security, RFDS, Great Northern Highway – we've talked about that stuff. I want to also reiterate that we are very – we all know how keen we are to have a great relationship with you all going forward and see the development of the Town of Port Hedland to go to bigger and better things. I'm respectfully asking that the objections be removed.*

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## **Item 7 Questions from Members without Notice**

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<b>7.1 COUNCILLOR GILLINGHAM</b>
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*With regard to the Unconfirmed Minutes from the 24 November 2021 Ordinary Council Meeting, as a member of the public (Ms Gail Victor) could not be present at the meeting and sent a letter in that could not be read out due to administrative reasons, another letter was read out by Ms Mary Wyn on behalf of Ms Rhonda Power who was not present either. I understand that there is some controversy with that and I would like to think we would be putting that letter of Ms Gail Victor's into minutes and adjusting some things in the letter Ms Mary Wyn read out or potentially removing it from the minutes all together.*

This question was taken on notice and will be considered by the administration.

*The area next to the roundabout at Athol Street and McGregor Street near Cooke Point, is that vacant land or owned by the Council? There have been a large amount of trees cut down this week, which has been very disturbing. I would like to find out first of all who owns that land, and who would have asked for that to be processed?*

The Chief Executive Officer took the question on notice.

*Some of those trees were the coffee trees, and I would like to ask who authorised that? Would it have been the water board or the Town? Was any consideration given to the native flora and fauna that are there? There is now no shade at all for the animals, the reptiles, frogs, birds - It is a rookery for our seabirds, they have nowhere to shelter now. There are some trees still left there and I would hope it would still come to Council as I did ask for notice on trees being pruned recently. Could this please come to Council at another time.*

## **Item 8 Announcements by Presiding Member without Discussion**

The Mayor's meetings from the 11 November 2021:

<b>Date</b>	<b>Meeting</b>	<b>Meeting Details/Comments</b>
11/11/21	Meeting with BHP Vice President Corporate Affairs	
11/11/21	Pilbara Spirit Swimming & Lifesaving Carnival	Attended as Guest
11/11/21	Remembrance Day - War Memorial	Lay wreath on behalf of Town of Port Hedland
11/11/21	Chamber of Commerce - Economic Development Plan-Project Steering Group	
15/11/21	RCAWA Meeting Kalgoorlie	
16/11/21	SEGRA Conference Kalgoorlie	Conferee
17/11/21	SEGRA Conference Kalgoorlie	Conferee
18/11/21	ABC Pilbara fortnightly chat	Phone Interview
18/11/21	WALGA - Training	Training
18/11/21	DevelopmentWA Showcase Event	Attended as Guest
19/11/21	Hedland Community Road Safety Forum meeting	Chair of Meeting
19/11/21	Citizenship Ceremony	Presiding Member
19/11/21	DLGSC Pilbara Regional Sports Awards	Attended as Guest
22/11/21	Pilbara Country Zone meeting	Zoom Meeting
23/11/21	Hedland Community Safety Forum	Chair of Meeting
24/11/21	Ordinary Council Meeting	Presiding Member
26/11/21	DevelopmentWA	
29/11/21	Meeting with BHP	General update on Port Hedland matters
29/11/21	Housing Solutions Summit	Meeting via Teams

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29/11/21	De Grey Mining	General update on Port Hedland matters
29/11/21	Meeting Minister MacTiernan	General update on Port Hedland matters
29/11/21	WALGA end of year function	
30/11/21	Weekly Radio Chat with Ecky	Phone Interview
30/11/21	Meeting with Alinta Energy	General update on Port Hedland matters

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

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

Mayor Peter Carter  
Deputy Mayor Tim Turner  
Councillor Flo Bennett  
Councillor Ash Christensen  
Councillor Renae Coles  
Councillor David Eckhart  
Councillor Jan Gillingham  
Councillor Elmar Zielke

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**Item 10 Confirmation of Minutes of Previous Meeting**

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*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.*

**OCM202122/091 COUNCIL DECISION****MOVER: CR COLES****SECONDER: CR TURNER**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 24 November 2021 are a true and correct record.

***CARRIED BY SIMPLE MAJORITY 8/0***

in Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

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**Item 11 Reports of Officers**

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The Mayor advised that Item 11.3.2 – Application for Development Approval for Work Accommodation at Lot 436, Bayley Retreat, Port Hedland has been withdrawn from the agenda.

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**OCM202122/092 MOTION****MOVED: CR ZIELKE****SECONDED: CR ECKHART**

Pursuant to clause 5.2(1) of the Standing Orders Local Law 2014, Council consider Items 11.3.3 and 12.4 of the Agenda as the next item of business forthwith.

*CARRIED BY SIMPLE MAJORITY (8/0)*

In Favour: Mayor Carter, Cr Coles, Cr Zielke, Cr Turner, Cr Gillingham, Cr Christensen, Cr Bennett and Cr Eckhart.

Against: Nil



### 11.3.3 MINING TENEMENT L45/635 - PROPOSED AERODROME AND WORKFORCE ACCOMMODATION

**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.

Item 11.3.3 Councillor Zielke declared a financial interest and left the room at 7:02pm. Councillor Zielke returned to the room upon resolution at 7:10pm.

Deleted. Alternate motion carried

#### OCM202122/093 COUNCIL DECISION

##### **That Council:**

- ~~1. Maintain the Town's objections to Miscellaneous Licence L45/635 on the grounds that Council does not support an Aerodrome and Workforce Accommodation within the proposed Miscellaneous Licence area; and~~
- ~~2. Authorise the CEO the power to withdraw objections made to Miscellaneous Licence L45/635 if an agreement can be reached that involves removal of the purposes Aerodrome and Workforce Accommodation from the tenement.~~

#### ALTERNATE MOTION

MOVED: CR ECKHART

SECONDED: CR TURNER

##### That Council:

1. Maintain the Town's objections to Miscellaneous Licence L45/635 on the grounds that Council does not support an Aerodrome and Workforce Accommodation within the proposed Miscellaneous Licence area in the absence of receiving a commitment from the proponent to achieve local economic and social benefits for the Project to the satisfaction of Council; and
2. Authorise the CEO the power to enter into negotiations with the proponent relating to local economic and social benefits, and once an agreement is reached, report back to Council prior to withdrawing any objections relating to the Project.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

## PURPOSE

The purpose of this report is for Council to note Miscellaneous Licence (L45/635) and provide guidance on the objection to the proposed Aerodrome and Workforce Accommodation purposes that form part of L45/635.

## DETAIL

### Background

The *Mining Act 1978* (Mining Act) provides the legislative framework for the application and granting of mining tenements, which are administered by Department of Mining, Industry Regulation and Safety (DMIRS). All mining tenement applications are required to be provided to the relevant local government authority for consideration against the applicable local planning schemes. Section 120(1) of the Mining Act requires the Minister for Mines and Petroleum to give due consideration to the local planning scheme as it applies to the land subject to the tenement. Where there are inconsistencies, the Mining Act allows the Town to inform the Minister for Planning of any objections, and request that they provide recommendation to the Minister for Mines and Petroleum on the objection.

On 10 September 2021, the Town received notice of an application for a Miscellaneous Licence (L45/635) being lodged with DMIRS. The Miscellaneous Licence was lodged by Hetherington Exploration and Mining Title Services, on behalf of De Grey Mining Limited (De Grey). The Miscellaneous Licence proposes a number of purposes, the majority of which are supported by the Town as they relate to process-infrastructure required to facilitate the Mallina gold project (i.e. roads, administration facility, power and water facilities communications facility, etc). Town Officer concerns with the tenement which contradict the Town of Port Hedland's Local Planning Scheme No. 7 (LPS7) are the colocation of a proposed construction of a Civil Aviation Safety Authority (CASA) compliant Code 3C airstrip and check in facility adjacent to a 600 to 900 person Workforce Accommodation facility, located approximately 45 kilometres (direct) and 60 kilometres (by road) from the Port Hedland International Airport (PHIA), to service the Mallina Gold Project. The CASA 3C proposed runway will afford capacity for aircraft accommodating up to approximately 112 passengers with De Grey intending to operate F100 jets (109 passengers). The proposed Workforce Accommodation will cater for 900 persons for the construction period of the project, and 600 person for the on-going operations of the Mallina Gold Project. The location of the proposed Miscellaneous Licence can be found in **Attachment 1**.

The applicant has been notified of the Town's objection and have provided additional information on the proposal and the Regulation 37(3) Statement provided to DMIRS which forms part of the application, which can be found in **Attachment 2**. De Grey's primary reason for colocation of the Aerodrome and Workforce Accommodation relate to the:

- fatigue management and road safety during commute;
- impact of a workforce accommodation village on town-based residents; and
- operational impacts on Mallina Gold Project, including time lost and additional infrastructure required to maintain mining rate of production during shift changes.

De Grey has cited that it 'expects' to employ a proportion of local workforce but that these will need to remain onsite during their working roster.

The Town lodged an objection to the Miscellaneous Licence with the Mining Registrar's office on 14 September 2021 for the following reasons:

- a) Workforce accommodation infrastructure proposed to be constructed on proposed Miscellaneous Licence Area 45/635 which is inconsistent with Clause 32(5) of the Town of Port Hedland Local Planning Scheme No. 7
- b) Proposed aerodrome to be constructed on proposed Miscellaneous Licence Area 45/635 that is in relative proximity to Port Hedland International Airport that is an 'X' (Not Permitted) use and thereby inconsistent with Clause 17 of the Town of Port Hedland Local Planning Scheme No. 7.

### *Social Economic Impact Assessment*

The Town has procured a Social Economic Impact Assessment (SEIA) from consultants Pracsys, who are specialised in the field of social and economic impact assessments, to test the base case through two scenarios, being:

- Scenario 1 – a scenario where both the Aerodrome and Workforce Accommodation are built.
- Scenario 2 – a scenario where there is a split of workers between the Town and workforce accommodation.

The base case is where the entire workforce is locally based, where benefits include:

- Revenue and employment associated with PHIA and broader space transport industry.
- Revenue and employment associated with surface transport.
- Enhanced liveability from residential or FIFO (where applicable) including increased household expenditure, economies of scale improving service viability; use of Town-owned amenities; and increased population associated with higher employment offerings.
- Social interaction between FIFO workforce and community.

The SEIA quantified the impact of the development on the Town, including monetary value of the loss of surface transport revenue, retail expenditure and viability of services, community infrastructure and facilities. The SEIA includes a social focus on the Hedland residential population and impact on loss of social interaction with FIFO workers. The monetary value for loss of income into the Town across Scenarios 1 and 2 range between -\$22 million and -\$191 million for a 15 year timeframe. The SEIA further identifies social and economic impacts of the co-location of an aerodrome and workforce accommodation within such close proximity to the Hedland Townsite, including:

- Reduced air transport industry revenue over the 15 year approval period and potential to cater for other neighbouring mines.
- Reduced surface transport industry revenue for the 15 year approval period.
- Reduced household retail expenditure, business and Town services viability, town centre activation and liveability, and reduced population driven employment.
- Reduced Social Interaction for FIFO workers, increasing social isolation as a psychological stressor and increasing risk of mortality by 26 percent.

This SEIA highlights the impact of the co-location of the aerodrome and workforce accommodation, which are further discussed below, in comparison to having a localised workforce accommodation and/or utilising PHIA for FIFO employees.

At the Ordinary Meeting of Council held 3 November 2021, Council resolved to defer the decision for the following reason:

*“To allow Council to consider the deputation provided by the applicant in relation to the objection lodged with Department of Mining, Industry Regulation and Safety relating to the co-location of the proposed Aerodrome and Workforce Accommodation, and to receive further briefing from the Applicant.”*

A Briefing Session was organised for Council on 1 December 2021 to receive additional information from De Grey Mining on the project and current Miscellaneous Licence in order to make an informed decision on its position moving forward with this process.

### Local Planning Framework

#### *Primary Issue – Aerodrome*

The site subject to the proposed Miscellaneous Licence is zoned Rural, where Aerodromes are a “not permitted” use under the Town’s LPS7. This means the use is not capable of being approved if applied for under the *Planning and Development Act 2005*. The reason that Aerodromes are not permitted in the Rural zone, is to concentrate business and leisure air transport through PHIA. The PHIA Masterplan facilitates the growth of the facility to support the increasing mining operations on the periphery of the townsite. Local Planning Policy 08 Port Hedland International Airport (LPP/08) recognises the PHIA as the primary air transport hub in the Pilbara region and its positioning to accommodate projected growth and optimal level of service.

The Town’s Position Statement – Mining Tenements, adopted by Council on 25 November 2020, outlines the rationale to responding to a statutory referral for an application of this nature. The Town’s position does not support Aerodromes in relative proximity to regional airports due to the potential to undermine investment in the publicly utilised PHIA and/or negatively impact the viability of regional airlines and cost of regional airfares for Town-based residents. The role of the local government in mining tenement referrals is to consider community impacts, and object to tenements if required, which can be resolved through either advocacy to State Ministers (where appropriate under the Act), mediation or in the Warden’s Court. The Town’s position statement outlines the type of matters which the Town will consider when assessing a tenement referral, which specifically notes the Town will object to tenements which include workforce accommodation in relative proximity to townsites or aerodromes that will duplicate or compete with Town based assets and services. The position statement cites that it does not support aerodromes in relative proximity to regional airports given their capacity to undermine substantial investment in the publicly utilised PHIA and/or negatively impact the viability of regional airlines and cost of regional airfares for Town-based residents.

#### *Socioeconomic Impacts of Aerodrome*

The Town understands the pivotal role aviation has in the economic and social development of regional towns, particularly to meet the basic access needs of regional residents. The Town is concerned with the social and economic impacts an Aerodrome servicing a workforce

accommodation of this size, within approximately 60 kilometres of the PHIA will have on the local economy. Operators and owners of Pilbara and Kimberley regional airports have repeatedly raised concerns with the State and Federal Governments regarding the impact of mining aerodromes on regional airports, which in this instance can include minimising passenger numbers to PHIA, reducing revenue and increasing airport fees and charges for residential passengers. There are also impacts on the local economy with other localised surface transport companies losing potential earnings.

#### *Economies of scale and the effect of withdrawal of passenger numbers*

Mining tenement approvals and projects are generally of an extended duration and can often reach approximately 40 years. These approvals command significant air movements to meet construction and operational requirements, including shift changes. While limited information is generally provided by proponents on aerodrome operations, these operations include terminal, refuelling and workshop facilities, similarly to the aerodrome at the Wodgina Lithium Project. This aerodrome is a Code 4C CASA runway and passenger terminal, capable of landing an Airbus A320 or Boeing 737, located 100km from Port Hedland. An independent economic analysis in 2018 evidenced diversion of between 14,000 to 48,200 passengers at an associated cost of \$2.3 million or \$8.6 million respectively over a projected 30-year lifespan of the project under low and high impact scenarios.

#### *Aligned airport services and community impacts*

The socioeconomic impacts of passenger withdrawal from PHIA are systemic and were also identified in the abovementioned economic analysis, including:

- loss of surface industry transport (and associated employment) to and from PHIA;
- increased cost of airfares due to reduced economies of scale and flight frequency impacting resident connectivity and isolation, tourism, government operations and the general cost of doing business in the Pilbara (in an extremely high-cost environment);
- reduction in drive-in, drive-out and residential workforce due to the attraction of fly in, fly out (FIFO) workforces; and
- reduced FIFO spend at PHIA on arrival and departure, impacting on local commercial businesses and loss of direct airport employment opportunities.

#### *Secondary Issue - Workforce Accommodation*

LPS7 prescribes that workforce accommodation is subject to an application for development approval where it sits in the rural zone and is located outside a 30-minute drive of the Townsite boundary, which is not definitive and is to be used as a guide in the context of key policy objectives which include encouraging integrated, town-based workforce accommodation. The proposed aerodrome is on the cusp of a 30-minute drive from the gazetted Townsite boundary, being 34 minutes. The Town's Local Planning Policy 05 – Workforce Accommodation (LPP/05) outlines the permitted location, design, demand and management measures for social integration of workforce accommodation. The Town considers LPP/05 when assessing all statutory referrals (within the requirements of relevant legislation). The following outlines the Town's concerns in relation to workforce accommodation and supports the Town's preference for location within relevant zoned areas within the Townsite boundary:

#### *Town-based accommodation and Investment in services and resources*

The Town and State Government have invested in significant infrastructure to create developable, serviced land in the townsite which can cater for resource sector workforce accommodation facilities. The Town's LPS7 enables Workforce Accommodation to be approved in a number of town-based zones including, but not limited to the "Centre" and "Special Use" zones. Locating workforce accommodation in town provides opportunities for local business patronage opportunities by FIFO workers, resulting in both improved mental health outcomes for the workers through providing choice of activities, and improved spend at local businesses. Across the Pilbara, workforces utilise regional airports for transport to, and from, remote mine sites and a significant number of DIDO and FIFO are transported from town-based accommodation. This is compatible with social licence to operate, facilitating regional development outcomes and effective utilisation of public investment in infrastructure.

### *Social Impact Assessments for Workforce Accommodation*

Workforce accommodation applications that have recently been subject to Council approval have provided Social Impact Assessments (SIA) and Management Plans (SIMP) in accordance with Local Planning Policy 06 Social Impact Assessments (LPP/06). These SIA's have identified significant returns of localised workforce accommodation villages to the community in terms of local employment, spend and supply chains; community sponsorship; TAFE and Hedland Senior High School traineeships and apprenticeships, and participation in events and patronage of local facilities (i.e. sport and recreation). If approved under a mining tenement, there is no statutory requirement for a proponent to undertake a SIA and SIMP which provide an evidence based assessment of social impact associated with a resource project.

By pursuing objection to particular purposes of this tenement, the Town may be able to successfully remove certain purposes from the tenement through the Warden's Court. If this cannot be achieved, the objection and mediation process can result in agreements with the proponent being reached which could include actions by the proponent to enhance social and economic opportunities for the Hedland community to offset potential impacts of their project on the community.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the recommendation is consistent with Council adopted local planning framework and position statements.

### **CONSULTATION**

#### *Internal*

- Nil.

#### *External Agencies*

The application was referred to the Town for comment from DMIRS who administer mining tenement applications. The Town has not referred the proposal to any other external agency. The purpose of the report is to authorise the CEO in writing to the Minister for Mines and Petroleum, Minister for Planning and Minister for Regional Development to consider the suitability of the application prior to a decision being made.

## Community

As the Town is not the regulatory body for Mining Tenement proposals, we are not able to open the proposal for community consultation. PHIA have contacted the Town to advise they have been made aware of the proposed Miscellaneous Licence and have objections to the proposal relating to the detrimental economic impact an Aerodrome of this size and proximity to the Townsite boundaries will have on PHIA as a regional airport, including impact on residential airfares.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Mining Act 1978*
- *Planning and Development Act 2005*
- Town of Port Hedland Local Planning Strategy
- Town of Port Hedland Local Planning Scheme No. 7
- Town of Port Hedland Position Statement – Mining Tenements

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no direct financial and resource implications to the Town of Port Hedland relating to this matter, however indirect financial impacts would occur on local businesses if the Aerodrome and Workforce Accommodation facilities are both developed on the tenement.

## 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.2 A residential workforce is promoted to industry as the preferred option
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
  - Identify strategic employment and economic development priorities
  - Assess and address market failures affecting the cost of living
  - Assess and address cost of doing business challenges

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the detrimental impact on the sustainability of local businesses and PHIA should the Town be seen to support mining aerodromes an increase in FIFO employees within close proximity to the Townsite. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3). This risk will be mitigated by adopting the officer recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

Town Officers do not support the proposed Aerodrome for this location due to the significant socioeconomic impact Aerodromes have on regional airports, particularly the cost of air travel for local residents, the local business economy, community connectivity and attraction of a skilled residential workforce. Additionally, the proposed Aerodrome is inconsistent with the Town's Local Planning Framework. If Council is minded to accept the Workforce Accommodation facility in this location, an alternative recommendation is suggested to remove workforce accommodation from the objection, and only pursue objection of the Aerodrome.

This would enable the proponent to house staff in proximity to their worksites without loss of economic activity at PHIA and associated ground based transport industries.

**That Council:**

1. Maintain the Town's objections to Miscellaneous Licence L45/635 on the grounds that Council does not support an Aerodrome within the proposed Miscellaneous Licence area;
2. Authorise the CEO the power to withdraw objections made to Miscellaneous Licence L45/635 if an agreement can be reached that involves removal of the purposes Aerodrome from the tenement.

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

**CONCLUSION**

This report outlines the potential social and economic impacts in relation to the proposed co-location of the workforce accommodation and aerodrome. It is recommended that Council delegate power to the CEO to continue discussion on social investment in the Town, as a result of the isolated workforce accommodation and aerodrome proposed.

**ATTACHMENTS**

1. Tenement Location Plan (under separate cover)
2. Proposed Miscellaneous Licence (under separate cover)



**12.4 FINANCIAL STATEMENTS FY2020/21**

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

**OFFICER'S RECOMMENDATION**

OCM202122/094 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR BENNETT

That Council:

1. Receives the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2021; and
2. Adopts the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2021.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for the Council to consider and adopt the Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2021.

The Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2021, was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 1 December 2021 for consideration. The ARC Committee recommended that Council adopt the Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2021.

**DETAIL**

Each year, the Town is required to prepare general purpose financial reports and refer them to the Auditors as soon as practicable, no later than 30 September following the end of the financial year (Section 6.4 of the *Local Government Act 1995*). The draft annual financial report for the year-ended 30 June 2021 was submitted to the Auditors on 30 September 2021.

The Annual Financial Report is prepared in accordance with Australian Accounting Standards; the *Local Government Act 1995*; and the *Local Government (Financial Management) Regulations 1996*. Management's responsibility is to prepare it in accordance with the

Standards, Act and Regulations and to ensure that the reports fairly present the financial performance and position of the Town.

The Town's Auditors, RSM Australia, conducted the end of year audit onsite from 11-15 October 2021. The role of the Auditor is to provide an opinion based on their audit as to whether Management has fulfilled these obligations. The Auditors also prepare a separate, more detailed report for Management, identifying any issues arising from the conduct of the audit, and recommending any corrective actions.

RSM Australia Pty Ltd issued the Town with an unqualified audit opinion with respect to the financial statements, meaning that the Town of Port Hedland financial records and statements are fairly and appropriately presented, and in accordance with legislation and standards.

This report presents to the Council the audited Annual Financial Report (AFR), Audit Closing Report and Management Letter from the Town's Auditors, RSM Australia Pty Ltd, for the year ended 30 June 2021.

The Auditors have presented 1 matter for consideration as identified in confidential attachment 1.

Under section 5.54 of the *Local Government Act 1995*, the annual financial statements and audit report must be accepted by 31 December, provided the auditor's report is available. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

The financial statements and Management Letter were signed off by the Chief Executive Officer on 1 December 2021, during the Committee meeting with the Auditors. Council's ARC Committee has delegated authority to liaise with the Auditor, receive and examine the Auditor's report and any Management issues arising from the conduct of the audit.

## **SUMMARY OF FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2021**

### *Continuing Operations*

A municipal deficit occurs where an opening balance carried forward plus revenue falls short of expenditure in a particular financial year. The Town has recognised a closing municipal deficit of \$3.37M from 2020/21 to be carried forward to the 2021/22 financial year (refer to page 8 of the financial statements).

The Town has realised a net operating surplus of \$25.0M from continuing operations (excludes capital expenditure) and an operating surplus ratio of 0.33%.

The Town's operating revenue streams increased overall by 6%, which is representative of an increase in landfill quantum and increased gym memberships at the facilities.

The Town's operating expenses remained relatively unchanged. The expenses reduced by 1% due to lower materials and contracts.

## **MANAGEMENT LETTER AUDIT FINDINGS**

RSM has identified 1 matter for consideration to be addressed by Management. This relates to previous signatories remaining on some of the term deposit facilities. This has now been rectified and processes amended to ensure it does not occur again. Please refer to confidential attachment 1 for these findings.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance as it summarises the financial position of the Town for the financial year ended 30 June 2021 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

## CONSULTATION

### *Internal*

The Annual Financial Reports and audit was completed with the input and assistance of the Executive Leadership Team, the Financial Services team and the Governance team.

### *External Agencies*

- The Town's Auditors, RSM Australia
- The Office of the Auditor General
- Moore Stephens for assistance with technical accounting matters
- AssetVal Pty Ltd for clarification on asset revaluations

### *Community*

Not applicable

## LEGISLATION AND POLICY CONSIDERATIONS

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

The Department of Local Government, Sport and Cultural Industries has also prepared Operational Guideline Number 9 to provide guidelines for the Committee relating to Audit in Local Government.

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

Under section 5.54 of the *Local Government Act 1995*, the annual financial statements and audit report must be accepted by 31 December, provided the auditor's report is available. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

## FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with conducting the interim and end of financial year audit are included in the 2020/21 budget and financial statements.

Completion of the Annual Financial Report will present a confirmed closing municipal deficit of \$3.37M from 2020/21 to be carried forward to the 2021/22 financial year. This will be included as part of the mid-year budget review.

## **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

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

### *Corporate Business Plan*

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

- 4.b.2.1 – Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

## **RISK MANAGEMENT CONSIDERATIONS**

Per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Medium (9), with risk managed by adequate controls, managed by specific procedures and subject to regular monitoring.

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

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

## **CONCLUSION**

The 2020/21 Annual Financial Report, Independent Auditor's Closing Report and Management Letter are attached for the Council's review.

The Town is continuously working towards improvements in the financial management area and there will be a focus on creating stronger internal controls within financial management and processes in accordance with the Town's values and long-term sustainability.

## **ATTACHMENTS**

1. Closing Report for the year ending 30 June 2021 (OAG Reviewed) - Confidential (under separate cover)

2. Town of Port Hedland - Signed Annual Financial Statements 30 June 2021 - Confidential (under separate cover)
3. Final Management Letter Attachment A - Town of Port Hedland - 30 June 2021 - Confidential (under separate cover)
4. Final Management Letter Attachment B - Town of Port Hedland - 30 June 2021 - Confidential (under separate cover)
5. Opinion - Town of Port Hedland - 30 June 2021 - Confidential (under separate cover)

The term 'en bloc' is used to describe the practice of adopting the recommendations of a committee, or a number of officer recommendations, by the use of only one resolution or the adoption of the recommendations in groups, without a separate resolution for each recommendation.

The practice of adopting recommendations 'en bloc' expedites the resolution of the business of the meeting where Council or Committee Members have no reason to disagree with particular recommendations.

Councillors proposed that Council consider a number of recommendations 'en bloc' at the Ordinary Council meeting held on 15 December 2021.

#### OCM202122/095 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR BENNETT

That Officer Recommendations in Items 11.1.1, 11.1.2, 11.1.3, 11.1.4, 11.1.5, 11.1.6, 11.4.3, 11.4.5, 11.4.6, 11.5.1, and 11.5.3 be endorsed.

*CARRIED BY SIMPLE MAJORITY 8/0*

in Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

The following items were adopted by 'en bloc' resolution:

Item Number	Item Description
11.1.1	Statement of Financial Activity for the period ended 31 October 2021
11.1.2	Statement of Financial Activity for the period ended 30 November 2021
11.1.3	Policy Review - Amendment of 13/012 Licencing of Funeral Directors Policy
11.1.4	Corporate Business Plan - Quarterly Performance Report - Quarter 1 of 2021/22 Financial Year
11.1.5	Alternative Queen's Birthday Public Holiday Date 2022
11.1.6	Local Government Reforms - Six Major Themes
11.4.3	Award of Tender RFT2122/02 - Drainage Renewal Program
11.4.5	Crematorium Investigations
11.4.6	Five-Year Street Tree Programme
11.5.1	Annual Review: Strategic Workforce Plan 2020-2024
11.5.3	Draft Economic Development and Tourism Strategy

## 11.1 Corporate Services

### 11.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2021

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

#### OCM202122/095 COUNCIL DECISION

MOVED: CR TURNER      SECONDED: CR BENNETT

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 October 2021;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 31 October 2021; and
4. Receive the Credit Card Statements for period ended 31 October 2021.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

#### PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 October 2021. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

#### DETAIL

The information provided in this report is for the period ended 31 October 2021, with financial results included in *Attachment 1. Statement of Financial Activity inclusive of Notes 1-16* prepared by the Town of Port Hedland (Town).

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

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

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

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

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

The opening funding deficit of (\$4.12M) presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus for the unaudited June 2021 financial statements.

The net current funding position as at 31 October 2021 was \$35.42M. The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$253.70M
Restricted Cash – Reserves	\$221.55M
Unrestricted Cash Position as at 31 October 2021	(\$32.15M)

#### *Previous Decisions*

The Statements of Financial Activity are presented to Council each month for noting.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

#### **CONSULTATION**

##### *Internal*

- All consultation and engagement is conducted internally.

##### *External Agencies*

- Nil

##### *Community*

- Nil

#### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.



## FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

- a. an explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets.
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information, as is considered relevant by the local government.

Reserves:

Ensure compliance with section 6.11 of the *Local Government Act 1995* when reserve accounts are utilised.

The bank transaction history report excludes transactions of a credit card closed during the period. For transparency purposes the transaction record is enclosed for the excluded card.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned to the risk, as a reduction in income or increase in expense throughout the 2021/22 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure it aligns to budget and amend as needed through the scheduled budget review process.

## OPTIONS

### *Option 1 – Adopt officer's recommendation*

Note the Statement of Financial Activity and reports for the period ended 31 October 2021 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

### *Option 2 – Amend officer's recommendation*

That Council receive the Statement of Financial Activity for the period ended 31 October 2021 and request further information or clarification.

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

That Council do not note or receive the Statement of Financial Activity for the period ended 31 October 2021.

**CONCLUSION**

The opening funding surplus of (\$4.12M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2021. The net current funding position was \$35.42M.

**ATTACHMENTS**

1. Statement of Financial Activity - October 2021 (under separate cover)
2. Material Variances of Capital Works Report 2021 (under separate cover)
3. Payments made under delegated authority October 2021 (under separate cover)
4. Credit Card Statements October 2021 (under separate cover)

**11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2021**

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

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

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

***CARRIED BY SIMPLE MAJORITY 8/0***

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 November 2021. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

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

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

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

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

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

The opening funding deficit of (\$4.12M) presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus for the unaudited June 2021 financial statements.

The net current funding position as at 30 November 2021 was \$35.607M. The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$250.193M
Restricted Cash – Reserves	\$215.359M
Unrestricted Cash Position as at 30 November 2021	\$34.834M

#### *Previous Decisions*

The Statements of Financial Activity are presented to Council each month for noting.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this report is presented to Council for information purposes only.

#### **CONSULTATION**

##### *Internal*

- All consultation and engagement is conducted internally.

##### *External Agencies*

- Nil

##### *Community*

- Nil

#### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.

## FINANCIAL AND RESOURCES IMPLICATIONS

The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

- a. an explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets.
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information, as is considered relevant by the local government.

Reserves:

Ensure compliance with section 6.11 of the *Local Government Act 1995* when reserve accounts are utilised.

The bank transaction history report excludes transactions of a credit card closed during the period. For transparency purposes the transaction record is enclosed for the excluded card.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned to the risk, as a reduction in income or increase in expense throughout the 2021/22 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure it aligns to budget and amend as needed through the scheduled budget review process.

## OPTIONS

### *Option 1 – Adopt officer's recommendation*

Note the Statement of Financial Activity and reports for the period ended 30 November 2021 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

### *Option 2 – Amend officer's recommendation*

That Council receive the Statement of Financial Activity for the period ended 30 November 2021 and request further information or clarification.

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

That Council do not note or receive the Statement of Financial Activity for the period ended 30 November 2021.

**CONCLUSION**

The opening funding surplus of (\$4.12M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2021. The net current funding position was \$35.607M.

**ATTACHMENTS**

1. Monthly Financial Report November 2021
2. Material Variances November 2021
3. Credit Card Statements November 2021
4. List of payments amde under authority November 2021

**11.1.3 POLICY REVIEW - AMENDMENT OF 13/012 LICENCING OF FUNERAL DIRECTORS POLICY**

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

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**

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

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

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

**DETAIL**

Policy 13/012 'Licensing of Funeral Directors' was last reviewed and amended at the 28 April 2021 Council Meeting.

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

The Policy was reviewed by the Governance business unit and amended to include the provisions and application form for a single funeral permit. The proposed amendments are provided in Attachment 1.

**LEVEL OF SIGNIFICANCE**

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

## CONSULTATION

### *Internal*

- Director Corporate Services;
- Manager Governance; and
- Senior Risk and Audit Advisor.

### *External Agencies*

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

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

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

The Town of Port Hedland *Cemetery Local Law 2015*.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implication with the proposed changes.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

### *Disability Access and Inclusion Plan*

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

- Outcome 3 – Information; and
- Outcome 4 – Quality of Service.

### *Corporate Business Plan*

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events; and
- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.



**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item should the policy not adequately address the process for a single funeral permit suitable to the Town's current practises. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1). The risk will be eliminated by the adoption of the officer's recommendation.



## OPTIONS

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## CONCLUSION

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

## ATTACHMENTS

1. Policy 13/012 Funeral Directors – Issuing of an Annual Funeral Director’s Licence and Single Funeral Permits (under separate cover)

**11.1.4 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT - QUARTER 1 OF 2021/22 FINANCIAL YEAR**

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

**OCM202122/095 COUNCIL DECISION**

**MOVED: CR TURNER**

**SECONDED: CR BENNETT**

That Council notes the 2018-2022 Corporate Business Plan performance report for the period 1 July 2021 to 30 September 2021 (Quarter 1 FY21/22), as per Attachment 1.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to consider and note the actions undertaken by the Town's administration for the first quarter of the 2021/22 financial year with respect to the actions in the 2018-2022 Corporate Business Plan.

**DETAIL**

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

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

The Town's current CBP lists actions to meet the Strategic Community Plan's outcomes. Each of these actions are measured and documented each quarter to report to Council and the community that the Town's administration is focused on delivering on set expectations. The results are presented for transparency and accountability.

*2021/22 Financial Year - Quarter 1 Performance Summary*

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

For the period of 1 July 2021 to 30 September 2021 (Q1), the following performance statistics are reported:

Status – Q1 2021/22 FY	Q1 Items	Q1 %
CBP actions complete	41	51%
CBP actions on track for completion	40	49%
CBP actions not yet commenced for this quarter	0	0%
<b>Total CBP Items for 2021/22 FY:</b>	<b>81</b>	<b>100%</b>

A summary of the key achievements for Q1 are as follows:

- The Environmental Health Team have worked with the Towns Communications Team to deliver timely information on health priorities, primarily focused on COVID-19 related information such as the vaccination clinics;
- A Welcome to Hedland event is being planned for May 2022;
- Cultural Foundations Workshops continue to be programmed and delivered. New starters are scheduled to attend as part of their onboarding;
- The Community Engagement Team supported the 125th Birthday Celebrations in conjunction with the Hedland Historical Society with a Heritage Dinner, time capsule, Aboriginal Torres Strait Islander presentation at Marapikurrinya Park and a multicultural basketball competition;
- The Town's Traineeship Program for 2022 was officially endorsed in August 2021;
- The major components of Office365 have been successfully deployed to staff and have been embedded into daily work practice;
- The approved public open space strategy is being implemented with infrastructure renewals, playgrounds and signage being constructed in accordance with the established hierarchy of public open space; and
- Funding has been secured for load securing nets. Some nets arrived and Rangers will commence program to educate and inform about load security requirements.

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

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because reporting the Town's performance is of importance to the community to ensure broad awareness of the Town's actions and performance, and to ensure transparency and accountability.

## CONSULTATION

### *Internal*

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

### *External Agencies*

- Nil.

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

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

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

### *Corporate Business Plan*

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events; and
- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

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

**ATTACHMENTS**

1. Corporate Business Plan - Quarter 1 of 2021/2022FY - Performance Report (under separate cover)



11.1.5	ALTERNATIVE QUEEN'S BIRTHDAY PUBLIC HOLIDAY DATE 2022
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**Author:** Governance Officer  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

#### OCM202122/095 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR BENNETT

That Council approve the Chief Executive Officer to submit a written request for the Proclamation of an alternate date for the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) of Monday 1 August 2022.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

#### PURPOSE

The purpose of this report is for Council to consider an alternate date for the Birthday of the Reigning Sovereign (Queen's Birthday Public Holiday) and initiate the process to obtain the Proclamation of the Queen's Birthday Public Holiday on Monday 1 August 2022.

#### DETAIL

The Governor has declared that the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday public holiday) will be observed on Monday 26 September 2022. The Town of Port Hedland (Town) local government district has a long history of observing the public holiday on the occasion of the running of the Hedland Cup, which will take place on Sunday 31 July in 2022.

The Council has previously held a policy position that:

*"The Queen's Birthday Public Holiday will be on the Port Hedland Cup Day, unless a change of date is approved by Council. If Port Hedland Cup Day is on a weekend then the Public Holiday will be on the next week day."*

This Policy was rescinded at the Ordinary Council Meeting held 22 June 2020 (Council Decision Number CM202021/003), as a resolution of Council is required each year going forward for the approval of the *Queen's Birthday Holiday (Port Hedland and Karratha) Proclamation*.

Pursuant to section 8 of the *Public and Bank Holidays Act 1972*, the proper instrument for establishing when a certain public holiday is to be celebrated is by Proclamation by the Governor in Executive Council. A Proclamation under this Act must be published in the *Gazette* at least three (3) weeks before the date chosen, and needs to be countersigned by the Minister

for Industrial Relations. The Proclamation is, as a practice, initiated by the local government concerned. A Council decision provides the legitimacy to initiate the process of obtaining the Proclamation.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it relates to largely ceremonial nature.

### **CONSULTATION**

#### *Internal*

- Senior Governance Officer.

#### *External Agencies*

- Port Hedland Turf Club.

#### *Community*

- Nil.

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 8 of the *Public and Bank Holidays Act 1972* refers to the Governor having the power to alter the day appointed for a public holiday (Attachment 1).

### **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial resource implications associated with the proposed changes.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 4.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.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item as failure to facilitate the Proclamation of the alternative date for the Public Holiday will likely detract from the Town's standing in the community. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

The risk will be eliminated by the adoption of the officer's recommendation and the Proclamation of the Public Holiday.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*



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

**CONCLUSION**

It is recommended that Council endorse the request for the Proclamation of an alternate date for the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen’s Birthday Public Holiday) of 1 August 2022.

**ATTACHMENTS**

1. Section 8 of Public and Bank Holidays Act 1972 (under separate cover)



**11.1.6 LOCAL GOVERNMENT REFORMS - SIX MAJOR THEMES**

**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.

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**

That Council approve Attachment 1 as its position in relation to the reforms of the *Local Government Act 1995*, to be provided to the Department of Local Government, Sport and Cultural Industries and the Western Australian Local Government Association.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to consider the proposed feedback on the recently provided 'Six Major Themes' associated with the *Local Government Act 1995* reforms, and to approve the submission of these comments by the deadline of 12 January 2022.

**DETAIL**

Local Government Minister John Carey released details of sweeping reforms to the *Local Government Act 1995* (the Act) in November 2021.

Major changes to the Act and Regulations will provide for a stronger and, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The reforms are based on the findings and recommendations of a number of reports and consultation undertaken over the past five years, and represent the most significant package of reforms to local government in Western Australia since the *Local Government Act 1995* was introduced more than 25 years ago.

The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments from local governments and the wider community to inform implementation of the proposed reforms. The feedback received will inform the drafting of legislation. The consultation period is open for feedback on the implementation of the reforms.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the impact of these changes will influence the processes of Council

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Governance Manager

### *External Agencies*

- WALGA

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial costs with submitting feedback on the reforms. Dependant on the changes to the legislation following the consultation process, there could be financial implications with implementing these reforms.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

### *Disability Access and Inclusion Plan*

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

- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 6 - Consultation Process

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item should the Town not provide a response, as it will appear to be a lack of engagement with government agencies The risk rating is

considered to be low (3), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be mitigated by 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 purpose of this report is for Council to consider the Councils feedback on part two of the *Local Government Act 1995* reforms, and to approve the submission of these comments by the deadline of 12 January 2022.

## ATTACHMENTS

1. **Town of Port Hedland Feedback - Local Government Act 1995 - Six Major Themes (under separate cover)**

<b>11.4.3 AWARD OF TENDER RFT2122/02 - DRAINAGE RENEWAL PROGRAM</b>
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**Author:** Coordinator Works & Services  
**Authorising Officer:** Director Infrastructure Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

#### OCM202122/095 COUNCIL DECISION

**MOVED: CR TURNER**

**SECONDED: CR BENNETT**

That Council accepts the tender and schedule of rates submitted by RCG Concreting WA, in accordance with Tender RFT2122/02, Drainage Renewal Program, for the total amount of \$1,905,435 (excluding GST).

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

#### PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122/02 for Drainage Renewal Program and consider the evaluation panel's recommendation to award the tender and schedule of rates to the preferred tenderer.

#### DETAIL

The Pilbara region experiences unreliable and variable rainfall, much of which occurs in the form of tropical cyclones. Such events often lead to major flooding and consequently, significant erosion and destruction of the Towns drainage infrastructure. The Towns annual drainage renewal program focuses on upgrading the hydraulic performance of key locations within the network to ensure the Town of Port Hedland is better prepared for these significant climactic events. A low maintenance erosion control specification, to address the degradation of these locations, has been developed and delivered over the last two (2) financial years. The aim of this RFT for financial year 21/22 is to implement the next phase of this program.

#### *Request for Tender*

The Town released a Request for Tender (RFT) on 29th September 2021, requesting submissions from suitably qualified contractors to deliver the Drainage Renewal Program for the 2021 / 2022 financial year, to several locations across the Town of Port Hedland.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 29th September 2021 and was advertised in the West Australian and the North West Telegraph on 29th September 2021 with a closing date of 4<sup>th</sup> November 2021

*Site Inspection/Briefing details*

Date: 6th October 2021  
 Time: 10am  
 Location: North Circular Road, SLK 1.5

*Tender Assessment*

The Town received two (2) submissions for RFT 2122/02. The respondents were as follows:

1. RCG Concreting WA
2. BENCHMARK SURVEYS WA PTY LTD

Of the submissions received, one (1) was rejected due to noncompliance. The remaining respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

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

The Town’s Procurement Officer facilitated the evaluation meeting held on 12<sup>th</sup> November 2021.

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

Qualitative Criteria	(%)
Relevant experience	40%
Capacity to deliver & resources	20%
Demonstrated understanding, methodology & delivery	40%
Relevant experience	40%

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

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance. A functioning drainage system is imperative for ensuring the Town is best prepared in the event of significant weather events by mitigating the risk of flooding to properties and maintaining the functionality of vital assets such as the Towns road network.

Additionally, these renewals considerably reduce the risks associated with stagnant standing stormwater, which includes but is not limited to; the breeding of mosquitos and other waterborne pests and diseases, the spread of invasive weed species throughout the system and ultimately the safety of the general public accessing these areas.

Poorly maintained drainage areas have an obvious negative aesthetic impact on the streetscapes and consequently impact the community's perception of the liveability of the Town of Port Hedland. To date these works have had a significant impact in reducing the level of operational and financial commitments to the Town.

## CONSULTATION

### *Internal*

- Director Infrastructure Services;
- Manager Infrastructure Services;
- Town Planning and Development; and
- Engineering Services.

### *External Agencies*

- Nil.

### *Community*

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 29th September 2021 and was advertised in the West Australian and the North West Telegraph on 29th September 2021 with a closing date of 3<sup>rd</sup> November 2021.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'
3. 2/022 'Panels of Pre-Qualified Suppliers'

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

## FINANCIAL AND RESOURCES IMPLICATIONS

As per the 21/22 financial year Capital Works budget, \$ 2,250,000 (ex GST) is allocated to the Drainage Renewal Program. The tender lump sum is \$1,905,435.00 (excluding GST) therefore there are no impacts on the Towns Long Term Financial Plan. Additionally, all works that are awarded under this contract will be approved under Council resolution.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

### *Environmental*

The renewal of vital drainage infrastructure using permanent and low maintenance erosion control solutions ensures the Town is better prepared in the event of significant climactic events such as cyclones. Additionally increasing the hydraulic efficiency of the drainage network the risk of standing water within the drainage reserves and surrounding areas is minimised significantly reduces the breeding of mosquitoes and the spread of invasive weed species.

### *Economic*

The completion of this project significantly reduces the financial and operational impact on both the Works and Services and Parks and Gardens Department, with upgraded locations requiring only minor future maintenance. Additionally, the installation of modern, compliant, and fit for purpose drainage infrastructure reduces the risk of flooding to properties within the surrounding areas and consequently potential financial implications associated with this.

### *Social*

The Town of Port Hedland frequently experiences significant weather events and as a result the drainage network is a prominent physical feature within the streetscape of the Town. This project will see the enhancement and revitalisation of these areas which plays an integral part of improving the Town's liveability.

### *Corporate Business Plan*

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

- 1.d.2.1 – Develop, implement, and review an asset management renewal program to ensure long-term sustainability of the Town's assets
- 3.b.1.1 – Develop, implement, and review a Parks and Path strategy
- 3.b.1.4 – Assess and rationalise the Town's infrastructure and assets
- 3.b.3.1 – Develop, implement, and review a sustainability plan for the Town's infrastructure
- 3.b.3.2 – Promote sustainable initiatives which encourage waste avoidance, reduction, recovery, and reuse
- 3.c.2.1 – Continue to maintain roads, footpaths, cycleway, beach access, carparks, verges, shade structures, drains, and signage
- 4.a.3.1 – Work with stakeholders to enhance the reputation of the town in line with our Vision Statement
- 4.c.4.1 – Develop, implement, and review efficiency strategies across all facilities and infrastructure



## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item given the increased likelihood of flooding of the Towns drainage network and surrounding areas, should the Town not address these drainage failures. The risk rating is medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

## CONCLUSION

It is recommended that council support the officer recommendation to award RFT2122/02 for the Drainage Renewal Program to the preferred tenderer indicated in the tender evaluation report. This company has met all selection criteria requirements for the Town of Port Hedland.

## ATTACHMENTS

1. Evaluation Report for RFT2122/02 – 'Drainage Renewal Program' - Confidential (under separate cover)

**11.4.5 CREMATORIUM INVESTIGATIONS**

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

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**

That Council note the report and take no further action on investigations into a crematorium for Port Hedland.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is to provide to Council information on the investigations which have been undertaken on the possibility of setting up a crematorium to provide services to the Port Hedland population and the Northwest region.

**DETAIL**

Late in 2020 Councillor Coles and Councillor Kew Ming enquired whether the Town could provide cremation services. Space has been allowed for a chapel and/or crematorium in the South Hedland Cemetery Masterplan which would be subject to further investigations being undertaken.

During 2021 numerous investigations have been undertaken on this issue and contact has been made with a number of organisations including:

- Office of the Chief Health Officer;
- Cemeteries and Crematoria Association of Australia;
- Metropolitan Cemeteries Board (MCB);
- Allambie Cemetery Board – Albany;
- Bunbury Cemetery & Memorial Gardens;
- Geraldton Cemetery;
- Kalgoorlie-Boulder Cemetery; and
- Various undertakers in the Pilbara and Kimberley.

Cremation Services are managed through the *Cremation Act 1929*. There is a prescribed process for the establishment of a crematorium including licensing through the Office of the Chief Health Officer.

The Perth area has the highest level of cremations in Australia at 82% of deaths. The Metropolitan Cemeteries Board (MCB) also has a cremations By-law which covers items not covered in the Act, such as the size of the memorials.

The following information has been provided through the various interviews:

### Staffing

- Most staff commence work with the MCB as gardening staff and undertake training through the Australian Cemeteries and Crematoria Association (cremation stream) as well as undertaking on the job training.
- There are significant work, health and safety issues in dealing with human remains including protocols in dealing with disease and medical devices (such as pace-makers). Detailed internal operating procedures have been developed to deal with these issues.
- The MCB have undertaken significant works to minimise manual handling through activities such as motorised lowering of trolleys.
- Staff are required to wear specific personal protective equipment during the cremation process.

### Equipment

- There are two crematorium manufacturers in Australia, Austeng and Faculty Technologies. The MCB advised that the development of a crematorium is in the order of \$2 million.
- Cremators perform best when run continuously for long periods of time and therefore a number of cremations are carried out per day. Analysis to date suggests there is insufficient demand for a cremator to be operated efficiently in Port Hedland.
- Regular maintenance has to be carried out on cremators and technicians are required. This has proved to be problematic during the Covid Pandemic. One regional crematorium has an American made cremator which has not been able to be maintained for two years.
- Cremators need to be re-bricked every 4-5 years, at a cost of approximately \$150,000.

### Cost of Operations and Likely Use in Port Hedland

- The MCB charges \$1,100 per cremation and undertakes 10,000 (approx.) cremations per annum, with an overall budget of \$20million per annum.
- In Port Hedland, the Town undertakes approximately 12-15 funerals per annum with 2021 undertaking 20 thus far. This year, six persons have been transferred to Perth for cremation.
- One third of all funerals in Port Hedland are State funded with 80% of deaths in the Kimberley also being State funded funerals. State funded funerals are funerals that are paid for by the State and the only option is for burial. Cremations are not available for State funded funerals.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the installation of a crematorium is not recommended due to the cost of installation and the lack of use it would likely get, given the special nature of the catchment in the northwest.

## CONSULTATION

### *Internal*

- Manager Infrastructure Operations.

### *External Agencies*

- Office of the Chief Health Officer;
- Cemeteries and Crematoria Association of Australia;
- Metropolitan Cemeteries board (MCB);
- Allambie Cemetery Board – Albany;
- Bunbury Cemetery & Memorial Gardens;
- Geraldton Cemetery;
- Kalgoorlie-Boulder Cemetery; and
- Various undertakers in the Pilbara and Kimberley.

### *Community*

Various members of the community have approached Councillors with a view to asking for crematoria services to be provided by the Town. The South Hedland Cemetery Masterplan has space for a chapel and/or crematorium however investigations into this have shown that there is simply not enough demand for cremation services to be carried out efficiently.

## LEGISLATION AND POLICY CONSIDERATIONS

- Nil.

## FINANCIAL AND RESOURCES IMPLICATIONS

There has been no budget allowed for the construction and operation of a crematorium. A crematorium is likely to cost in the vicinity of \$2 million. There is insufficient demand in Port Hedland and in the wider Pilbara and Kimberley to make the operation sustainable.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

### *Corporate Business Plan*

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

- b.4.1 Implement programs in line with the community engagement policy and strategy
- 4.c.2.1 Generate valuable data and feedback

- 4.c.4.1 Develop, implement, and review efficiency strategies across all facilities and infrastructure.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a low risk (2) associated with this item. The risk rating is considered to be minor (2) and rare (1). There may be a small reputational risk as there have been a number of people who have enquired about the building of a crematorium.

### **OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

### **CONCLUSION**

The Crematorium proposal has been investigated due to some community members asking whether the Town could build a crematorium at the South Hedland Cemetery. For the small number of cremations which are likely to occur in Port Hedland and the wider Northwest region, a crematorium would be an inefficient use of Council funds.

### **ATTACHMENTS**

Nil

**11.4.6 FIVE-YEAR STREET TREE PROGRAMME**

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

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**

That Council notes the five-year street tree programme.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is to inform Council of the Town of Port Hedland's (Town's) proposed five-year street tree program for 2021 to 2026. The programme began this financial year and it is planned to continue going forward. The programme is designed to install street trees in a number of areas over a five-year period. The budget for the programme is \$150,000 per year with the total programme being \$750,000 over the life of the programme.

**DETAIL**

Port Hedland is a challenging environment and as such would benefit greatly from more trees. Trees have many benefits, ranging from aesthetically pleasing landscapes, dust suppression, cooling of the surrounding environment and shading over pathways.

The Town has mainly concentrated on replacing missing trees in previous years from existing landscapes. These range from trees dying of natural causes, pests, vandalism and cyclone damage.

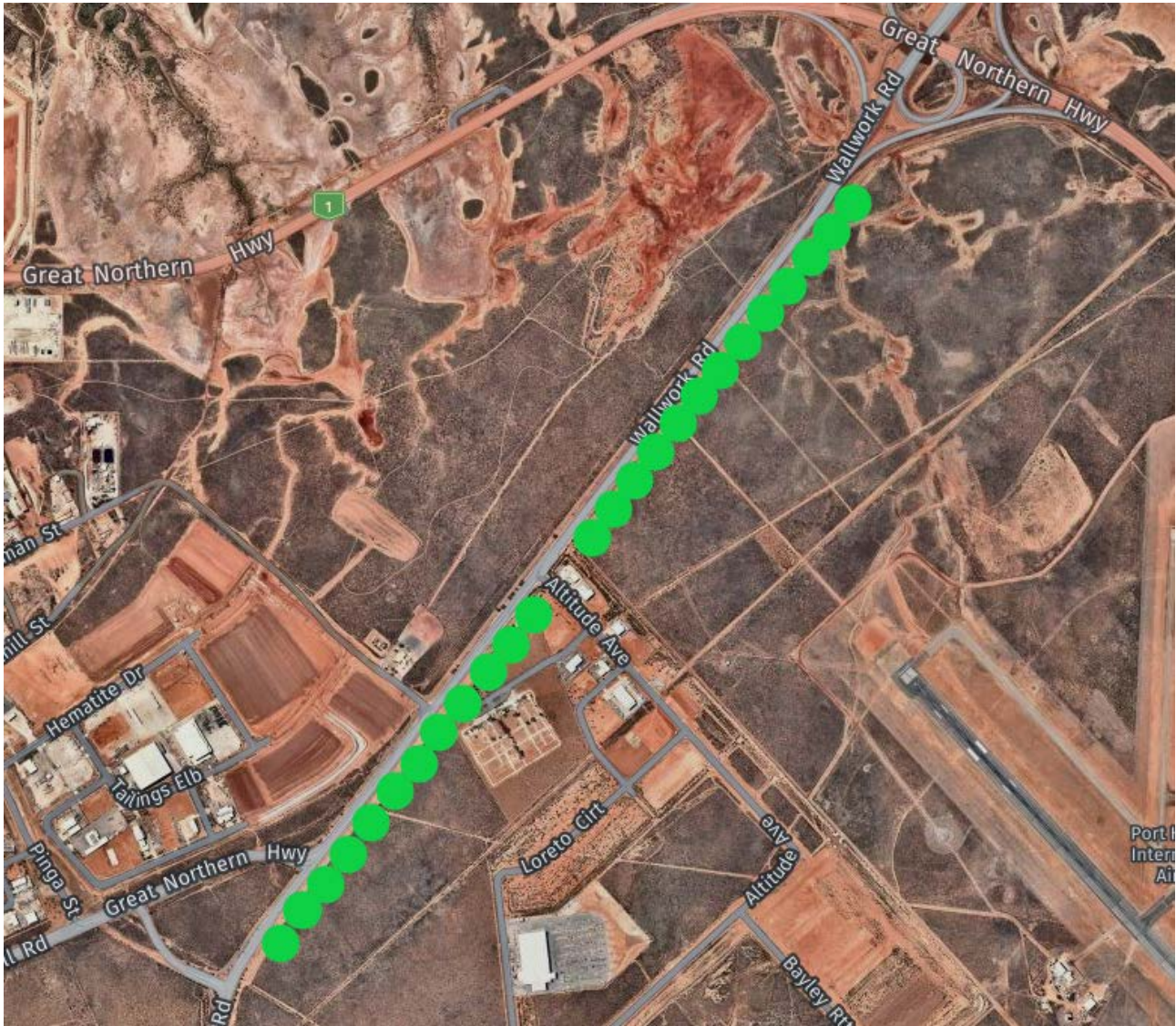
It is the intention of the Town to continue to improve the Town by creating further aesthetically pleasing environments for all to enjoy. The plan for the next five years is to plant more than 1200 trees down the sides of the Town's high volume roads, in achieving this, it will soften the landscape breaking the boundary of the bush and Town limits. This will have the further benefit of creating shade over footpaths increasing the usability during the sunniest/hottest parts of the day. Continuing into other areas, with the purpose of separating housing from storm water drains.

Below is an outline of the current plan over the next five years.

*Financial Year 2021/22*

Trees have been purchased to upgrade Wallwork Road from Pinga St to the overpass by installing trees on the eastern side of the road. This will add approximately 235 trees. The trees which have been chosen for this project are *Peltophorum pterocarpum*.

*Peltophorum pterocarpum* are fast growing tree and handle windy conditions well. These trees flower well and will provide an aesthetically pleasing landscape. Once established *Peltophorum*'s handle drought conditions.

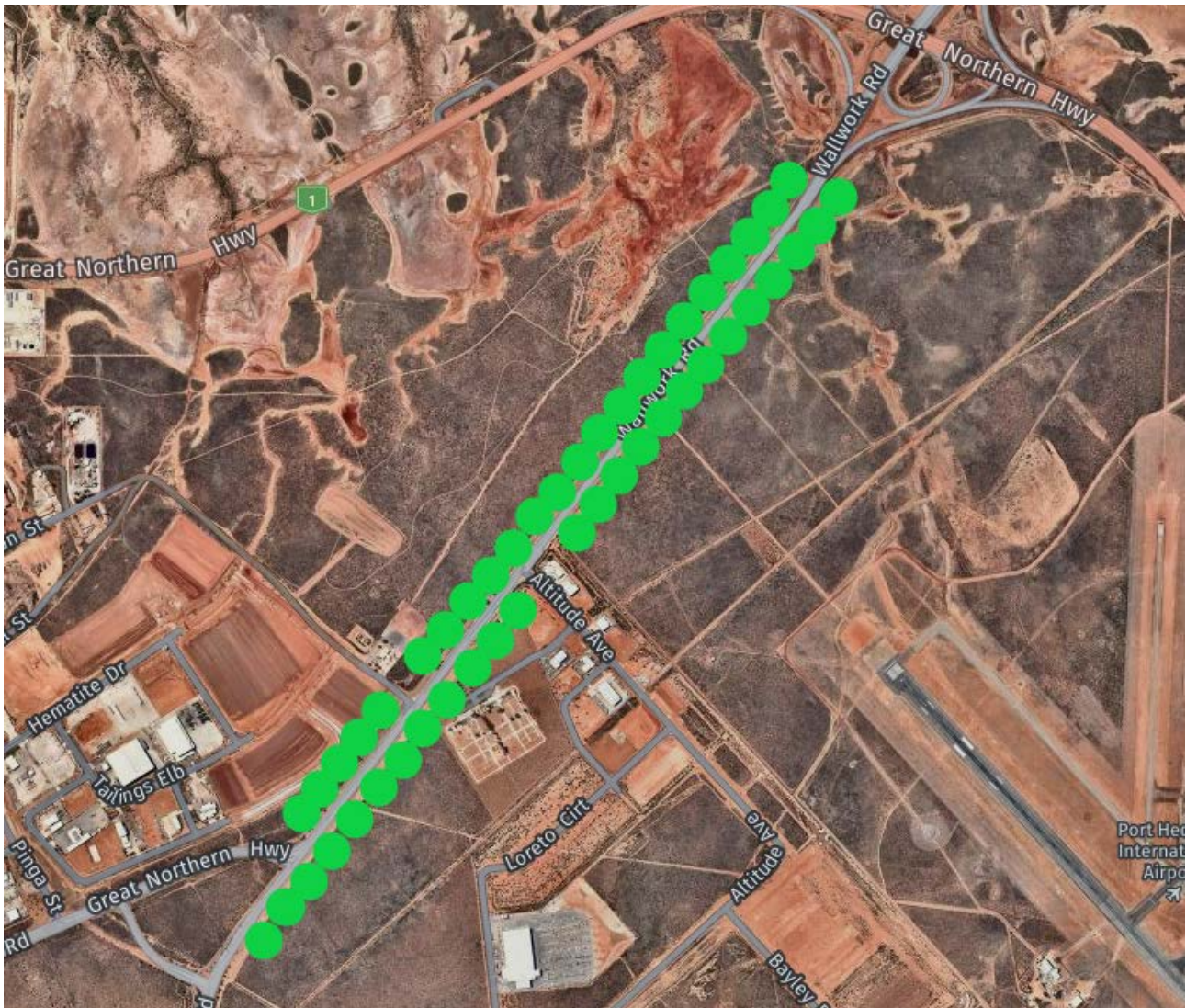


*Financial Year 2022/23*

Wallwork Road (Western side)

Along the western side of Wallwork Road there is currently a line of *Delonix regia* trees. Unfortunately due to the location and sometimes high winds that pass through that area, the trees are not aesthetically pleasing and have never delivered their potential in shading the shared footpath. These trees have never thrived, and the Town replaces up to 40 each year.

Peltophorum pterocarpum have been chosen for this side of the road also as this will create a uniformed avenue of trees for the entire road from the Overpass to Pinga Street. This will use approximately 260 trees for this side of the road.



*Financial Years 2023/24 and 2024/25*

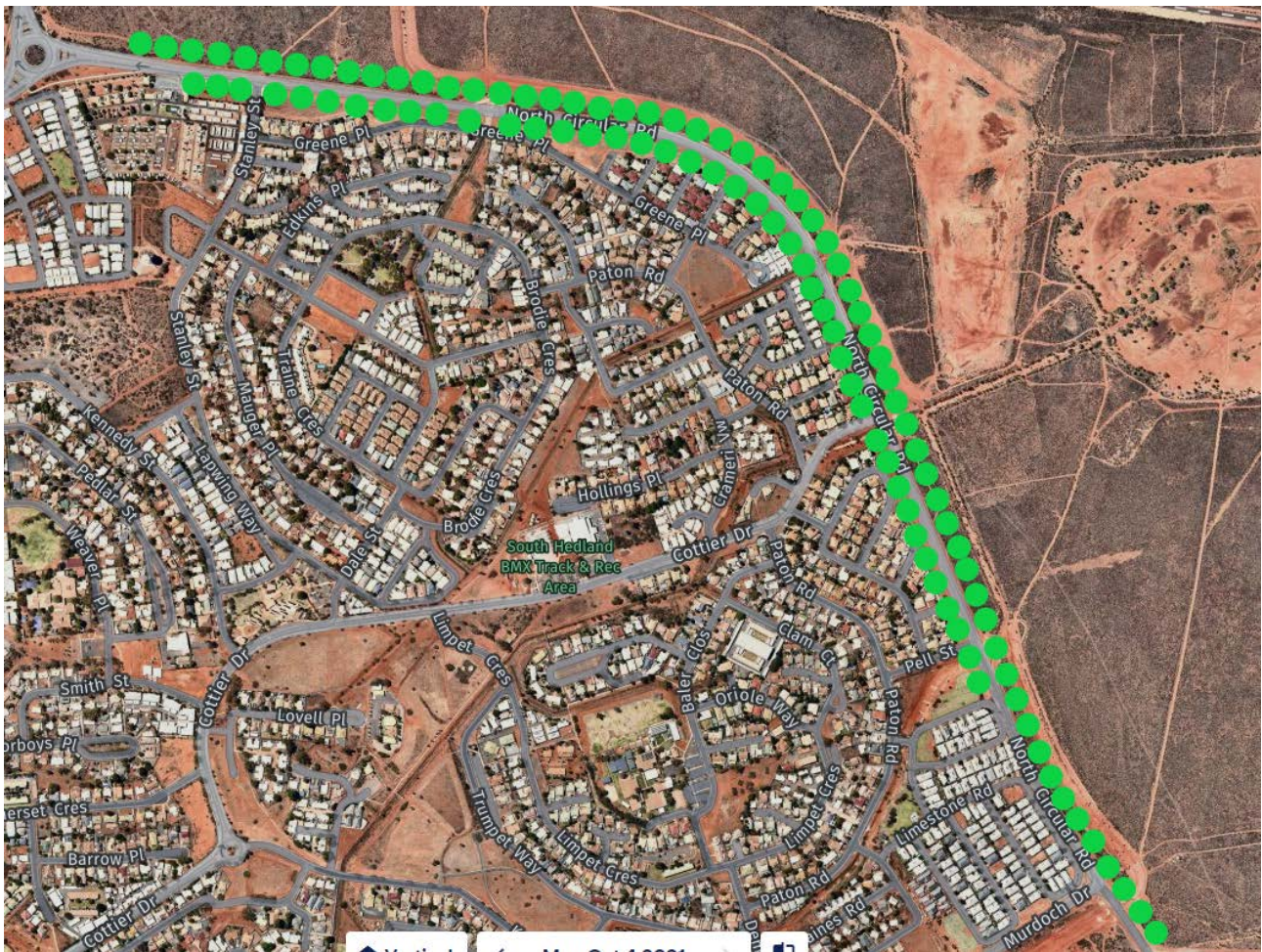
North Circular Road

From the North Circular Roundabout to Murdoch Drive is another site that has been identified which would greatly benefit from additional trees. It is relatively easy to get water to the trees and it is estimated that approximately 600 trees will be used with 300 trees each side of the road. Each financial year completing 1 side of the road.

Melaleuca leucadendra is the preferred tree due to it's drought tolerant nature and its ability to find its own water, allowing the Town after 2 – 3 years of establishment to limit the supply of water to the trees.

In addition to improving the aesthetic appeal of the road, trees also absorb some sound and has the potential to muffle the sound of the iron ore trains.





Financial Year 2025/26

Bottlebrush Crescent

Bottlebrush Crescent is a well used through road which abuts the edge of the South Hedland Town Centre.

The tree chosen for this Road is *Melaleuca quinquenervia*. They are typically one of the shorter Paperbark trees with a stocky build. Beginning to create a lovely avenue along the street on the drain side of the road. Helping take focus away from the drain, additional dust suppression for the area and a wind break for the residents in the area.

Like other *Melaleuca*'s this tree has a drought tolerant nature and seeks out its own water as they are establishing themselves.

It is estimated that the Town will use approximately 200 trees.



### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because as the proposed tree management plan offers an improved environment to residents of the Town and is not believed to have any negative impacts.

### CONSULTATION

#### *Internal*

- Director Infrastructure Services;
- Manager Infrastructure Operations; and
- Acting Manager Infrastructure Operations.

#### *External Agencies*

- Director Infrastructure Services.

#### *Community*

- Director Infrastructure Services.

### LEGISLATION AND POLICY CONSIDERATIONS

There are no legislation or policy considerations required for this item.

### FINANCIAL AND RESOURCES IMPLICATIONS

- A capital budget of \$150,000 has been allocated in 21/22 financial year to begin installing additional trees into the Port Hedland area. This Capital budget is designed to run for five years with this being year 1 of 5.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

This will have a positive impact environmentally, helping with dust suppression, ground stabilisation and overall air improvement.

### *Social*

*There is a significant benefit to the public by creating and aesthetically pleasing landscape, encouraging interaction with nature. Creating more shaded areas for people to enjoy and escape the challenging elements associated with the Port Hedland area. Corporate Business Plan*

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

- 1.a.5.2 – Develop, implement and review strategies and programs to enhance the Town's visual amenity and safety
- 3.c.3.1 – Develop, implement and review public open space in line with Parks and Path strategy.

## RISK MANAGEMENT CONSIDERATIONS

For the endorsement of this five-year Street Tree Renewal Program there is a reputational risk associated with this item, as having no additional trees in Public Open Spaces it may cause a decrease in the community's perception of the Town's commitment to a greener future. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

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

## CONCLUSION

It is recommended that Council supports the five-year street tree program for 2021 to 2026 as it will be beneficial to the community.

## ATTACHMENTS

Nil

11.5.1 ANNUAL REVIEW: STRATEGIC WORKFORCE PLAN 2020-2024
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Author: Senior Organisational Development 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.

## OCM202122/095 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR BENNETT

That Council:

1. Note the Annual review of the Strategic Workforce Plan 2020-2024, as per Attachment 1; and
2. Note progress against planned initiatives of the Strategic Workforce Plan 2020-2024, as per Attachment 2.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to note the Annual review of the Town's Strategic Workforce Plan 2020-2024 and the progress against planned initiatives.

**DETAIL**

During 2020 the Town created a Strategic Workforce Plan 2020-2024 (the Plan), which was subsequently endorsed by Council in September 2020. The Strategic Workforce Plan 2020-2024 outlines a robust list of initiatives to deliver on staffing and workforce requirements, to enable the Town to deliver its services to the community over a 4 year period, setting the foundation for strategic and integrated workforce planning for the Town.

At the time of creation and approval, the Plan outlined the Town's workforce as 251 full time equivalent (FTE) employees to deliver a broad range of facilities and services to the community. In the past 12 months there has been a growth of twelve FTE, eight of which are fixed term positions, i.e. not long-term additions to the Town's establishment.

Of the eight temporary positions: -

- Five FTE are part of the Enterprise Resource Planning (ERP) Project and funded separately through the Project Budget
- Three FTE are new Traineeship positions

The remaining growth of four FTE have been created to support critical operational areas including, Youth Development, Community Safety, Partnerships and Environmental Health.

Continued growth is projected year on year, to support the delivery of commitments within the Strategic Community Plan 2018 – 2028, aligning with planned expansion and improvements to the Town's infrastructure as well as uptake in service delivery and programs as part of the Town's activities, with a projected budget value of \$450 million over the next 15 years.

The Strategic Workforce Plan 2020-2024 supports the Town's mission, as outlined in the Corporate Business Plan 2018-2022 (CBP), to be a cohesive team working together to provide efficient, sustainable and quality services to a diverse community who are proud to call Port Hedland home.

### Framework

The Plan was developed in accordance with the Western Australian Local Government Integrated Planning and Reporting Framework. The Integrated Planning and Reporting system ensures that there is a clear process by which local governments can:

- Understand and incorporate their community's vision, outcomes and priorities
- Adequately allocate resources to achieve their goals and outcomes within the constraints
- Monitor and report on progress.

The Framework is a cyclical process which integrates an ongoing process of engagement, review and planning to ensure local governments have the information they need to deliver the best possible outcomes for local communities.

The Plan was also created through extensive consultation and with alignment to the Town's Strategic Community Plan, Corporate Business Plan and Long-Term Financial Plan as the foundational guidance for future workforce requirements. With the upcoming review of the Corporate Business Plan 2018-2022 and the Strategic Community Plan 2018-2028, the Strategic Workforce Plan 2020-2024 will be reviewed again in 2022 to ensure the Plan still meets the requirements for strategic workforce planning.

### Annual planning and review process

As outlined in the Ordinary Council Meeting Agenda Item (September 2020), the Plan will be reviewed on an annual basis and updated as required in conjunction with the Town's Integrated Planning Framework to ensure the Plan remains contemporary.

The annual review process was conducted throughout October 2021, led by the Town's Manager Human Resources and in partnership with the Chief Executive Officer and Executive Leadership Team in accordance with agreed timeframes.

The purpose of this review was to: -

- Assess progress made against planned initiatives
- Identify any shift in external or internal context which warrants changes or additions to planned initiatives, including any revisions to the Corporate Business Plan and Strategic Community Plan.

As an annual update on the progress of the Strategic Workforce Plan 2020-2024, 20% of initiatives are recorded as *complete*. An additional 48% are recorded as *in progress*. All initiatives in the Plan are on schedule against their respective timeframes. Reference: Attachment 2 - Progress update against current initiatives.

An overview of this review process is outlined in the table below:

Item	Change
Timeframes and order of initiatives	Rather than referencing the financial year of delivery, specific dates have been included and initiatives put in chronological order
Regulatory Services feedback	Updated comment regarding level of grants and link to Covid-19 recovery related grants. Revised description of Waste Operations.
Infrastructure Services feedback	Update on capital works projects, including reallocation of funding and cancellation of some projects, in line with revised Council priorities and decisions.
Corporate Services feedback	<b>Update on Information Communication Technology, to clarify role of team and include major project, Enterprise Resource Planning (ERP).</b>
Community Services	<b>Update to reflect key projects, the South Hedland Library, the Arts and Culture Precinct and the planned development of a Youth Strategy and an Aboriginal Partnership Plan.</b>
Office of the CEO	<p>Workplace Health and Safety update included to reflect major achievements during the period, September 2020 to October 2021. Reference to new Work Health and Safety Act 2020 included.</p> <p>Context of Covid-19 pandemic and impact on workforce requirements mentioned.</p> <p>Intended move to WA State Industrial Relations system included <i>Industrial Relations Legislation Amendment Bill 2021 (IR Bill)</i>.</p>

Reporting

The Manager Human Resources will be responsible for coordinating quarterly updates on implementation of the initiatives identified within this Plan. The recipients of these updates will be the Chief Executive Officer and Executive Leadership Team.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, because without a robust workforce plan the Town is at risk of not having the right people with the right capability in the right place at the right time to deliver on our strategic and financial plans for the Town and the community, within the anticipated timeframes.

## CONSULTATION

### *Internal*

- Town of Port Hedland CEO and Executive Team;
- Town of Port Hedland Managers;
- Human Resources Department and previous Workforce Plans; and
- Relevant Town of Port Hedland Officers.

### *External Agencies*

- WA Local Government Association (WALGA);
- LG Professionals WA;
- WA Department of Premier and Cabinet;
- WA Department of Health;
- Hedland Senior High School;
- North Regional TAFE;
- Apprenticeship Support Australia; and
- Relevant stakeholders in the Pilbara and Kimberley Regions .

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

*The Local Government Act 1995* states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district; and
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”

## FINANCIAL AND RESOURCES IMPLICATIONS

The Strategic Workforce Plan 2020-2024 takes into consideration the current budgeted headcount and establishment data in line with the Town’s approved full-time equivalent (FTE) budget. There is a projected growth of approximately 5 FTE year on year, to support the delivery of commitments for the community. This projection will be reviewed in line with the Town’s annual budget review processes and timeframes to ensure sustainability is considered for the longer term, i.e. temporary funded positions that do not have an ongoing permanent commitment may be used to deliver works linked to specific project timeframes.

## 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.a.4 Broader education and training offerings are encouraged
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities

### *Disability Access and Inclusion Plan*

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

- Outcome 4 – Quality of Service
- Outcome 7 - Employment

### *Corporate Business Plan*

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

- Section 2 – Organisation Structure – note this has been updated in 2020
- Section 3 – Workforce Plan
- 2.a.1 Enhanced participation in the workforce – Local training providers, business, industry, services, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities.
- 2.a.11 Advocate for skills and career pathways within our community
- 3.b.2.3 Undertake regular reviews of Town facilities to ensure that they are safe for the public and staff

## **RISK MANAGEMENT CONSIDERATIONS**

There is a service interruption risk associated with this item because if the Town does not continue to implement the current Strategic Workforce Plan to enable the Town to have the right people with the right skills in the right place at the right time, then the Town will fail to deliver on the Strategic objectives in the coming years. The risk rating is considered to be high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

## **OPTIONS**

*Option 1 – Note officer's recommendations*

## **CONCLUSION**

In a service-led organisation, it is critical that the appropriate people resources are effectively and efficiently sourced, engaged and utilised to deliver organisational requirements. Developing the capability of our people, providing effective leadership and embedding fit for purpose systems and processes will enable agile customer responsive program delivery that makes a difference to the quality of life enjoyed by our residents, ratepayers and visitors.

## **ATTACHMENTS**

1. Strategic Workforce Plan 2020-2024 (under separate cover)
2. Progress update against current initiatives (under separate cover)



<b>11.5.3 DRAFT ECONOMIC DEVELOPMENT AND TOURISM STRATEGY</b>
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**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.

**OCM202122/095 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR BENNETT**

That Council

1. Approves the draft Economic Development and Tourism Strategy to be released for a five-week public comment period from 16 December 2021 – 20 January 2022 to seek community feedback; and
2. Note that following the public comment period a final version of the Economic Development and Tourism Strategy will be presented to Council for endorsement.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to consider the endorsement of the draft 'Economic Development and Tourism Strategy' (the Strategy) for a five-week public comment period, after which a final document will be presented to Council for endorsement.

**DETAIL**

Economic growth is a priority and shared commitment of all tiers of Government and Pilbara-based development agencies and businesses. Economic development is an integral component of the Town's strategic framework and informs Council's decision-making processes.

The Town has delivered a new Local Planning Strategy and Scheme; developed facilities' masterplans for community hubs; arts and culture, public open space and heavy vehicle access strategies; worked with the State Government on the West End precinct project, the impending \$121.5 million transformative Spoilbank Marina Project, and industrial and residential land development; as well as a range of other strategies to enhance the vibrancy and attractiveness of Port Hedland and encourage business investment and residential settlement.

Over the next 15 years, the Town's Strategic Resource Plan commits \$443.6 million in upgrades to facilities and infrastructure, both renewals and new works, with \$269.32 million in new capital works. This will deliver essential infrastructure for economic facilitation and

development across new facilities, centre activation, roads, and landfill infrastructure, as well as other critical infrastructure.

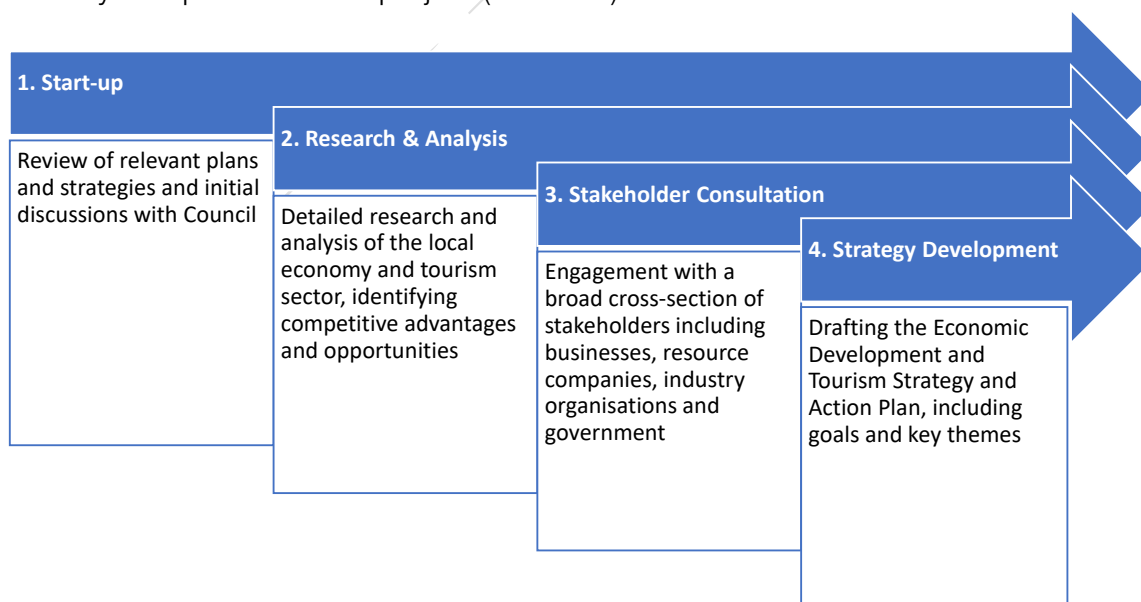
The Town recognises that significant opportunities can be realised through a more strategic approach to economic development, leveraging existing and planned strategic and infrastructure investment; responding effectively to the economic challenges and insights presented by the Covid-19 pandemic; and positioning the Town to achieve sustainable economic growth in the longer-term.

The Town has a strong governance framework, an established partnership approach and embedded consultation processes, and is well-placed to deliver a coordinated and integrated approach to economic development.

The draft Strategy provides long-term direction for economic and tourism development and is based on achieving two aspirational goals - over 5,000 new jobs and 11,600 new residents by 2041.

The draft Strategy sets out a range of strategic initiatives to drive the activities for the Town to grow economic and tourism development. It is supported through a detailed action plan and will be reviewed on an annual basis. The review will not only track progress towards aspirational goals but will also monitor the health of the economy and tourism sector as well as identifying emerging trends and areas for new focus.

A staged approach was adopted in the formulation of the draft Strategy (see figure below) and incorporated detailed research, analysis, and stakeholder consultation. The strategy will guide the Town in supporting future economic development and tourism growth within the district. The draft Strategy should be read in conjunction with the Background Report and Consultation Summary completed for this project (attached).



Priorities in this draft Strategy have been developed with input from relevant stakeholders and align with strategic findings and directions in key strategic documents targeting economic growth in the town.

The Town’s Corporate Affairs team will lead the implementation of this strategy in partnership with the WA Government, the Australian Government, regional development bodies, business and industry and other supporting partners. Internal and external reference groups and working

committees will be established, when required and resourced to ensure ownership of the strategy and a commitment to its implementation. The Town will report on the outcomes of the Strategy through its Integrated Planning and Reporting Framework.

During the proposed public comment period the public will be informed through social media and the Town's website that hard copies of the draft Strategy will be made available at the Town's two libraries, the Civic Centre reception and online for their perusal and feedback.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the final strategy, once endorsed, will be the leading document for strategic economic growth and business support for the Town.

## CONSULTATION

### *Internal*

- Executive Leadership Team;
- Senior Leadership Team;
- Senior Communications Officer;
- Senior Partnerships Officer; and
- Principle Project Manager.

### *External Agencies*

Interviews were conducted with over 60 stakeholders from industry, business, associations and government. Stakeholders were asked what they thought were the key competitive advantages and issues in the region, key opportunities for growth and the role the Town should play in terms of economic development and tourism.

### *Community*

This report seeks approval to advertise the draft Strategy for public comment. Whilst not required by legislation, this community engagement process is likely to improve the strategy and confirm that it is in line with community expectations. A consultation period of 5 weeks is proposed. If approved, advertisements will be placed in the North West Telegraph. In addition, this advertisement will be placed on the Town's website and the draft Strategy will be exhibited at the Civic Centre. The opportunity to comment on the draft Strategy will also be communicated to the business and tourism sectors through the Town, and across other digital channels.

## LEGISLATION AND POLICY CONSIDERATIONS

Nil.

## FINANCIAL AND RESOURCES IMPLICATIONS

The cost for advertising the draft Economic Development and Tourism Strategy can be met within the 2021/22 budget.

Once endorsed unfunded actions will be considered as part of Council's annual budget planning process. The Town may also seek external funding to deliver actions in the Strategy.

## 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.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.5 Business opportunities and major projects are promoted online and at relevant national and international
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 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.1 Investment in key infrastructure development such as the port and logistics is pursued
- 2.d.2 The development of industry specific value chains are encouraged and supported
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted

### *Economic*

The final strategy, once endorsed, will be the leading document for strategic economic growth and business support for the Town.

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

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 6 - Consultation Process

### *Corporate Business Plan*

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

- 2.a.2.1 Develop Master Plans and business cases for future project implementation, in line with the Town's strategic direction and needs.
- 2.a.4.1 Increase educational offerings by lobbying for secondary, Tertiary and higher learning facilities and services through facilitation with key stakeholders.
- 2.b.1.1 Provide local procurement forums, support and training.

- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification.
- 2.b.5.1 Work with stakeholders to enhance the reputation of the town.
- 2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges.
- 2.c.3.1 Promote Town of Port Hedland procurement opportunities.
- 2.d.1.1 Lobby State and Federal Government to invest in port infrastructure.
- 2.d.2.1 Advocate and encourage key stakeholders to have locally based supply chains and service providers.

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because stakeholders have been consulted throughout the development of the Strategy and failure to consult on the final document and deliver on some of the actions may adversely impact the Town. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be mitigated by adopting the Officer's recommendation.

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

This report outlines the details of the draft Economic and Tourism Development Strategy and seeks approval to advertise this document seeking public comment. The Strategy seeks to harness the potential of the Town of Port Hedland and guide the organisation to encourage investment, support local jobs and attract more visitors through actions and initiatives over the next five years.

The outcomes of public advertising and any proposed amendments to the draft Strategy would then be the subject of a further Council report for consideration and adoption of the Strategy.

## **ATTACHMENTS**

1. Draft Economic Development and Tourism Strategy Background Report (under separate cover)
2. Draft Economic Development and Tourism Strategy Consultation Summary (under separate cover)
3. Draft Economic Development and Tourism Strategy

11.2 Community Services

11.2.1 TOWN OF PORT HEDLAND YOUTH SUMMER STRATEGY

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

OCM202122/096 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR ECKHART

That Council:

1. Note the Christmas Holiday Youth Program and attachments;
2. Approves the provision of free access to all persons aged under 16 years to South Hedland Aquatic Centre (SHAC) from the dates of Saturday 18 December 2021 to Sunday 30 January 2022 (inclusive); and
3. Note that additional security will be engaged at SHAC and JD Hardie to assist during this time.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

OCM202122/097 COUNCIL DECISION

MOVED: CR BENNETT

SECONDED: CR TURNER

That Council amend the 2021/22 budget by allocating \$184,100 from the Strategic Reserve to the Operating Budget, in order to facilitate Christmas School holiday night time security patrols.

*CARRIED BY ABSOLUTE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to note the programs the Town has put in place in collaboration with HYSAG (Hedland Youth Stakeholder Action Group) to support the activation

of JD Hardie Youth and Community Hub (JD Hardie), and South Hedland Aquatic Centre (SHAC) throughout the December 2021 and January 2022 School holiday period.

## BACKGROUND

This year the Town has embarked on capacity building within the community to collaborate in a united approach to programs over the Christmas School holiday period. This is to ensure a varied and expanded program of activities is in place for all the youth remaining in Town, as well as reducing the potential for incidents of antisocial behaviour arising. The Town has worked closely with HYSAG on a calendar of events that will see both JD Hardie and SHAC offer a wide variety of activities for participation, including a WA Cricket Clinic, Splash at SHAC, Mini SLAM Basketball, Arts and Culture tailored programs in the Youth Lounge, and Kids Club. The significant increase of programs this year will be supported by Royal Life Saving Society WA, WAPOL, West Coast Eagles - Youth Engagement Coordinator, FMG, Department of Justice, Headspace, Youth Involvement Council, and Foodbank.

The operational considerations involved are as follows:

- Based off the existing JD Hardie Free Entry “Youth program” which operates 1.30pm to 5.30pm on a Wednesday afternoon at SHAC. It is estimated a 60% increase in patronage will take place for this period.
- The current Watch Around Water program will always need to be maintained; specifically:
  - A. Children under 12yrs must be supervised by a person 18yrs+.
  - B. Children under 5yrs must be at arm’s length of a person 18yrs+
  - C. Children using the playground must be supervised at all time.
- Supporting the HYSAG group by funding food designed to focus on at risk youth and sponsored by the Town of Port Hedland.
- Setting up inflatables on events at SHAC. There is a cost implication of one additional lifeguard required for the three hours in which this would take place.
- Support HYSAG to activate both JD Hardie and SHAC with programs over the school holidays, which is proposed to waive the hire fees at JD Hardie.
- Provide two additional Program Assistants to assist with programs over the school holidays.
- To ensure the safety of all patrons and staff the Town will engage with an external security company for presence at both JD Hardie and SHAC during busy programming times.

In addition, the Town has sought a quote to provide a mobile residential security service for the duration of the Christmas School holiday period. This includes provision of two drivers and vehicles working a 12 hour shift, commencing at 4.00pm and concluding at 4.00am. The cost of providing this service is \$184,140. This service will operate similar to an “Eyes on the Street” program, whereby the security officers will report any concerns to Police to respond. Unfortunately, security officers do not have similar powers as Police, therefore they will provide an observational and reporting role only.

Lastly, it is proposed for the Town to evaluate the effectiveness of this initiative post Christmas holidays to ensure it has had a positive outcome for the community.

FINANCIAL IMPACT TABLE (inclusive of on-costs)

Additional Costs	Per Day	Per week	Six Week total
Customer Service Officer	\$165	\$1,155	\$6,930
Lifeguard	\$165	\$1,155	\$6,930
Program Assistant x 2		\$1440	\$8,640
SHAC Security	\$448.80	\$2,692	\$16,152
JD Hardie Security	\$336.60	\$2019	\$12,114
Lost revenues Child Entry	\$180	\$1260	\$7560
Catering			\$5,990
Sub-Total	\$1,295.40	\$9,721	\$64,316
Mobile Security			\$184,140
<b>Total</b>			<b>\$248,456</b>

**FINANCIAL SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is of medium significance, with engagement being undertaken with local police.

**CONSULTATION**

*Internal*

- Director Community Services;
- Manager Leisure Facilities;
- Manager Community Development;
- Senior Youth Officer;
- Coordinator Aquatic Operations; and
- Community Safety Advisor.

*External Agencies*

- Local Police – Community;
- Royal Life Saving Society of Western Australia;
- West Coast Eagles - Youth Engagement Officer;
- Department of Justice;
- Youth Involvement Council;
- Headspace;
- Foodbank; and
- FMG.

*Community*

- Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

- Nil.



## FINANCIAL AND RESOURCES IMPLICATIONS

All costs associated with the attached program have been incorporated in the Town's 2021/22 financial year's operational budget.

The Christmas School holiday security patrols are not currently budgeted, but will be accounted for during the mid-year Budget review.

## 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.3 Youth services and facilities are implemented with regular input from youth and providers
- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services

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

## RISK MANAGEMENT CONSIDERATIONS

There is a financial, reputational and service disruption risk associated with this item because of the likelihood of increased anti-social behaviour during this time. The risk rating is medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be mitigated by the adoption of the Officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

In the interest of community safety, youth engagement and the reduction in anti-social behaviour, officers recommend the provision of free entry to all under 16 at SHAC during the school holiday period. Following the success of Council's 2021 initiative to offer free entry to under 16 years at SHAC, it is proposed that the Council considers offering the same initiative this year.

## ATTACHMENTS

1. December 2021 Holiday Calendar
2. January 2022 Holiday Calendar

## 11.3 Regulatory Services

**11.3.1 ALTERATION OF FEE FOR INCLUSION IN THE 2021/22 SCHEDULE OF FEES AND 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.

**OCM202122/098 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR BENNETT**

That Council:

1. Endorse the proposed amendments to the 2021/22 Fees and Charges Schedule as detailed in Attachment 1.
2. Notes that the Town of Port Hedland will give notice of the above proposed fees in accordance with s.6.19 of the *Local Government Act 1995* and effective seven (7) days after publication in a local newspaper.

**AMENDED MOTION****MOVED: CR CHRISTENSEN****SECONDED: CR ZIELKE**

That Council:

1. Endorse the proposed amendments to the 2021/22 Fees and Charges Schedule as detailed in Attachment 1;
2. Notes that the Town of Port Hedland will give notice of the above proposed fees in accordance with s.6.19 of the *Local Government Act 1995* and effective seven (7) days after publication in a local newspaper; and
3. Remove the community fee of \$2.50 for hire of the basketball courts.

***CARRIED BY ABSOLUTE MAJORITY 8/0***

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

## PURPOSE

The purpose of this report is for Council to consider amending some of the fees and charges approved in the FY2020/21 Fees and Charges Schedule, to provide further clarification or adopt new charges for services.

## DETAIL

### *Waste Operations*

Fees and Charges are reviewed by the relevant departments and approved by Council annually. The purpose of Waste Operations fees and charges is to:

- Incentivise resource recovery, i.e. encourage customers to separate waste into different streams; and
- Recover costs incurred to dispose of waste, including:
  - cost of air space, which includes cost to close existing landfill and establishment of future landfill;
  - cost of operations; and
  - cost of external disposal/recycling for some waste streams (i.e. tyres, gas bottles, fire extinguishers and e-waste).

Sufficient charges must also be applied for low density, high volume materials as they take up additional airspace.

A number of changes were introduced to the Waste Operations fees and charges in FY2021/22 including fees now applying to any residential construction waste greater than 1m<sup>3</sup>, residential volumes of asbestos waste being charged a minimum volume rate and cover material being charged separately where the type of waste requires immediate burial. A review of waste charges and the application of these and other fees has been reviewed with the following changes recommended, as shown in Attachment 1:-

- New line item required for provision of 240 litre general waste bin for events.
- Removal of the minimum charge applied for disposal of residential construction and demolition waste greater than 1m<sup>3</sup>. This will still result in a charge being proportional to the actual quantity of waste and contribute to preventing residents avoiding charges by using the free after-hours bins at the front of the site.
- Removal of the minimum charge applied for disposal of residential quantities of asbestos greater than at 0.5 m<sup>3</sup> or 8 sheets. This will still result in a charge being proportional to the actual quantity of waste and contribute to preventing residents avoiding charges by using the free after-hours bins at the front of the landfill, putting the staff and other landfill customers at risk.
- The Cover Material (Immediate Burial) Fee should be removed from the fees and charges; Karratha's burial fees are included in their commercial asbestos rate which is the same as the increased TOPH rate (these were the fees on which the TOPH fee increase was based).
- Clean fill should only be free of charge if it is suitable for reuse as cover material, as determined by Manager Waste Operations or their delegate. If clean fill does not have characteristics that make it suitable for use as cover material, then its disposal should be charged at the same rate as clean, crushed concrete and bricks (currently \$25 per tonne).
- Addition of a fee for commercial quantities of electronic waste to cover transport and recycling costs of \$800 per tonne recently introduced by our current e-waste recycler.

### ***Port Hedland Leisure – Aquatic Operations Fees & Charges***

There are some minor recommended amendments to the existing fee structure at the Town of Port Hedland Aquatic facilities to ensure greater access for the community and minimising barriers to entry for families including reduced staffing costs, consistency across all Town facilities, and free access for children.

Historically the entitlements regarding children's access fees at Gratwick Aquatic Centre and South Hedland Aquatic Centre have been inconsistent due to inconsistencies in the fee description.

It is proposed that the wording of the existing fee lines be amended so that children 6 years and below may access both facilities free of charge while children 7 to 16 years old pay a uniform fee of \$3.00. This brings both facilities fee structures into uniformity and ensures fair and equitable access to aquatic centres for both South Hedland and Port Hedland users.

It is also proposed that wording be changed for the hire of inflatables toys at both facilities be amended to reflect the inclusion of a staff member in the price.

### ***Port Hedland Leisure - Wanangkura Stadium Operations Fees & Charges***

During the 2021/22 Fees and Charges review a Port Hedland Leisure corporate membership fee line was amended resulting in the 'Corporate Rates – 20 people +' fee line becoming inaccurate for some existing corporate members.

It is therefore proposed to reintroduce an additional fee line for the Corporate Rate 20% concession price to accurately reflect the correct fee for existing corporate partners.

### ***External Basketball Courts***

In April of the 2020/21 financial year the external basketball courts adjacent to Wanangkura Stadium were renovated in response to increased community demand. While the external courts are free to the public to use casually, to ensure court availability it is the recommendation that fee lines be amended to ensure availability and adequate cost recovery for larger formal hires in line with operational costs of the courts including lighting, cleaning and ongoing maintenance, and the current Town of Port Hedland economic environment.

As such the existing fees outline both a commercial rate charge for \$5 and community rate (discounted 50%) 'Casual Court Usage' charge for \$2.50. It is the recommendation that these be removed to allow free use to members of the public while a new line of \$22.00 be created to ensure commercial hire fees reflect the true cost of operation. An additional concession rate will also be required to ensure equitable use for community organisations consistent with Port Hedland Leisure hire fee structure at \$11 per court per hour.

It is also necessary to remove the 50% concession fee for afterhours staff cost as this doesn't accurately reflect the cost of provision.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because these changes are more closely aligned with the fees and charges schedule for the 2020/21 financial year, which were not as controversial.

## CONSULTATION

### *Internal*

#### Waste Operations:

- Director Regulatory Services
- Manager Waste Operations
- Waste Contract Officer
- Site Supervisor
- Weighbridge Operator
- Leading Hand Waste

#### Port Hedland Leisure:

- Director Community Services
- Manager Leisure Facilities
- Coordinator Stadium Operations
- Coordinator Leisure Business
- Coordinator Aquatic Operations
- Events & Bookings Officer

### *External Agencies*

- Nil.

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

#### Waste Operations:

*Local Government Act 1995*

*Waste Local Law 2020*

13/016 Waste Collection and Bin Replacement

#### Port Hedland Leisure:

*Local Government Act 1995*

*Public Places and Local Government Property Local Law 2016*

*Fair Trading (Fitness Industry Code of Practise) Regulations 2020*

6/011 Recreation Reserves and Parks - Casual Hire and Events

6/010 Recreation Reserves and Facilities - Seasonal Hire

## FINANCIAL AND RESOURCES IMPLICATIONS

The reduction in Waste Operations revenue associated with the removal of the cover fee is expected to be offset with a net increase in revenue due to the charge applied to cleanfill that is unsuitable for reuse.

Amendments to the Port Hedland Leisure fees will not be expected to alter income generated from these sites, though will accurately reflect the cost of provision of service.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken

### *Environmental*

Amendments to the Waste Operations Fees are expected to have an environmental benefit as they will potentially decrease the volume of waste materials dumped in the natural environment by persons intending to avoid paying some of the fees and charges.

## RISK MANAGEMENT CONSIDERATIONS

There is minimal financial risk associated with this item because the proposed fee equivalent to the recovery cost. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). The risk will be eliminated by adoption of the officer's recommendation

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

It is recommended that the FY2020/21 Fees and Charges Schedule be amended in accordance with the changes in Attachment 1 for the reasons outlined in this report. The proposed modification to the minimum fees for specified waste types provides a fairer price for disposal than the current minimum. The proposed fees will be advertised for a period of 14 days in accordance with the Local Government Act 1995 prior to implementation.

## ATTACHMENTS

1. Proposed changes to 2021/22 Fees and Charges (under separate cover)

**11.4 Infrastructure Services****11.4.1 AWARD OF TENDER RFT2122/05 DEPOT MASTERPLAN STAGE 2 - ANIMAL MANAGEMENT FACILITY, WORKSHOP SHADE AND STORAGE SHEDS**

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

**OCM202122/099 COUNCIL DECISION****MOVED: CR ECKHART****SECONDED: CR ZIELKE**

That Council notes additional funding of \$3 million for the Animal Management Facility and Workshop Shade Structures required in the financial year 2022/23, increasing loan funding to \$15 million.

*CARRIED BY ABSOLUTE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**OCM202122/100 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR TURNER**

That Council accepts the tender submitted by De Grey Civil Pty Ltd, for PART OFFER A, in accordance with Tender RFT2122-05 Depot Masterplan Stage 2, for the total amount of \$1,546,160 (excluding GST).

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**OCM202122/101 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR BENNETT**

That Council accepts the tender submitted by Pilbara Constructions for PART OFFERS B & C in accordance with Tender RFT2122-05 Depot Masterplan Stage 2, for the total amount of \$3,117,303 (excluding GST).

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

#### OCM202122/102 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR CHRISTENSEN

That Council declines all tenders submitted for PART OFFER D in accordance with Tender RFT2122-05 Depot Masterplan Stage 2.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

#### PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-05 for Depot Masterplan Stage 2, Animal Management Facility, Workshop Shade and Storage Sheds and consider the evaluation panel's recommendation to award the tenders to the preferred tenderers.

#### DETAIL

##### *Request for Tender*

The Town released a Request for Tender (RFT) on 6 October 2021, requesting a suitably experienced contractor to complete works under Depot Masterplan Stage 2. Works were broken into part offers as follows:

- Part A - Civil and Drainage works
- Part B - Construction of a new Animal Management Facility and Demolition of existing
- Part C - Construction of Workshop Shade Structures, and
- Part D - Construction of Storage Sheds.



The RFT was released on Vendorpanel (the Town's e-tendering portal) on 6 October 2021 and was advertised in the West Australian and the North West Telegraph on 6 October 2021, with a closing date of 3 November 2021.

#### *Addendum Details*

Addendum 1 – Specification and Scope Clarification

Addendum 2 – Re-issue drawing (S0011)

Addendum 3 – Re-issue drawing (S0001)

Addendum 4 – Clarification points on the Civil design and specifications

#### *Site Inspection/Briefing details*

Date: 13 October 2021

Time: 10.00am

Location: Depot – 2-4 Cajarina Road Wedgefield

#### *Tender Assessment*

The Town received eight (8) submissions for RFT 2122-05. The respondents were as follows:

1. ACG Construct;
2. Benchmark Surveys WA Pty Ltd;
3. CMA Contracting Pty Ltd;
4. DeGrey Civil Pty Ltd;
5. Everything Earth Pty Ltd;
6. Pilbara Constructions Pty Ltd;
7. TEC Services Group Pty Ltd; and
8. Thomas Building Pty Ltd.

Of the submissions received, one (1) was rejected due to insufficient documentation. The remaining respondents provided compliant tender responses.

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

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

The Procurement Officer facilitated the evaluation meeting held on 12 November 2021. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

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

Project Controls	10%
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A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the project has been endorsed by Council during the FY2021/22 Annual Budget adoption process.

### CONSULTATION

#### *Internal*

Key internal stakeholders within the Regulatory Directorate have been engaged throughout the design phase of the Animal Management Facility (AMF).

Key internal stakeholders within the Infrastructure Directorate have been engaged through the development of the Depot Masterplan to improve the operational function of the facility which has been run as a works depot over a long period of time.

#### *External Agencies*

The Town has worked with architect Hodge Collard Preston and their subconsultants, throughout the completion of construction of Stage 1, as well as during the development and design of Stage 2 of the Depot Masterplan.

The Town is well advanced in the process of seeking consent from WA Department of Planning, Land and Heritage to install drainage infrastructure within the Town's lot and through a small area of the adjoining lot owned by the State. This consent is a requirement of the Development Approval.

#### *Community*

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 6 October 2021 and was advertised in the West Australian and the North West Telegraph on 6 October 2021, with a closing date of 3 November 2021.

### LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'
- 2/016 'Regional Price Preference'
- 2/022 'Panels of Pre-Qualified Suppliers'

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

## FINANCIAL AND RESOURCES IMPLICATIONS

An over stimulated construction market has led to an increase in steel prices and other construction materials. Regional loading for works in Port Hedland, within the construction sector has increased from approx. 55% to 75% over the life of the project, which is being delivered during the global COVID pandemic.

A summary of the approved budget is below

Element	FY2021/22 Budget	Tender Price inc 10% construction Contingency
Animal Welfare Facility construction	\$1,350,000	\$4,113,410
Workshop Shade Structures	\$804,000	\$1,016,400
Balance of issued contracts and allowance for remaining unlet scope (shade structure)	\$2,001,000	\$2,001,000 (includes contracts already issued )
Total	\$4,155,000	\$7,130,810

The tender was released as four (4) Parts, allowing the Project team flexibility to be able to award one, some or all parts to different contractors. The Part Offers tendered have also enabled the Project Team to remove works under scope, as required, due to budget limitations. Council had previously approved a budget of \$1.5M in funding for the construction of the Animal Management Facility due to the poor condition of the existing pound. The existing facility is non-compliant in multiple areas such as noise, waste, lighting and animal welfare. The Town currently utilises offsite facilities at Marquee Park to accommodate cats, which ultimately increases operational costs of managing multiple facilities.

The Project team engaged a Quantity Surveyor to provide a cost estimate for the construction of the proposed Animal Management facility (AMF), presented at \$2.2M. Following consultation with the Regulatory Services Directorate and Ranger teams, a rationalisation of the design of the facility was undertaken to remove portions of office space, and an ablution, to reduce the overall footprint whilst still allowing for existing and future demand. A more recent cost estimate of this rationalised design showed a favourable reduction in cost to construct, to \$1.5M, inclusive of regional loading.

As part of the AMF the Town was required to undertake a number of civil works to accommodate the AMF. The completion of all civil works on the site are mandatory requirement to comply with the Development Approval conditions for the Animal Management Facility.

The Panel has recommended that, due to the budget limitations, only Part Offers A, B and C are awarded at this time. Part D has been excluded from award due to exceeding budget. The existing stores building, slated for demolition, will be retained and converted into a space to rehome the building maintenance team. This will rationalise the amount of sea container storage required on the site, thus limiting the impact of not proceeding with Part D.

The workshop and washdown bay shade structures are required to provide a safe work environment. An adequate shaded and hardstand area for the Workshop team and outdoor staff will be constructed. Large items of plant cannot be worked on within the confines of the

existing workshop structure and these improvements are necessary from an occupational health and safety standpoint.

Given the significant cost increases the Council can choose to not award the tender. This will not affect the current works to finish Stage 1.

If the tender is not awarded animal management services will continue to be provided as they currently are. This will mean that any move to redevelop Marquee Park may be sub optimal as management of cats will have to continue at that site.

The Town has budgeted \$12 million via a loan and Officers are recommending that this loan be increased by \$3 million to \$15 million. This may mean that the Town has less capacity to loan further monies for future projects in subsequent financial years.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### *Corporate Business Plan*

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

- Develop, implement and review facilities and management plan and purpose statement for all community facilities including infrastructure standards, level of service and management models

## **RISK MANAGEMENT CONSIDERATIONS**

There is reputational risk and animal welfare risk considerations associated with this item should the Town not proceed with the award of the tender, as the existing facilities at the Depot pound are non-compliant and insufficient for the current operations from the site. The community is also aware of the Animal Management Facility being designed and is expecting delivery of this in FY 21/22. The risk rating is considered medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

**CONCLUSION**

Award of RFT2122/05 Depot Masterplan will provide greater operational efficiencies for the organisation through the consolidation of a single Animal Management Facility, whilst improving facilities for the day-to-day operations that are conducted out of the Depot Operations Centre.

The Town does not have to award the Tender and can continue to provide animal welfare services as is currently being undertaken and to continue to have staff working in the sun.

**ATTACHMENTS**

1. Evaluation Report for RFT2122/05 – ‘Depot Masterplan Stage 2’ - Confidential (under separate cover)

## 11.4.2 AWARD OF TENDER RFT2122/28 - PORT HEDLAND COMMUNITY CENTRE CONSTRUCTION

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

### OCM202122/103 COUNCIL DECISION

**MOVED:** CR ZIELKE

**SECONDED:** CR TURNER

That Council gives the Chief Executive Officer delegated authority to negotiate and execute a contract with Decmil Australia Pty Ltd, in accordance with Tender RFT2122/28 for Port Hedland Community Centre Construction, up to a maximum contract value of \$18,120,528.00 (excl GST).

*CARRIED BY SIMPLE MAJORITY 5/3*

In Favour: Mayor Carter, Cr Bennett Cr Eckhart, Cr Turner and Cr Zielke.

Against: Cr Christensen, Cr Coles and Cr Gillingham.

### OCM202122/104 COUNCIL DECISION

**MOVED:** CR BENNETT

**SECONDED:** CR TURNER

That Council provide a one-off payment of \$50,000 (excluding GST) to the Port Hedland Turf Club to assist with the increased cost of running the 2022 race season during construction, to be funded from the 2022/23 budget.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

## PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122/06 for Port Hedland Community Centre Construction and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

## DETAIL

### *Request for Tender*

The Town released a Request for Tender (RFT) on 6 October 2021, requesting a suitably qualified contractor to complete the construction of the Port Hedland Community Centre. The scope of works includes the construction of a two (2) storey facility, with included civil works and landscaping, to accommodate the Turf Club activities as well as other sporting groups, and act as an evacuation centre in the event of an emergency.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 6<sup>th</sup> October 2021 and was advertised in the West Australian and the North West Telegraph on 6<sup>th</sup> October 2021, with a closing date of 12 November 2021.

#### Addendum Details

Addendum No	Released	Summary
1	7/10/2021	Conditions of contract - Part A
2	7/10/2021	Conditions of contract - Part B - Amendments and special conditions
3	7/10/2021	Release of Detailed Pricing Schedule for completion
4	7/10/2021	Release of DWG formatted Drawings
5	12/10/2021	Clarification on drawing detail Clarification on pricing schedule and scope
6	15/10/2021	Release of updated drawings Correction of listed documents in tender pack
7	15/10/2021	Amendment and release of Pricing Schedule
8	20/10/2021	Revision of drawings and release Clarification on specification and Pricing schedule
9	20/10/2021	Clarification of tiling supplier
10	20/10/2021	Extension of Tender close to 12 November 2021
11	25/10/2021	Clarification of mechanical specification
12	25/10/2021	Release of revised site drawings Release of revised specifications
13	27/10/2021	Clarification on civil specification/ drawings
14	5/11/2021	Release of revised landscaping drawings

*Site Inspection/Briefing details*

Date: 13 October 2021  
 Time: 10.30am  
 Location: McGregor Street Reserve (Port Hedland Turf Club)

*Tender Assessment*

The Town received six (6) submissions for RFT 2122/06. The respondents were as follows:

1. Benchmark Surveys WA Pty Ltd
2. CMA Contacting Pty Ltd
3. Decmil Australia Pty Ltd
4. Emirge
5. TEC Services Group
6. Water Conservation Services International Pty Ltd

Of the submissions received, two (2) were rejected due to insufficient documentation to support the submission. The remaining respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

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

Procurement Advisor facilitated the evaluation meeting held on 19 November 2021.

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

Qualitative Criteria	(%)
Relevant Experience	40%
Capacity to Deliver & Resources	15%
Key Personnel & Skills	15%
Demonstrated Understanding	30%

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

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, due to the forecast expenditure for the tender exceeding 5% of the rates of the Council.

Construction will have an impact on the community, with one, and potentially two Port Hedland Turf Club Race seasons affected. Discussions with the Turf Club have been held, and



agreement has been reached to make a contribution of \$50,000 (excl GST) to the Turf Club to assist with sourcing alternative facilities during the racing season.

The caravan dump point will be moved prior to the commencement of the construction period as to not impact tourist season.

## CONSULTATION

### *Internal*

Key internal stakeholders within the Infrastructure and Communities Directorates have been engaged through the development of the Port Hedland Community Centre design to improve the operational function of the facility.

### *External Agencies*

The Town has worked with architect Hodge Collard Preston, and their subconsultants, throughout the development and design of the Port Hedland Community Centre.

The Town has also engaged with DFES and Department of Communities, during the development of the design, in relation to the use of the facility as a welfare shelter during emergencies.

### *Community*

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 6 October 2021 and was advertised in the West Australian and the North West Telegraph on 6 October 2021, with a closing date of 12 November 2021.

The Town has engaged with the external stakeholders to ensure that the potential user groups are accommodated at the new facility.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'
3. 2/022 'Panels of Pre-Qualified Suppliers'

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

## FINANCIAL AND RESOURCES IMPLICATIONS

As per the 21/22 Annual Budget, \$3,178,000 is allocated to this project. \$10,000,000 External / Grant Funding has been committed from the Department of Local Government, Sport and Cultural Industries.

Remaining budget will be requested in the 22/23 annual budget to complete the works

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 2.b.5 Business opportunities and major projects are promoted online and at relevant national and international
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 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

### *Environmental*

Nil

### *Economic*

The construction of the community centre will increase the Town's capacity to host and support larger events.

### *Social*

Construction of the Port Hedland Community Centre will enhance the experience for the members of large sporting groups and associations.

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 6 - Consultation Process

### *Corporate Business Plan*

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

- 4.b.1.1 – Develop, implement and review the Town's Long Term Financial Plan.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town of Port Hedland does not have an evacuation centre in Port Hedland, fit for purpose in the event of an emergency. The risk rating is considered to be high (15), which is determined by a likelihood of possible (3) and a consequence of catastrophic (5).

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

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

**CONCLUSION**

The Port Hedland Community Centre construction will be one of the largest capital projects the Town has adopted since Wanangkura Stadium. In awarding the tender the Town will be confident that they can support the community in the event of an emergency as well as provide upgraded facilities for multiuser groups

**ATTACHMENTS**

1. Evaluation Report for RFT2122/06– ‘Port Hedland Community Centre Construction’  
- Confidential (under separate cover)

**11.4.4 AWARD OF TENDER RFT2122/07 - CLEANING CONTRACT**

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

**OCM202122/105 COUNCIL DECISION****MOVED: CR ECKHART****SECONDED: CR CHRISTENSEN**

That Council amend the 2021/22 budget to increase the Cleaning budget from \$480,000 to \$700,000 to be funded from the operational budget as part of the 2<sup>nd</sup> quarter budget review.

*CARRIED BY ABSOLUTE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**OCM202122/106 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: CR BENNETT**

That Council accepts the tender submitted by Pressure Force Port Hedland in accordance with Tender RFT 2122-07 Cleaning Services for Part A of the Town of Port Hedland Buildings, for the total amount of \$672,047 per annum (excluding GST). This contract will be for:

- a) The supply/ provision of Cleaning Services for Town of Port Hedland Buildings;
- b) a period of 2 years;
- c) estimated to commence or commencing on 1 February 2022;
- d) with an optional contract extension of 12 months; and
- e) in accordance with the Schedule of Rates detailed in Attachments 1 and 2, Confidential Evaluation Report and other contractual arrangements.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**OCM202122/107 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR CHRISTENSEN**

That Council accepts the tender submitted by Pressure Force Port Hedland in accordance with Tender RFT 2122-07 Cleaning Services for Part B of the Town of Port Hedland Buildings, for the total amount of \$485,789 per annum (excluding GST). This contract will be for:

- a) The supply/ provision of Cleaning Services for Town of Port Hedland Buildings;
- b) a period of 2 years;
- c) estimated to commence or commencing on 1 February 2022;
- d) with an optional contract extension of 12 months; and
- e) in accordance with the Schedule of Rates detailed in Attachments 1 and 2 , Confidential Evaluation Report and other contractual arrangements.

*CARRIED BY SIMPLE MAJORITY VOTE 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

## PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-07 for Cleaning Services for Town of Port Hedland Buildings and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

## DETAIL

### *Request for Tender*

The Town released a Request for Tender (RFT) on 20 October 2021, requesting to engage a qualified contractor to provide cleaning services for the Town of Port Hedland Buildings for a two (2) year period with an option to extend an additional one (1) 12 month period at the Town's discretion.

The scope of cleaning incorporates specific Town buildings, including Leisure facilities, and excluding public ablutions. The facilities are as follows:

- Civic Centre & Administration Building;
- Infrastructure Operations Centre (Depot), Workshop, Warehouse (new building);
- Waste Management Facility (Landfill) – including new building to be constructed February 2022;
- JD Hardie Centre & Youth Zone;
- South Hedland Library;
- Port Hedland Library;
- Matt Dann Theatre & Cinema;
- Catamore Court Apartments – exterior common areas only;
- Wanangkura Stadium;
- South Hedland Aquatic Centre;
- Gratwick Aquatic Centre; and

- Other future sites as agreed upon with the Principal during the duration of this contract. This includes and is not limited to the Port Hedland Community Centre (Turf Club Site – April 2023).

The onset of COVID has highlighted the requirement of the Town to provide an exceptional state of cleanliness for staff and public users of Town owned and managed facilities. The addition of new and refurbished buildings has resulted in the current cleaning scopes being reassessed and expanded due to the increased footprint of the new buildings. In order to maintain and care for the assets, the changes will ensure a superior level of cleanliness and care of all facilities, staff and patrons.

The current cleaning contract with National Cleaning & Gardening Services is due to expire on the 31 January 2022.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 20 October 2021 and was advertised in the West Australian and the North West Telegraph on 20 October 2021 with a closing date of 03 November 2021.

#### *Addendum Details Site Inspection/Briefing details*

Date: 26 October 2021

Time: 9:00am – 1:15PM

Location: Civic Centre, Depot, Waste Management Facility, JD Hardie, SH Library, PH Library, Catamore Court Apartments, Stadium, South Hedland Aquatic Centre, Port Hedland Aquatic Centre

Date: 28 October 2021

Time: 2.30pm – 2.50pm

Location: Matt Dann Theatre & Cinema

#### *Tender Assessment*

The Town received 6 submissions for RFT 2122-07. The respondents were as follows:

1. JMD Operation Pty Ltd;
2. Maid2Shine Cleaning Solutions Pty Ltd;
3. National Cleaning and Gardening Services;
4. Pilbara Cleaning & Gardening Services;
5. Pressure Force Port Hedland; and
6. SANA Cleaning Services Pty Ltd.

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

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

Procurement Officer facilitated the evaluation meeting held on 10 November 2021. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver and Resources	40%
Demonstrated Understanding and Quality Management	30%

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

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the award of the Cleaning Tender is part of an ongoing need for the Town to ensure its buildings are clean. The Town has significant experience in the management of cleaning contracts.

### CONSULTATION

#### *Internal*

Town of Port Hedland Facility operators and business units for all buildings were consulted to provide feedback on scope of cleaning requirements for individual work areas.

#### *External Agencies*

Nil.

#### *Community*

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 20 October 2021 and was advertised in the West Australian and the North West Telegraph on 20 October 2021 with a closing date of 3 November 2021.

### LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'
- 2/016 'Regional Price Preference'
- 2/022 'Panels of Pre-Qualified Suppliers'

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

## FINANCIAL AND RESOURCES IMPLICATIONS

The Tender price is significantly more than the current budget. Pressure Force currently provides sanitation and cleaning services for the Town's public toilets. Their submission demonstrated their focus on quality and an ability to undertake the work. They scored 30% higher than the nearest tenderer on the value for money criteria which takes into account qualitative criteria and price.

As per the 20/21 Annual Budget, \$480,000 is allocated to this project. Due to the increase in the scope of COVID cleaning requirements and new and refurbished facilities, the current forecast cost for cleaning has increased above the allocated 20/21 budgeted amount.

To complete the financial year – February – June inclusive, an additional \$220,000 will be requested at quarter 2 budget review to pay for the increase in services and cleaning contract for the remainder of this financial year. A purchase order will be organised for February – June inclusive at the new contracted amount.

The Increased costs for the following financial year will be reflected in the 21/22 financial budget.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections 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

The cleanliness of our facilities directly reflects our commitment to customer services. With Covid we will be required to ensure our facilities are clean and as we add larger floor areas (e.g. depot, JD Hardie) the cost of cleaning will increase.

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

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

All of the Town's new buildings are DAIP compliant.

## RISK MANAGEMENT CONSIDERATIONS

There is a low risk (2) associated with this item. The risk rating is considered to be minor (2) and rare (1) because any cleaning which is not undertaken to standard can either be redone by the contractor or another contractor can be engaged at short notice. Further the Town is experienced in the award and management of cleaning contracts.

Although the value of this contract will double the turnover of Pressure Force cleaning is a relatively straightforward service with little need for capital expenditure upfront to undertake the contract.



If the tender is not awarded there would be a health risk of Council's facilities not being cleaned. There is the possibility to split the contract between two tenderers however given the difference of over 30% between the first and second tenderer the evaluation panel are not confident that the second tenderer could deliver the required level of cleaning required.

To mitigate the risk the Officer has recommended that the contract be awarded in two parts. This will enable staff to assess the performance of the contracts and if the contracts cannot be performed by Pressure Force then a part of the contract could be re-tendered and awarded to another tenderer if required.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

The Town is required to ensure that its facilities have a high level of cleanliness. The cost of cleaning the Town's facilities has increased due in part to larger footprints and a better-defined scope. Covid will mean the Town will be required to ensure it provides a high level of cleaning at all times.

## ATTACHMENTS

1. Evaluation Report for RFT2122/07 – 'Cleaning Services' – 'Depot Masterplan Stage 2' - Confidential (under separate cover)

## 11.5 Executive Services

## 11.5.2 ADOPTION OF THE 2020/21 ANNUAL REPORT AND SETTING THE DATE OF THE ANNUAL GENERAL MEETING OF ELECTORS

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.

Deleted. Alternate motion carried

## OCM202122/108 COUNCIL DECISION

~~That Council:~~

- ~~1.—Adopt the 2020/21 Annual Report (including the Annual Financial Statements and Associated Notes) as per Attachment 1 in accordance with section 5.53 of the *Local Government Act 1995*;~~
- ~~2.—Advertise the Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*;~~
- ~~3.—Convene the Annual General Meeting of Electors at 7:30pm on Wednesday 2 February 2022 in Council Chambers at the Civic Centre; and~~
- ~~4.—Advertise the availability of the 2020/21 Annual Report in accordance with section 5.55 of the *Local Government Act 1995*.~~

ALTERNATE MOTION

MOVED: CR ECKHART

SECONDED: CR COLES

## That Council:

1. Adopt the 2020/21 Annual Report (including the Annual Financial Statements and Associated Notes) as per Attachment 1 in accordance with section 5.53 of the *Local Government Act 1995*;
2. Advertise the Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*;
3. Convene the Annual General Meeting of Electors at 5:30pm on Wednesday 9 February 2022 in Council Chambers at the Civic Centre; and
4. Advertise the availability of the 2020/21 Annual Report in accordance with section 5.55 of the *Local Government Act 1995*.

***CARRIED BY ABSOLUTE MAJORITY 8/0***

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the 2020/21 Annual Report and confirm the date of the Annual General Meeting of Electors to be held in Council Chambers.

**DETAIL**

In accordance with section 5.53 of the *Local Government Act 1995*, the 2020/21 Annual Report has been prepared, summarising the previous year's achievements and includes specific statutory requirements.

An external audit has been completed by RSM on the Town's financial statements for the 2020/21 financial year. The process for adopting the Annual Report is as follows:

1. On 1 December 2021 the Audit, Risk and Compliance Committee endorsed for Council to adopt the Audited Annual Financial Report, Auditor's Closing Report and Management Letter for the 2020/21 financial year.
2. Council is to adopt the Annual Report, inclusive of the Annual Financial Statements.
3. The Annual Report forms the main item of business to be discussed at the Annual General Meeting of Electors.

Key highlights and achievements, as noted in the 2020/21 Annual Report include:

- The sod was turned on stage two of the JD Hardie Youth and Community Hub refurbishment, a key pillar in the *Hedland Recreation Hubs*.
- The sod was turned on the Spoilbank Marina development. This project is set to transform Port Hedland's waterfront into an attractive and popular destination for locals and visitors. The development will feature a four-lane boat ramp, 21 boat-pen Marina with capacity to expand to 80 pens in the future and plenty of public recreation space.
- Council adopted the final version of the Town's Coastal Foreshore Management Plan, which provides all stakeholders with a framework to protect our coastline for the future.
- Council awarded the tender for the construction of the Marapikurrinya Park seawall in the West End. The \$4.4 million project will help stop storm surges and inundation from flooding homes and businesses in the decades ahead, as well as mitigating erosion risks.
- Hundreds of rhyme time, story time, logo club and community outreach sessions were held at the Town of Port Hedland Libraries.
- Council endorsed the *Assessing Childcare Needs in Hedland* Report, responding to a continued shortage of childcare placements in town.
- A kerbside recycling service was introduced, delivered by the Town and Cleanaway with 93% community support for the initiative.

- The Civic Centre Gardens came alive with *Puppet in the Pilbara – The Last Numbat*, a giant interactive puppetry event presented by Spare Parts Puppet Theatre.
- The Youth Services Team delivered Kids Club, Youth Lounge, SLAM Basketball and more.

Section 5.27 of the *Local Government Act 1995* requires the Annual General Meeting of Electors to be held on a day selected by the local government, but not more than 56 days after the Annual Report is accepted. The Town will invite members of the public to attend and a public notice will be advertised.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is a statutory document which outlines the Town's activities and highlights for the 2020/21 financial year.

### CONSULTATION

#### *Internal*

All Directors, Managers and relevant Officers were consulted during the development of the 2020/21 Annual Report.

#### *External Agencies*

- Nil.

#### *Community*

- Nil.

### LEGISLATION AND POLICY CONSIDERATIONS

Section 5.27 of the *Local Government Act 1995* sets out the requirements for an elector's general meeting to be held once every financial year and this meeting must be held within 56 days of the Annual Report being accepted by Council.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

Section 5.29 of the *Local Government Act 1995* requires for a local public notice to be given stating details of the Annual General Meeting of Electors.

Section 5.53 of the *Local Government Act 1995* provides for the Annual Reports to contain certain provisions which have been included in the Town's 2019/20 Annual Report.

Section 5.55 of the *Local Government Act 1995* states that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

There are no Town policies to consider in relation to this item.

## FINANCIAL AND RESOURCES IMPLICATIONS

Limited copies of the 2019/20 Annual Report will be printed. The costs associated with printing have been accounted for in the 2020/21 annual budget.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 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
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.3 Innovative marketing to attract amenity usage is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process
- Outcome 7 - Employment

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because if Council choose not to adopt the 2020/21 Annual Report it will result in non-compliance with the requirements of the *Local*

*Government Act 1995.* The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Adopt officer's recommendation with changes, such as amending the date or time of the Annual General Meeting of Electors.*

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

*Note: this is not recommended as not adopting the Annual Report will result in a breach of the Local Government Act 1995.*

## CONCLUSION

The Annual Report is an essential tool for the Town to inform the community and key stakeholders of the Town's achievements. It also promotes greater community awareness of the Town's programs and services and illustrates the Town's commitment to accountable and transparent governance. It is recommended that Council adopt the 2020/21 Annual Report to ensure the Town is compliant with its legislative requirements.

## ATTACHMENTS

1. Annual Report (late attachment)

## 11.5.4 NATIONAL HOUSING CONFERENCE 2022

Author: EA to CEO and Mayor  
 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.

## OCM202122/109 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR ZIELKE

That Council:

1. Nominate and approve the following Elected Members to attend The National Housing Conference 2022 to be staged in Melbourne, Victoria pending any COVID-19 restrictions being in place at the time of travel:
  - Mayor
  - Councillor Turner
2. Note that the CEO may appoint Officers to attend the National Housing Conference on behalf of the Town of Port Hedland; and
3. Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to 4 April 2022.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

0

**PURPOSE**

The purpose of this report is for Council to consider the attendance of the Mayor and a Councillor and relevant Officers to the National Housing Conference in Melbourne from Wednesday 2 March 2022 to Friday 4 March 2022.

**DETAIL**

*General overview*

National Housing Conference 2022

Convened every two years by AHURI, the National Housing Conference is a 3-day forum that examines the latest evidence, significant policy reforms and the shining examples of best practice in delivering social and affordable housing options to Australians. More than 1,100 delegates attended Darwin for a memorable 2019 conference, and expectations are, an even larger audience will attend Melbourne, or for the first time, online, for NHC 2022.

The conference will examine a range of priority policy conversations including:

- affordability and availability in the private rental market;
- improving the linkages between housing and support systems such as healthcare, and education and training.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance due to minimal impact to the community and public interest.

### CONSULTATION

#### *Internal*

- Consultation with internal or external parties in the preparation of this report has been limited to information gathering.

#### *External Agencies*

- Nil.

#### *Community*

- Nil.

### LEGISLATION AND POLICY CONSIDERATIONS

Section 2.1.4 ‘Conferences, seminars and forums’ in the Town’s policy 4/010 ‘Elected Member Professional Development’ is applicable as it sets out parameters the ongoing professional development of the Elected Members in their role.

Section 2.1.5 ‘Funding’ of the Town’s policy 4/010 is applicable as it sets out how Council allocates funds in the Town’s budget to meet the costs of attendance, registration fees, travel and accommodation for Elected Members to participate in conferences.

There are no legislative considerations in relation to this agenda item.

### FINANCIAL AND RESOURCES IMPLICATIONS

The following tables outline the approximate costs for attending the above conferences:

National Housing Conference 2022		
Detail	Approximate Total Cost p/p	Notes
Accommodation	\$1000.00	Accommodation for 4 x nights while attending the conference
Flights	\$ 1000.00	Flight costs based on minimum number of stops (e.g. Port Hedland, Perth, Melbourne return)
Registration Fee – three-day package	\$ 1520	This fee includes the Conference in person
Meals / Incidentals	\$ 262.25	<u>Tuesday 1<sup>st</sup> March 2022</u> Dinner \$51.85 Incidentals \$19.35



		<p><b>Total: \$71.20</b></p> <p><u>Wednesday 2<sup>nd</sup> March 2022 (Conference):</u>                      Breakfast \$27.05  <i>Lunch is provided at the Forum.</i>                      Dinner \$51.85                      Incidentals \$19.35  <b>Total: \$98.25</b></p> <p><u>Thursday 3<sup>rd</sup> March 2022 (Conference)</u>                      Breakfast \$27.05  <i>Lunch is provided at the Forum.</i>                      Conference Official Dinner                      Incidentals \$19.35  <b>Total: \$46.40</b></p> <p><u>Friday 4<sup>th</sup> March 2022 (Conference)</u>                      Breakfast \$27.05                      Early Lunch is provided                      Incidentals \$19.35  <b>Total: \$46.40</b></p>
<b>Total</b>	<b>\$3782.25 p/person</b>	<b>Total approximate cost per person to attend the Conference</b>

At the time of writing this report, the following budget balances are noted:

Budget Line (General Ledger)	Annual Budget Total	Remaining Balance at time of report
Elected Members – Individual Training and Development	\$75,000	\$67,000
Elected Members – Accommodation and Travel Expenses	\$42,000	\$25,000

The registration fee is to be deducted from the ‘Individual Training and Development’ budget. Accommodation, travel and incidentals will be deducted from the ‘Accommodation and Travel Expenses’ budget.

In accordance with 2/007 ‘Purchasing’ policy, the Town must ensure the efficient and prudent expenditure of financial resources.

***COVID-19 Financial Implications Contingency***

In the case of another COVID-19 lockdown within WA, we need to plan for any contingencies that may occur. Financial contingencies are set out below based on a 14-day quarantine with Western Australia:

Detail	Approximate Total Cost	Notes
--------	------------------------	-------

Accommodation at COVID quarantine Hotel Perth	\$2,000	Accommodation Perth hotel x 2 weeks
Meals / incidentals	\$1801.80	
<b>Total</b>	<b>\$3801.80</b>	<b>Total COVID-19 Financial Contingency</b>

## 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.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
  - Identify strategic employment and economic development priorities
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

## RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (2) for this agenda item. This is calculated as an insignificant consequence and unlikely likelihood. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

The risk will be mitigated by adopting the Officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation.*

*Option 2 – Amend officer's recommendation.*

*Option 3 - Do not adopt officer's recommendation.*

## CONCLUSION

The Town of Port Hedland will benefit from attending the above conference. It allows the Town to gain insight into the unique factors affecting housing in regional local governments, community sectors and share information and strategies.

## ATTACHMENTS

1. National Housing Conference 2022 (under separate cover)

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**Item 12 Reports of Committees**

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*Note: The Minutes of this Committee meeting are available on the Town's website [here](#).*

<b>12.1</b>	<b>AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING MINUTES - 1 DECEMBER 2021</b>
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OCM202122/110 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR ZIELKE

That Council:

1. Receives the confirmed minutes of the Audit, Risk and Compliance Committee Meeting held on 10 August 2021; and
2. Receive the unconfirmed Audit, Risk and Compliance Committee Meeting minutes held on 1 December 2021 at 5:30pm inclusive of the following decisions:
  - a) 11.1.1 2022 Audit, Risk and Compliance Committee Work Plan
  - b) 11.1.2 2021 LGIS Worksafe Plan Audit
  - c) 13.1 Financial Statements FY2021

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**ATTACHMENTS**

Nil

12.2	2022 AUDIT, RISK AND COMPLIANCE COMMITTEE WORK PLAN
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**Author:** Senior Risk and Audit 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.

**OCM202122/111 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR GILLINGHAM**

That Council endorse the Audit, Risk and Compliance Committee Work Plan 2022, as per Attachment 1.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to receive the ARC Committee work plan for the forthcoming year.

**DETAIL**

The ARC Committee work plan was presented to the ARC Committee on 1 December 2021 for consideration. The ARC Committee is required to develop an annual work plan in accordance with section 6.6 of the ARC Committee's adopted Terms of Reference, that stipulates:

*'The Audit, Risk and Compliance Committee will develop a forward meeting schedule that includes the dates, location, and proposed work plan for each meeting for the forthcoming year, that cover all the responsibilities outlined in this terms of reference.'*

The work plan provides a framework that guides the implementation of the ARC Committee's responsibilities as outlined in the *Local Government Act 1995*, the *Local Government (Audit) Regulations 1996* and in the ARC Committee's Terms of Reference for the forthcoming year.

The work plan aligns the ARC Committee's responsibilities with any key legislative compliance dates and the ARC Committee's adopted meeting schedule. The work plan also allows ARC Committee Members to be able to anticipate upcoming items for inclusion in each quarterly ARC Committee meeting.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. It does not meet any requirements of a 'significant' decision.

## CONSULTATION

### *Internal*

- Director Corporate Services
- Manager Financial Services

### *External Agencies*

- Nil

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Section 6.6 of the Terms of Reference (TOR) of the ARC Committee state that a work plan for the forthcoming year is to be developed.

Although the adoption of an ARC Committee work plan is not legislatively required, the TOR is a requirement of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*.

## FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated with this item.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item, because if the ARC Committee do not adopt a work plan for the forthcoming year, the ARC Committee would be in breach of its Terms of Reference. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2).

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

There is a service interruption risk associated with this item, because if the ARC Committee do not adopt a work plan, the ARC Committee members will not have insight on what the ARC Committee will be determining in the coming months and will not have time to research and make enquiries in relation to any upcoming agenda items. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

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

**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

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



**CONCLUSION**

It is recommended that Council receive the 2022 work plan to ensure the ARC Committee meets key compliance dates and responsibilities for the forthcoming year. The adoption of the work plan will also allow ARC Committee members to have insight on which items are to be determined in the coming months and offers structure and guidance to the ARC Committee.

**ATTACHMENTS**

1. 2022 Audit, Risk and Compliance Committee Work Plan (under separate cover)

**12.3 2021 LGIS WORKSAFE PLAN AUDIT**

**Author:** Senior WHS 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.

**OCM202122/112 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR ZIELKE**

That Council receive the LGIS 2021 WorkSafe Plan Audit Report, as per Attachment 1

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

**PURPOSE**

The purpose of this report is for Council to note the outcomes of the 2021 LGIS WorkSafe Audit Review.

The agreed management actions will be recorded in the Audit Log and progress updates on improvements made by the Town of Port Hedland (Town), will be provided to the ARC Committee on regular basis.

**DETAIL***Background*

LGIS were engaged to undertake the 3 Steps to Safety Program which was established to recognise and meet the needs of Local Government with the aim of driving safety performance and minimising claim exposure.

LGIS conducted the initial assessment on the 2<sup>nd</sup> to 6<sup>th</sup> July 2018. The sites visited as part of the activity were the Administration Building Civic Centre, Depot, Landfill Facility, South Hedland Library and JD Hardie Youth Centre.

Following that assessment, the Town developed an Action Plan to address the outcomes assessed as insufficient, ad hoc, and unsatisfactory. Once developed the Action Plan was provided to the Assessor to ensure that the actions proposed were being addressed as per the criteria and to drive continuous improvement.

LGIS undertook a second assessment on 31<sup>st</sup> to 2<sup>nd</sup> May 2021. The sites visited as part of that activity was the JD Hardie Youth Zone, South Hedland Landfill, South Hedland Aquatic Centre, and South Hedland Library.



All evidence for both assessments were examined and verified on site through examination of documents, workplace inspections and interviews with representatives from the Town.

*Scope*

Both assessments were undertaken against the WorkSafe Plan using the below LGIS scoring methodology.

Finding	Score	Definition
Satisfactory	3	The Town satisfies the requirements of the criterion & has not gone significantly beyond it.
Insufficient	2	Documentation exists however there are gaps in the OSH Management System documentation, their implementation &/or the evidence that shows the criteria hasn't quite been met yet.
Ad Hoc	1	The Town has not met the criteria due to evidence being sporadic & ad hoc.
Unsatisfactory	0	The Town cannot provide any evidence to support compliance with the criteria.

*Overall Comment & Findings*

The overall score outcomes by each element for 2021 in comparison to 2018 can be seen in the below table.

Category	Member Score	Available Score	2021 Section Achievement	2018 Section Achievement
Management Commitment	22	24	92%	63%
Planning	24	27	89%	33%
Consulting & Reporting	20	21	95%	43%
Hazard Management	19	21	90%	32%
Training & Supervision	17	21	81%	43%
<b>Overall Score</b>	<b>102</b>	<b>114</b>	<b>89%</b>	<b>43%</b>

A total of 36 parts were audited under the four Elements of which 11 were given an “Insufficient” criteria, the other 25 units were all measured as “Satisfactory”. There were no “Ad Hoc or Unsatisfactory” findings.

The insufficient findings are shown as follows.

Element 1.1 There is a documented Safety & Health Policy that is reviewed on a regular basis.

- The Town has a Workplace Health & Safety Policy within the Council Policies Manual as well as a WHS Statement that is reviewed every 3 years or more often as required.
- The WHS Statement outlines the Towns commitment to a high standard of Safety and Health in accordance with safety & health legislative requirements.
- The WHS Statement has been endorsed with the CEO's signature and states the date of issue and re-endorsement.

Recommendations

- Ensure the WHS Policy and Statement is reviewed at least annually in accordance with the WorkSafe Plan criteria.

Element 1.4 There is a process that makes all parties aware of and accountable for their safety and health responsibilities.

- The WHS Obligations and Responsibilities document identifies the applicable safety and health responsibilities for each level in the organisation. Worker signoff is obtained to demonstrate their understanding of safety and health responsibility in accordance with their role however this document is not currently reflected within position descriptions.
- The induction process provides an overview of worker and contractor safety and health roles and responsibilities.
- Senior management and supervisors are provided with and attend safety and health roles and responsibilities training.
- Senior management regularly attend the safety and health committee and Executive Leadership Team (ELT) meetings where safety and health performance is discussed.
- The Town has a Reward and Recognition program which includes safety and health criteria achievements.

Recommendations

- Include or reference WHS Obligations and Responsibilities within position descriptions to ensure safety and health responsibilities are easily referred to when reviewing worker performance.

Element 2.0 The Towns approach to safety and health management is planned and reviewed.

- A WHS Plan has been implemented and is regularly reviewed on a quarterly basis to ensure it is suitable.
- The Town is in the early stages of collecting safety and health performance information and has not started comparing performance data.
- The Town does not currently conduct internal audits or safety assessments on the safety and health management system and only rely on LGIS to complete an assessment every three years.

### Recommendations

Develop a process for internal safety audits/assessments to occur at least annually to ensure that the safety and health management system is effective, and improvements are identified.

- Develop a process for the annual comparison of safety and health performance data to ascertain where improvements can be made.

Element 2.2 Specific safety and health objectives and measurable targets have been established for relevant functions.

- The Town currently collects data on lead and lag indicators such as LTI, hazard and incident reporting, workers compensation and workplace inspections.
- Although senior management have key performance indicators (KPI) regarding safety and health for their departments, written performance indicators are currently in draft for the organisation and each business.

### Recommendations

- Finalise the organisations and individual business unit's performance indicators and ensure targets can be measured. Consideration should be given to not focus on injury statistics (lag indicators) and promote lead indicators such as timely hazard, incident and investigation reporting, and effectiveness of controls.

Element 2.5 Policies and procedures for engaging and managing contractors are in place.

- The Town is in the final stages of the contractor management review process which includes clear direction on engaging and managing contractors performing work tasks on behalf of the organisation.
- Although much of the material is still in draft some parts of the process is currently utilized, such as, risk assessment of the scope of works to be completed, collection of contractor insurances and license requirements, contractor suitability, provision of Contractor OSH Compliance Guideline, Contractor Questionnaire, contractor inductions, observations and site inspections, regular meetings and minutes maintained.

### Recommendations

- Finalise the contractor management review and ensure all workers are trained in contractor engagement requirements.

Element 3.6 There are arrangements in place for the acquisition, provision and exchange of safety and health information with external parties, including customers, suppliers, contractors and relevant public authorities.

- The procurement process identifies the requirement for safety and health information to be obtained and risk assessments to be completed before purchase.
- A safety and health complaints procedure has been developed for external parties which is maintained within Synergy.
- Safety and health information is distributed through various electronic social media platforms, newspapers as well as hard copy mail to communicate with members of the public.
- Snap, Solve, Send has been developed for members of the public to instantly report any safety and health issues within the community.

- Although safety and health information is sought from contractors, this process is not fully implemented as the Town is currently finalizing their contractor management process.

#### Recommendations

- Finalise the contractor management procedure and processes to ensure contractors are managed in a safe and consistent manner across the Town, which includes obtaining and communicating safety and health information.

#### Element 4.3 Work activities are analysed, and hazards identified.

- Procedures for tasks that have been considered high risk have been developed.
- The hazard and incident management process analyses hazard and incident trends where this data is presented to senior management and the OSH Committee.
- SWMS, JSA and Internal Operating Procedures (IOP's) have been implemented and also reference appropriate resources such as, legislation, codes of practice, standards and guidelines appropriate to the work task. The documents are regularly reviewed.
- Even though workers were able to confirm that work activities are analysed, and hazards identified, job observations are not yet recorded.

#### Recommendations

- Develop a process for job observations to be recorded to further strengthen the hazard identification and analysis process to ensure it is effective.

#### Element 5.1 An induction program is in place for all workers and contractors providing relevant OSH instruction and information.

- An organisational safety and health induction program is in place for all workers, contractors, volunteers and visitors that provides relevant instruction and information on safety and health for the Town and applicable workplace/area.
- Additional inductions are in place for individual business units such as plant and equipment, role specific and workplace.
- Safety and health training objectives are identified and included within training materials.
- Although a safety and health induction process is in place, job observations are not currently recorded to ensure information has been transferred to the workplace.
- Discussion has with workers confirmed that they undertook safety and health induction training.

#### Recommendations

- Develop a process for to assess whether information obtained in training has been transferred effectively into the workplace i.e., job observations.

Element 5.3 The Town has identified the training needs of all workers.

Position descriptions identify the training requirements for each role within the Town.

- The Town has a training matrix for reporting and recording worker attendance to training however a training needs analysis has not yet been developed to clearly identify any gaps in a workers training.
- The annual performance review process primarily identifies the need for a worker to undertake training as well as other times during the year when identified.
- Training records are maintained within personnel files and are available to workers and their immediate supervisors or managers upon request.
- There is an allocation for safety and health training within the budget which is reviewed at least annually.
- Discussions with workers confirmed that they have taken part in safety and health training applicable to their role and opportunities to identify and be provided with future training is available.

## Recommendations

- Develop a training needs analysis to ensure the training needs for each role is suitably identified, including any legislative requirements, to ensure workers can perform their work tasks in a safe and healthy manner.

Element 5.6 The training program is evaluated and reviewed.

- The annual performance review process includes the requirement to review the workers individual training program.
- Although worker feedback and evaluations are obtained following training, a review of the training program as a whole has not yet been conducted.
- Discussions had with workers confirmed that they contribute to their individual training program evaluation review.

## Recommendations

- Develop a process where the training program for the Town is evaluated and reviewed to ensure it is suitable. The evaluation can take into account worker evaluation feedback, reduction in injury or incident rates applicable to the training, job observations or verifications of competency.

Element 5.7 Supervision is undertaken by people with appropriate safety and health knowledge, skills and experience.

- Safety and health roles and responsibilities training has been undertaken by senior managers and supervisors.
- Discussions had with workers confirmed that supervision is appropriate to their work task and level of skill.
- Although safety and health performance criteria is included within the performance review process, this has not been tailored to reflect the roles level of responsibility.

## Recommendations

Review the safety and health performance criteria to reflect the responsibility of the role.

## LEVEL OF SIGNIFICANCE

This matter is considered to be of medium significance, due to the possibility of consequences arising from non-compliance, impact the reputation of the Town of Port Hedland and general interest by the community in the compliance capability of the business operations of the Town of Port Hedland.

## CONSULTATION

### *Internal*

- Chief Executive Officer
- Director – Corporate Services
- Director- Regulatory Services
- Manager HR
- Manager Financial Services
- Manager Governance
- Manager Infrastructure Operations
- Manager IT and Program Delivery
- Manager Infrastructure Projects & Assets
- Senior Legal Counsel
- Senior Financial Accountant
- Senior Organisational Development Advisor
- Senior Risk and Audit Advisor
- Senior Governance Advisor

### *External Agencies*

- LGIS (Marsh Advisory Pacific):
  - Senior OSH Consultant - Risk & Governance

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

- *Occupational Health & Safety Act 1984*
- *1\_016 ToPH Workplace Health and Safety Policy V03 Adopted May 2020*
- *WHS FRM 016 Risk Matrix V0 Nov 2019*

## FINANCIAL AND RESOURCES IMPLICATIONS

Budget included sufficient funding for the LGIS WorkSafe Plan Audit costs.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

## RISK MANAGEMENT CONSIDERATIONS

6 low and 5 moderate rated findings in relation to the “Insufficient” findings in the 2021 WorkSafe Plan Audit.

These are compliance risks associated with this item because the Town must ensure that it has adequate procedures and processes in place to preserve and protect its systems, procedures, assets and its reputation by ensuring the compliance of regulatory requirements. The overall risk rating is considered to be Moderate (9), which is determined by a likelihood of possible (6) and a consequence of Moderate (3). This risk will be reduced by the adoption of the recommendation and implementing the agreed management actions.

## 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 the ARC Committee with an overview of the 2021 WorkSafe Plan Audit findings and how the Town’s Work Health and Safety and HR Teams will be addressing all relevant findings for improvement.

On behalf of the Town, LGIS Senior OSH Consultant, Risk & Governance submitted the following information to WorkSafe in an application for a WorkSafe Plan Certificate of Achievement:

- (i) WorkSafe Plan Report covering examples of evidence against the indicators for each of the elements and overall ratings for each of the elements.
- (II) An explanation of the type of assessment conducted.
- (III) Statistical information that confirms that the organisation meets the requirements for reduction/maintenance of low rates of injury and disease.
- (IV) Organisational details.
- (V) Confirmation that no conflict of interest exists between the Assessor and the organisation i.e. that the Assessor is independent and impartial.

It is recommended that Council receive and note the 2021 LGIS WorkSafe Audit Review.

## ATTACHMENTS

1. LGIS 3 Steps to Safety (under separate cover)

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


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Nil.

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


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OCM202122/113 COUNCIL DECISION

MOVED: CR BENNETT

SECONDER: CR ZIELKE

That Council accept the following late item: 14.1 Award of Tender RFT2021/11 – South Hedland Skate Park Shade Structure Construction

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

14.1	AWARD OF TENDER RFT 2021/11 – SOUTH HEDLAND SKATE PARK SHADE STRUCTURE CONSTRUCTION
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**Author:** Senior Project Officer

**Authorising Officer:** Director Infrastructure Services

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

OCM202122/114 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR TURNER

That Council:

1. Gives the Chief Executive Officer delegated authority to negotiate and execute a contract with the preferred tenderer MG Group WA, in accordance with Tender 2022-09 'Completion of Construction Work South Hedland Skate Park Shade Structure', up to a maximum contract value of \$5,244,443.50 (excluding GST), which will be delivered over the 21/22 and 22/23 Financial Years; and
2. Notes additional funding of \$1.987 million for the South Hedland Skate Park Shade Structure required in FY 2022/23 to be sourced from the Strategic Reserve.

*CARRIED BY ABSOLUTE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.



## PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2022-09 for 'Completion of Construction Work South Hedland Skate Park Shade Structure' and consider the evaluation panel's recommendation to authorise the CEO to negotiate and execute a contract with the preferred tenderer.

## DETAIL

South Hedland Skate Park was opened by the Town in 2015 with support from the WA Government, BHP and FMG. It is one of the Town's most essential and loved youth orientated facilities. The Town has identified strong community desire for the erection of a shade structure to protect skaters and spectators from the hot Pilbara sun.

Council endorsed conceptual design for a shade structure in 2019. Design has since been completed for a shelter to cover 80% of the facility.

Decorative LED lighting panels will liven the underside of the shelter with exciting and colourful displays that will be fully programmable by artists and Town Officers. This will create new program opportunities with local youth and artists. The structure will also include colourful cladding, enhancing the Skate Park's prominence at the centre of the South Hedland CBD.

Construction work was awarded at the February 2021 Ordinary Council Meeting to MJW Building. Demolition and substructure works were completed prior to the builder entering voluntary administration in September.

The Town has directly procured \$1.4 million of structural steel and aluminium cladding for the project to secure prices and mitigate production leads times during a time of national steel shortages and high demand for fabrication and overseas freight services.

The Skate Park partially reopened in September 2021 and has since been a popular after school hangout location for youth. The increased activity has resulted in a rise of incidents of damage to the perimeter temporary fencing, illegal entries and antisocial behaviour. Town Officers have managed these issues by reinforcing the fence, tidying the site (to remove hazards), signage, security drive-bys, and engagement of police, schools and youth.

Such issues were rare during the construction period with the previous builder. Once the new builder mobilises in January 2022 their daily presence, along with the full closure of the Skate Park, is expected to drastically reduce antisocial activity at the site.

### *Request for Tender*

The Town released a Request for Tender (RFT) on 29 October 2021, requesting a suitably qualified contractor to provide the goods and services to complete remaining construction of the South Hedland Skate Park Shade Structure.

All works are to be constructed to the specifications provided by the Principal and/or to current Australian Standards. The works include the engagement of rigging, electrical, drainage, civil and all other relevant trades required to complete the shade structure.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 29 October 2021 and was advertised in the West Australian and the North West Telegraph on 27 October with a closing date of 22 November 2021.

*Addendum Details*

- Addendum 1 – 5/11/2021
- Addendum 2 – 11/11/2021
- Addendum 3 – 12/11/2021
- Addendum 4 – 12/11/2021
- Addendum 5 – 18/11/2021

*Tender Assessment*

The Town received four (4) submissions for RFT 2022-09. The respondents were as follows:

1. ACG CONSTRUCT;
2. BENCHMARK SURVEYS WA PTY LTD;
3. MG GROUP WA; and
4. MITIE CONSTRUCTION PTY LTD.

Of the submissions received, two (2) were rejected due to non-compliant responses. The remaining two (2) respondents provided compliant tender responses.

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

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

The Procurement Officer facilitated three evaluation meetings held on 24 November 2021, 3 December 2021 and 9 December 2021.

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

<b>Qualitative Criteria</b>	<b>(%)</b>
Relevant Experience	30%
Capacity to Deliver and Resources	40%
Demonstrated Understanding and Methodology	30%

Financial review of the two (2) compliant tenderers resulted in one (1) not being further considered.

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

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because it involves entry into partnership with the private sector to carry out a significant activity.

## CONSULTATION

### *Internal*

- Director Infrastructure and Town Services;
- Director Community Services;
- Director Regulatory Services;
- Manager Financial Services;
- Manager Infrastructure Projects and Assets;
- Manager Town Planning & Development;
- Manager Community Development;
- Manager Corporate Affairs;
- Principal Project Manager;
- Procurement Officer;
- Procurement Advisor;
- Senior Project Accountant;
- Senior Arts Officer;
- Senior Youth Officer; and
- Youth Program Officer.

### *External Agencies*

- Illion Credit Check
- Norda Architects

### *Community*

In 2017, the Town conducted the “*Live it Tell it*” campaign, the most extensive engagement exercise the Town had ever undertaken. 5,800 responses were received by the community via a range of engagement exercises, the outcomes of which have been captured in the Town’s Strategic Community Plan. The community specifically identified a need to revitalise community infrastructure and facilities. The need for shelter at South Hedland Skate Park was identified through this process.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions and General) Regulations 1996* apply in relation to the invitation of tenders.

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23(c) and (e) of the *Local Government Act 1995*.

The following Town policies were considered in relation to this tender:

- 2/007 ‘Purchasing’;
- 2/016 ‘Regional Price Preference’;
- 1/014 ‘Execution of documents and application of the common seal’;
- 1/022 ‘Risk Management’;
- 8/003 ‘Access and Inclusion’;
- 9/010 ‘Asset Management’; and
- 10/003 ‘Landscaping’.

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

## FINANCIAL AND RESOURCES IMPLICATIONS

The project is proposed to be completed by August 2022. There is sufficient budget in the Financial Year 21/22 (\$5.4 million) to cover the anticipated Financial Year 21/22 costs. Additional budget of \$2 million is estimated to be required in Financial Year 22/23 to complete the project.

The project has now been advertised for the second time subsequent to the original builder going into administration. Expenditure incurred from the previous builder, plus forecast cost to complete with the preferred tenderer, will result in the project exceeding its existing budget.

### South Hedland Skate Park Shade Structure Project Costs

20/21 Financial Year expenses	\$ 434,233.82
21/22 Financial Year expenses (to date; less materials procured)	\$ 244,690.85
Proposed builder's contract	\$ 5,244,443.50
Other expected costs (inc. procurement of materials)	\$ 1,498,303.32
Construction contingency	\$ 400,000.00
<b>Forecast overall project cost</b>	<b>\$ 7,821,671.49</b>
<b>Project Budget (20/21 expenses + 21/22 budget)</b>	<b>\$ 5,834,233.82</b>
<b>Increased cost of project</b>	<b>\$ 1,987,527.67</b>

The estimated budget required for Financial Year 22/23 will be confirmed during preparation of Financial Year 22/23.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

### *Social*

The South Hedland Skate Park is a vital facility for youth engagement and is particularly well utilised by the WA Police and Town's Youth Engagement Team. The construction of the shade structure is expected to enhance the year-round usability and programmability of the facility.

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities.

## RISK MANAGEMENT CONSIDERATIONS

There are several risks which have been identified in relation to delivering this project.

The works may extend past the anticipated project timeline – introducing reputational risk. The likelihood of this is considered to be possible (3) with a major (4) consequence, giving this risk an overall rating of high (12). To mitigate this risk, the Town will develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

Unfavourable weather. This could lead to delays in delivering the project as scheduled. The likelihood of this occurring is possible (3) with a consequence of major (4), returning an overall risk rating of high (12). The Town will take preventative actions to ensure that the contractor has appropriate contingencies for minimising damage to the works, the community and property in the possible event of inclement weather.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The South Hedland Skate Park is one of the Town's essential youth orientated facilities. Completion of this project will encourage the delivery of youth diversionary programming and enhance civic pride in the surrounding area.

It is recommended that Council endorses the Officer's Recommendations relating to RFT 2022-09 'Completion of Construction Work South Hedland Skate Park Shade Structure' to enable recommencement of works and deliver this highly anticipated project to the community.

## ATTACHMENTS

1. Multi Party Evaluation Report - Confidential (under separate cover)
2. RFX Summary Report - Confidential (under separate cover)

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


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**OCM202122/115 COUNCIL DECISION****MOVED: CR ECKHART****SECONDED: CR TURNER**

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider items 15.1 and 15.2.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

8:02pm The Mayor/ Presiding member declared the meeting closed to the public.

<b>15.1</b>	<b>AUTHORISATION TO NEGOTIATE TENURE OVER LAND</b>
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**Author:** Project Officer – Planning and Development

**Authorising Officer:** Director Regulatory Services

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

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

**OCM202122/116 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR CHRISTENSEN**

That Council authorises the Chief Executive Officer to enter negotiations with the Department of Planning, Lands and Heritage, the Department of Health and Horizon Power with respect to the proposed land transactions identified in the report.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.

Against: Nil.

<b>15.2</b>	<b>MORE THAN MINING FBT REFORM</b>
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**Author:** Director Corporate Services  
**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.

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

**OCM202122/117 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: CR COLES**

That Council make a commitment to publicly support phase 2 of the More than Mining – FBT Reforms campaign.

*CARRIED BY SIMPLE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

**OCM202122/118 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR COLES**

That Council agree to a financial contribution of \$30,000 (ex Gst) as part of their commitment in support of the More than Mining – FBT Reforms campaign. The budget be amended to allocate the \$30,000. The budget amendment to be included in the Q2 2021/22 budget review.

*CARRIED BY ABSOLUTE MAJORITY 8/0*

In Favour: Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.  
Against: Nil.

**OCM202122/120 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR TURNER**

That Council open the meeting to members of the public.

*CARRIED BY SIMPLE MAJORITY 8/0*

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<u>In Favour:</u>	Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.
<u>Against:</u>	Nil.

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**8:13pm** The Presiding Member declared the meeting open to members of the public and verbally advised the resolutions for Items 15.1 and 15.2.

Item 16      Closure

**16.1      Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday, 2 February 2022 commencing at 5:30pm.

**16.2      Closure**

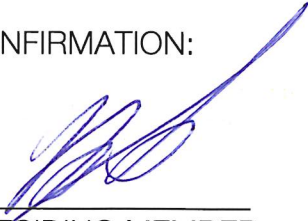
There being no further business, the Presiding Member declared the meeting closed at 8:16pm.



DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 23 February 2022.

CONFIRMATION:



\_\_\_\_\_  
PRESIDING MEMBER

23/2/2022  
DATED