



MINUTES

Ordinary Council Meeting Wednesday, 24 March 2021

Date: Wednesday, 24 March 2021
Time: 5:30pm
Location: Civic Centre
McGregor St
Port Hedland
Distribution Date: 1 April 2021

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Item 1 Opening of Meeting

The Presiding Member declared the meeting open at 5.31 pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of the land on which the Council met.

Item 3 Recording of Attendance

Important note:

This meeting is being 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 Renae Coles
Cr Eva Bartho
Cr Jan Gillingham
Cr Lewis Kew Ming
Cr Warren McDonogh
Cr Tim Turner
Cr Kylie Unkovich
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)
Lee Furness (Director Infrastructure Services)
Mark Dawson (Manager of Governance)
Joshua Brown (Governance Advisor)
Lisa Duggan (Corporate Support Officer / Minute Taker)

Staff: 4
Public: 26
Media: 1

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Nil.

3.4 Approved Leave of Absence

Nil.

3.5 Disclosure of Interests

Councillor Name	Item No.	Type of Interest	Nature
Councillor Bartho	11.3.4 – Proposed dedication of portions of Powell and Buttweid Roads, South Hedland, including proposed closure of a portion of Buttweid Road, South Hedland	Impartiality	Councillor Bartho is employed full time by Main Roads WA (MRWA) and the application has been lodged by MRWA.
Chief Executive Officer – Carl Askew	15.1 – Chief Executive Officer – Annual Performance Review	Financial	Mr Carl Askew is the subject of the report and the report relates to his contract of employment.

Item 4 Applications for Leave of Absence**4.1 COUNCILLOR BARTHO AND COUNCILLOR GILLINGHAM**

Councillor Bartho requested a leave of absence from 22 April 2021 until 9 May 2021.

Councillor Gillingham requested a leave of absence from 1 April 2021 until 20 April 2021.

CM202021/137 COUNCIL DECISION**MOVED: CR ZEILKE****SECONDED: DEPUTY MAYOR COLES**

That Council approve the leave of absence requests for Councillor Bartho from 22 April 2021 until 9 May 2021 and for Councillor Gillingham from 1 April 2021 until 20 April 2021.

CARRIED 9/0

Item 5 Response to Previous Questions

Responses are provided below to questions taken on notice from Elected Members at the Ordinary Council Meeting held on 24 February 2021 and these responses were also issued to all Elected Members by e-mail.

5.1 COUNCILLOR GILLINGHAM

Some parents from the gymnastics organisation have contacted me over the last couple of days and I was going to ask this question to the Director of Community regarding gymnastics, can we find out more information about what is happening with their Organisation? I believe they can't be in Wedgefield anymore as the rent is too high and they were supposed to move into Repco in Wilson Street but there are some problems there. I was just wondering can I have on notice and have some more information about what is happening with the gymnastics and I will try my best to do some homework myself. There is a lot of concern that gymnastics is not happening at the moment and we need everything for our young people for sports in the Town, if that would be possible, it would be much appreciated.

The Director of Regulatory Services provided the following response:

Gymnastics at Hedland Community Living Association (GHCLA) has moved into the old Repco Building in Port Hedland, which has raised a number of concerns from planning, building and environmental health perspectives. The building is not fit for this purpose as it was designed and approved as a shop and not as a public building/gymnasium. As the premises is located within the dust zone, the Western Australian Planning Commission (WAPC) have limited occupancy to 15 children at any one time. Furthermore, the facility does not have adequate toilets or showers as required under the Building Code of Australia. Regulatory Services has allowed for some dispensation on numbers, but the facility is short of the required numbers of ablutions. There are also concerns in relation to safe access and egress from the site, adequate exit widths and paths of travel to those exits, together with approved locking devices on the doors to comply with the Health (Public Buildings) Regulations 1992. Without addressing these and other outstanding items, the Town is unable to provide the group a change of building classification, an occupancy permit and a maximum accommodation certificate under the applicable legislation. The Town has attempted to make the process as easy as possible for GHCLA to meet legislated building and health requirements. The situation could have been avoided if the proposal was referred to the Town for advice prior to entering into the lease.

The Director of Community Services also provided the following response:

The Sports & Facilities team had heavily engaged with the previous gymnastics club, offered to book days at the JD Hardie and to pay for floor fittings. The new gymnastics club GHCLA was offered the same time slots at JD, but declined late last year. In addition, GHCLA have been consulted with regard to the expansion of the Wanangkura Stadium, as part of Stage 2 of the South Hedland Integrated Sports Hub masterplan, and will be accommodated in the project.

5.2 COUNCILLOR KEW MING

In relation to recent incidents at aquatic centre facilities, in order to protect staff, I suggest having metal detectors, like at the airport, so that people coming in carrying a weapon can be identified.

The Director of Community Services provided the following response:

In light of escalating incidents occurring at SHAC, most notably during the Christmas school holiday period, numerous actions have taken place in consultation with front-line staff and the Town's executive leadership team to ensure ongoing security and workplace safety. As follows are a number of initiatives that have been deemed sufficient to ensure the safety of staff and patrons at the facility:

- Fast-tracking the installation of security gates at the front entry which will allow staff control and visibility over who exits and enters the facility as per of the FY20/21 quarter two budget review;
- Security Guard at the facilities from 8am – 8pm weekly and 12pm-6pm weekends with the front gate manned as a visual and physical deterrent until fully gated turnstiles are installed;
- Installation of improved cameras at the front entry point;
- Temporary refusal of entry for patrons responsible for the incidents;
- Provision of duress alarms to front line staff; and
- Review of existing local laws with the view to increase the age of unsupervised patrons to 12 years of age from 10.

In addition to the above, the Town continues working with a number of other agencies and stakeholders to ensure that anti-social issues are appropriately addressed.

5.3 COUNCILLOR TURNER

Given some of those challenges in terms of supporting our youth and engaging with our youth, I would like to ask for an update for councillors to the progress of the Youth Strategy as currently it features within the Community Safety Plan and I think it is probably time that we had a broader conversation about the development of the Youth Strategy and it's strategic importance to the Town, both in terms of the safety and in terms of the viability of what it means to grow up in Hedland and create the opportunities that they deserve.

The Director of Community Services provided the following response:

The Town is in the process of developing a town-wide Youth Strategy in accordance with its Community Safety Plan and its Corporate Business Plan. The Community Development Team have developed a Request for Quote to engage the services of a consultant to assist in the development of a Youth Strategy Timeframe. This strategy will enable Council to plan and implement youth focused initiatives and programs that have a direct impact on the Town and Hedland's youth for the next three years. The intent is that the Youth Strategy will be owned and driven by the whole community through the Hedland Youth Stakeholder Action Group (HYSAG). A new Chair and Deputy have recently been elected to HYSAG and the Town has commenced discussions with them on the proposed strategy. The Council will be provided with regular updates on the development of the strategy.

5.4 COUNCILLOR TURNER

I had the opportunity to meet with the Coordinator of Apprenticeships Australia and she was processing up to 50 school based traineeships, supported by the resource sector and a range of businesses. I happened to ask her what the commitment is from the Town of Port Hedland for school based traineeships and the response I got was zero. So my question to the Town of Port Hedland will be to say what is the opportunity for us to support school based traineeships and identify opportunities to incorporate the Town's support for those traineeships into the business, given that we have Environmental Services, we have Business Administration, we have Recreation. It seems to me we have several opportunities.

The Chief Executive Officer provided the following response:

As outlined in the Town's Strategic Workforce Plan 2020-24 the Town has made a commitment to – *Explore eligibility for the WA State Government Regional Traineeship Programme during FY2021 and set-up a programme.*

A framework is currently being developed by the Learning & Organisational Development team to ensure a structured, sustainable approach to attraction, selection and support/supervision for Trainees at the Town, as part of career development for local hires. This program will focus on both school based and school leaver traineeships. HR facilitated some strategic planning sessions with senior leaders late last year to identify new positions for Trainees across all Directorates to be incorporated into the FY21 budget review process. Leaders have made a commitment to grow the Town's traineeships and partner with local stakeholders to deliver a well-structured programme the Town can be proud of. The Town's Learning and Organisational Development Coordinator will be responsible for ensuring the success of the Traineeship programme.

Late last year Officers from the Town attended an information session held at the Youth Involvement Council in September 2020. This was a Hedland Collective event that provided an overview of the School Based Traineeship Programme, options available and the timeframes the South Hedland Senior High School (SHSHS) was working to. The Town agreed to investigate the inclusion of School Based Traineeships for 2021.

In addition to School Based Traineeships, the Town also has a number of apprenticeships in place and currently has three full time Traineeships across Community Services (Stadium and JD) and Infrastructure (Depot) and all linked to Certificate qualifications. A proposal is currently being prepared by the HR Department for a Program of School Based and Permanent Traineeships for consideration in the 2021/22 Budget.

Item 6 Public Time

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 5.36pm.

6.1.1 MS JAN FORD

The below questions were received from Jan Ford on behalf of the Port Hedland Community Progress Association, by e-mail, prior to the Ordinary Council meeting held on 24 March 2021, to be read out at the meeting:

- 1. The Draft Coastal Foreshore Management Plan submissions close today, and strongly identifies the importance of building two seawalls at the spoilbank marina and Richardson Street Boat ramp, before building this proposed path on the eroded road reserve area, so the proposed path will not be eroded, yet Council has secured funding of \$1,000,000 (\$500,000 from Council and \$500,000 from Commonwealth). Does that mean Council intends to build the path for a million dollars prior to building the seawalls to protect the path? If so, how can Council ensure the seawalls are built first, so the path is protected as per the Coastal Foreshore Recommendations?*

Response provided by Director of Infrastructure Services:

Seawalls are proposed to be constructed at Richardson St, Sutherland St (between Mosely & Crawford) and Goode St. There is currently no proposal to build a seawall at the Sutherland St Shared Path Extension location. The Draft Coastal Foreshore Management Plan recommends that along the Kingsmill Street section, a coastal pathway be constructed, and paths be carefully formalised and managed to improve the current ad-hoc crossing of the dunes leading to disrepair and further coastal erosion. The path is likely to be completed prior to the aforementioned seawalls.

- 2. Council has identified the location for the proposed path is at high risk of erosion. What current flood studies have Council undertaken prior to recommending the proposed plan adopted prior to the seawalls being built, given other high risk coastal areas are currently conducting a current minimum 1/100 year flood study, and exploring 1/500 year flood studies?*

Response provided by Director of Infrastructure Services:

The Town of Port Hedland has undertaken a number of studies that relate to coastal hazards, including:

- Flora and Vegetation Reconnaissance Survey of Spoilbank Reserve - February 2020 (Strategen);
- Spoilbank Marina Coastal Hazard Risk Management & Adaptation Plan - April 2020 (MP Rogers);
- Pretty Pool Creek Concept Path, Boardwalk & Bridge Design (MP Rogers);
- Port Hedland Marina Artificial Lighting Impact Assessment Report - February 2020 (RPS);
- Goode St Dune Erosion Concept Adaptation Options Study - January 2020 (MP Rogers);
- Sutherland St Erosion Concept Adaptation Options Study - December 2019 (MP Rogers);
- Tropical Cyclone Veronica Coastal Assessment & Recommendation - April 2019 (MP Rogers);
- Marapikurrinya Park, Richardson Street & Gap Seawalls Design Report - December 2019 (MP Rogers);
- Port Hedland Marina and Waterfront Master Plan and Place Plan - December 2019;
- Town of Port Hedland Port Hedland Townsite CHRMAP - April 2019 (GHD);
- Town of Port Hedland Public Open Space Strategy - August 2019;
- Port Hedland Foreshore Master Plan - Environmental Synopsis (Acacia Springs Environmental);
- Port Hedland Coastal Geomorphological Study - May 2013 (Cardno);
- Port Hedland Coastal Vulnerability Study Final Report - August 2011 (Cardno);
- Urban Development Program - Regional Hotspots - Port Hedland 2011;
- Improvement Plan 50 - Port Hedland West End, and Improvement Scheme No.1;
- Pilbara Coast - Geology, Geomorphology and Vulnerability (WAPC, 2013);
- Pilbara Coast - Geology, Geomorphology and Vulnerability (WAPC, 2013);
- National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds; and
- Draft Port Hedland Parks and Paths Strategy.

Erosion protection is to be incorporated into the design of the Sutherland Street Shared Path Extension, as this was particular feedback that has been provided by the Kingsmill Street residents.

3. *Can Council please postpone adoption of the proposed design for the Sutherland Street Shared Extension Path until a full understanding of the all of the risks of building a path for public use along the eroded road reserve on high risk sensitive coastal land are fully proven and understood?*

Response provided by Director of Infrastructure Services:

The Town has undertaken the due diligence required for construction of the Sutherland Street Shared Path Infrastructure.

The response above highlights the significant work undertaken by the Town over the last 10 years. Postponement of the project is at the discretion of Council. At the Ordinary Council Meeting held on Wednesday 24 March 2021, Council resolved to defer the matter to be considered at a later date.

6.1.2 MR ARNOLD CARTER

The following question was asked in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension for the Ordinary Council Meeting held on 24 March 2021:

1. *Does this item refer to the recommendation made by the previous Commissioner Hon Fred Reibling for discussion by the incoming Council? If so, have the Councillors visited or discussed the relevant submissions and objections for their consideration? Does the estimated cost of \$1,000,000 include the design?*

The following question was asked in relation to Item 12.2 Financial Statements FY2019/20 for the Ordinary Council Meeting held on 24 March 2021:

2. *It is pleasing to note that you have at last received the annual financial statements and is included on the agenda for discussion at tonight's meeting under confidentiality. Would you please advise when the audit report scheduled for presentation at the electors meeting for 29 April 2021 is available for the ratepayers' perusal prior to this meeting?*

The Presiding Member thanked Mr Carter for his questions and advised that they would be taken on notice.

6.1.3 MR BILL DZIOMBAK

The following questions were asked in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension for the Ordinary Council Meeting held on 24 March 2021:

1. *I respectfully and strongly ask Council to defer this item until sufficient detail is available as to the best positioning of the path which would complement the world class marina which we are building and not detract from it as it is in its current form and after comprehensive public consultation, which up to this point has been zero.*
2. *Is this Council aware of the multitude of objections that the Town of Port Hedland has received when this path was first proposed last year by the then Commissioner, who then deferred it to this Council, which has received many more objections in the last few weeks to the same, and is on tonight's agenda, once again involving no public consultation?*
3. *Has this Council seen or considered the content of the previous comprehensive Foreshore Management Plan, which was adopted by Council in August 2013 after much public consultation, engineering and environmental approvals that included a beautifully*

designed eco friendly boardwalk closer to the beach, similar to the stairway to the moon platform, which is currently at Cooke Point?

The Presiding Member thanked Mr Dziombak for his questions and Questions 2 and 3 were taken on notice. Question 1 was accepted as a statement.

6.1.4 MR GEORGE DACCACHE

The following questions were asked in relation to the Discovery Caravan Park in Cooke Point, for whom Mr Daccache is an employee:

1. *The Discovery Caravan Park is owned by the Town of Port Hedland but leased to Discovery Park, is that right?*

The Presiding Member advised that this is correct.

2. *Under the lease agreement by the Town and Discovery (which I believe has been extended to 21 years, plus another 21 if agreed by both parties). Does it not state that the park will be kept in a clean, safe, properly maintained, weed free and enjoyable place for tourists, contractors and any other personnel, who stay there in the short term or long term? I am just trying to say that there are rules and regulations in their lease that they have to maintain it to the best possible place, is that right?*

The Presiding Member advised that this is correct.

3. *If these and other conditions are not met, does that mean that the lease will be terminated and other parties can lease the park and who from the Town checks on a regular basis that all of the conditions are met, just like Council does on checking the swimming pool at the caravan park?*

The Presiding Member thanked Mr Daccache for his questions and advised that Question 3 would be taken on notice.

6.1.5 MR JIM HENNEBERRY

The following statement was made in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension for the Ordinary Council Meeting held on 24 March 2021, in Mr Henneberry's capacity as a community member, business owner, and elected Commodore of the Port Hedland Yacht Club:

Recently the Hon Minister Alannah McTiernan announced that the final EPA approval was given for the Spoilbank Marina Precinct. This new marina will breathe new life back into the Town of Port Hedland Community and it's the reason I stand here before you tonight.

The Port Hedland Community is fortunate to have the Town of Port Hedland approve the construction between Pretty Pool and Cooke Point of a boardwalk and bridge which will not only join these two suburbs and the community together, but it will also become a feature and an area of interest for tourism.

In view of the \$120,000,000 plus marina development, I respectfully ask the Council to defer their proposal to build a concrete paved pathway between Richardson Street and Sutherland Street, whilst you are investigating the possibility of joining the West End CBD into the marina precinct as well as our new marina and community facility on the spoilbank, by the use of a boardwalk similar to the Pretty Pool and Cooke Point pathway.

If this project is then required to be deferred into next year's financial budget, I am sure the residents will be agreeable to that.

I am here to ask that Council defer their decision tonight on Item 11.4.5 and not to miss this opportunity presented to us by making West End residents and tourists able to access this new marina facility as well.

The Presiding Member thanked Mr Henneberry and this was accepted as a statement.

6.1.6 MR GLENN ROBERTSON

Mr Robertson provided a written statement to all Elected Members, along with an extract of Port Hedland Consolidated Foreshore Redevelopment Master Plan – Vision Document July 2013 and made the following statement in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension:

I myself am a resident of Kingsmill Street and we enjoy the water views. What we are opposing with the water views and the path going in, we are opposing on what was voted on in 2013 in regards to a boardwalk and it was voted on by previous Councillors and approved, as you will see on page 2, that is what the Town of Port Hedland sold us. If you do go to the back page, this is what the current Town are proposing and is 100 metres away of where it is going to start. The budget can be nowhere near the budget figures you are putting in.

We got sold in 2013, in all of our public consultation, that is the town's model of what we should receive (referred to document that was provided to Elected Members). We were all happy with that and we weren't opposing to a board walk going in, connecting that beach strip that is there. What is going to happen now is there are going to be an ATV thoroughfare. It is a 3 metre road. The vacant blocks won't be bollared and you can drive straight up there and you can just drive for 3 metres behind people's houses. It is going to be a disaster.

The erosion factor for that land is about 30 years and the realistic factor is that it [inaudible] is shrinking.

This is set to fail. If you are going to do a path, you might get about fifteen to twenty years out of it. I am not sure that is the best possible use of public funds. A boardwalk will be here forever and it will smash into the bedrock and there will be some timber maintenance and it will open the Spoilbank to the people of Port Hedland, South Hedland, Wedgefield and everywhere around.

That 3 metre path is what it is going to look like on the back page. Full of weeds, cracks, undermining. Its in the coastal erosion zone. One of the things that was adopted in the Coastal Erosion Risk Management Plan was do not try to stabilise a sand dune.

The Presiding Member thanked Mr Robertson and this was accepted as a statement.

6.1.7 LEE ELGOOD

The following statement was made, rather than questions asked:

I have been in Port Hedland approximately ten, eleven years and I have spoken with builders in Town and so have a fairly good idea how to price jobs as well, as that is what I teach most of the builders in town to do. I remember Fred Riebeling saying it was going to cost \$300 for a path. I fell over with sand in my mouth. Since then I have seen the figures double, triple, quadruple and just blow out. This is what I do for a living. I price jobs, I build houses, I build paths, I build major projects and I have just built the two big buildings out near the airport and to me this pricing that I see in this report that I went through painstakingly, is just absolutely out of this world. I just want to confirm what Glenn said and not only that but the financial side of things of this cut and paste document, is an absolute joke. And I've heard today, what was also said Mr Mayor I will leave this to be addressed.

The Presiding Member thanked Mr Elgood and this was accepted as a statement.

6.1.8 UNNAMED RESIDENT OF KINGSMILL STREET

The following statement was made, rather than questions asked:

I don't usually do this and this is the first time I have done this, but I live at 25 Kingsmill, born and bred in Hedland all of my life and worked and moved into Kingsmill a couple of years ago and what I have been told by the Council people working at the Town of Port Hedland... I believe this is funded by tax payers but back in 1980s South Hedland and everyone who is living out there, I am surprised the police are not here to support them in what I have to say..... we remove paths from front of houses at tax payers expenses and not put them in. What I have found out through labourer reports being written and people saying they got thoroughly inspected from the traditional owners. I found that over the weekend not to be correct... I employ local people in the the town as a business... through the education of living here And what I have been told by Council is we have a right to... and that is the consultation and I really think that is fair. I don't know whether that is a question but a statement I suppose.

The Presiding Member thanked the resident and this was accepted as a statement.

The Presiding Member declared Public Question Time closed at 5.54pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time opened at 5.55pm.

6.2.1 MR BILL DZIOMBAK

I apologise for earlier as I didn't properly introduce myself as a long term resident at 27 Kingsmill Street and previous Councillor, amongst other positions in the public arena.

My public statement relates to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension.

1. *Several points here. The people of Port Hedland that I have spoken to, want an iconic connection between our now being built finally, world class marina and our historic West End of Town. The proposed straight line concrete path on the foreshore boundaries of Kingsmill Street residences does not do that.*
2. *We have an opportunity here to build a world class tourism attraction along this beautiful section of foreshore connecting people to the beach and at several times a year access to walking amongst our amazing coral reef exposed at low tide with the biggest ships in the world passing in the background. The proposed straight line path on the doorstep of people's houses does not do that.*
3. *We want the people of Port Hedland and tourists alike to enjoy an eco friendly unique boardwalk experience as previously adopted by Council in the 2013 plan, with information nodes explaining how nature and industry coexist, and this cannot be found in many other places in the world. The proposed straight line concrete path totally lacks this vision and definitely does not do that.*
4. *We want this construction between our world class marina and historic West End Town to set a precedent for future development along our amazing foreshore for residents to be proud of, and tourists to enjoy. The proposed straight line path that could possibly fall apart after the first cyclone, does not do that. Thank you.*

The Presiding Member thanked Mr Dziombak for his statement.

6.2.2 MR GEORGE DACCACHE

Mr Mayor my statement concerns what I believe is the unsafe and below standard upkeep that the Management of the Discovery Cooke Point Caravan Park provides. I am an employee – tomorrow I may not be but anyway.... I am an employee at the Park. On numerous occasions I have complained to Management about the lack of safety and upkeep of what I consider one of probably the best locations for a Caravan Park in the Pilbara.

Mr Mayor the unsafe parts of the park is trees that have nuts grow on them (I have brought a couple to show you). Now these nuts are what I call killer nuts, just like coconuts, but only deadlier. These nut trees are around BBQ areas, clothesline areas, carport areas and even grow over street areas where cars, motorbikes, bicycles, ladies and men pushing prams with babies in.

After I complained again about how dangerous these nut trees are, Management made a small token gesture by removing some of the lower hanging nuts but ceased in removing the majority, if not all of the killer nuts.

Now Mr Mayor, some people may think what I am saying is some sort of joke but believe me I have numerous photos to show anyone who is interested about how many of these nuts just drop without any warning, from a height of some maybe ten to fifteen metres and hit the ground with a powerful thud.

Mr Mayor if it struck a person it would cause serious injury and possibly death. Now Councillors, if you want to feel how heavy they are, they are heavy and so keep that in mind. Mr Mayor I have taken this step to report this dangerous situation to Council because I believe that Council

have a very big part to play in making sure this site is safe for all. After all, it is our caravan park, but it is just leased to Discovery.

Further to my complaints to Discovery Management, I have also complained about the huge and excessive amount of doublegee plants that have infested the park, especially the back part of the park with some of the best views and again Management have acknowledged the issue, but they must like yellow flowers because nothing has been done, but we all know what they turn into. Again I have photos for anyone who is interested.

The other issue Mr Mayor, is that Discovery treats our caravan park as a mini dump with fridges, washing machines, doors, mattresses, all strewn in an area of the park for all to see. It is pretty disgusting. But one of the real doozies of all that I have mentioned is the arrogance of one of the Management in allowing employees of the caravan park to drive the park's unsafe rubbish trailer on our roads to the tip. Now I have stated to Management, that not only is the trailer unsafe and unroadworthy to be on the road, but whichever employee is driving with the trailer in tow would have to meet the consequences if they are picked up by the police.

I swear Mr Mayor, this Manager's response was and I quote: "Don't worry about the Port Hedland Police, they won't do anything. They are only Hedland Coppers, we'll be alright." Well Mr Mayor I was absolutely disgusted that those words came out of a Manager of Discovery Park, shame on him. My honest response was "don't you dare criticise our police, they have a job to do and I'll remember what you said about them." He just gave a smirk and left. I have photos of the trailer of how unsafe it is Mr Mayor.

So Mr Mayor, Councillors, CEO, as I said there are a number of issues that make me believe that Discovery Park are not worthy of running our Town's caravan park. The attitude that 'she'll be right Jack' is wrong. It may not happen tonight, tomorrow or in the near future but if one of these killer nuts hurts maims, or kills a person, especially a baby, it won't be that my conscience will be cleared because that would never happen, but I will be saying "I told you and warned you about those killer nuts and the other issues that Discovery Park let go."

Mr Mayor I implore you, other Councillors and CEO to as soon as possible, come and inspect our what was once a beautiful park and see its devastation now. [inaudible]... Please don't be fooled my Management excuses. I can't just keep quiet about it as someone is going to get hurt. I hope it does happen but its on the record now.

The Presiding Member thanked Mr Daccache for his statement.

6.2.3 DARREN (LONG TERM RESIDENT ON KINGSMILL STREET)

My name is Darren and I am a long term resident on Kingsmill Street and I am a tradesman.

I would just like to urge the Councillors to go and have a look at what is on Kingsmill Street and vision a path there because I can't see how it will happen. I would like to see a breakdown of the engineering and the cost breakdown as we don't want to see lots of variations, and how you guys are going to handle t the variations because a lot of jobs seem to blow out. I would like you to all come and have a look at where the sandune falls straight away and it's up and down and it is a pretty crazy vision a three metre wide path.

The Presiding Member thanked the resident for his statement.

The Presiding Member declared Public Statement Time closed at 6:05pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

7.1 COUNCILLOR GILLINGHAM

I would just like to thank the public for being here tonight. I was very interested in a question that came from the audience about consultation and traditional custodians and I may have to take this on notice, but I would just like to know more about the consultation with the custodians of our area.

Response provided by Director of Infrastructure Services:

The site is Road Reserve and not subject to native title, although I have been discussing a number of the Town's works, including this project with both the Corporation and Diana Brown.

The Presiding Member thanked Councillor Gillingham for her question.

7.2 DEPUTY MAYOR COLES

I understand that the Charter Hall carpark in the West End is not owned by Council; it is private property. Can Council advise to the Community on when Charter Hall is planning on the upgrade to the west end car park, I know that we have had correspondence with them and Centre Management who are planning a trial to put the seating back into the centre in the coming months as well.

The Presiding Member thanked Deputy Mayor Coles for her question and advised that the question will be taken on notice.

7.3 COUNCILLOR TURNER

I have had the opportunity to meet with members of South Hedland Owners and Trainers Association, which is part of a larger group that supports the racing industry and horse ownership) one of four groups. They currently hold two leases, one with Town of Port Hedland and one with Department of Planning, Lands and Heritage (DPLH). They approached me in regards to the lease with DPLH

It appears that there may have been some consultation that they have not been invited to, between Town of Port Hedland and BPOH regarding that lease and they have come to me seeking support to get a commitment from Council that moving forward that we would support consultation and have a commitment to work with all stakeholders and that future conversations with DPLH and Town of Port Hedland include all stakeholders.

If we can have that noted and I would like to clarify what action has been taken to date in relation to that lease and get a commitment to have a meeting with the stakeholders.

The Presiding Member thanked Councillor Turner for his question and advised that the question will be taken on notice.

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of February 2021:

Date	Meeting	Topic
1/02/2021	Meet with Development WA	General update meeting
3/02/2021	Meet with Frank Edwards	Rodeo lease matters
3/02/2021	Meet with Port Hedland Chamber of Commerce and Industry	General update meeting
3/02/2021	Ordinary Council Meeting	As per agenda on the Town's website
4/02/2021	Weekly Talk of Town radio segment	Weekly radio chat
4/02/2021	Fortnightly ABC chat	Fortnightly radio chat
9/02/2021	Weekly Talk of Town radio segment	Weekly radio chat
9/02/2021	Chamber of Commerce Business Afterhours	Attended as guest
12/02/2021	Meet with BHP	General update meeting
12/02/2021	Meet with Melreef	Cattle Yards
15/02/2021	Hedland Community Safety Advisory Forum	Various Community Safety matters
15/02/2021	Meet with builder for proposed day care	Discuss development process
16/02/2021	Meet with ANL Shipping	General update meeting
16/02/2021	Weekly Talk of Town radio segment	Weekly radio chat
16/02/2021	Elected Member Training - Financial Reports & Budgets	Western Australian Local Government Association mandatory training for Elected Members
18/02/2021	Meet with Qube	General update meeting
18/02/2021	Regional Capitals Alliance WA meeting, Perth	Various matters as per RCAWA agenda
19/02/2021	Development Assessment Panel Training	Essential training as a JDAP member
19/02/2021	Meet with Ecana International	Tyre Recycling Centre for the Pilbara
19/02/2021	Bunnings	Business Development in the Pilbara
22/02/2021	Pilbara Regional Council meeting	Wind-up matters
22/02/2021	Pilbara Country Zone meeting	As per the agenda on the WALGA website
24/02/2021	February Ordinary Council meeting	As per the agenda on the Town's website
25/02/2021	Hedland High School Board Meeting	School matters

25/02/2021	Airport Briefing	Update on Airport re-developments
26/02/2021	Hedland Community Road Safety Meeting	Various road safety matters

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

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

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

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

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

CM202021/138 COUNCIL DECISION		
MOVED: CR MCDONOGH		SECONDED: CR TURNER
That Council confirms that the Minutes of the Ordinary Council Meeting held on Wednesday 24 February 2021 are a true and correct record, with one minor amendment to be made as highlighted in yellow below:		
Date	Meeting	Topic
05/01/21	Weekly Talk of Town radio segment	Weekly radio chat
07/01/21	Fortnightly ABC chat	Fortnightly radio chat
11/01/21	Meeting with Chris Blakeman	Port Hedland Subdivision
11/01/21	Meet with Ecana International & the Hon Stephen Dawson MLC, Minister for Environment, Disability Services and Electoral Affairs	Tyre Recycling Centre for the Pilbara
12/01/21	Meet with Brandon Craig, BHP	General update on operations
12/01/21	Weekly Talk of Town radio segment	Weekly radio chat
12/01/21	Meet with Latitude Joondalup	Business Development opportunities
14/01/21	Meet with Development WA	Land Development matters
14/01/21	Meet with De Grey Mining	General update on operations
14/01/21	Meet with Prendiville Group	Meet and Greet
15/01/21	Meet with Costco Regional	Business Development Opportunities

15/01/21	Meet with DFO Northern Outlet	Business Development Opportunities
18/01/21	Meet with Bunnings	Business Development in the Pilbara
19/01/21	Weekly Talk of Town radio segment	Weekly radio chat
20/01/21	Meet with De Grey Mining	ToPH priorities for 2021 & update on the De Grey Project
21/01/21	Meet with PHCCI	General update
26/01/21	Australia Day Citizenship Ceremony & Citizenship of the Year Awards	Hosting official Citizenship Ceremony & Citizenship of the Year Awards
26/01/21	Australia Day Firework Display	Opening of fireworks event
27/01/21	Weekly Talk of Town radio segment	Weekly radio chat
28/01/21	High School Board Members Morning Tea	School Development Day morning tea
29/01/21	Meet with South Hedland Police	Anti-social behaviour

CARRIED 9/0

Item 11 Reports of Officers

CM202021/139 COUNCIL DECISION

PROCEDURAL MOTION

MOVED: CR MCDONOGH

SECONDED: CR BARTHO

Pursuant to clause 5.2(1) of the *Standing Orders Local Law 2014*, Council consider Item 11.4.5 of the Agenda as the next item of business forthwith.

CARRIED 9/0

11.4.5 COUNCIL ENDORSEMENT OF DETAILED DESIGN OF SUTHERLAND STREET SHARED PATH EXTENSION

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.

CM202021/140 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR TURNER

That Council endorses the Sutherland Street Shared Path Extension Detailed Design as per attachment 1, and notes the intention to proceed with construction of the path.

Councillor Gillingham sought clarification of consultation undertaken with the public on the project and moved a procedural motion to defer this item to a later date.

Procedural Motion to Defer

MOVED: CR GILLINGHAM

SECONDED: DEPUTY MAYOR COLES

That Council defer consideration of the motion to a future date.

CARRIED 9/0

PURPOSE

The purpose of this report is to seek Council endorsement of the Sutherland St Shared Path Detailed Design to allow projects to proceed into delivery of the proposed alignment.

DETAIL

Sutherland Street is a Local Distributor Road in Port Hedland, connecting the Spoil Bank Foreshore through to the residential areas of Cooke Point, thus being the main means of beach access for the Town of Port Hedland (Town) residents. The Town has invested a significant amount of capital into the recreation amenity along the foreshore including Marapikurrinya Park, Cemetery Beach Park, The Port Hedland Boat Ramp (including Bert Madigan Park) and the Spoil Bank Recreational Reserve. There is also a plethora of natural attractions including the Rock of Ages, turtle hatching and monitoring areas and staircase to the moon access, making this a popular and appealing route for pedestrian activity.

The current foreshore shared path along Sutherland St abruptly terminates at Howe St, where pedestrians are forced to deviate from the foreshore down Howe St, continue along Kingsmill St and then return to beach foreshore on Withnell St (Approx. 1km).

The Infrastructure team is proposing to extend the shared path along the foreshore, completing the gap as outlined above as well as adding erosion protection to the affected shoreline. The Town currently has numerous compliance issues with encroaching property boundaries, which can be highlighted in Fig 1 below that are currently 95% rectified as of the 4th of March 2021.



Fig 1 – Example of Kingsmill St Encroaching Property Boundaries



Fig 2 - Current footpath network in Port Hedland, with proposed connections highlighting the gap in The Esplanade to Spoil Bank foreshore shared path – 6 (UDLA 2018)

The aforementioned gap in the existing network has been outlined in the following substantiating reports:

- Port Hedland Foreshore Master Plan – Acacia Springs Environmental (2013)

“The Cycle Plan identified some notable gaps in the existing network and facilities including: Link connecting the existing coastal path with the Port Hedland Town Centre (West End);”
- Port Hedland Parks and Paths Strategy – UDLA (2018)

“Esplanade to Spoil Bank Foreshore Sharedpath” (Fig 2); and
- Pilbara Regional 2050 Cycling Strategy – Cardno (2020)

Cardno identify the preferred link as recommended in this report (Fig 3).



Fig 3 – Pilbara Cycling Strategy 2050 Primary Links – Cardno (2020)

Tenure

The subject land is dedicated road reserve, and is contained on the north side by Lot 5178 on DP214191, being a portion of Reserve 30768 vested to the Town. It is contained on the south by private residences and road reserve intermittently.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because of the following reasons:

- The overall improvement to beach access for the whole Port Hedland Community; and
- The anticipated backlash from the Kingsmill St residents. Town staff have provided information to residents and have developed a frequently asked questions page on the Town of Port Hedland website.

CONSULTATION

Internal

- Nil.

External Agencies

- Port Hedland Parks and Paths Strategy – UDLA (2018);
- Pilbara Regional 2050 Cycling Strategy – Cardno (2020); and
- Port Hedland Foreshore Master Plan – Acacia Springs Environmental (2013).

Community

- Community consultation has been carried out on a number of occasions dating from 2012/13. The feedback received showed a desire to improve Hedland's existing infrastructure, particularly in regards to a continuous shared network connecting Port Hedland and South Hedland as well as providing shared access to the foreshore. More recently feedback is outlined in the following plans:
 - Coastal Foreshore Management Plan 2020; and
 - Strategic Community Plan 2018-2028.
- The residents along Kingsmill Street, whose properties are adjacent to the road reserve, have been made aware of the council's plans and were ask to remove any encroachments. It would be fair to say, that most of the residents were not in favour of this project.

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government Act 1995* and Town of Port Hedland's Procurement Policy will be observed when preparing and awarding the tender of the package of work.

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

FINANCIAL AND RESOURCES IMPLICATIONS

The project is estimated to cost \$1,010,000. Funding will be provided from the following sources:

- \$500k from the 2020/21 Dual use Path Budget; and
- \$510k of federal grant funding from the Local Roads and Community Infrastructure Grant (Federal).

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.d.1 Investment in key infrastructure development such as the port and logistics is pursued
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities; and
- Outcome 6 - Consultation Process.

Corporate Business Plan

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

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

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

RISK MANAGEMENT CONSIDERATIONS

Erosion – there is a significant risk Town of Port Hedland and Kingmill Resident Assets along the proposed path alignment due to current sea level rise forecasts. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

Reputational – Inaction could result in a reputational risk to the Town of Port Hedland. The majority of residents in The Town are in favour of the extension. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

Economic – The current shared path network hinders free movement between the west end of Port Hedland and the upcoming Marina Foreshore project. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

The Sutherland St Shared Path Extension project has been planned for, considered and discussed by the community and professional consultants over many years. This project team have undertaken a significant amount of due diligence including:

- Feature Survey;
- Cultural Heritage Assessment;
- Geotechnical Survey;
- Compliance and boundary auditing, and subsequent correspondence with affected property owners;
- Concept development;
- Preliminary Designs; and
- Preliminary Cost Estimates.

Where the project is to be delivered with the current Concrete Panel – employing a local Contractor to execute the works.

The aesthetic, economic, social and erosion control impacts that will be the outcome of the delivery of the shared path are overwhelmingly positive – hence the strong suggestion that the council endorse the proposed design.

ATTACHMENTS

1. Sutherland Street Shared Path Detailed Design (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 24 March 2021.

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH **SECONDED: CR UNKOVICH**

That Officer Recommendations in Items 11.1.1, 11.1.2, 11.1.3, 11.2.1, 11.2.2, 11.3.1, 11.3.2, 11.3.3, 11.4.1, 11.4.2, 11.4.3, 11.4.4, 11.5.1, 12 and Committee Recommendations in Items 12.1, 12.2 and 12.3 be endorsed.

CARRIED 9/0

The following items were adopted by ‘en bloc’ resolution:

Item Number	Item Description
11.1.1	Corporate Business Plan - Quarterly Performance Report
11.1.2	Statement of Financial Activity for the Period ended 31 January 2021
11.1.3	Statement of Financial Activity for the Period ended 28 February 2021
11.2.1	Library Strategy: A Community Based Library Strategy 2021-2025
11.2.2	Policy Review - 8/002 Public Art
11.3.1	Endorsement of Pilbara Regional 2050 Cycling Strategy
11.3.2	Amendment to Local Planning Policy 04 Percent for Public Art
11.3.3	Initiation of Local Planning Policy LPP 12 - Variation to the Residential Design Codes Volume 1
11.4.1	Award of Tender RFT2021-10 'Supply and Lay of Bituminous Asphalt'
11.4.2	Award of the Tender RFT2021-12 'Groyne Construction - Finucane Boat Ramp Stage 1'
11.4.3	Lease Renewal The Hedland Sporting Shooters Club (S.S.A.A) (WA) Inc
11.4.4	Endorsement of Design for Community Recycling Centre
11.5.1	Port Hedland Visitor Centre: Quarterly Review - Quarter 2- October - December 2020
12	Reports of Committees
12.1	Compliance Audit Return 2020
12.2	Financial statements FY2019/20
12.3	Procurement and Contracting Management Audit Review 2020

11.1 Corporate Services

11.1.1 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT

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

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council, in relation to the 2018-2022 Corporate Business Plan, receives and notes the performance report for the period 1 July 2020 to 31 December 2020 (Quarter 1 & Quarter 2 FY21), as per Attachment 1.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider and note the actions undertaken by the Town's administration for the first and second quarter of the 2020/21 financial year in relation to the actions in the 2018-2022 Corporate Business Plan.

DETAIL

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

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

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

2020/21 Financial Year - Quarter 1 & Quarter 2 Performance Summary

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

For the period of 1 July 2020 to 31 December 2020 (Q1 & Q2), the following performance statistics are reported:

Status – Q1 & Q2 2020/21 FY	Number	%
CBP actions complete	16	20%
CBP actions on track for completion	64	80%
CBP actions not yet commenced	0	0%

A summary of the key achievements for Q1 and Q2 are as follows:

- Officers continue to engage with key stakeholders to promote a residential first approach for workforce accommodation. LPP05 has been implemented and the Town is in discussions with mining companies and other developers;
- To develop, implement and review a community engagement Policy and associated Strategy, an RFQ has been released in February 2021;
- Engagement with key stakeholders is an on-going process in development of designs related to Recreation Hub projects. Information regarding key stakeholder engagement is included in Council Agenda papers;
- The development, implementation and review of a strategy for the preservation of historical records held by the Town, has been completed;
- The development of an asset management plan is still a work in progress, as is an Asset Management Strategy and associated requirements. The Town will be seeking to include an asset management module with the new enterprise solution to replace Synergy. A Project Initiation Form for Asset Management will be submitted as part of the 21/22 budget process. There are renewal programs in place for various asset classes, which are delivered as part of capital / operational works;
- The Development, implementation and review of a Customer Service Strategy is continual, and all SSS requests are logged and work requests are tracked;
- Commenced work alongside consultants @leisure to deliver an Aquatic Facility Strategy and Masterplan in order to provide a contemporary and sustainable set of aquatic facilities to meet current and future community needs;
- Membership numbers have grown to over 1700 members which is the highest number recorded since construction of Wanangkura Stadium;
- Launch of Ask Nicely – Customer Relationship Platform in order to receive valuable feedback on areas patrons satisfaction and for facility and service improvement;
- The Sports and Facilities Team were successful in receiving the Every Club Grant from the Department of Local Government, Sport and Cultural Industries to support the provision of education, training and professional development of sport and recreation clubs; and
- Over \$100,000 has been awarded so far this financial year to local businesses, organisations and individuals in Hedland through the Town's Community Grants Program.

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

- 1.b.4.2 Inform the community on Town projects, operations, services and events; 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 – Do not adopt officer’s recommendation

CONCLUSION

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

ATTACHMENTS

1. CBP Update Q1 and Q2 for FY2020/21 (under separate cover)

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JANUARY 2021

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

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receives the Statement of Financial Activity for the period ended 31 January 2021;
2. Receives the Material Variance Report for the period ended 31 January 2021;
3. Notes the Accounts paid under delegated authority for period ended 31 January 2021; and
4. Receives the Credit Card Statements for period ended 31 January 2021.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 January 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 January 2021, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

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

The net current funding position as at 31 January 2021 was \$30.574M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$258.251M
Restricted Cash – Reserves	\$235.313M
Unrestricted Cash Position as at 31 January 2021	\$22.937M

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:

- An explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets;

- An explanation of each of the material variances referred to in sub-regulation (1)(d); and
- Supporting information, as is considered relevant by the local government.

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 31 January 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 January 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 January 2021.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements. The net current funding position is \$30.574M.

ATTACHMENTS

1. Credit Card Statements - January 2021 (under separate cover)
2. Monthly Financial Statements - January 2021 (under separate cover)
3. Payments made under authority - January 2021 (under separate cover)
4. Material Variance Report - January 2021 (under separate cover)

11.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 28 FEBRUARY 2021

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

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receives the Statement of Financial Activity for the period ended 28 February 2021;
2. Receives the Material Variance Report for the period ended 28 February 2021;
3. Notes the Accounts paid under delegated authority for period ended 28 February 2021; and
4. Receives the Credit Card Statements for period ended 28 February 2021.

CARRIED 9/0

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 28 February 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 28 February 2021, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

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

The net current funding position as at 28 February 2021 was \$27.27 M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$255.66 M
Restricted Cash – Reserves	\$236.51 M
Unrestricted Cash Position as at 28 February 2021	\$19.15 M

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:

- An explanation of the composition of the net current assets of the month, to which the statement relates, less committed assets and restricted assets;

- An explanation of each of the material variances referred to in sub-regulation (1)(d); and
- Supporting information, as is considered relevant by the local government.

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements.

The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 28 February 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 28 February 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 28 February 2021.

CONCLUSION

The opening funding deficit of \$209 K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements. The net current funding position is \$27.27 M.

ATTACHMENTS

1. Monthly Financial Statements - February 2021 (under separate cover)
2. Material Variances - February 2021 (under separate cover)
3. Credit Card Payments - February 2021 (under separate cover)
4. Payments made under authority - February 2021 (under separate cover)

11.2 Community Services

11.2.1 LIBRARY STRATEGY: A COMMUNITY BASED LIBRARY STRATEGY 2021-2025

Author: Senior Librarian

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.

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council adopts the *Library Strategy 2021-2025*.

CARRIED 9/0

PURPOSE

The purpose of this document is for Council to consider the *Library Strategy 2021-2025* which will guide the operations of the Town of Port Hedland Library service through to 2025 with the understanding of moving into a new purpose-built South Hedland library during this time. The *Strategy* is based on extensive consultation with Town of Port Hedland staff and community.

DETAIL

The Town of Port Hedland community has not had the opportunity to provide comprehensive feedback on library services in recent years. In 2020, Libraries Alive! Pty. Ltd. was contracted to comprehensively consult with our local community to find out what people want from the library service.

Between September and November 2020, seventeen internal interviews were held with staff including the CEO, Director Community Services, Director Infrastructure Services, Manager Community Development and library staff. An external interview was also held with local author and historian Julie Arif to get an external Local History perspective. Three focus groups were held with the community including one with high school students. A public online and print survey provided the opportunity to anyone in the community wishing to have their say. An Aboriginal consultant was engaged to facilitate distribution of paper based surveys to the Aboriginal and Torres Strait Islander community. More than 600 comments were received.

A summary of the key issues to emerge were:

- South Hedland Library is quite small and the building is no longer fit for purpose. These two factors constrain service development and limit the potential value of the library service to the community;
- The Port Hedland Library at the Boulevard, while very small, is well-located and well-used, accounting for 25% of all library visits;
- Staff deliver a labour-intensive computer support service which is highly valued by customers and constrained by the existing provision of computers and space. COVID-necessary social distancing exacerbates the situation;

- Current initiatives to encourage customer self-service, such as self-checkout for loans and automated printing will free staff for higher value-add programs such as literacy and digital literacy training for which there is significant unmet demand;
- More staff and more space would support the development of a community hub which can deliver services to targeted groups such as parents and young children, Indigenous groups, community organisations, seniors, company workers, high school students and tertiary students studying externally; and
- With the rich pastoral, Indigenous and mining history of the Pilbara region, the local history collection is treasure waiting to be discovered by researchers, historians and family history enthusiasts, but the collection is only partially catalogued (40+ archive boxes await processing) and the library does not have the space to accept donations from an ageing and fading generation. Securing funding for digitisation of the Kevin Cotterell photographic collection is a welcome recent development.

The *Library Strategy 2021-2025* is based on this comprehensive community consultation and the summary of findings listed above. Key to the outcomes are that the South Hedland Library is old, cramped and too small.

Four strategic priorities emerged directly from the feedback. They describe what we will do, how we will make it happen, and how we will measure our progress. The full *Library Strategy* also highlights markers of success.

- **Our libraries: a place to come together, to relax and to learn**

Today's library is a destination, a community hub where people come together to use the print and digital materials on offer, to study, to attend events such as storytime, craft workshops, or just to use welcoming safe spaces for their own purposes.

Reading improves the mind, nourishes the soul and underpins social and economic well-being. With a wide variety of materials on offer, library programs encourage reading across all ages and abilities.

Trained professional staff can be trusted to guide people to reliable information and assist with navigating the digital world. Collections are up-to-date and backed up by the resources of other libraries in the state and in the nation. Every library is a gateway to every other library.

Next steps:

- Plan and build a new library in a central location in South Hedland which is:
 - Designed with flexible, inclusive multi-functional spaces;
 - Appropriately sized (at least 1,270m²), meeting Australian public library guidelines;
 - Dynamic, incorporating digital and creative spaces to support learning and discovery;
 - Focused as a community hub and co-located with other complementary facilities; and
 - Supportive of our Aboriginal, culturally diverse, people with disability and evolving population.

- Systematically work through the responses from the library survey, interviews and focus groups and create an action plan to implement community wishes.

- **Libraries for all**

Libraries have collections and services which reflect the characteristics of the diverse communities they serve; for all ages and cultures from baby rhyme time sessions to home-delivered audio books for seniors; for all people.

Next steps:

- Continually review collections to ensure modern, engaging and appropriate for the community;
- Organise responsive programming based on the outcomes of the community consultation and investigate partnering with other organisations within the Town to deliver social and cultural events and celebrations; and
- Seek innovative ways to promote and showcase library services to the community.

- **Libraries for understanding our past and preparing for our future**

The Pilbara has a rich Indigenous, pastoral and mining history, and the library, with its specialist staff, is the active collector and natural custodian of the region's memory.

Next steps:

- Build and promote an accessible, dynamic local history collection and service – both physical and online;
- Provide an inclusive, open and interactive space for local history which the community can visit and interact with through print materials, artefacts and digitised items; and
- Continue to build strong relationships with local stakeholders to strengthen the local history collection.

- **Libraries for tomorrow**

Libraries are places where people can seek information to help understand their lives, their place in an increasingly digital society and the sometimes surprising changes that are taking place around them. This can mean help with electronic devices, dealing with government agencies, connecting with others through the internet, or learning about safe online practices.

Next steps:

- Provide a range of computer support and training to build digital literacy skills for all;
- Improve the library website and online catalogue, creating additional content and adding new eresources which are promoted to the community;
- Build staff expertise in digital and eSmart skills to ensure the community is provided with the best support possible;
- Actively investigate emerging technologies in libraries to share with the community;
- Increase staff expertise in new and emerging technologies and equipment to ensure appropriate support continues to be provided; and

- Broaden Wi-Fi accessibility across the libraries removing time limits.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because it involved community consultation and engagement and refers to the need for a new purpose-built library building for South Hedland.

CONSULTATION

Internal

- CEO;
- Director, Community Services;
- Director, Infrastructure Services;
- Manager, Community Development;
- Senior Community Engagement Officer;
- Senior Youth Services Officer; and
- Library team.

External Agencies

- Libraries Alive! Pty Ltd contracted to create the library strategy;
- A local facilitator for focus groups;
- Hedland Senior High School;
- State Library of Western Australia;
- City of Wanneroo;
- City of Busselton; and
- Bathurst Library.

Community

- Julie Arif, local author and historian;
- Local Aboriginal consultant; and
- Three focus groups were held with the community in October 2020 (one of these with Hedland Senior High School students). A survey was also provided for the community to give feedback – both online and in print. This was available for two weeks closing on 6th November 2020. There were 145 responses to the survey.

LEGISLATION AND POLICY CONSIDERATIONS

Prior to any relocation of existing library services in South Hedland, the Town will seek the concurrence of the Library Board of Western Australia (the Board) in accordance with an agreement between the Town and the Board, and which is consistent with the *Library Board of Western Australia Act 1951* and *Library Board (Registered Public Libraries) Regulation 1985*. The Board of WA requires formal notification of intended major changes in the location and operation of public libraries.

The Town of Port Hedland *Customer Service Charter* states that we “consult with the community on major decisions that may affect them” highlighting the importance of the community consultation undertaken so far.

FINANCIAL AND RESOURCES IMPLICATIONS

This library strategy work was funded by the Town's municipal fund at a cost of \$25,000. It was facilitated by Libraries Alive! Pty Ltd. and an external local WA facilitator.

Implementing community feedback to provide a broader range of services will require additional staff resourcing.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.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

Environmental

Nil.

Economic

Nil.

Social

An improved library service to the community enhances liveability in Port Hedland.

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; and
- Outcome 6 - Consultation Process.

Corporate Business Plan

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

- 2.a.4.2 – Develop, implement and review a strategy for the delivery of Library Services; and
- 1.c.2.2 – Develop, implement and review a strategy for the preservation of historical records held by the Town.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town has committed to creating a Library Strategy with meaningful outcomes. The risk rating is considered to be

medium (6), which is determined by a likelihood of unlikely (2) 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

A consultation process was undertaken between September and November 2020 to ascertain what our community wants from the library service. The attached *Library Strategy 2021-2025* highlights strategic priorities, actions and markers of success to ensure that the Town provides the community with library facilities, services and resources that meet 21st century expectations.

ATTACHMENTS

1. Town of Port Hedland Library Strategy 2021-2025 (under separate cover)

11.2.2 POLICY REVIEW - 8/002 PUBLIC ART

Author: Senior Arts and Culture Office
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.

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council rescinds Policy 8/002 Public Art.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider to rescind Policy 8/002 – Public Art. Following a review of the policy, it had been determined that the current policy has superseded by the Town of Port Hedland Arts and Culture Strategy, the Town of Port Hedland Public Art Strategy and the Town of Port Hedland Local Planning Policy 04 ‘Percent for Art Guidelines’.

DETAIL

A policy is a decision of Council that sets out agreed views and direction concerning a particular area of responsibility. It is a statement of position which is used to guide decision making. It provides a framework (often including rules, procedures and/or criteria) within which the Town operates. Policies should be reviewed on a regular basis to ensure that they remain relevant and up-to date.

Policy 8/002 was last reviewed in November 2004. Upon reviewing the policy it was decided that the policy is to be rescinded, as it has been superseded by the other Town documents and guidelines including:

- The Arts and Culture Strategy 2019 -2022;
- The Public Art Strategy;
- LPP/04 Percent for Public Art; and
- Town of Port Hedland, Percent for Art Local Planning Policy.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because as the Policy is superseded by other Town documentation that provide more understanding and clarity on the issue than the current policy.

CONSULTATION*Internal*

- Manager of Community Development; and
- Director of Community.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Policy 8/002 – Public Art; and
- Policy 7/002 – Acquisition and Management of Artworks.

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 are applicable in the consideration of this item:

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.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

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 applies in relation to this item:

- 1.c.1.1 – Develop, implement and review a Culture and Arts Strategy.

Arts and Culture Strategy

The following action of the Town's Arts and Culture Strategy 2021 – 2022 apply in relation to this item:

- The Unexpected – Fresh experience in novel places - Undertake a Public Art Strategy, informed by public consultation. The strategy should provide a vision for public art across the Town and provide a framework for commissions and community led art.

Public Art Strategy

The following action of the Town's Public Art Strategy applies in relation to this item:

- Management – Review the Town of Port Hedland Public Art Policy to reflect industry best practice in acquisition and implication of public art initiatives, management and maintenance of the collection.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the current policy does not offer sufficient guidance in dealing with Public Art. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council rescinds Policy 8/002 – Public Art for reasons stated in this report.

ATTACHMENTS

1. Policy 8/002 - Public Art (under separate cover)

11.3 Regulatory Services

11.3.1 ENDORSEMENT OF PILBARA REGIONAL 2050 CYCLING STRATEGY

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

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council adopts the Pilbara Regional 2050 Cycling Strategy included in Attachment 1 and supports the vision for a long-term cycling network for key townsites in the Pilbara Region.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider adoption of the *Pilbara Regional 2050 Cycling Strategy* (Strategy). Consultants, Cardno were engaged by the Department of Transport (Department) to prepare the Strategy. It is a culmination of the four Pilbara local governments including the Town of Port Hedland (Town) collaborating with the Department to develop a vision for the long-term aspirational cycling network for key townsites in the Pilbara Region (region).

DETAIL

Many strategic plans encompass cycling throughout the region, including cycle plans, footpath strategies, and trails masterplans. However, previous cycle planning has occurred at the individual local government level and typically within a very localised context. A systematic approach to developing a cycling network for the region is required to support a strong culture of bike riding. Further reasons for preparing this Strategy include:

- To address key opportunities which may have previously been overlooked, particularly concerning future land use and transport developments;
- To help guide investment between local government and State Government;
- To facilitate the planning and development of long-distance cycling routes that serve a regionally significant need but may be outside the typical funding capability of local government;
- To ensure that the standard of future cycling facilities meets best practice; and
- To adopt a consistent approach with other 2050 cycling strategies being developed across regional WA.

Community Engagement

With support from Pilbara local governments, the Department ran an engagement process with communities and stakeholders across the region in October 2019. The aim was to increase awareness and understanding of the project and collect feedback to inform the Strategy's development. Information on the project and opportunities to offer feedback was provided via

the online 'My Say Transport' engagement platform and in hard copy at drop-in sessions and Council Administration Centres. Over 130 people engaged online and in-person, and over 80 organisations were contacted directly.

Proposed Network for Port Hedland

Key features include:

- Connecting Port and South Hedland with a primary high-quality shared path which also supports access to Port Hedland Airport;
- Developing a primary continuous foreshore loop that connects the west end of Port Hedland with Cooke Point and Pretty Pool, including a bridge across Pretty Pool Creek;
- In South Hedland, extending the primary loop route along Collier Drive and Hamilton Road and North Circular Road, and providing a connection between dense land uses in the South Hedland town centre and various parks, sport and recreation and community facilities and accommodation on Cottier Drive and Stanley Street;
- Providing an additional connection between Port Hedland and South Hedland via a secondary route along Anderson Street and Wilson Street;
- Developing a dense network of local routes providing access to local parks, schools and connecting to higher-order cycling facilities; and
- Providing local connections to employment generators, including the Wedgefield Light Industrial Area.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Strategy is an important regional instrument for guiding investment in cycling infrastructure for the Pilbara region.

CONSULTATION

Internal

- Director Infrastructure Services;
- Director Regulatory Services;
- Planning and Development Team;
- Manager Town Planning and Development;
- Manager Infrastructure Projects and Assets;
- Manager Infrastructure Operations; and
- Project Manager(s).

External Agencies

- External agency consultation occurred during the Strategy's public advertising phase and was managed by the Department of Transport.

Community

- Six drop-in sessions were held in Onslow, Tom Price, Port Hedland, South Hedland, Wickham and Karratha, and the Project Team was also contactable by phone throughout the engagement process. Information provided included:
 - An overview of the regional cycling strategy and its purpose, scope and delivery timeframe;

- Preliminary network maps for each local government area (with various townsites covered); and
- Major themes each sub-region, focusing on opportunities to promote bike riding and support local outcomes.
- Feedback was gathered via a number of channels, including interactive online maps, short surveys (online and in hard copy), online forum and face-to-face at drop-in sessions, meetings with local groups and stakeholders and phone calls made to the Project Team. Over 130 people engaged online and in-person, and over 80 organisations were contacted directly.

LEGISLATION AND POLICY CONSIDERATIONS

- *Road Traffic Code 2000.*

FINANCIAL AND RESOURCES IMPLICATIONS

No direct cost will be incurred by endorsing the Strategy. However, the Strategy does provide a guide for investment between local government and State Government.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development

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

Corporate Business Plan

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

- 1.a.5.3 – Actively engage in initiatives that support road safety;
- 3.b.1.4 – Assess and rationalise the Town's infrastructure and assets; and
- 3.b.1.1 – Develop, implement and review a Parks and Paths strategy.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item if the motion isn't carried, as significant engagement with the community has been undertaken to formulate the Strategy. 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 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

The *Pilbara Regional 2050 Cycling Strategy* has had extensive engagement with the local community and received general support for the document. On this basis, it is recommended the Strategy is endorsed by Council to realise the vision for an aspirational cycling network to be developed within the Pilbara Region that is supported by investment from industry, Local Government and State Government.

ATTACHMENTS

1. Pilbara Regional 2050 Cycling Strategy (under separate cover)

11.3.2 AMENDMENT TO LOCAL PLANNING POLICY 04 PERCENT FOR PUBLIC ART

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

CM202021/141 COUNCIL DECISION**MOVED:** CR MCDONOGH**SECONDED:** CR UNKOVICH

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

1. Initiates amendment of Local Planning Policy 04 – Percent for Public Art, presented as Attachment 1 of this Item for the purpose of public consultation; and
2. Advertises Local Planning Policy 04 – Percent for Public Art in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider an amendment to Local Planning Policy 04 Percent for Public Art (LPP04). The purpose of this amendment is to provide applicant's with the option to provide a cash-in-lieu contribution in lieu of public art as part of any prescribed development application.

DETAIL

On 22 April 2020, Council adopted the LPP04. The objectives of this policy are:

- Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;
- Acknowledge and celebrate Indigenous culture and heritage;
- Develop and promote community identity within the Town to bridge communities;
- Establish new design partnerships between artists, architects and other professionals;
- Celebrate environment, industry, and lifestyle; and
- Increase public awareness of the value of art, design and culture.

This policy was not scheduled for review until 2022. However, the Town has begun to establish operational processes to allow for cash-in-lieu contributions. The Draft LPP04 presents the following amendments to the Policy:

- Provide developers the opportunity to provide a cash contribution in lieu of public art;
- Include references to the recently adopted Public Art Strategy;
- Provide additional information to assist developers in budgeting and location for the public art contribution;
- Provide guidance on the level of information to be provided at different stages of the development process to ensure the best public art contribution outcomes;

- Details relating to ownership, copyright and moral rights of the artwork and the requirement to install an acknowledgment plaque;
- Details relating to the decommissioning of public art provided in accordance with LPP04; and
- Administrative changes to be consistent with the Western Australian Local Government Association (WALGA) format for local planning policies.

Cash-in-lieu Contributions

LPP04 does not provide an opportunity for developers to provide a cash contribution in lieu of the percent for public art provision. Cash-in-lieu contributions were not previously entertained by Council as the Town Officers did not have the resources and services available to adequately deliver public art projects.

On 4 November 2020, Council resolved to adopt the Public Art Strategy. A key action of this strategy is to develop a Public Art Advisory Panel to advise on commission of public art. Following adoption, Town Officers have commenced the process to establish this panel who will be responsible for reviewing and providing comments on any proposed public art contributions or assisting Officers when commissioning public art using developer cash-in-lieu contributions.

Percent for Art Guidelines

Additionally, Town Officers are establishing a set of guidelines to accompany LPP04. The purpose of these guidelines will be to:

- Assist developers through the percent for art process, from pre-development application to commissioning of an artwork;
- Ensure high-quality public art that celebrates the values of Port Hedland through its unique character, Indigenous history, and future aspirations; and
- Ensure public art meets the objectives of LPP/04 Percent for public art which contribute to vibrant, original public spaces that reflects our cultural history, shares our unique stories and enhancing visitor experience.

These guidelines will provide the detailed process, the types of public art that can be provided as part of the percent for public art contribution and details of acquisition processes that can be undertaken by the developer.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this is an amendment to the existing Percent for Art Policy, permitting the cash-in-lieu contribution so Town Officers can commission appropriate public art.

CONSULTATION

Internal

- Manager Town Planning and Development;
- Senior Arts and Culture Officer;
- Project Managers; and
- Manager Financial Services.

External Agencies

- Department Planning, Lands and Heritage;
- Department of Communities; and
- Local Arts and Cultural based stakeholders, including Junction Co, FORM and Port Hedland Courthouse Gallery.

Community

- Should Council resolve to initiate advertisement, the Percent for Public Art Policy will be publically advertised by a notice in the North West Telegraph, for a period of no less than 21 days. The advertisement will provide details on:
 - The subject and nature of the proposed policy;
 - The objectives of the proposed policy;
 - Where the proposed policy may be inspected;
 - To whom, in what form and during what period submissions in relation to the proposed policy may be made; and
- A copy of the Percent for Public Art Policy will be provided at the Town's Civic Centre and on the Town's webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- Town of Port Hedland Local Planning Scheme No. 7.

FINANCIAL AND RESOURCES IMPLICATIONS

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

Should Council support a cash-in-lieu contribution in lieu of the provision of public art, the Town's Financial Services will establish a trust account for money to be expended in accordance with the Town's operating procedures.

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.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.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

Corporate Business Plan

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

- 3.b.5.2 – Appropriate community engagement is undertaken for strategic planning and land use decisions.

Public Arts Strategy

The following action of the Town's Public Arts Strategy apply in relation to this item:

- Encourage the integration of public art in private development.

RISK MANAGEMENT CONSIDERATIONS

There are compliance risks associated with this item, being:

- The applicant may not commission and install a public art component of the development; or
- The applicant may not pay the cash-in-lieu contribution prior to the occupation of the development.

This risk is mitigated through policy provisions requiring either the installation of the public art prior to the occupation of the development (the issuing of an occupancy permit) or the cash-in-lieu contribution being paid prior to the occupation of the development (the issuing of an occupancy permit). The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

There is a compliance risk, given the applicant has the option to apply to the State Administrative Tribunal (SAT) for a review of any public art or cash-in-lieu contribution condition of approval. 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 is mitigated through various options for public art contribution in the policy, and the on-going consultation between the Town and the applicant for the most appropriate outcome.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has detailed the reasoning for amending the Percent for Public Art Policy, providing the opportunity for applicants to pay a cash-in-lieu contribution in lieu of providing public art on-site, and providing additional guidance through Percent for Art Guidelines for when applicants choose to provide public art as part of their development. By initiating this policy, Council supports the implementation of improved public art projects by developers and the Town for the Hedland community.

ATTACHMENTS

1. LPP/04 - Percent for Public Art (Draft) (under separate cover)
2. Previous Version of Policy - Percent for Public Art (under separate cover)

11.3.3 INITIATION OF LOCAL PLANNING POLICY LPP 12 - VARIATION TO THE RESIDENTIAL DESIGN CODES VOLUME 1

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

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

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

1. Initiates Local Planning Policy LPP 12 Variations to the Residential Design Codes Volume 1 as presented in Attachment 1 of this item for the purpose of public consultation; and
2. Advertises Local Planning Policy LPP 12 Variations to the Residential Design Codes Volume 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider initiating draft Local Planning Policy LPP 12 – Variations to the Residential Design Codes Volume 1. The purpose of this policy is to provide a localised deemed-to-comply criteria for residential development on Residential zoned land.

DETAIL

State Planning Policy 7.3 Residential Design Codes Volume 1 (R Codes) provides a *comprehensive basis for the control of residential development throughout Western Australia*. The R Codes apply to all residential development on residential zoned land where there is a density coding allocated to the lot through the Town of Port Hedland's Local Planning Scheme No. 7 (LPS7). Part 7 of the R Codes allows local government to amend or replace deemed-to-comply criteria and/or augment design principles by implementing a set of local housing objectives to provide a more appropriate set of standards to the context of the Town and the Port Hedland lifestyle.

The draft Local Planning Policy LPP/12 Variations to the Residential Design Codes Volume 1 have been drafted to provide a set of deemed-to-comply criteria for residential development that is more appropriate to the context of Port Hedland. The objectives of this Policy are:

- To provide amendments or replacements to the deemed-to-comply provisions that are consistent with the relevant design principle of State Planning Policy 7.3 Residential Design Codes Volume 1;
- To provide Local Housing Objectives that demonstrate desirable design outcomes of residential development;

- To consider local context and allow exemptions for development that will not be detrimental to residents' amenity; and
- To apply a consistent approach to the assessment and decision making of low density residential development applications.

Residential development subject to this policy includes single, grouped or multiple dwellings, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool that does not meet the deemed-to-comply criteria of this policy and the R Codes, as in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations 2015).

The purpose of Administration initiating this Policy, is to respond to a number of development applications that are not exempt from the need to obtain development approval but are considered acceptable within the Hedland built environment. The proposed amendments are common departures to the deemed-to-comply criteria of the R Codes, which are generally supported by Administration. This policy will result in more low impact, residential development being exempt from the need to obtain planning approval and streamlines the building process for our community.

The draft proposes the following amendments to the R Codes, some of which require the approval of the Western Australian Planning Commission (WAPC). Should Council resolve to initiate this Policy, Administration will provide the WAPC a copy for approval during the public consultation period. Any proposed modifications from the WAPC will be presented to Council in accordance with the Regulations 2015.

Any applications which propose development which does not comply with the R Codes or the localised deemed-to-comply criteria, and cannot be amended by the applicant to meet Town Planning requirements, will be referred to Council for consideration.

Street Setback

The Policy proposes a standard street setback off 4.0 metres in lieu of the existing deemed-to-comply setback of 6.0 metres. The purpose of this setback is to provide a deemed-to-comply setback that is consistent with the existing development in our residential areas, and:

- Provides more flexibility in the development of residential lots;
- Allows for useable spaces for outdoor living areas to the rear of the property to provide adequate privacy; and
- Increased passive surveillance to the street.

Lot Boundary Setbacks

The Policy provides a set of standards for all minor projections, and verandas and patios (or equivalent structures) with roofs, gutters and eaves. This criteria is to ensure appropriate stormwater management, particularly during storm surges throughout cyclone season, and reduces the risk of stormwater discharge onto adjoining properties and an adverse amenity impact.

Setback of Garages and Carports

The Policy proposes an increase to the deemed-to-comply criteria of garages and carports to appropriately cater for the common size of cars that suit the Port Hedland lifestyle. This setback ensures that all visitor parking is contained within lot boundaries and alleviates risk of car overhang onto footpaths and disruption to pedestrian networks.

Street Walls and Fences

The Policy proposes to amend the deemed-to-comply criteria to prescribe a maximum height of street walls, fences and gates of 1.8 metres and to allow a solid fence for half the width of the lot where there are swimming pools between the street boundary and the house. The Policy also proposes that secondary street fences are required to be visually permeable above 1.6 metres.

The purpose of these provisions are to allow for privacy where there are swimming pools in the street setback area and to ensure passive surveillance onto the public realm to reduce the risk of anti-social behaviour and the opportunity for concealment and entrapment. The Policy also provides local housing objectives to deliver attractive street fences through consideration of design and materials.

Outbuildings

In accordance with LPS7, all new dwellings require storage space to be provided on-site for the purpose of appropriate storage of loose items, particularly as required during cyclone season. Additionally, the size of outbuildings, including wall height and floor area, often exceed the existing deemed-to-comply standards for appropriate storage of boats, large cars and caravans. This results in a large number of outbuildings requiring development approval. Based on the scale of existing outbuildings, the built form is considered acceptable. Town Officers consider that the proposed set of deemed-to-comply standards will not cause any adverse impact on adjoining properties and the surrounding locality. Sea containers in residential areas are still subject to development approval under LPS7, unless where placed on a property for the purpose of relocating personal effects for a maximum of seven days.

Local Housing Objectives

The proposed local housing objectives provides additional localised guidance for when proposals don't satisfy the deemed-to-comply criteria. These objectives have been created to ensure that any development that may not meet the prescriptive requirements are still appropriate to the context of surrounding development and result in attractive development.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the policy provides a more appropriate set of deemed-to-comply criteria to residential development within the Port Hedland context.

CONSULTATION

Internal

- Manager Town Planning and Development;

- Senior Strategic Planner;
- Senior Planner;
- Graduate Planner; and
- Development Services Officer.

External Agencies

- Written notification to the Department of Planning, Lands, and Heritage (DPLH) regarding the specific departures from the R Codes in accordance with the Regulations. The proposed deemed-to-comply criteria for the lot boundary setbacks and outbuildings require the approval of the WAPC prior to adoption of the Policy.

Community

- Should Council resolve to initiate advertisement, the policy will be publically advertised by a notice in the North West Telegraph, for a period of no less than 21 days. The advertisement will provide details on:
 - The subject and nature of the proposed policy;
 - The objectives of the proposed policy;
 - Where the proposed policy may be inspected;
 - To whom, in what form and during what period submissions in relation to the proposed policy may be made; and
- A copy of the policy will be provided at the Town's Administration Building and on the Town's webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Town of Port Hedland Local Planning Scheme No. 7; and
- State Planning Policy 7.3 Residential Design Codes Volume 1.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

Corporate Business Plan

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

- 3.b.5.2 – appropriate community engagement is undertaken for strategic planning and land use decisions.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because WAPC may not approve the amended deemed-to-comply criteria for Lot Boundary Setbacks and Outbuildings, in accordance with the Regulations. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) and a consequence of insignificant (1).

This risk is mitigated through an analysis of common variations to the deemed-to-comply criteria of the R Codes and information provided to DPLH to consider when providing feedback to the Town.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The proposed LPP/12 Variations to Residential Design Codes Volume 1 provides a localised set of deemed-to-comply criteria and local housing objectives that reflect the type of development appropriate for Hedland's residential areas. This report outlines the purpose and objectives of a new Local Planning Policy LPP/12 Variations to Residential Design Codes Volume 1 and requests Council's initiation for the purpose of public consultation.

ATTACHMENTS

1. LPP/12 - Variations to the Residential Design Codes Volume 1 (Draft) (under separate cover)

11.4 Infrastructure Services

11.4.1 AWARD OF TENDER RFT2021-10 'SUPPLY AND LAY OF BITUMINOUS ASPHALT'

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.

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council, in regard to Tender 2021-10 'Supply and Lay of Bituminous Asphalt':

1. Accepts the tender from AAA Asphalt Services for a period of three (3) years commencing from 6 April 2021, in accordance with:
 - a) The schedule of rates detailed in confidential attachment 1; and
 - b) Council's contract documentation, budget and Strategic Resource Plan estimates;
2. Authorises the Chief Executive Officer to sign the form of contract appointing AAA Asphalt Services as the contractor for Tender 2021-10, together with any variations, amendments or discharging thereof; and
3. Authorises the Chief Executive Officer to approve or reject all contract extension options for Tender 2021-10.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021-10 for Supply and Lay of Bituminous Asphalt 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 25 November 2020, submission suitably qualified contactors for the Supply and Lay of Bituminous Asphalt and other associated services.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 25 November 2021 and was advertised in the West Australian and the North West Telegraph on 25 November 2021 with a closing date of 16 December 2021.

Tender Assessment

The Town received five (5) submissions for RFT 2021-10, the respondents were as follows:

- AAA Asphalt Surfaces;
- Boral Resources;
- Karratha Asphalt;
- Kee Surfacing; and
- Lenip Pty Ltd.

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees 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.

Procurement Officer facilitated the evaluation meeting held on 3rd February 2021.

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

Qualitative Criteria	(%)
Relevant Experience	20%
Capacity to Deliver & Resources	30%
Demonstrated Understanding	20%
Local Content	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 all works awarded under this contract will be approved as part of the annual budget adoption process.

CONSULTATION*Internal*

- Nil.

External Agencies

- Nil.

Community

- The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 25 November 2020 and was advertised in the West Australian and the North West Telegraph on 25 November 2020 with a closing date of 16 December 2020.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

- 2/007 'Purchasing'; and
- 2/016 'Regional Price Preference'.

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

FINANCIAL AND RESOURCES IMPLICATIONS

All works that are awarded under this contract will be approved under Council resolution each year, as part of the annual budget adoption process.

The works that will be undertaken will form the Annual Road reseal program, which is an ongoing program of works complete by the Town, to improve local roads.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.2 Facilities and community infrastructure are revitalised across the Town

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:

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town have a commitment to ensuring that suitable contractors are able to be engaged efficiently for ongoing maintenance works on our local roads. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be 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 award of this contract will secure a suitable contractor to be engaged and complete ongoing local road maintenance in Port Hedland for a continued period, in line with the Town’s Annual Road Renewal program.

ATTACHMENTS

1. Evaluation Report and Endorsement Memo - Confidential (under separate cover)

11.4.2 AWARD OF THE TENDER RFT2021-12 'GROYNE CONSTRUCTION - FINUCANE BOAT RAMP STAGE 1'
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Author: Senior Project Officer
Authorising Officer: Project Manager
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council, in regard to Tender 2021-12 'Groyne Construction – Finucane Island Boat Ramp Stage 1':

1. Accepts the tender from WA Limestone Pty Ltd for an amount of \$ 1,694,962.94 (excluding GST) in accordance with Council's contract documentation, budget and Strategic Resource Plan estimates; and
2. Authorises the Chief Executive Officer to sign the form of contract appointing WA Limestone Pty Ltd as the contractor, together with any variations, amendments or discharging thereof.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021-12 for 'Groyne Construction – Finucane Island Boat Ramp Stage 1' and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

The Finucane Island Boat Ramp is one of only two publically accessible boat ramps in Port Hedland. It is a highly utilised community asset, serving as a key location for recreational boating and fishing.

The facility offers residents and visitors a place to fish, socialise, enjoy the coastal atmosphere and launch their boating vessels. It is also the only sheltered location in Port Hedland suitable for board riding water sport activities.

The existing ramp provides very limited protection from strong cross winds and currents associated with tidal flows. This has created:

- Safety issues for recreational users during boat launches and retrieval;
- Reduced times during the day that recreational users can reasonably utilise the ramp; and
- Rapid sand sediment accumulation on the ramp requiring regular maintenance work.

MP Rogers & Associates Pty Ltd, an engineering consultancy specialising in coastal and port projects, completed the detailed design for a new 100 meter long groyne 10 meters to the west of the existing boat ramp at Finucane Island. The groyne's primary purpose is to provide

greater protection from strong tidal and cross winds to the existing boat ramp area for the safe launch and retrieval of vessels. This design will create a safer and more practical launching facility, with future stages planned to address traffic movements, parking and shade on the land side of the facility.

Finucane Island Boat Ramp is located on land under the tenure of the Pilbara Ports Authority (PPA). The PPA has given its support for this project to proceed.

A Land Heritage Survey took place in December 2020. The work was conducted by Archaeaus Pty Ltd in collaboration with representatives of the Marapikurrinya family group who identify as Kariyarra people. The archaeological survey did not identify any new archaeological sites.

The rock groyne will be constructed by end tipping the core to create a work platform. Excavation works will be completed to provide toe scour protection. Armour will then be placed by hydraulic excavator in two layers on the face of the groyne. A navigation light will be located on the seaward end of the groyne.

The following outcomes are expected from this project:

- Reduce the ongoing maintenance cost;
- Increased safety and security for boat ramp users;
- Improve the visual aesthetic of the boat ramp; and
- Promote increased use of the boat ramp.

Request for Tender

The Town released a Request for Tender (RFT) on 20 January 2021 requesting a suitably qualified contractor to provide the goods and services to undertake construction of a Groyne at Finucane Island Boat Ramp.

All works are to be constructed to the specifications provided by the Principal and/or to current Australian Standards. The works include the demolition and relocation of existing elements and engagement of specialist fabrication, electrical, drainage, civil and all other relevant trades required to complete this work.

The RFT was published on Vendorpanel (the Town's e-tendering portal) and advertised in the West Australian and the North West Telegraph on 20 January with a closing date of 11 February 2021.

Addendum Details

- Addendum 1 – 01/02/2021; and
- Addendum 2 – 03/02/2021.

Tender Assessment

The Town received 6 submissions for RFT 2021-12. The respondents were as follows:

- BCP Contractors Pty Ltd;
- DeGrey Civil Pty Ltd;
- Ertech Civil Pty Ltd;
- MGN Civil Pty Ltd;
- Neo Civil Pty Ltd; and
- WA Limestone Contracting Pty Ltd.

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

- 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 the evaluation meeting held on 26 February 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	30%
Key Personnel and Skills	20%
Demonstrated Understanding and Methodology	20%

The tender submissions were competitive, and MP Rogers & Associates Pty Ltd were engaged to provide a technical assessment of the four (4) highest scoring submissions after they were assessed by the evaluation panel. Once this feedback was received, the Evaluation Panel met again on 4 March and settled on its preferred tenderer.

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 will have implications for the present and future social, economic, environmental and cultural well-being of Port Hedland.

CONSULTATION

Internal

- Director Infrastructure and Town Services;
- Manager Infrastructure Projects and Assets;
- Manager Town Planning & Development;
- Manager Corporate Affairs;
- Principal Project Manager;
- Project Manager;
- Senior Procurement Officer; and
- Manager Governance.

External Agencies

- Pilbara Port Authority;
- Kariyarra Aboriginal Corporation;
- Department of Transport; and
- Potential funding partners.

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 improvements at the Finucane Island Boat Ramp 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 Town has budgeted \$2,800,000 for this project in the 2020/21 annual capital budget. This is sufficient to complete the required scope of 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.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
- 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

Given the high volume of boat owners in Port Hedland (67 boats for every 1000 residents), maintaining two functional boat launch facilities is important to meet community demand.

A traffic counter was placed on Finucane Island Boat Ramp's access road during the project planning phase. The captured data showed that the average number of boat ramp users is 47 per day (including weekends) or 35 boat ramp users per weekday. The peak usage was on Sundays with 99 boat ramp users.

There is also anecdotal evidence that residents from inland towns are regularly travelling to Port Hedland to use the boat ramps, further increasing demand. During the winter months, visitors to Port Hedland significantly increase, putting pressure on the town to provide safe, accessible and easy to use boat ramp facilities.

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 a number of risks which have been identified in relation to delivering this project.

One of these is that the works may extend past the anticipated project timeline – introducing reputational and cost risks. The likelihood of this is considered to be likely (4) with a major (4) consequence, giving this risk an overall rating of high (16). To mitigate this risk, the Town will develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

Another potential risk is that there is 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 workers, the community and property in the possible event of inclement weather.

The project will take place between April and December 2021. Therefore a large portion of rock will be laid prior to the onset of the next cyclone season.

The Finucane Island Boat Ramp will remain open throughout the duration of works.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

There is a clear need and expectation in the Port Hedland community for the Finucane Island Groyne to be realised. Strategically, Finucane Island Groyne will contribute significantly to the Town's commitment to provide "well utilised and valued community facilities".

It is recommended that Council endorse the award of RFT 2021-12 'Groyne Construction – Finucane Island Boat Ramp Stage 1' to the preferred tenderer as noted in the officer's recommendation in order to commence these works and deliver this highly anticipated project to the community.

ATTACHMENTS

1. Evaluation Report - Confidential (under separate cover)
2. Evaluation Report and Endoresment Memo - Confidential (under separate cover)

11.4.3 LEASE RENEWAL THE HEDLAND SPORTING SHOOTERS CLUB (S.S.A.A) (WA) INC

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.

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council authorises the Chief Executive Officer to negotiate a community lease agreement in accordance with the s3.58 of the *Local Government Act 1995* with the Hedland Sporting Shooters Club (S.S.A.A.) on Reserve 39477 for an initial term of 11 years and with 1 x 10 year option.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider entering into a new lease with the Hedland Sporting Shooters Club on Reserve 39477 which is vested for the purpose of a 'Rifle Range'.

DETAIL

Reserve 39477 is placed under the care, control and management of the Town, by way of a management order, for the purpose of 'Rifle Range'. The Town has the power to lease the reserve, for any term not exceeding 21 years, subject to the Minister's approval.

The Hedland Sporting and Shooters Club (S.S.A.A.) (WA) Inc are currently on a holding lease on Reserve 39477. As the original lease has now expired, the Club would like to renew the lease for the same terms as outlined in the original lease.

The initial lease term commenced the 1 May 1998 and was for a period of 11 years, expiring on 30 April 2009. An additional option for 10 years commencing 1 May 2009 and expiring on 30 April 2019 was approved.

There are currently 83 active club members.

The Town recently met with the President and Vice President of the Club on the 17 February 2021 to discuss the renewal of the lease.

Town of Port Hedland staff visited the Club Site on 26 February 2021 to ensure the Club is compliant with both their development approval and relevant building permits.

There are no current plans in place for the development of this parcel of land.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because they are a long term lessee of the site and provide a community service.

CONSULTATION

Internal

- Planning & Development – Development approval and relevant building permits, future development plans for the site;
- Community Development; and
- Governance.

External Agencies

- Nil.

Community

- President Hedland Shooters Club; and
- Vice President Hedland Shooters Club.

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.58 of the *Local Government Act* and regulation 30(2)(b) of the *Local Government (Functions and General) Regulation 1996* exempt the lease from the ordinary requirements of the disposal of land as both lessees are not for profit organisations with recreational objects.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications. Similar to the previous lease arrangements, the rent for leases will be charged in accordance with the Town's Community Leasing Policy, which references the Fees and Charges for community leases currently set at \$200 per annum.

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.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services

Environmental

There are no significant environmental impacts relating to this item.

Economic

There are no significant economic impacts relating to this item.

Social

The Club can continue to operate and provide recreational opportunities for the residents of the Town.

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.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item if the request to renew the lease is not approved. The Port Hedland Sporting Shooter Club has been embedded in the community for over 21 years. There are currently 83 active members who participate in this recreational sporting association. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The adoption of this item would allow the Hedland Sporting Shooters Club to continue to operate and provide a recreational activity to the wider Community.

ATTACHMENTS

Nil

11.4.4 ENDORSEMENT OF DESIGN FOR COMMUNITY RECYCLING CENTRE

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

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council endorses the Detailed Design report for the Landfill Masterplan Stage 2 – Community Recycling Centre as per Attachment 1.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the Detailed Design of the Community Recycling Centre, which forms Stage Two of the Landfill Masterplan and endorse its design.

DETAIL

The town of Port Hedland Waste Management Strategy was adopted at the Ordinary Council Meeting on 26 September 2018. The preferred option and action plan arising from the Strategy included the following high priority actions to improve waste management and increase resource recovery and recycling in the Town:

- Introduce Commingled Recycling Collections (being implemented); and
- Develop a modern Community Recycling Centre (CRC) including the following components:
 - Container Deposit Scheme refund point;
 - Tip Shop;
 - Green waste drop-off point and associated mulching;
 - Construction and Demolition waste drop-off point and associated processing;
 - Scrap metal recycling drop-off point;
 - Battery recycling drop-off point;
 - E-waste recycling drop-off point; and
 - Hazardous waste drop-off point.

An initial site selection study has been completed on the CRC, and drawings of the structure of the site and the associated works have been sent to DWER in a formal Works Approval. Grant funding for the project has been successful under the DWER Community and Industry Engagement Program, with \$150,000 received to contribute towards the project.

A Request for Quote issued in December 2020 for the detailed design through the Town's existing RFT2021-04 – Waste Management Consultancy Panel. Three responses were received and evaluated before Talis Consultants were awarded the contract in January 2021.

The scope of works was for the Consultant to develop the Community Recycling Centre (CRC) to Detailed Design. The Consultant was required to provide all necessary information required

in order for the works to go to tender for construction. This includes all required drawings, technical specifications, detailed cost estimates and detailed tender schedules.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of the construction of the CRC will have positive and long lasting implications for the present and future social, economic and environmental and cultural wellbeing of Port Hedland and as it relates to the development of community infrastructure.

CONSULTATION

Internal

- Director Regulatory Services;
- Principal Project Manager;
- Manager Waster Operations;
- Manager Corporate Affairs;
- Waste Technical Officer; and
- Procurement Team.

External Agencies

- Talis Consultants;
- Care for Hedland; and
- Cleanaway.

Community

- There has been no formal consultation on the development of the Town of Port Hedland's Waste Strategy 2018 or the development of the Landfill Masterplan. Waste and recycling have been raised as prominent issues that community members are passionate about participating in through a variety of community surveys.

LEGISLATION AND POLICY CONSIDERATIONS

Council Policies considered in relation to endorsing the design:

- 4/009 Significant decision making.

Local planning policies which apply to design:

- LPP/04 Percent for public art.

FINANCIAL AND RESOURCES IMPLICATIONS

\$4,350,000 is available in the landfill masterplan budget, \$150,000 of which is grant funding from the Department of Water and Environmental Regulation engagement program. It is anticipated that the project and the funding will be delivered over the 2021/22 and 2022/23 financial years.

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
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

Environmental The Design of the Community recycling centre requires environmental approvals from the Department of Water and Environment. The impact of the CRC completion is anticipated to have a significant beneficial effect to the Town in the effects of resource recovery and material reuse.

Economic There is currently a cost of \$110 per m³ for waste ending up in landfill. The landfill currently operates as a revenue positive arm of the organisation, where diverting waste via resource recovery results in additional cost saving to the Town.

Social

The social and awareness impacts that can be provided by the CRC are also quite apparent. The CRC will become a hub for education, awareness and resource recovery, assisting the conversion of the Town of Port Hedland to a Circular Economy.

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as there is a strong community desire to recycle and transition to a circular economy. Inaction on this issue could invoke a negative response from the community. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk will be eliminated by the adoption of the officer's recommendation.

There is also a financial risk associated with this item, as there currently \$150,000 in Grant Funding from the Department of Water and Environment, which could be withdrawn if we extend further passed our submitted program. The risk rating is considered to be medium (9),

which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk will be 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 community Recycling centre has a plethora of benefits to the community and the organisation including:

- Increasing awareness of resource recovery through education;
- Providing a one stop shop for resource recovery in an extremely transient geographic location; and
- Providing a reduction in the landfill operating cost by diverting waste that would otherwise go to landfill – currently estimated at a cost of \$100 per m3.

It is recommended that the council endorses the design to allow the preparation of the project for Construction.

ATTACHMENTS

1. CRC Design (under separate cover)

11.5 Executive Services

11.5.1 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 2-OCTOBER - DECEMBER 2020

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

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council receives the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the second quarter, October – December 2020.

CARRIED 9/0

PURPOSE

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

DETAIL

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options. Council has exercised one of these extension options, taking the management contract to end on 30 June 2022.

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

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

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

- A friendly and professional face to face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region;
- A comprehensive range of local, regional and state wide brochures, maps and directional information both in hard copy and available electronically;
- Information and booking services for accommodation and tours;

- Information on attractions, events, retail outlets, local services, road conditions and transport options;
- A web presence and digital strategy to educate and attract visitors to the local area;
- High quality customer service to visitors of the Visitor Centre;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers and other visitors;
- Strong, accountable financial management; and
- Clear, concise, accurate quarterly reporting on the operations of the facility.

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

- 15,000 visitors supported through the Visitor Centre;
- 1000 people hosted on formal tours operated through the Visitor Centre;
- Gold/A1 Tourism accreditation maintained (or equivalent);
- Development of a web presence and digital strategy to educate and attract visitors to the local area;
- Development and distribution of up to date tourism documents promoting Port Hedland and the Pilbara region; and
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.

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

A summary of the key achievements for the quarter October – December 2020 are noted below:

- Continuation of the Wedge St Footpath Markets;
- Installation of free Wi-Fi for visitors;
- Roll out of the Funky Christmas Tree promotion, with 18 businesses taking part in the campaign;
- Visit from the Minister for Tourism, Paul Papalia on the 1 December 2020; and
- 3566 people visited the Centre during the quarter.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Building maintenance;
- Communications;
- Finance; and
- Planning.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY 2020/21 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Economic

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

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

CONCLUSION

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

ATTACHMENTS

1. Port Hedland Visitor Centre Quarterly Report - Quarter 2 - October - December 2020 (under separate cover)

Item 12 Reports of Committees

Note: The Audit Risk and Compliance Committee Meeting Minutes are available on the Town's website [here](#).

CM202021/141 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council:

1. Receives the Confirmed Minutes of the Audit, Risk and Compliance Committee held on 11 August 2020; and
2. Receives the Unconfirmed Minutes of the Audit, Risk and Compliance Committee held on 10 March 2021 at 5:30pm inclusive of the following decisions:
 - a) 11.1.1 Amended Strategic 3 Year Internal Audit Plan;
 - b) 11.1.2 Procurement and Contracting Management Audit Review 2020;
 - c) 11.1.3 Financial Statements FY2020; and
 - d) 11.1.4 2020 Compliance Audit Return.

CARRIED 9/0

12.1 COMPLIANCE AUDIT RETURN 2020

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.

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH**

That Council:

1. Notes the areas of non-compliance in the Compliance Audit Return 2020;
2. Notes the actions the Town has completed and will undertake to ensure compliance;
3. Adopts the Compliance Audit Return 2020; and
4. Authorises the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2020 to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the Town's Compliance Audit Return (CAR) 2020.

DETAIL

The CAR 2020 was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 10 March 2021 for consideration. The ARC Committee recommended that Council adopt the Town's 2020 CAR. Upon Council adoption, the Town will then notify the Department of Local Government, Sport and Cultural Industries (the Department) with relevant CAR documentation by 31 March 2021.

Each year all Western Australian Local Government Authorities are required to undertake a compliance audit and forward the results to the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March. The CAR is a self-assessment of a local government referring to its levels of compliance with the Local Government Act 1995 and its subsidiary regulations.

The CAR is one of the tools utilised by the Department to monitor how the local government functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance that provide guidance to officers as to where processes may be reviewed to ensure improved compliance.

The Governance team undertook a thorough review to carry out the compliance audit and the findings have been issued throughout the CAR as per attachment 1.

For the 2020 calendar year, the Town of Port Hedland was non-compliant in four areas:

1. *Disclosure of Interest*

Question 11 relates to whether all gifts were disclosed in the detail outlined in the *Local Government (Administration) Regulations 1996*. It was identified that the internal gift declaration form did not include a section for the address of the person who made the gift, which made the Council non-compliant.

Governance have updated the internal form accordingly and moving forward the register of gifts will now include the address of the person who made the gift.

2. *Finance*

Question 1 queries if Audit Committee members were appointed by an Absolute Majority. The Town is technically non-complaint. The Ordinary Council Meeting (OCM) held on 4 November 2020, saw the appointment of three (3) Elected Members to the Audit, Risk and Compliance (ARC) Committee. The council decision was carried 9-0. However, the staff recommendation in the Council report stipulated that a Simple Majority was required for the vote, although the body of the report noted an Absolute Majority was required.

For the avoidance of doubt, a further report was presented to Council on 24 February 2021 to formally re-confirm and appoint members to the ARC by an Absolute Majority Vote. (Decision # CM202021/124)

3. *Tenders for Providing Goods and Services*

Question 2 queries if the Council complied with its current purchasing policy for the supply of goods or services for contracts worth \$250,000 or less. Refer to question 3.

Question 3 asks if the Town invited tenders for all contracts for the supplies of goods or services worth \$250,000 or more.

The non-compliant response was in relation to a single instance during March 2020 where it was understood at the time a chiller (HVAC) quoted at \$160,500 for the JD Hardie Youth Centre was purchased from a supplier contrary to the legislative tender requirements (at the time this was \$150,000) and the Town's internal purchasing policy. It is worth noting the WA State Government increased the tender threshold from \$150,000 to \$250,000 during April 2020.

This incident was reported to the Audit, Risk and Compliance (ARC) Committee at the meeting held on 11 August 2020 as being a non-compliant issue that was contrary to the Town's 2/007 Purchasing Policy. The ARC also noted that the non-compliance will be included in the Compliance Audit Return submitted for the year ended 31 December 2020 (Decision # ARC202021/014).

Subsequent to the 2020 ARC meeting further checks were undertaken with it noted the purchase of a chiller was included as an option within the original tender (master contractor)

for the JD Hardie centre project. The perceived non-compliance issue arose as a result of a commitment from the Town (Letter of intent) to the main distributor of the chiller that should the master contractor not require the chiller then the Town would purchase and re-sell it. This was due to the fact the equipment had to be ordered ahead of time and it was considered unreasonable for the supplier to be left with an expensive piece of plant that had to be pre-ordered.

On the basis the master contractor did require the chiller for the JD Hardie centre works in accordance with the original scoped and tendered works, the fact the master contractor was paid for the chiller, and the fact no contract was entered into with the supplier of the chiller then it has been determined no breach of the tender regulations or the Town's purchasing policy occurred.

4. *Option Questions*

Question 2 relates to the CEO reviewing the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance. This review commenced in December 2020 by William Buck Consulting (WA) Pty Ltd (William Buck) and forms part of a three year internal audit plan. The final Regulation 17 Audit Review report will be presented at the May 2021 Audit, Risk and Compliance (ARC) Committee meeting. The Town is required to state this as non-compliance as this was not completed prior to 31 December 2020, however the Town is focusing on finalising this review in this financial year.

Question 3 queries if all gifts were disclosed by employees and Elected Members within ten (10) days of receiving the gift. Over the course of 2020, there was one occurrence where an employee disclosed a gift twelve (12) days after receiving the gift, two (2) days over the legislated deadline and therefore non-compliant. Current employees and Elected Members have been reminded of the process and requirements for disclosing gifts, and current Governance staff process these requests as soon as possible to ensure this statutory obligation is met.

Question 4 asks if disclosed gifts by employees and Elected Members include all information required as per the *Local Government Act 1995*. It was identified that the internal gift declaration form did not include a section for disclosing the address of the person making the gift, which is non-compliant. The Town's processes have now been updated accordingly to include the address of the person who made the gift.

The Town did not advertise its intention to adopt the amended regional price preference policy in 2018. This was an administrative oversight. To address this non-compliance, this requirement has been included in the Town's checklist for adopting a new or amended regional price preference policy in the future.

Question 25 relates to whether the local government has fulfilled its statutory requirements in relation to the adoption of a Regional Price Preference policy as outlined in regulation 24F of the *Local Government (Functions and General) Regulations 1996*.

The Town did not advertise the adoption of the amended regional price preference policy in 2018. This was an administrative oversight. To satisfy this non-compliance, this requirement

has been included in the Town's checklist for adopting a new or amended regional price preference policy in the future.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town's ability to deliver services, impact to 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

- Executive Leadership Team; and
- The CAR was completed internally by the Governance team, who consulted with all responsible officers throughout the organisation.

External Agencies

- Department of Local Government, Sport and Cultural Industries.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 7.13(1)(i) of the *Local Government Act 1995* require local governments to carry out an audit of compliance with such statutory requirements. Regulation 14 of the *Local Government (Audit) Regulations 1996* outlines the period of time, the form and the process on the compliance audit. The compliance audit is required to be reviewed by an Audit Committee and then reported to Council.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications related to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town will not be compliant if the CAR is not adopted by Council and submitted to the Department by 31 March 2021. 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

The CAR is a fundamental mandatory obligation required from all local governments for statutory compliance. The CAR provides the Town an opportunity to check its processes and determine whether it is compliant and as a result the Town is accountable for its actions within the local government framework. It is recommended that Council adopts the CAR 2020.

ATTACHMENTS

1. Compliance Audit Return 2020 (under separate cover)

12.2 FINANCIAL STATEMENTS FY2019/20

Author: Manager Financial 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.

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH****That Council:**

1. **Receives the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter for the financial year ended 30 June 2020; and**
2. **Adopts the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter for the financial year ended 30 June 2020.**

CARRIED 9/0**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 2020.

The Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2020, was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 10 March 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 2020.

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 2020 was submitted to the Auditors on 30 September 2020.

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 19-23 October 2020. 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 Committee 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 2020.

The Auditors have presented no matters 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 finalisation of all reports from audit was not completed until the 5th March 2021 and hence the delay in providing the information to the Committee.

The financial statements and Management Letter were signed off by the CEO on 10 March 2021, during the Committee meeting with the Auditors. Council's ARC Committee has delegated authority to liaise with the Auditor, and 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 2019

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 \$0.2M from 2019/20 to be carried forward to the 2020/21 financial year (refer to page 8 of the financial statements).

The Town has realised a net operating surplus of \$20.6M from continuing operations (excludes capital expenditure) and an operating surplus ratio of 0.22%.

The Town's operating revenue streams decreased overall by 1%, which is representative of a reduction in interest rates income and fees and charges income due to mandatory facility closures.

The Town's operating expenses decreased by 6% due to lower material and contracts costs and other expenditure. However the Town was under budget for operating expenses overall due mainly to materials and contracts costs attributed to unfinished projects.

The Town is not within the guidelines on the debt service cover ratio and asset sustainability ratio, as determined by the Department of Local Government, Sport and Cultural Industries. The debt service cover ratio is not relevant as all debt was repaid by the Town in June 2019. The asset sustainability ratio is 2.02, against a target of 0.9. The asset renewal programme for 2019/20 required an increased spend to make up for the delay to works scheduled in 2018/19 disrupted by tropical cyclone Veronica.

MANAGEMENT LETTER AUDIT FINDINGS

RSM has identified no matters for consideration to be addressed by Management. 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 2020 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

CONSULTATION

Internal

- 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; and
- AssetVal Pty Ltd for clarification on discount rate on investment property.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

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 regards 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 2019/20 budget and financial statements.

Completion of the Annual Financial Report will present a confirmed closing municipal deficit of \$0.2M from 2019/20 to be carried forward to the 2020/21 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; and
- 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 2019/20 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 2020 (OAG Reviewed) (Confidential under separate cover)
2. Annual Financial Statement FY2019/20 (Confidential under separate cover)
3. Management Letter to Auditors FY2019/20 (Confidential under separate cover)

12.3 PROCUREMENT AND CONTRACTING MANAGEMENT AUDIT REVIEW 2020

Authorising Officer: William Buck Chartered Accountants & Advisors
Authorising Officer: Manager Governance
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202021/141 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR UNKOVICH****That Council:**

1. **Receives and notes the Procurement and Contract Management Audit Review 2020, as per Attachment 1.**

CARRIED 9/0**PURPOSE**

The purpose of this report is for Council to note the outcomes of the Procurement and Contract Management Audit Review 2020 Report. 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 Audit, Risk and Compliance Committee on a quarterly basis.

DETAIL

The Procurement and Contract Management Audit Review 2020 Report was presented to the Town's Audit, Risk and Compliance (ARC) Committee on 10 March 2021 for consideration. The ARC Committee recommended that Council receive and note the Procurement and Contract Management Audit Review 2020 Report.

Background

William Buck Consulting (WA) Pty Ltd (William Buck) were engaged by the Town to act as the Town's internal audit function and commenced work in that role effective 24 February 2020. Following the engagement, William Buck was requested to prepare a Strategic three (3) Year Rolling and Annual Internal Audit Plan (Internal Audit Plan). This Internal Audit Plan was accepted and adopted by the ARC Committee on 11 August 2020 (Council decision: ARC202021/013).

In accordance with the Internal Audit Plan, William Buck was assigned to review the Town's procurement and contract management processes. The purpose of the review was to ensure the Town has appropriate processes and procedures in place around procurement and contract management and that these processes are managed effectively and efficiently.

Overall Comment & Findings

Based on the review performed by William Buck, ten (10) medium rated findings were identified in relation to the basic design and operation of processes in respect to procurement and contract management.

The Procurement and Contract Management Audit Review 2020 Report (Internal Audit Report) was reviewed by the Executive Leadership Team with agreed management actions, action owners and proposed target dates for completion, is detailed in Attachment 1.

The Town is progressing well in implementing actions noted in the report and with nine (9) of the above ten (10) actions to be implemented before 31 December 2021. Actions relating to the implementation of a new ERP system is anticipated to be in place by December 2022, however interim controls will be implemented within the current system (SynergySoft) to reduce the level of risk. These interim controls will be implemented prior to 30 September 2021.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town's ability to deliver services, impact the reputation of the Town and general interest by the community in the compliance capability of the business operations of the Town.

CONSULTATION

Internal

- Executive Leadership Team;
- Manager Finance;
- Senior Procurement Advisor;
- Procurement Officer; and
- Senior Governance Advisor.

External Agencies

- William Buck Consulting (WA) Pty Ltd.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Part 7 – *Local Government Act 1995*; and
- *Local Government (Audit) Regulations 1996*.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.b.4 Business approval processes are transparent and pathways streamlined

- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

Disability Access and Inclusion Plan

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

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

Corporate Business Plan

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

- 4.b.3.2 – Ensure all governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

Ten (10) medium rated compliance and reputational risks have been identified based on the findings identified in the Procurement and Contract Management Audit Review 2020 Report.

There 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. The overall risk rating is considered to be medium (9), which is determined by a likelihood of likely (3) and a consequence of moderate (3).

This risk will be reduced by the adoption of the recommendation, implementing the agreed management actions and future operational enhancements to the Town's overall procurement and recording keeping practices.

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 Council with an overview of the reviewing process for Procurement and Contract Management, and how the Town's administration will be addressing all relevant findings for improvement. It is recommended that Council receive and note the Procurement and Contract Management Audit Review 2020.

ATTACHMENTS

1. 20201216_Procurement and Contracting Management Audit Review 2020 (under separate cover)

In relation to the following Item 11.3.4, Councillor Bartho made the following declaration:

Councillor Bartho declared an impartiality interest in Item 11.3.4 due to being employed by Main Roads WA (MRWA) and the application has been lodged by MRWA.

11.3.4 PROPOSED DEDICATION OF PORTIONS OF POWELL AND BUTTWELD ROADS, SOUTH HEDLAND, INCLUDING PROPOSED CLOSURE OF A PORTION OF BUTTWELD ROAD, SOUTH HEDLAND

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

CM202021/142 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR MCDONOGH

That Council:

1. Pursuant to Section 56 of the *Land Administration Act 1997*:
 - a) Supports the proposed dedication of a portion of Buttsweld Road as shown in Attachment 1;
 - b) Supports the proposed dedication of a portion of Powell Road, South Hedland as shown in Attachment 2;
 - c) Indemnifies the Minister for Lands against any claim for compensation in relation to both proposed dedications, in accordance with section 56(4) of the *Land Administration Act 1997*; and
 - d) Upon completion of the dedication of the roads, and subject to completion of construction of relevant road infrastructure to the Town's satisfaction, accepts care, control and maintenance of the dedicated roads as shown on Attachments 1 and 2;
2. Pursuant to Section 58 of the *Land Administration Act 1997*:
 - a) Advertises the proposed closure of a portion of Buttsweld Road as shown in Attachment 3 in accordance with section 58(3) of the *Land Administration Act 1997*;
 - b) Subject to no objections being received during the advertising period, supports the proposed closure of a portion of Buttsweld Road as shown in Attachment 3 and amalgamation of closed portions into the relevant leases; and
3. Advises the Department of Planning, Lands and Heritage of the Council's resolution in accordance with sections 56(2) and 58(2) of the *Land Administration Act 1997*.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider an application from Main Roads WA to realign a portion of existing Buttsweld Road reserve to accommodate construction of a rail crossing bridge, including dedication of new road area and closure of existing, surplus road reserve, and dedication of a portion of Powell Road to facilitate construction of roundabouts.

DETAIL

Main Roads WA (MRWA), in conjunction with BHP, are currently undertaking a number of projects to remove existing road user conflicts resulting from intersections of road with level crossings. To facilitate completion of these projects, road reserve changes are required to ensure the completed works are located within legal road reserve.

Buttsweld Road

The existing Buttsweld Road level crossing has been identified as having a number of near misses, and MRWA are therefore intending to construct a bridge over the existing rail crossing. To ensure the bridge construction is appropriate, it is required to be constructed approximately 100m north of the existing level crossing and the road realigned to join it, with the existing level crossing then to be removed. There are accordingly two components to this project:

- Dedication of the new road area at the location of the bridge construction; and
- Closure of the existing level crossing and amalgamation into existing BHP leases.

With regards to the dedication specifically, the proposed bridge will cross the existing BHP lease and railroad, which cannot be dedicated as road reserve. Accordingly, as shown on Attachment 1, the dedicated road reserve of the bridge itself will extend to 0.1m below the underside of the bridge, with the airspace below this remaining under the control of BHP.

Powell Road

At the Ordinary Council Meeting held 27 May 2020, Council resolved to support the closure of a portion of Powell Road to remove the road user conflict at the Powell Road level crossing, and required the construction of 2 roundabouts at either end of the closed portion to ensure ease of traffic movement. The proposed dedication of a portion of Powell Road is necessary to increase the width of these sections of road and facilitate the construction of the required roundabouts.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it will result in the gaining of road infrastructure assets by the Town.

CONSULTATION

Internal

- Consultation has been undertaken with the Town's Infrastructure Services in relation to the proposed dedications and closure only. The relevant road infrastructure construction will be considered separately.

External Agencies

- No external consultation has been undertaken in relation to this item.

Community

- No community consultation has been undertaken in relation to this item. Should Council support the officer's recommendation, community consultation will be undertaken regarding the proposed closure of a portion of Buttsweld Road only in accordance with section 58(3) of the *Land Administration Act 1997*.

LEGISLATION AND POLICY CONSIDERATIONS

The road reserve dedication process is governed by section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*.

The road reserve closure process is governed by section 58 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*.

When considering the application for road dedication and closure Council should take the following into account:

- Potential costs to the Town through survey or other requirements; and
- Any impact on the Port Hedland community should the proposed dedications and closure be supported.

In relation to point 1 above, all costs associated with the proposed dedications and closure will be borne by the proponent. When considering community impact, the proposed realignment of Buttsweld Road will increase community safety through the removal of conflict with the railway line.

There will be no community impact resulting from support of the proposed Powell Road dedication. Community impacts associated with the closure were considered and addressed at the Ordinary Council Meeting held on 27 May 2020.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications for this item as any costs will be borne by the proponent. The Town's Infrastructure Services will consider maintenance costs associated with the Buttsweld Road bridge and Powell Road roundabouts as part of its engineering design approval.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed

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

RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because failure to support the proposed dedication and closure of portions of Buttsweld Road will result in the existing road user conflict

and associated risks remaining. The risk rating is considered to be medium (5), which is determined by a likelihood of rare (1) and a consequence of catastrophic (5).

This risk will be eliminated through support of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The proposed widening of Powell Road and realignment of Buttweid Road and associated road dedication and closure will result in a significant increase to road user safety through removal of the existing road user conflict. Support of the Officer's recommendation will ensure that the resulting road infrastructure construction can commence in a timely manner, ensuring the safety of road users.

ATTACHMENTS

1. Proposed Road Dedication - Buttweid Road (under separate cover)
2. Proposed Road Dedication - Powell Road (under separate cover)
3. Proposed Road Closure- Buttweid Road (under separate cover)

11.5.2 JUNE 2021 CONFERENCES

Author: Executive Assistant to the CEO & 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.

CM202021/143 COUNCIL DECISION 1**MOVED: CR TURNER****SECONDED: CR BARTHO**

That Council:

1. Approves the following attendance at the National General Assembly of Local Government and Regional Forum on behalf of the Town of Port Hedland from 20-23 June 2021 in Canberra, pending any COVID-19 restrictions being in place at the time of travel:
 - a) Mayor Peter Carter;
 - b) Deputy Mayor Renae Coles;
 - c) Proxy Councillor Councillor Unkovich (note the proxy will only be required if one of the above Councillors cannot attend Forum); and
 - d) Chief Executive Officer;
2. Requests the Chief Executive Officer arrange meetings with the following Ministers while in Canberra:
 - a) Hon. Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development;
 - b) Hon. Alan Tudge MP, Minister for Education and Youth;
 - c) Hon. Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government;
 - d) Hon. Keith Pitt MP, Minister for Resources, Water and Northern Australia;
 - e) Hon. Alex Hawke MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs; and
 - f) Hon. Melissa Price MP, Minister for Defence Industry, Member for Durack;
3. Notes the financial contingencies referred to in the report in the case of any COVID-19 restrictions coming into effect during the National Assembly Period; and
4. Notes that a report will be submitted by the Mayor and Deputy (and/or Proxy) on their attendance to the Chief Executive Officer prior to 24 July 2021.

CARRIED 9/0

CM202021/144 COUNCIL DECISION 2

MOVED: CR TURNER

SECONDED: DEPUTY MAYOR COLES

That Council:

1. Nominates and approves the following Elected Members to attend the Renewables & Resources Forum on behalf of the Town of Port Hedland on 21-22 June 2021 in Perth:
 - a) Councillor Zielke; and
 - b) Councillor Unkovich;
2. Notes that the CEO may appoint Officers to attend the Renewables and Resources Forum 2021 on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 24 July 2021.

CARRIED 9/0

CM202021/145 COUNCIL DECISION 3

MOVED: CR GILLINGHAM

SECONDED: DEPUTY MAYOR COLES

That Council:

1. Nominates and approves the following attendance at the Pilbara 2021 Summit on behalf of the Town of Port Hedland on 23-24 June 2021 in Perth:
 - a) Mayor Peter Carter;
 - b) Councillor Turner and Councillor McDonogh; and
 - c) Chief Executive Officer;
2. Notes that the CEO may appoint Officers to attend the Pilbara Summit 2021 on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 24 July 2021.

CARRIED 9/0

CM202021/146 COUNCIL DECISION 4

MOVED: CR BARTHO

SECONDED: DEPUTY MAYOR COLES

That Council:

1. Pursuant to s5.4 of the *Local Government Act 1995*, reschedules the 23 June 2021 Ordinary Council Meeting to Wednesday, 30 June 2021, commencing at 5.30 pm; and
2. Gives notice of the change of date pursuant to regulation 12(2) of the *Local Government (Administration) Regulation 1996*.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the attendance of the Mayor and relevant Elected Members at the following forums:

- National General Assembly of Local Government & Regional Forum, Canberra 20-23 June 2021;
- Renewables & Resources Forum, Perth 21 – 22 June 2021; and
- Pilbara 2021 Summit, Perth 23-24 June 2021.

DETAIL*General overview**National General Assembly of Local Government and Regional Forum*

Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting in excess of 800 Mayors and Councillors each year.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy and to influence the future direction of our councils and our communities.

Renewables & Resources Conference

Australia has long been a mining powerhouse and is now emerging as a renewable energy technology leader. There are increasing opportunities and applications for renewable energy in resources in providing both opportunities for companies to reduce their operations carbon foot print whilst also lowering energy costs and improving their bottom line.

The event is designed as a platform bring together leading technology and innovation experts, resources companies, energy industry innovators and investors to discuss and explore the latest opportunities, challenges, innovative technologies, and developments for reducing the resources industry's reliance on costly fossil fuels.

Some of the topics that will be covered include:

- The role of renewable's in mining and resources energy transition;
- How can the resources sector thrive in a new age of "sustainability";
- How are investors assessing mining, oil & gas companies in relation to their climate strategies and energy choices for operations;
- Funding option and how the numbers stack up;
- Hydrogen market developments and the likely impacts and opportunities for the resources sector;
- Future-proofing Australia's resource exports in a decarbonising world; and
- Case studies on current and proposed renewable projects and their transition to renewable energy- Mining, Mineral processing, Oil & gas.

Pilbara Summit 2021

Pilbara 2021, supported by the Pilbara Development Commission, will be looking at economic growth, investment, development, productivity and innovation across the region. This event further builds on the highly successful Pilbara 2018 and 2019 events, providing the perfect opportunity for the Pilbara region's senior industry, investor, business, community and government representatives to reconnect for this highly-regarded networking and shared learning opportunity.

Key topics to be discussed at Pilbara 2021 include:

- Economic Impact – The importance of the Pilbara to the state and national economies now and looking forward;
- Diversification – Strategic development and investment opportunities in emerging industries to drive economic growth;
- Diverse communities – Innovative infrastructure creating thriving communities;
- The mining powerhouse of WA – Growth, expansion and new developments in mines and ports; and
- The future of energy – The role of renewables, hydrogen and decarbonisation.

Note that the Town will potentially be sponsoring the Pilbara 2021 Summit as a Gold Sponsor and that the Town may also present at the Summit.

Proposed programs

Official programs are yet to be released for all conferences.

Registration

National General Assembly of Local Government and Regional Forum registration costs are \$1,214 for both Assembly and Regional Forum.

Renewables and Resources Forum registration costs are \$1,299 or \$900.00 (Early Bird).

Pilbara Summit 2021 registration costs are \$1,299 or \$900.00 (Early Bird).

Change in date of June 2021 Ordinary Council Meeting

Should Elected Members resolve to attend the conferences, it is further recommended that the June 2021 Ordinary Council Meeting be rescheduled from its present date of 23 June 2021 to a new time of 30 June 2021, commencing at 5.30 pm. The Town will have to provide a public notice of the change in time, in line with regulation 12(2) of the *Local Government (Administration) Regulation 1996*.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, 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 2.2 'Travel' in the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with the booking of travel registration fees and accommodation arrangements.

Section 2.5 'Reimbursements' of the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with meals and incidentals not provided at the Forum. Where a Town of Port Hedland vehicle is available and Elected Members choose to use their own vehicle, then costs will be reimbursed on actual fuel costs supported by appropriate tax invoices. Elected Members will be reimbursed if claims are submitted no later than 14 days of returning from the Forum.

Should the amended Elected Members Allowances, Facilities and Expenses Policy be adopted prior to consideration of this report, provisions of the new policy reflect the above sections.

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 General Assembly of Local Government & Regional Forum : 20-23 June		
Detail	Approximate Total Cost	Notes
Accommodation (Canberra)	\$600.00	Accommodation for 3x nights at while attending the conference
Accommodation (Stopovers)	\$300.00	Accommodation for 2x night stopover in Perth to and from Canberra
Flights	\$1,374.00	Flight costs based on minimum number of stops (e.g. Port Hedland, Perth, Canberra return)
Registration Fee	\$1,214.00	This fee includes the Conference and Regional Forum
Meals / Incidentals	\$453.90	<p><u>Friday 18 June 2021 (Travel to Perth):</u> Dinner \$51.85 Incidentals \$19.35 Total: \$71.20</p> <p><u>Saturday 19 June (Travel to Canberra):</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$128.70</p> <p><u>Sunday 20 June (Regional Forum):</u> Breakfast \$27.05 <i>Lunch is provided at the Forum.</i> Dinner \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Monday 21 June (Conference):</u> Breakfast \$27.05 <i>Lunch is provided at the Conference.</i> <i>Dinner is provided at the Conference dinner</i> Incidentals \$19.35 Total: \$46.40</p> <p><u>Tuesday 22 June (Conference & Travel to Port Hedland):</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Total: \$109.35</p>
Total	\$3,941.90	Total approximate cost per person to attend the National Assembly

Renewables & Resources Conference : 21-22 June 2021		
Detail	Approximate Total Cost	Notes
Accommodation (Perth)	\$600.00	Accommodation for 3x nights at while attending the conference
Flights	\$750.00	Flight costs based on minimum number of stops
Registration Fee	\$1,299	This fee includes the Conference, Gala Dinner and Masterclass
Meals / Incidentals	\$242.90	<p><u>Sunday 20 June (Travel to Perth):</u> Dinner \$51.85 Incidentals \$19.35 Total: \$71.20</p> <p><u>Monday 21 June (Forum):</u> Breakfast \$27.05 <i>Lunch and Dinner is provided at Forum.</i> Incidentals \$19.35 Total: \$46.40</p> <p><u>Tuesday 22 June (Forum):</u> Breakfast \$27.05 <i>Lunch is provided at the Forum.</i> Dinner \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Wednesday 23 June (Travel to Port Hedland):</u> Breakfast \$27.05 Total: \$27.05</p>
Total	\$2,891.90	Total approximate cost per person to attend the Renewables & Resources Conference

Pilbara Summit 2021 : 23-24 June 2021		
Detail	Approximate Total Cost	Notes
Accommodation (Perth)	\$600.00	Accommodation for 3x nights at while attending the conference
Flights	\$750.00	Flight costs based on minimum number of stops (e.g. Port Hedland, Perth, Canberra return)
Registration Fee	\$1,299	This fee includes the Conference, Gala Dinner and Masterclass

Meals / Incidentals	\$242.90	<p><u>Tuesday 22 June (Travel to Perth):</u> Dinner \$51.85 Incidentals \$19.35 Total: \$71.20</p> <p><u>Wednesday 23 June (Summit):</u> Breakfast \$27.05 <i>Lunch and Dinner is provided at the Summit.</i> Incidentals \$19.35 Total: \$46.40</p> <p><u>Thursday 24 June (Summit):</u> Breakfast \$27.05 <i>Lunch is provided at the Summit.</i> Dinner \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Friday 25 June (Travel to Port Hedland):</u> Breakfast \$27.05 Total: \$27.05</p>
Total	\$2,891.90	Total approximate cost per person to attend the Pilbara Summit 2021

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	\$33,500	\$23,886
Elected Members – Accommodation and Travel Expenses	\$35,000	\$16,783

The registration fee is to be deducted from the relevant ‘Individual Training and Development’ budget, and accommodation, travel and incidentals will be deducted from the relevant ‘Accommodation and Travel’ 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 in WA (or another State), we need to plan for any contingencies that may occur. Financial contingencies are set out below based on 14 day quarantine on the return to Western Australia:

Detail	Approximate Total Cost	Notes
Accommodation at COVID quarantine Hotel	\$2,520.00	14 days accommodation at COVID-19 approved quarantine hotel in Perth
Meals / incidentals	\$1,801.80	14 days of breakfast/lunch/dinner & incidental costs
Total	\$4,321.80	Total COVID-19 Financial Contingency

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

OPTIONS

Option 1

Adopt officer’s recommendations.

Option 2

That Council does not approve the representation of the nominated Elected Members at the various conferences.

Option 3

That Council increases the number of attendees representing the Town of Port Hedland at the relevant conferences.

Option 4

Do not adopt officer's recommendations.

CONCLUSION

The Town of Port Hedland will benefit from attending all of the above conferences. It allows the Town to gain insight into the unique factors affecting regional local governments, business and community sectors and share information and strategy.

ATTACHMENTS

Nil

11.5.3 ADOPTION OF THE 2019/2020 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.

CM202021/147 COUNCIL DECISION**MOVED: CR UNKOVICH****SECONDED: CR ZIELKE**

That Council:

1. Adopts the 2019/20 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. Convenes the Annual General Meeting of Electors at 5.30pm on Thursday 29 April 2021 in Council Chambers at the Civic Centre;
3. Advertises 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*; and
4. Advertises the availability of the 2019/20 Annual Report in accordance with section 5.55 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY 9/0**PURPOSE**

The purpose of this report is for Council to consider the adoption of the 2019/20 Annual Report and confirm the date of the Annual General Meeting of Electors to be held in Council Chambers on Thursday 29 April 2021.

DETAIL

In accordance with section 5.53 of the *Local Government Act 1995*, the 2019/20 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 2019/20 financial year. The process for adopting the Annual Report is as follows:

- On 10 March 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 2019/20 financial year;
- Council is to adopt the Annual Report, inclusive of the Annual Financial Statements; and
- 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 2019/20 Annual Report include:

- Planning and investment began for the Hedland Recreation Hubs: JD Hardie Youth and Community Hub, South Hedland Integrated Sports Hub & Port Hedland Sports and Community Hub. These sites represent the biggest public infrastructure investments in decades;
- Extensive renovations took place at Gratwick Aquatic and Fitness Centre in first half of 2020;
- 133 new citizens were welcomed;
- Events held include Australia Day, Welcome to Hedland, Mother's Day Classic, Hedland Community Sports Awards, North West Festival, Spinifex Spree, Business Breakfast Series, Sunset Food Markets and the Twilight Movies;
- Hundreds of rhyme time, story time, logo club and community outreach sessions were held at the Town of Port Hedland Libraries;
- Development of Arts and Culture Strategy and Public Art Strategy;
- \$3.1 million worth of measures to ease economic hardship faced by local businesses and community organisations as a result of Covid pandemic;
- \$1.2 million playground replacement program for Cemetery Beach and Shay Gap parks;
- Review of the Town's waste local law to include provision relating to kerbside recycling
- Spoilbank Marina Masterplan;
- Shaping Hedland's Future campaign garnered insights to developed Local Planning Strategy and Scheme;
- Preparation of Coastal Foreshore Management Plan to manage the risks of coastal erosion and inundation;
- Retrospective rating endorsed to yield an additional \$10 million for core infrastructure investment and community services;
- Conversion of Dempster Street Port Hedland Library site into space for delivery of child care; and
- 4533 tonnes of asphalt for road renewal, 10912 metres of kerbs renewed and 5314 metres of concrete footpaths.

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 2019/20 financial year.

CONSULTATION

Internal

- All Directors, Managers and relevant Officers were consulted during the development of the 2019/20 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; and
- Outcome 7 – Employment.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because if Council choose not to adopt the 2019/20 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 2019/20 Annual Report to ensure the Town is compliant with its legislative requirements.

ATTACHMENTS

1. Town of Port Hedland 2019/20 Annual Report (under separate cover)

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

CM202021/148 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR ZIELKE**

That Council close the meeting to members of the public, with relevant officers to remain, as prescribed in section 5.23(2) of the *Local Government Act 1995*, to consider items:

15.1 Chief Executive Officer – Annual Performance Review.

CARRIED 9/0

In relation to the following Item 15.1, The Chief Executive Officer made the following declaration:

The Chief Executive Officer declared a financial interest in Item 15.1 as he is the subject of the report.

The meeting was closed to public and staff at 6.27pm.

15.1 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

Author: Manager Human Resources

Authorising Officer: Chief Executive Officer

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

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

CM202021/149 COUNCIL DECISION**MOVED: CR BARTHO****SECONDED: CR ZIELKE**

That Council, pursuant to sections 5.38 and 5.39 of the Local Government Act 1995 section and the confidential Consultant report dated 16 March 2021:

1. Notes that Mr. Carl Askew's Performance Review in his role as Chief Executive Officer for the Town of Port Hedland for 2020 has been undertaken;

2. Endorses Mr. Carl Askew's overall assessment of 'Very Satisfied' for the period to February 2021;

3. Schedules the next review of the CEO's performance to be commenced by 1 August 2021 and completed by the September 2021 Ordinary Meeting of Council;

4. Endorses the Key Performance Indicators for the March 2021 to August 2021 appraisal period;
5. Notes that Mr. Carl Askew has elected to not apply for an increase to his Total Reward Package;
6. Varies the contract of employment (section 9.2 part 1) to include an additional one (1) week of annual leave entitlement;
7. Revokes Council Policy 3/019 CEO Performance Review and endorses the CEO Performance Review Committee Terms of Reference as per Attachment 3 in the Confidential Report;
8. Endorses the proposed timeline at item 12 of the Confidential Report in relation to the 2021 Review.

CARRIED 9/0

CM202021/150 COUNCIL DECISION

MOVED: DEPUTY MAYOR COLES

SECONDED: CR GILLINGHAM

That Council opens the meeting to members of the public.

CARRIED 9/0

The meeting was declared open to public and staff at 6.35pm.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 28 April 2021 commencing at 5.30pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 6.36pm.