



Town of
Port Hedland



MINUTES

Ordinary Council Meeting
Wednesday, 25 May 2022

Date: Wednesday, 25 May 2022

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date: Friday, 1 July 2022

Mayor

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

The Presiding Member expressed condolences to the family and friends of Kariyarra elder, Mr K. Robinson.

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

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

In 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)
 Joyce Routledge (Acting Manager Governance)
 Jenna Brown (Acting Senior Governance Advisor)
 Christine Fairbrother (Corporate Support Officer/Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Nil.

3.4 Approved Leave of Absence

Nil.

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Cr Renae Coles	12.3.2	Financial	Business Relationship
Cr Renae Coles	15.1	Impartiality	Yacht Club Membership
Cr David Eckhart	15.1	Impartiality	Yacht Club Membership
Cr Jan Gillingham	15.1	Impartiality	Yacht Club Membership
Cr Ash Christensen	15.1	Impartiality	Yacht Club Membership
Cr Tim Turner	15.1	Impartiality	Yacht Club Membership
Cr Jason Keller	15.1	Impartiality	Yacht Club Membership
Cr Flo Bennett	15.1	Impartiality	Yacht Club Membership
Director Regulatory Service	15.1	Impartiality	Yacht Club Membership
Director Infrastructure Services	15.1	Impartiality	Yacht Club Membership
Chief Executive Office	15.1	Impartiality	Yacht Club Membership

Item 4 Applications for Leave of Absence

CM202122/197 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR BENNETT

That council approve the application for leave of absence request from Councillor Eckhart from 27 June 2022 to 8 July 2022.

CARRIED BY SIMPLE MAJORITY (9/0)

CM202122/198 COUNCIL DECISION**MOVED: DEPUTY MAYOR TURNER****SECONDED: CR BENNETT**

That council approve the application for leave of absence request from Councillor Gillingham from 3 June 2022 to 12 June 2022.

CARRIED BY SIMPLE MAJORITY (9/0)

Item 5 Response to Previous Questions**5.1 MR. JOHN ASHENDEN**

Is there any valid reason why the electors were ordered to turn off our mobile phones during the meeting yet your paid staff were openly and disrespectfully using their phones in front of all of us even removing themselves from the meeting to use their phones or was this yet another display of discrimination.

The Director Infrastructure Services and Director Regulatory Services provided the following response:

The Director Infrastructure Services and Director Regulatory Services left the meeting to contact “on call” staff and contract electricians to have the external lights to the Administration Building activated to illuminate and make safe the area where the Special Meeting of Electors was being held. No recording of the meeting was undertaken by either Director as per the direction of the Mayor, and the mobile phones were not used for any other purpose.

5.2 CR JAN GILLINGHAM

Can we get a CALM (Department of Conservation & Land Management) or Fisheries here permanently to protect our reef opposite Dome café and Sutherland Street?

The Director Regulatory Services provided the following response:

The Town contacted Fisheries (part of the Department of Primary Industries and Regional Development) in March, who confirmed that they had received a complaint in relation to persons taking clams in excess of legislated bag limits. They had received photos of the person taking the clams and will refer back to the original complainant once investigations are completed. The Fisheries Officer advised that the Karratha Office patrols an area from Onslow to Port Hedland, with the Town visited regularly, though their presence will vary depending on the time of year and weather opportunities. Fisheries Officers try to address non-compliance with both related infringements and an overall education result. The Port Hedland Reef is not something Fisheries Officers have specifically focussed on in the past, but now they have received specific reports, intend to focus more heavily on patrolling the reefs between Spoil bank and Cooke Point. Fisheries patrols cover varying tides and weather windows – reef fishing normally occurs over low tide so if their officers are on duty over this time when a reef platform is exposed, these areas will receive higher patrol coverage. Fisheries rely heavily on the public

reporting illegal activity when it is happening to their Fishwatch phone line - 1800 815 507, so that they can respond in real time. A letter has also been forwarded to the Department requesting a permanent office and presence within Port Hedland.

In addition, and based on the advice of Fisheries, initial contact has been made with Kariyarr Aboriginal Corporation, Pilbara Ports Authority, Recfish West and WA Fisheries Industry Council to seek support for the reef, or part of the reef, to become a protection zone whereby persons cannot take shellfish (including clams) or cephalopods (octopus). This will not prevent residents line fishing in the area using hand lines or rod and reel, as this remains a popular fishing area. If letters of support are provided, a report will be provided to Council to progress community consultation with a view to seeking ministerial support for the protection zone over part or all of the reef.

5.3	CR TIM TURNER
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I'd like to ask the CEO if for the next council meeting, we could have a report regarding the community audit for public spaces?

The Director Community Services provided the following response:

A report outlining the availability of community space across Hedland will be circulated to all Elected Members by the end of May 2022.

Item 6	Public Time
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Important note:

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

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

6.1	Public Question Time
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The Presiding Member declares Public Question Time open at 5:35pm.

6.1.1	MR JOHN ASHENDEN
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When can we expect the Town of Port Hedland to apply to the Supreme Court for a judicial review regarding the emergency declarations and extensions as per our motions that were passed by absolute majority?

The Chief Executive Officer provided the following response:

As you would be aware only 3 of the 4 motions passed, the motion relating to budget was not passed. I have advised Council that I cannot act on the first 3 motions until there is a budget

to do so, a further report and advice will now be provided to Council through a separate meeting.

So how are you going to go about that then?

The Chief Executive Officer provided the following response:

The Town will schedule another meeting and the item will be brought back to Council so they can determine the next step.

Ok have you got a timeline on that at all?

The Chief Executive Officer provided the following response:

Not at this stage, it is subject to receiving further legal advice.

This legal advice and funding, how are you going to make this happen as the Council has given clear instructions through motions 1 and 2 at the Special Council Meeting?

The Chief Executive Officer provided the following response:

Council needs to resolve to provide a budget, then I can act on the resolution.

How are you, Mayor Peter, going to ensure we are kept informed throughout this process?

Mayor Carter provided the following response:

You will be informed via Council.

6.1.2 MS MERRYN BROWNING

We would like to know how, and when, we will be informed via council.

Mayer Carter provided the following response:

You will be notified.

How?

Mayer Carter provided the following response:

It will be on the agenda, it will come out on the minutes and it will be advertised.

Can we get a timeframe when that Special Meeting can actually come forward?

Mayer Carter provided the following response:

As soon as we know, you will be notified

Can we get a timeframe please?

Mayer Carter provided the following response:

As soon as we get the advice, you will be notified.

I will ask the CEO, seeming your answering the questions, can we get a timeframe?

The Chief Executive Officer provided the following response:

I can't give a timeframe because it is subject to the advice that we receive, in terms of when we receive it. Everyone will be notified because it will go to Council as a meeting of Council and there will be an agenda item and a report.

6.1.3 MS MARIE GRAHAM

This question is for the CEO. Under what part of WA Local Government legislations, regulations, Code of Conduct or Local Standing Orders, are you able to provide a Councillor with private confidential advice during a motion being debated on, prior to the vote, like you did last council meeting to Councillor Christensen before he voted against motion 3 which then made us electors lose the motion?

The Chief Executive Officer provided the following response:

Councillor Christensen was considering an amendment to one of the motions and he was seeking advice whether to lodge that amendment or not, and he decided not to lodge an amendment.

I believe that is collusion, because there is nowhere that it actually says that in the Standing Orders, is that correct?

The Chief Executive Officer provided the following response:

No. My role here is to provide advice to Council, I don't consider it collusion, I was providing advice in terms of procedure.

I asked this question at the last meeting also, regarding the council signs which were seen on the side of the road last November 2021, with the information of the 4 incoming mandates, for Covid-19 vaccinations, prior to the release of the information to the State of Western Australia, by the Premier Mark McGowan. Is the council working in collusion with the State Government pushing mandates on to the rate payers and community of Hedland because of the Premiers heavy economic reliance on our Port?

Mayer Carter provided the following response:

No we're not.

6.1.4 MR ADRIAN MCRAE

Mayor Carter, since no budget was allocated for the lapsed motion at the Special Council Meeting that we had on the 11th of May, I would assume that there would be some internal legal action that can proceed, would that be correct?

Mayer Carter provided the following response:

No.

Ok so we're only going to use external legal proceedings is that right?

Mayer Carter provided the following response:

We will have another council meeting and another council resolution regarding the motions.

It's been made mention by the CEO and now also by yourself, when will this next council meeting be that discusses this?

Mayer Carter provided the following response:

Hopefully as soon as possible, once we receive the legal advice.

6.1.5 MS PATRICIA MASON

Question for all, are we going to do something for the hospital facilities and medical assistance for our people because too many of our people are flying down to Perth and not being able to return until they pass away. I want to put that onto recording that we, as Kariyarra people, would like to see something done and I want to know if there's anything already that is considered in that area?

Mayer Carter provided the following response:

As you know the health department is a State Government issue, but as locals we need to try and make sure that we get proper health in our system for our elderly people in the whole community, and I agree with you yes.

The Presiding Member declares Public Question Time closed at 5:45pm.

6.2 Public Statement Time

The Presiding Member declares Public Statement Time open at 5:45pm.

The Presiding Member declares Public Statement Time closed at 5:45pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

Councillor Gillingham

The electors have contacted myself requesting a round table discussion with Council as soon as possible. Could Council consider holding such discussion whilst waiting for the lawyers information to be obtained to discuss what perhaps the Electors could progress with whilst awaiting the legal advice which could take until July.

Note: A Special Council Meeting has been scheduled for Wednesday, 1 June 2022, in response to a Notice of Motion received on 25 May 2022 to Revoke Council Decisions CM2022/193, 194, 196. These motions were carried at the SCM held on 11 May 2022. The legal advice has been received on 30 May 2022.

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of April 2022:

DATE	MEETING	MEETING DETAILS/COMMENTS
4/04/2022	Candidate Information Session - Extraordinary Election	Attended
4/04/2022	Budget Workshop #2 - Rates	Attended Workshop
5/04/2022	Attend PHIA - Meet new Board and new CEO	Attended meeting
5/04/2022	Chat with Ecky	Radio Interview
7/04/2022	Breakfast Meeting with Hedland High School	Attended meeting
7/04/2022	RCAWA meeting - Teams meeting in Perth	Attended via Teams
7/04/2022	RJDAP/51 Meeting via Zoom-Development Assess. Panels	Attended via Zoom
8/04/2022	Meet the Labour party candidate for Durack	Attended meeting
9/04/2022	Attended Whim Creek Memorial-Lockyer Family	Attended as Guest
11/04/2022	Meeting with Superintendent Kym Madsen	Attended meeting
12/04/2022	Meeting with Minister Papalia	Attended meeting
12/04/2022	Special Electors Meeting	Attended meeting
12/04/2022	Chat with Ecky	Radio Interview
13/04/2022	More Than Mining Steering Group Update	Attended meeting
13/04/2022	Interview with WA local news	Radio interview
13/04/2022	Ballot Draw - Close of Candidate Nominations	Attended
13/04/2022	Budget 2022/23 Workshop # 3 - Fees and Charges	Attended Workshop
19/04/2022	Chat with Ecky	Radio Interview
20/04/2022	Federal Budget Breakfast Briefing with Hon Melissa Price	Attended as Guest
20/04/2022	Meeting with Hon Melissa Price	Attended meeting
20/04/2022	Agenda Feedback Session - Chambers	Attended meeting
21/04/2022	Pilbara Country Zone Meeting via Teams	Meeting via Teams
21/04/2022	Hedland Sundowner with Hon Mr R Whitby	Attended
22/04/2022	Australian Citizenship Ceremony-11:00am to 12pm	Attended as Speaker
22/04/2022	Private Aust. Citizenship Ceremony - 12.45pm to 1:00pm	Attended as Speaker
22/04/2022	Australian Citizenship Ceremony - 1pm to 3pm	Attended as Speaker
25/04/2022	Anzac Day Service - Port Hedland War Memorial	Attended as Guest
26/04/2022	Chat with Ecky	Radio Interview
26/04/2022	Anzac Assembly - Baler Primary School via zoom meeting	Attended via Zoom
26/04/2022	Radio Interview - Triple J - March against Domestic Violence	Radio interview
26/04/2022	Budget Workshop # 4 - Combined Budget	Attended Workshop
27/04/2022	Meeting with Lifeguard Kyle @ SHAC for photo op	Attended meeting
27/04/2022	Meeting with Good Grocer	Update on council matters
27/04/2022	Ordinary Council Meeting	Attended as Speaker
28/04/2022	ABC Radio interview	Radio interview
29/04/2022	Hedland Community Road Safety Action Group	Attended as Speaker

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 Tim Turner
Cr Renae Coles
Cr Elmar Zielke
Cr Jan Gillingham
Cr Ash Christensen
Cr Flo Bennett
Cr David Eckhart
Cr Jason Keller

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.

CM202122/199 COUNCIL DECISION**MOVED: DEPUTY MAYOR TURNER****SECONDED: CR BENNETT**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 27 April 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (9/0)

CM202122/200 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 4 May 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (9/0)

CM202122/201 COUNCIL DECISION**MOVED: CR COLES****SECONDED: DEPUTY MAYOR TURNER**

That Council confirm that the Minutes Special Council Meeting held on Wednesday 11 May 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (9/0)

Item 11 Reports of Committees

Nil.

Item 12 Reports of Officers

12.1 Corporate Services**12.1.1 2022/23 BUDGET - SCHEDULE OF FEES AND CHARGES**

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

CM202122/202 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: CR ZIELKE**

That Council in accordance with the Local Government Act 1995 s6.16 adopt the 2022/23 Schedule of Fees and Charges effective from 1 July 2022 as per Attachment 1.

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

The purpose of this report is for Council to adopt the 2022/23 Schedule of Fees and Charges as a part of the 2022/23 Budget.

DETAIL

Council is required each year and from time to time to consider the imposition of fees or charges for any goods or services it provides or may provide. The annual budget is to include a schedule of fees and charges for imposition during the relevant financial year.

The Town of Port Hedland have assessed the goods and services currently provided, and those which may potentially be provided in the next financial year and have recommended the amount of relevant fees or charges to be imposed.

The adoption of the annual budget is generally the mechanism by which council accepts and imposes fees and charges, however councils may set new fees and charges earlier so they may be advertised and the community advised in advance of any changes.

The Town, in reviewing and proposing the applicable fees and charges, have taken into consideration legislative requirements regarding setting the level of fees and charges. The proposed level of fees and charges are contained in attachment 1.

Summary of Changes to 2022/23 Schedule of Fees and Charges:**New Fees – Port Hedland Sport and Community Hub (Stage 1)**

- This centre is due for completion in March 2023 – setting fees in place

Full Review Leisure Fees

- Removal of old YMCA Fees

- Replace with Fees that meet the current structure/business
- Adjust Fees to meet current cost/market comparisons

Waste Fees and Charges

- Waste makes up to 69% of total Fees and Charges Revenue
- Some higher percentage increases to ensure cost recovery

Other – Majority of Fees and Charges

- Nil to Minimal changes in price

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

The Financial Management Team has liaised with all relevant officers to create the proposed 2022/23 Schedule of Fees and Charges, ensuring that all proposed fees and charges are justified.

Consultation with elected members at a workshop held on 13 April 2022.

External Agencies

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

Community

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

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Section 6.16 Imposition of Fees and Charges,

Council by an absolute majority decision, may impose and recover a fee or charge for any goods or services it provides or proposes to provide

Section 6.17

In determining the amount of a fee or charge for a service or for goods Council need to consider:

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

Fees and charges constitute approximately 20% of the operating funds required to undertake the activities of the Town.

If Council adopt the officer's recommendation, and due to the fees being determined outside the annual budget adoption, local public notice is required. There will be minor associated advertising expenses.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 4 – Quality of Service.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

In accordance with the Risk Matrix set out in the Town's Risk Management Policy (1/022), 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 revenue generated from fees and charges is approximately 20% of operating revenue, with any deviation in the amount charged representing a range of risk, depending on the fee or charge and the size of the deviation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

That with respect to the imposition of fees and charges, Council, in accordance with the Local government Act 1995 section 6.16, imposes the fees and charges, as per Attachment 1 effective 1 July 2022.

ATTACHMENTS

1. Schedule of Fees and Charges YE 30 June 2023 (under separate cover)

12.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 APRIL 2022

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

CM202122/203 COUNCIL DECISION**MOVED: DEPUTY MAYOR TURNER****SECONDED: CR BENNETT**

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

1. Receive the Statement of Financial Activity for the period ended 30 April 2022 (see Attachment 1);
2. Receive the Material Variance Report (see Attachment 2);
3. Note the Accounts paid under delegated authority for the period ended 30 April 2022 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 30 April 2022 (see Attachment 4).

*CARRIED BY SIMPLE MAJORITY (9/0)***PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 April 2022. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 30 April 2022, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-16 prepared by the Town of Port Hedland (Town).

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

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

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

The opening funding deficit of (\$3.374M) presented in YTD Actual on the Statement of Financial Activity is as per the closing deficit of the audited June 2021 financial statements.

The net current funding position (surplus/(deficit)) from the Statement of Financial Activity as at 30 April 2022 is a surplus of \$19.3M.

The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$223.45M
Restricted Cash – Reserves	\$207.09M
Unrestricted Cash Position as at 30 April 2022	\$16.36M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.1 Sound long-term financial planning is implemented

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

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 financial risk associated with this item because as a reduction in income or increase in expense throughout the 2021/22 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 April 2022 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 30 April 2022 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 30 April 2022.

CONCLUSION

The opening funding deficit of (\$3.37M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the audited financial statements from June 2021. The net current funding position is \$19.3M.

ATTACHMENTS

1. Monthly Financial Statements - April 2022 (under separate cover)
2. Material Variances - April 2022 (under separate cover)
3. List of Payments - April 2022 (under separate cover)
4. Credit Card Report - April 2022 (under separate cover)

12.2 Community Services

Nil.

12.3 Regulatory Services

12.3.1 MARAPIKURRINYA PARK POP-UPS - EXPRESSION OF INTEREST

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

CM202122/204 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR BENNETT

That Council;

1. Accepts the application submitted by Chef Bistro, in accordance with the Expression of Interest for the Marapikurrinya Park Pop-up.
The licence will be for :
 - a. Provision of food and beverage services.
 - b. Period of 1 year with an option for an additional1 year.
 - c. Estimated to commence on 1st June 2022 or whenever practical.
 - d. In accordance with the licence and Attachment 1, Confidential Evaluation Report.
2. Requests the CEO or his delegate to enter into a licence agreement for the Marapikurrinya Park pop-up for a period of 1 year with a further 1year option, for the licence fee as stipulated in the agreement in accordance with Policy 8/004 Community Leasing.

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider and endorse the appointment of a suitably qualified vendor to run a food and beverage service from one of the Pop-up facilities at Marapikurrinya Park.

DETAIL

The Town of Port Hedland issued an Expression of Interest (EOI) to seek a suitably experienced food and beverage vendor to lease one of the two pop-up catering facilities recently completed construction, at Port Hedland's Marapikurrinya Park.

The second Pop-up is to be hired out to the community in line with the approved Fees and Charges and is not part of this EOI process.

The EOI detailed the following and sought experienced operators to offer a food and/or beverage operation that will meet the needs of the area's diverse users.

An operator who can offer a sustainable and commercially viable food vendor operation in the area on the eastern side of the park, in a recently developed shipping container pop-up.

Operators who offer distinctive food and/or beverages, deliver quality visitor services and experiences, and consider the environmental, cultural and heritage values of the site;

Operators ready to work collaboratively with Council to share on the Vision Statement which will deliver on the following:

- Provide a high quality and creative food and beverage offering in the specified location at Marapikurrinya Park, Port Hedland;
- Provide a high level of service to the community;
- Introduce a creative and unique offer taking inspiration from the area and market demands;
- Consider the relevant stakeholders in the area and potential customers to build and deliver on a commercial venture that benefits both the operator and the surrounding community;
- Provide feedback to Council to inform the viability of the business at this location

The Viewing of the Pop-up was held on 13th April 2022 and 19th April 2022. The closing date for submissions was extended to 27th April, 2022.

Upon Closing, five submissions were received as per below:

1. Chef Bistro
2. Mesmerising Delights of India
3. Mike (Phong)
4. Ashvani Kumar
5. Wangka Maya

The evaluation panel met on 5th May 2022 to discuss their scoring of submissions received. The panel comprised of:

- Manager Business and Economic Development – Town of Port Hedland.
- Manager Town Planning and Development – Town of Port Hedland; and
- Senior Community Engagement Officer, Community & Place – Town of Port Hedland

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

The preferred applicant is considered as being able to provide a high-quality food and beverage service to the Hedland community. They demonstrated a significant level of experience in delivering successful food and beverage services, with a high level of quality.

The preferred applicant intends to operate the site from Thursday to Sunday trading from mid-afternoon offering an early dinner solution to those working in or near the west end, enabling them to operate from their existing premises, and the Pop-up. The draft lease precludes the sale of alcohol from this premises.

Based on the evaluation panel's assessment, the officer's recommendation requires Council to consider entering into a licence agreement with the preferred applicant.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because of the low value associated with the outcome, has minimal wider potential impact to the Town. In addition, there are other facilities available for the use by unsuccessful applicants to the EOI.

CONSULTATION

Internal

Manager Corporate Affairs
Manager Business and Economic Development
Manager Town Planning and Development
Coordinator Property Management
Acting Manager Community Development
Project Manager - Infrastructure

External Agencies

BHP.

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland Policy 8/004 Community Leasing

FINANCIAL AND RESOURCES IMPLICATIONS

All applications submitted were considered in accordance with Town’s Policy 8/004 Community Leasing. The annual licence fee of \$6,540 was established based on a valuation report undertaken by AVS Northwest on 12th May 2021.

The licence fee under the terms of the EOI is to be billed monthly on a pro-rata basis.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the public may not agree with the Town's recommended successful applicant. 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 EOI process was undertaken to enable applicants to apply and provide evidence of their capabilities and were assessed on the same criteria. In addition, there is an alternate container pop-up venue that is available to the un-successful applicants that can be hired from 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 Town has conducted an EOI for the provision of food and beverage services at the container pop-up in Marapikurrinya Park, Port Hedland.

From the EOI submissions the recommendation to proceed with the preferred applicant as contained in the attached Evaluation Report (Attachment 1).

ATTACHMENTS

1. Evaluation Report - Marapikurrinya Pop-ups - Confidential

12.3.2	DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM SHORT STAY ACCOMMODATION TO WORKFORCE ACCOMMODATION AT LOT 2053 (NO. 77-95) HAMILTON ROAD, SOUTH HEDLAND.
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Author: Place Facilitator
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.

At 5:56 pm Cr Renae Coles excused herself from the meeting having declared a financial interest in this item.

CM202122/205 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR BENNETT

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* approves the application for a change of use to Workforce Accommodation on Lot 2053 (No. 77-95) Hamilton Road, South Hedland subject to the following Conditions and Advice Notes:

CONDITIONS

1. The approved development shall be in accordance with the stamped approved plans and details submitted with the application, these details shall not be altered without the prior written consent of the Town of Port Hedland.
2. The approved development is valid for a period of 10 years from the date of the decision, expiring on 25 May 2032, with any further period subject to demand being proven and update of social impact assessment. A further approval period may be requested through an application pursuant to Clause 77 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and a Council decision.
3. The approval is for 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may require further development approval in accordance with the Town's Local Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. The development shall make 99 rooms available to the general public to the satisfaction of the Town of Port Hedland. The booking process shall be subject to agreement between the facility owner/operator and the Town of Port Hedland.
5. Social Impact Assessment
 - 5.1 Annual monitoring and reporting of the approved Social Impact Assessment and Management Plan's implementation shall commence on 1 July 2022 and be reported on 1 July each year thereafter, for the duration of the approval. The initial annual monitoring and reporting shall include:
 - a) Results of on-going community consultation with stakeholders and workforce, as prescribed in the approved Social Impact Assessment and Management Plan;

- b) Details for on-going monitoring and reporting on the effectiveness of the Social Impact Management Plan to be submitted by the proponent to the Town at the end of every financial year.
- 5.2 The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPIs) that are a direct result of Club Hamilton's operations. While the Town reserves the right to make this request for amendment of the SIMP at any time, this will principally apply during the process of annual review.
6. Cyclone Management Plan
The Cyclone Management Plan, dated 29 July 2021 and prepared Fortescue Metals Group Ltd, is to be implemented in full, as required, for the duration of the approval to the satisfaction of the Town of Port Hedland.
7. Site Rehabilitation Plan
7.1 By no later than 25 November 2031, a Site Rehabilitation Plan shall be submitted to and approved by the Town of Port Hedland for the rehabilitation or repurposing of the subject site following the end of approval period and cessation of the land use.
- 7.2 The Site Rehabilitation Plan is to be implemented at the end of the approval period to the satisfaction of the Town of Port Hedland.

ADVICE NOTES

- a. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
- b. With reference to Condition 3, the definition of 'Workforce Accommodation' under the Local Planning Scheme No. 7 is: *premises, which may include modular or relocatable buildings, used –*
(a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
(b) For any other associated catering, sporting and recreation facilities for the occupants and authorised visitors.
- c. If after ten years the proponent intends to seek an extension to the Development Approval, based on the Social Impact Assessment, a further developer contribution may be considered.
- d. Where conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.
- e. Where an approval has so lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.
- f. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14. An application must be made within 28 days of the determination.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider the proposed development application for change of use to workforce accommodation at Lot 2053 Hamilton Road, South Hedland (**Attachment 1**). The application is being presented to Council for determination as it is for workforce accommodation facility that is located within the townsite boundaries and proposes more than 16 beds.

DETAIL

On 22 June 2011, Council approved a development application for short stay accommodation on Lot 2053 Hamilton Road, South Hedland (the subject site), subject to conditions including the requirement to provide 99 rooms for community use. The land use definition for short-stay accommodation only permits visitors to stay at the facility for a maximum of three months of every 12-month period. This land use definition does not conform to standard Fly-In, Fly-Out (FIFO) rosters. The Town became aware of works being undertaken on-site and within the public drainage network without the relevant approvals and permits. As part of the compliance undertaken, it was noted that the 99 community rooms conditioned as part of the original approval were not being advertised as being available for community use and the land use is more accurately defined as Workforce Accommodation. All other previous conditions of approval have been met. The Town recommended that an application be made to change the land use definition to ensure on-going compliance.

On 26 October 2021, Resolve Group Pty Ltd, on behalf of Fortescue Metals Group Ltd (FMG), submitted a development application for a change of use from short stay accommodation to workforce accommodation to reflect the use of the site more accurately. The proposal includes 893 room workforce accommodation capacity, dining facilities, gym and recreation facilities and meeting room space. The application proposes the land use to be in perpetuity, includes a Social Impact Assessment (SIA) and Management Plan (SIMP), and to maintain community access to 99 rooms (**Attachment 2**). There are no works proposed as part of this development application.

The development application was scheduled to be presented to Council at the Ordinary Meeting held 23 March 2022. The applicant requested the development application be withdrawn due to concerns over the following proposed conditions:

Condition 2 – Time Limited Approval

The applicant raised concerns over the condition relating to the 10-year time-limited approval.

On 24 June 2020, Council adopted the Town's Position Statement for Workforce Accommodation and on 16 December 2020, Council adopted Local Planning Policy 05 Workforce Accommodation. The Workforce Accommodation planning framework intends to address the social impact of workforce accommodation, including on FIFO employee base and the lack of investment in host communities, such as the Town of Port Hedland. The intent of the long-term workforce accommodation being a ten-year time limited approval was to manage the operations of the FIFO employee base and the corporate, social responsibility of the anchor tenants to ensure the integration of accommodation within the wider Hedland community.

A ten-year time limited approval does not eliminate the opportunity for the applicant to apply for an amendment to approval for an extension of time, as seen in previous years with similar workforce accommodation proposals. Rather, it provides the opportunity for both the applicant and the Town of Port Hedland to review the development's appropriateness, operation and

social contributions for the wider community. As such, the Town recommends the ten-year time limited approval be maintained, to ensure consistency in the Town's approach to workforce accommodation applications and to provide the opportunity to review the development and its appropriateness in future context of Hedland.

Following discussions with the Town, the applicant has agreed to the 10-year time-limited approval condition.

Condition 4 – Community Rooms

The Town has amended the condition to ensure further discussions are held with the Town's Community Services team, based on the most appropriate way to manage the community rooms and blackout periods for times of high occupancy (i.e. during planned shutdown periods).

Condition 5 – Social Impact Assessment

The applicant requested a review of the timing for an amended Social Impact Management Plan (SIMP), which was originally recommended for within six months of approval. The intent of this is to provide the opportunity for additional consultation with stakeholders and residents of the workforce accommodation site.

The applicant and the Town acknowledge the SIMP is an evolving document, which is likely to be the result of annual monitoring and reporting. The Town has proposed amendments to this condition, which reads as follows:

5. Social Impact Assessment

- 5.1 Annual monitoring and reporting of the approved Social Impact Assessment and Management Plan's implementation shall commence on 1 July 2022 and be reported on 1 July each year thereafter, for the duration of the approval. The initial annual monitoring and reporting shall include:*
 - a) Results of on-going community consultation with stakeholders and workforce, as prescribed in the approved Social Impact Assessment and Management Plan;*
 - b) Details for on-going monitoring and reporting on the effectiveness of the Social Impact Management Plan to be submitted by the proponent to the Town at the end of every financial year.*
- 5.2 The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPIs) that are a direct result of Club Hamilton's operations. While the Town reserves the right to make this request for amendment of the SIMP at any time, this will principally apply during the process of annual review.*

These amendments will maintain the intent of the condition, ensure appropriately timed auditing and reporting, and the opportunity to amend the SIMP and proposed Key Performance Indicator's if required.

Local Planning Scheme No. 7

The subject site is zoned 'Urban Development' in the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). The Town considers the objectives of the zone when assessing the

suitability of proposed land uses in the ‘Urban Development’ zone. The land use is considered appropriate in the location for the following reasons:

- The land use has been operating since 2007 with no community concerns raised over the location and impact on the surrounding community.
- The land use provides accommodation for the FIFO community and alternative, short stay options with the provision of 99 community rooms;
- The built form is not imposing by scale and surrounded with mature landscaping.

Local Planning Framework

On 25 November 2020, Council adopted Local Planning Policy 05 Workforce Accommodation (LPP/05) and Local Planning Policy 06 Social Impact Assessments (LPP/06) to supplement the adoption of the Position Statement for Workforce Accommodation on 24 June 2020. It is noted that the built form is existing, meaning that only the relevant provisions have been considered and discussed in this report.

Local Planning Policy 05 Workforce Accommodation

Demand Driven

When considering applications for workforce accommodation, including previously approved facilities, the Town must consider the demand for the workforce accommodation in the current economic climate. The sole occupant of the development is FMG, which is broken down into rail operations, port operations and village hospitality business partner, and it is currently used for its FIFO workforce. There are also construction workers based out of the Iron Bridge Project location using the facility until December 2022. It is recognised that the demand for workforce accommodation is higher when there are periods of maintenance work and shutdown, FMG have estimated close to 100 percent occupancy during these periods which span across approximately four months of every twelve-month period. The submitted documentation demonstrates that the site maintains on average 52.5 percent occupancy rates over the past six years. Additionally, the applicant is proposing the continuation of 99 rooms for community use, to be included as a condition of approval.

Time Limit

FMG has significant investment in the Town which suggests that there is likely to be a demand to house FIFO workforce for the next ten years. A long-term, ten-year approval is consistent with the approach taken for Gateway Village which is located within close proximity of the current application.

This is considered an appropriate approval period for the following reasons:

- The location close to urban settings and commercial centres which provides access opportunities for FIFO workforce to integrate with the South Hedland community; and
- The workforce accommodation is required for FMG to meet operational requirements over the approval period.

It is noted that in accordance with Clause 77 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the applicant has the right to apply for an amendment to the approval for an extension of time. A permanent approval for the “Workforce Accommodation” use is not appropriate as the existing built form does not meet the ‘high design standards’ as outlined in the Town’s policy.

Location Suitability

The subject site is located along one of the major entrances to the South Hedland Town Centre. There are community facilities, infrastructure and access surrounding the development, which provides opportunities for community integration and contribution to local businesses. The Town supports a long-term, ten-year approval period for this location as it provides on-going opportunities for community integration of the FIFO workforce.

Design Standards

The subject site is located in the ‘Urban Development’ zone, which the Workforce Accommodation Policy prescribes to be assessed against the ‘high design standards’. Given the development is existing, a Social Impact Assessment has also been submitted to address the negative impact of isolation, social well-being and local economy for the lifetime of the approval. This is discussed further below.

Cyclone Management

The application includes a Cyclone Management Plan to satisfy that provides an appropriate response to cyclone activities. The Cyclone Management Plan is considered adequate and a condition of approval shall be implemented to ensure the implementation of the plan for the duration of the approval.

Site Rehabilitation

The Town’s Workforce Accommodation Policy requires a Site Rehabilitation Plan, which can be either the removal of infrastructure and reinstating the site to its pre-development condition or the repurposing of the building to alternative short- or long-term residential purposes. A standard condition of approval is recommended to address this towards the end of life of the facility.

Local Planning Policy 06 Social Impact Assessments

Clause 4.2 of the Town’s Social Impact Assessment Policy requires a Social Impact Assessment be submitted as part of any application for workforce accommodation. The intent of the SIA and SIMP is to provide a structured approach to planning for, and offsetting demand on the limited infrastructure and services on-site by considering the integration of Club Hamilton residents with community social infrastructure. The applicant provided a Social Impact Assessment and Management Plan which addresses the key phases of the Town’s Social Impact Assessment Policy and provides a summary of social impact analysis and responsive management measures for a range of social issues resulting from workforce accommodation.

The SIA indicates that not all stakeholders were able to contribute prior to the submission of the development application, additionally there was limited engagement with the existing FIFO workforce residing at Club Hamilton. The Town recommends that an amended SIA and SIMP be submitted within six months of the approval to include comments from all identified stakeholders and engagement with the existing workforce to understand the social impacts of the workforce accommodation facility.

The SIA and SIMP has set out Key Performance Indicators (KPI) for community integration including local and Aboriginal training and employment, business contracting and local procurement of goods and services, diversity within the workplace and resources to address social cohesion and negate the risk of mental health. Similarly, to other workforce accommodation approvals, the KPI’s outlined in the SIA and SIMP will be subject to on-going annual reporting. This is included as a condition of approval as part of the Officer Recommendation.

The Social Impact Assessment does not include existing agreements with FMG relating to gym membership passes which provide their workforce access to Wanangkura Stadium or the 99 community rooms that will be conditioned as part of this approval. These will be subject to ongoing operational negotiation with the Town's Community Services team and compliance with conditions of approval.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the application is to bring the operations of the site into compliance with the Town's LPS7.

CONSULTATION

Internal

- Director Community Services
- Manager Community Development
- Manager Leisure Facilities
- Manager Town Planning & Development

External Agencies

Nil.

Community

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal was advertised for a period of 14 days between 10 November 2021 and 24 November 2021. The Town received one submission in support of the application.

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
- Local Planning Policy 05 Workforce Accommodation
- Local Planning Policy 06 Social Impact Assessments

FINANCIAL AND RESOURCES IMPLICATIONS

The application for development approval attracted a fee of \$295. The cost of advertising the application was \$270.89.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.b.4 Business approval processes are transparent and pathways streamlined

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town's Strategic Community Plan states that a residential workforce should be promoted to industry as the preferred option. 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 with the current housing climate, as there is a demonstrated shortage of permanent residential accommodation making it difficult to obtain leases or purchase housing for housing permanent employees in Hedland. The development application is for the purpose of bringing the subject site into compliance with how it is currently operating.

There is a compliance risk associated with this item because the applicant may continue to not make the rooms readily available to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is mitigated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report requests Council consideration of an approval for workforce accommodation at Lot 2053 Hamilton Road, South Hedland for a period of ten years. This report has provided an assessment against the Town's planning framework relating to workforce accommodation. The officer recommendation is consistent with other workforce accommodation sites in the locality and the proposal is considered to be generally consistent with the objectives of the abovementioned policy framework.

It is recommended that Council approves the proposal for a period of ten years, subject to the conditions and advice notes outlined in the Officer Recommendation.

ATTACHMENTS

1. Location Plan (under separate cover)
2. Development Application Package (under separate cover)

At 5:58 pm, Cr Renae Coles returned to the meeting.

12.3.3 BUSINESS CONTINUITY PLAN 2022

Author: Director Regulatory 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.

CM202122/206 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ECKHART

That Council:

1. Endorse the Town of Port Hedland Business Continuity Plan 2022, as per Attachment 1.
2. Authorises the Chief Executive Officer to make any necessary minor and formatting changes to the Plan as required.

CARRIED BY SIMPLE MAJORITY (9/0)**PURPOSE**

The purpose of this report is for Council to consider endorsing the Town's Draft Business Continuity Plan (BCP).

DETAIL

The Regulation 17 audit review undertaken by Auditors William Buck identified that the Town's BCP has not been updated since September 2017. The absence of an approved BCP, and regular testing, presents a risk that the Town may not continue/resume its critical operations in a timely manner. The Auditors recommended that the BCP, procedures and testing calendar be reviewed, updated, and implemented.

Since receiving this advice, the Town has adopted the Local Emergency Management Arrangements and Recovery Plan which apply to the municipality as a whole, but also can be utilised by the Town to recover from an event. A new BCP has been drafted which refers to these documents, but also provides further detail to specific recovery responses including:

- Risk management planning listing risks, preventative action and contingencies, with a further focus on insurance and IT.
- Business impact analysis identifying critical activities and maximum acceptable outage, together with identification of disruption to particular business activities and the Town's responses.
- Identification of the Business Continuity Team.
- Initial response, relocation where necessary through to full recovery of operations.
- Rehearsal, maintenance and review, including annual testing of the plan.

A revised business disruptors and response spreadsheet was developed by Managers and staff in response to the COVID-19 pandemic, however this has been adapted and developed further for the BCP. The Town's current internal response to the COVID-19 pandemic and its impacts on staff and operations has been reliant on both the COVID-19 response plan and the draft BCP.

The draft BCP is based on a Queensland government model, and addresses the concerns raised by the William Buck audit.

The Officer recommendation also includes authorisation for the Chief Executive Officer to make minor amendments and updates to the BCP as required. These changes include, but are not limited to, staffing changes, title changes, contact detail changes, changes in legislation, and any other recommendations arising from a future review by the Town's Auditors. Any significant changes will require approval of Council.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the adoption of the draft BCP will ensure that the Town has procedures in place to recover from an emergency affecting normal business operations and meets its legislative obligations.

CONSULTATION

Internal

Executive Leadership Team and Senior Leadership Team have been consulted and provided information for the BCP.

External Agencies

Nil.

Community

Nil.

Due to the confidential nature of the information within several areas of the plan, the BCP is listed as confidential within the report. Operational copies, including confidential contact information will be supplied to specific staff members when distributed. Redacted versions of the BCP will be made available to the public once endorsed by Council.

LEGISLATION AND POLICY CONSIDERATIONS

Regulation 17 of the Local Government (Audit) Regulations 1996 requires a review of the local governments systems and procedures in relation to risk management.

The attachment (Attachment One) is confidential in accordance with the following legislation:

- Sections 5.23(2)(e)(iii) and (f)(ii) of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil – the BCP is an internal resource which supports the organisation to recover business activities after an incident. No costs are required to implement the plan. Any costs attributed to testing the plan will be absorbed within the Regulatory Services budget.

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.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies

Environmental

The protection and recovery of the Town, including provision of services to manage the built and natural environment, are provided within the BCP.

Economic

The BCP has a key focus on returning the Town's financial and economic systems and operations back to pre-event levels.

Social

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Local Government (Audit) Regulations 1996 requires local governments risk management procedures to be reviewed and updated regularly. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Endorsing the draft Business Continuity Plan and testing it on a regular basis will minimise the impact of any unforeseen events and enable the Town to return to normal business operations in a timely manner.

ATTACHMENTS

1. Business Continuity Plan 2022 - Confidential (under separate cover)

12.3.4 ACQUISITION OF LOT 500 (25) FORREST CIRCLE, SOUTH HEDLAND (TAFE SITE)

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

CM202122/207 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR GILLINGHAM

That Council:

1. Authorises the Chief Executive Officer to acquire Lot 500 (25) Forrest Circle, South Hedland for the consideration of one dollar (\$1.00) following the decommissioning by the Department of Training and Workforce Development in 2024, subject to the construction of the new Pundulmurra workshops.
2. Authorises the Chief Executive Officer to enter negotiations to secure early access to the land around the buildings on the site, with these buildings denoted in Attachment 6.
3. Authorises the Chief Executive Officer to enter an agreement with the relevant parties to secure the above acquisition and early access.

CARRIED BY SIMPLE MAJORITY (9/0)**PURPOSE**

The purpose of this report is for Council to authorise the acquisition of Lot 500(25) Forrest Circle, South Hedland also known as the North Regional TAFE site ('TAFE site') and early access to the northern portion for carparking to support the South Hedland Sports Hub Masterplan, Hamilton Road Streetscape upgrades and to undertake building assessments.

DETAIL

At its 20 June 2021 Ordinary Council Meeting, Council authorised the CEO to enter direct deal negotiations with the Department of Training and Workforce Development ('DTWD') to obtain tenure over the TAFE site.

A chronology summarising the negotiations is set out below:

- On 3 August 2021 the Town wrote to the Department of Planning, Lands and Heritage ('DPLH') requesting the northern portion of the TAFE site be re-vested in the Town under management order to incorporate into parking for the South Hedland Integrated Sporting Hub ('SHISH') (Attachment 1).
- On 21 September 2021 the DPLH responded that the Town would be required to acquire the whole of the site on an 'as is' basis (Attachment 2).
- On 11 February 2022 the Town wrote to the Minister for Lands attaching a business case for the acquisition of the whole of site on an 'as is' basis for the consideration of one dollar

- and early access to the northern portion (Attachments 3 and 4). The business case sets out the Town's rationale for the acquisition value.
- On 1 April 2022 the Minister responded that he was supportive of the proposed transfer for a nominal value (Attachment 5).

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is not required to be publicly advertised under the *Local Government Act 1995* and is a direct commercial acquisition. The relevant stakeholders, including the Minister for Lands, Department of Planning, Lands and Heritage ('DPLH') have been consulted.

CONSULTATION

Internal

- Executive Leadership Group
- Planning and Development team
- Manager Business and Economic Development

External Agencies

As above

Community

Nil, as the land transaction does not constitute a major land transaction under the *Local Government Act 1995* at this point as the consideration is less than the prescribed amount, being one dollar and unknown redevelopment costs, and that the land is an exempt land transaction as the transaction is not intended to produce profit to itself pursuant to r.8(1) of the Local Government (Functions and General) Regulations.

LEGISLATION AND POLICY CONSIDERATIONS

Part 4 of the *Land Administration Act 1997* – Reserves.

FINANCIAL AND RESOURCES IMPLICATIONS

The anticipated financial implications of the redevelopment of the site are detailed on p11 of the business case submitted to the Minister. That projects costings/revenue/performance table indicates getting the site to a development ready site will be in the order of \$8,220,902. The Town proposes to budget \$100,000 in the 2022/23 capital budget for TAFE site land acquisition and associated investigative works. Purchase of the property will come from CPP163101.

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because the Town will most likely need to bear the costs of redeveloping the site, which are approximately \$8M in demolition and relocation costs. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1) as this decision is merely to strategically acquire the site and redevelopment costs can be considered in future budget approvals.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The authorisations in this report will enable the Town to make a strategic acquisition of the TAFE site, which is considered an appropriate location to provide arts, culture, civic and community uses in accordance with the Town's Local Planning Strategy.

ATTACHMENTS

1. Letter from Town to DPLH (under separate cover)
2. Letter from DPLH to Town (under separate cover)
3. Letter from Town to Minister for Lands (under separate cover)
4. Business Case (under separate cover)
5. Letter from Minister for Lands to Town (under separate cover)
6. Identification of Buildings and Land (under separate cover)

**12.3.5 PORT HEDLAND VISITOR CENTRE - QUARTERLY REPORT - QUARTER 3:
JANUARY TO MARCH 2022**

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

CM202122/208 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR ECKHART**

That Council receives the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the third quarter, January – March 2022.

CARRIED BY SIMPLE MAJORITY (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 third quarter from January – March 2022. More specifically, this report addresses the reporting requirements outlined in clause 24.2 of 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 two of these extension options, taking the management contract to end on 30 June 2023.

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.
- 1,000 people hosted on formal tours operated through the Visitor Centre.
- Gold/A1 Tourism accreditation maintained (or equivalent).
- Development of a web presence and digital strategy to educate and attract visitors to the local area.
- Development and distribution of up-to-date tourism documents promoting Port Hedland and the Pilbara region; 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 January – March 2022. The operating cost of the facility is within the parameters laid out in the management contract.

Noting the Visitor Centre was closed from 23 December 2021 to 23 January 2022. The Visitor Centre reopened for the 2022 season on January 24th with the Town still quiet after the Christmas Break and school holidays.

Prior to opening, the centre had been prepared for the new regulations required for COVID. People directional grids in place to ensure that entrance and exiting visitors did not interact. QR scanning and sign in sheet were set up with sanitisers nearby. The COVID practices were implemented by all staff.

A summary of the key achievements for the quarter January – March 2022 are noted below:

- The Centre is accredited as a Quality Tourism Accredited Business until the end of December 2022.
- For this quarter, the Visitor Centre and the Seafarers Centre facilitated a total of 8 tours with a total of 35 participants, consisting of 18 adults (51%), and 17 seniors (49%).
- Pilbara tours will commence operations in the next quarter.
- The Wedge St Footpath Markets program for 2022 was posted on Facebook in February. The first market will be held on 22 May.
- There has been a presence from the Visitor Centre at a number of key networking events promoting the Town and the Visitor Centre support for the Town and visitors.

Noting that in the January to March quarter being the hotter months and visitors to Town are limited. The main attendees at the Visitor Centre and events are residents.

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 2021/22 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Economic

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

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from January - March 2022 in its role as manager of the Port Hedland Visitor Centre.

ATTACHMENTS

1. Port Hedland Visitor Centre - Quarterly Report - Third Quarter - January to March 2022 (under separate cover)

12.3.6 AWARD OF TENDER RFT 2122-24 SECURITY SERVICES

Author: Director Regulatory 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.

CM202122/209 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council:

1) Accepts the tender submitted by Phoenix Security, in accordance with Tender 2122-24 for:

- a) the supply/provision of mobile security services on an "as required" basis for a period of 3 years, estimated to commence or commencing on 1 July 2022, in accordance with the Schedule of Rates detailed in Attachment 1 – Confidential Evaluation Report and other contractual arrangements. Engagement of a mobile service will be subject to Council providing funds via normal budgetary process of by absolute majority decision; and
- b) the supply/provision of fixed security services at Town facilities and events on an "as required" basis up to a total amount of \$900,000 (excl. GST), for a period of 3 years, estimated to commence or commencing on 1 July 2022, in accordance with the Schedule of Rates detailed in Attachment 1 - Confidential Evaluation Report and other contractual arrangements.

CARRIED BY SIMPLE MAJORITY (9/0)**PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-24 for Security Services and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

The Town of Port Hedland is seeking to appoint a licensed, professional security contractor possessing the expertise to provide (as required):-

- 1) Fixed/static security to Town of Port Hedland facilities including, but not limited to, JD Hardie Community Centre, South Hedland Aquatic Centre, Matt Dann Theatre and Wanangkura Stadium, primarily during open hours, including weekends and public holidays.
- 2) Fixed/static security to Town of Port Hedland events, including but not limited to Spinifex Spree, Australia Day events, NAIDOC concert and youth event and leisure programming.

- 3) Mobile security patrols operating a 12-hour overnight shift, patrolling Port Hedland, South Hedland and surrounding areas of interest.

This tender was released prior to the resolution of Council at the Ordinary Council Meeting of 27 April 2022, whereby provision of community mobile security patrols was not supported. However, there may be a future need for patrol of Council owned and managed facilities, which necessitates the award of tender to include mobile patrol services. Provision of security patrols was a separable portion to the tender, and engagement of any future community security patrols would only occur if Council budgeted funds specifically for this purpose. All fixed/static security services will be engaged on an ad-hoc or as required basis.

Request for Tender

The Town released a Request for Tender (RFT) on Town's website and on Vendorpanel on Wednesday 6 April 2022, requesting suitably qualified security contractors provide a quote for both fixed and mobile security services. The RFT was also advertised in the West Australian and North West Telegraph as required by the Local Government Act 1995. Tender Assessment

The Town received three submissions for RFT 2122. The respondents were as follows:

1. Security Squad
2. Phoenix Security, Training and Event Group Pty Ltd
3. Crown Security (WA) Pty Ltd

Of the submissions received, one was rejected due to them confirming that they could not provide the service to Port Hedland. The remaining respondents provided compliant tender responses.

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

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

The Senior Procurement & Contracting Advisor facilitated the evaluation meeting held on 3 May 2022.

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

Qualitative Criteria	(%)
Relevant Experience	50%
Capacity to Deliver & Resources	30%
Key Personnel & Skills	20%

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because the personal safety of the community and that of Town staff must be maintained at our facilities and events.

CONSULTATION

Internal

- Director Corporate Services
- Manager Environmental Health and Community Safety
- A/Manager Community Development
- Manager Leisure Facilities
- Co-ordinator Stadium Operations
- Events Supervisor
- Community Safety Co-ordinator

External Agencies

Nil.

Community

The RFT was publicly released via Vendorpanel (the Town’s e-tendering portal) on 6 April 2022 and was advertised in the West Australian and the North West Telegraph.

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’

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

FINANCIAL AND RESOURCES IMPLICATIONS

Provision of security at Town facilities and events is provided from within the particular facilities operating budget, or event budget. As per Council’s decision at their 27 April 2022 meeting, no funding will be provided for community security patrols within the 2022/23 budget.

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.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety

Environmental

Nil.

Economic

Nil.

Social

Provision of security at the Town's facilities and at events will benefit the safety of patrons and staff, improving social interaction within our community.

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events

Corporate Business Plan

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

- 1.a.5.2 – Develop, Implement and review strategies and programs to enhance the Town's visual amenity and safety

This also links to the Towns Community Safety Plan Goal 2:- Safe Streets and Open Spaces – Liveable, accessible and safe streets and surroundings. Do I feel safe when I access my neighbourhood, streets, parks and public facilities? The Goal objective is “By 2030, community feel safe accessing public spaces and facilities at all times during the day and night.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because residents and staff will not attend facilities and events where they feel unsafe, or there is potential for increased antisocial behaviour in the absence of adequate security. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Awarding the tender for the provision of security services will enable the Town to engage these services readily and quickly where required, to improve safety and security at Town facilities and events.

ATTACHMENTS

1. Schedule of Rates - Confidential
2. Evaluation Report - Confidential

12.4 Infrastructure Services

12.4.1	WEDGEFIELD	MASTERPLAN	STRATEGIC	DIRECTION-	ROUTE	1
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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.

CM202122/210 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council:

1. Receive and note the attached “Wedgefield Route 1 – Options Assessment Report” as per Attachment 1; and
2. Endorse and advance Option 1: Full RAV10 compliance throughout Route 1 as the preferred design option within the above report.

*CARRIED BY SIMPLE MAJORITY (9/0)***PURPOSE**

The purpose of this report is to seek Council endorsement of Wedgefield Route 1: Options Assessment Report. The report investigates five (5) alternative upgrade options to address traffic, pavement and drainage issues throughout. The Town is seeking to advance with the detailed design for a fully compliant RAV10 network throughout Route 1 as the preferred design option.

DETAIL

A strategic approach is required to address the many existing issues within Wedgefield, as its roads cannot currently sustain the weight, length and volume of the heavy vehicle movements without urgent capital investment.

In 2015, Town of Port Hedland engaged Hyder Consulting to develop a strategy and improvement plan to address geometrical road compliance issues of heavy vehicle movements via the Main Roads' Restricted Access Vehicle (RAV) network, removal of verge parking and the remedy of drainage problems in Wedgefield. The resulting document was Wedgefield Precinct Masterplan (Attachment 1).

The report highlighted several issues, which would make improvement to the precinct difficult, not least of which was the lack of any road hierarchy within Wedgefield. The RAV network has almost blanket coverage of all roads and in theory this allows the RAV's to choose their own route through Wedgefield to their final destination. The overall result is that any roads within Wedgefield could potentially be a through route for the RAV users. This significantly limits the options for prioritizing a road improvement program and as such a focus should be to encourage heavy vehicles to use designated routes throughout the precinct.

A traffic analysis has identified the locations of the RAV user lots within the precinct. This information has been used to develop a virtual hierarchy of roads within Wedgefield. This hierarchy consists of Pinga Street as the main District Distributor Road and a series of loops which will be designated to Local Distributor roads. These Local Distributor roads will be upgraded to a standard which allows for RAV Category 10 vehicles to operate and turn within their own lane. The most appropriate way of dealing with retrofitting design standards to older areas of Wedgefield would need to focus on localised improvements, with the ultimate goal of bringing the whole precinct up to an improved standard. Not only would this be cost effective and allows targeting and involvement of particular stakeholders who were most affected by local improvements.

The Wedgefield Precinct Masterplan outlines several strategic routes for progressive upgrades (Attachment 2). The upgrades generally are required in order to raise the standard of road geometry to meet MRWA's Restricted Access Vehicle (RAV) requirements, correct pavement defects and address drainage issues within the precinct.

Within Wedgefield, the Town has identified 'Route 1' as a high priority for upgrading and for which funding could potentially be sourced through State and Federal grant funding opportunities.

'Route 1' consists of the following roads as shown in Figure 1 below:

- Moorambine Street east of Pinga Street, including the Pinga Street intersection;
- Schillaman Street, east of Pinga Street, to Yanana Street, including the Yanana Street intersection;
- Peawah Street; and
- Yanana Street including the Abydos Place intersection.



Figure 1: Route 1 Project Area

The Town engaged Shawmac Consulting to undertake a risk and opportunity assessment based on a background literature review of previous reports and design developments to summarise and identify any issues/constraints and summarise the Town's requirements for

the project including scope of future investigations; whilst confirming key design criteria, standards and assumptions.

The following options were assessed by Shawmac and are addressed in the report (Attachment 3):

- Option 1: Full RAV10 compliance throughout Route 1;
- Option 2: Address the compliance of drainage and cross overs only throughout Route 1;
- Option 3: Look at options of one-way system throughout Route 1;
- Option 4: Only improving the geometry of intersections throughout Route 1; and
- Option 5: Potential costs/consequences of doing nothing.

The purpose of the report was to undertake an assessment of the five options mentioned above, including preparing high level construction quantity/cost estimates to assist in comparing the options. In addition, the key benefits and risks associated with each option were identified and a rudimentary multi-criteria analysis was carried out.

The following criteria for the Multi Criteria Analysis was analysed for each option-

- Construction Cost: rating based on Opinion of Probable Cost for construction;
- Traffic: improvement to traffic movements, traffic safety and associated traffic timing through route;
- Drainage: rating based on improvements to stormwater capacity, containment and management;
- Maintenance: rating based on reducing ongoing maintenance;
- Community Perception: rating on if option would be endorsed or opposed by lot owners;
- Environmental: rating for improvements to the existing environmental impacts of the route.

In summary, it was considered that Option 4 (intersection upgrade only) does not provide adequate benefits to be considered a feasible option. Option 5 (do nothing) exposes the Town to future issues associated with a deteriorating network, flooded roads/lots and failing pavement/surfaces due to inadequate drainage and is therefore considered a higher risk option which achieves no network improvements.

Options 1 (full RAV compliance), 2 (drainage only) and 3 (implement a one-way system) are considered to provide the most improvement benefits for the network. Options 1 (full compliance) and 3 (implement a one-way system) were considered the most favourable options as they improve safety, traffic flow and delineation as well as improvements to the environment through drainage mitigation whereas Option 2 relies on the rectification of existing drainage measures only.

Option 3 (implement a one-way system) was considered a less desirable option due the likely objection and lack of support from key stakeholders, longstanding tenants and business owners. The restricted traffic flow would be hard to police, require wide ranging communication strategies and may encourage unsafe driving practices if road users are not familiar with modified traffic conditions.

It is recommended that Option 1 (full compliance) be considered further as the preferred option and investigated for potential design refinement. Although this option has the higher construction cost, the advantages of lane correct movements and two-way traffic flow whilst

addressing the drainage concerns would likely be supported by key stakeholders, longstanding tenants and business owners.

The delivery of the required upgrades will be over a multiyear staged approach, with funding set aside via annual Regional Road Group Grant.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, because a substantial investment is required within the Wedgefield Industrial precinct to address road geometry, pavement defects and drainage issues throughout. Due to this significance rating, further targeted consultation will be undertaken.

CONSULTATION

Internal

- Director Infrastructure Services
- Manager Town Planning and Development
- Manager Infrastructure Projects & Assets
- Senior Project Engineer
- Manager Corporate Affairs

External Agencies

- Hyder Consulting
- Shawmac Consulting
- Main Roads WA

It is to be noted that Main Roads WA are in support of this approach.

Community

In 2015, Hyder Consulting conducted a survey of Wedgefield stakeholders to ascertain the type of business and vehicles used by these businesses in Wedgefield.

This information received is now outdated and further a targeted approach for commercial owners, tenants and stakeholders is required to assist in facilitating the required improvements.

More recently, in early 2021, Phase 2 of the local planning strategy/scheme review project conducted by the Town’s planning team involved seeking community feedback on a number of Precinct Snapshots. This included “Wedgefield Considerations” and noted the issue that the road network in old Wedgefield does not support heavy vehicle access.

The consultation asked whether the community supported relocating noxious and heavy transport uses to other suitable industrial precincts. The survey results were as follows:

- 23% of respondents stated heavy industry should relocate out of Wedgefield
- 26% of respondents stated caretaker’s dwellings should discontinue and relocate out of Wedgefield
- 31% of respondents stated caretaker’s dwellings and heavy industry should continue to coexist in Wedgefield
- 17% of respondents were unsure and 3% of respondents stated “other”.

While the survey responses indicate the majority of respondents support continued co-existence, the survey results do not provide any clear outright community preference with respect to the future of Wedgefield. The mixed opinions on Wedgefield highlight the complexity of the issue, it is therefore considered the Town needs to look at the situation on its technical merit from a planning and infrastructure investment perspective to propose a way forward.

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

An allocation of \$200,000 is approved in the 2021/22 Capital Works Program (CIF124090) for the detail design of Wedgefield Route 1- Road and Drainage Upgrades.

The delivery of the required upgrades will be over a multiyear staged approach, with funding set aside via annual Regional Road Group grant assistance.

A detailed design allows the Town to be able to apply for Heavy Vehicle Safety and Productivity Program (HSVPP) grant funding, which is a federal funded program which aims to increase the productivity and safety of heavy vehicle operations throughout the nation.

It is estimated that the probable cost for Route 1 is in the order of \$12M. Further advice will be provided to Council once Route 1 construction is nearing completion.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 2.d.1 Investment in key infrastructure development such as the port and logistics is pursued

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:

- 2.d.1.1 Lobby State and Federal Government to invest in port infrastructure
- 3.b.1.4 Assess and rationalise the Town's infrastructure and assets
- 4.c.2.1 Generate valuable data and feedback
- 4.c.4.1 Develop, implement and review efficiency strategies across all facilities and infrastructure.

RISK MANAGEMENT CONSIDERATIONS

There could be compliance ramifications if the Town does not address and rectify the required maintenance and renewal of the Town's assets in a timely and efficient manner. The risk rating is high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

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

The Town would need to work with landowners to ensure their premises are compliant in terms of parking, drainage and crossovers. Currently, there is significant non-compliance in Wedgefield which further exacerbates flooding, drainage and access concerns.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

A strategic and staged approach is required to progressively improve the Wedgefield road network to improve compliance. A fully compliant RAV 10 network along the local distributor roads is the preferred design as it will address the geometry, drainage, maintenance and pavement defects.

ATTACHMENTS

1. Wedgefield Route 1 Options Assessment Report (under separate cover)
2. Wedgefield Local Distributor Route Options (under separate cover)
3. Wedgefield Road, Traffic and Drainage Masterplan (under separate cover)

12.5 Executive Services

Nil.

Item 13 Motions of which Previous Notice has been given

13.1 ALL-TERRAIN WHEELCHAIRS

I, Councillor Renae Coles, give notice that in accordance with Standing Order 5.4, that at the next Ordinary Meeting of Council to be held on 25 May 2022, I intend to move the following motion:

CM202122/211 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: CR ZIELKE****COUNCILLORS'S RECOMMENDATION**

That Council request Town Officers investigate the possibility of the Town of Port Hedland acquiring an all-terrain wheelchair.

CARRIED BY SIMPLE MAJORITY (9/0)

RATIONALE

I commend this Notice of Motion to Council.

All-terrain wheelchairs are purpose-built and designed for outdoor environments including sand, gravel and water. They assist people with mobility impairments to access areas in which a traditional wheelchair cannot operate.

Improving the availability of all-terrain wheelchairs in Port Hedland will support people with disability to connect to our community and increase participation in recreation activities in the natural environment.

In January 2022, more all-terrain wheelchairs have been made available to 12 regional centres and Metropolitan Perth organisations across the State, ensuring WA communities will be more accessible and inclusive thanks to the delivery of the McGowan Government election commitment:

- \$100,000.00 funding announced for new purpose-built wheelchairs for outdoor environments
- Better access to beaches, national parks and wilderness trails
- Opportunities for people with disability to connect with their community and participate in recreation activities.

Having access to the outdoor environment and the activities that go with it is a key part of an inclusive community. All-terrain wheelchairs will make access across town to the beach and outdoor environments easier and more enjoyable for people with mobility limitations.

ATTACHMENTS

Nil.

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

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

15.1 The Port Hedland Yacht Club

This matter is considered to be confidential under Section 5.23(2)(e) 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 contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

CM202122/212 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR CHRISTENSEN

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1.

CARRIED BY SIMPLE MAJORITY (9/0)

The Presiding member declared the meeting closed to the public at 6:07pm.

CM202122/213 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR ZIELKE

COUNCILLOR'S RECOMMENDATION

That Standing Orders Local Law 2014 s9.8 & 9.9 are temporarily suspended to allow for debate.

CARRIED BY ABSOLUTE MAJORITY (9/0)

CM202122/214 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR ZIELKE

COUNCILLOR'S RECOMMENDATION

That Standing Orders Local Law 2014 are to resume post-debate.

CARRIED BY ABSOLUTE MAJORITY (9/0)

CM202122/215 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council open the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1.

CARRIED BY SIMPLE MAJORITY (9/0)

The Presiding Member declared the meeting open to members of the public at 7:08pm and read aloud the decision of council.

CM202122/216 COUNCIL DECISION

MOVED: MAYOR CARTER

SECONDED: CR ECKHART

That Council:

1. Authorise the CEO or his delegate to participate and vote in all Port Hedland Yacht Club Incorporated (Administrators Appointed) (PHYC) creditor's meetings affording terms of agreement that achieve the best financial outcome for the Town of Port Hedland.
2. Vote in favour of the PHYC Inc to be wound up and placed into liquidation at the creditors meeting scheduled for the 26 May 2022.
3. Authorise the CEO to execute any required documents under *Local Government Act s9.49A(4)* that gives effect to any agreed terms.

CARRIED BY SIMPLE MAJORITY (9/0)

CM202122/217 COUNCIL DECISION

MOVED: CR COLES

SECONDED: CR ZIELKE

That Council acknowledge the value and contribution of the Port Hedland Yacht Club to the community.

CARRIED BY SIMPLE MAJORITY (9/0)

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Thursday 30 June 2022 commencing at 5:30pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 7:10pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 30 June 2022.

CONFIRMATION:



PRESIDING MEMBER

30/06/22

DATED