



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** be held in the **Civic Centre Chambers 13 McGregor Street, PORT HEDLAND WA 6721**, on **Wednesday 1 November 2023**, commencing at **5:30pm**.

MEETING AGENDA ATTACHED

Yours faithfully

Carl Askew
Chief Executive Officer

27 October 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement, or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Model Code of Conduct) Regulations 2021*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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1 Opening of Meeting

The Presiding Member is to declare the meeting open at 5:30 pm.

2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognises their strength and resilience and pays respect to elders past, present and emerging.

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

Scheduled Present:

Mayor Peter Carter
Deputy Mayor Ash Christensen
Cr Sven Arentz
Cr Flo Bennett
Cr Camilo Blanco
Cr Lorraine Butson
Cr David Eckhart
Cr Ambika Rebello
Cr Tim Turner

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Stephen Leeson (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Christine Fairbrother (A/ Governance Officer)
Karen Krollig (A/Governance Officer)
Rhiannon Smith (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Name	Item No	Interest	Nature

4 Applications for Leave of Absence

Nil

5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 27 September 2023

Nil

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 27 September 2023

5.2.1	Camilo Blanco
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In 11.1.1, the Officers Recommendation 5, can you explain which section of 6.8(1) is specific to the amount that we're talking about in that item (6.8(1) you've referenced in your agenda, item 6.8(1) of the Act.) That could mean 6.8(1), A, B or C, and they're totally different. OK, so can you explain which one it is first? A, B or C? And then can you explain the reason? The relevance to A, B or C in the item. Would you like to take that on notice?

The Acting Chief Executive Officer provided the following response:

Thank you. Through the Mayor, the reference to section 6.8(1) is that funds cannot be expended unless authorised in advance that aren't already within the budget, I believe that is part C 'unless authorised in advance'.

The Acting Chief Executive Officer provided the following **further** response to this question:

Local Government Act 1995 Section 6.8(1)(b) is applicable to this item as the officer recommendation seeks to recognise revenue received and allocate corresponding expenditure funds to undertake works to Yandeyarra Road. The Act states "A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure.... (b) is authorised in advance by resolution...". The Town will incur expenditure associated with these works that is not funded within the current municipal budget. This report seeks authorisation to expend those funds received in advance by absolute majority to enable the road repair safety works to proceed prior to the mid-year budget review. This is considered an "additional purpose" since no expenditure estimate for these works was included within the Town's adopted budget, as per Section 6.8(1) of the Act.

Can you explain to me why the public did not receive the attachments? Because you know, as of when I left home, I checked the website and the agenda is in there, but no attachments and I remind you that under section 6.4 of the Act. and Regulation 34 that when the Council receives the agenda papers with attachments, the public receive it at the same time, so then we can have a look at it as well, and I haven't been able to review the attachments or what you're doing in the budget review or even in the item before which is the monthly payments because there's no attachments. So, can I get an explanation as to why there's no attachments and why I could not review it?

The Director Corporate Services provided the following response:

The Acting CEO apologises to the council and community that the agenda attachments were not made available as they usually would, an additional step in the publishing of the meeting agenda has since been incorporated into the process to avoid this happening again in the future.

I'm going to ask some questions about the administration misleading the Council. I want to get some answers in relation to why staff would hide complaints submitted by the public in relation to the 30th of August '23, item 12.3.1. The application for development approval for addition to single house home business for massage services at 5 Jibson Close, South Hedland. The complaint sent by email showed the

premises as being used as a brothel. The information is omitted from the officer's recommendation. What I want to know is why the Planning Department presented this item to the Council with a recommendation of planning approval, when brothels are clearly an X use in a residential area, 'X Use' means prohibited. Now I'll provide further details in public statement time and I'm sure you will take that on notice as well. Thank you.

The Director Regulatory Services provided the following response:

The Town Planning unit has not misled or withheld information from Councillors in relation to the Jibson Close massage therapy business as alleged by this question and the statement provided. Assessment of the application, including an assessment of the property by two Town Planning Officers, found no evidence of activities of a sexual nature, therefore the officer's recommendation to Council was to conditionally approve the application. Councillors received a briefing on this item prior to the Ordinary Council Meeting at which comment was made in relation to the services provided based on the objection received during the public consultation period. The objection included the same information included in the electronic correspondence provided by Mr Blanco to Councillors during question time. Within the report, the legislative and policy considerations list the Prostitution Act 2000, with an approval condition included prohibiting on any forms of prostitution at the premises. No complaints from adjoining properties have been received since the time of Council's approval. Officers from the Town have again contacted the business proprietor, inspected the premises and confirmed there is insufficient evidence to confirm activities of a sexual nature occurring as part of the business at Jibson Close. A further inspection of the property and discussion with the proprietor undertaken on Friday 29 September did not identify that any prostitution or sexual services were being provided from the premises. If Mr Blanco or any other members of the public have evidence which directly links this premises to an illegal activity or breach of the Development Approval conditions, these can be submitted to the Town's Regulatory Services Division for further investigation.

6 Public Time

Important note:

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

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

6.1 Public Question Time**6.2 Public Statement Time****6.3 Petitions / Deputations / Presentations / Submissions****7 Questions from Members without Notice****8 Announcements by Presiding Member without Discussion**

The Mayor's meetings for the month of September 2023:

DATE	MEETING DETAIL
7/09/2023	Radio chat with Ecky
8/09/2023	Citizenship Ceremony
8/09/2023	Youth Advisory Council Meet and Greet
9/09/2023	2023 Pilbara Community Services Excellence Awards
13/09/2023	NT Resources Week - Mining in the Territory Conference (day 1)
14/08/2023	Radio chat with Ecky
14/08/2023	NT Resources Week - Mining in the Territory Conference (day 2)
17/09/2023	WALGA Mayor and Presidents Forum
17/09/2023	WALGA Convention Welcome Reception
18/09/2023	WALGA Convention (Day 1)
18/09/2023	WALGA Annual General Meeting
19/09/2023	WALGA Convention (Day 2)
20/09/2023	BHP Stakeholder Engagement Group Meeting
21/09/2023	Radio chart with Ecky
21/09/2023	Port Hedland International Airport - Pre Terminal opening Dining Experience
21/09/2023	Animate! Exhibition Opening, Courthouse Gallery
22/09/2023	Port Hedland International Airport Official Terminal Opening
27/09/2023	September Ordinary Council Meeting
28/09/2023	Radio chat with Ecky

9 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting

10 Confirmation of Minutes of Previous Meeting

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on 27 September 2023 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Special Council Meeting held on 23 October 2023 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

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.

11 Reports of Committees

11.1 Audit, Risk and Compliance Committee

Nil

12 Reports of Officers

12.1 Corporate Services

12.1.1	2024 Council and Committee Meeting Schedule
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Author: Governance Officer

Authorising Officer: Director Corporate Services

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

OFFICER'S RECOMMENDATION

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

1. Approve the following Ordinary Council Meeting schedule for the 2024 calendar year;

Date	Time	Location
Wednesday, 7 February 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 28 February 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 27 March 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 24 April 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 29 May 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 26 June 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 31 July 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 28 August 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 25 September 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 30 October 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 27 November 2024	5:30pm	Civic Centre, Port Hedland
Wednesday, 11 December 2024	5:30pm	Civic Centre, Port Hedland

2. Approve the following Audit, Risk and Compliance Committee meeting schedule for the 2024 calendar year;

Date	Time	Location
Tuesday, 12 March 2024	5:30pm	Civic Centre, Port Hedland
Tuesday, 14 May 2024	5:30pm	Civic Centre, Port Hedland
Tuesday, 13 August 2024	5:30pm	Civic Centre, Port Hedland
Tuesday, 26 November 2024	5:30pm	Civic Centre, Port Hedland

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

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the approval of the proposed meeting schedules for the 2024 calendar year, to be advertised in accordance with legislative requirements.

DETAIL

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

2024 Ordinary Council Meeting Schedule

At the Ordinary Council Meeting held on 23 November 2022, Council determined its meeting dates for 2023 and will now need to consider meeting dates for the next calendar year in accordance with legislation.

It is proposed that Council continue holding Ordinary Council Meetings on the last Wednesday of each month at 5:30pm in Council Chambers for the 2024 calendar year, with amendments to the schedule as follows:

- There is no Council Meeting in January 2023 due to the Christmas break and school holidays, therefore two Council Meetings are proposed in February 2024;
- Hold the December Council Meeting on 11 December 2024, due to the Christmas break and school holidays;

The live streaming of all Council meetings will continue throughout 2024, to allow the public that are unable to attend the meetings in person the opportunity to view the meeting in real time. School holidays and public holidays have also been considered in the preparation of the proposed 2024 schedule.

Council currently holds a 2-hour agenda feedback session one week prior to each Council Meeting. It is proposed that this practice continue in 2024 as this provides an opportunity for Elected Members to seek clarification on reports in the agenda and ask any questions, they may have relating to matters contained in the agenda.

2024 Audit, Risk and Compliance Committee Meeting Schedule

The proposed schedule for 2024 remains on a quarterly basis, with the first meeting of the year to be held on 12 March 2024.

The ARC Committee currently holds a 1-hour agenda feedback session one week prior to each ARC Committee Meeting. It is proposed that this practice continue in 2024 as this provides an opportunity for Committee members to seek clarification on reports in the agenda or ask any questions they may have relating to matters of audit, risk, compliance or finance.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team
- Strategic Leadership Team
- Audit, Risk & Compliance Advisor

External Agencies

Nil

Community

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

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

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

Section 6.6 of the Audit, Risk and Compliance Committee Terms of Reference states that a meeting schedule is to be developed that includes the dates and location for the forthcoming year.

FINANCIAL AND RESOURCE IMPLICATIONS

There will be an approximate cost of \$115 associated with local public notice of the 2024 meeting schedule.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Community:

1.2.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction.

1.2.5 Opportunities to get involved and results of engagement are regularly promoted.

1.3.4 The Town's program of events and activities is promoted locally, regionally and nationally.

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

4.2.4 Constructive forums are facilitated for discussion and the representation of the diversity of community 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.

Access and Inclusion

The following outcomes of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 3 – Accessible Information
- Outcome 5 – Opportunities for Feedback

Corporate Business Plan

The following services of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

Council Support - Provide high standards of professional support and expert advice to the Council.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Council do not adopt proposed meeting schedule and risk not meeting deadlines for public notice, as well as best practice of governance
Effect (Consequence)	Inadequate information relating to schedule of 2024 meeting framework to public, elected members and staff, affecting the administration of meetings, personal commitments and lack transparency.
Risk Treatment	Council adopt the 2024 Council and Committee Meeting Schedules
<p>There is an Operational, risk associated with this item caused by lack of sufficient notice to members of the public, elected members and the administration, resulting in a loss of trust and transparency of the council's intent to meet to deliberate on important matters effecting the community and Town’s operations.</p> <p>The risk rating is considered to be Low (3) which is determined by a likelihood of Rare (1) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the adoption of the officers recommendation.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

Council and committee meetings for the succeeding calendar year must be set by the Council and advertised according to legislation. Advertising via local public notice and on the Town's official website of the approved dates, times and locations of the proposed 2024 meeting schedules, will ensure that the community are aware and given the opportunity to prepare for and participate in council meetings. The meeting schedules will also ensure that the Town adheres to auditing and compliance deadlines.

ATTACHMENTS

Nil

12.1.2	Appointment of Councillors to the Town of Port Hedland's Audit, Risk and Compliance Committee
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Author: Executive Assistant to the CEO & Mayor
Authorising Officer: Manager Governance
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council:

- 1. Retain the Audit, Risk and Compliance Committee Terms of Reference, as per Attachment 1; and**
- 2. Appoint three (3) Elected Members of Council to become members of the Audit, Risk and Compliance Committee**

- _____
- _____
- _____

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider nominating and appointing members to the Audit, Risk and Compliance Committee following the determination of the Ordinary Local Government Election, held on 21 October 2023.

DETAIL

The Audit, Risk and Compliance Committee is appointed by the Council of the Town of Port Hedland (Town) in accordance with Part 7 of the *Local Government Act 1995*. Following the determination of the Ordinary Local Government Election, on 21 October 2023, the representation of Council to this Committee will be anew.

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

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

LEVEL OF SIGNIFICANCE

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

- it does not meet any criteria in the Town's policy 4/006 'Significant Decision Making' which deems it significant.

CONSULTATION

Internal

- Executive Leadership Team
- Audit, Risk and Insurance Advisor
- Manager Governance

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

FINANCIAL AND RESOURCE IMPLICATIONS

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

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

4.2.4 Constructive forums are facilitated for discussion and the representation of the diversity of community 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.

Access and Inclusion

The following outcome of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 3 – Accessible Information

Corporate Business Plan

The following services of the Town's Corporate Business Plan 2023-2027 apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Not retaining the current ARC ToR
Effect (Consequence)	Failure to promote good governance, compliance, transparency and accountability
Risk Treatment	Adopt the Officer's Recommendation
<p>There is an Operational, risk associated with this item caused by not retaining the current ARC ToR, leading to failure to provide good governance, compliance, transparency and accountability.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the adoption of the Officer's Recommendation.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

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

ATTACHMENTS

1. Adopted Terms of Reference Sept 2022 [**12.1.2.1** - 7 pages]

12.1.3	CEO Performance Review Committee review Terms of Reference and appointment to Committee
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Author: Executive Assistant to the CEO & Mayor
Authorising Officer: Executive Manager Human Resources
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council:

- 1. Adopt the amended Terms of Reference for the CEO Performance Review Committee outlined in Attachment 1; and**
- 2. Note that the CEO has been consulted and feedback considered in relation to the amended Terms of Reference; and**
- 3. Appoint the following Elected Members to the CEO Performance Review Committee:**
 - **Mayor**
 - **Councillor** _____
 - **Councillor** _____
 - **Councillor** _____

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for the Council to adopt the amended Terms of Reference for the CEO Performance Review Committee, requested in Council Decision CM202324/130 at the 27 September 2023 Ordinary Meeting of the Council and to appoint four (4) Elected Members to sit on the Committee.

DETAIL

At the Ordinary Council Meeting on 27th September 2023 Council resolved the following:

1. Note the independent review of CEO Performance Review Working Group Terms of Reference; and
2. Request the CEO meet with Council to discuss the independent review and Draft Terms of Reference required under regulation 16 Local Government (Administration) Regulations 1996; and
3. Refer the agreed Terms of Reference to the next ordinary Council meeting on 1 November 2023 for consideration

The independent review of the ToR was conducted by the same consultant who was appointed to conduct the CEO performance review, Natalie Lincolne of Price Consulting. Natalie contacted each Councillor via email on 15 September 2023 to seek their input and provide comment on the ToR.

Natalie subsequently facilitated a workshop with the Council at the 20 September 2023 Agenda Feedback Session, with The Mayor and Crs Eckhart, Christensen, Gillingham and Bennett in attendance. The independent review and draft terms of reference was submitted to the 27 September Ordinary Council meeting (Attachment 2).

CEO, Carl Askew met with Council regarding the amended Terms of Reference at the Agenda Feedback Session on 25 October 2023. At that meeting the amended Terms of Reference was discussed and agreed between Council and CEO, with the following amendments:

- Amend section 3 to include the following new definition: *“Administrative Support includes using these Terms of Reference as the scope to schedule Committee meetings, coordinate agendas and minutes, provide advice on processes, request quotes from suitably qualified consultants to undertake the review, facilitate procurement of approved consultants”.*
- Amend section 4 to include *“Undertake quarterly informal reviews of performance against the endorsed performance criteria between each annual review and recommend any updates that may be required to the performance criteria”.*
- Amend section 5.1 to include *“The Committee shall consist of the Mayor and three (3) elected members. All Committee members will be required to complete appropriate training in undertaking CEO performance reviews”.*
- Amend section 5.2 to include *“A quorum will be two (2) members and for the sake of clarity this does not include an independent observer appointed in accordance with 5.2 or the independent consultant appointed in accordance with 5.3. Administrative support for the Committee will be provided by the Executive Manager Human Resources” .*
- Amend section 7.4.1 to include *“overseeing and facilitating the conduct of meetings in accordance with the Act and the Town of Port Hedland Standing Orders Local Law”.*
- Update section 12 to show a two-year timetable in line with the local government election cycle. The proposed timetable will form an annexure to the Terms of Reference.

LEVEL OF SIGNIFICANCE

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

- Exception - There is a need for confidentiality or commercial sensitivity.

CONSULTATION

Internal

- Elected Members were provided the opportunity to give feedback by email and in a workshop at the 20 September 2023 Agenda Feedback Session.
- CEO
- Manager Governance
- Executive Manager Human Resources

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Administration) Regulations 1996

Schedule 2 – Model Standards of CEO recruitment, performance and termination

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

FINANCIAL AND RESOURCE IMPLICATIONS

Appointment of independent external facilitator Natalie Lincolne from Price Consulting Group at a cost of \$2750.00 including GST.

STRATEGIC SUSTAINABILITY IMPLICATIONS

All aspects of the Town’s Strategic Community Plan 2022-2032 are applicable to the employment of the CEO.

Access and Inclusion

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

All aspects of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	Not appropriately consulting with the CEO under regulation 16 Local Government (Administration) Regulations 1996.
Effect (Consequence)	Non-compliance would require reporting to the DLGSC and may have associated employment law consequences.
Risk Treatment	Apply due process by referring matter to the CEO Performance Working Group for consultation with the CEO.
<p>There is a Strategic, risk associated with this item caused by compliance The risk rating is considered to be High (12) which is determined by a likelihood of Likely (4) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by the adherence to the governance process recommended in this report.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

This report presents the amended Terms of Reference for the CEO Performance Review Committee, requested in Council Decision CM202324/130 at the 27 September Ordinary Council Meeting. Appointment of Elected Members to the Committee is essential to enable the Committee to hold its first meeting before the end of 2023.

ATTACHMENTS

1. Att 1 - To PH CEO Performance Review Committee Proposed TOR FINAL Tracked Changes [**12.1.3.1** - 9 pages]
2. Att 2 - To PH CEO Performance Review Committee Proposed TOR - FINAL clean version [**12.1.3.2** - 8 pages]

12.1.4 Statement of Financial Activity 31 July 2023

Author: Senior Financial Accountant

Authorising Officer: Director Corporate Services

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

OFFICER’S RECOMMENDATION 1

Item was deferred from 30 August 2023 Ordinary Council Meeting

That Council:

1. Receive the statement of Financial Activity for the period ended 31 July 2023, as shown in attachment 1;
2. Receive the Material Variance Report, as shown at note 2 of attachment 1;
3. Note the Accounts paid under delegated authority for the period ended 31 July 2023, as shown at attachment 2;
4. Receive the Purchasing Card statements for the period ending 31 July 2023, as shown in attachments 3 and 4; and

SIMPLE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION 2

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council:

1. Pursuant to section 6.8 (1)(b) of the Local Government Act 1995 authorise the Town of Port Hedland 2023 – 2024 Annual Budget be amended as follows:

Account	Description	Current Budget	Proposed Change	Proposed Amendment
300028	Yandeyarra Rd Reinstatement	\$0	\$1,382,878	\$1,382,878
New	Yandeyarra Rd DRFA – WA Grant	\$0	\$(1,382,878)	\$(1,382,878)
		Net	\$0	

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to receive the Statement of Financial Activity for the period ended 31 July 2023. Supplementary information is also presented to provide further information regarding the Town's activities.

Further, to authorise a budget amendment for Disaster Recovery Funding Arrangements Western Australia (DRFAWA).

DETAIL

The information provided in this report is for the period ended 31 July 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-15 prepared by the Town of Port Hedland (the "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 2023/2024 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

- 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 surplus of \$5.37M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 July 2023 is a surplus of \$72.62M. This is subject to further year-end adjustments and review, ahead of external audit and confirmation. The majority of the surplus represents rates revenue since levied in full.

The breakdown of the cash position is displayed below:

2023/23 Actuals

Current Assets: Cash and Investments	\$175.10M
Restricted Cash – Reserves	\$172.04M
Unrestricted Cash Position as at 31 July 2023	\$ 3.06M

Budget Amendment

The tropical low and associated flooding event 28 January – 8 February 2021 caused damage in several locations along the length of the unsealed Yandeyarra Road. Town staff have liaised with the Department of Fire and Emergency Services (DFES) for DRFAWA funding to reinstate approximately 38 kilometres of damaged sections of road which has been approved for the projected cost of \$1,382,877. A project contingency is available to be claimed should the project costs exceed this amount.

The budget amendment is required to recognise additional income and associated matched expenditure with a nil impact, into the current years budget, being:

Item	Description	Amount
Revenue	DRFAWA Grant	\$ 1,382,877
Expenditure	Roadworks - Yandeyarra	\$(1,382,877)
	Net	\$0

Purchasing Cards

Effective September 2013 amendments to the Local Government (Financial Management) Regulation 1996 requiring a list of payments made by Local Government employees using purchase cards, by definition, now includes fuel cards. The transaction date, amount of the payment, the payee's name and sufficient information to identify the payment is now also included as attachment 4.

LEVEL OF SIGNIFICANCE

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

- The proposal or decision is not of a nature or significance that requires engagement.

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Department of Fire and Emergency Services

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.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*.

Section 6.8 of the *Local Government Act 1995* details that expenditure from municipal fund not included in the annual budget is not to be incurred except where:

- 1.(b) is authorised in advance by resolution*

**Absolute Majority Required*

FINANCE AND RESOURCE IMPLICATIONS

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

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

Reserves:

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

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following section of the Town’s Strategic Community Plan 2022-2032 is applicable in the consideration of this item:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

Access and Inclusion

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

The following service of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Nil

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial

Cause	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2022/23 financial year.
Effect (Consequence)	Could impact on the Town's ability to meet service levels or asset renewal funding requirements.
Risk Treatment	The Town's financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
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

The opening funding surplus of \$5.37M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2023. The net current funding position is \$72.62M.

ATTACHMENTS

1. July 2023 MFS - Latest version [**12.1.4.1** - 10 pages]
2. Finance - List of Payments vs 2 - July 2023 [**12.1.4.2** - 42 pages]
3. July 23 Fuel Card Details [**12.1.4.3** - 4 pages]
4. Credit Cards July 2023 [**12.1.4.4** - 21 pages]

12.1.5 2023-2024 Budget Restatement of Comparative Actuals

Author: Director Corporate Services

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council:

- 1. Adopts the 2023-2024 Annual Budget restatement of comparative 2022-2023 actuals; and**
- 2. Pursuant to s6.8 of the *Local Government Act 1995* amends the Town of Port Hedland's Annual Budget 2023-24 financial activity statements included as Appendix 1.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and adopt an amendment to the Town of Port Hedland 2023-24 Annual Budget financial statements.

DETAIL

The Town's 2023-24 Annual Budget was adopted by Council at the 27 July 2023 Ordinary Council Meeting.

Subsequent review has identified the need for improved disclosure, through;

- Revised 2022-23 estimates
 - Forecast surplus
 - Reserve transfer
- Reclassified comparative 2022-23 actual estimates
 - Unspent capital project carry forward
- Amend supporting notes;
 - Note 3 Net Current Assets
 - Note 4 Reconciliation of Cash
 - Note 8 Reserves

These amendments to the 2023-2024 Annual Budget financial statements have no material impact, in restating the \$10.9M unspent capital projects carry forward as previously recognised as a single line-item amount on the Statement of Financial Activity.

To achieve this, in the revised statements, amendments were made to the estimated actuals for 2022-2023 for Strategic Reserve transfer being \$5.68 million of grant funded projects. Plus recognising Contract liabilities of unspent grants of \$5.26 million.

This restatement of carry forwards and associated funding sources, flows through the notes supporting the annual budget financial statements. There were no changes or amendments made to the 2023-2024 capital works or operating revenue budget amounts, although a minor \$17,000 adjustment to operating expenditure materials and contracts.

The amount of the budget deficiency to be made up through rates remains unchanged at \$68,058,059 unaffacting the adopted rates in the dollar amounts.

LEVEL OF SIGNIFICANCE

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

- Exception - 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

- Manager Financial Services
- Elected members workshop 13 September 2023

External Agencies

- Moore Australia

LEGISLATION AND POLICY CONSIDERATIONS

- Local Government Act 1995 - Part 6 - Financial management s6.2 - Local government to prepare annual budget.
- Local Government (Financial Management) Regulations 1996

Previous financial year figures to be shown for comparison

1. Net current assets at start of financial year to be shown

- 2. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

FINANCIAL AND RESOURCE IMPLICATIONS

Nil. This budget review maintains the 30 June 2024 forecast surplus position. Comparative 2022-2023 estimated actual amounts have been restated through amended reclassification.

The Town’s 2023-24 Annual Budget provides resourcing to achieve service delivery and capital project outcomes sought as described in the Corporate Business Pan.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following section of the Town’s Strategic Community Plan 2022-2032 is applicable in the consideration of this item:

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

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

Access and Inclusion

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

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

Our Corporate Services:

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial Compliance Reputational

Cause	There is a compliance risk associated with disclosure of financial information.
Effect (Consequence)	Could affect financial reporting.
Risk Treatment	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) 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

The amendments to the 2023-24 Annual Budget financial statements maintain the 30 June 2024 forecast surplus position without impact upon rating requirements.

ATTACHMENTS

1. Statutory- Budget-v 11 [12.1.5.1 - 9 pages]

12.1.6 Statement of Financial Activity 31 August 2023

Author: Senior Financial Accountant

Authorising Officer: Director Corporate Services

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

OFFICER’S RECOMMENDATION 1

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council:

- 1. Receive the statement of Financial Activity for the period ended 31 August 2023, as shown in attachment 1;**
- 2. Receive the Material Variance Report, as shown at note 2 of attachment 1;**
- 3. Note the Accounts paid under delegated authority for the period ended 31 August 2023, as shown at attachment 2;**
- 4. Receive the Purchasing Card statements for the period ending 31 August 2023, as shown in attachments 3 and 4.**

SIMPLE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION 2

Item was deferred from 30 August 2023 Ordinary Council Meeting

That Council:

- 1. Pursuant to section 6.8 (1)(b) of the Local Government Act 1995 authorise the Town of Port Hedland 2023 – 2024 Annual Budget be amended as follows:**

Account	Description	Current Budget	Proposed Change	Proposed Amendment
10054	South Hedland Aquatic Centre	\$505,000	\$200,000	\$705,000
Surplus	2023-24 Surplus	\$202,817	\$(200,000)	\$2,817
		Net	\$0	

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to receive the Statement of Financial Activity for the period ended 31 August 2023. Supplementary information is also presented to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 August 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-15 prepared by the Town of Port Hedland (the "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 2023/2024 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

- 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 surplus of \$5.37M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 August 2023 is a surplus of \$67.45M. This is subject to further year-end adjustments and review, ahead of external audit and confirmation. The majority of the surplus represents rates revenue since levied in full.

The breakdown of the cash position is displayed below:

2023/24 Actuals	
Current Assets: Cash and Investments	\$198.12M
Restricted Cash – Reserves	\$172.04M
Unrestricted Cash Position as at 31 August 2023	\$ 26.08M

Budget Amendment

South Hedland Aquatic Centre (SHAC) Refurbishment Project

In 2022/2023 Council endorsed \$505,000 for the replacement of the leisure pool liner which when completed, failed leak testing upon commissioning of the facility. Investigations determined further significant repairs were required to the inground pipework. A further \$585,000 was allocated in the 2023/2024 annual budget. In commencing the pipework repairs, substantial undocumented asbestos pipe material was discovered, along with further compromised pipework requiring replacement outside of the existing scope. Delamination and damage to lap pool liner, primarily caused by water and entrapped moisture between the pool shell and liner, is also

needing to be patched to minimise further damage. Due to these additional and unforeseen requirements which were not originally part of the project scope and schedule, there has been an impact on the current project budget and delivery timeline. As a result, the new project completion date is now expected to be at the beginning of December 2023 requiring a further \$200,000 allocation. The budget amendment is required is as follows, reducing the year end forecast surface:

Account	Description	Current Budget	Proposed Change	Proposed Amendment
10054	South Hedland Aquatic Centre	\$505,000	\$200,000	\$705,000
Surplus	2023-24 Surplus	\$202,817	\$(200,000)	\$2,817
		Net	\$0	

LEVEL OF SIGNIFICANCE

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

- The proposal or decision is not of a nature or significance that requires engagement.

CONSULTATION

Internal

- *All consultation and engagement is conducted internally.*

External Agencies

- *Department of Fire and Emergency Services*

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.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*.

Section 6.8 of the *Local Government Act 1995* details that expenditure from municipal fund not included in the annual budget is not to be incurred except where:

- 1.(b) is authorised in advance by resolution*

**Absolute Majority Required*

FINANCE AND RESOURCE IMPLICATIONS

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

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

Reserves:

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

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2022-2032 is applicable in the consideration of this item:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

Access and Inclusion

The following outcome of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

The following service of the Town's Corporate Business Plan 2023-2027 apply in relation to this item:

Nil

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/24 financial year.
Effect (Consequence)	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
Risk Treatment	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
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

The opening funding surplus of \$5.37M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2023. The net current funding position is \$67.45M.

ATTACHMENTS

1. August 2023 MFS v 3 [**12.1.6.1** - 10 pages]
2. Finance - List of Payments - August 2023 [**12.1.6.2** - 35 pages]
3. Credit Cards Aug 2023 [**12.1.6.3** - 23 pages]
4. Recharge fuel card - August 2023 [**12.1.6.4** - 4 pages]

12.2 Community Services

12.2.1	Town of Port Hedland Access and Inclusion Plan FY22/23 Progress Report
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Author: Community Engagement Officer

Authorising Officer: Director Community Services

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

OFFICER’S RECOMMENDATION

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council receive and note the Town of Port Hedland Access and Inclusion Plan FY22/23 Progress Report as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to note the Town of Port Hedland Access and Inclusion Plan FY22/23 Progress Report. The report details progress made by the Town regarding initiatives outlined in both the *ToPH Disability Access and Inclusion Plan 2017-2022* and *ToPH Access and Inclusion Plan 2023-2026*. The annual report has been submitted to the Department of Communities as required under the Disability Services Act 1993.

DETAIL

All public authorities in Western Australia are required under the *Disability Services Act (1993)* to develop, implement, review and report on an Access and Inclusion Plan. The requirements of an Access and Inclusion Plan are to ensure that people with a disability can access services, facilities, buildings, employment, complaints processes, services and information provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

The Town knows that accessibility and inclusion is important to and affects the whole population and our visitors. Therefore, all areas of our community should be considered. Some of the highlights of the Town’s progress in FY22/23 include:

- Progress on ToPH ‘Quiet Zone’ Sensory Tent Activations
- Provide financial support from the Town’s Community Grants Program to the Hedland community groups with a high focus on access and inclusion including

Port Hedland Lesbian, Allies, Gays Scene (PHLAGS+) and Royal Life Saving Society WA .

- Completion of Stage2 of the JD Hardie Youth & Community Centre infrastructure project increasing external accessibility
- Introduction of community programs aimed at supporting neurodiverse individuals including 'Horsing Around' and 'Autism with Horses.
- Progress of the Wilson Street Shared pathway project
- Improvements in ToPH information accessibility and website updates
- Roll out of the 2023 Community Perception Survey which provides an opportunity for members of the public to share their needs and provide feedback on the Town's services, facilities, and programs.
- Introduction of Early Intervention Physiotherapy & R U OK ambassadors to support Town employees
- Improved community consultation under the banner of the 'Hedland Huddle', hosting and facilitating a range of community conversations to inform Town Strategic Plans, including the development of the Access and Inclusion Plan 2023-2026 and the Town's Strategic Community Plan 2022-2032
- Increased consultation with the WA Country Health Services (WACHS) Disability Access and inclusion Plan Pilbara Sub-Committee and with People with Disabilities WA (PWDWA).

The ToPH is committed to building an inclusive community where people of all ages, abilities and backgrounds can participate in and contribute to our diverse community. The review of the progress of initiatives in both the ToPH *DAIP 2017-2022* and ToPH's *Access and Inclusion Plan 2023-2026* included community engagement, connecting with people with disability, families and carers, peak bodies, service providers, businesses, and the broader community.

The feedback received by the ToPH identified current barriers to the participation and inclusion of people in our community. This information is valuable in assisting with the reporting on Hedland community priorities including:

- Accessible and socially inclusive events
- New and redevelopment works providing access to people of all abilities
- Provision of accessible streetscapes
- Increased care facilities
- All ToPH websites, social media channels and publications are accessible to people of all abilities
- Improve community awareness of social and cultural inclusion
- Investigate and implement ways of encouraging and supporting access and inclusion in the community.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this report is considered to be of medium significance, because it details progress the Town has made in access and inclusion matters that affect a wide range of people who reside in Hedland.

CONSULTATION

Internal

- The Town's Community Engagement Officer has worked collaboratively with other departments in the Town seeking feedback on how the initiatives identified in the Access and Inclusion Plan have been progressed. This includes the following units;
 - Public Affairs
 - Events
 - Leisure
 - Environmental Health
 - Youth and Community Development
 - Infrastructure
 - Human resources
 - Governance

External Agencies

- Department of Communities

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

All public authorities in Western Australia are required under Part 5, sections 27-29C of the Disability Services Act (1993) to develop, implement, review and report on an Access and Inclusion Plan. Town of Port Hedland Policy 8/003 Access and Inclusion was considered in the preparation of this item.

FINANCIAL AND RESOURCE IMPLICATIONS

This following sections of the ToPH *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

- 1.2 An inclusive and involved community
- 1.3 A unique, vibrant and diverse community lifestyle
- 3.2 A safe and fit-for-purpose built environment
- 3.3 An accessible, attractive and sustainable urban environment

4.1 A global, national, state and local presence and voice

4.3 Effective delivery of services and infrastructure to meet community needs

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Community:

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.2.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse (CaLD) people are recognised and supported.

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

Environmental

Nil

Economic

Nil

Social

Ongoing compliance with the Town's Access and Inclusion Plan will provide a more accessible and inclusive community for people with disability and their families.

Access and Inclusion

The following outcomes of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation
- Outcome 7 – Employment Opportunities
- Outcome 8 – Advocate for an Increase in Inclusion

Corporate Business Plan

The following service of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Community Services:

Youth and Community Development - Provide and/ or advocate for services and activities for youth and the wider community Engagement of the community to achieve sustainable outcomes, equitable decision making, and deepen relationships and trust between organisations and community

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance Reputational
Cause	Failure to report on the progress of the Town’s Access and Inclusion Plan may be considered a breach of the Disability Services Act.
Effect (Consequence)	Non-compliance may also adversely affect the Town’s reputation
Risk Treatment	Complete progress report on the Town’s Access & Inclusion Plans ensuring legislative compliance and that the Town continues to meet the needs of people living with disability and their carers as stipulated in the Town’s Access and Inclusion Plans.
<p>There is a reputational risk associated with this item caused by non-compliance. It is imperative that the Town continues to monitor and report on the progress of it’s Access & Inclusion Plan ensuring that people with disability have the same rights as other community members to access the Town’s services and participate fully in community life.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

All public authorities in Western Australia are required under the *Disability Services Act (1993)* to develop, implement, review and report annually on an Access and Inclusion Plan.

The Town of Port Hedland Access and Inclusion Plan FY22/23 Progress Report details progress made by the Town regarding initiatives outlined in both the ToPH *Disability Access and Inclusion Plan 2017-22022* and ToPH *Access and Inclusion Plan 2023-2026*. The annual report is required by the Government of Western Australia and registered with the Department of Communities, Disability Services.

ATTACHMENTS

1. DAIP 2022 2023 Progress Report Town of Port Hedland Final [**12.2.1.1** - 17 pages]

12.2.2	Town of Port Hedland Youth Development Plan Progress Report FY22/23
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Author: Senior Youth Officer

Authorising Officer: Director Community Services

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

OFFICER'S RECOMMENDATION

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council receive and note the FY22/23 progress on achieving set initiatives in the Town of Port Hedland Youth Development Plan 2022-2025 as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to note the progress achieved for FY22/23 on the *Town of Port Hedland's Youth Development Plan 2022/2025*.

DETAIL

This report outlines the progress that has been made since the endorsement of the *Town of Port Hedland's Youth Development Plan 2022-2025* on 27 April 2022.

The Plan provides the recommended vision, guiding principles and practical directions and success outcomes required for the community of Hedland, including its local government, to best support young people to *'feel included, supported, empowered and inspired'*.

Specifically, the plan seeks to:

- Summarise the current realities for young women and men in Hedland including their demographics, issues, challenges, opportunities and supports
- Express the aspirations and ideas of Hedland young people and workers with youth in terms of meaningful outcomes
- Provide a framework for guiding youth development activity in the Hedland community
- Specify a set of recommended priority strategic objectives and key initiatives for the next three years.
- Identify specific community outcomes and impact measures

The Youth Development Plan 2022-2025 is not designed to be prescriptive – it is designed to be responsive to a dynamic and changing environment that characterises Hedland.

The attached Youth Development Action Plan FY22/23 reports on actions and outcomes achieved against the five priority themes as identified below:

- Priority Theme 1: Connecting and Engaging
- Priority Theme 2: Learning and Earning
- Priority Theme 3: Activating Places and Spaces
- Priority Theme 4: Leading and Creating
- Priority Theme 5: Collaborating and Networking

Major achievements for the FY22/23 include:

- Successful establishment of a Town of Port Hedland Youth Advisory Council
- Increase of approximately 40,000 visits to the JD Hardie Youth and Community Hub
- Increased delivery of low-cost and free youth activities collaboratively delivered throughout the year across multiple spaces and places in Hedland. Programs include SLAM, Fair Game, Southside Skate, Learn to Skate, Girls Crew, Boys Crew, Teen Cuisine, Freestyle Football, Bringing Wise Street to Life, and the Hedland Street Arts Festival
- Successful development of collaborative evening youth diversionary recreational programs, providing safe spaces for young people to engage, and positively contribute to community life in Hedland
- Co-designed 'Hedland Says No to Family Violence' campaign
- Increased awareness and access to Mental Health Services
- Increased access to training and development opportunities that support employment pathways including community coaching, referee, and leadership courses
- Increased programs that enhance work awareness and readiness including the delivery of Red Dirt Robotics, youth leadership opportunities embedded within SLAM, Southside Skate and Freestyle Football in partnership with Royal Life Saving Society Western Australia
- Increased collaboration with Aboriginal and Torres Strait Islander organisations and community when developing implementing and evaluating youth programs including NAIDOC Week celebrations and the *Celebration of Culture* as part of Youth Week 2023 with approximately 300 community members in attendance
- Expanded opportunities for young people to engage in leadership development opportunities including Leeuwin Ocean Adventures and participation in Reconciliation Week Community Breakfast

It should be noted that there are no actions which did not meet the timeframe, with the remainder of actions being those which have commenced and or extended over several years.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance because it addresses action achieved against a plan that involves the Hedland community.

CONSULTATION

Internal

- The Youth Development Team has worked with other relevant business units to provide progress reporting to the Council on the achievements against the Youth Development Action Plan Progress Report FY22/23.

External Agencies

- The Youth Development Team has provided opportunities for youth services to provide input to the Youth Development Action Plan Progress Report FY 22-23

Community

- NIL

LEGISLATION AND POLICY CONSIDERATIONS

All WA local governments are required to plan for future through adoption of strategic documentation under the Intergrated Planning and Reporting Framework (IPRF).

This Youth Development Plan can be considered as an important supporting document to the Town's Strategic Plans.

FINANCIAL AND RESOURCE IMPLICATIONS

All costs associated with the implementation of The Plan were approved in the operational budget for the Youth Development Team FY22-23.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Community:

1.1.3 Youth services and facilities are implemented with regular input from youth and providers.

1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced.

1.1.5 Agencies and the community are fully engaged reducing anti-social behaviours and improve community safety

1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.

1.2.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse (CaLD) people are recognised and supported.

1.2.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction.

1.2.5 Opportunities to get involved and results of engagement are regularly promoted.

1.3.1 The community, industry, arts and cultural organisations are engaged in identifying, planning and coordinating events and activities.

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

1.3.3 Partnerships with industry and government to support events and activities are enhanced.

1.3.4 The Town's program of events and activities is promoted locally, regionally and nationally.

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

1.4.4 Community services and facilities are well promoted

Our Leadership:

4.1.3 A positive town narrative and a unique brand is developed and promoted.

4.3.1 High-quality and responsive customer service is provided.

Access and Inclusion

The following outcomes of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation
- Outcome 8 – Advocate for an Increase in Inclusion

Corporate Business Plan

The following service of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Community Services:

Recreation Leisure Facilities and Programs - Provide and promote, with key stakeholders recreation and sporting activities for healthy lifestyles

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	If the Youth Development Plan is not effectively implemented and regularly reported on, this may result in increased youth disengagement and negatively impact the future of young people living in Hedland and the wider community.
Effect (Consequence)	Non-compliance with this strategic document may have a negative impact on young people living in Hedland and the Town’s reputation.
Risk Treatment	Effective implementation and reporting of the Youth Development Plan 2022-2025.
<p>There is an Operational risk associated with this item as if The Plan is not implemented and reported effectively, this may result in unmet needs of young people living in Hedland.</p> <p>The risk rating is considered to be Medium (5) which is determined by a likelihood of Likely (4) and a consequence of Moderate (3).</p> <p>This risk will be mitigated or reduced by the continued implementation and progress reporting of the Town of Port Hedland Youth Development Plan 2022-2025.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland Youth Development Plan 2022-2025 is a strategic planning document providing recommended vision, guiding principles and practical directions and success outcomes required for the community of Hedland including its local government to best support young people to *‘feel included, supported, empowered and inspired’*.

ATTACHMENTS

1. Youth Development Plan Progress Report Final F Y 22-23 [**12.2.2.1** - 8 pages]

12.3 Regulatory Services

12.3.1	CSRFF Grant Application
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Author: Senior Economic Development Officer
Authorising Officer: Manager Planning & Economic Development
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council endorse the submission of two Forward Planning Grant funding applications to the Department of Local Government, Sport and Cultural Industries via its Community Sporting and Recreation Facilities Fund as follows:

Applicant	Project	Ranking
Town of Port Hedland	SHISH – Stage 1A	1
Town of Port Hedland	SHISH – Stage 1B	1

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the application of funding for the South Hedland Integrated Sports Hub (SHISH) Stage 1A and 1B, up to the maximum grant value of \$2,500,000. This project is essential in progressing the implementation of the South Hedland Sports and Arts Precinct.

Stage 1A and 1B consists of:

- Stage 1A: Premier floodlit sports and event oval, landscaping and services, a new precinct entry road.
- Stage 1B: Construction of a Multipurpose Community Sports Pavilion (950m2).

It will deliver targeted community infrastructure to improve amenity and lifestyle, address existing deficiencies, provide for more functional and flexible uses, and support the operations and development of co-located sports clubs, community groups and the wider community.

DETAIL

The Department of Local Government, Sport and Cultural Industries facilitates a state-wide funding program called the Community Sporting and Recreation Facilities Fund (CSRFF). The purpose of the program is to provide financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation with the aim to maintain or increase participation in sport and recreation.

There are two funding streams available under the CSRFF

- CSRFF Small grants – for projects between \$7,500 and \$500,000. Minimum funding available is \$2,500. Maximum funding available is \$200,000.
- Forward planning grant – for projects between \$500,001 and over. Minimum funding available is \$166,667. Maximum funding available is \$2,500,000.

There is no guarantee that the full requested amount would be funded, and any shortfall would need to be funded by the applicant. There is no obligation on a local government to make a financial contribution to the project, however, a contribution from all stakeholders (which may include local government, state sporting associations and user clubs) in a project that meets local and sporting needs is viewed more favorably.

Stage 1A

Stage 1A consists of:

- redevelopment of Kevin Scott Oval in an alternate location. The relocated oval will be positioned to enable the resident clubs and users access the oval and the adjacent pavilion (Stage 1B) directly from a new access road and realignment of the existing Hudson Road. It will accommodate a range of sports, will have suitable lighting for large and small ball sports and be suitable for senior and junior games.
- new vehicular entry and road realignment and new access from the main road. This will create the space required for future stages of the master plan implementation whilst reducing congestion currently experienced when various precinct activities are occurring at the same time. The increased space will accommodate improved vehicular access, improved car parking and the provision of landscaped formal and informal recreation opportunities, and shared path installation.
- landscaping, including shaded spectator viewing for the oval, fitness loop and fitness equipment stations, a play space, and utilisation of the existing trees with additional planting to create shaded recreation and viewing spaces.

Stage 1B

Stage 1B consists of the construction of a new multi-user sports pavilion that includes:

- Clubroom, dividable into two spaces, with viewing to two active playing surfaces.

- Change rooms x 4 (with ability to combine via a separating roller door to enable use as 2 larger change rooms). The change rooms are universal in design and can be utilised for all gender use and competition.
- Club storage areas x 9. Individually accessible and lockable, each with roller doors for ease of access.
- First Aid Room
- Umpires Change. Non gender specific. Privacy is provided for users through separate, self-contained, shower and toilet cubicles.
- Club administration area/competition office – Multiuser office space to accommodate administration office and storage area for multiple sports and community groups with lockable cabinetry for each user.
- Large kitchen suitable for food preparation, designed with a servery to the club room and both ovals. Cool room and dry storage.
- Public toilets.
- One Universal Access toilet & change rooms are positioned on each side of the building for ease of access.
- Staff toilet, internal.
- Other amenities such as cleaner's area, laundry and battery room for solar panels.
- Undercover spectator viewing is provided on both sides of the pavilion and runs the full length of the pavilion.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance due to the impact to the community.

CONSULTATION

Internal

- Manager Public Affairs
- Manager Infrastructure Projects & Assets
- Project Manager
- Senior Project Officer – Business
- Senior Public Affairs Officer

External Agencies

- Department of Local Government, Sport and Cultural Industries

Community

- Significant community engagement has been undertaken in relation to this project.

LEGISLATION AND POLICY CONSIDERATIONS

The following Town policies have been considered in relation to this item:

1/022 Risk Management

2/017 Grant Funding
4/006 Elections – Caretaker Period
4/009 Significant Decision Making

There are no identified legislative implications associated with this report.

FINANCIAL AND RESOURCE IMPLICATIONS

The SHISH Stage 1A and 1B works have been incorporated into the Town's 2022-2037 Long Term Financial Plan, with a 50% grant funding target being required. As there is no current budget allocated in this financial year for these projects, if this funding request is successful, Town Administration will be required to pursue further grant opportunities (currently underway) and/or seek Council approval to amend the budget in order to progress with the works, with 1A costing estimated at \$23,000,000 and Stage 1B estimated at \$11,000,000.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Community:

1.4.2 Facilities and community infrastructure are revitalised across the town
1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Economy:

2.1.1 Lobby State and Federal Governments and private sector for improved infrastructure investment.
2.5.3 Invest and develop key community and recreation infrastructure.

Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

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

Access and Inclusion

The following outcomes of the Town's Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities

Corporate Business Plan

The following services of the Town's Corporate Business Plan 2023-2027 apply in relation to this item:

Our Community Services:

Recreation Leisure Facilities and Programs - Provide and promote, with key stakeholders recreation and sporting activities for healthy life styles

Club Development - To assist sporting and recreation clubs and organisations to develop and thrive in the local Hedland community

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item caused by Council not approving the funding submission, eliminating the chance of funding for SHISH through this current funding stream.

The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

SHISH Stage 1A and 1B is critical to enable the development of future stages. Council endorsement to apply for Community Sporting and Recreation Facilities Fund for SHISH Stage 1A and 1B will allow the Town to progress the application, in line with the guidelines for the fund. The Town is committed to sourcing government funding to progress the development of the SHISH. This application to Department of Local Government, Sport and Cultural Industries demonstrates the Town's commitment to achieving our strategic outcomes of improving our local recreational lifestyle.

ATTACHMENTS

Nil

12.3.2	Proposed Cleanaway Centre and amendments
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Author: Planner

Authorising Officer: Director Regulatory Services

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

OFFICER'S RECOMMENDATION

Item was deferred from 27 September 2023 Ordinary Council Meeting

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves Development Application (2023/118) for the purposes of Resource Recovery Centre, Transport Depot and Waste Storage Facility, on Lot 5781 on Deposited Plan 188923 subject to the following Conditions and Advice Notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland. This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.
3. The developer must submit a detailed landscaping plan on or before 30 November 2023, indicate the following to the satisfaction of the Town for approval:
 - a) the location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - b) Planting species to be consistent with the [Town of Port Hedland Preferred Planting Guide](#);
 - c) a 5-metre-wide landscape area along the full length of the street boundary, to the satisfaction of the Town of Port Hedland as follows:
 - i. Trees at: 3 per 10m² (shade trees preferred such as 'Delonix regia - Royal Poinciana' and 'Peltophorum pterocarpum – Yellow Poinciana');

- ii. Feature shrubs at 1 per 1m²; and/or Feature groundcovers and grasses at 1 per 1m²;
 - iii. Mulch to be either woodchips or river shingle, to a minimum size of 20mm, spread at a minimum depth of 100mm (Where woodchip mulch is used a perimeter barrier will be required to contain the mulch from being washed out by stormwater).
 - iv. All areas to be reticulated;
 - v. Garden bed edging to be kerbed;
- d) Shade trees provided for parking areas at a ratio of 1 per 4 car bays, throughout the parking areas except the cover bays;
- e) existing landscape areas to be retained;
- f) Any lawns to be established;
- g) Landscaping (grass/shrubs) shall be included around the wastewater treatment areas (leach drains areas).
4. The approved landscaping plan shall be implemented before 8 August 2024 and maintained thereafter to the satisfaction of the Town.
5. The developer must submit a detailed stormwater management plan in accordance with the [Town's Local Planning Policy 11](#) on or before 27 December 2023, containing the following to the satisfaction of the Town for approval:
- a) locations of any existing and proposed stormwater and wastewater treatment infrastructures;
 - b) provide for retention within the lot, a 1 in 5 year, 6-minute rainfall event;
 - c) finished floor and ground levels for the whole lot;
 - d) Details of the proposed surface treatments including cross-sections (use of gravel fines, e.g. cracker-dust is not permitted).
 - e) Cemented rock pitching shall be provided at all stormwater discharge points;
 - f) Address any upgrades required to the stormwater system, including within the Town's reserves adjoining the site; and
 - g) Ensure no excess stormwater is discharged onto neighbouring private property.
-

The plan shall be designed to the specifications of the Town. The approved stormwater management plan shall be implemented in full prior to the occupation or use of the site and shall be maintained thereafter to the satisfaction of the Town.

6. Due to the lot being within a Bushfire Prone Area, prior to the commencement of any works, the following will be required:

a) A Bushfire Attack Level (BAL) Certificate prepared by an accredited Level 1 BAL Assessor is to be submitted to the Town by 27 December 2023;

b) Subject to part (a) above, if the BAL rating is above BAL-LOW, a Bushfire Management Plan will be required;

c) Subject to part (b) above, if a Bushfire Management Plan is required and prepared, a Section 70A Notification must be placed on the title of the land, at the full cost of the applicant by the Town's Solicitors, prior to occupancy. This shall alert people to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."

7. The developer must submit a detailed Operational Management Plan on or before 8 January 2024 for approval, including but not limited to the following, to the satisfaction of the Town:

a) Facility operations including any wash down bays, fuel storage and dispensing and daily procedures;

b) Environmental impacts and management;

c) Dust and Noise management;

d) Waste Management (liquid and dry waste control);

e) Proposed 'Leachate' drain specifications and how it is managed during a storm event.

8. Prior to occupation or use of the site the approved car parking plan must be designed and implemented to the satisfaction of the Town and contain the following:

- a) **Removal of the non-standard existing car parking bays forward of the main building;**
 - b) **Provide twelve (12) new staff car parking bays as indicated on the development plans;**
 - c) **Provide twelve (12) new parking in front of the proposed office as indicated on the development plans;**
 - d) **All car parking bays and circulation areas shall be designed to a 'User class 3A' for a B99 vehicle in accordance with the Australian Standards 2890.1:2004 (as amended).**
 - e) **All bays to be sealed (concrete/asphalt), kerbed, drained and line marked;**
 - f) **Not be obstructed in any way or used for any other purpose other than parking.**
 - g) **Wheel stops to be provided where car parking bays are adjacent to any infrastructure (building), landscaping and footpath.**
 - h) **Provide one car bay in accordance with AS 2890.6 'Off-street parking for people with disabilities'.**
9. **Prior to occupation or use of the site, a new crossover must be built as indicated on the plan to the specification and satisfaction of the Town of Port Hedland (Refer to advice note 11).**
10. **Vehicle parking, loading and unloading shall occur wholly on-site. The approved parking, loading and unloading areas, shall not be obstructed in any way or used for any other purpose.**
11. **Alterations or relocations of existing infrastructure within the road reserve shall be carried out and reinstated at the landowner's cost, to the specification and satisfaction of the Town.**

Advice Notes:

1. **The approved development requires a Building Permit in accordance with the Building Act 2011 prior to the commencement of construction.**
 2. **The development will require a Demolition Permit Application for the proposed removal of structures and buildings. The applicant/developer should liaise with the Town's Planning and Development Services in this regard.**
 3. **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/landowner to obtain any other necessary approvals to commence and carry out development in accordance with all other laws.**
-

4. **Fuel storage is not permitted on the lot without the Town's approval. The landowner/occupier is advised to liaise with the Town's Planning and Development Services in this regard.**
 5. **This approval constitutes development approval only and does not obviate the responsibility of the landowner / developer to comply with all relevant building, health and engineering requirements.**
 6. **The developer is reminded of its obligations to meet provisions and requirements under the Environmental Protection (Noise) Regulations 1997.**
 7. **The developer is reminded of its obligations to meet provisions and requirements under the Environmental Protection (Unauthorized Discharges) Regulations 2004.**
 8. **It is the responsibility of the landowner / developer to search the title of the property to ascertain the presence of any title encumbrances that may apply.**
 9. **The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) be contained wholly within the lot boundaries.**
 10. **It is the responsibility of the landowner / developer to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Town of Port Hedland will take no responsibility for incorrectly located buildings.**
 11. **All the crossovers must be in accordance with the Town of Port Hedland Vehicle Crossover Policy and Specifications. The engineering drawing must be as per the policy and specifications.**
 12. **It is the responsibility of the owner/developer/occupier to be consistent with the Local Planning Policy 02 Advertising Signs regarding the signage/advertising of the business. A separate application may be required for this. The occupier of the business to liaise with the Town's Planning and Development Services in this regard.**
 13. **The Department of Water and Environmental Regulation regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process under the Environmental Protection Act 1986 and the categories of prescribed premises are outlined in the Environmental**
-

Protection Regulations 1987. It is the responsibility of the landowner / developer to ensure that these necessary approvals are obtained from DWER.

- 14. The proposed activities occur within the proclaimed Pilbara groundwater and surface water areas and are subject to licensing requirements under the *Rights in Water and Irrigation Act 1914* (RiWI). Department of Water and Environmental Regulation recommends contacting the Pilbara Water Licensing team for more information.**
- 15. The Department of Water and Environmental Regulation recommends consideration be given to the design of the building and that measures are proposed to protect the development from major flooding.**
- 16. The Department of Water and Environmental Regulation recommends considering the approved Local Water Management Strategy (Wedgefield Industrial Area) whilst designing stormwater so the development does not preclude the delivery of the strategy.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for the Council to consider an application on behalf of Cleanaway Waste Management Limited (Cleanaway) for Resource Recovery Centre, Transport Depot and Waste Storage Facility uses at Lot 5781 (No.18) Schillaman Street, Wedgefield on deposited plan 188923. The application is presented to the Council for the following reasons:

- The proposed development is on land zoned 'Light Industry' and 'Additional Use – A1 (Caretaker's Dwelling)' under the Town's Local Planning Scheme No. 7 (LPS7).
- The present application (2023/118) proposes consideration under the LPS7 and requests to amend the previously obtained approval under the *Planning and Development (Local Planning Schemes) Regulations 2015* to include a Transport Depot and Waste Storage Facility.

DETAIL

The subject site is in the older part of Wedgefield approximately 7 kilometres south of Port Hedland surrounded by land with various industrial land uses and some having additional land use rights for a caretaker's dwelling. The site is near Great Northern

Highway, which is a Primary Distributor Road providing heavy vehicle access to the Port and the rest of the State. Presently, Pinga Street (Local Distributor Road) provides the main vehicle access to the Wedgefield Industrial Area which connects Schillaman Street providing access to the subject site.



Location Plan



Aerial Photo

The following technical and supporting documents were submitted as part of the application:

1. Project Report (Planning Solutions, 2023) **(Attachment 1)**
2. Development Plans **(Attachment 1)**
3. Certificate of Title and Deposited Plan
4. Liquid and Solid Waste Storage Plan (Cleanaway, 2023) **(Attachment 1)**
5. Revised Development Plans **(Attachment 2)**

Background

The applicant has provided the following background on the proposed occupiers of the lot:

"In Port Hedland, Cleanaway runs its local and regional operations from the existing depot at Lot 990 (1) Peawah Street, Wedgefield. The existing depot is used to park and maintain Cleanaway's waste fleet vehicles, store and transport solid waste, and provide administrative functions for the local operations. Due to the upcoming lease expiry on the land for the existing facility, Cleanaway is proposing to relocate its operations and facility to the subject site."

Cleanaway is also a contractor for the Town and a service provider for the majority of the collection of recycling materials as part of the waste services provided by the Town.

Land Use

- The subject site was zoned 'Industry' under the previous Town Planning Scheme (TPS5).
- As part of the Local Planning Scheme review the lot was reclassified to 'Light Industry', 'A1 – Additional Use (Caretakers Dwelling)' under the Town's Local Planning Scheme No. 7 (LPS7) which was Gazetted on 20 January 2021. Hence.
- The Table below indicates the previous development approvals issued for the lot and an ongoing Scheme Amendment application to remove the Additional A1 – Caretaker's Dwelling land use.

Application Number	Description.	Decision	Date of Decision
2009/308	Industry General - addition of temporary workshop for abrasive blasting	Approved under TPS5	23/10/2009
2013/589	Temporary spray-painting shelter - Industry General	Approved under TPS5	10/10/2013
2023/117	Scheme Amendment request - removal of A1 Use (caretakers) - 18 Schillaman St - Amendment no. 4	N/A	Application in process

The Town’s Local Planning Strategy was endorsed on 13 May 2021, as a response to the proliferation of residential land use (caretaker’s dwelling) with heavy industrial land uses, the following was noted:

- Limitations on the establishment of heavy industrial and transport logistics within Wedgefield because of ongoing land use conflicts of caretaker dwellings and their incompatibility with heavy industrial land uses.
- As a strategy response, to recognise the previously approved legitimate caretaker dwellings in the precinct were given additional land use rights (A1 – Caretaker’s dwelling under LPS7).

In consideration of this application, the Town advised the consultant (Planning Solutions), landowner and developer to remove the existing caretaker dwelling land use under a separate Scheme Amendment application (Application ref: 2023/117) to ensure that the lot can be used for the proposed development and the intended operations of Cleanaway only and thus the removal of the residential land use component to eliminate the land use conflicts.

A Scheme Amendment process is making a change to the Local Planning Scheme. Often referred to as the term ‘rezoning’, i.e., when the zone over land changes from one to another. The Scheme consists of Scheme Maps delineating zones and reserves and the Scheme Text outlining the development controls for zoned and reserved land. A change to any of these parts is referred to as a Scheme Amendment and must follow a process governed by the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Scheme Amendment process for this subject site was initiated by the Council during August’s Council Meeting (30th August 2023) and was supported unanimously

by the Council for the amendment process to commence. The Scheme Amendment application is a separate process that is being advertised and it will not conflict with this development application for the Cleanaway's facility.

Proposal

The applicant proposes to modify the development approval issued by the Town on 9 October 2013 for the land use Industry General (spray-painting shelter) under TPS5 (DA2013/589). The applicant's proposal is as follows:

"Overall, the proposed facility will typically operate from 6am to 6pm, Monday to Saturday and accommodate a maximum of 20 staff comprising 16 drivers and four administration staff. The drivers are expected to be off-site for most of their roster undertaking waste collection services.

In addition, the following minor works are proposed;

- *Removal of the existing workshop at the rear of the subject site.*
- *Relocation of an existing structure at the rear of the existing warehouse.*
- *Relocation of an existing awning at the rear of the existing warehouse.*
- *Installation of truck wash bay along the western boundary including a 6.7 metre high steel framed structure and metal deck roof.*
- *Installation of 7.3 metre × 1.1 metre service pit within the existing warehouse used for truck maintenance purposes."*

Recycled Waste Bailing

The proposed recycled waste bailing operation will occur within the existing warehouse. Commingled recycled waste will be collected throughout the Town by Cleanaway's waste collection vehicles and transported to the facility for bailing and consolidation. The proposed operation generally comprises:

- *Delivery of the commingled recycled waste into the warehouse by the Cleanaway's waste collection vehicles.*
- *Bailing of the recycled waste through the bailing equipment located within the warehouse.*
- *The bales are transported to a regional transport company on a daily basis, which then transports the bales to Perth.*
- *The bailing operation is expected to be two hours per day.*

Fleet Parking and Maintenance

The subject site, like the existing depot on Lot 990 (1) Peawah Street, will operate as Cleanaway's local regional depot for its waste collection fleet. The facility will store a maximum of 21 waste collection trucks and two 19-metre semi-trailers. The waste collection trucks generally leave the site at 6am and return at 4pm, Monday to Saturday. The 21 trucks comprise a variety of waste collection vehicles ranging in length from 9 metres to 11 metres.

The proposed truck parking areas are located to the rear of the subject site along the western and northern boundaries. Trucks will enter the subject site via the existing 8 metre wide crossover on Schillaman Street and traverse through the site in clockwise direction. As demonstrated by the swept path analysis on the Development Plans, sufficient manoeuvring areas are provided to accommodate the waste collection trucks, semi-trailers and various parking areas.

A service pit is proposed to be installed within the warehouse to facilitate truck maintenance and repair activities. The proposed truck wash bay is located to the rear of the warehouse along the western boundary.

Waste Transferring

Cleanaway's regional operations involve receiving waste in skip bins on semi-trailers from mining sites and other industries and transferring the skip bins onto smaller trucks for transporting to the South Hedland landfill facility.

Typically, a semi-trailer will bring three skip bins at once to the subject site, once per weekday. The skip bins will be stored within the transfer area, located centrally within the subject site, and are typically transferred to the landfill within a day.

Existing Caretaker's Dwelling

The existing caretaker's dwelling, located along the eastern boundary of the subject site, is proposed to be converted into an office to support the operations. The office will typically operate 6am to 6pm, Monday to Friday.

This way, the proposal will be considered to meet the requirements of orderly and proper planning and meeting the intent of the Town's Local Planning Strategy to prevent land use conflicts within the precinct.

Planning Framework

Planning and Development (Local Planning Schemes) Regulations 2015

As per Schedule 2, Part 9, Clause 77, Amending or cancelling development approval, landowners can apply to amend a previously granted planning approval:

“An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

- a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- b) to amend or delete any condition to which the approval is subject;*
- c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- d) to cancel the approval.”*

It is noted that the proposed development will apply to (c) as above. The main reason for this provision being applied is that the proposed development will not substantially change the previously approved land use under the development approval. This proposal will involve upgrading, amending and including the intended land uses and associated refurbishments to the existing infrastructures to enable the establishment of Cleanaway's new facility on the site.

State Planning Policy 3.7 (SPP 3.7) – Planning in Bushfire Prone Areas

As per State Planning Policy 3.7: Planning in Bushfire Prone Areas, due to the lot being within a Bushfire Prone Area, a Bushfire Attack Level (BAL) Certificate prepared by an accredited Level 1 BAL Assessor is required to be submitted as part of the development application. A Bushfire Management Plan is required if the BAL rating is above BAL-LOW. The Bushfire Management Plan (BMP) is to reflect any issues arising from the BAL assessment and demonstrate compliance with the bushfire protection criteria requirements. In this case, the applicant requested that the bushfire assessments be provided at the building stage. The applicant's request can be supported because there is no big infrastructure/ buildings proposed due to the large portion of the lot being repurposed. Condition 5 of the Officer Recommendation Section should be applied if the application is supported.

State Planning Policy 4.1 (SPP 4.1) – Industrial Interface

SPP 4.1 aims to minimize and prevent issues due to the placement of incompatible land uses within close proximity to each other. The nearest 'sensitive land use' for the proposed Cleanaway facility would be the Caretaker's Dwelling on the subject site and in some of the surrounding properties. However, as part of the scheme amendment

process since the additional land use right (caretaker's dwelling) for the subject site is being removed it will mitigate the impacts on the subject site. It is not envisaged that sensitive receptors or surrounding land uses will be impacted by the proposal because, during the advertising process, the Town did not receive any comments/objections from the lots within a 200m radius.

Local Planning Scheme No. 7 (LPS7)

The subject site is zoned 'Light Industry' and 'Additional Use – A1 (Caretaker's Dwelling)' under LPS7. The zone objectives for the Light Industry as per LPS7 are as follows:

- *'To provide range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones*
- *To ensure that where any development adjoins zoned or developed residential properties, the development is suitable set back, screened or otherwise treated as not to detract from the residential amenity'*

Clause 18 Interpreting Zoning Table

(2) The symbols used in the zoning table have the following meanings -

'A' – means that use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

'I' means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;

'X' - means that the use is not permitted by this Scheme

(6) If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –

- (a) the development approval application relates to land that is being used for a non-conforming use; and*
- (b) the local government considers that the proposed use of the land would be less detrimental than the nonconforming use.*

Clause 22 Non-conforming uses

(1) Unless specifically provided, this Scheme does not prevent –

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or*
 - (b) the carrying out of development on land if -*
 - (i) before the commencement of this Scheme, the development was lawfully approved; and*
 - (ii) the approval has not expired or been cancelled.*
- (2) Subclause (1) does not apply if -*
- (a) the non-conforming use of the land is discontinued; and*
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.*
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government - the proposed use -*
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and*
 - (b) is closer to the intended purpose of the zone in which the land is situated.*

Clause 23 Changes to non-conforming use

- (1) A person must not, without development approval-*
- (a) alter or extend a non-conforming use of land; or*
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or*
 - (c) repair, rebuild, alter or extend a building used for a nonconforming use that is destroyed to the extent of 75% or more of its value; or*
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.*
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.*
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –*
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and*
 - (b) is closer to the intended purpose of the zone in which the land is situated.*

Land use Under LPS7 (Part 6 - Terms referred to in Scheme)

For the purposes of assessing and determining the application land use permissibility under the Town's LPS7 must be considered. The table below outlines the proposed land uses.

Proposed Land Use	Land Use definition under LPS7	Land Use permissibility under LPS7 within the Light Industry zone
Resource Recovery Centre	<i>means premises other than a waste disposal facility used for the recovery of resources from waste;</i>	'A' use and proposal can be considered within the zone
Transport Depot	<i>means premises used primarily for the parking or garaging of 3 or more commercial vehicles including -</i> <i>a) any ancillary maintenance or refuelling of those vehicles; and</i> <i>b) any ancillary storage of goods brought to the premises by those vehicles; and</i> <i>c) the transfer of goods or persons from one vehicle to another;</i>	'X' use is not permitted but may be considered under the non-conforming use rights of the Scheme.
Waste Storage Facility	<i>means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;</i>	'X' use is not permitted but may be considered under the non-conforming use rights of the Scheme.

Non-conforming Use

In general, non-conforming land use is a use that received development approval in the past, but due to the changes in the zoning/ local planning scheme amendment/ new local planning scheme, the approved land use is prohibited under the present planning frameworks and incapable of receiving development approval if applied for today.

The Town issued approval on 10 October 2013 for a Temporary spray-painting shelter - Industry General. However, the Town's records indicate that the land uses continued as per the 2013 approval and other prior planning and building approvals, including Industry General related land uses.

The subject application is proposing additions and modifications to the approval issued in 2013. The *Planning and Development (Local Planning Schemes) Regulations 2015* permits the application to be considered. The development is currently an 'X' use class under LPS7. As the site has approvals issued in 2013, the site has non-conforming use rights and the application can be considered.

In accordance with the LPS7 requirements:

"A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –

(a) is less detrimental to the amenity of the locality than the existing non-conforming use; and

(b) is closer to the intended purpose of the zone in which the land is situated."

The proposal does not substantially change the nature of the approved land use and Non-conforming use on site, which is heavy industry. The proposed use is not considered to be less detrimental to the amenity of the locality, however, the applicant has provided some information that there will be minimal additional impact above that which already exists.

The application was referred to the Department of Water and Environmental Regulation (DWER) for comment, A detailed response from DWER was received advising the following:

- Relevant works and licence approvals needed from DWER under the *Environmental Protection Act 1986* for the operation of the prescribed premises.
- Floodplain management relating to major river flooding events.
- Stormwater and Wastewater and consideration for the approved Local Water Management Strategy (Wedgefield Industrial Area).
- Water licensing requirements.

Condition 4 is provided in the Officer Recommendation if the application is supported to address some of the DWER's comments as well as requirements under Local Planning Framework.

Landscaping

The applicant has submitted a concept plan indicating the areas proposed to be landscaped, including removing a 12-car parking bays in front of the warehouse and provision of a 5.2 metre landscaping strip along the front boundary.

The applicant has also proposed a landscaping strip adjacent to the proposed office (existing caretaker's dwelling). It is recommended that additional verge treatments be implemented by removing the fines such as cracker-dust and including soft landscaping. Condition 3 of the Officer Recommendation section of this report is proposed to apply if the application is supported by the Council.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance. The proposal is consistent with the principles of orderly and proper planning and is aligned with the general principles and broader vision set under the Town's Local Planning Strategy and Planning framework for the area.

CONSULTATION

Internal

- Building Services
- Environmental Health Services
- Infrastructure Services (Engineering)

External Agencies

- Department of Planning, Lands and Heritage (DPLH)
- Department of Water and Environmental Regulations (DWER)
- DevelopmentWA
- Pilbara Ports Authority (PPA)

Three (3) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline and officer recommendations of this have been included in **Attachment 3** of this report.

Community

As per Schedule 2, Part 8, Clause 64, Advertising applications, since the application relates to the extension of a non-conforming use and the Resource Recovery Centre is an 'A' use within the Light Industry zone, the Town advertised the application to all the neighbouring landowners within 200m of the proposal and the Town did not receive any submissions from the community.

LEGISLATION AND POLICY CONSIDERATIONS

- *Building Act 2011*
- *Environmental Protection Act 1986*
- *Environmental Protection Regulations 1987*
- *Environmental Protection (Noise) Regulations 1997*
- *Environmental Protection (Unauthorized Discharges) Regulations 2004*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Rights in Water and Irrigation (RiWI) Act 1914*
- *Transfer of Land Act 1893*
- Town of Port Hedland Local Planning Strategy
- Town of Port Hedland Local Planning Scheme No.7
- Town of Port Hedland Local Planning Scheme No.5
- Government Sewerage Policy
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – Industrial Interface
- Local Planning Policy 11 – Stormwater Management
- 9/005 Vehicle Crossover Policy (Town of Port Hedland)

FINANCIAL AND RESOURCE IMPLICATIONS

The Town received a development application fee of \$800.00 from the applicant. There are no other financial implications associated with the application.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Economy:

2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:

- Identify strategic employment and economic development opportunities and priorities
- Assess and address market failures affecting the cost of living
- Assess and address cost of doing business challenges.

Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

Access and Inclusion

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

- Outcome 6 – Public Consultation Corporate Business Plan

The following service of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Regulatory Services:

Environmental Health and Services - Ensure safe food practices and other aspects of environmental health within the local area. Provide the framework for the Town to prioritise and embed environmental sustainability practices across its facilities, operations, planning framework, policies and programs that impact the environment

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Limitation over an essential use required for the Town and potential loss of opportunity for improvements to the locality.
Effect (Consequence)	Delay in development and economic loss for the lessee and landowners.
Risk Treatment	Approve the development
<p>There is an operational risk associated with this item caused by non-support for the development leading to restricted usability of the property. There is also a reputational as the landowners have already agreed to and are seeking to remove the ‘Additional Use – Caretaker’ Dwelling’ provisions from the Scheme to provide for the proposed subject uses.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by approval of the development.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

This report has provided a detailed assessment of the proposed Cleanaway at the subject site and associated land use matters, including removing the Additional Use – A1 (Caretaker’s dwelling), to reduce conflicts between land uses. As identified in the assessment, the planning framework can allow a ‘Transport Depot’ and ‘Waste Storage Facility’ to be considered consistent with the existing non-conforming land use rights as they align with heavy industry. The proposed ‘Resource Recovery Centre’ land use is consistent with the Light Industry zone. Considering all the matters discussed within this report and the Scheme Amendment application for the removal of Additional Use – A1 (Caretaker’s dwelling) is a separate process that does not conflict with this development application for Cleanaway’s facility, it is recommended that the Council approve the proposal subject to standard conditions and advice notes.

ATTACHMENTS

1. Attachment 1 - Project Report [**12.3.2.1** - 21 pages]
2. Attachment 2 - Revised Development Plans [**12.3.2.2** - 3 pages]
3. Attachment 3 - Schedule of Submissions [**12.3.2.3** - 5 pages]

12.4 Infrastructure Services

12.4.1	Award of Tender - RFT2223-39 - Security Services
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Author: **Manager Infrastructure Operations**
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.

OFFICER’S RECOMMENDATION

That Council:

- 1. Acknowledges and endorses the tender process undertaken in respect of RFT2223-39 and the Provision of Security Services.**
- 2. Acknowledges and endorses the selection of XXXXX to provide security services to the Town of Port Hedland at an aggregated value of XXXXX over a fully optioned contract period of four (4) years.**
- 3. Authorises the Chief Executive Officer to negotiate, vary and execute the administrative and legal instruments to enter into a contract between the Town of Port Hedland and XXXXX (commencing as soon as practicable), for the provision of security services for an initial period of two (2) years and a discretionary option period of a further two (2) years.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to endorse the award of RFT 2223-39 for the Provision of Security Services to the awarded tenderer as per the officer’s recommendation for an initial contract period of two (2) years with an extension option of two (2) years at the discretion of the Town of Port Hedland.

DETAIL

The Town of Port Hedland has historically retained a third-party security service provider to maintain both a mobile and static presence throughout Port and South Hedland. These services support Town organised events to manage crowd control, anti-social behaviour, responsible service of alcohol and asset protection. Additionally, the service provider has performed a reactive alarm response service and the proactive patrolling of Town assets.

With an increasing number of built assets being commissioned throughout the Town, out of business hours patrol services provide a valuable and additional layer to asset protection, community safety and offer a new layer of public safety support to the Western Australian Police.

On 16 August 2023, RFT 2223-39 for security services was released on VendorPanel with a closing date of 13 September 2023. The request summary report is attached for reference. The tender was based on three (3) separable portions including:

- Static (event based) security services,
- Mobile (asset protection, alarm attendance) security services and,
- The establishment of a personal duress alarm system for all staffed sites.

Key components of the service requirements include, but are not limited to:

- After hours (5pm-5am) mobile patrols by two (guards) at all Town sites and public open spaces,
- Alarm activation response services at all alarmed Town sites,
- The protection of assets from anti-social behaviour and malicious damage, and,
- The establishment of an enhanced reporting protocol to WA Police to contribute to community safety and good order.

Eight (8) responses were received. Responses to the establishment of a personal duress system were deemed non-compliant with little to no supporting technical data or an operational approach being presented. The duress system succinctly differs from the provision of manned security services and is considered as being a specialist service offering with a higher level of technical specification outside of mainstream security services. The duress system will now form the subject of a separate Request for Quotation.

The recommended tenderer was selected by the evaluation panel based on a multiple criteria assessment. The multi-party evaluation report is a **confidential attachment**.

The recommended tenderer is duly licensed and experienced to provide the requisite services to the Town. They maintain an existing presence within Port Hedland and the majority of their staff are locally employed. The recommended tenderer has previously provided the Town with security services and their operational approach meets expected standards of safety, operational and administrative management, suitability of equipment, personnel and training. They are highly recommended by referenced State government departments for the provision of similar services throughout the region.

LEVEL OF SIGNIFICANCE

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

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

CONSULTATION

Internal

- Director Infrastructure Services
- A/Director Infrastructure Services
- Manager Youth and Community Development
- Manager Recreation and Leisure Services
- Senior Youth Officer
- Senior WHS Advisor

LEGISLATION AND POLICY CONSIDERATIONS

- Security and Related Activities (Control) Act 1996 - Compliant
- Security and Related Activities (Control) Regulations 1997 - Compliant

FINANCE AND RESOURCE IMPLICATIONS

The operating costs for mobile security services will be managed by the Infrastructure Operations Department and corresponding costs applied to multiple assets. At this time, sufficient operating budget exists to fund the mobile security services requirements.

Static (ad hoc) event-based service costs are applied to operating budgets of Youth and Community Development and Recreation and Leisure Services. At this time, sufficient budget exists to fund the ad-hoc requirements from the Communities and Leisure operational budgets. Notwithstanding the consolidation and modification of Infrastructure operating budgets, tracking and forecast costs will be reviewed during the Q2 budget review.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

Our Community:

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Leadership:

4.3.1 High-quality and responsive customer service is provided.

Environmental – security services may contribute to the detection of illegal dumping of waste and other sources of contamination within the community.

Economic – costs associated with the cleaning, repair and maintenance of damaged and destroyed Town of Port Hedland assets is escalating. The provision of security services is a responsible approach to reducing the costs of repair and maintenance and at the same time maintaining the integrity of assets and spaces.

Social – a commitment by the Town of Port Hedland to maintain external security services contributes to the health, safety and well-being of community by supporting the provision of fit for purpose, accessible and functional community assets and open spaces. Security services contribute both actively and passively to supporting WA Police.

Access and Inclusion

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

Corporate Business Plan

The following action/actions of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Community Services:

Events, Arts and Culture - Cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future
 Community Safety - Initiatives to reduce the incidence of crime and enhance community safety and lifestyle

Our Infrastructure Services:

Property Management and Maintenance - Ensure facilities are well maintained in line with the Town’s asset management program
 Work, Health and Safety - Workforce health and safety planned, implemented and risks managed

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Health & Safety Financial Service Interruption Reputational
Cause	Malicious damage to property and assets. Unlawful entry to assets and theft.

	Public order, safety and well-being.
Effect (Consequence)	Loss of capacity – service delivery Unsafe work environments, community spaces and facilities Maintenance, repair and replacement costs. Loss of community safety
Risk Treatment	Proactive security patrolling, monitoring and reporting
<p>There is an Operational, risk associated with this item caused by the non-provision of security services, leading to a reduction in safety. The risk rating is Medium (8) which is determined by a likelihood of Almost certain (5) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the provision of security services.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland owns and operates a significant portfolio of built and open space assets that are open to and utilised by the community. Concurrently, the Town of Port Hedland organises and hosts many community events throughout the year at Town owned venues throughout Port and South Hedland. The provision of security services is a logical, responsible and proactive approach to the management of assets and events, and it serves as a high-level contributor to the provision of community safety throughout the Town.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - Request Summary Report - Security Services [12.4.1.1 - 49 pages]
2. CONFIDENTIAL REDACTED - Multi-Party Evaluation Report - Security Services [12.4.1.2 - 13 pages]
3. CONFIDENTIAL REDACTED - Schedule of Rates - recommended tenderer chart [12.4.1.3 - 2 pages]
4. CONFIDENTIAL REDACTED - Schedule of Rates - recommended tenderer [12.4.1.4 - 2 pages]

12.5 Executive Services

12.5.1	Elected Member Representation on External Committees
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Author: Executive Assistant to the CEO and Mayor

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

- 1. Appoint Elected Members as representatives of the Town of Port Hedland with the following external committees:**

BHP Stakeholder Engagement Group	BHP	Mayor Carter As Proxy: Councillor _____
East Pilbara District Health Advisory Committee	WACHS	Councillor _____ Councillor _____
Hedland Community Road Safety Group	ToPH	Mayor Carter (Chair) As Proxy: Councillor _____
Hedland Housing Solutions Steering Committee	ToPH	Mayor Carter (Chair) As proxy: Councillor _____
Hedland Senior High School Independent Public Board	Hedland Senior High School	Councillor _____
Kimberley / Pilbara / Gascoyne Joint Development Assessment Panel (JDAP)	JDAP	Expiry of Term: 26/01/24 Mayor Carter Cr Tim Turner Cr David Eckhart (Proxy) Nomination of members for period 27/01/2024 to 26/01/2026 Councillor _____ Councillor _____

		As proxy: Councillor _____ As proxy: Councillor _____
Local Emergency Management Committee (LEMC)	Town of Port Hedland	Councillor _____ As Proxy: Councillor _____
North West Defence Alliance	NWDA	Mayor Carter As Proxy: Deputy Mayor Christensen
Pilbara Country Zone	WALGA	Mayor Carter Deputy Mayor Christensen As Proxy: Councillor _____ As Proxy: Councillor _____
Pilbara Regional Roads Group (RRG)	Main Roads	Mayor Carter Councillor _____ As Proxy: Councillor _____
Port Hedland Industries Council – Community Industry Forum	PHIC	Councillor _____ As Proxy: Councillor _____
Port Hedland Technical Advisory and Consultative Committee (TACC)	Pilbara Ports Authority	Councillor _____ As Proxy: Councillor _____
Regional Aviation Consultation Group (RACG)	Dept. of Transport	Mayor Carter As Proxy: Councillor _____
Regional Capitals Alliance WA	RCAWA	Mayor Carter Deputy Mayor Christensen
RDA Pilbara Committee (pending nomination)	RDA Pilbara	Mayor Carter Councillor _____
The Port of Port Hedland Community	Pilbara Ports Authority	Councillor _____ Councillor _____

Consultative Committee		
WALGA RoadWise Recognised Advisory Committee	WALGA	Deputy Mayor Christensen As Proxy: Cr Tim Turner

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

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider formally appointing Elected Members as representatives of the Town of Port Hedland to various external groups/committees, following the determination of the Ordinary Local Government Election, held on 21 October 2023.

DETAIL

Following each Local Government Election, Elected Members' representation on external groups/committees are revised. This report is to formally appoint and nominate Elected Members to become a member of various external groups / committees as the Town's representative.

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

It is important to note that concerning the JDAP nomination, the terms of the current members will expire on January 26, 2024.

Considering the time required for the Minister for Planning to approve nominations, it is advisable not to fill the proxy vacancy left by former Councillor Renae Coles. Instead, new members should be appointed, commencing from January 27, 2024.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team
- Governance

External Agencies

- Above mentioned external committees

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Policy 4/010 'Elected Member Professional Development';
- *Local Government Act 1995* – Regional Roads Group;
- *Main Roads Act 1930* - Regional Roads Group;
- *Road Traffic Act 1974* - Regional Roads Group;
- *Planning and Development (Development Assessment Panels) Regulations 2011* Joint Development Assessment Panel (JDAP); and
- *School Education Act 1999 (WA)* and associated Regulations 2000 – Hedland Senior High School Board.

FINANCIAL AND RESOURCE IMPLICATIONS

If travel is required, costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland 2023/24 budget under 'Members of Council Accommodation and Travel Expenses. Attendance via teams is also permitted.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

The following section of the Town's Strategic Community Plan 2022-2032 is applicable in the consideration of this item:

Our Leadership:

4.1.1 Town of Port Hedland is represented and is an active contributor in international, national, state and regional forums and policy development.

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

Access and Inclusion

The following outcomes of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

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

Corporate Business Plan

The following services of the Town’s Corporate Business Plan 2023-2027 apply in relation to this item:

Our Corporate Services:

Strategic and Corporate Planning - Planning for the future (Integrated Planning and Reporting): community vision, clear strategic direction and financial sustainability
 Public Affairs and Communication - Enhancing and protecting the Town’s reputation
 Providing advice and support to the Council, Executive Leadership Team and business units
 Council Support - Provide high standards of professional support and expert advice to the Council.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Limitation of key partnerships with various external committees
Effect (Consequence)	Resulting in a reputational Risk
Risk Treatment	Eliminated risk through the approval and acceptance of Elected Members to the various external committees
<p>There is a reputational risk associated with this item because this report aims to preserve the positive reputation of Council in the community and with stakeholders. If representatives are not appointed, the Town may miss important opportunities to represent Port Hedland at regional and/or State level. The risk rating is considered to be low (1), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).</p> <p>This risk will be eliminated by the adoption of the officer’s recommendation.</p>	

OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

CONCLUSION

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

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

ATTACHMENTS

1. Elected Member External Groups Representation Information Statement - Amended October 2023 [**12.5.1.1** - 4 pages]
2. Elected Members - External Representation - updated Oct 2023 [**12.5.1.2** - 1 page]

13 New Business of an Urgent Nature (Late Items)

Nil

14 Motions of Which Previous Notice has been given

Nil

15 Matters for Which Meeting May be Closed (Confidential Matters)

Nil

16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 29 November 2023 commencing at 5:30 pm.

16.2 Closure

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