



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 3 February 2021, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew
Chief Executive Officer

22 January 2021

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 (Administration) Regulation 34C

<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 (Administration) Regulation 34C</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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Item 1 Opening of Meeting

The Presiding Member is to declare the meeting open at [Enter Time](#).

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of this land, on whose land we are meeting, and recognises their strength and resilience, and pays his respects to Elders past, present and emerging.

Item 3 Recording of Attendance

3.1 Attendance

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

Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Joshua Brown (Governance Advisor)
Lisa Duggan (Corporate Support Officer / Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications**3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

5.1 Mr Chris Whalley

The Chief Executive Officer issued Mr Whalley with a written response to his question listed below on 12 January 2021:

I asked this question of the Council seven years ago and it has not been addressed, so I will ask it again now. Could Council do something about the unsealed parking lot adjacent to Boulevard Shopping Centre that becomes a lake of water every time it rains?

The Director Regulatory Services provided the following response:

The land referred to in the question is not owned or managed by the Town. It forms a natural stormwater basin collecting water, thus minimising potential damage to both private and public infrastructure adjacent to the site. Engineering works are not considered necessary at this time. Given that the land forms an easement and is likely to remain undeveloped, the Town does not intend to expend funds to provide additional stormwater drainage away from the property.

Item 6 Public Time

Important note:

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

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

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

- 6.1 Public Question Time
- 6.2 Public Statement Time
- 6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of December 2020:

Date	Meeting	Topic
01/12/20	Weekly Talk of Town radio segment	Weekly radio chat
03/12/20	Meet with PHIA Chairman	Airport update
03/12/20	Meet with Mobile Windscreens	Business matters
03/12/20	Local Emergency Management Committee meeting	Emergency management matters
03/12/20	Meeting with Melreef	Cattle Yard Access
04/12/20	Pilbara Regional Council meeting	Wind-up matters
08/12/20	Vital Change Programs Launch	Launch by Minister McGurk as part of the Pilbara Family & Domestic Violence Network
08/12/20	Minister McGurk visit to South Hedland Childcare Centre	Tour of new Childcare at the TAFE Site
08/12/20	Meet with Port Hedland Industries Council	Positive Port Hedland Campaign
08/12/20	Weekly Talk of Town radio segment	Weekly radio chat
09/12/20	Meet with Charter Hall	General update on centre matters
10/12/20	Fortnightly ABC chat	Fortnightly radio chat
10/12/20	Meet with Bunnings	Continuation of discussions around business development in the Pilbara
10/12/20	Meet with Brendan Hammond	Asian Renewable Energy Hub Project
10/12/20	Regional Capital Alliance WA meeting	As per minutes in the RCAWA website
11/12/20	Meet with Ecana International	Tyre, Conveyer Belt, Waste Oil Removal Recycling Project for the Pilbara
12/12/20	JD Hardie Opening	Official reopening of the centre and ribbon cutting
15/12/20	Weekly Talk of Town radio segment	Weekly radio chat
15/12/20	Meet with BHP	General catch up
16/12/20	Meet with First National	Commercial Business
16/12/20	Meet with Pilbara District Police Superintendent	Meet and greet, general update on matters
16/12/20	Hedland Community Road Safety Meeting	Road Safety matters in Port Hedland
16/12/20	Meet with Frank Edwards	Lease matters
16/12/20	December Ordinary Council meeting	As per agenda on the Town's website
17/12/20	Meet with Rod Evans, PHIA	General catch up
17/12/20	Meet with Neil Guilmartin	General Business

Date	Meeting	Topic
17/12/20	Meeting with Community Member	Concerns around community Mental Health matters
18/12/20	Meeting with the Hon Stephen Dawson MLC, Minister for Environment, Disability Services and Electoral Affairs and Member for Mining and Pastoral Region	General matters
19/12/20	Opening of Gratwick Playground	Official opening of Gratwick Playground at the GAC
22/12/20	Weekly Talk of Town radio segment	Weekly radio chat

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

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

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

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 16 December 2020 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2020

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

OFFICER'S RECOMMENDATION

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

1. Receive the Statement of Financial Activity for the period ended 30 November 2020;
2. Receive the Material Variance Report for the period ended 30 November 2020;
3. Note the Accounts paid under delegated authority for period ended 30 November 2020; and
4. Receive the Credit Card Statements for period ended 30 November 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 November 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 30 November 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

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

The net current funding position as at 30 November 2020 was \$33.4M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$265.5M
Restricted Cash – Reserves	\$238.4M
Unrestricted Cash Position as at 30 November 2020	\$27.1M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 November 2020 in accordance with regulation 34(1) of *the Local Government (Financial Management) Regulations 1996*.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 30 November 2020 and request further information or clarification.

Option 3 – Do not adopt officer’s recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 30 November 2020.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements. The net current funding position is \$33.4M.

ATTACHMENTS

1. Payments made under authority - November 2020 (under separate cover)
2. Credit Card Payments - November 2020 (under separate cover)
3. Capital Material Variances - November 2020 (under separate cover)
4. Monthly Financial Report - November 2020 (under separate cover)

11.1.2	POLICY REVIEW - AMENDMENT TO 2/004 RATING, 2/005 DEBT MANAGEMENT AND RESCINDING OF POLICY 2/015 NOTICE OF DISCONTINUANCE
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Author: Manager Financial Services
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION 1

That Council pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* endorse the review of, and adopt amendments to Policy 2/004 'Rating', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* endorse the review of, and adopt amendments to Policy 2/005 'Debt Management' as per Attachment 2.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 3

That Council, pursuant to section 2.7 (2) (b) of the *Local Government Act 1995* rescind Policy 2/015 'Notice of Discontinuance' as per Attachment 3.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider amendments recommended to '2/004 Rating' and '2/005 Debt Management' and rescind '2/015 Notice of Discontinuance' following a review of the policies.

DETAIL

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

The Finance business unit is currently undertaking a comprehensive review of the respective policies to ensure that policies are relevant and up to date. The policies have been reviewed and amended recommended where required for presentation to Council for adoption.

2/004 Rating

Policy 2/004 'Rating' was created to provide a framework to ensure that the Town's principles and methodology with respect to rates raised and waived are clear.

The policy required removal of the collection section as this was already covered in the debt management policy, as well as inclusion of the type of rates, payment information and objection rights available, ensuring the policy is informative, relevant and up to date.

These amendments can be viewed in Attachment 1.

2/005 Debt Management

Policy 2/005 'Debt Management' provides a framework for the efficient and effective collection of outstanding debts aligning with statutory requirements.

Fundamentally, the policy is sound with minor additional information added to debt collection of rates. Other additional information includes the specifics of payment arrangements that were initially in 02/004 'Rating' policy but deemed to be more relevant to debt management. The notice of discontinuance specifics have been added to the debt management policy as this issue relates directly to debt recovery and resolution of claims.

These amendments can be viewed in Attachment 2.

2/015 Notice of Discontinuance

Policy 2/015 'Notice of Discontinuance' provided the process for dealing with notices of discontinuance arising from settlement of a general procedure claim. A Notice of discontinuance is issued when a claim has been fully recovered as part of the debt management process and litigation is required to cease through the legal system.

As this process relates to debt management, it has been incorporated into the reviewed policy 2/005 'Debt Management' recommended for adoption, which would obviate the need for this policy. It is therefore recommended that policy 2/015 'Notice of Discontinuance' be rescinded.

The policy recommended for rescission can be viewed in Attachment 3.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Director Corporate Services; and
- Senior Governance Advisor.

External Agencies

- City of Joondalup; and

- City of Karratha.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

Corporate Business Plan

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

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated and do not reflect the Town's current practices. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Council are required to regularly review its policies to ensure they are relevant, up to date and meet the needs of Council and the community. It is recommended that Policy '2/004 'Rating', and '2/005 Debt Management' amendments are accepted and policy '2/015 Notice of Discontinuance' be rescinded.

ATTACHMENTS

1. Attachment 1 - 2/004 Rating (under separate cover)
2. Attachment 2 - 2/005 Debt Management (under separate cover)
3. Attachment 3 - 2/015 Notice of Discontinuance (under separate cover)

11.1.3 STATUS OF COUNCIL DECISIONS UPDATE

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

OFFICER'S RECOMMENDATION

That Council receive and note the 'Status of Council Decisions' as at January 2021, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to inform Council and the community of actions that have been undertaken in relation to decisions of Council which have not been fully completed.

DETAIL

The 'Status of Council Decisions' (SOCD) spreadsheet is an important administrative tool used by the Town to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting has been published, the minute taker uploads each decision of Council onto the spreadsheet and allocates it to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SOCD spreadsheet is presented on a quarterly basis for Council and the community to note the progress and status of decisions which have not been fully enacted, and the reasons for this.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The SOCD spreadsheet is for information purposes only.

CONSULTATION*Internal*

- All officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

- 4.b.3.1 - Ensure governance information provided to the community is in line with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, because if the SOCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

There are no alternative options in relation to this item, as it is for Council to receive for information purposes.

CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of Council. This quarterly report is to inform Council and the community of the status of decisions that have not been completed, or are of an ongoing nature.

ATTACHMENTS

1. Status of Council Decisions Progress Update - January 2021 (under separate cover)

11.1.4 IMPOSITION OF NEW FEE FOR INCLUSION IN THE 2020/21 SCHEDULE OF FEES AND CHARGES

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

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the imposition of the below fee for inclusion in the 2020/21 Fees and Charges Schedule:

Section/ Description	20/21 Fee	GST	20/21 Total Fee
Financial Services			
Notice of discontinuance	\$40.00	\$4.00	\$44.00

2. Notes that the Town of Port Hedland will give notice of the above proposed fee in accordance with s.6.19 of the *Local Government Act 1995* effective fourteen (14) days after publication in a local newspaper.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the imposition of a fee for a notice of discontinuance to remove a general procedure claim from ratepayers. This fee amendment aligns with recommended changes to policies 2/004 Rates, 2/005 Debt management and rescission of 2/015 Notice of discontinuance, to be considered as an earlier Item at this council meeting.

DETAIL

The Town has recently amended 2/005 Debt Management policy in order to issue notices of discontinuance on ratepayers who have paid their debts in full but have a general procedure claim in their credit history.

It was considered unfair to refuse the removal of general procedure claims indefinitely as it affects the credit ratings of ratepayers and where accounts are paid in full there should be no reason not to remove.

In order to account for the officer's time in submission of a notice of discontinuance, a small fee is necessary for cost recovery purposes.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as this does not meet the thresholds of the policies.

CONSULTATION

Internal

- Director Corporate Services; and
- Manager Financial Services.

External Agencies

- Various local government agencies.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.16 of the *Local Government Act 1995* specifies that a fee or charge may be imposed or amended by a Local Government by an absolute majority vote at any time during the financial year.

Before a fee or charge comes into effect, a Local Government must give local public notice of its intention to impose the fee or charge and the date from which it is proposed to be imposed in accordance with s. 6.19 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

The application of fee amount has been benchmarked against other local government agencies in order to apply appropriateness of fee charge.

As outlined in the Act, when determining the amount of a fee or charge a Local Government is to consider the following:

- The cost of providing the goods or service;
- The importance of the goods or service to the community; and
- The price at which the goods or service could be provided by an alternative provider.

It is unlikely that the proposed fee will be levied on a frequent basis.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There are no financial risks associated with this item because the proposed fee will be infrequent. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt the proposed additional fee of \$44.00 (including GST) for issuance of a notice of discontinuance in order to recover operational costs. The proposed fees will be advertised for a period of 14 days prior to imposition in accordance with s.6.19 of the *Local Government Act 1995*.

ATTACHMENTS

Nil

11.2 Community Services

Nil.

11.3 Regulatory Services

Nil.

11.4 Infrastructure Services

11.4.1 AWARD OF TENDER RFT2021-02 PANEL OF PRE QUALIFIED ENGINEERING CONSULTANTS

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

OFFICER'S RECOMMENDATION

That Council:

Accept submissions from the following respondents to RFT1920-48 Pre-Qualified Panel – Engineering Services, for a period of three (3) years commencing 15 February 2021 in accordance with:

- Each respondents' submitted price schedules included as confidential attachment 3 to the report; and
• Council's contract documentation, Annual Budget and Strategic Resource Plan.

Category 1 – Building & Quantity Surveyors

Table with 7 rows, each containing the text 'XXXXXXXXXX'.

Category 2 – Architects

Table with 5 rows, each containing the text 'XXXXXXXXXX'.

Category 3 – Electrical Engineers

Table with 1 row containing the text 'XXXXXXXXXX'.

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
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XXXXXXXXXX

Category 4 – Mechanical Engineers

XXXXXXXXXX
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XXXXXXXXXX

Category 5 – Landscape Architects

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Category 6 – Civil Engineers

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Category 7 – Hydraulic Engineers

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Category 8 – Structural Engineers

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SIMPLE MAJORITY VOTE REQUIRED

NOTE: In accordance with r.24AG (2) of the *Local Government (Functions and General) Regulations 1996*, the names of successful panel members and their respective prices will be published at the conclusion of consideration of this Item by Council.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021-02 for Pre-Qualified Panel of Engineering Consultants, and consider the evaluation panel’s recommendation to **appoint** the preferred tenderers to the various panels.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on 9 September 2020, requesting suitably qualified consultants to provide ad hoc specialist services, in accordance with the Town’s procurement policy.

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on 9 September 2020 and was advertised in the *West Australian* and the *North West Telegraph* on 9 September 2020, with a closing date of 8 October 2020.

Addendum Details

- 09/Sep/20 01:15 PM
 - *Panels will be assessed separately*
 - *Requirements to fulfil scope are listed inside the tender document. All submission should address these areas : (17733 supplier staff notified of these changes)*
- 11/Sep/20 02:52 PM
 - *A notice has been released to provide further information : (21454 supplier staff notified of these changes)*
- 17/Sep/20 08:18 AM
 - *Addendum # 2 : (21438 supplier staff notified of these changes)*
- 17/Sep/20 08:22 AM
 - *Addendum # 2 : (21437 supplier staff notified of these changes)*
- 24/Sep/20 11:08 AM
 - *The Closing date has been changed from 1 October 2020 to Thursday 8 October 2020 @ 3:00pm WST : (21517 supplier staff notified of these changes)*

Tender Assessment

The Town received one hundred and thirty eight (138) submissions for RFT 2021-02. The respondents were as follows:

Architect Services

1. Brewer Architects
2. CADDs Group
3. Collard Maxwell Architects
4. Easy Skill Australia
5. GHD Pty Ltd
6. Hocking Heritage
7. Hodge Collard Preston
8. Milo Geotechnical
9. Norda Architects
10. RECS Pty Ltd
11. TIA Consulting

Building Surveyors

12. Easy Skill
13. Milestone Certifiers
14. Milo Geotechnical

Civil Engineers

15. AIE Engineering
16. Airey Taylor
17. Arcadis Australia
18. BPA Consultants
19. C W Henstock
20. CADD Group
21. Capital House
22. Cardno
23. CDSE Consulting
24. David Wills
25. Divergent Eng
26. Easy Skill
27. Ekistica
28. Empower
29. Engenium
30. Forth Consulting
31. GHD Pty Ltd
32. Greenfield Technical
33. JDSi Consulting
34. M P Rogers
35. MCC Pty Ltd
36. Milo Geotechnical
37. Pavement Mngt
38. Prjex
39. REC Consulting
40. Saba Civil
41. Shawmac
42. Sporteng
43. Talis
44. Acor
45. Acor
46. A.Khosravi

Electrical Engineers

47. Acor
48. AIE Engineering
49. Bridgeford
50. CADD Group
51. Connelly Walker
52. Creandsel
53. CWC
54. Divergent
55. Easy Skill
56. Ekistica
57. Engenium
58. Eriksson
59. Focus
60. Forth Consulting

- 61. GHD
- 62. Industrial Automation
- 63. JDSi Consulting
- 64. LUCID
- 65. Milo
- 66. Peracon
- 67. Powerlyt
- 68. Powertex
- 69. SAGE
- 70. TECK Global
- 71. Underground Power
- 72. Webb Australia
- 73. Energy Smart

Hydraulic Engineers

- 74. Acor Consulting
- 75. Arcadis Australia
- 76. Cardno
- 77. Easy Skill
- 78. Forth Consulting
- 79. GHD Pty Ltd
- 80. Lucid Consulting
- 81. Milo Geotechnical
- 82. Water Technology

Landscape Architects

- 83. Aspect Studios
- 84. David White landscape
- 85. Easy Skill
- 86. Ecoscape Aust
- 87. Emerge Assoc
- 88. EPCAD
- 89. GHD Pty Ltd
- 90. Landscape Planners
- 91. Plane E
- 92. Sporteng
- 93. UDLA

Mechanical Engineers

- 94. ACMV
- 95. ACOR
- 96. Bridgeford
- 97. CADD Group
- 98. Devlins
- 99. Easy Skill
- 100. Engenium
- 101. Eriksson
- 102. Forth
- 103. GHD Pty Ltd

- 104. Lucid
- 105. Milo
- 106. Solmec
- 107. Steven McGann
- 108. Teck
- 109. Webb

Quality Surveyors

- 110. Altus
- 111. Chrysalis
- 112. Easy Skill
- 113. MBMpl
- 114. MCC
- 115. McGarry
- 116. Merefield
- 117. Milo
- 118. Rawlinson
- 119. Rider
- 120. RW Quality WTP

Structural Engineers

- 121. Acor
- 122. AIE
- 123. Airey
- 124. Arcadis
- 125. BPA
- 126. C W Henstock
- 127. CADD
- 128. Capital House
- 129. Cardno
- 130. CDSE
- 131. David Wills
- 132. Divergent'
- 133. Easy Skill
- 134. Ekistica
- 135. Engenium
- 136. Forth Consulting
- 137. GHD
- 138. MP Rogers

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees, Manager Infrastructure Projects & Assets, Principle Project Manager and Project Manager, whose main objectives were:

- Make a recommendation to the Council;
- Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- Ensure adherence to Local Government policies and legislation; and

- Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Procurement Officer facilitated the evaluation meeting held on 20 January 2021.

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

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

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because all works that are awarded under this tender have been approved as part of the FY2020/21 Annual budget adoption process.

CONSULTATION

Internal

- Internal parties that require the engagement of engineering consultants were consulted as part of the RFT development.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

All works that will be awarded to the successful tenders, under this RFT have been or will be approved for expenditure as part of each annual budget adoption. This includes both operational and capital works, each year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item as it can be challenging to engage suitable and qualified professionals to provide adequate support for capital works project, during the development and the construction phase. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The implementation of these panels will provide professional and experienced support to the organisation in delivering on its commitment to the community, with day to day operations and capital works.

ATTACHMENTS

1. Evaluation Memo - Confidential (under separate cover)
2. Multi-party evaluation report - Confidential (under separate cover)
3. Appendix - Schedule of rates - Confidential (under separate cover)

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

Nil

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 24 February 2021 commencing at 5.30 pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at [enter time](#).