

# MINUTES

## Ordinary Council Meeting Wednesday, 23 February 2022

Date: Wednesday, 23 February 2022

Time: 5:30pm

Location: Civic Centre  
McGregor St  
Port Hedland

Distribution Date:

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**Item 1 Opening of Meeting**

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

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**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

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

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**Item 3 Recording of Attendance**

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*Important note:*

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

### 3.1 Attendance

**Scheduled Present:**

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

**Scheduled for Attendance:**

- Carl Askew (Chief Executive Officer)
- Karren MacClure (Director Corporate Services)
- Josephine Bianchi (Director Community Services)
- Craig Watts (Director Regulatory Services)
- Lee Furness (Director Infrastructure Services)
- Joyce Routledge (Acting Manager Governance)
- Rebecca Wilkinson (proxy Governance Officer)
- Kirsty Vervaart (EA Director Corporate Services)
- Naomi Murcott (Corporate Support Officer / Minute Taker)

Public: 8  
Staff: 4  
Media: 0



## 3.2 Attendance by Telephone / Instantaneous Communications

Nil.

## 3.3 Apologies

Nil.

## 3.4 Approved Leave of Absence

Nil.

## 3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Cr Renae Coles	11.2.3/11.2.4	Financial	Perception of financial gain
Cr Ash Christensen	11.2.3/11.2.4	Impartiality	Perception of Impartiality Interest
Cr Elmar Zielke	11.3.2	Financial	Councillor Zielke holds shares in this company.
Cr Flo Bennett	11.2.3	Impartiality	Impartiality Interest
Cr Jan Gillingham	11.2.3/11.2.4	Impartiality	In relation to being an unpaid choir member.
Deputy Mayor Tim Turner	11.2.5	Impartiality	RLSSWA has MOU with TOPH related to Pool entry. Councillor Turner holds a position with RLSSWA

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Item 4 Applications for Leave of Absence

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## OCM202122/121 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council approve the application for leave of absence request from Councillor Bennett from 2 March 2022 to 7 March 2022, and from 8 April 2022 to 19 April 2022.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

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## OCM202122/122 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR BENNETT

That Council approve the application for leave of absence request from Councillor Eckhart from 15 April 2022 to 25 April 2022.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

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## Item 5 Response to Previous Questions

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5.1 MS LEE GIBBS
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1. *What is Councils stance on mandatory vaccinations, do you support them?*

The Director Regulatory Services provided the following response:

The Town of Port Hedland intends to comply with all public health directions issued by the Department of Health under the *Public Health Act 2016*, including mandatory vaccinations for specific industries and access to certain premises/events.

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

The Director Regulatory Services provided the following response:

As per the above response, the Town of Port Hedland intends to comply with all public health directions issued by the Department of Health under the *Public Health Act 2016*, which may include restricting unvaccinated community members from Town facilities/events where applicable. Businesses affected by the public health directions should also make themselves aware of how these directions affect them, including allowing unvaccinated patrons into their premises.

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

The Director Regulatory Services provided the following response:

Unvaccinated members of the community should make themselves aware of the public health directions issued by the Department of Health under the *Public Health Act 2016* and any impacts these may have on facilities and premises they are able to access. The Town respects all residents rights and freedoms, however there must also be compliance with legislative requirements.

## 5.2 MS GAIL VICTOR

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

The CEO responded to Ms Victor during the 15 December 2021 Ordinary Council Meeting:

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

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

The Chief Executive Officer provided the following response:

Under the Town of Port Hedland *Standing Orders Local Law 2014*, the Presiding Member is responsible for the conduct of public statement time.

Mary Wyn attended the Ordinary Council meeting on 24 November 2021 and made a public statement. She then asked to read out a statement and question relating to a previous matter raised at a Council meeting on behalf of a rate payer. The intention in allowing the statement to be read was because there was a question and request for Council assistance.

During the course of the statement, Ms Wyn was requested to focus on the request to Council, and parts of the statement were redacted from the minutes as they were personal in nature.

## 5.3 MR DAVE MCGOWAN

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

The Chief Executive Officer provided the following response:

The matters to which you refer are related to the personal and business affairs of the Mayor, and not related to the business of Council, however, it is disappointing to have such matters referenced in the media, particularly at a National level.

The claims made are unproven and investigations by authorities are ongoing. As such, it would be inappropriate to say anymore until those investigations have concluded.

In the meantime, the Town Administration and Council will continue to strive to improve the reputation of the organisation, and the town, for the benefit of residents and ratepayers.

#### 5.4 MR CAMILO BLANCO

1. *Council, do you know that as Council members you are responsible for the financial oversight of rate payer funds and the authorisation of the budget expenditure? And because you agreed to the budget expenditure, you should have an understanding of where our money is and when it is being spent. Mayor Carter do you think the Council or yourself has that understanding?*

At the 15 December 2021 Special Council Meeting the Mayor responded that Council absolutely understood.

2. *The questions that need to be answered by the Council is – do you know the reasons behind the collapse of MJW? And, why it went into voluntary administration owing our local businesses upwards of 4 million dollars. Can you explain that to me now Mr Mayor?*

The Director Infrastructure Services provided the following response:

Information related to the reasons why MJW went into voluntary administration can be sourced from the Administrator – Cor Cordis, Mezzanine Level 28, The Esplanade, Perth 6000 (08) 6220 3500.

Council have been briefed by officers in the relation to matters related to MJW and some of that information has been included in the officer report to Council on 15 December 2021 (included as an attachment).

#### 5.5 COUNCILLOR GILLINGHAM

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

The Acting Manager Governance provided the following response:

With regards to your request to have the minutes for the Ordinary Council Meeting held on the 24 November 2021 amended to include Ms Gail Victor's statement, the Chief Executive Officer stated at the Ordinary Council Meeting held on 24 November 2021 that the statement would be responded to by the administration. Ms Gail Victor has attended in person at the Ordinary Council Meeting held 15 December 2021 and was invited to read out her statement, as such her statement will now be included in the minutes to the meeting. Please also be advised that the minutes from the 24 November 2021 Ordinary Council Meeting were adjusted to redact

personal information regarding Ms Victor, and the video of the meeting on the Towns' website has also been edited to remove this section of recording.

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

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

The Director Infrastructure Services provided the following response:

The Town undertook the removal of trees and vegetation at the Corner of Athol Street and Cooke Point Drive.

The trees targeted at Athol and Cooke Point Drive were *Leucaena leucocephala*, More commonly known around Hedland as the Coffee Bush/tree.

*Leucaena leucocephala* an extremely invasive species and sighted as Very High Risk in Northern Australia. Points that contribute to the plant being classed this way is its ability to grow quickly and form dense thickets that crown out native vegetation. In built up areas it is an especially unwanted species, with the ability to grow along arid roadsides, in carparks and on abandoned land damaging infrastructure.

The Department of Primary Industries carried out a risk assessment of the tree and its use is not recommended. If used it requires a detailed management plan as there are significant environmental and management risks. The Town has no management plans in place for the species.

A larger area around the area of the standpipe was cleared at the time as the staff were reporting snakes in the area. The standpipe area is regularly used by council staff and private workers/companies alike and from a risk management and work health and safety perspective it was determined that the land needed to be cleared to lower the risk of snakes in the area coming into contact with humans.

As reported at the 2 December 2021 Ordinary Council Meeting, a significant number of trees will be planted in the area over the coming years which will be able to be used by birds and other fauna.

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**Item 6 Public Time**

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*Important note:*

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

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

**6.1 Public Question Time**

The Presiding Member declared Public Question Time open at 5:35pm

**6.1.1 MS LORRAINE BUTSON**

*Is the Mayor declaring an interest in Item 11.3.4 – Memorandum of Understanding with Kariyarra Aboriginal Corporation, and Item 11.3.5 Indigenous Land Use Agreement with Kariyarra Aboriginal Corporation due to being the Director and a member of Corymbia Corporation, and due to the Chief Executive Officer of Kariyarra Aboriginal Corporation being a close associate of his?*

The Mayor advised he was not declaring an interest in these items.

*Did the Mayor Carter put a proposal to Council for a \$5M interest free loan to a business partner in Hedland? And if so, will this be offered to all business people in Hedland and is this consistent with the Local Government Act 1995 and considerate of ratepayer's money?*

The Mayor advised that no such proposal was put to Council.

**6.1.2 MRS GLORIA JACOB**

*Can the Council please explain why the Ordinary Council Meeting [being the 3 February 2022 Ordinary Council Meeting] was listed in the approved schedule of meetings released to the community in November 2021, and was not held, and further explain why communication of its cancellation was not provided to the community?*

The Chief Executive Officer advised the 3 February 2022 Ordinary Council Meeting was cancelled due to there being no business for Council to discuss and advised that the cancellation was advertised on social media.

*I believe the formal method of notice is community notices, why was this standard process not followed?*

The Chief Executive Officer took this on board as feedback.

It has been subsequently confirmed that a public notice cancelling the 2 February 2022 ordinary council meeting was published in the North West Telegraph on 26<sup>th</sup> Jan 2022 page 9.

*Can the Chief Executive Officer confirm if the Town attended the creditors meeting relating to the Port Hedland Yacht Club, and if so, can they provide an update from the Creditors meeting held yesterday?*

The Director Corporate Services advised that there was not much to report. The first creditors meeting was held at 4:00pm 23 February 2022, where the administrators appointed were named as Auxilium Partners, with the next creditors meeting to be held in approximately 20 days' time.

*Can the administration confirm the amount owed to the Town by the Yacht Club?*

The Director Corporate Services advised that the amount owed to the Town is approximately \$300,000.

<b>6.1.3 MR CAMILO BLANCO</b>
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*At the 15 December 2021 Ordinary Council Meeting I listened to an outburst by Councillor Eckhart, and ask how is it repugnant to ask questions about serious financial failures of this Council and its administration in relation to local businesses losing upwards of \$4M in the MJW collapse? Is this a new standard, to ignore the obvious, by this Council?*

The Mayor advised that it is not.

*At the 15 December 2021 Ordinary Council Meeting I talked about tenders not being awarded, and tender avoidance issues in relation to MJW and the projects that had been awarded to them. In tonight's agenda [Item 11.4.1 Award of Tender RFT2122-15 Completion of the JD Hardie Multi User Courts and Surrounds Construction] it states the scope of this tender is to complete the construction works left unfinished as a result of the insolvency. Is Council aware of the inconsistencies in Item 11.4.1, in awarding a completion tender for the JD considering that after MJW collapsed, work was done on the structure at the basketball courts or, are you ignoring this as a Council?*

The Chief Executive Officer advised that the works were completed as emergency works due to the approaching cyclone season and completed using the Town's existing Panel Contractors.

*At the 15 December 2021 Ordinary Council Meeting Mr Higgins asked about information that had been provided to Councillors and the Chief Executive Officer relating to serious misconduct by Mayor Carter. The Chief Executive Officer confirmed he had received the information and did not forward to the appropriate authorities as required by legislation. I am assuming he still has not forwarded that information. Am I correct?*

The Chief Executive Officer advised that the information had not been forwarded by himself as it had already been provided to the relevant authorities.

The Presiding Member declared Public Question Time closed at 5:46pm

## 6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:46pm

### 6.2.1 MRS GLORIA JACOB

*It pains me to see the on goings here, in a forum that should allow community speech. This is the one time [Public Time] that the community has access to ask questions and make statements to the administration and Council of who they have voted in.*

*If we had a trusting relationship it would not be so confrontational. Question time is an expression of the community wanting answers and is not something to be feared, it is your time to shine or show that you're not shining. As much as I appreciate legislation, I also appreciate that the community have a right to ask questions of and make statements to Council.*

*In relation to Item 11.1.4 Council Vacancy – Office of Councillor, I request Councillors to act transparently and responsibly vote for Officer's recommendation 2, Option 1. of that item. With all due respect to the Officer who wrote the report it lacks a bit of content, especially around pros and cons. It is very ambiguous and somewhat leans towards the con's, which are all cost related.*

*Excerpt from report:*

*There are pros and cons to each of the options above, including:*

- the expertise an Elected Member brings to Council.*
- the saving of resources, member fees and allowances (approximately \$50,000).*
- the challenge of an "even number" of Councillors in relation to voting and use of the Presiding Member's "casting vote".*
- the cost of running an election (estimated at \$30,000 + the cost of a returning officer)*
- the additional cost of induction and formal/informal training of the new Elected Member.*

*God forbid we don't train our Elected Members. Training is not an expense it is an asset, it is investing in people that hold office, you should never discount training. In the pros section there was one being the challenge of an even number of Councillors in relation to voting and the use of the Presiding Member's "casting vote". There are 9 Councillors including the Mayor. The reason this is an odd number is to make it a fair and accountable decision making process when it comes time to vote. To not replace the existing Councillor would be an unfair and irresponsible vote. It is really important that the level of significance for Council to call an election is of high significance not only because the decision will affect a wide range of people but because it will result in fair decision making and good governance.*

*It is what the community is calling for, it is what, we as a democratic office should be calling for. Cost is insignificant and not high significance. The risk, should this Council choose not to support option 1 is that we perpetuate the perception of a Council without good leadership and one that is self-protecting and divided. To give the casting vote to the Presiding Member who has brought so much disrespect and caused so much harm to the reputation of the office and Town would be a travesty beyond all understanding and reason. Councillors, the community have shown faith by putting you where you sit, this is a call for there to be a democratic process that is fair, one person irrespective should not have the casting vote when he is inside of the voting process.*



**6.2.2 MR CAMILO BLANCO**

*I have to agree with the previous speaker Mrs Jacob, there were some great points, and I am here to talk about this tonight as well.*

*Firstly, I would like to talk about the reasons I come to Council and ask the hard questions that nobody else asks. Some of the things I've seen over past 6 months and compiled evidence, it takes me back to all of the reports that I have read into Local Government dismissals and stand downs.*

*The enquirer always went through the public question time and public statement time, they look at that and reflect on what is happening within Council and what the public knows, it is mentioned quite deeply in those reports. Because I am asking these questions, if there was an enquiry on the Town of Port Hedland Council, with major collapses of tender awards/companies, millions being lost to local businesses due to the actions of the Local Government, they will look at these records and take them into consideration.*

*You can overrule the Mayor at any time using a motion of dissent and overrule his decision to receive an answer to our questions. The Standing Orders state that if the Mayor can't answer a question, it passes to a Council member, if they can't answer it goes to the Chief Executive Officer. This forum is for the people to engage with the Council and for the Council to ensure that the message is taken to the administration. The people of Port Hedland are being obstructed by the Mayor.*

*In reference to Item 11.1.4 Council Vacancy – Office of Councillor one thing that stands out in the Officer's Recommendation is that section 4.8 of the legislation [Local Government Act 1995] states that you are required to have an Extraordinary election, and it does not say that you are required to have an absolute majority vote. It is a simple majority vote. The administration might disagree, but the legislation is clear, Section 4.8(1) of the Local Government Act 1995 states that if the office of a Councillor or of an Elector Mayor or President becomes vacant under section 2.32 an election to fill the office is to be held, under section 4.17(3) the following applies: That Council, with approval of the Electoral Commission may allow\* - (\*this is an absolute majority vote).*

*If you want to refuse the election you need to do it by absolute majority vote, to allow the election is simple majority. It is clear that the Mayor has a voting block. By allowing an absolute majority to allow an election, in my opinion, Officer's Recommendation 1 Option 1 creates a disadvantage. If something happens to this Council or you are dismissed, they will look at these records, and will question why advice wasn't given to the Council, and why the Council didn't request advice.*

The Presiding Member declared Public Statement Time closed at 6:02pm

### 6.3 Petitions/Deputations/Presentations/Submissions

6.3.1	<b>MR NICK GREEN AND MR FRANCISCO BROWN KARIYARRA ABORIGINAL CORPORATION</b>
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*I wish to acknowledge the Kariyarra people, past, present and emerging as well as the Town of Port Hedland for this opportunity. I would also like to acknowledge the Mayor, Councillors and members of the public, along with my colleague Frank Brown.*

*We see this opportunity of having an Indigenous Land Use Agreement between the Kariyarra people and the Town of Port Hedland as an incredible chance to try and get it right. To build a good relationship between the Town, between business and between the Kariyarra people. As you may be aware, the Kariyarra people entered into an agreement with the State of Western Australia in 2016 which has delivered very little back to the Traditional Owners of this Town.*

*I think it's fair to say that the Kariyarra people have not been seen by a lot of people in this community for many years. BHP has been in this town for over sixty years and the Kariyarra people have received very little in way of tangible benefits from that company.*

*Post the Kariyarra people's determination in the Native Title Act 2018 we saw a change amongst our business partners, we have seen change from BHP, Roy Hill, FMG and other smaller companies and businesses in this community.*

*The Kariyarra people's country is the same size as the country Moldova in Eastern Europe, which has a population of 2.5 million people living there. Our people represent 400 people in this community and the reality for Kariyarra people is that they are largely unseen. There are lots of Aboriginal people that live in this community and people from other language groups who have received good business opportunities with big businesses who have occupations and employment and largely, the Kariyarra people do not. It is an interesting situation to me, having been in this position since May 2021, to try and understand this has happened, to understand why the Kariyarra people are largely unseen in our community and I guess the answer is this – they are pretty quiet people. They don't jump up and down or assert themselves, largely, they go about their business but they are the Traditional Owners of this land that we stand on, that the Civic centre was built on and they are the Owners of the land that Port and South Hedland is constructed on and the land on which embraces the biggest iron ore port in the world.*

*I think it is important that we give them a chance to grow and have the same opportunities as other people in this community. The point of this Memorandum of Understanding is that this is the first step from the Town of Port Hedland to create an opportunity and I embrace that and thank the staff and this Council for embracing this opportunity. This Indigenous Land Use Agreement will go a long way to settle concerns and provide certainty for all parties and that certainty means that the Kariyarra people can achieve some socioeconomic growth and benefit, can cash in on opportunities that might present to them, help protect their heritage and will provide better outcomes for their people. This relationship is a two-way street. The same will happen from businesses, from Council opportunities and development works. This has not occurred with any previous Council in this Town.*

*The only other Indigenous Land Use Agreement that exists is with the State from 2016 under Liberal Government which provided nothing to the Kariyarra people. I have heard a lot of complaints tonight but as far as the people I am representing are concerned, keep doing what you are doing with the Kariyarra people in a positive light. This Indigenous Land Use Agreement will create better opportunities and a better understanding to all the parties. I thank Council for embracing this opportunity.*

The Presiding Member thanked Mr Green for his presentation.

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**Item 7 Questions from Members without Notice**

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**7.1 DEPUTY MAYOR TURNER**

- 1. I am aware that space for community organisations is at a premium and we are facing a number of challenges, including space for the Hedland toy library, the cancer support group Reach Us Pilbara Inc and others that are looking for space. My question to the Town is; can we initiate an audit of community space that is available and look at the options needed to support these not-for-profit groups and what might be available both in the short term and then in the context of process around a masterplan.*
- 2. I would like to make a statement to update the community that there was a Pilbara Zone meeting WALGA last week with all 4 shires: Karratha, East Pilbara, Ashburton and ourselves. At that meeting I moved a motion to address issues of community safety, asking that through WALGA, we engage the State Government to review the status that sits across the Pilbara in relation to a much-needed investment and additional resources including policing and early interventions along with other initiatives. That was on the basis that, if you look at some of the political commentary coming from State and Federal Government there is a focus on the Kimberley.*

*Whilst the Kimberley have significant challenges, we also have significant challenges. This motion was well supported and reflects an ongoing commitment. I will keep the Council and community updated on this as it progresses.*

**7.2 CR GILLINGHAM**

- 1. My question, which was answered after the 15 December 2021 Ordinary Council Meeting regarding the trees which were cut down near Athol Street [answer provided in Item 5.5]. I'm not sure if personnel that cut down trees checked if there were bird nestings in the area. The answer in the questions is that some trees will be planted there in future. Could Council please action this, we need to look after the coastal plains, this is a rookery and these birds now have no shade.*
- 3. Time is moving when it comes to the Stevens Street retirement village and nothing is being done for the seniors of our Town. Many seniors are in private government housing and are not receiving assistance. This needs to be taken on board as soon as possible and fast tracked. The State Government has promised us 4 houses this year and now we are hearing that no houses in the public sector have been built in Hedland for the last 50 years.*

7.3	CR COLES
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1. *My first question is regarding the water currently sitting in ditches around Port and South Hedland, is there a plan for drainage as they are causing mosquitoes which may lead to airborne diseases.*

The Director Infrastructure Services provided the following response:

We have sprayed extensively and are pumping the water out of the pretty pool area.

The Director Regulatory Services provided the following response:

We have been treating standing water to kill off mosquitoes and our health team have been out doing fogging and are actively out in the community minimising breeding.

2. *Cottier drive intersection, has this been done?*

The Director Regulatory Services advised that he expects so but will confirm.

3. *Regarding COVID, do cases get report to Town of Port Hedland? And can you advise if there are currently any active cases?*

The Director Regulatory Services provided the following response:

We have not been formally advised by WA Country Health Services of any cases in Town, we had a meeting with them today where they confirmed they are following Health Department directives.

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

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The Mayor's meetings from the month of January:

Date	Meeting	Meeting Details/Comments
13/01/2022	Weekly Radio Chat with Ecky	Interview
19/01/2022	Confidential Briefing	As per agenda
20/01/2022	Weekly Radio Chat with Ecky	Interview
20/01/2022	ABC Pilbara fortnightly chat	Interview
24/01/2022	Phoenix Security and WA Police	Security Patrol Update
24/01/2022	Confidential Briefing	As per agenda
26/01/2022	Australia Day Breakfast - Citizenship Awards	Hosting official Citizenship Ceremony & Citizenship of the Year Awards
26/01/2022	Australia Day Firework Display	Opening of fireworks event
27/01/2022	Weekly Radio Chat with Ecky	Interview
27/01/2022	Confidential Briefing	As per agenda
28/01/2022	Yacht Club	Mayor and CEO meeting with Commodore

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

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

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

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

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*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions on items on this evenings 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.*

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**OCM202122/123 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR ECKHART**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 15 December 2021 are a true and correct record.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

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**OCM202122/124 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR BENNETT**

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 15 December 2021 are a true and correct record.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

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Item 11 Reports of Officers

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## OCM202122/125 MOTION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

Pursuant to clause 5.2(1) of the Standing Orders Local Law 2014, Council consider Items 11.3.4 and 11.3.5 of the Agenda as the next item of business forthwith.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil



**11.3.4 MEMORANDUM OF UNDERSTANDING WITH THE KARIYARRA ABORIGINAL CORPORATION**

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

**OCM202122/126 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR ECKHART**

That Council authorise the Chief Executive Officer to sign a Memorandum of Understanding with the Kariyarra Aboriginal Corporation as per Attachment 1.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

**PURPOSE**

The purpose of this report is for Council to consider entering into the attached Memorandum of Understanding (MOU) with the Kariyarra Aboriginal Corporation, who are the body corporate which holds the Kariyarra community's native title on trust. The MOU sets out a framework for entry into voluntary Indigenous Land Use Agreements (ILUA) for future municipal capital works on Kariyarra native title land, rather than proceeding through native title litigation.

**DETAIL**

Kariyarra holds various native title interests on land within the Town's boundaries. The Town may wish to use, manage or develop that land for municipal purposes in the future.

The MOU sets out a framework for preliminary negotiations to enter into an ILUA and that both parties will use their best endeavours, act reasonably and in good faith in those negotiations. The MOU was tabled at the Kariyarra Board meeting on 19 February 2022 where it was agreed to enter the attached MOU.

By way of background, an ILUA is a voluntary agreement made under the *Native Title Act 1993* (Cth) (NTA) between people who hold native title in an area and other people who wish to gain an interest in that area and is agreed by the State. They are negotiated agreements, and when registered they are binding on all persons who hold or may hold native title for the area covered by the agreement. An ILUA allows people to negotiate flexible, pragmatic agreements to suit their particular circumstances without having to resort to litigation or relying on the other processes for dealing with future acts within the NTA.

In addition to financial compensation, the MOU sets out a non-exhaustive list of potential opportunities and benefits for the Kariyarra community with respect to the Town's future

municipal works, including cultural heritage opportunities, employment opportunities, social and recreational opportunities, conservation of heritage sites, administrative and management support for the procurement, design and construction of any KAC development or facility and wayfinding signage.

As identified in the recitals to the MOU, it represents a significant step in recognition of the Kariyarra community as the traditional owners of land within the Town of Port Hedland and will be the foundation of a strong and lasting relationship between the parties.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it concerns an agreement with Kariyarra, who have been consulted, and not the community at large.

## CONSULTATION

### *Internal*

- Executive Leadership team; and
- ILUA Working Group.

### *External Agencies*

- Kariyarra Aboriginal Corporation.

### *Community*

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

### *Native Title Act 1993 (Cth)*

## FINANCIAL AND RESOURCES IMPLICATIONS

Nil, although future ILUAs may include compensation on a case by case basis.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

### *Corporate Business Plan*

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

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

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because failure to authorise entry into the MOU may have a deleterious impact on the Town's relationship with the Kariyarra community. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk is ameliorated by adopting the officer's recommendation.

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

#### **CONCLUSION**

The MOU is a historic first step in the recognition of the Kariyarra community as the Traditional Owners of land within the Town of Port Hedland. It also marks the commencement of working in close partnership to ensure the Kariyarra community realise the maximum benefit from this MOU and all future ILUAs through flexible, pragmatic, innovative and good faith negotiations.

#### **ATTACHMENTS**

1. Memorandum of Understanding (under separate cover)

**11.3.5 INDIGENOUS LAND USE AGREEMENT WITH KARIYARRA ABORIGINAL CORPORATION**

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

**OCM202122/127 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR CHRISTENSEN**

That Council:

1. Authorise the Chief Executive Officer to enter a Preliminary Agreement to Enter an Indigenous Land Use Agreement with the Kariyarra Aboriginal Corporation substantially in accordance with Attachment 1; and
2. Authorise the Chief Executive Officer to enter an Indigenous Land Use Agreement with the Kariyarra Aboriginal Corporation and the Minister for Lands substantially in accordance with Attachment 2.

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

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to consider authorising the CEO to enter:

- a Deed of Agreement to enter an Indigenous Land Use Agreement ('Preliminary Agreement' – Attachment 1) which sets out the compensation and non-financial benefits the Kariyarra community are to receive in return for the Town's development of the Port Hedland Integrated Sports Hub (PHISH) and potential stables relocation; and
- an Indigenous Land Use Agreement ('ILUA' – Attachment 2) of which the Minister for Lands is party to and is registered under the *Native Title Act 1993* (C'th).

**DETAIL**

Since mid-2020, the Town and the Kariyarra Aboriginal Corporation ('KAC') have been in negotiations regarding the development of the PHISH which is partially situated on land over which the KAC holds native title. The parties elected to enter into a Preliminary Agreement and an ILUA to reach agreement on the proposed works and existing native title rights.

*Preliminary Agreement*

A Preliminary Agreement is a separate agreement required before entering into an ILUA. The Preliminary Agreement is between the Town and the KAC and sets out the compensation and non-financial benefits KAC are to receive in return for the Town's development of the PHISH. The Minister for Lands does not wish to be a party to the compensation or non-financial

benefits that the native title holders are to receive in return for the future act. For this reason, a separate agreement is needed just between the Town and KAC.

The key elements of the Preliminary Agreement, which was agreed in principle by the KAC Board on 19 January 2022, are as follows:

- The Town would provide its consent to the excise of Lot 551 Hedditch Street, South Hedland in its current reserve in order to create a new management order in favour of the KAC for a purpose that is to the benefit of the Traditional Owners. This land will be used for the KAC to develop a Kariyarra community centre – prominently situated on the South Hedland entry statement;
- The Town would provide administrative and project management support for the procurement, design and construction of that community centre;
- KAC would consent to the development of the McGregor Street Master Plan the subject of its native title interest and the non-extinguishment principle would apply (The non-extinguishment principle means any native title rights that are inconsistent with the development are suspended whilst the development is in use); and
- The Town would compensate KAC for the development of the affected land in accordance with a leasehold valuation of the land identified in Attachment 3 for a term of 99 years.

#### *ILUA*

The ILUA is an agreement under which the State would take the steps culminating in the Town of Port Hedland obtaining a management order for the affected land, which is currently unallocated Crown Land, to enable the implementation of the PHISH. The development of the PHISH is a 'future' act' under the *Native Title Act 1993* ('NTA') because native title exists on that land. The Minister must be a party for that reason.

The State is usually not agreeable to including matters that are not future acts. The Town giving KAC a management order over the Hedditch Street property is not a future act as native title does not exist on that land. However, the Town has included this in the draft ILUA to ensure the Minister doesn't grant a management order to the Town over the McGregor Street land unless also making a management order to Kariyarra over the Hedditch Street property.

#### *Consultation with the DPLH*

The Department of Planning, Land and Heritage (DPLH) has provided it's in-principle support for the ILUA on the basis of the wider community benefit the land swap would provide to the Hedland community. The DPLH has referred the ILUA to the State Solicitor who supports the substance of the agreement, although it may take a different form in accordance with the State's template.

#### *Confidentiality of attached agreements*

The Preliminary Agreement and ILUA are confidential attachments pursuant to section 5.23(c) and (e)(ii) of the *Local Government Act 1995*, as they concern a contract which may be entered into by the local government and would reveal information that has commercial value.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it concerns an agreement with Kariyarra, who have been consulted, and not the community at large. The Port Hedland Sporting Precinct Masterplan underwent community consultation in its own right.

## CONSULTATION

### *Internal*

- Executive Leadership team;
- ILUA Working Group;
- Infrastructure Projects and Assets; and
- Planning and Development.

### *External Agencies*

- Kariyarra Aboriginal Corporation; and
- Department of Planning Lands and Heritage.

### *Community*

Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Native Title Act 1993 (Cth)*

### *Local Government Act 1995 (WA), s5.23(c) and (e)(ii)*

## FINANCIAL AND RESOURCES IMPLICATIONS

A 99 year leasehold valuation of the area the subject of the ILUA will be carried out, and that value provided as compensation to the KAC.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

### *Corporate Business Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational and service delivery risk associated with this item because failure to enter into the ILUA may have a deleterious effect on the Town's relationship with the Kariyarra Aboriginal Corporation and may postpone the delivery of the PHISC. The risk rating is

considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

Entry into the Preliminary Agreement and the ILUA will see mutual benefits for both the Town and KAC. It is an essential step to allow the development of both the PHISH and the Kariyarra cultural centre which will both provide wider community benefit in their own respects.

## ATTACHMENTS

1. Draft Preliminary Agreement - Confidential (under separate cover)
2. Draft ILUA - Confidential (under separate cover)

## En Bloc Resolution

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

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

Councillors proposed that Council consider a number of recommendations 'en bloc' at the Ordinary Council meeting held on 23 February 2022.

**OCM202122/128 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR CHRISTENSEN**

That Officer Recommendations in Items 11.1.2, 11.1.6, 11.1.7, 11.1.8, 11.2.1, 11.2.2, 11.3.1, 11.3.3 and 11.5.1 be endorsed.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil.

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

Item Number	Item Description
11.1.2	Statement of Financial Activity for the period ended 31 December 2021
11.1.6	Policy Review – 1/028 Related Party Disclosures
11.1.7	Status of Council Decisions Update
11.1.8	Corporate Business Plan – Quarterly Update report
11.2.1	2021 Community Perception Survey Results report
11.2.2	Community Development Plan 2022 - 2027
11.3.1	Adoption of South Hedland Place Plan
11.3.3	Alliance against Depression Funding
11.5.1	Port Hedland Visitors Centre Quarterly Review



11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2021
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Author: Senior Financial Accountant  
Authorising Officer: Manager Financial Services  
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OCM202122/128 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR CHRISTENSEN**That Council, pursuant to section 6.4 of the *Local Government Act 1995*:

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

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

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

**PURPOSE**

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

**DETAIL**

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

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

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

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

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

The net current funding position as at 31 December 2021 was \$30.05M. The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	\$240.31M
Restricted Cash – Reserves	\$214.64M
Unrestricted Cash Position as at 31 December 2021	\$25.67M

### *Previous Decisions*

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

### LEVEL OF SIGNIFICANCE

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

### CONSULTATION

#### *Internal*

- All consultation and engagement is conducted internally.

#### *External Agencies*

- Nil

#### *Community*

- Nil

### LEGISLATION AND POLICY CONSIDERATIONS

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

### FINANCIAL AND RESOURCES IMPLICATIONS

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

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

#### Reserves:

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

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

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

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

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

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

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

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

## CONCLUSION

The opening funding surplus of (\$3.37M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the audited financial statements from June 2021. The net current funding position was \$30.05M.

## ATTACHMENTS

1. Monthly Financial Report December 2021 (under separate cover)
2. Material Variance Report December 2021 (under separate cover)

3. Credit Card Statements 31 December 2021 (under separate cover)
4. List of payments made under delegated authority December 2021 (under separate cover)

**11.1.6 POLICY REVIEW - 1/028 RELATED PARTY DISCLOSURES**

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

**OCM202122/128 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR CHRISTENSEN**

That Council adopts amended Policy 1/028 'Related Party Disclosures', as per Attachment 1.

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

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to consider the amendments made to '1/028 Related Party Disclosures' as part of the policy review.

**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.

Policy 1/028 'Related Party Disclosure' outlines the required mechanisms to meet the disclosure requirements of the Australian Accounting Standard Board 124 (AASB124) and provide a framework to ensure that the Town's Financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties, transactions and outstanding balances, including commitments with such parties.

The policy required amendments to ensure it is relevant and up to date with AASB124. These amendments can be viewed in Attachment 1.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION***Internal*

- Manager Financial Services

- Director of Corporate Services; and
- Acting Manager Governance.

#### *External Agencies*

Nil.

#### *Community*

Nil.

### LEGISLATION AND POLICY CONSIDERATIONS

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

### FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant to this item, as the Town has not made any payments for rewards in recent times.

### 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 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

Council are required to regularly review its policies and remain compliant with external authorities to ensure they are relevant, up to date and meet the needs of Council and the community. It is recommended that Council adopt the amended Policy '1/028 Related Party Disclosures' to ensure cohesiveness with the governance framework.

## ATTACHMENTS

1. 1/028 Related Party Disclosure (under separate cover)
2. 1/028 Related Party Disclosure Form (with markup) (under separate cover)

**11.1.7 STATUS OF COUNCIL DECISIONS UPDATE**

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

**OCM202122/128 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR CHRISTENSEN**

That Council notes the 'Status of Council Decisions' as at February 2022, as per Attachment 1 and Attachment 2.

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

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

Against: Nil

**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 have been published, each decision of Council is uploaded onto the spreadsheet and allocated 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 actioned 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 actioning each Council decision have 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 - In Progress (under separate cover)
2. Status of Council Decisions - Quarter 2 - October to December 2021 (under separate cover)

**11.1.8 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT -  
QUARTER 2 OF 2021/22 FINANCIAL YEAR**

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

**OCM202122/128 COUNCIL DECISION****MOVED: CR TURNER****SECONDED: CR CHRISTENSEN**

That Council notes the 2018-2022 Corporate Business Plan performance report for the period 1 October 2021 to 31 December 2021 (Quarter 2 FY21/22), per Attachment 1.

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

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

Against: Nil

**PURPOSE**

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

**DETAIL**

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

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

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

***2021/22 Financial Year - Quarter 2 Performance Summary***

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

For the period of 1 Oct 2021 to 31 December 2021 (Q2), the following performance statistics are reported:

Status – Q2 2021/22 FY	Q2 Items	Q2 %
CBP actions complete	50	62%
CBP actions on track for completion	31	38%
CBP actions not yet commenced for this quarter	0	0%
<b>Total CBP Items for 2021/22 FY:</b>	<b>81</b>	<b>100%</b>

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

- The Community Engagement Team is developing a Welcome to Hedland Information Pack that will be available on the Town's website and sent to new homeowners with the Annual Rates Notice.
- The Town has launched its Traineeship & Apprenticeship Program for 2022 offering school based and full-time traineeship roles.
- Club development programming continued with multiple webinar sessions delivered to local sporting and recreation clubs.
- The Colin Matheson Oval has had the cricket pitch installed for the multiuse purpose by sporting groups.
- The SALT program funding was continued with DLGSC awarding the Town \$40,000. Three unique sessions are delivered weekly during school terms.
- The Community Safety Patrol trial commenced in December 2021 (concludes February 2022).
- Fair Game Basketball, coordinated by the Town, YIC, Community Police and Education Department continued growth over the quarter with approximately 40 youth engaging each week.
- The Town has implemented a traffic count program to assist with providing data related to road safety.
- The Town has developed a Community Activation Prospectus for events and initiatives planned for 2022-2023 and agreements have been finalised with the major industry partners for the 21-22FY.
- The Town continues to meet with Hedland Maritime Initiative to support Maritime Precinct developments and Pilbara Ports Authority to progress the Spoilbank Marina project.

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

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

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

### *External Agencies*

- Nil.

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

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

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

### *Corporate Business Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

This performance report is provided to inform Council and the community of progress the Town has made with respect to the adopted actions within the Corporate Business Plan. The

Corporate Business Plan outlines the organisation's key initiatives to achieve its deliverables in the Strategic Community Plan.

#### ATTACHMENTS

1. Corporate Business Plan - Quarter 2 of 2021/2022FY - Performance Report (under separate cover)

11.2.1     2021 COMMUNITY PERCEPTION SURVEY RESULTS REPORT
--

Author: Senior Engagement Officer, Community & Place  
 Authorising Officer: Director Community Services  
 Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

## OCM202122/128 COUNCIL DECISION

MOVED: CR TURNER

SECONDED: CR CHRISTENSEN

That Council:

1. Thanks the Hedland community for participating in the Town's 2021 Community Perception Survey;
2. Receives the Survey results as noted in Attachment 1;
3. Commit to utilise the Survey results to support the review of the Town of Port Hedland Strategic Community Plan 2018-2028.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

## PURPOSE

The purpose of this report is for Council to acknowledge community input in providing response to the Town's 2021 Community Perception Survey, endorse the Survey Results and commit to utilising the community feedback when developing future strategic plans.

## DETAIL

In October 2021, the Town of Port Hedland commissioned CATALYSE® to conduct an independent MARKYT® Community Scorecard as part of the community engagement approach for the Community Perception Survey to:

- Support a review of the *Strategic Community Plan 2018-2028* (SCP);
- Assess performance against objectives and key performance indicators in the SCP;
- Determine community priorities; and
- Benchmark performance..

The strategic intent of the Community Perception Survey study is to understand and monitor community priorities and evaluate Council's performance.

Specifically, the consultation sought to address the following information objectives:

- Measure overall perceptions of the Town of Port Hedland;
- Evaluate perceptions of selected services and facilities;
- Identify and understand community priorities;
- Determine how community views differ by location and key demographics (age, gender, etc.);
- Provide historical trend analysis (where comparable data is available); and
- Provide benchmarking against MARKYT® Industry Standards.

Following information sessions with both the Executive Leadership Team and the Senior Leadership Team, survey questions were customised to meet the Town's strategic objectives. To encourage higher response rates and to reduce respondent fatigue errors, the scorecard did not exceed 60 multiple choice questions and 3 open-ended questions. The 3 open-ended questions were required to generate the MARKYT® Priorities Window.

### Strategic Overview

The scorecard was completed online or in hard copy by 1,055 community members with various connections to the Town:

- Local resident – 826 responses
- FIFO/DIDO visitor – 41 responses
- Out of area ratepayer – 36 responses
- Elected Member/ToPH Employee – 168 responses.

The strategic overview of the MARKYT® Scorecard results highlighted:

1. Vision – 18% agree with the ToPH's vision; 16% points below Industry Average
2. Liveability - 54 Performance Index Score; 22 index points below Industry Average
3. Governance – 37 Performance Index Score; 20 index points below Industry Average
4. Rates Value - 29 Performance Index Score; 16 index points below Industry Average.

The highest scores included:

- Waste collection services
- Aquatic centres
- Library and information services
- Natural disaster management
- Recognition for Aboriginal cultures and heritage.

Community priorities included:

- Community safety and crime prevention
- Children and family services, including childcare
- Housing
- Youth services and facilities
- Health and community services
- Responsible growth and development
- Sport and recreation facilities and services
- Town centre development and activation.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it involved community consultation and engagement.

### CONSULTATION

All community members were invited to complete the scorecard between 8 November and 5 December 2021:

- Scorecard invitations were sent to all households and residential PO Boxes in the Town of Port Hedland using Australia Post unaddressed mail;
- Scorecard invitations were emailed to all of the Town's customer contacts;



- Aboriginal and Torres Strait Islander consultation was undertaken by the Community Engagement Team; and
- The Town provided supporting promotions through various communication channels with the branded *Live It Tell It Do It* campaign to target audiences including:
  - Broad Hedland community;
  - Aboriginal and Torres Strait Islander communities;
  - Schools;
  - Seniors;
  - Young People;
  - Businesses;
  - Sports groups;
  - Arts and Culture; and
  - Disability Service Providers.

## LEGISLATION AND POLICY CONSIDERATIONS

DLGSC's Integrated Planning and Reporting Framework requires local councils to undertake a minor review of its Strategic Community Plan at least every two years and a major review every 4 years. The results of this Survey will be utilised to support the major review of the Town's 2018-2028 Strategic Community Plan.

## FINANCIAL AND RESOURCES IMPLICATIONS

The Town allocated \$35,000 in its FY21/22 operational budgets to cover the cost of the consultancy and the communications campaign associated with this Survey.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole town approach to increase accessibility to quality health and wellbeing services
- 1.a.3 Youth services and facilities are implemented with regular input from youth and providers
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the ToPH plans and programs are provided for transparency, accountability and two-way interaction

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

- 1.a.1.1 Develop, implement and review a community engagement program to interact with stakeholders on a regular basis
- 1.a.5.2 Develop, implement and review strategies and programs to enhance the town's visual amenity and safety
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan
- 4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with our Vision Statement

#### RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town is committed to undertaking the Community Perception Survey to inform the review of the ToPH *Strategic Community Plan 2018-2028*. The risk rating is considered to be low (4), which is determined by a unlikelihood of unlikely (2) and a consequence of minor (2). This risk will be mitigated by adopting the Officer's recommendation.

#### OPTIONS

*Option 1 – Adopt officer's recommendation*

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

#### CONCLUSION

The Council is required to note the outcomes of Town's 2021 Community Perception Survey and to ensure that community feedback is included in all of its future strategic plans, in order for community priorities to be appropriately addressed.

#### ATTACHMENTS

1. MARKYT® Community Scorecard (under separate cover)

**11.2.2 COMMUNITY DEVELOPMENT PLAN 2022 - 2027**

Author: Senior Engagement Officer, Community & Place  
Authorising Officer: Director Community Services  
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OCM202122/128 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR CHRISTENSEN**

That Council:

1. Thank the Hedland community for all their feedback and input gathered from July 2021 to December 2021 in relation to the Town of Port Hedland's *Community Development Plan 2022-2027*;
2. Acknowledge the engagement work undertaken by the Town's Community Engagement team together with Peter Kenyon from Bank of I.D.E.A.S resulting in 6,120 contributed ideas and opinions;
3. Receive and endorse the Town of Port Hedland's *Community Development Plan 2022-2027*.

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

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to endorse and support the Town of Port Hedland's 2022 Community Development Plan 2022-2027.

**DETAIL**

The Town of Port Hedland (ToPH) commissioned Bank of I.D.E.A.S to formulate the ToPH *Community Development Plan 2022-2027* (The Plan) as an expression of the Town's commitment to the development of a vibrant, caring, connected and inclusive community.

The Community Development Plan encompasses the period 2022-2027 and provides the vision, framework and practical directions needed for positive community development. Specifically, The Plan seeks to:

- Summarize the current socio-economic status of the Hedland community including existing realities, assets and challenges
- Express the aspirations of community members, businesses, organisations and groups
- Provide a framework for guiding community-led development activity in Hedland and how we can strengthen and support the community
- Specify a set of recommended priorities and actions for the next five years, identifying specific community outcomes and performance.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because it involved community consultation and engagement.

## CONSULTATION

The formulation of The Plan occurred from July 2021 to December 2021. The community engagement stage utilised a wide range of integrated activities (formal and informal) in which community members and stakeholders exchanged ideas, opinions, information, knowledge and wisdom; sought common ground and weighed options through meaningful interactive conversations. It involved the following key elements:

- Desktop research;
- Under the banner, '*Hedland Huddle*', hosting and facilitating a range of community sessions engaging community members, businesses and organisations;
- Use of a variety of "*My Big Ideas*" cards to elicit ideas and opinions and how community members could contribute to make it happen;
- Administration of an online and print 2021 Community Perception Survey' and
- Development of various draft and final plans.

Other key ToPH planning documents were essential foundation resources for the preparation of The Plan. The community engagement activities ultimately involved:

- 835 community members conversations;
- 1,055 Community Perceptions Survey responses;
- 130+ structured one-on-one and group conversations; and
- 6,120 contributed ideas and opinions.

## LEGISLATION AND POLICY CONSIDERATIONS

The Town of Port Hedland Community Development Plan 2022-2027 will be an informing strategy to the Town's Strategic Community Plan.

## FINANCIAL AND RESOURCES IMPLICATIONS

A budget allocation of \$25,000.00 has been made in FY 2021/22 for the development of this plan.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.3 Youth services and facilities are implemented with regular input from youth and providers
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the ToPH plans and programs are provided for transparency, accountability and two-way interaction

- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.2 Events and activities to celebrate the town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.b.2 The town's economic development is supported through engagement with key economic groups
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
  - Identify strategic employment and economic development priorities
  - Assess and address market failures affecting the cost of living
  - Assess and address cost of doing business challenges
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with agencies
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- A positive narrative and unique brand is developed and promoted
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

- 1.a.1.1 Develop, implement and review a community engagement program to interact with stakeholders on a regular basis
- 1.a.2.1 Coordinate and advocate for improved community health services and facilities
- 1.a.3.1 Coordinate and provide a range of youth activities in partnership with key stakeholders
- 1.a.5.1 Develop, implement and revise a community safety plan
- 1.a.5.2 Develop, implement and review strategies and programs to enhance the town's visual amenity and safety
- 1.a.6.1 Promote awareness of town-wide health, recreation, sporting and safety services and initiatives
- 1.b.3.1 Provide meaningful opportunities for Aboriginal and Torres Strait Islander people to engage with the Town of Port Hedland
- 1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities
- 1.b.4.2 Inform the community on Town projects, operations, services and events
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders
- 1.c.2.1 Provide a year-round events program aligned with the Cultural and Arts Strategy
- 1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure

- 1.d.4.1 Develop, implement and review a marketing and promotional plan for community facilities and services
- 2.a.1.1 Advocate for skills and career pathways within our community
- 2.a.4.1 Increase educational offerings by lobbying for secondary, Tertiary and higher learning facilities and services through facilitation with key stakeholders
- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification
- 2.b.5.1 Work with stakeholders to enhance the reputation of the town
- 2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges
- 2.c.2.1 Provide information to the business community to support decision making
- 2.d.1.1 Lobby State and Federal Government to invest in port infrastructure
- 2.d.2.1 Advocate and encourage key stakeholders to have locally based supply chains and service providers
- 3.a.1.1 Develop, implement and promote strategies to protect and enhance Port Hedland's natural environment
- 3.b.1.3 Advocate to and support State Government initiatives to resolve land use conflicts
- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan
- 4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with our Vision Statement

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town is committed to implementing the key strategic outcomes of the *Community Development Plan 2022-2027*, and of the Officer's recommendation is not adopted the community may perceive the Town as neglecting their role in developing the community. The risk rating is considered to be low (4), which is determined by a unlikelihood of unlikely (2) and a consequence of minor (2). This risk will be mitigated by adopting the Officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The Town conducted an extensive period of community engagement to develop this Plan. Town staff involved in the process and Peter Kenyon from Bank of I.D.E.A.S should be commended for their efforts in reaching out to a large and varied cross section of the Hedland community and carefully and considerably garner their voices, opinions and ideas. Ultimately all community engagement activities and dialogues identified:

- 16 themes that Hedland residents and groups care about
- A community vision statement
- 6 community guiding principles
- 5 key community strategies including community aspirations for the future, goals, priorities and 121 key strategic responses.

Council is requested to acknowledge community input and turn it into action, by formally adopting this plan.

#### ATTACHMENTS

1. Community Development Plan (under separate cover)

**11.3.1 ADOPTION OF SOUTH HEDLAND PLACE PLAN**

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

**OCM202122/128 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR CHRISTENSEN**

That Council:

1. Considers the submissions received on the Draft South Hedland Place Plan in Attachment 1;
2. Endorses the modifications to the South Hedland Place Plan proposed in response to those submissions outlined in Attachment 2;
3. Adopts the final South Hedland Place Plan as included in Attachment 3, subject to those modifications; and
4. Notes that the implementation of the South Hedland Place Plan will be funded through Council's budget process and sourcing external funding such as grants; and

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/128 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR CHRISTENSEN**

That Council authorises the Chief Executive Officer or his delegate to engage with Charter Hall to discuss the entering into of a lease agreement (or similar) for long term management of the car parking area located on Lot 1508 Wise Terrace, South Hedland.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the South Hedland Place Plan (Place Plan).



## DETAIL

In March 2021 the Town of Port Hedland engaged the services of Town Team Movement, ASPECT Studios and wOnder City + Landscape to develop a place-led approach which is community driven to activate and deliver positive outcomes for the South Hedland town centre. The South Hedland Place Plan (Place Plan) is the culmination of this work which targets specific circumstances of the place by engaging residents, local businesses and community organisations as active participants in the Place Plan's development and implementation.

There was significant community engagement in the drafting of the Place Plan, including online surveys, stakeholder meetings, pop-up shop engagement and workshops, co-design workshops and Town Team sundowner. There were surveys collected at public events including 'Hedland's Got Talent', 'Welcome to Hedland' and the 'South Hedland Bloc Party'. The Place Plan was drafted as a result of the 563 cumulative written responses and contribution from 206 community members and organisations.

The Place Plan was initiated by Council on 24 November 2021 and advertised for a period of 51 days between 8 December 2021 and 28 January 2022. The objectives of the Place Plan are to:

1. Develop a grassroots strategy, which is led by the community and creates a sense of ownership;
2. The strategy should address anti-social behaviour perception challenges, public realm upgrades and vacant land; and
3. The plan should empower the community to work in stronger partnership with the Town and incentivise future commercial and private development.

The Place Plan used the responses received during early engagement phases of the project to formulate five place themes and six priority projects, further broken down into key actions. These key actions provide shared responsibility for the Town, local organisations and community members to implement. These actions relate to the on-going partnership with the Town and local organisations, activation of the Town centre and will inform future amendments to design and development guidelines for commercial, civic and private developments.

The Town received six submissions during this period, not inclusive of on-going stakeholder engagement. The details can be found in **Attachment 1**. As a result of the on-going stakeholder engagement and community consultation, there are minor modifications to the Place Plan, which can be found in **Attachment 2**. The most notable changes are:

1. An inclusion of a Milestone Action for the Town to consider entering into a lease agreement for the management of the car parking area east of South Hedland Square, to install shading and landscaping for greater pedestrian connectivity through the Town centre.
2. Amendments to the Milestone Actions relating to a 'library' activation space to a 'community hub' activation space, to allow for a variety of community uses, as required by our community, leading to more opportunity to activate Wise Terrace.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the adoption of the Place Plan will elevate a place-based approach which is community driven.

## CONSULTATION

### *Internal*

- Executive Leadership Team;
- Management Team;
- Town Planning and Development Team;
- Community Development Team;
- Infrastructure Operations Team; and
- Infrastructure Projects and Assets Team.

### *External Agencies*

- Development WA.

### *Community*

The Place Plan was advertised for a total of 51 days between 8 December 2021 and 28 January 2022. The Town received six submissions on the proposal, four of which are supportive of the Place Plan and actions presented, the remainder have had some queries around the actions which have been responded to in **Attachment 1**.

## LEGISLATION AND POLICY CONSIDERATIONS

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

## FINANCIAL AND RESOURCES IMPLICATIONS

The approval of the South Hedland Place Plan will result in the expenditure of \$500,000 allocated to the project for the remainder of the 2021/22 financial year. Council will consider an appropriate budget for the implementation of the milestone actions identified through the Place Plan for the 2022-23 financial 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.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.b.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered

- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 2.a.3 Innovation is encouraged to enhance the diversity of employment opportunities
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

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 6 - Consultation Process

#### *Corporate Business Plan*

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

- 1.a.1.1 – Develop, implement and review a community engagement program to interact with stakeholders on a regular basis.
- 1.a.1.2 – Develop, implement, review and promote a community grants and donations program.
- 1.b.4.2 – Inform the community on Town projects, operations, services and events.
- 1.c.3.1 – Develop, implement, review a sponsorship, partnership and engagement program for events and activities.

### **RISK MANAGEMENT CONSIDERATIONS**

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

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

This report has detailed the outcomes of the advertising period for the South Hedland Place Plan. By adopting the South Hedland Place Plan, Council will facilitate improved public realm upgrades and activities, built form outcomes and facilitate greater collaboration with community and local business in the South Hedland Town centre.

## ATTACHMENTS

1. South Hedland Place Plan (under separate cover)
2. Schedule of Submissions (under separate cover)
3. Schedule of Modifications (under separate cover)

### 11.3.3 ALLIANCE AGAINST DEPRESSION FUNDING

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

#### OCM202122/128 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR CHRISTENSEN

That Council supports making an application for Alliance Against Depression Funding, to administer and deliver actions aligned with the Hedland Community Wellbeing Action Plan and Community Safety Plan.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

#### PURPOSE

The purpose of this report is for Council to consider the Town of Port Hedland accessing Alliance Against Depression Funding, to a maximum of \$100,000, to promote and deliver positive mental health impacts and benefits for the community, and approve the entering of a contract to administer these funds.

#### DETAIL

The Town of Port Hedland (the Town) has been provided with the opportunity to access and administer \$100,000 of funding for the community via the Alliance Against Depression Fund offered by WA Primary Health Alliance.

The aim of these fund is to improve care for those living with depression and prevent suicidal behaviours covering four focus areas. The funding can be used for non-clinical Suicide Prevention activities that fit into one or more of the Alliance Against Depression Framework Pillars:

- Pillar 1 - Primary Care and Mental Healthcare: Increased access to and improved identification and treatment of depression from primary care general practitioners and specialised mental health professionals;
- Pillar 2 - Patients' high-risk groups and relatives: Support for high-risk patients and their relatives;
- Pillar 3 - General public: depression awareness campaign. Destigmatising depression, anxiety and talking about the prevention of suicide through a public awareness campaign; and
- Pillar 4 - Community facilitators and stakeholders: Alliance and cooperation with community facilitators and stakeholders.

The following groups have been identified by WA Primary Health Alliance as the most at risk, supported suicide prevention activities are required to target:

- Aboriginal communities; and
- Men between the ages of 25-54 who work as Farmers, Fly-In, Fly-Out workers (or Drive-In-Drive-Out) and Fishers along with their families.

Projects that focus on these groups will be prioritised but broader community activities which support the pillars can be considered.

The funding will be open to community for the duration of 2022. There will not be a specified upper or lower limit placed on the grant, a total amount of \$95,000 is available for the entire program. This will allow for qualitative outcome to be achieved to improve mental health and prevent suicidal behaviours. The remaining \$5,000 will be dedicated to the Town to cover operational costs associated with undertaking the grant program and administering the funds into the community.

An Alliance Against Depression group is usually required to be formed to inform and guide the distribution of these funds in Local Government areas, however, due to the existing Hedland Community Wellbeing Action Group this alliance is not required. Hedland Community Wellbeing Action Group is a key stakeholder group responsible for the implementation of the Hedland Community Wellbeing Action Plan. This group will be responsible for informing activities and guiding the distribution of funds into the community.

The Town views the funding as a prime opportunity to build on assets and delivery actions outlined in the Hedland Community Wellbeing Action Plan and Community Safety Plan, providing increased resources and ability to achieve positive outcomes for the Hedland community.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Alliance Against Depression funding provides opportunity to improve care for people living with depression and prevent suicidal behaviour.

## CONSULTATION

### *Internal*

- Executive Leadership Team;
- Director Regulatory Services;
- Manager Environmental Health & Community Safety;
- Director Community Services;
- Senior Community Engagement Officer; and
- Community Engagement Officer

### *External Agencies*

- WA Primary Health Alliance;
- WA Country Health Services; and
- Hedland Community Wellbeing Working Group.

### *Community*

Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

2/017 Grant Funding

**FINANCIAL AND RESOURCES IMPLICATIONS**

Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services

*Economic*

The funding provides an opportunity to build on community resource to improve mental health and prevent suicidal behaviour in the community.

*Social*

The funding provides an integrated and collective impact approach to improve wellbeing and health of the community.

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

*Corporate Business Plan*

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

- 1.a.1.2 - Develop, implement, review, and promote a community grants and donations program.
- 1.a.5.1 Develop, implement and review a Community Safety Plan

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item due to the one-off opportunity to access the funds to build on key resources for the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk will be mitigated by adopting the Officer's recommendation.

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

**CONCLUSION**

This report outlines the opportunity and benefits offered by the Alliance Against Depression Fund and seeks the approval to progress and commit to this opportunity. The Town views the funding as a prime opportunity to build on current assets and address gaps in community to improve mental health and prevent suicidal behaviours in community.

**ATTACHMENTS**

Nil



**11.5.1 PORT HEDLAND VISITOR CENTRE - QUARTERLY REVIEW - QUARTER 1:  
JULY - SEPTEMBER 2021**

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

**OCM202122/128 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR CHRISTENSEN**

That Council receives the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the first quarter, July - September 2021.

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

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the first quarter from July - September 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 of the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

**DETAIL**

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options. Council has exercised two of these extension options, taking the management contract to end on 30 June 2023.

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

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

Please note that there has been a delay in receiving this report due to the resignation of the Port Hedland Seafarers Operations Manager. The extension for receiving this report was requested and approved by the Manager Corporate Affairs.

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

- A friendly and professional face to face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region;
- A comprehensive range of local, regional and state wide brochures, maps and directional information both in hard copy and available electronically;
- Information and booking services for accommodation and tours;
- Information on attractions, events, retail outlets, local services, road conditions and transport options;
- A web presence and digital strategy to educate and attract visitors to the local area;
- High quality customer service to visitors of the Visitor Centre;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers and other visitors;
- Strong, accountable financial management; and
- Clear, concise, accurate quarterly reporting on the operations of the facility.

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

- 15,000 visitors supported through the Visitor Centre;
- 1,000 people hosted on formal tours operated through the Visitor Centre;
- Gold/A1 Tourism accreditation maintained (or equivalent);
- Development of a web presence and digital strategy to educate and attract visitors to the local area;
- Development and distribution of up to date tourism documents promoting Port Hedland and the Pilbara region; and
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period July – September 2021. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the quarter July - September 2021 are noted below:

- Maintained their Level One Western Australia Visitor Centre Accreditation
- For this quarter, the Visitor Centre and the Seafarers Centre facilitated a total of 210 tours with a total of 3,021 participants, consisting of 829 adults (27.4%), 2,000 seniors (66.2%), and 192 children (6.4%).
- Continuation of the Yarning with a Local series.
- Continuation of the Wedge St Footpath Markets.

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Building maintenance;
- Communications;

- Finance; and
- Planning.

*External Agencies*

Nil.

*Community*

Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations for this report.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY 2021/22 budget.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

*Economic*

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

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

*Disability Access and Inclusion Plan*

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

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

**RISK MANAGEMENT CONSIDERATIONS**

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

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from July - September 2021 in its role as manager of the Port Hedland Visitor Centre.

## ATTACHMENTS

1. Port Hedland Visitor Centre Quarterly Report (under separate cover)

## 11.1 Corporate Services

## 11.1.1 ADOPTION OF THE 2021/2022 BUDGET MID YEAR REVIEW

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.

## OCM202122/129 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council adopts the revised 2021/2022 Budget based on results for the period ended 31 December 2021 with a resulting projected municipal surplus as at 30 June 2022 of \$155,000

*CARRIED BY ABSOLUTE MAJORITY (8/0)*

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

## OCM202122/130 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR GILLINGHAM

That Council grants additional concessions in relation to late applications for the 2021/2022 rate charges of \$86,150.36 listed in the attached schedule (Attachment 2), pursuant to section 6.47 of the *Local Government Act 1995*, the *Rates and Charges (Rebates and Deferments) Act 1992* and Council policy 2/014 Rates Concession Policy (Rateable Land).

*CARRIED BY ABSOLUTE MAJORITY (8/0)*

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

## PURPOSE

The purpose of this report is for Council to consider and adopt the 2021/22 budget half- year review. Budget reviews are required to be completed covering 1 July to no later than 31 December as per *Section 33A of Local Government (Financial Management) Regulations 1996*. A review of the annual budget must be completed between 1 January and 31 March for the applicable budget year. The review is an opportunity to evaluate the current budget and

allocate funding for emerging community and social priorities, allowing the organisation to respond and provide the best result for the Town of Port Hedland.

## DETAIL

This budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The budget review is an opportunity to evaluate and update the current budget which may have been impacted by various factors since the setting of the 2021/22 budget that was adopted by Council on 30 June 2021 (CM202021/193). The projected closing municipal surplus of \$158,000 is an increase from the original budget surplus of \$139,000. This is mainly attributable to an increase in interim rates offset in part by a change in depreciation on revalued buildings and other operational adjustments.

Council adopted the reporting of the following material variances to be used in the statements of financial activity and the annual budget review for the 2021-22 financial year:

- Explanation of expenditure classified as capital projects or operational expenditure with a variance of 10% or \$50,000, whichever is greater, of the year to date budget<sup>1</sup>

Features of the half-year budget review include:

Operational Program Amendments – Revenue (\$ '000)	
Net changes to revenue streams	\$ 3,897
Operational Program Amendments – Expenses (\$ '000)	
Increase in material and contract costs relating to the Spoilbank Marina (OCM 202122/086)	(\$24,000)
Net changes to other operational expense items	(\$4,158)

Investing and Finance Activities Amendments (\$ '000)	
Reduction in Capital Works program	(\$9,836)
Reduction of grants and industry funding	(\$7,190)
Reduction in transfer from cash back reserves following reduction in capital works program	(\$4,414)
Increased transfer from cash back reserves following Council's OCM 2021/22-086	\$24,000
Increased borrowings in line with increased capital expenditure	\$1,048

## Capital Projects Program

A detailed listing of all capital works and new initiatives are listed in Attachment 2.

## Additional Rate Concession Applications

The new St Johns Ambulance depot at 2 Quininup Way Port Hedland had previously been rated as vacant land from 12/09/2018 to 08/07/2021 with minimum rates raised and charged. These rates were paid in full. Consequently, as a result of a recent rating revaluation the property had been a developed property for several years. Additional rate charges were then raised. These charges remain outstanding. A notation on rate file dated 11/09/2018 advising

application of rates exemption post rates raised 2018/2019. St Johns have disputed the imposition of the new rates on the new facility as they declared the organisation has a charity status. Most LGA's do not rate St John Ambulance or alternately provide them with concessions on the basis they provide a benefit to the community. St Johns have applied for a 100% rate exemption of \$83,392.48 for rates from 1/3/2018 through to the 2021-2022 financial year. The officer recommendation is to grant the 100% concession for the period applied for. The outstanding rates debt will be cancelled with the application of the concession.

One Tree Community Services was pursued rigorously at budget time for their concession application; however they missed all deadlines. Subsequently their application was received after Council had been briefed on the concessions. All rates paid are in full – nil outstanding. One Tree Community Services are considered a profitable enterprise and does provide a necessary service to the community. One Tree Community Services has applied for a 100% rate concession of \$5,515.75. The officer recommendation is that a 50% pro-rate concession of \$2,757.88 be granted to the 2021-22 rating period. A refund of \$2,757.88 will be provided to One Tree community Services as a result of the concession.

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, as budget reviews are vital to ensure the Town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices to mitigate financial risk exposure to Council.

### CONSULTATION

- The 2021/22 current budget has been reviewed by all Managers and the Executive Leadership Team. They have collectively considered the impact of the budget amendments presented, to benefit the community as a whole and keep within the budget guidelines of a balanced budget.
- The Council have been consulted on amendments prior to the Ordinary Council Meeting.

#### *External Agencies*

- Landgate.

#### *Community*

Nil.

### LEGISLATION AND POLICY CONSIDERATIONS

A Local Government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A (1) of the *Local Government (Financial Management) Regulations 1996*. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation

33A (2) and (3). The budget review is scheduled for presentation to Council for adoption at the Ordinary Council Meeting scheduled for 23 February 2022.

### FINANCIAL AND RESOURCES IMPLICATIONS

The 2021/2022 Budget Half Yearly Review for the period ended 31 December 2021 has identified increased operating revenue of \$3.9m and increased operating expenditure of \$4.2m, resulting in a net increase of \$19,000 to the operating surplus.

Capital programmes have decreased by \$9.8m to a total estimated \$67.9m.

The Spoilbank marina contribution has been included back into the budget with an impact of \$24m that is fully reserve funded.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

#### *Environmental*

Nil.

#### *Economic*

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical, and available.

#### *Social*

Significant social impacts will be achieved including investment into community infrastructure and programs and the promotion of the Town as a great place to live and work.

#### *Corporate Business Plan*

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

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

### RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', there is a reputational risk with a rating of medium (6) assigned to the risk that the review is not submitted to Council within 30 days after the review has been finalised. This risk has an unlikely (2) possibility and a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.

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



There is a risk rating of medium (9) assigned to the risk that the Council do not adopt the 2021/2022 Budget Half Yearly Review for the period ended 31 December 2021, resulting in the delay or inability to perform specific capital works which are essential but do not currently have an approved budget item line. This risk is possible (3) with a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.

This risk will be eliminated by endorsing the 2021/2022 budget half-year review for adoption by Council.

## 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 a summary of the 2021/22 budget half-yearly review for the period ended 31 December 2021.

Several variations are proposed as part of this review to meet community and organisational requirements. The outcome of the review presents an estimated municipal surplus of \$155,000 as at 30 June 2022.

## ATTACHMENTS

1. Statement of Budget Reviews 31.12.21 (under separate cover)
2. Mid-Year Review Concessions - 2021-22 (under separate cover)

**11.1.3 ADOPTION OF TOWN OF PORT HEDLAND AMENDMENT WASTE LOCAL LAW 2022**

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

**OCM202122/131 COUNCIL DECISION****MOVED: CR BENNETT****SECONDED: CR ZIELKE**

That Council pursuant to Section 3.12 of the *Local Government Act 1995* resolves to:

1. Adopt the Town of Port Hedland Waste Amendment Local Law 2022, as per Attachment 1:
  - a) With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
  - b) With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community, and protection of the environment, and to provide capacity to enforce contraventions to the laws.
2. Authorises the Chief Executive Officer to:
  - a) Publish the Town of Port Hedland Waste Amendment Local Law 2022 in the Government Gazette;
  - b) Provide a copy of the gazetted Town of Port Hedland Waste Local Law 2022 to the:
    - i) Minister for Local Government, Heritage, Culture and the Arts;
    - ii) Minister for Environment; Disability; Electoral Affairs; and
    - iii) Director General of the Department of Water and Environmental Regulation;
  - c) Give local public notice after gazettal of the Town of Port Hedland Waste Amendment Local Law 2022;
  - d) Provide a copy of the gazettal of the Town of Port Hedland Waste Local Law 2022, together with any explanatory documents required, to the Joint Standing Committee on Delegated Legislation for review; and
  - e) Authorise the affixing of the Common Seal to the Town of Port Hedland Waste Amendment Local Law 2022.

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

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

## PURPOSE

The purpose of this report is for Council to consider the Town of Port Hedland Waste Amendment Local Law 2022 as revised, following public consultation, and progress the formal making of this law in accordance with the *Local Government Act 1995*.

## DETAIL

At its Ordinary Council Meeting on 25 August 2021, Council resolved the following to progress the development of the Town of Port Hedland Waste Amendment Local Law 2022:

### CM202122/023 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR ZIELKE

That Council undertakes to the Joint Standing Committee on Delegated Legislation to:

1. Delete clause 2.6(c) of the Town of Port Hedland Waste Local Law 2020 within six (6) months;
2. Not enforce clause 2.6(c) of the Town of Port Hedland Waste Local Law 2020 contrary to undertaking (1);
3. Make all consequential amendments arising from this undertaking; and
4. Where of the Town of Port Hedland Waste Local Law 2020 is made publicly available by the Town, whether in hard copy or electronic form, ensure that it is accompanied by a copy of this undertaking.

CARRIED BY SIMPLE MAJORITY (8/0)

### CM202122/024 COUNCIL DECISION

MOVED: DM COLES

SECONDED: CR GILLINGHAM

That Council:

1. Commences the process to adopt the proposed Town of Port Hedland Waste Amendment Local Law 2021;
2. Pursuant to section 3.12(3) of the Local Government Act 1995 gives local public notice to make the proposed Town of Port Hedland Waste Amendment Local Law 2021 as per Attachment 1:
  - a. With the purpose being to provide a statutory framework to regulate the collection, disposal and storage of waste and recyclable materials; and
  - b. With the effect being to stipulate the responsibilities of the Town and its residents in relation to waste management, including the collection, disposal and storage of waste and recycling materials for the benefit of the community and protection of the environment, and to provide capacity to enforce contraventions to the laws.
3. Authorises the Chief Executive Officer to submit a copy of the proposed Town of the Port Hedland Waste Local Law 2020 to the Minister for Local Government and the Minister for Environment.

CARRIED BY SIMPLE MAJORITY (8/0)

This resolution has been completed, and Council approval is required to continue the progression of the making of this local law.

Due to competing election and statutory priorities, this Local Law will be gazetted in the 2022 calendar year, therefore, the Town is proposing to update the title from “Waste Amendment Local Law 2021” to “Waste Amendment Local Law 2022”. As this is not a significant change for the purposes of s.3.12(4) of the *Local Government Act 1995*, there is no need to re-advertise.

The Waste Amendment Local Law 2022 was advertised state-wide in the ‘North West Telegraph’ newspaper on Wednesday, 1 September 2021. The advertisements invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Thursday, 14 October 2021. Copies of the advertisement were displayed on the Town of Port Hedland’s (Town) notice boards at both libraries and on the Town’s website.

A copy of the proposed Town of Port Hedland Waste Amendment Local Law 2022 and copies of the advertisements were sent to the Minister for Housing and Local Government and to the Minister for Environment; Climate Action and Commerce for review.

On 24 September 2021, the Town received correspondence from the Department of Local Government, Sport and Cultural Industries, noting that a minor grammatical change be resolved before the Town’s proposed Waste Amendment Local Law 2022 could be considered for consent. This change was actioned, and is reflected in the attached document.

The Town provided the proposed Waste Amendment Local Law 2022 and the advertisement in the North West Telegraph draft to the Director General of the Department of Water and Environmental Regulation for consideration on Monday 6 September 2021. The Town received further comment on the Director General’s consent to the making of the local law on 11 November 2021, as per Attachment 2. On 28 January 2022, the Town received confirmation of the Director General’s consent, as per Attachment 3, after variations were made following their previous comment.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because it effects all residents within the district of Port Hedland in the terms of both general and recyclable waste services.

## CONSULTATION

### *Internal*

- Executive Leadership Team

### *External Agencies*

- Minister for Housing and Local Government;
- Minister for Environment; Climate Action and Commerce;
- Director General of the Department of Water and Environmental Regulation; and
- Department of Local Government, Sport and Cultural Industries.

*Community*

- The proposed Waste Amendment Local Law 2022 was subject to public consultation for more than the statutory 6 week period.

**LEGISLATION AND POLICY CONSIDERATIONS**

- Council may make local laws in accordance with Part 3 of the *Local Government Act 1995* and in so doing, all local laws are then to be reviewed within eight years of their commencement date.
- The process of adopting or amending a local law is set out in section 3.12 of the *Local Government Act 1995*.
- *Waste Avoidance and Resource Recovery Act 2007* confers the Council with the powers to adopt specific laws for governing waste within its jurisdiction.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are financial and resource implications associated with making Waste Amendment Local Law 2022 which includes a gazettal fee that is approximately \$2,500. Funds are available in the 2021/2022 budget for the projected cost.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

*Environmental*

The proposed Waste Amendment Local Law 2022 implements a regulatory framework for the disposal of recyclable materials ultimately for the protection of the environment.

*Economic*

Nil.

*Social*

The proposed Waste Amendment Local Law 2022 will assist in educating the community by providing a clear framework for offences relating to general and recyclable waste.

*Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process

*Corporate Business Plan*

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

3.2. – Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse.

### RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the Town does not adopt the proposed Waste Amendment Local Law 2022, which will provide an appropriate legal framework to regulate both general and recyclable waste. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

There is a reputational risk associated with this item if the Town does not advertise/gazette the proposed Waste Amendment Local Law 2022, which will inform community members of the new legal framework to regulate both general and recyclable waste. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of minor (2).

These risks will be eliminated by the adoption of the officer's recommendation.

### OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### CONCLUSION

It is recommended that Council progresses the process under the *Local Government Act 1995* to make the proposed Town of Port Hedland Waste Amendment Local Law 2022, which will allow for the regulation of both general and recyclable waste.

### ATTACHMENTS

1. Proposed Town of Port Hedland Waste Amendment Local Law 2022 (under separate cover)
2. Letter from Department of Water and Environmental Regulation dated 11 November 2021 (under separate cover)
3. Letter from Department of Water and Environmental Regulation dated 28 January 2022 (under separate cover)

**11.1.4 COUNCIL VACANCY - OFFICE OF COUNCILLOR**

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

**OCM202122/132 COUNCIL DECISION****ALTERNATE MOTION****MOVED: CR GILLINGHAM****SECONDED: CR COLES**

That Council:

1. Note the resignation of Mr Warren McDonogh from his position as Councillor with the Town of Port Hedland with effect from 02 February 2022;
2. Acknowledge and thank Mr Warren McDonogh for his service and contribution to the Town of Port Hedland, noting that Mr McDonogh was first elected to serve on the Town of Port Hedland Council in 2017 and was re-elected in 2020, serving his community and being a part of delivering significant progress for Hedland; and
3. Arrange an in-house civic reception attended by Elected Members for all Elected Members who served in 2020 and the Elected Members who were sitting on Council immediately prior to the Commissioner being appointed.

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

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

**OCM202122/133 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR CHRISTENSEN**

That Council:

1. In accordance with section 4.8 of the *Local Government Act 1995* hold an extraordinary election within 4 months of the 02 February 2022 to fill the position of Councillor vacated by Cr McDonogh;
2. Declare, in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of an extraordinary election together with any other elections that may be required;
3. Endorse, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the extraordinary election will be as a postal election
4. Set the date for the extraordinary election as Friday 20 May 2022;
5. Engage the Western Australian Electoral Commission to make provision for one polling place at the Civic Centre in Port Hedland to give electors the opportunity to hand in their postal votes on election day; and
6. Pursuant to Section 6.8 of the *Local Government Act 1995*, increase the 2021/2022 budget by \$45,000 to fund the extraordinary election.

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*CARRIED BY ABSOLUTE MAJORITY (7/1)*

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

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## PURPOSE

The purpose of this report is for Council to consider the resignation of Cr McDonogh and the consequential vacancy on Council.

## DETAIL

On Tuesday 2<sup>nd</sup> February 2022 the Town of Port Hedland Chief Executive Officer received a letter of resignation from Councillor Warren McDonogh. This has created an extraordinary vacancy for Council. Advice from the West Australian Electoral Commission is that there are two options available to Council:

1. Under section 4.8 of the Local Government Act 1995 hold an extraordinary election to fill the vacancy.
2. Under section 4.17(3) of the Local Government Act 1995 the council may, with the approval of the Electoral Commissioner; allow the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
  - o **NOTE: *absolute majority vote is required for both options and will remain at five regardless of which option is selected***

The *Local Government Act 1995* section 2.32 requires where the office of a Councillor becomes vacant an election is to be held within 4 months of the vacancy occurring. It further requires that within one month of receiving the resignation a date needs to be set by the Mayor or by resolution of Council for the extraordinary election to be held. If this date has not been set within the month then the CEO is to notify the Electoral Commissioner and the Electoral Commissioner will set the date and notify the CEO (section 4.9 of the *Local Government Act, 1995*);

The Council can resolve not to have an extraordinary election and let the vacancy remain unfilled. Council would be eligible to seek the Electoral Commissioners permission to leave the vacancy unfilled as the Town of Port Hedland have no wards and would still have 80% representation with the remaining Councillors.

There are pros and cons to each of the options above, including:

- the expertise an elected member brings to Council.
- the saving of resources, member fees and allowances (approximately \$50,000).
- the challenge of an “even number” of Councillors in relation to voting and use of the Presiding Member’s “casting vote”.
- the cost of running an election (estimated at \$30,000 + the cost of a returning officer)
- the additional cost of induction and formal/informal training of the new elected member.



Should the Council choose option 1 the Council have no later than 4 months after the vacancy occurred to hold the extraordinary election, that is the election would need to be held before 2<sup>nd</sup> June 2022. For Council to set a date, it should have consideration for other conflicting dates and events such as Easter, ANZAC Day and the potential of a Federal Election. Council should be guided by the advice of the WAEC when determining the date for an election however practicality suggests it will be in May 2022. A number of scenarios are were provide by the WAEC {included in} attachment 1 for Council consideration.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the decision will substantially affect a wide range of people who reside in Port Hedland.

## CONSULTATION

### *Internal*

### *Internal*

- CEO briefing to Council at a confidential meeting held on 2<sup>nd</sup> February 2022; and
- Agenda Settlement Meeting 16<sup>th</sup> February 2022.

### *External Agencies*

- Western Australia Electoral Commission

### *Community*

No community consultation is required for this decision of Council

## LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government Act 1995* has provisions that are relevant to this report and in particular Division 2 and Division 4. Division 2 recognises the situation where there may be a resignation creating an extraordinary vacancy of a Councillor and any offices that the resigning councillor has been elected to. Division 4 deals with the process of what to do in the event that the office of a Councillor becomes vacant for holding of an Extraordinary Election or leaving the office vacant, whichever the case may be.

There are no specific policies of Council that will need to be addressed from a content point of view. There are some policies that will have some application depending on the direction Council prefers to pursue.

4/008 Elected Member allowances Facilities and Expenses

4/010 Elected Member Professional Development

## FINANCIAL AND RESOURCES IMPLICATIONS

Should the Council choose option 1, the cost of an Extraordinary election is estimated to be approximately \$30,000 and this is currently unbudgeted. Should the Council choose option 2 there are potential savings of approximately \$50,000 between now and the next scheduled election in October 2023.

## 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 of 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. – Transparent and regular governance reporting and communication of the community is undertaken

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because under the Local Government Act the Council must hold an extraordinary election within 4 months of the office of Council position becoming vacant. The risk rating is considered to be medium (5), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

## OPTIONS

Should Council determine Option 1 to hold an extraordinary election then the officer recommendation would be as per Attachment 1.

*Should Council determine Option 2 allow the vacancy to remain unfilled then the following would apply:*

That Council

Write to the Electoral Commission and request the vacancy be held over

## ATTACHMENTS

1. Proposed Election Dates (under separate cover)
2. WAEC Advice (under separate cover)

**11.1.5 ELECTED MEMBERS REPRESENTATION ON EXTERNAL COMMITTEES**

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

**OCM202122/134 COUNCIL DECISION****MOVED: CR COLES****SECONDED: CR ECKHART**

That Council appoint Councillor Christensen as a representative to the Port of Port Hedland Community Consultative Committee:

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/135 COUNCIL DECISION****MOVED: CR BENNETT****SECONDED: CR ECKHART**

That Council appoint Councillor Coles as a proxy to the Hedland Community Road Safety Group.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/136 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: DEPUTY MAYOR TURNER**

That Council appoint Councillor Eckhart as a proxy to the Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel (JDAP)

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/137 COUNCIL DECISION****MOVED: CR COLES****SECONDED: CR BENNETT**

That Council appoint Deputy Mayor Turner as a as a proxy to the Port Hedland Industries Council – Community Industry Forum

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/138 COUNCIL DECISION****MOVED: CR COLES****SECONDED: CR ECKHART**

That Council appoint Councillor Christensen as a as a proxy to the Port Hedland Technical Advisory and Consultative Committee (TACC)

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to formally appoint Elected Member representatives and proxies of the Town of Port Hedland to the Committee positions recently become vacant following the resignation of Councillor McDonogh.

**DETAIL**

Following each Local Government Election, Elected Members' representation on external groups/committees are revised. At the Ordinary Council Meeting held on 3 November 2021, Councillor McDonogh and Councillor Coles were appointed to the Port of Port Hedland Community Consultative Committee. Councillor McDonogh submitted his resignation for the Committee on 1 December 2021 and his resignation as a Councillor on 02 February 2022.

Should Councillor Coles as the deputy for the Pilbara Ports Committee nominate as the representative and replace Councillor McDonogh then the council will need to nominate a deputy to replace Councillor Coles vacancy.

**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;
- Executive Assistant to the Chief Executive Officer & Mayor.

### *External Agencies*

- The Port of Port Hedland Community Consultative Committee

### *Community*

- Nil.

## LEGISLATION AND POLICY CONSIDERATIONS

- Policy 4/010 'Elected Member Professional Development';

## FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland 2021/22 budget, under 'Members of Council Accommodation and Travel Expenses', which has a balance of approximately \$42,000.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development

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

### *Disability Access and Inclusion Plan*

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

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

### *Corporate Business Plan*

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

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan

## RISK MANAGEMENT CONSIDERATIONS

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 committees at regional and/or State level. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4).

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

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

## CONCLUSION

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 the committee positions recently vacated by Cr McDonogh to ensure that the community's ambition of having council representation on a regional level is achieved.

## ATTACHMENTS

1. Elected Member External Groups Representation Information Statement (under separate cover)
2. Table of External Committees and Representatives (under separate cover)

## 11.2 Community Services

### 11.2.3 COURTHOUSE GALLERY QUARTLERY REPORT - QUARTER 2 - OCTOBER TO DECEMBER 2021

**Author:** Manager Community Development

**Authorising Officer:** Director Community Services

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

Cr Coles declared a financial interest in this item and left the room at 7:03pm

Cr Christensen, Cr Bennett and Cr Gillingham declared impartiality interests in this item.

#### OCM202122/139 COUNCIL DECISION

**MOVED:** CR ZIELKE

**SECONDED:** DEPUTY MAYOR TURNER

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the second quarter, October to December 2021

*CARRIED BY SIMPLE MAJORITY (7/0)*

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

Against: Nil

#### PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the second quarter from October to December 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

#### DETAIL

The contract for the management of the Courthouse Gallery was agreed between the Town and The Junction Co. for the period 1 July 2019 to 30 June 2021 and in June extended for an additional 12 months through until the 30<sup>th</sup> June 2022.

Under clause 24.2 of the agreement, The Junction Co. is to provide the Town with a quarterly report, including the following:

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sale of local art;
- High quality programming, including presentations and workshops;

- Partnerships with local organisations and community groups;
- High quality customer service to visitors of the Gallery;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers and other visitors;
- Strong and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

A summary of the key activities for the quarter of October to December 2021 are noted below:

- TEND Exhibition (*24<sup>th</sup> September – 30<sup>th</sup> October 2021*)
  - TEND - a complex multifaceted project that combined a community focus artist in residence program with a collaborative exhibition. Three distinct and unique artists were invited to participate in the TEND project, each completing a residency and community workshops focused on skill sharing and inclusion, with the resulting works exhibited together to display the themes of the project.
  - As part of the exhibition, a series of community engagement and workshop activities were held.
  - Jacky Cheng, as an artists and arts educator, artist in residence in the school holidays saw over 200 young people and families participate at both locations - Courthouse Gallery+Studio and Lotteries West House.
- Young Art Project Space (*6<sup>th</sup> November – 17<sup>th</sup> December 2021*)
  - The Youth Art Project Space exhibition was the beginning of creative autonomy for the youth in Hedland, which saw a total of 260 visitors to the exhibition.
  - The opening celebration of the Youth Art Project Space on the 6<sup>th</sup> of November saw 100 visitors attend the event, which engaged in creative activity.
  - Hedland youth were empowered for decision-making on youth-focused exhibitions at the Courthouse Gallery + Studio.
- Awesome Arts School Holiday Program (*28<sup>th</sup> September – 8<sup>th</sup> October 2021*)
  - Awesome Arts is a WA youth arts organiser that facilitates creative workshops based on a theme aligned with their Creative Challenge education program.
  - Over the period of the program, the support was well attended with 60 participants enjoying the educational activities throughout the school holidays.
  - The program empowered the youth to research the development of their creative artwork.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

## CONSULTATION

### *Internal*

- Acting Senior Arts, Culture and Events Officer; and
- Acting Manager Community Development.

### *External Agencies*

- The Junction Co.



*Community*

Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations for this report.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery is included in the Town's annual budget. Strategic and Sustainability Implications.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

*Social*

There are social benefits from having high-quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical, and cultural precinct. There are no significant identifiable environmental or economic impacts relating to this item.

*Disability Access and Inclusion Plan*

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## CONCLUSION

This report is provided to inform the Council of the financial and operational progress made by The Junction Co from October to December 2021, in its role as manager of the Courthouse Gallery.

## ATTACHMENTS

1. Junction Co Quartlery Report (under separate cover)

**11.2.4 COURTHOUSE GALLERY+STUDIO CONTRACT EXTENSION & SOUTH HEDLAND ACTIVATION**

**Author:** Senior Engagement Officer, Community & Place  
**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.

Cr Coles declared a Financial Interest and remained absent from the Chambers.  
Cr Christensen, Cr Bennett and Cr Gillingham declared impartiality interests in this item.

**OCM202122/140 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR CHRISTENSEN**

That Council endorse a 2-year extension of the Port Hedland Courthouse Gallery+Studio Management Contract (Contract) with The Junction Co.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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

Against: Nil

**OCM202122/141 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR ZIELKE**

That Council:

1. Endorse a variation to the The Junction Co.'s contract for the provision of creative capacity building initiatives in South Hedland and other locations external to the Courthouse Gallery+Studio as per attachment 1; and
2. Pending resolution of point 1 above refer for consideration in the Town's FY22/23 budget an allocation of \$78,000 to the Port Hedland Courthouse Gallery and Studio for the services as outlined in Attachment 1.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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

Against: Nil

**OCM202122/142 COUNCIL DECISION****MOVED: DEPUTY MAYOR TURNER****SECONDED: CR ECKHART**

That Council endorse a variation to The Junction Co.'s contract for a joint ToPH and Courthouse Gallery + Studio feasibility scope of options for a Ceramics Studio in South Hedland.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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

**PURPOSE**

The Junction Co. seek a two-year extension of their management contract of the Port Hedland Courthouse Gallery + Studio, commencing 1 July 2022 until 30 June 2024, as per its current contract with the Town of Port Hedland (ToPH).

The Junction Co. also seeks a variation to the current KPI deliverable and management fees, commencing on 1 July 2022, which the Council is requested to support and formally endorse.

**DETAIL**

In 2019, following an open public tender process, The Junction Co. was engaged for the provision of services at the Port Hedland Courthouse Gallery+Studio (Courthouse Gallery) that is due to be renewed on the 30<sup>th</sup> of June 2022. The contract started in 2019 and was a 2-year contract subject to 1+1+1 year extension options. The Council has already granted The Junction the first-year extension.

The Junction Co. Executive Manager presented to Elected Members on 19 January 2022 details of the Port Hedland Courthouse Gallery vision, mission and strategic priorities, recapping the program achievements for the site. The presentation of the program plans for 2022 to 2024, and the contract variation requests are detailed below:

**1. Management Contract - Courthouse Gallery**

The Junction Co. is requesting a 2-year extension to manage the Courthouse Gallery, commencing 1 July 2022 to 30 June 2024. The 2-year extension will assist The Junction Co. to plan effectively for programs to enhance initiatives within the Hedland community and to ensure the steadiness of services that can continue at the Courthouse Gallery.

**2. Variation to Contract - Activation in South Hedland**

The Junction Co. is currently contracted for the provision of services only at the Courthouse Gallery site in Port Hedland. Following feedback from the previous Council about greater art opportunities in South Hedland, The Junction Co. has submitted a proposal for activation of

South Hedland that will assist with creative capacity-building to the broader community and support the vision of the South Hedland Place Plan, as per below:

- Additional Art Exhibition
- Monthly Creative Workshops
- Weekly Youth Activities
- Weekly Disability Inclusion Activity
- Additional Community Event.

It is proposed the above initiatives will be supported across several locations, including but not limited to the South Hedland Library, JD Hardie Youth & Community Hub, Youth Involvement Council, Well Women's Centre, Athol Street Respite Centre, and Karlarra House.

The variation will align with the proposed extension of the Contract to manage the Courthouse Gallery, commencing 1 July 2022 to 30 June 2024.

### **3. Variation to Contract - Ceramics Studio**

The success of the 2020 Ceramic Studio addition to the Courthouse Gallery has been well received by the community with a significant increase in new audiences to the venue. It is proposed for the Junction Co. to work jointly with the ToPH to carry out a feasibility scope for the implementation of a Ceramics Studio in South Hedland, commencing programming from 1 July 2022.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

#### **CONSULTATION**

##### *Internal*

- Senior Arts, Culture and Events Officer;
- Acting Manager Community Development; and
- Director Community Services .

##### *External Agencies*

- The Junction Co., Executive Manager.

##### *Community*

Nil.

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

The Junction Co. have developed a program framework which is guided by The Junction Co. organisation's Strategic Priorities, the Town of Port Hedland Arts and Culture Strategy and the Pilbara Development Commission Arts and Culture Strategy.

#### **FINANCIAL AND RESOURCES IMPLICATIONS**

Contract extension (as per current contract fees) - \$500,000 per annum ex GST

Activation South Hedland management fee variation - additional \$78,000 per annum ex GST

Ceramics Studio management fee variation - to be confirmed following the feasibility scope has been put in place

Should Council approve the recommendations in this agenda item the Town will include contract variation fees in its FY22/23 and FY23/24 operational budgets.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

### *Social*

The Junction Co. is currently contracted for the provision of services only at the Courthouse Gallery site in Port Hedland. Following feedback from the previous Council about greater opportunities in South Hedland, The Junction Co. has submitted a proposal for activation of South Hedland that will assist with creative capacity-building to the broader community and support the vision of the South Hedland Place Plan. There are no significant identifiable environmental or economic impacts relating to this item.

### *Disability Access and Inclusion Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

Council has the option to amend officer's recommendation 1 and request a 1 year extension only to The Junction Co.'s contract.

*Option 3 – Do not adopt officer's recommendation – this option is not recommended in relation to Officer's recommendation 1 as it would not ensure continuity of management of the Town's*

*Courthouse Gallery given timeframes associated with the tender process that would need to be undertaken for another entity to manage the facility.*

The Council could resolve not to consider Officer's recommendation 2, but it should be noted this has been presented primarily because of Elected Members feedback throughout 2021. In addition, not approving this option would result in lesser creative capacity building opportunities in South Hedland.

## CONCLUSION

As The Junction Co.'s ToPH quarterly and annual reporting showcases, during the last two and half years they have achieved the required KPI's, and took bold steps to ensure the vibrancy and creativity of our community has a platform to showcase work, whilst nurturing an environment which develops new audiences, including migrants, women, youth and those with a disability. The Junction Co. have grown the recognition of the Courthouse Gallery+Studio across the State as the centre of creative excellence in the Pilbara, and actively seek to ensure the ongoing development and sustainability of arts and culture in the community.

## ATTACHMENTS

1. The Junction Co. Management Contract Extension (under separate cover)

**11.2.5 REPURPOSING OF MARQUEE PARK**

**Author:** Manager Leisure Facilities  
**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.

Cr Coles returned to Chambers at 7:07pm  
Deputy Mayor Turner declared an impartiality interest in this item.

**OCM202122/143 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR ZIELKE**

That Council:

1. Note the historical maintenance, vandalism, and operational issues at Marquee Park;
2. Authorise officers to proceed with investigations for an alternative use of the existing water play site; and
3. In line with already adopted aquatic facility strategy endorse the relocation of the water play functions to a managed aquatic facility where support, maintenance and observation is increased.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**OCM202122/144 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR BENNETT**

That Council for the months October to April, waive the fees and charges for all children under the age of 12 (subject to facility entry conditions) who attend the South Hedland Aquatic Centre and Gratwick Aquatic Centre until the new aquatic facility is operational.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

**PURPOSE**

The purpose of this report is for Council to consider the history of ongoing maintenance, vandalism and operational issues at Marquee Park while determining the immediate and long-



term future of the facility, with a view of repurposing the Park into a safe and well utilised community space.

## DETAIL

Marquee Park opened in 2013 and as well as a playground and green space also features a water play area open to the public between October and March.

Since its completion Marquee Park has experienced numerous and prolonged splash pad closures due to regular maintenance and vandalism issues which have impacted on the Town's reputation.

## Maintenance

The below ground piping at Marquee Park has deteriorated resulting in splitting and leaks. Typically, when one leak is identified and repaired, the resumption of water pressure results in the pipe splitting further down the line. These issues have been ongoing for the past few years and are becoming more frequent and more costly to repair.

In September 2020 a leak at the park caused the facility to close for 2 weeks. The leak was located under the concrete path which was cut away to allow for excavation. Due to the terminal quality of the existing piping, vibrations from the concrete cutting machinery caused the piping to split in multiple areas. Ultimately the works were successful with the contractor repairing 5 leaks. Total costs of these works were \$23,000.

In November 2020 another leak was reported in a nearby location, again under concrete and further down the line. Contractors attended and successfully stopped this leak; however, two more leaks were immediately reported. These leaks were situated further back under the concrete and not able to be accessed without cutting out more concrete.

The contractor advised that this is sufficient evidence that the entire mains water line has deteriorated and must be excavated and replaced due to the existing pipework being unsuitable for conditions above the 26<sup>th</sup> parallel due to the harshness of the water and ground temperature. An indicative cost of \$112,000 to perform these works in late 2020 was provided.

After that information was given, water supply to the splash park was disabled, and the toilets and kiosk locked as they cannot function without water.

## Vandalism

Responding to vandalism and antisocial behaviour at Marquee Park has been a constant and stressful duty of Town staff since the facility opened. A caretaker's cottage was staffed until a few years ago, with the former caretaker registering dozens of incident reports during their tenure. Incidences of note have included:

- refuse bins being burnt on the electric barbeques
- used syringes frequently being discovered in the bathroom and in playground sandpits
- ripping of gates from foundations and travellers/backpackers bathing in the splash pad
- extensive damage to the splash pad surface has also been noted and will likely require replacement however quotes have not been sought at this stage.

The cottage is now retired from use for staff housing due to the frequency of antisocial behaviour in the area. The building has been repurposed as temporary office space for the Rangers team by the Town

### **Operational and Safety issues**

Marquee Park's location on Cottier Drive is suboptimal, as it is satellited from the Town's other aquatics facilities and is located away from the South Hedland CBD. The kitchen/kiosk area has seen little activation since the facility opened, an issue attributed to the facility's isolation and lack of sufficient footfall.

Senior aquatic staff are required to travel to Marquee Park at least twice daily to maintain the water quality. Prior to the opening of the facility to the public, this staff member must walk the facility to ensure hazards such as broken glass, used nappies and faeces are removed.

The most serious ongoing issue at the site are regular blockages of the drain on the splash pad. Clothing, shopping bags and rocks are used to create a large pool up to 60cm's deep. As the facility is unstaffed yet fully accessible to the public, the aquatics team has identified this as a significant drowning risk which cannot be mitigated unless adequate controls are put in place, which includes an aquatic duty manager and lifeguard being stationed at the site permanently for all hours of operation in order to maintain compliance with code.

The regular blockages also prevent water returning to the balance tank. The plant room has automatic shutdown safeguard, as the equipment needs a minimum water throughput to avoid permanent damage. When the splash pad is operational Leisure staff estimate that 3-5 phone calls a week are received from members of the public that the splash pad has automatically shut down.

### **Aquatics Strategy**

The Town engaged @leisure planners in 2021 to develop an Aquatic Strategy and Masterplan to plan for Port Hedland's current and future aquatic needs. This strategy addressed the issues at Marquee Park and made recommendations that the splash pad and water play features be relocated into a fenced and secure location noting the public health and safety risks caused by an unsupervised aquatic facility.

In January 2020 the Department of Health updated its code, specifying the design and operating requirements of aquatic water spray grounds and interactive water features. There are numerous guidelines for which Marquee is now non-compliant. The change in code supports @leisure's recommendation of the relocation of splash play to a managed facility where observation is increased, occurrences of vandalism can be limited, and water quality can be more regularly tested.

Noting the timeframe of the construction of a new aquatic venue is unclear, there exists the potential to replace the existing Aqua Tower at South Hedland Aquatic Centre (SHAC) which is approaching its end of useful life with a revitalised splash and play area with modern, interactive features and amenity catering for a wide variety of age groups as a replacement for Marquee Park. This is in line with the recommendations of the aquatic facility strategy.

In order to ensure the support of regular water based activity for young people, the Town of Port Hedland could consider providing free entry to South Hedland Aquatic Centre (SHAC) and Gratwick Aquatic Centre (GAC) to all young people aged under 12.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it has implications for the present and future social, economic, environmental and cultural well-being of Port Hedland.

## CONSULTATION

### *Internal*

- Director Community Services;
- Director Infrastructure Services;
- Manager Leisure Facilities;
- Manager Infrastructure Operations;
- Manager Environmental Health and Community Safety;
- Coordinator Aquatic Operations;
- Coordinator Property Management;
- Senior Project Officer; and
- Aquatic Supervisor.

### *External Agencies*

**Trisley's Hydraulic Services** - Contracted to perform regular maintenance on the Town's aquatic facilities

**Goodline** - Responsible for excavation and repair works to underground piping at Marquee Park

**Ixom** - Water treatment and chemical distribution consultants who are currently preparing audit reports on the Town's aquatic facilities

**@leisure planners** - Leisure consultants engaged to develop the Aquatic Strategy and Master Plan

**Royal Life Saving Society of Western Australia**

**Leisure Institute of Western Australia (Aquatics)**

### *Community*

There is evidence of growing frustration within the community toward the regular closures of the Splash Pad as indicated most recently in the 2021 Community Perception Survey and on an ongoing basis by local residents.

## LEGISLATION AND POLICY CONSIDERATIONS

There are no legislation or policy considerations for this item.

## FINANCIAL AND RESOURCES IMPLICATIONS

\$112,000 has been quoted for repairs to the underground main line pipework to proceed.

It is difficult to establish how much the Town has spent on responding to vandalism at Marquee Park. But among the most significant historical capital expenses has been:

- \$300,000 spent on replacing a soft-fall surface that was ripped up at the playground
- \$200,000 spent to remove and replace stone landscaping that was being pulled out and thrown at people and property
- CCTV cameras required replacement after \$20,000 worth of damage was caused
- Between 2015 and 2017 the Town spent approximately \$60,000 a year on twice-nightly security patrols to try and mitigate these issues, with little success.

The Town's Leisure Team estimates Marquee Park required 38 FTE hours to operate a week at a total cost of \$110,000 per annum. However based on the ongoing issues with safety and vandalism resulting in significant drowning risk this figure will need to increase to \$210,000 pa in order to employ an additional full time lifeguard.

Other operational costs to note are \$116,400 per year in utilities and \$93,000 in preventative maintenance, equipment servicing and chemical costs.

Operational costs are expected to be greatly reduced should a splash pad be included in the design of a future, centrally located aquatics facility.

By providing free entry to SHAC and GAC there is the expectation that visitation and utilisation will increase which will require additional staffing resources in order to ensure compliance with the guidelines for safe pool operations (GSPO) it is expected an increase of 1.5 FTE Aquatic Duty Manager and a 1 FTE Lifeguard will be required. These positions will be funded by the savings made in utilities and maintenance costs of the relocation of the water play from Marquee Park.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

### **1.d** *Well Utilised and Valued Community Facilities and Services*

**1.d.1** The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs

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

**1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

### **3.b** *A safe and fit for-purpose built environment*

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

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

### *Disability Access and Inclusion Plan*

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

- Outcome 2 – Buildings and Facilities

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this matter because the community has become frustrated with ongoing closures at Marquee Park. The risk rating is considered to be High, which is determined by a likelihood of Almost Certain and a consequence of Moderate.

To reduce this risk, the recommendation is to relocate the water play site to a managed facility where observation is increased.

**OPTIONS**

*Option 1 – Adopt officer's recommendations*

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

**CONCLUSION**

It is in the Town's interest to resolve or mitigate the existing issues inherent at Marquee Park including addressing all safety concerns, ongoing costs of its operation, infrastructure failures and critical maintenance, in order to ensure that the Park can become a safe and well utilised community space.

In the long term it is recommended that Council seek an alternative location for a splash and play facility, ideally attached to or within, a staffed new aquatic facility.

**ATTACHMENTS**

Nil

## 11.3 Regulatory Services

**11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL FOR WORKFORCE ACCOMMODATION AT LOT 436 BAYLEY RETREAT, PORT HEDLAND**

Author: Town Planner

Authorising Officer: Director Regulatory Services

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

Cr Zielke declared a financial interest in this item and left the room at 7:10pm

**OCM202122/145 COUNCIL DECISION****MOVED: CR ECKHART****SECONDED: CR BENNETT**

That Council, pursuant to Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REFUSES the Application for Development Approval for Workforce Accommodation at Lot 436 Bayley Retreat, Port Hedland, for the following reasons:

1. The development is not consistent with Clause 67(2)(m) of Schedule 2 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* as the long-term workforce accommodation will create an adverse relationship with surrounding land which is designated for a range of commercial and industrial uses, and will generate buffer requirements which will sterilise surrounding land; and
2. The development is not consistent with Clause 67(2)(m) of Schedule 2 of the *Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015* as the impact of future industrial land uses in the precinct, including but not limited to noise and vibration, would have a detrimental impact on occupiers of the workforce accommodation due to the long-term, on-going intent for the development.
3. The development is not consistent with Clause 67(zf) of Schedule A – Supplemental Provisions to the Deemed Provisions of the Town's Local Planning Scheme No. 7 as the social isolation of residents for the development is not appropriately addressed as outlined in the proposed Social Impact Assessment and Management Plan due to a lack of pedestrian, cycling and regular vehicle/bus linkages to community infrastructure and town centres.
4. The development does not achieve Objective (1) of Local Planning Policy 05 Workforce Accommodation as the isolation of the subject site and limited access opportunities for social cohesion with residents of the workforce accommodation and permanent residents of Hedland, social infrastructure and facilities does not promote social cohesion.
5. The development does not achieve Objective (2) of Local Planning Policy 05 Workforce Accommodation as the design standard of the accommodation units does not reflect the higher design standards required for a ten (10) year approval.

6. *The development does not achieve Objective (3) of Local Planning Policy 05 Workforce Accommodation due to the physical disconnect between the workforce accommodation site and Town centres and commercial areas, and the limited opportunities presented in the Social Impact Assessment and Management Plan do not adequately offset the negative impact of the workforce accommodation size and layout and does not result in reciprocal benefits for the local community.*

*CARRIED BY SIMPLE MAJORITY (7/0)*

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

## PURPOSE

The purpose of this report is for Council to consider a proposal a workforce accommodation site at Lot 436 Bayley Retreat, Port Hedland (**Attachment 1**). The application is being presented to Council for determination as it is for a workforce accommodation facility that is located within the townsite boundaries and proposes more than 16 beds.

## DETAIL

On 25 October 2021, the Town accepted a development application from Grounded Construction Group Pty Ltd, on behalf of MGM Group, for a workforce accommodation site at Lot 436 Bayley Retreat, Port Hedland (**Attachment 2**). The Town remains the landowner, with the site currently being leased by the PHIA Asset Pty Ltd. The application is for a 10 year time-limited approval and comprises of the following development:

- 222 single occupant rooms, with private ensuite, in the form of transportable buildings/construction;
- Shared facilities, including laundries, administration office and shop;
- Recreational buildings, including wet/dry mess, gym/recreational facilities and outdoor BBQ areas; and
- Screened service areas, including waste, maintenance, storage and loading areas.

The site is surrounded with vehicle access and parking facilities and landscaping strips of 1.0 metres to 2.0 metres in width.

The application was originally intended to be presented to Council at its meeting held 15 December 2021 but was withdrawn by the applicant prior to the meeting. The applicant has provided a response to the reasons for refusal (**Attachment 5**) and briefed Council on 1 February 2022. Their response suggests that the proposal is generally consistent with the planning framework. Officers are of the opinion that the extent of inconsistencies with the local planning framework merits a refusal recommendation for long-term workforce accommodation at this location for the reasons listed in this report.

## Local Planning Framework

The subject site is located within Special Use Zone 2 Kingsford Smith Business Park as designated by the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). Workforce

Accommodation is a 'D' use in this zone. This means that the land use is not permitted until the Town has exercised its discretion on the proposal, by considering the proposal against the relevant local planning framework. The below outlines Officer's assessment of the proposal, resulting in the recommendation to refuse the application.

The Kingsford Smith Business Park is predominately industrial land uses, as prescribed under LPS7 and the Kingsford Business Park Design Guidelines (the Design Guidelines). The Design Guidelines were drafted following subdivision of the site in 2012, with the intention of providing light industrial land supply and highlighting potential short-term workforce accommodation to assist in accommodating additional workforce required to construct major infrastructure projects. Council formally adopted this as a local planning policy on 22 May 2013. The directly adjoining lots are currently vacant, however concerns were raised during the community consultation period relating to the proposed development sterilising surrounding lots should it receive long-term approval.

On 25 November 2020, Council adopted Local Planning Policy 05 Workforce Accommodation (LPP/05) and Local Planning Policy 06 Social Impact Assessments (LPP/06) to supplement the adoption of the Position Statement for Workforce Accommodation on 24 June 2020. The proposed workforce accommodation has also been assessed against the Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings (LPP/03) due to all accommodation buildings being constructed as transportable buildings and Local Planning Policy 04 Percent for Public Art (LPP/04) due to the value of the development meeting the threshold listed under the policy.

On 28 July 2021, Council adopted Local Planning Policy 14 Design Review Panel (LPP/14). Subsequently, the Town appointed a Design Review Panel (DRP) to provide independent expert and technical advice to applicants, Town Officers and Council in relation to the design of the development and other relevant matters. The proposal met the criteria to be presented to the DRP and was presented on two occasions for comments on the overall design of development.

#### Local Planning Policy 05 Workforce Accommodation

##### *Demand Driven*

When considering applications for workforce accommodation, the applicant must demonstrate the demand for the proposed length of time in the current economic climate. The applicant has noted that the facility is for the permanent, exclusive use by MGM Group to provide *"a more consistent accommodation arrangement for their personnel and as such focus its resources in establishing better integration to the social fabric of the local community."* No information has been provided as part of this application to further justify the length of time, however it is noted that MGM Group provide operational bulk haulage business within Port Hedland since 2015 and service a number of mine sites out of the existing Wedgefield Depot. Figures provided by the applicant indicate that 244 operational employees (81.4 percent) of their workforce are Fly-In, Fly-Out (FIFO) to further demonstrate the demand for this facility. As such, the development is to make up for the shortfalls in accommodation within the townsite for its own workers.

The original requested time-limited approval period was for a thirty-year period. This was reduced to ten years based on the first round of feedback from the DRP noting concern that the standard of the development was inadequate for a long-term approval period. There is no information provided relating to the costs analysis for the ability for workforce accommodation



to be provided within the Town's established residential areas. Additionally, there is limited information provided that indicates an emphasis on attracting a larger residential based workforce. As such, it can be reasonably assumed that the applicant are intending on the proposed workforce accommodation facility to be more permanent facility, subject to appropriate subsequent approvals from the Town.

### *Location Suitability*

Clause 6.1 of LPP/05 detail the varying types of workforce accommodation, the relevant for this proposal being:

- 1) *short-term workforce accommodation* which is expected to be of a larger scale and used for project work with an expected project delivery of up to three years;
- 2) *intermittent workforce accommodation* which is typically associated with alternating shut down crews that may only be required for a short period of time; or
- 3) *long-term workforce accommodation* which is expected to be of a smaller scale and used for operational workforces with a lifecycle period of more than three years.

In accordance with Clause 6.3, the location of the site is appropriate in a short-term or intermittent capacity due to the disconnect (physically and socially) of the site from commercial land and town centres. This provides limited integration of facility residents with the remainder of Port and South Hedland, including local businesses and community groups. It is noted that the Design Guidelines have also identified this site as appropriate for short-term accommodation facilities for the purpose of housing construction workers required for large, strategic projects, rather than operational facilities as proposed. The application, being proposed for ten-years, is considered long-term workforce accommodation. The appropriate location for long-term workforce accommodation is prescribed in the policy as being located within the existing residential areas, such as town centres and surrounds. This is facilitate the integration of a FIFO workforce within the Town's social fabric.

The applicant has indicated the remote location of the proposed workforce accommodation facility is to negate the impact of the form of workforce accommodation, which are similar typology and sizing to the donga style accommodation buildings (in addition to design elements described below) found on mine sites and remote communities throughout the Pilbara. A Social Impact Assessment (SIA) and Management Plan (SIMP) has been provided to describe how the applicant will manage the impact of isolation via measures to integrate their workforce with the social fabric of the Town. The SIA and SIMP will be discussed further, it is indicated that the applicant support their employees accessing community infrastructure and facilities. It does not provide further details relating to "*social integration initiatives*". The applicant has provided advice that the communal living and dining facilities will contribute to the overall quality of life by providing space for social interaction and events for residents.

Additionally, the proposed sensitive land use would risk sterilising the surrounding industrial zoned lots from use which would generally be considered acceptable. The applicant has not provided additional information as to how the development would address the impact of noise and/or vibration which can occur from a number of land uses which are considered in the Kingsford Smith Business Park. Whilst this may be acceptable for short-term and intermittent workforce accommodation sites, the long-term proposal may result in on-going risk to residents based on noise and vibration impacts from surrounding industrial land uses. Alternatively, this may limit the amount and extent of development for surrounding industrial lots. Town Officers would not support a long-term workforce accommodation within the

Kingsford Smith Business Park Industrial area due to the lack of information provided to address noise and/or vibration from surrounding land uses and the risk to health and well-being of residents who will use this facility on a long-term, on-going basis.

### *Design Standards*

Clause 6.4 of LPP/05 further designates the design standards required for short-term and long-term workforce accommodation, being Table 1 – Basic Design Standards and Table 2 – High Design Standards, respectively. The purpose is to provide a higher standard built form and liveability for residents in long-term facilities and when viewed from the public realm. Based on the proposed ten-year time-limited approval period, the proposal was assessed against the High Design Standards.

Further to the above comments, the applicant has provided commentary relating to the departures from the planning framework, specifically the development does not have the ability to generate income and therefore the capital outlay modal has a different feasibility rating. This feasibility rating is based on on-going savings by not spending money on accommodation and not from revenue earned from the revenue potential. Additionally, there are limitations using the donga style accommodation units in achieving the High Design Standards. The applicant has attempted to offset these departures by providing smart landscaping concepts, varying colour and style changes, and building form height and roofline design, to buildings, a gym and recreational facility and cyclone shelter within the dining hall.

The assessment against the departures to relevant criteria of LPP/05 is detailed below:

Siting the Development	Officer Comments
<i>Land uses which generate employment, such as an office, administrative building, cafe or restaurant should be sited and orientated towards street frontages to provide natural surveillance and allow for development to be adapted or repurposed.</i>	Whilst the location of these buildings are fronting the street, there is limited opportunity for natural surveillance onto the street as the communal areas, and spaces where it is likely populated during work hours, turn away from the public realm. Additionally, there is screening along these building facades, which further reduces the passive surveillance onto the public realm.
Designing the Building	Officer Comments
<i>The development shall address all street frontages through orientation of buildings, careful placement of entry points and landmarks. Façade, building materials and colours that are viewable from the public realm shall have good quality design components, articulation and vary in material. The design shall include:</i> <ul style="list-style-type: none"> <li><i>Articulation and detailing that reflects the scale, character and function of the public realm.</i></li> <li><i>Visual interest is achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.</i></li> </ul>	As noted above, the design and site planning of communal areas do not allow for passive surveillance of the public realm, including car parking areas and vehicle drop off points. The applicant has address this through inclusion of screening along the blank walls of the communal buildings and potential for varying colours on the external facades to create visual interest. This screening is proposed to have some depth to provide articulation and building interest. There are alfresco areas internal to the communal facilities, which provide visual interest to workforce accommodation residents. There is a public art contribution to be in the form

	of a mural on the main communal building. Which will assist in creating interest in the development
<i>A shaded outdoor living area shall be directly accessible to each unit with a minimum area of eight square metres and a minimum dimension of two metres.</i>	<p>The breakdown of departures are:</p> <ul style="list-style-type: none"> <li>• There are no private outdoor living areas, with three shaded communal areas throughout the accommodation units and the large communal BBQ facilities adjoining the recreation and dining facility;</li> <li>• There is no variety of dwelling types, with the exception of two universal accommodation units;</li> <li>• Standard accommodation units have a maximum internal floor area of 10.5 metres;</li> <li>• Floor to ceiling height of accommodation units are 2.4 metres; and</li> <li>• Bedrooms have a maximum internal floor area of 8.2m<sup>2</sup>, with the minimum width of 2.5 metres.</li> <li>• The exception being the two universal rooms, to allow access for people with a disability.</li> </ul> <p>It is considered that the cumulative impact of these design standards result in an unacceptable development outcome for a long-term, operational workforce accommodation facility. Whilst there are communal facilities, the private environment for employees (who predominately work in surface transport industry) is cramped. There is limited opportunity for employees who aren't entitled to work vehicles (approximately one-third of residents) to utilise alternative recreational areas during days off, or to seek relief from workforce accommodation sites. The lack of diversity in accommodation units doesn't allow for varying relationship make-up (i.e. two person per room) similar to other mine sites across the Pilbara.</p>
<i>A range of dwelling types, sizes and configurations shall be provided that caters for diverse household types. Developments of greater than ten accommodation units shall include at least 20 per cent of units of differing bedroom numbers.</i>	
<i>Each accommodation unit shall have a minimum floor area of 37 square metres.</i>	
<i>Habitable rooms shall have a minimum floor level to ceiling level height of 2.7m.</i>	
<i>Units shall have a minimum floor area and internal dimensions in accordance with the below: Master Bedroom – 10 square metres and minimum width of 3 metres</i>	
<b>Landscaping</b>	<b>Officer Comments</b>
Landscaping shall be designed so that upon maturity, it will suitably shade or soften the appearance of vehicle parking, external storage areas, bin compounds, other	The proposed landscaping is presented to screen the car parking areas and provide shade opportunities within the outdoor communal areas. The planting ratios are

<p>structures and provide a suitable tree canopy within the site.</p>	<p>prescribed in the Kingsford Business Park Design Guidelines.</p> <p>The location of trees does not extend to any of the waste laydown, bin compounds, service or external storage areas. In lieu of landscaping to provide soft, natural screening, there is 1.6 metre high visually permeable screening for the storage area. It is noted that the bin compound is gated, with no details on the materials or height in the elevations. This area is fronting the street and adjoining the bus drop off location, which does not pose an inviting or generally pleasurable entrance to the facility.</p>
Movement Network	Officer Comments
<p>Proposals shall be accompanied by a Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA) in accordance with the <i>Transport Impact Assessment Guidelines</i> by the Department of Planning, Lands and Heritage.</p>	<p>The proposal provided a TIA, which provides justification for the proposed 98 car parking bays, location and frequency of use of bus drop-off/pick up location and loading areas in relation to the development, and traffic numbers as a result of the development. It is noted that approximately 66 vehicles will be accessing or exiting the site during peak hours. This is considered appropriate for the area, based on existing road data demonstrating this will increase traffic by six percent.</p> <p>The TIA does not mention the use of waste vehicles. This will need to be considered as it is expected that the bin compound provided will require regular pick up (at a minimum daily), however there is no indication the area is accessible by these vehicles.</p>
<p>Car parking areas and other hardstand areas are not located within the street setback and are not visually prominent from the street. Such areas shall either be located behind buildings or behind a well landscaped area.</p>	<p>The car parking area is located prominently on the corner of Altitude Avenue and Bayley Retreat. There are a mix of trees and shrubs as well as a 1.2 metre high ring lock fence to provide screening to this area. The applicant has indicated this location is the most appropriate based on the stormwater management plan and indicated movement of water. It is noted that the water is being directed away from the car parking area and towards the north corner of the site (the opposite corner along the drainage network). Additionally, the landscaping itself is provided in a two metre wide strip, limiting the growth of tree in size and foliage.</p>

Secure bicycle parking shall be provided at a rate to the satisfaction of the Town and accessed via a continuous path of travel from the vehicle or cycle entry point. Footpaths shall connect to a footpath network if there is one in the area.	There are no bicycle parking or facilities (i.e. communal bicycles) to provide an alternative transport for residents that don't have access to work vehicles. This further isolates residents to the physically remote location and does not allow opportunity for integration with the wider community.
<b>Storage, Waste and Collection</b>	<b>Officer Comments</b>
Storage, waste and collection zones shall be fully screened from view from all public areas and set back to mitigate any observation or odour.	As noted above, there is limited detail relating to the screening of the bin compound and waste laydown area. It is noted this is at the entry point to the facility, which does not lead to an inviting area for residents.
Air conditioning units and other utilities/infrastructure shall be screened from view.	Whilst air conditioning units are screened from the public realm, they are prominent along pedestrian movement networks throughout the site. This reduces the amenity for residents of the workforce accommodation.
<b>Drainage</b>	<b>Officer Comments</b>
Proposals shall be accompanied by a detailed stormwater management plan in accordance with the Town's Stormwater Drainage Design Guidelines, and should ensure: <ul style="list-style-type: none"> <li>• A minimum of a 1:5 ARI event is contained on-site;</li> <li>• No standing water in excess of 72 hours to prevent mosquito breeding;</li> <li>• Sediment traps are included to prevent sediment entering the Town's reserves and drainage infrastructure; and</li> <li>• Erosion control measures are incorporated to prevent the erosion of embankments, swales and other areas that are unsealed.</li> </ul>	<p>The applicant provided a stormwater management plan, which provides a design based on a 1:5 ARI event, which is unlikely to result in standing water for an excess of 72 hours.</p> <p>The applicant has not provided details relating to ground cover for the space surrounding the development site. This area is currently surrounded by pindan soils, which are subject to erosion. These will need to be addressed through sediment control measures so it doesn't compromise the efficiency or effectiveness of the swale.</p>

### *LPP/05 Objectives*

Based on the above, the Town considers the proposal does not satisfy the objectives of LPP/05 for the following reasons:

- The isolation of the subject site and limited access opportunities for social cohesion with residents of the workforce accommodation and permanent residents of Hedland, social infrastructure and facilities;
- The temporary nature of transportable construction methods does not reflect a long-term lifespan proposed in such a physically isolated location and the communal areas, site planning and landscaping do not adequately negate the negative impact of the workforce accommodation size and layout; and
- The physical disconnect between the workforce accommodation site and the limited opportunities presented in the development design and social impact assessments

(discussed further below) do not adequately negate the negative impact of the workforce accommodation size and layout.

#### Local Planning Policy 06 Social Impact Assessment

Clause 4.2 of LPP/06 requires an SIA and SIMP to be submitted with any proposed workforce accommodation. The intent of the SIA and SIMP is to provide a structured approach to planning for, and offsetting demand on the limited infrastructure and services on-site by considering the integration of the facilities residents with community social infrastructure. As part of this development application, the applicant has submitted a Social Impact Assessment and Management Plan for the workforce accommodation facility. The result of this is a set of social impact management commitments for the ongoing operation of the proposed workforce accommodation facility. It was highlighted during the community consultation period that not all community organisations listed were consulted for the formation of the SIA and SIMP. The applicant has noted that all community organisations listed should be contacted on an on-going basis, in line with annual reporting on the Key Performance Indicators (KPIs), highlighting the adaptive nature of the SIA and SIMP.

The proposed approach to the SIA and SIMP heavily focus' on:

- relationships with local businesses, and procurement within the Town;
- employment and alternative education options for our Aboriginal population, and relationship building with Aboriginal Corporations;
- establishment of a Workforce Development Strategy, to monitor the housing market and accommodation availability;
- establishment of workforce policies and initiatives to address workforce physical and mental health, and wellbeing, alcohol and drug use and personal safety and security; and
- continued focus on workplace diversity and support for residents to access existing social infrastructure and facilities.

The Town's main concern is the absence of social integration of residents of this site to existing Town community infrastructure and facilities. The subject site is physically isolated from the Town centres, commercial areas and community infrastructure and facilities. Whilst the applicant has provided support for residents to use existing facilities, there are limited management strategies to facilitate a connection between workforce accommodation residents and Hedland's residential population. Town Officers do not support the proposal due to the cumulative impact of the physical disconnect of the site and lack of initiatives and programming proposed in the SIMP to encourage social cohesion of residents with the wider Hedland population.

#### Kingsford Business Park Design Guidelines

The subject site is located within the Town's Kingsford Smith Business Park and the following departures from the Design Guidelines have been considered, being:

<b>Stormwater Management</b>	<b>Officer Comments</b>
<i>The developer shall demonstrate how the proposed development will capture and manage surface runoff.</i>	The applicant has proposed a stormwater management, which does not appropriately demonstrate how the proposed ground levels will influence the flow of water. As such, the Town is uncertain of how this will be captured in the proposed swales.
<b>Building Entries and Address</b>	<b>Officer Comment</b>

<i>The minimum provision of car parking bays shall accord with the provisions of Appendix 7 of the Town of Port Hedland Town Planning Scheme No. 5.</i>	<p>The minimum number of car parking bays is at the discretion of Council. The applicant has submitted a TIA that outlines:</p> <ul style="list-style-type: none"> <li>• a total of 98 car parking bays, inclusive of two disabled bays;</li> <li>• approximately 147 residents will have access to a work vehicle;</li> <li>• shift change will provide a change of users in the car parking, meaning you could reasonably assume approximately 88 resident vehicles would be there at any one time;</li> <li>• this provides approximately 10 car parking bays for visitors and external staff.</li> </ul>
<i>Parking areas are to be provided with suitable species of shade tree at a ratio of 1 per 4 car bays, evenly throughout the parking areas (unless alternate shading is provided for bays adjacent to the building).</i>	The ratio for trees is 1 for per every 6.5 bays. Given there is a separate requirement for landscaping to screen the car parking area, these trees haven't been included in this calculation.
<i>Parking areas must be designed to channel water into the vegetated allotment swale (refer to Section 6.1 Stormwater &amp; Drainage Management).</i>	The stormwater management plan has not indicated what the finished ground levels will be, as such the Town cannot assess how the water will move towards the vegetated swales.
<b>Boundary Fencing</b>	<b>Officer Comments</b>
<i>Fencing forward of the building nearest the street must be landscaped on both sides.</i>	The applicant has not proposed landscaping along both sides of the fence for the extent of the fencing. The proposed landscaping assists in screening the car parking areas on the prominent corner location. The fence is 1.2 metre ring lock, which will have a minimal visual impact when viewed from the public realm.
<b>External and Internal Lighting</b>	<b>Officer Comments</b>
<i>External lighting shall be directed to within the site or provided with shields to limit light spill.</i>	The applicant has not provided information relating to lighting.
<i>No external lighting shall be directed beyond the lot boundary.</i>	
<i>High frequency compact fluorescent lamps or T5 Triphosphor fluorescent lamps are required for external areas.</i>	
<b>Landscaping, Irrigation and Water Use</b>	<b>Officer Comments</b>
<i>Install a low flow trickle irrigation system. Install a programmable water controller/timer system.</i>	The applicant has not provided information relating to irrigation or reticulation species.

Whilst the design itself and the above departures could be appropriately conditioned for an approval, the development proposal does not adequately address the physical isolation of the property and lack of social cohesion between residents and the wider Hedland community.

Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings

Given the identified construction method is transportable buildings, the proposal has been assessed against the relevant provisions of LPP/03, being:

Design Standard	Officer Comment
<i>New wall cladding affixed and freshly painted</i>	There is limited information on the wall cladding and colours for the transportable buildings. The applicant has indicated that there be screening, which will assist in mitigating the impact of repetition of buildings. Additionally, the corridors between transportable buildings are varying roof height and design, further mitigating the repetitive nature of the development.
<i>Screened air conditioners</i>	There is no screening of air conditioners and utilities along the internal corridors. The Town would recommend that these be screened, to provide an overall greater amenity to residents of the development.

Whilst the transportable buildings and the above departures could be appropriately conditioned for an approval, the development proposal does not adequately address the physical isolation of the property and lack of social cohesion between residents and the wider Hedland community.

Local Planning Policy 14 Design Review Panel

Applications for workforce accommodation meet the criteria required to be presented to the Town's DRP. The application is presented to the DRP for consideration against the ten design principles listed under the State Planning Policy 7.0 Design of the Built Environment. The proposal was referred to the Town's DRP on Monday 8 November 2021, with the comments summarised below and provided in **Attachment 3**:

- The construction method (transportable buildings) is not appropriate for a a thirty year time limited approval, due to the size of rooms and maintenance. There is concern that the buildings themselves wouldn't last thirty years in Hedland's climate.
- Landscape provided is very limited, in location and range of species, it was suggested a Landscape Architect be procured to provide an integrated landscape strategy and stormwater management plan in line with the proposed pedestrian movement network.
- Consideration of the site planning and orientation of the development, including (but not limited to) a more integrated approach for communal areas and accommodation so as to limit the disconnect between some residents and these shared areas, and car parking being relocated away from the prominent corner.
- The overall amenity of the proposal is not considered to be appropriate for a thirty year approval. The rooms are very small in size, have little natural light and ventilation and there are no smaller social areas to provide alternatives to the central communal facilities. The entrance to the facility is not inviting, with the storage areas being located next to the bus drop off and the limited information on wayfinding.



The following amendments were made in a set of plans and additional information provided on Friday 19 November 2021:

- Reduction in time period from thirty years to ten years approval period.
- Additional landscaping throughout the site, including surrounding the development to be more compliant with the Design Guidelines and within facility (including gazebos) to provide smaller shaded communal areas.
- Stormwater Management Plan, proposing swales and discharge points into the drainage easement.
- Additional windows in the transportable accommodation units, and varying roof forms for the corridors

The application was again referred to the DRP on Wednesday 23 November 2021. The below table demonstrates how the proposal progressed through the DRP process in accordance with the design principles:

Design Review Progress		
	Supported	
	Pending Further Attention	
	Not Supported	
	Requires Further Information	
	DRP Meeting 8 November 2021	DRP Meeting 23 November 2021
Principle 1 – Context and Character		
Principle 2 – Landscape Quality		
Principle 3 – Built Form and Scale		
Principle 4 – Functionality and Build Quality		
Principle 5 – Sustainability		
Principle 6 – Amenity		
Principle 7 – Legibility		
Principle 8 – Safety		
Principle 9 – Community		
Principle 10 – Aesthetics		

The comments made at the most recent Design Review Panel are further detailed in Attachment 4.

#### Local Planning Policy 04 Percent for Public Art

The value of the development triggers the need for a percent for public art contribution. The value of the development attracts an art contribution of \$85,000. The applicant is proposing a mural on the northern face of the dining facility building. The Town would require further information to ensure that the appropriate budget is spent on the public art contribution in line with the policy.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed workforce accommodation facility has the

ability to cater for FIFO workforce which is at risk of being segregated from the Hedland community, leading to potential socio-economic impacts on the Town.

## CONSULTATION

### *Internal*

- Environmental Health and Community Safety

The proposal was referred to the Town's Senior Environmental Health Officer, there are a number of further approvals that would be required to ensure compliance with:

- *Food Act 2008, Food Regulations 2009* and Food Standards Code
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- Town of Port Hedland Health Local Law 2016.
- *Health (Public Building) Regulations 1992*
- *Health (Miscellaneous Provisions) Act 1911*

- Project Engineer

The proposal was referred to the Town's Project Engineer who has requested that additional information be provided, specifically relating to the Stormwater Management Plan and an amended Traffic Impact Statement.

- Waste Services

The proposal was referred to our Waste Services for comments on the extent of bin stores and expected waste generation. Due to the size of the development, it was recommended a Waste Management Plan be provided to demonstrate the appropriate management of all waste during the operational phase of the development.

### *External Agencies*

- Design Review Panel

The proposal was presented on two occasions, with the details being explained earlier in the report.

### *Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal was advertised for a period of 14 days between 3 November and 17 November 2021. A letter was distributed to all adjoining landowners and operators, an advertisement was published in the North West Telegraph and details of the proposal were published on the Town's webpage.

The Town received three submissions, one in support of the proposal, one objecting to the proposal and one outlining concern over the sterilisation of surrounding industrial lots as a result of the development. Details of the submissions are located in **Attachment 4**.

## LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings
- Local Planning Policy 04 Percent for Public Art
- Local Planning Policy 05 Workforce Accommodation

- Local Planning Policy 06 Social Impact Assessment
- Local Planning Policy 14 Design Review Panel
- Kingsford Business Park Design Guidelines

## FINANCIAL AND RESOURCES IMPLICATIONS

The application for development approval attracted a fee of \$17,122.50.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may apply to the State Administrative Tribunal for a review of the Town's decision. The risk rating is considered to be low (4), which is determined by a likelihood of likely (4) and a consequence of insignificant (1).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

Should Council be inclined to consider approval of the application, the application would only be permitted to be approved for a period of three years based on the definition of short-term workforce accommodation of LPP/05:

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Development Approval (2021/218) for Workforce Accommodation on Lot 436 Bayley Retreat, Port Hedland subject to the following Conditions and Advice Notes:

1. The approved development shall be in accordance with the stamped approved plans and details submitted with the application, these details shall not be altered without the prior written consent of the Town of Port Hedland. This approval does not relate to any other development on this lot.
2. The approved development is valid for a period of three years from the date of occupancy, with any further period subject to demand being proven, update of the social impact assessment and review of social contributions. A further approval period may be requested through a written request by letter and Council decision.
3. This approval is for 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may

require further development approval in accordance with the Town's Local Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### 4. Social Impact Assessment and Management Plan

4.1 Within six months of the commencement of operation of the development, an amended Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland. This Social Impact Assessment and Social Impact Management Plan shall:

- (a) Include an adequate level of community consultation in the development of the SIMP, and be undertaken with, but not limited to, local resident groups and businesses and local stakeholder groups, including local Aboriginal corporations, to be undertaken prior to the occupation or use of the development.
- (b) Additional management strategies as identified by the SIA and abovementioned community consultation outcomes, including the facilitation of initiatives to connect the workforce accommodation residents and the permanent residential population, community infrastructure and facilities.
- (c) Include contributions that adequately offset social and economic impacts associated with a workforce accommodation facility of this size and type.
- (d) Provide details on annual monitoring and reporting on the effectiveness of the SIMP to be submitted by the proponent to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPIs) that are a direct result of the approved development operations.
- (e) While the Town reserves the right to make this request for amendment of the SIMP at any time, this will principally apply during the process of annual review.

4.2 Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2022 and be reported on 1 July each year thereafter, for the duration of the approval.

#### 5. Construction Environmental Management Plan

5.1 Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:

- (a) Contact details of essential site personnel, construction period and operating hours;
- (b) Community information, consultation and complaints management plan;
- (c) Public safety, security and amenity;
- (d) Traffic and parking management;
- (e) Noise and dust management plan, or reference to the approved noise management plan and dust management plan;
- (f) Waste management, including the storage and disposal of hydrocarbons, chemicals, and potentially hazardous substances, to be in accordance with

the Department of Water and Environmental Regulation Guidelines and Water Quality Protection Notes;

- (g) Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and
- (h) Stormwater and sediment control.

5.2 The Construction Environmental Management Plan must be complied with at all times, to the satisfaction of the Town of Port Hedland.

## 6. Landscape Plan

6.1 Prior to the occupation or use of the development, a detailed landscape plan is to be submitted to and approved by the Town of Port Hedland. The detailed landscape plan shall include, but is not limited to, the following information:

- a) The provision of a landscape buffer zone of no less than five metres in line with the Kingsford Business Park Design Guidelines;
- b) The location, number, size and species of vegetation, including types of ground covers, shrubs and trees proposed;
- c) Areas to be reticulated or irrigated; and
- d) Verge treatments.

6.2 The approved detailed landscape plan must be fully implemented prior to the occupation or use of the site, and thereafter maintained, to the satisfaction of the Town of Port Hedland.

## 7. Traffic and Parking Management

7.1 Prior to the occupation or use of development, an amended Traffic and Parking Management Plan shall be submitted to and approved by the Town of Port Hedland. The Traffic and Parking Management Plan must be in accordance with the Department of Planning, Lands and Heritage's Transport Impact Assessment Guidelines and include, but not limited to, the following information:

- (a) Details of any crossover and vehicle access modifications, and details of internal pedestrian and vehicle movement networks;
- (b) Number of car parking bays, including accessibility and heavy vehicle bays, and pick up/drop off locations, all to be in accordance with AS2890.1 (as amended);
- (c) Parking is to not be obstructed in any way or used for any other purpose than parking;
- (d) Details relating to alternative modes of transport, particularly linked to anchor tenant operations;
- (e) Swept paths of all vehicles using the subject site, including, but not limited to, waste service vehicles, vehicles for loading/delivery and buses.

7.2 The approved Traffic and Parking Management Plan must be fully implemented and constructed to the satisfaction and specification of the Town of Port Hedland prior to the occupation or use of the development.

7.3 The approved development must operate in accordance with the approved Traffic Impact Assessment or Traffic Management Plan for the duration of the approval.

## 8. Stormwater and Drainage Management

12.1. Prior to the occupation or use of the development, a Stormwater Management Plan shall be submitted to and approved by the Town of Port Hedland. The Stormwater Management Plan shall include, but is not limited to, the following information:

- (a) Existing ground levels and the natural flow of stormwater, so as to not escape from leasehold property boundaries;
- (b) Detailed design of proposed drainage swale along the northern and southern boundary line or proposed drainage to ensure the movement of water towards the drainage easement;
- (c) Detailed design of all discharge points into the drainage easement;
- (d) Details of any sediment control measures to restrict the movement of sediment across leasehold boundaries;
- (e) Stormwater calculations to demonstrate capacity of drainage for a 1 in 5 year rainfall event (six minute rainfall event); and
- (f) Should pooling of water occur for longer than 72 hours for a 1 in 5 year rainfall event, mosquito management measures to be implemented.

12.2. The approved development shall operate in accordance with the approved stormwater management plan for the duration of the approval period.

## 9. Waste Management Plan

9.1 Prior to the use or occupation of the development, a Waste Management Plan shall be submitted to and approved by the Town of Port Hedland to address the management of waste generated during operational phase of the development, including all calculations to determine the amount of waste generated. This plan shall include (but is not limited to) the following:

- (a) Storage space allocation for the following types of waste generation (1) Food waste, (2) General waste, (3) Bulky waste, (4) Scrap Metal, (5) Green Waste, (6) Chemical Waste, and any other waste produced as part of the operation of the site.
- (b) Sufficient storage space for skip bins and waste containment, including bulk laydown and waste areas.
- (c) the location of bin storage areas and bin collection areas;
- (d) details of screening of the bins from view from the street;
- (e) the expected volume of waste to be disposed of (including general waste, recycling and waste oil);
- (f) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (g) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- (h) frequency of bin collections; and
- (i) the bin storage area drainage details.

9.2 The development shall operate in accordance with the approved waste management plan at all times to the satisfaction of the Town of Port Hedland.

#### 10. Public Art

Prior to the submission of a building permit application, the owner, or applicant on behalf of the owner, shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% of the estimated total construction cost of the development, being \$85,000. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:

- Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
- Option 2: Owner/Applicant chooses to pay cash-in-lieu.

10. Prior to the use or occupation of the development, all transportable buildings onsite shall meet the requirements of the Town of Port Hedland's Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings. The transportable buildings shall remain in a clean, neat condition to the satisfaction of the Town of Port Hedland for the duration of the development.

11. Prior to the use or occupation of the development, all signage (advertising and/or directional) shall meet the requirements of the Town of Port Hedland's Local Planning Policy 02 Advertising Signs.

#### 12. Site Rehabilitation Plan

12.1. By no later than six months prior to the end of the approval period, a Site Rehabilitation Plan shall be submitted to and approved by the Town of Port Hedland for the rehabilitation of the subject site following the end of approval period and cessation of the land use. The Site Rehabilitation Plan should include, but is not limited to, the following information:

- (a) Removal of all infrastructure, including underground services and hardstand areas;
- (b) Details of site preparation;
- (c) Recontouring and revegetation of the land, including list of species and breakdown rates, topsoil and dieback management;
- (d) Weed management and ongoing maintenance;
- (e) Dust management plan, if required;
- (f) Details of the rehabilitation program including staging and responsibilities.

12.2. The Site Rehabilitation Plan is to be implemented at the end of the approval period to the satisfaction of the Town of Port Hedland.

#### Advice Notes

- a. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.

- b. With reference to Condition 3, the definition of 'Workforce Accommodation' under the Local Planning Scheme No. 7 is:  
*premises, which may include modular or relocatable buildings, used –*  
(a) *Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*  
(b) *For any other associated catering, sporting and recreation facilities for the occupants and authorised visitors.*
- c. If after 3 years the proponent intends to seek an extension to the Development Approval, based on the Social Impact Assessment, a further developer contribution may be considered.
- d. With reference to Condition 9, the Waste Management Plan must comply with the Town of Port Hedland Waste Local Law 2020 at all times for the duration of the development.
- e. Prior to the commencement of the development, a Building Permit is required in accordance with the *Building Act 2011*, for the following development including, but not limited to:
- Installation of directional signage (assuming they are standalone and not fixed to a building);
  - Installation of screening devices;
  - Structural works 'as required' to the administration building;
  - Installation of shade sails;
  - Install new fire system (dependent on the extent of works);
  - Repairs to existing tie-downs on the laundry and room buildings.
- f. The approved development must be connected to an approved apparatus for the on-site management of sewage and wastewater.
- g. The development must comply with *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* at all times for the duration of the development.
- h. If a mains water connection is unavailable the development is to be connected to an adequate potable water supply to the specifications of the Town of Port Hedland Health Local Law 2016.
- i. The approved development must comply with the *Health (Public Building) Regulations 1992* at all times for the duration of the development.
- j. The approved accommodation buildings must comply with the relevant provisions of the *Health Act 1911* and the Town of Port Hedland Health Local Law 2016 at all times for the duration of the development.
- k. All lodging houses are required to be registered under the *Health (Miscellaneous Provisions) Act 1911* and operate in accordance with that Act and the Town of Port Hedland Health Local Law 2016.
- l. The approved development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times for the duration of the development.



- m. It is a requirement under the *Food Act 2008* that all food premises be registered prior to the commencement of operations. The following is relevant:
  - The construction and use of the proposed premises is required to comply with the *Food Regulations 2009*, the Food Safety Standards and the Town of Port Hedland Health Local Law 2016;
  - A fit out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of the Town of Port Hedland;
  - The food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
- n. Where conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.
- o. Where an approval has so lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.
- p. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14. An application must be made within 28 days of the determination.

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

## CONCLUSION

This report has provided detailed assessment for the proposed Workforce Accommodation at Lot 436 Bayley Retreat, Port Hedland. Town Officers are recommending refusal based on the location and isolated nature of the development over a long-term period.

## ATTACHMENTS

1. Location Plan (under separate cover)
2. Development Application (under separate cover)
3. Design Review Panel Recommendations (under separate cover)
4. Schedule of Submissions (under separate cover)
5. Planning Justification (under separate cover)

## 11.4 Infrastructure Services

### 11.4.1 AWARD OF TENDER RFT2122-15 COMPLETION OF THE JD HARDIE MULTI USER COURTS & SURROUNDS CONSTRUCTION

Author: Senior Project Officer

Authorising Officer: Director Infrastructure Services

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

Cr Zielke returned to Chambers at 7:14pm

#### OCM202122/146 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council amend the FY2021/22 Capital Works Budget to:

1. Increase the JD Hardie Multi User Courts & Surrounds Project budget (CIF117074) by \$216,000 - from \$4,380,000 to \$4,596,000; and
2. Fund the above increase from the Town's Strategic Reserve.

*CARRIED BY ABSOLUTE MAJORITY (8/0)*

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

Against: Nil

#### OCM202122/147 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: DEPUTY MAYOR TURNER

That Council notes that an allocation of \$ 747,000 will be required in the FY2022/23 Capital Works Budget, funded from the Town's Strategic Reserve, to allow for the Completion of the JD Hardie Multi User Courts & Surrounds Construction.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

## OCM202122/148 COUNCIL DECISION

MOVED: CR ECKHART

SECONDED: CR ZIELKE

That Council accepts the tender submitted by TEC Services Group, in accordance with Tender RFT2122-15 Completion of the JD Hardie Multi User Courts & Surrounds Construction, for the total amount of \$2,016,221.64 (excluding GST).

*CARRIED BY SIMPLE MAJORITY (8/0)*

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

Against: Nil

## PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-15 for Completion of the JD Hardie Multi User Courts & Surrounds Construction and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

## DETAIL

### *Background*

In January 2021, the Town awarded the Tender for the construction of the JD Hardie Multi User Courts & Surrounds to local Contractor MJW Building Pty Ltd. In October 2021, MJW Building Pty Ltd entered into voluntary administration leaving the remainder of the work incomplete.

The scope of this Tender is to complete the construction works left unfinished as a result of the insolvency event.

This project is part of the staged delivery of the JD Hardie Youth and Community Hub (JDHYCH) Masterplan, which consists of:

- Stage 1 – Internal refurbishment, roof and HVAC replacement
- Stage 2 – Multi User Courts and Surrounds
- Stage 3 – Outdoor Elements
- Stage 4 – Childcare Facility

### *Request for Tender*

The Town released a Request for Tender (RFT) on Wednesday 19<sup>th</sup> January 2022, requesting a suitability qualified contractor or contractors to complete the works at the JD Hardie Multi User Courts & Surrounds. The Tender was broken into part offers as follows:

- Part A – Building Works
- Part B – Electrical Works
- Part C – Landscaping & Irrigation Works

The RFT was released on Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph on Wednesday 19<sup>th</sup> January 2022 with a closing date of Wednesday 9<sup>th</sup> February 2022.

Addendum Details Addendum 1 – Specification and Scope Clarification

Addendum 2 – Additional Scope Clarification

*Site Inspection/Briefing details*

A mandatory site inspection was held as follows:

Date: Monday 24<sup>th</sup> January 2022  
Time: 9:00am  
Location: JD Hardie – Cottier Drive South Hedland

Four (4) of the Two (2) the respondents attended the site inspection.

*Tender Assessment*

The Town received four (4) submissions for RFT 2122-15 The respondents were as follows:

1. Brooks Hire Service Pty Ltd
2. CMA Contracting Pty Ltd
3. Mining Electrical Contracting Pty Ltd
4. TEC Services Group Pty Ltd

Of the submissions received, Two (2) were rejected due to no attendance at the mandatory site briefing. The remaining respondents provided compliant tender responses.

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

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

The Town's Procurement Advisor facilitated the evaluation meeting held on 14 February 2022.

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

Qualitative Criteria	(%)
Relevant Experience	40
Capacity to deliver	30
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 medium significance, because the project has been endorsed by Council during the FY2021/22 Annual Budget adoption process.

## CONSULTATION

### *Internal*

Extensive internal consultation for the overall JDHYCH Masterplan (including this stage) has been undertaken through the development of the Recreation Hub Project Control Group (PCG), whose role is to oversee the planning, preliminary design, including any consultation and implementation (design, procurement and construction) phases of all of the Town's current Masterplans, including that of the JDHYCH.

The PCG consists of the following members;

- Director Infrastructure Services
- Director Community Services
- Manager Infrastructure Projects & Assets
- Principal Project Manager
- Manager Financial Services
- Manager Governance
- Manager Town Planning & Development
- Manager Environmental Health & Community Safety
- Manager Community Development
- Manager Leisure Facilities
- Manager Corporate Affairs; and
- Senior Procurement Advisor

In addition to the above, other officers consulted in relation to this project are as follows:

- Senior Youth Officer;
- Youth Program Officer;
- Senior Strategic Planner;
- IT Officer; and
- Other Project Manager/s working on other aspects of the Masterplan.

### *External Agencies*

External consultants or agencies consulted in relation to this project include:

- Emerge Associates;
- WA Department of Local Government, Sport and Cultural Industries; and
- Illion

### *Community*

In 2017, the Town commenced the "Live it Tell it" campaign, which was the most extensive engagement exercise the Town had ever undertaken. A staggering 5,800 responses were received by the community via a range of engagement exercises, the outcomes of which have been captured in the Town's Strategic Community Plan. The community specifically identified a need to revitalise community infrastructure and facilities.

A Balanced View Leisure Consultants (ABV) were also engaged in January 2019 to produce a Town-wide needs assessment and architectural briefs relating to the JD Hardie site as well as the South Hedland Sports Complex and McGregor Street Precinct. 67 Individual responses were received specifically relating to the JDHYCH. Key learnings from this consultation included the community's desire for more shade, better car parking at facilities and access to toilets. The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 19 January 2022 and was advertised in the West Australian and the North West Telegraph on the same day.

## LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

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

In relation to the amendment of the budget, an absolute majority is required as per S6.2(1) of the Act.

## FINANCIAL AND RESOURCES IMPLICATIONS

The Town has been successful in securing \$750,000 in grant funding for this project through the Community Sporting and Recreation Facilities Fund (CSRFF) provided by the Department of Local Government, Sport and Cultural Industries. To date the Town has acquitted 25% of the grant in line with the grant agreement milestones.

The project is proposed to be completed by July 2022. There is insufficient budget in the Financial year 21/22 to cover the anticipated Financial Year 21/22 costs. Additional budget of \$216,000 is required in Financial Year 21/22 & additional budget of \$747,000 is required in the Financial Year 22/23 to complete the project.

The project has now been advertised for the second time subsequent to the original contractor going into administration in October 2021. Expenditure incurred from the previous contractor, plus forecast cost to complete with the preferred tenderer, will result in the project exceeding its existing budget.

	Summary	Value (ex GST)
A	20/21 Financial Year costs	\$3,324,427
B	21/22 Budget	\$4,380,000
C	21/22 Financial Year costs to date	\$3,141,052
D	21/22 Budget Remaining (B-C)	\$1,237,000
E	Forecast cost to complete	\$2,220,000
F	Additional budget required (E-D) (summary below)	\$983,000

	FY Breakdown of additional budget	
G	21/22 Revised budget (as requested in recommendation)	\$216,000
H	22/23 proposed budget	\$747,000

Please note the above forecast cost to complete includes this contract award, construction contingency and other costs associated with the completion of this project.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.a.3 Youth services and facilities are implemented with regular input from youth and providers
- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

### *Disability Access and Inclusion Plan*

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

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

## RISK MANAGEMENT CONSIDERATIONS

There are several risks which have been identified in relation to delivering this project.

The works may extend past the anticipated project timeline – introducing reputational risk. The likelihood of this is considered to be possible (3) with a major (4) consequence, giving this risk an overall rating of high (12). To mitigate this risk, the Town will develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

Unfavourable weather. This could lead to delays in delivering the project as scheduled. The likelihood of this occurring is possible (3) with a consequence of major (4), returning an overall risk rating of high (12). The Town will take preventative actions to ensure that the contractor has appropriate contingencies for minimising damage to the works, the community and property in the possible event of inclement weather.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

The JD Hardie Youth and Community hub is the Town's leading youth precinct, delivering highly successful sports programming and a variety of other competitions and tournaments throughout the year.

Council has committed to the redevelopment of the site, adopting a Masterplan with a 5 year proposed timeframe for delivery. It is recommended that Council endorse the award of RFT2122-15 "Completion of the JD Hardie Multi User Courts & Surrounds Construction" to the preferred tenderer as noted in the office's recommendation in order to re commence these works and deliver this highly anticipated project to the community.

## ATTACHMENTS

1. Award of Tender RFT2122-15 - CEO Memo and Evaluation Report - Confidential (under separate cover)



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**Item 12 Reports of Committees**

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Nil.

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**Item 13 Motions of which Previous Notice has been given**

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Nil.

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

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Nil.

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

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Nil.

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**Item 16 Closure**

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**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 23 March 2022 commencing at 5:30pm.

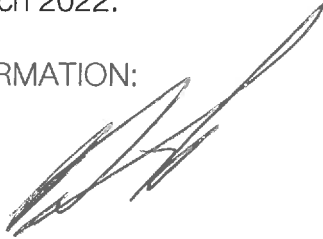
**16.2 Closure**

There being no further business, the Presiding Member declared the meeting closed at 7:16pm.

## DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 23 March 2022.

CONFIRMATION:



PRESIDING MEMBER

23/3/2022  
DATED