



# AGENDA

Dear Hon. Fredrick Riebeling AM JP

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 26 February 2020, commencing at 5:30pm

MEETING AGENDA ATTACHED

Yours faithfully

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

Carl Askew  
Chief Executive Officer

21 February 2020

**DISCLAIMER**

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

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**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71*

*Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

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

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

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## Item 1 Opening of Meeting

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The Commissioner is to declare the meeting open at \_\_pm.

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## Item 2 Acknowledgement of Traditional Owners and Dignitaries

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The Commissioner acknowledges the Kariyarra people, on whose lands we are meeting, and pays his respects to Elders past, present and emerging.

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## Item 3 Recording of Attendance

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### 3.1 Attendance

**Scheduled Present:** Commissioner Hon. Fredrick Riebeling AM JP  
**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Anthea Bird (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Frances Mowle (Corporate Support Officer/Minute Taker)

### 3.2 Attendance by Telephone / Instantaneous Communications

### 3.3 Apologies

### 3.4 Approved Leave of Absence

### 3.5 Disclosure of Interests

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## Item 4 Applications for Leave of Absence

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**Item 5 Responses to Previous Questions**

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**5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on 5 February 2020****5.1.1 Mr Camilo Blanco**

*There is no explanation as to why the attached valuations are considerably lower in FY2014/15, FY2015/16. This is not in line with the real position that Hedland was in at the time. This does not reflect the information that I have or be the intent of the background legislation?*

The Manager Financial Services provided the following response:

Council does not set the property valuations, these are provided by the Valuer-General (Landgate). Landgate is the statutory authority accountable to the Minister of Lands. Landgate provides the valuations to Council to use as a basis for the calculation of rates each year. UV classified properties are revalued every year by Landgate. Because of this, the Town is unable to comment on why the valuations did not increase between the two financial years. According to the Landgate website “their valuers conduct independent and unbiased valuations of your property”. Questions in relation to the valuations on an official roll are able to be directed to Landgate.

**5.1.2 Mr Deon Cawthray**

*Did residential and commercial rates rise for the same period?*

The Manager Financial Services provided the following response:

The question relates to the rate in the dollar which the Town sets every year. The rate in the dollar is set based on the net funding requirements of Council at the time. More information can be found from the Town’s Statement of Objects and Reasons fact sheet on the Town’s website. Between the two years in question, there was a small increase of the rate in the dollar for both commercial and residential properties. The decision to increase the rate in the dollar between FY16/17 and FY17/18 was made without knowledge of the newly rated properties.

**5.1.3 Mr Scott Lowe**

*Item 11.3.2 of tonight’s agenda references proposed workforce accommodation position that has a basis in Social Impact Assessments and Social Impact Management Plans. Approximately two years ago I stood in Council Chambers while a process unfolded that can broadly described as an affront to democratic process took place that saw the council approve the 20 year extension of the Port Haven facility. Central in that proposal was that SIA’s and SIMP’s with measurable, reportable KPI’s would be developed by the proponent and reported upon annually.*

*Has that process been undertaken, are those KPI's available to the community and is the council happy that the community is receiving a sufficient benefit beyond the rating yield gained from that facility?*

A formal response will be provided in the agenda for the Ordinary Council Meeting to be held on 25 March 2020.

#### **5.1.4 Mr Dean Davis**

*The Community, I represent has seen an oversight and it's been identified with the shared health issue between Local and State Government with Needle Syringe Program (NSP) still opening during open times of Needle Syringe Exchange Program (NSEP). Setting the NSEP for failure. Will local government please close all NSP's operating within 400-500 meter walking distance from NSEP when it is open?*

The Director Regulatory Services provided the following response:

The Needle Syringe Program (NSP) is an established program in the community and is known to services users. NSP is currently providing the service user with information and encouragement to utilise the newly established Needle Syringe Exchange Program (NSEP) to ensure a smooth transfer between programs/facilities for clients. A temporary NSEP facility is provided within the district by the WA Country Health Service, working in conjunction with the NSP, not in conflict. NSEP is currently open 9am-4pm Wednesday, Thursday and Friday. Provision of the NSP does not prevent needles from being returned to the NSEP, and provides an alternative for safe disposal of syringes.

*Will the government stop advertising/educating people who inject drugs that parks with toilets are suitable locations for high risk activities?*

The Director Regulatory Services provided the following response:

Syringe disposal containers are often provided throughout the community to provide for safe disposal of syringes, as an alternative to dumping them in public places where they could cause harm. Illegal drug users will often inject in any areas or spaces where they are hidden from view, including public toilet facilities, which is why appropriate disposal facilities are provided. We educate and raise awareness of safe disposal of needle processes and locations to reduce incorrectly disposed needles in the community, this is particularly encouraged in public areas utilised or accessed by children.



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## Item 6 Public Time

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*Important note:*

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

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

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

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

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## Item 7 Questions from Members without Notice

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## Item 8 Announcements by Presiding Member without Discussion

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Date	Meeting	Topic
16/01/2020	Confidential Briefing	Internal agenda
16/01/2020	PHIA Meeting	Cheryl Edwards and Rod Evans
17/01/2020	Advisory Forum briefing	Pre-meeting agenda discussion
17/01/2020	Department of Communities	Steven Street
20/01/2020	Port Hedland Retirement Village	Julie Arif
20/01/2020	Liquor Association Meeting	Brent Ruddler
21/01/2020	Hedland Community Safety Advisory Forum	As per agenda
21/01/2020	VERA Award	DFES
22/01/2020	Confidential Briefing	Internal agenda
22/01/2020	Agenda Feedback Session	As per agenda
23/01/2020	ABC Radio	Radio interview
28/01/2020	Spirit Radio	Radio Interview
28/01/2020	Kelly Howlett (Bloodwood Tree Ass.)	Community Safety Plan
29/01/2020	PPA Stakeholder Survey	Jake Villaverde (KANTAR)

30/01/2020	Hedland Community Road Safety Committee Meeting	Hedland Road Safety
30/01/2020	BHP	Detention Centre
16/01/2020	Confidential Briefing	Internal agenda

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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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**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 evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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**OFFICER'S RECOMMENDATION**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 5 February 2020 are a true and correct record.

***SIMPLE MAJORITY VOTE REQUIRED***

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**Item 11 Reports of Officers**

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**11.1 Corporate Services**

<b>11.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2019 (FILE NO. 12/14/0003)</b>
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**Author:** Senior Financial Accountant  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

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

1. Receive the Statement of Financial Activity for the period ended 31 December 2019;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for the period ended 31 December 2019; and
4. Receive the Credit Card Statements for the period ended 31 December 2019.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 December 2019. 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 2019, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland.

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

As part of the 2019/20 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

1. With regards to expenditure classified as capital projects, a variance of 10% or \$10,000, whichever is greater, of the year to date budget, with individual project as the level that requires explanation.

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

Commentary is provided on variances as details above as per *Attachment 2 NOTE 12. Explanation of Material Variances*.

The opening funding surplus of \$2.5M presented in audited annual financial statements and presented in the 27 November 2019 ordinary council meeting.

The net current asset position as at 31 December 2019 was \$22.4M. The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments	\$249.7M
Restricted Cash – Reserves	\$242.1M
Unrestricted Cash Position as at 31 December 2019	\$7.6M

#### *Previous Decisions*

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

#### **LEVEL OF SIGNIFICANCE**

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

#### **CONSULTATION**

##### *Internal*

- All consultation and engagement is conducted internally.

##### *External Agencies*

- Nil

##### *Community*

- Nil

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

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

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

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

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

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

## RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2019/20 budget to the risk that a reduction in income or increase in expense throughout the 2019/20 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis ensure in line with budget and amend as needed.

## OPTIONS

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

- Note the Statement of Financial Activity and reports for the period ended 31 December 2019 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 2019 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 2019.

**CONCLUSION**

The opening funding surplus of \$2.5M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the audited financial statements. The net current asset position was \$22.4M.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 NOTE 12. Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

**ATTACHMENTS**

1. Statement of Financial Activity Notes 1-11 (under separate cover)
2. Material Variance report (under separate cover)
3. Accounts paid under delegated authority listing (under separate cover)
4. Credit Card Statements for period ended 31 December 2019 (under separate cover)

**11.1.2 REVISED 2/015 NOTICE OF DISCONTINUANCE (RATES AND DEBTORS) POLICY**

**Author:** Accounts Receivable 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.

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**OFFICER'S RECOMMENDATION**

That Council amend the Policy 2/015 'Notice of Discontinuance (Rates and Debtors)' as per attachment 1.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider minor grammatical amendments to Policy 2/015 'Notice of Discontinuance (Rates and Debtors)'.

**DETAIL**

Council adopted 02/15 'Notice of Discontinuance (Rates and Debtors)' in May 2013 for the recovery of outstanding debts to the Town of Port Hedland.

The Finance team review policies annually and have found some grammatical errors that require amending. The Finance team have reviewed the substance of the policy and does not believe it requires any material changes. This policy is required to provide transparency to debtors and ratepayers, regarding our process for when we have to escalate claims.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as the policy is to be updated with only minor grammatical changes.

**CONSULTATION***Internal*

- Manager of Finance
- Senior Governance Advisor

*External Agencies*

- Nil

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

The policy requires some grammatical amendments to the second paragraph as outlined in the attachment. There are no legislative or policy considerations.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial resource implications with the proposed changes.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because the document should be without grammatical errors. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

**CONCLUSION**

In amending the policy the wording will be clear and have no grammatical errors.

**ATTACHMENTS**

1. 2/015 Notice of Discontinuance with proposed track changes (under separate cover)



**11.1.3 CONDUCT OF THE 2020 EXTRAORDINARY LOCAL GOVERNMENT ELECTIONS**

**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.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Declare the Western Australian Electoral Commissioner to be responsible for the conduct of the 2020 Extraordinary Local Government Election together with any other elections or polls which may also be required, in accordance with section 4.13 and 4.20(4) of the *Local Government Act 1995*;
2. Decide that the method of conducting the 2020 Extraordinary Local Government Election will be as a postal election in accordance with section 4.61(2) of the *Local Government Act 1995*;
3. Note that there will be one polling place on election day at the Civic Centre, Port Hedland; and
4. Approve the allocation of \$45,000 during deliberations of the 2020/21 Annual Budget for the associated costs of the 2020 Extraordinary Local Government Election.

***ABSOLUTE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider the appointment of the West Australian Electoral Commission to conduct the 2020 Extraordinary Local Government Election via postal vote on behalf of the Town of Port Hedland, and to consider an allocation of \$45,000 during preparation of the 2020/21 annual budget for election costs.

**DETAIL**

On 29 October 2019, the Minister for Local Government; Heritage; Culture and the Arts (Minister) declared all offices of the Council of the Town of Port Hedland (Town) as vacant. This resulted from the resignation of Councillor Carter and the expiration of the terms of four other Councillors, leaving the Town without a quorum.

The Minister reappointed Hon. Commissioner Fredrick Riebeling AM JP to hold office until the offices of Council are filled and the new Council holds its first meeting. In accordance with Section 2.37(5) of the *Local Government Act 1995*, the Minister has set 17 October 2020 as the date for the election to fill the following vacancies:

- One Mayor: 1 year term

- Four Councillors: 1 year term
- Four Councillors: 3 year term

The Town has previously engaged the Western Australian Electoral Commission (WAEC) to conduct its Local Government elections held in 2011, 2013, 2015, 2016 and 2017 respectively.

*Method of Voting*

In accordance with Section 4.61(1) of the *Local Government Act 1995*, the election can be conducted as a:

- *Postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*
- *Voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations*

*Postal election*

The preferred method of voting is via postal election. This method promotes an appropriate level of transparency by removing the Town’s staff from the election’s administrative process and ensures that the election is conducted independently and with impartiality.

Postal elections allow voters the convenience of posting their vote in the mail before Election Day. Alternatively, voters can hand-deliver their postal votes in person at the Civic Centre prior to Election Day, or at a polling place on Election Day.

Votes that are cast in a postal election are counted and electronically recorded as they are received by Australia Post, before they are delivered to Port Hedland.

Postal voting was introduced in Port Hedland in 2011, as statistics provided by the WAEC have shown that this is a method which generally increases voter participation in a non-compulsory election.

Data below shows that participation has increased from 25.4% to 37.5% since 2007.

Year	Type of Election		Conduct of Election	Electors	Votes	Participation rate
2007	Ordinary	Councillor	In person	5,439	1,384	25.4%
2009	Ordinary	Mayoral	In person	5,621	932	16.2%
2011	Ordinary	Councillor	Postal	5,546	1,544	27.2%
2012	Extraordinary	Councillor	Postal	5,532	1,427	25.8%
2013	Ordinary	Mayoral	Postal	5,822	2,052	35.2%
2015	Ordinary	Councillor	Postal	5,755	1,716	29.8%
2016	Extraordinary	Councillor	Postal	5,735	1,460	25.5%
2016	Extraordinary	Mayoral	Postal	7,225	1,874	25.9%
2017	Ordinary	Mayoral/ Councillor	Postal	7,666	2,875	37.5%

Currently there are 85 (69%) local governments that conduct postal elections in WA.

The current quote from WAEC is based upon a 40% participation rate.

#### *Allegations of Electoral Fraud*

After the Local Government Ordinary Election held in October 2017, Mr Blanco and the Town's Chief Executive Officer had raised concerns of irregularities found with postal addresses of electors in the remote community of Warralong.

The matter has been investigated. The investigators were unable to identify any detriment to or a benefit gained by any party and a prima facie case could not be established.

However, the Town will be suggesting to the appointed Returning Officer that he/she visits remote communities prior to the election to inform community members about postal voting.

#### *In-Person Election*

In-person voting is when an elector must make their vote on Election Day at a designated polling station. WAEC statistics show that elections conducted by this method usually result in a lower response rate, which is the reason for which the Town's administration recommends a postal election.

On Election Day at the polling station, electors must present their identification and be manually checked off the electoral roll before they can cast their vote.

If an elector is not available to vote in person on the day, electors may:

- Cast an absent vote at the office of another local government;
- Cast an early vote at the Civic Centre, or other location yet to be determined; or
- Apply to be added to the Town's 'Postal Voters Register. If the application is accepted the elector will receive a postal vote in the mail prior to Election Day.

All votes cast in an in-person election are manually counted after the poll closes at 6:00pm.

The current quote from WAEC is based upon a 25% participation rate, a 15% reduction compared to the postal election quote.

#### *Polling places*

In previous years, the Town has had between two and three polling places on Election Day where voters may hand-deliver their postal vote or apply for a replacement voting pack. Polling places are open to the public from 8am to 6pm.

This year we propose one polling place, the Civic Centre in Port Hedland.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because this matter impacts a majority of the Port Hedland residents.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Senior Financial Accountant

### *External Agencies*

- Western Australian Electoral Commission

### *Community*

- Following the outcome of Council's decision regarding this matter, the Community will be engaged to participate in the 2020 Extraordinary Local Government Election.

## LEGISLATION AND POLICY CONSIDERATIONS

Section 4.13 of the *Local Government Act 1995* states:

*Any poll needed for an election to fill the vacant offices after the offices of members have been declared vacant under section 2.37 is to be held on the day fixed by order under section 2.37(5).*

Section 4.20 (4) of the *Local Government Act 1995* states that a local government may declare the Electoral Commissioner to be responsible for the conduct of an election, by absolute majority.

Section 4.61 (2) of the *Local Government Act 1995* states that an absolute majority is required for Council to decide to conduct an election by way of a postal vote.

Section 4.61 (3) of the *Local Government Act 1995* states that a decision to conduct an election by way of a postal vote must be made more than 80 days before the election is to take place.

Regulation 40 of the *Local Government (Elections) Regulations 1997* requires the Town to keep a register of postal voters.

## FINANCIAL AND RESOURCES IMPLICATIONS

### *Postal Vote Option*

The proposed cost to conduct the 2020 Extraordinary Local Government Election via postal vote is approximately \$45,000. This estimate will need to be considered during deliberations of the 2020/21 annual budget.

The WAEC have provided an estimate to conduct the election via postal vote at \$38,000, based on the following assumptions:

- 8,150 electors
- Use of Australia Post's regular mail service for delivery of the election packages
- Response rate of approximately 40%
- Appointment of a local Returning Officer
- Count to be conducted in Port Hedland

The WAEC have also proposed an additional cost of \$2000 for Postal Priority Service. It is recommended that the Town include this in the acceptance of the WAEC's offer to ensure that the postal votes are received as early as possible by the voters.

Additional associated costs for conducting candidate information sessions, additional advertising and any officer overtime/ resource costs will be sourced from the remainder of the proposed 2020/21 budget.

#### *In-Person Vote Option*

The proposed cost to conduct the 2020 Extraordinary Local Government Election in-person is approximately \$35,000. This estimate will need to be considered during deliberations of the 2020/21 annual budget.

The WAEC have provided an estimate to conduct the election via in-person vote at \$28,000, based on the following assumptions:

- 8,150 electors
- Response rate of approximately 25%
- Appointment of a local Returning Officer
- Count to be conducted in Port Hedland

Additional associated costs for conducting candidate information sessions, additional advertising and any officer overtime/ resource costs will be sourced from the remainder of the proposed 2020/21 budget.

### **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

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

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

**RISK MANAGEMENT CONSIDERATIONS**

There is a service interruption risk associated with this item, as it would require additional internal resources to conduct the 2020 Extraordinary Local Government Election if the WAEC are not appointed. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

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

**CONCLUSION**

It is recommended that Council appoint the WAEC to conduct the 2020 Extraordinary Local Government Election by way of a postal vote on behalf of the Town to ensure that the election is conducted independently and with impartiality.

**ATTACHMENTS**

1. 20191118 Quote from WAEC (under separate cover)

**11.1.4 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT**

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

**OFFICER’S RECOMMENDATION**

That Council, in relation to the 2018-2022 Corporate Business Plan:

1. Receive and note the performance report for the period 1 October 2019 to 31 December 2019 (Quarter 2 FY20).

***SIMPLE MAJORITY VOTE REQUIRED***

**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 2019/20 financial year in relation to the actions in the 2018-2022 Corporate Business Plan.

**DETAIL**

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

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

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

*2019/20 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 reassure the community and Council that the actions are continuously addressed and focussed on.

For the period of 1 October 2019 to 31 December 2019 (Q2), the following performance statistics are reported:

Status – Q2 2019/20 FY	Number	%
CBP actions complete	19	23.5%
CBP actions on track for completion	56	69%
CBP actions not yet commenced	6	7.5%

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

- Pre-cyclone preparation was completed prior to cyclone season. This included tree pruning of tress in South, Port and Wedgefield. The annual green waste collection was completed.
- The Town has implemented internal processes to ensure that all events held at the Matt Dann, Library and JD Hardie Centre have a promotional plan created.
- Stage 1 Implementation of the Coastal Hazard Risk Management and Adaption Planning (CHRMAP) is underway further to the December 2019 Council decision to address 3 x erosion hotspots. The Coastal Reserve Management Plan project is due to commence in February 2020.
- The 2019 Recreational Vehicle (RV) Overflow area data collection through caretaker was successful. Caretaker will be secured for 2020 season to continue data collection.
- The Town of Port Hedland, through the Hedland Community Safety Advisory Forum, has developed a comprehensive Community Safety Plan incorporating a suite of deliverables over the following 3 + years.
- The Arts and Culture Strategy has been developed and adopted by Council.
- A 2020 partnership agreement has been signed with Port Hedland Chamber of Commerce Inc. to deliver business events and the Economic Forum.
- The 2016-2019 Reconciliation Action Plan was monitored and reviewed. The final report was sent to Reconciliation Australia. Preparation of the 2020 – 2023 Reconciliation Action Plan has commenced.

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

## LEVEL OF SIGNIFICANCE

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

## CONSULTATION

### *Internal*

- Multiple managers and officers 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.
- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

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

## CONCLUSION

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

## ATTACHMENTS

- 1. Corporate Business Plan - Q2 Status Update (under separate cover)

**11.1.5 REDEVELOPMENT OF STEVENS STREET SITE (ALSO KNOWN AS THE PORT HEDLAND RETIREMENT VILLAGE)**

**Author:** Legal 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.

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**REVOKE PREVIOUS DECISION**

To consider revoking the decisions listed in Officer's Recommendation 1 and 2 below, one third of Elected Members must support the revocation. Due to the suspension of Council, the Department of Local Government, Sport and Cultural Industries have advised that the function of the Commissioner is to act as the Council in accordance with section 2.38(2) of the *Local Government Act 1995* and therefore the Commissioner can revoke a Council Decision in accordance with regulation 10 of the *Local Government (Administration) Regulations 1996*.

The Commissioner is to show his hand in support of the revocation.

1. \_\_\_\_\_
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**OFFICER'S RECOMMENDATION 1**

That Council revoke Council Decision CM201920/052 / Officer's Recommendation 2 of item 8.1.1 Stevens Street Site (also known as Port Hedland Retirement Village) made at the Special Council Meeting held on 10 September 2019 as highlighted in attachment 1.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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**OFFICER'S RECOMMENDATION 2**

That Council revoke Council Decision CM201920/053 / Officer Recommendation 3 - resolution 10 only of item 8.1.1 Stevens Street Site (also known as Port Hedland Retirement Village) made at the Special Council Meeting held on 10 September 2019 as highlighted in attachment 1.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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**OFFICER'S RECOMMENDATION 3**

That Council:

1. Confirm support for the redevelopment of the Stevens Street Site, including demolition and construction of new facilities, for the purposes of seniors' accommodation, subject to the relevant state authorisations being obtained and settlement of the terms of dispute set out in the Department of Communities' notice.
2. Reaffirm that budget provision was made for the next stage of the project (feasibility study and detailed design) as part of the FY2019/20 budget adoption.
3. Commence appropriate tenant and community consultation on the future development of the Stevens Street Site once the relevant state authorisations are obtained and the notice of dispute is settled.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for the Commissioner to consider formally acknowledging support for the redevelopment of the Stevens Street Site ('Site') for the purposes of seniors' accommodation, and not a park.

**DETAIL**

At the 19 May 2019 Ordinary Council Meeting the Council resolved, amongst other things, to cease relocation of the residents and confirm its support for the redevelopment of the Stevens Street Site, subject to the relevant state approvals being obtained, and to make budget provision for the next stage of that project as part of the FY 2019/20 budget adoption.

At the 10 September 2019 Special Council Meeting the Commissioner revoked the decision regarding relocating the residents and, by error, also revoked the decision supporting redevelopment for the purposes of seniors' accommodation and budget provision, and resolved to approve the redevelopment of the Site as a park (as per the officer's then recommendations). The Commissioner has since expressed that it was his intent to redevelop the Site for the purposes of senior's accommodation. This report seeks to formally clarify that.

The community has expressed significant support for senior's accommodation to remain at the current location. The community's key messaging concerned those seniors' wellbeing, and their, and future seniors', intrinsic value to the social fabric of the Port Hedland community.

The community sentiment has been squarely focused on the redevelopment of the Site. As mentioned in the previous Council reports, the engineering reports conclude that the upgrade and maintenance costs to bring the existing facilities up to the regulatory requirements is likely to far exceed the cost of replacing the buildings. The Town recommends redevelopment of the Site by way of demolition and replacement of the existing facilities as it is the best value for money and sustainable solution.

The Town will continue to facilitate the relocation of the residents in the interests of their safety, which will allow for the redevelopment of the Site to commence, subject to the state authorisations being obtained and the settlement of the notice of dispute issued in January 2018. The notice of dispute relates to breaches of the joint venture agreement between the Town and Department signed in 2001.

The Town is currently in negotiations with the Department regarding tenure, settlement of the notice of dispute and settlement of the joint venture agreement.

On 23 September 2019, the Commissioner provided each of the residents a written undertaking that they would be granted first priority to enter a tenancy agreement for future redevelopment of seniors' accommodation.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because of the community's interest in the welfare of the residents, in particular ensuring a permanent solution to grouped senior's accommodation in Port Hedland on the current site.

## CONSULTATION

### *Internal*

- Executive Team

### *External Agencies*

- Minister for Housing
- Minister for Lands, Minister for Planning
- Department of Communities
- Wood and Grieve Structural Engineers

### *Community*

The residents were officially consulted on 11 September 2019 and on 24 January 2020 by the Commissioner, CEO and Director Corporate Services. The Commissioner has informally met with the residents or their representatives upon request. Otherwise, Foundation Housing has been facilitating the resident's relocation on the Town's behalf.

## LEGISLATION AND POLICY CONSIDERATIONS

*Local Government Act 1995 – s.3.54*

*Land Administration Act 1997 – s.46*

## FINANCIAL AND RESOURCES IMPLICATIONS

The \$4,000,000 allocated in the financial year 2019-20 annual budget for the redevelopment of stage 1 of the Site remains in the budget. This was not reviewed as part of the quarterly budget processes. Budget allocation for future stages of the redevelopment will be addressed in future budgets or budget reviews.

The total estimated cost for the redevelopment is likely to be between \$12,000,000 and \$16,000,000, with demolition costs around \$500,000. All amounts will be funded from the PHIA Long-term Lease Proceeds Reserve.

## 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.2 Community needs and gaps in health provision are identified and delivered
- 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.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented

### *Environmental*

There are environmental implications associated with asbestos, termites and the current structural damage to the infrastructure.

### *Social*

There are social implications due to the community's concerns and interest in the welfare of those residents and a permanent solution for seniors' accommodation in Port Hedland.

### *Corporate Business Plan*

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

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the community's significant support for the redevelopment of the Site. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3). This risk will be eliminated by the adoption of the officer's recommendation.

## **OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

## **CONCLUSION**

The adoption of the recommendation will clarify the Commissioner’s intent to redevelop the Site for the purposes of seniors’ accommodation, subject to obtaining the relevant state authorisations.

## **ATTACHMENTS**

1. Item 8.1.1 Stevens Street Site (also known as Port Hedland Retirement Village) made at the Special Council Meeting held on 10 September 2019 (under separate cover)

## 11.2 Community Services

11.2.1	<b>COURTHOUSE GALLERY: QUARTERLY REVIEW - QUARTER 2 - OCTOBER - DECEMBER 2019</b>
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**Author:** Manager Marketing, Events and Communications  
**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.

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### OFFICER'S RECOMMENDATION

That Council receive the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the second quarter, October to December 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

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### 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 – December 2019. 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.

### DETAIL

The contract for the management of the Courthouse Gallery was agreed between the Town of Port Hedland and The Junction Co. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options.

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
- 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, accountable financial management
- Clear, concise, accurate quarterly reporting on the operations of the facility

The attached quarterly report outlines the progresses made by The Junction Co in the period October – December 2019. The organisation has reported a net profit of \$34,765.91, providing a stable platform moving into the third quarter.

A summary of the key achievements for the quarter October - December 2019 are noted below:

- The delivery of an exhibition: George Ward – 18 October – 21 December.
- Two community events – PARTicipate – Movember and the Artisan Twilight Market.
- The establishment of partnerships including Regional Arts WA (Regional Arts Hub Network), Category 5 (Media partnership) and BHP (tech lab and photography studio equipment).
- The delivery of seven creative development workshops.
- Three youth activities including Create Playdate, Creative Enterprise Program and Weekly Art Antics.

### 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*

- Building Maintenance
- Arts and Culture
- Communications
- Finance

#### *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 Courthouse Gallery was approved in the Town's FY 2019/20 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.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 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).

To reduce this risk the action plan is to consistently monitor the contract obligations and ensure The Junction Co. 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 The Junction Co from October – December 2019 in its role as manager of the Courthouse Gallery.

## ATTACHMENTS

1. Courthouse Gallery: Quarterly Report - Quarter 2 - October - December 2019 (under separate cover)

**11.2.2 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 2 - OCTOBER TO DECEMBER 2019**

**Author:** Manager Marketing, Events and Communications  
**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.

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**OFFICER'S RECOMMENDATION**

That Council receive the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the second quarter, October to December 2019.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the second quarter from October – December 2019. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

**DETAIL**

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options.

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.
- Maintenance and capital expenditure.

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

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

- A safe, clean and hygienic environment for staff, customers and other visitors.
- Strong, accountable financial management.
- Clear, concise, accurate quarterly reporting on the operations of the facility.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period October - December 2019. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the quarter October - December 2019 are noted below:

- 4996 visitors through the centre in Quarter 2.
- The development and introduction of the BHP Nelson Point facility tour.
- Development of the Cruise Ship engagement program, to engage the *Radiance of the Sea* visitors on Saturday 22 February.
- Redevelopment of the Visitor Centre website.

### 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*

- Internal teams consulted during the reporting period include:
  - Building Maintenance
  - Arts and Culture
  - Communications
  - Finance

#### *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 2019/20 budget.

### STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

### *Economic*

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

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

### *Disability Access and Inclusion Plan*

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

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- 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 – Do not adopt officer's recommendation*

## **CONCLUSION**

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from October - December 2019 in its role as manager of the Port Hedland Visitor Centre.

## **ATTACHMENTS**

1. Port Hedland Visitor Centre Quarterly Report: Oct-Dec 2019 (under separate cover)

### 11.3 Regulatory Services

11.3.1 INITIATION OF LOCAL PLANNING POLICY 08 - PORT HEDLAND INTERNATIONAL AIRPORT
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**Author:** Senior Strategic Planner  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

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

1. Initiate Local Planning Policy 08 'Port Hedland International Airport', presented as per Attachment 1 of this Item for the purpose of public consultation; and
2. Advertise Local Planning Policy 08 'Port Hedland International Airport' in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

***SIMPLE MAJORITY VOTE REQUIRED***

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#### PURPOSE

The purpose of this report is for Council to consider initiation of Local Planning Policy 08 'Port Hedland International Airport' (PHIA) which aims to recognise the fundamental importance of maintaining the safe and efficient operation of the airport. Should Council support the proposed policy, it will be advertised for public comment before being presented to Council for final adoption.

#### DETAIL

The Town of Port Hedland is the registered proprietor of the land on which PHIA currently exists.

PHIA is a certified and security-controlled aerodrome located between the settlements of Port Hedland and South Hedland. The airport site is approximately 817 hectares and has been leased from the Town to PHIA Asset Pty Ltd for 50 years, commencing in March 2016.

The airport is an integral part of the community and the economy of Port Hedland and is a critical component of the resource industry of the Pilbara region. It provides for Regular Passenger Transport and General Aviation air services to serve the local community and industry.

The land is contained within the Airport zone under the Town of Port Hedland Local Planning Scheme No. 5. The precinct objectives for the Airport precinct are to:

- a. *Protect options for future airport infrastructure within the precinct,*
- b. *Ensure that development within the precinct meets prevailing noise and height limitation standard associated with the operation of aircraft; and*
- c. *Ensure that any commercial development reinforces the transportation of the airport.*

The proposed Local Planning Policy focusses on addressing the following key issues:

- Establishing a policy position that does not support permanent intrusions into controlled airspace (Obstacle Limitation Surfaces or OLS, and Procedures for Air Navigation Services – Aircraft Operations or PANS-OPS), as intrusions may compromise the safe and efficient operations of the airport. Controlled airspace extends to 15 kilometres around the airport, so the policy would have a broader implication for very tall structures or objects including cranes.
- Maintaining the draft Port Hedland International Airport Master Plan’s consideration of appropriate uses at the ends of runways.
- Referring developers to the National Airports Safeguarding Framework guidelines and advice for designing artificial lighting.
- Recognising that photovoltaic solar panels are generally compatible near airports, but must be considered on a case-by-case basis.
- Consistently implementing the Scheme provisions in relation to avoiding noise-sensitive land uses in proximity to the airport and flight paths.
- Establishing parameters for referring matters to the PHIA for advice.

The proposed objectives of this policy are:

1. *To ensure that construction and operational aspects of development are examined for their potential impact on the operations of the PHIA.*
2. *To acknowledge height limits for development to maintain clearance to protect controlled airspace and maintain public safety.*
3. *To improve and protect community amenity by avoiding unreasonable encroachment of noise-sensitive development to the Airport and flight paths.*
4. *To set a procedure to refer proposals to the PHIA.*

The proposed policy seeks to apply to any planning proposal or development application that may affect the operation of the PHIA.

The policy components are discussed in further detail.

### ***Controlled Airspace (OLS and PANS-OPS)***

The PHIA is obligated to monitor any permanent or temporary intrusions into its controlled airspace. Planning authorities and industry need to liaise with aerodrome operators such as PHIA, when erecting tall structures, to determine potential infringements. Every effort is made to implement the OLS standards and limit the introduction of new obstacles.

The Town of Port Hedland Local Planning Scheme No. 5 includes a provision for height restrictions, as follows:

*5.10.1 No development, within the height restriction areas indicated on the Obstacle Limitation Surfaces map in the Local Planning Policy Manual shall exceed the height restrictions indicated in the manual.*

In respect of clause 5.10.1, the Obstacle Limitation Surfaces map in the Town's Policy Manual is outdated and new mapping is being prepared by the PHIA to future proof the airport's airspace. It is understood that new maps will be prepared to determine the 'height limit' at any given location.

The local planning policy aims to incorporate the latest Obstacle Limitation Surfaces by incorporating PHIA datasets into the policy maps. For the purposes of drafting and advertising the local planning policy, a draft map is inserted as a placeholder. It is anticipated that new mapping can be made available in the first quarter of 2020. The Town anticipates using the new mapping for the local planning policy to provide greater guidance concerning height limits.

It is considered that mapping will not significantly change between what is in the draft policy and what will be in the final policy. Therefore, this is not an impediment to Council adopting the draft policy for public advertising.

#### *Public Safety Zones*

The PHIA Master plan notes that there is no national legislation requiring the provision of Public Safety Zones in Australia, and it is not mandated in WA legislation. However, for the purpose of future proofing the airport, the Master Plan and this policy aim to consider what land uses should be encouraged or discouraged at runway extremities.

The ends of the runways are subject to a Public Safety zone in the shape of a trapezoid measuring 1km x 350m closest to the runway end, tapering down to 250m furthest from the runway. This Public Safety zone is aimed at minimising the number of people that may be typically in this area. As a risk management approach, the policy mapping will reflect these Public Safety Zones and uphold the uses that are encouraged/discouraged in this area.

It is recognised that the Public Safety zones are mainly within the airport site, but do encroach into adjoining land.

#### *Artificial Light Hazard*

Essentially, the most significant issue of lights near the airport is maintaining and protecting the controlled airspace (OLS).

To maintain safe and efficient operation of the airport, the policy refers developers/designers to relevant national guidelines for lighting.

#### *Photovoltaic solar panels*

Photovoltaic solar panels absorb rather than reflect sunlight to generate electricity. Photovoltaic solar panels are not typically regarded to be an issue or source of glare for pilots. Photovoltaic solar panels have been constructed at several airports, for example, adjacent to the Onslow Airport terminal building and on the roof of the Newman Airport terminal building. The draft policy supports the assessment of any proposal on a case-by-case basis.

### *Australian Noise Exposure Forecasts (ANEF)*

Local governments are encouraged to use both the ANEF system and alternative aircraft noise metrics such as single event contours (e.g. N70) to inform strategic land use planning decisions about the use of land affected by aircraft noise. Several local planning strategies and local planning schemes in Western Australia utilise these, particularly for local governments within proximity to airports (including Belmont, Swan, and Greater Geraldton).

The Town of Port Hedland Local Planning Scheme No. 5 includes a provision for restricting uses inside the 25 ANEF contour, as follows:

*5.10.2 Development within the Residential, Commerce, Health, Welfare and Community or Entertainment, Recreation and Culture categories in the zoning table is not permitted inside the 25 ANEF contour of the Australian Noise Exposure Forecast map contained in Appendix 6. When considering development applications the local government may vary the requirements of this clause where it is satisfied that aircraft noise will not unduly impact on the proposed use or the development is specifically constructed to attenuate the impact of aircraft noise.*

In respect of clause 5.10.2, the ANEF contour map in Appendix 6 is outdated, and new mapping was prepared by the PHIA and is being reviewed by Airservices Australia. It is anticipated that the new ANEF mapping will be finalised and made available in the first quarter of 2020.

It is recognised that under the PHIA Master Plan, the ANEF contours of 25 and above are entirely within the airport site. The ANEF 20 contour is understood to overlay some land zoned 'transport development', 'rural residential' and 'rural'.

To prepare and advertise the draft policy, a draft noise contour map has been included as a placeholder. The Town aims to obtain the updated mapping dataset for incorporating into this local planning policy. The revised mapping will be incorporated before final adoption by Council. The policy map will thereafter be useful for identifying land that may warrant investigation and assessment of noise impacts if sensitive land uses are proposed.

It is considered that mapping will not significantly change between what is in the draft policy and what will be in the final policy. Therefore, this is not an impediment to Council adopting the draft policy for public advertising.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. A significant reason for introducing this new policy is the growing number of occasions where temporary intrusions (such as cranes) can potentially infringe upon controlled airspace. There is a flow-on consequence of intrusions, as potential infringements may affect the ability for aircraft to land/take-off, or the PHIA may temporarily suspend airport operations.

This issue is being raised more frequently between PHIA and the Town. The policy aims to improve channels of communication between PHIA and the Town and to assist landowners/developers to more accurately identify height limits that would ensure suitable safe clearances to protect controlled airspace and maintain public safety.



There is a lesser significance of noise-sensitive uses encroaching upon the airport. However, aircraft noise is addressed in the Scheme, and the policy aims to provide additional guidance.

## CONSULTATION

### *Internal*

- Manager Town Planning and Development

### *External Agencies*

- The draft local planning policy was discussed at a PHIA and Town of Port Hedland Joint Technical Working Group meeting held on 4 December 2019. The PHIA and Town received a presentation on the draft local planning policy and provided preliminary advice in relation to the policy content.

### *Community*

- A notice of the proposed draft policy will be published in the North West Telegraph, for a period of no less than 21 days. This advertisement will provide details on:
  - The subject and nature of the proposed policy;
  - The objectives of the proposed policy;
  - Where the proposed policy may be viewed; and
  - To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the draft policy will also be placed on the Town's website inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Town of Port Hedland Local Planning Scheme No. 5.

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
  - Identify strategic employment and economic development priorities
- 2.d.1 Investment in key infrastructure development such as the port and logistics is pursued

- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a service interruption risk associated with this item because applicants and/or developers may not be aware of Federal Aviation legislation and regulations, particularly in relation to avoiding objects intruding into controlled airspace. Intrusions into controlled airspace, such as cranes, can result in the temporary suspension of the airport operations. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of major (4).

There is a health risk associated with this item as the unreasonable encroachment of noise-sensitive land uses in proximity to the airport may experience health impacts associated with aircraft noise. Aircraft noise is not subject to the *Environmental Protection (Noise) Regulations 1997*, and generally, there are few experienced issues. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

These risks are mitigated by the Town's ability to assess and review development applications and apply appropriate conditions of development approval.

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

### **CONCLUSION**

The draft Local Planning Policy LPP08 – Port Hedland International Airport will provide mapping and policy provisions to provide clarity to landowners, developers and the Town. The preparation of a policy has the support of the PHIA, as it will go some way to improving available information and for providing a more formalised referral protocol between the airport and the Town. By initiating this policy, Council will facilitate improved safety and efficiency of operations at the Port Hedland International Airport and provide appropriate policy guidance to the community.

### **ATTACHMENTS**

1. Draft LPP 08 - Port Hedland International Airport (under separate cover)

**11.3.2 DOG EXERCISE AREAS AND DOG PROHIBITED AREAS**

<b>Author:</b>	<b>Team Leader Rangers</b>
<b>Authorising Officer:</b>	<b>Director Regulatory Services</b>
<b>Disclosure of Interest:</b>	The Authorising Officer declares that they have an impartiality interest in relation to this item as they own a dog and may make use of these areas. This report has been written without bias, based on existing legislated exercise areas and a request from community members.

**OFFICER'S RECOMMENDATION**

That Council, pursuant to Section 3.12 of the *Local Government Act 1995* and Section 31 of the *Dog Act 1976*:

1. Provide a local government notice in the local paper advising that it intends to specify dog exercise areas within the District and providing residents 28 days to respond;
2. Specify the following areas as Dog Exercise Areas as attached to this report:
  - a. portion of Marie Marland Reserve (Reserve 31895) designated by fencing and signage;
  - b. portion of McGregor Street Reserve (Reserve 8214), known as the Hedland Dog Club; and
  - c. portion of Port Hedland Foreshore Reserve (Reserve 30768) located North of the Marina Precinct, known as the Spoil Bank;provided no substantiated objections are received during the notice period; and
3. Specify that dogs (other than assistance dogs) are prohibited in the following areas:
  - a. A public building, unless permitted by a sign;
  - b. A theatre or picture garden;
  - c. Any food premises or food vehicle (except alfresco dining areas);
  - d. A public swimming pool;provided no substantiated objections are received during the notice period.

***ABSOLUTE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider establishing a Dog Exercise Area within South Hedland, reaffirm the Dog Exercise Areas within Port Hedland, and designate dog prohibited areas within the District.

## DETAIL

At the 27 November 2019 Ordinary Council meeting, a public question and deputation were provided seeking a temporary off lead Dog Exercise Area (DEA) to be provided within South Hedland, with an indicative area at Marie Marland Reserve included with the deputation. The Commissioner advised that this would be investigated and a response sent to both residents.

There are many well documented health and welfare benefits to encouraging dog owners to exercise their dogs. There are 1195 dogs currently registered within the Town. Port Hedland has 2 designated off lead dog exercise areas located at McGregor Street Reserve, adjacent to the turf club, and the Spoil Bank Reserve. These areas, in particular the McGregor Street site are used by dog owners on a regular basis for both exercise and socialisation of dogs. While there is anecdotal evidence of dog on dog issues at the park there have been no formal complaints received in relation to dog attacks. Due to changes in the *Dog Act 1976*, DEAs can no longer be specified in the Towns Dogs Local Laws, therefore these are consolidated with this report to ensure continuity of use when the current local law is amended.

The Towns Regulatory Service has consulted with community associations and sporting groups to determine suitable areas to be designated as new DEAs. Criteria considered in assessing DEAs included identifying land which was under the management or control of the Town, areas currently utilised by dog owners, open space which was free of hazards for dogs, and land which could be monitored or serviced (i.e. signage, dog bags and bins) by Ranger Services.

It should be noted that the Northern end of the Spoil Bank and beach along the eastern edge is not land managed by the Town, therefore cannot be specified as a dog exercise area. The revised location of this DEA also takes into account the marina development footprint.

Internal discussions with relevant Town Staff supported the proposed location being portion of Marie Marland Reserve (Reserve 31895), which is also the reserve identified for the future permanent DEA contained within the South Hedland Integrated Sports Complex (SHISC). The proposed temporary DEA will measure approximately 25 metres by 70 metres, incorporating gated entry for dogs from outside the fenced playing fields, together with larger internal gates to provide for maintenance access. Due to the temporary nature of this area, no additional fixtures or fittings are proposed.

The permanent DEA is proposed for an adjacent area of the reserve which is not yet developed, however will be identified with fencing and signage once completed. The temporary DEA will be removed once the permanent facility is constructed.

Each of the current and proposed DEAs are already being frequented by dog owners so by formalising the areas, the City can more effectively regulate dog owner's behaviour and provide a positive recreational opportunity for dogs and their owners, while balancing the competing community needs. Community queries raised during consultation can be addressed with provision of signage and dog poo bags/bins, increased monitoring of the DEAs, and enforcement of the Towns Dogs Local Law if necessary. Provision of patrol duties, together with signage and dog poo bags are already provided within the Rangers operational budget.

Officers recommend that areas where dogs are prohibited, as listed in the existing local law, be endorsed by Council as part of this process to retain their status as dog prohibited areas. Areas where dogs are currently prohibited by the current local law include:

- A public building, unless permitted by a sign
- A theatre or picture garden
- Any food premises or food vehicle
- A public swimming pool

It should be noted that the prohibition does not apply for people entering a public place accompanied by an “assistance animal” as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth).

If the proposed DEAs are endorsed by Council, they are required to be advertised in the local paper for 28 days. If no substantiated objections are received, the endorsed DEAs become approved.

### 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 criteria in the Town’s policy 4/009 ‘Significant Decision Making’ which deems it significant.

### CONSULTATION

#### *Internal*

- Community Engagement Officer
- Senior Sports and Facilities Officer
- Co-ordinator Parks & Gardens
- Manager Community Development
- Manager Leisure Facilities
- Manager Parks, Gardens and Engineering Services
- Manager Environmental Health and Community Safety
- Director Community Services
- Director Regulatory Services
- Hon. Commissioner Frederick Riebeling AM JP

#### *External Agencies*

- Nil

#### *Community*

- Hedland Touch Association
- Little League Baseball Hedland
- Hedland Teeball Association
- Hedland Baseball Association
- South Hedland Cougars Rugby League Club
- Port Hedland Softball Association

### LEGISLATION AND POLICY CONSIDERATIONS

The *Dog Act 1976* requires that a local government specify such dog exercise areas that are in the opinion of the local government sufficient in number and suitable for the exercising of dogs. Section 31 (2B) and (3A) *Dog Act 1976* enables Council to approve DEAs and dog prohibited areas via absolute majority.

Advice from the Joint Standing Committee on Delegated Legislation has confirmed that all reference to dog exercise areas and dog prohibited areas with Dog Local Laws should be removed.

## FINANCIAL AND RESOURCES IMPLICATIONS

The capital works budget allocated for Dog and Cat Welfare will be underspent due to Regulatory Services officers amending the works package to provide for a cat pound which complies with animal welfare requirements at an alternative location to the Town Depot. The shortfall in spend in Project Number CPP051040 will be used to construct the temporary dog exercise area within South Hedland, including signage. The permanent dog exercise area as provided within the SHISC Masterplan will be constructed with funds allocated as part of the first phase of works.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.6 Town-wide health, safety, recreation and sporting activities 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.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 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 actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

- 1.a.6.1 Promote awareness of town-wide health, recreation, sporting and safety services and initiatives.
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose.

This proposal aligns with the strong desire of the community for provision of a dog park as expressed in the annual community survey. Provision of an enclosed DEA facility within South Hedland is included as a recommendation of the Public Open Space Strategy 2019.

## RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as the lack of a DEA facility within South Hedland may cause a decrease in the community's perception of the Town's services.

Installation of signage and dog poo bags/bins, together with increased ranger patrolling of the DEAs initially, will ensure that they are used correctly by dog owners and minimise any disruption to other community members.

The risk rating is considered to be medium (6), which is determined by a likelihood of minor (2) and a consequence of possible (3).

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## CONCLUSION

Provision of a temporary off lead exercise area for use by dog owners in South Hedland addresses the short term needs of residents, while the design and construction of the permanent dog exercise area at SHISC is completed. The two areas specified in Port Hedland are already in use, however due to impending changes to the Towns Dog Local Law, need to be included when the DEAs are specified. Dog Prohibited Areas need to be included within the Council decision as these will also be removed from the Dogs Local Law.

## ATTACHMENTS

1. Dog Exercise Area locations (under separate cover)

**11.3.3 ADOPTION OF LOCAL PLANNING POLICY 03 - SHIPPING/SEA CONTAINERS AND TRANSPORTABLE BUILDINGS**

**Author:** Graduate 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.

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**OFFICER'S RECOMMENDATION**

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

1. Adopt Local Planning Policy 03 'Shipping / Sea Containers and Transportable Buildings' for final approval, as presented in Attachment 1 of this Item without modifications.
2. Advertise the adopted Local Planning Policy 03 'Shipping / Sea Containers and Transportable Buildings' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
3. Rescind existing Council Policy 12/07 'Shipping and/or Sea Containers' as per Attachment 2

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider adoption of Local Planning Policy 03 'Shipping / Sea Containers and Transportable Buildings' (LPP03) for final approval.

**DETAIL**

LPP03 was initiated at the Ordinary Council Meeting held on 27 November 2019 pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The draft policy was then advertised for a period of forty-nine (49) days from 4 December 2019 to 22 January 2020, through advertisement in the North West Telegraph and on the Town's website. No submissions were received during the public consultation period.

The Town of Port Hedland (the Town) currently has Council Policy 12/07 'Shipping and/or Sea Containers' which was adopted in November 2004. The objectives of this policy are:

1. To ensure adequate amenity/streetscape provisions and protection when the installation and use of shipping and/or sea container(s) are approved.
2. To apply development controls through guidelines for the installation of container(s).
3. To provide guidelines for the approval of shipping and/or sea container(s) where applications comply with the provisions and/or intent of this policy.



The current policy is outdated, does not provide sufficient wording or policy provisions and is ineffective. It has not been reviewed and amended since its initial adoption in 2004. Following initiation of LPP03 at the Ordinary Council Meeting held on 27 November 2019, the Town is seeking to finalise adoption of LPP03 to ensure an up to date and relevant policy is available to both Town staff and the public.

The new proposed Local Planning Policy focusses on addressing the following key issues:

- Providing clearer objectives for the public;
- Simplifying the policy with specific design requirements to address the determined objectives; and
- Having a flexible approach to addressing a number of scenarios in which the Policy will be applicable.

The objectives of this policy are:

1. To ensure that a transportable building does not detract from the amenity, character and established streetscape of an area; and
2. Does not prejudice the intended objectives of design guidelines, the Town's Local Planning Scheme or a planning policy, of achieving good quality built form and design outcomes.

This proposed policy seeks to apply to any application to develop a transportable building in all zones and reserves.

The policy seeks to define a transportable building as:

*'A building or structure which has been constructed at another location and transported, either whole or in parts, to the intended location. This includes, but is not limited to a shipping container, donga, ancillary dwelling, outbuilding or dwelling'.*

The policy considers various circumstances and has a scaled approach to addressing building design whilst still offering flexibility to an applicant. Circumstances are based on whether a proposal will be seen from a public place, a neighbouring property or not at all and considers the level of potential impact accordingly.

Should Council adopt this new policy, the Town will seek to rescind the existing Council Policy 12/007 'Shipping and/or Sea Containers'.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. A significant reason for introducing this new policy is the growing number of applications for locating a transportable building on properties and the Town not having a suitable policy to address the community's desire for good built form.

## CONSULTATION

### *Internal*

- Manager Town Planning and Development
- Team Leader Ranger
- Ranger and Emergency Services Advisor
- Development Services Officer

### *External Agencies*

- *Nil*

### *Community*

Public consultation began on 4 December 2019 and concluded after a period of forty-nine (49) days on 22 January 2020. A notice of the initiated draft policy was published in the North West Telegraph on 4 December 2019, and a copy of the draft policy was also placed on the Town's website throughout the consultation period. Local planning policies are only required to be advertised for a period of twenty-one (21) days, but due to the Christmas and New Year's period the Town advertised the policy for a longer period of time to provide adequate time for the community to review the policy and make submissions. During the consultation period, no submissions from external agencies or the community were received.

In accordance with Clause 3, Schedule 2 of the Regulations, should Council adopt LPP03 the Town will publish a notice of the new policy in the North West Telegraph giving details of:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the adopted policy will also be made available on the Town's website.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Town of Port Hedland Local Planning Scheme No. 5

## FINANCIAL AND RESOURCES IMPLICATIONS

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

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.1 High quality and responsive customer service is provided

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

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because applicants and/or developers may not implement the design provisions required as part of the development approval for a transportable building. There is also the risk that should the policy not be adopted, uncontrolled development of transportable buildings may occur which could negatively impact on the amenity of surrounding areas. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

The risks is mitigated by the Town's ability to take compliance action in such circumstances.

## 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 reasons for adopting the policy, providing clearer objectives for the public, simplifying the existing policy framework with design requirements to address the objectives and having a flexible approach to addressing different circumstances. By adopting this policy, Council will facilitate improved built outcomes and provide certainty to the public.

## ATTACHMENTS

1. Attachment 1 - Local Planning Policy 03 - Shipping / Sea Containers and Transportable Buildings (under separate cover)
2. Attachment 2 - Existing Council Policy 12/007 Shipping and/or Sea Containers (under separate cover)

## 11.4 Infrastructure Services

### 11.4.1 ADOPTION OF TOWN OF PORT HEDLAND DEPOT MASTERPLAN & BUDGET

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

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#### OFFICER'S RECOMMENDATION

That Council:

1. Adopt the proposed Depot Masterplan as per Appendix 1, with a steel-framed building (Option A) being the preferred option;
2. Amend the 2019/20 annual budget to increase the Depot Masterplan project budget to \$8,860,000 to be funded from the Port Hedland International Airport (PHIA) Long Term Lease Proceeds Reserve; and
3. Note that this budget amendment will be included in the Q2 budget review which will be considered at the March 2020 Ordinary Council Meeting.

*ABSOLUTE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to adopt the proposed Depot Masterplan and funding for the project.

#### DETAIL

The Town of Port Hedland (the Town) depot operates out of a site on Cajarina Road, Wedgefield. There are a number of services which are provided out of the depot, and these include Parks & Gardens, Engineering, Project Management, Property and Asset Management, Stores, Nursery, Workshops and Records. The office building is currently housed in a leased transportable office building, and this lease is coming to an end in November 2020. The current buildings are a mix of transportable buildings and sheds, and are in need of extensive renovation. The Town needs to invest in a long term solution for these business units to operate out of the depot and ensure proper service delivery to the community. There are also additional pressures resulting from the Town's need to shift its existing records facility out of the airport. The Masterplan proposes a long term solution to provide a fit-for-purpose, compliant and modern depot facility to meet the Town's requirements for next 20 years. It should be noted that investment in a long term, quality fit for purpose solution would reduce operating costs over time and provide a high standard of facilities for Town staff.

The Masterplan considered three options for the construction of a new office building and store, extensions to the current workshop to enable staff to work on vehicles with some shade, storage for the Town's fleet and other business unit's assets, and refurbishment of some existing assets.

It is proposed that the works outlined below be undertaken:

- Of the three options for the office buildings, it is recommended to proceed with the steel framed building (Option A) which has a longer asset life and lower ongoing maintenance costs.
- Construct a centralized store for the whole of the Town to operate out of. This would promote better efficiency, tracking of goods and reduce the scattering of the Town's assets across Port Hedland, South Hedland and Wedgefield.
- Upgrade the pound and cat shelter to current Australian Standards.
- Construct overhead shelters above the external vehicle maintenance area and wash down bay adjacent to the existing workshop to help resolve current OHS issues relating to staff working on large vehicles in the open air without shade.
- Seal unsealed areas of the existing depot reducing dust issues.
- Upgrade the existing training room, outdoor crew kitchen and bathrooms to modern standards including end of trip facilities and additional toilets.
- Relocate existing vehicle dump to the rear of the lot.

A total Budget allocation of \$8,860,000 is requested to complete this undertaking with funding to come from reserves. These works are in alignment with the SCP, CBP and LTFFP which supports the effective delivery of services and infrastructure to meet community needs under section (4.c):

*"CBP – 4.c.4 develop, implement and review efficiency strategies across all facilities and infrastructure"*

Due to the importance and timing of stage 1 of this development, it is recommended that the expenditure be brought forward and funded from the PHIA Long Term Lease Proceeds Reserve. Based on current information, it is believed that this approach will not impact the long term sustainability of the Council, nor materially impact the long-term financial plan.

The depot is the Town's main facility for the delivery of engineering and infrastructure services to the community. Historically the Town has made do with temporary fixes to issues at the depot which have meant that there has been no cohesive development of the depot. There are now issues such as insufficient numbers of female toilets to meet Australian Standards and the transportable office building is currently too small to accommodate the number of staff required.

The Infrastructure Services Directorate operates out of the depot with the following divisions:

- Engineering operations;
- Parks & Gardens;
- Property management;
- Engineering services;
- Infrastructure projects;
- Rangers (via hot desking);
- Records management;
- Stores; and
- Depot operations.

The depot is located on prime land with easy access to both Port & South Hedland. The Town holds a long-term peppercorn lease over both lots which are owned by the State. It is a corner block, which is on the triple road train RAV network fronting Cajarina Road and Harwell Way.

The existing site facilities include:

- A main office;
- Records/Lunch Room;
- Training room, Patio Area & Outside crew kitchen and bathroom facilities;
- Workshop;
- Stores;
- Irrigation Shed;
- Nursery; and
- Pound & Cat Shelter.

## ISSUES:

### *Main Office*

The main office is a temporary building leased at a cost of \$51,000 p.a. This lease will end in November 2020 and it is understood that the lease will not be extended. The Town has previously investigated purchasing the transportable buildings from Complete Portables, however the cost was exorbitant and did not provide a cost effective option for the Town. The owner of the current building wishes Council to either purchase the building or enter into a five year lease. Council will attempt to negotiate a month-by-month lease after November, however, if this is unsuccessful, once the current lease expires, all depot staff will be required to relocate. The Town is currently in the process of finalising the procurement of additional office space in South Hedland which will be used to temporarily house staff from the depot.

The existing office consists of 24 individual desks, 4 offices, 2 large offices, 1 meeting room and 1 small kitchen. A further 8 desks were added in January 2020 to provide for extra infrastructure staff and to provide workspace for Infrastructure Coordinators, Team Leaders and contractors, which has pushed the current depot office to full capacity.

It should be noted that the proposed new building would accommodate space for future expansion of the Town accommodating at a minimum, for 50 desks.

The existing meeting room is devoid of current modern technology; it lacks the ability to teleconference with consultants and the like. As such, additional space is required to facilitate expansion within the business unit.

The quality of the modular building is average, consisting of a basic refrigerated panel finish with a small basic kitchen. There is no dedicated internal lunchroom.

### *Records*

The existing records storage facilities are spread over two separate locations with the records room at the depot occupying approximately 2/3 of the current building, and the other storage facility being located at the airport. The existing records building is not big enough to store the additional records from the airport. It will require a new building to store all the records in a manner that will comply with all relevant State Government regulations.

The quality of the modular building can be considered average with a basic refrigerated panel finish.

#### *Training Room, Patio Area & Outside Crew Kitchen and Bathroom Facilities*

The existing training/ lunch room is run down and needs some renovation to bring it up to current Australian Standards. There is an insufficient number of toilets to cater for the work force. A transportable toilet was purchased as a short-term solution to bring the ablutions facilities up to code, however as the capacity of the depot has increased, there are no longer enough toilets to service the number of staff. There is a single shower located in the current unisex accessible toilet which is also not adequate to service the current number of staff.

#### *Workshop*

The current workshop has only one truck bay to service heavy vehicles, large plant and trucks. Machinery that is too big to fit into the workshop is serviced outside, with no shaded areas to work in. This is an OHS issue that requires rectification.

The existing wash down bay is not shaded either and lacks a ramp to allow for undercarriage washing. It should also be noted that the existing wash down bay is non-compliant as there is no oil-water separator. The workshop offices are run down and need refurbishment. Lack of storage is also an issue at the workshop.

#### *Stores*

The existing store is undersized and poorly laid out. Town assets are routinely stored outside due to the lack of space. The layout and office location does not allow for easy tracking of issuing and return of equipment. The small size of the existing store prevents forklift access, and is not suitable for pallet racking resulting in an inefficient storage scheme. It also lacks an undercover drive through drop-off area to allow for unloading of deliveries in unsuitable conditions.

#### *Storage*

There is no formal storage building, with the Town using sea containers to store equipment and other items. Some of these containers are used to store dangerous goods. This is an unsatisfactory long term storage solution, therefore a more permanent, efficient and safe storage method is required.

The use of sea containers as storage is inefficient, not weather proof and lacks sufficient ventilation for the climate of Port Hedland, and can represent a potential OHS risk to depot staff.

Some assets are also stored outside in the elements, due to the lack of storage space at the depot, which is causing their deterioration and additional maintenance requirements.

#### *Nursery*

The master plan envisages no changes to the operation or structures of the current nursery. This business case does not address the costs or viability of the existing nursery operation and a separate analysis would be required to determine this.

### *Pound & Cat Shelter*

The existing cat shelter is non-compliant with current *Animal Welfare Act 2002* regulations and requires upgrading. There are also no existing cages to house puppies and small dogs. It should be noted that in the past few years, periodic upgrades to the pound have been required to ensure compliance.

### *Overall Yard*

The depot consists of 2 modular office buildings, 2 transportable buildings, a workshop, training/ lunchroom, covered patio, nursery, pound and cat shelter, fuel tank and a store. The yard itself sits on a compacted base course, with approximately half of the yard being covered with a two coat seal and faded line marking, which connects some of the major buildings.

Due to half the yard being unsealed, dust has become an issue. It is recommended that the remainder of the yard should be sealed with a 2-coat seal to reduce the dust issue. Signage and line marking should be formalised throughout the depot to improve OH&S and traffic movement.

### *Staff*

Improved facilities, such as showers & change rooms, lockers for staff, fit for purpose break out rooms & meal rooms, and enhanced undercover social spaces, will enable the Town to provide a consistent level of amenity to all staff and to improve OHS for the staff located at the depot. It will also streamline the operations of the depot and provide facilities for storage of all of the Council's business unit's assets in a safe and secure manner.

### *OHS*

Working in the Pilbara is a challenge.

Due to the extreme climate staff face temperatures regularly exceeding 40 degrees Celsius, and in the cyclone season can experience heavy rainfall.

The Town has current internal procedures in place to help guide staff to operate under these conditions. Items that ensure OHS requirements are met include 2 x ice machines and provision of filtered cold water. These items will need to be incorporated into the new facility.

Fridge / freezers for staff lunches, fridges in staff vehicles, covered air-conditioned meal rooms providing respite from the weather, showers and change room facilities, including *lockers for PPE, would all aide in meeting our OHS responsibilities.*

### *Scope:*

The business units that operate out of the main office provide frontline services to the community. The following recommendations are made:

- The Town needs to invest in a long-term solution for these business units to operate out of the depot and ensure proper service delivery to the community.
- Investment in a long term, quality solution would reduce operating costs over time and will provide a consistent level of amenity to staff.
- The proposed new building can accommodate additional staff, and given that the Civic Centre is at or near capacity, additional staff can be accommodated at the depot. The proposed building could potentially accommodate the following:



Area Required	Area (m2)
Desks (35 x 2m x 2m Desks)	140
Offices (3 x Large - 5m x 5m and 12 x Small Offices – 3.5m x 3.5m)	222
Small Meeting Room (4m x 4m) x2	32
Large Meeting Room (12m x 4m)	48
Kitchen/ Lunchroom (6m x 9m)	54
Records Room	255
Toilet	54
IT Room (3m x 3m)	9
Storeroom (3m x 3m)	9
Printer Room/ Stationary Room (6m x 3m)	18
Reception (3m x 9m)	27
Walkways (assumes 35% of the above area is required)	302
Training Room	200
<b>Total Area</b>	<b>1365</b>

- Total occupancy for both buildings is expected to be 50 desk based staff with room for expansion.

#### *Masterplan Components*

- Construct a new office building to replace the existing leased transportable building. Three options have been considered as follows:
  - Transportable Building – Although this is the cheapest option out of the three, it has the lowest quality finish, has the lowest useful life (10 years) has the highest ongoing maintenance costs.
  - Steel framed Building – This is the second cheapest option while having a longer useful life (20 years) and ongoing costs and cheaper ongoing maintenance than the transportable building.
  - Tilt-up panel Building - This is the most expensive option of the three but comes with the longest useful life (25 years) and slightly lower ongoing maintenance costs than the steel framed building.
- Based on the proposed layout will provide for an additional 46 car parking bays across the 2 car parking areas.
- Construct a centralized store for the whole of the Town to operate out of. This would promote better efficiency, tracking of goods and reduce the scattering of the Town's assets across Port Hedland, South Hedland and Wedgefield.
- Upgrade the pound and cat shelter to current Australian Standards.
- Construct overhead shelters above the external vehicle maintenance area and wash down bay adjacent to the existing workshop to help resolve current OHS issues relating to staff working on large vehicles in the open air without shade.
- Seal unsealed areas of the existing depot reducing dust issues.
- Upgrade the existing training room, outdoor crew kitchen and bathrooms to modern standards including end of trip facilities and additional toilets.
- Relocate existing vehicle dump to the rear of the lot.

**Timeline:**

The indicative timeline for the project is tabled below.

Proposed Works	Start Date	Completion Date
Main Office & Records Building	Jan 2020	Mar 2021
Relocate Existing Fuel Tank	July 2020	July 2020
Workshop Shelters	Jan 2019	Nov 2020
Pound & Cat Shelter Upgrade	Jan 2020	April 2020
Vehicle Dump Storage Car Park	Jan 2020	Aug 2020
Stores & Storage	Aug 2020	June 2021
Dome Shelters	Aug 2020	Sept 2020
Training Room, Patio Area & Outdoor Crew Kitchen & Bathrooms	Oct 2020	Dec 2020
Chip Seal	Jan 2022	Mar 2022

All proposed dates include design phases. While the above timeline demonstrates distinct start and finish dates for each section of work, there will be some overlap in phases.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. The value of the project deems it of high importance, but as the masterplan is relative to the internal operations of the Town and does not have any negative social, economic or environmental implications, or substantially impact a wide range of the community, it lowers this significance to a medium.

**CONSULTATION***Internal*

- Relevant stakeholders and senior staff at the depot have been consulted during the initial preparation of this Masterplan. Relevant senior stakeholders include:
  - Director Infrastructure Services
  - Manager Project Design and Delivery
  - Manager Parks Gardens and Engineering Services
  - Coordinator Depot Operations
  - Store person
  - Executive Leadership Team
  - Manager Environmental Health & Community Safety
  - Manager Town Planning and Development

Future growth over the next 10 years, existing building/ structure conditions, and individual department requirements, have all been discussed with the relevant stakeholders and are addressed in the Business Plan in Appendix 3. Based on the staffing requirements discussed with relevant stakeholders, a potential office layout can be developed early if required, but is better addressed during the design phase.

A copy of the initial Masterplan that has been developed in coordination with other stakeholders is attached in Appendix 1.

*External Agencies*

- Nil

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

This project will require the design to adhere to all requirements of legislation and regulations applicable to a public building. Once detailed design and documentation is complete, construction of the job will be in acquired accordance with the *Local Government Act 1995*, and its subsidiary legislation, namely, the *Local Government (Functions & General) Regulations 1996*.

The following policies will also be applicable throughout the development of this Master Plan:

- 2/007 'Purchasing'
- 9/010 'Asset Management'
- 10/003 'Landscaping'
- 12/007 'Shipping and/or Sea Containers'

Other legislation which may be consulted with during the project include:

- *Animal Welfare Act 2002*
- *State Records Act 2000*
- *Environmental Protection Act 1986*

**FINANCIAL AND RESOURCES IMPLICATIONS**

The proposed works as outlined in the Depot Masterplan have been costed to include three different options for the proposed construction of the office building:

- Option A, steel frame buildings - \$8.36M including 20% contingency
- Option B, transportable buildings - \$7.37M including 20% contingency
- Option C, tilt-up panel buildings - \$10.16M including 20% contingency
- Design Cost - \$500,000

Refer to Appendix 2 for a breakdown of the potential costs for the preferred Option A.

Proposed Works	Estimated Cost	Financial Year
Main Office & Records – Option A	\$ 3,276,000	2019/20
Main Office & Records – Option B	\$ 2,457,000	2019/20
Main Office & Records – Option C	\$ 4,777,500	2019/20
Relocate Existing Fuel Tank	\$ 80,000	2019/20
Workshop	\$ 1,018,000	2019/20
Pound & Cat Shelter Upgrade	\$ 60,000	2019/20
Vehicle Dump Storage Car Park	\$ 60,000	2019/20
Stores & Storage	\$ 1,449,000	2020/21
Dome Shelters	\$ 200,000	2020/21
Training Room, Patio Area & Outdoor Crew Kitchen & Bathrooms	\$ 340,000	2020/21
Chip Seal	\$ 125,000	2021/22
Contingency	20%	
Design	\$ 500,000	2019/20

The works are expected to be completed over the next three financial years and will require the following budgets to achieve this deliverable.

Option	2019/20 incl. 20% contingency	2020/21 incl. 20% contingency	2021/22 incl. 20% contingency	Total incl. 20% contingency
Option A	\$ 1,110,800.00	\$ 7,596,000.00	\$ 150,000	\$ 8,856,800
Option B	\$ 1,110,800.00	\$ 6,613,200.00	\$ 150,000	\$ 7,874,000
Option C	\$ 1,110,800.00	\$ 9,397,200.00	\$ 150,000	\$ 10,658,000

This proposal is currently included within The Town’s 2019/20 Annual Budget in its planning stage (budget of \$250,000) and is included within The Town’s Long Term Financial Plan (‘LTFP’). The works were originally scheduled for 2020/21 and 2022/23, so some timing adjustments will be required.

Due to the importance and timing of stage 1 of this development, it is recommended that the expenditure be brought forward and funded from either the PHIA Long Term Lease Proceeds Reserve. Based on current information, it is believed that this approach will not impact the long term sustainability of the Council, nor materially impact the long-term financial 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.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.b.1 Sound long-term financial planning is implemented
- 4.c.1 High quality and responsive customer service is provided
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### *Disability Access and Inclusion Plan*

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

### ***Outcome 2*** – Buildings and Facilities

#### *Corporate Business Plan*

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

- 1.d.2.1 Develop, implement and review an asset management renewal program to ensure long-term sustainability of the Town's assets
- 1.d.3.3 Ensure that the Town's stores and fleet services provide adequate support to meet the Town's infrastructure requirement
- 1.d.3.4 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards
- 2.c.3.1 Promote Town of Port Hedland Procurement opportunities
- 3.b.4.1 Develop, implement and review a strategy which creates opportunities for the Town's built infrastructure to incorporate innovation and robust designs for alternative future usages
- 4.b.1.1 Develop, implement and review the Town's Long-Term Financial Plan
- 4.c.1.2 Ensure creation, use, storage, protection and disposition of Town records
- 4.c.4.1 Develop, implement and review efficiency strategies across all facilities and infrastructure

### *Long Term Financial Plan*

The Town's current Long Term Financial Plan includes the provision of this Masterplan.

### **RISK MANAGEMENT CONSIDERATIONS**

There is a service interruption risk associated with this item. There is a high likelihood of significant interruptions to services if the Town does not have an operationally fit for purpose depot once the lease of the existing demountable ceases. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

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

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

Council may opt for either of the presented options, however it must be noted that an appropriate budget amendment will be required to accompany the decision.

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

### **CONCLUSION**

The proposed Depot Masterplan will provide a fit for purpose, compliant and modern depot facility to meet the Town's requirements for next 20 years. Investment in a long term, quality fit for purpose solution will reduce operating costs over time and provide a consistent level of amenity to all staff across the organisation.

This plan directly aligns with the strategic direction of Council by ensuring the long-term sustainability of its assets and meeting the requirements to deliver efficient services to the community.

### **ATTACHMENTS**

1. Appendix 1 - Depot Masterplan (under separate cover)
2. Appendix 2 - Preliminary Order of Magnitude Estimate - Option A (under separate cover)
3. Appendix 3 - Business Plan (under separate cover)

**11.4.2 PRETTY POOL CREEK- CONCEPT PATH BOARDWALK AND BRIDGE DESIGN**

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

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**OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the Pretty Pool Creek - Concept Path, Boardwalk and Bridge Design report as per attachment 1, with Option 1 as the preferred alignment;
2. Seek public submissions for the preferred alignment of Option 1, with a Public Exhibition period of 21 days; and
3. Receive a further report on any responses received from the public during consultation period.

*SIMPLE MAJORITY VOTE REQUIRED*

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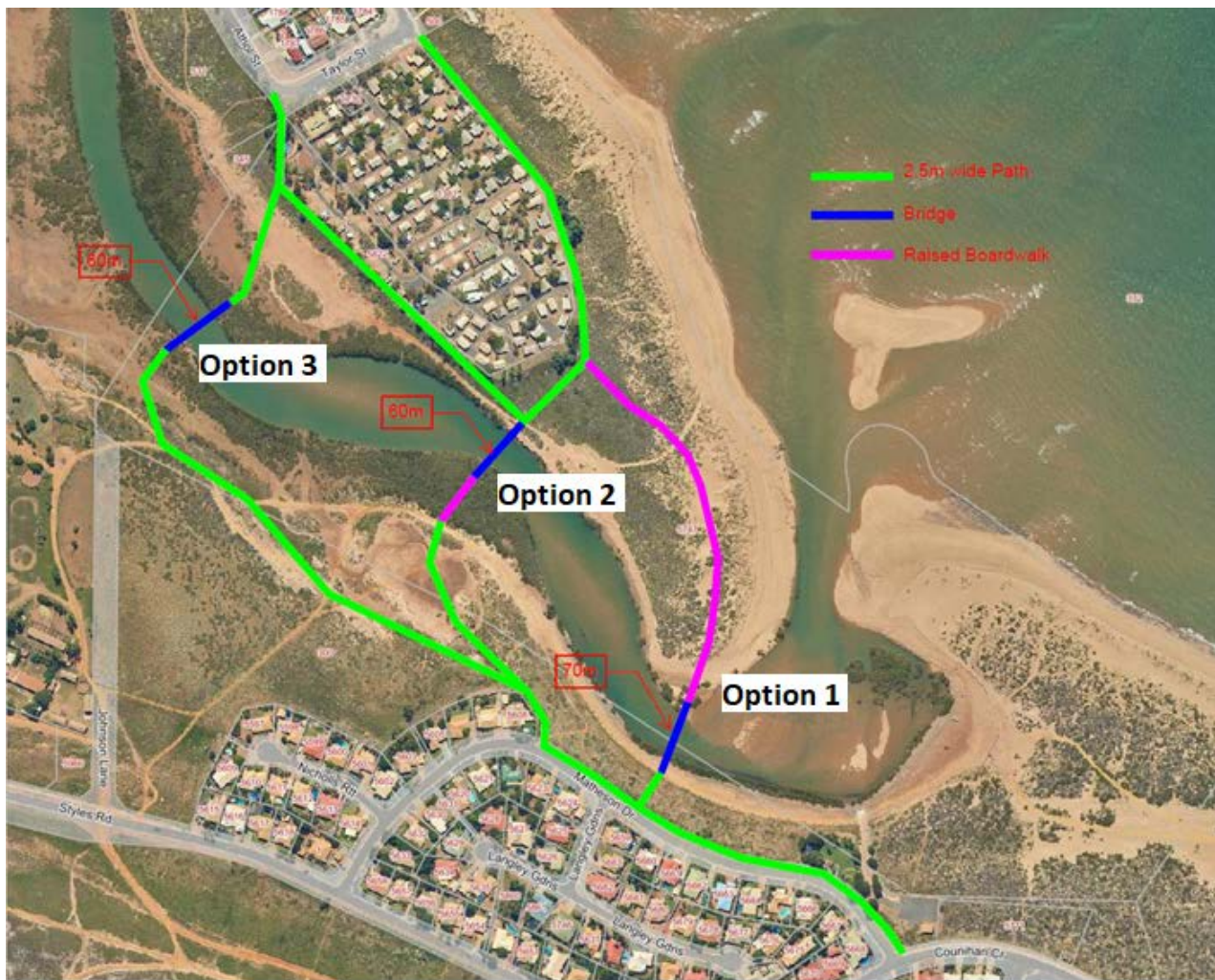
**PURPOSE**

The purpose of this report is to seek Council endorsement of the Pretty Pool Creek - Concept Path, Boardwalk and Bridge Design Report. The report investigated three (3) alternate bridge and boardwalk alignments for a link between Pretty Pool and Cooke Point localities. The Town will undertake consultation to gain input from the community on the preferred alignment of Option 1.

**DETAIL**

The Pretty Pool Creek area is highly valued by the community of Port Hedland, serving as a location for social and recreational opportunities. The calmness of the water at the Pretty Pool ocean shoreline and Creek entrance contributes to its popularity for water based activities in addition to its use for passive recreation, including walking, photography and sun bathing. The Pretty Pool Creek area is also a valued social location and is commonly used for barbecues, picnics and community events. The Town intends to further activate and provide amenity to the area by constructing a pedestrian path, boardwalk and bridge network to connect across the Pretty Pool Creek.

The Town engaged consultants M P Rogers & Associates (MRA) to investigate available options and to develop concept level designs for a suitable path, boardwalk and bridge system.



The Town presented the above three (3) options to MRA to explore for the alignment of the Path, Boardwalk and Bridge.

The Town’s brief to MRA was to deliver on the following scope:

- A review of the available background information, including site conditions, survey and appropriate design ocean/rainfall generated water levels at the Creek.
- A desktop environmental and heritage study to determine requirements and likely approvals in relation to the surrounding flora and fauna as well as Aboriginal heritage.
- Analysis of the shoreline movement within the Pretty Pool Creek and its entrance to the ocean.
- Development of concept level designs and cost estimates for an appropriate pedestrian path, bridge and boardwalk system to provide access across the Creek, based on several indicative locations provided by the Town.
- Recommendation of future investigations and work in order to progress the concept level designs.

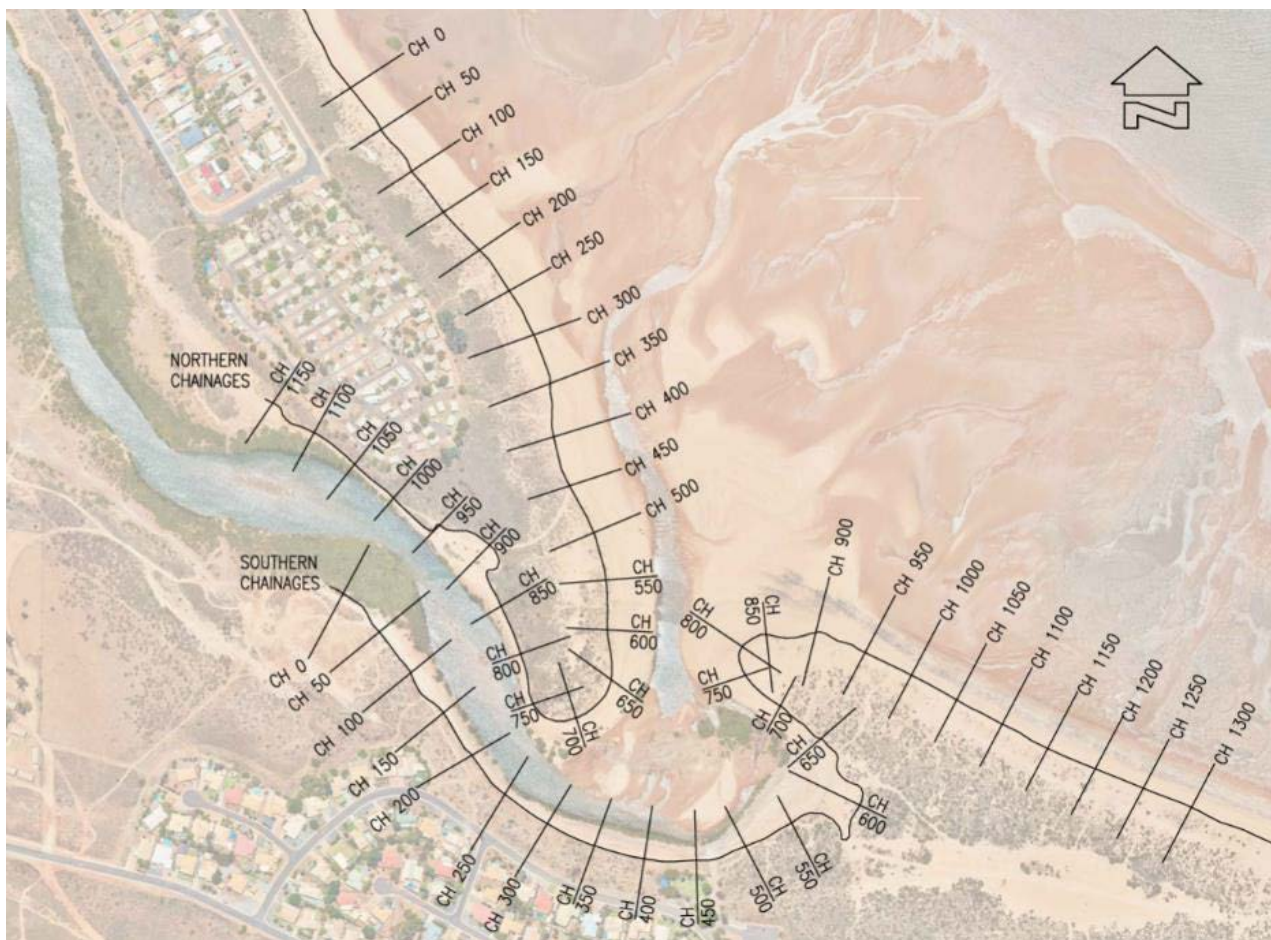


The westernmost location (Option 3) was discounted during early discussions, based on its large distance from the residential development area to the south and poor connection with the ocean shoreline.

Shoreline Movement Study-

Shoreline movement analysis provides a means of tracking shoreline changes over time to determine the extent of shoreline movement. This can include analysis of historical aerial photography, High Water Mark (HWM) surveys or previously extracted coastal vegetation lines available from The Department of Transport (DoT).

The position of the vegetation lines were determined at 50 m chainages along the shoreline surrounding the Pretty Pool Creek and measured relative to the earliest available 1949 vegetation line. These chainages cover the ocean shoreline both north and south of the Creek and are illustrated below



Several key observations from the analysis of shoreline position over the past 70 years are discussed below:

- There appears to have been significant erosion (up to around 50 m) of the ocean shoreline north of the Pretty Pool Creek (chainages 0 to 400 m) between 1964 and 1985. This erosion appears to have continued since, albeit at a lesser rate. Most recently, between 2018 and 2019, the shoreline receded by approximately 10 m which can likely be attributed to the passing of Tropical Cyclone Veronica in March 2019.

- Between chainages 400 and 750 m, near the northern Creek entrance, the shoreline accreted significantly (up to around 40 m) between 1949 and 1964. This accretion appears to have continued since, albeit at a lesser rate, and explains the sand accumulation identified on site as shown above.
- The inner shoreline on the northern side of the Creek appears to have remained relatively stable over the analysed timeframe, with minor fluctuations in position and generally overall accretion between around 5 and 10m.
- The ocean shoreline south of the Pretty Pool entrance (chainages 900 to 1300m) appears to have accreted significantly (up to around 20 m) between 1949 and 1964 and eroded since. Most recently, between 2018 and 2019, the shoreline receded by approximately 10 m, likely as a result of Tropical Cyclone Veronicas passing.
- Between chainages 550 and 900m, at the southern Creek entrance, the shoreline has fluctuated significantly, with both accretion and erosion, over the analysed timeframe.

To clarify the above, accretion is the growth or increase by gradual accumulation of additional layers or matter. The shoreline movement analysis over the 70 year period between 1949 and 2019 provides confidence that a bridge system can be designed, constructed and managed, inside the Pretty Pool Creek.

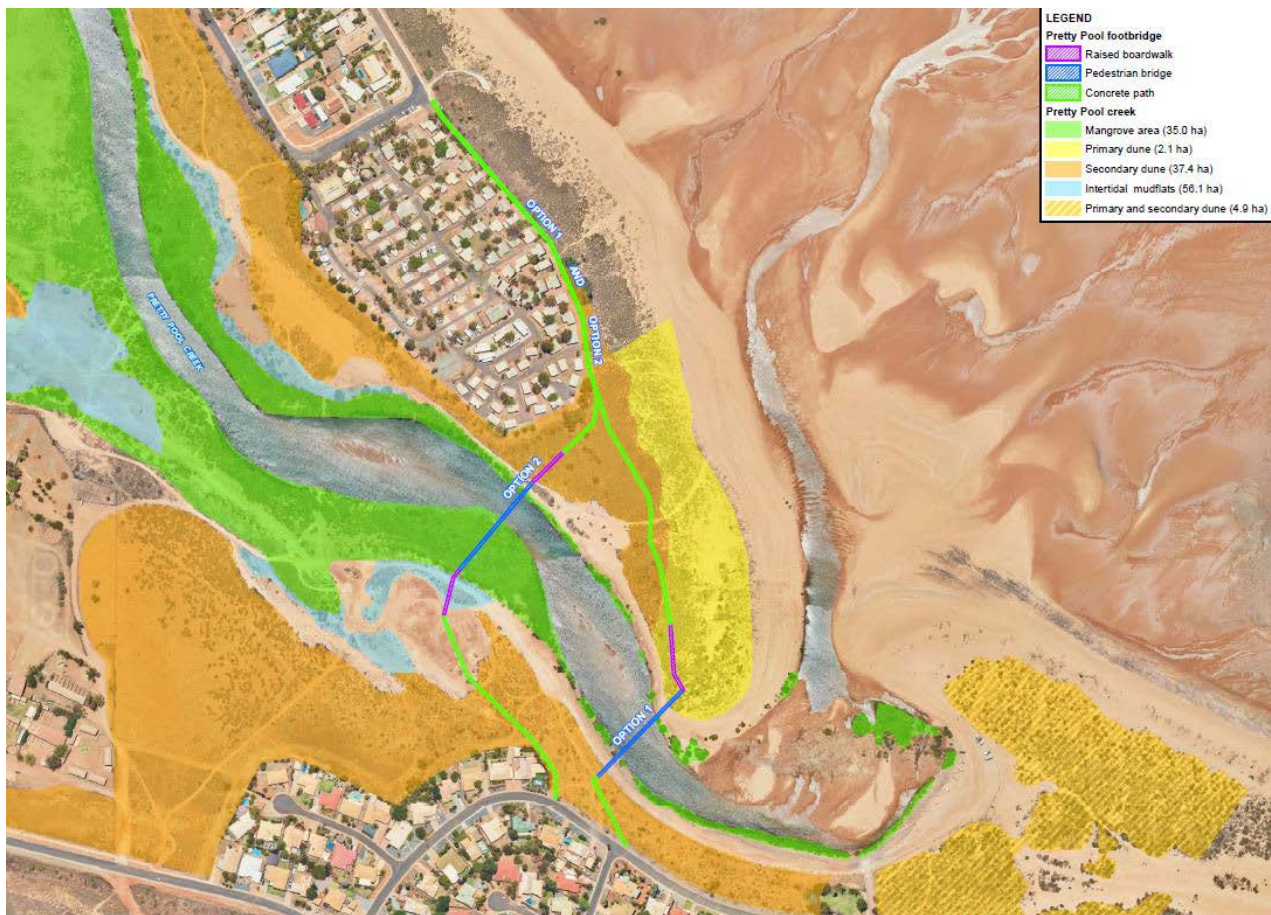
Based on the analysis, the most stable and subsequently appropriate locations in terms of shoreline movement, are between chainages 750 and 1150 m on the northern side of the Creek and between chainages 0 and 550 m on the southern side.

#### Preliminary Environmental Assessment-

MRA engaged RPS Group to complete a preliminary environmental assessment to inform the decision making for a preferred path, boardwalk and bridge system location at Pretty Pool. This assessment considered two (Option 1 & Option 2) path, boardwalk and bridge system locations, which were iteratively developed in conjunction with the Town and based on the marine engineering constraints.

#### *Vegetation communities*

Pretty Pool Creek and surrounding area features active vegetation. The mapped vegetation communities are shown below.



RPS (2019) identified that the primary (yellow) and secondary (orange) dune associations (low shrub) have been broadly mapped as Beard Vegetation Association 127. This is characterised by bare areas and mud flats, which has 99.9 % of the pre-European extent remaining and is a low priority for conservation. Both of the Option 1 and 2 path, boardwalk and bridge layouts would require the clearing of a similar quantity of this vegetation. RPS advised that a native vegetation clearing permit may be required for this clearing and outlined a number of mitigation strategies to potential minimise impacts.

RPS (2019) also identified that the shoreline surrounding the Pretty Pool Creek includes the following benthic communities and habitat:

- Mangroves (green). It is highlighted that the mangroves along the Pilbara coastline are the largest single unit of relatively undisturbed tropical arid zone habitats in the world and have high conservation value.
- Samphire flats (blue).

Both of these vegetation communities represent important habitat for terrestrial fauna, including migratory shorebirds and wetland species.

The Option 2 bridge and boardwalk structures intersect with a consolidated mangrove extent as well as an area of the samphire flats. This layout would require a native clearing permit and likely require construction management to minimise impacts. RPS suggested that the clearing of mangrove habitat should be demonstrably avoided, wherever practicable, in order to reduce the likelihood for future monitoring and/or offset requirements.

The Option 1 layout has been positioned to avoid the mangrove areas. While RPS advised that some construction management may be required to minimise impacts, Option 1 is considered to be significantly better than Option 2 from an environmental perspective.

*Marine Fauna*

Pretty Pool beach is a known nesting area for Flatback turtles. Flatback turtles are listed as “Threatened” under the BC Act and “Vulnerable” under the EPBC Act. Data gathered between 2004/05 and 2013/14 by the Care for Hedland Environmental Association (Imbricata Environmental 2016) indicates that the Pretty Pool beach supports on average <100 flatback turtle nests per season. The Pretty Pool beach nesting area and relative density mapping is provided below-



RPS (2019) recognised that, due to the relative proximity of both path, boardwalk and bridge Options, there is a potential for subsequent lighting to be visible from the Pretty Pool beach turtle rookery. Further, that this risk may be marginally higher for Option 1, compared to Option 2.

RPS (2019) recommended that the best practice lighting design principles from the Draft Light Pollution Guidelines (Department of Environment and Energy 2019) should be implemented in the design of the path, boardwalk and bridge system. This guideline includes the following recommendations:

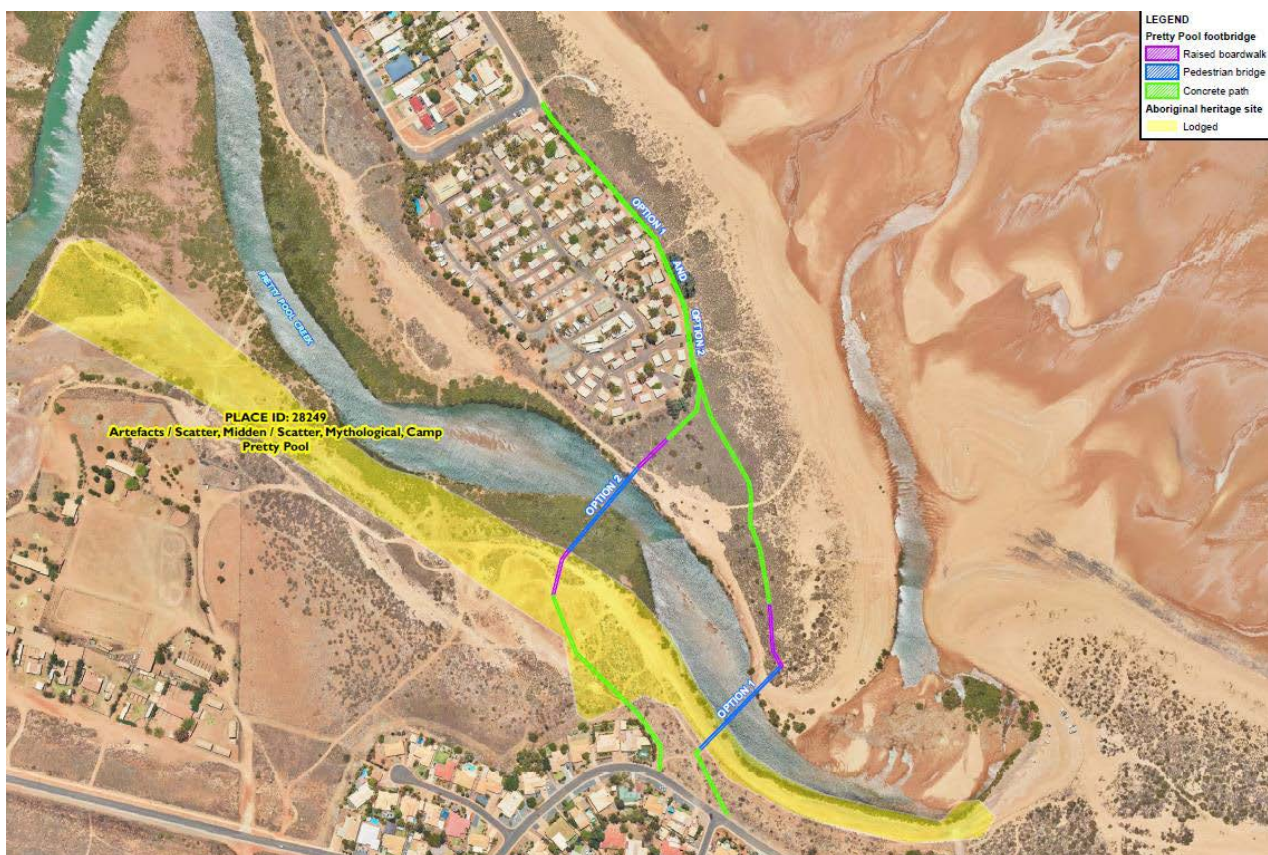
- Start with natural darkness and only add light for specific purposes.
- Use adaptive light controls to manage light timing, intensity and colour.
- Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill.
- Use the lowest intensity lighting appropriate for the task.

- Use non-reflective, dark-coloured surfaces.
- Use lights with reduced or filtered blue, violet and ultra -violet wavelengths.

RPS (2019) also recognised the potential for marine fauna species (e.g. fish and sea snakes) to be impacted by underwater noise, should piling for the installation of bridge footings occur within the Creek itself. If proposed, RPS (2019) recommended that an underwater noise assessment is completed.

*Aboriginal Heritage*

The Department of Planning, Lands and Heritage’s (DPLH) Aboriginal Heritage Places database identifies places within Western Australia that have been reported to the Register of Aboriginal Sites as possible Aboriginal sites within the meaning of the Aboriginal Heritage Act 1972. This database is available online and an extract is shown below for the Pretty Pool Creek site.



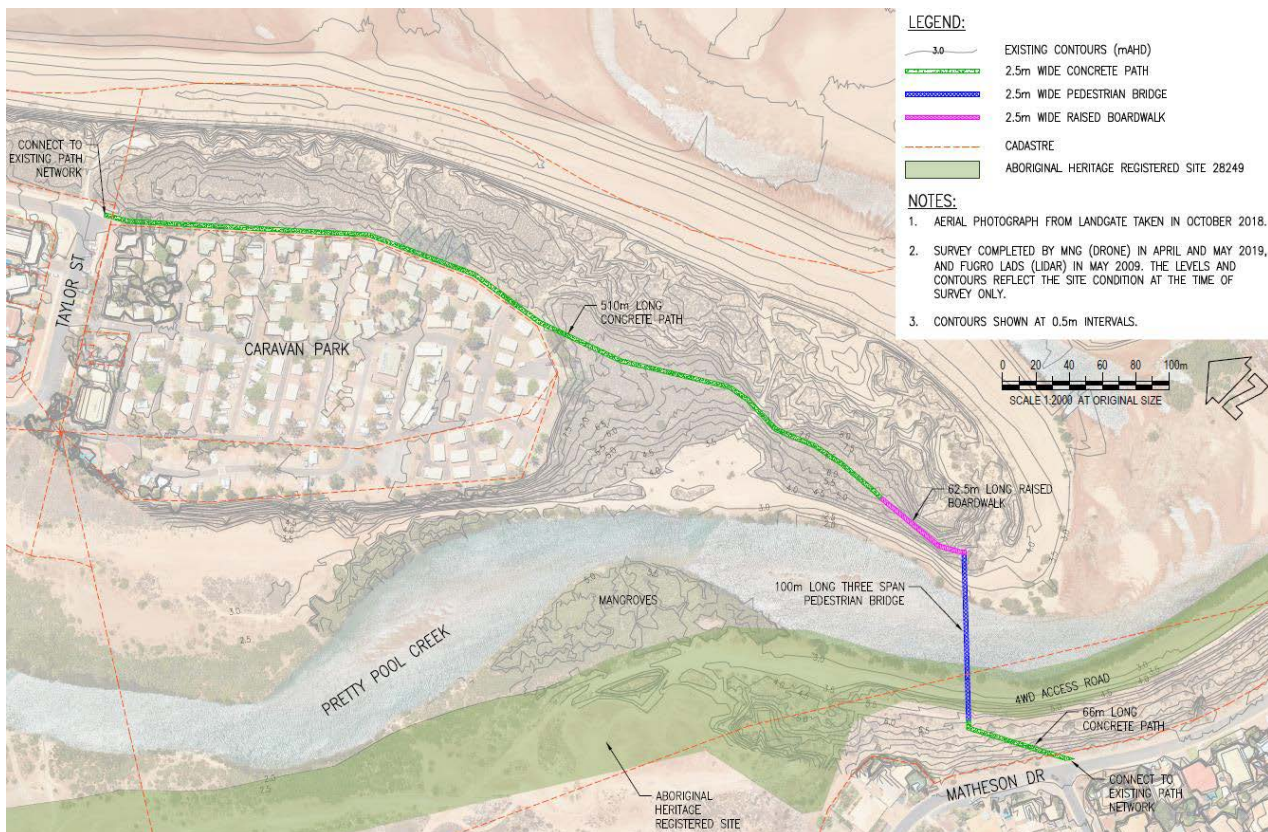
As shown above, an Aboriginal Registered Site (28249 Pretty Pool) is located along the southern shoreline of the Pretty Pool Creek. This Pretty Pool Site is classified as an Artefacts / Scatter, Midden / Scatter, Mythological, Camp type.

With both Options, there is a risk that artefacts or other items of cultural significance could be unearthed and/or damaged by excavation or construction activities. This risk is likely less for Option 1, based on the smaller intersection with the Site and the minimal ground disturbance required to construct the bridge, compared with the boardwalk and path sections within the Site required to construct Option 2.

In order for either Option 1 or 2 to be progressed, consent under Section 18 under the Aboriginal Heritage Regulations 1974 will be required from DPLH. The process required would need to be determined in consultation with DPLH, however would likely include consultation with relevant Aboriginal representatives.

In summary Option 1 is considered to be much more suitable for the location, when compared with Option 2, due to the following:

- Option 1 requires shorter bridge and boardwalk lengths to be above the 100 year ARI design water level, resulting in significant cost benefits.
- The Option 1 bridge location provides closer views out to the Pretty Pool beach, ocean and tidal flats.
- The relevant Option 1 shoreline (approximately chainage 200m on the southern side and between chainages 750 and 850m on the northern side from Figure 2.9) appears to be relatively stable over the observed timeframe, with minor rates of accretion of around 0.3 m/year generally identified. This is therefore considered to be an appropriate location for a path, boardwalk and bridge system, with minimal management expected as a result of shoreline movement over the 50 year design life. Furthermore, the shoreline analysis doesn't identify significant stability increases further up the Creek at the Option 2 location.
- Option 1 avoids the mangrove and samphire flat vegetation communities, thereby minimising the subsequent environmental impacts and approvals requirements. This was recommended by RPS (2019). Furthermore, Option 1 will likely be easier to access during construction and result in cheaper installation costs.
- Option 1 has a reduced footprint within the Aboriginal Registered Site (28249 Pretty Pool). This is based on the extent of the structures within the Site as well as the construction requirements for the respective Option 1 and Option 2 structures.



**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be high significance, because its award will provide direct access to additional resources, experience and expertise to assist in delivering the Towns capital and operational works program. Due to this significance rating, public consultation will be undertaken.

**CONSULTATION**

*Internal*

- Several internal sessions have been held with senior staff to develop the proposal and award the concept design package of works. The Executive team endorsed the report on 20 January 2020.

*External Agencies*

- Nil

*Community*

- The Town intends to make the report available for public exhibition and feedback for a period of 21 days.

**LEGISLATION AND POLICY CONSIDERATIONS**

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

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

## FINANCIAL AND RESOURCES IMPLICATIONS

An allocation for this bridge was included in the Town's Long Term Financial Plan which was endorsed by Council as part of the Strategic Resources Plan 2019/20-2033/34.

Further development of the concept will define an estimate of the overall project cost and identify potential areas for cost reduction.

## 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.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

A number of investigations and approvals are required to advance the concept design of the proposed Pretty Pool Creek Bridge and Boardwalk.

An application for a clearing permit is required to be submitted to Department of Water and Environmental Regulation.

Consent under Section 18 of the *Aboriginal Heritage Regulations 1974* will be required from the Department of Planning, Lands and Heritage to progress the project  
There are no significant identifiable social or economic impacts relating to this item.

### *Disability Access and Inclusion Plan*

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

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

### *Corporate Business Plan*

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

- 4.b.4.1 Implement programs in line with the community engagement policy and strategy
- 4.c.2.1 Generate valuable data and feedback
- 4.c.4.1 Develop, implement and review efficiency strategies across all facilities and infrastructure



**RISK MANAGEMENT CONSIDERATIONS**

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

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

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation thereby placing the project into abeyance.*

**CONCLUSION**

The Pretty Pool Creek Bridge and Boardwalk project has been planned for, considered and discussed by the community over many years. This report considers various placement options and clearly outlines a preferred alignment.

Community consultation is a key step in progressing the project therefore, the Town Council is advised to support the officer's recommendation.

**ATTACHMENTS**

1. Pretty Pool Creek- Concept Path Boardwalk and Bridge Design Report (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 25 March 2020 commencing at 5:30pm.

**16.2 Closure**

There being no further business, the Commissioner declared the meeting closed at \_\_pm.