Town of
Port Hedland

AGENDA

Dear Mayor and Councillors,

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 26 July 2023, commencing at 5:30

MEETING AGENDA ATTACHED

Yours faithfully

Carl Askew
Chief Executive Officer

21 July 2023

DISCLAIMER

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

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

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

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

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

Signature: _____ Date: _____

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

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

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

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Item 1 Opening of Meeting

The Presiding Member is to declare the meeting open at Enter Time.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

Scheduled Present:	Mayor Peter Carter Deputy Mayor Tim Turner Cr Renae Coles Cr Elmar Zielke Cr Jan Gillingham Cr Ash Christensen Cr Flo Bennett Cr David Eckhart Cr Jason Keller
Scheduled for Attendance:	Carl Askew (Chief Executive Officer) Dale Putland (A/Director Corporate Services) Josephine Bianchi (Director Community Services) Craig Watts (Director Regulatory Services) Lee Furness (Director Infrastructure Services) Tom Kettle (Manager Governance) Hilary McLean (Governance Advisor) Karen Krollig (A/Governance Officer) Rhiannon Smith (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions by Elected Members

5.1 Response to Questions taken on notice from Elected Member at the Council held on Wednesday 28 June 2023

5.1.1 CR DAVID ECKHART

The State Government has announced as of Saturday, July 1, they will be incorporating brand new Aboriginal Heritage laws. Can I ask the Town to make enquiries and see how that affects local government? Particularly the Town of Port Hedland and those ratepayers and residents that live on blocks 1100 square metres and larger?

The Chief Executive Officer has provided the following statement:

A presentation has been arranged and written advice has been sent to Councillors.

5.1.2 CR ASH CHRISTENSEN

Does the Town of Port Hedland still own and operate the website HedlandRecreationHubs.com.au? Secondly, if it is still owned and operated by the Town, can we please have it updated with the current masterplan designs? And if it's not can we find another location for the masterplan designs? I'm trying to spread the word but I can't because it's not updated.

The CEO has provided the following statement:

The Recreation Hubs standalone website has been decommissioned due to:
- Low traffic to this site
- Strategy to drive audiences to ToPH main website
- Refresh of projects content on the main website.

The masterplans can be found here: https://www.porthedland.wa.gov.au/current-major-projects.aspx

5.2 Response to Questions taken on notice from Public at the Council held on Wednesday 28 June 2023

5.2.1 CAMILO BLANCO

To Deputy Mayor Turner, why are you telling the staff and management of the JD, that they must employ Royal Life staff?

The Director Corporate Services has provided the following statement:

No Councillor is involved in Town of Port Hedland procurement activity. This is a function of the CEO.

I sent all Council members an email in relation to questions that I asked at the last meeting, and I haven't received a response from anyone. Why have Council members not forwarded these to the administration? Why, when we lodge questions in the official channels, are they not followed?

The Director Corporate Services has provided the following statement:

The questions you refer to were not lodged through official channels. Nor were Councillors obliged to respond to them or forward them to the administration.

The Town of Port Hedland Standing Orders Local Law allows residents and ratepayers to ask three (3) questions during question time at Council meetings.

Section 6.7 (3) requires that:
(3) A person who wishes to ask a question at a meeting must prior to the completion of public question time, complete a question form provided by the local government and place the completed question form in the question tray provided by the local government.

Section 6.7 (4) states:
A completed question form must include– (a) the name and residential or contact address of the person who wishes to ask the question; and (b) the terms of no more than 3 questions that the person wishes to ask.

5.2.2 JOHN ASHENDEN

I asked several questions relating to the budget last meeting. I received a reply from the Manager Finances and the Director Community Services, who I did not ask. Why did you, Mayor Carter, Deputy Mayor Turner, or any of the Councillors not respond to my questions during the Council meeting?

The Town of Port Hedland has provided the following statement:

Section 7(b) of the Town of Port Hedland Standing Orders Local Law places responsibility for answering questions taken on notice with the CEO who requested the Manager Finance and Director Community Services respond on his behalf.

How can you ensure that the elected representatives possess a thorough understanding of the budget and associated implications of the budget, when you can't answer questions asked?

The Town of Port Hedland has provided the following statement:

Councillors attended several briefing sessions on the budget review to inform them of the proposed changes and the reasons for them.

What steps will you take to improve transparency and responsiveness to questions raised by concerned residents and ratepayers like myself?

The Town of Port Hedland has provided the following statement:

In terms of transparency, Council meetings are open to the public and are streamed live to allow members of the public to view the proceedings of Council.

Unless ruled out of order at the Council meeting, all questions raised by residents and ratepayers are either answered during Council meeting or are taken on notice, following which a written response is provided.

I kindly request further clarification on the consultation process conducted with the wider community re: Drag Queen Storytime. Can you please provide specific details regarding how the community members who do not support the Drag Queen Storytime, were sought or taken into account?

The Town of Port Hedland has provided the following statement:

As the Drag Queen Storytime was not a Town of Port Hedland event, the Town did not seek public comment.

We do not agree with the censoring of the minutes and the livestream. Will the Council be rectifying that?

The Town of Port Hedland has provided the following statement:

The Town of Port Hedland must meet its obligations under State and Commonwealth laws to not publish information that may breach these laws. Additionally, the Town does not publish information that is considered defamatory against a person or persons.

5.2.3 JILLIAN FISHER

I presented three questions last meeting and said I was happy to have them taken on notice. Could you please explain what "taken on notice" means?

The Mayor provided the following response:
It means we will reply to you in due course.

I haven't received any replies or emails.

The Mayor provided the following response:
We will follow that up for you.

The Governance Officer provided the following response:
In reviewing the letter sent on 25 June 2023, it was discovered that it was sent to a PO Box that was on file as your address. Governance has included this letter with this mailing and apologises for any inconvenience if it was never received. In addition, all replies to questions taken on notice are printed in the 28 June minutes which can be found on our website.

Item 6 Public Time

Important note:

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

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

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

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

Date	Meeting
1/06/2023	Radio chat with Ecky
1/06/2023	Kariyarra Office Opening
1/06/2023	ABC interview re 31 May OCM
7/06/2023	Meeting with Hon Melissa Price MP
7/06/2023	Hedland Housing Steering Committee
8/06/2023	Radio chat with Ecky
8/06/2023	Citizenship Ceremony
8/06/2023	ABC interview re Sonic Health
8/06/2023	Meeting with POSCO
8/06/2023	PHIC Information Session
9/06/2023	Headspace Official Launch
12/06/2023	WALGA NGA Delegate Sundowner event (Canberra)
13/06/2023	ALGA Regional Forum (Canberra)
13/06/2023	NGA Welcome Reception & Exhibition Opening (Canberra)
13/06/2023	Regional Capitals Australia Dinner (Canberra)
14/06/2023	Day 1 – National General Assembly (Canberra)
15/06/2023	Day 2 – National General Assembly (Canberra)
15/06/2023	Meeting with Assistant Minister for Rural & Regional Health and support for Minister for Regional Development & Local Government

15/06/2023	Radio Chat with Ecky
15/06/2023	Australian Council of Local Government Gala Dinner (Canberra)
16/06/2023	Australian Council of Local Government meeting (Canberra)
21/06/2023	Meeting with Port Hedland Medical
22/06/2023	Meet and Greet with new North West Telegraph Journalist
22/06/2023	Radio chat with Ecky
23/06/2023	RCAWA Meeting
26/06/2023	Pilbara Country Zone Meeting
28/06/2023	June Ordinary Council Meeting
29/06/2023	PHCCI & ToPH Business Luncheon
29/06/2023	LEMC Meeting
30/06/2023	JDAP meeting for Proposed additions to existing Port Haven Transient Workforce Accommodation

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

Item 10 Confirmation of Minutes of Previous Meeting

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 31 May 2023 are a true and correct record.

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 28 June 2023 are a true and correct record.

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.

Item 11 Reports of Committees

Nil

Item 12 Reports of Officers

12.1 Corporate Services

12.1.1 POLICY REVIEW - 1/019 COUNCIL BRIEFINGS

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

OFFICER'S RECOMMENDATION

That Council adopts the amended Policy 1/019 Council Briefings as per attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the review of policy '1/019 Confidential Briefings' and rename to '1/019 Council Briefings' and approve its adoption.

DETAIL

Policies are adopted by Council to set out agreed positions and to provide a framework for consistent decision making. Section 2.7(2)(b) of the Local Government Act 1995 (the Act) defines a key role of a local government is to determine the local government's policies. Policies are the decisions of council, which establish the agreed views and direction with respect to certain matters and define the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue.

The review of 1/019 Confidential Briefings recommends a number of minor changes to address requests from Elected Members and also enable effective communication and participation while upholding confidentiality in the digital age.

Changing the Name of the Policy

It is proposed that this policy will be re-named to, 'Council Briefings Policy.' The policy will now relate to all non-public meetings of the Council and refers to these meetings collectively as council briefings (including confidential briefings, agenda feedback sessions, workshops and ad hoc meetings).

Incorporation of Policy '4/011 Electronic Meetings and Electronic Attendance'

At the 28 June 2023 Ordinary Council Meeting, Council adopted the 'Electronic Meetings and Electronic Attendance Policy' (CM202223/076). This policy applies to the electronic attendance at various types of meetings, including Ordinary Council Meetings, Special Council Meetings, Committee Meetings, Confidential Briefings, Agenda Feedback Sessions, and Workshops for Elected Members. The amended Council Briefings Policy refers to Policy '4/011 Electronic Meetings and Electronic Attendance,' should Elected Members wish to request to

attend a Council Briefing via electronic means.

Assessment of audio recording as part of the Policy review

Council Briefings cover a wide range of topics, making it challenging for Elected Members to absorb all the information presented and have enough time for further consideration. The option of audio recording the Briefings would provide Elected Members the ability to re-visit the Briefing and digest the information presented at a pace that is convenient for them. It would also mean that if an Elected Member was an apology for a Briefing, they would be able to have access to verbal information that is presented or discussed by listening to the recording.

The Town may legally capture and store council briefing recordings. The Town already stores a wide variety of sensitive information, with secure systems and processes in place for appropriate retention and destruction. An internal policy would set an appropriate retention timeframe based on risk considerations.

Any recording is a record under the *State Records Act (WA) 2000*. A member of the public has a right to access a recording under the *Freedom of Information Act (WA) 1992* (FOI Act). The Town would be required to produce a copy of the recording (if not yet disposed of) and may only exclude information that is exempt under schedule 1 FOI Act.

FOI processes enhance further transparency and accountability in Local Government. However, FOI can present certain risks for Councils when it comes to audio recording confidential meetings. Council briefings often involve sensitive discussions, like legal matters, commercial decisions or personnel issues. Recording these meetings may unintentionally expose private information or sensitive matters through the FOI process.

Alternative to audio recording – 'Outcomes and Actions' document

Due to the risk discussed above, the officer's recommendation is to adopt the Council Briefings policy as per attachment 1. The policy presented in attachment 1 does not include recording but allows for an 'Outcomes and Actions' document to be distributed to Elected Members. It is important to note that no decisions are made at council briefings and therefore formal minutes are neither required or appropriate. The main change to the policy is in the Record Keeping section and is listed below:

> *"An 'Outcomes and Actions' document will be distributed to Elected Members after each Council Briefing. This document will capture any 'action items' and ensure that everyone is aligned and accountable for the outcomes and next steps. These 'action items' are not decisions but may be requests for follow-up or further information that have been noted during the discussions. These specific tasks or responsibilities will be assigned to individuals or departments, along with deadlines for completion.*
>
> *The 'Outcomes and Actions' document will provide a formal and organized record of the meeting, promoting transparency, accountability, and effective follow-up. It will help Elected Members recall important details, track progress, and serve as a point of reference for future meetings or discussions related to the same topics. This document will be securely kept and disposed of in accordance with the State Records Act (WA) 2000 and the DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)."*

Restrictions that would be placed on recording

An alternate policy has been drafted (attachment 2) which incorporates recording, should Elected Members wish to consider this as an option they would like to take. The policy states the following under the heading 'Recording of Council Briefings':

> *"All Council Briefings shall be subject to recording. External presenters, discussions on Town Planning matters and matters of a legal, commercial or personal nature will not be recorded. Consultants working for the Town may only be recorded subject to their approval. The recorded content will be securely disposed of in accordance with the State Records Act (WA) 2000 and the DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)."*

It is recommended that external presenters are not recorded as creating a recording is likely to limit the engagement of corporations and businesses with the Town and impact the nature and extent to which information is shared. Town Planning matters should not be recorded to remove any risk of potential 'apprehended bias'.

An Internal Operating Procedure will be created for either option, to appropriately manage retention, access, and destruction of the records.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because approval of the policy will not have any significant impact on the community.

CONSULTATION

Internal

- Executive Leadership Team (ELT)
- Manager Governance
- Manager IT and Project Delivery

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

State Records Act (WA) 2000

Any recording is a record under the *State Records Act (WA) 2000.*

Retention and destruction of Local Government Records is guided by *DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)*

The GDA states at 73.8:

Recordings of meetings:

Disposal Action: Destroy

Custody: Retain until any minutes accepted/ authorised by relevant persons(s) or authority

Freedom of Information Act (WA) 1992 (FOI Act)

A person has a right to be given access to the documents of an agency subject to and in accordance with this Act (s. 10(1)).

The Town is required to provide access to records unless exempt matter under schedule 1 (eg. Personal information about an individual).

Local Government Act (WA) 1995

Section 5.41 Functions of the CEO

(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law;

Section 2.7(2)(b) of the Act provides that a council is to determine the local government's policies.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resources implications associated with the proposed policy.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Access and Inclusion Plan

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

- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because there is the potential for exposure of private and sensitive information. If these discussions were to be recorded and subsequently made available, this could damage the reputation of the Council and erode trust and confidence. The risk rating is considered to be high (15), which is determined by a likelihood of possible (3) and a consequence of catastrophic (5).

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

The Council has the option to consider the alternate policy as provided in attachment 2 and amend the officer's recommendation as follows:

That Council adopts the amended Policy 1/019 Council Briefings as per attachment 2.

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Based on the review of the Council Briefings policy and considering the implications of recording such meetings, it is recommended that the Council does not record Council Briefings. Audio recording may provide benefits, such as allowing Elected Members to revisit the information presented and ensuring accessibility for those who are unable to attend, it also poses significant risks in terms of exposing private and sensitive information through the Freedom of Information (FOI) process.

Council briefings often involve discussions on confidential issues and ideas in the early stages of development, which could unintentionally be made public. The recommendation is to adopt the Council Briefings policy without recording and distribute an 'Outcomes and Actions' document to Elected Members after each briefing. This document would capture action items, promote transparency and accountability, and serve as a reference for future discussions. By adopting for the officer's recommendation, Council can maintain confidentiality while still ensuring effective communication and follow-up.

ATTACHMENTS

1. Draft Policy 1/019 Council Briefings – not including recording (under separate cover)
2. Draft Policy 1/019 Council Briefings – including recording (under separate cover)

12.1.2 ADOPTION OF THE 2023/24 ANNUAL BUDGET & RATING STRATEGY INCLUDING SCHEDULE OF FEES AND CHARGES

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

OFFICER'S RECOMMENDATION

PART A – GENERAL AND MINIMUM RATES

That Council:

1. Imposes the following differential general rates and minimum payments on land rated for Gross Rental Value (GRV) and Unimproved Value (UV) for the 2023/24 financial year:

a) General Rates:

I.	GRV Residential	6.7000 cents in the dollar
II.	GRV Commercial / Industrial	8.957 cents in the dollar
III.	GRV Accommodation	13.3000 cents in the dollar
IV.	UV Pastoral	12.0000 cents in the dollar
V.	UV Mining	21.1469 cents in the dollar
VI.	UV Other	10.7500 cents in the dollar

b) Minimum Payments:

I.	GRV Residential	$1,300
II.	GRV Commercial / Industrial	$1,900
III.	GRV Accommodation	$1,900
IV.	UV Pastoral	$1,900
V.	UV Mining	$200
VI.	UV Other	$1,900

2. Endorses the 2023/24 Statement of Objects & Reasons, as per Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PART B – CONCESSIONS AND EXEMPTIONS

That Council grant the following exemptions and concessions, as summarised below: (full details are listed in Attachment 2)

- Rate concessions total $ 208,406
- Rate Cap Gap total $ 6,759

As applied to the 2023/24 rates charges, and in accordance with s6.46 & s6.47 of the *Local Government Act 1995* and the *Rates and Charges (Rebates and Deferments) Act 1992.*

ABSOLUTE MAJORITY VOTE REQUIRED

PART C – INSTALMENT PAYMENT ARRANGEMENTS

That Council:

1. Nominates the following due dates for the payment of rates in full / by instalments, pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*:

Full Payment	15 September 2023
1st quarterly instalment date	15 September 2023
2nd quarterly instalment date	14 November 2023
3rd quarterly instalment date	15 January 2024
4th quarterly instalment date	15 March 2024

2. For owners who elect to pay by instalments, adopts an instalment charge of $14 for each instalment, this charge is applied after the initial instalment charge is paid (excluding eligible pensioners and seniors), pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*; and

3. Adopts an interest rate of 5.5% per annum where the owner has elected to pay rates and service charges through an instalment option (excluding eligible pensioners and seniors), pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*.

ABSOLUTE MAJORITY VOTE REQUIRED

PART D – INTEREST ON OVERDUE AMOUNTS

That Council:

1. Adopts an interest rate of 7% per annum for rates and service charges and on the costs of proceedings to recover such charges that remain unpaid longer than 35 days after the due date (excluding eligible pensioners and seniors), pursuant to section 6.51 (1) and 6.51 (4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*; and

2. Adopts an interest rate of 7% per annum on all sundry debtor charges that remain unpaid longer than 35 days after the due date, pursuant to section 6.13 of the

Local Government Act 1995 and regulation 70 of the *Local Government (Financial Management) Regulations 1996*.

ABSOLUTE MAJORITY VOTE REQUIRED

PART E – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2023/24

That Council, in accordance with policy 4/008 Elected Member Allowances, Facilities and Expenses, and also pursuant to:

1. Section 5.99 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Mayor:	Councillors:
$49,435	$32,955

2. Section 5.99A of the *Local Government Act 1995*, adopts the following annual allowances for elected members:

Information Technology Allowance	$3,500

3. Section 5.98 (5) of the *Local Government Act 1995*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Mayor	$93,375

4. Section 5.98A of the *Local Government Act 1995*, adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Deputy Mayor	$23,345

ABSOLUTE MAJORITY VOTE REQUIRED

PART F – MATERIAL VARIANCE REPORTING FOR 2023/24

That Council, for the purposes of regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality, regarding level of material variance for financial reporting in 2023/24, adopts the following threshold:

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

SIMPLE MAJORITY VOTE REQUIRED

PART G – SCHEDULE OF FEES AND CHARGES

That Council in accordance with the Local Government Act 1995 s6.16 adopt the 2023/24 Schedule of Fees and Charges effective from 1 August 2023 as per Attachment 4.

ABSOLUTE MAJORITY VOTE REQUIRED

PART H – MUNICIPAL FUND BUDGET FOR 2023/24

That Council adopts the Municipal 2023/24 Budget as presented (Attachment 3) including associated notes and supplementary information in accordance with section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and adopt the municipal fund budget for the 2023/24 financial year together with supporting schedules, including imposition of rates and minimum payments, setting of Elected Member fees for the year and other consequential matters arising from the budget papers.

DETAIL

Due diligence has been undertaken to ensure a realistic and deliverable program for 2023/24. There has been a strong focus on ensuring consistent service levels and a solid capital works program this financial year following on from works conducted in 2022/23.

PART A – GENERAL AND MINIMUM RATES

Rates revenue is a substantial source of discretionary revenue for the Town of Port Hedland and accounts for approximately 73.5% of operating revenue in the 2023/24 budget.

The rates yield in the 2023/24 budget has been determined based on property valuations provided by the State Valuer General's Office (Landgate) in June 2023 as required per legislation.

Overview:

- The rates are based on an average 3.5% increase on the FY2022/2023 rate base.
- There is a decreased Rate in the Dollar for Residential and Commercial categories
- There was no requirement for Council to apply for Minister approval

The proposed differential rates model presented to Council was prepared under the Department of Local Government, Sports and Cultural Industries guidelines of objectivity, fairness and equity, and transparency as set out in their Rating Policy – Differential Rates (s6.33).

PART B – CONCESSIONS AND EXEMPTIONS

Council considers annual applications submitted by community groups and other rate payers for rates concessions and exemptions between Feb and March each financial year and are adopted by Council as part of the budget process.

Concessions

The 2023/24 budget includes a total of $208,406 for provision rates concessions from applications received from Community Groups.

Pensioner Cap Gap Remission

At the Ordinary Council Meeting held 3 November 2021 Council decision CM202122/068, Council granted approval of the Pensioner Cap Gap remission through until the 2023-2024 financial year. The 2023/24 budget includes a total of $6,759 for this remission.

PART C – INSTALMENT PAYMENT ARRANGEMENTS

Council offers ratepayers a four-instalment payment option. Conditions apply including an instalment charge and interest.

PART D – INTEREST ON OVERDUE AMOUNTS

An interest charge of 7% per annum for all outstanding debts unpaid longer than 35 days after the due date (excluding eligible pensioners and seniors)

PART E – ELECTED MEMBERS FEES AND ALLOWANCES FOR 2022/23

As per policy 4/008 Elected Member allowances, facilities, and expenses, elected members are paid at 100% of the yearly maximum SAT determinations. The Salary and Allowance Tribunal determined on 6 April 2023 that there will be minor increase in remuneration, fees, expenses, and allowance ranges provided to Elected Members as per Determination No 1 of 2023. This 1.5% increase has been reflected in the 2023/24 budget documentation.

PART F – MATERIAL VARIANCE REPORTING FOR 2022/23

Each year Council is required to adopt a percentage or value to be used in statements of financial activity for reporting material variances, as required by Clause 34(5) of the *Local Government (Financial Management) Regulations 1996*.

The recommendation for 2023/24 material variance threshold is to remain the same as 2022/23 with a variance of 10% or $50,000, whichever is greater, of the year to date budget of operational and capital expenditure requiring explanation.

PART G – SCHEDULE OF FEES AND CHARGES

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

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

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

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

Summary of Changes to 2023/24 Schedule of Fees and Charges:

Full Review Leisure Fees
- Adjust Fees to meet current cost/market comparisons

Waste Fees and Charges
- Waste makes up to 70% of total Fees and Charges Revenue
- Some higher percentage increases to ensure cost recovery

Other – Majority of Fees and Charges
- Nil to Minimal changes in price

PART H – MUNICIPAL FUND BUDGET FOR 2023/24

Rates

The Town has applied a 3.5% increase on the rate revenue yield from prior year (before inclusion of any new rateable property leases). The increase secures the Town's financial position, allowing core community services to continue being delivered in the 2023/24 financial year.

Fees and Charges
The 2023/24 Schedule of Fees and Charges has been scheduled on the agender for this Ordinary Council Meeting and is proposed to be subsequently advertised for application from 1st August 2023.

Capital Works Program

A capital works program totalling $57 million for investment in infrastructure, buildings and plant and equipment is planned.

Detailed Projects are itemised in the Capital Works Program included in note 18 of the budget.

Loans

As part of the implementation of the capital works program, loan funding has been budgeted for a replacement Pond Liner at the Waste facility. All relevant information relating to these items are included in $4 million of the budget for 2023/24.

Grant Funding

Total operating and non-operating grant funding and external contributions of $7.97 million have been anticipated for the 2023/24 budget year. The Town is actively pursuing numerous funding sources to alleviate any pressure to the financial reserves that the Town manages.

New Accounting Standards

During the budget year, there are no new Australian Accounting Standards and Interpretations are expected to be compiled.

It is not expected these standards will have an impact on the annual budget.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance due to the financial implications of the budget. Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June. To not adopt the budget before 31 August would be in breach of the legislated requirements.

CONSULTATION

Internal

The 2023/24 Municipal budget has been prepared in consultation with Officers, Executive and Elected Members from the Town of Port Hedland through several workshops over the last few months, with individual briefings available to Councillors. The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

External Agencies

- Department of Local Government, Sport and Cultural Industries.

Community

At a Special Council Meeting, on Wednesday 15 May 2023, Council endorsed the Statement of Objects and Reasons at 3.5% to go to public consultation: Council Decision CM202223/054. On 7 June 2023, the Notice of Intention to Levy Differential Rates and Minimum Payments was advertised in the North West Telegraph newspaper. The Town's website was also updated with the necessary information required for public consultation. The results of the public consultation are as follows:

- One ratepayer response was received who expressed their concerns on the indicative rate amount under the Residential rating category.
- One ratepayer response was received who expressed their concerns on the indicative rate amount under the UV Mining category. One ratepayer response was received who expressed their concerns about rating of properties in the West End Buyback Area.

Letters were sent to individual ratepayers for the categories GRV Mass and Tourist Accommodation and UV Pastoral (less than 30 ratepayers per category).

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.2 of the *Local Government Act 1995* requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt (absolute majority required), in the form and manner prescribed, a budget for its municipal funds for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and service charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2023/43 budget as presented is considered to meet statutory requirements.

Section 5.63(1) of the *Local Government Act 1995* specifically excludes the needs to declare a financial interest where matters; have an interest common to a significant number of rate payers/electors; relate to the imposition of any rate, charge or fee; relate to a fee, reimbursement of an expense or an allowance payable to Elected Members.

The budget is based on the principles contained in the adopted Long Term Financial Plan 2022-27, the adopted Strategic Community Plan 2018-2028, the adopted Corporate Business Plan 2018-2022 and the adopted Strategic Resource Plan 2019/20 – 2033/34.

For Fees and Charges

Local Government Act 1995
Section 6.16 Imposition of Fees and Charges,
Council by an absolute majority decision, may impose and recover a fee or charge for any goods or services it provides or proposes to provide

Section 6.17
In determining the amount of a fee or charge for a service or for goods Council need to consider:

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

The 2023/24 Annual Budget provides the Town with the ability to collect revenue and expend funds to provide the essential services to the Town of Port Hedland residents.

2022/23 Estimate Calculations

The 2022/23 estimates provided in the budget document are based on actuals as at 31 May 2023, plus estimates for June 2023.

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.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.3 Sustainable energy, waste and water management practices are provided and promoted
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
3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced
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
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

Economic

The Town has proposed a 3.5% increase in rate revenue from 2022/23 rate yield, plus new interim rateable and new rateable properties.

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

Access and Inclusion Plan

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

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service
- Outcome 7 – Employment Opportunities

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a potential financial risk associated with the budget not being adopted prior to 1 August 2023. There is a higher level of risk if the budget is not adopted by 31 August 2023. The risk rating relating to the budget not being adopted by 31 July 2023 to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.

There is a potential reputational risk associated with this item if the budget is not adopted by 31 July 2023, the Town would be delayed in delivering essential works to the Community. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.

In addition, there is a potential service interruption risk on the capital works program if the 2023/24 budget is not adopted by the 31 July 2023. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation'

CONCLUSION

The 2023/24 budget has been prepared in a financially responsible manner to ensure a realistic and deliverable program for 2023/24. There has been a strong focus on ensuring consistent service levels and normalisation of capital works program this financial year following on from large capital works programme conducted in 2023/24.

ATTACHMENTS

1. 2023/24 Statement of Objects & Reasons (under separate cover)
2. List of Concessions and Exemptions (under separate cover)
3. Municipal 2023/24 Budget (under separate cover)
4. 2023/2024 List of Fees and charges (under separate cover)

12.1.3 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MAY 2023

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

OFFICER'S RECOMMENDATION

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 May 2023, as shown in Attachment 1;
2. Receive the Material Variance Report, as shown in Attachment 2;
3. Note the Accounts paid under delegated authority for the period ended 31 May 2023 , as shown in Attachment 3; and
4. Receive the Credit Card Statements for the period ended 31 May 2023, as shown in Attachment 4.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 May 2023. 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 May 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-15 prepared by the Town of Port Hedland (the "Town").

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

As part of the 2022/2023 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

- A variance of 10% or $50,000, whichever is greater, of the Year-to-Date budget of operational and capital expenditure requires explanation.

The opening funding surplus of $86K presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 May 2023 is a surplus of $20.487M.

The breakdown of the cash position is displayed below:

	2023/23 Actuals
Current Assets: Cash and Investments	$181.148M
Restricted Cash – Reserves	$155.244M
Unrestricted Cash Position as at 31 May 2023	$25.924M

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 of low significance, because this report is presented to Council for information purposes only.

CONSULTATION

Internal

- All consultation and engagement are conducted internally.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2023-2032 is applicable in the consideration of this item:

4.2 Transparent and accountable governance and financial sustainability

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a financial risk associated with this item because a reduction in income or increase in expense throughout the 2022/23 financial year could impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The opening funding surplus of $86K presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the audited financial statements from June 2023. The net current funding position is $20.847M.

ATTACHMENTS

Nil

12.2 Community Services

12.2.1 TOWN OF PORT HEDLAND COMMUNITY GRANTS PROGRAM REVIEW

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

OFFICER'S RECOMMENDATION

That Council:

1. Note the Town of Port Hedland Community Grants Program Review, and;

2. Adopt the FY23/24 Town of Port Hedland Community Grants Program and Economic Development Diversification Fund.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to note ToPH Community Grants Review and adopt the FY22/23 Community Grants Program. The Community Grants Program is a key community strengthening initiative. The aim of this program is to encourage activities, projects and programs which support the whole community.

DETAIL

The purpose of the Community Grants Program Review is to undertake a comprehensive evaluation of the Town of Port Hedland Community Grants Program and to determine the extent to which the objectives were met.

The key objective of the review of the Community Grants Program is so the Town can continue to provide grants that are fit for purpose and meet the needs of our community clubs and organisations now and into the future, delivering strategic outcomes for Council.

Our Community Grants Program is a key community strengthening initiative however the program has not changed much since 2018 and we want to make sure this program continues to meet the needs and aspirations of our community. Council is committed to providing this funding efficiently, equitably and ethically.

The Community Grants Program is divided into four streams, which are sub-divided into twelve grant categories and has a Council endorsed budget of $200,000 per financial year. The aim of this program is to encourage activities, projects and programs which support the whole community. Streams and categories have been created to provide a user friendly and fit for purpose grants program.

In the last two financial years FY22/23 and FY21/22 ten of the grant categories have received three or less applications with two of these grant categories receiving zero applications. In both

financial years the full $200,000 budget has not been expended. Total grants allocated for FY21/22 totalled $171,600 and full exhaustion of fund in FY22/23. Individual grants range in value from $100 to $10,000.

Following community consultation, there is a requirement to streamline the program, ensuring the implementation of a more impactful program. In the past nine months several local community and regional Pilbara organisations have approached the Town's Culture, Arts and Event Team requesting $355,000 in funding from the Town for a combination of events, projects and programs valued from $10,000 to $110,000.

The Town's Economic Development and Tourism Team have been approached for economic development and business funding for amounts significantly larger than the current Business Tourism and Innovation Grant valued at $2,000.

The Town's Community Safety Team have been approached for grants to support community projects of up to $50,000. In addition to this, our Environmental Services team received external requests of $100,000 and above for environmental and sustainability initiatives within our community.

Following the results of the community consultation, it is recommended for Council to endorse a new Town of Port Hedland Community Grants Program and Economic Development Diversification Fund including the provision of grants as below:

Budget recommendation:

- Community grants $400,000
- Economic Development and Diversification Fund $200,000

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the Town provides financial assistance to community groups, organisations and individuals through the form of grants and funding which align with the Town's values and strategic priorities and supports the Town's commitment to sustainability. Additionally, the Town supports local businesses and organisations to generate new revenue opportunities, together with supporting new or expanded business operations within the Town of Port Hedland with demonstrable benefits to local employment and economic output.

CONSULTATION

Internal

- Community Development Team
- Community Safety Team
- Economic Development and Tourism Team
- Events, Arts & Culture Team
- Sport & Recreation Team
- Senior Leadership Team

External Agencies

- City of Albany
- City of Canning
- City of Joondalup
- City of Karratha
- City of Stirling
- City of Canning
- Hedland sporting clubs, community groups and businesses

Community

The community consultation and engagement stage of the Community Grants Program Review utilised a wide range of integrated activities (formal and informal) in which community members and stakeholders exchanged ideas, opinions, information and knowledge through the following:

- Analysis and alignment with Council policies and plans
- Analysis of initiatives funded since 2021
- Development of the ToPH Community Grants and Funding Policy
- Interviews with 5 other Councils to understand how they award grants
- Interviews with previous ToPH grant applicants and recipients
- Community survey
- Community workshops
- Workshops with Town Officers.

LEGISLATION AND POLICY CONSIDERATIONS

Community funding directly relates to the Town of Port Hedland Strategic Community Plan 2022-2023. The Town should ensure procedures are clear and consistent, process applications within prescribed timeframes and promote available grants and funding to the community. In line with the Town of Port Hedland Community Grant and Funding Policy, the Town aims to foster sustainable, vibrant, engaging and inclusive local community which improves the quality of life and opportunities for all residents and visitors.

FINANCIAL AND RESOURCES IMPLICATIONS

All Town grant and funding program budgets are required to be listed in an applicable natural account and to have a financial year budget approved by Council. The budget need not be expended if no suitable applications are received.
There is a financial implication relating to this matter as the current budget is $200,000 and after evaluating community and business funding requests the recommended budget amount is or $610,000/660,000 respectively.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.1 A hardy, healthy and safe people
1.2 An inclusive and involved community
1.3. A unique, vibrant and diverse community lifestyle
2.1 Effective advocacy and partnerships
2.2 Enhanced local training and workforce opportunities
2.3 An enabling, attractive business environment
2.4 Marketing and promotion
4.1 A global, national, state and local presence and voice
4.2 Transparent and accountable governance and financial sustainability
4.3 Effective delivery of services and infrastructure to meet community needs

Social and Economic

Ongoing compliance with the Community Grants Program and EDDF Program will provide an equitable, transparent framework for the provision of financial assistance and economic funding to community groups, organisations and individuals through the form of grants and funding which align with the Town's values and strategic priorities and supports the Town's commitment sustainability. There are no significant environmental factors associated with this item.

Access and Inclusion Plan

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

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

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to 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.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the ToPH plans and programs are provided for transparency, accountability and two-way interaction
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered

- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 1.c.4 The Town's program of events and activities is promoted locally, regionally and nationally
- 1.d.4 Community services and facilities are well promoted
- 2.b.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.4 Business approval processes are transparent, and pathways streamlined
- 2.b.5 Business opportunities and major projects are promoted online and at relevant national and international forums and events
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
    - Identify strategic employment and economic development priorities
    - Assess and address market failures affecting the cost of living
    - Assess and address the cost of doing business challenges
- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified and strategies to attract and support them are implemented
- 4.a.1 ToPH is represented and advocated for in International. Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town should ensure procedures are clear and consistent, process applications within prescribed timeframes and promote available grants and funding to the community. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Should Council resolve to make changes to the newly proposed grants streams, it can consider reducing the financial component of each stream as follows.

That Council:

1. Note the Town of Port Hedland Community Grants Program Review; and
2. Endorse the FY23/24 Community Grants Program, inclusive of:

a)Community Grants - $200K
b)Placemaking Grants - $50K
c)Sustainability Grants - $50K
d) Economic Development Grants - $100K
e) Cash for Trash - $30K
f) CCTV Rebate - $20K

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town of Port Hedland (Town) provides financial assistance to community groups, organisations and individuals through the form of grants and funding which align with the Town's values and strategic priorities and supports the Town's commitment to sustainability. This item recommends Council receive and note the ToPH Community Grants Program Review and adopt the FY23/24 Town of Port Hedland Community Grants Program and Economic Development Diversification Fund. Once this decision has been confirmed, review on our current Grant Funding Policy (2/017) and Community Grants Program Policy (6/003) will be reviewed to reflect these changes.

ATTACHMENTS

1. ToPH Community Grants Program Review (under separate cover)
2. FY23/24 Town of Port Hedland Community Grants Program and Economic Development Diversification Fund (under separate cover)

12.3 Regulatory Services

12.3.1 OMNIBUS SCHEME AMENDMENT NO. 1 TO LOCAL PLANNING SCHEME NO. 7 - FINAL ADOPTION

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

OFFICER'S RECOMMENDATION

That Council:

1. Adopts for final approval Scheme Amendment 1 (Omnibus Amendment) to the Town of Port Hedland Local Planning Scheme No.7 pursuant to section 75 of the Planning and Development Act 2005 and Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, included as Attachment 1, with modifications as outlined in Attachment 2 – Schedule of Modifications.

2. Notes the submissions received on Scheme Amendment 1 (Omnibus Amendment) to Town of Port Hedland Local Planning Scheme No.7 included as Attachment 3, and notes that the only modification proposed to Amendment Documentation since Council's initiation of the Amendment is the change of zoning from Lot 500 Forrest Circle, South Hedland from proposed "Civic/Community" to "Mixed Use" for the reasons stated in this report. All other aspects of the Amendment remain as initiated by Council.

3. Authorises the Chief Executive Officer and Mayor to execute amendment documents pursuant to Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015 and provide the Western Australian Planning Commission a copy of Omnibus Amendment 1 and relevant documents for final approval by the Minister for Planning.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to consider submissions on Omnibus Amendment No. 1 to the Local Planning Scheme No. 7 (LPS 7), adopt the amendment with modifications, and forward the amendment documentation to the Western Australian Planning Commission and Minister for Planning for final approval.

DETAIL

This report was presented to the 31 May 2023 Ordinary Council Meeting, deferred for consideration of the matter until the 26 July 2023 Ordinary Council Meeting to enable Council to receive a further briefing from the landowner and consultant in relation to zoning land at Quartz Quarry Estate.

Development within the Town of Port Hedland is controlled and guided by Local Planning Scheme No. 7 (LPS7) which became operational in 2021. At its Ordinary Council Meeting (OCM) held on 26 October 2022, Council carried resolution CM202223/052, to initiate an omnibus amendment of the Town's LPS 7:

1. *That Council Adopt proposed Scheme Omnibus Amendment No. 1 (Amendment No. 1) to the Town of Port Hedland Local Planning Scheme No. 7 (LPS7) without modification, pursuant to section 75 of the Planning and Development Act 2005 (PD Act) and Part 5 regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*

2. *Determine that the Amendment No. 1 is a standard amendment pursuant to regulation 35(2) of the Regulations for the following reasons:*
    a. *Amendment No. 1 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and*
    b. *Amendment No. 1 will have minimal impact on land in the scheme area and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
    c. *It will not result in any significant environmental, social, economic or governance impacts on the land in the scheme area.*

3. *Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be referred to the Environmental Protection Authority (EPA) pursuant to section 81 of the PD Act, to enable the EPA to comply with section 48A of the Environmental Protection Act 1986.*

4. *Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be advertised for public inspection pursuant to section 81 and 82 of the PD Act and in accordance with the procedure set out in regulation 47 of the Regulations.*

The purpose of initiating LPS 7 Omnibus Amendment 1 was to correct minor text errors and omissions identified after LPS 7 was gazetted in 2021, update the zoning table to review the permissibility of certain land uses and address several mapping corrections that were also identified in the process of adopting LPS 7.

The Amendment Report, which provides an explanation of the proposed changes, and the proposed mapping changes (**Attachment 1**), are attached to this report.

Statutory Implications

Planning and Development Act 2005:

Clause 75 Amending scheme:

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –

a) Prepared by the local government, approved by the Minister and published in the Gazette; or

b) *Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.*

Clause 81 Proposed scheme or amendment to be referred to the Environmental Protection Authority (EPA).

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

a) *Written notice of that resolution; and*
b) *Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.*

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
Under the LPS Regulations the amendment is considered to be a standard amendment and to progress the amendment the Council must resolve to prepare an amendment to the local planning scheme. The amendment must be referred to the EPA and then advertised to the public in accordance with the regulations.

The Town of Port Hedland Local Planning Scheme No. 7
The amendment proposes changes to the Scheme Text and Scheme Maps, aiming in all cases to correct anomalies and ensure that the Scheme Text and Scheme Maps are appropriately updated to align with land use management decisions, current on-ground land use, the adopted strategic planning framework and the Planning and Development (Local Planning Schemes) Regulations 2015.

Lot 500 on P064542 Forrest Circle – Former TAFE Site

The advertised Omnibus Amendment proposed that this site would be changed from Education Reserve to Civic and Community Reserve to reflect the Town's intentions to convert the site, including the former TAFE buildings, into a future civic centre / performing arts centre. The Town has agreement from the Minister for Lands to transfer the land to the Town in freehold for a nominal value.

Following concept planning it has become apparent that the scale of the existing buildings far exceeds the Town's needs for civic/community/performing arts spaces. The Council endorsed masterplan shows additional commercial and mixture of uses on the site, including restaurant, office space, and grouped housing. The provision of additional commercial office space is supported by the Town's Local Planning Strategy (2021) which highlights that there is a current undersupply of commercial office space, with many tenants taking up traditional retail floorspace as a consequence. Prioritising the development of new residential land within and in close proximity to the Town Centre is also an action of the Local Planning Strategy. It is noted that the site is not included within a bushfire prone area.

The uses envisaged in the draft masterplan are not consistent with a designation of "Civic and Community Reserve". As a result, it is considered appropriate that, as part of this Omnibus Amendment process, Lot 500 Forrest Circle be zoned "Mixed Use" to facilitate the various uses

shown in the masterplan. The "Mixed Use" zoning is consistent with "Mixed Use" zoning on the eastern side of Hamilton Road, which is identified as an emerging future entrance road to South Hedland. The Town of Port Hedland is planning significant streetscape upgrades on this road to reflect its role and function, in line with the Place Plan, South Hedland Integrated Sporting Precinct Masterplan, and other future planned developments. The Amendment Report and Amendment Map 6a have been modified to reflect this change (**Attachment 1**).

Quartz Estate

The Town received a submission in relation to the Lot 501 Greenfield Street, Boodarie (Quartz Estate) which abuts the residential area of Bosna Estate, Boodarie. The submission requested that as part of the Omnibus Amendment no. 1, a portion of Lot 501 be zoned residential R2.5 (4,000m^2 minimum), the current zoning is rural residential (10,000m^2 minimum). This submission was subsequently withdrawn by the applicant after the Council Briefing held on Monday the 10th of July, 2023.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because LPS 7 provides an overarching framework within which land use related decisions are made. The Omnibus Amendment represents an update of LPS 7 which was gazetted in 2021. The Amendment will ensure that LPS 7 is consistent with current State planning legislation and adopted structure plans and that it continues to remain relevant and responsive to needs of the Port Hedland community.

CONSULTATION

Internal

Nil

External Agencies

- Department of Mines, Industry Regulation and Safety;
- Department of Transport;
- Department of Jobs, Tourism, Science and Innovation
- Department of Primary Industries and Regional Development;
- Department of Health;
- Department of Fire and Emergency Services;
- Department of Water and Environmental Protection;
- Pilbara Development Commission;
- Port Hedland Chamber of Commerce;
- Port Hedland International Airport;
- Pilbara Ports Authority;
- Housing Authority;
- Main Roads WA;
- WA Country Health Service;
- Alinta Energy;
- Horizon Power;
- Telstra;
- Water Corporation; and

- Department of Planning, Lands and Heritage

Six (6) responses were received. Details of the submissions and responses are included in Attachment 3 - Schedule of Submissions.

EPA Referral

Pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) the amendment was referred to the Environmental Protection Authority (EPA).

A response was received from the Chair of the EPA advising that the EPA considers that the proposed amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986:

> *The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme amendment. In deciding not to formally assess scheme amendments, the EPA has determined that no further assessment is required by the EPA.*

DPLH Referral

Omnibus Amendment No. 1 has preliminary support from the DPLH in its current form. Should Council determine to include Lot 501 as part of the Omnibus Amendment, there is a significant risk that it will hold up the Omnibus Amendment No. 1, impacting all proposed amendments and associated strategic priorities.

Community

In line with the Regulations, community engagement included:

- Publication of a public notice in a newspaper circulating in the scheme area (the North West Telegraph).
- Display of a copy of the public notices section of the Town's website.
- Availability of copies of the amendment documentation for public inspection at the Town administration front desk and website.
- Letters posted to affected landowners.
- The amendment was advertised for public consultation from 1 February to 16 March 2023.

One (1) response was received from RFF Australia on behalf of the land owner Big Farm Five Pty. Ltd in relation to the Quartz Estate which abuts the residential area of Bosna Estate, Boodarie. As previously noted in this report, the submission has been withdrawn.

Details of the submission and response are included in Attachment 3 - Schedule of Submissions

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7

FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 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
2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
2.b.4 Business approval processes are transparent and pathways streamlined
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

Environmental

The amended Local Planning Scheme will contribute to the protection and enhancement of the natural environment and improve access to natural habitats, parks and open space.

Economic

The amended Local Planning Scheme will contribute towards having a more streamlined development approval process and encourage investment and economic growth.

Social

The amended Local Planning Scheme will assist with the planning for and provision of future community facilities.

Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

The amended Local Planning Scheme will assist with the planning for and provision of accessible community facilities.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because Local Planning Scheme No. 7 needs to be updated with the latest Regulations and ensure it is responsive to current projects and market trends. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be mitigated by progressing the Omnibus Amendment No. 1 and endorsing the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This amendment addresses matters that were not identified when LPS 7 was first gazetted, including: minor text errors and omissions; updates to the zoning table in relation to the permissibility of certain land uses; updated references to legislation and structure plans and minor modifications to the Scheme maps to reflect current land use and infrastructure requirements.

In light of the above, it is recommended that Council resolve to support Scheme Amendment No. 1 to LPS7 without modification and provide a copy of Omnibus Amendment 1 and relevant documents to the Western Australian Planning Commission for final approval by the Minister for Planning.

ATTACHMENTS

1. LPS7 Amendment 1 Report and Mapping (under separate cover)
2. Schedule of Modifications (under separate cover)
3. Schedule of Submissions (under separate cover)

12.3.2 PROPOSED WIDENING OF PORTION OF WILSON STREET, PORT HEDLAND

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

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Section 56 of the *Land Administration Act 1997*, supports the proposed dedication of Unallocated Crown Land Parcels adjacent to Wilson Street as shown generally in Attachment 1;

2. Indemnifies the Minister for Lands against any claim for compensation relation to the proposed dedication in accordance with section 56(4) of the *Land Administration Act 1997*; and

3. Advises the Department of Planning, Lands and Heritage of the Council's resolution in accordance with section 56(2) of the *Land Administration Act 1997*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the proposed dedication of land identified in Attachment 1 as road; widening the existing Wilson Street to incorporate the recently constructed Wilson Street Shared Path.

DETAIL

The Town has recently commenced construction of the Wilson Street Shared Path, representing a significant financial investment and completing the active transport pathway between Port Hedland and South Hedland. The shared path is constructed primarily on Unallocated Crown Land.

The Town received consent to construct the Shared Path through a licence under section 91 of the *Land Administration Act 1997* (the Act). However, the licence was granted for a limited period to enable construction of the Shared Path and does not authorise long term use or access to the land for maintenance purposes. Accordingly, permanent tenure is required to be resolved.

In consultation with Main Roads WA (MRWA) and the Department of Planning, Lands and Heritage (DPLH), dedication of the Shared Path as a road and amalgamation into the existing Wilson Street road reserve is the most appropriate form of tenure. Wilson Street is dedicated as a main road and under the control of MRWA, rather than the Town. However, the Town has an existing Memorandum of Understanding (MOU) with MRWA for the maintenance of Town

assets within MRWA controlled road reserves. The Shared Path will be incorporated into this MOU, which will grant the Town the ability to access and maintain the Shared Path at any time.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it is the final step in a long-term project.

CONSULTATION

Internal

- Internal consultation is not required for this item. Consultation with the Town's Infrastructure team was undertaken at previous stages of this project.

External Agencies

- External consultation has been undertaken with the Department of Planning, Lands and Heritage, and Main Roads WA regarding the proposed dedication.

Community

- Community consultation is not required for this item.

LEGISLATION AND POLICY CONSIDERATIONS

Proposed dedications of land as road reserve are governed by section 56 of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, which outline the relevant process and requirements.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications as a result of this item, as construction and long-term maintenance of the Wilson Street Shared Path was addressed prior to its construction.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because failure to support the officer's recommendation will result in the Shared Path remaining on land outside of the Town's control, impacting the Town's ability to maintain the infrastructure to an appropriate standard. The risk rating is considered to be low (4), which is determined by a likelihood of likely (4) 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 – Do not adopt officer's recommendation

CONCLUSION

The Town has invested significant funds into the construction of the Wilson Street Shared Path, providing the final active transport link between Port Hedland and South Hedland. Dedication of the constructed path as part of Wilson Street Road Reserve will enable the Town to ensure the Shared Path is maintained to an appropriate standard, maximising its usage and lifespan.

ATTACHMENTS

1. Proposed Dedication Areas (under separate cover)

12.4 Infrastructure Services

12.4.1 SOUTH HEDLAND AQUATIC CENTRE - RECTIFICATION WORKS

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

OFFICER'S RECOMMENDATION 1

That Council;

1. Acknowledge the rectification works required at the South Hedland Aquatic Centre and the associated operational impacts as outlined in this report;

2. Note that both 50m Lap Pool and Leisure Pool will not reopen until works have been completed, the works have been scheduled to commence in August 2023;

3. Note that the Aqua Tower is affected by corrosion and will remain closed until all the remediation works are completed; and

4. Note that an allocation in the 23/24 Capital Works Budget of $585,000 for the 50m Lap Pool and Leisure Pool rectification works, and $100,000 for rectification works of the Aqua Tower funded from the Asset Management Reserve.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to endorse a budget allocation of $685,000 in the 2023-2024 Capital Works Program for rectification works to the Leisure pool, 50m Lap Pool and the Aqua Tower at the South Hedland Aquatic Centre (SHAC).

DETAIL

At the July 2022 OCM, Council endorsed a budget of $505,000 to rectify the deteriorating pool liner and tiles at the South Hedland Aquatic Centre (SHAC). Works to replace the pool liner and tiling commenced at the facility on 23 April 2023 and have now been completed under budget at approximately $400,000.

However, during the installation of the pool liner, significant leaks and failures of the leisure pool, 50m lap pool and the aqua tower were identified by contractors and Town officers.

50m Lap Pool

It has been identified that the 50m lap pool has improper and inadequate drainage. The water and deck composition are seeping into the surrounding soil undermining pipes and fittings which is leading to leaks and further foundational deterioration. Additionally, the pipe material

of the return to pool line has reached the end of its shelf-life and the water leakage has been observed in multiple places.

Also, the equipotential bonding when tested with calibrated equipment, recorded results within the required tolerances, however, further visual inspection is required to ensure it is within current standards. Equipotential bonding is a technique used in electrical installations to minimise the risk of electric shock and reduce electrical hazards. It involves connecting various metallic components, such as electrical equipment, enclosures, conduits, and structural elements, together to maintain them at the same electrical potential.

The proposed scope of works required to remediate and make safe the 50m lap pool includes:

- Dismantling of interlocking pavers and excavate the fill to expose damaged fittings
- Pressure testing on return to pool line, wall inlets, floor return inlets will be conducted in stages individually to determine the extent of leakages in each.
- Repair works on the damaged fittings of suction line
- Repair works on the pool gutter intake, gutter bends & patch reminder as required with two-part epoxy compound or similar
- Repair elbows inside the gutter
- Visual inspection of equipotential bonding wiring
- Conduct an overnight static testing and reporting
- Reinstall pool gutter grating
- Minor repairs to the main columns of the pools shade structure
- Final filling, water testing and recommissioning of the pool

These proposed works are estimated to require approximately 5 weeks, plus an additional 1 week to recommission and water test the pool after the successful completion of the works. The reopening of the pool is dependent on the positive results of a pressure test which is planned to be undertaken upon the 2023-2024 budget adoption.

Leisure Pool

Similar to the 50m lap pool, the leisure pool also has improper and inadequate drainage and deck composition water that is seeping into the surrounding soil undermining pipes and fittings, leading to leaks and further foundational deterioration. As with the 50m lap pool, the leisure pool's equipotential bonding is also failing, and requires maintenance repairs to mitigate the risk of injury to patrons and staff.

The proposed Scope of Works required to remediate the leisure pool includes:

- Lift existing paving and stack for re-installation
- Excavate to approximately 1mtr in depth to expose existing pipework
- Pressure test Filtered Water Line (FWL) and Soiled Water Line (SWL) including water features
- Replace the pipeline from gutter to balance tank
- Replace all wall inlets
- Equipotential bonding wiring works
- Pressure and static test to confirm water tightness
- Backfill from stockpile of excavated material

The above works are estimated to require approximately 4 weeks, plus an additional four weeks required to drain and store the pool water then refill and recommission the pool after successful completion of works.

Aqua Tower
Town officers have identified that there are several structural columns and supports, including those supporting the main aqua tower, that require replacement and treatment due to excessive corrosion and rust. The necessary maintenance is a result of the age of the structural members and being exposed to a harsh aquatic operating environment.

To assess the structural stability of the tower, it is proposed that a structural consultant is engaged, and suitable remediation works are undertaken. There is a high probability that certain aqua tower elements will require replacement which will generally attract long lead times for delivery.

Subject to professional advice being received by a suitably qualified consultant, it is currently understood that the necessary scope of works to remediate the Aqua tower includes:
- Engaging a structural engineer for undertaking structural assessment
- Supply and installation of new like for like column supports, and structural beams
- Suitable anticorrosive painting works in some areas where suitable to do so
- Inspection of Fibre Reinforcer Plastic sliding segments and minor surface repairs wherever required

Upon further inspection and testing the additional works noted below may be required:
- Supply and installation of new interactive sprays mists and jets, if at the end of its shelf-life
- Supply and installation of cannons and splash buckets, if at the end of its shelf-life
- Supply and installation of pressure pumps along with suitable filtration units, if at the end of shelf-life

The Town presently is party to Contract RFT2122-29 for 'Aquatic Servicing and Maintenance' (Contract) at SHAC with Aquatic Services WA (ASWA). ASWA had conducted the initial investigations regarding the pool leakages and the Town would like to engage the same contractor for remediation works under the Reactive Maintenance provision of their contract.

Proposed timeline

As outlined in the sections above, and subject to successful testing and clearances being obtained, the proposed project timeline is as follows:

Date	Task
August 2023	Works commence to rectify both 50m Lap pool and Leisure pool
September 2023	Pressure testing and pipeline works
October 2023	Water testing and recommissioning of 50m Pool, pending positive static pressure test results
November 2023	Aqua tower complete and reopened for public use

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be an exception and therefore the policy's engagement processes are not required.

CONSULTATION

Elected Members were briefed on this matter at the 7 June 2023 Confidential Briefing Session.

Internal consultation has been undertaken with the following officers:

- Director Community Services
- Director Infrastructure Services
- Manager Leisure Facilities
- Manager Infrastructure Operations
- Manager Infrastructure Projects & Assets
- Coordinator Aquatic Operations
- Coordinator Leisure Business
- Senior Project Officer
- Aquatic Duty Managers

External Agencies

- RSA structural consultants
- Aquatic services WA
- Paragon constructions
- Dept of Health WA (Waters Unit)

Community

Following Council's decision on this matter, all relevant stakeholders will be informed accordingly.

LEGISLATION AND POLICY CONSIDERATIONS

The following Town of Port Hedland policies have been considered in relation to this item:
2/007 Procurement
2/019 Financial Reserves
9/010 Asset Management

The following legislation applies in relation to this item:
Local Government Act 1995
Local Government (Functions and General) Regulations 1996
Health (Aquatic Facilities) Regulations 2007
Code of Practice for the design, construction, operation, management and maintenance of aquatic facilities January 2020

FINANCIAL AND RESOURCES IMPLICATIONS

It is request that Council allocate $685,000 in the 23/24 Capital Works Budget for the 50m Lap Pool, Leisure Pool and aqua tower rectification works, funded from the Asset Management Reserve.

A full breakdown of the proposed budget for this project is as follows:

Financial Year	Description	Budget ($)
23/24	Leisure Pool and 50m Lap pool remediation – New budget	585,000
23/24	Aqua Tower remediation – New budget	100,000
	Total Estimated Cost to Complete	685,000

To date, the SHAC remediation works is estimated to total $1,085,000 which takes into consideration recently completed works for the pool liner repairs. This is summarised below:

Description	Actual/ Proposed Costs ($)
22/23 budget- Pool liner repairs (leisure and 50m lap pools)	400,000
Leisure pool and 50m Lap pool remediation works	585,000
Aqua tower remediation works	100,000
Total Estimate Cost to Complete	1,085,000

It is also important to note that should the facility be required to be closed longer than anticipated, then consideration is to be made to cater for increased operational costs associated with Gratwick Aquatic Centre.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2022-2032 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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because if not rectified there are risks of electric shock due to the equipotential bonding failure. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

There is a reputational risk associated with this item because if not rectified there are community members do not have access to the facility. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

There is a financial risk associated with this item because if not rectified promptly cost are likely to escalate. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

There is a compliance risk associated with this item since the aquatic facility and associated structures (in particular the aqua tower) in their current condition do not comply with Environmental Health Legislation and may result in the Department of Health withdrawing the approval to operate the facility. 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 mitigated by providing adequate funding and undertaking required rectification works.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town of Port Hedland's Aquatic assets are of an advanced age. The three elements of the infrastructure require important maintenance, that being the 50m pool suction line pipe fittings with gutter and the leisure pool pressure line and suction line, and the structural columns, supports including those supporting the main aqua tower. Recommendations are based upon consultation and advice sought from Town Officers and the Towns Aquatics Servicing & Maintenance contractor.

ATTACHMENTS

1. Aqua Tower Images of Corrosion and Damage (under separate cover)
2. Test results and cost estimate - Confidential (under separate cover)

12.4.2 ENDORSEMENT OF CONCEPT DESIGN FOR COMMUNITY TRANSFER STATION AT THE SOUTH HEDLAND LANDFILL

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

OFFICER'S RECOMMENDATION

That Council;

1. Endorse the Concept Design for the Community Transfer Station at the South Hedland Landfill, as per Attachment 1; and

2. Authorise the Chief Executive Officer to seek external funding and grant opportunities.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and endorse the concept design for the Community Transfer Station, to be constructed at the South Hedland Landfill, as part of its commitments under the Town of Port Hedland's Sustainability and Waste Strategies.

DETAIL

Background

The Town of Port Hedland Waste Management Strategy 2018 was endorsed by Council in September 2018. The strategy identified a number of actions to improve waste management and increase resource recovery and recycling, including the development of a modern Community Recycling Centre.

In October 2019, Commissioner Riebeling endorsed the location of the Community Recycling Centre, being at the South Hedland Landfill (decision number CM201920/081).

Following the endorsement of the location, Town officers engaged Talis Consultants to prepare the detailed design of the Landfill Masterplan Stage 2 – Community Recycling Centre. The design included a community transfer station with a tip shop for recycling unused goods as well as supported a Civil component and further defined dumping areas for green waste, electrical items and general waste. Council unanimously endorsed this design at their Ordinary Council Meeting on 24 March 2021 (decision number CM202021/141).

In June 2021, Town officers released the tender for construction of the endorsed design to the market, however due to the submissions received, the Tender was unable to be awarded due to budgetary restraints.

Revised Design

In 2022, Town officers revisited the design considering that the inclusion of a transfer station remained a priority for a large portion of the community. The amended design was to reflect the simplified version of a transfer station and was modelled off successful transfer stations located in and around Perth. The design has retained the Community *"Tip Shop"* where items can be tested and stored for the purpose of re-use.

The Community Transfer Station is intended to redirect traffic form the tip face and in turn, reduce the instance of human interaction at the more dangerous part of the Landfill, where heavy machinery is operating.

Consultants CADDS Group were engaged to progress the amended Transfer Station design in February 2023.

The revised concept design allows for the effective separation and management of the following:

Sheds	Hook-lift bins	Other
• Green waste • Industrial waste • Household hazardous waste • E Waste • Printer cartridges • Batteries • Mattresses	• General waste • Cardboard & Paper • Timber waste • Tyres • Steel • Aluminium	• Whitegoods • Waste oil tank • Gas bottles • Fire extinguishers

The design also allows for future storage shed expansions if required at a later date.

In addition to the Transfer Station building, associated civil works will also be required to prepare the site for the building's construction.

Similar Facilities

The revised design has been modelled off the successful Malaga Transfer Station, in the City of Swan (Perth Metro) which services 18,481 residents (census 2021).

The City of Karratha also operate a similar model at their 7-Mile Waste Facility, servicing a population of 22,199 (census 2021), which opened in October 2014. Karratha's facility includes specifically marked areas for the recycling of plastics, paper, cans, aluminium and glass jars and bottles, in addition to oil, scrap metal, whitegoods, green waste, batteries and household hazardous waste. Their tip-shop generates an operating income of around $100,000 per year.

Operational Considerations

With the construction of the transfer station, it is expected that there will be an increase in the resourcing required to operate the site effectively, with on the job management of community drop off in conjunction with the implementation of educational programs to educate the community on how to separate their waste.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Extensive consultation was undertaken as part of the development of both the Waste Strategy and the Environmental Sustainability Strategies in 2022 with the community and relevant stakeholders and organisations.

Internal

Internal Project Working Group meetings involving key internal stakeholders & consultants have been held regularly in relation to the Landfill Masterplan since 2020.

Further to the above, consultation has been undertaken with:

- Director Infrastructure Services
- Manager Waste Operations
- Manager Environmental Health
- Manager Infrastructure Projects & Assets

External Agencies

- Department Water Environmental Regulations
- CADDS Group
- City of Swan
- City of Karratha

In relation to the new *Aboriginal Cultural Heritage Act 2021*, Town officers will conduct any relevant assessments, obtain any required permits or management plans and undertake any consultation as required under the Act.

Community

Waste and recycling have been raised as prominent issues that community members are passionate about participating in through a variety of community surveys.

Extensive consultation through relevant external stakeholders and organisations within the Town of Port Hedland community were undertaken as part of the development of both the Waste Strategy and the Environmental Sustainability Strategies in 2022.

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government Act 1995, Local Government (Functions and General) Regulations 1996* and the Town's procurement policy will need to be considered as the construction will require a Request for Tender to be released to the open market.

The newly implemented *Aboriginal Cultural Heritage Act 2021* will also be considered in relation to this project prior to any construction commencing.

FINANCIAL AND RESOURCES IMPLICATIONS

This project was originally named the "Community Recycling Centre" in the Town's Long Term Financial Plan, with an allocation of $3,500,000 over two financial years (July 2023 to June 2025), funded by the Town's Waste Reserve. An external grant funding target of 66% has been proposed in order for this project to commence construction.

Funding breakdown:

Contributor	Value
Town of Port Hedland – Waste Reserve	$1,166,666
Grant Funding Partners – Yet to be confirmed	$2,333,333 +

The proposed 2023/24 Annual Budget has an initial allocation of $300,000 to finalise the detailed design. It is proposed that once the grant funding target has been achieved, and the Construction tender has been released and evaluated, a budget adjustment will be approved by Council at the time of the Construction tender award.

A cost report on the revised design determined an approximate construction cost of $4,000,000, including design & construction contingencies. Further value engineering will be undertaken during the detailed design phase including completion of the detailed civil design.

Officers believe that upon completion of detailed design a revised cost report prior to release of the construction tender will determine a construction cost of $3,500,000, in line with the budget allocated in the Long-Term Financial Plan.

Additional resourcing will be required for the successful operation of the Transfer station once built, providing on-site management of community drop off and the tip shop in conjunction with the implementation of educational programs to educate the community on how to separate their waste. These operational costs will be somewhat offset by the income generated through tip shop sales.

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

Environmental

The construction of the Community Transfer Station will have a significant positive impact to the way the Town processes community delivered waste, by diverting at least substantial amounts of general waste, away from the general landfill for either recycling or reuse.

Economic

The organisation benefits financially from the Landfill and redirecting waste through resource recovery will lead to extra cost savings for the Town.

There are no significant identifiable social benefits related to endorsing this design.

Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service
- Outcome 6 – Public Consultation

Waste Management Strategy 2022-2027

One of the key priorities identified in the Waste Strategy is to conserve landfill space by maximising material separation and recovery. The first priority in this strategy is to provide sound landfill management and planning to lower risk for the Town and the region. The development of a community transfer station is specifically reiterated in focus area 1.3 of the Strategy which states "Community Recycling Centre development and associated activities".

Environmental Sustainability Strategy 2022-2027

The inclusion of a transfer station at the South Hedland Landfill was further supported with the adoption of Town's Environmental Sustainability Strategy by Council in December 2022.
This strategy's focus area 2, action 4 states "Implement a community recycling centre providing for a tip shop and community recyclables".

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because Council have committed to improving its environmental impact across a number of strategies. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

There is a risk that the project may be delayed if it is determined that an Aboriginal Cultural Heritage Management Plan is required, as this would need to be negotiated with the relevant parties. Preliminary investigations via the official Aboriginal Cultural Heritage Inquiry System (ACHIS) indicates that there is not a registered site within the project's boundaries. This risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that the Council endorses the concept design for the Community Transfer Station at the South Hedland Landfill. The revised design incorporates a simplified transfer station and a community "Tip Shop" for reusing items.

The endorsement of the design supports the strategic and sustainability objectives outlined in the Town's Strategic Community Plan, Waste Management Strategy, and Environmental Sustainability Strategy, focusing on waste management, resource recovery, and promoting a circular economy and will lead to positive environmental and economic impacts by diverting general waste from the landfill, with the additional benefit of generating additional income for the Town. Endorsing the Community Transfer Station concept design contributes to the Town's waste management goals and enhances environmental sustainability.

Council is requested to endorse the concept design to allow Town officers to proceed with the necessary steps to secure grant funding targets in order to release the tender for construction, which will be returned to Council for award at a later date.

ATTACHMENTS

1. Community Transfer Station (under separate cover)

12.5 Executive Services

12.5.1 REVISED 1/016 WORKPLACE HEALTH AND SAFETY POLICY

Author:	Senior WHS Advisor
Authorising Officer:	Executive Manager Human Resources
Disclosure of Interest:	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopt the revised Policy 1/016 Workplace Health and Safety as per Attachment 2.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the approval of the revised 1/016 Workplace Health and Safety Policy which is a yearly requirement.

DETAIL

The Town of Port Hedland takes workplace health and safety seriously, people are our most important asset, and their health, safety and wellbeing is our greatest responsibility.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- CEO
- Director Corporate Services
- Director Community Services
- Director Regulatory Services
- Director Infrastructure Services
- Executive Manager Human Resources
- Strategic Leadership Team

External Agencies

In 2022, the following Western Australian local governments were reviewed to determine if their policy manuals contained a similar policy;

Shire of Broome
City of Karratha
City of Bunbury
City of Swan
City of Belmont

LEGISLATION AND POLICY CONSIDERATIONS

Work Health and safety Act 2020 (WHS Act)
Work Health and Safety Regulations 2022
Town of Port Hedland Enterprise Agreement 2021 and any successor agreement.
Town of Port Hedland Terms of Reference – Health & Safety Policy
Town of Port Hedland Work Health and Safety Management Plan

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Whilst there are no specific environmental, social or economic impacts relating to this item in our Strategic Community Plan and Corporate Business Plan, the safety of employees and contractors is the number one priority for Town. Employees and contractors underpin the delivery of services to the community and appropriate safety systems are required to support these services.

RISK MANAGEMENT CONSIDERATIONS

The Town's Workplace Health and Safety Policy review frequency is annually.

compliance
The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). Approval and CEO sign-off of this revised Policy will eliminate the risk. 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 the interests of workplace health and safety and to ensure the efficient and effective ongoing operation of the Town's safety management, it is recommended that Council review with a view to endorse the revised Work Health and Safety Policy.

ATTACHMENTS

1. 1/016 Workplace Health & Safety Policy V04 June 2022 (under separate cover)
2. 1/016 Workplace Health & Safety Policy V05 Revised July 2023 (under separate cover)

Item 13 Motions of which Previous Notice has been given

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

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

15.1 Award of Tender RFT2223-20 - 'Restricted Tender Port Hedland Yacht Club Venue Lease'

This matter is considered to be confidential under Section 5.23(2) - c and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

Item 16 Closure

16.1 Date of Next Meeting

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

16.2 Closure

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