



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, 28 April 2021**, commencing at **5:30pm**

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in cursive script, appearing to read "Carl Askew".

Carl Askew
Chief Executive Officer

23 April 2021

DISCLAIMER

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

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

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71

Local Government (Administration) Regulation 34C

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

Signature: _____ **Date:** _____

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

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

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

Order Of Business

Item 1	Opening of Meeting	6
Item 2	Acknowledgement of Traditional Owners and Dignitaries.....	6
Item 3	Recording of Attendance.....	6
3.1	Attendance.....	6
3.2	Attendance by Telephone / Instantaneous Communications	6
3.3	Apologies	7
3.4	Approved Leave of Absence	7
3.5	Disclosure of Interests.....	7
Item 4	Applications for Leave of Absence	7
Item 5	Response to Previous Questions	7
5.1	Ms Jan Ford	7
5.2	Mr Arnold Carter	9
5.3	Mr Bill Dziombak.....	10
5.4	Mr George Daccache.....	11
5.5	Deputy Mayor Coles	12
5.6	Councillor Turner	12
Item 6	Public Time	13
6.1	Public Question Time.....	14
6.2	Public Statement Time.....	14
6.3	Petitions/Deputations/Presentations/Submissions.....	14
Item 7	Questions from Members without Notice	14
Item 8	Announcements by Presiding Member without Discussion.....	15
Item 9	Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting	16
Item 10	Confirmation of Minutes of Previous Meeting	16
Item 11	Reports of Officers.....	17
11.1	Corporate Services	17
11.1.1	Model Code of Conduct for Elected Members, Committee Members and Candidates	17
11.1.2	2020/2021 Budget Half Year Review - Clarification.....	21
11.1.3	Policy Review - 13/012 'Licencing of Funeral Directors'	24
11.1.4	Statement of Financial Activity for the period ended 31 March 2021	27
11.2	Community Services	30
11.2.1	Hedland Arts and Culture Precinct	30

11.3	Regulatory Services	36
11.3.1	Local Planning Policy 14 - Design Review Panel	36
11.3.2	Response to Western Australian Planning Commission - Draft Improvement Scheme Policy No.1 - West End Precincts.....	40
11.3.3	Future of the Stevens Street Retirement Village site	43
11.3.4	Proposed Road Dedication on Lot 501 on Deposited Plan 406818 - Marina Haulage Road	47
11.3.5	Award of Tender RFT2021-13 – ‘Cleanfill for South Hedland Landfill’	50
11.3.6	Award of Tender RFT1920-24 - 'Demolition of Stevens Street Retirement Village'	54
11.4	Infrastructure Services	58
11.5	Executive Services	58
Item 12	Reports of Committees	58
Item 13	Motions of which Previous Notice has been given	58
Item 14	New Business of an Urgent Nature (Late items)	58
Item 15	Matters for Which Meeting May Be Closed (Confidential Matters)	58
Item 16	Closure	58
16.1	Date of Next Meeting	58
16.2	Closure.....	58

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 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 Renae Coles
Cr Jan Gillingham
Cr Warren McDonogh
Cr Tim Turner
Cr Kylie Unkovich
Cr Elmar Zielke

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

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

Cr Lewis Kew Ming.

3.4 Approved Leave of Absence

Cr Eva Bartho (22 April 2021 until 9 May 2021).

3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

Responses to questions received prior to the Ordinary Council Meeting held on 24 March 2021 and questions taken on notice at the Ordinary Council Meeting held on 24 March 2021:

5.1 MS JAN FORD

The below questions were received from Ms Jan Ford on behalf of the Port Hedland Community Progress Association, by e-mail, prior to the Ordinary Council Meeting and a written response was provided to Ms Jan Ford on 26 March 2021:

- 1. The Draft Coastal Foreshore Management Plan submissions close today, and strongly identifies the importance of building two seawalls at the spoilbank marina and Richardson Street Boat ramp, before building this proposed path on the eroded road reserve area, so the proposed path will not be eroded, yet Council has secured funding of \$1,000,000 (\$500,000 from Council and \$500,000 from Commonwealth). Does that mean Council intends to build the path for a million dollars prior to building the seawalls to protect the path? If so, how can Council ensure the seawalls are built first, so the path is protected as per the Coastal Foreshore Recommendations?*

Response provided by Director of Infrastructure Services:

Seawalls are proposed to be constructed at Richardson St, Sutherland St (between Mosely & Crawford) and Goode St. There is currently no proposal to build a seawall at the Sutherland St Shared Path Extension location. The Draft Coastal Foreshore Management Plan recommends that along the Kingsmill Street section, a coastal pathway be constructed, and paths be carefully formalised and managed to improve the current ad-hoc crossing of the dunes leading to disrepair and further coastal erosion. The path is likely to be completed prior to the aforementioned seawalls.

- 2. Council has identified the location for the proposed path is at high risk of erosion. What current flood studies have Council undertaken prior to recommending the proposed plan adopted prior to the seawalls being built, given other high risk coastal areas are currently*

conducting a current minimum 1/100 year flood study, and exploring 1/500 year flood studies?

Response provided by Director of Infrastructure Services:

The Town of Port Hedland has undertaken a number of studies that relate to coastal hazards, including:

- Flora and Vegetation Reconnaissance Survey of Spoilbank Reserve - February 2020 (Strategen);
- Spoilbank Marina Coastal Hazard Risk Management & Adaptation Plan - April 2020 (MP Rogers);
- Pretty Pool Creek Concept Path, Boardwalk & Bridge Design (MP Rogers);
- Port Hedland Marina Artificial Lighting Impact Assessment Report - February 2020 (RPS);
- Goode St Dune Erosion Concept Adaptation Options Study - January 2020 (MP Rogers);
- Sutherland St Erosion Concept Adaptation Options Study - December 2019 (MP Rogers);
- Tropical Cyclone Veronica Coastal Assessment & Recommendation - April 2019 (MP Rogers);
- Marapikurrinya Park, Richardson Street & Gap Seawalls Design Report - December 2019 (MP Rogers);
- Port Hedland Marina and Waterfront Master Plan and Place Plan - December 2019;
- Town of Port Hedland Port Hedland Townsite CHRMAP - April 2019 (GHD);
- Town of Port Hedland Public Open Space Strategy - August 2019;
- Port Hedland Foreshore Master Plan - Environmental Synopsis (Acacia Springs Environmental);
- Port Hedland Coastal Geomorphological Study - May 2013 (Cardno);
- Port Hedland Coastal Vulnerability Study Final Report - August 2011 (Cardno);
- Urban Development Program - Regional Hotspots - Port Hedland 2011;
- Improvement Plan 50 - Port Hedland West End, and Improvement Scheme No.1;
- Pilbara Coast - Geology, Geomorphology and Vulnerability (WAPC, 2013);
- Pilbara Coast - Geology, Geomorphology and Vulnerability (WAPC, 2013);
- National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds; and
- Draft Port Hedland Parks and Paths Strategy.

Erosion protection is to be incorporated into the design of the Sutherland Street Shared Path Extension, as this was particular feedback that has been provided by the Kingsmill Street residents.

3. *Can Council please postpone adoption of the proposed design for the Sutherland Street Shared Extension Path until a full understanding of the all of the risks of building a path for public use along the eroded road reserve on high risk sensitive coastal land are fully proven and understood?*

Response provided by Director of Infrastructure Services:

The Town has undertaken the due diligence required for construction of the Sutherland Street Shared Path Infrastructure.

The response above highlights the significant work undertaken by the Town over the last 10 years. Postponement of the project is at the discretion of Council. At the Ordinary Council Meeting held on Wednesday 24 March 2021, Council resolved to defer the matter to be considered at a later date.

5.2 MR ARNOLD CARTER

The following question was asked in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension for the Ordinary Council Meeting held on 24 March 2021 and a written response was provided to Mr Arnold Carter on 16 April 2021:

- 1. Does this item refer to the recommendation made by the previous Commissioner Hon Fred Reibling for discussion by the incoming Council? If so, have the Councillors visited or discussed the relevant submissions and objections for their consideration? Does the estimated cost of \$1,000,000 include the design?*

Response provided by Acting Director Infrastructure Services:

Commissioner Fred Riebeling AM JP deferred his decision to the newly elected council. The Agenda item at the March 2021 Ordinary Council Meeting, was the first time the item went to council for discussion.

Councillors were provided a confidential briefing by the Projects Team on Tuesday 9 February 2021. Initial feedback was sought from residents via written correspondence from the Communication/compliance letter drop which occurred on 24 and 25 June 2020 (An attached example was provided). Concerns raised by Kingsmill Street residents were addressed in the Confidential Briefing with Councillors on the aforementioned date.

Currently this is a cost estimate, subject to market rates at the time of the works being undertaken and has included design costs.

The following question was asked in relation to Item 12.2 Financial Statements FY2019/20 for the Ordinary Council Meeting held on 24 March 2021 and a written response was provided to Mr Arnold Carter on 16 April 2021:

- 2. It is pleasing to note that you have at last received the annual financial statements and is included on the agenda for discussion at tonight's meeting under confidentiality. Would you please advise when the audit report scheduled for presentation at the electors meeting for 29 April 2021 is available for the ratepayers' perusal prior to this meeting?*

Response provided by Director of Corporate Services:

The 2019/2020 audited financial statements are included in the 2019/2020 Annual Report which was adopted at the March Ordinary Council meeting and published in the agenda for that meeting.

A copy of the 2019/2020 Annual Report and audited financial statements may be accessed at: <https://www.porthedland.wa.gov.au/documents/public-documents/annual-reports>.

5.3 MR BILL DZIOMBAK

The following questions were asked in relation to Item 11.4.5 Council Endorsement of Detailed Design of Sutherland Street Shared Path Extension for the Ordinary Council Meeting held on 24 March 2021 and a written response was provided to Mr Bill Dziombak on 15 April 2021:

1. *Is this Council aware of the multitude of objections that the Town of Port Hedland has received when this path was first proposed last year by the then Commissioner, who then deferred it to this Council, which has received many more objections in the last few weeks to the same, and is on tonight's agenda, once again involving no public consultation?*

Response provided by Acting Director Infrastructure Services:

The construction of shared paths and footpaths is a core deliverable for the Town of Port Hedland. The delivery of these works is based on recommendations made within Council endorsed Strategic Plans, including but not limited to:

- Town of Port Hedland Cycle Plan (2008);
- Port Hedland Foreshore Master Plan (2013);
- Port Hedland Parks and Paths Strategy (2018); and
- Pilbara Cycling Strategy 2050 (2020).

As part of the formulation of these documents, community wide consultation was undertaken that underpin the outcomes of the strategic documents prior to endorsement of the Council.

Consultation and notification in relation to the Sutherland Street Shared Path Extension was undertaken in a manner similar to that which has delivered in excess of 6.5km of footpaths within the Town road reserves, and in some cases adjacent to property boundaries. In planning the Sutherland Street works, significant compliance issues were encountered within the road reserve and referred to the Regulatory compliance team. The process undertaken summarised as follows:

- Consultation letters or Compliance Letters were issued in a letter drop to residents and mailed to affected land owners on 24 and 25 June 2020 (letter dependent on where encroachment was observed);
- Compliance deadlines for the encroachments were given to the 31 July 2020; and
- Construction at that time, was programed for August 2020.

The above outlines that at least an additional month of notice was provided to the affected stakeholders for public works within the road reserve. (An attached example was provided).

Historically, targeted consultation is not standard practice for the delivery of shared paths in road reserves throughout the community.

As requested by the Elected Members and in this instance, further consultation with the community, and in particular Kingsmill Street Land Owners will be undertaken. If you are a Kingsmill resident you will be contacted shortly.

2. *Has this Council seen or considered the content of the previous comprehensive Foreshore Management Plan, which was adopted by Council in August 2013 after much public consultation, engineering and environmental approvals that included a beautifully designed eco friendly boardwalk closer to the beach, similar to the stairway to the moon platform, which is currently at Cooke Point?*

Response provided by Acting Director Infrastructure Services:

In planning the Sutherland Street Shared Path Extension, the Foreshore Management Plan 2013 was considered. References to a boardwalk have since been superseded by more recent Council endorsed strategies as outlined below:

- Port Hedland Parks and Paths Strategy (2018); and
- Pilbara Cycling Strategy 2050 (2020).

The new Council endorsed strategies consider the infrastructure needs across the community, the changing coastal conditions and Port Hedland's economic environment. Additionally, as per the Council endorsed Strategic Resources Plan, which guides infrastructure spending across the Town from 2019 to 2034, no boardwalk project has been budgeted for. The 2013 document did not include engineering, environmental approvals or asset life cycle costings. This work has not been completed since the endorsement of the document, and the strategy has since been superseded.

5.4 MR GEORGE DACCACHE

The following questions were asked in relation to the Discovery Caravan Park in Cooke Point, for whom Mr Daccache is an employee and a written response was provided to Mr George Daccache on 15 April 2021:

1. *The Discovery Caravan Park is owned by the Town of Port Hedland but leased to Discovery Park, is that right?*

The Presiding Member advised that this is correct.

2. *Under the lease agreement by the Town and Discovery (which I believe has been extended to 21 years, plus another 21 if agreed by both parties). Does it not state that the park will be kept in a clean, safe, properly maintained, weed free and enjoyable place for tourists, contractors and any other personnel, who stay there in the short term or long term? I am just trying to say that there are rules and regulations in their lease that they have to maintain it to the best possible place, is that right?*

The Presiding Member advised that this is correct.

3. *If these and other conditions are not met, does that mean that the lease will be terminated and other parties can lease the park and who from the Town checks on a regular basis that all of the conditions are met, just like Council does on checking the swimming pool at the caravan park?*

Response provided by Director Regulatory Services:

The process by which a lease can be terminated is complex and would only be considered in certain circumstances and only as a last resort. All tenancies are inspected in accordance to terms & conditions outlined within the lease agreement.

5.5 DEPUTY MAYOR COLES

A written response was provided to Deputy Mayor Coles on 16 April 2021 to the following question:

I understand that the Charter Hall carpark in the West End is not owned by Council; it is private property. Can Council advise to the Community on when Charter Hall is planning on the upgrade to the west end car park, I know that we have had correspondence with them and Centre Management who are planning a trial to put the seating back into the centre in the coming months as well?

Response provided by Director Regulatory Services:

The Town wrote a letter to Charter Hall on 15 December 2020 advising that works are required to the west end car park to bring it into line with the Town's approval for the property. Charter Hall have advised they have been actively seeking to resolve the issue, however there has been some delay in finding appropriate contractors to undertake the extent of works required. They are currently out to tender to obtain costs for the works required, and are confident they will appoint someone through the current tender process. They will keep the Town informed as to when a contractor will be appointed and works scheduled.

5.6 COUNCILLOR TURNER

A written response was provided to Councillor Turner on 16 April 2021 to the following question:

I have had the opportunity to meet with members of South Hedland Owners and Trainers Association (SHOATA), which is part of a larger group that supports the racing industry and horse ownership) one of four groups. They currently hold two leases, one with Town of Port Hedland and one with Department of Planning, Lands and Heritage (DPLH). They approached me in regards to the lease with DPLH.

It appears that there may have been some consultation that they have not been invited to, between Town of Port Hedland and DPLH regarding that lease and they have come to me seeking support to get a commitment from Council that moving forward that we would support consultation and have a commitment to work with all stakeholders and that future conversations with DPLH and Town of Port Hedland include all stakeholders.

If we can have that noted and I would like to clarify what action has been taken to date in relation to that lease and get a commitment to have a meeting with the stakeholders.

Response provided by Director Regulatory Services:

There are 2 separate leases which cover the land utilised by the SHOATA. The lease for the Town managed lands (under Management Order from DPLH) used by SHOATA expire on 31 December 2025.

The Town has been approached for its comments in relation to the DPLH leased SHOATA area and advised the following:

- The Town supported a lease extension for the DPLH Lease to 31 December 2025 to align with the Town Lease;
- There are compliance issues related both lease areas which require further investigation by both DPLH and Town staff. The Town intends to contact SHOATA to discuss these once a joint inspection between ToPH and DPLH staff has occurred and the compliance issues are clarified; and
- Firebreaks are required to be maintained for the duration of the lease.

DPLH requested permission from the Town to forward our comments to SHOATA which was agreed to. A copy of this correspondence can be made available to Councillors on request.

While the Town has indicated that it sees benefits in combining the leases, these are preliminary discussions between officers of both agencies. At this time there has been no need to include SHOATA committee or other SHOATA representatives in these discussions as these are too early in the process, and these are the Towns opinions. These opinions are based on legislation.

DPLH is has indicated that it is willing to explore the amalgamation of the 2 lots, however as the lead agency (and land owner) we are expecting them to drive any community consultation including that with the SHOATA committee. The Town in its role as the Permit Authority will address any compliance issues directly with SHOATA representatives as they are separate from the leasing issues.

Staff at the Town of Port Hedland intend to meet with the Committee of SHOATA shortly to discuss their future aspirations for the site.

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 March 2021:

Date	Meeting	Topic
02/03/21	Weekly Talk of Town radio segment	Weekly radio chat
04/03/21	PHCCI Business Breakfast	Attended as guest
04/03/21	Fortnightly ABC chat	Fortnightly radio chat
05/03/21	Meet with Hon. Melissa Price	General update meeting
08/03/21	WALGA Professionally Speaking Course	Training
09/03/21	Weekly Talk of Town radio segment	Weekly radio chat
09/03/21	PHCCI / ToPH Business Afterhours	Future Projects & Economic Development
10/03/21	Audit Risk and Compliance Meeting	As per agenda on the Town's Website
11/03/21	Meet with Development WA	General update meeting
13/03/21	Matt Dann Launch of rebrand	Official opening of event
15/03/21	WALGA Elected Member Training: Serving on Council (Part 1)	Training
16/03/21	WALGA Elected Member Training: Serving on Council (Part 2)	Training
16/03/21	Weekly Talk of Town radio segment	Weekly radio chat
17/03/21	BHP Stakeholder Engagement Group Meeting	General Update meeting
17/03/21	Meet with Port Hedland Yacht Club	Sailing Club matters
18/03/21	Fortnightly ABC chat	Fortnightly radio chat
19/03/21	Citizenship Ceremony	Officiating Ceremony
20/03/21	Harmony Week Community Event	Opening of Community Event Celebrations
24/03/21	Meet with PHIC	General update meeting
24/03/21	March Ordinary Council Meeting	As per agenda on the Town's website
25/03/21	Meet with Hedland Gymnastics	Club update
26/03/21	Meet with Stephen Dawson	General update meeting
29/03/21	Meet with Development WA Board	General update on land and development opportunities
31/03/21	Meet with Chamber of Minerals & Energy	General project update
31/03/21	Chamber of Minerals & Energy Sundowner	Stakeholder event

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

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

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

OFFICER'S RECOMMENDATION

That Council confirms that the Minutes of the Ordinary Council Meeting held on Wednesday 24 March 2021 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1	MODEL CODE OF CONDUCT FOR ELECTED MEMBERS, COMMITTEE MEMBERS AND CANDIDATES
--------	--

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

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to section 5.103 of the *Local Government Act 1995* adopts the Model Code of Conduct as per attachment 1 and as prescribed by the *Local Government (Model Code of Conduct) Regulations 2021*;
2. Authorises the Chief Executive Officer to approve the complaint form (and any future amendments to the form) pursuant to regulation 11(3) of the *Local Government (Model Code of Conduct) Regulations 2021*;
3. Delegates all local government powers under clauses 12 and 13 of the Model Code of Conduct to the Chief Executive Officer;
4. Designates the Chief Executive Officer as the Rules of Conduct Complaints Officer; and
5. Further notes, that the 2019 Code of Conduct remains in effect for the purposes of section 5.51A of the *Local Government Act 1995*, until such time as a new Code of Conduct for Employees is implemented by the Chief Executive Officer.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to recommend the adoption of the Model Code of Conduct (“the Model Code”) as prescribed by the *Local Government (Model Code of Conduct) Regulations 2021* (“the Model Code Regulations”).

DETAIL

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed in Parliament. This Act introduced new requirements, including the need to adopt a mandatory model code of conduct for council members, committee members and candidates.

The new Model Code Regulations outline acceptable standards of behaviour and the rules governing alleged conduct breaches. The new Model Code, which must be adopted by each local government in Western Australia by 3 May 2021, provides Elected Members, members

of Council committees and candidates for election to Council, guidance on decision making, appropriate actions and behaviour.

The Town has previously developed its own codes of conduct and rules governing the management of complaints, with recent reviews undertaken in 2016 and 2019. The Model Code provides a Statewide uniform approach to conduct and consistent decision making with respect to the resolution of reported breaches. The Model Code mandates a preferred approach to the management of poor conduct through education rather than sanctions. However, where there is non-compliance with action determined by the local government, matters may be referred to the Standards Panel, which has the authority to make binding decisions on elected members, committee members and candidates.

The Model Code is made up of four divisions. The first provides the context and sets out the preliminary provisions. The second division sets out the general principles of the Model Code, including provisions governing personal integrity, relationships with others and accountability.

Division 3 outlines the standard of behaviour required by those subject to the Model Code as they are particular to integrity, relationships with others and conduct at meetings. Included in this Division are provisions around the making of a complaint about alleged breaches of the Model Code and the management of such complaints. Division 4 sets the rules of conduct.

Council is permitted to include additional behaviours under Division 3, provided they are not inconsistent with the Model Code. There are no additional measures recommended by staff.

Clause 12(1) of the Model Code states:

After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

It is recommended that Council delegates the powers associated with the management of a complaint made under the Model Code to the Chief Executive Officer, to provide a process that is consistent with the Town's other complaints handling practices. A draft policy, prepared in consultation with the Western Australia Local Government Association (WALGA), will be presented to Council in the coming months proposing a formal process in which complaints are to be dealt with.

Section 5.104(1) of the Act requires that the adoption of the Model Code must be by Absolute Majority.

Whilst adoption of the Model Code will supersede the current Code of Conduct ("the 2019 Code"), which was adopted by Council on 19 December 2019 (decision CM201920/121), the 2019 Code will need to be retained on an interim basis to provide a behaviour and conduct framework for the Town's employees. This will remain the case until the implementation by the Chief Executive Officer of a new code of conduct for employees, pursuant to section 5.51A of the *Local Government Act 1995* ("the Act"). A separate code of conduct for employees, volunteers and contractors is under development and will be approved by the Chief Executive Officer and Executive Leadership Team in the coming months.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this item will not significantly impact the community or Council as a whole, nor have any significant financial implications.

CONSULTATION

Internal

- Manager Governance; and
- Senior Organisational Development Advisor.

External Agencies

- Western Australia Local Government Association (WALGA); and
- Department of Local Government, Sport and Cultural Industries (DLGSC).

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Legislation Amendment Act 2019 introduces the new requirements for a mandatory Code of Conduct and CEO Standards.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in relation to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

- 2.b.3.1 – Regularly review policies and local laws to minimise red tape within statutory frameworks; and
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

There are no significant community, Council or financial risks associated with this item because the risk rating is considered to be Low (2). This is determined by an unlikely (2) likelihood and an insignificant (1) consequence. This report promotes good governance, transparency, accountability and informed decision making.

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 Model Code be adopted to meet the Town’s statutory obligations with respect to s5.103 of the Act. Further, it is noted that the 2019 Code be superseded only insofar as it applies to elected members, committee members and candidates, until such time as the Chief Executive Officer implements a new code of conduct for employees.

ATTACHMENTS

1. **Model Code of Conduct for Elected Members, Members of Committees and Candidates (under separate cover)**

11.1.2 2020/2021 BUDGET HALF YEAR REVIEW - CLARIFICATION

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

OFFICER'S RECOMMENDATION

That Council notes the clarification to the Statement of Financial Activities and Reserves for the 2020/21 Budget Half-Year Review adopted by Council on the 24 February 2021 as per CM202021/121.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The Q2 review process was completed as at the end of December of each year in order to ensure the business units have sufficient funding allocated to specific projects and services to complete the goals for the respective year.

The review is mandated by the Local government legislation and is a requirement to fulfil compliance.

DETAIL

In preparing the Q2 Budget review, the capital amendments that were approved at Council throughout the year were inadvertently not added into the amendments column. This resulted in the capital figure in the Statement of Financial Activity not aligning to the capital works program sheet.

These items were all reserve funded so this retains the surplus figure at the amount approved by Council in the February Ordinary Council Meeting.

The model took into account the budget amount of \$80,807,479 which included the \$4,506,108 approved through the year. It should have had an opening amount of \$76,301,371 and the amount of \$4,506,108 added to the amendment in order to achieve the correct capital total of \$57,324,466.

As a result there were two amounts transposed in the Statement of Financial Activity as indicated in the adjustment column on the attachment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance as it has no financial impact to the net ending position.

CONSULTATION

Internal

- Director Corporate Services; and
- Finance.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act (1995).*

FINANCIAL AND RESOURCES IMPLICATIONS

The net effect to the bottom line is nil and the closing surplus still remains at \$749,429 so it does not affect the original Council Decision.

Nil financial impacts – this note is to advise the Council and Executive Team and ensure the statements reflect the correct figures.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

Environmental

- Nil.

Economic

- Nil.

Social

- Nil.

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; and
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', there is a risk rating of low (2) assigned to the risk that there are any implications from the figures being transposed. This risk has a rare (1) likelihood and a minor (2) impact in relation to compliance with significant regulatory requirements imposed.

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report is a note to advise the transposed figures so that the Council have transparency in the financial reporting.

The municipal surplus of \$749,429 remains the same as at 30 June 2021.

ATTACHMENTS

1. Statement of Financial Activity (under separate cover)
2. Reserves (under separate cover)

11.1.3 POLICY REVIEW - 13/012 'LICENCING OF FUNERAL DIRECTORS'

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

OFFICER'S RECOMMENDATION

That Council amends Policy 13/012 'Licencing of Funeral Directors', as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider amendments to Policy 13/012 'Licencing of Funeral Directors'.

DETAIL

Policy 13/012 'Licencing of Funeral Directors' was last reviewed and amended at the 26 August 2020 Council Meeting.

This Policy was created to allow officers to apply a consistent approach to assessing applications and ensuring that applicants have an understanding of the implications should their actions not meet the specified requirements. The policy also ensures that applicants are aware that Licencing of Funeral Directors is a requirement under the Town of Port Hedland's (Town) Cemetery Local Law 2015, Part 4 – Funeral Directors and the *Cemeteries Act 1986*, Division 3 – Licencing of Funeral Directors.

The Policy was reviewed by the Governance business unit. The review revealed the need for improvements to meet industry best practice and these can be implemented by way of amendments to the policy. The proposed amendments are provided in Attachment 1.

LEVEL OF SIGNIFICANCE

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

CONSULTATION*Internal*

- Director Corporate Services;
- Manager Environmental Health and Community Safety; and
- Manager Governance.

External Agencies

- Shire of Wyndham East Kimberley;
- Shire of Mundaring; and
- Department of Health.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial resource implication with the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information; and
- Outcome 4 – Quality of Service.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because regular reviews were not conducted to ensure that the policy remains suitable to the Town's current practises. The policy was last reviewed in 2006. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

In amending the policy, the process for managing and issuing of Funeral Director’s Licences will be clear, streamlined and ethically sound.

ATTACHMENTS

1. 13/012 Licencing of Funeral Directors Policy Review (under separate cover)

11.1.4 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MARCH 2021

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. Receives the Statement of Financial Activity for the period ended 31 March 2021;
2. Receives the Material Variance Report for the period ended 31 March 2021;
3. Notes the Accounts paid under delegated authority for period ended 31 March 2021; and
4. Receives the Credit Card Statements for period ended 31 March 2021.

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 March 2021. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 March 2021, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

The net current funding position as at 31 March 2021 was \$22.30 M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$257.37 M
Restricted Cash – Reserves	\$236.51 M
Unrestricted Cash Position as at 31 March 2021	\$20.86 M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

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

Option 2 – Amend officer's recommendation

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

Option 3 – Do not adopt officer's recommendation

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

CONCLUSION

The opening funding deficit of \$209 K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the audited financial statements. The net current funding position is \$22.30 M.

ATTACHMENTS

1. Credit Cards - March 2021 (under separate cover)
2. Material Variance Report - March 2021 (under separate cover)
3. Payments made under authority - March 2021 (under separate cover)
4. Monthly Financial Statements - March 2021 (under separate cover)

11.2 Community Services

11.2.1 HEDLAND ARTS AND CULTURE PRECINCT

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

OFFICER'S RECOMMENDATION

That Council:

1. Authorises the CEO or his delegate to engage an appropriate consultant to identify future entertainment, arts and cultural infrastructure requirements and investigate opportunities for an arts and culture precinct for Hedland; and
2. Requests that the outcomes of the consultancy be presented to Council.

SIMPLE MAJORITY VOTE REQUIRED

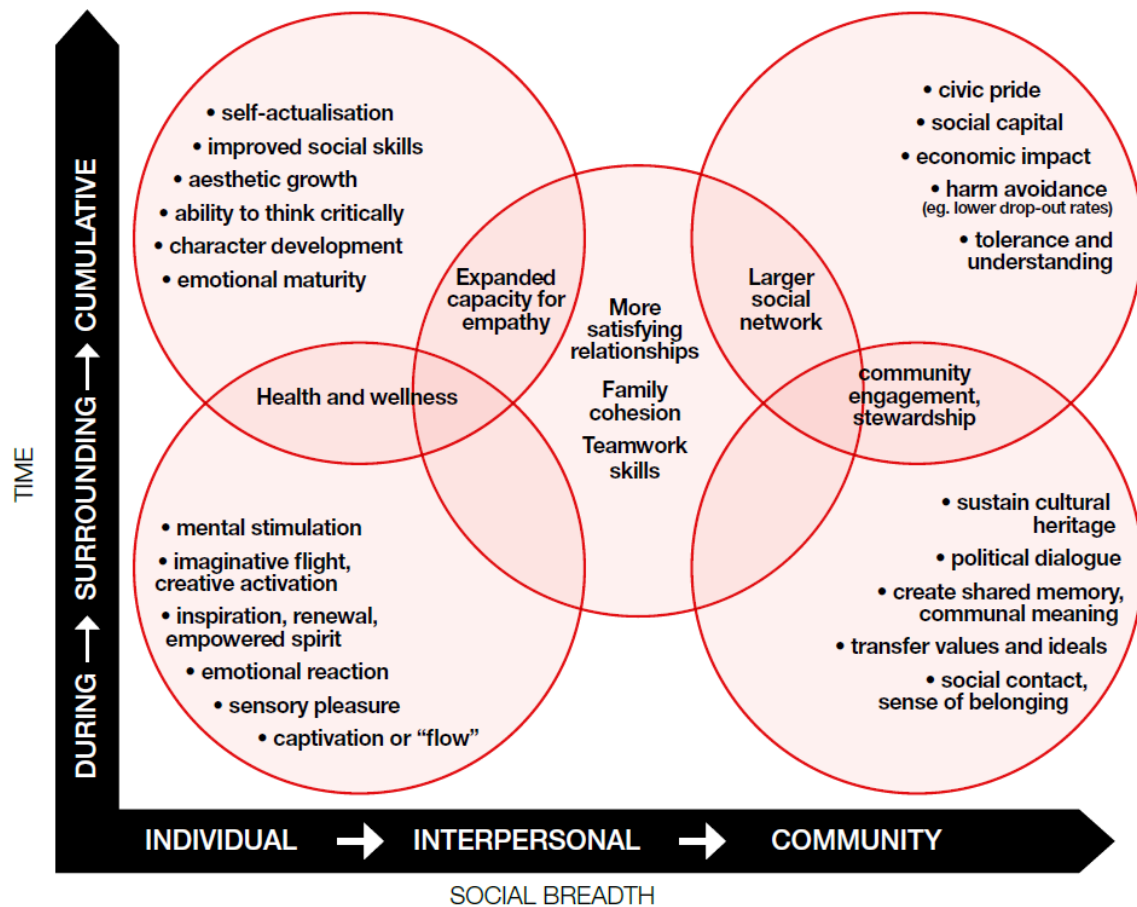
PURPOSE

The purpose of this report is for Council to acknowledge the value that Hedland's arts scene brings to the social fabric of the community and the limitations of the existing arts and cultural infrastructure. This report also requests the CEO or his delegate engage a consultancy to identify opportunities for an Arts and Culture Precinct to address this need.

DETAIL

Arts and culture play a vital role in bringing communities together. They help build common understanding and civic pride by helping communities understand and celebrate their heritage as well as provide a space to discuss and solve difficult social issues. Engaging with arts and cultural activities impacts the social determinants of health, enhances educational impacts, mitigates disadvantage particularly for students who are 'at-risk' and can make significant contributions to the economy.

Map of arts benefits (Performing Spaces: Local government guide to growing community wellbeing through the performing arts, Circuit West, 2018)



Town of Port Hedland arts and cultural facilities and venues

Matt Dann Theatre and Cinema

The Matt Dann Theatre and Cinema is a shared teaching/performance facility located on the South Hedland Senior High School site. It was built in 1986 and has a seating capacity of 302. The current management agreement of 21 years is due to expire in July this year and a new agreement is currently being finalised, with a 5 plus 5 year term being considered.

Courthouse Gallery

The Courthouse Gallery is a permanent, heritage listed gallery space in Port Hedland and hosts well-attended exhibitions, workshops and supports local artists. The Junction Co. have managed the Gallery for the Town of Port Hedland since 2019.

Libraries

The Town of Port Hedland has had a public library in Port Hedland since the early 1960s. The South Hedland Library in Leake Street opened in the early 1980s and the new, small shopfront library opened in Port Boulevard in May 2020, following the repurposing of the Dempster Street Port Hedland Library into a childcare space in late 2019.

South Hedland Town Square

Located adjacent to the South Hedland Shopping Centre, South Hedland Town Square includes a grassed outdoor amphitheatre, interactive public art structures, public toilets and open space for community events.

Town of Port Hedland events program and outdoor locations

The Town also coordinates many events throughout the year from large scale events such as the North West Festival which brings renowned musicians to Hedland to the smaller scale events such as the Twilight Movies, Sunset Food Markets and Welcome to Hedland. The Town endeavours to share these events between both Port and South Hedland within the constraints of existing infrastructure and venue capacities. Events are currently held at a number of different outdoor parks and ovals, primarily the McGregor Street Town Oval, Marapikurrinya Park, Civic Centre Gardens, South Hedland Town Square and Kevin Scott Oval. A new programmable community events space is planned for development in late 2021 along Hamilton Road adjacent to the Spinifex Hill Studio.

Other arts spaces not owned or operated by the Town

Spinifex Hill Studio

Spinifex Hill Artists were formed in 2008 with FORM to facilitate community workshops and professional development of Hedland's Aboriginal artists. In March 2014 the Spinifex Hill Artists opened the Studio on Hedditch Street in South Hedland. This studio is currently being extended to include an exhibition space.

Wangka Maya Pilbara Aboriginal Language Centre

Wangka Maya is an Aboriginal language and resource centre working to record and foster Aboriginal languages, culture and history. The organisation was officially formed in 2009 and the Language Centre on Hamilton Road, South Hedland was opened in 2008.

Dalgety House Museum

The Dalgety House Museum on Anderson Street, Port Hedland is managed by volunteers with the Port Hedland Historical Society and contains a collection of artefacts and documentation as part of an interactive museum.

Port Hedland arts and cultural organisations and groups

Hedland is home to a number of talented organisations and groups that contribute to the local arts scene. These include a range of small and large organisations which provide opportunities for the community to participate in:

- Performing arts including theatre, music and dance;
- History and heritage;
- Language and Aboriginal culture;
- Visual arts; and
- Multicultural events and practices.

Gaps in arts and cultural infrastructure in Hedland

The *Arts and Culture Strategy 2019-2022* highlighted that Hedland's arts and cultural infrastructure was spread out and that there was a need for one major hub. In addition to this, key Town-owned facilities are aging and no longer fulfilling their role in being able to provide appropriate spaces for performance and community use.

The *Matt Dann Theatre and Cinema* is the main performance venue in Hedland but is thirty-five years old and with a capacity of 302. There are further issues around the co-location with Hedland Senior High School related to programming and the student/public interface. Due to the high demand for theatre, dance, music and film in Hedland, sharing the operation of the Theatre between the Town and the school can constrain these activities. The stage and theatre are used as a teaching space and so the theatre seasons are constrained by restricted access and rigging and bump in requirements of many productions cannot be undertaken outside school hours.

Similarly, the South Hedland Library is also old, rundown and too small to provide all the services of a modern library. The *Library Strategy 2021-2025* highlighted the need for a new library in a central location in South Hedland which is designed with flexible, inclusive and multi-functional spaces. It should also be focused as a community hub and co-located with other complementary facilities.

Proposed Consultancy

Over the last decade, a number of feasibility studies and needs analyses have been undertaken for the Town of Port Hedland to determine the best approach to providing modern entertainment, recreation and community amenities for Hedland's current and future needs. In order to assist the Council in addressing this need, it is proposed to engage a suitably qualified consultancy to:

- Consolidate the work undertaken to date;
- Review and update the work against other significant projects planned or underway (ie. Town's three masterplans, Town's aquatics masterplan, Spoilbank Marina, West End, Town's Civic and Administration Centre, Place Planning) to determine suitable and contemporary infrastructure opportunities;
- Consider future economic and demographic projections;
- Utilise other similar successful projects for comparison;
- Review available and most suitable sites for co-location opportunities; and
- Provide an indication of costings and associated funding opportunities.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team;
- Arts, Culture and Events Team; and
- Manager Corporate Affairs.

External Agencies

- Will be consulted as part of the consultancy work.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Financial Management Regulations 1996*;
- Building codes and standards; and
- Local Planning Scheme.

FINANCIAL AND RESOURCES IMPLICATIONS

To engage a suitably qualified consultant to undertake the work noted above, a provision of \$80K was made in the 2020/21 Second Quarterly Budget Review. However it is estimated that only a portion of these funds (approximately \$20k) will be expended in FY2020/21, and the remaining \$60,000 in FY2021/22.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.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.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
- 4.a.3 A positive narrative and unique brand is developed and promoted
- 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.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

There are no significant identifiable environmental, social or economic impacts relating to this particular agenda item at this stage, however there will be future impacts in these areas should a future Council determine to move ahead with the development of an Arts and Culture Precinct.

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities;
- Outcome 3 – Information;
- Outcome 4 – Quality of Service;
- Outcome 5 – Complaints;
- Outcome 6 - Consultation Process; and
- Outcome 7 – Employment.

Corporate Business Plan

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

Arts and Culture Strategy

The following priorities from the Town's Arts and Culture Strategy 2019-2022 apply in relation to this item:

- South Hedland locations through programming and investment in additional infrastructure as required.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item related to the provision of adequate services and support for the community in the arts and culture sector as well as the sport and recreation sector. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3). This risk 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

Arts and culture play a fundamental role in contributing to the social fabric of a community. The Town's existing arts and cultural infrastructure are aging and outdated. The Council is required to determine a future plan for the development of an Arts and Culture Precinct for the whole community to enjoy and for arts and cultural practitioners to showcase their work.

ATTACHMENTS

Nil

11.3 Regulatory Services

11.3.1 LOCAL PLANNING POLICY 14 - DESIGN REVIEW PANEL

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

OFFICER'S RECOMMENDATION

That Council:

1. Advertises the draft *Local Planning Policy 14 – Design Review Panel*, as attached, for 21 days pursuant to Schedule 2, Part 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* for the purpose of public consultation; and
2. Refers the draft *Local Planning Policy 14 – Design Review Panel* to the West Australian Planning Commission.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider advertising *Local Planning Policy 14 – Design Review Panel* ('LPP14') as attached to this item. The objective of the LPP is to establish a Design Review Panel ('Panel') for particular significant development applications and sets out the administration of that Panel. The purpose of the LPP is to facilitate an improvement in design and built form outcomes in Hedland.

DETAIL

Western Australian Planning Commission framework

The Department of Planning, Lands and Heritage and Office of the Government Architect recently reviewed its Design of the Built Environment policy framework through the DesignWA process. As a result in May 2019, the WAPC adopted the Design Review Guide and *State Planning Policy 7.0 – Design of the Built Environment* ('SPP7') (Attachments 2 and 3 respectively).

The Design Review Guide recommends local governments establish a Design Review Panel ('Panel'). Design review is the process of independently evaluating the design quality of a built environment proposal. It is carried out by a panel of appropriately-trained, multi-disciplinary built environment professionals, who are experienced in offering objective and constructive design advice. Design review provides independent expert advice and informed assessment of proposals, guided by a performance based set of design quality principles. It offers feedback and observations that will lead to the improvement of proposals, but does not redesign them. A performance approach to evaluation provides the flexibility needed for the assessment of complex, multi-faceted projects.

With a recent uplift in economic and development activity and Town delivered community projects, there is an opportunity for the Town to facilitate the development of high quality built form outcomes.

Operation of LPP14

The Town reviewed several other local planning policies for design review adopted by other local governments in drafting LPP14 and has tailored the policy to suit the Town's requirements. The salient parts of the operation of LPP14 are summarised as follows:

- LPP14 provides that the following types of development applications would be subject to the design review process, at the Town's discretion:
 - South Hedland Centre and any entry statement;
 - Workforce accommodation, hotels or motels;
 - New developments in the West End;
 - Grouped and multiple dwellings with twelve or more dwellings;
 - Mixed use development;
 - Community infrastructure; and
 - Proposals or applications that the Town considers would benefit from guidance on the review or input due to the site, size of the development, use, community impact or would otherwise benefit from independent design review;
- The Panel provides independent expert and technical advice to proponents, Town officers and Council in relation to the design of development and other related matters. The Panel only makes recommendations and does not have any decision making powers, which remains vested in the Council or Town officers with delegation;
- The panel will comprise up to ten members with qualifications, expertise and experience in either urban design, landscape architecture, architecture, civil engineering and/or hydrology, and sustainability;
- The quorum for a Panel meeting is two experts and the Presiding Member (Director Regulatory Services or their delegate), and only one expert where the development has reached the building permit stage to review whether the design of the building application is consistent with the development approval. This gives the Town the flexibility to have only two panel members for less significant development and the ability to increase the panel members depending on the significance and complexity of the development;
- The Panel will meet when required either at the pre-lodgement referral of development at the concept stage, post lodgement of developments as part of the development application process, or at the building permit stage at the Town's discretion; and
- The Panel will take into consideration the design principles set out in State Planning Policy 7.0 – Design of the Built Environment, namely context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community and aesthetics (see Attachment 3 for further details).

Implementation

After advertising LPP14, the Town will be required to take into consideration any external agency or public comments received and potentially amend draft LPP14. It will then be presented to Council for final adoption.

Provided budget is approved by the Council for the 2021-22 financial year, the Town will issue an invitation to join a panel of pre-qualified suppliers in accordance with Part 4, Division 3 of the *Local Government (Functions and General) Regulations 1996* to be advertised for 30 days.

Other local governments fund the Panel with no cost recovery (i.e. proponent or applicant fee) as design review is considered by the industry an optional process for consideration. The fees for panel members will be determined through the invitation to join a panel process.

Pursuant to draft LPP14 the Director of Regulatory Services will appoint panel members for a term of three years. It is anticipated the Panel will be effective in August or September 2021.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it will result in improvements in design and built outcomes in Hedland. It is anticipated that the Design Review Panel will only be used a few times a year for the types of development applications set out in Part 1 – Application of LPP14.

CONSULTATION

Internal

- Executive Leadership Team;
- Town Planning and Development team; and
- Infrastructure Projects team.

External Agencies

- External Agencies will be consulted as part of public advertising of the draft policy.

Community

- The community will be consulted as part of public advertising of the draft policy.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 2*: requires the Town to advertise draft local planning policies for at least 21 days;
- WAPC Design Review Guide published February 2019; and
- State Planning Policy 7.0 – Design of the Built Environment.

FINANCIAL AND RESOURCES IMPLICATIONS

It is intended to include \$50,000 in the 2021-22 annual budget for payment of the panel members review of information and attendance at the Design Review Panel meetings.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

1.b.5 Opportunities to get involved and results of engagement are regularly promoted

Environmental

- The establishment of a design review panel will result in an improvement in design and built form outcomes in Hedland.

Economic and Social

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a built environmental risk associated with this item because failure to establish a Design Review Panel will result in poorer design and built form outcomes in Hedland. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). 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

Advertisement of LPP14 is the initial step to establish a Design Review Panel, which will ultimately result in an improvement in design and built form outcomes in Hedland for eligible development proposals and applications.

ATTACHMENTS

1. LPP14 - Draft Design Review Panel (under separate cover)
2. SPP - Design Review Guide (under separate cover)
3. SPP 7.0 - Design of the Built Environment (under separate cover)

11.3.2 RESPONSE TO WESTERN AUSTRALIAN PLANNING COMMISSION - DRAFT IMPROVEMENT SCHEME POLICY NO.1 - WEST END PRECINCTS

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

OFFICER'S RECOMMENDATION

That Council endorses the recommendations and comments in Attachment 2 to the Western Australian Planning Commission regarding the draft West End Improvement Scheme No.1 – West End Precincts.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the Town's recommendations to the Western Australian Planning Commission ('WAPC') regarding the West End Improvement Scheme Policy No.1 – West End Precinct ('draft West End Policy'), as attached in Attachment 2.

DETAIL

As Council are aware, the Port Hedland West End Improvement Scheme No.1 ('Improvement Scheme') was gazetted on 18 September 2020 and is now operative. The WAPC is the responsible authority for the Improvement Scheme, and the Town's local planning scheme now ceases to apply.

The draft West End Policy is a policy prepared by the WAPC under the Improvement Scheme to guide land use and development within the West End. It aims to assist in the implementation of the State Government response to the Port Hedland Dust Management Report to Government (2016) and will have regard to existing spatial arrangements of land uses. The draft West End Policy is currently being advertised for public comment.

Broadly speaking, the Policy divides the West End into four (4) sub-precincts: the Portside Precinct (historic Town Centre area), Business Park Precinct (West End existing light industrial area), Maritime Precinct (West End existing residential area) and Landscape Precinct (buffer area between Wilson and Anderson Streets). The policy provides further guidance to land use permissibility in each sub-precinct with the aim of ensuring appropriate land use compatibility and an appropriate transition of land uses over time.

The Town proposes to provide the recommendations and comments on the draft Policy as detailed in Attachment 2 to the WAPC, summarised as follows:

- Inclusion of the Town's Heritage List and Coastal Hazard and Risk Management and Adaptation plan as specific matters required in considering development applications in the West End;
- Addition of various land uses that are unlisted in the draft Policy being included as preferred land uses in specific precincts for the reasons outlined in the table in Attachment 2;

- Deletion of a night club from the Maritime Precinct until sufficient residential retreat has occurred;
- Agreeing with the draft Policy for workforce accommodation to be a preferred use in the Maritime Precinct, subject to any such development complying with Design Guidelines for workforce accommodation;
- Further provisions to provide a clear framework to guide the determination of car parking variations in the West End;
- Further provisions regarding the extent to which applicants can make alterations or extensions to a non-conforming use; and
- Further provisions regarding building design and mechanical devices that may be used to mitigate dust exposure.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Town is only making recommendations as the WAPC is the decision maker.

CONSULTATION

Internal

- Planning and Development and Environmental Health team.

External Agencies

- This Policy is currently being advertised by the WAPC for public consultation.

Community

- As above.

LEGISLATION AND POLICY CONSIDERATIONS

- West End Improvement Scheme No.1 – Part 6, Division 2 – Improvement Scheme Policies; and
- *Planning and Development Act 2005* – Part 8 – Improvement Plans and Schemes.

FINANCIAL AND RESOURCES IMPLICATIONS

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

Environmental

There are no environmental health consequences as the recommendations do not undermine the *Port Hedland Dust Management Report to Government* (2016).

Economic and Social

The recommendations promote appropriate social and economic activation of the West End precinct.

RISK MANAGEMENT CONSIDERATIONS

There is an environmental and reputational risk associated with this item because the Town's recommendations incorporate a local and technical understanding of both the West End Precinct itself, and how the proposed land uses interact with other areas of the whole of the Town of Port Hedland, and failure to provide comment would render that local and technical understanding unrepresented. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

This risk will be eliminated by the adoption of the Officer's Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 - Not adopt officer's recommendation

CONCLUSION

The recommendations and comments in Attachment 2 provide a local and technical understanding of the West End Precinct itself, and how the proposed land uses interact with other precincts across the whole of Hedland. It is recommended Council endorse these comments being provided to the Western Australian Planning Commission in response to the draft Policy.

ATTACHMENTS

1. Draft Improvement Scheme Policy No.1 - West End Precincts (under separate cover)
2. Draft Letter to WAPC RE:West End Policy (under separate cover)

11.3.3 FUTURE OF THE STEVENS STREET RETIREMENT VILLAGE SITE

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

OFFICER'S RECOMMENDATION

That Council:

1. Notes the advice received from the Department of Planning, Lands and Heritage; and
2. Defers any further consideration to commence construction of an aged persons accommodation facility at the Stevens Street site until such time as the Department of Water and Environmental Regulation's review of the short-term objectives of its Port Hedland Dust Program are completed.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the future use of the Stevens Street Retirement Village site, and whether to defer any reconstruction of aged persons accommodation facility.

DETAIL

Stevens Street Retirement Village commenced operation in 1981, on land provided by the State to the Town of Port Hedland via a Management Order. The Management Order specifies the use of the land as being "Aged Persons Homes".

The Stevens Street Retirement Village has been subject to numerous Council reports, the most recent being 26 February 2020. At that meeting, Council resolved to:

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

Since that time, the Town has undertaken a number of works to progress the resolution of Council including:

- Settled the notice of dispute with the Department of Communities, and has terminated the Joint Venture with the Department of Communities by mutual agreement;

- Relocating all tenants from the premises to suitable alternative properties either within the District (including the Town renovating Department of Communities properties to make them suitable) or assisting with relocation outside of the District at the residents request;
- Commenced the tender process to demolish and remove all structures from the Stevens Street site, with Council to consider awarding the tender; and
- Made contact with the Department of Health, Department of Communities, Department of Planning, Lands & Heritage, and Department of Mines, Industry Regulation and Safety. Responses were received from the Department of Planning, Lands & Heritage, and Department of Mines, Industry Regulation and Safety (refer to attached).

The response received from the Department of Mines, Industry Regulation and Safety confirmed that the Town cannot operate a “Retirement Village” unless this is done-so in accordance with the provisions of the *Retirement Villages Act 1992*, including taking pre-payments for accommodation and lodgement of memorials on land title. The Town could provide aged persons accommodation subject to a lease/residential tenancy arrangement, however could utilise the term “Retirement Village” to name or describe the premises.

The response received from the Department of Planning, Lands & Heritage confirmed that although the property is not located within the West End Improvement Scheme Area, future decisions in the Government’s land use planning response to the issue of air quality will be informed by the Department of Water and Environmental Regulation’s (DWER) review of the short-term objectives of its Port Hedland Dust Program, nominally expected during 2024. The Department recommended that the Town apply a precautionary approach and delay its decision on whether to redevelop the Stevens Street site for aged persons accommodation until such time as the DWER regulatory and dust management framework is known.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because of previous community sentiment expressed in relation to the Stevens Street Retirement Village.

CONSULTATION

Internal

- Executive Leadership Team;
- Manager Corporate Affairs;
- Manager Town Planning and Development; and
- Manager Infrastructure Services.

External Agencies

- Department of Health;
- Department of Communities;
- Department of Planning, Lands & Heritage; and
- Department of Mines, Industry Regulation and Safety.

Community

- Nil.

Community consultation on the future development of the site should occur once relevant State authorisations are obtained, and all impediments to development of the site are addressed (including but not limited to the DWER Port Hedland Dust Program).

LEGISLATION AND POLICY CONSIDERATIONS

Council needs to be cognisant of the ongoing air quality issues which have resulted in the application of the West End Improvement Scheme No1 which is adjacent to the property. The dust investigation, monitoring and management is subject to the Port Hedland Dust Program conducted by DWER.

FINANCIAL AND RESOURCES IMPLICATIONS

There are minimal funding and resourcing implications associated with the recommendations contained within this report. If the Council resolves to defer construction on site, minor maintenance of vegetation (including fire control) will be required to be undertaken by the Town's Infrastructure Services.

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

Environmental

There are environmental health implications associated with developing a dedicated facility for susceptible persons (ie aged persons) within an area of known health risk. There are environmental implications associated with maintenance of vegetation on site, in particular fire control.

Social

The vacant land will need to be maintained to a standard which enables passive surveillance to minimise any potential antisocial behaviour including graffiti, vandalism or squatting on site.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the high levels of sentiment from some areas of the community in relation to the provision of accommodation for seniors. This property and its ongoing use have been subject to numerous Council reports and is an emotive topic within the community. There is a higher reputational risk however if the Council decides to reconstruct aged accommodation on site against the advice of the relevant state authorities. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2). This risk will be managed 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 sought advice from relevant state authorities in relation to the reconstruction of aged persons accommodation at the Stevens Street site. Advice received recommends deferral of any decision to re-build until such time as the DWER regulatory and dust management framework is known.

ATTACHMENTS

1. DPLH Response - Stevens Street (under separate cover)
2. DMIRS response - Stevens Street (under separate cover)

**11.3.4 PROPOSED ROAD DEDICATION ON LOT 501 ON DEPOSITED PLAN 406818
- MARINA HAULAGE ROAD**

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

OFFICER'S RECOMMENDATION

That Council:

1. Supports the dedication of Lot 501 as a public road;
2. Authorises a request being made to the Minister for lands pursuant to section 56 of the *Land Administration Act 1997* for the dedication of Lot 501 as a public road;
3. Authorises the Chief Executive Officer to execute such documents as are required by the Minister for Lands to effect the dedication of Lot 501 as a public road;
4. Indemnifies the Minister for Lands against any claim for compensation arising out of the road dedication;
5. Notes the subject dedicated road and existing portion of Morgans Street running north to south connecting to Anderson Street will be renamed in the future;
6. Notes the subject dedicated road will be temporarily closed to the public for the duration of the marina construction to allow marina haulage access and maintain public safety during this period; and
7. Authorises the Chief Executive Officer to execute a licence with the Pilbara Ports Authority to allow lawful access to the subject dedicated road for the above duration and purpose.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the dedication of Lot 501 as a public road, note its temporary closure to the public, and enter into a licence with the Pilbara Ports Authority ('PPA') to enable its lawful access to the marina for the duration and purpose of its construction.

DETAIL

Lot 501 is currently Unallocated Crown Land and traverses north to south between Sutherland Street and Morgans Street (Attachment 1). Lot 501 was originally depicted in the subdivision plan as a proposed road reserve (Attachment 2).

The Department of Transport commenced works on the truck haulage road late last year in accordance with the Spoilbank Marina Trucking Route plans (Attachment 3) and lawful access

was granted pursuant to a licence between the Department of Planning, Lands and Heritage and the Department of Transport.

During the March 2021 Spoilbank Project Delivery Working Group, the PPA suggested that upon practical completion of the truck haulage road, the Town dedicate the haulage road as a public road, close the road to the public during construction of the marina, and enter a licence with the PPA for its use during and for the purposes of construction.

The Town and PPA have since agreed this is the best tenure mechanism subject to the PPA undertaking a road condition report at both the Department of Transport's practical completion of the road and the expiry of the PPA's licence, and to the extent of any inconsistency, carry out remedial works to ensure the road infrastructure is to an acceptable standard for public use.

The new road will be temporarily closed by order of the Town under s3.50(1a) of the *Local Government Act 1995* ("the LG Act"), subject to public notice being given in the terms provided by s3.50(4) and (5).

Upon completion of construction of the marina the road will be reopened to the public. The Spoilbank Marina Working Group intend for Lot 501 and the portion of Morgan Street running north to south connecting Lot 501 and Anderson Street to be renamed in accordance with a Spoilbank Marina naming program, which will be presented to Council at a later date.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because as the proposed dedication is both necessary and consistent with the long term planning for the construction of the Spoilbank marina. The item is an administrative land tenure matter to enable lawful access for the purpose of construction and also handover of the road to an acceptable standard.

CONSULTATION

Internal

- Infrastructure Services, Planning and Development team.

External Agencies

- Meetings between the Town, PPA and Department of Planning, Lands and Heritage.

Community

- No public consultation regarding the proposed dedication itself is required under the *Land Administration Act 1997*. Regardless, the truck haulage road forms part of the overall Spoilbank marina development which was subject to extensive community consultation.

LEGISLATION AND POLICY CONSIDERATIONS

Section 56 of the *Land Administration Act 1995* requires the Town to make a request to the Minister to dedicate land as a road.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Environmental, Economic and Social

As this is an administrative item, there are no significant identifiable environmental, social or economic impacts relating to this item. The environmental impacts concerning the construction of the haulage routes is dealt with separately under the conditions of marina JDAP approval.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because if the road is handed back in an unacceptable standard the Town will be responsible for its repair. The risk rating is considered to be medium (8), which is determined by a likelihood of likely (4) and a consequence of minor (2). However, the inclusion of a road condition report in the PPA licence will ameliorate that risk.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The dedication of Lot 501 as a public road, its temporary closure to the public and entering an appropriate licence with the Pilbara Ports Authority ('PPA') will enable lawful access to the marina for the purpose of its construction, and result in the road being handed back to the Town to an acceptable standard for public use.

ATTACHMENTS

1. Landgate map of Lot 501 on DP406818 (under separate cover)
2. Draft subdivision plan (under separate cover)
3. Extract of Spoilbank Marina Trucking Routes plans (under separate cover)

11.3.5 AWARD OF TENDER RFT2021-13 – ‘CLEANFILL FOR SOUTH HEDLAND LANDFILL’

Author: Manager Waste Operations
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, in regard to Tender 2021-13 ‘Cleanfill for South Hedland Landfill’:

1. Accepts the tender from XXXXXXXX for a period of three (3) years commencing from 1 May 2021, in accordance with:
 - a) The schedule of rates detailed in confidential attachment 1; and
 - b) Council’s contract documentation, budget and Strategic Resource Plan estimates;
2. Authorises the Chief Executive Officer to sign the form of contract appointing XXXXXXXX as the contractor for Tender 2021-13, together with any variations, amendments or discharging thereof; and
3. Authorises the Chief Executive Officer to approve or reject all contract extension options for Tender 2021-13 ‘Cleanfill for South Hedland Landfill’.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021-13 ‘Cleanfill for South Hedland Landfill’ and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town released a Request for Tender (RFT) on 20 January 2021, requesting bids for the supply of cleanfill. Cleanfill material is required under South Hedland Landfill’s License L6917/1997/8 to cover putrescible and general waste on a daily basis. The South Hedland Landfill requires approximately 1,100 tonnes of cleanfill every fortnight for daily cover, fire suppression, cell construction and for immediate covering of hazardous waste materials such as asbestos, quarantine and medical waste. Additional loads may be required from time to time depending on these requirements.

The specification for this Tender included the definition of cleanfill, cleanfill properties, materials testing and delivery parameters.

The RFT was released on VendorPanel (the Town’s e-tendering portal), West Australian and the North West Telegraph on 20 January 2021 with a closing date of 17 February 2021.

Tender Assessment

The Town received 3 submissions for RFT2021-13. The respondents were as follows:

1. BJ Young Earthmoving Pty Ltd;
2. North West Quarries Pty Ltd; and
3. WA Limestone Contracting Pty Ltd.

Clarification was sought from the following suppliers to assist in finalising the evaluation process:

- BJ Young Earthmoving Pty Ltd.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

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

Procurement facilitated an evaluation meeting held on 3 March 2021. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	30%
Quality / Suitability	40%
	100%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached. The contract is for a three (3) year period, with three (3) x one (1) year extension options, exercisable at the absolute discretion of the Principal.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because application and use of cleanfill is an ongoing licence requirement and is required to maintain the safe operation of the site.

CONSULTATION*Internal*

- Director Regulatory Services;
- Site Supervisor Waste Operations; and
- Town Procurement Officers.

External Agencies

- Department of Water and Environmental Regulation (Landfill Regulator).

Community

- No direct consultation required.

LEGISLATION AND POLICY CONSIDERATIONS

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

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

Provision of cleanfill for use at the South Hedland Landfill is already included within the Landfill Operational Budget. Tonnage rates for additional cleanfill may be required in the event that extra fire suppression material or cell construction material, both of which provided for within the existing budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Environmental

Covering waste with cleanfill is important to provide a safe working environment for staff and the public, minimise fly litter, minimise erosion, reduce vermin harbourage and breeding, fire suppression and to build the structure of the landfill to support future vegetation growth, remediation works and utilisation for a new purpose.

Corporate Business Plan

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

- 3.b.3.2 – Promote sustainable initiatives with encourage waste avoidance, reduction, recovery and reuse.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because waste is required to be covered with cleanfill under South Hedland Landfill's License L6917/1997/8 to provide a safe working environment for staff and the public, prevent windblown litter and vermin, minimise likelihood

of fire, and provide a supply of fire suppression material. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

There is a financial risk associated with this item in the event that delivery amounts are not correct. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). To reduce this risk, the action plan is to ensure contractor loads are randomly weighed on weighbridge to verify "Loadrite" dockets or similar. If it continues to occur, each load will be required to be weighed on the weighbridge.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The award of this contract will secure a suitable contractor to provide cleanfill cover for the South Hedland Landfill, enabling the continued operation of the facility in a manner compliant with the Department of Water and Environmental Regulation license conditions.

ATTACHMENTS

1. Evaluation Report and Endorsement Memo - Confidential (under separate cover)

11.3.6 AWARD OF TENDER RFT1920-24 - 'DEMOLITION OF STEVENS STREET RETIREMENT VILLAGE'

Author: Director Regulatory Services
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, in regard to Tender 1920-24 'Demolition of Stevens Street Retirement Village':

1. Accepts the Tender from XXXXXXXX for an amount of \$ XXXXXXXX (excluding GST) in accordance with Council's contract documentation, budget, and Strategic Resource Plan estimates; and
2. Authorises the Chief Executive Officer to sign the form of contract appointing XXXXXXXX as the contract together with any variations, amendments or discharging thereof.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-24 for the Demolition of Stevens Street Retirement Village and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Stevens Street retirement village was opened in January 1981 comprising single residential units together with a central meeting building. It was then refurbished in 2001. The premises was subject to a Joint Venture with the Department of Communities (which has now ceased) and managed by the "Port Hedland Retirement Village Incorporation". The Department of Communities issued the Town with a notice of Breach, resulting in the Town commissioning a building audit of the site which concluded that several of the residential buildings and other structures onsite were structurally unsound. Due to ongoing building safety concerns and confirmation that the replacement of entire buildings would be less costly than upgrades/repairs, Council determined to relocate the residents to alternative accommodation and at its 26 February 2020 meeting, confirmed its support for the demolition of the existing buildings on site.

The Town released a Request for Tender (RFT) on Wednesday 24 March 2021, requesting the demolition and disposal of the Stevens Street Retirement Village site, including:

- Demolition of all structures on site;
- Removal of all demolition waste;
- Removal of all underground services;

- Removal of all concrete and asphalt; and
- Safe and compliant management of, and disposal of all Asbestos Containing Material (ACM).

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on 24 March 2021 and was advertised in the West Australian and the North West Telegraph on 24 March 2021 with a closing date of 14 April 2021.

Addendum Details

Addendum was issued in response to questions raised at the 1 April 2021 site meeting, together with additional information requested from the attendees at that time. Site Inspection/Briefing details

Date: 1 April 2021
 Time: 10.00AM
 Location: Onsite at the Stevens Street Retirement Village

Tender Assessment

The Town received four submissions for RFT 1920-24. The respondents were as follows:

1. KANZ Construction;
2. MD Holdings Australia;
3. Pilbara Construction Pty Ltd; and
4. Roelandts Group Pty Ltd.

All compliant tender submissions have been evaluated by a panel of three (3) Town employees whose main objectives were:

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

The Towns Procurement Officer facilitated the evaluation meeting held on 23 April 2021. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	40%
Capacity to Delivery and Resources	30%
Demonstrated Understanding & Methodology	30%

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the premises has reached end of life and is no longer considered viable to repair to a habitable condition.

CONSULTATION

Internal

- Executive Team;
- Procurement Officers;
- Building Maintenance Officers; and
- Manager Environmental Health and Community Safety.

External Agencies

- Department of Communities.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

The evaluation report and corresponding details relating to the respondents offers are deemed confidential pursuant to section 5.23 (c) and (e) of the *Local Government Act 1995*.

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

The Town has allocated a capital budget for these works within the 2020/21 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2018-2028 is 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

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

Social Demolishing and removing all structures from the site will limit opportunities for vandalism, squatting and other antisocial behaviour.

Corporate Business Plan

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

- 1.d.3.4 – Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as leaving the site in its current state will provide opportunity for vandalism, squatting and other antisocial behaviour. Furthermore, the degraded state of the buildings may collapse during a cyclonic event causing further damage to surrounding properties presenting a financial risk. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Stevens Street Retirement Village has reached end of life and presents a potential hazard to the community in its current condition. It is recommended that Council endorse the award of RFT1920-24 'Demolition of Stevens Street Retirement Village' to the preferred tenderer as noted in the officer's recommendation in order to commence these works and minimise further risk to the community.

ATTACHMENTS

1. Evaluation Report and Endorsement Memo - Confidential (under separate cover)

11.4 Infrastructure Services

Nil.

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

Nil.

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

Nil.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 May 2021 commencing at [Enter Time](#).

16.2 Closure

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