



MINUTES

Ordinary Council Meeting Wednesday, 24 February 2021

Date: Wednesday, 24 February 2021
Time: 5:30pm
Location: Civic Centre
McGregor St
Port Hedland
Distribution Date: 5 March 2021

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of this land, on whose land we are meeting, and recognises their strength and resilience, and paid his respects 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 Eva Bartho
Cr Jan Gillingham
Cr Lewis Kew Ming
Cr Warren McDonogh
Cr Tim Turner
Cr Kylie Unkovich
Cr Elmar Zielke

Scheduled for Attendance: Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
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)

Staff: 2
Public: 2
Media: 1

3.2 Attendance by Telephone / Instantaneous Communications

Nil.

3.3 Apologies

Josephine Bianchi (Director Community Services).

3.4 Approved Leave of Absence

Nil.

3.5 Disclosure of Interests

Councillor Name	Item no.	Type of Interest	Nature
Cr Unkovich	11.2.1	Impartiality	Cr Unkovich has been involved with the Junction and Co on a number of projects throughout work within the Education Department
Cr Unkovich	11.2.2	Impartiality	The work around childcare facilities have been in conversation with the local Hedland schools/Department of Education in which Cr UnKovich is an employee

Item 4 Applications for Leave of Absence

Nil.

Item 5 Response to Previous Questions**5.1 Councillor Lewis Kew Ming**

The Director Infrastructure Services issued all Elected Members with a written response to the question listed below on 12 February 2021:

Following on from my previous discussion, could you please advise the progress of same. I refer the installation of pedestrian crossings at the following locations:

- 1- Port Hedland Health Campus
- 2- McDonalds Drive Through
- 3- South Hedland TAB Centre

I am aware of the legal requirements, thus the reason I am following up.

The Director Infrastructure Services provided the following response:

Traffic count data was collected from Colebatch Way and McLarty Blvd in South Hedland and is summarised below.

Colebatch Way:

- The average speed has been found as 49.8 km/h whereas the posted speed limit is 40km/h
- The 85th percentile speed (combining north and south) is 60.30 km/h
- The minimum vehicle speed has been recorded at 13.7 km/h whereas the maximum speed limit recorded at 111.7 km/h (significantly high in a 40km/h zone)

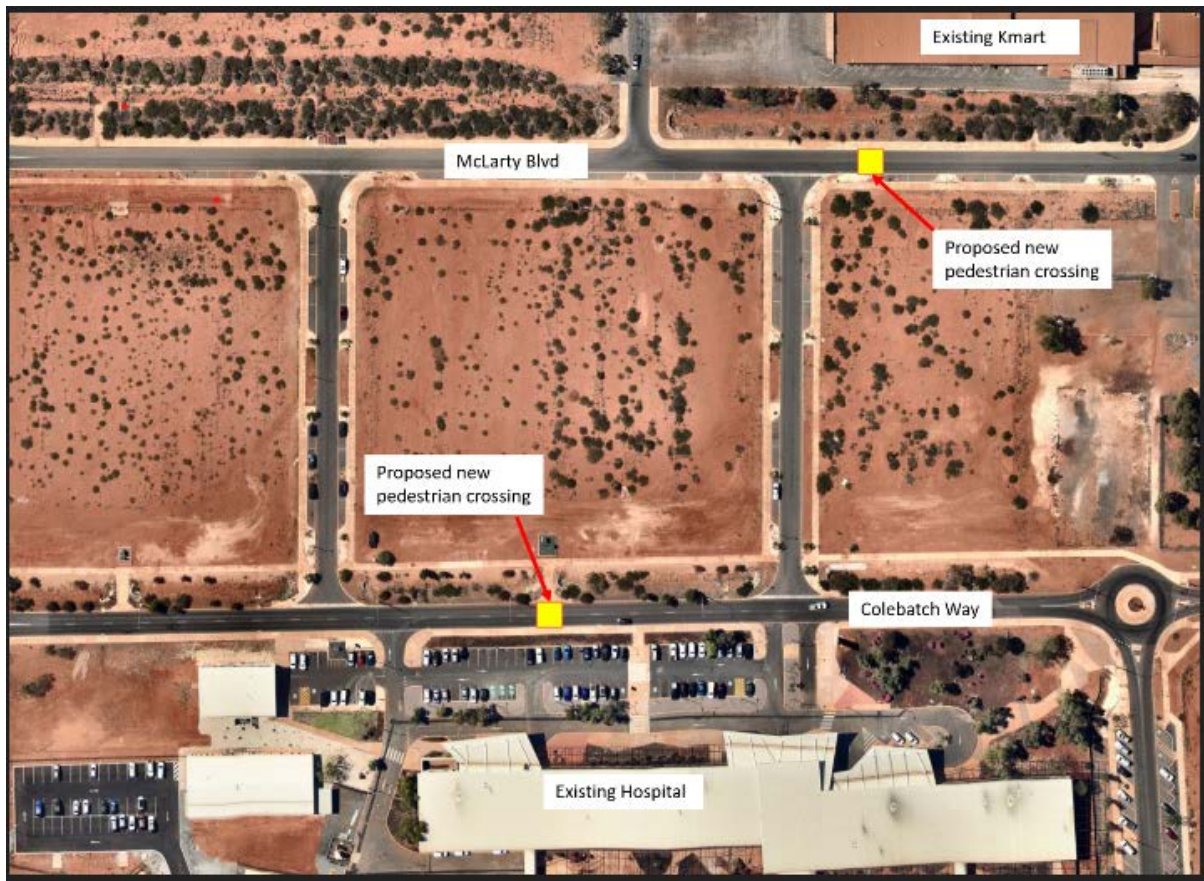
McLarty Blvd:

- The average speed has been found as 46.7 km/h whereas the posted speed limit is 40km/h
- The 85th percentile speed (combining north and south) is 55.8 km/h
- The minimum vehicle speed has been recorded at 10.3 km/h whereas the maximum speed limit recorded at 137.5 km/h (significantly higher in a 40km/h zone)

Analysing the data, the recommendation is to install a designated pedestrian crossing place in order to improve pedestrian safety - pending Main Roads WA approval. A flat top plateau (speed hump) could have been the best solution however, bus operators and emergency service agencies, particularly the Ambulance Service, do not favour speed humps. If Main Roads do not approve the pedestrian crossing then the Town may have to consider the speed hump option with a modified design of the flat top plateau or speed hump by providing 'passage' for emergency vehicles.

In the interim the Town will inform the WA Police of the findings and ask them to monitor the area.

The following aerial photographs show the proposed position of the pedestrian crossings at the Health Campus on McLarty Blvd and Colebatch Way.



McDonalds Drive Through

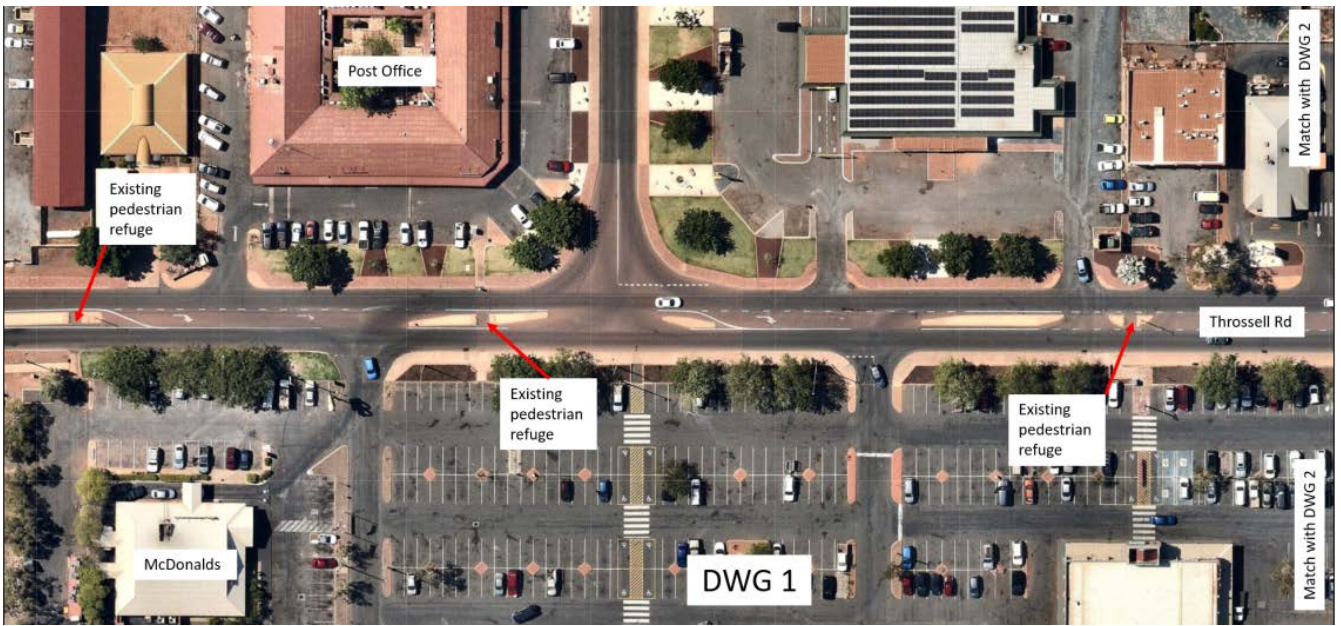
The McDonalds Drive Through is on private land and the Town is unable to put a pedestrian crossing on private land. A pedestrian crossing can only be installed on a public road.

South Hedland TAB Centre

The engineers have placed a traffic counter on Throssell Street opposite the legal aid building. Traffic will be monitored over the next fortnight and the results will be communicated back to the Council. It should be noted that there are a number of pedestrian refuges on Throssell Street which enable pedestrians to cross the road safely. These are highlighted below.

Cr Kew Ming noted that he supported a pedestrian crossing between McDonalds and the Post Office.

The Presiding Member noted Cr Kew Ming’s statement.



5.2 Councillor Lewis Kew Ming

The Director Community Services issued all Elected Members with a written response to the question listed below on 17 February 2021:

I would appreciate information on the suggestion of establishing a nappy changing facility for Mothers in Port and South Hedland. We are lacking this convenience.

The Director Community Services provided the following response:

Below is a list of changing and breastfeeding facilities provided to the community at various Town owned and managed facilities. The Town does not have control over the provision of these facilities at other locations, although it understands that a number of other public buildings across town do provide changing facilities (ie. both Shopping Centers, Airport, Hospital, etc). In addition the Town is required to support women's right to breastfeed in public as per the federal *Sex Discrimination Act 1984*. This means that the Town has inclusive facilities, where parents have the choice as to where and when they breastfeed their child and are free to do so.

JD Hardie:

- Changing facilities are available in the accessible toilet located in the main public toilets; and
- Currently women can use an area within the ladies change room for breastfeeding while a more permanent setting for breastfeeding room is being investigated.

South Hedland Library:

- Changing facilities are available in the ladies toilet; and
- No dedicated breast feeding room.

Port Hedland Library:

- The Boulevard Shopping Centre has changing facilities within the ladies bathroom; and
- No dedicated breastfeeding room.

Matt Dann Cinema and Theatre:

- Both the male and female bathrooms have changing facilities; and
- There is no dedicated breastfeeding room however the BYB (Bring Your Baby) movies have a special area set up for breastfeeding.

In terms of Leisure facilities, family change rooms are available at:

- Wanangkura Stadium;
- Gratwick Aquatic Centre;
- South Hedland Aquatic Centre; and
- Marquee Park.

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

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

There were no questions raised by members of the public.

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

6.2 Public Statement Time

The Presiding Member declared Public Statement Time opened at 5:35 pm.

6.2.1 Mr Chris Whalley

Since attending my first Ordinary Meeting at the Town of Port Hedland Council in February 2004, there has been one overriding theme that has dominated most questions I have put to Council and that is the future viability of Port Hedland townsite as we all know it, with the advent of the resources sector due to increase the flow of iron ore tonnage out of Port Hedland port and therefore potentially increasing the atmospheric industrial pollution within the west end of town, it has become even more important for the Town of Port Hedland Council to now become proactive on this issue. One of the best ways Council can ensure the NEPM (National Environment Protection Measure) Standard does not exceed 50µg/m³ during any given 24 hour period within the west end of town is to have the relevant authorities issue a weekly inventory of figures to the Town Council and local community.

The Presiding Member thanked Mr Whalley for his statement and wished him all the best for the future.

The Presiding Member declared Public Statement Time closed at 5:37pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

7.1.1 Councillor Gillingham

Some parents from the gymastics organisation have contacted me over the last couple of days and I was going to ask this question to the Director of Community regarding gymnastics, can we find out more information about what is happening with their Organisation? I believe they can't be in Wedgefield anymore as the rent is too high and they were supposed to move into Repco in Wilson Street but there are some problems there. I was just wondering can I have on notice and have some more information about what is happening with the gymnastics and I will try my best to do some homework myself. There is a lot of concern that gymnastics is not happening at the moment and we need everything for our young people for sports in the Town, if that would be possible, it would be much appreciated.

The presiding Member thanked Councillor Gillingham. The question was taken on notice.

7.1.2 Councillor Kew Ming

In relation to recent incidents at aquatic centre facilities, in order to protect staff, I suggest having metal detectors, like at the airport, so that people coming in carrying a weapon can be identified.

The presiding Member thanked Councillor Kew Ming. The question was taken on notice

7.1.3 Councillor Turner

Given some of those challenges in terms of supporting our youth and engaging with our youth, I would like to ask for an update for councillors to the progress of the Youth Strategy as currently it features within the Community Safety Plan and I think it is probably time that we had a broader conversation about the development of the Youth Strategy and it's strategic importance to the Town, both in terms of the safety. In terms of the viability of what it means to grow up in Hedland and create the opportunities that they deserve.

The question was taken on notice.

I had the opportunity to meet with the Coordinator of Apprenticeships Australia and she was processing up to 50 school based traineeships, supported by the resource sector and a range of businesses. I happened to ask her what the commitment is from the Town of Port Hedland for school based traineeships and the response I got was zero. So my question to the Town of Port Hedland will be to say what is the opportunity for us to support school based traineeships and identify opportunities to incorporate the Town's support for those traineeships into the business, given that we have Environmental Services, we have Business Administration, we have Recreation. It seems to me we have several opportunities.

The question was taken on notice.

7.1.5 Councillor Kew Ming

I had a meeting with the CEO to discuss sports organisation and the PCYC. The PCYC is not offering young people the activities they want or need.

Response from CEO:

The CEO advised that he had a meeting next week with the CEO of PCYC and the intent is that they will bring their services and their program to Hedland and they are looking to be based at the JD and we have space for them there.

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of January 2021:

Date	Meeting	Topic
05/01/21	Weekly Talk of Town radio segment	Weekly radio chat
07/01/21	Fortnightly ABC chat	Fortnightly radio chat
11/01/21	Meeting with Chris Blakeman	Port Hedland Subdivision
11/01/21	Meet with Ecana International & the Hon Stephen Dawson MLC, Minister for Environment, Disability Services and Electoral Affairs	Tyre Recycling Centre for the Pilbara
12/01/21	Meet with Brandon Craig, BHP	General update on operations
12/01/21	Weekly Talk of Town radio segment	Weekly radio chat
12/01/21	Meet with Latitude Joondalup	Business Development opportunities
14/01/21	Meet with Development WA	Land Development matters
14/01/21	Meet with De Grey Mining	General update on operations
14/01/21	Meet with Prendiville Group	Meet and Greet
15/01/21	Meet with Costco Regional	Business Development Opportunities
15/01/21	Meet with DFO Northern Outlet	Business Development Opportunities
18/01/21	Meet with Bunnings	Business Development in the Pilbara
19/01/21	Weekly Talk of Town radio segment	Weekly radio chat
20/01/21	Meet with De Grey Mining	ToPH priorities for 2021 & update on the De Grey Project
21/01/21	Meet with PHCCI	General update
26/01/21	Australia Day Citizenship Ceremony & Citizenship of the Year Awards	Hosting official Citizenship Ceremony & Citizenship of the Year Awards
26/01/21	Australia Day Firework Display	Opening of fireworks event
27/01/21	Weekly Talk of Town radio segment	Weekly radio chat
28/01/21	High School Board Members Morning Tea	School Development Day morning tea
29/01/21	Meet with South Hedland Police	Anti-social behaviour

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

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

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

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.

CM202021/117 COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR ZEILKE**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 3 February 2021 are a true and correct record.

CARRIED 9/0

Item 11 Reports of Officers

11.1 Corporate Services

11.1.1 POLICY REVIEW - AMENDMENT AND RENAMING OF 4/010 ELECTED MEMBERS TRAVEL AND TRAINING POLICY AND 4/008 ELECTED MEMBER ENTITLEMENTS POLICY

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.

CM202021/118 COUNCIL DECISION 1

MOVED: CR MCDONOGH

SECONDED: CR GILLINGHAM

That Council, pursuant to section 2.7(2)(b) and Part 5, Division 8 of the *Local Government Act 1995* endorse the review of Policy 4/008 Elected Member Entitlements and rename and adopt as Policy 4/008 Elected Member Allowances, Facilities and Expenses, as per Attachment 1.

CARRIED BY ABSOLUTE MAJORITY 9/0

CM202021/119 COUNCIL DECISION 2

MOVED: CR MCDONOGH

SECONDED: CR UNKOVICH

That Council, pursuant to sections 2.7(2)(b) and 5.128 of the *Local Government Act 1995* endorse the review of Policy 4/010 Elected Members Travel and Training and rename and adopt as Policy 4/010 Professional Development, as per Attachment 2.

CARRIED BY ABSOLUTE MAJORITY 9/0

PURPOSE

The purpose of this report is for Council to consider the outcome of a review of the Elected Member Entitlements Policy and Elected Members Travel and Training Policy.

DETAIL

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

Both policies are scheduled for annual review. It is recommended that significant modifications be made to each to properly reflect their purpose and the requirements of the Act.

The Elected Member Entitlements Policy did not reflect all requirements of the Act and has been amended to include sections of the Elected Members Travel and Training Policy more properly included in the Elected Member Entitlements Policy.

It is also recommended that the Elected Member Entitlements Policy be renamed to the Elected Member Allowances, Facilities and Expenses Policy to more appropriately describe the content of the policy document (Attachment 1).

Section 5.128 of the Act requires all local governments to prepare and adopt a policy in relation to the continuing professional development of council members. The Act also allows for the policy to be amended. The attached Professional Development Policy (Attachment 2) is the renamed version of Policy 4/010 Elected Members Travel and Training Policy. Extraneous material relating to matters not relevant to s5.128 has been removed.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

- Department of Local Government, Sport and Cultural Industries;
- City of Bunbury;
- Shire of Broome;
- City of Joondalup;
- City of Karratha;
- City of Mandurah; and
- City of Stirling.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7(2)(b) of the Act provides that a council is to determine the local government's policies. Section 5.128 of *the Act* requires Council to adopt a policy in relation to the continuing professional development of council members.

FINANCIAL AND RESOURCES IMPLICATIONS

There are allocations made in each annual budget to meet the costs associated with fees, allowances, travel and training for Council members.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as it may be perceived that the Town's policies are outdated, do not meet community expectations and do not reflect the requirements of the Act. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

Adoption of the reviewed policies will eliminate this risk.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt the reviewed and renamed policies to meet the statutory requirements of ss2.7(2)(b) and 5.128 of the Act.

ATTACHMENTS

1. 4.008 Elected Member Allowances Facilities and Expenses (under separate cover)
2. 4.010 Elected Member Professional Development (under separate cover)

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2020

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

CM202021/120 COUNCIL DECISION**MOVED: CR BARTHO****SECONDED: CR MCDONOGH**

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

1. Receive the Statement of Financial Activity for the period ended 31 December 2020;
2. Receive the Material Variance Report for the period ended 31 December 2020;
3. Note the Accounts paid under delegated authority for period ended 31 December 2020; and
4. Receive the Credit Card Statements for period ended 31 December 2020.

CARRIED 9/0**PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 December 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 December 2020, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

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

The net current funding position as at 31 December 2020 was \$34.14M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$261.24M
Restricted Cash – Reserves	\$235.16M
Unrestricted Cash Position as at 31 December 2020	\$26.08M

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 December 2020 in accordance with regulation 34(1) of *the Local Government (Financial Management) Regulations 1996*.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 31 December 2020 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 31 December 2020.

CONCLUSION

The opening funding deficit of \$209K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the unaudited financial statements. The net current funding position is \$34.14M.

ATTACHMENTS

1. Statement of Financial Activity - December 2020 (under separate cover)
2. Payments made under authority - December 2020 (under separate cover)
3. Credit Card Payments - December 2020 (under separate cover)
4. Material Variance report - December 2020 (under separate cover)

11.1.3 ADOPTION OF THE 2020/2021 BUDGET HALF YEAR REVIEW

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

CM202021/121 COUNCIL DECISION**MOVED:** CR MCDONOGH**SECONDED:** CR BARTHO

That Council adopts the 2020/2021 Budget Half-Year Review for the period ended 31 December 2020, resulting in a projected closing municipal surplus of \$749,429 as at 30 June 2021.

CARRIED BY ABSOLUTE MAJORITY 9/0

PURPOSE

The purpose of this report is for Council to consider and adopt the 2020/2021 budget half-year review. Budget reviews are required to be completed covering 1 July to no later than 31 December as per Section 33A of *Local Government (Financial Management) Regulations 1996*. A review of the annual budget must be completed between 1 January and 31 March for the applicable budget year. The review is an opportunity to evaluate the current budget and allocate funding for emerging community and social priorities, allowing the organisation to respond and provide the best result for the Town.

DETAIL

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

The budget review is an opportunity to evaluate and update the current budget which may have been impacted by various factors since the budget 2020/2021 setting of the budget that was adopted by Council on 24 June 2020. The projected closing municipal surplus of \$749,429 is an increase from the original budget surplus of \$194,087. This is mainly attributable to an increase in interim rates and sales from Kingsford Smith Business Park.

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

- 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.

Features of the half-year budget review include:

Operational Program Amendments - Revenue	
Increase in budgeted rates due to changes in valuations and taking up of new tenements.	\$4,000,000
Increase in proceeds from sales at Kingsford Smith Business Park.	\$1,500,000
Increase in Fees and Charges due to better than expected revenue for first half 2020/21.	\$697,000
Reduction of income on Cyclone damage to be accounted for in 2021/22	(\$1,000,000)
Reduction of Interest expense due to lower than anticipated interest rates	(\$229,000)
Reimbursement of contamination expenses from reserve	\$1,042,000
Operational Program Amendments - Expenses	
Increase in budgeted recruitment costs and salaries and wages, directly attributed to Councils increased commitment to capital projects over the next five years.	(\$481,000)
Increase in material and contract costs relating to Airport contamination issues as per council decision	(\$1,042,000)
Increase in consulting works resulting from strategic initiatives or Council decisions.	(\$461,000)

Investing and Finance Activities Amendments	
Reduction in Capital Works program	(\$23,483,000)
Reduction of new borrowings to reflect timing	\$17,000,000
Reduction in transfer from cash back reserves following reduction in capital works program	\$2,898,000
Increased transfer to cash back reserves following Council's decision to place retrospective rates into reserve.	(\$9,438,000)

Capital Projects Program

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- The 2020/21 current budget has been reviewed by all Managers and the Executive Leadership Team. They have collectively considered the impact of the budget amendments presented, to benefit the community as a whole and keep within the budget guidelines of a balanced budget.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A (2) and (3). The budget review will be presented to Council for adoption at the Ordinary Council Meeting scheduled for 24 February 2021.

FINANCIAL AND RESOURCES IMPLICATIONS

The 2020/2021 Budget Half Yearly Review for the period ended 31 December 2020 has identified increased operating revenue of \$6.9m and increased operating expenditure of \$2.3m, resulting in a net reduction of \$4.6m to the operating deficit. Capital programmes have decreased by \$23.5m to a total estimated \$57.3m.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Environmental

Nil.

Economic

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

Social

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

There is a risk rating of medium (9) assigned to the risk that the Council do not adopt the 2020/2021 Budget Half Yearly Review for the period ended 31 December 2020, resulting in the delay or inability to perform specific capital works which are essential but do not currently have an approved budget item line. This risk is possible (3) with a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.

This risk will be eliminated by endorsing the 2020/2021 budget half-year review for adoption by Council.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report presents a summary of the 2020/2021 budget half-yearly review for the period ended 31 December 2020.

A number of variations are proposed as part of this review to meet community and organisational requirements. The outcome of the review presents an estimated municipal surplus of \$749,429 as at 30 June 2021.

ATTACHMENTS

1. Statement of Financial Activities (under separate cover)
2. Capital Projects Worksheet (under separate cover)
3. Reserves (under separate cover)

11.1.4 PILBARA-KIMBERLEY FORUM 2021

Author: Executive Assistant to the CEO & Mayor
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.

CM202021/122 COUNCIL DECISION**MOVED: CR GILLINGHAM****SECONDED: DEPUTY MAYOR COLES**

That Council;

1. Nominate and approve the following two Elected Members to attend the Pilbara-Kimberley Forum 2021 on behalf of the Town of Port Hedland on 22-23 April 2021 in Broome:
 - a) Councillor Turner; and
 - b) Councillor McDonogh;
2. Note that the CEO may appoint Officers to attend the Pilbara-Kimberley Forum 2021 on behalf of the Town of Port Hedland; and
3. Note that the above Elected Members nominated in Part 1 must submit a report on their attendance to the Chief Executive Officer prior to 23 May 2021.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider nominating representatives to attend the Pilbara-Kimberley Forum 2021, to be held in Broome on 22-23 April 2021.

DETAIL

The Pilbara-Kimberley (PK) Forum is a yearly event jointly hosted by the Pilbara and Kimberley Regions on alternate years. This year's PK Forum is to be held in Broome, at the Mangrove Hotel on 22-23 April 2021.

General Theme

The PK forum will be centred on the theme of 'Creating Enduring Connections' (Attachment 1) and will focus on issues and challenges facing regional and remote local governments and will highlight key success stories and opportunities to learn from each other. The forum program will feature several inspiring, motivating and entertaining speakers in addition to practical workshops focussing on current and emerging issues in the North West region.

The Forum will also allow for networking, discussions on key issues facing the Pilbara and Kimberley regions, and how local government can position itself to ensure that appropriate systems and infrastructure are in place.

Proposed Program

Day one:

- Opening Keynote Address: Floral bras and football boots;
- From creating bureaucracy to battling it – a personal insight;
- A place to call home;
- Connect with kindness; and
- Finance for non-financer people.

Day two:

- Opening Keynote Address: Be Inspired to make your world a Happier Place;
- A safer, sustainable and better-connected WA;
- Managing and Coaching for Performance;
- Ethical Decision-making and Governance;
- CEO Mentor Session; and
- Forum Summary and Official close.

Registration

Registration costs at the Local Government Member (Silver) category is \$680.00 per person. An additional \$30.00 is required for the conference dinner on Thursday, 22 April 2021.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, minimal impact to the community and public interest.

CONSULTATION

Consultation with internal or external parties in the preparation of this report has been limited to information gathering.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.2 'Travel' in the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with the booking of travel registration fees and accommodation arrangements.

Section 2.5 'Reimbursements' of the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with meals and incidentals not provided at the Forum. Where a Town of Port Hedland vehicle is available and Elected Members choose to use their own vehicle, then costs will be reimbursed on actual fuel costs supported by appropriate tax invoices. Elected Members will be reimbursed if claims are submitted no later than 14 days of returning from the Forum.

Should the amended Elected Members Allowances, Facilities and Expenses Policy be adopted prior to consideration of this report, provisions of the new policy reflect the above sections.

There are no legislative considerations in relation to this agenda item.

FINANCIAL AND RESOURCES IMPLICATIONS

The Forum will involve travel between Port Hedland and Broome, and accommodation for a three (3) night stay to participate in the two (2) day Forum. The costs for registration, travel and accommodation are appropriated from the travel budget allocated to Elected Members. The following table outlines the approximate costs per person attending the PK Forum:

Detail	Approximate Total Cost	Notes
Accommodation	\$603	Accommodation for 3x nights at Moonlight Bay Suites (2min walk to conference location)
Travel via Town of Port Hedland vehicle	\$0.00	Town of Port Hedland fuel card to be used. Cost won't be deducted from Elected Members – Accommodation and Travel Expenses.
Travel via own vehicle	\$162.00	In accordance with the Town's policy 4/010 'Elected Members Travel and Training': Fuel costs will be reimbursed on actual costs supported by appropriate tax invoices Estimated fuel cost reimbursement calculated in accordance with Fuel Watch on Tuesday, 2 April 2019: <ul style="list-style-type: none"> • BP Port Hedland at \$1.35 (diesel); • 120L (60L tank, calculated each way); and • 1223.4 km (611.7km x2).
Registration Fee (including conference dinner)	\$710	Local Government member rate of \$680.00, additional \$30.00 for conference dinner
Meals	\$303.80	<p><u>Wednesday 21 April (Travel):</u> Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$101.65</p> <p><u>Thursday 22 April (Conference):</u> Breakfast \$27.05 <i>Lunch and Dinner is provided at the Forum.</i> Incidentals \$19.35 Total: \$46.40</p> <p><u>Friday 23 April (Conference):</u> Breakfast \$27.05 <i>Lunch is provided at the Forum.</i> Dinner \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Saturday 24 April (Travel):</u> Breakfast \$27.05 Lunch \$30.45 Total: \$57.50</p>

Total	\$1,778.80	Per person attending the PK Forum

At the time of writing this report, the following budget balances are noted:

Budget Line (General Ledger)	Annual Budget Total	Remaining Balance at time of report
Elected Members – Individual Training and Development	\$33,500	\$24,465
Elected Members – Accommodation and Travel Expenses	\$35,000	\$20,145

The registration fee is to be deducted from the relevant ‘Individual Training and Development’ budget, and accommodation, travel and incidentals will be deducted from the relevant ‘Accommodation and Travel’ budget.

In accordance with 2/007 ‘Purchasing’ policy, the Town must ensure the efficient and prudent expenditure of financial resources.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.b.1** Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 2.b.2** The Town’s economic development strategy is supported through engagement with key economic groups
- 2.c.1** Business and government agencies and other relevant stakeholders are engaged to:
 - Identify strategic employment and economic development priorities;
 - Assess and address market failures affecting the cost of living; and
 - Assess and address cost of doing business challenges
- 3.b.3** Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4** Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.a.1** Town of Port Hedland is represented and advocated for in International, Federal, State and regional Forums and policy development
- 4.a.2** Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.a.3** A positive narrative and unique brand is developed and promoted
- 4.b.4** Constructive Forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town’s developments, programs and policies

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

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (2) for this agenda item. This is calculated as an insignificant consequence and unlikely likelihood. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

OPTIONS

Option 1 - Adopt officer's recommendation

Option 2 - That Council does not approve the representation of the Town of Port Hedland by any Elected Members at the Forum.

Option 3 - That Council does not approve the representation of the Town of Port Hedland by an Officer at the Forum.

Option 4 - That Council does not approve any representation of the Town of Port Hedland at the Forum.

Option 5 - That Council increases the number of attendees representing the Town of Port Hedland at the Forum.

CONCLUSION

The Town of Port Hedland will benefit from attending the Pilbara-Kimberley Forum in April 2021. It allows the Town to gain insight into the unique factors affecting regional local governments and share information and tactics. The Forum will offer an avenue for in-depth discussion in regional advocacy and issues on the broad strategic development of North West Australia.

ATTACHMENTS

1. Pilbara-Kimberley Forum 2021 Program (under separate cover)

11.1.5 CONDUCT OF THE 2021 LOCAL GOVERNMENT ORDINARY ELECTIONS

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

CM202021/123 COUNCIL DECISION**MOVED:** CR BARTHO**SECONDED:** DEPTY MAYOR COLES

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the 2021 Local Government Ordinary Election together with any other elections or polls which may also be required;
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the 2021 Local Government Ordinary Election together with any other elections or polls which may also be required as postal elections or polls; and
3. An allocation of \$71,760 be included within the 2021/22 Annual Budget for the associated costs of the 2021 Local Government Ordinary Election.

CARRIED BY ABSOLUTE MAJORITY 9/0

NOTE: there will be one polling place on election day at the Civic Centre, Port Hedland

PURPOSE

The purpose of this report is for Council to consider the appointment of the West Australian Electoral Commission to conduct the 2021 Local Government Ordinary Election via postal vote on behalf of the Town of Port Hedland, and to consider an allocation of \$71,760 during preparation of the 2021/22 annual budget for all associated election costs.

DETAIL

Local Government elections take place on the third Saturday in October of every two years as prescribed by the *Local Government Act 1995*. Elections may be conducted either in person, or by way of a postal vote.

The Town of Port Hedland (Town) has previously engaged the Western Australian Electoral Commission (WAEC) to conduct its Local Government elections held in 2011, 2013, 2015, 2016, 2017 and 2020 respectively.

The next Local Government Ordinary Election will be on 16 October 2021, to fill vacancies for the positions of Mayor and four (4) Councillors. The term of office for the successful candidates will be four (4) years, concluding in October 2025.

Composition of Council

Presently, the Town has nine Elected Members, consisting of one Mayor and eight Councillors. The Mayor's and four Councillor's terms will be ending on 16 October 2021. These Councillors being:

- Mayor Carter;
- Councillor Unkovich;
- Councillor Bartho;
- Councillor Kew Ming; and
- Councillor Turner.

Mayor Carter and Councillors Unkovich, Bartho, Kew Ming and Turner were elected in the Extraordinary Local Government Elections on 19 October 2020 for a one (1) year term.

Method of Voting

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

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

Postal election

The preferred method of voting is via postal election. This method, when compared to in-person elections, attracts a higher voter turnout and increases community confidence the election is being conducted impartially.

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

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

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

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

Year	Type of Election		Conduct of Election	Electors	Votes	Participation rate
2007	Ordinary	Councillor	In person	5,439	1,384	25.4%
2009	Ordinary	Mayoral	In person	5,621	932	16.2%
2011	Ordinary	Councillor	Postal	5,546	1,544	27.2%
2012	Extraordinary	Councillor	Postal	5,532	1,427	25.8%
2013	Ordinary	Mayoral	Postal	5,822	2,052	35.2%
2015	Ordinary	Councillor	Postal	5,755	1,716	29.8%
2016	Extraordinary	Councillor	Postal	5,735	1,460	25.5%
2016	Extraordinary	Mayoral	Postal	7,225	1,874	25.9%
2017	Ordinary	Mayoral/ Councillor	Postal	7,666	2,875	37.5%
2020	Extraordinary	Mayoral/ Councillor	Postal	8,428	2,655	31.5%

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

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

In-Person Election

In-person voting is when an elector must make their vote on Election Day at a designated polling station. On Election Day at the polling station, electors must present their identification and be manually checked off the electoral roll before they can cast their vote.

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

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

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

WAEC statistics show that elections conducted by this method usually result in a lower response rate, which is a major factor in the Town’s administration recommending a postal election.

The quote received from WAEC in 2019 stipulated that for in-person elections there was a 25% participation rate, a 15% reduction compared to the postal election quote.

Polling places

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

This year we propose one polling place, the Civic Centre in Port Hedland as this enables greater control and oversight of the election process, receipt of electoral packages that are hand delivered and consistent being information provided to electors.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team;
- Manager Governance; and
- Senior Financial Accountant.

External Agencies

- Western Australian Electoral Commission.

Community

- Following the outcome of Council's decision regarding this matter, the Community will be engaged to participate in the 2021 Local Government Ordinary Election.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

<p>The WAEC have provided an estimate to conduct the election via postal vote, based on the following assumptions:</p> <ul style="list-style-type: none"> • 8,800 electors; • Regular Australia Post delivery service to apply for the lodgement of the election packages; • Response rate of approximately 40%; • Appointment of a local Returning Officer (Salary); and • Count to be conducted in Port Hedland. 	<p>\$55,000</p>
<p>The WAEC have also proposed an additional cost for Postal Priority Service. It is recommended that the Town include this in the acceptance of the WAEC’s offer to ensure that the postal votes are received as early as possible by the voters.</p>	<p>\$1,760</p>
<p>An additional amount will also need to be factored into the 2021/22 budget for internal costs associated with conducting the election including candidate information sessions, advertising, Returning Officer’s travel / accommodation expenses and equipment costs.</p>	<p>\$15,000</p>
<p>Total Estimated Expense:</p>	<p>\$71,760</p>

This estimate will need to be considered during deliberations of the 2021/22 annual budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item, as it requires additional internal resources to conduct the 2021 Local Government Election if the WAEC are not appointed. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

It is recommended that Council appoint the WAEC to conduct the 2021 Local Government Ordinary Election by way of a postal vote on behalf of the Town to ensure that the election is conducted independently and with impartiality.

ATTACHMENTS

1. 20201223 Quote from WAEC (under separate cover)

**11.1.6 APPOINTMENT OF COUNCILLORS TO THE TOWN OF PORT HEDLAND'S
AUDIT, RISK AND COMPLIANCE COMMITTEE**

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

CM202021/124 COUNCIL DECISION**MOVED: CR ZEILKE****SECONDED: DEPUTY MAYOR COLES**

That Council formally appoint the following three (3) Elected members of Council to become members of the Audit, Risk and Compliance Committee:

- Councillor Bartho;
- Councillor Turner; and
- Councillor Gillingham.

CARRIED BY ABSOLUTE MAJORITY 9/0**PURPOSE**

The purpose of this report is for Council to formally appoint members to the Audit, Risk and Compliance Committee.

DETAIL

The Audit, Risk and Compliance (ARC) Committee is appointed by the Council of the Town of Port Hedland (Town) in accordance with Part 7 of the *Local Government Act 1995*.

At the Ordinary Council Meeting held on 4 November 2020, three (3) Elected Members were considered and appointed as members to the Audit, Risk and Compliance Committee, following the determination of the Extraordinary Local Government Election, held on 17 October 2020. The Elected Members were as follows:

- Councillor Bartho;
- Councillor Turner; and
- Councillor Gillingham.

During a review of the Town's compliance processes, it was noted that due to an administration oversight, the above Elected Members were appointed to the ARC Committee by a *Simple Majority Vote*.

In accordance with the *Local Government Act 1995*, section 7.1A (2), an absolute majority resolution of Council is required in appointing members to the ARC Committee. Although this was stipulated under the 'Legislation and Policy Consideration' section, in the report presented to Council in November 2020 it was not carried through to the officer's recommendation. It is proposed that a report be presented to Council again, to formally re-confirm and appoint these members to the ARC Committee by *Absolute Majority Vote*.

The non-compliance will be included in the Compliance Audit Return submitted for the year ended 31 December 2020.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Governance; and
- Executive Leadership Team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995, section 7.1A (1), states that local government are to establish an Audit Committee of three (3) or more persons to exercise the powers and discharge the duties conferred on it.

Local Government Act 1995, section 7.1A (2), states that at least three (3) of the members, and the majority of the members, are to be council members and that an absolute majority resolution of Council is required in appointing members to the Committee.

Regulation 16 of the *Local Government (Audit) Regulations 1996*, states the functions of the Audit Committee.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no direct financial and resource implications associated with this agenda 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.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town must ensure that appropriate processes are in place to identify non-compliance, in order to protect its systems, procedures, assets and reputation. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be 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 ARC Committee is a mandated and integral element to a responsible Council and its delivery of services to the community. Council is requested to formally appoint by absolute majority decision the three nominated Elected Members of the ARC Committee.

ATTACHMENTS

Nil

11.2 Community Services

In relation to the following item 11.2.1, Councillor Unkovich made the following declaration:

Councillor Unkovich declared an impartiality interest in item 11.2.1 as has been involved with the Junction and Co on a number of projects throughout work within the Education Department.

11.2.1 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 2 - OCTOBER - DECEMBER 2020

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.

CM202021/125 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: DEPUTY MAYOR COLES

That Council receive the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the second quarter, October – December 2020.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the second quarter from October – December 2020. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

DETAIL

The contract for the management of the Courthouse Gallery was agreed between the Town and The Junction Co. for the period 1 July 2019 to 30 June 2021 and also provides the option of three further terms of 12 months.

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

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

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

- Exhibitions and sale of local art;
- High quality programming, including presentations and workshops;
- Partnerships with local organisations and community groups;

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

The attached quarterly report outlines the progresses made by The Junction Co in the period October – December 2020. The organisation has reported a net profit of \$70,912.85. A summary of the key achievements for the quarter October – December 2020 are noted below:

- Launch of the second edition of the Hedland Youth Art Prize, receiving even more entries than 2019;
- Significant growth of the Ceramics Studio, introducing the medium to a wider community and connecting the dome project with the final exhibition of the year, “weighted/wait_[2020]”;
- Weekly hosting of a Youth Involvement Council senior kids in creative workshops;
- Monthly hosting of members of Lifestyle Solutions and EPIC, facilitating art+craft activities including ceramics, drawing and mixed media;
- Hosting the first Creative Leadership Program for WA, as part of the hub network project; and
- Ongoing participation in the Portside Town Team, bringing to the precinct a raft of events and workshop opportunities, integrated with the current Courthouse Gallery + Studio programming.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Senior Arts and Culture Officer.

External Agencies

- The Junction Co.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery are included in the Town’s annual budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical and cultural precinct.

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

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities; 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:

- 1.2.3.1 - Support the provision of cultural, sporting and recreational facilities that are fit for purpose; and
- 2.b.5.1 – Work with stakeholders to enhance the reputation of the Town.

RISK MANAGEMENT CONSIDERATIONS

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

To reduce this risk, the Town will regularly monitor and report on the performance of The Junction Co. and ensure key deliverables outlined in the management contract are being met.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co from October – December 2020, in its role as manager of the Courthouse Gallery.

ATTACHMENTS

1. Courthouse Gallery and Studio Quarterly Report - Quarter 2, October - December 2020. (under separate cover)

In relation to the following item 11.2.2, Councillor Unkovich made the following declaration:

Councillor Unkovich declared an impartiality interest in item 11.2.2 as the work around childcare facilities have been in conversation with the local Hedland schools/Department of Education in which Cr UnKovich is an employee.

11.2.2 ASSESSING CHILDCARE NEEDS IN HEDLAND REPORT

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.

CM202021/126 COUNCIL DECISION

MOVED: DEPUTY MAYOR COLES

SECONDED: CR TURNER

That Council

1. Note the “Assessing Childcare Needs in Hedland” report;
2. Note the progress made through the Hedland Collective since 2018 in relation to 82 additional childcare placements in 2020, 21 school based traineeships and a Thriving Futures partnership to develop a sustainable workforce strategy;
3. Endorse the recommendation included in the report and continue to actively collaborate with members of the Hedland Collective to:
 - a) address the community gap/need for childcare in Hedland;
 - b) provide a variety of care options and services such as afterschool care and more flexible options;
 - c) address staffing related issues representing a barrier for childcare provision in Hedland; and
 - d) continue to support centre based childcare in Hedland, recognised as the most popular option for childcare in Hedland by survey respondents.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to acknowledge the community need for childcare in Hedland as outlined in the “Assessing Childcare Needs in Hedland” report and support the collaboration with the Hedland Collective in addressing this need.

DETAIL

In 2018, the Town of Port Hedland (the Town) conducted a survey to identify gaps in childcare provision and build a cohesive understanding of community need for childcare places in Hedland. Following community engagement and consultation, a childcare strategy was developed by the Hedland Collective, a local collective impact group with representation from government agencies, industry, not-for-profits and community members. This strategy

identified a number of initiatives that would address this gap, focusing mainly on reducing the waitlist for childcare positions in Hedland.

Since then, a number of initiatives have been implemented. These included the repurposing of the Port Hedland Library building by the Town, resulting in the provision of 30 after school care placements, the BHP funded refurbishment of the South Hedland Play and Learn centre resulting in an additional 52 childcare placements, and the creation of 21 school based traineeships.

In December 2020 and January 2021, the Town undertook further consultation to assess the impacts of these initiatives in order to determine next steps. This included an online community survey and semi-structured interviews with key stakeholders.

There were 305 responses to the community survey and 17 semi-structured interviews completed. Key insights from this consultation includes:

- There is still a significant community need for additional childcare places in Hedland;
- After school care and the provision of flexible options to cater for those working different shifts were identified as lacking in the current service provision;
- The recruitment and retention of qualified staff is a key barrier to effective childcare provision; and
- Centre based childcare is the preferred method of childcare by Hedland families.

Following analysis of the responses from the community survey and the stakeholder interviews, the report puts forward the following recommendations:

- Continue to participate the Hedland Collective Childcare Working Group meetings to collaboratively monitor existing childcare arrangements, establish ownership/responsibility for developing solutions to key issues, and consolidate resources, where appropriate, across the childcare sector;
- Support Thriving Futures (a partnership between BHP and Child Australia to develop career pathways for the Pilbara workforce into early childhood education and care) to spearhead the creation of a centralised childcare waitlist to minimise duplication of placement applications;
- Develop information and supports run through the Town of Port Hedland for residents wanting to set up and provide home based childcare;
- With Thriving Futures and centre Directors explore viability and functionality of 'place sharing positions' both within and across centres to accommodate for the rostered nature of work in Hedland;
- Facilitate discussions with the Department of Education and the Hedland Network of Principals to fast track the establishment of afterschool care;
- Investigate the capacity of existing commercial afterschool care operators who provide services in Perth and other areas to establish a service in Hedland;
- Recommend the invitation of a representative from local schools and the au pair industry to the Hedland Collective Childcare Working Group;
- In collaboration with Thriving Futures facilitate an information session(s) for residents who are interested in becoming family day care providers and connect them in with the appropriate services to support them;

- Investigate the opportunities associated with the creation of a Pilbara Designated Migration Area for childcare employees, and initiate advocacy to the Federal Government;
- Partner with Thriving Futures to spearhead the creation of a childcare worker cluster scheme with childcare centres and au pair agencies to assist with relief staff and short-term staff shortages;
- Liaise with and support Thriving Futures in their workforce development strategies to ensure coordinated approach;
- Review housing support that could be made available for childcare employees;
- Continue ongoing community safety strategy implementation to increase perception of Hedland as a liveable community;
- Continue working with the State Government to ensure affordable availability of residential housing long term;
- Partner with other members of the Hedland Collective to offer discounts to childcare centre staff at Town of Port Hedland facilities as part of centre attraction and retention packages;
- Conduct a business case to assess the viability for an additional care facility in Hedland, including exploring funding requirements for the proposed centre and impact on financial viability of existing centres; and
- Work with childcare centres to conduct a review of the cost of providing childcare in Hedland and collaboratively develop a strategy for fee minimisation.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Community Engagement Team;
- Communications Team; and
- Youth Services Team.

External Agencies

- Creating Communities;
- Hedland Collective representatives;
- Local childcare centre directors;
- Local family day care centres;
- Local Primary School Principals;
- Department of Health; and
- Department Education.

Community

- An online survey was developed which focused on the number of children on waitlists, preferred type of care, length of time on waitlists and type of care the community member was seeking. The survey was open for three weeks from 30 November 2020 to 21 December 2020. The survey was delivered in a targeted approach to the community lists

via electronic direct mailing service and promoted more broadly via social media and Hedland Collective online platforms. There were 305 responses to the survey.

LEGISLATION AND POLICY CONSIDERATIONS

Nil associated with the delivery of this report.

FINANCIAL AND RESOURCES IMPLICATIONS

This report was funded by the Town's municipal fund, at a cost of \$6,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 2.a.1 Local training providers, business, industry, services, agencies, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.a.4 Broader education and training offerings are encouraged
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

Environmental

Nil.

Economic

The provision of sufficient and quality childcare in Hedland will support the attraction and retention of staff across industries.

Social

Improved childcare provision enhances the liveability of Hedland.

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities;
- Outcome 4 – Quality of Service; 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:

- 1.a.5.a Develop, implement and review a Community Safety Plan;
- 1.b.2.a Engage with key stakeholders to promote a residential first approach to workforce accommodation;
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders;
- 2.a.4.a Increase educational offerings by lobbying for secondary, tertiary and higher learning facilities and services through facilitation with key stakeholders; and
- 2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town has committed to work towards alleviating childcare issues in Hedland. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

This risk will be reduced 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

A consultation process was undertaken in December 2020 and January 2021 to assess the impact of a number of initiatives implemented since a 2018 survey identifying gaps in childcare provision in Hedland. The attached report, "Assessing Childcare Needs in Hedland" indicates that there is still a significant community need for additional childcare places and identifies a number of recommendations for the Town to address in collaboration with members of the Hedland Collective.

ATTACHMENTS

1. **Assessing Childcare Needs in Hedland Report (under separate cover)**

11.3 Regulatory Services

Nil.

11.4 Infrastructure Services

11.4.1 DISPOSAL OF A PORTION OF RESERVE 30768 BY WAY OF LEASE

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

CM202021/127 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR UNKOVICH

That Council:

1. In accordance with section 3.58(3) of the *Local Government Act 1995* proposes to dispose of a portion of Reserve 30768 as indicated in attachment 1 by way of lease to Garrett Hospitality Regional Hotels Pty Ltd for a period of 21 years for the sum of \$1 per annum;
2. Gives local public notice of the proposed disposition, describing the property, giving details of the proposed disposal and inviting submissions from the public.
3. Will consider any submissions made within the statutory notice period in relation to the disposal referred to in 1 above or in the event no submissions are received approve of the disposal; and
4. Notes that the above endorsement is subject to Ministerial approval.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the disposal of part of Reserve 30768 to enable the Hedland Hotel to undertake modifications to the premises including the establishment of an al fresco area. The al fresco area would include the service of alcohol. The area proposed to be leased is 418.6 m².

DETAIL

The owners of the Hedland Hotel have committed to undertaking a \$45 million upgrade of the hotel. The upgrade includes a reconfiguration of the internals of the hotel (dining and bar areas) a refurbishment of the rooms including the establishment of two presidential style suites, extensive landscaping and upgrades to the car park. As part of the upgrade the Town was approached with regard to leasing a portion of Reserve 30768 to enable alfresco area to be established. The exact area is shown in Attachment 1.

DA 2019/167 for the redevelopment of the Hedland Hotel was approved on 15/9/2020. This includes the redevelopment of the reserve area but is subject to Ministerial approval.

The portion of the Reserve abuts the shared use path and requires landscaping to separate the liquor licence area from the path. This will be undertaken prior to liquor being able to be served.

Garrett Hospitality Regional Hotels Pty Ltd are investing a significant sum of money in the refurbishment with a view to providing a style of dining and accommodation similar to the Mangrove in Broome.

An independent desktop valuation was undertaken and is included as a separate confidential attachment. The valuation suggests an annual rental of \$1 per annum in recognition of the following:

- The land is situated to the rear of the Hedland Hotel on Lukis Street and is essentially a very small portion of the reserve land adjacent to the public walkway;
- The lessee will undertake substantial landscaping to delineate the leased area from the remainder of the reserve which will improve the aesthetics of the area;
- The intended use of the land for the Hedland Hotel will not negatively impact the reserve land to the rear of the hotel;
- The land is effectively unused reserve land between a public walkway and hotel and there are not considered to be any other prospective tenants; and
- The land is to be maintained wholly by the Hedland Hotel.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it is not currently being used as public open space and is being maintained by the owner of the adjacent lot (Hedland Hotel).

CONSULTATION

Internal

- Manager Planning; and
- Director Regulatory Services.

External Agencies

- Department of Planning, Lands and Heritage; and
- Garrett Hospitality Regional Hotels Pty Ltd.

Community

- The disposal will be publically advertised as per the requirements of the *Local Government Act 1995*.

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.58 of the *Local Government Act 1995* outlines the requirements for disposal of property. More specifically, sections 3.58(3) and 3.58(4) state that before a Local Government agrees to dispose of a property, it must give at least two weeks' local public notice of the proposed disposition inclusive of the following information:

- Description of the property;
- Names of all parties concerned;
- The consideration to be received for the disposition; and
- Market value of the disposition.

Should any submissions be received in response to the local public notice, a report will be presented back to Council for further consideration.

Granting of a lease under the *Local Government Act 1995* requires approval of the Minister for Lands under s.18(2)(b) of the *Land Administration Act 1997*.

FINANCIAL AND RESOURCES IMPLICATIONS

The land has a nominal value of \$1 assigned due to the factors as outlined in the report above.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information; and
- Outcome 6 - Consultation Process.

Corporate Business Plan

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

- 3.b.1.4 - Assess and rationalise the Town's infrastructure and assets
- 3.c.2.1 - Continue to maintain roads, footpaths, cycleways, beach access, carparks, verges, shade structures, drains and signage.

RISK MANAGEMENT CONSIDERATIONS

There is an insignificant risk associated with this item because the area is currently unused and will be delineated from the public pathway. Currently there is no delineation of the licence area. The service of alcohol will be subject to the requirements of the liquor licence of the hotel. The risk rating is considered to be low which is determined by a likelihood of possible and a consequence of insignificant.

Due to its low rating, this is considered to be an acceptable risk.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The investment of \$45 million into the Hedland Hotel will be a significant boost to the dining experience and accommodation options within the Town. The lease of part of the reserve will enable an al fresco area to be established capitalising on the magnificent view afforded in the area.

ATTACHMENTS

1. Map of proposed lease area (under separate cover)
2. AssetVal Desktop Rental Valuation - Confidential (under separate cover)

11.4.2 AWARD OF TENDER RFT2021-11 SOUTH HEDLAND SKATE PARK SHADE STRUCTURE CONSTRUCTION

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

CM202021/128 COUNCIL DECISION**MOVED: CR TURNER****SECONDED: CR BARTHO**

That Council:

1. Accepts the tender submitted by MJW Building for the completion of stages 1-4, in accordance with Tender 2021-11 'South Hedland Skate Park Shade Structure Construction', for the total amount of \$ 4,994,086 (excluding GST);
2. Authorise the Chief Executive Officer to sign the form of Contract appointing MJW Building as the contractor for RFT 2021-11 'South Hedland Skate Park Shade Structure Construction', together with any variations, amendments or discharging thereof, pursuant to Section 9.49A and B of the *Local Government Act WA 1995*.
3. Include an allocation of funds in the 2021/22 Budget for the completion of the remaining stages of the project sourced from grant funding or the Strategic Reserve.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021-11 for 'South Hedland Skate Park Shade Structure Construction' and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

South Hedland Skate Park was opened by the Town in 2015 with support from the WA Government, BHP and FMG. It is one of the Town's most essential and loved youth orientated facilities. The Town has identified strong community desire for the erection of a shade structure to protect skaters and parents from the hot Pilbara sun.

Council endorsed conceptual design for a shade structure in 2019. Design has since been completed by Enlocus Architects for a shelter which will be built in 4 stages and eventually cover 80% of the facility.

Ephemeral LED lighting panels will liven the underside of the shelter with exciting and colourful displays, and will be fully programmable by artists and Town Communications Officers. This will create new program opportunities with local youth and artists. The structure will also

include colourful cladding, enhancing the Skate Park's prominence at the centre of the South Hedland CBD.

\$1,550,000 was allocated in the 2020/21 budget for Stage 1 of this project. Stage 1 is the largest of all stages, and will cover the main bowl area, the most utilised section of the facility. The remaining stages 2, 3 and 4 are scheduled for completion by the end of the calendar year with the required funds to be allocated in the 2021/2022 budget. The \$3,400,000 to fund these stages may be sourced from either grant funding or the Strategic Reserve.

Request for Tender

The Town released a Request for Tender (RFT) on 2 December 2020, requesting a suitably qualified contractor to provide the goods and services to undertake Stage 1 construction of the South Hedland Skate Park Shade Structure.

Stages 2, 3 and 4 were included as separable portions to the RFT. Proceeding with these stages in conjunction with Stage 1 is entirely dependent on the Town securing further funding, as well as the performance of the contractor that is awarded the work. The contractor is to assume that the site establishment and applications for all relevant licences to undertake the work are fulfilled during Stage 1 of the project.

All works are to be constructed to the specifications provided by the Principal and/or to current Australian Standards. The works include the demolition and relocation of existing elements and engagement of specialist fabrication, electrical, drainage, civil and all other relevant trades required to complete this work.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 2 December 2020 and was advertised in the West Australian and the North West Telegraph on 25 November with a closing date of 18 January 2021.

Addendum Details

- Addendum i: Update to specification and schedule of rates;
- Addendum ii: Update to contractual documentation;
- Addendum iii: Cancellation of Mandatory Site Briefing (due to inclement weather); and
- Addendum iv: Deadline extension. Wednesday 13 January to Monday 18 January 2021.

Tender Assessment

The Town received 3 submissions for RFT 2021-11. The respondents were as follows:

- HUNTER STAINLESS STEEL PTY LTD;
- MG GROUP WA; and
- MJW BUILDING.

Of the submissions received, 1 was rejected due to the respondent only bidding to supply steel. The remaining 2 respondents provided compliant tender responses.

All compliant tender submissions have been evaluated by a panel of four (4) 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 Procurement Officer facilitated the evaluation meeting held on 28 January 2021.

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

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver and Resources	40%
Demonstrated Understanding and 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 high significance, because it involves entry into partnership with the private sector to carry out a significant activity.

CONSULTATION

Internal

- Director Infrastructure and Town Services;
- Director Community Services;
- Manager Infrastructure Projects and Assets;
- Manager Town Planning & Development;
- Manager Community Development;
- Manager Corporate Affairs;
- Principal Project Manager;
- Senior Procurement Officer;
- Senior Youth Officer; and
- Youth Program Officer.

External Agencies

- Funding partners.

Community

- In 2017, the Town conducted the "Live it Tell it" campaign, the most extensive engagement exercise the Town had ever undertaken. 5,800 responses were received by the community via a range of engagement exercises, the outcomes of which have been captured in the Town's Strategic Community Plan. The community specifically identified a need to revitalise community infrastructure and facilities. The need for shelter at South Hedland Skate Park was identified through this process.

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';
- 2/016 'Regional Price Preference';
- 1/014 'Execution of documents and application of the common seal';
- 1/022 'Risk Management';
- 8/003 'Access and Inclusion';
- 9/010 'Asset Management'; and
- 10/003 'Landscaping'.

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

FINANCIAL AND RESOURCES IMPLICATIONS

The Town is in negotiation with external funding partners and is confident that \$3,400,000 of additional funds will be available to complete all stages of this project before the end of the calendar year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

Social

The South Skate Park is a vital facility for youth engagement, and is particularly well utilised by the WA Police and Town's Youth Engagement Team. The construction of the shade structure is expected to enhance the year round usability and programmability of the facility.

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities.

RISK MANAGEMENT CONSIDERATIONS

There are a number of risks which have been identified in relation to delivering this project.

One of these is that the works may extend past the anticipated project timeline – introducing reputational risk & complications to our Funding Partners. The likelihood of this is considered

to be likely (4) with a major (4) consequence, giving this risk an overall rating of high (16). To mitigate this risk, the Town will develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

Another potential risk is that there is unfavourable weather. This could lead to delays in delivering the project as scheduled. The likelihood of this occurring is possible (3) with a consequence of major (4), returning an overall risk rating of high (12). The town will take preventative actions to ensure that the contractor has appropriate contingencies for minimising damage to workers, the community and property in the possible event of inclement weather.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The South Hedland Skate Park is one of the Town’s essential youth orientated facilities. This project will encourage the delivery of youth diversionary programming and enhance civic pride in the surrounding area.

It is recommended that Council endorse the award of RFT 2021-11 ‘South Hedland Skate Park Shade Structure Construction’ to the preferred tenderer as noted in the officer’s recommendation in order to commence these works and deliver this highly anticipated project to the community.

ATTACHMENTS

1. Concept Design (under separate cover)
2. Evaluation Report and Authorisation Memo - Confidential (under separate cover)

11.5 Executive Services

Nil.

Item 12 Reports of Committees

Nil.

Item 13 Motions of which Previous Notice has been given

Nil.

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

14.1 REGIONS RISING NATIONAL SUMMIT, CANBERRA

Author: Executive Assistant to the CEO & Mayor
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.

CM202021/129 COUNCIL DECISION

MOVED: MAYOR CARTER **SECONDED:** CR GILLINGHAM

That Council accept the following late item: 14.1 Regions Rising National Summit, Canberra.

CARRIED 9/0

CM202021/130 COUNCIL DECISION

MOVED: CR MCDONOGH **SECONDED:** CR BARTHO

That Council

1. Approve the attendance of the Mayor at the Regions Rising National Summit on behalf of the Town of Port Hedland from 17 -18 March 2021 in Canberra, pending any COVID-19 restrictions being in place at the time of travel;
2. Note the financial contingencies referred to in the report in the case of any COVID-19 restrictions coming into effect during the National Summit period; and
3. Note that a report will be submitted by the Mayor on his attendance to the Chief Executive Officer prior to 19 April 2021.

CARRIED 9/0

PURPOSE

The purpose of this report is for Council to consider the attendance of the Mayor at the Regions Rising National Summit from 17-18 March 2021 in Canberra.

DETAIL

The Regions Rising National Summit is a yearly event hosted by the Regional Australia Institute.

General theme

This year's Summit theme is centred on *Growing Regional Australia - Shaping the Good life* and links all levels of government, business and the community sector to ensure a collaborative and future-focused discussion that will help inform and engage with our leaders as we move toward the regionalisation of our nation.

As the nation's thought-leader on Regional Australia, the concept of regionalisation is central to the work of the Regional Australia Institute. Regionalisation is more than an agenda on decentralisation; it's an ambition to grow and ensures that regional businesses and communities more than just survive, they can thrive. Regionalisation will create a more equitable, balanced, attractive and prosperous future for all Australians, not just those who live outside the city limits.

Proposed program

Day 1: Wednesday 17 March 2021:

Conference

The National Summit will see the launch by the Deputy Prime Minister, the Hon. Michael McCormack MP of a landmark national awareness campaign to promote the opportunities to live, work and invest in Regional Australia.

Day one of the Summit will bring together some of the country's brightest minds, as well as an international keynote address from John O'Duinn, a change-maker for decentralisation in the US and the author of Distributed Teams. These leaders will present on the current issues impacting population and mobility trends, jobs and skills, regional policy, education, health, infrastructure and innovation, as well as local leadership and the economy.

Day 2: Thursday 18 March 2021:

Masterclass

The Masterclass on Day 2 will deliver a more interactive program for summit attendees, focusing on the issue of 'liveability'. The Masterclass provides the chance to share success stories, challenges and ideas to make regions shine.

Participants will be the first to gain access to our Liveability Toolkit, to be launched by Minister for Regional Health, Regional Communications and Local Government, the Hon. Mark Coulton MP. The Liveability Toolkit is a practical guide for regional leaders seeking to attract and retain populations to their towns and regional cities.

Attendees will also be invited to join the RAI's Policy Hack and will have the opportunity to discuss a range of critical policy questions. The Hack format enables participants to move quickly from issues to responses, and the ideas for policy and program reform that are generated will be prepared by the RAI for submission to governments in all jurisdictions.

Registration

Registration costs for a packaged ticket which includes the Conference, Gala Dinner and Masterclass is \$1,200.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, minimal impact to the community and public interest.

CONSULTATION

Internal

- Consultation with internal or external parties in the preparation of this report has been limited to information gathering.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.2 'Travel' in the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with the booking of travel registration fees and accommodation arrangements.

Section 2.5 'Reimbursements' of the Town's policy 4/010 'Elected Members Travel and Training' is applicable as it sets out parameters associated with meals and incidentals not provided at the Forum. Where a Town of Port Hedland vehicle is available and Elected Members choose to use their own vehicle, then costs will be reimbursed on actual fuel costs supported by appropriate tax invoices. Elected Members will be reimbursed if claims are submitted no later than 14 days of returning from the Forum.

Should the amended Elected Members Allowances, Facilities and Expenses Policy be adopted prior to consideration of this report, provisions of the new policy reflect the above sections.

There are no legislative considerations in relation to this agenda item.

FINANCIAL AND RESOURCES IMPLICATIONS

The Summit will involve travel between Port Hedland and Canberra, and accommodation for a four (4) night stay to participate in the two (2) day Forum (this includes 1x night stopover on the return journey). The costs for registration, travel and accommodation are appropriated from the travel budget allocated to Elected Members.

The following table outlines the approximate costs for attending the National Summit:

Detail	Approximate Total Cost	Notes
Accommodation (Canberra)	\$772.00	Accommodation for 3x nights at while attending the conference
Accommodation (Perth stopover)	\$155.00	Potential Accommodation during stopover on return journey
Flights	\$2,081.00	Flight costs based on minimum number of stops (e.g. Port Hedland, Perth, Canberra return)
Registration Fee	\$1,200	This fee includes the Conference, Gala Dinner and Masterclass

Meals / Incidentals	\$330.85	<p><u>Tuesday 16 March 2021 (Travel):</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$128.70</p> <p><u>Wednesday 17 March 2021 (Summit):</u> Breakfast \$27.05 <i>Lunch and Dinner is provided at the Summit.</i> Incidentals \$19.35 Total: \$46.40</p> <p><u>Thursday 18 March 2021 (Masterclass):</u> Breakfast \$27.05 <i>Lunch is provided at the Masterclass.</i> Dinner \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Friday 19 March 2021 (Travel):</u> Breakfast \$27.05 Lunch \$30.45 Total: \$57.50</p>
Total	\$4,538.85	Total approximate costs for Mayor to attend the National Summit

At the time of writing this report, the following budget balances are noted:

Budget Line (General Ledger)	Annual Budget Total	Remaining Balance at time of report
Elected Members – Individual Training and Development	\$33,500	\$23,886
Elected Members – Accommodation and Travel Expenses	\$35,000	\$16,783

The registration fee is to be deducted from the relevant ‘Individual Training and Development’ budget, and accommodation, travel and incidentals will be deducted from the relevant ‘Accommodation and Travel’ budget.

In accordance with 2/007 ‘Purchasing’ policy, the Town must ensure the efficient and prudent expenditure of financial resources.

COVID-19 Financial Implications Contingency

In the case of another COVID-19 lockdown in WA (or another State), we need to plan for any contingencies that may occur. Financial contingencies are set out below based on 14 day quarantine on the return to Western Australia:

Detail	Approximate Total Cost	Notes
Accommodation at COVID quarantine Hotel	\$2,520.00	14 days accommodation at COVID-19 approved quarantine hotel in Perth
Meals / incidentals	\$1,801.80	14 days of breakfast/lunch/dinner & incidental costs
Total	\$4,321.80	Total COVID-19 Financial Contingency

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.b.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 2.b.2 The Town's economic development strategy is supported through engagement with key economic groups
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be Low (2) for this agenda item. This is calculated as an insignificant consequence and unlikely likelihood. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

OPTIONS

Option 1 – Adopt officer’s recommendation.

Option 2 – That Council does not approve the representation of the Mayor at the National Summit.

Option 3 - That Council increases the number of attendees representing the Town of Port Hedland at the Forum.

Option 4 – Do not adopt officer’s recommendation.

CONCLUSION

The Town of Port Hedland will benefit from attending the Growing Regional Australia National Summit. It allows the Town to gain insight into the unique factors affecting regional local governments, business and community sectors and share information and tactics. The Summit will offer an avenue for in-depth future focussed discussion that will help inform and engage with our leaders as we move toward the regionalisation of our nation.

ATTACHMENTS

1. **Regions Rising National Summit 17-18 March 2021 Program**

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

Nil.

Item 16 Closure

16.1 Date of Next Meeting

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

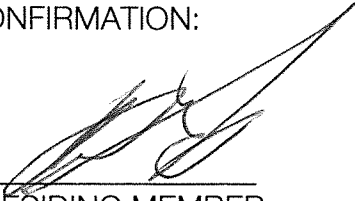
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 6:03pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 24 March 2021.

CONFIRMATION:



PRESIDING MEMBER

24/3/2021

DATED