Town of
Port Hedland

MINUTES

Ordinary Council Meeting
Thursday, 30 June 2022

Date: Thursday, 30 June 2022
Time: 5:30pm
Location: Civic Centre
McGregor St
Port Hedland
Distribution Date: Friday, 8 July 2022

Mayor

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

Present:
Mayor Peter Carter
Cr Renae Coles
Cr Ash Christensen
Cr Flo Bennett

In Attendance:
Carl Askew (Chief Executive Officer)
Karren MacClure (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Grant Voss (Acting Director Infrastructure Services)
Ryan Pickup (Manager Infrastructure Projects & Assets)
Linda Zhai (Manager Financial Services)
Joyce Routledge (Senior Governance Advisor)
Jenna Brown (Governance Officer)
Christine Fairbrother (Corporate Support Officer/Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications

Deputy Mayor Tim Turner
Cr Jan Gillingham
Cr Elmar Zielke

3.3 Apologies

Lee Furness (Director Infrastructure Services)
Cr Jason Keller

3.4 Approved Leave of Absence

Councillor David Eckhart – 27 June 2022 to 8 July 2022

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Cr Zielke	15.1	Financial	Shareholder in De Grey Mining.
Karren MacClure (Director Corporate Services)	12.2.1	Financial	Member of the Courthouse Gallery Ceramic Studio.

Item 4 Applications for Leave of Absence

CM202122/221 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council approve the application for leave of absence from;

- Councillor Keller for the period 30 June 2022 to 1 August 2022.
- Councillor Gillingham for the period 2 July 2022 to 18 July 2022.
- Councillor Zielke for the period 12 July 2022 to 15 July 2022.
- Councillor Coles for the period 25 July 2022 to 29 July 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

Item 5 Response to Previous Questions

5.1 MS MARIE GRAHAM

Ms Marie Graham asked the following question at the Special Council Meeting on 15 June 2022;

Question to the CEO, I asked you a question in a previous Council meeting if you were able to advise a Councillor discretely during a debate. If what you have said is correct procedure, can you tell me what section of the local standing orders states this and where it is said within any regulations.

Mayor Carter took the question on notice.

The Acting CEO provided the following response;

Town of Port Hedland Standing Orders Local Law 2014 provide for elected members to advise of their entry or departure during the course of a meeting. Recently, during the course of a long meeting a Councillor requested to take a break and other Councillors requested also to take a break therefore the meeting went into recess for 10 minutes.

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 open at 5:37pm.

Nil.

The Presiding Member declared Public question Time closed at 5:38pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:38pm.

Nil.

The Presiding Member declared Public Statement Time closed at 5:39pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil.

Item 7 Questions from Members without Notice

Nil.

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of May:

DATE	MEETING	MEETING DETAILS/COMMENTS
3/5/2022	Radio interview – Youth Development Plan 2022-2025	Radio interview
3/5/2022	Radio interview – Town's Home Safety & Security Rebate Scheme	Radio interview
4/5/2022	Hedland Says No to Family Violence March	Attended March
4/5/2022	Meeting with FMG	Council matters
4/5/2022	Special Council Meeting	Attended as speaker
4/5/2022	Confidential Briefing, Chambers	Attended as speaker
6/5/2022	Traineeship & Apprenticeship 2022 Program Launch & Morning Tea	Attended morning tea
6/5/2022	Meeting IORW Feasibility Study	Council matters
6/5/2022	Attended South Hub Grand Opening, South Hedland	Attended as guest
9/5/2022	Monthly Councillor Catch-up meeting	Council matters
11/5/2022	Attended Waypoint's Grand Opening Port Hedland	Attended opening
11/5/2022	Pilbara Regional Council Ordinary Meeting	Attended meeting
11/5/2022	Special Council Meeting - Electors Motions	Attended meeting
12/5/2022	The Hub - coffee and chat	Attended coffee and chat
12/5/2022	Minprovise Trainee Scaffold Graduation	Attended as guest
13/5/2022	State Budget Breakfast with Hon. Stephen Dawson	Attended
23/5/2022	Confidential Briefing, Chambers	Attended meeting
24/5/2022	Radio interview re: National Reconciliation	Radio interview
24/5/2022	Confidential Briefing, Chambers	Attending meeting
25/5/2022	Esplanade Hotel discussion	Council matters
25/5/2022	Swearing in Ceremony of new Councillor	Attended as speaker
25/5/2022	Ordinary Council Meeting	Attended as speaker
26/5/2022	Radio interview with Ngaarda Media	Radio interview
27/5/2022	Reconciliation Week - Breakfast Event	Attended as speaker
31/5/2022	BHP/LEAF partners - photo shoot	Attended

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 Tim Turner
Cr Renae Coles
Cr Elmar Zielke
Cr Jan Gillingham
Cr Ash Christensen
Cr Flo Bennett

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.

CM202122/222 COUNCIL DECISION

MOVED: CR BENNETT SECONDED: CR CHRISTENSEN

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 25 May 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (7/0)

CM202122/223 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 1 June 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (7/0)

CM202122/224 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 15 June 2022 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (7/0)

Item 11 Reports of Committees

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

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

Councillors proposed and voted a number of recommendations 'en bloc' at the Ordinary Council meeting held on 30 June 2022.

CM202122/225 COUNCIL DECISION

MOVED: MAYOR CARTER SECONDED: CR CHRISTENSEN

That the following Items be adopted by exception resolution:

ITEM	TITLE
11.1	The Town of Port Hedland Risk Appetite Statement
12.1.1	Statement of Financial Activity for the Period Ending 31 May 2022
12.1.3	Corporate Business Plan – Quarterly Performance Report – Quarter 3 of 2021/22 Financial Year
12.1.4	Status of Council Decisions Update
12.2.1	Courthouse Gallery Quarterly Report – Quarter 3 – 1 January to 31 March 2022
12.3.1	Permanent closure of portion Wise Terrace and portion Rason Link to vehicles
12.3.3	Proposed closure of a portion of Commodity Road, Wedgefield
12.3.5	Proposed Amendment to the Building Regulations 2012

CARRIED BY SIMPLE MAJORITY (7/0)

11.1 TOWN OF PORT HEDLAND RISK APPETITE STATEMENT

Author: Acting Senior Risk and Insurance 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.

CM202122/225 COUNCIL DECISION

That Council receive and endorse the Town of Port Hedland Risk Appetite Statement as recommended by the Audit Risk and Compliance Committee (ARC 202122/100) as per Attachment 1.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is for Council to receive and endorse the Risk Appetite Statement endorsed by the Audit, Risk and Compliance Committee (ARC Committee), at its meeting held on 17 May 2022 (ARC 202122/100).

The Risk Appetite Statement has been developed to support Council and the Town of Port Hedland's (Town's) administration in making decisions with a consistent approach to risk.

DETAIL

The ARC Committee, through its Terms of Reference, has an objective to oversee compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control, and legislative compliance. A review of the Town's risk management practices against AS/NZS 31000:2018 Risk Management was undertaken by Moore Australia and both positive observations and gaps were documented in the Gap Analysis Report.

A Risk Appetite Statement was identified as a gap in our risk management documentation. Upon identification, a Risk Appetite Statement has now been developed and describes the Town's position when viewing risk and the level of risk the organisation is willing to accept to achieve its strategic, business, and operational objectives.

In developing the Risk Appetite Statement, the interests of the Town's stakeholders, Councillors, staff, ratepayers, regulators, and key service providers were considered. The risk appetite statement provides these stakeholders with a reference point to benchmark the Town's risk acceptance and defines boundaries for risk-based decision-making to occur.

The Risk Appetite Statement forms an integral part of the Town's Risk Management Framework, which is currently being developed. A status update is provided in the table below.

Risk Management Framework Status Update	
Documents	Status
Risk Appetite Statement	Complete
Risk Management Policy 1/022	Current - being reviewed
Risk Management Framework Project	In progress

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, as it relates to a strategic document which will support setting the tone for risk taking and decision making throughout the organisation both on an operational and strategic level. Inherently, there may be general community interest in this matter.

CONSULTATION

Internal

- Audit Risk & Compliance Committee
- Director Corporate Services
- Director Infrastructure Services
- Director Regulatory Services
- Acting Director Community Services
- Acting Manager Governance
- Acting Manager Infrastructure Operations
- Acting Manager Leisure Facilities
- Manager Human Resources
- Manager Financial Services
- Senior WHS Advisor
- Acting Senior Risk and Audit Advisor

External Agencies

- Moore Australia

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Policy 1/022 Risk Management
AS/NZS 31000:2018 Risk Management

FINANCIAL AND RESOURCES IMPLICATIONS

Council finances are an area of significant risk for Council, which is appropriately reflected in the Risk Appetite Statement. No additional financial implications exist from the development and implementation of the Risk Appetite Statement.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town does not have a formally documented Risk Appetite Statement. Not having such a statement may give rise to staff and the public forming a misconstrued opinion that the Town does not view risk management as an important business practice or believe that risk considerations are not regarded in the Town's decision making processes. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The report presents Council with an overview of the Town's Risk Appetite Statement, its purpose and considerations made in its development. The Risk Appetite Statement will certainly not be used as a standalone document in the Town's risk management process. It will form an integral part of the Town's overall Risk Management Framework, which is currently in development.

ATTACHMENTS

1. TOPH Risk Appetite Statement (under separate cover)

Item 12 Reports of Officers

12.1 Corporate Services

12.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MAY 2022

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.

CM202122/225 COUNCIL DECISION

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

1. Receive the Statement of Financial Activity for the period ended 31 May 2022 (see Attachment 1);
2. Receive the Material Variance Report (see Attachment 2);
3. Note the Accounts paid under delegated authority for the period ended 31 May 2022 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 31 May 2022 (see Attachment 4).

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 May 2022. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 May 2022, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-16 prepared by the Town of Port Hedland (Town).

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

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

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

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

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 May 2022 is a surplus of $15.21M.

The breakdown of the cash position is displayed below:

	2021/22 Actuals
Current Assets: Cash and Investments	$223.51M
Restricted Cash – Reserves	$202.79M
Unrestricted Cash Position as at 31 May 2022	**$20.72M**

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

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

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.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 financial risk associated with this item because as a reduction in income or increase in expense throughout the 2021/22 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 31 May 2022 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 May 2022 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 May 2022.

CONCLUSION

The opening funding deficit of ($3.37M) presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the audited financial statements from June 2021. The net current funding position is $15.21M.

ATTACHMENTS

1. Monthly Financial Reports May 2022 (under separate cover)
2. Material Variance Report May 2022 (under separate cover)
3. List of payments made under authority May 2022 (under separate cover)
4. Credit Card Statements May 2022 (under separate cover)

12.1.3 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT - QUARTER 3 OF 2021/22 FINANCIAL YEAR

Author:	Acting 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.

CM202122/225 COUNCIL DECISION

That Council notes the 2018-2022 Corporate Business Plan performance report for the period 1 January 2022 to 31 March 2022 (Quarter 3 FY21/22), per Attachment 1.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

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

DETAIL

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

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

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

2021/22 Financial Year - Quarter 3 Performance Summary

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

For the period of 1 January 2022 to 31 March 2022 (Q3), the following performance statistics are reported:

Status – Q3 2021/22 FY	Q3 Items	Q3 %
CBP actions complete	47	58%
CBP actions on track for completion	33	41%
CBP actions not yet commenced for this quarter	1	1%
Total CBP Items for 2021/22 FY:	**81**	**100%**

A summary of the key achievements for Q3 are as follows:

- The Community Development Grant round concluded in March 2022 with $45,000 allocated to community initiatives. $145,000 has now been allocated from the Community Grants Budget for the 2021/22 financial year.
- Engaging in road safety initiatives, Blackspot Projects are in construction and are 85% complete.
- A digital online event has been developed for Welcome to Hedland 2022.
- A Customer Service Charter has been developed for harmonisation and service improvement across the organisation.
- Council adopted the recommended priorities from the Housing Solutions Summit and letters have been sent to State Departments and relevant parties to establish a Steering Committee to investigate and implement outcomes.
- The Town's Community Engagement Team hosted National Reconciliation Week with a wide variety of events including the Sapphires Musical, National Reconciliation Week Breakfast, Ramped Up and Wirraka Maya Health Service Reconciliation Event.
- The Town officially welcomed five new starters in the 'Shape Your Future' Traineeship and Apprenticeship Program and the Program acknowledged two full time existing trainees/apprentices continuing their roles from 2021. One of the Town's trainees was awarded the 18-25year High Achiever Award during Youth Week.
- Extensive mosquito control activities have taken place which has also seen the Town's Environmental Health Team monitor natural ecosystems and areas where manmade environments are now inhabited by flora and fauna.
- Port Hedland Integrated Sports Hub stage 1 is on schedule with the Turf Club being demolished and earthworks commencing.
- Two Local Laws successfully proceeded through the legislative review process and were adopted by Council – the Town of Port Hedland Amendment Waste Local Law 2022 and Town of Port Hedland Public Places and Local Government Property Amendment Local Law.
- The Economic Development and Tourism Strategy was endorsed by Council and is now being actioned.
- The approved Public Open Space Strategy is being implemented with infrastructure renewals, playgrounds and signage being constructed.

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

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

ATTACHMENTS

1. Corporate Business Plan Quarterly Performance Report for Quarter 3 2021/22 FY (under separate cover)

12.1.4 STATUS OF COUNCIL DECISIONS UPDATE

Author:	Acting 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.

CM202122/225 COUNCIL DECISION

That Council notes the 'Status of Council Decisions' as at 31 May 2022, as per Attachment 1 and Attachment 2.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is to inform Council and the community of the progress and actions that have been undertaken in relation to council decisions.

DETAIL

The Status of Council Decisions ('SoCD') spreadsheet is an important administrative tool used by the Town of Port Hedland ('the Town') to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been published, each decision of Council is uploaded onto the spreadsheet and allocated to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SoCD spreadsheet is presented on a quarterly basis for Council and the community to note the progress and status of decisions which have not been fully actioned, and the reasons for this.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The SoCD spreadsheet is for information purposes only.

CONSULTATION

Internal

- All officers that have been deemed responsible for actioning each Council decision have provided an update on its status.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states how Council is responsible for directing the Local Government's affairs.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

- 4.b.3.1 - Ensure governance information provided to the community is in line with legislative requirements.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, because if the SoCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

There are no alternative options in relation to this item, as it is for Council to receive for information purposes.

CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of Council. This quarterly report is to inform Council and the community of the status of decisions that have not been completed or are of an ongoing nature.

ATTACHMENTS

1. Status of Council Decisions - February 2022 to May 2022 (under separate cover)
2. Status of Council Decisions - Outstanding (under separate cover)

12.2 Community Services

12.2.1 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 3 JANUARY TO MARCH 2022

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.

CM202122/225 COUNCIL DECISION

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the third quarter, January to March 2022.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is for Council to consider the financial and general operational statement of the Courthouse Gallery, managed by The Junction Co., for the third quarter from January to March 2022. 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 management of the Courthouse Gallery was agreed upon between the Town and The Junction Co. for the period 1st July 2019 to 30th June 2021, and at the February Ordinary Council Meeting, it was endorsed to extend the contract until 30th June 2024.

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; and
- Maintenance and capital expenditure.

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

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

A summary of the key activities for the quarter of January to March 2022 is noted below:

- Exhibition - Radius 3.0 (*25th February - 6th May 2022)*

  - Radius 3.0 is a program for artists in the Pilbara and Kimberley region to develop their early-career skills in photography, painting, printmaking, and sculptures.
  - The mentorship program empowered six artists to have the opportunity to design and run their workshops at the Courthouse Gallery + Studio.
  - The total exhibition attendees were 100-110, with 15-20% new to the opening night.

- Exhibition - Alana Hunt *(25th February - 6th May 2022)*
  - Alana Hunt's work, All the violence within this, reveals the dark undercurrents of violence through artworks examining the brutality of colonisation.
  - In conjunction with Radius 3.0, attendees to the opening night were privileged with a viewing of the artwork and experiences of the artists.
  - The total exhibition attendees were 80, with 15-20% new to the opening night.

- Compass *(9th March - 6th April 2022)*
  - Compass is a short course designed to build professional development in regional artists and practitioners. The fundamentals assist with the development of practices, surrounding connections, and the creative framework to inform decision making.
  - The learning outcomes supported a variety of skills, including cultural awareness knowledge, confidence in speaking about the artwork, and the understanding of growth for a regional artist.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

Acting Manager Community Development

External Agencies

The Junction Co.

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform the Council of the financial and operational progress made by The Junction Co from January to March 2022, in its role as manager of the Courthouse Gallery.

ATTACHMENTS

1. Junction Co. Quarterly Report (under separate cover)

12.3 Regulatory Services

12.3.1 PERMANENT CLOSURE OF PORTION WISE TERRACE AND PORTION OF RASON LINK TO VEHICLES

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

CM202122/225 COUNCIL DECISION

That Council:

1. Seeks community response prior to any consideration of the permanent closure to vehicles of portion of Wise Terrace and portion of Rason Link, pursuant to Section 3.50 of the *Local Government Act 1995*, as described as Option 1 in Attachment 2; and

2. Advertise the proposed permanent road closure in accordance with Section 3.50 of the Local Government Act 1995.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is for Council to consider initiating the process to permanently close Wise Terrace and portion of Rason Link, South Hedland to vehicles (Attachment 2).

DETAIL

On 23 February 2022, Council resolved to adopt the South Hedland Place Plan. This included Priority Project 2: Bringing Wise Terrace to Life, which included the temporary closure of Wise Terrace for a Prototyping Project which is scheduled for August 2022. The overwhelming community response was that Wise Terrace should be closed to vehicles, to manage the risk to pedestrians using this space. The Town has advertised the temporary road closure, with no submissions being received on this closure.

The intent of this Prototyping Project is to experiment with temporary infrastructure and activations throughout Wise Terrace, potion of Rason Link and the Town Square. The Prototyping Project will inform the permanent South Hedland Town Centre revitalisation project scheduled to commence in the 2022/23 financial year. This will allow the Town sufficient time to trial a road closure, prior to making a decision on the permanent closure to vehicles, and

To coincide with the design planning of the South Hedland Town Centre revitalisation project, the Town has undertaken a traffic study of the area to consider the permanent closure of portion of Wise Terrace and portion of Rason Link to vehicles, which is shown in Attachment 1. All options, as discussed in the Traffic study (Attachment 2), result in redistribution of vehicles that will not exceed the capacity of surrounding streets. The Town is not recommending the removal of the Road Reserve under the *Land Administration Act 1997,* to

provide flexibility for the long-term revitalisation project. The three options are summarised below:

Option 1
This option includes the closure of Wise Terrace between car parks and McLarty Boulevard, and Rason Link between Wise Terrace and Leake Street, as described in Attachment 2, to vehicles. This option maintains access to all off-street car parks, and the redistributed car movements are likely to move onto either Throssell Road, eastern portion of Rason Link and onto McLarty Boulevard, increasing the most at the intersection turning east onto McLarty Boulevard from Leake Street. This will increase traffic movement between Lotteries House and the South Hedland Skate Park, arguably relocating pedestrian risk from Wise Terrace to this portion of McLarty Boulevard.

Option 2
This option includes the closure of Wise Terrace between car parks and McLarty Boulevard, the closure of Rason Link between Wise Terrace and Leake Street, and closure of Leake Street between Rason Link and McLarty Boulevard. The redistributed vehicle movements will predominantly move to Throssell Road and the eastern portion of Rason Link. It is expected this will limited vehicle movement between Lotteries House and the South Hedland Skate Park, mitigating pedestrian risk in this portion of McLarty Boulevard.

Option 3
This option includes the closure of Wise Terrace between car parks and McLarty Boulevard, closure of Rason Link between Wise Terrace and Leake Street, closure of Leake Street between Rason Link and McLarty Boulevard, and closure of Wise Terrace between car parks and Throssell Road. This will redistribute vehicle movement to Rason Link and restrict access from Throssell Road to Car Park Access 3 and 5.

The preferred option is Option 1, which maintains access to all car parking entrances surrounding the South Hedland Square Shopping Centre.

Where it is intended to close a road for a period of 4 weeks or more, the Town is required to give public notice of the order to close the road, advise adjoining landowners and allow a reasonable time for submission to be received and then considered. If objections are received, a further report will be provided to Council for consideration. If no objections are received, actions to undertake permanent road closure will proceed. This road closure can be revoked by the Town or the Minister for Local Government, enabling the re-opening of the road at a future date, if required.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, due to the location of the road in the Town Centre. The closure of the roads to vehicles will increase safety for pedestrians accessing South Hedland Square Shopping Centre and utilising the South Hedland Skate Park. All surrounding streets have the capacity for redistributed vehicles movement, meaning the closures will not lead to any major roadworks on surrounding streets.

CONSULTATION

Internal

- Senior Project Engineer (Acting)
- Graduate Engineer

External Agencies

Should Council resolve to initiate this road closure, the proposal will be referred to relevant agencies for a period prescribed in the *Local Government Act 1995.*

Community

Should Council resolve to initiate this road closure, the proposal will be advertised to the community for a period prescribed in the *Local Government Act 1995*. Advertising of the temporary road closure was undertaken for a two-week period closing 27 May 2022, for the Activation Event in August. No objections were received. Previous consultation undertaken for the Place Plan found respondents were highly supportive of the permanent closure of Wise Terrace to cars.

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*

FINANCIAL AND RESOURCES IMPLICATIONS

The Traffic Study, located in Attachment 2, had a total cost of $6,534.00 which incorporates part of the South Hedland Place Plan budget. Should Council resolve to initiate this road closure to vehicles, the Town will advertise the closure in the North West Telegraph at a cost of approximately $300, with these costs also coming from the existing South Hedland Place Plan 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.b.5 Opportunities to get involved and results of engagement are regularly promoted
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
3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

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

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because there may be some confusion by vehicle users for the road closure. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is negated through an approved Traffic Management Plan being accepted by the Town's Infrastructure Services and appropriate community consultation on the road closure.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has provided details on options for road closures to vehicles to provide a safer Town Centre for pedestrians and facilitate opportunity for long term revitalisation of the South Hedland Town Centre.

ATTACHMENTS

1. Traffic Study Area (under separate cover)
2. Traffic Study (including preferred Option 1) (under separate cover)

12.3.3 PROPOSED CLOSURE OF A PORTION OF COMMODITY ROAD, WEDGEFIELD

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

CM202122/225 COUNCIL DECISION

That Council:

1. Pursuant to Section 58 of the *Land Administration Act 1997*, support the proposed closure of a portion of Commodity Road as shown on attachment 1;

2. Advise the Department of Planning, Lands and Heritage of Council's support for the closure of a portion of Commodity Road; and

3. Advise those who lodged a submission of Council's decision.

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is for Council to consider the proposed closure of a redundant portion of Commodity Road reserve.

DETAIL

A review of the Wedgefield Industrial Estate Road Network has resulted in Commodity Road being removed from the revised Structure Plan, which is due to be presented to Council in July/August 2022. As a result of the revised Structure Plan, the preliminary section of Commodity Road nib that has been created has become redundant.

In April 2022 the Town received a road closure application from DevelopmentWA. The application relates to a portion of land, with an area of 1,600 m^2, which exists as a road nib on Hematite Drive at the junction of what would have been a connection with Commodity Road. While Commodity Road forms part of the Structure Plan for the estate, it has yet to be legally established or constructed.

DevelopmentWA commissioned a design review of the Hedland Junction Industrial Estate with the intent of rationalising the road network. The review found that the proposed Commodity Road was not required, and as such, the intersection nib that was created is now redundant.

<u>Design Issues</u>

Commodity Road was intended to be a 'local access road' linking Hematite Drive and Anthill Street and would have a length of 280 metres. It would provide access to four lots that would also have access to either Hematite Drive or Anthill Street, as such without Commodity Road the four lots will still be provided with road access.

The proposed changes to Commodity Road are part of a number of modifications to the layout of the Industrial Estate. Urbis on behalf of Development WA have stated that:

> "*The revised layout of the Wedgefield Industrial Estate has been led by market demands and the ability to provide a flexible layout which can be tweaked to meet the needs of future proponents at the subdivision and deposited plan stage if required. The layout also allows for the future subdivision or amalgamation of lots should the market demand a different lot product, as is frequently seen within the industrial market."*

See attachment 2.

Traffic Impact Assessment

To support the application, Main Roads WA at the request of the proponent, prepared a Traffic Impact Assessment (TIA), contained as attachment 3. The TIA included the following comments:

> *"The removal of Commodity Road link which creates two intersections therefore reduces the potential for crash conflict.*
>
> *The removal of a non- essential intersection along this length of road will also assist with the general movement of traffic along the route with less disruption from turning movements associated with an intersection.*
>
> *In summary the removal of the Commodity Road link is considered to have minimal impact on the adjoining road network as the estimated traffic volumes on this discretionary route road link is in the order of 70 vpd or 6 vph. Removal of the Commodity Road link also removes the potential crash conflicts associated with intersections potentially improving safety and traffic flow along the adjoining routes."*

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposed modification relates to a yet to be constructed road, it will provide no reduction of access for the lots within the locality and will improve safety and traffic flow.

CONSULTATION

Internal

- Infrastructure Services

External Agencies

- Department of Planning, Lands & Heritage
- Main Roads WA

Community

This matter was advertised for a period of 35 days in accordance with Section 58 of the *Land Administration Act* 1997. An advertisement was placed in the North West Telegraph and the Town of Port Hedland website for the same duration. No submissions were received.

LEGISLATION AND POLICY CONSIDERATIONS

The road reserve closure process is governed by Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*. When considering the application for road closure, Council should take the following into account:

1. Any impact on the Town of Port Hedland through maintenance;
2. Potential costs to the Town through survey or other requirements; and
3. Any impact on the Port Hedland community should the proposed closure be supported.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant financial and resource implications for this item, as any costs associated will be borne by the proponent.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is an compliance risk associated with this item because it effectively relates to a modification of a structure plan. The proposal will not result in any loss of service and will improve safety outcomes through the removal of two proposed road junctions. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The closure of the yet to be created Commodity Road was identified as part of a review and rationalisation of the Wedgefield Industrial Estate Road Network which has resulted in Commodity Road being removed from the Estate Structure Plan. As such the Commodity Road nib has become redundant.

The removal of Commodity Road will have minimal impact on the adjoining road network, and it will also remove the potential crash conflicts associated with intersections potentially

improving safety and traffic flow along the adjoining routes. It is recommended that the road closure be supported.

ATTACHMENTS

1. Location Plan (under separate cover)
2. Urbis Report (under separate cover)
3. Traffic Impact Assessment (under separate cover)

12.3.5 PROPOSED AMENDMENT TO THE BUILDING REGULATIONS 2012

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

CM202122/225 COUNCIL DECISION

That Council

1. Advertise the proposed amendment to Schedule 4 of the *Building Regulations 2012* for a period of not less than 35 days; and

2. Subject to no objections being received, request the Department of Mines, Industry Regulation and Safety remove Port Hedland from Clause 1, Schedule 4 of the *Building Regulations 2012.*

CARRIED BY EXCEPTION RESOLUTION

PURPOSE

The purpose of this report is for Council to consider a proposed amendment to remove Port Hedland from Clause 1, Schedule 4 of the *Building Regulations 2012*- Building work that does not require a building permit.

DETAIL

The *Building Act 2011* (the Act) governs the compliance and construction of buildings within Western Australia, in conjunction with the *Building Regulations 2012* (the Regulations) as a subsidiary legislation. Section 66 of the Act prescribes that the Regulations may exempt a specified type of structure from the requirement to obtain a building permit. Regulation 41 of the Regulations further prescribes that a building permit is not required for Class 10 structures within areas of a local government specified in Schedule 4 of the Regulations. Areas outside of the townsite boundary of the Port Hedland Local Government Area are included within Schedule 4, which effectively means that a building permit is not required for Class 10 structures outside of the townsite boundary in Port Hedland.

Class 10 structures are defined in the National Construction Code as:

Class 10a - a non-habitable building including a private garage, carport, shed or the like.
Class 10b - a structure that is a fence, mast, antenna, retaining wall or free-standing wall or swimming pool or the like.
Class 10c - a private bushfire shelter.

The townsite boundary is described as shown in Attachment 1. Those areas outside of the townsite boundary, and therefore currently exempt from the requirement to obtain a building permit for Class 10 structures, include but are not limited to:

- South Hedland Rural Estate;
- Turner River residential estate;
- Yandeyarra, Strelley, and Marta Marta communities

The rural residential properties located on and near Twelve Mile Creek Road are within the townsite boundary.

The intent of the exemption was to remove red tape for small, low risk structures, easing the regulatory burden for permits authorities, homeowners, and small builders. For the same reasons, the Regulations also contain specific exemptions for structures such as solar panels, low height retaining walls, and 'maintenance' works. However, in recognition of the increased risk in cyclonic wind regions, these exemptions do not apply within the Town of Port Hedland. Considering the recognised and demonstrated risks, the exemption of Class 10s outside of the townsite boundary is inconsistent with the remainder of the Regulations. Additionally, Port Hedland is the only cyclonic wind region to which the Class 10 exemption applies, making inconsistent with other local government areas considered to have the same risks.

When considering the risk posed by Class 10 structures, the majority of Class 10s within the rural residential estates previously mentioned are within 20 metres of a residence, well within the range debris may be carried by a cyclonic wind. Failure of a non-compliant Class 10 structure has the potential to cause impact damage to nearby residences. Impact damage which breaches the building envelope results in substantial internal pressure increases, which can in turn cause catastrophic structural failures in a building which is not designed to withstand internal pressures.

The Town regularly receives applications for building permits in areas to which the exemption applies, indicating that the existing exemption is not widely known. Additionally, with consideration to the fees payable for an application for building permit, it is not expected that estimated values for Class 10 structures will often exceed $60,000. The application fee for a Class 10 of this value is $394.20. As the exemption is not widely known and the application fees are a low amount, removal of the exemption is not expected to significantly impact the community.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The current exemption is not widely known, and its removal is not anticipated to widely affect the community.

CONSULTATION

Internal

No internal consultation is necessary for this matter.

External Agencies

Consultation has been undertaken with the Western Australia Local Government Association and the Department of Mines, Industry Regulation and Safety regarding the necessary process for removing the exemption.

Community

Community consultation will be undertaken following Councils determination.

LEGISLATION AND POLICY CONSIDERATIONS

The *Building Regulations 2012* are a subsidiary legislation to the *Building Act 2011*, which together govern compliance and construction within Western Australia.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications for this matter.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies

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

RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because structures that have not been through a permit process may not be compliant with the National Construction Code, increasing the likelihood of failure in a high wind event and potentially resulting in injury. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be mitigated by adopting the officer recommendation, as it will ensure new construction is assessed through the permit process.

There is a compliance risk associated with this item because structures that have not been through a permit process may not be compliant with the National Construction Code. This is an offence under the *Building Act 2011*. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). This risk will be mitigated by adopting the officer recommendation, as it will ensure new construction is assessed through the permit process.

There is a reputational risk associated with this item because the Town may be seen as negligent should a structural failure occur to an exempted building. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3). This risk will be mitigated by adopting the officer recommendation, as it will ensure new construction is assessed through the permit process.

There is a reputational risk associated with this item because removal of the exemption may be seen as 'revenue-raising' by the Town due to the new requirement to obtain a building permit. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1). This risk is mitigated due to the demonstrated real and physical risks associated with non-compliant structures within cyclonic wind regions.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The existing exemption for Class 10 structures allows for significant structures to be constructed in close proximity to residences with no verification of their structural sufficiency. This places those structures and the nearby residences at significant risk in a cyclonic wind

event, while also creating confusion amongst the community due to the difference in regulation. Removal of the exemption will rectify these into the future.

ATTACHMENTS

Nil.

12.1 Corporate Services

12.1.2 ADOPTION OF THE 2022/23 ANNUAL BUDGET & RATING STRATEGY

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.

CM202122/226 COUNCIL DECISION

MOVED: CR BENNETT SECONDED: CR CHRISTENSEN

PART A – GENERAL AND MINIMUM RATES

That Council:

1. Imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Value for the 2022/23 financial year:

   a) General Rates:

I.	GRV Residential	7.0620 cents in the dollar
II.	GRV Commercial / Industrial	8.9790 cents in the dollar
III.	GRV Mass and Tourist Accommodation	13.0500 cents in the dollar
IV.	UV Pastoral	11.2980 cents in the dollar
V.	UV Mining and Other	20.2150 cents in the dollar

   b) Minimum Payments:

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

2. Endorses the 2022/23 Statement of Objects & Reasons, as per Attachment 1.

CARRIED BY ABSOLUTE MAJORITY (5/2)

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

CM202122/227 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

PART B – CONCESSIONS AND EXEMPTIONS

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

- Rate concessions total $93,553
- Rate exemptions total $17,329

As applied to the 2022/23 rates charges, and in accordance with s6.46 & s6.47 of the *Local Government Act 1995* and the *Rates and Charges (Rebates and Deferments) Act 1992.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

CM202122/228 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

PART C – INSTALMENT PAYMENT ARRANGEMENTS

That Council:

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

Full Payment	5 September 2022
1st quarterly instalment date	5 September 2022
2nd quarterly instalment date	7 November 2022
3rd quarterly instalment date	16 January 2023
4th quarterly instalment date	20 March 2023

2. (For owners who elect to pay by instalment), Adopts an initial instalment administration charge of $0 and an instalment charge of $14 for each instalment after the initial instalment is paid (excluding eligible pensioners and seniors), pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*; and

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

CARRIED BY ABSOLUTE MAJORITY (7/0)

CM202122/229 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

PART D – INTEREST ON OVERDUE AMOUNTS

That Council:

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

2. Adopts an interest rate of 7% per annum on all sundry debtor charges that remain unpaid longer than 35 days after the due date, pursuant to section 6.13 of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED BY ABSOLUTE MAJORITY (7/0)

OFFICER RECOMMENDATION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

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

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

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

Mayor:	Councillors:
$48,704	$32,470

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

Information Technology Allowance	$3,500

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

Mayor	$91,997

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

Deputy Mayor	$22,999

MOTION LOST (3/4)

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

CM202122/230 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR GILLINGHAM

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

That Council, adopt the 2021/22 elected members fees and allowances for the 2022/23 financial year pursuant to:

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

Mayor:	Councillors:
$47,516	$31,678

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

Information Technology Allowance	$3,500

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

Mayor	$89,753

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

Deputy Mayor	$22,438

CARRIED BY ABSOLUTE MAJORITY (7/0)

CM202122/231 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

PART F – MATERIAL VARIANCE REPORTING FOR 2022/23

For the purposes of regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality, regarding level of material variance for financial reporting in 2022/23, that Council adopts the following thresholds:

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

CARRIED BY SIMPLE MAJORITY (7/0)

CM202122/232 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR COLES

PART G – MUNICIPAL FUND BUDGET FOR 2022/23

That Council adopts the Municipal 2022/23 Budget as presented (Attachment 3) including associated notes and supplementary information in accordance with section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED BY ABSOLUTE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider and adopt the municipal fund budget for the 2022/23 financial year together with supporting schedules, including imposition of rates and minimum payments, setting of Elected Member fees for the year and other consequential matters arising from the budget papers.

DETAIL

A considerable amount of work has been undertaken to ensure a realistic and deliverable program for 2022/23. There has been a strong focus on ensuring consistent service levels and an emphasis on a prioritised large capital works program this financial year following on from works conducted in 2021/22.

PART A – GENERAL AND MINIMUM RATES

Rates revenue is a substantial source of discretionary revenue for the Town of Port Hedland and accounts for approximately 72% of operating revenue in the 2022/23 budget.

The rates yield in the 2022/23 budget has been determined based on property valuations provided by the State Valuer General's Office (Landgate) in June 2022 as required per legislation.

Overview:

- The rates are based on an average 2.5% increase.
- The June 2022 Landgate revaluations resulted in significant valuation increases across multiple categories
- Maintain similar share of rates burden across categories
- There was no requirement for Council to apply for Minister approval

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

PART B – CONCESSIONS AND EXEMPTIONS

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

Pensioner Cap Gap Remission

At the Ordinary Council Meeting held 3 November 2021 Council decision CM202122/068, Council granted approval of the Pensioner Cap Gap remission through until the 2023-2024 financial year. The 2022/23 budget includes a total of $10,888 for this remission.

PART C – INSTALMENT PAYMENT ARRANGEMENTS

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

PART D – INTEREST ON OVERDUE AMOUNTS

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

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

As per policy 4/008 Elected Member allowances, facilities, and expenses, elected members are paid at 100% of the yearly maximum SAT determinations. The Salary and Allowance Tribunal determined on 7 April 2022 that there will be minor increase in remuneration, fees, expenses, and allowance ranges provided to Elected Members as per Determination No 1 of 2022. This has been reflected in the 2022/23 budget documentation.

PART F – MATERIAL VARIANCE REPORTING FOR 2022/23

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

The recommendation for 2022/23 material variance threshold is to remain the same as 2021/22.

PART G – MUNICIPAL FUND BUDGET FOR 2022/23

Rates

The Town applies a 2.5% increase on the rate revenue yield from prior year. The increase secures the Town's financial position, meaning core community services can continue being delivered in the 2022/23 financial year.

Fees and Charges

The 2022/23 Schedule of Fees and Charges were adopted by Council CM202122/02 at the Ordinary Council Meeting held on 25 May 2022 and subsequently advertised for application from 1st July 2022.

Capital Works Program

A capital works program totalling $81.7 million for investment in infrastructure, buildings and plant and equipment is planned.
Detailed Projects are itemised in the Capital Works Program included in note 16 of the budget.

Loans

As part of the implementation of the capital works program, loan funding has been budgeted for the Depot masterplan, the Staff Housing program and Seawalls works. All relevant information relating to these are located in Note 6 of the budget for 2022/23.

Grant Funding

Total operating and non-operating grant funding and external contributions of $16.4 million have been anticipated for the 2022/23 budget year. The Town is actively pursuing numerous funding sources in order to alleviate any pressure to the financial reserves that the Town manages.

New Accounting Standards

During the budget year, the below revised Australian Accounting Standards and Interpretations are expected to be compiled, become mandatory and be applicable to its operations.

- AASB 2020-3 Amendments to Australian Accounting Standards - Annual Improvements 2018-2020 and Other Amendments
- AASB 2020-6 Amendments to Australian Accounting Standards - Classification of Liabilities as Current or Non-current - Deferral of Effective Date

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

LEVEL OF SIGNIFICANCE

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

Consultation

Internal

The 2022/23 Municipal budget has been prepared in consultation with Officers, Executive and Elected Members from the Town of Port Hedland through a number of workshops over the last few months. The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

External Agencies

- Department of Local Government, Sport and Cultural Industries.

Community

At a Special Council Meeting, Council Decision CM202122/150, held on Wednesday 4 May 2022, Council endorsed the Statement of Objects and Reasons at 2.5% to go to public consultation. On 7 May 2022 the Notice of Intention to Levy Differential Rates and Minimum Payments was advertised in Western Australia newspaper and again advertised in North West Telegraph on Wednesday 11 May 2022. The Town's website was also updated with the necessary information required for public consultation. The results of the public consultation are as follows:

- One ratepayer response was received who expressed their concerns on the indicative rate amount under the Mass Accommodation/Tourism rating category.

Town officers also met with a representative of the ratepayer's association and letters were sent to individual ratepayers for the categories GRV Mass and Tourist Accommodation and UV Pastoral (less than 30 ratepayers per category).

LEGISLATION AND POLICY CONSIDERATIONS

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

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and service charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2022/23 budget as presented is considered to meet statutory requirements.

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

2021/22 Estimate Calculations

The 2021/22 estimates provided in the budget document are based on actuals as at 30 April 2022, plus estimates for May and June 2022.

Spoilbank Marina Reserve

The transfer of $24 million to the State Government for the Spoilbank Marina project was to occur in the 2021/22 financial year, however due to delays in finalising the State Government funding agreement, the transfer will not take place until the 2022/23 financial year. This is reflected in the 2022/23 budget statements and can be seen in the Statement of Comprehensive Income by nature or type under materials and contracts.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
1.d.2 Facilities and community infrastructure are revitalised across the Town
1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
3.b.3 Sustainable energy, waste and water management practices are provided and promoted
3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced
4.b.1 Sound long-term financial planning is implemented
4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

Economic

The Town has proposed a 2.5% increase in rate revenue from 2021/22.

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

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events

- Outcome 2 – Buildings and Facilities
- Outcome 3 - Information
- Outcome 7 - Employment

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a potential financial risk associated with the budget not being adopted prior to 1 July 2022. There is a higher level of risk if the budget is not adopted by 31 August 2022. The risk rating relating to the budget not being adopted by 1 July 2022 to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.

There is a potential reputational risk associated with this item if the budget is not adopted by 1 July 2022, the Town would be delayed in delivering essential works to the Community. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.
In addition, there is a potential service interruption risk on the capital works program if the 2022/23 budget is not adopted by the 1 July 2022. The risk rating is considered to be medium (8), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated if the budget is fully adopted.

OPTIONS

Option 1 – Adopt officer's recommendations

Option 2 – Amend officer's recommendations

CONCLUSION

The 2022/23 budget has been prepared in a financially responsible manner to ensure a realistic and deliverable program for 2022/23. There has been a strong focus on ensuring consistent service levels and an emphasis on a prioritised large capital works program this financial year following on from works conducted in 2021/22.

ATTACHMENTS

1. 2022/23 Statement of Objects & Reasons (under separate cover)
2. 2022/23 Rates Concessions and Exemptions (under separate cover)
3. 2022/23 Annual Budget Statements (under separate cover)

12.3 Regulatory Services

12.3.2 MAJOR LAND TRANSACTION - LOT 2939 ROBERTS STREET AND LOT 5977 HAMILTON ROAD, SOUTH HEDLAND

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

CM202122/236 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNET

That Council:

1. Notes that the Business Plan for a Major Land Transaction – Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland has been advertised in accordance with section 3.59 of the *Local Government Act 1995.*

2. Adopts the Business Plan for a Major Land Transaction – Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland and proceeds to implement the Business Plan, subject to Department of Planning, Lands and Heritage's (DPLH) acceptance of the Business Case for Lot 5977 Hamilton Road.

3. Declares that the DPLH's valuation dated December 2021 of $500,000 for Lot 5977 and Horizon's valuation dated January 2022 of $490,000 for Lot 2939 are a true indication of the value of the proposed disposition of Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland.

4. That the offer from Turner River Developments for the purchase of Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland for $990,000 (exclusive GST) be advertised for public comment pursuant to section 3.58(3) and (4) of the *Local Government Act 1995.*

CARRIED BY ABSOLUTE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider adopting the business plan after its advertisement and proceeds to implement those land transactions by accepting the previous valuation and proceeding to advertise the proposed disposition of Lots 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland.

DETAIL

Background

At its 15 December 2021 OCM Council resolved to authorise the CEO to enter negotiations with the Department of Planning, Lands and Heritage (DPLH), Department of Health (DoH) and Horizon Power with respect to the acquisition, amalgamation and resale of the lots.

Negotiations were carried out and the item was re-presented to Council at its 23 March 2022 OCM in the form of a business plan (Attachment 1). The business plan proposed the Town acquire the lots and then sell the lots as amalgamated to the developer for a mixed use development that forms an entry statement to, and is consistent with, the amenity and built form of the South Hedland Regional Town Centre. The Council endorsed the business plan and it was subsequently advertised for public submissions between 26 March to 16 May 2022.

The Town submitted a separate business case to the Minister for Lands in March 2022 in respect of the lots. The Minister is expected to reply in June 2022. Part 2 of the Officer Recommendation in this report is subject to the Minister's endorsement of the business case.

At its 23 March 2022 OCM Council also resolved to enter an agreement with the proposed developer requiring them to conditionally purchase the amalgamated lots and develop those lots. The parties have since agreed on the content of the agreement, and at the time of writing this report it is being circulated for execution.

Submissions received
The Town received no submissions during the six-week advertising period.

Recommendation
In light of there being no submissions, the Town recommends that the business plan should be adopted as advertised and implemented.

Valuations and advertisement
Where a valuation is carried out six months before the time of the actual disposition of the property (in this case in December 2021 and January 2022) Council is required to resolve that it believes it to be a true indication of the value at the time of the proposed disposition. This resolution will enable the land transaction process to be delivered in a timely manner, otherwise the business plan will need to be readvertised and the process started again, converse to the objective of the timely development of the land.

If the business plan is adopted the Town must then advertise the proposed disposition of the lots to the developers in accordance with section 3.58 of the *Local Government Act.* This advertisement comprises the name of the developer, the proposed value of the disposition and the market value. This must be advertised for a minimum of 14 days after which the Town is required to consider any submissions received, before making a final determination as to purchasing and on-selling the land.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it involves community consultation pursuant to section 3.59 of the *Local Government Act 1995.*

CONSULTATION

Internal
Executive Leadership Team, Planning and Development team, Manager Business and Economic Development, Manager Financial Services.

External Agencies

Department of Planning Lands and Heritage, Minister for Lands, Horizon Power, Main Roads, Department of Health, the Developers.

Community

The business plan was subject to six weeks advertising pursuant to section 3.59 of the Local Government Act 1995 the outcomes of which are described under the above heading 'Details – Submissions received'.

LEGISLATION AND POLICY CONSIDERATIONS

Sections 3.58 and 3.59 of the *Local Government Act 1995* and regulation 8A of the *Local Government (Functions and General) Regulations 1996.* Section 3.59 requiring adoption by absolution majority, applies to the second and fourth clauses of the recommendations due to the Council intending to proceed with a major land transaction.

FINANCIAL AND RESOURCES IMPLICATIONS

At its 23 February 2022 OCM, Council approved $1,500,000 as part of Quarter 2 budget review to be set aside from the strategic reserve to effect the land transactions. The purchase of the two properties from their current owners, and the subsequent sale of the land to the developer will not result in a cost to Council.

The full details of the financial effect on the Town are found in the business plan.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

There are no significant identifiable environmental, social or economic impacts relating to this item. If the Council adopts the officer's recommendation, the development application is still required to be presented to Council for approval under the *Planning and Development Act 2005*, where matter such as use and amenity concerns can be appropriately addressed.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because failure to adopt the advertised business plan, accept the valuations and proceed to advertising the proposed disposition when no sound objectional submissions were received will inhibit the impending development of land in the South Hedland's entry statement. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

This risk will be mitigated by adopting the Officers recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The adoption of the business plan and its implementation will ultimately facilitate the development of the vacant land and consequently an improvement in the amenity, prominence and land activation of Hamilton Road, being the entry to South Hedland.

ATTACHMENTS

1. Advertised business plan (under separate cover)

12.3.4 MARINA IMPLEMENTATION DEED AND FINANCIAL ASSISTANCE AGREEMENT

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

CM202122/234 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR COLES

That Council:

1. Authorise the Chief Executive Officer to execute the Implementation Deed and the Financial Assistance Agreement, including affixing the Common Seal, to progress payments for the Spoilbank Marina as detailed in the Financial Assistance Agreement (Attachments 1 & 2).

2. Authorise the Chief Executive Officer to make any minor amendments to both documents as required (Attachments 1 & 2).

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider authorising the Chief Executive Officer to execute the Implementation Deed and Financial Assistance Agreement on behalf of the Town of Port Hedland, to progress the payment of the Towns contribution to the Spoilbank Marina project.

DETAIL

The development of the Spoilbank Marina will provide sheltered anchorage and safe ocean access for recreational and commercial vessels. The landside component will activate an under-utilised waterfront asset into an accessible, useable event and recreation space for creative and cultural programmes, which is intended to support the broader development of the West End.

At its 24 November 2021 meeting, Council resolved to amend the budget to include $24M for the marine side component of the project and authorise the CEO to release this funding once the Financial Assistance Agreement and Implementation Deed were executed. The marine side funding is expected to be paid immediately, with the land side component to be paid once the Marina Detailed Design is agreed to.

Funding for the Marine Side Component of $24M is to be paid on signing of the Financial Assistance Arrangement, with the remaining $12M held in the reserve for payment in the 2022/23 financial year.

The Town has negotiated with the Pilbara Ports Authority (PPA) to finalise the roles, responsibilities and risk management which is included with in the Implementation Deed. The Implementation Deed is referred to within the Financial Assistance Agreement which specifies the contribution of the Town for both the marine side and land side components of the Spoilbank Marina project.

Both documents, as per confidential attachments 1 and 2, have been reviewed by the Town's solicitors and senior staff members, providing clear direction as to the Town's expectations and delivery of the project, and allocation of the Town's funds to specific components of the project. Authorisation of the CEO to execute these documents, including placement of the Common Seal where applicable, will enable payment of the Town's contribution to the project to be completed as per previous Council resolutions. These documents are also being reviewed by Spoilbank Taskforce members, and have been referred to the State Solicitor's Office, so there may be minor changes requested. To negate any potential delays, authorisation is requested for the Chief Executive Officer to make any minor amendments to the documents which do not substantially alter the intent of the Deed or Agreement, and do not increase the risk or liability to the Town.

LEVEL OF SIGNIFICANCE

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

- the commitment of the marina reserve funding has been endorsed by Council on numerous occasions and the subject of lengthy community consultation; and
- it otherwise concerns contractual matters between the parties which do not, by their legal nature, precipitate the need for community consultation required under the aforementioned policy

CONSULTATION

Internal

- Executive Leadership Team
- Finance Team
- Governance Team

External Agencies

- Pilbara Ports Authority
- Department of Transport
- Herbert Smith Freehills

Community

Nil, for the reasons mentioned under Level of Significance.

LEGISLATION AND POLICY CONSIDERATIONS

The Town's Delegation Register and Policy 1/014 Execution of Documents and Affixing of the Common Seal is applicable.

FINANCIAL AND RESOURCES IMPLICATIONS

The release of the Spoilbank Marina funding is consistent with the Council's earlier resolutions, with Council already agreeing to the release of funds upon the signing of the Implementation Deed and Financial Assistance Agreement.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town has already committed to provide funding to develop the Spoilbank Marina. By not signing the Implementation Deed and Financial Assistance Arrangements, the transfer of funds will not occur. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3). This risk will be ameliorated 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

Signing the Implementation Deed and Financial Assistance Arrangements will trigger the release of the funding which will enable the PPA to deliver the Spoilbank Marina project without compromising the Town's involvement, risk allocation and variation regime with respect to the landside component which it will ultimately inherit.

ATTACHMENTS

1. Draft Financial Assistance Agreement (still to be finalised) - Confidential (under separate cover)
2. Draft Implementation Deed (still to be finalised) - Confidential (under separate cover)

12.3.6 AWARD OF TENDER RFT2122-25 - 'PRE-QUALIFIED PANEL FOR REPORT WRITING, INVESTIGATION AND RESPONSE CONSULTING'

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

CM202122/235 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: DEPUTY MAYOR TURNER

That Council awards the following successful tenderers to the minor panel for RFT2122-25 'Pre-Qualified Panel for Report Writing, Investigation and Response Consulting" for an initial period of two (2) years, with a single one (1) year extension at the discretion of the Town, based on the rates supplied in their respective tenders:

1. APP Corporation Pty Ltd
2. Economic Transitions
3. RFF Pty Ltd

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-25 for a Pre-Qualified Panel for Report Writing, Investigation and Response Consulting and endorse the evaluation panel's recommendation for the preferred panel.

DETAIL

The Town of Port Hedland sought to engage a panel of suitably qualified contractors to support officers in investigation, review, reporting and writing submissions relating to matters affecting or potentially affecting the Town, including but not limited to changes in legislation and enforcement, policy and procedure, economic development and drivers, and Cabinet Submissions. This service is currently provided by a single supplier, who's contract will cease as of 30 June 2022.

An issue identified over the past 6 months is the number and type of Town requests for this service exceeding the capacity of the single supplier, hence the decision to seek a pre-qualified panel contract to spread the workload and ensure that all requests from individual departments within the organisation can be addressed. The Town currently utilises this type of service typically requiring 25-35 hours of work per week, however due to the nature of the work, this may vary with peaks and troughs in demand. Previous works undertaken have supported the Towns interests and representation in submissions on policy and direction at both a state and federal level.

Request for Tender

The Town released a Request for Tender (RFT) on 6 April 2022, requesting the services of a suitably qualified and experienced panel of consultants to assist with research, investigation,

review, reporting and correspondence in relation to strategic, governmental and other issues which affect or have the potential to affect the Town.

This includes:

1. Research and Investigation

Conducting research and investigation into matters affecting Port Hedland, including but not limited to public inquiries, requests for submission, governmental reports, identifying possible grant funding sources, third party review to provide briefs on complex issues. This may also extend to providing preliminary research as a foundation for other works being undertaken by the Town.

2. Analysis

Analysis of reports and investigations to develop options or alternatives to be considered and progressed if supported by the Town.

3. Report writing and correspondence

Development of concise, targeted and quality written documents including report writing, business cases, government submissions and proposals, funding submissions (including grants), annual reports, public policy analysis and complex correspondence.

Request for Tender

The Town release a Request for Tender (RFT) on the Town's website and on Vendorpanel (the Town's e-tendering portal) on 6 April 2022 and advertised in the West Australian and the North West Telegraph on 6 April 2022 with a closing date of 26 April 2022.

Tender Assessment

The Town received nine (9) submissions for the tender panel, with one of these being considered non-compliant due to insufficient information being provided. A panel with a minimum of 3 suppliers is intended to be engaged.

1. APP Corporation Pty Ltd
2. Economic Transitions
3. Katherine Ann Elder
4. LG Services Group Australia
5. Lyn Allen Consulting
6. Moore Australia (WA) Pty Ltd
7. RFF Pty Ltd
8. Stephen Arthur Brown
9. TTG Global

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

a) Make a recommendation to the Council.
b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
c) Ensure adherence to Local Government policies and legislation; and

d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The Town's Procurement Officer facilitated the evaluation meeting held on 17 May 2022.
The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience and Understanding	50%
Capacity to Deliver and Resources	25%
Key Personnel and Skills	25%
	100%

The responses were assessed against qualitative and compliance criteria to determine the most advantageous outcome for the Town. A summary of the assessment results of each submission received is included in the confidential evaluation report attached (Attachments 1, 2 and 3).

The panel members will be retained for a period of two (2) years, to a maximum period of three (3) years, with extension of the additional year at the discretion of the Town.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this will assist with report writing, investigation and responses, which are operational in nature, with these agencies having no strategic or decision making powers.

CONSULTATION

Internal

Executive Leadership Team
Procurement Team

External Agencies

Nil

Community

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on and was advertised in the West Australian and the North West Telegraph.

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'
- 2/022 'Panels of Pre-Qualified Suppliers'

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

FINANCIAL AND RESOURCES IMPLICATIONS

By establishing a panel of pre-qualified suppliers, the Town is supporting efficiencies in financial management and resourcing. It will create a readily available resource pool of both operators and equipment. Funding of any works is included within current departmental budgets.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because these works will inform decision making by Council and the Town Administration, however all information is reviewed and considered before any decision or direction is made. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has utilised this type of service over the past 2 years, which has informed decision making by Council and the Town's Administration. The evaluation panel recommends awarding RFT 2122-25 to the preferred tenderers as listed in the attached evaluation report.

ATTACHMENTS

1. Evaluation Report - Confidential (under separate cover)
2. RFX Summary Report - Confidential (under separate cover)
3. Multi-Party Evaluation Report - Confidential (under separate cover)

12.3.7 FINAL LANDSIDE DRAWINGS FOR SPOILBANK MARINA (PUBLIC RECREATION MARINA) ON LOT 370 ANDERSON POINT, PORT HEDLAND, LOT 5178 (RESERVE 30768), LOT 5550 & 5751 SUTHERLAND STREET, PORT HEDLAND

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

CM202122/236 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR COLES

That Council note Landside Civil Drawings, prepared by JDSI, Landscaping Drawings, prepared by Emerge Associates and Public Amenities Building, prepared by Parry and Rosenthal, as presented in Attachment 2, which clear Conditions 7 and 8 of the Development Approval for Spoilbank Marina (Public Recreation Marina) on Lot 370 Anderson Point, Port Hedland, Lot 5178 (Reserve 30768), Lot 5550 & 5751 Sutherland Street, Port Hedland, as approved by the Joint Development Assessment Panel on 21 September 2020.

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to note the attached plans which clear conditions 7 and 8 of the development application for Spoilbank Marina, as approved by the Joint Development Assessment Panel (JDAP) on 21 September 2020.

DETAIL

Council endorsed the Spoilbank Marina Landside Masterplan (Masterplan) in December 2019. The Spoilbank Marina development was approved by the JDAP on 21 September 2020, subject to conditions as listed in **Attachment 1**. Relevant to this report, the JDAP approval was subject to the following conditions:

7. *The developer shall submit a revised set of civil works plans to the specification and satisfaction of the Town of Port Hedland for approval and shall address the following:*
   a. *Stormwater management details;*
   b. *Correction of cross-sections;*
   c. *Plan legend update;*
   d. *Dust control and water quality control details;*
   e. *Signage, crossover, landscaping, parking, vehicle manoeuvring, line marking and pavement details; and*
   f. *Lux diagram.*

   All works shall be completed in accordance with the approved civil works plans, prior to use of the site to the satisfaction of the Town of Port Hedland.

8. *The developer shall submit a revised set of detailed landscaping plans to the specification and satisfaction of the Town of Port Hedland for approval and shall address the following:*

a. *Wheelchair access to shaded benches and event areas;*
b. *Additional ramps adjacent to stairs;*
c. *Rock sizes and fixing;*
d. *Mulching areas; and*
e. *Root barriers.*

All works shall be completed in accordance with the approved detailed landscaping plans, prior to the use of the site to the satisfaction of the Town of Port Hedland.

These conditions are to be cleared prior to the commencement of landside and landscaping works. The PPA submitted detailed design plans, based on the Council endorsed Masterplan and JDAP approval on 3 May 2022, after consultation with the Town and other State Government agencies and utilities suppliers, including Water Corporation and Horizon Power. The Town's Regulatory Services and Infrastructure Services have reviewed the plans and are supportive of clearing Conditions 7 and 8 of approval, subject to the following information being provided:

Landscaping and Stormwater Drainage
The Town has requested additional information relating to the number of mature trees and supply of trees as indicated on the Tree Strategy Masterplan. Should mature trees not be procured, the Town would like details of the storage location and maintenance in the lead-up to installation on-site. The Town will be continuously informed of the selection, supply and installation of landscaping for the duration of the project.

The Town is interested in clarification of the extent of dune rehabilitation and revegetation surrounding the subject site, and particularly in stormwater management areas surrounding the site. Additionally, bioswale species are required to be approved by the Town prior to installation.

Pop-Ups Area
The Town is suggesting a minor amendment to the pop-up pads, to ensure hardstands for pop-ups are clearly delineated and accessible by trafficable surface treatments.

Security Cameras
There are 15 proposed security cameras surrounding the marina and northern car park. The Town has requested the rationalisation of the location of security cameras, to ensure they are appropriately located and capture areas of interest across the site.

Needs Analysis
The Town is working towards a Needs Analysis to determine the future of community buildings on-site and use of the site to best address community needs. To facilitate an easier transition into any future proposed purpose, all sites will be sub-metered to allow for the separation of utilities if required.

Public Art and Wayfinding Strategy
At the time of writing this report, the PPA is yet to provide the Town with a Public Art Strategy and Wayfinding Strategy. The Public Art Strategy is expected to be submitted in June 2022 for review. The PPA have appointed FORM as the public art consultants, who have hosted public art workshops to inform the Public Art Strategy. The Public Amenities Building will have public art incorporated in the shade structure, and other art pieces will be provided throughout the site.

The Town is currently working with the PPA to produce a Wayfinding Strategy. Both strategies will be required to be submitted to the Town for approval.

It is recommended that Council note the plans submitted on 3 May 2022, as part of the landside Spoilbank Marina design.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as this item is provided for information purposes only.

CONSULTATION

Internal

Director Regulatory Services
Director Infrastructure Services
Manager Environmental Health and Community Safety
Manager Infrastructure Operations
Manager Landfill Operations
Manager Town Planning and Development
Senior Project Engineer
Graduate Engineer

External Agencies

The PPA have been working with other State Government agencies and utilities suppliers to ensure compliance with all relevant requirements.

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015

FINANCIAL AND RESOURCES IMPLICATIONS

Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
1.a.6 Town-wide health, safety, recreation and sporting activities and services
2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry
3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the works undertaken may not be in accordance with the approved conditions and plans. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2). This risk is mitigated through on-going consultation between the Town and PPA, and provisions of the Implementation Deed which is nearing finalisation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has provided an update on the final drawings for the Spoilbank Marina following the JDAP development approval issued 21 September 2020.

ATTACHMENTS

1. JDAP Approval 21 September 2020 (under separate cover)
2. Civil Drawings, Landscape Drawings and Public Amenities Building Plans (under separate cover)

12.4 Infrastructure Services

12.4.1 AWARD OF TENDER RFT2122-26 - 'MOORAMBINE / YANANA INTERSECTION RECONSTRUCTION'

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

CM202122/237 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council accepts the tender submitted by Degrey Civil Pty Ltd, in accordance with Tender, RFT 2122-26 Moorambine/Yanana Intersection Reconstruction for the total amount of $3,175,123.80 (excluding GST).

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2122-26 for Moorambine / Yanana Intersection Reconstruction and endorse the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on 11 May 2022, requesting a suitably qualified Civil Contractor to supply plant, labour and materials to undertake all works associated with the civil works as per the drawings and specifications for the following:

- Reconstruction and upgrade of Moorambine Street & Yanana Street intersection;
- Reconstruct and seal Moorambine Street from chainage 390.00 to chainage 620.218;
- Reconstruct and seal Yanana Street from chainage 0.00 to chainage 120.00
- Installation of compliant crossovers and culverts as per design documentation.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 11 May 2022 and was advertised in the West Australian and the North West Telegraph on 11 May 2022 with a closing date of 30 May 2022.

Addendum Details

Total of 5 (five) separate addendums released-

1. Clarification of documentation released

2. Alternative Practical Completion dates considered
3. Additional survey provided, Provisional Sum nomination & Crossover Specification provided
4. Additional survey provided
5. Draft contract in MS Word

Site Inspection/Briefing details

Date: 18 May 2022
Time: 10:00
Location: Onsite at Yanana and Moorambine Intersection; Wedgefield.

Tender Assessment

The Town received two submissions for RFT 2122-26. The respondents were as follows:

1. Degrey Civil
2. Red Dust Enterprises

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of four (4) Town employees whose main objectives were:
a) Make a recommendation to the Council.
b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
c) Ensure adherence to Local Government policies and legislation; and
d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

Procurement staff facilitated the evaluation meeting held on 2 June 2022.

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

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	30%
Capacity to Deliver & Resources	30%
Demonstrated Understanding & Methodology	30%
Project Controls	10%
TOTAL	100%

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the project has been endorsed by Council during the FY2021/22 Annual Budget adoption process.

CONSULTATION

Internal

Key internal stakeholders within the Infrastructure and Regulatory Directorates have been engaged through the strategic development and design to improve the operational function of roads and to begin to implement the Wedgefield Masterplan.

Consultation was sought with elected members via agenda briefings prior to the endorsement of the strategic direction for full RAV 10 compliance throughout Wedgefield Route 1 at May 2022 OCM.

External Agencies

- Hyder Consulting
- Shawmac Consulting
- Main Roads WA

It is to be noted that Main Roads WA are in support of this approach.

Community

In 2015, Hyder Consulting conducted a survey of Wedgefield stakeholders to ascertain the type of business and vehicles used by these businesses in Wedgefield.

This information received is now outdated and further a targeted approach for commercial owners, tenants and stakeholders is required to assist in facilitating the required improvements.

More recently, in early 2021, Phase 2 of the local planning strategy/scheme review project conducted by the Town's planning team involved seeking community feedback on a number of Precinct Snapshots. This included "Wedgefield Considerations" and noted the issue that the road network in old Wedgefield does not support heavy vehicle access.

Further consultation is required by successful Contractor and the Town to liaise with existing stakeholders including tenants and landowners impacted by the works with overarching intent to limit impact on businesses.

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 11 May 2022 and was advertised in the West Australian and the North West Telegraph on 11 May 2022 with a closing date of 30 May 2022.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

The following Town policies were considered in relation to this tender:
1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'
3. 2/022 'Panels of Pre-Qualified Suppliers'

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

FINANCIAL AND RESOURCES IMPLICATIONS

On an annual basis, a share of State Road funds are allocated to Local Government roads for recognised projects. Regional Road Group (RRG) funding is split between all local governments in the Pilbara for road maintenance and improvements and is 2/3 funded by MRWA, whilst 1/3 is contributed by the local government.
The RRG – Approved funds as follows:

Town contribution:	$ 1,100,000 (Currently budgeted).
RRG Fund contribution:	$ 2,200,000
Total project allocation:	$ 3,300,000

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.d.1 Investment in key infrastructure development such as the port and logistics is pursued
3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item should the Town not proceed with the award of the tender, as the existing road network at the Intersection of Moorambine and Yanana Street has wide ranging deficiencies including poor geometry, pavement defects and poor drainage throughout. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The evaluation panel recommends the award of Tender 2122-26 Moorambine / Yanana Intersection Reconstruction as per the officer's recommendation above. These works are the first stage of a multi-year progressive upgrade throughout the Wedgefield Route 1 network.

ATTACHMENTS

1. Evaluation Report - Confidential (under separate cover)

12.5 Executive Services

12.5.1 CONFERENCES - AUGUST 2022 UP TO NOVEMBER 2022

Author: EA to CEO and 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.

RECOMMENDATION 1

CM202122/238 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council:

1. Nominate and approve the Mayor and Cr Coles to attend the Northern Territory Resources Week on behalf of the Town of Port Hedland from 24th to 25th August 2022 in Darwin, pending any COVID-19 restrictions being in place at the time of travel:

2. Note that the CEO may appoint Officers to attend the Northern Territory Resources Week on behalf of the Town of Port Hedland; and

3. Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to the 26 October 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

RECOMMENDATION 2

CM202122/239 COUNCIL DECISION

MOVED: CR COLES SECONDED: CR BENNETT

That Council:

1. Nominate and approve the CEO, Mayor and Cr Christensen to attend the Cradle Coast Authority SEGRA Conference 2022 on behalf of the Town of Port Hedland from 31st August to 2nd September 2022 in Devonport, Tasmania, pending any COVID-19 restrictions being in place at the time of travel:

2. Note that the CEO may appoint Officers to attend the Cradle Coast Authority SEGRA Conference 2022 on behalf of the Town of Port Hedland; and

3. Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to 23rd November 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

RECOMMENDATION 3

CM202122/240 COUNCIL DECISION

MOVED: CR BENNETT SECONDED: CR COLES

That Council:

1. Nominate and approve the CEO, Mayor and Cr Gillingham, Cr Coles, Cr Christensen, Cr Turner and Cr Bennett, to attend the 2022 WALGA WA Local Government Convention on behalf of the Town of Port Hedland from 3rd to 4th October 2022 in Perth, pending any COVID-19 restrictions being in place at the time of travel:

2. Note that the CEO may appoint Officers to attend the 2022 WALGA WA Local Government Convention on behalf of the Town of Port Hedland: and

3. Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to 26th October 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

RECOMMENDATION 4

CM202122/241 COUNCIL DECISION

MOVED: CR COLES SECONDED: CR CHRISTENSEN

That Council:

Nominate and approve the CEO, Mayor, Deputy Mayor Turner and Cr Bennett to attend the Kimberley Economic Forum on behalf of the Town of Port Hedland from 9 to 11 November 2022 in Broome, pending any COVID-19 restrictions being in place at the time of travel:

Note that the CEO may appoint Officers to attend the Kimberley Economic Forum on behalf of the Town of Port Hedland: and

Note that the Mayor and Councillor must submit a report on their attendance to the Chief Executive Officer prior to 26th October 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

RECOMMENDATION 5

CM202122/242 COUNCIL DECISION

MOVED: CR COLES SECONDED: CR BENNETT

That Council:

1. Amend the Ordinary Council Meeting from Wednesday 24 August 2022 to Wednesday, 7 September 2022.

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider the Mayor, a Councillor, Chief Executive Officer, and relevant Officers attend various conferences in August, September and October 2022.

DETAIL

General overview Recommendation 1

Northern Territory Resources Week

The Northern Territory is perfectly placed to provide a supermarket of energy and commodities to meet surging global demand. 2022 is shaping up with enormous potential for project development across the Territory. The annual NT Resources week brings together three of Northern Australia's leading industry events, SEAAOC Conference, Mining the Territory Conference and Environmental Management & Decarbonisation. Run in partnership with the Northern Territory Government, the event attracts over 750 attendees every year.

- Darwin is vying to be one of Australia's hydrogen hubs. Numerous projects are proposed for the NT including the recently announced partnership between Aqua Aerem and Osaka Gas to develop the Desert Bloom project near Tennant Creek
- $400 million has been allocated to establishing three new logistics hubs in Katherine, Tennant Creek and Alice Springs
- LNG prices are experiencing record highs given global supply issues and soaring demand, setting the scene for further expansion of LNG production in the NT
- A further $200 million will be used specifically to develop the Middle Arm Sustainable Development Precinct including LNG liquefaction and downstream processing infrastructure

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.

PURPOSE

The purpose of this report is for Council to consider the attendance of the Mayor, a Councillor, Chief Executive Officer, and relevant Officers to the Northern Territory Resources in Darwin 24th to 25th August 2022.

DETAIL

General overview Recommendation 2

Cradle to Coast Authority SEGRA Conference 2022

Celebrating 25 years, SEGRA is an annual conference that aims to assist regional, rural and remote Australia to source and identify the techniques, skills and issues they need to address which will help achieve successful economic growth and development.
This year, SEGRA are heading to Devonport in partnership with Business Events Tasmania and the Devonport City Council. Our theme is "Regional Activity Transition and Sustainability'.

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.

PURPOSE

The purpose of this report is for Council to consider the attendance of the Mayor, Councillor, Chief Executive Officer, and relevant Officers to the Cradle Coast Authority SEGRA Conference 2022 in Devonport, Tasmania on the 31st August to 2nd September 2022.

DETAIL

General overview Recommendation 3

2022 WALGA, WA Local Government Convention

The 2022 WA Local Government Convention will be held at Crown Perth on Monday 3rd and Tuesday 4th October 2022. The theme for the Convention is *Embracing Change.*

With increasing community expectations of Local Governments, legislative reform and a rapidly changing economic, social, and political environment, Local Governments must find new ways of serving and engaging with their communities, doing business, and strengthening their influence. Agility, ingenuity, innovation, and boldness will be required.

This Convention will explore changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide, and embrace change.

General overview Recommendation 4

Kimberley Economic Forum

The Kimberley Economic Forum is a partnership between the East Kimberley, Broome and Derby Chambers of Commerce and Industry.

The 2022 Forum is being hosted by the Broome Chamber of Commerce and Industry who have prepared an extensive program of events designed to facilitate conversations and networking opportunities for delegates with trade organisations, government agencies, investors, industry, and media.

This is an opportunity for business leaders across the Kimberley and other areas to come together, discuss the future of the region and ways to expand agriculture, aquaculture, mining, tourism, and logistics.

This year's theme "Kimberley Rising" will see a variety of high-profile speakers address current issues and examine the economic outlook and the industries that drive the Kimberley Region.

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.

PURPOSE

The purpose of this report is for Council to consider the attendance of the Mayor, Councillor, Chief Executive Officer and relevant Officers to the Kimberley Economic Forum in Broome, 9th to 11th November 2022.

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 2.1.4 'Conferences, seminars and forums' in the Town's policy 4/010 'Elected Member Professional Development' is applicable as it sets out parameters the ongoing professional development of the Elected Members in their role.

Section 2.1.5 'Funding' of the Town's policy 4/010 is applicable as it sets out how Council allocates funds in the Town's budget to meet the costs of attendance, registration fees, travel and accommodation for Elected Members to participate in conferences.

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

The recommended decision is not a 'Major Policy Decision' within the context of Council Policy 4/006 'Elections - Caretaker Policy'.

FINANCIAL AND RESOURCES IMPLICATIONS

The following tables outline the approximate costs for attending the above conferences:

Recommendation 1 Northern Territory Resources, Darwin – 24 to 25 August 2022		
Detail	Approximate Total Cost	Notes
Accommodation	$1500.00	Accommodation for 4 x nights 23rd to 26th August 2022
Flights	$ 1800.00	Flight costs (e.g. Port Hedland, Perth, Darwin return)
Registration Fee – two-day package	$ 2095.00	Early bird fee $2095 p/person for each Conference x 3 (Registration due by 30th June 2022)
Gala Dinner +	$379.50	Gala Dinner $220.00 p/person

Harbour Cruise		Harbour Cruise $159.50 p/person
Meals / Incidentals		Tuesday 23rd August 2022 (Travel – Port Hedland to Darwin) Dinner $51.85 Incidentals $19.35 Wednesday 24th August 2022: Breakfast $27.05 *Lunch is provided* *Conference Dinner* Incidentals $19.35 Thursday 25th June 2022 Breakfast $27.05 *Lunch is provided.* Dinner $51.85 Incidentals $19.35 Friday 26th August 2022 (Travel Darwin to Port Hedland)
Total	$6075.80	Total approximate cost + GST per person to attend

Recommendation 2 Cradle Coast Authority SEGRA Conference – 31 August to 2nd September 2022		
Detail	**Approximate Total Cost**	**Notes**
Accommodation	$1400.00	Accommodation for 4 x nights 30th August to 3rd September 2022
Flights	$ 1800.00	Flight costs (e.g. Port Hedland, Perth, Devonport and return)
Registration Fee – two day package	$1150.00	Early bird fee
Meals / Incidentals		Tuesday 30th August 2022 (Travel Fly Port Hedland to Perth to Devonport) Incidentals $19.35 Overnight accommodation in Launceston Wednesday 31thAugust 2022: (Drive to Devonport) Breakfast $27.05 *Lunch is provided* *Includes Welcome Drinks @ 5:30pm* *Dinner $51.85* Incidentals $19.35 Thursday 1st September 2022 (Conference) Breakfast $27.05

		Lunch is provided Dinner is provided Incidentals $19.35 Friday 2nd September 2022 (Conference) Breakfast $27.05 *Lunch is provided* *Dinner $51.85* Incidentals $19.35 *Confirm Conference finish time* *(Drive to Launceston)* *Fly – Launceston to Perth* *Overnight accommodation in Perth* *Saturday 3rd September 2022* Fly Perth to Port Hedland
Total	$ 4593	Total approximate cost +GST per person to attend

Recommendation 3 WALGA Convention Perth 3rd to 4th October 2022		
Detail	Approximate Total Cost	Notes
Accommodation	$1000.00	Accommodation for 3 x nights while attending the Convention
Flights	$ 700.00	Flight costs (e.g. Port Hedland to Perth return)
Registration Fee – two day package	$	Tbc (programme not out as yet)
Meals / Incidentals		Saturday 1st October 2022 (Travel Port Hedland to Perth – If attending Opening Welcome Reception) Overnight Accommodation Perth Sunday 2nd October 2022 Breakfast $27.05 Lunch $ Dinner $51.85 per person Incidentals $19.35 Opening Welcome Reception Not Attending Welcome Reception Fly PM flight to Perth Monday 3rd October 2022 Breakfast $27.05 *Lunch is provided*

		Cocktail Gala – Optus Stadium Incidentals $19.35 Tuesday 4th October 2022 Breakfast $27.05 *Lunch is provided* Incidentals $19.35 Departing flight back to Port Hedland
Total	$2000 approx.	Total approximate cost + GST per person to attend

Recommendation 4 Kimberley Economic Forum – 9th to 11th November 2022		
Detail	**Approximate Total Cost**	**Notes**
Accommodation	$1200.00	Accommodation 4 x nights
Drive to Broome		Tuesday 8th November
Registration Fee – three-day package	$	Early Bird fee per person tbc (Programme not out as yet)
Meals / Incidentals		Tuesday 8th November 2022 Drive to Broome Breakfast $27.05 Lunch Dinner $51.85 per person Incidentals $19.35 Wednesday 9th November 2022 Breakfast $27.05 *Lunch tbc* *Dinner tbc* Incidentals $19.35 Thursday 10th November 2022 Breakfast $27.05 *Lunch tbc* Dinner Friday 11th November 2022 Drive back to Port Hedland
Total	$2600.00 approx.	Total approximate cost + GST per person to attend

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	$75,000	**$72,610**
Elected Members – Accommodation and Travel Expenses	$42,000	**$38,600**

The registration fee is to be deducted from the 'Individual Training and Development' budget. Accommodation, travel and incidentals will be deducted from the 'Accommodation and Travel Expenses' 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:
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

RECOMMENDATION 1

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

RECOMMENDATION 2

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

RECOMMENDATION 3

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

RECOMMENDATION 4

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

RECOMMENDATION 5

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

The Town of Port Hedland will benefit from attending the above conference. It allows the Town to gain insight into the unique factors affecting regional local governments, business and community sectors and share information and strategies.

ATTACHMENTS

Nil.

12.5.2 REVISED WHS POLICY - 1/016 WORKPLACE HEALTH & SAFETY POLICY

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

CM202122/243 COUNCIL DECISION

MOVED: CR COLES SECONDED: CR BENNETT

That Council adopt the revised 1/016 Workplace Health and Safety Policy (See Attachment 2).

CARRIED BY ABSOLUTE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to consider the amendments made to 1/016 Workplace Health and Safety Policy.

DETAIL

Policies are adopted by Council and establish guidelines or provide direction for the Town of Port Hedland's (Town) activities and actions. Policies are defined as the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem, or issue. The Town will provide, so far as reasonably practicable, a safe work environment for all its employees, Elected Members, contactors, volunteers, customers, and visitors, in accordance with its legislative requirements.

This commitment further extends to all employees, managers and contractors, who have responsibility to work safely, along with customers to take all reasonable care for their own health and safety, and to consider the health and safety of other people who may be affected by their actions.

> "People are our most important priority and their health and safety is our greatest responsibility".

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the Policy on the System has exceeded the review date.

CONSULTATION

Internal

- CEO
- Director Corporate Services
- Director Community Services
- Director Regulatory Services

- Director Infrastructure Services
- Governance and Human Resources.

External Agencies

The following Western Australian local governments were reviewed to determine if their policy manuals contained a similar policy.

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

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Work Health and safety Act 2020 (WHS Act)
Work Health and Safety Regulations 2022
Town of Port Hedland Occupational Safety and Health Plan

FINANCIAL AND RESOURCES IMPLICATIONS

Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

In the July 2021 the Town underwent a WorkSafe Audit conducted by LGIS. It was noted that the Workplace Health and Safety Policy documented the requirement for a three-year review. An audit action arising out of this was to amend the Policy to state the requirement for an annual review and to reduce the content to a one- or two-page document.

Compliance
The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). Approval and CEO sign-off of this revised Policy will eliminate the risk. This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

CONCLUSION

In the interests of workplace health and safety and to ensure the efficient and effective ongoing operation of the Town's safety management, it is recommended that Council review with a view to endorse the revised Work Health and Safety Policy.

ATTACHMENTS

1. DRAFT_TRACKED CHANGES 016_Workplace_Health_and_Safety_V04_Revised Policy_ Apr_2022.docx (under separate cover)
2. Draft Revised WHS Policy 1/016 Tracked Changes (under separate cover)

Item 13 Motions of which Previous Notice has been given

Nil

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

Nil

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

CM202122/244 COUNCIL DECISION
MOVED: CR COLES SECONDED: CR BENNETT

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1 and 15.2.

CARRIED BY SIMPLE MAJORITY (7/0)

The Presiding member declared the meeting closed to the public at 6:37pm.

Cr Elmer Zielke declared an interest in the item15.1 and logged out of the meeting at 6.54pm

Cr Renae Coles left the meeting at 6:58pm.
Cr Renae Coles returned to the meeting at 7:02pm.

CM202122/245 COUNCIL DECISION
MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council suspend standing orders under clauses 9.8 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED BY SIMPLE MAJORITY (6/0)

Cr Elmer Zielke logged back into the meeting at 7.18pm

CM202122/246 COUNCIL DECISION
MOVED: CR COLES SECONDED: CR CHRISTENSEN

That Council resume standing orders.

CARRIED BY SIMPLE MAJORITY (7/0)

CM202122/247 COUNCIL DECISION
MOVED: CR CHRISTENSEN SECONDED: CR COLES

That Council open the meeting to members of the public.

CARRIED BY SIMPLE MAJORITY (7/0)

The Presiding member declared the meeting open to the public at 6:37pm.

12.1.5 2022/23 DELEGATION REGISTER REVIEW

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

CM202122/248 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR COLES

That Council;

1. Adopt the 2022/23 Town of Port Hedland Delegation Register as per Attachment 1
2. Undertake a review of Delegation item 1.2.19 of the 2022/23 Delegation Register at the midyear budget review.

CARRIED BY SIMPLE MAJORITY (7/0)

PURPOSE

The purpose of this report is for Council to adopt the 2022/23 annual review of the Town of Port Hedland (the Town) Delegation Register. A CEO may delegate to any employee of the Town the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under s5.44 *Local Government Act 1995* (the Act)

DETAIL

In accordance with s5.46 of the Act, the delegator must review its delegations at least once every financial year. The Delegation Register was last reviewed and adopted by Council at the OCM in June 2021

Delegations of authority are an effective and efficient means of carrying out the functions or discharging the duties of the local government, by allowing decisions of Council to be made by the CEO who in turn can delegate to other staff where appropriate.

The delegation register annual review is facilitated through governance, with managers and executives recommending updates for council to adopt and has been undertaken in line with the Department's Local Government Operational Guideline No. 17 – Delegations.

As part of the review, amendments have been made to the Town's Delegation Register to correct grammar, update regulations and statutory references, amend, add and remove employee positions, titles and authority.

The below table outlines the changes made to the delegation register and references the delegation register at attachment 1)

Council To CEO	Delegation Number	Current	Change
	Title	Statutory	Statutory and *Non-Statutory Powers* *(add and Non-Statutory Powers)*
Position Title Change	21.8.1 Authorised Officers DIS120	Manager Waste Operations	Manager Waste *& Services* *(change title from Manager Waste Operations to Manager Waste & Services)*
Sub-Delegate/s: Appointed by CEO	1.2.4 Powers of Entry	Coordinator Ranger Services (Function 1, 2, 3, 4)	Coordinator Ranger Services (Function 1, 2, 3, 4,*5)* *(add Function 5. Authority to give notice and effect entry by opening a fence [s.3.36].)*
Sub-Delegate/s: Appointed by CEO	1.2.7 Confiscated or Uncollected Goods	Ranger and Emergency Services Advisor (Function 1, 2)	Ranger and Emergency Services Advisor (Function 1) *(remove Function 2 Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].)*
Sub-Delegate/s: Appointed by CEO	1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	Manager Environmental Health and Community Safety Ranger and Emergency Services Advisor Senior Environmental Health Officer Environmental Health Officer	Manager Environmental Health and Community Safety Senior Environmental Health Officer Environmental Health Officer *Coordinator Ranger Services* *(remove position- Ranger and Emergency Services Advisor* *Add position - Coordinator Ranger Services)*
Council Conditions on this Delegation:	1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total estimated consideration under the resulting panel is $500,000 ex GST or less and the expense is included in the adopted Annual Budget.	a) In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total estimated consideration under the resulting panel is for minor works (TOPH Project Mgt Framework, 2.2.1 Project Assess Matrix) $500,000 or less and for other works $1,000,000 or less ex GST, and the expense is included in the adopted Annual Budget.

Council To CEO	Delegation Number	Current	Change
			(add $1,000,000 for other works)
Sub-Delegate/s: Appointed by CEO	1.2.21 Payments from the Municipal or Trust Funds	Directors Managers Senior Project Accountant	Directors Managers Senior Project Accountant Senior Management Accountant Senior Financial Accountant Senior Accountant *(add positions Senior Management Accountant, Senior Financial Accountant & Senior Accountant)*
Council Conditions on this Delegation:	1.2.23 Defer, Grant Discounts, Waive or Write Off Debts	2. the Director of Regulatory Services may waive fees and charges for amounts up to $3,000.00 (ex GST) for any fees and charges whose imposition is……..	2. Directors may waive fees and charges for amounts up to $3,000.00 (ex GST) for any fees and charges whose imposition is….. *(remove the Director Regulatory Services and insert Directors)*
Sub-Delegate/s: Appointed by CEO	1.2.24 Power to Invest and Manage Investments	Directors (Function 1) Managers (Function 1) Director Corporate Services (Function 1 & 2) Manager Financial Services (Function 1 & 2) Senior Project Accountant (Function 1 &2)	Directors (Function 1) Managers (Function 1) Director Corporate Services (Function 1 & 2) Manager Financial Services (Function 1 & 2) Senior Project Accountant (Function 1 &2) Senior Management Accountant (Function 1 & 2) Senior Financial Accountant (Function 1 & 2) Senior Accountant (Function 1 & 2) *(add positions Senior Management Accountant (Function 1 & 2) Senior Financial Accountant (Function 1 & 2) Senior Accountant (Function 1 & 2))*
Sub-Delegate/s: Appointed by CEO	1.2.25 Rate Record Amendment	Director Corporate Services (Function 1, 2, 3, 4) Manager Financial Services (Function 1, 2, 3, 4) Senior Project Accountant	Director Corporate Services (Function 1, 2, 3, 4) Manager Financial Services (Function 1, 2, 3, 4) Senior Project Accountant (Function 1) Supervisor Rates and Revenue Officer (Function 1) Rates Officer (Function 1)

Council To CEO	Delegation Number	Current	Change
		Rates Officer (Function 1)	*(add Function 1 to Senior Project Accountant* *Add position Supervisor Rates and Revenue Officer (Function 1)*
Sub-Delegate/s: Appointed by CEO	1.2.26 Agreement as to Payment of Rates and Service Charges	Director Corporate Services Manager Financial Services Senior Management Accountant	Director Corporate Services Manager Financial Services Senior Project Accountant *(delete position Senior Management Accountant and add position Senior Project Account)*
Sub-Delegate/s: Appointed by CEO	1.2.28 Recovery of Rates or Service Charges	Director Corporate Services Manager Financial Services Senior Project Accountant	Director Corporate Services Manager Financial Services Senior Project Accountant Supervisor Rates and Revenue Officer *(add position Supervisor Rates and Revenue role)*
Sub-Delegate/s: Appointed by CEO	1.2.32 Rate Record – Objections	Director Corporate Services	Director Corporate Services Manager Financial Services *(add position Manager Financial Services)*
Function	1.3.6 Destruction of Electoral Papers	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].	Authority to, after a period of at least 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)]. *(insert at least)*
Delegate/s:	1.3.6 Destruction of Electoral Papers	Director Corporate Services Manager Governance	Director Corporate Services Manager Governance Manager IT & Program Delivery *(add position Manager IT & Program Delivery)*

Council To CEO	Delegation Number	Current	Change
Delegate/s:	1.3.7 Financial Management Systems and Procedures	Director Corporate Services Manager Financial Services Senior Project Accountant	Director Corporate Services Manager Financial Services Senior Project Accountant Senior Management Accountant Senior Financial Accountant Senior Accountant *(add positions Senior Management Accountant Senior Financial Accountant Senior Accountant)*
Delegate/s:	1.3.12 Representing Local Government in Court	Director Manager Financial Services Manager Environmental Health and Community Safety Manager Town Planning and Development Senior Legal Counsel Senior Project Accountant	Director Manager Financial Services Manager Environmental Health and Community Safety Manager Town Planning and Development Senior Legal Counsel Senior Project Accountant Coordinator Ranger Services *(add position Coordinator Ranger Services)*
Delegate/s:	5.1.5 Appoint Authorised Persons (Swimming Pool Inspectors)	Chief Executive Officer Director Regulatory Services Manager Town Planning and Development Senior Planner Building Surveyor Administration Officer Regulatory Services Planning and Development Support Officer Ranger Support Officer	Chief Executive Officer Director Regulatory Services Manager Town Planning and Development Senior Planner Building Surveyor Administration Officer Regulatory Services Planning and Development Support Officer Ranger Support Officer *(remove position Ranger Support Officer)*
Delegate/s:	6.2.3 Prohibited Burning Times – Control Activities	*Coordinator Ranger Services* (Function *3)* *Lead Ranger* (Function *3)* *Ranger(s)* (Function *3)*	*Coordinator Ranger Services* (Function *3)* *Chief Bush Fire Control Officer at Shire of Ashburton* (Function *3)*

Council To CEO	Delegation Number	Current	Change
		*Chief Bush Fire Control Officer at Shire of Ashburton (*Function *3)* *Chief Bush Fire Control Officer at Shire of East Pilbara (*Function *3)* *HSES Manager Hedland Operations at Fortescue Metals Group (*Function *3)*	*Chief Bush Fire Control Officer at Shire of East Pilbara (*Function *3)* *Chief Bush Fire Control Officer at City of Karratha (Function 3))* *(delete positions Lead Ranger & Ranger(s) and HSES Manager Hedland Operations at Fortescue Metals Group (Function 3)* *add Chief Bush Fire Control Officer at City of Karratha (Function 3)*
Delegate/s:	6.2.5 Control of Operations Likely to Create Bush Fire Danger	Bush Fire Control Officers: Coordinator Ranger Services (Function 1, 2) Lead Ranger (Function 1, 2) Ranger(s) (Function 1, 2) Chief Bush Fire Control Officer *at Shire of Ashburton (*Function *1, 2)* Chief Bush Fire Control Officer *at Shire of East Pilbara (*Function *1, 2)* HSES Manager Hedland Operations *at Fortescue Metals Group (*Function *1, 2)*	Bush Fire Control Officers: Coordinator Ranger Services (Function 1, 2) Lead Ranger (Function 1, 2) Ranger(s) (Function 1, 2) Chief Bush Fire Control Officer *at Shire of Ashburton (*Function *1, 2)* Chief Bush Fire Control Officer *at Shire of East Pilbara (*Function *1, 2)* *(remove HSES Manager Hedland Operations at Fortescue Metals Group (Function 1,2))*
Delegate/s:	6.2.6 Burning Garden Refuse / Open Air Fires	Bush Fire Control Officers: Coordinator Ranger Services Lead Ranger Ranger(s) District Officer for Hamersley Range at *DFES Karratha* Area Officer De Grey at *DFES Port Hedland* HSES Manager Hedland Operations *at Fortescue Metals Group*	Bush Fire Control Officers: Coordinator Ranger Services Lead Ranger Ranger(s) *(remove District Officer for Hamersley Range at DFES Karratha, Area Officer De Grey at DFES Port Hedland, HSES Manager Hedland Operations at Fortescue Metals Group)*

Council To CEO	Delegation Number	Current	Change
Delegate/s:	9.1.1 General Inspector	Ranger & Emergency Services Advisor Lead Ranger Ranger(s)	Ranger & Emergency Services Advisor *(remove positions Lead Ranger and Ranger(s)*
Sub-Delegate/s: Appointed by CEO	11.1.1 Give Notice Requiring Obliteration of Graffiti	Director Infrastructure Services Manager Infrastructure Operations	Director Infrastructure Services Manager Infrastructure Operations Director Regulatory Services Manager Environmental Health & Community Safety Coordinator Ranger Services Lead Ranger Ranger(s) *(add positions Director Regulatory Services, Manager Environmental Health & Community Safety, Coordinator Ranger Services, Lead Ranger, Ranger(s))*
Sub-Delegate/s: Appointed by CEO	11.1.3 Obliterate Graffiti on Private Property	Director Infrastructure Services Manager Infrastructure Operations	Director Infrastructure Services Manager Infrastructure Operations Director Regulatory Services Manager Environmental Health & Community Safety Coordinator Ranger Services Lead Ranger Ranger(s) *(add positions Director Regulatory Services, Manager Environmental Health & Community Safety, Coordinator Ranger Services, Lead Ranger, Ranger(s)*
Council Conditions on this Delegation:	19.2.1 Development Applications	The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following:	The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following: ….

Council To CEO	Delegation Number	Current	Change
		…. v. Has a development value of less than $7,000,000	v. Has a development value of less than $10,000,000 *(Change from 7 to 10 million – 10 million aligns with JDAP thresholds and accounts for regional cost escalation for development – manager's request)*
Council Conditions on this Delegation:	20.2.3 Port Hedland West End Improvement Scheme No.1	The delegation excludes applications that: i. have development value of less than $7,000,000; or ii. include workforce accommodation that proposes 16 or more beds	The delegation excludes applications that: i. have development value of less than $10,000,000; or ii. include workforce accommodation that proposes 16 or more beds *(Change from 7 to 10 million – 10 million aligns with JDAP thresholds and accounts for regional cost escalation for development – manager's request)*
Delegate/s:	21.3.4 Authorised Officers	Chief Executive Officer (Function 1, 2, 3, 4) Director (Function 1, 2) Manager Environmental Health and Community Safety (Function 1, 2) Senior Environmental Health Officer (Function 1, 2) Environmental Health Officer (Function 1, 2) Graduate Environmental Health Officer (Function 1, 2) Manager Corporate Affairs (Function 1, 2) Coordinator Aquatic Operations (Function 1, 2) Leisure Business Coordinator (Function 1, 2) Coordinator Stadium Operations (Function 1, 2) Theatre and Cinema Operations Officer (Function 1, 2) Coordinator Ranger Services (Function 1, 2)	Chief Executive Officer (Function 1, 2, 3, 4) Director (Function 1, 2) Managers (Function 1,2) Senior Environmental Health Officer (Function 1, 2) Environmental Health Officer (Function 1, 2) Graduate Environmental Health Officer (Function 1, 2) Coordinator Aquatic Operations (Function 1, 2) Leisure Business Coordinator (Function 1, 2) Coordinator Stadium Operations (Function 1, 2) Theatre and Cinema Operations Officer (Function 1, 2) Coordinator Ranger Services (Function 1, 2) Ranger and Emergency Services Advisor (Function 1, 2) Lead Ranger (Function 1, 2) Ranger(s) (Function 1, 2) Social Sports Officer (Function 1, 2) Health Club Supervisor (Function 1, 2) Membership Experience Officers (Function 1,2) Events and Bookings Officer (Function 1, 2)

Council To CEO	Delegation Number	Current	Change
		Ranger and Emergency Services Advisor (Function 1, 2) Lead Ranger (Function 1, 2) Ranger(s) (Function 1, 2) Social Sports Officer (Function 1, 2) Health Club Supervisor (Function 1, 2) Membership Experience Officers (Function 1,2) Events and Bookings Officer (Function 1, 2) Customer Service Supervisor (Function 1, 2) Aquatic Duty Managers (Function 1, 2) Aquatic Supervisor (Function 1, 2) Casual Aquatic Duty Managers (Function 1, 2) Senior Arts, Culture and Events Officer (Function 1, 2) Manager Community Development (Function 2) Manager Leisure Facilities (Function 2) Duty Manager – Wanangkura Stadium (Function 1, 2)	Customer Service Supervisor (Function 1, 2) Aquatic Duty Managers (Function 1, 2) Aquatic Supervisor (Function 1, 2) Casual Aquatic Duty Managers (Function 1, 2) Senior Arts, Culture and Events Officer (Function 1, 2) Libraries Supervisor (Function 1, 2) Senior Librarian (Function 1, 2) Senior Youth Officer (Function 1, 2) Duty Manager – Wanangkura Stadium (Function 1, 2) (*Replace Managers by position title with "Managers (Function 1,2)* *(Add positions Libraries Supervisor, Senior Librarian, Senior Youth Officer)*
Delegate/s:	21.3.5 Thoroughfares – General	Director Regulatory Services (Function 1, 2, 3, 4) Director Infrastructure Services (Function 3, 4) Manager Infrastructure Operations (Function 3, 4) Manager Environmental Health and Community Safety (Function 1, 2, 3, 4) Senior Environmental Health Officer (Function 1, 2) Environmental Health Officer (Function 1, 2)	Director Regulatory Services (Function 1, 2, 3, 4) Director Infrastructure Services (Function 1 ,2, 3, 4) Manager Infrastructure Operations (Function 1, 2, 3, 4) Manager Environmental Health and Community Safety (Function 1, 2, 3, 4) Senior Environmental Health Officer (Function 1, 2) Environmental Health Officer (Function 1, 2) Graduate Environmental Health Officer (Function 1, 2) Coordinator Ranger Services (Function 1, 2, 3, 4)

Council To CEO	Delegation Number	Current	Change
		Graduate Environmental Health Officer (Function 1, 2) Coordinator Ranger Services (Function 1, 2, 3, 4) Ranger and Emergency Services Advisor (Function 1, 2, 3, 4) Lead Ranger (Function 1, 2, 3, 4) Ranger(s) (Function 1, 2, 3, 4)	Ranger and Emergency Services Advisor (Function 1, 2, 3, 4) Lead Ranger (Function 1, 2, 3, 4) Ranger(s) (Function 1, 2, 3, 4) Coordinator Landscape & Irrigation (Function 1, 2) *(add Function 1 & 2 to Director Infrastructure and Manager Infrastructure Operations and add position Coordinator Landscape & Irrigation (Function 1, 2))*
Functions and Sub-Delegate/s appointed by CEO:	22.1 Employment of Person by the Local Government	Recruit and appoint under the Town's Enterprise Agreement permanent, casual, fixed term employees, volunteers and temporary contractors for 4 weeks or less (includes weekends). …… ……. Hiring periods are limited to a period of 4 weeks or less (includes weekends); …. Any repeat contracts or contract extensions in excess of 4 weeks	Recruit and appoint under the Town's Enterprise Agreement permanent, casual, fixed term employees, volunteers and temporary contractors for 12 weeks or less (includes weekends). …… …… Hiring periods are limited to a period of 12 weeks or less (includes weekends); …. Any repeat contracts or contract extensions in excess of 12 weeks *(Change from 4 weeks to 12 weeks)*
Functions and Sub-Delegate/s appointed by CEO:	22.1 Employment of Person by the Local Government	Manager Human Resources Senior Human Resources Business Partner Human Resource Business Partner Senior Organisational Development Advisor	Manager Human Resources Senior Human Resources Business Partner *(remove positions Human Resource Business Partner and Senior Organisational Development Advisor)*
Functions and Sub-Delegate/s appointed by CEO:	22.1 Employment of Person by the Local Government	Nil	Termination Letters (following termination approval by CEO) — Directors

<table>
<tr><th>Council To CEO</th><th>Delegation Number</th><th>Current</th><th>Change</th></tr>
<tr><td></td><td></td><td></td><td>(Add New Function: Termination Letters (following termination approval by CEO) and add position Directors)</td></tr>
<tr><td>Functions and Sub-Delegate/s appointed by CEO:</td><td>22.1 Employment of Person by the Local Government</td><td>Attendance at training, conferences, seminars, meetings, workshops etc. with a course cost under $1,000</td><td>Attendance at training, conferences, seminars, meetings, workshops etc. with a course cost under $2,000

(increase from $1,000 to $2,000)</td></tr>
<tr><td>Function:</td><td>22.4 Legal Services</td><td>The Chief Executive Officer permits the below officers to:
1. Obtain legal advice, assistance and opinions from external legal consultants. This includes, but is not limited to, legal advice and preparation or review of legal documents that exclude Human Resources matters.</td><td>The Chief Executive Officer permits the below officers to:
1. Obtain legal advice, assistance and opinions from external legal consultants in areas under their control. This includes, but is not limited to, legal advice and preparation or review of legal documents that exclude Human Resources matters
(insert in areas under their control.)</td></tr>
<tr><td>Sub-Delegate/s appointed by CEO:</td><td>22.4 Legal Services</td><td>Directors (Function 1)
Manager Human Resources (Function 2)
Manager Governance (Function 1)
Senior Governance Advisor (Function 1)
Senior Legal Counsel (Function 1)
Coordinator Property Management (Function 1)</td><td>Directors (Function 1)
Manager Human Resources (Function 2)
Managers (Function 1)
Senior Governance Advisor (Function 1)
Senior Legal Counsel (Function 1)
Coordinator Property Management (Function 1)

(Add all managers (Function 1))</td></tr>
<tr><td>Sub-Delegate/s appointed by CEO:</td><td>22.6 Credit Card Holders</td><td>
<table>
<tr><th>Position:</th><th>Credit Card threshold/limit per month excluding GST:</th></tr>
<tr><td>Director Corporate Services</td><td>$20,000</td></tr>
<tr><td>Chief Executive Officer</td><td rowspan="2">$10,000</td></tr>
<tr><td>Director Infrastructure Services</td></tr>
</table>
</td><td>
<table>
<tr><th>Position:</th><th>Credit Card threshold/limit per month excluding GST:</th></tr>
<tr><td>Director Corporate Svc</td><td>$20,000</td></tr>
<tr><td>Chief Executive Officer</td><td rowspan="3">$10,000</td></tr>
<tr><td>Director Infrastructure Svc</td></tr>
<tr><td>Director Community Svc</td></tr>
</table>
</td></tr>
</table>

Council To CEO	Delegation Number	Current	Change
		Director Community Services Director Regulatory Services Manager Human Resources Senior Organisation Development Advisor Executive Assistant to the CEO & Mayor Coordinator Workshop & Fleet Administration Officer Infrastructure Services Personal Assistant to Director Corporate Administration Officer Regulatory Services Administration Officer Community Services $5,000	Director Regulatory Svc Manager Human Resources Senior Organisation Development Advisor Executive Assistant to the CEO & Mayor Manager Leisure Facilities Coordinator Workshop & Fleet Administration Officer Infrastructure Services Personal Assistant to Director Corporate Administration Officer Regulatory Services Administration Officer Community Services $5,000 *(add position Manager Leisure Facilities)*
Sub-Delegate/s appointed by CEO:	22.7 Credit Notes	Director Manager Financial Services Senior Financial Accountant Senior Management Accountant Senior Fixed Asset Accountant Senior Project Accountant	Director Manager Financial Services Senior Financial Accountant Senior Management Accountant Senior Accountant Senior Project Accountant *(remove Fixed Asset from Senior Fixed Asset Accountant)*
Sub-Delegate/s appointed by CEO:	22.8 Integrity Officer	Director Corporate Services	Director Corporate Services Manager Governance Manager Human Resources

<table>
<tr><th>Council To CEO</th><th>Delegation Number</th><th>Current</th><th>Change</th></tr>
<tr><td></td><td></td><td></td><td>(add positions Manager Governance & Manager Human Resources)</td></tr>
<tr><td>Sub-Delegate/s appointed by CEO:</td><td>22.10 Town of Port Hedland Credit Applications</td><td>
<table>
<tr><th>Position:</th><th>Credit Application threshold (excluding GST)</th></tr>
<tr><td>Manager Financial Services</td><td>$150,000</td></tr>
<tr><td>Senior Management Accountant</td><td rowspan="3">$15,000</td></tr>
<tr><td>Senior Financial Accountant</td></tr>
<tr><td>Senior Fixed Asset Accountant</td></tr>
</table>
</td><td>
<table>
<tr><th>Position:</th><th>Credit Application threshold (excluding GST)</th></tr>
<tr><td>Manager Financial Services</td><td>$150,000</td></tr>
<tr><td>Senior Project Accountant</td><td rowspan="4">$15,000</td></tr>
<tr><td>Senior Management Accountant</td></tr>
<tr><td>Senior Financial Accountant</td></tr>
<tr><td>Senior Accountant</td></tr>
</table>
(add position Senior Project Accountant $15,000, remove fixed asset from Senior Fixed Asset Accountant $15,000)
</td></tr>
<tr><td>Sub-Delegate/s appointed by CEO:</td><td>22.11 Town of Port Hedland Access to Australian Business Register (ABR) Explorer</td><td>Director Corporate Services
Manager Financial Services
Senior Financial Accountant
Manager Corporate Affairs
Senior Project Accountant</td><td>Director Corporate Services
Manager Financial Services
Senior Financial Accountant
Manager Corporate Affairs
Senior Project Accountant
Senior Management Accountant
Senior Financial Accountant
Senior Accountant

(add positions Senior Management Accountant, Senior Financial Accountant, Senior Accountant)</td></tr>
</table>

Council To CEO	Delegation Number	Current	Change
Function:	22.12 Town of Port Hedland Video Surveillance	The Chief Executive Officer authorises the following officers to access the Town of Port Hedland's video surveillance footage.	The Chief Executive Officer authorises the following officers to approve access the Town of Port Hedland's video surveillance footage. *(insert the word approve)*
Sub-Delegate/s appointed by CEO:	22.12 Town of Port Hedland Video Surveillance	Manager IT & Program ICT Officer ERP Project Analyst – Operations ERP Project Manager ERP Project – Data Migration & Specialist Community Safety Advisor Manager Infrastructure Operations Manager Governance Senior Legal Counsel Senior Governance Advisor Senior Records Officer Manager Community Development Manager Leisure Facilities Coordinator Stadium Operations Leisure Business Coordinator Coordinator Aquatic Operations	Directors Managers *(Replace Managers by title with "Managers plural, Add Directors* *Remove positions ERP Project Analyst – Operations, ERP Project Manager, ERP Project – Data Migration & Specialist, ICT Officer, Community Safety Advisor, Senior Legal Counsel, Senior Governance Advisor, Senior Records Officer, Coordinator Stadium Operations, Leisure Business Coordinator, Coordinator Aquatic Operations*

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance and does not require community consultation.

CONSULTATION

Internal

- Executive Leadership Team
- Senior Leadership Team
- Other key personnel

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.16, 5.17, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46, 7.1B and 9.10 of the *Local Government Act 1995* relate to delegations and the appointment of authorised persons.

Under s5.42 and 5.45 of the Act to delegate any powers to a Chief Executive Officer or amend or revoke a delegation an absolute majority is required.

Delegations under the following additional Acts are included in this Delegation Register:

- *Emergency Management Act 2005*
- *Freedom of Information Act 1992*
- *Public Interest Disclosures Act 2003*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1974*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Graffiti Vandalism Act 2016*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Liquor Control Act 1988*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2015*
- *Planning and Development Act 2005*
- *Road Traffic (Vehicles) Act 2012*
- *Environmental Protection Act 1986*

All delegations under each of the Town's Local Laws have been included in this Delegation Register as follows:

- Parking Local Law
- Bush Fire Brigades Local Law
- Public Places and Local Government Property Local Law
- Cemetery Local Law
- Dogs Local Law
- Health Local Law
- Animals, Environment and Nuisances Local Law
- Waste Local Law

The following policies are reflected within the delegation register:

- 1/009 Legal Representation for Council Members and Employees
- 1/024 Corporate Credit Card
- 1/027 Severance Payments
- 1/104 Execution of Documents and Application of the Common Seal
- 2/005 Debt Management
- 2/007 Purchasing
- 2/010 Council Investments
- 2/022 Panels of Pre-Qualified Suppliers
- 3/007 Senior Employees and Appointing Acting Chief Executive Officer
- 6/003 Community Grants Program

FINANCIAL AND RESOURCES IMPLICATIONS

There are no identifiable costs associated with the adoption of the reviewed Delegation Register.

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 applies in relation to this item:

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item if the Delegation Register is not reviewed each financial year. 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 – Amend officer's recommendation

CONCLUSION

The statutory review of delegations has been completed and it is recommended that Council adopt the continuing and amended delegations as per the recommendation.

ATTACHMENTS

1. 2022/23 Annual Delegation Register (under separate cover)

15.1	MINING TENEMENT - PROPOSED AERODROME AND WORKFORCE ACCOMODATION

CM202122/249 COUNCIL DECISION

MOVED: CR CHRISTENSEN SECONDED: CR BENNETT

That Council:

1. Supports negotiation of the Town's objection to the Mining Leases being sought by DeGrey Mining and associated companies for the Mallina Gold Project, with the intent that a legal instrument is brought before Council for approval, which requires notification of the Town of any sale or transfer of the leases and prevents construction of an aerodrome and workforce accommodation on those leases.

2. Continue negotiation of the Town's objection to the development of Workforce Accommodation within Miscellaneous Licence L45/635, with the intent that a legal instrument is developed which provides an acceptable local social and economic benefit to the Town, to enable Council to support withdrawing the objection.

3. Authorises the Chief Executive Officer to negotiate the Town's objection to the aerodrome to service the Mallina Gold Project within Miscellaneous Licence L45/635, with the intent that a legal agreement is signed by the Port Hedland International Airport, DeGrey Mining and any other affected party, which absolves the Town of its responsibilities under clause 9 of the Novation and Operating Deed – Port Hedland International Airport dated 11 March 2016.

CARRIED BY SIMPLE MAJORITY (6/0)

15.2 PROPOSED LAND ACQUISITION OF LOT 253 ON DEPOSIT PLAN 61560, SOUTH HEDLAND

RECOMMENDATION 1

CM202122/250 COUNCIL DECISION

MOVED: CR COLES SECONDED: DEPUTY MAYOR TURNER

That Council amend the 22/23 Annual Budget to increase the Staff Housing Acquisition budget by $625,000, funded by the Strategic Reserve.

CARRIED BY ABSOLUTE MAJORITY (7/0)

RECOMMENDATION 2

CM202122/251 COUNCIL DECISION

MOVED: CR BENNETT SECONDED: CR ZIELKE

That Council;

1. Note the attached 'Contract of Sale – South Hedland Residential' for Lot 253 on Deposited Plan 61560 - as per attachment 1; and

2. Authorise the Chief Executive Officer to execute the attached 'Contract of Sale – South Hedland Residential' for Lot 253 on Deposited Plan 61560, for a purchase value of $625,000.

CARRIED BY SIMPLE MAJORITY (7/0)

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 July 2022 commencing at 5.30pm.

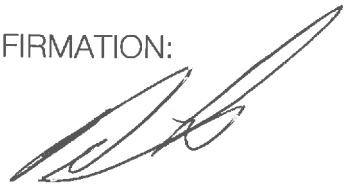
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 7:40pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 27 July 2022.

CONFIRMATION:



PRESIDING MEMBER

27 - 07 - 2022

DATED