Town of
Port Hedland

AGENDA

Dear Mayor and Councillors,

I respectfully advise that ANNUAL GENERAL MEETING OF ELECTORS MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Thursday, 29 April 2021, commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

Cark Askew
Chief Executive Officer

23 April 2021

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Administration) Regulation 34C

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

Signature: _____ Date: _____

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

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

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

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

Scheduled Present:

Mayor Peter Carter
Deputy Mayor Renae Coles
Cr Jan Gillingham
Cr Lewis Kew Ming
Cr Tim Turner
Cr Kylie Unkovich
Cr Elmar Zielke

Scheduled for Attendance:

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

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

Cr Warren McDonogh.

3.4 Approved Leave of Absence

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

3.5 Disclosure of Interests

Item 4 Annual Report

RECOMMENDATION

That the Town of Port Hedland Annual General Meeting of Electors receive the Presiding Member's Report, Chief Executive Officer's Report and the Annual Report for the 2019/20 Financial Year.

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Annual General Meeting of Electors held on 19 December 2019.

5.1.1 MR ARNOLD CARTER

A written response was provided to Mr Carter on 23 January 2020, detailing the below:

1. *My main concern tonight is regarding an article I gave to Council at the meeting held in March this year which referred to the aquatic centre. My comments are as follows: A continuation of the question asked at the AGM held on 27 March 2019, taking into consideration Council's response. You state that the delay in contract completion was the lead time in supplying new filters. Why was there such a delay from October 2018 to approximately 7 months in advising Council of filter availability which gave you a completion date of May 2019?*

The Director Infrastructure Services provided the following response:

There was no delay in advising the Council of filter availability. The below table provides a timeline of events from project award through to completion.

In summary the filters experienced a catastrophic failure during pressure testing in early September 2018. At the confidential briefing held on 12 September 2018, Elected Members were briefed about the failure and the likely impact on the opening of the facility

for the 2018/19 summer season. A recommendation was made to close the GAC for the 2018/19 summer season due to the timeframe to complete the filter replacement works.

Repair options were immediately investigated and presented to the Executive Team in early October. At the October 2018 Ordinary Council Meeting (OCM), the agenda item recommending the replacement of the filters, closure of the facility for the 2018/19 season and amendment of the project budget from $606k to $905k was carried, by absolute majority.

The GANTT chart on page 3 was provided to the Elected Members to demonstrate the schedule of works for the filter replacement. The chart notes a 'readiness for water tests' dated on 10 September 2018.

On 19th February 2019 a response to a Request for Information (RFI), on the status of the project, was provided to the Elected Members that indicated a potential completion date of mid-May 2019. This response was based on information provided by the contractor at that point in time. On the 30th April a further update was provided to the Elected Members advising of delays due to adverse weather and a revised planned completion date of mid-June.

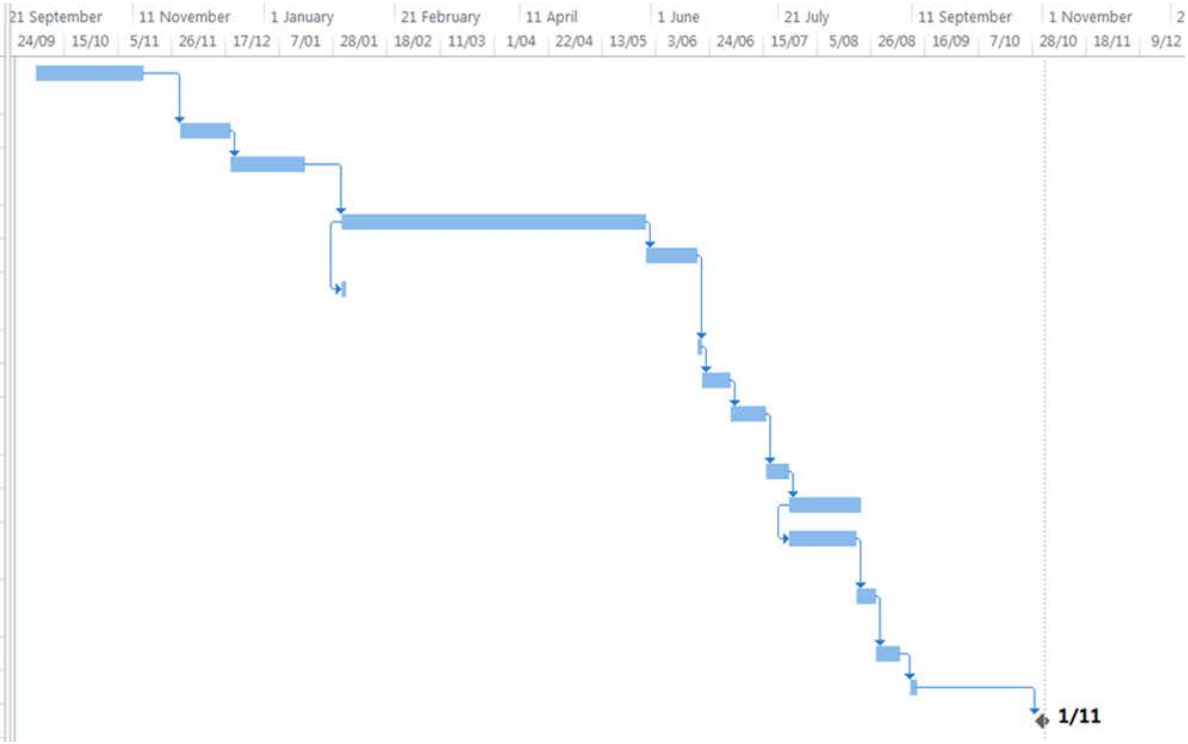
Lastly the project completion date was further extended so that additional works as recommended by the Project Team could be completed. The additional works were recommended to extend the asset life and improve the overall quality of the facility. The works and additional budget were approved by the Council at the 28 August 2019 OCM.

The additional works included:

- Painting and refinishing a various deteriorated items including shade structure posts, lighting posts, diving board, water feature car to toddler pool and store room wall;
- Installation of stainless steel sink and work station in the plant room for water testing;
- Replacement of the plant room fence;
- Additional concrete pavement;
- Balance tank and backwash tank remedial works (replacement of flashings, roof panels and install access ladder hatch);
- Replacement of the toddler pool floor tiling;
- Replacement of the basketball back board and hoop;
- Replacement of water feature pump;
- Installation of turf to remove beach volley ball area;
- Installation of access ladder to valve pit; and
- Installation of replacement OHS deluge shower.

Gratwick Aquatic Centre Filter Replacement Works GANTT Chart – As provided to the Elected Members in October 2018:

Task Name	Duration	Start	Finish
ELT and council Decision	30 days	Thu 4/10/18	Wed 14/11/18
Prepare concept design	14 days	Thu 29/11/18	Tue 18/12/18
concept design to DoHWA	21 days	Wed 19/12/18	Wed 16/01/19
Purchase New filters	85 days	Thu 31/01/19	Wed 29/05/19
Delivery of new filter	14 days	Thu 30/05/19	Tue 18/06/19
Removal of existing roof	2 days	Thu 31/01/19	Fri 1/02/19
Filters instalaltion	2 days	Wed 19/06/19	Thu 20/06/19
completion of new roof	7 days	Fri 21/06/19	Mon 1/07/19
instalaltion of filters latharal	10 days	Tue 2/07/19	Mon 15/07/19
new sand	7 days	Tue 16/07/19	Wed 24/07/19
filters plumbing	20 days	Thu 25/07/19	Wed 21/08/19
instalaltion of new electrical equipment	18 days	Thu 25/07/19	Mon 19/08/19
instalaltion of new pumps	6 days	Tue 20/08/19	Tue 27/08/19
plant start up and test	7 days	Wed 28/08/19	Thu 5/09/19
readines for water test	3 days	Tue 10/09/19	Thu 12/09/19
Facility open to public	0 days	Fri 1/11/19	Fri 1/11/19



Gratwick Aquatic Centre Remedial Works – Timeline of Events:

Date:	Event /Milestone:
23 April 2018	RFT 2018-06 awarded to Dynamic Pools. Separable Portion 1 for $291k. Separable Portion 2 for $409k (subject to 18/19 budget allocation).
May 2018	Upgrade works Separable Portion 1 commence.
August 2018	Upgrade works Separable Portion 2 commence.
September 2018	Pressure test of filters resulted in catastrophic failure of filter number 1 at 150kpa.
12 September 2018	Elected Members were briefed about the catastrophic failure and the likely impact on the GAC operations for summer 2018/19 at the 12 September confidential briefing. A recommendation was made to close the GAC for the summer season whilst an analysis was conducted to determine solution options.
October 2018	Repair options presented to Executive Team.
October OCM 2018	Agenda item Gratwick Aquatic Centre – Filter Replacement (File No.05/09/0055) carried by absolute majority 9/0. Recommendation to close the facility for the 2018/19 season and replace the filters. Budget amended from $606K to $905K. The below program of works was provided indicating a readiness for water test date on 10 September 2019. The program noted it did not factor in potential weather delays and that adverse weather will have an impact on delivery timelines.
19 February 2019	Response provided to Elected Members for RFI of project status. Response indicated an anticipated project completion date of mid-May.
30 April 2019	Response provided to Elected Members for RFI of project status. Response indicated an anticipated project completion date of mid-June due to a 4 week delay as a result of cyclonic conditions. Filters held in Perth due to the inability to stage the works and lack of safe storage of the filters on site.
June 2019	Additional minor works identified that delayed the project schedule. Works included installation of insulated ceiling to plant room required to protect new plant room equipment and extend asset life and additional balance tank and tank compound work.
10 July 2019	Meeting held with Facilities to coordinate completion of the project and handover of the site to Facilities for opening on the 2019/20 summer season. As a result of the meeting a number of additional works items were requested by Facilities to bring the facility to a higher standard and other works as preventative maintenance.
06 August 2019	Briefing Note presented to ELT advising of the additional works requested/required.

Date:	Event /Milestone:
August 2019 OCM	Agenda item Gratwick Aquatic Centre – Additional Remedial Works (File No. 05/09/0055) carried by absolute majority. 2019/20 Budget for the project amended to complete additional works identified bring the facility to a higher standard and other works as preventative maintenance.
September 2019 to November 2019	Additional works completed with the facility opening on 23rd November.
14 November 19	1st round of water tests undertaken.
18 November 19	2nd round of water tests undertaken.
19 November 19	1st round of water tests results received – Passed.
23 November 19	Pool reopened.

2. *Who authorised the pool was available for public use under the health requirements regulations? Was this notified to the Town of Port Hedland prior to the opening?*

The Director Regulatory Services provided the following response:

The new pump and filtration system design was approved by the Department of Health (DoH) as per the Aquatic Facilities Regulations 2007 (Regulations). The pool tiles installed were approved by the DoH as they met the provisions of the same Regulations. Pool chemistry was assessed by the Towns Environmental Health Officers and microbiology was analysed by PathWest (as per arrangements with Department of Health) which confirmed both chemistry and microbiology was compliant with the requirements of the Regulations. Advice from the Projects Team was that the certification for the installation etc. had been received. Based on the GAC meeting the requirements of the Regulations, the Town's Executive Team authorised opening of the pool to the public on the weekend of 23 November 2019.

3. *When did the Council receive further acknowledgement of the chemical analysis of the pool that waylaid the original definition that closed the pool?*

The Director Regulatory Services provided the following response:

Non-compliant microbiology results were received from PathWest on Monday 25 November 2019 which noted the presence of Thermophilic Amoeba. As this indicates a potential risk to public safety, the Regulations require the pool to be closed and actions undertaken to eliminate the Amoeba. The non-compliant results were received after the opening of the pool on the weekend of 23 November 2019.

4. *Was there an apology for such a reversal in the chemical analysis?*

The Director Regulatory Services provided the following response:

No formal apology has been received from either DoH who directed the closure of the pool and subsequent media release, or PathWest who provided the water analysis on behalf of the DoH and the Town. DoH have indicated that they intend to review their processes with PathWest to minimise any false positive results in the future.

5. *What is your present procedure for the pool to become available for public use as per the Health Act? What has been implemented to eliminate the possibility of such an occurrence happening in the future that would restore faith in the public for the use of this wonderful facility?*

The Director Regulatory Services provided the following response:

The current procedure for opening a pool is as per the Regulations and associated Code of Practice. If the pool is determined to meet the construction requirements and water quality requirements, and operation complies with the Code of Practice, the pool will be opened to the public.

The water body which was found to be non-compliant (diving pool) has been isolated from the remainder of the aquatic facility. Given the recent repeated microbiological issues with the water body, the Town will be considering future options for the dive pool at the February Council Meeting. Subsequent water analysis of the children's pool and 50m pool have

confirmed that both maintain compliance with water quality standards specified with the Code of Practice.

6. *In October 2018 Council amended the budget to $905,295.00, were the filters ordered before the amended budget was confirmed by Council which would have agreed with your May time line, which happened in six months between May 2019 and the completion date of November 2019?*

The Director Infrastructure Services provided the following response:

A Contract Variation was completed after the amended budget was approved by Council at the October 2018 OCM. The filters were ordered after the budget was amended.

7. *I find it incomprehensible that the upgrade of the pool extended over a period of 20 months. On behalf of the Rate Payers Association could you please advise conditions of these contracts negotiations and supervision of the construction and repairs that were to be carried out under the contract agreement?*

The Director Infrastructure Services provided the following response:

The contract was awarded to Dynamic Pools at the 23 April 2018 OCM. Works commenced the following month, May 2018, and concluded in October 2019 for a period of 18 months.

The duration of the contract was effected by the following factors:

- Catastrophic failure of the existing filter vessels which required replacement. These parts are “made to order” and have a long lead time. This prevented the facility from opening for the 2018/19 season;
- The 2018/19 cyclone season & Tropical Cyclone Veronica delayed the schedule of works on site. As agreed with the contractor the replacement filters were stored in Perth of a period of 4 weeks during the peak of the cyclone season as there was no secure storage for the filters on site prior to installation; and
- Prior to completion of the project the scope of works were extended to include additional works that would improve the quality of the facility and extend the asset’s life.

The project was managed by the Projects business unit within the Infrastructure Services Directorate. The project was delivered within the Town’s project delivery framework.

8. *Could I please have a breakdown of all the costs including wading pool expended on this facility?*

The Director Infrastructure Services provided the following response:

RFT 2018-06 Gatwick Aquatic Centre Upgrade Works comprised of:

- Separable Portion 1 (Leak Works); and
- Separable Portion 2 (Other Works).

Works under Separable Portion 1 comprised of:

- Inspection and remediation works to the pool concourse paving;
- Sand blasting and painting of the dive pool;
- Inspection, cleaning and remediation works to tile grout, silicon, and expansion joints to the main and toddler pool;
- Remediation works to balance tank return lines;
- Pressure testing of pipe work;
- Cleaning, inspection and chemically coating of the balance tank;
- Replacement of Chlorguard, foot valve and Suction Line; and
- Replacement signage to plant room and chemical store.

The above works had a contract value of $298,400 inc GST.

During the execution of Separable Portion 1 there were variations to the contract totalling $45,808.09. The variations were to complete the below:

- Strip, inspect and report on inoperable pump;
- Hand grinding and re-grouting of grout joins due to excessive mould;
- Reconstruction of balance tank pit;
- Repair and reinstall lights;
- Supply and install 90 l/m of waterline tiles;
- Supply and install finger grip tiles to main pool;
- Replace failed valve on suction line; and
- Supply of vac truck to clean hydrostatic vent/soakwell.

Works under Separable Portion 2 comprised of:

- Painting to various steel structures around the pool;
- Inspect and replacement of lighting around the pools to meet current Australian Standards. Supply of Lux plot;
- Inspect and reseal pool bulkhead to ensure water tightness;
- Replacement of pool line tiles;
- Thorough cleaning of existing tiles to as new condition;
- Replacement of wet deck to all pools;
- Replacement of depth markers;
- Cleaning of ladder and disable ramp to as new condition;
- Removal of redundant electrical components;
- Filling of all cavities and penetrations left over from previous works and removal of old equipment;
- Supply and installation of Aqua Demand water level controller and 50mm make up with valve to balance tank;
- Supply and installation of replacement vacuum and pressure gauges to each pump;
- Supply and installation of suitable sized circulation pumps each with their own pre pump strainers and gearbox driven butterfly valves;
- Supply and Installation of new pool control panel;

- Construction of a new manifold from pumps to filters and from filters to flanges at wall penetrations;
- Supply and installation of replacement No Flow switches;
- Supply and installation of new bracketing and supports as appropriate;
- Supply and installation of new filter vacuum and air release valves;
- Supply and installation of new chemical venturi pipe, booster pump, rotameter and injector;
- Supply and installation of new cyclone D rated roller doors to the pump and store room; and
- Supply and installation of new racking to the chemical store for the compliant storage of chemicals.

The above works had a contract value of $407,371.80 inc GST.

During the execution of Separable Portion 2 there were variations to the contract totalling $58,847.48. The variations were to complete the below:

- Inspect and remedy any faults to earthing to meet current standards;
- Supply and installation of 5 x deck sockets for main pool starting blocks;
- Painting of water feature car in toddler pool;
- Supply and installation of foot valve for second suction line & pipe;
- Supply and installation of close coupled pump;
- Painting of storeroom walls;
- Supply and installation of backflow prevention device;
- Supply and installation of custom orb steel sheeting and insulation to plant room ceiling;
- Toddler pool works including re-tiling of seating area, replacement of waterline tiles and replacement of pool wall capping; and
- Supply and installation of replacement water feature pump.

Additionally as part of the execution of Separable Portion 2 the below filter testing and replacement works were completed through variation to the contract totalling $340,312.50 inc GST.

- Engage 3rd party consultant and provide a detailed report on condition of existing filters/plant due to evidence of potential delamination;
- Conduct pressure testing of existing filters;
- Supply and installation of new filters including;
    - Design an engineering;
    - Supply of 3x MHS3500 filters;
    - Filter freight;
    - Removal of old filters inc sand removal via vacuum truck;
    - Filter room repairs and upgrades to accommodate new filters;
    - Plant room roof removal and reinstallation to facilitate installation of new filters;
    - Installation of new filters including provision for lifting;
    - New substrate sand; and
    - Disposal fees and all labour.

Throughout the execution of the project additional goods and services were procured outside of the main contract through various local businesses and in line with the Town's procurement policies. The goods and services have a total value of $168,327.66 and are detailed below:

- Complete an engineering assessment of plant room roof structure to ensure suitability of design;
- Disposal of old chemicals in chemical store;
- Grading of tank area and installation of crusher dust to facilitate water run off away for balance and backwash tanks;
- Supply and installation of new turf and irrigation to old beach volley ball area;
- Supply and place concrete to plant room external areas to facilitate the compliant unloading of chemicals;
- Supply and Install or replacement Basketball backboard and hoop;
- Repair shade sail post & brace to toddler pool;
- Removal and re-Installation of kid's pool shade sail due to cyclone season;
- Supply and installation of replacement floor tiling to toddler pool beach entry;
- Additional external painting to various items;
- Supply and install Brayco sink and splashback work station in plant room;
- Equipment & Materials - Light pole material, LED Light Fitting, GPO & consumables;
- Removal or redundant spigot lights and PA system;
- Replacement of BBQ area GPO;
- Installation of aircon units to plant room;
- Supply and installation of new OHS deluge shower;
- Repair or basketball backboard mounting frame and post;
- Fabricate and fit perimeter flashing to balance tank;
- Fabricate and fit lockable aluminium access hatch to balance tank;
- Fabrication and fit 4x new wheels to large equipment trolley; and
- Replace Shade Sails to kids play equipment area, seating structures at the end of the main pool and the seated grassed area to the RHS of the main pool.

Lastly a total of $18,188.29 in costs were incurred over the duration of the project to accommodate the main contractor's work force.

In summary the below provides a breakdown of the costs:

Portion 1	$298,400.00
Portion 1 variations	$45,808.09
Portion 2	$407,371.80
Portion 2 variations	$58,847.48
Filter works	$340,312.50
Addition remedial works outside of main contract	$168,327.66
Accommodation	$18,188.29
Total	**$1,337,255.82**

9. *What is the position regarding the financial advice we were going to organise and has been mentioned a couple of times regarding the allocation and the budget for the airport trust fund?*

The Manager Financial Services provided the following response:

The Town is currently reviewing all reserves, including the Port Hedland International Airport (PHIA) Long Term Lease Proceeds Reserve. The Town will be presenting an agenda item for consideration by Council, aligning purposes with strategic direction of the Town at the 26 February 2020 Ordinary Council Meeting.

Item 6 Confirmation of Minutes of Previous Meeting

6.1 Confirmation of Minutes of the Annual General Meeting of Electors held on 19 December 2019.

RECOMMENDATION

That the Minutes of the Annual General Meeting of Electors held on 19 December 2019 are a true and correct record.

Item 7 General Business

Item 8 Closure

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