



MINUTES

Ordinary Council Meeting Wednesday, 22 April 2020

Date: Wednesday, 22 April 2020

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date: 4 May 2020

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Item 1 Opening of Meeting

The Commissioner declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Commissioner acknowledged the Kariyarra people, on whose lands we are meeting, and paid his respects to Elders past, present and emerging.

Item 3 Recording of Attendance

3.1 Attendance

Present: Commissioner Fredrick Riebeling AM JP
In Attendance: Carl Askew (Chief Executive Officer)
Anthea Bird (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Angelique Cook (Senior Governance Advisor / Minute Taker)
Nicki Thomas (Governance Officer / Minute Taker)

Staff: 1
Public: 0
Media: 0

(Council meetings will no longer be open to members of the public during a a public health state of emergency [COVID-19]).

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Chief Executive Officer	11.4.5 - Award of Tender RFT1920-26 - Refurbishment Staff Housing	Impartial	Chief Executive Officer has an impartial interest in relation to this item as Town's asset located at 18 Counihan Crescent, Port Hedland.

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall 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 chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

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 Commissioner noted that due to the virus [COVID-19], all Council meetings were currently closed to the Public attending in person and requested whether any Questions and / or Statements had been received from the Public.

The Chief Executive Officer advised in the negative.

The Commissioner encouraged the Public to provide any Questions and / or Statements in relation to any Council matters, to be submitted at least the day prior to any Council meetings, which will be recorded in the Minutes.

6.2 Public Statement Time

As noted above.

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion

The Commissioner's meetings for the month of March 2020:

Date	Meeting	Topic
09/03/20	Community Safety Sub-Implementation group	Community Safety Plan
09/03/20	Meeting with PDC	Tourism
10/03/20	Spirit Radio	Weekly radio interview
10/03/20	Meeting with BHP	General update meeting
10/03/20	Audit, Risk & Compliance Committee Meeting	As per agenda on Town's website
11/03/20	Pilbara Regional Council Special Meeting	As per agenda on PRC website
12/03/20	Meeting with Bloodwood Tree	General update meeting
12/03/20	Meeting with Stephen Dawson	General update meeting
17/03/20	Spirit Radio	Weekly radio interview
18/03/20	Hedland Community Road Safety Group	Road safety matters
18/03/20	East Pilbara DHAC (WA Country Health Services)	As per agenda - COVID-19
18/03/20	Hedland Collective Meeting	COVID-19

20/03/20	WALGA Webinar	COVID-19
24/03/20	Meeting with Port Hedland International Airport	General update
25/03/20	Meeting with Pilbara Ports Authority	General update meeting
25/03/20	Ordinary Council Meeting	As per agenda on Town's website
30/03/20	Meeting with Julyardi Corporation	General update meeting
31/03/20	Citizenship ceremonies	Official citizenship ceremony
31/03/20	Spirit Radio	Weekly radio interview

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

The Commissioner declared that he had given due consideration to all matters contained in the agenda.

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.

CM201920/198 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 25 March 2020 are a true and correct record.

CARRIED BY COMMISSIONER RIEBELING

Item 11 Reports of Officers

11.1 Corporate Services**11.1.1 CHANGES TO RESERVES TITLE AND PURPOSE**

Author: Senior Financial Accountant

Authorising Officer: Director Corporate Services

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

Before considering the below recommendations, the Commissioner made the following statement:

This report allows for a significant structural change to our Reserve funds, setting up a structure where Council is responsible for the management of all our Reserves.

Some people have supported a structure that requires an external group of people to have a say on how the reserves (primarily the Airport account) are spent. They will now go into a Strategic Reserve to be controlled by Council. The interesting matter in relation to the structure that is now replaced, is that it was never set up, primarily due to the fact that it is not possible to give an external body authority over Council funds.

In the future, the Strategic Committee (Committee) would report to Council on expenditure from the Strategic Reserve and fit into the Strategic Community Plan and the Corporate Business Plan.

A review of our structures that governs the financial reserves resulted in a finding that reserves were not being utilised to their full potential and did not align with current Council strategies.

These changes are designed to improve efficiency and align reserves. All these changes will come into effect with the adoption of the budget. These changes will be reflected in this year's Budget.

The current system is consistent with our Investment Policy.

In December 2019, Council adopted to establish a Strategic Committee to advise Council. This Committee recommends and advises Council on matters in relation to development of a Long Term Financial Plan, Strategic Community Plan and Corporate Business Plan.

The proposed wealth management framework is not consistent with the legislation and would not provide a benefit to the Town.

Council should be the sole body that supports strategic and business plans. They are adopted by Council, who are now responsible for how funds are in fact used.

I support the recommendation in relation to this item.

CM201920/199 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Amend the purpose of the Waste Management Reserve to *“To fund the development, operation, maintenance and capital expenditure for the Council’s waste management facilities including the landfill and waste collection operations”*;
2. Amend the purpose of the Plant Reserve to “To fund the plant replacement programme”;
3. Amend the purpose of the Asset Management - Infrastructure Reserve to “To fund the ongoing maintenance, refurbishment, renewal, replacement and upgrade of Council owned infrastructure assets within the Town of Port Hedland and community facilities within the Town of Port Hedland”;
4. Amend the purpose of the Strategic Reserve to “To fund strategic projects as included in the Town's Strategic Community Plan and Corporate Business Plan”;
5. Transfer the remaining funds from the Port Hedland International Airport (PHIA) Long term lease proceeds reserve to the Strategic Reserve;
6. Close the Port Hedland International Airport (PHIA) Long term Lease Proceeds Reserve;
7. Transfer the remaining funds from the Insurance Reserve to the Unfinished Works reserve;
8. Close the Insurance Reserve;
9. Transfer the remaining funds from the Historical reserve to the Strategic Reserve;
10. Close the Historical reserve;
11. Transfer the remaining funds from the GP Housing reserve with the Staff Housing reserve;
12. Close the GP Housing reserve;
13. Adopts the renaming of the Staff Housing Reserve to the Housing Reserve;
14. Change the purpose of the Housing Reserve to *“To fund the maintenance, refurbishment, redevelopment and construction of Local Government provided housing”*;

15. Approve the amended Policy 2/019 Financial Reserves.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the re-naming, closing and updating the purposes of various reserve accounts in the following table. Along with the associated changes consider and approve the required amendments to Policy 2/019 'Financial Reserves'.

DETAIL

Council adopted Policy 2/019 'Financial Reserves' on 23 March 2016 to provide a framework for the establishment and ongoing management of Financial Reserves.

The Finance team strives to review policies annually. Following discussions within the organisation, the Finance team have undertaken a review of our active reserves and their purposes. Our investigations found that some reserves were not being utilised to their full potential and the purposes were not aligned to current Council strategies.

The proposed changes are designed to improve administrative efficiencies whilst aligning the reserves to our strategic plans.

The proposed changes to the Reserves will not impact the day to day running of the Town. They will however provide clarity to both the community and officers and allow for better application under legislation. All changes will be enacted as at 30 June 2020 in conjunction with the close of the current financial year. This will enable current financial year budget decisions to be accounted for prior to all adjustments, as well as decisions included in the FY21 adopted budget.

The most significant change is the decision to close the Port Hedland International Airport (PHIA) Long term lease proceeds reserve as this is our largest reserve. This change is proposed for the following reasons:

- The current purpose of the reserve is not consistent with our Investment policy (Policy 2/010 Council Investments).
- At the December 2019 OCM, Council adopted to establish a Strategy Committee to advise Council (CM201920/120). The powers and duties of this Committee is to recommend and advise Council on matters relating to the development and implementation of the Long-Term Financial Plan, Strategic Community Plan and Corporate Business Plan, which will determine what the Strategic Reserve is used for.
- The Local Government (Financial Management Regulations) 1996, Part 2 s. 6.10 Regulation 8 (3) has guidelines on where Councils can invest additional funds. The proposed Wealth Management Framework is not consistent with this legislation and would not provide any additional benefit to the Town.
- The Strategic Community Plan and Corporate Business Plan are adopted by Council and therefore Council will continue to determine what projects the reserve will be used to fund.

To re-align our reserves to our current strategies we recommend the following changes:

Reserve	Current Purpose	Proposed Amendment	Reason for proposed amendment	Funding	Proposed Purpose
Waste Management Reserve	To fund the development, operation, maintenance and capital expenditure for the Council’s waste management facilities including the landfill and waste collection operations and any associated repayments of borrowings and employee entitlements.	Remove the reference to “and any associated repayments of borrowings and employee entitlements”.	Employee entitlements are already accounted for in the Employee Leave Reserve and the Town does not currently have borrowings.	Any surplus generated from the Council’s waste management facilities.	To fund the development, operation, maintenance and capital expenditure for the Council’s waste management facilities including the landfill and waste collection operations.
Plant Reserve	To fund the Plant Replacement Program (plant with motor vehicle registration).	Remove the reference to “plant with motor vehicle registration”.	To ensure that all plant is covered by the Reserve and restrictions are not placed on plant that does not have the need for motor vehicle registration, ie. Plant located at the landfill.	50% of the total annual depreciation of plant and equipment.	To fund the plant replacement program.
Asset Management - Infrastructure reserve	To fund the ongoing maintenance, refurbishment, renewal, replacement and upgrade of Council owned infrastructure assets within the Town of Port Hedland and community facilities within the Town of Port Hedland specifically (but not limited to): Wanangkura Stadium, South Hedland Aquatic Centre, Gratwick Aquatic Centre, Marquee Park and JD Hardie Centre.	Remove reference to Wanangkura Stadium, South Hedland Aquatic Centre, Gratwick Aquatic Centre, Marquee Park and JD Hardie Centre.	There is no need to name any of the Town facilities specifically as the reserve purpose states that it funds works at town owned assets.	Lease proceeds as directed per council decisions (eg. CM201415/032) and sale proceeds of Kingsford Smith Business Park lots.	To fund the ongoing maintenance, refurbishment, renewal, replacement and upgrade of Council owned infrastructure and community assets within the Town of Port Hedland.
Strategic Reserve	To fund strategic projects (excluding renewal and replacement) as included in the Town's Strategic Community Plan and Corporate Business Plan. To fund strategic projects (excluding	Remove reference to renewal and replacement and the repetition of the existing purpose.	Because including renewal and replacement limits funding of potential Strategic Community Plan projects and the	Funds as directed by council decisions.	To fund strategic projects as included in the Town's Strategic Community Plan and Corporate Business Plan.

Reserve	Current Purpose	Proposed Amendment	Reason for proposed amendment	Funding	Proposed Purpose
	renewal and replacement) as included in the Town's Strategic Community Plan and Corporate Business Plan and to fund the formulation and maintenance of the plans.		purposes will read better by removing the duplication.		
Port Hedland International Airport (PHIA) Long term lease proceeds reserve	To account for the lease proceeds from the long term lease of the Port Hedland International Airport and disburse funds as per the Wealth Management Framework.	Consolidate the reserve into the Strategic Reserve.	There is no Wealth Management framework. The Strategy Committee will advise council on financial matters.	Not applicable.	Not Applicable – Reserve to close.
Insurance Reserve	To restrict unspent insurance income at the end of the financial year.	Consolidate the reserve into the Unfinished Works and Committed Works Reserve.	The use of funds can be better served by the consolidation of this reserve into the Unfinished Works Reserve, keeping this reserve is an unnecessary administrative burden. The reserve balance is allocated to an unfinished project.	Not applicable.	Not Applicable – Reserve to close.
Historical Reserve	To fund historical building refurbishment projects.	Consolidate the reserve into the Strategic Reserve.	The use of funds can be served by the consolidation of this reserve into the Strategic Reserve. At present the only contribution into this reserve is minor rent revenue received by the Town for the use of an historical building and the continuation of	Not applicable.	Not Applicable – Reserve to close.

Reserve	Current Purpose	Proposed Amendment	Reason for proposed amendment	Funding	Proposed Purpose
			this reserve is not viable administratively.		
GP Housing	To fund the development, maintenance and management of GP Housing.	Consolidate the reserve into the Housing Reserve.	The purpose of this reserve is the same as for staff housing therefore there is no rationale in having a separate reserve for GP Housing.	Not applicable.	Not Applicable – Reserve to close.
Staff Housing Reserve	To fund the maintenance, refurbishment, redevelopment and construction of staff housing.	To change the name of the reserve to “Housing Reserve” and to change the purpose to “To fund the maintenance, refurbishment, redevelopment and construction of Local Government provided housing.”	Removing the references to Local Government provided housing diminishes the potential inference that maintenance on residential properties own by Council currently vacant could not use the reserve funds.	Sale proceeds from residential town properties.	To fund the maintenance, refurbishment, redevelopment and construction of Local Government provided housing.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposal or decision is not of a nature or significance that requires engagement.

Expenditure of funds in reserves is determined by Council at other times such as budget approval and adoption of strategic community plans.

CONSULTATION

Internal

- Manager Finance Services
- Executive Leadership team

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995, s.6.11(2)* requires that before a local government changes the purpose of a reserve account; or uses the money in a reserve account for another purpose, it must give one month's local public notice of the proposed change of purpose or proposed use.
- *Local Government (Financial Management) Regulations 1996, s.6.10 Regulation 8(3)* states that money from different accounts may be placed in a common investment authorised by the Act.
- Policy 2/010 'Investments'
- Policy 2/019 'Financial Reserves'

FINANCIAL AND RESOURCES IMPLICATIONS

There is no financial impact to the 19/20 Budget by the adoption of these changes. It is designed to improve administrative efficiencies whilst aligning to strategic plans.

All changes will be enacted as at 30 June 2020 in conjunction with the close of the current financial year. This will enable current financial year budget decisions to be accounted for prior to all adjustments, as well as decisions included in the FY21 adopted budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4. b.1. - Sound long-term financial planning is implemented.

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.1. - Sound long-term financial planning is implemented.

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of (6) associated with this item, as changing the name and the purpose of the reserves does not have a financial impact on the 19/20 budget, however council should monitor the reserves to ensure they are being used as per their purposes.

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 this item will result in Reserves that are clearer in their naming and their purpose, whilst reducing administrative burden.

ATTACHMENTS

1. SOP - Financial Reserves Policy (under separate cover)
2. 2/019 Financial Reserves V01 Adopted 23 March 2016 1 (under separate cover)

11.1.2 SOUTH HEDLAND BOWLING & TENNIS CLUB (SHB&TC) SELF SUPPORTING LOAN

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

Before considering the below recommendations, the Commissioner made the following statement:

This item is a request from the South Hedland Bowling & Tennis Club to suspend their payments on their loan, during the passage of this virus [COVID-19].

This money was first obtained in 2014 and has been in existence for some six (6) years. It was for \$500,000 and a previous suspension was granted in 2016.

The current balance of the loan is \$427,551. The payments were due in February 2020 and again in August 2020. They will now be suspended.

The next payment will be in February 2021. This suspension is also for the accrual of interest. I would just like to mention that this also occurred with exactly the same arrangements to the Yacht Club, those payments have been suspended for some six (6) months.

I support the recommendation in relation to this matter.

CM201920/200 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council with respect to the South Hedland Bowling and Tennis Club Self Supporting Loan 138, approve:

- 1 An amendment to the self-supporting loan agreement held with the town of Port Hedland, to suspend the current bi-annual loan repayment due in February 2020 and the next scheduled repayment due in August 2020, to 28 February 2021;
2. The suspension of interest accrued on the current value of the loan agreement by twelve (12) months in order to compensate this extended payment term;
3. The extension of the full term of the loan agreement by twelve (12) months in order to compensate this extended payment term; and
4. Acknowledge that by approving the above the final payment date will be amended to 26 February 2035.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider a temporary suspension of loan repayments and interest charges for the South Hedland Bowling & Tennis Club (SHB&TC) Self

Supporting Loan 138 at the request of the SHB&TC due to the financial impact of COVID19 pandemic.

DETAIL

The SHB&TC leases Lot 550 Hedditch Street, South Hedland from the Town of Port Hedland (the Town).

In 2014, the Town obtained a loan from the Western Australian Treasury Corporation (WATC) on behalf of SHB&TC to finance the construction of new facilities. Key loan information is detailed below:

Loan Number	Loan start date	Loan amount (\$)	Interest Rate	Length of loan	Schedule basis
138	26/08/2014	500,000	5.21%	20 years	40 Semi Annual repayments

SHB&TC was granted a deferral of the August 2016 repayment that was approved by Council in their decision number CM201617/016. This followed a meeting between the SHB&TC, the Mayor and representatives of the Town.

At the end of the 2019 financial year the outstanding amount was \$427,551. It should be noted that the Town repaid its corresponding loan with WATC in June 2019.

On 24 March 2020 the Town received a request from SHB&TC for a deferral of its current loan payment due February 2020 and next bi-annual loan payment due in August 2020. The reason cited for the request is a direct result of the impact of the COVID19 pandemic on the community. The pandemic has resulted in a compulsory shutdown as directed by the Federal government of all clubs, bars and non-essential establishments. SHB&TC is concerned that this compulsory shut down will negatively impact their financial status and making the loan payment will only add to this pressure.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance because this is a recreational facility that is utilised by the Community. If an extension is not granted it could have negative financial implications for the club and may affect the members.

CONSULTATION

Internal

- Director Corporate Services
- Chief Executive Officer
- Hon. Commissioner Fredrick Riebeling

External Agencies

- South Hedland Bowling & Tennis Club

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

There are no relevant legislative implications. The agreement for debt is one entered into under contract (tort) law and officers are of the view that the National Credit Code does not relate to the circumstances of the Club (Local Governments are exempt from the *National Credit Protection Regulations 2010, Regulation 20(7)*). That notwithstanding, the lease and loan agreement provides the necessary guidance as to arbitration and default clauses.

FINANCIAL AND RESOURCES IMPLICATIONS

This decision will have financial implications to the Town. If the recommendation is accepted, interest revenue in this financial year (20/21) will be lower than budgeted by \$10,655. This will be offset in future financial years (FY34/35) when the suspended amount is repaid.

The budget for this financial year will not be required to be amended due to all invoices already being raised for this financial year.

The revenue collected from the loan is not material and should not affect scheduled works for next financial year. The budget for next financial year is currently in draft form and will be amended to reflect this recommendation if adopted by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued

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

RISK MANAGEMENT CONSIDERATIONS

If an extension is not granted to SHB&TC there is both a financial and community risk associated with this item:

- SHB&TC's ability to repay the full loan may be impacted with an increased risk of default. If this occurred it will be a material financial impact on the Town's future cash flow.
- If the SHB&TC was deemed financially unviable and was forced to close, it may generate distress within the local community.

The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The adoption of the officer’s recommendation to support and action the SHB&TC request for the suspension of the loan is aligned with our Strategic Community Plan and supporting a community organisation.

Suspension of the loan will not materially impact the Town’s current financial position.

ATTACHMENTS

1. Letter from SHB&TC to Town of Port Hedland - Formal request for deferral of loan payment (under separate cover)

11.1.3 REVISED 13/016 WASTE COLLECTION AND BIN REPLACEMENT POLICY

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.

Before considering the below recommendations, the Commissioner made the following statement:

This item is to unify the charges for people with extra bins. The change is that all people with extra bins are to be charged the same. The charges do not impact on the service delivery, but will deliver transparency and consistency.

This will cover additional services, removal of services, the commencement of services and disputes about bin charges.

I support the recommendation in relation to this matter.

CM201920/201 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council amend the Policy 13/016 'Waste Collection and Bin Replacement Policy' as per attachment 1.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the amendments recommended by the officer to Policy 13/016 'Waste Collection and Bin Replacement Policy'.

DETAIL

Council adopted 13/016 'Waste Collection and Bin Replacement Policy' in November 2019 for the treatment and delivery of waste service types.

The policy has now been further amended to include clarification on the applicability of charges in respect to additional services, removal of services, commencement of services and disputes concerning bin charges, as these are areas often challenged by Ratepayers.

The policy changes reflect current processes adopted by the Town in relation to charge amendments requested by Ratepayers, and it is considered beneficial to the community to formally adopt the application of those bin charges.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because its approval will have a long-term positive effect on those in the community who are affected.

CONSULTATION

Internal

- Manager of Finance
- Rates Officer
- Director Regulatory Services

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- *Waste Avoidance and Resource Recovery Act 2007*
- *Local Government Act 1995*
- Town of Port Hedland Waste Local Law 2018
- Town of Port Hedland Disability Access and Inclusion Plan 2017 – 2022

FINANCIAL AND RESOURCES IMPLICATIONS

Current fees for waste collection services are listed within the Town of Port Hedland Fees and Charges 2019/20. A Classic Bin Service Fee is listed at \$292.50 per annum whilst a Premium Bin Service Fee is \$700.00 per annum.

The Town of Port Hedland charges a fee of \$132 for replacement bins.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.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
- 4.c.1 High quality and responsive customer service is provided
- 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 Service Interruption risk associated with this item because bins scheduled for collection may not be accessible for waste collection operators due to locked gates, unrestrained pets, access to bins is obstructed. The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).

This risk will be eliminated by correct scheduling and providing guidelines to residents on how the waste services operate.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland continues to provide high quality waste services to residential and commercial customers throughout the community.

Completing the amendments and amalgamations to the policy, will allow for one reference point for Bin Service information and our treatment of service charges.

ATTACHMENTS

1. 13/016 Waste collection and bin replacement policy (tracked changes) (under separate cover)
2. 13/016 Waste collection and bin replacement policy (final) (under separate cover)

11.1.4 2020/21 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.

Before considering the below recommendations, the Commissioner made the following statement:

The working behind the recommendations are as follows:

1. The work is predicated on no increase in rate in the dollar, due to the virus [COVID-19], this year.
2. Rates revenue is approximately 61% of our operational revenue.
3. Council budget requirements in each financial year is to deliver services and community infrastructure, as outlined in the Strategic Plan.
4. There is no requirement for Ministerial approval this year.
5. In the history of rates, the burden has fallen on residential rate payers. We are now moving towards uniform rating for a more balanced yield amongst all rate payers. We now propose five (5) differential rate categories.

Objectives are:

- a. Raise sufficient revenue to maintain current services and infrastructure renewal to meet expectations;
- b. Move toward uniformity across all differentials;
- c. Improve transparency and provide a level of certainty for all rate payers; and
- d. Establish greater equity across all sectors.

In summary, the 2020/21 rates model continues towards a uniform rate model, however in the area of UV mining and others categories, there is a reduction of approximately \$50,000 in rates income. We have frozen the rate in the dollar in relation to UV mining and others categories. I will touch upon that particular item later in discussing this item.

The following table sets out what was in place last year, compared to what is proposed in this year.

	19/20	20/21
GRV Residential	\$13,062,454	\$13,062,454
GRV Mass & Tourism Allocation	\$2,774,084	\$2,774,084
UV Mining & Others	\$21,925,937	\$21,872,988
UV Pastoral	\$125,805	\$125,805

We will see a significant increase on infrastructure investment and increase pressure on State and Federal Governments to support these projects. At the same time, we have never been in a better position to borrow for infrastructure projects.

Revaluations for UV categories occur every year. If the valuation goes down, our revenue will fall in line with the valuation. If it rises, the rates will rise. Any money that is an increase, can

assist with supporting our small business package, if that occurs. Of course if it goes the other way, we will lose revenue.

I support the recommendation in relation to this item.

CM201920/202 OFFICER’S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Endorse the Statement of Objects and Reasons for the 2020/21 rating year as presented.
2. Endorse the following proposed Differential Categories, General Rates and Minimum Payments for the Town of Port Hedland for advertising for the 2020/21 rating year:

Rate Differential	Rate in Dollar (expressed as cents in the dollar)	Minimum Payment
GRV Residential	9.6289	\$1,300
GRV Commercial / Industrial	9.6287	\$1,900
GRV Mass and Tourist Accommodation	19.2093	\$1,900
UV Pastoral	11.0785	\$1,900
UV Mining and Other	19.7513	\$200

3. Endorse a public consultation process on the proposed 2020/21 differential general rates and general minimum rates as follows:

- a. State-wide and local public notice on ~~Wednesday~~ **Friday** 1 May 2020 as per the requirements of Sections 6.36 of the *Local Government Act 1995*,
- b. Individual ratepayer consultation for all ratepayers in general rate differentials with less than 30 rateable properties.

4. Note that following the submission period, a final report will be presented to Council considering ratepayer submissions.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

Amendment:
Wednesday is replaced by the correct day of Friday

PURPOSE

In accordance with the direction received following the current economic conditions and discussions with Council, this report recommends that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2020/21 Differential General Rates and General Minimum Payments for public comment, as required by section 6.36 of the *Local Government Act 1995*.

The rates presented to Council are aligned with State Government recommendations and do not include a rates increase for the 2020/21 rating year due to the current economic climate.

DETAIL

Rate revenue is the primary source of discretionary revenue for the Town of Port Hedland, accounting for approximately 61% of the budgeted operating revenue in the financial year 2019/20. The *Local Government Act 1995* (the *Act*) enables local governments to impose differential general rates and minimum payments on rateable land.

The purpose of the levying of rates is to meet Council's budget requirements in each financial year in order to deliver services and community infrastructure, as outlined in the Strategic Community Plan 2018-28, Long-Term Financial Plan 2014-24 and Corporate Business Plan 2018-28. Asset management continues to pose a significant challenge for all local governments in Western Australia and any rating model must support asset renewal and replacement requirements in line with defined service levels.

Under section 6.36 of the Act, local governments are required to give a minimum period of 21 days' notice of the proposed differential general rates and minimum payments and to consider any submissions received. The proposed differential general rates and minimum payments can then be imposed, with or without modifications.

Under the Act, the Minister for Local Government is required to approve the following in relation to rates:

The imposition of a differential general rate which is more than twice the lowest differential general rate imposed by a local government;

A minimum payment on vacant land that does not comply with legislative provisions;

- Changes in the method of valuation of land; and
- In some instances, land exempt from rates.

The proposed 2020/21 differential general rates and general minimum payments identified do not require Ministerial Approval.

The Town of Port Hedland has previously adopted a differential general rate and general minimum payment model for a number of years, with the majority of the rates burden levied on residential ratepayers. During 2018/2019, the Town of Port Hedland implemented a rating strategy to move towards uniform rating for a more balanced yield amongst ratepayers, with the continuation of this strategy sought for 2020/21 proposing five (5) differential rate categories.

The main objectives of the rates model presented for 2020/21 are to:

- Raise sufficient yield to maintain current services and future infrastructure renewal to meet community expectations, as outlined in the Strategic Community Plan 2018 – 2028 and ensuring a balanced budget;
- Continue with reviewing the number and type of rating differential categories and moving towards uniform rating across all differentials;
- Distribute the rates burden more objectively and equitably;

- Uniform rating will also improve transparency, administrative efficiency and reduce compliance costs;
- Critical analysis of the yield generated by each differential category as a percentage of the total yield, comparing to the contribution by each category, the valuation % of each category, and the services consumed;
- Provide a level of certainty and consistency for ratepayers with a stable long term rates model, while providing financial sustainability for the Town; and
- Properties are rated according to Town Planning zonings and predominant land use with each having a separate calculated rate in the dollar and established minimums to achieve greater equity across all sectors and ensure a base level contribution.

The following table outlines the proposed Differential General Rates and Minimum Payments for the Town of Port Hedland to be advertised for the 2020/21 financial year, effective from 1 July 2020.

Rate Category	Minimum Payment	Rate in Dollar (expressed as cents in \$)	Rate in Dollar Comparative %	Yield \$	Yield %
GRV Residential	\$1,300	9.6289	100%	\$13,061,843	30%
GRV Commercial/Industrial	\$1,900	9.6287	100%	\$5,293,362	12%
GRV Mass and Tourist Accommodation	\$1,900	19.2093	199.5%	\$2,774,084	7%
UV Mining and Other	\$200	19.7513	178%	\$21,872,084	51%
UV Pastoral	\$1,900	11.0785	100%	\$125,805	0%

The proposed rate model is expected to yield \$43,128,082 in rate revenue for 2020/21, which will contribute to the net funding requirements of the Town's services, activities, financing costs and asset renewal programme.

Supporting Statement of Rating Objects and Reasons

In accordance with Section 6.36 of the *Act*, a document detailing the objects and reasons for each of the proposed rates and minimum payments is to be made available to all rate payers. The proposed 2020/21 Statement of Rating Objects and Reasons is provided as Attachment 1. This will be publicised on the Town of Port Hedland's website from 1 May 2020.

There has been no increase applied to the rate in the dollar for GRV Residential, GRV Commercial/Industrial, GRV Mass and Tourist Accommodation and UV Pastoral and a reduction in UV Mining and Other. There has been no increase to minimum general payments.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be high, as it meets the criteria listed in the policy which states "a decision that will substantially affect a wide range of people who reside in Port Hedland".

CONSULTATION

Internal

Two workshops have been conducted with the Executive Leadership Team to consider budget direction, strategies and rating models, and the resultant impact on ratepayers.

External Agencies

Submissions will be sought from ratepayers through public consultation on the proposed 2020/21 rates model via state-wide and local public notices. Individual consultation will occur with ratepayers whose differential has less than 30 rateable properties. Further information videos will be made available on the Town’s website and Facebook pages.

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Section 6.33 of the *Local Government Act 1995* – Differential General Rates
- Section 6.35 of the *Local Government Act 1995* – Minimum Payments
- Section 6.36 of the *Local Government Act 1995* – Giving Notice

FINANCIAL AND RESOURCES IMPLICATIONS

The proposed rate model is expected to yield \$43,128,082 in rate revenue for 2020/21 which will contribute to the net funding requirements of the Town’s services, activities, financing costs and asset renewal programme.

The 2020/21 rates model presented continues towards a uniform rating model, however due to the current direction by State Government we have proposed zero increases to the applied differential rate in the dollars.

Rate Category	Yield 2019/20	Proposed Yield 2020/21	Yield Movement %
GRV Residential	\$13,062,454	\$13,061,843	0%
GRV Commercial/ Industrial	\$5,292,848	\$5,293,362	0%
GRV Mass and Tourist Accommodation	\$2,774,084	\$2,774,084	0%
UV Mining and Other	\$21,925,937	\$21,872,988	0%
UV Pastoral	\$125,805	\$125,805	0%
TOTAL	\$43,181,128	\$43,128,082	0%

The 2020/21 budget will be developed using the following principles discussed and agreed with the Commissioner at budget workshops:

- To focus on long-term financial sustainability of the Town of Port Hedland during the turbulent economic conditions;
- Continue to ensure a fair and equitable balance of the rate burden across all ratepayers in the Town;
- Maintain current service levels to the community (supported by community consultation as part of the Strategic Community Plan process);
- Ensure we structure the budget to perform committed capital works;
- Use interest revenue from reserve funds to fund asset renewal.

The Town's current financial health is 'adequate' in State and Regional comparisons, however is considerably lower than the benchmark for asset sustainability. By managing the rates yield and adopting the budget principles listed above, the Town may be able to improve its financial ratios, reportable health and its ability to meet community and business expectations in relation to future service delivery and asset renewal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Due to the current economic status, proposed no increase to the applied differential rate in the dollar should provide acceptable relief as aligned with recommendation received by the State Government. Continuing to move towards a uniform rating strategy allows property values to be the main determining factor in the differences between any rates bills. Financial pressures may still be present from prior year increases in the GRV Commercial / Industrial category. However, relief has been provided for some local businesses who are holding undeveloped vacant land or industrial properties with the vacant rate in the dollar being in line with the developed land rate in the dollar.

There are no significant identifiable environmental or social 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 4 – Quality of Service

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be high (12) assigned to the risk that:

1. Any differential rating category with a proposed rate in the dollar more than twice the lowest; and/or
2. Minimum payments applying to more than 50% of vacant properties will require ministerial approval.

This risk is mitigated this year with the removal of the need to acquire Ministerial approval with all general rates and minimum payments within the allowable amounts as specified in the Act.

There is also risk associated with valuations for UV Mining and Other and UV Pastoral. Local governments have been requested to hold rates at FY20 levels. However, this only works on a ratepayer by ratepayer basis if valuations are held. UV valuations are typically reviewed annually by the Valuer-General with GRV valuations revised every three years. If UV valuations move downwards, and the rate in the dollar has been adopted as equal to FY20, then the Town will not collect the projected \$43,128,082.

Valuations are expected to be received in April 2020 from the Valuer-General. If the valuations have materially changed, Council will review the draft proposed budget and be required to make changes to ensure a balanced budget is presented.

It should be noted that local governments are currently working with WALGA and the Department of Local Government, Sport and Cultural Industries to have all valuations 'frozen' at FY20 levels. GRV valuations are not an issue for the Town with next review due in FY22.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report recommends that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2020/21 Differential General Rates and General Minimum Payments for public comment, as required by section 6.36 of the *Local Government Act 1995*. The proposed rate model will yield \$43,128,082 in rate revenue (based on current valuations) which will contribute to the net funding requirements of the Town's services, activities, financing costs and asset renewal programme.

ATTACHMENTS

1. Statement of Objects and Reasons 2020/21 (under separate cover)

11.1.5 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2020 (FILE NO. 12/14/0003)

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

Before considering the below recommendations, the Commissioner made the following statement:

This report is the normal monthly report that has no exceptional amounts that need explanation. Attachment 2, at note 12, is the explanation of material variances.

The notes show progress in funding projects for the last budget. The threshold that requires explanation in capital projects is 10% or \$10,000, whichever is the greater. With all other variances of 10% or \$50,000, whichever is the greater.

The funding surplus of \$2.5M presented in the Auditor's Annual Financial Statements is as presented at the Ordinary Council Meeting held on 27 November 2019.

The net current asset position, as at 29 February 2020, was \$17.9M. The breakdown of the cash position is:

Current assets in cash and investment	\$249.0M
Restricted cash reserves	\$240.3M
Unrestricted cash position as at 29 February 2020	\$8.3M

As a result of studying the accounts and making enquiries, I support the recommendation in relation to this item.

CM201920/203 OFFICER'S RECOMMENDATION / 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 29 February 2020;
2. Receive the Material Variance Report;
3. Note the Accounts paid under delegated authority for period ended 29 February 2020; and
4. Receive the Credit Card Statements for period ended 29 February 2020.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 29 February 2020. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 29 February 2020, with financial results included in Attachment 1. Statement of Financial Activity Notes 1-11 prepared by the Town of Port Hedland.

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

As part of the 2019/20 original budget, Council adopted the following thresholds as levels of material variances for financial reporting.

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

Commentary is provided on variances as details above as per *Attachment 2 NOTE 12*.

Explanation of Material Variances.

The opening funding surplus of \$2.5M presented in audited annual financial statements and presented in the 27 November 2019 Ordinary Council Meeting.

The net current asset position as at 29 February 2020 was \$17.9M. The breakdown of the cash position is displayed below:

	2019/20 Actuals
Current Assets: Cash and Investments (including trust)	\$249.0M
Restricted Cash – Reserves	\$240.3M
Unrestricted Cash Position as at 29 February 2020	\$8.3M

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2019/20 budget to the risk that a reduction in income or increase in expense throughout the 2019/20 financial year is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 29 February 2020 in accordance with regulation 34(1) of the Local Government (*Financial Management*) Regulations 1996.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 29 February 2020 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 29 February 2020.

CONCLUSION

The opening funding surplus of \$2.5M presented in YTD Actual on the Statement of Financial Activity is as per the closing surplus presented in the audited financial statements. The net current asset position was \$17.9M.

Variances in operating revenue and expenditure are addressed in detail in Attachment 2 NOTE 12. *Explanation of Material Variances*. The net current asset position will decrease as operating and capital budgets are expended throughout the year.

ATTACHMENTS

1. Statement of Financial Activity (under separate cover)
2. Material Variances Report (under separate cover)
3. Accounts Paid Under the Delegated Authority (under separate cover)
4. Credit Card Statements (under separate cover)

11.2 Community Services

Nil

11.3 Regulatory Services**11.3.1 FINAL ADOPTION OF LOCAL PLANNING POLICY 04 - PERCENT FOR PUBLIC ART**

Author: Graduate Planner
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.

Before considering the below recommendations, the Commissioner made the following statement:

The purpose of this report is to adopt the new Policy. This matter was initiated on 19 December 2019 and advertised for 21 days.

The new limit on Town projects is 2% and private projects 1%, to be spent on art.

1. This policy provides clear objectives;
2. Provides clarity in relation to location; and
3. Stronger desire to incorporate indigenous art of local people.

Objectives

1. Increase social, cultural and economic values around Port Hedland;
2. Celebrate art, culture and heritage;
3. Develop a strong community identification;
4. Public awareness and value for art; and
5. Private developers over \$2M will be required to spend 1%, with a maximum of \$150,000 in the Town's developments and 2% to a maximum of \$500,000.

With the passing of this Policy in a time of rapid expansion, we should quickly see improvements within the Town and see an increase in awareness of public art enhancing the lives of residence and people of Port Hedland.

I support the recommendation in relation to this item.

CM201920/204 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, pursuant to Clause 3, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Adopts Local Planning Policy – 04 Percent for Public Art, presented as Attachment 1 of this Item with modifications shown in Attachment 3;
2. Advertises the adopted Local Planning Policy 04 – Percent for Public Art in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015: and
3. Rescinds the current Local Planning Policy - 04 Percent for Public Art (2012).

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to adopt Local Planning Policy 04 – Percent for Public Art (LPP04) with modifications following feedback received during public consultation.

DETAIL

LPP04 was initiated at the Ordinary Council Meeting held on 19 December 2019 pursuant to Clause 3, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations). The draft Policy was then advertised for a period of twenty one (21) days from 15 January 2020 to 5 February 2020, through an advertisement in the North West Telegraph and on the Town's website. One submission from the Department of Communities was received on 4 February 2020.

The Town of Port Hedland (Town) currently has Council Policy Percent for Public Art (2012). Should the new Policy be adopted, the existing Policy will be revoked.

The new proposed Local Planning Policy focusses on addressing the following issues:

- Providing clearer objectives for the desired outcome of Public Art;
- Providing clarity for the location of Public Art; and
- A stronger desire to incorporate Indigenous art of the Kariyarra, Ngarla and Nyamal people reflecting the values of Port Hedland.

The objectives of the Policy are:

1. Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;
2. Acknowledge and celebrate Indigenous culture and heritage;
3. Develop and promote community identity within the Town to bridge communities;
4. Establish new design partnerships between artists, architects and other professionals;
5. Celebrate environment, industry, and lifestyle; and
6. Increase public awareness of the value of art, design and culture.

The proposed Policy seeks to apply to all new developments on all zoned and reserved land.

To finalise the process of enacting a Local Planning Policy, this proposed policy needs to be adopted by Council, with the decision of Council then being advertised in a local paper. The existing Public Art Policy will be rescinded and replaced by the proposed policy.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. A significant reason for introducing the new Policy was the clarification of important details regarding Public Art, including, but not limited to location, cost, and management.

CONSULTATION

Internal

- Manager Town Planning and Development
- Senior Planner
- Manager Marketing Communication and Events
- Senior Arts and Cultural Officer
- Engineering Technical Services Officer

External Agencies

- Department of Planning, Lands and Heritage
- Department of Communities
- Pilbara Development Commission
- Local Government, Sport and Cultural Activities

Community

- FORM
- HARTZ
- The Junction Co

A notice of the initiated draft Policy was published in the North West Telegraph on 15 January 2020, and a copy of the draft Policy was also placed on the Town's website throughout the consultation period.

One submission was received from the Department of Communities (DoC) and provided the following recommendations.

Recommendation 1:

The DoC recommended the Policy be amended to require the engagement of an art coordinator/consultant for each project. This recommendation has been implemented into the final adoption of LPP04 – Percent for Public Art, based on the value of the artwork contribution. The modification includes provision of a maximum payment fee from the Public Art budget of 5% for the services of the Art Consultant.

Recommendation 2:

The Policy should consider which aspects are included and those which are excluded from the project budget. This recommendation has been implemented into the final adoption of LPP04 – Percent for Public Art.

Recommendation 3:

The DoC recommend that an Evaluation Review process be implemented as part of the completed projects under the Policy. Noted. No changes to the Policy were made to the Policy based on this recommendation as this change is not essential.

Recommendation 4:

The Policy provides an appropriate mechanism to improve the quality of built form and public spaces and create a focal point for the community which promotes inclusion, understanding and awareness of cultural, social and historic themes. Noted. No changes to the Policy were required based on this comment.

Recommendation 5:

The Town give consideration to preparing an overarching Public Art Strategy to guide the application of the Policy. The Town has engaged a consultant to produce a Public Art Strategy. The need to prepare a new Public Art Strategy was identified as a key action within the Town's and Culture Strategy 2019-2022. The strategy will provide a vision for Public Art across the Town and provide a framework for commissions and community-led art in conjunction with the Policy.

The Officers response to the submission, together with the Officers recommendation is provided within attachment 2 "Schedule of Submissions".

The following modifications were made to the Policy:

- *Purpose Justification;*
- *Maximum Monetary Contribution;*
- *Budget Clarification;*
- *Engagement of Art Coordinator/Consultant;*
- *Ongoing maintenance; and*
- *Artwork Removal.*
- *Scope for Town Officers to refer the Public Art plan to Council for approval for Public Art over the value of \$75,000 (seventy five thousand dollars)*
- *Where a development exceeds a value of \$2,000,000, apply a contribution of 1% (to a maximum of \$150,000) for applicable private developments or a contribution of 2% (to a maximum of \$500,000) for applicable developments delivered by the Town.*

All modifications to the proposed Policy are included as tracked changes within attachment 3.

In accordance with Clause 3, Schedule 2 of the Regulations, should Council adopt LPP04 the Town will publish a notice of the new Policy in the North West Telegraph giving details of:

- The subject and nature of the proposed Policy;
- The objectives of the proposed Policy;
- Where the proposed Policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed Policy may be made.

A copy of the adopted Policy will also be made available on the Town's website.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Town of Port Hedland Local Planning Scheme No. 5*

FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the adopted Policy in the North West Telegraph with an approximate cost of \$300.

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.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 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.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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. As a result of the Policy, the applicant / developer may not implement and maintain the Public Art in accordance with the Policy. This risk is mitigated through a provision in the Policy requiring the Public Art to be fully completed prior to occupation or use of the development and maintained thereafter to the satisfaction of the Town. 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 mitigated by the Town's ability to take compliance action in such circumstances permitted under the *Planning and Development Act 2005*.

Furthermore, there is possibility for an increase in the number of Development Applications to be appealed the State Administrative Tribunal (SAT) due to the requirement to spend project funds on public art, which is often not viewed as essential by developers. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk is mitigated through the generally accepted provision of Public Art in local planning policies and thus the Town has a defensible position, should the development application be appealed at SAT.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

By adopting the Policy with minor modifications made, Council will facilitate and implement improved Public Art projects for the Port Hedland community.

ATTACHMENTS

1. Attachment 1 - Percentage for Art Policy (under separate cover)
2. Attachment 2 - Schedule of Modifications (under separate cover)
3. Attachment 3 - Tracked Changes (under separate cover)

11.3.2 PROPOSED RENAMING OF LEAP PARK, PORT HEDLAND TO 'STRIKE PARK', PORT HEDLAND

Author: Development Services Officer
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.

Before considering the below recommendations, the Commissioner made the following statement:

The change of name to Strike Park is in recognition of the history of this region.

In 1946 a strike commenced on 1 May 1946. 800 aboriginal workers from 23 language groups walked off the Stations and did not end the strike until 1949.

The strike was led by mainly three people, Dooley Bin Bin, Clancy McKenna and Don McLeod. The three were arrested numerous times and spent time in Port Hedland Prison, which is opposite the actual park. There were numerous major meetings which took place in Port Hedland and Don McLeod was in fact a resident of Port Hedland.

The Port Hedland seaman or wharfies refused to load wool from the Stations in 1949, which led to the scale of wages being agreed to.

This was a major turning point. This then lead to the creation of Yandiyarra, Strelley and Warralong Stations.

The three main activists have roads named after them in our national capital in Canberra. There is Clancy McKenna Crescent, Dooley Bin Bin Street and Don McLeod Lane, which is of significance importance that was to be recognised in our national capital.

In 2001, the Pilbara Commission of Elders requested the park name change and it is not known why this did not occur when requested in 2001.

Council has discussed this matter with aborigine Elders and a sculpture of the strike is in fact placed in this park.

Historical information has been sourced from the Town's Local History Office and Don McLeod's book "How the West was lost" and cross referenced with the website in relation to this matter.

There are submissions for and against, at attachment 5 of this report.

I support the recommendation in relation to this item.

CM201920/205 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

- a) Support the proposed renaming of Reserve 42148, being Lot 315 on Plan 165059, to 'Strike Park'; and
- b) Delegate the Chief Executive Officer to refer the proposed naming to the Geographic Names Committee for approval.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the proposed renaming of Reserve 42148, being Lot 315 on Plan 165059 and known locally as Leap Park, as Strike Park in recognition of the 1946 Pilbara Strike.

DETAIL

Following adoption of Policy 12/010 – Naming of Roads and Places, the Town received an application from the Hedland Aboriginal Strong Leaders to rename Reserve 42148 to 'Strike Park' in recognition of the 1946 Pilbara Strike. Reserve 42148, being Lot 315 on Plan 165059, is currently known locally as Leap Park.

In the history of the park, LEAP stands for Landcare and Environmental Action Plan. Leap Park was the site of a LEAP project sponsored by Hedland Job Link in conjunction with Pundulmurra TAFE in 1995, during which approximately 18 participants undertook on-the-job botanical training in the establishment of the gardens at the park. The name of the park was established colloquially as a response. No record of the name being formally applied, either at a local or state level, was identified.

The 1946 Strike commenced on the 1 May 1946, on which day over 800 Aboriginal pastoral workers, from 23 different language groups, walked off the stations at which they were employed in protest of low pay and living conditions. The strike did not end until August 1949.

During the strike, the Aboriginals and their families gathered in a number of camps across the Pilbara, through the Port Hedland and Marble Bar Regions.

The strike was led by Dooley Bin Bin and Clancy McKenna, two Aboriginal lawmen, and Don McLeod, a white union activist. These men travelled extensively throughout the Pilbara and between the camps, not only supporting the camps, strikers and their families, but also negotiating with the station owners and state government for improvements to their working conditions. Along with the camp leaders, they were arrested a number of times on various charges and spent some time in prison.

Despite the location of many camps outside of town sites, Port Hedland served as a central location in events during the strike. Dooley Bin Bin, Clancy McKenna and Don McLeod all spent some time imprisoned in the Port Hedland jail on multiple occasions, located at the time directly

opposite Leap Park. Their trials were also held in Port Hedland. Further events as noted below also took place in Port Hedland:

- A number of clandestine meetings were held within the vicinity of Port Hedland between Don McLeod and Clancy McKenna during the early strike;
- Don McLeod, being a resident of Port Hedland, conducted a number of meetings with various state government and union representatives during the course of the strike.
- March by 200 strikers on Port Hedland Police Station to demand release of Don McLeod. During this event two police constables, the Acting Commissioner of Native Affairs, and his Inspector were held while the strikers searched the police station. Don McLeod had in fact already been released, and was visiting a union representative at Port Hedland Hospital;
- Refusal of seamen on the S.S Kybra to load wool in Port Hedland, until a wage scale for Aboriginal workers was agreed. This triggered the beginning of the resolution of the strike;

The strike served as a turning point in the treatment of Aboriginals across Australia. Following the end of the strike many of those involved refused to return to the stations, instead setting up their own mining and pastoral companies and stations. Many of these stations, including Yandeyarra, Strelley and Warralong, remain in operation today. It also paved the way for a number of further strike actions across Australia, including the Wave Hill strike in 1966. The national significance of the strike was formally recognised by the Federal Government in 2010, through the naming of Clancy McKenna Crescent, Dooley Bin Bin Street, and Don McLeod Lane in Canberra.

Historical information in relation to this item has been sourced from the Town's Local History Officer, Don McLeod's book titled 'How the West Was Lost', and cross referenced through a number of websites to ensure the accuracy of dates and events.

In 2001, in conjunction with and at the request of the (at the time) Pilbara Commission of Elders, the Town commissioned the installation of a sculpture on Reserve 42148 to recognise the 1946 Strike and the importance of the area during the strike. During this project the renaming of the park to 'Strike Park' was also requested, and supported by a number of Aboriginal Corporations and local organisations. It is unknown why the requested name change did not proceed at this time.

The Geographic Names Committee is a department of Landgate, and is responsible for formally approving the naming of all roads and places in Western Australia under delegation from the Minister for Lands. Accordingly, should Council adopt the Officers Recommendation, the proposed renaming and all supporting documentation is required to be sent to them for final determination.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as the item will not have any significant financial, social or environmental impact.

CONSULTATION

Internal

Internal consultation was undertaken with the Town's Local History Officer to confirm some details of locations mentioned in relation to events. Consultation was also undertaken with the Town's Manager Community Development.

External Agencies

Consultation was undertaken at the Aboriginal and Torres Strait Islander Forum held on the 10 March 2020 regarding the proposed renaming. Notification was provided to 30 community organisations as identified in Attachment 2. The notification advised of the proposed renaming and provided a brief description of the 1946 Strike, and invited comments regarding the proposed renaming.

Community

The proposed renaming was advertised to the community for a period of 28 days, through the placement of a newspaper ad, on the Town's website, and through social media. Additionally, in accordance with Policy 12/010, notification as described under *External Agencies* was sent to approximately 110 neighbouring owners and occupiers for their comment. Submissions were received both supporting and objecting to the proposed renaming, and are addressed in Attachment 3 – Schedule of Submissions.

LEGISLATION AND POLICY CONSIDERATIONS

This item is subject to the Town's Policy 12/010 – Naming of Roads and Places, and Landgate's Policies and Standards for Geographical Naming in Western Australia.

The Policies and Standards provides the requirements for naming conventions within Western Australia, and Policy 12/010 further details requirements specific to the Town of Port Hedland.

FINANCIAL AND RESOURCES IMPLICATIONS

Support of the officer's recommendation will result in the requirement for new signage to be installed at the site, including informational signage regarding the strike action. The estimated cost of this is likely to be less than \$10,000, and can be absorbed into existing budgets.

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.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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 not adopting the officer's recommendation may have a negative effect on the Town's relationship with local community groups. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk will be eliminated by adoption of the officer's recommendation.

There is a reputational risk associated with this item as Geographic Names Committee may choose to decline the renaming request, resulting in the park remaining named locally as Leap Park. The risk rating is considered to be low (2), which is determined by a likelihood of rare (1) and a consequence of minor (2), and has been mitigated by ensuring the proposed name and community consultation has been undertaken in accordance with the Town's Policy 12/010 – Naming of Roads and Places, and Landgate's Policies and Standards for Geographical Naming in Western Australia.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The nationwide importance of the strike and significant ties to the Pilbara and Port Hedland specifically make it appropriate to consider formal recognition through naming of a place. Reserve 42148, being located directly opposite the location of a number of events during the strike and in the vicinity of many more, is considered an ideal location for the application of the name 'Strike Park'. Additionally, the sculptures depicting the strike and location of the Reserve in a historic part of Port Hedland further confirm the appropriateness of the site.

ATTACHMENTS

1. Attachment 1: Map showing location of Reserve 42148 (under separate cover)
2. Attachment 2 Community Organisations (under separate cover)
3. Attachment 3: Schedule of Submissions (under separate cover)
4. Attachment 4: Submissions Received (under separate cover)
5. Attachment 5: Social Media responses (under separate cover)

11.3.3 RESCIND POLICY 12/002 OFF SITE CAR PARKING AND POLICY 9/007 ROADSIDE, VERGE AND RESERVE PARKING

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

Before considering the below recommendations, the Commissioner made the following statement:

This item is to clear up parking provisions and the history of this item is as follows:

In 2004, Council adopted a policy which rapidly became out of date and was not a useful tool for assessing Development Applications and the policy is now superfluous to requirements:

- a. The Town does not have a structure or system in place for cash-in-lieu arrangements, nor consider it appropriate;
- b. Provisions for 50% of bays on site, has no technical basis;
- c. The Policy has not been used for some time; and
- d. In 2004, did not have clear and concise provisions for parking, however, in 2016 the implementation of new and improved set of provisions for parking and enforcement was agreed to.

However, once again with the adoption of the Town's Local Laws, the policy is no longer relevant.

I support the recommendation in relation to this item.

CM201920/206 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council rescind:

1. Policy 12/002 'Off Site Car Parking', as per Attachment 1; and
2. Policy 9/007 'Roadside, Verge and Reserve Parking', as per Attachment 2

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider supporting the rescindment of Town of Port Hedland Policies 12/002 'Off Site Car Parking' and 9/007 'Roadside, Verge and Reserve Parking.'

DETAIL

Policy 12/002 Off Site Car Parking

Council Policy 12/002 'Off Site Car Parking' was adopted by Council on 24 November 2004. The objective of the policy is to "*provide guidance for the possible development of car parking in adjoining road reserves*". The Policy has limited provisions and attempts to address situations where applicants seek a variation to providing parking on-site – through conveying that the Town will accept a cash-in-lieu contribution. The Policy sets a minimum requirement that at least 50% of bays, required under the Town's planning scheme, need to be provided on-site. It also provides the opportunity for the develop car parking within the road reserve in non-residential areas.

The Policy has become outdated since its adoption and is not a useful tool for assessing development applications or other planning matters. The Policy is now superfluous to requirements for the following reasons:

- The Town does not have a structure or system in place for cash-in-lieu arrangements nor consider it appropriate;
- The provision for 50% of bays to be provided on-site has no technical basis; and
- The impending new planning scheme has provisions to address development of car parking within the road reserve. This includes prohibiting parking within road reserves that are on the Restricted Access Vehicle (RAV) network and/or where there is existing or planned drainage infrastructure such as open drainage swales.

This Policy has not been used for some time and it is not anticipated that it will be required, given proposed requirements in a new planning scheme. Rescinding this Policy will reduce the number of unnecessary Policies and create a clearer system.

Policy 9/007 Roadside, Verge and Reserve Parking

Council Policy 9/007 'Roadside, Verge and Reserve Parking' was adopted in 2004 at a time when the Town of Port Hedland did not have clear and concise provisions for parking through local law.

The policy was developed to provide direction on matters such as establishing no parking areas within 300mm of a footpath, within 5m of the apex of a corner and when/where vehicles can park on reserves. The policy also included provisions for exemptions in relation to municipal and emergency services vehicles.

In 2016 the Town of Port Hedland adopted the Parking Local Law which provides a much more comprehensive set of provisions relating to vehicle parking and also included a clear enforcement model to enable the regulation when non-compliance occurs. The current Local Law specifically addresses each element of Policy 9/007 in much more detail allowing clearer interpretation.

Since the adoption of the Town's Parking Local Law 2016, Policy 9/007 has become redundant, is no longer relevant and as such, it is recommended that the policy be rescinded.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because, while a failure to rescind Policy 12/002 and Policy 9/007 will result in the Town retaining obsolete provisions, the policies are no longer referred to or enforced by authorised officers.

CONSULTATION

Internal

- Nil

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland Planning Scheme
- Town of Port Hedland Parking Local Laws 2016

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications relevant 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.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because as a result of the Town retaining and publicly providing redundant, obsolete policies that, while not in conflict with new Local Laws, could potentially generate confusion in the community. 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 – Do not adopt officer’s recommendation

CONCLUSION

It is recommended that Council rescind Council Policy 12/002 ‘Off Site Car Parking’ and Policy 9/007 ‘Roadside, Verge and Reserve Parking’ as they are no longer relevant, referred to by authorised officers or have been replaced by far more comprehensive Local Law provisions.

ATTACHMENTS

1. Policy 12/002 Off Site Car Parking (under separate cover)
2. Policy 9/007 Roadside, Verge and Reserve Parking (under separate cover)

11.3.4	DEVELOPMENT APPLICATION 2013/183.03 FOR AMENDMENT TO DEVELOPMENT APPLICATION 2013/183 - TWELVE (12) MULTIPLE DWELLINGS - EXTENSION OF TIME ON LOT 737 (113) ANDERSON STREET PORT HEDLAND
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Author: Graduate Planner

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.

Before considering the below recommendations, the Commissioner made the following statement:

This matter has been to Council on a number of occasions, the first application being presented in March 2013, being sent to JDAP, and was granted a condition that it must commence prior to 30 March 2015, when JDAP stated as follows:

“If the development referred to in (1) above is not substantially commenced within a period of two (2) years from the date of approval, the approval shall lapse and be of no further effect.”

Following on from the above, on 12 March 2014, changes to allow units 1 and 9 from one bedroom to two bedroom units, was allowed by JDAP.

In 2018, an application was submitted to request an extension of time for the substantial commencement, which had lapsed for three (3) years. However, was granted a two (2) year extension to substantially commence the period, that extension expired on 12 March 2020. There were two attachments to the last extension, a warning of the impact of dust in the West End Land Use Plan.

On 20 December 2019, the Town accepted an application for extension of the original approval. The application was advertised and directed to the State Government agencies. This process resulted in a valid objection.

The Town has assessed the application in accordance with the relevant planning framework and has considered the objections and submissions received. It contradicts the intention of the applicable planning framework, in particular the Draft Port Hedland West End Improvement Scheme No. 1.

The State Administrative Tribunal (SAT) has established three principles to consider in granting extensions.

1. Has the Planning Framework changed substantially since the original approval;
2. Would it be approved today; and
3. Whether the applicant actively pursued the implementation of the approval.

In considering the above, the conditions have changed significantly with the Local Planning Scheme No. 7 (LPS7) and the State Government’s decision in regard to the West End. Both of these need to be considered (Improvement Plan 50 and Scheme No. 1).

Considering the above, it is highly unlikely that a new application in this form would be approved today.

I need to also consider whether the applicant actively and consistently pursued implementations. The applicant listed in a separate letter, four points they wished to put in support of their approval, I have considered all of these.

I need to look at the reasons for the deferral, if they are valid, given the current state of the site. Some seven years after approval, the site still has the original building on that site. I need to consider all of the above.

In coming to a decision, I have decided to refuse the application, given all the matters I have had to consider.

I support the recommendation in relation to this item.

CM201920/207 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council pursuant to Clause 77 of Schedule 2 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Refuse Development Application 2013/183.03 for the Extension of Time to Development Application 2013/183.02 for 'Twelve (12) Multiple Dwellings' on Lots 737 (113) Anderson Street Port Hedland for the following reasons:
 - a) The proposed development is not consistent with Town of Port Hedland Local Planning Scheme No. 5 Scheme Objective 1.5 (a) to encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity. The development is located within the West End Residential Zone where the population is exposed to relatively high dust levels, as determined through a health risk assessment undertaken by the Department of Health and finalised in 2016. Recommendations of the Port Hedland Dust Management Taskforce Report to Government included capping or limiting the number of permanent residents in the West End of Port Hedland, due to exposure to dust. The development proposes an additional twelve (12) dwellings which would be subject to reduced amenity.
 - b) The development is not consistent with the acceptable outcomes of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments. The development proposes several variations including:
 - (i) A.2.4.1 Minimum side setback of 1.7m in lieu of 3m required;
 - (ii) A.2.4.1 A nil rear setback is proposed in lieu the 3m required setback;
 - (iii) A.2.4.1 Primary street setback of 2m in lieu of the 0.5m required;
 - (iv) Table 3.9 A one (1) car parking bay variation;
 - (v) A.3.7.4 A pedestrian footpath is not clearly delineated and give priority;
 - (vi) 4.15.1 – Does not demonstrate at least one significant energy efficiency initiative; and

A.4.4.1 – Each dwelling does not have private open space as per the (vii) required dimensions and area of Table 4.4, specifically the two bedroom dwellings

- c) The proposed development is not consistent with Clause 67 (r), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is located within an area that is subject to high levels of dust exposure, and recommendations from the State Government are to limit the permanent population within this area. In accordance with the Port Hedland Dust Management Taskforce Report to Government and associated studies, the development is located on land that poses risks to human health and safety.
- d) The proposed development is not consistent with Clause 67 (q), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The subject site has been identified by the Port Hedland Town site Coastal Hazard Risk Management Adaptation Plan (CHRMAP) as being at risk from coastal hazards including inundation. The development has not incorporated measures to address potential coastal hazards and does not encourage adaptation or protection measures as per State Planning Policy 2.6.
- e) The proposed development is not consistent with the State Government's decision to implement Improvement Plan 50 – Port Hedland West End and the Draft Port Hedland West End Improvement Scheme. The proposed use of 'Multiple Dwellings' is a non-permitted (X) land use under the Draft Port Hedland West End Improvement Scheme and would be inconsistent with Clause 67(b), Schedule 2, Part 9 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for orderly and properly planning.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider Development Application 2013/183.03 which proposes an extension of time to Development Application 2011/183 for 'Twelve (12) Multiple Dwellings' on Lot 737 (113) Anderson Street, Port Hedland.

DETAIL

Development Application 2013/183 for 'Twelve (12) Multiple Dwellings' was approved by the Pilbara Joint Development Assessment Panel (Pilbara JDAP) on 30 March 2013. The application was granted a substantial commencement period until 30 March 2015, with Condition 2 reading:

'If the development referred to in (1) above is not substantially commenced within a period of two years from the date of approval, the approval shall lapse and be of no further effect.'

Following this approval, a proposed amendment (2013/183.01) to the development application to 'change units 1 and 9 from one bedroom dwellings to two bedroom dwellings' was approved by Pilbara JDAP on 12 March 2014. The expiry date of the original approval date was not subject to the amended approval and thus remained 30 March 2015.

In 2018, development application 2013/183.02 was submitted to the Town which requested an extension of time to the substantial commencement period of development application 2013/183. The application had been lapsed for three years, but was granted a two year extension to the substantial commencement period. This approval technically lapsed on 12 March 2020. Advice notes were included on the decision notice which state:

The Department of Health's 2016 Port Hedland Air Quality Health Risk Assessment for Particulate Matter observe sufficient evidence of dust on human health to recommend reduced exposure in the West End through land use planning; and

The Port Hedland Dust Management Taskforce Report to Government – August 2016 recommends the prohibition of new permanent residential development, and other dust sensitive land-uses (including aged care and childcare) west of Taplin Street, where Lot 737 is located. The Government is currently considering its response to the Taskforce Report.

On 20 December 2019, the Town accepted development application 2013/183.03 for an extension of time to the original approval – specifically to Condition 2 to amend the substantial commencement period by an additional two (2) years. Given the location of the subject site within the West End Residential Zone, the objectives of Improvement Plan 50 – Port Hedland West End and the impending Improvement Scheme, the application was referred to State Government Agencies and advertised on the Town of Port Hedland website. A valid objection was ultimately received during the consultation period.

The Town has assessed the proposed amendment to Development Approval 2013/183 in accordance with the relevant planning framework and has considered the objection and submissions received. The proposed development is deemed to contradict the intentions of the applicable planning framework – particularly draft Port Hedland West End Improvement Scheme No. 1 (draft Scheme).

The State Administrative Tribunal (SAT) has established three (3) principles to consider in the exercise of discretion to grant an extension to the term of a development approval that has not been substantially commenced. Planning decisions of this nature should have regard to:

1. Whether the planning framework has changed substantially since the development approval was granted;
2. Whether the development would likely receive approval now; and
3. Whether the proponent has actively and relatively conscientiously pursued the implementation of the development approval.

These considerations are outlined below in the context of a further extension of the term to substantially commence the development approval of 'Twelve (12) Multiple Dwellings' on Lot 737 (113) Anderson Street, Port Hedland.

1. Whether the planning framework has changed substantially since the development approval was granted.

Local Planning Framework

Draft Local Planning Strategy and Draft Local Planning Scheme No. 7.

The Town is in the process of reviewing and updating the Local Planning Scheme and Local Planning Strategy. At the Ordinary Council Meeting held on 25 March 2020, Council approved draft Local Planning Scheme No. 7 (LPS7) and the draft Local Planning Strategy to proceed to advertise. Key objectives of the draft strategy and LPS7 include recognising the State Government's decision in regards to the West End of Port Hedland, and that an Improvement Scheme will override any provisions of LPS7 for the determined Improvement Scheme area. Although Local Planning Scheme No. 5 is the current statutory planning instrument for development control in the West End Residential zone, due consideration should be given to the draft Local Planning Strategy and LPS7 as the proposed development is not consistent with the objectives in supporting and recognising the Government's decision regarding the West End. The Town's new draft Local Planning Strategy and LPS7, at the time of writing this report, are pending consent to advertise by the Western Australian Planning Commission.

State Planning Framework

Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No. 1

In July 2019, the Minister for Planning and Governor accepted the recommendation of the Western Australian Planning Commission to initiate Improvement Plan 50, which authorised the implementation of an Improvement Scheme for the Port Hedland West End. The key objectives identified to guide the preparation of the Improvement Scheme were:

- To provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social and environment factors;
- To provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area; and
- To implement the Government response to the Port Hedland Dust Management Taskforce Report to Government to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland.

The last objective is a particularly important consideration in the assessment of this application. The application proposes a sensitive land use development within the identified Improvement Plan area and draft Scheme area.

As of 1 April 2020, the Draft Port Hedland West End Improvement Scheme No.1 was released for public comment, with the consultation period closing on 3 July 2020. A key aim of the Scheme is:

- (b) *to implement the Government response to the Port Hedland Dust Management Taskforce Report to Government (2016) to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland by prohibiting:*
 - a. *new residential development; and*
 - b. *development intended for use either exclusively or primarily by sensitive groups within the general population including:*
 - i. *older people (65 years);*
 - ii. *people with pre-existing cardiovascular or respiratory disease;*
 - iii. *children and adults with pre-existing respiratory condition (asthma, bronchitis, chronic obstructive pulmonary disease); and*
 - iv. *children.*

The proposed zoning of 113 Anderson Street under the draft Improvement Scheme is “West End Zone”. Under the zoning table (Table 3) of the draft Scheme, all residential development is a non-permitted use (X) for the West End zone. Approving residential development would undermine the aims of the draft Scheme and create additional land use conflicts in the locality. Given the release of the draft Scheme for public comment, it is considered to be a seriously entertained document and the Town must give due consideration to the aims and objectives of the draft scheme in making a determination.

2. Whether the development would likely receive approval now.

If the proposed development for ‘Twelve (12) Multiple Dwellings’ was received now as a new development application, it would be assessed in accordance with the current LPS5 and specifically the provisions under the West End Residential Zone for which Multiple Dwellings are an ‘A’ land use and Clauses 5.2.6 – 5.2.10 of LPS5 apply. Scheme objectives would also be applied, where it is considered the application does not comply with Scheme Objective 1.5(a). However, the application is compliant with West End Residential Zone Clauses 5.2.6, 5.2.7 and 5.2.8, but ultimately the Town is required to give consideration to the purpose of the zone and recommendations of any formal risk study undertaken by the Department of Health in accordance with Clause 5.2.9.

Due consideration would be given to Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No. 1, and it is considered that the development would contradict the objectives of this framework and ultimately impact the long term planning objectives for the Port Hedland West End. It is acknowledged that the application is compliant with the Scheme and other relevant planning legislation such as the Residential Design Codes, however in context to substantial planning framework changes and the objectives of the area it is deemed that the application would be unlikely to be granted approval were it submitted now as a new application.

3. Whether the proponent has actively and relatively conscientiously pursued the implementation of the development approval.

The applicant provided information within the cover letter submitted (refer to Attachment 4) as to why the development approval had not been pursued to this point. The justification submitted to support development approval includes:

- The current zoning supports residential high density accommodation;
- The zoning has not changed since the development approval was originally granted and has since been amended;
- Substantial drawings, renderings and other preparatory documentations have been completed by the owner and the architects towards the ultimate progress of the development; and
- The market conditions now support construction in line with the approval of new mines and major projects.

No site works have been undertaken and the existing structures are still present on the lot. The application has also been valid for a period of seven years, which is considered an adequate period to substantially commence the development.

The planning assessment against the above SAT principles which would be applied in any appeal to refuse the development indicates there are strong grounds to refuse the application.

This item is not impacted by the Notice of Exemption from Planning Requirements during State of Emergency, as issued by the Minister for Planning on 8 April 2020.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the development is located within the West End Residential zone and is subject Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No. 1.

CONSULTATION

Internal

- Planning and Development Team
- Manager Town Planning and Development
- Director Regulatory Services

External Agencies

The application was referred to:

- Department of Planning, Lands and Heritage
- Department of Jobs, Tourism, Science and Innovation
- Department of Health
- Department of Water and Environmental Regulation.

The development application was also advertised on the Town’s website from 24 January 2020 to 25 February 2020. Five (5) submissions were received, with one (1) raising a valid objection which raised the following concerns:

Submission Comment	Officer Comment
<p>1) The planning framework has substantially changed. A key objective of Improvement Plan 50 (IP50) is to implement the Government response to the Port Hedland Dust Taskforce Report to Government to prohibit sensitive land uses and restrict population growth in West End of Port Hedland. Multiple dwellings are a sensitive land use – and therefore are subject to the aforementioned changes to the planning framework.</p>	<p>Agreed. Improvement Plan 50 was initiated in 2019 and as such authorised the implementation of an Improvement Scheme. This application contradicts a key objective of the Improvement Plan, and given the Improvement Scheme has been released for public comment due consideration should be given to the appropriateness of sensitive land uses in the West End of Port Hedland.</p>
<p>2) The development would likely not receive approval now. With regard to IP50, it would not be appropriate for a planning authority to approve the development now. Approving the development would undermine the direct aims and objectives of Government, and would be inconsistent with orderly and proper planning.</p>	<p>Agreed. With respect to the implementation of the Improvement Scheme, the development contradicts the objectives by proposing a sensitive land use. The development in its current form also does not comply with provisions of the Town of Port Hedland Local Planning Scheme No. 5.</p>
<p>3) The holders of the development approval have not actively and relatively conscientiously pursued the implementation of the approval. There is no evidence that the applicant has undertaken actions or works to implement the approval within the seven year period of the approval being granted. No works on the subject site and existing buildings have not been demolished.</p>	<p>Noted. The applicant has provided information which indicates there has been some effort to pursue the implementation of the development approval. However, there have been no physical works undertaken and the approval has been valid for a significant period of time.</p>
<p>4) The landowner appears to ‘warehousing’ the approval.</p>	<p>Noted.</p>
<p>5) The time period for substantial commencement originally imposed was adequate. Similar developments are usually constructed within 1-2 years of approval. The two year commencement period was adequate.</p>	<p>Noted. The substantial commencement period was adequate, and amendments have been granted to allow for extension of time to the commencement period. However, the housing market and economy of the region have been unstable for several years which may have contributed to the applicant</p>

	withholding from undertaking the development.
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(Refer to Attachment 2 for all submissions received).

Community

The application was advertised on the Town of Port Hedland website from 24 January 2020 to 25 February 2020.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Town of Port Hedland Local Planning Scheme No. 5:*
 - Part I – Preliminary
 - Clause 1.5 – Scheme Objectives
 - Part III
 - Clause 3.1 – Categories
 - Clause 3.2 – Zoning Table
 - Clause 3.2.6
 - Part V – Development Requirements
 - Clause 5.2 – Residential Zone
 - Clause 5.2.6 – West End Residential Zone
 - Clause 5.2.7 – West End Residential Zone
 - Clause 5.2.8 – West End Residential Zone
 - Clause 5.2.9 – West End Residential Zone
 - Clause 5.2.10 – West End Residential Zone
 - Appendix 1 – Definitions
 - Appendix 4 – Car parking requirements

Table 1 - Zoning Table

Under the Town of Port Hedland Local Planning Scheme No. 5, 'Multiple Dwellings' are an 'A' land use, meaning the development is not permitted unless the Town has exercised discretion by giving notice in accordance with Clause 64 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is still technically capable of approval when assessed under the zoning table of the Scheme in isolation, however consideration must be given to any submissions received during the consultation period, as well as the specific provisions of the Scheme including the West End Residential Zone.

Port City Growth Plan

The development application has also been assessed against the Town's Local Planning Strategy – the Port City Growth Plan (2012). Under the strategy, the 'West End Precinct' was identified as the cultural and commercial centre of Port Hedland, in response to increasing conflicting land uses between residential development and industrial activities within the West End. Future residential development has been discouraged, particularly through the 'ultimate / long term Growth Plan Scenario' which advocates for no permanent residential west of Acton Street and approximately 450 dwellings in the area East of Acton Street. Given the period of time since the Port City Growth Plan was adopted, it is highly probable that the number of dwellings developed in the area East of Acton (where the subject site is located) has exceeded the assumed 450 dwelling capacity. Furthermore, key implementation indicators to achieve the objectives of the West End precinct include:

- Ongoing dust and noise monitoring, and management of land use separation (including ongoing monitoring of dust and noise level east of Acton Street and potential reviews of land use appropriateness);
- Existing land use rights of residential landowners respected, whilst promoting increased awareness of future land use permissibility and development potential through consultation, development guidelines, local planning frameworks etc.; and
- Promotion of awareness of potential dust, noise and light impacts in the West End due to proximity of strategic port operations.

In regards to the objectives of the West End precinct of the Growth Plan, it is considered this application is inconsistent as it proposes additional residential development in an area where permanent residential development is discouraged, and ongoing dust monitoring has resulted in substantial changes to the planning framework which aims to further restrict permanent residential development.

Residential Design Codes Volume 2 – Apartments (R-Codes)

Since the original development approval, the planning framework used to assess residential development as substantially changed following the implementation of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments. The proposed development is not compliant with the R-Codes for the following reasons:

- Minimum side setback of 1.7m in lieu of 3m required;
- A nil rear setback is proposed in lieu the 3m required setback;
- Primary street setback of 2m in lieu of the 0.5m required;
- A one (1) car parking bay variation;
- A pedestrian footpath is not clearly delineated and given priority;
- Does not demonstrate at least one significant energy efficiency initiative;
- Each dwelling does not have private open space as per the required dimensions and area of Table 4.4, specifically the two bedroom dwellings.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$295.00 from the applicant. There are no other financial implications associated with this proposal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.c.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.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because should the application be approved, the Town may contradict the Government response to the Port Hedland Dust Management Taskforce and objectives of the Draft Port Hedland West End Improvement Scheme. If the application is refused, the Town has strong grounds for refusal should the decision be appealed. 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 is eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation - Approve Development Application 2013/183.03

Option 2 is presented to Council should Council decide that the proposed development is consistent with the Town of Port Hedland Local Planning Scheme No.5 and does not contradict the objectives of the Draft Port Hedland West End Improvement Scheme No.1.

That Council, pursuant to Clause 77 of Schedule 2 of Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. *Approve Development Application 2013/183.03 for the Extension of Time to Development Application 2013/183.03 for 'Twelve (12) Multiple Dwellings' on Lot 737 (113) Anderson Street, Port Hedland. Condition 1 and 2 of the original development approval are to be amended and shall now read:*
 - a) *This approval relates only to the proposed 'Twelve (12) Multiple Dwellings', as indicated on the approved plans (DWG2013/183.03/1 – DWG2013/183.03/5). It does not relate to any other development on this lot.*
 - b) *This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date (prior to 22 April 2022).*

*Option 3 – Amend officer’s recommendation***CONCLUSION**

Development Application 2013/183.03 proposes an amendment to the substantial commencement period of the original development approval (2013/183.03) and subsequent granted amendments (2013/183.01 and 2013/183.02) by an additional two (2) years. Since the date of the original development approval, the planning framework which is applicable to the proposed development has significantly changed in respect to Improvement Plan 50 and the draft Port Hedland West Hedland Improvement Scheme No. 1. The development is considered to contradict the objectives of local and state planning framework, therefore it is recommended to refuse development application 2013/183.03 as it is not appropriate to approved either under the current LPS5 and proposed West End Improvement Scheme No. 1.

ATTACHMENTS

1. Attachment 1 - Site Location (under separate cover)
2. Attachment 2 - Submissions. (under separate cover)
3. Attachment 3 - Previous Development Approvals (under separate cover)
4. Attachment 4 - Cover Letter (under separate cover)

11.3.5 DEVELOPMENT APPLICATION 2011/1.02 FOR AMENDMENT TO DEVELOPMENT APPLICATION 2011/1 - THIRTY-SIX (36) MULTIPLE DWELLINGS AND SEVEN (7) OFFICES - EXTENSION OF TIME ON LOTS 90, 91 AND 92 (17-21) KINGSMILL STREET, PORT HEDLAND

Author: Graduate Planner
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.

Before considering the below recommendations, the Commissioner made the following statement:

This application is to develop 36 multiple dwellings and seven offices, which was approved on 11 March 2011.

With the following clause on approval:

“This approval is to remain valid for a period of 24 months, if development is commenced within 12 months, otherwise this approval to remain valid for 12 months only.”

The Town granted an extension of time on 20 March 2012, to now read 36 months to build, however commencement must be within 24 months of that date. Therefore, if the build was not commenced within 24 months, then the extension was to expire on 20 March 2014.

The applicant applied for a further extension in 2015, which was not supported by Council. The applicant was advised that as a result of the approval having expired for 18 months, and there being new Planning Rules, a new Development Application would be required to be lodged, which would need to comply with the new Planning Rules.

The applicant was specifically advised about dust mitigation and no dwellings greater than two bedrooms or rooms capable of being bedrooms.

In August 2018, the applicant lodged an Application for extension of time. They were advised on 13 September 2018 that the Application would likely be refused and on 28 September 2018, the Application was withdrawn.

On 13 January 2020, Council received an Application to extend the original approval. The applicant was advised that the Application would probably be refused in its current form.

Once again, I need to consider the three principles that set down in relation to considering planning matters of this nature.

1. Has the planning framework changed significantly since the original approval;
2. Would it be approved today; and
3. Whether the applicant has activity pursued the development.

Since the original approval, significant changes have occurred, namely, the Town of Port Hedland's Local Planning Scheme No. 5 with Scheme Amendment 22. Implications of the West End Residential Zone. The changes made to the filtration system, window locations and door design, to avoid wind tunnelling and protective screening. Plus, no dwelling shall have greater than two bedrooms or rooms capable of being a bedroom, including they must also consider the dust problems.

The Town on 25 March 2020, approved Local Planning Scheme No. 7 and the Government's decision on the West End of Port Hedland, with the release of the West End Improvement Scheme No. 1.

I now need to consider the history of this matter, to see if the applicant had actively pursued the development.

The applicant has on three occasions applied to extend the time and it was advised of the shortcomings of the Application, given the changing rules. This applicant has chosen to ignore all advice provided.

The result of the above, is that I have decided that the Application should be refused.

I support the recommendation in relation to this item.

CM201920/208 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council pursuant to Clause 77 of Schedule 2 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Refuse Development Application 2011/1.02 for the Extension of Time to Development Application 2011/1 for 'Thirty Six (36) Multiple Dwellings and Seven (7) Offices' on Lots 90, 91 and 92 (17-21) Kingsmill Street Port Hedland for the following reasons:
 - a) The proposed development is not consistent with Town of Port Hedland Local Planning Scheme No. 5 Scheme Objective 1.5 (a) to encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity. The development is located within the West End Residential Zone where the population is exposed to relatively high dust levels, as determined through a health risk assessment undertaken by the Department of Health and finalised in 2016. Recommendations of the Port Hedland Dust Management Taskforce Report to Government included capping or limiting the number of permanent residents in the West End of Port Hedland, due to exposure to dust. The development proposes an additional thirty-six dwellings which would be subject to reduced amenity.
 - b) The proposed development is not consistent with Clause 5.2.5 of the Town of Port Hedland Local Planning Scheme No. 5. No storerooms are provided for every dwelling as required by this Clause.

- c) The proposed development is not consistent with Clause 5.2.6 of the Town of Port Hedland Local Planning Scheme No. 5. The development contains two (2) and three (3) bedroom dwellings which does not discourage occupation by families with children and elderly persons.
- d) The proposed development is not consistent with Clause 5.2.7 of the Town of Port Hedland Local Planning Scheme No. 5. The development does not incorporate building design and performance standards to reduce exposure to dust.
- e) The proposed development is not consistent with Clause 5.2.8 of the Town of Port Hedland Local Planning Scheme No. 5. The development contains three (3) bedroom dwellings, which exceeds the permitted number of two (2) bedrooms or rooms capable of being used as bedrooms.
- f) The development proposes the demolition of a 'Grade B' heritage building (Ellery Cottage) under the Town of Port Hedland Municipal Heritage Inventory (2017). In accordance with the Heritage Inventory, Ellery Cottage is a place of considerable cultural heritage significance that is worthy of recognition and protection. The development does not propose to retain the development.
- g) The development does not comply with the Town of Port Hedland's Stormwater Drainage Design Guidelines for Residential Developments. The development allows for stormwater to directly discharge onto the Town's managed reserve at the rear of the subject site which will cause erosion issues and there are no detailed measures on how stormwater will be contained and managed.
- h) The development is not consistent with the acceptable outcomes of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments. The development proposes several variations to this legislation including:
 - (i) A.2.2.1 - Building height exceeds four storeys at a proposed height of five storeys;
 - (ii) A.2.4.1 - Minimum side back of 1.5m in lieu of 3m required;
 - (iii) A.2.4.1 - Rear setback of 0.5m to the building and nil to the roofline in lieu of 3m required;
 - (iv) A.3.5.4 - No screening of outdoor living areas to north facing dwellings overlooking and visual privacy of neighbouring properties;
 - (v) A.4.6.1 – No bulky goods storage area is provided for each dwelling;
 - (vi) Table 3.9 - An eleven (11) car parking bay variation;
 - (vii) A.4.12.1 – A landscaping plan prepared by a competent landscape designer has not been submitted;
 - (viii) A.4.16.3 – Provision of an overland flow path for safe conveyance of run from major rainfall and storm events has not been provided;

- (ix) A.4.17.1 – Waste storage facility has not been provided;
 - (x) A.4.15.1 – Does not demonstrate at least one significant energy efficiency initiative; and
 - (xi) A.4.4.1 – Each dwelling does not have private open space as per the required dimensions and area of Table 4.4, specifically the dwellings fronting Kingsmill Street.
- i) The proposed development is not consistent with Clause 67(m), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is not compatible with the surrounding residential area due to the bulk and scale of the side walls which reduce the amenity of the surrounding properties.
- j) The proposed development is not consistent with Clause 67 (q), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The subject site has been identified by the Port Hedland Town site Coastal Hazard Risk Management Adaptation Plan (CHRMAP) as being at risk from coastal hazards such as erosion, inundation and storm surge. The development has not incorporated measures to address potential coastal hazards and does not encourage adaptation or protection measures as per State Planning Policy 2.6.
- k) The proposed development is not consistent with Clause 67(r), Schedule 2, Part 9 of Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is located within an area that is subject to high levels of dust exposure, and recommendations from the State Government are to limit the permanent population within this area. In accordance with the Port Hedland Dust Management Taskforce Report to Government and associated studies, the development is located on land that poses risks to human health and safety.
- l) The proposed development is not consistent with the State Government's decision to implement Improvement Plan 50 – Port Hedland West End and the Draft Port Hedland West End Improvement Scheme. The proposed use of 'Multiple Dwellings' is a non-permitted (X) land use under the Draft Port Hedland West End Improvement Scheme and would be inconsistent with Clause 67(b), Schedule 2, Part 9 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for orderly and properly planning.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider Development Application 2011/1.02 which proposes an extension of time to Development Application 2011/1 for 'Use Not Listed – Thirty

Six (36) Multiple Dwellings and Seven (7) Offices' on Lots 90, 91 and 92 (17-21) Kingsmill Street, Port Hedland.

DETAIL

Development Application 2011/1 for 'Use Not Listed – Thirty Six (36) Multiple Dwellings and Seven (7) Offices' was approved by Council at the Ordinary Council Meeting held on 9 March 2011. Condition 5 of the development approval states:

'This approval is to remain valid for a period of twenty four (24) months if development is commenced within twelve (12) months, otherwise this approval to remain valid for twelve (12) months only.'

Following this approval, a request for an extension of time was submitted by the applicant and ultimately granted by the Town on 20 March 2013. This extension of time resulted in an amendment to Condition 5 of the original development approval:

'This approval to remain valid for a period of thirty-six (36) months if development approval is commenced within twenty-four (24) months, otherwise this approval to remain valid for twenty-four (24) months only.'

The development approval was valid until 20 March 2014. The applicant submitted a request for an extension of time again in 2015, which was not supported by the Town. Since the date of the original approval, significant changes had been made to Local Planning Scheme No. 5 (the Scheme) through Scheme Amendment No. 22, which resulted in the approval being non-compliant with the West End Residential Zone provisions of the Scheme. The applicant was advised in writing on 5 October 2015 that the Town would not grant a further extension of time as the approval had expired over eighteen (18) months prior (20 March 2014) and that a new development application would be required. The applicant was again advised through writing on 21 October 2015 that through a 'desktop review' of the application, the revised application would need to address new provisions of the West End Residential Zone under the Scheme. This included:

- The development application being accompanied by a report by a Mechanical Engineer, which certifies that the design will mitigate dust exposure; and
- Amending the plans to ensure no dwelling has greater than two (2) bedrooms or rooms capable of being used as bedrooms (Clause 5.2.8 (d)).

In August 2018, the applicant submitted a further request for an extension of time. The applicant was advised on 13 September 2018 that the application did not comply with several provisions of the West End Residential Zone of the Scheme, specifically:

- Clause 5.2.7; and
- Clause 5.2.8

The applicant was advised that the application would be likely refused if the required amendments were not made to the application. The applicant ultimately advised the Town on 28 September 2018 that the application would be withdrawn.

On 13 January 2020, the Town accepted development application 2011/1.02 for an extension of time to the original approval – specifically to Condition 5 to amend the substantial commencement period by an additional two (2) years. The applicant was advised that as per previous correspondence the application would likely be refused in its current form. Given the location of the subject site within the West End Residential Area, and the implementation of Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No.1 (draft Scheme) the application was referred to State Government Agencies and a valid objection was ultimately received.

The Town has assessed the proposed amendment to Development Approval 2011/1 in accordance with relevant planning framework and has considered the objection and submissions received. The original development approval and proposed amendment does not comply with Local Planning Scheme No.5, and it does not comply with the objectives of Improvement Plan 50 and the draft Scheme.

The State Administrative Tribunal (SAT) has established three (3) principles to consider in the exercise of discretion to grant an extension to the term of a development approval that has not been substantially commenced. Planning decisions of this nature should have regard to:

1. Whether the planning framework has changed substantially since the development approval was granted;
2. Whether the development would likely receive approval now; and
3. Whether the proponent has actively and relatively conscientiously pursued the implementation of the development approval.

These considerations are outlined below in the context of a further extension of the term to substantially commence the development approval of 'Thirty-six (36) Multiple Dwellings and Seven (7) Offices on Lots 90, 91 and 92 (17-21) Kingsmill Street, Port Hedland.

- 1. Whether the planning framework has changed substantially since the development approval was granted.**

Local Planning Framework

Town of Port Hedland Local Planning Scheme No. 5

The local planning framework which applies to the development has substantially changed since the development approval was granted. Scheme Amendment 22 was gazetted on 27 April 2012 which implemented major changes to Local Planning Scheme No. 5. This included implementation of the 'West End Residential Zone', and specific provisions which restrict residential development and require specific design standards. This amendment resulted in development approval 2011/1 being non-compliant with provisions of the Scheme, including:

- Clause 5.2.7 –

‘Residential Development within the West End Residential Zone and within the area bounded by Withnell, McKay and Anderson Streets, and the Esplanade, Port Hedland shall be in accordance with a local planning policy, and/or structure plan that incorporates building design and performance standards to reduce exposure to dust, and to include but not necessarily be limited to –

- (a) *Filtration of incoming air into the building designed to utilise coarse disposable pre-filtration (i.e. G3 or G4 rated) and then finer filter (i.e. F4 rated);*
- (b) *Location of operable windows and doors on the western and southern building facades only;*
- (c) *Use of deflection screens on the northern and eastern edges of operable windows;*
- (d) *Use of eaves;*
- (e) *Orienting buildings to avoid wind tunnelling effects; and*
- (f) *Protective screens and porticos at building entrances to reduce the direct impact of wind onto the opening.*

- Clause 5.2.8 (d) –

‘No dwelling shall have greater than two (2) bedrooms or rooms capable of being used as bedrooms.’

The development was approved prior to the gazettal of Scheme Amendment 22, and thus does not comply with Clause 5.2.7 and 5.2.8. The Town has previously requested the applicant to amend the development application to address the provisions of the West End Residential Zone under the Scheme. This includes:

- Incorporating specific design standards to reduce dust exposure;
- Preparation and submission of a mechanical engineering report which certifies the design meets the provisions of Clause 5.2.7; and
- Removing the proposed three (3) bedroom dwellings in accordance with Clause 5.2.8.

The Town must also consider the purpose of the zone and recommendations of any formal risk study undertaken by or endorsed by the Department of Health in accordance with Clause 5.2.9.

Draft Local Planning Strategy and Draft Local Planning Scheme No. 7.

The Town is in the process of reviewing and updating the Local Planning Scheme and Local Planning Strategy. At the Ordinary Council Meeting held on 25 March 2020, Council approved draft Local Planning Scheme No. 7 (LPS7) and the draft Local Planning Strategy to proceed to advertise. Key objectives of the draft strategy and LPS7 include recognising the State Government's decision in regards to the West End of Port Hedland, and that an Improvement Scheme will override any provisions of LPS7 for the determined Improvement Scheme area. Although Local Planning Scheme No. 5 is the current statutory planning instrument for development control in the West End Residential zone, due consideration should be given to the draft Local Planning Strategy and LPS7 as the proposed development is not consistent with the objectives in supporting and recognising the Government's decision regarding the West End. The Town's new draft Local Planning Strategy and LPS7, at the time of writing this report, are pending consent to advertise by the Western Australian Planning Commission.

State Planning Framework

Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No. 1

In July 2019, the Minister for Planning accepted the recommendation of the Western Australian Planning Commission to initiate Improvement Plan 50, which authorised the implementation of an improvement scheme for the West End of Port Hedland. The key objectives identified to guide the preparation of Improvement Scheme 50 were:

- To provide a strategic planning framework to determine future land uses considering all land use options that takes into consideration physical, economic, social and environment factors;
- To provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the area; and
- To implement the Government response to the Port Hedland Dust Management Taskforce Report to Government to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland.

The last objective is a particularly important consideration in the assessment of this application. The application proposes a significant development which includes a predominantly sensitive land use within the identified Improvement Plan and Draft improvement Scheme area.

As of 1 April 2020, the Draft Port Hedland West End Improvement Scheme No.1 was released for public comment, with the consultation period closing on 3 June 2020. An aim of the Scheme is:

- (b) *to implement the Government response to the Port Hedland Dust Management Taskforce Report to Government (2016) to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland by prohibiting:*

- a. *new residential development; and*
- b. *development intended for use either exclusively or primarily by sensitive groups within the general population including:*
 - i. *older people (65 years);*
 - ii. *people with pre-existing cardiovascular or respiratory disease;*
 - ii. *children and adults with pre-existing respiratory condition (asthma, bronchitis, chronic obstructive pulmonary disease); and*
 - iii. *children.*

The proposed zoning of 17-21 Kingsmill Street under the draft Improvement Scheme is “West End Zone”. Under the zoning table (Table 3) of the draft scheme, all residential development is a non-permitted use (X) for the West End zone. Approving residential development would undermine the aims of the draft Scheme and create additional land use conflicts in the locality. Given the release of the draft Scheme for public comment, it is considered to be a seriously entertained document and the Town must give due consideration to the aims and objectives of the draft Scheme in making a determination.

2. Whether the development would likely receive approval now.

If the proposed development for ‘Thirty-Six (36) Multiple Dwellings and Seven (7) Offices’ was received now as a new development application, it would be required to be assessed in accordance with the current LPS5 and specifically the provisions under the West End Residential Zone, to which Clauses 5.2.6 – 5.2.10 of the Scheme apply. The development does not comply with Clause 5.2.7 and 5.2.8 of the Scheme, and due consideration would be given to Clause 5.2.9. With the release of Draft Port Hedland West End Improvement Scheme No. 1, consideration must also be given to the objectives of the new planning framework. Given non-compliance with provisions of both the existing LPS5 and draft Improvement Scheme, and that the development would directly contradict the intentions of the draft Scheme, it is considered that the development application would not receive approval if it were submitted now as a new application.

3. Whether the proponent has actively and relatively conscientiously pursued the implementation of the development approval.

The applicant has not provided any information or supporting evidence which indicates the implementation of the development approval has been actively pursued. Previously, the applicant has applied for an extension of time on three occasions:

- 2013;
- 2015; and
- 2018.

The extension of time requests from 2015 and 2018 were not supported by the Town, thus the application has technically lapsed since 20 March 2014. The Town has also provided advice and sufficient opportunities to address the issues identified, which could have resulted in a more favourable recommendation. However, the applicant has not amended the application to address these concerns and there is no indication that the development approval would be implemented now if it were to be extended for an additional two years.

The planning assessment against the above SAT principles which would be applied in any appeal to refuse the development indicates there are strong grounds to refuse the application.

This item is not impacted by the Notice of Exemption from Planning Requirements during the State of Emergency, as issued by the Minister for Planning on 8 April 2020.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because the development is located within the West End Residential zone and is subject to Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No. 1.

CONSULTATION

Internal

- Planning and Development Team
- Manager Town Planning and Development
- Director Regulatory Services

External Agencies

The application was referred to:

- Department of Planning, Lands and Heritage
- Department of Jobs, Tourism, Science and Innovation
- Department of Health
- Department of Water and Environmental Regulation.

Submission Comment	Officer Comment
<p>1) The planning framework has substantially changed. A key objective of Improvement Plan 50 (IP50) is to implement the Government response to the Port Hedland Dust Taskforce Report to Government to prohibit sensitive land uses and restrict population growth in West End of Port Hedland. Multiple dwellings are a sensitive land use – and therefore are subject to the aforementioned changes to the planning framework.</p>	<p>Agreed. Improvement Plan 50 was initiated in 2019 and as such authorised the implementation of an Improvement Scheme. This application contradicts a key objective of the Improvement Plan, and given the Improvement Scheme has been released for public comment due consideration should be given to the appropriateness of sensitive land uses in the West End area.</p>
<p>2) The development would likely not receive approval now. With regard to IP50, it would not be appropriate for a planning authority to approve the development now. Approving the development would undermine the direct aims and objectives of Government, and would be</p>	<p>Agreed. With respect to the implementation of the Improvement Scheme, the development contradicts the objectives by proposing a sensitive land use. The development in its current form also does not comply with provisions of the Town of Port Hedland Local Planning Scheme No. 5.</p>

<p>inconsistent with orderly and proper planning.</p> <p>3) The holders of the development approval have not actively and relatively conscientiously pursued the implementation of the approval. There is no evidence that the applicant has undertaken actions or works to implement the approval within the seven year period of the approval being granted. No works on the subject site and existing buildings have not been demolished.</p> <p>4) The landowner appears to ‘warehousing’ the approval.</p> <p>5) The time period for substantial commencement originally imposed was adequate. Similar developments are usually constructed within 1-2 years of approval. The two year commencement period was adequate.</p>	<p>Agreed. The applicant has not provided evidence to show they have actively sought to implement the approval. The applicant has also had opportunities to amend the application to address compliance with provisions of the Scheme but has not undertaken the required amendments.</p> <p>Noted.</p> <p>Noted. The substantial commencement period was adequate, and amendments have been granted to allow for extension of time to the commencement period. However, the housing market and economy of the region have been unstable for several years which may have contributed to the applicant withholding from undertaking the development.</p>
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Submissions can be viewed as Attachment 2 to this report.

Community

The application was advertised on the Town of Port Hedland website from 24 January 2020 to 25 February 2020.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Town of Port Hedland Local Planning Scheme No. 5:*
 - Part I – Preliminary
 - *Clause 1.5 – Scheme Objectives*
 - Part III
 - *Clause 3.1 – Categories*
 - *Clause 3.2 – Zoning Table*
 - *Clause 3.2.6*

- Part V – Development Requirements
 - Clause 5.2 – Residential Zone
 - *Clause 5.2.6 – West End Residential Zone*
 - *Clause 5.2.7 – West End Residential Zone*
 - *Clause 5.2.8 – West End Residential Zone*
 - *Clause 5.2.9 – West End Residential Zone*
- *Clause 5.2.10 – West End Residential Zone*
- Appendix 1 – Definitions
- Appendix 4 – Car parking requirements

Scheme Objective 1.5(a)

The proposed development is not compliant with Scheme Objective 1.5(a) for the following reasons:

- The development is located in an area that has been subject to numerous studies regarding dust levels and potential impacts on human health;
- The development is located in an area that has been identified to have a higher level of exposure to dust;
- Permitting additional permanent residential development in the West End contradicts the findings of the Port Hedland Dust Management Taskforce Report to Government, and could potentially have negative impacts on the health of residents; and
- If the development were approved, the amenity and lifestyle of potential residents would be impacted by continuing planning framework changes and exposure to dust.

Table 1 - Zoning Table

Under the Town of Port Hedland Local Planning Scheme No. 5, 'Multiple Dwellings' and 'Office' are both an 'A' land use, meaning the development is not permitted unless the Town has exercised discretion by giving notice in accordance with Clause 64 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The development is still technically capable of approval when assessed under the zoning table of the Scheme in isolation, however consideration must be given to any submissions received during the consultation period, as well as the specific provisions the Scheme and other applicable framework.

Clause 5.2.6 – Clause 5.2.10 -West End Residential

The application is not consistent with West End Residential Zone development requirements under LPS5 for the following reasons:

- The development does not incorporate building design features to mitigate and reduce exposure to dust;
- The development contains dwellings which have greater than two (2) bedrooms or rooms capable of being used as bedrooms.
- As the development contains two and three bedroom dwellings, this encourages households with a greater number of residents (families) to occupy the development;

- The Town must consider the purpose of the zone, and the identified risks to human health through completed health risk assessments and reports to Government.

Town of Port Hedland Municipal Heritage Inventory 2017

The existing development is subject to the Town of Port Hedland Municipal Heritage Inventory, due to existing structures which are heritage listed. Lot 91 (19-21) Kingsmill Street contains 'Ellery Cottage', which is determined to be of 'Considerable' (Grade B) significance. This level of significance defines the heritage building as:

- Very important to the heritage of the locality and has a high degree of integrity / authenticity; and
- Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.

The proposed development does not propose to retain and conserve the existing heritage building. The development application submitted did not address the heritage building no photo records of the place have been undertaken or submitted. The application should consist of a conservation management plan and/or address the reasoning as to why the existing building is capable of being demolished when it is recommended to be retained and conserved.

Residential Design Codes Volume 2 – Apartments (R-Codes)

Since the original development approval, the planning framework used to assess residential development as substantially changed following the implementation of State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments. The proposed development is not compliant with this legislation for the following reasons:

- The development proposes a total building height of five (5) storeys which exceeds the maximum permitted height of four (4) storeys;
- The development proposes side setbacks of 1.5m which does not meet the minimum required 3m side setback;
- The development proposes a nil setback to the rear lot boundary which does not meet the minimum 3m required setback;
- The development does not incorporate design features to prevent overlooking onto neighbouring properties;
- No bulky goods storage area is provided for each dwelling;
- A waste storage facility has not been provided; and
- Each dwelling does not have the required amount of open space as per the required area and dimensions of Table 4.4, specifically the dwellings fronting Kingsmill Street.

Car parking

In accordance with Residential Design Codes Volume 2 – Apartments and Town of Port Hedland Local Planning Scheme No. 5 Appendix 4, the proposed development requires a total number of sixty-three (63) car parking bays for both the ‘multiple dwelling’ and ‘office’ land uses. The application proposes a total of fifty-two (52) car parking bays, which proposes a variation of eleven (11) car parking bays to both the R-Codes and Appendix 4 of LPS5. The proposed development is thus not consistent with this legislation.

Stormwater

The retention and disposal of stormwater from the development has not been addressed. The development proposes a substantial change to the subject lots in terms of site coverage and building scale, which will result in impacts to how stormwater is appropriately managed. A stormwater management plan has not been prepared or submitted to the Town which addresses the requirements of the Town of Port Hedland’s Stormwater Drainage Design Guidelines for Residential Developments. Furthermore, the development proposes a nil setback from the rear boundary to the roofline. This will result in all stormwater from the roof being discharged directly onto the Town’s managed coastal reserve, which will result in erosion and potentially impact surrounding properties.

Based on the above, the development is not capable of approval under the current provisions of LPS5 and therefore must be refused.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$295.00 from the applicant. There are no other financial implications associated with this proposal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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 should the application be approved, the Town may contradict the long term planning objectives of the Port Hedland West End. If the application is refused, the Town has strong grounds for refusal should the decision be appealed. 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 is eliminated by the adoption of the officer’s recommendation.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

Option 2 is presented to Council should Council decide that the proposed development is consistent with Town of Port Hedland Local Planning Scheme No.5 subject to modifications and would not contradict the objectives of Improvement Plan 50 and Draft Port Hedland West End Improvement Scheme No.1.

That Council, pursuant to Clause 77 of Schedule 2 of Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. *Approve Development Application 2011/1.02 for the Extension of Time to Development Application 2011/1 for ‘Thirty-Six (36) Multiple Dwellings and Seven (7) Offices’ on Lots 90, 91 and 92 (17-21) Kingsmill Street, Port Hedland. Conditions 1 and 5 shall be amended to read:
 - a) *This approval relates only to the proposed ‘Thirty-Six (36) Multiple Dwellings and Seven (7) Offices’, as indicated on the approved plans (DWG2011/1.02/1 – DWG2011/1.02/6). It does not relate to any other development on this lot.*
 - b) *This decision to approve shall expire if the development has not substantially commenced within two (2) years of the date of approval (prior to 22 April 2022).**

Option 3 – Amend officer’s recommendation

CONCLUSION

Development Application 2011/1.02 proposes an amendment to the substantial commencement period of the original development approval (2011/1) by an additional two (2) years. However, since the date of the original development approval, the planning framework which is applicable to the proposed development has significantly changed and the development does not comply with provisions of the Town of Port Hedland Local Planning Scheme No.5 and also may contradict the objectives of the Improvement Scheme to be implemented over the Port Hedland West End. The applicant has not provided any justification for the extension of time, has not amended plans to address the provisions of the Scheme and a valid objection was received during consultation. It is recommended to refuse development application 2011/1.02 as it is not capable of approval either under the current LPS5 and proposed West End Improvement Scheme No. 1

ATTACHMENTS

1. Attachment 1 - Site Location (under separate cover)
2. Attachment 2 -Submissions (under separate cover)
3. Attachment 3 - Previous Development Approval's (under separate cover)

11.3.6 EXTENSION OF TRANSIENT WORKFORCE ACCOMMODATION DEVELOPMENT APPROVAL - GATEWAY VILLAGE

Author: Senior Strategic Planner
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.

Before considering the below recommendations, the Commissioner made the following statement:

This item is to approve a 10 year extension to the Gateway Village, that will now expire on 30 September 2032, subject to extensive conditions.

The money, when paid to Council, will help with the development of the road reserve between the High School and Spinifex Art Gallery and the other side of the road where the South Hedland Integrated Sports Complex. Both sides of the road and the medium strip also. The contribution will assist in making life in Hedland a little more enjoyable.

This camp is used for various short term accommodation for shut downs, construction workforce, periodic maintenance, long distance freight workers and is invaluable to industry.

The camp is also used for operational workforce, which limits the community integration, growth and sustainability of our Town and can have an adverse impact in relation to these areas.

There may be some good that comes out of the virus [COVID-19]. It may bring a change in the resource companies' business models, to once again, have their work force positioned in the Pilbara, thus to strengthen the community trust in those companies.

This extension will help implement our development plans for both Port Hedland and South Hedland.

I support the recommendation in relation to this item.

CM201920/209 OFFICER'S RECOMMENDATION / COUNCIL DECISION

1. That Council supports the request by Compass Group Australia Pty Ltd for an extension to the approval timeframe of the Gateway Village, Transient Workforce Accommodation facility at Lot 901 Nimingarra Court, South Hedland for a period of 10 years and 11 months to 30 September 2032, subject to the following conditions:
 - a) A community contribution of \$950,000 shall be provided which the Town of Port Hedland shall only spend on the following:
 - (i) Hamilton Drive landscape works; or
 - (ii) South Hedland Integrated Sports Complex Masterplan works

The contribution shall be paid in full in lump sum on or before 21 October 2021.

- b) Compass Group Australia Pty Ltd to provide evidence that the State of Western Australia has granted an extension of Crown Lease M061627 to 30 September 2032.
- c) Compass Group Australia Pty Ltd to engage a suitably qualified and experienced person to prepare a Social Impact Assessment for the Gateway Village facility as a baseline to assess the direct and indirect cumulative socioeconomic impacts of Gateway Village on the Town of Port Hedland over the life of the extension. The process is to include community consultation. A copy of the Social Impact Assessment shall be provided to the satisfaction of the Town of Port Hedland by no later than 1 January 2021.
- d) Compass Group Australia Pty Ltd to engage a suitably qualified and experienced person to prepare a Social Impact Management Plan (SIMP) for the Gateway Village facility for the next 10 years, which includes:
 - i) An adequate level of community consultation in the development of the SIMP;
 - ii) Monetary (as listed in 1a) and non-monetary social contributions;
 - iii) Commitments to ensure that the facility management utilise town-based goods, services, local contractors and programs where practicable and promotes guests of Gateway Village to do the same;
 - iv) Commitments to demonstrate a clear and continued reduction in the operational fly-in, fly-out workforce of Compass Group Australia Pty Ltd that reside at the facility over the life of the 10-year extension; and
 - v) Annual monitoring and reporting on the effectiveness of the SIMP to be submitted by the proponent to the Town at the end of every financial year. By agreement with Compass Group Australia Pty Ltd, the SIMP shall be modified in response to any socio-economic issues identified by the Town or Compass Group Australia Pty Ltd (based on agreed KPIs) that are a direct result of Gateway Village's operations. While the Town reserves the right to make a request for amendment of the SIMP at any time, this will principally apply during the process of annual review.

Advice notes:

1. That a copy of the initial SIMP (including agreed KPIs) shall be provided to the satisfaction of the Town of Port Hedland by no later than 1 January 2021.
2. Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2021 and be reported on 1 July each year thereafter, for the duration of the approval.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

Compass Group Australia Pty Ltd (Compass Group) was granted planning approval for the development of the Gateway Village Transient Workforce Accommodation facility (Gateway Village), located at Lot 901 Nimingarra Court, South Hedland (formerly Lot 503 Forest Circle, South Hedland) on 21 October 2011 (see **Attachment 1**). Amendments to the planning approval were granted through consent orders issued by the State Administrative Tribunal (SAT) in March 2012 (see **Attachment 2**). The amended approval confined the validity of the planning approval to a time period of 10 years subject to an option to extend this period. Exercise of the option being conditional on the State Government renewing the Crown lease for the period of the extension and *indicative* demand for the facility being demonstrated by the applicant.

Lawyers Jackson McDonald, representing Compass Group, (see **Attachment 3**), issued a written request to the Town on 7 April 2020 to support an extension to the approval period for the Gateway Village for an additional 10 years and 11 months. The additional 11 months beyond the 10-year extension period is required to align Council's development approval with Compass Group's option to extend its Crown Lease M061627 for an additional 10 years to 30 September 2032.

DETAIL

Many Transient Workforce Accommodation (TWA) facilities have been developed in the Pilbara since the 1960s. Conventionally, TWA's provide accommodation to respond to short-term demands such as construction workforces, periodic maintenance shutdown workforces, and long-distance freight transport workforces, and in this context are an invaluable accommodation resource for industry. However, increasingly such accommodation facilities are being used for operational workforces which limit community integration, growth and sustainability and can have adverse mental health impacts on workers.

The planning considerations and socio-economic impacts of the Gateway Village facility on the Town, coupled with the conditions of previous planning approvals, are vital factors to consider in determining whether to support an extension to the existing planning approval.

The effect of a continued transient workforce on sustainable urban growth, the long-term development and built form of the Town, and socio-economic impacts of continuation of the facility, are relevant planning factors. That said, these factors must be considered in the context of the legalities of previous planning approvals, particularly the 2012 SAT determination.

These considerations are summarised below:

Transient Workforce Accommodation Policy framework and prior planning approvals

In 2014, Council adopted a Transient Workforce Accommodation Strategy (TWA Strategy) which recognises the importance of TWA's to housing temporary workforces, as non-permanent workers have a significant impact on housing supply issues in the Town. The TWA Strategy also acknowledges that mining companies experience spikes in workforce requirements for maintenance and shutdown operations. The policy supports integration of operational workforces in permanent accommodation within the Town and community benefit or legacy payments for TWAs collocated within the Town's perimeter.

The Town is currently reviewing the TWA Strategy and has drafted a Position Statement on Workforce Accommodation Facilities, which provides a rationale for its emerging policy framework on workforce accommodation and social impacts.

As these policies are currently under preparation and will be presented to Council later in 2020, they cannot be applied to the proposed extension of Gateway Village. The Position Statement legitimises providing workforce accommodation to respond to short-term demands such as construction workforces, periodic maintenance shut down workforces and for long distance freight transport workforces.

As noted above, the Town does not support housing operational workforces in TWA accommodation on a permanent basis. Given the composition of the Gateway Village workforce is intended to be temporary, it is not feasible to move this workforce into permanent town-based accommodation.

For the purposes of this application, Compass Group advised that the 1,200 room Gateway Village facility catered for an average 781 workers per month for the period October 2019 to February 2020 (amounting to 65 percent occupancy). Further, that Gateway Village has several key tenants (major mining companies) that hold commercial agreements with Compass Group which Jackson McDonald claims demonstrate an adequate demand for continuation of the facility. While these agreements are subject to commercial in-confidence, they contribute significantly to the aforementioned monthly average returns for patronisation of the facility, albeit usage numbers fluctuate according to resource sector demand.

As detailed under 'purpose' above, the conditions of the 2012 SAT consent orders were that extension of the 10-year period of approval be granted on the basis of the State approving an extension of the Crown land lease for the site and Compass group *indicating* demand. Evidence of extension of Crown Lease M061627 remains outstanding with provision of evidence of this extension by the applicant a condition under part (b) of the Officer's Recommendation; however, the applicant has indicated demand for the facility.

Notwithstanding that Gateway Village is an existing facility with commercial agreements, the Town views that an extension of approval should be subject to a continued commitment by Compass Group to transition any *operational workforces* housed in the facility to town-based accommodation, a condition provided for in part (d) (iv) of the Officer's Recommendation and reflective of the 2014 TWA policy (also embedded in the draft position statement). Compass Group's demonstration of that commitment during the period of extension will evidence a preparedness to align with the Town's emerging policy framework which supports achievement of the Town's aspirational population targets, local economic growth, asset renewal, improvements in town amenity and normalisation of FIFO work practices.

It should be noted that if this facility was built now, then there would be an expectation of a higher built form, in keeping with the existing built environment and surrounding amenity. Compass Group through Jackson McDonald noted that it will be undertaking internal upgrades to shared facilities going forward.

In line with the Town's growth vision for Port Hedland, the Crown lease requirements and the generous period of extension afforded Compass Group (and its commercial tenants) to transition to a more integrated arrangement, on expiry of approval, the facility should be demolished and the land repurposed for permanent town-based development.

Socio-economic Impacts

The Pilbara hosts the highest number of fly-in, fly-out employees in Australia. If not planned for appropriately, workforce accommodation, both individually and cumulatively, can have significant direct and indirect impacts on the economic and social wellbeing of towns by:

- negatively impacting the lifestyle of local residents
- temporarily and significantly changing the demographic of the community, making it difficult for long term planning and investment
- placing additional demand on physical and community infrastructure and services, including local government resources, with limited financial offset
- distorting commercial activity through reliance on self-contained facilities, limited wage/salary investment and lack of surety about ongoing business opportunities
- inflating the housing market
- undermining the amenity of adjacent areas through non-complementary building design.

A Scheme Objective of the Town of Port Hedland Local Planning Scheme No. 5, is to 'encourage an appropriate balance between economic and social development, conservation of the natural environment, and improvements in lifestyle and amenity.'

While Compass Group has reported social impacts of the facility in the documentation supporting its application, at this stage these issues are anecdotal, not sufficiently evidence-based, and a rigorous assessment and mitigation process has not been applied.

The Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP) provide a structured approach to planning for, and offsetting demand on, limited physical and community infrastructure and services, and the community's social infrastructure. The process ensures greater alignment between developments (existing or new) and the Town's vision for growth and sustainability (outlined in the Town's emerging policy framework) and is consistent with best practice management of socio-economic consequences of developments (positive and negative). Recommendation (c) and (d) of the Officer's Recommendation requires the applicant to appoint a person with the requisite expertise and experience to deliver an SIA and SIMP for Gateway Village and to include an appropriate level of community consultation as part of that process. The Town's approval of an extension to the facility is subject to submission, and acceptance by, the Town of the latter SIA and SIMP for Gateway Village and includes annual monitoring requirements by the applicant of the effectiveness of the SIMP and remediation of identified issues.

Modifications to the SIMP will be made based on emerging socio-economic issues highlighted during the annual reporting process and as part of consultations between the Town and Compass Group or the Town's ongoing governance role in administering the local government area. The Town's principal focus on modifications to the SIMP (if required) will be during the annual reporting process.

The SIA and SIMP process is integral to ensuring a consistent focus by compass group in meeting its commitment to managing consequences and harnessing opportunities for the local community, and will guide compass group and its commercial tenants in transitioning workforces from the facility, with the goal of achieving community integration (where deemed feasible) and eventual, closure of the facility.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the Gateway Village facility caters for a FIFO workforce which has socio-economic impacts on the Town.

CONSULTATION

Internal

The following departments were consulted in the preparation of this report:

- Governance
- Legal Advisor
- Planning

External Agencies

- Department of Planning, Lands and Heritage

Community

The 2012 SAT consent orders are largely binding on the Town in respect to the grant of extension, provided the two conditions pertaining to extension of the Crown lease and *indicative* demand for the facility are satisfied. Community consultation regarding the extension of lease is limited by the latter legal prescription.

That said, the Town has recommended that the approval for extension be subject to a rigorous social impact assessment and mitigation process involving community consultation processes, coupled with an ongoing process of review of emerging social impacts, to maximise opportunities arising from extension of the facility's operations and minimise or negate adverse socio-economic impacts. This will include consideration of monetary or non-monetary socio-economic offsets, commitments to utilise town-based goods, services, local contractors and programs, and a demonstrated commitment to reducing dependency on operational workforces that reside at the facility over the life-span of the extension.

Compass Group through Jackson McDonald has tendered evidence of community employment, traineeships, local procurement, sponsorship, community use of facilities, and other socio-economic contributions to the community.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning & Development Act 2005*
- *Planning & Development (Local Planning Schemes) Regulations 2015*
- *Town of Port Hedland Local Planning Scheme No. 5*
- *State Planning Strategy 2050 (2014)*
- *Pilbara Planning & Infrastructure Framework (2012)*

- *Port City Growth Plan (2012)*
- *Pilbara Regional Investment Blueprint (2015)*
- *State Planning Policy No. 1: State Planning Framework (2017)*
- *State Planning Policy No.3: Urban Growth & Settlement (2006)*

FINANCIAL AND RESOURCES IMPLICATIONS

The Town's conditional extension of the development approval for Gateway Village reflects a collaborative approach with industry that effectively balances economic imperatives with corporate social responsibility and achievement of the Town's growth vision.

Community contributions recognise the dependency between host communities and owners of Transient Workforce Accommodation that support resource sector activities and the individual and cumulative impacts of those developments on communities and local government infrastructure and services.

Subject to approval of the extension, Compass Group will contribute \$950,000 to the Town of Port Hedland, to be applied for the purpose of Hamilton Drive landscape works or South Hedland Integrated Sports Complex Masterplan. This is an important financial offset that will enhance community liveability.

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.b.2 A residential workforce is promoted to industry as the preferred option
- 1.c.3 Partnerships with industry and government to support events and activities are enhanced
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued
- 2.b.4 Business approval processes are transparent and pathways streamlined

Corporate Business Plan

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

- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.b.2.1 Engage with key stakeholders to promote a residential first approach for workforce Accommodation.

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's Strategic Community Plan states a residential workforce should be promoted to industry as the preferred option, and the Gateway Village extension will enable continued FIFO workforces. The risk rating is considered to be high (12) which is determined by a likelihood of (4) and a consequence of moderate (3).

This risk has been considered in the context of the 2011 approval and 2012 SAT consent orders. As noted, the SAT 'determination' prescribes that 'Council shall grant [an] extension subject to two conditions being met: confirmation of extension of the Crown Land lease, and the 'indication' of continued demand for the facility. Extension of the Crown lease to September 2032 is outstanding and evidence must be submitted to the Town prior to approval of the requested extension; however, Compass Group through Jackson McDonald has provided information to demonstrate 'indicative' demand by virtue of commercial 'use' agreements with major resource companies.

The Town could argue that there is sufficient accommodation in Town, either in residential accommodation or alternate TWA facilities and therefore insufficient demand exists at Gateway Village. However, there are risks associated with the Town's rejection of the application on this basis were the matter to progress to SAT. These include:

- SAT may give insufficient weight to the Town's argument that alternate accommodation diminishes demand at Gateway Village and determine that the applicant in accordance with condition 10.2 of the 2012 SAT consent orders has provided an appropriate 'indication' of continued demand for the facility
- SAT may 'unconditionally' award the 10-year extension period to the applicant
- The Town may lose its capacity to require the conduct of an SIA and SIMP and annual reviews of the facility's social impacts, these documents being integral to managing community impacts and workforce transition from the facility over the 10-year extension period
- SAT's ruling may negate the \$950,000 community contribution for community benefit
- Reputational risk is diminished by the binding nature of the aforementioned sat condition 10.2, the scope for interpretation of 'indicated', and the partnership arrangement between council and industry embedded in the conditional extension to work collaboratively towards achieving a shared vision of social integration and appropriate built form and amenity.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The report requests Council's consideration of approval of an extension of Gateway Village facility for a period of 10 years and 11 months, to align with the expiry of the Crown lease for the site.

The report highlights that considerations around extension are inherently complex given Council is transitioning to a new workforce policy framework, Gateway Village being an existing facility, the 'binding' nature of the 2012 SAT determination, and associated costs to the community if SAT were to provide unconditional approval for extension.

Council approving the application will result in a \$950,000 community benefit contribution and a rigorous SIA and SIMP process with inbuilt annual reviews, and transition of Gateway Village operational workforce from the facility and eventual closure, with the aim of supporting shared objectives of community integration and aspirational population growth and achieving improvements in built form and community amenity.

ATTACHMENTS

1. Planning Approval dated 21 October 2011 (under separate cover)
2. SAT Orders - March 2012 (under separate cover)
3. Written Request - 7 April 2020 (under separate cover)

11.4 Infrastructure Services

11.4.1 AWARD OF TENDER RFT1920-20 PORT HEDLAND COMMUNITY CENTRE DESIGN

Author: Project Manager

Authorising Officer: Manager Project Design and Delivery

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

Before considering the below recommendations, the Commissioner made the following statement:

This is a significant step forward in realising the Master Plan for the Port Hedland Community Centre. The two storey replacement of the Turf Club building and creation of a Port Hedland based cyclone shelter. This building will provide space and facilities for many community groups, including in relation to the Turf Club, a commercial kitchen, Judges box, TAB room & Stewards room.

This building will be a high capacity multi-functional building that is flexible and will accommodate multiple user groups.

The creation of the cyclone shelter to service the people living in Port Hedland, is also a significant step forward, given the access problems caused by the flooding problems when high rain events occur and tides combine to block access to South Hedland, where the other cyclone shelter is located.

I support the recommendation in relation to this item.

CM201920/210 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by Hodge Collard Preston Pty. Ltd, in accordance with Tender RFT1920-20 Port Hedland Community Centre Design, for the total amount of \$589,740 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-20 for Port Hedland Community Centre Design Stage 1 Works and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on Wednesday 26 February 2020, requesting the design and construction of a new two-story community accessible building that meets the needs of the local turf club while also providing hireable space for other community groups.

Requirements are for toilets, male and female change rooms, shaded areas and a function space (with commercial kitchen). Other elements that are compliant with racing standards (an integrated judges box/broadcast tower at the finish-line, TAB Room, Stewards Room), are to be designed in close proximity to the racetrack.

The intention of this facility is for a consolidated high capacity multi-function building that is flexible and capable of accommodating multiple user groups concurrently. This functionality should be designed with the needs of Port Hedland Turf Club operations as well as indoor recreational activities such as dance and martial arts front of mind.

In addition the facility would provide a currently unavailable welfare function for the Port Hedland community. The facility will have the capacity as an evacuation centre for up to 200 people during a regional emergency and provide additional capacity to the existing South Hedland evacuation centre, the JD Hardie Youth Zone.

Stage 1 will be undertaken in 4 separable portions:

- Separable Portion 1 – Engagement of Design Consultant – Civil Earthworks, Drainage and Services Masterplan Design
- Separable Portion 2 – Engagement of Design Consultant – Civil Earthworks, Drainage and Services Design
- Separable Portion 3 – Engagement of Design Consultant – Port Hedland Community Centre (PHCC)
- Separable Portion 4 – Engagement of Technical Support Consultant – Port Hedland Community Centre (PHCC)

The RFT was released on Vendorpanel (the Town's e-tendering portal) on Wednesday 26 February 2020 and was advertised in the West Australian and the North West Telegraph on 26 February 2020 with a closing date of Friday 20 March 2020.

Addendum Details

Tender Assessment

The Town received nine (9) submissions for RFT 1920-20. The respondents were as follows:

1. Bollig Design Group Pty Ltd / Vpr318837
2. Donovan Payne Architects / Vpr317962
3. Donovan Payne Architects / Vpr318820
4. Hewshott International / Vpr313624
5. Hodge Collard Preston Pty Ltd / Vpr318853
6. Norda / Vpr317402
7. Rff Pty Ltd / Vpr318723
8. Tia Consulting Pty Ltd / Vpr318771
9. WMLConsultants Pty Ltd / Vpr318852

Of the submissions received, 3 were rejected due to non-compliance. The remaining respondents provided compliant tender responses.

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.

Senior Procurement Advisor facilitated the evaluation meeting held on 6 April 2020.

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

Qualitative Criteria	(%)
Relevant Experience	50%
Capacity to Deliver & Resources	20%
Key Personnel & Skills	15%
Demonstrated Understanding & Methodology	15%

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 medium significance and does not require public consultation.

CONSULTATION

Internal

- Information and Communications Technology
- Facilities
- Property Management
- Manager Environmental Health & Community
- Marketing
- Manager Town Planning

External Agencies

- Department of Communities
- Facility user groups
- Architect Consultant

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on Wednesday 26 February 2020 and was advertised in the West Australian and the North West Telegraph on 26 February 2020 with a closing date of Friday 20 March 2020.

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'

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

FINANCIAL AND RESOURCES IMPLICATIONS

There is an allowance in the 19/20 budget for this tender of \$350,000. Sufficient funding will be included in FY21 budget to cover the contract.

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.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.3 Youth services and facilities are implemented with regular input from youth and providers
- 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
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.c.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement

- 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.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
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

Environmental

Development of the currently undeveloped western side of the site will have negligible environmental impact

Economic

This masterplan is accommodated in the long term financial plan of the Town

Social

It is expected that the realisation of this masterplan will have significant impact on social capital for the Port Hedland community

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

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

- 1.a.4.1 Support stakeholders to deliver sports and recreation services
- 1.b.4.2 Inform the community on Town projects, operations, services and events
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose
- 2.a.2.1 Develop Master Plans and business cases for future project implementation, in line with the Town's strategic direction and needs
- 3.c.3.1 Develop, implement and review public open space in line with the Parks and Paths Strategy

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the award of this contract is the next critical step to advance the McGregor Street Turf Club Sporting Precinct Masterplan. The community may have the perception that this project is proceeding and is required to meet the community needs. 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 is 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

It is recommended that council support the officers recommendation to award RFT1920-20 Town Of Port Hedland Community Centre Design to the preferred tenderer indicated in the tender evaluation report this company has met all selection criteria requirements for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation Report - RFT 1920-20 Port Hedland Community Centre Design - Confidential (under separate cover)

11.4.2 AWARD OF TENDER RFT1920-21 - SOUTH HEDLAND INTEGRATED SPORTS COMPLEX LANDSCAPING AND IRRIGATION MASTERPLAN AND DESIGN

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

Before considering the below recommendations, the Commissioner made the following statement:

This item is like the previous, brings us a step closer to starting work on this, the biggest of our sporting masterplans.

This work on the landscaping, drainage and irrigation system needs to go into the area in a planned manner, with a staged approach to allow proper access and will take place in four separate stages. The community has been kept informed through public consultation in relation to this project.

Unfortunately due to the Coronavirus, such briefings are now no longer possible and I am hoping in the near future that this development will start the process of massive expansion of this facility. It will disrupt some people using the space, however it is the start of a massive improvement.

I support this recommendation in relation to this item.

CM201920/211 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by Aspect Studios, in accordance with Tender 1920-21 South Hedland Integrated Sports Complex Landscaping and Irrigation Masterplan and Design, for the total amount of \$264,094.99 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM201920/211.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-21 for South Hedland Integrated Sports Complex Landscaping and Irrigation Masterplan and Design and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on Wednesday 11 March 2020, requesting a suitably qualified landscape architect for the landscape design of the South Hedland Integrated Sports Complex (SHISC) Masterplan. This includes developing an irrigation and landscape masterplan covering the whole of the site and undertaking a full landscape design of Stages 1, 2 and 3. The detailed design work shall include, but is not limited to irrigation, planting, feature lighting, paths (running track), retaining walls, seating and shade structures.

The SHISC Masterplan was endorsed by The Town of Port Hedland Council in August 2019. This work was the result of significant community consultation, and was completed by Carabiner Architects in conjunction with ABV Leisure Consultants.

The works will be undertaken in four separable portions:

- Separable Portion 1 – Engagement of Design Consultant – Landscape and Irrigation Masterplans & Irrigation Strategy
- Separable Portion 2 – Engagement of Design Consultant – Stage 1 Landscape Design
- Separable Portion 3 – Engagement of Design Consultant – Stage 2 Landscape Design
- Separable Portion 4 – Engagement of Design Consultant – Stage 3 Landscape Design

The proposed timeline is shown in the table below;

Stage	Required Completion Date	Stop & Go
SP1 - Masterplans	May 29 2020	Stop & Go
SP2 - Stage 1 Design	June 30 2020	
SP2 - Stage 1 Construction	End of December 2020	Stop & Go
SP3 - Stage 2 Design	End of February 2021	
SP3 - Stage 2 Construction	End of June 2021	Stop & Go
SP4 - Stage 3 Design	End of May 2023	
SP4 - Stage 3 Construction	End of June 2024	

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on Wednesday 11 March 2020 and was advertised in the West Australian and the North West Telegraph on 11 March 2020 with a closing date of Friday 3 April 2020.

*Addendum Details**Tender Assessment*

The Town received nine (9) submissions for RFT 1920-21. The respondents were as follows:

1. AECOM Australia
2. Aspect Studios
3. Emerge Associates
4. GHD Pty Ltd
5. Sporteng
6. Sportsturf Consultants
7. TDL
8. The trustee for the Lab Unity Trust
9. UDLA Pty Ltd

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.

The Senior Procurement Advisor facilitated the evaluation meeting held on 8 April 2020.

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

Qualitative Criteria	(%)
Relevant Experience	50%
Capacity to Deliver & Resources	20%
Demonstrated Understanding & Methodology	30%

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Parks & Gardens
- Manager Environmental Health & Community Safety
- Manager Town Planning
- Senior Sports Community Development Officer
- Director Community Development
- Director Infrastructure Services

External Agencies

- Nil

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on Wednesday 11 March 2020 and was advertised in the West Australian and the North West Telegraph on 11 March 2020. The original closing date was extended due to the recent COVID-19 events, therefore a revised closing date of Friday 3 April 2020 was issued.

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'

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

FINANCIAL AND RESOURCES IMPLICATIONS

There was an allowance in the FY 19/20 Budget of \$250,000 for this tender as part of the capital account CPP111009. Additional budget was requested and approved, as part of the Q2 Budget Review on 25 March 2020, to increase the budget to \$600,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.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.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.

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

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

- 1.d.2.1 Develop, implement and review an asset management renewal program to ensure long term sustainability of the Town's assets
- 1.d.3.4 Ensure that the town's commercial, community and residential properties are fit for purpose, complaint and maintained to the appropriate standards.
- 3.c.3.1 Develop, implement and review public open space in line with the Parks and Paths strategy.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because the detailed design may be too intricate with a high probable cost. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

To reduce this risk, the action plan is to have regular updates concerning the design and Opinion of Probable Cost.

There is a health risk associated with this item because there are planned face-to-face meetings required which will potentially be impacted by COVID 19. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

To mitigate this risk the action plan is to reduce the requirement of face-to-face meetings by utilising alternative platforms, and adhere to all current restrictions from the World Health Organisation and Local Authorities.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

It is recommended that council support the officers recommendation to award RFT 1920-21 to the preferred tenderer indicated in the tender evaluation report this company has met all selection criteria requirements for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation Report - RFT1920-21 South Hedland Integrated Sports Complex Landscaping and Irrigation Masterplan and Design - Confidential (under separate cover)

11.4.3 AWARD OF TENDER RFT1920-22 - TOWN OF PORT HEDLAND DEPOT OFFICE BUILDING DESIGN

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

Before considering the below recommendations, the Commissioner made the following statement:

This item is to further the approval of the development of the Depot to a stage that is commensurate to working conditions at that site. In this centre, the scope of works in this Tender is extensive, yet very well defined:

1. Undertake work to identify all underground services on site and design overall site plan;
2. Undertake geotechnical survey of site classification and all other information;
3. Design site plans to include water, fire, sewerage, power, communications and drainage for all planned upgrades;
4. Fully designed steel framed office building, including outfitting, hydraulics, fire suppression, electrical, lighting, security, air conditioning & communications. Plus a separate large storage facility;
5. The steel framed building will hold 50 desk based staff and be able to expand to 60;
6. Fibro cement finish;
7. A grassed area;
8. A solar farm;
9. A car park;
10. Design a centralised storage shed for the whole of Council;
11. Upgrade the Pound;
12. Designed overhead shelter over an external work shop;
13. Refurbishment of work shop;
14. Seal of unsealed areas;
15. Refurbishment of training, outdoor kitchen, additional toilet facilities and upgraded bathrooms; and
16. Relocation of vehicle storage.

I support this recommendation in relation to this item.

CM201920/212 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by Hodge Collard Preston, in accordance with Tender RFT1920-22 "Town of Port Hedland Depot Office Building Design", for the total amount of \$726,660.00 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM201920/212.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-22 for The Town of Port Hedland Depot Office Building Design and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town released a Request for Tender (RFT) on Wednesday 4 March 2020, requesting a suitably qualified Structural Services Consultant or more specifically an Architect with experience in Cyclonic areas, to carry out the design documentation of the works listed below and subsequently provide a fully functional and operational facility. Works are to be undertaken in six (6) Parts, each with four (4) Separable Portions.

- Undertake potholing and location services to locate all underground services within the depot.
- Undertake geotechnical testing to determine a site classification and all other required information.
- Design an overall site plan for all underground services (water, fire, sewer, power, communications) and drainage to incorporate all the planned upgrades at the depot as denoted in the Depot Master Plan.
- Undertake a full design of steel framed office buildings including fit out, hydraulics, fire suppression, electrical, lighting, security, air-conditioning and communications. The proposed new building can accommodate additional staff, and given that the Civic Centre is at or near capacity, additional staff can be accommodated at the Depot.
 - Total occupancy for both buildings is expected to be 50 desk based staff with room for expansion to 60 into the records room as the storage area requirement shrinks after digitisation of the existing records.
 - Desired finish is compressed fibro cement cladding with shadow line jointing or similar approved.
 - Grassed area to be designed.
 - Solar farm on roof of new office building.
 - Onsite Waste Water Treatment Plant (WWTP) for irrigation purposes.

- Public and pool car carparks.
- Undertake a redesign and expansion of the existing car park to reflect the area shown in the Depot Master Plan.
- Design a centralised store including storage options for the whole of the Town to operate out of.
- Upgrade the pound to current Australian Standards.
- Design overhead shelters above the external vehicle maintenance area and wash down bay adjacent to the existing workshop to help resolve current OHS issues relating to staff working on large vehicles in the open air without shade.
- Refurbishment of workshop.
- Seal unsealed areas of the existing depot reducing dust issues.
- Design the refurbishment of the existing training room, outdoor crew kitchen and bathrooms to modern standards including end of trip facilities and additional toilets.
- Relocate existing vehicle dump to the rear of the lot including garrison fencing and CCTV.

The works are to be split into six (6) separate Parts each with four (4) Separable Portions with a 'Stop-Go' point at the end of Separable Portions 1, 2 and 3. The Parts are broken up into the following:

- Part 1 – Office building and surrounding carpark and grassed area;
- Part 2 – Workshop shelters and refurbishment;
- Part 3 – Dome Shelters;
- Part 4 – Centralised Store;
- Part 5 – Existing Training/ Lunchroom Refurbishment;
- Part 6 – Relocate existing Vehicle Dump, and storage bins

Each Part is broken up as follows:

- Separable Portion 1 – Concept Design of All Elements (15% Design);
- STOP - GO POINT;
- Separable Portion 2 – Detailed Design of All Elements (100% Design);
- STOP - GO POINT;
- Separable Portion 3 – Tender Documentation;
- STOP - GO POINT; and
- Separable Portion 4 – Construction Support.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 4 March 2020 and was advertised in the West Australian and the North West Telegraph on 4 March 2020 with a closing date of Tuesday 24 March 2020.

*Addendum Details**Tender Assessment*

The Town received three (3) submissions for RFT 1920-22. The respondents were as follows:

1. Hodge Collard Preston Pty Ltd
2. TIA Consulting Pty Ltd; and
3. Veen Design Group.

Of the submissions received, one was rejected due to the fact that no price was submitted with their tender. The remaining respondents provided compliant tender responses.

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 Senior Procurement Advisor facilitated the evaluation meeting held on 3 April 2020. The compliant submissions were assessed against the qualitative criteria as listed in the below table:

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	30%
Key Personnel & Skills	10%
Demonstrated Understanding & Methodology	30%

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Engineering & Parks
- Manager Project Design & Delivery
- Principal Project Manager
- Coordinator Property Management
- Coordinator Parks & Gardens
- Stores
- Coordinator Depot Operations
- Manager Town Planning and Development Regulatory Services

External Agencies

- Nil

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on Wednesday 4 March 2020 and was advertised in the West Australian and the North West Telegraph on 4 March 2020 with a closing date of Friday 20 March 2020.

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'

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

FINANCIAL AND RESOURCES IMPLICATIONS

The 20/21 capital project is currently in draft format, however sufficient funding will be included in FY21 budget to cover the contract. In the 20/21 budget the Strategic Reserves will be utilised to fund the project.

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
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.c.1 High quality and responsive customer service is provided
- 4.c.3 Innovative marketing to attract amenity usage is implemented
- 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.

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

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

- 1.d.2.1 Develop, implement and review an asset management renewal program to ensure long-term sustainability of the Town's assets
- 1.d.3.3 Ensure that the Town's stores and fleet services provide adequate support to meet the Town's infrastructure requirement
- 1.d.3.4 Ensure that the Town's commercial, community and residential properties are fit for purpose, compliant and maintained to the appropriate standards
- 2.c.3.1 Promote Town of Port Hedland Procurement opportunities
- 3.b.4.1 Develop, implement and review a strategy which creates opportunities for the Town's built infrastructure to incorporate innovation and robust designs for alternative future usages
- 4.b.1.1 Develop, implement and review the Town's Long-Term Financial Plan
- 4.c.1.2 Ensure creation, use, storage, protection and disposition of Town records
- 4.c.4.1 Develop, implement and review efficiency strategies across all facilities and Infrastructure.

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item. There is a high likelihood of significant interruptions to services if the Town does not have an operationally fit for purpose depot once the lease of the existing demountable ceases. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

This risk will be eliminated upon 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

It is recommended that Council support the officer recommendation to award RFT1920-22 Town of Port Hedland Depot Office Building Design to the preferred tenderer indicated in the tender evaluation report this company has met all selection criteria requirements for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation Report - RFT1920-22 TOPH Depot Building Design- Confidential (under separate cover)

11.4.4 SOUTH HEDLAND SKATE PARK SHADE STRUCTURES - CHANGE OF SCOPE

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

Before considering the below recommendations, the Commissioner made the following statement:

This item is in relation to placing a shade area over our current skate park in South Hedland.

This area is a major recreational area for young people, especially in South Hedland. Living in the North, it is in my view and almost unthinkable to erect outdoor facilities without shade coverage to at least a large portion of the area. I do not think any Local Government in the North would these days, contemplate developing facilities without planning for either complete night use only or shade or both.

The other area, that in my view, needs attention, is the netball courts that as I understand, were only redeveloped recently.

In summary, I support this project as a very good first stage of a larger project, to give protection from the sun and our harsh conditions of the Pilbara. This approval gives the main skating area protection, with stages 2 & 3 completing the project in future years.

I support the recommendation in relation to this item.

CM201920/213 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council, with regard to the South Hedland Skate Park:

1. Endorse the revised Shade Structure Option 1 as the preferred design, as noted on page 10 of Attachment 1; and
2. Endorse the project delivery strategy for Stages 1, 2 and 3, as noted in Attachment 2.

CARRIED BY COMMISSIONER RIEBELING

PURPOSE

The purpose of this report is for Council to be informed, consider and endorse the officer's recommendation of the improved design and project delivery strategy for the South Hedland Skate Park Shade Structure.

DETAIL

The South Hedland Skate Park is a main community Public Open Space (POS) within the South Hedland Town Centre. As per the endorsed strategic plan - Public Open Space Strategy 2019, the recommend action for the South Hedland Skate Park is:

“Install shade for South Hedland Skate Park

The large expanse of concrete coupled with the intense direct exposure to the sun means that children are increasing to likelihood of unnecessary heat stress. It is recommended that both shading from trees and man-made shelter is provided as a priority”.

After considering various manmade and natural shade options it was determined that a large manmade shade structure over the park was the most appropriate, with a modular design being the preferred option to facilitate completion of the structure in stages as budget/funding is made available.

In the 2019/20 budget, \$1.6M was allocated to the project, and Right Foot Forward (RFF) Australia was engaged through the Town’s Panel of Project Management Consultants to manage the concept design. RFF engaged Enclose Landscape Architects as the designer to produce a concept design and proposal for the shade structure.

A concept design proposal with costings was presented to Council, in 2019, with four specification options. The designer recommended Option 4 at an estimated cost of \$1.6M.

The options presented were:

Option 1:

- Truss structure with roof shading

Option 2:

- Truss structure, roof shading, art box & electrical (vandal proof charge points & LED flood lighting)

Option 3:

- Truss structure, roof shading, art box, canopy cladding & electrical (vandal proof charge points & LED flood lighting)

Option 4:

- Truss structure, roof shading, art box, canopy cladding & electrical (vandal proof charge points, LED flood lighting, programmable LED feature panel lighting & roof mounted solar array)

Council supported Option 4. This option can be identified on page 10 of Attachment 1.

Upon further internal review of the Designer’s proposal and recommendation from the Projects team, it has been determined that:

- The 5% Regional Loading Allowance applied within the estimate (Page 11) was incorrect, and that an allowance of 30% (minimum) was in line with the industry standard for the region.
- A 30% Regional Loading Allowance would result in a revised estimate of \$2.02M for Option 4.
- A revised estimate of \$2.02M exceeds the allocated project budget of \$1.6M.
- The proposed 45-degree orientation of the structure, to either street frontage, did not facilitate future expansion.
- The proposed structure and orientation did not initially maximise shade to the main bowl, with only 60% coverage.

- The proposed orientation required 3 columns in close proximity to the edges of the main bowl, resulting in choke points with the edge of the bowl and potential user collisions with the columns.
- The high amenity of the structure, with programmable feature lighting, canopy cladding and art wall, results in a high amenity structure at a high construction cost, which yields limited shade for the investment.
- The high amenity structure will require a higher level of maintenance and be more susceptible to vandalism.
- The high amenity structure achieves less social benefit to the community, for each dollar spent, compared to a simpler structure that yields greater shade for the same construction value.

Further consultation with the Designer has resulted in the attached optimised design, and project delivery strategy, which facilitates the construction of the project in three stages as municipal or grant funding becomes available. The optimised design layout, and revised Designer recommendation of Option 1, is a pared back design that maximises function over form to deliver the greatest community benefit. It achieves maximum park coverage for each dollar spent, while still being visually pleasing given the location in the South Hedland Town Centre.

The improved design removes high cost and high maintenance elements including:

- Interactive LED feature lighting array
- Interactive art box
- WIFI and phone charging points
- Aluminium canopy cladding
- Solar PV system including battery bank

The above items were considered not necessary to deliver the recommended action for the area as stated in the Public Open Space Strategy 2019. The removed items are also highly marketable to potential grant funding partners, and can be added later should a grant-funding partner support the high amenity elements.

The improved project delivery strategy will see the project delivered in three stages, with cost estimates shown below:

Stage No.	Area	M ²	Estimated Structure Cost	Project Management	Stage Cost
Stage 1	Main Bowl	960	1,234,198	123,420	1,357,618
Stage 2	Beginners & Juniors Freestyle Urban Area	751	1,067,674	106,767	1,174,441
Stage 3	Advanced Bowl	400	660,400	66,040	726,440
Total Project Cost					3,258,499

The cost estimate for addition of the Aluminium canopy panelling and interactive LED is shown below:

Stage No.	Area	M ²	Estimated Structure Cost	Project Management	Stage Cost
Stage 1	Main Bowl	960	1,973,747	197,375	2,171,122
Stage 2	Beginners & Juniors Freestyle Urban Area	751	1,599,976	159,998	1,759,974
Stage 3	Advanced Bowl	400	1,076,391	107,639	1,184,030
Total Project Cost					5,115,126

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance due to the benefit to the community, but does not require public consultation.

CONSULTATION

Internal

- Community Services
- Engineering, Parks and Gardens

External Agencies

- RFF Project Development and Management Consultants
- Enlocus Landscape Architects

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

At this stage, there are no legislative or policy considerations applicable, however, policies 9/010 'Asset Management' and 2/007 'Purchasing' will apply once the procurement phase of this project is reached.

FINANCIAL AND RESOURCES IMPLICATIONS

\$1,600,000 was allocated in the FY19/20 budget for the completion of Stages 1 and 2, of which \$36,681.25 has been spent to date on design and project management. Only detailed design of the overall structure will be completed this financial year with a total estimated cost for detailed design and project management to be in the vicinity of \$100,000.

The remaining FY19/20 funds of approx. \$1,500,000 will be rolled over into next budget year for the construction of Stage 1. An additional \$1,050,000 will be requested in the FY 20/21 budget to construct both stages 1 & 2, as a single package of works, to maximise efficiencies and minimise closure of the public open space.

Should the additional funding not be approved in the FY20/21 budget, there is sufficient FY19/20 funding to be rolled over to complete Stage 1 of the proposed revised design. There is insufficient budget to complete Stage 1 of the current design, with a \$671,122 shortfall.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

Increased amenity of the South Hedland Skate Park will provide for greater use and comfort of users.

There are no significant identifiable environmental 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 2 – Buildings and Facilities

Corporate Business Plan

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

- 3.c.2.1 – Continue to maintain roads, footpaths, cycle ways, beach access, carparks, verges, shade structures, drains and signage.

Public Open Space Strategy

This item is directly aligned with the Town's recently adopted Public Open Space strategy; in particular, the short-term recommendation listed under section 12.2 which states: "Install shade for South Hedland Skate Park".

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the reduced scope of works. The community may have the perception that the more elaborate design option is preferred. 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 is eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

The revised scope of the South Hedland Skate Park allows for a more fit-for-purpose and economical option to deliver the strategic outcome of the Town’s Public Open Space strategy. It is recommended that Council endorse the revised option, being option 1.

ATTACHMENTS

1. South Hedland Youth Space Vision For The Hedland Community Sculptural Shade and Interactive Digital Art (under separate cover)
2. Stages of Delivery (under separate cover)
3. Revised Project Stage Cost Estimates (under separate cover)

In relation to the following Item 11.4.5, the Chief Executive Officer made the following declaration:

I have an impartial interest with regard to agenda item 11.4.5 - RFT1920-26 Refurbishment of Staff Housing. This Tender recommends internal and external refurbishment of the Town's asset located at 18 Counihan Crescent, Port Hedland. As a consequence there may be a perception that my impartiality on the matter may be effected. I declare that I did not participate in any decision making discussions or meetings regarding the selection of the successful Tenderer. I had no dealings in the decision making regarding the budget covering the refurbishment works proposed to be carried.

11.4.5 AWARD OF TENDER RFT1920-26 - REFURBISHMENT STAFF HOUSING

Author: Coordinator Property Management
Authorising Officer: Manager Project Design and Delivery
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

Before considering the below recommendations, the Commissioner made the following statement:

This particular item is for refurbishment of housing. This item is to repair and update the aging executive home to supply housing to our executive team. The work is for both external and internal redesign with replacement of flooring, fixtures & fittings, such as leaking windows and frames and enclose the front courtyard of the house.

This is a significant rebuild of the property, which would be worth in excess of a \$1M on the market.

This home will become a significant part of our housing stock and will provide high quality accommodation to our current and future staff, to attract and retain highly skilled staff.

I support the recommendation in relation to this item.

CM201920/214 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council accepts the tender submitted by TEC Services Pty Ltd, in accordance with Tender RFT 1920-26 for Refurbishment of Staff House, for the total amount of \$253,467.80 (excluding GST).

CARRIED BY COMMISSIONER RIEBELING

The Commissioner read aloud the resolution CM201920/214.

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT1920-26 for Refurbishment of Staff Housing and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL

Request for Tender

The Town released a Request for Tender (RFT) on 25 March 2020, requesting an internal and external refurbishment 18 Counihan Crescent. The works will include internal redesign of the main living areas, replacement of flooring and fixtures and fittings. The External works is redesign of back areas to include more functional spaces, mitigate leaking window frames and to enclosed front yard.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 25 March 2020 and was advertised in the West Australian and the North West Telegraph on 25 March 2020 with a closing date of 9 April 2020.

Addendum Details Site Inspection/Briefing details

Date: 27 March 2020
Time: 10.00am WST
Location: 18 Counihan Crescent

Tender Assessment

The Town received three (3) submissions for RFT 1920-26 The respondents were as follows:

1. TEC Services Pty Ltd
2. Pilbara Constructions Pty Ltd
3. Magic Touch Painting

Of the submissions received, one (1) were rejected due to insufficient detail against criteria. The remaining respondents provided compliant tender responses.

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.

Senior Procurement Officer facilitated the evaluation meeting held on 14 April 2020.

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

Qualitative Criteria	(%)
Relevant Experience	40
Key Personnel & Skills	20
Demonstrated Understanding	40

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 these works have been approved under the Towns FY2019/20 budget approval process.

CONSULTATION

Internal

- Nil

External Agencies

The Town engaged an external architect to assist with the redesign of the internals to maximise the space.

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 25 March 2020 and was advertised in the West Australian and the North West Telegraph on 25 March 2020 with a closing date of 9 April 2020

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'

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

FINANCIAL AND RESOURCES IMPLICATIONS

All works to be completed under scope fall under the Staff Housing renewal program. An additional \$100,000 was been added to this capital works program during the FY2019/20 Q2 budget review.

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.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 service interruption risk associated with this item because the Town may be unable to attract and retain suitably qualified staff due to the provision of inadequate housing. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town of Port Hedland have an obligation to provide suitable and fit for purpose accommodations to its present and potential staff, if they are to meet their obligations to obtain and attract highly skilled people.

ATTACHMENTS

1. Evaluation Report - RFT1920-26 Internal and External Upgrades to Residential (Staff) Housing - Confidential (under separate cover)

Item 12 Reports of Committees

Nil

Item 13 Motions of which Previous Notice has been given

Nil

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

CM201920/215 COUNCIL DECISION

That Council accept the following late item:

14.1 COVID-19 Community Support Package.

CARRIED BY COMMISSIONER RIEBELING

14.1 COVID-19 COMMUNITY SUPPORT PACKAGE

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.

Before considering the below recommendations, the Commissioner made the following statement:

This late item is a package of actions that will assist small businesses, community groups and residents who have been impacted by COVID-19.

Your Council will firstly reduce creditor payment terms from 30 days to 15 days, for the next three months, which will be reviewed at the end of July 2020. This will support small business cash flow during this difficult period.

We will freeze residential council rates for the 2020/21 financial year. This will relieve some pressure that may have been caused in the normal course of events. There would have been at least a CPI rise in rates, you would think.

Council will freeze all fees and charges to provide certainty to the community. Normally this would rise in line with CPI also.

Any commercial leases suffering loss of income, will be assessed for relief on each application, in line with State Government's guidelines in relation to loss of income. We are refunding all booking fees paid to the Council for buildings and events.

In relation to the small businesses impacted by supply chain shortages for contracts without progress payments, we will work with suppliers to minimise the impact with partial payments for goods received. The Town will work with businesses to support suppliers by other means during this period.

Community groups can apply for grants of up to \$10,000, if suffering financial hardship during COVID-19. Grants will be processed quickly through our normal channels.

We estimate this programme will cost approximately \$360,000 and it will give us the ability to:

- a. Respond quickly to community needs and reduce the impact of this emergency on community groups;
- b. Broaden the ability of Council to assist community groups; and
- c. Maintain access to services for the community.

Your Council will also establish a Support Local Business Assistance Fund for grants. Local small businesses can apply for grants to assist in easing some of the hardships imposed by COVID-19.

The grants will be capped at \$10,000 per application. This is only for local businesses and is estimated to cost approximately \$625,000. We will waive the fees and charges for small businesses.

Council will assist people and organisations with debts to Council under the provisions of extraordinary circumstances in our Policy 2/005. All hardship cases will be assessed in relation to the above Policy.

This package will be under constant review to ensure it is impacting positively on our community. We will review the effectiveness of the programme in early July 2020.

I support the recommendation in relation to this item.

CM201920/216 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Adopts the following COVID-19 - Community Support initiatives:
 - a) Reduction of creditor payment terms: Commits to temporary reduction in payment terms from 30 days to 15 days;
 - b) Rates freeze: Commits to 0% increase to Council rate in the dollar in financial year 2020/21;
 - c) Fees and charges freeze: Commits to 0% increase on existing Town fees and charges in financial year 2020/21;
 - d) Rent relief for town properties: Commits to considering rent relief applications for any Town owned properties that meet the Federal Government criteria;
 - e) Refund booking fees: Commits to refunding fees and charges relating to the use of Town facilities that are closed or does not meet current social distancing guidelines;
 - f) Progress payments on existing contracts affected by COVID-19: Commits to working with suppliers that have been affected by supply chain disruption, including partial payments on contracts;
 - g) Establishment of a Community Group Assistance fund: Commits to creating a Community fund of \$360,000 for not-for-profit organisations to assist with management of current restrictions;
 - h) Establishment of a Support Local Small Business Assistance fund: Commit to creating grant fund of \$625,000 to provide financial support for eligible small business;
 - i) Waive fees and charges payable for small business: Commits to waiving fees and charges for mandatory operating costs for impacted local, small business; and
 - j) Financial hardship policy: Confirms that COVID-19 falls within "exceptional circumstances" as per Policy 2/005 – Debt management and will be considered in relation to applications by residential investments, commercial and industrial properties.
2. Notes that the implementation of the above listed initiatives is estimated to cost the Town approximately \$3.1m in actual costs and foregone revenue.
3. Adopts the following budget amendments for FY19/20 noting that the amendments result in a nil impact to the 30 June 2020 closing surplus:

- a) Transfer \$360,000 from the Financial Risk Reserve to municipal funds. Allocated to a new created operational project "Community Group Assistance fund project"; and
 - b) Transfer \$625,000 from the Financial Risk Reserve to municipal funds. Allocated to a new created operational project "Support Local Small Business Assistance fund".
4. Assesses these initiatives in June 2020 and considers further allocation of funds in the FY20/21 budget.

CARRIED BY ABSOLUTE MAJORITY BY COMMISSIONER RIEBELING

PURPOSE

For Council to consider implementing a range of business support initiatives that may assist local businesses in crisis due to the impact of the COVID-19 pandemic.

DETAIL

The Federal Government has imposed severe social distancing restrictions to help manage the COVID-19 pandemic. These restrictions are impacting the whole community. The majority of local sporting and service groups have been forced to postpone or cancel their respective activities, and small businesses have been forced to close. This has severely impacted on their ability to raise income to cover their ongoing costs and will place many of them in financial stress.

The Town has come up with a number of measures which we believe, will provide efficient and effective support to the areas hardest hit by the pandemic, being small business and community groups. The Town acknowledges the services impacted provided necessary services and improve general wellbeing for the community. The measures and reasons why we have recommended them are listed below:

Reduction of creditor payment terms

The temporary reduction in creditor payment terms from 30 days (as per General Conditions of Contract section 6.7) to 15 days is proposed to be in effect for 3 months (until end of July 2020) and will be reviewed by Council at the end of the period with possibility to extend if the same restrictions are in place.

The Town believes this will provide support to small businesses and improve their cash flows during a time where other business activity has decreased. This measure will affect the Town's cash flow and may need to be supported with the Financial Risk Reserve during this three month period. Due to our business structure, this is also the period where we have limited income and majority of our expenditure.

Rate in the dollar freeze

It is recommended that Council in normal circumstances increase rates by a minimum of consumer price index (CPI). However aligned with State Government direction, the Town will freeze rates in the dollar for the financial year 2020/21. The Town believes this is an easy and fair way to limit further financial hardship.

By not increasing rates to match CPI the Town is forgoing approximately \$1 million of revenue.
Fees and charges freeze

Similar to the Rates freeze, the Town believes a fees and charge freeze will provide certainty to the community. It is recommended in normal circumstances that fees and charges are increased by CPI.

By not increasing fees and charges to match CPI, the Town is forgoing approximately \$250,000 in revenue.

The Town at the next Council meeting will be presenting their fees and charges schedule for approval prior to advertising, and while the Town is proposing a freeze on existing charges, the Town will be proposing some new and restructured charges due to changes in business areas. For example, the introduction of recycling services.

Rent relief for town properties

The Town has limited commercial leases. However for any commercial leases the Town does have, a review of any applications made to the Town for rent relief and will follow the guidelines set by the State Government, including the loss of income required to be eligible.

Rent relief will be assessed on a case by case basis and will be discussed directly with the Tenant once an application has been made.

Refund booking fees

The Town has already began processing booking refunds for facilities that are now closed or for events that do not meeting the social distancing requirements set by both Federal and State Government.

At the time of writing this report, the Town had refunded approximately \$10,000 worth of booking fees and expects to refund more.

Progress payments on existing contracts affected by COVID-19

The supply chain for some suppliers has been disrupted by border closures and diversion of resources to priority industries.

The Town acknowledges this business disruption. For contracts that did not have progress payments written into the contract, the Town will look at working with suppliers to minimise the impact COVID-19 has by partial payment of goods received.

Town Officers (within approved delegations) will work with suppliers and negotiate other means to support them during this period.

Establishment of a Community Group Assistance Fund

The Town proposes setting up a fund that will allow Community Groups to apply for a grant to assist with the hardship suffered during COVID-19. The intention is that this fund could be applied for to assist with:

- Financial support to provide their services in a different format (E.g. Online).
- Allow organisations to seek out financial advice on how to support themselves during this period.

The grants will be assessed in a similar format to existing grants supplied by the Town. Grants to recipients will be capped at \$10,000 per applicant.

The rationale for setting up this:

- a) Ability to respond quickly to community needs and reduce the impact of this emergency event on community groups
- b) Broadens the ability of Council to assist community groups in this emergency situation
- c) Maintains access to the service for the community.

Establishment of a Support Local Business Assistance Fund

The Town proposes setting up a fund that will allow local businesses to apply for a grant to assist with the hardship suffered during COVID-19. As the Town believes that businesses are best placed to determine how the funds can be utilised, local businesses will need to explain how they will utilise the funds in their submission. Some examples are:

- A business may wish to offer product online and these funds may be available to assist with IT consulting.
- A business may wish to seek out financial advice on how to restructure to support themselves during this period.

Businesses will be required to demonstrate a substantial reduction in turnover and/or profit. The monies cannot be utilised for purposes for which other government assistance is already available (E.g. payment of electricity accounts, payment of employees).

Grants to recipients will be capped at \$10,000 per applicant. The Town will assess eligibility as a 'local' business on the similar criteria used for assessment of tenders and the regional price preference.

Waive fees and charges payable for small business

The Town acknowledges that some business have lost the majority of their revenue due to the restrictions placed on certain industries. To provide some relief and to minimise operational costs required when the business reopens to normal trading, the Town will waive required fees and charges to operate the business. (eg. Registered premise assessment fees, trading in public places application fees).

Where relevant, the work will still be completed by the Town and businesses will be required to be compliant with legislation.

Financial Hardship Policy

The Town acknowledges this is a difficult time for people not only in Port Hedland but worldwide. The Town confirms that COVID-19 falls within “exceptional circumstances” as per Policy 2/005 – Debt management and will be considered in relation to applications by residential investments, commercial and industrial properties.

All Financial hardship applications will be assessed on a case by case basis as per the policy, taking into consideration previous history, amount outstanding and proposals by ratepayers.

It should be considered when Council makes their decision that the Town has finite resources and facilities and revenue streams have been impacted as well during this time. The Town has estimated a revenue loss of \$2m, with closure of facilities and capped proposed revenue for financial year 2020/21.

The COVID-19 community support package is what the Town can provide immediately in the current conditions and will be reviewed and reported on regularly to ensure the package is serving the purpose it has been designed for.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, because of the reallocation of Reserves may impact the Town’s ability to complete strategic activities in the future and it terms of the social and wellbeing issues that surround the COVID-19 pandemic.

CONSULTATION

Internal

- Hon. Commissioner Fredrick Riebeling AM JP
- Executive Leadership team
- Rates officer
- Accounts Officer (Payable and Receivable)
- Revenue and Treasury officer
- Manager Marketing, Events and Communication

External Agencies

N/A

Community

N/A

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation/policies applies to this decision:

- Section 6.8 of the *Local Government Act 1995*
- Section 6.11 of the *Local Government Act 1995* – noting the 1`decision due to COVID-19 of the Department of Local Government, Sport and Cultural Industries to remove the requirement to readvertise a change in purpose of reserve funds if used for initiatives relating to COVID-19

FINANCIAL AND RESOURCES IMPLICATIONS

The breakdown of the \$3.1m package is summarised below:

Stimulus package	Estimate of costs
Community Group Assistance fund	360,000
Rate in the dollar freeze	1,001,651
Fees and charges freeze	272,439
Support Local Small Business Assistance fund	625,000
Waive fees and charges payable for small business	81,000
Refund booking fees	10,414
Lost revenue	733,667
Total	3,084,171

The recommendation by the officer to adopt the budget amendments and utilise the Finance risk reserve, the budgeted operating surplus will remain unchanged at \$843,592. Subject to utilisation of the grants included in the recommendation, further monies may be committed in FY21 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented

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 identified that some organisations in the community are struggling due to COVID-19. The community support package presents an opportunity for the Council to support these organisations however if not executed effectively could open Council to negative publicity. The risk rating is considered to be medium (5), which is determined by a likelihood of rare (1) and a consequence of catastrophic (5).

This risk will be eliminated by working closely with internal officers, such as the Community development team and ensuring proper procedures and policies are put in place.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland has identified that the COVID-19 pandemic is impacting on local community groups and local businesses, with no indication on when the current guidelines will be relaxed so they can provide services to the community.

Council are asked to consider allocating \$985,000 from the Financial Risk Reserve to these measures. The measures listed as the officers recommendations will assist members of the local community to continue delivering necessary services and reduce financial stress. Officers will continue to monitor and report to Council on the status and effectiveness of the initiatives presented, and to suggest amendments and revisions as required.

ATTACHMENTS

Nil

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

CM201920/217 COUNCIL DECISION

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 items:

- 15.1. Variations to Airport Lease and OPCO Tripartite Deed – Capital Works Program; and
- 15.2. Former Mayor’s Application For Legal Costs Under Policy 1/009 Legal Representation for Council Members and Employees.

CARRIED BY COMMISSIONER RIEBELING

Commissioner declared meeting closed to the Public at 6:20pm.

15.1 VARIATIONS TO AIRPORT LEASE AND OPCO TRIPARTITE DEED – CAPITAL WORKS PROGRAM

Author: Legal 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.

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

CM201920/218 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Agrees to an 18 month extension to the Capital Works Program in the Opco Tripartite Deed, extending the deadline from 11 March 2022 to 11 September 2023, unless the WA State Government revokes its state of emergency and public health emergency declarations under the *Emergency Management Act 2005* and *Public Health Act 2016* respectively, within 18 months of the date of those declarations, in which case the extension will be granted to a lesser date proportionate with that revocation date; and
2. Agree for the CEO or his delegate to work with PHIA in determining the final and most appropriate wording to vary the Opco Tripartite Deed to the above effect.

CARRIED BY COMMISSIONER RIEBELING

15.2 FORMER MAYOR'S APPLICATION FOR LEGAL COSTS UNDER POLICY 1/009 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Author: Chief Executive Officer

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.

This report has been deemed confidential pursuant to Section 5.23(2) of the *Local Government Act 1995*, as the information to be received, discussed or considered in relation to this agenda item is in relation to clause (b) the personal affairs of any person.

CM201920/219 OFFICER'S RECOMMENDATION / COUNCIL DECISION

That Council:

1. Approve the former Mayor's application for legal costs in respect of setting aside the default judgment entered against him in the matter of John Petersen and Camilo Blanco CIV 355 of 2018, subject to Mr Blanco providing a declaration under clause 3.3 and written statement under clause 3.5 of the Policy 1/009 Legal representation for Council Members and Employees;
2. Note that the approval of these legal costs does not mean the views and opinions in the former Mayor's comments the subject of the defamation proceedings are necessarily the Town's views or opinions; and
3. Subject to compliance with resolution 1 above, make direct payment to the legal provider.

CARRIED BY COMMISSIONER RIEBELING

CM201920/220 COUNCIL DECISION

That Council opens the meeting to members of the public.

CARRIED BY COMMISSIONER RIEBELING

Commissioner declared the meeting open to the Public at 6:26pm.

The Commissioner read aloud the resolutions CM201920/218 and CM201920/219.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 27 May 2020 commencing at 5:30pm.

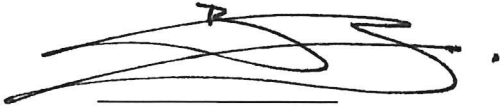
16.2 Closure

There being no further business, the Commissioner declared the meeting closed at 6:30pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 27 May 2020.

CONFIRMATION:



COMMISSIONER

28-5-2020

DATE