



Ordinary Meeting of Council Minutes

Council Chambers, McGregor St, Port Hedland

6:30pm Wednesday 27 March 2019



Distribution Date:
4 April 2019

David Pentz
Chief Executive Officer



Our Vision

*To be Australia's leading
Port Town embracing
community, culture
and environment*



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Item 1 Opening of Meeting

The Mayor declared the meeting open at 6:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Mayor acknowledged the traditional custodians, the Kariyarra people, and recognised the contribution of Kariyarra Elders past, present and future, in working together for the future of Port Hedland.

A minute’s silence was observed to honour the victims of the Christchurch massacre.

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
 Deputy Mayor Louise Newbery
 Councillor Julie Arif
 Councillor Richard Whitwell
 Councillor Peter Carter
 Councillor George Daccache
 Councillor Tricia Hebbard
 Councillor Warren McDonogh
 Councillor Telona Pitt

David Pentz	Chief Executive Officer
Robert Leeds	Director Development, Sustainability and Lifestyle
Gerard Sherlock	Director Infrastructure and Town Services
Anthea Bird	Director Corporate and Performance
Josephine Bianchi	Manager Governance
Wendy Barnard	Corporate Support Officer/Minute Taker

Public	3
Media	1
Officers	4

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Nil

Item 4 Applications for Leave of Absence

CM201819/151 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

That Council approve the following applications for leave of absence:

Councillor Carter	31 March 2019 – 4 April 2019
Councillor Pitt	15 April 2019 – 2 May 2019 and 21 May 2019 – 31 May 2019
Councillor Whitwell	13 April 2019 – 23 April 2019
Councillor Daccache	8 May 2019 – 18 May 2019

CARRIED 9/0

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Public at the Ordinary Council Meeting held on Wednesday, 13 February 2019.**5.1.1 Ms Lauren Shannon**

This response relates to the question raised by Ms Lauren Shannon at the 13 February 2019 Ordinary Council Meeting (item 6.1.1 of the minutes).

The Port Hedland Retirement Village is a depreciating asset in the Town of Port Hedland (Town) Budget. 2009/2010 and 2010/2011 budget it depreciated at just over \$5000, in the 2011/2012 budget it jumps to over \$40,000 depreciation, in the 2013/2014 it jumps to over \$70,000 and then over \$160,000 in the 2015/16 budget. Can the Council provide some clarification on why these amounts have increased so much over the years and why there is no mention of the Retirement Village as a depreciating asset in the last two budgets, and it doesn't seem to have been written off as an asset either?

The Manager Financial Services advised that the depreciation calculations are based on the determined useful life and fair value of the asset, and this useful life and fair value can be reviewed and amended through either an independent valuation or as part of a management review in any year. A reduction in the estimated useful life or fair value can result in increases in depreciation expense.

An independent revaluation was undertaken on all Council owned buildings as at 30 June 2014, which resulted in an increase in valuation, and an adjustment to the depreciation rate. This resulted in an increase to the yearly depreciation expense applied. A second independent revaluation was undertaken as at 30 June 2017 in line with Australian Accounting Standards, which saw a further increase in valuation at that time and adjusted depreciation expense.

The Port Hedland Retirement Village asset has been reviewed for impairment during the preparation of the FY18 accounts and based on information received the Town has determined that all buildings are structurally unsound and no longer fit for purpose. In accordance with Australian Accounting Standard AASB 136 Impairment of Assets, and AASB 110 Events after the Reporting Period the Town has determined that all assets at Stevens Street are fully impaired and this has been reflected in the financial statements for the year ended 30 June 2018.

The table below indicates the budgeted and actual depreciation applied to the Port Hedland Retirement Village assets from 2009/10 to 2017/18. It is not a requirement of legislation that specific assets are identified within the budget for depreciation, and these totals are included in the overall building depreciation budgeted each year.

Year	Budget	Actual
2009/10	6192.00	37,585.00
2010/11	40,533.00	34,167.00
2011/12	40,201.00	32,556.00
2012/13	40,201.00	32,556.00
2013/14	45,231.00	32,556.00
2014/15	52,992.00	112,510.00
2015/16	113,000.00	112,818.00
2016/17	113,000.00	112,509.00
2017/18	113,000.00	52,398.00

5.2 Response to Questions taken on notice from Elected Members at the Ordinary Council Meeting held on Wednesday 13 February 2019

5.2.1 Councillor Daccache

This question relates to the response to Ms Lauren Shannon’s question at the 13 February 2019 Ordinary Council Meeting.

“The Manager Financial Services advises that works to the value of \$31,665.35 were completed, which included:

- *Air Conditioning servicing for all units*
- *Cockroach treatment and rodent baiting*
- *General maintenance including lighting, footpath renewal, ablution repairs, reticulation repairs, plumbing repairs, electrical repairs, etc.*
- *Electrical safety audit*
- *Emptying skip bins*
- *Parts and materials purchased for maintenance”*

Are the items referred to paid by the Board through the rents and can these items be investigated as to who made the payment?

The Manager Financial Services advised that all of the above items were paid for by the Town as part of general building maintenance. There is no evidence of these costs being reimbursed to the Town during the 2016/17 financial year.

5.3 Questions from Members at the Special Council Meeting on Wednesday 27 February 2019

Nil

Details of this response was deemed incorrect. Please refer to page 7 of the 26 June 2019 minutes for the correct response

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.

6.1 Public Question Time

The Mayor opened Public Question Time at 6.38pm.

6.1.1 Ms Jan Gillingham

When will there be a grand re-opening to the public of the Gratwick Hall once refurbishment is completed?

The Director Infrastructure and Town Services advised that the refurbishment of the East Wing downstairs is completed and the work in the West Wing is underway, with an expected completion date of approximately 15 April 2019. Once those works are completed work will start on the Gratwick Hall, which is expected to take between six and eight weeks, therefore estimated completion is end of May 2019.

In relation to the Premier's visit, although the cyclone took precedence, has there been any mention of a future build or move of the Port Hedland Retirement Village to a safer, less cyclone prone area?

The Mayor advised that the Port Hedland Retirement Village was not discussed on this visit at all.

The Pilbara Music Festival Incorporated is in its forty-third year and the only way they can operate voluntarily will be if the Town can waiver or drastically lower any fees for the use of venues such as the newly refurbished Gratwick Hall, the Matt Dann Theatre or the Wanangkura Stadium. Could Council consider a reduction in fees?

The Mayor advised that over the last few months the Town has taken over the operation of the Wanangkura Stadium and the swimming pools, which will provide an opportunity to consider cost reductions. Council has also recently applied a system which allows community groups to apply for funding through the Town, which is significantly more than what was available previously.

The Mayor closed Public Question Time at 6:42pm.

The Mayor opened Public Statement Time at 6:42pm.

6.2 Public Statement Time

6.2.1 Ms Jan Gillingham

The community spirit of our town was at its highest before, during and after Cyclone Veronica graced us with her presence. I would like to thank everyone who lent a hand to those of us in need. I feel sure all our community will join me to sincerely thank the Mayor, CEO and all staff of the Town of Port Hedland, together with the volunteer organisations, for their combined efforts in working tirelessly leading up to the red alert, during and after the cyclone. Yes, we were lucky, it could have been a Category 5 rating, but we were blessed with much less.

Thank you for the one minute's silence tonight.

The Mayor closed Public Statement Time at 6:44pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

7.1 Councillor Arif

My question relates to the Town's response to Councillor Daccache's question, item 5.2.1 of these minutes. I think Councillor Daccache queried this as he did not believe the information that was given.

The Mayor asked if Councillor Arif believed the information provided is incorrect.

Yes, I would like to know where this information came from, because I was the manager at the time and most of those services were provided solely by the manager of the [Port Hedland] Retirement Village.

The Mayor asked Councillor Arif if she believed the Town could have completed additional work.

No, I do not believe so, as manager I would have known if the skip bins were emptied or if the air conditioning had been fixed.

The Chief Executive Officer advised that this question would be taken on notice.

7.2 Councillor Daccache

I request permission to address the meeting to make two public apologies.

The Mayor advised that permission was granted.

I advise this meeting that a complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) on 23 May 2018 when I made comments regarding the past actions of Mayor Camilo Blanco.

The Panel found that:

- I breached the Town of Port Hedland's Standing Orders Local Law 2014 by making adverse comments regarding Mayor Blanco's past conduct and implying he was a hypocrite due to such actions and thereby breached regulation (4)(1) of the Local Government (Rules of Conduct) Regulations 2007 (WA); and*
- I breached regulation 7(1)(b) of the said Regulations as the comments were improper and made with the intention to cause detriment to Mayor Blanco.*

I accept that I should not have made the adverse comments regarding Mayor Blanco, that such comments were not appropriate.

I now apologise to Mayor Blanco, the public and my fellow Councillors.

That was the first one, can I move onto the second one?

The Mayor advised in the affirmative.

I advise this meeting that a complaint was made to the Local Government Standards Panel, in which it was alleged that I contravened the Local Government (Rules of Conduct) Regulations 2007 (WA) on 23 May 2018 when I made comments regarding an interview I gave to the North West Telegraph newspaper and, in particular, those comments that concerned Mayor Camilo Blanco.

The Panel found that by making the relevant adverse comments I contravened the Town of Port Hedland's Standing Orders Local Law 2014 and thereby breached regulation (4)(1) of the Local Government (Rules of Conduct) Regulations 2007 (WA).

The Panel further found that I breached regulation 7(1)(b) of the said Regulations as I made improper use of my office as a Councillor with the intention of causing detriment to Mayor Blanco.

I accept that I should not have made adverse comments regarding Mayor Blanco, that such comments were inappropriate in content.

I now apologise to Mayor Blanco, the public and my fellow Councillors.

Councillor Daccache asked the following questions following his apologies.

Eighteen months have passed since you made allegations of fraud and corruption against Councillors elected in October 2017. You have stated that the police have found no evidence, but you are going to pursue the allegations. Can you please tell me what progress has been made in the last six months on those allegations?

The Mayor advised that that question would have to be answered by the police as it is an active police investigation.

Will you name the current Councillors you claim caused fraud and corruption in the October 2017 Council elections?

The Mayor advised that he had not claimed any Councillor said or did anything. Everything is a matter of public record.

So it could be all five of the new Councillors that may be implicated?

The Mayor advised that further information would be available from the detectives that are investigating the matter.

Why is there a delay in the Port Hedland Retirement Village maintenance requirements? A report should have been submitted to Council today, but it appears that it will now be April.

The Mayor advised that further reports and pricing are required. As soon as the report is ready it will be submitted to Council. There is a briefing next week.

What is the penalty for Councillors who take leave without approval, excluding emergencies, for any number of days?

The Mayor asked if Councillor Daccache could be more specific.

In January of this year you had a couple of weeks off.

The Mayor confirmed that he was in Sydney.

Without approval?

The Mayor advised that no approval was required.

From 15 to 21 March you went to Perth without seeking approved leave from Council.

The Mayor advised that he did go to Perth and there was no need to apply for leave.

So why do we as Councillors apply for leave?

The Mayor advised that Councillors are only required to attend Council meetings and the Audit, Risk and Governance Committee meetings. A leave of absence is only required if one of those meetings will be missed.

The Mayor also advised that as an Elected Member there are many briefings and additional meetings that Council members should be attending to be able to make an informed decision. Council members should attend as many of these meeting as possible.

7.3 Councillor McDonogh

We received an email from the Chief Executive Officer regarding the minute's silence we had at the start of the meeting, which implied that there would be a second minute's silence.

The Mayor advised that he would discuss that shortly.

7.4 Councillor Pitt

If you feel that you cannot name particular Councillors that have supposedly committed electoral fraud, how come you have kept on your Mayor Camilo Blanco Facebook page a comment made by a community member, which clearly states that there are current Councillors that have committed electoral fraud and should hang their heads in shame for being a part of such activity. You have responded to people and said it was the October 2017 elections.

The Mayor asked Councillor Pitt's what her question was.

Why did you leave that comment on your Mayor [Facebook] page?

The Mayor advised that he does not review the Mayor [Facebook] page in detail, and that he has not gone back twelve or eighteen months and looked at all the questions and answers that are in there. The Mayor asked Councillor Pitt if the comment is still on there.

Yes it is, and you are actually part of the conversation on that page after the comment was made, so I do not accept your answer.

The Mayor advised that if Councillor Pitt does not like the comment, she should send him an email asking him to remove it, if it refers to her directly.

It does not refer to me directly. I can sit here confidently and say I have never been investigated or interviewed in regards to any electoral fraud.

The Mayor advised that if Councillor Pitt would like further information on that matter, the detectives at the South Hedland Police Station could provide it.

You do know that it could be defamatory?

The Mayor advised that he understands defamation quite well, and enquired if the comment referred to Councillor Pitt.

No, in your words, it was referring to people in the 2017 elections, so that was myself, Councillor Carter, Councillor McDonogh, Councillor Hebbard and Councillor Daccache.

The Mayor advised that Councillor Pitt should send an email requesting that the comment is removed and he would investigate.

Item 8 Announcements by Presiding Member without Discussion

I would like to stress a few key points about Cyclone Veronica. We need to be clear that while Tropical Cyclone Veronica was the equivalent of a Category 1 storm, basically a severe storm with a high tide of about eight metres, it still caused a significant amount of damage to our coastal infrastructure. Damage to the boat ramp on Richardson Street and the park will potentially cost millions to fix.

The Richardson Street boat ramp is closed. Structural engineers are flying in from Perth to do an assessment on the boat ramp and early indications from our visual inspections are that it will need a considerable amount of work to bring it up to standard. People can use the Finucane Island boat ramp in the meantime. We have scheduled the ramp to be cleaned of sand build up from the tropical cyclone over the weekend or early next week. We are working on solutions to the damage in Port Hedland and Cooke Point.

For your information, Shoata Road, Quartz Quarry Road, Pippingarra Road and Yandeyarra Road are closed. Cemetery Beach is closed. Yarrie Road is open with

extreme caution. Flood waters on Shoata Road have caused the sewage ponds to breach, resulting in significant contamination, so reduce any exposure to that by staying out of the water. If you have any questions we can direct you to the proper authority.

There were some questions today about water build up on the Redbank Bridge and rumours that the road was about to collapse. These rumours have been investigated and there is no problem with Wilson Street, it is not going to be closed.

The Matt Dann Theatre is scheduled to be open for movies on Friday night, the clean-up is underway at present, if it is not completed in time we will inform the public.

The green waste pickup started today in Port and South Hedland. We will also be picking up tomorrow, so neatly stack your green waste on the verge and keep it under a metre and a half. The South Hedland tip is open with caution.

For any other information, please go to the Town website or Facebook page.

I am very pleased that Premier Mark McGowan, Emergency Services Minister Francis Logan and Member for Pilbara Kevin Michel came to visit to get a first-hand account of the damage caused by Cyclone Veronica and thank emergency services for their efforts. Coordination and cooperation between all agencies resulted in minimal issues being experienced by the community. I have received many emails and texts from the community expressing their gratitude.

I took the opportunity to outline the overcrowding issues experienced with the emergency services facility at the airport and I requested the Minister to look at upgrading the facility to a Category 3 Incident Command Centre. As Port Hedland is a cyclone prone area it is critical that the facilities and amenities provided are adequate for the 30-50 staff and volunteers that are required to run these Incident Centres. I did get very positive feedback from the Minister and Department of Fire and Emergency Services (DFES) on that.

I would like to thank all the staff and volunteers that spent their days assisting: the Hedland police, with extra support from Broome, they slept in swags at the police station in South Hedland. Extra DFES staff and State Emergency Services (SES) volunteers stayed at the SES building, the St Johns Ambulance, the Pilbara Regiment D Troop and the Town of Port Hedland staff. Our staff got the town ready before the cyclone hit, and our staff are quick to get the town back up and operational in record time.

BHP supplied 40 employees to help with the clean-up and FMG helped significantly as well.

I'd like to read some comments from community members:

One lady said: "Hello there, as a resident it is evident to me that due to your previous planning, commitment to public safety and all preparedness, Cyclone Veronica had minimal impact to me as a person and zero impact on the safety of my family. I wish

to commend you all for your efforts and give thanks that we all came through unscathed and with limited damage.”

Another comment from the Principal of South Hedland High School:

“Thank you for the support of BHP, FMG and the Town of Port Hedland staff from Works and Services.”

A comment from the Principal of Cassia Primary School:

“I am writing to thank you and your team for the considerable work undertaken pre, during and after Cyclone Veronica. I would also like to thank your team for assisting with the car park water issues. It is very much appreciated. Congratulations again to all employees of the Town of Port Hedland.”

The Town gets a significant amount of criticism, so it is great to see people writing in to say that they were very impressed with our actions and that we did very well in the lead up and aftermath of the cyclone. I would also like to stress that the town has increased significantly in the last few years and we are always improving.

I have been advised in writing of the decision of the Chief Executive Officer not to request an extension of his employment contract. Mr Pentz is an outstanding Chief Executive Officer, the Town has benefited greatly from his leadership and he will be a great loss. The notification gives the Council a significant amount of time to start the recruitment process and transition period for a new Chief Executive Officer coming into the organisation.

I would like to acknowledge the passing of Karen Merrin, the first woman Mayor of Port Hedland, who served between 1988 and 1993. She was an outspoken advocate for people in need and made an outstanding contribution to improving the life of the Pilbara. She passed on 18 March 2019.

Mayors Meetings for the month of February 2019:

Date	Meeting	Topic
1/2/2019	Hedland Roadwise Group Meeting	As per agenda: 2019 Action Plan, reports and updates
6/2/2019	Hedland Nightfields Working Group	2019 Nightfields Program
6/2/2019	Confidential Briefing with Elected Members	Various Matters
6/2/2019	Public Agenda Briefing	February OCM Agenda
7/2/2019	Regional Capitals Alliance WA	As per agenda
12/2/2019	Audit, Risk and Governance Committee	As per agenda
13/2/2019	February OCM	As per agenda
15/2/2019	Roy Hill Rail Bridge Opening	Attended ceremony as guest
18/2/2019	February Local Emergency Management Committee Meeting	As per agenda
18/2/2019	Interview with ABC radio	Child care matters
19/2/2019	Hedland Community Safety Advisory Forum	As per agenda
20/2/2019	PRC Special Council Meeting	As per agenda
20/2/2019	Meet with Hedland Collective Consultants	Strategic Discussion around masterplan for Hedland Collective
25/2/2019	YIC Strategic Planning Review	Strategic planning and stakeholder feedback
26/2/2019	Meeting with Dept of Education	Education Matters
27/2/2019	Special Council Meeting	As per agenda
28/2/2019	Pilbara Tourism Association Meeting	Various Tourism matters
28/2/2019	Meeting with Fusion Transport	Business Development
28/2/2019	Meeting with Phil Smeeton	Business Development
28/2/2019	Hedland High School Board Meeting	Various Matters as per agenda

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

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

- Mayor Camilo Blanco
- Deputy Mayor Louise Newbery
- Councillor Julie Arif
- Councillor Richard Whitwell
- Councillor Peter Carter
- Councillor George Daccache
- Councillor Tricia Hebbard
- Councillor Warren McDonogh
- Councillor Telona Pitt

Item 10 Confirmation of Minutes of Previous Meeting

10.1 Confirmation of Minutes of the Ordinary Council Meeting held on Wednesday 13 February 2019

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 13 February 2019 are a true and correct record.

CM201819/152 COUNCIL DECISION

MOVED: CR DACCACHE

SECONDED: CR CARTER

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 13 February 2019 are a true and correct record, with the following amendment:

Item 7.1 on page 25, the sentence "I am just concerned about spending \$50,000, as I am sure you are, of taxpayer's money" be changed to "I am just concerned about spending \$50,000, as I am sure you are, of ratepayers' money".

CARRIED 9/0

10.2 Confirmation of Minutes of the Special Council Meeting held on Wednesday 27 February 2019

CM201819/153 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR CARTER

That Council confirm that the Minutes of the Special Council Meeting held on Wednesday 27 February 2019 are a true and correct record.

CARRIED 9/0

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.

 Item 11 Reports of Officers

11.1 Corporate and Performance

11.1.1 Statement of Financial Activity for the Period Ended 31 January 2019 (File No. 12/14/0003)

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

CM201819/154 OFFICER'S RECOMMENDATION/COUNCIL DECISION
MOVED: CR ARIF
SECONDED: DM NEWBERY

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

1. Receive and note the Statement of Financial Activity for the period ended 31 January 2019;
2. Receive and note the Material Variance Report;
3. Receive and note the accounts paid under delegated authority for the period ended 31 January 2019; and
4. Receive and note the Credit Card Statements for the period ended 31 January 2019.

CARRIED 6/3

 For: Mayor Blanco, DM Newbery, Cr Arif, Cr McDonogh, Cr Hebbard,
Cr Carter

Against: Cr Pitt, Cr Daccache, Cr Whitwell

PURPOSE

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 January 2019. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

It should be noted that some of the figures presented in this report and the attachments may change pending adjustments made as a result of end of year finalisation of accounts and completion of the audit of the Town's Annual Financial Reports for the year ended 31 January 2019.

The audited Annual Financial Statements will be presented to the Council in accordance with Australian Accounting Standards, *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

DETAIL

The information provided in this report is for the period ended 31 January 2019, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-12* prepared by the Town.

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

As part of the (adopted) 2018/19 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 detailed above as per *Attachment 2 NOTE 13. Explanation of Material Variances*.

The net current asset position as at 31 January 2019 was \$27.8M. The breakdown of the cash position is displayed below:

	2018/19 Actuals
Current Assets: Cash and Investments	\$250.9M
Restricted Cash – Reserves	\$238.9M
Unrestricted Cash Position as at 31 January 2019	\$11.8M

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.

Community

N/A

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; and
- b. an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- c. supporting information as is considered relevant by the local government.

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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 2018/19 budget to the risk that a reduction in income or increase in expense throughout the 2018/19 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 manage by building reserve balance to required level to mitigate financial loss.

OPTIONS

Option 1 - Adopt Officers Recommendation

Note the Statement of Financial Activity and reports for the period ended 31 January 2019 in accordance with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*.

Option 2 - Amend Officers Recommendation

That Council receive the Statement of Financial Activity for the period ended 31 January 2019 and request further information or clarification.

Option 3 – Do not adopt Officers Recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 31 January 2019.

CONCLUSION

The opening funding surplus of \$7.1M 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 \$27.8M.

Variances in operating revenue and expenditure are addressed in detail in *Attachment 2 NOTE 13. 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 Notes 1-12 (Under Separate Cover)
2. Note 13 Material Variance Report (Under Separate Cover)
3. Accounts paid under delegated authority listing (Under Separate Cover)
4. Credit Card Statements for period ended 31 January 2019

ATTACHMENT 4 TO ITEM 11.1.1



**Town of Port Hedland
Summary of Credit Card Statements
January 2019**

Account Name	Account Number	Debit Balance (\$)
Town of Port Hedland	xxxx-xxxx-xxxx-4300	6,641.58
Town of Port Hedland	xxxx-xxxx-xxxx-8364	3,645.85
Town of Port Hedland	xxxx-xxxx-xxxx-2581	5,065.88
Town of Port Hedland	xxxx-xxxx-xxxx-6321	42.50
Town of Port Hedland	xxxx-xxxx-xxxx-2287	2,714.94
Town of Port Hedland	xxxx-xxxx-xxxx-3111	-
Town of Port Hedland	xxxx-xxxx-xxxx-9507	-
TOTAL		18,110.75

At the Town of Port Hedland, the Council’s Corporate and Performance Directorate and Finance Team have an overriding objective of providing quality corporate governance; accountability; transparency and compliance and welcome any questions or queries on the credit card statements from not just Elected Members, but the public in general.



NAB Connect

Transaction History Report

Account details		Account balance summary	
Account name	CC TOPH	Opening balance:	0.00 CR
Account number	XXXX-XXXX-XXXX-4300	Total credits:	0.00 CR
Currency	AUD	Total debits:	6,641.58 DR
		Closing balance:	0.00 CR
		Date from:	01 January 2019
		Date to:	31 January 2019

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
07/01/2019	CREDIT CARD PURCHASE GETTY IMAGES MELBOURNE		92.64 DR		
07/01/2019	CREDIT CARD PURCHASE SAI GLOBAL LIMITED SYDNEY		167.34 DR		259.98 DR
11/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951504598040SPRING HILL		4.28 DR		
11/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952152977071SPRING HILL		329.00 DR		333.28 DR
16/01/2019	CREDIT CARD PURCHASE SONIC HEALTHPLUS JOONDALUP		512.60 DR		512.60 DR
21/01/2019	CREDIT CARD PURCHASE AUSTRALIAN COLLEGE O VICTORIA PARK		1,490.00 DR		1,490.00 DR
22/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951504741509SPRING HILL		11.00 DR		
22/01/2019	CREDIT CARD PURCHASE QML PATHOLOGY MURARRIE		99.00 DR		
22/01/2019	CREDIT CARD PURCHASE SONIC HEALTHPLUS PTY NAVAL BASE		512.60 DR		
22/01/2019	CREDIT CARD PURCHASE WATTLE GROVE MOTEL WATTLE GROVE		834.00 DR		
22/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952153238737SPRING HILL		868.00 DR		2,324.60 DR
24/01/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		974.60 DR		974.60 DR

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Transaction History Report (Continued)

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
25/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951504806965SPRING HILL		6.59 DR		
25/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952153358219SPRING HILL		506.67 DR		513.26 DR
29/01/2019	CREDIT CARD PURCHASE WIX.COM*379078143 800- 6000949 NY		233.26 DR		233.26 DR

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Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-2287	Total credits:	0.00 CR
Currency AUD	Total debits:	2,714.94 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2019
	Date to:	31 January 2019

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
09/01/2019	CREDIT CARD PURCHASE J BLACKWOOD & SON P/L PORT HEDLAND		18.70 DR		18.70 DR
11/01/2019	CREDIT CARD PURCHASE ALL ACRYLIC WELSHPOOL		314.60 DR		314.60 DR
17/01/2019	CREDIT CARD PURCHASE HEDLAND HOME HARDWAR SOUTH HEDLAND		92.95 DR		
17/01/2019	CREDIT CARD PURCHASE PILBARA TOOLS AND FAST WEDGEFIELD		152.66 DR		245.61 DR
21/01/2019	CREDIT CARD PURCHASE J BLACKWOOD & SON P/L PORT HEDLAND		61.60 DR		61.60 DR
29/01/2019	CREDIT CARD PURCHASE PILBARA TOOLS AND FAST WEDGEFIELD		5.39 DR		5.39 DR
31/01/2019	CREDIT CARD PURCHASE COMPASS PORT HAVEN SOUTH HEDLAND		413.04 DR		
31/01/2019	CREDIT CARD PURCHASE SP * REMOTE PRO CAPALABA		1,656.00 DR		2,069.04 DR

Transaction History Report (Continued)

Account details

Account balance summary

Account name
 CC TOPH
Account number
 xxxx-xxxx-xxxx-9507
Currency
 AUD

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 0.00 DR
Closing balance: 0.00 CR

 Date from: 01 January 2019
 Date to: 31 January 2019

Transaction details

No transactions found.

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-2581	Total credits:	0.00 CR
Currency AUD	Total debits:	5,065.88 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2019
	Date to:	31 January 2019

Transaction details					
Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
09/01/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		718.83 DR		718.83 DR
11/01/2019	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		23.00 DR		23.00 DR
14/01/2019	CREDIT CARD PURCHASE INTEGRITY COACH LINES MIDVALE		350.00 DR		350.00 DR
17/01/2019	CREDIT CARD PURCHASE HARVEY NORMAN AV/IT PORT HEDLAND		39.00 DR		39.00 DR
18/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951504704620SPRING HILL		9.46 DR		
18/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7951504704469SPRING HILL		78.00 DR		
18/01/2019	CREDIT CARD PURCHASE PAYPAL *IWD AURORA 4029357733		298.09 DR		
18/01/2019	CREDIT CARD PURCHASE VIRGIN AUST 7952153167155SPRING HILL		728.00 DR		1,113.55 DR
22/01/2019	CREDIT CARD PURCHASE TRYBOOKING PUBLIC LIBR ONLINE PURCHA		100.30 DR		
22/01/2019	CREDIT CARD PURCHASE COMPASSESPLANADEHOT E PORT HEDLAND		458.27 DR		
22/01/2019	CREDIT CARD PURCHASE QANTAS AIRW MASCOT		804.10 DR		1,362.67 DR
23/01/2019	CREDIT CARD PURCHASE HOSPITALITY INN GERALDTON		281.34 DR		281.34 DR
24/01/2019	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		185.75 DR		185.75 DR
25/01/2019	CREDIT CARD PURCHASE WOOLWORTHS 4316 PORT HEDLAND		12.79 DR		
25/01/2019	CREDIT CARD PURCHASE HOSPITALITY INN GERALDTON		139.00 DR		151.79 DR
30/01/2019	CREDIT CARD PURCHASE TELREX LOGANHOLME		839.95 DR		839.95 DR

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Transaction History Report (Continued)

Account details

Account balance summary

Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-6321	Total credits:	0.00 CR
Currency AUD	Total debits:	42.50 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2019
	Date to:	31 January 2019

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
16/01/2019	CREDIT CARD PURCHASE DOME PORT HEDLAND PORT HEDLAND		42.50 DR		42.50 DR

Transaction History Report (Continued)

Account details

Account name
 CC TOPH
Account number
 xxxx-xxxx-xxxx-3111
Currency
 AUD

Account balance summary

Opening balance: 0.00 CR
Total credits: 0.00 CR
Total debits: 0.00 DR
Closing balance: 0.00 CR

 Date from: 01 January 2019
 Date to: 31 January 2019

Transaction details

No transactions found.

Transaction History Report (Continued)

Account details	Account balance summary	
Account name CC TOPH	Opening balance:	0.00 CR
Account number XXXX-XXXX-XXXX-8364	Total credits:	0.00 CR
Currency AUD	Total debits:	3,645.84 DR
	Closing balance:	0.00 CR
	Date from:	01 January 2019
	Date to:	31 January 2019

Transaction details

Date	Narrative	Reference	Debit amount	Credit amount	EOD balance
02/01/2019	CREDIT CARD PURCHASE FACEBK MHBTCJA5Y2 fb.me/ads		390.28 DR		390.28 DR
07/01/2019	CREDIT CARD PURCHASE Dropbox: 46P5N28QRQL2 db.tt/cchelp		196.00 DR		196.00 DR
09/01/2019	CREDIT CARD PURCHASE MAILCHIMP *MONTHLY MAILCHIMP.COMGA		70.88 DR		70.88 DR
22/01/2019	CREDIT CARD PURCHASE MR ED/FEST 61406290413		2,953.75 DR		2,953.75 DR
29/01/2019	CREDIT CARD PURCHASE SNAP *GEOFILTERS London		34.93 DR		34.93 DR

End of report

11.1.2 Corporate Business Plan Performance Report – as at March 2019 (File No. 02/09/0015)

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

OFFICER’S RECOMMENDATION

That Council:

1. Receive and note the 2018-2022 Corporate Business Plan performance report as at March 2019; and
2. Adopt the proposed modification to the 2018-2022 Corporate Business Plan as follows:
 - a. Action 4.a.2.1 on page 37 which states “Develop, implement and review an integrated marketing and branding strategy with key stakeholders to ensure consistent marketing of Port Hedland” be removed.

CM201819/155 COUNCIL DECISION

MOVED: CR ARIF **SECONDED: CR DACCACHE**

That Council receive and note the 2018-2022 Corporate Business Plan performance report as at March 2019.

CARRIED 8/1

For: DM Newbery, Cr Arif, Cr Daccache, Cr McDonogh, Cr Carter, Cr Whitwell, Cr Hebbard, Cr McDonogh

Against: Mayor Blanco

PURPOSE

The purpose of this report is for Council to consider the first performance report on the actions identified in the 2018-2022 Corporate Business Plan and the adoption of proposed amendments.

DETAIL

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

The Town of Port Hedland's 2018-2022 Corporate Business Plan (CBP) was adopted by Council in October 2018. It outlines the organisation's key initiatives to achieve the deliverables listed in the Town's 2018-2028 Strategic Community Plan and is reviewed annually, in line with the development of each year's annual budget.

The attached performance report ensures that Council and the community are aware of the organisation's progress against the CBP's key initiatives, and that required services, programs and activities are being delivered.

This report outlines the progress made against these initiatives and covers the period of 24 October 2018 (date of CBP's adoption) to March 2019.

A summary of the key achievements are noted below:

- Leisure facility review undertaken
- Revised Grants policy adopted and implemented
- Smart City Strategy explored
- South Hedland Landfill masterplan adopted
- Bollard installations across the community
- Tyre remediation and shredding at the South Hedland Landfill
- Pre-Cyclone clean up completed
- Safety audit of Town facilities undertaken with the Town's insurers

Proposed amendment to Corporate Business Plan

The proposed amendment to the current CBP for Council to consider is to the strategic action 4.a.2.1 on page 37, which states:

"Develop, implement and review an integrated marketing and branding strategy with key stakeholders to ensure consistent marketing of Port Hedland"

It is proposed that this action be removed, as it is not realistic to develop and implement a strategy of this type until after the Spoilbank Marina is built.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

Multiple managers and officers were consulted during compilation of this performance report.

LEGISLATION AND POLICY CONSIDERATIONS

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

Regulation 19DA of the *Local Government (Administration) Regulations 1996* specifies that Council must review its CBP annually and if modifications are made, the decision must be made by an absolute majority.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council's Strategic Community Plan 2018-2028 is applicable in relation to this performance report:

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

This report requests Council's consideration to amend the Town's current Corporate Business Plan, and note the progress to date that the Town has made in regards to its actions. The Corporate Business Plan outlines the organisation's key initiatives to achieve its deliverables in the Strategic Community Plan.

ATTACHMENTS

1. 2018-2022 Corporate Business Plan – Progress Update (Under Separate Cover)

11.1.3 2018 Compliance Audit Return (File No. 14/06/0001)

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

CM201819/156 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR MCDONOGH**

That Council:

1. Note the areas of non-compliance in the Town of Port Hedland's (Town) 2018 Compliance Audit Return;
2. Note the actions the Town will undertake to ensure future compliance;
3. Adopt the 2018 Compliance Audit Return; and
4. Request the Chief Executive Officer to organise for the Town's 2018 Compliance Audit Return to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2019.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider and adopt the Town's 2018 Compliance Audit Return (CAR).

DETAIL

The 2018 CAR was presented to the Town's Audit, Risk and Governance Committee on 12 February 2019 for their consideration and they have recommended that Council adopt the Town's 2018 CAR. Upon Council adoption, the Town will then notify the Department of Local Government, Sport and Cultural Industries (the Department) with relevant CAR documentation by 31 March 2019.

Each year all Western Australian Local Government authorities are required to undertake a compliance audit and forward the results to the Department by 31 March. The CAR is a self-assessment of a local government referring to its levels of compliance with the *Local Government Act 1995* and its subsidiary regulations.

The CAR is one of the tools utilised by the Department to monitor how the local government functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance that provide guidance to officers as to where processes may be reviewed to ensure improved compliance.

The Governance team undertook a thorough review to carry out the compliance audit and the findings have been issued throughout the CAR.

For the 2018 calendar year, the Town of Port Hedland was non-compliant in three areas:

1. *Finance*

Section 7.91 of the *Local Government Act 1995* 'Audit to be conducted', states that "(1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to — (a) the mayor or president; and (b) the CEO of the local government; and (c) the Minister."

The Town was not able to comply with this section of the Act as it only received the auditor's report on 4 February 2019.

The Town will review, design and implement procedures to ensure compliance for the 2019 calendar year.

2. *Integrated planning and reporting*

Regulation 19DA(3)(c) of the *Local Government (Administration) Regulations 1996* requires that local government to develop and integrate a Workforce Plan. A Workforce Plan was not presented to Council for adoption in 2018. The Town's Human Resources team are currently in the process of drafting a Workforce Plan. This will be presented to Council for adoption in 2019 calendar year.

3. *Tenders for providing goods and services*

On one occasion, the Town is aware that it has entered into multiple contracts rather than inviting tenders for a single contract. The Town will ensure that training takes place on the Town's procurement processes to educate all responsible officers of their obligations in accordance with legislation and policies. This training will be carried out in 2019. Further details can be found under confidential attachment 2.

The Town did not advertise the amended Regional Price Preference Policy in 2018. This was an administrative oversight. This requirement is outlined in regulation 24F of the *Local Government (Functions and General) Regulations 1996*. To satisfy this non-compliance, this process has been included in the Town's checklist for adopting a new or amended Regional Price Preference Policy in 2019.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town's ability to deliver services, impact to the reputation of the Town of Port Hedland and general interest by the community in the compliance capability of the business operations of the Town of Port Hedland.

CONSULTATION

Internal

The CAR was completed internally by the Governance team, who consulted with all responsible officers including the Executive Leadership Team.

LEGISLATION AND POLICY CONSIDERATIONS

There are no policy considerations in the completion of the compliance audit return.

Section 7.13(1)(i) of the *Local Government Act 1995* require local governments to carry out an audit of compliance with such statutory requirements. Regulation 14 of the *Local Government (Audit) Regulations 1996* outlines the period of time, the form and the process on the compliance audit. The compliance audit is required to be reviewed by the Audit Committee and report to Council. Regulation 15 of the *Local Government (Audit) Regulations 1996* outlines the requirement for the certified copy of the CAR and other documents to be submitted to the Departmental CEO.

Section 5.23 (1)(c) and (e) (iii) Meetings generally open to the public, applies in relation to attachment 2, as it outlines details of contracts entered into by the local government that might be discussed at the meeting, as well as information about the business of a person.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications related to this item.

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.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 compliance risk associated with this item because the Town will not be compliant if the CAR is not adopted by Council and submitted to the Department by 31 March 2019. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

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

OPTIONS

Option 1 – Adopt the officer's recommendation

CONCLUSION

The CAR is a fundamental mandatory obligation required from all local governments for statutory compliance. The CAR ensures the processes of the Town of Port Hedland are accurate, transparent and accountable. It is recommended that the Council adopt the Town's 2018 CAR.

ATTACHMENTS

1. Town of Port Hedland 2018 Compliance Audit Return (Under Separate Cover)
2. Details of non-compliance with Function and General Regulations (Confidential, Under Separate Cover)

11.1.4 Status of Council Decisions Update (File No. 13/06/0001)

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

CM201819/157 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR ARIF**

That Council receive and note the 'Status of Council Decisions' as at 8 March 2019 as per Attachment 1.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider the actions that have been undertaken in relation to decisions of Council which have not been fully completed.

DETAIL

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

Once the minutes of each Council meeting has been published, the minute taker uploads each decision of Council onto the spreadsheet and allocates it to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Council'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

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be low (1) in terms of reputational impact. This rating is determined as an insignificant (1) consequence and a likelihood of rare (1).

OPTIONS

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

CONCLUSION

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

ATTACHMENTS

1. Status of Council Decisions Spreadsheet as at 8 March 2019 (Under Separate Cover)

11.2 Development, Sustainability and Lifestyle

11.2.1 Phasing out Single Use Plastics (File No. 11/01/0005)

Author	Graduate Environmental Health Officer
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.

MOTION

MOVED: CR DACCACHE

SECONDED: CR WHITWELL

That, with respect to item 11.2.1, Phasing out Single Use Plastics, Council lay the item on the table, in accordance with section 13.5 of the Town of Port Hedland Standing Orders Local law 2014, for consideration at a later meeting.

LOST 4/5

For: DM Newbery, Cr Daccache, Cr Pitt, Cr Whitwell

Against: Mayor Blanco, Cr Carter, Cr Hebbard, Cr McDonogh, Cr Arif

CM201819/158 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR ARIF

SECONDED: CR HEBBARD

That Council:

1. Develop a strategy to phase out the use of single use plastic items across all facets of Town of Port Hedland business operations over a 12 to 24 month period; and
2. Develop a policy to ban the use of single use plastic at events conducted on Town property.

CARRIED 8/1

For: Mayor Blanco, DM Newbery, Cr Arif, Cr McDonogh, Cr Hebbard, Cr Carter, Cr Whitwell, Cr Pitt

Against: Cr Daccache

PURPOSE

The purpose of this report is for Council to consider developing a position on single use plastics and commitment to making positive environmental change by developing a strategy to cease the use of single use plastics at Town of Port Hedland (Town) facilities and events.

DETAIL

On both an international and national level governments are making positive steps to eliminate the use of single use plastics in an effort to reduce their negative impacts on the environment. This is evident in the European Union's recent decision to ban their use by 2021 and, more locally, Hobart's resolution to do the same.

The Town is actively committed to reducing illegal dumping and littering within our jurisdiction. A ban on single use plastics by the Council shall reinforce the Town's stance, taking a proactive approach to litter reduction in the community.

BACKGROUND

The widespread use of plastics globally has instigated ubiquitous presence in the environment with severe environmental, social and economic repercussions. Having inexpensive, lightweight and durable properties has made plastic significantly more single use and 'throw away' than previous synthetic artefacts. Particularly notorious given its short-lived use, single use plastic is currently considered the most significant contributor to the accumulation and fragmentation of plastic in the environment.

According to literature, there are several reasons why Council may consider phasing out single-use plastics; these include:

- Composition from environmentally toxic petroleum products
- Greenhouse gas emissions resulting from production and after use incineration
- Limited usage prior to disposal comprising a major source of litter and pollution
- Threat to biodiversity, particularly seabirds and marine life imposed by physical dangers documented to reduce mobility, disrupt feeding, cause suffocation and death
- Disrupted ecosystem function in affected environments
- Consumption by wildlife and subsequent bioaccumulation in the food chain leaching toxins into food and drinks and posing as a public health risk
- Environmental persistence; with non-biodegradability creating micro plastics, contaminating soil and water sources
- Difficulty to direct into recycling processes
- Abundance of viable cost comparable alternatives
- Expression of community support across the nation

Scope

Through a phased process incorporating a comprehensive assessment of use within the organisation and a financial evaluation to understand costs impacts Council shall commit to banning single use plastic being used, sold or distributed at Town functions including all events, markets and organised sporting activities facilitated by the Town.

The ban shall be applicable to Town staff, contractors or other Town representatives engaged in the operation of Town business.

Expected outcomes

Deliver Town functions that apply a best practice wise approach through all Town functions in accordance with the waste hierarchy. The proposal shall assist in the reduction of plastic generated by the Town in a venture to become more environmentally sustainable.

Exemptions

To be made for valid health, wellbeing or safety reasons or where there is no practical alternative options currently available. Exemptions require approval from the Town's Manager of Environmental Health and Community Safety.

Discussion

Consensus of the detrimental impacts caused by plastic in the environment is well ascertained within literature and by leading health and environmental organisations internationally. In Western Australia, the Premier endorsed the adoption of a policy to reduce the use of disposal plastic in State government by requiring agencies to choose sustainable options when procuring goods and services. Acknowledging that the Government's own consumption of disposable items and purchasing power can be significant, it was stipulated that all government sectors ought to take action in line with community expectations.

Responsible for the management and regulation of the State's natural resources, the Department of Water and Environmental Regulation (DWER) remains in support of the initiative, committing to investigate further actions to reduce environmental harm.

Currently, the Town hosts and sponsors a range of events including citizenship ceremonies, markets and festivals in a bid to create a vibrant and liveable community. With such Council functions contributing to waste production from single use plastics, proactive leadership is required by the Town to, as a priority, avoid usage, serving as a precedent to industry and small to medium enterprises.

The most commonly utilised single use plastic items include plastic bags, cups, bowls, plates, take away containers, bottled drinks, straws, cutlery and balloons. Should commitment to phase out single use plastic from Town business over a 24 month period be endorsed, further investigation shall occur into the availability and cost of suitable alternatives such as biodegradable and compostable products and into the installation of environmentally sustainable resources including water fountains and recycling bins.

A similar approach has been documented across the nation with local governments investigating and implementing a ban on single use plastic. Local governments have acknowledged overwhelming communal support identifying that education, early engagement and incentives were key throughout transition phases.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as the scope of the proposal is limited to Town functions.

CONSULTATION

Consultation has been undertaken internally with Town of Port Hedland staff including officers from the Waste, Events, Facilities and Library departments. Additional consultation shall be undertaken with other staff members, contractors and other Town representatives engaged in the operation of Town business as necessary.

LEGISLATION AND POLICY CONSIDERATIONS

There are no policy or legislative implications associated with this item.

FINANCIAL AND RESOURCES IMPLICATIONS

Additional costs may be incurred due to staff education, costs of alternatives and increased labour associated with clean-up of reusable products at Town events and in general operations.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Issues addressed in this report are in accordance the Town of Port Hedland's Strategic Community Plan 2018-2028:

3.a.3 Natural resource assets are well-managed and enhanced

Environmental

Adoption of the proposal shall reduce plastic waste generation by the Town to the benefit of the environment.

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

RISK MANAGEMENT CONSIDERATIONS

There are several risks associated with this item in accordance with Policy 1/022 Risk Management.

There is a financial risk associated with this item as increased labour intensiveness and the need to source environmentally sustainable alternatives shall likely incur additional costs, particularly in the short term. The risk rating is considered to be medium (6) determined by a likelihood of possible (3) and a consequence of minor (2).

With a proactive approach being adopted by State government and local governments nationally, failure to instigate change is likely to translate poorly on the Town's image. Impacts to the Town's reputation are considered to be of medium risk (9) determined by a likelihood of possible (3) 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

Given the detriment caused by plastic to the environment, legislative change within government is necessitated to provoke change within the community. The Council's proposal to phase out single use plastics in general Town functions and daily operations not only demonstrates both leadership and courage but also complies with the Premier's position, aligning both State and local tiers of government and enabling a collaborative approach in maintenance of environmental integrity.

ATTACHMENTS

Nil

**11.2.2 Amendment to the Town of Port Hedland Delegation Register
(File No. 07/02/0010)**

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

CM201819/159 OFFICER'S RECOMMENDATION**MOVED: CR MCDONOGH****SECONDED: CR ARIF**

That Council adopt the amended Town of Port Hedland Delegation Register, to include the additions to section 14.7 'Appoint Authorised Persons (Swimming Pool Inspectors)' as per Attachment 1.

CARRIED BY ABSOLUTE MAJORITY 9/0

PURPOSE

The purpose of this report is for Council to consider and adopt the amendment to section 14.7 'Appoint Authorised Persons (Swimming Pool Inspectors) of the delegation register to permit external contractors to carry out statutory duties as pool inspectors when required by the Town.

DETAIL

Under the Regulation 53(1) of the *Building Regulations 2012*, the Town is required to inspect all swimming pool enclosures located on private properties at a maximum timeframe of 4 years apart to ensure compliance with the *Building Act 2011* and Australian Standard 1926.1. Due to the number of pools located within Port Hedland, and the timeframe set by previous inspectors, it is considered necessary to engage an external contractor to assist the Town with initial inspections.

The Town has approximately 660 private swimming pools requiring inspection by 31 December 2020. Each property requires an average of two (2) inspections to reach a 'compliant' result, with some properties requiring more than four (4) inspections. Due to the time associated with each inspection, including administrative tasks, it is intended to engage an external contractor to assist Town employees with the completion of the first inspection for each property. Town officers will complete all necessary administrative tasks and conduct required re-inspections.

The Building Act and Regulations have unique authorisation provisions whereby persons who are not employees of the local government can carry out statutory duties as pool inspectors.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as although some expenditure is required it will ensure the Town meets its legislative obligations.

CONSULTATION

Internal

Consultation has been undertaken with the Town's Governance team to ensure the relevant delegations can be applied to an external contractor within applicable legislation.

LEGISLATION AND POLICY CONSIDERATIONS

Regulation 53(1) of the *Building Regulations 2012* outlines the obligations of the relevant Local Government to conduct inspections of private swimming pool enclosures for the purpose of ensuring compliance with Regulations 50 and 52.

Regulation 50 of the *Building Regulations 2012* confirms the obligations of each owner and occupier to ensure a compliant barrier is installed around a private swimming pool. A compliant barrier is considered to be one installed in accordance with Australian Standard 1926.1.

Regulation 52 of the *Building Regulations 2012* confirms concessions applying only to barriers constructed prior to 5 November 2001. This concession relates only to the allowed location of a compliant barrier, and does not affect the inspection requirement or process.

Pursuant to sections 3, 93(2)(d) & 96(3) of the *Building Act 2011* and regulation 5A of the *Building Regulations 2012*, a local government can designate authorised persons for the purpose carrying out the duty of a swimming pool inspection. An authorised person can be those of an external contractor as provided by the above mentioned legislation.

FINANCIAL AND RESOURCES IMPLICATIONS

The procurement process has been developed to engage an external contractor to ensure commencement and completion in a timely manner. Accordingly, budget for this has been allocated.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.b.4 Business approval processes are transparent and pathways streamlined

There are no social, environmental or economic considerations associated with this item.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because non-approval of this delegation will result in the Town temporarily breaching its legislative obligations through delayed completion of the required inspections. The risk rating is considered to be Medium (8), which is determined by a likelihood of Likely (4) and a consequence of Minor (2).

This risk will be mitigated through adoption of the officer's recommendation.

There is also a compliance risk associated with this item should Council support the Officer's Recommendation, should the reporting completed by the external contractor be of insufficient standard. The risk rating is considered to be Low (4), determined by a likelihood of Unlikely (2) and a consequence of Minor (2).

To reduce this risk, stringent qualification and reporting requirements have been included in the released Request for Quote.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has a significant number of private swimming pool enclosures requiring inspection. Adoption of the officer's recommendation and approval of the required delegations will enable to the Town to enter into a contract with an external contractor, ensuring the completion of the required inspections and that the Towns obligations under the relevant legislation are met.

ATTACHMENTS

1. Extract from the Town of Port Hedland's Delegation Register

ATTACHMENT 1 TO ITEM 11.2.2

Delegation Register 2018/19

14.7 APPOINT AUTHORISED PERSONS (SWIMMING POOL INSPECTORS)

Function to be performed	To inspect the barrier of private swimming pools every 4 years to ensure compliance with the <i>Building Regulations 2012</i>
Legislative power or duty authorised	1. Regulation 53(1) - Inspection of barrier to private swimming pool
Authorisation from	Local Government, pursuant to section 3, 93(2)(d) & 96(3) of the <i>Building Act 2011</i> and regulation 5A of the <i>Building Regulations 2012</i> to designate authorised persons for the purpose of that Act.
Authorisation to	Chief Executive Officer Director Development, Sustainability and Lifestyle Principal Town Planner Manager Town Planning and Development Development and Lands Officer Compliance Planner Administration Officer Development, Sustainability and Lifestyle Planning and Development Support Officer Persons awarded a contract for the provision of pool inspecting services
Conditions/ Reporting Requirements	Nil

11.3 Infrastructure and Town Services

11.3.1 Award of RFT 2018-41 Public Place Bin Enclosure Design, Manufacture and Supply (*File No. 31/13/0020*)

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

CM201819/160 OFFICER'S RECOMMENDATION/COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR ARIF

That Council endorse the recommendation of the evaluation panel and award RFT 2018 – 41 Public Place Bin Enclosure Design, Manufacture and Supply to GCI Group Pty Ltd for an estimate contract value of \$581,488.81 excluding GST over the duration of the contract term of five (5) years.

CARRIED 9/0

PURPOSE

This purpose of this report is for Council to consider awarding RFT 2018-41 Public Place Bin Enclosure Design, Manufacture and Supply.

The Town of Port Hedland (Town) currently provides 120 240-litre public place general waste disposal points located across the community recreation and amenity areas within the main town's boundaries.

The bins are housed in public place bin enclosures that have been purchased in batches over a period of time resulting in inconsistency in the types of bins.

This inconsistency includes differences in material types, lock types and design types. Issues with these inconsistencies have impacted the durability of the enclosures, with many of them no longer fit for purpose and needing immediate replacement.

DETAIL

A Request for Tender (RFT) was released on 28 November 2018 requesting pricing for a supply arrangement with an industry-leading provider for suitably designed and manufactured public bin enclosures for housing 240 litre Mobile Garbage Bins (MGB) across the community's recreation and amenity areas.

The requirement of the RFT included but was not limited to:

1. The submission of two (2) design options including full CAD drawings for 240-litre public place bin enclosure.
2. The manufacture and supply of 200 units to be purchased through a five (5) year supply agreement.
3. Adherence to detailed specification that would provide a bin enclosure that was both aesthetically pleasing and robust enough for the Pilbara environment.

The supply agreement will cover a term of five (5) years, with an estimated 40 units purchased per year at the discretion of the Town.

The estimated total number of units to be purchased over the period of the supply arrangement is 200. This includes a provision for purchasing units that will provide public place recycling options and will be placed alongside the units for general waste recovery. The units for public place recycling will only be purchased if the Town proceeds with implementing kerbside recycling across the community.

The RFT was advertised in The West Australian and North West Telegraph 28 November 2018 as well as being advertised on VendorPanel on this date as well. The RFT closing date was 12:00pm (WST) 11 January 2018.

Tender submissions were received from the following 13 companies:

1. Commercial Systems Australia
2. Dexion Balcatta
3. EP Draffin Manufacturing Pty Ltd
4. Eurotech International Pty Ltd
5. G. James Extrusion Co. Pty Ltd
6. GCI Group Pty Ltd
7. Help Enterprises
8. Landmark Products Ltd
9. Pinedale Corporation Pty Ltd
10. Source Separation Systems Pty Ltd
11. Spark Furniture Pty Ltd
12. Terrain Group
13. Unisite Group Pty Ltd

Tender assessment

All compliant tender submissions have been evaluated by a panel of two (2) Town employees (see Confidential Attachment 1) whose main objectives were:

- a) Make a recommendation to the CEO, as to the Tenderer that best represents value for money;
- 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

Submissions were assessed against the tender assessment criteria as listed in the below table:

Criteria	(%)
Relevant Experience	20%
Demonstrate Understanding & Methodology	40%
Quality/Suitability	40%
	100%

A summary of the assessment results of submissions received for RFT2018-41 is included in the confidential attachment.

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 long-term positive impacts on the amenity provision for the community in the public spaces and recreational areas, including:

- Providing adequate waste and recycling disposal options for community members whilst they utilise the Towns public spaces and recreational areas; and
- Ensure the Town is litter free through the provision of adequate disposal options for users of the Towns public spaces and recreational areas.

However if this tender is not awarded, there is a significant risk of adverse impact to the amenity provision for the community in the public spaces and recreational areas, including:

- The inability for users of the public spaces and recreational areas to adequately dispose of waste generated at these locations; and
- Increased litter in the Towns public places and recreational areas.

CONSULTATION

Internal

The following have been consulted during the RFT process:

- Executive Leadership Team – On Tender scope 12 November 2018
- Executive Leadership Team – To seek final recommendation on suitable design option 4 February 2019.

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government Act 1995* and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this tender in conjunction with the *Waste Local Laws 2018*.

The *Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

RFT 2018-41 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007 and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act (1995)* section 5.23 part 2(e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

The Town's adopted 2018/19 budget listed an allocation of \$120,000.00 exc. GST for the Waste – Public Place Bin Enclosures Renewal Project. Additional budget requests to meet the supply demands for the remaining four (4) years of the five (5) year supply contract, will be requested during the budget process for the appropriate financial year.

It is estimated that 200 units will be purchased over the five (5) year period, with approximately 40 units purchased per financial year.

Prices for the initial two (2) years purchases will be fixed across that period, with subsequent purchase prices over the remainder of the five (5) year supply period increasing in line with Australian Bureau of statistics CPI value for the relevant year.

The table referenced in the confidential attachment provides a breakdown of the total contract value across the five (5) year period.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1** The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2** Facilities and community infrastructure are revitalised across the Town
- 1.d.3** Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.d.1** Investment in key infrastructure development such as the port and logistics is pursued
- 2.d.2** The development of industry specific value chains are encouraged and supported
- 3.b.1** The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.3** Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4** Innovation and resilience of the built form are encouraged, assessed and implemented
- 3.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.c.4** Efficiency strategies across the Town's infrastructure and amenity assets are implemented

Environmental

Will continue to provide the community with infrastructure and amenity for waste management whilst they are engaged in recreational and other activities in and around the community's public spaces.

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

RISK MANAGEMENT CONSIDERATIONS

There is service interruption risk associated with this item because the ability for residents to have access to public place waste management will be impeded if urgent replacement of bin enclosures that are not fit for purpose does not proceed. The risk rating is considered to be Extreme (20) which is determined by a likelihood of Almost Certain (5) and a consequence of Major (4).

This risk will be eliminated by approving the supply agreement and purchase of the required number of bin enclosures in line with the recommendation.

There is an amenity risk associated with this item because the ability for residents to have convenient access to public place waste management whilst utilising the town's public spaces will be impeded if there are no suitable refuse disposal points available. The risk rating is considered to be Extreme (20) which is determined by a likelihood of Almost Certain (5) and a consequence of Major (4).

This risk will be eliminated by approving the supply agreement and purchase of the required number of bin enclosures in line with the recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Town Officers recommend the awarding of RFT2018-41 to the preferred tenderer indicated in the Tender Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town.

The Town continues to make significant strides in its infrastructure development and improvement across its public places and recreational areas. Amenity provision within these areas includes the provision of adequate disposal options for waste generated by the public whilst they enjoy these facilities.

The Town has also recently adopted a Waste Strategy and Waste Local Law that have staked out the Towns commitment to Environmental sustainability and best practice waste management. Encouraging and making provision for adequate community waste management in our public places will support our ongoing efforts in these areas.

The award of this tender will ensure our continued efforts to combat littering and illegal dumping are provided with an additional boost with the roll out of new fit for purpose public place bin enclosures.

ATTACHMENTS

1. Evaluation report RFT 2018-41 Public Place Bin Enclosure Design, Manufacture and Supply (Confidential, under separate cover).

11.3.2 Award of RFT 2018-31 McGregor Street Tank Replacement Stage 1 (File No. 21/07/0038)

Author Manager Parks Gardens & Engineering
Authorising Officer Director Infrastructure & Town Services
Disclosure of Interest The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/161 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR MCDONOGH**

That Council:

1. Endorse the award of Separable Portion 1 RFT 2018-31 McGregor Irrigation Tank Replacement Stage 1 (Tank 1) to Industrial Automation Group for \$225,800.73 (ex GST).
2. Endorse the award of Separable Portion 2 RFT 2018-31 McGregor Irrigation Tank Replacement Stage 1 (Tank 2) to Industrial Automation Group for \$208,945.89 (ex GST) subject to Council adopting the 2019/2020 budget.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider awarding RFT2018-31 McGregor Street Tank Replacement Stage 1.

A summary of the assessment of submissions received for RFT 2018-31 McGregor Street Tank Replacement Stage 1 (Tank 1 and Tank 2) is submitted for consideration of the evaluation panel's recommendation for the preferred tenderer.

DETAIL

The two (2) reuse water (treated effluent water) storage tanks located at the McGregor Street Oval, Port Hedland are at their end of life. The tanks require replacement and upgrades of the infrastructure to ensure the Town of Port Hedland (Town) maintains compliance with the current Recycled Water Quality Management Plan (RWQMP) and the Department of Health (DoH) requirements.

The proposal is to replace the current two (2) 180KL tanks with two (2) 300kl (minimum capacity) tanks along with their associated in ground and above ground pipe-work, pumps, valves and telemetry system.

A Request for Tender (RFT) was released on VendorPanel and advertised in both the West Australian and North West Telegraph on Wednesday 28 November 2018 with a closing date of Tuesday 29 January 2019 at 3:00pm WST.

A mandatory site inspection was held on site at McGregor Street irrigation compound on Wednesday 12 December 2019 at 10am.

There were five (5) submissions received by the following contractors:

1. Allied Pumps
2. Total Eden Irrigation
3. All West Engineering Resources
4. Ahrens
5. Industrial Automation Group

Tender assessment

All compliant tender submissions have been evaluated by a panel of three (3) Town employees (see Confidential Attachment 1) whose main objectives were:

- a. Make a recommendation to the CEO, as to the tenderer that best represents value for money;
- 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

Submissions were assessed against the tender assessment criteria as listed in the below table:

Criteria	(%)
Relevant Experience	30%
Capacity to Deliver Resources	30%
Demonstrated Understanding & Methodology	40%
	100%

A summary of the assessment results of submissions received for RFT 2018-31 is included in the confidential attachment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of moderate significance, because of the financial costs associated with the management of the Towns asset infrastructure.

CONSULTATION

Internal

Consultation was undertaken with the Town's Environmental Health team in relation to the Town's current RWQMP held with DoH, in line with 2011 Guidelines of Non-Potable Water Use and Operations.

The Procurement Plan was approved at the Executive Leadership Team (ELT) Meeting in October 2018.

External Agencies

Town officers engaged Water Corporation as the suppliers of the non-potable water to the McGregor Street Tank site.

LEGISLATION AND POLICY CONSIDERATIONS

The *Local Government Act 1995* and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this tender.

The *Local Government Act 1995* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

RFT 2018-31 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007 and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act 1995* section 5.23 part 2 (e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

At the time of the compiling the budget there were insufficient funds available to do both tanks in the 2018/2019 financial year. The decision was made to commence the works late in the financial year so that the works would bridge two (2) financial years and put the funds for stage 2 in the 2019/ 2020 budget. As per the 2018/2019 approved capital budget, \$250,000 is allocated to this project.

As part of the RFT, quoting of the two (2) replacement storage tanks suppliers were requested to provide tank replacements as separable portions with costing itemised.

A Project Initiation Form has been submitted for \$250,000 in the 2019/2020 financial year to allow for Separable Portion 2 (stage 2) to be completed subject to budget adoption.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1* The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2* Facilities and community infrastructure are revitalised across the Town
- 1.d.3* Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 3.b.1* The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.b.3* Sustainable energy, waste and water management practices are provided and promoted

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

RISK MANAGEMENT CONSIDERATIONS

The risk rating is considered to be Medium (6) which is determined by a likelihood of Unlikely (2) and a consequence of a Moderate (3).

A compliance risk is associated with the assets, as the storage and use of non-potable water is regulated by the DoH. The Town currently hold a licence as the primary water user for the purpose of irrigation for public open space.

The Town irrigate in line with its RWQMP, which is regulated by the DoH. The Town's infrastructure is required to be maintained in line with the 2011 Guideline Non Potable Water Use, which outlines storage requirements. The McGregor Street infrastructure is at end of life and is deemed non-compliant.

The current tanks are leaking due to structural cracking, and do not have fixed roofing in place restricting access. Visible pipework is not lilac in colour and compliant sample points are not installed. These are just some of the items identified by the DoH that require attention to ensure the Town meets minimum compliance.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Town Officers recommend the award of Request for Tender (RFT) 2018-31 McGregor Street Tank Replacement Stage 1 to the preferred tenderer indicated in the Tender Evaluation Report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town of Port Hedland.

ATTACHMENTS

1. Evaluation report RFT 2018-31 McGregor Street Tank Replacement Stage 1 (Confidential, under separate cover).

11.3.3 Award of RFT 2018-43 Kerb Renewal Program for Town of Port Hedland (File No. 28/16/0044)

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

CM201819/162 OFFICER'S RECOMMENDATION/COUNCIL DECISION**MOVED: CR MCDONOGH****SECONDED: CR WHITWELL**

That Council endorse the recommendation of the evaluation panel and award RFT 2018-43 Kerb Renewal Program for Town of Port Hedland (Town) to Kat 5 Pty Ltd. The contract is for an initial period of two (2) years with an option to extend the contract for a further one (1) year at the absolute discretion of the Town. The estimated contract value is \$150,000.00 ex GST per annum subject to annual budget adoption.

*CARRIED 9/0***PURPOSE**

The purpose of this report is for Council to consider awarding RFT 2018-43 Kerb Renewal Program for the Town.

The summary of the assessment of submissions received for RFT 2018-43 Kerb Renewal Program for the Town of Port Hedland is submitted for consideration of the evaluation panel's recommendation for the preferred tenderer.

DETAIL

The Town is seeking a suitably experienced and qualified civil construction contractor to demolish, remove, and dispose of non-compliant and damaged kerb followed by the construction of new compliant concrete kerb.

The contract is to be awarded to a single supplier that has best demonstrated the ability to provide quality products and/or services at a competitive price. The quoted prices were assessed together with the qualitative and compliance criteria that determined the most advantageous outcome to the principal.

The principal had adopted the best value for money approach to this request. This means that, although price was considered, the responses which contained the lowest prices were not necessarily accepted, nor did the offer ranked the highest on the qualitative criteria.

A scoring system was incorporated as part of the assessment of the qualitative criteria. Unless otherwise stated, a response which provided all the information requested was assessed as satisfactory.

The extent to which the respondent demonstrated greater satisfaction of each of these criteria resulted in a greater score. The aggregate score of each response was used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

The evaluation panel's recommendation is to appoint a sole supplier. The Town intends to utilise the sole supplier for all works outlined within the RFT specification; however, the Town reserves the right to return to the market where deemed necessary. As a result, the Town cannot ensure exclusivity for the works, goods or services specified.

The documentation for RFT 2018-43, Kerb Renewal Program for Town of Port Hedland was released on Wednesday 30 January 2019. When the RFT submission closed on Tuesday 26 February 2019, four (4) submissions were received.

Submissions were received from the companies listed below:

1. GBTK Pty Ltd
2. Holcim Pty Ltd
3. Kat 5 Pty Ltd
4. Kerb Direct Pty Ltd

In further review of the submissions, only three (3) companies were deemed compliant for further assessment by the evaluation panel.

RFT Assessment

All compliant submissions have been evaluated by a panel of three (3) Town employees (see Confidential Attachment 1) whose main objectives were:

- a) Make a recommendation to the CEO, as to the respondents that best represents value for money;
- b) Ensure the 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 submissions were assessed against the RFT assessment criteria as listed in the below table:

Qualitative Criteria	Weighting
Relevant Experience	40%
Capacity to Deliver and Resources	40%
Demonstrated Understanding and Methodology	20%
	100%

A summary of the assessment results of submissions received for RFT 2018-43 is included in the confidential attachment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be medium significance, because its award will provide direct access to additional resources, experience and expertise to assist in delivering the Town's capital and operational works program.

CONSULTATION

Internal

- Manager Parks, Garden & Engineering – Kerb Renewal Program development
- Asset Data Officer – Kerb Renewal Program development
- Community Engagement Officer – Disability Access Inclusion Plan
- Project Manager – Road Reseal Program
- Manager Communications – Community Notices
- Executive Leadership Team – Procurement Plan presented 14 January 2019

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act and Town of Port Hedland's Procurement Policy were observed when preparing and awarding this tender.

The *Local Government Act (1995)* section 3.57 and the *Local Government (Functions and General) Regulations 1996* part 4, division 2 provide statutory requirements for the release, assessment, and award of tenders.

RFT 2018-43 was conducted in accordance with the following policies: The Town of Port Hedland's Purchasing Policy 2/007 and Regional Price Preference Policy 2/016.

Sections of this report pertaining to price submissions from tenderers have been deemed confidential in accordance with the *Local Government Act (1995)* section 5.23 part 2(e) (iii).

FINANCIAL AND RESOURCES IMPLICATIONS

An amount of \$150,000.00 has been allocated in the Town's 2018/19 Kerb Renewal budget. An allocation of \$150,000.00 per annum has been included in the Towns' Long Term Financial Plan (LTFP). The LTFP is pending endorsement by Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.c.3** Local procurement is prioritised and promoted across industry and agencies
- 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 risk rating of High (12), which is determined by a likelihood of Likely (4) and a consequence of Moderate (3), assigned to the risk that there could be compliance and reputation ramifications if the Town does not address and rectify the required maintenance and renewal of the Towns assets in a timely and efficient manner.

To reduce this risk, the Project Management Team will ensure a well-defined program and individual scope of works is compiled ensuring that service location, monitoring of works and clear communication with engaged suppliers, stakeholders and affected residents is undertaken.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

That Council does not award and endorse the recommendation of utilising a single supplier and instead opts to call individual quotations or tenders every time resource and works are required. This option is not supported by Officers due to the volume of administrative effort this would require, the delay in project commencement and the potential to have higher costs to engage suppliers on an as needed basis.

CONCLUSION

Town Officers recommend the awarding of RFT 2018-43 to the single supplier indicated in the evaluation report. They have met and exceeded all selection criteria requirements and also represent best value for money for the Town.

ATTACHMENTS

1. Evaluation report RFT 2018-43 Kerb Renewal Program for Town of Port Hedland (Confidential, under separate cover).

Item 12 Reports of Committees

Note: The Minutes of this Committee meeting are available on the Town's website

12.1 Audit, Risk and Governance Committee Minutes – 12 February 2019**CM201819/163 OFFICER'S RECOMMENDATION/COUNCIL DECISION****MOVED: CR MCDONOGH****SECONDED: CR ARIF**

That Council receive the Minutes of the Audit, Risk and Governance Committee held on 12 February 2019 at 5:30pm inclusive of the following decisions:

- 10.1 Confirmation of Minutes of the Audit, Risk and Governance Committee Meeting held on 14 December 2018
- 11.1.1 Audited Annual Financial Report, Independent Auditor's Report, Closing Report and Management Findings for the financial year ended 30 June 2018
- 11.1.2 Mid-year budget review for the period ended 31 December 2018
- 11.1.3 Funding and donations for the quarter 1 October 2018 to 31 December 2018
- 11.1.4 Status updates of the Council Decision Risk Register
- 11.1.5 2018 Compliance Audit Return.

CARRIED 9/0

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature

Nil

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

**15.1 Chief Executive Officer Performance Review (Late Item)
(PER/9216)**

CM201819/164 COUNCIL DECISION

MOVED: CR WHITWELL

SECONDED: CR PITT

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the *Local Government Act 1995*.

CARRIED 9/0

CM201819/165 COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders' to discuss item 15.1 Chief Executive Officer Performance Review.

CARRIED 9/0

CM201819/166 COUNCIL DECISION

MOVED: CR PITT

SECONDED: CR DACCACHE

That Council resume sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED 9/0

CM201819/167 OFFICER'S RECOMMENDATION1 /COUNCIL DECISION

MOVED: CR MCDONOGH

SECONDED: CR CARTER

That Council, accept and endorse the Chief Executive Officer Performance Review for the calendar year 2018 completed by the CEO Review Working Group, as listed under Attachment 1.

CARRIED 9/0

OFFICER'S RECOMMENDATION 2

That Council accept and endorse the CEO Review Working Group's recommendation for the current Chief Executive Officer's remuneration for 2019, as detailed under the proposed package section of Confidential Attachment 2.

CM201819/168 COUNCIL DECISION

MOVED: CR MCDONOGH **SECONDED: CR ARIF**

That Council accept and endorse the CEO Review Working Group's recommendation for the current Chief Executive Officer's remuneration for 2019, as detailed under the amended package section of Confidential Attachment 2.

CARRIED 9/0

CM201819/169 COUNCIL DECISION

MOVED: CR MCDONOGH **SECONDED: CR DACCACHE**

That Council open the meeting to members of the public.

CARRIED 9/0

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Tuesday 30 April 2019 commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 17 April 2019, commencing at 5:30pm.

16.2 Closure

There being no further business, the Mayor declared the meeting closed at 8:59pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 30 April 2019.

CONFIRMATION:

MAYOR

DATE