

AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Thursday, 3 June 2021**, commencing at **5:30pm**

MEETING AGENDA ATTACHED

Yours faithfully



Carl Askew
Chief Executive Officer

28 May 2021

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS*Local Government Act 1995 – Section 5.65, 5.70 and 5.71**Local Government (Administration) Regulation 34C*

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

Signature: _____ Date: _____

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

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

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

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Item 1 Opening of Meeting

The Presiding Member is to declare the meeting open at [Enter Time](#).

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

Scheduled Present:

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

Scheduled for Attendance:

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

3.2 Attendance by Telephone / Instantaneous Communications

- 3.3 Apologies
- 3.4 Approved Leave of Absence
- 3.5 Disclosure of Interests

Item 4 Applications for Leave of Absence

Item 5 Response to Previous Questions

Responses are provided below to questions taken on notice at the Ordinary Council Meeting held on 28 April 2021:

5.1 MR BILL DZIOMBAK

1. *In relation to Item 5.3 and the letter I received from Acting CEO Craig Watts, dated 15 April 2021, titled 'Response to Questions Submitted on 24 March 2021,' I refer to one sentence therein and quote "As requested by the Elected Members and in this instance, further consultation with the Community and in particular Kingsmill Street Land Resident Owners, will be undertaken. If you are a Kingsmill Street resident, you will be contacted shortly."*

Can I ask the Town of Port Hedland when this consultation regarding the pathway/linkage between the World Class Marina and Historic West End is going to begin?

Response provided by Director Infrastructure Services:

Community consultation began on 3 May 2021. Invitations to small consultation groups with residents were sent to land owners of Kingsmill Street in the week of 19 April 2021 and a letterbox drop was conducted on 4 May 2021. Three consultation sessions have been made available each week for the four weeks of May.

A wider community survey was released online in the week of 3 April 2021.

2. *In relation to the Town of Port Hedland media release on Thursday 22 April 2021, titled 'Restricted Access Program Stabilises Dunes at 4 Mile and Pretty Pool' which talks about protecting the sand dunes at 4 mile and Pretty Pool and I quote, "The Town's Coastal Hazard Risk Management and Adaption Plan guides us to implement measures which strengthen and protect the integrity of our dune systems, which are susceptible to the impacts of erosion and inundation into the future."*

Can the Town of Port Hedland provide us with an up to date copy of this?

Response provided by Communications Officer:

Please refer to the following website for the Town of Port Hedland's Coastal Hazard Risk Management and Adaptation Plan:

[Town of Port Hedland Coastal Hazard Risk Management and Adaption Plan](#)

3. *In relation to the proposed connection between our World Class Marina and Historic West End of Town, has the Town of Port Hedland made any approach of a partnership with the State Government, which as a previous Council, we originally did to fund the Marina Project? This would provide sufficient funding so that the connection can be built to a consistently high standard and quality as the Marina and would beautify this unique stretch of coastline to promote tourism and make our community proud for years into the future.*

Response provided by Director Infrastructure Services:

The Town has not approached the State Government to partner to build a boardwalk or footpath connection along this section of coast. Such works are typically core business for Local Government and do not attract grants. The 2013 document was a collection of proposed ideas which would be further investigated and considered on their merits on a case to case basis.

Current advice from designer and costal engineers detail both a high construction and maintenance cost for a 1km boardwalk structure. On this advice the current path link design is a concrete path that creates an affordable fit for purpose link that fits within the Towns current strategic resources plan.

A number of additional options have been proposed to increase the aesthetics of the footpath including photo luminescent exposed aggregate, art nodes at the end of each cul-de-sac, shade break areas and grouted stone pitching as erosion protection.

5.2 MR ERROL WILKINSON

1. *My main concern is firstly I have not received anything in the mail from the Town of Port Hedland in the two and half years that I have been in Kingsmill Street. I have not received any mail of any sort and so there is something wrong there .*

As this question relates to a private matter, Mr Wilkinson has been contacted separately. A response was provided by Director Regulatory Services.

2. *I think that with the boardwalk idea, why can we not temporarily defer funds from the marina project to do the boardwalk properly, as originally proposed? If necessary pending funds, grants applications, Council funding, similar to the proposed question here by Mr...(Mr Dziomback).*

As an Owner Occupier on the north side, I object to anything other than the original proposed boardwalk to be constructed.

Response provided by Director Infrastructure Services:

The marina is a State Government led project. The majority of the funds are coming from State Government, however, the Town has also contributed to both the water side and land side developments. This proposed footpath, whilst a connection to and from the Marina, is not part of that development. The Town's current Strategic Resources Plan 2019/20 – 2033/34 does not provide funding for a boardwalk project.

5.3 COUNCILLOR UNKOVICH

- 1. I have been sent an e-mail from a concerned person at the airport, with the new signage that has gone up in terms of the smoking area being closer to the RFDS and School of the Air and if we can maybe investigate if this can be either eliminated or removed on our behalf?*

Response provided by Director Regulatory Services:

Regulatory Services met with Airport management to confirm the location of the smoking area adjacent to the terminal building, and its proximity to both the School of the Air and RFDS Hanger facilities. The smoking area has been located on the eastern side of the terminal building so that it is located away from any terminal entrance, and is not adjacent to the flow of pedestrian traffic entering or exiting the terminal building. The location of the smoking area is approximately 50 metres from the School of the Air facility, and further from the RFDS hanger.

The Tobacco Products Control Regulations 2006 imposes prohibitions on smoking near enclosed public places, including the PHIA terminal, RFDS and School of the Air. A person must not smoke within 5 metres of a public entrance to an enclosed public place or within 10 metres of an air intake for air conditioning equipment that is in or on the enclosed public place. The position of the smoking area subject to this enquiry complies with the Regulations.

5.4 COUNCILLOR GILLINGHAM

- 1. With regards to the West End and the drafts, I noticed on the maps that you have got the green belt area presently going up to Taplin Street. Will the green belt be continued further on up to Boulevard? There is a little bit of green belt there. The trees were dying in the dry season but with the rain coming in they will bounce back but there is obviously a reticulation problem there, but just something to keep in mind for that.*

Response provided by Director Infrastructure Services:

The green belt up to Taplin Street is part of the LEAF project being funded by BHP. The LEAF project seeks to mitigate dust issues through the planting of the green belt along Wilson and Anderson Streets. BHP have undertaken research in conjunction with Curtin University on using an urban forest in Port Hedland as mitigation for dust. This is in conjunction with other dust mitigation activities that BHP will be undertaking.

There are no plans at the moment to extend this to the Boulevard. Town staff will meet with BHP to see whether there is an opportunity to extend the area to the Boulevard.

2. *With the West End, I have also been asked by some of the public about people wanting to do small businesses in the West End and issues finding out about plumbing, about sewerage and that they can't go ahead if they rent or buy premises down there and people who actually own those buildings have even come back to say that they didn't even know about this problem with the sewerage and that there is different regulations. This is a little bit over my head but can someone please look into this?*

Response provided by Director Regulatory Services:

The West End of Port Hedland is serviced by a vacuum sewerage system operated and managed by the Water Corporation. The system has been designed to take high commercial volumes of waste from premises such as the Esplanade Hotel and Pier Hotel. Access to and type of connection to the sewerage system is controlled by the Water Corporation. While connection of a residential property is a relatively straight forward process, for commercial premises disposing of trade waste (such as restaurants, food premises, mechanic workshops etc) this will become more involved as the waste requires treatment before it can be discharged to sewer. If any land owner or developer has queries in relation their connection or potential to connect, these should be directed to the Water Corporation.

3. *Regarding Item 11.2.1 Hedland Arts and Culture Precinct, has any consultation been done yet leading up to this panel that is going to be paid for, to do with the performing arts, dance, theatre arts etc. I just have to make sure that nobody gets missed and that everybody gets together and talks about this. Some of these Performing Arts places don't have their own premises, they find it very expensive. Spending \$80,000.00 to do this consultation and we have been down this track before over the years and it is a lot of money. Some of these Organisations that put on all of these performing arts etc don't ask for a lot of money and yet it is costing a lot more to try and get this on and it is for the entertainment of the town. So I just want to make sure that when this consultation goes ahead, can that please be considered and that you have representation from the Community and make sure that everyone has their say and that it gets done properly, especially with a lot of money being spent for consultation and I agree, that we do need to move ahead and have a fantastic Performing Arts Centre etc.*

Response provided by Director Community Services:

The Town will ensure that appropriate consultation with all relevant community stakeholders is undertaken as part of this project. The project has been allocated an initial amount of \$80K to engage a suitable consultant to not only assist the Town with community consultation, but also develop a concept for what a future arts and culture precinct might look like, as well as a business case to determine appropriate funding streams and opportunities.

Questions asked at the Special Council Meeting held on 11 May 2021 are listed below. Responses are currently being prepared and will be provided in due course.

5.5	MR CAMILO BLANCO
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The following questions were asked during Mr Blanco's public statement:

- 1. On page 9 of this Agenda, it states "Asset Management continues to pose a significant challenge for all Local Governments in Western Australia and any rating models must support asset renewal and replacement requirements in line with defined service levels." Well that is true but the financial rules also state you can only charge rates proportional to the ability of the organisation to spend that income in an effective and efficient manner, without having a surplus that equals over 10% of the total income. \$35 million rollover last financial year is far in excess of 10%.*

What this means to me is that you will have had to spent the \$80 million in maintenance and renewal in this year's budget to even consider an increase, and even if you have spent all of that money wisely, do you want to, or is there a need to increase rates.

Is there is going to be a significant roll over this year? Do you know the answer to that question?

- 2. Why would you increase the UV Mining and other rate above 100% of the minimum 'rate in the dollar' because that triggers the requirement to get ministerial approval and that is just ridiculous.*

5.6	COUNCILLOR GILLINGHAM
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- 1. With our big amount of money that we have from the present budget, where actually has it all been spent? I am putting this in this public meeting so it can be answered through the Chair so that the public know where our present capital of the 2019/20 budget has been spent. Has it all been spent or is it likely to be rolled over? Do we know that? Or is it likely to all be spent by 30 June 2021?*
- 2. If I also may say through the Chair, I was not here during April as I was on leave and I have only been able to attend one briefing to do with our rates. I do feel as if we should have been having some more information. I understand that this item needs to come to Council as it may have to go to the Minister. I do feel as though this is being rushed. Is it possible for us to buy some more time so that we do not make any mistakes with what is happening with our meeting today, with the proposals of the percent.*

Item 6 Public Time

Important note:

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

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

Date	Meeting	Meeting Details/Comments
06/04/21	Weekly Talk of Town radio segment	Weekly radio chat
07/04/21	A Gala Evening with the West Australia Ballet	Attended as guest and speaker
08/04/21	Joint Development Assessment Panel Meeting	DAP/20/01872 for Proposed Gas Power Plant expansion (Alinta Energy)
08/04/21	Port Hedland Chamber of Commerce and Industry Meeting	Economic Development Plan
09/04/21	Youth Week	Official Youth Week opening event
13/04/21	Weekly Talk of Town radio segment	Weekly radio chat
13/04/21	Port Hedland Chamber of Commerce and Industry Business Afterhours	Attended as guest
14/04/21	Meeting with the Hon Stephen Dawson MLC	Step up Step Down facility
15/04/21	Regional Capitals Alliance WA meeting, Perth	Various matters as per RCAWA agenda
16/04/21	Meet with Hedland Mens Shed	Location options
16/04/21	Youth Week	Official Youth Week closing event
17/04/21	Whim Creek Memorial Service	Attended as guest for ANZAC service
17/04/21	Thai New Year Celebrations	Attended as guest for Thai New Year Celebration event
20/04/21	Meet with Hedland High School	General update meeting
20/04/21	South Hedland Place Plan	Walkshop' with Place Plan consultants
21/04/21	Airport Tour	Tour of Airport development with Elected Members
22/04/21	Regional Road Group	Main Roads Regional Road Group voting meeting
23/04/21	Baler Primary School ANZAC Ceremony	Attended as a guest speaker and to lay wreath
23/04/21	Hedland Community Road Safety Meeting	Various Road Safety matters

Date	Meeting	Meeting Details/Comments
25/04/21	2021 ANZAC Commemorative Service	Community event for ANZAC Day 2021
27/04/21	Pilbara Country Zone meeting	As per agenda on WALGA website
28/04/21	Hedland Senior High School ANZAC day service	Attended as a guest and to lay wreath
28/04/21	Meet with Kevin Michel MLA	General update meeting
28/04/21	Local Emergency Management Committee Meeting	LEMC matters
28/04/21	April OCM Meeting	As per agenda on the Town's website
29/04/21	Post OCM Radio chat with Ecky	Outcomes from OCM meeting on 28/04/2021
29/04/21	Meet with BMX Club	BMX Club matters
29/04/21	ABC Radio Interview	Disaster Assistance Funding
29/04/21	Annual General Meeting of Electors	As per agenda on the Town's website
30/04/21	Police Medal Ceremony	Attended as guest
30/04/21	McGregor Street Clubrooms opening	Official opening of clubrooms

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

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

OFFICER'S RECOMMENDATION

That Council confirms that the Minutes of the Ordinary Council Meeting held on Wednesday 28 April 2021 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION

That Council confirms that the Minutes of the Special Council Meeting held on Tuesday 11 May 2021 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Item 11 Reports of Officers

11.1 Corporate Services**11.1.1 2021 DELEGATION REGISTER REVIEW**

Author: Governance Officer
Authorising Officer: Manager Governance
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 adopts the Town of Port Hedland Delegation Register as per Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the adoption of the Town of Port Hedland's (Town) revised Delegation Register, in accordance with the requirements of section 5.46(2) of the *Local Government Act 1995*.

DETAIL

The Town's Delegation Register is required to be reviewed once each financial year and subsequently presented to Council for adoption. The Delegation Register was last reviewed and adopted by Council in May 2020.

As part of a complete review, numerous amendments have been made to the Town's Delegation Register, including; spelling and grammatical corrections, updating regulation and statutory references, amending employee position titles to reflect the current organisational chart, adding or removing delegation authority from positions, and renumbering items.

In addition, where all Managers and/or Directors are collectively provided with an authority, the term 'Manager' and/or 'Director' will be listed rather than full position titles. The purpose of this is for ease of reference and to provide a more concise document.

A summary of major changes to the register are outlined below:

Delegation Number	Change
1.2.4 Powers of Entry	Added the role of 'Director Infrastructure Services' and included the same functions as 'Director of Regulatory Services'
1.2.10 Control Reserves and Certain Unvested Facilities	Added Function 1 to 'Director of Infrastructure'
1.2.14 Crossing – Construction, Repair and Removal	Positions 'Manager Town Planning & Building' and 'Manager Project Design & Delivery' added with the same delegation level as the Directors listed.

1.2.18 Tenders for Goods and Services	Increased CEO authority to \$1 million
	Added 'Procurement Advisor', 'Procurement Officer' and 'Manager Governance' positions
	Added functions 1, 4, 12 and 15 to Directors; and removed function 14.
	Created new conditions for sub-delegates
1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services	Added functions 1, 2, 5, 6, 8 & 9 to 'Director'
	Added positions 'Procurement Advisor' and 'Procurement Officer'
	Created new conditions for sub-delegates
1.2.23 Defer, Grant Discounts, Waive or Write off Debts	Listed "(ex GST)" next to any numerical dollar amount to clarify the GST status.
	Grant Concession: A value of \$5,000 ex GST was added as the previous register did not state a dollar value.
	Added function 2 to positions 'Director Infrastructure Services' and 'Director Community Services'
1.2.25 Rate Record Amendment	Addition of role 'Rates Officer'
1.2.29 Recover a Fee or Charge (Excluding Rates)	Updated title to include "... (Excluding Rates)" to clarify parameters
1.3.10 Complaints Officer (For Council Members, Committee Members and Candidates)	New condition added to accommodate the new Council Code of Conduct.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Executive Leadership Team;
- Management Leadership Team; and
- Key officers.

External Agencies

- Western Australian Local Government Association [WALGA] (items 5.1.6 and 21.3.2);
- Shire of Ashburton (item 6.5.2);
- Shire of East Pilbara (item 6.5.2);
- Department of Fire and Emergency Services [DFES] (item 6.5.2); and
- Fortescue Metal Group [FMG] (item 6.5.2).

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

An absolute majority vote is required to delegate any powers to a Chief Executive Officer under section 5.42 of the *Local Government Act 1995*.

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

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

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

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

The following policies are reflected within the delegation register:

- 1/009 Legal Representation for Council Members and Employees;
- 1/024 Corporate Credit Card;

- 1/027 Severance Payments;
- 1/104 Execution of Documents and Application of the Common Seal;
- 2/005 Debt Management;
- 2/007 Purchasing;
- 2/010 Council Investments;
- 2/022 Panels of Pre-Qualified Suppliers;
- 3/007 Senior Employees and Appointing Acting Chief Executive Officer; and
- 6/003 Community Grants Program.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item, if the Delegation Register is not reviewed each financial year. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

The Town's Delegation Register is to be reviewed at least once each financial year to ensure compliance with s. 5.46 of the *Local Government Act 1995* and to ensure delegations are aligned with the town's current practises.

ATTACHMENTS

1. Town of Port Hedland Delegation Register - 2021 Annual Review (under separate cover)

11.1.2 SUNDRY DEBTOR WRITE OFFS

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

OFFICER'S RECOMMENDATION

That Council, pursuant to Section 6.12(1)(c) of the *Local Government Act 1995*, approves the write-off of bad debts to the value of \$14,267.22.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to provide information that supports the write-off of bad debts for the year ending 30 June 2021. The proposed schedule of write-offs is attached under confidential cover. It is recommended the Council approve the write-off of outstanding rate monies pursuant to section 6.12(1)(c) of the *Local Government Act 1995* as the debts are deemed unrecoverable.

DETAIL

Council has adopted a Debt Management Policy (Policy 2/005) which outlines the procedure for the recovery of outstanding debts owed to the Town of Port Hedland (Town). Under the guidelines of the policy, the Town has attempted to recover these debts without success.

The debts recommended for write off hold an overdue term of 120 days or greater.

In writing off these debts, Council is not prevented from reinstating the debts if future circumstances change and the debts becomes collectable.

It is recommended that the debts totalling \$14,267.22 be written off.

Summary of debts:

Assessment A401790 - The property is owned by The State of WA, with a management order to the Minister for Health with the classification Health Clinic - the property was vacated in 2019, however at the time the Town was not notified of the vacating of the property. The rates category should have been amended to exempt at this time as the land is now vacant.

Assessment A129000 - The lease holder is deceased and the land is no longer rateable from 31/12/2019 as the lease has expired (Crown land). Current outstanding balance is \$1523.41 and it is not economically viable to pursue the debt recovery.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Financial Services; and
- Rates Officer.

External Agencies

- The Town has made various attempts to recover these funds without success.

Community

- No community consultation.

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.12(1)(c) of the *Local Government Act 1995* provides Council with the power to write-off any amount of money which is owed to the Local Government by an absolute majority decision.

The attachment is confidential in accordance with sections 5.23(2)(d) and 5.23 (2)(e)(iii) of the *Local Government Act 1995*.

Council has adopted a Debt Management Policy (Policy 2/005) which outlines the procedure for the recovery of outstanding debts owed to The Town of Port Hedland.

FINANCIAL AND RESOURCES IMPLICATIONS

The total amount of \$14,267.22 has not been provided for in the allowance for impairment.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

- 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.

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because the Town is unlikely to recover the debts owed. The risk rating is considered to be high (10), which is determined by a likelihood of almost certain (5) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

In writing off these bad debts, Council is not prevented from reinstating the debts if future circumstances change and the debt becomes collectable. In the interim, as they are uncollectable the Town will need to write them off.

ATTACHMENTS

1. Schedule of accounts for write-off 2021 - Confidential (under separate cover)

11.1.3 CORPORATE BUSINESS PLAN - QUARTERLY PERFORMANCE REPORT
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Author: Governance Officer
Authorising Officer: Manager Governance
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, in relation to the 2018-2022 Corporate Business Plan, receives and notes the performance report for the period 1 January to 31 March 2021 (Quarter 3 FY21), as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider and note the actions undertaken by the Town's administration for the third quarter of the 2020/21 financial year in relation to the actions in the 2018-2022 Corporate Business Plan.

DETAIL

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

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

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

2020/21 Financial Year - Quarter 3 Performance Summary

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

For the period of 1 January 2021 to 31 March 2021 (Q3), the following performance statistics are reported:

Status – Q3 2020/21 FY	Q3 Items	Q3 %
CBP actions complete	29	36%
CBP actions on track for completion	51	63%
CBP actions not yet commenced for this quarter	1	1%
Total CBP Items for 2020/21 FY:	81	100%

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

- The West End improvement works are underway in redeveloped areas, including McKay Street, Edgar Street, Wedge Street, Richardson Street, with new garden upgrades to Hamilton Road and the Civic Centre carpark garden renewal;
- 4 mile restricted access program completed;
- Aboriginal Engagement Officer has commenced work for the Town in Feb 2021;
- Engagement with key stakeholders is an on-going process in development of designs related to Recreation Hub projects;
- Adoption of the Library Strategy;
- Australia Day events were held in January 2021 with sponsorship from PPA, BHP, and Horizon Power;
- A procurement information brochure entitled "Doing Business with the Town - Contracting" has been completed and with the Comms team. This was undertaken in preparation for the Economic and Resources forum to be conducted in June 2021;
- Local planning strategy and local planning scheme 7 have been finalised. Local planning policy and guidelines are progressively being updated to streamline approvals and reduce red tape, providing an enabling environment for business establishment and growth;
- The Town was successful in earning \$10M from the WA State Government for the Port Hedland Sports and Community Hub;
- The Town is currently in the process of finalising an agreement with a consultant to complete a review and implement an established Risk Management Framework, commencing 1 July 2021, which will include business continuity, risk register, internal control and compliance; and
- Council endorsed the Assessing Childcare Needs in Hedland report in February 2021.

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

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

ATTACHMENTS

1. Corporate Business Plan Update - Q3 FY2020/21 (under separate cover)

11.1.4 ADDITION OF LANDFILL ESTABLISHMENT RESERVE

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

OFFICER'S RECOMMENDATION

That Council:

1. Approves the establishment of the Landfill Establishment Reserve account to fund and manage the long term succession planning of the existing landfill facility; and
2. Adopts the amended Policy 2/019 Financial Reserves included as attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider approval of establishing a new reserve "Landfill Establishment Reserve" in order to plan the closure of the existing facility at end of life and plan for a new facility long term. As the creation of a new reserve amends the relevant policy, approval of the amendment to Policy 2/019 'Financial Reserves' is required.

DETAIL

The current landfill site has a life span of approximately 11 years until it reaches end of life. The process to close down and repatriate one facility in conjunction with the development and commencement of a new facility is a time driven process, with numerous environmental and statutory requirements to complete the development.

As part of the long term financial planning process, it has been identified that there are no funding plans in place to ensure adequate financial resources are available to aid this process. The proposed reserve will adequately plan financially for the landfill project.

The amendment to the 'Financial reserves' policy is reflective of the below:

Reserve Name	Proposed Purpose	Calculation Funding/basis	Target Balance
Landfill Establishment Reserve	To fund the closure and repatriation of the existing landfill facility situated at North Circular Road, South Hedland while also planning for the design, development and construction of a new landfill facility on a suitable designated site.	The required surplus generated from the Council's waste management facilities in line with the long term financial model.	The target balance will cover the long term financial modelling inclusive of all costs and requirements to meet the future capital expenditure requirements of the Landfill masterplan.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Manager Financial Services;
- Executive Leadership team; and
- Manager Waste Services.

External Agencies

- Talis Consultants; and
- ASK Waste Management.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There is no financial impact to the 2020/21 Budget by the adoption of these changes.

All changes will be enacted in the 2021/22 financial year and will be accounted for in the respective year's budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of (6) associated with this item, as creating the reserves does not have a financial impact on the 2020/21 Budget, however any lack of long term financial planning for funding the landfill project is a risk that could leave the Town time constricted with the end of life on the asset. This risk will be reduced by the adoption of the Officers Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The adoption of this item will result in the creation of a Landfill Establishment Reserve that will enable funds to be hibernated to ensure strategic objectives are achieved for the landfill succession project.

ATTACHMENTS

1. 2/019 Financial Reserves Policy (under separate cover)

11.1.5 2021/22 SCHEDULE OF FEES AND CHARGES

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

OFFICER'S RECOMMENDATION

That Council adopts the 2021/22 Schedule of Fees and Charges effective from 1 July 2021 as per Attachment 1, for inclusion in the 2021/22 Budget.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to adopt the 2021/22 Schedule of Fees and Charges as a part of the 2021/22 Budget.

DETAIL

The Town's Schedule of Fees and Charges must be reviewed each year in conjunction with the Annual Budget, and is performed by the relevant Town officers in consultation with Council.

Except for fees set by external bodies, a local government can impose a fee or charge for any goods or services it provides.

In preparation of the 2021/22 Schedule of Fees and Charges, comprehensive research has been undertaken by officers, ensuring that proportionate justification of the fee or charge is applied.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it may impact on a wide range of people who reside in Port Hedland, however the Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

CONSULTATION*Internal*

The Financial Management Team have liaised with all relevant officers to create the proposed 2021/22 Schedule of Fees and Charges, ensuring that all proposed fees and charges are justified.

Officers held a workshop with Council on Thursday 29 April 2021 to address any amendments to fees and charges.

External Agencies

Comparisons to other similar Local Governments has been used as part of the review and application of comparable waste fees and charges.

Community

Limited consultation was completed with community groups and the fees and charges amendments have been based on that consultation.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.63(1) of the *Local Government Act 1995* specifically excludes the need to declare a financial interest where matters:

- Have an interest common to a significant number of ratepayers/electors; or
- Relate to the imposition of any rate, charge or fee.

Section 6.16 of the *Local Government Act 1995* states that the imposition of fees and charges must be made by absolute majority.

When determining the amount of a fee or charge for a service, section 6.17 of the *Local Government Act 1995* outlines various factors, being:

- The cost to the Local Government for providing the service or goods;
- The importance of the service of goods to the community; and
- The price at which the service or goods could be provided by an alternative provider.

The Town must give public notice of the imposition of fees and charges, and the date from which they are to be imposed in accordance with section 6.19 of the *Local Government Act 1995*.

Regulation 25 of the Local Government (Financial Management) Regulations 1996 states that an estimate of the total revenue from the fees and charges is to be included in the annual budget.

FINANCIAL AND RESOURCES IMPLICATIONS

The Schedule of Fees and Charges is proposed to be included in the 2021/22 budget and used as a basis for income projections. The detailed financial position will be presented to Council as part of the final budget preparation and deliberation, however there is not expected to be any significant changes in the fees and charges revenue budget for the 2021/22 financial year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following sections of the Town's Strategic Community Plan 2018-2022 are applicable in the consideration of this item:

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

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

Disability Access and Inclusion Plan

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

- Outcome 4 – Quality of Service.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item. Section 6.2, reg. 25 of the *Local Government (Financial Management) Regulations 1996*, states the annual budget is to include an estimate of the total revenue from the fees and charges from each program. The Town of Port Hedland Schedule of Fees and Charges is proposed to be included in the 2021/22 Budget and used as a basis for income projections. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The 2021/22 Schedule of Fees and Charges are presented to Council for consideration prior to officers including the schedule in the proposed Budget for consideration as a whole in the coming months.

ATTACHMENTS

1. 2021-22 Fees and Charges (under separate cover)

11.1.6	POLICY REVIEW - 1/015 RECORDING OF COUNCIL AND COMMITTEE MEETINGS, 4/006 ELECTIONS-CARETAKER PERIOD, AND 4/010 ELECTED MEMBER PROFESSIONAL DEVELOPMENT
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Author: Governance Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION 1

That Council endorses the review of Policy 1/015 Recording of Council and Committee Meetings and renames and adopts it as Policy 1/015 Livestreaming and Recording of Council Meetings, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council endorses the review of, and adopts, Policy 4/006 Elections – Caretaker Period, as per Attachment 2.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 3

That Council adopts the consequential amendments to Policy 4/010 Elected Member Professional Development, as per Attachment 3.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider a review of the 1/015 Recording of Council and Committee Meetings Policy and consider its adoption as the renamed 1/015 Livestreaming and Recording of Council Meetings Policy, together with a review of 4/006 Elections – Caretaker Period Policy and a consequential amendment to the 4/010 Elected Member Professional Development Policy.

DETAIL

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

Policies 1/015 Recording of Council and Committee Meetings and 4/006 Elections – Caretaker Period are each scheduled for review as part of the Town's program of policy review.

The review of 1/015 Recording of Council and Committee meetings has resulted in a number of recommended amendments to reflect modern community expectations that high quality livestreaming of Council meetings is available.

It is recommended that amendments be made to 4/006 Elections – Caretaker Period to remove a number of repetitions and inconsistencies with other policies and regulations. A number of minor stylistic changes are also recommended. There is also a consequential amendment to 4/010 Elected Member Professional Development required, to bring it into line with respect to the attendance of Elected Members at training and conferences, which is permitted by the proposed Caretaker Policy, and consistent with the approaches of other local governments and WALGA advice. The amendments to the Professional Development policy require an Absolute Majority vote.

Recommended changes to each policy are included as tracked changes in the attachments, and will be removed should Council adopt those policies.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Director of Corporate Services;
- Manager Governance;
- Manager Corporate Affairs; and
- Executive Assistant to the CEO & Mayor.

External Agencies

- Western Australian Local Government Association;
- City of Bunbury;
- Shire of Broome;
- City of Joondalup;
- City of Karratha;
- City of Mandurah; and
- City of Stirling.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resources implications associated with any of the proposed changes.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

Adoption of the reviewed policies will eliminate this risk.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council adopt the reviewed and renamed.

ATTACHMENTS

1. 1/015 Livestreaming and Recording of Council Meetings (under separate cover)
2. 4/006 Elections - Caretaker Period (under separate cover)
3. 4/010 Elected Member Professional Development (under separate cover)

11.1.7 STATUS OF COUNCIL DECISIONS UPDATE

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

OFFICER'S RECOMMENDATION

That Council receives and notes the 'Status of Council Decisions' as at May 2021, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to inform Council and the community of 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.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

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

CONCLUSION

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

ATTACHMENTS

1. Status of Council Decisions May 2021 (under separate cover)

11.1.8 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 APRIL 2021

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

OFFICER'S RECOMMENDATION

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

1. Receives the Statement of Financial Activity for the period ended 30 April 2021;
2. Receives the Material Variance Report for the period ended 30 April 2021;
3. Notes the Accounts paid under delegated authority for period ended 30 April 2021; and
4. Receives the Credit Card Statements for period ended 30 April 2021.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 30 April 2021. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 30 April 2021, with financial results included in *Attachment 1. Statement of Financial Activity Notes 1-11* prepared by the Town of Port Hedland (Town).

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

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

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

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

The net current funding position as at 30 April 2021 was \$11.67 M. The breakdown of the cash position is displayed below:

	2020/21 Actuals
Current Assets: Cash and Investments	\$247.05 M
Restricted Cash – Reserves	\$236.58 M
Unrestricted Cash Position as at 30 April 2021	\$10.47 M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement is conducted internally.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a risk rating of medium (6) assigned in 2020/21 budget to the risk that a reduction in income or increase in expense throughout the 2020/21 financial year, is likely to have an impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk action plan is to monitor revenue and expenditure on a regular basis, ensure in line with budget and amend as needed.

OPTIONS

Option 1 – Adopt officer's recommendation

Note the Statement of Financial Activity and reports for the period ended 30 April 2021 in accordance with regulation 34(1) of the Local Government (Financial Management) Regulations 1996.

Option 2 – Amend officer's recommendation

That Council receive the Statement of Financial Activity for the period ended 30 April 2021 and request further information or clarification.

Option 3 – Do not adopt officer's recommendation

That Council do not note or receive the Statement of Financial Activity for the period ended 30 April 2021.

CONCLUSION

The opening funding deficit of \$209 K presented in YTD Actual on the Statement of Financial Activity, is as per the closing deficit presented in the audited financial statements. The net current funding position is \$11.67 M.

ATTACHMENTS

1. Credit Card Payments - April 2021 (under separate cover)
2. Material Variance Report - April 2021 (under separate cover)
3. Monthly Financial Statements - April 2021 (under separate cover)
4. Payments made under authority - April 2021 (under separate cover)

11.2 Community Services

11.2.1	COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 3 - JANUARY - MARCH 2021
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Author: Manager Community Development
Authorising Officer: Director Community Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery for the third quarter, January – March 2021.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery, managed by The Junction Co. for the third quarter from January – March 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

DETAIL

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

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

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

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

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

The attached quarterly report outlines the progresses made by The Junction Co in the period January – March 2021. The organisation has reported a net loss of \$10,340.69.

A summary of the key achievements for the quarter January – March 2021 are noted below:

- Highest attendance of an exhibition opening to date (Radius 2.0);
- Dynamic Harmony Day Open Day, establishing a strong partnership between The Junction Co. and Pilbara Community Legal Service, and broader community groups who performed on the day;
- Launch of the inaugural Pilbara Fashion Festival;
- Hosting guest regional artists, including Jacky Cheng (Broome), Lori Pensini (Southwest) and Sandra Murray;
- Launch of the online Gallery+Studio, Practitioner and Ceramics membership programs; and
- Sell out attendance to all Slump + Hump monthly ceramics workshops.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Senior Arts and Culture Officer.

External Agencies

- The Junction Co.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee payable to The Junction Co. and other costs relevant to the operations of the Courthouse Gallery are included in the Town's annual budget. There were greater financial contributions required in this quarter and planned for next quarter to ensure a robust first half year of 2021 program for the community while reduced income from retail sales as anticipated during the off-peak period.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

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

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

Disability Access and Inclusion Plan

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

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

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co from January – March 2021, in its role as manager of the Courthouse Gallery.

ATTACHMENTS

1. Courthouse Gallery and Studio Quarterly Report - Quarter 3, January - March 2021. (under separate cover)

11.2.2 DESIGNATED AREA MIGRATION AGREEMENT

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

OFFICER'S RECOMMENDATION

That Council endorses the investigation of, and potential application to, the Federal Government for a Designated Area Migration Agreement (DAMA).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider commencing the process of applying for a DAMA.

DETAIL

At its Ordinary meeting in February 2021 the Council endorsed the Assessing Childcare Needs in Hedland report, which highlighted, amongst other matters, staffing-related issues as one of the key barriers for childcare provision in Hedland. This is not an issue confined to Hedland alone. As noted in the Australian Children's Education & Care Quality Authority Workforce report 2019 (please see link below):

https://www.acecqa.gov.au/sites/default/files/2020-10/ChildrensEducationandCareNationalWorkforceStrategy_0.pdf

"consultations with the children's education and care sector over recent years have identified that there are persistent and increasingly pressing issues with the attraction, supply and retention of educators, in particular early childhood teachers (ECTs). Conservative estimates predict the sector will require around 39,000 additional educators, including 9,000 additional ECTs, by 2023. This represents a 20% increase for the workforce over five years. In the context of declining enrolments in approved qualifications and a parallel focus on bolstering the supply of primary school teachers, the children's education and care sector faces significant and increasingly urgent workforce challenges."

One of the actions approved by Council to address this issue at a local level was "investigate the opportunities associated with the creation of a Pilbara Designated Migration Area for childcare employees, and initiate advocacy to the Federal Government."

What is a DAMA

A Designated Area Representative (DAR) represents a defined regional area and is responsible for managing the negotiation, implementation and ongoing management of a DAMA. A DAMA is an agreement between the Commonwealth of Australia and a DAR. A DAR is a regional authority representative of employers and stakeholders in a designated regional area.

A DAMA is an agreement between the Commonwealth and a state/territory or regional body that provides:

- A flexible, tailored response to a designated region's local unique economic and labour market needs and conditions;
- Solutions for Australian business where there are skills gaps and shortages that can't be met by the Australian market;
- Access to a broader range of overseas workers than available through the standard skilled visa programs;
- Various negotiable concessions to the standard skilled visa requirements; and
- Pathways to permanent residence as a major incentive to attract and retain overseas workers.

For a DAMA to be put in place an application will have to firstly be lodged with the Department of Home Affairs. Following this it is envisaged that it might take the Commonwealth up to six months to determine the outcome of the application.

DAMA labour agreements are between the Australian Government and endorsed employers operating within the relevant region. They:

- Are generally in effect for five years; and
- Use the subclass 482 Temporary Skills Shortage (TSS), subclass 494 Skilled Employer Sponsored Regional (Provisional)*, and subclass 186 Employer Nominated Scheme (ENS) visa programs.

Employers must seek and gain endorsement from the Designated Area Representative before lodging a labour agreement request.

Under the DAMA framework, employers in designated areas experiencing skills and labour shortages can sponsor skilled and semi-skilled overseas workers. Individuals cannot directly access a DAMA. Individuals need to be sponsored:

- By an employer operating in a designated region; and
- For an occupation that is specified in the head agreement.

DAMAs ensure employers recruit Australian citizens and permanent residents as a first priority. Among other things, employers must demonstrate a genuine attempt to recruit Australians prior to getting access to a DAMA labour agreement.

Previous ToPH involvement in a DAMA

The Town has previously been part of work associated with the establishment of a regional DAMA. In its 2019 submission to the Joint Standing Committee on Migration the Town noted that "As the primary contributor to the Australian economy for the mining and resources sector, the employment requirements of the Pilbara and its towns can fluctuate considerably in response to global commodity prices and resource and energy sector investment. During peak periods, town-based businesses suffer due to an inability to compete with salaries offered by resource companies and more generally, the high cost of doing business. While Pilbara-based Councils fully support the concept of jobs for Australian citizens and residents first, essential service and supply chain workers can often be in short supply during economic peaks.

As one of the range of strategies to address workforce shortages, the Town views the benefits of a DAMA lies in its capacity:

- To complement other strategies for economic and social development in the region including, local, state and national recruitment and training strategies, and Indigenous employment strategies, thereby respecting the primacy of jobs first and foremost for Australian citizens and residents;
- To establish a migration agreement with the Commonwealth which includes a clear process for the sponsorship of workers outside Australia, including labour testing, assessment of qualifications, and English language competence, tied to critical worker shortage requirements and regional temporary residency;
- To provide a pathway for permanent residency for Pilbara DAMA visa holders, to progress regional population growth and town sustainability;
- To provide eligible businesses with access to occupations that are otherwise not available through various other temporary classes of visas;
- To protect the interests of skilled migrants by incorporating criteria that ensures employers meet Australian workplace labour relations requirements and standards and that the requisite skills training, support, induction, and settlement within the town occurs;
- To position the town and its services to respond effectively and readily (once in place) to economic fluctuations, driven by global commodity prices and investment decisions of large multi-national organisations;
- To ensure local businesses who cannot compete with well-paying jobs in the resources sector remain viable and can service residents and support industry (aka economic development) and government activity during periods of growth as well as during down times; and
- To offset the inability of businesses to attract Australian citizens and residents to take town-based positions in essential services.

As market confidence returns post-COVID, a number of major resource projects that have previously been placed on-hold are expected to resume. This will place additional pressure on a strained labour market and exacerbate businesses difficulties in terms of high cost of training, accommodations, living costs, connectivity issues and inflated airfares, not just in the childcare sector, but amongst many others.

The City of Karratha has been investigating the DAMA application process and progressing with an application to the Federal government, and has been in touch with the other Pilbara local governments to determine the feasibility of submitting a joint application.

The Town of Port Hedland has consulted with Regional Development (RDA) Pilbara who are supportive of such an arrangement to progress at a regional level, as research indicates that the Commonwealth is generally more supportive of regional applications. The Port Hedland Chamber of Commerce (PHCC) is also in the process of surveying local businesses to gain quantitative data associated with localised labour issues and shortages, which will be presented to Council once available.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because of future economic diversification prospects to be achieved through broader workforce attraction.

CONSULTATION

Internal

- Executive Leadership Team.

External Agencies

- City of Karratha;
- Shire of East Pilbara;
- Port Hedland Chamber of Commerce;
- Regional Development Australia; and
- Pilbara Development Commission.

There are currently seven DAMAs in place across Australia:

- Northern Territory: [Northern Territory Designated Area Migration Agreement](#)
- The Goldfields, WA: [City of Kalgoorlie Boulder](#)
- Great South Coast, VIC: [Warrnambool City Council](#)
- Adelaide City Technology and Innovation Advancement: [Skilled & Business Migration](#)
- South Australia Regional: [Skilled & Business Migration](#)
- Orana, NSW: [Regional Development Australia - Orana, NSW](#); and
- Far North Queensland: [Cairns Chamber of Commerce DAMA – Cairns Chamber of Commerce, FNQ.](#)

Community

- Hedland Collective.

LEGISLATION AND POLICY CONSIDERATIONS

- Nil associated with this item.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town has made provisions in its FY21/22 operational budget to assist with the DAMA application process, which is envisaged to be \$50,000.

In the event a DAMA is granted, there will be implementation costs to follow that will vary depending on the operating model that is selected. The options are to employ a dedicated staff member to administer the agreement or engage a third party (such as those of a migration agent) to provide those services. All options will have ongoing operational costs associated with them, which will have to be discussed and agreed upon with other Pilbara local governments.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

2.a.2	Partnerships with private enterprises and government to fund projects and create jobs are pursued
2.b.2	The Town's economic development strategy is supported through engagement with key economic groups
2.c.1	Business and government agencies and other relevant stakeholders are engaged to:
	<ul style="list-style-type: none"> • Identify strategic employment and economic development priorities

2.c.2 Opportunities for social enterprise, innovators, and small and medium sized businesses are identified, and strategies to attract and support them are implemented
2.a.1 Local training providers, business, industry, services, agencies, social sector and infrastructure providers are fully engaged and coordinated in the development of training and employment opportunities

Economic

An increased and diverse workforce will result in greater business attraction and retention.

Corporate Business Plan

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

- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification;
- 2.c.1.1 Work with stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges; and
- 2.c.2.1 Provide information to the business community to support decision making.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because of the perceptions associated with migration agreements in terms of their impact on local workforces. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be minimised by ensuring that the community is fully informed of the workforce issues local businesses are experiencing, and of the DAMA process, as a solution to local workforce issues that complements other strategies for economic and social development in the region including, local, state and national recruitment and training strategies, and Indigenous employment strategies, thereby respecting the primacy of jobs first and foremost for Australian citizens and residents.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

In view of critical issues associated with the attraction and retention of qualified educators in the childcare sector, Council has agreed that the Town investigates the DAMA process. Town officers have undertaken research into this matter and found that a DAMA had already been highlighted as an option to assist with specific labour shortages, but the application process had not progressed further. Consultation with other Pilbara local governments, the local Chamber of Commerce and Regional Development Australia have highlighted support for this agreement for a number of different workforce sectors, not just the childcare one. This item is therefore requesting the Council consider progressing with a DAMA application to the Federal government.

ATTACHMENTS

Department of Home Affairs – Link to DAMA webpage:

<https://immi.homeaffairs.gov.au/visas/employing-and-sponsoring-someone/sponsoring-workers/nominating-a-position/labour-agreements/designated-area-migration-agreements>

11.3 Regulatory Services

11.3.1 ADOPTION OF COASTAL FORESHORE MANAGEMENT PLAN

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

OFFICER'S RECOMMENDATION

That Council:

1. Considers the submissions received on the draft Town of Port Hedland Townsite Coastal Foreshore Management Plan;
2. Endorses the modifications to the Management Plan proposed in response to those submissions outlined in Attachment 1;
3. Adopts the final Town of Port Hedland Townsite Coastal Foreshore Management Plan as included in Attachment 2; and
4. Notes that the implementation of the Town of Port Hedland Townsite Coastal Foreshore Management Plan is not funded, will require external funding sources such as grants, and will require separate Council approval for the different projects within the Plan.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider submissions received on the draft Town of Port Hedland Townsite Coastal Foreshore Management Plan (CFMP) and adopt the modified version of the CFMP for final approval.

DETAIL

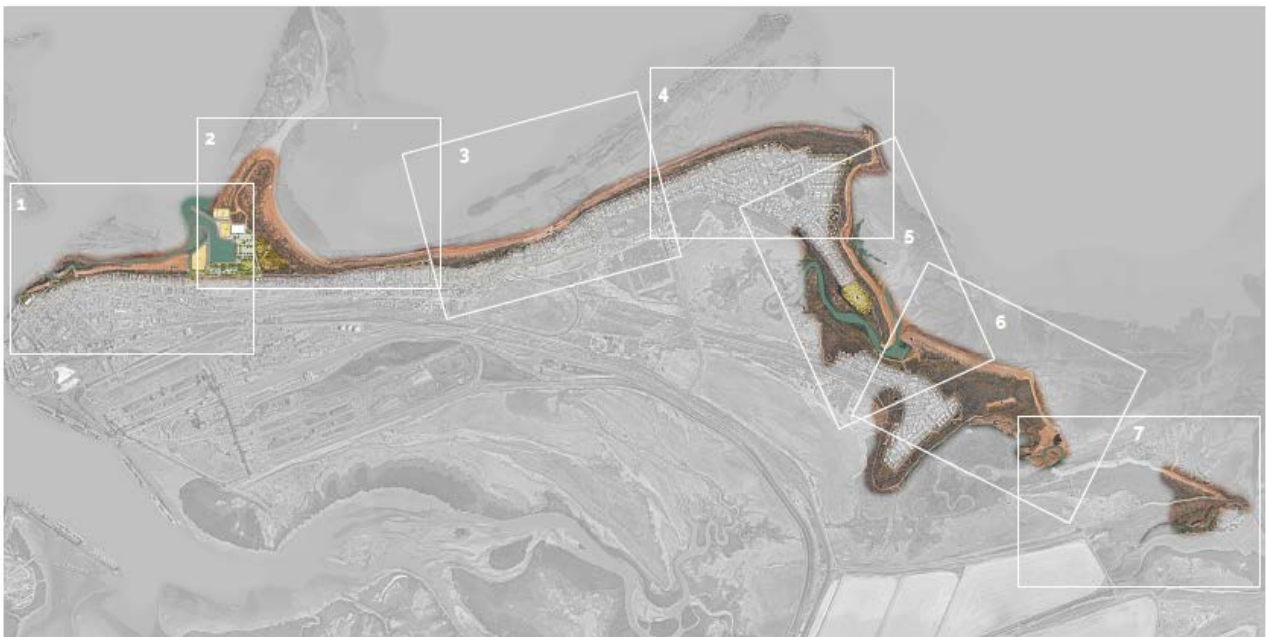
The Port Hedland Townsite coastal zone is a significant asset for the Town of Port Hedland. The community highly values it as a recreational resource for its cultural heritage, biodiversity and ecosystem significance, and unique landscape features. However, this coastline is prone to severe pressures, including coastal erosion, inundation of low lying areas during storm events, increasing human impacts, and threats to biodiversity values. Previously adopted reports and studies relevant to the management of the coast include:

- *Port Hedland Consolidated Foreshore Redevelopment Master Plan* (UDLA 2013); and
- *Port Hedland Townsite Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP) (GHD 2019).

As a result of these reports and the visible, ongoing pressures to the coastal reserves, the Town awarded a contract to Shape Urban in March 2020 to develop a CFMP. The CFMP is required to provide specific actions for the proper management, orderly and proper planning and enhancement of the coastal reserves adjacent to the Port Hedland Townsite, including

those areas identified in the Port Hedland Townsite CHRMAP. It details baseline information about the coastal zone, including flora and fauna and the Town of Port Hedland's owned or managed assets, relevant to the coastline's planning and management.

The CFMP uses information from the engagement undertaken with the Port Hedland community to prioritise important assets and categorises them by their social, cultural, environmental and economic value. The CFMP then makes informed recommendations about these assets regarding their protection in the short term, medium term or long term, and where avoidance, retreat or adaption measures are more appropriate. The CFMP considers all of these elements and establishes a framework to guide the sustainable use and development of the coastal reserves. Allowing the Town to use information in the CFMP to plan, manage and improve its coastal zone for the community, whilst ensuring longer-term coastal management is sustainably supported. Management actions are proposed for seven management unit areas that make up the CFMP. These management unit areas are depicted below:



- Unit 1 - West End Management Area (WE);
- Unit 2 – Spoilbank Management Area (SB);
- Unit 3 – Sutherland Street Management Area (SS);
- Unit 4 – Cooke Point Management Area (CP);
- Unit 5 – Pretty Pool Management Area (PP);
- Unit 6 – Four Mile Creek Management Area (FM); and
- Unit 7 – Six Mile Creek Management Area (SM).

Community Engagement Summary

The preliminary stage of engagement sought to raise awareness of the project, identify community values and ensure concerns and aspirations for the townsite coastal zone were understood. Stakeholders could visit an online project page with a mapping tool and survey. They could drop pins and comment on activities they valued and their locational preferences for these activities on the mapping tool.

Participants could also respond to a survey and provide any other feedback on how they use the different areas of the coastline. The survey and mapping tool was open from 27 July 2020 to 28 September 2020. The project team received 83 location-based survey responses, 21

values survey responses, and 314 'pins' were placed on the map. Stakeholders were further engaged through the following:

- Social media posts;
- Two community 'drop in' sessions;
- Briefings with the Department of Planning, Lands and Heritage and the Department of Transport;
- Engagement with local Traditional Owners and Aboriginal groups;
- Briefings to key staff members and Executive Management at the Town; and
- Targeted meetings with identified key stakeholders.

Approximately 30 people attended the community 'drop in' sessions, and the project team had targeted meetings with 15 stakeholders or groups who have an interest or involvement in the project area. The student stakeholder groups included approximately 40 students across two schools. More than 140 participants contributed to this stage of engagement, with an approximate reach of more than 1,000 local community members and organisations.

The resultant draft CFMP was advertised for public comment from 24 February 2021 to 24 March 2021. This was accompanied by a project summary and Frequently Asked Questions (FAQs) on the Town's website and social media communication to inform stakeholders on the draft CFMP out for comment. At the close of the submission period, a total of nine submissions were received. The submission comments have been assessed, and where appropriate, the CFMP has been updated as captured in Attachment 1.

Submissions and modifications

The Government and non-Government organisations that operate and are interested in future planning for the coastal foreshore are strongly supportive of the repair and rectification of damage associated with cyclones and the need for future structures and assets to be more resistant to coastal erosion and cyclone damage. In particular, beach paths and stair access to the beaches got the most mention. All stakeholders engaged were strongly aligned on the matter of revegetation and planting along the entire study area, primarily for coastal erosion and the creation of additional shade areas for recreation. They also wanted to see more beachside recreation and activity opportunities such as tours, cafes and restaurants. Fishing and four-wheel driving needs to be balanced with the need to protect dunal ecosystems, vegetation and the sacred Aboriginal site at Six Mile. Feedback captured during the public comment period has reaffirmed measures already existing in the CFMP and, to a lesser extent, shaped minor modifications to the CFMP, as captured in Attachment 1.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance because the CFMP is an essential management instrument that sets out the way the coastal zone can be used, how it will be managed, and what actions might be taken to protect or modify the area to meet the needs of the community.

CONSULTATION

Internal

- Confidential Briefing for Elected Members prior to advertisement of draft CFMP;
- Director Infrastructure Services;
- Director Regulatory Services;
- Manager Corporate Affairs;

- Manager Infrastructure Projects and Assets;
- Manager Infrastructure Operations;
- Manager Environmental Health and Community Safety; and
- Manager Town Planning and Development.

External Agencies

- Department of Planning, Lands and Heritage;
- Department of Transport;
- Pilbara Development Commission;
- Department of Biodiversity, Conservation and Attractions;
- Department of Jobs Tourism Science and Innovation;
- Department of Local Government Sport and Cultural Industries;
- Pilbara Ports Authority;
- Kariyarra Aboriginal Corporation;
- Hedland Strong Aboriginal Leaders;
- Port Hedland Chamber of Commerce and Industry;
- Port Hedland Game Fishing Club;
- Port Hedland Ratepayers Association and Historical Society;
- Port Hedland Yacht Club;
- Care for Hedland;
- Port Hedland Visitors Centre and Reef Walks;
- Primary Schools (Port Hedland and St Cecillas); and
- Prendiville Group – Hedland Hotel.

Community

Engagement with the community is captured under the 'Community Engagement Summary' within the detail section of this report.

LEGISLATION AND POLICY CONSIDERATIONS

- *Land Administration Act 1997;*
- *Planning and Development Act 2005; and*
- *Aboriginal Heritage Act 1972.*

FINANCIAL AND RESOURCES IMPLICATIONS

Some management actions may result in financial costs for the Town and are based on cost evaluations already undertaken or with a recommendation for further investigation. However, most management actions result in financial costs that are already budgeted in the Town's operational expenditure and call for a more nuanced approach that acknowledges and compliments the coastal hazard risks applicable to the Port Hedland Townsite.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.a.2 Biodiversity is understood by the community and protected
- 3.a.3 Natural resource assets are well-managed and enhanced
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

As the CFMP is an overarching blueprint for the coastal zone, calling for more detailed planning at subsequent stages, there are no significant identifiable environmental, social or economic impacts relating to this item.

Corporate Business Plan

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

- 1.d.2.1 – Develop, implement and review an asset management renewal program to ensure the long-term sustainability of the Town's assets;
- 3.a.1.1 – Develop, implement, monitor and promote strategies to protect and enhance Port Hedland's natural environment;
- 3.b.1.2 – Identify and manage coastal hazards and flood risks; and
- 3.b.1.4 – Assess and rationalise the Town's infrastructure and assets.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, as failure to implement management actions within the CFMP may impact the Town's reputation as a land manager. The risk rating is considered to be medium (9), which is determined by a likelihood of unlikely (2) and a consequence of major (4). This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

Adopting the modified CFMP is vital for the Town to provide specific actions for the proper management, orderly, and proper planning and enhancement of the coastal reserves adjacent to the Port Hedland Townsite, thereby ensuring longer-term coastal management is implemented sustainably.

ATTACHMENTS

1. Schedule of Submissions (under separate cover)
2. Townsite Coastal Foreshore Management Plan (under separate cover)

11.3.2 FINAL ADOPTION OF LOCAL PLANNING POLICY - PERCENT FOR PUBLIC ART

Author: Town Planner
Authorising Officer: Manager Town Planning and Development
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, pursuant to Clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopts Local Planning Policy - Percent for Public Art as presented as Attachment 1 of this Item;
2. Notes the Percent for Public Art Guidelines presented as Attachment 2 of the Item; and
3. Advertises the adopted Local Planning Policy - Percent for Public Art in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

DETAIL

LPP04 was initiated at the Ordinary Council Meeting held on 24 March 2021 pursuant to Clause 4, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The draft LPP04 was then advertised for a period of twenty one (21) days commencing 7 April 2021 and concluding on 28 April 2021, through an advertisement in the North West Telegraph and on the Town's website and letters to key stakeholders.

The Town of Port Hedland (the Town) currently has a Local Planning Policy for Percent for Public Art, should LPP04 be adopted the existing policy will be revoked.

The proposed LPP04 presents the following amendments to the existing policy:

- Provide developers the opportunity to provide a cash contribution in lieu of public art;
- Include references to the recently adopted Public Art Strategy;
- Provide additional information to assist developers in budgeting and location for the public art contribution;
- Provide guidance on the level of information to be provided at different stages of the development process to ensure the best public art contribution outcomes;
- Details relating to ownership, copyright and moral rights of the artwork and the requirement to install an acknowledgment plaque;

- Details relating to the decommissioning of public art provided in accordance with LPP04; and
- Administrative changes to be consistent with the Western Australian Local Government Association (WALGA) format for local planning policies.

The objectives of LPP04 are:

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

LPP04 applies to all new developments on all zoned and reserved land. The Town has drafted a set of Percent for Art Guidelines to accompany this policy. The purpose of these guidelines is to:

- Assist developers through the percent for art process, from pre-development application to commissioning of an artwork;
- Ensure high-quality public art that celebrates the values of Port Hedland through its unique character, Indigenous history, and future aspirations; and
- Ensure public art meets the objectives of LPP/04 Percent for Public Art which contribute to vibrant, original public spaces that reflects our cultural history, shares our unique stories and enhances visitor experience.

These guidelines will provide additional information in relation to the assessment criteria of public art projects, examples of the types of public art options that can be provided and details relating to the acquisition processes for public art projects.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it is an amendment to the existing Percent for Art Policy, permitting the cash-in-lieu contribution so Town Officers can commission appropriate public art.

CONSULTATION

Internal

- Director Infrastructure Services;
- Director Community Services;
- Manager Community Development;
- Manager Financial Services;
- Manager Town Planning and Development;
- Principal Project Manager; and
- Senior Arts and Culture Officer.

External Agencies

- Department of Planning, Lands and Heritage;
- Department of Local Government, Sports and Cultural Industries;
- Department of Communities;

- Pilbara Development Commission; and
- Junction Co (late submission).

Community

Local arts and cultural based stakeholders including HARTZ, Junction Co, FORM and Port Hedland Courthouse Gallery.

The Town received comments from the Infrastructure Services team and the Pilbara Development Commission, which include:

Recommendation One – Strategic documents

The submission recommended consideration of Public Art on a Masterplan scale. The state-wide Percent for Public Art Scheme, in which this framework is based on, does not provide for the consideration of public art contributions for strategic documents, including Masterplans. As such, strategic documents are not included in the policy. Appropriate planning and staging of masterplan projects will result in masterplan art themes to be weaved through masterplan areas and Public Art costs be apportioned appropriately to developments subject to LPP04.

Recommendation Two – Public Art project inclusions

The submission recommended to impose time limitation to art projects and ensure cyclone ratings on all public art.

In relation to time limitation on art projects, all public art projects undertaken by the Town through cash-in-lieu are required to be provided on public land, which results in the maintenance being the responsibility of the Town. Additionally, clause 8.2 of the policy outlines when the art project is able to be decommissioned by the Town, this includes when it is in a state of irreversible disrepair.

For public art located on private property, the provision, installation and maintenance of public art will form a condition of planning approval to ensure the continuous maintenance and that the art project will not fall into a state of disrepair. A maintenance plan will form part of the Final Public Art Report, which shall be implemented for the life of the artwork by the property owner.

It is noted that regardless of policy requirements, all structures require a Building Permit which must demonstrate compliance with the relevant cyclone ratings under the National Construction Code.

Recommendation Three – Public Art project exclusions

The submission recommended to allow for architectural and landscape features, and “off-the-shelf” reproductions to be included as part of an art project under LPP04.

The policy does not intend to exclude appropriate landscaping and architectural elements to contribute to art projects where they have been designed by a professional artist in accordance with the Policy. These elements as part of an art project are to be in addition to the required architectural and landscape requirements of the Development Approval.

The Town’s Public Art Strategy objectives include providing high impact artworks to create recognisable icons for the Town and to provide public art that reflects the diverse communities within the Town. It is unlikely for “off-the-shelf” reproductions to meet these objectives. Notwithstanding, the Town has the ability to vary Policy provisions, meaning in exceptional

circumstances we may consider an “off-the-shelf” art project should it be presented in a different media than the original and can satisfy the objectives of this Policy and the Town’s Public Art Strategy.

Recommendation Four – Dispute Resolution

The criteria for assessment of public art projects are listed in the Percent for Public Art Guidelines (**Attachment 2**), being:

- Public access;
- Concept;
- Context;
- Professional artist;
- Traditional Custodians;
- Safety; and
- Longevity.

These will be considered by the Public Art Advisory Panel, specifically in relation to the artist concept and design, and Town Officers, specifically relating to safety and to ensure the artwork is resistant to the elements and/or vandalism. The Town encourages developers to consider the art work in the early stages of the development so on-going conversations can ensure an appropriate art project is chosen.

Given the subjective nature of art, the intent of these guidelines is to provide guidance on the process to procure a public art project, ensure the appropriate consideration of the art theme and provide a robust, safe art project. The Town does not intend on influencing the artwork itself, unless it is deemed inappropriate or offensive in the public realm, as such we do not envision a dispute as a result of the actual artwork and any modifications are to ensure the safety of our community and longevity of the art project. The provision relating to the consideration of public art projects has been amended to more accurately describe the process and intent.

Recommendation Five – Aboriginal Art

The submission recommended to provide guidance for the procurement of Aboriginal art and ensure best practice by working within the Australian Council Protocols for working with Indigenous Artists and Cultural and Intellectual Property in the Arts. This has been included as clause 5.4.3 of the policy, with additional information provided by the Pilbara Development Commission being incorporated into the Percent for Art Guidelines.

Details of all submissions, Officer response and amendments to the proposed policy are provided in Attachment 3 “Schedule of Submissions”.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- Town of Port Hedland Local Planning Scheme No. 7.

FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the adoption of this policy in the North West Telegraph with an approximate cost of \$300.

Should Council support a cash-in-lieu of the provision of public art, as per the officer recommendation of this item, any funding provided for future art installations will be held in Trust by the Town, with the Trust being managed by Finance unit.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 1.c.1 The community, industry, arts and cultural organisations are engaged to identify, plan and coordinate events and activities
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 3.b.5 The protection and valuing of amenities and urban space is enhanced through community engagement
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

Corporate Business Plan

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

- 3.b.5.2 – appropriate community engagement is undertaken for strategic planning and land use decisions.

Public Arts Strategy

The following action of the Town's Public Arts Strategy apply in relation to this item:

- Encourage the integration of public art in private development.

RISK MANAGEMENT CONSIDERATIONS

There are compliance risks associated with this item, being:

- The applicant may not commission and install a public art component of the development; or
- The applicant may not pay the cash-in-lieu contribution prior to the occupation of the development.

The risk is mitigated through policy provisions requiring either the installation of the public art prior to the occupation of the development (the issuing of an occupancy permit) or the cash-in-lieu contribution being paid prior to the occupation of the development (the issuing of an occupancy permit). The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

There is a compliance risk, given the applicant has the option to apply to the State Administrative Tribunal (SAT) for a review of any public art or cash-in-lieu contribution condition of approval. The risk rating is considered to be medium (6) which is determined by a likelihood

of possible (3) and a consequence of minor (2). The risk is mitigated through various options for public art contribution in the policy and the on-going consultation between the Town and the applicant for the most appropriate outcome.

Adoption of the Officer's Recommendation will address and mitigate these risks.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The report has detailed the reasoning for amending the Percent for Public Art Policy to allow for applicants to provide a cash contribution in lieu of public art and outcomes of the community consultation period (including amendments to the Draft policy). By adopting Officer's recommendation to adopt the Policy with minor modifications made, Council will facilitate and implement improved Public Art projects for the Port Hedland community.

ATTACHMENTS

1. LPP/04 Percent for Public Art (under separate cover)
2. Percent for Art Guidelines (under separate cover)
3. Schedule of Submissions (under separate cover)
4. Late Submission Junction Co (under separate cover)
5. Late Submission Responses (under separate cover)

11.3.3	PROPOSED TOWN OF PORT HEDLAND DOGS LOCAL LAW 2021, AND THE PROCESS FOR DETERMINING DOG EXERCISE AREAS AND CONDITIONS OF USE
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Author: Ranger Support Officer
Authorising Officer: Director Regulatory Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION 1

That Council:

1. Commences the process to adopt the proposed *Town of Port Hedland Dogs Local Law 2021*;
2. Pursuant to section 3.12(3) of the *Local Government Act 1995* gives local public notice to make the proposed Town of Port Hedland Dogs Local Law 2021 as per Attachment 1; and
3. Gives local public notice that it intends to formally define conditions of use for the use and management of Dog Exercise Areas as required under Local Law 2.2 of the *Town of Port Hedland Public Places and Local Government Property Local Law 2016*.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

1. That Council gives local public notice that it intends to specify the following portions of land as Dog Exercise Areas, as required under section 31(3A) of the *Dog Act 1976*:
 - a) Part of Port Hedland Foreshore Reserve 30768 – Spoilbank;
 - b) Part of Port Reserve 8214 – Hedland Dog Club; and
 - c) Part of South Hedland Reserve 31895 – Marie Marland Reserve;
2. Provided no substantive objections are received at the conclusion of the local public notice period, Council formally specifies those portions of land identified in 1. as Dog Exercise Areas;
3. That Council gives local public notice that it intends to specify that dogs (other than assistance dogs) are prohibited in the following areas, as required under section 31(2B) of the *Dog Act 1976*:
 - a) A public building, unless permitted by sign;
 - b) A theatre or picture garden;
 - c) Any food premises or food vehicle (except alfresco dining areas);
 - d) A public swimming pool; and
 - e) A children's playground - as defined as meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus or childrens play equipment and including skate parks.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The proposed *Town of Port Hedland Dogs Local Law 2021* (proposed Dogs Local Law) will replace the existing *Town of Port Hedland Local Law (Dogs)* gazetted in 1998. The purpose of this report is for Council to consider whether to commence the gazettal process, including to advertise the proposed new Dogs Local Law in accordance with legislation.

Further to the advertising of the Dog Local Law, the Town of Port Hedland is required to give public notice in relation to the following proposed determinations:

- To formally identify portions of public land intended to be used for the purposes of Dog Exercise Areas, and where dogs are prohibited; and
- To establish conditions of use for the use and management of Dog Exercise Areas.

DETAIL*Town of Port Hedland Dog Local Law*

The *Town of Port Hedland Local Law (Dogs)* was gazetted on 27 May 1998. The current Dogs Local Law is outdated and a review is required in accordance with the *Local Government Act 1995* to be enforceable and to be used as a reference for non-compliant dog owners or kennel applicants.

Currently Authorised Officers for the Town of Port Hedland enforce the *Dog Act 1976* and the *Dog Regulation 2013* to deal with dogs and their owners. An updated Dogs Local Law will enable Officers to have a specific and more detailed piece of legislation to enforce if required, including. Kennel Establishment, number of dogs or fouling in streets and public places and reserves.

The Town now proposes to repeal the current local law and gazette the proposed Dogs Local Law. Provisions within the existing Local Law will be carried over to the proposed Local Law, so as to maintain consistency with WALGA's model Local Law. Changes, as compared to the current Local Law are highlighted in Attachment 1.

The proposed Local Law will ensure that Authorised Officers are able to take enforcement action, where appropriate, with respect to detailed offences under the Local Law. This is likely to give a further tool to Officers to use as an escalating enforcement step.

The purpose of the proposed Dogs Local Law 2021 is to provide for the additional controls and management of matters relating to dogs that are not specified in the Dog Act 1976 and provide clarity to promote and encourage responsible dog ownership. The effect of the Dogs Local Law 2021 is to provide regulatory measures in relation to impounding of dogs, the number of dogs that can be kept, establishment of approved kennels and the manner in which dogs are to be confined by the occupier of the premises and to promote and encourage responsible dog ownership whilst providing authority to enforce the laws and administer fines.

Advertising of the proposed Dogs Local Law is the first step in the legislated process to gazette a Local Law. A further report will be provided after the notice period for Council to consider any submissions and continue adoption of the proposed *Town of Port Hedland Dogs Local Law 2021*.

Dog Exercise Areas

Under section 31(3A) of the Dog Act 1976, the Town is enabled to formally identify the use of specific land if that land is intended for certain defined purposes. The operation of a dog exercise area, where dogs are permitted to run off lead and untethered is required to be approved by Absolute Majority of Council.

Historically, the Town has identified dog exercise areas as an annexure of the Dog Local Law. This process eliminates flexibility and creates an administrative burden as any proposed variation to dog exercise locations will trigger a formal review of the Local Law. The Dog Act allows for the Council to identify the exercise areas, and then give public notice for 28 days to advertise its intention, with the exercise areas coming into effect afterwards.

The Town currently has three (3) dog exercise areas which have been approved by Council and are used by members of the community. The recommendation confirms these same three areas (parts of Marie Marland Reserve, Hedland Dog Club and Spoilbank) as being dog exercise areas, enabling their continued use.

The current Dog Local Law also includes areas where dogs are prohibited. Due to changes within the Dog Act 1976, the Local Laws are no longer permitted to be the mechanism by which Councils prohibit dogs in certain areas. It is recommended that the following areas where dogs are currently prohibited be endorsed by Council to retain their status as dog prohibited areas. Areas where dogs are currently prohibited by either the current local law or other legislation includes:

- A public building, unless permitted by sign;
- A theatre or picture garden;
- Any food premises or food vehicle (except alfresco dining areas);
- A public swimming pool; and
- A childrens playground - as defined as meaning any public place, or part of a public place, that is within 10 metres of any playing apparatus or childrens play equipment and including skate parks.

It should be noted that the prohibition does not apply for people entering a public place accompanied by an "assistance animal" as defined in section 9(2) of the Disability Discrimination Act 1992 (Cth).

Further, the Town has not previously established a formal set of conditions of use for dog exercise areas but clear terms of use are necessary to ensure that the locations remain inclusive and open to all users. To resolve this, the *Town of Port Hedland Public Places and Local Government Property Local Law 2016* enable conditions to be applied to the use of certain public places and property. The following conditions of use are proposed conditions and will set a baseline for both animal and user behaviour:

- Maximum of 2 dogs per person in off-leash dog exercise areas;
- Maximum of 2 dogs per household/property – with potential for variations to be approved;
- Dogs must be kept under control and supervised at all times;
- No aggressive dogs – if your dog shows any signs of aggression, it must be muzzled or removed;
- All dogs must be registered, microchipped and wearing their registration tags at all times;

- All dog waste must be collected and disposed of immediately;
- No food permitted;
- Do not allow your dog to dig;
- All toys or other items must be removed when you leave;
- No dogs on heat permitted;
- Dogs with communicable diseases or unvaccinated dogs not permitted;
- No children without supervision permitted;
- Dogs must be leashed before leaving; and
- A booking must be completed for the commercial use of this location.

The proposed conditions align with the general provisions of the Western Australian *Dog Act 1976* and the current and proposed Dog Local Laws. Further, they provide a clear set of guidelines to ensure that the exercise areas remain available and in good condition for all users.

To enable a more flexible process for the determination of conditions of use for dog exercise areas, it is intended that the Town follows the determination process as established under Local Law 2.2 of the Town of Port Hedland *Public Places and Local Government Property Local Law 2016*. This will require the Town to issue a public notice of the intention to make a determination with respect to the identified land and allow for a period of 21 days for public submissions to be received.

Once the notice period is complete, staff will complete a further agenda item detailing any feedback / submissions received and / or requesting a further determination to amend or support the proposals.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, as the matters will be advertised for public comment as part of the adoption of local law procedure under the *Local Government Act 1995* and as per the requirements of section 2.2 of the Town of Port Hedland *Public Places and Local Government Property Local Law 2016*.

CONSULTATION

Internal

- Governance department & Manager of Environmental Health and Community Safety.

External Agencies

- Nil.

Community

- If the officer's recommendations are adopted by Council, public advertising will commence for a period of six (6) weeks in accordance with s.3.12 of the *Local Government Act 1995* for the proposed Dog Local Law and for a public notice period of twenty-one (21) days as per section 2.2 of the Town of Port Hedland *Public Places and Local Government Property Local Law 2016*.

The Dog Exercise Areas listed have been previously advertised and continue to be well utilised by residents. No additional exercise areas have been identified or requested by the community.

LEGISLATION AND POLICY CONSIDERATIONS

- *Dog Act 1976 and Dog Regulation 2013;*
- Part 3, Division 2 of the *Local Government Act 1995* – Legislative functions of local governments;
- Part IX, *Dog Act 1976* – Local Laws; and
- Town of Port Hedland *Public Places and Local Government Property Local Law 2016*.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no significant costs associated with advertising the Proposed Local Law or undertaking a public notice for the determination of dog exercise areas of conditions of use. These costs are adequately covered by existing budget allocations.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 3.c.2 The community is surrounded by and has access to attractive natural habitats, built form, parks and amenities

Social

The Proposed Local Law will assist in educating the community by providing a clear framework for compliance relating to dogs prior to escalating to enforcement or infringement under the *Dog Act 1976*.

Further, the formalisation of nominated dog exercise areas and the determination of conditions of use for these areas will provide a safe, secure and inclusive location for dogs and their owners to exercise off leash.

Disability Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities.

Corporate Business Plan

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

- 1.b.4.2 - Inform the community on Town projects, operations, services and events.

RISK MANAGEMENT CONSIDERATIONS

Under the *WA Dog Act 1976* a compliance and enforcement framework exists but it fails to adequately cover the relevant matters that effect dog ownership and regulation in the community. To that end, the Act and subsidiary legislation provides a mechanism to capture matters not covered in a local law. Matters such as dogs fouling streets / public places, the licencing, construction and operation of kennels, prohibited areas can now be adequately captured and regulated.

There is a compliance risk in regards to applications for Kennels or fouling in streets and by adopting the amended Local law, Authorised Officers will be able to follow up on these matters in more detail with the opportunity for Modified penalties where required.

Adoption of the Proposed Local Law will enable the Town to effectively address the risks of continued non-compliance.

In relation to the identification of dog exercise areas and the determination of conditions of use for these areas, by following the defined process as established in section 2.2 of the *Public Places and Local Government Property Local Law 2016*, the Town ensures that the process has been effectively communicated to the public and an appropriate mechanism for feedback has been given.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Proposed Local Law should be advertised to commence the process to gazette a local law, which will ultimately allow this to be integrated into the enforcement framework for Officers to utilise to achieve compliance if required.

The proposed conditions of use will enable a clear framework of both dog and owner behaviour in dog exercise areas ensuring a safe and inclusive environment for all users.

ATTACHMENTS

1. Schedule of amendments (under separate cover)
2. Proposed Dogs Local Law 2021 (under separate cover)

**11.3.4 DEVELOPMENT APPLICATION - RESOURCE RECOVERY CENTRE - LOT 104
OXIDE WAY, WEDGEFIELD**

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

OFFICER'S RECOMMENDATION

That Council grants development approval for DA 2021/077 for the development and use of a resource recovery centre at Lot 104 Oxide Way, Wedgefield, subject to the following conditions:

1. Development shall be in accordance with the following plans and mark-ups:
 - a. Site plan, SK2, 6 April 2021;
 - b. Floor plan, SK2, 6 April 2021;
 - c. Mezzanine floor plan, SK3, 6 April 2021;
 - d. Elevations, SK4, 6 April 2021; and
 - e. Landscaping plan, SK5, 6 April 2021.
2. Prior to lodging an application for a building permit, a revised landscaping plan for the subject site and the road verge must be submitted to and approved by the Town, and must include the following:
 - a. The provision of at least 636sqm of landscaped area;
 - b. The location, number, size and species type of existing ground covers, shrubs and trees;
 - c. Areas to be reticulated or irrigated;
 - d. Verge treatments; and
 - e. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density.

Prior to occupation of the development, the revised approved landscaping plan must be fully implemented, and maintained thereafter, to the satisfaction of the Town.

3. Prior to lodging an application for a building permit, a revised stormwater management plan shall be submitted to and approved by the Town. It shall be designed to the specification of the Town and include:
 - a. Measures to retain the 6 minute rainfall event;
 - b. A bio-swale to the rear of the site to filter stormwater, prior to leaving the property;
 - c. Finished Floor Levels of the building to a minimum of 6.3m AHD and 7.5m for areas designed for storage of hazardous goods and materials;
 - d. Detailed contours for the lot;
 - e. Detailed crossover design in accordance with the Town's guidelines and specifications, including culvert and headwall protection; and
 - f. Any upgrades required to the stormwater system, including within the Town's reserves adjoining the site.
-

The approved stormwater management plan shall be implemented in full prior to the occupation of the development, and shall be maintained thereafter to the satisfaction of the Town.

4. Prior to lodging an application for a building permit, a public art concept plan shall be submitted to the specification and satisfaction of the Town of Port Hedland for approval. This shall have details of proposed public art to a minimum value of \$35,000 in accordance with Local Planning Policy/04 Percent for Public Art. The approved artwork shall be completed prior to the occupation or use of the development, to the specification and satisfaction of the Town and shall be maintained for the duration of the development;
5. The approved parking plan must be fully implemented and constructed to the specification of the Town prior to occupation or use of the development. The parking area must:
 - a. Be constructed, sealed, kerbed, drained and marked;
 - b. Not be obstructed in any way or used for any other purpose than parking; and
 - c. Include wheel stops as indicated to prevent vehicles interfering with landscaping and pedestrian movements.

The parking spaces shall comply with the above requirements for the duration of the development and shall be maintained to the satisfaction of the Town.

6. Storage of bins within the 'bin storage' area on the northern boundary shall be for clean bins only, free of waste and odour; and
7. Storage of waste, material, hydrocarbons and other resources shall not occur in an unenclosed space and shall be limited to within the 'Proposed Cleanaway Depot' building only.

SIMPLE MAJORITY VOTE REQUIRED

Advice Notes:

1. The Department of Water and Environmental Regulation has advised that:
 - a. A works approval and licence is required under Part V of the *Environmental Protection Act 1986*;
 - b. Based on the information provided, the proposed operations may be categorised as a Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations 1987*;
 - c. The *Environmental Protection Act 1986* makes it an offence to undertake any work which causes a premises to become, or become capable of being, a Prescribed Premises unless the work is undertaken in accordance with a works approval. It is also an offence under the EP Act to cause an emission or alter the nature or volume of waste, noise or odour from the Prescribed Premises, unless done so in accordance with a works approval or licence or a registration (for operation) is held for the premises;
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- d. The Department has no record of this premises and has not received any applications relating to this proposal. The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and / or if they have queries relating to works approvals and licences to contact DWER at info@dwer.wa.gov.au or 6364 7000;
 - e. Limited construction works may be required (e.g. installation of the crusher unit and construction of stormwater management and drainage infrastructure) however, these will need to be authorised under a works approval in the first instance. Provisions allowing transition to the operational phase can be built into the works approval (see references above for further guidance on transitional arrangements – in the Guide to Licensing);
2. The Town's Environmental Health Service have advised that:
- a. Operations shall be compliant with the following legislation at all times:
 - i. *Environmental Protection Act 1986;*
 - ii. *Environmental Protection (Unauthorised Discharges) Regulations 2004;*
and
 - iii. *Health (Treatment of sewage and disposal of effluent and liquid waste) Regulations 1974;*
 - b. Waste disposal and storage shall be carried out in accordance with the Town's Health Local Law 2016;
 - c. An owner/or occupier of the land shall take all reasonable steps to:
 - i. Stabilise dust on the land;
 - ii. Contain all liquid waste on the land; and
 - iii. Ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause;
3. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws;
4. This approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a fresh application for planning approval must be submitted to the Town of Port Hedland; and
5. Prior to the commencement of construction, a Building Permit is required in accordance with Building Act 2011.
-

PURPOSE

The purpose of this report is for Council to determine a development application for proposed resource recovery centre at Lot 104 Oxide Way, Wedgefield. The application is for the

development and use of a purpose built recycling facility and is being presented to Council for determination as an objection was received.

DETAIL

Site context

The subject land is located on the south-western edge of Wedgefield, created as part of Development WA's Wedgefield Light Industrial Estate 2 in 2011 (**Attachment 1 – Location Plan**). The land is rectangular shaped, level and has a total area of 6,357sqm. It is clear of vegetation, undeveloped and has a 59m frontage to Oxide Way. Industrial and commercial uses are located either side of the property and it backs onto a natural drainage reserve at the rear (**Attachment 2 – Aerial view of property**).

Proposed development & use

The proposal is for the development of a purpose built resource recovery centre that will serve the Town's kerbside recycling program. This will be operated by Cleanaway (**Attachment 3 - Proposed development plans**). The development includes:

- 11 car bays;
- 26 garbage truck bays;
- Landscaping to the front of the property;
- A single storey office to the front of the lot (147sqm); and
- A 10m tall main building, containing the workshop (390 sqm), washbay (120sqm), transfer station and hydrocarbon and bin storage (449sqm).

The vehicle manoeuvring and parking areas are fully sealed with concrete and kerbed with two dedicated stormwater outlet points to the rear. The main operations facility, being the hydrocarbon, bin storage and transfer station are fully enclosed, bunded and are roller shuttered.

The proposed facility will receive waste, delivered and unloaded within the 'Transfer Station, Hydrocarbon and Bin Storage' areas through the rear roller doors. This waste will be unloaded on the floor, where material will then be sorted through and recyclables recovered, including:

- Paper;
- Steel and aluminium cans;
- Glass bottles; and
- Plastics.

These different items will be separated and consolidated into separate areas. Excluded items will be removed and taken to landfill, including:

- Green waste;
- General rubbish;
- Nappies;
- Textiles, clothing and footwear;
- Gas bottles; and
- Flares, batteries and aerosols.

The recyclable materials will be compressed inside the transfer station via a machine into bales. These will be stored inside the building until a truck arrives to take these bales down to the main recycling facility in Perth.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the Town's community kerbside recycling program is dependent on this facility.

CONSULTATION

Internal

The application has been referred internally to the Town's Senior Project Engineer and Manager Environmental Health & Community Safety. Comments received have been considered and included as conditions and advice notes contained within the Officer's recommendation.

External Agencies

The proposal was referred to the following agencies and departments via email on 1 April 2021:

- Department of Water and Environmental Regulation; and
- The Environmental Protection Authority.

The following is a summary of responses received:

Department of Water and Environmental Regulation (DWER)

No objection. The proposed development requires a Works Approval and Licence from the DWER under Part V of the *Environmental Protection Act 1986*. Based on the information provided, the proposed operations may be categorised as a Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations 1987* (**Attachment 4 – DWER advice**).

Environmental Protection Authority

No written submission was received, however a phone call was held between the Town's Senior Planner and the EPA's Principal Environmental Officer. The EPA advised:

- The development is of a relatively small scale;
- The development incorporates good design features such as bunded perimeters to the wash bay, a fully enclosed hydrocarbon, bin storage and transfer station and a sealed yard;
- These features will assist with mitigating or reducing off-site emissions; and
- The likelihood of offsite emissions are likely to be manageable, appropriate for the area and are not of concern, so long as operations remain within the enclosed part of the hydrocarbon, bin storage and transfer station.

Community

The proposal was advertised to landowners and occupiers of properties within 100m of the facility (**Attachment 5 – Properties advertised to**). Letters and emails were sent to 17 landowners and occupants on 6 April 2021, inviting submissions by 30 April 2021 (a total of 24 days).

One submission was received, objecting to the proposal. The main points of the objection are summarised below:

- Insufficient information has been provided about the proposed development that allows for a proper and fully informed assessment to be undertaken;
- It is not compatible with the other businesses currently in existence in the immediate locality (i.e. the types of businesses located along Oxide Way);

- It is a heavier type of industrial use that is inconsistent with:
 - the objectives of “light industry” zoning which states that such zoning is to provide for industrial uses and service industries compatible with urban areas; and
 - the future plans for the Wedgefield Precinct which refers to relocating heavier uses to other areas and taking steps to improve the current amenity of the Wedgefield Precinct;
- It will significantly increase traffic (particularly heavy vehicle traffic) to Oxide Way which is a small two-way road and lead to congestion and disrupted traffic flow, thereby negatively impacting on the objector’s use of its property (as well as the use of other property owners in the locality); and
- It will cause odour and noise emissions and increase litter, vermin, birds and feral cats which will impact on the objector’s use of its property (particularly affecting employees working outside).

The submission can be found in **Attachment 6 – Objection**.

LEGISLATION AND POLICY CONSIDERATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 8, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (“the Regulations”) requires applications be advertised to owners or occupiers in the vicinity for a minimum period of 14 days. Letters and emails were sent to owners and occupiers within 100m of the facility, inviting submissions for a period of 24 days. This exceeds the requirements of the Regulations, which have been satisfied. It is also noted that Local Planning Scheme No. 7 (LPS7) requires that this development application be advertised.

Schedule 2, Part 9, Clause 67 of the Regulations detail matters to be considered by the local government when considering an application for development approval. The local government is to have due regard to the following matters to the extent that they are relevant. The relevant provisions of subclause (2) (*italicised*) and a summary of how these are satisfied (Author comments) are below:

- (a) *The aims and provisions of this scheme and any other local planning scheme operating within the scheme area.*

Author comments: All objectives and provisions of Local Planning Scheme No. 7 are satisfied. Details on how this is satisfied are contained later on in this report.

- (b) *The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.*

Author comments: The proposal is consistent with the Town’s draft Local Planning Strategy. Details on how this is satisfied are contained later on in this report.

- (m) *The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including*

but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.

Author comments: Development along Oxide Way is characterised by light industrial and commercial development and uses. These include a hydraulic repair shop, motor cycle mechanics repair workshop, engineering firm and depot and tyre repair and fitting business. Buildings are characterised by single storey administration offices to the front of the property and contain large metal workshops/spaces to the rear.

It is considered that the proposed use and built form is consistent with the established character of the area.

- (n) *The amenity of the locality including the following –*
- (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*

Author comments: Environmental impacts of the proposed land use can be adequately controlled through the built form and a Works Approval and Licence from the DWER under Part V of the *Environmental Protection Act 1986*.

The land use is expected to function in a way where impacts on the amenity of the area are mitigated, avoided or managed to a reasonable level. Established land uses within the locality are of a light industrial/commercial nature and are not sensitive land uses, as outlined under the Environmental Protection Authority's *Separation Distances between Industrial and Sensitive Land Use*. The proposed use is not anticipated to create negative social impacts.

- (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or mitigate impacts on the natural environment or the water resource.*

Author comments: The developer has incorporated a number of design features that will mitigate potential impacts on the natural drainage reserve to the rear, including but not limited to:

- Bunded perimeters to wash bay, bin storage, transfer station and hydrocarbon areas;
- Sealed and kerbed vehicle manoeuvring and parking area; and
- Water recycling plant.

A condition has also been recommended, requiring a bio-swale to the stormwater outlet points. These will assist capturing potential sediment/litter and filtering any pollutants prior to exiting the property.

- (q) *The suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.*

Author comments: The property is within a storm surge and flood risk area. A minimum finished floor level of 6.3m AHD is required and hazardous materials should be stored at

7.5m AHD. A condition is recommended, requiring a revised stormwater management plan with these levels incorporated.

- (r) *The suitability of the land for the development taking into account the possible risk to human health or safety.*

Author comments: The areas most likely to impact human health or safety are the transfer station, hydrocarbon and bin storage areas. Mitigation measures that will greatly assist with reducing any off-site emissions include the areas being bunded and fully enclosed. A condition is recommended, restricting all activities to within an enclosed area of the facility and only permitting clean bins (free of odour) to be stored outside.

Licensing and approvals by DWER may likely contain additional management measures that will ensure human health is not impacted.

- (s) *The adequacy of –*
(i) *the proposed means of access to and egress from the site; and*
(ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles.*

Author comments: Dual crossovers to the site will allow suitable accessibility for light vehicles and garbage trucks. There is sufficient space around the building for vehicle manoeuvrability and parking spaces have been designed in accordance with Cleanaway's operational requirements. There is sufficient space for parking and loading/unloading on-site.

- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.*

Author comments: The Traffic Impact Statement prepared for the application conveys that the use will generate five garbage truck movements per hour. An additional 2.75 trips per hour have been estimated for the office use. A total of 186 Vehicles Per Day (VPD) are likely to access the site, consisting of 120 garbage trucks and 66 light vehicles.

Oxide Way is built to an 'Access Street B' level, which has an estimated maximum capacity of 3,000 VPD. The Town does not have any traffic counts for Oxide Way however for comparative purposes, Pinga Street (the main arterial road of Wedgefield) receives 3,800 VPD. Oxide Way experiences a fraction of that traffic. Given the estimated additional traffic of 186 VPD that the proposed use will generate, it is anticipated that this will not create a traffic problem.

- (y) *Any submissions received on the application.*

Author comments: The comments made in the objection have been considered. There are some valid planning concerns which have been addressed through recommended conditions. DWER licencing will also contain conditions that will mitigate/reduce off-site impacts.

Draft Local Planning Strategy

The draft strategy has been endorsed by Council and is with the Western Australian Planning Commission for approval. The following relevant measures (*italicised*) and a summary of how these are satisfied (Author comments) are below:

Precinct context

- *Forms part of 'old Wedgefield' precinct;*
- *Identifies that the existing road infrastructure is inadequate for many industrial uses that generate larger vehicle traffic – such as quad road trains; and*
- *Heavy industrial uses are not suitable for the area given smaller lot sizes, infrastructure availability, established land uses.*

Strategy response and objectives

- *Transition the 'old Wedgefield' precinct to light industrial uses;*
- *Resolve land use conflicts; and*
- *Provide a safe and efficient road network.*

Author comments: The lot fronts Oxide Way which is in good condition and enjoys connectivity to the broader road network through Pinnacles Street and Harwell Way. Oxide Way has the capacity to accommodate the 'medium rigid' vehicle types that the garbage trucks fall under, in addition to the traffic volumes.

The operations will not result in an unacceptable level of emissions from leaving the property. This development will also help realise the transition to light industrial uses. Accordingly, the land use is considered consistent with the intent of the precinct.

Local Planning Scheme No. 7

Zoned:	Light Industry
Land use:	Resource recovery centre
Defined as:	<i>Means premises other than a waste disposal facility used for the recovery of resources from waste.</i>
Land use permissibility:	The use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

Objectives:

- *To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones; and*
- *To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.*

Author comments: As mentioned earlier in the report, the Town has advertised the proposal in accordance with the Regulations.

The design of the development and operations detailed within the Environmental Impact Statement (**Attachment 7 – Environmental Impact Statement**) are considered adequate to mitigate any off-site emissions and prevent the amenity being detracted from. Some notable features associated with the use include:

- Waste material being delivered in an enclosed truck;
- Materials being unloaded and stockpiled inside, within an enclosed building;

- Sorting will occur to recover recyclable material and separate general waste. Recyclable materials will be separated into paper, steel and aluminium cans, cardboard, glass bottles and plastics;
- There will be no mulching or composting of green waste, shredding of plastic, crushing of glass or melting down aluminium, etc. typically found in larger facilities that create substantial emissions; and
- The recovered material will be bailed and stored inside until a truck arrives to collect and export to a facility that will further process the recyclables.

The Town considers that the proposal sits comfortably within the land use definition of 'resource recovery centre' and meets the objectives of the Scheme.

Scheme Provisions:

- Car parking - *At a rate to be determined by the local government*

Author comments: Based on operational requirements, staff numbers and expected visitors, it is expected that the site will need 10 car bays. The applicant has proposed 11, which is sufficient.

- Sealed areas and stormwater management - *Designed so as to not discharge onto neighbouring properties. All manoeuvring and parking areas to be sealed, drained and kerbed*

Author comments: The site incorporates contoured swales and 150mm kerbing on the boundary which will prevent uncontrolled discharge onto neighbours. All areas not designated for landscaping are proposed to be sealed with concrete.

- Landscaping - *10% of the site area to be landscaped. A portion of this can be within the verge*

Author comments: The site area is 6,357sqm and 10% of this represents 636sqm. Presently, only 110sqm or 1.7% of the area is proposed for landscaping. The Town considers that the full 10% should be provided and a condition of approval is recommended, requiring additional areas to make up the deficit. Areas that can make this up include areas on the southern boundary, to the rear where the effluent disposal is and within the verge.

- *Storage of materials not occurring within the street setback*

Author comments: No storage is proposed within the street setback area. This space is designed for car parking and landscaping.

All provisions of LPS7 are satisfied or can be satisfied through the recommended conditions of approval.

Local Planning Policy/04 Percent for public art

As the development is valued at \$3.5 million and is not exempt, public art is required to be provided. One percent of the total project cost shall be provided as public art, which equates to \$35,000. Accordingly, a condition requiring the development of public art is recommended.

Wedgefield LIA 2 Industrial Development Design Guidelines

Matter	Required	Proposed	Compliant?
Setbacks <ul style="list-style-type: none"> Rear setback (including parking & storage) 	3m	4.5m	Yes
Landscaping <ul style="list-style-type: none"> Strip to front Shade trees 1 per 4 car bays 	2m width 3 trees	2m 4 trees	Yes Yes
Fencing <ul style="list-style-type: none"> To street 	1.8m black link mesh fencing	1.8m garrison	Yes
Flood water & storm surge <ul style="list-style-type: none"> Finished floor levels Hazardous goods/materials storage 	6.3m AHD 7.5m AHD	No levels proposed	Can be compliant through conditions on approval – requiring revised stormwater management plan with levels.
Built form and character <ul style="list-style-type: none"> Front elevations 	Addresses the street Use of different materials	Windows and doors of the office face the street. Frontage includes use of concrete and colourbond. Horizontal and vertical elements added.	Yes Yes

FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted

Environmental

Approval of this facility will assist with the Town in delivering kerbside recycling to residents and ratepayers. This facility will recover household recyclables from waste and result in improving sustainable waste practices by reducing items going to landfill.

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because if this facility is not constructed and operational, complications will arise with the delivery of the recycling program. The risk rating is considered to be extreme (20), which is determined by a likelihood of likely (4) and a consequence of catastrophic (5).

The risk will be eliminated if development approval is granted.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The proposed facility represents an important link in delivering the Town's kerbside recycling programme. It was designed with neighbours in mind and incorporates best practice measures to mitigate off-site emissions. It satisfies all regulatory planning provisions and will contribute to an improved streetscape with its building design, public art and landscaping. Conditional approval is recommended.

ATTACHMENTS

1. Attachment 1 - Location plan (under separate cover)
2. Attachment 2 - Aerial view of site (under separate cover)
3. Attachment 3 - Proposed development plans (under separate cover)
4. Attachment 4 - DWER advice (under separate cover)
5. Attachment 5 - Properties advertised to (under separate cover)
6. Attachment 6 - Objection (under separate cover)
7. Attachment 7 - Environmental Impact Assessment (under separate cover)

11.4 Infrastructure Services

11.4.1 8/004 'COMMUNITY LEASING POLICY'

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

OFFICER'S RECOMMENDATION

That Council adopts the amended policy 8/004 Community Leasing and the proposed Community and Commercial Facility Maintenance Schedule.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the amendments to the current policy 8/004 Community Leasing.

DETAIL

The current policy 8/004 'Community Leasing' was first adopted by Council in June 2014. In line with the review frequency of every 3 years, the objective of this policy is to ensure that all community requests to lease any real property owned, managed or controlled by the Town of Port Hedland are considered and determined in a fair, just and consistent manner having regard to the objectives of the Town.

Historically, executed leases managed by the Town have been tailored to suit the individual Lessee. Over the last few years this process has been streamlined by the use of a Draft leasing document that is used as a base for new leases. As the Town currently provide Community, Commercial and Land based leases, it is the opportune time to review the current draft and have this updated to reflect the 3 different leases that the Town currently executes.

Current leasing agreements hold the "Lessee" responsible for all maintenance of Town owned building and facilities solely on the "Lessee" for the duration of the executed agreement. This also includes fixtures/fittings and any structural rectification that may be required. As these costs are significant for community groups, the revised policy places the responsibility of the maintenance of the facility, except in the instance of damage caused by the Lessee', back to the Town to manage. Costs of managing and maintaining the Town asset may increase, however, the Town will have greater control of the asset, its functionality and ensure it is compliant and fit for purpose.

In instances where there are certain buildings which have a community lease consideration in their lease however are a commercial undertaking or buildings are required to be removed at the end of the lease period, maintenance will be continued to be undertaken as is currently the case in the lease. The Town will take over responsibility for the maintenance of structural issues when new leases come into force.

Further, the policy aims to increase the benefit of Town assets to the community of Port Hedland, to align leasehold interests with the Town's Strategic Community Plan and minimise risk to the Town.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because although it effects a number of community groups within the Town, the Town is taking on more of the maintenance burden and the associated costs.

CONSULTATION

Internal

- Director Infrastructure Services;
- Manager Infrastructure Operations;
- Director Community Development;
- Manager Community Development;
- Senior Sports and Facilities Officer;
- Sports and Facilities Officer; and
- Bookings Officer.

External Agencies

Nil.

Community

Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no known legislative implications associated with the amendments to the attached policy.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to the amendment of the attached policy.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 1.d.2 Facilities and community infrastructure are revitalised across the Town
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

Corporate Business Plan

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

- 1.d.1 – Develop, implement, and review a facilities management plan and propose statement for all community facilities including infrastructure stands, levels of service and management models;
- 1.d.2 – Develop, implement and review an asset management renewal program to ensure long-term sustainability of Town's assets; and
- 1.d.3 – Support the provision of cultural, sporting and recreational facilities which are fit for purpose.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as the standardisation of Leases will provide all user groups the same terms and conditions and remove the ability for Lessee's to create a bespoke lease. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be substantially mitigated by the recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

It is recommended Council adopt amended policy 8/004 'Community Leasing' and proposed Community and Commercial Facility Maintenance Schedule that will be provided as part of all Executed Leases.

ATTACHMENTS

1. Community Leasing Policy (under separate cover)

11.4.2 AWARD OF TENDER RFT2021/15 - SPECIALISED TURF CARE SERVICES

Author: Coordinator Parks and Reserves
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and/ or Authorising Officer declare that they have a proximity interest in relation to this item

OFFICER'S RECOMMENDATION

That Council, in regard to Tender 2021/15 'Specialised Turf Care Services':

1. Accepts the Tender from XXXXXXXX for a period of three (3) years commencing from 01 July 2021 with two (2) x one (1) year extension options, in accordance with:
 - a. The Schedule of Rates detailed in confidential attachment 2, and
 - b. Councils contract documentation, budget and Strategic Resource Plan estimates;
2. Authorises the Chief Executive Officer to sign the form of contract appointing XXXXXXXX as the contractor for Tender 2021/15, together with any variations, amendments or discharging thereof; and
3. Authorises the Chief Executive Officer to approve or reject all contract extension options for Tender 2021/15.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021/15 for Specialised Turf Care Services and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town released a Request for Tender (RFT) on 16 December 2020, for the Town's active open spaces, Colin Matheson and Kevin Scott Ovals, to be covered as a part of the specialised turf care program.

In addition, Marie Marland Oval, McGregor Oval and the Turf Club will also have renovation works completed.

The scope of works will involve Verti-Mow and Sweeping, Verti-Drain and Sweep (hollow tines), Verti-Drain (solid tines), fertilising and top-dressing of existing playing surfaces. Renovations to the playing surfaces includes levelling of the playing area and turf replacement of any worn/bare locations.

Annual soil / tissue sample testing from all ovals will be completed by a qualified Turf consultant using a laboratory that is accredited with AS/NS ISO9001, AS 3474 and AS 4454. The Tender included:

- Turf Supply & installation based upon species m2;
- Verti-mow and sweep per ha;
- Verti-drain and sweeper ha;
- Verti-drain (solid tine);
- Debris transported to locations as selected within the TOPH boundary;
- Fertilizer application rates per ha inclusive of Granular and Liquid; and
- Topdressing and levelling topsoil of ovals, rate per ha.

Any additional works within this RFT, these will be issued at the principal's discretion may include weed spraying at various locations inclusive of open areas, as well as drainage reserves, verges and footpaths. The principal to supply all herbicides.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 16 December 2020 and was advertised in the West Australian and the North West Telegraph on 16 December 2020 with a closing date of 13 January 2021.

Clarification was sought from the following suppliers to assist in finalising the evaluation process:

- Turf Master Facility Management on the availability of Santa Ana jumbo rolls, Turf master are able to supply this product; and
- State Wide Turf Services on the availability of Santa Ana jumbo rolls, they were unable to supply, this is a critical component of the tender.

Tender Assessment

The Town received (2) two compliant submissions for RFT2021/15. The respondents were as follows:

1. Turf Master Facility Management; and
2. State Wide Turf Services.

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

- Make a recommendation to the Council;
- Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- Ensure adherence to Local Government policies and legislation; and
- Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The Town's Procurement Advisor facilitated the evaluation meeting held on 22 January 2021.

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

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

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the works are of annual repairs and restoration of turf within the Town's sporting ovals, inclusive of fertiliser applications.

CONSULTATION

Internal

- Senior Sports & Facilities Officers - Community Services Consultation for suitable timing of the works to be undertaken and point of contact between the Town & local sporting organisations; and
- Landfill Manager Regulatory Services - The amount of waste being transferred to landfill.

External Agencies

- No direct consultation required.

Community

- No direct consultation required.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'; and
- 2/016 'Regional Price Preference'.

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

FINANCIAL AND RESOURCES IMPLICATIONS

The Budget is based on approval of the Schedule of Rates being approved and will apply to the budget for that particular year. Work will be undertaken within the approved budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 1.d.2 Facilities and community infrastructure are revitalised across the Town

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

Corporate Business Plan

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

- 1.d.3 – Maintain and upkeep public open space for casual hire and events.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item due to insufficient remedial works being carried out for the restoration of turf. Insufficient maintenance of turf will result in poor health of turf, which in turn will cause uneven wear creating potholes and will give rise to a playing surface that is unsafe and non-compliant.

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

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The recommendation is to endorse the award of RFT 2021/15 Specialised Turf Care Services to the preferred tenderer as per the attached Schedule of Rates.

The preferred tenderer represents the best value for money in terms of supply of services and material for this tender in the Pilbara. Their schedule of rates are more competitive and are able to supply all components of the materials as listed in the schedule of rates and therefore provide a more superior response compared to the other tenderer.

ATTACHMENTS

1. Evaluation Report and Endorsement Memo - Confidential (under separate cover)
2. Schedule of Rates - Confidential (under separate cover)

11.4.3 AWARD OF TENDER RFT2021/22 - 'PORT HEDLAND SEAWALLS - CONSTRUCTION'

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

OFFICER'S RECOMMENDATION

That Council accepts the tender submitted by XXXXXXXX, in accordance with Tender RFT2021/22 'Port Hedland Seawalls – Construction', for the total amount of \$ XXXXXXXX (excluding GST).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021/22 for 'Port Hedland Seawalls – Construction' and consider the evaluation panel's recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town released a Request for Tender (RFT) on 31 March 2021, requesting for the construction of seawalls at three (3) sites across Port Hedland. These sites are:

- Marapikurrinya Park through to Richardson Street;
- Goode Street; and
- Sutherland Street.

The RFT was released on Vendorpanel (the Town's e-tendering portal) on 31 March 2021 and was advertised in the West Australian and the North West Telegraph on 31 March 2021 with a closing date of 28 April 2021.

Addendum Details

Three addendums were:

- Addendum 1: Close date 28 April not 21 April. Released 31 March 2021;
- Addendum 2: The addition of CAD files. Released 9 April 2021; and
- Addendum 3: Updated Response schedule (Pricing Schedule) Released 15 April 2021.

Tender Assessment

The Town received four (4) submissions for RFT2021/22 'Port Hedland Seawalls – Construction'. The respondents were as follows:

1. Auzcon Pty Ltd;
2. Degrey Civil Pty Ltd;
3. Entracon Civil Pty Ltd; and
4. WA Limestone Contacting Pty Ltd.

All submissions received from respondents were compliant.

All compliant tender submissions have been evaluated by a panel of five (5) Town employees whose main objectives were:

- Make a recommendation to the Council;
- Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- Ensure adherence to Local Government policies and legislation; and
- Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The Town's Procurement Advisor facilitated the evaluation meeting held on Wednesday 5 May 2021.

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

Qualitative Criteria	(%)
Relevant Experience	40%
Capacity to Deliver & Resources	15%
Key Personnel & Skills	15%
Demonstrated Understanding & Methodology	30%

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because it will have implications for the present and future social, economic, environmental and cultural well-being of Port Hedland.

CONSULTATION

Internal

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

External Agencies

- Pilbara Ports Authority;
- Kariyarra Aboriginal Corporation;

- Department of Transport;
- Department of Planning, Lands & Heritage; and
- Potential funding partners.

Community

A letter drop was completed for the affected residents along Richardson Street advising the residents of the works. At the time of writing this agenda item, no response had been received.

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 31 March 2021 and was advertised in the West Australian and the North West Telegraph on 31 March 2021 with a closing date of 28 April 2021.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'; and
- 2/016 'Regional Price Preference'.

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

FINANCIAL AND RESOURCES IMPLICATIONS

For this multi-year project, the Town has budgeted \$1,000,000 in the 2020/2021 annual capital budget with a further \$11,000,000 being requested in the 2021/2022 budget. The remainder in the 2022/2023 financial year budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because works may extend past the anticipated project timeline, introducing reputational and cost risks. The risk rating is

considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

To reduce this risk, the action plan is to develop and communicate clear delivery milestones and will hold regular meetings with the contractor.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

There is a clear need and expectation in the Port Hedland community for the construction of the seawalls.

It is recommended that Council endorse the award of RFT 2021/22 'Port Hedland Seawalls - Construction' to the preferred tenderer as noted in the officer's recommendation in order to commence these works and deliver this highly anticipated project to the community

ATTACHMENTS

1. RFT2021-22 Port Hedland Seawalls Construction - Evaluation Report and Endorsement Memo - Confidential (under separate cover)

11.4.4 AWARD OF TENDER RFT2021/18 – ‘SUPPLY IRRIGATION CONSUMABLES’

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

OFFICER’S RECOMMENDATION

That Council, in regard to the Tender 2021/18 ‘Supply Irrigation Consumables’:

1. Accepts the tender from XXXXXXXX for a period of 3 years commencing from 1 June 2021, in accordance with:
 - a) The schedule of rates detailed in confidential attachment 1; and
 - b) Council’s contract documentation;
2. Authorises the Chief Executive Officer to sign the form of contract appointing XXXXXXXX as the contractor for Tender 2021/18, together with any variations, amendments or discharging thereof; and
3. Authorises the Chief Executive Office to approve or reject all contract extension options for Tender 2021/18.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2021/18 for Supply Irrigation Consumables and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer.

DETAIL*Request for Tender*

The Town released a Request for Tender (RFT) on 2 March 2021, requesting the supply of irrigation consumables related to the Town’s irrigation in public open spaces and assets.

The purpose of this tender is to allow the Town to use a single supplier for all goods associated with irrigation throughout the Town’s public open spaces and ovals. Making the process quick with the ability to get parts in a timely manner so that all sites can be maintained to a high standard.

The RFT was released on Vendorpanel (the Town’s e-tendering portal) on 2 March 2021 and was advertised in the West Australian and the North West Telegraph on 2 March 2021 with a closing date of 26 March 2021.

Addendum Details

There was one addendum related to the pricing schedule that was attached to the Tender documents. The original document had previous prices still attached. A new pricing schedule with no prices was put in place of the original pricing schedule.

Tender Assessment

The Town received 3 submissions for RFT 2021/18. The respondents were as follows:

1. Nutrien Water;
2. Reece PTY LTD; and
3. Watertorque Group.

All submissions received from respondents were compliant.

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

- Make a recommendation to the Council;
- Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- Ensure adherence to Local Government policies and legislation; and
- Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The Town's Procurement Officer facilitated the evaluation meeting held on 1 April 2021.

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

Qualitative Criteria	(%)
Relevant Experience	30%
Capacity to Deliver & Resources	40%
Quality & Suitability	30%

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

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it does not reach the threshold of 5% of the Town's total rates.

CONSULTATION*Internal*

Consultation was undertaken with Manager Infrastructure Operations, Acting Coordinator Landscape and Irrigation and Leading Hand Irrigation. The consultation was to develop, review and amend the schedule of rates.

External Agencies

Nil.

Community

The RFT was publically released via Vendorpanel (the Town's e-tendering portal) on 2 March 2021 and was advertised in the West Australian and the North West Telegraph on 2 March 2021 with a closing date of 26 March 2021.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

The following Town policies were considered in relation to this tender:

- 2/007 'Purchasing'; and
- 2/016 'Regional Price Preference'.

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

FINANCIAL AND RESOURCES IMPLICATIONS

- \$144,000 was allocated for financial year 20/21 from operational budget;
- Each financial year the money is budgeted for in the operational account;
- Pricing schedule is fixed price; and
- Total cost including the extension option is for 864,000.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.6 Town-wide health, safety, recreation and sporting activities and services
- 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.a.3 Natural resource assets are well-managed and enhanced

Environmental

With a consumables contract in place this allows us to order large enough amounts of stock to upkeep the Town's public open spaces, creating green spaces, supressing dust and reducing erosion.

Economic

With general maintenance being carried out at sites as they require it, this helps reduces any unexpected large costs due to lack of maintenance.

Social

The town is able to maintain all sporting facilities to a high standard.

Disability Access and Inclusion Plan

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

- Outcome 1 – Services and Events;
- Outcome 2 – Buildings and Facilities;
- Outcome 3 – Information;
- Outcome 4 – Quality of Service;
- Outcome 5 – Complaints;
- Outcome 6 - Consultation Process; and
- Outcome 7 – Employment.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because without the parts we require to carry out maintenance we are unable to keep our public open spaces green which would impact poorly on the Town. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

This risk will be eliminated by the adoption of the officer's recommendation due to the preferred tenderer offering to hold extra stock in their warehouse for the Town.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

With a contract in place with the preferred tenderer the Town can be confident that irrigation consumables will be easy to acquire ensuring maintenance can be carried out as required throughout the Town of Port Hedland keeping all of its public open spaces to a high standard and compliant with the Town's own Irrigation Specifications.

ATTACHMENTS

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

11.5 Executive Services

11.5.1 PORT HEDLAND VISITOR CENTRE: QUARTERLY REVIEW - QUARTER 3 - JANUARY - MARCH 2021

Author: Manager Corporate Affairs

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council receives the quarterly report from the Port Hedland Seafarers' Centre Inc. for the management of the Port Hedland Visitor Centre for the third quarter, January – March 2021.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Port Hedland Visitor Centre, managed by Port Hedland Seafarers' Centre Inc. for the third quarter from January – March 2021. More specifically, this report addresses the reporting requirements outlined in clause 24.2 of the Management Agreement between Port Hedland Seafarers' Centre Inc. and the Town of Port Hedland.

DETAIL

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2021 with a further three x 12 month extension options. Council has exercised one of these extension options, taking the management contract to end on 30 June 2022.

Under clause 24.2 of the agreement, Port Hedland Seafarers' Centre Inc. is to provide the Town with a quarterly report, including the following:

- Income and expenditure;
- Marketing and communication activities undertaken;
- Service providers; and
- Maintenance and capital expenditure.

Desired outcomes of the agreement with Port Hedland Seafarers' Centre Inc. are as follows:

- A friendly and professional face to face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region;
- A comprehensive range of local, regional and state wide brochures, maps and directional information both in hard copy and available electronically;
- Information and booking services for accommodation and tours;
- Information on attractions, events, retail outlets, local services, road conditions and transport options;
- A web presence and digital strategy to educate and attract visitors to the local area;
- High quality customer service to visitors of the Visitor Centre;

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

The annual Key Performance Indicators for the facility will be assessed at the end of the fourth quarter and are as follows:

- 15,000 visitors supported through the Visitor Centre;
- 1000 people hosted on formal tours operated through the Visitor Centre;
- Gold/A1 Tourism accreditation maintained (or equivalent);
- Development of a web presence and digital strategy to educate and attract visitors to the local area;
- Development and distribution of up to date tourism documents promoting Port Hedland and the Pilbara region; and
- Execution of a program to greet and engage Cruise Ship visitors that also engages local businesses and community organisations.

The attached quarterly report outlines the progress made by Port Hedland Seafarers' Centre Inc. in the period January – March 2021. The operating cost of the facility is within the parameters laid out in the management contract.

A summary of the key achievements for the quarter Jan- March 2021 are noted below:

- Attendance at the Perth Caravan and Camping Show, 17-21 March 2021;
- Continuation of the Wedge St Footpath Markets;
- Development of Welcome Packs for new residents;
- Hosted Destination WA; and
- 734 people visited the Centre during the quarter.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Port Hedland Visitor Centre has positive impacts on the tourism services and programs provided by the Town.

CONSULTATION

Internal

- Building maintenance;
- Communications;
- Finance; and
- Planning.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

The management fee for the Port Hedland Visitor Centre was approved in the Town's FY 2020/21 budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

Economic

The economic benefits from having a well-managed Visitor Centre include developing a positive narrative about the town, and attracting visitors to the region.

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

Disability Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

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

To reduce this risk the action plan is to consistently monitor the contract obligations and ensure Port Hedland Seafarers' Centre Inc. is performing in its duties to the best of its ability to meet or exceed key deliverables outlined in the management contract.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by Port Hedland Seafarers' Centre Inc. from January – March 2021 in its role as manager of the Port Hedland Visitor Centre.

ATTACHMENTS

1. Port Hedland Visitor Centre Quarterly Report - Quarter 3 (under separate cover)

11.5.2 REVIEW AND AMENDMENT OF POLICY 1/025 MEDIA AND COMMUNICATIONS

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

OFFICER'S RECOMMENDATION

That Council adopts the revised Media and Communications Policy 1/025, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the adoption of the revised Policy 1/025 Media and Communications.

DETAIL

The Town values the role print, broadcast and digital media play in sharing news of Council events, activities and milestones. This Policy confirms our ongoing commitment to provide timely and accurate information to the community through positive working relationships with media organisations and via the Town's digital media channels.

This policy outlines a formal process to ensure all media releases, statements and enquiries relating to the Town of Port Hedland are managed professionally and appropriately, while also providing a framework to promote positive, consistent and accurate coverage of Council through traditional and digital media.

The existing Policy 1/025 Media and Communications was last reviewed and adopted by Council in August 2017.

Policy 1/025 Media and Communications is due for review to ensure it reflects current traditional and digital media practices.

The modifications proposed are focused on simplifying the language to make the policy more accessible and acknowledging the inclusion of digital media as a valued platform within the media landscape.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposed changes are minor in nature which do not change the overall intent and functionality of the policies and no external consultation was required.

CONSULTATION

Internal

- Town of Port Hedland CEO; and

- Communications and Marketing team.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act 1995 section 2.8 outlines the role of the Mayor which includes (1) (d) to speak on behalf of the local government.

The Local Government Act 1995 section 2.10 outlines the role of the Councillors which includes (c) facilitates communication between the community and the Council.

FINANCIAL AND RESOURCES IMPLICATIONS

- Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.a.3 A positive narrative and unique brand is developed and promoted

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

Disability Access and Inclusion Plan

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

- Outcome 3 – Information.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because ineffective media liaison prevents information about Council related activities, news and announcements being effectively shared with our community. Further, it can have a negative impact on relationships with external stakeholders. This risk will be substantially mitigated by the recommendation.

The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town is continuously working towards improvements in the way it communicates to the community, while also maximising a positive perception of the organisation. The Media and Communications Policy review will better align with strategic policies and communication methods, and sets out clear, consistent protocols for all contact with media which are to be followed by the Mayor, Elected Members, Chief Executive Officer and employees of the Town.

ATTACHMENTS

1. Proposed 1/025 Media and Communications Policy (under separate cover)
2. 1/025 Media and Communications Policy (under separate cover)

Item 12 Reports of Committees

12.1	AUDIT, RISK AND COMPLIANCE COMMITTEE MEETING MINUTES – 10 MARCH 2021 AND 11 MAY 2021
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Author: Senior Risk and Audit Advisor
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council:

1. Endorses the confirmed Minutes of the Audit, Risk and Compliance Committee held on 10 March 2021;
2. Notes the Unconfirmed Minutes of the Audit, Risk and Compliance Committee held on 11 May 2021; and
3. Notes the 2021 Audit Planning Memorandum as adopted (ARC202021/157).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to receive the minutes of the most recent meeting of the Audit, Risk and Compliance Committee and note its decision.

BACKGROUND

The Audit, Risk and Compliance Committee has been established in accordance with Part 7 of the *Local Government Act 1995*, as an advisory committee appointed by the Council and responsible to the Council. The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any financial responsibility. It does not have any management functions and is independent of management.

The Committee's key focus is on matters relating to Audit (internal and external) Risk and Compliance. It liaises with the auditors and oversees the external audit function to promote transparency and accountability in the Town's financial management systems and reporting. The role of the Audit, Risk and Compliance Committee is to report to the Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.

Council has delegated the following functions to the Committee, pursuant to ss.5.16, 7.1B and 7.12A(2)-(4) the *Local Government Act 1995*:

- Authority to meet with the Town's Auditor at least once every year on behalf of the Council [s.7.12A(2)];
- Authority to (i) examine the report of the Auditor and determine matters that require action to be taken by the Town; and (ii) ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]; and
- Authority to review and endorse the Town's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].

It is noted the delegation is not authorised for use where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor is to be directed to the Council.

A meeting of the Audit, Risk and Compliance Committee was held on Tuesday, 11 May 2021, where the minutes of the previous meeting of 10 March 2021 were confirmed.

REPORT

The minutes of the meetings of the Audit, Risk and Compliance Committee of 10 March 2021 and the 11 May 2021 are attached as Attachment 1 and Attachment 2 respectively. The Committee consider a report (Attachment 3) and adopted the Audit Planning Memorandum (Attachment 4), in accordance with the Committee's delegation.

It is recommended that Council notes the Audit Planning Memorandum.

ATTACHMENTS

1. Confirmed minutes - 10 March 2021 (under separate cover)
2. Unconfirmed minutes - 11 May 2021 (under separate cover)
3. 2021 External Audit Entrance Meeting - Report to 11 May 2021 ARC Committee Meeting (under separate cover)
4. 2021 External Audit Entrance Memorandum - Attachment to Report 11 May 2021 ARC Committee Meeting (under separate cover)

Item 13 Motions of which Previous Notice has been given

Nil.

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

14.1	2021/22 RATING STRATEGY
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Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)

Nil.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 30 June 2021 commencing at 5:30pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at [enter time](#).