



***CONFIRMED***  
**MINUTES**

**Ordinary Council Meeting**  
**Wednesday, 24 April 2024**

**Date: Wednesday 24 April 2024**

**Time: 5:30pm**

**Location: 13 McGregor Street, PORT HEDLAND WA  
6721**

**Distribution Date: 26/06/2024**

A handwritten signature in black ink, appearing to be "M. J. ...", written over a horizontal line.

Mayor

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## 1 Opening of Meeting

The Presiding Member is to declare the meeting open at 5:30 pm.

## 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.

## 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 Ash Christensen  
Cr Sven Arentz  
Cr Camilo Blanco  
Cr Lorraine Butson  
Cr Ambika Rebello  
Cr Tim Turner

#### *Scheduled for Attendance:*

Carl Askew (Chief Executive Officer)  
Steve Leeson (Director Corporate Services)  
Louise Gee (Interim Director Community Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Tom Kettle (Manager Governance)  
Maree Cutler-Naroba (Senior Governance Advisor)  
Karen Krollig (Governance Support Officer)  
Rhiannon Smith (Governance Support Officer)

**3.2 Attendance by Telephone / Instantaneous Communications**

Cr Adrian McRae

**3.3 Apologies**

Nil

**3.4 Approved Leave of Absence**

Cr Flo Bennett

**3.5 Disclosures of Interest**

Name	Item No	Interest	Nature
Cr Ambika Rebello	12.4.2	Impartiality	Spouse is employed by Pilbara Ports Authority
Dep Mayor Ash Christensen	15.1	Proximity / Indirect Financial	Owns investment property within the Strata boundaries

**4 Applications for Leave of Absence**

**CM202324/246 COUNCIL DECISION**

**MOVED: Deputy Mayor Ash Christensen**

**SECONDED: Cr Camilo Blanco**

**That Council approve the application of leave of absence for Cr Turner for the period 1 May 2024 until 31 May 2024.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Cr Adrian McRae, Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello, Cr Camilo Blanco, Cr Lorraine Butson, Cr Sven Arentz and Cr Tim Turner*

*Against: Nil*

**5 Response to Previous Questions**

**5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 27 March 2024**

5.1.1	Cr Turner
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*Picking up on the comments around community safety. I'm keen to get clarity around a future workshop coming out of the community safety plan. We have been working with UWA and the opportunity there is to drive some community led solutions around how to build a safer community. If we could get some timeline around when that workshop might occur? I'm not aware that we have, I think it has been parked or it hasn't been actioned for some time so I think that's an important piece of work that needs to be undertaken, so if we could do that would be a good thing.*

Responded to by the Town Executive:

The Interim Director Community provided the following further response:

In March 2024, the Town hosted a Problem-Oriented Policing (POP) Kick-Off workshop facilitated by University of WA Associated Professor Joe Clare. This commenced the initiation of the Priority 4- Innovative Response Framework outlined in Council's adopted Community Safety Plan. Various community stakeholders, including elected members, were invited to attend.

This workshop identified the first community led POP: food security of young people in Hedland.

We are currently undertaking a 'map and gap' and data collection, with a follow up consultation scheduled for June/July 2024.

*Again, to community safety but more broadly the of South Hedland and South Hedland Square; can we get some sort of report back from administration about actions and steps that will be taken to progress that? That has been an item and it goes to the heart of the antisocial issues and challenges that sit in South Hedland.*

Responded to by the Town Executive:

The Interim Director Community provided the following further response:

The Council adopted the Community Safety Plan 2023-2026 in December 2023. The Town is currently undertaking actions that have been identified in Year 1 of the Community Safety Plan.

Whilst the Town works collaboratively across the community and looks to partner with organisations and businesses working in this space, this is a collective impact issue, needing the community, private sector, state government and local government working together to achieve community safety outcomes.

In March 2024, the Town hosted a Problem-Orientated Policing (POP) Kick-Off workshop. University of WA Associated Professor Joe Clare attended Hedland to facilitate this workshop. Various community stakeholders, including elected members, were invited to attend.

In response to feedback from Community and the University of Western Australia's independent evaluation of the previous Community Safety Plan, the discussion was focused on addressing issues in the South Hedland CBD area.

Several potential issues were identified including Volatile Substance Use (VSU), car theft, public consumption of alcohol and improperly discarded needles.

The stakeholder group's consensus was to proceed with Food Security of Hedland Youth as the first 'problem' to be addressed. This problem has a project goal of No Hungry Kids in Hedland. This was identified in recognition that hunger often plays a part in various criminal or antisocial behaviours that take place amongst vulnerable youth in the CBD area, including the theft of food, VSU or erratic or aggressive behaviour.

Several stakeholders have expressed an interest in and support of addressing this issue. We are currently undertaking a 'map and gap' and data collection.

*I think one of the good things' council has done is to support the development of a Youth Advisory Council. That has been little over a year in development, and I would like a progress report and I think the council would like a progress report on how that is travelling and when we might expect our young councillors - our representatives, I should say?*

Responded to by the Town Executive:

The Interim Director Community provided the following further response:

Elected Members were provided with an update on the Hedland Youth Advisory Council (YAC) in March 2024. This update provided details on the work which had been undertaken by the YAC, and its current projects and future direction.

A further briefing will be provided to Council on the outcomes of the Youth Week events and in particular the YAC led "Youth Week Rap Up Block Party" in the near future.



5.1.2

Cr McRae

*Just wanted to know what we're doing as a council to petition particularly state government with regard to adding police and probably social workers to our town to try stemmy this ridiculous rate of crime we're seeing across South and in Port and certainly Wedgefield?*

The Mayor provided the following response:

I'll take that on notice. I know that at the moment police are at full capacity, from what I've been told they have enough, have like 60 odd police officers they actually have enough police officers, but we always need more.

The Mayor provided the following further response:

It is recommended that in the first instance Council invite Senior Sergeant Ballerini (South Hedland Police) and Sergeant McQueen (Port Hedland Police) to meet with Elected Members and the Executive Leadership Team to discuss the rate of crime in the Town.

**5.2 Response to Questions taken on notice from Public at the Council Meeting held on 27 March 2024**

5.2.1

Ms Renae Coles

*When will the ToPH commit to more CCTVs within the South annex and commit to a full-time person overseeing this once they have the full clearance and training provided?*

Responded to by the Town Executive:

The Director Infrastructure provided the following further response:

The Town is working through expansion and changes to the CCTV network with WAPOL and the Council. WAPOL have ongoing access to the camera network.

5.2.2

Mrs Jan Gillingham

*Last week I attended a meeting to do with the big land transaction in South Hedland - it was basically Lotteries house. I parked my car across from Lotteries House just about 6:15PM and I was appalled at the amount of glass, broken glass all over the carparking areas.*

*Who is cleaning up this carpark? I mean it's not council's position I believe, but at the same time as it was getting dark and we were coming out about 7:45pm*

*only half the lights were on in the carpark, Coles is still open until about 8pm so can we please look into this, can we look into the cleaning? Does the shopping centre have someone to clean before the morning or does it get cleaned overnight?*

The Mayor provided the following response:

To answer your question, I know the cleaners are there every morning about 5am in the morning. Gardening, the pathway, in the shopping centre - they do a good job, they do a great job.

Further response by the Town Executive:

The Director Infrastructure has provided the following further response:

The Town is not responsible for the Car Park. The Town will contact the car park owner and let them know your concerns.

5.2.3	Mr Roger Higgins
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*I'm wondering how many employees of the ToPH have housing provided and don't pay any rates?*

Responded to by the Town Executive:

The Director Infrastructure Services provided the following further response:

- The Town has 62 dwellings used for employee accommodation managed under the Residential Tenancy Act 1987, Residential Tenancies Regulations 1989 and Privacy Act 1998 (Cth)
- Tenants are not responsible to pay council rates.
- The landlord directly covers the council rates as part of their ownership obligations.

5.2.4	Ms Gloria Jacob
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*In relation to proposed TWA facility that is being underwritten by Pacific Partners:*

*I'm happy to take this on notice but I'll just put it out there as a question as to whether council would consider that is indeed part of the one the items in order for the application to progress, that the Town and the community benefits in a way to a percentage whenever the development occurs so that we can get benefit as well as the organisation gets more benefit. Thank you.*

Further response by the Town Executive:

The Acting Director Regulatory Services provided the following response:

As previously stated by Director Regulatory Services – upon submission of a development application by Pacific Partnerships the Town will undertake a comprehensive review and consultation process with the developer. During this process will be the ideal opportunity for matters relating to community benefit to be discussed.

5.2.5	Mr Chris Skelton
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*With the numerous closures of community groups from the Bowls Club to the Yacht Club, tennis club, rec club, etc; what is the council going to do to provide more assistance, be it in rental or rates, to allow for community groups to flourish here in Port Hedland instead of their demise and packing up and going? The community needs these places - without them, what is encouraging families to move here?*

The Director Infrastructure Services provided the following response:

All community buildings are leased at a rate of \$200 per annum. The Sport and Recreation Team provided assistance to the Bowling Club over a number of years. This included assistance with running tennis events, club governance and provision of advice to their committee when asked.

*Then secondly, my wife was almost attacked/jumped at the South Hedland Shopping Centre by three teenage girls. What is the council going to do? And when are they going to start taking security seriously around South Hedland for families like mine and many others with children, so they can actually go to the shops safely?*

Further response by the Town Executive:

The Interim Director Community Services provided the following further response:

The Town is currently undertaking initiatives that have been highlighted in our Community Safety Plan. Whilst we work collaboratively across our community and look to partner with organisations and businesses working in this space, this is a collective impact issue, needing the community, private sector, state government and local government working together to achieve outcomes. We also recommend that Centre Management at South Hedland Shopping Centre, as the facility owner, is made aware of these incidents and also escalated through to WAPOL.

## 6 Public Time

*Important note:*

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

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

### 6.1 Public Question Time

**The Presiding Member declared Public Question Time open at 5:34pm.**

6.1.1	Roger Higgins
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*I would like to ask the Mayor why is it that whenever he opens meetings here, he continues to pay homage to a group of people that have no authority over any of us here? Why are we not acknowledging the authority of the King and the Governor General with respect to Australia? Why do we continue this practice of paying homage to a group of people who have no authority here whatsoever?*

The Mayor provided the following response:

I'll take that on notice, thank you Roger.

6.1.2	John Ashenden
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*Deputy Mayor, could you shed some light on why there is an attempt to alter the terms of reference for the ARC tonight? Especially considering it failed to gain traction at the recent ARC meeting which I was at, due to a lack of a seconder. It seems you are trying to use the council to overrule the ARC without any discussion with the committee and the administration to try to come to some agreement with them.*

Deputy Mayor Christensen provided the following response:

*First and foremost, I'll draw reference to the fact of the committee of the ARC is exactly that, it's an arm of this council. As part of that, the normal practice is the incoming committee members will gather, convene and try and have a conversation about what changes they see fit for the terms of reference to continue the business of the ARC. As you will see in my motion, as you can clearly see there, it states that's there has been three attempts for this to happen within that committee and nothing has happened, so there has been no traction gained from the committee to make that*

*happen. In my mind that is unsatisfactory for me personally because the terms of reference of that group dictate what that committee can and can't do, how they operate and how they should operate, so in my mind three attempts is adequate enough evidence to show that I have given some leniency to the committee to make a decision it hasn't happened, so therefore I've asked, respectfully, that this motion be brought to the next council meeting, allowing all councillors a month's grace to make an educated decision as we normally would anyway. Even if the ARC committee made a decision, it is not guaranteed - it is only a recommendation to come to us to have that conversation and I 100% deny and am pretty disappointed that that accusation be thrown/directed at administration. This has been brought on by my own volition, as I believe, again, this is the correct governance procedure to be followed.*

*Do you think you could just do that without having to do this? You are all there on the night. You could have had a meeting behind closed doors and thrashed out how are we going to deal with this before doing this.*

*Deputy Mayor Christensen provided the following response:*

*Again, that's what I believe this is.*

*Second question Deputy Mayor what prompts the urgency to alter the terms of reference now instead of addressing this matter in your tenure as a committee member less than 12 months ago?*

*Deputy Mayor Christensen provided the following response:*

*Thank you for the question and again I will draw reference to the meeting I believe before we did fold, where I raised this item at the time before we got rid of the 4 councillors that were on the board and I was instructed it would be best practice before we make the changes to allow the new ARC committee to be formed. As per the policies and procedures*

*So, you were instructed to wait until you had finished your tenure?*

*Deputy Mayor Christensen provided the following response:*

*No, it was advice given to me by governance. As with everything we do, so again that allows the people to come in and do it.*

*Okay, I got it. Also, Deputy Mayor, if you believe there is a need for more changes and more council members on the committee, why did you not volunteer to be part of the ARC when councils were last asked to participate?*

*Deputy Mayor Christensen provided the following response:*

*Quite evidently when I have taken the role of Deputy Mayor, as you can clearly see there is a substantial amount of work to be done.*

*Tim Turner was a Deputy Mayor and ran the ARC as well.*

Deputy Mayor Christensen provided the following response:

*I believe you asked the question of why I didn't stand for ARC committee again. That was your question, am I correct? That was because I was appointed Deputy Mayor of the council. I can't shadow and shoulder all the expectations that are required to fulfill that role. It is massive role to sit on the ARC committee. By becoming the Deputy Mayor, I've inherited a lot more meetings, a lot more committees and I had my commitment to the council which I was with before, that my passion sits with road safety and that sort of thing from our council point of view, I went to that. I just don't have the capacity to pick that workload up, which is why I stood away from it this year.*

6.1.3	Meryn Browning
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*Councillor Blanco, just after the council meeting resumed on Monday night from the last and very long recess that Cr Christensen requested to talk to the governance team, you revoked the foreshadowed motion. Can you answer why is that?*

Cr Blanco provided the following response:

*I lodged the foreshadowed motion and when it came to discussing the foreshadowed motion, the administration were trying to call their lawyers to get advice on whether the motion was acceptable or not. We waited a while but could not get hold of any lawyers, so I said that I wasn't going to stay here all night long for advice, so I retracted the motion otherwise we might have been here all night.*

*My next question is to you Mr Mayor. On Tuesday the 23rd of April - yesterday, whilst doing an interview with the ABC Perth breakfast radio, the host asked you about the foreshadowed motion saying it did not get up, your response was quote, "no, it didn't get up and he cannot do that". So, my question is, do you remember why it didn't get up and if so, why didn't you correct the radio host and say that it was revoked - as there is a very big difference.*

The Mayor provided the following response:

It was an on the spot moment when asked, that was all.

*Again, when speaking on the radio interview, you stated on the night, they listen to the other councillors as to the reason why the vote didn't go the way you would have hoped - listened to the other councillors getting jittery feet and need to leave emotions out. Your councillors here need to leave their emotions out and look at the facts and some didn't look at the facts and some just looked at the emotion part of it. So, in standing order 9.14.2(a) it says, a member is not to reflect adversely on the character or actions of another member or employee. Is it not your job, as per the standing orders - to support the council's*

*decision and not reflect on that adversely by undermining them publicly on radio?*

The Mayor provided the following response:

Yes, on radio I said leave the emotion out of all of it and look at the facts. The facts were what I saw and heard. The council voted the way they wanted to vote, so that was it.

6.1.4	Jillian Fisher
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*I'd like to direct this to the Mayor and to the two councillors who voted for the motion that was ultimately defeated on Monday night. Can you please cite specific sections of the Local Government Act 1995 or any other relevant council legislation that Cr McRae has breached?*

The Mayor provided the following response:

That was answered Monday night.

Cr Turner provided the following response:

*Through the chair, I will answer that question. In both my response and the response from Cr Rebello - particularly Cr Rebello - she did make reference to several points under the code of conduct, so that was outlined quite specifically and articulated in that way. So, if you were to go back and look at the transcript, I think you will find there were key points referenced and specific points mentioned. I can guarantee the points were made as a way of representing our arguments on the night.*

*I would just like to know why the council is paying \$9,500 for massages.*

The CEO provided the following response:

Mr Mayor, I can answer that. It was part of a health and wellness program for the staff.

*Is there a reason it goes through that and not through the Well Women's Centre or the programs that are run out of that one?*

The CEO responded:

No, it would have been a procurement process and we would have obtained quotations.

*My last question is a question that Cr McRae brought up in his inaugural council meeting. He wanted to know if the Council was going to petition the State government in regard to adding police presence and possible social workers to our Town to try to stem the ridiculous amount of crime that is happening in*

*South Hedland. Is there a date organised regarding the meeting, because that was like a month ago?*

The Director Infrastructure Services provided the following response:

I think it is early June from memory. Staff met with the District Commander and two of the senior officers from South last week and they were just getting back to us with some dates. We have given them two dates, which I think are early June. They are yet to come back to us on what dates though.

*Is that at an ordinary council Meeting?*

The Director Infrastructure Services provided the following response:

It will be at a briefing.

6.1.5	Lee Gibbs
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*Mr Mayor, I'm referring to your last two addresses - Monday night at the extraordinary council meeting, wondering where you get your information from?*

The Mayor provided the following response:

I don't understand what information. From the media or from the administration.

*Referring to the meeting also. How much did that cost the Town of Port Hedland?*

The Mayor provided the following response:

No idea, it was a Special Council Meeting.

*Is there a way of finding out that figure?*

The Mayor provided the following response:

I don't think there is even a cost to it.

The CEO provided the following response:

It is not something we would have readily at hand. The cost of the officers' time, the operation of the building for the time the meeting took place and the security.

*Over the last three weeks Cr McRae has been pretty hounded by the media and I have seen some pretty awful things said about him on social media calling him a traitor and what not. I was surprised to find out that you had not contacted him at all over that time to discuss the Town of Port Hedland's stand on his comments. To me, it shows a complete absence of duty of care to a new councillor and someone on your team. Given that, how can you demonstrate you have a duty of care to the people of the Town of Port Hedland?*



The Mayor provided the following response:

I do, thank you very much.

6.1.6	Renaë Coles
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*Currently on the Town’s website we have strategies in place. I’ve pulled up Transient Workforce for Accommodation Strategy October 2014. Arts and Culture 2019-2022, the Pilbara Ports City Growth Plan and the Pilbara Ports City Information Plan. When are our plans going to start to be updated on the website, looked at and be processed through council rather than all the audacity that seems to be happening. When will we go back to business as usual and when can we see updated versions and if they are not required when can they be removed?*

The CEO provided the following response:

I am happy to take those on administratively and look at those reports and if it is appropriate to remove them then I will remove them.

*My next question refers to 12.5.2 in the agenda. It was very clear on Monday night, your leadership to your community and your team is very questionable, not to mention your ability to run any public meetings to appropriate standards. So, Mayor Carter, I ask you two very simple questions. Do you believe that the standard of meetings you currently preside over is at your satisfactory level?*

The Mayor provided the following response:

Yes, correct, yes.

*Outside council commitment to the departments letter stated in tonight's agenda, what are you going to do differently to address the clear concerns directly related to your lack of leadership, lack of communication skills and lack of commitment to this community please?*

The Mayor provided the following response:

That item is on the Agenda tonight. I can’t comment as that item is on the agenda.

**The Presiding Member declared Public Question Time closed at 5:52pm.**

**6.2 Public Statement Time**

**The Presiding Member declared Public Statement Time open at 5:53pm**

6.2.1	John Ashenden
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*Mr Ashenden spoke to:*

- *The recent ARC meeting, attendance of the meeting and his views on the meeting.*

6.2.2	Renaë Coles
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*Ms Coles spoke to:*

- *Outdated information on Town's website.*
- *Above and below line list of behaviours of the employees' Code of Conduct on the Town's website.*
- *Her suggestions for the Councillors to follow the Code of Conduct*

6.2.3	Jan Gillingham
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*Mrs Gillingham spoke to:*

- *Updating the Town's website for councillor attendance at meetings.*
- *An item on Talk Back Radio concerning the closing of big business and people leaving town due to unemployment, smaller contractors not being paid and losing contracts - therefore unable to pay their mortgages.*
- *The need for a forensic audit so the Town can prosper, and the Town can have a clean bill of health.*

**The Presiding Member declared Public Statement Time closed at 6:15pm**

**6.3 Petitions / Deputations / Presentations / Submissions**

Nil

**7 Questions from Members without Notice**

7.1.1	Cr Blanco
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*We received a letter from the DLGSC in relation to the suspension of the council stating that there was no report done into the suspension. Can I get the administration to send them this question?*

*Considering that Pingelly and Port Hedland were suspended at the same time, lost the quorum and that's why the council was dissolved - both of them at the same time. Pingelly did get a report into the suspension - so I need to know why Port Hedland did not receive a report, and Pingelly did. The suspension cost us hundreds of thousands of dollars, may have been over a couple of million.*

The Mayor provided the following response:

Taken on notice.

7.1.2	Deputy Mayor Christensen
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*12.4.1 Shared Footpath - I was lucky enough to ask a few questions at the briefing - but could the director explain to the fellow councillors what she explained to me concerning this?*

The Director Infrastructure Services provided the following response:

So when the footpath went for engineering design, the pre-tender estimate has come back more than we had anticipated. What we have done is contacted the West Australian Bicycle Network (WABN), who are funding half the cost of that for us. What they have said to my staff is that when we put it out for tender and know the true cost of the footpath, then they will look favourably to fund half of the overall cost of that project, which is over and above what they have already told the council that they would give for the footpath.

*To the CEO, again with Item 12.4.1, I just wanted to verify and confirm that we are only endorsing concept design and we're not throwing extra money into budget to make this project go ahead?*

The CEO provided the following response:

You are correct councillor, as per the recommendation, it is for concept designs only at this point. The officers will then need to take that matter out for tender, and that tender will come back to council for full costing once we know that response.

*In relation to 12.4.2 Spoilbank Marina developments - to the CEO - I wanted to ensure that commercial terms of the agreement that we are voting on will be fulfilled before we release any JDAP conditions to anybody.*

The CEO provided the following response:

Yes, councillors - in the officer recommendation there are 5 points as part of part 3, they are all conditions that need to be met - I think the JDAP condition is under D and that is one part of the five, but all five will need to be met before we clear the JDAP condition.

Deputy Mayor Christensen made a statement:

*I just wanted to take the opportunity to reach out wish bon voyage to one of our Directors, Craig Watts, who will be leaving us. This is his last OCM. There have been many nights I've relied on you, answering your phone at silly hours and answering questions. I wish you and your family all the best and thanks for your help.*

7.1.3	Cr Arentz
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*I have a question concerning a tender RFT2122-07 for the Pressure Force Cleaning contract, the two-parter. Has that been extended - by my calculations it should have ended in February?*

The Director Infrastructure Services provided the following response:

I think it had some extensions; we will clarify that.

## 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of March 2024:

<b>DATE</b>	<b>MEETING DETAIL</b>
6/03/2024	Triple M Talk of the Town Radio segment
6/03/2024	Pacific Partnership Stakeholder interview with Creating Communities
6/03/2024	Meeting with Barry Taylor re Development Opportunities
7/03/2024	7News Interview re Street Art Festival Award
8/03/2024	North West Defence Alliance meeting
8/03/2024	Meeting with WAPOL
9/03/2024	Meeting with PHIA CEO
11/03/2024	Update meeting with Azurra
12/03/2024	Triple M Talk of the Town Radio segment
12/03/2024	Regional Capitals Australia Board Meeting
13/03/2024	Special Council Meeting
14/03/2024	ABC Media interview re SCM outcomes
15/03/2024	Hedland Sports and Rec Expo opening
19/03/2023	Triple M Talk of the Town Radio segment
20/03/2024	WAPOL and Mayor photo op with CCTV trailer
20/03/2024	BHP SEG Meeting
21/03/2024	Citizenship Ceremony
22/03/2024	AGWA Collection: Part 1 Exhibition Opening
26/03/2024	Triple M Talk of the Town Radio segment
26/03/2024	PHCCI Coffee Catch up with the Mayor
26/03/2024	JDAP meeting re Development at Lot 21 Collier Dr, South Hedland
27/03/2024	Cr McRae Swearing in Ceremony
27/03/2024	March Ordinary Council Meeting
28/03/2024	Photo Op with Iluka's Kitchen and BHP

## **9 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting**

Mayor Peter Carter  
Cr Sven Arentz  
Cr Camilo Blanco  
Cr Lorraine Butson  
Cr Ambika Rebello  
Cr Tim Turner  
Cr Adrian McRae

Deputy Mayor Ash Christensen did not declare.

## **10 Confirmation of Minutes of Previous Meeting**

### **CM202324/247 COUNCIL DECISION**

**MOVED: Cr Sven Arentz**

**SECONDED: Cr Ambika Rebello**

**That Council confirm that the Minutes of the Ordinary Council Meeting held on 27 March 2024 are a true and correct record.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

### *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.*

## 11 Reports of Committees

### 11.1 Audit, Risk and Compliance Committee

<b>11.1.1</b>	<b>Minutes of the 15 April 2024 Special Audit, Risk and Compliance Committee Meeting</b>
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**Author:** Senior Audit, Risk & Insurance Advisor  
**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.

#### CM202324/248 COUNCIL DECISION

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Sven Arentz

**That Council receives the Unconfirmed Minutes of the Special Audit, Risk and Compliance Committee Meeting held on 15 April 2024.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

#### **PURPOSE**

The purpose of this report is to present the Unconfirmed Minutes of the Special Audit, Risk, and Compliance Committee (ARC Committee) meeting held on March 15, 2024, for Council's consideration.

#### **DETAIL**

##### Background

The Town's ARC Committee is a statutory committee of the Council, established in accordance with section 7.1A of the *Local Government Act 1995*. The role of the ARC Committee is to offer guidance and support to the Council on matters outlined in its Terms of Reference. The ARC Committee assist the Council in fulfilling its governance and oversight obligations related to financial reporting, internal controls, risk management systems, legislative compliance, ethical accountability, and internal and external audit functions.

Following the determination of the Ordinary Local Government Election, held on 21 October 2023, the Council resolved to appoint three Elected Members to become members of the ARC Committee, at its Ordinary Council Meeting, held on 1 November 2023 (CM202324/138):

- Cr Camilo Blanco
- Cr Lorraine Butson
- Cr Tim Turner

Following the appointment of the new ARC Committee, at its meeting held on 28 November 2023, Cr Camilo Blanco was elected unopposed to the office of Presiding Member and Cr Tim Turner was elected unopposed to the office of Deputy Presiding Member.

The Special Meeting of the ARC Committee was called by the Presiding Member pursuant to section 3.4(1) ToPH *Standing Orders Local Law 2014* for the purpose of;

- Consideration of the Audited Financial Statements 2022/23,
- The Audit, Risk and Compliance Committee Terms of Reference, and
- The 2023 Compliance Audit Return.

### 15 April 2024 Meeting Overview

#### *1. Audited Financial Statements – Financial Year 2022-23*

The Audited Financial Statements were presented to the ARC Committee for discussion, with the Committee supporting an alternate motion. This report is 11.1.2 on the 24 April 2024 Ordinary Council Meeting agenda.

#### *2. ARC Committee – Amended Terms of Reference*

During the Ordinary Council Meeting held on November 1, 2023, the Council made a resolution to maintain the current Terms of Reference (TOR) for the ARC Committee and to subject them to a review by the ARC Committee before June 2024 (CM202324/138).

Furthermore, section 8.2 of the current TOR, requires the ARC Committee to “request the CEO perform a review after an Election, suggest improvements to and assess the adequacy of the ARC Committee TOR, request Council approval for proposed changes, and ensure appropriate disclosure as might be required by legislation or regulation.”

In accordance with the Council resolution and section 8.2 of the current Terms of Reference (TOR), the administration conducted a review of the TOR, resulting in several notable amendments:

- A provision was added to allow a proxy to participate in meetings if a Committee member is unavailable, ensuring uninterrupted continuity in the Committee's proceedings.
- The Authority and Independence section was restructured in the proposed TOR to align with the Town's Register of Delegated Authority – Statutory, enhancing clarity and conformity.
- The Committee's structure was revised to include a minimum of three members and a maximum of five members, emphasising the inclusion of at least one independent member whenever feasible. This differs from the existing TOR, which lacks provision for an independent member.



- Guidelines for Committee member resignations were introduced in the proposed TOR to facilitate a structured and transparent process, contributing to the Committee's effective functioning.
- The proposed TOR relaxes stringent requirements regarding the sources from which Committee members may seek advice. Unlike the current TOR, which limits advice to specific qualifications such as being a Certified Practising Accountant (CPA) or Chartered Accountant (CA), the proposed TOR allows members to seek guidance from suitably qualified individuals with relevant experience in financial risk management, risk management, corporate governance, or auditing, without mandating a highly specific degree. This adjustment reflects the evolution of the ARC Committee, expanding its focus beyond finance to encompass areas such as Finance, Audit, Risk, and Compliance.

The ARC Committee TOR was presented to the 28 November 2023 committee meeting and the ARC Committee resolved to let the motion lie on the table (ARC202324/007).

The amended TOR was returned to the agenda for the 12 March 2024 meeting and, subject to discussion at the ARC Committee feedback session on 5 March 2024, a further briefing was held with the ARC Committee on 11 March 2024.

The TOR was considered at the 12 March 2024 ARC Committee meeting and the recommendation proposed that the Committee endorses the revised TOR and recommends its adoption by the Council. While Councilor Turner supported the motion, its lack of a seconder and subsequent absence of debate led to the item lapsing.

At this meeting the amended TOR was further considered, and the ARC Committee resolved not to support the amended TOR, with Cr Turner for and Councillors Blanco and Butson against.

### *3. 2023 Compliance Audit Return*

The 2023 CAR was considered at the 12 March ARC Committee meeting.

A recommendation was put forth to the Committee to:

- Note the outcome of the 2023 Compliance Audit Return;
- Note the actions the Town will undertake to ensure future compliance;
- Recommend Council adopt the 2023 Compliance Audit Return; and
- Recommend Council authorise the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2023 to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

The Town used an evidence-based methodology to complete the 2023 CAR. Management was assigned the responsibility of addressing questions pertaining to their specific business units. Following the receipt of their responses, the Audit, Risk, and Insurance business unit requested sample evidence to verify the accuracy of the

information provided. The sample evidence was cited and validated to ensure the accuracy of the responses.

Cr Turner supported the recommendation; however, with no seconder and no subsequent debate, the item lapsed. Consequently, the Town was non-compliant with the deadline stipulated in Regulation 15 *of the Local Government (Audit) Regulations 1996*.

The 2023 CAR was considered at the Special ARC Meeting on 15 April 2024 and the ARC Committee resolved not to support the officer's recommendation to adopt the 2023 CAR, with Cr Turner for, and Councillors Blanco and Butson against. The 2023 CAR is item 11.1.3 on the 24 April 2024 Ordinary Council Meeting agenda.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance, due to the deliberation on financial and governance matters during the meeting. These discussions bear significance on the Town's ability to meet its compliance obligations and manage its finances.

### **CONSULTATION**

#### *Internal*

- Senior Audit, Risk and Insurance Advisor
- Manager Governance

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

The Audit Committee Terms of Reference govern the functions, powers and membership of the ARC Committee.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial implications associated with this item.

### **STRATEGIC SUSTAINABILITY IMPLICATIONS**

#### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

4.2.3 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.

**Access and Inclusion**

The following outcome of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Not reporting to Council
<b>Effect (Consequence)</b>	Non-compliance with best practice principles
<b>Risk Treatment</b>	Council receives the minutes from the 15 April 2024 Special ARC Committee Meeting and future meetings
<p>There is an operational risk associated with this item caused by not reporting the activities of the ARC Committee to Council which could lead to non-compliance with best practice principles and to an extent Standing Orders Local Law 2014.</p> <p>The risk rating is medium (6) which is determined by a likelihood of possible (3) and a consequence of minor (2)</p>	

This risk will be eliminated by reporting the minutes of the ARC Committee to the Council for their consideration.

### **OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

### **CONCLUSION**

In conclusion, this report presents the Unconfirmed Minutes of the Special Audit, Risk, and Compliance Committee meeting held on April 15, 2024, for Council's review.

Notable discussions during the meeting included the Audited Financial Statements 2022-23, proposed amendments to the ARC Committee's Terms of Reference and the 2023 Compliance Audit Return. The Committee's recommendations, decisions, and actions taken are reflected within this report.

### **ATTACHMENTS**

1. 20240419 Final Agenda \_ V 3 [**11.1.1.1** - 35 pages]

**11.1.2 Audited Financial Statements - Financial Year 2022-23**

**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.

**CM202324/249 COUNCIL DECISION**

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Lorraine Butson

**That Council:**

- 1. Receive the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the Financial Year ended 30 June 2023; and**
- 2. Do not adopt the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2023.**
- 3. Recommend Council conduct an independent forensic review into the towns Procurement processes and compliances with laws and regulations within the 21/22 and 22/23 budgets.**
- 4. Recommend Council conduct an independent review into the Delegated authority processes within the 21/22 and 22/23 budgets.**
- 5. Recommends the council applies the appropriate resources that funds this independent review.**
- 6. Recommend the council conduct an independent review on Credit Cards, Fuel cards, sundry payments from 2022-23 budgets.**

***LOST BY SIMPLE MAJORITY (4/4)***

*For: Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Tim Turner*

*Against: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Ambika Rebello and Cr Tim Turner*

**CM20324/250 FORESHADOWED MOTION****MOVED: Deputy Mayor Ash Christensen****SECONDED: Cr Ambika  
Rebello****That Council:**

- 1. Receive the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the Financial Year ended 30 June 2023; and**
- 2. Adopt the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2023.**

***CARRIED BY SIMPLE MAJORITY (5/3)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz,  
Cr Ambika Rebello, and Cr Tim Turner*

*Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

**PURPOSE**

The purpose of this report is for Council to consider and adopt the Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2023, and to endorse all reports to Council.

The Council may resolve to consider and accept the Committee Decision, the Officer's Recommendation, amend or propose an alternate resolution.

RSM Australia Pty Ltd ("the Town's Auditors") have advised that the Office of the Auditor General (OAG) intends to issue a modified audit opinion for the financial year ended 30 June 2023.

**DETAIL**

Each year, the Town of Port Hedland (the "Town") is required to prepare general purpose financial statements and refer them to its Auditors as soon as practicable, no later than 30 September following the end of the financial year (Section 6.4 of the *Local Government Act 1995*). The draft Annual Financial Report for the year-ended 30 June 2023 was submitted to its Auditors on 30 September 2023.

The Annual Financial Report is prepared in accordance with Australian Accounting Standards; the *Local Government Act 1995*; and the *Local Government (Financial Management) Regulations 1996*. Management are responsible for preparing the Annual Financial Report in accordance with the Standards, Act and Regulations and to ensure that it fairly reflects the financial performance and position of the Town.

The Town's Auditors conducted the end of year audit onsite between 2-6 October 2023. The role of the Auditor is to provide an opinion based on their audit as to whether Management has fulfilled these obligations. The Auditors also prepare a separate, more detailed report for Management, identifying any issues arising from the conduct of the audit, and recommending any corrective actions.

The Town's Auditors issued the Town with a modified audit opinion with respect to the Annual Financial Report. Infrastructure Assets forms a significant part of the Total Assets of the Town, the Auditors found they were unable to obtain sufficient appropriate audit evidence regarding the completeness and accuracy of the Town's asset management system records to reliably value these assets within its accounting records. Due to the proportion of the Town's Infrastructure assets to the total assets, and the uncertainty of the size of any potential misstatement arising, the impact on the financial statements is considered material.

The Auditors have presented several matters for consideration by management as identified in Confidential Attachment 3.

Under section 5.54 of the *Local Government Act 1995*, the Annual Financial Report and Independent Auditor's Report must be accepted by the local government by 31 December, provided the Independent Auditor's Report is available. If the Independent Auditor's Report is not available in time for the Annual Financial Report for a financial year to be accepted by 31 December after that financial year, the Annual Financial Report is to be accepted by the local government no later than 2 months after the Independent Auditor's Report becomes available.

The Audited Annual Financial Report and Management Letter was signed off by the Auditor's on 10 April 2024, during the Exit Meeting. The ARC Committee has delegated authority to liaise with the Auditor, receive and examine the Auditor's report and any Management issues arising from the conduct of the audit. The ARC Committee received the Audited Annual Financials Report on 15 April 2024.

## **SUMMARY OF FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2023**

### *Continuing Operations*

The Town reports a net deficit of \$6,165,281 (refer to page 3 of the Annual Financial Report), this is favourable to budget by \$2,207,719.

The Town's operating revenue streams in financial year 2022/23 is favourable to budget by 24%. Specifically, this relates to grants received for cyclone restoration works, contributed assets and interest revenue.

The Town's operating expenses increased by 8%. Notable variances from budget include:

- Materials and contract costs increased by 14%, due to a payment of \$12M for the Spoilbank Landside development; and
- Depreciation on non-current assets increased by 27% due to an increase in the volume and value of capital assets.

**AUDIT FINDINGS**

The Town's Auditors have identified several matters for consideration to be addressed by Management. Please refer to Confidential Attachment 3 for these findings.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance as it summarises the financial position of the Town for the financial year ended 30 June 2023 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

**CONSULTATION***Internal*

The Annual Financial Reports and audit were completed with the input and assistance of the Executive Leadership team, the Financial Services team and the Governance team.

*External Agencies*

- RSM Australia
- The Office of the Auditor General

*Community*

Not applicable.

**LEGISLATION AND POLICY CONSIDERATIONS**

Part 7 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* details the requirements for audit.

The Department of Local Government, Sport and Cultural Industries has also prepared Operational Guideline Number 9 to provide guidelines for the Committee relating to Audit in Local Government.

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* details the CEO's duties in relation to financial management.

Under section 5.54 of the *Local Government Act 1995*, the annual financial statements and audit report must be accepted by 31 December, provided the auditor's report is available. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

**FINANCE AND RESOURCE IMPLICATIONS**

The costs associated with conducting the interim and end of financial year audit are included in the 2022/23 budget and financial statements.



**STRATEGIC SUSTAINABILITY IMPLICATIONS**

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

**Access and Inclusion**

There are no significant identifiable outcome/outcomes of the Town’s Access and Inclusion Plan 2023-2026 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:

Our Corporate Services:

- Governance and Procurement - Provide high standards of governance and leadership
- Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community
- Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Financial
<b>Cause</b>	Financial
<b>Effect</b>	Medium
<b>Risk Treatment</b>	Accept
<p>There is a Strategic, risk associated with this item caused by regulated financial and reporting requirements, leading to potential for non-compliance.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p> <p>This risk will be accepted by the management’s accounting practices, with external support services and overview by audit agencies.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation

**That Council:**

- 1. Receive the Audited Annual Financial Report, Independent Auditor’s Closing Report, and Management Letter of Audit Findings for the Financial Year ended 30 June 2023; and**
- 2. Adopt the Audited Annual Financial Report, Independent Auditor’s Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2023.**

Option 2 – Adopt committee’s decision

Option 3 – Do not adopt officer’s recommendation or committee’s recommendation.

### **CONCLUSION**

The 2022/23 Financial Year Annual Financial Report, Independent Auditor’s Closing Report and Management Letters are attached.

The Town is continuously working towards improvements in the financial management area and there will be a focus on creating stronger internal controls within financial management and processes in accordance with the Town’s values and long-term sustainability.

### **ATTACHMENTS**

1. AFS 2022-2023 [**11.1.2.1** - 48 pages]
2. Management Representation Letter F Y 23 To PH [**11.1.2.2** - 7 pages]
3. Town of Port Hedland- Auditor's Closing Report - 30 June 2023 ( Final 10 April 2024) [**11.1.2.3** - 22 pages]
4. CONFIDENTIAL - Findings Identified During the Financial Audit 2022-2023 [**11.1.2.4** - 30 pages]
5. CONFIDENTIAL - Findings Identified During the Information Systems Audit 2022-2023 [**11.1.2.5** - 15 pages]

**11.1.3 2023 Compliance Audit Return**

**Author:** Senior Audit, Risk & Insurance Advisor  
**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.

**CM202324/251 COUNCIL DECISION**

**MOVED:** Deputy Mayor Ash Christensen      **SECONDED:** Cr Ambika Rebello

**That the Council:**

- 1. Notes the outcome of the 2023 Compliance Audit Return;**
- 2. Notes the actions the Town will undertake to ensure future compliance;**
- 3. Recommends Council adopt the 2023 Compliance Audit Return; and**
- 4. Recommends Council authorise the Mayor and Chief Executive Officer to sign and submit the Town’s Compliance Audit Return 2023 to the Department of Local Government, Sport and Cultural Industries.**

***CARRIED BY SIMPLE MAJORITY (5/3)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Ambika Rebello, and Cr Tim Turner  
 Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

**PURPOSE**

The purpose of this report is for the Council to consider the Town’s 2023 Compliance Audit Return (CAR) and the Audit, Risk and Compliance Committee (ARC Committee) recommendation from the 15 April 2024 Special ARC Committee meeting.

**DETAIL**

Annually, every Local Government Authority in Western Australia is required to perform a compliance audit for the preceding calendar year and submit the results to the Department of Local Government, Sport, and Cultural Industries (DLGSC) by March 31. The Compliance Audit Return is a self-assessment tool that assesses the local government’s compliance with the *Local Government Act 1995* and its subsidiary regulations.

The ARC Committee is required to review the CAR, present its findings to Council for adoption, and recommend the Council authorise the Mayor and Chief Executive Officer sign and submit the CAR to the DLGSC by the statutory deadline of 31 March 2024.

The CAR serves as a tool used by the DLGSC to assess the operational compliance of local governments during the previous calendar year. Areas of identified non-

compliance offer valuable insights, guiding officers in reviewing processes to enhance compliance standards.

#### Evidence based approach

The Town used an evidence-based methodology to complete the 2023 CAR. Management was assigned the responsibility of addressing questions pertaining to their specific business units. Following the receipt of their responses, the Audit, Risk, and Insurance business unit requested sample evidence to verify the accuracy of the provided information. The sample evidence was cited and validated to ensure the accuracy of the responses.

Where a question inquired if a document had been uploaded to the website as mandated by statutory requirements, the Audit, Risk, and Insurance business unit confirmed and validated that the Town had indeed fulfilled this obligation.

#### Analysis of compliance

For the 2023 calendar year, the Town of Port Hedland attained a compliance rate of 93%, inclusive of all 'Yes' and 'N/A' responses.

A summary of the 2023 CAR results are as follows:

<b>Category</b>	<b>Yes</b>	<b>N/A</b>	<b>No</b>	<b>Total</b>
Commercial Enterprises by Local Governments	5			<b>5</b>
Delegation of Power/Duty	11		2	<b>13</b>
Disclosure of Interest	15	3	3	<b>21</b>
Disposal of Property	2			<b>2</b>
Elections		3		<b>3</b>
Finance	2	4	1	<b>7</b>
Integrated Planning and Reporting	3			<b>3</b>
Local Government Employees	2	3		<b>5</b>
Official Conduct	4			<b>4</b>
Optional Questions	8		1	<b>9</b>
Tenders for Providing Goods and Services	19	3		<b>22</b>
<b>Total</b>	<b>71</b>	<b>16</b>	<b>7</b>	<b>94</b>

#### Analysis of non-compliance

There were 7 instances of non-compliance for the 2023 calendar year.

The Town intends to address non-compliances over the 2024 calendar year. The CAR will be integrated into the compliance management system and responsible officers will be expected to provide routine updates.

<b>Category</b>	<b>Reference</b>	<b>Question</b>	<b>Comments</b>
Delegation of Power/Duty #5	s5.18	Has Council reviewed delegations to its committees in the 2022/2023 financial year?	The 2023/24 Delegation Review went to the 30 August 2023 OCM, which resulted in an absolute majority council decision. CM202324/118.
Delegation of Power/Duty #12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	The 2023/24 Delegation Review went to the 30 August 2023 OCM, which resulted in an absolute majority council decision. CM202324/118.
Disclosure of Interest #4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Not all primary returns were lodged within three months of the relevant person's start date. All but 1 have subsequently been provided to the Town. The employee who did not lodge their return is no longer employed at the Town.
Disclosure of Interest #5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	There were 7 outstanding annual returns. The employees are no longer employed at the Town.
Disclosure of Interest #9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	This register is maintained by Governance regularly. However, it contains details of people who are no longer required to lodge a return.
Finance #3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	The OAG and RSM as auditors have not completed their reports as of 31 December 2023.
Optional Questions #7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local	The Town maintains a Councillor Training Register; however, the Register was not uploaded to the Town's website in 2023. The register was

Category	Reference	Question	Comments
		government's official website by 31 July 2023?	uploaded to the website in February 2024.

The draft version of the CAR was discussed at an ARC Committee agenda feedback session on 5 March 2024 with further information requested by the ARC Committee. This information was compiled and provided to the ARC Committee, with a briefing held on 11 March 2024 for further discussion of the issues raised.

The CAR was presented for consideration by the ARC Committee at the 12 March 2024 meeting, with Cr Turner moving the recommendation; however, with no seconder and no subsequent debate, the item lapsed. The ARC Committee was advised that the Town would be non-compliant with the deadline stipulated in regulation 15 of the *Local Government (Audit) Regulations 1996*. The Town has received a letter of non-compliance from DLGSC, requiring submission by 19 April 2024 (attachment 2).

At the 15 April 2024 Special ARC Committee Meeting the ARC Committee resolved not to support the Officer's Recommendation:

**ARC202324/022 COMMITTEE DECISION**

**MOVED: Cr Tim Turner**

**SECONDED: Cr Lorraine Butson**

**That the Audit, Risk and Compliance Committee:**

- 1. Notes the outcome of the 2023 Compliance Audit Return;**
- 2. Notes the actions the Town will undertake to ensure future compliance;**
- 3. Recommends Council adopt the 2023 Compliance Audit Return; and**
- 4. Recommends Council authorise the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2023 to the Department of Local Government, Sport and Cultural Industries.**

***THIS MOTION WAS LOST (2/1)***

For: Cr Tim Turner

Against: Cr Camilo Blanco, Cr Lorraine Butson

The Council may resolve to consider and accept the Committee Decision, the Officer's Recommendation (below), amend or propose an alternate resolution.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, due to the potential consequences resulting from non-compliance, the potential impact on the Town's service delivery capabilities, the potential effect on the Town's reputation, and the general interest shown by the community in the compliance of the Town's business operations.

## CONSULTATION

### *Internal*

- ARC Committee
- Executive Leadership Team
- Manager Planning & Economic Development
- Manager Governance
- Principal HR Operations
- Senior Economic Development Officer
- Senior Corporate Performance Advisor
- Senior Procurement & Contracting Advisor
- Governance Advisor
- Coordinator Property Management

### *External Agencies*

- Western Australian Local Government Association (WALGA)

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Regulation 14 of the Local Government (Audit) Regulations 1996 (Audit Regulations) requires that a CAR be completed and submitted to the Department by 31 March 2024.

### *14. Compliance audits by local governments*

*(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

*(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

*(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

*(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*

*(a) presented to the council at a meeting of the council; and*

*(b) adopted by the council; and*

*(c) recorded in the minutes of the meeting at which it is adopted.*

Regulation 15 of the Audit Regulations requires a joint certification to be completed by the Mayor and Chief Executive Officer. The document is to be forwarded to the Department via its online portal.

### *15. Certified copy of compliance audit return and other documents to be given to Departmental CEO*

*(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with*

*(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*

- (b) any additional information explaining or qualifying the compliance audit,  
is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation — certified in relation to a compliance audit return means signed by —
  - (a) the mayor or president; and
  - (b) the CEO.

**FINANCE AND RESOURCE IMPLICATIONS**

There are no financial implications related to this item.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

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

Our Leadership:

4.2.3 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.

**Access and Inclusion**

The following outcome of the Town’s Access and Inclusion Plan 2023-2026 apply in relation to this item:

Nil

**Corporate Business Plan**

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

Our Corporate Services:

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	ARC Committee failing to reach a resolution to recommend Council’s adoption of the 2023 CAR.
<b>Effect</b>	Non-compliance with Regulation 15 of the Local Government (Audit) Regulations 1996, which requires the Town to submit its CAR to the DLGSC by March 31.
<b>Risk Treatment</b>	<ul style="list-style-type: none"> <li>• An analysis of non-compliance has been conducted, and strategies for improvement will be discussed with the</li> </ul>



	<p>Executive Leadership Team and individual business units to enhance compliance in the 2024 Calendar Year.</p> <ul style="list-style-type: none"> <li>• The ARC Committee has received detailed commentary on each non-compliance to provide context.</li> <li>• The Town is non-compliant with Regulation 15 due to the ARC Committee’s refusal to consider the CAR at the 27 March ARC Committee Meeting, resulting in a DLGSC non-compliance letter.</li> <li>• To mitigate the risk of ongoing non-compliance, it is essential for the Council to reach a resolution and adopt the CAR.</li> </ul>
<p>There is a compliance risk associated with this item if the Council fails to reach a resolution to adopt the 2023 CAR. Such an outcome could result in ongoing non-compliance with Regulation 15 of the Local Government (Audit) Regulations 1996, which requires the Town to submit its CAR to the DLGSC by March 31.</p> <p>The risk rating is considered Medium (9) determined by a likelihood of Possible (3) and a result of Moderate (3).</p> <p>This risk will be mitigated by the Council’s adoption of the 2023 CAR.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s or committee’s recommendation.
- Option 3 – Do not adopt officer’s or committee’s recommendation.

**CONCLUSION**

The CAR is an obligatory requirement imposed on all local governments for statutory compliance. It serves as a tool for the Town to assess its procedures, ascertain compliance, and relay the review outcomes to the DLGSC.

**ATTACHMENTS**

1. 20240226 Compliance Audit Return 2023 [**11.1.3.1** - 12 pages]
2. E 24050236 - Letter of Non- Compliance - 2023 Compliance Audit Return [**11.1.3.2** - 1 page]

## 12 Reports of Officers

### 12.1 Corporate Services

<b>12.1.1</b>	<b>Statement of Financial Activity - March 2024</b>
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**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. At times, they receive payments made in accordance with employment contracts and related Town of Port Hedland policies, which are disclosed in the attachments to this report.

#### CM202324/252 COUNCIL DECISION

**MOVED:** Cr Camilo Blanco

**SECONDED:** Cr Lorraine Butson

**That Council:**

- 1. Receive the Statement of Financial Activity for the period ended 31 March 2024 as shown in attachment 1;**
- 2. Receive the Material Variance Report, as shown in attachment 2;**
- 3. Note the Accounts paid under delegated authority for the period ended 31 March 2024 as shown in attachment 3;**
- 4. Receive the Purchasing Card statements for the period ended 31 March 2024, as shown in attachments 4 and 5**
- 5. Receive the Investment Summary Report for the period ended 31 March 2024, as shown in attachment 6.**
- 6. Receive the Capital Project Listing for the period ended 31 March 2024, as shown in attachment 7**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*

*Against: Nil*

#### **PURPOSE**

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 March 2024. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

The information provided in this report is for the period ended 31 March 2024, with financial results included in Attachment 1. The preparation of the reports has been reviewed towards maintaining compliance with the *Local Government Act 1995 and Financial Management Regulations* that has resulted in a reduction of some information not necessarily required to be prepared on a monthly basis. The March Financial Report relies upon audited unconfirmed financial results for the 2022/23 financial year at the time of writing of report.

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 2023/2024 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

- A variance of 10% or \$50,000, whichever is greater, of the Year-to-Date budget of operational and capital expenditure requires explanation.

The opening funding surplus of \$4.4M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited unconfirmed June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 March 2024 is a surplus of \$31.0M. This is due to the practice of raising rates and charges for the full financial year when the rates notices are generated. The YTD surplus of \$ 6.26M favourable to budget due to reduced YTD spend on materials and services and employee vacancies.

**LEVEL OF SIGNIFICANCE**

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

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

**CONSULTATION***Internal*

- *Nil*

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

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following section/s of the Town’s *Strategic Community Plan 2022-2032* apply in relation to this item:

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken

**Access and Inclusion**

The following outcome/s of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil.

**Corporate Business Plan**

The following service/s of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Financial Management and Rates - Financial management services compliant with legislation to enable the Town to sustainably provide services to the community

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Financial

<b>Cause</b>	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/2024 financial year.
<b>Effect (Consequence)</b>	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
<b>Risk Treatment</b>	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The opening funding surplus of \$ 4.4M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2023. The net current funding position is \$31.0M.

**ATTACHMENTS**

1. Statement of Financial Activity - March 2024 [**12.1.1.1** - 7 pages]
2. Material Variance Report - March 2024 [**12.1.1.2** - 4 pages]
3. List of Payments - March 2024 [**12.1.1.3** - 58 pages]
4. Credit Card Statements- March 2024 without names [**12.1.1.4** - 17 pages]
5. Fuel cards Statements - March 2024 [**12.1.1.5** - 5 pages]
6. Investment Summary Report - March 2024 [**12.1.1.6** - 10 pages]
7. Capital Projects Listing - March 2024 [**12.1.1.7** - 12 pages]

<b>12.1.2</b>	<b>Corporate Business Plan Quarterly Report - 2023-2024 Quarter 3</b>
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**Author:** Senior Corporate Performance 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.

**CM202324/253 COUNCIL DECISION**

**MOVED: Cr Camilo Blanco**

**SECONDED: Cr Lorraine Butson**

**That Council receives the Corporate Business Plan Quarterly Report – 2023/24 Quarter 3 as per Attachment 1.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

**PURPOSE**

The purpose of this report is for the Council to receive the Quarter 3 report on the progress of service delivery as outlined in the Corporate Business Plan (CBP) 2023-2027. The report captures the period January to March 2024.

**DETAIL**

The Integrated Planning and Reporting (IPR) provides local governments with a framework for establishing local priorities and linking these to operational functions as detailed in Strategic Community Plans and Corporate Business Plans. The IPR Framework requires that regular monitoring and reporting of these plans are undertaken. The Town of Port Hedland’s IPRF recommends implementing quarterly reports to inform the Council of the Town’s performance against the community outcomes, enabling the Town to respond to changing priorities.

The Town of Port Hedland’s Corporate Business Plan 2023-2027 was adopted by the Council on 30th August 2023. It is the Town’s 4-year planning document that comprises the services, service levels, any planned changes and major projects the Town aims to deliver over the four years, to achieve the deliverables listed in the Strategic Community Plan 2022-2032. It is reviewed and updated annually in line with the development of each year’s annual budget.

The quarterly report ensures that the Council and the community are aware of the Town’s progress against the CBP’s Actions and that services are being delivered. It is an effective means to update the Council and the community on progress against

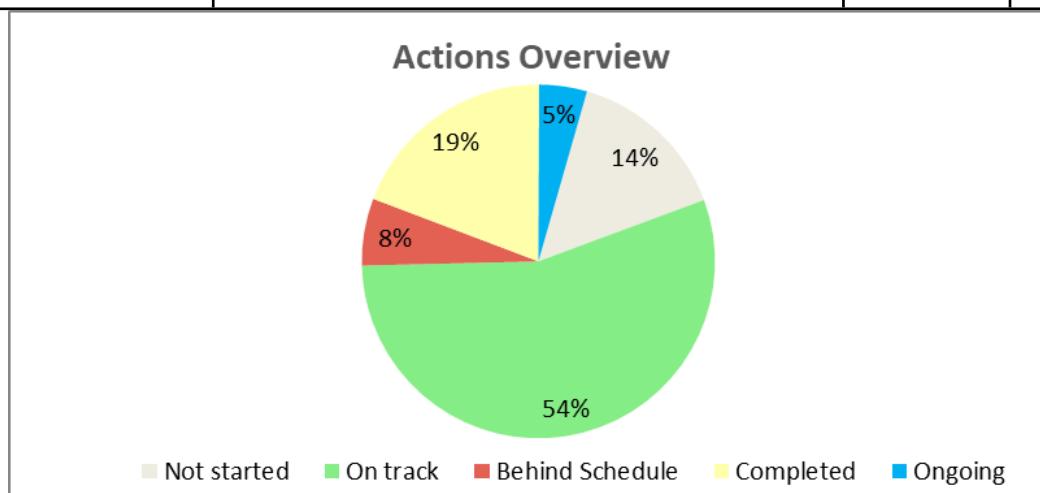
agreed priority actions. The report provides information on the progress made against these service levels and covers the period January to March 2024.

The report identifies the key actions, the status of each action, the percent complete along with commentary on the progress where applicable. The majority of the services are being progressed and are on track. However, some of the actions have yet to start or are behind schedule and delays have been explained. Comments have been provided for such actions including details of their expected start dates.

**Summary:**

The table and chart below provide a summary of the overall progress of the 114 actions reported against:

Action Progress Status	Description	Number	%ge
Not started	This initiative/project is scheduled to start at a later time in the course of the Corporate Business Plan	16	14
On track	This initiative/project is in progress and expected to be completed in the scheduled time	62	54
Behind schedule	This initiative/project has not started at the scheduled time or is in progress but not expected to be completed in the scheduled time. Please see the "comment" column for an explanation and management response	9	8
Completed	This initiative/project was completed during the last quarter	22	19
Ongoing	This initiative/project is in progress and expected to continue for some time in the future	5	5
<b>Total</b>		<b>114</b>	<b>100</b>



Highlights of the period January to March include the progression of many important projects such as review of important informing plans and the early stages of important community projects including:

- Key worker housing - The Request for Proposal (RFP) has been successfully released to shortlisted respondents.
- Childcare Expansion and Development - Development application for an expansion of the Rose Nowers Early Learning Centre in South Hedland was supported by the Council.
- South Hedland Civic and Community Hub - A site inspection was held in March 2024, where consultants coordinated with the TAFE team for building access.
- ERP - eRecruitment module was completed and is in production.
- Community Safety - The Bike Lock program was rolled out.
- Risk Management – The Audit and Risk Management reporting system was launched.

### **LEVEL OF SIGNIFICANCE**

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

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

### **CONSULTATION**

#### *Internal*

- ELT
- SLT
- Senior Officers

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 5.56 of Local Government Act 1995 outlines the requirement for Local Governments to plan for the future. The adoption, implementation and reporting of strategic community and CBP facilitate this requirement



**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following sections of the Town’s *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Leadership:

4.2.3 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.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Strategic and Corporate Planning - Planning for the future (Integrated Planning and Reporting): community vision, clear strategic direction and financial sustainability

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Compliance Reputational
<b>Cause</b>	Non-compliance with statutory requirement as well as inability to meet community expectations
<b>Effect (Consequence)</b>	Not delivering on the Council and community expectation to be informed of the Town’s performance against the Corporate Business Plan. Non-compliance with the IPR (Integrated Planning and Reporting) requirement to have a system of monitoring and reporting performance of the Town’s Strategic Community Plan and the Corporate Business Plan.
<b>Risk Treatment</b>	Progress report on the Town’s CBP performance is provided to Council

There is a Strategic, risk associated with this item caused by non-compliance with statutory requirement and the potential for the Town to be unable to meet community expectations, leading to perception that the Town has not performed as expected by the community.

The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).

This risk will be eliminated by receiving and noting the progress report.

### **OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

### **CONCLUSION**

This report is provided to inform the Council of the progress the Town has made in regard to the adopted Corporate Business Plan 2023-2027. The Corporate Business Plan outlines the organisation’s services, service levels and major projects to achieve its deliverables in the Strategic Community Plan. The report identifies the status of each action along with commentary on the progress where applicable.

### **ATTACHMENTS**

1. To PH CBP Quarterly Report\_ 2023-24 Q 3 [**12.1.2.1** - 26 pages]

**12.2 Community Services**

**12.2.1 RFT2324-24 Courthouse Gallery Management Services**

**Author:** Manager Events, Arts & Culture

**Authorising Officer:** Acting 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 Award RFT2324-24 Courthouse Gallery Contract Management Services to xxxx for the delivery of gallery management services to the amount of \$xxxx per annum for an initial three (3) year period, including a one (1) year plus one (1) year optional extension period at the sole discretion of the Town.**

***SIMPLE MAJORITY VOTE REQUIRED***

**CM202324/254 DEFER ITEM**

**MOVED: Deputy Mayor Ash Christensen    SECONDED: Cr Sven Arentz**

**That Council defer the decision on Award RFT2324-24 Courthouse Gallery Contract Management Services to the next Ordinary Council Meeting to be held on 29 May 2024.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*

*Against: Nil*

**PURPOSE**

The purpose of this report is to provide Council with an assessment of the submission received for RFT2324-24 Courthouse Gallery Management Services and to endorse the evaluation panel’s recommendations for the preferred contractor.

**DETAIL**

The Town of Port Hedland is seeking to appoint a local arts organisation supplier to manage services at the Courthouse Gallery located at 16 Edgar Street, Port Hedland. The contract term is for three (3) years commencing on 1 July 2024 with the option for Council to extend for a one (1) year plus one (1) year period.

### Background:

Since 1 July 2019, The preferred tenderer has been contracted by the Town to manage and operate the Courthouse Gallery. On 23 February 2022, Council endorsed a variation to include new KPI's and deliverables for the activation and programming in South Hedland commencing from 1 July 2022. The contract was recently extended to 30 June 2024.

More recently, an external review was undertaken of the Courthouse Gallery management services by Artify Consulting, and on 7 February 2024 Council endorsed the following recommendations relating to the review:

1. *Endorses the Courthouse Gallery Review undertaken by Artify consulting;*
2. *Endorses the management of the Courthouse Gallery is to remain outsourced to a third-party operator;*
3. *Delegates to the CEO or their delegate to undertake a public tender process to source a suitable operator for the Courthouse Gallery for commencement on cessation of the contract with the preferred tenderer.*

More specifically, the Courthouse Gallery Review report identified seven (7) main areas for improvement. These include:

1. Defining a clear vision and purpose
2. Enhanced focus on local art, storytelling and supporting makers
3. Professionalism in the Gallery
4. Increased community engagement and participation
5. Quality over quantity of programming
6. Quality reporting and accountability
7. Separate South Hedland Activation and Programming KPI's.

As a result, the Courthouse Gallery review highlighted the need for the future tender to reset a clear vision, strategic goals and KPI's in accordance with the above recommendations, and the Arts & Culture Plan 2023-27. A copy of the request for tender document, which includes the updated strategic goals, deliverables and KPI's is included as 'Attachment 3'. The renewed strategic vision includes:

*The Courthouse Gallery strives to become a cultural beacon of Port Hedland and the broader region by nurturing and showcasing the rich tapestry of local stories, culture, and creativity. The gallery aims to empower artists, inspire creativity, engage diverse communities and enrich the cultural landscape of Port Hedland, by providing a welcoming destination for creative expression and cultural exchange.*

The Courthouse Gallery is considered a vital cultural asset to the Town of Port Hedland, supporting the Arts & Culture Plan 2023-2027 vision to create a more livable and loveable Hedland. Moving forward, the current contract will be awarded to a supplier who best demonstrates the ability to provide gallery management services and programming at a competitive price and in accordance with the endorsed Courthouse Gallery review recommendations and renewed strategic direction. Noting that the South Hedland Activation and Programming KPI's has been removed from Request for Tender specifications.

Request for Tender

The Town received one (1) submission for 2324-24. The sole respondent was the preferred tenderer and the submission received is compliant.

The tender submission has been evaluated by a panel of five (5) Town employees, including two (2) directors, whose main objectives were:

- a) Make a recommendation to Council.
- b) Ensure the tender submission is assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and recommendations; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented

The Procurement Team facilitated the evaluation meeting held on Wednesday 27 March 2024.

The compliant submission was assessed against the qualitative criteria as listed in the below table:

<b>Criteria</b>	<b>(%)</b>
Relevant Experience	20%
Key Personnel, Skills + Capacity	20%
Demonstrated Understanding, Methodology, Quality / Suitability of Program	40%
Local Content	20%
	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 medium significance, because:

- Significant - A decision that will significantly affect the capacity of the Council to carry out any activity identified in the strategic plan.
- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland
- Exception - The proposal or decision is not of a nature or significance that requires engagement.
- Exception - 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.

- Exception - There is a need for confidentiality or commercial sensitivity.
- Exception - The proposal or decision has already been addressed by the Council's strategies, policies or plans, which have recently been consulted on.

## CONSULTATION

### *Internal*

- Procurement
- Arts & Culture Team
- Infrastructure
- Economic Development

### *External Agencies*

- N/A

### *Community*

Feedback received from the Courthouse Gallery review project and associated recommendations has been incorporated in the RFT scope of works.

## 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 to 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 the tender:

1. 2/007 'Purchasing'
2. 2/016 'Regional Price Preference'

## FINANCIAL AND RESOURCE IMPLICATIONS

A breakdown of the approved annual management fee for the Courthouse Gallery services since the contract was awarded in 2019, is included below. Note that commencing on 1 July 2022, the management fee was increased by \$78,000 per annum to include additional KPI's and deliverables for the activation and programming of South Hedland, which was endorsed by Council on 23 February 2022.

Financial Year	Management Fee
1 – July 2019 to June 2020	\$530,000
2 – July 2020 to June 2021	\$500,000
3 – July 2021 – June 2022	\$450,000
4 – July 2022 – June 2023	\$500,000 + \$78,000 = \$578,000
5 – July 2023 – June 2024	\$500,000 + \$78,000 = \$578,000

As part of the 24/25 Annual Budget, \$600,000 has been proposed for the Courthouse Gallery Contract Management Services. Note that the South Hedland Activation and KPI's are not included in the current tender. This is an annual increase of \$100,000 specifically for the Courthouse Gallery from the previous financial year.

A breakdown of the full Courthouse Gallery management fee proposed by the preferred tenderer is provided below:

<b>Financial Year</b>	<b>Management Fee</b>
1 – July 2024 to June 2025	\$600,000
2 – July 2025 to June 2026	\$600,000
3 – July 2026 – June 2027	\$600,000
4 – July 2027 – June 2028 (optional extension period at the sole discretion of the Town)	\$600,000
5 – July 2028 – June 2029 (optional extension period at the sole discretion of the Town)	\$600,000

Also, included within the tender contract deliverables is a requirement for the awarded organisation to produce a grants and sponsorship plan to increase the financial independence of the service over the next five years. The current contractor, the preferred tenderer receives additional funding from Regional Arts WA and BHP. Additional in-kind support is provided from the Arts Gallery of Western Australia (AGWA).

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

#### Our Community:

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.3.1 The community, industry, arts and cultural organisations are engaged in identifying, planning and coordinating events and activities.

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

1.3.4 The Town's program of events and activities is promoted locally, regionally and nationally.

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

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

1.4.4 Community services and facilities are well promoted

#### Our Economy:

2.1.3 Strengthen the levels of collaboration, partnership and active networking between industry and business operators and stakeholders.

2.3.3 Prioritise, encourage and promote local procurement.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.4.4 Market and promote the local lifestyle of the Hedland community

2.5.6 Support regional growth initiatives.

#### Our Built and Natural Environment:

3.3.4 Town Teams are created and supported in both Port and South Hedland that actively engage residents in place making and urban renewal.

### ***Economic***

Management of the Courthouse Gallery includes opportunities for local employment and capacity building in the arts and culture industry. In addition, the programming services requires a focus on local art production, sales, and capacity building of artists for the purpose of creating genuine arts career pathways.

### ***Social***

There are social benefits from having high quality gallery management, programming, and activation experiences available to the community. The Courthouse Gallery has been identified as the Pilbara's Regional Art Gallery facility and in the 2022/23 FY, attracted approximately 25,000 people through gallery exhibitions, workshops, and activations in the Courthouse Gallery gardens and surrounding area.

There is no significant identifiable environmental impact relating to this item.

### **Access and Inclusion**

The following outcomes of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:

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



**Corporate Business Plan**

The following services of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Community Services:

Events, Arts and Culture - Cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future

Our Infrastructure Services:

Property Management and Maintenance - Ensure facilities are well maintained in line with the Town’s asset management program

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Service Interruption Reputational
<b>Cause</b>	Not approving a contractor to deliver Courthouse Gallery management services
<b>Effect (Consequence)</b>	Not delivering services at the Courthouse Gallery
<b>Risk Treatment</b>	Working collaboratively with our community to better understand the needs and desire for Courthouse Gallery management services.
<p>There is an Operational risk associated with this item caused by not approving a contractor to deliver the Courthouse Gallery contract services, leading to a reputational and service disruption risk of not providing regional gallery services and programming.</p> <p>The risk rating is considered to be Medium (5) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>These risks will be mitigated by working more closely with our local arts organisations and community to better understand future needs for Courthouse Gallery management services.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The evaluation panel recommend awarding RFT2324-24 to preferred tenderer. due to their relevant experience, value for money, quality and suitability of content, high level of understanding and capacity to deliver on community expectations.

**ATTACHMENTS**

1. CONFIDENTIAL - Attachment 1 - Confidential - CEO Signing Memo [**12.2.1.1** - 4 pages]
2. CONFIDENTIAL - Attachment 2 - Confidential RFX Summary Report [**12.2.1.2** - 9 pages]
3. CONFIDENTIAL - Attachment 3 RFT2324 24 Courthouse Gallery Management Services 2024 [**12.2.1.3** - 34 pages]

### **12.3 Regulatory Services**

Nil

**12.4 Infrastructure Services**

<b>12.4.1</b>	<b>Cooke Point Shared Footpath - Endorsement of Concept Design</b>
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**Author:** **Manager Infrastructure Projects & Assets**

**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.

**CM202324/255 COUNCIL DECISION**

**MOVED: Cr Camilo Blanco**

**SECONDED: Cr Ambika Rebello**

**That Council endorse the Concept alignments 1A and 2A for Stage 1 and 2 of the Cooke Point Shared Footpath Project as per attachment 1 and 2.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

**PURPOSE**

The purpose of this report is for Council to consider endorsing the concept alignment for Stage 1 and 2 of the Cooke Point Shared Footpath project.

**DETAIL**

The Cooke Point Shared Footpath project has been identified as a missing link in the Pilbara Cycling Strategy (2050) and the Port Hedland Coastal Foreshore Management Plan (2021).

The construction of this footpath will:

- Improve connectivity along Port Hedland’s foreshore;
- Provide safe and inclusive pedestrian access to the coastal areas;
- Encourage physical activity and activation of public space (Sutherland Street and Goode Street foreshore);
- Improve safety for people who utilise our footpaths for transport, including school children and individuals with no access to vehicular transport;
- Enhances and integrates the incomplete cycling network within the town.

The Town was successful in obtaining a Western Australian Bicycle Network (WABN) grant from the Department of Transport (DoT), which the Town will match for the detailed design of the project. Currently, the network connection from Port Hedland ceases at Goode Street, and the path network does not extend north towards Port Hedland. Therefore, at present, there is no path available for cyclists and pedestrians.

This scenario is deemed highly undesirable as it presents safety hazards to all individuals using the roadways.

The need for this pathway is evident and providing a shared path would yield significant benefits to the community. The current environmental conditions do not encourage walking or cycling due to the lack of a connected network between Goode Street and Sutherland Street, resulting in poor accessibility to activity centres, and recreation areas.

The Town engaged JDSI Engineering Consultants to prepare concept designs for both Stages 1 and 2 of the Cooke Point Shared Footpath. JDSI have prepared multiple options for consideration, with advantages and challenges of each noted below:

### **Cooke Point Shared Footpath- Stage 1 (Option 1A)**

#### Description:

This shared footpath alignment connects Sutherland Street with the northwest side of Dempster Street. It commences at the junction of Keesing and Sutherland Street, running parallel to the property boundary for its entire length.

#### Advantages:

This footpath alignment closely follows the existing property boundary, minimizing disruption to natural vegetation. Additionally, it requires minimal earthworks and subsequent rehabilitation efforts.

Situated near the adjoining property boundary, this alignment enhances safety for footpath users compared to a path running away from it, particularly in areas with sand dunes on either side. This positioning also provides footpath users with better views of the surrounding landscape and entails less maintenance due to its location.

#### Challenges:

The proximity of this alignment to residential and commercial property boundaries may be perceived to affect privacy and security for adjacent landowners. Access to the alignment can be gained by foot now and staff believe there will be minimal issues with the alignment.

This is the preferred concept design option for Stage 1 of the project.

### **Cooke point shared footpath- Stage 1 (Option 1B)**

#### Description:

This shared footpath alignment connects Sutherland Street with the northwest side of Dempster Street. It commences at the junction of Keesing and Sutherland Street, proceeding parallel to the property boundary for 260 meters. It then follows the valley sand dune topography on either side.

#### Advantages:

The footpath's location in the valley provides a degree of privacy for adjacent residential properties.

Challenges:

This alignment poses challenges as it will disturb natural vegetation and lacks coastal views. Significant earthwork and rehabilitation are required due to existing site conditions and topography increasing disturbance and the costs of the project.

Although this option has some advantages, option 1A is preferred.

**Cooke point shared footpath - Stage 2 (Option 2A)**Description:

The shared footpath alignment connects the missing footpath link on one side of Goode Street with Corney Street. It begins at the junction of Corney and Goode Street, offsets 30 meters towards the sea, then runs parallel to the property boundary and terminates at the junction of McPherson Street and Goode Street.

Advantages:

Most of this footpath alignment closely adheres to the existing property boundary, effectively reducing disturbance to the surrounding natural vegetation. Following consultations with neighboring residents, a decision was made to adjust the footpath's alignment, shifting it 30 meters towards the sea. This alteration was motivated by the desire to enhance coastal views and offer a degree of seclusion along the property boundary.

Challenges:

Certain sections of this alignment, particularly those near the sea, present challenges and potential risks stemming from coastal erosion. The proximity of these sections to the coastline increases their vulnerability, necessitating careful consideration and potential mitigation measures to address the associated hazards.

This is the preferred concept design option for Stage 2 of the project.

**Cooke point shared footpath- Stage 2 (Option 2B)**Description:

The shared footpath alignment connects the missing footpath link on one side of Goode Street with Corney Street. It begins at the junction of Corney and Goode Street, then runs parallel to the property boundary and terminates at the junction of McPherson Street and Goode Street.

Advantages:

Most of this footpath alignment closely adheres to the existing property boundary, effectively reducing disturbance to the surrounding natural vegetation.

Challenges:

Nevertheless, the proximity of this alignment to residential and commercial property boundaries presents significant challenges, with nearby residents expressing considerable apprehension about its proximity and future security implications.

Moreover, the absence of coastal views along this alignment further compounds the dissatisfaction among stakeholders. Considering this feedback, we have changed the design as option 2A alignment addresses these concerns.

Although this option has some advantages, option 2A is preferred.

It is possible to deliver half of the project although this is likely to affect the grant the Town has received for the project as this was given for the total project.

### **Delivery Timeline**

Given that this project is in the early stages of concept design, an accurate delivery timeframe is not yet confirmed, however, the following project milestones are estimated:

April 2024 – Council Endorsement of Concept Design

May 2024 – Detailed Design finalized

July 2024 – Construction Contractor Award

August 2024 – Works commence

December 2024 – Works complete

### **LEVEL OF SIGNIFICANCE**

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

- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland
- Exception - 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**

#### *Community*

The initial concepts were presented to ratepayers identified as key stakeholders due to their property's proximity to the proposed path and access ways alignments, in an open consultation meeting on 18 December 2023. Further feedback was received from affected residents via email. Based on feedback from these discussions and other responses gathered it was determined that additional alignment would need to be considered to meet external stakeholder's requirements. The revised alignment was referred back to all key stakeholders, with the majority confirming their support for the revised alignment.

Moreover, in its efforts to ensure thorough consideration, the Town has engaged in consultations to develop two concept alignments for both shared footpaths. To

facilitate an informed decision-making process, a Cost Estimate has been prepared for both alignments, and it is provided as an attachment to this report.

#### *Internal*

- Director Infrastructure Services
- Director Regulatory Services;
- Project Manager;
- Manager Community Development;
- Manager Infrastructure Operations;
- Manager Financial Services;
- Manager Infrastructure Projects and Assets;
- Manager Town Planning and Development.

Fortnightly design review meetings involving key internal stakeholders have been held in relation to the overall planning of the Cooke Point Shared Footpath project since October 2023.

#### *External Agencies*

- Town of Port Hedland residents near to the footpath
- Holiday village caravan park
- Port Hedland Primary school
- Department of Biodiversity, Conservation and Attractions
- Department of Planning, Lands and Heritage

In relation to the new *Aboriginal Cultural Heritage Act 2021*, Town officers will conduct any key relevant assessments, obtain any required permits or management plans, and undertake any consultation as required under the Act.

### **LEGISLATION AND POLICY CONSIDERATIONS**

With regard to the design and delivery of this project, the following will be considered:

- *Local Government Act 1995*
- *Aboriginal Cultural Heritage Act 2021*
- *Biodiversity Conservation Act 2016*
- *Work Health & Safety Act 2021*

The following Town policies apply:

- *1/016 Workplace Health and Safety Policy*
- *1/022 Risk Management Policy*
- *2/007 Procurement Policy*
- *2/017 Grant Funding (External) Policy*
- *8/003 Access and Inclusion Policy*
- *9/010 Asset Management Policy*

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Using cost information for previous greenfield footpath projects the Town initial pre-design estimate construction cost at the inception of the project was \$1,250,000 which



was allocated in the 2023/2024 Annual Budget, with half funded through the State government WABN grant funding program.

The pre-design estimate was calculated using average per meter rates for similar projects applied to an early draft alignment that minimised overall distance. The attached concept design alignments maximise user experience by improving coastal views and also consider feedback from immediate stakeholders regarding property setbacks and privacy.

The preliminary cost estimate provided by JDSI engineering consultants amounts to \$1,714,587. It is anticipated that using the total sum of the original 23/24 budget allocation and grant funding partner contributions, plus the addition of the proposed 24/25 dual use path and lighting budget as noted in the LTFP will provide sufficient funding to deliver the construction of the project.

It's important to note however that market conditions at time of tender will affect potential construction costs and additional funding may be required. Should this be the case, additional budget approval will be sought from Council when the Construction Tender is awarded.

### Grant Funding

In November 2022, the Town applied for funding through the Department of Transport's (Department) West Australian Bicycle Network (WABN) Grant Program for the Cooke Point Shared Path Project.

The application was successful, leading to the Town executed a funding agreement with WABN in June 2023 for grant funding totaling \$625,000.

The grant funding program is intended to be a 50:50 contribution split. Should the concept alignment be approved the Town will begin discussions with WABN regarding options to seek further funding under the scheme to return the funding split to 50:50 based on the current cost estimate.

### Funding Source Breakdown

Contributor	Value
Town of Port Hedland 23/24 Budget Allocation	\$1,250,000
Grant Funding Partner (WABN)	\$625,000
Town of Port Hedland Dual Use Path and Light Budget	\$500,000
<b>Total</b>	<b>\$1,775,000</b>

### Project Estimate Breakdown

Description	Value
Design Completion	\$60,000
Construction (Estimate)	\$1,714,587
<b>Total Project Estimate</b>	<b>\$1,774,587</b>

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following sections of the Town’s *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

Our Community:

- 1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.
- 1.1.2 Community needs and gaps in health provision are identified and delivered.
- 1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.
- 1.3.3 Partnerships with industry and government to support events and activities are enhanced.
- 1.4.2 Facilities and community infrastructure are revitalised across the town

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

**Active Transport Strategy 2023 - 2033**

This project aligns with the objectives with the Town’s Active Transport Strategy.

**Access and Inclusion**

The following outcomes of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following services of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Infrastructure Services:

Projects and Assets - Effective and efficient project and asset management

Roads and Footpaths - Provide an effective road network through the construction, maintenance and renewal of sealed and unsealed local roads and associated infrastructure.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Project
<b>Risk Category</b>	Financial
<b>Cause</b>	Concept alignment not endorsed by Council
<b>Effect (Consequence)</b>	<ul style="list-style-type: none"> <li>• Delayed delivery</li> <li>• potential forfeit of WABN grant funding</li> <li>• Increased cost to Town</li> </ul>
<b>Risk Treatment</b>	Continue to monitor adherence to the proposed delivery schedule

There is a financial risk rating of Low (4), determined by a likelihood of Possible (3) and a consequence of Minor (2).

Should Council not endorse the concept alignment for this project at the April 2024 Ordinary Council Meeting, this would lead to delays in the delivery of the project, creating a risk that the grant funding may be forfeited which would subsequently impact the project's budget negatively.

This risk will be lessened upon endorsement of the concept alignment to allow the project team to proceed to detailed design and subsequent contract award, in line with the grant funding milestones.

## **OPTIONS**

Option 1 – Adopt officer's recommendation.

Option 2 – Council may choose to endorse alternative concept alignments 1B or 2B.

Option 3 – Do not adopt officer's recommendation.

## **CONCLUSION**

The Cooke Point Shared Footpath project presents an opportunity to significantly enhance connectivity and safety along Port Hedland's foreshore, addressing crucial gaps identified in the Pilbara Cycling Strategy and the Port Hedland Coastal Foreshore Management Plan. With community engagement and careful consideration of concept designs, the project aims to provide safe pedestrian and cyclist access, promote physical activity, and integrate the incomplete cycling network within the town.

Endorsement of the recommended concept alignments by Council is imperative to ensure timely delivery of the project and deliver tangible benefits to the community.

## **ATTACHMENTS**

1. Footpath Allignment Options and Costings [**12.4.1.1** - 16 pages]
2. Design Feedback [**12.4.1.2** - 7 pages]

Cr Ambika Rebello declared a perceived impartiality interest in relation to 12.4.2 Spoilbank Marina Development – Landside Maintenance Arrangements, due to her spouse being employed by Pilbara Ports Authority.

<b>12.4.2</b>	<b>Spoilbank Marina Development - Landside Maintenance Arrangements</b>
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**Author:** **Manager Infrastructure Operations**  
**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.

**CM202324/256 COUNCIL DECISION**

**MOVED: Deputy Mayor Ash Christensen    SECONDED: Cr Sven Arentz**

**That Council:**

- 1. Receives and notes correspondence dated 15 March 2024 from the Pilbara Ports Authority (PPA), titled "Spoilbank Marina Development – Landside Maintenance (JDAP Condition 18)".**
- 2. Authorises the Chief Executive Officer to negotiate legal instruments to enter into a revised agreement with the Pilbara Ports Authority relating to the terms and conditions of operational and commercial arrangements for landside maintenance operations at the Spoilbank Marina.**
- 3. Notes the intention of the revised agreement with the Pilbara Ports Authority is for the Town of Port Hedland to assume responsibility for landside maintenance operations at the Spoilbank Marina following practical completion of the marina on or about September 2024. The revised agreement being subject of the following conditions:**
  - (a) A review of the PPA and DoT approved maintenance schedule is undertaken to clearly identify, allocate and mutually agree to areas of responsibility for landside maintenance operations.**
  - (b) Approval of additional funding within the 2024-2025 Infrastructure Operations operational budget for costs associated with the landside maintenance at the marina on a full cost recovery basis (from the Pilbara Ports Authority).**
  - (c) Council endorsement of the release of Request for Tender (RFT) for the provision of landside maintenance services for a period of**

**five (5) years commencing from, or as reasonably practicably near to, the practical completion of the Spoilbank Marina.**

**(d) Upon signing of the legal agreement and first payment of costs associated with the landside development, the Town will assume the role of “developer” as stated in JDAP Condition 18 and be responsible for clearance of that condition provided payments continue for the duration of the five (5) year period.**

**(e) In the event that a duly experienced and skilled service provider is not identified to support landside maintenance operations, Pilbara Ports Authority will retain responsibility for landside maintenance operations until such time as the Town of Port Hedland is able to implement a suitable and mutually agreeable contingency operating plan.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

## **PURPOSE**

The purpose of this report is for Council to consider a request by the Pilbara Ports Authority (PPA) for the Town to assume responsibility for condition 18 of the existing Joint Development Assessment Panel (JDAP) concerning the Spoilbank Marina development; and in so doing, to transfer landside maintenance operations responsibility to the Town of Port Hedland. The PPA will fully fund the maintenance operations for a period of five (5) years on full cost recovery model.

## **DETAIL**

During 2020, the PPA was appointed the lead authority and proponent for the delivery of the Spoilbank Marina. The project was undertaken on behalf of the State of Western Australia and included the Town of Port Hedland as a project partner.

Consequential JDAP negotiations agreed to the PPA as the authority responsible for the ownership and operation of the marina. In addition, the PPA responsibilities included landside maintenance operations for five (5) years post completion.

Specifically, condition 18 reads:

*"18. The development shall be maintained by the developer to the minimum standards identified in the approved maintenance schedule plan for five (5) years following completion of the development, to the satisfaction of the Town of Port Hedland"*

Construction of the marina has progressed substantially with the boat ramp commissioned and in active use. Landside construction is at this stage, scheduled to reach practical completion during September 2024.

During August 2023, the Western Australian Department of Transport (DoT), assumed ownership of the marina and will retain operational authority of the marina. The management of the landside was transferred to DOT as part of the transfer of operational responsibility from PPA.

On 15 March 2024, a formal request to modify JDAP condition 18 was received from the PPA (on behalf of DOT and attached for reference) with the PPA asserting that the Town of Port Hedland is better positioned to accept landside infrastructure maintenance operations as a part of the Town's core business.

The PPA seeks Town consideration of a revised agreement wherein:

1. The Town assumes responsibility for landside maintenance operations at the Marina immediately following practical completion being reached. At this stage, this is poised to occur during September 2024.
2. The PPA will commit to funding costs of landside maintenance for five (5) years from the date of practical completion. The funding is contingent on the Town providing a third-party Quantity Surveyor cost estimate for landside maintenance operations for mutual consideration and agreement.
3. The existing PPA contractor construction contract provides for a twelve (12) month defects liability period.

To preface considerations of the PPA submission, it should be noted that at this time, the Town has not undertaken Strategic Workforce Planning activities to support an unscheduled and early requirement to assume responsibility for marina landside maintenance operations. A staffing escalation has been planned to coincide with the acceptance of the marina landside maintenance operations in or about September 2029.

Accordingly, it is not proposed that the Town will self-perform the requested works; rather, a service tender will be released to retain an external services provider for five (5) years. Any subsequent contract will be serviced by 0.5 of a full-time employee of the Town and attract a fee for service and administration charge.

It is further proposed that commercial proposals received in support of the tender will supersede the accuracy of a quantity survey; and will more closely represent the costs of service to the PPA.

The responsibility for landside maintenance operations was ultimately to be transferred to the Town. The successful attraction and retention of a third-party service provider will determine the capacity of the Town to support this requirement. Prevailing staff shortages, existing operational commitments and the management of existing and newly commissioned assets prevent a self-performing model from being applied to this requirement.

It is therefore recommended that an in-principle agreement to the acceptance of landside maintenance operations is made subject of:

- A review of the PPA approved maintenance schedule being undertaken and clearly defined responsibilities mutually agreed upon by the Town and PPA.
- The development of a comprehensive scope of work that is applicable to the requirements of this request.
- An acceptance that all infrastructure that wholly or in part contacts ocean water is not considered as being a part of landside infrastructure.
- A quantity survey is replaced by the request for tender and the development of actual costs of service through consideration of tendered commercial proposals.
- Expressed acknowledgement by the PPA that if a third-party service provider to support landside maintenance operations prior to practical completion is not successful; the PPA will retain responsibility until such time as the Town can implement a contingency plan and approach.

Authority for the Chief Executive Officer to negotiate, vary and execute the applicable administrative and legal instruments to reach a mutually acceptable arrangement with the PPA is now sought.

### **LEVEL OF SIGNIFICANCE**

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

- Significant - Any transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team
- Director Infrastructure Services
- Manager Planning and Economic Development
- Coordinator Parks & Gardens

#### *External Agencies*

- Pilbara Ports Authority

#### *Community*

- The Marina Landside will become the premier public open space destination in Port Hedland. The landside must be maintained in line with Town standards and public expectation.

### **LEGISLATION AND POLICY CONSIDERATIONS**

Strategic Workforce Plan

Long Term Financial Plan

Workplace Health and Safety

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Planning for financial and operational aspects of this requirement has been limited to the recognition of transitional requirements during 2029 or thereabouts. The Town is not positioned to include maintenance and operational services at the marina in existing work schedules due to staff shortages and the management of an existing and burgeoning workload.

The definitive scope of the work is yet to be determined and agreed upon by the Town and the PPA, however, it will be necessary to commit 0.5 of a full-time employee (Contract officer) to support the management of services. A corresponding administrative fee will also be allocated to the requirement, subject to negotiation.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

The following sections of the Town's *Strategic Community Plan 2022-2032* are applicable in the consideration of this item:

#### Our Community:

1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced.

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

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

1.4.4 Community services and facilities are well promoted

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

### **Access and Inclusion**

The following outcome/s of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:

- Outcome 2 – Buildings and Facilities

### **Corporate Business Plan**

The following services of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

#### Our Community Services:

Recreation Leisure Facilities and Programs - Provide and promote, with key stakeholders recreation and sporting activities for healthy lifestyles

#### Our Infrastructure Services:

Parks and Gardens - Manage parks, ovals and open space (natural reserves)  
Maintain tidy and attractive townsites and centres.



**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Service Interruption
<b>Cause</b>	A failure to maintain the asset to a standard that provides for continuous community use.
<b>Effect (Consequence)</b>	Reputational Operational contingency failure Asset outage
<b>Risk Treatment</b>	External contractor support
<p>There is an Operational, risk associated with this item caused by a failure to maintain continuous operations, leading to diminished serviceability for community.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the placement of a suitably qualified, skilled and experienced service provider.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The Spoilbank Marina and corresponding infrastructure will form a significant community asset that will provide for outdoor entertainment, social gatherings and general public use. The maintenance of the landside operations forms a critical component of the site functionality. The PPA request for early maintenance responsibility for landside operations to be transferred to the Town has not been planned for but features in forward planning for 2029. The Town will seek to develop a third-party contract solution for maintenance requirements with associated costs being met by the PPA.

**ATTACHMENTS**

1. Spoilbank Marina Development - Landside Maintenance ( JDAP Condition 18)\_  
Redacted Redacted [**12.4.2.1** - 2 pages]

**12.5 Executive Services**

<b>12.5.1</b>	<b>Adoption of the 2022/23 Annual Report and Setting the Date of the Annual General Meeting of Electors</b>
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**Author:** **Manager Public 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.

**CM202324/257 COUNCIL DECISION**

**MOVED: Deputy Mayor Ash Christensen    SECONDED: Cr Lorraine Butson**

**That Council:**

- 1. Adopts the 2022-23 Annual Report (including the audited Annual Financial Statements and Associated Notes 2022-23) as per Attachment 1 in accordance with section 5.53 of the *Local Government Act 1995*.**
- 2. That Council convenes the Annual General Meeting of Electors at 5:30pm 15 May 2024 in Council Chambers in the Civic Centre.**
- 3. That Council advertises the Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*.**
- 4. That Council advertises the availability of the 2022-23 Annual Report in accordance with section 5.55 of the Local Government Act 1995.**

***CARRIED BY SIMPLE MAJORITY (5/3)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Ambika Rebello and Cr Tim Turner*  
*Against: Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae*

**PURPOSE**

The purpose of this report is for Council to consider the adoption of the 2022-23 Annual Report and confirm the date of the Annual General Meeting of Electors.

**DETAIL**

The *Local Government Act 1995* (the Act) requires local governments to prepare an Annual Report for each financial year.

The process for adopting the Annual Report is as follows:

1. On Monday 15 April the Audit, Risk and Compliance Committee considered the Audited Annual Financial Report, Auditor’s Closing Report and Management Letter for the 2022-23 year.

2. Council is to adopt the Annual Report, inclusive of the Annual Financial Statements.
3. The Annual Report forms the main item of business to be discussed at the Annual General Meeting of Electors.

The Town of Port Hedland 2022-23 Annual Report has been developed in alignment with reporting requirements set out in the Act, with further comprehensive reporting on the Town's performance against the Strategic Community Plan 2022-32.

Key highlights and achievements, as noted in the 2022-23 Annual Report are:

- Adoption of the 2022-32 Strategic Community Plan, revised Long-Term Financial Plan and commencing a refresh of the Corporate Business Plan.
- Adopting our first Environmental Sustainability Strategy and entering into a partnership with Care for Hedland.
- Achieving a 25% reduction in the number of reported health and safety incidents.
- Transitioning to the State Industrial Relationship System on 1 January 2023 and renegotiating its Industrial Agreement.
- Completing major capital projects including the South Hedland Skatepark shade structure, JD Hardie shaded basketball courts and opening Milpaku Kuma – Port Hedland Community Centre.
- Launching the inaugural Odyssey music festival as part of our annual calendar of 16 community events.
- Progressing more than \$350 million of development applications.
- Strong usage of community facilities including close to 40,000 visits to our libraries and almost 150,000 visits to Wanagkura Stadium.
- Maintaining a strong financial position with cash and investments totalling slightly over \$180 million against total liabilities of \$88 million.
- National and State recognition through various awards including:
  - o 2022 WA Coastal Awards for Excellence – WA Government – Department of Planning, Lands and Heritage – Coastal Management and Adaptation.
  - o 2022 WorkSafe Plan Gold Certificate of Achievement.
  - o 2023 Australian Institute of Landscape Architects Awards – Coastal Foreshore Management Plan.
  - o 2023 Master Builders WA Kimberley-Pilbara Building Awards – South Hedland Skatepark shade structure.
  - o 2023 Parks and Leisure Australia Award – South Hedland Youth Placemaking Program.
  - o 2023 AUSactive Awards – Senior Adults Living Triumphantly.
  - o 2023 Leisure Institute of WA/Aquatic Recreation Industry.

The Town is required to host the Annual General Meeting of Electors within 56 days (8 weeks) of the Annual Report being adopted by the Council – therefore the Annual General Meeting of Electors must be held before 19 June 2024.

The suggested date for the Annual General Meeting of Electors is Monday 15 May 2024. An alternate date is Monday 20 May 2024.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is a statutory document which outlines the Town's activities and highlights for the 2022-23 financial year.

### **CONSULTATION**

#### *Internal*

- All Directors, Managers and relevant Officers were consulted during the development of the 2022-23 Annual Report.

#### *External Agencies*

- Office of the Auditor General (contract auditor RSM).

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 5.27 of the Local Government Act 1995 sets out the requirements for an elector's general meeting to be held once every financial year and this meeting must be held within 56 days of the Annual Report being accepted by Council.

Ordinary Council Meeting Agenda 14 December 2022 Item 12.5.1 Page 76  
Regulation 15 of the Local Government (Administration) Regulations 1996 details the matters for discussion at the Annual General Meeting of Electors.

They include the contents of the Annual Report for the previous financial year and then any other general business. Section 5.29 of the Local Government Act 1995 requires for a local public notice to be given stating details of the Annual General Meeting of Electors.

Section 5.53 of the Local Government Act 1995 provides for the Annual Reports to contain certain provisions which have been included in the Town's 2019/20 Annual Report.

Section 5.55 of the Local Government Act 1995 states that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

There are no Town policies to consider in relation to this item.

### **FINANCE AND RESOURCE IMPLICATIONS**

- Limited copies of the 2021/22 Annual Report will be printed. The costs associated with printing have been accounted for in the 2022/23 budget.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**Strategic Community Plan 2022-32

The following sections of the Town's Strategic Community Plan 2022-2032 are applicable in the consideration of this item:

- 1.b.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 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.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 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
- 4.c.3 Innovative marketing to attract amenity usage is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

Disability Access and Inclusion Plan

The following 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
- Outcome 7 - Employment

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance, Reputation
<b>Cause</b>	Not preparing and making available an Annual Report as per the Local Government Act 1995.
<b>Effect (Consequence)</b>	Non-compliance, impact on stakeholder trust and media coverage
<b>Risk Treatment</b>	Adopting a well-informed and reviewed Annual Report.
<p>There is an Operational risk associated with this item caused by not adopting the Annual Report 2022-23. The risk rating is considered to be Medium (4) which is determined by a likelihood of Possible (3) and a consequence of Minor (2). This risk will be reduced by adopting the Annual Report.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

**CONCLUSION**

This report provides an overview of the development of the Town of Port Hedland 2022-23 Annual Report, including key highlights and achievements.

The Annual Report will be the key point of discussion during the Annual Electors Meeting to be held no later than 56 days following Council’s adoption of the Annual Report.

**ATTACHMENTS**

1. 43586 TOPH Town of Port Hedland Annual Report 2022-23 D 4 [**12.5.1.1** - 70 pages]

<b>12.5.2</b>	<b>Response to the Department of Local Government, Sport and Cultural Industries</b>
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**Author:** **Manager Governance**  
**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.

**CM202324/258 COUNCIL DECISION**

**MOVED:** Deputy Mayor Ash Christensen      **SECONDED:** Cr Sven Arentz

**That Council:**

- 1. Receive the letter from the Department of Local Government, Sport and Cultural Industries dated 14 March 2024 (attachment 1); and**
- 2. Agree to develop an improvement plan outlined in the letter for endorsement at the July 31, 2024 Ordinary Meeting of Council.**

***CARRIED BY SIMPLE MAJORITY (7/1)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Cr Camilo Blanco*

**PURPOSE**

The purpose of this report is for Council to consider the letter received from the Department of Local Government, Sport and Cultural Industries (DLGSC) dated 14 March 2024 (the letter) and agree to develop an improvement plan that addresses the matters of concern detailed within the letter.

**DETAIL**

The Town hosted representatives from DLGSC on 6-7 February 2024 and meetings were held with the Town’s Executive Leadership Team, individual councillors and the Council.

The Town received a letter from DLGSC outlining issues of concern arising from those meetings, which may have a detrimental impact on the Town’s delivery of effective local government for the Port Hedland community.

The Town wrote to DLGSC seeking a one-month extension to respond to the letter and this was granted (attachment 2).

The Town is required to develop an improvement plan to address the identified issues and a timeline for its implementation. The improvement plan will be developed and

presented to the Council for endorsement by the 31 July 2024 Ordinary Meeting of Council.

The Town has taken proactive measures in response to governance and leadership issues raised and a range of external professional development workshops and training opportunities have been facilitated with the Council, including:

- Two Councillor Leadership Workshops,
- Councillor and Executive Joint Leadership Workshop,
- Councillor Code of Conduct Training,
- Newly elected Councillor Induction,
- Standing Orders Local Law Training, and
- Councillor Community Engagement Training.

These actions will continue and be formalised in the improvement plan, subject to the Council's collaboration and agreement.

### **LEVEL OF SIGNIFICANCE**

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

- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland

### **CONSULTATION**

#### *Internal*

- Executive Leadership Team

#### *External Agencies*

- Department of Local Government, Sport and Cultural Industries

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Work Health and Safety Act 2020

Local Government Act 1995 *Section 2.7 - Role of Council*

Section 2.8 - Role of Mayor

Section 2.9 - Role of Deputy Mayor

Section 2.10 - Role of Councillors

Section 5.41 - Functions of the CEO

*Local Government (Model Code of Conduct) Regulations 2021*



**FINANCIAL AND RESOURCE IMPLICATIONS**

Sufficient money available in current 2023/24 Budget.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

The following section of the Town’s *Strategic Community Plan 2022-2032* is applicable in the consideration of this item:

Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

Effective leadership impacts all aspects of Town decision making with environmental, social or economic impacts.

**Access and Inclusion**

The following outcome of the Town’s *Access and Inclusion Plan 2023-2026* apply in relation to this item:

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Governance and Procurement - Provide high standards of governance and leadership.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Compliance Reputational
<b>Cause</b>	Failure to respond to DLGSC direction.
<b>Effect (Consequence)</b>	Non-compliance with DLGSC direction may result in further intervention or suspension of the local government with associated reputational impacts.
<b>Risk Treatment</b>	Accept the officer’s recommendation and contribute to the development and implementation of improvement plan.
<p>There is a Strategic, risk associated with this item caused by a failure of the Council to accept the direction of DLGSC outlined in the letter leading to further action by DLGSC as the industry regulator.</p> <p>The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4).</p> <p>This risk will be mitigated by accepting the DLGSC letter and agreeing to develop and implement an improvement plan.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation.
- Option 2 – Amend officer’s recommendation.
- Option 3 – Do not adopt officer’s recommendation.

**CONCLUSION**

This report confirms receipt of the letter from DLGSC and commits the Council to develop an improvement plan and timeline to address the issues outlined within.

**ATTACHMENTS**

1. E 24018195 Letter from DLGSC to Town of Port Hedland re meeting and governance concerns [**12.5.2.1** - 3 pages]
2. E 24046856 Letter from DLGSC to Town of Port Hedland re extension request for improvement plan resp [**12.5.2.2** - 1 page]

**13 New Business of an Urgent Nature (Late Items)**

Nil

**14 Motions of Which Previous Notice has been given**

I, Ash Christensen, provide notice of intent to move the following motion at the 24 April 2024 Ordinary Council Meeting, in the Town of Port Hedland Standing Orders.

**CM202324/259 INTENDED MOTION****MOVED: Deputy Mayor Ash Christensen****SECONDED: Cr Ambika Rebello****That Council:**

- 1. Note the Audit, Risk and Compliance Committee amended Terms of Reference have been presented to the Audit, Risk and Compliance Committee on 28 November 2023, 12 March 2024 and 15 April 2024; and**
- 2. Request the CEO present the amended Audit, Risk and Compliance Committee Terms of Reference to the 29 May 2024 Ordinary Council Meeting.**

***CARRIED BY SIMPLE MAJORITY (8/0)***

*For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*

*Against: Nil*

**Officer Comment:**

A Councillor may move a motion of which previous notice has been given under clause 5.4 *Standing Orders Local Law 2014* and the Council may resolve to support the motion.

**15 Matters for Which Meeting May be Closed (Confidential Matters)**

Deputy Mayor Ash Christensen declared a Financial and Proximity interest in relation to 15.1 as he owns an investment property within the Strata boundaries and left the chambers.

**Deputy Mayor Ash Christensen left the meeting at 8:02 pm.**

**CM202324/260 COUNCIL DECISION****MOVED: Cr Ambika Rebello****SECONDED: Cr Sven Arentz**

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

***CARRIED BY SIMPLE MAJORITY (7/0)***

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

**CM202324/262 COUNCIL DECISION****MOVED: Cr Sven Arentz****SECONDED: Cr Lorraine Butson**

**Council reopen the meeting to members of the public.**

***CARRIED BY SIMPLE MAJORITY (7/0)***

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello, Cr Adrian McRae and Cr Tim Turner*  
*Against: Nil*

**Deputy Mayor Christensen returned to the meeting at 8:15pm.**

Mayor declared the meeting open to members of the public at 8:15pm and read aloud the decisions of Council made whilst behind closed doors.

**Confidentiality Reasons:** c. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**CM2023/261 COUNCIL DECISION****MOVED: Cr Camilo Blanco****SECONDED: Cr Ambika Rebello****That Council:**

- 1. Approves the expenditure outlined for the purchase of properties as set out in the confidential report.**
- 2. Authorize the Chief Executive Officer to negotiate the purchase of houses for staff housing as outlined in the report and to execute the documents for purchase.**
- 3. Pursuant to section 6.8 of the Local Government Act 1995 authorise the expenditure be funded from the Town of Port Hedland Housing Reserve.**

***CARRIED BY ABSOLUTE MAJORITY (6/1)***

*For: Mayor Peter Carter, Cr Sven Arentz, Cr Camilo Blanco, Cr Lorraine Butson, Cr Ambika Rebello and Cr Tim Turner*  
*Against: Cr Adrian McRae*

**16 Closure****16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday, 29<sup>th</sup> May 2024 commencing at 5:30 pm.

The Mayor offered congratulations and said thank you to Craig Watts, Director Regulatory Services - for the support and contributions that he has made to the Council and the Town of Port Hedland. The Administration and Council wish you the best in your new role.

**16.2 Closure**

There being no further business, the Presiding Member declared the meeting closed at 8:16pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 25 June 2024.

CONFIRMATION:

A handwritten signature in black ink, appearing to be 'D. O.', written over a horizontal line.

PRESIDING MEMBER

25/06/2024

DATED