




Confirmed
MINUTES
Ordinary Council Meeting
Wednesday, 5 February 2025

Date: Wednesday 5 February 2025
Time: 5:30pm
Location: 13 McGregor Street, PORT HEDLAND WA
6721
Distribution Date: 28/03/2025



Mayor

Order of Business

1	Opening of Meeting	5
2	Acknowledgement of Traditional Owners and Dignitaries	5
3	Recording of Attendance	5
3.1	Attendance	5
3.2	Attendance by Telephone / Instantaneous Communications	6
3.3	Apologies	6
3.4	Approved Leave of Absence	6
3.5	Disclosures of Interest	6
4	Applications for Leave of Absence	6
5	Response to Previous Questions	6
5.1	Response to Questions taken on Notice from Elected Member - 27 November 2024 Ordinary Council Meeting	6
5.2	Response to Questions taken on notice from Public - 27 November 2024 Ordinary Council Meeting	7
5.3	Response to Questions taken on notice from Elected Member - 12 December 2024 Special Council Meeting	8
5.4	Response to Questions taken on notice from Public - 12 December 2024 Special Council Meeting	10
6	Public Time	12
6.1	Public Question Time	12
6.2	Public Statement Time	13
6.3	Petitions / Deputations / Presentations / Submissions	13
7	Questions from Members without Notice	13
8	Announcements by Presiding Member without Discussion	19
9	Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting	19

10 Confirmation of Minutes of previous meeting	20
11 Reports of Committees.....	22
11.1 Audit, Risk and Compliance Committee	23
11.1.1 Audited Financial Statements – Financial Year 2023-2024	23
11.1.2 Minutes of the Audit, Risk & Compliance Committee Meeting held on 26 November 2024.....	28
11.1.3 Minutes of the Audit, Risk & Compliance Committee Meeting held on 11 December 2024.....	31
12 Reports of Officers.....	36
12.1 Corporate Services	36
12.1.1 Statement of Financial Activity – December 2024	36
12.1.2 Council Improvement Plan	39
12.1.3 2023 - 2024 UV Rating.....	44
12.1.4 Corporate Business Plan Quarterly Report – 2024-2025 Quarter 2	47
12.2 Community Services.....	53
12.2.1 First Lights Major Winter Event 2025.....	53
12.3 Regulatory Services	64
12.3.1 Award of Tender - RFT2425-25 to proceed with development of Precinct Structure Plans - West End & South Hedland Town Centre.....	64
12.3.2 Award of Expression of Interest – Marapikkurinya Park Pop-Ups.....	71
12.4 Infrastructure Services	79
12.4.1 Business Plan for Major Land Transaction - Captains Way	79
12.5 Executive Services.....	83
12.5.1 Media and Communications Policy.....	83
12.5.2 Adoption of the 2023/2024 Annual Report and Setting the Date of the Annual General Meeting of Electors.....	85
13 New Business of an Urgent Nature (Late Items).....	91

14 Motions of Which Previous Notice has been given92

15 Matters for Which Meeting May be Closed (Confidential Matters)..... 93

16 Closure106

16.1 Date of Next Meeting106

16.2 Closure106

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 Camilo Blanco
Cr Lorraine Butson
Cr Adrian McRae
Cr Ambika Rebello

Scheduled for Attendance:

Mark Dacombe (I/Chief Executive Officer)
Stephen Leeson (Director Corporate Services)
Alison Banks (Director Community Services)
Chaz Roberts (A/Director Regulatory Services)
Grant Voss (A/Director Infrastructure Services)
Tom Kettle (Manager Governance)
Maree Cutler-Naroba (Senior Governance Advisor)
Rhiannon Smith (Governance Support Officer)
Belinda Yull (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Nil

4 Applications for Leave of Absence

Nil

5 Response to Previous Questions

5.1 Response to Questions taken on Notice from Elected Member - 27 November 2024 Ordinary Council Meeting

5.1.1	Cr Blanco
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On the 25th of Sept OCM I asked about the ongoing cost of Decmil. I noticed in the payments for September, there's an extra \$93,000 that's been paid to Decmil. We've been told this is all settled and clearly it is not. Now we are receiving personalised correspondence from Decmil to meet because of the dispute that is apparently over. I need all the additional legal advice or correspondence from the administration to Decmil so we can determine if we need to make decisions on this.

The Director Infrastructure Services provided a further response:

Please note that Councillor Blanco's question relates to a payment to Decmil in November 2023, not November 2024.

On 25 October 2023, the Town received Decmil's claim for works completed between 26 September 2023 to 25 October 2023 to the value of \$5,870,530.80. This was reviewed by the Projects Team and reduced to \$129,114.02, which consisted of:

Item	Description	Amount certified
1	Project Preliminaries (Including Mobilisation)	\$20,670.00
11	Metalwork	\$96,972.25
12	Hydraulic Services	\$1,569.03
13	Electrical Services	\$7,786.18
14	Mechanical Services	\$2,096.56
VAR022	Supply & installation of louvre to W19	\$20.00

These amounts were able to be claimed as part of the original contract. In addition to the above, the date for Practical Completion at the time of the claim was 05 June 2023, therefore the Superintendent had certified liquidated damages under Sub-Clause 34.7 of the contract at the rate of \$1,429.00 per day for 31 days, further reducing Decmil’s claim by \$44,299.00.

On 08 November 2023, the Town issued Decmil with their Payment Certificate confirming the amount of \$84,815.02 +GST would be payable and on 10 November 2023 an invoice (5050) for the certified amount was received from Decmil.

The Town processed this invoice within the OneConnect system on 13 November 2023, and Decmil’s invoice was paid on 17 November 2023.

The Council resolved to give three hundred thousand dollars to the Chamber of Commerce, this was months and months ago. Has that been implemented? Can we get clarification on that?

The Director Regulatory Services provided a further response:

Provided email on 28/11/2024 to Mayor and Councillors to respond to this question.

5.2 Response to Questions taken on notice from Public - 27 November 2024 Ordinary Council Meeting

5.2.1	Roger Higgins
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Relating to payments that were made to the Royal Life Saving (RLS) Association. How many lifeguards does the Town of Port Hedland employ and what is the quantum of payment made to those lifeguards during the course of the 19 month period that my previous questions related to. We’ve established previously that RLS do not employ lifeguards, so I assume it must be the Town of Port Hedland?

The Senior Management Accountant providing the following further advice:

During the requested time period, gross wage payments to lifeguards were \$708,147.50. 35 lifeguards were employed by the Town of Port Hedland, 32 casual and 3 permanent staff members.

This is indicative of high staff turnover and difficulty in attracting and retaining staff during this period. By comparison, the Town of Port Hedland currently employs 22 lifeguards, 18 casual and 4 permanent staff.

5.3 Response to Questions taken on notice from Elected Member - 12 December 2024 Special Council Meeting

5.3.1	Cr Blanco
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Concerning Item 15.3 in tonight’s agenda - my question was, we haven't received any legal advice on it in the agenda? Did I miss it somewhere. It hasn't been given to us as a Council.

The Director Infrastructure Services provided the advice via email to the Council members during the meeting.

At the last meeting, I requested the presentation from the Australian Regional Alliance regarding the Mayor's sea container speech. The Acting CEO and the former Director of Regulatory were present, but we have not yet received the presentation. Could the administration please provide it?

The Interim Chief Executive Officer provided the following response:

The Town does not hold a copy of the presentation.

I'd like to address some of the payments listed under CEO payments in the agenda. In the credit card payments, there are instances of duplicate or unusual transactions.

On 11/11/2024, credit card ending 7366 shows two payments of \$715 for IPWEA on the same date, appearing to be duplicates.

On 06/11/2024, credit card ending 7366 shows a payment of \$6,695.51 for World Moving Storage Auckland. Another payment for nearly the same amount, differing by 1 cent, was made using credit card ending 5690.

Could you clarify if this was for the same transaction? If so, why were two different credit cards used, and why was the payment split?

The Manager Financial Services provided this response:

IPWEA relates to Fleet Management Training for 2 separate employees. World Moving storage for the relocation of the Director of Community Services, the payment was split to avoid maxing out on one credit card.

Credit card ending 6947 Easy Star House Applecross \$636.41 payment made on 19 November 2024. And then we had two other payments, same date, same

amount: \$636.41. Why do we have 3 payments for the same amount made to one business?

The Manager Financial Services provided this response:

House Applecross payments are for accommodation for Road Congress for 3 separate employees.

I want to know about a payment on 15 November 2024 Credit card ending 9981 for \$11,716. It's like an add-on sort of IT monitoring. We have spent big dollars on our new IT system. Can we find out why we are doing this? Also, we have paid Home Affairs Online Southport, \$7635. Why are we paying Home Affairs?

The Manager Financial Services provided this response:

Domotz Network/Infrastructure Monitoring Software is a foreign currency payment (\$7,182 euro).

Home Affairs - CP CC - Visa application - The payment to Home Affairs was for a visa sponsorship for a current temporary employee to stay with the organisation in a hard to fill position that was not able to be filled by a person in Australia with current working rights (a requirement of the visa sponsorship) approved by the CEO.

5.3.2	Cr Butson
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My first question is about the South Hedland Bowling Club. Is it still under administration? The last update indicated it was not, and I understand they are holding a meeting tonight. Expressions of interest were made public before the Council was fully informed. Could you clarify the current status?

The Director Infrastructure Services provided this response:

The Town is unaware of the status of the South Hedland Bowls Club. The Council were provided a briefing paper on the Bowls Club on the 14th of October 2023 which detailed the Town's planned actions regarding the site. Staff received no feedback. On the 21st of November 2021, the Council were provided a copy of the EOI which was being advertised. Again, staff received no feedback.

The month of November, the corporate travel, flights, accommodation, and car fees. Monthly expense was \$40,878.55 is, any chance of finding out who all those flights were for?

The Director Corporate Services:

Provided the document *Corporate Traveller Breakdown – November 2024* to all Councillors on 17 December 2024 via email.

On page 70, there's a reimbursement relocation. Is that someone that has just been employed at the Town by the name of (name redacted for privacy). Has he actually left, and we have relocated him back for \$3999.78?

The Director Corporate Services provided this response:

This is for a current full-time employee; this aligns with the Relocation IOP.

Also, there was a purchase on the 21 November 2024 at the Perth Mint in East Perth for \$650.10. Do we have an explanation of what that is for?

The Director Corporate Services provided this response:

Payment to Perth Mint for 2025 Citizenship Ceremony Coins.

What has happened with the Christmas flags and the Christmas decorations. Do we still have the flags that we used to put up?

The Director Infrastructure Services provided this response:

The flags which were used were disposed of 3 years ago due to mould.

On page 28, under PP Events, there is a payment for the staff Christmas party at the Esplanade Hotel, marked as the second payment for the event. Does this mean the total cost of the Christmas party is double this amount? Was this a contracted event, and is this payment the first or second instalment of the contract?

The Director Community Services provided this response:

A two-year contract with PP Events and the Christmas Party was the second event of the two-year contract.

On 28 November 2024 there was an unblocked kitchen sink which cost \$3503.00. I'm just wondering who's sink it was? It's very expensive.

The Director Infrastructure Services provided this response:

The Town undertook work at the JD Hardie centre. When the plumber attended there had to be extensive cleaning done to remove grease which was blocking the drain causing the sink to overflow.

5.4 Response to Questions taken on notice from Public - 12 December 2024 Special Council Meeting

5.4.1	Jan Gillingham
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Could we revisit the Fleetwood project, which has been addressed in the past, to replicate another Osprey development for key worker housing?

The Director Infrastructure Services provided the following response:

Discussions were held with Fleetwood as part of the Key Worker Housing Project. Fleetwood did not respond to the Tender when it was advertised. The Town will be re-tendering the project in the new year. Fleetwood have been advised of this and the Town would welcome a response from them and other housing providers to the tender process.

5.4.2	Jillian Fisher
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I understand that the Town of Port Hedland uses McLeod’s Lawyers as its preferred legal representatives. However, I noticed a payment of \$16,052.89 was made to MinterEllison, another legal firm. Could you explain why two different legal firms are being used?

The Interim Chief Executive Officer provided the following response:

The Town uses various legal firms across different areas of the organisation to ensure the Town has expert/specialist advice relevant to that operational area and in line with the delegation register relating to legal advice.

Twelve months ago, I raised concerns about the surveillance cameras and CCTV around town, including the fact that the camera location register hasn’t been updated as it was supposed to be back in 2021. I know at least one new camera has been installed outside Blackwood Caravan Park, and I was wondering if any other locations have had cameras installed since then. Can we get an updated map or register to reflect these changes?

The Director Infrastructure Services provided the following response:

The Town is updating the maps on the website with the new camera locations.

12 months ago, the final meeting before the Christmas break, the previous CEO said it was going to be investigated earlier in the year, and we haven’t had any action on that?

The Director Infrastructure Services provided the following response:

The Town is updating the website with new camera locations.

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 5:37pm.

6.1.1	John Ashenden
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Since there is no signed contract or explicit binding agreement between myself and the council regarding the payment of these rates, can you explain how these charges are legally binding? Additionally, since local councils are not explicitly recognised in the Commonwealth Constitution, can you confirm that the council’s authority to levy rates is constitutionally sound and consistent with contract law principles?

The Mayor provided with the following response:

Taken on notice.

The Classic Bin Collection charge is listed as 1 x 35, but there is no explanation of what this charge cover in terms of waste services. Could you clarify exactly what is included in this fee, such as frequency of the bin collection and the type of services covered under this charge?

The Mayor provided with the following response:

Taken on notice.

When reviewing the rates notice, the charges such as the GRV Residential and Emergency Services Levy is listed without a clear explanation of what the services fund or how they are calculated. Can you provide a breakdown of these charges and how the funds are allocated to specific services or infrastructure within the community.

The Mayor provided with the following response:

Taken on notice.

6.1.2	Jillian Fisher
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Can you please give me an update on the South Hedland Bowls Club?

Mayor provided the following response:

Taken on notice.

Asked about the local council roads in Wedgefield and if there was a program that is going to go round and fix potholes at the moment?

Mayor provided the following response:

Taken on notice.

Can you please tell me who won the citizen of the year award and what did they win it for? We had some really good nominees, and no one explored them or recognise them on the day as well.

Mayor provided the following response:

Taken on notice.

The Presiding Member declared Public Question Time closed at 5:42pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:42pm.

The Presiding Member declared Public Statement Time closed at 5:43pm.

6.3 Petitions / Deputations / Presentations / Submissions

Nil

7 Questions from Members without Notice

7.1.1	Cr Blanco
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I noticed some of the media from the Town they stated they are liasing with the West Australian Electoral Commission (WAEC) for further advice on the council position that was vacated by Councillor Sven Arentz. Clearly his position needs to be filled. Are we waiting for advice to find out whether we're going to fill that position at the next council elections in October? Is that what we're waiting for? I think my understanding of this is we need to organise a by-election as soon as possible.

Manager Governance provided the following response:

You will remember when former Councillor Bennett resigned we wrote to the WAEC to request options for replacing the Councillor under the Local Government Act. At that time and the attachment to that report includes a letter from the WAEC outlining those options but also some timelines as to the WAEC's availability due to the state government election. So while I was away when Councillor Arentz's resignation came through, my understanding is we've written to the WAEC to request an update essentially on that information and that will be brought before the next council

(meeting) for the council to resolve. The option that we use for that vacancy that is now on council.

Mr Mayor I don't believe that advice we got previously is relevant to Councillor Arentz because he has still got a 3-year term left. Obviously Councillor Bennett fell within the 12 month period until the next election which is listed in the Act. So that's what I wanted to know because I've been told by multiple people that you have told them Mr Mayor yourself, Tim and Ambika are going to resign. So you're not going to resign?

Mayor provided the following response:

I can assure you councillor if I'm going to resign you'll know about it okay?

I said if I'm going to resign, you'll know about it if I do. It's your opinion, it's not up for debate.

My next question relates to one of the questions asked tonight at the podium about the road condition. I have said previously in my questions to the administration that rain events create huge problems for our roads if there's potholes in them and now these potholes are getting that big in Wedgefield that I could park a small Hyundai in them and you wouldn't see it. So, what have we done? What is in the budget to repair our roads because they're in an atrocious state and they're getting a lot worse very quickly. Do we have the team to do it? And what is the plan for fixing our roads?

Acting Director Infrastructure Service provided the following response:

The works for the pothole is on the actual agenda for actually working. There is a tender that is out, in the in the interim there is an actual exemption to do the actual temporary works. Works have gone around I suppose Wedgefield and on the actual main road between Port and South. The question in regards to staff, we are struggling to attract works crew, so a lot of that work is going out to contract because we struggle to maintain works crew staff to be able to be on the actual crew to be able to maintain them. That's the reality of it.

Obviously, we all know that all businesses in Hedland have problems with attracting staff and all that sort of stuff. So can we expedite? So are we able to put that suggestion to the administration and get some report back to ensure that these works are done?

Mayor provided the following response:

We will report back to you councillor.

In tonight's agenda we have a question that I asked in relation to Decmil. Firstly, I just want to know why the Director of infrastructure has answered the question and not the Director of Finance (Corporate Services). Can I find out why that is the case?

Mayor provided the following response:

Taken on notice.

The answer provided by the Director of infrastructure is clearly incorrect. The only thing I can suggest here is that there was no investigation done. Now I'll read this out attachment 12.1.1.2, page 27 of 224, payment was made to Decmil for Claim 21 on the 13/09/2024. Attachment 12.1.1.3 page 34 of 1061 a payment was made to Decmil on the 17/11/2023 for claim 21. Invoices the same, amounts the same, both payments \$93,296.52. There are some issues that we paid this twice, because it's in the minutes and the minutes have been approved by Council. So, I need to know how this happens. What controls are missing that prevent this action by staff? How are we going to get the \$100K back from Decmil? Clearly the Council is required to scrutinise the finances. So I need to know how this how I got this answer in the minutes? When I don't see how anyone could have looked at it. I was quite clear on that night with that question. Could I get some answers to that? I need to find out how we're going to get our \$100K back and why we have paid the same bill twice 12 months apart?

Mayor provided the following response:

Taken on notice.

I asked a question; it's written in the agenda tonight in relation to Domas it's like a network infrastructure monitoring software that was \$12000 or \$13000. The answer that came back was that it was a foreign currency payment of €7182. Then it goes on to say, this is in tonight's agenda. It was for a visa sponsorship because we weren't able to fill a position by anyone in Australia and this was approved by the CEO. So, my question to that is, if we're doing visa sponsorships and we're not employing anyone in Australia, I would have thought that that would have been some policy that needed to be approved by the Council. And the Council determines that we are going overseas to employ foreign people to fill positions in Port Hedland. Can I get some answers to that as to why we are employing foreigners? That are not Australians. You know that clearly we can't get anyone with that skillset whatever it was, Mr. Mayor, can I get some assistance?

Mayor provided the following response:

Taken on notice.

I've been asking and a few other councillors have asked this as well, the Flood pumps in Port Hedland. What's happening? What stage are we at? Are we checking to make sure they're working and all of that?

Acting Director Infrastructure provided the following response:

That rain event there was an issue with the pump starting up. Staff were on site and did make them work and they still do operate. As for the actual tender for replacement, there was a mandatory site briefing today at 10:30am. For the replacement, the tender is out. They'll probably run another mandatory site briefing next week to ensure that we're getting the right contractors to do the job. Because we only had 3 tenderers registered for the site briefing for today, ensuring that they'd be under a grant funded project to replace those pumps. So, it is out to tender at the moment. As for the

people not knowing it because operational staff are actually down there running the things on-call. They're not part of the tender process for replacement. They're the ones that are out in the field doing the works and so forth. But on the day of the rain event, the pumps were operational and actually getting done at the time of the guys going out there. There were some issues, but they got them working and they got the pumping of the water out and so forth as well.

I requested the presentation from the Australian Regional Alliance regarding the sea container. Stuff you're promoting at the Australian Regional Alliance in November, you said to me I'd have it by December, December you weren't here. We're now in February. We still have not received that presentation. I asked the CEO if the CEO could provide the presentation, the town and the CEO come back with the town does not hold a copy of that presentation.

Mayor provided the following response:

I have requested a copy, hopefully I will have it before the next council meeting for you.

I need to ask the CEO if he can get me some information around the questions I asked to the planning department, I think it could have been in November or December in relation to the sea container developments that have been spoken about at Regional Capital Alliance. But what I want to know is the town working with Mayor Carter in his private business dealings in this matter, in the sea container matter? Additionally, I want to know Why the Town hasn't pulled up the Mayor on these housing proposals that link his private role and private business deals. So public private issues here with sea containers. Considering I have members of the public that have given me all the information that the mayor has provided about sea container living and the people that are making them in Vietnam and so on and so can I get that passed over to the CEO for answers?

Mayor provided with the following response:

The planning and building team regularly liaise with prospective proponents regarding modular housing developments. The planning and building team provide both general enquiry advice and pre-lodgement advice to customers regarding compliance with the local planning scheme, Residential Design Codes, local planning policies, Building Act, and National Construction Code irrespective of who the customer is. The Town has not approved any development or building application that contravenes the relevant planning and building approval frameworks.

Could I please add to that. I asked this question already, eight months ago. In relation to the construction of the road, they use cracker dust in the construction of the road, so if that is a RAV10 designed road, can we find out what the core samples are and how deep the proper road base is to handle RAV 10 network?

Mayor provided the following response:

Taken on notice.

You did mention today in your opening about Julie Arif and putting her in as a Freeman of the Town, is that correct? If we are bringing that to the next meeting could I also add to that as well as Julie Arif, I would also like to see ex-councillor Janet Gillingham and ex-Mayor Kelly Howlett. I think all those girls have made a huge contribution to the Town. They've also been heavily involved in lots of community groups.

Mayor provided the following response:

We can add that to the item for you.

7.1.2	Deputy Mayor Ash Christensen
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I think it's been asked before, but I just want to try and reiterate it again. Hematite Drive, I believe it's the one the new road that was just created at the back end or the East-Northeast end of Wedgefield. Is there a reason why that's still closed and not being opened to be used? Because I'm assuming it looks like it's ready to roll and I don't see anybody else working on it. Do we have answers as to when that will be opened?

Am I correct in assuming that that road will become asset of the Town of Port Hedland after a one-year time frame has passed since its completion?

Now is that one year time of completion at the time they open the road or the time they complete the project?

The Acting Director Regulatory Services provided the following response:

So yes, the Hematite Drive extension works are completed. We're awaiting main roads to undertake some intersection upgrades to the highway so that. Your 60 metre road trains can turn safely and understand the contractor that's undertaking the Great Northern Highway-Pinga intersection will do those works as a work package associated with that project.

Yes, It's calculated from practical completion of the project, which is at the time of subdivision clearance

So, usually we have a year's timeframe to practical completion, because we want that to be used and operated and ensure that it's fit for purpose. What happens now if this takes over a year for that other intersection to be created, and if it's already been PC'd, what happens with our insurance side of that road? As you know, I'm pretty critical on assets being transferred from one organization to the Town of Port Hedland in relation to maintenance and ensuring that we get what we've said we're going to receive that's all. So we can just understand that a bit more and provide back to Council please.

Mayor provided the following response:

Taken on notice.

7.1.3

Cr Lorraine Butson

Just regarding the Minutes from the November meeting. I'm just wondering if I could have the total cost of the Christmas party (staff), which was contracted for 2023 and 2024 please.

Mayor provided the following response:

Taken on notice.

Can you please advise when we're going to have the latest update on the Bowling Club because there hasn't been an update on that since October 2023.

Mayor provided the following response:

Coming up soon.

8 Announcements by Presiding Member without Discussion

The Mayor’s meetings for the month of December 2024:

DATE	MEETING DETAIL	ATTENDANCE
03.12.2024	Regional Capitals Australia	Speaker Sarah Nattey, First Assistant Secretary, Domestic Aviation and Reform Division of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts. Various key stakeholders
10.12.2024	Regional Capitals Australia Annual 2024 General Meeting	Various key stakeholders
13.12.2024	RCAWA Dec Meeting	Various key stakeholders

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

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

- Mayor Peter Carter
- Deputy Mayor Ash Christensen
- Cr Camilo Blanco
- Cr Lorraine Butson
- Cr Ambika Rebello
- Cr Adrian McRae

10 Confirmation of Minutes of previous meeting

CM202425/232 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Ambika Rebello

That Council confirm that the Minutes of the Special Council Meeting held on 13 November 2024 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (6/0)

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

CM202425/233 COUNCIL DECISION

MOVED: Cr Adrian McRae SECONDED: Deputy Mayor Ash Christensen

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

CARRIED BY SIMPLE MAJORITY (6/0)

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

CM202425/234 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Lorraine Butson

That Council confirm that the Minutes of the Ordinary Council Meeting held on 11 December 2024 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (6/0)

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

CM202425/235 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Lorraine Butson

That Council confirm that the Minutes of the Special Council Meeting held on 12 December 2024 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

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

CM202425/236 ITEMS EN BLOC RECOMMENDATION

MOVED: Cr Lorraine Butson

SECONDED: Cr Adrian McRae

That Council move the following items, en bloc:

11.1.3	Minutes of the Special Audit, Risk & Compliance Committee Meeting held 11 December 2024
12.1.1	Statement of Financial Activity - December 2024
12.3.2	Award of Expression of Interest – Marapikkurinya Park Pop-Ups

CARRIED BY SIMPLE MAJORITY (6/0)

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

11.1 Audit, Risk and Compliance Committee

11.1.1	Audited Financial Statements - Financial Year 2023-2024
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Author: Senior Audit, Risk and Insurance Officer
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202425/237 COUNCIL DECISION

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 2024; and**
- 2. Recommend Council adopt the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2024.**

CARRIED BY SIMPLE MAJORITY (6/0)

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

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 2024.

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

The Office of the Auditor General (OAG) has issued a qualified audit opinion for the financial year ended 30 June 2024.

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 2024.

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.

RSM Australia Pty Ltd ("the Town's Auditors") conducted the end of year audit offsite between 7-11 October 2024 and onsite between 14-18 October 2024. 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 qualified audit opinion with respect to the Annual Financial Report. It was acknowledge that the Town had engaged an independent valuer in line with 2023 recommendations, however there were \$17 million worth of infrastructure assets which were revalued to nil which the Auditors were unable to obtain sufficient appropriate audit evidence in regards to the attributes and location of the asset 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. It is acknowledged that the Town is implementing as asset management framework to address these process and control deficiencies as well as engaging an independent valuer to address the valuation of the assets ahead of the preparation of the 30 June 2025 Financial Statements.

The Auditors have presented several matters for consideration by management as identified in Confidential Attachment 3 and 4.

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 6 December 2024, during the Exit Meeting. The Audit Risk and Compliance 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.

SUMMARY OF FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2024

Continuing Operations

The Town reports a net surplus of \$8,902,394 (refer to page 3 of the Annual Financial Report), this is favourable to budget by \$871,349.

The Town's operating revenue streams in financial year 2023/24 is favourable to budget by \$8,873,024 or 9.6%. This mostly relates to interest revenue on the Town's term deposits where better than RBA cash rate has been received.

The Town's operating expenses are unfavourable to budget by 4.3%. While Employee costs and Materials and contracts have come in under budget the main driver for this variance relates to Depreciation, which increased by 38% due to capitalisation of \$30.7 million worth of assets.

AUDIT FINDINGS

The Town's Auditors have identified several matters for consideration to be addressed by Management. Please refer to Confidential Attachment 3 and 4 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 2024 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 2023-2024 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

Risk Type	Operational
Risk Category	Compliance
Cause	Regulated financial and reporting requirements
Effect	Non-Compliance
Risk Treatment	Management controls and external support and overview

There is an operational, risk associated with this item caused by Regulated financial and reporting requirements, leading to potential for non-compliance.
 The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).
 This risk will be accepted by the management accounting practices, with external support services and overview by audit agencies.

OPTIONS

Option 1 – Adopt committee’s decision

Option 2 – Adopt officer’s recommendation

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

CONCLUSION

The 2023-2024 Financial Year Annual Financial Report, Independent Auditor’s Closing Report and Management Letters are attached.

ATTACHMENTS

1. Town of Port Hedland - Signed Annual Financial Statements 30 June 2024 [**11.1.1.1** - 49 pages]
2. Opinion - Town of Port Hedland - 30 June 2024 [**11.1.1.2** - 3 pages]
3. CONFIDENTIAL - Final Management Letter Attachment A - Town of Port Hedland - 30 June 2024 [**11.1.1.3** - 16 pages]
4. CONFIDENTIAL - Final Management Letter Attachment B - Town of Port Hedland - 30 June 2024 [**11.1.1.4** - 7 pages]

11.1.2	Minutes of the Audit, Risk & Compliance Committee Meeting held on 26 November 2024
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Author: Senior Audit, Risk and Insurance Officer
Authorising Officer: Manager Governance
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202425/238 COUNCIL DECISION

MOVED: Cr Camilo Blanco **SECONDED: Cr Ambika Rebello**

That Council receives the unconfirmed minutes of the Audit, Risk and Compliance Committee Meeting held on 26 November 2024.

CARRIED BY SIMPLE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is to present the Unconfirmed Minutes of the Audit, Risk, and Compliance Committee (ARC Committee) meeting held on 26 November 2024, for Council's consideration.

DETAIL

Background

The Town's ARC Committee is a statutory body established under section 7.1A of the Local Government Act 1995. Its primary function is to assist the Council in fulfilling its governance and oversight obligations, specifically in the areas of financial reporting, internal controls, risk management, legislative compliance, ethical accountability, and both internal and external audits.

26 November 2024 Meeting Overview

At its meeting held on 26 November 2024, the following items were considered:

11.1 Audit, Risk and Compliance Committee – 2025 Calendar Year Work Plan

The ARC Committee was presented with a draft of the 2025 Work Plan which was approved during the meeting. Committee Decision ARC202425/016.

11.2 Strategic Internal Audit Plan –2023-2024 Review 3 – WHS Review

The ARC Committee received the Final WHS Review Report which was completed by Paxon in October 2024. The report contained two findings both rated Low risk. The

town is aware of these issues and has begun implementing steps to address them in line with the recommendations provided.

11.3 Internal Audit Log Review

The ARC Committee received an update on the progress of audit items, including those from the 2020-23 and 2023-26 Strategic Internal Audit Plans, with risk ratings assigned to facilitate task prioritisation. The Committee revised due dates for four actions to better align with proposed project completion.

11.4 Risk Register Review

The ARC Committee received the Quarterly Operational Risk Report. The report highlighted high and extreme residual risks and their status, which are to be reported to the ARC Committee in line with the reporting requirements defined in the Town's Risk Management Framework.

11.5 Quarter 1 Procurement Report on Panel Usage

The ARC Committee noted nil identified non-compliance with Policy 2/022 Panels of Pre-Qualified Suppliers for Quarter 1 Financial Year 2024-25.

14.1 Confidential Item – Town Debtors

The Committee recommended Council receive the report on Town Debt and write off \$26,761.68 in Rates debtors.

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

- ARC Committee
- Chief Executive Officer
- Director Corporate Services
- Manager Governance
- Manager Financial Services
- Senior Audit, Risk and Insurance Advisor
- Principal Health Safety and Wellness

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The ARC Committee's functions, powers, and membership are governed by its Terms of Reference.

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.

Environmental

Nil

Economic

Nil

Social

Nil

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 services 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

Risk Type	Operational
Risk Category	Compliance
Cause	Not reporting to Council
Effect (Consequence)	Non-compliance with best practice principles
Risk Treatment	Council receives the minutes from the 26 November ARC Committee Meeting.
<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 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 eliminated by reporting the minutes of the ARC Committee to the Council for their consideration.</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 presents the Unconfirmed Minutes of the Audit, Risk, and Compliance Committee meeting held on November 26, 2024, for Council’s review. The ARC Committee, established under section 7.1A of the Local Government Act 1995, assists Council with governance, oversight, and compliance matters.

Key discussions from the meeting included the Audit, Risk and Compliance Committee – 2025 Calendar Year Work Plan, Strategic Internal Audit Plan – 2023-2024 Review 3 – WHS Review, Internal Audit Log Review, Quarterly Risk Register Review, Quarter 1 Procurement Report on Panel Usage and Town Debtors report.

ATTACHMENTS

1. Minutes for the Audit, Risk & Compliance Committee held on 26 November 2024 [**11.1.2.1** - 43 pages]

11.1.3	Minutes of the Special Audit, Risk & Compliance Committee Meeting held 11 December 2024
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Author: Senior Audit, Risk and Insurance Officer

Authorising Officer: Manager Governance

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

CM202425/236 COUNCIL DECISION

MOVED: Cr Lorraine Butson

SECONDED: Cr Adrian McRae

That Council receives the Unconfirmed Minutes of the Special Audit, Risk and Compliance Committee Meeting held on 11 December 2024.

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

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 December 11, 2024, for Council's consideration.

DETAIL

Background

The Town's ARC Committee is a statutory body established under section 7.1A of the Local Government Act 1995. Its primary function is to assist the Council in fulfilling its governance and oversight obligations, specifically in the areas of financial reporting, internal controls, risk management, legislative compliance, ethical accountability, and both internal and external audits.

11 December 2024 Meeting Overview

At its meeting held on 11 December 2024, the following item was considered:

10.1 Audited Financial Statement – Financial Year 2023-2024

The ARC Committee received the Audited Annual Financial Report, Independent Auditor’s Closing Report, and Management Letter of Audit Findings for the financial year ended 30 June 2024. The ARC Committee recommends Council adopt the above. Committee Decision ARC202425/028.

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

- ARC Committee
- Chief Executive Officer
- Director Corporate Services
- Manager Governance
- Manager Financial Services
- Senior Audit, Risk and Insurance Advisor

External Agencies

- Officer of the Auditor General
- RSM

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The ARC Committee's functions, powers, and membership are governed by its Terms of Reference.

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 services 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

Risk Type	Operational
Risk Category	Compliance
Cause	Not reporting to Council
Effect (Consequence)	Non-compliance with best practice principles
Risk Treatment	Council receives the minutes from the 11 December Special ARC Committee Meeting.
<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> <p>This risk will be eliminated by reporting the minutes of the ARC Committee to the Council for their consideration.</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 presents the Unconfirmed Minutes of the Special Audit, Risk, and Compliance Committee meeting held on December 11, 2024, for Council's review. The ARC Committee, established under section 7.1A of the Local Government Act 1995, assists Council with governance, oversight, and compliance matters.

Key discussions from the meeting included the review of the Audited Financial Statements – Financial Year 2023-2024.

ATTACHMENTS

1. Minutes of the Special Audit, Risk & Compliance Committee Meeting held on 11 December 2024 [**11.1.3.1** - 25 pages]

12 Reports of Officers

12.1 Corporate Services

12.1.1	Statement of Financial Activity - December 2024
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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.

CM202425/240 COUNCIL DECISION

MOVED: Cr Lorraine Butson

SECONDED: Cr Adrian McRae

That Council:

- 1. Receive the Monthly Financial Report for the period ended 31 December 2024 as shown in attachment 1;**
- 2. Note the Accounts paid under delegated authority for the period ended 31 December 2024 as shown in attachment 2;**
- 3. Receive the Purchasing Card statements for the period ended 31 December 2024, as shown in attachment 3;**
- 4. Receive the Investment Summary Report for the period ended 31 December 2024, as shown in attachment 4;**
- 5. Receive the YTD Budget v Actual Report by Directorate, as shown in attachment 5;**
- 6. Receive the Capital Listing report for the period ending 31 December 2024, as shown in attachment 6;**

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Nil

PURPOSE

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

DETAIL

The information provided in this report is for the period ended 31 December 2024, with financial results included in Attachment 1. The preparation of the reports has been made in compliance with the *Local Government Act 1995 and Financial Management Regulations*.

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 2024-2025 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 \$8.37M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited June 2024 Financial Statements.

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 for 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 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 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:

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2024/2025 financial year.
Effect (Consequence)	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.

Risk Treatment	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 \$8.37M presented in the YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the audited financial statements from June 2024. The net current funding position is \$63.89M due to the practice of raising rate revenue of \$76M in August.

ATTACHMENTS

1. 1. Monthly Financial Report - Dec 2024 [**12.1.1.1** - 8 pages]
2. 2. Accounts paid under authority - Dec 2024 [**12.1.1.2** - 59 pages]
3. 3. Purchasing Card statements - Dec 2024 [**12.1.1.3** - 31 pages]
4. 4. Investment Summary Report - Dec 2024 [**12.1.1.4** - 10 pages]
5. 5. YTD Budget v Actual Report by Directorate - Dec 2024 [**12.1.1.5** - 1 page]
6. 6. Capital Listing Report - Dec 2024 [**12.1.1.6** - 10 pages]

12.1.2	Council Improvement Plan
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Author: Council Support Officer

Authorising Officer: Acting 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.

CM202425/240 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Ambika Rebello

That Council:

- 1. Note the progress of implementation of the Council Improvement Plan; and**
- 2. Authorise that a copy of this report and attachment be provided to the Department of Local Government, Sports and Culture.**

CARRIED BY SIMPLE MAJORITY (4/2)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Lorraine Butson and Cr Ambika Rebello

Against: Cr Camilo Blanco and Cr Adrian McRae

PURPOSE

The purpose of this report is for Council to note the progress of implementation of the Council Improvement Plan adopted on the 28 August 2024. A progress report will be presented to Council on a quarterly basis, and provided to the Department of Local Government, Sports and Culture.

DETAIL

Between the 6 – 7 February 2024, the Town hosted representatives from the Department of Local Government Sports and Culture (DLGSC) to conduct meetings with the Town’s Executive Leadership Team, individual Elected Members, and Council.

Following the Department's visit, the Town received a letter directing the Town to consider and determine a suitable improvement plan. At the 28 August 2024 Ordinary Council Meeting, Council resolved to implement the Town’s proposed Council Improvement Plan. Following this resolution, Town administration engaged with specialist consultants to form a scope of work and address components of the Council Improvement Plan based on the risk rating for each component. The rollout of the individual phases commenced in January 2025, and it is anticipated that completion of the plan will be within a 12-month period.

The Council are required to undertake considerable work in the implementation of the

Council Improvement Plan over the 2025 calendar year, with a copy of the Ordinary Council Meeting quarterly report being provided to the department following the report being noted in the Ordinary Council Meeting minutes.

Phase 1 of implementation of the Council Improvement Plan includes items that have been deemed time critical, including;

1. Council Briefing Policy review
2. Conduct of Meetings training
3. Financial Reporting variation
4. Strategic Forums instated

The administration is currently collaborating with external providers to assist with the delivery of the proposed Phase 2 of the plan which includes additional critical components with anticipated commencement in March 2025. Phase 2 of implementation of the plan will include;

1. Code of Conduct training
2. Leadership and Relationships training
3. Elected Member Workplace Health & Safety roles and responsibilities training

LEVEL OF SIGNIFICANCE

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

- Significant - A decision that will significantly affect the capacity of the Council to carry out any activity identified in the strategic plan.

CONSULTATION

Internal

- Interim Chief Executive Officer
- Director Corporate Services
- Manager Governance
- EA to the CEO and Mayor

External Agencies

- HWAdvisory
- WALGA
- LGIS
- DLGSC

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

1.031 Council Policy – Policy Framework

Town of Port Hedland Standing Orders Local Law 2014

FINANCIAL AND RESOURCE IMPLICATIONS

A budget of \$28,500 has been allocated to facilitate staff resourcing to support the Council Improvement Plan. A further \$25,900 is realised as necessary for the implementation phase of the Council Improvement Plan. This is not currently accounted for in the service delivery area of Council support and may require additional human resourcing.

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:

4.1.1 Town of Port Hedland is represented and is an active contributor in international, national, state and regional forums and policy development.

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.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance Reputational
Cause	Failure to comply with the Council Improvement Plan
Effect (Consequence)	Compliance – Failure to comply with the departments direction may result in further intervention or suspension of the local government

	Reputational – Further intervention with or suspension of the Council will affect the public’s confidence in the local government’s operations.
Risk Treatment	Council to comply with the deliverables in the Council Improvement Plan
<p>There is a Strategic risk associated with this item caused by failure to comply with the deliverables within the Council Improvement Plan, leading to Compliance and Reputational consequences.</p> <p>The risk rating is considered to be Extreme (20) which is determined by a likelihood of Almost certain (5) and a consequence of Major (4).</p> <p>This risk will be mitigated by implementation of the Council 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

The Council is required by the department to fulfill the requirements of the Council Improvement Plan over a series of initiatives to be undertaken over 3 – 12 months of the date of adoption.

Failure to comply with proposals made by the department could have negative impacts for the elected Council of the Town of Port Hedland with disciplinary actions resulting accordingly.

The Town administration will continue to provide the Council with support and guidance to address the concerns of the department and facilitate the necessary steps to satisfy the local government's governing body.

ATTACHMENTS

1. 20240821 Improvement Plan FINA L_ [12.1.2.1 - 18 pages]

12.1.3	2023 - 2024 UV Rating
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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.

CM202425/240 COUNCIL DECISION

MOVED: Cr Camilo Blanco

SECONDED: Cr Ambika Rebello

That Council:

- 1. Acknowledges that a clerical error was made on 26 July 2023 when imposing the differential general rate for 'UV Mining and Other' for the 2023/2024 financial year under section 6.32(1) of the Local Government Act 1995 (WA).**
- 2. Exercises the power under section 55 of the Interpretation Act 1994 (WA) to correct the resolution made on 26 July 2023 to impose under section 6.32(1) of the Local Government Act 1995 (WA) a differential general rate for 'UV Mining and Other' at the rate of 21.1469 cents in the dollar and substitute it with a rate of 21.4690 cents in the dollar. This accords with the differential rate for 'UV Mining or Other' which was endorsed by the Council when it adopted the Municipal Annual Budget 2023/2024 on 26 July 2023.**
- 3. Authorises a notation to be added to the minutes recording the imposition of the rates for the 2023/2024 financial year which states that the UV mining rate contains a clerical error and the date on which it was corrected.**

CARRIED BY ABSOLUTE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is for Council to consider the process required to correct an error in the 2023-2024 differential UV Mining category Rate in the Dollar (RID) charge, created through a discrepancy between the notice of intention to levy differential rating, the meeting minutes and the annual budget attachment.

DETAIL

At the 28 August 2024 Ordinary Council Meeting, report: 12.1.3 2023 – 2024 UV RATING disclosed a typing error occurred within the 26 July ordinary council meeting agenda, report: 12.1.2 Adoption of the 2023/24 Annual Budget & Rating Strategy Including Schedule of Fees and Charges, mistakenly changing the differential UV Mining Rate in the Dollar (RID) and therefore, the effective minutes. The unintended effect of the addition of an extra "1" within the report and in turn minutes, reduced the effective UV Mining RID downwards from what was the proposed rate. This implies the Town raised more money from its UV Mining RID differential than was approved and adopted by Council. This was not the intended outcome which the document trail demonstrates.

Council authorised the CEO to make application to the State Administrative Tribunal (SAT) to quash the Town of Port Hedland 2023–2024 UV Rate in the Dollar amounts, in line with DLGSC advice received.

The Town engaged legal counsel to prepare the SAT application and Senior Counsel's opinion confirms that:

1. there is no requirement to refer the error to the State Administrative Tribunal under section 6.82(1) of the Local Government Act 1995 (WA);
2. the error in the decision to impose the UV mining rate, as recorded in the resolution, may be corrected by exercising the power under section 55 of the Interpretation Act 1994 (WA); and
3. It is not necessary for the Council's decision to impose the UV mining rate to be remade, revoked or quashed.

A copy of the advice is attachment 1.

DLGSC have been notified that based on the advice received, an application to SAT is no longer considered necessary.

LEVEL OF SIGNIFICANCE

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

- Significant - The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans.

CONSULTATION*Internal*

- Finance Team

External Agencies

- DLGSC
- Minter Ellison
- Quayside Chambers

Community

- Nil: Already undertaken in 2023

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.32(1) of the Local Government Act 1995 (WA)

Section 55 of the Interpretation Act 1994 (WA)

FINANCIAL AND RESOURCE IMPLICATIONS

Based upon the 2023-2024 adopted annual budget's UV Mining rateable valuation amount of \$214,659,701 the financial impact of this typing error equates to \$691,418 plus adjustments for interim rating amounts post budget adoption.

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:

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

Environmental

Nil

Economic

Nil

Social

Nil

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:

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Incorrect Rate in the Dollar transposed in officer recommendation
Effect (Consequence)	Discrepancy between annual budget and Council minutes
Risk Treatment	Use provisions of the Local Government Act 1995 to correct
<p>There is an operational risk associated with this item caused by the change to the RID amount, leading to a discrepancy in the RID adopted and that intended within the annual budget statements.</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 treated by the proposed correction to the Council minutes.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

The Town’s minutes will be amended.

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

Credits and or refunds for the affected properties will be made.

CONCLUSION

The typing error was unintentional, and correction of the Town minutes is necessary to ensure the genuine intentions of the 2023-2024 annual budget rates levying are compliantly reflected and achieved.

ATTACHMENTS

1. CONFIDENTIAL - Advice - 6.12.24 SAT Rates [**12.1.3.1** - 7 pages]

12.1.4	Corporate Business Plan Quarterly Report - 2024-2025 Quarter 2
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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.

CM202425/241 DEFER ITEM

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Camilo Blanco

That Council receives the Corporate Business Plan Quarterly Report – 2024/2025 Quarter 2 as per Attachment 1 to be deferred to the 26 February OCM 2025.

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Nil

PURPOSE

The purpose of this report is for the Council to receive the Quarter 2 report on the progress of service delivery as outlined in the Corporate Business Plan (CBP) 2023-2027. The report captures the period October to December 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 October to December 2024.

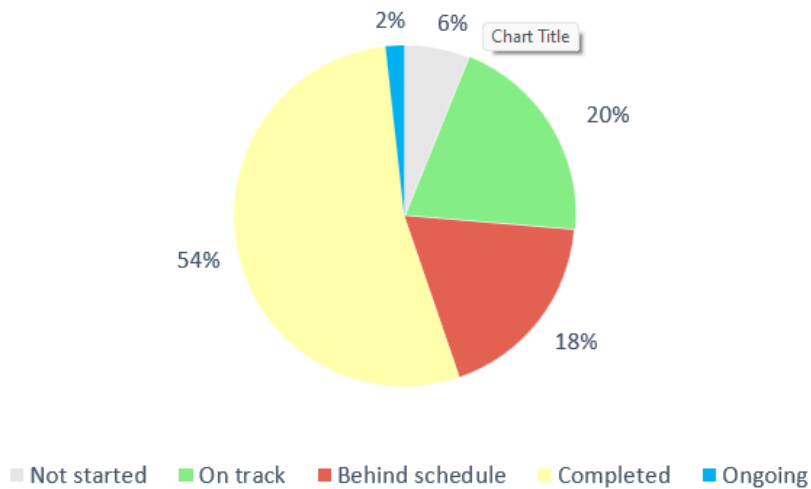
The report identifies the key actions, the status of each action, the percent complete along with commentary on the progress where applicable. The majority of the services are being progressed and are on track. However, some of the actions have yet to start or are behind schedule and delays have been 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	7	6
On track	This initiative/project is in progress and expected to be completed in the scheduled time	23	20
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	21	18
Completed	This initiative/project was completed during the prior quarters	61	54
Ongoing	This initiative/project is in progress and expected to continue for some time in the future	2	2
Total		114	100

Actions Overview 2024-25FY Q2



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

Risk Type	Strategic
Risk Category	Compliance Reputational
Cause	Non-compliance with statutory requirement as well as inability to meet community expectations

<p>Effect (Consequence)</p>	<p>Not delivering on the Council and community expectation to be informed of the Town’s performance against the Corporate Business Plan.</p> <p>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.</p>
<p>Risk Treatment</p>	<p>Progress report on the Town’s CBP performance is provided to Council</p>
<p>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.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be eliminated by receiving and noting the progress report.</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 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_ 2024-25 Q 2 [**12.1.4.1** - 34 pages]

12.2 Community Services

12.2.1	First Lights Major Winter Event 2025
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Author: **Manager Events, Arts & Culture**

Authorising Officer: **Director Community Services**

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

CM202425/242 COUNCIL DECISION

MOVED: Cr Adrian McRae

SECONDED: Cr Ambika Rebello

That Council:

- 1. Endorse First Lights Drone Show as the Winter Major Event in 2025 to replace Odyssey.**
- 2. Pursuant to section 6.8 (1)(b) of the Local Government Act 1995, authorise the Town of Port Hedland to make provision in the 2025-2026 Annual Budget for the:**
 - a) Utilisation of \$150,000 in the operations budget as revenue from BHP and Town of Port Hedland Events Partnership 2023-2025 to support the First Lights Drone Show event.**
 - b) The current balance of the Public Arts Development Contribution of \$463,000, transfer \$150,000 of to support the First Lights Drone Show.**

CARRIED BY ABSOLUTE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Nil

PURPOSE

The purpose of this report is to seek Council support to reconsider the First Lights Drone Show as the Winter **Major Event** for 2025, to ensure the Town continues to meet its agreed events service delivery level, as per the Corporate Business Plan 2023-2027.

BACKGROUND

Due to the financial implications for drafting the 2025-2026 Annual Budget, this item was initially presented at the 30 October 2024 Ordinary Council Meeting (OCM) and lapsed. After further consultation with the community/stakeholders and the requirement for a Major Event under the BHP funding agreement, a report was

presented again at the 27 November OCM, where it failed to achieve an absolute majority vote.

The previous reports did not clearly articulate some key contractual requirements or the significant support from stakeholders and community to showcase the First Lights Drone Show as the 2025 Winter Major Event, to be held at Pirra Pirra (Spoilbank Marina) open space. This event would play a major role in activating this area.

This report provides additional information to better inform the Council and seeks support for reconsideration of the First Lights Drone Show as the Winter Major Event for 2025.

DETAIL

The Town of Port Hedland strives to create a thriving, resilient and inclusive future for our diverse community. To achieve this, we place a firm focus on improving livability through an annual calendar of high-quality events, arts and culture programs, including a Winter Major Event each year.

Over the last decade, the Town has implemented various major event concepts over the winter period with a priority of working alongside community and key stakeholders. This has included Northwest Festival, Hedland Food Festival and most recently Odyssey Hedland Music and Arts Journey.

Odyssey Hedland Music and Arts Journey

The concept for Odyssey was originally developed and supported at the 14 December 2022 OCM, which include the following objectives:

- Major headline entertainment
- Increased community participation
- Multi-cultural food and arts, especially Aboriginal culture
- A variety of family-friendly entertainment.

However, the evaluation findings and officer insights from the 2024 event identified that it was unclear if the above objectives had been achieved and if there is a clear identity and brand awareness of Odyssey moving forward.

To ensure Odyssey has the capability to align with and deliver on the Town's strategic goals and intended objectives, Council resolved the below at the 27 November 2024 OCM:

- 1. Do not continue with the Odyssey Music & Arts Journey in 2025 and instead research an updated 2026 festival concept and business case, with initial updates to Council anticipated in May 2025.*
- 2. Pursuant to section 6.8 (1)(b) of the Local Government Act 1995, authorise the Town of Port Hedland to make provision in the 2025-2026 Annual Budget for the:*

a) Expenditure of \$30,000 for 2026 Odyssey festival concept research and business case.

CARRIED BY ABSOLUTE MAJORITY (6/0)

The hiatus of Odyssey in 2025 has created a gap in the provision of high-quality arts and culture events for the Hedland community, particularly by removing the Winter Major Event from the 2025 schedule.

Acknowledging this, and in alignment with several of the Council's strategic plans, it is recommended that the Council reconsider supporting the First Lights Drone Show as the Major Winter Event, proposed to be held in September 2025, giving First Light developer plenty of time to complete the project. This recommendation is based on:

- Engagement and support from traditional owners, providing an opportunity to tell the story of the Pilbara and Port Hedland through their voices.
- The opportunity for youth to be integral in the design and development of the show, offering them a pathway to future career opportunities.
- Enabling Creative Pathways – The project will create extensive engagement and paid opportunities to support participation with local Elders and artists, alongside workshops for young people to learn about drone technology.
- (Re)Ignite Live Performances – As an ephemeral visual arts event, it will provide access to activities the community would not otherwise have.
- Activating our Infrastructure – First Lights Drone Show will celebrate and promote the use of Pirra Pirra (Spoilbank Marina) open space.

First Lights Drone Show

First Lights is a dynamic arts and cultural storytelling experience and major public event, combining innovative technologies, through a fleet of 180 drones, specialist 3D animation and cinematic soundscape, to re-tell the first stories of place in the night sky.

'First Lights' is a new immersive, public art project, led by Traditional Owners and artists from each region and is a place-responsive drone show, which will tell a local First Nations story.

To be held at the Spoilbank Marina, the event will also include traditional dancing, quality live music, food trucks and family-friendly activities inclusive of the wider community.

The First Lights Drone Show demonstrates a strong alignment across a number of Councils strategic plans as well as all strategic goals within the Town's Arts and Culture Plan 2023-2027:

- Arts and Culture is for Everyone – Community will have a range of opportunities to engage, connect and participate in the Arts via the project as storytellers, artists, in addition to the free event for the wider community to experience.
- Sharing Culture – As a place-responsive show, the project will celebrate local arts, storytelling, and history, enabling the community to connect to Hedland's culture.

This proposed event budget is \$300,000, Fremantle Biennale will be responsible for delivering 75% of the project and event, and the Town will be responsible for 25% of delivery.

Responsible for delivery	Details	Delivery
Fremantle Biennale (FB)	Consultation with Aboriginal Corporations and other local partners to develop the story and design the technical and sound components that will make up the show.	75%
ToPH	Event management, infrastructure hire costs, traffic management, and additional entertainment	25%

It is recommended funds from our corporate partners to sponsor the event's development and implementation.

- Utilising \$150,000 from the BHP major events sponsorship (previously used for Odyssea) is in line with the Town's *Collective Impact Prospectus 2024*, in particular *Stream 2 – Co-investment in community programs and initiatives*, which notes programs and events enrich life for our community.
- ToPH have received correspondence from BHP supporting the First Lights Drone Show as the Major Event.

That \$150,000 to be funded from the Public Art Funding to support the remaining funds required to develop and present the First Light project, management, infrastructure hire costs, traffic management, and additional entertainment.

- \$150,000 of the Public Art Fund came from APA Group as a cash contribution for Public Art. Originally APA were going to develop and deliver their own Light Installation event, but found they did not have the capacity to do this. APA gave ToPH the cash contribution and requested that the Council deliver the event. APA supported the First Light Drone Show as the light's installation event.
- ToPH received a letter of support on the 10 October 2024, from APA (attached) supporting the First Light Project - *DA2021/250 Condition 4 required APA to make a \$150,000 percent for public art contribution to ToPH, this contribution was made on 10 November 2023. I confirm APA are supportive of the proposed FLP and endorse 100% of APA's contribution (\$150,000) to be used towards the FLP.*

It is important to note that both of these funds are externally sourced through sponsorship, which means that the First Lights Drone Show will be 100% funded through sponsorship and will not require any expenditure from ratepayers. It will also be a FREE event for the community.

If supported, the community will have continued access to high-quality arts and cultural events while the Town undertakes forward planning for the 2026 Odyssey, as already endorsed by the Council.

LEVEL OF SIGNIFICANCE

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

- Significant - The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans.
- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland.

CONSULTATION

<i>Internal</i>	<i>External</i>
<ul style="list-style-type: none"> • Executive Leadership Team • Events Team • Arts & Culture Team • Landscape & Irrigation Team • Parks & Reserves Team • Environmental Services Team • Youth & Community Development Team • Recreation & Leisure Facilities Team • Public Affairs Team 	<ul style="list-style-type: none"> • BHP • APA Group • Fremantle Biennale • Local Aboriginal Organisations

LEGISLATION AND POLICY CONSIDERATIONS

Local Planning Policy 04 – Percent for Public Art

Calls for public art which celebrates the values of Port Hedland through its unique character and First Nations history. Projects may include any combination of media including sound, video projection, lighting ephemeral.

The Policy objectives include increasing the social and cultural values of the Town, acknowledge and celebrate First Nations culture and heritage, develop, and promote community identity and increasing public awareness of the value of art, design and culture.

By supporting the development and implementation of the First Lights Drone show in partnership with the ToPH First Nations community will meet this Policy’s objectives by:

- Increase Social and Cultural Values
- Acknowledge and Celebrate First Nations Culture and Heritage
- Develop and Promote Community Identity
- Increase Public Awareness of Art, Design, and Culture

To achieve these outcomes, the policy includes the incorporation of First Nations artwork into the design of Public Art. This requires evidence of consultation with the Kariyarra, Ngarla, and/or Nyamal people to ensure their perspectives and contributions are included in the project.

The Town has received strong preliminary support from traditional elders, who have expressed their willingness to participate in the First Lights cultural consultation and event. This engagement underscores the community's commitment to honoring and integrating First Nations culture in meaningful ways.

FINANCIAL AND RESOURCE IMPLICATIONS

Events - Annual Budget - 25/26 Financial Year

Item	Revenue	Expenditure	Notes
Major Event - First Lights Drone Show	\$300,000	\$300,000	Revenue includes: - \$150,000 from BHP Events Sponsorship; and \$150,000 Public Art Funding from APA Group Contribution

It is noted that there is no ratepayer expenditure used to fund the Major Event - First Lights Drone Show.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The template below shows the alinement between the First Light Drone Show as a Major Event for 2025 and the ToPH endorsed Strategic plans.

Name of Plan	Sections applicable in the consideration of this item
Strategic Community Plan 2022-2032	<p><u>Our Community:</u></p> <p>1.3.1 The community, industry, arts and cultural organisations are engaged in identifying, planning and coordinating events and activities.</p> <p>1.3.2 Events and activities to celebrate the Town’s cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.</p>

	<p>1.3.3 Partnerships with industry and government to support events and activities are enhanced.</p> <p>1.3.4 The Town’s program of events and activities is promoted locally, regionally and nationally.</p> <p><u>Our Economy:</u></p> <p>2.4.2 Market and promote Hedland for tourism.</p> <p>2.4.3 Grow and promote existing and new local events that champion local culture and community.</p> <p>2.4.4 Market and promote the local lifestyle of the Hedland community.</p>
<i>Environmental</i>	<i>Nil</i>
<i>Economic</i>	<i>The First Lights Drone Show provides paid opportunities for local artists and traditional owners. The drone technology youth workshops and extensive engagement also provides opportunities and education for future career pathways in the arts and culture sector.</i>
<i>Social</i>	<i>There are significant social benefits from having high-quality performing and visual arts experiences available to the community throughout the year. The recommended Winter Major Event put forward intends to meet the community expectations to access arts and culture experiences, thus contributing to the liveability of Hedland.</i>
Access and Inclusion Plan 2023-2026	<ul style="list-style-type: none"> • Outcome 1 – Events and Services
<i>Corporate Business Plan 2023-2027</i>	<p><u>Our Community Services:</u></p> <p>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.</p>

RISK MANAGEMENT CONSIDERATIONS

There is an Operational and Strategic risk associated with this item caused by not approving budget for the ‘First Lights’ Drone Show, with non-delivery of a Major Winter Event in 2025 having potential effects on industry sponsorship funds and stakeholder trust.

The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).

Risk Type	Operational Strategic
Risk Category	Reputational Financial
Cause	Not approving budget for 'First Lights' Drone Show as the Winter Major Event in 2025
Effect (Consequence)	Non delivery of a Winter Major Event in 2025 resulting in missed project deliverables with industry sponsors, with the potential for sponsorship funds to be withdrawn and impact on key stakeholder trust
Risk Treatment	Work in partnership with our key stakeholders to maintain support for Arts & Culture in Hedland
Reducing the Risk	
This risk will be reduced by working in partnership with our key stakeholders to maintain support for Arts & Culture initiatives in Hedland.	

OPTIONS

Option 1 – Adopt officer’s recommendation

By supporting the officers' recommendations, the Council can contribute to the cultural, social, and economic wellbeing of the community, ensuring a vibrant and inclusive future for all residents. Supporting the recommendations will:

1. **Enhanced Cultural Engagement:** The event will provide a platform to celebrate and share the rich cultural heritage and stories of the First Nations people, fostering stronger relationships and mutual respect within the community.
2. **Full Sponsorship Funding:** As the event will be fully funded through sponsorship, there will be no financial burden on ratepayers. This ensures the Town can deliver a high-quality event without diverting funds from other essential services or projects.
3. **Youth Opportunities:** The event offers young people opportunities to participate in the design and development of the show, potentially opening pathways to future career opportunities and skill development in areas such as art, technology, and project management.
4. **Cultural Enrichment:** Supporting the event aligns with the Council's strategic plans and the Town’s Arts and Culture Plan 2023-2027, enriching the cultural landscape and providing memorable experiences for the community.

5. **Community Involvement:** The event will include extensive engagement with local Elders, artists, and the broader community, fostering a sense of unity and collective celebration. It will also provide paid opportunities and workshops, enhancing the community's participation in the arts.
6. **Activation of Infrastructure:** Hosting the event at Pirra Pirra (Spoilbank Marina) open space promotes the use of this community asset, showcasing its potential for future events and activities, and increasing its visibility and utilization.
7. **Positive Perception:** Supporting the event demonstrates the Council's commitment to arts, culture, and community engagement, positively impacting the Council's reputation and building trust and support among residents.
8. **Strategic Alignment:** The event aligns with and supports the achievement of strategic objectives outlined in the Council's plans, reinforcing long-term cultural development initiatives.

Option 2 – Amend officer's recommendation

For the Council to amend the Officers' recommendations to better align with the Council's strategic priorities and address any identified gaps or concerns.

Option 3 – Do not adopt officer's recommendation

By carefully considering these potential risks, the Council can make a more informed decision about the recommendations. Failing to support the Officers' recommendations will result in:

1. **Missed Cultural Engagement:** The Town may lose a unique opportunity to engage with and showcase the rich cultural heritage and stories of the First Nations people, which could affect the relationship and trust with the local Indigenous community.
2. **Loss of Funding and Sponsorship:** If the event is not supported, the Town could miss out on significant sponsorship and funding opportunities that would fully cover the costs, potentially leading to financial implications for other planned events or projects.
3. **Impact on Community Involvement:** The community, particularly young people, would miss out on opportunities for participation, skill development, and career pathways that the event offers, potentially leading to disengagement or dissatisfaction among community members.

4. **Reduced Public Access to Arts and Culture:** The absence of this event could mean fewer high-quality arts and cultural events available to the community, negatively impacting the cultural vibrancy and social cohesion of the Town.
5. **Unutilised Infrastructure:** The planned activation of Pirra Pirra (Spoilbank Marina) open space would not occur, missing out on an opportunity to promote and celebrate the use of this significant community asset.
6. **Negative Perception:** Not supporting the event could lead to negative perceptions of the Council's commitment to arts, culture, and community engagement, potentially impacting the Council's reputation and support from residents.
7. **Failure to Meet Strategic Goals:** The decision could hinder the achievement of strategic objectives outlined in the Council's plans and the Town's Arts and Culture Plan 2023-2027, affecting long-term cultural development initiatives.

CONCLUSION

Officers are requesting that the Council reconsider supporting the First Lights Drone Show as the Major Winter Event proposed for September 2025. This proposal aligns with several strategic plans of the Council, emphasizing:

- **Engagement and Support from Traditional Owners:** Providing a platform for traditional owners to share the stories of the Pilbara and Port Hedland.
- **Youth Involvement:** Offering youth integral roles in the design and development of the show, creating pathways to future career opportunities.
- **Creative Pathways:** Enabling extensive engagement and paid opportunities for local Elders and artists, along with workshops for young people on drone technology.
- **Live Performances:** Offering unique visual arts events that provide the community with access to activities they might not otherwise experience.
- **Infrastructure Activation:** Promoting the use of Pirra Pirra (Spoilbank Marina) open space.

The "First Lights" event is an immersive public art project led by Traditional Owners and local artists, featuring a place-responsive drone show that narrates a First Nations story. The event will be held at Spoilbank Marina and will include traditional dancing, quality live music, food trucks, and family-friendly activities, engaging the broader community.

The First Lights Drone Show aligns with several strategic plans and all goals within the Town's Arts and Culture Plan 2023-2027:

- **Arts and Culture for Everyone:** Providing various opportunities for community engagement and participation in the arts.
- **Sharing Culture:** Celebrating local arts, storytelling, and history, fostering a deeper connection to Hedland's culture.

This proposal not only enriches the cultural landscape of the Town but also fosters inclusivity, community involvement, and cultural celebration.

ATTACHMENTS

1. CONFIDENTIAL - APA to To PH - Authority to release APA Contribution for FLP Final [**12.2.1.1** - 1 page]

12.3 Regulatory Services

12.3.1	Award of Tender - RFT2425-25 to proceed with development of Precinct Structure Plans - West End & South Hedland Town Centre
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Author: Senior Strategic Planner
Authorising Officer: Director Regulatory Services
 Principal Economic Development
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202425/241 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Ambika Rebello

That Council:

1. Authorise the Chief Executive Officer to enter into a Contract for the award of RFT2425-25 Precinct Structure Plans - West End & South Hedland Town Centre to Element Advisory Pty Ltd for the total amount of \$934,790 (excluding GST).

CARRIED BY SIMPLE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2425-25 Precinct Structure Plans - West End & South Hedland Town Centre and consider the evaluation panel’s recommendation to award the tender to the preferred respondent.

DETAIL

The Town is progressing plans to prepare two separate Precinct Structure Plans (PSPs) over two areas:

- Port Hedland West End (West End); and
- South Hedland Town Centre (SHTC).

The PSPs are required to be undertaken to ensure that the local planning framework addresses contemporary issues, reflects the community's vision, and is in line with State planning legislation and policy. The completion of PSPs will serve as a major catalyst for development and inform any potential changes to the Town’s existing local planning framework.

The PSPs will provide the guiding framework (strategic vision and statutory framework) for the planning and development of the West End and the South Hedland Town Centre by taking a holistic, long-term approach that considers contemporary issues and captures community aspirations. The PSPs will guide land use, density and development (including built form), movement and access arrangements, infrastructure, environmental assets and community facilities within the PSP boundaries and surrounding context. They will inform changes to the planning framework to facilitate private development, as well as setting out the recommended servicing, infrastructure, car parking and public realm design requirements and the implementation plan necessary to realise the vision and objectives for the precincts.

By undertaking the West End Structure Plan and South Hedland Town Centre Structure Plan concurrently, a number of efficiency synergies are possible including a comprehensive approach to the planning of both of the Town's primary activity centres, shared community stakeholder and engagement, and reduced consultant costs.

Background

West End Precinct Structure Plan

The West End is Port Hedland's historical Town Centre with a range of commercial, retail, cultural and industrial uses, and it contains substantial heritage, cultural and community importance. It faces significant environmental constraints as it is located adjacent to the Port and has associated dust and noise impacts. It is also vulnerable to coastal flooding.

The Western Australian Government, through its 2018 response to the 2016 *Port Hedland Dust Management Taskforce Report to Government* (Taskforce Report), has adopted a whole-of-government strategy to secure the future of Port Hedland. On 18 September 2020, the Port Hedland West End Improvement Scheme No. 1 (IS 1) became operational to implement the objectives of Improvement Plan No. 50: Port Hedland West End (IP 50) and the Government's response to the Taskforce Report. To that effect, IS 1 aims to reduce community exposure to dust and noise by prohibiting new sensitive land uses, and restricting further population growth, in the West End. With permanent residential land uses being prohibited in the West End under IS 1, the future of the area needs to be reconsidered, and a planning framework supporting the vision implemented.

The Western Australian Planning Commission (WAPC) is the responsible authority for the determination of development and land use proposals in the IS 1 area. The Port Hedland West End Improvement Scheme Report and IS No. 1 set out the WAPC's strategic intention that development control within the IS 1 area will be guided by a West End precinct structure plan. Whilst the WAPC is the responsible authority, it is important that the Town takes a leading role in ensuring that the community and stakeholder vision is achieved within the structure plan.

South Hedland Town Centre Precinct Structure Plan

South Hedland serves as the primary residential and commercial centre for the Town. The Town Centre provides housing, retail, and community services, centring around the South Hedland Shopping Centre. Currently the South Hedland Town Centre

Development Plan 2014 (SHTCDP) acts as the guiding framework for the South Hedland Town Centre. A majority of the vacant Town Centre zoned lots are owned by Development WA and offer opportunities to revitalise the area.

The *Planning and Development (Local Planning Schemes) Regulations 2015* stipulate that any Structure Plan and Local Development Plan approved before 25 August 2015 will lapse on 19 October 2025. Acknowledging this, a revised precinct structure plan is required to ensure that the planning framework is compliant with the State planning framework and reflects a contemporary vision for the area.

Since the development of the SHTCDP, the Hamilton Road entry into South Hedland has continued to emerge as a key precinct adjacent to the centre, with key developments proposed including a neighbourhood centre mixed-use development, performing arts centre, future civic building, South Hedland Integrated Sports Hub (SHISH) masterplan, and Hamilton Road landscaping upgrades.

Although it is expected that the boundaries of the PSPs will change as they are required to be defined in accordance with the methodology established by State Planning Policy 7.2 and the associated Guidelines and Framework, there is opportunity to include both the Hamilton Road and Mixed Use areas within the precinct structure plan boundary to build an overarching strategy for the precinct and ensure high quality development outcomes.

Request for Tender

The Town released RFT2425-25 Precinct Structure Plans - West End & South Hedland Town Centre on 23 October 2024 on Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph. The RFT closed on 4 December 2024. There were no addendums released during the tender period.

Tender Assessment

The Town received four (4) responses of which all four (4) were deemed compliant, providing the required information.

The respondents were as follows:

1. ELEMENT ADVISORY PTY LTD
2. GHD PTY LTD
3. HAMES SHARLEY (WA) PTY LTD
4. THE TRUSTEE FOR THE NICHE PLANNING STUDIO UNIT TRUST

Following completion of conflict-of-interest disclosures by all four (4) evaluation panel members, and no conflicts being noted, an evaluation meeting was held on 9 December 2024, facilitated by the Town's procurement representative along with the evaluation panel members whose main objectives were to:

- A) Make a recommendation to the Council;
- B) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- C) Ensure adherence to Local Government Policies and legislation; and

- D) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

In addition to the four (4) evaluation panel members, three (3) observing panel members were in attendance. The observing members were excluded from the Tender evaluation process.

The compliant submission was assessed against the following qualitative criteria:

- Relevant Experience 30 %
- Capacity to Deliver & Resources 10 %
- Key Personnel & Skills 20 %
- Demonstrated Understanding & Methodology 40 %

During the evaluation period, clarifications were sought from all of the respondents regarding the pricing and responses provided sufficient information.

Additional information 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 the matter will have implications for the future social, economic, and environmental vision of Port Hedland.

CONSULTATION

Internal

- Director Regulatory Services
- Director Infrastructure Services
- Manager Planning and Economic Development

External Agencies

- Department of Planning Lands and Heritage
- Development WA
- BHP

Community

Extensive community and stakeholder engagement will be undertaken throughout the project to ensure that the Precinct Structure Plans reflect the community and stakeholder vision for the West End and South Hedland Town Centre.

LEGISLATION AND POLICY CONSIDERATIONS

Precinct Structure Plans

- *Planning and Development Act 2005*
- Planning and Development (Local Planning Schemes) Regulations 2015

- State Planning Policy 7.2 – Precinct Design, the Precinct Design Guidelines and Precinct Plan Manner and Form
- Town of Port Hedland Local Planning Scheme No. 7

Tender

- *Local Government Act 1995*
- Local Government (Functions and General) Regulations 1996
- Town of Port Hedland policies
 - 1/014 Execution of Documents
 - 1/022 Risk Management
 - 2/007 Procurement 2/019 Financial Reserves
 - 4/009 Significant Decision Making

FINANCIAL AND RESOURCE IMPLICATIONS

Proposed Expenditure

The total project cost is budgeted to be \$1,050,000, of which the Town has secured \$550,000 for the West End PSP from external parties, with the Town contributing \$500,000 to the South Hedland Town Centre PSP.

In addition to the community and stakeholder engagement and development of the West End PSP and the SHTC PSP documentation, it is anticipated that the preparation of both the West End PSP and SHTC PSP will each be supported by technical assessments including (but not limited to):

- Environmental assessment and management strategy
- Local water management report
- Local economic, retail and employment strategy
- Needs assessment as per State Planning Policy 4.2
- Transport and access strategy, including a Transport Impact Assessment
- Parking management plan
- Local infrastructure and servicing strategy
- Heritage report – Aboriginal and Historic

The total budget allows for expenses in addition to the contracted amount of \$934,790 (excluding GST) including, but not limited to, communications and advertising costs

(graphic design, printing etc) for community and stakeholder engagement, venue hire and catering for engagement activities, and a contingency allowance.

Project Portion	Estimated Value (\$)
West End Precinct Structure Plan	550,000
South Hedland Town Centre Precinct Structure Plan	500,000
Total	1,050,000

Funding Sources

The West End Precinct Structure Plan is fully funded by external agencies, with the Town contributing project management and stakeholder engagement internal support. The SHTC Precinct Structure Plan is fully funded by the Town, with the budget split over the 2024-2025 and 2025-2026 Financial Years.

West End Precinct Structure Plan

Source of Funds	Budget FY	Value (\$)
BHP	24/25	300,000
Western Australian Planning Commission	24/25	250,000
Total		550,000

South Hedland Town Centre Precinct Structure Plan

Source of Funds	Budget FY	Value (\$)
Town of Port Hedland	24/25 (carried forward from 23/24)	250,000
Town of Port Hedland	25/26	250,000 (recurrent existing consultancy budget allocation)
Total		500,000

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 Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

3.2.4 Enhance the protection and valuing of amenities and urban space through community engagement.

3.3.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry.

3.3.2 The community has access to attractive natural habitats, built form, parks and amenities.

Environmental

The precinct structure plans guide development to ensure that precinct environments are comfortable, productive and healthy. In the West End this involves managing the impacts of adjoining port and industrial uses such as dust and noise, as well as environmental impacts including coastal erosion hazards. The precinct structure plans will consider landscape and buildings as an integrated and sustainable system, within a broader ecological context leading to improved environmental outcomes.

Economic

The precinct structure plans will identify the appropriate land use and development outcomes required to provide opportunities for the economy of the precinct. Improved planning frameworks may facilitate an uplift in economic activity, increased local employment and/or training, or facilitate development of additional spaces for business to locate and incubate.

Social

The precinct structure plans will ensure that an appropriate mix of land uses, dwelling types and public spaces are planned for, responding to local community needs as well as the wider social context. This will allow for environments that support a diverse range of people and facilitate social interaction.

Access and Inclusion

The following outcome 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 Regulatory Services:

Heritage - Conserve the Town's exceptional cultural heritage.

Housing - Provide for housing availability to meet the needs of the community and industry.

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational, Compliance
Cause	Council do not support the award of RFT2425-25 to proceed with development of Precinct Structure Plans - West End & South Hedland Town Centre.
Effect (Consequence)	Impact on the Town's reputation and existing stakeholder relationships. An outdated and non-compliant planning framework.
Risk Treatment	Adopt the Officer's recommendation
<p>There is a reputational risk associated with this item as failure to award the tender would prevent the Town from commencing development of the West End Precinct Structure Plan and the South Hedland Town Centre Precinct Structure Plan. This may lead to dissatisfaction among the project funding partners and wider community stakeholders, negatively impacting the Town's reputation. It would also lead to the South Hedland Town Centre Development Plan 2014 not having a current structure plan to supersede it once it lapses, and the structure plan required by the West End Improvement Scheme No. 1 not being developed.</p> <p>The risk rating is considered to be Medium (8) which is determined by a likelihood of Likely (4) and a consequence of Minor (2).</p> <p>This risk will be avoided by the adoption of the officer's recommendations.</p>	

OPTIONS

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

CONCLUSION

It is recommended that Council award RFT2425-25 to the preferred tenderer indicated in the tender evaluation. This will enable the Town to proceed with development of Precinct Structure Plans for both the West End and South Hedland Town Centre.

ATTACHMENTS

1. CONFIDENTIAL - Evaluation Report [**12.3.1.1** - 5 pages]

12.3.2	Award of Expression of Interest – Marapikkurinya Park Pop-Ups
Author:	Principal Economic Development
Authorising Officer:	Director Regulatory Services
Disclosure of Interest:	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202425/236 COUNCIL DECISION EN BLOC

MOVED: Cr Lorraine Butson

SECONDED: Cr Adrian McRae

RECOMMENDATION 1:

That Council:

- 1. Accepts the submission by Earth & Sea Treats (Preferred Applicant 1), in accordance with the Expression of Interest for the Marapikurrinya Park Long-Term Pop-up and requests the CEO to enter into a licence agreement for the Marapikurrinya Park Long-term pop-up for a period of one (1) year with a further one (1) year option, on commercial terms to be negotiated, and for the licence fee stipulated in this report; and**
- 2. In the event Earth & Sea Treats is unable or unwilling to enter into a licence agreement within a reasonable timeframe, requests the CEO to readvertise the Expression of Interest under the same terms and conditions as has been previously advertised.**

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Nil

CM202425/236 COUNCIL DECISION EN BLOC**MOVED: Cr Lorraine Butson****SECONDED: Cr Adrian McRae****RECOMMENDATION 2:****That Council:**

- 1. Accepts the submission by Thai Style Cuisine (Preferred Applicant 2), in accordance with the Expression of Interest for the Marapikurrinya Park Short-Term (incubator) Pop-up and requests the CEO to enter into a licence agreement with Thai Style Cuisine for the Marapikurrinya Park Short-term pop-up for a period of six (6) months with a further six (6) month option, on commercial terms to be negotiated, and for the licence fee stipulated in this report; and**
- 2. In the event Thai Style Cuisine is unable or unwilling to enter into a licence agreement within a reasonable timeframe, accepts the application submitted by Sayoomporn Sooksaen (Preferred Applicant 3) and authorises the CEO or his delegate to enter into a licence agreement with Sayoomporn Sooksaen under the same terms outlined in Clause 2.**

CARRIED BY SIMPLE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is for Council to consider and approve the appointment of a suitably qualified vendors to run a food and beverage services from both Pop-up facilities at Marapikurrinya Park.

DETAIL

The Town of Port Hedland (Town) undertook an Expression of Interest (EOI) process to seek suitability experienced food and beverage vendors to lease both pop-up containers ("Long-term Pop-Up" and "Short-term Pop-up") situated at Marapikurrinya Park, Port Hedland.

Long-term Pop-up

The Town sought EOIs from:

- Experienced and/or qualified operators to offer a food and/or beverage operation that meets the needs of the area's diverse users.
- An operator who can offer a sustainable and commercially viable food vendor operation.
- Operators who offer distinctive food and beverages, deliver quality visitor services and experiences, and consider the environmental, cultural and heritage values of the site.

The Long-term Pop-up was advertised as a one (1) year licence with the option for a one (1) year extension.

Short-term Pop-up

The Town sought EOIs from:

- Operators seeking to test the market in an incubator kitchen for a limited time before moving on to a permanent food outlet.
- Experienced and/or qualified operators to offer a food and/or beverage operation that meets the needs of the area's diverse users.
- An operator who can offer a sustainable and commercially viable food vendor operation.
- Operators who offer distinctive food and beverages, deliver quality visitor services and experiences, and consider the environmental, cultural and heritage values of the site.

The Short-term Pop-up was advertised as a six (6) month licence with the option for a six (6) month extension.

The EOI was released to the public on 23 October 2024 with a deadline of 17 November 2024.

Each respondent was required to view the pop-up in order to be deemed eligible under the mandatory criteria. The viewing of the Pop-up was held on 7 November 2024 or on other dates by request.

The evaluation panel met on 2 December 2024 to discuss their scoring of submissions received. The panel comprised of:

- Director Regulatory Services
- Manager Planning and Economic Development
- Principal Economic Development

The Town received expressions of interest from four applicants.

Evaluation Long-term Pop-up

The evaluation panel recommended that the EOI for the Long-term Pop-up be awarded to Preferred Applicant 1 under the following conditions:

1. The applicant is to provide evidence of public and product liability insurance to the value of \$20 million prior to being granted access to the building for business purposes.

2. The applicant is to accept the building as is/where is, with no further modification or addition to the pop-up facility being budgeted for by the Town of Port Hedland. Any further modifications will be at the expense of the applicant and will require prior approval of the Town of Port Hedland.

Preferred Applicant 1 was considered by the evaluation panel to have demonstrated a significant level of experience in delivering successful food and beverage services, with a high level of quality and consistency, aligning with the kitchen set-up and operational capacity the pop-up provides.

Based on the evaluation panel's assessment, Council is requested to consider entering into a license agreement with Preferred Applicant 1. Should negotiations with the preferred applicant fail, it is recommended that the Town readvertise the opportunity.

Evaluation Short-term Pop-up

The evaluation panel recommended that the EOI for the Short-term Pop-up be awarded to Preferred Applicant 2 under the following conditions:

1. The applicant confirms the short-term pop-up is suitable to their needs.
2. The applicant is to provide proof of public and product liability insurance to the value of \$20 million prior to being granted access to the building for business purposes.
3. Applicant provides copies of relevant food and beverage-related licences prior to commencing trading.
4. The applicant is to accept the building as is/where is, with no further modification or addition to the pop-up facility being budgeted for by the Town of Port Hedland. Any further modifications will be at the expense of the applicant and will require prior approval of the Town of Port Hedland.

Preferred Applicant 2 was considered by the evaluation panel to have a food and beverage offering commensurate to the intent of the Short-term Pop-up as a food and beverage incubator.

Based on the evaluation panel's assessment, Council is requested to consider entering into a license agreement with Preferred Applicant 2. Should negotiations with the preferred applicant fail, Preferred Applicant 3 is considered a suitable alternative to enter into a licence agreement with.

The food and beverage offering of the two preferred applicants is not expected to significantly overlap, providing two new, distinct offerings to the West End.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low, because; N/A.

CONSULTATION

Internal

- *Council Confidential Briefing Note – 5 November 2024*
- Executive Leadership Team
- Director Regulatory Services
- Manager Planning and Economic Development

External Agencies

Nil

Community

The Expression of Interest was advertised in the North West Telegraph on 23 October 2024 and through relevant Town of Port Hedland social media channels. 7 parties undertook a site visit of the pop-ups.

LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland Policy 8/004 Community Leasing

FINANCE AND RESOURCE IMPLICATIONS

All applications submitted were considered in accordance with Town's Policy 8/004 Community Leasing.

The annual licence fee for both pop-ups is \$6,540. This figure was established based on a valuation report undertaken by AVS North West in April 2021.

The licence fee for the short-term pop-up will be charged pro-rata over six month licence term.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Economy:

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

2.3.5 Identify opportunities for new social enterprises, innovators, and small and medium-sized businesses and implement strategies to attract and support them.

2.5.3 Invest and develop key community and recreation infrastructure.

2.5.6 Support regional growth initiatives.

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

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community’s vision of ‘building prosperity for all – enabling sustained economic growth’.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	The public, or unsuccessful applicant(s) not agreeing with the evaluation panel’s recommended successful candidate/s
Effect (Consequence)	Disengagement from the wider Hedland Community and the operator/s will result in a lack of return on investment for all parties involved.
Risk Treatment	The EOI process was undertaken to enable applicants to apply and provide evidence of their capabilities and were assessed on the same criteria.
<p>There is a reputational risk associated with this item caused by public or the unsuccessful applicant(s) may not agree with the Town’s recommended successful applicant. 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 has been treated by undertaking a transparent expression of interest process to appoint a suitable operator.</p>	

Risk Type	Operational
Risk Category	Reputational
Cause	Choosing an unsuitable operator
Effect (Consequence)	Poor quality offering and high risk to the operators’ sustainability and the Town’s reputation.
Risk Treatment	The EOI process was undertaken to enable applicants to apply and provide evidence of their capabilities and were assessed on the same criteria.
<p>There is a reputational risk associated with this item caused by choosing an unsuitable operator.</p> <p>This Short-term (Incubator) Pop-up has been converted from a community bookable asset to a short-term licence to increase utilisation of the asset and allow a new food and beverage operator to gain experience operating a commercial enterprise. As with all business ventures, there is a risk that the operation is not</p>	

successful, given the short-term pop-up is targeted towards assisting a new food and beverage operator gain experience in the hospitality industry.

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

This risk has been accepted as a risk to Incubator pop-up trial.

The risk rating for choosing an unsuitable operator for the Long-term Pop-up is Low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2), given the applicant's prior experience operating successfully in Port Hedland.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has conducted an EOI for the provision of food and beverage services at both pop-ups at Marapikurrinya Park, Port Hedland.

From the EOI submissions it is recommendation to proceed with the preferred applicants as contained in the Multi-Party Evaluation Report per Confidential Attachment 1).

ATTACHMENTS

1. CONFIDENTIAL - Evaluation Report - EOI Marapikurrinya Pop-up [**12.3.2.1** - 9 pages]

12.4 Infrastructure Services

12.4.1	Business Plan for Major Land Transaction - Captains Way
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Author: Director Infrastructure Services

Authorising Officer: Interim 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.

CM202425/242 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Ambika Rebello

That Council:

- 1. Notes the revised Business Plan for a Major Land Transaction – Purchase of Residential Property for use for Staff Housing;**
- 2. Notes that the Business Plan must be re-advertised in accordance with Section 3.59 (6) of the *Local Government Act 1995*; and**
- 3. Endorses the public advertising of the Business Plan for a Major Land Transaction – Purchase of Residential Property or use for Staff Housing in accordance with section 3.59 (4) of the *Local Government Act 1995*.**

CARRIED BY SIMPLE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is for Council to consider endorsing the Business Plan for Major Land Transaction – Purchase of Residential Housing for the Purpose of Staff Housing for public advertising in accordance with section 3.59 of the Local Government Act 1995.

DETAIL

The Town of Port Hedland is experiencing a shortage of staff housing to accommodate staff and to offer incentives to encourage staff into hard-to-fill, critical roles.

An internal review of Town owned residential staff housing has identified a deficit of forty-one (41) properties to facilitate the housing of eligible staff and families.

The prevailing restricted rental market, the deficit in Town owned housing stock, the capacity to house existing staff and to attract new staff presents several challenges to the Town including, but not limited to:

- Attracting and retaining skilled staff in business-critical and specialist roles.
- Meeting staff turnover and maintaining staffing levels to sustain service delivery and levels of service.
- Retaining staff currently renting in a market that is prone to regular rental increases and is prone to housing stock shortages.
- The Strategic Workforce Plan identifies that additional senior and specialist staff will be required to administer and operate a significant portfolio of proposed facilities and assets.
- Limited capacity to build from new with estimated costs in the order of upwards of \$600,000, and land prices ranging from \$100,000 to \$250,000. It is further estimated that the magnitude of building costs is between \$3,000 and \$4,700 per square metre (Estimates are based on recent tender responses).

Major Land Transaction

Before undertaking a Major Land Transaction, the Town of Port Hedland under Section 3.59 of the Local Government Act 1995 is to prepare a business plan.

The business plan is required to include an overall assessment of the major land transaction and is to include details of:

- a. its expected effect on the provision of facilities and services by the local government; and
- b. its expected effect on other persons providing facilities and services in the district; and
- c. its expected financial effect on the local government; and
- d. its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- e. the ability of the local government to manage the undertaking or the performance of the transaction; and
- f. any other matter prescribed for the purposes of this subsection.

The business plan presented to Council as Attachment 1 complies with these requirements.

Public Advertising

If the Business Plan is endorsed by Council, the Town will make the plan accessible to the public through the Town of Port Hedland website and have hard copies available through the Town of Port Hedland Administration Office and the Town operated libraries for a period of at least six weeks.

The Town will present submissions made by the public to Council following the advertising period for Council to consider before deciding whether to adopt the Business Plan.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership Team
- Principal Economic Development
- Other relevant officers

External Agencies

- Mcleod Barristers and Solicitors

Community

LEGISLATION AND POLICY CONSIDERATIONS

- Section 3.59 (3) (4) and (6) of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996.

FINANCIAL AND RESOURCE IMPLICATIONS

The purchase of the residential properties can be accommodated from the Town's reserves. The cost of maintaining the houses will see an increase in the Town's operational budgets.

It is expected the Town will not generate income from the purchase of residential housing. The Major Land Transaction Business Plan attached as Attachment 1.

The transaction is likely to be undertaken over a three-year period with stage one being the purchase of the land for \$1.5 million and then progressive purchase of the 15 units for an average price of \$533,333 each. This represents good value for money.

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:

4.3.4 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.

Access and Inclusion

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

- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

Corporate Business Plan

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

Our Regulatory Services:

Housing - Provide housing availability to meet the needs of the community and industry.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Failure to endorse advertising of the Business Plan
Effect (Consequence)	Purchase of the units would not go ahead and the Town would not be able to attract and retain key staff.
Risk Treatment	Adopting officer’s recommendations
<p>There is a reputational risk associated with this item as failure to endorse the Business Plan for public advertising would inhibit the purchase of the units for staff housing.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be mitigated by adopting the officer’s recommendation.</p>	

OPTIONS

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

CONCLUSION

This endorsement of the Business Plan for public advertising will allow the Town to meet its legislative responsibilities in seeking community feedback before undertaking a major land transaction.

ATTACHMENTS

1. CONFIDENTIAL - Major Land Transaction Captain Way [12.4.1.1 - 10 pages]
2. CONFIDENTIAL - Captain's way Development [12.4.1.2 - 10 pages]

12.5 Executive Services

12.5.1	Media and Communications Policy
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Author: **Manager Public Affairs**

Authorising Officer: **Interim 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.

CM202425/243 COUNCIL DECISION

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Ambika Rebello

That Council adopt the revised Media and Communications Policy as provided in Attachment 1.

CARRIED BY SIMPLE MAJORITY (5/1)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Cr Camilo Blanco

PURPOSE

The purpose of this report is for Council to consider the updated Media and Communications Policy.

DETAIL

The Town of Port Hedland’s Media and Communications Policy establishes clear protocols for the Town of Port Hedland’s official communications. It aims to ensure consistent, transparent and accurate information sharing that reflects the values, objectives and strategic priorities of the Town of Port Hedland.

The Policy applies to all employees, elected officials and contractors of the Town of Port Hedland involved in any form of public communication.

The Policy was due to be reviewed in 2024. Updating the Policy is also an action in the Improvement Plan endorsed by Council.

The Policy has been revised and updated with the following key amendments:

- Scope of the policy balanced across media and digital communications, including social media.
- Inclusion of specificity around content moderation on public communications, including social media.
- Inclusion of new section on crisis communication.
- Inclusion of new section on publication of third-party information.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Strategic Leadership Team
- Executive Leadership Team

External Agencies

- Office of the Australian eSafety Commissioner
- Australian Communications and Media Authority

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Nil

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:

4.1.1 Town of Port Hedland is represented and is an active contributor in international, national, state and regional forums and policy development.

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.

4.3.1 High-quality and responsive customer service is provided.

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:

- Outcome 3 – Accessible Information

Corporate Business Plan

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

Public Affairs and Communication - Enhancing and protecting the Town’s reputation
 Providing advice and support to the Council, Executive Leadership Team and
 business units.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Official communications we are not professional, consistent, transparent or accurate.
Effect (Consequence)	Loss of audience/community trust
Risk Treatment	Adoption of Media and Communications Policy
<p>There is a Strategic risk associated with this item caused by Official communications that are not professional, consistent, transparent or accurate, leading to leading to loss of audience/community trust.</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 accepted by the adoption of the revised Media and Communications Policy.</p>	

OPTIONS

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

CONCLUSION

The Town of Port Hedland’s Media and Communications Policy has been revised and amended to provide best-practice guidance around publication of accurate, transparent and consistent information.

Adopting the revised Policy will help protect the Town of Port Hedland from potential reputational risks around information which does not align with the Town’s Policy.

ATTACHMENTS

1. REVISED 1025 Media and Communications Policy [**12.5.1.1** - 6 pages]
2. 1025- Media-and- Communications Policy Adopted June 2021 [**12.5.1.2** - 6 pages]

12.5.2	Adoption of the 2023/2024 Annual Report and Setting the Date of the Annual General Meeting of Electors
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Author: **Manager Public Affairs**
Authorising Officer: **Interim 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.

CM202425/244 COUNCIL DECISION

MOVED: Cr Camilo Blanco **SECONDED: Cr Lorraine Butson**

That Council:

- 1. Accepts the 2023-2024 Annual Report as per Attachment 1 in accordance with section 5.53 and 5.54 of the *Local Government Act 1995*.**
- 2. Delegates the Chief Executive Officer to finalise the 2023-2024 Annual Report, which may include minor design updates.**
- 3. Convenes the Annual General Meeting of Electors on 18 March 2025 in Council Chambers at the Civic Centre.**
- 4. 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*.**
- 5. Advertises the availability of the 2023-2024 Annual Report in accordance with section 5.55 of the *Local Government Act 1995*.**

CARRIED BY ABSOLUTE MAJORITY (6/0)

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

PURPOSE

The purpose of this report is for Council to consider the adoption of the 2023-2024 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 Act, section 5.54, states that the annual report for the financial year is to be accepted, by absolute majority, by the local government no later than 31 December after that financial year, unless the auditor’s report is not available in time. In which

case, the annual report is to be accepted by the local government no later than two months after the auditor's report.

The Town is required to host the Annual General Meeting of Electors within 56 days (8 weeks) of the Annual Report being adopted by Council – therefore the Annual General Meeting of Electors must be held before 2 April 2025. The suggested date for the Annual General Meeting of Electors is 18 March 2025.

The process for adopting the Annual Report and holding the Annual General Meeting of Electors is as follows:

1. On Friday 11 December 2024 the Audit, Risk and Compliance Committee considered the Audited Annual Financial Report, Auditor's Closing Report and Management Letter for the 2023-2024 year.
2. Council then accepts the Annual Report, alongside accepting 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 2023-2024 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 2022-2032.

Key highlights and achievements, as noted in the 2022-2023 Annual Report are:

- Strong financial position with cash and investments totaling slightly over \$184 million against total liabilities of \$88 million.
- \$134 million of development applications processed.
- 28,870 people attended community events.
- \$2 million invested into roads and carpark reseals.
- 633 tonnes co-mingled recycling diverted from landfill.
- 161,000 visits to Wanangkura Stadium, 36,549 to Hedland Libraries and 114,703 to JD Hardie Youth and Community Hub.
- Town awarded with the below accolades:
 - o National Community Wellbeing and Diversity Award
 - o Centrepeace Award at the Place Leaders Asia Pacific Awards
 - o Finalist in the Tidy Towns Sustainable Community Awards
 - o Best Regional/Rural Industry Contribution Award – Parks and Leisure Australia national awards
 - o Finalist in the 2023 WA Work Health and Safety Excellence Awards
 - o Commendation by the State Library WA
 - o PIA 'Great Place' Award for the South Hedland Town Square project.
- First year of operation of Milpaku Kuma / Port Hedland Community Centre.
- New dog park opened in South Hedland.

- Renewals across open spaces, including landscaping throughout Port and South Hedland and constructing shade over playgrounds in Pretty Pool and McGregor Street playgrounds.
- Opened the Wilson Street shared path.

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 2023-24 financial year.

CONSULTATION

Internal

- All Directors, Managers and relevant Officers were consulted during the development of the 2023-24 Annual Report.

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.

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 2023-2024 Annual Report.

Section 5.54 of the *Local Government Act 1995* sets out the process for accepting Annual Reports.

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.

Section 6.4 of the *Local Government Act 1995* sets out the obligations of local governments with regards to their annual financial reporting.

FINANCIAL AND RESOURCE IMPLICATIONS

Limited copies of the 2023/2024 Annual Report will be printed. The costs associated with printing have been accounted for in the 2024/2025 budget.

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:

- 4.2.1 Sound long-term financial planning is implemented.
- 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:

- Outcome 3 – Accessible Information

Corporate Business Plan

The following services 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.
- Public Affairs and Communication - Enhancing and protecting the Town’s reputation Providing advice and support to the Council, Executive Leadership Team and business units.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Not preparing and making available an Annual Report as per the Local Government Act 1995.
Effect (Consequence)	Non-compliance, impact on stakeholder trust and media coverage.
Risk Treatment	Adoption of the Annual Report

There is an Operational risk associated with this item caused by not adopting the Annual Report 2023-24, leading to non-compliance.

The risk rating is considered to be Low (4) which is determined by a likelihood of Possible (3) and a consequence of Insignificant (1).

This risk will be avoided by adopting the Annual Report 2023-2024.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland Annual Report 2023-2024 has been developed in line with the Local Government Act 1995. It provides an overview of key achievements throughout the financial year, alongside financial performance.

The Annual Report must be accepted by the Town of Port Hedland Council before 31 December following the end of the financial year, and an Annual General Meeting of Electors held within 8 weeks following.

ATTACHMENTS

1. 44419 TOPH Town of Port Hedland Annual Report 2023-24 D 8 [**12.5.2.1** - 116 pages]

13 New Business of an Urgent Nature (Late Items)

Nil

14 Motions of Which Previous Notice has been given

Nil

15 Matters for Which Meeting May be Closed (Confidential Matters)**CM202425/261 COUNCIL DECISION****MOVED: Mayor Peter Carter SECONDED: Deputy Mayor Ash Christensen****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 CEO Recruitment Committee Nomination report.*****CARRIED BY SIMPLE MAJORITY (6/0)***

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

12.5.3	CEO Recruitment Committee Nomination report
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Author: **Principal HR Operations**
Authorising Officer: **Interim 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.

Reasons for Confidentiality

- b The personal affairs of any person
- 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
- e (ii) a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government

OFFICER'S RECOMMENDATION

That Council appoints members of the CEO Recruitment and Selection Committee,

- **The Mayor,**
- **Councillor X and**
- **Councillor X**
- **At least one (1) Independent Person (Candidate A, Candidate B or Candidate C) in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference**

ABSOLUTE MAJORITY VOTE REQUIRED

CM202425/249 ALTERNATE MOTION 1

MOVED: Mayor Peter Carter **SECONDED: Cr Ambika Rebello**

That Council appoint Candidate (C), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST FOR WANT OF ABSOLUTE MAJORITY (2/4)

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

CM202425/250 FORESHADOWED ALTERNATE MOTION 1

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council appoint Candidate (A), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST FOR WANT OF ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

CM202425/251 FORESHADOWED ALTERNATE MOTION 1

MOVED: Cr Ambika Rebello

SECONDED: Mayor Peter Carter

That Council appoint Candidate (B), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST BY ABSOLUTE MAJORITY (3/3)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen and Cr Ambika Rebello

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

Casting Vote: 4/3

CM202425/252 FORESHADOWED ALTERNATE MOTION 1

MOVED: Deputy Mayor Ash Christensen

SECONDED: Cr Lorraine Butson

That Council appoint Candidate (A), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

CARRIED BY ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

The Presiding Member adjourned the meeting at 8:05pm.

The Presiding Member reconvened the meeting at 8:14pm.

CM202425/253 FORESHADOWED ALTERNATE MOTION 1

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council appoint Candidate (A), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

CARRIED BY ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

CM202425/254 FORESHADOWED ALTERNATE MOTION 1

MOVED: Deputy Mayor Ash Christensen

SECONDED: Nil

That Council:

1. Appoint Candidates A and B, as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference, and

2. Amend the CEO Recruitment Committee Terms of Reference item 5 (5.1) to ‘..include more than one independent member.’

LAPSED FOR WANT OF SECONDER

CM202425/255 FORESHADOWED ALTERNATE MOTION 1

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council appoint Candidate (A), as the Independent Person in accordance with the CEO Standards under Section 5.10 of the Local Government Act 1995 and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

ABSOLUTE MAJORITY (0/0)

For: Cr Camilo Blanco and Cr Lorraine Butson

Against: Nil

CM202425/256 MOTION LIE ON THE TABLE

MOVED: Deputy Mayor Ash Christensen

SECONDED: Mayor Peter Carter

Motion to lie on the table until alternate motion 2 is considered.

CARRIED BY SIMPLE MAJORITY (6/0)

For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello

Against: Nil

CM202425/257 ALTERNATE MOTION 2**MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Lorraine Butson****That Council:****1. Amend the CEO Recruitment Committee Terms of Reference item 5 (5.1) to `...up to four (4) Councillors to the committee.****2. Appoint members of the CEO Recruitment and Selection Committee as,****Mayor Carter****Councillor McRae****Councillor Blanco****Councillor Rebello****in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.*****LOST FOR WANT OF ABSOLUTE MAJORITY (4/2)****For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae**Against: Mayor Peter Carter and Cr Ambika Rebello*

CM202425/258 FORESHADOWED ALTERNATE MOTION 2

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council:

- 1. Amend the CEO Recruitment Committee Terms of Reference item 5 (5.1) to `...up to four (4) Councillors to the committee.**
- 2. Appoint members of the CEO Recruitment and Selection Committee as,**
 - Mayor Carter**
 - Councillor McRae**
 - Councillor Blanco**
 - Councillor Rebello**

in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST FOR WANT OF ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

CM202425/259 FORESHADOWED ALTERNATE MOTION 2

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council appoint members of the CEO Recruitment and Selection Committee as,

- Mayor Carter**
- Councillor Blanco**
- Councillor McRae**

in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST FOR WANT OF ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

CM202425/260 FORESHADOWED ALTERNATE MOTION 2

MOVED: Deputy Mayor Ash Christensen SECONDED: Cr Lorraine Butson

That Council appoint members of the CEO Recruitment and Selection Committee as,

Mayor Carter

Councillor Rebello

Councillor McRae

in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST FOR WANT OF ABSOLUTE MAJORITY (3/3)

For: Deputy Mayor Ash Christensen, Cr Lorraine Butson and Cr Ambika Rebello

Against: Mayor Peter Carter, Cr Camilo Blanco and Cr Adrian McRae

Casting Vote: 4/3

CM202425/261 FORESHADOWED ALTERNATE MOTION

MOVED: Cr Camilo Blanco

SECONDED: Cr Lorraine Butson

That Council:

1 Amend the CEO Recruitment Committee Terms of Reference item 5 (5.1) to `...up to four (4) Councillors to the committee.

2 Appoint members of the CEO Recruitment and Selection Committee as,

Mayor Carter

Councillor McRae

Councillor Blanco

Councillor Rebello

in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.

LOST BY ABSOLUTE MAJORITY (4/2)

For: Deputy Mayor Ash Christensen, Cr Camilo Blanco, Cr Lorraine Butson and Cr Adrian McRae

Against: Mayor Peter Carter and Cr Ambika Rebello

CM202425/262 FORESHADOWED ALTERNATE MOTION 2**MOVED: Cr Ambika Rebello****SECONDED: Mayor Peter Carter****That Council appoint members of the CEO Recruitment and Selection Committee as,****Mayor Carter****Councillor Blanco****Councillor Rebello****in accordance with the CEO Standards under Section 5.10 of the *Local Government Act 1995* and the CEO Recruitment, Performance and Termination Policy and CEO Recruitment & Selection Committee Terms of Reference.*****ABSOLUTE MAJORITY VOTE REQUIRED*****CM202425/262 PROCEDURAL MOTION - DEFER ITEM****MOVED: Deputy Mayor Ash Christensen****SECONDED: Mayor Peter Carter****Procedural motion to defer to February 26 Ordinary Council Meeting.*****CARRIED BY SIMPLE MAJORITY (5/1)****For: Mayor Peter Carter, Deputy Mayor Ash Christensen, Cr Lorraine Butson, Cr Adrian McRae and Cr Ambika Rebello**Against: Cr Camilo Blanco***PURPOSE**

The purpose of this report is to determine the membership of the CEO Recruitment and Selection Committee to enable the external executive recruitment agency (McArthur) to commence the recruitment and selection process of a new CEO.

DETAIL

At the Special Council Meeting on 12 December 2024, Council deferred the Officer's Recommendation 6, that Council appoints members of the CEO Recruitment and Selection Committee to be considered at the 5 February 2025 Ordinary Council Meeting. This decision was carried by simple majority (5/0).

On Monday 9 September 2024, Mr Carl Askew resigned from the position of Chief Executive Officer (CEO) of the Town of Port Hedland with his last day of employment was Friday 29 November 2024.

The proposed method outlined below is consistent with the Department of Local Government Operational Guidelines for CEO recruitment and selection and Schedule 2 of the Local Government (Administration) Regulations 1996 as well as WALGA's CEO Recruitment Guide for Local Government Councils.

Council is required to approve the membership of the CEO Recruitment and Selection Committee to enable the recruitment process to commence for the position of Chief Executive Officer.

The Committee's Terms of Reference document defines an Independent Person as anyone other than any of the following:-

- a) a current or previous Town of Port Hedland Elected Member;
- b) current Elected Members from other Local Governments;
- c) a current or previous employee of the Town;
- d) a human resources consultant engaged by the local government.

On 15 January 2024, Natalie Lincolne, Senior Consultant and the Independent Facilitator from Price Consulting Group wrote a confidential email to Elected Members advising of the nominated names put forward by Elected Members for consideration and final selection at the 5 February 2025 Ordinary Council Meeting as a confidential item for discussion.

LEVEL OF SIGNIFICANCE

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

- Significant - A decision that will significantly affect the cost to Council to carry out any activity identified in the strategic plan.

CONSULTATION

Councillor Consultation

Prior to the Ordinary Council meeting, these matters were discussed with Councillors via telephone and email with Natalie Lincolne, Senior Consultant from Price Consulting Group (appointed as independent facilitator).

Internal

- Mayor and Elected Members

External Agencies

- Price Consulting Group

LEGISLATION AND POLICY CONSIDERATIONS

- Town of Port Hedland - CEO Recruitment & Selection Committee Terms of Reference
- *Local Government Act 1995*

- *WA Industrial Relations Act 1979*
- Model Standards for CEO recruitment, performance and termination as outlined in Schedule 2 of the *Local Government (Administration) Regulations 1996*
- Department of Local Government Operational Guidelines – CEO recruitment and selection, performance review and termination
- *WA Salaries and Allowances Act 1975* Determination of the salaries and allowances tribunal on Local Government Chief Executive Officer (April 2024)
- WALGA CEO Recruitment – Guide for Local Government Councils

FINANCIAL AND RESOURCE IMPLICATIONS

- In line with the approved budget of \$100,000 to cover the recruitment, onboarding and legal costs associated with employing a new Chief Executive Officer.

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:

The appointment of the CEO is a critical aspect of the Town’s leadership and operations and is responsible for the delivery of key performance indicators relating to the Town’s Strategic Community Plan.

Corporate Business Plan

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

The appointment of the CEO is a critical aspect of the Town’s leadership and operations and is responsible for the delivery of key performance indicators relating to the Town’s corporate business plan.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational Strategic
Risk Category	Compliance Reputational
Cause	Resignation of Chief Executive Officer (Carl Askew)
Effect (Consequence)	Vacant position of Chief Executive Officer
Risk Treatment	Adopting the officer’s recommendation

There is an Operational, Strategic and Service interruption risk associated with this item. If Council do not support the recommendations, there will be further disruption to the Town's organisation structure and ability to deliver services and projects.

The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4).

This risk will be mitigated by adopting the Officer's recommendation to commence recruitment for a CEO.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

These recommendations cover the next stages of the recruitment process. Now that the recruitment advertising period has finished the shortlisting and selection process of a replacement CEO in a timely manner is a priority for Council to ensure the selection of a suitable candidate with the skills and experience to deliver on the Town's vision and mission of creating a thriving, resilient and inclusive future for our diverse community and guiding the growth and development of the Hedland community, economy and environment through the provision of strong civic leadership, provision of high-quality services and facilitation of active community participation.

ATTACHMENTS

None

CM202425/261 COUNCIL DECISION

MOVED: Mayor Peter Carter SECONDED: Deputy Mayor Ash Christensen

Council reopen the meeting to members of the public.

CARRIED BY SIMPLE MAJORITY (6/0)

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

16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday, 26 February 2025 commencing at 5:30 pm.

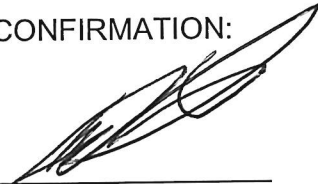
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 9:53pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at the Ordinary Council Meeting on 26 March 2025.

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

PRESIDING MEMBER

26 103 12025
DATED