



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** be held in the **Civic Centre Chambers 13 McGregor Street, PORT HEDLAND WA 6721**, on **Wednesday 5 March 2025**, commencing at **5:30pm**.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink that reads "Mark Dacombe".

Mark Dacombe
Interim Chief Executive Officer

28/02/2025



Enquiries:

Manager Governance

Direct Line:

(08) 9158 9300

Chief Executive Officer
Mark Dacombe

Town of Port Hedland
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PORT HEDLAND WA 6721

NOTICE OF CHANGE OF DATE FOR ORDINARY COUNCIL MEETING

Pursuant to section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12 of the *Local Government (Administration) Regulations 1996*, I hereby give notice that the Town of Port Hedland Ordinary Council meeting scheduled for Wednesday 26 February 2025 has been changed to Wednesday 5 March 2025, to commence at 5:30pm in the Civic Centre Chambers, 13 McGregor Street, Port Hedland WA 6721.

The purpose will be to conduct the business of the Ordinary Council meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Carter".

Peter Carter
Mayor

19 February 2025

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DISCLAIMER

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Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71

Local Government (Model Code of Conduct) Regulations 2021

This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021

Name	
Position	
Date of Meeting	
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing
Interest Disclosed	
Item Number and Title	
Nature of Interest	
Type of Interest (please circle one)	Financial Proximity Impartiality
Interest Disclosed	
Item Number and Title	
Nature of Interest	
Type of Interest (please circle one)	Financial Proximity Impartiality

Signature: _____ **Date:** _____

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

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

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

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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)
Kylie Davies (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Karen Krollig (Governance Officer)
Sophie Marlow (Governance Services Trainee)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosures of Interest

Name	Item No	Interest	Nature

4 Applications for Leave of Absence

Nil

5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 5 February 2025

5.1.1	Cr Camilo Blanco
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Note: Response to previous question concerned attracting work crew staff for the maintenance of roads in Wedgefield. The following question from Cr Blanco carries over from this.

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

The Acting Director Infrastructure Services provided the following response:

Contractors are mobilising in the week beginning 17 Feb to begin working through a program which includes Wedgefield.

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?

The Mayor has provided the following response:

Responses are provided dependent upon the nature of the questions and the Directors engagement with the subject matter.

I asked a question, again it's written in the agenda tonight in relation to Damas - 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 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. My question to that is, if we're doing visa sponsorships and we're not employing anyone in Australia, I would have thought that would have been some policy that needed to be approved by the Council?

The Executive Manager Human Resources provided the following response:

The Town generally does not advertise roles with sponsorship as an option, as our recruitment strategy prioritises local candidates whenever possible. If a candidate

without working rights applies, this is identified during the application process. In such cases, the Town may consider offering sponsorship if a suitable candidate cannot be found through national recruitment efforts. As you're aware, the Pilbara region, particularly Port Hedland, faces a skilled labour shortage across various sectors.

In September 2024, the CEO approved the Town's application to become a Visa Business Sponsor. This aligns with the Corporate Business Plan and Strategic Workforce Plan initiatives to address hard-to-fill positions. These roles are assessed on a case-by-case basis.

Additionally, in 2022, the Town played a key role in securing approval for the Pilbara Designated Area Migration Agreement (DAMA) 2022. This five-year partnership with the Commonwealth and Regional Development Australia aims to address skilled labour shortages, and the Town will apply for this when necessary.

If the Town chooses to sponsor an employee, there are specific criteria to be met in accordance with the Department of Immigration's guidelines. This includes, but is not limited to, ensuring that the position is on the Department's Skilled Occupation List and that we have tested the local labour market. The Department will then assess and determine whether the criteria are met.

Additionally, employees sponsored by the Town are required to remain employed with the Town as a condition of their visa, which is beneficial given the high turnover rate we experience.

As recruitment is an administrative responsibility, it falls under the CEO's authority as per the Local Government Act 1995.

Can the CEO get some information in relation to the sea container developments that have been spoken about at Regional Capital Alliance? Is the Town working with Mayor Carter in his private business dealings in the sea container matter? Why hasn't the Town pulled up the Mayor on these housing proposals that link his private role and private business deals?

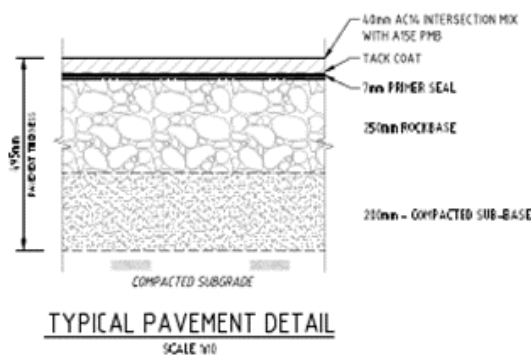
The Acting Director Regulatory Services has provided the following response:

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.

Cr Blanco also asked a question during Deputy Mayor Christensen’s question time, concerning Hematite Drive: *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?*

The administration has provided the following response:

According to the design for RAV10 roads in Wedgefield Stage 4 subdivision project, the total thickness of road pavement is 450mm:



200 mm thickness of cracker dust is used as the subbase, and gravel is used for the basecourse with the depth of 250mm followed by the nominal depth of 40mm for the sealing surface. Primer seal is provided in-between to ensure the sealing surface and the pavement layer are interlocked effectively under the vibration of vehicle’s movements.

5.1.2	Deputy Mayor Ash Christensen
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Concerning Hematite Drive: *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?*

The administration has provided the following response:

Generally, the contractor responsible for delivery will be required to insure their works throughout the full term of the contract, including any outstanding works during the defect liability period. General insurance of the asset will become the responsibility of the recipient (Town) at PC.

5.1.23	Cr Lorraine Butson
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Regarding the Minutes from the November meeting, could I have the total cost of the Christmas party (staff), which was contracted for 2023 and 2024?

The Director Community Services provided the following response:

The all of Organisation Staff Christmas Function

Total Expenses for Event 2023:

Total expenses \$41,871 (excluding GST)

Event Capacity: 250

RSVP's Received: 220

Total Expenses for Event 2024:

Total expenses \$57,391 (excluding GST)

Events Capacity (to include family) 400

RSVP's Received: 371

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?

The Director Community Services provided the following response:

With regard to the maintenance of the building, the Bowls Club is currently receiving ongoing monthly Air Con servicing and maintenance and monthly fire equipment testing. Annual RCD Testing has been completed, and a compliance/defect check will be undertaken for all doors, signs and emergency lighting. An RFQ is currently being prepared for any identified repairs and will be released to the market shortly.

The Town also has an EOI out to the market seeking bids for a commercial/ not for profit or community enterprise to utilise and activate the facility. The EOI closes on 21 February 2025.

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 5 February 2025

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

The Director Community Services provided the following response:

With regard to the maintenance of the building, the Bowls Club is currently receiving ongoing monthly Air Con servicing and maintenance and monthly fire equipment testing. Annual RCD Testing has been completed, and a compliance/defect check will

be undertaken for all doors, signs and emergency lighting. An RFQ is currently being prepared for any identified repairs and will be released to the market shortly.

Can I ask again about the local Council roads in Wedgefield and if there was a program that is going to go around and fix potholes at the moment?

The Director Infrastructure Services provided the following response:

Works began on 17 February 2025 in Wedgefield starting with Pinga Street to have potholes repaired. A contract to continue pothole works within the Town of Port Hedland to be awarded by council, scheduled for the Council meeting on 26 March 2025.

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 recognised them on the day.

The Director Community Services has provided the following further response:

The following details were sent to Ms Fisher.

Young Community Citizen of The Year Award – Betty Steer

Betty has made a profound impact as a Youth Mentor at the Youth Involvement Council. She is also a member of IBN Group. She passionately supports her community and helps school-aged children by organising meaningful after-school activities. These programs build connection and trust, focusing mainly on vulnerable and at-risk youth. Through engaging programs like fishing, mindfulness, and arts and crafts, she cultivates a safe space where children feel supported and valued, building crucial mentor relationships that can change lives.

Senior Community Citizen of The Year Award – Janet Stewart

Janet was an active community member here in Hedland prior to retirement, she taught local Aboriginal language at South Hedland Primary School and a pre-school. Janet's work has positively impacted the community and generations that follow. She has passed down language to our communities and inspired the younger generation to maintain spoken word. Not only that, but she has also taught her daughter to keep the language going. Janet is a trailblazer who continues to be an active member within our community, her contribution is highly valued and respected.

Active Citizenship Award – Hedland Bush Fire Brigade

The dedication and service from the Hedland Bush Fire Brigade volunteers provides crucial fire prevention and suppression services across the vast area of Port Hedland, ensuring the safety of the community. The Hedland Bush Fire Brigade responds to incidents not only within their jurisdiction but also assists in other regions when needed, demonstrating their commitment and readiness. The brigade's continuous

training and preparedness highlight their professionalism and dedication to maintaining high standards in emergency response. Their unwavering commitment and heroic efforts have earned them this prestigious award.

Community Citizen of The Year Award - Jacinta Behrend

Apart from being a full-time working parent and mother of twin daughters, Jacinta is also a dance teacher, school P&C committee member and the Chairperson of the Hedland Well Women's Centre. Over the years Jacinta has participated in various fundraising initiatives and activities, from abseiling down a building, and preparing food for the Ronald McDonald house, to hosting the pink ribbon breakfast for breast cancer support. Despite the various challenges life has thrown her way, Jacinta still shows up, ever ready to help others in need. For this, she is conferred the Community Citizen of The Year Award.

5.2.2	John Ashenden
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When reviewing the rates notice, the charges such as the GVR 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 Director Corporate Services has provided the following further response:

Taken from the reverse of the Town's rate notice: Image 1 and Image 2

Image 1

Valuation: Your GRV (Gross Rental Valuation) is used to assist in calculating your rates. Your individual GRV is determined by Landgate using various data and information to calculate. *The Valuation of Land Act 1978* Part IV sets out how valuation objections may be lodged if you do not agree with the GRV set. A property owner may lodge an objection to their GRV within 60 days of the date of issue of this notice. For more information on how your values are calculated and how to lodge an objection, please visit landgate.wa.gov.au/valuations or call Landgate Customer Service (08) 9273 7341.

Image 2

EMERGENCY SERVICES LEVY

Local Governments are required to collect the Emergency Services Levy on behalf of the Department of Fire and Emergency Services (DFES). The levy will fund Fire and Rescue Brigades, the State Emergency Service and multi-function DFES units. Further information can be obtained from DFES website dfes.wa.gov.au or phone (08) 9395 9300.

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 Director Corporate Services has provided the following further response:

Taken from page 34 of the Town of Port Hedland's 2024-2025 Schedule of Fees and Charges: "Classic Bin Service Fee incl.1 General Waste 240lt Bin Service per week and 1 Recycling 240lt Bin Service per fortnight". \$325pa.

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 Director Corporate Services has provided the following further response:

The Commonwealth of Australia Constitution Act does not prevent State Parliaments from legislating to create, empower and regulate local government.

All States have done so. The Commonwealth Constitution does not contain any obstacle to the levy of taxes by the States, including on property.

State Parliaments have the power to confer this function on other bodies through legislation. Through the Local Government Act 1995, Part 6, the Western Australian Parliament has conferred upon local government the power to levy and collect property tax in the form of rates. The Western Australian Constitution provides that local governments are a distinct and essential tier of government. Therefore, they do not need to enter into contracts with individuals.

6 Public Time

Important note:

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

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

6.1 Public Question Time

6.2 Public Statement Time

6.3 Petitions / Deputations / Presentations / Submissions

7 Questions from Members without Notice

8 Announcements by Presiding Member without Discussion

There were no meetings for the month of January 2025.

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

10 Confirmation of Minutes of Previous Meeting

Minutes from the 5 February 2025 Ordinary Council Meeting will be presented to be confirmed at the 26 March 2025 Ordinary Council Meeting.

11 Reports of Committees

11.1 Audit, Risk and Compliance Committee

Refer to Confidential Item 15.1 Town Debtors.

12 Reports of Officers

12.1 Corporate Services

12.1.1	Statement of Financial Activity - January 2025
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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.

OFFICER'S RECOMMENDATION

That Council:

- 1. Receive the Monthly Financial Report for the period ended 31 January 2025 as shown in attachment 1;**
- 2. Note the Accounts paid under delegated authority for the period ended 31 January 2025 as shown in attachment 2;**
- 3. Receive the Purchasing Card statements for the period ended 31 January 2025, as shown in attachment 3;**
- 4. Receive the Investment Summary Report for the period ended 31 January 2025, as shown in attachment 4;**
- 5. Receive the YTD Budget v Actual Report by Directorate, as shown in attachment 5; and**
- 6. Receive the Capital Listing report for the period ending 31 January 2025, as shown in attachment 6.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to receive the Statement of Financial Activity for the period ended 31 January 2025. 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 January 2025, 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 2023/2024 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 deficit presented in the audited financial statements from June 2024. The net current funding position is \$57.94M due to the practice of raising rate revenue of \$76M in August.

ATTACHMENTS

1. Monthly Financial Report - January 2025 [**12.1.1.1** - 8 pages]
2. Accounts paid under delegated authority - January 2025 [**12.1.1.2** - 62 pages]
3. Purchasing card statements - January 2025 [**12.1.1.3** - 30 pages]
4. Investment Summary Report - January 2025 [**12.1.1.4** - 10 pages]
5. YTD Budget v Actual Report by Directorate - January 2025 [**12.1.1.5** - 1 page]
6. Capital Listing report - January 2025 [**12.1.1.6** - 9 pages]

12.1.2 | **2024-2025 Q2 Budget Review**

Author: **Manager Financial Services**

Authorising Officer: **Director Corporate Services**

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

OFFICER'S RECOMMENDATION

That council:

- 1. Accepts the mid-year budget review report.**
- 2. Adopts the Town of Port Hedland's revised Annual Budget 2024-2025 financial activity statement included as Attachment 1.**
- 3. Authorises the Chief Executive Officer to submit the Budget Review to the Department of Local Government, Sport and Cultural Industries.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

To consider the Town's financial position as at 31 December 2024 and performance for the period 1 July 2024 to 31 December in relation to the adopted 2024-2025 annual budget and projects estimated for the remainder of the financial year.

DETAIL

The budget review has been prepared to include information required by *Local Government Act 1995*, *Local Government Regulations 1996* (Financial Management) and Australian Accounting Standards.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document were possible.

Information sessions were held with Council on 29 February 2025 and 10 February 2025 presenting an overview of the budget review.

Review Considerations

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document were possible.

Features of the budget review include:

Increase in opening surplus to actual audited 30 June 2024		\$348,948
Additional rate revenue from new mining leases	\$1,800,000	
Additional interest revenue	\$3,607,577	
Decrease in proceeds of land sales due to longer lead times	\$(1,712,800)	
Savings on employee costs due to high vacancies	\$900,000	
Increase in recruitment costs of new CEO	\$(100,000)	
Increase in works at PHIA	\$(900,000)	
Increase in data protection costs	\$(347,023)	
Increase in youth programming and activations	\$(225,000)	
Increase in tourism initiatives	\$(359,714)	
Increase in cleaning & maintenance contract	\$(1,272,583)	
Increase in CCTV Network	\$(216,395)	
Increase in Precinct Structure Plan costs	\$(250,000)	
Increase in loan interest expenses	\$(185,342)	
Recognise decommissioning of drainage	\$(77,597)	
Operational change		\$661,123
Recognise contributions from other sources for infrastructure projects	\$92,538	
Recognise proceeds from sale of fleet assets	\$97,311	
Recognise IT and renewal infrastructure	\$441,384	
Investing change		\$631,233
Transfer of increase in rates to strategic reserve	\$1,800,000	
Transfer of increase in depreciation to reserve	\$185,984	
Net transfer of payment for plant and infrastructure between prior year (FY24) and next year (FY26)	\$(4,659,289)	
Additional transfer to strategic reserve for future projects	\$1,000,000	
Financing change		\$(1,673,305)
Net change		\$(32,000)

Capital Considerations

Consideration of various capital projects was undertaken to ensure any anticipated variances were captured the include:

- Consideration of \$120,000 for a like-for-like replacement of the shade sail at the South Hedland Aquatic Centre (SHAC) main pool, as a result of the HFM condition report.
- Consideration for an additional \$55,000 for the TS Pilbara Shed to align this building to the ascetics of the Spoilbank marina and add a new ramp to the ablution block, as the existing ramp is not DDA compliant.

Review Outcomes

In considering the above variances and projections within the attached budget review, the closing forecast position has decreased from a surplus of \$282,146 to \$250,146, as reflected in the Statement of Budget Review, attached.

LEVEL OF SIGNIFICANCE

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

- Budget reviews are vital to ensure the town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices to mitigate financial risk exposure to council.

CONSULTATION

The 2024-2025 budget review been reviewed by Managers and the Executive Leadership Team. They have considered the impact of the budget amendments presented, to benefit the community and keep within the budget guidelines of a balanced budget.

The council has been consulted on amendments prior to the ordinary council meeting.

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

A local government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A (1) of the *Local Government (Financial Management) Regulations* 1996. The review must consider the financial performance between 1 July to 31 December, the financial position at the

date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether to adopt the review by absolute majority as required by regulation 33A (2) and (3).

Within 30 days after the Council has made a determination, a copy of the review and determination is to be provided to the Department.

Section 6.8(1) (b) of the *Local Government Act 1995* provides that the expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

FINANCIAL AND RESOURCE IMPLICATIONS

Authorisation of expenditure through budget amendments is recommended. Other specific financial implications are as outlined in the body of this report.

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.

Environmental

Nil

Economic

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical, and available.

Social

Significant social impacts will be achieved including investment into community infrastructure and programs and the promotion of the town as a great place to live and work.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Council not adopting the 2024-2025 budget review
Effect (Consequence)	Reputational risk
Risk Treatment	Endorse the 2024-2025 budget review
<p>There is a compliance risk associated with this item if the council does not accept and or adopt the 2024-2025 budget review for the period ended 31 December 2024. 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 eliminated by the Council endorsement of the 2024-2025 budget review.</p>	

Risk Type	Operational
Risk Category	Service Delivery
Cause	Council not adopting the 2024-2025 budget review
Effect (Consequence)	Delay or inability to perform specific operating and or capital works
Risk Treatment	Endorse the 2024-2025 budget review
<p>There is a risk rating of medium (9) assigned to the risk that the council does not adopt the 2024-2025 budget review for the period ended 31 December 2024, resulting in the delay or inability to perform specific operating and or capital works which are essential but do not currently have an approved budget item line. This risk is possible (3) with a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.</p> <p>This risk will be eliminated by endorsing the 2024-2025 mid-year budget review for adoption by the Council.</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 a summary of the 2024-2025 budget review for the period ended 31 December 2024.

Several budget amendments are proposed as part of this review to meet community and organisational requirements.

ATTACHMENTS

1. Revised Budget 2024-2025 Financial Activity Statement [**12.1.2.1** - 1 page]

12.1.3	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.

Deferred from Ordinary Council Meeting held on 5 February 2025- as below:

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

OFFICER'S RECOMMENDATION

That Council receives the Corporate Business Plan Quarterly Report – 2024/2025 Quarter 2 as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

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.

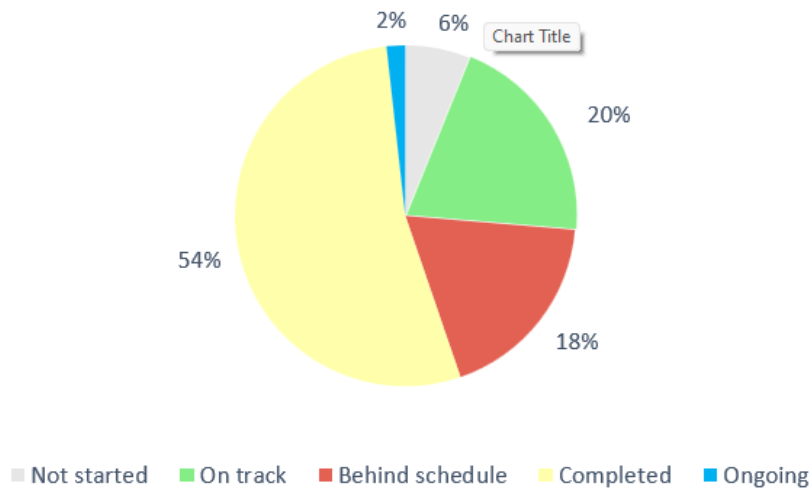
The report identifies the key actions, the status of each action, the percent complete along with commentary on the progress where applicable. The majority of the services are being progressed and are on track. However, some of the actions have yet to start or are behind schedule and delays have been 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
Effect (Consequence)	Not delivering on the Council and community expectation to be informed of the Town’s performance against the Corporate Business Plan. Non-compliance with the IPR (Integrated Planning and Reporting) requirement to have a system of monitoring and reporting performance of the Town’s Strategic Community Plan and the Corporate Business Plan.
Risk Treatment	Progress report on the Town’s CBP performance is provided to Council
<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]

12.1.4	Policy Review Program
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Author: Senior Governance Advisor

Authorising Officer: Director Corporate Services

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

OFFICER’S RECOMMENDATION 1

That Council adopt the policies as below:

- 1. 1/014 Execution of Documents and Affixing the Common Seal Policy**
- 2. 1/015 Live Streaming and Recording of Council Meetings Policy**
- 3. 1/017 Order of Business for Council and Committee Meetings Policy**
- 4. 1/026 Feedback, Complaints and Suggestions Policy**
- 5. 1/028 Related Party Disclosure Policy**
- 6. 1/029 Attendance at Events Policy**

SIMPLE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION 2

That Council rescind:

- 1 . 1/027 Severance Payments Policy**
- 2. 3/003 Subsidies and Allowances**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to:

1. Consider and adopt the Town of Port Hedland (the Town) policies as part of the review program:
 - 1/015 Live Streaming and Recording of Council Meetings Policy
 - 1/017 Order of Business for Council and Committee Meetings Policy
 - 1/026 Feedback, Complaints and Suggestions Policy
 - 1/028 Related Party Disclosure Policy
 - 1/029 Attendance at Events Policy
 - 1/022 Risk Management Policy

2. Consider and rescind 1/027 Severance Payments Policy and 3/003 Subsidies and Allowances.

DETAIL

At the 25 September 2024 Ordinary Council Meeting, report 12.1.2 Council Policy – Policy Framework was adopted. Included as an attachment was a register of Town policies outlining their status for their proposed review, development and adoption.

The Town has more than 50 policies, along with requirements for some additional policies to meet new legislative requirements. Adopted policies require periodic review. Some of these existing policies have become outdated and lack relevance to contemporary times, while others appear more operational in nature and would serve the organisation more effectively as procedures.

A risk-based approach to the review cycle is being undertaken to ensure that policies that relate to higher risk matters are reviewed more regularly, to those which carry lower risks. A risk rating will be applied to Council policies as they are reported to the Council for review.

1/014 Execution of Documents and Affixing the Common Seal Policy

This policy was last reviewed and adopted by Council on 25 August 2021 (OCM202122/025).

The main changes between versions include:

1. Policy Objective Revision
 - Simplified and clarified the policy objective
 - More explicitly focused on consistent and transparent approach
 - Added specific reference to compliance with *Local Government Act 1995*
2. Document Execution Criteria
 - Refined language around when Common Seal is required
 - Changed "high level of financial risk" to "significant financial risk"
 - Clarified criteria for documents requiring seal affixation
3. Procedural Structure
 - Reorganised into clearer sections with numbered subsections
 - Added new section 3.4 on Documentation Requirements
 - Added new section 3.5 on Finalisation, custody and retention
4. Documentation Requirements
 - Added new specific requirements for documents needing Common Seal:
 - Must include approved sealing clause
 - Requires completed "Request to Affix" form
 - Need "sign here" or "initial here" stickers
 - Specific filing and reference requirements
5. Role Clarification
 - More precise language regarding Deputy Mayor's authority
 - Clarified CEO's delegation powers

- Better defined circumstances when Deputy Mayor can act
6. Document Management
 - Added new requirements for document scanning and electronic records
 - Expanded requirements for Common Seal Register
 - Added more specific retention and custody procedures
 7. Tables Restructuring
 - Reorganised and clarified tables showing authorisation levels
 - Added more specific document types
 - Clarified signing authority for different document categories

The current policy with tracked changes is included as attachment 1.

The proposed policy is included as attachment 2.

1/015 Live Streaming and Recording of Council Meetings Policy

This policy was last reviewed and adopted by Council on 3 June 2021 (CM202021/168).

The main changes between versions include:

1. Policy Objective Expansion
 - Broadened the objective to explicitly include community engagement
 - Added emphasis on eliminating barriers to physical attendance
 - More clearly defined the purpose of livestreaming and recording
2. Implementation Structure
 - Reorganised the policy into clearer sections with detailed subsections
 - Added new section on "Implementation and Management" that consolidates and expands operational details
3. Technical Requirements
 - Added new specification that broadcasts must be both visual and audio
 - Included exception allowing audio-only recording if meeting is not at usual place or not electronic
 - Added contingency measures for technical failures
 - Specified 14-day timeframe for making recordings available
 - Added contingency for elected members who lose video connection during meeting to satisfy the regulations by maintaining audio with other participants
4. Storage and Access
 - Added 5-year retention period for archived recordings on website
 - Clarified procedures for accessing recordings not available on website
 - Enhanced alignment with State Records Act requirements
5. Confidentiality and Legal Protections
 - Added explicit provisions about not livestreaming confidential matters
 - Included reference to liability protection under Section 9.57A of Local Government Act

- Added clarity around retention of confidential recordings for internal use
6. Definitions Updated
- Expanded definition of 'Meetings' to include Council, Committee and Elector meetings
 - Updated definitions of "Livestreaming" and "Recording" to be more technology-neutral
 - Added definition of "Usual Meeting Place"

The current policy with tracked changes is included as attachment 3.

The proposed finalised policy is included as attachment 4.

1/017 Order of Business for Council and Committee Meetings Policy

This policy was last reviewed and adopted by Council on 23 March 2022 (CM202122/156).

Review frequency of this policy is 2 yearly, however the current policy remains unchanged. No other changes are proposed.

Unchanged version 04 policy is included as attachment 5.

1/026 Feedback, Complaints and Suggestions Policy

This policy was last reviewed and adopted by Council on 26 September 2018 (CM201819/063).

The main changes between versions include:

1. Policy Purpose and Scope
 - Completely restructured introduction to emphasise accessibility and accountability
 - Added reference to Australian Standards and WA Ombudsman Guidelines
 - Added explicit link to Customer Service Charter
 - Expanded scope to include Elected Members, employees, consultants, and contractors
2. Complaint Definition and Classification
 - Added clear definition of what constitutes a complaint
 - Added explicit list of what is NOT considered a complaint
 - Reorganised complaint levels into clearer three-tier system
3. Response Timeframes
 - Added specific timeframes:
 - 48 business hours for initial feedback follow-up
 - 10 business days for complaint review
 - 15 business days for CEO internal review

4.Unreasonable Complainants Section

- Completely restructured section on managing difficult complaints
- Created clearer categories of unreasonable complainants
- Added more specific guidelines for limiting access
- Enhanced procedures for managing aggressive behavior

5.Elected Member Complaints

- Expanded section on handling complaints against Elected Members
- Added more detail about referral to appropriate agencies
- Clarified process for handling different types of misconduct

6.External Agencies

- Simplified list of external escalation options
- Added Crime and Corruption Commission as an option
- Improved clarity on when external escalation is appropriate

7.Document Structure

- Added relevant legislation references
- Updated directorate from Corporate Services to Development, Sustainability and Lifestyle
- Added more comprehensive definitions section

The current policy with tracked changes is included as attachment 8.

The proposed policy is included as attachment 9.

1/028 Related Party Disclosure Policy

This policy was last reviewed and adopted by Council on 16 December 2020 (CM202021/102).

The main changes between versions include:

1. Policy Purpose

- Restructured introduction to be more concise and focused
- Added clearer explanation of AASB 124's application to local governments
- Added emphasis on the distinction between related party disclosures and conflicts of interest

2. Key Management Personnel (KMP) Definition

- Simplified the definition of KMP
- Made clearer that KMP includes both current and former personnel
- Added requirement to capture disclosures from previous financial year

3. Related Parties Section

- Reorganised and clarified the definition of related parties
- Better structured the categories of related parties into:
 - Close family members
 - Controlled/jointly controlled entities
- Added more specific examples of entity types

4. Transaction Identification

- Added new separate section for "Ordinary Citizen Transactions" (OCTs)
 - Clarified criteria for what constitutes an OCT
 - Added more detailed examples of transaction types
 - Added explanation of arm's length transactions
5. Disclosure Requirements
- Added new structured section on timing and process
 - Added clearer procedural steps for declarations
 - Enhanced confidentiality provisions
 - Added specific roles for governance and financial services units
6. Materiality Assessment
- Added new section on materiality considerations
 - Added requirement for consultation with Audit, Risk and Governance Committee
 - Clarified factors considered in materiality assessment
7. Definitions Section
- Added comprehensive definitions section
 - Included new terms such as "Arm's Length Transaction" and "Significant Influence"
 - Enhanced clarity of existing definitions

The current policy with tracked changes is included as attachment 10.

The proposed policy is included as attachment 11.

1/029 Attendance at Events Policy

This policy was last reviewed and adopted by Council on 16 December 2020 (CM202021/103).

The main changes between versions include:

1. Structure and Organisation
 - The text has been reorganised into a more structured format with clearer section numbering
 - New sections have been added, including detailed roles and responsibilities
 - More comprehensive administrative procedures have been included
2. Key Policy Changes and Additions:
 - More detailed approval process for non-pre-approved events
 - Added specific cost threshold of \$1,000 requiring Council approval
 - New provision allowing the Mayor to delegate approved attendance to Deputy Mayor or other council members
 - Added requirement for quarterly updates to the register and annual presentation to Council
 - More detailed disclosure requirements and register maintenance specifications
 - Added new section on professional development and its relationship to training requirements

3. Expanded Definitions and Details:
 - More comprehensive list of pre-approved events and organisations
 - Added specifics about time limits for reimbursement claims (three calendar months)
 - Added dispute resolution process
 - Expanded roles and responsibilities section detailing obligations for Elected Members, CEO, and Administration
4. Administrative Requirements:
 - Added more specific timeframes (e.g., five working days' notice for event invitations)
 - More detailed process for allocation of tickets
 - Added requirements for post-event reporting
 - More specific record-keeping requirements
5. Documentation:
 - Added version control information
 - Added document control statement
 - More comprehensive reference to related policies and legislation

The overall changes appear to make the policy more detailed and comprehensive, with clearer procedures and accountability measures in place.

The current policy with tracked changes is included as attachment 12.

The proposed policy is included as attachment 13.

1/027 Severance Payments Policy

Recommended to rescind as the CEO is responsible for staff employment matters under the Local Government Act 1995. Staff entitlements are established under the Town's Industrial Agreement along with internal operating procedures.

3/003 Subsidies and Allowances

Recommended to rescind as the CEO is responsible for staff employment matters under the Local Government Act 1995. Staff entitlements are established under the Town's Industrial Agreement along with internal operating procedures.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance. Fraud is an emerging issue across all levels of government and should be considered in decision-making and risk assessment processes.

CONSULTATION

Internal

- NIL

External Agencies

- NIL

Community

- NIL

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Audit) Regulations 1996*

FINANCIAL AND RESOURCE IMPLICATIONS

Asset management planning undertaken as per policy and its integration within the LTFP and annual budget process will establish financial forecasting implications.

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.

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.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Out of date or non-compliant policies and or gaps in policy framework.
Effect (Consequence)	Non-compliant decision making or not in line with best practice. Duplicitous and / or inconsistent policy positions.
Risk Treatment	Continuous review of policies following a risk-based approach.
<p>There is an Operational risk associated with this item caused by not maintaining an effective policy framework which may lead to compliance concerns.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of (3) and a consequence of Moderate (3).</p> <p>This risk is considered acceptable due to the following controls in place:</p> <ul style="list-style-type: none"> • An existing policy is currently in effect. • The risk falls within the Town’s acceptable tolerance range. 	

OPTIONS

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

CONCLUSION

The policy revisions have been considered to align with legislation, departmental guidance and best practice.

ATTACHMENTS

1. Att 1 - Track Changes -1.014 Execution of Documents and Affixing of the Common Seal - Adopted 25 Aug [**12.1.4.1** - 6 pages]
2. Att 2 - DRAFT 1.014 Execution of Documents and Affixing of the Common Seal V 05 [**12.1.4.2** - 5 pages]
3. Att 3 - Track Changes - 1.015 Recording of Meetings Review V 04 - Adopted 3 June 2021 [**12.1.4.3** - 5 pages]
4. Att 4 - DRAFT 1.015 Livestreaming and Recording of Meetings Review V 05 [**12.1.4.4** - 4 pages]
5. Att 5 - unchanged 1.017 Order of Business for Council and Committee Meetings - V 04 [**12.1.4.5** - 3 pages]
6. Att 8 - Track Change Att 8 Track Changes s 1.026 Feedback, Complaints and Suggestions - V 02 - Adopt [**12.1.4.6** - 12 pages]

7. Att 9 - DRAFT 1.026 Feedback Complaints and Suggestions - V 03 [**12.1.4.7** - 6 pages]
8. Att 10- Tracked Changes 1.029 Attendance at Events - V 01 - Adopted 16 December 2020 [**12.1.4.8** - 10 pages]
9. Att 11 - Attendance at Events - V 02 DRAFT [**12.1.4.9** - 6 pages]
10. Att 12 Track Changes -1.028 Related Party Disclosures - V 02 - DRAFT 25 [**12.1.4.10** - 9 pages]
11. Att 13 - 1.028 Related Party Disclosures - V 02 - DRAFT 25 [**12.1.4.11** - 6 pages]
12. Att 14 - 1.027- Severance- Payments [**12.1.4.12** - 3 pages]
13. Att 15 - 3.003- Subsidies-and- Allowances [**12.1.4.13** - 1 page]

12.1.5 Council Vacancy - Office of Councillor**Author:** Senior Governance Advisor**Authorising Officer:** Director Corporate Services**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.**OFFICER'S RECOMMENDATION 1****That Council:**

- 1. Notes the resignation of Sven Arentz effective 28 January 2025;**
- 2. Notes the resignation of Tim Turner effective 5 February 2025;**
- 3. Acknowledges with appreciation the service and contributions of Councillor Arentz and Councillor Turner to the Town of Port Hedland community; and**
- 4. Authorises the Chief Executive Officer to apply to the Western Australian Electoral Commissioner requesting approval under section 4.17 of the Local Government Act 1995 for Tim Turner's office to remain vacant until the October 2025 ordinary election.**

SIMPLE MAJORITY VOTE REQUIRED**OFFICER'S RECOMMENDATION 2**

That Council authorises the Chief Executive Officer to request a quotation from the Western Australian Electoral Commissioner for conducting an extraordinary election to fill the Council vacancy created by Sven Arentz's resignation at the earliest practicable date.

SIMPLE MAJORITY VOTE REQUIRED**PURPOSE**

The purpose of this report is to consider options for filling two vacant Council positions and to recommend:

1. Requesting approval from the Western Australian Electoral Commissioner to hold one vacancy unfilled until the October 2025 ordinary election; and
2. Proceeding with an extraordinary election for the second vacancy at the earliest practicable date following advice from the Western Australian Electoral Commission.

DETAIL

The Town of Port Hedland (the Town) has received two Council resignations in early 2025. Councillor Sven Arentz submitted his resignation to the Chief Executive Officer on January 28, 2025, having served 1 year and 3 months since his initial election to Council in October 2023. Shortly after, on February 5, 2025, Councillor Tim Turner also resigned, concluding 4 years and 3 months of service, which included his role as Deputy Mayor from 2021 to 2023. Cr Turner had been re-elected to Council in October 2021.

For Cr Arentz's position, approximately 2 years and 8 months remain of the four-year term that commenced in October 2023. For Cr Turner's position, approximately 8 months remain of the four-year term that commenced in October 2021.

On 20 September 2024, the Town received email notification from the Electoral Commissioner regarding the Western Australian Electoral Commission's (WAEC) limited availability to support Local Government extraordinary elections during 2024/2025. This constraint is due to WAEC's commitments to the State Government Election scheduled for 8 March 2025, making them unavailable from December 2024 to May 2025.

Following the recent Council resignation of Cr Arentz, the Town wrote to the Commissioner on 29 January 2025 (attachment 1) seeking guidance on available electoral options. The Commissioner's response dated 5 February 2025 (attachment 2) confirmed that the WAEC would be unavailable to conduct extraordinary elections until after May 29, 2025. The response also advised that the Town is eligible to apply for certain vacancies to remain unfilled until the October 2025 ordinary election.

Options when an office becomes vacant

The Local Government Act 1995 (the Act) provides several options for filling vacant Council positions. For the current circumstances, these options are:

1. Request to hold vacant office

Section 4.17 of the Act allows a position to remain unfilled in two circumstances:

- When the vacancy occurs after the third Saturday in July in the election year when the term ends, or
- After the third Saturday in October in the year before the election year (with Electoral Commissioner approval)

This legislation does apply to the vacancies created by Cr Arentz and Cr Turner's resignations.

Key considerations for Council operating with vacancies include:

- Maintaining minimum quorum requirements (5 members)

- Ensuring adequate community representation and communication

2. Filling vacancy without extraordinary election

The Local Government Amendment Act 2023 introduced Schedule 4.1A, allowing vacancies to be filled by the next unsuccessful candidate when a member resigns within 12 months of their term beginning. However, this option is not available for the current vacancies as:

- The resignations occurred outside the 12-month period
- The transitional provisions limit this method to specific circumstances

3. Extraordinary Election

Under section 4.8 of the Act, an extraordinary election is required when an office becomes vacant. Key considerations include:

Administration

- The CEO must act as returning officer unless the Electoral Commissioner is appointed.
- The Town has historically engaged WAEC for elections (2011-2024).
- Estimated costs: \$54,000 (WAEC fee), \$2,750 (priority mail), and \$15,000 (administrative costs).

Current Constraints

- WAEC is unavailable until May 2025 due to State Election commitments.
- Internal election management by the CEO presents significant challenges:
 - Current CEO recruitment process.
 - Required staff expertise and resources.
 - Council's ongoing Improvement Plan obligations.
 - Need for independent electoral oversight.
- Internal management is unlikely to provide significant cost savings

The Town's history shows strong preference for WAEC-managed elections, with WAEC conducting elections for 124 of 137 WA Local Governments in 2023.

Discussion

Based on the legislative requirements and operational considerations outlined above, the following approach is recommended for each vacancy:

With the vacancy created by Cr Tim Turner's resignation, it is recommended that Council authorise the Chief Executive Officer to apply to the Electoral Commissioner requesting approval under section 4.17(2) of the Local Government Act 1995 for this position to remain unfilled until the October 2025 ordinary election. This approach aligns with the legislative provisions that allow for positions to remain vacant when

they occur within specific timeframes of an ordinary election and represents a prudent use of Town resources given the proximity to the scheduled October 2025 election.

With the vacancy created by Cr Sven Arentz's resignation, it is recommended that an extraordinary election be conducted, following advice from the Western Australian Electoral Commission. Several critical operational factors drive this recommendation. The timely filling of this vacancy is essential to maintain effective Council operations, particularly given that current Council numbers are operating close to minimum quorum requirements of five members. This situation presents significant operational risks for Council decision-making processes. Furthermore, there is a pressing need to ensure that the Council can achieve an absolute majority for certain decisions as required under the Local Government Act 1995, which becomes more challenging with reduced numbers. The election of a new Councillor through an extraordinary election would also fulfil the Council's responsibility to maintain adequate elected member representation for the community.

Regarding implementation, the Western Australian Electoral Commission (WAEC) has advised they will be unavailable to conduct extraordinary elections until June 2025 due to their commitments to the State Election. While the Town's CEO could theoretically conduct the extraordinary election internally, this approach presents substantial risks for a community of Port Hedland's size and complexity, particularly given the current CEO recruitment process. The estimated cost of \$70,000 to conduct an extraordinary election represents a significant expenditure for the Town. Given these factors, it would be prudent for Council to await formal advice from the WAEC Commissioner regarding suitable dates for conducting the extraordinary election, ensuring all electoral requirements can be properly fulfilled with appropriate resources and oversight.

LEVEL OF SIGNIFICANCE

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

- Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.

CONSULTATION

Internal

- Executive Leadership Team
- Manager Governance

External Agencies

- Western Australian Electoral Commission

Community

No community consultation is required for this decision of Council.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

4.9. Election day for extraordinary election

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

4.20 CEO to be returning officer unless other arrangements made.

(4) a local government may declare* the Electoral Commissioner to be responsible for the conduct of an election,

** absolute majority required.*

4.17 Cases in which vacant offices can remain unfilled

Local Government (Elections) Regulations 1997

Part 16A- Transitional Provisions for *Local Government Amendment Act and Local Government Regulations Amendment Regulations (NO.2) 2023*

FINANCIAL AND RESOURCE IMPLICATIONS

There is currently no provision in the 2024/2025 budget for an extraordinary election.

The cost for the WAEC to run the March 2024 extraordinary election was \$54,000, with \$2,750 for priority post and \$15,000 budgeted for additional administrative costs.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Leadership:

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

Social

Elections are a core element of democracy and underpin social sustainability.

There are no significant identifiable environmental 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:

Governance and Procurement - Provide high standards of governance and leadership

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Holding an extraordinary election in 2025
Effect (Consequence)	Expenditure of approximately \$70,000 currently unbudgeted in 2024/2025
Risk Treatment	Adopt Officer’s Recommendation.
<p>There is an Operational risk associated with this item caused by holding an extraordinary election in 2025 to appoint a councillor to an office for a term less than one year, leading to expenditure of approximately \$70,000 that is currently unbudgeted.</p> <p>The risk rating is considered to be High (10) which is determined by a likelihood of Almost Certain (5) and a consequence of Minor (2).</p> <p>This risk will be eliminated by adopting the Officer’s Recommendation.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Alternate officer’s recommendation 1

That Council:

1. Notes the resignation of Sven Arentz effective 28 January 2025;
2. Notes the resignation of Tim Turner effective 5 February 2025;
3. Acknowledges with appreciation the service and contributions of Sven Arentz and Tim Turner to the Town of Port Hedland community; and
4. Authorises the Chief Executive Officer to apply to the Western Australian Electoral Commissioner requesting approval under section 4.17 of the Local Government Act 1995 for Tim Turner's and Sven Arentz's offices to remain vacant until the October 2025 ordinary election.

SIMPLE MAJORITY VOTE REQUIRED

Option 3 – Alternate officer's recommendation 2

That Council:

1. Notes the resignation of Sven Arentz effective 28 January 2025;
2. Notes the resignation of Tim Turner effective 5 February 2025;
3. Acknowledges with appreciation the service and contributions of Sven Arentz and Tim Turner to the Town of Port Hedland community; and
4. Authorises the Chief Executive Officer to request a quotation from the Western Australian Electoral Commissioner for conducting an extraordinary election to fill the Council vacancies created by Sven Arentz's and Tim Turner's resignation at the earliest practicable date.

SIMPLE MAJORITY VOTE REQUIRED

Option 4 – Do not adopt officer's recommendation

CONCLUSION

It is recommended that Council request the WAEC Commissioner approve the holding of vacancies until the October 2025 ordinary election.

ATTACHMENTS

1. Attachment 1 20250129 To PH - Letter to Electoral Commissioner [**12.1.5.1** - 2 pages]
2. Attachment 2 Letter regarding Vacancy TOP H 2025 [**12.1.5.2** - 1 page]

12.2 Community Services

Nil

12.3 Regulatory Services

12.3.1	Turtle Nesting Habitat Protection
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Author: **Manager Environmental Services**

Authorising Officer: **Director Regulatory Services**

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

OFFICER’S RECOMMENDATION

That Council:

- 1. Does not endorse the proposed prohibition of vehicles on the beach and dunes of the eastern edge of Reserve 29082 (Spoil Bank) that was intended to facilitate turtle nesting habitat protection and conservation of the dunes.**
- 2. Does not endorse the proposed prohibition of dogs on the identified Port Hedland turtle nesting beach locations during the turtle nesting season (October 1st to March 31st).**
- 3. Acknowledge the community consultation submissions and thank the residents of Port Hedland for their involvement.**
- 4. Direct the CEO to develop educational and regulatory signage which shall be installed at entrances to foreshores where turtle nesting occurs.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider solutions for the protection of marine foreshores where annual Flatback Turtle nesting occurs.

The report will provide:

- a summary of the community consultation completed following the October 2024 Ordinary Council Meeting determination (CM202425/174 COUNCIL DECISION)
- Recommendations on methods to enhance the protection of foreshores where nesting occurs but which also clearly reflect the community consultation submissions;

Extensive public consultation was undertaken between November 2024 to January 2025 with results reflected within this report. The submissions received and information relating to impacts on nesting habitats should provide Council the ability to make an informed and balanced determination, reflecting the needs of both the environment and that of the community who value these locations as vital recreation sites.

BACKGROUND & CONSULTATION

The Town of Port Hedland administration presented a suite of proposed controls at the October 2024 Ordinary Council Meeting to enhance the protection of turtle nesting habitats. These measures aim to mitigate risks such as dune destabilization from off-road vehicle use and disturbances from domestic dogs, which can damage nests and threaten both hatchlings and mature turtles.

Recognizing the cumulative threats posed by artificial light misdirection, predation by pests, and human activities, the Town has already implemented protective measures, including a bi-annual Vertebrate Pest trapping program targeting foxes and significant investments in replacing inferior lighting near nesting sites. The proposed site controls would further reinforce these conservation efforts.

To ensure a balanced approach that safeguards both turtle habitats and the recreational interests of residents, the Town conducted a comprehensive public consultation. This process adhered to the Town of Port Hedland Public Places and Local Government Property Local Law 2016, ensuring unbiased community input. Consultation ran from October 2024 to January 2025, with detailed information available at Town facilities and online, allowing for both physical and electronic submissions.

All collected submissions have been included in the final report, with only offensive content redacted to maintain integrity. This initiative reflects the Town's ongoing commitment to conservation and responsible environmental management.

CONSULTATION

Internal

- Ranger Services
- Environmental Health and Sustainability Teams
- Engineering / Infrastructure Services
- Executive Leadership Team

External Agencies

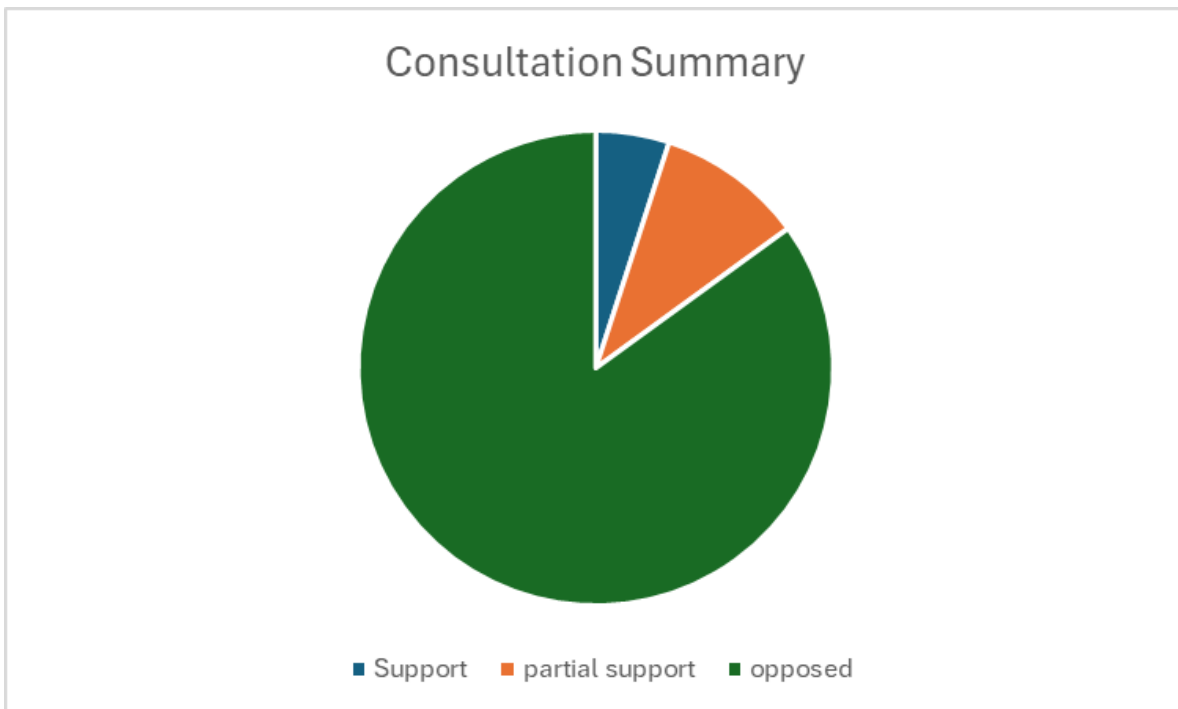
- Department of Biodiversity, Conservation and Attractions
- Care for Hedland Environmental Association

The following table lists the submissions received from the public in relation to the proposal.

Date of submission	Name	Suburb	Supportive of the proposed restriction
08/12/2024	J. Williams	N/A	No
02/12/2024	D. Galli	Port Hedland	No
30/11/2024	M.Turner	N/A	No
29/11/2024	H. Hird	N/A	Partially (Ban on dog)
29/11/2024	K. Cooper	N/A	Partially (Ban unleash dog)
29/11/2024	D.Henry	Port Hedland	No
28/11/2024	A. Bell	Port Hedland	No
27/11/2024	R. & D. Larkins	N/A	No
27/11/2024	L. Costa	South Hedland	No
25/11/2024	S. Becker	N/A	No
21/11/2024	B. Brooks	N/A	No
22/11/2024	Meg	N/A	Partially
22/11/2024	A. Lanciano	N/A	No
22/11/2024	V. Brooks	Port Hedland	No
22/11/2024	Z. Slaughter	N/A	No
22/11/2024	K. McLarty	N/A	No
22/11/2024	K. Jacoby	N/A	No
22/11/2024	N. Wells	South Hedland	Yes
22/11/2024	C. Hicks	N/A	Partially
22/11/2024	R. Ipapo	N/A	No
22/11/2024	J Cowan	N/A	Yes
22/11/2024	C. Olivier	N/A	No
22/11/2024	B. Ellacott	N/A	No
22/11/2024	T. Malia	N/A	No
22/11/2024	R. Townsend	Port Hedland	No
22/11/2024	F. Trewick	N/A	No
22/11/2024	D. Cowen	N/A	Partially
22/11/2024	J. Wroth	N/A	Partially
22/11/2024	D. Finch	N/A	No
21/11/2024	J. Curry	N/A	No
21/11/2024	K. Howlett	N/A	Partially (Banning alone is ineffective without enforcement)
21/11/2024	J. Thornton	Port Hedland	No
21/11/2024	J. Reynolds	N/A	No
21/11/2024	S. Bentley	N/A	No

21/11/2024	E. Walsh	South Hedland	No
21/11/2024	R. Peck	N/A	Partially (Supportive for dog ban)
21/11/2024	H. Daniel	Port Hedland	No
21/11/2024	P. Sweet	N/A	No
21/11/2024	D. Fraser	N/A	No
21/11/2024	J. Langford	N/A	No
21/11/2024	M. Morton	Port Hedland	Yes
21/11/2024	A. Howell	N/A	No
21/11/2024	A. Bramley	N/A	No
21/11/2024	T. Collins	Port Hedland	No
21/11/2024	A. Jacoby	N/A	No
21/11/2024	G. Silcock	N/A	No
15/11/2024	N. Osinski		Partially (Banned during nesting season)
15/11/2024	D. Emery	N/A	Yes
11/11/2024	A. Drury	Port Hedland	Partially (Banned during nesting season)
06/11/2024	E. Picks	N/A	Partially (Banned during nesting season)
10/11/2024	B. MacKenzie	N/A	No

A summary of the consultation is as follows



POST CONSULTATION RECOMMENDATIONS

The community consultation process provided valuable insights into public sentiment regarding the protection of turtle nesting areas. It underscored the importance of balancing conservation needs with recreational priorities. While some community members supported protective measures for nesting sites, many favored modifications to the proposed controls rather than imposing strict restrictions.

Key suggestions included:

- Seasonal bans on dogs at Cemetery Beach and seasonal leash requirements on the Spoilbank foreshore.
- Increased patrols by Ranger Services.
- Enhanced efforts to mark nests with barriers.
- Expanded education initiatives and improved signage.
- Restrictions on vehicle access, such as reduced speeds, seasonal controls, or limiting access to dunes.

The consultation highlighted that the community views these areas as vital recreational assets, with the primary consideration being the preservation of public access and enjoyment. While the community supports measures to protect turtle habitats, it strongly advocates against restrictions that would limit vehicle access to the Spoilbank foreshore or prevent dogs from using the area. The results of the consultation will guide the Council in making decisions that accurately reflect the community's views, ensuring that any proposed controls are in line with public sentiment.

DETERMINATION

In response to recommendations from the Department of Biodiversity, Conservation, and Attractions, and alignment with the Town's Strategic Community Plan, Corporate Business Plan, and Environmental Sustainability Strategy 2022-2027, the Town has reaffirmed its commitment to protecting turtle habitats. Notable initiatives already underway include the replacement of ocean-facing park lighting at Civic Centre Gardens and Cemetery Beach Park with wildlife-sensitive bollard-style lighting to prevent hatchling misdirection.

Considering both existing conservation efforts and community preferences for non-restrictive solutions, the following actions have been proposed:

- **Installation of Informational Signage:** Signage at all beach entry points will educate visitors on nesting habitats, potential environmental impacts, and best practices for minimizing interference. It will also provide clear information on existing regulatory controls, including:
 - o Areas where vehicles are restricted.

- Responsible for pet ownership guidelines, including leash and off-leash areas.
- Regulations protecting flora and fauna.
- Environmental protection obligations.
- Enforcement measures for non-compliance.

It is expected that all signage could be designed, commissioned and installed by August 2025 in preparation for the next turtle nesting season.

- **Continued Ranger Patrols:** Increased monitoring during the nesting season to ensure compliance with protective measures.

LEVEL OF SIGNIFICANCE

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

- Significant - Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.

LEGISLATION AND POLICY CONSIDERATIONS

Town of Port Hedland Public Places and Local Government Property Local Law 2016

Environmental Protection Act 1986

Strategic Community Plan

Corporate Business Plan

Environmental Sustainability Strategy 2022-2027

FINANCIAL AND RESOURCE IMPLICATIONS

- It is estimated that approximately \$50,000 will be required for the development, production and installation of signage at foreshore access points.
- Though no cost is required for the development of a compliance strategy, the document will provide costings for future budget consideration to support the implementation of strategy goals.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Community:

1.2.5 Opportunities to get involved and results of engagement are regularly promoted.

Our Built and Natural Environment:

3.1.1 Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.

3.1.2 Grow community understanding of local biodiversity and its protection.

3.1.4 Ensure natural resource assets are well-managed and enhanced.

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

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

Environmental

Conservation of environmentally significant fauna and habitats

Economic

Seasonal turtle nesting provides tourism and attraction opportunities for Port Hedland

Social

Implications for potential reductions in ability to, or variation in how, the community accesses recreational coastal areas.

Access and Inclusion

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

- 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:

Environmental Services - Ensure safe food practices and other aspects of environmental health within the local area. Provide the framework for the Town to prioritise and embed environmental sustainability practices across its facilities, operations, planning framework, policies and programs that impact the environment.

Ranger Services - Educate, monitor and enforce community amenity and safety standards.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational Environmental
Cause	The creation of controls that may be perceived as limiting community access to sites valued sites may result on reputational damage. Conversely, the failure to take measures to safeguard nesting habitats may be construed in a failure to demonstrate commitment to established KPIs in strategic documents, also incurring reputational damage.
Effect (Consequence)	Reputational damage and possible liabilities relating to legislated environmental obligations
Risk Treatment	Through a commitment to undertaking a detailed and inclusive public consultation and ensuring that the determination effectively balances conservation and community expectation.
<p>There is an Operational risk associated with this item caused by increased demand on Council services and increased costs, leading to budget and service level impact.</p> <p>The risk rating is considered to be Medium (5) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk may be avoided by not only balancing environmental and community needs but also by considering the implications for budget and to an already at capacity administration.</p>	

OPTIONS

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

CONCLUSION

Striking a balance between the needs of the environment and the needs of the community can be challenging and a single solution will never suit all parties. Through delivering a comprehensive, transparent and inclusive, community consultation process and actively utilising the public submissions when making a determination, Council can be confident that the solution has considered both the environment and the needs of the community.

Consultation overwhelmingly provided a clear position from the community that, while conservation is important, access to foreshores for recreational activities is an essential part of living in Port Hedland thus the resolutions provided have been developed with ensure this is protected.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - Consultation Combined [**12.3.1.1** - 167 pages]

12.4 Infrastructure Services

12.4.1	Award of Tender RFT2425-24 Wedgefield Route 1 Reconstruction
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Author: Senior Project Officer Business
Authorising Officer: Manager Waste & Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council authorise the Chief Executive Officer to enter into a Contract for the award of RFT2425-24 Wedgefield Route 1 Reconstruction to the preferred tenderer for the total amount of \$XXXX(excluding GST).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2425-24 Wedgefield Route 1 Reconstruction and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer.

PROJECT DETAIL

Background

The Town of Port Hedland (the Town) has identified the need for progressive upgrading of the existing road network within the Wedgefield Industrial Precinct. The upgrades are required to raise the standard of road geometry to meet Main Roads Western Australia’s (MRWA) Restricted Access Vehicle (RAV) requirements, correct pavement defects, and, address drainage issues within the precinct. The Town has identified ‘Route 1’ as a high priority for upgrading within the precinct. ‘Route 1’ consists of the following roads:

- Moorambine Street East of Pinga Street, including the Pinga Street intersection
- Schillaman Street, East of Pinga Street, to Yanana Street, including the Yanana Street intersection
- Peawah Street; and
- Yanana Street including the Abydos Place intersection.

Reconstruction works were completed at the intersection of Moorambine Street and Yanana Street in FY22/23, whilst the intersections of Moorambine/Peawah and Schillaman/Peawah are now targeted due to their poor geometry and higher rate of traffic-related incidents. These intersections and the Peawah mid-block works will

connect to the completed works at the downstream end of the drainage network and will allow correct flow in rainfall events as the works progress throughout.

Contract Scope

The successful tenderer will be required to supply plant, labour, and materials to undertake all works associated with the civil works in accordance with the tender's supplied drawings and specifications. Due to grant funding requirements, the package of works will be split into two (2) separable portions, however, the intention will be for the successful tenderer to deliver these works concurrently and in their entirety.

Separable Portion 1 (SP1) includes:

- Reconstruction and upgrade of Moorambine Street & Peawah Street intersection
- Reconstruction and sealing of Moorambine Street from chainage 130.00 to chainage 420.00
- Reconstruction and sealing of Peawah Street from chainage 0.00 to chainage 280.00, and
- Installation and construction of open swale drainage network with compliant crossovers and culverts as per design documentation.

Separable Portion 2 (SP2) includes:

- Reconstruction and upgrade of Schillaman Street & Peawah Street intersection.
- Reconstruction and sealing of Schillaman Street from chainage 40.00 to chainage 250.00
- Reconstruction and sealing of Peawah Street from chainage 280.00 to chainage 620.00, and
- Installation and construction of open swale drainage network with compliant crossovers and culverts as per design documentation.

Project Timeline

Following award, the successful tenderer is proposed to take possession of the site by April 2025. The duration of the works is estimated to take 12 months, with practical completion scheduled for April 2026, however it is important to note that the current date for practical completion is subject to change should any extension of time claims be awarded.

A defect liability period will be in place for a period of 12 months from the date of practical completion.

Grant Funding

The Town has been successful in obtaining a significant amount of grant funding to deliver this project via the Safer Local Roads and Infrastructure Program (SLRIP). The SLRIP was created as part of the Australian Government's commitment to strengthen investment to support the delivery of safer and more productive roads across Australia.

To date, the Town has secured a total of \$10,000,000 under this program to support this project's delivery.

In addition to SLRIP, funding has also been secured via State Road Funds for Local Government, administered by Main Roads WA.

A full summary of funding sources is detailed in the financial section of this report.

PROCUREMENT PROCESS

Tender Release

The Town released a Request for Tender (RFT) on 22 October 2024 via Vendorpanel (the Town's e-tendering portal) and closed on 18 December 2024. The Tender was advertised in the West Australian and the Northwest Telegraph to maintain compliance with the public notice provisions within the *Local Government (Functions and General) Regulations 1996*.

Site Briefing

Two (2) mandatory site briefings were held at the Town's Infrastructure Operations Centre in Wedgefield on Friday 8 November 2024 and Monday 18 November 2024.

Addenda

There were eight (8) addenda issued during the tender period relating to scope clarifications, one of which to extend the tender period for a further two (2) weeks.

Tender Compliance Review

The Town received seven (7) responses, and one (1) alternative proposal for this Tender. Two (2) of the submissions were deemed non-compliant.

The respondents were as follows:

1. B.M.D Constructions Pty Ltd
2. Comiskey's Contracting Pty Ltd
3. DeGrey Civil Pty Ltd
4. Everything Earth Pty Ltd
5. Garli Pty Ltd
6. Line-Right Pty Ltd
7. MB Hooper Engineering

Prior to the full responses being distributed to the evaluation panel, panel members were notified of the tenderers names to determine if any conflicts of interest were present. All members of the evaluation panel had no conflicts of interest to declare.

Tender Evaluation

An evaluation meeting was held on Wednesday 15 January 2025 facilitated by the Town's procurement representative. The compliant submissions were evaluated by a panel of Town employee's whose main objectives were to make a recommendation to Council, ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule, ensure adherence to Local Government Policies

and legislation, and ensure that the requirements specified in the Request were evaluated in a way that could be measured and documented. The evaluation panel consisted of the following Town employees in surplus of the minimum requirements under the Towns Procurement Policy:

- Director Infrastructure Services
- Director Planning and Development
- Project Manager
- Acting Senior Project Officer

During the evaluation, legal advice was sought with regard to insurance-related contract departures from one of the respondents, upon the advice from the Town’s Governance team.

All compliant submissions were assessed against the weighted qualitative criteria, these being:

Qualitative Criteria	(%)
Relevant Experience and Key Personnel	30%
Capacity to Deliver and Resources	30%
Demonstrated Understanding and Methodology	40%
Total	100%

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

Internal consultation was held with the following during various stages of this tender:

- Director Infrastructure Services
- Director Planning and Development
- Manager Infrastructure Projects & Assets
- Project Manager
- Acting Senior Project Officer
- Procurement Advisor
- Senior Project Officer - Business
- Senior Audit, Risk and Insurance Advisor

External Agencies

- Shawmac Consulting

- McLeods Lawyers

Community

Extensive community consultation was undertaken during the development of the Wedgefield Precinct Masterplan in 2015, and in 2021 where community feedback was sought during a review of a local planning strategy.

Targeted communication will be the responsibility of the successful tenderer to liaise with tenant and landowner stakeholders impacted by the works.

LEGISLATION AND POLICY CONSIDERATIONS

The following Town of Port Hedland policies have been considered in relation to the preparation of this item:

- 1/014 Execution of Documents
- 1/022 Risk Management
- 2/007 Procurement
- 2/019 Financial Reserves
- 4/009 Significant Decision Making

The following sections of the *Local Government Act 1995* have been considered in relation to this item:

- 3.57 Tenderer for providing goods or services
- 9.49A Execution of documents
- 9.49B Contract formalities

Further to the above, "Part 4, Division 2 – Tender for providing goods or services" of the *Local Government (Functions and General) Regulations 1996* also applies in relation to this item.

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

FINANCIAL AND RESOURCE IMPLICATIONS

Budget Implications

The adopted 2024/25 budget for this project is \$8,962,314, however, an additional \$5,000,000 in grant funding has been secured, increasing the total available budget to \$13,962,314.

A summary of the project funding sources is outlined as follows:

Budget Breakdown		
Contributor	Description	Value
Town of Port Hedland	Asset Management Reserve	1,354,000
	Carryover from 23/24	2,292,314
Grant Funding	SLRIP - Moorambine & Peawah Intersection	5,000,000

	SLRIP - Schillaman & Peawah Intersection	5,000,000
	State Road Funds for Local Government	316,000
Total available budget		13,962,314

STRATEGIC SUSTAINABILITY IMPLICATIONS

Strategic Community Plan

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

Our Community:

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

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

1.4.2 Facilities and community infrastructure are revitalised across the town

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

Our Economy:

2.1.1 Lobby State and Federal Governments and private sector for improved infrastructure investment.

2.5.1 Pursue investment in key infrastructure development such as the port, airport, service industry and logistics.

2.5.3 Invest and develop key community and recreation infrastructure.

2.5.5 Support tourism infrastructure development

Our Built and Natural Environment:

3.1.1 Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.

3.3.5 The greening and vegetation of streetscape verges are systematically implemented

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

4.2.4 Constructive forums are facilitated for discussion and the representation of the diversity of community views and needs that impact on the town’s developments, programs and policies.

4.3.2 Community members, businesses and tourists are engaged to provide feedback about local facilities and services.

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 3 – Accessible Information
- Outcome 6 – Public Consultation

Corporate Business Plan

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

Our Infrastructure Services:

Projects and Assets - Effective and efficient project and asset management.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Project
Risk Category	Compliance
Cause	If Council do not support the award of RFT2425-24 Wedgefield Route 1 Reconstruction.
Effect (Consequence)	The Town will fail to maintain its assets.
Risk Treatment	Adopt the officer’s recommendation
<p>There could be compliance ramifications if the Town does not address and rectify the required maintenance and renewal of its assets in a timely and efficient manner. The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by the adoption of the Officers recommendation.</p>	

OPTIONS

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

CONCLUSION

It is recommended that Council support the officer's recommendation to award RFT2425-25 to the preferred tenderer indicated in the tender evaluation.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - PLACEHOLDER - CONFIDENTIAL Evaluation Report [**12.4.1.1** - 1 page]

12.4.2	Award of Tender RFT2324-31 Design and Construction of Marina Playground
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Author: Project Manager
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council:

1. Authorise the Chief Executive Officer to enter into a contract for the award of RFT2425-31 Marina Playground Design and Construct to the preferred tenderer for the total contract value of \$XXXX.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions for RFT2425-31 Marina Playground Design and Construct and consider the evaluation panel’s recommendation to award the tender to the preferred tenderer for the design and construction of a new destination playground within the Port Hedland Marina Precinct.

PROJECT DETAIL

Background

The Town of Port Hedland (the Town) has contributed significant funding to the design and construction of the Spoilbank Marina which was officially opened in November 2024. Through consultation, it was determined that including a destination playground would enhance user experience and provide a world-class facility for the community.

The Town commenced a concept design process after engaging a landscape engineer in December 2022 and was able to develop a concept that celebrated the mining industry that is one of the key elements of Port Hedland.

The design inspiration includes:

- Replica of the Pilbara Ports tower
- Ship loaders and reclaimers
- Tugboat and helicopter
- Various other elements that support the industry, local to Port Hedland

The concept design was submitted to the Spoilbank Marina taskforce for consideration and financial support in December 2022. It was determined that the concept should

be released to various grant funding bodies to seek funding to construct the destination playground.

As part of this process, The Town submitted a funding application with Lotterywest along with a quantity surveyor report, presenting a then cost of \$4.0M for construction with consideration of the regional location allowance.

In April 2024, Lotterywest announced that they would support the project to the value of \$4.0M and the Town progressed with the detailed design in order to provide a 75% design to be released to the market as a Design and Construct contract.

Contract Scope

The successful tenderer will be required to complete the detailed design, documentation, certification, supply and construct the playground and associated park infrastructure in accordance with the approved concept design. The scope of works is to include (but is not limited to) the following:

- Preparation of 100% detail design drawings
- Preparation of 100% construction documentation
- Obtain all necessary approvals/permits from relevant authorities
- Placement of supply order(s) for play equipment furniture and all other required materials
- Mobilise to the site to complete a dilapidation survey, secure the site, dismantle and salvage items as required, prepare the site as required to implement the works
- Implement the works in accordance with the approved final documentation
- Demonstrate compliance with all relevant Australian Playground Standards on completion
- Provide as-constructed drawings and other information, warranties, maintenance guidelines etc.
- De-mobilise from the site and ensure it is left in a clean state
- Promote equal access and inclusion opportunities in accordance with the Town's Access and Inclusion Plan 2023-2026
- The product must include a diverse range of activities for age groups as identified in the concept design, and to meet the physical, intellectual and social development needs of children
- Apply the principles of Crime Prevention Through Environmental Design (CPTED), including consideration of the prevention of inappropriate uses of play equipment
- Only utilise materials that have a demonstrated track record of longevity in the climatic and environmental conditions typical exposed coastal locations within the Pilbara
- Design to optimise durability, facilitate ease of regular maintenance/sanitisation and minimise future maintenance costs

- Detailed design of park infrastructure and selection of park furniture to be in accordance with the Town Landscape Guidelines
- Design, document, supply, install and commission irrigation and lighting works as specified
- Provision of a construction management plan for the installation on the equipment within a public open space

Project Timeline

The successful tenderer is proposed to complete works prior to December 2025 (practical completion); however, it is important to note that the date for practical completion is subject to change should any extension of time claims be awarded.

A defect liability period of 12 months will be in place from the date of practical completion.

PROCUREMENT PROCESS

Initial Tender Release – RFT2425-08- September 2024

The Town released RFT2425-08 seeking a suitably qualified contractor to complete works under a design and construct contract for the delivery of a destination playground, to be located at the Spoilbank Marina. The tender was released on 07 August 2024 via the Town's e-tendering portal, Vendorpanel, and was advertised in the West Australian and the Northwest Telegraph with a closing date of 18 September 2024. During the tender period, there were five (5) addenda released in response to clarifications from proponents, one of which extending the closing date by seven (7) days, to 25 September 2024.

Upon closing, the Town received three (3) submissions, of which one (1) was considered non-compliant. An evaluation process was undertaken in accordance with the Town's procurement policy, and the evaluation panel's recommendation to the CEO was to reject all tenders due to all submissions exceeding the project budget.

Second Tender Release – RFT2425-31 - December 2024

Following the rejection of all submissions for the first tender, the Town revised the tender's specifications to specify off-the-shelf playground elements and re-released the tender package as RFT2425-31.

RFT2425-31 was released on 11 December 2024 with a closing date of 03 February 2025 and was advertised in the West Australian and Northwest Telegraph as required under the public notice provisions of the *Local Government (Functions and General) Regulations 1996*.

Site Briefing

A non-mandatory site briefing was held at the Marina Playground site on 15 January 2025, facilitated by the Town's Procurement team.

Addenda

There were seven (7) addenda issued during the tender period relating to the project's specifications.

Tender Compliance Review

Upon closing, the Town received seven (7) responses and one (1) of the submissions were deemed non-compliant.

The respondents were as follows:

1. ACTIVE DISCOVERY
2. CMA CONTRACTING PTY LTD
3. LIGNA CONSTRUCTION
4. MENCHETTI CONSOLIDATED PTY LTD
5. MENCHETTI CONSOLIDATED PTY LTD (*alternative*)
6. MINING ELECTRICAL CONTRACTING PTY LTD
7. YURRA PTY LTD

Tender Evaluation

Individual assessments of the responses commenced on 4 February 2025, followed by an evaluation panel consensus meeting on 11th February 2025 facilitated by the Town’s procurement representative. The compliant submissions were evaluated by a panel of Town employee’s whose main objectives were to make a recommendation to Council, ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule, ensure adherence to Local Government Policies and legislation, and ensure that the requirements specified in the Request were evaluated in a way that could be measured and documented. The evaluation panel consisted of the following Town employees in line with the minimum requirements under the Towns Procurement Policy:

- Acting Director Infrastructure Services
- Director Community Services
- Manager Infrastructure Projects & Assets
- Project Manager
- Senior Project Officer and;
- Design Consultant for technical advice

Compliant submissions were assessed against the weighted qualitative criteria, these being:

Qualitative Criteria	(%)
Relevant Experience and Key Personnel	30%
Capacity to Deliver and Resources	30%
Demonstrated Understanding and Methodology	40%
Total	100%

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

The panel's recommendation and preferred tenderer’s response demonstrated an elevated and creative level of understanding of the scope and represented best value for money.

As part of the procurement process an external credit check performed by Illion will be undertaken on the preferred tender, to confirm suitability for the scope of the project.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Director Infrastructure Services
- Director Community Services
- Manager Infrastructure Projects and Assets
- Manager Waste Operations
- Manager Economic Development and Planning
- Manager Public Affairs
- Manager Community Development
- Senior Public Affairs Officer

External Agencies

- Lotterywest
- Pilbara Ports
- Spoilbank Marina Taskforce
- Plan E
- Illion Credit Report

Community

- Kariyarra Aboriginal Corporation
- Wangka Maya Language Centre

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.57 of the *Local Government Act 1995*, and division 2 of the *Local Government (Functions & General) Regulations 1996* also applies to this item.

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

The following Town's policies have been considered in relation to the preparation of this item:

- 1/014 execution of documents
- 1/022 Risk Management
- 2/001 Procurement
- 2/019 Financial Reserves

- 4/009 Significant Decision Making

The following sections of the *Local Government Act 1995* have been considered and/or applied in relation to this item:

- 3.57 Tendered for the provision of goods and services
- 9.49A Execution of documents
- 9.49B Contract Formalities

Further to the above Part 4 Division 2 – Tendering for the Provision of Goods and Services of the *Local Government (Functions and General) Regulations 1996* also apply in relation to this item.

Successful contractors must abide by the Town's Code of Conduct whilst performing works under the contract.

FINANCIAL AND RESOURCE IMPLICATIONS

Budget Implications

As mentioned earlier in this report, this project is fully funded by a Lotterywest grant of \$4,000,000, which is equally allocated over the 2024/25 and 2025/26 financial years as follows:

Budget Breakdown		
Contributor	Description	Value
Grant Funding	Lotterywest -24/25 allocation	2,000,000
	Lotterywest -25/26 allocation	2,000,000
Total available budget		4,000,000

The Lotterywest funding will be acquitted progressively upon achieving four (4) milestones throughout construction.

Forecast Expenditure

Costs to date and outstanding commitments for this project include internal project management costs, costs associated with revising the specifications for re-tender, engineering consultancy services and signage.

Forecast Expenditure	
Description	Total
Costs to date	23,248
Current Commitments	5,586
Contract Award	XXXX
Contract Contingency & Project Management Costs & Overheads	XXXX
Total forecast costs	4,000,000

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 Community:

- 1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced.
- 1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.
- 1.2.2 A residential workforce is promoted to industry as the preferred option.
- 1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.
- 1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.
- 1.4.2 Facilities and community infrastructure are revitalised across the town.
- 1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Economy:

- 2.5.5 Support tourism infrastructure development.

Our Built and Natural Environment:

- 3.1.1 Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.
- 3.3.6 A Cultural Wayfinding and Public Art Implementation Plan is developed and implemented.

Our Leadership:

- 4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.
- 4.1.3 A positive town narrative and a unique brand is developed and promoted.
- 4.3.4 Efficiency strategies across the town's infrastructure and amenity assets are implemented.

Social

The construction of a destination playground in Port Hedland will have a significant positive social impact, fostering a stronger sense of community and enhancing the wellbeing for the residents and visitors. By providing a dedicated, all-inclusive space, the playground will cater to children and families of all abilities, ensuring that every member of the community has access to play and recreation. The expansion of the Public Open space opportunities will further enhance the attraction for further local activations.

There are no identified environmental or economic implications associated with this item.

Access and Inclusion

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

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 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 Community Services:

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

Youth and Community Development - Provide and/ or advocate for services and activities for youth and the wider community Engagement of the community to achieve sustainable outcomes, equitable decision making, and deepen relationships and trust between organisations and community.

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

Our Corporate Services:

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

Our Infrastructure Services:

Projects and Assets - Effective and efficient project and asset management.

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

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

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'.

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Project
Risk Category	Financial/ Reputational
Cause	Council do not support the award of RFT2425-31 Marina Playground Design and Construct
Effect (Consequence)	The Town will forfeit the approved grant funding from Lotterywest
Risk Treatment	Adopt the officer’s recommendation.
<p>There is likely reputational impacts should Council not award RFT2425-31, as approved Lotterywest funding would need to be forfeited and may impact the Town’s ability to seek funding under this program for future projects.</p> <p>The risk rating is considered to be Low (3) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by the adoption of 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

The proposed award of RFT2425-31 for the Marina Playground Design and Construct represents a significant milestone in delivering a world-class recreational facility within the Spoilbank Marina Precinct. The procurement process has ensured a fair and competitive selection of a suitably qualified contractor, aligning with the Town’s strategic objectives and funding commitments.

Approval of the officer’s recommendation will ensure timely project delivery, avoiding potential risks such as loss of funding and reputational impacts. With a projected completion date prior to December 2025, the Marina Playground will serve as a lasting asset that reflects Port Hedland’s unique character and industrial heritage while providing a safe, inclusive, and engaging play space for all.

ATTACHMENTS

1. CONFIDENTIAL REDACTED - RFT2425-31 Tender Evaluation Memo - Marina Playground [12.4.2.1 - 4 pages]
2. CONFIDENTIAL REDACTED - Preferred Tenderer - Concept Design [12.4.2.2 - 33 pages]

12.5 Executive Services

12.5.1	CEO Recruitment Committee Nomination report - Council Nomination
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Author: Executive Manager Human Resources
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.

ORIGINAL OFFICER’S RECOMMENDATION

That Council:

- 1. Appoints members of the CEO Recruitment and Selection Committee,*
 - The Mayor,*
 - Councillor X and*
 - Councillor X*

- 2. Appoints at least one (1) Independent Person to the CEO Recruitment and Selection Committee, 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

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 VOTE REQUIRED

That Motion lie on the table made at Ordinary Council Meeting held on 5 February 2025.

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

FORESHADOWED ALTERNATE MOTION 2

MOVED: Cr Ash Christensen 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

Procedural motion to defer item made at Ordinary Council Meeting held on 5 February 2025.

CM202425/262 PROCEDURAL MOTION DEFER ITEM

MOVED: Deputy Mayor Ash Christensen SECONDED: Mayor Peter Carter

Procedural motion to defer to 26 February 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). At the 5 February 2025 Ordinary Council Meeting, this decision was again deferred to 26 February 2025 Ordinary Council Meeting. This decision was carried by simple majority (5/1).

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.

On 17 February 2024, Natalie Lincolne provided an updated list of Independent Persons for consideration by the Council. These persons are listed as A to E in confidential attachment (1).

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
<p>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.</p> <p>The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4).</p> <p>This risk will be mitigated by adopting the Officer’s recommendation to commence recruitment for a CEO.</p>	

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

1. CONFIDENTIAL REDACTED - Attachment Independent Person for CEO R& S Committee 250217 [**12.5.1.1** - 4 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)

PROCEDURAL MOTION

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1 and 15.2.

SIMPLE MAJORITY VOTE REQUIRED

15.1	Town Debtors
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Reasons for Confidentiality

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

e (iii) a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government

16 Closure

16.1 Date of Next Meeting

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

16.2 Closure

There being no further business, the Presiding Member will declare the meeting closed.