



# AGENDA

Dear Mayor and Councillors,

I respectfully advise that the **ANNUAL GENERAL MEETING OF ELECTORS** will be held in the Civic Centre, McGregor St, Port Hedland, on **Wednesday, 9 February 2022**, commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew  
Chief Executive Officer

31 January 2022

#### DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

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

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

## Order Of Business

<b>Item 1</b>	<b>Opening of Meeting.....</b>	<b>5</b>
<b>Item 2</b>	<b>Acknowledgement of Traditional Owners and Dignitaries .....</b>	<b>5</b>
<b>Item 3</b>	<b>Recording of Attendance.....</b>	<b>5</b>
3.1	Attendance.....	5
3.2	Attendance by Telephone / Instantaneous Communications .....	6
3.3	Apologies .....	6
3.4	Approved Leave of Absence .....	6
3.5	Disclosure of Interests.....	6
<b>Item 4</b>	<b>Response to Previous Questions .....</b>	<b>6</b>
4.1	Response to Questions taken on notice from Annual General Meeting of Electors held on 29 April 2021. ....	6
4.1.1	Mr Arnold Carter .....	6
<b>Item 5</b>	<b>Confirmation of Minutes of Previous Meeting.....</b>	<b>13</b>
5.1	Confirmation of Minutes of the Annual General Meeting of Electors held on 29 April 2021. ....	13
<b>Item 6</b>	<b>Annual Report.....</b>	<b>13</b>
<b>Item 7</b>	<b>General Business .....</b>	<b>13</b>
<b>Item 8</b>	<b>Closure.....</b>	<b>13</b>

---

**Item 1 Opening of Meeting**

---

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

---

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

---

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

---

**Item 3 Recording of Attendance**

---

*Important note:*

*This meeting is being 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 Tim Turner  
Cr Flo Bennett  
Cr Ash Christensen  
Cr Renae Coles  
Cr David Eckhart  
Cr Jan Gillingham  
Cr Warren McDonogh  
Cr Elmar Zielke

**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Karren MacClure (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Joyce Routledge (Acting Manager Governance)  
Jenna Brown (Governance Officer)  
Naomi Murcott (Corporate Support Officer/Minute Taker)

---

**3.2 Attendance by Telephone / Instantaneous Communications****3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

---

**Item 4 Response to Previous Questions**

---

**4.1 Response to Questions taken on notice from Annual General Meeting of Electors held on 29 April 2021.****4.1.1 MR ARNOLD CARTER**

A written response was provided to Mr Carter on 29 June 2021, detailing the below:

- 1. First of all, I would like to express my great concern regarding the lateness in which you made the audit report available. I think it is quite ludicrous that the Audit Report in April which was for last June, so almost 12 months ago, was not available for the public until last Friday. If you think I am going through that document in a week, then there is no chance. There is so much information and the audit report completely varies from the budget and it is not right. I also might mention Councillors that this Audit Report cost you \$75,000 and if you can pay that much for a report, then it should be made available earlier to the rate payers for comment. That was the most important thing and it delayed me in doing the analysis.*

The Director Corporate Services provided the following response:

The audit report is not available to the public until the Office of the Auditor General has signed off the accounts. This was signed off in March 2021 and subsequently put through the Audit, Risk and Compliance Committee meeting before going to Council for endorsement. The Office of the Auditor General dictate when the report is signed off on and also the fee you mention above which is paid to them.

- 2. Once again, following on from comments from the Minutes of the last meeting, I am still going to ask for information regarding the swimming pools. Can I please have details on the recreation expenditure of \$21,000,000 against a budget of \$17,000,000 for both swimming pools. I would like a breakdown of those two expenses, well not the \$17,000,000, but the other expenditure of \$4,000,000, I would like to have a look at that.*

The Director Community Services provided the following response:

The 'Recreation and Culture' programme is an operational programme which at the time of the 19/20 budget preparation, included operational expenses associated with all of the following business categories:

- Public Halls and Civic Centres
- Youth Services
- J D Hardie Centre
- Swimming Areas and Beaches
- Gratwick Olympic Pool
- South Hedland Aquatic Centre
- Other Recreation and Sport
- Port Hedland Sportsgrounds - Recreation
- South Hedland Sportsgrounds - Recreation
- Port & South Sportsgrounds - Parks & Gardens
- Parks & Gardens
- Colin Matheson Oval
- Heritage
- Libraries
- Other Culture
- Television/Radio Broadcasting
- North West Games
- Native Title
- Wanangkura Stadium
- Marquee Park

The difference between the \$17M budget and the \$21M actual spend can be attributed to allocations, or internal adjustments that were done after the main budget was prepared, however these did not impact the budget's bottom line.

In relation to swimming pools, the only FY19/20 CAPEX spend was associated with the Gratwick Aquatic Centre, where \$251,058.35 was spent on works undertaken in relation to the dive pool decommissioning.

3. *I can find no trace of income received or expenditure for cyclone expenditure and then in the reserves, we have \$80,000. I know that there are quite a lot of areas up in Pretty Pool that were damaged by cyclone Veronica and have still not been repaired and so I can't*

*understand how you can have \$80,000 in reserves and still have cyclone damage. What worries me most of all is I construct these expenses all of the time as I do go through the expenses and all of this time they haven't finished this project. Surely somewhere in this Audit Report that has been passed, identification of cyclone money received and the expenditure of it, there is none. I have looked through it and it does not exist in the Audit Report. I would like to have a breakdown of those please.*

The Director Corporate Services provided the following response:

Cyclone expenditure does not go through reserves and it is not required to be reported on as an individual file note. It is processed through the Government Agency DRAFWA essentially as a reimbursement of what has been spent.

Further response provided by Manager Infrastructure Projects and Assets:

The table below summarises the 19/20 expenditure and income received, from DFES, relating to cyclone recovery work performed under the Disaster Recovery Funding Arrangements WA (DRFAWA):

	Cyclone Veronica	Cyclone Damien	Total
Expenditure	\$ 2,897,318.65	\$ 3,826,643.19	\$ 6,723,961.84
Revenue	\$ 1,179,253.06	\$ 660,293.00	\$ 1,839,546.06

4. *Rate Revenue was most interesting. Gross Payable Revenue in your Audit Report, \$85,884,000 including \$67,149,000 from mining companies, which according to the Audit Report, incurred an amount of \$34,278,000 of all debt. I would like to know what that means? And the nett income of \$53,700,000. The amount of money and there was a list of all the people that received gratias rates amounted to over \$35,000,000, but I could not find anywhere in the report where that figure came from. It was just in the Ordinary report where it stated the amount of money and deferred payments [...inaudible].*

The Director Corporate Services provided the following response:

The amount of \$34,278,000 refers to rate waivers as per CM201920/145 within the Ordinary Council Meeting Minutes from the meeting held on 5 February 2020, where the Town resolved to impose 25% of the retrospective rates relating to the period FY2014-15 to FY20178-18 and waiver the balance. The detail is on page 53 of the financials under "rating information".

5. *Going through your Tenders, I noticed that a couple of times during the year that there was a lot of tenders that were over expenditure. One of them was cleaning and one was \$100,000,000 over 3 years. Why is it that when you are doing your summaries of the assessments of the tenders, why isn't the price taken into consideration? It is not in your component, I have checked it. Surely the price must come in there somewhere and when making recommendation to Council, it does not include it and I don't know why it isn't?*



The Director Infrastructure Services provided the following response:

The Town of Port Hedland's Purchasing processes are based on value for money. Value for money is achieved through the critical assessment of criteria including, but not limited to, factors such as: price, whole of contract life costs, safety & risk, timeliness, environmental, social, economic and qualitative factors. These qualitative factors can include efficiency, availability, demonstrated understanding, relevant experience and technical knowledge. This assessment determines the most advantageous supply outcome that contributes to the Town achieving its strategic and operational objectives. Whilst it is necessary to ensure purchasing is conducted within budget, the Town acknowledges that lowest price does not necessarily present the best value for money.

In terms of your reference to the contract for the cleaning over three years, the actual contract price is \$770,200 (excluding GST) for a two year period. The total contract value including extension options (two years extension), is \$1,532,400 (excluding GST), as per Council Decision CM201920/131, within 19 December 2019 Ordinary Council Minutes. Details of all tenders are available in the Town's Tender Register, which is available for inspection.

6. *Why and who decided to remove the Bougainvilleas in the centre of Anderson Street outside of the Police Station?*

The Director Infrastructure Services provided to following response:

Landscape Architects as part of the West End beautification works, sought feedback from the Town before determining to remove the landscape treatment based upon factors such as traffic control when undertaking operational maintenance within the road reserve / median island. Replacement landscaping will be provided in this area.

7. *Was a tender called for the grass planting to the West End and what was the tender price? I am in full view of trying to make the West End look a bit better but some of the damage to the trees, the shrubs, the greenery have all been ripped up and I have not seen the finished project yet... [inaudible].*

The Director Infrastructure Services provided to following response:

Yes a tender process was followed and run by RFF on behalf of BHP and the price has not been disclosed.

8. *My next question is who is going to pay for the water? If you remember 10 years ago, BHP and the whole of the West End, the trees, the shrubs, it was beautiful, until someone forgot to turn the water on and within three to four months they were all dead..... So let's hope to save them. The grass looks great but they're sick and they're desperate.*

The Director Infrastructure Services provided to following response:

The Town of Port Hedland will be responsible for the ongoing operational maintenance and utility costs.

9. *Could I please have the details of the tender documents, the value, not necessarily the detail but the value of tenders let during the last financial year? What worries me is who passes and verifies the value of progressive payments and who authorises these? Have you your Finance Manager do it, do you have engineering do it? Some of those progressive payments are very steep and I don't know where a proportion of that comes from and that is why I want to know the value of the contracts you let during the year.*

The Director Corporate Services provided the following response:

The total value of tenders awarded by the Town in 2019/20 was \$43,521,419.92. Details of all tenders are available in the Town's Tender Register, which is available for inspection. Progressive payments are approved by the department responsible for the management of the contract. Payments are approved by staff with the relevant delegation and where the payment is above staff delegation of \$250,000, the payment is approved by the CEO. All approved payments are made by the Town's finance team, and periodically audited by the Town's procurement team.

10. *The architectural design that recently you put out in the paper. The maps of expenditure for the five hubs. I would like to know what your architectural design costs were for those five things?*

The Director Infrastructure Services provided the following response:

The tables below detail architectural design costs for each stage of the Masterplan for the JD Hardie, Port Hedland Sports & Community Hub and South Hedland Integrated Sports Hub.

JD Hardie:

Stage	To Date	Remaining	Total
Stage 1 - Roof & HVAC Replacement and Refurbishment	\$434,461.50	\$37,921.50	\$472,383.00
Stage 2 - Outdoor Courts & Shade Structures	\$189,000.00	\$58,750.00	\$247,750.00
Stage 3 - BMX Pump Track and Landscaping	\$ -	\$400,000.00	\$400,000.00
Stage 4 - Library	\$ -	\$400,000.00	\$400,000.00
Stage 5 - Child Care	\$ -	\$400,000.00	\$400,000.00
TOTAL	\$623,461.50	\$1,296,671.50	\$1,920,133.00

Port Hedland Sports & Community Hub:

Stage	To Date	Remaining	Total
Stage 1	\$294,442.00	\$304,796.00	\$599,238.00
Stage 2	\$ -	\$450,000.00	\$450,000.00
Stage 3	\$ -	\$400,000.00	\$400,000.00
Stage 4	\$ -	\$175,000.00	\$175,000.00
TOTAL	\$294,442.00	\$1,329,796.00	\$1,624,238.00

## South Hedland Integrated Sports Hub:

Stage	To Date	Remaining	Total
Stage 1	\$350,265.00	\$500,990.00	\$851,255.00
Stage 2	\$67,530.00	\$631,190.00	\$698,720.00
Stage 3	\$62,800.00	\$391,925.00	\$454,725.00
Stage 4	\$ -	\$300,000.00	\$300,000.00
TOTAL	\$480,595.00	\$1,824,105.00	\$2,304,700.00

11. *What is the future of Mia Mia? I have seen in the audit report that it is operated [inaudible] from the waste out there and also the sewerage. What do you propose to do with Mia Mia now?*

The Director Regulatory Services provided the following response:

The Town has received correspondence from the private sector indicating an intent to operate a camp from the Mia Mia site. The Town has responded, requesting further detail from the proponent in order to provide technical planning advice. The Port Hedland International Airport has recently completed construction of a high capacity waste water treatment plant which Mia Mia could connect to.

12. *I know it was addressed very briefly this morning, but what are you going to do with Stevens Street? I heard the report this morning that your not going to do anything with it for three and half years, is that correct? If it is correct, why are we not putting something in to State Government? Because the land would go back to the State Government. Surely that responsibility is theirs and not yours?*

The Director Regulatory Services provided the following response:

At its 28 April 2021 meeting, Council determined that it would not consider any reconstruction of seniors housing at the Stevens Street site, based on advice from the Department of Planning, Lands and Heritage. Future decisions in the Government's land use planning response to the issue of air quality will be informed by the Department of Water and Environmental Regulation's (DWER) review of the short-term objectives of its Port Hedland Dust Program, nominally expected during 2024.

The site could be used for another purpose, subject to a change in the Management Order issued to the Town, however no other purpose has been determined. The Town could request that the Management Order be rescinded, with the land being returned to the State. As the future development of the site has not been determined, there is no current intention to return the land to the State.

---

**Item 5 Confirmation of Minutes of Previous Meeting**

---

- 5.1 Confirmation of Minutes of the Annual General Meeting of Electors held on 29 April 2021.
- 

**RECOMMENDATION**

That the Minutes of the Annual General Meeting of Electors held on 29 April 2021 are a true and correct record.

*SIMPLE MAJORITY REQUIRED*

---

---

**Item 6 Annual Report**

---

**RECOMMENDATION**

That the Town of Port Hedland Annual General Meeting of Electors, pursuant to section 5.27 of the *Local Government Act 1995* and regulation 15 of the *Local Government (Administration) Regulations 1996*, receive and note the contents of the Town of Port Hedland Annual Report for the 2020/21 Financial Year, including the Mayor's report, the Chief Executive Officer's Report and the Audited Financial Report for the period ended 30 June 2021.

*SIMPLE MAJORITY REQUIRED*

---

---

**Item 7 General Business**

---

---

**Item 8 Closure**

---

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