Town of
Port Hedland

MINUTES

Ordinary Council Meeting

Wednesday, 24 June 2026

Date: Wednesday, 24 June 2026
Time: 5:30pm
Location: 13 McGregor Street, PORT HEDLAND WA 6721
Distribution Date: 30/07/2026

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

Signed: ____________ Date: 29/7/26

These minutes were confirmed at the Ordinary Council Meeting held on 24/6/2026

Signed: ____________ Date: 29/7/26

(Presiding Person at the meeting which minutes were confirmed)

Order of Business

1 Opening of Meeting

The Presiding Member declared the meeting open at 5:33 pm.

2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledged 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 and present.

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

Elected Members:
Mayor Jacinta Behrend
Deputy Mayor Troy Melville
Councillor Lorraine Butson
Councillor Frank Edwards
Councillor Zoe Little
Councillor Russell McDowall
Councillor Jemma Scott

Administration:
Dale Stewart (Chief Executive Officer)
Alison Banks (Director Community Services)
Steven Gatt (Director Regulatory Services)
Florian Goessmann (Acting Director Corporate Services)
Lee Furness (Director Infrastructure Services)
Nancy Kiliswa (Acting Manager Governance)
Maree Cutler-Naroba (Senior Governance Advisor)
Rhiannon Smith (Governance Support Officer)
Chloe Evans (Governance Services Trainee)

Other:
Andrew Hammond (Local Government Monitor)

Members of the Public:
Three

3.2 Attendance by Telephone / Instantaneous Communications

Deputy Mayor Melville
A Hammond (Local Government Monitor)

3.3 Apologies

Cr Baxter
Cr Todd

3.4 Approved Leave of Absence

Approved leave by Council on 27 May 2026 (CM20252627/170) for Deputy Mayor Melville for the period 22 June 2026 to 13 July 2026.

3.5 Disclosures of Interest

Name	Item No	Interest	Nature
Mayor Behrend	12.1.3	Financial	I am employed by Fortescue's in the role of flashback Yard Supervisor, and I hold shares in the company above the prescribed threshold.
Mayor Behrend	12.1.4	Impartiality	I am employed by Fortescue's in the role of flashback Yard Supervisor, and I hold shares in the company above the prescribed threshold but not have influence nor requires approval of my employer.
Mayor Behrend	12.4.1	Impartiality	I am employed by Fortescue's in the role of flashback Yard Supervisor, and I hold shares in the company above the prescribed threshold but not have influence in contribution for this item nor does the item require an approval involving my employer.
Deputy Mayor Melville	12.1.4	Impartiality	I'm employed by BHP in the role of team leader and whilst I hold shares in the company above the prescribed value. I note that my role has no influence in

			the contribution referenced in the report and nor does the report involve any matters requiring my approval involving my employer or nor do I perceive it will impact the share price of the company.
Deputy Mayor Melville	12.3.3	Financial	BHP as the proposed for the day care affiliate with this proposal. As there's shares above the threshold.
Deputy Mayor Melville	12.4.1	Impartiality	I'm employed by BHP in the role of team leader and whilst I hold shares in the company above the prescribed value. I note that my role has no influence in the contribution referenced in the report and nor does the report involve any matters requiring my approval involving my employer or nor do I perceive it will impact the share price of the company.
Director Infrastructure Service	12.3.1	Impartiality	Member of Care for Hedland through, the husband who has a family membership

4 Applications for Leave of Absence

Nil

8 Announcements by Presiding Member without Discussion

CM202627/189 PROCEDURAL MOTION

MOVED: Mayor Behrend **SECONDED: Deputy Mayor Melville**

That council amend the 24 June 2026 Ordinary Council Meeting Order of Business as set out in Council Policy 1/017 to deal with item 8 'Announcements by the Presiding Member without Discussion,' before item 5 'Response to Previous Questions'.

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Little, Cr McDowall and Cr Scott
Against: Nil

Welcome everyone. It's been a busy month in Hedland and about our community there are so many things happening.

Earlier last week myself and Councillor McDowall attended the Pilbara Country Zone, which brought Local Governments together to share insights and discuss key regional issues. We heard updates from across the sector and partner agencies, councils contributed to policy positions informing Walga's state advocacy and this is a great forum ensuring the voices of the Pilbara are represented at a state level.

I would also like to acknowledge the announcement of BHP's significant funding investment in Headland through the resource community investment initiative. Around $160 million is coming into Headland focusing on education, recreation, liveability, and long-term growth. 20 million is secured for the new aquatic facility.

This will support families helping to attract and retain residents. There was also a significant investment in the Hedland Senior High School for upgrades including design and technology facilities. This is an important step forward and we welcome the investment and the long-term benefits this will bring to our town.

Some council updates. I would like to welcome Councillor Jemma Scott, recently sworn in with her term through to October 2029.

I'd also like to welcome Steven Gatt, the new Director Regulatory Services, bringing strong experience and leadership to our directors.

With community recognition, the Town of Port Headland was recognised at the WALGA Awards, winning an inclusion award for most accessible communities WA recognition of the No Boundaries program supporting people with disability in our community. It's a proud moment for Hedland and I'd also like to acknowledge mineral resources support.

Community events in town have included Pride Week and the Care for Hedland Sustainable Living Show. Pride week was a real highlight with a series of inclusive events across Headland and the Pilbara. The Sunset Food Markets was well attended by our community, and the Town of Port Hedland was supported with principal partnership from BHP, Flags and Port Side.

There was also the Care for Hedland Sustainable Living Show held here at the Gratwick Hall. It focused on practical sustainable living in the Pilbara. The highlight of the day was a visit from Costa, I'll get this wrong, Georgie artist from

Gardening Australia who shared practical advice and engaged in the community throughout the event.

There was also ladies day over the weekend which brought so many people from our community together to celebrate and enjoy what Hedland has to offer. I will also do a little plug for Spin Effect spree which is coming up the 24th and 25th of July on the town oval. It's a family event with food, rides, entertainment, and something for everyone in our community. It's presented by the town of Port Headland with acknowledgements to BHP and Horizon Power sponsors.

Thank you everyone.

The Mayor’s meetings for the month of May 2026:

DATE	MEETING DETAIL	ATTENDANCE
07.05.2026	PHCCI | VIP Corporate Sponsor Night Event	Mayor Jacinta Behrend Town of Port Hedland – Alison Banks Town of Port Hedland – Lee Furness Chief Executive Officer Dale Stewart Various additional stakeholders
11.05.2026	PHCCI | State Budget Breakfast Event	Mayor Jacinta Behrend Deputy Mayor Troy Melville Chief Executive Officer Dale Stewart Town of Port Hedland – Chaz Roberts Town of Port Hedland – Lee Furness Town of Port Hedland – Alison Banks

		Town of Port Hedland – Thalia Kay
12.05.2026	Regional Development Australia Informal meeting	Mayor Jacinta Behrend Daiva Gilliam
12.05.2026	Audit, Risk and Improvement Committee (ARIC) Formal meeting	Alan Lamb Sonia McKeiver Mayor Jacinta Behrend Councillor Sharon Todd Councillor Russell McDowall Chief Executive Officer Dale Stewart LG Monitor – Andrew Hammond Town of Port Hedland – Florian Goessmann Town of Port Hedland – Renae Doyle Town of Port Hedland – Stephanie Sikaloski Town of Port Hedland – Rhiannon Smith
20.05.2026	LG Inspectorate – Monitor Formal meeting	LG Monitor - Andrew Hammond Mayor Jacinta Behrend CEO Dale Stewart
25.05.2026	The Hon. Neil Thomson MLC Informal meeting	Hon. Neil Thomson MLC Mayor Jacinta Behrend Chief Executive Officer Dale Stewart
26.05.2026	Pilbara Ports Authority Formal meeting	PPA, Chief Executive Officer Samuel McSkimming Mayor Jacinta Behrend Chief Executive Officer Dale Stewart

27.05.2026	Hedland Aboriginal Strong Leaders (HASL) Event – National Reconciliation Week Breakfast	HASL Elders and Community Members Mayor Jacinta Behrend Cr Sharon Todd Chief Executive Officer Dale Stewart
27.05.2026	Port Hedland Local Emergency Management Committee (LEMC) Formal meeting	ToPH - Mayor Jacinta Behrend ToPH – Deputy Mayor Troy Melville ToPH – CEO Dale Stewart ToPH – Chaz Roberts ToPH – Cameron Cornish ToPH – Michael Cuvalo ToPH – Renae Doyle BHP, Kayle Myers BHP, Darren Robinson BHP, Ferlyn Geiles BHP, Mozhgan Asadzadeh PPA, Behrouz Daeizadeh WaterCorp, Bruce Zenich DoC, Debra McMillan DFES, Kieran Mussen DoHW, Emma Anderson DoH, Sharyn Morrow DoH, Tammy Joseph FMG, Marie Clare Brown HIO, India Ferrier MRWA, Cassandra Neave PLS, Robert Cooney RFDS, Peter Ricketts WAPOL, Shelley McQueen

5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 27 May 2026

5.1.1	Councillor Butson

Question 1:
There are large potholes along the Wedgefield roads near MGM Bulk, I was wondering when they were going to be fixed?

The Director Infrastructure Services provided the following response:
The potholes have now been repaired.

Question 2:
Could a letter be sent to the Minister of Health?

The Acting Director Regulatory Services provided the following response:
A letter has been drafted for the Mayor to send to the Minister for Health.

Question 3:
Who is responsible for the brick walls along Throssell Road at South Hedland Square shopping centre?

The Acting Director Regulatory Services provided the following response:
An investigation into the ownership of the wall has commenced and correspondence will be sent to the property owner regarding the condition of the wall.

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 27 May 2026

5.2.1	Ash Christensen

Question 1:
Can the administration explain what resourcing, prioritisation framework, delivery capacity assessment and measurable service baselines have been established to support the workload of the Council Plan and Strategic Review of the Community Services Directorate? What existing work has been deferred, reduced or stopped to make these commitments realistically achievable?

The Director Community Services provided the following response:
This work was scoped through RFQ2526009 (Major Strategic Review), combining both the Council Plan and Community Services Strategy to ensure alignment and avoid duplication, noting many Council Plan outcomes sit within Community Services. The Community Services Strategy will be formed and informed by the Council Plan, ensuring alignment with Council’s endorsed strategic direction.
This approach was informed through discussions with the Town’s Executive Leadership Team and workshops with the previous Council and Commissioners.

Resourcing and Delivery
- Ninety Mile Consulting has been engaged to undertake the majority of the work, including engagement, analysis and drafting, with internal oversight at key stages to ensure alignment with local priorities;
- Corporate Services is leading the project; and
- Community input is limited to a support role (Director and Manager Youth and Community Development).

Prioritisation and Capacity
Priorities are guided by Council Plan objectives, community engagement outcomes, and existing business planning processes. Delivery capacity was assessed upfront, with the project intentionally structured to rely on external expertise and limited internal inputs, supported by internal oversight and ongoing monitoring to ensure operational workloads remain sustainable.

Service Baselines
Baseline data is being drawn from existing service performance, historical data, and community engagement findings to inform measurable outcomes.

Governance and Oversight
The consultants have provided briefings to the new Council, a number of briefings with the Executive Leadership Team, and the project is supported through regular internal governance meetings to ensure ongoing oversight, alignment, and progress against agreed timelines.

Impact on Services
No existing services have been deferred, reduced or stopped as a result of this work, with the project designed to integrate with existing workflows and maintain service continuity.

5.2.1	Renae Coles

Question 1:
Can the Town provide the full laboratory testing results and formal waste classifications for all materials removed from the former waste treatment pond in accordance with the Environmental Protection Authority of Western Australia guidelines.

The Director Infrastructure Services provided the following response:
The sludge is classified as septage wastes (Waste code K210) – Liquid and solid components from pump-out of septic tanks. The sludge was dewatered in the existing pond before it was removed and deposited in a designated cell within the Landfill in compliance to the Department of Environment and Water Regulation Works Approval W6837/2023/1.

Results from the quarterly monitoring of ambient ground water as required in the licence indicate no suspected environmental impact from the management of sludge on site. A letter has been sent to Ms Coles with a copy of the works approval and the last year of ambient groundwater monitoring test results. If Ms Coles has any further information which may of use to the Town about the quality of the sludge the Town would welcome a discussion.

6 Public Time

Important note:
In accordance with section 6.7(3) of the Town of Port Hedland Standing Orders Local Law 2014, members of the public are required to complete a question form and place the completed form in the tray provided.
If the Presiding Member determines that questions and statements are out of order due to the use of an offensive or objectionable expression or are defamatory, they will not be recorded or responded to.

6.1 Public Question Time

The Presiding Member declared Public Question Time open at 5:44pm.

6.1.1	Ash Christensen

Question 1:
Where the Council is provided with the total maintenance and repair expenditure incurred at Shack and Gak over the last few financial years, identifying how much of that was preventative versus reactive maintenance and whether approval of this contract will increase, decrease or simply replace the existing expenditure.

The Director Infrastructure Services provided the following response:
That replaces the existing contract.

Question 2
Can anyone clarify whether the town has existing asset management plans and prescribed maintenance schedules for the aquatic facilities or whether the successful contractor will be responsible for determining maintenance frequencies, servicing requirements and asset condition recommendations under this contract.

The Director Infrastructure Services provided the following response:
The Town does have a maintenance schedule for the pool. That was developed after well it was revived after the last lot of major work that we had done on shack. We've also made improvements to chlorine gas monitoring there and heating, those things are in place.

The Presiding Member declared Public Question Time closed at 5:46 pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:46pm.
Nil

The Presiding Member declared Public Statement Time closed at 5:47pm

6.3 Petitions / Deputations / Presentations / Submissions

Council received a deputation from Ironbridge Operation Pty Ltd for consideration.

The Mayor reminded the Elected Members of her Financial Interest declared for item 6.3 and request the Deputy Mayor to be Presiding Member for this item.

6.3.1	Fortescue Ironbridge Operation Pty Ltd

Mayor, Councillors and officer officers, thank you for the opportunity to address council today. My name is Sheree Jones, and I am the Commercial Manager representing Fortescue Ironbridge Operations in relation to agenda item 12.1.3.

Regarding Fortescue's request for remission of interest charges. Firstly, I wish to reassure that Ironbridge is not disputing its obligation to pay rates.

We understand the importance of rate revenue to the Town, and we acknowledge that all due and payable principal amounts have been paid. Our request today relates only to the interest charges and the circumstances that lead to those charges a crewing. The officer reports refer to section 6.81 of the *Local Government Act* and notes that the rates remain payable even when an objection has been lodged. We accept that. However, respectfully, this matter is not as stated in the agenda item.

We did not hold off paying uh assessment a A807318 while further information was received on assessment A7266. It was actually an ongoing inquiry to identify what land the charges were being assessed for and to confirm that the charges were not duplicate for the same area previously paid. In our view, there were two separate matters of inquiry that together created genuine confusion. The first matter related to the iron bridge concentration and handling facility assessment 807308 and the second related to the concentration diversion pond assessment 807318.

The first matter regarding concentration handling facility lease area is the subject of duplicate assessments over the FY2425 and FY2025/2026 financial years.

The Town issued three different assessments with a total value of 3.249 million which paid in full via its entities the Pilbara infrastructure and Ironbridge operations or IBJV.

Assessment 807307 relates to lot 61. It's not in the agenda but does encompass assessment 807266 lot 6 and A7308 CHF. Despite raising questions about these assessments potentially being duplicates, both board entities paid the assessments issued to them in full and within the required payment period. In other words, where we understood what the assessment lease area was for and could identify the ability, we paid it.

That is entirely consistent with the intent of section 6.81 as we worked through the issues with the Town PPA and Landgate. On the 15th of April 2026, the Town formally confirmed that Landgate had identified an error whereby two valuation bend numbers records have been created for the same Port Authority lease area. As a result of the duplicate assessments were issued for the same land. From our perspective, this confirmed our inquiry and concerns regarding duplicate charging were all well found.

The Town subsequently refunded $1,024,000 relating to assessment 807226 lot 6 for the duplication with an assessment 807307 lot 61. The refund was to the Pilbara infrastructure and was received on the 4th of June of this month. I'd like it noted that the Town also had the benefit of leveraging this money for the five and 19 months respectively in which we had paid both.

The second matter involves assessment 807318. This is the assessment that has incurred interest of 52,000 and which we are requesting that the council consider for it to be written off. The assessment ultimately relates to a separate lease area for the concentrate diversion pond.

However, the information available to her at the time of assessments suggested otherwise. On the 15th of September 25, the Town's rates officer provided an assessment schedule via email that stated the concentration diversion pond was not currently rated. In the same schedule, the assessment 807318 is stated to be related to the concentrated handling facility and had a land size of 28,290 square meters. We had already paid that twice under subject of matter one. for us this was the third time that we would be paying this. The values of those difference in the rates was also substantial. We didn't believe it actually related to CHF and we continue to raise questions.

From September 25 to March 26, the Fortescue team member sent multiple emails to the town PPA and Landgate along with requests of in person meetings trying to resolve issues. Our records show over 51 email correspondents contained to both issues between relevant parties.

A breakthrough occurred on the 6th of March 26 when we met virtually with the town finance manager and rates officer. Following that meeting, the rates officer undertook a detailed review over her weekend. And on the 9th of March, the town advised in writing that the assessment 807318 was actually related to the concentrate diversion pond, not the concentrate handling facility, and confirmed that the original assessment had been issued with the incorrect land area. The town's rates officer acknowledged that this error likely contributed to the confusion. The incorrect land area uh was then updated to correct land area of 95,858 square meters.

Finally, on the 31st of March 26, Landgate also confirmed that the valuation records related to the concentrate diversion pond and on that confirmation, we punctually paid the rate on the 16th of April. From our perspective, there were two matters combined to create genuine confusion and the subsequent concerns that we were already being asked to pay for land that had been assessed and paid for twice already. This would have been the third time. Throughout that period, we did not ignore the matter. We worked with the town. We worked with Pilbara Ports. We worked with Landgate. We attended meetings. We provided payment records. We participated in reconciliation exercises.

We continued seeking clarification until the position could be properly understood. That is why we respectfully submit that this matter is different. The main assessment, the subject of matter two that remains unpaid was that the assessment could not reconcile with what the land was actually being assessed. The question before council today is not whether rates were payable.

The question is whether it's fair to impose approximately $52,000 in interest where the delay arose from acknowledged errors, duplication value valuation records, and the need for clarification from multiple parties before the liability could be properly understood.

We appreciate the assistance provided by the town officers in ultimate resolving these issues and we recognise council's responsibility to act consistently and fairly. However, we respectfully submit that the circumstances are unusual and should be considered in their own facts.

Thank you for your time and consideration.

The Mayor returned to the Council Chambers at 5:56 pm.

7 Questions from Members without Notice

7.1.1	Cr Butson

Question 1:
Comes from a member of the public who would like some clarification. Would like some clarification about why non for profit groups are now no longer eligible for discounted rate when hiring town venues. Bookings have stated that discounts are for are non for profit groups was removed in the 25/26 budget. Thank you.

The Director Community Services provided the following response:
I will need to probably come back to you. I probably need a little bit more information, but we haven't stopped any clubs from actually coming forward for a fee waiver.

Question 2:
On the attendance tonight does the attendance still state if the Councillors Baxter and Todd should be apologies or those two to be taken off the attendance and put into apologies.

The Acting Manager Governance provided the following response:
The apologies for Cr Baxter and Cr Todd were received after the Public Agenda was published; therefore, they were initially recorded under Attendance. Following the Ordinary Council Meeting, their names have been updated and now correctly appear under apologies in the minutes.

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

The Elected Members confirmed by show of hands.

Mayor Behrend
Deputy Mayor Melville
Cr Butson
Cr Edwards
Cr Little
Cr McDowall
Cr Scott

10 Confirmation of Minutes of Previous Meeting

CM202627/190 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr McDowall **SECONDED: Cr Butson**

That Council confirms that the Minutes of the Ordinary Council Meeting held on 27 May 2026 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

11 Reports of Committees

11.1 Audit, Risk and Improvement Committee

11.1.1	Town Debtors

Author: **Manager Financial Services**

Authorising Officer: **Acting 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.

CM202627/191 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr McDowall **SECONDED: Cr Edwards**

That Council with respect to the report on Town Debtors write-off $16,609.43 in Miscellaneous debts.

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall

Against: Nil

PURPOSE

The purpose of this report is to receive the report on Town debt and review the Audit, Risk and Improvement Committee's (the ARIC) recommendation that Council write off $16,609.43 in Miscellaneous debts.

DETAIL

The Town's Miscellaneous Debt Collection Procedure is consistent with Policy 2/005 Financial Hardship

Included as Attachment 1 are the Town's aged Miscellaneous debts. Noting the total is net of credits, a summary is as follows:

As at Date	Current	30+ days	60+ days	90+ Days	TOTAL
31 May 2026	$2,615,399	$261,350	$464,550	$76,938	$3,418,237

The provision for miscellaneous doubtful debts as at 30 June 2025 is $122,590.

Debtor Number 4045 has a 90-day outstanding account for Landfill tipping charges accrued between November 2024 and February 2025. It has been advised that the Debtor has gone into liquidation and as an unsecured creditor, the Town is unlikely to receive a dividend, it is the officers and ARIC's recommendation that the Council approve the write-off of $8,156.26 in debt.

Debtor Number 4061 also has a 90-day outstanding account for Landfill tipping charges accrued between June and July 2024. It has been advised that the Debtor has gone into administration on 7 April 2025 and as an unsecured creditor, the Town is unlikely to receive payment, it is the officers and ARIC's recommendation that the Council approve the write-off of $8,453.17 in debt.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance as it relates to the write-off of specific unrecoverable miscellaneous debts and does not trigger the policy thresholds or criteria for a significant decision.

CONSULTATION

Internal

- Acting Director Corporate Services
- Accounts Officer

External

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following considerations apply:

- Section 6.12(c) *of the Local Government Act 1995* provides for the writing off any amount of money which is owed to the Local Government.
- Council Policy 2/005 Financial Hardship Policy.

FINANCE AND RESOURCE IMPLICATIONS

Adhering to debt recovery procedures within the Financial Hardship polices ensures that debtors are provided opportunities to settle their debts, and a provision for miscellaneous doubtful debts is maintained by the Town for debt that are unrecoverable.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan 2025-2035 are applicable in consideration of this item:

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources
4.2 Transparent and accountable governance and financial sustainability.

Environmental

There are no significant identifiable environmental implications related to this item.

Economic

There are no significant identifiable economic implications related to this item.

Social
There are no significant identifiable social implications related to this item.

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

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Non-recovery of debts
Effect	Increased spending in legal and collection costs
Risk Treatment	Adhering to debt recovery procedures to ensure timelines are met and the debtor is provided opportunities to settle their debt(s).
There is an Operational, risk associated with this item caused by non-recovery of debts leading to increased spending on legal and collection costs. The risk rating is considered to be High (15) which is determined by a likelihood of Almost certain (5) and a consequence of Moderate (3). This risk will be treated by adhering to debt recovery procedures to ensure timelines are met and the debtor is provided opportunity to settle their debt and maintaining an appropriate amount for provision of doubtful debts.	

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

CONCLUSION
This report seeks Council approval to write off $16,609.43 in unrecoverable miscellaneous debtor balances relating to two accounts where recovery is unlikely due to the debtors entering liquidation or administration. The proposed write-off is consistent with the Town's debt recovery procedures, the provision for doubtful debts, and the recommendation of the Audit, Risk and Improvement Committee.

ATTACHMENTS
1. Town Debtors - Misc debt as at 31 May 2026 [**11.1.1.1** - 1 page]

12 Reports of Officers

12.1 Corporate Services

12.1.1	Statement of Financial Activity - May 2026

Author:	**Senior Financial Accountant**
Authorising Officer:	**Acting 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.

CM202627/192 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr McDowall **SECONDED: Cr Edwards**

That Council with respect to the Statement of Financial Activity:

1. **Receives the Monthly Financial Report as shown in Attachment 1;**
2. **Receives the Accounts Paid under delegated authority for the period ending 31 May 2026, as shown in Attachment 2;**
3. **Receives the Purchasing Card Statements for the period ending 31 May 2026, as shown in Attachment 3;**
4. **Receives the Investment Summary Report for the period ending 31 May 2026, as shown in Attachment 4;**
5. **Receives the YTD Budget v Actual Report by Directorate for the period ending 31 May 2026, as shown in Attachment 5; and**
6. **Receives the Capital Listing report for the period ending 31 May 2026, as shown in Attachment 6.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 May 2026.

DETAIL

Regulation 3(1) of the *Local Government (Financial Management) Regulations 1996,* requires the Town to prepare a monthly statement of financial activity including the sources and application of funds, as compared to budget.

As part of the 2025-2026 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.

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

CONSULTATION
Internal
- Executive Leadership Team
- Business area managers

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 way a Local Government is to prepare its statement of financial activity.
The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

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

FINANCIAL AND RESOURCE IMPLICATIONS
All expenditure has been approved via adoption of the 2025/2026 Annual Budget or resulting from a Council resolution.

Council is requested to review the May 2026 Monthly Financial Report, noting that Council is advised of the following matters:

The net current funding position for the period ending 31 May 2026 is $49.3M due to timing of transferring funds to reserves at the end of the financial year.

Council's current 2025/2026 Capital Expenditure budget is $83.7 million with $24.6 million spent on its capital program to the end of May 2026, $6.4 million (19.73%) less than the YTD Budget.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* applies in consideration of this item:

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.2 Transparent and accountable governance and financial sustainability

Environmental

There are no significant identifiable environmental implications related to this item.

Economic

There are no significant identifiable economic implications related to this item.

Social

There are no significant identifiable social implications related 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:

There are no known access and inclusion implications.

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 2025/2026 financial year.
Effect (Consequence)	Could impact 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 Council is obliged to receive monthly financial reports as per statutory requirements. Details relating to the variances and the commentary provided are to be noted as part of the report.

ATTACHMENTS

1. The Monthly Financial Report for the period ending 31 May 2026 [**12.1.1.1** - 8 pages]
2. The Accounts Paid under delegated authority for the period ending 31 May 2026 [**12.1.1.2** - 68 pages]
3. The Purchasing Card Statements for the period ending 31 May 2026 [**12.1.1.3** - 13 pages]
4. The Investment Summary Report for the period ending 31 May 2026 [**12.1.1.4** - 10 pages]
5. The YTD Budget v Actual Report by Directorate for the period ending 31 May 2026 [**12.1.1.5** - 1 page]
6. The Capital Listing report for the period ending 31 May 2026 [**12.1.1.6** - 6 pages]

12.1.2	Rate Exemption - 7 Australind Ave South Hedland & Lot 14 Manilinha Dr Boodaire

Author: **Manager Financial Services**

Authorising Officer: **Acting 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.

CM202627/193 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr Little **SECONDED: Cr McDowall**

That Council with respect to the Rates Exemption approves the Australian Executor Trustees for Eastern Guruma Charitable Trust No 2 application for a rates exemption for 7 Australind Avenue South Hedland and Lot 14 Manilinha Drive Boodarie, from 1 July 2025, in accordance with section 6.26(2)(g) of the ***Local Government Act 1995***

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE

The purpose of this report is for Council to consider an application for rates exemption from the Australian Executor Trustee for Eastern Guruma Charitable Trust No 2 for an exemption from rates under section 6.26(2)(g) of the *Local Government Act 1995* for 7 Australind Avenue South Hedland and Lot 14 Manilinha Drive Boodarie.

Section 6.26 of the Act defines non-rateable land uses and includes Crown land, schools, places of worship and charitable purposes. As per the Town's 2/004 Rating Policy, requests under section 6.26 should be submitted to Council for consideration.

Australian Executor Trustee for Eastern Guruma Charitable Trust No 2 is registered with the Australian Charities and Non-for-profits Commission and is a tax exemption entity registered with the Australian Taxation Office.

DETAIL

Australian Executor Trustee for Eastern Guruma Charitable Trust No 2 is a native title trust established by trust deed with specific charitable objects. Its purposes include supporting Indigenous communities through health, education, poverty relief, transport, communication and the promotion of Indigenous culture.

This application can be considered under section 6.26(2)(g) of the Act, which states "land used exclusively for charitable purposes" is not rateable. The words 'charitable purpose' are not defined in the Act.

The following criteria can be applied to clarify what is meant by the term 'charitable purpose'. The purpose should fall within the list of purposes detailed under section

12(1) of the Charities Act 2013 or within one of the following four categories of charitable purpose as set out under Pemsel's rule:

- Relief of poverty;
- Advancement of education;
- Advancement of religion; or
- Other purposes beneficial to the community not falling under any of the preceding categories.

The objects and purposes of Australian Executor Trustee for Eastern Guruma Charitable Trust No 2 has self-nominated Poverty Relief as their charitable purposes.

The properties will be used for indigenous poverty relief and transitional housing. On this basis, it is recommended that Council approves the exemptions to apply from 1 July 2025.

In order for the exemptions to continue to apply, the properties must continue to be used for a charitable purpose. It is the owner's responsibility to notify the Town if this purpose ends. If this occurs, the exemption will no longer apply.

In addition, the Town reviews properties that are subject to an exemption on an annual basis.

LEVEL OF SIGNIFICANCE
In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance.

CONSULTATION
Internal

- Town Planning & Economic Development Team
- Acting Director Corporate Services

External
Nil

Community

- Australian Executor Trustee for Eastern Guruma Charitable Trust No 2

LEGISLATION AND POLICY CONSIDERATIONS
The following considerations apply:

- Section 6.26(2)(g) of the *Local Government Act 1995* states that land is not ratable if it is used exclusively for charitable purposes.
- 2/004 Rating Policy states that an exemption will be assessed according to Section 6.26 of the *Local Government Act 1995*, written applications are required to be lodged annually to confirm exemption status.

An annual compliance reminder from the Town compliance management software alerts responsible Officers to review previously approved rate exempt properties to determine if the basis of exemption remains unchanged and advise owners accordingly.

FINANCIAL AND RESOURCE IMPLICATIONS

The loss of rates revenue on 7 Australind Avenue South Hedland, effective from 1 July 2025 would be $2,171.52 per annum.

The loss of rates revenue on Lot 14 Manilinha Drive Boordarie, effective from 1 July 2025 would be $1,945.32 per annum.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in consideration of this item:

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.2 Transparent and accountable governance and financial sustainability

Environmental
There are no significant identifiable environmental implications related to this item.

Economic
There are no significant identifiable economic implications related to this item.

Social
There are no significant identifiable social implications related 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:

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Not adopting this rates exemption
Effect (Consequence)	Reputation damage from not following our policy
Risk Treatment	Approve this exemption
There is an Operational risk associated with this item caused by non-approval of this exemption leading to a reputational risk. The risk rating is considered to be Low (1) which is determined by a likelihood of Rare (1) and a consequence of Insignificant (1). This risk will be accepted by the approving this exemption.	

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 the rates exemption applications be approved for Australian Executor Trustee for Eastern Guruma Charitable Trust No 2 as the use of these properties is for charitable purposes and complies with section 6.26(2)(g) of the Act and a system is in place to ensure annual reviews.

ATTACHMENTS

1. Rates Exemption App 7 Australind Way South Hedland - TOPH - completed form 1 [**12.1.2.1** - 3 pages]
2. Rates Exemption App 14 Manilinha Dr Boodarie - TOPH - completed form - 1 [**12.1.2.2** - 3 pages]

12.1.3	Rates Interest Write-off request

Author:	**Manager Financial Services**
Authorising Officer:	**Acting 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**.**

Mayor Behrend declared a financial interest for this item and left the Council Chambers at 6:04pm.

Deputy Mayor Melville assumed the Chair and presided for this item.

CM202627/194 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr Butson**

That Council with respect to write off interest charges reject the appeal from the owners of Assessment Number A807318.

CARRIED BY SIMPLE MAJORITY (6/0)

For: Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

Mayor Behrend returned to the Council Chambers at 6.08pm and resumed the Chair.

PURPOSE

- The purpose of this report is for Council to consider a Write-off of interest charges request on outstanding rates.

DETAIL

The owners of IB Operations, delayed payment for A807318 while further information was sought on another of the owner’s leases, namely The Pilbara Infrastructure Pty Ltd A807266.
Interest accrued on IB Operations rates notices for 2024/2025 and 2025/2026 Rates notices that remained unpaid until 16 April 2026.

The owners have requested that Council approve a write-off of interest raised to date which is $51,961.68.

The owners were advised that according to Section 6.81 of the *Local Government Act 1995*, rate assessments are required to be paid by the due date, irrespective of whether an objection or appeal has been lodged. In the event of a successful objection or appeal the rates will be adjusted accordingly.

The process commenced in February 2025 when the owners of A807266 lodged an informal objection with the Town after the issuing of interim rates on 22 October 2024. After a review of this objection the Town reached out to the Pilbara Port Authority (PPA) seeking leasing clarification.

In May 2025 the Town provided an extract from Landgate valuation roll for 2024/25 to the owners notifying them of an apparent duplication of The Pilbara Infrastructure Pty Ltd property A807266 with the Iron Bridge Joint Venture property A807308.

The owners were informed that the Town could not amend this without direction from Landgate (who act under the direction of Pilbara Port Authority in instances relating to Port leasing) and that the owners needed to object to the valuation directly with Landgate.

Between May and October 2025, the owners requested, and were given, copies of invoices multiple times as well as received instructions to contact Landgate for any objections and were reminded of their obligation to pay while an objection is lodged. Rates Notices were due for payment on 12 November 2025.

The owners represent the following property assessments:

Entity	Assessment# / Property ID	25/26 Rates due	Date Rates paid	Interest charged
The Pilbara Infrastructure Pty Ltd	A807266	$542,400.00	27/11/25	-
Iron Bridge Joint Venture (IBJV)	A807308	$365,280.00	23/10/25	-
IB Operations	A807318	$662,028.00	16/04/26	24,476.37
IB Operations (24/25 Rates)	A807318	$599,649.59	16/04/26	27,485.31

Penalty interest was charged for non-payment of IB Operations rates. The penalty interest was paused in December 2025 in good faith that payment was imminent. Payment was received on 16 April 2026.

In April 2026, Landgate agreed that The Pilbara Infrastructure Pty Ltd A807266 was a duplicate of Iron Bridge Joint Venture property A807308 and the lease was cancelled and rates levied for 2024/25 and 2025/26 refunded.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance due to the financial and precedent implications of the requested $51,961.68 interest write-off.

CONSULTATION

Internal

- Acting Director Corporate Services

External

- The owners of The Pilbara Infrastructure Pty, Iron Bridge Joint Venture and IB Operations.

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following considerations apply:

- Pursuant to Section 6.81 of the *Local Government Act 1995*, rate assessments are required to be paid by the due date, irrespective of whether an objection or appeal has been lodged. In the event of a successful objection or appeal the rates will be adjusted accordingly.
- Pursuant to Section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, prescribes the maximum rate of interest of 11.0% that can be imposed on rates and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.
- The Town's Fees and Charges adopted effective 1 July 2025 prescribe to charge an interest rate of 7.0%.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2025/2026 rates revenue will be reduced by $1,023,793, due to the duplication of one of these leases.
The average term deposit rate is currently 4.45%.
The interest charged at 7% of $51,961.68 remains outstanding.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in consideration of this item:

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.2 Transparent and accountable governance and financial sustainability

Environmental

There are no significant identifiable environmental implications related to this item.

Economic

There are no significant identifiable economic implications related to this item.

Social

There are no significant identifiable social implications related 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:

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Section 6.81 of the *Local Government Act* states that making an objection does not affect the liability to pay.
Effect (Consequence)	May set a precedence that the Council will write off interest charged.
Risk Treatment	Refer to Act and decline to write off interest
There is an Operational risk associated with this item caused by overriding the Act, leading to a write-off of interest revenue. The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2). This risk will be avoided by the declining to write off interest revenue.	

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

CONCLUSION
The identification of a cancelled lease has led to delaying payment of rates by 2 years on another property by the same owner, in accordance with to Section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, the Town has applied an interest rate of 7.0% for rates and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

The Town has worked with the owners and advised them of their objection pathways and reminded them of Section 6.81 obligation within the *Local Government Act 1995*, that rate assessments are required to be paid by the due date, irrespective of whether an objection or appeal has been lodged.

Waiting an objection outcome is not a valid reason for delaying payment on another property and requesting a write-off of interest charged to that property.

ATTACHMENTS
Nil

The Mayor Behrend returned to the Council Chambers at 6:08pm and resumed the Chair.

12.1.4	Differential Rating - Submissions

Deputy Mayor Melville assumed the Chair and presided for this item at 6:09pm

Author:	**Manager Financial Services**
Authorising Officer:	**Acting 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.

The Mayor advise that Item 12.1.4, Differential Rating - Submissions, relates to the proposed adoption of rates and differential rates.

While both the Deputy Mayor and Mayor have previously disclosed financial interests in matters relating to our respective employers, Fortescue and BHP, they have received advice that a disclosure of financial interest is not required in respect of this item.

This is because the item concerns the adoption and imposition of rates and differential rates by the Local Government and is therefore captured by the exemptions contained within section 5.63(1) of the *Local Government Act 1995*.

In particular, section 5.63(1) provides that the disclosure provisions in sections 5.65, 5.70 and 5.71 do not apply where a person has:

- An interest common to a significant number of electors or ratepayers; or
- An interest in the imposition of any rate, charge or fee by the Local Government.

Neither the Deputy Mayor nor Mayor are required to disclose a Financial Interest or leave the meeting for consideration of Item 12.1.4, and we will participate in discussion and voting on the matter.

CM202627/195 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr Butson**

That Council with respect to submissions received on the Town's proposed Differential Rating:

1. **Consider and decline each submission received; and**
2. **Pursuant to section 6.33(3) of the Local Government Act 1995, lodge an application to the Minister for approval to impose a differential general rate that is four times the lowest differential Rate being imposed.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE
The purpose of this report is for Council to consider the three submissions received on the Town's intention to impose differential rates and to reject their request to lower the rate in the dollar for Mass Accommodation rating category.

DETAIL
The Town levies rates each year to meet budget requirements to deliver services and community infrastructure. Rates are applied in a manner that is deemed to be fair and equitable for the Town's ratepayers.

In 2025/2026 the Town received approval from the Minister to impose a Rate in the Dollar that was three (3) times the lowest Gross Rental Value (GRV) rate for Mass Accommodation.

The proposed 2026-27 rating of neighbouring councils for Mass Accommodation has been compared as follows:

Council	Proposed Mass Accommodation RID	Proposed RID x lowest GRV
Shire of Ashburton	$0.199460	2.9
Shire of East Pilbara	$0.223200	3.1
City of Karratha	$0.232106	4.0
Town of Port Hedland	$0.174000	4.0

It is noted that the Town's Mass Accommodation Rate in the dollar is proposed to be the lowest in the region.

The reason it is proposed to request a rate that is four (4) times the rate of the lowest GRV is that Council has proposed to keep residential rates (the lowest GRV) at a 0% increase on prior year rates.

Pursuant to Council decision CM202627/158 at 29 April 2026 OCM, the Proposed Rates were endorsed for advertising and invited submissions on its intention to impose general rates and minimum payments. The submission period was open for at least 22 days from advertising.

The Town received three (3) written submissions; one (1) submission was received from the Chamber of Minerals and Energy of WA (CME) by the submission closing date and time. Two (2) submissions were received after closing date and/or time. All submissions oppose the proposed 26/27 Rate in the Dollar for Mass Accommodation.

LEVEL OF SIGNIFICANCE
In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance. The matter does not trigger the policy's significance thresholds and statutory advertising has provided affected ratepayers with an opportunity to make submissions for Council's consideration.

CONSULTATION

Internal

- Town Planning & Economic Development Team
- Executive Leadership Team

External

Nil

Community

- Port Hedland International Airport
- 21 letters sent to Pastoral / Other rate payers
- 16 letters sent to Mass Accommodation rate payers
- Submissions sought from ratepayers via local public notices.

LEGISLATION AND POLICY CONSIDERATIONS

The following considerations apply:

- Policy 2/004 Rating
- Town of Port Hedland Rating Strategy 2025-2030
- Section 6.33 of the *Local Government Act 1995* (the Act) provides Local Governments with the option of implementing differential rates. It is proposed that the Town's rating will continue to be based upon differing land use.
- Section 6.33(3) notes when imposing a differential rates, a *Local Government* is not to, without the approval of the Minister, to impose a differential general rate which is more than twice the lowest differential general rates imposed.
- Section 6.36 of the Act requires local public notice of the intention to levy differential rating.
- Section 6.36 of the Act, Local Governments are required to give a minimum period of 21 days' notice of the proposed differential general rates and minimum rate to consider any submissions received.

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed rate of $0.174000 cents in the dollar for Mass Accommodation is proposed to raise $2,760,813 in rate revenue.

If the Town reduce the Rate in the dollar to the highest permissible rate in the dollar without ministerial approval, a Rate in the Dollar of $0.087000 of would raise $1,380,406, a reduction in revenue of $1.3 million, furthermore Mass Accommodation providers would receive a 33% reduction in Rates or a $829.57 per week decrease compared to prior year.

Without further efficiencies (reducing services offered by the Town) this would result in a budget deficient of circa $1million.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in consideration of this item:

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.2 Transparent and accountable governance and financial sustainability

Environmental
There are no significant identifiable environmental implications related to this item.

Economic
There are no significant identifiable economic implications related to this item.
Social
There are no significant identifiable social implications related 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:
There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Revenue required to support operations and fund new and renewal capital works.
Effect (Consequence)	Financial Sustainability
Risk Treatment	Review annually
There is an Operational risk associated with this item caused by the need to apply to the minister for approval, which could lead to Financial loss if not approved. The risk rating is considered to be High (12) which is determined by a likelihood of Possible (3) and a consequence of Major (4). This risk will be accepted by reviewing the Budget requirement annually and seeking Minister approval where appropriate.	

OPTIONS
Option 1 – Adopt officer's recommendation
Option 2 – Amend officer's recommendation and seek minister approval for another rate that is more than twice the lowest GRV.
Option 3 – Do not adopt officer's recommendation and not seek ministerial approval for a Mass Accommodation and charge the highest permissible rate in the dollar of $0.087000.

CONCLUSION

The Town requires Ministerial approval to charge a differential rate that is more than twice the lowest GRV rate in the dollar. The application to the Minister requires that Council give full consideration to each submission received.

ATTACHMENTS

1. CME Submission [**12.1.4.1** - 3 pages]
2. Prendiville Group Submission [**12.1.4.2** - 2 pages]
3. RAM Submission [**12.1.4.3** - 4 pages]

12.2 Community Services

12.2.1	RFT2526-16 Aquatic Servicing and Maintenance

Author:	**Manager Recreation & Leisure Facilities**
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.

CM202627/196 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr Edwards **SECONDED: Cr McDowall**

That Council in respect to the Aquatic Servicing and Maintenance Contract:

1. **Awards Contract RFT2526-16 Aquatic Servicing and Maintenance to Trility Solutions Pty Ltd for an initial contract value of $151,810.42 (ex GST) over the first two (2) years;**
2. **Approves three (3) one-year extension options, exercisable at the discretion of the Town and subject to contractor performance and budget availability, with a total estimated contract value of $411,596.89 (ex GST) over five (5) years; and**
3. **Authorises the Chief Executive Officer to execute the contract and any associated documentation.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE

To seek the Council's approval to award the Contract RFT2526-16 Aquatic Servicing and Maintenance, including the initial contract term, extension options, and authorises the Chief Executive Officer to execute the contract.

DETAIL

The Town of Port Hedland operates two key aquatic facilities, South Hedland Aquatic Centre (SHAC) and Gratwick Aquatic and Fitness Centre (GAC), which are critical community assets supporting recreation, health, wellbeing, and water safety.

To ensure the ongoing safe and efficient operation of these facilities, a structured servicing and maintenance program is required for aquatic plant and equipment, including filtration systems, chemical dosing systems, and associated infrastructure.

The Town released "Request for Tender" (RFT2526-16) via VendorPanel, (an online procurement platform used by local governments to manage and advertise tenders), on 28 January 2026, with submissions closing on 4 March 2026.

The scope of works includes preventative maintenance (monthly, six-monthly, and annual servicing), reactive maintenance, condition reporting, and compliance with the Department of Health requirements.

Three submissions were received and evaluated in accordance with the Town's procurement framework. Submissions were assessed against criteria including relevant experience, capacity to deliver, reliability and response capability, and value for money.

Following evaluation, Trility Solutions Pty Ltd ranked first overall against the weighted criteria, achieving the highest scores for methodology, regional capability, and value for money. The submission also reflected a well-developed risk management approach, supporting compliance, minimising downtime, and ensuring continuity of operations across the Town's aquatic facilities.

The proposed contract includes:

- An initial term of two (2) years;
- Options to extend for three (3) additional one (1) year periods; and
- A structured preventative maintenance program.

The total potential contract value over the full five (5) year term is $411,596.89 (ex GST), subject to extension options being exercised.

Extension options are subject to satisfactory contractor performance and ongoing service requirements. The contract will improve asset performance, reduce the risk of plant failure and unplanned shutdowns, and ensure compliance with health and safety regulations.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Input from facility management and operational staff informed the assessment process, providing practical insights into service delivery requirements, responsiveness expectations, and the day-to-day realities of maintaining aquatic infrastructure in a regional context. Consideration was also given to any available historical contractor performance insights, where relevant, to ensure the selected provider can consistently meet operational standards, compliance requirements, and service expectations.

Internal

- Procurement Team
- Director Community Services
- Director Infrastructure Services
- Manager Recreation & Leisure Facilities
- Aquatics Supervisor

External

No external parties were required to be consulted on this tender report.

Community
No community members were required to be consulted on this tender report.

LEGISLATION AND POLICY CONSIDERATIONS
In accordance with Section 5.23(4) of the *Local Government Act 1995*, commercially sensitive information relating to tender pricing and respondents has been treated as confidential. The report is suitable for public release, with sensitive information de-identified (noted as "XX") where required. Detailed tender information is contained within confidential attachments to protect the commercial interests of respondents.

The following legislation and policies have been considered in relation to this item:
- Regulation 11 of the *Local Government (Functions and General) Regulations 1996*, requiring public tender for contracts exceeding the prescribed threshold
- Health (Aquatic Facilities) Regulations 2007 (WA)
- Town of Port Hedland Procurement Policy 2/007

The following sections of the *Local Government Act 1995* are also relevant:
- Section 3.57 – Acceptance of tenders
- Section 9.49A – Execution of documents
- Section 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 comply with the Town's Work Health and Safety (WH&S) induction requirements while undertaking works on behalf of the Town.

FINANCE AND RESOURCE IMPLICATIONS
The contract value for the initial two (2) year term is **$151,810.42 (ex GST),** comprising:
- Year 1: $73,176.23 (ex GST)
- Year 2: $78,634.19 (ex GST)

The contract includes three (3) one-year extension options, exercisable at the discretion of the Town and subject to contractor performance and future budget allocation.

Based on an assumed annual increase of 4.9%, the estimated value of Year 3 is $82,812.82 (ex GST), with Years 4 and 5 subject to CPI adjustment.

The total estimated contract value over the full five (5) year term is approximately $411,596.89 (ex GST), subject to CPI adjustments and the exercise of extension options. The submitted pricing was assessed as competitive and represents value for money.
Funding for the initial term of the contract will be accommodated within the Town's existing and future annual operating budgets for aquatic facilities. Future year costs,

including any extension options, will be subject to annual budget consideration and approval as part of the Town's budget process.

The structured maintenance approach is expected to reduce long-term costs associated with reactive maintenance, equipment failure, and unplanned capital expenditure.

STRATEGIC SUSTAINABILITY IMPLICATIONS
The following sections of the Town's *Council Plan 2025-2035* applicable in the consideration of this item:

Our Natural and Built Environment:
We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built form.
3.2 Safe and fit-for-purpose built environment.
These outcomes remain consistent with the Town's current strategic planning framework.

Environmental
The proposed Aquatic Servicing and Maintenance contract has positive environmental implications through its focus on preventative maintenance and efficient operation of aquatic plant and equipment. Regular servicing of filtration and chemical dosing systems supports optimal water quality management, reducing the risk of chemical overuse, water wastage, and environmental discharge impacts. A structured maintenance regime also improves energy efficiency by ensuring pumps, filters, and associated infrastructure operate at peak performance, thereby minimising unnecessary energy consumption and greenhouse gas emissions. Additionally, proactive condition monitoring helps extend asset life and reduces the need for premature replacement, limiting material waste and resource use. Overall, the contract supports responsible environmental management of aquatic facilities while aligning with the Town's objective to protect natural resources and maintain sustainable infrastructure.

Economic
This contract delivers economic benefit by supporting planned, preventative maintenance of critical aquatic infrastructure, which is more cost-effective than reactive repairs and emergency callouts. By reducing the likelihood of major plant failure, unplanned facility closures and premature asset replacement, the Town can better manage operational expenditure, protect the value of existing assets and improve budget certainty over the life of the contract. Reliable operation of SHAC and GAC also supports continued community access to fee-generating services and programs, helping sustain efficient service delivery and long-term asset performance.

Social
This contract delivers social benefit by supporting the safe, reliable and continuous operation of the Town's aquatic facilities, which are important community assets for recreation, fitness, learn-to-swim programs and water safety education. Maintaining these facilities to an appropriate standard helps protect public health, reduces the likelihood of service interruptions and ensures residents, families, schools and user

groups can continue to access inclusive spaces that contribute to community wellbeing, participation and quality of life.

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

- Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Town.
- Outcome 4: People with disabilities receive the same level and quality of service from the Town as other people.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial Service Interruption Compliance Reputational
Cause	If Council do not support the endorsement of RFT2526-16 Aquatic Servicing and Maintenance to proceed with award of contract to successful Tenderer
Effect (Consequence)	• Increased risk of plant and equipment failure due to lack of specialised servicing and preventative maintenance • Potential health and safety risks to staff and patrons from non-compliant or poorly maintained aquatic systems • Service interruptions, including unplanned facility closures or reduced operations • Non-compliance with statutory and regulatory requirements for water quality and facility operations • Increased reactive maintenance costs and potential financial strain on operational budgets • Reputational damage to the Town due to reduced service quality and community dissatisfaction
Risk Treatment	• Proceed with awarding the contract to Trility Solutions Pty Ltd to ensure continuity of specialised maintenance services. • Implement a robust service agreement with clear performance standards, KPIs, and reporting requirements. • Maintain regular compliance monitoring, water testing, and auditing processes. • Ensure contingency planning for critical equipment failure and emergency response. • Allocate appropriate operational budget for proactive maintenance to reduce long-term costs.

	• Monitor contractor performance through contract management and regular review meetings.
There is an operational risk associated with this item caused by the failure to approve and implement the Aquatic Servicing and Maintenance contract, leading to reduced reliability of plant and equipment, increased safety risks, and potential service disruptions. The risk rating is considered to be Medium (9), determined by a likelihood of Possible (3) and a consequence of Moderate (3). This risk will be mitigated by awarding the contract to Trility Solutions Pty Ltd and implementing a structured service agreement that ensures ongoing, compliant, and preventative maintenance of aquatic plant and equipment.	

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

CONCLUSION
The award of Contract RFT2526-16 to Trility Solutions Pty Ltd will support the safe, reliable, and compliant operation of the Town’s aquatic facilities through the delivery of a structured and preventative maintenance program.

The recommended contractor has demonstrated the capability, relevant experience, and service delivery approach required to meet the Town’s operational needs, while providing value for money.

Approval of this contract will mitigate the risk of equipment failure and service disruption, ensure ongoing regulatory compliance, and support the sustainable management of critical aquatic infrastructure.

Accordingly, it is recommended that Council endorse the award of the contract and authorise the Chief Executive Officer to execute the agreement.

ATTACHMENTS
1. CONFIDENTIAL - Request Summary Report [**12.2.1.1** - 9 pages]
2. CONFIDENTIAL - V P 495827 - Multi party evaluation report [**12.2.1.2** - 10 pages]

12.2.2	Black Rock Stakes - The Wheelbarrow Man

Author: **Director Community Services**

Authorising Officer: **Chief Executive Officer**

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

ORIGINAL OFFICERS RECOMMENDATION

That Council in respect of The Black Rock Stakes Sculpture:

1. Approves the removal of the Black Rock Stakes Sculpture on the basis that it presents an unacceptable public safety risk and is beyond feasible repair;
2. Notes the associated compliance, risk, and asset management considerations;
3. Endorses a proactive communication approach to inform the community and acknowledge the artwork's cultural significance; and
4. Requests a further report to Council outlining options for a future public art outcome, including location, scope, funding, and delivery of a new Black Rock Stakes Sculpture.

CM202627/197 ALTERNATE OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr Butson**

That Council in respect of the Black Rock Sculpture:

1. **Approves the removal of the Black Rock Stakes sculpture on the basis that it presents an unacceptable public safety risk and is beyond feasible repair;**
2. **Notes the associated compliance, risk, and asset management considerations;**
3. **Endorses a proactive communication approach to inform the community and acknowledge the artwork's cultural significance;**
4. **Requests the Chief Executive Officer to provide a further report to Council by December 2026 outlining options for the replacement of the Black Rock Stakes Sculpture, including potential locations, project scope, funding opportunities, delivery models and construction methodologies.**
5. **Requests the Chief Executive Officer to ensure that any future public art commission is designed, engineered and constructed in accordance with Section 3 of the Town's Public Art Masterplan (2025–2035),**

including the adoption of materials, construction methods and engineering standards appropriate to Port Hedland's environmental and climatic conditions; and

6. **Further to Council Resolution No. CM2026/166 of 29 April 2026, requests the Chief Executive Officer, in developing the Town's Historical (Heritage Assets Management) Policy, by October 2027, to ensure appropriate consideration is given to the identification, assessment, recognition, preservation and management of heritage assets and places of historical significance owned or managed by the Town.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Little, Cr McDowall and Cr Scott
Against: Nil

PURPOSE
The purpose of this report is for Council to approve the removal of the Black Rock Stakes sculpture due to identified safety risks.

It also seeks Council endorsement to bring forward a subsequent report outlining options for a future public art outcome, including potential location, funding, and delivery of a new Black Rock Stakes sculpture.

DETAIL
The Black Rock Stakes sculpture has undergone significant deterioration over time. Recent inspections confirm that the artwork's structural integrity has been compromised to a level that presents an unacceptable public safety risk requiring action. The condition of the structure is considered irreversible and beyond reasonable conservation or restoration.

A structured assessment process has been undertaken, including condition inspection, risk evaluation, review of available documentation, and stakeholder considerations. This process confirms that decommissioning is the only viable and responsible option.

A review of Town records identified that documentation relating to the artwork's original design, fabrication, and installation is incomplete or unavailable, limiting the Town's ability to undertake informed restoration or engineering assessment.

In accordance with the Copyright Act 1968 (Cth), the Town has undertaken and documented all reasonable efforts to identify and contact the original artist. These efforts have included internal record searches, sector enquiries, and external investigations; however, no contact details or representatives have been identified. This satisfies the Town's obligation to make reasonable attempts to engage the artist prior to any decision.

It is recommended that the Town proceed with removal of the sculpture as a priority to address immediate safety and liability risks and fulfil duty of care obligations.

The removal process will include:

- Safe dismantling of the sculpture and removal from the site;
- Archival documentation (photographic and historical) of the artwork; and
- Recording of its contribution to the Town's cultural narrative.

Given the artwork's historic and symbolic connection to the Black Rock Stakes event, a proactive communication approach will be implemented to:

- Clearly articulate the safety-driven rationale for removal;
- Acknowledge the cultural and historical significance of the artwork; and
- Reinforce the Town's commitment to high-quality public art.

Following removal, the site will be assessed as part of the broader precinct-based planning framework outlined in the Masterplan.

A future public art (sculpture) opportunity will be explored, with a separate report to Council following:

- Site assessment and scoping;
- Community and stakeholder engagement;
- Funding identification; and
- Procurement approach confirmation.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of *medium significance*, as it involves a decision affecting a publicly visible community asset with potential reputational implications.

While the decision may generate community interest, the impacts are localised, financially contained, and operational in nature, with the primary driver being the management of a public safety risk, rather than a broader strategic or community-wide impact.

CONSULTATION

Internal

- Activations Coordinator
- Manager Events, Art and Culture
- Acting Director Regulatory
- Director Infrastructure
- Director Community Services
- TCEO
- Manager Records

Internal consultation confirms alignment across relevant business units that decommissioning is the only viable and responsible course of action.

External

- Port Hedland Historical Society

No other external consultation has been undertaken at this stage, but if approved to remove the sculpture, a communications plan will be developed to inform the community of the Town's intentions.

In accordance with legislative requirements, the Town has undertaken reasonable efforts to identify and contact the original artist; however, these attempts were unsuccessful. As no external stakeholders with legal or ownership interest could be identified.

This approach is considered appropriate given the risk-based and compliance-driven nature of the decision.

Community
Due to the operational and safety-driven nature of this matter, no pre-decision community consultation has been undertaken.

A proactive post-decision communication plan will be developed and implemented to ensure the community is informed, including acknowledgement of the artwork's cultural significance and the rationale for removal. Future consultation will form a key component of the replacement artwork process.

LEGISLATION AND POLICY CONSIDERATIONS

Failure to act in response to a known structural risk may expose the Town to liability under its duty of care obligations. The proposed removal has been assessed as fully compliant with:

- Public Art Masterplan (2025–2035)
- Public Art Policy
- Local Planning Policy 04 – Percent for Public Art
- Town Procurement Policy
- Relevant legislative obligations (Copyright Act 1968 (Cth)

The proposal aligns with the Masterplan's decommissioning criteria, including:

- The artwork has reached the end of its intended lifespan;
- Structural integrity is compromised;
- The work presents a public safety risk;
- Restoration is not feasible or represents disproportionate cost.

The Town has followed the decommissioning process outlined in the Masterplan, including condition assessment, stakeholder consideration, legislative compliance, and documentation of decision-making.

FINANCIAL AND RESOURCE IMPLICATIONS

No unbudgeted expenditure is required to progress the removal of the sculpture, which will be managed within existing operational budgets.

Funding will be required to commission and deliver a replacement artwork, which will be progressed in accordance with:

- The Public Art Masterplan (2025–2035);
- Local Planning Policy 04 – Percent for Public Art; and
- The Town's Procurement Policy through an appropriate procurement process.

Costs will include design, fabrication, installation and project management, with scope to be confirmed following procurement.

Funding sources will be actively explored and may include:

- The Town's Public Art Reserve (including Percent for Public Art contributions);
- Future capital planning processes;
- External funding opportunities, including State and Federal Government arts grants, partnerships, and funding programs aligned to regional development and cultural initiatives; and
- Corporate sponsorship and industry partnerships.

The Town will prioritise identifying and leveraging external funding opportunities to maximise value for money and minimise impact on municipal resources. All activities will be undertaken in accordance with Town policies to ensure transparency, value for money and best practice delivery.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in consideration of this item:

<u>Our Community</u>:
We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and strong civic engagement and dialogue.
1.2 Inclusive and involved community;
1.3 A unique, vibrant and diverse community lifestyle; and
1.4 Well-utilised and valued community facilities and services.

<u>Our Economy:</u>
We build prosperity for all, enabling sustained and diversified economic and employment growth.
2.4 Infrastructure for growth.

<u>Our Natural and Built Environment:</u>
We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built form.
3.2 Safe and fit-for-purpose built environment; and
3.3 Accessible, attractive and sustainable urban environment.

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.3 Effective delivery of services and infrastructure to meet community needs.

Environmental
The removal and disposal process will be undertaken in accordance with relevant environmental standards. Where feasible, materials will be recycled or disposed of responsibly to minimise environmental impact.

Economic
The proposed approach minimises ongoing financial risk associated with maintaining a structurally compromised asset. It also creates an opportunity to leverage external funding sources and partnerships to support future public art investment, aligning with broader economic development and place activation objectives.

Social
While removal of the artwork may generate some community concern due to its historical association, this is balanced by the Town's responsibility to ensure public safety. The commitment to a future public art outcome provides an opportunity for renewed community engagement, cultural expression, and place-based storytelling.

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

RISK MANAGEMENT CONSIDERATIONS

<table>
<tr><td>Risk Type</td><td>Project</td></tr>
<tr><td>Risk Category</td><td>Compliance
Reputational</td></tr>
<tr><td>Cause</td><td>Failure to act on a known structural risk, and/or removal of a culturally recognised asset without appropriate communication and documentation.</td></tr>
<tr><td>Effect (Consequence)</td><td>Potential injury to members of the public and associated legal liability; reputational damage arising from perceived loss of cultural heritage or lack of transparency in decision-making.</td></tr>
<tr><td>Risk Treatment</td><td>• Immediate decommissioning and removal to eliminate safety risk
• Formal documentation and archival recording of the artwork
• Clear and proactive communication with the community
• Commitment to a future public art outcome through a structured and transparent process</td></tr>
<tr><td colspan="2">There is a Project risk associated with this item arising from a known structural safety issue and the need to appropriately manage community expectations, leading to potential public safety incidents and reputational impact.

The risk rating is considered to be High (12) which is determined by a likelihood of Likely (4) and a consequence of Moderate (3).

This risk will be treated by the implementation of immediate removal, documentation, and a structured communication and future planning approach. This approach ensures the Town is managing immediate risk while maintaining community trust and enabling a strategic future outcome.</td></tr>
</table>

OPTIONS

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

CONCLUSION

The Black Rock Stakes sculpture has reached the end of its serviceable life and presents an unacceptable safety, compliance and asset management risk that cannot be mitigated through restoration. This is compounded by limited historical documentation and the inability to locate the original artist; reinforcing that retention is no longer a viable option.

The proposed removal of the sculpture addresses these risks and fulfils the Town’s duty of care obligations, while aligning with the Public Art Policy and Public Art Masterplan (2025–2035). Importantly, it also provides a clear pathway forward through the planned commissioning of a replacement sculpture that reflects contemporary standards, community identity, and the Town's broader strategic objectives.

This approach is being undertaken in accordance with the Town's key governance frameworks, including the:

- Public Art Masterplan;
- Local Planning Policy 04 – Percent for Public Art; and
- The Procurement Policy.

It demonstrates a structured, policy-aligned process that balances risk management with strategic opportunity.

By progressing with both the removal and replacement in this way, the Town is not only addressing an immediate safety issue but also strengthening the long-term quality, relevance and sustainability of its public art collection, ensuring continued cultural value and community benefit.

Accordingly, it is recommended that Council approve the removal of the sculpture and support the strategic progression of a future public art opportunity.

ATTACHMENTS

Nil

12.3 Regulatory Services

12.3.1	Care for Hedland Funding Arrangement

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.

The Director Infrastructure Services declared an Impartiality Interest for this item.

CM202627/198 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr Butson **SECONDED: Cr McDowall**

That Council with respect to the Care for Hedland Funding Agreement:

1. **Authorises the Chief Executive Officer to enter into a three (3) year contractual partnership and funding agreement with Care for Hedland Environmental Association Inc. for the delivery of environmental sustainability, conservation and compliance services in the Port Hedland region.**
2. **Approves an annual funding allocation of $150,000 (ex GST) for the duration of the agreement, subject to annual budget adoption and satisfactory performance against agreed deliverables.**

CARRIED BY ABSOLUTE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE
The purpose of this report is for Council to consider the continuation of a contractual partnership with Care for Hedland Environmental Association Inc. (CFH) to support delivery of the Environmental Sustainability Strategy 2022–2027, Council Plan 2025–2035 and associated environmental compliance obligations.

- The proposed partnership is for a period of three (3) years, with an annual funding allocation of $150,000 (ex GST), subject to annual budget adoption.
- Annual funding instalments will be conditioned upon satisfactory performance against clearly defined deliverables and key performance indicators established at the commencement at each funding year.
- The funding includes provision for community sustainability initiatives, mandatory Flatback turtle monitoring at Cemetery Beach, and reporting to the Department of Biodiversity, Conservation and Attractions (DBCA).

DETAIL
The strategic partnership between the Town of Port Hedland (ToPH) and Care for Hedland Environmental Association Inc. (CFH) was formally established in February

2024, following a resolution adopted at the Ordinary Council Meeting held on the 31 May 2023 (CM202223/063). Council approved a funding allocation of $100,000 per annum (ex GST) over a three-year period, subject to the achievement of agreed Key Performance Indicators (KPIs) and annual budget endorsement. Since the partnership has been established, a highly successful sustainability and conservation campaign has been delivered with high impact outcomes achieved for the community and the environment. Since commencement, the partnership has delivered measurable environmental, social, and economic outcomes, demonstrating strong value for money and community impact.

Key Partnership Achievements:
Environmental Outcomes:
- Over 1.43 million tonnes of litter collected through Adopt-A-Spot
- Over 9.5 million containers recycled through CFH depot
- 300+ timber pallets recycled through PalletON

Community Engagement:
- Over 25,000 people engaged in sustainability initiatives
- Captain Clean Up program delivered annually to all schools and early learning centres
- Sustainability newsletters distributed to the community

Programs and Initiatives:
- Food Waste Diversion Trial implemented across schools and daycares
- Containers for Change cages installed in public locations
- Hedland Sustainable Living Show (2024–2026) successfully delivered
- Repair Café established at RSL Community Garden
- Great Gardens Competition expanded to 46+ entries

Recognition:
- WA Tidy Towns Award (Port & South Hedland)
- 6 National Tidy Town Awards received

Exclusion from Current Agreement:
Separate to the existing funding arrangement, the Town has contracted Care For Hedland to undertake turtle monitoring activities imposed by the Department of Biodiversity, Conservation and Attractions via conditioning the Town's authorization under Section 40 of the *WA Biodiversity Conservation Act 2016*. The Section 40 Authorization remains a critical permission required while activities within an environmentally sensitive location are required as it provides legal exemption from prosecution if, in the pursuit of an authorized project, harm to protected flora or fauna occurs. The necessary monitoring resulted from unmitigated impacts to the Cemetery Beach Flatback Turtle nesting habitat that occurred during the construction of the seawall. Remediation works involving the sea wall continue, and monitoring activities will continue to be necessary, and, as such, efficiencies through the integration of this work into a future funding contract are viable. It is proposed to bring this exclusion from the current agreement into the new agreement which partly justifies the proposed increase in expenditure in the new proposed agreement, which is detailed below.

Proposed Future Funding Break Down:

Deliverable	Cost (ex. GST)
Continued delivery of environmental sustainability programs and community engagement initiatives	$100,000
Section 40 compliance monitoring and reporting to DBCA	$20,000
Flatback turtle monitoring and biodiversity protection	$20,000
Annual Hatchling Arena Study contribution	$10,000
Total Annual Investment	$150,000

Future Funding Deliverables:
Funding under this partnership will be linked to the delivery of defined services, programs, and compliance obligations. Key deliverables include:

1. Environmental Sustainability Program Delivery
    - Delivery of initiatives aligned with the Environmental Sustainability Strategy 2022–2027 and plans into the future.
    - Community education and engagement programs (schools, businesses, and residents).
    - Waste reduction and circular economy initiatives, including food waste diversion.
    - Coordination of sustainability events, campaigns, and programs.
    - Ongoing stakeholder engagement through the Hedland Sustainability Advisory Group.

2. Section 40 Compliance Monitoring and Reporting
    - Undertaking annual Flatback turtle nesting and hatchling monitoring at Cemetery Beach.
    - Collection and analysis of nesting and hatchling emergence data.
    - Preparation and submission of compliance reports to DBCA.
    - Maintenance of all required licenses and authorizations under the Biodiversity Conservation Regulations 2018.

3. Wider Port Hedland Flatback Turtle Monitoring and Conservation

This investment represents a proactive approach to biodiversity conservation, recognizing the ecological, cultural, and regional significance of Flatback turtles to the Port Hedland coastline. Not simply an attraction for tourism, the Port Hedland annual nesting season is a nationally significant environmental event that deserves support and recognition by the Town.

- Continued monitoring of turtle nesting activity across the entirety of the Port Hedland nesting habitat.
- Data comparison and trend analysis against historical monitoring datasets.
- Identification of risks and recommended mitigation actions.

- Contribution to the ongoing protection of a nationally significant Flatback turtle population.

4. Hatchling Arena Study (Targeted Research Initiative)
   - Annual contribution to the Hatchling Arena Study at Cemetery Beach.
   - Monitoring hatchling behavior in relation to artificial light and built environment impacts.
   - Collection of data to inform future coastal planning and lighting management strategies.
   - Provision of findings to support evidence-based environmental decision making.

5. Performance and Reporting
   - Quarterly or biannual reporting against agreed KPIs and deliverables.
   - Annual report summarising outcomes, participation, and environmental impact.
   - Demonstration of continuous improvement and value for money.

All deliverables will be formalised within a contractual agreement and linked to performance-based payment conditions.

LEVEL OF SIGNIFICANCE
In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium, because;

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

CONSULTATION

Internal

- Infrastructure Services
- Regulatory Services
- Corporate Services

External Agencies

- Care for Hedland
- Department of Biodiversity Conservation and Attractions

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation and policies apply to the proposal:

- Environmental Sustainability Strategy 2022-2027
- Biodiversity Conservation Act 2016
- Coastal Hazard Risk Management and Adaptation Plan 2019
- Coastal Foreshore Management Plan 2021
- Council Policy 2/017 - Grant Funding

FINANCE AND RESOURCE IMPLICATIONS

The following finance and resource implications apply to the proposal:

- Funding for this proposal is proposed to be included in the 2026/27 budget and future budgets over 2027/28 and 2028/29 financial years, if endorsed by Council.
- The total financial commitment over the three-year term is $450,000 (ex GST), subject to annual budget approval. The proposed funding represents an increase from the previous allocation of $100,000 per annum, reflecting the expanded scope including compliance monitoring and biodiversity investment.
- Council has successfully budgeted for this partnership in the previous three financial years (2023/2024, 2024/2025 & 2025/2026).
- Allocation has been made within the 2026/2027 Draft Budget but expenditure is conditional on Council's endorsement of this proposal.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in relation to this item:

<u>Our Built and Natural Environment:</u>
We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built form
3.1 Healthy natural environment
3.3 Accessible, attractive and sustainable urban environment

<u>Our Leadership:</u>
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.3 Effective delivery of services and infrastructure to meet community needs

Environmental

Continuing a partnership with Care for Hedland will support the implementation of actions contained within the ESS, to deliver a broader environmental benefit to the Town.

Economic

There are no significant identifiable economic implications related to this item.

Social

Continuing this partnership will continue to foster greater community engagement on key sustainability issues.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Financial Compliance Environmental Reputational
Cause	**Financial:** Failure to endorse the partnership prior to budget development/endorsement may result in significant delays in the allocation of necessary funds. Compliance: Failure to comply with the conditions of Section 40 authorisation (TFA-2526-0127). **Environmental:** Failure to deliver Environmental Sustainability Strategy actions and outcomes **Reputational:** Failure to continue supporting a well-established and highly regarded community organisation may result in negative community perception and reduced confidence in Council's commitment to environmental sustainability.
Effect (Consequence)	**Financial:** Service disruption and increased future costs to deliver mandatory and strategic environmental programs. Potential loss of external funding and increased remediation costs. **Compliance:** Non-compliance with Section 40 authorisation conditions may result in regulatory enforcement action against the Town. Environmental: Reduced environmental outcomes and diminished biodiversity protection. **Financial:** Service disruption and increased future costs to deliver mandatory and strategic environmental programs. Potential loss of external funding and increased remediation costs. **Reputational:** Potential damage to Council's reputation and community trust, particularly in relation to environmental leadership and support for local initiatives.
Risk Treatment	Council endorsement of the partnership, supported by clearly defined deliverables, performance-based funding conditions, and compliance with Section 40 authorisation requirements, will mitigate financial, environmental, and compliance risks through structured contract management and budget certainty.

There is a strategic risk associated with non-compliance with Section 40 authorisation, which may result in financial, legal, and environmental impacts if not appropriately managed.
The risk rating is considered to be Medium (6), based on the likelihood of (2) and consequence of (3).
This risk will be accepted should Council adopt the recommendation to continue the partnership with CFH.

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

CONCLUSION
The continuation of this partnership will ensure the Town meets its statutory obligations under Section 40 of the Biodiversity Conservation Act 2016 while continuing to deliver strong environmental, social, and community outcomes.
The partnership with Care for Hedland has demonstrated clear value for money, achieving measurable outcomes through community engagement, education, waste reduction initiatives, and environmental stewardship. It provides a cost-effective model for delivering services that would otherwise require significantly greater resourcing if undertaken solely by the Town. Ongoing investment will support the protection of the region's unique and nationally significant Flatback turtle population, strengthen compliance and data-driven decision making, and maintain momentum in sustainability initiatives aligned with the Town's strategic priorities. It is therefore recommended that Council endorse the continuation of this partnership.

ATTACHMENTS
1. 2024 Annual Report TOPH and Care For Hedland 16 Apr 25 [**12.3.1.1** - 18 pages]
2. Attachment 2 2025 Annual Report TOPH and Care For Hedland Final [**12.3.1.2** - 18 pages]

12.3.2	Scheme Amendment No. 7 to Local Planning Scheme No. 7 – Final Adoption

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

CM202627/199 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr Edwards**

That Council, with respect to Scheme Amendment No. 7 to Local Planning Scheme No. 7:

1. **Adopts for final approval the Scheme Amendment 7 to the Town of Port Hedland Local Planning Scheme No.7 pursuant to section 75 of the** ***Planning and Development Act 2005*** **and Regulation 50 of the** ***Planning and Development (Local Planning Schemes) Regulations 2015*****, as detailed in Attachment 1, without modification.**
2. **Notes the submissions received on Scheme Amendment 7 to Town of Port Hedland Local Planning Scheme No. 7, included as shown in Attachment 2 and 3.**
3. **Authorises the Chief Executive Officer and Mayor to execute documents pursuant to Regulation 53 of the** ***Planning and Development (Local Planning Schemes) Regulations 2015*** **and provide the Western Australian Planning Commission a copy of Scheme Amendment 7 and relevant documents for final approval by the Minister for Planning.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE
The purpose of this report is for Council to note the submissions received during public advertising and consider adopting Scheme Amendment No. 7 to Local Planning Scheme No. 7 (LPS 7).

DETAIL
Amendment No. 7 proposes to change the 'Residential' zone density code for Lot 198 (No. 9) Skippers Loop, South Hedland (subject lot) from 'R30' to 'R40'. The amendment proposes to change the Scheme map, without any changes to the text.

The purpose of the Amendment is to correct an administrative error, whereby the subject site was incorrectly coded R30 via Amendment No. 1 to LPS 7. This is inconsistent with the approved Structure Plan for the site, which should be R40. Further details of the amendment are contained in **Attachment 1 – Scheme Amendment No. 7 Report.**

At its Ordinary Council Meeting (OCM) held on 10 December 2025, Council resolved to initiate Scheme Amendment No. 7 of the Town's LPS 7.

Under direction of the Department of Planning, Lands and Heritage (DPLH) Amendment No. 7 is considered 'standard' under the Regulations, and as such has been referred to the Minister for Planning and then advertised to the public in accordance with the Planning and Development Act 2005.

If supported by Council, Scheme Amendment No. 7 will be referred to the Minister for Planning for endorsement.

LEVEL OF SIGNIFICANCE
In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the proposal or decision has already been addressed by the Council's strategies, policies or plans, which have been consulted on.

CONSULTATION
Internal

- Acting Director Regulatory Services; and
- Acting Manager Planning and Economic Development.

External

- Department of Biodiversity, Conservation and Attractions;
- Department of Local Government, Industry Regulation and Safety;
- Department of Primary Industries and Regional Development;
- Department of Planning, Lands and Heritage;
- Department of Water and Environmental Regulation;
- Department of Fire and Emergency Services;
- Department of Housing and Works;
- Department of Energy and Economic Diversification;
- Main Roads Western Australia;
- Telstra;
- Water Corporation;
- Horizon Power;
- WA Country Health Service; and
- Pilbara Development Commission.

Four (4) responses were received from public authorities. These did not object to the proposal and did not necessitate any amendments. The Environmental Protection Authority (EPA) advised that Amendment No. 7 meets the requirements of clause 33C(2)(h) of *Part 9A of the Environmental Protection Regulations* and therefore need not be referred to the EPA.
Clause 83A approval to advertise was received from the DPLH on 9 March 2026.

Details of the submissions and responses are included in **Attachment 2 - Schedule of Submissions** and **Attachment 3** contains the submissions in full.

Community

In line with the LPS Regulations, community engagement included:

- Publication of a public notice in a newspaper circulating in the scheme area (the North West Telegraph).
- Display of a copy in the public notices section of the Town's website.
- Availability of copies of the amendment documentation for public inspection at the Town administration front desk and website.

The amendment was advertised for public consultation from 31 March 2026 to 17 May 2026, for a total of 47 days. No responses were received.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation and policies are applicable to the proposal:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Scheme) Regulations 2015;*
- State Planning Policy 7.3 – Residential Design Codes;
- Town of Port Hedland Local Planning Strategy;
- Town of Port Hedland Local Planning Scheme No. 7; and
- Policy

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial and resource implications associated with this item.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan:

The following sections of the Town's Council Plan 2025-2035 apply in consideration of this item:

Our Economy:

We build prosperity for all – enabling sustained and diversified economic and employment growth.

2.4 Infrastructure for growth

Our Built and Natural Environment:

We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built form

3.2 Safe and fit-for-purpose built environment

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

Access and Inclusion

There are no outcomes of the Town's Access and Inclusion Plan 2023-2026 that apply in relation to this item.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	The subject site remains vacant/undeveloped.
Effect (Consequence)	The Town risks failing to maintain its reputation for delivering the objective of 'Residential' zone under LPS7 to provide a range of housing and a choice of residential densities.
Risk Treatment	Adopting the Officer's Recommendation.
There is an Operational risk associated with this item caused by the subject site remaining undeveloped and the Town failing to meet housing demand and the objective of 'Residential' zone to provide a range of housing types and choice of residential densities. The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be accepted by adopting the officer's recommendation.	

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

CONCLUSION
The Town proposes this scheme amendment to correct an administrative error that occurred previously. This seeks to increase the density zoning from 'Residential R30' to 'Residential R40'. The proposed scheme amendment is consistent with the objective of 'Residential' zone under LPS 7, which aims "to provide for a range of housing and a choice of residential densities to meet the needs of the community."

The proposed amendment is considered to be a 'standard amendment' under the LPS Regulations as it is consistent with the Local Planning Strategy and approved structure plan. It is not considered that it will have significant adverse environmental, social or economic impacts.

In light of the above, it is recommended that Council resolve to support Scheme Amendment No. 7 to LPS7 without modification and provide a copy of Scheme Amendment 7 and relevant documents to the Western Australian Planning Commission for final approval by the Minister for Planning.

ATTACHMENTS
1. Scheme Amendment No.7 Report [**12.3.2.1** - 7 pages]
2. Schedule of Submissions [**12.3.2.2** - 2 pages]
3. Submissions in Full [**12.3.2.3** - 5 pages]

12.3.3	Deed of Extension – Turner River Developments Pty Ltd

Author:	**Director Infrastructure 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.

Deputy Mayor Melville declared a Financial Interest for this item and left the electronic communication of the Council Chamber at 6:22 pm.

NOTATION: This notation is included to allow if there is no amendment to this resolution, that as part of the signing of the deed of agreement extension, that it is subject to a further meeting within three months. This provides an update to the signing of subsequent contracts to provide satisfaction regarding completion of the project indicatively and sufficient opportunity to meet again with the proponents.

CM202627/200 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Cr McDowall **SECONDED: Cr Little**

That Council, with the respect to the Deed of Extension - Tuner River Development Pty Ltd:

1. **Acknowledges the importance of the project to supporting local economic development and the provision of additional services and amenity in South Hedland.**
2. **Approves the request for a Deed of Variation to provide** *Turner River Developments Pty Ltd as trustee for Hedland Village Trust*, **with an extension of time to complete the Development Milestones, the details of which are outlined in Table 1 of this report.**
3. **Authorises the Chief Executive Officer to execute the Deed of Variation, and any further variations to the Development Milestones, that, in the opinion of the Chief Executive Officer, do not material alter the intent of the Contract of Sale, or the Town's risk profile.**

CARRIED BY SIMPLE MAJORITY (5/1)

For: Mayor Behrend, Cr Edwards, Cr Little, Cr McDowall and Cr Scott
Against: Cr Butson

PURPOSE

The purpose of this report is for Council to consider approving a Deed of Variation to amend the Development Milestones contained within in the Contract of Sale between the Town of Port Hedland and Turner River Developments Pty Ltd as trustee for Hedland Village Trust, for the sale and development of Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland.

DETAIL

Turner River Developments Pty Ltd as trustee for Hedland Village Trust (the developer) has requested a variation to the Development Milestones outlined in the Contract of Sale for Lot 2939 Roberts Street, and Lot 5977 Hamilton Road, South Hedland. The Council has been working with the developer for the construction of the Hedland Village on Hamilton Road since 2021. The following sets out the Council Decisions and copies of the reports and associated documents are attached as confidential attachments.

Previous Council decisions in relation to this development

15 December 2021 Ordinary Council Meeting

At the 15 December 2021 Ordinary Council Meeting (OCM), Council resolved to authorise the Chief Executive Officer (CEO) to enter negotiations with the Department of Planning, Lands and Heritage (DPLH), Department of Health (DoH) and Horizon Power with respect to the acquisition, amalgamation, and resale to Turner River Developments of Lot 2939 Roberts Street and Lot 5977 Hamilton Road, South Hedland.

23 March 2022 Ordinary Council Meeting

At the 23 March 2022 OCM, Council resolved to endorse the advertising of the Major Land Transaction Business Plan to satisfy the requirements of section 3.59 of the *Local Government Act 1995* in relation to the land transaction and to authorise the Chief Executive Officer to enter into an agreement with the development, subject to:

a) Satisfaction of the requirements of *the Local Government Act 1995*
b) The Business Plan being adopted
c) The land tenure issues being resolved
d) Development approval being obtained under the *Planning and Development Act 2005*.

30 June 2022 Ordinary Council Meeting

At the 30 June 2022 OCM, Council resolved to adopt the Major Land Transaction Business Plan and proceed with its implementation.

Request for Extension of Settlement

The requested extension is due to the developer electing to defer the project to allow market conditions to stabilise following significant increases in construction and fuel costs. The developer has confirmed that both they and their tenants remain committed to delivering the project.

Table 1 – Proposed Revised Development Milestones

Development milestone	Current milestone date	Revised milestone date
Submit for development approval	10 December 2024 (complete)	*Not applicable*
Obtain building permit	30 June 2026	30 June 2027
Settlement	1 July 2026	30 June 2027
Commence construction	1 July 2026	1 July 2027
Complete construction	30 September 2027	30 September 2028
Development completion date	30 September 2027	30 September 2028
Roundabout completion	Within 12 months of the issue of a building permit for the development. 30 June 2027 (latest date)	1 December 2027

The proposed variation represents a 12-month extension to the project timeline. The requested extension is considered reasonable given prevailing construction market conditions and granting it will support the delivery of a significant commercial and community development within South Hedland. No other substantive changes to the Contract of Sale are proposed and the proposed variation does not alter the overall intent of Council's previous decision to facilitate development of the site.

If the variation is not approved, the developer will default under the Contract of Sale.

If the development does not go ahead, there are provisions in the Deed of Agreement that the Town will repurchase the lot and can either resolve to dispose to another developer or hold the land as a strategic acquisition.

Background

The Town of Port Hedland entered a contract of sale with Turner River Developments Pty Ltd on 2 October 2023 for the sale of Lot 2939 Roberts Street, South Hedland and Lot 5977 Hamilton Road, South Hedland. The contract contains Development Milestones that are required to be reached by the developer by certain dates for settlement on the land to progress. These milestones were initially:

- Submit for development approval by 1 November 2023
- Obtain building permit by 1 March 2024
- Commence construction by 1 May 2024
- Complete construction by 1 June 2024.

The contract also requires the Town to construct a roundabout on Hamilton Road to facilitate access to the site by 30 June 2024.

In alignment with the Development Milestones, the settlement date was set at no later than 1 April 2024.

Since being executed, the contract has been varied three (3) times by the Chief Executive Officer under delegation.

Variation 1 – change in entity name

The entity name for the buyer was changed from 'Turner River Developments Pty Ltd' to 'Turner River Developments Pty Ltd as trustee for Hedland Village Trust'.

Variation 2 – Extension of Development Milestones

Due to delays in reaching the agreed milestones due to difficulties in the construction sector and delays in finalising project tenancy designs, the developer wrote to the Town requesting an extension.

This extension was agreed to, with the milestones being revised to:

- Submit for development approval by 10 December 2024
- Obtain building permit by 30 June 2025
- Commence construction by 1 July 2025
- Complete construction by 30 September 2026.

The settlement date was revised to 1 July 2025.

The Town's obligations to construct a roundabout were revised to within 12 months of a building permit being issued for the development.

This variation was executed on 6 December 2024.

Variation 3 – Extension of Development Milestones

Owing to continued delays to meeting the Development Milestones, a further extension to the Development Milestones was executed between the Town and the developer on 23 June 2025, with the milestones being revised to:

- Submit for development approval by 10 December 2024 (this milestone has been satisfied)
- Obtain building permit by 30 June 2026
- Commence construction by 1 July 2026
- Complete construction by 30 September 2027.

The settlement date was revised to 1 July 2026.

LEVEL OF SIGNIFICANCE

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

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

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

CONSULTATION

Council

Elected members, with the exception of Councillor Edwards and Councillor Scott, were briefed on 3 June 2026 on this matter.

Internal

- Chief Executive Officer
- Executive Leadership Team
- Acting Director Regulatory Services
- Senior Project Manager

External Agencies

- Turner River Developments Pty Ltd

Community

No community consultation has been undertaken in relation to the Deed of Extension.

Community consultation has previously been undertaken in relation to this development:

1. Major Land Transaction Business Plan

   Pursuant to section 3.59 of the *Local Government Act 1995*, a business plan relation to the land transaction was advertised for a period of six weeks (2 April - 16 May 2022).

   No comments were received during the advertising period.

2. Disposal of Property

   Pursuant to section 3.58(3) of the *Local Government Act 1995*, local public notice was issued in the North West Telegraph on 31 May and 7 June 2023 inviting submissions on the proposed disposal of land from the Town to the developer.

   No comments were received during the advertising period.

3. Development Approval application

   Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised for a period of 28 days, between 18 December 2024 and 15 January 2025 to the nearby residents/landowners within 200m radius and on the Town's webpage.

   The Town received one submission from the nearby landowner raising concerns about part of the development. The application was determined on its merit giving due regard to submissions by the Regional Development Assessment Panel.

LEGISLATION AND POLICY CONSIDERATIONS

The report identifies that there are no specific legislative or policy considerations directly impacting the proposed Deed of Extension, indicating that the variation to the Development Milestones can be assessed and determined within the existing contractual and governance framework. Notwithstanding this, the broader project has previously been undertaken in accordance with key statutory requirements, including compliance with the *Local Government Act 1995* in relation to the Major Land Transaction Business Plan and land disposal processes, as well as the *Planning and Development Act 2005* and associated planning regulations for development approval.

The absence of new legislative or policy constraints in this instance reflects that the proposed variation does not materially alter the intent or risk profile of the original agreement and can therefore be progressed as an administrative amendment consistent with prior Council decisions and established regulatory approvals.

FINANCIAL AND RESOURCE IMPLICATIONS

The Town will receive $990,000 from the sale of the two lots. Under the Contract of Sale, the Town is responsible for constructing a roundabout to facilitate access to the site. These works are currently included as part of the Hamilton Road beautification works project.

The Town has contemplated whether it is appropriate to increase the sale price of the lots due to the time passed since the Contract of Sale was first executed and concluded that it would be inappropriate given the benefit this project will deliver to the community once completed.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* applies in consideration of this item:

<u>Our Community:</u>
We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and strong civic engagement and dialogue.
1.3 A unique, vibrant and diverse community lifestyle

<u>Our Economy:</u>
We build prosperity for all – enabling sustained and diversified economic and employment growth.
2.1 Business and job growth
2.4 Infrastructure for growth

<u>Our Natural and Built Environment:</u>
We treasure and protect our natural environment and provide sustainable and resilient infrastructure and built form.
3.2 Safe and fit-for-purpose built environment

Our Leadership:
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.
4.3 Effective delivery of services and infrastructure to meet community needs

Environmental
There are no significant environmental considerations associated with the proposed Deed of Extension, as the variation relates solely to an adjustment of development timeframes rather than any change in the scope, scale, or nature of the approved development. The extension does not introduce new environmental impacts, nor does it alter previously assessed planning or environmental outcomes.
Any environmental matters relevant to the project have already been considered through the development approval process under the applicable planning framework, and those requirements will continue to apply as the project progresses. Accordingly, the amendment is administrative in nature and does not affect the environmental performance or obligations of the development.

Economic
At the time of development approval in March 2025, the proposal represented a $25 million investment in South Hedland. The development will deliver additional services and amenities for residents across Port and South Hedland, including a new supermarket option (Good Grocer IGA), drive-through fast food outlets, a pharmacy, a service station, a tavern, and a 130-place childcare centre. These new businesses are expected to increase economic activity through the creation of new jobs.
Results from the 2025 MARKYT community sentiment survey indicate that Hedland residents believe the Town of Port Hedland is underperforming in attracting and supporting local businesses, with only 21% of residents holding a positive view of the Town's performance in this area.

The project represents an innovative approach to attracting investment to the area. Since 2022, the Town has worked with the developer to facilitate this project, including the purchase and eventual on sale of the land. This approach reflects the Town's commitment to supporting increased service and amenity provision, contributing to improved overall liveability in the community.

Social
Hedland continues to face a chronic shortage of childcare places. This development includes a 130-place childcare centre which will help contribute to reducing the gap between available childcare places and demand.

Access and Inclusion

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

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational and Financial
Cause	Council does not approve the requested extension to the Development Milestones
Effect (Consequence)	If the variation is not approved, the developer will default under the Contract of Sale, which will result in the project not proceeding. This would delay or prevent the delivery of a significant commercial and community development in South Hedland, including key services and employment opportunities, and may negatively impact community confidence in the Town's ability to facilitate development outcomes.
Risk Treatment	Treated by approving the Deed of Variation, which supports continued progression of the project under revised and achievable timeframes aligned with current market conditions.
There is a Strategic risk associated with this item caused by not approving the requested extension, leading to potential project failure and loss of economic and community benefits. The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3). This risk will be treated by accepting the Officer's Recommendation	

OPTIONS

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

CONCLUSION

Approval of the Deed of Variation will support the timely and successful delivery of a significant commercial and community development in South Hedland, while aligning project timeframes with current market conditions. The proposed changes are considered reasonable and do not alter the overall intent of Council's previous decisions and are therefore recommended for approval.

ATTACHMENTS

1. CONFIDENTIAL - Pages from Confirmed Minutes of the Ordinary Council Meeting held 15 December 2021 - Authorisation t [**12.3.3.1** - 1 page]
2. CONFIDENTIAL - Confidential Attachment 15 December 2021 Letter to Minister [**12.3.3.2** - 10 pages]
3. CONFIDENTIAL - Pages from Confirmed Minutes 23 March 2022 [**12.3.3.3** - 2 pages]

4. CONFIDENTIAL - Pages from Confidential Attachments for 23 March 2022 OCM - Purchase of Land From Crown [**12.3.3.4** - 54 pages]
5. CONFIDENTIAL - Pages from Confidential Attachments for 23 March 2022 OCM Major Land Transaction Business Plan [**12.3.3.5** - 11 pages]
6. CONFIDENTIAL - Pages from Confirmed Minutes for Ordinary Council Meeting 30 June 2022-2 Major Land Transaction Adop [**12.3.3.6** - 4 pages]
7. CONFIDENTIAL - Pages from Confirmed Minutes for Ordinary Council Meeting 30 June 2022-2 Major Land Transaction Adop [**12.3.3.7** - 4 pages]
8. CONFIDENTIAL - Deed of Sale - Turner River Developments [**12.3.3.8** - 34 pages]

Deputy Mayor Melville returned to the electronic communication of the Council Chamber at 6:44pm.

12.4 Infrastructure Services

12.4.1	Business Plan for Major Land Transaction - Rose Nowers Early Learning Centre Redevelopment

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

Mayor Behrend & The Deputy Mayor Melvill declared an Impartiality interest for Item 12.4.1.

CM202627/201 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr Little**

That Council with respect to the Rose Nowers Early Learning Centre Redevelopment:

1. **Endorses the Business Plan for the Rose Nowers Early Learning Centre to be advertised;**
2. **Further considers the progression of the proposed major land transaction as outlined in the Business Plan following consideration of any submissions received during the advertising period; and**
3. **Notes the estimated financial implications associated with the proposal subject to final design, market conditions, and Council budget approval; and**
4. **Authorises the Chief Executive Officer to progress the project and execute any required documentation on behalf of the Town, subject to Part 2**.

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE

The purpose of this report is to seek Council approval to adopt the Business Plan **(Attachment 1)** for the proposed (Rose Nowers Early Learning Centre / project), enabling the Town to progress a major land transaction and associated development.

DETAIL

The Rose Nowers Early Learning Centre (RNELC) expansion project represents a targeted investment in essential community infrastructure that will significantly increase the availability of early childhood education and care in Port Hedland.
The proposal involves a staged expansion of the existing centre at 26 Boronia Close, delivering additional childcare rooms, upgraded facilities, and expanded services including outside school hours care and school readiness programs. By building on an established, locally embedded provider within a well-serviced community precinct, the Town can efficiently increase capacity while maintaining service continuity and minimising delivery risk when compared to the development of a new standalone facility.

The expansion aligns with the Town's strategic objectives to improve liveability, strengthen community infrastructure, and support sustainable population and economic growth.

Port Hedland continues to experience a persistent shortage of childcare places, with demand exceeding supply and extended waitlists impacting families and employers. Limited access to childcare remains a key barrier to workforce participation, particularly in critical sectors such as mining, health, education, and community services, and directly affects the Town's ability to attract and retain workers.

Expanding RNELC will help address this service gap by increasing capacity, supporting workforce participation, and improving access to essential services. This investment will contribute to broader economic and social outcomes, strengthening the functionality, resilience, and liveability of the Hedland community.

Major Land Transaction

In accordance with section 3.59 of the Local Government Act 1995, the Town is required to prepare a Business Plan prior to undertaking a major land transaction. The Business Plan must include an assessment of the proposal, including:

- The expected effect on the provision of facilities and services by the local government;
- The expected effect on other service providers within the district;
- The expected financial impact on the local government;
- Alignment with the Town's Strategic Community Plan (section 5.56);
- The Town's capacity to manage the proposal; and
- Any other prescribed matters.

The Business Plan presented to Council (Attachment 1) has been prepared in accordance with these legislative requirements.

Public Advertising

Subject to Council endorsement, the Business Plan will be made available for public comment for a minimum period of six (6) weeks. During this time, the document will be accessible via the Town's website and in hard copy at the Town of Port Hedland Administration Office and Town libraries.

Any submissions received during the advertising period will be presented to Council for consideration prior to a final decision on adoption of the Business Plan.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership Team;
- Acting Director Regulatory;
- Principal Economic Development; and
- Other relevant officers.

External Agencies

- McLeod Barristers and Solicitors; and
- Rose Nowers Board.

Community

No community consultation has been undertaken at this stage, as this report seeks Council endorsement to advertise the Business Plan.

Formal community consultation will be undertaken in accordance with Section 3.59 of the Local Government Act 1995, with the Business Plan to be publicly advertised for a minimum period of six (6) weeks to invite submissions.

LEGISLATION AND POLICY CONSIDERATIONS

This item has been prepared in accordance with the requirements of the Local Government Act 1995 and associated regulations.

In particular, Section 3.59(3), (4) and (6) of the Local Government Act 1995 requires the preparation of a Business Plan for major land transactions, including an assessment of financial, operational and strategic impacts, and the provision for public consultation.

Regulation 8A of the Local Government (Functions and General) Regulations 1996 outlines the requirements for the content and public advertising of the Business Plan.

The proposal has also been considered in the context of the Town's Strategic Community Plan (Section 5.56 of the Local Government Act 1995), ensuring alignment with strategic objectives and community outcomes. Relevant Town policies relating to governance, risk management and financial management have also been considered in the preparation of this item.

FINANCIAL AND RESOURCE IMPLICATIONS

The estimated capital cost of the RNELC expansion project is approximately $9 million (ex GST), with an anticipated $6 million grant or industry funding. The Town is proposing to fund the project across multiple financial years, subject to the annual budget process, and will continue to seek external funding contributions to support delivery.

The project represents a significant financial commitment and will require careful financial and project management. This includes staged budget allocation, procurement processes, contract management, and ongoing governance to ensure the project is delivered within approved scope, budget, and timeframes.

In addition to the initial capital investment, the Town will need to consider ongoing financial implications, including asset maintenance, lifecycle costs, and administrative responsibilities associated with funding agreements, reporting requirements, and contract oversight.

While the project is not intended to operate as a commercial return-generating venture, the submitted financial assumptions are considered reasonable and reflect the cost of delivering essential community infrastructure in a regional environment.

The investment delivers substantial community and economic benefit by addressing a critical shortage of childcare places. Increased access to early childhood education and care will support workforce participation, improve access to essential services, and contribute to broader economic productivity and community wellbeing.

The Town's role in funding and facilitating this project reflects its responsibility to provide enabling infrastructure where market delivery alone is insufficient. Accordingly, the financial commitment should be considered as a long-term investment in the liveability, sustainability, and resilience of Port Hedland.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan *2025-2036* are applicable in the consideration of this item:

<u>Our Leadership:</u>
4.3.4 Efficiency strategies across the town's infrastructure and amenity assets are implemented.

<u>Our Community:</u>
Access to services and community wellbeing is enhanced.
There are no significant adverse environmental, social or economic impacts associated with this proposal. The project is expected to deliver positive social and economic outcomes.

Environmental
The project is located on an existing developed site within an established urban area, and environmental impacts are expected to be low and manageable. Development will utilise existing infrastructure, minimise land disturbance, and be subject to standard planning, environmental and construction controls to manage impacts such as noise, traffic and amenity.

Social
The project will deliver significant positive social outcomes by increasing access to early childhood education and care. This will support child development, reduce

pressure on families, and improve community participation in employment, education and social activities, contributing to a more inclusive and liveable community.

Economic
The expansion will support workforce participation by addressing a key childcare constraint, enabling more residents to engage in employment. This is expected to strengthen local productivity, support essential services, and contribute to broader economic stability and growth in Port Hedland.

Access and Inclusion
The following outcomes of the Town's *Access and Inclusion Plan 2023-2026* apply in relation to this item:
• Outcome 2 – Buildings and Facilities
• Outcome 4 – Quality of Service
• Outcome 7 – Employment Opportunities

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic Financial Delivery
Risk Category	Service Interruption
Cause	Failure to endorse advertising of the Business Plan or progress the project.
Effect (Consequence)	• Continued shortage of childcare places in Port Hedland • Reduced workforce participation and economic productivity • Inability to attract and retain key workers • Reputational impact to the Town in relation to delivery of essential community infrastructure
Risk Treatment	• Proceed with endorsement and public advertising of the Business Plan • Undertake detailed project planning, procurement, and governance • Seek external funding to reduce financial burden • Monitor project delivery, cost, and performance through established governance processes
There is a Strategic risk associated with this item as failure to endorse the Business Plan for public advertising would inhibit access to affordable childcare for the community. The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3). This risk will be treated by adopting the officer's recommendation.	

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

CONCLUSION

The Business Plan for the Major Land Transaction, Rose Nowers Early Learning Centre Redevelopment presents a clear and well-founded case for investment in critical community infrastructure.

The proposed expansion responds directly to an identified shortage of childcare places in Port Hedland and will increase service capacity, support workforce participation, and enhance community wellbeing. The proposal aligns with the Town's strategic objectives and demonstrates the Town's capacity to deliver the project through appropriate governance, planning, and procurement processes.

Endorsing the Business Plan for public advertising is a necessary and appropriate next step to meet statutory requirements under the Local Government Act 1995 and to enable transparent community consultation prior to any final decision.

This proposal represents a long-term investment in the livability, sustainability, and economic resilience of Port Hedland. Adoption of this recommendation will enable the Town to undertake community consultation and return to Council with informed feedback to support a final decision on the Business Plan.

ATTACHMENTS

1. 20260603 - Business Plan - RNELC EXP [**12.4.1.1** - 13 pages]

1. 20260603 - Business Plan - RNELC EXP [**12.4.1.1** - 13 pages]

12.5 Executive Services

12.5.1	Project Uplift: Endorsement of Implementation Plan

Author: **Manager Special Projects**

Authorising Officer: **Chief Executive Officer**

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

CM202627/202 OFFICER RECOMMENDATION & COUNCIL RESOLUTION

MOVED: Deputy Mayor Melville **SECONDED: Cr McDowall**

That Council, in respect to Project Uplift:

1. **Endorse the attached Project Uplift Implementation Plan, subject to part 2 of this recommendation.**
2. **Note that funding to enable the implementation of Phases 1 and 2 of Project Uplift that fall within Financial Year 2026/2027 will be included for consideration as part of the draft budget.**

CARRIED BY SIMPLE MAJORITY (7/0)

For: Mayor Behrend, Deputy Mayor Melville, Cr Butson, Cr Edwards, Cr Scott, Cr Little and Cr McDowall
Against: Nil

PURPOSE

The purpose of this report is for the Council to consider and endorse the Town of Port Hedland's (Town) Project Uplift Implementation Plan (IP). The IP has been prepared in response to the Forward Improvement Plan (FIP) previously adopted by Council and provides the initial implementation, governance and reporting framework through which the FIP will be delivered.

DETAIL

On the 19 March 2026, Council considered Item 8.1.2 – Town of Port Hedland Health Check Report (SCM202627/105). The report outlined the findings of an internal assessment of the Town's governance, systems and operations and identified several areas requiring improvement.

Council subsequently resolved to:

- Note the Organisational Health Check Report.
- Note the draft CEO Action and Assurance Roadmap.
- Refer the report and roadmap to the Audit, Risk and Improvement Committee (ARIC).
- Request the Temporary Chief Executive Officer prepare a remediation plan, including a framework for reporting progress to ARIC and Council.

On the 25 March 2026, Council adopted the FIP. The FIP proposed a coordinated, organisation-wide approach to stabilising critical risks in the short term, strengthening governance frameworks and control environments in the medium term, and embedding sustainability, discipline and assurance maturity over time.

On the 27 May 2026, Council noted the update on the previous decisions of 19 March and 25 March 2026.

The actions outlined in the FIP will now be progressed under an organisational wide improvement program called 'Project Uplift' and implemented via the attached Project Uplift Implementation Plan (PUIP) over two years.

At the conclusion of Project Uplift, when the project objectives are achieved, there will be evidence-based improvement in organisational capability and culture, governance discipline, control maturity, quality of reporting, compliance confidence and reduced organisational risk. This will improve Council confidence, build positive community trust and sentiment, enhance organisational culture and support a growing positive reputation for the Town.

At present, the PUIP intentionally focuses only on Phase 1 – Stabilise (0 - 6 months) of the FIP, and principally those actions identified as 'critical'. This approach is considered appropriate because:

- The Town's new Chief Executive Officer (CEO) commenced on 11 May 2026.
- It is important that the CEO takes ownership of the broader PUIP.
- The Town's immediate focus must be on stabilising the most significant and highest-risk issues identified in the FIP.

Accordingly, the PUIP provides high-level descriptions of Phases 2 and 3. The more detailed scope, sequencing, and delivery approach for those phases will be developed by the CEO, and where appropriate, the (ARIC), and the Council.

The PUIP proposes that Phase 1 be delivered in three stages:

Stage	Timing	Focus
Stage 1	May - July 2026	• Develop and implement communications and engagement plan. • Commence (ERP) system end – to - end review. • Establish CEO led Steering Group. • Reinforce immediate financial controls. • Progress recruitment of new fixed-term Director role.
Stage 2	August - October 2026	• Complete ERP end-to-end review and consider implementation of the review report recommendations. • Progress Asset Management review. • Commence risk, payroll, procurement and records management workstreams. • CEO to consider the establishment of Major Projects and Specialist Advisory Body.

Stage 3	November - December 2026	• Embed revised controls, validate completed actions, address residual issues. • Prepare recommendations and planning assumptions for Phase 2.

Importantly, at the conclusion of Phase 1, the CEO will undertake a formal Phase 1 Exit Review and report back to Council regarding:

- Progress achieved
- Any incomplete or deferred actions
- Residual risks
- Readiness to proceed to Phase 2
- The proposed scope and sequencing of the next phase.

The former Temporary Chief Executive Officer (T/CEO) identified the following four important priority areas that should start as soon as possible:

1. Communications and Engagement: A comprehensive communications and engagement plan will support Project Uplift.

2. Project Uplift Steering Group: To support the CEO to successfully deliver a program of work that collectively represents a significant organisational transformation, an appropriate governance framework will be established. Central to this is a CEO's Steering Group (SG). The SG will provide active oversight and coordination of the critical workstreams and ensure progress, risks, interdependencies and reporting obligations are managed appropriately.

   The IP proposes the initial SG will comprise:

   - CEO – Chair
   - Director Transformation (from commencement)
   - Director Corporate Services (from commencement)
   - Manager Special Projects (interim)
   - Project Support Officer (PSO)
   - Local Government Inspector General appointed Monitor (observer status)

   Not all Town Directors are proposed to form part of the initial SG. As Project Uplift progresses and the organisation moves beyond the initial stabilisation phase, the incoming CEO may determine that Directors should progressively take a greater role in supporting and leading individual workstreams.

3. Enterprise Resource Planning (ERP): This workstream is foundational to the success of Project Uplift because it directly affects financial integrity, payroll, procurement, information security, records management, long-term financial planning, and organisational confidence. An ERP system end-to-end review process has been commenced, including progressing the procurement of an external independent provider who will make a comprehensive assessment of both the corporate and technical aspects of the project's lifecycle.

4. Recruitment of new Director: The FIP identifies a significant program of work to strengthen governance, risk management, accountability and organisational performance across the Town.

To support the delivery of Project Uplift and the priority governance reforms, the FIP recommends that consideration be given to recruiting or engaging a suitably experienced Director. This role would lead Project Uplift, coordinate the implementation of the Town's priority governance reforms and provide dedicated executive-level oversight of the work program.

Budget consideration

Successfully delivering Project Uplift and achieving the improvements identified in the FIP will require a significant, organisation-wide commitment over the next two years.

Further work has been undertaken to confirm the scope, timing, delivery model and resourcing requirements for Phases one and two to develop a considered budget proposal for Financial Year (FY) 2026/27. This is anticipated to be approximately $1 million, which is inclusive of the employment costs of the additional Director role.

The FIP makes clear that delivering Project Uplift is not discretionary. The issues identified across governance, financial management, procurement, ERP, asset management, workforce capability and organisational culture are significant and interconnected. Without sustained investment to address these issues, the Town will remain exposed to ongoing control weaknesses, increased organisational risk, inefficient service delivery and reduced community confidence.

Investing in Project Uplift should therefore be viewed as an investment in rebuilding the Town's governance, capability and long-term sustainability, and in ensuring the organisation is better equipped to meet the expectations of Council and the Hedland community.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership Team
- Manager Financial Services
- Manager Public Affairs

External Agencies

- Local Government Inspectorate Office

Community

- The community will be kept well informed as Project Uplift progresses.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Section 5.41 – Role of CEO

Section 6.2 – Local Government to prepare annual budget

Local Government (Financial Management) Regulations 1996,

Regulation 5 Role of the CEO

Local Government (Audit) Regulations 1996,

Regulation 17 Role of the CEO.

FINANCIAL AND RESOURCE IMPLICATIONS

Funding will be required in FY 2026/27 and FY 2027/28 to support the delivery of Project Uplift. Further detail will be presented to Council through the annual budget process.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's *Council Plan 2025-2035* apply in consideration of this item:
<u>Our Leadership:</u>
We are united in our actions to connect, listen, support and advocate, thereby leveraging the potential of our people, places and resources.

Environmental
There are no known significant identifiable environmental impacts relating to this item.

Economic
There are no known significant identifiable economic impacts relating to this item.

Social
Project Uplift is expected to improve staff engagement, enhance organisational culture, and build community trust.

Access and Inclusion

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

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic and Operational
Risk Category	Financial Compliance Reputational
Cause	Identified systemic weaknesses in governance, leadership oversight, internal controls, procurement practices, contract management, asset management, workforce governance and enterprise systems as outlined in the FIP.
Effect (Consequence)	Failure to implement Project Uplift may result in continued financial inefficiencies, non-compliance with legislative and regulatory obligations, ineffective service delivery, increased exposure to audit findings, and ongoing reputational damage to the Town.
Risk Treatment	Treat/Transfer through the delivery of Project Uplift.
There is both a strategic and operational risk associated with this item caused by systemic governance, leadership and control weaknesses identified in the FIP, leading to financial inefficiencies, compliance risks, reduced organisational effectiveness, and potential ongoing reputational damage to the Town. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4). This risk will be treated and partially transferred/shared through the development and implementation of Project Uplift, including the establishment of a CEO Steering Group, the recruitment of a Director Transformation, the use of independent external advisers/specialists, and a robust reporting framework.	

OPTIONS

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

CONCLUSION

Successful delivery of Project Uplift is not discretionary.

The attached PUIP outlines the governance, delivery, and reporting framework required to implement the FIP.

The proposed approach establishes clear governance, reporting and accountability arrangements and provides an appropriate basis for Council, through ARIC, to oversee the delivery of Project Uplift.

It should also be recognised that the FIP identifies opportunities for improvement and uplift and does not diminish the commitment and professionalism of the many Town staff who continue to work hard supporting the organisation and the community.

ATTACHMENTS

1. Project Uplift Implementation Plan - June 2026 - Version 2 [**12.5.1.1** - 16 pages]
2. Alignment Review final templated [**12.5.1.2** - 8 pages]
3. 20240606 Regulation 17 Report_ Final [**12.5.1.3** - 15 pages]
4. To PH Closing Report 30 June 2025 Issued 3 December 2025 [**12.5.1.4** - 19 pages]
5. 20251030 Town of Port Hedland Final Regulation 5 Report [**12.5.1.5** - 17 pages]
6. CONFIDENTIAL - To PH Financial Statements Management Letter [**12.5.1.6** - 5 pages]
7. To PH ITGC Management Letter [**12.5.1.7** - 7 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)
Nil

16 Closure

16.1 Date of Next Meeting
The next Ordinary Meeting of Council will be held on Wednesday 29 July 2026 commencing at 5:30 pm.

16.2 Closure
There being no further business, the Presiding Member declared the meeting closed at 6:50 pm.