Town of
Port Hedland

MINUTES

ORIDNARY COUNCIL MEETING

30 September 2026

Date: **Wednesday 30 September 2026**
Time: **5:30pm**
Location: **13 McGregor Street, PORT HEDLAND WA 6721**
Distribution Date: **30 October 2026**

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

Signed: _____ Date: 9/11/2026

These minutes were confirmed at the Ordinary Council Meeting held on 28./.10./.2026

Signed: _____ Date: 28/10/2026

(Presiding Person at the meeting which minutes were confirmed)

Order of Business

1 Opening of Meeting 5

2 Acknowledgement of Traditional Owners and Dignitaries 5

3 Recording of Attendance 5

3.1 Attendance 5

3.2 Attendance by Telephone / Instantaneous Communications 6

3.3 Apologies 6

3.4 Approved Leave of Absence 6

3.5 Disclosures of Interest 6

4 Applications for Leave of Absence 6

8 Announcements by Presiding Member without Discussion 7

5 Response to Previous Questions 9

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 26 August 2026 9

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 26 August 2026 15

6 Public Time 18

6.1 Public Question Time 19

6.2 Public Statement Time 19

6.3 Petitions / Deputations / Presentations / Submissions 19

7 Questions from Members without Notice 19

9 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting 20

10 Confirmation of Minutes of Previous Meeting 20

11 Reports of Committees 21

12 Reports of Officers 22

12.1 Corporate Services 22

12.1.1 Statement of Financial Activity - August 2026 22
12.1.2 Council Policy - Integrity Framework 26
12.1.3 Council Policy - Employee Leaving Council Service 31
12.1.4 Council Policy Manual 36
12.1.5 Rate Exemption - Wangka Maya Pilbara Aboriginal Language Centre ... 41
12.2 Community Services 45
12.3 Regulatory Services 46
12.3.1 Scheme Amendment 8 - Omnibus Amendment No.2 to Local Planning Scheme 7 46
12.3.2 Scheme Amendment 10 - Rezoning Lot 842, 5875 and 5909 Great Northern Highway 53
12.3.3 Scheme Amendment No. 11 - Rezone Rural-zoned land on the western edge of South Hedland to Urban Development 61
12.3.4 Scheme Amendment No. 12 - Western Edge 'Urban Development' Rezoning 67
12.4 Infrastructure Services 73
12.4.1 The Business Plan for Major Land Transaction - Rose Nowers - 2791 Boronia Close South Hedland 73
12.4.2 Lease Agreement - Town of Port Hedland and Hedland Well Women's Centre Incorporated 78
12.5 Office of the CEO 83
13 New Business of an Urgent Nature (Late Items) 84
14 Motions of Which Previous Notice has been given 85
15 Matters for Which Meeting May be Closed (Confidential Matters) 86
15.1 Reports of Officers 86
15.1.1 RFT2526-16 Aquatic Servicing and Maintenance 86
15.1.2 Chief Executive Officer Performance Review Committee 93

16 Closure 98

1 Opening of Meeting

The Presiding Member declared the meeting open at 5:32pm.

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 (Presiding Member)
Deputy Mayor Troy Melville
Councillor Rachael Baxter
Councillor Frank Edwards
Councillor Zoe Little
Councillor Russell McDowall
Councillor Jemma Scott
Councillor Sharon Todd

Administration:
Dale Stewart (Chief Executive Officer)
Alison Banks (Director Community Services)
Ingrid Bishop (Director Corporate Services)
Lee Furness (Director Infrastructure Services)
Chaz Roberts (Acting Director Regulatory Services)
Renae Doyle (Manager Governance)
Sophie Marlow (Governance Support Officer)
Rhiannon Smith (Governance Support Officer)

Other:

Nil

Members of the Public:

Nil

3.2 Attendance by Telephone / Instantaneous Communications

Cr Todd

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures of Interest

Name	Item No	Interest	Nature
Mayor Jacinta Behrend	12.4.1	Impartiality	Involvement with or association to the Rose Nowers Early Learning Centre project.
Mayor Jacinta Behrend	12.4.2	Impartiality	Association with Hedland Well Women's Centre and its activities.
Deputy Mayor Troy Melville	12.4.1	Impartiality	Involvement with or association to the Rose Nowers Early Learning Centre project.
Cr Sharon Todd	12.1.4	Impartiality	
Cr Sharon Todd	12.3.2	Impartiality	Relative of the proposed business owner associated with the rezoning proposal
Dale Stewart	12.1.3	Financial and Impartiality	Employee of the Town
Dale Stewart	15.1.2	Financial and Impartiality	Employment Contract
Ingrid Bishop	12.1.3	Financial and Impartiality	Employee of the Town
Renae Doyle	12.1.3	Financial and Impartiality	Employee of the Town

4 Applications for Leave of Absence

CM202627/223 COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr McDowall

That Council approve the application of leave of absence for Cr Butson for the meeting of 30 September 2026.

CARRIED BY SIMPLE MAJORITY (8/0)

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

CM202627/224 OFFICERS' RECOMMENDATION & COUNCIL DECISION / PROCEDURAL MOTION

MOVED: Deputy Mayor Melville SECONDED: Cr Scott

That Council amend the 30 September 2026 Ordinary Council Meeting Order of Business as set out in Council Policy 1/017 to deal with item 8 'Announcements by Presiding Member without Discussion' before item 5 'Response to Previous Questions'.

CARRIED BY SIMPLE MAJORITY (8/0)

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

8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of August 2026:

Date	Meeting
4 August 2026	Regional Capitals Australia (RCA): Board Meeting Videoconference Formal Meeting with RCA Members.
4 August 2026	Western Australian Local Government Association (WALGA) and Regional Capitals Australia (RCA): Formal Meeting - Meet and Greet with Town of Port Hedland (ToPH) Chief Executive Officer (CEO), Dale Stewart and WALGA: President and CEO.
5 August 2026	BHP General Managers: Formal Meeting - Meet & Greet with BHP's General Manager Rail, General Manager Port and Lead Principal Community.
6 August 2026	Community Stakeholders Consultation Forum hosted by Ninety Mile Consulting – Open for community members.
8 August 2026	Ship to Shore Community Fun Run Event: Opening Speech and Emceed by Deputy Mayor.
18 August 2026	Port Hedland International Airport (PHIA: Informal Meeting Meet and Greet with PHIA Chair and CEO and ToPH's CEO, Dale Stewart and Director Regulatory Services.
19 August 2026	Ministerial Meeting - Minister for Mines, Petroleum and Exploration and Water, Hon Daniel Pastorelli MLA in Perth and ToPH's CEO, Dale Stewart.
20 August 2026	Pilbara Country Zone – WALGA in Perth: Quarterly Meeting with ToPH's Cr McDowall and CEO, Dale Stewart and Pilbara Country Zone Members and WALGA.
22 August 2026	Care for Hedland: 2026 Great Garden Awards with ToPH's Cr Todd.
24 August 2026	Hedland Community Road Safety Group Meeting with Hedland Community Road Safety Group Committee Members.
25 August 2026	Meeting with Shadow Minister for Housing and Women's Interests, Sandra Brewer MLA, ToPH's CEO, Dale Stewart, Acting Manager Strategy and Communications and Senior Funding & Partnerships

	Officer and the Pilbara Liaison on behalf of the Shadow Minister for Planning and Lands; Aboriginal Affairs; Public Sector; Seniors, Hon. Neil Thomson MLC.
26 August 2026	Port Hedland Local Emergency Management Committee (LEMC) Meeting and ToPH's LEMC Members.

Before we begin tonight's meeting, I want to acknowledge the concern, sadness and discussion that the situation at Frisby Court has generated across our community over recent weeks.

Like many people in Hedland, I have seen the images, read the comments and listened to the conversations taking place. And while there will be different views about who is responsible, what should happen next, and which level of government should be involved, there is one thing I believe most of us can agree on.

When we see children living in difficult circumstances, it affects us all.

As Mayor, but also as a mother, I cannot look at a situation involving children and not think about my own family. I think about what every parent wants for their child - to be safe, supported, valued and have opportunities.

Our Town's vision is simple:

"Together, we create a thriving, resilient and inclusive future for our diverse community."

Those are not just words on a page. They are a challenge to all of us. Moments like this ask us to reflect on whether we are living up to that vision.

Whether we are doing enough to support those who are vulnerable. Whether we are listening to each other. And whether we are working together to create the kind of community that every child deserves to call home.

I know many people are frustrated. I know many people want answers. And I know many people want action.

What I also know is that no single organisation, government or individual can solve complex social challenges alone. Lasting change comes when communities, governments, service providers, Traditional Owners, industry and residents work together with a shared commitment to better outcomes.

I have been involved in various meetings over the past week to discuss the issues and advocate for better outcomes. I believe our message is being heard.

Tonight is not about assigning blame.

It is about recognising that behind every headline, every social media post and every public debate are real people, real families and real children.

As a community, we should never lose sight of that. My hope is that the conversations sparked by Frisby Court lead not to division, but to a renewed commitment from all of us to build a stronger, more compassionate and more inclusive Hedland. A community where every child is safe. A community where every family has hope. And a community that continues striving to live up to the vision we have set for ourselves.

5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 26 August 2026

5.1.1	Cr Butson

Question 1

I would like to ask, in reference to page 128, the HD hair lounge for NAIDOC week opening event, with a price of $4,592. What did that entail.

The Manager Financial Services provided the following response:

The amount was for the sponsorship for the NAIDOC Opening Event and Night Markets and in particular the festival braiding bar experience.

Question 2

117 PHIC, light repairs. Is that the Chamber of Commerce? What is the BSL Yacht club work works; it's $414,150 your club works.

The Manager Financial Services provided the following response:

The amount was to replace two broken downlights at the Visitor Centre. BSL relates to Building Service Levy which is a levy paid to Department of Energy, Mines and Industry for certificates or permits relating to planning. The Yacht club works relates to work for fire safety compliance.

Question 3

With the JD Adventure Park, is this the monthly payment progress payments for that for $453,000?

The Manager Financial Services provided the following response:

Byblos has the construction contract for JD Hardie Stage 3 - Adventure Park, and in July we paid $453,000 for claim 3.

Question 4

I have had a member of the public come to me. Regarding a house in where she lives in John Way. She has had to go to hospital the other night due to inhalation issues with people in Janice Way having a fire overnight, she is actually going through the town of Port Hedland at the moment, but what I would like to know is yet the rangers have been there and said that the fire pit is within the reason. Has anyone checked to see what wood or whatever they're burning is actually cause the inhalation fumes that she's actually gone to hospital with for inhalation because apparently, they actually burning pallets.

The Director Regulatory Services Provided the following response:

The client has been updated on the status of the investigation and will continue to be informed as the investigation progresses.

At this stage, there is no evidence that prohibited or unapproved materials were being burnt. The use of a fire pit may be permitted under the Bush Fires Act 1954 and the applicable fire control requirements, provided the relevant conditions are met. The remaining matter under investigation is whether the smoke generated by the fire may

have constituted a nuisance under the Town's Animals, Environment and Nuisance Local Law 2016. No determination has been made on that issue at this time. Officers will continue to assess the available evidence and any further information obtained during the investigation. Once the investigation is finalised, the outcome will be communicated to the complainant, and any appropriate action will be considered.

Question 5

I've had a few people from the public regarding the pump track and seeing the progression is really great but a lot of people what public indemnity will be held for the Town of Port Hedland. Will we be putting a sign up to say people using this facility will be at their own risk or what provisions are we going to put in place so that it doesn't come back onto the Council?

The Acting Director Infrastructure Services provided the following response:

The Town is currently working with a design consultant to develop the site signage, including all required regulatory notices. The final signage design will be reviewed by the Town's Regulatory Services team and will require approval from the Town's insure, LGIS, prior to printing and installation.

Question 6

Also, will those rocks be staying at the corner of that park? because if some of the kids actually fell over, those rocks are really at the corner would be actually quite detrimental to someone falling over and hurting themselves.

The Acting Director Infrastructure Services provided the following response:

The large rocks currently located near the car park entrance on Cottier Drive were originally installed along the drainage channel in 2020 as part of the Town's Restricted Access Program. As these rocks were situated within the site boundary, they have been temporarily relocated and will be repurposed as part of the new development to support the batter and retaining structures around the Jump Track starting mound, ensuring the sustainable reuse of materials.

5.1.1	Cr Scott

Question 1

Could I please ask for an update on the youth food and security project? Specifically, what is the current expenditure to date and how many young people have accessed the service since delivery commenced?

The Director Community Services provided the following response:

The Town's Youth Food Security Framework consists of five interconnected initiatives, with Bussin' Bites currently being the primary initiative in active delivery.

Expenditure

The program is currently supported through an internal allocation of $5,000. Expenditure to date has been directed towards food supplies, grab bag resources and delivery of program activities. Additional external funding opportunities are currently being pursued to support ongoing delivery and expansion of the initiative.

Participation and Service Access

Since commencing in April 2025, Bussin' Bites has recorded:

64 participant attendances at the weekly Bussin' Bites cooking and food literacy sessions at JD Hardie Youth and Community Hub.
78 meals provided through the quick meal component of the program.
48 grab bags distributed to young people requiring immediate food support.
As the program is intentionally low-barrier and engagement-based, participant data is primarily captured through attendances and service interactions. Some young people have accessed the program on multiple occasions; therefore attendance figures are not necessarily representative of individual participants.
Community Outcomes

While food security remains the primary focus, the program is also contributing to broader youth engagement outcomes. Bussin' Bites is delivered through Town-operated facilities including JD Hardie, libraries, aquatic facilities and recreation centres, where staff have observed that access to food can support positive engagement and assist in the de-escalation of behaviours associated with hunger, frustration and disengagement. The program provides an opportunity for staff to build positive relationships with young people, connect them with support services where required, and encourage participation in structured recreational, educational and wellbeing activities.

Broader Framework

Bussin' Bites forms part of the Town's broader Youth Food Security Framework, developed collaboratively with the Youth Advisory Council, WAPOL, Department of Communities, Julyardi Aboriginal Corporation, Youth Justice, Wangka Maya, South Hedland Shopping Centre and other community stakeholders. The framework has been designed to complement existing community services and includes initiatives focused on:

- Food access mapping and service gap identification.
- Community-funded meal partnerships.
- Emergency food and essential support packs.
- Cross-agency collaboration and service coordination.

These initiatives are at varying stages of development and continue to be informed by youth feedback and stakeholder engagement.

Question 2

My second question is in regards to the reconciliation action plan through the town's guiding principles of integrity, collaboration, respect, and accountability, we have a clear responsibility to listen carefully to our community and where appropriate to support and empower local organisations and agencies in delivering the outcomes that our residents seek. Could officers please outline the consultation undertaken to date on this matter including which Aboriginal and Torres Straight Islander stakeholders or representative groups have been engaged.

The Director Community Services provided the following response:

The Town has undertaken extensive consultation over a number of years to inform both the draft Ngalikuru Kuma-Marri Plan (Hedland Aboriginal and Torres Strait

Islander Partnership Plan 2024-2028) and the proposed development of a new Reconciliation Action Plan.

Consultation undertaken between 2021 and 2023 included a range of formal and informal engagement activities involving community members, Aboriginal and Torres Strait Islander organisations, service providers, government agencies, stakeholders and local businesses. The engagement process included workshops, one-on-one conversations, community forums, stakeholder meetings, Hedland Huddle sessions, surveys, desktop research and public consultation activities. Consultation involved more than 85 external agencies and stakeholders and generated over 6,470 ideas and opinions from community participants.

Importantly, the consultation process included targeted engagement with Aboriginal and Torres Strait Islander community members and organisations. Council reports record that 397 Aboriginal and Torres Strait Islander participants were engaged through 64 structured conversations, workshops and consultation activities, resulting in 2,024 ideas and opinions that informed the development of the draft Partnership Plan. The draft Ngalikuru Kuma-Marri Plan was subsequently considered by Council and publicly advertised for a 21-day community comment period, with feedback received informing further amendments to the document.

In relation to future reconciliation planning, officers have recommended that the consultation findings previously collected be used as a foundation only and that those findings be revalidated through further engagement with Kariyarra, Ngarla and Nyamal representatives, Elders, Aboriginal community members and Aboriginal-controlled organisations before a new Reconciliation Action Plan is finalised.

While the reports clearly confirm the extent and scale of consultation undertaken, officers are currently reviewing the supporting engagement records and appendices to compile a detailed list of the specific Aboriginal organisations, Traditional Owner groups, Elders and representative bodies that participated in the consultation process. This information can be provided to Council as a supplementary briefing once the review has been completed.

Question 3

Thank you, Director, and just noting that it has been endorsed by the commissioners. so further to this question, if it is not supported by Aboriginal Torres Strait Islander people currently, will there be that further opportunity for the ongoing cultural guidance and input? Thank you.

The Director Community Services provided the following response:

The intention is not to develop a plan and simply ask the community to accept it. The consultation undertaken to date has already involved significant engagement with Aboriginal and Torres Strait Islander community members, organisations and stakeholders, and that information provides an important foundation for this work. However, we acknowledge that community views evolve over time and that support cannot be assumed simply because consultation has previously occurred.

If there are aspects of the proposed plan that are not supported by the Aboriginal and Torres Strait Islander community, officers will work with community representatives to better understand those concerns and make appropriate changes. Our objective is

to develop a plan that reflects community aspirations and priorities rather than a document that is developed in isolation from the people it is intended to benefit. As part of the proposed process, officers have recommended the establishment of an External Reference Group comprising Kariyarra, Ngarla and Nyamal representatives, Elders, Aboriginal and Torres Strait Islander community members and Aboriginal-controlled organisations. The role of that group will be to provide ongoing cultural guidance, oversight and input throughout the development of the Reconciliation Action Plan and beyond.

So, to answer your question directly, yes. Not only will there be further opportunities for Aboriginal and Torres Strait Islander community members to provide input, but the proposed approach is designed to ensure ongoing cultural guidance and partnership throughout the life of the plan, rather than consultation occurring at a single point in time.

5.1.1	Cr Todd

Question 1

Mayor, in light of the questions that we've just had, I'd like to ask some myself, please. For the strategic reserve, what is the forecast strategic reserve balance over the next three years? And what minimum balance does the town consider prudent to have in the budget in the bank?

The Manager Financial Services provided the following response:

The Town may desire to fully utilise the strategic reserve to fund Capital projects, or the Town may consider loan borrowings instead.

Question 2

What projects are at greatest risk of delay due to organisational capacity from their capital works program?

The Acting Director Infrastructure Services provided the following response:

The Town does not currently identify any individual CAPEX project as being at significant risk of delay due solely to organisational capacity. Delivery risks are actively managed on a project-by-project basis, with staff working closely with contractors and stakeholders to implement mitigation measures where required. Risk management and project controls are governed through the Town's Project Management Framework and will be more prominently reflected in forthcoming CAPEX reporting, providing Elected Members with greater visibility of project risks, mitigation strategies and budget alignment across the capital program.

Question 3

The next question is around the employee costs, and the increase. So, how much of the increase relates to additional staff versus wage increases and the project uplift resource resources?

The Manager Financial Services provided the following response:

Compared to 2025/26 Budget; there were 24.35 FTE added, valued at approximately $2,7 million, the balance of $1.7 million is made up of several factors include new Industrial agreement wage rises and oncosts (housing) policy changes.

Question 4

The next one is materials and contracts increase because that's been substantial. What are the major drivers behind these increases in materials and contracts expenditure please?

The Manager Financial Services provided the following response:

The Budgeted Contractor costs have increased due to the increased service levels of the Spoilbank, cemeteries and the Old TAFE site and additional play spaces.

Question 5

The next question, with the budget adoption before the completion of the major strategic review, what capital projects remain flexible and if the strategic review identifies different priorities of what they what they would be.

The Manager Financial Services provided the following response

The 2026/2027 Budget is an annual budget only but gives certainty to works expected in 2026/2027. The strategic review forecast capital projects many years into the future and is more flexible.

5.1.1	Deputy Mayor Melville

Question 1

Where it's listed in the quarterly plan of the future projects and actions. Where do they come from? I understand there was a resolution of council from a previous Council, and I was just trying to ascertain how did that council come up with those projects or actions how were they formulated.

The Chief Executive Officer provided the following response:

The Council Plan 2025-2035 was adopted by Council on 24 September 2025, Resolution No. CM202526/131.

The projects and actions listed in the quarterly report were included in the Council Plan 2025-2035 and were developed through the Minor Strategic Review process undertaken over a 12-month period. A series of workshops were held with Elected Members to identify, discuss, prioritise and refine strategic initiatives and major projects for inclusion in the Council Plan. This process incorporated consideration of financial sustainability, organisational capacity and the Town's ability to deliver outcomes within a balanced budget framework.

Key workshops informing the development of the Council Plan included:

- 30 September 2024 – Minor Strategic Review Workshop.
- 31 March 2025 – Council Plan Workshop to provide guidance on four-year strategic priorities and key actions.
- 5 May 2025 – Council Plan Monitoring and Reporting Reset and Major Projects Workshop.
- 16 July 2025 – Major Projects Packages Workshop.

These workshops informed the identification, prioritisation and inclusion of projects and actions within the adopted Council Plan 2025-2035.

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 26 August 2026

5.2.1	Adrian McRae

Question 1

I have a few questions. They're a little bit convoluted, but apologies in advance. first question the 2025-2026 budget provided for the GRV residential rate revenue of $12,139,327 while the actual revenue reported was only 10,946,527 representing a shortfall of $1.192 million or approximately 9.8% or almost 10% below the budget.

Would the town be able to please explain what caused this $1.19 million shortfall and provide a breakdown of the factors contributing to the variance? In particular, was the variance caused by fewer ratable properties and forecast valuation changes, interim rate concessions or exemptions, incorrect budget assumptions, or some other factor?

The Manager Financial Services provided the following response:

The reduction in rate revenue relates to a cancelled Mining lease which required refunding.

Question 2

Little bit of context for the next two questions. In 2015-2016 the Town of Port Hedland sold the lease to the airport for 50 years and the airport at the time was raising revenue for the town of about $13 million a year and we got about $160 million for that and since then, we've spent about another $20 or $30 million on POS cleanup and other things leaving the town with less than 140 out of the original 165.

The second question coming back to it is the 2025-2026 capital budget was approximately $45.5 million of which approximately $19.26 million or 42% was supported by grants and external funding leaving about $26 million to be funded from the town's reserves and other funding resources.

Rate payers are now being asked to fund a 2026-2027 capital program of approximately $107.5 million while grants and external funding increase to only $25 million. This appears to leave approximately $82 million to be funded from the town reserves and other sources more than three times comparable amount in the previous year's capital program.

Can the Town explain why it considers this level of increased reliance on the town's own funding financially prudent and sustainable?

Considering we're spending well over half of what was supposed to be a 50-year saving, that airport sale was supposed to last us 50 years and we're spending more than half of it in one swoop. And how is this sustainable? And explain what impact this level of expenditure will have on

The Town's reserve balances and capacity to fund future capital renewable and unforeseen expenditure.

The Manager Financial Services provided the following response:

The Town currently has $211 million available in reserves, the Town considers it financial responsible to utilise reserve funds for Capital works rather than borrow funds

for future generation to repay. The Long-Term Financial plan is guided by the Financial Reserves Policy, which sets out the purpose, funding basis and target balance. It is Budgeted that the total reserve balance will be $167.4 million at 30 June 2027.

Question 3

The administration is requesting council approve $107 million capital programs for the 2026/2027 budget while also identifying approximately $17.8 million of carry forward capital projects from the previous year's $45.5 million budget. The town actually only spent $27 million in last year's capital program.

Given the scale of these carry forwards and the fact that we only were able to spend $27 million in one year, what evidence can the administration provide to ratepayers that the organisation has the internal staffing, the project management, procurement, and contractor capacity to successfully deliver a capital program that is approximately 400% larger than last year's actual program.

In particular, the program of the $107.4 million program is expected to be delivered by existing town employees. Sorry, what proportion of the $107 million is expected to be delivered by the existing town employees? What proportion will require external project management consultants or contractors? And what allowances have been included in these in the budget for those external delivery costs?

The Manager Financial Services provided the following response:

The Town staffing levels budgeted in the Projects team has not increased substantially from 2025/26 Budget. It is expected that the $107 million capital budget includes external project management consultant/contractors. Many of the Capital projects procurement works is already completed or underway.

5.2.1	Ash Christensen

Question 1

Given the significant increase in employee's costs proposed in this budget, exactly how many additional FTE positions is the town receiving compared with last year, what is the total cost of those additional positions and what additional services or outcomes can us the community expect to receive as a result?

The Manager Financial Services provided the following response:

There were seven additional positions with a cost of $1.072 million approved as part of the Budget process. These positions include increase in Governance and oversite as identified in the Project Uplift as well as running the Visitor centre inhouse.

Question 2

Item 12.4.1 on the agenda. off the top of my head. I think that was to do with the bowls club issue. My question is if the circumstances and the condition of the asset and strategic consequences have changed sufficiently enough that the administration says the existing EOI is no longer appropriate, why is the administration simultaneously proposing to continue with the $1.3 million of renovations and upgrade works before council has determined what the facility will actually be used for? Can the administration provide the scope of that $1.3 million including expenditure and commitments to date and what is essential asset renewal versus discretionary upgrade

works and explain why the report is asking to allow the CEO to determine the future utilisation process for the for what is what the report itself classifies as a highly significant strategic asset rather than bringing the utilisation options to the proposed capital scope back to council for a determination.

The Acting Director Infrastructure Services provided the following response:

During budget development, the figure of $1.3 million was a planning estimate, however in context of balancing the overall budget, this estimate was refined to align with anticipated project expenditure. The amended budget figure of $1.135 million was endorsed by Council at the January 2026 Ordinary Council Meeting. A breakdown of this amount is presented as follows:

- Compliance renewal works – $660,000
- Aesthetic renewal works – $315,000
- Professional fees and construction support – $80,000
- Preliminaries – $80,000

Expenditure and commitments to date are $64,000.

The remedial works currently proposed are intended to address asset renewal, compliance requirements and the ongoing maintenance of the facility. These works are being progressed to preserve the condition, functionality and regulatory compliance of the asset, regardless of the future utilisation model ultimately adopted by Council.

The recommendation relating to the future utilisation process recognises that the facility is a significant community asset and that further work is required to assess and evaluate potential future use. Any future utilisation options requiring strategic direction, significant funding commitments or changes to the asset's purpose would be brought back to Council for consideration and determination.

5.2.1	Jan Gillingham

Question 1

When this item 12.1.2 is on the table this evening to please take into consideration the not for profit groups who are eagerly awaiting their grant applications which have been held up and have been notified that they'll be held up because of tonight's budget coming to council. As to be this to for this to be approved, this is going to assist all our community groups who are waiting on their grants which have been in for several months. As these community groups continue with their this will help them to continue with their amazing work which they do with our town and we just as a me as the coordinator of the Pilbara Music Festival um this is vital for our event to actually make sure that it does actually go ahead in two weeks' time. Could I please ask that this is considered tonight and with its merits and with the help of all those organisations that are waiting tonight, I'm talking for all of them as well. Just to ask you if you could please consider that.

The Manager Financial Services provided the following response:

The team have been asked to escalate the payment of the grant payments.

Question 2

Regarding our Boulevard Shopping Centre, it's looking a bit sad. When I was on council number of years ago and the shopping Centre was approved, it was approved with the parking bays and shade, and I think many of us get see the parking areas which have no trees in. The reticulation's not working at lovely Bougainvillea on the side. Trees that have died, reticulation not working. I'm wondering if this could be addressed by council with the owners of the Boulevard Shopping Centre. It need tidying up. We have lots of people in town at the moment. Can we find out if this can either the blocking areas where the trees used to be, should they be removed, or should we have trees again, which are going to be shade trees. So, it's just looking really shabby. I think for our visitors coming to town, can council please look into that, please? South Hedland shopping Centre I know doesn't have the trees a lot of trees but Boulevard shopping Centre it's pretty much the main item it's the port.

The Acting Director Infrastructure Services provided the following response:

The Boulevard boundary extends beyond the garden beds and encompasses the car park and loading bay. This area is owned by Sentinel Countryside Retail. The irrigation infrastructure within this boundary is not maintained by the Town, with the Boulevard management previously engaging a local contractor to maintain the landscaping, including garden beds, trees, and irrigation systems within the site.

The Town maintains the grassed verge located opposite the garden beds surrounding the shopping centre and car park, where it falls within the Town's verge maintenance boundary.

5.2.1	Jillian Fisher

Question 1

Can the town specifically identify how much of that $3.5 million variance relates to permanent employee's salaries overtime allowances, leave provisions or payouts, superannuation's or whatever else and any other employee related expenditure and explain what savings were actually realised as a result of the vacant positions.

The Manager Financial Services provided the following response:

$2.9 million (82%) of the additional employee costs to 2025/2026 Budget is made of Casual & Relief salaries. The Town also had more long service and Annual leave paid out than budgeted.

6 Public Time

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

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

6.1 Public Question Time

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

6.1.1	Terry Delane

Question 1:

Can Council please advise of the outcome of the enquiry into the Tender Procedure for the Hamilton Road Upgrade and Landscaping Project?
Why was the tenderer who was significantly lower than the other bidders ruled non compliant? What reasoning was given to the bidder about why they were non compliant?

The Director Corporate Services provided the following response:

The tender included several mandatory requirements that all respondents were required to meet for their submission to be considered further.

In this instance, the tenderer did not provide evidence of the required insurance as part of their submission. As this was a mandatory requirement of the tender process, the submission could not proceed to detailed evaluation.

The tenderer was advised of the outcome in writing. The submission was deemed non-compliant due to the mandatory requirement not being met. The decision was not based on pricing or the relative merits of the offer, but on the submission's compliance with the mandatory tender requirements.

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

6.2 Public Statement Time

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

Nil

The Presiding Member declared Public Statement Time closed at 5:45pm.

6.3 Petitions / Deputations / Presentations / Submissions

Nil

7 Questions from Members without Notice

7.1.1	Deputy Mayor Melville

Question 1:

I believe recently the rates notices went out post the budget adoption. In the event someone may have missed their payment last year. Do we send reminder notice on a regular basis

The Manager Financial Services provided the following response:

Thank you for the questions. Yes, we absolutely send reminder notices throughout the year and also in with this mail out as well.

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

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

Mayor Behrend

Deputy Mayor Melville

Cr Baxter

Cr Edwards

Cr Little

Cr McDowall

Cr Scott

Cr Todd

10 Confirmation of Minutes of Previous Meeting

CM202627/225 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr McDowall **SECONDED: Cr Todd**

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 August 2026 as a true and correct record of the meeting, with reference on page 40 amended from '2026-2026 Budget to 2026-2027 Budget'.

CARRIED BY SIMPLE MAJORITY (8/0)

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

Against: Nil

11 Reports of Committees

There were no reports in this section.

12 Reports of Officers

12.1 Corporate Services

12.1.1	Statement of Financial Activity - August 2026

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

CM202627/226 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr McDowall SECONDED: Deputy Mayor Melville

That Council with respect to the Statement of Financial Activity:

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

CARRIED BY SIMPLE MAJORITY (8/0)

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

Against: Nil

PURPOSE

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 August 2026. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

Regulation 34 of the Local Government (Financial Management) Regulations 1996

requires the Town to prepare a monthly statement of financial activity showing financial performance against budget.
As part of the 2026-2027 Budget, Council adopted the following thresholds as levels of material variances for financial reporting:

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

The August Financial Report relies upon unaudited unconfirmed opening balance from the 2025/26 financial year.

The Statement of Financial Activity as at 31 August 2026 is reporting a YTD surplus of $100.8 million, which includes a $90.2 million operating surplus, the YTD operating surplus in favourable to budget by 7.6% or $6.4 million, due to timing of YTD budgeted employee costs and Materials and Contracts spends.

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 Unit Managers

External

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:
Local Government Act 1995
Section 6.4
Local Government (Financial Management) Regulations 1996
Regulation 34

FINANCIAL AND RESOURCE IMPLICATIONS

The opening funding surplus of $10.9 million presented on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2026 Financial Statements. Balance day adjustments for the final 30 June 2026 Financial Statements are still being reconciled and reviewed, and the 30 June 2026 surplus will be amended to include accruals as well as adjustments for reserve transfers.

The acquisition of Capital works was $2.8 million YTD, which is 28% less than YTD Budget of $3.9 million, due to a $1.28 million contract claim timing difference for JD Hardie Stage 3 project, offset by the $0.2 million SHISH 1C project ahead of schedule.

The investment portfolio is currently earning an average annual return of 4.99% and is currently valued at $210.6 million.

The Accounts Paid under delegated authority totalled $20.18 million for August 2026. This included $7.95 million in creditor payments for ongoing contractual arrangements, $1.87 million in payroll, $10.34 million in investment-related direct debits, and other routine payments such as loan, credit card, refund and merchant fee transactions.

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 environment 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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

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 2026/27 financial year.
Effect (Consequence)	Could impact on the Town's ability to meet service levels or asset renewal funding requirements.
Risk Treatment	The Town's financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).	

OPTIONS

Option 1 – Adopt officer's recommendation

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

CONCLUSION

The August 2026 Statement of Financial Activity provides Council with a timely view of the Town's actual financial performance and position. Receiving the report supports Council's statutory oversight role.

ATTACHMENTS

1. Monthly Financial Report for the period ended 31 August 2026 [**12.1.1.1** - 8 pages]
2. Accounts Paid under delegated authority for the period ended 31 August 2026 [**12.1.1.2** - 66 pages]
3. Purchasing Card Statements for the period ended 31 Aug 2026 [**12.1.1.3** - 12 pages]
4. Investment Summary Report for the period ended 31 August 2026 [**12.1.1.4** - 10 pages]
5. YTD Budget vs Actual Report by Directorate for the period ended 31 Aug 2026 [**12.1.1.5** - 1 page]
6. Capital Works Projects - August 2026 V 8 [**12.1.1.6** - 3 pages]

12.1.2	Council Policy - Integrity Framework

Author:	**Senior Audit, Risk & Insurance Advisor**
Authorising Officer:	**Director Corporate Services**
Disclosure of Interest:	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202627/227 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr Scott **SECONDED: Cr Baxter**

That Council, pursuant to section 2.7 of the Local Government Act 1995, adopts as a policy of the Council the 'Integrity Framework', as contained in Attachment 1, and requests the Chief Executive Officer to implement the policy and place a copy on the Council website

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is to seek Council's adoption of the proposed Council Policy Integrity Framework, as presented in Attachment 1.

DETAIL

On 12 May 2026, the Audit, Risk and Improvement Committee (the ARIC) considered the results of the Town of Port Hedland's (the Town) Integrity Maturity Self-Assessment (the Self-Assessment). The self-assessment was completed using the Public Sector Commission's Integrity Framework Maturity Self-Assessment Tool and evaluated the Town's existing integrity arrangements across key areas of governance, leadership, culture, capability, risk management, oversight and continuous improvement.

The self-assessment found that the Town has a sound foundation of integrity-related controls and governance practices. These include established governance processes and delegations, risk management arrangements, fraud and corruption controls, public interest disclosure and conflict of interest procedures, Codes of Conduct and associated training, and internal and external audit activities.

The self-assessment also identified opportunities to improve the coordination, consistency and oversight of these arrangements. While a range of integrity-related controls is already in place, responsibility for these controls is distributed across several business areas and they are not currently brought together within a single, organisation-wide framework.

Areas identified for further development included:

- Leadership and management commitment;

- Organisational culture and expected standards of behaviour;
- Employee integrity awareness and capability;
- Self-assessment, monitoring and review; and
- Central coordination and oversight of integrity-related activities.

The Town's 2024 Regulation 17 Review (CM202425/144) recommended the development of an Integrity Framework. This recommendation remains recorded as an action in the Town's Audit Log, which is monitored by the ARIC on a quarterly basis. The Integrity Framework has been developed as the primary treatment for this action by consolidating the Town's existing integrity arrangements, clarifying responsibilities, improving oversight and establishing a coordinated approach to continuous improvement.

Since completing the self-assessment, the Town has progressed several initiatives to strengthen its integrity arrangements, including:

- Endorsement of the Integrity Framework by the Executive Leadership Team (ELT), subject to minor administrative amendments;
- Development of the proposed Council Policy, to establish Council's integrity expectations and provide strategic direction to the Chief Executive Officer (CEO);
- Attendance by the Senior Audit, Risk and Insurance Advisor and Acting Manager Governance at the Public Sector Commission's Building and Sustaining Integrity Using the Commission's Toolkit session on 17 June 2026;
- Establishment of a Reputational (Integrity) risk category, through the update of the Risk Appetite Statement adopted by Council on 27 May 2026 (CM202627/173);
- Inclusion of funding in the 2026-27 Annual Budget for integrity-related training, capability development and specialist advisory services; and
- Attendance by the Senior Audit, Risk and Insurance Advisor at the Public Sector Commission's Misconduct Prevention – Spotting and Responding to Red Flags session on 26 August 2026.

The Integrity Framework is an internal operational document that supports the implementation of the Council Policy. It is not required to be adopted by Council.

The Framework gives effect to Council's strategic integrity expectations by bringing together the Town's existing systems, controls and responsibilities within a coordinated integrity management structure. It provides practical direction for the administration, monitoring and continuous improvement of integrity arrangements across the organisation.

The Integrity Framework addresses:

- Governance, integrity expectations, roles and responsibilities;
- Integrity risk management, internal controls and assurance;
- Fraud, corruption and misconduct prevention, reporting and response;
- Leadership, employee conduct, speaking up and organisational capability;
- Management and escalation of integrity concerns and breaches; and
- Oversight, review and continuous improvement.

Responsibility for approving, implementing and maintaining the Integrity Framework sits with the CEO. This allows the Framework to be updated when required to respond

to legislative changes, emerging integrity risks, audit findings, organisational changes and continuous improvement opportunities.

The proposed Council Policy in Attachment 1 provides Council's overarching statement of commitment to integrity, ethical conduct, transparency and accountability. It establishes Council's expectations for the management of integrity across the organisation and requires the CEO to maintain and implement the supporting Integrity Framework.

The Council Policy:

- Affirms Council's expectation that powers, public resources and decision-making processes are exercised lawfully, honestly, fairly and in the public interest;
- Establishes a no tolerance approach to fraud, corruption, serious misconduct, improper influence, misuse of position, information or resources, and reprisals against people who raise concerns;
- Establishes principles of accountability, risk-based management, prevention, detection, reporting and continuous improvement;
- Clarifies the respective roles and responsibilities of Council, the CEO, ARIC, employees, Elected Members and committee members; and
- Requires the Town's integrity arrangements to align with its policies, Codes of Conduct, statutory obligations and broader governance arrangements.

The Policy is intentionally strategic and principles based. It establishes Council's expectations and oversight role without duplicating the operational processes contained in the Integrity Framework or other supporting procedures. This preserves the distinction between Council's governance responsibilities and the CEO's responsibility for the administration, implementation and maintenance of the Town's operational systems and controls.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 Significant Decision Making, this matter is considered to be of medium significance because it establishes Council's strategic direction and expectations for integrity governance across the Town. The proposed Council Policy supports the effective management of integrity-related risks by requiring the Chief Executive Officer to implement and maintain an Integrity Framework that promotes ethical conduct, accountability, transparency and continuous improvement.

CONSULTATION

Internal

- Executive Leadership Team
- Senior Leadership Team

External

- Public Sector Commission

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:
Local Government Act 1995
Sections 2.7, 5.41, 5.51A and 5.104
Local Government (Audit) Regulations 1996 -

Regulation 16

Corruption, Crime and Misconduct Act 2003
Public Interest Disclosure Act 2003

State Records Act 2000

Council Policies and Documents:
1/022 Risk Management
1/023 Public Interest Disclosure
1/024 Fraud and Corruption

Town of Port Hedland Code of Conduct for Employees and Volunteers
Town of Port Hedland Statement of Business Ethics
Town of Port Hedland Fraud Control Plan

Internal Operating Procedures:
GOV012 Managing Conflicts of Interest
GOV026 Public Interest Disclosure Procedures

FINANCIAL AND RESOURCE IMPLICATIONS

The Policy was developed in-house, demonstrating Council's strong internal governance capability and commitment to delivering strategic outcomes through existing resources and staff expertise.

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access

and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational Fraud
Cause	The Integrity Framework has been developed but requires policy support and consistent implementation across the Town.
Effect (Consequence)	Inconsistent implementation may result in unclear accountability, control gaps, delayed escalation of concerns, and a reduced capacity to prevent and respond to integrity breaches.
Risk Treatment	Treat
There is an operational risk that the Integrity Framework may not be consistently implemented across the Town, resulting in ineffective management of integrity risks and potential reputational harm. The risk is rated Medium (6), based on a likelihood of Unlikely (2) and a consequence of Moderate (3). The risk will be treated through the adoption of the Council Policy and implementation of the supporting Integrity Framework.	

OPTIONS

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

CONCLUSION

The self-assessment identified an opportunity to better coordinate the Town's existing integrity arrangements. The proposed Council Policy establishes Council's expectations, while the supporting Integrity Framework provides an operational structure for their consistent implementation under the authority of the CEO.

Adoption of the Council Policy will provide clear strategic direction, strengthen accountability and oversight, and support a coordinated approach to managing integrity risks across the Town. It is therefore recommended that Council adopt the Council Policy in Attachment 1.

ATTACHMENTS

1. Council Policy Integrity Framework [**12.1.2.1** - 4 pages]

12.1.3	Council Policy - Employee Leaving Council Service

The Chief Executive Officer, Dale Stewart, Director Corporate Services Ingrid Bishop and Manager Governance Renae Doyle declared a financial and impartiality interest in item 12.1.3.

Author:	**Manager Governance**
Authorising Officer:	**Director Corporate Services**
Disclosure of Interest:	The Author, Authorising officer and Chief Executive Officer declare that they have a financial and impartiality interest in relation to this item.

CM202627/228 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr Baxter SECONDED: Cr Edwards

That Council, pursuant to sections 2.7 and 5.50 of the Local Government Act 1995, adopts as a policy of the Council 'Employees Leaving Council Service', as contained in Attachment 1, and requests the Chief Executive Officer to implement the policy and place a copy of the Policy on the Council website.

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is to seek Council's adoption of the proposed Council Policy Employees Leaving Council Service, which establishes a transparent process for the consideration and approval of gratuity payments in accordance with the Local Government Act 1995 and associated regulations. The proposed policy reintroduces former Council Policy 1/027 Severance Payment, which is no longer included in the Town's current policy framework.

DETAIL

The Town currently has no Council policy governing gratuity payments following the rescission of Policy 1/027 Severance Payment at the Ordinary Council Meeting on 5 March 2025. The absence of a Council policy creates a governance gap in relation to the assessment, approval and administration of gratuity payments.

In March 2017, Council adopted Policy 1/027 Severance Payment to provide guidance regarding circumstances in which gratuity payments could be considered. The policy provided guidance regarding circumstances in which gratuity payments could be considered, including redundancy, voluntary severance, settlement of employment-related claims, illness or impairment, and recognition of outstanding service. The policy also required Council approval for any gratuity payment involving the Chief Executive Officer. On 5 March 2025, based on Administration advice and recommendation at the time, the Council resolved (CM202425/271) to rescind Policy 1/027 Severance Payment and convert the document to an Internal Operating

Procedure. Subsequent review identified that section 5.50 (3) of the Local Government Act 1995 requires a local government to prepare and adopt a policy in relation to employee entitlements. As gratuity payments fall within the scope of employee entitlements, the matter must be governed by a Council policy. Accordingly, the proposed policy has been prepared to ensure legislative compliance and provide an appropriate governance framework for the administration of gratuity payments.

The proposed Council Policy Employee Leaving Council Service seeks to establish principles and parameters for considering gratuity payments for Town employees where appropriate and permitted by legislation.

The policy:

- Provides guidance regarding the circumstances under which a gratuity payment may be considered.
- Supports consistent and equitable decision-making.
- Ensures compliance with legislative requirements.
- Establishes approval authorities and governance controls.
- Clarifies Council's role in relation to any gratuity payment involving the Chief Executive Officer.

Any payment remains subject to legislative requirements, budget availability, organisational needs, and relevant approval processes.

In developing the proposed approach, consideration was given to local government governance practices and industry standards relating to gratuity payments, Administration reviewed numerous local government policies and identified the City of Karratha's approach as representing a practical and robust model. Adopting a similar policy assists in reducing governance risk by promoting transparency, consistency, accountability and compliance with legislative and best practice requirements.

The policy will provide greater clarity for both employees and decision-makers regarding the Town's approach to gratuity payments while supporting sound governance practices.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 Significant Decision Making, this matter is of low significance as it relates to an internal governance and administrative matter and does not result in a substantial change to existing service delivery, strategic direction or community outcomes.

CONSULTATION

Internal

- Chief Executive Officer
- Director Corporate Services
- Manager Human Resources

External

City of Karratha

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Local Government Act 1995

Section 5.50 states the following:

"1. Payments to employees in addition to contract or award A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

a) circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
b) the manner of assessment of the additional amount.

1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

1. A local government may make a payment —
(a) to an employee whose employment with the local government is finishing; and
(b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.
2. The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
3. In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.
4. The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government's official website."

Local Government (Administration) Regulations 1996

Regulation 19A (1)

Council Policy:

- 3/007 Senior Employees and Appointing Chief Executive Officer
- 4/009 Significant Decision Making.

FINANCIAL AND RESOURCE IMPLICATIONS

The adoption of the policy will not create an immediate financial impact. Any gratuity payment considered under the policy will be assessed on a case-by-case basis and must be accommodated within approved budget allocations or be subject to separate Council consideration where required.

The Policy was developed in-house, demonstrating Council's strong internal governance capability and commitment to delivering strategic outcomes through existing resources and staff expertise.

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Failure to adopt the proposed Council Policy Employees Leaving Council Service may result in the Town not having a contemporary governance framework to guide the assessment, approval and administration of gratuity payments.
Effect (Consequence)	• Inconsistent assessment and administration of gratuity payments. • Reduced transparency and accountability in employment-related decisions. • Governance uncertainty regarding approval authorities and payment criteria. • Increased risk of actual or perceived inequity in the treatment of employees. • Potential non-compliance with the Local Government Act 1995, Local Government (Administration) Regulations 1996, and other applicable employment obligations. • Reputational impacts arising from decisions perceived as lacking appropriate governance oversight.
Risk Treatment	Accept Officer's Recommendation.

There is an Operational risk associated with this item caused by the absence of a current Council Policy Employees Leaving Council Service. This may result in inconsistent administration of gratuity payments, governance uncertainty, reduced transparency, and an increased risk of non-compliance with legislative and organisational requirements.
The proposed Council Policy Leaving Council Service establishes a clear framework for the consideration and approval of gratuity payments, defines governance responsibilities, and supports transparent and consistent decision-making in accordance with relevant legislation and Town policies.
The risk rating is considered to be Low (4), being determined by a likelihood of Unlikely (2) and a consequence of Minor (2).
This risk will be mitigated through the adoption and implementation of the proposed Council Policy Leaving Council Service.

OPTIONS

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

CONCLUSION

The proposed Council Policy Employees Leaving Council Service re-establishes a formal governance framework for the consideration and approval of gratuity payments in accordance with legislative requirements. The policy supports transparency, consistency and appropriate oversight while providing clear guidance regarding approval authorities and administrative processes. Accordingly, it is recommended that Council adopt the proposed policy as contained in Attachment 1.

ATTACHMENTS

1. Council Policy Employees Leaving Council Service [**12.1.3.1** - 4 pages]

12.1.4	Council Policy Manual

Cr Todd declared an Impartiality interest in item 12.1.4.

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

OFFICER'S RECOMMENDATION

That Council, pursuant to section 2.7 of the Local Government Act 1995 adopts the Council Policy Manual as contained in Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

CM202627/229 COUNCIL DECISION

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

That Council, pursuant to section 2.7 of the Local Government Act 1995 adopts the Council Policy Manual as contained in Attachment 1, Subject to Policy 8/005 Community Engagement Policy and the connected Engagement Strategy, being referred to Council for a major review within three months of the State Governments adoption of section 5.56A of the Local Government Act 1995, requiring Local Governments to adopt a Community Engagement Charter and separately policy 15/003 Video Surveillance also being referred to Council in accordance with Council's resolution of 29 July 2026, no later than 31 March 2027.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Reason for Change from Officer's Recommendation

The amendment supports a future review of the Policies stated to align with the implementation of the State's requirement of local governments to adopt a Community Engagement Charter, and to also acknowledge the previous motion that the CCTV Policy would be reviwed.

PURPOSE

The purpose of this report is to seek Council's adoption of the proposed Council Policy Manual (Policy Manual), which provides a consolidated and contemporary framework for Council policies.

DETAIL

Council policies establish Council's position on key matters, guide consistent decision-making, and support legislative compliance and good governance. Council policies are intended to:

- Record Council's policy decisions;
- Support review to maintain alignment with legislation, community expectations and contemporary practice;
- Provide clear directions to Administration when applying Council decisions; and
- Assist Elected Members and the community to understand Council's position on policy matters.

Existing policies were reviewed and standardised to improve consistency, governance oversight and ease of administration to develop the proposed Policy Manual, contained in Attachment 1. The Policy Manual provides a consistent and contemporary policy framework that supports good governance, legislative compliance, transparency and effective decision-making.

In developing the Policy Manual, existing policies were reviewed to ensure consistency of format, document control requirements, policy numbering, legislative references, governance terminology, and administrative practices. Where appropriate, minor amendments have been made to improve clarity, remove duplicated or obsolete content, update legislative references, and align policies with current operational requirements and governance practices without changing the intent of the policies.

A summary of the amendments made to each policy during incorporation into the Policy Manual is provided in Attachment 2. These changes generally include:

- Updating policy numbering and document control information;
- Incorporating or updating relevant legislative references;
- Standardising policy formatting and structure;
- Updating terminology to reflect contemporary governance and organisational practices;
- Correcting minor administrative, formatting and drafting inconsistencies;
- Making targeted amendments to specific policies where operational, governance or legislative improvements were identified; and
- Establishing a consistent four-year review cycle while allowing policies to be reviewed and updated at any time in response to legislative changes, operational requirements, governance improvements, strategic priorities or Council direction.

The Policy Manual consolidates all Council policies into a single document, improving accessibility, consistency and oversight. Adoption of the Policy Manual will establish a clear governance framework, improve policy accessibility and oversight, reduce administrative duplication, and provide a more efficient process for the ongoing management and review of Council policies.

The Policy Manual includes a framework that establishes a four-year review cycle to ensure Council policies remain current and effective, while allowing reviews to be undertaken at any time in response to legislative changes, operational requirements, governance improvements or Council direction. The framework also permits

Administration to make minor administrative amendments, such as updating legislative references when amended, correcting typographical errors and maintaining document control information, where these changes do not alter the intent or policy position adopted by Council.

Council Policy 6/02 Funeral Directors is proposed to be revoked as the relevant authority is provided to the CEO through the Town's Delegation Register and the Town of Port Hedland Cemeteries Local Law.

A detailed summary of the amendments made during the development of the Policy Manual is included in Attachment 2. Attachment 3 provides a tracked changes version of the policies incorporated into the Policy Manual, illustrating the amendments made as part of the review process.

Attachment 1 contains the final proposed Policy Manual, incorporating all accepted amendments, for Council's consideration and adoption.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 Significant Decision Making, this matter is considered to be of low significance as the proposed Policy Manual in Attachment 1 consolidates and updates existing Council policies that have previously been adopted by Council, with amendments primarily administrative, legislative and formatting in nature, and not materially changing Council's existing policy positions.

It is emphasised that there are no new Council Policies proposed.

CONSULTATION

Internal

- Elected Members
- Chief Executive Officer
- Director Corporate Services

External

Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Local Government Act 1995

Section 2.7 Role of Council

Section 5.129 (2)(b)

Town of Port Hedland Cemeteries Local Law 2015

Town of Port Hedland existing Council Policies

FINANCIAL AND RESOURCE IMPLICATIONS

The Policy Manual has been prepared within existing resources and has no additional budget implications.

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	Failure to adopt the proposed Council Policy Manual may result in a fragmented and inefficient policy framework, reducing consistency in governance practices and increasing the risk that policies become outdated or misaligned with legislative requirements, organisational practices and Council's strategic objectives.
Effect (Consequence)	This may lead to governance uncertainty, inconsistent application of Council policies, reduced transparency, administrative inefficiencies, and an increased risk of non-compliance with legislative and regulatory requirements.
Risk Treatment	Adoption of the proposed Policy Manual will mitigate the risk of an inefficient and fragmented policy framework by ensuring Council's policies remain current, consistent and aligned with

	legislative requirements, governance best practice and operational needs.
Adoption of the proposed Policy Manual will mitigate the risk of an inefficient and fragmented policy framework by ensuring Council's policies remain current, consistent and aligned with legislative requirements, governance best practice and operational needs. The risk rating is considered Low (4), based on a likelihood of Unlikely (2) 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 proposed Policy Manual in Attachment 1 provides Council with a consolidated and contemporary governance framework that enhances policy oversight, improves accessibility, and supports transparent and consistent decision-making. The consolidation of policies into a single manual will improve administrative efficiency, streamline policy management, and support the effective review and maintenance of Council's policy framework.

The review process has ensured that policies remain relevant, align with current legislative requirements and governance best practice, and reflect the Town's operational needs. The amendments are predominantly administrative, legislative and governance focused in nature and improve consistency, clarity and usability without materially altering Council's existing policy positions.

Adoption of the proposed Policy Manual will provide Council with a clear and effective governance framework, reduce administrative duplication, support transparent and informed decision-making, and establish a more efficient approach to the ongoing management and review of Council Policies. Accordingly, Administration recommends that Council adopt the proposed Council Policy Manual as contained in Attachment 1.

ATTACHMENTS

1. Council Policy Manual [**12.1.4.1** - 253 pages]
2. Proposed Council Policy Changes Summary [**12.1.4.2** - 1 page]
3. Council Policy Track Changes [**12.1.4.3** - 282 pages]

12.1.5	Rate Exemption - Wangka Maya Pilbara Aboriginal Language Centre

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

CM202627/230 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr Todd SECONDED: Cr Scott

That Council with respect to the request for Rates Exemption for Wangka Maya Pilbara Aboriginal Language Centre for 67 Throssell Road, South Hedland, approve the application from 1 July 2026, in accordance with section 6.26(2)(g) of the Local Government Act 1995.

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider a received an application from Wangka Maya Pilbara Aboriginal Language Centre for an exemption from rates under section 6.26(2)(g) of the Local Government Act 1995 for 67 Throssell Road South Hedland. 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. A Wangka Maya Pilbara Aboriginal Language Centre is an endorsed Public Benevolent Intuition and also as a Tax Concession Charity.

DETAIL

Wangka Maya Pilbara Aboriginal Language Centre purposes include supporting Indigenous communities through language and cultural awareness training, 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 Rule Book of Wangka Maya Pilbara Aboriginal Language Centre has described its objectives to be to provide direct relief from poverty, sickness, suffering, distress and helplessness to all Indigenous peoples, who are speakers of Pilbara traditional languages.

The property is used for indigenous poverty, communication and cultural awareness. On this basis, it is recommended that Council approves the exemptions to apply from 1 July 2026.

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

- Planning and Economic Development Business Unit
- Rates Officers

External

Nil

Community

- Wangka Maya Pilbara Aboriginal Language Centre

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Local Government Act 1995
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 67 Throssell Road South Hedland, effective from 1 July 2026 would be $4,075.95 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
There are no significant identifiable environmental, social or economic impacts relating to this item.

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Not adopting this rates exemption.
Effect (Consequence)	Reputation damage from not following our Rating policy.
Risk Treatment	Approve this recommendation.
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 Wangka Maya Pilbara Aboriginal Language Centre 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. Application Rates Exemption Wangka Maya Pilbara Language centre [**12.1.5.1** - 3 pages]

12.2 Community Services

There were no reports in this section.

12.3 Regulatory Services

12.3.1	Scheme Amendment 8 - Omnibus Amendment No.2 to Local Planning Scheme 7

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.

CM202627/231 OFFICER'S RECOMMENDATION & COUNCIL DECISION

MOVED: Cr McDowall **SECONDED: Cr Baxter**

That Council with respect to Scheme Amendment No. 8 to Local Planning Scheme No. 7 - Omnibus Amendment No. 2:

1. **In accordance with Section 75 of the Planning and Development Act 2005 (PD Act) resolves to prepare Amendment No. 8 to Town of Port Hedland Local Planning Scheme No. 7, as shown in Attachment 1.**
2. **In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 8 to Town of Port Hedland Local Planning Scheme No. 7 is a standard amendment for the following reasons:**
    a. **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;**
    b. **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme Area; and**
    c. **The amendment is not considered a complex or basic amendment.**
3. **Authorises the Chief Executive Officer (CEO) to proceed to advertise proposed Amendment No. 8 for a period of 42 days, in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, immediately upon receipt of the Minister for Planning's approval to advertise.**

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider Scheme Amendment No. 8 Omnibus No. 2 to Local Planning Scheme No. 7 (LPS 7):

1. As a 'Standard Amendment' for referral to the Minister for Planning's office for consideration; and
2. Adopt the proposed Amendment for the purposes of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Division 3 – Process for standard amendments to local planning scheme'.

DETAIL

Development within the Town of Port Hedland (Town) is controlled and guided by Local Planning Scheme No. 7 (LPS 7) which became operational in 2021.

It is common practice to undertake periodic, relatively minor, review of local planning schemes. An omnibus amendment is the most efficient means to put into place a group of mostly unrelated, minor amendments which don't require processing separately.

The proposed amendment will be the second omnibus amendment to LPS 7, comprising primarily administrative corrections, mapping updates, land use permissibility refinements and implementation of strategic planning initiatives already identified in the Town's Local Planning Strategy. It does not introduce any fundamental change to the overall strategic intent of LPS 7.

The Amendment Report contained within Attachment 1 provides a detailed explanation of each of the proposed amendments and their justification, including the proposed mapping changes. The intent and scope of the changes proposed in the amendment are categorised in the table below:

Item	Amendment	Purpose / Effect	Map Reference
1	Remove five (5) Wedgefield properties from Additional Use A1 'Caretaker's Dwelling'	Removes redundant additional use provisions where no caretaker's dwelling exists.	Proposed Scheme Amendment Map 1
2-3	Amend Additional Uses A1 and A2	Adds permissibility symbols to existing uses (Caretaker's Dwelling = 'A'; Motor Vehicle Sales and Repairs = 'D') to improve statutory clarity and decision-making.	Scheme Text modification only
4-5	Amend land use permissibility and introduces 'Home Occupation' land use	Updates zoning table permissibility, allows greater flexibility for residential uses in the Private Clubs, Institutions and Places of Worship zone, restricts residential building as a land use classification, and introduces the missing Home Occupation land use and definition.	Scheme Text modification only

6-9	Administrative restructuring of Scheme provisions	Transfers structure plan requirements from Table 7 into a new Table 8 under Clause 33, renumbers Special Control Area table, and updates references. No substantive policy changes are proposed.	Scheme Text modification only
10	Update 'Bulky Goods Showroom' definition	Corrects a drafting error and aligns the definition with the Model Scheme Text, which is the statewide standard for defining land use classifications.	Scheme Text modification only
11	Amend density coding at 4 Clam Court, South Hedland	Changes density coding from R30/60 to R60 to reflect the site's established development.	Proposed Scheme Amendment Map 3
12	Amend density coding at Godrick Place, South Hedland	Lots 510 and 511 change from R30 to R50 to align with surrounding residential densities.	Proposed Scheme Amendment Map 4
13	Reclassify drainage land in South Hedland	Rezones drainage lots from Residential to Drainage/Waterway Reserve and removes density coding.	Proposed Scheme Amendment Map 3 & 4
14	Reclassify drainage land in Kingsford Smith Business Park	Rezones two drainage lots from Special Use SU2 to Drainage/Waterway Reserve to reflect existing use.	Proposed Scheme Amendment Map 2
15	Reclassify land for Cassia Primary School	Rezones Lot 2983 from Residential to Education Reserve to reflect current school-related use.	Proposed Scheme Amendment Map 4
16	Reclassify Mitchie Crescent reserve	Rezones Lot 500 from Residential to Public Open Space to reflect existing community use.	Proposed Scheme Amendment Map 4
17	Normalise road reserves in South Hedland	Changes Kangaroo Crescent, Bridge Street and Leeward Street road reserves from Residential Zone to Local Road Reserve.	Proposed Scheme Amendment Map 5
18	Amend Special Use provisions (SU1 and SU2)	Corrects a drafting error for Port Hedland Airport (SU1), adds Telecommunications Infrastructure as a	Scheme Text modification only

		discretionary use in Kingsford Smith Business Park (SU2), and requires compliance with a Local Planning Policy.	
19	Amend Rural Residential provisions	Introduces minimum setbacks, Local Planning Policy requirements, and limits ancillary dwellings to no more than two (2) per lot, to prevent amenity impacts and unplanned workforce accommodation.	Scheme Text modification only
20-21	Introduce SCA 8 Visual Protection Corridor	Establishes a 200m-wide Special Control Area along Great Northern Highway, North West Coastal Highway and part of Wallwork Road to improve visual amenity and development presentation on key entry routes.	Proposed Scheme Amendment Map 1, 2 and 6
22	Rezone Hedland Junction lots	Rezones 27 created lots in the Hedland Junction Structure Plan area from Industrial Development to General Industry following subdivision completion.	Proposed Scheme Amendment Map 2
23	Reclassify Hedland Junction Road reserves	Converts constructed road reserves from Industrial Development Zone to Local Road Reserve.	Proposed Scheme Amendment Map 2

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.
- LPS 7 provides an overarching framework within which land use related decisions are made. The Omnibus Amendment represents an update of LPS 7 which was gazetted in 2021. The Amendment will ensure that LPS 7 is consistent with current State planning legislation and adopted structure plans and that it continues to remain relevant and responsive to the needs of the Port Hedland community.

CONSULTATION

Internal

- Planning and Development Team

External

- Department of Planning, Lands and Heritage
- Land Insights

Community

- If Council resolves to advertise the omnibus amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 42 days and consisting of:
- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any public authority the Town considers will be affected by the amendment; and
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.

Submissions received during the public advertising period will be presented back to Council for its consideration.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Planning and Development Act 2005

Clause 75 Amending scheme:

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –

a) Prepared by the local government, approved by the Minister and published in the Gazette; or

b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Clause 81 Proposed scheme or amendment to be referred to the Environmental Protection Authority (EPA).

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA–

a) Written notice of that resolution; and

b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)

Under the LPS Regulations the amendment is considered to be a standard amendment and to progress the amendment the Council must resolve to prepare an amendment to the local planning scheme. The amendment must be referred to the EPA and then advertised to the public in accordance with the regulations.

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town of Port Hedland Local Planning Scheme No. 7

FINANCIAL AND RESOURCE IMPLICATIONS

The Town engaged the consultant Land Insights for a total cost of $11,385.00 in alignment with the Planning and Building Professional Services budget allocation.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan 2025-2035 apply in 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
3.3 Accessible, attractive and sustainable urban environment

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	Not proceeding with the amendment
Effect (Consequence)	Scheme not being consistent with the current planning legislation
Risk Treatment	Proceeding with the amendment

There is a Strategic risk associated with this item caused by not proceeding with the amendment leading to Scheme not being consistent with the current planning legislation.
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 the proposed amendment.

OPTIONS

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

CONCLUSION

The proposed amendment is appropriately classified as a Standard Amendment under the Planning and Development (Local Planning Schemes) Regulations 2015. The amendment comprises a range of administrative corrections, mapping updates, land use permissibility amendments, and implementation of existing strategic planning initiatives.

The proposed changes will improve the clarity and effectiveness of Local Planning Scheme No. 7, address a number of identified anomalies and ensure the Scheme remains consistent with the Town's strategic planning framework and current planning practice. The amendment is not considered to have any significant environmental, social, or economic impacts and does not alter the strategic intent of the Scheme.

It is recommended that Council resolve to prepare and advertise Amendment No. 8 to Local Planning Scheme No. 7 in accordance with the requirements of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

ATTACHMENTS

1. Town of Port Hedland Amd 8 - Omnibus Amendment [**12.3.1.1** - 31 pages]
2. Omnibus Mapping [**12.3.1.2** - 12 pages]

12.3.2	Scheme Amendment 10 - Reclassifying Lot 842, 5875 and 5909 Great Northern Highway

Cr Todd declared an Impartiality interest in item 12.3.2.

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.

CM202627/232 OFFICERS' RECOMMENDATION & COUNCIL DECISION

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

That Council with respect to the Scheme Amendment 10 - Reclassifying Lot 842, 5875 and 5909 Great Northern Highway from 'Conservation' to 'General Industry':

1. **In accordance with Section 75 of the Planning and Development Act 2005 (PD Act) resolves to prepare Scheme Amendment No. 10 to Town of Port Hedland Local Planning Scheme No. 7, as shown in Attachment 1.**
2. **In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 10 to Town of Port Hedland Local Planning Scheme No. 7 is a complex amendment for the following reasons:**
    a. **The amendment is not consistent with the Local Planning Strategy that has been endorsed by the Commission.**
3. **Authorises the Chief Executive Officer to proceed to advertise proposed Amendment No. 10 for a period of 60 days, in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015, immediately upon receipt of the Minister for Planning's approval to advertise.**

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider Scheme Amendment No. 10 Reclassifying Lot 842, 5875 and 5909 Great Northern Highway from 'Conservation' to 'General Industry' to Local Planning Scheme No. 7 (LPS 7):

1. As a 'Complex Amendment' for referral to the Minister for Planning's office for consideration; and

2. Adopt the proposed Amendment for the purposes of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Division 3 – Process for standard amendments to local planning scheme'.

The primary driver for Scheme Amendment No. 10 is a proposal from the innovative Kariyarra-owned business, Boodarie WA, through its CECO Bricks project, which seeks to manufacture construction products using iron ore tailings. The proposal strongly aligns with Council objectives relating to economic diversification, Aboriginal economic participation, sustainability, local manufacturing, and housing supply. While the amendment has been initiated in response to this specific proposal, the broader planning assessment has considered the long-term strategic suitability of the land for industrial purposes beyond the needs of any single proponent. In particular, the amendment seeks to facilitate innovative and specialised manufacturing and industrial activities that are not readily accommodated within existing industrial areas such as Wedgefield or the Kingsford Smith Business Park, particularly where operational characteristics require separation from sensitive or incompatible land uses.

The discrete location of the subject land makes it well suited for this industrial purpose. Any future potential operator will need to secure land tenure from the Department of Planning, Lands and Heritage and obtain the necessary statutory approvals. The proposed rezoning is therefore a critical enabling step, providing planning certainty to support future land transactions and investment opportunities.

DETAIL

Scheme Amendment No. 10 seeks to amend the Local Planning Scheme by reclassifying land currently reserved for 'Environmental Conservation' to 'General Industry', applying Restricted Use R1 to the rezoned land, and changing the abutting section of the Great Northern Highway Road Reserve from 'Environmental Conservation' to 'Primary Distributor Road'.

The 'General Industry' zone has been selected to reflect the historic use of the Amendment area. The list of potential uses under the 'General Industry' zone is quite wide-ranging with a number being unsuitable in proximity to the Port Hedland International Aiport, Great Northern Highway and the Town's entry statement. Accordingly, Restricted Use R1 is proposed to ensure that future development and land uses are compatible with the site's strategic context and surrounding infrastructure. The Restricted Use R1 is outlined in the Table below:

Number	Description of land	Restricted Use	Conditions
R1	Lot 842 on Deposited Plan 171185, Lot 2524 on Deposited Plan 190101, Lot 5875 on Deposited Plan 192088 and	• Abattoir - 'A' • Brewery – 'D' • Fuel depot - 'D' • Garden centre - 'A' • Industry – 'D' • Industry – light – 'D' • Motor vehicle repair – 'D' • Office – 'I'	(4) Buildings and structures shall be clad in non-reflective materials. (4) Landscaping shall be installed and maintained at all times along the Great

	Lot 5909 on Deposited Plan 218996 Great Northern Highway, Port Hedland	• Renewable energy facility – 'A' • Telecommunications infrastructure – 'D' • Trade display – 'D' • Trade supplies – 'D' • Transport Depot - 'A' • Veterinary centre – 'D' • Warehouse / storage – 'D'	Northern Highway boundary in a manner that reduces the visual impact of the development when viewed from Great Northern Highway. (4) Access / egress shall be to the satisfaction of the local government taking into account the access requirements of the development and the need to consolidate access onto Great Northern Highway. (4) The maximum height of development to be in accordance with Civil Aviation Safety Authority (CASA) restrictions. Any development proposing a greater height will be referred to CASA for comment with any advice given due regard by the local government.

The application of Restricted Use R1 provides a balanced approach by limiting potentially inappropriate land uses while maintaining flexibility for a broad range of industrial, service commercial and storage activities that are consistent with the intent

of the 'General Industry' zone. This approach avoids the need for more prescriptive development controls that may unnecessarily constrain development opportunities within the amendment area.

Scheme Amendment No. 10 was originally contemplated as part of Scheme Amendment No. 8 (Omnibus No. 2). However, it was subsequently separated and progressed as a standalone amendment due to its inconsistency with the Town's Local Planning Strategy, resulting in its classification as a 'Complex Amendment' under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Amendment Area comprises Lot 842 on Deposited Plan 171185, Lot 2524 on Deposited Plan 190101, Lot 5875 on Deposited Plan 192088, Lot 5909 on Deposited Plan 218996 and portion of road reserve Land ID 3467455, Great Northern Highway, Port Hedland.

The Amendment area has a combined area of approximately 23 hectares and is located east of Port Hedland International Airport and the BHP Port Hedland to Mt Newman Railway. The land is situated at the eastern gateway to Port Hedland and has historically been utilised for industrial and transport-related purposes.

Under Town Planning Scheme No. 5 that was in operation until 2021, much of the land surrounding South Hedland was reserved for infrastructure purposes, facilitating industrial development but reducing the supply of planned industrial land. During the mining boom, a shortage of serviced industrial land resulted in State agencies issuing industrial leases across Crown land, leading to the establishment of industrial activities outside formal industrial estates.

During the preparation of LPS7, a Conservation zone buffer was applied around South Hedland to separate urban areas from future industrial expansion. The subject lots were included within this buffer as part of the broader strategic approach, despite their longstanding industrial use and surrounding industrial context.

Since that time, Main Roads WA has upgraded bridge and road access to the site, improving its functionality and reinforcing its industrial role. Given the established industrial activity, surrounding land uses, improved access arrangements, and the site's location on the edge of the Conservation buffer, officers consider that the General Industry zone more appropriately reflects the current and intended future use of the land.

The Town of Port Hedland Local Planning Strategy (Strategy), endorsed by the Western Australian Planning Commission in 2021, identifies extensive areas adjoining existing industrial zones and the urban footprint as 'Conservation'. This designation was intended to limit the incremental expansion of industrial development into the surrounding natural environment and to retain environmental and landscape values.

Notwithstanding this strategic intent, the Amendment Area has been utilised for transport and mining-related purposes since approximately 1995 and has been substantially cleared of native vegetation. As a result, the land exhibits limited environmental values and does not display the characteristics typically associated with land identified for long-term conservation purposes.

The Strategy does not provide specific justification for the inclusion of the Amendment Area within the broader 'Conservation' designation. Its designation as 'Conservation'

is likely to avoid the proliferation of utility infrastructure in proximity to established urban areas. Given the historic and ongoing industrial nature of the land, together with its modified condition, the proposed amendment is considered to more accurately reflect the existing use and character of the site while facilitating its future development in a managed manner.

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

- Planning and Development Business Unit

External

- Department of Planning, Lands and Heritage
- Land Insights

Community

- If Council resolves to advertise the omnibus amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 60 days and consisting of:
- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any public authority the Town considers will be affected by the amendment; and
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.
- Submissions received during the public advertising period will be presented back to Council for its consideration

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Part 5, Division 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), Council may resolve to:

- Proceed to seek approval to advertise the proposed Scheme Amendment;
- Proceed to modify the proposed Scheme Amendment and advertise the modified Scheme Amendment; or
- Not proceed with the Scheme Amendment.

Regulation 35 of the Regulations requires a local government to classify a Scheme Amendment as either 'Basic', 'Standard' or 'Complex'.

A Scheme Amendment that is inconsistent with an approved or endorsed Local Planning Strategy is required to be classified as a 'Complex' Amendment. The proposed Amendment is inconsistent with the Town of Port Hedland Local Planning Strategy, which identifies the Amendment Area as 'Conservation', whereas the amendment proposes to reclassify the land to 'General Industry'.

Accordingly, Scheme Amendment No. 10 has been classified as a 'Complex' Scheme Amendment. Pursuant to the Regulations, a 'Complex' Scheme Amendment must be referred to the Minister for Planning for consent to advertise. If approved for advertising, the amendment will be subject to a statutory public advertising period of 60 days.

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town of Port Hedland Local Planning Strategy
Town of Port Hedland Local Planning Scheme No. 7

FINANCIAL AND RESOURCE IMPLICATIONS

The Town engaged the consultant Land Insights for a total cost of $7.500.00 in alignment with the Planning and Building Professional Services budget allocation.

The amendment is being initiated by the Town rather than a private landholder, as the land is Crown-owned, and the amendment addresses a broader strategic planning issue rather than a single development proposal. Given the proposal relates to Crown land, supports a start-up Aboriginal-owned business and required only a relatively modest amount of technical work to prepare; officers have not sought cost recovery from the proponent.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan 2025-2035 apply in 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.
3.1 Healthy natural environment
3.2 Safe and fit-for-purpose built environment
3.3 Accessible, attractive and sustainable urban environment

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	Retention of the current 'Environmental Conservation' reservation over land with limited environmental value and an established industrial history.
Effect (Consequence)	The planning framework may not appropriately reflect land use capability, limiting opportunities for industrial development and economic growth within the Town.
Risk Treatment	Proceed with Scheme Amendment No. 10 to align the zoning framework with the land's historic use, development potential and strategic function.
There is a Strategic risk associated with this item caused by Amendment Area remaining underutilised, leading to the Town being unable to facilitate the provision of appropriate industrial land and potentially constraining investment, employment opportunities and the growth of local industries. 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 treated by supporting Scheme Amendment No. 10.	

OPTIONS

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

CONCLUSION

The proposed Scheme Amendment No. 10 seeks to reclassify approximately 23 hectares of land from 'Environmental Conservation' to 'General Industry', apply Restricted Use R1 to the rezoned land, and reclassify a portion of the Great Northern Highway Road Reserve to 'Primary Distributor Road'. While the amendment is inconsistent with the Town of Port Hedland Local Planning Strategy and is therefore required to be processed as a 'Complex' Scheme Amendment, the proposal recognises the historic industrial use of the land and its modified condition.

The proposed zoning and Restricted Use R1 provisions provide an appropriate planning framework that balances development opportunities with the need to ensure future land uses are compatible with the site's strategic location adjoining major transport infrastructure and Port Hedland International Airport.

It is recommended that Council resolve to prepare and advertise Scheme Amendment No. 10 to Local Planning Scheme No. 7 in accordance with the requirements of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

ATTACHMENTS

1. Town of Port Hedland Amendment 10 Rev 1 [**12.3.2.1** - 23 pages]
2. Town of Port Hedland Amendment 10 Rev 1 - Mapping [**12.3.2.2** - 2 pages]

12.3.3	Scheme Amendment No. 11 - Rezone Rural zoned land on the western edge of South Hedland to Urban Development

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.

CM202627/233 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr McDowall

That Council with respect to Scheme Amendment No. 11 - Rezone Rural zoned land on the western edge of South Hedland to Urban Development:

1. **In accordance with Section 75 of the Planning and Development Act 2005 (PD Act) resolves to prepare Scheme Amendment No. 11 to Town of Port Hedland Local Planning Scheme No. 7, as shown in Attachment 1.**
2. **In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 11 to Town of Port Hedland Local Planning Scheme No. 7 is a complex amendment for the following reasons:**
    a. **The amendment is not consistent with the Local Planning Strategy that has been endorsed by the Commission.**
3. **Authorises the Chief Executive Officer to proceed to advertise proposed Amendment No. 11 for a period of 60 days, in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015, immediately upon receipt of the Minister for Planning's approval to advertise**

CARRIED BY SIMPLE MAJORITY (8/0)

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

Against: Nil

PURPOSE

The purpose of this report is for Council to consider Scheme Amendment No. 11 – Rezone 'Rural' zoned land on the western edge of South Hedland to 'Urban Development' to Local Planning Scheme No. 7 (LPS 7):

1. As a 'Complex Amendment' for referral to the Minister for Planning's officer for consideration; and
2. Adopt the proposed Amendment for the purposes of advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Division 2 – Process for complex amendments to local planning scheme'.

DETAIL

Scheme Amendment No. 11 (Scheme Amendment) seeks to amend the Local Planning Scheme by rezoning land currently zoned 'Rural' to 'Urban Development'. The Amendment area comprises Lot 300, part of Lot 362, the rural-zoned portion of Lot 601, the rural-zoned portion of Lot 604, and part of an adjoining road parcel identified as Land ID 3468025 that is currently zoned 'Rural'. The part of Lot 362 included in this amendment also contains a small area currently reserved for local road. The balance of Lot 362 is subject to a separate Scheme Amendment to rezone to 'Urban Development'. The Table 1 below provides a detailed breakdown of the amendment area:

Lot Number	Extent Included	Tenure
Lot 300 on Deposited Plan 71522	Whole lot with an area of approximately 3,908 m².	Unallocated Crown Land - Vested to DPLH
Lot 362	Part of the lot, including a small portion currently reserved for road purposes with an area of approximately 4.7ha. The balance of the lot is subject to a separate scheme amendment.	Unallocated Crown Land - Vested to DPLH
Lot 601	Rural-zoned portion approximately 8.4913 of the total 9.4 hectares.	Crown Reserve 31895 - Management Order Vested to the Town
Lot 604	Rural-zoned portion approximately 2,574 m^2 of the total 7.3 hectares.	Unallocated Crown Land - Vested to DPLH
Road Parcel, Land ID 3468025	Rural-zoned portion with an area of approximately 5,932 m^2	Road Parcel

The Scheme Amendment seeks to rationalise the western edge of South Hedland by rezoning isolated 'Rural' zoned parcels adjoining the existing and planned urban area. These parcels are distinct from the broader 'Rural' zoned land further west and, given their location and context, are more closely associated with the urban area.

Retaining the 'Rural' zoning results in an irregular zoning pattern and provides limited guidance on the long-term role of the land. The subject parcels are fragmented from the larger rural area and are more likely to accommodate future urban-scale development than rural uses. Retention of the 'Rural' zone may also enable development that could conflict with surrounding existing and future urban footprint.

Rezoning the land to 'Urban Development' would provide a more appropriate statutory framework, enabling future development to be guided through structure planning and

ensuring integration with the surrounding urban area prior to subdivision or significant development occurring.

Scheme Amendment No. 11 was originally proposed as part of Scheme Amendment No. 8 (Omnibus No. 2). However, it was subsequently separated and progressed as a standalone amendment due to its inconsistency with the Town's Local Planning Strategy, resulting in its classification as a 'Complex Amendment' under the Planning and Development (Local Planning Schemes) Regulations 2015.

The Amendment Area comprises approximately 16.4 hectares of vacant and undeveloped land to the west of the South Hedland Town Centre, containing predominantly shrubland vegetation, informal access tracks, and an unsealed access route. The land is not used for any rural enterprise and is located adjacent to existing and planned urban development, including residential areas, community and sporting facilities, workforce accommodation and conservation land.

The Amendment Area is subject to an approved Regional Development Assessment Panel application (DAP/24/02737) for a 1,300-person workforce accommodation and tourist development. While planning approval has been granted, progression of the project has been contingent on the negotiation and finalisation of the necessary land tenure arrangements between the proponent, the Town, and the State Government. Notwithstanding these tenure requirements, the approved development demonstrates both the need for, and strategic justification of, a rezoning of the land from 'Rural' to 'Urban Development', reflecting current market conditions and facilitating the intended development outcome.

The Town of Port Hedland Local Planning Strategy (Strategy), endorsed by the Western Australian Planning Commission in 2021, identifies the Amendment Area as 'Conservation'. This designation is intended to limit incremental urban expansion into the surrounding natural environment and retain environmental and landscape values.

Notwithstanding this strategic intent, the Amendment Area remains zoned 'Rural', permitting land uses that may be inconsistent with the Strategy's conservation objectives. The Strategy also indicates that rezoning rural land for urban purposes within the South Hedland precinct may not be supported. Accordingly, the proposed amendment is not fully consistent with the Strategy's mapping or associated actions.

However, the Strategy does not specifically recognise that the Amendment Area comprises fragmented 'Rural' zoned land located along the western edge of the established South Hedland urban area and adjacent to existing and planned urban development.
Rezoning the land to 'Urban Development' would not determine the suitability of the land for future development, nor would it remove the need to consider the Strategy's conservation objectives. Consistent with the Strategy, any future subdivision or development would be subject to future structure planning, providing an opportunity to assess the land's role, environmental values and development potential in greater detail.

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

- Planning and Development Business Unit

External

- Department of Planning, Lands and Heritage
- Land Insights

Community

- If Council resolves to advertise the scheme amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 60 days and consisting of:
- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any public authority the Town considers will be affected by the amendment;
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment; and
- Submissions received during the public advertising period will be presented back to Council for its consideration.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Part 5, Division 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), Council may resolve to:

- Proceed to seek approval to advertise the proposed Scheme Amendment;
- Proceed to modify the proposed Scheme Amendment and advertise the modified Scheme Amendment; or
- Not proceeding with the Scheme Amendment.

Regulation 35 of the Regulations requires a local government to classify a Scheme Amendment as either 'Basic', 'Standard' or 'Complex'.
A Scheme Amendment that is inconsistent with an approved or endorsed Local Planning Strategy is required to be classified as a 'Complex' Amendment. The proposed Amendment is inconsistent with the Town of Port Hedland Local Planning Strategy, which identifies the Amendment Area as 'Conservation', whereas the amendment proposes to reclassify the land to 'General Industry'.

Accordingly, Scheme Amendment No. 11 has been classified as a 'Complex' Scheme Amendment. Pursuant to the Regulations, a 'Complex' Scheme Amendment must be referred to the Minister for Planning consent to advertise. If approved for advertising, the amendment will be subject to a statutory public advertising period of 60 days.

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town of Port Hedland Local Planning Strategy
Town of Port Hedland Local Planning Scheme No. 7

FINANCIAL AND RESOURCE IMPLICATIONS

The Town engaged the consultant for Land Insights for a total cost of $7.500.00 in alignment with the Planning and Building Professional Services budget allocation.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan 2025-2035 apply in 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.
3.1 Healthy natural environment
3.2 Safe and fit-for-purpose built environment
3.3 Accessible, attractive and sustainable urban environment

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	Retention of the current fragmented 'Rural' zoned land
Effect (Consequence)	The planning framework may not appropriately reflect the market demand for the site, limiting development opportunities and economic growth within the Town.
Risk Treatment	Proceed with Scheme Amendment No. 11 to align the zoning with the future Development WA residential land to the south of the Amendment Area.
There is a Strategic risk associated with this item caused by the Amendment Area becoming a fragmented portion of Rural zoned land, leading to the Town being unable to facilitate the provision of appropriate Rural and Urban land, potentially constraining economic growth.	

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 treated by supporting Scheme Amendment No. 11.

OPTIONS

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

CONCLUSION

Scheme Amendment No. 11 seeks to rezone approximately 16.4 hectares of fragmented 'Rural' zoned land on the western edge of South Hedland to 'Urban Development'. The amendment would rationalise the existing zoning pattern by bringing land that is closely associated with the established and planned urban area into a zone that is better suited to its location and likely future role.

While the amendment is not fully consistent with the Town of Port Hedland Local Planning Strategy, which identifies the land as 'Conservation', the proposal does not predetermine future development outcomes. Any future subdivision or development would remain subject to structure planning and detailed assessment, including consideration of environmental values and the strategic intent of the area.

It is recommended that Council resolve to prepare and advertise Scheme Amendment No. 11 to Local Planning Scheme No. 7 in accordance with the requirements of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

ATTACHMENTS

1. Town of Port Hedland Amendment 11 - Rev 1 [**12.3.3.1** - 23 pages]
2. Town of Port Hedland Amendment 11 - Mapping [**12.3.3.2** - 2 pages]

12.3.4	Scheme Amendment No. 12 - Western Edge 'Urban Development' Rezoning

Author: **Senior Urban Planner**
Authorising Officer: **Manager Planning & Economic Development**
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202627/234 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr Edwards
That Council with respect to the Scheme Amendment No. 12 – Western Edge 'Urban Development' Rezoning:

1. **In accordance with Section 75 of the Planning and Development Act 2005 (PD Act) resolves to prepare Scheme Amendment No. 12 to Town of Port Hedland Local Planning Scheme No. 7, as shown in Attachment 1.**
2. **In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 12 to Town of Port Hedland Local Planning Scheme No. 7 is a standard amendment for the following reasons:**
    a. **The amendment is consistent with the Local Planning Strategy that has been endorsed by the Commission.**
3. **Authorises the Chief Executive Officer (CEO) to proceed to advertise proposed Amendment No. 12 for a period of 42 days, in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, immediately upon receipt of the Minister for Planning's approval to advertise.**

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider Reclassifying a portion of Lot 362 Forrest Circle and Crown Reserve 36025 (Lot 359) from 'Local Road' and 'Drainage/Waterway' reservation to 'Urban Development' and rezoning a portion of Lot 362 and portion of Crown Reserve 35380 (Lot 352) from 'Rural' to 'Urban Development' to Local Planning Scheme No. 7 (LPS 7):

1. As a 'Standard Amendment' for referral to the Minister for Planning's office for consideration; and

2. Adopt the proposed Scheme Amendment for the purposes of advertising in accordance with the *Planning and Develop*ment (Local Planning Schemes) Regulations 2015, Division 3 – Process for standard amendments to local planning scheme'.

DETAIL

The Town has received from the proposed Scheme Amendment No. 12 that seeks to reclassify and rezone the subject site by reclassifying a portion of Lot 362 and Crown Reserve 36025 (Lot 359) from 'Local Road' and 'Drainage/Waterway' reservation to 'Urban Development' and rezoning a portion of Lot 362 and portion of Crown Reserve 35380 (Lot 352) from 'Rural' to 'Urban Development' (Attachment 1).

The proposed Scheme Amendment will consolidate the Western Edge development area to facilitate future subdivision and coordinated development in accordance with an endorsed Structure Plan. The amendment report supports the redevelopment of the subject site primarily for residential purposes and is accompanied by technical reports.

The existing LPS 7 'Local Road' and 'Drainage/Waterway' reservations and 'Rural' zoning are inconsistent with the planned development of the Western Edge project area and therefore require amendment. The Scheme Amendment will incorporate the Amendment Area into the 'Urban Development' zone, enabling integration into the Western Edge development area. The land is required to complete the planned movement network and support the orderly development of the north-western portion of the project area, consistent with the approved Western Edge Structure Plan including the future Structure Plan Amendment. Future land uses, road layout and lot configuration will be determined through the structure planning process, which will subsequently guide subdivision and development approvals for the site.

The Scheme Amendment report makes the following statements in support of Scheme Amendment No. 12:

- Subject site comprises approximately 2.92 hectares of Crown land located on the western fringe of South Hedland, adjacent to the approved Western Edge Stage 1 subdivision area.
- Land is currently vacant and contains native grassland vegetation, informal access tracks and part of an existing drainage swale
- The Western Edge Structure Plan was endorsed by the WAPC in 2017 and provides the strategic framework for development of approximately 155 hectares with an estimated yield of 1,050 dwellings.
- DevelopmentWA obtained conditional approval for Stage 1 subdivision in September 2024 and is progressing a Structure Plan Amendment to facilitate future stages.
- The subject site forms part of DevelopmentWA's proposed Stage 2 development area and broader land assembly program.
- The amendment is generally consistent with State planning policies, the Pilbara Planning and Infrastructure Framework, Pilbara Cities initiatives, the Pilbara Regional Land Supply Assessment, and the Town of Port Hedland Local Planning Strategy.

- The amendment supports the delivery of additional residential land supply in a strategic growth area adjacent to South Hedland
- Environmental investigations have identified no significant constraints relating to flora, fauna, groundwater, contamination, heritage, bushfire or flooding that would prevent future urban development.
- Flooding and stormwater management can be addressed through the proposed drainage strategy and future subdivision design.
- The site is outside the South Hedland Wastewater Treatment Plant odour buffer area.
- The amendment is required to facilitate the orderly and coordinated development of Western Edge, provide a logical extension of the Urban Development zone, and support future residential development consistent with the endorsed and proposed structure planning framework.

The Town of Port Hedland Local Planning Strategy (Strategy), endorsed by the Western Australian Planning Commission in 2021, does not identify the Amendment Area as part of the Western Edge urban expansion area. While the amendment area is not specifically identified within the Western Edge urban expansion area on the Local Planning Strategy spatial plan, the Strategy identifies Western Edge as a short-term residential growth area. The proposed amendment supports the delivery of future housing supply and is therefore considered consistent with the intent of the Strategy.

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

- Planning and Development Business Unit

External

- Department of Planning, Lands and Heritage
- Development WA
- Element/SLR

Community

- If Council resolves to advertise the scheme amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 42 days and consisting of:
- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;

- Providing the notice to any public authority the Town considers will be affected by the amendment; and
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.
- Submissions received during the public advertising period will be presented back to Council for its consideration.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Part 5, Division 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), Council may resolve to:

- Proceed to seek approval to advertise the proposed Scheme Amendment;
- Proceed to modify the proposed Scheme Amendment and advertise the modified Scheme Amendment; or
- Not proceeding with the Scheme Amendment.

Regulation 35 of the Regulations requires a local government to classify a Scheme Amendment as either 'Basic', 'Standard' or 'Complex'.

Accordingly, Scheme Amendment No. 12 has been classified as a 'Standard' Scheme Amendment. Pursuant to the Regulations, a 'Standard' Scheme Amendment must be referred to the Minister for Planning consent to advertise. If approved for advertising, the amendment will be subject to a statutory public advertising period of 42 days.

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town of Port Hedland Local Planning Strategy
Town of Port Hedland Local Planning Scheme No. 7
Western Edge Structure Plan

FINANCIAL AND RESOURCE IMPLICATIONS

DevelopmentWA paid a fee for service of a total of $6,607.03 for the progression of the Scheme Amendment 12.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

The following sections of the Town's Council Plan 2025-2035 apply in 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.
3.1 Healthy natural environment
3.2 Safe and fit-for-purpose built environment
3.3 Accessible, attractive and sustainable urban environment

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance
Cause	The existing zoning remains in conflict with the Western Edge Structure Plan.
Effect (Consequence)	Development WA is unable to consolidate the 'Urban Development' zone in the northwest area of the Western Edge project area and cannot proceed with the wider Western Edge Stage 2 Subdivision and Land Assembly.
Risk Treatment	Proceeding with Scheme Amendment No. 12.
There is a Strategic risk associated with this item should the amendment not proceed, as the existing zoning would remain inconsistent with the Western Edge Structure Plan, potentially delaying DevelopmentWA's ability to progress Stage 2 subdivision and land assembly activities. 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 supporting Scheme Amendment No. 12.	

OPTIONS

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

CONCLUSION

The proposed Scheme Amendment No. 12 will reclassify and rezone approximately 2.92 hectares of land to facilitate its incorporation into the Western Edge Urban Development area. The amendment will support the orderly and coordinated planning of the Western Edge project, including the future delivery of residential development, road infrastructure and drainage networks in accordance with the endorsed Western Edge Structure Plan and proposed Structure Plan Amendment.

The amendment is consistent with the strategic intent of the Town of Port Hedland Local Planning Strategy, Local Planning Scheme No. 7, the Western Edge Structure Plan and relevant State planning frameworks. Technical investigations have not identified any significant environmental, servicing, flood, bushfire, contamination or heritage constraints that would preclude future urban development of the land.

Accordingly, officers consider Scheme Amendment No. 12 to be appropriately classified as a Standard Amendment and recommend that Council resolve to prepare and advertise the amendment in accordance with the requirements of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

ATTACHMENTS

1. 675. V 24031.00 E A 1. Western Edge Local Scheme Amendment Report v 0.1 20260327 (5) [**12.3.4.1** - 31 pages]
2. Appendix 1 - Western Edge environmental assessment and management strategy report June 2024 (1) [**12.3.4.2** - 38 pages]
3. Appendix 2 - LWMS Technical Note (1) [**12.3.4.3** - 14 pages]

12.4 Infrastructure Services

12.4.1	The Business Plan for Major Land Transaction - Rose Nowers - 2791 Boronia Close South Hedland

Mayor Behrend and Deputy Mayor Melville both declared an Impartiality interest in item 12.4.1.

Author:	**Project Manager**
Authorising Officer:	**Acting 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.

CM202627/235 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr Todd SECONDED: Cr Edwards

That Council with respect to the Business plan for the Major Land transaction for Rose Nowers Early Learning Centre – Lot 2791 Boronia Close, South Hedland:

1. **Notes that pursuant to section 3.59 of the Local Government Act, the public notice was advertised for the proposal to enter into a Major Land Transaction at Lot 2791;**
2. **Notes that no public comments were received during the advertising period; and**
3. **Adopts the Business Plan as contained in Attachment 1 and authorises the Chief Executive Officer to implement the Business Plan.**

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider adopting the Business Plan for the Major Land transaction for Rose Nowers Early Learning Centre – Lot 2791 Boronia Close, South Hedland, to meet requirements stipulated under section 3.59 of the Local Government Act 1995.

DETAIL

The Rose Nowers Child Care Centre Expansion Project seeks to address current and forecasted demands for early learning and childcare services within the Town by significantly increasing childcare capacity at the existing facility. The expansion will deliver an additional 91 childcare places, increasing the centre's capacity from 43 to 134 approved places.

The project comprises building extensions and internal reconfiguration works to improve the functionality, safety, and operational efficiency of the existing centre.

Upon completion, the expanded facility will increase access to early learning and care services within the community, support workforce participation, and contribute to the provision of essential community infrastructure. The project represents a strategic, long-term investment by the Town that aligns with the Strategic Plan objective of delivering well-utilised and valued community facilities.

The proposed transaction involves establishing appropriate land tenure arrangements to support the continued occupation, expansion and operation of the Rose Nowers Early Learning Centre at Lot 2791 Boronia Close, South Hedland. These arrangements will facilitate the delivery of increased childcare capacity and associated community infrastructure, consistent with the purposes outlined in the Business Plan.

Before undertaking a Major Land Transaction, the Town of Port Hedland under Section 3.59 of the Local Government Act 1995, has prepared a business plan. The business plan is required to include an overall assessment of the major land transaction and is to include details of:

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

The business plan presented to Council as Attachment 1 complies with these requirements.
The Major Land Transaction Business Plan was advertised for public comment from Wednesday, 8 July 2026, to Wednesday, 12 August 2026. The public was invited to make submissions regarding the proposal during this period. The Business Plan was available for public inspection at the Town of Port Hedland Civic Centre, Port Hedland Library and South Hedland Library, and for download from the Town of Port Hedland website.

No submissions were received in relation to this proposal.

As no submissions were received, it is recommended that the Business Plan be adopted and implemented.

The following prior Council decision relate:

- 26 August 2026 Ordinary Council Meeting endorsed an allocation of funds to the 2026-2027 Annual Capital Works budget to undertake works to the premise.
- 27 May 2026 Ordinary Council Meeting, the Council endorsed the invitation to tender for the construction of the project in accordance with the scope outlined in this report; negotiate a lease variation with the lessee to formalise redevelopment arrangements and manage temporary impacts; and to seek grant and industry funding for the project.
- 27 March 2024 Council endorsed the proposed additions and alterations to the existing childcare centre through approval of the Development Application (DA

2023/171); endorse the project progressing subject to the securing of matching funding

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

CONSULTATION

Internal

- Director of Infrastructure Services
- Project Manager
- Manager Strategy and Communications
- Senior Funding and Partnership Officer

External

Nil

Community

- The Public was invited to comment on the proposed transaction between 8 July 2026 and 12 August 2026.

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Sections 3.59 of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996. Section 3.59 also requires adoption by absolute majority applies.

FINANCIAL AND RESOURCE IMPLICATIONS

The project has an estimated total budget of $9,000,000 and is included within the Town's Long Term Financial Plan. The Town has committed $3,000,000 towards the project, comprising $2,000,000 included in the adopted FY2026/27 Annual Budget and a further $1,000,000 to be considered through the FY2027/28 budget development process.

The balance of project funding has been secured through external partner contributions, including $2,000,000 from BHP, $2,000,000 from Fortescue and $2,000,000 from the Australian Government Department of Education, with the funding application submitted by Rose Nowers Early Learning Centre on behalf of the project.

The Town has also submitted an application to Lotterywest seeking up to $2,000,000 in additional funding. While the Department of Education grant has reduced the

project's funding gap, discussions with Lotterywest remain ongoing regarding the potential provision of supplementary funding to support fit-out elements and other eligible project costs.

This funding approach significantly reduces the Town's financial contribution while supporting delivery of a major community infrastructure project.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

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

Our Community
We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and strong civic engagement and dialogue.
1.1 Hardy, healthy and safe people
1.2 Inclusive and involved community
1.4 Well-utilised and valued community facilities and services

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

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

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 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:

• Outcome 2 – Buildings and Facilities

There are no known access and inclusion implications.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Project
Risk Category	Reputational Compliance
Cause	Failure to adopt the Business Plan.
Effect (Consequence)	The works previously endorsed by Council will not be able to proceed, including the award of any tender.
Risk Treatment	Adopting the Officer's recommendation.
There is a Project risk associated with this item caused if the Council does not adopt the Business Plan, leading to works previously endorsed by Council will not be able to proceed, including the award of any tender. The risk rating is considered to be Medium (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4). This risk will be avoided 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 proposed Major Land Transaction for the Rose Nowers Early Learning Centre is required to support the continued occupation, expansion and operation of the facility and to enable the delivery of the Council endorsed childcare expansion project. The project will increase the centre's capacity from 43 to 134 approved childcare places, supporting access to early learning services, workforce participation and the provision of essential community infrastructure.
The Business Plan has been prepared in accordance with section 3.59 of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996. The proposal was publicly advertised for comment between 8 July 2026 and 12 August 2026, with no submissions received. As the statutory requirements have been met and adoption of the Business Plan is necessary to progress the transaction and associated project works, it is recommended that Council adopt the Business Plan and proceed with its implementation.

ATTACHMENTS

1. Business Plan – Rose Nowers Early Learning Centre Expansion [**12.4.1.1** - 13 pages]

12.4.2	Lease Agreement - Town of Port Hedland and Hedland Well Women's Centre Incorporated

Mayor Behrend declared an Impartiality interest in item 12.4.2.

Author:	**Coordinator Property Management**
Authorising Officer:	**Acting 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.

CM202627/236 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Cr Edwards **SECONDED: Cr Todd**

That Council in respect to the lease agreement with the Hedland Well Women's Centre Incorporated:

1. **Approve a new lease agreement for Hedland Well Women's Centre Incorporated for a 10-year term with an annual rental of $214.50.**
2. **Authorises the Mayor and Chief Executive Officer to affix the Common Seal and sign the lease.**

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for Council to consider the Town of Port Hedland (the Town) to negotiate and proceed with the preparation and execution of a new lease agreement between the Town and the Hedland Well Women's Centre Incorporated (Well Women's) for a 10-year term with an annual fee of $$214.50,in line with Community Leasing Fee.

DETAIL

The Town and Well Women's are in the negotiation stage of formalising a new lease agreement between the Town and the Well Woman's, located on Reserve 41003, Lot 5815, Leake Street, South Hedland. The previous lease commenced on 1 May 2016 for a term of ten (10) years, expiring on 30 April 2026.

Administration commenced work on the lease renewal approximately six months prior to its expiry. However, differing directions regarding the appropriate process resulted in delays while the required approval pathway was clarified. Once a clear direction was established, the matter was progressed for Council consideration.
The Well Women's is a well-placed and highly respected organisation that provides a range of health promotion, prevention and clinical services to women's health in Hedland and surrounding areas.

The Well Women's Incorporated has supported women, families and the Hedland community through free services and quality programs and are dedicated to improving the health and wellbeing of women of the community for over three decades with a holistic approach to women's issues focusing on physical and social and mental health.

The Well Women's currently offer the following programs and services to the wider Hedland community at the facility:

- Home Away from Home
- Women's Cancer Rehab Physiotherapy and Cancer Support
- Mums and Bubs Supportive Groups
- Mental Health Support
- Life Coaching
- Community Morning Tea and Creative Connections
- Women on Wellness events
- Cooking up a storm.

To continue the ongoing support of the free services and programs to the women in the Hedland and the wider community, the Town proposed a lease with an annual fee of $ $ 214.50 and ten (10) year term be considered and made available to the Hedland Well Women's Centre Incorporated. The arrangement will provide certainty for both orginisation, this enabling the continued delivery of a valuable heath, wellbeing and support service to the community. A rental evaluation has been undertaken which outlines an expected commercial rental of between $70-80,000 per annum. The Town is subsidising the commercial rental costs as the Well Women's is a not-for-profit organisation and provides essential services to the community and surrounds.

LEVEL OF SIGNIFICANCE

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

- Exception - The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

CONSULTATION

Internal

- Leasing Officer
- Coordinator of Property Management
- Director Infrastructure Services
- Manager Planning and Economic Development

External

- Chief Executive Officer Hedland Well Women's Centre

Community

- Hedland Well Women's Centre

LEGISLATION AND POLICY CONSIDERATIONS

The legislation that applies to this report is:

Local Government Act 1995
Section 3.58 Disposing of Property Local Government (Functions and General) Regulations 1996

Regulation 30(2)(b) Dispositions of property excluded from Act s. 3.58
Town of Port Hedland Public Places and Local Government Property Local Law 2016
Town of Port Hedland Register of Delegated Authority

1.2.20 Disposing of Property While Delegation 1.2.20 provides the Chief Executive Officer with authority relating to the disposal of property, Administration has elected to present the proposed lease to Council for consideration due to the nature of the disposition and to ensure transparency in the decision-making process.

Council Policy
5.02 Community Leasing Policy

FINANCIAL AND RESOURCE IMPLICATIONS

The proposed lease arrangement has minimal financial impact on the Town. As part of a broader review of community leases, Administration has considered alignment, consistency and the community benefit delivered by the organisation. In recognition of the significant health, wellbeing and support services provided by the Hedland Well Women's Centre to the Hedland community, Administration recommends reducing the annual lease fee from $2,500.00 to $214.50 per annum. The lease will provide certainty of tenure for a further ten (10) years while ensuring the continued use of a Town-managed community facility for the delivery of these important community services. Existing property management and lease administration resources will continue to be utilised, with no significant additional staffing or operational resources anticipated as a result of this proposal.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

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

Our Community
We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and strong civic engagement and dialogue.
1.4 Well-utilised and valued community facilities and services

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 proposed lease is administrative in nature and relates to the continued occupation and use of an existing community facility. As no changes to land use, building

footprint, infrastructure, or development activities are proposed, there are no identifiable environmental impacts associated with this matter. The continuation of the lease is not expected to affect local environmental values, natural resources, or sustainability outcomes.

Economic

The Hedland Well Women's Centre contributes positively to the local economy through the delivery of health, wellbeing, and support services that improve community resilience and reduce barriers to participation. Providing affordable tenure arrangements supports the ongoing viability of the organisation and enables it to continue attracting funding, volunteers, and service partnerships to the region. While the direct economic impact of the lease is modest, the continued operation of the Centre generates broader community benefits through improved health and social outcomes.

Social

The proposed lease will deliver significant positive social outcomes by supporting the ongoing operation of a respected community organisation that has served women, families, and the broader Hedland community for more than 30 years. The Centre provides a range of free and accessible services, including mental health support, cancer rehabilitation programs, parenting support groups, wellness initiatives, and community connection activities. Securing a long-term lease will help ensure these important services remain available, strengthening community wellbeing, social inclusion, and access to support for women and families across the Pilbara region.

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

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Renewal and negotiation of an expired lease
Effect (Consequence)	Currently there is no valid lease between the Town of Port Hedland and Hedland Well Women's Centre Incorporated. This may expose the Town of Port Hedland to reputational damage and may lead to negative perception in the wider Hedland Community that the services and support provided by the Hedland Well Women's Centre Inc is of limited importance.
Risk Treatment	Assist with supporting the negotiation and execution of a lease with Hedland Well Women's Centre Incorporated for an annual fee of $2500.00 for a ten (10) year term.

There is a Strategic risk associated with this item caused by not entering into a tenancy agreement, leading to potential loss of services and reputational damage within the community.
The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).
This risk will be avoided by the accepting of the officer's recommendations of negotiation and execution of an agreeable lease between Town of Port Hedland and Hedland Well Women's Centre Incorporated.

OPTIONS

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

CONCLUSION

The Women's Centre is a vital, community driven organisation that bridges women's health care and social gaps for women in the Pilbara region by providing holistic, free and accessible services and programs to empower local women. These services are a necessary for the community and can be made accessible to the Women of the Hedland Community.

ATTACHMENTS

1. Rental Appraisal Well Womens Centre [**12.4.2.1** - 8 pages]

12.5 Office of the CEO

There were no reports in this section.

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)

15.1 Reports of Officers

15.1.1	RFT2526-16 Aquatic Servicing and Maintenance

Author:	**Manager Recreation & Leisure Facilities**
Authorising Officer:	**Director Community Services**
Disclosure of Interest:	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

Prior to consideration of recommendation, the Manager Governance obtained written support from Mayor Behrend, Deputy Mayor Melville and Cr Baxter.

CM202627/237 OFFICERS' RECOMMENDATION 1 of 2 & COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr McDowall

That Council revoke Council Decision (CM202627/196) RFT2526-16 Aquatic Servicing and Maintenance to Trility Solutions Pty Ltd.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

CM202627/238 OFFICER'S RECOMMENDATION 2 of 2 & COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr McDowall
That Council in respect to RFT2526-16 Aquatic Servicing and Maintenance:

1. **Notes that contractual arrangements with Trility Solutions Pty Ltd were unable to be finalised and, as a result, the contract was not executed;**
2. **Awards Contract RFT2526-16 Aquatic Servicing and Maintenance to Commercial Aquatics Australia (WA) Pty Ltd for an initial contract value of $239,711.06 (excluding GST) for the first two (2) years;**
3. **Approves three (3) one-year extension options, exercisable at the discretion of the Town and subject to satisfactory contractor performance and budget availability, resulting in an estimated total contract value of $634,530.45 (excluding GST) over five (5) years; and**
4. **Authorises the Chief Executive Officer to sign the contract and all associated documentation.**

CARRIED BY SIMPLE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is to seek Council approval to revoke Resolution CM202627/196, adopted on 24 June 2026, and to award Contract RFT2526-16 Aquatic Servicing and Maintenance to Commercial Aquatics Australia (WA) Pty Ltd.

DETAIL

The Town of Port Hedland operates two significant aquatic facilities, the South Hedland Aquatic Centre (SHAC) and the Gratwick Aquatic and Fitness Centre (GAC), which provide essential recreation, health, wellbeing and water safety services to the community. These facilities require specialist servicing and preventative maintenance of aquatic plant and equipment, including filtration systems, chemical dosing systems and associated infrastructure, to ensure safe, reliable and compliant operation.

The Town released Request for Tender RFT2526-16 Aquatic Servicing and Maintenance via VendorPanel on 28 January 2026, with submissions closing on 4 March 2026. Three submissions were received and evaluated in accordance with the Town's procurement framework and evaluation methodology. Evaluation criteria included demonstrated experience, capability, methodology, regional response capacity and value for money. Trility Solutions Pty Ltd was identified as the highest ranked respondent and Council subsequently resolved, under Resolution CM202627/196 on 24 June 2026, to award the contract to Trility Solutions Pty Ltd.

The Town entered into contract negotiations with Trility Solutions Pty Ltd following Council's resolution. During this process, the parties were unable to finalise contractual arrangements and the contract was not executed. The respondent subsequently advised that it was unable to meet the Town's operational servicing requirements. Officers then commenced discussions with Commercial Aquatics Australia (WA) Pty Ltd, the next ranked conforming respondent from the original tender evaluation, in accordance with the Town's procurement framework.

Commercial Aquatics Australia (WA) Pty Ltd has subsequently confirmed its willingness and capacity to undertake the services under the Town's contract requirements. Officers have undertaken further due diligence regarding the contractor's capability, service delivery model and ability to support the Town's aquatic facilities and are satisfied that the respondent can deliver the required services. The scope of works includes:

- Monthly preventative maintenance;
- Six-monthly servicing;
- Annual servicing;
- Reactive maintenance and emergency response;
- Asset condition reporting; and
- Compliance support in accordance with Department of Health requirements.

The recommended contract will provide a structured maintenance program that supports regulatory compliance, reduces the likelihood of equipment failure and minimises disruptions to aquatic facility operations.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of an 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 Business Unit
- Director Community Services
- Director Infrastructure Services
- Manager Recreation & Leisure Facilities
- Aquatics Supervisor

External
Nil

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Local Government Act 1995

Section 5.23(4)

Section 5.25

Local Government Act 1995
Section 3.57 – Acceptance of tenders
Section 9.49A – Execution of documents
Section 9.49B – Contract formalities

Local Government (Functions and General) Regulations 1996

Regulation 30
Local Government Act 1995 (WA), Schedule 1A, Clause 10 - Revocation or Change of Decisions due to Council requesting rescind Resolution CM202627/196.

Regulation 11

Part 4, Division 2

Health (Aquatic Facilities) Regulations 2007 (WA)

Council Policy
2/007 Procurement Policy

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 recommended contract value for the initial two-year term is $239,711.06 (excluding GST) comprising:

- Year 1: $117,620.75 (excluding GST)
- Year 2: $122,090.31 (excluding GST)

The contract includes three one-year extension options, exercisable at the discretion of the Town and subject to contractor performance and annual budget approvals.

The estimated value of Year 3 is $128,072.55 (excluding GST), with Years 4 and 5 subject to CPI adjustments. The total contract value over the full five-year term is estimated at $634,530.45 (excluding GST).

The recommendation does not require an increase in budget allocation, as the contract costs will be funded from within the approved Facilities Maintenance budget.

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 does not support the award of Contract RFT2526-16 Aquatic Servicing and Maintenance to Commercial Aquatics Australia (WA) Pty Ltd, the Town may be unable to implement a structured preventative maintenance program for critical aquatic plant and equipment.
Effect (Consequence)	• Increased risk of plant and equipment failure due to the absence of specialist servicing and preventative maintenance. • Reduced reliability and performance of aquatic facility operations. • Potential health and safety risks to staff, patrons and user groups arising from poorly maintained aquatic infrastructure.

	• Service interruptions, including unplanned facility closures or reduced operations. • Potential non-compliance with Department of Health requirements and statutory obligations relating to aquatic facilities. • Increased reactive maintenance costs and potential financial pressure on operational budgets. • Reputational damage to the Town resulting from disruption to community services and reduced customer satisfaction.
Risk Treatment	• Award Contract RFT2526-16 Aquatic Servicing and Maintenance to Commercial Aquatics Australia (WA) Pty Ltd. • Establish a contract with clearly defined service standards, performance measures and reporting requirements. • Undertake regular contract management and performance reviews. • Maintain routine compliance monitoring, water quality testing and auditing processes. • Implement a structured preventative maintenance program to minimise equipment failure and service disruption. • Maintain contingency arrangements for emergency repairs and critical equipment failures. • Allocate appropriate operational funding to support ongoing maintenance activities.
There is an operational risk associated with this item should Council not approve the award of Contract RFT2526-16 Aquatic Servicing and Maintenance. Failure to implement a structured maintenance program may result in increased equipment failures, service interruptions, compliance risks, higher reactive maintenance costs and reputational impacts to the Town. The risk rating is considered Medium (9), determined by a likelihood of Possible (3) and a consequence of Moderate (3). This risk will be mitigated through the appointment of a suitably qualified contractor and implementation of a structured preventative maintenance program supported by contractual performance measures, compliance monitoring and ongoing contract management.	

OPTIONS

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

CONCLUSION

Council previously awarded Contract RFT2526-16 Aquatic Servicing and Maintenance to Trility Solutions Pty Ltd under Resolution CM202627/196; however, the contract was unable to proceed following unsuccessful contract negotiations.

Commercial Aquatics Australia (WA) Pty Ltd, as the next ranked conforming respondent, has demonstrated the capability, experience and capacity required to undertake the Town's aquatic servicing and maintenance requirements and has confirmed its willingness to enter into the contract.

Awarding the contract will support the safe, reliable and compliant operation of the Town's aquatic facilities, reduce the risk of equipment failure and service interruptions, and assist the Town to meet its ongoing operational and regulatory obligations.

Accordingly, it is recommended that Council rescind Resolution CM202627/196 and award Contract RFT2526-16 Aquatic Servicing and Maintenance to Commercial Aquatics Australia (WA) Pty Ltd.

ATTACHMENTS

Nil

15.1.2	Chief Executive Officer Performance Review

The Chief Executive Officer, Dale Stewart declared a financial and impartiality interest in item 15.1.2.

Directorate:	**Office of the CEO**
Author:	**Manager Human Resources**
Authorising Officer:	**Chief Executive Officer**
Disclosure of Interest:	The Authorising Officer declares that they have a financial and impartiality interest in relation to this item.

OFFICER'S & COMMITTEE RECOMMENDATION

That Council, with respect to the Chief Executive Officer's (CEO) Performance Review:

1. **Receives and notes that the CEO Performance Review Committee will complete the CEO Performance Review training module delivered by WALGA as soon as practicable, but no later than 15 December 2026; and**
2. **Receives and notes the CEO Performance Review Committee will review the CEO KPIs no later than 15 February 2027 and will make a recommendation to Council, if required.**

ABSOLUTE MAJORITY VOTE REQUIRED

CM202627/239 OFFICERS' RECOMMENDATION & COUNCIL DECISION

MOVED: Deputy Mayor Melville SECONDED: Cr Scott

That the Council, with respect to the Chief Executive Officer's (CEO) Performance Review, adopts the interim Key Performance Indicators (KPIs) for the 2026/2027 performance period, as contained in Confidential Attachment 1, noting:

1. **The Committee will endeavour to complete the CEO Performance Review training module delivered by WALGA or other appropriate trainer as soon as practicable, but no later than 15 December 2026; and**
2. **The Committee will review the KPIs no later than 15 February 2027 and will make a recommendation to Council, if required.**

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

PURPOSE

The purpose of this report is for the Council to consider and submit to Council the Chief Executive's key performance criteria (KPI's) for the 2026/2027 financial year, in accordance with the Employment Contract and relevant legislative requirements.

DETAIL

Under the Chief Executive Officer's Employment Contract, performance criteria must be established within three months of the commencement date.
The Chief Executive Officer (CEO) commenced with the Town of Port Hedland on 11 May 2026, under a common law contract dated 3 February 2026.

In addition to the requirements under the Local Government Act 1995, the CEO's common law contract with the Town outlines specific obligations. Specifically, clause 4 Performance Criteria and Review (4.1 – 4.3), Clause 5 Total Reward Package (TRP) (5.1 – 5.7), Clause 6 Other Benefits (6.1 – 6.6) and clause 7 Annual Review of TRP and Other Benefits.

The proposed CEO KPIs were developed internally, without having the need to engage an external consultant. It is recommended that 6 Key Performance Indicators (KPIs) be actioned through various identified performance measures as indicated in the attachment.

In setting the CEO's KPIs, the following performance schedules, as outlined in the CEO's Common Law Contract were considered:

1. Schedule 1 – Position Description
2. Schedule 3 – Performance Criteria

These KPIs were mapped as follows:

Contractual Criteria	Proposed KPI
1. Leadership & Management	KPI 1. Governance, Council Relations & Strategic Leadership
2. Financial	KPI 2. Financial Sustainability & Organisational Performance
3. Policies & Procedures	KPI 5. Risk, Compliance, WHS & Sustainability
4. Commercial Activities	KPI 2. Financial Sustainability & Organisational Performance; and KPI 3. Community Outcomes, Advocacy & Major Project Delivery
5. Representations & Communications	KPI 3. Community Outcomes, Advocacy & Major Project Delivery
6. Human Resource Management	KPI 4. Organisational Culture, People Leadership & Capability
7. Work Health & Safety	KPI 5. Risk, Compliance, WHS & Sustainability
8. Environment	KPI 5. Risk, Compliance, WHS & Sustainability
9. Forward Improvement Plan	KPI 6. Forward Improvement Plan (FIP)

10. Professional Development	Incorporated as an expectation of all KPIs rather than a stand-alone KPI

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 is not of a nature or significance that requires engagement.

CONSULTATION

Internal

- Town of Port Hedland Mayor;
- Elected Members.

External

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The following legislation applies to this report:

Local Government Act 1995 Section 5.39;

Local Government (Administration) Regulations 1996;

Regulation 18FA and Schedule 2 (Model standards for Chief Executive Officer recruitment, performance, and termination).

FINANCE AND RESOURCE IMPLICATIONS

No costs were incurred in developing the CEO's proposed KPIs.

Funding for consultant engagement and Elected Member CEO Performance Review training has been allocated within the approved budget.

STRATEGIC SUSTAINABILITY IMPLICATIONS

Council Plan

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

Our Community
We honour our people and our cultural heritage – ensuring wellbeing, diversity, creativity and strong civic engagement and dialogue.
1.1 Hardy, healthy and safe people.
1.2 Inclusive and involved community.
1.3 A unique, vibrant and diverse community lifestyle.
1.4 Well-utilised and valued community facilities and services.

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 Town's Access and Inclusion Plan 2023-2026 has been considered, with no access and inclusion implications identified.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational Strategic Project
Risk Category	Compliance Reputational
Cause	Failure to establish and obtain approval for clear and measurable CEO KPIs aligned to the Council Plan, Strategic Community Plan and agreed community outcomes.
Effect (Consequence)	Reduced ability to effectively monitor, assess and report the CEO's performance in delivering Council Plan objectives, strategic priorities and agreed community outcomes, potentially leading to governance, compliance and reputational impacts.
Risk Treatment	Committee review and endorsement of the proposed CEO KPIs prior to submission to Council for approval.
There is a/an Operational, Strategic and Project risk associated with this item caused by Committee-recommended and Council-endorsed CEO KPIs aligned to the Strategic Community Plan and agreed community outcomes, leading to reduced clarity, accountability and consistency in assessing and monitoring CEO performance against Council's strategic objectives. The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (2). This risk will be treated by seeking CEO Committee endorsement of the proposed CEO KPIs prior to Council consideration and approval, thereby establishing a clear framework for measuring and assessing CEO performance against strategic objectives and community outcomes.	

OPTIONS

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

CONCLUSION

The proposed CEO KPIs align with the Town's strategic direction and provide a transparent basis for performance assessment, accountability and reporting. It is recommended that the CEO Committee endorse the KPIs for submission to Council for approval.

Reasons for Confidentiality

Local Government Act 1995 Section 5.23(2)(b) Matter relating to the recruitment or employment of the CEO or a senior employee, including the following —
(i) the termination of employment;
(ii) a review of performance under section 5.38

1. CONFIDENTIAL - Town of Port Hedland Chief Executive Officer KPIs 2026 [**15.1.2.1** - 2 pages]
2. CONFIDENTIAL - CEO's Employment Contract [**15.1.2.2**]

16 Closure

There being no further business, the Presiding Member declared the meeting closed at 6:31pm and reminded the Council of the next Ordinary Meeting of Council, scheduled for 5.30pm Wednesday, 28 October 2026, at this same venue.