



## TOWN OF PORT HEDLAND

### SPECIAL COUNCIL MEETING MINUTES

**MONDAY 11 JULY 2016 AT 4:00PM**

**COUNCIL CHAMBERS, MCGREGOR STREET,  
PORT HEDLAND**

*Agenda Items:*

1. South Hedland Town Centre Road Modifications
2. Chief Executive Officer Recruitment Process
3. Confidential Matter – Legal Advice (closed to members of the public)

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**“A nationally significant, friendly city that people are proud to call home”**

*Chris Linnell  
Acting Chief Executive Officer*

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**Item 1 Opening of Meeting**


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The Mayor declared the meeting open at 4:07pm.

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**Item 2 Acknowledgement of Traditional Owners**


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The Mayor acknowledged the traditional owners, the Kariyarra people.

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**Item 3 Recording of Attendance**


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**3.1 Attendance**

Mayor Kelly Howlett  
 Councillor Camilo Blanco  
 Councillor David Hooper  
 Councillor Julie Arif  
 Councillor Louise Newbery  
 Councillor Richard Whitwell  
 Councillor Lincoln Tavo

**Officers**

Chris Linnell	Acting Chief Executive Officer
Dale Stewart	Acting Director Corporate Services
Brendan Smith	Director Works and Services
Nicholas Ross	Manager People and Culture
Grace Waugh	Minute Taker/ Coordinator Governance

Public	1
Media	0
ToPH	2

**3.2 Apologies**

Councillor Jan Gillingham  
 Councillor Troy Melville

**3.3 Approved Leave of Absence**

Nil

**3.4 Disclosure of Interests**

Name	Item no.	Interest	Nature
Chris Linnell, Acting Chief Executive Officer	10.2.1 "Chief Executive Officer Recruitment Process"	Financial	Currently the Acting Chief Executive Officer
Dale Stewart, Acting Director Corporate Services	10.2.1 "Chief Executive Officer Recruitment Process"	Financial	Currently the Acting Director Corporate Services which was discussed.

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**Item 4 Applications for Leave of Absence**

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Nil

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**Item 5 Attendance by Telephone/Instantaneous Communications**

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Nil

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**Item 6 Public Time**

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*Important note:*

*'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall 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 Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'*

The Mayor opened Public Question Time at 4:08pm.

**6.1 Public Question Time**

Nil

The Mayor closed Public Question Time at 4:08pm.

The Mayor opened Public Statement Time at 4:08pm.

**6.2 Public Statement Time**

Nil

The Mayor closed Public Statement Time at 4:08pm.

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**Item 7 Questions from Members without Notice**

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Nil

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**Item 8 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

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

- Mayor Howlett
- Councillor Hooper
- Councillor Arif
- Councillor Tavo

The following Elected Members declared that they had given due consideration to all matters contained in the agenda excluding item 11.1 “Confidential Matter – Legal Advice”:

- Councillor Blanco
- Councillor Newbery
- Councillor Whitwell

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**Item 9    Announcements by Presiding Member without Discussion**

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Nil

*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening’s Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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**Item 10 Reports of Officers**

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**10.1 Works and Services****10.1.1 South Hedland Town Centre Road Modifications**

File No: 27/01/0016  
Applicant/ Proponent: NA  
Subject Land/ Locality: NA  
Date: 29/06/2016  
Author: Anthony Williams, Project Officer  
Authorising Officer: Brendan Smith, Director Works and Services  
Disclosure of Interest from Author: Nil  
Authority/Discretion: ☒ Advocacy – when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

## Attachments:

1. Letters from Main Roads dated 7 June 2016 and 28 June 2016
2. Register of public consultation feedback
3. Drawing 36/02/0005-01-01-B

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**CM201617/001 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR HOOPER**

**That with respect to the permanent modification of Wise Terrace and Rason Link, Council:**

- 1. Note the outcomes from community consultation undertaken between December 2014 and April 2016;**
- 2. Endorse the one way traffic arrangement as per drawing 36/02/0005-01-01 (see attachment 3); and**
- 3. Request the Acting Chief Executive Officer or his delegate to seek Ministerial approval as required under Regulation 291 of the Road Traffic Code 2000.**

**CARRIED 7/0**

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**EXECUTIVE SUMMARY**

This report seeks to gain the Council's endorsement required for the Minister of Transport to approve the proposed road modifications as required under Regulation 291 of the Road Traffic Code 2000.

Wise Terrace will become a one-way road from McLarty Boulevard to the Throssell Road intersection; maintaining two-way access into the South Hedland Square car parks. Rason Link will become a one-way road from Leake Street to Wise Terrace.

The attached drawing (attachment 3) shows the proposed layout of the modified roads.

## **BACKGROUND**

The redeveloped South Hedland Town Centre opened in 2011 incorporating a new shared traffic zone along Wise Terrace that interfaces with the shopping centre, car park and public open space. The community have raised several traffic and pedestrian safety issues regarding the shared traffic. These issues relate to speed of vehicles, visibility of vehicles and pedestrians, and safe pedestrian access.

To investigate a suitable solution, at the Ordinary Council Meeting (OCM) 25 June 2014 Council approved a trial road modification which commenced in November 2014.

In February 2015 the arrangement was refined to create a one-way traffic flow along Wise Terrace (from Throssell road towards the Library), with Rason Link closed off to create a taxi rank with a left-turn-only exit onto Wise terrace. This arrangement received positive community feedback and a summary of the comments have been provided (attachment 2).

Further scoping and design works were conducted and in May 2016 a Road Safety Audit was completed for the proposed works. The final design was forwarded to Main Roads WA for regulatory design approval. On 7 June 2016 Main Roads informed the Town that Ministerial approval was required to modify sections of Wise Terrace and Rason Link from two-way to one-way.

Town officers compiled the required details (including Resolution 201314/370 from OCM 25 June 2014 approving the one way modification) and submitted it to Main Roads on 8 June 2016. When assessed by Main Roads it was deemed insufficient (as per letter dated 28 June attached) because it did not explicitly state that Council endorse the permanent modification of Wise Terrace.

After further discussions with Main Roads it was agreed that a council resolution endorsing permanent modification would provide the required information to obtain Minister approval. This approval formalises the agreed modification and can coincide with the modification works being undertaken by the Town from 11 to 30 July 2016.

## **CONSULTATION**

During the project development phase the following parties were consulted:

- Landcorp
- Charter Hall
- Local Taxi companies
- Representatives from all businesses operating in the immediate vicinity
- Main Roads Western Australia
- Emergency Services

The Town also posted an online community feedback form on its website and received 33 submissions during the period between 24 December 2014 to 30 April 2016. Of the 33 submissions, 21 (64%) were in favour of Wise Terrace becoming one-way and 12 (36%) opposed the proposed change.

Attachment 2 provides a summary of the comments received from the community.

**LEGISLATIVE IMPLICATIONS**

Regulation 291 of the Road Traffic Code 2000 is applicable to the item.

**POLICY IMPLICATIONS**

There are no significant identifiable policy implications should Council endorse the Recommendation.

**FINANCIAL IMPLICATIONS**

There are significant financial implications should the Council choose not to support the resolution at this time. Should the Council not agree to endorse the recommendation, Town Officer's would be required to negotiate with the Contractors undertaking the works commencing 11 July 2016. The value of this contract is approximately \$140,000.

**STRATEGIC IMPLICATIONS**

This item is aligned with the Towns Strategic Community Plan, 3.1 Sustainable services and infrastructure – Develop and maintain our infrastructure to ensure the long-term sustainability of our built and natural environment.

**SUSTAINABILITY IMPLICATIONS***Environmental*

There are no significant identifiable sustainability implications should Council endorse the Recommendation.

*Economic*

There are no significant identifiable economic implications should Council endorse the Recommendation.

*Social*

There are no significant identifiable social implications should Council endorse the Recommendation.



*Risk*

Risk	Council does not endorse the permanent modification of Wise Terrace and Rason Link, and the proposal ceases.	Council does not endorse the permanent modification of Wise Terrace and Rason Link, and the contract with the Contractor has to be terminated.
Risk Likelihood (based on history and with existing controls)	Rare (1)	Almost Certain (5)
Risk Impact / Consequence	Major (4)	Major (4)
Risk Rating (Prior to Treatment or Control)	Low (1-4)	Extreme (20-25)
Principal Risk Theme	Infrastructure planning and delivery failing to meet future population demands	Financial Impact - 3 Moderate - \$30,001 - \$300,000
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment.

The consequence of this proposed risk is major however the likelihood is rare. A risk matrix has been prepared and a risk rating of a low 4 has been determined for this item, therefore there is no need for a risk action plan as the Town supports the endorsement.

Should the Council not endorse the permanent modification of Wise Terrace and Rason Link, and the contract with the Contractor has to be terminated the risk rating of extreme 20 would apply and be placed on the Town's risk register.

**CONCLUSION**

To finalise the Main Roads WA approvals Council is required to provide its support of the permanent modification of Wise Terrace and Rason Link.

## ATTACHMENT 1 TO ITEM 10.1.1



Enquiries: Peter Ellis  
Our Ref: 05/8371-02  
Your Ref:

7<sup>th</sup> June 2016

Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

ATTENTION: Anthony Williams

Dear Anthony

**Regulatory Control on 813-0520 Wise Terrace & 813- 0521 Rason Link,  
South Hedland - Request for signs & lines Approval**

I refer to your original email dated 25<sup>th</sup> May 2016 and subsequent emails regarding Town of Port Hedland's request to have the above locations changed from a 'Two Way' road to a 'One Way' Road.

I advise that the request for regulatory signs and lines cannot be approved until the formal processes have been completed as required under **Regulation 291 of the Road Traffic Code 2000 Temporary closure of or restriction on the use of roads, i.e. Where for the more effective control of traffic, it appears to the Commissioner of Main Roads to be necessary or expedient to close a road or set apart a road or portion of road for traffic traveling in one direction or traffic of a particular class, the Commissioner of Main Roads may, with the authority of the Minister and after giving such notice as the Minister direct, do any of those things by means of road signs.**

Consequently you will need to resubmit your request seeking approval for a change in traffic flow to One-Way for the nominated location to include the following:

- Reasons for the changed traffic flow.
- Evidence of public consultation.
- Copy of the appropriate Council meeting motion indicating approval.
- Detailed drawings showing road markings and signage at the proposed entry and exit and additional pavement arrows to be installed in location indicating the direction of traffic flow.

If you require any further information please contact Peter Ellis on 9172 8824. In reply please quote file reference 05/8371-02.

Yours sincerely

Peter Ellis  
**NETWORK OPERATIONS MANAGER**

Main Roads Western Australia  
Pilbara, Maxine McGillivray Centre, South Hedland WA 6722  
PO Box 2256, South Hedland WA 6722

mainroads.wa.gov.au  
enquiries@mainroads.wa.gov.au  
138 138



mainroads  
WESTERN AUSTRALIA

Enquiries: Peter Ellis  
Our Ref: 05/8371-02  
Your Ref: 27/01/0016

28<sup>th</sup> June 2016

Chief Executive Officer  
Town of Port Hedland  
PO Box 41  
Port Hedland WA 6721

ATTENTION: Anthony Williams

Dear Anthony

**Regulatory Control on 813-0520 Wise Terrace & 813- 0521 Rason Link,  
South Hedland - Request for signs & lines Approval**

I refer to the Main Roads letter dated 7<sup>th</sup> June 2016 and Port Hedland Town Council's response dated 8<sup>th</sup> June 2016.

Your submitted reply with attached information to obtain Ministerial approval for the proposed change in operation of Wise Tce from two-way to one-way was submitted by Main Roads Pilbara Region to Main Roads Perth for processing and approval.

Main Roads Perth has advised that the supplied paperwork with this submission does not provide sufficient evidence to proceed at this time.

The following observations have been noted;

- The Council Minutes provided are from 2 years ago (25th June 2014) when Council convened to consider the implementation of a trial road modification from two way operation to one way operation.
- The proposed trial was carried by Council (7/0) and implemented in February of 2015.
- There is no evidence that the permanent change to One way has been considered and endorsed by Council (Council Minutes) or any evidence that they have publically advertised their intention for the implementation of a permanent One way system.
- This would be instantly recognised by the Managing Director of Main Roads and the Minister, who would not provide their approval.
- Whilst on the public feedback form on the Port Hedland web site there is a button asking "Do you support Wise Terrace becoming one way?" it isn't clear if this is in reference to the trial (until perhaps an additional stage of development is undertaken) or to a permanent modification, additionally the page makes reference to "Trial Modifications" and the web page specifically says "These trial modifications are temporary".
- <http://www.porthedland.wa.gov.au/forms/?formid=41>

Main Roads Western Australia  
Pilbara, Maxine McGillivray Centre, South Hedland WA 6722  
PO Box 2256, South Hedland WA 6722

[mainroads.wa.gov.au](http://mainroads.wa.gov.au)  
[enquiries@mainroads.wa.gov.au](mailto:enquiries@mainroads.wa.gov.au)  
138 138



**mainroads**  
WESTERN AUSTRALIA

Due to the above, the submission for permanent change to One Way operation cannot be considered until Council have provided the necessary evidence that all of the original requirements have been met.

Consequently Port Hedland Town Council will need to resubmit the request seeking approval for a change in traffic flow to One-Way configuration.

If you require any further information please contact Peter Ellis on 9172 8824. In reply please quote file reference 05/8371-02.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'PE' followed by a flourish.

Peter Ellis  
**NETWORK OPERATIONS MANAGER**

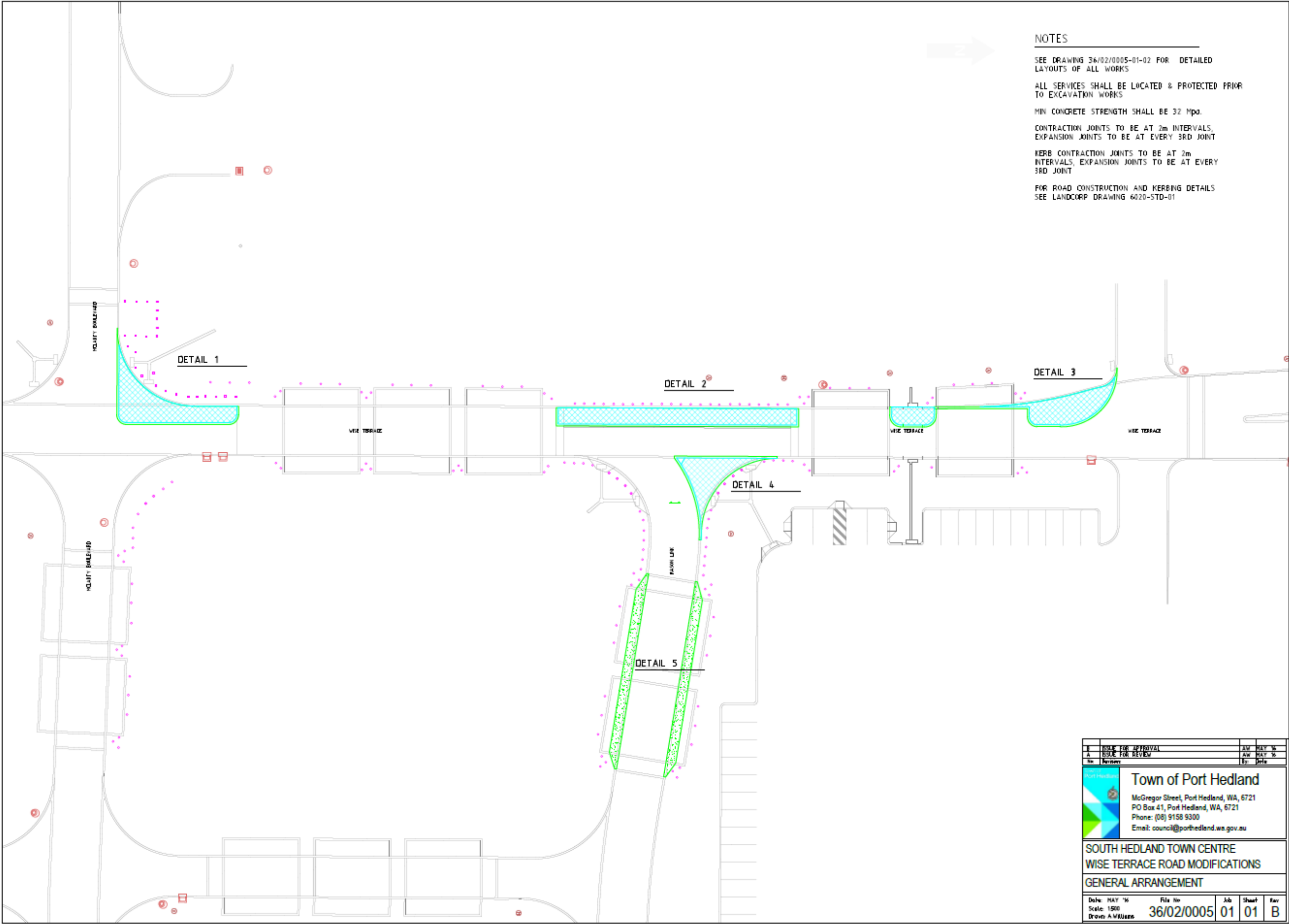
## ATTACHMENT 2 TO ITEM 10.1.1

Wise Terrace Feedback Register					
Forms submitted via Town of Port Hedland website - <a href="http://www.porthedland.wa.gov.au/forms/?formid=41">http://www.porthedland.wa.gov.au/forms/?formid=41</a>					
Date submitted	Record No.	Road usage - Freq	Road usage - Purpose	One Way?	Comments/suggestions
24/12/2014 12:05	ICR52515	Daily	For pedestrian access (crossing to car park)	Yes	
05/01/2015 11:24	ICR52531	Daily	For pedestrian access (crossing to car park) Pull in bays (accessing retailers on Wise Terrace)	No	
05/01/2015 15:33	IL852559	Daily	For pedestrian access (crossing to car park)	Yes	
05/01/2015 16:24	ICR52561	Weekly	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing retailers	Yes	
14/01/2015 16:53	ICR52746	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing retailers	Yes	Move that taxi rank away from the front of the NOW MAIN ENTERANCE . The new road changes have created a minefield of abusive, drunk & loitering people stretched out from the center doorway to the taxi rank. WE shouldn't put up with having to deal with this. YELLING SCREAMING and FIGHTING on a daily basis Im sick of it. And yes I
23/01/2015 11:16	ICR52866	Daily	To get to work	No	
25/01/2015 18:55	ICR52880	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	Yes	
27/01/2015 15:23	ICR52901	Daily	For pedestrian access (crossing to car park) Pull in bays (accessing retailers on Wise Terrace)	Yes	Less emergency parking bays? Is there even 8 police cars and ambos in town???? More parents with prams bays that are bigger and actually fit a pram next to them and are better situated. Enforcement of parking in inappropriate bays disabled etc. make at least half emergency bays 15minute parking bays that are enforced. Security cameras on bays with a
29/01/2015 14:28	ICR52943	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing	No	instead of the one way street, put in angle parking on both sides eg: like the Main street in Port Hedland ( Wedge Street). Put the Taxi rank near the old skate park.
30/01/2015 8:52	ICR52962	Weekly	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	No	I think that keeping Rason Link Closed and Taxi rank in its new trial position is great. But please keep the road two-way. This is a backwards move for the Town. Port Hedland pedestrians are surely savvy enough to be able to negotiate crossing a two-way street with cars travelling a low speeds. Everyone other city is looking to make one-way roads two-way again, yet
30/01/2015 11:06	ICR52966	Daily	For pedestrian access (crossing to car park)	Yes	Taxi Stand has no shed....and its ....too hot at times for all. Please look into it.
04/02/2015 16:44	ICR53036	Daily	For pedestrian access (crossing to car park)	No	Close Wise terrace off completely to Traffic, Pedestrians only. This has been a safety hazard for years will get worse when all these extra houses for predicted thousands moving to the town get completed. Its only a matter of time before someone is killed there and I would hate to be the person that kills a local.
09/02/2015 12:53	ICR53108	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	No	I'm not the smartest man in the world but if you idiots put a couple of zebra crossings in we wouldn't be having this issue of having to make it one way. If you haven't realized this by now what is this town coming to? When I get to the 20km section on Wise Terrace I get frustrated with the stupidity of the people running this town, it is not a pedestrian it is a 20m long speed
17/02/2015 9:36	ICR53291	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing	Yes	

26/02/2015 12:58	ICR53475	Weekly	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	Yes	Parking Inspectors to stop the wrong people from parking in the disabled, emergency and parents with prams parking bays. Also more parents with prams parking bays would be handy.
27/02/2015 10:24	ICR53489	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing	Yes	I think the existing traffic management plan is working better and provides a better flow for vehicles with the one way system off Throssell road. The new install of 15 m bays from the banks to Dick Smiths improves the turnover of vehicles and the new install of Police EV signs should better provide designate bays for these vehicles.
08/03/2015 12:54	ICR53637	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park) Pull in bays (accessing	Yes	I preferred the first one way direction heading from the hospital Towards the survo. Also it should be made Permanent with emergency parking down one side and diagonal public parking along the other
25/04/2015 6:03	ICR54446	Weekly	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	No	I think that is should shut completely and made for pedestrians and emergency services .. as it is a dangerous place to cross from the shops to car park and most cars i have experienced go though quite fast and don't let people cross. I have had to now park at the kmart end of the shops as it is safer for my daughter to walk there on the pedestrian crossing.
01/05/2015 11:45	ICR54553	Daily	For pedestrian access (crossing to car park) Pull in bays (accessing retailers on Wise Terrace) Our business utilises the	No	I believe the part of Wise Terrace in front of the shopping centre should be restricted as a "loading zone" with a time limit, AND only utilised by delivery companies/couriers, police and emergency services, and sign posted as a "no thru road". As I believe that Wise Terrace should NOT be a thoroughfare; that the shopping centre surrounding roads should be
04/05/2015 13:17	ICR54583	Daily	For pedestrian access (crossing to car park)	Yes	A believe the best way that I have found for wise terrace is to run is from the direction of SHAC towards the BP. This limits the amount of people actually using it as a thoroughfare between areas of hedland and reduced the amount of local foot traffic that hangs around out the front of the centre.
04/05/2015 16:32	ICR54584	Daily	For pedestrian access (crossing to car park)	Yes	I only support Wise Tce being one way if it must remain a road. My preference would be that it be closed to vehicles all together. It is an unnecessary road, I have used it once since the car park upgrade and that was to avoid a street sweeper going along the other street.
12/05/2015 10:19	ICR54836	Daily	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	Yes	I like the way it is flowing now and also how the barriers are making were you walk through to cross over and not just everyone crossing were they feel like.
18/05/2015 15:36	ICR54961	Weekly	As a thoroughfare (driving between streets) Other	Yes	
20/05/2015 14:07	ICR55075	Weekly	As a thoroughfare (driving between streets) Pull in bays (accessing retailers on Wise Terrace)	Yes	I think the parking bays along wise tce shouldn't be there. The bay's in front of auto pro and the other shops adjacent to the street. And move the taxi bays back to the kmart area.
10/06/2015 12:44	ICR55557	Daily	Pull in bays (accessing retailers on Wise Terrace)	Yes	Close the whole area
17/06/2015 14:21	ICR55757	Daily	For pedestrian access (crossing to car park)	No	Close the road from all traffic, except emergency traffic
16/12/2015 0:24	ICR60293	Daily	As a thoroughfare (driving between streets)	No	
30/12/2015 7:46	ICR60486	Daily	For pedestrian access (crossing to car park)	Yes	A designated pedestrian crosswalk.
10/02/2016 7:13	ICR61233	Weekly	As a thoroughfare (driving between streets) Pull in bays (accessing retailers on Wise Terrace)	Yes	
12/02/2016 20:12	ICR61303	Daily	For pedestrian access (crossing to car park) Pull in bays (accessing retailers on Wise Terrace)	No	Make the terrace pedestrian only and bring the carpark closer

13/04/2016 20:30	ICR62686	Weekly	As a thoroughfare (driving between streets) For pedestrian access (crossing to car park)	No	Put in a designated pedestrian crossing to access shop. Drop speed limit down to 20kms per hr along that road until you get to the intersection at the dick smith end of the shopping centre. Add speed bumps either side of pedestrian crossing to make sure cars do slow down to allow for a safer crossing.
21/04/2016 15:59	ICR62849	Weekly	For pedestrian access (crossing to car park)	Yes	Eliminate all car parks in front of shops to simplify and make it a more inviting and safe.
30/04/2016 16:41	ICR63019	Daily	For pedestrian access (crossing to car park)	Yes	Make it a cross walk and one way and leave it that way. Stop changing your mind and keeping it sectioned off. It looks like a tip.

Total Yes	21	Total percent yes = 64%
Total No	12	Total percent no = 36%
Combined Total	33	





## 10.2 Office of the CEO

4:15pm The Acting Chief Executive Officer declared a financial interest in item 10.2.1 'Chief Executive Officer Recruitment Process' as he is currently Acting Chief Executive Officer.

The Acting Chief Executive Officer left the room.

### 10.2.1 Chief Executive Officer Recruitment Process

File No:	EMP-012
Applicant/ Proponent:	N/A
Subject Land/ Locality:	N/A
Date:	07/07/2016
Author:	Nicholas Ross, Manager People and Culture
Authorising Officer:	Chris Linnell, Acting Chief Executive Officer
Disclosure of Interest from Author:	The Authorising Officer has a financial interest as he is the current Acting Chief Executive Officer
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council.

Attachments:

1. Agency proposals (Confidential – Under Separate Cover)
2. CEO recruitment comparison (Confidential – Under Separate Cover)

#### CM201617/002 COUNCIL DECISION

**MOVED: CR TAVO**

**SECONDED: CR NEWBERY**

**That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension of Standing Orders' to discuss item 10.2.1 'Chief Executive Officer Recruitment Process'.**

***CARRIED 7/0***

4:16pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

4:19pm The Acting Director Corporate Services declared a financial interest in item 10.2.1 'Chief Executive Officer Recruitment Process' as the Director Corporate Services position was being discussed and he is currently acting in the position.

The Acting Director Corporate Services left the room.

**CM201617/003 COUNCIL DECISION****MOVED: CR BLANCO****SECONDED: CR TAVO****That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.*****CARRIED 7/0***

4:24pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.

**CM201617/004 RECOMMENDATION/ COUNCIL DECISION****MOVED: CR BLANCO****SECONDED: CR ARIF****That with respect to the Chief Executive Officer recruitment process, Council:**

- 1. Appoint Lester Blades to assist the Council to facilitate the recruitment process of a Chief Executive Officer for the Town of Port Hedland;**
- 2. Form a working group comprised of Mayor Cr Blanco Cr Hooper Cr Newbery Cr Whitwell Cr Tavo and one Town representative being the Manager People and Culture to liaise with the recruitment agent in order to complete the administrative and legislative necessities required to recruit;**
- 3. Request the recruitment agency to undertake the following functions including but not limited to:**
  - Develop a candidate profile**
  - Develop the position description**
  - Develop a draft contract of employment**
  - Advertise the position**
  - Prepare interview questions**
  - Prepare a shortlist of suitable applicants**
  - Co-ordinate interviews**
  - Check referees**
  - Prepare selection report**
  - Prepare final report for Council decision**
  - Finalise contract negotiations.**
- 4. Note the proposed selection and appointment process and indicative timeline for the recruitment process;**
- 5. Include \$100,000 in the 2016/17 budget to cover the fees and other ancillary costs accrued as part of the recruitment process.**

***CARRIED 7/0***

4.25pm Acting Chief Executive Officer and Acting Director Corporate Services entered the room and resumed their chairs.

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## **EXECUTIVE SUMMARY**

The former Chief Executive Officer (CEO) left the Town of Port Hedland on 23 June 2016. The Director Community and Development Services has been appointed as Acting CEO until a permanent CEO commences.

This report outlines the selection and appointment process that is to be applied to a CEO position and requests Council to appoint an agency to facilitate the recruitment process.

## **BACKGROUND**

At the Special Council Meeting on Wednesday 29 June 2016 Council appointed the Director Community and Development Services as the Acting CEO. Council also appointed all Elected Members to the CEO recruitment selection panel.

The Department of Local Government and Communities have an operational guideline on appointing a CEO. The guideline outlines the requirements that need to be met prior to advertising for the position. The selection and appointment process that is to be applied to a CEO position must be approved by Council prior to advertising the position.

Prior to the position being advertised, the Council will also need to review and approve the position description form (inclusive of selection and performance criteria) and contract of employment prior to advertising for the position. Through the position description and selection criteria, the Council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

The CEO remuneration package range is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*. The Town of Port Hedland is classified as a band 1 local government.

The Council is required to determine how the CEO position will be recruited for this includes the option of utilising the skills and experience of an external agency to manage the executive recruitment process or to defer to the in-house recruitment team to fill the position.

The Town has sought four quotes from agencies to facilitate the recruitment of the CEO which are provided under confidential attachment 1. Town officers have assessed the quotes and would recommend that Lester Blades or WALGA be appointed to run the recruitment process based on their expertise and experience in Western Australia.

Confidential attachment 2 outlines the price, guarantee, timeframe, experience and consultants for each agency that provided a quote.

Utilising an external agency to facilitate the process of recruitment has a number of benefits that would assist the Town in attracting the right candidate. Specific expertise, branding, local industry networks, candidate replacement guarantee and third party interaction are but a few. The costs, whilst not insignificant, are moderate in light of possibility of not securing the right individual for the organisation in a timely manner.

The Town has an internal human resources team which could run the recruitment process internally however this is not the recommended approach given an agency offers specialised services for high-level executive appointments and provides a level of separation between Town officers and the candidates. An agency also offers a guarantee should the successful applicant not remain with the Town.

The Town of Port Hedland is currently experiencing a period of significant flux and transformation and using an external agency to manage the process to meet the expectations of the elected members will assist in ensuring a smooth and stable transition towards the Town's new direction in leadership.

### *Next Steps*

A potential timetable is as follows should an agency run the recruitment process, indicatively a timeline of 4 months from decision to up to 9 months depending upon notice period of the preferred applicant.

Responsibility	Action	Status
Special Council Meeting	Council to appoint Acting CEO and CEO recruitment panel	Complete
ToPH	Seek quotes for recruitment agencies	Received
Special Council Meeting	Council report regarding the process for selection of new CEO	11 July 2016
ToPH	Engage recruitment agency (pending SCM decision)	Pending
Agency	Review PD, contract and candidate profile	Pending
Ordinary/Special Council Meeting	Council to adopt reviewed PD, candidate profile and contract (inclusive of salary package)	Pending
Agency	Undertake advertising and recruitment	Pending
CEO Recruitment Panel	Undertake interviews in conjunction with agency	Pending
Special Council Meeting	Preferred applicant presented to Council subject to contractual negotiations	Pending
Special Council Meeting	Approve formal and final appointment inclusive of employment contract	Pending

## CONSULTATION

Requests for quotes have been received from four requirement agencies.

The Department of Local Government and Communities provided advice on a suitable process.

## LEGISLATIVE IMPLICATIONS

Section 5.36 (2) states that a local government must not employ a CEO unless the local government believes that the person is suitably qualified for the positions and is satisfied with the proposed employment contract.

Section 5.39 of the Act contains provisions for the contracts of CEOs.

Section 5.40 of the Act requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above provisions of the Act the Local Government (Administration) Regulations 1996, regulations 18A, 18B, 18C, 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

The attachments are confidential in accordance with section 5.23(2)(c) of the Local Government Act 1995.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

A total of four proposals have been canvassed from suitably qualified recruitment agencies in Western Australia. The costs of engaging an external recruitment consultant ranges from \$30k to \$60k (plus GST & expenses) with the opportunity to secure a discounted rate depending if the Director Corporate Services role is included as a combined package (albeit to commence after the recruitment of the CEO).

A budget allocation from the 2016/17 budget will be required. It is recommended to set a maximum budget allocation of \$100,000 in order to ensure coverage of all fees, charges and expenses for the recruitment of the Chief Executive Officer and Director Corporate Services.

### **STRATEGIC IMPLICATIONS**

The 2014-2024 Strategic Community Plan, under section 4.1 Strategic and best practice local government administration, identifies the obligation to deliver high quality corporate governance accountability and compliance as well as to attract, develop and retain an effective workforce to deliver organisational outcomes.

The recruitment of a suitably qualified Chief Executive Officer to lead the operational aspects of the Town and work closely with the elected members to implement Council decisions is critical and it has wide-reaching strategic implications.

### **SUSTAINABILITY IMPLICATIONS**

#### *Environmental*

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

#### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

#### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

*Risk*

Risk	That a suitable recruitment process is not followed and therefore suitable candidate is not appointed
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

This item does not need to be added to the Town's Risk Register and a Risk Treatment Plan is not required.

**CONCLUSION**

The recruitment of a suitably qualified and experienced CEO is one of the most critical appointments any organisation can make. Further, in any local government authority the recruitment of the right individual is particularly significant in that there are both legislative requirements that inform the process of recruitment and a fiduciary responsibility to all rate payers to ensure that the best candidate is engaged.

Utilising an external agency to facilitate the process of recruitment has a number of benefits that would assist the Town in attracting the right candidate. Specific expertise, branding, local industry networks (WA), candidate replacement guarantee and third party interaction are but a few. The costs, whilst not insignificant, are moderate in light of possibility of not securing the right individual for the organisation in a timely manner.

The Town of Port Hedland is currently experiencing a period of significant flux and transformation and using an external agency to manage the process to meet the expectations of the elected members will assist in ensuring a smooth and stable transition towards the Town's new direction in leadership.

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**Item 11 Matters for Which Meeting May Be Closed (Confidential Matters)**

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**CM201617/005 COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR BLANCO**

**That with respect to item 11.1 ‘Confidential Matter – Legal Advice’, Council close the meeting to members of the public as prescribed in section 5.23(2)(d) of the Local Government Act 1995.**

***CARRIED 7/0***

4:26pm The Mayor advised that the meeting was closed to the public.

The Acting Chief Executive Officer, Manager People and Culture and Coordinator Governance remained in the room.

**11.1 Confidential Matter – Legal Advice****CM201617/006 COUNCIL DECISION****MOVED: CR TAVO****SECONDED: CR WHITWELL**

**That Council suspend sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014 in accordance with section 18.2 ‘Suspension of Standing Orders’ to discuss item 11.1 ‘Confidential Matter – Legal Advice’.**

***CARRIED 7/0***

4:28pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are suspended.

**CM201617/007 COUNCIL DECISION****MOVED: CR HOOPER****SECONDED: CR ARIF**

**That Council resume sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law 2014.**

***CARRIED 7/0***

5:08pm The Mayor advised that sections 9.4, 9.5 and 9.9 of the Standing Orders Local Law are resumed.



**CM201617/008 COUNCIL DECISION****MOVED: CR BLANCO****SECONDED: CR TAVO****That with respect to consideration of the confidential legal matter, Council:**

- 1. Endorse the Confidential Schedule;**
- 2. Authorise the Acting Chief Executive Officer to enter into a Deed of Release and Settlement;**
- 3. Authorise the Acting Chief Executive Officer to enact the decision immediately in accordance with section 17.3(3) of the Standing Orders Local Law 2014.**

***CARRIED 7/0*****CM201617/009 COUNCIL DECISION****MOVED: CR ARIF****SECONDED: CR BLANCO****That Council open the meeting to members of the public.*****CARRIED 7/0***

5:16pm The Mayor advised that it is open to the public and advised of Council's decision.

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**Item 12 Closure**

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**12.1 Closure**

There being no further business, the Mayor declared the meeting closed at 5:18pm.