



MINUTES

Ordinary Council Meeting Wednesday, 30 August 2023

Date: Wednesday, 30 August 2023

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date: 28 September 2023

A handwritten signature in black ink, written over a horizontal line.

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1 Opening of Meeting

The Presiding Member declared the meeting open at 5:30pm.

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 recognised their strength and resilience and paid respect to elders past, present and emerging.

3 Recording of Attendance

Important note:

This meeting is being live-streamed and audio recorded to facilitate community participation and for minute-taking purposes, which may be released upon request to third parties. In accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders members of the public are not permitted to use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the Presiding Member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Standing Orders Local Law mobile telephones must be switched off and not used during the meeting.

3.1 Attendance

Scheduled Present:

Mayor Peter Carter
Deputy Mayor Tim Turner
Cr Renae Coles
Cr Elmar Zielke
Cr Jan Gillingham (arrived 5:32pm)
Cr Ash Christensen
Cr Flo Bennett
Cr David Eckhart
Cr Jason Keller

Scheduled for Attendance:

Carl Askew (Chief Executive Officer)
Steve Leeson (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Michael Cuvalo (A/Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Christine Fairbrother (Governance Officer)
Karen Krollig (Governance Support Officer)
Rhiannon Smith (Governance Support Officer)
Shanna Crispin (Manager Public Affairs)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosures Of Interest

Name	Item No	Interest	Nature
Cr Gillingham	12.2.4	Impartiality	Associated with Pilbara Music Festival (applying for a grant)
Cr Bennett	12.4.2	Impartiality	Immediate family member works at landfill
Cr Bennett	15.1	Financial	Travel Managers Agent (Employee)
Cr Zielke	15.3	Financial	Owens shares in De Grey Mining
Cr Eckhart	15.3	Financial	Owens shares in De Grey Mining
Lee Furness	15.3	Financial	Husband owns shares in De Grey Mining
CEO Carl Askew	15.4	Financial	CEO Annual Performance Review

4 Applications for Leave of Absence

CM202324/113 COUNCIL DECISION

MOVED: Cr Flo Bennett

SECONDED: Cr Renae Coles

That Council approve the following application for leave of absence:

Deputy Mayor Tim Turner for the period 1st September - 30th September 2023.

CARRIED BY SIMPLE MAJORITY (9/0)

5 Response to Previous Questions

Nil

5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 26 July 2023

Nil

5.2 Response to Questions taken on notice from Public at the Council Meeting held on 26 July 2023

5.2.1	Zac Slaughter - Volunteer Marine Rescue
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Have the Council received a copy of the Marine Rescue Port Hedland's development application for 10 McKay Street, Port Hedland which includes a Heritage assessment report of the Port Hedland former state school from the Department of Planning, Lands and Heritage (DPLH)? Presently we're in the dilapidated facility – expanding the boat storage, safer environment for the volunteers?

The Director Regulatory Services provided the following response:

The Town received the development application referral from DPLH on 19 July 2023 and is assessing the application.

Has the Town of Port Hedland received a letter from Marine Rescue, Port Hedland on request to change the Heritage category of the Port Hedland former state school – place number 13 (sent on the 26th of June 2023) from category B to category C in the Town of Port Hedland's Heritage inventory register? I have a copy that I will provide after questions.

The Director Regulatory Services provided the following response:

The Town received the letter (hard copy supplied at the 26 July Ordinary Council Meeting) on 26 June 2023.

When does the ToPH expect to respond to the letter of request to the heritage category and the DA from DPLH?

The Director Regulatory Services provided the following response:

The Town has been in contact with DPLH since April 2023 on the matter of the change of heritage category. DPLH have been requested for an extension of time to consider the application due to requirement community consultation and a decision by Council. The process for amendment to the Town's Local Heritage Survey (Municipal Inventory) requires community consultation and referral to Council for a decision. As the development application also requires consultation, it will be run concurrent with the request for reclassification. Both matters will be referred to Council in August for a decision.

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 5:33pm.

6.1.1	Camilo Blanco
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I queried the difference between the actual material and contract amount expenditure, which was \$42.5 million and the estimated expense amount of \$65 million at the last meeting. It came back to the differences were related to \$36 million that was paid out of the marina reserve. I’ve found that in the monthly payments – November 22 – in the actual transfers, \$36 million has come out of the Marina, but the only thing I could find in the monthly payments in December 22 (23 November 22 attachments) on page 49, was an amount of \$13,457,000 to the Department of Treasury. That leaves a \$24 million dollar shortfall. Can somebody tell me, considering my answer was it was \$36 million towards the Marina development, where did the other \$24 million dollars go?

The Director Corporate Services provided the following response:

Taken on notice.

In relation to Spoilbank Marina, are we providing money to the State Government for their responsibility to build the waterside and also the road coming in and the carpark? We’re only responsible for the landside. I’m now confused, and we need to find out what is going on and why are we paying money to the landside contribution of the Marina?

The Mayor provided the following response:

Taken on notice.

In the 2022/23 budget, my calculations come to \$179,940,000 that we have spent over the 22/23 12-month period. I’m going to send you my research tonight. Check my totals and add it up. If we continue, we will be broke in 18 months. I also did the previous 12 months. I think it came out to \$110 million. Why have we got different numbers in our actual spend over the last two financial years in our budget?

The Director Corporate Services provided the following response:

I look forward to receiving your information that you have there, because I’m getting a sense that there’s a crossover between operating expenditure and capital expenditure, budget amendments that have gone through, estimated actuals as well. So, with that in front of me and the time to review it, I’ll address your questions more appropriately.

6.1.2	John Ashenden
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My question pertains to the application of standing orders, particularly section 6.7 s8 which outlines procedures to question time for public. In accordance with subsection 8a – it is stated that unless specific subclauses apply, the Presiding Member is expected to respond personally or delegate a fellow council member to review the question before considering it to be taken on notice or deferring it to the CEO. Recently there have been instances when it appears that questions have not been addressed adequately. Will Mayor Carter commit to ensuring that the rules outlined in section 6.7 s 8a are consistently followed during public question time?

The Mayor provided the following response:

Yes.

At the last OCM – while I was delivering my statement in public statement time, it was noticed by myself and others, Mayor Carter winking and grinning at myself. Could you provide explanations for these actions?

The Mayor provided the following response:

No, I can’t

6.1.2	Jillian Fisher
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Reading the Corporate Plan that is being considered tonight that the Tip Shop will be delivered in 23/24, as we only have 10 months left of this financial year, can the Council state if the stopgaps improved facility servicing the public be located at the landfill or offsite until the proper CRC can be built? If it’s offsite, where will it be located and who will be operating it?

The Director Infrastructure Services provided the following response:

There are no plans to build a temporary tip shop – the Town will tender the operation of it to a community or not-for-profit at the time it’s built.

Reading the minutes from July – Cr Gillingham requested a report from the Mayor’s and other Councillors’ trip to Canberra made in mid-June. Did the Councillors receive the report? If so, when will the public be receiving a report about this trip?

The Mayor provided the following response:

The Councillor’s have received the report and it’s only published internally.

With the date set of the referendum to change Australia’s constitution, will the Town of Port Hedland be publicly supporting a Yes vote or a No vote? Or will the Council be issuing a public statement to its residents and the media to remain neutral?

The Chief Executive Officer provided the following response:

The Town doesn’t have a position. It won’t be promoting a yes or a no vote and will remain neutral on this matter.

The Presiding Member declared Public Question Time closed at 5:54pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:54pm.

6.2.1	John Ashenden
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Mr Ashenden spoke on:

- *Urgent concerns about Mayor Carter’s behaviour during Council meetings*
- *Reaffirming the Town’s commitment to transparency, accountability, and respective engagement*

6.2.2	Camilo Blanco
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Mr Blanco spoke on:

- *The Councils lack of understanding of the budget*
- *Various issues that have been spoken of previously and the Council’s inaction*
- *Multiple businesses being paid for work on a housing project on Long Tom Loop*
- *Councils absence of concern and not listening to public*

- *Mr Blanco’s calculations being \$50m more than what the highest budget amount in spending lists in the current budget report*
- *Structure of accounting information*
 - *Financial documents that can’t be read, not alphabetized or easy to follow*
- *Delegated authority register – reducing the limit to \$250,000 – so that all spending needs to be approved by the Council*

6.2.3	Colleen Digby
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Mrs Digby spoke on:

- *Her role as one of the founders of the Pilbara Music Festival*
- *Her support of the festival and achievement of being in its 46th year*
- *Benefits of the Pilbara Music Festival for the community*
- *The Town sponsoring the festival in the past – and how it’s affected the festival since the Town has stopped sponsoring*
- *The volunteers who put their all into working for the festival*
- *Asking for the Town to review their decision of sponsoring the music festival*

6.2.4	Ryan Digby
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Mr Digby spoke on:

- *Speaking on Katrina Vernon – she gave her all to every music festival*
- *Katrina now lives in Perth – Prayers are with her and her husband Chris – who is in the advanced stages of cancer*

The Presiding Member declared Public Statement Time closed at 6:16pm.

6.3 Petitions / Deputations / Presentations / Submissions

Nil

7 Questions from Members without Notice

7.1	Cr Ash Christensen
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Through the chair to the CEO, outside of the amendments that were agreed to at the last confidential briefing relating to the CBP, how many amendments have been made after that point, outside of the ones that have been agreed to?

The CEO provided the following response:

I will need to refer that to the Director and the Manager in terms of how many amendments were made.

The Director Corporate Services provided the following response:

Through the Mayor, nothing substantive from what I recall. There were a couple of amendments made whilst we were in the workshop. What is attached tonight, I took as being the consensus for the revisions from those workshops and since that, there haven't been any amendments made.

Can I get confirmation that at the point of review for this document in coming years, to tighten up the wording pertaining to actions and commitments – the CBP has a very large number of actions and accountabilities that we are to do, that are vague and hard to measure – could we have this tightened up in later dates?

The CEO provided the following response:

Happy to take that on board, Councillor.

The Arts and Culture Plan – can I just confirm that we do have a registered reviewal time frame for this, is it going to be yearly?

The Director Community Services provided the following response:

The Arts and Culture Plan is 2023-2027, so it's a 4-year plan, however we do plan to provide updates on a yearly basis.

7.2	Cr Jan Gillingham
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Could I please read out, on behalf of Julie Arif – her statement regarding the Port Hedland State School item being decided tonight?

The Mayor provided the following response:

Yes you may.

(Statement from Julie Arif as read by Cr Gillingham)

Re the Port Hedland State School item 12.3.6

I am very concerned about the possible loss of a piece of Port Hedland's heritage and history namely the Port Hedland State school building on McKay Street.

The Port Hedland Volunteer Marine Rescue association do an amazing job and I thank them for all that they have done and continue to do to keep our waterways and marine users safe.

I believe that the PHVMR have occupied the building that is Crown Property for more than 20 years, and it was in good condition when the original tenancy started and now has been allowed to deteriorate by the tenant and the landlords and someone must be held responsible for this as a Category B listing on our Heritage inventory - a place

worthy of recognition and protection and this protection has not happened by the Town, the tenant or the landlords. It is imperative that this building be restored and retained as we have very few heritage buildings in Port Hedland pre-1910.

The category of the building SHOULD be raised to a Category A, NOT decreased to a Category C.

History and heritage cannot be retrieved once it is lost. Dalgety House Museum built in 1903, is a perfect example of how a building can be saved. This building was in the same state of deterioration when it was restored. The photos of before and after are in an album at the museum, for all to see. The original hospital now Dome built in 1904 is another example of how a derelict and a abandoned building can be restored and repurposed and is now the jewel in the crown in Port Hedland.

I would like to see a conservation and maintenance order placed on the State School so that future generations can understand and appreciate the long history of the building, students, teachers and of course the town.

While I understand and appreciate that the PHVMR want to expand their operations to continue to do business it should not be done at risk of losing our precious history. New shiny buildings can be rebuilt anytime but historic buildings cannot ever be retrieved once they are gone. Perhaps a better site for the building should be closer to the boat launching facility at the new marina as it will be closer in proximity and architecturally more in keeping with a new build.

The site does come under the "Improvement Zone" that is managed also by the State Government and that is almost a conflict in itself as they are the landlords of this historic site.

Mayor and Councillors please keep in mind all of these things when considering the item.

7.3	Cr Renae Coles
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Scribblers Art Festival was held last weekend and I wish to thank Victoria, the volunteers and the amazing staff from the Town of Port Hedland who dedicated their time for that festival. It was well received by the public; however we had many options available for the public throughout that weekend. In the future, can we try to see how we can combine these festivals to collaborate and make them bigger and better?

The Mayor provided the following response:

Thank you, Cr Coles.

8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of July 2023:

DATE	MEETING DETAIL
2/07/2023	NAIDOC Opening Event & Community Concert
3/07/2023	CoastWest Grant photo opportunity with Kevin Michel
4/07/2023	Meeting with Leader of the Opposition WA & Shadow Minister for Regional Development (Shane Love MLA)
5/07/2023	Meeting with BHP & FMG re GP Services in Port Hedland
6/07/2023	Weekly radio chat with Ecky
6/07/2023	Meeting with RDA Pilbara and Hoabinh Group
10/07/2023	Nexus Landing event at PHIA
11/07/2023	Meet with De Grey Mining
13/07/2023	Weekly radio chat with Ecky
13/07/2023	Yule River 8 th Annual On-Country Bush Meeting
18/07/2023	Meeting with Centurion Group & Tour of Port Hedland
20/07/2023	Weekly radio chat with Ecky
24/07/2023	Media interview re SHAC and new Hedland Aquatic Facility
24/07/2023	Meeting with Development WA
25/07/2023	Meeting with BP re Hydrogen Project update
26/07/20203	Marina Sod Turning
26/07/2023	July Ordinary Council Meeting
27/07/2023	ABC interview re OCM
27/07/2023	Triple M Interview re OCM
28/07/2023	Spinifex Spree opening
30/07/2023	70 Years Pilbara Manganese event

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

Cr David Eckhart
 Cr Jan Gillingham
 Cr Jason Keller
 Cr Elmar Zielke
 Deputy Mayor Tim Turner
 Cr Flo Bennett
 Cr Ash Christensen
 Cr Renae Coles

Cr Renae Coles, Cr Jan Gillingham and Cr David Eckhart noted that they were unaware of the late attachment Item 12.1 and have not had time to review this item.

10 Confirmation of Minutes of Previous Meeting*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.

CM202324/114 COUNCIL DECISION**MOVED: Cr Elmar Zielke****SECONDED: Deputy Mayor Tim Turner**

That Council confirm that the Minutes of the Ordinary Council Meeting held on 26 July 2023 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (9/0)

11 Reports of Committees

11.1 Audit, Risk and Compliance Committee

Nil

12 Reports of Officers

12.1 Corporate Services

12.1.1	Statement of Financial Activity for the period ending 30 June 2023
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Author: Senior Financial Accountant
Authorising Officer: Director Corporate Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM202324/115 COUNCIL DECISION	
MOVED: Deputy Mayor Tim Turner	SECONDED: Cr Elmar Zielke
That Council:	
<ol style="list-style-type: none"> 1. Receive the statement of Financial Activity for the period ended 30 June 2023 as shown in attachment 1; 2. Receive the Material Variance Report, as shown in attachment 2; 3. Note the Accounts paid under delegated authority for the period ended 30 June 2023 as shown in attachment 3; 4. Receive the Credit card statements for the period ended 30 June 2023. 	
<i>CARRIED BY SIMPLE MAJORITY (9/0)</i>	

PURPOSE

The purpose of this report is for Council to receive the Statement of Financial Activity for the period ended 30 June 2023. Supplementary information is also presented to provide further information regarding the Town’s activities.

DETAIL

The information provided in this report is for the period ended 30 June 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-15 prepared by the Town of Port Hedland (the “Town”).

The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.

As part of the 2022/2023 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

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

The opening funding surplus of \$86K presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 30 June 2023 is a surplus of \$24.8M. This is subject to further year-end adjustments and review, ahead of external audit and confirmation. The majority of the surplus represents funding for projects that are underway or yet to commence.

The breakdown of the cash position is displayed below:

2023/23 Actuals

Current Assets: Cash and Investments	\$180.83M
Restricted Cash – Reserves	\$155.24M
Unrestricted Cash Position as at 30 June 2023	\$ 25.59M

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

- *All consultation and engagement is conducted internally.*

External Agencies

- *Nil*

Community

- *Nil*

LEGISLATION AND POLICY CONSIDERATIONS

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* detail the form and manner in which a local government is to prepare its statement of financial activity.

FINANCE AND RESOURCE IMPLICATIONS

The statement of financial activity is to be supported by such information, as is considered relevant by the local government, containing:

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

Reserves:

Ensure compliance with section 6.11 of the Local Government Act 1995 when reserve accounts are utilised.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

Access and Inclusion

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

Nil

Corporate Business Plan

The following action/s of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Nil

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 2022/23 financial year.
Effect (Consequence)	Could impact on the Town's ability to meet service levels or asset renewal funding requirements.

Risk Treatment	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).	

OPTIONS

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

CONCLUSION

The opening funding surplus of \$86K presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the audited financial statements from June 2023. The net current funding position is \$24.8M.

ATTACHMENTS

1. Monthly Financial report June 2023 [**12.1.1.1** - 24 pages]
2. Material Variances - June 2023 [**12.1.1.2** - 4 pages]
3. List of Payments - June 2023 [**12.1.1.3** - 55 pages]
4. Credit Card Transaction June 2023 [**12.1.1.4** - 21 pages]

12.1.2	2023/24 Delegation Register Review
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Author: Governance Advisor

Authorising Officer: Director Corporate Services

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

Cr Gillingham moved an Amendment to Officer's Recommendation

CM202324/116 AMENDMENT MOTION

MOVED: Cr Jan Gillingham

SECONDED: Cr Renae Coles

Delegation 1.2.18 Tenders for Goods and Services (Function 9) to be reduced to \$250,000 from \$1,000,000.

MOTION LOST (3/6)

In Favour: Cr Gillingham, Cr Coles, Cr Eckhart

Against: Mayor Carter, Deputy Mayor Turner, Cr Keller, Cr Zielke, Cr Bennett, Cr Christensen

Cr Christensen moved an Amendment to Officer's Recommendation

CM202324/117 AMENDMENT MOTION

MOVED: Cr Ash Christensen

SECONDED: Cr Jan Gillingham

Delegation 1.2.18 Tenders for Goods and Services (Function 9) to be reduced to \$750,000 from \$1,000,000.

CARRIED BY ABSOLUTE MAJORITY (7/2)

In Favour: Cr Gillingham, Cr Coles, Cr Eckhart, Cr Keller, Cr Zielke, Cr Bennett, Cr Christensen

Against: Mayor Carter, Deputy Mayor Turner

OFFICERS RECOMMENDATION

MOVED: Deputy Mayor Tim Turner

SECONDED: Cr Elmar Zielke

That Council adopt the 2023/24 Town of Port Hedland Delegation Register as per Attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

CM202324/118 AMENDED SUBSTANTIVE MOTION**MOVED: Deputy Mayor Tim Turner****SECONDED: Cr Elmar Zielke**

That Council adopt the 2023/24 Town of Port Hedland Delegation Register as per Attachment 1 with a reduction to delegation 1.2.18 Tenders for Goods and Services (Function 9) to be reduced to \$750,000 from \$1,000,000.

CARRIED BY ABSOLUTE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to adopt the 2023/24 annual review of the Town of Port Hedland (the Town) Delegation Register. The Town of Port Hedland has delegations in place from Council to the Chief Executive Officer (CEO), other officers and the Audit Committee.

DETAIL

Delegations of authority are an effective and efficient means of carrying out the functions or discharging the duties of the local government, by allowing decisions of Council to be made by the CEO who in turn can delegate to other staff where appropriate.

The Local Government Act 1995, Dog Act 1976, Cat Act 2011 and the Planning and Development (Local Planning Schemes) Regulations 2015 all require local governments to conduct an annual review of any delegations made under those Acts.

The delegation register annual review is facilitated through governance, with managers and executives recommending updates for council to adopt. Meetings are conducted with all managers and directors and then a final draft register is brought to the Executive Leadership Team (ELT) for review, prior to being adopted by Council.

Under s5.44 of the *Local Government Act 1995* (the Act), a CEO may delegate to any employee of the Town the exercise of any of the CEO's powers or the discharge of any of the CEO's duties. This year, the majority of changes requested through the review were at the sub-delegate level, which falls under the responsibility of the CEO. These changes will be actioned pending the outcome of Council's review of the statutory delegations.

The below table outlines the changes made to the delegation register and references the delegation register at attachment 1:

DELEGATION	CHANGE PROPOSED	REASON FOR CHANGE
LOCAL GOVERNMENT ACT 1995		
1.2.18 - Tenders for Goods and Services	Add the words ' <i>Long Term Financial Plan</i> ' to condition b. "Tenders may only be called where there is an adopted budget or provision in the <i>Long-Term Financial Plan</i> for the proposed goods or services," and c. In accordance with s.5.43, tenders may only be accepted where the resulting expense is included in the adopted Annual Budget or <i>Long-Term Financial Plan</i> .	To allow for consideration of Tenders when there is allocation of funding in the Long-Term Financial Plan
EMERGENCY MANAGEMENT ACT 2005		
2.1.1 - Power of Local Government to Destroy Dangerous Vegetation or Premises in Cyclone Area	Add the Manager Infrastructure Operations	Operational Requirements
BUSH FIRES ACT 1954		
6.2.1 - Make Request to FES Commissioner – Control of Fire	Add Deputy Chief Bush Fire Control Officer (DCBFCO) and Coordinator Ranger Services	Operational Requirements
6.2.2 - Prohibited Burning Times - Vary	Remove Chief Bush Fire Control Officer (CBFCO) and add Deputy Chief Bush Fire Control Officer (DCBFCO)	Chief Bush Fire Control Officer (CBFCO) is appointed by DFES and cannot have Delegations outside of control of a bushfire, Deputy Chief Bush Fire Control Officer (DCBFCO) is a Town employee
6.2.3 - Prohibited Burning Times – Control Activities	Remove functions 1 and 5 from Chief Bush Fire Control Officer (CBFCO) Add Deputy Chief Bush Fire Control Officer (DCBFCO) with function 1, 3, 4 and 5	Chief Bush Fire Control Officer (CBFCO) is appointed by DFES and cannot have Delegations outside of control of a bushfire, Deputy Chief Bush Fire Control Officer (DCBFCO) is a Town employee

DELEGATION	CHANGE PROPOSED	REASON FOR CHANGE
6.2.4 - Restricted Burning Times – Vary and Control Activities	Separate Ranger & Emergency Services Advisor from the Deputy Chief Bush Fire Control Officer (DCBFCO) and give the same functions Chief Bush Fire Control Officer (CBFCO) to only have function 1	Chief Bush Fire Control Officer (CBFCO) is appointed by DFES and cannot have Delegations outside of control of a bushfire, Deputy Chief Bush Fire Control Officer (DCBFCO) is a Town employee and is currently the Ranger & Emergency Services Advisor, but this could change so the Delegations need to be separate
6.2.5 - Control of Operations Likely to Create Bush Fire Danger	Separate Ranger & Emergency Services Advisor from the Deputy Chief Bush Fire Control Officer (DCBFCO) and give the same functions	Deputy Chief Bush Fire Control Officer (DCBFCO) is a Town employee and is currently the Ranger & Emergency Services Advisor but this could change so the Delegations need to be separate
6.2.6 - Burning Garden Refuse / Open Air Fires	Remove Chief Bush Fire Control Officer (CBFCO) Add Deputy Chief Bush Fire Control Officer (DCBFCO)	Chief Bush Fire Control Officer (CBFCO) is appointed by DFES and cannot have Delegations outside of control of a bushfire, Deputy Chief Bush Fire Control Officer (DCBFCO) is a Town employee
6.2.7 - Firebreaks	Remove Chief Bush Fire Control Officer (CBFCO) Add Deputy Chief Bush Fire Control Officer (DCBFCO)	Chief Bush Fire Control Officer (CBFCO) is appointed by DFES and cannot have Delegations outside of control of a bushfire, Deputy Chief Bush Fire Control Officer

DELEGATION	CHANGE PROPOSED	REASON FOR CHANGE
		(DCBFCO) is a Town employee
6.2.8 - Appoint Bush Fire Control Officer/s and Fire Weather Officer	Add Express power of duty delegated s. 38A FES Commissioner may designate person employed in Department as Chief Bush Fire Control Officer Remove Chief Bush Fire Control Officer (CBFCO)	Clear up Legislation Chief Bush Fire Control Officer (CBFCO) cannot appoint
6.2.9 - Control and Extinguishment of Bush Fires	Add Deputy Chief Bush Fire Control Officer (DCBFCO) Add the Director of Regulatory Services	Operational Requirements
FOOD ACT 2008		
10.1.1 - Prohibition Orders	Add Senior Environmental Health Officer Add Environmental Health Officer	Operational Requirements
10.1.7 - Food Businesses List – Public Access	Add Environmental Health Officer	Operational Requirements
FINES, PENALTIES, AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994		
12.1.1 - Register and Withdraw Infringement Notices	Add Manager Planning and Economic Development Remove Manager Town Planning & Development	Job Position Title Change
CARAVAN AND CAMPING GROUNDS ACT 1995		
18.1.3 - Infringement Notices	Change Withdrawal of infringements (Function 3) to only the Director of Regulatory Services and the CEO, Only Functions 1 & 2 for all other Officers	Ensure that only the CEO and the Director of Regulatory Services have the ability to withdraw an infringement
TOWN OF PORT HEDLAND LOCAL LAWS - PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016		
21.3.4 - Authorised Officers	Add the following positions to Functions 1 and 2,	Operational Requirements

DELEGATION	CHANGE PROPOSED	REASON FOR CHANGE
	Youth Services Supervisor, Youth Programs Officer, Youth Development Officer, Senior Youth Officer, Senior Community Development Officer, Senior Theatre Technical Officer, Manager Planning and Economic Development Remove Manager Business & Economic Development and Manager Town Planning & Development Function 4 be added to Manager Environmental Services, Manager Waste & Services, Manager Infrastructure Projects & Assets, Manager IT & Program Delivery and Senior Project Engineer	Job Position Title Change Required for these positions to be able to fly Drones as part of Operational Requirements
TOWN OF PORT HEDLAND LOCAL LAWS - WASTE LOCAL LAW 2020		
21.8.1 - Authorised Officers	Add Director Infrastructure Services, Senior Waste & Resource Recovery Officer and Manager Infrastructure Operations	Operational Requirements

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership Team
- Senior Leadership Team

- Other key personnel

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

Sections 5.16, 5.17, 5.18, 5.42, 5.43, 5.44, 5.45, 5.46, 7.1B and 9.10 of the *Local Government Act 1995* relate to delegations and the appointment of authorised persons.

Under s5.42 and 5.45 of the Act to delegate any powers to a Chief Executive Officer or amend or revoke a delegation an absolute majority is required.

Delegations under the following additional Acts are included in this Delegation Register:

- *Emergency Management Act 2005*
- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1974*
- *Food Act 2005*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Graffiti Vandalism Act 2016*
- *Litter Act 1979*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Liquor Control Act 1988*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2015*
- *Caravan and Camping Grounds Act 1995*
- *Planning and Development Act 2005*
- *Road Traffic (Vehicles) Act 2012*
- *Environmental Protection Act 1986*

All delegations under each of the Town's Local Laws have been included in this Delegation Register as follows:

- Parking Local Law
- Bush Fire Brigades Local Law
- Public Places and Local Government Property Local Law
- Cemetery Local Law
- Dogs Local Law

- Health Local Law
- Animals, Environment and Nuisances Local Law
- Waste Local Law

The following policies are reflected within the delegation register:

- 1/009 Legal Representation for Council Members and Employees
- 1/104 Execution of Documents and Application of the Common Seal
- 2/005 Debt Management
- 2/007 Purchasing
- 2/010 Council Investments
- 2/022 Panels of Pre-Qualified Suppliers
- 6/003 Community Grants Program

FINANCE AND RESOURCE IMPLICATIONS

There are no identifiable costs associated with the adoption of the reviewed Delegation Register.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Leadership:

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

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

Access and Inclusion

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

- Outcome 3 – Accessible Information

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Leadership Actions:

- 4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	If the Delegation Register is not adopted there is a compliance risk associated with the review not being conducted within the statutory timeframe
Effect (Consequence)	Non-compliance with statutory timeframes and potential negative impact on the Town's reputation
Risk Treatment	Council adopts the Delegation Register
<p>There is an Operational, risk associated with this item caused by the Delegation Register not being adopted leading to non-compliance with statutory timeframes and the potential for employees to be unable to continue operating in an effective and efficient manner.</p> <p>The risk rating is considered to be Medium (5) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p> <p>This risk will be eliminated by the adoption of the officer's recommendation.</p>	

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

The Council has the option to consider amendments to the Delegation Register as provided in attachment 1 and amend the officer's recommendation as follows:

That Council adopt the 2023/24 Town of Port Hedland Delegation Register as per Attachment 1 BUT FOR(*Insert any changes here*)....

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The proposed adoption of the 2023/24 annual review of the Town of Port Hedland Delegation Register maintains efficient decision-making and implementation process. Delegations of authority are required to streamline local government review procedures, whilst adhering to legislative requirements.

A thorough review has been conducted, involving input from managers and the Executive Leadership Team. Council's approval for these changes as recommended under attachment 1, enables the CEO and delegated officers to fulfill their duties effectively.

ATTACHMENTS

1. DRAFT Town-of- Port- Hedland- Delegations- Register- Statutory- Powers
[**12.1.2.1** - 169 pages]
2. Table of Delegation Changes for Council [**12.1.2.2** - 8 pages]

12.1.3 Adoption of the Corporate Business Plan 2023 - 2027

Author: Senior Corporate Performance Advisor

Authorising Officer: Director Corporate Services

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

CM202324/119 COUNCIL DECISION

MOVED: Deputy Mayor Tim Turner

SECONDED: Cr Elmar Zielke

That Council:

- 1. Adopt the Town of Port Hedland Corporate Business Plan 2023-2027.**
- 2. Authorise the Chief Executive Officer to make minor editorial and design changes to the Corporate Business Plan, which do not affect the intent of its content.**

CARRIED BY ABSOLUTE MAJORITY (5/4)

*In Favour: Mayor Carter, Deputy Mayor Turner, Cr Zielke, Cr Bennett, Cr Keller
Against: Cr Christensen, Cr Eckhart, Cr Gillingham, Cr Coles*

PURPOSE

The purpose of this report is for Council to adopt Corporate Business Plan (CBP) 2023-2027.

DETAIL

The Town undertook extensive community consultation in 2021-2022 resulting in the development of its 2022-2032 Strategic Community Plan (SCP), which was adopted by Council on 27 July 2022. It is from the SCP that the Corporate Business Plan (CBP) was developed.

The CBP is the implementation document for strategies, projects and activities across the next four-year period, aimed towards achieving the SCP goals. Both the SCP and CBP, along with other informing plans, form the Town's Integrated Planning and Reporting Framework and Guidelines (IPR). The Town's CBP 2018-2022 expired in 2022 and the Town appointed an independent external consultant, Localise, to draft the plan, resulting in the development of a new CBP 2023-2027. The CBP has been developed through internal consultation with the Town's Elected Members, Executive Leadership, Senior Leadership and Business Units leads. It is a four-year plan which

acts as an organizational guide for the Council and management and sets out how the Council will contribute to the community's vision over the next four years. It maps out the services offered by respective directorates to achieve each strategic response in the SCP.

The Corporate Business Plan is reviewed and updated annually, in accordance with IPR requirements, to assess the progress of projects and realign actions and priorities with current information and funding availability. The CBP 2023-2027 provides best practice to accountability, transparency and integrated planning and reporting.

Significant consultation with senior staff and Elected Members to develop the CBP over a five-month period to inform the development of this plan. During this time, several workshops were facilitated by Localise to obtain clear guidance on the CBP, how it clearly links to the SCP, and having regard to the resource capacity of the organization as detailed below:

- 19th April 2023 – The purpose of this workshop was to scrutinize what is currently in the four-year program relative to strategic priorities and resources/capacity.
- 2nd May 2023 - The purpose of this workshop was to test the Council's strategic priorities and scrutinize what is currently proposed to be in the four-year program relative to strategic priorities and resources/capacity. This Workshop provided guidance for the drafting of the CBP.
- 5th July 2023 - This Workshop formed Part Two of the previous Workshop and provided the final guidance for the drafting of the CBP.
- 16th August 2023 – This was the final Workshop which was held to confirm the reviewed draft of the CBP.

These Workshops were based on a robust prioritization process, where any service enhancements and new projects must realistically occur within a balanced budget. Following the final review workshop, the CBP is now presented to the Council for formal adoption.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Executive Leadership team
- Senior Leadership team
- Other key personnel
- Elected Member Workshops

External Agencies

- Consultant - Localise

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Section 5.56 of the *Local Government Act 1995* outlines the requirement for all Local Governments to plan for the future.
- The *Local Government (Administration) Regulations 1996* – Regulation 19DA sets out the minimum requirements for development of a CBP.

FINANCE AND RESOURCE IMPLICATIONS

All costs associated with the services, projects and capital programs outlined in the CBP 2023-2027 are within the Town's annual budget which is informed by the Long-Term Financial Plan.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town's SCP 201-2028 are applicable in the consideration of this item:

Our Leadership:

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

4.3.4 Efficiency strategies across the town's infrastructure and amenity assets are implemented.

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

Access and Inclusion

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

- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service

Corporate Business Plan

The following actions of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Leadership Actions:

4.b.3.1 Ensure governance information provided to the community is in line with legislated requirements.

4.c.4.1 Develop, implement and review efficiency strategies across all facilities and infrastructure.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Compliance Reputational
Cause	If the Corporate Business Plan is not adopted, there is a compliance risk associated with non-compliance with statutory requirements and reputational risk
Effect (Consequence)	Non-compliance with statutory requirements Inclusion of services and projects within the CBP build community expectation and may have an impact on the Town’s reputation
Risk Treatment	Council adopts the Corporate Business Plan.
<p>There is a Strategic, risk associated with this item caused by the Corporate Business Plan not being adopted leading to non-compliance with statutory requirement and the potential for the Town to be unable to implement the community’s vision which may have a negative impact on the reputation.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by the adoption of officer’s recommendation.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Corporate Business Plan 2023-2027 is a four-year plan that outlines the Town's service provision and the projects intended to be undertaken, taking into account the Town's available resources. The plan guides the realisation of the community's vision over the next four years, as outlined within the Strategic Community Plan. The development and adoption of the Corporate Business Plan adheres to legislative requirement of planning for the future.

ATTACHMENTS

1. TP H 14146 Corporate Business Plan 2023 V 02 [**12.1.3.1** - 34 pages]

12.1.4	Budget Review as at 30 August 2023
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Author: **Manager Financial Services**

Authorising Officer: **Chief Executive Officer**

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

Cr Christensen moved to Foreshadow a motion to defer should the decision be lost

CM202324/120 COUNCIL DECISION

MOVED: Deputy Mayor Tim Turner

SECONDED: Cr Elmar Zielke

That Council:

- 1. Adopts the Budget Review report as at 30 August 2023; and**
- 2. Pursuant to s6.8 of the *Local Government Act 1995* amends the Town of Port Hedland's Annual Budget 2023-24 financial activity statements included as Appendix 1.**

LOST BY ABSOLUTE MAJORITY (1/8)

In Favour: Mayor Carter

Against: Deputy Mayor Turner, Cr Eckhart, Cr Gillingham, Cr Keller, Cr Zielke, Cr Bennett, Cr Christensen, Cr Coles

CM202324/121 FORESHADOWED MOTION TO DEFER ITEM

MOVED: Cr Ash Christensen

SECONDED: Deputy Mayor Tim Turner

That Council defer Item 12.1.4 Budget Review as at 30 August 2023 to 27 September 2023 Ordinary Council Meeting.

CARRIED BY ABSOLUTE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider and adopt an amendment to the Town of Port Hedland 2023-24 Annual Budget financial statements.

DETAIL

The Town's 2023-24 Annual Budget was adopted by Council at the 27 July 2023 Ordinary Council Meeting.

Subsequent review has identified the need for improved disclosure, through;

- Revised 2022-23 estimates
 - Forecast surplus
 - Reserve transfer
- Reclassified comparative 2022-23 actual estimates
 - Unspent capital project carry forward
- Amend supporting notes;
 - Note 3 Net Current Assets
 - Note 4 Reconciliation of Cash
 - Note 8 Reserves

These amendments to the 2023-24 Annual Budget financial statements have no material impact. The amount of the budget deficiency to be made up through rates remains at \$68,058,059

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

- Manager Financial Services

External Agencies

- Moore Australia

LEGISLATION AND POLICY CONSIDERATIONS

- Local Government Act 1995 - Part 6 - Financial management s6.2 - Local government to prepare annual budget.
- Local Government (Financial Management) Regulations 1996

Previous financial year figures to be shown for comparison

1. Net current assets at start of financial year to be shown
2. Amounts which may be excluded when calculating budget deficiency (Act s. 6.2(3))

FINANCIAL AND RESOURCE IMPLICATIONS

Nil. This budget review maintains the 30 June 2024 forecast surplus position. Comparative 2022-2023 estimated actual amounts have been restated through amended reclassification.

The Town’s 2023-24 Annual Budget provides resourcing to achieve service delivery and capital project outcomes sought as described in the Corporate Business Pan.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Leadership:

4.2.1 Sound long-term financial planning is implemented.

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

Access and Inclusion

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

Nil.

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Leadership Actions:

4.b.2.1 Ensure the Town’s finances are managed efficiently and effectively in line with legislated requirements.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	There is a compliance risk associated with disclosure of financial information.
Effect (Consequence)	Could affect financial reporting.
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 Low (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4).

OPTIONS

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

CONCLUSION

The amendments to the 2023-24 Annual Budget financial statements maintain the 30 June 2024 forecast surplus position without impact upon rating requirements.

ATTACHMENTS

1. LATE ATT. Statutory- Budget-v 11 [**12.1.4.1** - 9 pages]

12.2 Community Services

12.2.1	RoadWise Council
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Author: **Community Safety Advisor**
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.

CM202324/122 COUNCIL DECISION

MOVED: Cr Elmar Zielke SECONDED: Cr Flo Bennett

That Council:

- 1. Accepts and approves the invitation from WA Local Government Association (WALGA) to register as a RoadWise Council;**
- 2. Appoint Cr Ashleigh Christensen as ToPH representative to the WALGA RoadWise Recognised Advisory Committee; and**
- 3. Appoint Deputy Mayor Tim Turner as a proxy member to the WALGA RoadWise Recognised Advisory Committee.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider the invitation to register as a RoadWise Council, providing the Town of Port Hedland (the Town) with access to specialist advice and assistance in managing road safety at a local level and build on capacity and capabilities. The purpose of this report is also to consider Councillor nominations to the RoadWise Recognised Advisory Committee.

DETAIL

The Town received formal correspondence from WALGA on the 8th of August 2023, inviting the Town to sign up to a new initiative and register as a RoadWise Council.

This new initiative has been developed to encourage, motivate and support Local Governments to incorporate best practice road safety principles and policy across their business services to reduce the number of people killed and seriously injured on local roads. Proactively engaging, preparing and positioning the Town to make an effective and sustainable contribution to the achievement of road safety goals and targets in WA.

The benefits for Local Governments that register as RoadWise Councils include:

- use of the RoadWise logo;

- priority access to WALGA's road safety services and products;
- exclusive quarterly meetings and support from a Road Safety Advisor;
- priority access to participate in WALGA's road safety policy development; training, professional development forums and knowledge-sharing workshops offered by WALGA;
- access to incentives and sponsored programs; and
- participation in the new RoadWise Recognised initiative.

The RoadWise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions. RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information.

On the 10th of July 2023, WALGA invited Cr Ash Christensen as the Town Council representative to join the advisory committee to oversee this initiative. This committee will be responsible for the following:

- To review submissions completed by WALGA road safety advisors on behalf of RoadWise Councils and determine the allocation of Ribbons and Points.
- To oversee the allocation of Ribbons and Points in a manner that follows a consistent and fair process.
- To monitor and share emerging evidence, research and experience regarding the efficacy of road safety interventions and actions.
- To monitor and make recommendations on the utility and methodology of the matrix for the allocation of points, as required.

Local Government play an important and active role in road safety, contributing to the National and State targets for reducing death and serious injuries. Local Government managed roads encounter a wide range of environments and a mix of road users making managing road safety challenging. Currently, Local Governments are responsible for the management and maintenance of 87 percent of the WA road network where almost two thirds of WA's killed, and serious injury crashes occur.

The Town operates within several roles and responsibilities to contribute to road safety locally, working with many key stakeholders and administrating the Hedland Community Road Safety Group to achieve consistent outcomes. WALGA support in achieving these outcomes are of high value to the Town and community working to address road safety issues in the local community and achieving the National and State targets.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, due to potential implications to the Town of Port Hedland and its Strategic Community Plan and Corporate Business Plan and potential for public interest.

CONSULTATION

Internal

- Executive Leadership Team
- Manager Youth Community Development
- Senior Project Engineer
- Governance
- Chief Executive Officer

External Agencies

- WALGA

Community

- Hedland Community Road Safety Action Group

LEGISLATION AND POLICY CONSIDERATIONS

Austrroads (2021) - Guide to Road Safety Part 1: Introduction and the Safe System - Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them.

FINANCE AND RESOURCE IMPLICATIONS

Costs associated with attendance at meetings with external agencies are included in the Town of Port Hedland 2023/24 budget under 'Members of Council Accommodation and Travel Expenses. Attendance via teams is also permitted under the Terms of Reference at no cost. There are no other financial implications in becoming a RoadWise Council.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Community:

1.1.5 Agencies and the community are fully engaged reducing anti-social behaviours and improve community safety

1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.

Our Economy:

2.1.3 Strengthen the levels of collaboration, partnership and active networking between industry and business operators and stakeholders.

Environmental – Environment plays a significant role in road safety, influencing the risk of death and serious injury through how we plan and design.

Economic – Accessible and safe roads contribute the accessibility of the community and are required to meet the needs of Hedland's diverse economy.

Social – Safe roads and safe road users are essential to a connected community.

Access and Inclusion

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

The following actions of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

1.a.6.1 Promote awareness of town-wide health, recreation, sporting and safety services and initiatives.

Our Built and Natural Environment Actions:

3.c.2.1 Continue to maintain roads, footpaths, cycleways, beach access, carparks, verges, shade structures, drains, and signage.

3.c.2.2 Develop, implement and review an education program relating to the safe and appropriate use of off-road vehicles.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Limitation of a key partnership with WALGA RoadWise
Effect (Consequence)	Resulting in a reputational risk
Risk Treatment	Eliminated risk through the approval and acceptance to become a RoadWise Council
<p>There is an Operational, risk associated with this item caused by the opportunity for the Town to be supported in best practice road safety principles and policy across their business services to reduce the number of people killed and seriously injured on local roads, leading to a reduced support and impact on road safety should the item not be adopted.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p>	

An additional reputational risk is associated with this item because this report aims to preserve the positive reputation of Council in the community and with stakeholders. If representatives are not appointed, the Town may miss important opportunities to represent communities at a regional and/or state level.

This risk will be eliminated by the approval and acceptance to become a RoadWise Council.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

The Council has the option to nominate different Elected Members to the RoadWise Recognised Advisory Committee.

Option 3 – Do not adopt officer’s recommendation

The Council does not have to join the RoadWise Council or nominate Elected RoadWise Recognised Advisory Committee; however, this option is not recommended as officers see this as an opportunity to enhance community safety.

CONCLUSION

The invitation to register as a RoadWise Council provides the Town with access to specialist advice and assistance in managing road safety at a local level and building on capacity and capabilities. To maximise the Town impact on road safety, incorporate best practice road safety principles and policy across our business to reduce the number of people killed and seriously injured on local roads, it is recommended Council accepts and approves the invitation to become a RoadWise Council, as well as nominating Elected Members to sit on the RoadWise Recognised Advisory Committee.

ATTACHMENTS

1. 08082023 - Invitation to Register as Road Wise Council - Town of Port Hedland [12.2.1.1 - 1 page]
2. 2023 Road Wise Recognised Advisory Committee Terms of Reference [12.2.1.2 - 3 pages]
3. A Christensen- Road Wise Recognised Advisory Committee Invitation Letter [12.2.1.3 - 2 pages]

12.2.2	Courthouse Gallery Quarterly Report - Quarter 4 April to June 2022/2023
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Author: Senior Arts & Culture Officer

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.

CM202324/123 COUNCIL DECISION

MOVED: Cr Jan Gillingham

SECONDED: Deputy Mayor Tim Turner

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery and activation of South Hedland for the fourth quarter, April – June 2023 as per Attachment 1.

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery and additional services to program and activate South Hedland, managed by The Junction Co. for the fourth quarter from April – June 2023. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

DETAIL

The contract for the management of the Courthouse Gallery was agreed upon between the Town and The Junction Co. from 1 July 2022 to 30 June 2024. A variation, commencing on 1 July 2022, was also approved to include activation in South Hedland and additional partner locations outside The Courthouse Gallery+Studio. KPIs agreed for the existing contract include the following:

- One additional exhibition is shown during the year in a South Hedland location
- Bi-monthly creative development workshops in various partner locations
- Weekly youth programs in various partner locations
- Weekly disability programs in various partner locations
- An additional community event (in a location other than the Courthouse Gallery+Studio)

Under clause 24.2 of the agreement, The Junction Co. is to provide the Town with a quarterly report, including the following:

- Income and expenditure;
- Patronage of programs and activities;
- Marketing and communication activities undertaken; and

- Maintenance and capital expenditure.

Desired outcomes of the agreement with The Junction Co. are as follows:

- Exhibitions and sales of local art;
- High-quality programming, including presentations and workshops;
- Partnerships with local organisations and community groups;
- High-quality customer service to visitors of the Gallery;
- A focus on continuous improvement and service growth at the facility;
- A safe, clean and hygienic environment for staff, customers, and other visitors;
- Strong and accountable financial management; and
- Clear, concise and accurate quarterly reporting on the operations of the facility.

A summary of the key activities for the April – June 2023 quarter is noted below.

The Jury Art Prize 2023 (20 May to 27 July 2023 at Courthouse Gallery)

Recognised as Western Australia's foremost innovative regional art prize, the Jury Art Prize is a prominent platform for artists to express their unique perspectives on the communities within regional WA, captivating audiences across Australia and beyond.

Ceramics Introductory Course (21-22 April 2023, Ceramics Studio)

The Ceramics Introductory Course was a comprehensive 2-day workshop designed to provide beginners with the essential knowledge and skills to start working with clay and create a variety of ceramic artworks.

Ceramics Intermediate Course (26-27 May 2023 and 23-24 June 2023)

The two-day ceramics course successfully catered to individuals with basic ceramics/pottery skills, offering them an opportunity to enhance their expertise and explore the potential for building a side hustle.

Arts Antics (Every Wednesday from 9 am to 10 am)

Art Antics is a popular art class designed for children five years and under; however, older siblings and visitors are always welcome to join.

Paint & Sip (25 May 2023, Gateway Village South Hedland)

A social painting night for 18+ to create, artwork, connect, engage and learn new skills

Hobbies & High Tea (15 April 2023, South Hedland Public Library)

Hairpiece workshop. Cancelled due to cyclone alert.

Artng Around – Seniors Art Workshop (ongoing)

Disability and Inclusion workshop for seniors is a weekly arts and crafts activity to engage and connect in creativity

StartUp Program – Youth Creative Enterprise (Term 2 2023 – HSHS)

It equips young people with skills to develop and grow their own businesses as entrepreneurs. Students can showcase products to the broader public at Portside Makers Markets.

Dirty Earth Project (Term 2 2023)

The Dirty Earth Project offers a unique opportunity for young people in Hedland to engage in a dynamic learning experience focused on recycling, responsible resource usage, and sustainable living.

- 1-6 May at the JD Hardie Cyanotype printing
- 3-24 May at Wanangkura Stadium – Paper Collage
- 24 June at South Hedland Library- Jewellery Making workshop

Community Art Day (22 April 2023)

The event, held during the school holidays, featured ten distinct art workshops facilitated by local artists. Each facilitator received a flat fee for hosting their respective art-making activities and was responsible for arranging their tables and sourcing the necessary 21 materials. The workshops catered to the interests and creative aspirations of the general public, allowing participants to engage in different art forms and appreciate the positive impact of art on both the community and the world at large.

Exhibition: DEAR DON, A VISUAL LETTER TO DON MCLEOD (09 JUNE 2023)

The exhibition combined the historical significance of Donald William McLeod, a prominent Aboriginal rights activist, with contemporary text-to-image systems using artificial intelligence.

Portside School Holiday (April 2023)

The April school holidays program was a resounding success, offering various engaging and free family events. However, due to a cyclone alert, events had to be cancelled, prioritizing the safety of participants.

Mother's Day Community Market (13 May 2023)

The Portside Mother's Day Makers Market is a highly anticipated event that brings together local products and stallholders, providing a unique opportunity to support the talented artists and makers who call the North-West region home.

As part of the quarterly reporting of works completed, The Junction Co. has communicated challenges in delivering the full scope of KPI's. As a result, the Town is currently reviewing the intended outcomes and deliverables with the objective of redefining KPI's to deliver an improved service for the South Hedland community. The review has included collaborative discussions with FORM / Spinifex Hill Studios and The Junction Co to update the cultural programming with initiatives being delivered from both organisations. The Town intends to present an updated collaborative proposal to Council in the upcoming months.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the management of the Courthouse Gallery has positive impacts on the arts and culture opportunities and programs provided by the Town.

CONSULTATION

Internal

- Manager Events, Arts & Culture
- Youth Services
- Library Services
- Community Briefing 12 July – A collaborative proposal for updated cultural programming to meet the existing KPI's to activate South Hedland was presented to Council from The Junction Co. and FORM / Spinifex Hill Studios for feedback. As a result, both organisations are reviewing the following comments:
 - The proposal to be modified and delivered within the existing contract budget
 - The collaboration between The Junction Co. and FORM / Spinifex Hill Studios to continue growing and demonstrate a sustainable partnership (including initiatives outside the subject scope of works)

External Agencies

- The Junction Co.
- FORM / Spinifex Hill Studios

Community

- Nil in the creation of this report

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCE AND RESOURCE IMPLICATIONS

The management is included in the Town's annual budget.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Community Actions:

1.a.2.1 Coordinate and advocate for improved community health services and facilities.

1.a.3.1 Coordinate and provide a range of youth activities in partnership with key stakeholders.

1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities.

1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose.

1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure.

Our Economy Actions:

2.b.5.1 Work with stakeholders to enhance the reputation of the town.

Our Leadership Actions:

4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with our Vision Statement.

4.b.1.2 Develop, implement and review strategic partnerships to support funding of key town projects and infrastructure.

Economic – The services and programming provided by The Junction Co aim to showcase, empower and grow local creatives through skills development, exhibitions and local events

Social – The Courthouse Gallery and additional cultural programming provided by The Junction Co assist with the wellbeing and connection to place within the Hedland community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical and cultural precinct. There are no significant identifiable environmental impacts relating to this item

Access and Inclusion

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

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 4 – Quality of Service

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

1.a.2.1 Coordinate and advocate for improved community health services and facilities.

1.a.3.1 Coordinate and provide a range of youth activities in partnership with key stakeholders.

1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities.

1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose.

1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town’s infrastructure.

Our Economy Actions:

2.b.5.1 Work with stakeholders to enhance the reputation of the town.

Our Leadership Actions:

4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with our Vision Statement.

4.b.1.2 Develop, implement and review strategic partnerships to support funding of key town projects and infrastructure.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Project
Risk Category	Compliance
Cause	Not delivering on contractual services of Courthouse Gallery Management and agreed KPI’s
Effect (Consequence)	Inability to deliver gallery services and arts and culture programming
Risk Treatment	Working collaboratively with Arts organisations to better understand the reasons for not meeting the services and provide support where necessary.
<p>There is a Project, risk associated with this item caused by not delivering the contractual services, leading to inability to deliver gallery services and arts and culture programming.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk will be reduced by working with The Junction Co. and local arts organisations to improve the delivery of agreed contractual services.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Not recommended as this is a retrospective report on the Gallery’s management.

Option 3 – Do not adopt officer’s recommendation

Not recommended as this is a retrospective report on the Gallery’s management.

CONCLUSION

This report is provided to inform Council of the financial and operational progress made by The Junction Co. from April to June 2023, in its role as the manager of the Courthouse Gallery and recent variation to program and activate South Hedland with new arts and culture opportunities.

ATTACHMENTS

- 1 Courthouse Gallery Quarterly Report – April to June 2023 [**12.2.2.1 – 28 pages**]

12.2.3 Arts & Culture Plan 2023-27

Author: **Manager Events, Arts & Culture**

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.

CM202324/124 AMENDMENT MOTION

MOVED: Cr Ash Christensen

SECONDED: Cr David Eckhart

That Council:

- 1. Notes the achievements completed in relation to the Arts & Culture Plan 2019-22 as included in Attachment 5;**
- 2. Adopt the Town of Port Hedland Arts & Culture Plan 2023-27 as included in Attachment 1; and**
- 3. Notes that the Town of Port Hedland Arts & Culture Plan 2023 – 2027 supersedes the Town of Port Hedland Arts & Culture Strategy 2019-2022.**
- 4. Approve the CEO to make adjustments to the plan, to include an annual review.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to adopt the Town of Port Hedland Arts and Culture Plan 2023-27 as per Attachment 1.

DETAIL

The Arts & Culture Plan 2023-27 (The Plan) sets a strong strategic vision to work together with our creative community and facilitate an even more liveable and loveable Hedland for locals and tourists alike to live, work and experience. Development of the plan has been guided by a strong understanding of local drivers, strategic goals and targeted community consultation. As a strategic framework document, it guides Council's operations, activities and engagement with our community and provides a clear and practical plan for the next five-year period.

The key services and disciplines supported in The Plan include:

- Public Art & Courthouse Gallery
- Matt Dann Theatre, Dance and Cinema

- Port & South Libraries
- Events, activation and experience
- Cultural engagement and capacity building

Background:

The previous Arts & Culture Plan guided the Town's strategic objectives from 2019 to 2022 and has triggered the Town to review the previous strategy and update a future direction and strategy. Table 1 below includes key learnings from the previous plan include:

Completed Actions:

- Master planning of the new Sports & Arts Precinct in South Hedland (including a Performing Arts Centre, Library and community spaces)
- Working more closely with Aboriginal and multi-cultural communities through new partnerships, working groups and employment of Aboriginal Engagement officers
- More creative and cultural learning opportunities for young people to participate in the Arts through public murals, regular workshops and events
- Support to upskill local community groups to participate and organise events such as the Activate South Hedland Town Team, Youth Advisory Committee, etc

Some of the key challenges learned from the previous plan include:

- Development of social impact measurements to better evaluate the outcomes from events, arts and culture initiatives
- Establishing a formal arts and culture network with other regional local governments and organisations
- Review and development of the Town's Public Art process
- Enabling opportunities to develop cultural tourism

In addition to assessment of the previous plan, 21 current internal and external strategies were reviewed to understand the relevant Arts & Culture and existing priorities. These informing strategies were used to guide the development of strategic goals and prioritise actions with key local stakeholders.

Vision and Goals:

As a result of the strategic review and consultation, a vision statement has been drafted in clear alignment with the Town's Strategic Community Plan 2022-32:

Together, we create an even more liveable and loveable Hedland for our diverse and creative community and visitors.

Arts & Culture is a key ingredient to ensuring a thriving future people feel connected to through resilience and inclusion.

In addition, five key strategic goals and 43 actions are proposed to be completed throughout the next five years in collaboration with our creative community. These actions are designed to be practical and set clear guidance for implementation and

achieving the Town's aim of creating an even more liveable and loveable Hedland. The full list of strategic goals and actions can be found on pages 13-18 of the Arts & Culture Plan 2023-27 (Attachment 1).

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because there are ongoing operational considerations of the decisions including an impact on relevant ToPH strategic documents.

CONSULTATION

Internal

- Executive Leadership Team
- All Managers
- Workshop with all staff relevant to Arts & Culture
- Councillor Briefing 8 February 2023 – A brief presentation and workshop was facilitated to draft an Arts & Culture vision and direction and support to commence consultation
- Individual discussions with Elected Members not in attendance at the February briefing
- Councillor Briefing 2 August 2023 – comments from Councillors in attendance have been incorporated into the updated version of the document. The key updates include:
 - Updating the actions to be more specific and set clear guidance for regular reporting
 - Adding a specific action to encourage increased collaboration between the Courthouse Gallery and Spinifex Hill Studios
 - Fixing minor spelling mistakes

External Agencies

- 37 meetings with key stakeholder organisations
- Workshop with 22 key stakeholder participants

Attachments 2 and 3 include a summary of the stakeholder conversation notes and workshop outcomes.

Community

The draft strategy has reviewed data from previous recent consultation undertaken as part of key strategic documents and post-event surveys, including the following:

- Strategic Community Plan 2022-32 – Community Engagement Summary Report
- South Hedland Plan Engagement results (2021)
- 2021 Markyt Community Scorecard results
- 2022 Culture Counts post-event survey analysis feedback

A summary of the information documents review, including the community engagement feedback is included in Attachment 2 'Detailed Information Strategic Review Outcomes'.

LEGISLATION AND POLICY CONSIDERATIONS

N/A

FINANCE AND RESOURCE IMPLICATIONS

All actions included in year one are included in the 2023/24 FY budget. Additional staff resources are included in the updated Workforce Plan. All actions within the following years will be included in future annual budgets.

STRATEGIC SUSTAINABILITY IMPLICATIONS

This plan is an informing strategy of the Integrated Planning & Reporting Framework (IPRF).

The following sections of the Town's Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

Our Community:

1.1.3 Youth services and facilities are implemented with regular input from youth and providers.

1.2.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved.

1.2.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse (CaLD) people are recognised and supported.

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

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

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

1.3.3 Partnerships with industry and government to support events and activities are enhanced.

1.3.4 The Town's program of events and activities is promoted locally, regionally and nationally.

1.4.4 Community services and facilities are well promoted

Our Economy:

2.2.5 Continue to expand Council participation in initiatives that expand local training and employment opportunities, especially for young people and Indigenous residents.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.4.4 Market and promote the local lifestyle of the Hedland community

Our Built and Natural Environment:

3.3.3 The South Hedland Place Plan is implemented including the transformation of Wise Terrace.

3.3.4 Town Teams are created and supported in both Port and South Hedland that actively engage residents in place making and urban renewal.

3.3.6 A Cultural Wayfinding and Public Art Implementation Plan is developed and implemented.

Our Leadership:

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.

4.1.3 A positive town narrative and a unique brand is developed and promoted.

4.2.1 Sound long-term financial planning is implemented.

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.

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

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

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

Economic – The Plan will include practical mechanisms for enhancing tourism and economic development through key actions such as regular review of key events, development of a Place Brand and promoting local businesses and products.

Social – The Plan will assist with the planning and provision for more accessible, welcoming and inclusive events, arts and culture activities for our diverse community. Development of a Social Impact Framework will also support the Town to better understand the social impact of implementation and guide the continuous improvement of key initiatives.

There are no significant identifiable environmental impacts relating to this item

Access and Inclusion

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

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information

- Outcome 5 – Opportunities for Feedback
- Outcome 8 – Advocate for an Increase in Inclusion

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

- 1.a.1.1 Develop, implement and review a community engagement program to interact with stakeholders on a regular basis.
- 1.a.3.1 Coordinate and provide a range of youth activities in partnership with key stakeholders.
- 1.b.1.1 Support initiatives with stakeholders to welcome newcomers to town.
- 1.b.3.1 1 Provide meaningful opportunities for Aboriginal and Torres Strait Islander people to engage with the Town.
- 1.b.3.2 Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities.
- 1.b.4.2 Inform the community on Town projects, operations, services and events.
- 1.b.5.1 Develop, implement and review opportunities to share engagement feedback with key stakeholders.
- 1.c.1.1 Develop, implement and review a Cultural and Arts Strategy
- 1.c.2.1 Provide a year round events program aligned with the Cultural and Arts Strategy.
- 1.c.2.2 Develop, implement and review a strategy for the preservation of historical records held by the Town.
- 1.c.4.1 Develop, implement and review an integrated promotional and communications strategy for community wide events.
- 1.d.3.1 Support the provision of cultural, sporting and recreational facilities which are fit for purpose.
- 1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure.

Our Economy Actions:

- 2.a.1.1 Advocate for skills and career pathways within our community.
- 2.a.4.2 Develop, implement and review a strategy for the delivery of Library Services.
- 2.b.2.1 Develop, implement and review partnerships with key stakeholders to promote economic growth and diversification.
- 2.b.5.1 Work with stakeholders to enhance the reputation of the town.

Our Leadership Actions:

- 4.a.1.1 Research and develop a coordinated response to town issues in line with the Strategic Community Plan.
- 4.a.2.1 Develop, implement and review an integrated marketing and branding strategy with key stakeholders to ensure consistent marketing of Port Hedland.
- 4.a.3.1 Work with stakeholders to enhance the reputation of the town in line with

our Vision Statement.

4.c.3.1 Implement the marketing and promotional plan for the Town’s community facilities and services.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Community Perception and Participation
Effect (Consequence)	Lack of attendance and engagement in future events, arts and culture
Risk Treatment	Ongoing presence and engagement to better understand the community values and ability to participate in arts and culture
<p>There is a Strategic risk associated with this item caused by community perception and participation, leading to poor attendance and engagement at future arts and culture initiatives.</p> <p>The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3).</p> <p>This risk will be reduced by ongoing engagement and creating an even more welcoming, accessible and inclusive environment through implementation of the vision, goals and key actions.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Council has the ability to request changes to individual action items.

Option 3 – Do not adopt officer’s recommendation

This is not recommended as the Town is required to have a plan in place that guides its future direction in relation to arts & culture for the Hedland community.

CONCLUSION

This report has detailed the process of developing the Arts & Culture Plan 2023-27. By adopting this strategy, Council will facilitate implementation of the vision to create an even more liveable and loveable Hedland. This includes key improvements to the existing events, arts and culture strategic planning, clear and practical reporting mechanisms and facilitate greater collaboration and participation with community stakeholders and individuals.

ATTACHMENTS

1. Attachment 1 - Arts & Culture Plan 2023-27 [**12.2.3.1** - 23 pages]
2. Attachment 2 - Arts & Culture Plan Informing Strategic Review Outcomes [**12.2.3.2** - 7 pages]
3. Attachment 3 - Stakeholder Conversation Notes [**12.2.3.3** - 3 pages]

4. Attachment 4 - Arts & Culture Engagement Workshop Results [**12.2.3.4** - 9 pages]
5. Attachment 5 - 2019-22 Arts Culture Strategy Review [**12.2.3.5** - 2 pages]

Cr Gillingham declared an impartiality interest in relation to item 12.2.4 Town of Port Hedland Grants Policy because of association with the Pilbara Music Festival.

12.2.4	Town of Port Hedland Grants Policy
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Author: **Manager Youth & Community Development**

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.

CM202324/125 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Cr Flo Bennett

That Council adopt the revised Policy 6/003 Town of Port Hedland Grants Program as per Attachment 2.

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider adoption of a revised 6/003 Town of Port Hedland Grants Program Policy following the review and adoption of the revised FY23/24 Town of Port Hedland Community Grants Program and Economic Development Diversification Fund.

DETAIL

At the 26 July 2023 Ordinary Council Meeting it was resolved by Council Decision number CM202324/104:

That Council:

1. *Note the Town of Port Hedland Community Grants Program Review, and;*
2. *Adopt the FY23/24 Town of Port Hedland Community Grants Program and Economic Development Diversification Fund as per Attachment 2.*

This revised policy aims to ensure Council has established an effective and responsive grants program to support the needs of its diverse community, and that it allocates appropriate financial support each year through its annual budget process. This allows Council to be transparent about the types and levels of funding provided to the community.

The objectives of this policy are to ensure:

- **Inclusion:** providing opportunities for individuals and groups to meaningfully take part in community life
- **Equity:** consciously addressing the barriers faced by disadvantaged groups and individuals
- **Impact:** taking a purposeful and strategic approach to funding projects that deliver meaningful social, economic and environmental impact
- **Capacity Building:** supporting individuals, groups and businesses to develop and grow new initiatives, skills and resilience to shape the Town of Port Hedland's future
- **Collaboration:** encouraging networks and partnerships to deliver exceptional strategic outcomes together
- **Transparency:** delivering a funding program that is transparent and accountable in all processes and decisions.

The Town of Port Hedland Community Grants and Economic Development and Diversification Fund Program is divided into four streams:

1. Community
 - Community Partnership Grant
 - Community Champions Grant
 - Placemaking Grant
 - Sustainability
2. Economic Development and Business Development
 - Business Development
 - Economic Diversification
3. Fundraising for Community
 - Cash for Trash
4. Community Safety
 - Home Safety & Security

LEVEL OF SIGNIFICANCE

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

- Exception - The proposal or decision has already been addressed by the Council's strategies, policies or plans, which have recently been consulted on.

CONSULTATION

Internal

- *Community Safety Team*
- *Economic Development and Tourism Team*
- *Environmental Health Team, Planning Team*
- *Waste Services Team*

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*

- *Local Government (Financial Management) Regulations 1996*

FINANCE AND RESOURCE IMPLICATIONS

At the 26 July 2023 Ordinary Council Meeting, Council endorsed a \$650,000 operational budget for the implementation of FY23/24 Grants Program.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Community:

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced.

1.1.5 Agencies and the community are fully engaged reducing anti-social behaviours and improve community safety

1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.

1.2.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse (CaLD) people are recognised and supported.

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

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

1.3.3 Partnerships with industry and government to support events and activities are enhanced.

1.4.2 Facilities and community infrastructure are revitalised across the town

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

1.4.4 Community services and facilities are well promoted

Our Economy:

2.1.3 Strengthen the levels of collaboration, partnership and active networking between industry and business operators and stakeholders.

2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:

- Identify strategic employment and economic development opportunities and priorities
- Assess and address market failures affecting the cost of living
- Assess and address cost of doing business challenges.

2.1.5 Encourage and support the development of industry specific value chains.

2.2.1 Engage and coordinate local training providers, business, industry, services, agencies, social sector and infrastructure providers in the development of training and employment opportunities.

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.3.5 Identify opportunities for new social enterprises, innovators, and small and medium-sized businesses and implement strategies to attract and support them.

2.4.1 Market and promote Hedland for business investment opportunities.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.4.4 Market and promote the local lifestyle of the Hedland community

2.4.5 Promote major economic achievements and contributions of the Hedland economy at local, regional, state, national and international levels.

2.5.5 Support tourism infrastructure development

2.5.6 Support regional growth initiatives.

Our Built and Natural Environment:

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

3.1.2 Grow community understanding of local biodiversity and its protection.

3.1.3 Develop greater opportunities for young people to design and implement environmental projects.

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

3.2.3 Provide and promote sustainable energy, waste and water management practices.

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

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

3.3.3 The South Hedland Place Plan is implemented including the transformation of Wise Terrace.

3.3.5 The greening and vegetation of streetscape verges are systematically implemented.

Our Leadership:

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.

Default Statement:

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

Access and Inclusion

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

- Outcome 1 – Events and Services
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information

- Outcome 4 – Quality of Service
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation
- Outcome 8 – Advocate for an Increase in Inclusion

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Nil.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Financial
Cause	Fraud
Effect (Consequence)	The Town allocates funds to a project that is not a legitimate application.
Risk Treatment	Town undertakes due diligence and fact finding to ensure the information is accurate
<p>The risk rating is considered to be Low (2) which is determined by a likelihood of Unlikely (2) and a consequence of Insignificant (1).</p> <p>This risk will be mitigated by ensuring adherence to the approved Internal Operating Procedure.</p>	

OPTIONS

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

CONCLUSION

Following a comprehensive evaluation of the Town of Port Hedland Community Grants Program Council resolved to adopt a revised Town of Port Hedland Grants Program which involved changes to funding streams to ensure the Town was adaptable to change, to decrease duplication in funding, further clarify the intent of each funding stream, and ensure the Town of Port Hedland is committed to achieving a resilient and diversified economy for Hedland.

The attached revised Town of Port Hedland Grants Policy (refer attachment 2) reflects how the Town of Port Hedland will provide financial assistance to community groups, organisations, individuals and businesses through the form of grants and funding.

ATTACHMENTS

1. 6 003 Community Grants Program_-_ V 06_-_ Adopted 26 August 2020
[**12.2.4.1** - 3 pages]
2. Town of Port Hedland Grants Policy (1) [**12.2.4.2** - 4 pages]

12.3 Regulatory Services

12.3.1	Application for Development Approval for Addition To The Existing Single House (Home Business For Massage Services) At Lot 3094 (No. 5) Jibson Close, South Hedland
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Author: Graduate 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.

CM202324/126 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Cr Renae Coles

That Council pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* approves the Development Application for Home Business (Massage Services) additional to 'Single House' use at Lot 3094 (No. 5) Jibson Close, South Hedland subject to the following Conditions and Advice Notes:

1. The approved Home Business (Massage Services) shall be in accordance with the stamped approved plan and details submitted with the application, and these shall not be altered without the prior written consent of the Town of Port Hedland.
2. This development approval is valid for a period of 18 months. Should the Town not receive any complaints in relation to the operation of the approved Home Business (Massage Services), the applicant may submit a written request to the Town of Port Hedland to extend the approval period.
3. The Home Business approval is restricted to the occupier of the residential premises and cannot be transferred to another person(s) or property.
4. The Home Business hereby permitted must not be used for provision of sexual services as defined under the Prostitution Act 2000.
5. The approved Home Business must not occupy any other area than that shown on the approved plan.
6. The Home Business is restricted to the days and hours of operation as follows:

6.1. Monday to Saturday (six days only): 9.30AM to 6.30PM

6.2. Sunday and Public Holidays: Closed.

- 7. Only one (1) client is permitted to access the Home Business premises at any one time and there must be at least a 15-minute break between each client visit.**
- 8. The Home Business must not employ any person who is not a member of the occupier's household.**
- 9. The dwelling shall not be used for display of products, sales or hire of goods/products directly to customers on-site e.g. a shop front.**
- 10. The applicant must not erect or otherwise display on the property more than one sign associated with the approved Home Business with an area exceeding 0.2 square metres. A sign erected under this condition must:**
 - 10.1. Not be illuminated nor use reflective or florescent materials; and**
 - 10.2. Comply with the Town's Local Planning Policy for Advertising Signs**
- 11. All vehicles parking for residents/occupiers and visitors associated with the approved Home Business (Massage Services) must be on the subject property, in the location as indicated on the approved plan. Parking shall not occur outside the property boundaries.**

The Home Business activity must not cause nuisance or degrade the amenity of the neighbourhood in any way as determined by the Town of Port Hedland.

Advice Notes:

- a. This approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for development approval must be submitted by the Town of Port Hedland.**
- b. This approval constitutes development approval only and does not obviate the responsibility of the landowner/applicant to comply with all relevant local government, building, health and engineering requirements.**

The Town's Environmental Health Services has advised that the standard precautions for massage therapists as follows:

- i. to have access to hand-washing facilities;**

- ii. **to thoroughly wash their hands before and after each massage procedure;**
 - iii. **to change the towels, pillowcases, paper towels, and paper strips placed over the massage beds between each client;**
 - iv. **to store dirty or soiled linen in a suitable receptacle - normal household laundering procedures are adequate for processing all soiled linen;**
 - v. **to maintain a clean and hygienic workplace;**
 - vi. **to use smooth, clean, and impervious massage beds that are easy to clean.**
- c. **The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times to the satisfaction of the Town of Port Hedland.**
- d. **Where conditions have a time limitation for compliance, and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues whilst the approved development exists.**
- e. **Where an approval has lapsed, no development must be carried out without the further approval of the Town of Port Hedland having first be sought and obtained.**
- f. **If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider a development application which seeks approval for Home Business (Massage Services) additional to 'Single House' use at Lot 3094 (No. 5) Jibson Close, South Hedland (the subject site).

DETAIL

Background

On 23 March 2023, the Town received an application for development approval for Home Business (Massage Services) at the subject site.

The subject site is zoned Residential with a density coding of R30. Lot 3094 on Deposited Plan 213743 is a freehold title containing a single house. The adjacent properties on the eastern and western sides of the subject site also consist of single dwellings. The lots situated on the northern side are currently vacant (Refer Aerial Photo below).



Aerial Photo

Proposal

The applicant has provided the following advice about the proposed Home Business (Massage Services) use:

- Up to five (5) customers per day;
- Hours of operation are proposed:
 - 9:30am to 6:30pm Monday to Saturday;
 - Closed on Sunday and Public Holidays.
- No employees who do not reside at the subject site will be employed;
- No services that require skin penetration (e.g. waxing, piercing, tattooing) will be offered.
- No signage is proposed.
- Customer parking will be provided within the lot boundaries.
- The applicant has stated in an email dated 25 May 2023 (Attachment 1), the following "...massage is Korean sports massage, it can make people relieve fatigue, relieve pain, and spend a pleasant time in a relaxed and pleasant atmosphere...."

Full details of the development application can be found in Attachment 1.

Town of Port Hedland Local Planning Scheme No. 7 (LPS7)

Table 4 – Zoning Table under LPS7 designates Home Business as a discretionary use in the Residential zone. This means that the use is not permitted unless the Town has exercised its discretion by granting development approval.

Working from Home Planning Requirements / Assessment

	Requirement	Notes
Employees	<ul style="list-style-type: none"> Maximum two (2) employees who are not occupiers of the household. 	Meet the requirement
Area Occupied	<ul style="list-style-type: none"> Does not occupy greater than 50sqm of the dwelling area. 	Meet the requirement
Retail Sale / Display of Goods	<ul style="list-style-type: none"> Does not involve the retail sale, display of goods or hire of goods of any nature. 	Not disclosed
Signage	<ul style="list-style-type: none"> Maximum 0.2sqm. 	N/A
Hours of Operation	<ul style="list-style-type: none"> Should generally align with noise regulations (from 7am to 7pm; Monday to Saturday (five days only). 	Meet the requirement

Traffic / Parking

The Scheme (Schedule 1 – Car Parking Standards) states that the parking requirements for Home Businesses are at the Town's discretion. The subject site is required to provide a minimum of 2 bays for the residents as per the Residential Design Codes (RCodes), extra parking for staff (pending on the number of staff) and a minimum of 1 bay for patrons to the home business. The applicant has indicated that there is only one staff member for the home business, so only one additional bay is required. The total parking requirement for the 'Single House' and 'Home Business' uses is 4 parking bays, which can be accommodated on the lot.

A further consideration for this assessment is the home business activity, does not involve excessive traffic generation or excessively large vehicles and all cliental and staff parking bays are provided onsite. Based on the information provided by the applicant, inspections and interviews of surrounding landowners conducted by planning officers, it has been concluded there should be no excessive traffic generated by the home business.

Condition 11 of the Officer's Recommendation section in the report will require all vehicles parking to be located on site. Condition 12 of the Officer Recommendation section in the report are intended to mitigate any traffic and/or safety issues.

Impact on Amenity

The Town requires that a home business not adversely affect neighbourhood amenity in terms of the emission of light, noise, odour, electrical interference, vibration, smoke, water or other waste products. Based on the information provided by the applicant, the nature of the business proposed indicates the use will not adversely impact the amenity of the locality. Condition 12 of the Officer Recommendation section in the report is applied to mitigate any adverse impacts on amenity.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because a valid planning objection was received to the proposal. As such, it is essential to ensure that approval is subject to conditions protecting amenities of neighbouring properties.

CONSULTATION

Internal

- Environmental Health Services
- Infrastructure Services (Engineering)

External Agencies

- Nil

Community

- Pursuant to Clause 64, Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the development was advertised to the neighbouring properties.

The application was referred to occupiers of seven (7) nearby properties and placed on the Town's website where the Town received one (1) objection. The table below summarizes the objector's concerns and officer recommendations.

No/ Ref	Date Received	Summary of Comments Made	Officer Recommendation
1	28/06/2023	<ol style="list-style-type: none"> 1. Alleged illegal business already operating from the premises. 2. Existing excessive amount of traffic from vehicles (trucks / mine site vehicles) entering to and leaving from the premises during the day and at night caused by people visiting the premises. This is related to the alleged illegal home business above. 3. Potential additional traffic from people visiting the subject site. 4. Safety of children living and playing in the area due to traffic movement resulting from people visiting the subject site. 	<ol style="list-style-type: none"> 1. Noted – this is a question of monitoring and enforcement, not a relevant planning consideration in decision making. 2. Existing traffic issues are not a relevant planning consideration. 3. Conditions 7, 11 and 12 of the Officer Recommendation section in the report are intended to mitigate any traffic and/or safety issues resulting from the proposed Home Business. 4. See above.

The objector has requested to remain anonymous. For this reason, the objection documents are not included in or attached to this report.

Inspection and Interviews

Inspections were conducted due to concerns raised during the community consultation process.

On 11 July 2023, the Town’s planning officers inspected the street and surroundings, in the late afternoon. During the inspection, only one visitor was observed accessing the subject site. The inspection did not reveal excessive traffic generated by the activity.

A further inspection and interviews with adjoining residents were conducted on 9 August 2023 (evening), where planning officers noted the following:

- All residents advised that there have been people coming to, and leaving the subject site, also parking on vacant lots nearby.
- One resident advised the activity may be conducted on weekends around 8-9pm, outside of the proposed hours.
- Some residents have raised some concerns in relation to the safety of children living and playing in the cul-de-sac due to the traffic introduced into the area.
- Some residents advised of vehicle parking on the vacant lots but did not have major concerns/issues with this.

There is no evidence that the parking and visitors generated by the activity is cause for concern.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005.*
- *Prostitution Act 2000 (WA).*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Town of Port Hedland Local Planning Scheme No. 7.
- Town of Port Hedland - Information Sheet 01 Working from Home Planning Guidelines.

FINANCE AND RESOURCE IMPLICATIONS

Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Built and Natural Environment:

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

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

Access and Inclusion

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

- Outcome 6 – Public Consultation

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 applies in relation to this item:

Our Built and Natural Environment Actions:

3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Compliance
Cause	The applicant could fail to comply with the recommended conditions of approval.
Effect (Consequence)	The Town may refuse to extend the approval (Refer Condition 2).
Risk Treatment	The risk is mitigated by the Town’s ability to undertake compliance action in accordance with the <i>Planning and Development Act 2005</i> .
<p>There is an ‘Operational’ and possible ‘Reputational’ risk associated with this item caused by the applicant failing to comply with the recommended conditions of approval and/or if the Town receives complaints about the activity. The Town has the ability to refuse an extension of planning approval (refer Condition 2).</p> <p>The risk rating is considered Low (4) which is determined by a likelihood of Possible (3) and a consequence of Minor (2). There</p> <p>This risk can be mitigated by the Town’s action to undertake compliance action in accordance with the <i>Planning and Development Act 2005</i>.</p>	

OPTIONS

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

CONCLUSION

This report has provided an overview of the relevant planning issues associated with the proposed Home Business (Massage Services). The proposal is generally consistent with the Town’s Local Planning Scheme No. 7. As the number of clients (up to 5 clients per day as stated by the applicant), hours of operation and based on the information provided, the nature of the business does not suggest excessive amount of traffic would be generated, it is recommended the application be approved on a temporary

basis to demonstrate the home business activity can coexist in harmony with the surrounding residential area.

ATTACHMENT

1. Attachment 1 - Development Application Bundle [**12.3.1.1** - 3 pages]

12.3.2	Initiation of Amendment Number 4 to the Town of Port Hedland Local Planning Scheme No. 7 - Lot 5781 (No. 18) Schillaman Street Wedgefield LIA
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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.

CM202324/127 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Cr Ash Christensen

That Council:

- 1. Adopt Amendment No. 4 proposing changes to Local Planning Scheme No. 7 for the purpose of advertising, pursuant to section 75 of the *Planning and Development Act 2005* (PD Act) and Part 5 regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).**
- 2. Determine that Amendment No. 4 is a standard amendment pursuant to regulation 35(2) of the Regulations for the following reasons:**
 - a) Amendment No. 4 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and**
 - b) Amendment No. 4 will have minimal impact on land in the scheme area, and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
- 3. Authorise the Chief Executive Officer to arrange for Amendment No. 4 to be referred to the Environmental Protection Authority (EPA), pursuant to section 81 of the PD Act.**
- 4. Authorise the Chief Executive Officer to arrange for Amendment No. 4 to be advertised for public inspection, pursuant to sections 81 and 82 of the PD Act and in accordance with the procedure set out in Part 5, Regulation 47 of the Regulations.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider adoption of Amendment No. 4 to Local Planning Scheme No. 7, for the purposes of advertising. Amendment No. 4 seeks

removal of the 'Additional Use' provisions under the Scheme text and maps for the subject lot.

DETAIL

Background

The applicant, Planning Solutions lodged an application to Amend Local Planning Scheme 7 (LPS7) on 13 July 2023. The application was formally accepted by the Town with payment of fees soon after.

The Scheme amendment application (Amendment No. 4) is subject to Lot 5781 Schillaman Street Wedgefield, being the whole of land contained within Certificate of Title, Volume 1902 and Folio 12 on Deposited Plan 188923 (refer Location and Aerial Photo).

Amendment No.4, seeks to remove the Additional Use 'A1' – Caretaker’s Dwelling provisions applicable to the subject site only, and consists of:

- Deleting the wording “Lot 5781 (18)” only, under LPS7 - Table 5 – Specified additional uses for zoned land in scheme area; and
- Modifying LPS7 Map No. 8 by removing the annotation of 'Additional Use' overlayed for the subject lot (Refer Attachment 1).

The amendment is associated to but not limited by a development application also being considered by the Town. The development application for the subject lot was lodged at the same time by Planning Solutions, for a change to an existing Non-conforming use. The development application is presently being assessed and will be presented to Council for determination in coming months.



Location Plan



Aerial Photo

Applicant's Advice

The applicant has provided the following information in support of the proposal (Refer Attachment 2):

"Site context

The subject site is located in the suburb of Wedgefield and within the existing industrial area. The subject site fronts Schillaman Street and is located opposite the Wedgefield Industrial Estate Structure Plan area. The subject site is within the municipality of the Town of Port Hedland.

The subject site is presently occupied by an industrial land use and contains a warehouse / factory building fronting Schillaman Street, hardstand areas internally and a workshop to the rear. The subject site also contains a caretaker's dwelling along the eastern boundary, which is separated from the industrial activities by a fence and separate driveways.

Local Planning Scheme Regulations

Pursuant to regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), the proposed amendment is considered to be classified as a 'standard amendment' for the following reasons:

- The proposed amendment is consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission, in accordance*

with item (b) of the standard amendment definition under the LPS Regulations; and

- *The proposed amendment would have a minimal impact on land in the scheme area that is not the subject of the amendment, in accordance with item (e) of the standard amendment definition under the LPS Regulations.*

Town of Port Hedland Local Planning Scheme No. 7

The subject site is zoned Light Industry under the Town of Port Hedland Local Planning Scheme No. 7 (LPS7), with Additional Use A1 applicable to the subject site.

The objectives of the Light Industry zone under LPS7 are:

- *To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.*
- *To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.*

Table 5 of LPS7 specifies additional uses for zoned land in Scheme area. Additional Use A1 applies to the subject site and a number of properties within the Wedgefield industrial area and incorporates an additional use of caretaker's dwelling. There are a number of conditions and considerations that apply to development applications for caretaker's dwellings.

The proposed amendment seeks to remove the subject site from Additional Use A1 in Table 5 of LPS7. The proposed amendment is considered appropriate as it will facilitate a land use and development outcome that better aligns with the objectives and intent of the Light Industry zone.

Town of Port Hedland Local Planning Strategy

The Town of Port Hedland Local Planning Strategy provides a strategic plan to guide development of the Town. The Local Planning Strategy considers the context of the Wedgefield industrial area and describes the two sub-precincts of Wedgefield, being the older part and the new Hedland Junction estate. The Local Planning Strategy acknowledges a large number of caretaker's dwellings located in Wedgefield which are considered incompatible with the heavy industry uses.

The strategy response in section 4.5.7 of the Local Planning Strategy states:

"In response to the issues identified in the older part of Wedgefield, it is proposed to zone this part 'Light Industry', while recognising the existing legitimate caretakers' dwellings as having 'additional use' rights. The existing general industrial and transport depot uses would retain 'non-conforming use' rights; however, the light industrial zoning would prevent further proliferation

of both caretakers' dwellings and general industrial uses in this part of Wedgefield."

The Local Planning Strategy recognises that existing caretaker's dwellings within Wedgefield are incompatible with the surrounding industrial activities and intent of the zones under LPS7 and seeks to prevent the further proliferation of caretaker's dwellings in the locality.

Context of Amendment

Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (as amended) requires stated reasons for determining the class of amendment, as per the following criteria:

i. It is an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

The Scheme amendment is consistent with the actions identified within the Town's Local Planning Strategy and will contribute to business development within the industrial area by removing provisions for a 'residential' based land use, 'Caretaker's Dwelling', which is incompatible with surrounding industrial uses.

ii. It is an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

The Scheme amendment, if approved, will have a positive impact on the surrounding land not the subject of the amendment by removing the provision for a 'residential' based use from the locale.

iii. It is an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

The Scheme amendment is considered will not result in any significant environmental, social, economic or governance impacts on the land in the Scheme area. The Scheme amendment will not directly result in the loss of any existing vegetation on the site or impact other environmental factors. Any redevelopment of the subject site will be encouraged to retain existing and provide further vegetation to improve the immediate environs.

iv. It is an amendment that is not a complex or basic amendment.

It is considered that the Scheme amendment is neither a complex nor basic for the reasons stated above.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is of medium significance. The proposed amendment is consistent with the principles of orderly and

proper planning and is aligned with the general principles and broader vision set under the Towns Local Planning Strategy and Planning framework for the area. Specifically, the change to remove the 'Additional Use – Caretaker's Dwelling' permissions under LPS7 will allow for wider consideration of industrial use types for the property.

CONSULTATION

Internal

- Infrastructure Services (Engineering).
- Environmental Health Services.

External Agencies

Not applicable for the initiation stage.

Community

If Council resolves to advertise Amendment No. 4, community engagement is required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), including 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.

Prior to advertising, Amendment No. 4 is required to be referred to the Environmental Protection Authority (EPA) for assessment under section 81 of the *Planning and Development Act 2005*, and Section 48A of the *Environmental Protection Act 1986*, for the EPA to determine whether an environmental review is required. Given the nature of the proposed amendment, an environmental review is unlikely to be required, however, advertising cannot be undertaken until written advice has been received from the EPA.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*.
- *Planning and Development (Local Planning Schemes) Regulations 2015*.
- *Environmental Protection Act 1986*.
- Town of Port Hedland Local Planning Scheme No. 7.
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7).
- State Planning Policy 4.1 – Industrial Interface (SPP 4.1)

- State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0).

FINANCE AND RESOURCE IMPLICATIONS

Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Economy:

2.1.4 Regularly engage local businesses, government agencies and other relevant stakeholders to:

- Identify strategic employment and economic development opportunities and priorities
- Assess and address market failures affecting the cost of living
- Assess and address cost of doing business challenges.

Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

Default Statement:

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

Access and Inclusion

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

- Outcome 6 – Public Consultation

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

N/A

RISK MANAGEMENT CONSIDERATIONS

Risk Type	WHS
Risk Category	Compliance

Cause	Limitation over use of the subject land, and potential restrictions for a development application currently being assessed by the Town.
Effect (Consequence)	Delay in the development and economic loss for the lease and landowners.
Risk Treatment	Council adopt Scheme Amendment No. 4.
<p>There is an operational risk associated with this item caused by non-support for the Scheme amendment leading to potential restriction on the usability of the subject and surrounding properties. There is also a reputational as the landowners are seeking to remove the 'Additional Use – Caretaker' Dwelling' provisions from the Scheme to provide for wider and better use of the property.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the implementation of the Scheme amendment.</p>	

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 4 constitutes a 'standard amendment' in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment is consistent with the objectives of the Town’s Local Planning Strategy. The amendment cannot have an environmental, social or economic impact beyond the present lot. The subject site has been used for industrial purposes in the past and the landowners and applicant’s client, a resource recycling and waste collection company propose to use the site. Removing the 'Additional Use – Caretaker’s Dwelling' permissions for the lot will better align the planning framework with the existing land use and recognised non-conforming use. It is recommended that Council resolve to adopt LPS7, Amendment No. 4 for the purpose of public advertising.

ATTACHMENTS

1. Attachment 1 - Zoning [**12.3.2.1** - 1 page]
2. Attachment 2- Applicant's Letter [**12.3.2.2** - 7 pages]

12.3.3	Initiation of Amendment to Local Planning Policy 08 - Port Hedland International Airport and rescinding of Local Planning Policy 10 - Highway Precinct Design Guidelines
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Author: Project Officer - Strategic 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.

CM202324/128 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Deputy Mayor Tim Turner

That Council pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

- 1. Initiate amendments to Local Planning Policy 08 – Port Hedland International Airport presented as Attachment 1 of this Item, for the purpose of public consultation.**
- 2. Rescind Local Planning Policy 10 – Highway Precinct Design Guidelines presented as Attachment 3 of this Item.**
- 3. Advertise amendments to Local Planning Policy 08 – Port Hedland International Airport and rescinding of Local Planning Policy 10 – Highway Precinct Design Guidelines in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider initiation of amendments to Local Planning Policy 08 – Port Hedland International Airport (LPP/08) which aims to consolidate the current local planning policies associated with the airport into one amended LPP/08 and rescind Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP/10). The intent of amending LPP/08 is to ensure that development occurs in a way that minimises land use conflict, maintains the amenity of the area, and recognises the fundamental importance of maintaining the safe and efficient operation of the airport. Should Council support the proposed policy, it will be advertised for public comment before being presented to Council for final adoption.

DETAIL

The Town of Port Hedland is the registered proprietor of the land on which Port Hedland International Airport (PHIA) is located. Port Hedland International Airport (PHIA) is a certified and security-controlled aerodrome located between the settlements of Port Hedland and South Hedland. The airport site is approximately 817 hectares and has been leased from the Town to PHIA Asset Pty Ltd for 50 years, commencing in March 2016.

The airport is an integral part of the community and the economy of Port Hedland and is a critical component of the resource industry of the Pilbara region. It provides for Regular Passenger Transport and General Aviation air services to service the local community and industry.

The land is contained within the Special Use 1 (SU1) zone under the Town of Port Hedland Local Planning Scheme No. 7 (the Scheme). Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the scheme.

The Scheme conditions that apply to SU1 include:

- 1) Development shall be consistent with a Structure Plan, Local Development Plan or Local Planning Policy for the area.*
- 2) Land uses shall be compatible with surrounding development.*
- 3) Development shall be in accordance with an approved precinct scale urban water management plan.*
- 4) Development shall not detract from the transportation functions of the airport.*
- 5) The distribution of land uses shall be generally consistent with the land use precincts identified within the Port Hedland International Airport Masterplan.*

The amended LPP/08 (**Attachment 1**) proposes to streamline the existing planning framework by consolidating the current Local Planning Policy 08 – Port Hedland International Airport (**Attachment 2**) and relevant components of Local Planning Policy 10 – Highway Precinct Design Guidelines (**Attachment 3**) into one policy. To achieve this, proposed amendments to LPP/08 outline the provision of development controls that ensure development allows for the safe and efficient operations of the airport, manages the potential for land use conflict, and outlines minimum design standards for an area that acts as the gateway into Port Hedland for both visitors and returning residents.

The proposed objectives of the amended LPP/08 are:

1. Support the ongoing growth and operation of the Port Hedland International Airport as the primary air transport hub in the Pilbara region.
2. Define land use precincts for the Port Hedland International Airport based on existing activities and development and the varying locational attributes of each precinct.

3. Foster business investment and encourage a diverse range of services and amenities to establish at the Port Hedland International Airport.
4. Manage the potential for land use conflict between sensitive land and incompatible land uses by consolidating similar uses within specific precincts and establishing assessment criteria for future development applications.
5. Provide a clear framework to coordinate land uses across the Port Hedland International Airport and guide the exercise of discretion.
6. To ensure that construction and operational aspects of development are examined for their potential impact on the operations of the Port Hedland International Airport.
7. To acknowledge height limits for development to maintain clearance to protect controlled airspace and maintain public safety.

The policy components are discussed in further detail below.

Precinct Plan

The Precinct Plan identifies the policy area, as well as outlines eight (8) precinct areas, each with unique attributes that contribute to the type of development suitable for the area.

The amended LPP/08 outlines the objectives for the following precincts:

- Airside Precinct
- Northern Precinct
- Terminal & General Aviation Precinct
- Freight Precinct
- Highway Precinct
- Airport Industrial Park Precinct
- Light Industry/ Warehouse Precinct
- Interface Precinct

The precincts are consistent with the draft Port Hedland International Airport Master Plan 2018 – 2038 (2019).

Land Use

Establishing a policy position that ensures land uses are undertaken in a way that minimises any land use conflict is particularly important when there is possibility within the Scheme to consider both sensitive land uses (such as accommodation facilities) and industrial development within the same area.

State Planning Policy 4.1 - Industrial Interface (SPP 4.1) addresses planning for conflict and encroachment between industrial and sensitive land uses. In summary, it outlines that the location of sensitive land uses should be considered on a case-by-case basis, and supported only if it can be demonstrated that the use is compatible, and the industrial impacts can be avoided, mitigated or managed.

Compatible zones and reserves that directly adjoin sensitive land uses should be designed to:

- a) Ensure any emission and risk impacts do not exceed the site boundary; and
- b) Provide a high level of amenity to complement the land use transition.

This has been addressed through the proposed amendments to LPP/08 through Table 1: Preferred Land Uses' which seeks to provide guidance on compatible land uses within the each of the precincts with consideration for buffer areas between land uses with a higher potential for conflict, such as transport depot or general industry, and accommodation uses. Amended LPP/08 also gives due regard to SPP 4.1 through the submission requirements and design standards, both of which outline where additional information is to be provided, or development designed in a way that demonstrates that any emission and risk impacts do not exceed the site boundary.

Safe Airport Operations

Like the current policy, the proposed amended LPP/08 provides a policy position to ensure that proposed development has no impact on the operations of the Port Hedland International Airport. It provides provisions around the following:

- OLS (Obstacle Limitation Surfaces)
- Artificial Light Hazard
- Australian Noise Exposure Forecasts (ANEF)
- Photovoltaic solar panels

Clause 32 of the Scheme includes a provision for development in all zones, as follows:

- 1) In considering applications for development approval, due regard shall be given to:
 - a) The Obstacle Limitation Surfaces map and Australian Noise Exposure Forecast (ANEF) contours for the Port Hedland International Airport, as contained within an adopted local planning policy;
 - b) Australian Standards 2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and
 - c) Advice of the relevant State Government authorities.
- 2) All development and structures, including flood lights and cranes, shall comply with the height limitations associated with the Obstacle Limitation Surfaces. Any temporary intrusions shall receive written consent from the local government prior to erection.

Currently, the existing LPP/08 incorporates OLS and ANEF datasets into the policy maps. Through consultation with PHIA, it has been requested that this mapping be removed to allow for any changes to the mapping that may occur.

It is considered that referral of applications for development approval to PHIA as part of the assessment process is the preferred method for ensuring development be compliant with current OLS to ensure suitable safe clearances are maintained to protect controlled airspace and public safety. Part 8.2 of amended LPP/08 addresses consultation and outlines a consistent process.

Basic Design Standards

The proposed amendments to LPP/08 include provisions for basic design standards that outline the minimum quality expected from development in the LPP/08 policy area. Within the Town, development is to provide an appropriate level of streetscape amenity and landscape appearance. This is particularly important for development within areas that expect a higher level of amenity, such as residential, tourism, and accommodation areas. As the Port Hedland International Airport is the gateway for many visitors and returning residents to Port Hedland, it is important that the proposed amendments to LPP/08 provide provisions that preserve present amenity and improve it through future development. The proposed provisions within LPP/08 are consistent with existing Local Planning Policy 10 – Highway Precinct, the Scheme, and other policies and design guidelines.

Local Planning Policy 10 – Highway Precinct includes additional information on this precinct including a proposed leasehold lot layout, setbacks, drainage levels, and bushfire management plan. In consultation with PHIA it was requested that this be retained and streamlined for inclusion in the amended LPP/08.

LEVEL OF SIGNIFICANCE

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

- Manager Town Planning and Development

External Agencies

- PHIA
 - The proposed amendments to LPP/08 were discussed at a PHIA and Town of Port Hedland meeting held on 10/09/2023. PHIA provided preliminary advice in relation to the policy content and is generally supportive. Ongoing consultation will continue should the amended LPP/08 be initiated for public advertising.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- State Planning Policy 4.1 - Industrial Interface

FINANCE AND RESOURCE IMPLICATIONS

There is a financial cost of advertising the policy amendment in the North West Telegraph. There is a potential for additional rates income through future leases at Port Hedland International Airport.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Economy:

2.3.2 Minimise red tape for business through regular review and reform of relevant policies and by-laws.

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

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

Our Built and Natural Environment:

3.3.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

Our Leadership:

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

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

Access and Inclusion

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

N/A

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Built and Natural Environment Actions:

3.b.5.2 Appropriate community engagement is undertaken for strategic planning and land use decisions.

3.c.1.1 Liaise with industry, developers, business and community to provide advice on planning, building and land matters.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Service Interruption
Cause	Potential for development to impact safe airport operations
Effect (Consequence)	Airport services being impacted due to safety risks
Risk Treatment	The amended policy provides guidance to Officers when assessing development applications and the ability to apply appropriate conditions of development approval.
<p>There is a Strategic, risk associated with this item caused by the potential for development to impact safe airport operations, leading to airport services being impacted due to safety risks.</p> <p>The risk rating is considered to be Medium (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4).</p> <p>This risk will be mitigated by the amended policy providing guidance to Officers when assessing development applications and the ability to apply appropriate conditions of development approval.</p>	

OPTIONS

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

CONCLUSION

The amended Local Planning Policy 08 – Port Hedland International Airport will provide precinct mapping and policy provisions to provide clarity to leaseholders, developers, and the Town. The preparation of a consolidated policy to amend the existing Local Planning Policy 08 – Port Hedland International Airport and rescind Local Planning Policy 10 – Highway Precinct has the support of the PHIA, as it will go some way to improving available information and providing a more formalised referral protocol between the airport and the Town. By initiating this policy, Council will facilitate improved safety and efficiency of operations at the Port Hedland International Airport and provide appropriate policy guidance to the development standards and provisions required by development.

ATTACHMENTS

1. LPP 08 - Amended [**12.3.3.1** - 65 pages]
2. LPP 08 - Current [**12.3.3.2** - 9 pages]
3. LPP 10 - Current [**12.3.3.3** - 71 pages]

12.3.4	Service Worker Demand Analysis and Socio-Economic Impact Assessment
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Author: Senior Economic Development Officer

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.

CM202324/129 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Cr Flo Bennett

That Council endorse the Service Worker Demand Analysis and Socio-Economic Impact Assessment, as per Attachment 1.

CARRIED BY SIMPLE MAJORITY (5/4)

*In Favour: Cr Zielke, Cr Bennett, Mayor Carter, Deputy Mayor Turner, Cr Keller
Against: Cr Christensen, Cr Eckhart, Cr Gillingham, Cr Coles*

PURPOSE

The purpose of this report is for Council to endorse the Service Worker Demand Analysis and Socio-Economic Impact Assessment in relation to the South Hedland Service Worker Housing project.

DETAIL

The Town is pursuing the development of service worker housing within South Hedland to address the acute housing stress experienced within the district, and areas of market failure.

At the 28 June 2023 Ordinary Council Meeting it was resolved by Council Decision number CM202223/085:

That Council:

1. *Endorse the Proposed South Hedland Service Worker Housing Business Case;*
2. *Continues to progress the acquisition of the lot identified in South Hedland for the purpose of constructing service worker accommodation; and*
3. *Supports undertaking a procurement process to develop service worker accommodation within South Hedland.*

To support advocacy efforts to the State and Federal Governments to allocate funding for the project, the Town engaged APP Group to undertake a detailed Service Worker

Demand Analysis and Socio-Economic Impact Assessment (refer Attachment 1) of the project.

The key findings of the Service Worker Demand Analysis and Socio-Economic Impact Assessment are detailed below.

Service Worker Demand Analysis

Approximately 25% of the Port Hedland labour force are non-permanent workers (i.e., FIFO, DIDO). Relative to regional WA, there is a current deficit of 1,705 residential workers across the Port Hedland economy (excluding mining and related industries and not including roles filled by non-residents). This deficit is expected to grow to 2390 workers by 2031, which will include:

- 213 construction workers
- 241 retail trade workers
- 289 accommodation and food services workers
- 248 healthcare workers.

The South Hedland Service Worker Housing project will reduce this deficit by approximately 10%.

Housing supply has an average annual growth rate of less than 0.2% per annum since June 2017, with nine new building approvals within the Town of Port Hedland between June 2022 and April 2023. Consistently low vacancy rates and limited new supply of housing demonstrate that these challenges associated with housing are likely to persist for the foreseeable future without Government intervention. Average rental costs in Port Hedland currently average \$1,000 per week, compared to \$544 per week in Regional WA and \$666 in Greater Perth. Rents in Port Hedland are almost double the national average. Across all service worker occupation groups, with the exception of health therapy professionals, would be unable to sustain the rental payments in Port Hedland/South Hedland).

Average business labour costs for service industries in the Town of Port Hedland are up to 25.3% higher compared to Regional WA. Labour costs associated with childcare, education and hospitality at 15% to 30% higher than Regional WA. Staff resignation and emigration from Port Hedland is also a constant experience. The constant cycle leaves businesses with a sense of stagnation as growth is undermined by the constant need to recruit and retain staff. Likely due to these factors, service industries such as retail and accommodation and restaurants have experienced a decline in their share of total labour. This highlights the fact that these sectors have not been able to keep pace with the overall level of growth in Port Hedland.

The high proportion of higher income earners demonstrates that there is a significant opportunity to provide an increased range of retail, accommodation, and food services functions. These industries are better suited to capture the disposable income that may typically be spent in other locations. The South Hedland Service Worker project provides an opportunity to increase service industry functions to maintain and attract households seeking to settle.

Socio-economic Impact Assessment

Total socio-economic benefits are estimated at \$152.4 million.

The project is expected to benefit the community and economy of Port Hedland by:

- Higher resilience and insulation from the turbulence of the mining and transport section' business cycle.
- Greater capacity or key industries to attract and retain staff.
- Increase positively feeding investment into a range of local sectors due to increased certainty around the tenure of labour.
- The Town of Port Hedland economy will increase by approximately \$19 million per annum, representing approximately \$250 million over the 20-year project lifespan.
- Will reduce service worker labour costs and provide local businesses with circa \$16.6 million worth of labour cost savings over the assessment period.
- Closing the gap in housing costs between the Town of Port Hedland a will provide local businesses with more confidence to invest and expand with a greater availability of labour.
- The value of additional commercial development as a result of the South Hedland Service Worker Housing project is \$3.575 million (present value).
- The indirect value of construction associated with the South Hedland Service Worker Housing project equates to approximately \$21.6 million (present value).
- The delivery of the project is expected to lead to a 2.5% reduction in rental prices in Port Hedland.
- The delivery of the project has the potential to boost business confidence to a level appropriate to enable the expansion of key services including Childcare, Health and Community Service, and Not-for-Profit.
- The South Hedland Service Worker Housing project has the potential to reduce the Social and Community Service worker gap by circa 12.6%, alleviating pressure on community services, including childcare and NFP sector.
- The South Hedland Service Worker Housing project has the potential to unlock an enhanced offering of retail services via the expansion of operating hours and/or the delivery of new, or extension of existing, anchor or specialty stores.
- The South Hedland Service Worker Housing project has the potential to provide additional volunteering with a value equivalent to \$70,230 p.a. to the Town of Port Hedland.
- The delivery of the Project is expected to increase the volume of participants in local sports by 100 people. This has the potential to alleviate social isolation in the community and trigger a positive cycle of involvement into local clubs by residents. This will reduce resident turnover and increase the attractiveness of the town among new entrants.
- A more stable and permanent resident population will enable the development and/or reestablishment of community groups and services in addition to contributing to greater business confidence.
- The Cottier Drive Project has the potential to further increase community diversity.
- The Cottier Drive Project will generate \$7,633,180 of State Tax Revenue, in present terms, from 20 years of operation.

- The Project has the potential to unlock additional local funding for State and Local Governments which could be directed towards a range of additional projects and services within the municipality and State.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the growth, liveability, appeal and prosperity of the Town will be severely restricted if business and other agencies cannot house employees/residents who service the broader community.

CONSULTATION

Internal

A presentation on the initial findings of the Service Worker Demand Analysis and Socio-Economic Impact Assessment was provided to Council on 17 May 2023. Consultation has also been undertaken with the Towns Executive Leadership Team, Town Planning and Development Team, Business and Economic Development Team, and Human Resources Team

External Agencies

- APP Group

Community

The community were invited to attend two Community Roundtable to provide input into the report. Individual consultations were also held with interested organisations. The following organisations were represented in these discussions:

- Well Women's Centre
- Carter & Co
- Hedland First National
- Lash Property Services
- Child Australia
- Port Hedland Chamber of Commerce and Industry
- Julyardi Aboriginal Corporation
- South Hedland Bowls and Tennis Club
- Ashburton Aboriginal Corporation
- Pilbara Connections
- Pilbara for Purpose
- Hospitality Inn
- Starr Care
- St. Cecilia's Catholic Church
- Prendiville Group (Hedland Hotel)
- McDonald's South Hedland

LEGISLATION AND POLICY CONSIDERATIONS

The Service Worker Demand Analysis and Socio-Economic Impact Assessment will accompany the Business Plan that has been requested by the Minister for Planning; Lands; Housing; Homelessness to support the purchase of the land for the future service worker housing.

FINANCE AND RESOURCE IMPLICATIONS

Development of this study was funded through the Regulatory Services Operating budget.

The service worker housing project is a key infrastructure project in the long-term financial plan.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Community:

1.2.2 A residential workforce is promoted to industry as the preferred option.

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

Economic

Development and endorsement of the Proposed South Hedland Service Worker Accommodation Business Plan is part of a larger program to support housing service workers to support small to medium business.

Social

Development and endorsement of the Proposed South Hedland Service Worker Accommodation Business Plan will support attraction and retention of residents, provide additional or improved services and improve the social wellbeing of the Town.

Access and Inclusion

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

- Outcome 2 – Buildings and Facilities

Corporate Business Plan

The following action of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

1.b.2.1 Engage with key stakeholders to promote a residential first approach for workforce accommodation.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item as the Minister for Planning; Lands; Housing; Homelessness is expecting the Service Worker Demand Analysis and Socio-Economic Impact Assessment to be provided to his office for consideration. The Town is pursuing grant funding in relation to this project. This report is expected to assist with demonstrating why the State should consider this project. The risk rating is considered to be high (12), which is determined by a likelihood of possible (3) and a consequence of major (4).

OPTIONS

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

CONCLUSION

The South Hedland Service Worker Housing project has been demonstrated to have a considerable impact on the local economy, far outweighing the costs associated with development.

ATTACHMENTS

1. CONFIDENTIAL - Service Worker Demand Analysis and Socio- Economic Impact Assessment - Final Report [**12.3.4.1** - 75 pages]

12.3.5	Kingsford Smith Business Park Business Plan for Major Land Transaction
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Author: Senior Economic Development Officer
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.

CM202324/130 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Deputy Mayor Tim Turner

That Council:

- 1. Notes the Business Plan for a Major Land Transaction – Kingsford Smith Business Park Stage 2.**
- 2. Endorses the public advertising of the Business Plan for a Major Land Transaction – Kingsford Smith Business Park Stage 2 in accordance with section 3.59 (3) and (4) of the *Local Government Act 1995*.**

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider endorsing the Business Plan for a Major Land Transaction – Kingsford Smith Business Park Stage 2 for public advertising in accordance with section 3.59 of the Local Government Act 1995.

DETAIL

Background

The Town of Port Hedland (Tow) completed development of Stage 1 of Kingsford Smith Business Park in 2015. Since then, there has been interest from small and medium-sized businesses to operate out of Kingsford Smith to accommodate the service industry and bulky goods uses. All 36 lots developed as part of Stage 1 lots have been purchased as of 2022. Many of the Stage 1 lots remain undeveloped due to investor land banking or business plans being put on hold as a consequence of changed market conditions in Port Hedland and broader macroeconomic trends.

Stage 2

Demand for light industrial land remains strong. To cater to this demand, the Town has progressed development of Kingsford Smith Business Park Stage 2.

Stage 2 comprises of:

- Stage 2A

Consolidation of Titles of P404823/410 (Lot 410) and P404823/411 (Lot 411) and part of P404823/9006 (Lot 9006) into a single lot - Lot 801.

- Stage 2B

Subdivision of part of Lot 9006 and part of P404824/9008 (lot 9008) into:

- Lot 802
- Lot 803
- Lot 804
- Lot 805
- Lot 806
- Lot 807
- Lot 808

A map of the proposed subdivision and further detail regarding the Stage 2 development is presented as part of the Business Plan (refer Attachment 1).

Major Land Transaction

Before undertaking a Major Land Transaction, the Town of Port Hedland under Section 3.59 of the Local Government Act 1995 is to prepare 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; and
- b. its expected effect on other persons providing facilities and services in the district; and
- c. its expected financial effect on the local government; and
- d. its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- 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.

Public Advertising

If the Business Plan is endorsed by Council, the Town will make the plan accessible to the public through the Town of Port Hedland website and have hard copies available

through the Town of Port Hedland Administration Office and the Town operated libraries for a period of at least six weeks.

The Town will present submissions made by the public to Council following the advertising period for Council to consider before deciding whether to adopt the Business Plan.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance as it relates to undertaking community consultation pursuant to section 3.59 of the Local Government Act 1995.

CONSULTATION

Internal

- Director of Regulatory Services
- Manager of Town Planning and Development
- Other relevant officers

External Agencies

- APV Valuers & Asset Management

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

- Sections 3.58 and 3.59 of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996.

FINANCE AND RESOURCE IMPLICATIONS

Advertising expenses for the Major Land Transaction Business Plan have been included in the Town's annual budget. The Business Plan, if adopted by Council at a future Ordinary Council Meeting, would result in net income of approximately \$1,763,799.

The income received from land sales will be transferred to a reserve to fund future stages of sub-division.

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Economy:

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.4.1 Market and promote Hedland for business investment opportunities.

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

2.5.2 Ensure future supply of housing and serviced land for development.

2.5.6 Support regional growth initiatives.

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

Access and Inclusion

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

- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

Corporate Business Plan

The following actions of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Economy Actions:

2.a.2.1 Develop Master Plans and business cases for future project implementation, in line with the Town’s strategic direction and needs.

2.c.1.1 Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Reputational
Cause	Failure to endorse advertising of the Business Plan
Effect (Consequence)	Development of Stage 2 put on hold due to not being able to comply with legislative requirements.
Risk Treatment	Adopting officer’s recommendations
<p>There is a reputational risk associated with this item as failure to endorse the Business Plan for public advertising would inhibit the sale of the lots under development.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be mitigated by adopting the officer’s recommendation.</p>	

OPTIONS

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

CONCLUSION

This endorsement of the Business Plan for public advertising will allow for the Town to meet its legislative responsibilities in seeking feedback from the community prior to undertaking a major land transaction.

ATTACHMENTS

1. 202300712 Business Plan KSBP Stage 2B Final [**12.3.5.1** - 11 pages]

12.3.6	Lots 55, 56 and 57 (No. 10) McKay Street, Port Hedland - Change to Town's Local Heritage Survey and Response to WAPC on Development Application
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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.

CM202324/131 COUNCIL DECISION

MOVED: Cr David Eckhart **SECONDED:** Cr Ash Christensen

That Council:

- 1. Advise the Port Hedland Volunteer Marine Rescue:**
 - a. The proposal to modify Place No. 13 located at Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland, from "Grade – B" to "Grade - C" within the Port Hedland Heritage Inventory 2017, will be advertised for public comment for a period of 30 days before a decision can be made;**
 - b. The public comment period noted in 1(a) above will be deferred until following Council elections in October 2023, in accordance with the Town's Policy 4/006 'Elections – Caretaker Period' (Part 6); and**
 - c. The proposed heritage reclassification will be presented to the Council for a decision following public comment.**
- 2. Advise the Department of Planning Lands and Heritage (DPLH) to:**
 - a. Advertise development application DA804-15-1 for public comment to surrounding landowners and broader Port Hedland community; and**
 - b. Defer determination of development application DA804-15-1 until a decision is made by the Town of Port Hedland Council regarding the heritage classification of the building, following the public comment period noted in Recommendation (1) above.**

CARRIED BY SIMPLE MAJORITY (9/0)

Director Infrastructure Lee Furness declared an impartiality interest in relation to item 12.3.6 Lots 55, 56 and 57 (No.10) McKay Street, Port Hedland - Change to Town's

Local Heritage Survey and Response to WAPC on Development Application. Lee Furness is a volunteer with the rescue service.

PURPOSE

The purpose of this report is for Council to consider two proposals regarding the subject properties, Lots 55, 56 and 57 McKay Street, Port Hedland, which are:

1. Port Hedland Volunteer Marine Rescue (PHVMR) have requested the Town modify its Heritage Inventory 2017 (pages 39 and 40) for the property stated as Place No.13 Port Hedland State School (Former) by changing its level of significance from Grade - B to Grade - C.
2. Department of Planning Lands and Heritage (DPLH) have referred the development application lodged by PHVMR, to the Town for comment and a recommendation.

DETAIL

Background

The land subject of this report are identified as Lots 55, 56 and 57 (No. 10) McKay Street, Port Hedland (Refer Location Plan and Aerial Photo below).



Location Plan



Aerial Photo

Lots 55, 56 and 57 McKay Street (formerly Lots 55 and 564) have been identified under the Port Hedland Heritage Inventory (PHHI) as Place No. 13 with a level of significance, Grade-B. The PHHI also states:

"Port Hedland State School (Former) is significant as the first education facility in Port Hedland, as associations with staff and students between 1906 to 1942, and 1953 to 1961. The world War two period of associations when utilized as a mess is significant as is the use by community organisations. The place makes a significant contribution to the historic character and streetscape of the Town of Port Hedland " (Refer Attachment 1 – Extract Heritage Inventory 2017).

History

March 2018 Port Hedland Heritage Inventory 2017 adopted by Council.

8 July 2020 Marine Recue Port Hedland emailed the Heritage Council WA, seeking advice:

I would like to inquire about the land at 10 McKay Street, Port Hedland WA. Our Volunteer Marine Rescue group currently hold the management order for this property. We are an emergency service group that fall under the Department of Fire and Emergency Service banner. Our query is around what is the process for demolishing the current building on this property so that we could build a fit for purpose Marine Rescue Operations centre. The current facility at 10 McKay Street is in very poor condition and our group is in

desperate need for a new facility. We have recently conducted a structural engineering assessment by a private contractor on the building as well which highlights the risk associated with this buildings condition. We would like to knock the current facility down and build a new facility on the block at 10 McKay Street. However, we are unaware of the process to do this.

Also is there a way to get the Heritage Listing updated to reflect the current building condition as "Fair" is not an accurate description for this poor condition building? Let us know if we could get this status changed as well. We can share this engineering report as well if this will help in this effort."

8 July 2020 The A/Director Heritage Assessment & Registration and the Manager Heritage Support Services at DPLH advised Marine Recue Port Hedland the following:

"The first step when dealing with the proposed demolition of places such as this which are situated on land owned by the State is generally a referral under the provisions of the Government Heritage Property Disposal Process (GHPDP). Our records indicate that P2289 Old School (fmr), Port Hedland was considered through that process in August 2015 when it was determined that, based on the information presented, P2289 Old School (fmr), Port Hedland is unlikely to cross the threshold for entry in the Register of Heritage Places and therefore does not warrant full assessment.

Given the above, no further referrals under the provisions of GHPDP are required for the place. However, I would suggest you speak to our colleagues in Land Use Management to determine whether they have any further requirements at their end.

With regard to the condition description, I believe this is the Town of Port Hedland's record so you may need to contact them to ask if they are happy to amend it." and

"Town of Port Hedland would indeed be the body to determine whether to change the note relating to building condition. May be worth waiting until a determination has been made on potential demolition."

24 Jan 2023 Port Hedland Volunteer Marine Rescue emailed the Town advising:

"Marine Rescue Port Hedland are looking to initiate the demolition of the dilapidated old office facility at 10 McKay Street, Port Hedland.... I am writing to inquire as to the process of planning approvals to demolish this old facility. We would also need advice on how to go about the local shire heritage register for this dilapidated facility, and what steps need to be taken to demolish the old office. We have had some previous correspondence below from the State Government on this process, however we advised to consult with the TOPH on how to achieve this process further (sic)."

6 Feb 2023 The Town replied to the Port Hedland Volunteer Marine Rescue, advising the following:

"The property is located within the Port Hedland (West End Improvement Scheme No. 1). The Improvement Scheme is a state initiative created on 18 September 2020. The Town's local planning scheme does not apply to any lot

within the Improvement Scheme area. The Improvement Scheme is under the authority of the State, Western Australian Planning Commission (WAPC). Queries should be directed to the Department of Planning, Lands and Heritage (DPLH), who administer the Improvement Scheme on behalf of the WAPC.

Your request for demolition should first be made to the DPLH on 6551 9357 or 6551 9585 or info@dplh.wa.gov.au.

As you are aware the property is identified under the Town's Municipal Heritage Inventory, a Category B which recommends to restore and retain the buildings.

While the Town is not the deciding authority on the demolition of any buildings on the site, if the landowner is seeking to demolish, a full dilapidation report, together with your structural engineer's report should be provided to DPLH with your proposal. The proposal should also be accompanied with information identifying:

- *Written statement of building and facility requirements (yard areas, boat storage areas, parking areas etc).*
- *Concept plans depicting development options ie where re-development of the site includes conserving and protecting the historic buildings, and those options demonstrating why retaining the buildings cannot be achieved.*
- *Statement of estimated costs.*

It is likely DPLH will refer the proposal to the Town for comment before a decision could be made by them. When the proposal and the supporting information is received, the Town may advertise the proposal for comment. The proposal will then be referred to the Council for a recommendation, before advising DPLH."

6 April 2023 The Town advised the DPLH, that Marine Rescue were advised on 6 February 2023, to examine options to retain the former school building and that the site was large enough for a new building to be sleeved behind and the existing building restored and retained.

The Structural Condition Assessment (report) is supportive of remedial works and not conclusive in support of demolition.

Notwithstanding the WAPC's jurisdiction to determine the application, it's recommended that sufficient time be provided to the Town to advertise the proposal, to gauge public opinion of the demolition; and for a proposal to be referred to a Council meeting for a recommendation.

It was also recommended that further information be provided for assessment, including a feature survey plan of the site, and an archival record / heritage report be prepared by qualified heritage architect.

Proposals

- Proposal 1 Marine Rescue Port Hedland on 26 June 2023 lodged a letter formally requesting the Town change its Heritage Inventory 2017, level of significance from Grade – B to Grade – C for Place No.13 Port Hedland State School (Former) (Refer Attachment 2 - VMR Letter Request Change Heritage Category .
- Proposal 2 DPLH referred the Port Hedland Volunteer Marine Rescue development application to the Town on 19 July 2023. The development application states a development cost of \$2,322,348 and plans depict demolition of the former School Building and construction of a new office headquarters and extension to the storage shed (Refer Attachments 3 – Land Tenure Map, Attachment 4 – 10 McKay Street Heritage Report, Attachment 5 – Development Plans, and Attachment 6 – Structure / Engineering Assessment).

Port Hedland West End Improvement Scheme No. 1

The subject land is located within the Port Hedland West End Improvement Scheme No.1, under the control of the State of WA, administered by the Department of Planning, Lands and Heritage (DPLH). All planning applications within the Improvement Scheme area are determined by DPLH.

DPLH referred the development application to the Town by email on 19 July 2023 for comment and a recommendation. DPLH generally has 60 days from the date of receiving an application to issue a decision and the Town has 42 days to respond from receiving notice from DPLH.

The Town on 31 July 2023 wrote to DPLH seeking an extension of time to consider the application and the request to modify the Heritage Inventory 2017. The applicant has not agreed to an extension of time and has sought a meeting to discuss the application. If a decision is not issued by DPLH within the stated period, under the provision of the *Planning and Development Act 2005*, the application is deemed to be refused and a right of review to the State Administrative Tribunal is created.

The DPLH web pages state the Improvement Scheme No. 1 aims are:

- “• *provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the Scheme area*
- *implement the State Government response to the Port Hedland Dust Management Taskforce Report to Government (2016) to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland, by prohibiting:*
 - *new residential development*

- *development intended for use either exclusively or primarily by sensitive groups, including aged care, childcare, and medical facilities*
- *facilitate opportunities for investment and development of quality built-form and public place design across the Scheme area and public foreshore reserve interfaces that recognises the iconic location and heritage significance of Port Hedland's West End.*
- *provide a strategic planning framework to determine future land uses, considering all land use options, that takes into consideration physical, economic, social, and environment factors." (Refer Attachment 7 – Improvement Scheme Report).*

Dot point 3 above, is of relevance due to an emphasis placed on heritage value of the area, "*the iconic location and heritage significance of Port Hedland's West End.*" This means that some weight is placed on the heritage value of the area and components like the former high school building, that make up this area.

Subject to considering the application and the change to the Town's Heritage Inventory 2017, it is prudent that the application undergoes community consultation to gauge support change to the Heritage Inventory which will establish grounds for the demolition of the subject building.

Port Hedland West End Improvement Scheme Report

The Port Hedland West End Improvement Scheme Report outlines objectives and the

Strategic objectives identified in the Report are:

- *Development that recognises that Traditional Owners maintain a cultural and strategic interest in Port Hedland and their economic, cultural, and land use aspirations are acknowledged.*
- *Development appropriately recognises the importance of, and opportunities associated with, sites registered on the State Register of Heritage Places, in addition to sites identified in the Town of Port Hedland's Local Heritage Survey prepared under the Heritage Act 2018."*

Heritage Council WA and Department of Planning, Lands & Heritage

The following information has been provided about the functions of the State Heritage Council and DPLH regarding this heritage matter. Information has been provided on the DPLH, web site.

"The Heritage Council is the State Government's statutory advisory body on heritage. The Minister for Heritage appoints a nine-member Council to exercise powers provided under the Heritage Act 2018. The DPLH supports the Heritage Council and Minister for Heritage to identify, promote conservation and coordinate sensitive development of cultural heritage listed places in Western Australia. The Department carries out the Heritage Council's day-to-day operations, and service delivery.

The State Register of Heritage Places (the State Register) was established under the Heritage of Western Australia Act (1990) and continues under the Heritage Act 2018. This is a statutory list of places that represent the story of Western Australia's history and development. Entry in the State Register recognises the value and importance of a place and helps promote its conservation into the future. Heritage places are entered in the State Register following a rigorous assessment and registration process, which includes extensive consultation with owners, local governments and other stakeholders. The assessment considers a range of heritage values including the aesthetic, historic, scientific and social values of a place, in addition to its rarity, representativeness, condition, integrity and authenticity. The Department of Planning, Lands and Heritage (DPLH) manages this assessment and consultation process. Places that the Heritage Council consider meet the criteria for registration are recommended to the Minister for Heritage who decides if the place will be included in the State Register. There are over 1,300 places throughout Western Australia in the State Register.

The subject site was referred to DPLH in 2015 for assessment as part of the State disposal process, where it was found to not to meet the threshold for entry into the State Register. Whilst the building and properties may not be considered to have State significance, there may still be grounds for consideration of local significance and maintain its presence on the Heritage Inventory.

Issues for Consideration

There are several issues relevant to the above proposals, that require close consideration before decisions can be made. These issues are summarised as:

- The building is in poor condition, but it is unclear whether the building is irreparable, or the damaged / failing sections can be repaired to restore full use.
- The building has not been maintained or repaired over a long period of time.
- The conditions of the Management Order may not have been complied with or overseen adequately by holder or the landlords.
- The restoration cost estimates are unknown and options for retention of the building have not been provided as requested.
- The applicant has not explained how the development plan was prepared and if development options to retain the building were considered.
- The building is identified in the Town's Heritage Inventory 2017 as the first state school constructed for a developing community in 1906 and has cultural significance.
- There are many buildings/places within local governments in WA, that do not make the State register that are still considered significant and protected.
- The adopted Heritage Inventory 2017 has undergone a process of extensive public consultation. Any changes to the document should also be given similar consideration.
- The community should have an opportunity to comment on the proposal demolition of the former school building.

LEVEL OF SIGNIFICANCE

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

- Significant - Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.
- Significant - The extent to which the decision flows logically and consequently from a significant decision already made or from a decision in the strategic or annual corporate plans.

CONSULTATION

Internal

- Infrastructure Services (Engineering).
- Environmental Health Services.
- Building Services.

External Agencies

- Nil

Community

- Public consultation to be completed.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Heritage Act 2018*
- State Planning Policy 3.5 Historic Heritage Conservation (May 2007).
- Port Hedland West End Improvement Scheme No. 1.
- Port Hedland West End Improvement Scheme Report.
- Town of Port Hedland Local Planning Scheme No. 7.
- Town of Port Hedland Heritage Inventory 2017.

FINANCE AND RESOURCE IMPLICATIONS

Nil

STRATEGIC SUSTAINABILITY IMPLICATIONS

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

Our Community:

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

Our Economy:

2.4.4 Market and promote the local lifestyle of the Hedland community

2.5.3 Invest and develop key community and recreation infrastructure.

Our Built and Natural Environment:

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

Our Leadership:

4.1.3 A positive town narrative and a unique brand is developed and promoted.

Environmental – Nil

Economic – The property and building provide an opportunity to contribute to the broader story of the town and tourism.

Social – the property and building has been recognised as a significant contributor to the cultural heritage of the Town, being the first state school constructed in 1906, albeit a modest construction.

Access and Inclusion

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

- Outcome 2 – Buildings and Facilities
- Outcome 6 – Public Consultation

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Nil.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Operational
Risk Category	Reputational
Cause	Heritage Inventory 2017 has undergone a process of extensive public consultation. Any changes to the document should also be given similar consideration.
Effect (Consequence)	<ul style="list-style-type: none"> • Change to the significance category for the subject site under the Town’s Heritage Inventory 2017 will permit the demolition of the heritage building.

	<ul style="list-style-type: none"> Community loses confidence in Town’s ability to manage agreed local heritage if ad-hoc decisions are made, without community support and broader investigation.
Risk Treatment	Council support the recommendation as proposed.
<p>There is a reputational risk associated with this item caused by not giving adequate time to consider the consequences of changes to the Town’s Heritage Inventory and sufficient time to understand if there is community support for the changes and potential demolition of heritage building.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the Town providing adequate time for the community to be consulted on the proposals.</p>	

OPTIONS

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

CONCLUSION

The above information is presented to the Town to explain the implications of the request to down grade a property that has been noted as significant to the cultural heritage of the Town. It is recommended that the requests, to change the Town’s Heritage Inventory 2017 and the application to demolish and redevelop the land be subject community consultation. It is further recommended that the consultation be undertaken before a response is provided to the Volunteer Marine Rescue Port Hedland and the Department of Planning Lands and Heritage.

ATTACHMENTS

1. Attachment 1 - Extract Hedland Inventory 2017 [**12.3.6.1** - 2 pages]
2. Attachment 2 - VMR Letter Request Change Heritage Category [**12.3.6.2** - 2 pages]
3. Attachment 3 - Land Tenure Map [**12.3.6.3** - 1 page]
4. Attachment 4 - 10 Mc Kay St - Heritage Assessment [**12.3.6.4** - 50 pages]
5. Attachment 5 - Development Plans July 2023 V2 [**12.3.6.5** - 5 pages]
6. Attachment 6 - Structural Engineering Report 2023 V2 [**12.3.6.6** - 29 pages]
7. Attachment 7 - Improvement Scheme Report [**12.3.6.7** - 32 pages]

12.4 Infrastructure Services

12.4.1 Proposed Directional Signage for Spoilbank Marina

Author: Graduate Engineer

Authorising Officer: Director Infrastructure Services

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

CM202324/132 COUNCIL DECISION

MOVED: Cr Flo Bennett

SECONDED: Cr Ash Christensen

That Council endorses the directional signage plan for the Spoilbank Marina as per Option Two (2) of the officer report as outlined in Attachment 1.

CARRIED BY SIMPLE MAJORITY (8/1)

In Favour: Mayor Carter, Deputy Mayor Turner, Cr Eckhart, Cr Gillingham, Cr Keller, Cr Bennett, Cr Christensen, Cr Coles

Against: Cr Zielke

PURPOSE

The purpose of this report is for Council to consider two proposed options for the directional signage to the new Spoilbank Marina with a view to endorsing Option Two (2)

The directional signs will be strategically placed at key points along the road to assist visitors in finding their way to the marina. The clear and informative signs will help them easily follow the designed route, eliminating confusion, potential detours and avoid residential areas as far as practicable.

The signs used are indicative and are subject to modification when finalised. This council report is to decide on the preferred route which the signs will be placed on.

DETAIL

Main Roads WA developed two options for the directional signage route to Spoilbank Marina. These routes denote as; Option 1 (via short street) and Option 2(via Anderson Street). The two options (as detailed below) vary in terms of distance, road conditions, and surroundings. Refer attached for directional signage plan.

1. Option One: From Port Hedland Road (Wilson Street) right onto Short Street, right onto Anderson Street, left onto Unknown Road (Marina Road), right onto Sutherland Street, left onto Spoilbank Road.

2. Option Two: From Port Hedland Road (Wilson Street), right onto McGregor Street, left onto Anderson Street, right onto Unknown Road (Marina Road), right onto Sutherland Street, left onto Spoilbank Road.

The Town has carefully evaluated the route options and recommends Option Two (2) as the preferred directional signage plan. This report will discuss the necessity of directional signage and the associated benefits to the Town. The Officer's Preference for Option 2 is based on its safety and suitability, ensuring the best experience for visitors.

The Town in conjunction with Main Roads WA assessed the pros and cons of each option to determine the most appropriate recommendation. After carefully considering all the available options and Option Two (2) was chosen. The decision is based on various factors:

- Safety: Option Two (2) demonstrated a safer road environment compared to other routes. It has well-maintained road infrastructure, efficiency, traffic flow, and minimal accident records, making it a preferred option for both local commuters and tourists
- Suitable intersection: This route provides a well-maintained suitable intersection that ensures smooth access to the marina without any trouble. This intersection design was found to accommodate the anticipated traffic flow effectively.
- Efficiency: It provides a direct path to the Spoilbank Marina and offers improved traveller efficiency for visitors. It minimizes travel time, contributing to a positive experience for tourists and encouraging more visitors to explore the marina.

Option 1 is not recommended due to vehicles having more exposure to road trains on Wilson Street. The Town considers this a risk to driver safety and encourages drivers to take a route with less heavy vehicles.

The Council will consider a further report on the naming of the road between Anderson Street and Sutherland Street which is known as the Marina Haul Road. The road was built by Main Roads to enable heavy trucks to access the marina site.

LEVEL OF SIGNIFICANCE

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

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

CONSULTATION

Internal

- Director Infrastructure services
- Manager Infrastructure Projects & Assets
- Senior Project Engineer
- Manager Town Planning & Development

External Agencies

- Main Roads WA

Community

The Spoilbank Marina Project has had widespread community consultation over a number of years.

LEGISLATION AND POLICY CONSIDERATIONS

As per the local government local laws this is detailed in “Town of Port Hedland Public and Local Government Property Local Law 2016” – Part 6 – Activities In Thoroughfares, Division 6- signs erected by Local Government.

FINANCE AND RESOURCE IMPLICATIONS

The Town has operational budgets to cover the installation of signs. Main Roads WA covers the cost of signage on Wilson Street which is under the control of Main Roads.

STRATEGIC SUSTAINABILITY IMPLICATIONS

The following sections of the Town’s Strategic Community Plan 2018-2028 are applicable in the consideration of this item:

Our Community

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.

1.4.4 Community services and facilities are well promoted

Social – Encourages more people to visit and gather socially at the Spoilbank Marina

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

Access and Inclusion

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

- Outcome 3 – Accessible Information

Corporate Business Plan

The following action of the Town’s Corporate Business Plan 2018-2022 apply in relation to this item:

Our Community Actions:

1.d.3.2 Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town’s infrastructure.

RISK MANAGEMENT CONSIDERATIONS

Risk Type	Strategic
Risk Category	Service Interruption
Cause	Confusion and difficult to navigate to Spoilbank marina
Effect (Consequence)	Negative impression of the area, reduction of tourist satisfaction and traffic congestion on residential streets.
Risk Treatment	Install directional signage with effective route
<p>There is a Strategic, risk associated with this item. If the directional signage is not installed people may be confused and find it difficult to navigate to the Spoilbank Marina. This may lead to frustration, wasted time, and an unfavourable experience. The risk rating is considered to be Medium (8) which is determined by a likelihood of Likely (4) and a consequence of Minor (2).</p> <p>This risk will be eliminated by the installation of appropriate signage at the accurate location to navigate the way to reach the destination without any confusion/ delay.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

In conclusion, the selection of Route 2 as the primary access road to Spoilbank Marina reflects a careful consideration of safety, convenience, and compatibility for both tourist and residents. This route's design ensures smooth traffic flow, bolstered by clear signage that navigation for visitors and reduced disturbance for residents.

ATTACHMENTS

1. 304900952 P 0256 P 7 dwg spoilbank marina guide sign strategy 1 [**12.4.1.1** - 2 pages]

Cr Bennett declared an impartiality interest in relation to item 12.4.2. Cr Bennett has immediate family members working at the landfill.

12.4.2	Extended Trading Hours and Removal of After-Hours Skip Bins South Hedland Landfill
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Author: Senior Waste and Resource Recovery Officer

Authorising Officer: Director Infrastructure Services

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

CM202324/133 COUNCIL DECISION

MOVED: Cr Renae Coles

SECONDED: Cr Elmar Zielke

That Council:

- 1. Endorse the removal of the landfill after-hours skip bins and relocate to the transfer station within the Boundary of the South Hedland Landfill.**
- 2. Extend South Hedland Landfill daily operation hours from Monday 2 October 2023 to the following:**
Monday to Friday 7.00am to 4:30pm
Saturday & Sunday Inc Public Holidays 8.00am to 2.00pm
Public Holiday Closure:
 - Christmas Day
 - Good Friday
 - New Year’s Day

CARRIED BY SIMPLE MAJORITY (9/0)

PURPOSE

The purpose of this report is for Council to consider and approve recommendations to ensure the Town meets commercial demand for extended trading hours and continues to operate in line with its licence conditions and the Town’s Waste Management Strategy 2023-2028.

DETAIL

The Town is in the final stages of detailed design of the South Hedland’s Landfill transfer station including a tip shop, (Concept design approved OCM 26th July 2023). The future transfer station facility and removal of the skip bins outside of the licensing area will ensure the Town operates in line with its licensing conditions. The proposal is to resume Sunday trading hours allowing Port & South Hedland residents and commercial users access to the Landfill facility.

Temporary approval was granted by the Department of Water and Environmental Regulations (DWER) for the use of the after-hours skip bins subject to the construction of the Transfer station facility. This would cease when the transfer station was completed.

Major operational changes that have occurred including licence amendments to allow for acceptance of additional recyclables. Establishment of prominent recycling bays of white goods, E-waste, batteries, gas bottles and tyres encouraging the community to be aware of waste disposal & recycling options.

In previous years the Landfill operated 7 days a week, this was reduced around 2015 to cut operational costs as there was no commercial demand for a 7 day a week operation.

The removal of the skip bins and the increase in operating hours will enable most members of the community to still access the landfill.

LEVEL OF SIGNIFICANCE

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

- 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

- Waste and Services Team
- Work Health and Safety Team
- Environmental Services

External Agencies

- ASK Waste Management recommendations in Landfill Financial Review 2023/24 -
- RAWTEC -TOPH Waste Management Strategy 2022/2027
- Department of Water and Environmental Services

Community

- Town of Port Hedland South Hedland Landfill Commercial Customers.

LEGISLATION AND POLICY CONSIDERATIONS

- Work Health and Safety Act 2020
- Town of Port Hedland WHS Policy
- Western Australia Waste and Resource Recovery Strategy 2030
- Work Health and Safety Regulations 2022
- Town of Port Hedland Waste Management Strategy 2022-2027

FINANCE AND RESOURCE IMPLICATIONS

Current finance and resources implications

- Approval to use the after-hours bins was temporarily granted by DWER subject to the construction of the Transfer Station to be facility. Extended use of the facility breaches the Towns licence condition for operating within the Landfill boundary.
- Commercial operators are disposing of waste after-hours evading charges resulting in lost revenue for the Town.



- Hazardous waste being disposed of after-hours is a risk to the landfill staff handling the materials and consequentially increases the Town's cost in managing the risk.



- Residential customers using the internal transfer station will remove the risk of heavy and light vehicle interaction.
- There's significant operational expenditure involved in managing the afterhours skip bin. Removal of after-hours bins will provide immediate savings.

There are no significant financial and resource implications relating to this item being adopted other than:

The removal of after-hours skip bins may cause illegal dumping at the after-hours skip bin area. However, this can be mitigated through public education, provision of sufficient notice prior to removing skip bins and effective communication strategies.

Costs associated with extended trading hours and staffing of transfer station have already been allocated for in the 2023/24 budget as per workforce planner.

STRATEGIC SUSTAINABILITY IMPLICATIONS

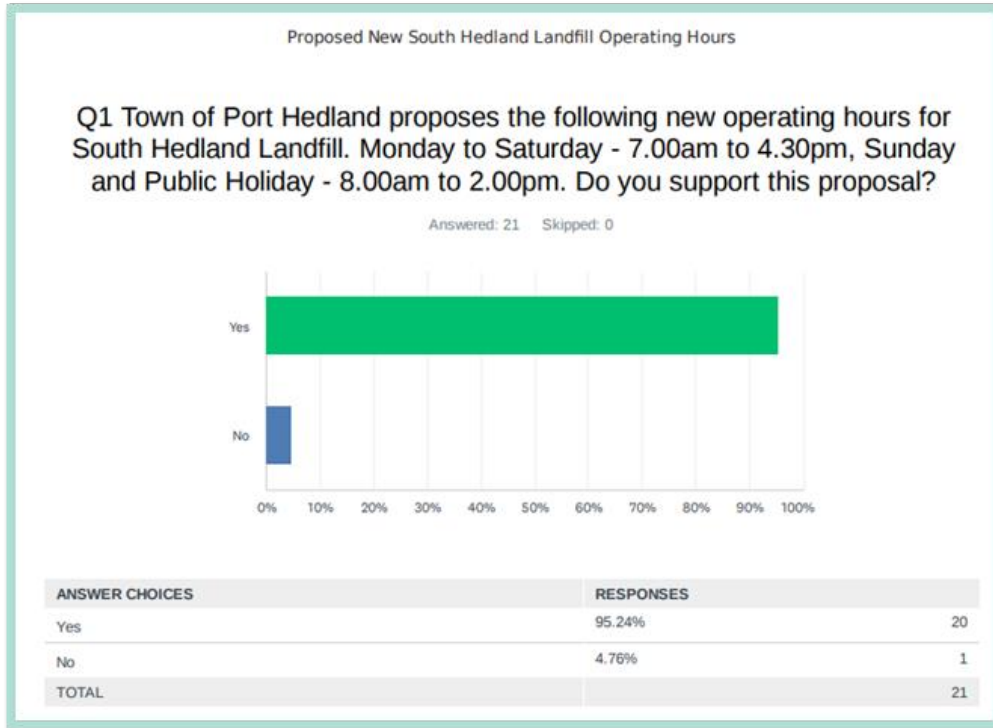
The following section of the Town's Strategic Community Plan 2022-2032 is applicable in the consideration of this item:

Our Community:

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

Current strategic sustainability implications relating to facility standard and community needs.

- The Waste & Services team conducted a survey of its commercial customers to assess the viability of trading on a Sunday with the majority supporting the proposal.



Our Built and Natural Environment:

3.2.3 Provide and promote sustainable energy, waste and water management practices.

Current environmental implications

- After hours skip bin area is unsupervised and therefore does not promote waste separation and material recovery - a key objective in the Western Australia’s Waste Avoidance and Resource Recovery Strategy 2030 towards becoming a sustainable, low –waste, circular economy in which human health and the environment are protected from the impacts of waste.



Our Leadership:

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

There are no significant identifiable environmental, social or economic impacts relating to adoption of 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
- Outcome 5 – Opportunities for Feedback

Corporate Business Plan

The following actions of the Town's Corporate Business Plan 2018-2022 apply in relation to this item:

Our Built and Natural Environment Actions:

3.b.2.3 Undertake regular reviews of Town facilities to ensure that they are safe for public and staff.

Current safety implications pertaining to this item.

- The after-hours facility attracts users at all hours of the night including antisocial behaviour & criminal activity that has been captured on CCTV & reported to the Town by WA police.
- There's a risk to the Town of the public accessing the skip bins without PPE. (Dumpster diving).
- Hazardous waste being disposed of after-hours is a risk to the landfill staff handling the materials and consequentially increases the Town's cost in managing the risk.
- Residential customers using the transfer station will remove the risk of heavy and light vehicle interaction.
- There is a need to improve site safety by creating a clear point of separation for residential & commercial facility users.
- Landfill staff spend approx. 2hrs a day cleaning waste that has been removed from the bins overnight or dumped illegally not in the bins provided posing a risk to town staff.

3.b.3.2 Promote sustainable initiatives which encourage waste avoidance, reduction, recovery and reuse.

- Relocating the after-hours bins to the internal transfer station will offer the Town the opportunity to educate to the public on waste separation and recycling supporting the Towns efforts towards creating a sustainable environment.

- Disposal of waste within the Landfill boundary will enable the community to be aware of available waste disposal & recycling options such as white goods, electronic waste (E-waste), batteries, gas bottles, sharp containers, flares, tyres, EPIRBS etc.

Our Leadership Actions:

4.b.3.2 Develop, implement and review a risk management framework.

There are current inherent issues associated with this item that can be addressed with adoption of the officer’s recommendation.

RISK MANAGEMENT CONSIDERATIONS

There is no significant risk associated with the proposed changes.

The Town, however, will continue to be exposed to operational and WHS risks detailed above and summarized in the table below which can be eliminated by adoption of the Officer’s recommendation.

Risk Type	Operational WHS
Risk Category	Health & Safety Financial Compliance Reputational Environmental
Cause	Operation of after-hours skip bins area
Effect (Consequence)	Risk to public accessing after-hours skip bins without PPE. (Dumpster diving). Risk to landfill staff handling hazardous waste disposed of after-hours. Non-compliance to licence condition Missed opportunity for waste separation and resource recovery from waste Antisocial behaviour & criminal activity Risk from heavy and light vehicle interaction
Risk Treatment	Removal of after-hour skip bins
<p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be eliminated by the removal of after-hours skip bins and extension of South Hedland Landfill trading hours to include Sunday trading.</p>	

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

CONCLUSION

In Australia, the way in which waste is managed is fast maturing, gone are the days customers can present to a waste management facility without separating their waste and allowing it to be recycled. Reducing the need for landfilling & increasing the opportunity for repurposing of materials supports a circular economy.

Being a regional local government poses its challenges, however all waste streams generated by our community need to be managed responsibly.

ATTACHMENTS

1. To PH Waste Strategy 22 June 22 [**12.4.2.1** - 38 pages]
2303 - Landfill Economic Review F Y 2023-24 3 A [**12.4.2.2** - 12 pages]

12.5 Executive Services

Nil

13 Motions of Which Previous Notice have been given

Nil

14 New Business of an Urgent Nature (Late Items)**14.1 New Business of an Urgent Nature (Late Items)****CM202324/134 COUNCIL DECISION****MOVED: Mayor Peter Carter****SECONDED: Cr Elmar Zielke**

That Council consider the confidential report of the CEO's performance review as a late item of urgent business and that the matter be considered under item 15 "Matters of which the meeting will be closed" (confidential matters).

CARRIED BY SIMPLE MAJORITY (9/0)

15 Matters for Which Meeting May be Closed (Confidential Matters)

CM202324/135 COUNCIL DECISION

MOVED: Deputy Mayor Tim Turner

SECONDED: Cr Renae Coles

That Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995, to consider item 15.1, 15.2, 15.3 and 15.4.

CARRIED BY SIMPLE MAJORITY (9/0)

Cr Bennett declared a Financial interest in relation to item 15.1 Cr Bennett is employed as agent for Travel Manager.

Cr Bennett left the room at 8:16pm.

15.1	Flight incentive partnership with Port Hedland International Airport (PHIA)
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CM202324/136 COUNCIL DECISION

MOVED: Cr Elmar Zielke

SECONDED: Deputy Mayor Tim Turner

That Council:

- 1. Notes that the Town is expected to receive a financial benefit from the "Upside Sharing Deed" with the Port Hedland International Airport over the next six financial years.**
- 2. Authorises the CEO to enter into a partnership with the Port Hedland International Airport to incentivise and facilitate Brisbane and Bali flights based on the provision of the services and payment schedule listed in the body of this report.**
- 3. Pursuant to section 6.8 of the *Local Government Act 1995* adopts the following amendment to the Town of Port Hedland Annual Budget 2023/2024:**

Description	Current Budget	Revised Budget	Change
Income Generated from Upside Sharing Deed	-	66,000	66,000
Transfer to Airport Reserve	-	(66,000)	(66,000)
Net	-	-	-

- 4. Notes that payment is only made upon commencement of flights and continuation of flights to the applicable destination. Payments are not to be made until such time as income from the Upside Sharing Deed is received.**

CARRIED BY SIMPLE MAJORITY (5/3)

In Favour: Mayor Carter, Deputy Turner, Cr Zielke, Cr Keller, Cr Coles

Against: Cr Christensen, Cr Eckhart, Cr Gillingham

Cr Coles left the meeting at 8:17pm

Cr Coles returned to the meeting at 8:18pm

Cr Bennett returned to the meeting at 8:18 pm

15.2 Market Led Accommodation Proposal**CM202324/137 COUNCIL DECISION****MOVED: Cr Ash Christensen****SECONDED: Deputy Mayor Tim
Turner****That Council:**

- 1. Notes the concept plans developed by Pacific Partnerships Lty Ptd for the land parcel identified in confidential attachment 1.**
- 2. Authorise the CEO or his delegate to acquire freehold or leasehold tenure over the parcel of land indicated in confidential attachment 2 from the State of Western Australia.**
- 3. Authorise the CEO or his delegate to enter into exclusive negotiations with Pacific Partnerships Pty Ltd and agreement to lease (or sub-lease) the land parcel (subject to State approval) indicated in confidential attachment 2.**
- 4. Notes that any agreement will need to be brought back to Council as a Major Land Transaction Business Plan for endorsement.**
- 5. Agrees to progress land-use planning for the area around the land parcel, aligned to concept plans presented in confidential attachment 3.**

CARRIED BY SIMPLE MAJORITY (9/0)

Cr Zielke and Cr Eckhart declared a Financial interest in relation to item 15.3 as they both own shares in De Grey Mining.

Lee Furness, Director Infrastructure Services, declared a Financial interest in relation to item 15.3.

Cr Zielke and Cr Eckhart left the room at 8:38pm

15.3	Community Contribution Deed - De Grey Mining
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CM202324/138 COUNCIL DECISION

MOVED: Deputy Mayor Tim Turner

SECONDED: Cr Renae Coles

That Council:

- 1. Endorses the Community Contribution Deed included as Confidential Attachment 1;**
- 2. Authorises the CEO or his delegate to sign and execute the Community Contribution Deed as per Confidential Attachment 1; and**
- 3. Advises De Grey Mining that it will now cease all current action in relation to the mining tenements associated with the Hemi/Mallina Gold project.**

CARRIED BY SIMPLE MAJORITY (7/0)

Cr Zielke and Cr Eckhart returned at 8:40pm.

CEO and Staff left room at 8:45pm

15.4	Chief Executive Officer Performance Review
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CM202324/139 COUNCIL DECISION

MOVED: Cr Ash Christensen

SECONDED: Deputy Mayor Tim Turner

That Council, pursuant to sections 5.38 and 5.39 of the Local Government Act 1995:

- 1. Notes the appraisal of Mr Carl Askew, Chief Executive Officer, has been completed for the period of December 2022 to June 2023.**
- 2. Endorse the findings of the Summary Report as presented by Price Consulting Group (attachment 1), and thanks Mr Askew for his efforts.**
- 3. Notes that the next review period will be 1 July 2023 to 30 June 2024, allowing for the review to be undertaken in July 2024 and submitted to the Council meeting in August 2024.**
- 4. Approves an increase of 3% to the salary (cash) component of Mr Askew's Total Remuneration Package, effective 1 July 2023, in line with the recommendation of the Salaries and Allowances Tribunal Determination of April 2023.**
- 5. To retain the regional isolation allowance at the current level of \$60,000.**
- 6. Notes that the Committee and CEO will meet for an informal check-in with the panel, in November/December 2023, in accordance with the CEO Performance Review Committee's Terms of Reference.**
- 7. Approves the CEO's Performance Criteria for the 2023-2024 period, as per the Attachment.**
- 8. Undertake a review of the CEO performance review working group terms of reference and report back to the Council at the September 2023 Ordinary Meeting of the Council.**

MOTION CARRIED BY ABSOLUTE MAJORITY (5/4)

*In Favour: Cr Christensen, Cr Eckhart, Cr Coles, Cr Gillingham, Cr Bennett
Against: Mayor Carter, Deputy Mayor Turner, Cr Zielke, Cr Keller*

CEO and Staff returned at 9:43pm

CM202324/144 COUNCIL DECISION**MOVED: Deputy Mayor Tim Turner****SECONDED: Cr Elmar Zielke****That Council reopen the meeting to members of the public.*****CARRIED BY SIMPLE MAJORITY (9/0)***

9:44pm The Presiding Member declared the meeting open to members of the public and read aloud the decisions of Council made whilst behind closed doors.

16 Closure**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 27 September 2023 commencing at 5:30 pm.

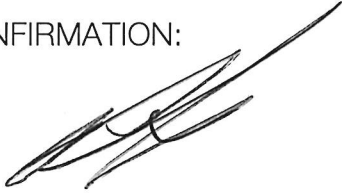
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 9:46pm.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting of Electors on 27 September 2023.

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a stylized, illegible name.

PRESIDING MEMBER

27/09/2023
DATED