



# MINUTES

## Ordinary Council Meeting Wednesday, 29 March 2023

**Date:** Wednesday, 29 March 2023

**Time:** 5:30pm

**Location:** Civic Centre  
McGregor St  
Port Hedland

**Distribution Date:**

A handwritten signature in black ink, appearing to be the name of the Mayor.

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Mayor

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**Item 1 Opening of Meeting**

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The Presiding Member declared the meeting open at 5.30 pm.

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

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The Presiding Member acknowledged the Kariyarra people as the Traditional Custodians of the land that we met on and recognised their strength and resilience and he paid his respects to elders past, present and emerging.

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**Item 3 Recording of Attendance**

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*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  
Cr Ash Christensen  
Cr Flo Bennett  
Cr Jason Keller

**Scheduled for Attendance:** Carl Askew (Chief Executive Officer)  
Karren MacClure (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Tom Kettle (Manager Governance)  
Hilary McLean (Governance Advisor)  
Rhiannon Smith (Governance Support Officer)  
Karen Krollig (Governance Support Officer/Minute Taker)

**3.2 Attendance by Telephone / Instantaneous Communications**

Cr Renae Coles

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### 3.3 Apologies

Nil

### 3.4 Approved Leave of Absence

Cr David Eckhart

### 3.5 Disclosure of Interests

Nil

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## Item 4 Applications for Leave of Absence

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### APPLICATION FOR LEAVE OF ABSENCE

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#### CM202223/012 COUNCIL DECISION

MOVED: CR BENNETT

SECONDED: CR GILLINGHAM

That Council approve the following applications for leave of absence:

- Deputy Mayor Turner for the period 6 April 2023 until 24 April 2023.
- Councillor Gillingham for the period 6 April 2023 until 23 April 2023.
- Councillor Christensen for the period 17 April 2023 until 23 April 2023.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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## Item 5 Response to Previous Questions

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Nil

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## Item 6 Public Time

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### *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 5.33 pm.

**6.1.1 MORAG LOWE**

*I just noticed on the agenda that there are items referring to a number of conferences that Councillors may or may not attend going forward in Canberra, Darwin, Brisbane, Perth and Toowoomba. Historically, when Members returned from these conferences on behalf of ratepayers, they always reported back to the Council and this was recorded as well, so ratepayers would actually know what they learned and what would be relevant to this town. I noticed on this agenda that any attendees are to report back to the CEO. I assume this has been the custom of this Council for quite a while, could we please get the CEO to report to the meeting; so that ratepayers can know the outcome of their attendance?*

The CEO provided the following response:

The question was Taken on Notice for the CEO to discuss with Council.

The Presiding Member declared Public question Time closed at 5.35 pm.

**6.2 Public Statement Time**

The Presiding Member declared Public Statement Time open at 5.36 pm.

The Presiding Member declared Public Statement Time closed at 5.36 pm.

Cr Coles joined the Ordinary Council Meeting, via Teams at 5:39pm

**6.3 Petitions/Deputations/Presentations/Submissions****6.3.1 OWEN HIGHTOWER, DIRECTOR RFF AUSTRALIA IN RELATION TO ITEM 12.3.4 - TEMPORARY APPROVAL OF WORKFORCE ACCOMMODATION (FORMER PORT HEDLAND DETENTION CENTRE) AT LOT 2 (NO.15) DEMPSTER STREET, PORT HEDLAND**

Owen Hightower, Director of RFF Australia spoke in relation to Agenda Item 12.3.4, in favour of the amended Officer's Recommendation.

**6.3.2 DAVID MAIORANA AND SAM BOWERS TOWN PLANNERS FROM ROWE GROUP IN RELATION TO AGENDA ITEM 12.3.5 - JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED RESOURCE RECOVERY CENTRE (TYRE RECYCLING AND PROCESSING FACILITY) LOTS 100 (NO. 22) AND 1807 (NO. 20) MOORAMBINE STREET, WEDGEFIELD**

David Maiorana and Sam Bowers Town Planners from Rowe Group spoke in relation to Agenda Item 12.3.5, in favour of the amended Officer's Recommendation.

\*\*\* This deputation was interrupted and discontinued due to technical difficulties

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**Item 7 Questions from Members without Notice**

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**7.1 CR JAN GILLINGHAM**

Cr Jan Gillingham made the following statement:

*Through the Chair, with the Civic reception we had for the Prime Minister and Members of Cabinet on the 21<sup>st</sup> of February, it was disappointing that we, as Councillors, were not acknowledged on the day. We are the leaders of our Town and it would have been very nice to have met the Prime Minister officially. Could we please make note of that when we have Civic receptions of this calibre, just to remind us and everybody that we are the leaders of the Town. I just think we could have done it better.*

Cr Jan Gillingham asked the following question:

*I see in your announcements by presiding member, that on the 21<sup>st</sup>, it doesn't say whether it's State or Federal Government, that you spoke with the Housing Minister?*

The Mayor responded:

It was Federal, I'll update it for you, Councillor.

Cr Jan Gillingham asked the following question:

*I was very interested because it was the Housing Minister, and also the Assistant to the Prime Minister and also because Mark McGowen was in Town, have you Mayor, let these Ministers know about your multitudes of housing that you're having built in Vietnam and have established in Port Hedland, have you managed to get through to them yet, that this is what you're doing and what is the update on your houses, please?*

The Mayor responded:

I'm not building any houses in Vietnam at all. Thank you.

Cr Jan Gillingham asked the following question:

*BHP across the road from the Campbell's; that has mould in it and people have had to move out, that is just going to rack and ruin. What is happening with that? I asked about a timeline for that tonight.*

The Mayor responded:

That question will be taken on notice.

**7.2 CR ASH CHRISTENSEN**

Cr Ash Christensen asked the following question:

*One request, in Item 8 – Announcements by Presiding Member without Discussion – could we have another column next to the Attendance column, added that will let us know if the meetings are going to be for discussion, what we can ask about and not ask about if we have questions?*

The Mayor responded:

All meetings are generally private.

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**Item 8 Announcements by Presiding Member without Discussion**

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

Date	Meeting	Attendance
2/02/2023	Joint Development Assessment Panel – 6 storey residential development, Lot 1011 & 1005 McLarty Bvd, South Hedland	Attended
2/02/2023	Radio chat with Ecky	Radio Interview
9/02/2023	Radio chat with Ecky	Radio Interview
10/02/2023	Triple M media interview – PMs visit	Radio Interview
13/02/2023	Elected Member Site Tour – Proposed Dempster St TWA	Attended
14/02/2023	Preston Consulting – HBI Project update	Attended
15/02/2023	Dept. Home Affairs	Attended
16/02/2023	WALGA Pilbara Zone meeting	Attended
16/02/2023	Radio chat with Ecky	Radio Interview
20/02/2023	Sky New Australia interview – PM Visit	Attended
21/02/2023	Federal Cabinet Reception	Attended
21/02/2023	Meeting with Prime Minister & Minister Infrastructure	Attended
21/02/2023	Meeting with Housing Minister	Attended
21/02/2023	Meeting with Assistant Minister to the PM, Minister for Youth	Attended
22/02/2023	Meet with Alkemy – Lithium Processing Plant update	Attended
22/02/2023	February OCM 2023	Attended
23/02/2023	Radio chat with Ecky	Radio Interview
23/02/2023	Hedland Community Road Safety Group	Attended
24/02/2023	WALGA Effective Community Leadership Course	Attended



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**Item 9     Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

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

Mayor Peter Carter  
Deputy Mayor Tim Turner  
Cr Renae Coles  
Cr Elmar Zielke  
Cr Jan Gillingham \*  
Cr Ash Christensen  
Cr Flo Bennett  
Cr Jason Keller

*\* Cr Jan Gillingham made the following statement:*

*Through the Chair, except for the amendments that came through at 4:23 PM this afternoon, I haven't had a chance to look through all the extra attachments.*

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**Item 10     Confirmation of Minutes of Previous Meeting**

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**CM202223/013 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: DEPUTY MAYOR TURNER**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 22 February 2023 are a true and correct record.

***CARRIED BY SIMPLE MAJORITY (8/0)****Disclaimer*

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

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**Item 11 Reports of Committees**

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**11.1 2022 COMPLIANCE AUDIT RETURN**

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

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CM202223/014 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR BENNETT

That Council:

1. Notes the areas of non-compliance in the 2022 Compliance Audit Return;
2. Notes the actions the Town will undertake to ensure future compliance;
3. Adopts the 2022 Compliance Audit Return; and
4. Authorises the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2022 to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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#### PURPOSE

The purpose of this report is for Council to consider the Town's 2022 Compliance Audit Return (CAR).

#### DETAIL

Each calendar year all Western Australian Local Government Authorities are required to undertake a compliance audit and forward the results to the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March of the following year. The CAR is a self-assessment undertaken by each local government referring to its levels of compliance with the *Local Government Act 1995* and subsidiary regulations.

A local government's Audit Committee is required to review the CAR and report the results of that review to the Council prior to adoption by Council. The Town will then request for Council's approval to submit the CAR to the Department by 31 March 2023.

The CAR is one of the tools utilised by the Department to monitor how the local government functioned throughout the previous calendar year from a compliance perspective. It identifies areas of non-compliance that provide guidance to officers as to where processes may be reviewed to ensure improved compliance.

The Audit, Risk and Insurance business unit undertook a thorough review to carry out the compliance audit and the findings have been recorded in the CAR.

The Town achieved a compliance rate of 95% for the 2022 calendar year.

For the 2022 calendar year, the Town of Port Hedland was non-compliant with the following:

Number	Reference	Question	Comments
Delegation of Power/Duty 9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	12 written delegation memos were not provided to employees at the time, however, have subsequently been provided to the employee. Implementation of new Governance software is expected to improve compliance.
Disclosure of Interest 4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Not all primary returns were lodged within 3 months of the relevant persons start date, however, have subsequently been provided to the Town by the relevant person. Implementation of new Governance software is expected to improve compliance.
Disclosure of Interest 5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022?	2 annual returns were not received by the Town from former Elected Members despite efforts to rectify. The Town's offboarding processes have been tightened and the implementation of new Governance software is expected to improve compliance.
Disclosure of Interest 21	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	No. The code of conduct for employees has since been published on the website.
Elections 3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	The electoral gift register was maintained and kept internally, however, was not published to the local government's official website as the successful candidate did not make any disclosures.

<p>Tenders 2</p>	<p>s3.57 F&amp;G Reg 11</p>	<p>Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?</p>	<p>The Town engaged a labour hire contractor however the value of services accrued over the period exceeded tender threshold value.</p>
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**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, due to likely consequences arising from non-compliance, potential to impact the Town’s ability to deliver services, impact to the reputation of the Town of Port Hedland and general interest by the community in the compliance capability of the business operations of the Town of Port Hedland.

**CONSULTATION**

*Internal*

- Executive Leadership Team
- Manager Governance
- Manager Financial Services
- Manager Human Resources
- Governance Department

*External Agencies*

- Department of Local Government, Sport and Cultural Industries.

*Community*

- Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 7.13(1)(i) of the *Local Government Act 1995* requires local governments to carry out an audit of compliance with such statutory requirements.

Regulation 14 of the *Local Government (Audit) Regulations 1996* outlines the period of time, the form and the process of the compliance audit. The compliance audit is required to be reviewed by an Audit Committee and then reported to Council.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications related to this item.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.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.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the Town will not be compliant if the CAR is not adopted by Council or submitted to the Department by 31 March 2023. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

This risk will be eliminated by adopting the officer's recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Do not adopt officer's recommendation*

## CONCLUSION

The CAR is a mandatory obligation required from all local governments for statutory compliance. The CAR provides the Town an opportunity to check its processes and determine whether it is compliant and report the results of the review to the Department. It is recommended that Council adopt the 2022 CAR and authorises the Mayor and Chief Executive Officer to sign and submit the Town's Compliance Audit Return 2022 to the Department of Local Government, Sport and Cultural Industries by 31 March 2023. .

## ATTACHMENTS

1. 2022 Compliance Audit Return (Draft) (under separate cover)

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**Item 12 Reports of Officers**

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**12.1 Corporate Services****12.1.1 LOCAL GOVERNMENT ORDINARY ELECTION 2023**

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

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**CM202223/015 COUNCIL DECISION****MOVED: CR ZIELKE****SECONDED: CR BENNETT**

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the 2023 Local Government Ordinary Election together with any other elections or polls which may also be required;
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the 2023 Local Government Ordinary Election together with any other elections or polls which may also be required as postal elections or polls; and
3. An allocation of \$78,900 be included within the 2023/2024 Annual Budget for the associated costs of the 2023 Local Government Ordinary Election.

***CARRIED BY ABSOLUTE MAJORITY (8/0)***

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**PURPOSE**

The purpose of this report is for Council to declare that West Australian Electoral Commission (WAEC) be responsible for the conduct of the 2023 Local Government Ordinary Election and allocate \$78,900 in the 2023/24 budget for the associated costs of the election.

**DETAIL**

Local Government Ordinary elections (Election) take place on the third Saturday in October every two years as prescribed by the *Local Government Act 1995*. The next Election will be held on 21 October 2023, to fill four Councillor vacancies. The term of office for the successful candidates will be four years.

The Town of Port Hedland (the Town) has previously engaged the WAEC to conduct its elections held in 2011, 2013, 2015, 2016, 2017, 2020 and 2021. The Town has received a letter with estimated cost from the WAEC (attachment 1).

*Composition of the Council:*

The Town has nine Councillors, consisting of one popularly elected Mayor and eight Councillors. The four Councillor terms that end on 21 October 2023 are:

- Councillor Renae Coles,
- Councillor Jan Gillingham,
- Councillor Jason Keller, and
- Councillor Elmar Zielke

Councillor Jason Keller was elected in an Extraordinary Election in 2022 due to the resignation of Councillor Warren McDonogh. This position must be vacated and recontested at the October 2023 election.

#### *Appointment of WAEC*

The CEO of the Local Government is required to be the election returning officer, unless the Electoral Commissioner is appointed by the Council under section 4.20(4) *Local Government Act 1995*.

The returning officer's functions are set out in section 4.23 *Local Government 1995* including:

- Conducting the election,
- Ensuring processes are carried out in a fair and impartial manner,
- Appointing staff and ensuring they are trained in their duties,
- Ensuring security of electoral rolls, ballot papers and ballot boxes,
- Ensuring preparations are complete and timely,
- Providing materials and equipment to ensure smooth running of the election,
- Being the primary contact for enquiries about electoral processes,
- Managing and resolving complaints, and
- Maintaining records.

The Department of Local Government Sport and Cultural Industries (DLGSC) provides a Returning Officer Manual (the Manual) for each election. The 2021 Manual (available on DLGSC website) outlines the election processes and procedures that are required to be followed and some resources to assist a CEO to undertake the role. The DLGSC Director General, Lanie Chopping outlines in the forward of the 2021 Manual,

'To maintain public confidence in the democratic process, elections must be run to the highest standards of fairness and propriety. It is the returning officer's responsibility to ensure those standards are achieved.'

Conducting the election internally through the CEO requires consideration of the resources required to undertake the role, including staff time, electoral materials (from ballot boxes to vote counting software systems) and postage and whether the technical skills and experience are available within the local government.

The WAEC were appointed to run 98 of 137 WA Local Governments elections in 2021, ranging from large Band 1 councils (Joondalup, Rockingham, Albany and Karratha) to mid-size Band 2 (South Perth, Broome and Ashburton) to band 3 or 4 (Exmouth, Claremont and Shark Bay). The number of Local Governments appointing the WAEC has increased from 82 in 2015 and this trend is likely due to the increasing complexity of the election process.

The 2021 Local Government Ordinary Elections, Election report April 2022 pages 3-21, cites increases in support for candidates (including briefings, profile builder and queries), average participation in voting and the intensity of candidate behaviour (enthusiasm for democracy and complaints). The move to Optional Preferential Voting will add complexity to the counting process and is outlined later in this report.

High profile cases of election misconduct have furthered the case for elections to be managed independently by the WAEC. For example, the 2020 'Report of the Inquiry into the City of Perth,' detailed cases of sham lease arrangements and fraudulent postal arrangements and the 2021 Court of Disputed returns declaration that the Serpentine-Jarrahdale North Ward election was invalid due to ballot theft. These cases highlight the importance of appointing an experienced full time returning officer, supported by the Electoral Commissioner and their office, as a prudent to minimise the risk of electoral fraud and misconduct.

Quantifying the cost for the Administration to conduct our election (with accuracy) is not straight forward but it is likely not to represent a significant saving to Council. In addition the added issues related to the Administration conducting the election (internal) as opposed to the value of an external competent (independent) provider leads officers to support the recommendation to the WAEC.

### *Method of Voting*

In accordance with Section 4.61(1) of the Local Government Act 1995, the election can be conducted as a:

- **Postal election** which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
- **Voting in person** election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

In local government elections the preferred method of voting is via postal election, as it attracts a higher voter turnout when compared to voting in person and increases community confidence the election is being conducted impartiality.

Postal elections also allow voters the convenience of posting their vote in the mail before Election Day. Alternatively, voters can hand-deliver their postal votes in person at the Civic Centre prior to Election Day, or at a polling place on Election Day.

Votes that are cast in a postal election are counted and electronically recorded as they are received by Australia Post, before they are delivered to Port Hedland.

Postal voting was introduced in Port Hedland in 2011, as statistics provided by the WAEC have shown that this is a method which generally increases voter participation in a non-compulsory election.

Data below shows that participation has increased from 25.4% to a high of 37.5% since 2007.



Year	Type of Election		Conduct of Election	Electors	Votes	Participation rate
2007	Ordinary	Councillor	In person	5,439	1,384	25.4%
2009	Ordinary	Mayoral	In person	5,621	932	16.2%
2011	Ordinary	Councillor	Postal	5,546	1,544	27.2%
2012	Extraordinary	Councillor	Postal	5,532	1,427	25.8%
2013	Ordinary	Mayoral	Postal	5,822	2,052	35.2%
2015	Ordinary	Councillor	Postal	5,755	1,716	29.8%
2016	Extraordinary	Councillor	Postal	5,735	1,460	25.5%
2016	Extraordinary	Mayoral	Postal	7,225	1,874	25.9%
2017	Ordinary	Mayoral/ Councillor	Postal	7,666	2,875	37.5%
2020	Extraordinary	Mayoral/ Councillor	Postal	8,428	2,655	31.5%
2021	Ordinary	Mayoral/ Councillor	Postal	8,708	2,225	26.09%
2022	Extraordinary	Councillor	Postal	8,821	1,693	19.49%

*In-Person Election*

In-person voting is when an elector must make their vote on Election Day at a designated polling station. On Election Day at the polling station, electors must present their identification and be manually checked off the electoral roll before they can cast their vote.

If an elector is not available to vote in person on the day, electors may:

- Cast an **absent vote** at the office of another local government;
- Cast an **early vote** at the Civic Centre, or other location yet to be determined; or
- **Apply to be added to the Town’s ‘Postal Voters Register’**. If the application is accepted the elector will receive a postal vote in the mail prior to Election Day.

All votes cast in an in-person election are manually counted after the poll closes at 6:00pm.

WAEC statistics show that elections conducted by this method usually result in a lower response rate, which is a major factor in the Town’s administration recommending a postal election.

It is important to note the Civic Centre, Port Hedland, will be the polling place on election day.

*Local Government Act 1995 Reform Package*

The Local Government Bill 2023 was introduced to the WA Parliament on 23 February 2023, and it includes several changes for Local Government Elections:

- The introduction of Optional Preferential Voting (OPV) for all local government elections,
- Directly-elected Mayors and Presidents for Band 1 and 2 local governments,
- The abolition of wards for all Band 3 and 4 local governments, and
- Aligning the size of councils with the size of the population of each district.

The Town received a memorandum (attachment 2) from the Minister Housing and Local Government, Honourable John Carey MLA, outlining actions required to be taken by the town.

The Town is not required to make changes as a Band 1 Council that already directly appoints its Mayor and has an appropriate alignment of size to the population of the district.

Voting in Local Government elections has historically been first-past-the-post, where the elector casts a single vote or votes and the candidates who receive the most votes fill the vacancies in descending order (ie. four vacancies would be filled by top four candidate vote winners). The *Local Government Amendment Bill 2023* replaces the system of first-past-the-post electoral system with OPV.

OPV is similar to preferential voting used in State and Federal Elections, and for local government elections in other Australian states. OPV provides that electors can preference as many or as few candidates as they decide, and there will be no transfer of preferences other than the preferences electors mark on their ballot paper.

The *Local Government Amendment Bill 2023 Explanatory Memorandum* (the Bill) states:

*Clause 45 – Section 4.69 replaced*

*Clause 45 replaces section 4.69 to reflect how votes are cast. Section 4.69 introduces optional preferential voting by way of a single transferrable vote.*

*The optional preferential voting system provides for an elector to number the candidates on the ballot paper in the order of their choice. Electors may vote for just one candidate or provide preferences for some or all candidates.*

*The elector has control over their preferences and which candidate, if any, they are directed to.*

*Subsection (1) provides that this section sets out how a vote is to be cast.*

*Subsection (2) provides that an elector must cast a first-preference vote by writing on the ballot paper the number “1” in the square beside the candidate who is their first preference.*

*Subsection (3) provides that if there are 2 or more other candidates an elector may subsequently cast preference votes by providing additional numbers starting from “2” in sequence in the other boxes by candidates’ names on the ballot paper in the order of the elector’s preference.*

*Subsection (4) clarifies that an elector may cast preference votes but does not have to provide preferences for all candidates.*

*Subsection (5) requires regulations to be made to provide for the form of the ballot paper and it must have squares beside the names of the candidates.*

Clause 92 of the Bill establishes the framework for counting the votes under the OPV system, including that:

*For elections with a single vacancy, such as the election of the mayor or president, the optional preferential voting system operates in a similar way to elections for the Legislative Assembly. The key difference from the Legislative Assembly is that the elector does not need to express a preference for every candidate, it is optional.*

*For elections with more than one vacancy, the voting system becomes a system of proportional representation by a single transferrable vote, like that which is used for the Legislative Council. The votes are counted based upon a quota system meaning the elected candidates represent a proportion of the electorate.*

*The elector marks their ballot paper in an identical manner as a single vacancy, expressing a first preference and then any subsequent preferences that they wish.*

The Reform Bill will also introduce changes for the backfilling of vacancies, including:

- In the event that a member of the council is directly elected as the Mayor or President, the consequent vacancy can be filled by the next highest-polling candidate through the relevant district or ward council election held on the same day,
- If a vacancy arises within one year of a council member being elected at an ordinary election, that vacancy may be filled by the next highest-polling candidate, and
- The timeframes for which certain vacancies can remain unfilled ahead of an upcoming ordinary election will also be extended.

It is important to note that the Town is only impacted by the implementation of OPV and backfilling vacancies at this time, as a Local Government that has previously adopted a directly elected Mayor, abolished wards and has an appropriate alignment of council size with population.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because this matter impacts the majority of the ratepayers and residents of Port Hedland.

## CONSULTATION

### *Internal*

- Executive Leadership Team,
- Manager Governance, and
- Senior Financial Accountant.

### *External Agencies*

- West Australian Electoral Commission.

### *Community*

The Community will be engaged to participate in the 2023 Local Government Ordinary Election.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Local Government Act 1995*

#### 4.20 CEO to be returning officer unless other arrangements made.

(4) a local government may declare\* the Electoral Commissioner to be responsible for the conduct of an election,

\* *absolute majority required.*

4.61 Choice of methods of conducting election.

(2) the Local Government may decide\* to conduct the election as a postal election.  
 \*absolute majority required.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The WAEC have provided an estimate to conduct the election via postal vote, based on the following assumptions: <ul style="list-style-type: none"> <li>• 8,800 electors,</li> <li>• Response rate of approximately 30%,</li> <li>• 4 vacancies</li> <li>• Appointment of a local Returning Officer,</li> <li>• Count to be conducted in Port Hedland, and</li> <li>• Regular Australia Post delivery service to apply for the lodgement of the election packages.</li> </ul>	\$62,000
The WAEC have also proposed an additional cost for Postal Priority Service. It is recommended that the Town include this in the acceptance of the WAEC’s offer to ensure that the postal votes are received as early as possible by the voters.	\$1,900
An additional amount will also need to be factored into the 2023/24 budget for internal costs associated with conducting the election including candidate information sessions, advertising, Returning Officer’s travel / accommodation expenses and equipment costs.	\$15,000
<b>Total Estimated Expense:</b>	<b>\$78,900</b>

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

4.2 Transparent and accountable governance and financial sustainability

*Social*

Elections are a core element of democracy and underpin social sustainability.

*Access and Inclusion Plan*

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

**RISK MANAGEMENT CONSIDERATIONS**

There is a service interruption risk associated with this item because additional internal resources would be required to conduct the 2023 Election if the WAEC are not appointed. The risk rating is considered to be medium (6), which is determined by a likelihood of likely (4) 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

It is recommended that Council appoint the WAEC to conduct the 2023 Local Government Ordinary Election by way of a postal vote on behalf of the Town, to ensure that the election is conducted independently and without detrimental impact to service delivery.

## ATTACHMENTS

1. Letter to CEO from Electoral Commissioner (under separate cover)
2. Memorandum to Local Government CEOs on Election Arrangements (under separate cover)

**12.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2023**

**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.

**CM202223/016 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**That Council pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receive the Statement of Financial Activity for the period ended 31 January 2023 (see Attachment 1);
2. Receive the Material Variance Report (see Attachment 2);
3. Note the Accounts paid under delegated authority for the period ended 31 January 2023 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 31 January 2023 (see Attachment 4).

***CARRIED BY SIMPLE MAJORITY (8/0)*****PURPOSE**

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 January 2023. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

**DETAIL**

The information provided in this report is for the period ended 31 January 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of Notes 1-16 prepared by the Town of Port Hedland (the "Town").

The statements are based on simpler and more streamlined financial reporting as recommended by the Office of the Auditor General and Department of Local Government, Sport and Cultural Industries. Initial changes to align with the recommendations have been implemented from 1 July 2023, with measures designed to be in full effect by the end of the 2023-2023 financial year. The main change thus far has been the removal of the presentation of Financial Activity by the programme.

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 2023/2023 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 31 January 2023 is a surplus of \$31.78M.

The breakdown of the cash position is displayed below:

	2023/23 Actuals
Current Assets: Cash and Investments	\$187.62M
Restricted Cash – Reserves	\$155.24M
<b>Unrestricted Cash Position as at 31 January 2023</b>	<b>\$32.38M</b>

### *Previous Decisions*

The Statements of Financial Activity are presented to Council each month for noting

### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is of low significance, because this report is presented to Council for information purposes only.

### CONSULTATION

#### *Internal*

- All consultation and engagement are 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.

### FINANCIAL AND RESOURCES 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 AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2023-2032 is applicable in the consideration of this item:

4.2 Transparent and accountable governance and financial sustainability

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

## RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in Policy 1/022 'Risk Management', the level of risk is considered to be Medium (6) .

There is a financial risk associated with this item because a reduction in income or increase in expense throughout the 2023/23 financial year could impact on the Town's ability to meet service levels or asset renewal funding requirements. 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 \$31.78M.

## ATTACHMENTS

1. Monthly Statement of Financial Activity - January 2023 (under separate cover)
2. Material Variance Report - January 2023 (under separate cover)
3. Payments Made Under Authority - January 2023 (under separate cover)
4. Credit Card Statements - January 2023 (under separate cover)



12.2 Community Services

Nil

At 5:56 pm, Cr Renae Coles left the meeting.

At 5:57 pm, Cr Renae Coles returned to the meeting.

### 12.3 Regulatory Services

#### 12.3.1 WILSON STREET SHARED PATHWAY - PROPOSED LICENCE UNDER SECTION 91 OF THE LAND ADMINISTRATION ACT 1997 FOR THE PURPOSE OF CONSTRUCTION

**Author:** Building Surveyor  
**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.

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#### CM202223/017 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council in relation to the section 91 Licence for the access, construction and maintenance of the footpath, indemnifies and will keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 (Cth) which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the Section 91 Licence.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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#### PURPOSE

The purpose of this report is for Council to indemnify the State of Western Australia, the Department of Planning, Lands and Heritage, and the Minister for Lands from claims relating to the construction and maintenance of the Wilson Street Shared Path.

#### DETAIL

In 2020, the Town commenced the Wilson Street Shared Path project, to connect Port Hedland and South Hedland via a shared cycle and pedestrian pathway that will tie Wilson Street to McGregor Street, Cooke Point Drive and Redbank Bridge in Port Hedland. This project represents a \$1.4m investment by the Town and State of Western Australia.

The proposed path will be constructed within existing road reserve managed by the Town, and Unallocated Crown Land (UCL) controlled by State of Western Australia. In order to gain access to UCL, a licence under section 91 of the *Land Administration Act 1997* (s91 licence) is required.

The Town has previously obtained a s91 licence for the purpose of geotechnical works relating to design of the shared path only, and did not permit any construction works. The area licenced under that s91 licence is shown in Attachment 1. The replacement s91 licence is required to

facilitate construction of the shared path, and will generally follow the same area as the previous licence.

As the licence area includes UCL, Native Title is affected. Section 24KA of the *Native Title Act 1993 (Cth)* allows the construction of a road, railway, bridge, or other transport facility if it is by a local government body and is to be for the use of the general public. Accordingly, construction of the shared path on land subject to non-exclusive native title is permitted (subject to grant of the s91 licence), however it does not negate the possibility of a claim for compensation by native title holders. Accordingly, the Town is required to indemnify the State of Western Australia, the Department of Planning, Lands and Heritage, and the Minister for Lands from any such claims.

During the design phase of this project the Town engaged extensively with the native title holders, who have confirmed their support for this project. Accordingly, no claims are expected to be made.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the project represents significant expenditure, funded by both the Town and the Western Australia Government through a grant. However, consultation is not considered necessary as significant consultation regarding the project has previously been undertaken.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Manager Infrastructure Projects and Assets

### *External Agencies*

- Consultation has been undertaken with DPLH, who have provided the wording required for the resolution.

### *Community*

- No community consultation has been undertaken in relation to this item, as extensive consultation has been previously undertaken in relation to the project as a whole.

## LEGISLATION AND POLICY CONSIDERATIONS

Indemnification is required to protect the State from claims under section 24KA of the *Native Title Act 1993 (Cth)*, which sets out the processes and procedures for future acts.

## FINANCIAL AND RESOURCES IMPLICATIONS

No financial implications are anticipated as a result of this report.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.5 Improved infrastructure development
- 3.2 A safe and fit for-purpose built environment

3.3 An accessible, attractive and sustainable urban environment

4.3 Effective delivery of services and infrastructure to meet community needs

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

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a financial risk associated with this item because failure to indemnify the state will significantly delay completion of the project, resulting in budget implications. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4). This risk will be removed by adoption of the officers recommendation.

There is a financial risk associated with this item because the required indemnification may result in a claim for compensation against the Town. The risk rating is considered to be low (4), which is determined by a likelihood of rare (1) and a consequence of major (4). This risk has been mitigated through significant engagement with affected Native Title holders, and provision of their support for the project.

#### **OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Do not adopt officer’s recommendation*

#### **CONCLUSION**

The required indemnification is a procedural matter, required to satisfy the Department of Planning, Lands and Heritage and facilitate grant of the s91 licence necessary to complete construction of the Wilson Street Shared Path.

#### **ATTACHMENTS**

1. Indicative Licence Area - subject to change (under separate cover)

12.3.2 JOINT DEVELOPMENT ASSESSMENT PANEL - APPLICATION FOR DEVELOPMENT APPROVAL FOR TOURIST DEVELOPMENT - LOT 1 (NO. 39) THROSSELL ROAD, SOUTH HEDLAND

Author: 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.

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CM202223/018 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council recommends the Regional Joint Development Assessment Panel approves Development Application (Reference No. DAP/23/02416) and accompanying plans in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland and/or the Joint Development Assessment Panel (as applicable). This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of any works, the applicant shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% (capped at \$150,000) of the estimated total construction cost of the development. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:
  - Option 1: Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
  - Option 2: Applicant chooses to pay cash-in-lieu.
4. Prior to commencement of works, a Construction Environmental Management Plan is to be submitted to and approved by the Town of Port Hedland and thereafter be implemented throughout the construction phase of the development. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:
  - Contact details of essential site personnel, construction period and operating hours;
  - Community information, consultation and complaints management plan;

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- Public safety, security and amenity;
  - Traffic and parking management;
  - Noise and dust management plan;
  - Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and
  - Stormwater and sediment control;
5. Prior to lodging an application for a building permit, a revised stormwater management plan shall be submitted to and approved by the Town. It shall be designed to the specification of the Town and include:
- Measures to retain the 6 minute rainfall event including all the calculations;
  - Internal swale cross-sections and details must be provided;
  - Cemented rock pitching shall be provided at all discharge points;
  - Details of stormwater management must be provided for the section of road heading towards Mclarty Boulevard;
  - Address any upgrades required to the stormwater system, including within the Town's reserves adjoining the site.
- The approved stormwater management plan shall be implemented in full prior to the occupation or use of the site and shall be maintained thereafter to the satisfaction of the Town.
6. The use of cracker dust is not permitted given its probability to erode during rainfall events, which compromises on-site drainage systems and the public drainage network. It also becomes wind-borne and causes dust issues.
7. Prior to lodging an application for a building permit, a revised Traffic Impact Statement shall be submitted to the Town for approval. The Traffic Impact Statement must:
- Amend Section 11: Site-specific issues – Figure 11, proposes an illegal U-turn, which is not an acceptable solution.
8. Prior to lodging an application for a building permit, a revised on-site car parking plan shall be submitted to the Town for approval. The car parking plan must:
- All car parking bays and circulation areas are to be designed to a 'User Class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004., which is 2.7x5.4m.
  - be approved by the Town of Port Hedland prior to applying for a Building Permit.
- The car parking shall be constructed, sealed, kerbed, drained and marked prior to the occupation or use of the site and maintained thereafter to the satisfaction of the Town of Port Hedland.
9. Prior to the occupation or use of the site, the approved landscaping plan must be fully implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
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10. The approved Waste Management Plan, prepared by Urbii dated 19 December 2022 must be fully implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
11. The sustainable initiatives and recommendations in the approved Sustainable Design Strategy, prepared by Emergen dated 13 December 2022 must be fully implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.

#### Advice Notes

- a. This is a development approval only and is issued under the Town of Port Hedland's Local Planning Scheme No. 7 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
- b. The development requires a Building Permit Application for any structural works including, including but not limited to fencing, retaining walls, signage, bin stores and light posts. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for building permit being submitted.
- c. It is the responsibility of the proponent to manage any impacts on aboriginal heritage in accordance with the *Aboriginal Heritage Act 1972*.
- d. This approval does not authorise or approve any signage. All signage is to be in strict accordance with the Town of Port Hedland Local Planning Policy 02 Advertising Signs, unless further development approval is obtained. The applicant and owner should liaise with the Town's Development Services in this regard.
- e. All works in the road reserve, including but not limited to the construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the Town of Port Hedland. The applicant and owner should liaise with the Town's Technical Services in this regard.
- f. Water Corporation advise that the development site currently has a dormant sewer junction at the northwest corner, and the site abuts an existing 100mm diameter water main that runs along the Throssell Street frontage. The proposed development can be serviced by connection to the Water Corporation's network at the proponent's cost. The connection process will be addressed at the building licence stage when the proponent is required to submit their building plans to the Water Corporation. The applicant and owner should liaise with the Water Corporation in this regard.
- g. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to

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Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Town of Port Hedland and 7 day notice sent to nearby residents.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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## PURPOSE

The purpose of this report is for Council to consider a recommendation to the Regional Joint Development Assessment Panel (Regional JDAP) for the construction and operation of a proposed Tourist Development at Lot 1 (No. 39) Throssell Road, South Hedland (subject site). The Town of Port Hedland is required to make a recommendation to the Regional JDAP by noon Thursday 06 April 2023, otherwise, the application will be reviewed in the absence of any comments or conditions from the Town.

## DETAIL

The subject site is within the South Hedland Town Centre (SHTC) and is located west of the South Hedland Shopping Centre. SHTC is a primary activity centre catering to the retail and service needs of the growing population in Hedland, but also as a visual focal point. The site has frontage to both Throssell Road and McLarty Boulevard. To the north of the site is other commercial development and to the south and west is vacant land. As part of the Development Application, the following technical and supporting documentation has been submitted:

1. Planning Report (Dynamic Planning, 2022)
2. Development plans (Hodge Collard Preston Architects, 2022)
3. Stormwater Drainage Plan and Details (JC Consulting Engineers, 2022)
4. Landscape Design (TDL, 2022)
5. Traffic Impact Statement (Urbii, 2022)
6. Waste Management Plan (Urbii, 2022)
7. Sustainable Design Strategy (Emergen, 2022)
8. Certificate of Title

## Summary of the Proposal

The proposed development is seeking approval for a 'Tourist Development' at the subject site (refer Attachment 1) to be used for the purposes of short-term accommodation. The development is considered to meet an identified demand in the area and will contribute positively to the built-form outcomes being achieved in the South Hedland Town Centre Development Plan. The major work components being proposed under this application include:

- 51 ensuite rooms (two variants);
- Outdoor Pergola on ground floor;
- Lounge and reception on ground floor;
- Staff only lounge and reception on the first floor;
- Guest laundry on the ground floor;



- Courtyards for each room on ground floor;
- Balconies for each room on the first floor;
- Service areas on both floors;
- Stairways and Lift;
- Common Outdoor areas;
- Ground-level car parking area;
- Sixty (60) car bays, two (2) of which will be parking for electric vehicles and five (5) of which will be for visitor parking.
- Eight (8) bicycle parking space;
- Bin Area and Site services area;
- Escape stairs and landing;
- Landscaping works;

### Local Planning Framework

DevelopmentWA initiated a structure plan over the South Hedland Town Centre which was ultimately approved on 19 May 2014. The associated South Hedland Design Guidelines were approved on 24 June 2015. In 2020, the Town initiated a South Hedland Place Plan to encourage activation and economic growth in the town centre. This lot is located on the Town Centre periphery.

The subject site is zoned 'Centre' under the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). As per LPS7, Clause 16 Zones, objectives for the 'Centre' zone are as follows:

- *To designate land for future development as a town centre or activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.*

In accordance with the Scheme objectives, the Town has adopted the South Hedland Town Centre Development Plan which is discussed detail section below.

The proposed land use is a 'Tourist Development' under LPS7. As per LPS7, Clause 38 Land use terms used, 'Tourist Development' is defined as follows:

*means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –*

- a) short-term accommodation for guests; and*
- b) onsite facilities for the use of guests; and*
- c) facilities for the management of the development;*

'Tourist Development' is a Discretionary ('D') use, meaning the land use is not permitted until discretion has been exercised and development approval granted. In this instance, the Town is providing a recommendation for the Regional JDAP who are the decision maker for this application.

The development is also considered to meet the objectives of the Town's *Local Planning Strategy*, which outlines that the South Hedland City Centre Precinct objective is to 'attract private investment, provide an integrated transport network, ensure a modern built form, and foster a clear sense of place'.

Local Planning Policy 02 – Advertising Signs (LPP/02)

The proposal shows inductive signage, however, no details are provided. Signage is subject to Local Planning Policy 2 - Advertising Signs. It is recommended that an advice note be imposed stating that any signage associated with the development shall be addressed as a separate planning application.

Local Planning Policy 04 – Percent for Public Art (LPP/04)

The development application is subject to assessment under the Town's Local Planning Policy 04 Percent for Public Art (LPP/04). In this instance, since the site is within Town Centre, a public place in which a wider population can access and enjoy, the Town considers that the owner/applicant shall co-ordinate and provide the public art themselves or by engaging an art consultant. However, a cash-in-lieu contribution can be considered.

The Town has the ability to work with variety of artists, including promoting local and/or Indigenous art; and The money used will contribute to an artwork that can celebrate the Hedland environment, industry and lifestyle, and promote awareness of the value of public art in the community. A condition has been included in the Officer Recommendation for the applicant to provide \$31,000 for a public art contribution, in accordance with Clause 4.4 of LPP/04. This contribution will be for the specific purpose of providing a piece of public art within the Town boundaries.

Local Planning Policy 11 – Stormwater Management (LPP/11)

The development application is subject to assessment under LPP/11 which assists developers, engineers, landowners and government to integrate suitable design measures into their own stormwater systems. The correct design and construction of appropriate systems will assist with reducing the damaging effects of heavy rainfall events on private and public property and the public drainage network.

The applicant submitted a Stormwater Drainage Plan and Details (refer Attachment 5) prepared by JC Consulting Engineers. As part of the assessment process, it has come to attention that the stormwater management plan requires amendments in accordance with LPP/11. A condition has been included in the Officer Recommendation for a revised stormwater management to be submitted to the Town.

Local Planning Policy 14 – Design Review Panel (LPP/14)

On 28 July 2021, Council adopted Local Planning Policy 14 Design Review Panel (LPP/14). Subsequently, the Town appointed a Design Review Panel (DRP) to provide independent expert and technical advice to applicants, Town Officers and the Council in relation to the design of the development and other relevant matters. The proposal met the criteria to be presented to the DRP and was presented for comments on the overall design of the development. The proposal was referred to the Town's DRP on 21st October 2022, prior to the lodgement of the application for development approval. The comments summarised below and provided in Attachment 9:

Design Review Panel Assessment		
Supported		
Pending Further Attention		
Not Supported		
Design Principle	Assessment	Summary of DRP Comments
1 – Context and Character		Consider and demonstrate an understanding of the regional character, climate responsive architecture, cultural context, and the landscape of the region.
2 – Landscape Quality		Review the coordination between landscape and architectural plans so they show the same intent and ensure that the desired pedestrian connections are formed, add more shade trees and consider sacrificing a few car bays to extend the courtyard landscape into the car park.
3 – Built Form and Scale		The Panel was unconcerned with the height of the development. The internal link between the two wings could be considered as a protected walk through the garden as an alternative to an internal air-conditioned space subject to fire egress. The box gutters are a concern in the context of the volume of water that needs to be shed in storm or cyclonic conditions.
4 – Functionality and Build Quality		For balancing functional requirements to perform well and deliver optimum benefit, connection to McLarty should be included in the first stage of development, with raised pedestrian crossings. The impact of the visual qualities of the architecture should be considered.
5 – Sustainability		An ESD report would be of value to identify sustainability initiatives (consider engaging an ESD consultant for this). Consider EV charging provision.
6 – Amenity		The provision of the 3x main landscape spaces is positive.
7 – Legibility		Consider moving the main entrance to the front corner where it can be seen more clearly from the street. Add windows/glazed doors at each end of the two accommodation corridors to enable better orientation.
8 – Safety		Continue the footpath material over the crossover as a signal to drivers to give way to pedestrians.
9 – Community		Consider a public art component, including engagement with local Aboriginal groups, to strengthen the connection to country. The lack of in-house dining is a good initiative for supporting local businesses
10 – Aesthetics		The design shows great intent with aesthetic approach, the colour is questionable (maybe it's a render issue). The way the escape stairs are integrated is an elegant solution. The enclosed pergola is a distracting element at the main entrance to the development

### South Hedland Town Centre Design Guidelines

The development application is subject to assessment under the design guidelines since the development is within South Hedland Town Centre. The design guidelines assist developers in integrating suitable design measures by complying with the development controls within the guidelines. The developer may also provide alternative acceptable design solutions to these requirements.

The applicant provided a Planning Report (refer Attachment 2), as part of the development application which discusses all the provisions of design guidelines and the proposed design standards to a satisfactory level.

### Car Parking and Access

The LPS7 prescribes the minimum required car parking bays for each land use, for 'Tourist Development', as per Schedule 1 – Car Parking Standards, the requirement is *1.5 bays per accommodation unit rounded up plus 1 bay per employee plus 1 bay per 10m<sup>2</sup> restaurant*, which equates to seventy-seven (77) parking bays for the proposal. However, the development proposes the following parking arrangements:

- Sixty (60) onsite car parking bays on the ground level which includes,
  - two (2) ACROD bays;
  - two (2) parking for electric vehicles (EVs);
  - five (5) visitor parking bays;
- Eight (8) bicycle parking spaces;
- Bus parking/ pickup drop off area.

The applicant provided a Traffic Impact Statement (refer Attachment 6), prepared by Urbii dated 21 December 2022, as part of the development application. The site will be served by two crossovers, one on Throssell Road and one on McLarty Boulevard. Vehicle access is proposed via one left-in/left-out crossover on Throssell Road and one full-movement crossover on McLarty Boulevard. Pedestrians and cyclists will access the site from road network abutting the site. Conditions have been included in the Officer Recommendation for a revised Traffic Impact Statement and car parking plan to be submitted to the Town.

### Waste Management

The applicant provided a Waste Management Plan (refer Attachment 7), prepared by Urbii dated 13 December 2022, as part of the development application. The key issues addressed in the waste management plan include the calculation of the waste generation of the site, assessment of waste storage provisions and documentation of the waste collection arrangements. Condition has been included in the Officer Recommendation section.

### Construction Environmental Management Plan (CEMP)

There is potential for the construction phase of the development to have detrimental impacts on the surrounding environment, and the amenity of occupants and visitors to the existing surrounding land uses. This can be mitigated through the preparation and implementation of a CEMP. It is recommended that should JDAP grant approval, a condition be applied requiring a CEMP to be submitted to and approved by the Town prior to any construction beginning on site.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposal is generally consistent with the Town's planning framework.

## CONSULTATION

### *Internal*

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

### *External Agencies*

- DevelopmentWA
- Horizon Power
- Optus
- Telstra
- Water Corporation

Two (2) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, applicant comments and officer recommendations of this has been included as Attachment 10 of this report.

### *Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal has been advertised for a period of 14 days, between 13 February 2023 and 27 February 2023 to adjoining landowners, and details of the proposal were published on the Town's webpage on 13 February 2023. The Town received one (1) submission regarding this application. Where relevant, the response has been addressed in the detail section of the report, and a detailed outline, applicant comments and officer recommendations of this has been included as Attachment 10 of this report.

## LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;
- *Planning and Development (Development Assessment Panels) Regulations 2011*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Town of Port Hedland Local Planning Strategy;
- Town of Port Hedland Local Planning Scheme No. 7;
- State Planning Policy 7.0 Design of the Built Environment
- Local Planning Policy 02 Advertising Signs
- Local Planning Policy 04 Percent for Public Art
- Local Planning Policy 11 Stormwater Management
- Local Planning Policy 14 Design Review Panel

## FINANCIAL AND RESOURCES IMPLICATIONS

The proposal attracted an application fee. There will be no additional financial impacts for the Town based on the recommendation being presented to the Regional JDAP for this proposal.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 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.
- 2.5.5 Support Tourism Infrastructure development.
- 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.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1). The risk is negated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

There is a reputational risk associated with this item because the JDAP will assess this application and make determination without consideration of the Town's position or conditions, if the Council does provide a formal response. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

## 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 a detailed assessment of the proposed JDAP application for Tourist Development at Lot 1 (No. 39) Throssell Road, South Hedland. The proposed tourist development will provide additional short-stay accommodation options within the South Hedland Town centre at a key location which will boost the local economy and businesses too.

Based on the assessment against LPS7 and the relevant planning framework, it is considered that the proposal is appropriate for the location and an approval recommendation, subject to standard conditions and advice notes, be presented to the JDAP for determination.

ATTACHMENTS

1. Subject Site Location Map (under separate cover)
2. Planning Report (under separate cover)
3. Development Plans (under separate cover)
4. Landscape Plan (under separate cover)
5. Stormwater Management Plan (under separate cover)
6. Traffic Impact Statement (under separate cover)
7. Waste Management Plan (under separate cover)
8. Sustainable Design Strategy (under separate cover)
9. DRP Report and Recommendations (under separate cover)
10. Schedule of Submissions (under separate cover)

12.3.3 BUSHFIRE RISK MANAGEMENT PLAN 2023-2028
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Author: Bushfire Risk Planning 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.

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CM202223/019 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR GILLINGHAM

That Council:

1. Endorses the Town of Port Hedland Bushfire Risk Management Plan 2023-2028, as provided at Attachment 1;
2. Supports the development and implementation of coordinated, comprehensive, multi-agency Treatment Schedules to support the adopted Bushfire Risk Management Plan 2023-2028; and
3. Requests an internal review in years 2 and 4 of the plan, once adopted.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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#### PURPOSE

The purpose of this report is for Council to consider adopting the Town of Port Hedland *Bushfire Risk Management Plan 2023 – 2028 (BRM Plan)*. The BRM Plan is a five-year strategic plan for the Town of Port Hedland and a living document that Local Governments must prepare under the *State Hazard Plan - Fire*. It details the risk from bushfire to identified assets, allows treatment to be applied, and records maintained of all works completed.

The Office of Bushfire Risk Management (OBRM) formally advised on 24 February 2023 that the Town of Port Hedland Bush Fire Risk Management Plan meets the *Bushfire Risk Management Planning – Guidelines standards*, consistent with the policies of the State Emergency Management Committee. A copy of the Plan prepared for the Council's consideration, as supported by OBRM, is provided in Attachment 1.

The endorsed Plan by OBRM now qualifies the Town eligible to apply for funding under the Department of Fire and Emergency Services (DFES) Mitigation Activity Fund (MAF). MAF is for mitigation work on local government vested/managed land /reserves.

#### DETAIL

The aim of the BRM Plan prepared for the Town of Port Hedland through the BRMP process is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the district.

The BRM Plan objectives are to effectively manage bushfire risk within the Town of Port Hedland to protect people, assets and other things of local value. Specifically, the objectives are to:



- Guide and coordinate a tenure-blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to treat risk systematically;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities; and
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable, and risk is managed at an acceptable level.

The Town of Port Hedland BRM Plan development utilised the best practice template provided by the Office of Bushfire Risk Management (OBRM). Included is local information relating to the bushfire context, considering the environment, weather, priorities and demographics.

The DFES specialist software (Bushfire Risk Management System) provides the platform for identifying assets and calculating bushfire risk. This software allows asset mapping in a Geographical Information System (GIS), and then individual risk assessments are formulated based on the data entered.

A resulting ‘Treatment Schedule’ embedded in the Bushfire Risk Management System sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies, and other land managers responsible for implementing treatments, participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Therefore, the treatment guide will be by risk priority, not land tenure, and not limited to local government-managed lands.

A total of 353 assets were identified and risk assessed during the process. The table below shows the proportion of assets at risk from a bushfire in each risk category when OBRM endorsed the BRM Plan. The BRM Plan developed indicates that treatments are required for all assets assessed as High, Very High or Extreme risk. This equates to 52% of the assets evaluated. Of these assets, 6.5% have been assessed as having an Extreme risk, requiring urgent treatment action with land tenure owners.

Asset Category	Risk Rating				
	Low	Medium	High	Very High	Extreme
Human Settlement	14.16%	23.80%	23.52%	11.61%	5.38%
Economic	3.68%	4.53%	5.95%	3.68%	0.57%
Environmental	0.00%	0.00%	0.00%	0.28%	0.00%
Cultural	0.28%	1.42%	0.00%	0.57%	0.57%

## LEVEL OF SIGNIFICANCE

Town is in default of clause 2.2.8 of State Hazard Plan – Fire requirement to develop an integrated BRM Plan outlining a strategy to treat or reduce bushfire related risk across all land tenures. Risk is considered medium.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Senior Leadership Team
- Business units at the Town of Port Hedland.

### *External Agencies*

Consultation commenced before the engagement of the Town of Port Hedland Bushfire Risk Planning Officer. Local Emergency Management Committee was provided with a presentation on the commencement of officer appointment and subsequent report updates at meetings. The Communication Strategy (Appendix A) of the BRM Plan documents the following:

- key stakeholders
- communication objectives.
- roles and responsibilities for communication.
- stakeholders engaged in the developing of the Bushfire Risk Management Plan and Treatment Schedule.
- Communication Plan for implementing and reviewing the Bushfire Risk Management Plan, including target audiences and key messages at each project stage; communication risks and strategies for their management; and communication monitoring and evaluation procedures

### *Community*

The community consultation and engagement of the Plan utilised the Local Emergency Management Committee as it provided a broad spectrum of land tenure owners with a vested interest in protecting their assets from bushfires. The Towns Emergency Services Advisor and Ranger Coordinator engaged land tenure owners with significant risk before the commencement of the Plan. The Town Planning & Development team engage stakeholders in bushfire risk management early in the planning stage following the Towns Local Planning Strategy

## LEGISLATION AND POLICY CONSIDERATIONS

The *Emergency Management Act 2005* provides the head of power to direct local governments to comply with the requirements of State emergency management policies where they are given a role within those policies as follows:

*Section 20 (4) states – A public authority that is given a role and responsibilities under a State emergency management policy is to comply with the State emergency management policy.*

Clause 2.2.8 of *State Hazard Plan – Fire* outlines that local government has identified as having high or extreme bushfire risk are required to develop an integrated BRM Plan outlining a strategy to treat or reduce bushfire related risk across all land tenures.

## FINANCIAL AND RESOURCES IMPLICATIONS

An endorsed BRM Plan allows the Town to access the state government Mitigation Activity funding (MAF) grants available to local governments. This funding is available to implement treatment strategies on state government land managed or vested in the local government. The funding available is for the initial treatment to reduce the fire risk, and thereafter it will be the responsibility of the Town for ongoing maintenance.

Funding under the MAF will have a resource implication for the Towns' Volunteer Bushfire Brigades, DFES Town Brigades and associated volunteers. In addition, managing the projects funded under the MAF will impact internal staff resources.

The BRM Plan requires a review every five years. Currently, the Bushfire Risk Planning Officers position funded by DFES concludes on 30 June 2023. Workforce planning is necessary to ensure sufficient resources are available to:

- Review the Town's BRM Plan;
- Develop Treatment Strategies; and
- Implement developed Treatment Strategies

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The Town has a responsibility to help protect our ratepayers and our communities from harm as a consequence of bushfires. However, this can only be achieved with a broad overarching plan and a significant stakeholder commitment to reduce bushfire risk.

### *Corporate Business Plan*

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

- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 2.a.2 Partnerships with private enterprises and government to fund projects and create jobs are pursued.
- 3.a.1 Traditional owners, key stakeholders, and the community are informed and actively involved in the protection and enhancement of the natural environment
- 3.a.2 Biodiversity is understood by the community and protected
- 3.a.3 - Natural resource assets are well-managed and enhanced
- 3.b.2 Emergencies such as cyclones are prepared for, educated about, responded to and recovered from in partnership with key agencies
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

## RISK MANAGEMENT CONSIDERATIONS

While the officer's recommendation assists the Town in providing treatments and controls for bushfire risks identified within the BRM Plan, the bushfire risk will always remain. The BRM plan developed has identified those areas at higher bushfire risk and where planned mitigation works via Treatment Schedules are required. Implementing the BRM plan will not remove the risk but will assist the Town in highlighting areas where work with landowners and other land managers is necessary to reduce bushfire risk.

Periodically reviewing the BRM Plan will ensure bushfire risk factors are known and implementing mitigation work identified in the BRM Plan Treatment Schedules will assist in reducing the impact of bushfires. Not adequately resourcing the bushfire risk identified in the BRM Plan or reviewing bushfire risk periodically could create significant reputational risk for the Town.

The risk rating is high (12), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

Should Council decide not to endorse the BRM Plan, it would place the Town in default of its obligations under the State Hazard Plan requirements. This poses a significant reputational risk should a significant bushfire occur and impact the community.

There is a Financial risk to the Town if the BRM Plan is not endorsed as the Town will be unable to apply for Mitigation Activity Fund (MAF) grants.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

The BRM Plan is a strategic document that facilitates a coordinated approach towards identifying, assessing and treating assets exposed to bushfire risk.

Approval of the BRM Plan is a commitment by the Town of Port Hedland to work with landowners and managers to address unacceptable risks within the community. The approval of the BRM Plan by the Town of Port Hedland Council satisfies their endorsement obligations under *State Hazard Plan – Fire*.

The Officer's recommendation is for Council to endorse the Town of Port Hedland Bushfire Risk Management Plan 2023-2028

## ATTACHMENTS

1. Town of Port Hedland Bushfire Management Plan 2023-2028 (under separate cover)

At 6:16 pm, Cr Renae Coles left the meeting, offline.

At 6:22 pm, Cr Renae Coles returned to the meeting.

At the request of the Mayor, the Director Regulatory Services spoke to the amended officer recommendation as circulated to Council and highlighted the changes proposed and as agreed with the applicant.

**SUSPENSION OF STANDING ORDERS**

**CM202223/020 COUNCIL DECISION**

**MOVED: CR CHRISTENSEN**

**SECONDED: CR GILLINGHAM**

That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders'.

*CARRIED BY SIMPLE MAJORITY (8/0)*

Standing Orders was suspended at 6:05 PM

**RESUMPTION OF STANDING ORDERS**

**CM202223/021 COUNCIL DECISION**

**MOVED: CR CHRISTENSEN**

**SECONDED: CR BENNETT**

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

*CARRIED BY SIMPLE MAJORITY (8/0)*

Standing Orders was resumed at 6:10 PM

**12.3.4 TEMPORARY APPROVAL OF WORKFORCE ACCOMMODATION (FORMER PORT HEDLAND DETENTION CENTRE) AT LOT 2 (NO.15) DEMPSTER STREET, PORT HEDLAND**

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

**CM202223/022 COUNCIL DECISION**

**MOVED: CR GILLINGHAM**

**SECONDED: CR CHRISTENSEN**

That Council, pursuant to Clause 74 and Clause 77 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations

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2015, APPROVES Amendment to the Planning Application 2009/504 on Lot 2 (No. 15) Dempster Street, Port Hedland for Temporary Workforce Accommodation subject to the following conditions and advice notes:

#### Extent

- 1 This approval is limited to the temporary use of only sixty four (64) transportable buildings for residential accommodation (Workforce Accommodation) and associated buildings for dining / kitchen and laundry facilities, until 30 April 2028, but only in accordance with the following conditions of approval.
- 2 Subject to Conditions 19 and 23, the landowner shall cease the approved use by 30 April 2028.
- 3 Subject to Condition 4, the landowner must remove all transportable buildings from the land by no later than 30 April 2029 in accordance with an approved Site Rehabilitation Plan, which shall be submitted to and approved by the Town of Port Hedland by 31 October 2027.
- 4 If the use of the land is terminated early pursuant to Condition 19 or 23, the landowner must remove all transportable buildings from the land by no later than six months after the date of early termination.
- 5 This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date.
- 6 This approval supersedes previous development approval 2009/504 and all associated conditions.
- 7 Pursuant to Clause 74 of the Deemed Provisions, the development may not be commenced until the Town of Port Hedland has approved the plans required by conditions 9 and 10,

#### Limitations on use

- 8 A maximum of 208 persons are permitted to be accommodated on the property at any one time, including workforce and service workforce staff.

#### Plans

- 9 The landowner to submit amended and accurate plans to the satisfaction of the Town for approval on or before 1 July 2023. The approved development shall be in accordance with the stamped approved plans.
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- 10 The landowner must submit an Operational Management Plan, on or before 1 August 2023, outlining the following, for approval by the Town:
- 10.1 Complaints Management Procedure.
  - 10.2 Contact details of the landowner and site manager.
  - 10.3 Fire and Emergency Management Plan.
  - 10.4 Noise Management Plan.
  - 10.5 Vehicle and Bicycle Parking Management Plan, to include but not be limited to the following:
    - show which car parking bays will be allocated for visitors, occupants, staff and disabled person/s.
    - bicycle allocations for the workforce and location of bicycle parking area(s).
    - parking bays to be designed as 'User Class 3A' instead of current 'User Class 1A'.
    - location of bus parking area on site.
    - provide an accurate site plan depicting locations of all parking areas.
  - 10.6 Traffic Management Plan, to include but not be limited to the following:
    - how workforce trips will be controlled.
    - details or estimated times of movements (or update Traffic Impact Assessment report).
  - 10.7 Lighting Management Plan to include but not be limited to the following:
    - A floodlight plan indicating location, type and lumens of all lighting.
    - Indicate lighting management strategy for consideration of sensitive adjoining marine and native fauna.
  - 10.8 Cyclone Management Plan to include but not be limited to the following:
    - Identify the buildings which are proposed for emergency cyclone sheltering purposes and their level of importance.
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- The actions to be taken at each cyclone alert level.
  - Alternative measures to ensure the safe relocation of residents to appropriate facilities in the event of a cyclone.

10.9 Health and Safety Management Plan for occupants and visitors, with reference but not limited to the following:

- location and provision of private, communal and general open space areas on and off the property.
- how privacy / minimum areas can be achieved with screening and/or fencing,
- opportunities for recreation facilities on and off site.
- location of CCTV or other security systems to be used.
- opportunity for and location of end-of-trip facilities for service staff.

10.10 Details of any food, beverage and liquor to be sold or consumed on site, including details of how this may impact or benefit the surrounding community, and detail of how any identified impacts can be effectively managed.

11 The development must be carried out in accordance with the approved Operational Management Plan.

12 The landowner is to submit a landscaping plan to the satisfaction of the Town on or before 1 July 2023. The landscape plan shall depict but not be limited to following:

12.1 Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.

12.2 Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.

12.3 all cracker dust is to be removed from the verge and streetscape areas.

12.4 removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.

12.5 removal of all barbed wire within streetscape and the property.

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- 12.6 Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.
- 12.7 a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.
- 13 The approved landscaping plan shall be implemented before 1 May 2024 and maintained thereafter, to the satisfaction of the Town.
- 14 The landowner to submit an amended Traffic Impact Assessment for approval by the Town on or before 1 August 2023. The development must comply with any requirements arising from the approved Traffic Impact Assessment.
- 15 Within six months of commencement of the development, an updated Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland, which:
- 15.1 Includes an adequate level of community consultation with surrounding residents and Aboriginal groups;
- 15.2 Includes adequate strategies and actions to ensure mental health and wellbeing of occupiers through provision of leisure and recreation options;
- 15.3 Include timeframes for agreed KPI's;
- 15.4 Provides details on annual monitoring and reporting of the effectiveness of the SIMP, which shall be submitted by the developer to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPI's) that are a direct result of the approved development's operations.
- 15.5 Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2024 and be reported on 1 July each year thereafter, for the duration of the approval.

#### Site safety

- 16 By 1 August 2023 the landowner is to submit to the Town a Building Report prepared by a suitably qualified person which includes an assessment of all buildings on site, their ability to be safely occupied and/or repaired, and identifies any which contain asbestos material.

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- 17 In respect of buildings identified in the Building Report as being incapable of safe occupation, the landowner shall, either –
- 17.1 demolish the building or buildings and remove them from the site by a date stipulated by the Town, which subject to Condition 17.2, shall be no later than 30 April 2028; or
- 17.2 if approved by the Town, repair the building to a standard outlined in the Building Report.
- 18 In respect of the building referred to as ‘J’ Block (former high security isolation facility of the former Detention Centre use); the landowner shall, before 1 July 2025, either –
- 18.1 demolish the building and remove it from the land; or
- 18.2 if approved by the Town, renovate the building to a standard agreed by the Town.
- 19 If any building required to be demolished and removed from the land is not demolished and removed by the time required by Condition 17 or 18 (as the case may be), this approval to use the land temporarily for workforce accommodation shall immediately terminate. For the removal of doubt, the early termination operates notwithstanding Conditions 1 and 2, and does not affect the landowner’s obligation to demolish and remove buildings from the site pursuant to Conditions 17 and 18.
- 20 All stormwater to be contained and disposed of on-site, to the satisfaction of the Town.

#### Contributions

- 21 Prior to occupation of the site, the developer shall make a community contribution of \$63,840, for the purpose of expenditure by the Town of Port Hedland on local community infrastructure, including but not limited to shared paths within close proximity to the facility which occupiers and residents can utilise for recreation purposes. The contribution shall be paid in full (lump sum) unless other alternative arrangements are agreed in writing with the Town.

#### Future planning

- 22 In recognition of the fact that the land is in an area for which the preparation of a structure plan is required and that this approval represents a temporary land use pending redevelopment in accordance with an approved structure plan, the

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landowner is to submit a structure plan and supporting technical documents as required by the Town in accordance with the Department of Planning Lands and Heritage Structure Plan Guidelines, *Local Planning Scheme No. 7* and the *Planning and Development (Local Planning Schemes) Regulations 2015* on or before 1 July 2025.

- 23 If the structure plan and supporting technical documents are not submitted in accordance with the preceding condition, the approval to use the land for temporary workforce accommodation shall terminate on 30 April 2026. For the removal of doubt, the early termination operates notwithstanding conditions 1 and 2, and does not affect the landowner's obligation to demolish and remove any building pursuant to conditions 17 or 18.

#### Notifications

- 24 By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which may limit the term of the approval. The notification is to state as follows:

“VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. Development on this lot is subject to conditions of development approval which limit the term of approval and require the development to be removed and the land reinstated to its predevelopment condition. Refer to the Town of Port Hedland for details.”

- 25 By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification of the existence of the approved Bushfire Fire Management Plan and advise landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows:

“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire

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Management Plan. Additional planning and building requirements may apply to development on this land.”

*MOTION LOST (4/5)*

In Favour: Cr Coles, Cr Gillingham, Cr Christensen, Cr Bennett

Against: Mayor Carter, Cr Turner, Cr Zielke, Cr Keller

Mayor Carter used his 'Casting Vote' Against the Officer's Recommendation

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## PURPOSE

The purpose of this report is for Council to consider a proposal for workforce accommodation and ancillary uses (dining / kitchen and laundry) at Lot 2 (No. 15) Dempster Street, Port Hedland (**Attachment 1**). The application is being presented to Council for determination due to the significance of this site as a future development area, that contains workforce accommodation located within the townsite boundaries and proposes more than 430 beds.

## DETAIL

### Site Context

Lot 2 (No. 15) Dempster Street, Port Hedland is 3.23 hectares in area. The lot is located east side of the Port Hedland suburban area and abuts the foreshore reserve and dunes (north). Immediately north-east of the subject site, two lots contain, single and two storey grouped dwellings. Two properties abutting to the west and south-west also contain single and two storey grouped dwellings and a former recreation facility, presently privately owned and disused. The land opposite, along the Dempster Street frontage contain two storey grouped dwellings.

Community uses located within 300 metres from the subject site are:

- 'One Tree Len Taplin' childcare centre, located south-east on Dempster Street.
- YMCA Port Hedland Early Learning Centre located on corner of Dempster Street and Keesing Street.
- Andrew McLaughlin Community Centre, located east on Keesing Street
- Cooke Point Playgroup located east on Keesing Street.

Dempster street and immediate surrounding streets are local roads. Connector streets for through access in the locale are Keesing Street, Robinson Street, Thompson Street, Tinder Street, Corney Street, Sutherland Street and Anderson Street. Larger capacity streets or 'District Distributor Roads' for access to commercial uses in around the port facilities, local shopping, and other employment attractors are Athol Street, McGregor Street, Cooke Point Road. Wilson Street is a Primary Distributor Road in the road hierarchy.

### Background

Lot 2 was previously owned by the Commonwealth of Australia Department of Home Affairs. It was purchased in September 2022 by DA Campbell Property Holdings Pty Ltd (subsidiary of Campbell Transport).

The subject site presently contains 76 separate buildings, estimated to contain a total of 510 bedrooms. The buildings are made up of:

- 64 single storey transportable buildings, of which:
  - 13 units have 3 bedrooms (Total: 39 bedrooms).
  - 50 units have 4 bedrooms (Total: 171 bedrooms).
  - 1 unit laundry facilities;
- 8 two storey in-situ residential buildings (each with 30 bedrooms) (Total: 240 bedrooms);
- 1 two storey building (referred to as 'J - Block') (former high security isolation facility of the former detention centre use) (can be modified for accommodation – potential 30 rooms);
- 1 two storey administration building (can be used for accommodation – potential 30 rooms);
- 1 single storey dining and kitchen building; and
- 1 single storey building (former gymnasium recreation building).



Aerial Photo – 15 Dempster St, Port Hedland

The applicant seeks to amend a former development approval issued by the Town on 6 October 2009. Pursuant to clause 77 of the Deemed Provisions, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the owner of land in respect of the

development approval granted, can make an application to amend or delete any condition to which the approval is relevant.

The development approval (DA2009/540) is described in Town's records as "Temporary Use – Residential Buildings Including 14 Additional Temporary Buildings". The approval document states the conditions as:

- "1. This approval relates only to the proposed TEMPORARY USE - RESIDENTIAL BUILDINGS - including 14 additional temporary buildings and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.*
- 2. The temporary use of the site for RESIDENTIAL BUILDINGS is valid until 30 April 2012 only.*
- 3. This buildings and works approved by this permit must be commenced within twelve (12) months (sic).*
- 4. A maximum of 432 persons may be accommodated on site at any one time.*
- 5. A minimum of 304 parking bays must be provided for the use including a minimum of 6 disabled bays and 15 oversize vehicle bays to the satisfaction of the Manager Planning.*
- 6. Car parking bays and accessways required by Condition 5 must be designed in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5 - Appendix 8. Such areas are to be constructed, sealed, drained, kerbed, marked and signposted and thereafter maintained to the satisfaction of the Manager Planning.*
- 7. Within 30 days of the date of this approval, a detailed landscaping plan for the eastern portion of the site (approximately 70m) along Dempster Street must be submitted to and approved by the Manager Planning. Such landscaping plan must take into consideration the existing landscaping works in the locality including works that have been undertaken within the road verge.*
- 8. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation must be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.*
- 9. The Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.*
- 10. No access is permitted to Reserve 30768 (Foreshore Reserve) without the further written consent of Council.*
- 11. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.*
- 12. Within 60 days of the expiry of this permit, all temporary buildings must be removed from the site and the land made good to the satisfaction of the manager planning."*

## History

1967-1974 Mt Newman Mining Company constructed the single men's accommodation due to lack of housing in the boom years of the 1960-1970 period.

1991	The BHP single men's quarters was converted into an immigration centre (Port Hedland Detention Centre).
April 2001	The Port Hedland Detention Centre had a holding capacity of 820, houses 400 detainees.
May 2004	The last 17 detainees were removed from Port Hedland Detention Centre.
2007	Port Hedland Detention Centre was decommissioned.
28 Nov 2007	The former Port Hedland Detention Centre is recognised in the Town of Port Hedland Local Heritage Survey.
21 Dec 2007	Development Approval from the Town for Change of use – 'use not listed (detention center)' to residential building and addition of 49 transportable buildings.
6 Oct 2009	Development Approval issued by the Town for Temporary use - Residential Buildings, including 14 additional temporary buildings.
June 2013	An heritage assessment was completed by AECOM Australia on behalf of the Department of Finance and Deregulation, with amendments and/or additions by the Heritage Council and the Department of Planning, Lands and Heritage
2017	The property and buildings are list under the Town's Municipal Heritage Inventory.
11 Dec 2020	The Port Hedland Detention Centre (fmr) is assessed by the Heritage Council of Western Australia and declared to have insufficient cultural heritage significance at the State level for inclusion in the State Register of Heritage Places.
May 2021	Stephen Carrick Architects was engaged by the Department of Home Affairs to prepare an Archival Record for the Port Hedland Detention Centre.
6 Dec 2022	Formal Lodgment of this Application for Development Approval with the Town of Port Hedland
13 Feb 2023	Applicant and landowner conducted an onsite meeting-inspection with Town of Port Hedland Councillors, and officers.

### Proposal

The applicant proposes to reactivate the use of the entire site i.e. use all 76 buildings. The applicant's report states:

*"This new application is seeking to re-activate the subject site for a temporary period of 5-years including:*

- *The use of the transportable buildings located on the site by Campbell Transports staff who will be*

*a mix of permanent and transient; and*

- *The use of the in-situ buildings for the broader public conditional to an adequate management arrangement being developed with the Town of Port Hedland and car parking being treated consistently with the previous approval.*

*No major works are proposed as part of the re-activation, noting it is temporary in nature and this would hamper longer-term development opportunities.”*

Supporting and technical documents submitted with the application are:

1. Copy of certificate of title and deposited plan.
2. Copy of plans (only the former approved plans for DA2009/540).
3. Transport Impact Assessment by Flyt Pty Ltd (Transport Consultancy).
4. Social Impact Assessment by Lucid Economics (Economic Consultancy).
5. Bush Fire Management Plan by Linfire Consultancy.

Planning Framework

- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Strategy
- Local Planning Scheme No. 5 (Reference only)
- Local Planning Scheme No. 7
- Local Planning Policy – 05 ‘Workforces Accommodation’
- Local Planning Policy - 06 ‘Social Impact Assessment’

Determination Options

Given the nature of the development being predominantly for ‘Workforce Accommodation’ and the general limitation placed by this, there are 3 options available for how the Council can determine the application.

	Conditions	Comments
Option 1:	<ul style="list-style-type: none"> <li>• Approve the partial use of the site, limited to (65) transportable buildings and an associated dining and kitchen building only.</li> </ul>	<ul style="list-style-type: none"> <li>• Partial use of site permits the landowner to use about 65 buildings on site.</li> <li>• The use assists the owner to support the financial investment.</li> <li>• The limited use will limit wider impact on the amenity of the surrounding residential use.</li> <li>• The partial use gives an opportunity to test the landowner’s/operator’s ability to manage the site and any issues that arise.</li> <li>• The established car parking of 145 bays, can only support, a workforce of 150 persons.</li> <li>• The former approval (DA2009/540) required a minimum of 304 car parking bays be provided on site for the 432 persons originally permitted. This number of bays cannot be established without the removal of some buildings.</li> </ul>
Option 2:	<ul style="list-style-type: none"> <li>• Approve of whole site.</li> </ul>	<ul style="list-style-type: none"> <li>• The subject site has approximate total of 510 bedrooms.</li> <li>• The additional rooms can be rented and or leased to all types of service workers.</li> </ul>



		<ul style="list-style-type: none"> <li>• The availability of additional rooms will assist with the shortage of rental / accommodation in the Town.</li> <li>• The living environment i.e. landscaping/ private open space can be improved by removal/demolition of some buildings.</li> </ul>
Option 3:	<ul style="list-style-type: none"> <li>• Refuse the application.</li> </ul>	<ul style="list-style-type: none"> <li>• The development may have a detrimental impact on the residential community.</li> <li>• The 24hr nature of the use for workforce accommodation is incompatible with the residential amenity of the locality.</li> <li>• Full use of the site will have wider impact on the amenity of the surrounding residential area.</li> <li>• The living environment i.e. landscaping/ private open space and on-site amenities are limited and not suitable for workforce accommodation.</li> </ul>

Social Impact Assessment

Social Impact Assessment (SIA) is a process for the identifying analysis, assessment, management and monitoring of the potential positive and negative social impacts of a project.

The Town’s Local Planning Policy – 06 ‘Social Impact Assessment’, states the following objectives:

1. To encourage early identification and assessment of positive and negative social impacts of a planning proposal, through the development of a Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP) to mitigate the adverse effects and maximise positive social outcomes for the impacted community.
2. To outline the Town’s expectations concerning the key elements of a Social Impact Assessment, including genuine engagement with stakeholders.
3. To support informed decision-making through the incorporation of quality, evidence-based information, and management measures monitored through key performance indicators.

The applicant has submitted an SIA prepared by Lucid Economics consultancy. The assessment is lacking detail, commitment and doesn’t provide assistance for the on-site and surrounding community. Should the Council approve the development, whether in part or full and due to the ongoing use for 5 years, it is recommended a condition be applied requiring completion of an updated SIA and SIMP by a suitably qualified practitioner.

Traffic Impact Assessment

A transport impact assessment (TIA) has been prepared by Flyt Pty Ltd (Transport Consultancy) for the proposal based on an accommodation capacity of 432 persons. The report essentially supported the development with a full capacity of 432 persons. The report provided a general assessment and the Town’s Infrastructure Services has requested an update to the document for clarity and consistency between the proposal documents and to ensure proposed impacts of the development are clearly mitigated. The report needs further justification on parking availability, separation and impact. Should the Council support the application an appropriate

condition has been recommended requiring the amendments to the TIA.

### Landscaping

There is some mature vegetation around the site between the transportable buildings and along the boundary perimeters. The applicant has suggested that a landscaping plan is being prepared but has not been lodged at the time this report was prepared. The applicant has agreed to having a condition applied to the development in relation to landscaping. Should the Council support the application an appropriate condition has been recommended requiring the following:

- a) Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.
- b) Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.
- c) all cracker dust is to be removed from the verge and streetscape areas.
- d) removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.
- e) removal of all barbed wire within streetscape and the property.
- f) Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.
- g) a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.

### Heritage Assessments

There have been three heritage assessments undertaken for the site and buildings, two by the Federal Government, and one by the State Heritage Commission. The State's assessment of the site found, the place did not have the cultural heritage significance required to meet entry to the State Register.

The lot and buildings were identified under the Town's Municipal Heritage Inventory in 2017- (No.52), Level of significance: Grade C. Even though the site has considerable history, ie *was the first facility specifically established in Australia for the detention of illegal maritime arrivals ('boat people')*, the retention of buildings over demolition is not strongly committed in any document, possibly arising from and stigma of the living conditions in this and other centres and the community's sentiment against the Federal Government's migration policy. For the purposes of this application, it is considered appropriate, that heritage matters be addressed as part of long-term redevelopment of the site, as opposed to under the temporary approval.

### Rooms Numbers on Site

The application is lacking information about total bedroom numbers on site. The former approval 2009, did not identify room numbers except for limiting the development to a maximum of 432 persons, under Condition 4. The applicant has not provided floor plans of the transportable buildings, relying on and lodging the same plans approved by the Town in 2009, for endorsement. The former 2009 plans only indicated the number of rooms for the 14 new transportable buildings approved.

The applicant was requested to provide a full set of plans / information on 30 January 2023, however, has suggested that the Town consider and rely on the plans (limited information) as

submitted. For the purposes of this assessment the information provided under the suggested Social Impact Statement, states there are a total of 450 bedrooms for use. In considering all information and the Town's records, the total number of rooms has been estimated as 510 rooms.

The Lucid Economics, Social Impact Statement indicates room numbers as:

*"Campbell Transport is proposing to transition its workforce to the former Beachfront Village site. Such a move would allow Campbell Transport to expand its accommodation capacity, allowing the business to expand in order to meet market demand. Campbell Transport estimates that it will require 208 of the 450 rooms available at the Beachfront Village. As Campbell Transport transitions its workforce from the existing housing, the move will introduce 40 houses into the local market. Additionally, Campbell Transport is amenable to opening the remaining 242 rooms at the Beachfront Village for key service worker accommodation, which would allow numerous small businesses in Port Hedland to expand and hire new staff."*

Should the Council support the proposal, it is recommended that the condition be applied requiring lodgement of detailed plans of all buildings on site and a report on the suitability of the buildings to be retained and used for accommodation.

#### Planning Issues

There are many matters to be considered as part of making a decision. The impact of the use, in light of the current proposal to activate potentially all 76 buildings, as stated in the application document with a maximum accommodation of 510 rooms.

The assessment of the information provided indicates the use is aligned with 'Workforce Accommodation' use class being predominantly for Campbell Transport staff (presently 150 persons). This would be varied if service workers accommodation is allowed.

How the site is managed if the whole property is opened for residential accommodation. The landowner has indicated at a site meeting he will be employing staff / company to run the workforce accommodation facility.

Whether a temporary approval of the whole site should be issued or temporary for only a portion of the property / buildings.

The risk of not issuing an approval, could mean that the site remains in its current disused state and potentially not be redeveloped in the near future.

A commitment to prepare a structure plan and redevelop the site have been indicated by the applicant but not landowner. Conditions have been applied to ensure that structure plan framework is established to enable the redevelopment of the site. The Town can enter into a legal agreement with the landowner for preparing a Structure plan, demolishing buildings and general improvements (removal of fencing) and installation of improvement landscaping along the Dempster Street frontage.

#### Temporary use and Deed of Agreement

As the subject site is zoned Urban Development and is highlighted as priority urban land in the Town's Local Planning Strategy, Council does have the option of refusing this development application altogether as no Structure Plan has been prepared for the land which guides its

future residential development. However, Officers are cognisant of the commercial factors driving this proposal and are willing to work in good faith with the developer to establish a longer term vision for the site with an agreement containing Structure Planning milestones and building demolition.

As this proposal is for Workforce Accommodation, the Local Planning Scheme allows imposing conditions of approval to limit the term of approval. The unique nature of this site, and for protection of the Town's strategic interests in this site being redeveloped in a form different to its current vernacular (a former Detention Centre) and more consistent with higher quality, permanent residential development, it is considered essential to tie this temporary approval to a Deed of Agreement that contains milestones toward achieving the community's longer term vision for the site. The Conditions of development approval that have been formulated seek to achieve this outcome, which also includes Building Assessments and demolition of unusable or unsuitable buildings within specified timeframes. The timeframes proposed in Conditions are considered reasonable.

The Operational Management Plan is proposed to be tied in with the Deed of Agreement as insufficient clarity was provided by the applicant to enable proper assessment of proposed operations of the facility and impact on the amenity of the locality. The detail within this plan is considered crucial to determining potential and actual impacts on surrounding amenity. This is also pertinent to proposed Conditions 16 and 17, which take a precautionary approach due to a lack of detail provided from the proponent on proposal's operations, the community's ability to access the site, and Officer concerns regarding occupier antisocial behaviour associated with introduction of a licenced premises into a residential area, particularly as the site is located in close proximity to sensitive uses including a primary school and several child care premises. No detail was provided from the applicant in this respect.

#### *Legal Advice*

At the time the report was prepared, a copy of the approval conditions recommended to Council, were provided to the applicant and landowner for consideration and consent. The landowner referred the conditions their solicitor, where the conditions were mostly accepted, except for following:

- i) removal of the requirement for the deed of agreement and milestones for preparation of a structure plan.
- ii) Increase in maximum number of persons permitted to be accommodated on the property at any one time from 150 to 208 persons.
- iii) Including a further 6 months for remove of all transportable buildings from the land by 30 April 2029.
- iv) deletion of conditions relating to selling food products made on site or prepacked and any liquor products.

A meeting was held with the applicant and landowner on 23 March 2023, to discuss the preferred conditions and reasons for variations. Points ii) to iv) were accepted but agreement could not be made about a condition relating to the Deed. It was concluded, all conditions would

be referred to the Town's solicitors for advice and then reporting to Council, which was done on 23 March 2023.

The conditions as recommended by the applicant/landowner can generally be supported as they are essentially format changes but consistent with those prepared by the Town, except for the removal of the requirement for the deed of agreement. Should the Council support the application as recommended, with the conditions as provided by the applicant/landowner, there is risk that the structure planning process will not be initiated or completed. The deed provides further assurance for the Town and community that the Structure Planning process and milestones can be met. The applicant/landowner's preferred wording to the conditions are outlined under the Options section of this report below.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the subject site is noted as a priority site for redevelopment for residential purposes in the Town's Local Planning Strategy.

## CONSULTATION

### *Internal*

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

### *External Agencies*

- Nil

### *Community*

Three (3) submissions were received. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, and officer recommendations on submission are included under Attachment (2) of this report.

As per Schedule 2, Part 8, Clause 64, Advertising applications, the application was considered a major application and advertised to neighbouring landowners and occupiers within 200m of the proposal site, an advertisement was placed in the newspaper and on the Town's website. The application was considered a major application, due to it being an amendment to a former approved use, a reactivation of significant development site.

## LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Strategy
- Town of Port Hedland Local Planning Scheme No.7
- Town of Port Hedland Local Planning Scheme No.5
- Local Planning Policy – 05 'Workforce Accommodation'
- Local Planning Policy - 06 'Social Impact Assessment'
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Local Planning Policy 11 – Stormwater Management

## FINANCIAL AND RESOURCES IMPLICATIONS

The proposal attracted a standard application fee. Its anticipated there will be no additional financial impacts for the Town based on the recommendation being supported. If the recommendation is not supported the matter could be referred to the State Administrative Tribunal which may also require a legal opinion and/or specialist consultancy skills.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.2 Enhanced local training and workforce opportunities

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. the risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). the risk is negated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

There is a reputational risk associated with this item if referred to State Administrative Tribunal and may assess this application and can make determination without consideration of the Town's position or conditions. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

## ALTERNATE RECOMMENDATION

*That Council, pursuant to Clause 74 and of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVES Amendment to the Planning Application 2009/504 on Lot 2 (No. 15) Dempster Street, Port Hedland for Temporary Workforce Accommodation subject to the following conditions and advice notes:*

### *Extent*

- 1. This approval is limited to the temporary use of only sixty four (64) transportable buildings for residential accommodation (Workforce Accommodation) and associated buildings for dining / kitchen and laundry facilities, until 30 April 2028.*
- 2. The landowner shall cease the use by 30 April 2028 and remove all transportable buildings from the land by no later than 30 April 2029 in accordance with an approved Site Rehabilitation Plan, which shall be submitted to and approved by the Town of Port Hedland within six (6) months prior to the expiry of this approval.*
- 3. This decision to approve shall expire if the development has not substantially*

*commenced within two (2) years of the decision date.*

4. *This approval supersedes previous development approvals 2009/504 and all associated conditions.*

#### *Limitations on use*

5. *The site is limited to a maximum of 208 persons permitted to be accommodated on the property at any one time, including workforce and service workforce staff.*

#### *Plans*

6. *The landowner to submit amended and accurate plans to the satisfaction of the Town for approval on or before 1 July 2023. The approved development shall be in accordance with the stamped approved plans.*
7. *Submission of an Operational Management Plan, on or before 1 August 2023, outlining the following, for approval by the Town:*
  - 7.1 *Complaints Management Procedure.*
  - 7.2 *Contact details of the landowner and site manager.*
  - 7.3 *Fire and Emergency Management Plan.*
  - 7.4 *Noise Management Plan.*
  - 7.5 *Vehicle and Bicycle Parking Management Plan, to include but not be limited to the following:*
    - *show which car parking bays will be allocated for visitors, occupants, staff and disabled person/s.*
    - *bicycle allocations for the workforce and location of bicycle parking area(s).*
    - *parking bays to designed as 'User Class 3A' instead of current 'User Class 1A'.*
    - *location of bus parking area on site.*
    - *provide an accurate site plan depicting locations of all parking areas.*
  - 7.6 *Traffic Management Plan, to include but not be limited to the following:*
    - *how workforce trips will be controlled.*
    - *details or estimated times of movements (or update Traffic Impact Assessment report).*
  - 7.7 *Lighting Management Plan to include but not be limited to the following:*
    - *A floodlight plan indicating location, type and lumens of all lighting.*
    - *Indicate lighting management strategy for consideration of sensitive adjoining marine and native fauna.*
  - 7.8 *Cyclone Management Plan to include but not be limited to the following:*
    - *Identify the buildings which are proposed for emergency cyclone sheltering purposes and their level of importance.*
    - *The actions to be taken at each cyclone alert level.*
    - *Alternative measures to ensure the safe relocation of residents to appropriate facilities in the event of a cyclone.*
  - 7.9 *Health and Safety Management Plan for occupants and visitors, with reference but not limited to the following:*
    - *location and provision of private, communal and general open space areas on and off the property.*

- *how privacy / minimum areas can be achieved with screening and/or fencing,*
  - *opportunities for recreation facilities on and off site.*
  - *location of CCTV or other security systems to be used.*
  - *opportunity for and location of end-of-trip facilities for service staff.*
8. *The landowner to submit a landscaping plan to the satisfaction of the Town on or before 1 July 2023. The landscape plan shall depict but not be limited to following:*
- 8.1 *Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.*
  - 8.2 *Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.*
  - 8.3 *all cracker dust is to be removed from the verge and streetscape areas.*
  - 8.4 *removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.*
  - 8.5 *removal of all barbed wire within streetscape and the property.*
  - 8.6 *Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.*
  - 8.7 *a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.*
9. *The approved landscaping plan shall be implemented before 1 May 2024 and maintained thereafter, to the satisfaction of the Town.*
10. *The landowner to submit an amended Traffic Impact Assessment to the satisfaction of the Town on or before 1 August 2023.*
11. *Within six months of commencement of the development, an updated Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland, which:*
- 11.1 *Includes an adequate level of community consultation with surrounding residents and Aboriginal groups;*
  - 11.2 *Includes adequate strategies and actions to ensure mental health and wellbeing of occupiers through provision of leisure and recreation options;*
  - 11.3 *Include timeframes for agreed KPI's;*
  - 11.4 *Provides details on annual monitoring and reporting of the effectiveness of the SIMP, which shall be submitted by the developer to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPI's) that are a direct result of the approved development's operations.*
  - 11.5 *Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2024 and be reported on 1 July each year thereafter, for the duration of the approval.*

#### *Site safety*

12. *The landowner is to submit a Building Report by 1 August 2023 to the Town, indicating an assessment of all buildings on site, their ability to be occupied and/or repaired, and which contain asbestos material.*



13. *In respect of buildings identified in the Building Report as being incapable of safe occupation, the landowner shall, at a time agreed with the Town, either –*
  - 13.1 *demolish the building or buildings; or*
  - 13.2 *repair the building to a standard outlined in the Building Report.*
14. *In respect of the building referred to as 'J' Block (former high security isolation facility of the former Detention Centre use); the landowner shall, before 1 July 2025, either –*
  - 14.1 *demolish the building; or*
  - 14.2 *renovate the building to a standard agreed by the Town.*
15. *All stormwater to be contained and disposed of on-site, to the satisfaction of the Town.*

#### *Contributions*

16. *Prior to occupation of the site, the developer shall make a community contribution of \$63,840, which the Town of Port Hedland shall only spend on local community infrastructure, including but not limited to shared paths within close proximity to the facility which occupiers and residents can utilise for recreation purposes. The contribution shall be paid in full (lump sum) or other alternative arrangements as agreed in writing with the Town.*

#### *Future planning*

17. *In recognition that this approval represents a temporary land use, and the site will ultimately be redeveloped, the landowner is to submit a structure plan and supporting technical documents as required by the Town in accordance with the Department of Planning Lands and Heritage Structure Plan Guidelines, Local Planning Scheme No. 7 and the Planning and Development (Local Planning Schemes) Regulations 2015 on or before 1 July 2025.*

#### *Notifications*

18. *The landowner place a Section 70A Notification on the title of the land, at the full cost of the landowner and prepared by the Town's Solicitors, advising that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which may limit the term of the approval. The notification is to state as follows:*

*"VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. Development on this lot is subject to conditions of development approval which limit the term of approval and require the development to be removed and the land reinstated to its predevelopment condition. Refer to the Town of Port Hedland for details."*

19. *Subject to the Bushfire Management Plan prepared by Linfire Consultancy dated 5 December 2022, the landowner to place a Section 70A Notification on the title of the land, at the full cost of the landowner and prepared by the Town's Solicitors, on or before 1 July 2023. This shall alert people to the existence of the approved Bushfire*

*Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows:*

*“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”*

*Option 3 – Do not adopt officer’s recommendation*

## CONCLUSION

In consideration of the above matters it is recommended that the application be supported in part and approval be issued for use of the 65 transportable buildings for ‘Workforce Accommodation’ use. It is considered the partial use of site permits the use of the majority of buildings on site, which assists the landowner to support the financial investment. The partial use of the site may have a limited impact on the amenity of the surrounding residential use and provides the opportunity to test the landowner’s/operator’s ability to manage the potential amenity issues associated with site operations and any issues that arise. Furthermore, the development as existing cannot support additional car parking bays without the demolition of buildings. It is estimated that a workforce of 150 persons, as need to be accommodated by the landowner can be readily catered for by the existing 145 bays. The former approval (DA2009/540) required a minimum of 304 car parking bays be provided on site for the 432 persons originally permitted.

## ATTACHMENTS

1. Application Report and Supporting Documents (under separate cover)
2. Schedule of Submissions (under separate cover)
3. Bushfire Management Plan (under separate cover)

At 6:14 pm, Cr Renae Coles left the meeting.

At 6:20 pm, Cr Renae Coles returned to the meeting.

At 6:24 pm, Cr Renae Coles left the meeting.

At 6:27 pm, Cr Renae Coles returned to the meeting.

**12.3.5 JOINT DEVELOPMENT ASSESSMENT PANEL – PROPOSED RESOURCE RECOVERY CENTRE (TYRE RECYCLING AND PROCESSING FACILITY) LOTS 100 (NO. 22) AND 1807 (NO. 20) MOORAMBINE STREET, WEDGEFIELD**

**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.

**CM202223/023 COUNCIL DECISION**

**MOVED: CR ZIELKE**

**SECONDED: DEPUTY MAYOR TURNER**

That Council recommends the Regional Joint Development Assessment Panel approves Development Application (Reference No. DAP/23/02435) and accompanying plans in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland and/or the Joint Development Assessment Panel (as applicable). This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
3. Prior to the commencement of any works, the applicant shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% (capped at \$150,000) of the estimated total construction cost of the development, being \$50,000. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:
  - Option 1: Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
  - Option 2: Applicant chooses to pay cash-in-lieu.

4. Prior to lodging an application for a building permit, a revised stormwater management plan shall be submitted to and approved by the Town. It shall be designed to the specification of the Town and include:
  - Measures to retain the 6 minute rainfall event;
  - Finished Floor Levels of the building to a minimum of 6.3m AHD;
  - Proposed surface treatments;
  - The use of fines, such as 'cracker-dust', is not permitted.
  - Detailed contours for the lot; and
  - Any upgrades required to the stormwater system, including within the Town's reserves adjoining the site.
5. The approved stormwater management plan shall be implemented in full prior to the occupation of the building or use of the site and maintained thereafter to the satisfaction of the Town.
6. The landowner shall provide a minimum 20 car parking bays for the 'Resource Recovery Centre' use, additional to the 23 car parking bays required for the 'Industry' (Asphalt Plant and Cement Silos) use on the subject lots.
7. All vehicle parking, manoeuvring areas, tyre storage areas and area around the 'Resource Recovery Centre' building must be sealed, kerbed, drained and line marked and maintained to the satisfaction of the Town.
8. The approved parking layout shall be implemented and constructed to the Town's specification, prior to the occupation of the building or use of the site.
9. Prior to the occupation of the building or use of the site, all landscaping areas to be installed, to the satisfaction of the Town of Port Hedland.
10. Prior to the occupation of the building or use of the site, all crossovers shall be constructed to the specification and satisfaction of the Town of Port Hedland. The crossovers, inclusive of their culverts and driveway(s) shall be maintained for the duration of the development to the satisfaction of the Town of Port Hedland.
11. The landowner shall enter into a deed with the Town of Port Hedland to ensure Lots 1807 and 100 maintain vehicular accesses to Moorambine Street, the shared benefit of vehicle entry/exit access points and the shared parking arrangement, until the subject lots are no longer used for the approved uses, to the satisfaction of the Town.

The Deed shall be prepared at the full cost of the landowner by the Town's Solicitors, to the satisfaction of the Town of Port Hedland. All costs in relation to the preparation of the deed and lodgement and withdrawal of any caveat shall be borne by the landowner, including the Town's legal costs for the review of the deed.
12. Prior to lodging an application for Building Permit, an Operational Management Plan shall be submitted to and approved by the Town, and thereafter be implemented at all times. The Operational Management Plan shall include, but not be limited to, the following matters:

- A detailed storage and site management plan for the proposed storage of tyres to minimise fire risk to the specification of DWER and satisfaction of the Town;
- A Mosquito Management Plan detailing measures for mitigation measures to avoid mosquito-borne diseases and potential breeding.
- Risks of wind and/or waterborne erosion and sedimentation will be prevented during construction works or during ongoing operations.

#### Advice Notes

- a. This is a development approval only and is issued under the Town of Port Hedland's Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, to commence and carry out development in accordance with any other laws.
- b. In reference to Conditions 6, 7 and 8, the Town acknowledges there are two approved uses on the lots requiring the provision of 23 car parking bays for development approval (Reference: 2020/204.04), and 20 car parking bays for this development (Reference: 2023/012).
- c. The development requires a Building Permit Application for any structural works including, including but not limited to fencing, retaining walls, signage, bin stores and light posts. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for building permit being submitted.
- d. It is the responsibility of the proponent to manage any impacts on aboriginal heritage in accordance with the Aboriginal Heritage Act 1972.
- e. The proposed signage is to be in strict accordance with the Town of Port Hedland Local Planning Policy 02 Advertising Signs, unless further development approval is obtained. The applicant and owner should liaise with the Town's Development Services in this regard.
- f. All works in the road reserve, including but not limited to the construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the Town of Port Hedland. The applicant and owner should liaise with the Town's Technical Services in this regard.
- g. The development must comply with the Environmental Protection (Noise) Regulations 1997 at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Town of Port Hedland and 7 day notice sent to nearby residents.

- h. If an applicant or owner is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14.
- i. The development and/or land use must comply with the Environmental Protection (Controlled Waste) Regulations 2004. The applicant and owner should liaise with the Department of Water and Environmental Regulation in this regard.
- j. Should the proposal require the taking of groundwater, a Licence to Take Water may need to be obtained. The applicant and owner should liaise with the Department of Water and Environmental Regulation in this regard.
- k. With respect to any licencing requirements for the storage of tyres, the applicant and owner should liaise with the Department of Water and Environmental Regulation.

*CARRIED BY SIMPLE MAJORITY (8/0)*

## PURPOSE

The purpose of this report is for Council to consider a recommendation to the Regional Joint Development Assessment Panel (Regional JDAP) for the construction and operation of a proposed Resource Recovery Centre and incidental office for the purpose of tyre recycling and processing at Lots 100 (No. 22) and 1807 (No. 20) Moorambine Street, Wedgefield (subject site). The Town of Port Hedland is required to make a recommendation to the Regional JDAP by noon Thursday 27 April 2023, otherwise, the application will be reviewed in the absence of any comments or conditions from the Town.

## DETAIL

The subject site is in the Wedgefield Industrial Area near the intersection of Pinga Street - Moorambine Street to the west and Moorambine Street – Draper Street to the east. The area is surrounded by a range of light industrial land uses and businesses. The proposed facility will incorporate the delivery of tyres, cutting to 60-70kg pieces of tyres and dispatch of the product to another facility (Tyrecycle's Facility, South of Perth in O'Connor) for further processing. As part of the Development Application, the following technical and supporting documentation has been submitted:

1. Project/Planning Report (Rowe Group, 2022)
2. Development Plans (Bell Architecture, 2023)
3. Traffic Impact Statement (Transcore, 2022)
4. Certificate of Titles
5. Recent development approval from the Town – Approved on 25 March 2022 (ToPH ref: 2020/204.04 - Amendment to development approval for Industry – Asphalt Plant and Cement Silos on subject site)

### Summary of the proposal

The applicant proposes to construct and operate a Tyre Recycling and Processing Facility at the subject site. The major work components being proposed under this application include:

- Construction of 80m x 30m dome roof building where the tyres will be cut into smaller pieces (60-70kg pieces),

- The building includes an internal office and amenities area for staff for this operation.
- New machinery (i.e. Raptor and T-Rex) to facilitate the cutting of tyres into 60-70kg pieces.
- Concrete hardstand areas and space for vehicle manoeuvring.
- Removal of steel from the tyres (No further processing of tyres at the site).
- Transportation of tyres and associated steel materials to and from the site within trucks/trailers as below.

Activity	Truck Type & Size	Loads (per day)	Trips (per day)
Transport whole tyres	A-double (36.5m)	5 loads	10 trips
Transport chunks of tyres	Semi-trailers (19m)	5 loads	10 trips
Steel collection	Rigid-truck (12.5m)	2 loads	4 trips

- Minor storage of tyres before processing (approximately 72 tyres per day).
- Removal of material after processing.

The proposed development and the existing development (Asphalt Plant and Cement Silos for concrete batching) will operate independently of one another. Vehicle access from Moorambine Street will be shared. Vehicle manoeuvrability through the site will be shared.

Tyrecycle has a lease agreement with the current landowner (Cockburn Cement Ltd) of Lots 100 (No. 22) and 1807 (No. 20) Moorambine Street, Wedgefield to utilise the portion of the subject site for their industrial operations (proposed resource recovery centre).

**Local Planning Framework**

The project will interact with the following parcels of land:

- Lot 1807 on Deposited Plan 174643 – 20 Moorambine Street, Wedgefield, WA 6721;
- Lot 100 on Deposited Plan 061456 - 22 Moorambine Street, Wedgefield, WA 6721;

**Local Planning Scheme No. 7 (LPS7)**

As per Town’s Local Planning Scheme No. 7 (LPS7), Clause 17 Zoning Table, the above sites are zoned as follows:

- 20 Moorambine Street, Wedgefield – Light Industry as per LPS7;
- 22 Moorambine Street, Wedgefield – Light Industry and Industrial Development as per LPS7. Also, as per LPS7, Clause 19, Additional uses, This Lot also possesses the following additional Land Use rights,
  - A1 – Caretaker’s Dwelling
  - A3 – Concrete batching, Asphalt Batching and Concrete and Asphalt storage.

As per LPS7, Clause 16 Zones, the zone objectives for Light Industry and Industrial Development are as follows:

- Light Industry
  - *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.*

- Industrial Development
  - *To designate land for future industrial development.*
  - *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.*

As per LPS7, the proposed tyre recycling and processing facility is considered under the use class of resource recovery centre. Under LPS7, Clause 38 Land use terms used, a Resource Recovery Centre *means premises other than a waste disposal facility used for the recovery of resources from waste.* In pursuant to Clause 17 Zoning Table of LPS7, it is noted that the resource recovery centre is 'A' use, which *means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.* In this instance, the Town is providing a recommendation for the Regional JDAP who are the decision maker for this application.

#### Local Planning Strategy

The development is considered to meet the objectives of the Town's *Local Planning Strategy*, which outlines that the Town's primary industrial area is Wedgefield within which *the older part of Wedgefield, located west of Pinga Street and north of Anthill Street, was originally developed in the 1960s and 70s as a light industrial precinct and this is evident in the lot configuration, which consists of primarily smaller lots typical of a light industrial estate with narrow 20m – 30m road reservations. However, the types of industrial uses in this part of Wedgefield has evolved to accommodate a range of industrial uses, including concrete batching plants, tyre and scrap metal storage, transport depots and general industry.* For these reasons, the addition of the proposed tyre recycling facility within the Wedgefield precinct should be supported.

#### Local Planning Policy 02 – Advertising Signs (LPP/02)

The proposal shows indictive signage and seeks approval for a single sign attached to the southern façade of the dome structure, as shown on development plans (refer Attachment 1). The sign is approximately 2.5m in height and 6m in width. The proposed signage is generally consistent with the Town's Local Planning Policy 2 - Advertising Signs. It is recommended that an advice note be imposed stating that signage associated with the development should comply with LPP/02.

#### Local Planning Policy 04 – Percent for Public Art (LPP/04)

The development application is subject to assessment under the Town's Local Planning Policy 04 Percent for Public Art (LPP/04). In this instance, the Town considers that a cash-in-lieu contribution would be a suitable outcome for this application for the following reasons:

- The Town has the ability to work with variety of artists, including promoting local and/or Indigenous art;
- The artwork would be located within a public place in which a wider population can access and enjoy; and
- The money used will contribute to an artwork that can celebrate the Hedland environment, industry and lifestyle, and promote awareness of the value of public art in the community.

A condition has been included in the Officer Recommendation for the applicant to provide \$50,000 for a public art contribution, in accordance with Clause 4.4 of LPP/04. This



contribution will be for the specific purpose of providing a piece of public art within the Town boundaries.

#### Local Planning Policy 11 – Stormwater Management (LPP/11)

The development application is subject to assessment under LPP/11 which assists developers, engineers, landowners and government to integrate suitable design measures into their own stormwater systems. The correct design and construction of appropriate systems will assist with reducing the damaging effects of heavy rainfall events on private and public property and the public drainage network.

The previously approved stormwater management plan within the application 2020/204.04 had a slightly different site arrangement, and this would not be sufficient for the newly proposed resource recovery centre. Hence, as part of the assessment process, it has come to attention that the stormwater management plan requires amendments in accordance with LPP/11. A condition has been included in the Officer Recommendation for a revised stormwater management to be submitted to the Town.

#### Car Parking and Access

Schedule 1 of LPS7, prescribes the minimum required car parking bays for each land use. For the 'Resource Recovery Centre', LPS7 allows the local government to apply discretion in the number of car parking bays on-site. The proposal mentions using the existing car parking bays located at the southwestern boundary of Lot 100 (No. 22) Moorambine St, which could be used by the on-site staff (maximum 8 staff at any one time) and other visitors. In consideration of this, no additional car parking is required. However, the previous approval 2020/204.04 required the to include a minimum of 23 car parking bays on site. To satisfy these, a condition has been included in the Officer Recommendation section.

The applicant provided a Traffic Impact Statement, prepared by Transcore dated 12 December 2022, as part of the development application. The development will be served by two (2) crossovers, both on Moorambine Street, however, the first crossover serves entry-only and the second crossover serves exit-only options. This setup works well for the proposed resource recovery centre allowing suitable site access and exit for all the incoming and outgoing trips with no congestion. Also, there are no other safety concerns triggered by this development and the Traffic Impact Statement concludes that the findings are supportive for the proposed tyre recycling and processing facility.

#### Landscaping and Screening

The proposal does not include any new landscaping because the development approval (2020/204.04) included landscaping which was approved by the Town on 25 March 2022.

Clause 32 Additional site and development requirements of LPS7 mentions,

- *Within the General Industry, Light Industry and Industrial Development zones, any outside storage area which the local government considers may lower amenity when visible from the street shall be screened by a wall, fence or planting, including gates where access is required, to the satisfaction of the local government.*
- *A minimum of 10% of the total property area shall be landscaped within the Strategic Industry, General Industry, Light Industry and Tourism zones. A portion of this landscaping may be considered for approval within the verge immediately adjoining the site, subject to approval and ongoing maintenance by the applicant and/or landowner.*

The proposed development can be supported without additional landscaping and allow outside storage areas in compliance with Clause 32 Additional site and development requirements of LPS7, as follows:

- The previously approved landscaping plan within the Development Approval (2020/204.04) satisfies the minimum requirement of 10% landscaping.
- Swales have been constructed and will be landscaped along the northern and western boundaries of the subject site which will help to screen the industrial activities. The developer is currently implementing the 25 March 2022 Development Approval.
- There is existing fencing along the boundaries of the subject site which will help to screen the proposed industrial activities.
- The proposed tyre storage areas area set back approximately 25m from Pinga Street and separated by a fence and landscaped swale. These will not be highly visible from the street.
- The proposed activities will not be visible from Great Northern Highway because there is an existing scrap yard to the north of the subject site.

To satisfy the above and complete all the underlying landscaping works, a condition has been included in the Officer Recommendation section.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposal is generally consistent with the Local Planning Framework and the proposed development is within an established industrial area.

#### CONSULTATION

##### *Internal*

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

Where relevant, the internal referral comments have been addressed in the detail section of the report, and relevant conditions have been included in the Officer Recommendation section.

##### *External Agencies*

Nil

##### *Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal has been advertised for a period of 14 days, between 28 February 2023 and 14 March 2023 to adjoining landowners, and details of the proposal were published on the Town's webpage on 28 February 2023. The Town did not receive any submissions regarding this application during the consultation process.

#### LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005;*

- *Planning and Development (Development Assessment Panels) Regulations 2011;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Town of Port Hedland Local Planning Strategy;
- Town of Port Hedland Local Planning Scheme No. 7;
- State Planning Policy 5.4 – Rail and Road Noise
- Local Planning Policy 02 Advertising Signs
- Local Planning Policy 04 Percent for Public Art
- Local Planning Policy 11 Stormwater Management

## FINANCIAL AND RESOURCES IMPLICATIONS

The proposal attracted an application fee. There will be no additional financial impacts for the Town based on the recommendation being presented to the Regional JDAP for this proposal.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.3.3 Prioritise, encourage and promote local procurement.
- 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.

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk is negated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

There is a reputational risk associated with this item because the JDAP will assess this application and make determination without consideration of the Town's position or conditions, if the Council does provide a formal response. The risk rating is considered to be medium (5), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

## 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 a detailed assessment of the proposed JDAP application for proposed Resource Recovery Centre for the purpose of tyre recycling and processing at Lots 100 (No. 22) and 1807 (No. 20) Moorambine Street, Wedgefield. Based on the assessment against LPS7 and the relevant planning framework, it is considered that the proposal is appropriate for the location and an approval recommendation, subject to standard conditions and advice notes, be presented to the JDAP for determination.

**ATTACHMENTS**

1. Project report including appendices and supporting documents (under separate cover)

At 6:49 pm, Cr Renae Coles left the meeting.

At 6:53 pm, Cr Renae Coles returned to the meeting.

Cr Ash Christensen foreshadowed an Alternate Recommendation to add a Part 3 - to defer the construction of the revised Marquee Park Precinct to align with the future key worker precinct housing.

## 12.4 Infrastructure Services

### 12.4.1 REVISION OF MARQUEE PARK PUBLIC OPEN SPACE PROJECT CONCEPT

Author: Senior Project 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.

#### CM202223/024 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council:

1. Pursuant to Section 3.12 of the Local Government Act 1995 and Section 31 of the Dog Act 1976 note the responses to the formal public notice advertising the Town's intent to specify areas within the Marquee Park Public Open Space (Lot 263) as off-lead Dog Exercise Areas
2. Note and endorse the revised Marquee Park Concept Design to improve amenity through the precinct and bring construction cost in line with budget.

*CARRIED BY SIMPLE MAJORITY (5/4)*

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

Against: Cr Coles, Cr Gillingham, Cr Christensen, Cr Bennett

Mayor Carter used his 'Casting Vote' in Favour of the Officer's Recommendation

#### PURPOSE

The purpose of this report is for Council to note the revised Marquee Park Public Open concept in order to bring the project to within budget. The report also presents a summary of the submissions received in response to the Town's public notice specifying designated areas the park as Dog Exercise Areas due to the closure of the Temporary off lead Dog Exercise Area at Marie Marland Reserve when the South Hedland Integrated Sports Hub construction commences.

**DETAIL**

*Background*

Previously at the November 2019 Ordinary Council meeting, two residents raised the issue of a lack of off-lead Dog Exercise Area (DEA) within South Hedland during Public Question and Statement Time. The Commissioner advised that this would be investigated, and a response would be sent to both residents.

Following investigations by Town officers, a temporary off-lead DEA at the Marie Marland Reserve was proposed and adopted by the Commissioner at the February 2020 OCM, pending no substantiated objections being received during the 28-day public notice period.

During the notice period for the temporary dog park, fifty (50) formal responses were received, with forty-eight (48) being in support of the proposal, and two being (2) being against the proposal.

The temporary dog park has operated successfully at Marie Marland since that time.

*Marquee Park Splash & Play*

Since its opening in 2013 the Marquee Park Splash & Play experienced ongoing service outages and operational challenges.

Critical failures to the aquatic infrastructure were exacerbated by regional conditions including high levels of water hardness and calcium and an inefficient pump design culminating in significant ongoing cost to maintain equipment and to ensure water quality met appropriate standards.

Due to historic issues with operating and maintaining the facility, vandalism, and high operational costs, the Council unanimously endorsed the investigation of alternate uses for the Marquee Park Splash & Play precinct at the February 2022 OCM and endorsed the relocation of aquatic elements into the already adopted Town of Port Hedland Aquatic Masterplan.

<b>OCM202122/143 COUNCIL DECISION</b>	
<b>MOVED: CR GILLINGHAM</b>	<b>SECONDED: CR ZIELKE</b>
That Council:	
<ol style="list-style-type: none"> <li>1. Note the historical maintenance, vandalism, and operational issues at Marquee Park;</li> <li>2. Authorise officers to proceed with investigations for an alternative use of the existing water play site; and</li> <li>3. In line with already adopted aquatic facility strategy endorse the relocation of the water play functions to a managed aquatic facility where support, maintenance and observation is increased.</li> </ol>	
<b><i>CARRIED BY SIMPLE MAJORITY (8/0)</i></b>	
<u>In Favour:</u>	Mayor Carter, Cr Coles, Cr Zielke, Cr Turner, Cr Gillingham, Cr Christensen, Cr Bennett, Cr Eckhart
<u>Against:</u>	Nil

Due to the adoption of the Town of Port Hedland Aquatics Masterplan and the future Aquatic Facility being integrated into the SHISH masterplan, it was necessary to identify a more suitable site for a permanent off lead Dog Exercise Area. Marquee Park was identified as the preferred location due to the existing fencing and infrastructure, and Council unanimously supported the use of the site and adopted the concept design at the April 2022 OCM, pending no substantiated responses being received from the community.

CM202122/181 COUNCIL DECISION	
MOVED: CR CHRISTENSEN	SECONDED: DEPUTY MAYOR TURNER
OFFICER'S RECOMMENDATION 1	
That Council:	
<ol style="list-style-type: none"> <li>1. Support the repurposing of Marquee Park to a dog exercise and family park;</li> <li>2. Endorse the Concept Design for the dog exercise park (as per Attachment 1) by Considered Space, for inclusion in a Request for Tender to be released as part of the FY2022/23 Capital Works Program.</li> </ol>	
<i>CARRIED BY SIMPLE MAJORITY (8/0)</i>	

CM202122/182 COUNCIL DECISION	
MOVED: CR CHRISTENSEN	SECONDED: DEPUTY MAYOR TURNER
That Council:	
<ol style="list-style-type: none"> <li>1. Give public notice that it intends to formally identify the following portion of land as a dog exercise area, as required under section 31(3A) of the <i>Dog Act 1976</i>, provided no substantiated objections are received:             <ol style="list-style-type: none"> <li>a) part of lot 263 (100) Kennedy Street, South Hedland – Plan Number P070677</li> </ol> </li> <li>2. Note that should there be any objections, these will be reported to Council.</li> </ol>	
<i>CARRIED BY ABSOLUTE MAJORITY (8/0)</i>	

*Public Notice*

As per section 31(3A) of the *Dog Act 1976* the Town sought formal responses from the community to which there were three (3) submissions received. To maintain the respondent’s confidentiality, these submissions are provided to Elected Members under confidential cover, but are summarised below:

Submission Summary	Officer Response
Waste of Money	Noting the rising operational cost of repairs and maintenance, chlorine, and staffing, the redevelopment will significantly reduce annual operational costs to the Town. The project will be tendered to ensure the Town receives value for money.
Proximity to traffic and residential houses	All off lead Dog Exercise Areas will be fenced. Currently the Park is subject to anti-social behaviour – a dog park will ensure social activation and passive surveillance of the area.

Not visually appealing	The concept plan will be consulted on and approved by Council and will be visually appealing.
Removal of green space and park	Green space will be greatly retained throughout the precinct and the park will be retained and renewed in 23/24 financial year as part of the Town’s annual playground renewal schedule.
Turn into a scoot and ride zone.	A small scoot and ride trail has been integrated into the revised concept, formalising the connectivity of Marquee Park with the JD Hardie and other Town facilities
Kiosk has never been commissioned – use pop-ups	The Kiosk was commissioned but was never successful. Pop-ups could be considered however they are unlikely to be economically viable. There is however infrastructure in place to enable pop-up activation at the site.
Use of land in Trumpet/Kennedy/Brown for a dog area.	Town is considering this area for Key Worker Housing.

*Revised Masterplan Design*

Concurrent to the advertisement period and community engagement being undertaken a high-level total project cost estimate for the original concept design was received. Noting the opportunity to improve overall amenity at the Marquee Park precinct in line with outcomes identified through community consultation and the formal responses received, the Town made amendments to the concept plan.

The revised concept has retained the existing splash pad infrastructure, soft fall will be placed over the existing infrastructure thereby reducing the requirement to demolish the splashpad which came at a significant cost. The revised concept plan includes the installation of adventure play, parkour, and obstacle elements over the soft fall area. A scoot and ride path has been proposed to formalise Marquee Park as a link between the South Hedland Senior High School and the JD Hardie Youth Centre. The current concept designs for Stage 3 of the JD Hardie include a pump track and a scoot and ride path at Marquee Park would complement this development.

The Town is seeking to retain existing shade, seating, and BBQs throughout the precinct. The existing playground will be renewed in line with the Town’s Annual Playground Renewal schedule in FY 23/24.

The Town conducted ongoing consultation with the community during 2022. This included six (6) facilitated sessions with 24 community members including subject matter experts and community representatives, as well as animal trainers, vets, and community leaders. The Town also met with traditional owners and elders and they were supportive of the proposal.

Key concerns raised during consultation were community safety, antisocial behaviour and the perceived loss of any amenity from the park. The revised concept plan addresses these concerns.

*Next Steps*

The Town will commission detailed designs in preparation for the release of the construction tender which is scheduled for mid-April.



## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as no substantiated objections were received, and concept design amendments are minor and provide greater overall amenity.

## CONSULTATION

### *Internal*

- Director Infrastructure Services
- Director Community Services
- Manager Infrastructure Projects and Assets
- Manager Environmental Health
- Manager Infrastructure Operations
- Manager Recreation and Leisure Services
- Manager Youth & Community Engagement
- Senior Project Manager
- Project Manager
- Senior Project Officer
- Senior Community Engagement Officer, Community & Place

### *Project Officer – Community Development External Agencies*

- Considered Space Landscape Architecture
- Yurra Landscaping
- Tail Wagz Dog Training
- Wangka Maya
- IBN

### *Community*

Ongoing targeted community consultation has been undertaken in regard to this project including sessions with subject matter experts, landscapers, and local indigenous elders and community leaders.

## LEGISLATION AND POLICY CONSIDERATIONS

### *Local Government Act 1995*

### *Local Government (Administration) Regulations 1996*

### *The Dog Act 1976*

### *Town of Port Hedland Dogs Local Law 2021*

The Dog Act 1976 requires that a local government specify such dog exercise areas that are sufficient in number and suitable for the exercising of dogs. Section 31 (2B) and (3A) Dog Act 1976 enables Council to approve DEAs and dog prohibited areas via simple majority.

## FINANCIAL AND RESOURCES IMPLICATIONS

A total budget of \$900,000.00 has been allocated to this project for the 2022/23 Financial Year. The revised concept ensures total project cost to be delivered within this existing project allocation.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle
- 3.1 A healthy natural environment
- 3.2 A safe and fit for-purpose built environment

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

## RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item due to the requirement the Town was under section 31(3A) of the *Dog Act 1976* is to give public notice for new designated off lead Dog Exercise Areas. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

*Option 3 – Do not adopt officer's recommendation*

## CONCLUSION

As concept designs have been endorsed by Council and as none of the received objections were substantiated it is recommended that Council note the feedback provided and the responses from Town officers. Following the completion of the park's detailed design, works will be awarded over the coming months.

## ATTACHMENTS

1. Appendix 1 - Formal Notice Submissions - Confidential (under separate cover)
2. Appendix 2 - Redevelopment Marquee Park - Landscape Masterplan Revision A (under separate cover)

At 6:45 pm, Cr Renae Coles left the meeting.

At 7:05 pm, Cr Renae Coles returned to the meeting.

12.5 Executive Services

12.5.1 UPCOMING CONFERENCES 2023

Author: Executive Assistant to the CEO & Mayor  
 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.

CM202223/025 COUNCIL DECISION

MOVED: CR BENNETT

SECONDED: CR ZIELKE

That the following Items be adopted en bloc:

ITEM	TITLE
12.5.1	Upcoming Conferences 2023 - Officer’s Recommendations 1 – 6 are to be adopted en bloc.

*CARRIED BY SIMPLE MAJORITY (8/0)*

OFFICER’S RECOMMENDATION 1

1. Nominate and approve the Mayor Carter to attend The Australian Hydrogen Conference on behalf of the Town of Port Hedland on 25 – 26 May 2023 in Brisbane.
2. Notes that the CEO may appoint Officers to attend the Australian Hydrogen Conference on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 27 June 2023.

*CARRIED BY SIMPLE MAJORITY*

OFFICER’S RECOMMENDATION 2

1. Nominate and approve the following Elected Members to attend the 2023 National General Assembly of Local Government (NGA) which incorporates the Regional Cooperation and Development Forum on behalf of the Town of Port Hedland on 13 – 16 June in Canberra:
  - a) Mayor

- 
- b) Deputy Mayor;
  - c) Cr Christensen; and
  - d) Cr Bennett
2. Notes that the CEO may appoint Officers to attend the National General Assembly and Regional Cooperation and Development Forum on behalf of the Town of Port Hedland; and
  3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 17 July 2023.

*CARRIED BY SIMPLE MAJORITY*

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#### OFFICER'S RECOMMENDATION 3

1. Nominate and approve Deputy Mayor Turner to attend the 4<sup>th</sup> Organisation for Economic Co-operation and Development (OECD) Meeting of Mining Regions & Cities on behalf of the Town of Port Hedland on 20 – 23 June in Karratha.
2. Notes that the CEO may appoint Officers to attend the 4<sup>th</sup> OECD Meeting of Mining Regions & Cities on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 23 July 2023.

*CARRIED BY SIMPLE MAJORITY*

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#### OFFICER'S RECOMMENDATION 4

1. Nominate and approve the following Elected Members to attend the 2023 Developing Northern Australia Conference on behalf of the Town of Port Hedland on 24 – 26 July 2023 in Darwin:
  - a) Mayor Carter; and
  - b) Deputy Mayor Turner
2. Notes that the CEO may appoint Officers to attend the Developing Northern Australia Conference on behalf of the Town of Port Hedland in Darwin; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 27 August 2023.

*CARRIED BY SIMPLE MAJORITY*

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**OFFICER'S RECOMMENDATION 5**

1. Nominate and approve the Cr Zielke to attend the 2023 Decarbonising the Resources Sector Summit on behalf of the Town of Port Hedland on 26 – 27 July 2023, in Perth.
2. Notes that the CEO may appoint Officers to attend the Decarbonising the Resources Sector Summit on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 28 August 2023.

*CARRIED BY SIMPLE MAJORITY*

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**OFFICER'S RECOMMENDATION 6**

1. Nominate and approve the following Elected Members to attend the 2023 SEGRA National Regional and Economic Development Summit on behalf of the Town of Port Hedland on 26 – 27 July 2023, in Toowoomba:
  - a) Mayor Carter; and
  - b) Cr Christensen
2. Notes that the CEO may appoint Officers to attend the SEGRA National Regional and Economic Development Summit on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 28 August 2023.

*CARRIED BY SIMPLE MAJORITY*

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**PURPOSE**

The purpose of this report is for Council to consider the attendance of the Mayor and relevant Elected Members at the following conferences:

- The Australian Hydrogen Conference, 25-26 May 2023, Brisbane
- The National General Assembly of Local Government (NGA) and Regional Cooperation and Development Forum, 13 – 16 June 2023, Canberra; and
- 4<sup>th</sup> OECD Meeting of Mining Regions & Cities, 20-23 June, Karratha
- The Developing Northern Australia Conference, 24 – 26 July 2023, Darwin
- Decarbonising the Resources Sector Summit, 26-27<sup>th</sup> July 2023, Perth
- SEGRA National Regional and Economic Development Summit, 26 – 27<sup>th</sup> July 2023, Toowoomba

## DETAIL

### THE AUSTRALIAN HYDROGEN CONFERENCE 25 - 26 MAY 2023, BRISBANE

Queensland has a plethora of hydrogen developments currently taking shape which will become a key highlight of the event, but as with the Adelaide and Perth conferences we will be taking a national approach to the industry and including case studies on hydrogen developments and projects from across Australia.

#### Registration

Registration to attend the Australian Hydrogen Conference is \$3,395 per delegate (early bird rate).

#### Key topics

- The very latest Government announcements on the country's exciting hydrogen plans
- Key project updates from Queensland hydrogen proponents, and many other players from across Australia
- A review of key exports markets in Europe and Asia, and viewpoints of some of the major hydrogen buyers
- The role that hydrogen will play in Australia's national electricity market going forward
- A comprehensive round up of State Government hydrogen initiatives from across Australia
- The latest advances in hydrogen mobility, and refueling networks being established on the east and west coast
- New initiatives and plans to blend hydrogen into some of Australia's pipeline networks
- Exploration initiatives/opportunities for natural/golden hydrogen
- The latest advances in new pipeline technologies that will facilitate storage and transportation of green hydrogen
- The potential for electrolyser manufacturing capability to be developed in Australia
- Water management and utilisation technologies and strategies for this new industry
- Common user infrastructure considerations to facilitate various hydrogen clusters around the country
- Port logistics and infrastructure planning to enable a hydrogen export industry
- Case studies of industrial applications for hydrogen to decarbonise heavy industry
- Skilling and workforce planning to meet the surging demand for qualified staff
- Tech showcases of the latest hydrogen technologies

### 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (NGA) AND REGIONAL COOPERATION AND DEVELOPMENT FORUM, 13-16 JUNE 2023, CANBERRA

The 2023 National General Assembly of Local Government (NGA) – incorporating the Regional Cooperation and Development Forum – will be held from 13-16 June in Canberra. This year's NGA is expected to be the biggest yet and the program is being developed to feature a wide range of high profile and engaging speakers, leaders and presenters.

The theme for the 2023 NGA will be "Our Communities, Our Future". We are looking for ideas for new federal programs and policies that would support councils to build stronger communities in the future.

**Registration**

Registration to attend the NGA and Regional Forum is \$1,120 per delegate. \*Tours and dinner are an additional cost.

**Key topics**

- Building a Stronger Workforce
- The Future of Local Government
- Local Solutions to Global Problems - Councils Addressing Climate Change
- Indigenous Affairs
- Parliamentary Crossbench
- Cyclones, Fires and Floods
- Australia's Affordable Housing Crisis
- Cyber Security and Local Government

**4TH OECD MEETING OF MINING REGIONS & CITIES, 20-23 JUNE, KARRATHA**

To be held in Karratha from 20-23 June 2023, this exciting event will host delegates from mining Cities and Regions locally and from around the world to discuss key topics of diversification and liveability in the context of the green transition.

The OECD Mining Cities and Regions initiatives aims to develop recommendations for improving regional development outcomes for regions and cities specialised in mining and extractive industries

**Registration**

The OECD conference is free to attend.

**Key Topics**

**Diversification and green value chains:**

Economic diversification is important to ensure that mining regions develop economic resilience, over the long run, against economic shocks. The green transition can help with diversification efforts by contributing to the emergence of new business opportunities for the local economy, for example from circular practices in the mining value chain, as well as by providing new ways of involving the different community stakeholders in regional development.

**Liveable and sustainable mining communities:**

Greater liveability in mining communities should be aligned with a more sustainable use of resources, along with the delivery of quality services and infrastructure, helping to improve regional attractiveness for people and business. Collaboration with the private sector, for example through better ESG practices, would be a cornerstone to this end.

**THE DEVELOPING NORTHERN AUSTRALIA CONFERENCE, 24 – 26 JULY, DARWIN**

As costs of living soar and the fallout from COVID, climate change, population shifts and liveability factors continue to create impact in our region, we all feel it.

However, the variety of opportunities we have at our fingertips to propel the region towards its full economic, ecological and social potential is encouraging.

Highlighting Northern Australia as a true leader in the wider Indo-Pacific region by using innovation, Indigenous-led diplomacy, trade and solutions-focused policy to create a stronger tomorrow is where our attention needs to be. Presenters will highlight the current challenges, the growth opportunities and future plans for northern Australia

### Registration

Registration to attend the Developing Northern Australia Conference is \$1,299 per delegate.

### Key topics

At the time of writing this paper, the program is still being developed

### DECARBONISING THE RESOURCES SECTOR SUMMIT, 26 - 27 JULY, PERTH

Australia has long been a Resources powerhouse and is now in the spotlight and facing increasing pressure from regulators, investors, customers & the community globally to decarbonise operations.

Creating zero carbon operations is now within reach if the right solutions and technologies are implemented, making it the right time for the resources sector to take action and accelerate their efforts to decarbonise.

The Decarbonising the Resources Sector Summit will examine pathways to decarbonisation and how Mining, Oil & Gas companies can prosper in a low carbon world using innovative solutions & emerging cost-effective technologies. The event is designed as a platform bring together resources companies, leading technology and innovation experts, energy industry innovators and investors to discuss and explore the latest opportunities, challenges, initiatives, innovative technologies, and developments for reducing the resources industry's CO2 emissions to zero.

### Registration

Registration to attend the Decarbonising the Resource Sector Summit is \$2,895 per delegate (early bird).

### Key topics

- The market outlook for Australian resources given the push towards decarbonisation
- The potential scale of the clean energy superpower scenario in Australia due to demand growth in critical minerals, downstream manufacturing, and the potential to export clean energy globally.
- The Safeguard Mechanism -How it will impact the resources sector?
- The Clean Energy Supply Chain – Implications for resource industry projects and the enormous opportunities that this presents for workers, the economy and the clean energy transition
- Decarbonisation Policy in Australia – A call for clear direction to reduce uncertainty
- The \$15 billion National Reconstruction Fund – What role this can play in the decarbonisation of Australia's resources industry?
- Utilising offshore & onshore wind to decarbonise industrial facilities and mines
- The opportunity and role of Strategic Industrial Area's in the journey towards decarbonisation
- The potential for hydrogen to decarbonise resources projects
- Plans for Alternative Fuels, Solar, Batteries in Australia
- Green Ports – Decarbonising Australia's resources industry export infrastructure



- Strategies for sustainable technology solutions in heavy haul decarbonisation and electric vehicles to be used on mine sites
- Decarbonising construction materials
- The role of new technology to reduce emissions
- The circular economy – lifecycle and recycling of solar panels, turbines & batteries.
- Case studies from resources companies leading the way towards zero CO2 emissions
- Funding option and how the numbers stack up – What are the costs and the investments required? The role and opportunity for collaboration to achieve success
- The Energy Transitions Initiative
- The Decarbonisation Roadmap for the Mining Sector

## SEGRA NATIONAL REGIONAL AND ECONOMIC DEVELOPMENT SUMMIT, 26 – 27 JULY TOOWOOMBA

### Registration

Registration to attend the SEGRA National Regional and Economic Development Summit 2023 is \$990 per delegate.

### Key topics

Prior to the Summit all attendees will complete a survey which will help inform and direct the Summit topics.

Day One we will follow the format of Think.Discuss.Act. Attendees will hear keynote presentations, ask questions of curated panels and then spend a majority of the day working with their colleagues on priorities and solutions for rural, remote and regional Australia.

Day Two will return to our traditional format where the ‘doers’ of our country will share their insights, learnings and case studies aligned to regional economic development principles.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, minimal impact to the community and public interest.

## CONSULTATION

### *Internal*

- Consultation with internal or external parties in the preparation of this report has been limited to information gathering.

### *External Agencies*

- Nil.

### *Community*

- Nil.

**LEGISLATION AND POLICY CONSIDERATIONS**

Section 2.3 ‘Travel’ in the Town’s policy 4/008 ‘Elected Members Allowances, Facilities and Expenses’ is applicable as it sets out parameters associated with the booking of travel registration fees and accommodation arrangements.

Section 2.2 ‘Reimbursements’ in the Town’s policy 4/008 ‘Elected Members Allowances, Facilities and Expenses’ is applicable as it sets out parameters associated with meals and incidentals provided.

There are no legislative considerations in relation to this agenda item.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Note that the below costs will be deducted from the 22/23 FY budget. **The July conferences will be deducted from the 23/24 FY budget.**

The following table outlines the approximate costs for attending the above conference:

The Australian Hydrogen Conference 25-26 May 2023, Brisbane		
Detail	Approximate Total Cost	Notes
Accommodation Brisbane	\$750	24 - 26 May
Accommodation Perth	\$250	Stopover Perth on return 27 <sup>th</sup> May
Flights	\$1700	
Registration Fee	\$3595	Conference registration plus dinner
Meals / Incidentals	\$514	<u>Based on 4 days away: 24 – 27 May</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$128.70
<b>Total</b>	<b>\$6609</b>	<b>Total approximate cost per person to attend The Australian Hydrogen Conference</b>

NGA and Regional Cooperation and Development Forum, 13 – 16 June 2023, Canberra		
Detail	Approximate Total Cost	Notes
Accommodation Canberra	\$1250	12-17 June

Accommodation Perth	\$250	17 June Stopover
Flights	\$2300	
Registration Fee	\$1120	Conference registration
Meals / Incidentals	\$900	<u>Based on 7 days away: 12 – 18 June</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 <b>Total: \$128.70</b>
<b>Total</b>	<b>\$5820</b>	<b>Total approximate cost per person to attend The NGA and Regional Cooperation and Development Forum</b>

The 4 <sup>th</sup> OECD Meeting of Mining Regions & Cities, 20-23 June, Karratha		
Detail	Approximate Total Cost	Notes
Accommodation Karratha	\$900	20-23 June
Fuel	\$200	
Registration Fee	\$0.00	Conference Registration if free of charge
Meals / Incidentals	\$386	<u>Based on 3 days away: 22 - 23 June</u> Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 <b>Total: \$128.70</b>
<b>Total</b>	<b>\$1486</b>	<b>Total approximate cost per person to attend The OECD Meeting of Mining Regions and Cities Conference</b>

The Developing Northern Australia Conference, 24 – 26 July 2023, Darwin		
Detail	Approximate Total Cost	Notes
Accommodation Darwin	\$1250	22-27 July
Flights	\$1500	
Registration Fee	\$1299	Conference Registration

Meals / Incidentals	\$772	Based on 6 days away: 22 - 27 July Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$128.70
<b>Total</b>	<b>\$4821</b>	<b>Total approximate cost per person to attend The Developing Northern Australia Conference</b>

Decarbonising the Resources Sector Summit, 26-27 <sup>th</sup> July 2023, Perth		
Detail	Approximate Total Cost	Notes
Accommodation Perth	\$750	25 – 28 July
Flights	\$800	
Registration Fee	\$2895	Early bird if registered before 20 May
Meals / Incidentals	\$512	Based on 4 days away: 25 - 28 July Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 Total: \$128.70
<b>Total</b>	<b>\$4957</b>	<b>Total approximate cost per person to attend the Decarbonising the Resources Sector Summit</b>

SEGRA National Regional and Economic Development Summit, 26 – 27 <sup>th</sup> July 2023, Toowoomba		
Detail	Approximate Total Cost	Notes
Accommodation Brisbane	\$500	Stop over on 24 <sup>th</sup> July & 27 <sup>th</sup> July
Accommodation Toowoomba	\$500	25 <sup>th</sup> – 26 <sup>th</sup>
Flights	\$1700	
Hire Car	\$350	Brisbane to Toowoomba return 24 <sup>th</sup> – 27 <sup>th</sup> July
Registration Fee	\$990	
Meals / Incidentals	\$643	Based on 5 days away: 24 – 28 <sup>th</sup> July

		Breakfast \$27.05 Lunch \$30.45 Dinner \$51.85 Incidentals \$19.35 <b>Total: \$128.70</b>
<b>Total</b>	<b>\$4593</b>	<b>Total approximate cost per person to attend SEGRA National Regional and Economic Development Summit</b>

The registration fee is to be deducted from the relevant Members of Council ‘Individual Training and Development’ budget, and accommodation, travel and incidentals will be deducted from the relevant Members of Council ‘Accommodation and Travel’ budget.

In accordance with 2/007 ‘Purchasing’ policy, the Town must ensure the efficient and prudent expenditure of financial resources.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

- 2.b.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 2.b.2 The Town’s economic development strategy is supported through engagement with key economic groups
- 2.c.1 Business and government agencies and other relevant stakeholders are engaged to:
- 4.a.1 Town of Port Hedland is represented and advocated for in International, Federal, State and regional forums and policy development
- 4.a.2 Town of Port Hedland is marketed and promoted locally, state-wide, nationally and internationally to tourists and investors
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town’s developments, programs and policies

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

**RISK MANAGEMENT CONSIDERATIONS**

As per the risk matrix contained in policy 1/022 ‘risk management’, the level of risk is considered to be low (2) for this agenda item. This is calculated as an insignificant consequence and unlikely likelihood. This report promotes good governance, transparency, accountability, the prudent expenditure of financial resources and informed decision making.

**OPTIONS**

Option 1 – Adopt officer’s recommendations.

Option 2 – That Council does not approve the representation of the nominated Elected Members at the various conferences.

Option 3 - That Council increases the number of attendees representing the Town of Port Hedland at the relevant conferences.

Option 4 – Do not adopt officer’s recommendations.

## CONCLUSION

Attendance at the above conferences will allow the Town to hear from the various sector experts and leaders, as they share insights and inspiration on the future of the Pilbara region.

## ATTACHMENTS

1. The Australian Hydrogen Conference, 25 - 26 May 2023, Brisbane (under separate cover)
2. The National General Assembly of Local Government (NGA) and Regional Cooperation, 13 – 16 June 2023, Canberra (under separate cover)
3. 4th OECD Meeting of Mining Regions & Cities (under separate cover)
4. The Developing Northern Australia Conference, 24 – 26 July 2023, Darwin (under separate cover)
5. Decarbonising the Resources Sector Summit, 26-27th July 2023, Perth (interest only at this stage) (under separate cover)
6. SEGRA National Regional and Economic Development Summit, 26 – 27th July 2023, Toowoomba (under separate cover)

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Item 13 Motions of which Previous Notice has been given

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Nil

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Item 14 New Business of an Urgent Nature (Late items)

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Nil

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**Item 15 Matters for Which Meeting May Be Closed (Confidential Matters)**

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**CM202223/026 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

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

*CARRIED BY SIMPLE MAJORITY (8/0)*

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7:11 PM The Mayor/ Presiding member declared the meeting closed to the public.

7:11 PM The Mayor/Presiding member adjourned the meeting.

7:19 PM The Mayor/Presiding member reconvened the meeting.

At 7:19 pm, Cr Renae Coles left the meeting.

At 7:20 pm, Cr Renae Coles returned to the meeting.

**SUSPENSION OF STANDING ORDERS**

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**CM202223/027 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

That Council suspend sections 9.4, 9.5 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders'.

*CARRIED BY SIMPLE MAJORITY (8/0)*

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Standing Orders was suspended at 7:20 PM

At 7:22 pm, Cr Renae Coles left the meeting.

At 7:25 pm, Cr Renae Coles returned to the meeting.

At 7:30 pm, Cr Renae Coles left the meeting.

**RESUMPTION OF STANDING ORDERS**

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**CM202223/028 COUNCIL DECISION****MOVED: CR BENNETT****SECONDED: CR KELLER**

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

*CARRIED BY SIMPLE MAJORITY (7/0)*

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Standing Orders resumed at 7:33 PM

At 7:35, Cr Renae Coles returned to the meeting.

At 7:36 pm, Cr Renae Coles left the meeting and did not return.

Cr Ash Christensen foreshadowed the Officer's Amended Recommendation - Option 2.

### 15.1 AWARD OF RFT 2223-28 MAJOR MUSIC FESTIVAL AUGUST 2023

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#### OFFICER'S RECOMMENDATION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council:

1. Awards the RFT2223-28 Major Music Festival August 2023 to the preferred tenderer, Supersonic Australasia, for the delivery of event management services to the amount of \$570,000; and
2. Council refers for consideration in the 2023/24 Budget an allocation of \$95,000 as a provisional sum for the 2023 August Music Festival, to underwrite the ticket revenue to meet the condition of the response from Supersonic Australasia.

*MOTION LOST (3/4)*

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#### FORESHADOWED OFFICER'S RECOMMENDATION

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#### CM202223/029 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: DEPUTY MAYOR TURNER

That Council awards the tender for RFT2223-28 Major Music Festival August 2023 to Experience Rova Pty Ltd, for the delivery of event management services to the amount of \$570,000.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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#### CM202223/030 COUNCIL DECISION

MOVED: CR KELLER

SECONDED: CR ZIELKE

That Council open the meeting to members of the public.

*CARRIED BY SIMPLE MAJORITY (7/0)*

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7:56 PM The Presiding Member declared the meeting open to members of the public.

**Item 16 Closure**

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**16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 26 April 2023 commencing at 5:30 pm.

**16.2 Closure**

There being no further business, the Presiding Member declared the meeting closed at **7:57 pm**.

DECLARATION OF CONFIRMATION OF MINUTES

I certify that these Minutes were confirmed by the Council at its Ordinary Council Meeting on 26 April 2023.

CONFIRMATION:



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PRESIDING MEMBER

26/4/2023

DATED