



MINUTES

Ordinary Council Meeting Wednesday, 26 April 2023

Date: Wednesday, 26 April 2023

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date: 5 May 2023

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

Mayor

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Item 1 Opening of Meeting

The Presiding Member declared the meeting open at 5:31 pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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.

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

Present: Mayor Peter Carter
Deputy Mayor Tim Turner
Cr Renae Coles
Cr Elmar Zielke
Cr Jan Gillingham
Cr Ash Christensen
Cr David Eckhart
Cr Jason Keller

In 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)
Travis Prue (Manager Financial Services)
Tom Kettle (Manager of Governance)
Karen Krollig (Governance Support Officer/Minute Taker)
Rhiannon Smith (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies
Nil

3.4 **Approved Leave of Absence**
Cr Flo Bennett

3.5 **Disclosure of Interests**
Nil

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

5.1.1 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 has provided the following statement:

The question will be taken on notice and discussed with Council.

5.2 **Response to Questions taken on notice from Elected Member at the Council held on Wednesday 29 March 2023**

5.2.1 CR JAN GILLINGHAM

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 Lead Principal Community has provided the following statement:

BHP advises that the single-story accommodation on site is still in use and occupied. Options to bring the other accommodation units back on stream are currently under investigation and being prioritised.

BHP currently requires both more residential and FIFO accommodation and the Dempster units are an important part of meeting this need.

Item 6 Public Time

Important note:

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

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

6.1 Public Question Time

The Presiding Member declared Public Question Time open at 5:32pm.

The Presiding Member declared Public question Time closed at 5:33pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 5:33pm.

6.2.1 RAYLENE BUTTON

In regards to the Aboriginal Partnership plan and as the chairperson of the Hedland Aboriginal Strong Leaders / Julyardi Aboriginal Corporation, my Elders hold the highest respect and authority in our community and make decisions around our community. And so, going forward with the Aboriginal Partnership Plan, we've given it a name, we call it Ngalikuru Kuma-Marri, meaning in the Kariyarra language, that we are all "coming together" to work and make better outcomes and decisions for our community.

My Elders have asked me to come today, to say that they will not endorse this plan going forward. They support it only in consultation, doing it the right way – doing it properly. There's a lot of flaws in this - we still see issues in it, and we don't believe it should go through today for Council to endorse, because we haven't endorsed it. So that is the statement I come to make today, from my Elders and as a Kariyarra woman and an Elder in my community.

6.2.2 LAURA HAWES

As you know I'm the president of the Hedland Junior Soccer Association and I'm here representing our community and many of the soccer families in our community. I'm here to speak about McGregor Street Soccer Fields, the home of soccer in this town.

We are a growing association, growing club, run by volunteers, some of whom are here tonight, and we utilise the McGregor Street Soccer Ovals from March to October each year. Our players are all aged between 5 and 15. I'm not here tonight to question the leveling of the fields. We have been advocating for this project for a number of years. Over the past few years, we have seen many injuries and broken bones, two of which were my children, due to the children tripping on the divots in the ground out at McGregor Street (soccer grounds). After years of pleading our case, we are very grateful that finally, this project was added to the budget this

year. We are appreciative of the work of the Council, and we don't expect extravagant facilities. Many projects across this LGA deserve attention and funding. We know it must be very hard for the Administration and yourselves to manage the expectations of residents, businesses and community groups across this town. I'm also not here tonight to talk about the technical nature of the project. To date, our dealings with the project manager have been very informative and it is clear that she has had the interest of our club at heart.

I'm here tonight for two reasons. The first is that our committee hopes this project can be a learning experience for the administration on how they communicate and engage with sporting clubs in this town. We know from the Australian government's AusPlay results that 14% percent of children under 14 choose to play this sport. We have seen this increase in our club. Last year we had a 37% increase in players and this year, we've had a further 29% increase on last year. We have gone from 6 teams in one age group, to 12. We are so thrilled that this sport is growing in our town and not only with the increase in registrations; we have been so excited to host the North West Championships later this year.

The project kicked off in September last year; our club's season had ended, but our representative team still required the use of the field, to train for country week, which was held in the first week of October. We happily obliged, as we wanted to make sure the project had enough time for completion. Our AGM was held in January this year. A member of the Town's parks and gardens team attended this meeting and mentioned that it was her understanding that the project would not be completed in time for the kick-off. Our season officially kicks-off the first week of Term 2, however we have always booked the field for March, to allow our coaches time to prepare and train, and also we generally select our representative teams during that month. Obviously this year, that has not yet happened, as we still don't have a field.

After our AGM, I requested information many times from the Administration and have always been told that the fields would be ready mid-April. I have spoken to various staff members and pleaded that if this was changed, we would be given sufficient time to change our plans. Staff members were aware that committee members, including myself have been at the Football West State Country Camp in Perth for the past two weeks. We were very thrilled that five of our local members were selected to be part of that camp. Before we left, we completed all of the administration required to start our season this week.

Last Tuesday, the 18th of April, I met with Football West to discuss our season and the Northwest Championships planning, I was then advised that they had been told by the Town very recently, that our fields would not be ready this week. I assumed they were mistaken. Last Wednesday, the 19th of April; less than a week before our season kick-off, I received a phone call informing me that the Town requires eight more weeks to complete this project. I now would like to acknowledge and thank Cheye Hill, the Manager of Recreation & Leisure Facilities and James Brown, the Club Liaison Officer, for assisting us since that call. I have received more information in the past week, than I have throughout the life of the project. Our committee has scrambled and is trying to work out the logistics of coaches, training in different grounds across the town all week. Soccer does not simply require some grass and a ball. Our training equipment and balls cannot be carted across the LGA daily to different locations.

A Facebook post was posted on the Town's page last Thursday and alluded to the many soccer clubs throughout the Town. I contacted the administration and asked for it to be amended as we are the only soccer association and we just wanted our association to be tagged, as we were trying to ensure that all our soccer families were made aware of the changes at such a late notice. Not only was this change not made, but comments to this post

were then restricted. As I mentioned, I'm not questioning the project, I'm not across the technical aspects and know that sometimes, things are out of our control. I have managed communications in my life before, and I do understand that sometimes things go wrong, and that's just the way it is. But, our committee hopes that the Town will show greater respect and appreciation to our club volunteers in the future.

All junior clubs in this Town are run by volunteers. Most of us are juggling children, full-time employment, and we're all on various committees. We're aware of the benefits of sport in any community and feel privileged to be working to provide sporting opportunities, not only to our children, but to all the children in the community.

We hope that moving forward, communication and engagement with the clubs is improved. There's a saying in the communication industry. "Even when you think there is nothing to say, there is always something to say". During the life of a project, it would really be appreciated if clubs are kept well informed, even if it's simply to tell them that everything is going to plan. If a project is going differently than planned, please communicate this. Many of us appreciate the administrations work and simply require information to allow us to run our association effectively.

The second thing I wanted mention is that our club was scheduled to host the Northwest Championships this year. Not only is this a great opportunity for our players to compete in a Tournament on their home ground, but the economic benefits for this town as a direct result of this competition, would have been significant. Teams from the Kimberly and Pilbara Regions would have converged in Hedland bringing up to 1500 people to our town. Our committee has spent many hours planning, meeting with Football West, securing funding and purchasing equipment. We are aware that Football West and some families from outside of the town have booked their travel and accommodation to come to Hedland in July.

We have today been advised, due to the delay of this project, and the risk associated, the competition will now be held elsewhere in the Pilbara region. Our committee are devastated, we're feeling very deflated but we do understand and support this decision. From our point of view, the financial and reputational risk, is simply too high. I've been told by many staff members in the past that soccer doesn't get much because we are a quiet association. We hope that moving forward, the quieter clubs are given the time and respect they deserve. It is our hope that the soccer community in this town will grow, and we look forward to being back at our soccer fields in 2024.

The Presiding Member declared Public Statement Time closed at 5:43pm.

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

7.1 CR DAVID ECKHART

- 1. I've noticed quite heavy use of the crossing or lack of a crossing between the South Hedland Post Office and the carpark entering in to the South Hedland Shopping*

Centre. There are quite a number of people in the community who park their cars, because they can't get parking at the post office, in the carpark and then walk across the road (to the Post Office). There is no safe way to cross that road, with the speed of cars going down that road, coming down and around Tonkin, and coming down and around McDonald's. Is there some way that this Council, can put a safe crossing at that corner of Tonkin Road and the carpark?

- 2. Still with the Homestead area, at the South Hedland Post Office. Previously, it used to be one-way traffic flow, in at Throssell and out on Tonkin. And there used to be a "no entry" sign on Tonkin Road to keep people from going in. That sign has disappeared. The painting of the one-way arrows on the paving has faded to almost nothing. There used to be a one-way sign above the entrance to Raika's, that sign is no longer there, it's now dual traffic flow, causing a lot of concern, particularly on the corner. It may not be our property, but is there something we can do from the Council, to get that remedied, particularly the one-way traffic flow?*
-

7.2 DEPUTY MAYOR TIM TURNER

- 1. I was just wondering if we could get an update on the UWA review of the Community Safety Plan?*
-

7.3 CR JAN GILLINGHAM

- 1. Thank you to the Town of Port Hedland for helping with ANZAC Day (event), it was a beautiful morning. There were a lot of hiccups though, Mr Mayor, regarding florists trying to drop off wreaths – they weren't allowed to walk through with their wreaths, there were some that were locked away in the Esplanade Hotel, so they didn't even get presented – that was nothing to do with Council, I believe that was obviously the Esplanade Hotel but also, I know that when Council has events like the Spinifex Spree, when you want to go set your stall up, etc., you're given a pass, so you can go through half an hour before, or an hour before, so I think this really needs to be taken into consideration. Those people were setting up from 3:00am, even RSL from South Hedland had to carry all their gear, because the Security people wouldn't let them through, so there must be a better way. So could we please look into this?*
 - 2. Also, I'm about to send some photographs to our staff of the Pioneer Cemetery – I've had some photos sent to me on ANZAC Day, regarding all the work that needs to be done in the park – there are lots of weeds there. I took time today to take photographs myself, and I will send them on. There are a lot of people coming in to look at our old Pioneer Cemetery. There are weeds growing everywhere. I will send those photos to Snap-Send-Solve so our staff can look into it, but my main concern is that I believe our Council is using contract workers for these gardens and I'm wondering if the contract workers are familiar with the ways that Australian native plants need to be*
-

looked after? These trees can easily die. I've had the same thing happen in my own private garden at home, where gardeners have come along, non-English speaking people, ethnic people, English is their second language; they don't understand, I've actually educated them over the years to make sure that they don't kill any more trees in my garden. If we could please look into that, thank you.

7.4 CR ASH CRISTENSEN

1. *My question is in relation to Item 8. Mayor can we please provide an update on the contents and the movement going forward with the Hedland Housing Steering Committee, what's happening in that place and what we, as a town, are committing to?*

Item 8 Announcements by Presiding Member without Discussion

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

Date	Meeting	Attendance
1/03/2023	BHP SEG Meeting	<i>Attended</i>
2/03/2023	Radio chat with Ecky	<i>Radio Interview</i>
2/03/2023	Hedland Housing Steering Committee Meeting #3	<i>Attended</i>
3/03/2023	Hoa Binh representative meeting with BHP	<i>Attended</i>
3/03/2023	Hoa Binh representative meeting with ToPH	<i>Attended</i>
8/03/2023	Meeting with Kevin Michel	<i>Attended</i>
9/03/2023	Radio chat with Ecky	<i>Radio Interview</i>
10/03/2023	Hedland Sport & Rec Expo	<i>Attended</i>
13/03/2023	Official opening for Boot Camp	<i>Attended</i>
13/03/2023	Meeting with OECD	<i>Attended</i>
16/03/2023	Radio Chat with Ecky	<i>Radio Interview</i>
21/03/2023	Citizenship Ceremony	<i>Attended</i>
23/03/2023	Radio Chat with Ecky	<i>Radio Interview</i>
29/03/2023	March OCM	<i>Attended</i>
23/03/2023	Radio Chat with Ecky	<i>Radio Interview</i>
31/03/2023	Meeting with De Grey Mining	<i>Attended</i>
31/03/2023	PHCCI Men in Business Lunch	<i>Attended</i>

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

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

Mayor Peter Carter
Deputy Mayor Tim Turner
Cr Elmar Zielke
Cr David Eckhart
Cr Jason Keller

Cr Ash Christensen, Cr Jan Gillingham and Cr Coles declare that they have not given consideration to all matters and that they will be addressed as they are presented.

Item 10 Confirmation of Minutes of Previous Meeting

Disclaimer

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

CM202223/031 COUNCIL DECISION**MOVED: DEPUTY MAYOR TURNER****SECONDED: CR ZIELKE**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 29 March 2023 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (8/0)

Item 11 Reports of Committees

Nil

Item 12 Reports of Officers

12.1 Corporate Services**12.1.1 ADOPTION OF 2022-23 INTERIM BUDGET REVIEW**

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

OFFICER'S RECOMMENDATION

That Council adopts the revised 2022/23 Half Yearly Budget based on results for the period ended 31 December 2022 with a projected municipal surplus of \$5.015 million as of June 30, 2023

CM202223/032 PROCEDURAL MOTION**MOVED: CR CHRISTENSEN****SECONDED: CR ECKHART**

That Council under clause 12. (d) Town of Port Hedland Standing Orders Local Law 2014 defer item 12.1.1 to a Special Council Meeting on a date to be confirmed.

CARRIED BY SIMPLE MAJORITY (7/1)

PURPOSE

The purpose of this report is for Council to adopt the revised 2022/23 Budget based on results for the period ending December 31, 2022 with a projected operating loss of \$31.6 million as at 30 June 2023.

DETAIL

Section 33A(1) of the *Local Government Regulations 1996 (Financial Management)*, requires a budget review to be conducted between January 1st and March 31st in each financial year. The review aims to adjust the final budget position of the current financial year based on Council's financial performance during the first 6 months and the forecasted six-month performance from commencing on January 1st to June 30th.

The review has been prepared in accordance with the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

Projected Operating Results

The projected operating result is a loss of \$31.6 million, which is a reduction on the current budget loss by \$1.68 million.

Summary of Amendments

Operational Revenue Amendments (\$ '000)	
Rates – recognition of interim rates	\$ 500
Operating Grants – recognize non-government grant received	\$ 42
Fees and charges – adjustment to budget to realize the reduction of waste disposal revenue	(\$ 703)
Interest earnings – adjustment to budget to recognize the earnings from current investments	\$ 90
Other Revenue – realize proceeds from sale of land	\$ 682
Profit on asset disposal – adjust budget in response to market changes within the motor vehicle industry.	(\$ 300)
Net changes to revenue streams	\$ 311

Operational Expenses Amendments (\$ '000)	
Employee costs – decrease budget to reflect the current vacancies	\$ 458
Materials and contracts – reduced by \$1.37m due to changes to the operations and delivery of work. This reduction also reflects the addition of \$420k for Spinifex Spree carnival, Town’s Aug 23 Major Event, and for SH 50th Birthday Celebration Street Art Festival	\$ 1,377
Utility charges – minor adjustment to reflect actual usage	(\$ 83)
Depreciation on non-current assets – increase budget to recognize the projects that have been capitalized year to date	(\$ 1,025)
Interest expenses – adjustment made to realize the borrowings made throughout the year	\$ 563
Other expenditure	\$ 82
Net changes to operating expenses	(\$1,371)

Net change to operating result Surplus (Deficit)	\$1,682
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Investing and Finance Activities Amendments (\$ '000)	
Non-operating grant, subsidies and contributions	(\$1,293)
Capital Works program reduced based on work timeline adjustment	\$10,956
Proceed from disposal of assets	(\$1,300)
Repayment of borrowings in line with decrease in Borrowings	\$554
borrowings in line with decreased capital expenditure on staff housing and Seawalls	(\$4,969)
Transfer to cash backed reserves (restricted assets)	(\$1,917)
Transfer from cash back reserves (restricted assets)	(\$2,191)
Net changes to Investing and Finance Activities	(\$2,848)

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because budget reviews are vital to ensure the Town is forecasting expected expenditure and revenue in line with current conditions and commitments. Budget reviews are used as a tool for decision making for current and future activities and they are a key component of prudential financial management practices to mitigate financial risk exposure to Council.

CONSULTATION

Internal

- The 2022/23 current budget has been reviewed by all Managers and the Executive Leadership Team. They have collectively considered the impact of the budget amendments presented, to benefit the community as a whole and keep within the budget guidelines of a balanced budget.
- The Council has been consulted on amendments prior to the Ordinary Council Meeting.

External Agencies

Rates Consultant

Community

Nil

LEGISLATION AND POLICY CONSIDERATIONS

A Local Government is required to carry out a budget review between the 1 January and 31 March of each financial year in accordance with regulation 33A (1) of the *Local Government (Financial Management) Regulations 1996*. The review must consider the financial performance between 1 July to 31 December, the financial position at the date of the review, and review the outcomes for the end of financial year forecast as stipulated in regulation 33A(2A).

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A (2) and (3). The budget review is scheduled for presentation to Council for adoption at the Ordinary Council Meeting scheduled for 22 February 2023.

FINANCIAL AND RESOURCES IMPLICATIONS

The 2022/2023 Half Yearly Budget Review for the period ended 31 December 2022 has identified increased net operating revenue of \$311k and decreased operating expenditure of \$1.37m, resulting in a net decrease of \$1.682m to the operating surplus.

Capital programmes have decreased by \$10.956m to a total estimated \$71.336m.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.1 Sound long-term financial planning is implemented

4.b.2 Transparent and regular financial reporting and communication to the community is undertaken

4.b.3 Transparent and regular governance reporting and communication to the community is undertaken

Environmental

Nil

Economic

There are significant benefits to the local economy including investment in local infrastructure and the utilisation of local trades and businesses where possible, practical, and available

Social

Significant social impacts will be achieved including investment into community infrastructure and programs and the promotion of the Town as a great place to live and work.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item if the Council do not adopt the 20221/2023 half yearly budget review for the period ended 31 December 2022. The risk rating is considered to be medium (6), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

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

There is a risk rating of medium (9) assigned to the risk that the Council do not adopt the 20221/2023 half yearly budget review for the period ended 31 December 2022, resulting in the delay or inability to perform specific capital works which are essential but do not currently have an approved budget item line. This risk is possible (3) with a moderate (3) impact in relation to compliance with significant regulatory requirements imposed.

This risk will be eliminated by endorsing the 2022/2023 half yearly budget review for adoption by Council.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report presents a summary of the 2022/23 half yearly budget review for the period ended 31 December 2022.

Several variations are proposed as part of this review to meet community and organisational requirements. The outcome of the review presents a reduction of the estimated municipal loss by \$1.682m, resulting in a revised budget loss of \$31.591m as of 30 June 2023, as compared to the adopted budget loss of \$33.23m.

ATTACHMENTS

1. 2022/23 Half Yearly Budget Review – Attachment (under separate cover)

12.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 28 FEBRUARY 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.

CM202223/033 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 28 February 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 28 February 2023 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 28 February 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 28 February 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 28 February 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 28 February 2023 is a surplus of \$26.32M.

The breakdown of the cash position is displayed below:

	2023/23 Actuals
Current Assets: Cash and Investments	\$181.13M
Restricted Cash – Reserves	\$155.24M
Unrestricted Cash Position as at 28 February 2023	\$25.89M

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 \$26.32M.

ATTACHMENTS

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

12.1.3 2023/24 RATING STRATEGY

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

OFFICER’S RECOMMENDATION

That Council:

1. Pursuant to section 6.36(3A) of the Local Government Act 1995, endorses the Statement of Objects and Reasons for the 2023/24 rating year as presented in Attachment 1 for public consultation.

2. Pursuant to section 6.36(1) of the Local Government Act 1995, gives local public notice of its intention to impose differential general rates and minimum payments in accordance with the attached Statement of Rating Objects and Reasons, which will be available for public inspection during the notice period, wherein the proposed differential rate categories, rate in the dollar and minimum payments are detailed as follows:

Rate Differential	Rate in the dollar (expressed as cents in the dollar)	Minimum Payment (for each Rate Differential)
GRV: Residential	0.067000	\$ 1,300
GRV: Commercial/ Industrial	0.090700	\$ 1,900
GRV: Accommodation	0.129970	\$ 1,900
UV: Pastoral	0.110000	\$ 1,900
UV: Mining	0.214754	\$ 200
UV: Other	0.109000	\$ 1,900

CM202223/034 PROCEDURAL MOTION

That Council under clause 12.1(e) Town of Port Hedland Standing Orders Local Law 2014 lie the motion on the table until item 15 of tonight’s ordinary council meeting.

MOVED: CR CHRISTENSEN

SECONDED: DEPUTY MAYOR TURNER

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider in accordance with the recommendation from the Council workshop of 8th Feb 2023, this report recommends that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2023/24 Differential General Rates and Minimum Payment for public comment, as required by section 6.36 of the Local Government Act 1995.

DETAIL

Rate revenue is the primary source of discretionary revenue for the Town of Port Hedland, accounting for approximately 74% of the operating revenue in the financial year 2023/24. The Local Government Act 1995 (the Act) enables local governments to impose differential general rates and minimum rates on rateable land. The purpose of levying of rates is to meet Council's budget requirements in each financial year in order to deliver services and community infrastructure, as outlined in the Long-Term Financial plan 2022/37, Asset Management Plan, Strategic Resource Plan 2020-34 and Corporate Business Plan 2018-22. Asset management continues to pose a significant challenge for all local governments in Western Australia and all rate models must support asset renewal and replacement requirements in line with defined service levels.

Under section 6.36 of the Act, local governments are required to give a minimum period of 21 days' notice of the proposed differential general rates and minimum rates to consider any submissions received.

Once public submissions have been considered and rates are set, there may be a requirement to seek Ministerial approval of Differential Rates.

Under the Local Government Act, the Minister for Local Government is required to approve the following in relation to rates:

- The imposition of a differential general rate which is more than twice the lowest differential general rate imposed by a local government;
- A minimum rate on vacant land that does not comply with legislative provisions;
- Changes in the method of valuation of land; and
- In some instances, where land is exempt from rates.

The proposed 2023/24 differential for Gross Rental Value (GRV), Unimproved (UV) and minimum rate meet all legislative criteria and ***does not require ministerial approval.***

The strategy proposed for 2023/24 proposes six (6) differential rate categories, with the reintroduction of 'UV other' category to appropriately define the occupation and use of the land held under UV other, definition. The Town rate staff will continue focus on reviewing the number and type of rating differential categories to ensure land use or zoning continues to be accurately rated accordingly.

The main objectives of the rates model presented here for 2032/24 are to:

- Raise sufficient yield to maintain current and additional services, future infrastructure growth & renewal to meet community expectations, as outlined in the adopted Long Term Financial Plan 2022/2037, and Strategic Community Plan 2022-32..
- Maintain the distribution of rates share considering objective, fair and equitable standards.

- Critical analysis of the yield generated by each differential category as a percentage of the total yield, comparing to the contribution by each category, the valuation % of each category.
- Provide a level of certainty and consistency for ratepayers with a fair & stable view to long-term rates modelling, while providing financial sustainability for the Town of Port Hedland; and
- That properties are rated according to predominant land use with consideration given to the Town Planning Scheme zones and applied when applicable, with each category having a separate calculated rate in the dollar and established minimum rates to achieve greater equity across all sectors and ensuring a minimum base level contribution.

2022/23 Port Hedland properties seen the tri-annual revaluation process undertaken by Landgate, and there were significant increases in values across all categories. These valuations came into effect from 1 July 2022 and will remain in place until 2024/25, unless objections or reviews from Landgate is undertaken. Consideration to these increases or decreases will continue to be taken into account for the 2023/24, through interims.

The evidence of growth within categories for *GRV – Commercial /Industry* is Development WA land, predominately within the Wedgefield industrial area, being sold back to the private sector therefore becoming rateable in the 23/24 rating period, also areas of Port Hedland Airport redevelopment.

Increases for UV mining is predominately mining tenements and Port Land leasing. GRV Accommodation increase is growth of transient worker accommodation camp. The following two tables outline the proposed differential general rates and the adjustment table of minimum rate payment for the Town of Port Hedland to be advertised for the 2023/234 financial year, effective from 1 July 2023.

Differential Category	YIELD (Prior to Minimum adjustment)	Minimum Rate (Adjustment)	TOTAL YIELD (Includes Minimum adjustment)	Rate in dollar (expressed as cents \$)	2023/24 Total YIELD % Share
GRV Residential	13,100,562	401,241	13,501,803	0.06700	20.72
GRV Commercial/ Industrial	5,922,986	171,946	6,094,932	0.09070	9.35
GRV Accommodation	2,326,481	0	2,326,481	0.12997	3.57
UV Pastoral	154,026	30	154,056	0.11000	0.24
UV Mining	43,001,923	6,842	43,008,765	0.21475	65.99
UV Other	84,442	6,154	90,596	0.10900	0.14
TOTALS	64,590,420	586,123	\$65,176,633		100

PROPERTIES

Differential Category	2022/2023		2023/2024		2023/2024		
	Number of Properties	No. of Properties / Minimum Rate (Adjustment)	Number of Properties	No. of Properties / Minimum Rate (Adjustment)	No. Properties - Increase / Decrease	Minimum Rates - Increase / Decrease	Total Minimum Adjustment = \$ Value
GRV Residential	6270	672	6279	879	9	207	401,241
GRV Commercial/ Industrial	734	171	745	171	11	0	171,946

GRV Accommodation	18	1	19	0	1	-1	
UV Pastoral	10		10	1	0	1	30
UV Mining	516	233	528	89	12	-144	6,842
UV Other	11	3	11	5	0	2	6,154
TOTALS	7559	1080	7592	1145	33	65	586,123

The proposed rate model is expected to yield \$65,176,633 (prior to concession applications). Rate revenue for 2023/24, will contribute to the net funding requirements to assist in the sustainability of Town’s Long Term Financial Plan 2022-2037 to strengthen the Town’s services, activities, financing costs, asset & road renewal, and investment priorities such as housing and childcare.

Supporting the Statement of Rating Objects and Reasons In accordance with section 6.36(3A) of the Act, the document detailing the objects and reasons for each of the proposed rates and minimum payments is to be made available to all ratepayers.

The proposed 2023/24 Statement of Rating Objects and Reasons is provided in Attachment 1. This will be published on the Town of Port Hedland’s website from 28 April 2023.

The overall rate revenue projected \$65,176 million includes 2022/23 interim rates (to 14/4/23) and an increase of 3.5% the prior year (2022/23) and achieving the legislative 2:1 Ratio rate in the dollar, between the basis of rate differentials – GRV & UV.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of high significance, because as it meets the criteria listed in the policy which states “a decision that will substantially affect a wide range of people who reside in Port Hedland”.

CONSULTATION

Internal

Two workshops have been conducted, *one* with the Executive Leadership Team and *one* with Council to consider budget direction, strategies and rating models, and the resultant impact on ratepayers.

External Agencies

Relevant information received and reviewed for valuation (GRV & UV) purpose has been obtained from:

- Landgate
- Port Hedland Port Authority
- Department of Mines & Energy WA
- Department of Local Government, Sports and Cultural Industries

Community

- Submissions will be sought from ratepayers through public consultation on the proposed 2023/24 rates model via state-wide and local public notices.

- Individual letters of consultation will be sent out to ratepayers whose differential has less than 30 rateable properties

LEGISLATION AND POLICY CONSIDERATIONS

- Section 6.33 of the Local Government Act 1995 – Differential General Rates
- Section 6.35 of the Local Government Act 1995 – Minimum Rate Payment
- Section 6.36 of the Local Government Act 1995 – Giving Notice

FINANCIAL AND RESOURCES IMPLICATIONS

The proposed rate model as at 14th April 2023 is expected to yield \$65,176,633 in rate revenue for 2023/24.

The 2023/24 rates model presented continues towards an equitable share of rates to reflect the critical role Port Hedland has in the global economy in regards export & imports for Australia annually. With continued growth increases in valuations, across the differential category groups reflecting in interims raised during 2022/23, the rate in dollar movement has varied slightly amongst each rating category in order to maintain the appropriate proportion of rates yield raised from each category.

2022/2023 - Actual					2023/2024 - Proposed			
Differential Category	Valuation	Rate in dollar	Yield	% Share	Valuation	Rate in dollar	Yield	% Share
GRV Residential	195,022,825.00	0.07062	14,148,256	22.72	195,530,772.00	0.06700	13,501,803	20.74
GRV Commercial/Industrial	61,784,935.00	0.08979	5,725,950	9.20	65,303,043.00	0.09070	6,094,932	9.36
GRV Accommodation	15,867,140.00	0.1305	2,072,562	3.33	17,900,140.00	0.129970	2,326,481	3.57
UV Pastoral	1,400,239.00	0.11298	158,199	0.25	1,400,239.00	0.110000	154,056	0.24
UV Mining	198,647,363.00	0.20215	40,164,612	64.50	200,238,056	0.214754	43,008,765	65.95
UV Other					774,700.00	0.10900	90,596	0.14
TOTALS	\$472,722,502		\$62,269,578	100	\$481,146,950		\$65,176,633	100

The 2023/24 budget will be developed using the following principles discussed and agreed with the Council at budget workshops:

- To focus on long-term financial sustainability of the Town of Port Hedland;
- Continue to ensure a fair and equitable balance of the rate share across all ratepayers in the Town;
- Maintain current service levels to the community (supported by the Community Development Plan 2022/2027);
- Ensure Council structure the budget to perform committed capital works per the adopted long term financial plan 2022/2037.

The Town’s current financial health is ‘adequate’ in State and Regional comparisons, and by managing the rates yield and adopting the budget principles listed above, in line with the Long-

Term Financial plan the Town will be able to maintain and further improve its financial ratios and ability to meet community expectations in relation to future growth, service delivery and asset & road renewal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 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

Environmental

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

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

Corporate Business Plan

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

RISK MANAGEMENT CONSIDERATIONS

There is a financial risk associated with this item because any differential rating basis GRV or UV with a proposed rate in the dollar more than twice the lowest; and/or Minimum rate payment applying to more than 50% of each category or 50% of Total number of properties within the district will require ministerial approval.

There is also risk associated with valuations for UV Differentials as these valuations are reviewed annually by the Valuer-General (Landgate) with (GRV valuations revised every three years).

Annual valuations for UV are expected to be received May 2023 from the Valuer-General and if the valuations have materially changed, there may be a difference to the revenue proposed in the budget and objects and reasons for 2023/24. GRV - re-valuation will occur again - 2025.

The risk rating is considered to be high (10), which is determined by a likelihood of unlikely (2) 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

This report recommends that council endorse the statement of rating objects and reasons and advertise the proposed 2023/24 differential general rates and minimum rate payment for public comment, as required by section 6.36 of the local government act 1995. The proposed rate model will yield \$65,176,633.00 in rate revenue (based on current valuations plus interims) which will deliver services and community infrastructure, as outlined in the long-term financial plan 2022/37 and Strategic Community plan 2022 -2032.

ATTACHMENTS

1. 2023/24 Rates Strategy Objects and Reasons (under separate cover)

12.2 Community Services

12.2.1 NGALIKURU KUMA-MARRI PLAN - HEDLAND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIP PLAN 2022-2027

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

OFFICER'S RECOMMENDATION

That Council adopt the Ngalikuru Kuma-Marri Plan - Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027

CM202223/035 PROCEDURAL MOTION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR CHRISTENSEN

That Council under clause 12. (d) Town of Port Hedland Standing Orders Local Law 2014 note the Public Statement and defer Item 12.2.1 for further information and engagement with stakeholders.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to adopt the Ngalikuru Kuma-Marri Plan - Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027

DETAIL

The Ngalikuru Kuma-Marri Plan – *Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027* (The Plan) represents an agreement/accord between the Town of Port Hedland, Aboriginal and Torres Strait Islander peoples and communities of Hedland as to how we will work together towards our common aspirations, with mutual collaboration and cooperation. As a strategic framework document, it guides Council's operations, activities and engagement with Aboriginal and Torres Strait Islander peoples and provides the over-arching plan for reconciliation and action within the Hedland township and its remote communities.

It has become both an expectation and organisational standard for Australian government, business and community development agencies to engage with their local Aboriginal and Torres Strait Islander communities to develop ways of working that meet the needs of the organisation whilst placing the needs of community at the forefront of their practice.

Whilst many organisations have adopted Reconciliation Action Plans (RAPs) stipulating how their workplace will meet their commitments to reconciliation, our plan seeks to go further. While identifying a wide range of workplace actions, it also fulfils the role of a strategic framework which establishes shared priorities and responsibilities. It establishes a common

vision - a vision which local Aboriginal and Torres Strait Islander communities and organisations have had an active role in both shaping and bringing to fruition. Through membership with Reconciliation Australia and Reconciliation WA we will align this document to ensure we meet best practice guidelines and receive official endorsement.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because there are considerable long-term implications of the decisions including an impact on all ToPH strategic documents.

CONSULTATION

Internal

The development of this document is both driven and inspired by feedback, opinions, priorities and ideas derived from extensive internal and external community input undertaken between July 2021 and March 2023. Community feedback indicates a strong direction for the Town to continue building a safe, family-friendly, vibrant and cohesive community.

Formulation of the Plan was undertaken by the ToPH Community Development Team along with the input and support of Facilitators Bank of I.D.E.A.S.

Internal workshops and information briefing sessions were conducted with ToPH Elected Members, Executive Leadership Team and the Senior Leadership Team with the feedback garnered throughout this process used to inform the development of the Plan. Other key ToPH planning documents were essential foundation resources for the preparation of the Plan as outlined above.

External Agencies

The community engagement stage utilised a wide range of integrated activities (formal and informal) and included 85+ external agencies, community members and stakeholders. It involved the following elements:

- Desktop research
- Under the banner, 'Hedland Huddle', hosting and facilitating a range of community sessions engaging community members, businesses, and organisations
- Use of a variety of 'My Big Ideas' cards to elicit ideas and opinions and how community members could contribute to make it happen
- Administration of the 2021 ToPH Community Perception Survey
- Various draft and final plans.

Community

The community engagement and consultation process involved a wide range of activities (formal and informal) in which community members and stakeholders exchanged ideas, opinions, information, knowledge, and wisdom. Participants sought common ground and considered options through meaningful, interactive conversations.

The overall community engagement activities during the period July 2021 to February 2023 engaged 1,325 community members through 197 structured one-on-one and group conversations which generated 6,470 ideas and opinions.

Specifically, regarding the opinions and ideas of members of Hedland's Aboriginal and Torres Strait Islander communities and organisations, a total of 397 were engaged through 64 structured one-one-one and group conversations and workshops which generated 2,024 ideas and opinions.

LEGISLATION AND POLICY CONSIDERATIONS

Reconciliation Action Plans, nor plans of this nature, are not a legislative requirement. They are frameworks which offer organisations a structured approach to advance reconciliation.

FINANCIAL AND RESOURCES IMPLICATIONS

All costs associated with the development of the Plan have been included in the FY 21/22 Operational Budget. The consultancy part of the Plan has been budgeted at \$20,000.00 (ex GST).

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.1 A hardy, healthy and safe people
- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle
- 1.4 Well utilised and valued community facilities and services
- 2.1 Effective advocacy and partnerships
- 2.2 Enhanced local training and workforce opportunities
- 2.3 An enabling, attractive business environment
- 2.4 Marketing and promotion
- 2.5 Improved infrastructure development
- 3.1 A healthy natural environment
- 3.2 A safe and fit for-purpose built environment
- 3.3 An accessible, attractive and sustainable urban environment
- 4.1 A global, national, state and local presence and voice
- 4.2 Transparent and accountable governance and financial sustainability
- 4.3 Effective delivery of services and infrastructure to meet community needs

Environmental

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

Economic

We build prosperity for all enabling sustained economic growth.

Social

We honour our people and our culture heritage ensuring wellbeing, diversity, creativity and a strong civic dialogue.

Access and Inclusion Plan

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

- Outcome 1 – Services and Events

- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service
- Outcome 5 – Opportunities to Provide Feedback
- Outcome 6 – Public Consultation
- Outcome 7 – Employment Opportunities

Corporate Business Plan

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

- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse people are recognised and supported
- 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
- 2.b.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 3.a.1 Traditional Owners, key stakeholders and the community are informed and actively involved in the protection and enhancement of the natural environment
- 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
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because this item relates to the provision of adequate services and support for the Hedland community improving town liveability, amenity, and safety. In addition, the time spent to consult and communicate internally and externally with the community during the consultation phase of the strategic review was extensive, with community feedback indicating a strong direction for the Town to continue building a safe, family-friendly, vibrant and cohesive community.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Ngalikuru Kuma-Marri Plan – *Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027* (the Plan) represents an agreement/accord between the Town of Port Hedland, Aboriginal and Torres Strait Islander peoples and communities of Hedland as to how we will work together towards common aspirations, with mutual collaboration and cooperation.

The Plan, as a strategic framework document, guides Council's operations, activities and engagement with Aboriginal and Torres Strait Islander peoples and provides the over-arching plan for reconciliation and action within the Hedland township and its remote communities.

This item recommends Council receive and adopt the Ngalikuru Kuma-Marri Plan *Hedland Aboriginal and Partnership Plan 2023-2027*.

ATTACHMENTS

1. Ngalikuru Kuma-Marri Plan – Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027 (under separate cover)

12.3 Regulatory Services

12.3.1 APPLICATION FOR CLOSURE OF PEDESTRIAN ACCESS WAY AT LOT 3280 STEAMER AVENUE, SOUTH HEDLAND

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

CM202223/036 COUNCIL DECISION

MOVED: CR COLES

SECONDED: CR ECKHART

That Council endorses, that a pedestrian access way closure request be made to the Minister through the Department of Planning, Lands and Heritage pursuant to the *Land Administration Act 1997* supporting the:

1. Permanent closure of Lot 3280 on Deposited Plan 214020, Steamer Avenue, South Hedland, as a pedestrian access way;
2. Disposal of Lot 3280 on Deposited Plan 214020 by amalgamation with adjoining Lot 3283 on Deposited Plan 214020;
3. Closure and disposal of Lot 3280 on Deposited Plan 214020 being subject to:
 - a) the Town not being liable for any costs associated with closure of the pedestrian access way and the disposal of the land; and
 - b) the whole (and not part) of Lot 3280 on Deposited Plan 214020 is closed as a pedestrian access way and disposed.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to provide a recommendation to the Department of Planning, Lands, and Heritage regarding an application the Town has received to permanently close a Pedestrian Access Way (PAW) at Lot 3280 on Deposited Plan 214020 Steamer Avenue, South Hedland for amalgamation of the land with adjoining property, pursuant to the *Land Administration Act 1997*.

DETAIL

Subject PAW

The subject Pedestrian Access Way (PAW) at Lot 3280 Steamer Avenue, South Hedland, is a 130sqm parcel of land held by the State, as a Reserve for Pedestrian Access Way with a Management Order to Electricity Corporation. It is located between properties at Lot 3283 (No. 1) and Lot 3281 (No. 1C) Steamer Avenue (**Attachment 1 – Location Plan**).

The applicant proposes to close Lot 3280 PAW and amalgamate it with their property at Lot 3283 (No. 1) Steamer Avenue. The applicants' reasons for the closure of the subject PAW include:

- PAW is poorly/unmaintained with overgrown vegetation and weeds.
- Increased anti-social behaviour in the area poses a safety risk to residents in the area, allowing somewhere for people to hide.
- Increased security risk to the residents either side of the PAW, allowing people access to multiple sides of the adjoining property.
- The PAW is a throughfare to nowhere, making the PAW impractical.

Attachment 2 – Closure Report provides a detailed assessment of the subject PAW. In summary the report concludes:

- The PAW is 4.0m wide and 32.45m long. It is rectangle in shape with a generally flat topography.
- There is a blue pole located in front of the PAW indicating the location of utility infrastructure, however it has been confirmed through referral to utility providers that no utilities exist within the PAW (See Consultation section of this report).
- A street light is located on Steamer Avenue directly in front of the PAW access.
- There is no infrastructure such as a path or bollards constructed on the PAW.
- The subject PAW connects Steamer Avenue to Reserve 35331 (Parklands), which is currently a vacant lot (see **Attachment 2, Appendix 2**).
- The community facility mapping shown on page 6 of **Attachment 2** demonstrates that closure of the subject PAW is unlikely to adversely impact the local pedestrian network, including connections to nearby bus stops.
- The PAW is considered a ‘medium vulnerability PAW’ by the designing out crime PAW assessment.
- The PAW is classified as ‘non-essential’ due to its closure being unlikely to cause significant disadvantage to local residents as it is not essential to the local movement network.

Statutory Environment

PAWs are generally created as part of new subdivisions to provide access for a number of users and for access to a range of facilities. Formal closure of PAWs is to be in accordance with section 87 of the *Land Administration Act 1997*. In October 2009 the Western Australian Planning Commission (WAPC) endorsed ‘Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines’. The Procedure for the Closure of Pedestrian Access Ways sets out a process by which amalgamation of remnant Crown land may be achieved.

Through this process Local Government must assess the impact of closing a PAW and in considering a closure request, a balance needs to be found between resident accessibility to facilities and public transport, and security and amenity. Where Local Government proceeds with a closure request, it is required to prepare a summary report for the Department of Planning, Lands, and Heritage that also includes confirmation that the Local Government Council has resolved to recommend the closure. On a resolution of the Council, a formal PAW closure request may be made to the Department of Planning, Lands and Heritage (representing the Minister for Lands). On receiving a request, the Department will assess the request to determine whether the closure and disposal can proceed. Should the Department determine that the closure may proceed, it will arrange the closure and disposal of the PAW pursuant to the *Land Administration Act 1997*.

Local Planning Framework

Lot 3280 is zoned Residential R20 under the Town of Port Hedland Local Planning Scheme No. 7. This is consistent with the proposed use of amalgamation with an adjoining residential lot.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because although it is not anticipated that the closure of the PAW will not have an adverse impact on pedestrian connectivity, should the Department of Planning Lands and Heritage approve the closure, it will be permanent.

CONSULTATION

Internal

The proposal was referred internally to the below listed departments, with no objections being received.

- Infrastructure Services
- Environmental Health Services
- Building Services

External Agencies

The proposal was advertised to the following external agencies:

- Telstra
- Horizon Power
- Water Corporation

Responses were received from all three (3) of the above external agencies advising that the subject PAW does not contain any assets or infrastructure and they had no objections to the proposed PAW closure.

Community

Pursuant to the *Land Administration Act 1997*, the proposal has been advertised for a period in excess of 35 days with multiple public notices being published in the North West Telegraph, on 15 February 2023 through to 29 March 2023. In addition, a letter was distributed to adjoining landowners and residents, and details published on the Town's website. The Town received no submissions regarding this application.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- *Land Administration Act 1997*
- Town of Port Hedland Local Planning Scheme No. 7

FINANCIAL AND RESOURCES IMPLICATIONS

The application for PAW closure fee associated with this application is \$600. The Town will not receive any income from sale of the land as this is owned by the State Government.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

3.3 An accessible, attractive and sustainable urban environment

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

RISK MANAGEMENT CONSIDERATIONS

There is a health risk associated with this item because should the PAW remain open and in its current state, the lack of infrastructure and maintenance may cause injury to those who attempt to use it. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk will be eliminated by the adoption of the officer's recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

The Council might resolve that Lot 3280 on Deposited Plan 214020 remains open as a pedestrian access way for provision of a pedestrian and bicycle link for future development of a public open space (POS) at Lot 3282, Reserve 35331, to the north.

This option is not recommended as the Lot 3280 PAW has a lack of connectivity to the existing pedestrian network and is considered 'non-essential', it lacks infrastructure (such as a path) making it unsafe for use, and it is a 'medium vulnerability PAW' as indicated by the designing out crime PAW assessment.

Should Lot 3282 be used for POS in the future, the closure of the Lot 3280 PAW adds less than 100m to the route from surrounding residences. The alternative path is considered more appropriate for use by pedestrians than the subject PAW as it has the required infrastructure such as footpaths.

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The Town has received a proposal from an adjoining property owner to close the Lot 3280 PAW so that the land may be amalgamated with the adjoining property. Consultation in relation to that proposal has not identified any community objections and has confirmed that no utility infrastructure is located within the PAW lot boundaries. Furthermore, the PAW is poorly positioned and does not contribute to the pedestrian and cycle network.

This report recommends that the Council supports the proposal to permanently close Lot 3280 on Deposited Plan 214020 as a pedestrian access way, and the land amalgamated with adjoining Lot 3283. The Council's endorsement of the PAW closure should be subject to the Town not being liable for any costs associated with the closure and disposal of the PAW.

On the Council's endorsement of the PAW closure, the Town may make a formal request for closure to the Department of Planning, Lands and Heritage (for the Minister for Lands) who will assess the request and deal with closure and disposal of the PAW.

ATTACHMENTS

1. Location Map (under separate cover)
2. PAW Closure Report (under separate cover)

12.3.2 FINAL ADOPTION OF LOCAL PLANNING POLICY 13 SOUTH HEDLAND TOWN CENTRE DESIGN GUIDELINES

Author: Place Facilitator
 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.

CM202223/037 COUNCIL DECISION

MOVED: CR COLES

SECONDED: CR ZIELKE

That Council, pursuant Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. Adopts Local Planning Policy 13 South Hedland Town Centre Design Guidelines incorporating modifications as presented in Attachment 1; and
2. Advertises the adopted Local Planning Policy 13 South Hedland Town Centre Design Guidelines, in accordance with Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider the final adoption of Local Planning Policy 13 South Hedland Town Centre Design Guidelines.

DETAIL

On 23 February 2022, Council resolved to adopt the South Hedland Place Plan to assist in addressing the lack of economic investment, activation and amenity of the South Hedland Town Centre. One of the adopted Milestone Actions was the review of these Design Guidelines and incorporate a User Experience Guide to promote high quality private development whilst streamlining approval processes for developers and fosters the place-led approach by utilising engagement outcomes from our local community. On 23 March 2022, in line with the adopted South Hedland Place Plan, Council resolved the following:

That Council, pursuant to Clause 3 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. *Initiates Local Planning Policy 13 South Hedland Town Centre Design Guidelines, as presented in Attachment 2 of this Item for the purpose of public consultation; and*
2. *Advertises Local Planning Policy 13 South Hedland Town Centre Design Guidelines, as presented in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*

The vision of Local Planning Policy 13 South Hedland Town Centre Design Guidelines (LPP13) (Attachment 1) promotes a more appropriate town centre development based on the current

contextual climate of South Hedland and community engagement outcomes during the South Hedland Place Plan:

“The South Hedland Town Centre is an oasis that offers comfortable and safe places to meet and connect, conduct business and have a really good time. It’s a place that supports and welcomes all cultures with open arms and celebrates our history and diversity through dance, music, art, laughter and even tears. South Hedland is a place we’re proud to call our living room and we are working hard to make it meaningful.”

The purpose of LPP13 is to guide private development in the South Hedland town centre through the place-led approach. LPP13 is based on the findings of the User Experience Guide (**Attachment 2**), which was prepared as part of the South Hedland Place Plan and highlights the result of community engagements, presenting what the South Hedland residents and businesses envision for the South Hedland Town Centre. This fosters the grass-roots, place-led approach by directly responding to our community.

Planning Framework

In addition to proposed LPP13, all commercial and mixed-used developments, and multiple and grouped dwelling developments are subject to the requirements under:

- Town of Port Hedland Local Planning Scheme No. 7 (LPS7);
- South Hedland Town Centre Development Plan (Development Plan);
- State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3 – Vol 2).

These documents provide overall objectives that guide the type of development envisioned for the locality (Element Objectives) and a prescriptive criteria (Acceptable Outcomes) for a standardised approach to achieving these overarching objectives. The Western Australian planning framework provides applicants the opportunity to propose alternatives to the prescriptive criterion, where they can demonstrate to the Town the development still achieves these overarching principles.

The prescriptive criteria contained with the Development Plan and existing South Hedland Design Guidelines were prepared because of a significant and sudden increase in economic activity and endorsed by Council and the Western Australian Planning Commission (WAPC) in 2014. These documents provide the development controls and development objectives (in various names) for elements of design such as maximum building height, car parking minimum standards and plot ratio and density. These documents were prepared by Development WA and based on the Pilbara’s Port City Growth Plan, which has become outdated and does not accurately reflect South Hedland’s current economic climate and population.

As a result, the Town has seen an increase in potential developers using alternative development approaches to achieve the overarching principles more reflective of current development climate. This has been addressed by Council and the Joint Development Assessment Panel during deliberations of variations to the prescriptive criteria of car parking and building height, where the developer was able to appropriately achieve overarching development objectives. The Town has strengthened the ability to regulate alternative development approaches through more localised and appropriate overarching principles in the proposed LPP13.

The Town delayed adoption of LPP13 to accommodate the recent JDAP approval of the Azzura Development and the upcoming JDAP decision of Tourist Development on Throssell Road. These developments had been significantly progressed by the developers at the time of

initiation, and the Town did not want to cause undue burden on the assessment of these developments.

Structure of LPP13

LPP13 replaces the Design Objectives, Development Controls and Design Guidance headings with the following to provide:

1. Element Objectives – the objectives that outline the intent of each element in LPP13;
2. Acceptable Outcomes – which are the mandatory requirements for development in the Town Centre. Where there are alternative design solutions proposed, they will be assessed against the relevant Element Objective;
3. Design Suggestions and supporting images and diagrams – to provide assistance and recommendations to developers to meet and achieve the element objectives of each element in the guidelines.

LPP13 has removed duplicate provisions that are contained within State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3 – Vol. 2), which was endorsed by WAPC following the original Design Guidelines, as they will continue to apply to all mixed-use development. Amendments to the Acceptable Outcomes in SPP7.3 – Vol. 2 have been included that respond more appropriately to the local climate of South Hedland. These relate to car parking being located at the rear of the lot, active street frontages and adaptability of land uses, and shade elements where there are rooftop communal spaces. The WAPC has approved all amendments to SPP7.3 – Vol. 2, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

Localised Element Objectives and Acceptable Outcomes

Whilst maintaining consistency with the Acceptable Outcomes of SPP7.3 – Vol. 2, LPP13 provides localised Element Objectives and Acceptable Outcomes to guide appropriately placed development within the South Hedland Town Centre. Most notably:

Landscape and Shade

LPP13 incorporates additional requirements for shade and landscaping, where appropriate, to provide a more comfortable micro-climate in the South Hedland Town Centre. Some new elements, approved by the WAPC, including:

- The provision of recommended landscaping species list with demonstrated ability to thrive, which include trees transplanted in the Town Centre in August 2022;
- Prioritising shading and pedestrian friendly streets with car parking located to the rear of properties and alternative shading opportunities for pathways, including internal to private developments; and
- Alternatives to the built form design requirements to encourage alternative and affordable sustainability options.

Car Parking

LPP13 provides further guidance on assessing car parking shortfall for commercial land uses, where the applicant can demonstrate that sufficient available on-street parking exists during peak demand periods, and that is able to effectively contain any potential parking overflow, the Town can consider a variation to the minimum car parking requirements in accordance with the *Town of Port Hedland Local Planning Scheme No. 7* (LPS7).

Building Design and Identity

Ensuring that the built form outcomes more appropriately reflect the South Hedland community and heritage. This is highly influenced from the User Experience Guide to demonstrate the perceived identity from the community. A number of images have been included in LPP13 which reflect the existing identity, rather than trying to create a new identity through built environment.

Temporary Approval

Opportunity to streamline temporary approval process to activate vacant land without the stringent development approval requirements. This will assist in increasing activation opportunities on vacant land using temporary structures.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because this policy is introducing a set of development controls and element objectives for design and approval standards within the South Hedland Town Centre.

CONSULTATION

Internal

- Director Infrastructure Services
- Manager Infrastructure Operations
- Manager Infrastructure Projects and Assets
- Manager Town Planning & Development
- Coordinator Landscape and Irrigation
- Coordinator Works and Services
- Coordinator Parks and Reserves

A collaborative meeting was held with the Town's Infrastructure Services on 6 April 2022, where there was discussion on:

- Materiality, specifically in reducing materials that attract high maintenance levels and using materials that don't weather quickly in the South Hedland climate
- Landscaping, specifically the benefits of using both native and introduced species in the Town Centre, which are their life expectancy and responsiveness to transplanting.

LPP13 has been amended to reflect the discussion, providing a range of landscaping species and robust materiality.

External Agencies

- Development WA

The Town has met with Development WA twice to discuss LPP13. They additionally provided a submission to Draft LPP13. This is further detailed in **Attachment 2**. Predominantly, Development WA are concerned with:

- Consistency with the existing planning framework, which has been addressed with WAPC approval, and consistency with sales contracts. To address this, the Town has introduced a provision that LPP13 will apply to all development under sales contracts entered into following approval of the new Design Guidelines;
 - Design review process and application of LPP13, particularly whether there is opportunity to consolidate the Town and Development WA's design review processes. This can be considered further under the Town's Local Planning Policy 14 Design Review Panel; and
 - Various comments specifically relating to several provisions, which are further explained in **Attachment 2** and relevant modifications made as response in **Attachment 3**.
- Department of Planning, Lands and Heritage

LPP13 was referred to DPLH in accordance with Clause 3A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as Council cannot formally adopt a local planning policy that amends SPP7.3 – Vol. 2 without WAPC endorsing the amendments. The WAPC endorsed LPP13 on 14 March 2023 as found in **Attachment 3**.

Community

During the community engagement workshops for the South Hedland Place Plan, the Town received feedback based on what our community envisions for the Town Centre. This has been used to draft the User Experience Guide and Draft Design Guidelines.

The local planning policy was advertised for a period of no less than 21 days and between 30 March and 22 April 2022, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, by means of:

- A notice of the proposed draft local planning policy being published on the Town's website inviting submissions; and
- A notice of the proposed draft local planning policies being published in the North West Telegraph, providing details on:
 - The subject and nature of the proposed policy;
 - The objectives of the proposed policy;
 - Where the proposed policy may be viewed; and
 - To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the proposed local planning policy was made available at the Town's Civic Centre for the duration of the community consultation period. The Town received no submissions from community members.

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- South Hedland Town Centre Development Plan
- State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

FINANCIAL AND RESOURCES IMPLICATIONS

There is a financial cost of advertising the adopted Policies in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* the North West Telegraph with an approximate cost of \$300.

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
- 3.2 A safe and fit for-purpose built environment
- 3.3 An accessible, attractive and sustainable urban environment

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the town centre is currently perceived as unattractive and desolate, with limited private investment. The risk rating is considered to be low (4), which is determined by a likelihood of likely (4) and a consequence of insignificant (1). The risk of this reputation continuing is mitigated through the initiation of the local planning policy.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

LPP13 provides a place-led, more streamlined approach to statutory approvals process for private development in the South Hedland town centre. It is recommended that Council resolve to formally adopt LPP13 South Hedland Town Centre Design Guidelines.

ATTACHMENTS

1. South Hedland Town Centre Design Guidelines 2023 (under separate cover)
2. Schedule of Submissions (under separate cover)
3. Schedule of Modifications (under separate cover)

12.3.3	FINAL ADOPTION OF SCHEME AMENDMENT NO. 2 TO THE TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME NO. 7 - REZONING LOT 6270 (5) MILLER STREET, WEDGEFIELD TO 'LIGHT INDUSTRY'
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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.

CM202223/038 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR CHRISTENSEN

That Council:

1. Adopt proposed Scheme Amendment No. 2 (Amendment No. 2) to the Town of Port Hedland Local Planning Scheme No. 7 (LPS7) without modifications, Pursuant to Section 75 of the Planning and Development Act 2005 (PD Act) and Part 5 Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).
2. Authorise the Chief Executive Officer and Mayor to execute two (2) copies of Standard Amendment No. 2 documentation, in accordance with Regulation 62 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. Forward to the Western Australian Planning Commission two (2) copies of Standard Amendment No. 2 documentation and a copy of the Schedule of Submissions for the Minister of Planning's consideration.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider submissions on Scheme Amendment No. 2 to the Local Planning Scheme No. 7 (LPS7) and determine whether to adopt the Amendment for final approval.

DETAIL

Development within the Town of Port Hedland is controlled and guided by Local Planning Scheme No. 7 (LPS7) which became operational in 2021. Amendment No. 2 proposes to change Lot 6270 (No.5) Miller Street, Wedgefield (subject site) from 'Environmental Conservation' reserve to a 'Light Industry' zone. Amendment No. 2 proposes alterations to LPS7 Scheme Map only without changes to the LPS7 text.

Planning Consultant, Element (The Applicant) on behalf of Gravity Crane Services Pty Ltd. has requested the initiation of Amendment No. 2 (**Attachment 1**). The Applicant has submitted a report (**Attachment 2**) to support the proposal. As the subject site is located within a Bushfire Prone Area, a Bushfire Attack Level (BAL) certificate has been submitted as part of the submission report. This assessment has been prepared to accompany the scheme

amendment only. Future development of the subject site will require a Bushfire Management Plan to be prepared to demonstrate compliance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) and the Guidelines for Planning in Bushfire Prone Areas.

The proposed amendment is consistent with the planning framework and is aligned with the general principles and broader vision set under the strategic framework for the area. The rezoning to Light Industry will facilitate consistency between LPS7 and the Town's Local Planning Strategy, which recommends light industrial land use for the subject site and locality. The subject site has been used for light industrial purposes by Mammoet Australia and J & S Trucks & Machinery under a crown lease since 2004. Gravity Crane Services Pty Ltd. has sought to purchase the land from the State government, and the scheme amendment to rezone the land to the light industry will reflect the land's current and future industrial use.

Previous Decisions

On 23 November 2022 Amendment No. 2 was adopted by Council for advertising and referral to the Environmental Protection Authority CM202223/064.

In accordance with Section 81 of the *Planning and Development Act 2005*, the amendment was referred to the Environmental Protection Authority (EPA). The EPA has advised that formal assessment was not required under the *Environmental Protection Act 1986*. Following the EPA's advice, the amendment was publicly advertised for 42 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.

After considering the submissions lodged during the consultation process as explained below, should Council resolve to adopt Amendment No. 2 in accordance with the Regulations, the amendment documentation shall be forwarded to the Western Australian Planning Commission (WAPC) together with the schedule of submissions. The Commission will then present the Council's recommendation to the Minister who is responsible for final approval or refusal of the amendment.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed amendment is consistent with the principles of orderly and proper planning and is largely aligned with the general principles and broader vision set under the strategic framework for the area. Specifically, the change to the 'Light Industry' zone will facilitate consistency between LPS7 and the Town's Local Planning Strategy, which recommends light industrial land use for the subject site.

CONSULTATION

Internal

Nil

External Agencies

- BHP Billiton Limited
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Department of Mines, Industry Regulation and Safety

- Department of Health
- Department of Primary Industries and Regional Development
- Department of Planning, Lands and Heritage
- Department of Water and Environmental Regulations
- Fortescue Metals Group
- Horizon Power
- Department of Jobs, Tourism, Science and Innovation
- Main Roads Western Australia
- Pilbara Development Commission
- Port Hedland Chamber of Commerce Inc
- Pilbara Ports Authority
- Water Corporation

Community

In accordance with Regulations the proposal was advertised for a period of 42 days, between 08 February 2023 and 22 March 2023 to adjoining landowners, and details of the proposal were published on the Town's webpage on 08 February 2023. The advertising for 42 days consisted of:

- Publication of a public notice in a newspaper (North West Telegraph) on 08 February 2023 circulating in the scheme area;
- Display of a copy of the notice on the Town's website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.

The Town did not receive any submissions regarding this application during the public consultation process. However, the Town received six (6) submissions from the external agency referral process. Where relevant, the external referral comments have been addressed in the detail section of the report, and a detailed outline including officer recommendations on the submissions is included under a separate attachment (**Attachment 3**) of this report.

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable

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

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

Economic

The amended Local Planning Scheme will contribute towards having a more streamlined development approval process and encourage investment and economic growth.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because Local Planning Scheme No. 7 needs to be updated with the latest Regulations and ensure it is responsive to current projects and market trends. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be mitigated by progressing the Amendment No. 2 and endorsing the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The proposed scheme amendment is a ‘standard amendment’ under the Regulations as it is consistent with the Town’s Local Planning Strategy. The amendment will not have an environmental, social or economic impact. The subject site has been used for light industrial purposes under a crown lease since 2004. Changing the land use category to ‘Light Industry’ will align the zone with the existing land use.

None of the submissions received during the consultation process raised an objection to Scheme Amendment No. 2. It is therefore recommended that Council resolve to adopt Amendment No. 2 without modification and forward it to the WAPC for final approval consideration by the Minister.

ATTACHMENTS

1. Cover Letter (under separate cover)
2. Report (under separate cover)
3. Schedule of Submissions (under separate cover)

12.3.4 PROPOSED NAMING OF COMMUNITY FACILITY

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.

CM202223/039 COUNCIL DECISION**MOVED: CR ZIELKE****SECONDED: CR KELLER**

That Council endorses the proposed dual naming of the facility located at Lot 1 McGregor Street, Port Hedland as Milpaku Kuma / Port Hedland Community Centre, and advertises in accordance with the Town's Policy 12/010 : Naming of Roads and Places.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider the proposed dual naming of the Town's new community facility, constructed at Lot 1 McGregor Street, Port Hedland.

DETAIL

The Town is nearing the completion of construction of a significant community facility at Lot 1 McGregor Street, Port Hedland. The facility will provide function and storage space for multiple community organisations, including the Port Hedland Turf Club, and will also operate as the sole emergency shelter in Port Hedland for up to 200 people when necessary. It is anticipated that the centre will become a key community asset, and accordingly requires an appropriate name.

The Town recognises the importance of the community in selecting appropriate names for facilities and locations within Port Hedland, and in particular the importance of Aboriginal culture and heritage. To acknowledge this, the Town has determined that a dual name is preferred for the naming of the new facility. A dual name, as defined by Landgate, provides both an Aboriginal and European name for a single location or building.

The Town has undertaken significant consultation with Kariyarra Aboriginal Corporation to select an appropriate Aboriginal name, representative of the facility and its anticipated importance to the community.

The selected Aboriginal name is Milpaku Kuma, and means 'coming together'. As a facility intended to provide a gathering place for the Port Hedland community, as well as a place of shelter in emergencies, this is considered an appropriate name.

The selected European name is Port Hedland Community Centre, being a clear and concise description of the facility and its use.

Provided that no substantiated objections are received, the name of the new community centre will be adopted upon completion of the advertising period. If a substantiated objection is

received which cannot be resolved by the Chief Executive Officer, this will be referred to Kariyarra Aboriginal Corporation and Council for consideration.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it will determine what a significant community facility is known as on a permanent basis.

CONSULTATION

Internal

- Internal consultation has been undertaken between the Town's Infrastructure Services and Community Development Teams, including the respective Directors. All parties support the proposed dual name.

External Agencies

- The Town has undertaken significant consultation with Kariyarra Aboriginal Corporation and the wider Aboriginal community in accordance with the draft Ngalikuru Kuma-Marri Plan – Hedland Aboriginal and Torres Strait Islander Partnership Plan 2023-2027. Engagement included formal and informal activities, and targeted conversations and workshops over a period of 6 months, with Milpaku Kuma being endorsed by the Kariyarra Aboriginal Corporation Board.
- Landgate will be advised of the building name for inclusion within future mapping of the area, however naming approval from Landgate is not required as there is no intention to rename the reserve.

Community

- The proposed name will be advertised to the community should Council support the Officers recommendation.

LEGISLATION AND POLICY CONSIDERATIONS

The proposed naming must comply with the Town's Policy 12/010 – Naming of Roads and Places.

In accordance with the Policy, the selected Aboriginal name must be:

- In the language that the place is located within, in this instance Kariyarra;
- Shall be important to Port Hedland or the relevant language group;
- Shall be considered only following consultation with an approval by the relevant local Aboriginal community and Council; and
- Shall include an example of the correct pronunciation to be included in communications surrounding the endorsed name to encourage and support the adaption and usage of Aboriginal names.

The proposed Aboriginal name is in the Kariyarra language, and has been selected and endorsed by the Kariyarra Aboriginal Corporation.

When considering the European name, preference is given to a name that is a logical description of location, purpose, or function. Port Hedland Community Centre is consistent with this preference as it clearly describes the location and purpose of the facility.

As a name considered to both have an important meaning to the wider Port Hedland Community, and to be indicative of the purpose of the facility, the proposed name is compliant with Policy 12/010, subject to Council endorsement.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications as a direct result of this item. However, the Town is likely to have signage installed displaying the endorsed facility name, which will be considered under standard finance procedures.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.a.3 A positive narrative and unique brand is developed and promoted
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because the Town's relationship with the Kariyarra community may be affected should Council choose not to support the officers recommendation. 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 – Do not adopt officer's recommendation

CONCLUSION

The new facility will become an important part of the Port Hedland community, providing space for numerous community organisations and events as well as a safe space in an emergency. The selected dual name of Milpaku Kuma / Port Hedland Community Centre is representative of that importance, and it is recommended that Council endorse the proposed name.

ATTACHMENTS

Nil

12.4 Infrastructure Services
Nil

12.5 Executive Services
Nil

Item 13 Motions of which Previous Notice has been given

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

CM202223/040 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: CR COLES

Item 15.3 Hedland Junction Stage 4 Subdivision, is a late item of urgent business, as the matter will be formally considered by the WAPC's Statutory Planning Committee on 16 May, 2023.

CARRIED BY SIMPLE MAJORITY (8/0)

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

CM202223/041 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: CR COLES

That Council close the meeting to members of the public as prescribed in section 5.23(2)(a) of the Local Government Act 1995, to consider item 15.

CARRIED BY SIMPLE MAJORITY 8/0

6:13 pm The Presiding Member declared the meeting closed to the public.

SUSPENSION OF STANDING ORDERS

CM202223/042 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: CR COLES**

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 6:13 PM

RESUMPTION OF STANDING ORDERS

CM202223/043 COUNCIL DECISION**MOVED: CR COLES****SECONDED: CR CHRISTENSEN**

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 resumed at 6:20 PM

CM202223/044 PROCEDURAL MOTION**MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

That Council under clause 12. (d) Town of Port Hedland Standing Orders Local Law 2014 defer item 12.1.3 2023/24 RATING STRATEGY to a Special Council Meeting on a date to be confirmed.

CARRIED BY SIMPLE MAJORITY (8/0)

15.1 Town Property Subject to the West End Buy Back

CM202223/045 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council retains ownership of the eight townhouse units located at 52 Morgans Street, Port Hedland and advises Hedland Maritime Initiative (HMI) accordingly.

CARRIED BY SIMPLE MAJORITY (8/0)

15.2 Cessation of Strategic Land Acquisition

CM202223/046 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council:

1. Cease action in relation to the purchase of the strategic land parcel identified in Attachment 1, and advise Development WA that the Town does not intend to purchase the property; and
2. Requests DevelopmentWA to continue to pursue demolition of the existing building on-site within the next twelve months.

CARRIED BY SIMPLE MAJORITY (8/0)

15.3 Hedland Junction Stage 4 Subdivision – Local Government Condition – Infrastructure Upgrades
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AMENDMENT

CM202223/047 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

That Council propose an amendment to point number 5, to remove wording from just after “liability” to just before “Traffic”.

CARRIED BY SIMPLE MAJORITY (8/0)

CM202223/048 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

That Council:

1. NOTES concerns regarding subdivision referral (WAPC Reference 162657) and the impacts on road safety should the Western Australian Planning Commission (WAPC) determine the application without the Town of Port Hedland’s requested conditions of subdivision approval requiring Hematite/Pinga intersection upgrades as part of Stage 4 subdivision works.
 2. REQUESTS Main Roads WA make a deputation at the WAPC Statutory Planning Committee to outline the road safety concerns raised by the Town through omission of the Hematite/Pinga intersection upgrades as part of Stage 4 subdivision.
 3. REQUESTS the Chief Executive Officer or his delegate/s make a deputation at the WAPC Statutory Planning Committee to outline the road safety concerns and advocate for imposing a condition of approval requiring DevelopmentWA to include Hematite/Pinga intersection upgrades as part of Stage 4 subdivision works.
 4. NOTES the Town of Port Hedland has offered DevelopmentWA \$1.5m in road funding to contribute toward the Hematite/Pinga intersection upgrades.
 5. WRITES to the Chairman of the WAPC to advise that if the Stage 4 subdivision application is approved without intersection upgrades at Hematite/Pinga Street as requested by the Town of Port Hedland, the Town accepts no liability associated
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with any traffic incidents or accidents occurring in the vicinity of Hematite/Pinga Street intersection.

CARRIED BY SIMPLE MAJORITY (8/0)

CM202223/049 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: CR COLES

That Council open the meeting to members of the public.

CARRIED BY SIMPLE MAJORITY (8/0)

6:57 pm The Presiding Member declared the meeting open to members of the public and read aloud the decisions of Council made whilst behind closed doors.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 31 May 2023 commencing at 5:30pm.

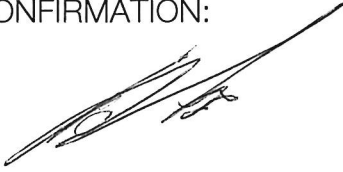
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 7:00pm.

DECLARATION OF CONFIRMATION OF MINUTES

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

CONFIRMATION:

A handwritten signature in black ink, consisting of several overlapping, slanted strokes, positioned above a horizontal line.

PRESIDING MEMBER

31/5/2023

DATED