



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an ORDINARY COUNCIL MEETING will be held in the Civic Centre, McGregor St, Port Hedland, on Wednesday, 22 February 2023, commencing at 5:30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read "Carl Askew".

Carl Askew
Chief Executive Officer

17 February 2023

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71
Local Government (Model Code of Conduct) Regulations 2021*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Model Code of Conduct) Regulations 2021</i>			
Name			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ Date: _____

Important Note: Should you declare a **Financial or Proximity Interest**, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Item 1 Opening of Meeting

The Presiding Member is to declare the meeting open at 5:30 pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the Kariyarra people as the Traditional Custodians of the land that we are meeting on and recognises their strength and resilience and pays respect to elders past, 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

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

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

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

Karren MacClure (Director Corporate Services)

3.4 Approved Leave of Absence

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Cr Eckhart	12.4.1	Financial	Corporate Sponsor
Cr Keller	12.3.2	Financial	Employer

Item 4 Applications for Leave of Absence

OFFICER’S RECOMMENDATION

That Council approve the application for leave of absence from Councillor Bennett for the period 17 March until 23 March 2023, *and* 20 April 2023 until 18 May 2023.

SIMPLE MAJORITY VOTE REQUIRED

OFFICER’S RECOMMENDATION

That Council approve the application for leave of absence from Councillor Eckhart for the period 29 March 2023 until 4 April 2023.

SIMPLE MAJORITY VOTE REQUIRED

Item 5 Response to Previous Questions

Nil

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

6.2 Public Statement Time

6.3 Petitions/Deputations/Presentations/Submissions

Item 7 Questions from Members without Notice

Item 8 Announcements by Presiding Member without Discussion

The Mayor's meetings for the month of January 2023;

DATE	MEETING	ATTENDANCE
19/01/2023	Talk of the Town segment with Triple M	Attended
23/01/2023	Meeting with Development WA, Development matters	Attended
26/01/2023	Australia Day Citizenship Ceremony	Attended
26/01/2023	Australia Day at SHAC	Attended
30/01/2023	Meeting with Centurion Group – Proposed Development	Attended

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

Item 10 Confirmation of Minutes of Previous Meeting

OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 1 February 2023 are a true and correct record.

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.

Item 11 Reports of Committees

Nil

Item 12 Reports of Officers

12.1 Corporate Services**12.1.1 STATUS OF COUNCIL DECISIONS UPDATE**

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

OFFICER'S RECOMMENDATION

That Council notes the 'Status of Council Decisions' as at 1 February 2023, as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to inform the Council and the community of the progress and actions that have been undertaken in relation to council decisions.

DETAIL

The Status of Council Decisions ('SoCD') spreadsheet is an important administrative tool used by the Town of Port Hedland ('the Town') to monitor the implementation of council decisions. Any council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been published, each decision of the Council is uploaded into the spreadsheet and allocated to the relevant officer for actioning and comment. The spreadsheet is accessible by all relevant Town officers.

The SoCD spreadsheet is presented on a quarterly basis for the Council and the community to note the progress and status of decisions which have not been fully actioned, and the reasons for this.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the SoCD spreadsheet is for information purposes only.

CONSULTATION*Internal*

- All officers that have been deemed responsible for actioning each council decision have provided an update on its status.

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995*.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation to this item.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The following section of the Town's Strategic Community Plan 2022-2032 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.

Corporate Business Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item, because if the SoCD spreadsheet is not presented on a quarterly basis to Council, Council and the community won't be notified on the progress and status of decisions which have not been fully enacted, and the reasons for this. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1).

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

OPTIONS

There are no alternative options in relation to this item, as it is for the Council to receive for information purposes.

CONCLUSION

The Status of Council Decisions spreadsheet is an important tool that Town officers utilise to implement and enact all decisions of the Council. This quarterly report is to inform the Council and the community of the status of decisions that have not been completed or are of an ongoing nature.

ATTACHMENTS

1. Status of Council Decisions Register October 22 - January 23 (under separate cover)

12.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2022

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.

OFFICER'S RECOMMENDATION

That Council pursuant to section 6.4 of the *Local Government Act 1995*:

1. Receive the Statement of Financial Activity for the period ended 31 December 2022 (see Attachment 1);
2. Receive the Material Variance Report (see Attachment 2);
3. Note the Accounts paid under delegated authority for the period ended 31 December 2022 (see Attachment 3); and
4. Receive the Credit Card Statements for the period ended 31 December 2022 (see Attachment 4).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to Council the Statement of Financial Activity for the period ended 31 December 2022. Supplementary information is also presented to Council to provide further information regarding the Town's activities.

DETAIL

The information provided in this report is for the period ended 31 December 2022, 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 2022, with measures designed to be in full effect by the end of the 2022-2023 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 2022/2023 original budget, Council adopted the following thresholds as levels of material variances for financial reporting:

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

The opening funding surplus of \$86K presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the audited June 2022 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 December 2022 is a surplus of \$36.0M.

The breakdown of the cash position is displayed below:

	2022/23 Actuals
Current Assets: Cash and Investments	\$190.54M
Restricted Cash – Reserves	\$155.24M
Unrestricted Cash Position as at 31 December 2022	\$35.30M

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 2022-2032 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 2022/23 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 2022. The net current funding position is \$36.0M.

ATTACHMENTS

1. Monthly Statement of Financial Activity (under separate cover)
2. List of Payments Made Under Authority - December 2022 (under separate cover)
3. Material Variance Report - December 2022 (under separate cover)
4. Credit Card Statements - December 2022 (under separate cover)

12.2 Community Services

12.2.1 TOWN OF PORT HEDLAND ACCESS AND INCLUSION PLAN 2023-2026

Author: Senior Engagement Officer, Community & Place
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 Town of Port Hedland Access and Inclusion Plan 2023 - 2026 as per Attachment 1.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider The Town of Port Hedland *Access and Inclusion Plan 2023-2026* (The Plan). The Plan is a strategic document for the Town of Port Hedland (ToPH) required by the Government of Western Australia and registered with the Department of Communities, Disability Services. It is a public document which is implemented over four years and reported on annually. This item seeks Council to adopt the ToPH *Access and Inclusion Plan 2023-2026*.

DETAIL

The formulation of the *Access and Inclusion Plan 2023-2026* (The Plan) was initiated by the Town of Port Hedland (ToPH) as an expression of commitment to the development of a vibrant, caring, connected and inclusive community. The ToPH is committed to building an inclusive community where people of all ages, abilities and backgrounds can participate in and contribute to our diverse community.

All public authorities in Western Australia are required under the *Disability Services Act (1993)* to develop, implement, review and report on an Access and Inclusion Plan.

The requirements of an Access and Inclusion Plan are to ensure that people with a disability can access services, facilities, buildings, employment, complaints processes, services and information provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

According to the Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers (2018) 18.6% of Australians, almost 1 in 6 people identify themselves as having some form of disability. From this information it could be estimated that there are 2,664 people identifying as having a disability in Hedland.

In addition, according to the ABS Survey, the rate of disability in Aboriginal and Torres Strait Islander people is much higher than in the rest of the population across all age groups. 24% of Aboriginal and Torres Strait Islander people identify with a disability and 8.8% are likely for that disability to be a profound core activity limitation. The 2021 Census tells us that Aboriginal and Torres Strait Islander people make up 18.6% of the town's community.

The ToPH knows that accessibility and inclusion is important to and affects the whole population and visitors. Therefore, all areas of our community should be considered. The former ToPH *Disability Access and Inclusion Plan 2017-2022* (DAIP) was endorsed at the January 2018 Ordinary Council Meeting. Some of the highlights of the ToPH's progress in the *DAIP 2017-2022* are:

- Increased consultation with the WA Country Health Services (WACHS) Disability Access and inclusion Plan Pilbara Sub-Committee
- Introduction of ToPH 'Quiet Zone' Sensory Tent Activations
- Expansion of the Senior Adults Living Triumphantly (SALT) community program
- Implementation of weekly 'low-sensory' hours at ToPH leisure facilities
- Increased financial support from the ToPH Community Grants Program to the Hedland community with a high focus on access and inclusion
- Engagement with and exploration of the Sensorium Theatre regional production
- Completion of the St. Cecilia's Church accessible ramp
- Completion of Stage2 of the JD Hardie Youth & Community Centre infrastructure project increasing external accessibility
- Completion of Stage 1 of the South Hedland Cemetery infrastructure project
- Public BBQ and water fountain renewal program across ToPH public park venues
- Improving community amenity with the ToPH Depot expansion project
- Improvement in the ToPH's promotion of access and inclusion initiatives and projects throughout the community
- Development of the ToPH Community Development Plan and Asset Map
- Improvements in ToPH governance initiatives with the introduction of AUSLAN Sign-Language considerations
- The renewal of the ToPH's Customer Service Charter
- Implementation of the 2021 Community Perception Survey
- Advocacy for improved wheelchair access and accessibility walkthroughs at South Hedland Shopping Centre
- Improved community consultation under the banner of the 'Hedland Huddle', hosting and facilitating a range of community conversations to inform The Plan i.e. Hedland Home Education Group morning tea
- All ToPH staff now completing disability awareness training every two years
- All staff compulsory training for bullying and discrimination in the workplace and workshop

- New policy development to reflect current legislative requirements and best practice commitment of the ToPH.

The review of the ToPH's Access and Inclusion Plan was launched with a period of extensive community engagement, connecting with people with disability, families and carers, peak bodies, service providers, businesses, and the broader community.

The feedback received by the ToPH identified current barriers to the participation and inclusion of people in our community. This information assisted in determining the priorities and future direction of the new Plan. Emerging priorities are the support of:

- Accessible and socially inclusive events
- New and redevelopment works providing access to people of all abilities
- Provision of accessible streetscapes
- Increased care facilities
- All ToPH websites, social media channels and publications are accessible to people of all abilities
- Improved community awareness of social and cultural inclusion
- Investigation and implementation of initiatives encouraging and supporting access and inclusion in the community.

The ToPH's new *Access and Inclusion Plan 2023-2026* outlines the actions for the next four years that will guide the ToPH in responding to the needs of people with disability and result in improved outcomes for all people in our community.

The Plan will benefit people with disability and their families, the elderly, young parents and people from culturally and linguistically diverse backgrounds by ensuring our services, facilities, buildings, employment and information provided by the ToPH are accessible and inclusive.

The Hedland community will be informed of the The Plan through a community notice, social media, local media, online via the ToPH's website and at our facilities. The Plan will be made available upon request in a preferred format which may include large print, braille, audio, or accessible electronic format.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the benefits of ensuring an accessible and inclusive community have significant social implications for a number of people and their families.

CONSULTATION

Internal

- Executive Leadership Team
- Senior Leadership Team
- All business units at the ToPH.

External Agencies

- Lifestyle Solutions
- Department of Communities Disability Services
- Empowering People in Communities (EPIC)
- Patches Paediatrics
- Hedland Home Education Group
- Silverchain
- Karlarra House
- Wangka Maya Pilbara Language Centre
- Cassia Education Support
- Hedland Community Living Association (HCLA) and members.

Community

The community consultation and engagement stage of The Plan utilised a wide range of integrated activities (formal and informal) in which community members and stakeholders exchanged ideas, opinions, information, knowledge and wisdom; sought common ground and weighed options through meaningful interactive conversations.

One of the recent methods used by the Town to engage with people in the community is under the banner '*Hedland Huddle*', hosting and facilitating a range of community conversation sessions engaging community members, business and organisations. The '*Hedland Huddle*' provided many opportunities for a diverse range of local community citizens and groups to contribute, share and discuss ideas, aspirations and opinions about how we together as a community can build a stronger and more caring, connected and inclusive Hedland.

- Online survey
- '*Big Idea*' cards
- '*Hedland Huddle*' consultation
- Community Meetings.

LEGISLATION AND POLICY CONSIDERATIONS

All Public authorities in Western Australia are required under Part 5, sections 27-29c Of The Disability Services Act (1993) to develop, implement, review and report on an Access and Inclusion Plan. Town Of Port Hedland Policy 8/003 Access and Inclusion was considered in the preparation of this item.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications as budget was approved in the FY 21/22 budget for community consultation to inform the new *Access and Inclusion Plan 2023-2026*. All other required funding will come from the relevant business unit's budgets or grant funding.

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
- 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
- 4.3 Effective delivery of services and infrastructure to meet community needs

Social

Ongoing compliance with The Plan will provide a more accessible and inclusive community for people with disability and their families. There are no significant identifiable environmental or economic impacts relating to this item.

Disability Access and Inclusion Plan

The following outcomes of the Town's *Disability Access and Inclusion Plan 2017-2022* apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service
- Outcome 5 – Complaints
- Outcome 6 - Consultation Process
- Outcome 7 - Employment

Corporate Business Plan

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

- 1.a.1 Stakeholders are engaged to develop a whole-of-town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 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 ToPH plans and programs are provided for transparency, accountability and two-way interaction
- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities
- 1.d.4 Community services and facilities are well promoted
- 2.b.1 Forums are regularly provided to support industry and businesses, including Aboriginal and disability enterprises, in engaging with the community and stakeholders
- 4.a.1 ToPH is represented and advocated for in International, Federal, State and regional forums and policy development

- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.c.1 High quality and responsive customer service is provided
- 4.c.2 Community members, business and tourists are engaged to provide feedback about local facilities and services

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because all public authorities in Western Australia are required under Part 5, sections 27-29C of the Disability Services Act (1993) to develop, implement, review and report on an Access and Inclusion Plan. The risk rating is considered to be low (2), which is determined by a likelihood of unlikely (2) and a consequence of insignificant (1).

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The Town of Port Hedland, like all Western Australian government authorities, is required to have an Access and Inclusion Plan. The previous ToPH *Disability Access and Inclusion Plan 2017-2022* concluded last year, and the new Plan has been developed, approved by the ToPH Executive Leadership Team and lodged with the Department of Communities, Disability Services. This item recommends Council receive and note the ToPH *Access and Inclusion Plan 2023-2026*.

ATTACHMENTS

1. Town of Port Hedland Access and Inclusion Plan 2023-2026 (under separate cover)

12.2.2 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 2 OCTOBER TO DECEMBER 2022/2023

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

OFFICER'S RECOMMENDATION

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery and activation of South Hedland for the second quarter, October – December 2022.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the financial and general operational report of the Courthouse Gallery and recent additional services to program and activate South Hedland, managed by The Junction Co. for the second quarter from October – December 2022. More specifically, this report addresses the reporting requirements outlined in clause 24.2 in the Management Agreement between the Junction Co. and the Town of Port Hedland (Town).

DETAIL

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

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

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

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

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

- Exhibitions and sale of local art;
- High quality programming, including presentations and workshops;

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

A summary of the key activities for the quarter October – December 2022 are noted below.
Port Hedland based activities;

- Locomotive Dreams Imagination in Motion Exhibition (7th October – 19th November)
 - ‘Locomotive Dreams- Imagination in Motion’ was an exhibition that invited our community to reimagine how we establish belonging towards our place and environment. Locomotive 6 Dreams captured the energy of Neurodiverse Artist Thom Robert’s unique view on the world where people, transport and infrastructure systems were interpreted as colourful multiples. He sees trains as people he knows, and people as trains, bestowing people with new identities and translates them, enigmatically, in painting. Transport and infrastructure play an integral role in our daily lives, especially so in the resource-rich Pilbara.
- Open Borders: The 26th Parallel and Beyond Exhibition (26th November – ongoing)
 - ‘Open Borders’ is a series of 12 group exhibitions and 3 original performances held across all 9 regions of WA during 2022-23. Each event reflects the unique interests, artists and experiences of the diverse participating communities.
- Compass – Creative Practitioner Development Short Course (ongoing)
 - Compass is a holistic program designed to assist artist in building their practice and professional development as regional artists and practitioners. Compass links the need for developing regional artists’ practices, surrounding connections, and creative frameworks to inform artistic decision-making.
 - Compass’ modules equip creative practitioners with tools to cultivate professional networks and foster connections to establish their place within their artistic community.
 - Took place online via zoom
- Art Antics (Every Wednesday from 9am – 10am)
 - A children’s art class (five years of age and under) using crafts and art supplies to play and explore while refining their fine motor skills, knowledge of colours and learning in a group environment.
- Paint & Sip (15 October, 29 October and 9 December)
 - *Paint and Sip* is a social painting event for people +18 years. The event includes all materials, a step-by-step demonstration of the project and assistance from a facilitator to create the work
- Slump & Hump (20 October and 24 November)
 - A social ceramics night for people +18 years to learn fundamental ceramics techniques and create simple household items.
- School Holiday Program (in collaboration with AWESOME ARTS)
 - Two artists, Natalie Zuchetti (Perth artist) and Lauren Greatorex (Hedland artist), undertook a two-week residency in last quarter. These completed works were included in the *Open Borders – The 26th Parallel and Beyond* detailed below.
- Hobbies and High Tea (8 October, 5 November and 19 November)

- Hobbies & High Tea is a series of interactive and creative workshops that aims to help people to find a hobby and motivate them to be more creative.
- Creative Enterprise – Elevate: Instagram 101 (19 October)
 - Expert in social media, explored critical elements to successful social media posts businesses and creative practitioners.
- Creative Enterprise program for people with disabilities
 - A series of free workshops for Epic, which aims to teach participants new skills and create a pathway for employment / generating income.
 - Products created as part of this program were sold at the Portside Makers Market held outside the Courthouse Gallery and Studio.
- Mental Health Week (8 – 15 October)
 - This week entailed the delivery of nine events, of which one was held in conjunction with the South Hedland Library the remaining eight at the Courthouse Gallery and Studio.
 - These events were designed to connect with others, engage in creative practice and slow down to reduce levels of stress in the community.
- Portside Twilight Christmas Festival (18th November)
 - The Christmas season celebration was comprised of 2 markets – Portside Makers Market (The Junction Co) and Wedge Street Footpath market (Port Hedland Visitors Centre).
 - A variety of entertainment was provided including live music, food vans, [pop-up bar, kids activities and roving entertainment. All free and accessible to all visitors.
 - The Festival connected the Courthouse Gallery gardens and Wedge Street providing increased foot traffic for the West End area.
- Mama Stitch (11, 12 November)
 - In collaboration with the Matt Dann Theatre Team this show was staged in the Courthouse Gallery creating an intimate experience.
 - This storytelling experience engaged with the siblings of local mums and the artists who had their stories distilled and brought to life as a headphone verbatim performance.
- Creative Youth Day (26 November)
 - The event was held in conjunction with the opening of Open Borders – The 26th Parallel and Beyond Exhibition.
 - Families and young people experienced a dynamic space where youth and the wider community could come to watch a performance, create an artwork, contribute to collaborative projects, and celebrate young local talents.
 - Local Not For Profit organisations were invited to fundraise for their own organisation by providing food options.
- The Collab Project
 - The Courthouse Gallery and studio collaborated with 3 artists all based in Hedland to create designs that put the unique Pilbara landscape at the forefront.
 - The collaboration provided creatives opportunity to develop textile designs and understand design licensing process and production to merchandising for point of sale.

South Hedland Based Activities

- Paint & Sip (2 November)

- *Paint and Sip* is a social painting event for people +18 years. The event includes all materials, a step-by-step demonstration of the project and assistance from a facilitator to create the work
- Held at Gateway Village with a visiting facilitator from NSW that was previously a Hedland local.
- Mental Health Week (12 October)
 - Drawing Breath + Slow Looking for kids was held in conjunction with the South Hedland Library.
 - These events were designed to connect with others, engage in creative practice and slow down to reduce levels of stress in the community.
 - An ongoing collaboration between South Hedland Library and The Junction Co has been established to provide regular creative workshops into the future.
- Hobbies and High Tea (11 October)
 - Hobbies & High Tea is a series of interactive and creative workshops that aims to help people to find a hobby and motivate them to be more creative.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Events, Arts & Culture

External Agencies

- The Junction Co.

Community

- Nil in the creation of this report

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.3. A unique, vibrant and diverse community lifestyle
- 1.4 Well utilised and valued community facilities and services

Social

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical, and cultural precinct. The recent programming and

future growth of activation in South Hedland will promote additional opportunities for arts and culture throughout the Town. There are no significant identifiable environmental or economic impacts relating to this item

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 3 – Information
- Outcome 4 – Quality of Service

Corporate Business Plan

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

- 1.c.2 Deliver a program of community events to activate the Town

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming to the community. 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

This report is provided to inform Council of the financial and operational progress made by The Junction Co from October to December 2022, in its role as the manager of the Courthouse Gallery and recent variation to program to activate South Hedland with new arts and culture opportunities.

ATTACHMENTS

1. Courthouse Gallery Quarterly Report October to December 2022 (under separate cover)

12.2.3 REQUEST FOR SPONSORSHIP – BEEF AND BEER FESTIVAL 2023

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

OFFICER'S RECOMMENDATION

That Council:

1. Notes the sponsorship proposal (Attachment 1) and approves a three-year funding contribution of \$45,000 plus GST per year plus March Quarter Perth CPI be made to Stardeck Group
2. Notes that the Town's contribution is to be used to support the organising of the Beef and Beer Festival from 2023 to 2025
3. Notes that year one sponsorship in 2022/23 is an unbudgeted item and that this will be listed for consideration as part of the Q2 Budget Review.
4. Notes the sponsorship amount required in 2023/24 and 2024/25 will be included in the Events section of the relevant annual budget.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider Stardeck Group's three-year sponsorship proposal to the Town of Port Hedland for a \$45,000 plus GST funding contribution per year plus March Quarter Perth CPI to support the organising of Beef and Beer Festival from 2023 to 2025.

DETAIL

Beef and Beer festival commenced in 2021 and has since been a popular event for the Hedland community. The festival includes a family day session from 11am to 4pm and an evening adult session from 5pm to 11pm with food stalls and cooking demonstrations, live music and family entertainment. The date of the upcoming event is 6 May 2023 and does not clash with any other events in the Town's events calendar.

A breakdown of the proposed sponsorship contribution is to be used for the following:

- \$27,000 - Event Hire Infrastructure – fencing, toilets, forklifts, lighting towers, generators, distribution boards, travel
- \$10,000 – Food Vendors – Paid to entice food vendors to travel from Perth to the event in Hedland
- \$8,000 – Accommodation – Used to accommodate staff, entertainment, security and some vendors

Given the high costs of organising community events in the Pilbara region, these costs are deemed appropriate in relation to the scale and popularity of the Beef and Beer Festival.

Opportunities for the Town associated with the festival sponsorship include:

- Media – Demonstrated positive success in attracting media attention within the Pilbara and across the State
- Community Perception – the event has always attracted strong attendance to the event, including families, young people, etc
- Tourism – Attraction of people across the Pilbara to attend the event
- Local Businesses – Opportunities for local artists, food trucks, stallholders, hire gear and casual employment
- Food – A selection of local and Perth-based variety of food vendors and pop-up restaurants
- Live Music & Performers – A variety of live music acts, DJ's and performers throughout the day and evening

The officer recommendation is to support the three-year partnership proposal and ensure the sustainability of the Beef and Beer Festival throughout the next three years. The Town will also condition the approval to demonstrate the following:

- Town of Port Hedland is recognised as a major even sponsor with the appropriate brand recognition; and
- A high level of community engagement, participation and local business support outcomes are achieved.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because sponsorship of the Beef and Beer Festival has positive impacts on the events opportunities and programs provided by the Town.

CONSULTATION

Internal

- Manager Events, Arts & Culture

External Agencies

- Stardeck Group

Community

- Nil in the creation of this report

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

Star Deck Group is requesting \$49,500 in the FY22/23 budget, which has not been allocated and will need consideration and approval as part of the Q2 Budget Review.

The total financial contribution required in 2024 and 2025 is required to be included in each future respective annual budget into 'ToPH Community Events'.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.3. A unique, vibrant and diverse community lifestyle
- 1.4 Well utilised and valued community facilities and services

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 3 – Information
- Outcome 4 – Quality of Service

Corporate Business Plan

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

- 1.c.2 Deliver a diverse theatre and arts program including cinema
- 1.c.2 Deliver a program of community events to activate the Town

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide high quality events to the community. 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

The Council has the option to consider and negotiate a scaled down partnership with Stardeck for future years. Should the FY22/23 event be considered highly successful and profitable by Stardeck, Council would like to ensure that the company establishes stronger relationships with potential local sponsors in outer years, hence reducing the Town's contribution for a privately run event.

That Council:

1. Notes the sponsorship proposal (Attachment 1);
2. Approves a three-year funding model to Stardeck Group (FY 22/23 \$45,000 plus GST; FY 23/24 \$35,000 plus GST; FY 24/25 \$25,000 plus GST);
3. Notes that year one sponsorship in FY 22/23 is an unbudgeted item and that this will be listed for consideration as part of the Q2 Budget Review;

4. Notes the sponsorship for FY 23/24 and FY 24/25 will be finalised subject to final negotiation with Stardeck based on up to date market and cost analysis; and
5. Notes the sponsorship amount required in FY 23/24 and FY 24/25 will be included in the Events section of the relevant annual budget.

ABSOLUTE MAJORITY VOTE REQUIRED

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report is provided to inform Council of the proposed financial costs and sponsorship recommendations associated with hosting the Beef and Beer Festival in Hedland over the next three years.

ATTACHMENTS

1. Star Deck Group's Beef and Beer Festival Sponsorship Proposal (under separate cover)

12.3 Regulatory Services

12.3.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR FAMILY DAY CARE AT UNIT 6, 25 KOOMBANA AVENUE, SOUTH HEDLAND - 6722

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.

OFFICER'S RECOMMENDATION

That Council pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* approves the Development Application for Family Day Care at Unit 6, Koombana Avenue, South Hedland subject to the following Conditions and Advice Notes:

Conditions:

1. The approved Family Day Care shall be in accordance with the stamped approved plan and details submitted with the application, and these shall not be altered without the prior written consent of the Town of Port Hedland.
2. The approved Family Day Care must not occupy any other area than that shown on the approved plan.
3. A maximum of four (4) children inclusive of two (2) children who reside at the dwelling are permitted to access the approved Family Day Care at any one time.
4. All vehicles and parking associated with the Family Day Care must be confined to the area indicated on the approved plans. Parking shall not occur outside the property boundaries.
5. Only one (1) client is permitted to use access the approved Family Day Care premises at any one time and there must be at least a 15-minute break between client visits.
6. The approved Family Day Care hours of operation are limited to:
 - a) Monday to Friday: 7.30am to 5pm.
 - b) Weekends and Public Holidays: Not at all
7. The Family Day Care must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by the emission of noise, light, vibration, or impact on public safety or otherwise.
8. Should the Family Day Care use be found to negatively impact the amenity of the neighbourhood, the Town of Port Hedland reserves the right to revoke the planning approval to protect the residential amenity and the land use will no longer be permitted to operate.

Advice Notes:

- a) This approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a fresh application for planning approval must be submitted to the Town of Port Hedland.
- b) This approval constitutes development approval only and does not obviate the responsibility of the landowner/ applicant to comply with all relevant building, health, and engineering requirements.
- c) The applicant must operate a 'lunchbox' service only where no food is to be prepared on-site. Should any changes be made to the preparation of food, a separate application to the Town's Environmental Health Services, must be approved prior to any changes being implemented.
- d) The approved Family Day Care must always maintain compliance with the *Children and Community Services Act 2004* and maintain its operating license / permit.
- e) The development must always comply with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the Town of Port Hedland.
- f) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider a development application which seeks approval for a Family Day Care at Unit 6, 25 Koombana Avenue, South Hedland, on Lot 6 on Strata Plan 62809 (subject site).

DETAILBackground

On 21 December 2022, the Town received an application for development approval for a Family Day Care at Unit 6, 25 Koombana Avenue, South Hedland.

The subject site is zoned Residential with a density coding of R20. Lot 6 on Strata Plan 62809 is part of a complex of six properties, with common property. The adjacent sites east and west of the subject property also consist of six dwellings with similar design layouts (refer Attachment 1).

Proposal

The Family Day Care proposes:

- Up to four (4) children on-site at any one time including the two children on property.
- Hours of operation are proposed:
 - 7.30am to 5pm Monday to Friday; and
 - Closed weekends and public holidays.
- No food will be prepared on-site.
- No employees who do not occupy the dwelling will be employed.
- Designated pickup and drop off parking area being the driveway. and
- Activities will occur within and outside the dwelling, with the designated outdoor play areas for the Family Day Care being the patio outdoor area.

Details of the development application can be found in Attachment 2.

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

Table 4 – Zoning Table under LPS7 designates Family Day Care as a permitted use in the Residential zone. This means that development approval is only required where the application proposes departures from the requirements of LPP/01. These departures are described in the heading below.

Local Planning Policy-01 ‘Exemptions from Development Approval’ (LPP-01)

The requirements of LPP-01 that are proposed to be varied are:

Requirement	Proposal
<ul style="list-style-type: none"> • Operates in a location that does not exceed 50m2 of the dwelling floor area and does not operate outside the dwelling (to protect neighbours from potential noise concerns). 	Proposed outdoor play area for children.

Outdoor Play Area

The applicant proposes the outdoor patio and rear yard area be used for an outdoor play area.

The Town’s Local Planning Policy (LPP/01) requires that the proposal not have an adverse impact on the amenity of adjoining landowners as the use is not permitted to operate outside the dwelling. The use as proposed is considered acceptable and should not have a detrimental impact on the amenity of the adjoining landowners. The use is operated mainly with the dwelling with a small amount of time for children to play outdoors. The outdoor time is a requirement under the *Education and Care Services National Law (WA) Act 2012* and *Education and Care Services National Regulations 2012*, for the care and health of children.

Also, a further consideration is, the application was advertised to all adjoining landowners and occupiers, with one submission of objection received, which is discussed in detail below.

Condition 5 of the Officer Recommendation section will address the concerns relating to the safety and/or vehicle movements on the common driveway. Since the proposal has a maximum of four children, which includes two on the property, there will only be two client children coming to the property. Condition 5 allows only one client child to enter the driveway/property at any

one time. This is to minimise traffic impact for other users of the common driveway and also reduce traffic conflict.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Environmental Health Services
- Infrastructure Services (Engineering)

External Agencies

Nil

Community

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

The application was referred directly to seven (7) properties and placed on the Town's webpage where the Town received one (1) objection. See attachment 3 for the full summary of the objection received, response from applicant, and officer recommendations. The primary concern was the potential impact on safety and vehicle movements on the common driveway, which has been addressed under the detail section of this report and found to be acceptable. The objection is not supported.

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
- Local Planning Policy 01 - Exemptions from Development Approval

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$222.00 from the applicant. There are no other financial implications associated with the application.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be low (3), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk can be mitigated by the Town's ability to undertake compliance action in accordance with the *Planning and Development Act 2005*.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has provided an overview of the relevant planning issues associated with the proposed Family Day Care. The proposal is generally consistent with the Town's Local Planning Scheme No.7 and Local Planning Policy 01. As the size of children numbers (4), hours of operation and propose traffic is likely to have minimal impact on the amenity of the area, it is recommended the application be approved subject to conditions.

ATTACHMENTS

1. Location Map (under separate cover)
2. Development Application Bundle (under separate cover)
3. Schedule of Submissions (under separate cover)

12.3.2 PROPOSED BULK STORAGE FACILITY - LOT 3 ON DEPOSITED PLAN 71582
- PROPOSED AMENDMENT TO THE DEVELOPMENT APPROVAL 2010/50 -
ADDITIONS TO AN EXISTING NON-CONFORMING USE - (TRANSPORT DEPOT
AND WAREHOUSE/STORAGE USES)

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.

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 74 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves Development Application (2022/197) for Additions to an existing Non-conforming Use (Transport Depot and Warehouse/Storage uses) on Lot 3 on Deposited Plan 71582 subject to the following Conditions and Advice Notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland. This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
3. Prior to lodging an application for a building permit, a detailed landscaping plan for the subject site must be submitted to and approved by the Town of Port Hedland, and must include the following:
 - a) the location, number, size and species type of existing ground covers, shrubs and trees.
 - b) existing landscape areas to be retained.
 - c) those areas to be updated, reticulated or irrigated.
 - d) the location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density.
4. Prior to the use of the dome building, the approved landscaping plan must be fully implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
5. Prior to the commencement of site works, the established trees shall be protected in accordance with Australian Standard 4970-2009 Protection of trees on development site. A site visit shall be organised to confirm adequate

protection measures and written consent shall be obtained. These protection measures shall be maintained until site works have been completed.

6. Prior to lodging an application for a building permit, the applicant must submit, have approved, and thereafter implement, a dust management plan detailing how risks of wind and/or water-borne erosion and sedimentation will be prevented during construction works or during ongoing operations, to the satisfaction of the Town of Port Hedland (Refer to Advice Note d).
7. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Linfire Consultancy dated 10 Nov 2022 and approved by the Town of Port Hedland for the duration of the development.
8. A Section 70A Notification must be placed on the title of the land, at the full cost of the applicant, prior to occupancy. This shall alert people to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows: "This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land."
9. A traffic impact assessment must be submitted to and approved by the Town of Port Hedland prior to the commencement of construction (Refer to Advice Note e).
10. Any above ground fuel storage or refuelling facility shall be sealed and bunded with impervious material and shall have a maximum capacity of 110% of the hydrocarbon store capacity. This shall be constructed prior to fuel being stored onsite or refuelling activities occurring and maintained for the duration of the development, to the specification and satisfaction of the Town of Port Hedland.
11. Prior to the commencement of any works, a "Construction Management Plan" shall be submitted and approved by the Manager Town Planning and Development. The "Construction Site Management Plan" shall indicate how it is proposed to manage the following during construction:
 - a) The delivery of materials and equipment to the site;
 - b) The storage of materials and equipment on the site;
 - c) The parking arrangements for the contractors and staff;
 - d) Impact on traffic movement;
 - e) Operation times including delivery of materials;
 - f) Dust and sand shall be contained on site with the use of suitable dust suppression techniques; and
 - g) Other matters likely to impact on the surrounding properties.

Advice Notes

- a. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
 - b. The disposal of wastewater on-site must be with the approval of the Town of Port Hedland. The applicant and owner should liaise with the Town's Health Services in this regard.
 - c. The existing effluent disposal system servicing may need to be upgraded or a separate system installed. The applicant and owner should liaise with the Town's Health Services in this regard.
 - d. The Town's Health Local Law 2016 requires owners and occupiers of land to take all reasonable steps to stabilise dust on the land; contain all liquid waste on the land; and ensure that no dust or liquid waste is released or escapes from the land. A Dust Management Plan (DMP) developed shall ensure that the adversity to health and public nuisance caused by dust is minimised as far as is reasonably practicable.
 - e. The Applicant will be required to liaise with the Main RoadsWA and the Town of Port Hedland regarding the impact of the proposed operations on the future relocation of the Pippingarra Road intersection.
 - f. The Applicant will be required to submit an application for New or Amended Access form to the Main Roads WA Pilbara Region to formalise the access requirements based on the proposed movement details.
 - g. To minimise potential contamination of groundwater the Department of Water and Environmental Regulation recommends the floor of the storage area to consist of a non-permeable material (for example compacted clay/HTPE lining/concrete pad).
 - h. Department of Water and Environmental Regulation recommends that hydrocarbons, chemicals and potentially hazardous substances are stored and disposed of in accordance with the Department's Guidelines and Water Quality Protection Notes.
 - i. The proposed activities occur within the proclaimed Pilbara groundwater and surface water areas and are subject to licensing requirements under the Rights in Water and Irrigation Act 1914 (RiWI). Department of Water and Environmental
-

Regulation recommends contacting the Pilbara Water Licensing team for more information.

- j. Department of Water and Environmental Regulation recommends that if there is an intend to use groundwater or surface water for any purpose, they will need to apply for a 5C licence to take water, and a 26D licence if new water supply bores are needed.
- k. The proposal is located directly adjacent to Beebingarra Creek. The Department of Water and Environmental Regulation recommends consideration be given to the design of the building and that measures are proposed to protect the development from major flooding and prevent resulting contamination of the environment from the facility during flood events.
- l. It is the responsibility of the owner/developer to manage any impacts on aboriginal heritage in accordance with the Aboriginal Heritage Act 1972.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider a proposal for a bulk storage facility addition at Lot 3 on deposited plan 71582 (**Attachment 1**). The application is presented to Council for the following reasons:

- The proposed development is on land zoned 'Rural' under Local Planning Scheme No. 7 (LPS7).
- The Development Application (2010/50) was approved by the Council on 17 August 2010 under TPS5. The present application (2022/197) requests to amend the previously obtained approval under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DETAIL

Site Context

The site is approximately 13km south-east of Port Hedland, 8km east of South Hedland and 5km south-east of the Port Hedland International Airport. The site is described as Lot 3 on Deposited Plan 71582 and is located on the northern side of the Great Northern Highway, in Pippingarra.

The site is 41.7 hectares in size and bound by Beebingarra Creek to the east, and currently has the following services: electricity, telecommunications, groundwater and an onsite effluent disposal system. Presently the site is used for a transport depot (road trains), bulk storage, on-site offices, and accommodation. On-site accommodation is located at the northern portion of the site along the creek. The following technical and supporting documents were submitted as part of the application:

1. Project Report (SLR Consulting – Dec 2022) (**Attachment 2**)
2. Development Plans
3. Certificate of Title and Deposited Plan
4. Bushfire Management Plan (Linfire Consultancy - Nov 2022)

5. Desktop Environmental Assessment Report (360 Environmental – Dec 2022)

Background

- 10 July 2006 Development application (DA2006/68) was approved for a storage facility / depot / laydown area – road train depot, under Planning Scheme No.5 (TPS5).
- 4 January 2008 Development application (DA2007/207) was approved for a storage facility / depot / laydown area – office addition, under TPS5.
- 17 August 2010 Development application (DA2010/50) was approved for a storage facility / depot / laydown area – road train depot and replacement shed, under TPS5. The approval expired on 17 August 2012.
- 09 January 2014 Development application (DA2010/50.01) was approved to amend Condition four (4) of the approval (2010/50) which was approved for storage facility / depot / laydown area – road train depot and replacement shed.
- 16 May 2016 Development application (DA2016/085) was approved for industry extractive – incidental office, under TPS5. The approved site plan was subsequently amended under DA2016/085.01 on 16 November 2016.
- 15 January 2020 Development application (DA2018/179) was approved for unauthorised existing transient workforce accommodation, under TPS5.

Proposal

The applicant proposes to modify the development approval issued by the Town for the storage facility, depot and laydown area – road train depot and replacement shed at the site (DA2010/50) (**Attachment 3**). The applicant has advised the proposal consists of:

- *Construction of a double dome shelter with dimensions 60m x 60m occupying a land area of 3600 sqm.*
- *Storage of spodumene concentrate (lithium aluminium silicate) and iron ore fines and lumps within the dome structure.*
- *The development will employ up to 6 people on a weekly basis, operating from 6am to 6pm, 7 days per week.*
- *Existing office and amenity buildings will be utilised for workforce requirements.*
- *Annual traffic volumes include approximately 20 truck movements over a 24 hour period, which equates to 4 trucks and 5 trips to the site per day.*
- *Landscaping provided to the southern, south-eastern and south-western corners of the site along the Great Northern Highway frontage to ensure a visual barrier is provided to the dome shelter.*
- *Light parking area and truck parking on-site adjacent to the dome shelter.*

The applicant has also advised, the facility is proposed to be:

“designed and constructed to meet all Region D cyclonic ratings and to minimise dust impacts on the environment caused by open air stockpiles. The dome shelter allows road trains to enter the shelter, unload or load with the assistance of a loader and drive through, ensuring minimal dust is expelled to the environment as a part of loading and unloading processes.”

“...The bulk storage facility will service existing clients with bulk storage solutions prior to the construction of the Lumsden Point development in Port Hedland. The facility is a temporary measure until Lumsden Point is completed which is expected to be completed by 2025/2026.”

Planning Framework

Planning and Development (Local Planning Schemes) Regulations 2015

As per Schedule 2, Part 9, Clause 77, Amending or cancelling development approval, landowners can apply to amend a previously granted planning approval:

“An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —

- a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
- b) to amend or delete any condition to which the approval is subject;*
- c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
- d) to cancel the approval.”*

It is noted that the proposed development will apply to (c) as above. The main reason for this provision being applied is that the proposed development will not substantially change the previous development approval. This proposal will involve updating and amending the intended land uses and associated infrastructure to enable the storage of bulk materials on the site and transportation of bulk materials to the site.

State Planning Policy 3.7 (SPP 3.7) – Planning in Bushfire Prone Areas

The applicant submitted a Bushfire Management Plan (BMP) prepared by Linfire Consultancy on 22 November 2022, in accordance with SPP 3.7. The BMP identifies Class C shrubland, Class D scrub and Class B woodland at the site with effective slopes of flat/upslope or downslope. The BMP identifies the following management measures to be implemented or considered as part of the development:

- 10m wide Asset Protection Zone (APZ) around the proposed buildings;
- Ensure all existing and new internal roads are compliant with the specifications of a private driveway.
- If required by the Town of Port Hedland or Building Certifier, undertake individual BAL assessments prior to issuing of building permits.
- Compliance with the Town of Port Hedland annual fire break notice issued under Section 33 of the *Bush Fires Act 1954*.

State Planning Policy 4.1 (SPP 4.1) – Industrial Interface

SPP 4.1 aims to minimize and prevent issues due to the placement of incompatible land uses within close proximity to each other. The nearest 'sensitive land use' for the proposed bulk storage facility would be Beebingarra Creek, adjoining the site to the east (located within approximately 200m of the proposed development). Whilst the operations might be regarded as a sensitive land use, this proposal is being undertaken in a locality already utilized for general industry and rural purposes. It is not envisaged that sensitive receptors or surrounding land uses will be impacted by the proposal. It is noted, during the advertising process, the Town received a positive response supporting the improvements on the lot from Department of Water and Environmental Regulations (DWER)

Local Planning Scheme No. 7 - Clause 18 Interpreting zoning table

(2) *The symbols used in the zoning table have the following meanings -*

'X' - *means that the use is not permitted by this Scheme*

- (6) *If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless –*
- (a) *the development approval application relates to land that is being used for a non-conforming use; and*
 - (b) *the local government considers that the proposed use of the land would be less detrimental than the nonconforming use.*

Local Planning Scheme No. 7 - Clause 22 Non-conforming uses

- (1) *Unless specifically provided, this Scheme does not prevent –*
- (a) *the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme;*
or
 - (b) *the carrying out of development on land if -*
 - (i) *before the commencement of this Scheme, the development was lawfully approved;*
and
 - (ii) *the approval has not expired or been cancelled.*
- (2) *Subclause (1) does not apply if -*
- (a) *the non-conforming use of the land is discontinued; and*
 - (b) *a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.*
- (3) *Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government -*

Local Planning Scheme No. 7- Clause 23 Changes to non-conforming use

- (1) *A person must not, without development approval-*
- (a) *alter or extend a non-conforming use of land; or*
 - (b) *erect, alter or extend a building used for, or in conjunction with, a non-conforming use;*
or
 - (c) *repair, rebuild, alter or extend a building used for a nonconforming use that is destroyed to the extent of 75% or more of its value; or*

- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.*
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.*
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –*
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and*
 - (b) is closer to the intended purpose of the zone in which the land is situated.*

Land use Under LPS7 (Part 6 - Terms referred to in Scheme)

Under the provisions of the LPS7, the former uses of 'Depot and laydown area' and 'Road Train Depot' align with the 'Transport depot' use class. The former use of 'Replacement Shed' aligns with 'Warehouse/Storage' (which is defined under LPS7, "storage of goods, equipment, plant or materials")

For the purposes of assessing and determining the application use classes under the Town's LPS7 must be applied.

Non-conforming Use

In general, a non-conforming land use is a use that received development approval in the past, but due to the changes in the zoning/ local planning scheme amendment/ new local planning scheme, the approved land use is prohibited under the present planning frameworks and incapable of receiving development approval if applied for today.

The Town issued an approval on 17 August 2010 for a storage facility / depot / laydown area – road train depot and replacement shed. That approval was subject to a time limit of two years, which expired on 17 August 2012. A check of the Town's aerial photo records indicate that the use of the land continued, possibly in accordance with former approvals issued in 2006 and 2008, which included a road train depot use and storage facility.

The subject application is proposing additions to the approval issued in 2010. *The Planning and Development (Local Planning Schemes) Regulations 2015* permits the application to be considered, even though a time limit (expiry date) condition has lapsed.

The development is currently an 'X' use class under LPS7. As the site has approvals issued in 2006 and 2008, the use has non-conforming use rights and can be considered.

In accordance with the LPS7 requirements:

"A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and*
- (b) is closer to the intended purpose of the zone in which the land is situated."*

It is considered, the proposal is an intensification of building works and use but does not substantially change the nature of the use as approved and existing on site. The use is not considered to be less detrimental to the amenity of the locality, however the applicant has provided some information there will be minimal additional impact above that which already exists.

The application was referred to DWER for comment, who have supported the development, subject to considering design and management measures, and flood mitigation measures to prevent potential contamination of the ground and below ground water resources.

In considering whether the use could be closer to the intended purpose of the zone i.e., Rural, is unreasonable to apply given the use has been operating for approximately 17 years without any issues. The addition to the existing uses on site is supported as proposed. The use could not reasonably be restricted to the 'Rural' zone objectives given the relatively unencumbered approvals provided in the past.

Landscaping

The applicant has submitted a concept plan indicating the areas proposed to be landscaped. The portion of the lot to be used is located within the 200m of the Great Northern Highway visual protection corridor. It is recommended that additional landscaping is required within the buffer area and Condition 3 of the Officer Recommendation Section be applied if the application is supported.

Traffic Impact Assessment

The applicant has not provided a traffic impact assessment with supporting information but has stated the traffic impact is estimated as:

“Annual traffic volumes include approximately 20 truck movements over a 24-hour period, which equates to 4 trucks and 5 trips to the site per day.

The proposed traffic volumes are not expected to place any pressure on the local or regional road network in this locality. Should Council require a Traffic Impact Assessment, a condition of Development Approval may be imposed for this requirement (if deemed necessary).”

Main Roads WA have provided comments during the advertising of the application requiring that a traffic impact statement be lodged. Condition 9 of the Officer Recommendation Section be applied if the application is supported.

Clearing of Vegetation

The applicant has advised that *“The development site is clear of remnant vegetation, with the exception of a small pocket of vegetation immediately north of the development site. The proposal requires no clearing and minimal amount of site works is required for the proposal.”*

A check of the Town's aerial photo records (earliest 2011) indicates, the portion of land (approximately 5 hectares) closest to Great Northern Highway, where the new building and use is proposed to be located, was cleared sometime between 4 October 2021 and 19 May 2022. If the development is approved by the Council, it is recommended that the landowner be required to lodge an application with the Department of Water and Environmental Regulations (DWER) for approval to clear the area.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed bulk storage facility will be an addition to the non-conforming land use rights and the use has been operating for approximately 17 years without any major issues.

CONSULTATION

Internal

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

External Agencies

- Department of Planning, Lands and Heritage (DPLH)
- Department of Water and Environmental Regulations (DWER)
- Main Roads WA (MRWA)
- Aboriginal Lands Trust

Two (2) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, and officer recommendations of this has been included as **Attachment (4)** of this report.

Community

As per Schedule 2, Part 8, Clause 64, Advertising applications, since the application *relates to the extension of non-conforming use*, the Town advertised the application to all the neighbouring landowners within 200m of the proposal and received two responses as follows:

- *No objections to the proposal by Qube and wholeheartedly agree to all improvements to the property.*
- *No objections to the Proposed Bulk Storage Facility on the above property.*

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Town of Port Hedland Local Planning Strategy
- Town of Port Hedland Local Planning Scheme No.7
- Town of Port Hedland Local Planning Scheme No.5
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- State Planning Policy 4.1 – Industrial Interface
- Local Planning Policy 11 – Stormwater Management

FINANCIAL AND RESOURCES IMPLICATIONS

The Town received a development application fee of \$5,555.00 from the applicant. There are no other financial implications associated with the application.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.1.5. Encourage and support the development of industry specific value chains.
- 3.1.1. Inform and engage Traditional Owners, key stakeholders, and the community in the protection and enhancement of the natural environment.
- 3.1.4. Ensure natural resource assets are well-managed and enhanced.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because the applicant may fail to comply with the recommended conditions of approval. The risk rating is considered to be medium (5), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk is negated by the Town's ability to undertake compliance action in accordance with the Planning and Development Act 2005. Options

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has provided a detailed assessment of the proposed additions of 'Transport Depot' and 'Warehouse/Storage' uses on Lot 3 on Deposited Plan 71582. Based on the assessment against LPS7 and the relevant planning framework, the proposal is considered consistent and aligns with the existing non-conforming land use rights. Considering the use has been operating for approximately 17 years without any major issues, it is recommended that the Council approve the proposal subject to standard conditions and advice notes.

ATTACHMENTS

1. Location Map (under separate cover)
2. Project Report including appendices (under separate cover)
3. Development Approval - 2010/50 (under separate cover)
4. Schedule of Submissions (under separate cover)

12.4 Infrastructure Services

12.4.1 PORT HEDLAND NETBALL CLUB

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

OFFICER'S RECOMMENDATION

That Council authorises the Chief Executive Officer to negotiate and enter in a Community Lease agreement in accordance with the s3.58 of the *Local Government Act 1995* with Port Hedland Netball Association Incorporated for a period of five (5) years, over portion of Reserve 31895 Lot 300 DP411247 Hamilton Road South Hedland being the whole of the land comprised in Crown Title Volume LR3168 Folio 92.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider entering into a lease with the Port Hedland Netball Association over the Faye Gladstone Netball Pavilion and 5 (five) x Netball Courts, located on Reserve 31895 Lot 300 DP411247 Hamilton Road South Hedland being the whole of the land comprised in Crown Title Volume LR3168 Folio 92.

Detail

- The Port Hedland Netball Association (PHNA) has been part of the Port Hedland Community since 1972.
- PHNA is a not for profit organisation depending heavily on sponsorship from local business; all donations contribute to the funding of the Netball season and operations of the association.
- PHNA has occupied these premises pursuant to a lease arrangement granted on 1 January 2018 and expiring on 31 December 2018 with a further 4 (four) further terms of 12 months with final term expiring on 31 December 2022 with no further terms.
- Consultation with PHNA has confirmed the club wish to continue to lease the Pavilion and allocated land area and have requested to enter a new lease arrangement with ToPH for a term of 5 (five) years.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance as this matter does not meet any of the policy's criteria of significance.

CONSULTATION

Internal

- Director of Infrastructure Services
- Director Community Services
- Manager Infrastructure Operations
- Manager Infrastructure Projects & Assets

External Agencies

- McLeod's Barristers and Solicitors

Community

- Port Hedland Netball Association

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.58(5)(d) of the Local Government Act 1995 and regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 exempt the lease from ordinary requirements of the disposal of land as the lessee is not for profit organisation with recreational objects and for which the members have no entitlement to receive any pecuniary profit from the bodies' transactions.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications. The rent for leases will be charged in accordance with the Town's Community Leasing Policy, which references the Fees and Charges for community leases currently set at \$200 per annum to be reviewed during each budget adoption process and payable annually in advance with the first payment due on the Commencement Date and each anniversary of the Commencement Date thereafter.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.4 Partnerships with stakeholders to deliver sport and recreation are enhanced
- 1.a.6 Town-wide health, safety, recreation and sporting activities and services

Environmental

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

Economic

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

Social

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

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item if the request to grant the Lease to Port Hedland Netball Association is not approved. Port Hedland Netball Association is an established Sports Club that provides opportunities for residents to engage in sport and social activities and be involved in a community minded activity. The Port Hedland Netball Association provides a place for participants of various ages and family involvement.

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

The adoption of this item would allow the Port Hedland Netball Association to continue to operate and provide a sporting and recreational activity to the wider community.

ATTACHMENTS

Nil

12.4.2	ENDORSEMENT OF HEDLAND CIVIC AND COMMUNITY PRECINCT AND PERFORMING ARTS CENTRE CONCEPT MASTERPLAN AS PART OF THE HEDLAND SPORTS AND ARTS PRECINCT
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Author: Senior Project Officer
Authorising Officer: Director Infrastructure Services
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, subject to adoption of the Officers Recommendation 1 as contained in Confidential Item 15.1;

1. Endorse the Hedland Civic and Community Precinct Concept Design Masterplan as per Attachment 1;
2. Authorise the CEO to proceed with Schematic Concept and detailed design for the Hedland Civic and Community Precinct;
3. Authorise the CEO to proceed with the Schematic Concept and detailed design for the Performing Arts Centre and
4. Requests the Chief Executive Officer to undertake a review of the Long Term Financial Plan.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the endorsement of the Concept Design Masterplan for the Hedland Civic and Community Precinct and Performing Arts Centre.

DETAIL

The population base of Port Hedland is in South Hedland and the place requires further urbanisation and development of civic and community infrastructure to support population growth and retention, especially families. Whilst there are existing civic community assets, there is a need for a more cohesive, richer and engaging civic and cultural hub to be created in South Hedland.

In January 2022, the Town of Port Hedland conducted an assessment of identified potential sites. Lot 500 Forrest Circle was selected as the preferred location for the Hedland Sports and Arts Precinct. The site will accommodate the following;

- Town of Port Hedland Administration and Civic functions to replace current facility
- Town Library
- Performing Arts Centre
- Community Space
- Commercial Space
- Commercial Café/Restaurant

- Childcare facility – to remain

The site also addresses the main entry road into South Hedland, which is proposed to be substantially upgraded to be the “entry statement”. It is within walking proximity to the major sports hub, South Hedland Senior High School, Spinfex Hill Studios and several relevant proposed developments including a new aboriginal cultural centre. Collectively it is seen as a location that has the necessary potential to create an integrated civic, community, arts, and cultural hub for South Hedland.

The Town of Port Hedland has undertaken a number of studies to review community needs and appropriate sites. The South Hedland TAFE site provides an opportunity to satisfy several key outcomes because of its development potential, location, land cost and availability.

A structural assessment for the existing Port Hedland Civic Centre presented at the 2020 September Council meeting noted that the current building having completed one full 50 year life cycle, has resulted in:

- Structural issues and ongoing repairs; and
- Insufficient space for the administration

The adoption of this Concept will accommodate a new Performing Arts Centre, which is a Council priority and is supported by the Arts and Culture Strategy Report through which there was significant community and stakeholder consultation. The allocation of land area for the Performing Arts Centre is approximately as 2500m².

Specific consultation has been undertaken to ascertain the required elements for inclusion in the design. These consist of:

- Entertainment
- Community
- Everyday
- Back of House
- External Outdoor

The above elements are to be considered and included throughout the development of the Concept.

The inclusion of an external element to this Concept will be developed further in the shape of an amphitheatre, outdoor stage and supporting infrastructure.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, as it relates to the development of significant community infrastructure.

CONSULTATION

Internal

- Council

- Chief Executive Officer;
- Director of Infrastructure Services;
- Director Community Services;
- Director Corporate Services;
- Director Regulatory Services;
- Manager Infrastructure Projects and Assets;
- Manager Infrastructure Operations;
- Manager Community Development;
- Manager Leisure Facilities;
- Manager Events, Arts & Culture;
- Manager Public Relations & Communications;
- Project Manager;
- Senior Project Officer;
- Senior Libraries;
- Leisure Events & Booking Officer;
- Senior Sports and Facilities Officer;
- Regulatory Services team including planning and environmental health & safety;
- Finance team;
- Procurement team;

External Agencies

- Carabiner Architects including sub – consultants
- ABV Leisure consultants

Community

- Arts & Culture User Groups as below;
- HATch Hedland Armature Theatre Children
- Alliance Dance
- Hedland School of Dance
- JaBAT
- INDA
- Set the Stage
- Junction Co
- 101.3 Hedland Community Radio
- HART's
- Port Hedland Historical Society
- Hedland Camera Club
- Regular Cinema Goers
- Mums and Bubs Groups

In regard to the Performing Arts there has been significant community consultation. Over 30 hours of consultation has been undertaken with more than 50 people and 25 groups.

During the design phase there will be significant opportunities for Council and stakeholders to provide specific input into the development of the final design.

LEGISLATION AND POLICY CONSIDERATIONS

The project development will require the design of future buildings to reflect and implement all the requirements of legislation and regulations applicable to a public building. Once detailed design and documentation is complete, Council will need to determine whether to tender for the construction of the job in accordance with the Local Government (Functions & General) Regulations.

FINANCIAL AND RESOURCES IMPLICATIONS

Funding for detailed design and quantity surveying is provided within the current budget.

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 Well utilised and valued community facilities and services
- 2.3 An enabling, attractive business environment
- 2.5 Improved infrastructure development
- 4.3 Effective delivery of services and infrastructure to meet community needs

Environmental

Nil

Economic

This Masterplan is accommodated in the long-term financial planning of the Town.

Social

It is expected that the realisation of this Masterplan will have significant impact on social capital for the Port Hedland community

Disability Access and Inclusion Plan

The following outcome of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

Outcome 2 – Buildings and Facilities

Corporate Business Plan

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

- 1.d.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.

The endorsement aligns with the Town's Library Strategic Direction 1 - Plan and build a new library in a central location in South Hedland.

RISK MANAGEMENT CONSIDERATIONS

There is a reputational and service interruption risk associated with this item because the Town have committed to the development of providing suitable facilities to align with the Arts and Culture Strategy and the Corporate Business Plan. 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 eliminated by the adoption of the Officers recommendation

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

CONCLUSION

An endorsed Civic and Community Precinct Concept Design Masterplan will serve as a guiding document to ensure that detailed design and construction of future upgrades will be consistent with the plan, will provide improved infrastructure and increase the capacity to meet the needs of the community for improved facilities and programs.

ATTACHMENTS

1. Hedland Civic and Community Precinct Concept Design Masterplan (under separate cover)

12.4.3 LEASE OF THE ANDREW MCLAUGHLIN CENTRE

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

OFFICER'S RECOMMENDATION 1

That Council revoke decision CM202021/206

"That Council authorises the Chief Executive Officer to negotiate a community lease agreement in accordance with s3.58 of the Local Government Act 1995 with Cooke Point Play Group Incorporated over a portion of Reserve 34344 Lot 3278 Tinder Street Port Hedland for an initial term of three (3) years with a further two (2) twelve (12) month options."

ABSOLUTE MAJORITY VOTE REQUIRED

OFFICER'S RECOMMENDATION 2

That Council:

1. Enter into a community Lease with Rose Nowers Early Learning Centre for the Andrew McLaughlin Centre, over a portion of Reserve 34344 Lot 3278 Tinder Street, Port Hedland for an initial term of (3) years with a further two (2) twelve (12) month options to undertake before and after school care and vacation care, and
2. Continue to work with Cooke Point Playgroup Incorporated and Port Hedland Primary School to facilitate access to a Town facility.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider a revocation of Council motion CM202021/206 and to offer a community lease to Rose Nowers Early Learning Centre for the Andrew McLaughlin Centre in order to facilitate the provision of before and after school care.

DETAIL

The Andrew McLaughlin Community Centre (AMCC) has been historically used by the Cooke Point Playgroup (CPPG) in order to hold their playgroup activities since 1986. CPPG approached Council in 2021 regarding the renewal of their lease on the Andrew McLaughlin Community Centre. This was approved by Council however the lease was not executed.

During this time the Town was approached by Rose Nowers Early Learning Centre to lease the Andrew McLaughlin centre to provide before and after school care and vacation care. The Rose Nowers proposal would see the creation of 30 extra places of before and after school

care and vacation places. This is also likely to free up some day-care places as a number of parents take up day-care places when they only require before and after school day-care and vacation care. The Town has sought discussions with both parties to facilitate a lease and/or sub lease arrangement between the parties.

At the same time the Cooke Point Playgroup Committee found it increasingly difficult to attract volunteers to serve on the committee and provide playgroup activities.

Given the uncertainty of the Cooke Point Play Group Committee it is recommended that the previous Council Decision be revoked, and a community lease be entered into with Rose Nowers Early Learning Centre.

A lease with the Town for Rose Nowers would also provide certainty for their proposal when dealing with the regulator.

The Town is committed to continuing to work with the Cooke Point Playgroup Committee to support them and facilitate either a sub-lease at Andrew McLaughlin Centre or access to another facility such as the new Port Hedland Community Centre. Further the Town would like to work with the Cooke Point Playgroup to assist them to attract volunteers and continue their legacy as the oldest continuous not for profit playgroup in Port Hedland.

Childcare in Hedland

There is currently a critical childcare shortage within our community making it extremely difficult for families in the region to access the childcare they need in order to work or study. Prioritisation should be made to support any further servicing within the childcare sector with priority over activations and program servicing.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the community lease will facilitate the provision of before and after school care.

CONSULTATION

Internal

- Executive Leadership Team
- Coordinator Property Management

External Agencies

- Cooke Point Play Group
- Rose Nowers Early Learning Centre

Community

- Not Applicable

LEGISLATION AND POLICY CONSIDERATIONS

The revocation of the Council motion CM202021/206 requires an absolute majority. The Town facilitates community leasing of its buildings in order to enable not for profits and community groups to undertake their activities.

FINANCIAL AND RESOURCES IMPLICATIONS

The Town charges \$200 per annum for community leases. The Town maintains the building with the lessee meeting running costs.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.4 Well utilised and valued community facilities and services

Environmental

Nil

Economic

Childcare enables higher participation of women in the workforce. There is a desperate need for before and after school care and vacation care in Port Hedland. Currently there are a number of families who are forced to take up and pay for day care places when they only require before and after school care. The provision of before and after school care and vacation care has the potential to free up sorely needed day care places.

Social

Nil

Disability Access and Inclusion Plan

The following outcomes of the Town's Disability Access and Inclusion Plan 2017-2022 apply in relation to this item:

- Outcome 1 – Services and Events
- Outcome 2 – Buildings and Facilities
- Outcome 7 - Employment

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because currently the Council resolved to lease the Andrew McLaughlin Centre to the Cooke Point Playgroup. The Playgroup Committee is in the process of winding up however some members may expect the Council to continue with the lease. 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 leasing of the Andrew McLaughlin Centre to Rose Nowers Early Learning Centre will ensure that a much-needed service to the Town can be provided. Rose Nowers have leased the Rose Nowers Early Learning Centre in South Hedland and they have successfully provided services from the property for a number of years. They are open to working with the Cooke Point Playgroup and Port Hedland Primary School, as both operate different services at different times.

ATTACHMENTS

Nil

12.5 Executive Services

12.5.1 DESTINATION PILBARA : WARLU WAY TOURISIM CONFERENCE - APRIL 2023

Author: Executive Assistant to the CEO & Mayor
Authorising Officer: Chief Executive Officer
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

1. Nominate and approve the following Elected Members to attend the 2023 Destination Pilbara Warlu Way Tourism Conference on behalf of the Town of Port Hedland on 4 – 5 April 2023 in Karratha:
 - a) Mayor
 - b) Deputy Mayor
 - c) Cr XXXXXXXX;
 - d) Cr XXXXXXXX; and
 - e) Cr XXXXXXXX
2. Notes that the CEO may appoint Officers to attend the Destination Pilbara Warlu Way Tourism Conference on behalf of the Town of Port Hedland; and
3. Notes that a report will be submitted by the Elected Members nominated above on their attendance to the Chief Executive Officer prior to 7 May 2023.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider the attendance of the Mayor and relevant Elected Members at the Destination Pilbara Warlu Way Tourism Conference, 4-5 April 2023, Karratha.

DETAIL

Destination Pilbara is hosting the 2023 Warlu Way Conference with the theme 'Connecting a Prosperous Pilbara Visitor Economy'.

The Pilbara Tourism Association Inc (PTA) trading as Destination Pilbara is an operator-driven local tourism association dedicated to activating and supporting the development of a robust tourism sector within the Pilbara region of WA. The association brings together tourism stakeholders and is being driven by tourism operators representing all regions of the Pilbara.

With a renewed focus on Pilbara tourism being demonstrated by the LGAs and the regional and state tourism organisations, Destination Pilbara (DP) will be a valuable strategic body to provide the linkage between Pilbara tourism operators and the LGAs and tourism organisations.

Registration

Registrations to attend the Destination Pilbara Warlu Way Conference is \$95 per delegate.

Proposed program

THE PROGRAM CONSISTS OF THE FOLLOWING:

Tuesday 4th April, 08:00am - 12:15pm

A plenary session in the morning with a series of engaging speakers and presenters who will provide immense value for Pilbara tourism businesses and stakeholders.

1:00pm - 5:00pm

Two breakout session streams will be offered appealing to all potential attendees.

- **1. Visitor Experiences Stream** examines how operators and businesses can improve the quality of their product
- **2. Visitor Services Stream** outlines strategies to grow the visitor economy to tourism administration and support officers.

Wednesday 5th April

Local attractions: we have included 2 tour options so you can experience some of the local attractions:

Your choice of tours are:

- **Tour 1:** Murujuga Rock Art & Cultural Tour, Burrup Peninsula, Dampier Port with morning tea at Soak Cafe
- **Tour 2:** Visit Roebourne, Cossack, Point Samson, Wangaba Art Gallery with morning tea at Cossack café

In addition to the conference sessions and regional famils there will be a series of **FREE** pre and post conference workshops being held in Karratha and Roebourne. Workshops will cover a variety of topics such as eco tour guiding, astrotourism, event development and management and social media. Visit our website for more information and registration.

LEVEL OF SIGNIFICANCE

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

CONSULTATION*Internal*

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

External Agencies

- Nil.

Community

- Nil.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

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

FINANCIAL AND RESOURCES IMPLICATIONS

Note that the below costs will be deducted from the 22/23 FY budget.

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

Destination Pilbara Warlu Way Tourism Conference		
Detail	Approximate Total Cost	Notes
Accommodation (Karratha)	\$450	Accommodation for 2x nights at while attending the conference
Fuel	\$200	Fuel reimbursement to and from Karratha
Registration Fee	\$95	Conference and Gala Dinner
Meals / Incidentals	\$226.95	<p><u>Monday 3rd April 2023 (Travel to Karratha):</u> Dinner \$51.85 Incidentals \$19.35 Total: \$71.20</p> <p><u>Tuesday 4th April 2023 (Conference):</u> Breakfast \$27.05 Lunch provided at conference Dinner: \$51.85 Incidentals \$19.35 Total: \$98.25</p> <p><u>Wednesday 5th April 2023 (Optional tours):</u> Breakfast \$27.05 Lunch \$30.45 Total: \$57.50</p>
Total	\$971.95	Total approximate cost per person to attend the Warlu Way Tourism Conference

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

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

RISK MANAGEMENT CONSIDERATIONS

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

OPTIONS

Option 1 – Adopt officer's recommendations.

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

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

Option 4 – Do not adopt officer's recommendations.

CONCLUSION

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

ATTACHMENTS

1. 2023 Destination Pilbara Warlu Way Conference (under separate cover)

Item 13 Motions of which Previous Notice has been given

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

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

RECOMMENDATION

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 15.1 and 15.2.

SIMPLE MAJORITY VOTE REQUIRED

15.1	Update on strategic land acquisitions and confirmation of location of the future administration and civic precinct in South Hedland.
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This matter is considered to be confidential under Section 5.23(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

15.2	Approval of Variation to Contract for the progression of the design documentation for the South Hedland Integrated Sports Hub
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This matter is considered to be confidential under Section 5.23(2) - c, d and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting. Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 29 March 2023 commencing at 5:30pm.

16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at [enter time](#).