



# 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, 14 December 2022**, 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

9 December 2022

#### DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Port Hedland for any act, omission, statement or intimation occurring during Council Meetings. The Town of Port Hedland disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Town of Port Hedland advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

**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

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The Presiding Member is to declare the meeting open at [Enter Time](#).

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## Item 2 Acknowledgement of Traditional Owners and Dignitaries

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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.

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## Item 3 Recording of Attendance

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*Important note:*

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

### 3.1 Attendance

**Scheduled Present:**

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

**Scheduled for Attendance:**

- Carl Askew (Chief Executive Officer)
- Karren MacClure (Director Corporate Services)
- Josephine Bianchi (Director Community Services)
- Craig Watts (Director Regulatory Services)
- Lee Furness (Director Infrastructure Services)
- Hilary McLean (Governance Officer/Minute Taker)
- Stephanie Sikaloski (Audit Risk and Insurance Advisor)
- Rhiannon Smith (Governance Support Officer)

### 3.2 Attendance by Telephone / Instantaneous Communications

### 3.3 Apologies

3.4 Approved Leave of Absence

3.5 Disclosure of Interests

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Item 4 Applications for Leave of Absence

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OFFICER'S RECOMMENDATION

That Council approve the application for leave of absence from Councillor Eckhart for the period 30 May 2023 until 6 June 2023.

*SIMPLE MAJORITY VOTE REQUIRED*

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**Item 5 Response to Previous Questions**

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**5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE FROM THE PUBLIC AT THE COUNCIL MEETING HELD ON WEDNESDAY 23 NOVEMBER 2022****5.1.1 ANDREW WILSON**

*I, Andrew Wilson was a member of Port Hedland Yacht Club upon acquiring the "Tradewinds" and the "Venus". I moved at my cost of \$5000 to the T.S. Pilbara on the understanding that the Port Hedland Yacht Club had a 3 year lease at the T.S. Pilbara Hard Stand. Now I have been given impound notices and removal notices. At the Council Meeting I propose to seek assistance for the removal to a hardstand located in Darlot Street, Port Hedland which is less than 1 km away. I have a quotation of \$24,000 from the Ashburton Crane Hire. This cost is out of my budget and finances. I therefor ask that if the Town of Port Hedland Council decide to relocate the "Tradewinds" to be scrapped, wouldn't they be better to negotiate and assist myself to the hardstand in the Town of Port Hedland being Darlot Street. I Thank you for a positive outcome.*

*My questions are,*

- 1) Who is liable for the costs of relocating the boats that are on the hardstand at the TS Pilbara, due to the ongoing works at the marina?*
- 2) If the decision is made that the Town of Port Hedland will not assist and the Town of Port Hedland relocate the boats at their own cost to the refuse tip, wouldn't the be better to assist the owner via negotiation to relocate them less than 1 km from the TS Pilbara to Darlot Street, Port Hedland.*
- 3) Please assist me with a time frame of works at the T.S. Pilbara Hardstand. If the scope of works is not commencing until the first quarter of 2023, maybe there could be no urgency for the relocation of the vessels. Please inform me of a procedure to be undertaken by the Town of Port Hedland.*

The Director of Regulatory Services provided the following statement:

Correspondence has been forwarded to Mr Wilson advising that the Town will not provide funding to remove his property from the TS Pilbara hardstand. He has been directed to remove the two large vessels immediately, to prevent the Town taking action to relocate the vessels and recouping any costs. Contact has been made with the Pilbara Ports Authority who advised that the boats can remain on site until the end of January 2023. Mr Wilson has been advised of this extension to the deadline to remove the boats.

**5.2 RESPONSE TO QUESTIONS TAKEN ON NOTICE FROM ELECTED MEMBERS  
AT THE COUNCIL MEETING HELD ON WEDNESDAY 23 NOVEMBER 2022****5.2.1 CR GILLINGHAM**

Cr Jan Gillingham asked the following question:

*Can we really look into the yacht club issues for the public, as there are now several boats down there. I did do a bit of a ring around this week, and I thank the public for contacting me to let me know. Could we please have a summary brought back, as soon as possible, possibly for the next council briefing and see where we are at with that. A lot of people are confused if it still belongs to the Town of Port Hedland, or it now belongs to the Port Authority. If we could have an update on that it would be good. I know it is the end of the year but I think it is important because it is the cyclone season and people are quite worried about their boats.*

The Director of Regulatory Services provided the following response:

The only boats that we are aware of that are actually owned by the public are the two large boats as per the Public Statement. The remainder of the boats were part of the liquidation of the Yacht Club. We have been advised that by the previous commodore that the remainder of the boats and small sailing fleet were the property of the Yacht Club. Obviously now in terms of the liquidation, the Town has purchased those boats and we will be relocating those in the near future to the yacht area on the Eastern side of the Spoil Bank. We will be tying those down obviously for cyclone season in the hope that we will have a club come to us in the future so that we can redevelop and repurpose those boats for sailing within the community. I can provide further advice.

Cr Jan Gillingham responded:

*Yes, if we could have a further update.*

The Director of Regulatory Services provided the following statement:

Staff from Regulatory Services have walked over the site where the current boats are located with the previous commodore of the Port Hedland Yacht Club (PHYC). He confirmed that other than the two large vessels ("Venus" and Grey yacht) all other boats were the property of the PHYC, and as a result of liquidation and subsequent sale to the Town of Port Hedland, are now the property of the Town. The Town does not own the large vessels, and has made contact with the owner to direct their removal from the site.

Cr Jan Gillingham asked the following question:

*I would like to ask a question about the MJW Building company and how has the town fared with such a large building company closing and going into receivership. We haven't had any feedback and could we please have some feedback before the close of business this year.*

The Director of Infrastructure Services provided the following statement:

At the time that MJW Building went into administration the Town had four projects that MJW were the successful tenderers for. These were the Skate Park, Residential Build @85 Sutherland Street, Depot Stage One and JD Hardie Stage 2 – Undercover Basket Ball Courts. All projects have been completed either using the Town's Panel Contracts or were re-tendered and the Tenders were subject to Council resolutions (see extracts below). The Town has put a proof of debt claim into the MJW Administrator for a sum of \$2,117,056.03.

<b>14.1 AWARD OF TENDER RFT 2021/11 – SOUTH HEDLAND SKATE PARK SHADE STRUCTURE CONSTRUCTION</b>	
<b>Author:</b>	Senior Project Officer
<b>Authorising Officer:</b>	Director Infrastructure Services
<b>Disclosure of Interest:</b>	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.
<b>OCM202122/114 COUNCIL DECISION</b>	
<b>MOVED: CR ZIELKE</b>	<b>SECONDED: CR TURNER</b>
<b>That Council:</b>	
<ol style="list-style-type: none"> <li>1. Gives the Chief Executive Officer delegated authority to negotiate and execute a contract with the preferred tenderer MG Group WA, in accordance with Tender 2022-09 'Completion of Construction Work South Hedland Skate Park Shade Structure', up to a maximum contract value of \$5,244,443.50 (excluding GST), which will be delivered over the 21/22 and 22/23 Financial Years; and</li> <li>2. Notes additional funding of \$1.987 million for the South Hedland Skate Park Shade Structure required in FY 2022/23 to be sourced from the Strategic Reserve.</li> </ol>	
<b><i>CARRIED BY ABSOLUTE MAJORITY 8/0</i></b>	
<b><u>In Favour:</u></b>	Mayor Carter, Cr Bennett Cr Christensen, Cr Coles, Cr Eckhart, Cr Gillingham, Cr Turner and Cr Zielke.
<b><u>Against:</u></b>	Nil.

**11.4.1 AWARD OF TENDER RFT2122-15 COMPLETION OF THE JD HARDIE MULTI USER COURTS & SURROUNDS CONSTRUCTION**

**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.

Cr Zielke returned to Chambers at 7:14pm

**OCM202122/146 COUNCIL DECISION**

**MOVED: CR ZIELKE** **SECONDED: DEPUTY MAYOR TURNER**

That Council amend the FY2021/22 Capital Works Budget to:

1. Increase the JD Hardie Multi User Courts & Surrounds Project budget (CIF117074) by \$216,000 - from \$4,380,000 to \$4,596,000; and
2. Fund the above increase from the Town's Strategic Reserve.

*CARRIED BY ABSOLUTE MAJORITY (8/0)*

In Favour: Mayor Carter, Cr Coles, Cr Zielke, Cr Turner, Cr Gillingham, Cr Christensen, Cr Bennett, Cr Eckhart  
Against: Nil

**OCM202122/147 COUNCIL DECISION**

**MOVED: CR CHRISTENSEN** **SECONDED: DEPUTY MAYOR TURNER**

That Council notes that an allocation of \$ 747,000 will be required in the FY2022/23 Capital Works Budget, funded from the Town's Strategic Reserve, to allow for the Completion of the JD Hardie Multi User Courts & Surrounds Construction.

*CARRIED BY SIMPLE MAJORITY (8/0)*

In Favour: Mayor Carter, Cr Coles, Cr Zielke, Cr Turner, Cr Gillingham, Cr Christensen, Cr Bennett, Cr Eckhart  
Against: Nil

**5.2.2 DEPUTY MAYOR TURNER**

Deputy Mayor Tim Turner asked the following question:

Can we get an update on the independent review for the Community Safety Plan? I am aware that there was an announcement that has been undertaken at this time by UWA. With coming up to the Christmas Holidays we know there is often a spike in anti-social behaviour, so I am keen to see what our planning and our thinking is in preparation for that. In particular, what is happening with our cameras, use of patrols, plans for youth engagement around the Christmas period and also an update via the Pilbara Development Commission for the working party that sits with the State Government and resource sector and how that has progressed.

The Director of Infrastructure Services provided the following statement:

The Town has \$1 million in the budget for CCTV. Currently the Town has let contracts for maintenance and renewal to the network. These are:

- Spinifex Water Tower Port Hedland = \$53,300
- South Hedland – Police Mast = \$68,000
- Wedgefield Depot Mast = \$30,000
- Port Hedland Cameras = \$62,750
- South Hedland Cameras = 164,600

These are critical asset renewals ensuring the network is maintained and operational. Additionally, items being delivered as part of the works are 2 x CCTV viewing stations identified as part of the anti-social behaviour report. Located at JD Hardie & SHAC. The number of cameras at the Skatepark has been increased from 4 to 14 and this has necessitated server upgrades and this has been completed. The Town is in consultation with WA Police – local OIC's and State Representatives to ensure that the Town's and the WA Police's needs are aligned and can be catered for. A new tender will be issued in the new year for the delivery of new assets for the Town which are able to be utilised by local WA Police. The Town provides all of the equipment for viewing CCTV at the South Hedland Police Station and this is extensively monitored by WA Police. The Town is now considering the expansion of the network to facilities such as parks, public amenities and the Town Centres. The Town has one of the most extensive CCTV networks in the State.

The Director of Community Services provided the following statement:

The Community Safety Plan is currently being reviewed with the assistance from the University of Western Australia. This review will operate along the same lines as the previous work done by the UWA Law School for the Town. This work will be done as a consultancy, meaning no research ethics are required from the University. The evaluation will be primarily desk-top focused, with all data being either public, aggregated, or deidentified. An Associate Professor from UWA will travel to Hedland to assist with the review. The first trip would be to determine the scope of data already available and consult about potential avenues the Town could explore for additional information and engagement. Another trip will take place to discuss the main findings and future directions of this work. Fortnightly meetings will be held to monitor progress

and discuss data collection avenues and progress. A draft copy of the newly reviewed Community Safety Plan will be produced in early 2023.

Council resolution from 22 April 2022 stated “That Council does not undertake any further night security patrol services, based on the feedback from the Community Safety Survey undertaken in March 2022”. Static security guards will however be engaged at community facilities to assist during the busy Christmas and New Year period.

The Hedland Youth Stakeholder Action Group (HYSAG) have been collectively working on an increased schedule of youth activities over the school holiday period. This program has been sent to the communications team for finalisation and promotion.

The Pilbara Development Commission has engaged a consultant to assist with facilitating meetings with relevant stakeholders to identify the potential of establishing a safe place and an appropriate model to manage a safe place for at risk children in Hedland. This is with a view of developing a business case to be presented to state government in early 2023.

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**Item 6 Public Time**

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*Important note:*

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

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

**6.1 Public Question Time****6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions**

- 6.3.1** James Vallis from Azzura Corporation and Rebecca Travaglione from Urbis in relation to;  
Item 12.3.1 - Application for development approval for mixed use development accomodation at development at Lots 1001 and 1005 Colebatch Way, South Hedland

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**Item 7 Questions from Members without Notice**

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

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The Mayor's meetings for the mont of November 2022;

DATE	MEETING	ATTENDANCE	DETAILS
2/11/2022	Chamber of Minerals & Energy WA	Attended	
2/11/2022	BHP SEG - November 2022	attended	
3/11/2022	Chat with Ecky	Radio interview	
4/11/2022	BHP Site Tour	Attended	
4/11/2022	Hedland Road & Rail Safety Improvements - Stage 1 Opening	Attended	
4/11/2022	Community Sports Awards	Attended	All EM's invited
4/11/2022	Bloodwood Tree 45th Birthday Community Concert	Attended	
7/11/2022	Australian Citizenship Ceremony	Attended	
7/11/2022	Australian Portable Camps	Attended	
9/11/2022	De Grey Mining Community Meeting	Attended	All EM's invited
9/11/2022	BHP Reception	Attended	
10/11/2022	Chat with Ecky	Radio interview	
17/11/2022	Chat with Ecky	Radio interview	
18/11/2022	International Men's Day Luncheon	Attended	
22/11/2022	BHP Corporate Affairs	Attended	
23/11/2022	ABC Radio Interview - Resource Community Initiative	Radio interview	
24/11/2022	Chat with Ecky	Radio interview	
24/11/2022	Australian Mining Cities Alliance Board Meeting	Attended	
24/11/2022	Hedland Heroes 2022 Book Launch	Attended	
25/11/2022	PDS Consulting	Attended	
25/11/2022	South Hedland Skate Park Opening Event	Attended	
29/11/2022	WALGA Pilbara Country Zone	Attended	
29/11/2022	Civmec Groundbreaking	Attended	

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

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## Item 10 Confirmation of Minutes of Previous Meeting

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### OFFICER'S RECOMMENDATION

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 23 November 2022 are a true and correct record.

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#### *Disclaimer*

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



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**Item 11 Reports of Committees**

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**11.1 AUDITED FINANCIAL STATEMENTS - FINANCIAL YEAR 2021/22**

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

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**COMMITTEE'S RECOMMENDATION**

That Council adopt the Audited Annual Financial Report, Independent Auditor's Closing Report, and Management Letter of Audit Findings for the Financial Year ended 30 June 2022.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to adopt the Audited Annual Financial Report, Independent Auditor's Closing Report and Management Letter for the financial year ended 30 June 2022.

RSM Australia Pty Ltd ("the Town's Auditors") have advised that they will be issuing the Auditor General an unmodified audit opinion for the financial year ended 30 June 2022.

**DETAIL**

Each year, the Town of Port Hedland (the "Town") is required to prepare general purpose financial statements and refer them to its Auditors as soon as practicable, no later than 30 September following the end of the financial year (Section 6.4 of the *Local Government Act 1995*). The draft Annual Financial Report for the year-ended 30 June 2022 was submitted to its Auditors on 30 September 2022.

The Annual Financial Report is prepared in accordance with Australian Accounting Standards; the *Local Government Act 1995*; and the *Local Government (Financial Management) Regulations 1996*. Management are responsible for preparing the Annual Financial Report in accordance with the Standards, Act and Regulations and to ensure that it fairly reflects the financial performance and position of the Town.

The Town's Auditors conducted the end of year audit onsite between 10-14 October 2022. The role of the Auditor is to provide an opinion based on their audit as to whether Management has fulfilled these obligations. The Auditors also prepare a separate, more detailed report for Management, identifying any issues arising from the conduct of the audit, and recommending any corrective actions.

The Town's Auditors issued the Town with an unmodified audit opinion with respect to the Annual Financial Report, meaning that the Town's financial statements are fairly and appropriately presented, and in accordance with legislation and standards.

The Auditors have presented several matters for consideration by management as identified in Confidential Attachment 3.

Under section 5.54 of the *Local Government Act 1995*, the Annual Financial Report and Independent Auditor's Report must be accepted by the local government by 31 December, provided the Independent Auditor's Report is available. If the Independent Auditor's Report is not available in time for the Annual Financial Report for a financial year to be accepted by 31 December after that financial year, the Annual Financial Report is to be accepted by the local government no later than 2 months after the Independent Auditor's Report becomes available.

The Audited Annual Financial Report and Management Letter are expected to be signed off by the Auditor's on 6 December 2022, during the Exit Meeting. The ARC Committee has delegated authority to liaise with the Auditor, receive and examine the Auditor's report and any Management issues arising from the conduct of the audit.

## SUMMARY OF FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2022

### *Continuing Operations*

A municipal surplus occurs where an opening balance carried forward plus revenue exceeds expenditure in a particular financial year. The Town has recognised a closing municipal surplus of \$86,000 from the 2021/22 financial year to be carried forward to the 2022/23 financial year (refer to page 7 of the Annual Financial Report).

The Town has realised a net operating surplus of \$14.90 million from continuing operations (excludes capital expenditure).

The Town's operating revenue streams in financial year 2021/22 increased by 1% since financial year 2020/21. Specifically, there was an increase in revenue raised from rates and fees and charges, which was offset by a decrease in other revenue, specifically the reversal of a landfill provision from the previous financial year and land sales at Kingsford Smith Business Park being lower than the previous year.

The Town's operating expenses increased by 15%. Notable variances from financial year 2020/21 include:

- Employee costs increased by 9% due to the ongoing Technology One Project and increase in Parks and Gardens staff to maintain an increased amount of assets;
- Materials and contract costs increased by 25%, attributed to increased cost of contractors for waste collection, cyclone response expenditure and the ongoing Technology One Project; and
- Depreciation on non-current assets increased by 25% due to an increase in the amount of capital assets.

## AUDIT FINDINGS

The Town's Auditors have identified several matters for consideration to be addressed by Management. Please refer to Confidential Attachment 3 for these findings.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance as it summarises the financial position of the Town for the financial year ended 30 June 2022 and reflects performance against the Strategic Community Plan and Corporate Business Plan in existence at the time. Risks associated with the audit findings are set out in this report under the heading 'Risk Management Considerations'.

## CONSULTATION

### *Internal*

The Annual Financial Reports and audit were completed with the input and assistance of the Executive Leadership team, the Financial Services team and the Governance team.

### *External Agencies*

- The Town's Auditors, RSM Australia
- The Office of the Auditor General

### *Community*

Not applicable

## LEGISLATION AND POLICY CONSIDERATIONS

Part 7 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* details the requirements for audit.

The Department of Local Government, Sport and Cultural Industries has also prepared Operational Guideline Number 9 to provide guidelines for the Committee relating to Audit in Local Government.

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* details the CEO's duties in relation to financial management.

Under section 5.54 of the *Local Government Act 1995*, the annual financial statements and audit report must be accepted by 31 December, provided the auditor's report is available. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

## FINANCIAL AND RESOURCES IMPLICATIONS

The costs associated with conducting the interim and end of financial year audit are included in the 2021/22 budget and financial statements.

Completion of the Annual Financial Report will present a confirmed closing municipal surplus of \$86,000 from 2021/22 to be carried forward to the 2022/23 financial year. This will be included as part of the mid-year budget review.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.2.1 Sound long-term financial planning is implemented
- 4.2.2 Transparent and regular financial reporting and communication to the community is undertaken.
- 4.2.3 Transparent and regular governance reporting and communication to the community is undertaken

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

#### *Corporate Business Plan*

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

- 4.b.2.1 – Ensure the Town's finances are managed efficiently and effectively in line with legislated requirements.
- 4.b.3.1 – Ensure governance information provided to the community is in line with legislated requirements.

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because the Annual Financial Report and Independent Auditor's Report must be accepted by the Town by 31 December, provided the Independent Auditor's Report is available. If the Town does not meet this deadline, it will result in non-compliance with the requirements under the *Local Government Act 1995*.

The risk rating is considered to be medium (6) which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk will be eliminated by ensuring that Council is in a position to accept the Annual Financial Report and Independent Auditor's Report.

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

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

#### **CONCLUSION**

The 2021/22 Financial Year Annual Financial Report, Independent Auditor's Closing Report and Management Letter are attached for review and adoption by Council.

The Town is continuously working towards improvements in the area of financial management and there will be a focus on creating stronger internal controls within financial management and processes in accordance with the Town's values and long-term sustainability.

#### **ATTACHMENTS**

1. 2021/22 Financial Year Annual Financial Report
2. Independent Auditor's Closing Report - Confidential (under separate cover)
3. Management Letter of Audit Findings - Final Audit and Information Systems Audit - Confidential (under separate cover)

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## Item 12 Reports of Officers

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### 12.1 Corporate Services

<b>12.1.1 ALTERNATE KING'S BIRTHDAY PUBLIC HOLIDAY DATE</b>
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**Author:** Manager Governance  
**Authorising Officer:** Director Corporate Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

That Council make a written request for the Proclamation of an alternate date for the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (King's Birthday Public Holiday) of 7 August 2023.

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider an alternate date for the Birthday of the Reigning Sovereign (King's Birthday Public Holiday) and initiate the process to obtain the Proclamation of the King's Birthday Public Holiday on 7 August 2023

#### DETAIL

The Governor has declared that the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (King's Birthday public holiday) will be observed on Monday 25 September 2022. The Town of Port Hedland (Town) local government district has a long history of observing the public holiday on the running of the Hedland Cup, which will take place on 6 August 2023, with the public holiday being Monday 7 August 2023.

Pursuant to section 8 of the *Public and Bank Holidays Act 1972*, the proper instrument for establishing when a certain public holiday is to be celebrated is by Proclamation by the Governor in Executive Council. A Proclamation under this Act must be published in the *Gazette* at least three (3) weeks before the date chosen, and needs to be countersigned by the Minister for Industrial Relations. The Proclamation is, as a practice, initiated by the local government concerned. A Council decision provides the legitimacy to initiate the process of obtaining the Proclamation.

#### LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because it is largely ceremonial in nature.

#### CONSULTATION

*Internal*

- Manager Events, Arts and Culture and Manager Business and Economic Development

### *External Agencies*

- Port Hedland Turf Club

### *Community*

- Nil.

## **LEGISLATION AND POLICY CONSIDERATIONS**

*Public and Bank Holidays Act 1972* section 8. Power of Governor to alter day appointed for a public or bank holiday

## **FINANCIAL AND RESOURCES IMPLICATIONS**

Nil.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

2.4 Marketing and promotion

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

## **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because failure to facilitate the Proclamation of the alternative date for the Public Holiday will likely contribute to negative public sentiment. The risk rating is considered to be low (1), which is determined by a likelihood of unlikely (2) and a consequence of minor (2).

## **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

## **CONCLUSION**

It is recommended that Council endorse the request for the Proclamation of an alternate date for the Celebration for the Anniversary of the Birthday of the Reigning Sovereign (King's Birthday Public Holiday) being Monday 7 August 2023.

## **ATTACHMENTS**

Nil

**12.1.2 WALGA BEST PRACTICE GOVERNANCE REVIEW SUBMISSION**

<b>Author:</b>	<b>Manager Governance</b>
<b>Authorising Officer:</b>	<b>Director Corporate Services</b>
<b>Disclosure of Interest:</b>	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, having reviewed the options presented in the WALGA Best Practice Governance Review Consultation Paper outlined in attachment 1 and:

1. Endorses the Town of Port Hedland's position for the proposed restructure of the WALGA Governance Model ranked in order of preference being option 1, option 2, option 3, option 4 and option 5, and
2. Request the CEO provide written correspondence of Council's endorsement to WALGA before 23 December 2022.

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider the West Australian Local Government Association (WALGA) 'Best Practice Governance Review' paper and provide a Council endorsed position as part of the consultation process.

**DETAIL**

WALGA developed its Corporate Strategy 2020-2023, and identified a key strategic priority to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drives for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders,
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to, 'deal with matters related to State Councillors' Candidature for State and Federal Elections.'
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995 (WA)*.
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979 (WA)*, which would enable WALGA to make applications in its own right to the WA Industrial Relations Commission.

In March 2022 the State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR conducted five meetings with wide-ranging discussion on WALGA's current governance model, development of governance model principles and analysis of comparator organisations governance models.

The Steering Committee has produced a Background Paper (attachment 1), a Consultation Paper (attachment 2) and has requested feedback by 23 December 2022.

There are three Governance principles with 10 components that underpin the 5 models:

- (1) Representative – composition, size, diversity, election process,
- (2) Responsive – timely, decision making, agility, and
- (3) Results orientated – focus, value added decision making and continuous improvement.

The value each local government places on the principles and their respective components, will determine the preference of models.

The table provided in attachment 3 summarises the five options, provides comment and ranks the preferences per WALGA's request in the Webinar hosted on 30 November 2022.

The Town recognises the importance of a modern governance structure that can be responsive and results orientated, particularly in the context of a rapidly changing world as demonstrated throughout the COVID-19 pandemic. As a regional local government it is important to retain appropriate representation and the Town's preferences are set on this basis.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because this matter is consultatory in nature.

## CONSULTATION

### *Internal*

- Executive Leadership Team

### *External Agencies*

- WALGA via a Webinar hosted on 30 November 2022.

### *Community*

## LEGISLATION AND POLICY CONSIDERATIONS

### *Local Government Act 1995 (WA)*

Section 9.58 Constitution of associations of local government.

## FINANCIAL AND RESOURCES IMPLICATIONS

Nil.



## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.1 A global, national, state and local presence and voice
- 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

There is a reputational risk associated with this item because failure to engage in the consultation process may lead to negative perceptions of the Town from the sector. The risk rating is considered to be low (1), 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 supports the restructure of the WALGA Governance Model and endorses the proposed models in the ranked order of option 1, option 2, option 3, option 4 and option 5.

## ATTACHMENTS

1. Best Practice Review Consultation Paper (under separate cover)
2. Best Practice Review Consultation Paper (under separate cover)
3. ToPH Best Practice Governance Review Preference Table (under separate cover)

12.2 Community Services

12.2.1 2023 MAJOR EVENTS PROGRAM

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 1

That Council endorse the South Hedland's 50th Birthday Celebration to take place as a Street Art Festival in conjunction with the Welcome to Hedland event for May 2023.

*SIMPLE MAJORITY VOTE*

OFFICER'S RECOMMENDATION 2

That Council approves the transfer of \$100,000 from the Public Art Reserve in the 22/23 budget for the South Hedland's 50th Birthday Celebration Street Art Festival.

*ABSOLUTE MAJORITY VOTE REQUIRED*

OFFICER'S RECOMMENDATION 3

That Council approves an increase to the Town's Annual Budget 22/23 of \$170,000 for the July 2023 Spinifex Spree event.

*ABSOLUTE MAJORITY VOTE REQUIRED*

OFFICER'S RECOMMENDATION 4

That Council approves an increase to the Town's Annual Budget 22/23 of \$200,000 for the Town's August 2023 major event, as per concept 2 detailed in this report, this being 1.5 days of arts, food and live music weekend experience.

*ABSOLUTE MAJORITY VOTE REQUIRED*

PURPOSE

The purpose of this report is for Council to consider approving additional event funding of \$370,000 to the Town's Annual Budget 22/23 for new activities at the July 2023 Spinifex Spree Carnival and the Town's major event in August 2023.

## DETAIL

The Town of Port Hedland plays a fundamental role in developing the liveability of Hedland, encouraging people to want to live, work and play in our region. Our vision is “together, we create a thriving, resilient and inclusive future for our diverse economy”.

Improving liveability and planning an annual calendar of high-quality events and cultural programs is a crucial factor in supporting a sustainable future for our community and supporting economic growth and development. Ensuring there is a variety of engaging events will support liveability and, as a result, peoples’ desire to want to spend time in Hedland.

The Town has, over many years, developed a successful events calendar that attracts thousands of people to a range of different events. The report below highlights the Town’s major events being planned in 2023 and includes new additions to support South and Port Hedland as an even better place to live, work and play.

### South Hedland 50<sup>th</sup> Birthday Celebration

South Hedland is approaching its 50<sup>th</sup> birthday, with WA’s State records confirming the gazettal date being 13 April 1973. The Town has raised this significant milestone as an opportunity to showcase South Hedland’s proud community population, its rich history and acknowledge the positive future ahead.

As a result, the Town proposes a community street art festival and celebration in South Hedland’s town square. The street art component will include the painting of up to eight street art murals within the town centre, which will include stories of South Hedland and be co-designed and co-created with professional street artists, local young people and community organisations. Street art walking tours and artist talks will be organised to educate and celebrate the street art works, and a finale celebration and launch of the South Hedland Memories book will be combined as part of the annual ‘Welcome to Hedland’ event.

The South Hedland 50<sup>th</sup> Birthday celebration will:

- Showcase colour, creativity and activation in South Hedland’s public spaces
- Provide interactive and engaging storytelling through the artworks to educate the wider community and tourists about the rich cultural history of South Hedland
- Provide opportunities for mentoring and building the capacity of local art and creative industries and individuals
- Celebrate the legacy and pride of the South Hedland community

The street art festival also aligns with actions included within the South Hedland Place Plan, specifically relating to evening activation, reducing anti-social behaviour and showcasing pride in public spaces.

In view of the Easter school holiday period as well as Anzac Day, it is proposed to hold an official event for May 2023 to ensure wider public participation and attendance. The Town however will formally acknowledge South Hedland’s 50<sup>th</sup> birthday date via its media and communication channels on 13 April.

Funding for these proposed activities and event to the amount of \$40,000 is already allocated within the Town’s FY22/23 budget. The remaining \$100,000 is proposed to be reallocated from available funds within the Public Arts Reserve to the ToPH Community Events FY22/23 budget. The total event sum proposed for the Street Art Festival is \$140,000.

The officer recommendation is to endorse the Town's proposal for a Street Art Festival and South Hedland 50<sup>th</sup> Birthday celebration in conjunction with the annual Welcome to Hedland event for May 2023. It is also recommended that partial funding of \$100,000 is approved to be transferred from the public art reserve fund into the ToPH's Community Events Annual Budget FY22/23.

### Spinifex Spree Carnival July 2023

The Spinifex Spree Carnival has continued to be a consistent and positive celebration in the annual Hedland events calendar. The event attracts approximately 10,000 local residents and tourists over two days in July and includes a variety of family-friendly activities such as carnival rides, live music, children's entertainment, community and business stalls, food trucks and truck alley machinery exhibitions.

The format has been relatively similar each year and recent feedback has indicated a desire for new activities to cater for:

- A more diverse audience;
- New activities that encourage our community to stay longer at the event;
- Maximising the economic impact and opportunities for local businesses; and
- Supporting the development of local and touring arts and culture related creative industries.

As a result, the Town proposes the following additions and changes to Spinifex Spree:

- A Spiegel tent and associated evening cultural programming and live entertainment (i.e. Fringe shows consisting of cabaret, comedy, dance, etc). The Spiegel tent venue will also be available for community performances during the day;
- Additional camping and caravanning displays; and
- More support to encourage local businesses to get involved in the event. This could include lowering stall fees, assistance with permits and applications.

Based on costs associated with organising this event in previous years, and indicative costs associated with the proposed new additions, it is estimated that the revised cost for the Spinifex Spree event in 2023 will be \$350,000.

The costs associated with adding a Spiegel tent to Spinifex Spree includes hire and delivery of all infrastructure, programming the venue with high quality live performances and shows throughout the weekend, production, additional security, fencing, generators (air conditioning and power) and marketing.

Additional costs relating to camping and caravanning include hire and delivery of caravan exhibition displays and equipment, and incentivising associated businesses to attend the event.

In order to progress with procurement primarily associated with the above noted additional costs, the Town is requesting Council approves an additional sum of \$170,000 as part of the FY22/23 events budget.

### Major Event August 2023

Over the past decade, the Town has implemented various major event concepts in August. This includes North West Fest, North West Sundowner and the recent 2022 Hedland Food Festival. Although attendance was strong and promising in the early years of North West Festival, engagement and funding has declined in recent years. Community feedback regarding next year's event received from this year's Food Festival has indicated the following:

- A desire for major headline live music entertainment
- Increased community participation
- Multi-cultural food and arts, especially Aboriginal culture
- A variety of family-friendly entertainment

In addition, over the past month the Town has engaged with elected members, live music touring agents and associated professionals for the purpose of improving next year's major event concept.

As a result, two options have been developed for Council consideration, which require an additional \$200,000 to be allocated within the Annual Budget FY 22/23. A high-level summary of both concepts is highlighted below:

Concept 1: Two weekends of major live music experiences located at the Civic Gardens in Port Hedland. This includes a Friday DJ after work sundowner event, Saturday major headliner ticketed event and a Sunday free family-friendly live music picnic repeated over two weekends at the end of August.

Concept 2: 1.5 days of arts, food and live music weekend experience in Port Hedland's West End at the end of August 26-27. This includes major live music acts in existing suitable venues and public spaces across the town centre (i.e. taverns and restaurants), smaller busking performances and kids activities on the street, food trucks, multi-cultural food demonstrations, open studios art galleries in shops, roving entertainment and provide opportunities for new community activities (such as a dress up ball). This event would be organised in collaboration with Portside Town Team, other community organisations and support local businesses.

If Council determines not to allocate any additional funding into the August major event, a third concept is put forward below:

Concept 3: One weekend of WA medium-scale music experiences at the Civic Gardens in Port Hedland. This includes a local DJ after work sundowner event, a Saturday medium-scale WA music ticketed event and a Sunday free family-friendly live music picnic.

An alternative option for an improved 'Food Festival' has also been investigated, however there were key lessons learned from this year's event. This option is not recommended for the following reasons:

- Challenges to incentivise more food trucks / vendors to attend the event

- Challenges to engage local hospitality businesses to work outside their existing venues due to staff shortages and limited resourcing (most local hospitality businesses are not setup for pop up events)
- Challenges meeting all requirements for multi-cultural community groups to setup in temporary public open-air environments

The recommendation option is to support 'Concept 2 for the following reasons:

- Most aligned with feedback from the 2022 Food Festival regarding the future major events, including live music, more variety of entertainment, food and art;
- Unites the community with opportunities for involvement and small business support;
- Celebrates the uniqueness of the town centre, including buildings, public spaces and history; and
- Provides a long-term opportunity for on-going capacity building and eventual handover of the major event to the community.

Due to the high cost of attracting a schedule of major headlining music acts to the event and additional resources, the Town estimates 'concept 1' and 'concept 2' will cost approximately \$570,000.

As follows is an indicative budget breakdown, pending procurement process:

- Major headline acts - \$150,000 x 2 = \$300,000
- Production and stage costs - \$75,000
- Security - \$35,000
- Flights, accommodation, meals and incidentals for production team - \$35,000
- Marketing - \$45,000
- Smaller acts and roving performers - \$55,000
- Other events infrastructure costs (ie. Seats, tables, fencing toilets) - \$25,000

In order to progress with procurement primarily associated with engaging major music acts, the Town is requesting Council approves an additional sum of \$200,000 as part of the FY22/23 events budget.

Alternatively, if 'Concept 3' is put forward and designed to fit within the existing FY22/23 budget, which is \$370,000.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of mediummedium significance, because changes to the major events in 2023 are being proposed.

## CONSULTATION

### *Internal*

- Elected Members at two confidential briefing sessions and one on one meetings
- Executive Leadership Team
- Events Team
- Manager Financial Services

### *External Agencies*

- Spiegel tent providers
- Touring agents
- Festival organisers

### *Community*

#### South Hedland 50<sup>th</sup> Birthday Celebration

- Preliminary consultation has been undertaken with South Hedland High School and Youth Involvement Council relating to students being involved in the South Hedland 50<sup>th</sup> Celebration Street Art component and both parties have provided in-principle support.
- Subject to council support, additional community organisations will be contacted for additional collaboration and support.

#### August 2023 Major Event:

- As previously mentioned, consultation was undertaken regarding next year's major event in August 2023 as part of the 2022 Food Festival Post-Event review. This information has been used to help inform ideas for 'concept 1', 'concept 2' and 'concept 3'.
- Preliminary consultation has been undertaken with the Portside town team and Junction Co in relation to being involved in the 2023 August major event. The town teams have indicated they are supportive of being involved in the event. Subject to council approval, our team will reach out to the town teams and additional community organisations and businesses for additional support and involvement.

## **LEGISLATION AND POLICY CONSIDERATIONS**

Local Government Financial Management Regulations 1996 requiring an absolute majority vote for budget variations.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

#### South Hedland 50<sup>th</sup> Birthday Celebration:

\$40,000 of funds associated with this event are included in the Town's FY22/23 budget. The remaining \$100,000 of funds is proposed to be transferred from the public art reserve to E1118120 - TOPH Communities Events.

#### Spinifex Spree:

Given the cost the hire and transport a Spiegel tent to Spinifex Spree and program high quality cultural activities, and to accommodate additional camping and caravan exhibition displays, the Town is requesting \$170,000 in FY22/23 to be added to E1118120 - TOPH Communities Events.

#### August 2023 Major Event:

Given the increasing cost to attract and budget headliner live music acts, including stage hire and additional production, the Town's event team is requesting an additional \$200,000 in FY22/23 to be added to E1118120 - TOPH Communities Events.

Note that if the additional funding is not supported for the August event, it reduces the incentive and ability for touring agents to sell tickets for a major headlining act over multiple weekends, which impacts on a smaller event and line-up of live music acts.

Both Spinifex Spree and the August 2023 events have existing approved sponsorship commitments from local stakeholders. It is anticipated that the additions proposed to both major events will attract further sponsorship opportunities.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.1 A hardy, healthy and safe people
- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle
- 1.4 Well utilised and valued community facilities and services
- 2.4 Marketing and promotion

### *Economic*

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

### *Social*

Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety.

### *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 6 - Consultation Process

### *Corporate Business Plan*

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

- 1.a.3.1 – Coordinate and provide a range of youth activities in partnership with key stakeholders
- 1.a.5.2 – Develop, implement and review strategies and programs to enhance the town's visual amenity and safety
- 1.b.3.1 – Provide meaningful opportunities for Aboriginal and Torres Strait Islander people to engage with the Town
- 1.b.3.2 – Provide meaningful opportunities to celebrate and recognise our Culturally and Linguistically Diverse communities
- 1.d.3.2 – Develop, implement and review a range of programs to enhance, activate and encourage usage of the Town's infrastructure
- 2.b.5.1 – Work with stakeholders to enhance the reputation of the town
- 2.c.1.1 – Work with key stakeholders to develop, implement and review strategies to stimulate and diversify the local economy and address business challenges



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

### **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 a high-quality annual calendar of events, 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*

That Council approves a variation to the Town’s Annual Budget 22/23 of \$200,000 for the Town’s August 2023 major event, as per concept 1 detailed in this report, this being two weekends of major live music experiences in August 2023.

*Option 3 – Amend officer’s recommendation*

That Council approves concept 3 detailed in this report, this being one weekend of medium-scale WA live music experiences in August 2023.

*Option 4 – Do not adopt officer’s recommendation*

### **CONCLUSION**

This report is provided to seek a clear direction from Council to implement the 2023 Annual Events calendar and seek additional funding for new community activities associated with improving Spinifex Spree and the August Major Event.

### **ATTACHMENTS**

Nil

## 12.3 Regulatory Services

12.3.1 APPLICATION FOR DEVELOPMENT APPROVAL FOR MIXED USE DEVELOPMENT ACCOMODATION AT DEVELOPMENT AT LOTS 1001 AND 1005 COLEBATCH WAY, SOUTH HEDLAND
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**Author:** Graduate Planner  
**Authorising Officer:** Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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### OFFICER'S RECOMMENDATION

That Council recommends the Regional Joint Development Assessment Panel approves DAP Application reference DAP/22/2357 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

#### Conditions:

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
2. All development and use of the land must be carried out in accordance with the approved plans as listed below, unless otherwise approved in writing by the Town of Port Hedland:
  - a. Site Plan T-1, 1 of 38, October 2022
  - b. Ground Level T-1, 2 of 38, October 2022
  - c. 01 Level - Car Park T-1, 3 of 38, October 2022
  - d. General Arrangement 02 Level/ Residential T-1, 4 of 38, October 2022
  - e. General Arrangement 03 - 07 Level/ Residential T-1, 5 of 38, October 2022
  - f. 08 Level - Roof Terrace Plan, 6 of 38, October 2022
  - g. 09 Level - Roof, 7 of 38, October 2022
  - h. South Elevation T- 1, 8 of 38, September 2022
  - i. North Elevation T- 1, 9 of 38, September 2022
  - j. East/ West Elevation T- 1, 10 of 38, September 2022
  - k. Section 01 T- 1, 11 of 38, August 2022
  - l. Section 02 T- 1, 12 of 38, August 2022
  - m. T-1 Colour Schedule, 13 of 38, October 2022
  - n. 3D Perspectives 01, 14 of 38, August 2022
  - o. 3D Perspectives 02, 15 of 38, August 2022
  - p. 3D Perspectives 03, 16 of 38, August 2022
  - q. 3D Presentation, 17 of 38, August 2022
  - r. 3D Presentation, 18 of 38, August 2022
  - s. 3D Presentation, 19 of 38, August 2022
  - t. 3D Presentation, 20 of 38, August 2022

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- u. Unit Layout Plan Type - A, 21 of 38, September 2022
  - v. Unit Layout Plan Type - B, 22 of 38, September 2022
  - w. Unit Layout Plan Type - C, 23 of 38, September 2022
  - x. Unit Layout Plan Type - D, 24 of 38, September 2022
  - y. Unit Layout Plan Type - E, 25 of 38, September 2022
  - z. Unit Layout Plan Type - F (PWD Unit), 26 of 38, September 2022
  - aa. Unit Layout Plan Type - G, 27 of 38, September 2022
  - bb. Unit Layout Plan Type - H, 28 of 38, September 2022
  - cc. Unit Layout Plan Type - J, 29 of 38, September 2022
  - dd. Unit Layout Plan Type - K, 30 of 38, September 2022
  - ee. Unit Layout Plan Type - L, 31 of 38, September 2022
  - ff. Unit Layout Plan Type - M, 32 of 38, September 2022
  - gg. Unit Layout Plan Type - N, 33 of 38, September 2022
  - hh. Unit Layout Plan Type - O/S, 34 of 38, September 2022
  - ii. Unit Layout Plan Type - P, 35 of 38, September 2022
  - jj. Unit Layout Plan Type - Q, 36 of 38, September 2022
  - kk. Unit Layout Plan Type - R, 37 of 38, September 2022
  - ll. Lighting Layout T-1, 38 of 38, October 2022

3. This approval is only for the development and use of the following:

- a. A total of 108 Multiple Dwellings consisting of 55 1-bedroom units and 53 2-bedroom units; and
- b. Five (5) café restaurant tenancies

This approval does not authorise or approve the use of the two (2) undefined commercial tenancies. Prior to the occupation, a separate development approval must be obtained for the occupation those tenancies.

4. Prior to the submission of the Responsible Authority Report to the Joint Development Assessment Panel, the application is to be referred to a second Design Review Panel meeting, with any applicable recommendations considered and/ or revised plans being submitted to the satisfaction of the Town of Port Hedland.
5. Prior to lodging an application for a building permit, arrangements must be made to the satisfaction of the Town of Port Hedland for the amalgamation of Lots 1001 and 1005 Colebatch Way into one Certificate of Title. The amalgamation must be completed prior to the occupation or use of the development.
6. Prior to lodging an application for a building permit, a revised colour and materials schedule is to be submitted to and approved by the Town of Port Hedland and thereafter implemented to the satisfaction of the Town of Port Hedland. A revised colour and materials schedule is to reflect the approved 3D renders and be compliant with the Town of Port Hedland South Hedland Design Guidelines.
7. Prior to lodging an application for a building permit, furnished floor plans of all unit types are to be submitted to and approved by the Town of Port Hedland and thereafter implemented to the satisfaction of the Town of Port Hedland. Furnished floor plans are to:
- a. Reflect the approved plans;
-

- 
- b. Be adequately dimensioned;
  - c. Demonstrate that the balcony size provided is sufficient to accommodate chairs and a table, the air-conditioning system and a drying area;
  - d. Drying areas are adequately provided for and screened from the street; and
  - e. The internal dimensions of all unit types can comfortably provide for the use of the living spaces, particularly regarding proposed unit types F and O.
8. Prior to lodging an application for a building permit, detailed plans of screening to facades and openings are to be submitted to and approved by the Town of Port Hedland. The approved screening is to be constructed prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development.
  9. Prior to lodging an application for a building permit, a revised store room plan is to be submitted to and approved by the Town of Port Hedland. The revised store room plan is to provide a minimum of 70% of dwellings with a store room with a minimum area of 3 square metres and minimum internal dimension of 1.5 metres. The approved store room plan is to be constructed prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development.
  10. Prior to lodging an application for a building permit, a revised and more detailed Traffic Impact Assessment is to be submitted to and approved by the Town of Port Hedland. The approved Traffic Impact Assessment is to be implemented prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and all recommendations shall be maintained for the duration of the development. The Traffic Impact Assessment is to be in accordance with Western Australian Planning Commission Transport Impact Assessment Guidelines Volume 4 Part C and adequately address the proposed shortfall in car parking.
  11. Prior to lodging an application for a building permit, a revised Landscape Plan is to be submitted to and approved by the Town of Port Hedland. The approved Landscape Plan is to be installed and planted prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development. The Landscape Plan is to include 100% of species from the Town of Port Hedland Preferred Planting Guide, additional details on mulch type and depth, and be compliant with the Town of Port Hedland South Hedland Design Guidelines.
  12. Prior to lodging a Building Permit, a detailed public art plan shall be submitted to the specification of the Town of Port Hedland for approval. This shall have details of the proposed public art to a minimum value of \$150,000 in accordance with Local Planning Policy 04 - Percent for Public Art. The approved artwork shall be completed prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development.
  13. Prior to lodging an application for a building permit, a detailed Stormwater Management Plan is to be submitted to and approved by the Town of Port Hedland. The approved Stormwater Management Plan is to be installed and
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implemented prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development. A detailed Stormwater Management Plan is to demonstrate compliance with the South Hedland Town Centre Urban Water Management Plan and Local Planning Policy 11 - Stormwater Management.

14. Prior to lodging an application for a building permit, a revised Waste Management Plan is to be submitted to and approved by the Town of Port Hedland. The approved Waste Management Plan is to be installed and implemented prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development. A revised Waste Management Plan is to include revised waste generation figures addressing the approved uses of the development, details of local contractors who service 4500lt bins (specifically for putrescible and recyclable waste), and how commercial customers manage their rubbish between outlet and bin storage areas.
  15. Prior to commencement of works, a Construction Environmental Management Plan is to be submitted to and approved by the Town of Port Hedland and thereafter be implemented throughout the construction phase of the development.
  16. Prior to commencement of works, an External Lighting Plan is to be submitted to and approved by the Town of Port Hedland. The approved External Lighting Plan is to be installed and implemented prior to the occupation or use of the development, to the satisfaction of the Town of Port Hedland and shall be maintained for the duration of the development.
  17. Prior to commencement of works, the proponent shall secure public liability insurance and indemnify the Town of Port Hedland for any incident or damage that may occur within the road reserves of McLarty Boulevard, Darglish Way, and Hamilton Road as a result of activities operated by the development and/or the failure of any structure or equipment installed by the proponent within the subject site and adjacent road reserves.
  18. Prior to the occupation or use of the development, an Operational Environmental Management Plan is to be submitted to and approved by the Town of Port Hedland and thereafter be implemented for the life of the development to the satisfaction of the Town of Port Hedland. The Operational Environmental Management Plan is to include details including but not limited to:
    - a. Matters of day-to-day operations, such as hours of operation and number of staff associated with the ground floor tenancies;
    - b. Use and security of outdoor elements associated with the ground floor tenancies;
    - c. Noise and odour associated with the ground floor tenancies and management of impact on the residential use; and
    - d. Management of cyclone preparation.
  19. Prior to the occupation or use of the development, the approved parking and circulation areas shall be fully implemented and constructed to the specification
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of the Town prior to the occupation or use of the site / development. The parking area must:

- a. Provide a minimum of 163 car parking bays;
- b. Be constructed, sealed, kerbed, drained and marked;
- c. Be designed to a 'User class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004 (or as amended) and the Building Codes;
- d. Not be obstructed in any way or used for any other purpose than parking; and
- e. Include wheel stops as indicated to prevent vehicles interfering with landscaping and pedestrian movements.

The parking spaces shall comply with the above requirements for the duration of the development and shall be maintained to the satisfaction of the Town.

20. Prior to the occupation or use of the development, the end of trip facilities and bicycle parking shall be designed and installed onsite in accordance with the approved plans and including a minimum of:

- a. A total of 74 secure bicycle spaces including 50 bicycle parking spaces under the southern awning, 15 secure bicycle parking spaces adjoining the end of trip facilities and 9 secure bicycle parking spaces for workers;
- b. Five showers located within the ground floor end of trip facilities, with two for male, two for females and one for universal access; and
- c. 27 lockers to be provided within the ground floor end of trip facilities; and
- d. Be in accordance with Australian Standards 2890.3.

The end of trip facilities and bicycle parking shall comply with the above requirements for the duration of the development and shall be maintained to the satisfaction of the Town.

21. Damage to road pavements, kerbing, footpaths or Town of Port Hedland assets (as applicable) caused by construction activity including, but not limited to vehicle movements, shall be repaired and/or reinstated to provide for reconnection to existing infrastructure at the proponents cost and in accordance with specifications and works supervision and scheduling arrangements to be approved by the Town of Port Hedland.

22. A pedestrian crossing shall be provided across all vehicle access points to allow for safe pedestrian crossing.

23. Doors and windows adjacent to the ground floor to commercial tenancies shall maintain an active and interactive relationship with the street and visual accessibility at all hours. Physical barriers including roller shutters, darkened obscured, mirrored or tinted glass, or other similar materials is prohibited.

24. All external building plant and services, including, but not limited to piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, outdoor storage and bin storage areas, shall be screened to the satisfaction of the Town of Port Hedland. and shall be maintained for the duration of the development.

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**Advice Notes**

- a) This is a development approval only and is issued under the Town of Port Hedland's Local Planning Scheme No. 7 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
  - b) The Town's Policy 12/010 – Naming of Roads and Places will apply to the naming of this building. Naming relevant to South Hedland is recommended.
  - c) Due to the significant car parking shortfall proposed by Stage 1A of the development, the Town of Port Hedland may not grant similar significant parking variations for future stages. The Town of Port Hedland may consider applying cash-in-lieu contributions for future shortfalls to manage possible impacts of cumulative parking variations.
  - d) The development requires a Building Permit Application for any structural works including, including but not limited to fencing, retaining walls, signage, bin stores and light posts. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for building permit being submitted.
  - e) This approval does not authorise or approve any signage. All signage is to be in strict accordance with the Town of Port Hedland Local Planning Policy 02 Advertising Signs, unless further development approval is obtained. The applicant and owner should liaise with the Town's Development Services in this regard.
  - f) This approval does not authorise or approve any fencing. Any fencing may require further development approval be obtained. The applicant and owner should liaise with the Town's Development Services in this regard.
  - g) The development and/or land use must comply with the *Health (Public Building) Regulations 1992*. The applicant and owner should liaise with the Town's Health Services in this regard.
  - h) The development and/or land use must comply with the *Food Act 2008*, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only). The applicant and owner should liaise with the Town's Health Services in this regard.
  - i) The development and/or land use must comply with *Environmental Protection (Noise) Regulations 1997*. The applicant and owner should liaise with the Town's Health Services in this regard.
  - j) The development and/or land use must comply with the following legislation:
    - i. *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
    - ii. Town of Port Hedland Health Local Law 2016
    - iii. *Environmental Protection (Unauthorized Discharges) Regulations 2004*
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- iv. Health (Miscellaneous Provisions) Act 1911*
  - v. Caravan Parks and Camping Grounds Act 1995*
  - vi. Caravan Parks and Camping Grounds Regulations 1997*
  - vii. Lodging House- Health (Miscellaneous Provisions) Act 1911*
  - viii. Health (Public Buildings) Regulations 1992*
  - ix. Code Of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities

The applicant and owner should liaise with the Town's Health Services in this regard.

- k) All works in the road reserve, including but not limited to the construction of a crossover or footpath, installation of on-street carparking spaces, planting of street trees, bicycle parking devices, street furniture and other streetscape works and works to the road carriageway must be to the specifications of the Town of Port Hedland. The applicant and owner should liaise with the Town's Technical Services in this regard.
- l) Regarding Condition 16, any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
- m) Water Corporation advise that water and wastewater services are available to the site and available for connection following lodgement of building plans for approval and payment of infrastructure contributions and connection fees. The applicant and owner should liaise with the Water Corporation in this regard.

*SIMPLE MAJORITY VOTE REQUIRED*

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## PURPOSE

The purpose of this report is for Council make a recommendation to the Regional Joint Development Assessment Panel (JDAP) for the proposed for Mixed Use development at Lots 1001 and 1005 Colebatch Way, South Hedland (**Attachment 1**). The Town of Port Hedland (the Town) must make a recommendation to the JDAP by 20 January 2022.

## DETAIL

The subject site is located primarily fronting McLarty Boulevard, with additional frontage on Daghish Way and Hamilton Road, South Hedland. The subject site is vacant and located within the South Hedland Town Centre. The proposal is for Stage 1A of a multiple building development, comprising of a nine (9) storey mixed-use building.

The proposal includes commercial uses and waste servicing on the ground floor, a carparking deck on level 1, six levels of apartments, and a roof deck comprising a rooftop bar, pool and communal facilities for residents of the building.

The ground floor commercial is proposed to accommodate primarily food and beverage uses including café and restaurants. Other tenancy uses are yet to be confirmed, however are expected to be commercial in nature. The residential component of the development is to accommodate a total of 108 units (55 x 1-bedroom units and 53 x 2-bedroom units) in a range



of designs and configurations. A modular form of construction is proposed to reduce construction time.

These uses are proposed to primarily service the needs of residents within the building, but also the wider South Hedland community. Plans of the proposed development are contained within **Attachment 2 – Development Plans**.

### Local Planning Framework

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

Local Planning Policy 04 Percent for Public Art (LPP/04) due to the value of the development meeting the threshold listed under the policy. Local Planning Policy 11 - Stormwater Management (LPP/11) is also applicable.

The residential component of the development has also been assessed against the State Planning Policy 7.3 Residential Design Codes Volume 2 which is a performance-based policy and the proposal is to be assessed in context of the entire design solution to ensure the Element Objectives are achieved.

On 28 July 2021, Council adopted Local Planning Policy 14 Design Review Panel (LPP/14). Subsequently, the Town appointed a Design Review Panel (DRP) to provide independent expert and technical advice to applicants, Town Officers and Council in relation to the design of the development and other relevant matters. The proposal met the criteria to be presented to the DRP and was presented for comments on the overall design of development.

Details of the assessment of the proposal against the above local planning framework is described under the 'Officer Assessment' heading of this report.

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed mixed-use development is located within the Town Centre and has the potential to set a precedent for the built design of the area, leading to potential environmental impacts on the Town. The proposed development also has the ability to increase the housing supply within Port Hedland, with potential socio-economic impacts on the Town.

## **CONSULTATION**

### *Internal*

#### Environmental Health

The proposal was referred to the Town's Environmental Health Officer's. It was advised that there are a number of further approvals that would be required to ensure compliance with:

- Food Act 2008, Food Regulations 2009 and Food Standards Code
- *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*
- Town of Port Hedland Health Local Law 2016
- *Environmental Protection (Unauthorized Discharges) Regulations 2004*
- *Health (Public Building) Regulations 1992*

- *Health (Miscellaneous Provisions) Act 1911*
- *Environmental Protection (Noise) Regulations 1997*
- *Caravan Parks and Camping Grounds Act 1995*
- *Caravan Parks and Camping Grounds Regulations 1997*
- *Lodging House- Health (Miscellaneous Provisions) Act 1911*
- *Health (Public Buildings) Regulations 1992*
- Code Of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities

Additional consideration should be given to:

- Level 1 car parking noise and emissions; and
- Ground floor communal areas noise and odour emissions

#### Building Services

The proposal was referred to the Town's Building Surveyor. It was advised that:

- The Town's Policy 12/010 – Naming of Roads and Places will apply to the naming of this building. Naming relevant to South Hedland is recommended.
- The development requires a Building Permit Application for any structural works. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. Any changes to the design should be made prior to an application for building permit being submitted.

#### Technical Services

The proposal was referred to the Town's Project Engineer who has requested that:

- A more detailed stormwater plan should be provided, with additional information including, but not limited to finished levels in accordance with the existing Urban Water Management Plan and Local Planning Policy 11 - Stormwater Management; and
- A revised and more detailed Traffic Impact Assessment be provided, in accordance with Western Australian Planning Commission Transport Impact Assessment Guidelines Volume 4 Part C, as the proposed development will have a high impact on the surrounding areas and proposes more than 100 vehicle trips in the development's peak hour.

#### Waste Services

The proposal was referred to the Town's Manager Waste and Services who has advised that generally the waste generated based upon the calculations provided is suitable for the number of bins supplied however does not allow for any increase in waste streams. If it is the case that there will be additional commercial properties, this calculation would need to be revised.

Additional consideration should be given to:

- Are local contractors able to service 4500lt bins, specifically for putrescible and recyclable waste; and
- How do commercial customers manage their rubbish between outlet and bin storage areas; and
- Ensure there is adequate allowance for suitably sized truck / vehicle to enter the premises and service the bins proposed

#### *External Agencies*

#### Design Review Panel

The proposal was presented to the Town's Design Review Panel on 21st October 2022, with the details being explained later in the report.

Development WA

DevelopmentWA advised that they are supportive of this proposal, with the application including a letter of consent (**Attachment 3**)

Water Corporation

One submission was received from Water Corporation advising that water and wastewater services are available to the site and available for connection following lodgement of building plans for approval and payment of infrastructure contributions and connection fees.

Horizon Power

One submission was received from Horizon Power advising that Horizon Power have no objections to this development proceeding.

Port Hedland International Airport

The application was referred to the Port Hedland International Airport regarding the Obstacle Limitation Surfaces height restrictions for the area. No submissions were received.

*Community*

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal has been advertised for a period of 14 days, between 4 November 2022 and 18 November 2022. A letter was distributed to adjoining landowners, and details of the proposal were published on the Town’s webpage on 3 November 2022. The Town received no submissions regarding this application.

**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
- Town of Port Hedland Local Planning Strategy
- State Planning Policy 7.0 - Design of the Built Environment
- State Planning Policy 7.3 - Residential design codes: Volume 2 Apartments
- Local Planning Policy 04 - Percent for Public Art
- Local Planning Policy 08 - Port Hedland International Airport
- Local Planning Policy 11 - Stormwater Management
- Local Planning Policy 14 - Design Review Panel

**OFFICER ASSESSMENT**

Land Use

The subject site is located within ‘Town Centre’ as designated in the Town’s Local Planning Scheme No. 7. The proposal contains multiple uses, as listed below:

Land Use	Permissibility
Restaurant/Café	‘P’ Use
Shop	‘P’ Use
Dwelling (Multiple)	‘D’ Use

This means that all land uses proposed are capable of approval in the Town Centre zone.

The development is considered to meet the objectives of the Town’s *Local Planning Strategy*, which outlines that the South Hedland City Centre Precinct objective is to ‘attract private

investment, provide an integrated transport network, ensure a modern built form, and foster a clear sense of place’.

As per the *South Hedland Town Centre Development Plan*, the subject site is located within Precinct C: Health Services and Residential precinct. The proposal generally complies with the land uses preferred within the Development Plan.

**Building Form and Design**

The building form and design is to demonstrate compliance with the applicable design standards required by the South Hedland Design Guidelines, SPP 7.3 - R-Codes Volume 2 and SPP 7.0 Design of the Built Environment. It should also take into consideration the South Hedland Place Plan.

*South Hedland Design Guidelines*

The proposal is generally consistent with the South Hedland Design Guidelines. The assessment against the departures to relevant criteria of the South Hedland Design Guidelines is detailed below:

Clause	Requirement	Proposed	Officer Comments
4.1.3 Lighting	All outdoor, car park or security lighting is to be directed downwards with no light spill above the horizontal plane.  External light fixtures must be robust, vandal resistant and complementary to the design character of the affected building or open space.	Preliminary lighting detail is included in the Development Plan package.	Additional detail required. Addressed in the Outdoor Lighting section of this report, below.
4.2.4 Materials	Colours must be selected to reflect the local environment and reduce heat absorption by avoiding dark, heat absorbing and very light, highly reflective colours.	The proposed wall colours outlined in the Colour Schedule do not match the renders provided. The Colour Schedule lists Dulux ‘Wentworth’ and ‘Night Wizard’ as the wall colours. The 3D renders however show a light cream colour.	It is recommended that should approval be granted, a condition be imposed requiring that the colour and materials schedule be revised to reflect the 3D renders and be in line with the Design Guidelines.
4.2.6 Street Setbacks	Upper-level setbacks to a maximum of 2m to incorporate building screening or other architectural	Level 3-9 are setback from approximately 7m from McLarty Boulevard	The proposed stepped setback of residential units allows for a unit depth that provides better access to natural solar and

	detailing will be at the discretion of the Town of Port Hedland.		ventilation. The step back does reduce visual surveillance of the street from the third and fourth storey. In the context of the development, this variation is considered acceptable due to the large second storey terraces providing surveillance and improved amenity for those units.
4.2.7 Private Outdoor Living	One primary balcony with a minimum dimension of 2.4m must be included per upper level dwelling, located adjacent to the main living area.	Of the total seventeen (17) unit types proposed: <ul style="list-style-type: none"> <li>• Eight have 2.4m balconies</li> <li>• Eight have 2.0m balconies; and</li> <li>• One has 1.9m balconies</li> </ul>	<p>The applicant has advised that it is not possible for these balconies to meet the minimum size requirements without significant additional structural work and cost implications.</p> <p>The application is required to demonstrate that all residential units to have access to functional and usable private open space. It is recommended that should approval be granted, a condition be imposed requiring furnished floor plans of the affected rooms be provided demonstrating that the balcony size provided is sufficient to accommodate chairs and a table, the air-conditioning system and a drying area.</p> <p>Should the applicant demonstrate the above, the reduction in private open space could be offset by additional common open space provided on the ground floor and roof.</p>
4.2.9 Adaptability	Any proposed development consisting of 1 bed	A range of 1- and 2-bedroom units are provided, however	The unit types provided are considered to meet the current housing

	units must demonstrate how the unit can be adapted into a 2-3 bed unit at a ratio of 1:10 units.	none are considered adaptable.  Unit Type O appears to be able to be used as a 2 - bedroom unit or as a one- bedroom unit and studio.	demand and the 3.2m floor to floor measurements provided allow for future commercial uses, should they be required in the future.
4.2.11 Building Services	All developments must submit a construction access plan which includes dust management, street tree protection, footpath impact, location of site machinery and materials. All damage will require reinstatement using same materials.	A construction access plan has not been provided.	It is recommended that should approval be granted, a condition be imposed requiring a Construction Environmental Management Plan be provided prior to commencement of works.  Addressed in Construction Environmental Management Plan section of this report, below.
	Drying areas must be provided to all residential buildings but must not be visible from a street or public pathway.	No drying areas are proposed. The application proposes that a dryer will be provided to each apartment in lieu of no dedicated drying space.	It is recommended that should approval be granted, a condition be imposed requiring drying areas to be adequately provided for and screened from the street.
4.4.1 Bio-diversity	A minimum of 60% of all planting must be selected from the Mandatory Planting List	25% of the proposed planting schedule are selected from the Mandatory Planting List	Addressed in the Landscaping section of this report.
4.4.5 Screens and Fences	All fencing which abuts public open space, including a street must be maximum 1.2m high.	Fencing details not provided	It is recommended that should approval be granted, that an advice note be included stating that fences do not form part of this application
Precinct Plan	Minimum setbacks required:  <ul style="list-style-type: none"> <li>• McLarty Blvd (northern) – Nil</li> <li>• Darglish Way (eastern) – Nil to 3m</li> </ul>	<ul style="list-style-type: none"> <li>• Northern (primary street) setback – nil setback</li> <li>• Eastern (secondary street) setback – 11m</li> <li>• Western (secondary street) setback – 8.5m</li> </ul>	The setbacks allow for landscaped open space and communal areas to be provided at these edges of the building, providing an attractive and useful area for residents of the building and the general community, and

	<ul style="list-style-type: none"> <li>Hamilton Rd (western) – Nil to 3m</li> </ul>	<ul style="list-style-type: none"> <li>Southern setback – 22m</li> </ul>	assisting with micro-climate management.
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Further to the above comments, the applicant has attempted to offset these departures by providing strong street activation along McLarty Boulevard, a bold public art proposal, and ample shared facilities and outdoor green spaces.

*State Planning Policy 7.3 - Residential Design Codes -Volume 2 Apartments (R-Codes)*

The assessment against the departures to relevant criteria of the R-Codes is detailed below:

Element	Requirement	Proposed	Officer Comments
2.2 Building Height	Maximum 18 metres	32.54 metres	Addressed in the Building Height section of this report, below.
2.6 Building Depth	Maximum building depth of 20m	24.86 metres	The variation is considered minor and does not adversely impede solar access and natural ventilation, as described below.
3.9 Car and Bicycle Parking			Addressed in the Car Parking section of this report, below.
4.1 Solar and Daylight Access	Development incorporates shading and glare control to minimise heat gain and glare	Awnings provide shading to the ground floor. Unit balconies and podium terraces shaded from balconies above. Shading has been provided over west and east facing windows.	The shading is generally supported; however, no details have been provided. It is recommended that should approval be granted, a condition be imposed that additional details be provided of screening, particularly that which is proposed to all east and west facing facades.
4.2 Natural Ventilation	Individual dwellings are designed to optimise natural ventilation of habitable rooms. Single aspect apartments are designed to maximise and benefit from natural ventilation.	Each dwelling contains ceiling fans in each habitable room, a shaded balcony or terrace, and openable windows to enable airflow when desired.	It is noted that: <ul style="list-style-type: none"> <li>Single aspect dwellings, particularly modular construction, present challenges for natural ventilation; and</li> <li>The local climate has low levels of prevailing breeze and particularly high temperatures humidity in summer months, leading to reliance on air-conditioning.</li> </ul> That said, the application could increase the opportunity for natural ventilation through the following:

			<ul style="list-style-type: none"> <li>• Include ceiling fans in kitchen areas and balconies</li> <li>• Permeable or louvred balcony balustrades</li> </ul>
4.3 Size and Layout of Dwellings	The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	<p>The application proposes variations to the minimum internal dimensions prescribed in the R-Codes in fourteen out of seventeen of the unit floor layouts.</p> <p>A majority of the variations are minor, being less than 30 centimetres smaller. However, Unit Type F proposes a living room minimum internal dimension of 3.2m in lieu of the 3.6m required and Unit Type O proposes a living room minimum internal dimension of 3.49m in lieu of the 4.0m required.</p>	<p>A performance-based solution is required to demonstrate that the internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods. The applicant has provided floor plans with furniture for one-, two- and three- bedroom units, however it is not clear what the equivalent Unit Type is and there are no dimensions on the plans.</p> <p>It is recommended that should approval be granted, a condition be imposed that requires revised furnished floor plans be provided to the Town, particularly of Unit Types F and O, which propose the largest variation to the R-Codes requirements.</p>
4.6 Storage	Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area.	A total of 53 storage cages with internal dimensions of 1.4m x 2.6m, and area of 3.64m <sup>2</sup> each are provided within the parking deck. This presents a shortfall of 55 storage cages.	The variation proposed is significant. It is recommended that should approval be granted, a condition be imposed that a revised plan be provided to the Town showing that a minimum 70% of dwellings are provided with a store room with a minimum area of 3m <sup>2</sup> and internal dimension of 1.5m <sup>2</sup>
4.7 Managing the impact of noise	Acoustic treatments are used to reduce sound transfer within and	<p>Noise addressed by:</p> <ul style="list-style-type: none"> <li>• Individual split AC units to each</li> </ul>	It is acknowledged that the development is designed with methods to reduce the noise impacts of the ground floor uses and plant such as air conditioning



	between dwellings and to reduce noise transmission from external noise sources.	apartment are screened and unlikely to create noise impact on neighbours <ul style="list-style-type: none"> <li>• Parking level creates buffer zone between commercial and residential uses</li> </ul>	units on the inhabitants of the residential component.  The effectiveness of these methods has not been demonstrated through the submission of a noise management plan. In addition, operational details for the ground floor tenancies has not been provided.  It is recommended that should approval be granted, a condition be imposed that requires a detailed noise management plan be provided.
4.12 Landscape design	Minimum 60% of the proposed planting schedule is selected from the Mandatory Planting List	Only 25% of the proposed planting schedule is selected from the Mandatory Planting List	Addressed in the Landscaping section of this report, below.
4.16 Water Management and Conservation	Stormwater disposal to ensure adequate retention on site, disposal from any basement parking area and connection to local/district stormwater system.	A Stormwater Management Plan was included in the application package	Addressed in the Stormwater Management section of this report, below.
4.17 Waste Management	A waste management plan shall be submitted to the Town	A Waste Management Plan was included in the application package	Addressed in the Waste Management section of this report, below.

*South Hedland Place Plan*

The South Hedland place Plan was endorsed by Council on 23 February 2022 and identifies the corner of McLarty and Hamilton Road as landmark corner. It is considered that the proposal adequately addresses this corner through the prominent building scale, as well as the feature public artwork screen that wraps around the entire first floor of the building.

*Local Planning Policy 14 - Design Review Panel*

Applications for development within the South Hedland Centre meet the criteria required to be presented to the Town’s Design Review Panel (DRP). The application is presented to the DRP

for consideration against the ten design principles listed under the State Planning Policy 7.0 - Design of the Built Environment. The proposal was referred to the Town’s DRP on 21st October 2022, prior to the lodgement of the application for development approval. The comments summarised below and provided in **Attachment 4**:

Design Review Panel Assessment		
Supported		
Pending Further Attention		
Not Supported		
Design Principle	Assessment	Summary of DRP Comments
1 – Context and Character		Consider and demonstrate an understanding of the regional character, climate responsive architecture, and the landscape of the region.
2 – Landscape Quality		Further resolution of the landscape plan required to demonstrate connection to place and consideration of stormwater drainage.
3 – Built Form and Scale		The Panel was unconcerned with the overall form and height of the development and recognises that intensifying the centre has wide-ranging benefits. The precedents and intention are good; however, they need to be better translated into the design.
4 – Functionality and Build Quality		The apartments generally appear to be functional. Reconsider the functionality of the ground floor commercial tenancies and size of the waste management areas.
5 – Sustainability		Consider how the design can best reduce heat load and implement sustainable design - consider engaging an ESD consultant for this.
6 – Amenity		The ground floor and roof terrace facilities and communal space are a good inclusion. Consider balcony shading and A/C location and review room size dimensions.
7 – Legibility		The design is generally legible.
8 – Safety		Additional consideration required for vehicle ramp manoeuvring, and design solutions to reducing opportunity for ongoing maintenance issues.
9 – Community		The provision of public art and outdoor space to Daghish Way is a good initiative but would be improved with further consultation and design.
10 – Aesthetics		The design could better incorporate the ideas shown in the precedents, reflect the Pilbara vernacular, establish connection to place and use bolder design elements.

On 21 November 2022 the applicant provided a response to DRP comments and referral /advertising responses (**Attachment 5**) outlining how the applicant intends to action the DRP comments. A majority of the comments have been addressed through the technical reports included with the application at time of lodgement. In addition to this, amendments were made

in a set of plans and additional information provided on 18 November 2022 including, but not limited to:

- Revision of the integration of public art into the level one screening device;
- Reduction in overall amount of glazing and additional shading to openings to reduce the heat load on the building;
- Revised proposed uses and layout of the ground floor tenancies; and
- Revised store room number, size and layout.

The Town notes that the applicant has addressed many of the DRP comments, however it is recommended that a second follow up DRP meeting is undertaken prior to the JDAP meeting. This is to ensure that the design is assessed by an independent expert panel and the design develops into the best outcome possible.

**Building Height**

The *South Hedland Town Centre Development Plan* determines the site to be R-Coded R160. As per *State Planning Policy 7.3 - Residential design codes: Volume 2 Apartments (R-Codes)* R160 has a maximum building height of five (5) storeys and indicative building height of 18 metres. The application proposes a total of nine (9) storeys consisting of ground floor commercial, first floor parking, levels three to eight being residential units, and a rooftop pool, bar and building plant. The proposal has a building height of 32.54 metres. The height proposes a substantial variation to the R-Codes Clause 2.2 ‘acceptable outcomes’, however it is considered to meet the following ‘element objectives’.

R-Codes Clause 2.2 Element Objectives	Officer Comments
2.2.1 - The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.	<p>The proposal is generally constant with the future vision of the area outlined in the local planning framework including the Town’s Local Planning Strategy, the South Hedland Town Centre Development Plan, and the South Hedland Place Plan.</p> <p>The development will contribute to achieving the South Hedland Town Centre Development Plan ‘Precinct C’ primary objective <i>“to deliver higher density mixed use development within the SHTC that draws on its location in proximity to the hospital (health services) and demand for ground floor office/ commercial.”</i></p>
2.2.2 - The height of buildings within a development responds to changes in topography.	The subject site is generally flat with the building form and height responding appropriately.
2.2.3 - Development incorporates articulated roof design and/or roof top communal open space where appropriate.	The development proposes a feature roofline that highlights the roof top communal open space (rooftop pool and bar). The roofline also considers the screening of rooftop plant and incorporates PV cells.
2.2.4 - The height of development recognises the need for daylight and solar access to adjoining and nearby residential	The application includes a shadow study ( <b>Attachment 11</b> ) which demonstrates that the solar access to adjoining properties and

development, communal open space and in some cases, public spaces.	nearby residential development is unlikely to occur.
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In addition to the above, the Officer recommendation is to support the height variation due to the following reasons:

- Proposal meets the ‘Element Objectives’ of R-Codes Clause 2.2
- The development is located approximately 1 kilometre of an existing seven (7) storey development
- The proposed building height is unlikely to adversely impact adjoining development. The application includes a shadow study which shows that the solar access to adjoining properties and nearby residential development is unlikely to occur.
- The application was advertised to adjoining property owners, with no submissions received (see Community Consultation section of this report)

Due to the subject site being located in the ‘Conical Surface’ area outlined the Local Planning Policy 08 – Port Hedland International Airport, the application was referred to the Port Hedland International Airport regarding the Obstacle Limitation Surfaces height restrictions for the area, with no submissions received.

**Car Parking**

The car parking requirements for the site are outlined in the Town’s Local Planning Scheme No. 7, Clause 32, Table 7. The proposal has been assessed against the Scheme and R-Codes requirements, with the departures detailed below:

Requirement	Proposed	Officer Comment
1(1) Except for development to which the R-Codes apply, every development shall provide on-site car parking spaces in accordance with Schedule 1.	See assessment below.	See assessment below.
1(9)(b) The means of access to each car parking bay and the adequacy of any vehicular manoeuvring area	Vehicle swept paths are provided as part of the Traffic Impact Statement	There are concerns regarding the swept paths relating to the access and egress from the ramp to the first floor parking area. Addressed in the Traffic and Transport section of this report.
1(11) Where vehicle areas are located adjacent to footpaths or landscaping, barriers to prevent vehicle overhang and intrusion shall be designed and installed.	No wheelstops or alternative barriers are proposed.	It is recommended that should approval be granted, a condition be imposed that requires wheelstops to all parking bays located adjacent to footpaths or landscaping

*Number of car parking bays*

The application proposes to provide a total of 163 car parking bays, including:

- 50 outside car parking bays
- 113 residential under cover car parking bays located on level 1

Assessed against Local Planning Scheme No.7, Schedule 1: Car Parking Standards and R-Codes Volume 2, the uses each require the below:

Land Use	Yield	Requirement		Proposed
Shop	155	1 per 20m <sup>2</sup> of floor area	8	50 bays for reciprocal use
Café / Restaurant	1610	1 per 5m <sup>2</sup> seating area	322	
Office	320	1 per 30m <sup>2</sup> NLA	11	
1 bedroom unit	55	1 per dwelling	55	108 (1 space per dwelling)
2 bedroom unit	53	1.25 per dwelling	67	
Residential visitors	108	1 per 4 dwellings up to 12	3	5
		1 per 8 dwellings 13+	12	
<b>Total</b>			<b>478</b>	<b>163</b>

A total parking shortfall of 315 bays is proposed.

The applicant has provided a Transport Impact Statement (**Attachment 6**) which concludes the following about the proposed development:

- The site is located approximately 290m from the closest bus stop;
- The development is expected to generate approximately 66 vehicles in the AM peak hour and 134 vehicles in the PM Peak hour respectively;
- A shortfall of on-site parking has been identified, with sufficient nearby on-street parking to effectively contain any potential overspill (44 bays within 500m of the site); and
- Overall, it is considered unlikely that the development will cause any significant impact on the surrounding road network.

It is noted that the provided Transport Impact Statement was submitted prior to the most recent amended plans, received 18 November 2022. The amended plans proposed that the ground floor activation be primarily café/ restaurant use in lieu of the previously proposed commercial uses. This change in use has substantially increased the proposed parking shortfall from 126 to 315 bays.

Despite the significant variation, it is considered appropriate to exercise discretion and allow the variation for the following reasons:

- Ample residential parking
  - The residential component requires a total of 137 car parking bays with 113 provided for exclusive use on the first storey parking area. This is considered an acceptable variation as there is a minimum of one (1) space per dwelling provided, in addition to five (5) visitor bays.
- Differing times of parking demand
  - Given the mixed-use function of the development, and the various peak periods of the proposed uses, the anticipated peak parking demand is likely to be substantially lower than the requirement. For example, restaurant demands are highest in the evening, while the café tends to busy in the morning and at lunchtime.
- Central location to shopping areas and hospital
  - The site is centrally located within the Town Centre and benefits from an extensive public footpath network with good connectivity and good amenity for walking. The site is within a 400m walkable distance (five minute walk) to both Charter Hall shopping centre and the hospital. It is anticipated that visitors will park at other locations within the town centre and walk between sites, reducing the car parking required at each location.

- Transition to and prioritising alternative modes of transport
  - Taxi / Ride sharing - The proliferation of taxi and ride sharing options within the town at an increasingly affordable rate and a transitioning culture away from drink driving has seen a shift away from self-driving, particularly to licenced venues such as restaurants. The applicant has allocated two short term bays for taxi / ride sharing at the entrance to the premises and room has been made for a safe drop off/pick up area at the porte cochere that will encourage alternative travel arrangements. It is considered that this will reduce the parking demand.
  - Bicycle parking - Two areas have been designated for bicycle parking within the parking area which have the capacity to accommodate approximately 74 bikes. Facilitating safe and secure parking for alternative forms of transport will further reduce demand for car parking.
  - Public Transport - The development is 290m from the nearest bus stop, offering yet another alternative mode of transport to safely access the site.
  - Prioritising pedestrian access - The porte cochere at the entry of the building connects to the public footpath network. Along with this a condition is recommended, requiring all two crossovers (on Daghish Way and Hamilton Road) to have new pedestrian crossing line marking and signage installed, prioritising pedestrians over cars. Improvements also include landscaping with shade trees that will provide a more appealing and comfortable walking environment to access the site.

Whilst the variation sought is quite large from a quantitative perspective, the above alternative methods of transport all cumulatively formulate the view that the site will not generate any off-site impacts in relation to the shortfall in car parking, subject to recommended conditions that address:

- Provision of a total of 137 car parking bays for residential use, in addition to minimum 50 car parking bays for the ground floor uses;
- Provision of minimum 74 bicycle parking as indicated in the approved plans, encouraging bike users to ride rather than drive;
- New pedestrian crossings at the two crossovers, prioritising walking and cycling; and
- The planting of shade trees along the footpath network, creating a more comfortable pedestrian experience.

Should the above be implanted, it is considered that the proposal meets Clause 34(5)(b) of the Local Planning Scheme No. 7, allowing the approval of the variation.

Table 7 of the Town's Local Planning Scheme No. 7 provides guidance for the provision of carparking, and for cash in lieu payments to be made in the case where insufficient parking is provided for a development. The applicant has requested that the cash in lieu contribution not be applied in this instance. It is recommended that in this instance cash in lieu contribution not be required, however it may be applied for future stages should significant car parking variations be proposed.

#### *Bicycle Parking*

The statutory requirements for bicycle parking for the proposed development at the Site, are defined in the South Hedland Town Centre Design Guidelines and summarised below:

Requirement		Proposed
Residential - 1 space per 3 dwellings	36	<ul style="list-style-type: none"> <li>• 50 bicycle parks under awning</li> <li>• 15 vertical – in secure bike storage near the EOT</li> <li>• 9 employees – in secure bike storage</li> </ul>
Residential Visitor - 1 space per 10 dwellings	11	
Commercial	7	
<b>Total Bicycle Required</b>	<b>54</b>	<b>74</b>
Showers - 1 per 10 bike bays	6	5 including 1 PWD rooms
Lockers - 1 per 2 bike bays	27	27

*Motorcycle/ Scooter parking*

Assessed against the R-Codes Volume 2, the following bicycle parking is required:

Requirement		Proposed
1 space for every 10 car bays	29	6
<b>Total</b>	<b>29</b>	<b>6</b>

A parking shortfall of 23 Motorcycle/ Scooter bays is proposed.

Current trends in both consumer choice and sustainable transport planning are towards electric bikes and scooters, as opposed to motorised transport. This suggests that high quality bike parking areas may better support the needs of the employees, visitors and residents, in preference to motorcycle/scooter bays. This is considered an acceptable variation. It is recommended that should approval be granted, a condition be imposed requiring a minimum 74 bicycles be provided.

**Traffic and Transport**

Access to the site is either via the porte cochere to McLarty Boulevard or via two crossovers east and west, to Hamilton Road and Daghish Way. The development comprises the northern portion of the subject site, with future Stage 1B being located to the south.

When assessing the Traffic Impact Assessment accompanying the application, inconsistencies were found including the following:

- The proposal was assessed against the lower impact WAPC Transport Impact Assessment Guidelines Volume 4 Part C. As the development will have a high impact on the surrounding areas and proposes more than 100 vehicle trips in the development’s peak hour an assessment in accordance with WAPC Transport Impact Assessment Guidelines Volume 4 Part C is required; and
- The swept paths relating to the access and egress from the ramp to the first floor parking area do not accurately show the vehicles following the proposed line markings. Officers have concerns relating to the how vehicles move and queue when accessing or egressing the ramp.

For these reasons, it is recommended that should approval be granted, a condition be imposed requiring a revised and more detailed Traffic Impact Assessment be provided to the Town, in accordance with Western Australian Planning Commission Transport Impact Assessment Guidelines Volume 4 Part C.

### Landscaping

The application included a landscaping plan (**Attachment 7**). The landscaping plan has been assessed against the South Hedland Design Guidelines.

The proposal seeks a variation to the requirement that a minimum of 60% of all planting must be selected from the Mandatory Planting List. Although only 25% of the proposed planting schedule are selected from the Mandatory Planting List, 68% of the selection are found in the Town's preferred planting guide. It is recommended that to ensure the planting flourish in the Pilbara climate, that the species be revised to those that are native to the Pilbara and are found on the Town's Preferred Planting Guide.

The landscaping plan does not provide information regarding the proposed mulch types including the size of gravel and the depth of the mulch. These details are required for assessment against both South Hedland Design Guidelines and Local planning Policy 11 - Stormwater management, as fines such as crackerdust are prone to scouring and impacting the Town's stormwater infrastructure.

It is recommended that should approval be granted, a condition be imposed requiring a revised and more detailed landscaping plan be provided to the Town.

### Signage

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

### External Lighting

As there is likely to be numerous light sources from the development encroaching into the public domain and external light fixtures to be installed external to the building, it is recommended that should approval be granted, a condition be imposed requiring an 'external lighting plan' to be submitted to and endorsed by the Town. This will ensure the mitigation of any potential light spill so as not to detrimentally impact upon local traffic and residents. Further it will ensure external light fittings/poles are in keeping with aesthetics of this locality.

### Public Art

The intent of Local Planning Policy/04 – Percent for Public Art is to protect and enhance the amenity and identity of public spaces such as commercial nodes, entry points and squares. The Policy aims to achieve the following objectives:

1. Increase the social, cultural, and economic value of the Town in conjunction with the Town's Arts & Culture Strategy 2019-2022;
2. Acknowledge and celebrate Indigenous culture and heritage;
3. Develop and promote community identity within the Town to bridge communities;
4. Establish new design partnerships between artists, architects and other professionals;
5. Celebrate environment, industry, and lifestyle; and
6. Increase public awareness of the value of art, design and culture.

The Policy requires that development applications exceeding \$2 million are to set aside a minimum of one percent of the total project cost for the development of public art. This is capped at \$150,000. This development application is not exempt from contributing to public art under Clause 3.1.2 *Developments excluded from the requirement to contribute*.



The total cost of development is \$51 million. Accordingly, it is recommended that a condition be imposed that requires public art to be provided to the effect of \$150,000, or alternative cash-in-lieu contribution.

The application included a preliminary public art plan (**Attachment 8**). The preliminary public art plan has been assessed against Local Planning Policy/04 – Percent for Public Art and the Percent for Public Art Guidelines and is considered to meet the requirements for this stage of the project. To ensure compliance with the Policy and Guidelines, further detail is to be provided throughout the subsequent stages of development. It is recommended that should approval be granted, a condition be imposed requiring a detailed public art plan be provided to the Town.

### **Operational Environmental Management Plan (OEMP)**

There is potential for the operational phase of the development to have detrimental impacts on the surrounding environment and the amenity of occupants and visitors to the existing surrounding land uses. The OEMP can address matters of day-to-day operations relating to cyclone preparedness, use of the area under the porte cochere (as this is largely a public space), maintenance of the verge areas, use and security of outdoor elements associated with the ground floor tenancies. It is recommended that should approval be granted; a condition be applied requiring an OEMP to be submitted to and approved by the Town prior to operation.

### **Stormwater Management**

The Town's Local Planning Scheme No. 7 and Local Planning Policy 11 - Stormwater Management provide the framework for the assessment of the provided stormwater management plan (**Attachment 9**). A proposed development must demonstrate compliance with the above, including requirements such as:

- Lot to provide on site storage for 1 in 5 year, 6 minute event
  - 16mm of rainfall storage onsite, with low outflow rates;
- Lots to be graded to the street front to discharge flow from larger events;
- Runoff from the site shall flow into McLarty Boulevard main drain;
- Finished floor levels to be 500mm above 1% AEP and not be lower than the public drainage system, verge or road;
- Water ponding does not exceed 72 hours; and
- Suitable surface treatments used.

Advice from the Town's Technical Services Project Engineers is that a more detailed stormwater plan is required to be provided, demonstrating compliance with the existing Urban Water Management Plan and Local Planning Policy 11 - Stormwater Management, with additional information including, but not limited to finished levels.

It is recommended that should approval be granted, a condition be imposed requiring a more detailed stormwater management plan be provided to the Town.

### **Waste Management**

A waste management plan (**Attachment 10**) has been provided as part of the application and considered the waste requirements for the land uses outlined in the original plans. The Waste Management Plan proposes that waste collection will be contracted to Cleanaway and propose the following bin configuration:

- 5 x 4,500L (4.5m<sup>3</sup>) general-waste bins.
  - 3 x residential-only bins.
  - 2 x commercial-only bins.

- 4 x 500L (4.5m<sup>3</sup>) recycle-waste bins.
  - 2 x residential-only bins.
  - 2 x commercial-only bins.

The amended plans submitted to the Town on 18 November 2022 proposed to change the previously identified ground floor commercial uses with restaurant/ café uses. This change may significantly impact the waste management plan as the Restaurant and Café general waste generation is 660L/100sqm/day as opposed to 50L/100sqm/day general waste generated by a retail use, as outlined in the WALGA Waste and Recyclables Collection for Multiple Dwellings, Mixed-Use Development and Non-Residential Development guidelines.

In line with the advice provided by the Town's Manager Waste and Services (see Community Consultation section of this report), it is recommended that should approval be granted, a condition be imposed requiring a revised waste management plan be provided with revised waste generation figures addressing the proposed uses of the ground floor, details of whether local contractors service 4500lt bins (specifically for putrescible and recyclable waste), and how commercial customers manage their rubbish between outlet and bin storage areas.

### **Use of the Public Spaces**

As the proposal includes significant use of the McLarty Boulevard reserve to allow for the operation of the development and that the public will be traversing through this area of the development (vehicle access and footpath within the porte cochere) it is important to ensure that the Town of Port Hedland is indemnified, and public liability is provided by the owner/ developer for use of this land. Further, the proposal has pathway/pavement interfaces with Daghish Way and Hamilton Road. Incidents could arise through no fault of the Town or the continued public use of this land but rather from the use/activities and/or physical constructed elements of the development itself, within the public domain. It is recommended that should approval be granted, a condition be applied requiring the proponent to secure public liability insurance and indemnify the Town of Port Hedland for any incident or damage that may occur within the road reserves of McLarty Boulevard, Daghish Way, and Hamilton Road as a result of activities operated by the hotel and/or the failure of any structure or equipment installed by the proponent within the subject site and adjacent road reserves.

### **Construction Environmental Management Plan (CEMP)**

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

## **FINANCIAL AND RESOURCES IMPLICATIONS**

The application for development approval fee associated with this application is \$34,196.00.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

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

2.5 Improved infrastructure development

3.3 An accessible, attractive and sustainable urban environment

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

## RISK MANAGEMENT CONSIDERATIONS

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

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

## OPTIONS

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

The Council may recommend refusal of the application to WAPC. A recommendation of refusal for this application to JDAP may

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

## CONCLUSION

This report has provided a detailed assessment of the proposed JDAP application for a the proposed for Mixed Use development at Lots 1001 and 1005 Colebatch Way, South Hedland. The development proposes significant variations to car parking and building height requirements, however it proposes to provide increased commercial and accommodation options and contribute to a high-quality built environment within the South Hedland Town Centre with ample communal open space and active ground floor. Based on the assessment against the Town's Local Planning Scheme and the relevant planning framework an approval recommendation, subject to standard conditions and advice notes, be presented to the JDAP for determination.

## ATTACHMENTS

1. Location plan (under separate cover)
2. Development Plans (under separate cover)
3. Development WA Letter (under separate cover)
4. DRP Report and Recommendations (under separate cover)
5. Applicants Response to DRP Report (under separate cover)
6. Traffic Impact Statement (under separate cover)
7. Landscape Plan (under separate cover)
8. Preliminary Public Art Plan (under separate cover)
9. Stormwater Management Plan (under separate cover)
10. Waste Management Plan (under separate cover)
11. Site and Design Analysis (under separate cover)

## 12.4 Infrastructure Services

### 12.4.1 ADOPTION OF THE TOWN OF PORT HEDLAND ENVIRONMENTAL SUSTAINABILITY STRATEGY 2022-2027

**Author:** Project Manager  
**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.

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#### OFFICER'S RECOMMENDATION

That Council:

1. Note the feedback provided by the community on the Draft Town of Port Hedland Environmental Sustainability Strategy 2022-2027 as per Attachment 1
2. Adopt the amended Town of Port Hedland Environmental Sustainability Strategy 2022-2027

*SIMPLE MAJORITY VOTE REQUIRED*

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#### PURPOSE

The purpose of this report is for Council to consider the community feedback from the release of the Town of Port Hedland Environmental Sustainability Strategy 2022-2027.

#### DETAIL

The Environmental Sustainability Strategy 2022-2027 (the Strategy) provides the overarching framework for the Town of Port Hedland to prioritise and embed environmental sustainability practices across its facilities, operations, planning framework, policies and programmes that impact the environment.

It is a key tool that will deliver measurable, logical, and continuous improvements in the Town's environmental performance, taking account of local and regional conditions across our society, economy, and environment.

The Strategy tables group sustainability strategies under the following five key impact areas:

- Climate change and energy
- Waste
- Water
- Natural environment
- Sustainable development, planning and infrastructure

Strategies are aligned to objectives for each impact area and are assigned one or more performance measures. Introductory text for each table outlines threats to sustainability, why sustainability is so important, and where relevant, the applicable policy framework.

The strategy tables include information on the Town's achievements in environmental sustainability and opportunities for improved performance, including in collaboration with community and other stakeholders.

#### *Implementation of the Strategy*

The Town's Workforce plan has a sustainability officer position situated in the Regulatory Services Directorate, who will be tasked, amongst other things, with coordinating the program of activities contained within the sustainability strategy.

The strategy is dependent on support from community and environmental groups operating within the town for successful implementation. The primary group operating in Port Hedland is Care for Hedland and the Town should explore ways to partner with Care for Hedland to work together to create a more sustainable town.

Staff will provide further advice to the Council on formulating a partnership agreement with Care for Hedland to assist with the implementation of the strategy.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because the endorsement of the Town of Port Hedland's sustainability strategy forms part of the vision of the Town of Port Hedland and will ensure alignment with all strategies so that key projects can be delivered for the community.

### **CONSULTATION**

#### *Internal*

Relevant internal stakeholders met to discuss the opportunities within both imbedded and new processes that would support the Environment Sustainability Strategy.

The workshops were held over the course of three (3) days and provided the opportunity for internal departments to outline commitments to future project to incorporate more sustainable practices and how they can key into the overarching organisational strategy.

#### *External Agencies*

Targeted consultation was undertaken with a cross section of stakeholders, including utility providers, environmental groups, sample schools, Care for Hedland, Chamber of Commerce and Industry, Government fleet, an Aboriginal Corporations, and a consultant with solar expertise.

The consultations were extremely useful in qualifying research, giving insights into local challenges and opportunities, work currently being undertaken by other sectors, potential for collaborative arrangements, and the feasibility of delivering strategies.

#### *Community*

The Town released the draft strategy for public comment for a period of twenty-eight (28) days.

The Town received two (2) responses which have been outlined in the attached addendum. Each item has a formalised response from the Town, and action where required.

## LEGISLATION AND POLICY CONSIDERATIONS

The implementation of the proposed Environmental Sustainability Strategy 2022-2027 will be directly linked to the Town's policies and internal operating procedures during the implementation of the key action items.

## FINANCIAL AND RESOURCES IMPLICATIONS

Any initiatives and actions that arise from this strategy are either currently budgeted for or will be the subject of further budget allocation in subsequent financial years.

As previously mentioned, the Town's Workforce plan has allowed for a full-time position to assist in the coordination of the Town's sustainability activities. This position will be advertised in the coming months.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

3.b.3 Sustainable energy, waste and water management practices are provided and promoted

Note: This report was prepared prior to the adoption of the Town's 2022-2032 Strategic Community Plan, therefore the references contained within refer to the previous version.

### *Environmental*

The Town of Port Hedland has a commitment and responsibility to participating in reducing the impact our organisations operations are having on climate change.

The Environmental Sustainability Strategy aims to address key areas within the organisation to look for improvements for the future, as well as recognising the already implemented activities the Town been undertaking to make a positive impact to the environment.

*This strategy aims to formalise our current commitments to the community and environmental sustainability as well as the potential improvements that can be implemented across key areas within the organisation*

### *Economic*

There are no significant identifiable economic impacts relating to this item.

### *Social*

There are no significant identifiable social impacts relating to this item.

### *Corporate Business Plan*

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

3.b.3.1 Develop, implement and review a sustainability plan for the Towns infrastructure

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

**RISK MANAGEMENT CONSIDERATIONS**

There is an environmental risk associated with this item because the Town are yet to develop and implement an Environmental Sustainability Strategy for the organisation, which will aim to reduce our carbon footprint. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

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

**OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

**CONCLUSION**

The Adoption of the Town of Port Hedland Environmental Strategy 2022-2027 will ensure that the organisation is able to deliver on its commitment to reducing the impact that the Town's operations have on the environment.

**ATTACHMENTS**

1. Community Feedback on Town of Port Hedland Environmental Sustainability policy 2022-2027 (under separate cover)

**12.4.2 ENDORSEMENT OF THE PROPOSED TOWN OF PORT HEDLAND WASTE MANAGEMENT STRATEGY 2022-2027**

**Author:** Manager Infrastructure Operations  
**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.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Endorse for public comment, the Draft Town of Port Hedland Waste Management Strategy 2022-2027 (as per Attachment 1) for the period from 15 December 2022 to 28 February 2023;
2. Adopt the Town of Port Hedland Waste Management Strategy 2022-2027, subject to no objections or significant amendments being received during the public comment period;
3. Authorise the Chief Executive Officer to initiate discussions with local community and environmental groups on the possibility of entering a partnership to assist with the implementation of the Town of Port Hedland Waste Management Strategy.

*SIMPLE MAJORITY VOTE REQUIRED*

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**PURPOSE**

The purpose of this report is for Council to consider the endorsement of the proposed Town of Port Hedland Waste Management Strategy 2022 – 2027.

**DETAIL***Background*

The Town of Port Hedland Waste Management Strategy 2022 – 2027 ('the Strategy') sets the strategic direction for waste management at the Town of Port Hedland ('the Town') over the next five years. It builds on the Town's 2018 Waste Management Strategy and considers the region's industrial activity, unique location, waste infrastructure and our population's waste generation and disposal trends. We have aligned this Strategy with state and national trends in waste management including consideration of the circular economy.

The Town is a globally significant mining and resource hub with high levels of activity and a port that is a critical piece of economic infrastructure for the nation. The Town's Vision and Mission considers the environment and sustainability and is relevant to this Strategy.

The Town manages a large amount of waste (~85,000 tonnes per year) and the majority of this is from industrial activity. Waste generation is 5 tonnes per person per year, significantly higher than the WA average of 2 tonnes per person per year. Municipal solid waste, which is the waste generated by households, makes up only 13 percent of all waste generated in the region.



This is significantly lower than the Western Australian average of 30 percent. This data demonstrates the high level of industrial activity in the region and the importance of our waste infrastructure including our landfill to service both residents and the commercial sector. At kerbside, we recently introduced comingled recycling which has led to diverting valuable resources from households to recycling.

Through this initiative, the Town has diverted over 600 tonnes from landfill and the kerbside diversion rate is now at 10 percent, up from 0 percent. Waste direction WA and Australia are transitioning towards the circular economy where waste is minimised and resources better managed. There is a continued focus on diverting recyclables from landfill.

The Town is on a journey towards being more ‘circular’ and extending the life of the landfill wherever possible. When making decisions relating to waste and resource management, the Town must consider the financial viability of the idea, the risk to the Town and the region, and feedback provided by local residents.

Considering the waste direction of WA and Australia, the Town of Port Hedland have identified four priority areas for the Town over the next five years.

1. Sound landfill management and planning to lower risk for the Town and the region
2. Conserve landfill space by maximising material separation and recovery
3. Circular economy initiatives including waste reduction
4. Collaboration across the Pilbara and other regions

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance as the Town of Port Hedland’s Waste Management Strategy is introducing best practice waste management guidelines in line with state and federal strategies.

## CONSULTATION

### *Internal*

- Executive Leadership Team
- Elected Members
- Waste Operations Team

### *External Agencies*

- Ask Waste Consultancy
- City of Karratha
- Shire of Ashburton
- Shire of East Pilbara
- Shire of Broome
- Department of Water and Environmental Regulation
- WALGA
- Cleanaway Pty Ltd

### *Community*

- Care for Hedland

- Containers for Change
- Hedland Community Members (via survey)

## LEGISLATION AND POLICY CONSIDERATIONS

The Town of Port Hedland Waste Management Strategy aligns to the following legislation and documents:

National:

- National Food Waste Strategy
- Australian Government Waste Policy 2018 and 2019 Action Plan
- COAG Waste Export bans

Western Australia:

- *Waste Avoidance and Resource Recovery Act 2007*
- Waste Avoidance and Resource Recovery Strategy 2030
- Pilbara Port City Growth Plan 2014
- Pilbara Recovery Plan 2020

The Town of Port Hedland:

- Port Hedland Sustainability Strategy 2022-2027
- Strategic Community Plan 2018-2028
- Economic Development and Tourism Strategy
- Strategic Resource Plan 2019/20 – 2033/34
- Waste Management Strategy 2018 and 2022

These documents were considered in the development of the Waste Management Strategy.

## FINANCIAL AND RESOURCES IMPLICATIONS

Any initiatives and actions that arise from this strategy are either currently budgeted for or will be the subject of further budget allocation in subsequent financial years.

## STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

3.b.3 Sustainable energy, waste and water management practices are provided and promoted

4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

### *Environmental*

The Town of Port Hedland Waste Strategy aims to address key areas within the community to look for improvements for the future, as well as recognising the already implemented activities undertaking a continued focus on diverting recyclables from landfill on a journey towards being more 'circular' and extending the life of our landfill wherever possible making a positive impact on the environment.

This strategy aims to formalise our current commitments to the community as well as improvements that can be implemented across key areas within the organisation.

There are no significant identifiable 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:

3.a.2 - Provide community awareness of waste avoidance, reduction, reuse and recycling

3.b.3 - Implement a Waste management Strategy

3.b.3 - Provide sustainable waste management services

4.b.1.1 Implement and review the Town's Long-Term Financial Plan

#### **RISK MANAGEMENT CONSIDERATIONS**

There is a environmental risk associated with this item because the Town is yet to develop and implement the Town of Port Hedland Waste Strategy for the organisation, which will aim to reduce this risk. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

Adoption of the officer's recommendation eliminates this risk.

#### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Amend officer's recommendation*

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

#### **CONCLUSION**

Town of Port Hedland's vision and mission statements, environment and sustainability are key to the town's landfill operations ensuring alignment with WA state and federal direction. The Town's policies and the state and federal waste policies and targets were considered when prioritising waste initiatives. Managing waste and operating the town of port hedland landfill do not come without risk and costs to council, and it is critical to consider these when looking at waste priorities.

#### **ATTACHMENTS**

1. Draft Town of Port Hedland Waste Management Strategy 2022-2027 (under separate cover)
2. Draft Town of Port Hedland Waste Management Strategy 2022-2027 - Technical Appendices (under separate cover)

**12.4.3 ENDORSEMENT OF CONCEPT DESIGN - KOOMBANA LOOKOUT  
REFURBISHMENT**

**Author:** Project Manager  
**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.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Note the Community Consultation report
2. Endorse the Concept Design for the refurbishment of Koombana Lookout
3. Note the intention to progress the concept to Detailed Design in preparation for tender and delivery in 2023

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is for Council to consider the finalised design for the refurbishment of Koombana Lookout and note the community consultation report, following a Town-Hall consultation session on 5 September 2022.

**DETAIL***Background*

As part of the Town of Port Hedland's FY2022/23 Capital Works program, Council approved a budget of \$1,300,000 for landscaping between Cemetery beach and the Koombana Lookout, and the refurbishment of Koombana Lookout itself.

A design for the portion of land between Cemetery Beach and Koombana Lookout was completed in FY 2021/2022 and endorsed by the new owners of the Hedland Hotel. These works are to support the management to the verges that are now under lease by the Hedland Hotel, who sought control of this parcel to expand their operations. The allocation for these works under the FY2022/23 adopted budget is \$300,000.

The Koombana Lookout is considered one of the Town's main attractions to visit and looks out over the Indian ocean towards the Iron ore ships. The site overlooks the journey that the SS Koombana took on its last voyage from shore before it disappeared during a cyclone in 1912. The site also provides viewing opportunities of industry, looking across the BHP's Nelson Point rail yards and BHP's Locomotive Service Shop.

In order for a design to be developed, Town officers undertook significant one on one consultation as well as a community forums, to understand what the Community would like to see at the site. The feedback was based on an 'as used' approach with the aim to provide relevant amenities that would encourage longer or more frequent visits to the Lookout.

Consideration has been given to the importance of the name of the site and one of Australia’s significant maritime tragedies that it pays homage to as it overlooks the journey the SS Koombana took on its fateful voyage.

*Concept Design – Koombana Lookout*

The proposed concept includes the three (3) main areas that were prioritised by the community during the consultation period. These areas are identified as:

- Increased shade
- Increased seating; and
- Increased access to the site

The concept design includes the proposed location of lookouts to enable visitors to see out towards the Indian Ocean and around towards Finucane Island. The locations for these lookouts are in response to the community feedback in wanting to provide viewing access to both the ocean and industry to the South. The included detail of the lookouts is conceptualised at present and will be further developed in schematic and detailed design, inline with the budget allocated for this project.

Additional site access is illustrated via a new stairway to the north of the site, and ramp access to the east, down to the Civic Centre carpark.

Full details of this concept plan are shown in attachment 1.



*Concept Design – Cemetery Beach to Koombana Lookout*

The proposed design includes the landscaping of the Hedland Hotel foreshore, tank compound and a portion of verge along Lukis street, as noted in the plans below.

Full details of the concept plans are shown in Attachment 2.



## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the refurbishment of the Koombana Lookout has public interest in the inclusions of the design. Extensive public consultation has been conducted to ensure all members of the community could have their say, in the final design for the site.

## CONSULTATION

### *Internal*

- Manager Town Planning and Development
- Manager Infrastructure Operations
- Community Engagement team
- Coordinator Parks & Gardens

### *External Agencies*

- Water Corporation
- Vodaphone
- Hedland Hotel
- Landscape Planners Pty Ltd

- Yurra Pty Ltd

### *Community*

#### Town-Hall Community Session

On 5 September 2022, the Town of Port Hedland hosted a community consultation session at the Town Hall in the Civic Centre. There were approximately ten Hedland residents which participated, which included Town of Port Hedland staff, and elected members. Unfortunately, due to the low number of participants, the outcomes of the community consultation session needed to be considered in conjunction with the online Social Pin Point Survey, an online survey, in order to gain holistic feedback from the community.

#### Community Pin Point Survey

The Town released a Community Pin Point Survey to increase the amount of feedback that could be obtained around what the community would like to see included at the site for the redevelopment.

The survey was open for a period of two (2) weeks, with one hundred and twenty nine (129) individual responses to both Survey Monkey Questionnaire and the community pin point survey.

The consultation report summarises the community feedback received, which prioritised:

- Shade;
- Seating; and
- Access

### **LEGISLATION AND POLICY CONSIDERATIONS**

Procurement for the construction works will be considered under the Town's Procurement Policy. This consideration will include the use of the Town of Port Hedland Pre-qualified panel contracts to support the delivery of finalised detailed design.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

As part of the Town's Capital FY2022/23 Capital Project program, \$1,000,000 has been allocated specifically towards the lookout. The allocation of \$300,000 for the landscaping between Cemetery Beach and the Koombana Lookout has been combined with this project, bringing the total project budget to \$1,300,000.

Consideration will be given to utilising the Town's Public Art fund, which is made up from contributions from larger scale projects, where Public Art has not been appropriate to construct. These funds would be used to release an Expression of Interest (EOI) production of interpretive signage as well as support infrastructure to allow for the projection of artworks to the water tower.

The opportunity to engage trades through the Pre-Qualified Panels will ensure the Town are able to deliver on the three (3) key targets, despite the current inflated construction markets.

### **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
- 3.3 An accessible, attractive and sustainable urban environment

#### *Environmental*

The final design will be submitted to the Department of Biodiversity, Conservation and Attractions (DBCA) for comment as part of the Town's Planning process. Consideration would need to be given to the proximity of the Flatback Turtle nesting rookery.

#### *Economic*

Nil

#### *Social*

Nil

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
- 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.b.4.2 – Inform the community on Town projects, operations, services and events
- 3.b.5.2 – Appropriate community engagement is undertaken for strategic planning and land

### **RISK MANAGEMENT CONSIDERATIONS**

There is a reputational risk associated with this item because of the local significance of the site. The Town are responsible for the management and care of the lookout, to support the promotion of the location as a tourist destination. Currently the inadequate facilities mean people are not staying there for long periods of time due to a lack of shade options and seating. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).



**OPTIONS**

*Option 1 – Adopt officer’s recommendation*

*Option 2 – Amend officer’s recommendation*

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

**CONCLUSION**

The Koombana Lookout is one of Port Hedland’s main tourist attractions and provides the best view of the Port as well as Mining operations to the South. The refurbishment of this space will increase the number of people attending and utilising the space and encourage a larger variety of reasons to activate the site.

**ATTACHMENTS**

1. Concept Plan - Koombana Lookout (under separate cover)
2. Concept Plan - Cemetery Beach to Koombana Lookout (under separate cover)
3. Community Engagement Summary (under separate cover)

## 12.5 Executive Services

### 12.5.1 ADOPTION OF THE 2021/22 ANNUAL REPORT AND SETTING THE DATE OF THE ANNUAL GENERAL MEETING OF ELECTORS

**Author:** Manager PR & Communications  
**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.

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#### OFFICER'S RECOMMENDATION

That Council:

1. Adopt the 2021/22 Annual Report (including the Annual Financial Statements and Associated Notes) as per Attachment 1 in accordance with section 5.53 of the *Local Government Act 1995*
2. Convene the Annual General Meeting of Electors at 4.30pm on Wednesday 1 February 2023 in Council Chambers at the Civic Centre
3. Advertise the Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995* and
4. Advertise the availability of the 2021/22 Annual Report in accordance with section 5.55 of the *Local Government Act 1995*.

**ABSOLUTE MAJORITY VOTE REQUIRED**

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#### PURPOSE

The purpose of this report is for Council to consider the adoption of the 2021/22 Annual Report and confirm the date of the Annual General Meeting of Electors to be held in Council Chambers.

#### DETAIL

In accordance with section 5.53 of the Local Government Act 1995, the *2021/22 Annual Report* has been prepared, summarising the previous year's achievements and includes specific statutory requirements.

An external audit has been completed by RSM Australia Pty Ltd on the Town's financial statements for the 2021/22 financial year. The process for adopting the Annual report is as follows:

1. On Tuesday 6 December 2022 the Audit, Risk and Compliance Committee endorsed for Council to adopt the Audited Annual Financial Report, Auditor's Closing Report and Management Letter for the 2021/22 financial year.
2. Council is to adopt the Annual Report, inclusive of the Annual Financial Statements.
3. The Annual Report forms the main item of business to be discussed at the Annual General meeting of Electors.

Key highlights and achievements, as noted in the 2021/22 Annual Report include:

- Endorsement of the Economic Development and Tourism Strategy
- The Town entering into a Memorandum of Understanding with the Kariyarra Aboriginal Corporation (KAC)
- Establishment of the new Pilbara Designated Area Migration Agreement to help address critical labour shortages
- Endorsement of a proposal from Aviair to provide financial support to continue operating four weekly inter-regional flights from Port Hedland
- Another successful year of community events with thousands attending key events such as the Spinifex Spree
- Completion of the seawall in the West End of Port Hedland (Marapikurrinya Park), and start of construction of the Sutherland Street seawall
- Commencement of construction of the Port Hedland Sports and Community Hub
- Contract awarded for the next stage of the Spoilbank Marina development
- The South Hedland Place Plan was endorsed by Council, laying out the vision for a place-based and community-led approach to revitalising South Hedland
- Endorsement of the South Hedland Integrated Sports Hub masterplan and the feasibility study and needs analysis for an Arts and Culture precinct
- Further expansion of the JD Hardie Youth and Community Hub
- Three-year anniversary of Port Hedland Leisure facilities being run in-house, with membership increasing to almost 1,800 in June 2022.

The Town is required to host the Annual General Meeting of Electors within 56 days of the Annual Report being adopted by the Council, being the 8 February 2023. An alternate date would be Tuesday 31 January 2023 at 5:30pm.

## LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it is a statutory document which outlines the Town's activities and highlights for the 2021/22 financial year.

## CONSULTATION

### *Internal*

*All Directors, Managers and relevant Officers were consulted during the development of the 2021/22 Annual report. External Agencies*

- Nil

### *Community*

- Nil

## LEGISLATION AND POLICY CONSIDERATIONS

Section 5.27 of the Local Government Act 1995 sets out the requirements for an elector's general meeting to be held once every financial year and this meeting must be held within 56 days of the Annual Report being accepted by Council.

Regulation 15 of the Local Government (Administration) Regulations 1996 details the matters for discussion at the Annual General Meeting of Electors. They include the contents of the Annual Report for the previous financial year and then any other general business.

Section 5.29 of the Local Government Act 1995 requires for a local public notice to be given stating details of the Annual General Meeting of Electors.

Section 5.53 of the Local Government Act 1995 provides for the Annual Reports to contain certain provisions which have been included in the Town's 2019/20 Annual Report.

Section 5.55 of the Local Government Act 1995 states that the Chief Executive Officer is to give local public notice of the availability of the Annual Report as soon as practicable after the report has been accepted by the local government.

There are no Town policies to consider in relation to this item.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Limited copies of the 2021/22 Annual Report will be printed. The costs associated with printing have been accounted for in the 2022/23 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.b.1 Newcomers to Port Hedland are provided with inductions, information and opportunities to engage and get involved
- 1.b.2 A residential workforce is promoted to industry as the preferred option
- 1.b.3 Forums and activities to give a voice to youth, people with a disability, ageing, Aboriginal and Torres Strait Islander, and Culturally and Linguistically Diverse people are recognised and supported
- 1.b.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction
- 1.b.5 Opportunities to get involved and results of engagement are regularly promoted
- 4.b.1 Sound long-term financial planning is implemented
- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies
- 4.c.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
- 4.c.3 Innovative marketing to attract amenity usage is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

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

### *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

### **RISK MANAGEMENT CONSIDERATIONS**

There is a compliance risk associated with this item because if Council choose not to adopt the 2020/21 Annual Report it will result in non-compliance with the requirements of the Local Government Act 1995. The risk rating is considered to be low (3), which is determined by a likelihood of rare (1) and a consequence of moderate (3).

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

### **OPTIONS**

*Option 1 – Adopt officer's recommendation*

*Option 2 – Adopt officer's recommendation with changes, such as amending the date or time of the Annual General Meeting of Electors. (e.g. Tuesday 31 February at 5:30pm.)*

*Option 3 – Do not adopt officer's recommendation. Note: this is not recommended as not adopting the Annual Report will result in a breach of the Local Government Act 1995.*

### **CONCLUSION**

The Annual Report is an essential tool for the Town to inform the community and key stakeholders of the Town's achievements. It also promotes greater community awareness of the Town's programs and services and illustrates the Town's commitment to accountable and transparent governance. It is recommended that Council adopt the 2020/21 Annual Report to ensure the Town is compliant with its legislative requirements.

### **ATTACHMENTS**

1. DRAFT Annual Report 2021-22 (under separate cover)

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**Item 13 Motions of which Previous Notice has been given**

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

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

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**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.

*SIMPLE MAJORITY VOTE REQUIRED*

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**15.1 Land Acquisition**

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This matter is considered to be confidential under Section 5.23(2) - 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 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.

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**15.2 Intra-regional flight network**

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This matter is considered to be confidential under Section 5.23(2) - 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 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.

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## Item 16 Closure

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### 16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 1 February 2023 commencing at [Enter Time](#).

### 16.2 Closure

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