



MINUTES

Ordinary Council Meeting Wednesday, 31 May 2023

Date: Wednesday, 31 May 2023

Time: 5:30pm

Location: Civic Centre
McGregor St
Port Hedland

Distribution Date:

Mayor

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

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

In Attendance: Carl Askew (Chief Executive Officer)
Dale Putland (A/Director Corporate Services)
Josephine Bianchi (Director Community Services)
Craig Watts (Director Regulatory Services)
Lee Furness (Director Infrastructure Services)
Tom Kettle (Manager Governance)
Hilary McLean (Governance Advisor)
Karen Krollig (Governance Support Officer/Minute Taker)

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Cr David Eckhart

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Dep Mayor Turner	12.3.3	Impartiality	Volunteer for Care for Hedland
Cr Coles	12.3.3	Impartiality	Acknowledgement at 20 years Care for Hedland for service as part of joint venture
Cr Christensen	12.3.4	Financial	BHP Employee and shareholder
Cr Bennett	12.3.4	Financial	BHP Employee and shareholder
Dep Mayor Turner	12.3.4	Financial	My project is fully funded by BHP
Cr Coles	12.3.4	Impartiality	Education Trainer for TWA
Carl Askew, CEO	12.4.1	Financial	One of properties having solar installed is allocated by Town as part of my employment
Lee Furness, Director of Infrastructure Services	12.4.1	Financial	One of properties having solar installed is allocated by Town as part of my employment
Josephine Bianchi, Director Community Services	12.4.1	Financial	One of properties having solar installed is allocated by Town as part of my employment
Cr Coles	12.4.2	Impartiality	Acknowledgement at 20 years Care for Hedland for service as part of joint venture

Item 4 Applications for Leave of Absence

APPLICATION FOR LEAVE OF ABSENCE

CM202223/056 COUNCIL DECISION

MOVED: CR COLES

SECONDED: CR BENNETT

That Council approve the following application for leave of absence:

Councillor Jan Gillingham - 3 June to 6 June 2023

CARRIED BY SIMPLE MAJORITY (8/0)

Item 5 Response to Previous Questions

5.1 Response to Questions taken on notice from Elected Members at the Council Meeting held on Wednesday 26 April 2023.

5.1.1 CR DAVID ECKHART

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

The Director Infrastructure Services has provided the following statement:

The Town has previously investigated a request for traffic calming and pedestrian safety infrastructure to be installed along Throssell Road, including out the front of the Post Office. As shown in the diagram below, this road has a number of pedestrian refuge islands, which together with the reduced traffic limit of 40km/hr, provide a safe crossing. Traffic monitoring conducted by the Town did not provide evidence to suggest that another form of crossing was required in this location. Further Throssell Road does not meet the Main Road WA warrant for a crossing in that location.



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

The Director Infrastructure Services has provided the following statement:

Regulatory Services has reviewed the development applications and approvals for this property lodged in 1998 (Whole of development) and 2003 (approval for café/restaurant), which did not include any conditions or requirements in relation to providing a one-way traffic flow. Internal traffic flow is the responsibility of the property owner. Correspondence will be forwarded to the property owner advising of Council's concern with a request to re-instate the one-way traffic flow.

5.1.2 CR ASH CHRISTENSEN

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

The Director Regulatory Services has provided the following statement:

The Hedland Housing Steering Committee is meeting quarterly, with the next meeting scheduled for 8 June 2023. In relation to the actions from the Housing Summit, Industry has been invited to present to the group in their current and future housing needs, with a number of presentations from companies already received. The Town has committed to the purchase of land on Cottier Dve to develop essential worker housing, with the financial business case completed, and the social benefit business case expected to be presented to Council in mid-May. The Town is also progressing a Request for Information (RFI) for the design and construction of the service worker accommodation. Funding of this project is included within the LTFFP, however requires 25% (\$10m) external funding to progress, together with Council endorsement.

5.1.3 CR JAN GILLINGHAM

1. Thank you to the Town of Port Hedland for helping with ANZAC Day (event), it was a beautiful morning. There were a lot of hiccups though, Mr Mayor, regarding florists trying to drop off wreaths – they weren't allowed to walk through with their wreaths, there were some that were locked away in the Esplanade Hotel, so they didn't even get presented – that was nothing to do with Council, I believe that was obviously the Esplanade Hotel but also, I know that when Council has events like the Spinifex Spree, when you want to go set your stall up, etc., you're given a pass, so you can go through half an hour before, or an hour before, so I think this really needs to be taken into consideration. Those people were setting up from 3:00am, even RSL from South Hedland had to carry all their gear, because the Security people wouldn't let them through, so there must be a better way. So could we please look into this?

2. Also, I'm about to send some photographs to our staff of the Pioneer Cemetery – I've had some photos sent to me on ANZAC Day, regarding all the work that needs to be done in the park – there are lots of weeds there. I took time today to take photographs myself, and I will send them on. There are a lot of people coming in to look at our old Pioneer Cemetery. There are weeds growing everywhere. I will send those photos to Snap-Send-Solve so our staff can look into it, but my main concern is that I believe our Council is using contract workers for these gardens and I'm wondering if the contract workers are familiar with the ways that Australian

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

The Director of Community Services has provided the following statement:

1. The town has an MOU in place with the RSL which stipulates the town is responsible for street closures, street cleaning, representation from Council, flower wreath, event advertising through Town media channels, event advertising through highway sign (if available), town volunteers decorative party (when/if officers are available). The RSL is responsible for arranging the event as well as the following new additions to the MOU: the supply of flags, sound equipment, organising parade format, guest speaker, guard, and flag orderlies.

In relation to this year's event it was the first time Aus Traffic Management had been engaged by the Town for ANZAC day proceedings. The traffic management company have stated that while a road closed has been setup and the timing of the road closure is in place then traffic controllers will not allow any vehicles to travel through the area, especially in the instance that there are members of the public on foot. They have put forward the following to improve for future events:

- Specific loading zones and drop off points for the event
- List of vehicles and personnel that can access the area prior to the event
- A point of contact on the ground for the event for any queries
- A specific time for drop offs and pickups to ideally be completed before the road closure is in place
- A cut off time when no vehicles can enter the area

The Director Infrastructure Services has provided the following statement:

2. The Town will ensure that staff and contractors are aware of how native flora and their surrounds should be maintained.

5.1.4 DEPUTY MAYOR TIM TURNER

I was wondering if we could get an update on the UWA review of the Community Safety Plan?

The Director of Community Services has provided the following statement:

The Director Community Services emailed Mayor & Councillors on 27 April 2023 to give an update on the Community Safety Plan. Further to this, an agenda item on the Plan will be presented to the 31 May Ordinary Council meeting

Item 6 Public Time

Important note:

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

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

6.1 Public Question Time

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

6.1.1 JOHN ASHENDEN

My first question I would like to ask requires just a simple, truthful yes or no answer and is directed to the Mayor, Peter Carter and each sitting councillor, and especially Deputy Mayor Tim Turner, who is the Chair of the Audit, Risk and Finance committee.

Have you all gone through the 2022/23 Budget Review that was passed at the Special Council Meeting held on the 15th May 2023?

The Mayor makes the following statement:

Thank you, John. We'll take it on notice.

My second question is have you all read the document that former Mayor Milo (sic) has emailed to all of you?

I'm not sure how any of us, rate payers and residents can understand that you operated in good faith when there is so many anomalies in the budget review. For one example, could you, Mayor Peter Carter, please explain staff housing, 85 Sutherland Street? There was \$450,000 allocated. The Q2 predicted budget went down to \$30,953. The budget net adjustment is \$1,044,347. Now, I've got a couple hundred grand in my pocket, if I can give that to you and you can bring \$1m odd back, I'll hand it straight over.

The Mayor responds:

I'll take that on notice, thank you.

In regard to rates, I would like to hand out this graph. I've printed from page 13 of the SCM minutes. Last year, we were told there was to be a 2.5% rate rise. Putting aside as stated in the minutes, the complex accounting that is needed to put together the rate amounts we are charged, my rates increased from \$1,889.62 to \$2,239.00 That's an 18.48% increase. If you

have a look at the graph supplied, pink 20/21 agreed rate was zero percent. But the actual increase was 9.4%. The following column, 21/22 increase of 2%, actual 16.95%. Next column, agreed 2.5%, actual 7.81% and the last column doesn't have all the numbers yet, but agreed 3.5%, but already you've predicted 4.2% increase when you finalise that budget.

Could you please explain how that works? As I see it, you are compounding your interest on the new figures each year, so you're putting interest on interest and not on the original base figure. In simple terms, "double dipping".

The Mayor provided the following response:

We'll take that on notice, thank you.

Last question. Could you please explain to me Mayor Carter, when the wider community consultation was done in regard to whether the great community agreed in the upcoming Drag Queen Story Time's reading to our community's children? I don't recall seeing or hearing any notification regarding this. It is one of the reasonings you use in revoking our motions, re the special electors meeting.

The Mayor provided the following response:

We'll take that on notice, thank you.

6.1.2 SHARON MORROW

At what stage did you all become aware that Sonic Health were closing their doors on the 30th of June?

The Mayor provided the following response:

There have been no statements that they're actually closing.

It doesn't matter if there's been a statement or not, it's publicly aware that they are closing?

The Mayor provided the following response:

As I said, we haven't got a public statement from them at the moment, so we don't know.

My understanding is the Council was advised.

The Mayor provided the following response:

No, we were not advised of that at all.

That's not what I've been told by the medical centre. What actions have the Council, the Mayor and the CEO taken to secure additional childcare spaces, so that people like these doctors are

able to come into our town? Are we getting a new childcare centre, are we getting additional places?

The Mayor provided the following response:

We're trying, we really are trying. We do a lot of work with state and federal funding as well, to make sure we have childcare for our town.

Lastly, what are the Council, the Mayor and the CEO doing to get additional medical officers in our community?

The Mayor provided the following response:

We're doing everything we can to get doctors in our town.

6.1.3 CAMILO BLANCO

The Presiding Member ruled this question out of order and is not to be recorded or responded to under clause 6.7(6) Standing Orders Local Law 2014."

6.1.4 LORRAINE BUTSON

To the Mayor in the December 22nd OCM meeting, you were asked a question in relation to the multiple houses you were, at the time, having built overseas – to have erected in the Hedland area, to which you did not deny, which is on the public record. So my question is, have you, over the past 12 months, been acting as a business developer in our town? As this is against department of local government laws, as you are an elected Mayor of our town.

The Mayor provided the following response:

I haven't.

We live in the richest iron ore town, Port Hedland. There is difficulty in seeing a doctor and there is a lack of services for the residents and visitors of our town. My question is, why are you, as leader of our town, not standing up for our town each and every day instead of being seen regularly departing our town, spending a short time here, as a resident? When are you going to make some noise and get the services for our town and help our medical services to survive?

The Mayor provided the following response:

I do that every day, thank you for our question.

6.1.5 LEE GIBBS

Regarding the Drag Story Time slated for the 15-17th June: Why does a man want to dress up in women's clothing and makeup and read to young children? What motivates him to do this. The Mayor provided the following response:

You'd have to ask him that.

So, if we don't know the answer to that, then why are we allowing these guys to come and read to our children without knowing their motivation behind it?

The Mayor provided the following response:

The Town has offered an area of space to do Storytime telling. It's a free event, you don't have to go along if you don't want to. It's about giving the public a range of activities and if you don't want to attend, you don't.

And can anyone explain to me how anyone going by that stage name, is fit to read to our children in our community?

The Mayor provided the following response:

I'll take that as a statement.

6.1.6 MERRYNN BROWNING

You've just said that the Drag Story Time were free events and we all have the choice to go to them or not. Well, the mandates last year, didn't give us that choice because the actual vaccines were free too. What's the difference?

The Mayor provided the following response:

Taken as a statement.

The money you're putting towards this Pride event, could probably have helped out Sonic Health. What are we doing about the healthcare in this town?

The Mayor provided the following response:

I'll take that on notice.

6.1.7 JILLIAN FISHER

Drag Queen Story Time - I'd just like to know how much was awarded in kind, and fund's wise for this event in Port Hedland. I'd just like to know who approved of this funding and were the councillors aware of this event coming and up were they in agreeance with this? Did Port

Hedland approve the advertising of a bearded drag queen on the poster at a Town of Port Hedland facility?

The Mayor provided the following response:

Taken on notice.

6.1.8 BARRY HARRISON

I had a visit to the GP at sonic health last week and to say I was shocked was an understatement. I've been visiting Dr Quincy for some time and at the consult he told that would be the last time that I would see him. He then informed us that Sonic had told him two days before that his employment would be terminated in just over 4.5 weeks' time. We wondered why our community was put in that position, knowing that we've lost the medical centre at the Boulevard and now this. He said it related to Sonic couldn't make money, they needed more doctors. But he went on to say that childcare was a big thing for doctors who want to come to this town. Where are we going to go to the doctor? What will we be doing for our scripts, men's health checks, sick certificates? Medicals for your staff, we often have to send people to Karratha because we can't get on the list here.

Surely Council and others across the industry would have been told? Some may say it's not a Council's role, but the reality of living in this remote area such as ours is that we all need to pull together. The Council's vision statement is quite clear, to create a thriving, resilient, inclusive future for our diverse community. A town around 16,000+ residents with aspirations to go to 27,000 if we read the Council's strategic plan by 2041. As the previous lady said, we generate enormous wealth for Australia in this town. And we're now staring down the barrel of medical services that will be nothing more than third world standards. So Council's strategy is to identify, advocate, facilitate, fund and partner, and never has there been a better time for our Council to get on that plane and head down to Perth and see Sonic, and ask them why? It just belies belief that there's been no engagement by, supposedly that business to engage with our community.

And following on from Council's strategic plan, their theme 1 – Our Community – Outcome 1, point 1.1 is improve levels of health, safety and well-being in our community. Strategic response, 1.1.2 is that community needs and gaps in health are identified. So, I'd be asking the Mayor, we've got an identified gap in our health system that this Council, do what it can for residents of this town. We've got a nice new race track across the road, and in racing p...(word unclear), the horse has bolted.

The Mayor provided the following response:

Thank you, taken as a statement.

6.1.9 BERNICE DAVIDSON

Mrs. Davidson made a statement against the Town providing a venue for the 'Drag Queen Story Time' event.

Mayor: This is a statement, not a question.

The Presiding Member declared Public question Time closed at 6.05pm.

6.2 Public Statement Time

The Presiding Member declared Public Statement Time open at 6:05 pm.

6.2.1 CAMILO BLANCO

Mr. Blanco made a statement relating to;

- *State and Local misconduct,*
- *Business dealings by Mayor Peter Carter,*
- *Agenda Item 12.3.2, the Omnibus Scheme Amendment number 1,*
- *The Town's 2022/23 mid-year budget review, and*
- *The Town's business relationship with Mr. Blanco's daughter.*

6.2.2 CINDY DUNHAM – GENERAL MANAGER FOR PORT OPERATIONS BHP

Ms. Dunham made a public statement on behalf of BHP requesting the Council support the development application for expansion at Port Haven at Item 12.3.4 on the 31 May Agenda.

6.2.3 REBECCA GORDON

Ms. Gordon made a statement in support of the Care for Hedland partnership proposal on at Item 12.3.3. on Agenda and read a letter on behalf of Care for Hedland Garden Coordinator, Robin Todd.

6.2.4 JOHN ASHENDEN

Mr. Ashenden made a statement about the 2022/23 mid-year Budget review and against the Town providing a venue for the 'Drag Queen Story Time' event.

6.2.5 JULIE ARIF

Ms. Arif provided a statement in support of the 'Drag Queen Story Time' event, and the range of events to be held throughout June as part of the Pilbara Pride Festival.

6.2.6 LEIGH GIBBS

The Presiding Member ruled this statement out of order and not to be recorded under clause 6.8(7) Standing Orders Local Law 2014.

6.2.7 JILLIAN FISHER

Ms. Fisher made a statement about the 2022/23 mid-year Budget review and financial management at the Town.

6.2.8 MERRYNN BROWNING

Ms. Browning made a statement in support of the statement made at 6.2.6.

6.2.9 LORRAINE BUTSON

Ms. Butson made a statement regarding the Mayor's role, the Sonic Health closure and access to health services in Port Hedland.

The Presiding Member declared Public Statement Time closed at 6:30pm.

6.3 Petitions/Deputations/Presentations/Submissions

Owen Hightower from RFF - spoke in relation to Item 12.3.2 and requested Council defer item to allow the landowner to present to Council as to why his application should be allowed to be part of the omnibus amendment as per email information already provided to Councillors.

Item 7 Questions from Members without Notice

7.1.1 CR ASH CHRISTENSEN

In light of what has happened to tonight my first question is, are you aware of your role, when a point of order is called during a meeting from a member of your committee?

The Mayor responded:

Yes

Is there a reason why you failed to deliver that at any point in tonight's meeting, when I've called it twice?

The Mayor responded:

No there's not.

So you're saying it never happened, you're saying you just breached the Standing Order script?

The Mayor responded:

No.

In your personal or professional opinion, what is your suggested response time to a generalised email?

The Mayor responded:

Depends on the subject matter.

Will you respond to the email sent to you by myself - through the expression by multiple councillors. Will I get a response to that email sent you two months ago?

The Mayor responded:

Yes.

By the end of the week?

The Mayor responded:

We'll see, thank you.

7.1.2 CR JAN GILLINGHAM

Do we have an update on the Yacht Club please, because I know that as I drove past today I noticed the grass had been mowed, so is that a sign that something's happening down there, please?

The Director Regulatory Services responded:

A RFQ (request for tender) has been sent out to the two shortlisted candidates to operate the Yacht Club. That will close just before the AFS around about the 19th June. The Administration will arrange presentations from the two preferred applicants before the 19th with intention that we can present the preferred applicant and tender at the June OCM.

My other question from the public, is the Dome Café – regarding the building, the trellis shutters are in need of repair. Who is responsible for the maintenance of this heritage building?

The Mayor provided the following response:

We'll find out for you Councillor. Taken on notice.

7.1.3 CR RENAE COLES

The Lock Hospital site, as we're aware, China's Gym was destroyed just recently. I drive past this on a regular basis through pick-ups and drop-offs through my role at the moment. Who is responsible for the upkeep of the lot hospital site? It is very overgrown, it is quite dry, and it's very much a safety risk right now other buildings residing around it. If we're responsible or if heritage council is, could someone please reach out to find out who is responsible to upkeep and maintain that area? Because it's a safety hazard ready and waiting to take place.

The Mayor provided the following response:

Department of Communities is responsible. We'll contact them.

Based upon what Mr Blanco has come for here tonight and addressed in his last bit, does the Town of Port Hedland, at any stage based on a family affiliation – have a ‘no bar zone’ where they don’t interact or enable them to coincide in any kind of businesses. Is there a blanket approach that we don’t engage with business based upon a family affiliation with people who come to present to us?

The Mayor provided the following response:

No.

So if I run a business, and I come here and ask a lot of questions – and my child is running a business – Does the Town of Port Hedland subsequently not have anything to do with that business, based on the family affiliation ?

The Mayor provided the following response:

I would say no, Councillor.

The last question I have and, I’m extremely concerned that it has come to us – is this a legit business card that’s been presented to us tonight?

The Mayor provided the following response:

I will prove that to you, yes.

Item 8 Announcements by Presiding Member without Discussion

The Mayor’s meetings for the month of April 2023:

Date	Meeting detail	Attended
4/04/2023	Destination Pilbara Conference	Attended
6/04/2023	Radio chat with Ecky	Radio Interview
11/04/2023	LEMC meeting – Cylcone Ilsa	Attended
13/04/2023	Media Today Show Interview – Cyclon Ilsa	Attended
14/04/2023	BBC Breakfast Interview – Cyclone Ilsa	Attended
14/04/2023	BBC 5 Live Radio Interview – Cyclone Ilsa	Radio Interview
20/04/2023	Radio chat with Ecky	Radio Interview
20/04/2023	PHCCI Mayor Coffee Catch up	Attended
20/04/2023	RCAWA Meeting	Attended
21/04/2023	RCAWA Port Hedland Tour and presentation	Attended
21/04/2023	Youth Week Event	Attended
24/04/2023	JDAP meeting	Attended
25/04/2023	ANZAC Day Dawn Service & Pilbara Regiment Event	Attended
26/04/2023	Port Hedland Primary ANZAC Service	Attended
26/04/2023	April OCM	Attended
27/04/2023	Radio chat with Ecky	Radio Interview
27/04/2023	Hedland High School ANZAC day Service	Attended
27/04/2023	Pilbara Country Zone meeting	Attended

| 27/04/2023 | Meet with De Grey Mining

| Attended |

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

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

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

Item 10 Confirmation of Minutes of Previous Meeting

CM202223/057 COUNCIL DECISION**MOVED: DEPUTY MAYOR TURNER****SECONDED: CR ZIELKE**

That Council confirm that the Minutes of the Ordinary Council Meeting held on Wednesday 26 April 2023 and Special Council Meeting held on Monday 15 May 2023 are a true and correct record.

CARRIED BY SIMPLE MAJORITY (8/0)

Disclaimer

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

Item 11 Reports of Committees

Nil

Item 12 Reports of Officers

12.1 Corporate Services

12.1.1 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MARCH 2023

Author: Senior Financial Accountant

Authorising Officer: Director Corporate Services

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

CM202223/058 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

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

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

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

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

DETAIL

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

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

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

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

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

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

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 March 2023 is a surplus of \$35.21M.

The breakdown of the cash position is displayed below:

	2023/23 Actuals
Current Assets: Cash and Investments	\$194.52M
Restricted Cash – Reserves	\$155.24M
Unrestricted Cash Position as at 31 March 2023	\$39.28M

Previous Decisions

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- All consultation and engagement are conducted internally.

External Agencies

- Nil

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

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

Reserves:

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

4.2 Transparent and accountable governance and financial sustainability

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

RISK MANAGEMENT CONSIDERATIONS

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

There is a financial risk associated with this item because a reduction in income or increase in expense throughout the 2023/23 financial year could impact on the Town's ability to meet service levels or asset renewal funding requirements. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

The opening funding surplus of \$86K presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the audited financial statements from June 2023. The net current funding position is \$35.21M.

ATTACHMENTS

1. Monthly Statement of Financial Activity - March 2023 (under separate cover)
2. Material Variances - March 2023 (under separate cover)
3. Payments made under authority - March 2023 (under separate cover)
4. Credit Cards March 2023 (under separate cover)

12.2 Community Services

12.2.1 COMMUNITY SAFETY PLAN EVALUATION

Author: Community Safety Advisor

Authorising Officer: Director Community Services

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

CM202223/059 COUNCIL DECISION

MOVED: DEPUTY MAYOR TURNER

SECONDED: CR ZIELKE

That Council:

1. Endorse the University of Western Australia 'Evaluation of the Town of Port Hedland Community Safety Plan (2019-2022)' and;
2. Continue working with University of Western Australia to deliver a new Community Safety Plan in August 2023.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider the University of Western Australia (UWA) independent evaluation of the Community Safety Plan (2019-2022) (CSP) and commit to the recommended need for change and new way forward to achieve a safer community in an evidence-based approach.

DETAIL

In 2018 the Town of Port Hedland (the Town) committed to doing business differently and worked with UWA, Law School Criminology team to provide an independent evaluation of our previous approaches to develop a CSP. The Town produced a CSP with a 10-year vision and committed to an independent evaluation after each life cycle phase (every 3-years). An independent body purpose is to help facilitate the evaluation process to continue transparency and accountability of the plan and governance.

The Town undertook the planned evaluation following the first phase of the CSP, foundational phase, by engaging UWA to identify the CSP's relevance to the current environment of community safety and provide recommendations to improve our practice informed by place-based data and evidence-based approaches.

As an outcome of the evaluation of the CSP, recommendations for necessary change have been made and the need to shape a new pathway forward. Advocating to move away from high-level, future-focused objectives that are beyond the scope of the Town to influence and manage. The Town needs to become a facilitator for the implementation of the problem-focused approach. Goals need to relate to problems. Strategies put in place need to be linked to fixing the identified problems and metrics need to be connected to the process and impact

of any changes that are being put in place. It also needs to be clear what success would look like with respect to each problem.

The review is recommending the Town adopt a problem-focused approach that targets the most significant two or three issues in the Town. Using a problem-oriented policing (POP) approach, an evidence-based framework for targeted prevention. The POP approach is a commitment to implementing a new strategy, with a thorough evaluation framework to measure its effectiveness, and reporting mechanisms that will provide the results to benefit future practice. This approach is not dependent on the use of the criminal justice system and encourages partnership with non-crime agencies to generate sustainable interventions that has the potential for significantly contributing and move beyond a focus on apprehension/punishment.

Developing a high-level problem into a POP-style interventions would need to be the next step that the Town would commit to. This POP implementation process takes form in the SARA model: scanning, analysis, response, and assessment. The SARA model begins with a scanning process to identify a problem, looking at a series of question to drill down a specific problem. The next step, analysing the problem by conducting desktop research to see if anyone else has dealt with a similar problem, develop and test hypotheses about what we think is causing the non-random problem, and identify data sources to give additional insight. Following this step, develop a response to the problem in an innovative and targeted way, increasing the risk and effort involved, reducing the reward and provocations for crime, and removing the excuses for offending. Finally, assessing the effectiveness of the intervention occurs in two forms, 1., a process evaluation (was the intervention implemented as planned) and 2., an impact evaluation (what were the outcomes of the intervention). When utilise this framework the Town must commit to all four SARA steps, and resist jumping directly to responding without clarifying and understanding the problem and avoid discarding the approach if it does not work the first time.

Consideration needs to be taken in the Town's approach in respect to the following links to crime when considering crime prevention interventions:

- Crime is non-random across spaces
- Crime is non-random with respect to victims
- Victimization is a large risk factor for future victimisation
- Few criminals commit large portions of crime
- Adverse childhood experiences, victimisation, and crime are linked
- Connection between young people in child protection and those under youth justice supervision
- Acquired brain injury including foetal alcohol spectrum disorder and offending are linked

Good governance and leadership remain at the forefront of our commitment. We understand community safety is multifaceted therefore addressing a singular issue requires robust analysis of community place-based data with evidence-based correlations. The evaluation has highlighted the current structure of governance is not well placed. A commitment to maintain grassroots engagement at the core of community partnership and culture remains, however, a necessary change to our community safety governance structure needs to occur. This will be governance structure will form in the POP planning process, seeking to facilitate genuine, problem-focused partnership across a range of services and intervention partners relevant to the problem.

The Town will be continuing to deliver core community safety and crime prevention business. The new CSP will demonstrate the core community safety business, along with the Town's commitment to the process of developing POP interventions and allocation of timeframes to the relevant stages, with a view to commencing interventions within 6 months of establishing the CSP. In the new CSP, the Town will commit to increasing community awareness about what is effective to prevent crime, the lack of effectiveness of tough on crime approaches, and the importance of committing to a process that will work better. It is to be noted, it is not possible within the CSP to detail exactly what the problem focuses will be or how they will be responded to.

These recommendations identify necessary change to the Town's approach to community safety, particularly the need for a new CSP, presenting the Town's commitment to the recommended approach and way forward demonstrated in the evaluation. Justification of this change of approach to finding effective and sustainable solutions moving forward has been presented through an evidence-based context. To ensure the success of carrying out this body of work, engaging UWA's continued expertise and knowledge is essential. This body of work is expected to be completed between June 2023 to August 2023.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the matter will have impact on the future social, environmental and well-being of the Town.

CONSULTATION

Internal

- Confidential briefing with Elected Members
- Executive Leadership Team
- Manager Youth & Community Services

External Agencies

- University of Western Australia

Community

- Community consultation data considered, Hedland Community Health and Safety Survey 2022, Community Perception Survey 2021, and Snap Send Solve 2019-2022.

LEGISLATION AND POLICY CONSIDERATIONS

N/A

FINANCIAL AND RESOURCES IMPLICATIONS

It is estimated that \$25,000 will be required to carry out the development of a new CSP. These funds are to be sourced from the current FY22/23 'Community Safety Plan Evaluation' budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.a.1 Stakeholders are engaged to develop a whole of town approach to increase accessibility to quality health and wellbeing services
- 1.a.2 Community needs and gaps in health provision are identified and delivered
- 1.a.5 Agencies and the community are fully engaged to reduce anti-social behaviours and improve community safety

Environmental

Community members are able to feel at ease and feel safe when out in the public.

Economic

Form strong partnerships which add value by aligning effort and resources of key stakeholders to achieve the community safety.

Social

Impact on peoples experience and contribution towards a caring, respectful and connected community.

Corporate Business Plan

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

- 1.a.5.1. Develop, implement and review a Community Safety Plan

Other Town of Port Hedland strategic plans considered:

- Community Safety Plan 2019-2022
- Community Development Plan 2022-2027
- Youth Strategic Plan 2022-2025

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it is a demonstration of the Towns commitment to community safety and achieving effective outcomes to generate positive impact. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This likelihood of the risk will be reduced 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

UWA carried out an independent evaluation of the CSP, raising key recommendations and need for change for local government to have a meaningful impact on community safety. Elected Members are to consider the independent evaluation of the CSP and commit to the recommendations to achieve an effective and sustainable solutions moving forward, this has been presented through an evidence-based context. By engaging in a new approach and way forward consistent with the evaluation the continued support of UWA is recommended.

ATTACHMENTS

1. Evaluation of the Town of Port Hedland Community Safety Plan 2019-2022 (under separate cover)

12.2.2 COURTHOUSE GALLERY QUARTERLY REPORT - QUARTER 3 JANUARY TO MARCH 2023

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

CM202223/060 COUNCIL DECISION**MOVED: CR COLES****SECONDED: CR BENNETT**

That Council receives the quarterly report from The Junction Co. for the management of the Courthouse Gallery and activation of South Hedland for the third quarter, January – March 2023.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

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

DETAIL

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

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

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

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

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

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

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

A summary of the key activities for the quarter January – March 2023 are noted below.

- Radius 4.0 Exhibition (24 February – 5 May 2023 at Courthouse Gallery)
 - Radius is a launchpad exhibition program for early career regional artists for emerging artists in the Pilbara and Kimberley region. This year's event features Alice Boardman, Verity Page and Jaimee Wright. Each artist brings their own unique and profoundly considered voice to this exhibition – expressing ideas of place attachment, community history, fragility and feminine strength, commenting on social issues, whilst exploring artistic processes.
- Bobbi Lockyer: 4 Ocean (24 February – 5 May 2023 at Courthouse Gallery)
 - The exhibition features a body of work that examines sustainability in our regional Australian communities. The work presented probes the impacts of environmental negligence and pollution around us and across our ocean. Lockyer's ongoing inquiry into the deeply considered work. The series of painting, mixed media and textile works contemplate First Nations People and their deep connection to the ocean, and their unwavering strength and devotion towards the planet
- Compass – Creative Practitioner Development Short Course (26 October 2022 – 1 March 2023 at Courthouse Gallery)
 - Compass is a holistic program designed to assist artists in building their practise and professional development as regional artists and practitioners. The program modules equip creative practitioners with tools to cultivate professional networks and foster connections to establish their place within their artistic community
- Ceramics Introductory Course (3-4 March 2023 at Courthouse Gallery)
 - 2-day workshop to cover the fundamental hand building techniques for success with clay
- Art Antics (every Wednesday at Courthouse Gallery)
 - A popular art class designed for children five years and under
- Paint & Sip (16 Feb 2023 at Courthouse Gallery and 17 March at Gateway Village, South Hedland)
 - A social painting night for 18+ to create, artwork, connect, engage and learn new skills
- Mono Printing with Leanna Bray (1,2 and 4 March 2023 at Courthouse Gallery)
 - A series of two-hour workshops to explore textures and colours of Hedland. The outcomes will be used to form the public art internal entry of Port Hedland Community Centre
- Radius 4.0: Alice Boardman Glass Workshop at Courthouse Gallery
 - The practical and informative workshop was an introduction to stained glass work for beginners
- Hobbies & High Tea
 - 25 February at South Hedland Public Library – Hand Embroidery – teaches basic hand embroidery skills and attendees leave with a complete or almost complete mandala design inspired by the Mulla Mulla

- 11 March at Courthouse Gallery – Floral Wreath Making Workshop – interactive, beginner friendly workshop of DIY craft, making a bespoke floral wreath
- 25 March at South Hedland Public Library – Felt Flower Easter Basket – workshop targeted at 12+ teaching basic felt skills and attendees left with a decorated basket for Easter
- Arting Around – Seniors Art Workshop (22 February at South Hedland Public Library)
 - Disability and inclusion workshop for seniors is a weekly arts and craft activity to engage and connect in creativity
- Cooking up the Storm – Harmony Week (17 March at Well Women’s, South Hedland)
 - A free Egyptian street food and beaded keyring workshop to celebrate the theme, ‘Everyone Belongs’
- Creative Enterprise – Elevate: Networking Event (25 February at Courthouse Gallery)
 - A program designed to take creative enterprise to the next level by empowering participants with the tools and skills to grow their creative business
- Elevate: Live Masterclass (23 March – online)
 - 60-minute workshop that fuses psychology, marketing and design thinking to drive local marketing success
- Ongoing weekly program – Epic Workshops
 - Weekly workshops that aim to teach participants new skills and create a pathway for employment / generating income
- StartUp Program – Youth Creative Enterprise (Term 1 2023 – Hedland Senior High School)
 - Equips young people in skills to develop and grow their own business as an entrepreneur. Students have an opportunity to showcase products to the broader public at Portside Makers Markets
- Prime Minister Cabinet Visit – (21 February at Courthouse Gallery)
 - The Junction Co hosted Federal Ministers for a meeting and tour of the Courthouse Gallery+Studio. Attendees had the chance to meet local artist, Bobbi Lockyer, and experience her art exhibition
- Portside Block Party (Courthouse Gallery)
 - A town team social event to connect members and businesses in a casual setting
- Welcome to Portside, art and Culture Tour (online app)
 - The Junction Co worked closely with local artists, cultural experts to develop a tour that takes visitors on a self-guided arts journey with a series of videos, photographs, stories, audio description and artworks

As part of the quarterly reporting of works completed, it has been acknowledged by the Junction Co that they have not met all KPI’s associated with the contract variation to provide cultural programming in South Hedland. These have been primarily due to challenges sourcing suitable venues, development of new South Hedland partnerships and staff shortages. The Town has commenced discussions with the Junction Co related to meeting all deliverables, as well as exploring options to ensure that appropriate cultural opportunities in South Hedland are provided.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

- Manager Events, Arts & Culture

External Agencies

- The Junction Co.

Community

- Nil in the creation of this report

LEGISLATION AND POLICY CONSIDERATIONS

There are no legislative or policy considerations for this report.

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

Social

There are social benefits from having high quality arts and culture facilities and experiences available to the community. The Courthouse Gallery fulfils an integral role in activating the Town's West End, as an artistic, historical, and cultural precinct. The recent programming and future growth of activation in South Hedland will promote additional opportunities for arts and culture throughout the Town. There are no significant identifiable environmental or economic impacts relating to this item.

Access and Inclusion Plan

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

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because it may be perceived that the Town has not performed in its duty to provide an Art Gallery, and arts and culture programming to the community. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

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

ATTACHMENTS

1. Courthouse Gallery Quarterly Report - January to March 2023 (under separate cover)

12.3 Regulatory Services

12.3.1 INITIATION OF AMENDMENT NUMBER 3 TO THE TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME NO. 7 REZONING OF 'SERVICE COMMERCIAL' LOTS TO 'MIXED USE'

Author: Project Officer - Strategic Planning

Authorising Officer: Director Regulatory Services

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

CM202223/061 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: CR COLES

That Council:

1. Initiates proposed Scheme Amendment No. 3 (Amendment No. 3) to the Town of Port Hedland Local Planning Scheme No. 7 (LPS7) pursuant to section 75 of the *Planning and Development Act 2005* (PD Act) and Part 5 regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).
2. Determines that Amendment No. 3 is a standard amendment pursuant to regulation 35(2) of the Regulations for the following reasons:
 - a. Amendment No. 3 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and
 - b. Amendment No. 3 will have minimal impact on land in the scheme area and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. Authorises the Chief Executive Officer to arrange for Amendment No. 3 to be referred to the Environmental Protection Authority (EPA) pursuant to section 81 of the PD Act, to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986*.
4. Authorises the Chief Executive Officer to arrange for Amendment No. 3 to be advertised for public inspection pursuant to section 81 and 82 of the PD Act and in accordance with the procedure set out in regulation 47 of the Regulations.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider adoption of a proposed Amendment No. 3 to the Local Planning Scheme No. 7 (LPS 7) for the purposes of advertising.

DETAIL

Amendment No. 3 proposes that the land bounded by Gregory Street, Murdoch Drive, Forest Circle, Mitchie Crescent and Bottlebrush Crescent, South Hedland (the subject land), currently zoned Service Commercial be rezoned to Mixed Use.

The subject land is the only area within the Town of Port Hedland that is zoned Service Commercial. However, the areas within the Port Hedland International Airport (PHIA) and the Kingsford Business Park are zoned SU1 and SU2 respectively, and part of the Wedgefield industrial area is zoned Light Industrial. These alternative zones can accommodate uses which could be approved within the Service Commercial zone including bulky goods showrooms, trade displays and supplies, educational establishments, motor vehicle repair, motor vehicle wash, motor vehicle boat or caravan sales, funeral parlour, reception centre, recreation – private, warehouse/storage and workforce accommodation.

It is considered that Wedgefield, the PHIA and Kingsford Business Park are more appropriate for and have a better capacity to accommodate these uses. Additionally, a number of the uses that have been established in the subject land such as laydown areas, storage of industrial and construction equipment, warehouses and motor vehicle washing facilities do not enhance the South Hedland town centre as envisioned in the South Hedland Town Centre Development Plan (2014) and the Town of Port Hedland Local Planning Strategy (2021). The proposed zoning will encourage a higher standard of development more in keeping with the site's town centre location.

The proposed amendment of the subject land to Mixed Use will provide for the establishment of a wide range of residential uses many of which, such as aged or dependent persons dwellings, aged care facilities, serviced apartments, workforce accommodation, childcare premises, family day care facilities, grouped dwellings, which are not permitted under the Service Commercial zone.

The Amendment Report (**Attachment 1**) provides a detailed explanation of the proposed amendment and its justification and includes the proposed mapping changes.

Statutory Implications

Planning and Development Act 2005

Clause 75 Amending scheme

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –

a) Prepared by the local government, approved by the Minister and published in the Gazette; or

b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.

Clause 81 Proposed scheme or amendment to be referred to the Environmental Protection Authority (EPA).

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

a) Written notice of that resolution; and

b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Under the Regulations the amendment is considered to be a standard amendment and to progress the amendment the Council must resolve to prepare an amendment to the local planning scheme. The amendment must be referred to the EPA and then advertised to the public in accordance with the regulations.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the proposed amendment is consistent with the principles of orderly and proper planning and is largely aligned with the general principles and broader vision set under the strategic framework for the area. Specifically, the change from 'Service Commercial' zone to 'Mixed Use' zone will facilitate consistency between LPS7 and the Town's Local Planning Strategy and the South Hedland Town Centre Development Plan.

CONSULTATION

Internal

Should Council resolve to advertise the amendment, internal referrals will take place, with at a minimum:

- Infrastructure Services (Engineering);
- Environmental Health Services; and
- Rates

External Agencies

Prior to advertising, Amendment No. 3 is required to be referred to the EPA under section 81 of the Planning and Development Act 2005, for the EPA to assess under Section 48A of the Environmental Protection Act and determine whether an environmental review is required. Given the nature of the proposed amendment, an environmental review is unlikely to be required, however advertising cannot be undertaken until written notification advising this has been received from the EPA to confirm this.

Should Council resolve to advertise the amendment, notice will be provided to any public authority the Town considers will be affected by the amendment.

Community

Should Council resolve to advertise the amendment, engagement will take place as required under the LPS Regulations and will include public advertising for a (minimum) period of 42 days and consisting of:

- Publication of a public notice in a newspaper circulating in the scheme area;
- Display of a copy of the notice in the Town administration offices, at each library and on the Town website;
- Display of a copy of the scheme amendment documentation for public inspection;
- Providing the notice to any public authority the Town considers will be affected by the amendment; and
- Providing the notice to any landowners whose property is considered to be directly affected by the amendment.

Submissions received during the public advertising period will be presented back to Council for its consideration.

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

Not Applicable.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 2.b.4 Business approval processes are transparent and pathways streamlined
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

Economic

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

Social

The amended Local Planning Scheme will assist with the planning for and provision of future community facilities.

Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

The amended Local Planning Scheme will assist with the planning for and provision of accessible community facilities.

RISK MANAGEMENT CONSIDERATIONS

There is a compliance risk associated with this item because not proceeding with the amendment which potentially could result in Local Planning Scheme No. 7 not being consistent with the current planning framework. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

The risk will be mitigated by progressing the Amendment No. 3 and endorsing the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This amendment seeks to modify the existing zoning to bring the subject land more in line with the development expectations for the area envisioned in the South Hedland Town Centre Development Plan (2014) and the Town of Port Hedland Local Planning Strategy (2021). The proposed zoning will encourage a higher standard of development more in keeping with the site's town centre location.

The proposed zone change will provide for the establishment of uses which are more appropriate in the town centre and which will increase the liveability of the South Hedland. The amendment will also provide for the establishment of a wide range of residential uses many of which, such as aged or dependent persons dwellings, aged care facilities, serviced apartments, workforce accommodation, childcare premises, family day care facilities, grouped dwellings, are not permitted under the Service Commercial zone.

The proposed amendment is considered to be a 'standard amendment' under the LPS Regulations as it is consistent with the Local Planning Strategy. It is not considered that it will have significant adverse environmental, social or economic impacts.

In light of the above, it is recommended that Council resolve to adopt the proposed Scheme Amendment No. 3 for the purpose of public advertising.

ATTACHMENTS

1. Amendment Report (under separate cover)
2. Amendment Mapping (under separate cover)

12.3.2 OMNIBUS SCHEME AMENDMENT NO. 1 TO LOCAL PLANNING SCHEME NO. 7

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

OFFICER'S RECOMMENDATION

That Council:

1. Adopts for final approval Scheme Amendment 1 (Omnibus Amendment) to Town of Port Hedland Local Planning Scheme No.7 pursuant to section 75 of the Planning and Development Act 2005 and Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, inclusive of modifications outlined in Attachments 1 and 2.
2. Notes that the only modification proposed to Amendment Documentation since Council's initiation of the Amendment is the change of zoning from Lot 500 Forrest Circle, South Hedland from proposed "Civic/Community" to "Mixed Use" for the reasons stated in this report. All other aspects of the Amendment remain as initiated by Council.
3. Authorises the Chief Executive Officer and Mayor to execute amendment documents pursuant to Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015, and provide the Western Australian Planning Commission a copy of Omnibus Amendment 1 and relevant documents for final approval by the Minister for Planning.

SIMPLE MAJORITY VOTE REQUIRED

MOTION

CM202223/062 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: DEPUTY MAYOR TURNER

That Council defer Item 12.3.2 to the July OCM to enable Council to receive a further briefing from the landowner and consultant in relation to zoning land at Quartz Quarry Estate.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

For Council to consider submissions on Omnibus Amendment No. 1 to the Local Planning Scheme No. 7 (LPS 7), adopt the amendment with modifications, and forward the amendment documentation to the Western Australian Planning Commission and Minister for Planning for final approval.

DETAIL

Development within the Town of Port Hedland is controlled and guided by Local Planning Scheme No. 7 (LPS7) which became operational in 2021. At its Ordinary Council Meeting (OCM) held on 26 October 2022, Council carried resolution CM202223/052, to initiate an omnibus amendment of the Town's LPS 7:

1. *That Council Adopt proposed Scheme Omnibus Amendment No. 1 (Amendment No. 1) to the Town of Port Hedland Local Planning Scheme No. 7 (LPS7) without modification, pursuant to section 75 of the Planning and Development Act 2005 (PD Act) and Part 5 regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*
2. *Determine that the Amendment No. 1 is a standard amendment pursuant to regulation 35(2) of the Regulations for the following reasons:*
 - a. *Amendment No. 1 is consistent with the objectives of the Town of Port Hedland Local Planning Strategy; and*
 - b. *Amendment No. 1 will have minimal impact on land in the scheme area and it will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.*
 - c. *It will not result in any significant environmental, social, economic or governance impacts on the land in the scheme area.*
3. *Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be referred to the Environmental Protection Authority (EPA) pursuant to section 81 of the PD Act, to enable the EPA to comply with section 48A of the Environmental Protection Act 1986.*
4. *Authorises the Chief Executive Officer to arrange for Amendment No. 1 to be advertised for public inspection pursuant to section 81 and 82 of the PD Act and in accordance with the procedure set out in regulation 47 of the Regulations.*

The purpose of initiating LPS 7 Omnibus Amendment 1 was to correct minor text errors and omissions identified after LPS 7 was gazetted in 2021, update the zoning table to review the permissibility of certain land uses and address several mapping corrections that were also identified in the process of adopting LPS 7.

The Amendment Report (**Attachment 1**), which provides an explanation of the proposed changes, and the proposed mapping changes (**Attachment 2**), are attached to this report.

Statutory Implications

Planning and Development Act 2005:

Clause 75 Amending scheme:

A local government may amend a local planning scheme with reference to any land within its district, or with reference to land within its district and other land within any adjacent district, by an amendment –

- a) Prepared by the local government, approved by the Minister and published in the Gazette; or*
- b) Proposed by all or any of the owners of any land in the scheme area, adopted, with or without modifications, by the local government, approved by the Minister and published in the Gazette.*

Clause 81 Proposed scheme or amendment to be referred to the Environmental Protection Authority (EPA).

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

- a) Written notice of that resolution; and*
- b) Such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the local planning scheme or amendment.*

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Under the LPS Regulations the amendment is considered to be a standard amendment and to progress the amendment the Council must resolve to prepare an amendment to the local planning scheme. The amendment must be referred to the EPA and then advertised to the public in accordance with the regulations.

The Town of Port Hedland Local Planning Scheme No. 7

The amendment proposes changes to the Scheme Text and Scheme Maps, aiming in all cases to correct anomalies and ensure that the Scheme Text and Scheme Maps are appropriately updated to align with land use management decisions, current on-ground land use, the adopted strategic planning framework and the Planning and Development (Local Planning Schemes) Regulations 2015.

Lot 500 on P064542 Forrest Circle – Former TAFE Site

The advertised Omnibus Amendment proposed that this site would be changed from Education Reserve to Civic and Community Reserve to reflect the Town's intentions to convert the site, including the former TAFE buildings, into a future civic centre / performing arts centre. The Town has agreement from the Minister for Lands to transfer the land to the Town in freehold for a nominal value.

Following concept planning it has become apparent that the scale of the existing buildings far exceeds the Town's needs for civic/community/performing arts spaces. The Council endorsed masterplan shows additional commercial and mixture of uses on the site, including restaurant, office space, and grouped housing. The provision of additional commercial office space is supported by the Town's Local Planning Strategy (2021) which highlights that there is a current undersupply of commercial office space, with many tenants taking up traditional retail

floorspace as a consequence. Prioritising the development of new residential land within and in close proximity to the Town Centre is also an action of the Local Planning Strategy. It is noted that the site is not included within a bushfire prone area.

The uses envisaged in the draft masterplan are not consistent with a designation of “Civic and Community Reserve”. As a result, it is considered appropriate that, as part of this Omnibus Amendment process, Lot 500 Forrest Circle be zoned “Mixed Use” to facilitate the various uses shown in the masterplan. The “Mixed Use” zoning is consistent with “Mixed Use” zoning on the eastern side of Hamilton Road, which is identified as an emerging future entrance road to South Hedland. The Town of Port Hedland is planning significant streetscape upgrades on this road to reflect its role and function, in line with the Place Plan, South Hedland Integrated Sporting Precinct Masterplan, and other future planned developments. The proposed zoning change is illustrated in Amendment Map 6a. (**Attachment 2**) and the Amendment Report (**Attachment 1**) has been modified to reflect this change.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because LPS 7 provides an overarching framework within which land use related decisions are made. The Omnibus Amendment represents an update of LPS 7 which was gazetted in 2021. The Amendment will ensure that LPS 7 is consistent with current State planning legislation and adopted structure plans and that it continues to remain relevant and responsive to needs of the Port Hedland community.

CONSULTATION

Internal

Nil

External Agencies

- Department of Mines, Industry Regulation and Safety;
- Department of Transport;
- Department of Jobs, Tourism, Science and Innovation
- Department of Primary Industries and Regional Development;
- Department of Health;
- Department of Fire and Emergency Services;
- Department of Water and Environmental Protection;
- Pilbara Development Commission;
- Port Hedland Chamber of Commerce;
- Port Hedland International Airport;
- Pilbara Ports Authority;
- Housing Authority;
- Main Roads WA;
- WA Country Health Service;
- Alinta Energy;
- Horizon Power;
- Telstra;
- Water Corporation; and
- Department of Planning, Lands and Heritage

Six (6) responses were received. Details of the submissions and responses are included in **Attachment 3** - Schedule of Submissions.

EPA Referral

Pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) the amendment was referred to the Environmental Protection Authority (EPA).

A response was received from the Chair of the EPA advising that the EPA considers that the proposed amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986:

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme amendment. In deciding not to formally assess scheme amendments, the EPA has determined that no further assessment is required by the EPA.

Community

In line with the Regulations, community engagement included:

- Publication of a public notice in a newspaper circulating in the scheme area (the North West Telegraph).
- Display of a copy of the public notices section of the Town's website.
- Availability of copies of the amendment documentation for public inspection at the Town administration front desk and website.
- Letters posted to affected landowners.
- The amendment was advertised for public consultation from 1 February to 16 March 2023.

One (1) response was received from RFF Australia on behalf of the land owner Big Farm Five Pty. Ltd in relation to the Quartz Estate which abuts the residential area of Bosna Estate, Boodarie.

Details of the submission and response are included in **Attachment 3** - Schedule of Submissions

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

FINANCIAL AND RESOURCES IMPLICATIONS

Not applicable.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.d.1 The present and future facilities and requirements of the Town are planned for and developed in-line with relevant facility standards and community needs
- 2.b.3 Red tape for business is minimised through review and reform of relevant policies and by-laws
- 2.b.4 Business approval processes are transparent and pathways streamlined
- 3.b.1 The present and future needs for serviced land and infrastructure provision are identified, planned and developed
- 3.c.1 Urban and spatial planning is implemented to enhance human interaction with nature and industry

Environmental

The amended Local Planning Scheme will contribute to the protection and enhancement of the natural environment and improve access to natural habitats, parks and open space.

Economic

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

Social

The amended Local Planning Scheme will assist with the planning for and provision of future community facilities.

Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities

The amended Local Planning Scheme will assist with the planning for and provision of accessible community facilities.

RISK MANAGEMENT CONSIDERATIONS

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

The risk will be mitigated by progressing the Omnibus Amendment No. 1 and endorsing the Officer Recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This amendment addresses matters that were not identified when LPS 7 was first gazetted, including: minor text errors and omissions; updates to the zoning table in relation to the permissibility of certain land uses; updated references to legislation and structure plans and

minor modifications to the Scheme maps to reflect current land use and infrastructure requirements.

In light of the above, it is recommended that Council resolve to support Scheme Amendment No. 1 to LPS7 without modification and provide a copy of Omnibus Amendment 1 and relevant documents to the Western Australian Planning Commission for final approval by the Minister for Planning.

ATTACHMENTS

1. LPS 7 Omnibus Amendment No. 1 Report - Amended (under separate cover)
2. LPS 7 Omnibus Amendment Mapping (under separate cover)
3. Schedule of Submissions (under separate cover)

Cr Renae Coles declared an impartiality interest in relation to item 12.3.3 as acknowledgement at 20 years Care for Hedland for services as part of joint venture.

Deputy Mayor Tim Turner declared an impartiality interest in relation to item 12.3.3 as he is a volunteer for Care for Hedland.

12.3.3 REQUEST FOR FUNDING PARTNERSHIP - CARE FOR HEDLAND

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

CM202223/063 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council:

1. Delegates authority to the Chief Executive Officer to negotiate and enter into a 3 year partnership with Care for Hedland Environmental Association Inc. to assist the Town to implement and deliver its Environmental Sustainability Strategy 2022-2027, including agreed KPI's and;
2. Refer for consideration with the 2023/24 Annual budget an allocation of \$100,000 (ex GST) together with providing similar annual funding over the duration of the agreement.

CARRIED BY SIMPLE MAJORITY (7/1)

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

PURPOSE

The purpose of this report is for Council to consider the request of Care for Hedland Environmental Association Inc. to enter into a three-year partnership, to assist in the delivery of the outcomes and actions of the Environmental Sustainability Strategy 2022-2027.

DETAIL

Community consultation undertaken as part of the Town's Environmental Sustainability Strategy included a detailed response from Care for Hedland Environmental Association (CfH), together with a presentation to a Confidential Briefing Session held in late 2022 which explained their work within the community, current projects and desire to work with the Town to progress the Environmental Sustainability Strategy 2022-2027 (ESS). The Town has advertised for the position of Environmental Sustainability Officer, however to date, no suitable candidate has been identified and employed.

Care for Hedland has approached the Town and indicated that it can provide support to implement elements of the ESS, based on a 3-year partnership plan. The Town is already working with Care for Hedland to deliver recycling and environmental messaging to schools, together with turtle monitoring of breeding areas adjacent to the recently constructed sea walls. Care for Hedland have provided a proposal to assist the Town with delivering the ESS, given the current difficulties recruiting for this role.

Care for Hedland propose to undertake works including further kerbside recycling education programs, residential greening and sustainability initiatives (including engaging with well-known gardening and environmentalist organisations), trialling a pilot of residential FOGO bins, developing a “Sustainable Living Show Day” including indicative residential energy and water audits, and expansion of current worm farm and composting initiatives at a cost of \$100,000 per year for the duration of the partnership. To ensure that the Town receives value for money from the partnership, and broader environmental benefit, Key Performance Indicators will be applied to ensure delivery of outcomes which are linked to further years allocation of funding. A partnership agreement will need to be drafted to confirm roles, actions and expectations to provide clarity for both organisations, which is linked to this funding.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because this partnership will assist to deliver the outputs of the Environmental Sustainability Strategy 2022-27 endorsed by Council.

CONSULTATION

Internal

- Manager Environmental Services

External Agencies

- Care for Hedland Environmental Association Inc.

Community

- No public consultation is intended to be undertaken in relation to this item

LEGISLATION AND POLICY CONSIDERATIONS

The funding request sought by Care for Hedland exceeds that specified in Council Policy 2/017 “Grant Funding” therefore requires consideration and approval by Council.

FINANCIAL AND RESOURCES IMPLICATIONS

Funding for this proposal is currently unbudgeted but could be considered and included in the 2023/24 budget and future budgets, if endorsed by Council. Operational funding is not considered or included within the Long-Term Financial Plan. Once sustainability staff are employed by the Town, it is expected that they will lead the implementation of the ESS.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

3.a.2 Biodiversity is understood by the community and protected

3.a.3 Natural resource assets are well-managed and enhanced

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

3.c.3 Engagement with the community on urban renewal and greening initiatives is enhanced

Environmental

Entering into a partnership with Care for Hedland will support the implementation of actions contained within the ESS, to deliver a broader environmental benefit to the Town.

Corporate Business Plan

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

RISK MANAGEMENT CONSIDERATIONS

There is a reputational risk associated with this item because if the Town is unable to implement and action outcomes of the ESS, either through lack of staff resources or lack of community involvement, there will be substantial embarrassment and public resentment. 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 minimised 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

Care for Hedland has requested funding to assist the Town to implement and manage the Environmental Sustainability Strategy, enabling the delivery of outcomes contained within the Strategy. Given their history within the Town, Care for Hedland are uniquely positioned to assist the Town.

ATTACHMENTS

1. Care for Hedland request (under separate cover)
2. Partnership Proposal from Care for Hedland for ToPH (under separate cover)

Deputy Mayor Tim Turner declared a financial interest in relation to item 12.3.4 as his project is fully funded by BHP, and left the room at 7:02pm

Cr Ash Christensen declared a financial interest in relation to item 12.3.4 as he is an employee and stockholder at BHP, and left the room at 7:02pm.

Cr Flo Bennett declared a financial interest in relation to item 12.3.4 as she is an employee and shareholder at BHP, and left the room at 7:02pm.

Cr Renae Coles declared an impartiality interest in relation to item 12.3.4.

12.3.4 JOINT DEVELOPMENT ASSESSMENT PANEL - APPLICATION FOR DEVELOPMENT APPROVAL FOR TRANSIENT WORKFORCE ACCOMMODATION (PROPOSED ADDITIONS TO PORT HAVEN) - LOT 9008 GREAT NORTHERN HIGHWAY, PORT HEDLAND
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Author: Planner

Authorising Officer: Director Regulatory Services

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

CM202223/064 COUNCIL DECISION

MOVED: CR GILLINGHAM

SECONDED: CR COLES

That Council recommends the Regional Joint Development Assessment Panel approves Development Application (Reference No. DAP/23/02468) and accompanying plans in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions and advice notes:

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland and/or the Joint Development Assessment Panel (as applicable). This approval does not relate to any other development on this lot.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
3. This approval is for 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may require further development approval in accordance with the Town's Local

Planning Scheme No. 7 and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. The approved development is valid for a period of ten (10) years from the date of this approval. All development must be removed from the land by no later than 30 July 2033 in accordance with the Site Rehabilitation Plan required under Condition 17 of this approval.
5. Prior to occupying the development, the developer shall construct the full length of a shared path connection to the nearest shared path link (intersection of Great Northern Highway and Wallwork Rd/Wilson St), as identified under the Pilbara 2050 Cycling Strategy, for an alternative means of transport to and from the site.

At the time of lodging an application for a building permit, the developer shall lodge plans for the shared path, in accordance with the Town's specifications, for approval.

Alternatively, the developer shall make a cash contribution to the Town for the full cost of the shared path construction (estimated in May 2023 at \$980,875 or equivalent), to be spent only on the shared path infrastructure. The contribution shall be paid in full (lump sum) or other alternative arrangements as agreed with the Town of Port Hedland.

6. The approved Waste Management Plan, prepared by Talis Consultants dated 9 March 2023 must be fully implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
 7. The approved Acoustic Assessment, prepared by Herring Storer Acoustics dated 9 March 2023 must be fully implemented where applicable, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
 8. Prior to lodging an application for a building permit, the developer must prepare a Traffic Impact Assessment (TIA) in accordance with the Western Australian Planning Commission's Transport Impact Assessment Volume 4 Part C guidelines. The TIA to be submitted to the Town for approval.
 9. Prior to lodging an application for a building permit, a detailed on-site car parking plan shall be submitted to the Town for approval. The car parking plan must indicate:
 - All car parking bays and manoeuvring areas designed to a 'User Class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004, which is 2.7x5.4m;
-

- Cross-sectional details of surface treatments;
- Swept path analysis for heavy vehicle parking; and
- Lighting of the parking areas.

10. All car parking and manoeuvring areas shall be sealed, kerbed, drained, line marked, provided with lighting, prior to the development being occupied and thereafter maintained to the satisfaction of the Town of Port Hedland.

11. The developer shall provide public art within the development to a minimum value of 1% (capped at \$150,000) of the estimated total development construction cost, in accordance with the Town of Port Hedland Local Planning Policy - 04 'Percent for Public Art'. Alternatively, a cash-in-lieu payment of this amount shall be made to the Town of Port Hedland, prior to the occupation or use of the development.

To comply with the Policy, the developer or applicant on behalf of the developer shall, submit a statutory declaration within 60 days of the date of approval stipulating the choice of:

- a) Option 1: Applicant/developer chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
- b) Option 2: Applicant/developer chooses to pay cash-in-lieu to the Town of Port Hedland.

12. Prior to lodging an application for a building permit, the developer shall lodge a revised Stormwater Management Plan (SMP) to the Town of Port Hedland, for approval. The SMP shall include, but is not limited to, the following information:

- a) Reflect the approved development;
- b) Ensure no excess stormwater is discharged onto neighbouring private property;
- c) Proposed grading of the site with contours;
- d) Proposed Finished Ground Levels (FGL) and Finished Floor Levels (FFL);
- e) Locations of stormwater infrastructure;
- f) Locations and details of excess water discharge methods to the Town's drainage system;
- g) Details of proposed roof direction;
- h) Demonstrate detention and retention on the property for a 6-minute rainfall event - calculations to be shown using the 'Rational Method'.

The plan must be designed to the specification of the Town. The approved stormwater management plan shall be implemented in full, prior to the occupation or use of the site and shall be maintained thereafter to the satisfaction of the Town.

13. The use of cracker dust is not permitted given its ability to erode during rainfall events, which can compromise on-site drainage systems and the public drainage network. It can also become wind-borne and cause dust nuisance issues.

14. Prior to the commencement of works, a Construction Environmental Management Plan is to be submitted to and approved by the Town of Port Hedland and thereafter be implemented throughout the construction phase of the development. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:

- a) Contact details of essential site personnel, construction period and operating hours;
- b) Community information, consultation and complaints management plan;
- c) Public safety, security and amenity;
- d) Traffic and parking management for the contractors and staff;
- e) Noise and dust management plan;
- f) Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and
- g) Stormwater and sediment control;
- h) The delivery of materials and equipment to the site;
- i) The storage of materials and equipment on the site;
- j) Impact on traffic movement;
- k) Other matters likely to impact the surrounding properties.

15. Prior to lodging an application for building permit a revised landscaping plan for the subject site, must be submitted to and approved by the Town of Port Hedland, and include the following:

- The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
- Planting species to be consistent with the [Town of Port Hedland Preferred Planting Guide](#) and [Local Planning Policy 10 – Highway Precinct Design Guidelines](#)
- Vegetate and maintain the full extent of the 10 metre wide landscape setback to the front section of the lot, to the satisfaction of the Town of Port Hedland as follows:
 - Trees at: 3 per 10m²;
 - Feature shrubs at 1 per 1m²; and/or Feature groundcovers and grasses at 1 per 1m²;
 - Mulch to be either woodchips or river shingle, to a minimum size of 20mm, spread at a minimum depth of 100mm;
 - All areas to be reticulated;
 - Garden bed edging to be kerbed;
- Shade trees for parking areas at a ratio of 1 per 4 car bays, evenly throughout the parking areas;
- any existing landscape areas to be retained;
- verge treatments;
- Any lawns to be established;
- Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties;
- Details of fencing to be included.

The approved landscaping plan must be implemented in full prior to the occupation or use of the site and must be maintained thereafter to the satisfaction of the Town.

16. Prior to the use or occupation of the development, all transportable buildings onsite must meet the requirements of the Town of Port Hedland's Local Planning Policy 03 Shipping/Sea Containers and Transportable Buildings. The transportable buildings must remain in a clean, neat condition to the satisfaction of the Town of Port Hedland for the duration of the development.

17. Prior to the commencement of works, the developer must submit a Cyclone Management Plan (CMP) for approval by the Town, and thereafter maintained, to the satisfaction of the Town of Port Hedland. The CMP shall include, but not be limited to, the following matters:

- a) Identify the buildings which are proposed for emergency cyclone sheltering purposes and their importance level;
- b) The actions to be taken at each cyclone alert level; and
- c) Alternative measures to ensure the safe relocation of residents to appropriate facilities in the event of a cyclone.

18. By no later than 3 months from the date of the approval, the developer to submit a Site Rehabilitation Plan (SRP) for approval by the Town of Port Hedland for the rehabilitation of the subject site, following the end of the approval period and ceasing of the land use. The SRP must include, but is not limited to, the following information:

- (a) Removal of all infrastructure, including underground services and hardstand areas;
- (b) Details of site preparation;
- (c) Recontouring and revegetation of the land, including the list of species and breakdown rates, topsoil and dieback management;
- (d) Weed management and ongoing maintenance;
- (e) Dust management plan, if required;
- (f) Erosion and sediment control; and
- (g) Details of the rehabilitation program including staging and responsibilities.

The Site Rehabilitation Plan must be implemented to the satisfaction of the Town of Port Hedland.

19. Within six months of the commencement of operation of the development, an amended Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland. This Social Impact Assessment and Social Impact Management Plan shall:

- (a) Include an adequate level of community consultation in the development of the SIMP, and be undertaken with, but not limited to, local resident groups and businesses and local stakeholder groups, including local Aboriginal

corporations, to be undertaken prior to the occupation or use of the development;

(b) Additional management strategies as identified by the SIA and the abovementioned community consultation outcomes, including the facilitation of initiatives to connect the workforce accommodation residents and the permanent residential population, community infrastructure and facilities;

(c) Include timeframes for agreed KPIs as identified by the SIMP to be actioned;

(d) Provide details on annual monitoring and reporting on the effectiveness of the SIMP to be submitted by the proponent to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPIs) that are a direct result of the approved development operations; and

(e) While the Town reserves the right to make this request for amendment of the SIMP at any time, this will principally apply during the process of the annual review.

Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2024 and be reported on 1 July each year thereafter, for the duration of the approval.

20. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Element dated 10 March 2023 and approved by the Town of Port Hedland for the duration of the development.

21. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the title of the land and/or lease (as appropriate), at the full cost of the applicant/owner by, prior to the use or occupancy. This shall alert to the people to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows: "This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to develop on this land."

22. Prior to the commencement of any works, it is the responsibility of the developer to resolve the underlying land tenure matters with the Port Hedland International Airport for the waste treatment plant and its irrigation field to the east of Port Haven, to the satisfaction of the Town of Port Hedland.

Advice Notes

- a. This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.

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- b. The development requires a Building Permit Application for any structural works including, including but not limited to fencing, retaining walls, signage, bin stores light posts, temporary gym and other temporary structures. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for building permit being submitted.
 - c. The development will require a Demolition Permit Application for the proposed removal of the structures and buildings. The applicant and developer should liaise with the Town's Planning and Development Services in this regard.
 - d. With reference to Condition 3, the definition of 'Workforce Accommodation' under the Local Planning Scheme No. 7 is:
 - a) premises, which may include modular or relocatable buildings, used –*
 - b) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
 - c) For any other associated catering, sporting and recreation facilities for the occupants and authorised visitors.*
 - e. With reference to Condition 6, the Waste Management Plan must comply with the Town of Port Hedland Waste Local Law 2020 at all times for the duration of the development.
 - f. The development must comply with *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* at all times for the duration of the development.
 - g. 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 developer should liaise with the Town's Planning and Development Services in this regard.
 - h. The approved development must comply with the *Health (Public Building) Regulations 1992* at all times for the duration of the development.
 - i. The approved accommodation buildings must comply with the relevant provisions of the *Health Act 1911* and the Town of Port Hedland Health Local Law 2016 at all times for the duration of the development.
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- j. All lodging houses are required to be registered under the *Health (Miscellaneous Provisions) Act 1911* and operate in accordance with that Act and the Town of Port Hedland Health Local Law 2016.
- k. The approved development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times for the duration of the development.
- l. It is a requirement under the *Food Act 2008* that all food premises be registered prior to the commencement of operations. The following is relevant:
 - The construction and use of the proposed premises is required to comply with the *Food Regulations 2009*, the Food Safety Standards and the Town of Port Hedland Health Local Law 2016;
 - A fit-out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of the Town of Port Hedland;
 - The food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
- m. If an applicant or owner is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14.

CARRIED BY SIMPLE MAJORITY (5/0)

PURPOSE

The purpose of this report is for Council to consider a recommendation to the Regional Joint Development Assessment Panel (Regional JDAP) for the construction and operation of a proposed Workforce Accommodation (TWA) expansion at Lot 9008 Great Northern Highway (GNH), Port Hedland (subject site). The Town of Port Hedland is required to make a recommendation to the Regional JDAP by noon Wednesday 26 June 2023, otherwise, the application will be reviewed in the absence of any comments or conditions from the Town.

DETAIL

The subject site is north facing to GNH, Port Hedland International Airport (PHIA) to the west, Finucane Railway to the south, and Port Hedland Newman Railway to the east. As part of the Development Application, the following technical and supporting documentation has been submitted:

1. Planning Report (Resolve Group, 2023)
2. Development Plans (Tetra Tech Proteus, 2023)
3. Landscape Design (Outback Trees, 2023)
4. Traffic Impact Assessment (Urbii, 2023)
5. Waste Management Plan (Talis, 2023)
6. Acoustic Assessments (Herring Storer Acoustics, 2023)
7. Bushfire Management Plan (Element, 2023)

8. Certificate of Title
9. Social Impact Assessment (Creating Communities, 2023)
10. Wastewater Treatment Plant investigation (Tetra Tech Proteus, 2023)
11. Revised Development Plans (Tetra Tech Proteus, 2023)
12. Revised Landscape Design (Outback Trees, 2023)
13. Submission from Applicant (Resolve Group, 2023)
14. Submission from the Developer (BHP, 2023)

Summary of the Proposal

The proposed development is seeking approval for the proposed expansion of BHP Port Haven Village at the subject site (refer to Attachment 1) to be used for the purpose of a 'Workforce Accommodation' for the existing and future BHP workforce. The subject site presently operates as a workforce accommodation with 1,202 rooms as approved under the previous development approval (Application ref: 2009/65) under Town Planning Scheme No. 5. The proposal under this application is for the expansion of the existing Port Haven Village workforce accommodation facility to cater for the existing and future BHP workforce. The proposal includes:

- Retention of some existing amenities including the central facilities, swimming pool, and recreation areas;
- Retention of the existing accommodation units with 1,202 rooms;
- The addition of 324 accommodation rooms at the 'east end' of the village, this includes 4 x Universal Access (UA) rooms;
- The addition of 128 accommodation rooms at the 'west end' of the village;
- New recreation centre;
- New laundry building and bulk freezer;
- New café; and,
- Construction of additional car parking at the north-west corner of the site, to offset the removal of parking for construction of rooms at the east end of the village. This results in a net addition of 137 parking spaces for light vehicles.
- Landscaping and other ancillary works;

Local Planning Framework

The subject site is within Special Use Zone 1 – Port Hedland International Airport (SU1) under the Town of Port Hedland Local Planning Scheme No. 7 (LPS7). As per LPS7, Clause 16 Zones, objectives for a 'Special Use' zone are as follows:

- *To facilitate special categories of land uses which do not sit comfortably within any other zone.*
- *To enable the local government to impose specific conditions associated with the special use.*

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

means premises, which may include modular or relocatable buildings, used –

- a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
- b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors;*

In accordance with LPS7, Clause 21, Special use zones, 'Workforce Accommodation' is an ('A') use within SU1, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the Deemed Provisions under the *Planning and Development (Local Planning*

Schemes) Regulations 2015. In this instance, the Town is providing a recommendation for the Regional JDAP who are the decision maker for this application. The application was advertised for a period of 14 days, between 21 April 2023 and 05 May 2023.

The development is also considered to meet the objectives of the Town's *Local Planning Strategy*, which outlines that the PHIA Master Plan acknowledges that the PHIA is subject to a 50-year lease with the Town and the Town will continue to retain its statutory role in assessing development applications pursuant to its local planning scheme, other relevant legislations, policies and statements.

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

The proposal does not include any signage, however, any signage is subject to Local Planning Policy 2 - Advertising Signs. A suitable advice note has been included in the Officer Recommendation section. Any signage associated with the development could be addressed under a separate planning application.

Local Planning Policy 03 – Shipping/sea containers and transportable buildings (LPP/03)

The proposal is subject to assessment under LPP/03, as it comprises transportable buildings. This policy defines acceptable design standards for transportable buildings. In assessing the proposal against this policy, it is noted that the rooms proposed on the east end must have suitable design treatments in place since they will be visible from GNH.

It is recommended to have at least a 10m landscape buffer including extra semi-advanced trees in this area. By doing this, the developer can achieve compliance with Town's Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP/10). Adopting this recommendation will also aid in enhancing the GNH Visual protection corridor as per the Town's Local Planning Strategy.

A condition has been included in the Officer Recommendation for a revised landscape design/ plans to be submitted to the Town.

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

The proposal is subject to assessment under LPP/04. In this instance, the Town considers that a cash-in-lieu contribution would be a suitable outcome for this application for the following reasons:

- Port Haven Village is not accessible to the Public;
- The Town has the ability to work with a variety of artists, including promoting local and/or Indigenous art;
- The artwork would be located within a public place in which a wider population can access and enjoy; and
- The money used will contribute to an artwork that can celebrate the Hedland environment, industry and lifestyle, and promote awareness of the value of public art in the community.

A condition has been included in the Officer Recommendation for the applicant to either provide the art onsite themselves or \$150,000 for a public art contribution, in accordance with Clause 4.4 of LPP/04. This contribution will be for the specific purpose of providing a piece of public art within the Town boundaries, or the art should be installed in a "publicly visible" location within the site.

Local Planning Policy 05 – Workforce Accommodation (LPP/05)

The proposal is subject to assessment under LPP/03, as the proposal is for Workforce Accommodation (expansion). In accordance with Clause 5.1 Demand Driven, the Town requested more information be provided to justify the requirement for the proposed Port Haven expansion and in response BHP submitted a letter to be considered as a submission to support the application (Refer to Attachment 13).

The Town's assessment below against Table 1 of LPP5,

Design Element		Acceptable Development Provisions		Town's assessment
1	Siting the Development	(a)	Street setbacks should be consistent with the surrounding streetscape or applicable Design Guidelines.	Meets the requirement
2	Designing the Building	(a)	Where development includes 'transportable buildings' as defined by <i>Local Planning Policy 03 - Shipping, Sea Containers and Transportable Buildings</i> (LPP/03), they shall incorporate all building design elements as per LPP/03.	To meet the requirements, the above recommendation highlighted within the LPP/03 section must be in place.
3	Fencing	(a)	No barbed wire or razor fencing is permitted.	Details to be provided
		(b)	Front fencing includes visually permeable materials above 1.2m, and the height of solid walls or fences to the street does not exceed 1.2m.	It is noted in this case, <i>black chain link or steel mesh fencing, garrison or palisade fencing with a maximum height of 2.4m</i> can be allowed in accordance with the Town's Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP/10). However, details are to be provided.
4	Landscaping	(a)	Landscaping zones shall be established and maintained along street frontages to screen the development.	<ul style="list-style-type: none"> • Landscape plan/ design must be updated to integrate a site-wide master plan as advised by the Design Review Plan along with the other recommendations. • Also, in accordance with LPP10, the landscape design requires amendments to include a 10m landscape area all along (adjacent to GNH).
5	Movement network	(a)	Proposals shall be accompanied by a Traffic Impact Statement (TIS) or Traffic Impact Assessment (TIA) in accordance with the <i>Transport Impact Assessment Guidelines</i> by the Department of Planning, Lands and Heritage.	A Traffic Impact Statement prepared by Urbii was submitted and will require modifications. To meet this requirement a suitable Condition has been included in the Officer Recommendation section.
		(b)	Shall connect to a footpath network if there is one in the area.	To meet this requirement a suitable Condition has been included in the Officer Recommendation section.

Design Element		Acceptable Development Provisions	Town's assessment
		(c) All road infrastructure shall be informed by the recommendations of the TIS or TIA, to the satisfaction of the Town.	Meets the requirement
6	Storage, waste and collection	(a) Shall be fully screened from view from all public areas and set back to mitigate any observation or odours.	Meets the requirement as per the Waste Management Plan (WMP) prepared by Talis consultants.
7	Signage	(a) As per Local Planning Policy 02 - Advertising signs (LPP/2).	Not provided. To comply with LPP2 if any signages are proposed. May require a separate application.
8	Drainage	(a) Proposals shall be accompanied by a detailed stormwater management plan in accordance with the Town's <i>Stormwater Drainage Design Guidelines</i> , and should ensure: <ul style="list-style-type: none"> ▪ A minimum of a 1:5 ARI event is contained on-site; ▪ No standing water in excess of 72 hours to prevent mosquito breeding; ▪ Sediment traps are included to prevent sediment entering the Town's reserves and drainage infrastructure; and ▪ Erosion control measures are incorporated to prevent the erosion of embankments, swales and other areas that are unsealed. 	Stormwater Management Plan to be provided in compliance with Town's Local Planning Policy 11 – Stormwater Management (LPP/11). To meet this requirement a suitable Condition has been included in the Officer Recommendation section.
		(b) All habitable floor areas to have a minimum vertical freeboard of 300mm above the 1% AEP.	To be detailed in the Stormwater Management Plan
9	Cyclone safety	(a) Provide a building or buildings that are designed for emergency cyclone sheltering purposes for all occupants the site is designed to accommodate. Such buildings shall be designed and constructed to a Building Code of Australia importance level four (4), unless otherwise agreed by the Town's emergency services.	To be considered during the Building Permit Stage.

The above-detailed assessment and concerns were raised with the applicant/ developer and a detailed response on these matters was received from the applicant and developer on 17 May 2023 by the Town (Refer to Attachments 12 and 13).

Local Planning Policy 06 – Social Impact Assessment (LPP/06)

The proposal is subject to assessment under LPP/06, as the proposal is for a Workforce Accommodation (expansion). As per Clause 4.2 of this policy a Social Impact Assessment (SIA) and a Social Impact Management Plan (SIMP) are to be submitted with the application. The intent of the SIA and SIMP is to provide a structured approach to planning for and offsetting demand on the limited infrastructure and services on-site by considering the integration of the facilities residents with community social infrastructure. As part of this development application, the applicant submitted a Social Impact Assessment for the workforce accommodation facility on 17 May 2023 (Refer to Attachment 9). A suitable Condition has been included in the Officer Recommendation to ensure management measures are implemented.

Local Planning Policy 08 – Port Hedland International Airport (LPP/08)

The proposal is subject to assessment under LPP/08, as the proposal is within the Special Use SU1 Zone (Port Hedland International Airport). The application was referred to PHIA for general comments and to check compliance with LPP/08 as part of the external referral process. The Town received an Objection from PHIA regarding underlying land tenure issues for the waste treatment plant and its irrigation field to the east of Port Haven. The Town has advised the developer/applicant to resolve underlying matters with PHIA and keep the Town informed to which the developer has agreed.

Also, PHIA raised concerns towards environmental impact due to the increase in sewerage/wastewater created by the expansion of the Port Haven facility. To address the concerns the applicant/developer has conducted a Wastewater Treatment Plant Investigation and submitted the report dated 28 April 2023 to the Town (Refer to Attachment 10).

Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP/10)

The proposal is subject to assessment under LPP/03, as the proposal is within the Highway Precinct as recognised under the policy and provides several design principles that are to be considered for development in this precinct. The proposed expansion is generally consistent with the policy, however, some design treatments are required (landscaping and parking areas) for compliance. To meet the requirements suitable Condition/s have been included in the Officer Recommendation section.

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

The development application is subject to assessment under LPP/11 which assists developers, engineers, landowners and the government in integrating suitable design measures into their own stormwater systems. The correct design and construction of appropriate systems will assist with reducing the damaging effects of heavy rainfall events on private and public property and the public drainage network. As part of this development application, the applicant submitted a Stormwater Management Plan on 17 May 2023 for the proposed expansion (Refer to Attachment 11). A suitable Condition has been included in the Officer Recommendation section requesting a revised stormwater management plan.

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

On 28 July 2021, Council adopted Local Planning Policy 14 Design Review Panel (LPP/14). Subsequently, the Town appointed a Design Review Panel (DRP) to provide independent expert and technical advice to applicants, Town Officers and the Council in relation to the design of the development and other relevant matters. The proposal met the criteria to be presented to the DRP and was presented for comments on the overall design of the development. The proposal was referred to the Town's DRP on 01st May 2023, after the lodgement of the application for development approval.

The following is a synopsis of the DRP members on the proposed expansion of Port Haven:

- *The DRP notes that there has been a significant amount of discussion around FIFO working and its impact on mental health. The DRP is very aware that the quality of the built environment is a significant contributor to mental well-being and is of the view that the mining industry should be a world leader, not just in mining as it currently is, but in the welfare of its people. For this reason, the DRP has placed considerable emphasis on how the design of the proposed workforce accommodation could be improved to create, with relative ease, a higher standard of amenity.*
- *In this respect, the DRP is of the view that the way this form of accommodation was provided in the past is unsatisfactory and simply rolling out more of it as an extension of what is already on site is not an appropriate design approach in 2023 – nearly a quarter of the way through the 21st century.*
- *One of the most compelling ways of improving amenity is through landscape, the design of which is largely missing but if integrated early in the design process can be very effective in creating more appealing places.*
- *The other key area for design improvement is sustainability, which in 2023 should be a given.*
- *The DRP offers the comments in the spirit of assistance and looks forward to seeing the next iteration of the design in due course.*

The DRP comments on their assessments against the 10 Design Principles in accordance to the State Planning Policy 7.0 – Design of the Built Environment (SPP7.0) are summarised below and provided in Attachment 14.

Design Review Panel Assessment		
Supported		
Pending Further Attention		
Not Supported		
Design Principle	Assessment	Summary of DRP Comments
1 – Context and Character		<i>Review how the design could be 'updated' to reflect current expectations for workforce accommodation and establish a new benchmark in that area. This should include a greater focus on climate response, landscape, sustainability and creating places that promote physical and mental wellbeing. The approach for proposal is 'old school' and whilst it may have been acceptable 12 years ago, the design must consider creating a healthy and sustainable environment.</i>
2 – Landscape Quality		<i>Review the landscape design including species, diversity, and density and integrate a new site-wide landscape masterplan. The design shall include hard surfaces in the integrate landscape with the pedestrian movement network. Also, review the use and sustainability of the stone mulch.</i>
3 – Built Form and Scale		<i>Review the pedestrian movement network across the site and how pedestrians are shaded and sheltered by either buildings or landscape.</i>

4 – Functionality and Build Quality		For balancing functional requirements review pedestrian routes and provision of shades, stormwater management and its integration with landscaping. Rather than making the units smaller recommend designing to their efficiency.
5 – Sustainability		<i>Prepare a sustainability strategy with a focus on operational energy efficiency and embodied energy. Consider EV charging provision.</i>
6 – Amenity		<ol style="list-style-type: none"> 1. Review all aspects of the design, but especially the accommodation units, through the lens of physical and mental wellbeing. 2. Identify opportunities for external spaces for people to sit individually or in small groups. 3. Review opening sizes and outlook, and balance with the need for solar protection.
7 – Legibility		<ol style="list-style-type: none"> 1. Review the design to clarify the pedestrian movement network and establish a hierarchy of routes and spaces. 2. Review how colours, materials and landscape can be used to provide identity to new precincts and the main pedestrian routes.
8 – Safety		<ol style="list-style-type: none"> 1. Review all aspects of the design, but especially the accommodation units, through the lens of physical and mental wellbeing. 2. Provide separate and safe pedestrian/bike/e-scooter connectivity into the site and along the adjacent street. 3. Prepare a lighting strategy.
9 – Community		<i>Demonstrate engagement with the local Indigenous community and explore ways in which they can inform a better design and operational outcome (noting that a social impact analysis is normally required). Also, public art components, and engagement with local Aboriginal groups, to strengthen the connection to the country could be considered.</i>
10 – Aesthetics		<ol style="list-style-type: none"> 1. Expand the use of verandas, louvered screens and other solar control elements to develop a character beyond the utilitarian. 2. Explore a more inventive and pervasive use of colour and materials that provide visual interest and a sense of place. 3. Consider fencing, signage and landscape as important contributors to the aesthetic qualities of development.

Further to above, the applicant/developer provided a detailed response on 17 May 2023 (Refer to Attachments 12 and 13) to the DRP comments and Town's concerns and has addressed some matters in their revised plans (Refer to Attachment 11) and updated development application package received by the Town on 17 May 2023. However, to address concerns raised by DRP around the design, the updated plans, the landscape design, and the additional supporting documents of the application will be referred to DRP in the month of June 2023, after the Council meeting on 31 May 2023 to obtain specialist and technical advice on the updated design aspects of the proposal.

Car Parking and Access

The LPS7 prescribes the minimum required car parking bays for each land use, for 'Workforce Accommodation', as per Schedule 1 – Car Parking Standards, the requirement is as

determined by the local government. However, the development proposes the following parking arrangements:

- Construction of car parking arrangement on the northwest corner of the site to compensate for the removal of the parking for the construction of the 324 rooms on the east end of the site.
- The proposed construction will result in a net addition of 137 parking spaces for light vehicles.

The applicant provided a Traffic Impact Statement (refer to Attachment 5), prepared by Urbii dated 09 March 2023, as part of the development application. The vehicle access is proposed via one existing intersection on GNH. Conditions have been included in the Officer Recommendation for a revised Traffic Impact Statement and a detailed car parking plan to be submitted to the Town

Waste Management

The applicant provided a Waste Management Plan (refer to Attachment 6), prepared by Talis Consultants dated 09 March 2023, as part of the development application. The key issues addressed in the waste management plan include the calculation of the waste generation of the site, assessment of waste storage provisions and documentation of the waste collection arrangements. Condition has been included in the Officer Recommendation section.

Construction Environmental Management Plan (CEMP)

There is potential for the construction phase of the development to have detrimental impacts on the surrounding environment, and the amenity of occupants and visitors to the existing surrounding land uses. This can be mitigated through the preparation and implementation of a CEMP. A Condition has been included in the Officer Recommendation section requiring a CEMP to be submitted to and approved by the Town prior to any construction beginning on-site.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because the proposal is an addition of 452 rooms to an existing Workforce Accommodation with 1,202 rooms which is an increase in the overall capacity of the site by 37.6%. The proposed expansion is generally consistent with the Town's planning framework and requires some design treatments to be implemented and approved by the Town prior to the construction or building stage.

CONSULTATION

Internal

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

External Agencies

- Port Hedland International Airport
- Main RoadsWA

Two (2) submissions were received following the external agency consultations. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline and officer recommendations of this have been included in Attachment 15 of this report.

Community

Pursuant to Clause 64 of Schedule 2 of the Deemed Provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal has been advertised for a period of 14 days, between 21 April 2023 and 05 May 2023 on the Town's webpage. The Town did not receive any submissions from the community on this application.

LEGISLATION AND POLICY CONSIDERATIONS

- *Planning and Development Act 2005*;
- *Planning and Development (Development Assessment Panels) Regulations 2011*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Town of Port Hedland Local Planning Strategy;
- Town of Port Hedland Local Planning Scheme No. 5;
- Town of Port Hedland Local Planning Scheme No. 7;
- State Planning Policy 3.6 Infrastructure Contributions;
- State Planning Policy 3.7 Planning in Bushfire Prone Areas;
- State Planning Policy 5.4 Road and Rail Noise;
- State Planning Policy 7.0 Design of the Built Environment;
- Position Statement – Workforce Accommodation
- Local Planning Policy 02 Advertising Signs;
- Local Planning Policy 03 Shipping/sea containers and Transportable Buildings;
- Local Planning Policy 04 Percent for Public Art;
- Local Planning Policy 05 Workforce Accommodation;
- Local Planning Policy 06 Social Impact Assessment;
- Local Planning Policy 08 Port Hedland International Airport;
- Local Planning Policy 10 Highway Precinct Design Guidelines;
- Local Planning Policy 11 Stormwater Management;
- Local Planning Policy 14 Design Review Panel;

FINANCIAL AND RESOURCES IMPLICATIONS

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

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.2 An inclusive and involved community
- 1.3. A unique, vibrant and diverse community lifestyle
- 2.1 Effective advocacy and partnerships
- 2.3 An enabling, attractive business environment

RISK MANAGEMENT CONSIDERATIONS

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

There is a reputational risk associated with this item because the JDAP will assess this application and make a determination without consideration of the Town's position or conditions if the Council does not provide a formal response. The risk rating is considered to be medium (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report has provided a detailed assessment of the proposed JDAP application for the proposed Workforce Accommodation expansion of Port Haven at Lot 9008 Great Northern Highway, Port Hedland. The proposed expansion will provide additional accommodation options for the existing and future BHP workforce within Hedland and Pilbara region at a key location within the Airport precinct.

Based on the assessment against LPS7 and the relevant planning framework, it is considered that the proposal, inclusive of all proposed conditions, is appropriate for the location and an approval recommendation be presented to the JDAP for determination.

ATTACHMENTS

1. Location Map (under separate cover)
2. Planning Report (under separate cover)
3. Development Plans (under separate cover)
4. Landscape Design (under separate cover)
5. Traffic Impact Assessment (under separate cover)
6. Waste Management Plan (under separate cover)
7. Acoustic Assessments (under separate cover)
8. Bushfire Management Plan (under separate cover)
9. Social Impact Assessment - 17 May 2023 (under separate cover)
10. Wastewater Treatment Investigation - 17 May 2023 (under separate cover)
11. Revised Development and Landscape Plans - 17 May 2023 (under separate cover)
12. Applicant Submission - 17 May 2023 (under separate cover)
13. BHP Supplementary Submission - 17 May 2023 (under separate cover)
14. DRP Report and Recommendations (under separate cover)
15. Schedule of Submissions (under separate cover)

Deputy Mayor Turner, Cr Christensen and Cr Bennett returned at 7:04pm

The CEO declares a financial interest in Item 12.4.1 for himself, the Director Community Services, and the Director Infrastructure, as it relates to properties which are provided under their contract of employment with the Town.

12.4 Infrastructure Services

12.4.1 AWARD OF TENDER RFT2223-04 - DESIGN, SUPPLY AND INSTALLATION OF ROOFTOP SOLAR PHOTOVOLTAIC SYSTEMS

Author: Senior Project Officer

Authorising Officer: Director Infrastructure Services

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

CM202223/065 COUNCIL DECISION

MOVED: CR COLES

SECONDED: CR ZIELKE

That Council:

1. Authorises the Chief Executive Officer to enter into a Contract for the award of RFT2223-04 Design, Supply and Installation of Rooftop Solar Photovoltaic Systems to GenOffGrid Pilbara Pty Ltd for the total amount of \$2,016,951.58 (ex GST), subject to the Town's successful application to Horizon Power for Solar Hosting Capacity; and
2. Approve the allocation of \$2,016,951.58 (ex GST) in the 2023/24 Annual Budget.

CARRIED BY ABSOLUTE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to consider the assessment of submissions received for RFT2223-04 Design, Supply and Installation of Rooftop Solar Photovoltaic Systems and consider the evaluation panel's recommendation to award the tender to the preferred tenderer, subject to the Town's successful application for Horizon Power's Hosting Capacity.

DETAIL

Background

The Solar Installation Strategy for Town Facilities and Housing was adopted unanimously by Council in July 2021. The strategy endorses the installation of solar power in any newly built or refurbished Town facility and housing that has a minimum operation life expectancy of seven years. This is aimed at leveraging the favourable environmental conditions of Port Hedland and reducing ongoing costs for Town-owned facilities and properties. Council's decision was as follows:

*CM202122/001 COUNCIL DECISION**That Council:*

- 1. Proceeds with the installation of solar for any new or newly refurbished facility and housing that has a remaining operational life expectancy of greater than 7 years;*
- 2. Continues with discussions with Horizon Power and other third parties regarding the development of a solar farm;*
- 3. Develop a Sustainability Strategy to guide the Town's sustainability activities; and*
- 4. As new projects come on stream that solar components of Town project costs be identified in reports to Councillors.*

CARRIED BY SIMPLE MAJORITY (9/0)

In Favour: Mayor Carter, Deputy Mayor Coles, Cr Bartho, Cr Gillingham, Cr Kew Ming, Cr McDonogh, Cr Turner, Cr Unkovich, Cr Zielke

Against: Nil

To investigate the feasibility of supply energy wholly or partially to the new and upgraded sites, the Town engaged HFM Consultants. Based on their report, the next phase for the Town is to award the design, supply and installation of the solar power infrastructure.

The solar project is an integral component of the Town's comprehensive sustainability initiative. The Town has undertaken various measures to mitigate its carbon emissions to date, including the deployment of recycling bins, installation of solar hot water systems on several municipal properties, and the design of new infrastructure that allows for solar panels to be mounted on rooftops, such as the new shade structures at the JD Hardie and South Hedland Skate Park. Additionally, recycling bins have been stationed at key locations such as the Civic Centre, JD Hardie, and Depot Offices, while the construction of electric vehicle charging points is being considered as a means of futureproofing built infrastructure.

The construction of the solar power infrastructure aligns with the sustainability goals outlined in the Environmental Sustainability Strategy, as it can significantly reduce the carbon footprint of the Town's operations. The strategy emphasises the adoption of renewable energy sources, particularly solar power, to reduce the environmental impact of energy production and consumption.

Project Scope

The scope of this project is to design, supply, install and commission eleven (11) grid-connected, roof mounted solar PV systems at facilities and residential houses. These include:

1. JD Hardie Youth and Community Hub
2. Civic Centre Administration
3. South Hedland Skate Park
4. Gratwick Aquatic Facility
5. Depot Operations
6. Wanangkura Stadium and;

7. 5 x residential houses

The Contractor is also responsible for preparing and submitting an application to Horizon Power to connect to its network.

Once awarded, it is anticipated that the design will commence in June 2023, with construction complete by early 2024.

Horizon Power Hosting Capacity

The award of this contract is subject to the Town's successful application to Horizon Power for Solar Hosting Capacity.

Horizon Power has set a limit on how much solar the regions electrical grid can accommodate without disrupting supply to customers. This is called hosting capacity. Prior to the initiation of this project, there were 6 to 7 years of hosting capacity available, however this capacity limit has been reached due to a substantial increase in the adoption of large scall roof mounted solar installations on commercial facilities. The Town is currently liaising with Horizon Power to gain access to additional capacity and is optimistic of a favourable outcome.

Should Council delay the adoption of solar across its facilities it is likely the opportunity for increased grid capacity will not be available and the installation of mandatory power smoothing equipment will be required, such as batteries. The cost of power smoothing across these facilities will increase the overall project cost by 100% and double the duration for return of investment.

Request for Tender

The Town released a Request for Tender (RFT) on 15 March 2023 on Vendorpanel (the Town's e-tendering portal) and was advertised in the West Australian and the North West Telegraph with a closing date of 6 April 2023. The RFT number for this project is RFT2223-04.

There were 4 addenda released during the tender period relating to scope clarifications and extension of tender deadline.

Tender Assessment

The Town received 8 fully compliant submissions in response to the RFT. The respondents were as follows:

1. Australian Solar Designs
2. Cheeditha Energy
3. Cool Wind Services
4. GenOffGrid
5. Lite Force Pty Ltd
6. Mechanical Project Services
7. Resourceful Energy
8. West Australian Alternative Energy

An evaluation meeting was held on 21 April 2023, facilitated by the Town's Procurement representative. The compliant submissions were evaluated by a panel of four (4) Town employees whose main objectives were to:

- a) Make a recommendation to the Council.

- b) Ensure the tender submissions are assessed fairly in accordance with a predetermined weighting schedule;
- c) Ensure adherence to Local Government policies and legislation; and
- d) Ensure that the requirements specified in the Request are evaluated in a way that can be measured and documented.

The compliant submissions were assessed against the following qualitative criteria:

Qualitative Criteria	(%)
Relevant Experience & Key Personnel	25%
Capacity to Deliver & Resources	25%
Quality & Suitability	25%
Demonstrated Understanding & Methodology	25%

A summary of the assessment results of each submission received is included in the confidential evaluation report attached.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, as it does not meet any of the criteria listed in the policy that deems this a significant decision.

CONSULTATION

Internal

- Infrastructure Services
- Procurement
- Regulatory Services

External Agencies

- HFM Assets
- Horizon Power

Community

The RFT was publicly released via Vendorpanel (the Town's e-tendering portal) on 15 March 2023 and was also advertised in the West Australian and the North West Telegraph on 15 March 2023 with a closing date of 6 April 2023.

LEGISLATION AND POLICY CONSIDERATIONS

The following Town of Port Hedland policies have been considered in relation to the preparation of this item:

- 1/014 Execution of Documents
- 1/022 Risk Management
- 2/007 Procurement
- 2/019 Financial Reserves
- 4/009 Significant Decision Making
- 9/010 Asset Management

The following sections of the *Local Government Act 1995* have been considered/ apply in relation to this item:

- 3.57 Tenders for providing goods or services
- 5.42 Delegation of some powers and duties to CEO
- 5.44 CEO may delegate powers and duties to other employees
- 5.94 Public can inspect local government information
- 5.95 Limits on right to inspect local government information
- 6.8 Expenditure from municipal fund not included in annual budget
- 9.49A Execution of documents
- 9.49B Contract formalities
- 9.49 Documents, how authenticated

A vote by Absolute Majority is required to allow project expenditure to be incurred prior to the adoption of the 23/24 Annual Budget, as stated in S6.8(1)(b) of the *Local Government Act 1995*.

Further to the above, “Part 4, Division 2 – Tenders for providing goods or services” of the *Local Government (Functions and General) Regulations 1996* also applies in relation to this item.

FINANCIAL AND RESOURCES IMPLICATIONS

As part of the 22/23 Annual Budget, \$400,000 was allocated to this project. This was then amended at the 22/23 Interim Budget Review to \$45,000 with the unused budget of \$355,000 scheduled to be carried forward into 23/24.

Current costs and commitments this financial year are \$44,525, leaving \$475 remaining. It is anticipated that this will be sufficient to cover any forecasts costs for the remainder of this financial year, however allocation in the 23/24 Annual Budget will be required to cover future expenditure for the remainder of this contract. A full budget breakdown is noted in the attached Confidential Evaluation Report.

Funding for this project will be sourced from the Town’s Assets Management Reserve, the purpose of which is to fund ongoing maintenance refurbishment, renewal, replacement, and development of the Town’s infrastructure assets.

Depending on the option that Council resolves in awarding this contract, the following financial implications are noted:

Location	Capital Expenditure Cost	Approx. Annual Energy Cost (2021)	First year net financial benefit (approx.)	Return on Investment
JD Hardie Multi User Courts	454,684	305,294	138,027	3 years
South Hedland Skate Park (for South Hedland Aquatic Centre)	464,684	469,373	138,671	3 years
Depot Operations	166,546	86,656		4 years
Wanangkura Stadium	399,684	450,626	215,056	2 years
Civic Centre	292,719	162,110	94,493	4 years
Gratwick Aquatic Centre	27,466	42,976	7,587	5 years
5 x Residential Properties	61,233	21,000	10,000	6 years

(combined total)				
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The above approximate annual energy costs are based upon 2021 pricing. Since then, electricity has increased markedly and the JD Hardie and Depot Operations Centre have been significantly expanded, therefore energy costs are likely to be higher.

Although the project requires an increase in the capital budget to fund the construction and installation of solar panels in the facilities mentioned above, it is expected to result in a decrease in future years operational budgets. While some operational budget will still be necessary for the maintenance of the solar panels, the costs are anticipated to be significantly lower. It is proposed that future operational budgets will remain at the same level, with approximately \$500,000 able to be returned to the Asset Management Reserve annually over the next 5 years to repay the capital cost.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

The Town's Strategic Community Plan 2022-2032 (SCP) outlines several strategic responses that relate to the installation of solar panels on buildings. These strategies demonstrate the Town's commitment to promoting environmental sustainability and reducing its carbon footprint. These strategic responses reiterate that the Town is taking proactive steps towards a more sustainable future, with the installation of solar panels on buildings playing a crucial role in achieving this goal.

More specifically, the following sections of the SCP are applicable in the consideration of this item:

- 1.d.3 Facilities and community infrastructure are well maintained, managed and fit for purpose to provide a range of lifestyle opportunities
- 2.c.3 Local procurement is prioritised and promoted across industry and agencies
- 3.a.3 Natural resource assets are well-managed and enhanced
- 3.b.3 Sustainable energy, waste and water management practices are provided and promoted
- 3.b.4 Innovation and resilience of the built form are encouraged, assessed and implemented
- 4.b.1 Sound long-term financial planning is implemented
- 4.c.4 Efficiency strategies across the Town's infrastructure and amenity assets are implemented

Sustainability Strategy

The following sections of the Town's Sustainability Strategy are applicable in relation to this item:

Objective 1: Reduce greenhouse gas emissions

- Investigate and implement renewable energy projects, such as solar panel installations on Council-owned buildings

Objective 2: Increase use of renewable energy

- Investigate and implement solar power installations on Council buildings to offset electricity usage

Objective 3: Improve energy efficiency

- Investigate and implement energy efficiency measures, including solar panel installations on Council buildings

Objective 4: Foster sustainable community behaviours

- Promote the benefits of solar energy and encourage uptake of solar panel installations in the community

Objective 5: Foster innovation and technology adoption

- Investigate and implement innovative technologies, such as solar panel installations on Council buildings, to achieve environmental sustainability goals

Environmental, Social or Economic Impacts

The environmental impacts of installing solar on commercial facilities are largely positive and can help the Town to reduce its overall environmental footprint while also reducing its energy costs.

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

RISK MANAGEMENT CONSIDERATIONS

The following risks have been identified should this Contract not be awarded:

There is a reputational risk because it may be perceived that the Town is not implementing items within the newly adopted Sustainability Strategy and actively contributing towards sustainability measures. The risk rating is considered to be medium (9), which is determined by a likelihood of possible (3) and a consequence of moderate (3).

There is a financial risk due to anticipated increased energy costs. The risk rating is considered to be high (15), which is determined by a likelihood of almost certain (5) and a consequence of moderate (3).

There is a financial risk should the Town be unsuccessful in its application to Horizon Power for Hosting Capacity. The risk rating is considered to be high (16), which is determined by a likelihood of likely (4) and a consequence of major (4).

These risks 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

Council's consideration of awarding the contract for RFT2223-04 Design, Supply and Installation of Rooftop Solar Photovoltaic Systems is an opportunity to leverage the favourable environmental conditions of Port Hedland and reduce ongoing costs for the Town. By installing solar PV systems at the selected facilities and residential houses, the Town will significantly reduce its carbon footprint and align with the sustainability goals outlined in its Environmental Sustainability Strategy.

This project is an integral component of the Town's sustainability initiative and is a step towards future-proofing the Town's infrastructure and mitigating carbon emissions, as it emphasises the adoption of renewable energy sources to reduce the environmental impact of energy production and consumption. By awarding this contract to the preferred tenderer, Council are assured that the project will be delivered by a Contractor that meets all qualitative criteria.

ATTACHMENTS

1. RFT2223-04 Evaluation Report - Confidential (under separate cover)

Cr Renae Coles declared an impartiality interest in relation to item 12.4.2 as acknowledgement at 20 years Care for Hedland for services as part of joint venture.

12.4.2 ENDORSEMENT OF WASTE STRATEGY

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

OFFICER'S RECOMMENDATION

That Council adopt the 2023-28 Waste Strategy as per Attachment 3.

SIMPLE MAJORITY VOTE REQUIRED

CM202223/066 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: CR BENNETT

AMENDMENT

That Council:

- 1) Adopt the 2023-28 Waste Strategy as per Attachment 3.
- 2) Requests the CEO schedule a review of the Town of Port Hedland Waste Strategy 2023-2028 for commencement in December 2023 with a view to standardising the strategy in line with defining the roles of Council as per the Town's current Strategic Community Plan 2022-32.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to adopt the 2023-2028 Waste Strategy (Attachment 3).

DETAIL

At the December 2022 OCM the Council resolved the following:

CM202223/083

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.*

CARRIED BY SIMPLE MAJORITY (9/0)

The document was placed on public exhibition for a period of 7 weeks. One submission was received from Care for Hedland and the submission and the Town's response is Contained in Attachment 2 and 3. Care for Hedland made a number of comments which have been discussed with the group and some changes to the document have been made in line with their comments. Explanations were also given as to the document's focus and linkages with the Environmental Strategy.

Once the Waste Strategy is adopted the Town can commence discussions with groups who may be able to partner with the Town to assist in the implementation of the Waste Strategy.

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. All budget requirements are met from the waste reserve which enables waste projects to be self-funded.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.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.

Economic

In order for the Town's economic strategies to be met, the Town provides landfill and waste disposal facilities. The Town is seeking to balance economic wellbeing and environmental sustainability in its activities at the landfill.

Social

The implementation of the Waste Strategy will provide opportunities for the community to recycle goods and to enable goods to be bought at the facility.

Access and Inclusion Plan

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

- Outcome 2 – Buildings and Facilities
- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service

The development at the landfill will be DAIP compliant and the town will work with its partners to ensure that information provided is accessible and compliant with the Town's obligation under the Access and Inclusion Plan.

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 an 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. Care for Hedland Submission (under separate cover)
2. Staff Response to Care for Hedland Submission. (under separate cover)
3. Waste Strategy 2023-2028 (under separate cover)

12.5 Executive Services

12.5.1 ANNUAL REVIEW: STRATEGIC WORKFORCE PLAN 2020-2024

Author: Manager Human Resources

Authorising Officer: Chief Executive Officer

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

CM202223/067 COUNCIL DECISION

MOVED: CR ZIELKE

SECONDED: DEPUTY MAYOR TURNER

That Council:

1. Notes the Annual review of the Strategic Workforce Plan 2020-2024, as per Attachment 1, including progress against planned initiatives as per Attachment 2 and;
2. Notes that a major review of the Strategic Workforce Plan will be undertaken during 2023/24.

CARRIED BY SIMPLE MAJORITY (8/0)

PURPOSE

The purpose of this report is for Council to note the Annual review of the Town's Strategic Workforce Plan 2020-2024 and the progress against planned initiatives.

DETAIL

During 2020 the Town created a Strategic Workforce Plan 2020-2024 (the Plan), which was subsequently endorsed by Council in September 2020. The Strategic Workforce Plan 2020-2024 outlines a robust list of initiatives to deliver on staffing and workforce requirements, to enable the Town to deliver its services to the community over a 4 year period, setting the foundation for strategic and integrated workforce planning for the Town.

At the time of creation and approval, the Plan outlined the Town's workforce as 251 full time equivalent (FTE) employees to deliver a broad range of facilities and services to the community. Continued growth is projected year on year, to support the delivery of commitments within the Strategic Community Plan 2022 – 2032, aligning with planned expansion and improvements to the Town's infrastructure, programs and services. Following a period of significant growth within the region, the Town has invested heavily in maintaining, expanding and enhancing its services. Looking forward the Town has planned more than \$800 million of capital works projects over the next 15 years, commencing in 2022/23, as part of its vision to make Hedland a thriving, resilient and inclusive community for all.

The Strategic Workforce Plan 2020-2024 supports the Town's new mission, as outlined in the new Strategic Community Plan 2022 - 2032, *to guide the growth and development of the Hedland community, economy and environment through the provision of strong civic leadership, provision of high-quality services and facilitation of active community participation.*

Framework

The Plan was developed in accordance with the Western Australian Local Government Integrated Planning and Reporting Framework. The Integrated Planning and Reporting system ensures that there is a clear process by which local governments can:

- Understand and incorporate their community's vision, outcomes and priorities
- Adequately allocate resources to achieve their goals and outcomes within the constraints
- Monitor and report on progress.

The Framework is a cyclical process which integrates an ongoing process of engagement, review and planning to ensure local governments have the information they need to deliver the best possible outcomes for local communities.

The Plan was also created through extensive consultation and with alignment to the Town's Strategic Community Plan, Corporate Business Plan (under review) and Long-Term Financial Plan as the foundational guidance for future workforce requirements.

Annual planning and review process

As outlined in the Ordinary Council Meeting Agenda Item (September 2020), the Plan will be reviewed on an annual basis and updated as required in conjunction with the Town's Integrated Planning Framework to ensure the Plan remains contemporary.

The annual review process was conducted throughout April 2023, led by the Town's Executive Manager Human Resources and in partnership with the Chief Executive Officer and Executive Leadership Team in accordance with agreed timeframes.

The purpose of this review was to: -

- Assess progress made against planned initiatives
- Identify any shift in external or internal context which warrants changes or additions to planned initiatives, including any revisions due to updates relating to the Strategic Community Plan and Corporate Business Plan.

As an annual update on the progress of the Strategic Workforce Plan 2020-2024, 40% of initiatives are recorded as *complete*, with all other remaining initiatives *in progress*. Key initiatives in the Plan are on schedule against their respective timeframes, with recommendations made to some timeframes to align to ERP project implementation. Reference: Attachment 2 - Progress update against current initiatives.

A high level overview of this review process is outlined in the table below.

Item	Change
New Vision & Mission statement	Updated to reflect changes from the Strategic Community Plan 2022-2032

Timeframes and order of initiatives	Specific dates have been included and initiatives put in chronological order. Recommendations have been made on some initiatives being extended in 2023, to align to the project implementation of ERP.
Regulatory Services feedback	Updated comment to reflect the creation of the Business and Economic Development team.
Infrastructure Services feedback	Update on capital works projects, including reallocation of funding and cancellation of some projects, in line with revised Council priorities and decisions. Update to reflect that Waste Operations now sits within this directorate.
Corporate Services feedback	Update on Information Communication Technology, to clarify role of team and include major project, Enterprise Resource Planning (ERP) and reflect Records Team within this area. Update of text for Governance and Finance teams.
Community Services	Update to reflect changes in structure, Community Safety now sitting within this directorate. Youth and Community Development a major focus, including delivering on the Youth Strategy and the Aboriginal Partnership Plan. Creation of a new role, Manager Events, Arts and Culture, to deliver the key projects, South Hedland Library and Arts and Culture Precinct.

Reporting

The Executive Manager Human Resources will be responsible for coordinating quarterly updates on implementation of the initiatives identified within this Plan. The recipients of these updates will be the Chief Executive Officer and Executive Leadership Team.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because without a robust workforce plan the Town is at risk of not having the right people with the right capability in the right place at the right time to deliver on our strategic and financial plans for the Town and the community, within the anticipated timeframes.

CONSULTATION

Internal

- Town of Port Hedland CEO and Executive Team
- Town of Port Hedland Managers
- Human Resources Department and previous Workforce Plans
- Relevant Town of Port Hedland Officers

External Agencies

- WA Local Government Association (WALGA)
- LG Professionals WA
- WA Department of Premier and Cabinet
- WA Department of Health

- Hedland Senior High School
- North Regional TAFE
- Apprenticeship Support Australia
- Relevant stakeholders in the Pilbara and Kimberley Regions

Community

- Nil

LEGISLATION AND POLICY CONSIDERATIONS

The Local Government Act 1995 states that:

“5.56. Planning for the future

- (1) A local government is to plan for the future of the district; and
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”

FINANCIAL AND RESOURCES IMPLICATIONS

The Strategic Workforce Plan 2020-2024 takes into consideration the current budgeted headcount and establishment data in line with the Town’s approved full-time equivalent (FTE) budget. Projected growth will be reviewed in line with the Town’s annual budget review processes and timeframes to ensure sustainability is considered for the longer term.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 1.2.2 A residential workforce is promoted to industry as the preferred option.
- 2.2 Enhanced local training and workforce opportunities

Access and Inclusion Plan

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

- Outcome 4 – Quality of Service
- Outcome 7 – Employment Opportunities

Corporate Business Plan

The Town’s Corporate Business Plan is currently under review. The new version will be considered when actioning initiatives in the Strategic Workforce Plan 2020-24.

RISK MANAGEMENT CONSIDERATIONS

There is a service interruption risk associated with this item because if the Town does not continue to implement the current Strategic Workforce Plan to enable the Town to have the right people with the right skills in the right place at the right time, then the Town will fail to deliver on the Strategic objectives in the coming years. The risk rating is considered to be high (10), which is determined by a likelihood of likely (4) and a consequence of moderate (3).

OPTIONS

Option 1 – Note officer's recommendations

CONCLUSION

In a service-led organisation, it is critical that the appropriate people resources are effectively and efficiently sourced, engaged and utilised to deliver organisational requirements. Developing the capability of our people, providing effective leadership and embedding fit for purpose systems and processes will enable agile customer responsive program delivery that makes a difference to the quality of life enjoyed by our residents, ratepayers and visitors.

ATTACHMENTS

1. Strategic Workforce Plan 2020-2024 (under separate cover)
2. Progress update against current initiatives (under separate cover)

Item 13 Motions of which Previous Notice has been given

Nil

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

7:19pm Cr Christensen requested adjournment – approved by the Mayor

7:55pm returned

MOTION**CM202223/068 COUNCIL DECISION****MOVED: MAYOR CARTER****SECONDED: CR ZIELKE**

That Council accept business of an urgent nature in accordance with clause 5.5 Standing Orders Local Law 2014.

CARRIED BY SIMPLE MAJORITY

MOTION**MOVED: CR ZIELKE**

That Council meet with the organisers of “Drag Queen Story Time”, with a view to finding an alternate venue that is not a Town of Port Hedland venue and if unsuccessful, not host the scheduled event at 10:30am on Friday 15th June 2023 at the South Hedland Library.

LAPSED FOR WANT OF SECONDER

CM202223/069 COUNCIL DECISION**MOVED: CR CHRISTENSEN****SECONDED: DEPUTY MAYOR TURNER**

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

CARRIED UNANIMOUSLY

7:59pm The Mayor/ Presiding member declared the meeting closed to the public.

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

SUSPENSION OF STANDING ORDERS**CM202223/070 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: CR BENNETT**

That Council suspend sections 9.6, 9.8 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014 in accordance with section 18.2 'Suspension for Standing Orders'.

CARRIED BY SIMPLE MAJORITY 8/0)

RESUMPTION OF STANDING ORDERS**CM202223/071 COUNCIL DECISION****MOVED: CR CHRISTENSEN****SECONDED: CR BENNETT**

That Council resume sections 9.6, 9.8 and 9.9 of the Town of Port Hedland Standing Orders Local Law 2014.

CARRIED BY SIMPLE MAJORITY (8/0)

15.1 ENDORSEMENT OF APPOINTMENT OF DIRECTOR CORPORATE SERVICES**CM202223/072 COUNCIL DECISION****MOVED: CR COLES****SECONDED: CR ZIELKE**

That Council, with respect to the recruitment of a suitable, qualified Director Corporate Services, pursuant to section 5.37 of the *Local Government Act 1995*, receive the advice from the Chief Executive Officer that he proposes to employ the preferred candidate (Candidate A) as identified in this confidential report, as a senior employee of the Town of Port Hedland in the role of Director Corporate Services.

CARRIED 7/1

In Favour: Mayor Carter, Cr Turner, Cr Coles, Cr Zielke, Cr Gillingham, Cr Bennett, Cr Keller

Against: Cr Christensen

CM202223/073 COUNCIL DECISION

MOVED: CR CHRISTENSEN

SECONDED: DEPUTY MAYOR TURNER

That Council open the meeting to members of the public.

CARRIED BY SIMPLE MAJORITY (8/0)

8:33pm The Presiding Member declared the meeting open to members of the public and read aloud the above resolution.

Item 16 Closure

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 28 June 2023 commencing at 5:30pm.

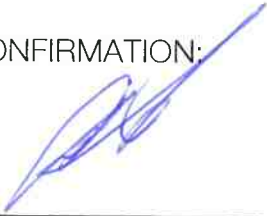
16.2 Closure

There being no further business, the Presiding Member declared the meeting closed at 8.35pm.

DECLARATION OF CONFIRMATION OF MINUTES

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

CONFIRMATION:



PRESIDING MEMBER

26/7/2023

DATED