



# AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **ORDINARY COUNCIL MEETING** be held in the **Civic Centre Chambers 13 McGregor Street, PORT HEDLAND WA 6721**, on **Wednesday 29 November 2023**, commencing at **5:30pm**.

**MEETING AGENDA ATTACHED**

Yours faithfully

Carl Askew  
Chief Executive Officer

24 November 2023

**DISCLAIMER**

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**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

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

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

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

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

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

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## 1 Opening of Meeting

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

## 2 Acknowledgement of Traditional Owners and Dignitaries

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

## 3 Recording of Attendance

*Important note:*

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

### 3.1 Attendance

*Scheduled Present:*

Mayor Peter Carter  
Deputy Mayor Ash Christensen  
Cr Sven Arentz  
Cr Camilo Blanco  
Cr Lorraine Butson  
Cr David Eckhart  
Cr Ambika Rebello  
Cr Tim Turner

*Scheduled for Attendance:*

Carl Askew (Chief Executive Officer)  
Stephen Leeson (Director Corporate Services)  
Josephine Bianchi (Director Community Services)  
Craig Watts (Director Regulatory Services)  
Lee Furness (Director Infrastructure Services)  
Tom Kettle (Manager Governance)  
Christine Fairbrother (Governance Officer)  
Karen Krollig (Governance Support Officer)  
Rhiannon Smith (Governance Support Officer)

### 3.2 Attendance by Telephone / Instantaneous Communications

Nil

**3.3 Apologies**

Nil

**3.4 Approved Leave of Absence**

**3.5 Disclosures of Interest**

Name	Item No	Interest	Nature

**4 Applications for Leave of Absence**

**OFFICER’S RECOMMENDATION**

**That Council approve the application of leave of absence for Cr Flo Bennett for the period Wednesday, 22 November 2023 until Wednesday, 29 November 2023.**

***SIMPLE MAJORITY VOTE REQUIRED***

**5 Response to Previous Questions**

**5.1 Response to Questions taken on notice from Elected Member at the Council Meeting held on 1 November 2023**

5.1.1	Cr Blanco
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*I would like the report commissioned by the State Government into the dissolving of the Town of Port Hedland Council in October 2019. Can we request that from the minister of local government?*

Report provided to the Council on 15 October 2023.

*I started engaging with Horizon Power in 2018, in relation to ongoing street light operation audits and reducing the town power bill by replacing all street lighting to LED, reducing our power consumption by 75-80%. Can I get the notes on any Horizon Power meeting info, light operation reports, LED replacement program results, how many have been replaced how many Halogen globes left? And the % decrease of power usage? Are we still meeting half yearly? Why do we have light poles that are damaged and not replaced*

*and why do we have light poles that have been laying on the ground, some for over a year?*

Meetings with Horizon Power have continued but are not minuted, rather, more consultative. The evolution of Town street light management is significant. To preface this response, we would appreciate additional information relating to fallen poles - no active reports can be identified. Town staff will act on the fallen light pole if reported through Snap Send Solve or through the customer service staff. LED light replacements are ongoing with significant headway made with replacements at: Marra Park, Cemetery Beach, Pretty Pool, Forrest Circle, Koombana Park, the Stadium carpark (current project), Shay Gap, Skate Park, Civic Centre and SHAC. The Town has supported Horizon Power in their application for State and Federal funding to enable the changeover to LED lights more quickly. Further detail has been provided to the Council on 15 October 2023.

*We have flood pumps in Port Hedland in the West End. These pumps stop the Business area from going under water, we have paid out compensation previously to the business operators there because the pumps did not work when the rains came. The drainage contributes to the issue because the debris blocks the water inlet to the pumps. Can I get the maintenance program, and a report on the maintenance program over the last 3 years? When we maintain, how much it costs, when it was done, and the maintenance program moving forward?*

The pumps have been the subject of ongoing work over the last two years and a report was provided to the Council in response to this question on 15 October 2023. A tender is currently being put together for servicing of the pumps and for replacement of surrounding infrastructure as per the recommendations of the joint report into the system.

*Wallwork Road bridge needs to be swept and there is rubbish all over the fence. The footpaths around that area have sand and rocks all over it, can we get that sorted out?*

Works and services have attended to this request. Litter picking continues in earnest across Port and South Hedland - demand has and will often exceed operational capacity.

*Pinga Street cost us about \$7m to widen in 2015. Can we look at repairing the Pinga-Moorambine intersection before the rain season and see what we can do about the damage being inflicted by Sims Metals trucks accessing Pinga street. The curbing on the medium strip at the intersection of Pinga and Great Northern Highway, is coming away from the island and it needs sweeping.*

Works and Services are arranging for patching of potholes at Moorambine and Pinga intersection. Kerbing at GNHWY and Pinga is a Main Roads responsibility, and we have notified them. The requirement for ongoing maintenance will be monitored. The Town has a strategy for addressing the road and drainage issues within Wedgefield to the north of Pinga Street. The Town has an Heavy Vehicle Safety and Productivity Program application to the Federal Government to fast-track these improvements. The road pavement along Pinga street is designed to accommodate the traffic of all users of Wedgefield, however will require ongoing maintenance.

*The South Hedland Shopping Centre entry on Wise Terrace is a dirty disgrace. 60% of Hedland lives in the South and our people use that area weekly. I want it cleaned up, and the cleaning maintenance program restarted. Wise Terrace is council property, if you cannot do it as a request, due to budget restraints, I can put a motion to council now to bring the item to the 29 November meeting?*

The shopping centre is owned by Charter Hall and it is understood that they retain a "facilities services" provider to maintain cleanliness at access points to the mall - footpath side and the carpark. The Wastes & Services team conduct daily sweeping of the roads, footpaths in the area (0515hrs-0630hrs Monday to Friday). Litter picking is undertaken on a daily basis including weekends and resources are prioritised to high foot traffic areas however demand for litter removal is far greater than operational capacity. Any changes to level of service will require additional resources and budget at Q2. We are continuing to have ongoing conversations with Charter Hall in relation to this matter.

*The Port Hedland Sporting and Community Hub building was advertised as having a \$10m contribution by the state government. The WA State budget papers outline an estimated actual Payment of \$10m, I have seen a \$7m payment, can I get the dates of the payments contribution from the WA Government adding up to the \$10m? Can I get the occupancy permit for the Port Hedland Sporting and Community Hub as well, with the issue dates on the document?*

Payment dates provided to the Council on 15 October 2023.

*Can I get a copy of the agreement deed between the Town and the WA government on the Marina development, and an explanation on why we changed the funding deal from an agreed \$24m, to now giving \$39,857,435.41 of ratepayer's money to the State government for the marina development? And the report that outlines what we get exactly for our money, before and after, the changes in the contribution amounts.*

Temporary occupancy permits provided to the Council on 15 October 2023.

*Previously, Councillor Gillingham requested information on the Hoa Binh Group in Vietnam, that Mayor Carter has been engaging with, council was told Hoa Binh would present to council. Has any information been issued? If Not, Why Not? And can we get the explanation? Can I request a report from the RDA, into all the detail of meetings held with the RDA, Mayor Peter Carter and Hoa Binh Group? I have spoken with The RDA CEO and he is fine with providing the detail to all council members.*

Copy of the Marina Funding Agreement and further information provided to the Council on 15 October 2023.

*Can I get a copy of all meeting notes between the CEO and the Mayor for the last 24 months?*

This request cannot be completed. Meetings between the Mayor and CEO are not minuted.

*What is being done to bring the Matt Dann up to standard, in terms of public safety, and the aircon system not working? I have received complaints that the venue is not providing all the safety requirements that the town is legislated to provide, with the amount of people attending that venue. When did the administration know? Why has the Council not been told about issues? What is the plan moving forward? The next dance event happens in mid-November, what have you done to rectify the issue for public attendance, it does not have a fire suppression system.*

The Town leases the Matt Dann Theatre and Cinema from the Department of Education. The Department of Education is responsible for the air-conditioning and has been advised of the issues being experienced by venue hirers, with a request for the air-con being fixed as soon as possible. A risk assessment undertaken for a certain activity in the venue and it was determined that the venue does not have suitable fire safety infrastructure, as such this request was refused. An alternative solution was suggested and accepted. Further, to confirm that the Town has in place suitable measures to ensure public safety at the venue in its capacity of lessee, the Town has engaged an accredited Fire Safety auditor (PFM Property Fire Maintenance). The audit report confirmed that the Matt Dann is safe for public use, including all upcoming live performances. The report does include recommendations for building maintenance upgrades, which will be discussed with the Department of Education.

*Can I get the life cost cycle information for each of our major assets, that informs the yearly budget and the Long-Term Financial Plan (LTFF)? (Stadium, Civic Center, ovals, Depot, Race club building, South Tafe, parks, roads, tip, etc)*

In 2016 the Town's asset management team was disbanded and the Town elected to not renew the licence for the Towns asset management software Assetic to reduce

operating costs. In recent years the Town has allocated new resources both within the Work Force Plan and the acquisition of new software, to improve the Town's asset management process. Broadly the Town is working towards the completion and endorsement of renewed Asset Management Plans (AMP's) by the end of financial year 23/24. This is a defined service delivery outcome in the Corporate Business Plan. The Town's asset management processes were the subject of an internal audit this year on strategic asset management and maintenance. The Town's processes were found to be generally robust. The internal audit identified that the Town would benefit from individual asset class plans and a strategic asset management plan. This work is currently being undertaken.

*Can I get a full list of creditor payments, with each creditor's financial year total payment, for 2021/2022 and each creditor's financial year total, for 2022/2023. And again, for this current budget 23/24?*

Report provided to the Council on 15 October 2023.

*Minister for Ports and local Government David Michael and Minister for Housing John Cary announced the extension to the West End Voluntary buyback scheme and made 22 million available to future development in Hedland. Can I ask the town to send a request for information to both Ministers?*

*How much has the West End Voluntary buyback scheme generated in sales?*

*Why are the purchased houses now being rented out, considering the intent of the buyback proposal was about the health risk issues associated with living and working in that dusty environment?*

*What is the 22 million allocation specifically for?*

*When is the State Government going to build Housing in Hedland to reduce the stress created by the State renting large amounts of privately owned housing across all agencies to fill their workers accommodation requirements?*

*What is the cost to the state of WA in rent charges in the Town of Port Hedland?*

A request for information has been submitted to the Minister Housing, Lands and Planning. The Town of Port Hedland Chief Executive Officer met with Minister Carey on Tuesday 7 November 2023, during which the \$22 million fund for housing was discussed. The Minister advised the next step in administering this fund was to establish the steering committee, of which the Town will be a member. Further details on the allocation of the \$22 million will be made available following the establishment of the Steering Committee.

*Can I get a Staff turnover percentage for each of the last 3 financial years?*

Report provided to the Council on 15 October 2023.

**5.2 Response to Questions taken on notice from Public at the Council Meeting held on 1 November 2023**

5.2.1	Roger Higgins
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*At the last Council meeting as a result of an address by the CEO to put in Industry Council, I asked the question in relation to a statement that he made. He said that at that meeting, that as part of the Spoilbank development, a caravan park would be part of that. My question at the time was can Council confirm whether there's been adequate provision for sewage and drainage or words to that effect in that particular development. Now I've not had a response from council at all since that meeting, so my question is, when will I get a response to that question?*

The Chief Executive Officer provided the following response:

I'm certainly aware that there was a response. I believe the director provided that response, so I'm not quite sure why it's not made its way to you, Mr. Higgins, and I apologise for that. I'll find out and. Make sure it's sent to you.

The Director Regulatory Services provided the following **further** response:

At the 27 September Ordinary Council Meeting, you raised a query in relation to the proposed caravan park at the Marina, including whether provision of sewer and water had been considered. You then followed this up with a further comment at the 1 November Ordinary Council meeting, stating that you had not received a response.

A verbal response to your question was provided on the night of the September meeting. The Town does not normally provide a separate formal response to the question when answered on the night, however the response was included in the published minutes of the meeting.

To further clarify the response to your question, a future caravan park type offering is included within the Marina Masterplan which has been previously endorsed by Council. As mentioned at the 27 September Meeting, and included within the minutes of that meeting, I confirm that there are internal discussions and an investigation into the provision of some form of caravan park adjacent to the marina site, being an eco-friendly style offering rather than a formalised caravan park similar to the Cooke Point or Blackrock Caravan Parks. Provision of sewer, water, power and any other utilities or services (including accessibility and costs) will be part of those investigations.

Once these investigations are completed, including preliminary designs and costings being obtained, these will be presented to Council with a view to seek endorsement for their progression.

5.2.2	John Ashenden
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*On the 31st of May Ordinary Council Meeting, I asked a question relating to rates and the increases, that was taken on notice. The answer received from the Manager of Financial Service - I was not understanding or happy with. The reply was as follows, "Your rates increased due to GRV increases which is carried out by Landgate and advised to the Town and not therefore determined by the Town of Port Hedland. The rate in the dollar charge decreased over the period by 2.783 cents in the dollar. The explanation as to the percentage changes are explained in the notes section of the table and provided at the Ordinary Council Meeting on the 31st of May 2023." So, I would like to ask that question again and hopefully either the Mayor, one of the Councillors or the administration could please clarify, I would like to hand out the graph printed from page 13 of the SCM meeting (hands out papers). Last year we were told there was 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. It shouldn't be complex. It should be simple for the average truck driver to be able to understand it. My rates increased from \$1889.62 to \$2239, that is an 18.48% increase. If you have a look at the graph supplied 'Pink 2021' agreed rate was 0%. But the actual increase was 9.4% and the following column 21/22 increase of 2% actual was 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 you've already predicted 4.2% increase when you finalise that budget. Could you please explain how that works because as I see it, you are compounding your interest on the new figures each year, so you're putting interest on interest and not the original base figure.*

The Director Corporate Services provided the following response:

Thank you, Mr Mayor, and Mr Ashenden, I will have to take that one on notice because I started after the budget was adopted and what you have raised is very fair question, which has several factors which contribute towards the amount of rates required for a budget which then establishes a rate in the dollar, which then does get slightly complicated, affected by any movements in your properties valuation. So, there's several aspects there which I would need some time to go and have a look at in order to give you a thorough answer. Which I'll endeavour to do.

The Director Corporate Services provided the following **further** response to this question:

**An analysis of Mr Ashenden's rating charges and fees including calculations has been provided. (separate letter posted/emailed)**

Several factors affected the increase from \$1,889.62 in 2021-22 to \$2,239.00 in 2022-23, being;

- Property revaluation increased 66%
- Rate in the dollar charge decreased from 9.8215 to 7.062
- Emergency Services Levy which is a State levy to fund DFES which increased from the minimum charge of \$88.00 to \$144.60

The 2023-24 properties rates fees and charges decreased -3.35%

Interest is only calculated and charged on overdue rates.

*Mr Ashenden made the following statement:*

*Yeah , I understand that Landgate set that factor, but it doesn't mean that as the Council you have to increase the rates, it's only a guide for you, so you just don't have to put.*

The Director Corporate Services provided the following response:

That is absolutely correct. The budget deficiency to be made up through rates is literally apportioned over the value. So, if the values increase through a revaluation process, the rate and the dollar charge correspondingly decrease. That is what happens.

*The Director Corporate Services provided the following further response to this question:*

GRV Residential Rate in the dollar charge

2023-24 \$0.06700

2022-23 \$0.07062

*Additionally, I would like to understand who authorised expenditure exceeding the established budget limit by \$100m, which apparently is all disputes. It is my understanding that once a budget limit is set and reached, any further spending beyond the designated budget should be brought back to the Council for revaluation and approval. The funds in question do not belong to the Council, but rather the town. And they have been entrusted to your care. Who is responsible and accountable for the apparent failure to fulfil their duties?*

The Director Corporate Services provided the following response:

Thank you. Through the Mayor, I will get back to you with a more thorough answer. A budget is a best forecast as to what a project likely expenditure will be. There

arereports that come through on a monthly basis. There is a material variance reporting threshold which is established as well as adopting the budget, but I'll put something together more formally for you and have that back to you in the fortnight.

The Director Corporate Services provided the following **further** response to this question:

The Town or Port Hedland’s 2022-23 Annual budget combined operational and capital budget spend, net of non-cash items is \$179M.

<b>Town of Port Hedland Annual Budget</b>			
		<b>2022-23</b>	<b>2023-24</b>
		<b>Amended</b>	<b>Adopted</b>
<b>Expenditure Items</b>		<b>\$M</b>	<b>\$M</b>
Operating Expenses		119	90
Less Non-cash		-11	-18
Net Operating		108	72
Capital Works		71	57
Total Opex and Capex		179	129

The draft 2022-23 Annual Financial Statements currently being audited report a surplus of \$4M. Therefore, I am unable to confirm or agree with “expenditure exceeding the established budget limit by \$100,000,000”.

5.2.3	Jillian Fisher
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*I’d like to congratulate all the new Councillors. Thank you for putting in the massive amount of attachments to this meeting, there’s definitely a lot to get through, but I ploughed on and I got there at the end and the agenda that was very good, things that came up in the attachments for me, I just have a few questions about that. There’s one with the credit card information for August. I just wanted to find out what went on the 31st of August in Perth? Was there staff training or was there a Councillor’s meeting, or was there something that the Mayor was involved in? I’m not quite sure. It wasn’t on your meeting detail for August. So, in looking through the credit card details there’s 10 lists for accommodation at the Crown Promenade in Perth for the 31st August.*

The Mayor provided the following response:

That may have been the WALGA conference, I'll need to get back to you on that. (please find further information in answer to question 2, below)

*I'm just curious, there were 3 rooms that were \$290.60, which is fine, that's Perth prices. One that was \$555.48 and then six, there were \$665.61 is that just a little bit over the top for Port Hedland and what we're prepared to pay to send our people to other places?*

The Mayor provided the following response:

I don't have the file in front of me, I'll have to take that on notice.

The Director Corporate Services provided the following **further** response:

\$665.61 charges are for 2 nights' accommodation for WALGA conference 17-19 Sept 2023.

\$290.60 charges are for 1 extra night due to flight schedule requiring councillors to fly from Port Hedland to Perth on Saturday 16th for the Conference start on Sunday 17th.

\$555.48 charges are for 2x extra nights' accommodation in Perth between Darwin NT Resources Conference and WALGA Conference starting (15th & 16th September).

*At an earlier time, there's one for the 25th of August for the QT in Perth and that was for over \$1000, so I'm not quite sure what that involved and I can't see for the 25th, the only one I can see that there was people down in Perth or there may have people travelling with yourself on the 24th there was a regional Capitals Alliance WA meeting, but then on the 26th August you met with the with Major General David Thomae and the Army reserves, so I'm not quite sure why that one's over \$1000.*

The Mayor provided the following response:

Taken on notice.

The Director Corporate Services provided the following **further** response:

Director Infrastructure Services and Manager Planning & Economic Development attendance at Western Australian Planning Commission hearing in Perth regarding Pinga / Hematite intersection works. The Town sought Developments WA to build a roundabout due to road safety concerns for the community.

5.2.4

Jan Gillingham

*I'd just like to ask a couple of questions that relate to the OCM of the 30th of August. The agenda item with regard to 5 Jibson Close, South Hedland and for the application for the license regarding the massage parlour. My question is, as a recent councillor to the Town, why did I and other councillors not receive the email trails relating to the complaints that were sent in for the said application? When I and another Councillor at the time, Renae Coles, received these email trails from a resident to our private emails regarding the massage parlour, there was toing and froing of questions about the complaint between a resident in that street and the town of Port Hedland. Those emails are still on my email list at home. I would like to know why, when we had a briefing that has been talked about tonight in public a week before, and our director was not here and our environmental manager was in place, why did we not receive all that information that had been toing and froing? Because I received that in my email box 3 days after the OCM meeting on the 30th? It's disappointing when we read in the paper that we did receive that information and Councillor Coles and I did not. Ms Coles delivered that information to our CEO, Carl Askew several days after the OCM of the 30th of August. Why did we not receive it days after the OCM from our admin and our CEO?*

The Mayor took this question on notice.

The Director Regulatory Services provided the following **further** response to this question:

The objector who provided a response to the Town Planning Service requested to remain anonymous with a precis of their objection provided to Council within the Officers report. The SMS documentation and newspaper advertising shown at later meetings was not provided to the Town Planning Service prior to the August Agenda Briefing or Ordinary Council Meeting. Internet screenshots of a business offering sexual services had been provided, however since this did not directly link to the proposed Home Massage Premises by way of identifying the property, and the advertised mobile number did not match any of those provided by the applicant in their submission, this was not provided to Councillors. Councillors were made aware at the briefing and within the Agenda Report of the objection being received, with the potential for sexual services being provided being raised during the briefing.

## **6 Public Time**

*Important note:*

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

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

**6.1 Public Question Time**

**6.2 Public Statement Time**

**6.3 Petitions / Deputations / Presentations / Submissions**

Nil

**7 Questions from Members without Notice**

Nil

**8 Announcements by Presiding Member without Discussion**

The Mayor’s meetings for the month of October:

<b>DATE</b>	<b>MEETING DETAIL</b>
3/10/2023	RCAWA Meeting
4/10/2023	Skate of Mind opening event for Mental Health Week
5/10/2023	Radio chat with Ecky
9/10/2023	LEMC Meeting
10/10/2023	Pilbara Summit 2023 (Day 1)
11/10/2023	Pilbara Summit 2023 (Day 2)
12/10/2023	Radio chat with Ecky
12/10/2023	De Grey Mining Town Hall event
19/10/2023	Radio Chat with Ecky
21/10/2023	Local Government Election night
23/10/2023	Swearing in Ceremony for new Councillors
25/10/2023	Minister for Ports and Local Government Buy-Back Announcement
25/10/2023	Meeting with Minister Michael, Minister for Ports and Local Government
26/10/2023	Phone interview with NWT on Major Projects

**9 Declarations of All Members to have given due consideration to all matters contained in the Business Paper before the Meeting**

**10 Confirmation of Minutes of Previous Meeting**

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**OFFICER'S RECOMMENDATION**

**That Council confirm that the Minutes of the Ordinary Council Meeting held on XXX are a true and correct record.**

***SIMPLE MAJORITY VOTE REQUIRED***

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*Disclaimer*

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

## **11 Reports of Committees**

### **11.1 Audit, Risk and Compliance Committee**

Nil

## 12 Reports of Officers

### 12.1 Corporate Services

<b>12.1.1</b>	<b>Statement of Financial Activity - September 2023</b>
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**Author:** Senior Financial Accountant

**Authorising Officer:** Director Corporate Services

**Disclosure of Interest:** The Author and Authorising Officers declare that they do not have any conflicts of interest in relation to this item. At times, they receive payments made in accordance with employment contracts and related Town of Port Hedland policies, which are disclosed in the attachments to this report.

#### **OFFICER'S RECOMMENDATION**

##### **That Council:**

- 1. Receive the statement of Financial Activity for the period ended 30 September 2023, as shown in attachment 1;**
- 2. Receive the Material Variance Report for the period ended 30 September 2023, as shown in attachment 2;**
- 3. Note the Accounts paid under delegated authority for the period ended 30 September 2023, as shown in attachment 3;**
- 4. Receive the Purchasing Card statements for the period ended 30 September 2023, as shown in attachments 4 and 5.**

***SIMPLE MAJORITY VOTE REQUIRED***

#### **PURPOSE**

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 30 September 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 30 September 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of supporting notes 1-4 prepared by the Town of Port Hedland (the "Town").

The preparation of the reports has been reviewed towards maintaining compliance with the *Local Government Act 1995* and Financial Management Regulations that has resulted in a reduction of some information not necessarily required to be prepared on a monthly basis. This Financial Report relies upon unaudited unconfirmed financial results for the 2022/23 financial year.

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 2023-2024 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 \$ 4.13M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 30 September 2023 is a surplus of \$ 61.55 M. This is subject to further year-end adjustments and review, ahead of external audit and confirmation. The majority of surplus represents rates revenue since levied in full.

The breakdown of the cash position is displayed below:

2023/24 Actuals

Current Assets: Cash and Investments	\$ 222.71M
Restricted Cash – Reserves	\$ 172.03M
Unrestricted Cash Position as at 30 September 2023	\$ 50.68M

### **LEVEL OF SIGNIFICANCE**

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

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

### **CONSULTATION**

*Internal*

- *All consultation and engagement are conducted internally.*

*External Agencies*

- *Department of Fire and Emergency Services*

*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.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*.

### **FINANCIAL AND RESOURCE 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 SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken

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

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

## **RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Financial
<b>Cause</b>	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/2024 financial year.
<b>Effect (Consequence)</b>	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
<b>Risk Treatment</b>	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
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 \$ 4.13M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2023. The net current funding position is \$ 61.55M.

**ATTACHMENTS**

1. Statement of Financial Activity - September 2023 [**12.1.1.1** - 10 pages]
2. Material Variances Report - September 2023 [**12.1.1.2** - 2 pages]
3. Payments made under Delegated Authority - September 2023 [**12.1.1.3** - 71 pages]
4. Credit Card Statements - September 2023 [**12.1.1.4** - 20 pages]
5. Fuel Card Statements - September 2023 [**12.1.1.5** - 6 pages]

<b>12.1.2</b>	<b>Statement of Financial Activity - October 2023</b>
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**Author:** Senior Financial Accountant

**Authorising Officer:** Director Corporate Services

**Disclosure of Interest:** The Author and Authorising Officers declare that they do not have any conflicts of interest in relation to this item. At times, they receive payments made in accordance with employment contracts and related Town of Port Hedland policies, which are disclosed in the attachments to this report.

### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Receive the statement of Financial Activity for the period ended 31 October 2023, as shown in attachment 1;**
- 2. Receive the Material Variance Report for the period ended 31 October 2023, as shown in attachment 2;**
- 3. Note the Accounts paid under delegated authority for the period ended 31 October 2023, as shown in attachment 3;**
- 4. Receive the Purchasing Card statements for the period ended 31 October 2023, as shown in attachments 4 and 5.**

***SIMPLE MAJORITY VOTE REQUIRED***

### **PURPOSE**

The purpose of this report is for Council to consider the Statement of Financial Activity for the period ended 31 October 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 October 2023, with financial results included in Attachment 1. Statement of Financial Activity inclusive of supporting notes 1-4 prepared by the Town of Port Hedland (the "Town").

The preparation of the reports has been reviewed towards maintaining compliance with the *Local Government Act 1995* and Financial Management Regulations that has resulted in a reduction of some information not necessarily required to be prepared on a monthly basis. This Financial Report relies upon unaudited unconfirmed financial results for the 2022/23 financial year.

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 2023-2024 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 \$ 4.13M presented in Year to Date Actual on the Statement of Financial Activity is as per the closing surplus of the unaudited June 2023 financial statements.

The net current funding position (surplus/(deficit) from the Statement of Financial Activity as at 31 October 2023 is a surplus of \$ 56.22M. This is subject to further year-end adjustments and review, ahead of external audit and confirmation. The majority of surplus represents rates revenue since levied in full.

The breakdown of the cash position is displayed below:

2023/24 Actuals

Current Assets: Cash and Investments	\$ 217.44M
Restricted Cash – Reserves	\$ 172.04M
Unrestricted Cash Position as at 31 October 2023	\$ 45.40M

### **LEVEL OF SIGNIFICANCE**

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

- Exception - The proposal or decision is not of a nature or significance that requires engagement.

### **CONSULTATION**

*Internal*

- *All consultation and engagement are conducted internally.*

*External Agencies*

- *Department of Fire and Emergency Services*

*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.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*.

### **FINANCIAL AND RESOURCE 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 SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

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

Our Leadership:

4.2.2 Transparent and regular financial reporting and communication to the community is undertaken

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

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Financial
<b>Cause</b>	There is an Operational, risk associated with this item due to a reduction in income or increase in expense throughout the 2023/2024 financial year.
<b>Effect (Consequence)</b>	Could impact on the Town’s ability to meet service levels or asset renewal funding requirements.
<b>Risk Treatment</b>	The Town’s financial activity reports use a materiality threshold to measure, monitor and report on financial performance and position of the Town.
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 \$ 4.13M presented in YTD Actual on the Statement of Financial Activity, is as per the closing surplus presented in the unaudited financial statements from June 2023. The net current funding position is \$ 56.22M.

**ATTACHMENTS**

1. Statement of Financial Activity - October 2023 [**12.1.2.1** - 10 pages]
2. Material Variance Report - October 2023 [**12.1.2.2** - 4 pages]
3. Payments made under Delegated Authority - October 2023 [**12.1.2.3** - 46 pages]
4. Credit card Statements - October 2023 [**12.1.2.4** - 17 pages]
5. Fuel card Statements - October 2023 [**12.1.2.5** - 7 pages]

**12.1.3 King's Birthday Public Holiday 2024****Author:** Governance Officer**Authorising Officer:** Director Corporate Services**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.**OFFICER'S RECOMMENDATION****That Council make a proclamation of an alternate date for the birthday celebration of the Reigning Sovereign (King's Birthday Public Holiday) being Monday, 12 August 2024.*****SIMPLE MAJORITY VOTE REQUIRED*****PURPOSE**

The purpose of this report is for Council to consider an alternate date for the birthday of the Reigning Sovereign (Kings Birthday Public Holiday) and initiate the process to proclaim the public holiday being Monday, 12 August 2024.

**DETAIL**

The Town of Port Hedland local district has a long history of observing the public holiday on the running of the Hedland Cup. The Mayor has received a request from the Port Hedland Turf Club to consider a change of date for the King's Birthday Public Holiday in 2024, due to a change of date for the Port Hedland Cup Day to Sunday, 11 August 2024, with the proposed public holiday to fall on Monday 12 August 2024.

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

**LEVEL OF SIGNIFICANCE**

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

- It is largely ceremonial in nature.

**CONSULTATION***Internal*

- Manager Governance
- Manager Events, Arts and Culture
- Director Community Services

- Executive Leadership Team

#### *External Agencies*

- Port Hedland Turf Club

#### *Community*

- Community engagement to be undertaken in 2024 to ascertain community feedback on the date of the King's Birthday public holiday in future years.

### **LEGISLATION AND POLICY CONSIDERATIONS**

Section 8 of the *Public and Bank Holidays Act 1972* relates to the Power of Govern to alter day appointed for a public or bank holiday.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There will be an approximate cost of \$115 associated with local public notice of the change of date of the Kings Birthday Public Holiday 2024.

### **STRATEGIC SUSTAINABILITY IMPLICATIONS**

#### **Strategic Community Plan**

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

#### Our Community:

1.1.4 Partnerships with stakeholders to deliver sport and recreation are enhanced.

1.3.2 Events and activities to celebrate the Town's cultural heritage, arts and Pilbara lifestyle are consistently programmed and delivered.

#### Our Economy:

2.4.3 Grow and promote existing and new local events that champion local culture and community.

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

#### **Access and Inclusion**

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

- Outcome 1 – Events and Services

#### **Corporate Business Plan**

The following service of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

Nil

### **RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failure to facilitate the proclamation
<b>Effect (Consequence)</b>	Will likely contribute to negative public sentiment
<b>Risk Treatment</b>	Eliminate
<p>There is an Operational, risk associated with this item caused by failure to facilitate the proclamation and will likely contribute to negative public sentiment. The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be eliminated by the adoption of the Officers Recommendation.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation

***'That Council do not adopt an alternate date for the King’s Birthday in 2024, and retain the date set by the Governor being Monday, 23 September 2024.'***

- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

It is recommended that Council endorse the request for the proclamation of an alternate date for the celebration of the Kings Birthday Public Holiday being Monday, 12 August 2024.

**ATTACHMENTS**

1. Port Hedland Cup - Public Holiday Request - SIGNED [12.1.3.1 - 1 page]

<b>12.1.4</b>	<b>Policy Review - Council Briefings</b>
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**Author:** Governance Support Officer

**Authorising Officer:** Manager Governance

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

**OFFICER'S RECOMMENDATION**

**That Council adopts the amended Policy 1/019 Council Briefings as per attachment 1.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider the review of policy '1/019 Confidential Briefings' and rename to '1/019 Council Briefings' and approve its adoption. The purpose of Council Briefings is to consider, and workshop intended agenda reports between Councillors and Town of Port Hedland staff, understanding and discussing significant aspects openly and respectfully, towards informed consideration at the forthcoming meeting of council, alleviating the need for seeking further information and maintaining timely consideration.

**DETAIL**

Policies are adopted by Council to set out agreed positions and to provide a framework for consistent decision making. Section 2.7(2)(b) of the Local Government Act 1995 (the Act) defines a key role of a local government is to determine the local government's policies. Policies are the decisions of Council, which establish the agreed views and direction with respect to certain matters and define the principles and intent behind the programs that a local government implements. A policy can also be a general plan or approach to a specific need, problem or issue.

The review of 1/019 Confidential Briefings recommends a number of minor changes to address considerations from Elected Members and also enable effective communication and participation whilst upholding confidentiality in the digital age.

Changing the Name of the Policy

It is proposed that this policy will be re-named to, 'Council Briefings Policy.' The policy will now relate to all non-public meetings of the Council and refers to these meetings collectively as council briefings (including confidential briefings, agenda feedback sessions, workshops and ad hoc meetings).

Incorporation of Policy '4/011 Electronic Meetings and Electronic Attendance'

At the 28 June 2023 Ordinary Council Meeting, Council adopted the 'Electronic Meetings and Electronic Attendance Policy' (CM202223/076). This policy applies to electronic attendance at various types of meetings, including Ordinary Council Meetings, Special Council Meetings, Committee Meetings, Confidential Briefings,

Agenda Feedback Sessions, and Workshops for Elected Members. This proposed amended Council Briefings Policy refers to Policy '4/011 Electronic Meetings and Electronic Attendance,' should Elected Members wish to request to attend a Council Briefing via electronic means.

#### Assessment of audio recording as part of the Policy review

Council Briefings cover a wide range of topics. The option of audio recording the Briefings would provide Elected Members the ability to re-visit the Briefing and digest the information presented at a pace that is convenient for them. It would also mean that if an Elected Member was an apology for a Briefing, they would be able to have access to verbal information that is presented and discussed by listening to the recording.

The Town may legally capture and store Council briefing recordings in line with record keeping requirements with an appropriate retention timeframe based on legal requirements.

Any recording is a record under the State Records Act (WA) 2000. A member of the public has a right to access a recording under the Freedom of Information Act (WA) 1992 (FOI Act). The Town would be required to produce a copy of the recording (if not yet disposed of) and may only exclude information that is exempt under schedule 1 FOI Act.

FOI processes enhance further transparency and accountability in Local Government. However, FOI can present certain risks for Councils when it comes to audio recording confidential meetings. Council briefings often involve sensitive discussions, like legal matters, commercial decisions or personnel issues and discussions exploring differences of opinion and understanding. Recording these meetings may unintentionally expose private information, opinion or sensitive matters through the FOI process.

#### Alternative to audio recording – 'Outcomes and Actions' document

The officer's recommendation is to adopt the Council Briefings policy as per attachment 1. The policy presented in attachment 1 does not include recording but allows for an 'Outcomes and Actions' document to be distributed to Elected Members. It is important to note that no decisions are made at council briefings and therefore formal minutes are not required. The main change to the policy is in the Record Keeping section and is listed below:

***From:***

*"An 'Outcomes and Actions' document will be distributed to Elected Members after each Council Briefing. This document will capture any 'action items' and ensure that everyone is aligned and accountable for the outcomes and next steps. These 'action items' are not decisions but may be requests for follow-up or further information that have been noted during the discussions. These specific tasks or responsibilities will be assigned to individuals or departments, along with deadlines for completion.*

**To:**

*The 'Outcomes and Actions' document will provide a formal and organized record of the meeting, promoting transparency, accountability, and effective follow-up. It will help Elected Members recall important details, track progress, and serve as a point of reference for future meetings or discussions related to the same topics. This document will be securely kept and disposed of in accordance with the State Records Act (WA) 2000 and the DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)."*

**Restrictions that would be placed on recording**

An alternate policy has been drafted (attachment 2) which incorporates recording, should Elected Members decide to prefer this as an option. The policy states the following under the heading 'Recording of Council Briefings':

"All Council Briefings shall be subject to recording. External presenters, discussions on Town Planning matters and matters of a legal, commercial or personal nature will not be recorded. Consultants working for the Town may only be recorded subject to their approval. The recorded content will be securely disposed of in accordance with the State Records Act (WA) 2000 and the DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)."

It is recommended that external presenters are considered commercial in confidence with the Town and impact the nature and extent to which information is shared. Town Planning matters should not be recorded to remove any risk of potential 'apprehended bias'.

An Internal Operating Procedure will be created for either option, to appropriately manage retention, access, and destruction of the records.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of low significance, because approval of the policy will not have any significant impact on the community.

**CONSULTATION***Internal*

- Executive Leadership Team (ELT)
- Manager Governance
- Manager IT and Project Delivery

*External Agencies*

- Nil

*Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

### State Records Act (WA) 2000

Any recording is a record under the State Records Act (WA) 2000.

Retention and destruction of Local Government Records is guided by DA 2015-001/1 General Disposal Authority for Local Government Records (GDA)

The GDA states at 73.8:

Recordings of meetings:

Disposal Action: Destroy

Custody: Retain until any minutes accepted/ authorised by relevant persons(s) or authority

### Freedom of Information Act (WA) 1992 (FOI Act)

A person has a right to be given access to the documents of an agency subject to and in accordance with this Act (s. 10(1)).

The Town is required to provide access to records unless exempt matter under schedule 1 (eg. Personal information about an individual).

### Local Government Act (WA) 1995

Section 5.41 Functions of the CEO

(h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law;

Section 2.7(2)(b) of the Act provides that a council is to determine the local government's policies.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no significant financial and resources implications associated with the proposed policy review.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Leadership:

4.2.3 Transparent and regular governance reporting and communication to the community is undertaken.

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

### **Access and Inclusion**

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

- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Corporate Services:

Audit and Risk Management - Committed to organisation wide risk management principles, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Exposure of private and sensitive information to public
<b>Effect (Consequence)</b>	Erosion of trust and confidence in Council
<b>Risk Treatment</b>	Eliminate
<p>There is a reputational risk associated with this item caused by potential for exposure of private and sensitive information, leading to damage to the reputation of Council and erosion of trust and confidence.</p> <p>The risk rating is considered to be High (15) which is determined by a likelihood of Possible (3) and a consequence of Catastrophic (5).</p> <p>This risk will be eliminated by the adoption of the officer’s recommendation.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

The Council may adopt the alternate policy as provided in attachment 2 and amend the officer’s recommendation as follows:

***‘That Council adopts the amended Policy 1/019 Council Briefings as per attachment 2.’***

Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The recommendation is to not record Council Briefings, as audio recordings risk exposing private and sensitive information through the Freedom of Information (FOI) process. A more effective approach would be to distribute an 'Outcomes and Actions'

document to Elected Members after each briefing, which would capture action items, promote transparency and accountability, and serve as a reference for future discussions. By adopting this approach, Council can maintain confidentiality while still ensuring effective communication and follow-up.

**ATTACHMENTS**

1. ATTACHMENT 1 - DRAFT - Council Briefings Policy (not including recording)  
[**12.1.4.1** - 4 pages]
2. Attachment 2 - DRAFT - Council Briefings Policy (including Recording)  
[**12.1.4.2** - 4 pages]

## **12.2 Community Services**

Nil

**12.3 Regulatory Services**

<b>12.3.1</b>	<b>Adoption of Amendment to Local Planning Policy 08 - Port Hedland International Airport and rescinding of Local Planning Policy 10 - Highway Precinct Design Guidelines</b>
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**Author:** Project Officer - Strategic Planner  
**Authorising Officer:** Manager Planning & Economic Development  
 Director Regulatory Services  
**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

**OFFICER’S RECOMMENDATION**

**That Council pursuant to Clause 5 and 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**

- 1. Adopts the amended Local Planning Policy 08 – Port Hedland International Airport incorporating modifications as presented in Attachment 1; and**
- 2. Advertises the adopted Local Planning Policy 08 – Port Hedland International Airport, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 3. Rescind Local Planning Policy 10 - Highway Precinct Design Guidelines as presented in Attachment 3.**
- 4. Advertises the rescinded Local Planning Policy 10 - Highway Precinct Design Guidelines, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider adoption of amendments to Local Planning Policy 08 – Port Hedland International Airport (LPP/08) which aims to consolidate the current local planning policies associated with the airport into one amended LPP/08 and rescinding Local Planning Policy 10 – Highway Precinct Design Guidelines (LPP/10).

**DETAIL**

At its Ordinary Council Meeting (OCM) held on 30 August 2023, Council carried resolution CM202324/128, to:

- 1. Initiates amendments to Local Planning Policy 08 – Port Hedland International Airport presented as Attachment 1 of this Item, for the purpose of public consultation.*
- 2. Rescinds Local Planning Policy 10 – Highway Precinct Design Guidelines presented as Attachment 3 of this Item.*

*3. Advertises amendments to Local Planning Policy 08 – Port Hedland International Airport in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.*

The intent of amending LPP/08 is to ensure that development occurs in a way that minimises land use conflict, maintains the amenity of the area, and recognises the fundamental importance of maintaining the safe and efficient operation of the airport.

The amendment to LPP/08 was advertised for public consultation from 04 October to 27 October 2023, for a total of 23 days pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. During public consultation, the Town received two (2) submissions as summarised in *Attachment 4* and in full in *Attachment 5*.

Submissions

Submission 1, received 20 October 2023, is generally supportive of the proposed amendments to LPP/08, however identifies concerns that the,

*"objectives and measures do not recognise the unique circumstances around the amenity of night-shift workers who sleep during daytime hours, and are especially vulnerable to disturbances from daytime noise."*

Although it is recognised that adequate sleep is important in ensuring the safety of night shift workers, it is considered that the currently proposed provisions are adequate as they are:

- Consistent with the *Environmental Protection (Noise) Regulations 1997* which describes the time periods appropriate for assigned levels of noise;
- Are context appropriate considering the subject area is within the vicinity of the Port Hedland International Airport from which flights currently operate throughout the day and adjacent to Great Northern Highway; and
- Provide the local government provision to consider noise management and mitigation overall as part of any application for development approval.

Objective 4 of the proposed LPP/08 is to:

*Manage the potential for land use conflict between sensitive land and incompatible land uses by consolidating similar uses within specific precincts and establishing assessment criteria for future development applications.*

Regarding potential noise impacts, this is achieved through the following provisions within the proposed LPP/08:

- The Precinct Plan (Figure 1) provides a buffer/ transition area between precincts that are identified as more suitable for accommodation uses and industrial development;
- The introduction of a preferred land use table (Table 1);
- Clause 5.0, stipulates a noise management plan may be required to accompany an application for development approval;
- Clause 7.2.4, considers noise impacts of the noise on sensitive development in the vicinity of the airport;

- Clause 7.3.3, Table 2, Item 1(e), seeks to mitigate any conflicting land uses by identifying specific circumstances where noise management plans are required to accompany an application for development approval; and
- Clause 7.3.3, Table 2, Item 5(e), seeks to mitigate any impact of internal RAV rated roads on surrounding sensitive land uses by identifying specific circumstances where noise management plans are required to accompany an application for development approval.

Submission 2, received 27 October 2023, requests that “Note 3” of Table 1 – Preferred Land Uses is removed from the policy. Note 3 reads:

*3. The use of ‘Workforce Accommodation’ within the ‘Highway Precinct’ shall only be considered where the facility cannot be reasonably located in closer proximity to urban centres in line with LPP/05 – Workforce Accommodation.*

Local Planning Policy 05 – Workforce Accommodation (LPP/05), Clause 6.3, describes a range of provisions applicable for the location of proposals within a 30-minute drive of the townsite boundary. These provisions support Town’s Position Statement – Workforce Accommodation that was adopted by Council at the Ordinary Council Meeting on 24 June 2020, in which the Town identifies a preference for the location of workforce accommodation within or in close proximity to an existing activity centre to enhance amenity, stimulate local business activity, support town-based services and infrastructure, and encourage community integration.

Regarding whether Note 3 can be implemented by a planning instrument, Schedule 2 Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports the consideration of user and community benefit when considering an application for development approval. Specifically, when considering an application for development approval the local government is to have due regard to:

*(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses; and*

*(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*

Due to the above, the Officer recommendation is that Note 3 is retained in the proposed LPP/08 as it supports Position Statement – Workforce Accommodation and LPP/05 and is within the considerations stipulated in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### Modifications

Modification 1 as outlined in *Attachment 6* relates to Clause 9.0 Definitions through the addition of two new definitions for ‘lease boundary’ and ‘internal road’. The inclusion of these definitions will ensure that both developers and assessing officers are clear on the provision requirements.

#### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of medium significance, because:

- Exception - The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

## **CONSULTATION**

### *Internal*

- Planning Services

### *External Agencies*

- Port Hedland International Airport (PHIA)
- Port Hedland Industries Council (PHIC)

### *Community*

In line with the *Planning and Development (Local Planning Schemes) Regulations 2015*, 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.
- Letters to affected landowners.

The amendment was advertised for public consultation from 04 October to 27 October 2023, for a total of 23 days.

## **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 4.1 - Industrial Interface

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Economy:

2.3.2 Minimise red tape for business through regular review and reform of relevant policies and by-laws.

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

2.5.1 Pursue investment in key infrastructure development such as the port, airport, service industry and logistics.

Our Built and Natural Environment:

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

Our Leadership:

4.3.2 Community members, businesses and tourists are engaged to provide feedback about local facilities and services.

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

**Access and Inclusion**

Nil

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Service Interruption
<b>Cause</b>	Land use conflict and objects intruding into controlled airspace.
<b>Effect (Consequence)</b>	Potential impact on the operations of Port Hedland International Airport and surrounding developments.
<b>Risk Treatment</b>	Mitigated
<p>There is a Strategic risk associated with this item caused by land use conflict and objects intruding into controlled airspace, leading to Potential impact on the operations of the Port Hedland International Airport and surrounding developments.</p> <p>The risk rating is considered to be Medium (8) which is determined by a likelihood of Unlikely (2) and a consequence of Major (4).</p> <p>This risk will be mitigated by the the Town’s ability to assess and review development applications and apply appropriate conditions of development approval.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The proposed amendment to Local Planning Policy 08 – Port Hedland International Airport and revocation of Local Planning Policy 10 – Highway Precinct Design Guidelines will provide mapping and policy provisions to provide clarity to landowners, developers and the Town.

The Officer recommendation is to dismiss both submissions received during public advertising as it is considered that the proposed amendment to LPP/08 adequately addresses the concerns raised by Submission 1 and is strengthened by inclusion of Note 3 which Submission 2 requests be removed.

Modifications made after the initiation of amended LPP/08 include the addition of definitions for 'lease boundary' and 'internal road' in Clause 9.0. The inclusion of these definitions will ensure that both developers and assessing offers are clear on the provision requirements.

By adopting this policy, Council will facilitate improved safety and efficiency of operations at the Port Hedland International Airport and provide appropriate policy guidance to the community.

**ATTACHMENTS**

1. Amended LPP 08 - Port Hedland International Airport [**12.3.1.1** - 13 pages]
2. Current LPP 08 - Port Hedland International Airport [**12.3.1.2** - 9 pages]
3. Current LPP 10 - Highway Precinct Design Guidelines [**12.3.1.3** - 71 pages]
4. Schedule of Submissions [**12.3.1.4** - 3 pages]
5. Submissions in Full [**12.3.1.5** - 5 pages]
6. Schedule of Modifications [**12.3.1.6** - 1 page]

**12.3.2          Lots 55, 56 and 57 (No. 10) McKay Street, Port Hedland - Proposed Change to Town's Heritage Inventory 2017 (Place No. 13)****Author:** Senior Urban Planner**Authorising Officer:** Director Regulatory Services**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.**OFFICER'S RECOMMENDATION****That Council:**

- 1. NOT SUPPORT the proposal to modify Place No. 13 located at Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland, from "Grade – B" to "Grade - C" within the Port Hedland Heritage Inventory 2017, for the following reasons:**
  - i) The condition of the building is not a measure to evaluate its heritage value.**
  - ii) The subject building is one of four original buildings left within the historic urban area of the port and makes a significant contribution to the identity of the original Town.**
  - iii) The building is not beyond being restored and retained due to the extensive steel / iron construction design being mostly intact.**
  - iv) There are very few significant buildings of this early period remaining in the Town (1906 construction) with 'Bungalow – Northwest Vernacular' architectural style, with elevated floors and verandahs.**
- 2. Advise the Department of Planning Lands and Heritage, it does NOT SUPPORT the demolition of the former state school building for the following reasons:**
  - a) The subject building on Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland has been identified as having high cultural heritage significance under the Town's Local Heritage Survey 2017 (Place No. 13 - Grade B), requiring retention and restoration.**
  - b) The poor condition caused by neglect and no maintenance does not warrant the demolition of the former school building.**
  - c) The site is large enough to provide development options for a new facility, including the retention and restoring of the former school building.**
  - d) Insufficient information has been provided to support the demolition of the former school building.**

- 3. Request the Department of Planning Lands and Heritage to provide advice to the Town of Port Hedland as to whether it forms the view that the heritage place as identified under the Heritage List of the Port Hedland West End Improvement Scheme No 1, for on Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland, is not being properly maintained.**
- 4. Advise the Department of Planning Lands and Heritage, if it has a view that the heritage building is not being properly maintained, it recommends that the Department issue a Heritage Conservation Notice in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and objectives of the Port Hedland West End Improvement Scheme No 1.**

***SIMPLE MAJORITY VOTE REQUIRED***

### **PURPOSE**

The purpose of this report is for Council to consider a proposal from the Volunteer Marine Rescue Port Hedland (VMRPH). The VMRPH have requested the Town amend its Heritage Inventory 2017, by changing the level of significance for Place No. 13 (Former Port Hedland State School - pages 39 and 40) from Grade - B (retain and conserve) to Grade – C. The VMRPH have requested the change to enable the demolition of the heritage building.

### **DETAIL**

#### Background

The subject properties, Lots 55, 56 and 57 McKay Street, are located within the Department of Planning Lands and Heritage's 'Port Hedland West End – Improvement Scheme No.1' area, and subject to State planning controls.

The site is located in the western most corner of the Improvement Scheme No. 1 area approximately 200 metres to the Port Hedland boat ramp and 1.9km to the new 'Spoil Bank' marina boat ramp.



Location Plan



Aerial Photo

The subject site (formerly Lots 55 and 564) is identified under the Town's Heritage Inventory 2017, as Place No. 13, which has a level of significance, Grade-B (Heritage List; Town Planning Scheme and Retain and restore). The site has been identified under the former Town of Port Hedland Municipal inventory since 2007.

The Port Hedland Heritage Inventory 2017 states for Place No. 13 as:

*"Port Hedland State School (Former) is significant as the first education facility in Port Hedland, as associations with staff and students between 1906 to 1942, and 1953 to 1961. The world War two period of associations when utilized as a mess is significant as is the use by community organisations. The place makes a significant contribution to the historic character and streetscape of the Town of Port Hedland.*

*Established in 1906, the school served the Port Hedland community as the only education facility until 1942. During World War Two the school was closed due to bombing threats and did not reopen until 1953. During that time, the Army used the building as a mess. During the closure period the Catholic Presentation Sister's took responsibility for education and opened St Cecilia's Catholic College.*

*In 1959 two rooms were added to the original one room of the Primary School, but in 1961 it closed, and a new junior high school opened in Acton Street. In 1992 the property was vested to Town of Port Hedland, and has since been used by various community organisations, including the Red Cross and Playhouse Theatre Group. More recently it has been occupied by the Volunteer Sea Rescue and Game Fishing Club, to whom the property is now vested."*

(Refer Attachment 1 – full extract from Heritage Inventory 2017).

### History

23 Aug 2017 Port Hedland Heritage Inventory 2017 (current), adopted by Council.

8 July 2020 Volunteer Marine Recue Port Hedland emailed the Heritage Council WA, seeking advice:

*"I would like to inquire about the land at 10 McKay Street, Port Hedland WA. Our Volunteer Marine Rescue group currently hold the management order for this property. We are an emergency service group that fall under the Department of Fire and Emergency Service banner. Our query is around what is the process for demolishing the current building on this property so that we could build a fit for purpose marine rescue operations centre.*

*The current facility at 10 McKay Street is in very poor condition and our group is in desperate need for a new facility. We have recently conducted a structural engineering assessment by a private contractor on the building as well which highlights the risk associated with this buildings condition. We would like to knock the current facility down and build a new facility on the block at 10 McKay Street. However, we are unaware of the process to do this.*

*Also is there a way to get the Heritage Listing updated to reflect the current building condition as "Fair" is not an accurate description for this poor condition building? Let us know if we could get this status*

*changed as well. We can share this engineering report as well if this will help in this effort."*

8 July 2020 The A/Director Heritage Assessment & Registration and the Manager Heritage Support Services at DPLH advised Volunteer Marine Rescue Port Hedland (VMRPH), the following:

*"The first step when dealing with the proposed demolition of places such as this which are situated on land owned by the State is generally a referral under the provisions of the Government Heritage Property Disposal Process (GHPDP). Our records indicate that P2289 Old School (former), Port Hedland was considered through that process in August 2015 when it was determined that, based on the information presented, P2289 Old School (former), Port Hedland is unlikely to cross the threshold for entry in the Register of Heritage Places and therefore does not warrant full assessment.*

*Given the above, no further referrals under the provisions of GHPDP are required for the place. However, I would suggest you speak to our colleagues in Land Use Management to determine whether they have any further requirements at their end.*

*With regard to the condition description, I believe this is the Town of Port Hedland's record so you may need to contact them to ask if they are happy to amend it."* and

*"Town of Port Hedland would indeed be the body to determine whether to change the note relating to building condition. May be worth waiting until a determination has been made on potential demolition.*

24 Jan 2023 VMRPH emailed the Town, providing plans and an engineer's assessment. The email advised:

*"Marine Rescue Port Hedland are looking to initiate the demolition of the dilapidated old office facility at 10 McKay Street, Port Hedland.... I am writing to inquire as to the process of planning approvals to demolish this old facility. We would also need advice on how to go about the local shire heritage register for this dilapidated facility, and what steps need to be taken to demolish the old office. We have had some previous correspondence below from the State Government on this process, however we advised to consult with the TOPH on how to achieve this process further (sic)."*

6 Feb 2023 The Town replied to VMRPH, advising the following:

*"The property is located within the Port Hedland (West End Improvement Scheme No. 1). The Improvement Scheme is a state initiative created on 18 September 2020. The Town's local planning scheme does not apply to any lot within the Improvement Scheme area. The Improvement Scheme is under the authority of the State, Western Australian Planning Commission (WAPC). Queries should be*

*directed to the Department of Planning, Lands and Heritage (DPLH), who administer the Improvement Scheme on behalf of the WAPC.*

*Your request for demolition should first be made to the DPLH on 6551 9357 or 6551 9585 or info@dplh.wa.gov.au.*

*As you are aware the property is identified under the Town's Municipal Heritage Inventory, a Category B which recommends to restore and retain the buildings.*

*While the Town is not the deciding authority on the demolition of any buildings on the site, if the landowner is seeking to demolish, a full dilapidation report, together with your structural engineer's report should be provided to DPLH with your proposal. The proposal should also be accompanied with information identifying:*

- Written statement of building and facility requirements (yard areas, boat storage areas, parking areas etc).*
- Concept plans depicting development options ie where re-development of the site includes conserving and protecting the historic buildings, and those options demonstrating why retaining the buildings cannot be achieved.*
- Statement of estimated costs.*

*It is likely DPLH will refer the proposal to the Town for comment before a decision could be made by them. When the proposal and the supporting information is received, the Town may advertise the proposal for comment. The proposal will then be referred to the Council for a recommendation, before advising DPLH."*

8 March 2023

The Town received an email from the Department of Planning, Lands and Heritage (DPLH) seeking comments on a preliminary development proposal from Volunteer Marine Rescue Port Hedland (VMRPH), stating:

*"The Department is currently undertaking a preliminary assessment of a prospective development application in the West End for a new Marine Rescue Service Centre across lots 55, 56 & 57 at 10 McKay Street, Port Hedland.*

*As part of this assessment, we would like to refer the application for comments pre-lodgment in particular regarding any potential issues foreseen re a building permit and if the current land tenure/lot layout would cause any issues in the respect.*

*We also note the site is listed on the Town's heritage inventory as a Grade B site and any comments in this respect are also welcomed. I have attached the relevant documentation we have received so far. Please don't hesitate to get in contact to discuss anything."*

The email included the following documents:

- a) an extract from the Town's Heritage Inventory 2017, Place No. 13 (Refer Attachment 1).
- b) a set of development plans.
- c) a 'Structural Condition Assessment' (report) by AIE – Engineering and Construction Management Pty Ltd dated 24 May 2020 (Refer Attachment 6).
- d) a DPLH Land Tenure Map.

6 April 2023

The Town advised DPLH:

*"The Town's administration did not support redevelopment of the site at the cost of demolition of the existing heritage building. The building is identified in the Town's Municipal Heritage Inventory and requires better consideration than that being presented. Volunteer Marine Rescue were advised on 6 February 2023, to examine options to retain the former school building and that the site was large enough for a new building to be sleeved behind and the existing building, to enable restoration and retention.*

It was noted that the AIE Structural Condition Assessment (Report) dated 24 May 2020, *"was supportive of remedial works and not conclusive in support of demolition."*

Notwithstanding the WAPC's jurisdiction to determine the application, it was recommended that sufficient time be provided to the Town to advertise the proposal, to gauge public opinion of the demolition; and for a proposal to be referred to a Council meeting for a recommendation.

26 June 2023

The Volunteer Marine Rescue Port Hedland (VMRPH), emailed the Town requesting consideration for changes to the Heritage Inventory 2017, for Place No. 13, from Grade B to Grade C. The proposal included a cover letter (Refer Attachment 2), a Heritage Assessment and Heritage Impact Statement prepared by Hocking Heritage and Architecture, dated June 2023 (Refer Attachment 4), a report by AIE Engineering and Construction Management Pty Ltd, called the Structural Condition Assessment dated 3 March 2023 (Refer Attachment 7).

19 July 2023

The Town received an email from the Department of Planning, Lands and Heritage (DPLH) seeking comments on the formal development application. The email provided the following supporting documents:

- a) a Heritage Assessment and Heritage Impact Statement prepared by Hocking Heritage and Architecture, dated June 2023.
- b) AIE Structural Condition Assessment (Report) updated on 3 March 2023.
- c) a signed Application Form.
- d) Development Plans (Refer Attachment 5).

- e) Certificate of Crown Land Title. The title indicated Reserve 3557 has a Management Order J317545 registered on 10 June 2005 to the VMRPH Inc. The title also indicates a change of reserve purpose on 15 October 1999 to "Sea Rescue Meeting Rooms and Storage and Community Purposes".

1 August 2023 the Town advised DPLH: *"Thank you for the referral received 19 July 2023. Further to our discussion last week, the Town seeks an extension of time to consider the above-mentioned application.*

*The reasons for the extension, the development proposes demolition of the building recommended for retention under the Local Heritage Survey (Municipal Inventory), and Marine Rescue have formally requested a change to the level of significance of the site/building. Both matters are to be considered at the September Council meeting.*

*If the extension is not supported by the applicant, it is recommended that the development is not supported until the Council has considered all issues."*

30 August 2023 The Council at its ordinary meeting resolved:

1. Advise the Port Hedland Volunteer Marine Rescue:

- a. *The proposal to modify Place No. 13 located at Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland, from "Grade – B" to "Grade - C" within the Port Hedland Heritage Inventory 2017, will be advertised for public comment for a period of 30 days before a decision can be made:*
- b. *The public comment period noted in 1(a) above will be deferred until following Council elections in October 2023, in accordance with the Town's Policy 4/006 'Elections – Caretaker Period' (Part 6); and*
- c. *The proposed heritage reclassification will be presented to the Council for a decision following public comment.*

2. Advise the Department of Planning Lands and Heritage (DPLH) to:

- a. *Advertise development application DA804-15-1 for public comment to surrounding landowners and broader Port Hedland community; and*
- b. *Defer determination of development application DA804-15-1 until a decision is made by the Town of Port Hedland Council regarding the heritage classification of the building, following the public comment period noted in Recommendation (1) above."*

#### AIE Pty Ltd Engineering Assessments 2020 and 2023

There have been 2 engineering assessments prepared for the subject building. Both assessments have been prepared by AIE – Engineering and Construction Management

(AIE Pty Ltd). The first assessment was commissioned by Volunteer Marine Rescue Port Hedland Inc., and the second by the Department Fire Emergency Services (DFES):

- a) 'Structural Condition Assessment' by AIE Pty Ltd dated 24 May 2020, for VMRPH (engineering inspection took place on 16 April 2020) (Refer Attachment 6).
- b) 'Structural Condition Assessment AIE Pty Ltd dated 3 March 2023, for DFES (engineering inspection took place on 15 February 2023) (Refer Attachment 7).

The executive summary of the 3 March 2023 assessment states:

*"AIE – Engineering and Construction Management Pty Ltd (AIE) was engaged by the DFES to complete a structural condition assessment of the building at 10 McKay Street, Port Hedland, Western Australia. The inspection was initiated to evaluate the current building condition and identify the building's condition to current applicable Australian Standards and building code requirements. The inspection took place on 15th of February 2023.*

*It was advised by DFES that no remedial work had been done on the building in relation to the previous AIE report AU20-030-05-001\_1 issued 21st May 2020.*

*..... Five (5) code non-conformances were observed which will need further inspection and engineering design to determine the full extent of the scope. One important observation is that the building does not appear to have incurred structural damage due to the current standards non-conformances and has sustained severe weather conditions over its life span.*

*There was a total of twelve (12) structural deteriorated defects with nine (9) defects assessed as High to Extremely Severe Risk. It is observed that most of the defects are located at the Northern End of the building except for the walls and subfloor structures where termite damage may have spread through the entire building. The Southern end of the building sustains considerably less structural defects where the main concerns are the termite damage and the damaged concrete stumps. Rectifications are recommended to be carried out immediately (for Priority 0) and within the next 3 to 6 months (for Priority 1 & 2) to prevent further damage to the building structure. The following observations can be attributed to the 3 identified Priority 1 and higher defects:*

- Priority 0 - Failure of verandah floor, wall and roof members as a result of extensive termite damage to the North West corner of the building.*
- Priority 1 - Concrete deterioration to 95% of building stumps of the building on the Northern end and 50% of the stumps at the Southern end resulting in reduced capacity.*
- Priority 1 - Failure of verandah roof members along the east side of the building as a result of extensive termite damage.*

*In summary, the condition of the building at time of inspection was determined as:*

- Northern end of the building (Port Hedland Gamefishing Club end - Gridline 9 to 29 on drawing AU23-039-06-001 in Appendix A): Extremely High Risk for structural integrity failure. Rectification works are highly recommended prior to building use.*

- *Southern end of the building (VMR Operation End - Gridline 1 to 9 on drawing AU23-039-06-001 in Appendix A): High Risk for structural integrity failure. Rectification works are recommended within the next 3 to 6 months. It should be considered that further deterioration or failure of the Northern end of the building can cause further damage to the Southern end given the two sections having the same roof, walls, and floor structures.*
- *In addition, the building (both Northern and Southern ends) is at Extremely High Risk during a cyclonic weather event considering the current structural defects and the code non-conformances. Building use during cyclonic weather events is not recommended unless further inspections, remediation / upgrade works are carried out.*

*Whist possible with immediate interventions and limited loading with regular inspections, the limited occupancy of the building is not recommended due to associated risk of unknown extent of termite damage. Potential temporary facilities are a more prudent option. The building is not suitable for occupancy during cyclonic event and building abandonment should be strictly followed during such weather event.*

The 'Structural Condition Assessments' (2020 and 2023) are much the same. Both assessments indicate the building having twelve (12) structural deteriorated defects, with nine (9) defects assessed as High to Extremely Severe Risk.

Both assessments indicate that rectification works can be applied to those extremely severe risk locations of the structure, prior to use. Also, both reports recommended remedial works be conducted within 3 to 6 months for high-risk areas. It was noted in the assessments that no remedial works were conducted by either VMRPH or DFES.

#### Management Order to VMRPH Inc

The subject property Lots 55, 56 and 57 McKay Street, Port Hedland is a crown reserve R3557. The purpose of the reserve changed on 15 October 1999 to "Sea Rescue Meeting Rooms and Storage and Community Purposes".

A Management Order J317545 was registered on title on 10 June 2005 to the Volunteer Marine Rescue Port Hedland Inc (VMRPH), as stated on the certificate of title.

The subject land and building have been on the Town's Heritage Inventory since 2007. The VMRPH could have been party to the consultation process and made aware of the proposal to incorporate the land into the Town's Heritage Inventory in 2007.

Given that VMRPH have been aware since 2016 that the property is on the Town's Heritage Inventory 2017 and have done little to protect the building, it maintains a considerable share of responsibility for the buildings neglect and deterioration.

#### Adoption of Municipal Heritage Inventory 2017

The Town on 17 November 2016 commenced public consultation through its web site for the Draft Municipal Heritage Inventory. This was for the period Thursday 17 Nov 2016 until Friday 23 December 2016. At that time, the web site indicated:

*"We are also holding a public information session on Thursday December 1 between 4.30pm and 6.30pm at Dalgety House, 8 Anderson street Port Hedland and all community members who are interested in our Municipal Heritage Inventory are encouraged to attend"*

The Council on 23 August 2017 resolved to adopt the Heritage Inventory subject to:

- "1. Accept the review of the 2007 Town of Port Hedland Municipal Heritage Inventory and Adopt the updated 2017 Heritage Inventory with modifications as shown in Attachment 3;*
- 2. Rename the inventory from the Town of Port Hedland Municipal Heritage Inventory 2007 (MHI) to the Town of Port Hedland Heritage Inventory 2017 (HI);*
- 3. Authorises the Chief Executive Officer or his authorised officer to notify the Heritage Council of Western Australia of the updated Heritage Inventory, as required by section 45(3) of the Heritage of Western Australia Act 1990; and*
- 4. Authorises Town Officers to enhance the Heritage Inventory from time to time with simple administrative and editorial changes such as additional photographs and other images, as well as minor additions to the historical notes and layout of the Heritage Inventory as required."*

The 2017 Heritage Inventory review amended the reference numbers from the former 2007 inventory.

The Town's Heritage List as understood by the Heritage Act 2018 and Planning and Development (Local Planning Schemes) Regulations 2015. The Heritage List consists of the Grade A places followed by the Grade B places, and then by Grade C places (not part of the Heritage List). Grade C places have no implications other than the opportunity to record the place prior to development or demise, and a recognition of their cultural heritage significance.

#### Heritage Protection and Heritage Conservation Notices

Schedule 2, Part 3 – 'Heritage Protection' under the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), outline the responsibilities for local governments for the creation of a heritage list and maintenance of areas/places identified under a heritage list, such as the Town's Heritage Inventory 2017.

Due to the creation of the State controlled "Port Hedland West End Improvement Scheme No. 1" the relevant places of the heritage list (Town's inventory) is applied to the planning framework, administered by the Department of Planning Lands and Heritage (DPLH). It is considered, the responsibilities of the local government to apply Heritage List (Inventory) and conservation notices, under the regulation (Section 13,c12) can only be applied by the DPLH/ WAPC.

The Deemed Provisions outline definitions and requirements for protection of heritage places under a heritage list as :

"(1) *In this clause -*

***Heritage conservation notice*** - means a notice given under subclause (2);

***Heritage place*** - means a place that is on the heritage list or located in a heritage area;

***Properly maintained, in relation to a heritage place*** - means maintained in a way that ensures that there is no actual or imminent loss or deterioration of —

(a) *the structural integrity of the heritage place; or*

(b) *an element of the heritage place that is integral to —*

(i) *the reason set out in the heritage list for the entry of the place in the heritage list; or*

(ii) *the heritage significance of the area in which it is located, as set out in a statement in the local planning policy for the area adopted in accordance with clause 9(2).*

(2) *If the local government forms the view that a heritage place is not being properly maintained the local government may give to a person who is the owner or occupier of the heritage place a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given.*

(3) *If a person fails to comply with a heritage conservation notice, the local government may enter the heritage place and carry out the repairs specified in the notice.*

(4) *The expenses incurred by the local government in carrying out repairs under subclause (3) may be recovered as a debt due from the person to whom the notice was given in a court of competent jurisdiction.*

(5) *The local government may —*

(a) *vary a heritage conservation notice to extend the time for carrying out the specified repairs; or*

(b) *revoke a heritage conservation notice.*

(6) *A person who is given a heritage conservation notice may apply to the State Administrative Tribunal for a review, in accordance with Part 14 of the Act, of a decision —*

a. *to give the notice; or*

b. *to require repairs specified in the notice to be carried out; or*

c. *to require repairs specified in the notice to be carried out by the time specified in the notice."*

The relevant issues for the subject proposal are, whether:

a) the building should be subject of a notice.

- b) Is there sufficient heritage value to warrant the giving of a notice specifying measures required to be taken to prevent the building being threatened with demolition by neglect, and
- c) Who should issue the Conservation Notice.

The DPLH have proved general advice, that if the Town believes that the subject site warrants a Conservation Notice, then it should issue one. It is considered that the Town does not have the power to issue a notice under the Deemed Provisions as the planning powers are held with DPLH due to the West-end Improvement Scheme.

It is considered, as the property is in State ownership it provides as unusually situation where the State may be responsible and who also have the decision powers, over what seems to be a conflict, if a planning Conservation Notice was to be contemplated. This opinion has not been verified through legal advice.

The Town can however, issue a Building Order pursuant to Section 110 of the Building Act, requiring that the landowner/occupier to engage a structural engineer to identify all remedial works necessary to repair the building and carry out any remedial works within a specified timeframe. If the building is considered dangerous for occupants and to the surrounding properties and occupiers, the Town may have a duty of care to issue a notice under the Building Act. This has not been contemplated but the VMRPH have strongly suggested that the building is dangerous.

#### Port Hedland West End Improvement Scheme No. 1

The subject land is located within the Port Hedland West End Improvement Scheme No.1, under the control of the State of WA, administered by the Department of Planning, Lands and Heritage (DPLH). All planning applications within the Improvement Scheme area are determined by DPLH. DPLH referred the development application to the Town by email on 19 July 2023 for comment and a recommendation.

DPLH generally has 60 days from the date of receiving an application to issue a decision and the Town has 42 days to respond from receiving notice from DPLH.

The Town on 31 July 2023 wrote to DPLH seeking an extension of time to consider the application and the request to modify the Heritage Inventory 2017. DPLH has advised that an extension of time and has been granted until December 2023.

Generally, if a decision is not issued by DPLH within the stated period, under the provision of the Planning and Development Act 2005, the application is deemed refused and a right of review to the State Administrative Tribunal is created.

If the Town does not make a recommendation to DPLH, then a decision can be made without some direction from the Town.

#### WAPC to Apply the Town's Heritage Inventory 2017

The DPLH web pages state the Improvement Scheme No. 1 aims are:

- "• *provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the Scheme area.*

- *implement the State Government response to the Port Hedland Dust Management Taskforce Report to Government (2016) to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland, by prohibiting:*
  - *new residential development*
  - *development intended for use either exclusively or primarily by sensitive groups, including aged care, childcare, and medical facilities.*
- *facilitate opportunities for investment and development of quality built form and public place design across the Scheme area and public foreshore reserve interfaces that recognises the iconic location and heritage significance of Port Hedland's West End.*
- *provide a strategic planning framework to determine future land uses, considering all land use options, that takes into consideration physical, economic, social, and environment factors."*

(Refer Attachment – Improvement Scheme Report).

Dot point 3 above, is of relevance due to an emphasis placed on heritage value of the area, "the iconic location and heritage significance of Port Hedland's West End." This means that DPLH must place some weight on its decision based on placed on the heritage value of the area and components like the former school building, that make up this area.

#### Port Hedland West End Improvement Scheme Report

The Port Hedland West End Improvement Scheme Report outlines strategic objectives for the control area. The objectives relevant to heritage are:

*"Development that recognises that Traditional Owners maintain a cultural and strategic interest in Port Hedland and their economic, cultural, and land use aspirations are acknowledged.*

*Development appropriately recognises the importance of, and opportunities associated with, sites registered on the State Register of Heritage Places, in addition to sites identified in the Town of Port Hedland's Local Heritage Survey prepared under the Heritage Act 2018."*

Port Hedland West End Improvement Scheme No. 1 recognises the importance of both state and local heritage. The objectives which provide guidance for powers under the Improvement Scheme, identifies the responsibility of the Department of Planning Lands and Heritage (DPLH) to recognise the Town's Local Heritage Survey (Heritage Inventory 2017).

If the Town does not support a change to its heritage inventory, then the DPLH should consider its opinion and follow the framework. If the Town supports the change to its inventory regarding the subject site and down grade the significance level from B grade to C grade, then DPLH can accept the demolition of the building as part of this development application.

### Heritage Council WA and Department of Planning, Lands & Heritage

The following information has been provided about the functions of the State Heritage Council and DPLH regarding this heritage matter. Information has been provided on the DPLH, web site.

*"The Heritage Council is the State Government's statutory advisory body on heritage. The Minister for Heritage appoints a nine-member Council to exercise powers provided under the Heritage Act 2018. The DPLH supports the Heritage Council and Minister for Heritage to identify, promote conservation and coordinate sensitive development of cultural heritage listed places in Western Australia. The Department carries out the Heritage Council's day-to-day operations, and service delivery.*

*The State Register of Heritage Places (the State Register) was established under the Heritage of Western Australia Act (1990) and continues under the Heritage Act 2018.*

*This is a statutory list of places that represent the story of Western Australia's history and development. Entry in the State Register recognises the value and importance of a place and helps promote its conservation into the future. Heritage places are entered in the State Register following a rigorous assessment and registration process, which includes extensive consultation with owners, local governments and other stakeholders. The assessment considers a range of heritage values including the aesthetic, historic, scientific and social values of a place, in addition to its rarity, representativeness, condition, integrity and authenticity.*

*The Department of Planning, Lands and Heritage (DPLH) manages this assessment and consultation process. Places that the Heritage Council consider meet the criteria for registration are recommended to the Minister for Heritage who decides if the place will be included in the State Register. There are over 1,300 places throughout Western Australia in the State Register."*

The subject site/building was referred to DPLH in 2015 for assessment as part of the State's land disposal process, where it was found to not to meet the threshold for entry into the State Register.

Whilst the building and properties may not be considered to have State significance, it is still considered to have local significance and maintain its presence on the Heritage Inventory 2017. The Town's Heritage Inventory 2017 is incorporated into the planning framework under the State Improvement Scheme and should have considerable weight when a decision is made that affects a property that is listed.

### DPLH advice on Land Allocation

The DPLH have provided preliminary advice to the Town that they are supportive of a proposal by VMRPH to relocate the headquarters to Lots 343, 344, 345 and 346 Sutherland Street, Port Hedland (refer location below). The land is presently vacant and can allow for the immediate relocation of the headquarters facilities, into temporary facilities until the new building is completed. The Town received formal referral advice from DPLH on 24 November 2023 and has provided preliminary advice supporting the land allocation. The land allocation to VMRPH would provide opportunity for the retention and restoration of the former school building at the subject site.



Hocking Heritage Assessment 2023

The VMRPH on 26 June 2023 lodge a request to the Town seeking consideration to change the Heritage Inventory 2017, for Place No. 13, from Grade B to Grade C. Extracts from the Heritage Assessment and Heritage Impact Statement prepared by Hocking Heritage and Architecture, is stated below. The full report is provided under Attachment 4.

*"6.0 Physical Description*

*Port Hedland State School (fmr) is a large single storey timber framed, corrugated metal and asbestos clad building, constructed in two main phases together with other minor alterations. The original section was constructed in 1906 in the North West Vernacular style and formed a single classroom at the northern end of the current building range. The original section of school was surrounded by verandah which was partially infilled at the southern end to increase the school accommodation. The larger southern section of building was added in the late-1950s with the building now presenting in a coherent form.*

*The timber framed building is raised on concrete stumps, many of which are in failing condition and have been supported by steel stumps and acrow props. The roof is hipped clad in corrugated iron.*

*Verandahs are a key feature of three elevations with only the southern end not having a verandah. They are of timber framed construction with timber deck. The canopies are formed by the continuation of the main roof.*

*Windows are a variety of styles with a range of timber framed sash windows to the original class room. Timber framed openings were added to the later addition with cyclone shutters attached. Internally the floors throughout are jarrah boards of different widths commensurate with the periods of construction. The stud walls lined with asbestos linings to the entire wall height in the original classroom and a combination of custom orb corrugated lining and asbestos lining to Main Hall No. 1. The Marine Rescue accommodation has asbestos sheet lining.*

### *9.0 Heritage Assessment*

*The cultural heritage significance of a place comes from its cultural heritage values. The values are assessed by considering the place against various criteria. In determining whether a place has cultural heritage significance to the State of Western Australia, the Heritage Council must have regard to nine criteria, as set out in the Heritage Act 2018. These criteria are based on the HERCON (Heritage Convention) criteria, a set of heritage significance criteria that have been gradually adopted around Australia.*

#### *9.1 Importance in demonstrating the evolution or pattern of Western Australia's history.*

*This place is an illustration of how the Pilbara region of Western Australia underwent major changes when the establishment and growth of iron ore mining and export lead to massive changes in the population, employment and environment of the region.*

*The former Port Hedland school was originally a single classroom with one teacher, but the growth of the town in the 1950s lead to additions to the school. Soon after an alternative site was found for the school as the buildings on this site could not accommodate the student numbers and failed to meet contemporary standards. The building was subsequently used for other community activities until they were no longer viable due to the deterioration of their condition. During World War 2 the place was acquisitioned by the AIF to provide for the servicemen and women stationed in Port Hedland. This was a common practice throughout Western Australia during periods of conflict.*

#### *9.2 Importance in demonstrating rare, uncommon, or endangered aspects of Western Australia's heritage.*

*The remaining scale and form of the original 1906 single classroom school demonstrates a typical response by the Western Australian government to the provision of education for small communities. The initial design of the building which didn't meet the environmental conditions experienced in Port Hedland and was adapted to the conditions through the insertion of better ventilation and shade structures illustrated techniques to cope with the harsh environmental conditions.*

#### *9.3 Potential to yield information that will contribute to an understanding of Western Australia's history.*

*The experiences of the former teachers and students who attended the former school can provide and insight into the lifestyles within small communities in the early 20th century. The stories relevant to the growth of Port Hedland in the second half of the 20th provide an understanding of a community in transition from a small town to a major international port with significant infrastructure and a diverse community.*

*9.4 Its importance in demonstrating the characteristics of a broader class of place.*

*The former school and its adaptation to serve other community functions demonstrates the adaptability of the simple timber framed buildings to serve a variety of functions.*

*9.5 Any strong or special meaning it may have for any group or community because of social, cultural or spiritual associations.*

*The former school is associated with the many teachers who taught at the school in the 20th century when the remoteness of the town meant they had little support from their peers or the Education Department. Until the 1950s this school was served by one teacher and these individuals were valued in the community. The teachers, students, their families and the wider community who attended the school, or its later community functions have a connection to this place for its continuity of social services since the early 20th century.*

*9.6 Its importance in exhibiting particular aesthetic characteristics valued by any group or community.*

*The remaining form of the 1906 building demonstrates the vernacular style and scale of a regional single classroom school designed by the Public Works Department with later additions demonstrating typical Post War International style. There is little remaining detail of the original style however the roof form and enclosed verandahs is a degraded example of the earlier style.*

*9.7 Any special association it may with the life or work of a person, group or organization of importance in Western Australia's history.*

*Schools in small regional communities are important to the history of Western Australia for their function as a place for education and networking which is experienced by almost all members of the community. In recent decades the place is associated with the Port Hedland Volunteer Marine Rescue Group who are well regarded and valued by the community for the service they provide. The place is associated with the AIF who served during Works War Two and used this place as a mess for the servicemen and women stationed in Port Hedland. Whilst a brief period of time this use is valued and remembered by the Port Hedland community.*

*9.8 Its importance in demonstrating a high degree of creative or technical achievement.*

*The additions and alterations to the school, first constructed in 1906, demonstrates the ability of the Port Hedland community to adapt the building stock they had to serve a variety of functions. The continual renewal of building fabric to suit a range of new purposes is a testament to the resilience and ingenuity of the community.*

*9.9 Any other characteristic it may have that in the opinion of the Heritage Council it is relevant to the assessment of cultural heritage significance.*

*Nil*

#### *10.0 Management Category*

*The Port Hedland State School (fmr) demonstrates some significance and is regarded as a Category C (3) place which under the definitions adopted by the Town of Port Hedland in the 2017 Heritage Inventory means:*

- Category C: Some/Moderate significance*
- Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.*
- Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. Interpret the site, ruin or archaeological remnants*

*This differs from the management category assigned by Town of Port Hedland in the 2017 Heritage Inventory. The place has been assigned a Category B management category which is defined as:*

- Category B. Considerable significance*
- Very important to the heritage of the locality. High degree of integrity/authenticity.*
- Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.*

*It is clear that the Port Hedland State School (fmr) demonstrates heritage significance however due to its current condition in terms of extent of original fabric retained, it is not felt that the place demonstrates a high degree of integrity or authenticity. Under the assessment method adopted in the 2017 Heritage Inventory, integrity refers to the use and authenticity refers to original fabric.*

*The place no longer functions as a school and ceased operating in its original use in the 1960s. For the last 50+ years, the uses have been varied with the building now functioning in an office use in one section and vacant in the larger part of the place.*

*Much of the original fabric has also been replaced. The external cladding to both the roof and walls is not original, verandah fabric has been replaced and internal wall and ceiling linings are not original.*

*The building demonstrates some aesthetic value. Whilst the original function of the place remains discernible, the 1950s additions and the loss of original fabric has impacted on its original design intent. The characteristic deep verandahs of the north-west vernacular style remain visible, though in poor condition and the roof form to the original section remains intact. The 1959 addition was of a different architectural style and was more functional in design.*

*The former school does demonstrate social and historic significance. Historic significance as the first school in Port Hedland and its connections to World War 2.*

*Social significance due to its former school use and subsequent community use functions. The building demonstrates some importance to the local community."*

It is considered that the Hocking assessment has not adequately addressed, why the place should be downgraded to 'C'. The Assessment supports the views that the "building demonstrates some aesthetic value", "the original function of the place remains discernible" and "does demonstrate social and historic significance." Its only proposition is that the "due to its current condition in terms of extent of original fabric retained, it is not felt that the place demonstrates a high degree of integrity or authenticity."

#### Hocking Heritage Interpretation Plan 2023

The Department of Planning Lands and Heritage provided a copy of the heritage interpretation plan from the VMRPH on their development application, on 17 November 2023.

The Heritage Interpretation Strategy (refer Attachment 11) states the following:

- "1. *Marine Rescue Port Hedland have been operating from the premises at 10 McKay Street (lots 55, 56 and 57) Port Hedland since 2000. The collection of buildings on the site has their origin with the Port Hedland State School, first built on this site in 1906, then added to in several programs of work. The former School buildings have been identified in the Port Hedland Local Heritage Survey (Municipal Inventory) for their heritage values, and designated as worthy of Category B. The definition of Category B places is:*
  - 1.1. *Considerable Significance: Very Important to the heritage of the locality. High degree of integrity / authenticity. Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.*
2. *The proposed development is to demolish the existing buildings on the site which were formerly the Port Hedland State School. The proposed designs of new operations centre for Marine Rescue are shown on pages 14-17 of The Heritage Interpretation Strategy.*
3. *The proposed development includes the following indicative methods:*
  - 3.1. *The new operations centre for Marine Rescue will be located at the rear of the block, therefore the existing buildings at the front will be demolished and be replaced with a car parking area. An indication of the former buildings could be included within the car parking area with either painting or different textures in the paving materials. The paving is also an opportunity to include interpretive information or public art.*
  - 3.2. *Hoardings can be used to engage pedestrians and vehicle traffic. Hoardings surrounding the construction site are opportunities to inform and inspire engagement with the community. The involvement of the Port Hedland Historical Society in this application would generate community interest and potentially source new archival materials*
  - 3.3. *The extent of materials that can be salvaged and reused from the former school buildings is limited. However, it is possible that existing fabric can*

*be used for to demarcate areas within the site or for public art. It is proposed that a location on the McKay Street boundary is the optimal location for this purpose. This site would enable pedestrians and passing vehicle traffic to gain a brief understanding of the history of the site.*

- 3.4. It is suggested that the new Function/Meeting Room would be an appropriate location for a large graphic display of the former school. It is understood that this room would be used by the Marine Rescue volunteers and on occasion by members of the public.*
- 3.5. The siting of the new development at the rear of the site provides space for signage that can tell the story of the place to pedestrians and vehicles parked nearby. The new development also provides the opportunity for former occupants of the buildings to be honoured. For example, the new operations centre could be named after the first School Master, James Young; or a later Principal such as Mr Richardson who was a proactive educator.*
- 3.6. The new development is also proposing to capture stories of the site whilst the individuals who had first-hand experience of the place are still able to. As the former Port Hedland school was attended by many people who still live in Port Hedland there is opportunity to capture their stories for inclusion in the new development and creation of an archive. The final repository of any items collected would be decided by the Town of Port Hedland. Potential sites would be the Dalgety House Museum or the Town of Port Hedland local history collection within the library.*
- 3.7. Possible sites for public art include the paving on the site, an element in the public space adjacent to the footpath. The new development is also proposing to paint the walls of the new buildings with artwork reflecting the history of the site. This could potentially be a project with community involvement such as a graffiti artist with input from school children."*

The report provides the following recommendations for heritage interpretation, should the building be demolished:

- *"Continue engagement with the Port Hedland Historical Society to source stories and artefacts associated with the place.*
- *Install a large graphic image within the public space of the new Operations Centre. To be designed in conjunction with a local artist and the Port Hedland Historical Society.*
- *Define the boundary of the former school buildings in the carpark with a texture or material that is contrasting to carpark surface.*
- *Install an interpretation sign on the McKay Street boundary of the site outlining its history.*
- *Install an interpretive public art piece on the McKay Street boundary which references its former use as a school.*
  - a) The design of the installation should be undertaken with input from the Port Hedland Historical Society, local artists and indigenous representatives.*
  - b) Use building fabric salvaged from the site where possible.*

- c) Use elements that would readily demonstrate the past use of the site. For example, school bell, swings, stationery."*

#### Element Heritage Peer Review Assessment November 2023

The Port Hedland Historical Society commissioned a peer review of the Hocking Heritage and Architecture assessment. The peer review and assessment prepared by Element Advisory Pty Ltd (Element), presented under Attachment 11, was lodged on 24 November 2023. Extracts from the Element review / assessment, outlining 'Discussion', 'Heritage Findings and Recommendations' and 'Conclusions' are stated below:

#### *"5. Heritage Findings and Recommendations*

##### *5.1 Recommended Actions*

- 1. Prepare a peer review of the structural report by a suitably qualified and experienced heritage structural engineer, with proven experience with this type of construction.*
- 2. Prepare a Conservation of Works Schedule based on the review above (n.1), by a qualified and experienced heritage architect, of existing fabric to understand and propose a conservation scope of works package that would enhance the place's heritage values.*
- 3. Undertake a hazardous materials assessment to review potential ACM and other hazardous materials prior to any works on the site.*
- 4. Accept Grade B level of significance for the Place and follow management category recommendations established through the Town of Port Hedland Heritage Inventory 2017.*

*If any development is proposed for the site:*

- Initiate conversations with the Town of Port Hedland prior to design development of works proposals to foster collaboration.*
- Ensure future development considers the findings of the heritage assessment and recommendations relating to fabric of significance. Consider retention of significant elements where possible and ensure a detailed HIS is prepared as part of any development application to assess potential for impact upon the significance of the place.*
- Proposed works should demonstrate a positive conservation outcome in their response to the heritage context.*
- Any works undertaken on heritage buildings should be overseen by an appropriately qualified heritage architect and structural engineer.*
- Consider Connecting with Country to inform design guidelines.*

##### *5.2 Beneficial Actions*

- 1. To propose major development of a heritage place, any works must demonstrate a positive conservation outcome, and this will ordinarily be assessed by the content of the Conservation Management Plan (CMP) and how the design responds to this heritage context. The preparation of a CMP for the Place is*

- beneficial, by a qualified and experienced heritage professional, as it will identify the levels of significance of individual buildings and site elements of significance.*
- 2. Engage an architect with experience in the adaptation of heritage places when considering any new development or adaptive reuse of the site.*
  - 3. Prepare an overarching interpretation strategy to reflect the area stories and values to inform the design. This should include engagement with Knowledge Holders to ensure the integration of cultural heritage elements into any future design.*
  - 4. Propose a design that is inspired by site specific stories that enhance the heritage values of the area.*
  - 5. Prepare an archival record prior to works starting on site.*

### *Conclusions*

*In 2017, the Place has been identified as having considerable cultural heritage significance by the heritage specialist Laura Gray. It was reflected in its assignment of Grading B on the Town of Port Hedland's Heritage List. The Place is afforded statutory protection due to its inclusion on the Heritage List, as per the Town of Port Hedland's Town Planning Scheme (the Scheme).*

*Our heritage peer review has been based on Laura Gray's assessment and the Heritage Assessment and Heritage Impact Statement: Port Hedland State School (fmr), prepared by Hocking Heritage and Architecture for the Marine Rescue Port Hedland in 2023. The latter report has a very thorough historical analysis and comprehensive archival imagery. We concur with the current assignment of Grading B level of significance on the Town of Port Hedland's Heritage List and do not support the proposed change in significance level to Grading C.*

*As highlighted throughout the assessment, the demolition of the Place poses a major potential impact on the overall cultural value of Port Hedland, diminishing the heritage stock, and reducing heritage character and local authenticity. Moreover, the demolition of a heritage property should not be approved without a significant return to the community and improved local character.*

*Please see below recommendations for the site:*

- Peer review of AIE Engineering and Construction Management Pty Ltd (2023), Structural Condition Assessment report by a suitably qualified heritage structural engineer with proven experience with similar heritage listed constructions.*
- Prepare a Conservation Management Strategy (CMS), including the identification of the areas and element of significance, prepared by a suitably qualified heritage architect with proven experience with similar heritage listed constructions. Including a HAZMAT assessment prepared by a qualified consultant.*
- Accept Grade B level of significance for the Place and follow management category recommendations established through the Town of Port Hedland Heritage Inventory 2017.*

- *Inspired by the findings of the CMS, retention of the building is highly recommended with the assistance of a heritage architect specialised in adaptive re-use of heritage buildings. There are many other successful cases in Australia that can be used as benchmark.*
- *Heritage interpretation is highly encouraged, highlighting connections to Aboriginal cultural heritage in the area, the northwest vernacular style of architecture, its associations with the earliest establishment of Port Hedland, World War Two, local community groups, and important people that frequented the area.*
- *An archival record must be prepared prior to any demolition or major change.*

*Using The Manse SAT case in Armadale as a precedent, the Port Hedland State School (fmr) building provides a respite for the eyes, providing amenity and character to the streetscape. The Place has undergone some change throughout the years, however, once the levels and areas of significance are determined, it can be easily maintained and repaired inspired by existing archival imagery and remnant information on site. The demolition of the Place poses a major impact on the overall cultural value of Port Hedland and will diminish the existing heritage stock and reduce heritage character and local authenticity and should not be accepted."*

#### Summary Issues that remain Applicable

There are several issues relevant to the proposal, that require close consideration before a decision can be made. They are:

- The building is in poor condition, but it is unclear whether there is a will from the VMRPH Inc to repair and retain, as the Town has asked for costs of repair to be included in any justification but has not been provided.
- Is the building irreparable, or the damaged / failing sections can be repaired to restore full use. AIE Pty Ltd has identified that there is significant damage through termite activity and recommends repairs works be undertaken prior to use. Its states that there be urgent work done, to stop further failing of the building. Also states that there has not been repair work done by the VMRPH (2020 report) or DFES (2023 report)
- It is obvious the building has not been maintained or repaired over a long period of time. The applicant have had possession of the building at least 2005 (record of Management Oder on title 2005). Some records suggest, it may have had possession as early as 2000.
- The conditions of the Management Order may not have been complied with or overseen adequately by holder or the landlords.
- The applicant has not explained how the development plan was prepared and if development options to retain the building were considered.
- The building is identified in the Town's Heritage Inventory 2017 as the first state school constructed for a developing community in 1906 and has local cultural significance. There are many buildings/places within local governments in WA, that do not make the State register that are still considered significant and protected.
- The DPLH have provided preliminary advice to the Town, they are supportive of the relocation of the VMRPH headquarters to Lots 343, 344, 345 and 346 Sutherland Street, Port Hedland. The VMR have not advised the Town that they are seeking to

relocate. Considering this proposal ahead of the finalizing the land matter could be premature.

- Lowering the grade of significance for the site could set an undesirable precedent for future proposals on the Town's Heritage Inventory 2017. There are presently 20 properties and places with a Grade B significance on the Heritage Inventory 2017:

*" Place 5. Esplanade Hotel  
 Place 6. Wilson's Shipping Agents (fmr)  
 Place 7. Pier Hotel  
 Place 8. Lightkeeper's Quarters (fmr)  
 Place 9. Midi bin Brahim's tree  
 Place 10. Glass House (fmr)  
 Place 11. Bangers House (fmr)  
 Place 12. Courthouse (fmr)  
 Place 13. Port Hedland State School (fmr)  
 Place 14. Ellery Cottage (fmr)  
 Place 15. Pioneers & Pearlers Cemetery  
 Place 16. Lock Hospital (fmr)  
 Place 17. Du Pont explosives bunkers (Pippingarra)  
 Place 18. Convent (fmr)  
 Place 19. MMA Building (fmr)  
 Place 20. Post Office  
 Place 21. Roads Board Building  
 Place 22. Picture Gardens  
 Place 23. Dempster's Store  
 Place 24. Crameri's Billiard Saloon."*

## **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium high significance, because:

- Significant - The degree to which a decision or issues are difficult to reverse.
- Significant - The matter will have implications for the present and future social, economic, environmental, and cultural well-being of Port Hedland.

## **CONSULTATION**

### *Internal*

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

### *External Agencies*

Nil

### *Community*

The proposal was advertised to the Community by letters, emails, a newspaper advertisement and through the Town's web site.

As per Schedule 3, Part 3, of *the Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal to amend the Heritage Inventory and Council's resolution of 27 September 2023 was advertised for 30 days.

Consultation commenced on the 26 October 2023 and finished on 24 November 2023.

All submissions received at the time the report was prepared are outlined under the Submissions Table (Refer Attachments 10.0, 10.6, 10.24, 10.55, 10.59, 10.60, 10.61, 10.62, 10.63, 10.64, 10.66, 10.69, 10.71, and 10.79) To date there has been a total of 56 submissions received supporting a change to the Municipal Inventory Place No. 13 Grade to 'C' and 21 submissions not supporting a downgrade change, but supporting an upgrade to Grade 'A'. It is noted that there was one petition lodged with 22 signatories. Also the Port Hedland Historical Society have lodged a peer review and assessment of the Hocking Heritage and Architecture report (Refer Attachment 11).

### **LEGISLATION AND POLICY CONSIDERATIONS**

- Planning and Development Act 2005.
- Planning and Development (Local Planning Schemes) Regulations 2015.
- Heritage Act 2018
- State Planning Policy 3.5 Historic Heritage Conservation (May 2007).
- Port Hedland West End Improvement Scheme No. 1.
- Port Hedland West End Improvement Scheme Report.
- Town of Port Hedland Local Planning Scheme No. 7.
- Town of Port Hedland Heritage Inventory 2017.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is no provision in the 23/24 annual budget or LTFP towards DFAS.

### **STRATEGIC SUSTAINABILITY IMPLICATIONS**

#### **Strategic Community Plan**

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

#### Our Community:

1.2.4 Regular opportunities for the broad community to have input into the Town of Port Hedland plans and programs are provided for transparency, accountability and two-way interaction.

1.4.2 Facilities and community infrastructure are revitalised across the town

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

#### Our Economy:

2.5.1 Pursue investment in key infrastructure development such as the port, airport, service industry and logistics.

2.5.3 Invest and develop key community and recreation infrastructure.

Our Built and Natural Environment:

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

3.3.2 The community has access to attractive natural habitats, built form, parks and amenities.

Our Leadership:

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally, and internationally to tourists, investors and new residents.

*Environmental*

Nil

*Economic*

The property and historic building provide an opportunity to contribute to the broader story of the town and tourism.

*Social*

The property and building have been recognised as a significant contributor to the cultural heritage of the Town, being the first state school constructed in 1906, albeit a modest construction.

**Access and Inclusion**

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

- Outcome 2 – Buildings and Facilities

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Heritage - Conserve the Town’s exceptional cultural heritage.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance Reputational
<b>Cause</b>	Heritage Inventory 2017 has undergone a process of extensive public consultation. Any changes to the document should also be given similar consideration.
<b>Effect (Consequence)</b>	Change to the significance category for the subject site under the Town’s Heritage Inventory 2017 will permit the demolition of the heritage building.

<b>Risk Treatment</b>	Council support the recommendation as proposed.
<p>There is an operational risk associated with this item caused by precedence, set by changing the heritage protections based on redevelopment need and fear.</p> <p>The risk rating is considered Medium (6) to Medium (8) which is determined by a likelihood of Likely (4) and Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the Town not supporting, the change to its Heritage Inventory 2017 based purely on the strength of submissions received, which do not address rational assessment standards for determining heritage value.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation.

Option 2 – Alternate officer’s recommendation (as per below).

**That Council:**

- 1. Supports the proposal to modify Place No. 13 located at Lots 55, 56, and 57 (No. 10) McKay Street, Port Hedland, from "Grade – B" to "Grade - C" within the Port Hedland Heritage Inventory 2017 to enable demolition of the Port Hedland State School (Former) building.**
- 2. Advise the Department of Planning Lands and Heritage, it supports the demolition of the former state school building, provided that the historical use of the premises is identified on the site and sufficient record of the building and its historical relevance is preserved including photographs, materials and any other records.**

Option 3 – Do not adopt officer’s recommendation.

**CONCLUSION**

The preceding report contains many issues relevant to the subject of the down grading of the heritage significance of the property, recognised under the Town’s Heritage Inventory 2017. The matter is further complicated by the subject properties being a crown reserve, under management and control of the Volunteer Marine Rescue Port Hedland Inc and valued volunteer service to the community. The VMRPH have lodge the request to change the heritage grading due to an application with the Department for Planning Lands and Heritage for the redevelopment of the site and full demolition of the building.

The subject land contains a building with significant degrading and much of it needing repair for equally making it safe for use and its conservation as required under the Town’s Heritage Inventory. The building has had little to no work done to repair the damage caused by termite activity over the last 20 years. It’s not known if there is a maintenance annual program of termite treatment to stop further degradation.

In considering all issues as stated under this report and submissions lodged by the community to date, it is recommended that the proposal not be supported for the changing of the level of significance for Place No. 13 (Former Port Hedland State School - pages 39 and 40) from Grade - B (retain and conserve) to Grade – C, for the reasons as outlined in the recommendation.

## **ATTACHMENTS**

1. Attachment 1 - Extract Hedland Inventory 2017 [**12.3.2.1** - 2 pages]
2. Attachment 2 - VMR Letter Request Change Heritage Category [**12.3.2.2** - 2 pages]
3. Attachment 3 - Land Tenure Map [**12.3.2.3** - 1 page]
4. Attachment 4 - Hocking - Heritage Assessment June 2023 [**12.3.2.4** - 50 pages]
5. Attachment 5 - Development Plans July 2023 [**12.3.2.5** - 5 pages]
6. Attachment 6 - AIE Structural Assessment 2020 [**12.3.2.6** - 31 pages]
7. Attachment 7 - AIE Structural Assessment 2023 [**12.3.2.7** - 29 pages]
8. Attachment 8 - Improvement Scheme Report [**12.3.2.8** - 32 pages]
9. Attachment 9 - Heritage Interpretation Plan [**12.3.2.9** - 28 pages]
10. Attachment 10 - Submissions Table [**12.3.2.10** - 16 pages]
11. Attachment 10.6 - Submission Brett Ellacot [**12.3.2.11** - 1 page]
12. Attachment 10.24 - Submission Helen Ellacot [**12.3.2.12** - 3 pages]
13. Attachment 10.55 - Submission Petition Cathy Dalton [**12.3.2.13** - 2 pages]
14. Attachment 10.59 - Submission Anna Winkler [**12.3.2.14** - 2 pages]
15. Attachment 10.60 - Submission Anne Richardson [**12.3.2.15** - 1 page]
16. Attachment 10.61 - Submission Brian Richardson [**12.3.2.16** - 2 pages]
17. Attachment 10.62 - Submission Daphne Morris [**12.3.2.17** - 1 page]
18. Attachment 10.63 - Submission Desmond Moloney [**12.3.2.18** - 1 page]
19. Attachment 10.64- Submission Doris Teufel [**12.3.2.19** - 1 page]
20. Attachment 10.66 - Submission Greg Glass [**12.3.2.20** - 1 page]
21. Attachment 10.69 - Submission Julie Arif [**12.3.2.21** - 2 pages]
22. Attachment 10.71 - Submission Louise Newbery [**12.3.2.22** - 1 page]
23. Attachment 10.79 - Submission Yvonne Easey [**12.3.2.23** - 1 page]
24. Attachment 10.81- Submission Petition Allen Muzambwa [**12.3.2.24** - 3 pages]
25. Attachment 11 - Element Heritage Peer Review Assessment [**12.3.2.25** - 29 pages]

**12.3.3** | **Visitor Centre Annual Report 2023**

**Author:** Senior Economic Development Officer

**Authorising Officer:** Director Regulatory Services

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

**OFFICER'S RECOMMENDATION 1**

**That Council:**

- 1. Receives the quarterly reports from the Port Hedland Seafarers' Centre Inc for the management of the Port Hedland Visitor Centre for the period 1 July 2022 to 31 June 2023.**
- 2. Receives and notes the 2022/23 annual report from the Port Hedland Seafarer's Center Inc for the management of the Port Hedland Visitor Centre.**

***SIMPLE MAJORITY VOTE REQUIRED***

**OFFICER'S RECOMMENDATION 2**

**That Council:**

- 1. Approves the Deed of Variation of Management Agreement - Port Hedland Visitor Centre (attachment 1) with amendment to include a Key Performance Indicator relating to hours of operation, based on the current contract deliverables and key performance indicators) for a period of four (4) months, ending 31 October 2024, for a fee of \$132,730 (ex GST) to be included in the 2024/25 budget.**

***ABSOLUTE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to receive and consider the Port Hedland Visitors Centre quarterly reports for the periods and annual report provided by the Port Hedland Seafarers' Centre Incorporated (the Seafarers Centre) for the 2022/23 financial year.

Consider extending the current contract held by the Port Hedland Seafarers' Centre to manage the Port Hedland Visitor Centre by four months to expire on 31 October 2024.

**DETAIL**

The contract for the management of the Port Hedland Visitor Centre was agreed between the Town of Port Hedland and Port Hedland Seafarers' Centre Inc. for the period 1 July 2019 to 30 June 2024, which includes the agreed three x 12-month extension options. Regular reporting to the Town and provision of an annual report are required within the contract. Due to a vacancy in staff within Regulatory Services,

recent quarterly reports were unable to be reported to Council in a timely manner, with this consolidated report being provided which includes the Annual Report supplied in October 2023.

Desired outcomes of the agreement with the Seafarers' Centre are as follows:

- A friendly and professional face-to-face welcome to visitors with a consistently high quality, free information service to provide visitors to Port Hedland with insights into the region and distribute information about tourist product available in the region.
- A comprehensive range of local, regional and statewide brochures, maps and directional information both in hard copy and available electronically.
- Information and booking services for accommodation and tours.
- Information on attractions, events, retail outlets, local services, road conditions and transport options.
- A web presence and digital strategy to educate and attract visitors to the local area.
- High quality customer service to visitors of the Visitor Centre.
- A focus on continuous improvement and service growth at the facility.
- A safe, clean and hygienic environment for staff, customers and other visitors.
- Strong, accountable financial management.
- Clear, concise, accurate quarterly reporting on the operations of the facility.

Under clause 24.2 of the agreement, the Seafarers' Centre is to provide the Town with a quarterly report, including the following:

- Income and expenditure statements.
- Marketing and communication activities undertaken.
- Service providers.
- Maintenance and capital expenditure.

These reports have been provided and are attached to this report. Detail provided within these reports indicates that the Seafarers' Centre are operating the Visitor Center as expected and meeting the desired outcomes of their agreement with the Town.

Under clause 24.3 of the agreement, the Seafarers' Centre is to provide the Town with an Annual Report, including the following:

- Achievement of Key Performance Indicators
- Audited income and expenditure statements.
- Marketing and communication activities undertaken.
- A report on how the contractor implemented the Town's Disability Access and Inclusion Plan; and
- Certificate of currency with respect to the insurances required.

The attached Annual Report outlines the progress made by the Seafarers' Centre over the previous year of the management contract, including assessed Annual Key Performance Indicators. The operating cost of the facility is within the parameters laid out in the management contract.

Assessed annual Key Performance Indicators include:

KPI	Target	Actual 22/23 FY	Previous 2021/22 FY
No visitors supported through center	15,000 visitor interactions	33,091	26,185
No formal tours hosted	1,000 tours booked	5914	5,043
Gold/A1 accreditation	Maintained	Maintained	Maintained

Other KPI's including maintenance of online services and information, development of up-to-date tourism documents and the promotion of Port Hedland and the Pilbara region, have been met. Audited income and expenditure statements from the Visitor Centre have also been provided.

The Town seeks to minimise any potential impact on the provision of visitor services in the 2024 season while the Town reviews the delivery of the service provided, the Seafarers' Centre have requested an extension of the current contract. The Seafarers' Centre have requested a fee of \$132,730 (ex GST) based on the contract, adjusted for current costs. Officers are meeting contractual obligations of this extension of contract and intend to provide a report on the options for delivery of visitor services to a future Ordinary Council Meeting. This report recommends an extension of the contract to the end of October 2024 to allow Council sufficient time to determine its preferred delivery method and maintain the level of visitor services through the 2024 season. Based on feedback from Elected Members, this extension will include a new KPI relating to the hours of operation of the facility.

### **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 Port Hedland Visitor Centre has positive impacts on the tourism services and programs provided by the Town.

### **CONSULTATION**

#### *Internal*

- Manager Town Planning and Economic Development

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations for this report.

**FINANCIAL AND RESOURCE IMPLICATIONS**

The audited financial statement is attached as a confidential attachment to this report and is externally audited. This indicates that the Port Hedland Visitor Centre is trading as a solvent entity, although it appears that any costs associated with the Seafarers management and oversight of the facility have not been charged this financial year. Costs associated with extending the service to 31 October 2024 will be included within the 2024/25 budget.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

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

Our Community:

1.4.3 Facilities and community infrastructure are well maintained, managed and fit-for-purpose to provide a range of lifestyle opportunities.

Our Economy:

2.4.2 Market and promote Hedland for tourism.

*Environmental*

The Port Hedland Visitor Centre promotes and engages visitors and locals on the natural and environmental tourism opportunities in and around Port Hedland such as reef walking tours, turtle observation etc.

*Economic*

The economic benefits from having a well-managed Visitor Centre include developing a positive narrative about the town and attracting visitors to the region and increased dwell time and spend in the community.

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community’s vision of ‘building prosperity for all – enabling sustained economic growth’

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Perception that the Town has not performed its commitment to provide visitor services to tourists and the community

<b>Effect (Consequence)</b>	Dissatisfaction among visitors and stakeholders, service disruptions, and a negative impact on the Town's reputation and relationship with the community.
<b>Risk Treatment</b>	Council supports the officer's recommendation
<p>There is a Operational risk associated with this item caused by the perception of a lack of commitment to the provision of visitor services, leading to dissatisfaction among visitors and other stakeholders.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p> <p>This risk is mitigated by the adoption of the officer's recommendation.</p>	

### 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 Councillors of the annual financial and operational progress made by Port Hedland Seafarers' Centre Incorporated from 1 July 2022 – 30 June 2023 in its role as manager of the Port Hedland Visitor Centre. In addition, it is suggested Council approve a further 4-month extension to the contract term to maintain consistent visitor service programming and resources during the 2024 season.

### ATTACHMENTS

1. July 2022 to June 2023 Annual Report v 2 (003) [**12.3.3.1** - 23 pages]
2. Att 1 - Visitor Comments July 2022 to June 2023 [**12.3.3.2** - 16 pages]
3. Jul- Sept 2022 - To PH Quarterly Report v 2 [**12.3.3.3** - 16 pages]
4. Oct- Dec 2022 - To PH Quarterly Report [**12.3.3.4** - 13 pages]
5. Jan- March 2023 - To PH Quarterly Report version 2 [**12.3.3.5** - 14 pages]
6. Apr- June 2023 - To PH Quarterly Report v 2 [**12.3.3.6** - 15 pages]
7. CONFIDENTIAL REDACTED - 2023 Financial Statement - Port Hedland Visitors Centre [**12.3.3.7** - 22 pages]
8. CONFIDENTIAL REDACTED - Deed of Variation of Management Agreement - Port Hedland Visitor Centre ( Draft) [**12.3.3.8** - 42 pages]

**12.3.4 Port Hedland Visitor Centre Review 2023**

**Author:** Senior Economic Development Officer

**Authorising Officer:** Director Regulatory Services

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

**OFFICER'S RECOMMENDATION 1**

**That Council endorses:**

- 1. The Visitor Centre and Visitor Services Review undertaken by Economic Transitions.**
- 2. The Port Hedland Visitor Centre is to remain located at 13 Wedge Street, Port Hedland in the interim, unless an alternate location is identified and supported by the Town and third-party operator.**
- 3. The management of the Port Hedland Visitor Centre is to remain outsourced to a third-party operator.**
- 4. The management of digital visitor services, destination marketing and related functions is to proceed to in-house management, beyond the current contract.**
- 5. Delegates to the CEO or their delegate to undertake a public tender process to source a suitable operator for the Port Hedland Visitor Centre for commencement on cessation of the contract with the Port Hedland Peace Memorial Seafarers' Centre.**
- 6. The CEO undertakes necessary land-use planning at the Spoilbank Marina precinct to accommodate a future iconic visitor attraction.**
- 7. The CEO develop detailed design concepts and costings to enhance the interior of the Port Hedland Visitor Centre for consideration within the 2024/25 budget process.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to note the Visitor Centre and Visitor Services Review finalised by external consultants Economic Transitions in August 2023 and to endorse how Visitor Services are provided by the Town of Port Hedland from 1 November 2024.

**DETAIL**Background

Since 1 July 2019, the Port Hedland Peace Memorial Seafarers' Centre has been contracted by the Town to manage and operate the Port Hedland Visitor Centre. The management contract is worth an average of \$362,202 per year (total \$1,811,009.00 over the five-year life of the contract). This contract was recently extended to 30 June 2024. No further extensions are permitted under the current contract, however, Council, at the 29 November 2023 Ordinary Council Meeting, may decide to vary the current contract to 31 October 2024.

To ensure the Town continues to provide high-quality information services to visitors to Port Hedland, the Town undertook a strategic review of the Visitor Centre and Visitor Services to inform decision making. This also aligned with action 3.3.2 of the Town's Economic Development & Tourism strategy – investigate the relocation of the current visitor information centre.

Value of Tourism

Tourism represents a sizeable component of the Town of Port Hedland's economy with total expenditure by visitors estimated to be \$171 million. The Town welcomed an average of 234,000 visitors in 2022, representing an average of 1,854,000 visitor nights.

The expansion of the tourism industry represents an opportunity to diversify the Port Hedland economy, improve liveability through tourism-focused investment and enhance the image and profile of Port Hedland as a multifaceted region of national importance.

Visitor Centre and Visitor Services review

The Town engaged Economic Transitions to conduct a review of the Visitor Centre in the following key areas:

## Visitor centre

- Current premises and location
- Management and operational model
- Visitor services and amenities

## Visitor services

- Printed and digital collateral
- Digital services
- Additional amenities

## Data collection

- Visitor numbers
- Market insights

Economic Transitions has produced a detailed report (refer Attachment 1) along with a number of recommendations to enhance the current service offering and visitor experience for consideration.

## **RECOMMENDATIONS FOR CONSIDERATION BY COUNCIL**

This agenda item addresses the three most pressing recommendations regarding the future of the Port Hedland Visitor Centre and visitor services management, being:

- Location of the visitor centre
- Management model
- Marketing, branding and information management.

### Centre location

The review provided a recommendation to retain the current location and premises of the Port Hedland Visitor Centre at 13 Wedge Street, Port Hedland, and to commence necessary land-use planning at the Spoilbank to accommodate a further iconic visitor attraction and possible Visitor Centre.

The current premises provide adequate single car parking, is central to the Port Hedland Historic Centre, leads to the main tourist attraction of the Port, as well as Marapikurrinya Park. Extended vehicle parking is located at Marapikurrinya Park or at the Port Hedland Boat Ramp.

The Spoilbank Marina is expected to be a signature attraction for visitors to Port Hedland and as such, was considered to be the most suitable site for a future visitor centre. Land-use planning is required to ensure the Western Revetment of the Spoilbank can accommodate the future development of an iconic visitor attraction. The Council-endorsed Spoilbank Master Plan also accommodates a future eco-caravan park to the east of the Marina.

### Management model

The review provided a recommendation to retain the current outsourced model.

High-level estimates undertaken as part of the review indicate that in-house management of the Visitor Centre would likely cost more than the current management model due to higher staffing costs. Inhouse management of the visitor centre does allow the Town to directly control the day-to-day operations of the visitor centre and integrate the visitor centre into the Town's ecosystem of managed assets, however, effective contract management should allow for quality customer service that meets the Town's standards. As per similar management agreements, the Town intends to pursue a 2+1+1+1 contract with the successful tenderer, with extensions at the sole discretion of the Town.

There is strong industry support for the Town to retain the current operator of the Visitor Centre. The Town is required to undertake a public tender to determine the most suitable third party to operate and manage the day-to-day operations of the visitor centre, and therefore there is no guarantee that the current operator will retender or be deemed the most suitable tenderer. If a suitable operator was unable to be procured, the Town would consider in-housing the management of the visitor centre.

### Marketing, branding and information management

The review provided a recommendation to in-house the marketing, digital and information management of the Port Hedland Visitor Centre and work in partnership with the future Port Hedland Visitor Centre management to ensure its coordination. It

also provided a recommendation to capture and digitise current visitor information to ensure it can be accessed by a wider audience.

Council, through the endorsement of the 2023/24 Annual budget, allocated funds to commence a place (destination) branding process. Place branding, also known as destination branding, is a process of creating and managing a unique and positive identity for a specific place. The aim of the place brand is to shape and promote the perceptions, reputation, and image of the location in the minds of residents, visitors, investors, businesses and other stakeholders. This is separate from a local government brand which represents the local government authority (Town of Port Hedland).

The development of a place brand is an action of the Town's Economic Development and Tourism Strategy.

The review highlights the need for enhanced tourism marketing for the region. The Town regaining control over the tourism marketing assets will ensure tourism marketing can be seamlessly integrated into a future place brand as it would be undesirable for the visitor centre to maintain a separate brand that competes with the place brand.

Current tourism marketing is heavily focused on the grey nomad market. The refresh of the regional tourism website (currently [visitporthedland.com.au](http://visitporthedland.com.au)) and official tourism social media channels will allow the Town to target younger demographics to visit Port Hedland. Strong destination (tourism) marketing also has the benefit of attracting new residents to the Town. Many of the attractions visitors look for when visiting an area, are the same attractions that encourage new residents to move to a new area.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of high significance, because;

- Exception - The Council already has a sound understanding of the views and preferences of the people likely to be affected by, or interested in, the proposal or decision.

### **CONSULTATION**

#### *Internal*

- Director Regulatory Services
- Manager Planning and Economic Development
- Manager Public Affairs
- ELT
- SLT
- Council Confidential briefing – 9 August 2023
- Council Confidential briefing – 15 November 2023

#### *External Agencies*

- Economic Transitions

### *Community*

- One on one meetings with relevant tourism stakeholders, including visitor centre staff and the Port Hedland Peace Memorial Seafarers' Centre
- Community survey
- Tourism industry workshop
- Community workshop

## **LEGISLATION AND POLICY CONSIDERATIONS**

- 2/007 Procurement Policy

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The review was funded through the Regulatory Services Operating budget. The costs associated with the management of the Port Hedland Visitor Centre management contract are subject to the Town's procurement process. The costs associated with the resourcing and management of digital visitor services, tourism marketing and related functions are subject to the Town's budgeting process.

The costs associated with the resourcing and management of digital visitor services, tourism marketing and related functions are subject to the Town's budgeting process.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Community:

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

#### Our Economy:

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.4.2 Market and promote Hedland for tourism.

2.4.3 Grow and promote existing and new local events that champion local culture and community.

2.4.4 Market and promote the local lifestyle of the Hedland community

2.5.3 Invest and develop key community and recreation infrastructure.

2.5.5 Support tourism infrastructure development

2.5.6 Support regional growth initiatives.

#### Our Leadership:

4.1.2 Hedland is positively marketed and promoted locally, state-wide, nationally and internationally to tourists, investors and new residents.

4.1.3 A positive town narrative and a unique brand is developed and promoted.

4.3.3 Innovative marketing to attract amenity usage is implemented.

*Environmental*

- Nil

*Economic*

- Enhanced visitor information services allow visitors to discover more about Port Hedland, leading to longer average length of stay and increased expenditure in region.
- An enhanced visitor centre will provide an opportunity for local artists and creatives to showcase and sell their work to residents and visitors.

*Social*

- Enhanced visitor information services will benefit new residents to Town by allowing greater access to local information relevant to their lives in Port Hedland.

**Access and Inclusion**

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

**Corporate Business Plan**

The following services of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Community Services:

Events, Arts and Culture - Cultivate an arts and cultural scene that celebrates the rich and culturally significant history of our region, as well as embracing the future

Our Infrastructure Services:

Property Management and Maintenance - Ensure facilities are well maintained in line with the Town’s asset management program

Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community’s vision of ‘building prosperity for all – enabling sustained economic growth’

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failure to agree on the management model
<b>Effect (Consequence)</b>	Reduced time to undertake the procurement process to source a suitable operator for the Visitor Centre. Disruption

	to the operations of the Visitor Centre if a transition of management is required.
<b>Risk Treatment</b>	Adopting the Officer’s recommendations
<p>There is a reputational risk associated with this item as failure to agree on the management model for the Port Hedland Visitor Centre has the potential to disrupt visitor centre services.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be reduced by adopting the officer’s recommendations.</p>	

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failure to in-house digital information services, tourism marketing and related functions.
<b>Effect (Consequence)</b>	Disjointed destination marketing efforts that do not align with the future Port Hedland place brand.
<b>Risk Treatment</b>	Adopting the Officer’s recommendations
<p>There is a reputational risk associated with this item as failure to in-house the digital information services, tourism marketing and related functions would limit the impact, integration and unity of the future Port Hedland place brand.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be reduced by adopting the officer’s recommendations</p>	

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Reputational
<b>Cause</b>	Outsourcing management of the Visitor Centre
<b>Effect (Consequence)</b>	The Town has reduced control over day-to-day operations of the customer service experience.
<b>Risk Treatment</b>	Development of a robust training program to ensure the chosen third-party operator’s staff has an appropriate level of local knowledge to assist visitors.
<p>There is a reputational risk associated with this item as outsourcing the management and day-to-day operations of the Visitor Centre reduces the level of control that Town has over the customer service experience.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p>	

This risk will be reduced by requiring the successful tenderer to demonstrate commitment to quality customer service and showcase an appropriate level of local knowledge.

## **OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

## **ALTERNATE OFFICER’S RECOMMENDATION**

### **That Council:**

- 1. Notes the Visitor Centre and Visitor Services Review undertaken by Economic Transitions; and,**
- 2. Confirms that the management of the Port Hedland Visitor Centre is to proceed to in-house management beyond the current contract due to expire in June 2024.**
- 3. Notifies Port Hedland Peace Memorial Seafarers’ Centre of its intent and develop a centre management and transition plan.**
- 4. Delegates to the CEO or their delegate to undertake necessary land-use planning at the Spoilbank Marina precinct to accommodate a future iconic visitor attraction.**
- 5. Delegates to the CEO or their delegate to develop detailed design concepts and costings to enhance the interior of the Port Hedland Visitor Centre.**

Option 3 – Do not adopt officer’s recommendation

## **CONCLUSION**

The Visitor Centre and Visitor Services Review undertaken by Economic Transitions provides an independent assessment of the current state of Visitor Information Services in Port Hedland, including the Port Hedland Visitor Centre.

This item recommends Council receive and note the Visitor Centre and Visitors Services Review and confirm a management model to ensure the Town can continue to provide high-quality visitor services that meet the expectations and needs of visitors to the Town of Port Hedland.

## **ATTACHMENTS**

1. CONFIDENTIAL REDACTED - PHVC Review Final 5.0 14 Aug 2023 [**12.3.4.1** - 99 pages]

<b>12.3.5</b>	<b>Proposed Road Dedication of part of Lot 2052 on Deposit Plan 17448 - Installation of Electrical Substation</b>
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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.

#### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Supports the dedication of a portion of Lot 2052 as a public road, to be incorporated into the McGregor Street, road reserve;**
- 2. Authorises a request being made to the Minister for Lands pursuant to section 56 of the *Land Administration Act 1997* for the dedication of the subject a portion of Lot 2052 as a public road;**
- 3. Authorises the Chief Executive Officer to execute such documents as are required by the Minister for Lands to enable the dedication of the subject portion of Lot 2052 as a public road; and**
- 4. Indemnifies the Minister for Lands against any claim for compensation arising out of the road dedication;**

***SIMPLE MAJORITY VOTE REQUIRED***

#### **PURPOSE**

The purpose of this report is for the Council to consider the dedication of an approximate 40m<sup>2</sup> portion of Lot 2052, to include it in the McGregor Street, road reserve. The change to land tenure is to allow for the installation of an electrical substation.

#### **DETAIL**

The subject land is described as a portion of Lot 2052 on Plan 174448, Crown Reserve 53212. The Town has a management order over Lot 2052 for 'Recreation, Telecommunications and Short-Term Recreation Vehicle Camping' purposes. The Town leases part of the land to Nextgen Networks Pty Ltd for the operation of telecommunications equipment. This dedication area is proposed to accommodate an electrical substation, for power supply upgrades.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered of low significance, because the proposed dedication is an administrative (land tenure) process matter.

**CONSULTATION***Internal*

- Infrastructure Services

*External Agencies*

- Nil

*Community*

- No public consultation for the proposed dedication is required under the Land Administration Act 1997.

**LEGISLATION AND POLICY CONSIDERATIONS***Land Administration Act 1997*

Section 56 of the *Land Administration Act 1997* requires the Town to make a request to the Minister to dedicate land as a road.

*Land Administration Regulations 1998*

When considering an application for road dedication, the Council should take the following into consideration in accordance with Clause 8 of the Regulations:

1. Any impact on the Town of Port Hedland through additional maintenance requirements;
2. The effect on surrounding properties should the proposed dedication be supported; and
3. Potential costs to the Town through survey or other requirements.

In relation to the first consideration listed above, no additional maintenance requirements will result from the proposed dedication. Similarly, dedication will not have any impact on surrounding properties. Required surveys and plans have been prepared by the proponent and detailed design for the electrical substation is being prepared by Horizon Power.

**FINANCIAL AND RESOURCE IMPLICATIONS**

There are no significant financial and resource implications for this item, as all costs for the substation and associated administration will be borne by the proponent.

**STRATEGIC SUSTAINABILITY IMPLICATIONS****Strategic Community Plan**

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

Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

No significant identifiable environmental, social or economic impacts relate to this item.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Service Interruption
<b>Cause</b>	Not supporting the road dedication can lead to the proponent not being able to install the electrical substation and having a suitable power supply for providing its service.
<b>Effect (Consequence)</b>	Delays and interruptions to the overall project.
<b>Risk Treatment</b>	Support the road dedication and authorize the Town to make a request to the Minister for Lands.
<p>There is an Operational risk associated with this item caused by not supporting the road dedication leading to the proponent not being able to easily access the electrical substation once installed, leading to delays and interruptions to the overall project.</p> <p>The risk rating is considered to be Low (2) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be mitigated by the support of the road dedication and authorise the Town to make a request to the Minister for Lands.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The dedication of a portion of Lot 2052 as a public road will enable lawful access to the land for the purpose of installation of the electrical substation by Horizon Power. Council’s decision to endorse the Officer recommendation will result in the proposal being forwarded to Department of Planning, Lands and Heritage to finalise the road dedication process.

**ATTACHMENTS**

1. Attachment 1 - Letter [**12.3.5.1** - 1 page]
2. Attachment 2 - Plans [**12.3.5.2** - 2 pages]

<b>12.3.6</b>	<b>Kingsford Smith Business Park Business Plan 2023 for Major Land Transaction</b>
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**Author:** Senior Economic Development Officer

**Authorising Officer:** Director Regulatory Services

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

### OFFICER'S RECOMMENDATION

**That Council:**

- 1. Notes that the Business Plan for Major Land Transaction – Kingsford Smith Business Park Stage 2 has been advertised in accordance with section 3.59 of the *Local Government Act 1995*.**
- 2. Adopts the Business Plan for a Major Land Transaction – Kingsford Smith Business Park Stage 2 and proceeds to implement the Business Plan.**
- 3. Authorises the CEO to dispose of the land outlined in the Business Plan for Major Land Transaction – Kingsford Smith Business Park Stage 2 in accordance with Section 3.58 (3) of the *Local Government Act 1995*.**
- 4. Directs that any profits from the sale of lots be held in reserve to future facilities, infrastructure and sub-division of Kingsford Smith Business Park.**

***ABSOLUTE MAJORITY VOTE REQUIRED***

### PURPOSE

The purpose of this report is for Council to consider adopting the advertised Business Plan for Major Land Transaction – Kingsford Smith Business Park Stage 2 and to proceed to implement the business plan, subject to final approvals from relevant State Government agencies.

### DETAIL

#### Background

At the 30 August Ordinary Council Meeting, Council voted to note the Business Plan for a Major Land Transaction – Kingsford Smith Business Plan Stage 2 and to endorse the public advertising of the Business Plan in accordance with section 3.59 (3) and (4) of the *Local Government Act 1995*.

#### Public advertising

Advertising commenced on Wednesday 6 September 2023 in the West Australian with the public invited to make submissions regarding the proposal up until Monday 23 October 2023.

The business plan was made available for public inspection at the Town of Port Hedland Civic Centre, Port Hedland Library, South Hedland Library and for download on the Town of Port Hedland website.

#### Submissions received

No submissions were received in relation to this proposal.

#### Recommendation

In light of there being no submissions, it is recommended that the business plan should be adopted as advertised and implemented accordingly.

#### Implementation

Should Council adopt the business plan, implementation of the business plan would involve procuring a sales agent to assist the Town with the promotion and sale of the subject lots.

In accordance with Section 3.58 (3) of the Local Government Act, the Town is required to dispose of the subject lots by providing a local public notice outlining the property concerned, details of the proposed disposition and inviting submissions to be made to the Town for at least 2 weeks.

As outlined in the business plan, the Town intends to include special conditions of sale to require development on the sites within two years of sale.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because it relates to the transfer of ownership or control or the constructions, replacement or abandonment of a strategic asset.

### **CONSULTATION**

#### *Internal*

- Directory of Regulatory Services
- Manager of Planning and Economic Development
- Other relevant officers

#### *External Agencies*

- Nil

#### *Community*

- Proposal was advertised per legislative requirements.

### **LEGISLATION AND POLICY CONSIDERATIONS**

*Sections 3.59 of the Local Government Act 1995 and regulation 8A of the Local Government (Functions and General) Regulations 1996. Section 3.59 requiring adoption by absolute majority applies to the second clause of the recommendation due to the Council intending to proceed with the major land transaction.*

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Business Plan, if adopted by Council at a future Ordinary Council Meeting, would result in net income of approximately \$1,763,799.

The income received from land sales will be transferred to a reserve to future facilities, infrastructure and sub-division of Kingsford Smith Business Park.

The full details of the financial effect on the Town are found in the business plan.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Economy:

2.2.3 Encourage innovation and new business creation to enhance the diversity of employment opportunities.

2.4.1 Market and promote Hedland for business investment opportunities.

2.5.1 Pursue investment in key infrastructure development such as the port, airport, service industry and logistics.

2.5.2 Ensure future supply of housing and serviced land for development.

2.5.6 Support regional growth initiatives.

#### *Economic*

Stage 2 of Kingsford Smith Business Park will create 8 new light-industry lots which will allow new and existing businesses to expand their operations in Port Hedland. New businesses will likely increase local employment and generate other positive economic outcomes for the community.

### **Access and Inclusion**

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

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

### **Corporate Business Plan**

The following services of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

#### Our Regulatory Services:

Business and Economic Development - Lead an integrated and collaborative approach to achieve the community's vision of 'building prosperity for all – enabling sustained economic growth'

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Reputational
<b>Cause</b>	Failure to adopt the advertised Business Plan
<b>Effect (Consequence)</b>	Development of Stage 2 put on hold due to not being able to comply with legislative requirements.
<b>Risk Treatment</b>	Adoption of the officer’s recommendation.
<p>There is a reputational, risk associated with this item as failure to adopt the Business Plan would unnecessarily delay the development and inhibit the sale of the lots.</p> <p>The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).</p> <p>This risk will be eliminated by adopting the officer’s recommendation.</p>	

<b>Risk Type</b>	Operations
<b>Risk Category</b>	Financial
<b>Cause</b>	Failure to adopt the advertised Business Plan
<b>Effect (Consequence)</b>	The Town will fail to realise net income of approximately \$1,763,799.
<b>Risk Treatment</b>	Adoption of the officer’s recommendation.
<p>There is a financial, risk associated with this item as failure to adopt the Business Plan would result in lost income of approximately \$1,763,799.</p> <p>The risk rating is considered to be Low (6) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (3).</p> <p>This risk will be eliminated by adopting the officer’s recommendation.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

The adoption of the Business Plan and its implementation will ultimately facilitate the development of vacant land within Kingsford Smith Business Park, thus leading to an increase in the land available for light-industry development, and consequently an improvement in the options available for businesses to establish or expand in Port Hedland.

**ATTACHMENTS**

1. Business Plan - KSBP Stage 2 B - Final [**12.3.6.1** - 11 pages]

<b>12.3.7</b>	<b>Lots 465, 466, 470 and 471 Anderson Street, Port Hedland - Proposed Hotel - Response to WAPC on the Development Application</b>
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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.

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## **OFFICER'S RECOMMENDATION**

**That Council:**

**1. Advises WAPC that if it resolves to approve the development in the subject location, it is recommended that the following conditions be applied:**

**2.1 Lodgement of a revised Operational Management Plan, addressing operational practices will on accommodating guests for no more than three months in a twelve-month period.**

**2.2 Lodgement of a revised Traffic Impact Assessment in accordance with Traffic Impact Assessment Guidelines - Individual Developments Volume 4, WAPC.**

**2.3 Lodgement of a revised Car Parking Plan, including the following:**

**2.3.1 All car parking bays are to be designed to a 'User class 3A' with the B99 vehicle in accordance with AS 2890.1:2004 (2.7m x 5.4m);**

**2.3.2 Disable parking to be in accordance with AS2890.5;**

**2.3.3 Wheel stops are required where carpark bays are adjacent to any infrastructure;**

**2.3.4 Cross-section details of the proposed Carpark hardstand area;**

**2.3.5 Details of turning template;**

**2.4 Lodgement of a revised Stormwater Management Plan in accordance with the Town's Local Planning Policy 11 – Stormwater Management including the following:**

**2.4.1 Locations of stormwater infrastructure;**

**2.4.2 Finish levels and contours for the whole of site are required;**

- 2.4.3 Locations and details of excess water discharge methods to the Town's drainage system;**
  - 2.4.4 Details of Proposed Roof Fall Direction;**
  - 2.4.5 Demonstration of detention and retention of 6-minute rainfall event - calculations to be shown using the 'Rational Method';**
  - 2.4.6 Details of the proposed surface treatments for the whole site (cracker/crusher dust will not be supported);**
  - 2.5 Lodgement of a detailed Landscape design and consider/include the following in the design:**
    - 2.5.1 Shade trees for parking areas at a ratio of 1 per 4 car bays, evenly throughout the parking areas except the cover bays;**
    - 2.5.2 verge treatments (lawn/grass/ shrubs);**
    - 2.5.3 Consider providing more trees to the entry interface for shade and visual amenities;**
    - 2.5.4 Review the stormwater management strategy in the context of the landscape response;**
    - 2.5.5 Review the extent of paving and reduce to only what is required for functionality;**
  - 2.6 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:**
    - 2.6.1 Contact details of essential site personnel, construction period and operating hours;**
    - 2.6.2 Community information, consultation and complaints management plan;**
    - 2.6.3 Public safety, security and amenity;**
    - 2.6.4 Traffic and parking management for the contractors and staff;**
    - 2.6.5 Noise and dust management plan;**
    - 2.6.6 Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and**
    - 2.6.7 Stormwater and sediment control;**
    - 2.6.8 The delivery of materials and equipment to the site;**
-

- 
- 2.6.9 The storage of materials and equipment on the site;**
- 2.6.10 Impact on traffic movement;**
- 2.6.11 Other matters likely to impact the surrounding properties.**
- 2.7 Lodgement of a acoustic report and the landowners/developers to implement recommendations to the development design to mitigate any noise impacts from surrounding land uses.**
- 2.8 The development requires a Building Permit Application for all the works. Any amendment to the internal layout specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any design changes are made before an application for a building permit is submitted. The applicant and developer should liaise with the Town's Planning and Development Services in this regard.**
- 2.9 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.**
- 2.10 The developer is advised that a plate separator or triple interceptor waste/grease trap is required to be installed to the specification of the Town's Environmental Health Services.**
- 2.11 It is the responsibility of the developer to construct all laundries in accordance with the Town's Health Local Law 2016.**
- 2.12 The developer is reminded of its obligations to meet the provisions and requirements under the Health (Public Buildings) Regulations 1992. For further information, please liaise with the Town's Environmental Health Services.**
- 2.13 Details of the proposed kitchen are to be provided to the Town's Environmental Health Services for review. An initial health inspection may be required prior to any kitchen operations commencing. For further information, please liaise with the Town's Environmental Health Services.**

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***SIMPLE MAJORITY VOTE REQUIRED***

## **PURPOSE**

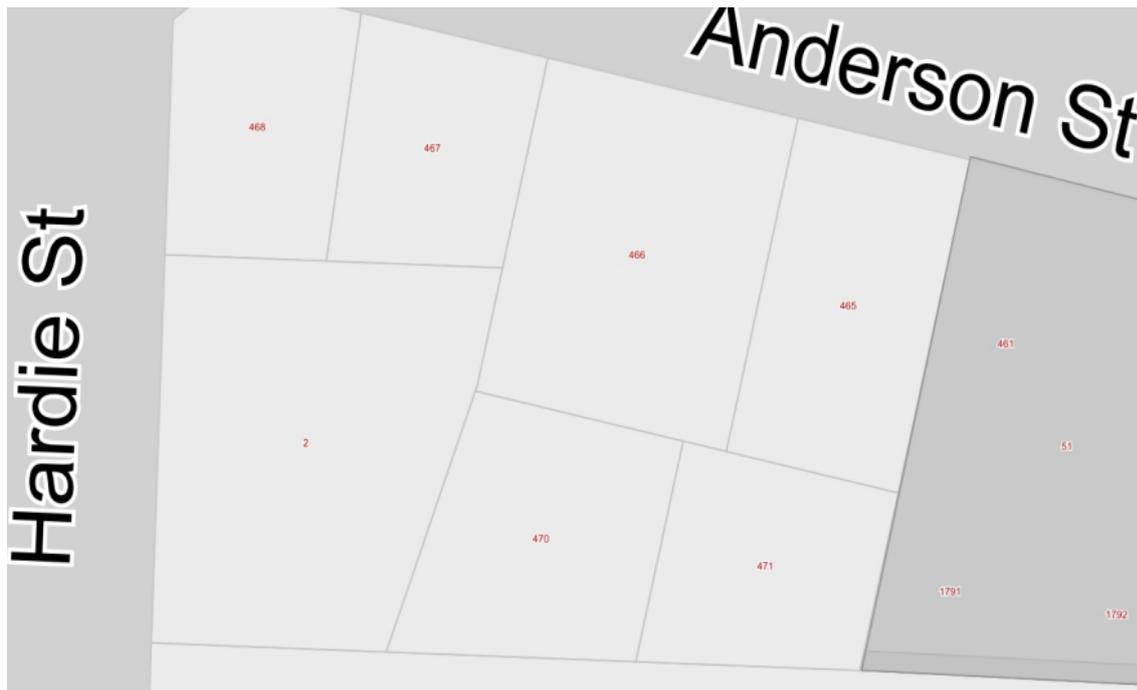
The purpose of this report is for the Council to consider the proposal for the proposed six storey hotel on 44-46 Anderson Street, Port Hedland and respond to the referral received from the Department of Planning, Lands and Heritage (DPLH) on 25 October 2023 for the proposed development within the West End of Port Hedland. The

response from the Town was requested to be provided by 24 November 2023. However, considering the nature of the development and its significance, the Town requested DPLH more time to provide a response and recommendation from the Council.

**DETAIL**

Background

The land subject of this report is identified as Lots 465, 466, 470 and 471 (No. 44-46) Anderson Street, Port Hedland (Refer to Location Plan and Aerial Photo below).



Location Plan



Aerial Photo

### Proposal

The proposal includes the following;

- A six-storey hotel comprising of the following;
  - Ground floor restaurant (360m<sup>2</sup>)
  - First-floor amenities including:
    - Conference room (190m<sup>2</sup>)
    - Dining room (300m<sup>2</sup>)
    - Gym (90m<sup>2</sup>)
  - Second-floor recreational areas including a pool with decking and landscaping
  - Accommodation on levels (2-6), comprising 300 rooms in total (36 executive suites, 21 hotel suites and 30 standard rooms)
  - A rooftop bar (400m<sup>2</sup>)
- Parking:
  - 118 car parking bays (39 on ground floor and 79 on first floor)
  - 8 motorcycle bays (4 on ground and 4 on the first floor)
  - 20 bicycle parking racks (all on ground floor)
- Landscaping along the street boundary and the rear of the site.
- Removal of existing crossovers and construction of three new crossovers on Anderson Street.

The proposal is supported by the following design and technical reports:

- Planning Report (Planning Solutions, 2023)
- Design Plans (DMG Architecture, 2023)
- Landscaping Concepts (UDLA, 2023)
- Stormwater Management Plan (Ionic Design, 2023)

- Market Opportunity Analysis (Pracsys, 2023)
- Waste Management Plan (Talis Consultants, 2023)
- Traffic Impact Assessment (Urbii, 2023)
- Preliminary Operational Management Plan (Centurion, 2023)

#### Port Hedland West End Improvement Scheme No. 1

The West End Improvement Scheme No. 1 (WEIS) was gazette on 18 September 2020. The Western Australian Planning Commission (WAPC) is the responsible authority for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme. The aims of the Scheme are as follows:

- a) *"to provide a statutory planning instrument through which to implement the strategic planning framework and effectively guide the preparation of statutory plans, statutory referral documentation and policy (as may be required) to facilitate orderly and proper planning of the Scheme area;*
- b) *to implement the Government response to the Port Hedland Dust Management Taskforce Report to Government (2016) to prohibit sensitive land uses and restrict population growth in the West End of Port Hedland by prohibiting:*
  - a. *new residential development; and*
  - b. *development intended for use either exclusively or primarily by sensitive groups within the general population including:*
    - i. *older people (over 65 years);*
    - ii. *people with pre-existing cardiovascular or respiratory disease;*
    - iii. *children and adults with pre-existing respiratory conditions (asthma, bronchitis, chronic obstructive pulmonary disease); and*
    - iv. *children.*
- c) *to facilitate opportunities for investment in support of Port activities, and development of quality built form and public place design across the Scheme area and public foreshore reserve interfaces, that recognise the iconic location and heritage significance of the Port Hedland West End; and*
- d) *to recognise, protect and complement the primacy of the Port."*

#### Use Class and Permissibility

The proposed land use for the proposal is a 'hotel'. Under WEIS, a hotel is defined as *"premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988, including any betting agency on the premises."*

The proposed hotel is a 'D' use under the Scheme, which *means that the use is not permitted unless the Commission has exercised its discretion by granting development approval.* This means WAPC will be determining this development application, and the Town will be providing technical advice and any other concerns through a response to the referral.

The proponent also mentions the following within the Planning report, *'Whilst the development will accommodate workers engaged in construction, resource and other industries-accommodation will be available to the public, including tourists,*

*backpackers and people visiting family and friends. It would not be appropriate to classify the development as workforce accommodation.'*

### Port Hedland West End Improvement Scheme Report

In accordance with Clause 6 of WEIS, the Improvement Scheme Report must be read with the Scheme. This Improvement Scheme Report outlines the key issues and objectives for planning and development in the Scheme area and provides the basis for planning provisions in the Scheme. As per 3.1 Sensitive land uses, the following was acknowledged:

*"The Scheme will give effect to the State Government response to the 2016 Taskforce Report by prohibiting:*

- *any form of residential development which provides for permanent occupancy (for example, single, grouped and multiple dwellings, residential aged care facilities)*
- *other land uses deemed to be sensitive receptors for human health impacts from dust (for example: aged persons centres, childcare premises, schools, medical centres).*

*Daily activities associated with regular employment, short-stay accommodation, and other commercial or leisure activities, including those of tourists and other visitors in dust affected areas, are not assessed to present an unacceptable health risk other than for particularly sensitive individuals."*

The proposed development is for a hotel that allows short-term stay options for guests and tourists with limits to a maximum of three months per calendar year. As per the Officer Recommendation section, it is recommended that if WAPC resolves to approve the development, a revised operational management plan be requested/conditioned to include operational practices on accommodating guests for no more than three months in a twelve-month period to avoid any long stays by the occupants which does not align with the short stay purpose and the West End Scheme.

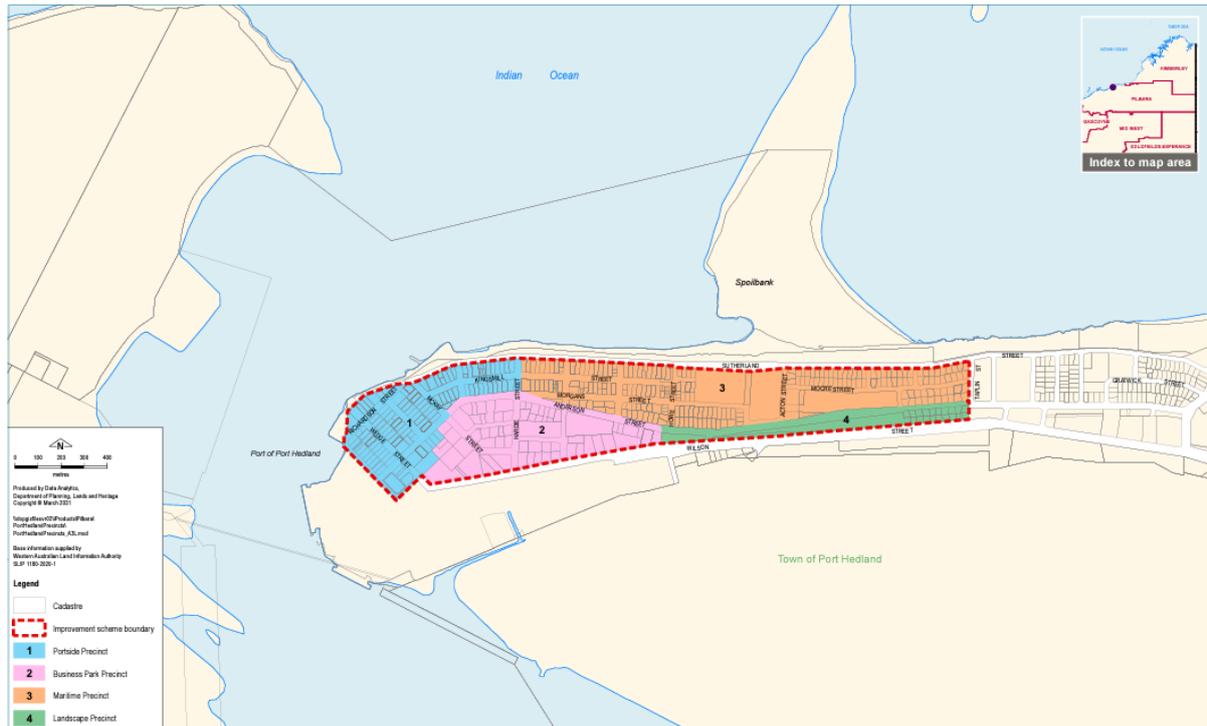
### Port Hedland West End Improvement Scheme No. 1 Improvement Scheme Policy No. 1 – West End Precincts

The policy provides a guide to land use and development within the West End, having regard to existing spatial arrangements of land uses, heritage, character, amenity, natural features and movement networks, and the longer-term intentions for development in specific locations of the West End.

The policy applies to all applications for development approval relating to land as depicted in the below precinct plan. There are four precincts within the Improvement Scheme boundary:

- Portside
- Business Park
- Maritime
- Landscape

The proposed development is located within the Business Park Precinct. Under the improvement scheme policy, the precinct aims to facilitate “*light industrial, commercial and supply chain logistical activities servicing the safe and efficient operation of the Port and the wider community*”. The policy also identifies the land uses and developments that align with the precinct “*may include manufacturing industries (light in nature - sic), warehouses, wholesale trade, transport services, distribution centres and associated storage facilities, motor vehicle sales and service facilities.*”



Precinct plan – Excerpt from the Port Hedland West End Improvement Scheme No. 1 - Improvement Scheme Policy No. 1

The proposed development does not specifically meet the precinct objectives and preferred land uses. This Hotel contains semi-residential use (short stay /temporary) within a precinct presently made up of showrooms, commercial and light industrial developments, which may lead to conflict, mainly relating to noise impacts. It is expected that should the development be accepted in this location a condition be applied requiring an acoustic report be lodged, and noise impact be mitigated through suitable design.

Whilst the proposed hotel use may seem better suited to the Maritime Precinct to avoid land use conflict, it is considered that the development can be accommodated in the present location on the edge of both precincts. The subject site can form an important interface to both precincts along Anderson Street, between Darlot and Hardie Streets and present an improved streetscape and entry to the Portside Precinct.

Should the application be supported by DPLH, it is recommended that an adjustment be considered to the Maritime Precinct boundary to include those properties along Anderson Street.

**Landscape Designs**

The landscape concepts prepared by UDLA appear to be good and integrate well with the development. However, a detailed landscape design and species list will be required for the Town to comment any further. It is recommended that the WAPC request/condition on requiring the same to be submitted to the Town as detailed in the Officer Recommendation section.

**Stormwater Management**

The Town’s Local Planning Policy on Stormwater Management LPP/11 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. A Stormwater Management Plan prepared by Iconic Design was submitted to support the proposal. As part of the Officer Recommendation, it is recommended that the WAPC request/condition on requiring an amended stormwater management plan to be submitted to the Town.

**Car Parking and Traffic Assessment**

Schedule 1 of the West End Scheme No. 1 prescribes the parking requirements for any new developments within the West End zone. The below table submitted by the applicant as part of the application details the minimum requirements, proposed number of bays and the variations.

Minimum parking requirements		Assessment	Calculated parking requirement
Hotel (includes Dining area, conference room, gym)	1 bay for every bedroom	Levels 2 to 6 have the overall of 300 rooms.	300 bays
	1 bay for every employee	Staffing assumed at 1:15 beds = 20 staff.	20 bays
Restaurant	1 bay for every 4 seats; or 1 bay for every 5m <sup>2</sup> seating area, whichever is the greater	Ground floor Restaurant has 270m <sup>2</sup> of seating area and 68 seats	54 bays (17 based on seating area)
Total number of bays required			374 bays
Total number of bays provided			118 bays
Total parking shortfall			256 bays

Required and Proposed Car Parking for the development – Excerpt from Planning Report by Planning Solutions

The applicant has provided the following to justify the proposed significant parking variations:

1. *The methodology and minimum parking requirements under WEIS1 are excessive in light of comparable planning instruments, including the interim guidelines of the DPLH.*
2. *The proposed operation of this Hotel is expected to generate lower demand for parking due to guests arriving via alternative means of transport.*

*Further detailed justification is provided as follows:*

*Inadequate methodology and excessive minimum requirements*

- *The proposed development includes a ground-floor restaurant. An assessment under WEIS1 requires the restaurant to be assessed separately to the rest of the hotel. The ratio for Restaurants varies dramatically depending on whether the seating area versus the number of seats is used (54 v 17) with WEIS1 requiring the greater number to be used.*
- *The DPLH's Draft Interim Guidelines for Non-Residential Parking recommends a single wholistic rate be used for assessing Hotels in Service Commercial zones (approximately equivalent to the Mixed Business precinct this site is located in) as follows:*

*1 space per room, plus one space per 4 persons accommodated in bar/restaurant/hospitality areas.*

Minimum parking requirements		Assessment	Calculated parking requirement
Hotel (includes Dining area, conference room, gym)	1 bay for two rooms	300 rooms	150 bays
	1 bay per 4 persons	Ground floor Restaurant has 68 seats	17 bays
		Rooftop bar has an area of 400m <sup>2</sup> (est: 90 people)	23 bays
Total number of bays required			190 bays
Total number of bays provided			118 bays
Total parking shortfall			72 bays

Assessment of parking requirements against the interim parking guidelines – extract from Planning Report by Planning Solutions

- *This assessment demonstrates that an assessment against the minimum parking requirements recommended by the DPLH generates a significantly smaller shortfall.*
- *Furthermore, this shortfall is like an 'on-paper' shortfall only due to the expectation that a large proportion of hotel guests will be either workers or executives and managers who will arrive in taxis/ride-share or company vehicles includes buses.*
- *The proposed access and vehicle movement paths through the development have been designed to easily facilitate vehicle movements and pick-up/drop-off of customers. The ground floor parking area also includes a large pick-up/drop-off bay.*

- *Moreover, the proponent and architect are experienced designers and operators of short-term accommodation and have designed this facility to accommodate the projected number of vehicles during peak occupancy.*

*For these reasons the parking shortfall is considered to be suitable and appropriate and warrants approval accordingly."*

The proposal is supported by a Transport Impact Assessment (TIA) prepared by Urbii for the proposed development summarised as follows:

- The site is located approximately 270m from the closest bus stop;
- A significant shortfall of on-site parking has been identified.
- Strategies are proposed to reduce car parking demand, including the provision of minibus parking facilities, porte-cochere for taxi and rideshare, onsite bike parking and extensive end-of-trip facilities.
- Overall, the TIA concludes that the development is unlikely to cause any significant impact on the surrounding road network.

The Town's Infrastructure Services (Engineering) have provided the following comments:

- The traffic impact assessment must be done in accordance with Traffic Impact Assessment Guidelines - Individual Developments Volume 4, WAPC.
- Parking bays are to be proposed per the scheme requirements (one bay required for each room and one bay for each employee).
- The town will not proceed further with the review of the TIA until the parking bays are proposed as per the guidelines and meet the criteria. The increase in the car bays will undoubtedly significantly impact traffic flow. It is imperative that we ensure this alignment before continuing with the traffic study.
- All car parking bays are to be designed to a 'User class 3A' with the B99 vehicle in accordance with AS 2890.1:2004 (2.7m x 5.4m).
- Disable parking to be in accordance with AS2890.5.
- Wheel stops are required where carpark bays are adjacent to any infrastructure.
- Carpark hardstand cross-section details required.
- Turning templates required.
- Cross-section required for the proposed crossover along with tie-in detail for the existing Footpath.
- Details of the proposed loading bay.
- Disability ramp required to get access to the building.

The applicant has provided an assessment against the DPLH's Draft Interim Guidelines and noted the strategies, for the proposed car parking variations. However, the proposed interim guidelines by DPLH focus on Perth and Peel regions only and are not applicable to the Pilbara region. Providing a variation justification against the Guidelines may not address the Port Hedland situation of isolation and very limited public transport systems.

Some of the above comments have been included within the Officer Recommendation of this Report. It is recommended that the WAPC request/condition on requiring the same to be submitted to the Town as detailed.

Should the application be supported with the car parking variation as proposed, it is recommended that the DPLH consider a parking strategy for the West End Improvement Scheme No.1 area.

### **Waste Management**

The Waste Management Plan prepared by Talis proposes that a private waste collection contractor will service the development, and the bin storage areas are screened from the street and public view. In terms of the bin numbers and storage space, it is proposed to be monitored by hotel management during the operations to ensure that the number of bins and collection frequency are sufficient.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because: N/A

### **CONSULTATION**

#### *Internal*

- Infrastructure Services (Engineering)
- Environmental Health Services
- Planning and Economic Development

#### *External Agencies*

- Nil

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

Planning and Development (Local Planning Schemes) Regulations 2015

West End Improvement Scheme No. 1

Scheme Report - Port Hedland West End Improvement Scheme No. 1

Improvement Scheme Policy No. 1 - West End Precincts

Local Planning Policy 11 – Stormwater Management

**FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

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

Our Community:

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

Our Built and Natural Environment:

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

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

**Access and Inclusion**

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 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	The Town's failure to respond to the referral could lead to WAPC not considering the Town’s advice/recommendation.

<b>Effect (Consequence)</b>	The development being approved by the WAPC without the Town’s advice or requirements which may negatively impact the Town during the Hotel’s operations.
<b>Risk Treatment</b>	The Council adopts the Officer's Recommendation and advises the same to the WAPC.
<p>There is an Operational risk associated with this item caused by The Town's failure to respond to the referral could lead to WAPC not considering the Town’s advice/recommendation, leading to development being approved by the Department without the Town’s advice or requirements which may negatively impact the Town during the Hotel’s operations.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be mitigated by the Council adopting the Officer's Recommendation and advising the same to the WAPC.</p>	

**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 against the Improvement Scheme framework and the other applicable local planning frameworks for the proposed Hotel within the West End zone. Since WAPC is the decision-making authority for the proposed development under the Improvement Scheme, it is recommended that the Council resolves to adopt the Officer Recommendation and to be presented to WAPC.

**ATTACHMENTS**

1. Attachment 1 - Planning report [**12.3.7.1** - 12 pages]
2. Attachment 2 - Development Plans [**12.3.7.2** - 11 pages]
3. Attachment 3 - Landscaping Concepts [**12.3.7.3** - 29 pages]
4. Attachment 4 - Stormwater Management [**12.3.7.4** - 9 pages]
5. Attachment 5 - Traffic Impact Assessment [**12.3.7.5** - 55 pages]
6. Attachment 6 - Waste Management Plan [**12.3.7.6** - 16 pages]
7. Attachment 7 - Operational Management Plan [**12.3.7.7** - 21 pages]
8. Attachment 8 - Demand Summary [**12.3.7.8** - 6 pages]

<b>12.3.8</b>	<b>South Hedland Lot Boundary Realignment, Road Dedication, and Road Closure</b>
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**Author:** Project Officer - Strategic Planner

**Authorising Officer:** Manager Planning & Economic Development  
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. Supports the creation of Crown land parcels/realignment of Crown land boundaries, dedication of land as future road reserve, and closure of existing road reserves, as detailed in Attachments 2 and 3;**
- 2. Authorises the public advertising of the closure of public road reserve, as described in Attachment 2 and 3, pursuant to Section 58 the *Land Administration Act 1997*;**
- 3. Authorises the Chief Executive Officer to consider any public submissions received, make minor modifications, and make a request to the Minister for Lands pursuant to Sections 56 and 58 of the *Land Administration Act 1997* for the dedication of public road reserve and closure of road reserve, as detailed in Attachment 2 and 3;**
- 4. Authorises the Chief Executive Officer to execute such documents as are required by the Minister for Lands to give effect to the dedication of public road reserve and closure of road reserve, as detailed in Attachment 2 and 3; and**
- 5. Indemnifies the Minister for Lands against any claim for compensation arising out of the road reserve dedication and closure.**

***SIMPLE MAJORITY VOTE REQUIRED***

#### **PURPOSE**

The purpose of this report is for Council to consider the rationalisation of various lot boundaries and road reserves within the north-west of South Hedland to facilitate land tenure resolution for the South Hedland Integrated Sports Hub (SHISH) project and to undertake future land use planning within this area facilitating future expansion of the Town.

**DETAIL**

The Town is seeking to undertake road reserve dedications and closures, and Crown land subdivision to rationalise the lot boundaries affecting various Crown lots within the north-west portion of South Hedland (subject area) including, and adjacent to, the SHISH masterplan area (**see Attachment 1 - Site Plan**). The subject area contains a mixture of existing land uses (predominately community purposes) and vacant land. The existing lot boundaries and road layout associated with the subject area are a historical legacy and requires adjustments to facilitate future development of the area.

Through the SHISH masterplan project, a boundary realignment is required to accommodate the proposed Hudson Way road relocation and Parola Court upgrades. This triggered a review of the surrounding lot boundaries where a series of inconsistencies were found including:

- Part of Lot 2456 Hamilton Road (Hedland Senior High School oval) is located within the North-Circular Road road reserve;
- Dreamers Corner is partially located within the North-Circular Road road reserve and Lot 2456 Hamilton Road;
- The North-Circular Road road reserve is larger than required leading to the Lot 331 Hamilton Road being setback significantly from the road;
- The future road reserve connection from Hudson Way to Shoata Road currently goes through an existing creek bed; and
- There is no provision for road connections to future development areas such as the Western Edge Structure Plan area.

In response to the review, a series of modifications to the lot boundaries and road connections are proposed, with the design looking to amend the previously described issues as well as ensure that the road and lot layout can provide a precinct that promotes development which offers high amenity, contributes to the streetscape, and connects into the existing recreation precinct. Key modifications include:

- Realigning the boundary abutting North Circular Road to reflect the as built boundary between the High School oval and the road reserve;
- Excision of part lot 2456 and creation of separate reserve for 'parking' to accommodate Dreamers Corner;
- Realigning the boundary abutting Hamilton Road and North Circular Road, with consideration to the new road alignment and roundabout as part of the SHISH masterplan Stage 1C;
- Realign the northern boundary of Lot 300 to include part of Hudson Way road-reserve to accommodate the SHISH masterplan;
- Dedication of road reserve for future road connections between the Western Edge Structure Plan area to Shoata Road and Hudson Way;
- Closure of surplus road reserve that within the subject area; and
- Realignment of Crown lot boundaries and creation of a new lot to accommodate the above listed modifications.

The full schedule of proposed lot boundary modifications and road closures and dedications are included as **Attachment 2** and mapping as **Attachment 3**. Consultation between the town planning and engineering departments has confirmed that the proposed 40 metre road reserve width is adequate to accommodate future road and drainage requirements.

As the proposed modifications will impact Lot 2520 North Circular Road and Lot 2456 Hamilton Road, preliminary consultation has been undertaken with the relevant interest holders being the Department of Health and Department of Education. The Department of Education has confirmed that it is in support of the proposal to rationalise lot boundaries between Lot 2456 and North Circular Road (**Attachment 4**). A response from the Department of Health has yet to be received.

The consolidated lots also offer opportunity for the Town. For Lot 601, this direction has been supported by Council at the 30 August 2023 Ordinary Council Meeting, authorising the Town to negotiate an agreement with a developer. The conversations with the developer are ongoing and will be presented to a future Council meeting for consideration.

#### Statutory Requirements

Section 29 of the *Land Administration Act 1997* gives the Minister the power to subdivide Crown land and make adjustments lot boundaries proposed through a survey plan.

Section 56 and 58 of the *Land Administration Act 1997* requires the Town to make a request to the Minister, through the Department of Planning Lands and Heritage, to dedicate land as a road reserve and close road reserves. If a local government authority makes a request to the Minister for Lands to dedicate land for a public road or close an existing road reserve, it must provide with the request a copy of Council resolution to request the dedication of the road along, evidence of public advertising for a minimum of 35 days, any submissions received, and all other supporting documents.

Should the Department of Planning, Lands and Heritage support the proposed modifications, an amendment to the Town's Local Planning Scheme No. 7 will be required to amend the zoning, which the Town will undertake.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because failing to undertake the lot boundary and road reserve rationalisation will impact the SHISH masterplan project and development opportunities in the north-west of South Hedland.

### **CONSULTATION**

#### *Internal*

- Town Planning and Development
- Infrastructure Projects & Assets

### *External Agencies*

- Department of Health
- Department of Education

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

- *Land Administration Act 1997*
- *Local Government Act 1995*
- *Planning and Development Act 2005*

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Expected costs associated with the contracting of a surveyor to produce the lands dealings plans are included in the Town of Port Hedland 2023/24 ongoing capital works program budget under 'SHISH Stage 1'.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

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

3.3.2 The community has access to attractive natural habitats, built form, parks and amenities.

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

### **Corporate Business Plan**

The following services of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

#### Our Infrastructure Services:

**Projects and Assets** - Effective and efficient project and asset management

Parks and Gardens - Manage parks, ovals and open space (natural reserves)

Maintain tidy and attractive townsites and centres.

#### Our Regulatory Services:

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes.

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Reputational
<b>Cause</b>	If Council does not support the boundary realignment and road closure and dedication.
<b>Effect (Consequence)</b>	Inability to secure State Government support leading to land tenure issues affecting the SHISH masterplan and poor land use planning outcomes.
<b>Risk Treatment</b>	Mitigated
<p>There is a Strategic risk associated with this item caused by Council not supporting the boundary realignment and road closure and dedication of the northwest of South Hedland, leading to an inability for the Town to secure State Government support leading to land tenure issues affecting the SHISH masterplan and poor land use planning outcomes.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be Mitigated by supporting the Officer's recommendation.</p>	

**OPTIONS**

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

**CONCLUSION**

Supporting the rationalisation of various lot boundaries and road reserves within the north-west area of South Hedland will rectify existing land tenure issues, facilitate land tenure resolution for the South Hedland Integrated Sports Hub (SHISH) project, and facilitate future land use planning within this area to be undertaken.

**ATTACHMENTS**

1. Site Plan [**12.3.8.1** - 1 page]
2. Schedule of Modifications [**12.3.8.2** - 2 pages]
3. Mapping of Modifications [**12.3.8.3** - 3 pages]
4. Letter of Support [**12.3.8.4** - 1 page]

<b>12.3.9</b>	<b>Scheme Amendment No. 3 to Local Planning Scheme No. 7 - Final Adoption</b>
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**Author:** Project Officer - Strategic Planner  
**Authorising Officer:** Manager Planning & Economic Development  
 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 3 to the 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, as detailed in Attachment 1, without modification.**
- 2. Notes the submissions received on Scheme Amendment 3 to Town of Port Hedland Local Planning Scheme No. 7, included as Attachment 2 and 3.**
- 3. Authorises the Chief Executive Officer and Mayor to execute 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 Scheme Amendment 3 and relevant documents for final approval by the Minister for Planning.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

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

**DETAIL**

At its Ordinary Council Meeting (OCM) held on 31 May 2023, Council carried resolution CM202223/061, to initiate Scheme Amendment No. 3 of the Town’s LPS7:

- 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*

The purpose of initiating LPS7 Scheme Amendment 3 was to propose 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. 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 Amendment Report (Attachment 1) provides a detailed explanation of the proposed amendment, 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 (LPS Regulations)

Under the LPS Regulations LPS7 Scheme Amendment 3 is a standard amendment. To progress the amendment, the Council must resolve to prepare an amendment to the local planning scheme, 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

LPS7 Scheme Amendment 3 proposes changes to the Scheme Text and Scheme Maps, aiming in all cases to 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.

**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**

*External Agencies*

- Department of Biodiversity, Conservation and Attractions;
- Department of Fire and Emergency Services;
- Department of Jobs, Tourism, Science and Innovation;
- Department of Mines, Industry Regulation and Safety;
- Department of Transport;
- Department of Primary Industries and Regional Development;
- Department of Health;
- Department of Planning, Lands and Heritage;
- Department of Water and Environmental Protection;
- Pilbara Development Commission;
- Port Hedland Chamber of Commerce;
- Pilbara Ports Authority;
- Public Transport Authority;
- Housing Authority;
- Mainroads WA;
- Horizon Power;
- Telstra; and
- Water Corporation

Seven (7) responses were received from the below public authorities:

- Department of Biodiversity, Conservation and Attractions;
- Department of Health;
- Department of Fire and Emergency Services;
- Department of Water and Environmental Protection;
- Department of Transport;
- Department of Primary Industries and Regional Development; and
- Pilbara Ports Authority

Details of the submissions and responses are included in **Attachment 2 - Schedule of Submissions** and **Attachment 3** contains the submissions in full.

#### 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. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.*

#### *Community*

In line with the LPS 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 and occupants.

The amendment was advertised for public consultation from 23 August to 04 October 2023, for a total of 42 days.

Two (2) responses were received from the below:

- Pilbara Constructions Pty Ltd
- Dynamic Planning and Developments Pty Ltd (DPD) on behalf of Pilbara Constructions Pty Ltd

Details of the submission and response are included in **Attachment 2 - Schedule of Submissions** and **Attachment 3** contains the submissions in full.

**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

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

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

Our Community:

1.4.1 The present and future facilities and requirements of the town are planned for and developed in-line with relevant facility standards and community needs.

Our Economy:

2.3.2 Minimise red tape for business through regular review and reform of relevant policies and by-laws.

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

Our Built and Natural Environment:

3.2.1 1 Identify, plan and develop the present and future needs for serviced land and infrastructure provision.

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

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

**Access and Inclusion**

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

- Outcome 2 – Buildings and Facilities

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Strategic
<b>Risk Category</b>	Compliance
<b>Cause</b>	Not proceeding with Scheme Amendment No. 3

<b>Effect (Consequence)</b>	Local Planning Scheme No. 7 not being consistent with the current planning framework.
<b>Risk Treatment</b>	Mitigated by progressing Scheme Amendment No. 3
<p>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).</p> <p>This risk will be mitigated by progressing Scheme Amendment No. 3 and endorsing the Officer Recommendation.</p>	

### OPTIONS

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

### CONCLUSION

Scheme Amendment 3 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 and 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 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 support Scheme Amendment No. 3 to LPS7 without modification and provide a copy of Scheme Amendment 3 and relevant documents to the Western Australian Planning Commission for final approval by the Minister for Planning.

### ATTACHMENTS

1. LPS 7 Amendment No. 3 - Report and Mapping [**12.3.9.1** - 18 pages]
2. Schedule of Submissions [**12.3.9.2** - 5 pages]
3. Submissions in Full [**12.3.9.3** - 16 page]

**12.4 Infrastructure Services**

<b>12.4.1</b>	<b>Naming of Roads - Spoilbank Marina</b>
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**Author:** Senior Project Engineer  
**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 support the road naming application to Landgate for the informally named ‘Spoilbank Marina haul road’ to be officially named ‘Marina Road’.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for the Council to consider submitting an application to Landgate for the naming of the haul road which was built to construct the Spoilbank Marina development.

**DETAIL**

A road was constructed in mid-2021 to facilitate truck access to begin construction of the Spoilbank Marina. It was informally known as the ‘Spoilbank Marina haul road’. Construction of the haul road also required a portion of the existing Morgans Street to be terminated with a cul-de-sac. The aforementioned is depicted in attachment ‘Map1’. The proposed application is to officially name the road referred to as ‘Spoilbank Marina haul road’ to be named ‘Marina Road’ and to amend the naming of Morgans Street to end at the cul-de-sac.

The naming of roads and geographical locations, including buildings and rooms, is governed by the Land Administration Act 1997, under sections 26 and 26A. Further to this, there are a number of guidelines regarding appropriate name selections and use. To ensure road and place naming is undertaken appropriately, the Town has adopted Policy 12/010 - Naming of Roads and Places.

In line with Policy 12/010 - Naming of Roads and Places, the proposed name for the road is ‘Marina Road’. The justification for the name ‘Marina Road’ is based on a logical description and function of the road. The road will function as a main throughfare into the Spoilbank Marina and was historically created to facilitate the Marina’s construction. This reasoning is consistent with the principles set out in Policy 12/010. Therefore, it is the officers’ recommendation that ‘Marina Road’ would be a concise and suitable name for the road.

**LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 ‘Significant Decision Making’, this matter is considered to be of low significance, because:

- Exception – the proposal or decision is not of a nature of significance that requires engagement.

## **CONSULTATION**

### *Internal*

- Planning department
- Infrastructure department

### *External Agencies*

- Nil

### *Community*

- Nil

## **LEGISLATION AND POLICY CONSIDERATIONS**

Land Administration Act 1997

Policy 12/010 - Naming of Roads and Places

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Town's operational budget will be used to install a street sign.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### Our Leadership:

4.1.3 A positive town narrative and a unique brand is developed and promoted. There are no significant identifiable environmental, social or economic impacts relating to this item.

### **Access and Inclusion**

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

- Outcome 2 – Buildings and Facilities

### **Corporate Business Plan**

The following service of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

#### Our Infrastructure Services:

Roads and Footpaths - Provide an effective road network through the construction,

maintenance and renewal of sealed and unsealed local roads and associated infrastructure

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Health & Safety
<b>Cause</b>	When the road is unnamed it creates difficulty in identifying the asset in councils register and maintenance schedules. The road being unnamed lacks clarity in direction for community users of the road network.
<b>Effect (Consequence)</b>	The asset is not maintained correctly due to lack of proper identification. Community users are confused when driving on Town of Port Hedland roads
<b>Risk Treatment</b>	Naming of the road will provide clarity to address the identified risks
<p>There is an Operational, risk associated with this item caused by poor identification, leading to a lack of clarity.                  The risk rating is considered to be Low (4) which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2).                  This risk will be mitigated by official naming of the road.</p>	

**OPTIONS**

- Option 1 – Adopt officer’s recommendation
- Option 2 – Amend officer’s recommendation
- Option 3 – Do not adopt officer’s recommendation

**CONCLUSION**

Official naming of the informally known ‘Spoilbank Marina haul road’ to ‘Marina Road’ would be considered an appropriate name for the road, consistent with principles in the existing Policy 12/010 - Naming of Roads and Places and the Land Administration Act 1997. Naming of the road allows for better identification in the Town's asset register and provides clarity to drivers navigating the Town of Port Hedland's Road network. Naming of ‘Marina Road’ will contribute positively to the Towns overall identity and character.

**ATTACHMENTS**

- 1. Map 1 [12.4.1.1 - 1 page]

<b>12.4.2</b>	<b>Installing Signage at Cooper Place</b>
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**Author:** Graduate Engineer  
**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 approve the installation of 5 No Parking signs at Cooper Place, Port Hedland, in accordance with Part 6 of ‘Town of Port Hedland Public and Local Government Property Local Law 2016’.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for the Council to consider the proposal to rectify parking issues in the cul-de-sac located at Cooper Place. Inappropriate parking is causing significant traffic congestion, blocking rubbish bin collections, and leaving insufficient space for cars and trucks to turn, leading to safety concerns. This report proposes the installation of parking signage to be installed in the cul-de-sac. Residents have requested the Town take action to facilitate safe parking in the cul-de-sac. Residents have been consulted with and no objections have been received.

**DETAIL**

The cul-de-sac in Cooper Place is a high-use location for parking. However, the current parking practices are causing problems for residents. Cars parked along the cul-de-sac, footpath, and verges are blocking the carriageway, which has resulted in rubbish bin collection being disrupted, especially on rubbish collection days.

Walking on footpaths offers pedestrians a secure substitute for using the roadways. Pedestrians may be pushed onto the road if there are parked cars blocking any portion of the footpath, including the crossing, which becomes a risk for young children, people with disabilities and people with prams.

To address the problem of inappropriate parking, the installation of signage is proposed to prohibit parking on the footpath, verge and road. The signage is proposed to be placed at strategic locations to ensure that all motorists are aware of the restrictions. The design suggests installing “NO PARKING” signs at the most strategic locations in the area around the Cul-de-sac. This will help deter motorists from parking in those locations and ensure that the carriageway remains clear. Please refer to below.



The proposed solution will improve the safety of residents and motorists as it will allow more space for maneuvering cars and trucks. It will ensure that rubbish bin collection is not disrupted by inappropriate parking, making the process more efficient and safer for the truck operators. Finally, it will reduce the traffic congestion and it will be easier for the residents to navigate the area.

**LEVEL OF SIGNIFICANCE**

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

- Significant - Any issue, proposal, decision or other matter that will substantially affect a wide range of people who reside in Port Hedland.

**CONSULTATION**

*Internal*

- Director Infrastructure services
- Manager Infrastructure Projects & Assets
- Manager Environment Services
- Coordinator Ranger Services

*External Agencies*

- Nil

### *Community*

- The Town was approached by residents in Cooper Place to undertake compliance to discourage people parking on the verges and roadside making access for pedestrians and rubbish pick up dangerous. The Town has duly distributed letters to residents, notifying them of our intention to install no parking signs around the cul-de-sac with the objective of stopping inappropriate parking which is causing significant traffic congestion. We invited nearby landowners or occupants to review the proposal and gave the opportunity to any resident with objections to voice their concerns. No objection has been received.

## **LEGISLATION AND POLICY CONSIDERATIONS**

As per as local government local laws this is detailed in "Town of Port Hedland Public and Local Government Property Local Law 2016" – Part 6 – Activities in Thoroughfares, Division 6- signs erected by Local Government.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The cost of installing signage in the cul-de-sac is expected to be approximately \$4,000. This includes the cost of signage, installation, and ongoing maintenance. This would be funded by the current 2023/24 operational budget, Infrastructure Maintenance Signs & Line marking.

## **STRATEGIC SUSTAINABILITY IMPLICATIONS**

### **Strategic Community Plan**

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

#### **Our Community:**

1.1.1 Stakeholders are engaged to develop a whole-of-town approach to increase access to quality health and wellbeing services.

1.1.6 Town-wide health, safety, recreation and sporting activities and services are promoted.

1.4.4 Community services and facilities are well promoted

### **Access and Inclusion**

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

- Outcome 4 – Quality of Service

### **Corporate Business Plan**

The following service of the Town's *Corporate Business Plan 2023-2027* apply in relation to this item:

**Our Infrastructure Services:**

Roads and Footpaths - Provide an effective road network through the construction, maintenance and renewal of sealed and unsealed local roads and associated infrastructure

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Health & Safety Service Interruption Environmental
<b>Cause</b>	Inappropriate parking and significant traffic congestion
<b>Effect (Consequence)</b>	Blocking rubbish bin collection and leaving insufficient space for cars and trucks to turn leading to safety concerns
<b>Risk Treatment</b>	The installation of signage is proposed to prohibit parking on the footpath, verge and road
<p>There is an Operational risk associated with this item caused by failure to address the issue of inappropriate parking could lead to conflict between community members and residents.</p> <p>The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2).</p> <p>This risk will be mitigated by the adoption of the officer’s recommendation.</p>	

**OPTIONS**

Option 1 – Adopt officer’s recommendation

Option 2 – Do not adopt officer’s recommendation

**CONCLUSION**

In conclusion, the proposed solution is to install parking signage on the verge and road to prevent motorists from parking on the road. It will improve safety, reduce traffic congestion, and ensure that rubbish bin collection is not disrupted. The proposal can be implemented with minimal disruption and at a reasonable cost. It is recommended that the Council support this proposal and install the necessary signage to help address the problem of inappropriate parking at Cooper Place, Port Hedland.

**ATTACHMENTS**

1. Installation of Signage\_ 1 [**12.4.2.1** - 2 pages]

## **12.5 Executive Services**

Nil

**13 New Business of an Urgent Nature (Late Items)**

Nil

**14 Motions of Which Previous Notice has been given****14.1 Motions of Which Previous Notice have been given - Cr Blanco**

I, Camilo Blanco, hereby submit this notice of motion to the CEO of the Town of Port Hedland, for the 29 November Ordinary Council Meeting 2023 to consider the following:

**NOTICE OF MOTION**

**The Town of Port Hedland Council to consider the revocation of decision made on the 30 August 2023, item 12.3.1;**

***"Application for Development Approval for Addition to the Existing Single House (Home Business for Massage Services) at Lot 3094 (No. 5) Jibson Close, South Hedland"***

**We request all unedited available information and any legal advice that has been requested on this issue by the administration, be issued within the agenda item, for the council's consideration.**

***ABSOLUTE MAJORITY VOTE REQUIRED***

**ALTERNATE MOTION**

**That Council:**

- 1. Revoke Council Decision CM202324/126 at item 12.3.1 30 August 2023 Ordinary Council Meeting.**
- 2. Withdraw the development approval for a home-based business (massage therapy) located at No. 5 Jibson Close, South Hedland.**

***ABSOLUTE MAJORITY VOTE REQUIRED***

As this action will rescind a previous resolution of Council, such decision must be via an Absolute Majority Decision and be signed by at least 3 Councillors under Regulation 10 of the Local Government Act (Administration) Regulations 1996.

This requires compliance with regulation 11(da) *Local Government (Administration) Regulations 1996:*

written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70

<b>14.1.1</b>	<b>Home Based Business Jibson Close</b>
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**Author:** Director Regulatory Service

**Authorising Officer:** Chief Executive Officer

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

**OFFICER’S RECOMMENDATION**

**That Council:**

- 1. Note that insufficient evidence has been provided to support the revocation of Council Decision CM202324/126 at item 12.3.1 - 30 August 2023 Ordinary Council Meeting to withdraw the conditional development approval issued for a Home-Based Business (Massage Therapy) at No 5 Jibson Close or commence legal enforcement proceedings**
- 2. Request the CEO continue to conduct investigations, as recommended by the confidential legal advice received and attached to this report, to ascertain whether a breach of the conditional approval has occurred.**

***SIMPLE MAJORITY VOTE REQUIRED***

**PURPOSE**

The purpose of this report is for Council to consider whether to rescind the decision to approve the development application for home business (Massage Services) at Lot 3094 (No. 5) Jibson Close, South Hedland subject to conditions imposed by the Town.

**DETAIL**

At the 1 November 2023 Ordinary Council Meeting, Cr Blanco requested a report be provided to the 29 November Ordinary Council Meeting considering the withdrawal and rescinding of the conditional Development Approval issued for a home business providing massage services from Lot 3094 (No. 5) Jibson Close, South Hedland. Council approved the application at the 30 August 2023 Ordinary Council Meeting subject to a number of conditions including provisions prohibiting the act of prostitution or providing services of a sexual nature.

One objection had been received in relation to the application, which was discussed with Councillors at the Agenda Feedback Session held on 23 August 2023. During these discussions, the potential for services of a sexual nature were raised. The objection included screenshots of a webpage, however as there was no link to the development including the property address or contact phone numbers, this was not included within the agenda report as an attachment. As the objector requested to remain anonymous, the officer report provided a summary of the comments made

and the Town's response to those comments, together with imposition of conditions to address the comments.

Further concerns were raised during public statement time at the 27 September 2023 meeting which included provision of newspaper advertising and SMS messages indicating the likelihood of sexual services being provided from No 5 Jibson Close. These same documents were presented during public time at the 1 November 2023 Ordinary Council Meeting.

Officers from the Town's Regulatory Service have attended and inspected the property both prior to and after the conditional development approval was issued as described in the following table:

Date	Action	Outcome
11 July 2023	Inspection and assessment of the site in relation to traffic concerns raised.	Inspection did not reveal excessive traffic generated by the activity.
9 August 2023	Inspection and interviews with surrounding residents. Responses included noticed activity of persons coming and going from the site, activity conducted outside of proposed hours, child traffic safety concerns, parking concerns.	Conditions relating to hours of operation and parking included to address concerns.
22 September 2023	Inspection of premises and explanation of conditional approval conditions with proprietor.	No significant concerns noted by officers.
29 September 2023	Inspection of premises and questioning of the proprietor in response to prostitution concerns raised at 27 September 2023 meeting.	No evidence of active prostitution from the premises was observed. Business proprietor was reminded of conditions of approval, in particular prohibition on provision of sexual services, hours of operation and single client at any time.

The response to the comments and questions raised during public time at the 27 September Ordinary Council Meeting and media enquiries, a further inspection was

undertaken which found there was insufficient evidence to confirm activities of a sexual nature occurring as part of the business at Jibson Close. The response also requested that members of the public who have evidence which directly links this premises to an illegal activity or breach of the Development Approval conditions; these can be submitted to the Town's Regulatory Services Division for further investigation.

The attached legal advice confirms that the current evidence, including the advertising, SMS transcript and comments made by a member of the public at the 1 November Ordinary Council Meeting are insufficient to commence legal enforcement proceedings. The evidence required in the advice to commence legal proceedings is clearly outlined as that required to support the withdrawal or revocation of the Development Approval. A decision to revoke the Development Application without sufficient evidence creates a risk of the Town's decision being overturned on an appeal, with associated financial, reputational and legal risks. The Town intends to act on this advice to undertake further investigations.

### **LEVEL OF SIGNIFICANCE**

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because concerns have been raised in relation to a valid planning approval. Continued investigation is required to confirm whether the proprietor is complying with the conditions of approval.

### **CONSULTATION**

#### *Internal*

- Manager Town Planning and Economic Development
- Manager Environmental Services
- Manager Public Affairs
- Executive Leadership Team

#### *External Agencies*

- Cornerstone Legal

#### *Community*

- Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

- Planning and Development Act 2005
- Prostitution Act 2000 (WA)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Scheme No. 7
- Town of Port Hedland - Information Sheet 01 Working from Home Planning Guidelines
- Local Government (Administration) Regulations 1996 regulation 10 and regulation 11(da)
- **Town of Port Hedland Standing Orders Local Law 2014 clause 17**

There are no provisions within the *Planning and Development Act 2005* that permit the revocation of a development approval however, Section 50 of the Interpretation Act 1984 provides for the withdrawal of an approval.

**FINANCIAL AND RESOURCE IMPLICATIONS**

Costs associated with investigating the premises and legal advice are absorbed within the existing Regulatory Services budget. If the Council elects to withdraw/rescind the development approval, and an appeal is lodged by the proponent of the Massage premises, finances and resources will be expended to defend the Town’s position.

**STRATEGIC SUSTAINABILITY IMPLICATIONS**

**Strategic Community Plan**

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

Our Economy:

2.3.4 Ensure business approval processes are transparent, and pathways streamlined.

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

**Corporate Business Plan**

The following service of the Town’s *Corporate Business Plan 2023-2027* apply in relation to this item:

Our Regulatory Services:

Planning and Development - Strategic land use planning and regulation to ensure the best development and land use outcomes

**RISK MANAGEMENT CONSIDERATIONS**

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Compliance
<b>Cause</b>	Withdrawal of the Development Approval or legal enforcement action without sufficient evidence.
<b>Effect (Consequence)</b>	Non-compliance with established development approval and Planning and Development Act mechanisms
<b>Risk Treatment</b>	Adopt the officer’s recommendation
<p>There is a compliance risk caused by withdrawal of the approval or legal enforcement without sufficient evidence is outside the established Planning and Development framework and could lead a successful appeal being lodged by the proponent and or action to recover any loss incurred by the decision of Council. The risk rating is considered to be High (16) which is determined by a likelihood of Likely (4) and a consequence of Major (4). This risk will be moderated by the adoption of the officer’s recommendation.</p>	

<b>Risk Type</b>	Operational
<b>Risk Category</b>	Reputational
<b>Cause</b>	Withdrawal of the Development Approval without sufficient evidence to support the action
<b>Effect (Consequence)</b>	This action can destabilise economic development and confidence in the Development Approval processes.
<b>Risk Treatment</b>	Adopt the officer's recommendation
<p>There is an Operational risk associated with this item caused by withdrawal of the approval without sufficient evidence to warrant such action, leading to destabilisation and loss of confidence in perceived support for home-based businesses and the development approval process. This could lead to an appeal being lodged by the proponent and or action to recover any loss incurred by the decision of Council.</p> <p>The risk rating is considered to be Medium (9) which is determined by a likelihood of Possible (3) and a consequence of Moderate (3).</p> <p>This risk will be moderated by the adoption of the officer's recommendation.</p>	

## OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

## That Council:

**3. Revoke Council Decision CM202324/126 at item 12.3.1 30 August 2023 Ordinary Council Meeting.**

**4. Withdraw the development approval for a home-based business (massage therapy) located at No. 5 Jibson Close, South Hedland.**

As this action will rescind a previous resolution of Council, such decision must be via an Absolute Majority Decision and be signed by at least 3 Councillors under Regulation 10 of the Local Government Act (Administration) Regulations 1996.

This requires compliance with regulation 11(da) *Local Government (Administration) Regulations 1996*:

written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70

## CONCLUSION

Although concerns have been raised in relation to the home-based business located at No. 5 Jibson Close, South Hedland, insufficient evidence has been provided to the Town's Regulatory Service to support commencement of enforcement action or any other action including withdrawal of the Development Approval. Legal advice provided to the Town confirms this and recommends further investigation.

**ATTACHMENTS**

Nil

**14.2 Motions of Which Previous Notice have been given - Cr Butson**

I, Lorraine Butson, hereby submit this notice of motion to the CEO of the Town of Port Hedland, for the 29 November 2023 Ordinary Council Meeting 2023, to consider the following:

**NOTICE OF MOTION**

**That Council endorse a vote of NO confidence in the Mayor Peter Carter.**

***SIMPLE MAJORITY VOTE REQUIRED***

**Officer Comment:**

A Councillor may move a motion of which previous notice has been given under clause 5.4 Standing Orders Local Law 2014 and the Council may resolve to support the motion. There is no power under the Local Government Act 1995 (LG Act) for the Council to remove the Mayor from office and the Council decision would have no legal effect on the position or role of the Mayor.

The Mayor is appointed by electoral processes under the LG Act and the role of the Mayor is defined by section 2.8 LG Act. It is not open to the Council to restrict or constrain the Mayor from fulfilling the statutory role as defined by the LG Act.

Prior legal advice has been circulated to Council by the administration.

**15 Matters for Which Meeting May be Closed (Confidential Matters)**

Nil

## **16 Closure**

### **16.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 13 December commencing at 5:30 pm.

### **16.2 Closure**

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