



AGENDA

Dear Mayor and Councillors,

I respectfully advise that an **SPECIAL COUNCIL MEETING** will be held in the **Civic Centre, McGregor St, Port Hedland**, on **Monday, 15 May 2023**, commencing at **5:30pm**

The purpose of the **Special Meeting** is consideration of the 2022/23 Interim Budget Review, the 2023/24 Rating Strategy and reconsideration of Temporary Approval of Workforce Accommodation at Lot 2 (No.15) Dempster St, Port Hedland.

MEETING AGENDA ATTACHED

Yours faithfully

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

Carl Askew
Chief Executive Officer

12 May 2023

DISCLAIMER

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

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

DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

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

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

Signature: _____ Date: _____

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

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

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

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Item 1 Opening of Meeting

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

Item 2 Acknowledgement of Traditional Owners and Dignitaries

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

Item 3 Recording of Attendance

Important note:

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

3.1 Attendance

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

In Attendance: Carl Askew (Chief Executive Officer)
Dale Putland (Director Corporate Services)
Josephine Bianchi (Director Community Services)
Chaz Roberts (Manager Town Planning & Development)
Lee Furness (Director Infrastructure Services)
Rhiannon Smith (Governance Support Officer)
Karen Krollig (Governance Support Officer)

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

Cr Flo Bennett

3.5 Disclosure of Interests

Item 4 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.

4.1 Public Question Time

4.2 Public Statement Time

Item 5 Questions from Members without Notice

Item 6 Announcements by Presiding Member without Discussion

Item 7 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

Item 8 Reports of Officers

8.1 Corporate Services

8.1.1	ADOPTION OF 2022-23 INTERIM BUDGET REVIEW
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Author: Manager Financial Services
 Authorising Officer: Director Corporate Services
 Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council adopts the revised 2022/23 Half Yearly Budget based on results for the period ended 31 December 2022 with a projected municipal surplus of \$5.015 million as of June 30, 2023 as per attachment 1.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to adopt the 2022/23 Half Yearly Budget based on results for the period ending December 31, 2022. The review is an opportunity to evaluate the current budget and allocate funding for emerging community and social priorities, allowing the organisation to respond and provide the best result for the Town of Port Hedland.

DETAIL

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

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

Projected Municipal Results

The Half Yearly Budget review has projected a revised municipal position of \$5.015 million which is a positive adjustment from previous adopted budget by 2.712 million. This is attributed to the adjustments explained below:

Municipal Movement Explanations (\$ '000)	
Operational Revenue	
Rates – recognition of interim rates	\$ 500
Operating Grants – recognize non-government grant received	\$ 42
Fees and charges – adjustment to budget to realize the reduction of waste disposal revenue	(\$ 703)

Municipal Movement Explanations (\$ '000)	
Interest earnings – adjustment to budget to recognize the earnings from current investments	\$ 90
Other Revenue – realise proceeds from sale of land	\$ 682
Net Cash changes to revenue	\$ 611
Operational Expenditure	
Employee costs – decrease budget to reflect the current vacancies	\$ 458
Materials and contracts – reduced by \$1.37m due to changes to the operations and delivery of work. This reduction also reflects the addition of \$420k for Spinifex Spree carnival, Town's Aug 23 Major Event, and for SH 50th Birthday Celebration Street Art Festival	\$ 1,377
Utility charges – minor adjustment to reflect actual usage	(\$ 83)
Interest expenses – adjustment made to realise the borrowings made throughout the year	\$ 563
Other expenditure	\$ 82
Net cash changes to operating expenses	\$ 2,397
Investing Activities	
Non-operating grant, subsidies and contributions	(\$ 1,743)
Capital Works program reduced based on work timeline adjustment	\$ 11,284
Proceed from disposal of assets	(\$1,300)
Net cash changes to investing activities	\$8,241
Financing Activities	
Repayment of borrowings in line with decrease in Borrowings	\$554
New borrowings in line with decreased capital expenditure on staff housing and Seawalls	(\$4,969)
Transfer to cash backed reserves (restricted assets)	(\$1,917)
Transfer from cash back reserves (restricted assets)	(\$2,205)
Net cash changes to financing activities	(\$8,537)
Net Cash Movement to Municipal Position	\$2,712

Projected Operating Results

While the Municipal positions shows Councils cash position for the year the projected operating result is a loss of \$31.6 million, which is a reduction on the previous adopted budget loss by \$1.68 million.

The cash operating revenue and expense line items have been explained in the Municipal position changes there are two main non cash movements that impact the operating result:

Operational Revenue	
Profit on asset disposal – adjust budget in response to market changes within the motor vehicle industry.	(\$ 300)

Operational Expenditure	
Depreciation on non-current assets – increase budget to recognize the projects that have been capitalized year to date	(\$ 1,025)

Council receives income and elects to spend that money on day to day activities to provide services and operate the organisation. This is reflected in the Income and Expense Statement. The Operating Result disclosed in the Income Statement includes depreciation and other non-cash expenses, so a deficit Operating Result can still produce an operating cash surplus. It is this cash surplus that is available to fund the renewal of existing assets.

Capital Projects Program

A detailed listing of all capital works and new initiatives is listed in Note 16 of the 2022-23 Budget Review Paper.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

1. Rates Consultant

Community

2. Nil

LEGISLATION AND POLICY CONSIDERATIONS

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

Any budget review must be submitted to Council within 30 days of completion, with Council to determine whether or not to adopt the review by absolute majority as required by regulation 33A (2) and (3). The budget review was presented to Council at the April 2023 Ordinary Council Meeting and was deferred to a Special Council meeting at 15 May 2023.

FINANCIAL AND RESOURCES IMPLICATIONS

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

The Municipal cash position has improved by \$2.712m

Capital programmes have decreased by \$11.284m to a total estimated \$71.008m.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

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

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

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

Environmental

Nil

Economic

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

Social

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

RISK MANAGEMENT CONSIDERATIONS

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

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

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

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

OPTIONS

Option 1 – Adopt officer’s recommendation

Option 2 – Amend officer’s recommendation

Option 3 – Do not adopt officer’s recommendation

CONCLUSION

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

Several variations are proposed as part of this review to meet community and organisational requirements. The outcome of the review presents a positive adjustment to the municipal surplus by \$2.712m, resulting in a revised cash position of \$5.015m as of 30 June 2023.

ATTACHMENTS

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

8.1.2 2023/24 RATING STRATEGY

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

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to section 6.36(3A) of the Local Government Act 1995, endorses the Statement of Objects and Reasons for the 2023/24 rating year as presented in Attachment 1 for public consultation.
2. Pursuant to section 6.36(1) of the Local Government Act 1995, gives local public notice of its intention to impose differential general rates and minimum payments in accordance with the attached Statement of Rating Objects and Reasons, which will be available for public inspection during the notice period, wherein the proposed differential rate categories, rate in the dollar and minimum payments are detailed as follows:

Rate Differential	Rate in the dollar (expressed as cents in the dollar)	Minimum Payment (for each Rate Differential)
GRV: Residential	0.067000	\$ 1,300
GRV: Commercial/ Industrial	0.089570	\$ 1,900
GRV: Accommodation	0.133000	\$ 1,900
UV: Pastoral	0.120000	\$ 1,900
UV: Mining	0.214690	\$ 200
UV: Other	0.107500	\$ 1,900

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to recommend that Council endorse the Statement of Rating Objects and Reasons and advertise the proposed 2023/24 Differential General Rates and Minimum Payment for public comment, as required by section 6.36 of the Local Government Act 1995.

DETAIL

Rate revenue is the primary source of discretionary revenue for the Town of Port Hedland, accounting for approximately 74% of the operating revenue in the financial year 2023/24. The Local Government Act 1995 (the Act) enables local governments to impose differential general rates and minimum rates on rateable land. The purpose of levying of rates is to meet Council's budget requirements in each financial year in order to deliver services and community infrastructure, as outlined in the Long Term Financial plan 2022/37, Asset

Management Plan and Corporate Business Plan 2018-22. Asset management continues to pose a significant challenge for all local governments in Western Australia and all rate models must support asset renewal and replacement requirements in line with defined service levels.

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

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

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

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

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

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

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

- Raise sufficient yield to maintain current and additional services, future infrastructure growth & renewal to meet community expectations, as outlined in the adopted Long Term Financial Plan 2022/2037, and Strategic Community Plan 2022-32..
- Maintain the distribution of rates share considering objective, fair and equitable standards.
- Critical analysis of the yield generated by each differential category as a percentage of the total yield, comparing to the contribution by each category, the valuation % of each category.
- Provide a level of certainty and consistency for ratepayers with a fair & stable view to long term rates modelling, while providing financial sustainability for the Town of Port Hedland; and
- That properties are rated according to predominant land use with consideration given to the Town Planning Scheme zones and applied when applicable, with each category having a separate calculated rate in the dollar and established minimum rates to achieve greater equity across all sectors and ensuring a minimum base level contribution.

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

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

Increases for UV mining is predominately mining tenements and Port Land leasing. GRV Accommodation increase is growth of transient worker accommodation camp. The following two tables outline the proposed differential general rates and the adjustment table of minimum rate payment for the Town of Port Hedland to be advertised for the 2023/24 financial year, effective from 1 July 2023.

Differential Category	YIELD (Prior to Minimum adjustment)	Minimum Rate (Adjustment)	TOTAL YIELD (Includes Minimum adjustment)	Rate in dollar (expressed as cents \$)	2023/24 Total YIELD % Share
GRV Residential	13,102,664.94	400,172.08	13,501,803	0.06700	20.71
GRV Commercial/Industrial	5,849,193.69	173,858.73	6,094,932	0.08957	9.24
GRV Accommodation	2,399,072.62	0	2,326,481	0.133000	3.68
UV Pastoral	168,028.68	0	154,056	0.12000	0.25
UV Mining	42,989,108.37	6,845.64	43,008,765	0.21469	65.96
UV Other	83,202.78	6,202.82	90,596	0.10750	0.13
TOTALS	64,591,271.08	587,079.27	\$65,178,350		100

PROPERTIES

Differential Category	2022/2023		2023/2024		2023/2024		
	Number of Properties	No. of Properties / Minimum Rate (Adjustment)	Number of Properties	No. of Properties / Minimum Rate (Adjustment)	No. Properties - Increase / Decrease	Minimum Rates - Increase / Decrease	Total Minimum Adjustment = \$ Value
GRV Residential	6270	672	6280	878	10	206	401,172.08
GRV Commercial/Industrial	734	171	745	172	11	1	173,858.73
GRV Accommodation	18	1	19	0	1	-1	0
UV Pastoral	10		10	0	0	0	0
UV Mining	516	233	529	89	13	-144	6,845.64
UV Other	11	3	11	5	0	2	6,202.82
TOTALS	7559	1080	7594	1144	35	64	587,079.27

The proposed rate model is expected to yield \$65,178,350 (prior to concession applications). Rate revenue for 2023/24, will contribute to the net funding requirements to assist in the sustainability of Town's Long Term Financial Plan 2022-2037 to strengthen the Town's

services, activities, financing costs, asset & road renewal, and investment priorities such as housing and childcare.

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

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

The overall rate revenue projected \$65,178 million includes 2022/23 interim rates (to 14/4/23) and an increase of 3.5 in line with the approved LTFP, as well as achieving the legislative 2:1 Ratio rate in the dollar, between the basis of rate differentials – GRV & UV.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Internal

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

External Agencies

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

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

Community

- Submissions will be sought from ratepayers through public consultation on the proposed 2023/24 rates model via state-wide and local public notices.
- Individual letters of consultation will be sent out to ratepayers whose differential category has less than 30 rateable properties

LEGISLATION AND POLICY CONSIDERATIONS

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

FINANCIAL AND RESOURCES IMPLICATIONS

The proposed rate model as at 27th April 2023 is expected to yield \$65,178,350.35 in rate revenue for 2023/24.

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

2022/2023 - Actual					2023/2024 - Proposed			
Differential Category	Valuation	Rate in dollar	Yield	% Share	Valuation	Rate in dollar	Yield	% Share
GRV Residential	195,022,825.00	0.07062	14,148,256	22.72	195,562,162.00	0.06700	13,502,837.02	20.74
GRV Commercial/Industrial	61,784,935.00	0.08979	5,725,950	9.20	65,303,043.00	0.089570	6,023,052,42	9.36
GRV Accommodation	15,867,140.00	0.1305	2,072,562	3.33	18,038,140.00	0.13300	2,399,072.62	3.57
UV Pastoral	1,400,239.00	0.11298	158,199	0.25	1,400,239.00	0.120000	168,028.68	0.24
UV Mining	198,647,363.00	0.20215	40,164,612	64.50	200,238,056	0.214690	42,995,954.01	65.95
UV Other					774,700.00	0.107500	89,409.60	0.14
TOTALS	\$472,722,502		\$62,269,578	100	\$481,316,340.00		\$65,178,350.35	100

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

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

The Town's current financial health is 'adequate' in State and Regional comparisons, and by managing the rates yield and adopting the budget principles listed above, in line with the Long Term Financial plan the Town will be able to maintain and further improve its financial ratios and ability to meet community expectations in relation to future growth, service delivery and asset & road renewal.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 4.b.2 Transparent and regular financial reporting and communication to the community is undertaken
- 4.b.3 Transparent and regular governance reporting and communication to the community is undertaken
- 4.b.4 Constructive forums are provided for discussion and the representation of the diversity of views and needs that impact on the Town's developments, programs and policies

Environmental

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

Access and Inclusion Plan

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

- Outcome 3 – Accessible Information
- Outcome 4 – Quality of Service
- Outcome 5 – Opportunities for Feedback
- Outcome 6 – Public Consultation

Corporate Business Plan

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

RISK MANAGEMENT CONSIDERATIONS

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

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

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

The risk rating is considered to be high (10), which is determined by a likelihood of unlikely (2) and a consequence of moderate (3).

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Amend officer's recommendation

Option 3 – Do not adopt officer's recommendation

CONCLUSION

This report recommends that council endorse the statement of rating objects and reasons and advertise the proposed 2023/24 differential general rates and minimum rate payment for public comment, as required by section 6.36 of the local government act 1995. The proposed rate model will yield \$65,178,350.00 in rate revenue (based on current valuations plus interims) which will deliver services and community infrastructure, as outlined in the long-term financial plan 2022/37 and Strategic Community plan 2022 -2032.

ATTACHMENTS

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

8.2 Regulatory Services

8.2.1 TEMPORARY APPROVAL OF WORKFORCE ACCOMMODATION (FORMER PORT HEDLAND DETENTION CENTRE) AT LOT 2 (NO.15) DEMPSTER STREET, PORT HEDLAND

Author: Senior Urban Planner
Authorising Officer: Manager Town Planning and Development
Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, pursuant to Clause 74 and Clause 77 of Schedule 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES an amendment to the Planning Application 2009/504 on Lot 2 (No. 15) Dempster Street, Port Hedland for Temporary Workforce Accommodation subject to the following conditions and advice notes:

Extent

1. This approval is limited to the temporary use of only sixty four (64) transportable buildings for residential accommodation (Workforce Accommodation) and associated buildings for dining / kitchen and laundry facilities, until 30 April 2028, but only in accordance with the following conditions of approval.
2. Subject to Conditions 19 and 23, the landowner shall cease the approved use by 30 April 2028.
3. Subject to Condition 4, the landowner must remove all transportable buildings from the land by no later than 30 April 2029 in accordance with an approved Site Rehabilitation Plan, which shall be submitted to and approved by the Town of Port Hedland by 31 October 2027.
4. If the use of the land is terminated early pursuant to Condition 19 or 23, the landowner must remove all transportable buildings from the land by no later than six months after the date of early termination.
5. This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date.
6. This approval supersedes previous development approval 2009/504 and all associated conditions.
7. Pursuant to Clause 74 of the Deemed Provisions, the development may not be commenced until the Town of Port Hedland has approved the plans required by conditions 9 and 10,

Limitations on use

8. A maximum of 208 persons are permitted to be accommodated on the property at any one time, including workforce and service workforce staff.

Plans

9. The landowner to submit amended and accurate plans to the satisfaction of the Town for approval on or before 1 July 2023. The approved development shall be in accordance with the stamped approved plans.
 10. The landowner must submit an Operational Management Plan, on or before 1 August 2023, outlining the following, for approval by the Town:
 - 10.1 Complaints Management Procedure.
 - 10.2 Contact details of the landowner and site manager.
 - 10.3 Fire and Emergency Management Plan.
 - 10.4 Noise Management Plan.
 - 10.5 Vehicle and Bicycle Parking Management Plan, to include but not be limited to the following:
 - show which car parking bays will be allocated for visitors, occupants, staff and disabled person/s.
 - bicycle allocations for the workforce and location of bicycle parking area(s).
 - parking bays to designed as 'User Class 3A' instead of current 'User Class 1A'.
 - location of bus parking area on site.
 - provide an accurate site plan depicting locations of all parking areas.
 - 10.6 Traffic Management Plan, to include but not be limited to the following:
 - how workforce trips will be controlled.
 - details or estimated times of movements (or update Traffic Impact Assessment report).
 - 10.7 Lighting Management Plan to include but not be limited to the following:
 - A floodlight plan indicating location, type and lumens of all lighting.
 - Indicate lighting management strategy for consideration of sensitive adjoining marine and native fauna.
 - 10.8 Cyclone Management Plan to include but not be limited to the following:
 - Identify the buildings which are proposed for emergency cyclone sheltering purposes and their level of importance.
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- The actions to be taken at each cyclone alert level.
 - Alternative measures to ensure the safe relocation of residents to appropriate facilities in the event of a cyclone.
- 10.9 Health and Safety Management Plan for occupants and visitors, with reference but not limited to the following:
- location and provision of private, communal and general open space areas on and off the property.
 - how privacy / minimum areas can be achieved with screening and/or fencing,
 - opportunities for recreation facilities on and off site.
 - location of CCTV or other security systems to be used.
 - opportunity for and location of end-of-trip facilities for service staff.
- 10.10 Details of any food, beverage and liquor to be sold or consumed on site, including details of how this may impact or benefit the surrounding community, and detail of how any identified impacts can be effectively managed.
11. The development must be carried out in accordance with the approved Operational Management Plan.
12. The landowner is to submit a landscaping plan to the satisfaction of the Town on or before 1 July 2023. The landscape plan shall depict but not be limited to following:
- 12.1 Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.
 - 12.2 Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.
 - 12.3 all cracker dust is to be removed from the verge and streetscape areas.
 - 12.4 removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.
 - 12.5 removal of all barbed wire within streetscape and the property.
 - 12.6 Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.
 - 12.7 a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.
13. The approved landscaping plan shall be implemented before 1 May 2024 and maintained thereafter, to the satisfaction of the Town.
14. The landowner to submit an amended Traffic Impact Assessment for approval by the Town on or before 1 August 2023. The development must comply with any requirements arising from the approved Traffic Impact Assessment.
15. Within six months of commencement of the development, an updated Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland, which:
-

- 15.1 Includes an adequate level of community consultation with surrounding residents and Aboriginal groups;
- 15.2 Includes adequate strategies and actions to ensure mental health and wellbeing of occupiers through provision of leisure and recreation options;
- 15.3 Include timeframes for agreed KPI's;
- 15.4 Provides details on annual monitoring and reporting of the effectiveness of the SIMP, which shall be submitted by the developer to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPI's) that are a direct result of the approved development's operations.
- 15.5 Annual monitoring and reporting of the SIMP's implementation shall commence on 1 July 2024 and be reported on 1 July each year thereafter, for the duration of the approval.

Site safety

- 16. By 1 August 2023 the landowner is to submit to the Town a Building Report prepared by a suitably qualified person which includes an assessment of all buildings on site, their ability to be safely occupied and/or repaired, and identifies any which contain asbestos material.
- 17. In respect of buildings identified in the Building Report as being incapable of safe occupation, the landowner shall, either –
 - 17.1 demolish the building or buildings and remove them from the site by a date stipulated by the Town, which subject to Condition 17.2, shall be no later than 30 April 2028; or
 - 17.2 if approved by the Town, repair the building to a standard outlined in the Building Report.
- 18. In respect of the building referred to as 'J' Block (former high security isolation facility of the former Detention Centre use); the landowner shall, before 1 July 2025, either –
 - 18.1 demolish the building and remove it from the land; or
 - 18.2 if approved by the Town, renovate the building to a standard agreed by the Town.
- 19. If any building required to be demolished and removed from the land is not demolished and removed by the time required by Condition 17 or 18 (as the case may be), this approval to use the land temporarily for workforce accommodation shall immediately terminate. For the removal of doubt, the early termination operates notwithstanding Conditions 1 and 2, and does not affect the landowner's obligation to demolish and remove buildings from the site pursuant to Conditions 17 and 18.
- 20. All stormwater to be contained and disposed of on-site, to the satisfaction of the Town.

Contributions

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21. Prior to occupation of the site, the developer shall make a community contribution of \$63,840, for the purpose of expenditure by the Town of Port Hedland on local community infrastructure, including but not limited to shared paths within close proximity to the facility which occupiers and residents can utilise for recreation purposes. The contribution shall be paid in full (lump sum) unless other alternative arrangements are agreed in writing with the Town.

Future planning

22. In recognition of the fact that the land is in an area for which the preparation of a structure plan is required and that this approval represents a temporary land use pending redevelopment in accordance with an approved structure plan, the landowner is to submit a structure plan and supporting technical documents as required by the Town in accordance with the Department of Planning Lands and Heritage Structure Plan Guidelines, *Local Planning Scheme No. 7* and the *Planning and Development (Local Planning Schemes) Regulations 2015* on or before 1 July 2025.
23. If the structure plan and supporting technical documents are not submitted in accordance with the preceding condition, the approval to use the land for temporary workforce accommodation shall terminate on 30 April 2026. For the removal of doubt, the early termination operates notwithstanding conditions 1 and 2, and does not affect the landowner's obligation to demolish and remove any building pursuant to conditions 17 or 18.

Notifications

24. By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which may limit the term of the approval. The notification is to state as follows:

“VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. Development on this lot is subject to conditions of development approval which limit the term of approval and require the development to be removed and the land reinstated to its predevelopment condition. Refer to the Town of Port Hedland for details.”

25. By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification of the existence of the approved Bushfire Fire Management Plan and advise landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows:

“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”

Access to Rooms

26. 26. The landowner to enter into an agreement with the Town for granting access to 10-rooms to the benefit of the Town of Port Hedland and its contractors associated with Town of Port Hedland projects, at a nominal cost. The agreement shall include at a minimum the following:
- a. The rooms shall be available each day the facility is in operation, at all times, and accessible within 48 hours of a booking being made
 - b. No exclusion periods are to be implemented by the operator
 - c. The Town is responsible for booking the rooms, with invoices for payments being made by the occupier.
 - d. Nominal cost to incorporate provision of meals, cleaning and laundry services at cost and be set at the beginning of each financial year (subject to CPI).
- The agreement shall be prepared by the Town’s solicitors at the full cost of the applicant and be in place prior to operation of the facility.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to consider a proposal for workforce accommodation and ancillary uses (dining / kitchen and laundry) at Lot 2 (No. 15) Dempster Street, Port Hedland (**Attachment 4**).

The application is re-presented for determination as the Applicant has amended the proposal after the decision of the Council not to support the officer’s recommendation when presented to the Ordinary Council Meeting on 29 March 2023.

The proposal remains a significant development and future development area, and will introduce workforce accommodation within the townsite boundaries, now proposing only use of 64 transportable dwellings, with a total of 208 rooms.

DETAIL

Council Meeting 29 March 2023

The application was presented to the Council meeting on 29 March 2023. After considerable discussion, the motion to support the officer’s recommendation was lost (Item 12.3.4 – Council Decision Reference CM202223/022).

The initial proposal and application (**Attachment 1**) was recommended for approval as per the following:

“That Council, pursuant to Clause 74 and Clause 77 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVES Amendment to the Planning Application 2009/504 on Lot 2 (No. 15) Dempster Street, Port Hedland for Temporary Workforce Accommodation subject to the following conditions and advice notes:

Extent

- 1 *This approval is limited to the temporary use of only sixty four (64) transportable buildings for residential accommodation (Workforce Accommodation) and associated buildings for dining / kitchen and laundry facilities, until 30 April 2028, but only in accordance with the following conditions of approval.*
- 2 *Subject to Conditions 19 and 23, the landowner shall cease the approved use by 30 April 2028.*
- 3 *Subject to Condition 4, the landowner must remove all transportable buildings from the land by no later than 30 April 2029 in accordance with an approved Site Rehabilitation Plan, which shall be submitted to and approved by the Town of Port Hedland by 31 October 2027.*
- 4 *If the use of the land is terminated early pursuant to Condition 19 or 23, the landowner must remove all transportable buildings from the land by no later than six months after the date of early termination.*
- 5 *This decision to approve shall expire if the development has not substantially commenced within two (2) years of the decision date.*
- 6 *This approval supersedes previous development approval 2009/504 and all associated conditions.*
- 7 *Pursuant to Clause 74 of the Deemed Provisions, the development may not be commenced until the Town of Port Hedland has approved the plans required by conditions 9 and 10,*

Limitations on use

- 8 *A maximum of 208 persons are permitted to be accommodated on the property at any one time, including workforce and service workforce staff.*

Plans

- 9 *The landowner to submit amended and accurate plans to the satisfaction of the Town for approval on or before 1 July 2023. The approved development shall be in accordance with the stamped approved plans.*
- 10 *The landowner must submit an Operational Management Plan, on or before 1 August 2023, outlining the following, for approval by the Town:*
 - 10.1 *Complaints Management Procedure.*
 - 10.2 *Contact details of the landowner and site manager.*
 - 10.3 *Fire and Emergency Management Plan.*
 - 10.4 *Noise Management Plan.*
 - 10.5 *Vehicle and Bicycle Parking Management Plan, to include but not be limited to the following:*
 - *show which car parking bays will be allocated for visitors, occupants, staff and disabled person/s.*
 - *bicycle allocations for the workforce and location of bicycle parking area(s).*
 - *parking bays to be designed as 'User Class 3A' instead of current 'User Class 1A'.*
 - *location of bus parking area on site.*
 - *provide an accurate site plan depicting locations of all parking areas.*
 - 10.6 *Traffic Management Plan, to include but not be limited to the following:*
 - *how workforce trips will be controlled.*
 - *details or estimated times of movements (or update Traffic Impact Assessment report).*
 - 10.7 *Lighting Management Plan to include but not be limited to the following:*
 - *A floodlight plan indicating location, type and lumens of all lighting.*

- *Indicate lighting management strategy for consideration of sensitive adjoining marine and native fauna.*
- 10.8 *Cyclone Management Plan to include but not be limited to the following:*
- *Identify the buildings which are proposed for emergency cyclone sheltering purposes and their level of importance.*
 - *The actions to be taken at each cyclone alert level.*
 - *Alternative measures to ensure the safe relocation of residents to appropriate facilities in the event of a cyclone.*
- 10.9 *Health and Safety Management Plan for occupants and visitors, with reference but not limited to the following:*
- *location and provision of private, communal and general open space areas on and off the property.*
 - *how privacy / minimum areas can be achieved with screening and/or fencing,*
 - *opportunities for recreation facilities on and off site.*
 - *location of CCTV or other security systems to be used.*
 - *opportunity for and location of end-of-trip facilities for service staff.*
- 10.10 *Details of any food, beverage and liquor to be sold or consumed on site, including details of how this may impact or benefit the surrounding community, and detail of how any identified impacts can be effectively managed.*
- 11 *The development must be carried out in accordance with the approved Operational Management Plan.*
- 12 *The landowner is to submit a landscaping plan to the satisfaction of the Town on or before 1 July 2023. The landscape plan shall depict but not be limited to following:*
- 12.1 *Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.*
- 12.2 *Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.*
- 12.3 *all cracker dust is to be removed from the verge and streetscape areas.*
- 12.4 *removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.*
- 12.5 *removal of all barbed wire within streetscape and the property.*
- 12.6 *Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.*
- 12.7 *a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.*
- 13 *The approved landscaping plan shall be implemented before 1 May 2024 and maintained thereafter, to the satisfaction of the Town.*
- 14 *The landowner to submit an amended Traffic Impact Assessment for approval by the Town on or before 1 August 2023. The development must comply with any requirements arising from the approved Traffic Impact Assessment.*
- 15 *Within six months of commencement of the development, an updated Social Impact Assessment and Social Impact Management Plan shall be submitted to and approved by the Town of Port Hedland, which:*
- 15.1 *Includes an adequate level of community consultation with surrounding residents and Aboriginal groups;*
- 15.2 *Includes adequate strategies and actions to ensure mental health and wellbeing of occupiers through provision of leisure and recreation options;*
- 15.3 *Include timeframes for agreed KPI's;*

15.4 *Provides details on annual monitoring and reporting of the effectiveness of the SIMP, which shall be submitted by the developer to the Town at the end of every financial year. The SIMP shall be modified in response to any socio-economic issues identified by the Town (based on agreed KPI's) that are a direct result of the approved development's operations.*

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

Site safety

16 *By 1 August 2023 the landowner is to submit to the Town a Building Report prepared by a suitably qualified person which includes an assessment of all buildings on site, their ability to be safely occupied and/or repaired, and identifies any which contain asbestos material.*

17 *In respect of buildings identified in the Building Report as being incapable of safe occupation, the landowner shall, either –*

17.1 *demolish the building or buildings and remove them from the site by a date stipulated by the Town, which subject to Condition 17.2, shall be no later than 30 April 2028; or*

17.2 *if approved by the Town, repair the building to a standard outlined in the Building Report.*

18 *In respect of the building referred to as 'J' Block (former high security isolation facility of the former Detention Centre use); the landowner shall, before 1 July 2025, either –*

18.1 *demolish the building and remove it from the land; or*

18.2 *if approved by the Town, renovate the building to a standard agreed by the Town.*

19 *If any building required to be demolished and removed from the land is not demolished and removed by the time required by Condition 17 or 18 (as the case may be), this approval to use the land temporarily for workforce accommodation shall immediately terminate. For the removal of doubt, the early termination operates notwithstanding Conditions 1 and 2, and does not affect the landowner's obligation to demolish and remove buildings from the site pursuant to Conditions 17 and 18.*

20 *All stormwater to be contained and disposed of on-site, to the satisfaction of the Town.*

Contributions

21 *Prior to occupation of the site, the developer shall make a community contribution of \$63,840, for the purpose of expenditure by the Town of Port Hedland on local community infrastructure, including but not limited to shared paths within close proximity to the facility which occupiers and residents can utilise for recreation purposes. The contribution shall be paid in full (lump sum) unless other alternative arrangements are agreed in writing with the Town.*

Future planning

22 *In recognition of the fact that the land is in an area for which the preparation of a structure plan is required and that this approval represents a temporary land use pending redevelopment in accordance with an approved structure plan, the landowner is to submit a structure plan and supporting technical documents as required by the Town in accordance with the Department of Planning Lands and Heritage Structure Plan Guidelines, Local Planning Scheme No. 7 and the Planning and Development (Local Planning Schemes) Regulations 2015 on or before 1 July 2025.*

23 *If the structure plan and supporting technical documents are not submitted in accordance with the preceding condition, the approval to use the land for temporary workforce accommodation shall terminate on 30 April 2026. For the removal of doubt, the early termination operates notwithstanding conditions 1 and 2, and does not affect the landowner's obligation to demolish and remove any building pursuant to conditions 17 or 18.*

Notifications

24 By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification that the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which may limit the term of the approval. The notification is to state as follows:

"VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. Development on this lot is subject to conditions of development approval which limit the term of approval and require the development to be removed and the land reinstated to its predevelopment condition. Refer to the Town of Port Hedland for details."

25 By 1 July 2023 the landowner shall give written consent to the lodgement on the certificate of title to the land of a notification pursuant to Section 70A of the Transfer of Land Act. The notification shall be prepared and lodged by the Town's Solicitors at the full cost of the landowner, and shall give notification of the existence of the approved Bushfire Fire Management Plan and advise landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows:

"This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land." "

Site Context

Lot 2 (No. 15) Dempster Street, Port Hedland is 3.23 hectares in area. The lot is located east side of the Port Hedland suburban area and abuts the foreshore reserve and dunes (north). Immediately north-east of the subject site, two lots contain, single and two storey grouped dwellings. Two properties abutting to the west and south-west also contain single and two storey grouped dwellings and a former recreation facility, presently privately owned and disused. The land opposite, along the Dempster Street frontage contain two storey grouped dwellings.

Community uses located within 300 metres from the subject site are:

- 'One Tree Len Taplin' childcare centre, located south-east on Dempster Street.
- YMCA Port Hedland Early Learning Centre located on corner of Dempster Street and Keesing Street.
- Andrew McLaughlin Community Centre, located east on Keesing Street
- Cooke Point Playgroup located east on Keesing Street.

Dempster street and immediate surrounding streets are local roads. Connector streets for through access in the locale are Keesing Street, Robinson Street, Thompson Street, Tinder Street, Corney Street, Sutherland Street and Anderson Street. Larger capacity streets or 'District Distributor Roads' for access to commercial uses in around the port facilities, local

shopping, and other employment attractors are Athol Street, McGregor Street, Cooke Point Road. Wilson Street is a Primary Distributor Road in the road hierarchy.

The subject site presently contains 76 separate buildings, estimated to contain a total of 510 bedrooms. The buildings are made up of:

- 64 single storey transportable buildings, of which:
 - 13 units have 3 bedrooms (Total: 39 bedrooms).
 - 50 units have 4 bedrooms (Total: 171 bedrooms).
 - 1 unit laundry facilities;
- 8 two storey in-situ residential buildings (each with 30 bedrooms) (Total: 240 bedrooms);
- 1 two storey building (referred to as 'J - Block') (former high security isolation facility of the former detention centre use) (can be modified for accommodation – potential 30 rooms);
- 1 two storey administration building (can be used for accommodation – potential 30 rooms);
- 1 single storey dining and kitchen building; and
- 1 single storey building (former gymnasium recreation building).



Aerial Photo – 15 Dempster St, Port Hedland

Background

Lot 2 was previously owned by the Commonwealth of Australia Department of Home Affairs. It was purchased in September 2022 by DA Campbell Property Holdings Pty Ltd (subsidiary of Campbell Transport).

The applicant seeks to amend a former development approval issued by the Town on 6 October 2009. Pursuant to clause 77 of the Deemed Provisions, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the owner of land in respect of the development approval granted, can make an application to amend or delete any condition to which the approval is relevant.

The development approval (DA2009/540) is described in Town's records as "Temporary Use – Residential Buildings Including 14 Additional Temporary Buildings". The approval document states the conditions as:

- "1. This approval relates only to the proposed TEMPORARY USE - RESIDENTIAL BUILDINGS - including 14 additional temporary buildings and other incidental development, as indicated on the approved plans. It does not relate to any other development on this lot.*
- 2. The temporary use of the site for RESIDENTIAL BUILDINGS is valid until 30 April 2012 only.*
- 3. This buildings and works approved by this permit must be commenced within twelve (12) months (sic).*
- 4. A maximum of 432 persons may be accommodated on site at any one time.*
- 5. A minimum of 304 parking bays must be provided for the use including a minimum of 6 disabled bays and 15 oversize vehicle bays to the satisfaction of the Manager Planning.*
- 6. Car parking bays and accessways required by Condition 5 must be designed in accordance with the requirements of the Town of Port Hedland Town Planning Scheme No. 5 - Appendix 8. Such areas are to be constructed, sealed, drained, kerbed, marked and signposted and thereafter maintained to the satisfaction of the Manager Planning.*
- 7. Within 30 days of the date of this approval, a detailed landscaping plan for the eastern portion of the site (approximately 70m) along Dempster Street must be submitted to and approved by the Manager Planning. Such landscaping plan must take into consideration the existing landscaping works in the locality including works that have been undertaken within the road verge.*
- 8. Within 60 days, or such further period as may be agreed by the Manager Planning, landscaping and reticulation must be established in accordance with the approved detailed plans to the satisfaction of the Manager Planning.*
- 9. The Stormwater disposal to be designed in accordance with Council's Engineering Department Guidelines, and all to the satisfaction of the Manager Planning.*
- 10. No access is permitted to Reserve 30768 (Foreshore Reserve) without the further written consent of Council.*
- 11. Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from beyond the boundaries of the development site.*

12. *Within 60 days of the expiry of this permit, all temporary buildings must be removed from the site and the land made good to the satisfaction of the manager planning."*

History

- 1967-1974 Mt Newman Mining Company constructed the single men's accommodation due to lack of housing in the boom years of the 1960-1970 period.
- 1991 The BHP single men's quarters were converted into an immigration detention center (Port Hedland Detention Centre).
- April 2001 The Port Hedland Detention Centre had a holding capacity for 820 persons, but housed 400 detainees.
- May 2004 The last 17 detainees were removed from Port Hedland Detention Centre.
- 2007 Port Hedland Detention Centre was decommissioned.
- 28 Nov 2007 The former Port Hedland Detention Centre is recognised in the Town of Port Hedland Local Heritage Survey.
- 21 Dec 2007 Development Approval from the Town for Change of use – 'use not listed (detention center)' to residential building and addition of 49 transportable buildings.
- 6 Oct 2009 Development Approval issued by the Town for Temporary use - Residential Buildings, including 14 additional temporary buildings.
- June 2013 An heritage assessment was completed by AECOM Australia on behalf of the Department of Finance and Deregulation, with amendments and/or additions by the Heritage Council and the Department of Planning, Lands and Heritage
- 2017 The property and buildings are list under the Town's Municipal Heritage Inventory.
- 11 Dec 2020 The Port Hedland Detention Centre (former) is assessed by the Heritage Council of Western Australia and declared to have insufficient cultural heritage significance at the State level for inclusion in the State Register of Heritage Places.
- May 2021 Stephen Carrick Architects was engaged by the Department of Home Affairs to prepare an Archival Record for the Port Hedland Detention Centre.
- 6 Dec 2022 Formal Lodgment of this Application for Development Approval with the Town of Port Hedland
- 13 Feb 2023 Applicant and landowner conducted an onsite meeting-inspection with Town of Port Hedland Councillors, and officers.

Proposal

Further to the Council decision on 29 March 2023, the applicant has amended the application (submitted 1 May 2023) (**Attachment 4**) proposing the following:

“The proposed development is seeking to permit the use of the transportable buildings only (a total of 208-rooms) as temporary workforce accommodation for a period not longer than 5-years. The grant would be subject to conditions agreed with the Town of Port Hedland including the provision of 10-rooms to the Town of Port Hedland at cost for the organisations or the community’s benefit.

No other changes are proposed other than what may be required through conditions of approval agreed with the Town of Port Hedland.

The proposal contemplates use of the existing site for a five-year period to

- Provide accommodation for Campbell transport staff, shifting their operations from residential rental accommodation making available around 40 dwellings to the broader property market in doing so;

- deliver the Town of Port Hedland additional rooms to meet their requirements or to benefit the broader community at cost estimated to be between \$80 - \$100 p/night.”

The application formerly proposed to reactivate the use of the entire site by use all 76 buildings.

Supporting and technical documents submitted with the application are:

1. Copy of certificate of title and deposited plan.
2. Copy of plans (only the former approved plans for DA2009/540).
3. Transport Impact Assessment by Flyt Pty Ltd (Transport Consultancy).
4. Social Impact Assessment by Lucid Economics (Economic Consultancy).
5. Bush Fire Management Plan by Linfire Consultancy.

Planning Framework

- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Strategy
- Local Planning Scheme No. 5 (Reference only)
- Local Planning Scheme No. 7
- Local Planning Policy – 05 ‘Workforces Accommodation’
- Local Planning Policy - 06 ‘Social Impact Assessment’

Determination Options

Given the nature of the development being predominantly for ‘Workforce Accommodation’, the general limitation placed by this and the amendment to the proposal, it is considered there are 2 options available for how the Council can determine the application.

	Conditions	Comments
Option 1:	<ul style="list-style-type: none"> • Approve the partial use of the site, limited to 64 	<ul style="list-style-type: none"> • Partial use of site permits the landowner to use about 64 buildings on site.

	<p>transportable buildings (a maximum of 208 persons) and an associated dining and kitchen building only.</p>	<ul style="list-style-type: none"> • The use assists the owner to support the financial investment. • The limited use will limit wider impact on the amenity of the surrounding residential use. • The partial use gives an opportunity to test the landowner's/operator's ability to manage the site and any issues that arise. • The established car parking of 145 bays, can only support, a workforce of 150 persons. • The former approval (DA2009/540) required a minimum of 304 car parking bays be provided on site for the 432 persons originally permitted. The full use of the site cannot be established without the removal of some buildings for additional parking. • No building have been removed since the issue of the former approval. • The living environment i.e. landscaping/private open space can be improved by removal/demolition of some buildings. <p>The availability of some rooms for rental will assist with the shortage of rental accommodation in town.</p>
<p>Option 2:</p>	<ul style="list-style-type: none"> • Refuse the application. 	<ul style="list-style-type: none"> • The development may have a detrimental impact on the residential community. • The 24hr nature of the use for workforce accommodation could be incompatible with the residential amenity of the locality. • Full use of the site will have wider impact on the amenity of the surrounding residential area. • The living environment i.e. landscaping/private open space and on-site amenities are limited and not suitable for workforce accommodation.

Social Impact Assessment

Social Impact Assessment (SIA) is a process for identifying analysis, assessment, management and monitoring of the potential positive and negative social impacts of a project.

The Town's Local Planning Policy – 06 'Social Impact Assessment', states the following objectives:

1. To encourage early identification and assessment of positive and negative social impacts of a planning proposal, through the development of a Social Impact Assessment (SIA) and

Social Impact Management Plan (SIMP) to mitigate the adverse effects and maximise positive social outcomes for the impacted community.

2. To outline the Town's expectations concerning the key elements of a Social Impact Assessment, including genuine engagement with stakeholders.
3. To support informed decision-making through the incorporation of quality, evidence-based information, and management measures monitored through key performance indicators.

The applicant has submitted an SIA prepared by Lucid Economics consultancy. The assessment is lacking detail, commitment and doesn't provide assistance for the on-site and surrounding community. Should the Council approve the development, whether in part or full and due to the ongoing use for 5 years, it is still recommended a condition be applied requiring completion of an updated SIA and SIMP by a suitably qualified practitioner.

Traffic Impact Assessment

A transport impact assessment (TIA) has been prepared by Flyt Pty Ltd (Transport Consultancy) for the proposal based on an accommodation capacity of 432 persons. The report essentially supported the development with a full capacity of 432 persons. The report provided a general assessment and the Town's Infrastructure Services has requested an update to the document for clarity and consistency between the proposal documents and to ensure proposed impacts of the development are clearly mitigated. The report needs further justification on parking availability, separation and impact. Should the Council support the application, it is still recommended an appropriate condition be applied requiring amendments to the TIA.

Landscaping

There is some mature vegetation around the site between the transportable buildings and along the boundary perimeters. The applicant has suggested that a landscaping plan is being prepared but has not been lodged at the time the initial and or current reports were prepared. The applicant has agreed to having a condition applied to the development in relation to landscaping. Should the Council support the application an appropriate condition has been recommended requiring the following:

- a) Installation of new planting within the verge area consisting of ground cover and shrubs, to the satisfaction of the Town.
- b) Installation of reticulation within new and existing landscaping areas, within streetscape, to the satisfaction of the Town.
- c) all cracker dust is to be removed from the verge and streetscape areas.
- d) removal of mesh security fencing along the Dempster Street boundary and within the streetscape area, to the satisfaction of the Town.
- e) removal of all barbed wire within streetscape and the property.
- f) Indicate either no fence or new fence style and materials, within the Dempster Street streetscape. If new fencing proposed, elevation plan of new fence is required to be provided to a visually permeable standard.
- g) a schedule of plants and materials in accordance with the Town's Landscaping Guidelines and Preferred Planting Guide.

Heritage Assessments

There have been three heritage assessments undertaken for the site and buildings, two by the Federal Government, and one by the State Heritage Commission. The State's assessment of

the site found, the place did not have the cultural heritage significance required to meet entry to the State Register.

The lot and buildings were identified under the Town's Municipal Heritage Inventory in 2017- (No.52), Level of significance: Grade C. Even though the site has considerable history, it was *the first facility specifically established in Australia for the detention of illegal maritime arrivals ('boat people')*, the retention of buildings over demolition is not strongly committed in any document, possibly arising from and stigma of the living conditions in this and other centres and the community's sentiment against the Federal Government's migration policy. For the purposes of this application, it is considered appropriate, that heritage matters be addressed as part of long-term redevelopment of the site, not under the temporary approval of this application.

Rooms Numbers on Site

The application is still lacking information about total bedroom numbers on site. The current amendment proposes use of only the 64 transportable dwellings with a maximum of 208 rooms. The Town's previous assessment and agreement was support for a maximum of 208 persons, which is reflected in the recommended conditions.

The former approval 2009, did not identify room numbers except for limiting the development to a maximum of 432 persons, under Condition 4 (DA2009/540). The applicant has not provided floor plans of the transportable buildings, relying on and lodging the same plans approved by the Town in 2009, for endorsement. The former 2009 plans only indicated the number of rooms for the 14 new transportable buildings approved.

The applicant was requested to provide a full set of plans / information on 30 January 2023, however, has suggested that the Town consider and rely on the plans (limited information) as submitted. To date no further plans have been lodged.

For the purposes of this assessment the information provided under the suggested Social Impact Statement, states there are a total of 450 bedrooms for use. In considering all information and the Town's records, the total number of rooms has been estimated as 510 rooms.

The Lucid Economics, Social Impact Statement indicates room numbers as:

"Campbell Transport is proposing to transition its workforce to the former Beachfront Village site. Such a move would allow Campbell Transport to expand its accommodation capacity, allowing the business to expand in order to meet market demand. Campbell Transport estimates that it will require 208 of the 450 rooms available at the Beachfront Village. As Campbell Transport transitions its workforce from the existing housing, the move will introduce 40 houses into the local market. Additionally, Campbell Transport is amenable to opening the remaining 242 rooms at the Beachfront Village for key service worker accommodation, which would allow numerous small businesses in Port Hedland to expand and hire new staff."

Should the Council support the proposal, it is recommended that the condition be applied requiring lodgement of detailed plans of all buildings on site and a report on the suitability of the buildings to be retained and used for accommodation.

It is also recommended that a temporary approval be limited to use of only the 64 transportable dwellings and a maximum of 208 persons be permitted to be accommodated on the property at any one time, including workforce and service workforce staff. The applicant's correspondence suggests support for these conditions.

Issues to be Considered

Other matters to be considered, prior to deciding on this application:

- a) The impact of the use, in light of the current proposal to partially activate the 64 transportable dwellings, with a maximum of 208 persons.
- b) The assessment of the information provided indicates the use is aligned with 'Workforce Accommodation' use class being predominantly for Campbell Transport staff (presently 150 persons). This would be varied if service workers accommodation is allowed.
- c) How the site is managed if the property is opened again for residential accommodation. The landowner has indicated at a site meeting, he will be employing staff / company to run the workforce accommodation facility.
- d) The risk of not issuing an approval, could mean that the site remains in its current disused state and potentially not be redeveloped in the future.
- e) A commitment to prepare a structure plan and redevelop the site have been indicated by the applicant but not landowner. Conditions have been applied to ensure that structure plan framework is established to enable the redevelopment of the site. The Town can enter into a legal agreement with the landowner for preparing a Structure plan, demolishing buildings and general improvements (removal of fencing) and installation of improvement landscaping along the Dempster Street frontage.

Temporary use and Structure Planning Milestones

As the subject site is zoned Urban Development and is highlighted as priority urban land in the Town's Local Planning Strategy, Council does have the option of refusing this development application altogether as no Structure Plan has been prepared for the land which guides its future residential development. However, Officers are cognisant of the commercial factors driving this proposal and are willing to work in good faith with the developer to establish a longer term vision for the site with an agreement to Structure Planning milestones and building demolition.

As this proposal is for Workforce Accommodation, the Local Planning Scheme allows imposing conditions of approval to limit the term of approval. The unique nature of this site, and for protection of the Town's strategic interests in this site being redeveloped in a form different to its current vernacular (a former Detention Centre) and more consistent with higher quality, permanent residential development, it is considered essential to tie this temporary approval to milestones to achieve a community assisted vision for the land.

The conditions of development approval that have been formulated to achieve this outcome, which includes building assessments and demolition of unusable or unsuitable buildings within

specified timeframes. The timeframes proposed in the conditions recommended have been vetted by the Town's lawyers.

Operational Management Plan

The Operational Management Plan has been required to provide to enable the applicant to provide proper assessment of proposed operations of the facility and impact on the amenity of the locality. The detail within this plan is considered crucial to determining potential and actual impacts on surrounding amenity. This is also pertinent to proposed Conditions 16 and 17, which take a precautionary approach due to a lack of detail provided from the proponent on proposal's operations, the community's ability to access the site, and Officer concerns regarding occupier antisocial behaviour associated with introduction of a licenced premises into a residential area, particularly as the site is located in close proximity to sensitive uses including a primary school and several child care premises. No detail was provided from the applicant in this respect.

Legal Advice

At the time the report was prepared, a copy of the approval conditions recommended to Council, were provided to the applicant and landowner for consideration and consent. The landowner referred the conditions their solicitor, where the conditions were mostly accepted, except for following:

- i) removal of the requirement for the deed of agreement and milestones for preparation of a structure plan.
- ii) Increase in maximum number of persons permitted to be accommodated on the property at any one time from 150 to 208 persons.
- iii) Including a further 6 months for remove of all transportable buildings from the land by 30 April 2029.
- iv) deletion of conditions relating to selling food products made on site or prepacked and any liquor products.

A meeting was held with the applicant and landowner on 23 March 2023, to discuss the preferred conditions and reasons for variations. Points ii) to iv) were accepted but agreement could not made about a condition relating to the Deed. It was concluded, all conditions would be referred to the Town's lawyers for advice and then reporting to Council, which was done on 23 March 2023.

Advice received from the Town's lawyers generally supports the conditions subject to some changes including removal of the requirement for the deed of agreement. The Town's lawyer's amendments to the conditions have been recommended as part of this report. It's recommended, the Council support the application with the conditions as indicated.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of medium significance, because the subject site is noted as a priority site for redevelopment for residential purposes in the Town's Local Planning Strategy.

CONSULTATION

Internal

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

External Agencies

- Nil

Community

Three (3) submissions were received. Where relevant, the internal and external referral comments have been addressed in the detail section of the report, and a detailed outline, and officer recommendations on submission are included under Attachment (2) of this report.

As per Schedule 2, Part 8, Clause 64, Advertising applications, the application was considered a major application and advertised to neighbouring landowners and occupiers within 200m of the proposal site, an advertisement was placed in the newspaper and on the Town's website. The application was considered a major application, due to it being an amendment to a former approved use, a reactivation of significant development site.

LEGISLATION AND POLICY CONSIDERATIONS

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town of Port Hedland Local Planning Strategy
- Town of Port Hedland Local Planning Scheme No.7
- Town of Port Hedland Local Planning Scheme No.5
- Local Planning Policy – 05 'Workforce Accommodation'
- Local Planning Policy - 06 'Social Impact Assessment'
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Local Planning Policy 11 – Stormwater Management

FINANCIAL AND RESOURCES IMPLICATIONS

The proposal attracted a standard application fee. Its anticipated there will be no additional financial impacts for the Town based on the recommendation being supported. If the recommendation is not supported the matter could be referred to the State Administrative Tribunal which may also require a legal opinion and/or specialist consultancy skills.

The Applicant will be contributing approximately \$63,000 towards the development of the shared footpath adjacent to the property. The addition of the 10 rooms for the Town's use, at an indicative cost of \$80 to \$100 per night represents a saving of over \$100 per room when compared to other workforce accommodation facilities that the Town has access to. This equates to a potential saving of \$7000 per week, or \$364,000 over the course of the year assuming that all the rooms are taken up by the Town or the community for every night of the year.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

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

- 2.2 Enhanced local training and workforce opportunities

RISK MANAGEMENT CONSIDERATIONS

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

There is a reputational risk associated with this item if referred to State Administrative Tribunal and may assess this application and can make determination without consideration of the Town's position or conditions. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). The risk is negated by the Council adopting this recommendation, and the Town providing a formal response based on this recommendation.

OPTIONS

Option 1 – Adopt officer's recommendation

Option 2 – Do not adopt officer's recommendation

CONCLUSION

The landowner has amended the proposal by seeking to use only the 64 transportable dwelling for a total of 208 rooms and grant provision of 10-rooms to the Town of Port Hedland at cost for the organisations or the community's benefit /use. In consideration of all matters, the application is recommended for approval with a maximum of 208 persons. It is considered the partial use of site permits the use of the majority of buildings on site, which assists the landowner to support the financial investment. The partial use of the site may have a limited impact on the amenity of the surrounding residential use and provides the opportunity to test the landowner's/operator's ability to manage the potential amenity issues associated with site operations and any issues that arise. Furthermore, the development as existing cannot support additional car parking bays without the demolition of buildings. It is estimated that a workforce of 150 persons, as need to be accommodated by the landowner can be readily catered for by the existing 145 bays. The former approval (DA2009/540) required a minimum of 304 car parking bays be provided on site for the 432 persons originally permitted. The applicant has also offered 10 rooms for the Town's use at cost to provide community benefit.

ATTACHMENTS

1. Application Report and Supporting Documents (under separate cover)
2. Schedule of Submissions (under separate cover)
3. Bushfire Management Plan (under separate cover)
4. Amended Proposal Report-1 May 2023 (under separate cover)

Item 9 New Business of an Urgent Nature (Late items)

Item 10 Closure

10.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 31 May 2023 commencing at [Enter Time](#).

10.2 Closure

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