



TOWN OF PORT HEDLAND

SPECIAL COUNCIL MEETING MINUTES

5 JULY 2018 AT 5:30PM

COUNCIL CHAMBERS, MCGREGOR STREET, PORT HEDLAND

Agenda Item:

- 1. Retrospective Development Application of the Wodgina Fly Camp*

DISCLAIMER

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Our Vision:

“To be Australia’s leading Port Town embracing community, culture and environment”

*David Pentz
Chief Executive Officer*

Distribution Date: 6 July 2018

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Item 1 Opening of Meeting

The Mayor declared the meeting open at 5:30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Mayor acknowledged the traditional custodians, the Kariyarra people and recognised the contribution of Kariyarra Elders past, present and future, in working together for the future of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
Deputy Mayor Louise Newbery
Councillor Julie Arif
Councillor Richard Whitwell
Councillor George Daccache
Councillor Tricia Hebbard
Councillor Telona Pitt

Robert Leeds	Acting Chief Executive Officer
Anthea Bird	Director Corporate and Performance
Gerard Sherlock	Director Infrastructure and Town Services
Rebecca Somerford	Acting Manager Governance
Tammy Wombwell	Governance Officer/ Minute Taker

Public	1
Media	1
Officers	7

3.2 Attendance by Telephone / Instantaneous Communications

Nil

3.3 Apologies

Councillor Warren McDonogh

3.4 Approved Leave of Absence

Councillor Peter Carter

3.5 Disclosure of Interests

Name	Item no.	Interest	Nature
Councillor Daccache	7.1.1 Wodgina Fly Camp - Retrospective Approval	Financial	Councillor Daccache owns shares in Mineral Resources Ltd which are valued over the threshold.

Item 4 Public Time

Important note:

'This meeting is being recorded on audio tape and streamed live online as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall 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 chairperson to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

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.

The Mayor opened Public Question Time at 5:33pm

4.1 Public Question Time

Nil

The Mayor closed Public Question Time at 5:34pm

The Mayor opened Public Statement Time at 5:34pm

4.2 Public Statement Time

Nil

The Mayor closed Public Statement Time at 5:34pm

4.3 Petitions/Deputations/Presentations/Submissions**4.3.1 Mr Tim Berryman on behalf of Mineral Resources Limited**

The Wodgina Fly Camp facility is a short term temporary accommodation facility to house workers during the construction period of the Wodgina Lithium Project over the next twelve months. We believe there are significant safety benefits in housing staff at the mine itself and it is not practical or safe to drive them in on an irregular basis from Port Hedland.

The Wodgina lithium mine is a significant project for the state of Western Australia and the Australian economy, and is the world's largest hard rock lithium mine providing significant economic benefit to the people of Western Australia and to the community.

Downstream lithium processing is where the significant benefits to mining come in to Western Australia, rather than shipping direct to other countries. The processing of lithium on site is a significant valuating exercise to the company and can only be supported by things such as the fly camp going ahead and housing our construction workforce.

Wodgina is planned to be a significant producer of lithium hydroxide in the future and we need to be operating as cost effectively and safely as possible and without both of those benefits, Mineral Resources will no longer have a licence to operate. We need to make sure that we can operate our mine smoothly and efficiently to ensure that we can continue to contribute to the local economy in Port Hedland.

Item 5 Questions from Members without Notice

Nil

Item 6 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

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

- Mayor Camilo Blanco
- Deputy Mayor Louise Newbery
- Councillor Julie Arif
- Councillor Richard Whitwell
- Councillor George Daccache
- Councillor Tricia Hebbard
- Councillor Telona Pitt

Disclaimer

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

Item 7 Reports of Officers

7.1 Development, Sustainability and Lifestyle

5.41pm Councillor Daccache declared a financial interest in item 7.1.1 'Wodgina Fly Camp – Retrospective Approval' as he owns shares in Mineral Resources Ltd which are valued over the threshold. Councillor Daccache left the room.

7.1.1 Wodgina Fly Camp - Retrospective Approval (File No. 2018/081)

Author	Graduate Planner
Authorising Officer	Director Development, Sustainability and Lifestyle
Disclosure of Interest	The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

CM201819/001 OFFICER'S RECOMMENDATION/ COUNCIL DECISION**MOVED: CR ARIF****SECONDED: DEPUTY MAYOR NEWBERY**

That Council, pursuant to Clause 68 (2) of Schedule 2 of Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Approve Development Application 2018/081 for Transient Workforce Accommodation and Infrastructure at Wodgina located on Mining Lease M45/382, subject to the following conditions:
 - a. This approval relates only to the proposed "Transient Workforce Accommodation Expansion" and "Associated Infrastructure", as indicated on the approved plans (DRG2018/081/1 – DRG2018/081/8).
 - b. If the development referred to in (a) is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
 - c. The development referred to in (a) is only valid for a period of two (2) years from the date of this approval. Upon expiring, the applicant shall return the land to its original state, to the satisfaction of the Town of Port Hedland.
 - d. A Site Rehabilitation Plan (SRP) shall be submitted to the Town for endorsement three (3) months prior to the lapse of this approval, as outlined in (c) above. The endorsed Site Rehabilitation Plan shall be completed to the Town's satisfaction in accordance with works specified in the endorsed Site Rehabilitation Plan.
 - e. Access to the site from Great Northern Highway shall be constructed to the Town's satisfaction prior to occupation of the development.
 - f. No earthworks (including batters), construction work, plant or materials shall intrude onto adjacent land without the prior approval of the Town.

- g. All landscaping areas shall be maintained to the satisfaction of the Town.**
- h. Compaction and stabilisation must be carried out to the satisfaction of the Town.**
- i. A Bushfire Attack Level assessment is required to be undertaken by a “Level 1 BAL Assessor” or accredited “Bushfire Planning Practitioner” as per clause 6.5 of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and recommendations implemented to the satisfaction of the Town of Port Hedland.**
- j. Car and bus parking and manoeuvring areas shall be provided wholly within the boundaries of M45/382.**
- k. No parking bays shall be obstructed in any way or used for any other purpose than parking.**
- l. Stormwater shall be retained on-site, in accordance with the Town’s Works and Services Guidelines.**
- m. Dust and sand shall be controlled and contained in accordance with an approved dust management plan to the satisfaction of the Town of Port Hedland.**

2. Advise Mineral Resources Limited of the following:

- a. The approved development requires a Building Permit in accordance with the *Building Act 2011*.**
- b. The applicant is reminded this a development approval only and does not obviate the responsibility of the developer to comply with all relevant building, health and engineering requirements.**
- c. Prior to the commencement of any works, all levels of the sites shall be in accordance with a 1:100 year flood event to be determined by a suitably qualified engineer at the applicants cost.**
- d. This land is located in an area likely to be subject to inundation and flooding over the next 100 years.**
- e. In relation to suitable construction of access from Great Northern Highway as stated in Condition (e), the Town will liaise with Main Roads WA to determine acceptable construction standards.**
- f. Prior to the commencement of any works, the developer shall submit an application for the registration of a Lodging House to the Town’s Environmental Health Department for assessment and approval.**
 - i. The Lodging House must maintain compliance with the Town of Port Hedland Local Health Law 2016.**

ii. The Lodging House must be licensed under the *Health (Miscellaneous Provisions) Act 1911*.

- g. The effluent waste disposal system must maintain compliance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974* to the satisfaction of the Town of Port Hedland.
- h. Waste disposal and storage is to be carried out in accordance with Council's Health Local Law 2016.
- i. The development is required to comply with the *Health (Public Buildings) Regulations 1992*.
- j. All food premises within the development must be licensed under the Food Act 2008.
- k. Potable water must be available in compliance with the Australian Drinking Water Guidelines 2011.

CARRIED 5/1

For: Mayor Blanco, Deputy Mayor Newbery, Cr Arif, Cr Whitwell and Cr Pitt
Against: Cr Hebbard

5:53pm Councillor Daccache re-entered the room and resumed his chair. The Mayor advised Councillor Daccache of the decision made in his absence.

PURPOSE

The purpose of this report is for Council to determine development application 2018/081 which seeks approval to construct a two hundred and fifty six (256) person temporary fly camp at the Wodgina Mine. At the Ordinary Council Meeting held on June 27 2018, Council did not make a decision on the development application therefore the item has been referred back to Council for decision.

DETAIL

Wodgina is located approximately 120kms south of Port Hedland via the Great Northern Highway. Wodgina Mine, known as the Wodgina Lithium Project, is owned and operated by Wodgina Lithium Pty Ltd (WLPL). Wodgina Lithium Pty Ltd is a wholly owned subsidiary of Mineral Resources Limited (MRL), who in June 2016 signed an agreement with Global Advanced Metals (GAMW) to purchase mine assets at the Wodgina mine, following the discovery of a Direct Shipping Ore (DSO) Lithium resource at the site. The sale of the Wodgina Project from GAMW to WLPL was completed on 9 September 2016. Since the takeover by MRL, additional projects have recommenced at the Wodgina site, as well as an increase in production from the Wodgina Lithium mine.

To meet current and future demands, MRL sought approval for the expansion of a beneficiation plant and power plant at the Wodgina Lithium Project, which was approved by the Department of Mines, Industry Regulation and Safety on 16 March 2018.

In order for this project to be completed, MRL have submitted a development application for the construction of a 256 personnel fly camp situated approximately 300m north-east of the existing Wodgina camp. The proposed works are as follows:

- Construction of 256 rooms
- Laundry
- Kitchen and dry mess hall
- Wet mess hall
- Gymnasium

The fly camp is expected to be utilised for a period of 12 – 18 months for the construction of the beneficiation and power plant at the Wodgina site. The fly camp will also be used to accommodate additional contractors, and possibly employees from other resource sector companies seeking accommodation for staff. Following the completion of these projects, MRL intend to keep the fly camp to be used for potential projects in future and for an additional accommodation option as well as the Wodgina camp.

The proposed fly camp complies with LPS 5 provisions and the Town's Transient Workforce Accommodation Strategy, largely due to the remote location of the camp, the nature of the camp being 'temporary' and provisions set out in the *Mining Act 1978*. A two (2) year development approval is recommended for the application, which provides adequate time for the camp to be utilized for its intended purpose and duration. If MRL seek to continue the operation of the fly camp beyond this time, an extension to the development approval may be sought at the time of expiry. Any application to extend the development approval will be assessed against the planning framework at the time of application which does not necessarily mean approval will be recommended or granted.

LEVEL OF SIGNIFICANCE

In accordance with Policy 4/009 'Significant Decision Making', this matter is considered to be of moderate significance in terms of implementing Council's Transient Workforce Accommodation Strategy.

CONSULTATION

Internal

The application was referred internally to Works and Services and Environmental Health. Comments received were considered when assessing the application and Conditions / Advice notes are recommended to be implemented as part of the decision where appropriate.

External

The application was referred to Main Roads WA. A submission was received from Main Roads WA which has resulted in Condition (e) being recommended to ensure suitable access is developed from Great Northern Highway. As the subject land is 'no zone', zoning provisions to advertise the application are not applicable.

LEGISLATION AND POLICY CONSIDERATIONS

Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, local government must make a decision on the development application. Clause 68 (2) states:

The local government may determine an application for development approval by –

- a) Granting development approval without conditions; or*
- b) Granting development approval with conditions; or*
- c) Refusing to grant development approval*

As the subject land is not zoned under the Town of Port Hedland Local Planning Scheme No. 5 (LPS5) Scheme Maps, zoning table requirements and provisions are not applicable to the development application. However, General Scheme objectives and development provisions apply and have been used to assess the application. The application is consistent with Clause 1.5 of LPS5 for the following reasons:

- The development will allow for the accommodation of additional workforce and greater economic output
- As the Wodgina site is remote, there will be minimal impact on social aspects within the townsites of Port and South Hedland
- The application proposes development in the existing footprint of a previous camp meaning there will be minimal environmental impact

The application complies with Clause 5.4 of LPS5, as it is consistent with the provisions for Transient Workforce Accommodation under this Clause. The applicant will be required to submit plans in accordance with Clause 5.4.3, Clause 5.4.4 and Clause 5.4.5 of LPS5 which details how the site will be rehabilitated once the fly camp is no longer operational. These are recommended to be addressed as a condition of approval. The development application is generally consistent with the principles contained in the Town of Port Hedland Transient Workforce Accommodation Strategy, as the proposed camp is 120kms south of the nearest townsite which classifies the location as remote. The Town of Port Hedland Transient Workforce Accommodation Strategy 2014 states that:

The intent of this strategy is to review the definition of TWA's to address non-residential workers staying within a TWA and restricting occupation to;

- 1. Construction workers*
- 2. Operational workers required for resources industry maintenance requirements*

Although MRL have proposed a more long term operational timeframe than usual for a fly camp, such a land use is classified as a temporary accommodation facility primarily used in the construction phase of a project. The application further complies with a key objective in the strategy in which the strategy does not impact or affect land subject to mining leases and tenements developed pursuant to the provisions of the *Mining Act 1978*, which applies to remote mining operations.

The development application could also be argued as not being capable of approval, in conjunction with Clause 1.5 of LPS5. The application could be seen as to not be consistent with Clause 1.5 of LPS 5 for the following reasons:

- The town sites of Port and South Hedland will not see direct economic benefits as the majority of workforce are fly in / fly out (FIFO) workers
- The application will not create a social and economic balance for the Town of Port Hedland as workforce are accommodated remotely
- The fly camp does not necessarily improve lifestyle and amenity aspects for workforce and possible resident workforce

FINANCIAL AND RESOURCES IMPLICATIONS

A retrospective application fee applies for the processing this application in accordance with the *Planning and Development Regulations 2009*.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Our Economy

We build prosperity for all – enabling sustained economic growth.

2.d The development and expansion of key industries

2.d.2 The development of industry specific value chains are encouraged and supported

Environmental

The construction of the fly camp will result in minor environmental impacts. The development involves the construction of a temporary accommodation camp which will require clearing of land. Following the lapse of planning approval or removal of the camp, a site rehabilitation plan should be submitted to the Town which is recommended as a condition of approval.

Economic

The increase in number of TWA beds will increase rates revenue for the Town. Indirect economic benefits will not be seen by the Town due to the remote location of the site.

Social

As the proposed development is located over 100km from the Port Hedland Town site, there will be minimal social impacts on the Town.

RISK MANAGEMENT CONSIDERATIONS

As per the risk matrix contained in policy 1/022 'Risk Management', the level of risk is considered to be low.

OPTIONS

Option 1 - Adopt Officers Recommendation

Option 2 – Amend Officers Recommendation

Option 3 – Do not adopt Officers Recommendation

That Council, pursuant to Clause 68 (2) of Schedule 2 of Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to:

1. Refuse Development Application 2018/081 for Transient Workforce Accommodation and Infrastructure at Wodgina located on Mining Lease M45/382 for the following reasons:
 - a. The development will result in minimal direct economic and social benefits for the town sites of Port Hedland and South Hedland as outlined in Clause 1.5 of the Town of Port Hedland Local Planning Scheme No. 5 (LPS5). The workforce is predominantly fly-in fly-out meaning limited residential based staff will be involved in the construction or operation phase of this development. Furthermore, the Town of Port Hedland encourages residential based development and the

inclusivity of external workforces within the community and this development does not meet these objectives.

- b. The remote accommodation camp will not improve the lifestyle and amenity of residents of the Town of Port Hedland or fly-in fly-out workforce due to the temporary nature of the development as identified in Clause 1.5 LPS5.
- c. The construction of a remote camp does not meet the objectives of fly-in fly-out workforce identified in the Pilbara Planning and Infrastructure Framework (2012). A key objective for fly-in fly-out workforce is to encourage urban based transient worker accommodation which is located close to commercial centres, to serve multi-purpose functions within the region's communities.

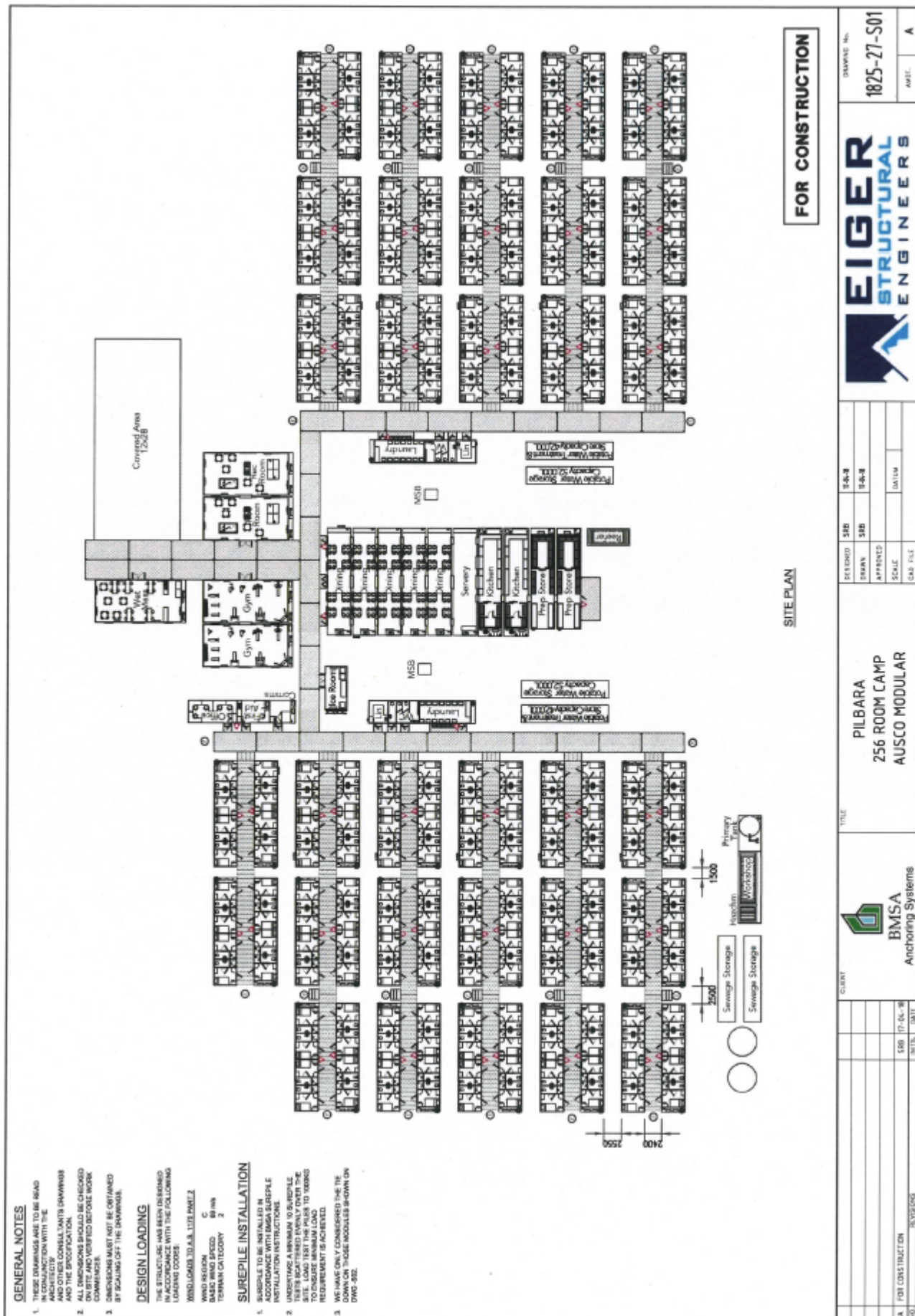
CONCLUSION

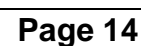
Given the expansion of Wodgina Mine and associated facilities, Wodgina Lithium Pty Ltd require the development of a temporary construction camp to accommodate fly in / fly out workers who will be involved in the expansion projects. Due to the remote location of the proposed camp and associated travel times and logistics costs, and the short term nature of the development, it is considered appropriate to approve the development application.

ATTACHMENTS

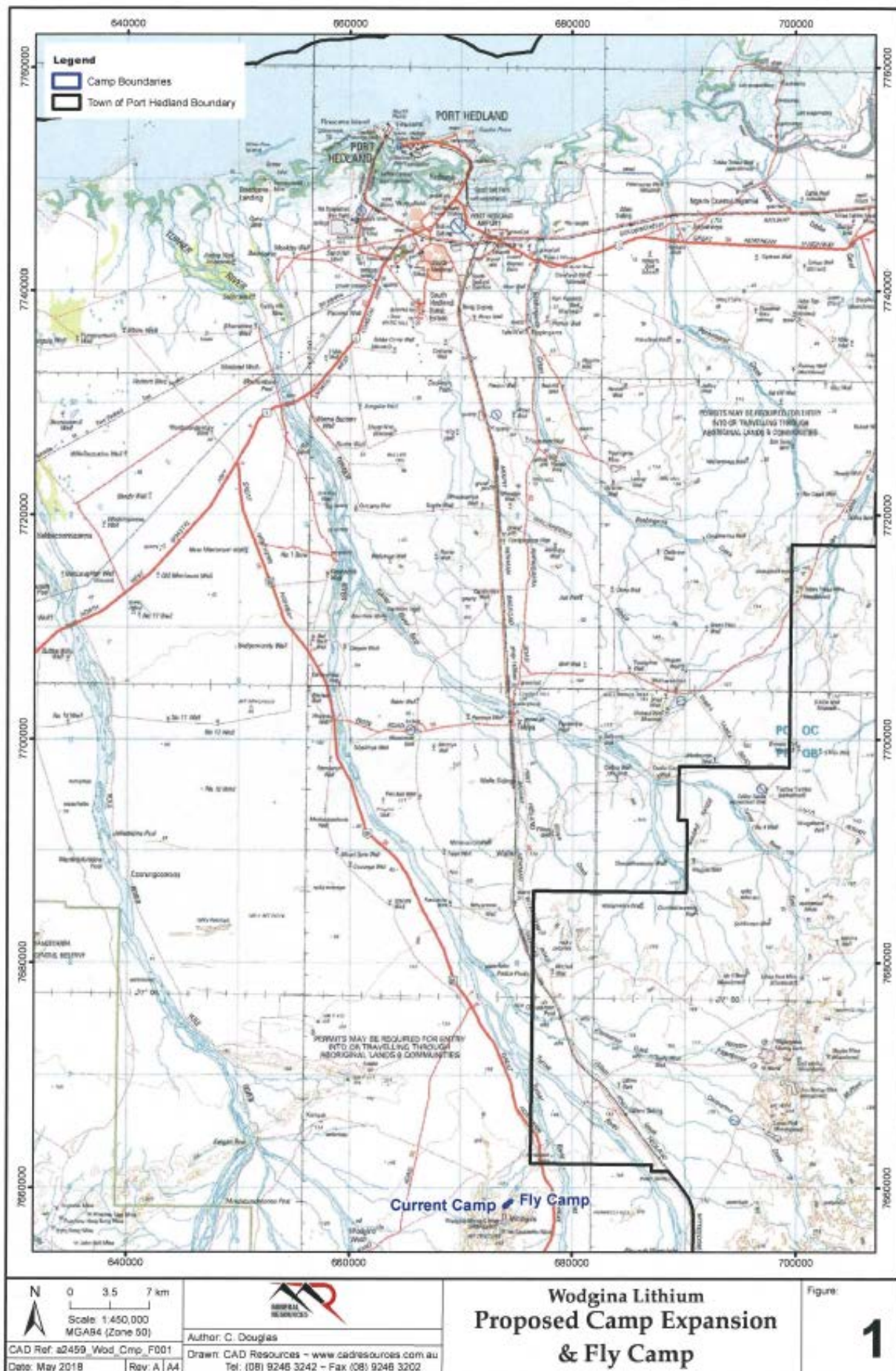
- 1. Site Plan
- 2. Regional Context
- 3. Development Plans
- 4. Cover Letter

ATTACHMENT 1 TO ITEM 7.1.1

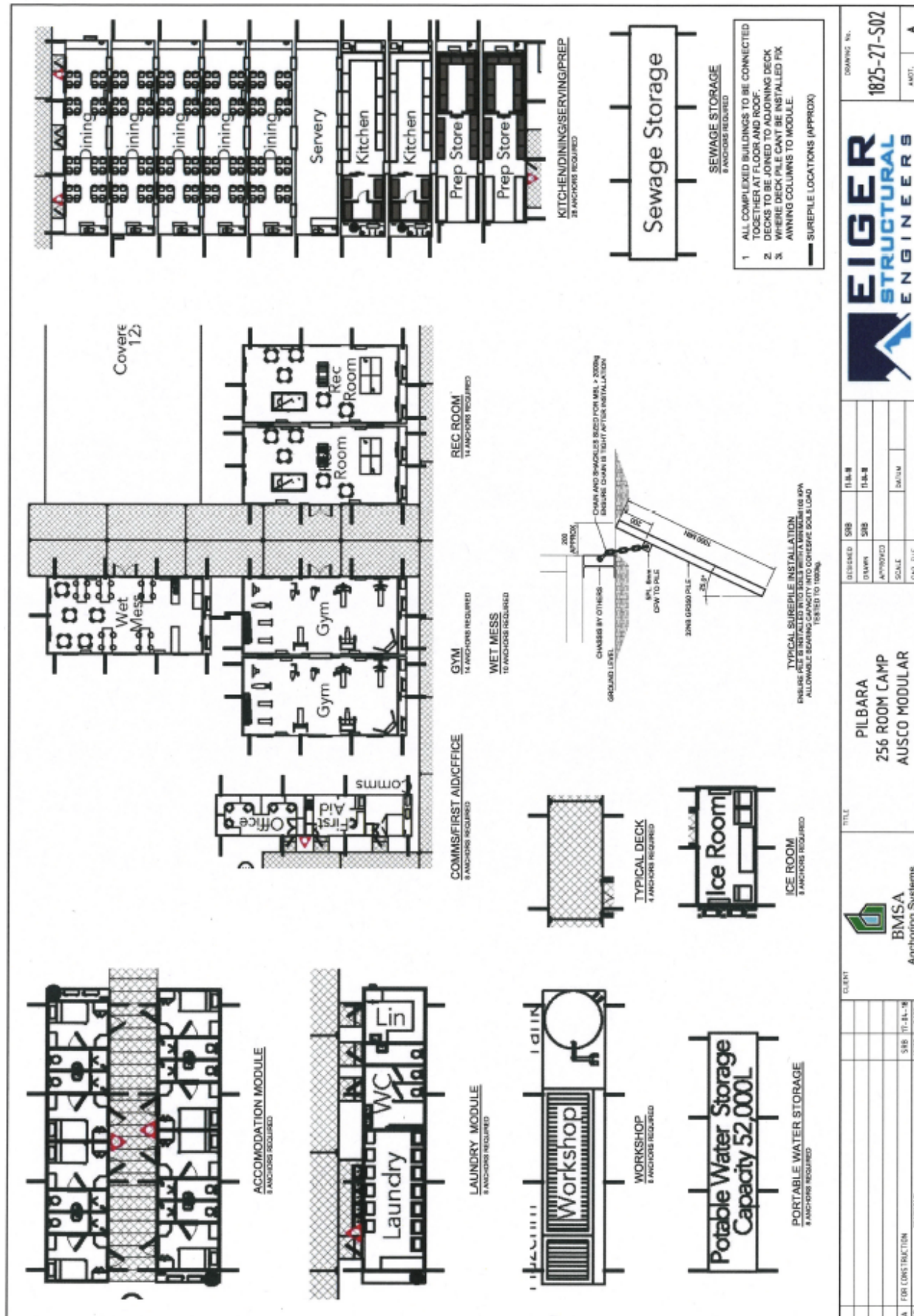


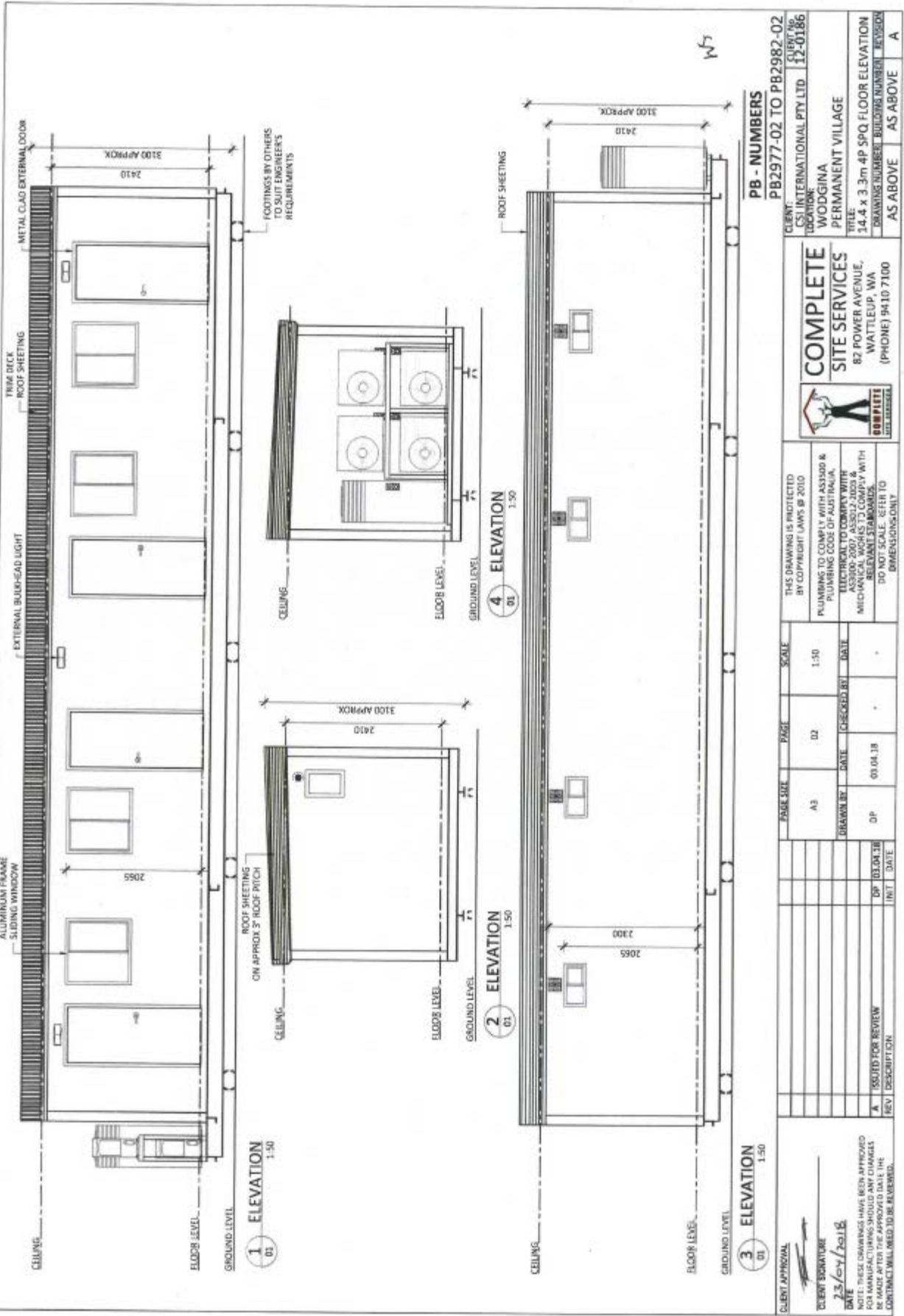


ATTACHMENT 2 TO ITEM 7.1.1

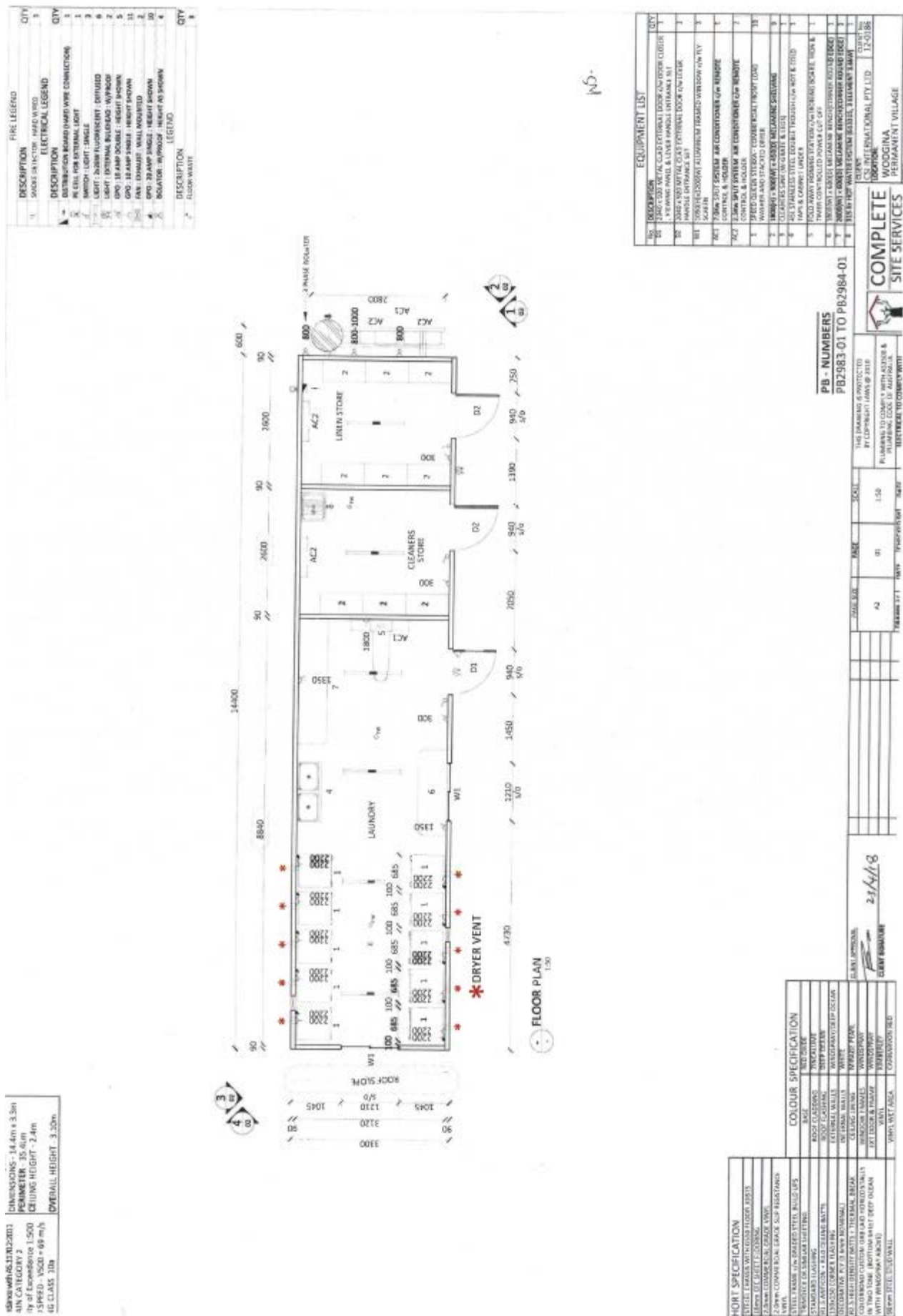


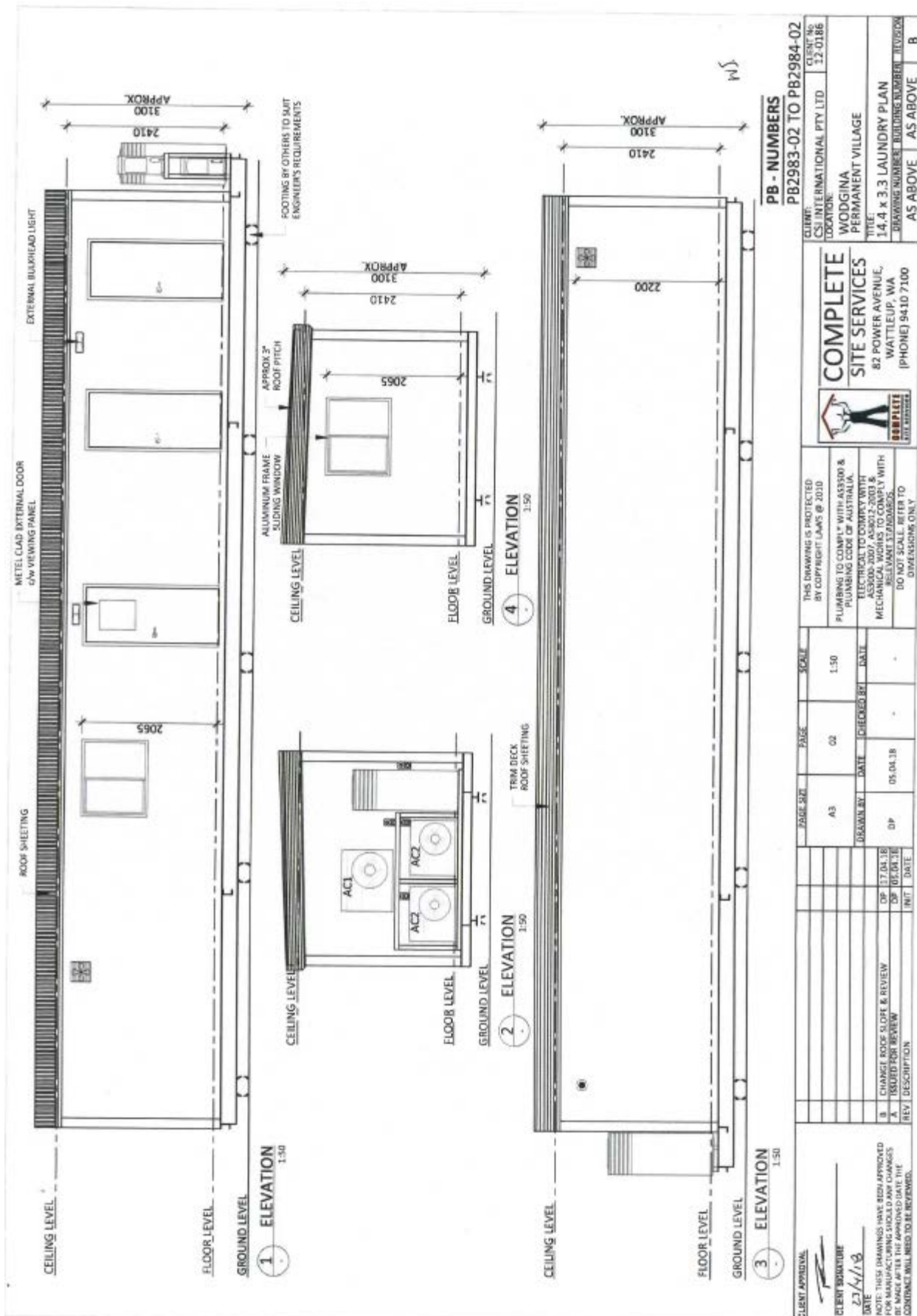
ATTACHMENT 3 TO ITEM 7.1.1





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ATTACHMENT 4 TO ITEM 7.1.1

Attention: **The Chief Executive Officer**
Town of Port Hedland
PO Box 41
Port Hedland, WA, 6721

01 June 2018

RE: Development Approval for Wodgina Fly CampBackground

The Wodgina Lithium Project is owned and operated by Wodgina Lithium Pty Ltd. (WLPL) a wholly owned subsidiary of Mineral Resources Limited (MRL). The Project is located 100 km south of Port Hedland. MRL's operation at Wodgina is the world's largest hard rock lithium operation with a resource of 233.9 million tonnes at 1.21% Lithium Oxide and a mine life in excess of 30 years.

In June 2016 following identification of a Direct Shipping Ore (DSO) Lithium resource within the existing footprint of Cassiterite Pit, Mineral Resources Limited (MRL), through the controlled entity WLPL, entered into an agreement with GAMW for the purchase of GAMW's mine assets. The sale of the Project to MRL was completed on 9 September 2016.

In January 2017 the Department of Mines Industry Regulation and Safety (DMIRS) Mining Proposal (MP) REG ID's 14813, 16948, 17758, and 18722 were recommenced and the project pulled out of 'Care & Maintenance'. These operations and works were subsequently inherited and transferred from GAMW to WLPL, and issued in accordance with the Mining Act 1978.

Fly Camp Proposal

In order for MRL to meet strong market demand for Lithium a beneficiation plant and power station expansion at the Wodgina Lithium Project was approved by Department of Mines, Industry Regulation and Safety in correspondence dated 16 March 2018 (Reg ID 71172).

In order to facilitate the peak construction workforce required for the building of this plant a fly camp or temporary construction camp facility is required on tenement M45/382, approximately 300m north east of the current Wodgina mine camp.

The fly camp will accommodate 256 personnel for a period of 8 months, with a scheduled completion date of 8 June 2018.

The camp will include 256 rooms, laundry facilities, kitchen and dry mess facilities, wet mess facilities and gym.

All necessary approvals from other regulatory agencies have been or are being sought.

If you have any questions regarding anything contained in this letter, please contact Craig Douglas on 0459 255 554.

Kind Regards



Timothy Berryman
General Manager, Technical Services
Mineral Resources Limited

Item 8 Matters for Which Meeting May Be Closed (Confidential Matters)

Nil

Item 9 Closure

9.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 25 July 2018, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 18 July 2018, commencing at 5:30pm.

9.2 Closure

There being no further business, the Mayor declared the meeting closed at 5:54pm.